

RECEIVED  
Clerk  
of Board

ORDINANCE NO. 97- 83

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: ARTICLE 1, GENERAL PROVISIONS, DIVISION 1.6. INTERPRETATIONS; ARTICLE 2, ZONING, DIVISION 2.2. ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, DIVISION 2.4. LANDSCAPING AND BUFFERING, DIVISION 2.5. SIGNS; ARTICLE 3, DIVISION 3.2. SUBDIVISIONS, DIVISION 3.4. EXPLOSIVES; ARTICLE 6, DIVISION 6.3. DEFINITIONS, INCLUDING, BUT NOT LIMITED TO THE DEFINITIONS OF ANTIQUE STORES, PAWN SHOPS, USED MERCHANDISE STORES, ROOF SIGN, WALL SIGN AND DIRECTORY SIGN; APPENDIX D, AIRPORT ZONING, BY REPLACING ZONING MAP B., MARCO ISLAND AIRPORT, ZONING MAP C., EVERGLADES AIRPORT, ZONING MAP D., IMMOKALEE AIRPORT; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

FILED  
OCT 15 1997

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC) , which has been subsequently amended; and

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

WHEREAS, this is the second amendment to the LDC, Ordinance 91-102, in this calendar year; and

WHEREAS, on March 18, 1997, the Board of County Commissioners adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold advertised public hearings on December 2, 1997 and December 17, 1997, 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

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

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 Regulations 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, 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.

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

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 are 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 Comprehensive 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**

#### **SUBSECTION 3.A: AMENDMENTS TO INTERPRETATIONS DIVISION**

Division 1.6. Interpretations, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

#### **DIVISION 1.6. INTERPRETATIONS**

##### **Sec. 1.6.1. Authority.**

The planning services director shall have the authority to make all interpretations of the text of this code, the boundaries of zoning districts on the official zoning atlas, and 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.

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.

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

##### **Sec. 1.6.2. Initiation**

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

An interpretation may be requested by any 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 planning services director, or chief building official, whichever is applicable, a request for interpretation shall be submitted to the 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 planning services director or chief building official whichever is applicable, shall determine whether the request is complete. If the planning services director or chief or 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 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 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 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.

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

1.6.5.1. ~~Notice of interpretation~~ 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, Growth Management Plan or Land Development Code, notice of the ~~Code~~

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

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.

1.6.5.2. Effective time limits of an interpretation. An interpretation rendered by the planning services director or the building official, as the case may be, shall remain in effect until the appropriate code section is amended to clarify the applicable provision or provisions which warranted the interpretation, or until such time as the interpretation is adopted, modified, or rejected as a result of an appeal to the board of zoning appeals and/or the building board of adjustments and appeals, by the applicant or other individual or entity identified in sec. 1.6.2. of this code. From the time the interpretation is rendered and the time the appropriate code section is amended, or in the case of an appeal, until such time as the board of zoning appeals and/or the building board of adjustments and appeals has rendered its finding, no further request for interpretation regarding the same issue shall be permitted.

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 planning services director or chief building official, or within 30 days of publication of public notice of interpretation, the applicant, affected property owner, or aggrieved or adversely affected party 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. For the purposes of this section, an affected property owner is defined as an owner of property located within 300 feet of the property lines of the land for which the interpretation is effective. An aggrieved or affected party is defined as any person or group of persons which will suffer an adverse effect to an interest protected or furthered by the Collier County Growth Management Plan, Land Development Code, or building code(s). The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons.

A request for appeal shall be filed in writing. Such request shall state the basis for the appeal and shall include any pertinent information, exhibits and other backup information in support of the appeal. 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 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 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 the 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.

### **SUBSECTION 3.B: AMENDMENTS TO ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS DIVISION**

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

Division 2.2., Zoning Districts, Permitted Uses, Conditional Uses, Dimensional Standards, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 2.2. ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS**

**Sec. 2.2.12. Commercial professional district (C-1) and commercial professional transitional district (C-1/T).**

2.2.12.2.1. *Permitted Uses.*

1. Accounting, auditing and bookkeeping services (8721).
2. Automobile parking (7521).
3. Business services (groups 7311, 7313, 7322-7331, 7338, 7361, 7371, 7372, 7374-7376, 7379).
4. Child day care services (8351).
5. Group care facilities (category I and II, except for homeless shelters); care units except for homeless shelters; nursing homes; assisted living facilities pursuant to s. 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to s. 651 F.S. and ch. 4-193 F.A.C. all subject to Section 2.6.26.
6. Offices for ~~E~~ engineering, architectural and surveying services (groups ~~0781~~, 8711 - 8713).
7. Health Services (8011-8049).
8. Individual and family social services (8322 activity centers, elderly or handicapped; adult day care centers; and day care centers, adult and handicapped only).
9. Insurance carriers, agents and brokers (group 6311-6399, 6411).
10. Legal services (8111).
11. Management and public relations services (groups 8741-8743, 8748).
12. Miscellaneous personal services (7291).
13. Museums and art galleries (8412).
14. Nondepository credit institutions (groups 6141-6163).
15. Real estate (group 6531-6541).
16. Any other commercial use or professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business, and are purely associated with activities conducted in an office.

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

2.2.12.3. *Conditional uses.* The following uses are permissible as conditional uses in the commercial professional/transitional district (C-1, C-1/T), subject to the standards and procedures established in division 2.7.4.

1. Civic, social and fraternal associations (8641).
2. Depository institutions (groups 6011-6099).
3. Educational services (8211-8231).
4. Health services (8011-8049).
5. Homeless shelters, as defined by this code.
6. Increased building height to a maximum of 50 feet.
7. Mixed residential and commercial uses subject to the following criteria:
  - a. A site development plan is approved pursuant to division 3.3 that is designed to protect the character of the residential uses and of the neighboring lands;
  - b. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
  - c. The residential uses are designed so that they are compatible with the commercial uses;
  - d. Residential dwelling units are located above principal uses;
  - e. Residential and commercial uses do not occupy the same floor of a building;
  - f. The number of residential dwelling units shall be controlled by the dimensional standards of the C-1, C-1/T district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building or the density permitted under the growth management plan;
  - g. Building height may not exceed two stories;
  - h. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
  - i. The residential dwelling units shall be restricted to occupancy by the owners or lessees of the commercial units below;
  - j. A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);

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

- k. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular accessways and parking areas from residential units, to the greatest extent possible.

8. Nursing and personal care facilities (8082).

~~9. Personal services (7261).~~

~~+0~~ 9. Religious organizations (8661).

~~+1~~ 10. Soup kitchens, as defined by this code.

~~+2~~ 11. Veterinarian's office (0742), excluding outdoor kenneling.

**Sec. 2.2.14 Commercial intermediate district (C-3)**

**2.2.14.2.1. Permitted uses.**

1. Unless otherwise provided for in this section, all permitted uses of the C-2 commercial convenience district.
2. Apparel and accessory stores (groups 5611-5699).
3. Auto and home supply stores (5531).
4. Business services (groups 7311, 7313, 7322-7338, 7361-7379, 7384, 7389 except auctioneering service, field warehousing, bottle labeling, packaging and labeling, salvaging of damaged merchandise, scrap steel cutting and slitting).
5. Eating places (5812 only). All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to locational requirements of section 2.6.10.
6. Food stores (groups 5411-5499).
7. General merchandise stores (groups 5311-5399).
8. Group care facilities (Category I and II, except for homeless shelters); care units, except for homeless shelters; and nursing homes, subject to section 2.6.26.
9. [Reserved.]
10. Home furniture, furnishing, and equipment stores (groups 5712-5736).
11. Libraries (8231).
12. Marinas (4493), subject to section 2.6.22.
13. Membership organizations (8611-8699).
14. Miscellaneous repair services (groups 7629-7631).

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



15. Miscellaneous retail (groups 5912-5963, except pawnshops and building materials, all uses dealing with secondhand merchandise, 5992-5999).
16. Museums and art galleries (8412).
17. Non-depository credit institutions (groups 6111-6163).
18. Paint, glass and wallpaper stores (5231).
19. Personal services (groups 7211, 7212, 7215, 7216 non-industrial dry cleaning only, 7221-7251, 7291).
20. Public administration (groups 9111-9199, 9229, 9311, 9411-9451, 9511-9532, 9611-9661).
21. Retail nurseries, lawn and garden supply stores (5261).
22. Veterinary services (groups 0742, 0752 excluding outside kenneling).
23. Videotape rental (7841).
24. United States Postal Service (4311 except major distribution centers).
25. Any use which was permissible under the prior GRC zoning district and which was lawfully existing prior to the adoption of this code.
26. Any other general commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and purpose and intent statement of the district.

2.2.14.3. *Conditional uses.* The following uses are permissible as conditional uses in the commercial intermediate district (C-3), subject to the standards and procedures established in division 2.7.4.

1. Amusements and recreation services (groups 7911, 7922 community theaters only, 7933, 7991, 7993, 7999 boat rental, miniature golf course, bicycle and moped rental, rental of beach chairs and accessories only).
2. Drinking places (5813) excluding bottle clubs. All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of section 2.6.10.
3. Homeless shelters, as defined by this code.
4. Hospitals (groups 8062-8069).
5. Justice, public order and safety (groups 9211-9224).
6. Social services (8322-8399).

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

7. Mixed residential and commercial uses, subject to the following criteria:
- a. A site development plan is approved pursuant to division 3.3 that is designed to protect the character of the residential uses and neighboring lands;
  - b. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
  - c. The residential uses are designed so that they are compatible with the commercial uses;
  - d. Residential dwelling units are located above principal uses;
  - e. Residential and commercial uses do not occupy the same floor of a building;
  - f. The number of residential dwelling units shall be controlled by the dimensional standards of the C-3 district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building or the density permitted under the growth management plan;
  - g. Building height may not exceed two stories;
  - h. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
  - i. The residential dwelling units shall be restricted to occupancy by the owners or lessees of the commercial units below;
  - j. A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements; landscaped areas; recreation areas; or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
  - k. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular accessways and parking areas from residential units, to the greatest extent possible.
8. Motion picture theaters, except drive-in (7832).

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

9. Permitted use with less than 700 square feet gross floor area in the principle structure.
10. Soup kitchens, as defined by this code.
- ~~11. Used merchandise stores (5932, except pawnshops and building materials).~~
- ~~12.11.~~ Vocational Schools (8243-8299).

Sec. 2.2.15. General commercial district (C-4).

2.2.15.2.1. *Permitted uses.*

1. Unless otherwise provided for in this code, all permitted uses in the C-3 commercial intermediate district.
2. Agricultural services (groups 0741 except outdoor kenneling, 0742 except outdoor kenneling, 0752-0783 except outdoor kenneling).
3. Amusements and recreation services, indoor (groups 7911-7941, 7991-7993, 7997, 7999), outdoor (7999), including only fishing piers and lakes operation, houseboat rental, pleasure boat rental, operation of party fishing boats, canoe rental.
4. Automotive dealers and gasoline service stations (groups 5511, 5531, 5541 with services and repairs as described in Section 2.6.28, 5571, 5599 new vehicles only).
5. Automotive repair, services, parking (groups 7514, 7515, 7521) and carwashes (group 7542), provided that carwashes abutting residential zoning districts shall be subject to the following criteria:
  - a. *Size of vehicles.* Carwashes designed to serve vehicles exceeding a capacity rating of one ton shall not be allowed.
  - b. *Minimum yards.*
    1. *Front yard setback:* 50 feet.
    2. *Side yard setback:* 40 feet.
    3. *Rear yard setback:* 40 feet.
  - c. *Minimum frontage.* A carwash shall not be located on a lot with less than 150 feet of frontage on a dedicated street or highway.
  - d. *Lot size.* Minimum 18,000 square feet.
  - e. *Fence requirements.* If a carwash abuts a residential district, a masonry or equivalent wall constructed with a decorative finish, six feet in height shall be erected along the lot line opposite the residential district and the lot lines perpendicular to the lot lines opposite the residential district for a distance not less than 15 feet. The wall shall be located within a landscaped buffer as specified in section 2.4.7. All walls shall be protected by a barrier to prevent vehicles from contacting them.

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

- f. *Architecture.* The building shall maintain a consistent architectural theme along each building facade.
  - g. *Noise.* A carwash shall be subject to Ordinance No. 90-17, Collier County Noise Control Ordinance [Code ch. 54, art. IV].
  - h. *Washing and polishing.* The washing and polishing operations for all car washing facilities, including self-service car washing facilities, shall be enclosed on at least two sides and shall be covered by a roof. Vacuuming facilities may be located outside the building, but may not be located in any required yard area.
  - i. *Hours of operation.* Carwashes abutting residential districts shall be closed from 10:00 p.m. to 7:00 a.m.
6. Building materials, hardware and garden supplies (groups 5231-5261).
  7. Business services (groups 7311-7352, 7359 except airplane, industrial truck, portable toilet and oil field equipment renting and leasing, 7361-7397 except armored car and dog rental, 7389 except auctioneering, bronzing, field warehousing, salvaging of damaged merchandise).
  8. Commercial printing (2752, excluding newspapers).
  9. Communications (groups 4812-4841) including communications towers up to specified height, subject to section 2.6.35.
  10. Eating and drinking establishments (5812, 5813) excluding bottle clubs. All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of section 2.6.10.
  11. Engineering, accounting, research, management and related services (groups 8711-8748).
  12. Glass and glazing work (1793).
  13. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to s. 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to s. 651 F.S. and ch. 4-193 F.A.C. all subject to Section 2.6.26.
  14. Health Services (Groups 8051-8059, 8062-8069, 8071-8072 and 8092-8099).
  15. Hotels and motels (groups 7011, 7021, 7041 when located within an activity center).
  16. Marinas (4493, 4499 except canal operation, cargo salvaging, ship dismantling, lighterage, marine salvaging, marine wrecking, steamship leasing), subject to section 2.6.22.
  17. Miscellaneous repair services (groups 7622-7641, 7699 except agricultural equipment repair, awning repair, beer pump coil cleaning and repair, blacksmith shops, catchbasin, septic tank and cesspool cleaning, coppersmithing, farm machinery repair, fire equipment repair, furnace and chimney cleaning, industrial truck repair, machinery

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

cleaning, repair of service station equipment, boiler cleaning, tinsmithing, tractor repair).

18. Miscellaneous retail (groups 5912-5963, 5992-5999).
19. Motion picture theaters (7832).
20. Public or private parks and playgrounds.
21. Personal services (groups 7215, 7217, ~~7219-7261~~ 7219, 7261 except crematories, 7291-7299).
22. Real estate (group 6512).
23. Social services (groups 8322-8399, except for homeless shelters and soup kitchens).
24. [Reserved.]
25. Vocational schools (groups 8243-8299).
26. Any other general commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and intent and purpose statement of the district.

**Sec. 2.2.16. Industrial district (I).**

**2.2.16.2.1 Permitted Uses**

1. Agricultural services (groups 0711, except that chemical treatment of soil for crops, fertilizer application for crops and lime spreading for crops shall be a minimum of 500 feet from a residential zoning district, 0721, except that aerial dusting and spraying, disease control for crops, spraying crops, dusting crops, and insect control for crops (with or without fertilizing) shall be a minimum of 500 feet from a residential zoning district, 0722-0724, 0761, 0781~~2~~, 0783).
2. Apparel and other finished products (groups 2311-2399).
3. Automotive repair, service, and parking (groups 7513-7549).
4. Building construction (groups 1521-1542).
5. Business services (groups 7312, 7313, 7319, 7334-7336, 7342-7389, including auction rooms (5999), subject to parking and landscaping for retail use).
6. Communications (groups 4812-4899 including communications towers up to specified heights, subject to section 2.6.35).
7. Construction-special trade contractors (groups 1711-1799).
8. Depository and nondepository institutions (groups 6011-6163).
9. Eating places (5812).
10. Educational services (8243-8249).

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

11. Electronic and other electrical equipment (groups 3612-3699).
12. Engineering, accounting, research, management and related services (groups 8711-8748).
13. Fabricated metal products (groups 3411-3479, 3491-3499).
14. Food and kindred products (groups 2011-2099 except slaughtering plants).
15. Furniture and fixtures (groups 2511-2599).
16. Heavy construction (groups 1611-1629).
17. Health services (8011 accessory to industrial activities conducted on-site only).
18. Industrial and commercial machinery and computer equipment (3511-3599).
19. Leather and leather products (groups 3131-3199).
20. Local and suburban transit (groups 4111-4173).
21. Lumber and wood products (groups 2426, 2431-2499).
22. Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (groups 3812-3873).
23. Membership organizations (groups 8611, 8631).
24. Miscellaneous manufacturing industries (groups 3911-3999).
25. Motor freight transportation and warehousing (groups 4212, 4213-4225, 4226 except oil and gas storage, and petroleum and chemical bulk stations).
26. Paper and allied products (2621-2679).
27. Personal services (groups 7211-7249~~51~~, 7291).
28. Physical fitness facilities (7991).
29. Printing, publishing and allied industries (groups 2711-2796).
30. Railroad transportation (4011, 4013).
31. Rubber and miscellaneous plastics products (groups 3021, 3052, 3053).
32. Stone, clay, glass, and concrete products (groups 3221, 3251, 3253, 3255-3273, 3275, 3281).
33. Textile mill products (groups 2211-2221, 2241-2259, 2273-2289, 2297, 2298).
34. Transportation equipment (groups 3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799).

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

35. Transportation by air (groups 4512-4581 except airports and flying fields).
36. Transportation services (groups 4731-4783, 4789 except stockyards).
37. United States Postal Service (4311).
38. Welding repair (7692).
39. Wholesale trade-durable goods (groups 5012-5014, 5021-5049, 5063-5092, 5094-5099).
40. Wholesale trade-nondurable goods (groups 5111-5159, 5181, 5182, 5191 except that wholesale distribution of chemicals, fertilizers, insecticides, and pesticides shall be a minimum of 500 feet from a residential zoning district (5192-5199).
41. Any other use which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the district.

**Sec. 2.2.23. Airport overlay district (APO): special regulations for specified areas in and around the airports in Collier County.**

2.2.23.2.1. *Primary zone.* An area longitudinally centered on a runway, extending 200 feet beyond each end of the runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. The width of each primary zone is as follows:

**PRIMARY ZONE WIDTH (FEET)**

Airports	Runway	Type	Width
Naples	<del>4-34</del> 14-32	Other than utility/non-precision instrument	500
	<del>4-22</del> 5-23	Other than utility/precision instrument	1,000
Marco Island	17-35	<del>Other than</del> Utility/non-precision instrument	500
Everglades	15-33	Utility/visual	250
Immokalee	9-27	Other than utility/ <del>non</del> -precision instrument	<del>500</del> 1,000
	18-36	Other than utility/non-precision instrument	500
	4-22	Utility/visual	250

1. *Primary zone height.* No structure or obstruction will be permitted within the primary zone that is not part of the landing and takeoff area and is of greater height than the nearest point on the runway centerline.

2.2.23.2.2 *Horizontal zone.* The area around each public use airport with an outer boundary, the perimeter of which is constructed by swinging areas of specified radii from the center of each end of the primary zone of each airport's runways and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is as follows:

**HORIZONTAL ZONE RADIUS (FEET)**

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

Airports	Runway	Type	Radius
Naples	<del>13-34</del> <u>14-32</u>	Other than utility/non-precision instrument	10,000
	<del>4-22</del> <u>5-23</u>	Other than utility/precision instrument	10,000
Marco Island	17-35	<del>Other than</del> Utility/non-precision instrument	<del>5,000</del> <u>10,000</u>
Everglades	15-33	Utility/visual	5,000
Immokalee	9-27	Other than utility/ <del>non</del> -precision instrument	10,000
	18-36	Other than utility/non-precision instrument	10,000
	4-22	Utility/visual	5,000

1. *Horizontal zone height.* No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height, unless a Federal Aviation Administration Determination Of No Hazard To Air Navigation has been issued.

2.2.23.2.3. *Conical zone.* The area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet.

1. *Conical zone height.* Height limitations for structures in the conical zone are 150 feet above airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.

2.2.23.2.4. *Approach zone.* An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

1. *Approach zone width.* The inner edge of the approach zone is the same width as the primary zone. The outer width of the approach zone is prescribed for the most precise approach existing or planned for that runway end expanding uniformly to the following widths:

#### APPROACH ZONE WIDTH (FEET)

Airports	Runway	Type	Width
Naples	<del>13-34</del> <u>14-32</u>	Other than utility/non-precision instrument	3,500
	4-5	Other than utility/non-precision instrument	3,500
	<del>22</del> <u>23</u>	Other than utility/precision instrument	16,000
Marco Island	17-35	<del>Other than</del> Utility/non-precision instrument	<del>2,000</del> <u>3,500</u>
Everglades	15-33	Utility/visual	1,250
	2	<del>Other than</del> utility/precision instrument	<del>16,000</del>
Immokalee	<del>9</del> <u>27</u>	Other than utility/non-precision instrument	3,500
	18	Other than utility/non-precision instrument	3,500
	36	Other than utility/visual	1,500
	4-22	Utility/visual	1,250

2. *Approach zone lengths.* The approach zone extends for the applicable horizontal distance as follows:

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



APPROACH ZONE LENGTH (FEET)

Airports	Runway	Type	Width-Length
Naples	<del>13-34</del> <u>14-32</u>	Other than utility/non-precision instrument	10,000
	<del>45</del>	Other than utility/precision instrument	10,000
	<del>2223</del>	Other than utility/ <del>non-precision</del> instrument	50,000
Marco Island	17-35	<del>Other than Utility</del> /non-precision instrument	<del>5,000</del> <u>10,000</u>
Everglades	15-33	Utility/visual	5,000
Immokalee	9-27	Other than utility/non-precision instrument	10,000
	2	<del>Other than utility</del> /precision instrument	<u>50,000</u>
	18	Other than utility/non-precision instrument	10,000
	36	Other than utility/visual	5,000
	4-22	Utility/visual	5,000

3. *Approach zone height.* Permitted height limitation within the approach zone shall not exceed the runway end height at the inner edge and increases uniformly with horizontal distance outward from the inner edge as follows:

APPROACH ZONE HEIGHT

Airports	Runway	Type	Width-Height
Naples	<del>13-34</del> <u>14-32</u>	Other than utility/non-precision instrument	34:1
	<del>45</del>	Other than utility/non-precision instrument	34:1
	<del>2223</del>	Other than utility/precision instrument	50:1/40:1
Marco Island	17-35	<del>Other than Utility</del> /non-precision instrument	20:1
Everglades	15-33	Utility/visual	20:1
Immokalee	9-27	Other than utility/ <del>non-precision</del> instrument	<del>34:1</del> <u>50:1/40:1</u>
	27	<del>Other than utility</del> /non-precision instrument	34:1
	18	Other than utility/non-precision instrument	34:1
	36	Other than utility/visual	20:1
	4-22	Utility/visual	20:1

1. *Precision instrument runway(s).* One foot vertically for every 50 feet horizontally for the first 10,000 feet increasing to one foot vertically for every 40 feet horizontally for additional 40,000 feet.
2. *Non-precision instrument runways.* One foot vertically for ever 34 feet horizontally.
3. *Visual runways.* One foot vertically for every 20 feet horizontally.

2.2.23.7. Exemptions.

1. Development of the Marco Shores Golf Course Community that comports with the location and height requirements of Ordinance 81 - 6, as amended y Ordinance 85 - 56 and Ordinance 94 - 41, is exempted from the provisions of Section 2.2.23. 2. By virtue of the following:

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

i. An agreement between Johnson Bay Development Corporation, Collier County Airport Authority, and the Board of County Commissioners dated August 8, 1995.

ii. Prior issuance of a Federal Aviation Administration Determination Of No Hazard To Air Navigation

### SUBSECTION 3.C: AMENDMENTS TO LANDSCAPING AND BUFFERING DIVISION

Division 2.4., Landscaping and Buffering, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

#### DIVISION 2.4. LANDSCAPING AND BUFFERING

##### Sec. 2.4.3. Procedures.

2.4.3.1. *Landscape plan required.* Prior to the issuance of any preliminary subdivision plat, final site development plan, or building permit, an applicant whose development is covered by the requirements of this section shall submit a landscape plan to the development services director. The landscape plan shall ~~be prepared by and~~ bear the seal of a Landscape Architect registered in the State of Florida. The landscaping required for single-family, two-family, and mobile home dwelling units, shall be shown on the building permit plot plan. This plan is not required to ~~be prepared by and~~ bear the seal of a landscape architect.

### SUBSECTION 3.D: AMENDMENTS TO SIGNS DIVISION

Division 2.5., Signs, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows

#### DIVISION 2.5. SIGNS

##### Sec. 2.5.5. Permitted signs.

2.5.5.2. *Signs within non-residential districts:*

2.5.5.2.1. Development standards.

1. Maximum allowable height. All signs within non-residential zoned districts and as applicable to non-residential designated portions of PUD zoned properties are limited to a maximum height of eight feet, except wall or pole signs, or as otherwise provided for within this section. Height shall be measured from the lowest centerline grade of the nearest public or private R.O.W. or easement to the uppermost portion of the sign structure.
2. Minimum setback. All signs within non-residential zoned districts and as applicable to non-residential designated portions of PUD zoned properties shall not be located closer than 15 feet from the property line, unless otherwise noted below or as provided for in section 2.1.13.

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

2.5.5.2.12. *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 ~~two~~ four 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 acres 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.

2.5.5.2.23. *Construction signs.* All supports for such signs shall be securely built, constructed, and erected and shall be located on the site under construction and no closer than 15 feet from any property line, and subject to the following:

1. One ground or wall sign, with a maximum of 12 square feet, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel less than one acre in size. (No building permit required.)
2. One ground or wall sign, with a maximum of 32 square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel one to ten acre in size. (No building permit required.)
3. One ground or wall sign, with a maximum of 64 square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel in excess of 10 acres in size.
4. One ground or wall sign, with a maximum of 4 square feet in size, may be used as a construction sign by each contractor, lending institution, or other similar company involved with the development, regardless of parcel size. (NPR)
5. All construction signs must be removed prior to the issuance of certificate of occupancy.

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

2.5.5.2.34. *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:

2.5.5.2.34.1. *Pole or ground signs.* Single-occupancy parcels, shopping centers, office complexes, business parks, or industrial parks having frontage of 150 feet or more on a public street, or combined public street frontage of 220 linear feet or more for corner lots, shall be permitted one pole or two ground signs. In addition, multiple occupancy parcels such as shopping centers, office complexes, business parks, or industrial parks containing 25,000 square feet or more of gross leasable floor area, and eight or more independent businesses will be permitted one directory sign with a maximum size of 250 square feet for a single entrance on each public street.

1. Maximum allowable sign area: 100 square feet for each pole or ground signs, or a maximum combined area of 120 square feet for two ground signs, except for approved directory signs.
2. Setbacks: 15 feet from any property line, public or private right-of-way, or easement, unless otherwise noted below or as provided for in section 2.1.13., and with the exception of directory signs which may be located within the medians of private streets or easements, provided that there is a minimum of a 15-foot setback from all project boundaries and public right-of-ways and easements, and their location presents no visual obstructions, or traffic hazards to motorists or pedestrians, unless otherwise noted below or as provided for in section 2.1.13.
3. The 15-foot setback requirement may be administratively reduced by a maximum of ten feet by the planning services director upon submission of the administrative variance fee and a written request. The planning services director's decision to reduce the required 15-foot setback shall be based on the following:
  - 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, except for directory signs as permitted in section 2.5.5.2.34.1., which may be 25 feet in height. Height shall measure from the lowest centerline grade of the nearest

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

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 non-revolving and said light shines only on the owner's premises or signs and away from any right-of-way.

2.5.5.2.34.2. *Pole or ground signs within regional shopping centers.* One pole or ground sign is permitted for each regional shopping center having a frontage of 150 feet or more on a public street. Additional pole or ground signs may be permitted provided that there is a minimum of a 1,000-foot separation between such signs, and all setback requirements are met. In no case shall the number of pole or ground signs exceed two per street frontage. Additionally, one directory sign with a maximum size of 250 square feet will be permitted for a single entrance on each public street.

1. ~~Maximum allowable sign area: 100 square feet, except for approved directory signs.~~

2. ~~Setbacks: 15 feet from any property line, public or private right of way, or easement, unless otherwise noted below or as provided for in section 2.1.13., and with the exception of directory signs which may be located within the medians of private streets or easements, provided that there is a minimum of a 15-foot setback from all project boundaries and public rights-of-way and easements, and their location presents no visual obstructions, or traffic hazards to motorists or pedestrians.~~

1. Maximum allowable sign area: 100 square feet for each pole or ground signs, or a maximum combined area of 120 square feet for two ground signs, except for approved directory signs.

2. Setbacks: 15 feet from any property line, public or private right-of-way, or easement, with the exception of directory signs which may be located within the medians of private streets or easements, provided that there is a minimum of a 15-foot setback from all project boundaries and public rights-of-way and easements, and their location presents no visual obstructions, or traffic hazards to motorists or pedestrians.

3. The 15-foot setback requirement may be administratively reduced by a maximum of ten feet by the planning services director upon submission of the administrative variance fee and a written request. Where the planning services director approves such a reduction, the height of the sign shall be reduced by an amount equal to the amount of variance being requested. The planning services director's decision to reduce the required 15-foot setback shall be based on the following:

- 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

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

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, except for directory signs as permitted in section 2.5.5.2.34.2., which may be 25 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 non-revolving and said light shines only on the owner's premises or signs and away from any right-of-way.

2.5.5.2.34.3. *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 three wall signs; however, the combined area of those signs shall not exceed the maximum allowable display area for signs by this code.

- 1. The maximum allowable display area for signs shall not be more than 20 percent of the total square footage of the visual facade of the building to which the sign will be attached and shall not, in any case, exceed 250 square feet in area for any sign.

2.5.5.2.34.4. *Projecting signs.* Projecting signs may be substituted for wall or mansard signs provided that the display area of the projecting sign shall not exceed 60 square feet of display area.

- 1. Projecting signs shall not project more than four feet from the building wall to which it is attached.

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

2. Projecting signs shall not extend above the roofline of the building to which it is attached.
3. Projecting signs shall not project into the public right-of-way.
4. Projecting signs which project over any pedestrian way shall be elevated to a minimum height of eight feet above such pedestrian way.

2.5.5.2.34.5. *Under-canopy signs.* In addition to any other sign allowed by this code, one under-canopy sign shall be allowed for each establishment in a shopping center. This sign shall not exceed six square feet in area and shall be a minimum of eight feet above finished grade. Under canopy signs do not require a building permit unless the sign is equipped with an electrical component.

2.5.5.2.34.6. *Accent lighting.* In addition to any other sign allowed by this code, accent lighting may be allowed subject to the following requirements:

1. No more than two tubes or strands of continuous accent lighting will be allowed per wall of a structure.
2. Accent lighting cannot exceed one and one-half inch in diameter per tube or strand, and shall not be used to outline doors and windows, or attached to columns and vertical corners of structures.
3. Accent lighting must have the approval of the community development services administrator or his designee except as prohibited in section 2.5.7 of this code. Installation of accent lighting shall require a building permit.
4. Accent lighting must comply with the Collier County current electrical code and must be installed by a licensed electrical sign contractor to an approved electrical source.

2.5.5.2.34.7. *Signs within planned unit developments (PUDs).* Pursuant to the purpose and intent of this division, creative, flexible and uniform comprehensive sign plans providing for size, location, type, and common architectural design standards, are encouraged within all PUD zoning districts, and specifically required for PUDs containing in a commercial component. Sign classes and sizes for planned unit developments should be the same as the standards found within this code for the zoning district the development most closely resembles, unless such planned unit developments have comprehensive sign standards contained in the PUD document.

2.5.5.2.34.8. *Flags.* Residential properties that have been issued a certificate of occupancy may display up to three non-commercial flags. Three non-commercial flags may be displayed at the entrance of a commercial, office, industrial or residential development. Where these developments have multiple entrances, any entrance may have up to three flags each, provided: the development is at least ten acres in size, any entrance with flags is providing ingress/egress only off a roadway that is designated a collector or arterial in the traffic element of the growth management plan, and all entrances with flags are at least 300 feet apart. Four additional flags may be displayed within a development provided the flags are not visible to motorists along any frontage roadways. The four internally displayed flags may be increased by up to eight additional flags for maximum total of 12 flags with the amount of the proposed increase to be determined by the planning services director, provided: all proposed flags would not be visible to motorists along any frontage roadways and the planning services director

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

determines that the display of the extra flags is essential to the theme and design of the development.

1. All flagpoles with a height in excess of 15 feet above finish grade or that extend more than ten feet from any building that they are attached to shall be subject to the building permit process. As a condition of permitting, the flagpole foundation or attachment shall be designed by a Florida registered engineer on a signed and sealed drawing showing construction details and maximum flag area that is supportable. Certified designing and scaling shall not be required where flagpoles are located at a distance exceeding their height plus five feet from all structures (except those designed solely for storage), property boundaries, utility lines and poles, and pedestrian/vehicular accessways and roadways open to the general public or the residents of that community.
2. On single-family or duplex lots flagpoles shall not exceed ~~2~~ 30 feet in height above ~~finish~~ finished grade. For all other residential zoned parcels, flagpoles shall not exceed 35 feet in height from the ~~finish~~ finished grade or extend more than 20 feet from any building to which they are attached. In the estates, agricultural or conservation districts flagpoles shall not exceed ~~2~~ 35 feet in height above ~~finish~~ finished grade. ~~For all other residential zoned lots, flagpoles shall not exceed 35 feet in height from the finish grade or extend more than 20 feet from any building to which they are attached.~~ In all other zoning districts, flagpoles shall not exceed ~~80~~ 50 feet in height from the finished grade, nor extend more than 20 feet from any building to which they are attached, nor shall the width of the flag exceed 30% of the length of the pole to which it is affixed.

2.5.5.2.34.9. *Temporary signs.* The erection of any temporary sign shall require permitting as established within section 2.6.33 unless otherwise indicated herein. Applicants for temporary sign permits shall pay the minimum fee established for said permit. Temporary signs shall be allowed subject to the restrictions imposed by this section and other relevant parts of this code.

2.5.5.2.34.9.1. *Political signs.* Political campaign signs and posters shall be permitted subject to the following requirements:

1. Prior to the erection, installing, placing, or displaying of a political sign a bulk temporary permit shall be obtained. The permit number shall appear on every sign or on the pole supporting the sign. The fee for said bulk permit shall be as adopted by resolution by the board of county commissioners.
2. Political campaign signs or posters within residentially zoned or used property shall not exceed four square feet in size, and shall not be located closer than five feet to any property line. Political signs placed within residential districts shall require written permission from the property owner.
3. Political campaign signs or posters will be permitted in all other zoning districts within a maximum copy area of 40 square feet per sign, and shall be located no closer than 15 feet to any property line. The number of such signs shall be limited to two signs for each lot or parcel per bulk permit issued for each candidate or issue.

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



4. All supports shall be securely built, constructed and erected to conform with the requirements of this code.
5. The maximum height of any political campaign sign or poster, except those that may be affixed to a wall, shall be limited to eight feet.
6. Political signs shall be erected not more than 60 calendar days prior to an election or political event, and shall be removed within seven calendar days after the election, event, or after the campaign issue has been decided.

2.5.5.2.34.9.2. *Grand opening signs.* An occupant may display an on-site grand opening sign not exceeding 32 square feet on a side, and not exceeding 64 square feet total. The banner sign shall be anchored and may be displayed on-site for a period not exceeding 14 days within the first three months that the occupant is open for business.

2.5.5.2.34.9.3. *Special events signs.* A special events sign not exceeding 32 square feet in size may be displayed to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, or any public, charitable, educational event. Such sign shall be located no closer than 15 feet to any property line. Such signs shall require a building permit.

2.5.5.2.34.10. *Special purpose signs (on-site).* Due to the unique and varied nature of the following uses, additional signs may be required to provide the desired level of service to the public. Special purpose signs shall be permitted as follows:

2.5.5.2.34.10.1. *Theater signs (on-site).* In addition to the signs otherwise permitted by this code, a theater shall be permitted a changeable message sign, the surface of which shall not exceed 100 square feet in area. Such sign shall require a building permit.

2.5.5.2.34.10.2. *Automobile service stations.* In addition to the signs otherwise permitted by this code, automobile service stations shall be permitted one changeable message sign not to exceed ten square feet in area for the purpose of displaying gasoline prices only. Such sign shall be affixed to the structure of a pole on the property. Such sign shall require a building permit.

2.5.5.2.34.10.3. *Time and temperature signs.* One time and temperature sign having a surface area not exceeding 18 square feet shall be permitted at each industrial, commercial or other non-residentially zoned property. Such signs may be affixed to the structure of a pole or ground sign. Such sign shall require a building permit.

2.5.5.2.34.10.4. *Commercial, business park and industrial directional or identification signs.* Directional or identification signs no greater than six square feet in size, and located internal to the subdivision or development, may be allowed subject to the approval of the community development and environmental services administrator, or his designee. Such sign shall only be used to identify the location or direction of approved uses such as sales centers, information centers, or the individual components of the development, directional or identification signs maintaining a common architectural theme maybe combined into a single sign not to exceed six feet in height and 64 square feet in area. Such signs shall require a building permit. For signage to be located along the Golden Gate Parkway, see division 2.2, sections 2.2.21.1 and 2.2.21.6.2 and the Golden Gate Master Plan.

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

2.5.5.2.34.11. *On-premise signs within agricultural districts.* On-premises signs shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and subject to the following restrictions:

2.5.5.2.34.11.1. One pole or ground sign identifying the farm organization, located at the entrance or gate of each street frontage, and only for permitted agricultural uses. The maximum allowable sign area for each pole or ground sign shall not exceed 100 square feet, and shall be located a minimum of 15 feet from any property lines, public or private right-of-way or easement.

2.5.5.2.34.11.2. *Seasonal farm signs (on-site).* One temporary pole or ground sign identifying the farm, farm organization, entrance, or gate not exceeding 40 square feet in area. This sign shall be used to identify temporary agricultural offices so as to expedite the exportation of crops to various parts of the county. Such signs shall be permitted for a period not to exceed 30 days and may be issued only twice in any calendar year. Such signs shall require a building permit.

2.5.5.2.34.11.3. *U-Pic signs.* One U-Pic sign located at the entrance ~~or gate~~ of each street frontage. The maximum allowable sign area for each U-Pic sign shall not exceed 32 square feet, and shall be located a minimum of 15 feet from any property line, public or private right-of-way or easement.

2.5.5.2.34.11.4. *Wall, mansard canopy or awning signs within agricultural districts.* Wall, mansard, canopy or awning signs shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and subject to the following restrictions:

1. One wall or mansard, canopy or awning sign shall be permitted for each principal use structure on the parcel. Corner parcels or double-frontage parcels shall be allowed one sign per street frontage, but such signs shall not be combined for the purpose of placing the combined area on one wall. The maximum allowable display area for any sign shall not be more than 20 percent of the total square footage of the wall to which it is affixed, and shall not in any case exceed 250 square feet in area per sign.

2.5.5.2.34.12. *Off-premises directional signs.* Off-premises directional signs are permitted subject to review and approval of the design and location of such signs by the community development and environmental services administrator, or his designee, if the following requirements are met:

1. Off-premises directional signs shall only be permitted in non-residentially zoned, or agricultural districts.
2. No more than two off-premise directional signs shall be permitted, identifying the location and nature of a building, structure, or use which is not visible from the arterial roadway serving such building, structure, or uses, provided:
  1. Each sign is not more than 12 square feet in area with a single-faced display area only. Double-faced signs shall not be permitted.
  2. The sign is not more than eight feet in height above the lowest center grade of the arterial roadway.
  3. The sign is located no closer than 15 feet to any property line.

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

4. The applicant must submit with the permit application notarized, written permission from the property owner where the off-site sign is located.
5. The sign shall only be located within 1,000 feet of the intersection of the arterial roadway serving the building, structure, or use.
3. Off-premises directional signs shall not be located closer than 50 feet from a residentially zoned district.
4. Off-premises directional signs shall not be located closer than 100 feet from another off-premises directional sign.

2.5.5.2.34.13. *Illuminated signs.* All illuminated signs shall have electrical components, connections, and installations that conform to the National Electrical Code, and all other applicable federal, state, and local codes and regulations. Further, lighted signs shall: be shielded in such a manner as to produce no glare, hazard or nuisance to motorists or occupants of adjacent properties; not be reflective or phosphorescent; have a steady nonfluctuating or nonundulating light source.

**Sec. 2.5.10. Continuation of nonconforming signs.**

2.5.10.3. A non-conforming permanent on-premises or off-premises sign shall not be replaced by another non-conforming sign except that substitution or interchange of letters, ~~poster panels, and painted boards, or dismantable material~~ on non-conforming signs shall be permitted through the period of non-conformity established by this code.

**SUBSECTION 3.E: AMENDMENTS TO SUBDIVISIONS DIVISION**

Division 3.2., Subdivisions, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 3.2 SUBDIVISIONS\***

**Sec. 3.2.8 Improvement plans.**

**3.2.8.4.16. Streets.**

20. *Pavement samples:* The developer shall provide core samples of both the base course and surface course of the completed public and private roadways prior to preliminary approval. The core samples shall be taken at a maximum of 300 feet intervals and arrangements shall be made to immediately replace the areas so removed with materials and construction to conform to the specifications and to the line and grade of the immediate surroundings' pavement surface. The core samples shall be taken by an approved testing laboratory and/or professional engineer and certified as to location taken and thickness measured.

A tolerance of ¼ inch for pavement surface and ½ inch for base course may be accepted. Any deviations more than these tolerances will result in withholding preliminary acceptance until such time that the pavement is brought up to County standards.

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

3.2.8.4.22. *Water management.*

11. *Plans and specifications.*

- i. The master drainage plan shall include the drainage plans and details for all lots. ~~A typical lot drainage detail may be used for repetitive cases.~~ The master drainage plan shall show proposed finished grade elevations at all lot corners and breaks in grade. The engineer shall state on the water management calculations the basis for wet season water table selection.

The engineer of record prior to final acceptance, shall provide documentation from the stormwater maintenance entity that it has been provided information on how the stormwater system works and their responsibility to maintain the system.

**SUBSECTION 3.F: AMENDMENTS TO EXPLOSIVES DIVISION**

Division 3.4., Explosives, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 3.4 EXPLOSIVES\***

**Sec. 3.4.7. Permit application review procedures.**

- 3.4.7.1.3. ~~Prior to detonation of explosives the need for any pre-blast inspection survey(s) shall be solely the responsibility and at the discretion the user or blaster.~~

Pre-Blast inspections

1. Prior to detonation of explosives a list of all pre-blast inspections performed shall be provided to Engineering Plan Review and Inspection Services. Pre-blast inspections are required for structures if one of the following conditions has been satisfied:
- a) If the structure is within a distance of 150 feet times the square root of the charge away from the blast, as illustrated by the following formula:
- $$D = 150 \times W^{1/2} \text{ (Where "D" equals the distance in feet and "W" equals the weight of the charge in pounds of explosives per delay.)}$$
- b) If the structure is within 300 feet of the blast permitted for any size charge.
2. Pre-blast inspections shall be conducted by an independent seismologist, vibration engineer, structural engineer, or their representative. The pre-blast survey inspection shall consist of complete documentation of all visible interior and exterior defects observed at the structure. The inspection documentation shall be prepared on 8 1/2 x 11 or 8 1/2 x 14 sheet(s) of paper. The date of the inspection must be indicated on the documentation.

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

Interior and/or exterior 35 mm photographs of the structure and appurtenances containing defects must be identifiable as to the location and date taken.

A list of all pre-blast surveys shall be received by Engineering Plan Review and Inspection Services no later than five (5) days prior to the planned commencement of blasting. A location map indicating the streets and structures involved shall be submitted together with this list.

3.4.7.1.4.

~~If the user or blaster has a pre-blast inspection survey(s) performed, a written listing of structure inspected shall be provided to the development services director.~~

Pre-blast notification:

1. The applicant shall notify residents who have not received a pre-blast inspection of the pending blast at least five (5) days prior to the commencement of the initial blast.
2. Notification shall be distributed to all properties containing structures within a radius calculated for a scaled distance of 150 feet.
3. The written notification shall describe the blasting which will take place, its effect on the residents, their ability to obtain a pre-blast survey and how to contact the user or his or her representative with any blast related complaints or claims. Property owners shall be given a five (5) day window to respond to the availability and their desire to obtain a pre-blast survey.
4. If blasting is suspended in an area for a period of ninety (90) days or longer, re-notification of all residents within the radius calculated for a scaled distance of 150 feet shall be accomplished at least seven (7) days prior to the re-commencement of blasting.

Sec. 3.4.10. Issuance.

3.4.10.1.2.

Comprehensive general liability (including, but not limited to explosive hazard, collapse hazard, underground property damage, contractual liability) bodily injury, personal injury: ~~\$500,000.00~~ \$1,000,000.00 each occurrence and aggregate; property damage: ~~\$500,000.00~~ \$1,000,000.00 each occurrence and aggregate.

Sec. 3.4.13. Restrictions for the use and handling of explosives.

3.4.13.5.

~~Resultant peak particle velocity:~~ Blasting permit and limits.

3.4.13.5.1.

~~Except as noted below, it shall be unlawful for any person to blast, fire, detonate or use any amount of explosives which would result in a resultant peak particle velocity exceeding the requirements shown below on the following properties:~~

*Measured At*

*Maximum Velocity*

~~Nearest residence or unoccupied detached~~

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

structure (shed, barn, garage) not owned or controlled by the user	0.75 inch per second
Nearest commercial building	0.75 inch per second
Nearest ground-water level monitor well or production water well	0.75 inch per second
Nearest permanent structure other than to and by above (bridge, tunnel, tower, pipe line, water control structure, etc.)	1.5 inches per second

It shall be unlawful for any person to blast, fire, detonate or use any amount of explosive within the territorial limits of the county without first obtaining a blasting permit as hereinafter provided by this section; provided that in any event it shall be unlawful for any person to blast, fire, detonate or use any amount of explosives which would result in a resultant peak particle velocity in excess of 0.5 inches per second when measured on the ground at the nearest building or structure not owned by the permittee, or at a location identified by the seismologist of record and the Planning Services Director, or designee.

### SECTION 3.G: AMENDMENTS TO DEFINITIONS SECTION

Division 6.3. Definitions, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

#### DIVISION 6.3. DEFINITIONS

Antique stores: Establishments engaged in the retail sales of artifacts, collectibles or objects having special value because of their age, especially a work of art or handcraft item that is more than 100 years old, or keepsakes cherished for their age or association with a person, place, event or time.

Pawn shops: Establishments which are willing to provide loans to customers in exchange for merchandise which is typically held as a pledge against the payment of the loan and which are engaged in the retail sales of second-hand or used merchandise.

Sign, directory: An on-premises sign of permanent character indicating the name of ~~two~~ five or more ~~persons or independent~~ businesses associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is maintained. This sign may be a free-standing (pole, monument or ground), awning, or wall sign as otherwise permitted by this code. Such signs may have changeable copy. (See division 2.5.)

Sign, roof: Any sign erected, constructed, or maintained either on the roof, ~~of any building or~~ more than 18 inches above the roof of any building. (See division 2.5)

Sign, wall or fascia or parapet: A sign affixed in a manner to any exterior wall of a building or structure which is parallel to and projects not more than 18 inches from the building or structure wall, and which does not extend above the more than 18 inches above the roof line of

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

the main building or from the point where the roof line intersects the parapet wall or roof of the building on which it the sign is located, whichever is more restrictive. ( See division 2.5)

Used merchandise stores: Establishments engaged in the retail sales of second-hand merchandise typically consisting of household items including clothing, home furnishings, books and musical instruments.

**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 COLLIER COUNTY LAND DEVELOPMENT CODE**

The provisions of this Ordinance shall become and be made a part of the Land Development Code 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 17~~th~~ day of December 1997.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

BY: Timothy L. Hancock  
TIMOTHY L. HANCOCK, CLERK

ATTEST:

Ellie Hoffman, D.C.  
DWIGHT E. BROCK, CLERK

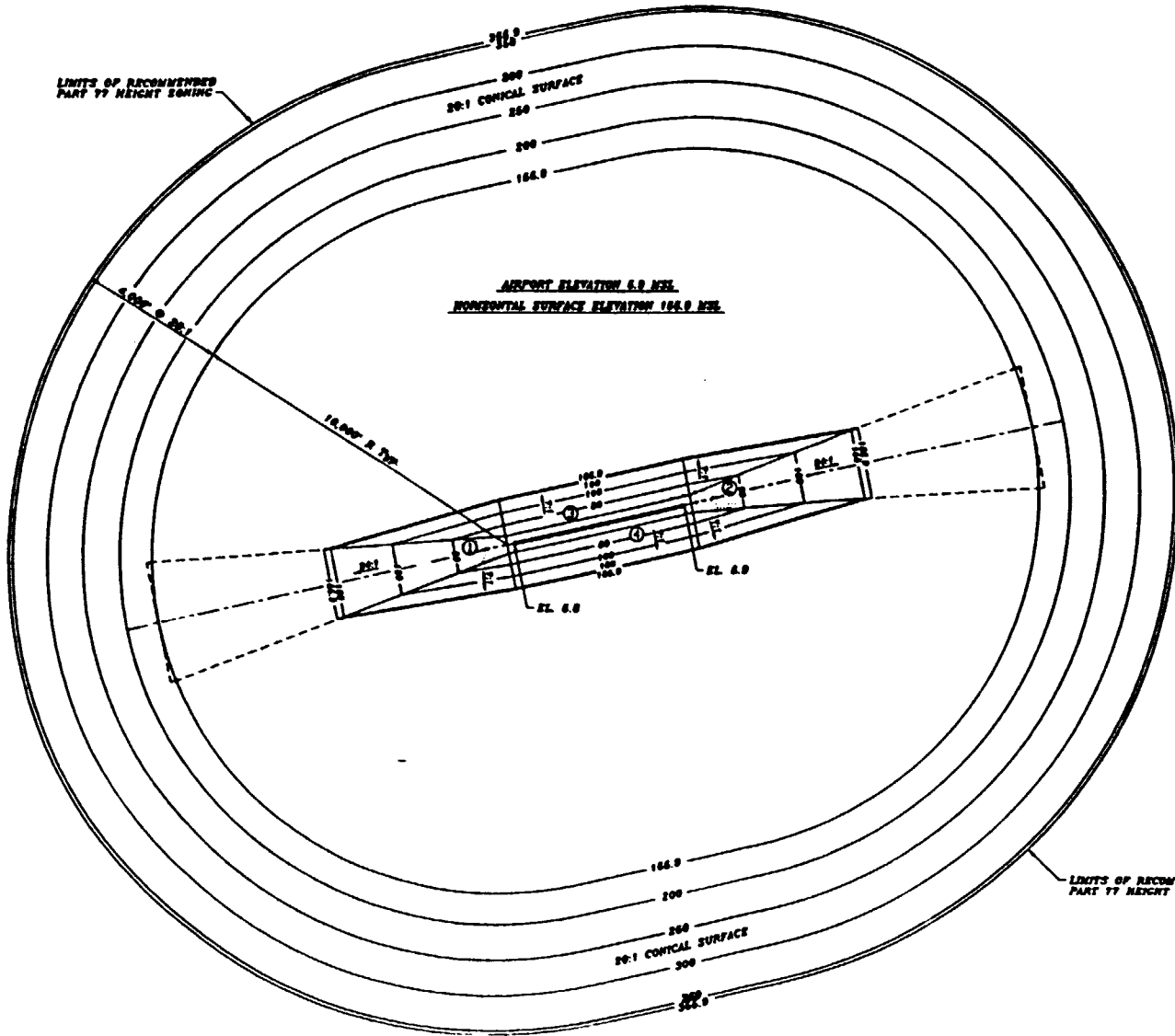
This ordinance filed with the Secretary of State's Office the 17~~th~~ day of Dec, 1997 and acknowledgement of that filing received this 29~~th~~ day of Dec, 1997.  
By: Ellie Hoffman  
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Margorie M. Student  
MARGORIE M. STUDENT  
ASSISTANT COUNTY ATTORNEY

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

APP. D, APP. I COLLIER COUNTY LAND DEVELOPMENT CODE  
 ZONING MAP B. MARCO ISLAND AIRPORT




**DH**  
 Director of Planning  
 Collier County  
 1000 ...  
 ...  
**Collier County**  
 ...

LDCD: 4

8/17/77 DFC







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. 97-83

Which was adopted by the Board of County Commissioners on the 17th day of December, 1997, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 18th day of December, 1997.

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



By: Ellie Hoffman  
Deputy Clerk