

ORDINANCE NO. 98- 63

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 2, ZONING, DIVISION 2.2. ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, DIVISION 2.4. LANDSCAPING AND BUFFERING, DIVISION 2.5. SIGNS; DIVISION 2.6. SUPPLEMENTAL DISTRICT REGULATIONS; ARTICLE 3, DIVISION 3.2. SUBDIVISIONS, DIVISION 3.3. SITE DEVELOPMENT PLANS; DIVISION 3.9. VEGETATION REMOVAL, PROTECTION AND PRESERVATION; ARTICLE 6, DIVISION 6.3. DEFINITIONS, INCLUDING, BUT NOT LIMITED TO THE DEFINITIONS OF SINGLE FAMILY DWELLING, RURAL SUBDIVISION AND CONSTRUCTION SIGN; APPENDIX B, TYPICAL STREET SECTIONS AND RIGHT-OF-WAY STANDARDS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

PLANNING DEPARTMENT  
COLLIER COUNTY, FLORIDA

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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 first 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 June 10, 1998 and June 24, 1998, and did take action concerning these amendments to the LDC; and

WHEREAS, all applicable substantive and procedural requirements of the law have been met.

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

**SECTION ONE: RECITALS**

The foregoing recitals are true and correct and incorporated by reference herein as if fully set forth.

## SECTION TWO: FINDINGS OF FACT

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

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

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 ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS DIVISION

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. 2.2.5. Residential multiple-family - 6 district (RMF-6).

2.2.5.4. *Dimensional Standards:* The following dimensional standards shall apply to all permitted housing structure types, accessory, and conditional uses in the RMF-6 district.

2.2.5.4.1. *Minimum Lot Area:* ~~Single Family, duplex and two family dwellings: 7,260 square feet per dwelling unit.~~  
~~Multiple family and townhouse: One acre.~~  
Single Family: 6,500 square feet except as provided at Section 2.2.5.4.7, and 2.6.27.  
Two-Family: 12,000 square feet except as provided at Section 2.6.27.  
Three or more Dwelling Unit Structures: 5,500 square feet per dwelling unit except as herein further provided.

2.2.5.4.2. *Minimum Lot Width:* ~~One hundred feet~~  
Single Family: 60 feet  
Two Family: 80 feet  
Three or more Dwelling Unit Structures: 100 feet

2.2.5.4.3. *Minimum Yard Requirements* (except as further provided at Section 2.6.27).

1. ~~Front Yard: 35 feet.~~

2. ~~Side Yard: 15 feet.~~

3. ~~Rear Yard: 30 feet.~~

4. ~~{Exception} For undeveloped residential single family tracts in projects of at least 15 acres in size, the RSF 3 minimum yard requirements shall apply.~~

The following minimum yard requirements are in relation to platted boundaries:

	<u>Front Yard</u>	<u>Minimum Yard</u>	<u>Rear Yard</u>
<u>One (Single) Family - Dwelling Units</u>	25'	7 1/2'	20'
<u>Two Unit/Family - Dwelling Units</u>	25'	10'*	20'
<u>Three or More Family - Dwelling Units</u>	30'	15'*	20'

- \* Where fee simple lots are created for each dwelling unit side yards are measured from the outside wall of the principal structure within which the dwelling unit is located.

2.2.5.4.7. Development Standards for Non-Conforming Lots of Record: ~~The following development standards for non-conforming lots of record in the RMF-6 district shall be the exclusive exception to development standards in the RMF-6 district available to such lots. No other variance, waiver, exemption or other exception to the RMF-6 district development standards for lot area or density shall be permitted except as otherwise provided.~~

1. ~~Single family and two family dwellings, in conformance with the development standards of the RSF-6 district.~~
2. ~~Multi-family dwellings, in conformance with the development standards of the RMF-6 district, except non-conforming lots of record require 6,500 square feet for each dwelling unit as the minimum lot area, and further providing that when calculating the density on these non-conforming lots, a fractional unit of .0.50 or greater of a unit shall entitle the applicant to an additional unit.~~

Nothing herein contained shall prohibit the use of a platted lot of record for a single family detached dwelling unit, irrespective of its dimensional and area measurements. Combinations of platted lots of record are otherwise permitted to achieve the minimum dimensional and area requirements for each housing structure type as described in the foregoing sections.

Sec. 2.2.13. Commercial convenience district (C-2).

2.2.13.4.11. Distance between structures. ~~If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15 feet or a distance equal to one-half the sum of their heights, whichever is the greater.~~

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

2.2.14.4.10. Lighting. ~~Lighting facilities shall be arranged in a manner that protects roadways and neighboring properties from direct glare or other interference.~~

2.2.14.4.11. Distance between structures. ~~If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15 feet or a distance equal to one-half the sum of their heights, whichever is the greater.~~

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

2.2.15.4.11. Distance between structures. ~~If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15 feet or a distance equal to one-half the sum of their heights, whichever is the greater.~~

Sec. 2.2.151/2. Heavy commercial district (C-5).

2.2.15/2.4.11. Distance between structures. If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15 feet or a distance equal to one-half the sum of their heights, whichever is the greater.

Sec. 2.2.16. Industrial district (I).

2.2.16.2. *Permitted uses.* The following uses, as identified within the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as a right, or as uses accessory to permitted uses in the 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, 0782, 0783).
2. Apparel and other finished products (groups 2311-2399).
3. Automotive repair, service, and parking (groups 7513-7549).
4. Barber shops (group 7241).
5. Beauty shops or salons (7231).
- ~~4-6.~~ Building construction (groups 1521-1542).
- ~~5-7.~~ Business services (groups 7312, 7313, 7319, 7334-7336, 7342-7389, including auction rooms (5999), subject to parking and landscaping for retail use).
- ~~6-8.~~ Communications (groups 4812-4899 including communications towers up to specified heights, subject to section 2.6.35).
- ~~7-9.~~ Construction - special trade contractors (groups 1711-1799).
- ~~8-10.~~ Depository and nondepository institutions (groups 6011-6163).
- ~~9-11.~~ Eating places (5812).
- ~~10-12.~~ Educational services (8243-8249).
- ~~11-13.~~ Electronic and other electrical equipment (groups 3612-3699).
- ~~12-14.~~ Engineering, accounting, research, management and related services (groups 8711-8748).
- ~~13-15.~~ Fabricated metal products (groups 3411-3479, 3491-3499).
- ~~14-16.~~ Food and kindred products (groups 2011-2099 except slaughtering plants).
- ~~15-17.~~ Furniture and fixtures (groups 2511-2599).
18. Gunsmith shops (group 7699) with accessory shooting range for testing and training except for outdoor shooting ranges.
- ~~16-19.~~ Heavy construction (groups 1611-1629).
- ~~17-20.~~ Health services (8011 accessory to industrial activities conducted on-site only).

- ~~18-21.~~ Industrial and commercial machinery and computer equipment (3511-3599).
- ~~19-22.~~ Leather and leather products (groups 3131-3199).
- ~~20-23.~~ Local and suburban transit (groups 4111-4173).
- ~~21-24.~~ Lumber and wood products (groups 2426, 2431-2499).
- ~~22-25.~~ Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (groups 3812-3873).
- ~~23-26.~~ Membership organizations (groups 8611, 8631).
- ~~24-27.~~ Miscellaneous manufacturing industries (groups 3911-3999).
- ~~25-28.~~ Motor freight transportation and warehousing (groups 4212, 4213-4225, 4226 except oil and gas storage, and petroleum and chemical bulk stations).
- ~~26-29.~~ Paper and allied products (2621-2679).
- ~~27-30.~~ Personal services (groups 7211-7219).
- ~~28-31.~~ Physical fitness facilities (7991).
- ~~29-32.~~ Printing, publishing and allied industries (groups 2711-2796).
- ~~30-33.~~ Railroad transportation (4011, 4013).
- ~~31-34.~~ Rubber and miscellaneous plastics products (groups 3021, 3052, 3053).
- ~~32-35.~~ Stone, clay, glass, and concrete products (groups 3221, 3251, 3253, 3255-3273, 3275, 3281).
- ~~33-36.~~ Textile mill products (groups 2211-2221, 2241-2259, 2273-2289, 2297, 2298).
- ~~34-37.~~ Transportation equipment (groups 3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799).
- ~~35-38.~~ Transportation by air (groups 4512-4581 except airports and flying fields).
- ~~36-39.~~ Transportation services (groups 4731-4783, 4789 except stockyards).
- ~~37-40.~~ United States Postal Service (4311).
- ~~38-41.~~ Welding repair (7692).
- ~~39-42.~~ Wholesale trade - durable goods (groups 5012-5014, 5021-5049, 5063-5092, 5094-5099).
- ~~40-43.~~ 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).
- ~~41-44.~~ 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.

2.2.16.4.11. Distance between structures. If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15 feet or a distance equal to one-half the sum of their heights, whichever is the greater.

**Sec. 2.2.19. Community facility district (CF).**

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2.2.19.2. *Permitted uses.* The following uses are permitted as of right, or as uses accessory to permitted uses, in the community facility district (CF).

2.2.19.2.1. *Permitted uses.*

1. Child care centers.
2. Churches and houses of worship.
3. Civic and cultural facilities.
4. Museums.
5. Nursing homes, assisted living facilities (ALF) pursuant to s 400.402 F.S. and ch. 58A-5 F.A.C., family care facilities, group care facilities (category I) and continuing care residential communities pursuant to s 651 F.S. and ch. 4-193 F.A.C. all subject to section 2.6.26.
6. Parks and playgrounds, noncommercial recreation facilities, open space uses.
7. Public, private and parochial schools.
8. Social and fraternal organizations.
9. Educational services (groups 8211 - 8231).

**Sec. 2.2.24 Special treatment overlay district (ST); special regulations for areas of environmental sensitivity and lands and structures of historical and/or archeological significance and the Big Cypress Area of Critical State Concern.**

2.2.24.3.2. *Development standards and regulations for ACSC-ST.* All development orders issued within the ACSC-ST area shall comply with ~~or be more restrictive than~~ chapter 28-25, Florida Administrative Code, as amended, Boundary and Regulations for the Big Cypress Area of Critical State Concern, as set forth included below:

All development orders issued for projects within the Big Cypress Area of Critical State Concern shall be transmitted to the State of Florida Department of Community Affairs for review with the potential for appeal to the administration commission pursuant to chapter 9J-1, Florida Administrative Code, Development Order Requirements for Areas of Critical State Concern.

1. *Site alteration.*
  - a. Site alteration shall be limited to ten percent of the total site size, and installation of nonpermeable surface shall not exceed 50 percent of any such area. However, a minimum of 2,500 square feet may be altered on any permitted site.
  - b. ~~For land zoned agriculture that is engaged in or is proposing bona fide agriculture use(s), site alteration percentage limits may be adjusted for site alteration activities designed for conservation and/or environmental purposes as set forth in an environmental impact statement approved by the board of county commissioners. Such site alteration activities include: (i) prescribed fires and associated firebreaks as approved by the Florida department of forestry; (ii) removal and control of listed exotic plant species; (iii) native habitat restoration, typical of the immediate vicinity; (iv) enhancement of foraging habitat for wildlife species with native, naturally, and locally occurring plant species; (v) restoration of historical hydroperiods; and (vi) other activities designed for conservation and environmental purposes reviewed on a case-by-case basis.~~
  - e.b. Any nonpermeable surface greater than 20,000 square feet shall provide for release of surface runoff, collected or uncollected, in a manner approximating the natural surface water flow regime of the area.
  - d.c. Soils exposed during site alteration shall be stabilized and retention ponds or performance equivalent structures or system maintained in order to retain runoff and siltation on the construction site. Restoration of vegetation to site

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alteration areas shall be substantially completed within 180 days following completion of a development. Revegetation shall be accomplished with preexisting species except that undesirable exotic species shall not be replanted or propagated. Exotic species included are listed below.

Australian pine	(Casuarina spp.)
Bishopwood	(Bischofia javanica)
Brazilian pepper	(Schinus terebinthifolius)
Melaleuca	(Melaleuca spp.)
Downy rosemyrtle	(Rhodomyrtus tomentosa)
Earleaf acacia	(Acacia auriculiformis)
Catclaw mimosa	(Mimosa pigra)
Java plum	(Syzygium cumini)

- e-d. No mangrove trees or salt marsh grasses shall be destroyed or otherwise altered. Plants specifically protected by this regulation include: all wetland plants listed by the Florida department of environmental regulation in chapter 17-301, Florida Administrative Code, as amended.
- f-g. Fill areas and related dredge or borrow ponds shall be aligned substantially in the direction of local surface water flows and shall be separated from other fill areas and ponds by unaltered areas of vegetation of comparable size. Dredge or borrow ponds shall provide for the release of stormwater as sheet flow from the downstream end into unaltered areas of vegetation. Access roads to and between fill areas shall provide for the passage of water in a manner approximating the natural flow regime and designed to accommodate the 50-year storm. Fill areas and related ponds shall not substantially retain or divert the tidal flow in or to a slough or strand or significantly impede tidal action in any portion of the estuarine zone.
- g-f. Manmade lakes, ponds or other containment works shall be constructed with a maximum slope of 30 degrees to a depth of six feet of water. When mineral extraction is completed in new quarrying lakes, shoreline sloping, planting of littoral shelves with nursery-grown aquatic vegetation, restoration or revegetation of the property, and disposal of spoils or tailings shall be completed before abandonment of the site. Existing quarrying lakes are exempt from this provision except that whenever any person carries out an activity defined in F.S. § 380.04, as amended, as development or applies for a development permit as defined in F.S. § 380.031, as amended, to develop any existing quarrying lake area, these regulations shall apply.
- h-g. Finger canals shall not be constructed in the ACSC-ST area.
- h. This rule shall not apply to site alterations undertaken in connection with the agricultural use of land or for the conversion of land to agricultural use.

2. *Drainage.*

- a. Existing drainage facilities shall not be modified so as to discharge water to any coastal waters, either directly or through existing drainage facilities. Existing drainage facilities shall not be expanded in capacity or length except in conformance with subsection 2[b] immediately following; however, modifications may be made to existing facilities that will raise the groundwater table or limit saltwater intrusion.
- b. New drainage facilities shall release water in a manner approximating the natural local surface flow regime, through a spreader pond or performance equivalent structure or system, either on-site or to a natural retention or filtration and flow area. New drainage facilities shall also maintain a groundwater level sufficient to protect wetland vegetation through the use

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of weirs or performance equivalent structures or system. Said facilities shall not retain, divert, or otherwise block or channel the naturally occurring flows in a strand, slough or estuarine area.

- c. New drainage facilities shall not discharge water into any coastal waters whether directly or through existing drainage facilities.
- d. This rule shall not apply to drainage facilities modified or constructed in order to use land for agricultural purposes or to convert land to such use.

3. *Transportation*

- a. Transportation facilities which would retain, divert or otherwise block surface water flows shall provide for the reestablishment of sheet flow through the use of interceptor spreader systems or performance equivalent structures and shall provide for the passage of stream, strand, or slough waters through the use of bridges, culverts, piling construction or performance equivalent structures or systems.
- b. Transportation facilities shall be constructed parallel to the local surface flow, and shall maintain a historic ground level sufficient to protect wetland vegetation through the use of weirs or performance equivalent structures or systems and as feasible, the flows in such works shall be released to natural retention filtration and flows areas.
- c. Transportation facility construction sites shall provide for siltation and runoff control through the use of settling ponds, soil fixing or performance equivalent structures or systems.

4. *Structure installation*

- a. Placement of structures shall be accomplished in a manner that will not adversely affect surface water flow or tidal action.
- b. Minimum low floor elevation permitted for structures shall be at or above the 100-year flood level, as established by the administrator of the federal Flood Insurance Administration. The construction of any structure shall meet additional federal flood insurance land management and use criteria, 24 CFR 1910, as amended, as administered by the appropriate local agency.
- c. This rule shall not apply to structures used or intended for use in connection with the agricultural use of the land.
- e. ~~All development orders issued for projects within the Big Cypress Area of Critical State Concern shall be transmitted to the State of Florida department of community affairs for review with the potential for appeal to the administration commission pursuant to Chapter 9J-1, Florida Administrative Code, Development Order Requirements for Areas of Critical State Concern.~~

2.2.24.8. *Exceptions.*

1. Where land has an ST designation and the proposed alteration or development area contains 20 acres or less in gross area, and where no transfer of development rights are involved, the development services director may approve a site alteration plan or a site development plan. Prior to such approval, the development services director shall make a finding that the following conditions exist:
  - ~~1.a.~~ The proposed site alteration or site development plan will not require any modification, with the exception of exotic vegetation removal, of the topography, drainage, flora, or fauna on the site.
  - ~~2.b.~~ Single-family principal structure where the proposed site alteration or site development plan will not require any significant modification of topography, drainage, flora, or fauna on the site, or where the alteration involves the renovation or replacement of a single family structure. Significant modification shall mean greater than ten percent of the site.
  - ~~3.c.~~ No pollutants will be discharged from the area that will degrade the air, water or soil below the levels existing at the time of application.
  - d. Water management berms and structures for the protection and/or enhancement of ST areas are of the minimum dimensions approved by the South Florida Water Management District.
2. Oil and gas geophysical surveys and testing. Temporary site alteration shall mean only those alterations involving hand cutting of vegetation for surveys and equipment entry, drill holes not exceeding six inches in diameter and rutting associated with vehicle access. Trimming of vegetation for access routes shall be kept to the minimum width necessary for surveying and testing. The site shall be restored as required by federal, state and county permits within 90 days of the start of the project.

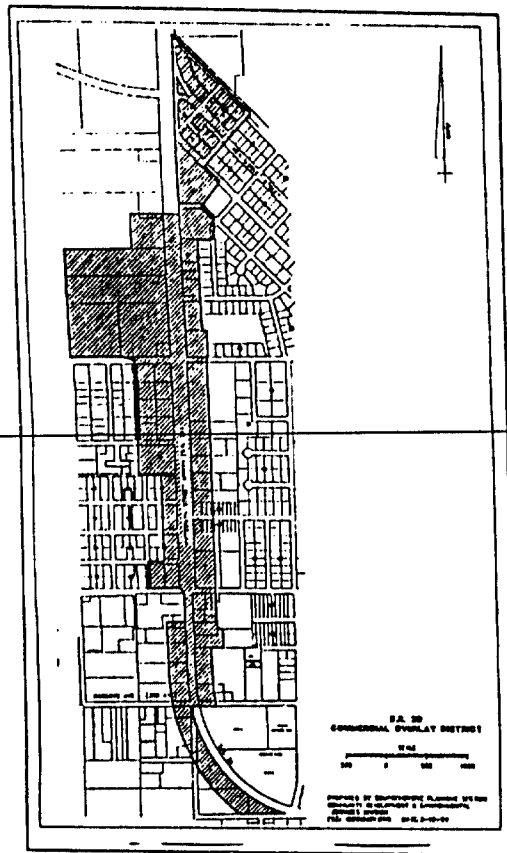
All other site alteration or site development plan approvals of any size shall be as required in sections 2.2.24.4, 2.2.24.5, and 2.2.24.6.

**Sec. 2.2.28** **Immokalee Overlay District**

~~2.2.28. State Road 29 Commercial District, special conditions for the properties abutting SR 29, as identified on the Immokalee Area Master Plan; referenced on the map below; and further identified by the designation "SR29COD" on the applicable official Collier County Zoning Atlas Maps.~~

~~2.2.28.1. *Purpose and intent:* The purpose of this designation is to provide for retail, office, transient lodging facilities and highway commercial uses that serve the needs of the traveling public. These commercial uses must be located on a major arterial or collector roadway. The provisions of this district are intended to provide an increased commercial depth along SR 29 with development standards that will ensure coordinated access and appropriate landscaping and buffering compatible with nearby residential properties.~~

~~2.2.28.2. *Applicability:* These regulations apply to the commercial district along SR 29 as identified on the Immokalee Future Land Use Map.~~



SR 22 COMMERCIAL OVERLAY DISTRICT (SR 22 CO)  
Marion

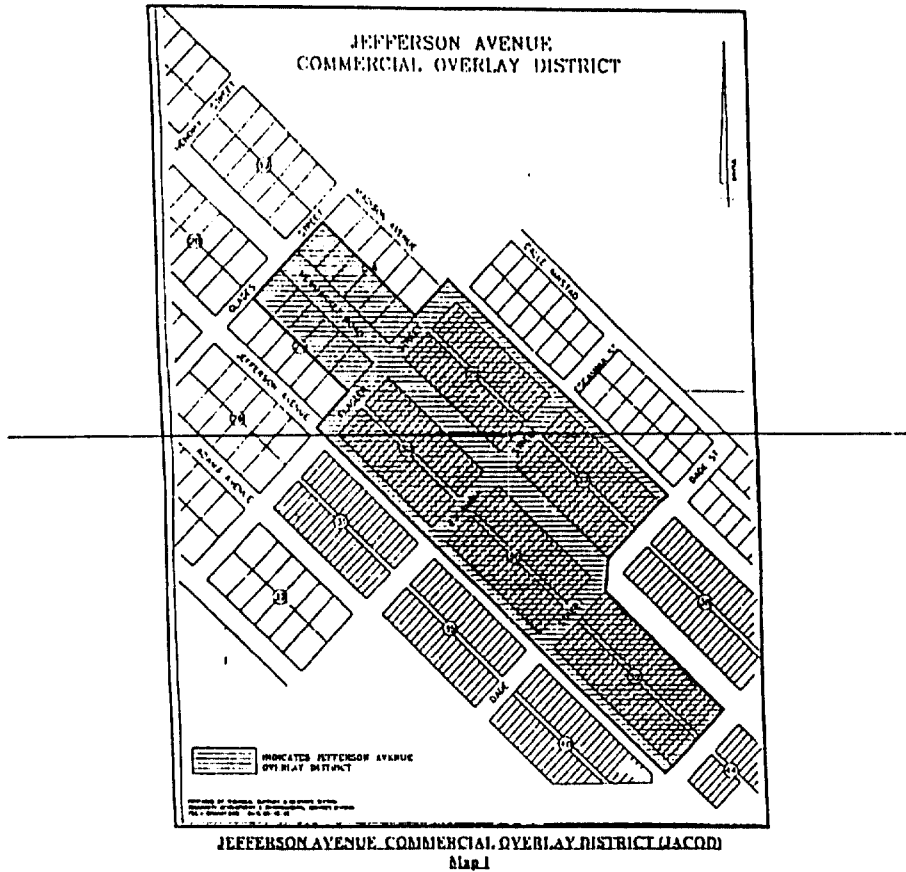
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- 2.2.28.3. *Development criteria:* The following standards shall apply to all uses in this overlay district.
- 2.2.28.3.1. Access points shall be limited to one per 440 feet of street frontage. If the 440 foot access requirement falls within 50 feet of an existing road, whether on the same or opposite road frontage, the access shall align with the existing road. Those areas that do not meet this spacing requirement shall provide access off existing adjacent roadways, if possible, and should not access to SR 29.
- 2.2.28.3.1.1. Owners of lots or combinations of lots having less than the required street frontage may petition the board of zoning appeals for a variance from the standard in this district as will not be contrary to the public interest when owing to special conditions peculiar to the property, a literal enforcement of these standards would result in unnecessary and undue hardship.
- 2.2.28.3.2. Shared parking arrangements between adjoining developments shall be encouraged.

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- 2.2.28.3.3. ~~Deceleration and acceleration lanes shall be provided.~~
- 2.2.28.3.4. ~~Pedestrian traffic shall be encouraged by providing sidewalks. The location of these sidewalks shall be coordinated with adjacent projects.~~
- 2.2.28.3.5. ~~Buildings shall be set back from SR 29 a minimum of 25 feet and from the rear lot line a minimum of 50 feet.~~
- 2.2.28.3.6. ~~Projects shall provide a ten-foot Type A landscape buffer as described in section 2.4 between vehicular rights of way with required sidewalks and adjacent residential development. Adjacent commercial projects shall provide coordinated landscape plans.~~
- 2.2.28.3.7. ~~An area equal to a minimum of two and one-half percent of the total interior vehicular use area shall be landscaped to provide visual relief.~~
- 2.2.28.3.8. ~~Buildings shall have a minimum height of 25 feet excluding ten feet for under-building parking.~~
- 2.2.28.3.9. ~~Central water and sewer facilities shall be available prior to development of any projects located within this overlay district.~~
- 2.2.29. ~~Jefferson Avenue Commercial Overlay District; special conditions for the properties abutting Jefferson Avenue as identified on the Immokalee Area Master Plan; referenced in the map below; and further identified by the designation "JACOD" on the applicable official Collier County Zoning Atlas Maps.~~
  - 2.2.29.1. ~~*Purpose and intent:* The purpose of this designation is to provide for retail, office, transient lodging facilities and highway commercial uses that serve the needs of the traveling public. These commercial uses must be located on a major arterial or collector roadway. The provisions of this district are intended to provide an increased commercial opportunity along Jefferson Avenue with development standards that will ensure coordinated access and appropriate landscaping and buffering to be compatible with nearby residential properties.~~
  - 2.2.29.2. ~~*Applicability:* These regulations apply to the commercial district along Jefferson Avenue as identified on the Immokalee Future Land Use Map.~~

ZONING



(THIS MAP IS TO BE DELETED.)

- 2.2.29.3. Development criteria:—The following standards shall apply to all uses in this overlay district.
- 2.2.29.3.1. Access points for future commercial development shall be limited to a maximum of one per 150 feet of street frontage.
- 2.2.29.3.1.1. ~~Owners of lots or combination of lots having less than the 150-foot of required frontage may petition the board of zoning appeals for a variance from the standard in this district as will not be contrary to the public interest when owing to special conditions peculiar to the property, a literal enforcement of these standards would result in unnecessary and undue hardship.~~
- 2.2.29.3.2. A ten-foot Type A landscape buffer as identified in section 2.4 of this Code shall be provided on Jefferson Avenue for all commercial projects.
- 2.2.29.3.3. ~~Provisions for shared parking arrangements with adjoining developments shall be encouraged.~~

Words struck through are deleted, words underlined are added.

- ~~2.2.29.3.4. Commercial buildings shall be set back from Jefferson Avenue a minimum of 50 feet.~~
- ~~2.2.29.3.5. Commercial building shall have a maximum height of 25 feet excluding ten feet for under building parking.~~
- ~~2.2.29.3.6. Central water and sewer facilities shall be available prior to development of any projects located within this overlay district.~~
- 2.3.23. Standards for parking within the Immokalee Central Business District.**
- ~~2.3.23.1. Primary area. Lots, parcels, or uses which have frontage on West Main Street (SR 29) or First Street (CR 846) shall comprise the primary areas.~~
- ~~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 2.3.16, for the expansion only.~~
- ~~2.3.23.1.3. Change in existing use. A change of any use shall be exempt from the minimum parking requirements as set forth in section 2.3.16 up to an intensity level of one parking space per 100 square feet. A change of use to an intensity of greater than [than] one space per 100 square feet shall require parking at one parking space per 150 square feet.~~
- ~~2.3.23.1.4. Uses in new buildings. Any use in a building constructed after the effective date of this code will be required to provide parking at 50 percent of the minimum requirement as set forth in section 2.3.16.~~
- ~~2.3.23.2. Secondary area. Lots, parcels, or uses which do not have frontage on Main Street or First Street shall comprise the secondary area.~~
- ~~2.3.23.2.1. Existing uses. Uses in existence as of the effective date of this code are exempt from the minimum parking requirements as set forth in section 2.3.16 except that existing uses shall not reduce the number of spaces below that which is provided as of the effective date of this code.~~
- ~~2.3.23.2.2. Expansion. The expansion of any use shall require an addition to any parking of the minimum number of required spaces as set forth under section 2.3.16, for the expansion only.~~
- ~~2.3.23.2.3. Change in existing use. A change of any use shall be exempt from the minimum parking requirements as set forth in section 2.3.16 up to an intensity level of one parking space per 100 square feet. A change of use to an intensity greater than one parking space per 100 square feet shall require parking at 50 percent of the minimum requirement as set forth under section 2.3.16. No change in use shall allow for a reduction of the current number of parking spaces provided.~~
- ~~2.3.23.2.4. Uses in new buildings. Any use in a building constructed after the effective date of this code will be required to provide parking at 67 percent of the minimum requirement as set forth in section 2.3.16.~~
- ~~2.3.23.3. Off site parking agreements. In no way shall the provisions of the Immokalee central business district (ICBD) be construed so as to prevent establishments within the boundaries from taking advantage of off site parking arrangements as set forth in section 2.3.4.11. Furthermore, the maximum distances set forth in section 2.3.4.11 shall be increased to 600 feet within the boundaries of the ICBD. Properties within the ICBD entering into off site parking agreements with properties outside the ICBD may utilize the 600 foot rule.~~

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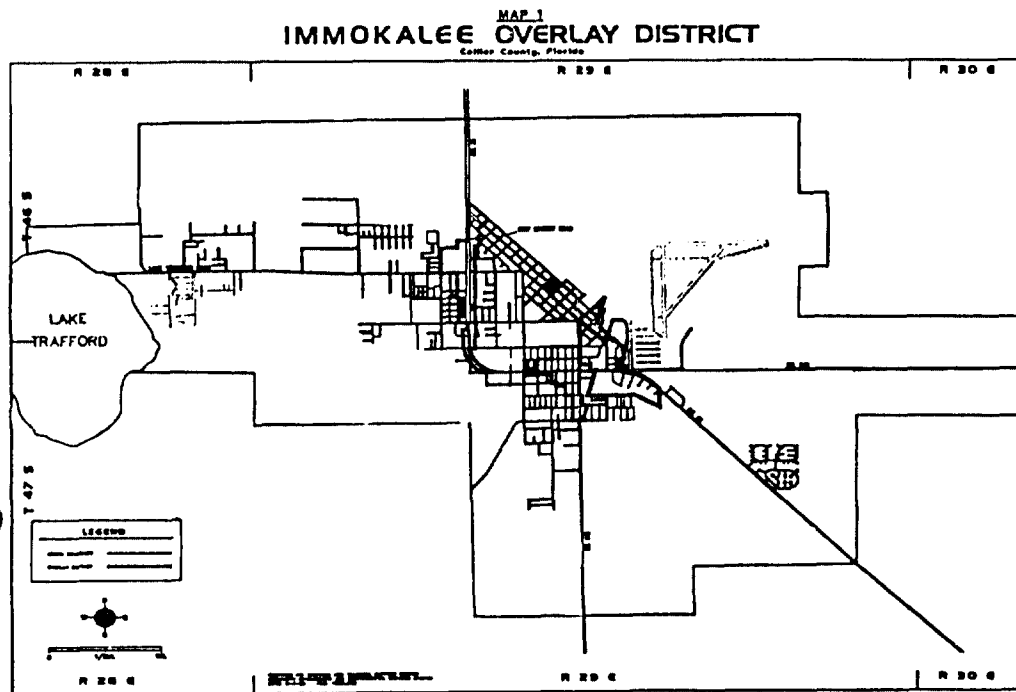
2.3.23.4. Boundaries of the district. The physical limits of the Immokalee central business district (ICBD) are as shown on the official zoning atlas map of the subject area, and as described below:

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

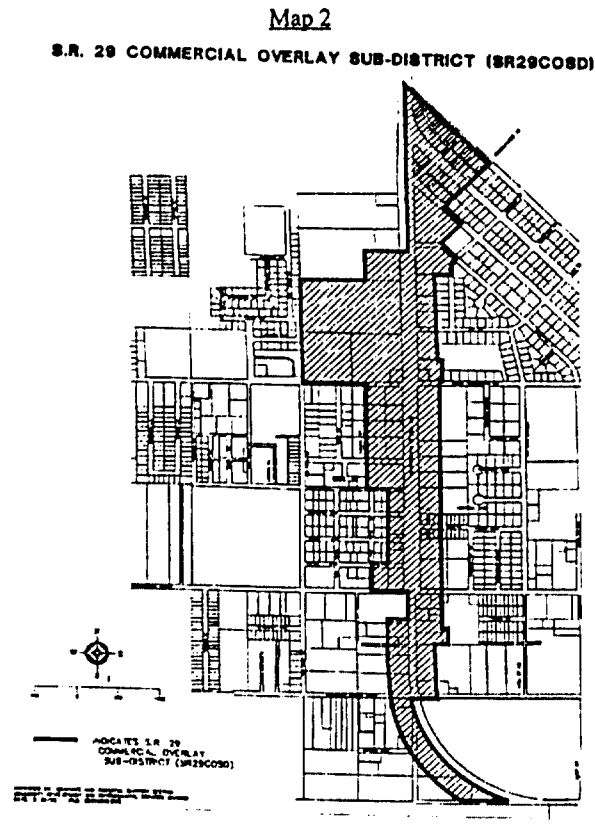
**Sec. 2.2.28. Immokalee Overlay District**

2.2.28.1. Purpose and Intent: To create the Immokalee Overlay District with distinct sub-districts for the purpose of establishing development criteria suitable for the unique land use needs of the Immokalee Community,

2.2.28.2 Geographic boundaries: The boundaries of the Immokalee Overlay District are delineated on Map 1 below.



- 2.2.28.3. State Road 29 Commercial Sub-District: special conditions for the properties abutting SR-29, as identified on the Immokalee Area Master Plan; referenced on Map 2; and further identified by the designation "SR29COSD" on the applicable official Collier County Zoning Atlas Maps.



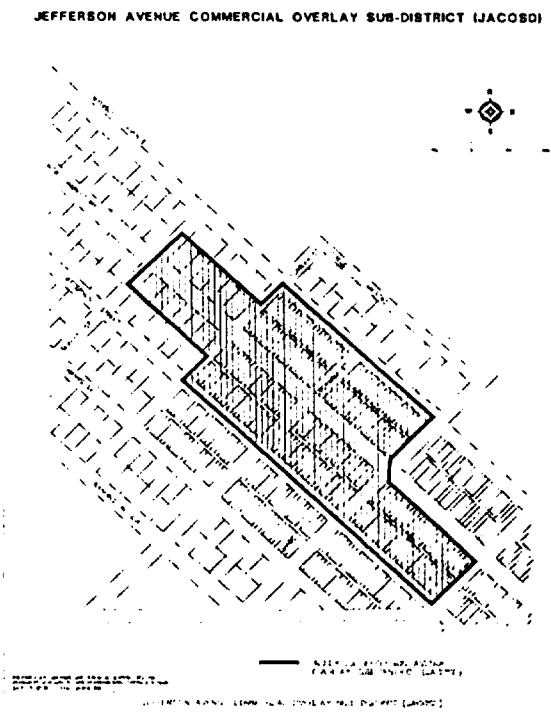
- 2.2.28.3.1. Purpose and intent: The purpose of this designation is to provide for retail, office, transient lodging facilities and highway commercial uses that serve the needs of the traveling public. These commercial uses must be located on a major arterial or collector roadway. The provisions of this sub-district are intended to provide an increased commercial depth along SR-29 with development standards that will ensure coordinated access and appropriate landscaping and buffering compatible with nearby residential properties.
- 2.2.28.3.2. Applicability: These regulations apply to the commercial district along SR-29 as identified on the Immokalee Future Land Use Map.
- 2.2.28.3.3. Development criteria: The following standards shall apply to all uses in this overlay sub-district.
- 2.2.28.3.3.1. Access points to SR-29 shall comply with Florida State Department of Transportation permitting regulations. ~~Parcels that do have a minimum of 440-foot of street frontage shall provide access off existing adjacent roadways, when possible, and should not access to SR-29.~~
- 2.2.28.3.3.2. Owners of lots or combinations of lots having less than the required street frontage may petition the board of zoning appeals for a variance from the standard in this sub-district as will not be contrary to the public interest when owing to special conditions peculiar to the property, a literal enforcement of these standards would result in unnecessary and undue hardship.

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



- 2.2.28.3.4. Shared parking arrangements between adjoining developments shall be encouraged.
- 2.2.28.3.5. Deceleration and acceleration lanes shall be provided.
- 2.2.28.3.6. Pedestrian traffic shall be encouraged by providing sidewalks. The location of these sidewalks shall be coordinated with adjacent projects.
- 2.2.28.3.7. Buildings shall be set back from SR-29 a minimum of 25 feet and from the rear lot line a minimum of 25 feet.
- 2.2.28.3.8. Projects shall provide a ten-foot Type A landscape buffer as described in section 2.4 between vehicular rights-of-way with required sidewalks and adjacent residential development. Adjacent commercial projects shall provide coordinated landscape plans.
- 2.2.28.3.9. An area equal to a minimum of two and one-half percent of the total interior vehicular use area shall be landscaped to provide visual relief.
- 2.2.28.3.10. Buildings shall have a maximum height of 50 feet.
- 2.2.28.4. Jefferson Avenue Commercial Overlay Sub-District: special conditions for the properties abutting Jefferson Avenue as identified on the Immokalee Area Master Plan; referenced on Map 3; and further identified by the designation "JACOSD" on the applicable official Collier County Zoning Atlas Maps.

Map 3



- 2.2.28.4.1. Purpose and intent: The purpose of this designation is to provide for retail, office, transient lodging facilities and highway commercial uses that serve the needs of the traveling public. These commercial uses must be located on a major arterial or collector roadway. The provisions of this sub-district are intended to provide an

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

increased commercial opportunity along Jefferson Avenue with development standards that will ensure coordinated access and appropriate landscaping and buffering to be compatible with nearby residential properties.

2.2.28.4.2. Applicability: These regulations apply to the commercial district along Jefferson Avenue as identified on the Immokalee Future Land Use Map.

2.2.28.4.3. Development criteria: The following standards shall apply to all uses in this overlay sub-district.

2.2.28.4.3.1. Access points for future commercial development shall be limited to a maximum of one per 150 feet of street frontage. Properties with less than the required street frontage, shall be encouraged to utilize shared access points with adjoining commercial development.

2.2.28.4.3.2. Owners of lots or combination of lots having less than the 150-foot of required frontage may petition the board of zoning appeals for a variance from the standard in this sub-district as will not be contrary to the public interest when owing to special conditions peculiar to the property, a literal enforcement of these standards would result in unnecessary and undue hardship.

2.2.28.4.4. A ten-foot Type A landscape buffer as identified in section 2.4 of this Code shall be provided on Jefferson Avenue for all commercial projects.

2.2.28.4.5. Provisions for shared parking arrangements with adjoining developments shall be encouraged.

2.2.28.4.6. Commercial buildings shall be set back from Jefferson Avenue a minimum of 25 feet.

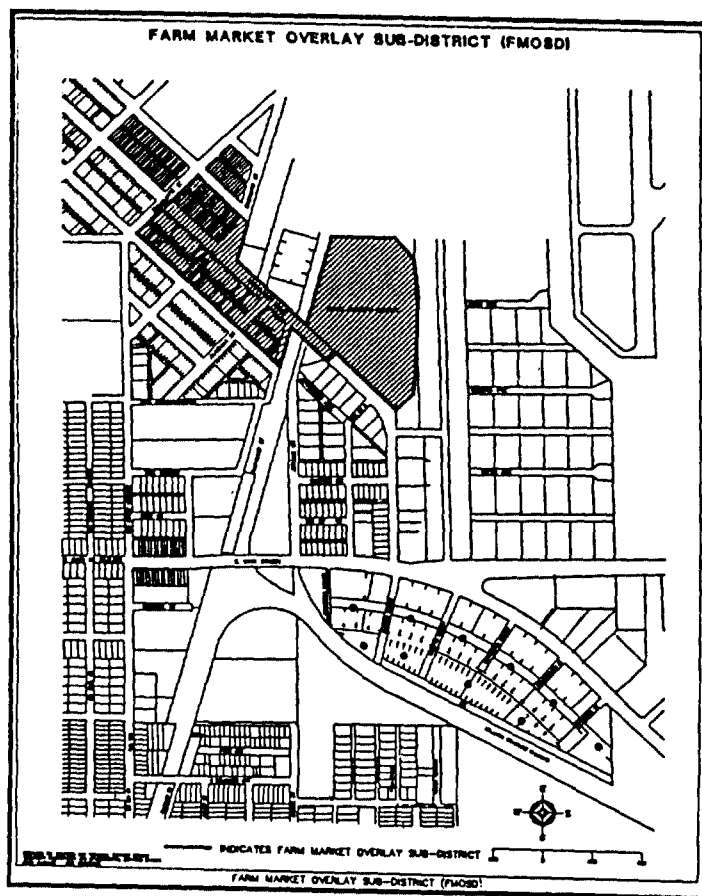
2.2.28.4.7. Commercial building shall have a maximum height of 50 feet excluding ten feet for under-building parking.

2.2.28.5. Farm Market Overlay Sub-District: special conditions for the properties identified on Map 4; and further identified by the designation "FMOSD" on the applicable official Collier County Zoning Atlas Maps.

2.2.28.5.1. Purpose and Intent: The purpose of this designation is to provide for wholesale and retail uses, outdoor agricultural product displays and sales areas, truck parking, and packing houses and associated uses. The provisions of this sub-district are intended to provide retail and wholesale opportunities for agricultural businesses as well as provide truck parking for agricultural sales but not within roadways and rights-of-way. The development standards contained herein have been designed to enhance and encourage development and redevelopment.

2.2.28.5.2. Applicability: These regulations apply to the Farm Market Overlay Sub-district as identified on Map 4.

Map 4



2.2.28.5.3. Permitted Uses: All permitted uses within the underlying zoning districts, and the following uses, as identified in the Standard Industrial Classification Manual (1987), are permitted as a right in this sub-district.

1. Agricultural Services (0723)
2. Wholesale Trade (5148)
3. Agricultural Outdoor Sales

Permitted subject to the following provisions:

1. Outdoor sales of agricultural products are permitted on improved or unimproved properties provided the applicant submits a site development plan which demonstrates that provisions will be made to adequately address the following:

- a. Vehicular and pedestrian traffic safety measures.
- b. Parking for undeveloped properties will be calculated at a rate of 1/250 square feet of merchandise area. A maximum of ten percent of the parking required by division 2.3 of this code may be occupied or otherwise rendered unusable by the placement of temporary structures, equipment, signs, and merchandise. The minimum number of disabled parking spaces pursuant to division 2.3 shall be required.
- c. Limited hours of operation.
- d. Fencing, lighting.
- e. Fire protection measures.
- f. Sanitary facilities.

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

2. The applicant shall provide a notarized letter from the property owner granting permission to utilize the subject property for agricultural outdoor sales.

3. The placement of one sign, a maximum of 32 square feet, or two such signs for properties containing more than one street frontage shall be permitted.

4. Agricultural products may be sold from a vehicle provided that the vehicle is not located in the road right-of-way.

5. A minimum 5-foot landscape buffer shall be required adjacent to any road rights-of-way.

2.2.28.5.4. Accessory uses:

1. Uses and structures that are accessory and incidental to the permitted uses.

2.2.28.5.5. Dimensional Standards: As found within section 2.2.15½.4., Dimensional Standards, of this code, except as noted below:

a. Minimum floor area: 500 square feet gross floor area for permitted principal agricultural structures.

2.2.28.5.6. Commercial Design Guidelines: Subject to provisions of Division 2.8., Architectural and site design standards for Commercial Buildings and Projects, of this Code, except as noted below:

a. The following uses, as identified in the Standard Industrial Classification Manual (1987), are exempt from the provisions set forth in Division 2.8. of the Architectural and Site Design Standards for Commercial Buildings and Projects.

1. Agricultural Services (0723)

2. Wholesale Trade (5148)

3. Agricultural Outdoor Sales.

2.2.28.5.7. Landscaping and Buffering: Subject to provisions of Division 2.4.

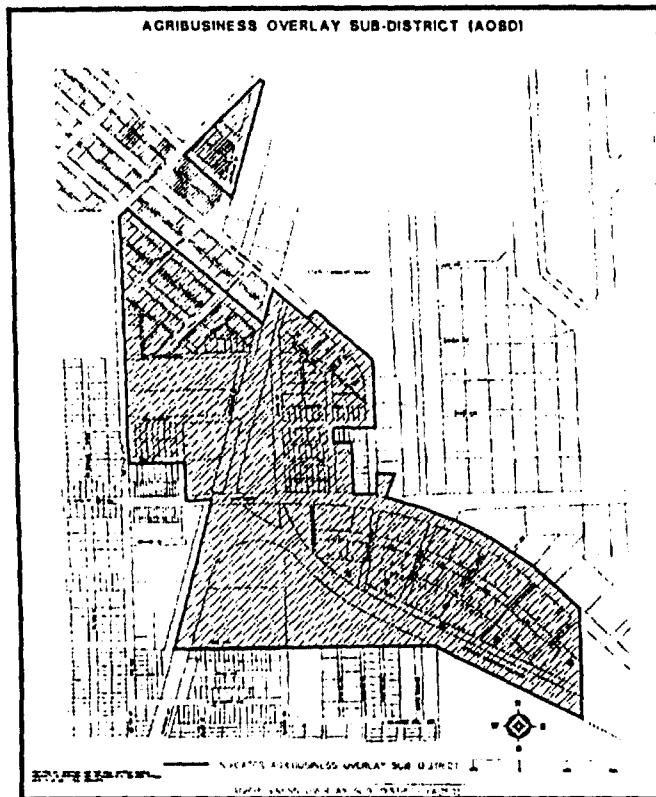
2.2.28.5.8. Merchandise Storage and Display: As found within section 2.2.15½.5., of this Code, except as noted below:

a. Agricultural products may be displayed within any front yard provided it does not adversely affect pedestrian or vehicular traffic or public health or safety and is not located within the road rights-of-way.

2.2.28.6. Agribusiness Overlay Sub-District: special conditions for the properties identified on Map 5; and further identified by the designation "AOSD" on the applicable official Collier County Zoning Atlas Maps.

2.2.28.6.1. Purpose and intent: The purpose of this designation is to provide for wholesale uses and agricultural packing houses and associated uses. The provisions of this sub-district are intended to provide additional lands for agricultural related businesses and expansion opportunities for existing agribusiness. The development standards contained herein have been designed to permit consistent land uses within the AOSD boundary.

2.2.28.6.2. Applicability: These regulations apply to the Agribusiness overlay sub-district as identified on Map 5.



Map 5

2.2.28.6.3. Permitted Uses: All permitted uses within the underlying zoning districts, and the following uses, as identified in the Standard Industrial Classification Manual (1987), are permitted as a right in this sub-district.

1. Agricultural Services (0723)
2. Wholesale Trade (5148)

2.2.28.6.4. Accessory uses:

1. Uses and structures that are accessory and incidental to the permitted uses.

2.2.28.6.5. Dimensional Standards: As found within section 2.2.15 1/4.4., Dimensional Standards of this Code.

2.2.28.6.6. Commercial Design Guidelines: Subject to provisions of Division 2.8., Architectural and Site Design Standards for Commercial Buildings and Projects, of this Code, except as noted below:

a. The following uses, as identified in the Standard Industrial Classification Manual (1987), are exempt from the provisions set forth in Division 2.8. of the Architectural and Site Design Standards for Commercial Buildings and Projects.

1. Agricultural Services (0723)
2. Wholesale Trade (5148)

2.2.28.6.7. Landscaping and Buffering: Subject to provisions of Division 2.4.

2.2.28.7. Standards for parking within the Immokalee Central Business Sub-District.

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

- 2.2.28.7.1. Primary area. Lots, parcels, or uses which have frontage on West Main Street (SR 29) or First Street (CR 846) shall comprise the primary areas.
- 2.2.28.7.1.1. 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.
- 2.2.28.7.1.2. Expansion. The expansion of any use shall require parking at 50 percent of the minimum requirement as set forth in section 2.3.16, for the expansion only.
- 2.2.28.7.1.3. Change in existing use. A change of any use shall be exempt from the minimum parking requirements as set forth in section 2.3.16 up to an intensity level of one parking space per 100 square feet. A change of use to an intensity of greater than one space per 100 square feet shall require parking at one parking space per 150 square feet.
- 2.2.28.7.1.4. Uses in new buildings. Any use in a building constructed after the effective date of this code will be required to provide parking at 50 percent of the minimum requirement as set forth in section 2.3.16.
- 2.2.28.7.2. Secondary area. Lots, parcels, or uses which do not have frontage on Main Street or First Street shall comprise the secondary area.
- 2.2.28.7.2.1. Existing uses. Uses in existence as of the effective date of this code are exempt from the minimum parking requirements as set forth in section 2.3.16 except that existing uses shall not reduce the number of spaces below that which is provided as of the effective date of this code.
- 2.2.28.7.2.2. Expansion. The expansion of any use shall require an addition to any parking of the minimum number of required spaces as set forth under section 2.3.16, for the expansion only.
- 2.2.28.7.2.3. Change in existing use. A change of any use shall be exempt from the minimum parking requirements as set forth in section 2.3.16 up to an intensity level of one parking space per 100 square feet. A change of use to an intensity greater than one parking space per 100 square feet shall require parking at 50 percent of the minimum requirement as set forth under section 2.3.16. No change in use shall allow for a reduction of the current number of parking spaces provided.
- 2.2.28.7.2.4. Uses in new buildings. Any use in a building constructed after the effective date of this code will be required to provide parking at 67 percent of the minimum requirement as set forth in section 2.3.16.
- 2.2.28.7.3. Off-site parking agreements. In no way shall the provisions of the Immokalee central business sub-district (ICBSD) be construed so as to prevent establishments within the boundaries from taking advantage of off-site parking arrangements as set forth in section 2.3.4.11. Furthermore, the maximum distances set forth in section 2.3.4.11 shall be increased to 600 feet within the boundaries of the ICBSD. Properties within the ICBSD entering into off-site parking agreements with properties outside the ICBSD may utilize the 600-foot rule.
- 2.2.28.7.4. Boundaries of the district. The physical limits of the Immokalee central business district (ICBSD) are as shown on the official zoning atlas map of the subject area, and as described below:

Beginning at the intersection of First Street and Third Avenue, the ICBSD boundary proceeds westerly along the centerline of Third Avenue to its intersection with North Fifth Street to its intersection with Second Avenue, then westerly along the centerline of Second Avenue to the northerly extension of the east line of Lot 33.

Words struck through are deleted, words underlined are added.

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

**SUBSECTION 3.B: 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. 2.4.7. Minimum landscape buffering and screening between uses.**

**2.4.7.4.**

**TABLE 2.4 TABLE OF BUFFER REQUIREMENTS BY LAND USE CLASSIFICATIONS**

Subject Property's District/Use	Adjacent Properties District													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Agriculture (A <sup>1</sup> )	-	B	B	B	B	B	A	A	A	A	D	A	-	A
2. Residential (E,RSF) single family	A	A	B	B	B	B	B	C	B	*	D	B	-	C
3. Residential (RMF-6, RMF-12, RMF-16, multifamily)	A	B	A	N	A	B	B	B	B	*	D	B	-	C
4. Residential tourist (RT)	A	B	A	A	B	B	A	B	B	*	D	B	-	B
5. Village residential (VR)	A	A	B	B	A	B	B	B	B	*	D	B	-	B
6. Mobile home (MH)	A	B	B	B	B	A	B	B	B	*	D	B	B	B
7. Commercial <sup>1</sup> (C-1, C-1/T, C-2, C-3, C-4, C-5); Business Park (BP)	A	B	B	B	B	B	A	A	A	*	D	B	B	B
8. Industrial <sup>2</sup> (I)	A	C	B	B	B	B	A	A'	A	*	D	B	B	B
9. Public use (P) community facility (CF), Golf Course Club-house	A	B	B	B	B	B	A	A	A	*	D	B	-	C
10. Planned unit development (PUD)	*	*	*	*	*	*	*	*	*	*	D	*	*	-
11. Vehicular rights-of-way	D	D	D	D	D	D	D	D	D	D	-	B	-	D
12. Golf course maintenance building	B	B	B	B	B	B	B	B	B	B	B	A	B	C
13. Golf course	-	-	-	-	-	-	-	-	-	-	-	B	-	C
14. Automobile Service Station	A	C	C	B	B	B	B	B	C	*	D	C	C	D

2.4.7.5. *Collier County Streetscape Master Plan.* Street corridors identified in Collier Naplescape 90's Streetscape Master Plan, including areas within the right-of-way and on required buffers adjacent to the right-of-way, shall adhere to the requirements of the Collier Naplescape 90's Streetscape Master Plan.

Notwithstanding the above, for required landscape buffers adjacent to any right-of-way, the requirements of the Collier Naplescape 90's Streetscape Master Plan shall apply at the time of issuance of any related subsequent development order including construction plans attendant to the approval of a final plat and or a final site development plan. Where the application of said Streetscape Master Plan standards and requirements is questioned, an

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official interpretation of the planning services director pursuant to section 1.6.1 of the Collier County Land Development Code may be requested. Further, the interpretation of the planning services director may be appealed to the board of zoning appeals as prescribed by section 1.6.6 of the Land Development Code.

### SUBSECTION 3.C: 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\*

~~2.5.5.2.3.10.2. 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.~~

#### Sec. 2.5.7. Prohibited Signs:

Sec. 2.5.7.28. ~~Fethered~~ inflatable signs.

#### Sec. 2.5.12. Permit applications.

2.5.12.4.6. Two blueprints or ink drawings, certified by a Florida registered engineer or a Florida registered architect, of the plans and specifications and method of construction and attachment to the building or the ground for all pole signs and all projecting sign; and any ground sign over 32 square feet.

### SUBSECTION 3.D: AMENDMENTS TO SUPPLEMENTAL DISTRICT REGULATIONS DIVISION

Division 2.6., Supplemental District Regulations of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

#### DIVISION 2.6. SUPPLEMENTAL DISTRICT REGULATIONS

#### Sec. 2.6.4. Exceptions to required yards.

2.6.4.2. *Minor after-the-fact yard encroachments.*

2.6.4.2.1. Minor after-the-fact yard encroachments may be approved administratively by the development services director. For the purposes of this subsection, minor yard encroachments shall be divided into two classifications:

1. Structures for which a certificate of occupancy ~~or a final development order~~ has not been granted. The development services director may administratively approve minor after-the-fact yard encroachments of up to ~~2.5~~ 2 percent of the required yard, not to exceed a maximum of ~~2.5~~ 6 inches.
2. Structures for which a certificate of occupancy or a final development order has been granted. The development services director may administratively approve minor after-the-fact yard encroachments of up to ten percent of the required yard, not to exceed a maximum of two feet.
3. Administrative variances approved pursuant to the above do not run with the land in perpetuity and remain subject to the provisions of Section 1.8.10 Non-Conforming Structures.



Sec. 2.6.15 Solid waste disposal.

Pursuant to Ordinance No. 90-30, as amended, solid waste disposal shall be required in the form of bulk container service (garbage dumpsters) for all commercial establishments and multi-family projects containing five or more dwelling units under a common roof, excluding rowhouses or townhouses not exceeding two stories in height upon demonstration of adequate access to facilitate curbside pickup and that all individual units have an enclosed location other than the residential structure, such as a carport or garage, for the storage of individual solid waste containers, or as otherwise permitted below.

2.6.15.1. *Screening.* All trash or recycle receptacles shall be located so as to be easily accessible to the residents and the solid waste hauler and shall be screened on at least three sides to prevent visibility of containers by neighboring property owners and from adjacent streets at the first floor level, except as provided for in section 2.6.15.1.3. Enclosures shall have minimum internal dimensions of 12 feet by 12 feet square. If equipped with gates, the clear opening dimension shall be a minimum of 12 feet and the gates must be equipped with a device to hold them open.

2.6.15.1.1 The following structures may be used for screening as required above:

- a. Wood fence.
- b. Concrete block and stucco wall, brick wall, masonry wall, or walls of similar material.
- c. Vegetative screening in conjunction with section 2.6.15.2.1. or section 2.6.15.2.2. above.

2.6.15.1.2. Screening, as required above, shall be exempt from height limitations for fences provided there is no obstruction of vision of adjacent streets.

2.6.15.1.3. Screening of bulk containers (garbage dumpsters) may be exempted in: Industrial districts (I) if the dumpsters are located greater than 200 feet from residentially zones or used property and are not located within front yards; rural agricultural districts (A) in conjunction with a bona fide agricultural use on parcels conforming to the required minimum lot size in the district; and during construction in all other districts.

2.6.15.2. Access. The access approach to the container should be sufficient to accommodate a vehicle requiring a minimum clear width of 8 feet and minimum clear turning radius of 50 feet when directly accessing a public street. Containers and enclosures shall be placed such that the accessing vehicles are not required to maneuver in the adjacent travel lanes of any street. Provision shall be made to allow for a forward travel path for these vehicles where possible. When backing maneuvers are required to permit the vehicle to exit from the dumpster, provision shall be made to provide an apron at least 8 feet wide and 50 feet in length adjacent to the container as herein illustrated.

2.6.15.2.3. *Minimum requirements and locational restrictions.* In the case of multi family developments with more than four units per structure, at least one standard size bulk container (dumpster) per every ten units shall be required. All such containers are subject to the following locational restrictions:

- a. Solid waste bulk containers (garbage dumpsters) shall be permitted in all zoning districts.
- b. Solid waste bulk containers may be located within a required yard provided they do not encroach into a required landscape area, and further provide that there be no blockage of the view of motorists or pedestrians so as to constitute a hazard.

- c. In the case of multi-family developments containing more than one structure, no solid waste bulk container (garbage dumpster) shall be located greater than 500 feet from the structure it is intended to serve.

2.6.15.3.4. *Exceptions.* The site development review director, or his designee, may allow the following exceptions to the above requirements.

2.6.15.3.4.1. Solid waste bulk containers (dumpsters) may be substituted by individual solid waste disposal service (unit by unit curbside pick-up) subject to the following:

- a. In the case of individually owned multi-family dwelling units (condominiums), individual (curbside) solid waste disposal service may be substituted for the required bulk containers (dumpsters) upon documentation that the subject unit or condominium association, having been turned over from the developer to the residents, has voted in the majority to eliminate the use of dumpsters in favor of individual curbside service for all or part of particular development, subject to acceptance from both the Collier County Solid Waste Department and the waste hauler. Additionally, the association shall demonstrate that there is adequate access to facilitate curbside pickup and that all individual units have an enclosed located other than the residential structure, such as a carport or garage, for the storage of individual solid waste containers.
- b. In the case of multi-family rental units bulk solid waste disposal containers (dumpsters) shall be used unless an alternative methodology for solid waste pick-up is approved by the Collier County Solid Waste Department and the waste hauler.
- c. In the case of a commercial use bulk solid waste disposal containers (dumpsters) shall be used unless an alternative methodology for solid waste pick-up is approved by the Collier County Solid Waste Department and the waste hauler.

**Sec. 2.6.28. Automobile service stations.**

~~The following regulations apply to the location, layout, drainage, operation, fencing, landscaping, parking and permitted sales and service activities of automobile service stations:~~

2.6.28.1. ~~Lot size.~~ Minimum 18,000 square feet.

2.6.28.2. ~~Minimum frontage.~~ An automobile service station shall not be located on a lot with less than 150 feet of frontage on a dedicated street or highway.

2.6.28.3. ~~Minimum depth.~~ One hundred twenty feet.

2.6.28.4. ~~Minimum yards.~~

1. ~~Front yard setback.~~ Fifty feet.

2. ~~Side yard setback.~~ Forty feet.

3. ~~Rear yard setback.~~ Forty feet.

2.6.28.5. ~~Canopy.~~ Ten feet beyond pump setback line.

2.6.28.6. ~~Storage tanks.~~ Storage tanks shall be located below grade.

2.6.28.7. ~~Lighting.~~ All lights and lighting for an automobile service station shall be designated and arranged so that no source of light shall be visible from any residential district. No part of any light structure shall protrude beyond property lines.

2.6.28.8. ~~Location of structures, pumps, etc.~~ No main or accessory building, no sign of any type, and no gasoline pump, tank, vent, pump island or pump island canopy shall be located within 25 feet of any residentially zoned property. Gasoline pumps and pump islands shall be located not closer than 30 feet to the street property lines and

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shall be located not closer than 40 feet to any side or rear property line. Pump island canopies shall be located not closer than 20 feet to the front property line. If such setback requirements mentioned above are closer than setback requirements for the zoning district in which the automobile service station is located, such service station appurtenances shall be removed before the property is converted to a use other than an automobile services station. Removal of fuel storage tanks is required. Freestanding vents are not permitted.

- 2.6.28.9. *Entrance and exit.* ~~No automobile service station shall have an entrance or exit for vehicles within 200 feet along the same side of a street of a school, public playground, child care center, church, hospital, public library, or any institution for dependents or for children, except where such property is in another block.~~
- 2.6.28.10. *Fence requirements.* ~~If an automobile service station abuts a residential district, a wall of solid decorative material five feet in height or a wall of landscaping must be provided and properly maintained. If the station is separated from the residential zone by an alley, then the wall shall be erected along the lot line also. In addition, all outside trash areas for used tires, auto parts, and other items shall be enclosed on all sides by a five foot high decorative fence or wall which shall conform to all fence setback regulations. All walls and buildings shall be protected by a barrier to prevent vehicles from contacting the wall.~~
- 2.6.28.11. *Outside display of products.* ~~Petroleum products in cans and windshield wiper blades may be displayed outside the service station building in the standard racks provided for such display, provided such racks shall not be placed closer to a street line than the pump island. There shall be no outside display or stacking of tires or other merchandise.~~
- 2.6.28.12. *Trash facilities.* ~~Adequate, completely enclosed trash storage facilities shall be provided on the site. On an interior lot, such facilities shall be located at the rear of the service station's main structure; on a corner lot, such facilities shall be located, where possible, on the side of the main structure with street frontage carrying the lesser volume of traffic.~~
- 2.6.28.13. *Vehicle sales.* ~~There shall be no vehicle sales conducted on the premises.~~
- 2.6.28.14. *Drainage.* ~~The entire lot, excluding the area occupied by a building, shall be properly drained and hard surfaced with concrete or plant mixed bituminous material, except for the required landscaped areas.~~
- 2.6.28.15. *Parking areas.* ~~As required in division 2.3.~~
- 2.6.28.16. *Landscaping.* ~~As required within division 2.4.~~
- 2.6.28.17. *General uses and services.* ~~In addition to the retail dispensing of automobile fuels and oil, only the following services may be rendered and sales made except as indicated:~~
1. ~~Sales and servicing of spark plugs, batteries, distributors and distributor parts.~~
  2. ~~Sales, mounting, balancing and repair of tires and wheel alignments, but not recapping of tires.~~
  3. ~~Sales and replacement of water hoses, fan belts, brake fluid, lightbulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, exhaust systems, and the like.~~
  4. ~~Provision of water, antifreeze, flushing of the cooling system, air conditioning recharge, and the like.~~

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5. ~~Washing and polishing of automobiles and sale of automobile washing and polishing materials, but this only allows auto detailing as an accessory use, but this provision does not allow carwashes except in those zoning districts where a carwash is a permitted use, and such carwashes shall be subject to criteria specified in the zoning district.~~
6. ~~Providing and repairing fuel pumps and lines.~~
7. ~~Minor servicing and repair of carburetor and fuel injection systems.~~
8. ~~Emergency wiring repairs.~~
9. ~~Providing repair and replacement of brake rotors, drums and pads.~~
10. ~~Minor motor adjustments not involving removal of the head or crankcase.~~
11. ~~Greasing and lubrication.~~
12. ~~Sales of cold drinks, candies, tobacco, and similar convenience goods for service station customers, but strictly and only as accessory and incidental to the principal business operation.~~
13. ~~Provision of road maps and other information outside of the enclosed areas.~~
14. ~~No mechanical work shall be allowed outside of the enclosed areas.~~
15. ~~No automobile service station shall be permitted where any oil drainage pit or visible appliance for any such purpose other than refueling cars is located within 20 feet of any street right of way or within 45 feet of any residential district, except where such appliance or pit is located within a wholly enclosed building.~~
16. ~~Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles (except as expressly permitted in item 17 below), commercial garage as an accessory use, or other work involving undue noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in such stations. An automobile service station is not a facility for the sale of automobile vehicles, a repair garage, a body shop, or a truckstop.~~
17. ~~The temporary storage of vehicles shall be permitted if the vehicles are to be serviced at the service station or if the vehicles have been towed by the service station and are being held for servicing, for an insurance company, or for sale or salvage. Any such vehicle(s), other than those vehicles serviced daily, shall be stored within an area surrounded by an opaque fence not less than six feet high. Said vehicles shall not be stored longer than 90 days.~~
18. ~~Convenience grocery stores selling motor fuel must conform with all provisions of section 2.6.28.~~

#### Sec. 2.6.28. Automobile Service Stations.

The following regulations apply to the location, layout, drainage, operation, fencing, landscaping, parking, architectural features, and permitted sales and service activities of automobile service stations which include convenience grocery stores selling motor fuels:

*Purpose and Intent.* The purpose of this section is to ensure that automobile service stations do not adversely impact adjacent land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with service stations, particularly those open twenty-four hours, may be incompatible with surrounding uses, especially residential uses.

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Therefore, in the interest of protecting the health, safety and general welfare of the public, the following regulations shall apply to the location, layout, drainage, operation, landscaping, parking and permitted sales and service activities of automobile service stations:

2.6.28.1. Locational and Site Standards. All automobile service stations shall meet the following criteria:

1. Minimum frontage: An automobile service station shall not be located on a lot with less than one hundred fifty (150) feet of frontage on a vehicular right-of way.
2. Minimum depth: One hundred eighty (180) feet.
3. Minimum lot or parcel area: 30,000 square feet.
4. Separation requirements: There shall be a minimum distance of 500 feet, shortest airline measurement, between the nearest points on any lot or parcel of land to be occupied by automobile service stations, and any lot or parcel which is already occupied by an automobile service station, or for which a building permit has been issued.
5. Minimum yard requirements: All structures.
  - (a) Front yard setback - Fifty (50) feet.
  - (b) Side yard setback - Forty (40) feet.
  - (c) Rear yard setback - Forty (40) feet.
6. Parking requirements: As required by Division 2.3 Off-Street Parking and Loading
7. Architectural Design: As required by Division 2.8 Architectural and Site Design Standards and Guidelines for Commercial Buildings and Projects.
8. Landscaping: The following landscape requirements are in addition to the requirements of Division 2.4 Landscaping and Buffering.
  - a. Required landscaping adjacent to property boundaries:
    - (1) Right-of-way buffer landscaping:
      - (a) Landscaping adjacent to rights-of-way external to the development project shall be located within a landscape buffer easement which is a minimum of twenty-five (25) feet in width. Water management swales shall not be located within these buffer areas, however, water management facilities such as underground piping shall be permitted.
      - (b) An undulating berm with a maximum slope of 3:1 shall be constructed along the entire length of the landscape buffer. The berm shall be constructed and maintained at a minimum average height of three (3) feet. The berm shall be planted with ground cover (other than grass), shrubs, hedges, trees and palms.
      - (c) The required trees and palms shall be clustered in double rows with a minimum of three (3) trees per cluster. Canopy trees shall be planted a maximum of twenty (20) feet on center within a cluster. The use of palms within the right-of-way buffer shall be limited to landscaped areas adjacent to vehicular access points. Palms shall be planted in staggered

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heights, a minimum of three (3) palms per cluster, spaced at a maximum of eight (8) feet on center, with a minimum of a four (4) foot difference in height between each tree. Exceptions will be made for Roystonea spp. and Phoenix spp. (not including roebelenii) which may be planted one (1) palm per cluster. A maximum distance of twenty-five (25) feet between all types of tree clusters shall be maintained (See Illustration 1).

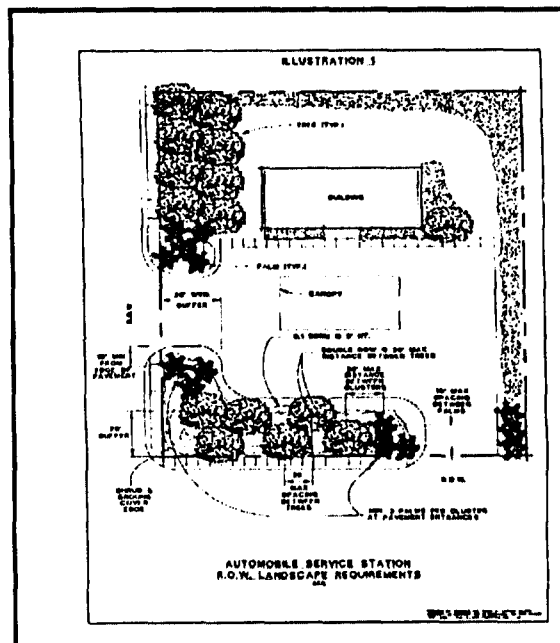
(d) All of the trees shall be a minimum of fourteen (14) feet in height at the time of installation. Trees shall have a minimum of a 3 1/2 inch caliper at 12 inches above the ground and a six (6) foot spread. At installation, shrubs shall be a minimum of ten (10) gallon, five (5) feet in height, with a three (3) foot spread, planted four (4) feet on center.

(2) Landscaping adjacent to all other property lines:

(a) Side property boundaries (other than those adjacent to right-of-ways) shall be planted with single row hedges consistent with the minimum requirements of Division 2.4, Landscaping and Buffering.

(b) Rear property boundaries (other than those adjacent to road rights-of-way) shall be planted with a single row hedge. The hedge shall be a minimum height of four (4) feet at planting, planted at three (3) feet on center and shall be maintained at a height of five (5) feet.

(3) Curbing: Curbing shall be installed and constructed, consistent with minimum code requirements, between all paved areas and landscape areas.



9. Perimeter Walls: Automobile service station sites shall be separated from adjacent residentially zoned or residentially developed properties by an architecturally designed six (6) foot high masonry wall or fence utilizing materials similar in color, module and texture to those

utilized for the building. Landscaping shall be planted on the residential side of the fence or wall.

10. Lighting:

- a. All lighting facilities shall be directed away from adjoining properties.
- b. On site luminaries shall be of low level, indirect diffuse type and shall not exceed a height of greater than twenty feet above finished grade.
- c. Lighting located underneath a canopy shall be of low level, indirect diffuse type designed to provide light only to the pump island areas located underneath said canopy.

11. Rest Rooms: All rest rooms shall be located inside or to the side or rear of the building.

12. Signage: As required by Division 2.5. Signage and the following regulations:

- a. Accent lighting and back lighting is prohibited on canopy structures.
- b. Pole signs are prohibited. A single ground sign shall be permitted per site, not to exceed sixty (60) square feet in area. Ground signs shall be limited to a maximum of eight (8) feet in height as measured from the lowest centerline grade of the nearest public or private R.O.W. or easement or the parking lot, whichever is higher, to the uppermost portion of the sign structure. The sign shall be placed within a 200 square foot landscaped area.
- c. Illuminated signage, logos, advertising and information are prohibited above gas pumps.
- d. The number of on-premises directional signs shall be limited to two (2) signs per entry/exit.
- e. Signage identifying air, water and vacuum apparatus shall be limited to a total of four (4) square feet in area.

13. Trash Storage: As required by Section 2.6.15, a six foot high enclosed trash area to be integrated with the design of the service station shall be provided.

14. Storage Tanks: Storage tanks shall be located below grade.

15. Outside display of products: There shall be no outside displays of products, stacking of tires or other merchandise.

16. Entrance and exit: No automobile service station shall have an entrance or exit for vehicles within 200 feet along the same side of a street as a school, public playground, child care center, church, hospital, public library, or any institution for dependents or for children, except where such property is in another block.

17. Building colors and color banding on canopy structures: Color accent banding on gasoline canopy structures and all other structures is prohibited. Canopies shall be of one color, consistent with the

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predominant color of the principal structure, if applicable. The color of all structures on site shall be of soft earth tones or pastels.

18. Infrastructure for generators: Each automobile service station shall provide the necessary infrastructure and pre-wiring in order to provide the capabilities for generator service in case of emergencies.

2.6.28.2 Exceptions.

1. Locational and site standards in accordance with subsection 2.6.28.1.(1) - (5), shall not apply to, nor render non-conforming, any existing automobile service station or any automobile service station within a Planned Unit Development (PUD) in which a specific architectural rendering and site plan was approved as part of a rezoning action prior to the effective date of this amendment.

2. However, existing automobile service stations which may otherwise be rendered nonconforming by the provisions of subsection 2.6.28.1, (6) - (18), or any other applicable standard, except for automobile service stations within a PUD as described above, shall comply with applicable subsections of Division 1.8, Nonconformities.

2.6.28.3 Operational Standards. In addition to the retail dispensing of automobile fuels and oil, only the following services may be rendered and sales made except as indicated:

1. Sales and servicing of spark plugs, batteries, distributors and distributor parts.
2. Sales, mounting, balancing and repair of tires and wheel alignments, but not recapping of tires.
3. Sales and replacement of water hoses, fan belts, brake fluid, lightbulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, exhaust systems, and the like.
4. Provision of water, antifreeze, flushing of the cooling system, air conditioning recharge, and the like.
5. Providing and repairing fuel pumps and lines.
6. Minor motor adjustments not involving removal of the head or crankcase.
7. Greasing and lubrication.
8. Sales of cold drinks, candies, tobacco and similar convenience goods for service station customers, but strictly and only as accessory and incidental to the principal business operation.
9. Provision of road maps and other information.
10. No mechanical work shall be allowed outside of the enclosed areas.
11. Oil drainage pits or appliances for such purpose or repair purposes shall be located within a wholly enclosed building.
12. Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles (except as expressly permitted in paragraph 13 below), commercial

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garage as an accessory use, or other work involving undue noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in such stations. An automobile service station is not a facility for the sale of automobile vehicles, a repair garage, a body shop, or a truckstop.

13. The temporary storage of vehicles shall be permitted if the vehicles are to be serviced at the service station or if the vehicles have been towed by the service station and are being held for servicing, for an insurance company or for salvage. Any such vehicle(s), other than those vehicles serviced daily, shall be stored within an area surrounded by an opaque fence not less than six (6) feet high. Said vehicles shall not be stored longer than sixty (60) days.
14. Washing and polishing of automobiles and sale of automobile washing and polishing materials, but this only allows auto detailing as an accessory use, but this provision does not allow carwashes except in those zoning districts where a carwash is a permitted use; and where such carwashes shall be subject to criteria specified in the zoning district.

2.6.28.4. Waiver of distance requirements. The board of zoning appeals may, by resolution, grant a waiver of part or all of the minimum separation requirements set forth in section 2.6.28. if it is demonstrated by the applicant and determined by the board of zoning appeals that the site proposed for development of an automobile service station is separated from another automobile service station by natural or man-made boundaries, structures or other features which offset or limit the necessity for such minimum distance requirements. The board of zoning appeals decision to waive part or all of the distance requirements shall be based upon the following factors:

1. Whether or not the nature and type of natural or manmade boundary, structure, or other feature lying between the proposed establishment and an existing automobile service station is determined by the board to lessen the impact of the proposed service station. Such boundary, structure or other feature may include, but not be limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals and a minimum of a four-lane arterial or collector right-of-way.
2. Whether or not the automobile service station is only engaged in the servicing of automobiles during regular, daytime business hours, or if in addition to or in lieu of servicing, the station sells food, gasoline and other convenience items during daytime, nighttime, or on a 24-hour basis.
3. Whether or not the service station is located within a shopping center primarily accessed by a driveway, or if it fronts on and is accessed directly from a platted road right-of-way.
4. Whether or not the granting of the distance waiver will have an adverse impact on adjacent land uses, especially residential land uses.

2.6.28.4.1. Waiver request submittal requirements. The request for an automobile service station waiver shall be based on the submittal of the required application, a site plan, and a written market study analysis which justifies a need for the additional automobile service station in the desired location. The site plan shall indicate the following:

1. The dimensions of the subject property.
2. All vehicular points of ingress and egress.

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3. Compliance with all requirements of this code including the location of the structures on site, landscaping, off-street parking, site circulation, architectural design guidelines, and signage.
4. All proposed buffer areas.
5. The site plan shall also indicate the layout and type of land uses surrounding the subject property within 500 feet. The site plan shall show the layout of the road on which the proposed station fronts or to which access is provided, including the type of road, the number of lanes, and the location of intersections and turn lanes, median locations and median widths, for a 500 foot distance from the subject parcel.

2.6.28.4.2. Additional conditions. The board of zoning appeals shall have the right to add additional conditions or requirements to its approval of a distance waiver request in order to insure compatibility of the automobile service station with the surrounding area and the goals and objectives of the Growth Management Plan.

**Sec. 2.6.35. Communication towers.**

2.6.35.2. *Definitions.* As used herein "antenna" does not include (a.) wire antennas or (b) 'receive only' dishes that have an outside diameter of less than forty (40) inches. A "tower" is a structure for the primary purpose to raise the height of an antenna. An "antenna structure" is a base, stand, or other method of stabilizing an antenna but the primary purpose is other than raising a height of an antenna. "Effective radius" means a radius of six miles from the respective tower unless a lesser radius is approved. "Lesser effective radius" means an approved radius of less than six miles. "Zoning district" includes areas within planned unit developments (PUD) that have density requirements similar to those specified in this section. "All," "any," and "each" means exempt and nonexempt towers, structures, and owners unless the context clearly indicates otherwise, but does not include old towers or old sites except in subsection 2.6.35.6.13 related to inspections. An "old" tower or site means a tower or site that was approved prior to the effective date of Ordinance No. 91-84. A "new" tower or site means a tower or site that requires approval under this section. An "approved" tower or site is a tower or site that was approved under Ordinance No. 91-84 or is approved under this section. "Owner" refers to a sole owner or any co-owner. "Rent" means to rent, lease, or otherwise provide tower or site space. "Monopole communications tower" means a commercial vertical single tubular self-supporting tower for non-parabolic antennas with small effective radii. "Unavailable to the applicant" means a tower that cannot accommodate the applicant's proposed antenna or a site that cannot accommodate the applicant's tower, antenna, and related facilities. "Unavailable" means that no additional tower or site capacity is available to anyone. "County manager" includes designees of the county manager. The singular includes the plural and vice versa unless the context clearly indicates otherwise. "Government" means the United States government and any agency thereof, the State of Florida and any agency thereof, any municipal corporation and any agency thereof, Collier County and any agency thereof, and any district. Except as to monopole communications towers, and structures and antennas that are limited to 20 feet or less in height without conditional use approval, heights of towers and structures specified herein are exclusive of any antennas affixed thereto and are exclusive of the respective ground elevation.

2.6.35.6.2. Permitted ground-mounted towers. Towers not exceeding the stated maximum heights are a permitted use subject to other applicable provisions of this section, including separate requirements and shared use provisions. Towers that exceed those specified maximum heights require ~~conditional use approval.~~ a variance in accordance with section 2.7.5,

1. All commercial and industrial zoning districts: Any tower up to 75 feet in height is a permitted use ~~subject to minimum yard requirements~~ provided the base of such tower is separated a minimum distance of 75 feet from the nearest boundary with any parcel of land zoned RSF-1 through RSF-6, RMF-6, E, RMF-12, RMF-16, RT,

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VR, MH, TTRVC, or PUD permitting six residential dwelling units or less. Any tower that exceeds 75 feet in height up to a height of 185 feet is a lawful use only if permitted or otherwise provided in the respective zoning district and the base of such tower is separated from the nearest boundary of any parcel of land zoned RSF-1 through RSF-6, RMF-6, E, RMF-12, RMF-16, RT, VR, MH, TTRVC, or PUD zoning of six residential dwelling units or less, by a minimum distance in feet determined by multiplying the height of the tower (in feet) by a factor of 2.5. (The minimum separation distance is 2 ½ times the height of the tower.) Towers which do not meet the separation requirement may apply for a variance in accordance with section 2.7.5.

2. Agricultural zoning districts within the urban designated area: Towers not exceeding 200 feet.
3. Agricultural zoning districts within the rural designated area: Towers not exceeding 280 feet.
4. All agricultural zoning districts: No tower that exceeds two hundred and eighty (280) feet in height exclusive of any antenna affixed thereto shall be allowed on any site comprising less than 20 acres under common ownership or control except such on conditional use sites, where towers can be approved as a conditional use on sites of less than 20 acres if the tower is to be located in the general area of the proposed site and the applicant cannot with economic feasibility acquire title to or control of a suitable tower site of at least twenty (20) acres in the required geographic vicinity of the proposed tower site.

#### 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. 3.2.4 Exemptions.

3.2.4.10.1 Exemption from platting and subdivision regulations. The division of property, occurring prior to July 15, 1998, meeting the definition of rural subdivision shall not require the subdivider to record a final plat nor comply with the subdivision regulations provided in division 3.2. Nor shall the division of property occurring after July 15, 1998, in the rural area require the property owner to record a final plat nor comply with the subdivision regulations provided in division 3.2, if the property so divided has been the subject of a rezoning hearing by the Board of County Commissioners within the twenty-four (24) month period preceding July 15, 1998. The subdivision of properties occurring after July 15, 1998 shall not be exempt from platting and filing a preliminary subdivision plat (PSP). However, the applicability of all required subdivision improvements and standards as set forth in section 3.2.8.3, required improvements, of this code shall be determined by the development services and environmental services administrator on a case by case basis. The applicant, through the preliminary subdivision plat (PSP) process may request waivers from certain "required improvements". The subdivider and the purchaser of the property shall comply with the regulations provided in section 3.2.4.10. The subdivider and purchaser of property meeting definition (a) of rural subdivision shall comply with Sections 3.2.4.10.2 through 3.2.4.10.4 of this code. The division of property not meeting the definition of rural subdivision is required to comply with all requirements of division 3.2.

3.2.4.10.2 Deeds and other conveyances. All deeds and other conveyances for properties meeting the definition of rural subdivision pursuant to division 6.3 (a) shall include in ten-point type the following statement:

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"NO GOVERNMENTAL AGENCY, INCLUDING COLLIER COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED".

3.2.4.10.3. *Building permits for rural subdivisions.* ~~Building permits will not be issued until the final plat is recorded. Prior to the issuance of a building permit for any property in the rural area, which by definition in division 6.3 is deemed to be a rural subdivision, the owner of the property applying for the building permit must provide verification that he or she has an existing means of access to the property and the existing means of access to such property must be improved to the standards established by this subsection. Said access may be:~~

- (a) ~~Naturally cleared accessway a minimum of 20 feet in width; or~~
- (b) ~~Dustless surface a minimum of 20 feet in width; or~~
- (c) ~~Asphalt paved road a minimum of 20 feet in width; or~~
- (d) ~~Limerock surface a minimum of 20 feet in width~~

3.2.4.10.4. *Access agreement.* The owner of property applying for a building permit, which by definition in division 6.3 (a) is deemed to be a rural subdivision, shall execute a release and waiver agreement which shall be executed and recorded at the applicant's expense in the official records of Collier County. The release and waiver agreement shall be in a form approved by the county attorney or his designee, and shall include, at a minimum, the following provisions and a copy of the recorded agreement submitted with the property owner's building permit application:

#### SUBSECTION 3.F: AMENDMENTS TO SITE DEVELOPMENT PLANS

Division 3.3., Site Development Plans, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

#### DIVISION 3.3 SITE DEVELOPMENT PLANS

##### Sec. 3.3.5. Site development plan review (SDP) procedures.

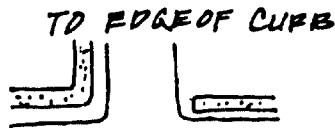
3.3.5.5. *Infrastructure improvements plans.* Detailed on-site and off-site infrastructure improvement plans and construction documents prepared in conformance with the design standards of division 3.2 and any current county ordinances, regulations, policies and procedures which consists of, but are not limited to, the following items:

1. A cover sheet setting forth the development name, applicant name, name of engineering firm, and vicinity map.
2. Improvements for water and sewer service as needed or as may have been specified during a preliminary site development plan review prepared in conformance with Collier County Ordinance No. 88-76 as amended.
3. Improvements for roadway, motor vehicle and non-motorized traffic circulation, ingress and egress, parking and other transportation needs, including traffic calming devices, required or as may have been specified during the preliminary site development plan review, prepared in conformance with section 3.2.8.4 subdivision design requirements (for purposes of this requirement, all references in section 3.2.8.4 to "subdivision" should be read to mean development, where applicable and appropriate).
4. ~~Improvements for water management as needed or as may have been specified during the preliminary site development plan review, prepared in conformance with section 3.2.8.4 subdivision design~~

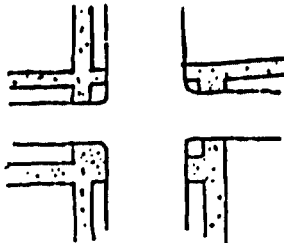
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~~requirements (for purposes of this requirement, all references in section 3.2.8.4 to "subdivision" should be read to mean development, where applicable and appropriate), and pursuant to South Florida Water Management District rules, chapter 40E-4, 40E-40 and 40E-41, Florida Administrative Code.~~

4. Non-motorized circulation is defined as movement by persons on foot, bicycle or other human-powered device. Non-motorized circulation is considered satisfactory where sidewalks and bicycle facilities are provided in a fashion no less comprehensive than as outlined under subsection 2.8.3.4 and section 3.2.8.
5. Special attention shall be given to the needs of the disabled as prescribed by the Americans with Disabilities Act of 1990. The absence of obstructions in the public right-of-way shall be demonstrated, including provisions for safe and convenient street crossing. Sidewalks and bike paths at intersections shall continue to the edge of curb.

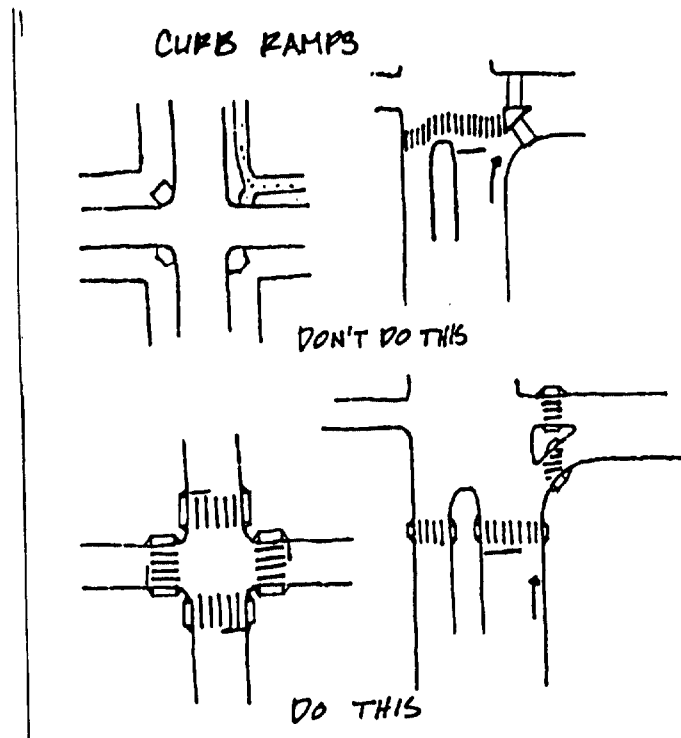


DONT DO THIS



DO THIS

Two curb ramps shall be provided for sidewalks and bike paths at each street corner of an intersection. Curb ramps shall be a minimum of 36 inches in width and shall not rise at a ratio greater than as outlined by the Florida Accessibility Code for Building Construction.



Crosswalks shall be required at any intersection where the distance to the nearest crosswalk is greater than 1000 feet.

- 4-6. Improvements for water management as needed or as may have been specified during the preliminary site development plan review, prepared in conformance with section 3.2.8.4 subdivision design requirements (for purposes of this requirement, all references in section 3.2.8.4 to "subdivision" should be read to mean development, where applicable and appropriate), and pursuant to South Florida Water Management District rules, chapter 40E-4, 40E-40 and 40E-41, Florida Administrative Code.
- 5-7. All necessary standard and special details associated with sections 3.3.5.5.5.2 through 3.3.5.5.5.4 above.
- 6-8. Written technical specifications for all infrastructure improvements to be performed.
- 7-9. Engineering design computations and reports for water, sewer, roads and water management facilities, as required by federal, state and local laws and regulations.
- 8-10. Topographical map of the property which shall include the following:
- a. Existing features, such as, watercourses, drainage ditches, lakes, marshes.
  - b. Existing contours or representative ground elevations at spot locations and minimum of 50 feet beyond property line.
  - c. Benchmark locations and elevation (NGVD).
- 9-11. Site clearing plan and method of vegetation disposal.

### SUBSECTION 3.G: AMENDMENTS TO VEGETATION REMOVAL, PROTECTION AND PRESERVATION

Division 3.9, Vegetation Removal, Protection and Preservation, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

#### DIVISION 3.9 VEGETATION REMOVAL, PROTECTION AND PRESERVATION

- 3.9.5.2.6. Protected vegetation proposed for removal is nonnative. Replacement of nonnative vegetation shall be with native vegetation of comparable caliper and area and shall be subject to the approval of the development services director or his/her designee. In the event that comparable caliper or diameter at breast height (dbh) vegetation is not available, smaller dbh trees that total the requisite caliper may be substituted. Under no circumstances will a tree or shrub less than the minimum size requirement for landscaping be accepted. (Exceptions will be granted for removal of nonnative vegetation as listed in Sections 2.4.4.9 through 2.4.4.11. The replacement requirement for this vegetation shall be on a 1:1 basis, using the minimum mitigation size criteria listed under Section 3.9.5.5.4.) Replacement native vegetation shall be planted within 14 calendar days of removal.
- 3.9.5.5.5. Bona fide Agricultural uses shall be exempt from the above preservation requirements provided that any new clearing of land for such agricultural uses shall not be converted to nonagricultural development for at least ten years. For the purpose of this section, the term bona fide agricultural uses shall include the following: crop raising; dairy farming; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; poultry and egg production; livestock raising; and agriculture for native species subject to State of Florida Game and Fresh Water Fish Commission permits. And meets the requirements of section 2.6.24. For any such conversions in less than ten years, the converted land will be restored with native vegetation to the degree required by this code at the time the clearing occurred. The community development and environmental services administrator, or his/her designee, may grant written exemptions to the above preservation requirements on agriculturally zoned property for essential public services (as provided for in section 2.6.9) and cemeteries, where it can be demonstrated that it is in the best interest of the general public to allow a reduction in all or part from the requirements for preservation of existing native vegetation.

#### SECTION 3.H: 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

*Dwelling, single-family or one-family:* A building which 1) contains only one (1) dwelling unit; 2) is intended, designed, used and occupied by no more than one (1) family; 3) meets the minimum width across any front, side or rear elevation of twenty-four (24) feet; and 4) meets the minimum floor area and maximum height requirements of this code. The following conditions are as much a part of the definitions as the principal definition:

- a. The dwelling shall comply with the minimum square footage requirements for single-family dwellings of this code for the district in which it is located.
- b. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the county health department.
- c. The term single-family dwelling may include manufactured homes when placed on permanent foundation. Manufactured homes must meet minimum width, minimum

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

square footage, maximum height and all other requirements applicable to on-site built dwellings.

- d. On-site built as well as manufactured homes must be firmly attached to a permanent foundation constructed on the site in accordance with the county building code.
- e. In the event that a dwelling is a mobile home, it must comply with minimum width and minimum square footage and must be secured to the premises by an anchoring system or device complying with the rules and regulations of the Florida mobile home commission. Each mobile home shall be installed with the wheels under carriage or chassis. A mobile home complying with the rules and regulations of the Florida mobile home commission shall not be considered a single-family dwelling.
- f. A mobile home shall not be permitted in zoning districts which allow single-family dwellings as permitted uses unless the term mobile home is expressly stated as a permitted or conditional use.

*Rural Subdivision:* The division of a parcel of land within the rural area as defined herein, whether improved or unimproved, into ~~two~~ three or more contiguous parcels of land each of which is five acres or greater, and not including any change in a public street, rights-of-way or access easement. The following prior or future divisions of land shall constitute the subdivision of rural lands:

- (a) Lots or parcels within the rural area that are a lot(s) of record as defined herein and identified on the tax roll as of December 31, 1993 or valid contracts for deeds as of the same date, provided they have a private easement reserved or recorded in the public records or a public or private right-of-way that has access to an easement as of December 1993; or,
- (b) Lots or parcels five acres or greater that are created after December 31, 1993 and prior to July 15, 1998 that gain access through the grant of a private access easement or private right-of-way.
- (c) Lots or parcels five acres or greater than that are created after ~~December 31, 1993~~ July 15, 1998 that gain access through the grant of a private access easement or private right-of-way. This form of a rural subdivision shall not be exempt from the preliminary subdivision plat (PSP) process. However, required subdivision improvements and standards shall be reviewed by the development services and environmental services administrator on a case by case basis.

*Sign, construction:* A temporary sign placed in advance of issuance of a certificate of occupancy of a building or structure indicating the name of the building or structure, the architects, the contractors, and other similar information regarding the building or structure. Construction signs do not contain any promotional or sales material. (See division 2.5.)

#### 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 24th day of June, 1998.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

BY: Barbara B. Berry  
BARBARA B. BERRY, CHAIRMAN

ATTEST:

Dwight E. Brock  
DWIGHT E. BROCK, CLERK

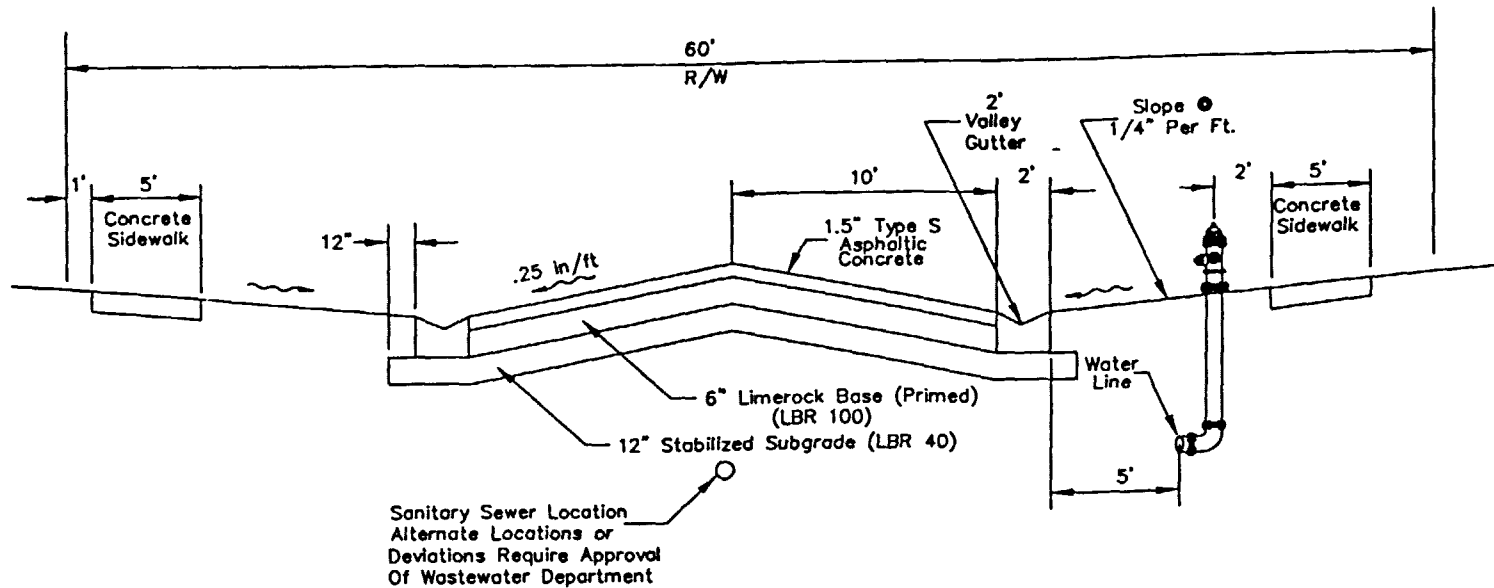
Attest as to Chairman's  
signature as TO FORM AND LEGAL SUFFICIENCY

Marjorie M. Student  
MARJORIE M. STUDENT  
ASSISTANT COUNTY ATTORNEY

JANUARY 98 ORDINANCE/mdf

This ordinance filed with the  
Secretary of State's Office the  
1st day of July, 1998  
and acknowledgement of that  
filing received this 9th day  
of July, 1998  
By Tallia Hoffman  
Deputy Clerk

# COLLIER COUNTY LAND DEVELOPMENT CODE



## Cul-De-Sac

- Notes:
- 1) Asphaltic concrete shall be type S or equal as approved by the county development engineer.
  - 2) Asphaltic concrete sidewalks may be substituted for concrete sidewalks when approved by the county development engineer. Asphalt walks shall be one (1') foot wider than the specified concrete walk. The Asphalt walk shall be: 1" asphalt (type III), 4" limerock base (primed).
  - 3) deviation from suggested location of infrastructure or sidewalk/bike path shall be subject to the development services director.

Note:

1. Cul-de-Sac radius shall be 40' (min) to back of valley gutter.
2. Cul-de-sac R/W radius shall be 60' (min).
3. Cul-de-sacs of 12 lots or less require sidewalk one side only.

Supp. No. 5

REVISIONS	
DATE	BY
5/98	CU

Collier County Development Services Department

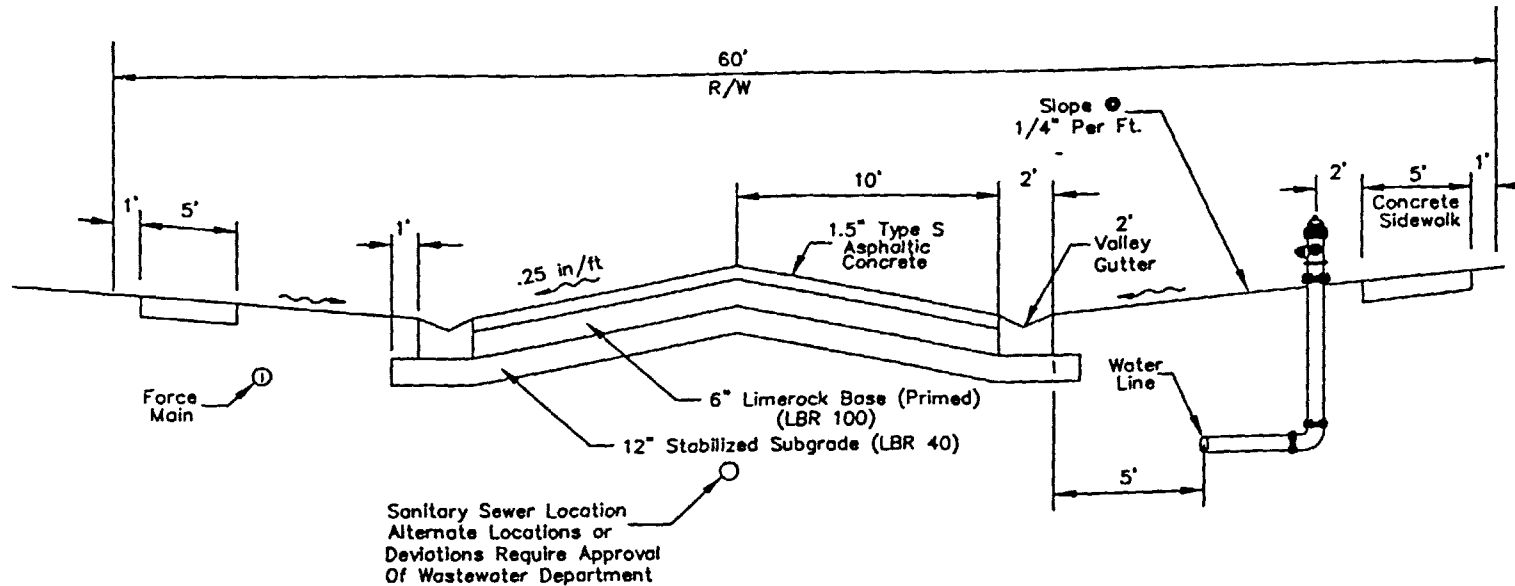
Collier County Subdivision Typical Roadway Section

Scale: 1" = 10'

Date: 6/98

FILE: LDCB4.DWG

## APPENDIX B-TYPICAL STREET SECTIONS



### Local Street

- Notes:**
- 1) Asphaltic concrete shall be type S or equal as approved by the county development engineer.
  - 2) Asphaltic concrete sidewalks may be substituted for concrete sidewalks when approved by the county development engineer. Asphalt walks shall be one (1') foot wider than the specified concrete walk. the Asphalt walk shall be: 1" asphalt (type III), 4" limerock base (primed).
  - 3) deviation from suggested location of infrastructure or sidewalk/bike path shall be subject to the development services director.

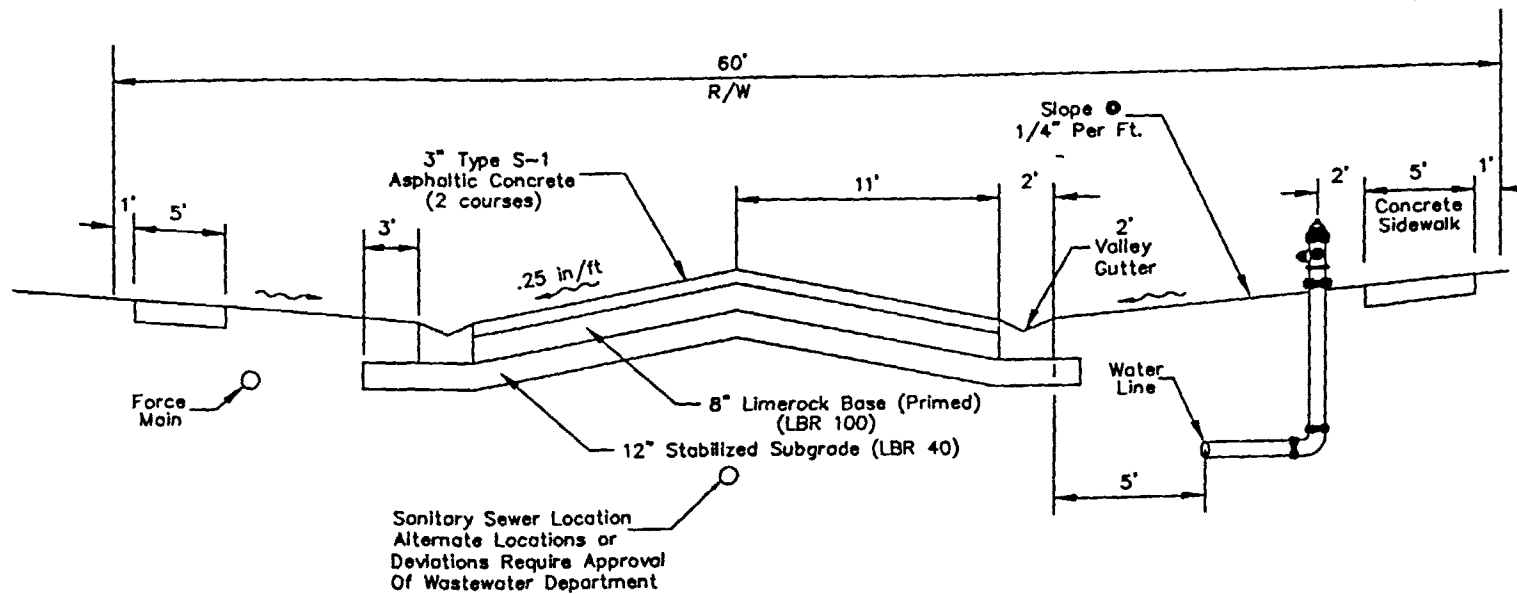
REVISED		DATE	BY	REVISION

Collier County Development  
Services Department

Collier County Subdivision  
Typical Roadway Section

Scale: N.T.S.  
Date: 6/98  
FILE: LCDB5.DWG

# COLLIER COUNTY LAND DEVELOPMENT CODE



## COMMERCIAL/INDUSTRIAL

**Notes:**

- 1) Asphaltic concrete shall be type S or equal as approved by the county development engineer.
- 2) Asphaltic concrete sidewalks may be substituted for concrete sidewalks when approved by the county development engineer. Asphalt walks shall be one (1') foot wider than the specified concrete walk. The asphalt walk shall be: 1" asphalt (type III), 4" limerock base (primed).
- 3) deviation from suggested location of infrastructure or sidewalk/bike path shall be subject to the development services director.
- 4) If roadway is divided, lanes shall be 14' and the minimum right of way shall be expanded proportional for the width of the median and the expanded lane width.
- 5) Center line design curve radius shall be in accordance with the F.D.O.T. manual of uniform minimum standards for design (section III).
- 6) Major & minor collectors require 6' sidewalk on both sides.

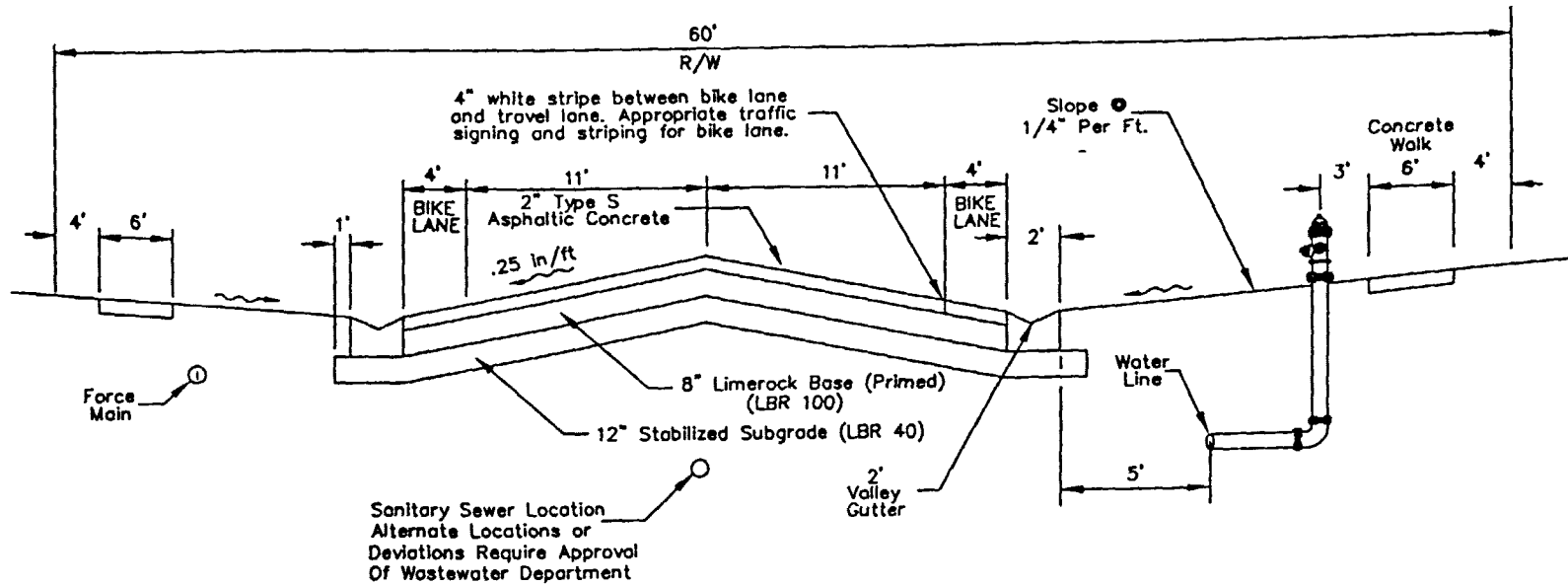
REVISIONS		
DATE	BY	DESCRIPTION
5/98	DL	FOR LDCB USE CASE NUMBER

Collier County Development  
Services Department

Collier County Subdivision  
Typical Roadway Section

Scale: N.T.S.  
Date: 6/98  
FILE: LDCB6.DWG

## APPENDIX B-TYPICAL STREET SECTIONS



### Minor Collector

**Notes:**

- 1). Asphaltic concrete shall be type S or equal as approved by the county development engineer.
- 2). Asphaltic concrete sidewalks may be substituted for concrete sidewalks when approved by the county development engineer. Asphalt walks shall be one (1') foot wider than the specified concrete walk. The asphalt walk shall be: 1" asphalt (type III), 4" limerock base (primed).
- 3). Deviation from the suggested location of infrastructure or sidewalk/bike path shall be subject to the development services director.

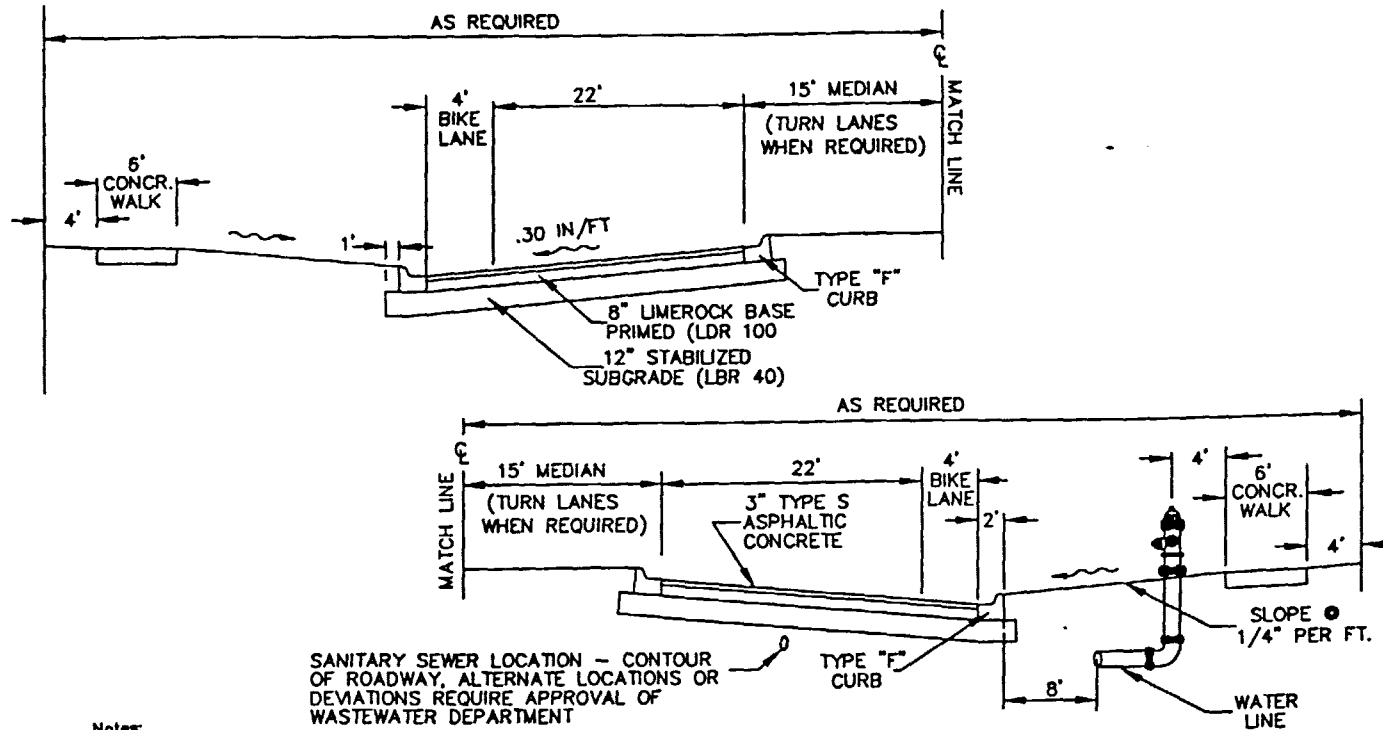
REVISIONS	
NO.	DESCRIPTION

Collier County Development  
Services Department

Collier County Subdivision  
Typical Roadway Section

Scale: N.T.S.  
Date: 6/98  
FILE: LDCB7.DWG

# COLLIER COUNTY LAND DEVELOPMENT CODE



SANITARY SEWER LOCATION - CONTOUR OF ROADWAY, ALTERNATE LOCATIONS OR DEVIATIONS REQUIRE APPROVAL OF WASTEWATER DEPARTMENT

**Notes:**

- 1) Asphaltic concrete shall be type S or equal as approved by the county development engineer.
- 2) Asphaltic concrete sidewalks may be substituted for concrete sidewalks when approved by the county development engineer. Asphalt walks shall be one (1') foot wider than the specified concrete walk. The asphalt walk shall be: 1" asphalt (type III), 4" limerock base (primed).
- 3) Deviation from the suggested location of infrastructure or sidewalk/bike path shall be subject to the development services director.

## Major Collector

DATE	BY	DESCRIPTION
5/78		FOR LDR 100, LBR 40, CONR. WALK

Collier County Development Services Department

Collier County Subdivision Typical Roadway Section

Scale: N.T.S.  
Date: 6/98  
FILE: LDC88.DWG

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. 98-63

Which was adopted by the Board of County Commissioners on the  
24th day of June, 1998, during Special Session.

WITNESS my hand and the official seal of the Board of County  
Commissioners of Collier County, Florida, this 29th day of June, 1998.

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

*Ellie Hoffman*

By: Ellie Hoffman  
Deputy Clerk

