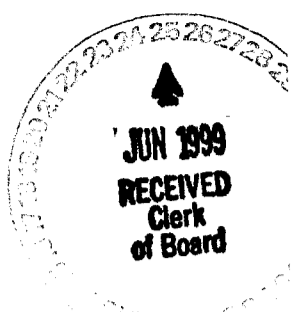


ORDINANCE NO. 99-46

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 2.3. OFF-STREET PARKING AND LOADING; DIVISION 2.5. SIGNS; DIVISION 2.6. SUPPLEMENTAL DISTRICT REGULATIONS; DIVISION 2.7. ZONING ADMINISTRATION AND PROCEDURES; DIVISION 2.8. ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS; ARTICLE 3, DIVISION 3.2, SUBDIVISIONS; DIVISION 3.3. SITE DEVELOPMENT PLANS; DIVISION 3.4. EXPLOSIVES; DIVISION 3.9. VEGETATION REMOVAL PROTECTION AND PRESERVATION; ARTICLE 6, DIVISION 6.3. DEFINITIONS, INCLUDING, BUT NOT LIMITED TO THE DEFINITIONS OF NON-CONFORMING LOTS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.



DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

1999 JUN 22 AM 10:55

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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 May 26, 1999 and June 16, 1999, 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. 1634.3161 et seq. Fla. Stat., and Rule 9J-5, F.A.C.

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

8. Pursuant to Sec. 163.3194(3)(a), Fla. Stat., a development order or land development regulation shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.

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

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 District, 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. 2.2.2. Rural agricultural district (A).

2.2.2.2.1. Permitted uses.

2. Agricultural activities, including, but not limited to: crop raising; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; beekeeping; poultry and egg production; milk production; livestock raising, and aquaculture for native species subject to the State of Florida game and freshwater fish commission permits. The following permitted uses shall only be allowed on parcels 20 acres in size or greater: dairying; ranching; poultry and egg production; milk production; livestock raising; and animal breeding, raising, training, stabling or kenneling. This is not to preclude an individual property owner from the keeping of fowl or poultry, not to exceed 25 in total number, and the keeping of horses and livestock (except for hogs) not to exceed two such animals for each acre, and with not open feedlots, for personal use and not in association with a commercial agricultural activity on parcels less than 20 acres in size.

2.2.2.3. Conditional uses. The following uses are permitted as conditional uses in the rural agricultural district (A) subject to the standards and procedures established in division 2.7.4.

24. Dairying; ranching; livestock raising; poultry and egg production; milk production; livestock raising; animal breeding, raising, training, stabling or kenneling on parcels less than 20 acres in size. This is not to preclude an individual property owner from the keeping of fowl or poultry, not to exceed 25 in total number, and the keeping of horses and livestock (except for hogs) not to exceed two such animals for each acre, and with no open feedlots, for personal use and not in association with a commercial agricultural activity on parcels less than 20 acres in size.

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

25. The commercial production, raising or breeding of exotic animals, other than animals typically used for agricultural purposes or production, subject to the following standards:

- a. Minimum 20 acre parcel size.
- b. Any roofed structure used for the shelter and/or feeding of such animals shall be located a minimum of 100 feet from any lot line.

Sec. 2.2.9. Village residential district (VR).

2.2.9.1. *Purpose and intent.* The purpose and intent of the village residential district (VR) is to provide lands where a mixture of residential uses may exist. Additionally, uses are located and designed to maintain ~~the~~ a village residential character ~~of the VR district~~ which is generally low profile, relatively small building footprints as is the current appearance of Goodland and Copeland. The VR district corresponds to and implements the mixed residential land use designation on the Immokalee future land use map of the Collier County growth management plan. It is intended for application in those urban areas outside of the coastal urban area designated on the future land use map of the Collier County growth management plan, though there is some existing VR zoning in the coastal urban area. The maximum density permissible in the village residential district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County growth management plan. The maximum density permissible or permitted in the VR a district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element, or as designated on the Immokalee future land use map of the growth management plan.

2.2.9.4. *Dimensional standards.* The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the village residential district (VR).

		Single-Family Dwelling and Mobile Home	Duplex	Multiple-Family Dwelling	Accessory Uses	Conditional Uses
1.	Minimum lot area	6,000 square feet	10,000 square feet	1 acre	N/A	1 acre
2.	Minimum lot width	60 feet	100 feet	150 feet	N/A	100 feet
3.	Minimum yard requirement:					
	Front yard	20 feet	35 feet	35 feet	Section 2.6.2	35 feet
	Side yard	5 feet*	15 feet	15 feet	Section 2.6.2	15 feet

	Rear yard	20 feet	30 feet	30 feet	Section 2.6.2	30 feet
	*Waterfront: 10 feet.					
4.	Maximum height*	30 feet	30 feet	35 feet	15 feet	50 feet
5.	Maximum density**	7.26 units/ gross	8.71 units/ gross	14.52 units/ gross	N/A	N/A
6.	Distance between structures	N/A	N/A	1/2 sum of the building height	N/A	
7.	Minimum floor area. (Reserved.)					
8.	Maximum lot coverage. (Reserved.)					
9.	Off-street parking and loading. As required in division 2.3.					
10.	Landscaping. As required in division 2.4.					

* No building may contain more than three levels of habitable space.

** Actual maximum density shall be determined through the application of the density rating system, or applicable policies contained in the future land use element, or the Immokalee future land use map established in the Collier County growth management plan, not to exceed the above specified density for each use.

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

2.2.12.1. *Purpose and intent.* The C-1 commercial professional district is intended to permit those uses which minimize pedestrian and vehicular traffic. The provisions of the C-1 district are intended to apply to areas located adjacent to highways and arterial roads. Landscaping, controlled ingress and egress, and other restrictions are intended to minimize frequent ingress and egress to the highway from abutting uses. The C-1 district is designed to be compatible with all residential uses, as well as residential uses located along arterials. The C-1/T commercial professional/transitional district is intended to apply to those areas that are transitional, and located between areas of higher and lower intensity development ~~that are no longer appropriate for residential development.~~ The uses in this district are ~~intended as an alternative to retail, office, low intensity service uses, and limited residential uses that~~ meet the intent of the C-1/T commercial professional/transitional district. Those areas identified as transitional (C-1/T) shall be further noted on the official zoning atlas. The commercial professional district and the commercial professional/transitional district are consistent with the locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan. The maximum density permissible in the commercial professional district and the commercial professional/transitional district ~~in the urban mixed use land use designation~~ shall be as provided for herein. ~~guided, in part, by the density~~

~~rating system contained in the future land use element of the Collier County growth management plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system. The C-1/T zoning district, where utilized to meet the intent of the commercial under criteria provisions office and infill commercial subdistrict provisions of the future land use element of the comprehensive growth management plan, shall only be applied one time to serve as transitional use and will not be permitted to expand adjacent to other C-1/T commercial zoning obtained via consistency with the office and infill commercial subdistrict provisions. The only exception is the expansion of C-1/T zoning that was approved pursuant to the zoning reevaluation program.~~

2.2.12.2. *Permitted uses.* The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the C-1 commercial professional district and the C-1/T commercial professional/transitional district.

2.2.12.2.1. *Permitted uses.*

1. Accounting, auditing and bookkeeping services (8721).
2. Automobile parking (7521).
3. Barber shops (7241).
4. Beauty shops (7231).
- ~~3-5.~~ Business services (groups 7311, 7313, 7322-7331, 7338, 7361, 7371, 7372, 7374-7376, 7379).
- ~~4-6.~~ Child day care services (8351).
- ~~5-7.~~ Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. 4-193 F.A.C.; all subject to section 2.6.26.
- ~~6-8.~~ Offices for engineering, architectural, and surveying services (groups 0781, 8711-8713).
- ~~7-9.~~ Health services (8011-8049).
- ~~8-10.~~ Individual and family social services (8322 activity centers, elderly or handicapped; adult day care centers; and day care centers, adult and handicapped only).
- ~~9-11.~~ Insurance carriers, agents and brokers (groups 6311-6399, 6411).
- ~~10-12.~~ Legal services (8111).
- ~~11-13.~~ Management and public relations services (groups 8741-8743, 8748).
- ~~12-14.~~ Miscellaneous personal services (7291).
- ~~13-15.~~ Museums and art galleries (8412).
- ~~14-16.~~ Nondepository credit institutions (groups 6141-6163).
- ~~15-17.~~ Photographic studios (7221).

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

18. Physical fitness facilities (7991).

19. Real estate (groups 6531-6541).

20. Shoe repair shops and shoeshine parlors (7251).

~~16-21.~~ Any other commercial use or professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business, and are purely associated with activities conducted in an office.

2.2.12.2.2. *Uses accessory to permitted uses.*

1. Uses and structures that are accessory and incidental to the uses permitted as of right in the C-1, C-1/T district.
2. Caretaker's residence, subject to section 2.6.16.

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

1. Civic, social and fraternal associations (8641).
2. Depository institutions (groups 6011-6099).
3. Educational services (8211-8231).
4. Health service (8011-8049).
5. Homeless shelters, as defined by this code.
6. Increased building height to a maximum of 50 feet.
7. Mixed residential and commercial uses subject to the following criteria:
 - a. A site development plan is approved pursuant to division 3.3. that is designed to protect the character of the residential uses and of the neighboring lands;
 - b. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
 - c. The residential uses are designed so that they are compatible with the commercial uses;
 - d. Residential dwelling units are located above principal uses;
 - e. Residential and commercial uses do not occupy the same floor of a building;
 - f. The number of residential dwelling units shall be controlled by the dimensional standards of the C-1, C-1/T district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building ~~or the density permitted under the growth management plan;~~

- g. Building height may not exceed two stories;
- h. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
- ~~i. The residential dwelling units shall be restricted to occupancy by the owners or lessees of the commercial units below;~~
- ~~j.i.~~ A minimum of 30 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
- ~~k.j.~~ The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular accessways and parking areas from residential units, to the greatest extent possible.

8. Nursing and personal care facilities (8082).

9. Funeral service and crematories (7261).

~~9.~~ 10. Religious organizations (8661).

~~10.~~ 11. Soup kitchens, as defined by this code.

~~11.~~ 12. Veterinarian's office (0742), excluding outdoor kenneling.

2.2.12.4. *Dimensional standards.* The following dimensional standards shall apply in the C-1, C-1/T district. Where specific development criteria and standards also exist in the Golden Gate Master Plan, Immokalee Master Plan or the future land use element of the Collier County growth management plan, they shall supersede any less stringent requirement or place additional requirements on development.

2.2.12.4.1. *Minimum lot area.* 20,000 square feet.

2.2.12.4.2. *Minimum lot width.* 100 feet.

2.2.12.4.3. *Minimum yard requirements.*

1. *Front yard.* 25 feet.

2. *Side yard.* ~~15 feet.~~ one – half of the building height as measured from each exterior wall with a minimum of fifteen (15) feet.

3. *Rear yard.* 15 feet.

4. *Minimum yard requirement from any residentially zoned or uses property.* 25 feet.

2.2.12.4.4. *Maximum height of structures.* 35 feet.

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- 2.2.12.4.5. *Minimum floor area of principal structure.* 1,000 square feet for each building on the ground floor.
- 2.2.12.4.6. *Maximum lot coverage.* (Reserved.)
- 2.2.12.4.7. *Floor area ratio.* (Reserved.)
- 2.2.12.4.8. *Minimum off-street parking and off-street loading.* As required in division 2.3.
- 2.2.12.4.9. *Landscaping.* As required in division 2.4.
- 2.2.12.4.10. *Lighting.* The maximum height of lights shall be 25 feet. Lights shall be located so that no light is aimed directly toward a property designated residential, which is located within 200 feet of the source of the light.
- 2.2.12.5. *Signs.* As required in division 2.5.
- ~~2.2.12.6. *Additional standards for C-1/T.* The following standards shall apply to the C-1/T district in addition to the corresponding standards indicated above. These requirements are mandated in the future land use element of the growth management plan.~~
- ~~2.2.12.6.1. *Maximum lot width.* 200 feet.~~
- ~~2.2.12.6.2. *Maximum floor area.* 25,000 square feet.~~
- ~~2.2.12.6.3. *Traffic generation.* The proposed use must not generate in excess of five percent of level of service C peak hour volume design capacity on abutting streets that provide access to the project.~~
- ~~2.2.12.6.4.~~
- 2.2.12.6. *Architectural and site design standards.* All commercial buildings and projects shall be subject to the provisions of division 2.8.
- Sec. 2.2.13. Commercial convenience district (C-2).**
- 2.2.13.4.3. *Minimum yard requirements.*
1. *Front yard.* 25 feet.
 2. *Side yard.* 25 feet one-half of the building height as measured from each exterior wall with a minimum of fifteen (15) feet.
 3. *Rear yard.* 15 feet.
- Sec. 2.2.14. Commercial intermediate district (C-3).**
- 2.2.14.4.3. *Minimum yard requirements.*
1. *Front yard.* 25 feet.
 2. *Side yard.* 15 feet one-half of the building height as measured from each exterior wall with a minimum of fifteen (15) feet.
 3. *Rear yard.* 15 feet.

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

2.2.15.3. *Conditional uses for C-4.* The following uses are permitted as conditional uses in the general commercial district (C-4), subject to the standards and procedures established in division 2.7.4.

1. Agricultural services (groups 0741-0742, 0752, with outdoor kenneling).
2. Amusement and recreation services, outdoor (groups 7948, 7992, 7996, 7999).
3. Auctioneering services, auction rooms (7389, 5999).
4. Automotive dealers and gasoline service stations (groups 5521, 5551, 5561, 5599 outdoor display permitted).
5. Automotive rental and leasing, outdoor display permitted (groups 7513, 7519).
6. Bottle clubs. (All establishments engaged in the retail sale of alcoholic beverages for the on-premise consumption are subject to the locational requirements of section 2.6.10.)
7. Fishing, hunting and trapping (groups 0912--0919).
8. Fuel dealers (groups 5983--5989).
9. Homeless shelters, as defined by this code.
10. Hotels and motels (groups 7011, 7021, 7041 when located outside an activity center).
11. Justice, public order and safety (groups 9222--9224).
12. Kiosks.
13. ~~Motion picture theaters (7833).~~ Local and suburban transit (groups 4111-4121, bus stop and van pool stop only).
14. ~~Communication towers above specified height, subject to section 2.6.35.~~ Motion picture theaters (7833).
15. ~~Permitted use with less 700 square feet of gross floor area in the principal structure.~~ Communication towers above specified height, subject to section 2.6.35.
16. ~~Soup kitchens as defined by this code.~~ Permitted use with less than 700 square feet of gross floor area in the principal structure.
17. Soup kitchens as defined by this code.

2.2.15.4.3. *Minimum yard requirements.*

1. *Front yard.* 25 plus one foot for each one foot of building height over 50 feet.
2. *Side yard.* 15 feet one-half of the building height as measured from each exterior wall with a minimum of fifteen (15) feet.
3. *Rear yard.* ~~Zero or 5 feet~~ 15 feet.

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

Sec. 2.2.15½. Heavy commercial district (C-5) .

2.2.15½.4.3. Minimum yard requirements.

1. *Front yard.* 25 feet, plus one foot for each one foot of building height over 50 feet.
2. *Side yard.* – ~~15 feet~~ one-half of the building height as measured from each exterior wall with a minimum of fifteen (15) feet.
3. *Rear yard.* ~~Zero feet or 5 feet~~ 15 feet.

Sec. 2.2.16. Industrial district (I).

2.2.16.2.1. Permitted uses.

1. Agricultural services (groups 0711, except that chemical treatment of soil for crops, fertilizer application for crops and lime spreading for crops shall be a minimum of 500 feet from a residential zoning district, 0721, except that aerial dusting and spraying, disease control for crops, spraying crops, dusting crops, and insect control for crops (with or without fertilizing) shall be a minimum of 500 feet from a residential zoning district, 0722-0724, 0761, 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).
6. Building construction (groups 1521-1542).
7. Business services (groups 7312, 7313, 7319, 7334-7336, 7342-7389, including auction rooms (5999), subject to parking and landscaping for retail use).
8. Communications (groups 4812-4899 including communications towers up to specified heights, subject to section 2.6.35).
9. Construction--special trade contractors (groups 1711-1799).
10. Depository and nondepository institutions (groups 6011-6163).
11. Eating places (5812).
12. Educational services (8243--8249).
13. Electronic and other electrical equipment (groups 3612--3699).
14. Engineering, accounting, research, management and related services (groups 8711--8748).
15. Fabricated metal products (groups 3411--3479, 3491--3499).
16. Food and kindred products (groups 2011--2099 except slaughtering plants).
17. Furniture and fixtures (groups 2511--2599).

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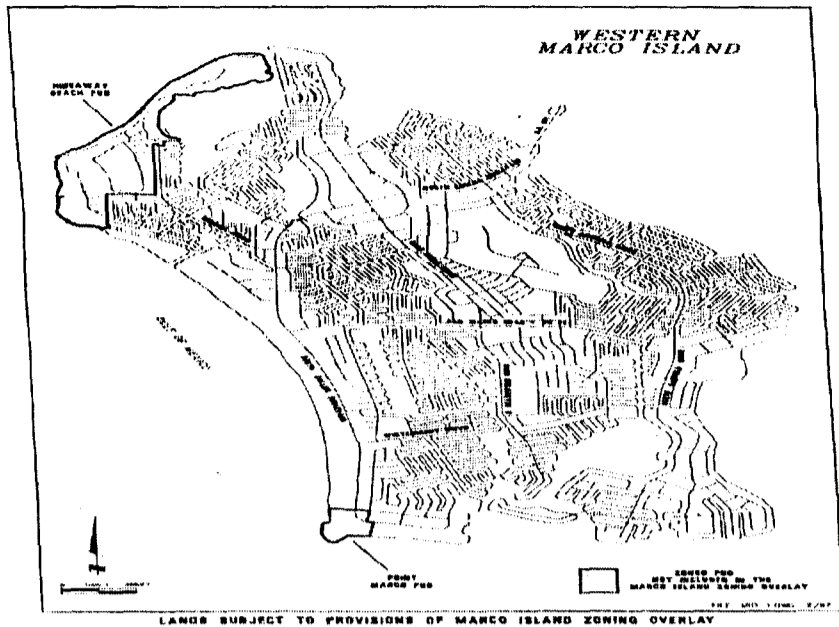
18. Gunsmith shops (group 7699) with accessory shooting range for testing and training except for outdoor shooting ranges.
19. Heavy construction (groups 1611--1629).
20. Health services (8011 accessory to industrial activities conducted on-site only).
21. Industrial and commercial machinery and computer equipment (3511--3599).
22. Leather and leather products (groups 3131--3199).
23. Local and suburban transit (groups 4111--4173).
24. Lumber and wood products (groups 2426, 2431--2499).
25. Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (groups 3812--3873).
26. Membership organizations (groups 8611, 8631).
27. Miscellaneous manufacturing industries (groups 3911--3999).
28. Miscellaneous repair services (groups 7622-7699) with no associated retail sales.
- ~~28-29.~~ Motor freight transportation and warehousing (groups 4212, 4213--4225, 4226 except oil and gas storage, and petroleum and chemical bulk stations).
- ~~29-30.~~ Paper and allied products (2621--2679).
- ~~30-31.~~ Personal services (groups 7211-7219).
- ~~31-32.~~ Physical fitness facilities (7991).
- ~~32-33.~~ Printing, publishing and allied industries (groups 2711--2796).
- ~~33-34.~~ Railroad transportation (4011, 4013).
- ~~34-35.~~ Rubber and miscellaneous plastics products (groups 3021, 3052, 3053).
- ~~35-36.~~ Stone, clay, glass, and concrete products (groups 3221, 3251, 3253, 3255--3273, 3275, 3281).
- ~~36-37.~~ Textile mill products (groups 2211--2221, 2241--2259, 2273-2289, 2297, 2298).
- ~~37-38.~~ Transportation equipment (groups 3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799).
- ~~38-39.~~ Transportation by air (groups 4512--4581 except airports and flying fields).
- ~~39-40.~~ Transportation services (groups 4731--4783, 4789 except stockyards).
- ~~40-40.~~ United States Postal Service (4311).

- 41.42. Welding repair (7692).
- 42.43. Wholesale trade--durable goods (groups 5012--5014, 5021--5049, 5063--5092, 5094--5099).
- 43.44. 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).
- 44.45. Any other use which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the district.

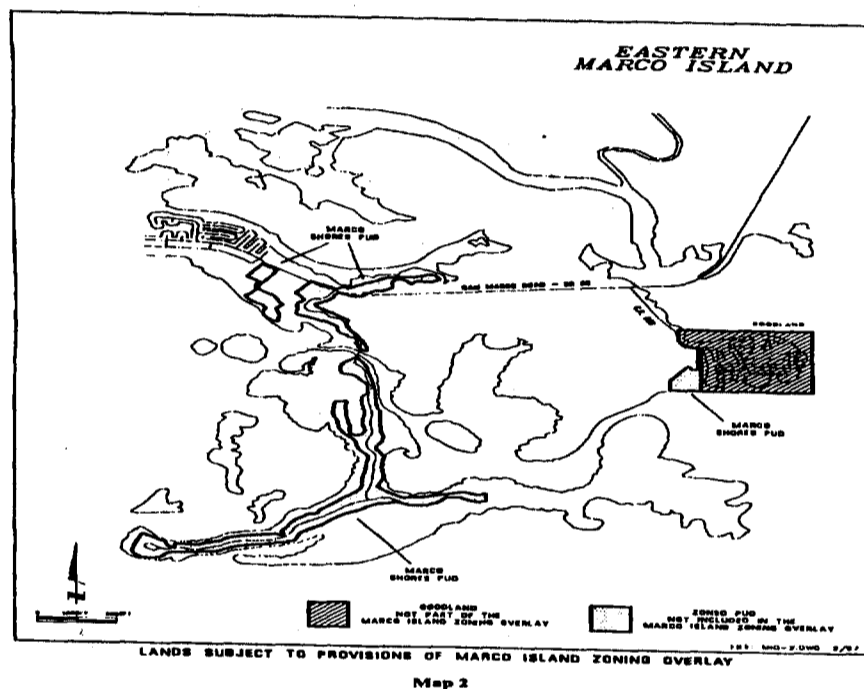
Sec. 2.2.27. Marco Island Overlay District (MIZO).

~~2.2.27.1. *Purpose and intent.* The following design guidelines and development standards are intended to assure orderly and appropriate development on Marco Island, while still providing sufficient flexibility for the property owner and design professional. This document is intended to provide regulation and direction under which the growth and development of Marco Island can occur with assurance that the tropical, small town environment of Marco Island is protected and preserved, and that development and redevelopment reflect the unique residential and commercial characteristics of the island.~~

~~2.2.27.2. *Geographic boundaries.* These guidelines and standards apply to those lands covered by the Marco Island Master Plan. This includes the land from the Jolly Bridge southward and abutting the Gulf of Mexico to the west, Caxambas Pass and Caxambas Bay to the south, and Big Marco Pass to the northwest, Big Marco River to the north and northeast, and Barfield Bay to the southeast. This above described area includes all of the following platted subdivisions as well as any future subdivision of land within the area covered by the Marco Island Master Plan; Marco Beach Subdivision, Units 1 through 13, 15, 21, 22, 23, and 25; Collier City Subdivision and Old Marco Village Subdivision (a/k/a "Old Marco"); Marco Highlands and Marco Highlands Addition (a/k/a "The Highlands"); Krapf Subdivision; J.M. Barfield Subdivision; Caxambas Estates 2nd Replat and Seven Sailors Subdivision. These regulation do not apply to the area known as Goodland, or any areas in the Marco Shores PUD/DRI, including the Key Marco Development (a/k/a "Horr's Island"), Cape Marco PUD, and Hideaway Beach PUD. The areas included in Marco Island Zoning Overlay District are denoted on the official Collier County Zoning Atlas Maps by the designation MIZO following the zoning designation.~~



Map 1 above is hereby deleted in its entirety.



Map 2 above is hereby deleted in its entirety.

~~2.2.27.3. *Applicability.* These standards and guidelines are applicable to the above described geographic area. These regulations are intended to supplement the existing land development regulations found in this Code, and to thereby implement the policies, goals and objectives found in the Marco Island Master Plan. In the event of a conflict between other provisions of this Code and these regulations, these regulations contained in this overlay shall apply.~~

~~2.2.27.4. *Exceptions to these design guidelines and development standards.* Exceptions to the development standards may be approved by the board of zoning appeals subject to the procedures and conditions set forth in section 2.7.5 of this Code, and pursuant to the PUD procedures set forth in section 2.7.3 of this Code.~~

~~2.2.27.5. *Nonconforming uses and structures.* All projects having been granted a final site development plan, or building permit approval prior to the effective date of this section, but such do not comply with the standards contained herein, shall be considered legal nonconforming structures and/or uses. Structures and/or uses in existence as of the date of adoption of this overlay district which are not consistent with the provisions set forth herein, shall enjoy all of the rights accorded to a conforming use,~~

Words struck through are deleted, words underlined are added.

~~subject to all other applicable county codes and ordinances, except that noneconforming signs shall be subject to the provisions of section 2.2.26.10.2.2.4 of this Code. Changes in noneconforming uses shall be permitted in accordance with Division 1.8 of this Code. Redevelopment shall adhere to the conditions found in Division 1.8 of this Code. All lots of record, as defined in this Code, which do not conform to the standards set forth herein, shall be considered noneconforming lots of record and shall be afforded all rights granted to such as set forth in this Code.~~

~~2.2.27.6. Lands designated residential on the future land use map of the Marco Island Master Plan.~~

~~2.2.27.6.1. *Single family.* Single family structures are permitted in the low density residential district set forth in the land use designation description section of the future land use element of the Marco Island Master Plan.~~

~~2.2.27.6.1.1. Permitted, conditional and accessory uses. As found within section 2.2.4, residential single family districts (RSF), of this Code.~~

~~2.2.27.6.1.2. *Development standards.* As found within section 2.2.4.4, dimensional standards, of this Code, except as noted below:~~

~~1. *Minimum yard requirements.*~~

~~a. *Front yard:* 25 feet.~~

~~b. *Side yard:*~~

~~1. Lots with 100 feet or more of street frontage eight feet.~~

~~2. Corner lots with frontage of 100 feet or more on one public street eight feet.~~

~~3. Lots with less than 100 feet of street frontage seven and one half feet.~~

~~2. *Maximum height:*~~

~~a. *Principal structures.* 35 feet, as measured from FEMA minimum required flood elevation, or, where no minimum FEMA elevation has been established, from the required first finished floor elevation.~~

~~b. *Accessory structures.* 20 feet, as measured from existing ground elevation, on average, of the subject parcel, except for attached screen enclosures which may equal the maximum height permitted for the principal structure.~~

~~3. *Minimum floor area:* 1,500 square feet of living area.~~

~~4. *Maximum density:* Four dwellings units per acre.~~

~~2.2.27.6.1.3. *Design standards and guidelines.* [Reserved.]~~

~~2.2.27.6.2. *Multi family.* Multi family structures are permitted in the medium and high density residential districts set forth in the land use designation description section of the future land use element of the Marco Island Master Plan.~~

~~2.2.27.6.2.1. *Permitted, conditional and accessory uses.* As found within sections 2.2.5, RMF 6; 2.2.6, RMF 12; and 2.2.7, RMF 16; of the land~~

Words struck through are deleted, words underlined are added.

~~development code based on the underlying zoning designation of the property.~~

~~2.2.27.6.2.2. *Development standards.* As found within sections 2.2.5.4, dimensional standards (RMF 6); 2.2.6.4, dimensional standards (RMF 12); and 2.2.7.4, dimensional standards (RMF 16); of this Code based on the underlying zoning designation of the property, and as set forth below:~~

- ~~1. *Minimum yard requirements.*
 - ~~a. *Waterfront yard:* 20 feet at a minimum.~~~~
- ~~2. *Maximum density:* Density within districts allowing for multi-family residences shall not exceed the density set forth for medium and high density residential districts, as the case may be, as set forth in the future land use element of the Marco Island Master Plan.~~

~~2.2.27.6.2.3. *Design standards and guidelines.* [Reserved.]~~

~~2.2.27.6.3. *Residential mixed use.* The Marco Island Master Plan, in the residential mixed use district, limits residential dwellings to multi-family structures. Hotels, motels, timeshare and family care facilities are permitted. Non-residential uses permitted in this district are limited to those that are compatible with and/or support the character of the area. These uses include: parks, open space and recreational uses, churches, schools, libraries, cemeteries and essential services as defined in section 2.6.9, essential services of this Code.~~

~~2.2.27.6.3.1. *Permitted, conditional and accessory uses.* As provided for in section 2.2.8, residential tourist district, of this Code. Parks and open spaces shall be permitted uses. Recreational uses which are not accessory to a permitted principal use, school, cemetery or library shall be conditional uses and essential services shall either be permitted or conditional uses as set forth in section 2.6.9, essential services, of this Code.~~

~~2.2.27.6.3.2. *Development standards.* As found within section 2.2.8.4, dimensional standards, of this Code or as may otherwise be provided within a PUD zoning district.~~

~~2.2.27.6.3.3. *Design standards and guidelines.* [Reserved.]~~

~~2.2.27.7. *Lands designated commercial on the future land use map of the Marco Island Master Plan.*~~

~~2.2.27.7.1. *Development and dimensional standards, and design guidelines for commercial, mixed use and multi family developments.* All of the properties designated commercial on the future land use map of the Marco island Master Plan allow for mixed residential and commercial development. These districts are: the Village Commercial District; the Community Commercial District; and the Town Center/Mixed Use District. Additionally, the Village Commercial and Town Center/Mixed Use Districts allow for residential multi-family uses. The dimensional and development standards provided in this Code for the underlying zoning district shall apply, except as otherwise provided for below. The Master Plan calls for the creation of development standards to be applied in the case of mixed use or residential development within areas designated commercial on the Marco Island Master Plan Future Land Use Map. This overlay district will be amended as necessary as development standards for specific districts are developed. In the interim, the following~~

~~procedures for mixed use or residential development on property designated commercial by the Marco Island Master Plan shall apply.~~

~~2.2.27.7.1.1.~~

~~Mixed use developments. Projects proposing both residential multi-family and commercial uses for a single project or building on lands designated commercial on the Marco Island Master Plan shall adhere to the following procedures:~~

- ~~1. *Projects equal to or greater than one acre in size.* Mixed use developments may be requested in the form of a PUD. All of the provisions of section 2.2.20, planned unit development district, of this Code shall apply to a mixed use PUD, except that the minimum size shall be one acre.~~
- ~~2. *Projects less than one acre in size.* Mixed use projects may be requested subject to the provisions and procedures set forth in section 2.7.4., conditional use procedures, of this Code. The conditional use application shall include the submittal of a site development or site improvement plan which addresses the provisions set forth in section 2.6.26.7.2, additions, site improvements and redevelopment.~~

~~2.2.27.7.1.1.2.~~

~~Residential multi family developments. Projects proposing to develop only multi family residential on lands designated commercial on the Marco Island Master Plan shall adhere to the following procedures:~~

- ~~1. *Multi family residential development on projects equal to or greater than one acre in size.* Multi family development shall be permitted on projects equal to or greater than one acre in size where such lands are currently zoned to allow for such as use and density of units per acre, or where a PUD rezone is proposed. In the case of a PUD rezone, all of the provisions of section 2.2.20, of this Code shall apply to a multi family PUD, except that the minimum size shall be one acre. Where this overlay is silent with respect to development standards for residential development in a commercial district or subdistricts, the developments standards for the RMF-12 district shall be utilized as a guideline for the PUD.~~
- ~~2. *Multi family residential development on projects less than one acre in size.* Multi family development shall be permitted where the underlying zoning on the property permits residential multi-family uses, subject to the density provisions of the underlying zoning district and the Marco Island Master Plan. Where the underlying zoning does not permit multi family uses, such use may be requested subject to the provisions and procedures set forth in section 2.7.4, conditional use procedures, of this Code. The conditional use application shall include the submittal of a site development or site improvement plan, as is applicable, which addresses the provisions set forth in section 2.6.26.7.2, additions, site improvements and redevelopment. Where the underlying zoning permits residential multi family uses at a density less than that permitted by the Marco Island Master Plan, the property may be rezoned to an appropriate district allowing a density which does not exceed that permitted by the future land use element of the Marco Island Master Plan.~~

~~2.2.27.7.1.1.3.~~

~~*Commercial developments.* Projects proposing only commercial uses with no residential component, located in a commercial zoning district which permits the proposed commercial use(s) shall adhere to the development standards set forth in said zoning district. Projects proposing commercial uses with no residential component, located in a residentially zoned~~

Words struck through are deleted, words underlined are added.

~~district shall be required to rezone to an appropriate commercial district or may rezone to a PUD zoning district subject to the provisions of section 2.2.20, of this Code, except that the minimum size shall be one acre.~~

~~2.2.27.7.1.2. *Community commercial district.* The purpose of this district is to provide for centers of activity that serve the needs of the surrounding community. The five separate areas designated community commercial on the Marco Island Future Land Use Map, are further identified below as sub-districts. Due to the unique nature of each of these sub-districts and the surrounding neighborhoods, the following specific sub-district development standards have been developed.~~

~~2.2.27.7.1.2.1. *Collier Boulevard Pedestrian Tourist Sub-District.* This sub-district is characterized by neighborhood commercial uses, and other commercial uses which cater to both tourists and year round residents. This sub-district is further identified as follows: Collier Boulevard Pedestrian Tourist Sub-District North, located along the east side of Collier Boulevard, in close proximity to the Gulf of Mexico, north of San Marco Road (SR 92); and, Collier Boulevard Pedestrian Tourist Sub-District South, also located on the east side of Collier Boulevard, in close proximity to the Gulf of Mexico, south of San Marco Road. The boundaries of the Collier Boulevard Pedestrian Tourist District are depicted on Map No. 3 and Map No. 4 below. Both the North and South Collier Boulevard Pedestrian Tourist Sub-Districts are located in close proximity to, and thus serve, thousands of time share, hotel and multi-family dwelling units.~~

~~ease shall the separation between structures be less than ten feet.~~

~~2. *Mixed use:* Mixed use development is permitted subject to the provisions set forth in section 2.2.27.7.1, of this Code. Residential units located on the first floor shall be structurally separated from commercial units and shall have separate and distinct entryways and shall not be located adjacent to collector or arterial roadways.~~

~~a. *Minimum dwelling unit area:* Efficiency—450 square feet; one bedroom—600 square feet; two or more bedrooms—750 square feet.~~

~~b. *Maximum density:* 12 units per acre.~~

~~3. *Commercial and mixed use.* The following development standards apply to all development within the Collier Boulevard Pedestrian Tourist Sub-District.~~

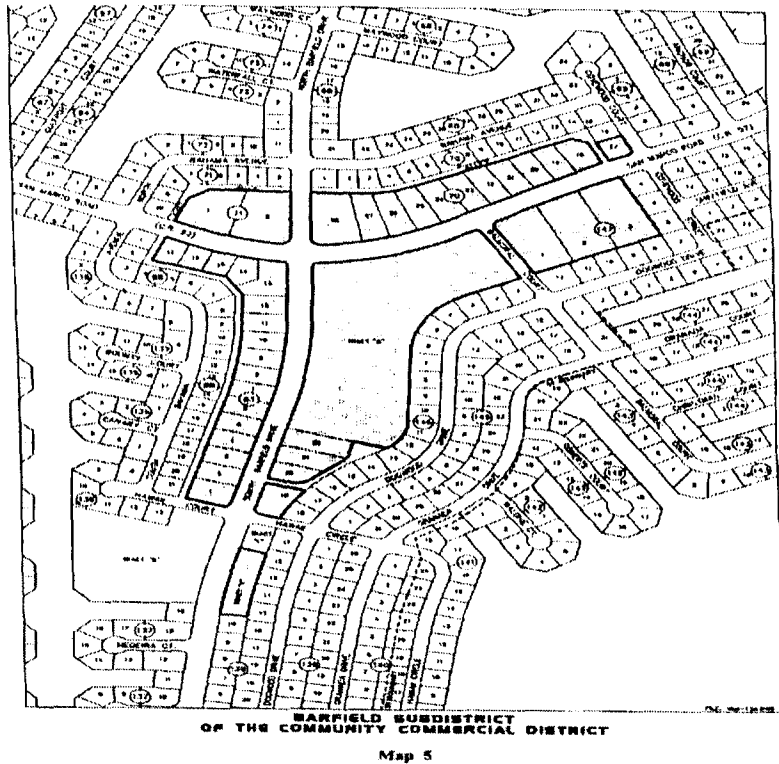
~~a. *Maximum height:* Three habitable stories, whether residential or commercial, not to exceed 40 feet.~~

~~b. *Parking:* The minimum number of off-street parking spaces shall be required on-site, as provided for in Division 2.3 of this Code, unless one of the following is approved: an off-site or shared parking petition pursuant to the requirements and procedures set forth in Division 2.3 of this Code; a variance from the required number of parking spaces as provided for in section 2.7.5 of this Code; or, with the submission of a multiple site improvement plan (MSIP) or site development plan (SDP), pursuant to the provisions of section 2.2.27.7.2, two or more adjacent projects located within the boundaries of the Collier Boulevard Pedestrian Tourist Sub-District may be approved for a 15 percent reduction in the required amount of on-site parking. Additionally, where the combined commercial square footage of the two or more adjacent projects is equal to or greater than 20,000 square feet, required parking may be based on the ratio provided in Division 2.3 for shopping centers. The 20 percent limitation on restaurant square footage within a shopping center set forth in Division 2.3, of this Code may be increased to 30 percent.~~

~~Parking areas located off alleys shall be exempt from the provisions of sections 2.3.4.11.9 and 2.3.4.12.4 of this Code and may be utilized to accommodate loading, employee parking, solid waste pick up and other service functions. Parking areas required to support residential uses shall be primarily located along the alley.~~

~~2.2.27.7.1.2.1.3. *Commercial design guidelines:* Subject to the provisions of Division 2.8, Architectural and Site Design Standards for Commercial Buildings and Projects.~~

~~2.2.27.7.1.2.2. *Barfield Sub-District.* This sub-district is located at the intersection of Barfield Drive and San Marco Road (SR 92). This sub-district is predominantly developed with neighborhood commercial type uses including a large grocery, drug and hardware store, restaurants and various retail shops. The Barfield Sub-District is surrounded by established single family neighborhood. The boundaries of the Barfield Sub-District are depicted on Map No. 5 below.~~



Map 5 above is hereby deleted in its entirety.

~~2.2.27.7.1.2.2.1. Permitted, conditional and accessory uses. As permitted in the underlying zoning district, except that mixed use development is permitted, subject to the provisions set forth in section 2.2.27.7.1 of this Code. All uses and structures that are accessory and incidental to multi family dwellings, as provided for in section 2.2.6.2.2 of this Code, shall be permitted in conjunction with an approved mixed use development.~~

~~2.2.27.7.1.2.2.2. Development standards:~~

~~1. Commercial uses. The development standards for the underlying zoning district shall apply, except as follows:~~

~~a. Required yards: As set forth in the underlying zoning district, except as follows:~~

~~1. Rear yard: 25 feet.~~

~~2. Side yard: Zero or 15 feet at a minimum except where the adjacent parcels are developed, in which case the required side yard may be zero to 15 feet however in no case shall the separation between structures be less than ten feet.~~

~~2. Mixed use: Mixed uses are permitted subject to the provisions set forth in section 2.2.27.7.1. Residential components of any development shall either be located in an independent multi family structure, or located above commercial uses if located within a mixed-use structure. Residential units shall not be located on the first floor of any mixed use structure.~~

~~a. Minimum dwelling unit area: Efficiency 450 square feet; one bedroom 600 square feet; two or more bedrooms 750 square feet.~~

~~b. Maximum density: 12 units per acre.~~

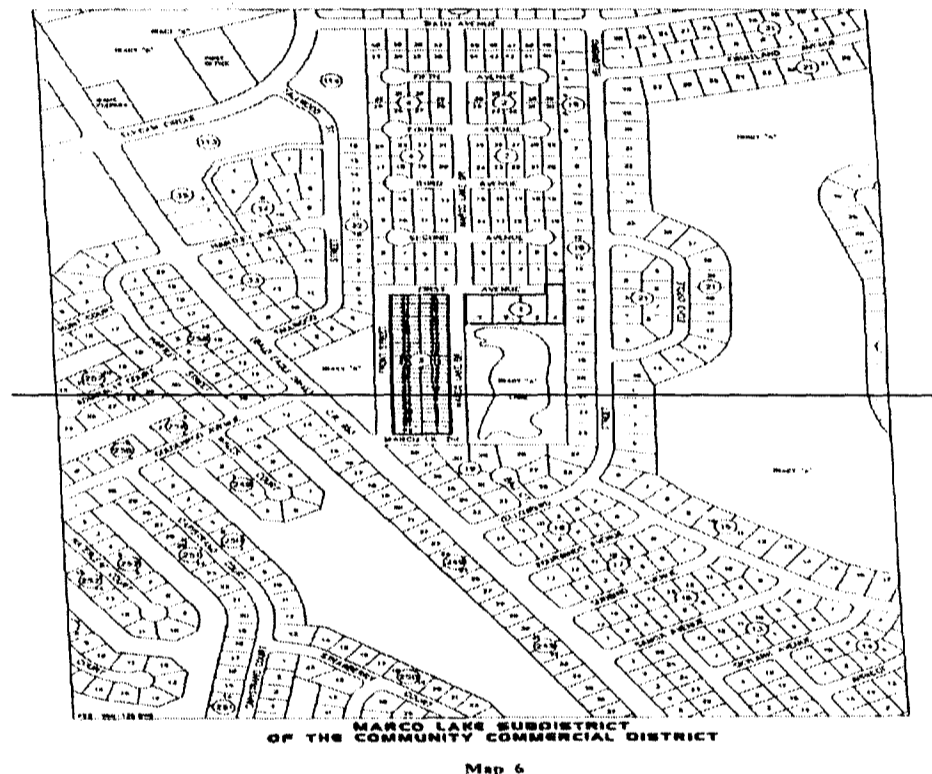
~~3. Commercial and mixed use. The following development standards apply to all development within the Barfield Sub-District.~~

a. ~~Maximum height:~~ Three habitable stories, whether residential or commercial, not to exceed 40 feet.

b. ~~Parking:~~ As provided for in the Division 2.3 of this Code.

~~2.2.27.7.1.2.2.3. Commercial design guidelines:~~ Subject to the provisions of Division 2.8, Architectural and Site Design Standards and Site Design Standards for Commercial Buildings and Projects.

~~2.2.27.7.1.2.3. Marco Lake Sub-District.~~ The Marco Lake Sub-District is located adjacent to Marco Lake on the south side of First Avenue, and between Front Street and Marco Lake Drive. Existing land uses vary widely from retail shops, restaurants and galleries, and a hotel, to medical and contractors' offices with outside storage areas. Most existing structures are two story and were constructed in excess of 20 years ago. This is an older subdivision with small 25-foot wide platted lots. The boundaries of the Marco Lake Sub-District are depicted on Map No. 6 below.



Map 6 above is hereby deleted in its entirety.

~~2.2.27.7.1.2.3.1. Permitted, conditional and accessory uses.~~ As permitted in the underlying zoning district, except that mixed-use development is permitted, subject to the provisions set forth in section 2.2.27.7.1 of this Code. All uses and structures that are accessory and incidental to multi-family dwellings, as provided for in section 2.2.6.2.2 of this Code, shall be permitted in conjunction with an approved mixed-use development.

~~2.2.27.7.1.2.3.2. Development standards:~~

~~1. Commercial uses.~~ The development standards for the underlying zoning district shall apply, except as follows:

a. ~~Required yards:~~ As set forth in the underlying zoning district, except as follows:

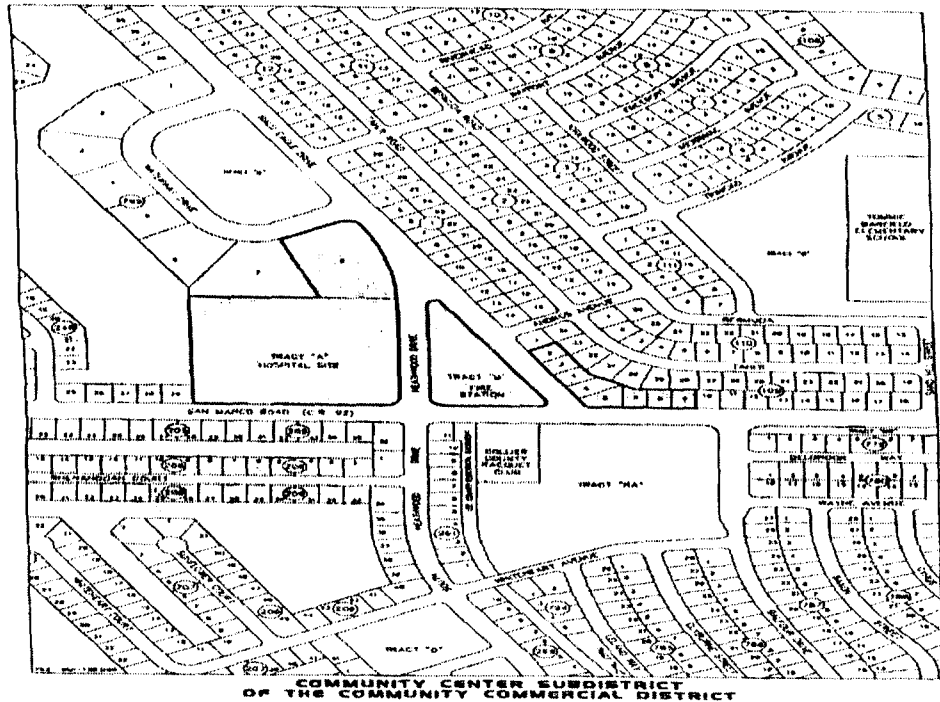
~~1. Rear yard:~~ Zero or five feet with a minimum separation of ten feet between structures.

~~2. Rear yard:~~ 15 feet.

2. ~~Mixed use.~~ Mixed uses are permitted subject to the provisions set forth in section 2.2.27.7.1. Residential components of any mixed use development shall be located above commercial uses. Residential units shall not be located in an independent multi-family structure, nor on the first floor of any mixed use structure.
- a. ~~Minimum dwelling unit area:~~ Efficiency—450 square feet; one bedroom—600 square feet; two or more bedrooms—750 square feet.
- b. ~~Maximum density:~~ 12 units per acre.
3. ~~Commercial and mixed uses.~~ The following development standards apply to all development within the Marco Lake Sub-District.
- a. ~~Maximum height:~~ Three habitable stories, whether residential or commercial, not to exceed 40 feet.
- b. ~~Parking:~~ For commercial uses, as required in Division 2.3 of this Code. The existing Marco Lake Drive Business District provides for reduced parking for properties located within its boundaries. A petition to expand the boundaries of the Marco Island Lake Drive Business District to include additional public on-street parking along Front Street may be submitted to the board of county commissioners for consideration. The board may consider the following factors in reviewing such a request: the number of property owners adjacent to the east side of Forth Street and the south side of First Avenue supporting the request; evidence of financial commitment on the part of such property owners to fund any improvements within the right of way required to expand the boundaries of the Marco Lake Drive Business District; maximization of available on-site parking on properties located within the existing and proposed boundaries of the district, and, the impacts to the public health, safety and welfare as a result of an expansion of the district.

~~2.2.27.7.1.2.3.3.~~ ~~Commercial design guidelines:~~ Subject to the provisions of Division 2.8, Architectural and Site Design Standards and Site Design Standards for Commercial Buildings and Projects.

~~2.2.27.7.1.2.4.~~ ~~Community Center Sub-District.~~ The Community Center Sub-District is located in the geographic center of the island, and contains such existing land uses as the Marco Island Firehouse, the Marco Island Healthcare Center, various medical and other professional offices. The boundaries of the Community Center Sub-District are depicted on Map No. 7 below.



Map 7

Map 7 above is hereby deleted in its entirety.

~~2.2.27.7.1.2.4.1. Permitted, conditional and accessory uses. As permitted in the underlying zoning district, except that mixed-use development is permitted, subject to the provisions set forth in section 2.2.27.7.1 of this Code. All uses and structures that are accessory and incidental to multi-family dwellings, as provided for in section 2.2.6.2.2 of this Code, shall be permitted in conjunction with an approved mixed-use development.~~

~~2.2.27.7.1.2.4.2. Development standards:~~

- ~~1. Commercial uses. The development standards for the underlying zoning district shall apply, except as follows:

 - ~~a. Required yards: As set forth in the underlying zoning district, except as follows:

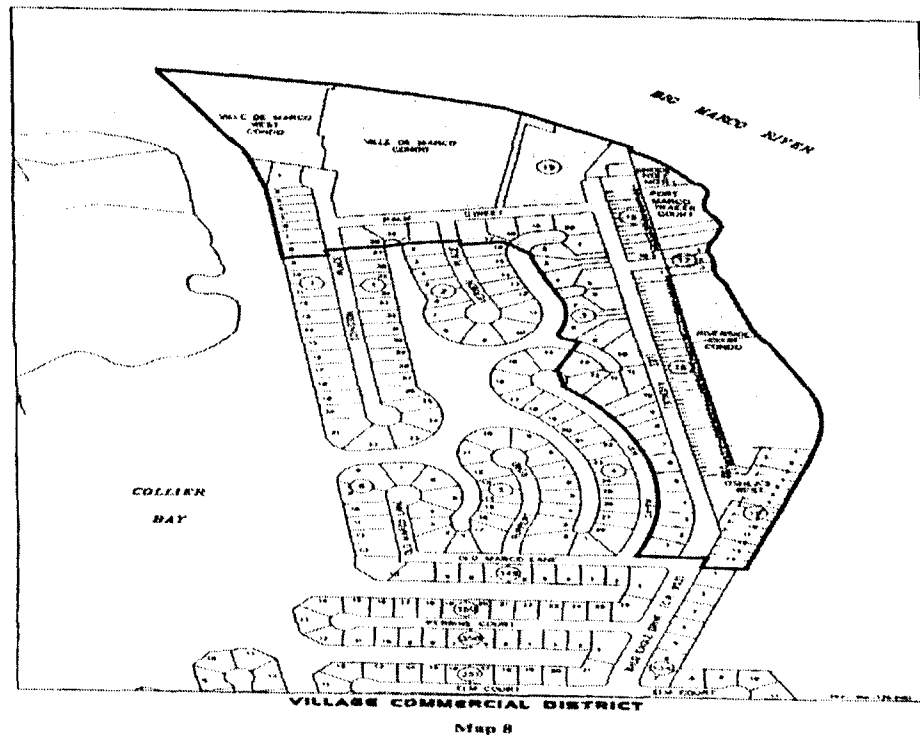
 - ~~1. Rear yard: 25 feet.~~
 - ~~2. Side yard: Zero or a minimum of 15 feet except where the adjacent parcels are developed, in which case the required side yard may be zero to 15 feet however in no case shall the separation between structures be less than ten feet.~~~~~~
- ~~2. Mixed-use: Mixed uses are permitted subject to the provisions set forth in section 2.2.27.7.1. residential components of any mixed-use development shall be located above commercial uses.

 - ~~a. Minimum dwelling unit area: Efficiency—450 square feet; one bedroom—600 square feet; two or more bedrooms—750 square feet.~~
 - ~~b. Maximum density: 12 units per acre.~~~~
- ~~3. Commercial and mixed uses. The following development standards apply to all development within the Community Center Sub-District.

 - ~~a. Maximum height: Three habitable stories, whether residential or commercial, not to exceed 40 feet.~~
 - ~~b. Parking: As required in Division 2.3 of this Code.~~~~

~~2.2.27.7.1.2.4.3. Commercial design guidelines: Subject to the provisions of Division 2.8, Architectural and Site Design Standards and Site Design Standards for Commercial Buildings and Projects.~~

~~2.2.27.7.1.3. Village Commercial District. The purpose of this district is to provide a mixture of residential uses and appropriate commercial uses to maintain the historic, village character of the area. The boundaries of the Village Commercial District are depicted on Map No. 8 below.~~



Map 8 above is hereby deleted in its entirety.

~~2.2.27.7.1.3.1. Permitted, conditional and accessory uses. As permitted in the underlying zoning district, except that mixed use development is permitted, subject to the provisions set forth in section 2.2.27.7.1 of this Code. All uses and structures that are accessory and incidental to multi family dwellings, as provided for in section 2.2.6.2.2 of this Code, shall be permitted in conjunction with an approved mixed use development.~~

~~2.2.27.7.1.3.2. Development standards:~~

~~1. Commercial uses.~~

~~a. Merchandise storage and display: Merchandise storage and display is permitted on properties zoned C-5 within the boundaries of the Village Commercial District as an accessory use to permitted commercial uses, subject to the conditions and requirements set forth in sections 2.2.15 1/2.5. and 2.2.15 1/2.6 of this Code. Additionally, chain link fencing is not permitted when visible from a public street, except in conjunction with landscape plantings which provide a minimum 80 percent opacity at a height of six feet at the time of planting. Existing outdoor storage areas located within the Village Commercial District shall conform to this provision, as well as the provisions set forth in sections 2.2.15 1/2.5 and 2.2.15 1/2.6, within one year of the date of adoption of this overlay district.~~

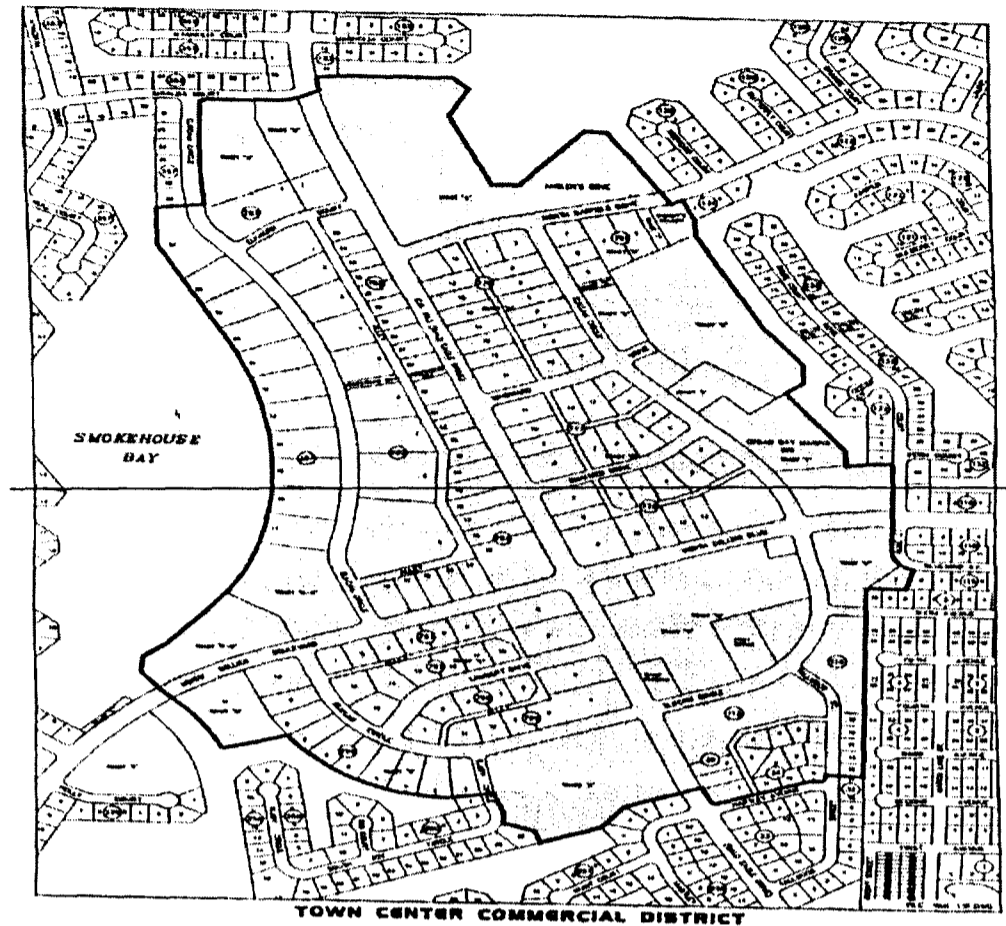
~~2. Mixed use and residential: Multi family residential and mixed uses are permitted subject to the provisions set forth un section 2.2.26.7.1 of this Code. residential components shall either be located in an independent multi family structure, or shall be located above commercial uses if located within a mixed use structure.~~

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

- a. ~~Minimum dwelling unit area: Efficiency—450 square feet; one bedroom—600 square feet; two or more bedrooms—750 square feet.~~
 - b. ~~Maximum density: Eight units per acre.~~
3. ~~Commercial, mixed use and residential.~~ The following development standards apply to all development within the Village Commercial District.
- a. ~~Maximum height: Three habitable stories, whether residential or commercial, not to exceed 40 feet.~~
 - b. ~~Parking: For commercial uses, as required in division 2.3 of this Code. The minimum number of off street parking spaces shall be required on site, as provided for in Division 2.3 of this Code, unless one of the following is approved: an off site or shared parking petition pursuant to the requirements and procedures set forth in Division 2.3 of this Code; a variance from the required number of parking spaces as provided for in section 2.7.5 of this Code; or with the submission of a multiple site improvement plan (MSIP) or site development plan (SDP) pursuant to the provisions of section 2.2.27.7.2 of this Code. Two or more adjacent projects located within the boundaries of the Village Commercial Sub-District may be approved for a 15 percent reduction in the required amount of on site parking. Additionally, where the combined commercial square footage of the two or more adjacent projects is equal to or greater than 20,000 square feet, required parking may be based on the ratio provided in Division 2.3 of this Code for shopping centers. The 20 percent limitation on restaurant square footage for shopping centers set forth in Division 2.3, may be increased to 30 percent.~~

~~2.2.27.7.1.3.3. Commercial design guidelines: Subject to the provisions of Division 2.8, Architectural and Site Design Standards and Site Design Standards for Commercial Buildings and Projects. Development of new structures which employ architectural features consistent with those typically utilized on existing historic structures in the district is encouraged. Historical structures located in the area include the Captain Collier House, which incorporates architectural features typical of the Florida Cracker style, including metal roofs and covered porches; and the Old Marco Inn which incorporates gabled roofs, and detailed trim and architectural features.~~

~~2.2.27.7.1.4. Town Center/Mixed Use District. This district is intended to be the major activity center serving the community of Marco Island and as such to function as a center of residential, commercial and entertainment activities on Marco Island. This district permits residential and commercial development, as well as mixed use projects. The boundaries of the Town Center District are depicted on Map No. 9 below.~~



Map 9

Map 9 is hereby deleted in its entirety.

~~2.2.27.7.1.4.1. Permitted, conditional and accessory uses. As permitted by the underlying zoning district, except as follows:~~

- ~~1. Commercial uses. The full range of commercial uses, as permitted by the underlying zoning district are permitted.~~
- ~~2. Multi-family residential and mixed uses. Multi-family residential and mixed uses are permitted subject to the provisions set forth in section 2.2.27.7.1 of this Code. Residential components shall either be located in an independent multi-family structure or shall be located above commercial uses if located within a mixed use structure.~~

~~2.2.27.7.1.4.2. Development standards:~~

- ~~1. Commercial uses. The development standards for the underlying zoning district shall apply, except as follows:~~
 - ~~a. Merchandise storage and display: Merchandise storage and display is permitted within the boundaries of the Town Center/Mixed Use District, as an accessory use to permitted commercial uses, subject to the conditions and requirements set forth in sections 2.2.15 1/2.5 and 2.2.15 1/2.6 of this Code. Additionally, chain link fencing is not permitted when visible from a public street, except in conjunction with landscape plantings which provide a minimum 80 percent opacity at a height of six feet at the time of planting. Existing outdoor storage areas located within the Town Center Mixed Use District shall conform to this provision, as well as the provisions set forth in sections 2.2.15.1/2.5 and 2.2.15.1/2.6 of this Code within one year of the date of adoption of this overlay district.~~

~~2. *Mixed use and residential:* Multi family residential and mixed uses are permitted subject to the provisions set forth in section 2.2.27.7.1 of this Code. Residential components of any mixed use development shall either be located in an independent multi family structure, or shall be located above commercial uses if located within a mixed use structure.~~

~~a. *Minimum dwelling unit area:* Efficiency 450 square feet; one bedroom 600 square feet; two or more bedrooms 750 square feet.~~

~~b. *Maximum density:* 12 units per acre.~~

~~2.2.27.7.1.4.3. *Commercial design guidelines:* Subject to the provisions of Division 2.8, Architectural and Site Design Standards and Site Design Standards for Commercial Buildings and Projects.~~

~~2.2.27.7.2. *Additions, site improvements and redevelopment:* Owners of two or more contiguous properties located within the boundaries of the Collier Boulevard Pedestrian Tourist Sub-District of the Community Commercial District, the Town Center Mixed Use District, or the Village Commercial District may apply for a 15 percent reduction in the required amount of on-site parking with approval of a multiple site improvement plat (MSIP), where no additional square footage is proposed, or a site development plan (SDP), subject to the provisions of Division 3.3 of this Code. Minor additions of impervious area necessary to enhance vehicular, bicycle or pedestrian access to and from buildings and parking areas, not to exceed 2,000 square feet, may be reviewed under the site improvement plan process and shall not require an engineered water management plan.~~

~~2.2.27.7.2.1. *MSIP/SDP submittal requirements.* The MSIP or SDP shall adhere to the applicable provisions, procedures and submittal requirements of Division 3.3, Site Development Plans, and shall demonstrate that the following have been adequately addresses:~~

- ~~1. Provisions for bicycle and pedestrian access to and from the site, and between adjacent buildings;~~
- ~~2. Provisions for parking and access for the disabled as required by Division 2.3 of this Code;~~
- ~~3. Provisions for enhanced on-site landscaping to the greatest extent possible, as required by Division 2.4 of this Code;~~
- ~~4. Provisions to maximize shared use of infrastructure such as parking, sidewalks, ingress and egress points and the like;~~
- ~~5. Provisions to maximize the safety and efficiency of internal traffic circulation patterns;~~
- ~~6. Provisions to eliminate or structurally alter on-site nonconforming signage such that it conforms with the provisions of Division 2.5 and section 2.2.27.10 of this Code.~~

~~2.2.27.7.2.1.1. *Additional conditions of approval for properties located within the boundaries of the Village Commercial District.* In addition to the provisions above, within the Village Commercial District or Town Center Mixed Use District, the MSIP or SDP shall demonstrate that provisions have been made to maintain and/or enhance the pedestrian and/or bicycle access to, and view corridors of, the water on waterfront properties for properties or projects equal to or greater than one acre in size. Within the~~

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

~~Village Commercial District, provisions shall be made to preserve existing structures which are designated historical by the county or the state. These provisions may include, but are not limited to the creation of the following:~~

- ~~1. *Pedestrian/bicycle easements.* Where pedestrian and/or bicycle easements or view corridor easements have been granted to the public, an administrative reduction of a rear and/or side yard requirements by up to ten feet may be granted by the planning services director, or his designee; and,~~
- ~~2. *State and/or local historic designation.* Specific structures or sites of historic significance which are designated as historic structures or sites may in conjunction with such certification, be granted an administrative variance from specific development standards, including required yards, parking, and landscaping in order to facilitate historic preservation. A request for such a variance may be granted by the planning services director, or his designee, based upon demonstration of need. The request shall be made in writing accompanied by the following: payment of fee required for an administrative variance in effect at the time such request is made; a plot plan of the subject property, drawn to scale, depicting all structures and proposed improvements; supportive information justifying the need for the variance.~~

~~2.2.27.7.2.1.2. *Required parking reduction.* Upon review and approval of an MSIP or SDP, a 15 percent reduction in the aggregate amount of on-site parking required shall be authorized by the planning services director, or his designee. The reduction shall be memorialized in the letter of approval for the MSDP or SDP.~~

~~2.2.27.8. *[Reserved.]*~~

~~2.2.27.9. *[Reserved.]*~~

~~2.2.27.10. *Signs.*~~

~~2.2.27.10.1. *Purpose and intent.* The purpose and intent of this section is to provide specific signage development standards and design guidelines for signs to ensure orderly and appropriate placement of signs. These regulations are intended to minimize the proliferation of signs, while providing for well designed, well constructed, and appropriately located informational signage in both residential and non-residential areas.~~

~~2.2.27.10.2. *Development standards.* Signs erected within the areas subject to the Marco Island Master Plan shall adhere to the restrictions set forth in Division 2.5 of this Code, and shall further adhere to the restrictions set forth herein. In the case of a conflict between the two sections, the more restrictive shall apply.~~

~~2.2.27.10.2.1. *Signs in residential districts:*~~

~~2.2.27.10.2.1.1. *Illumination:* Signs erected on residentially zoned properties shall not be illuminated unless specifically permitted herein or, in the case of approved conditional uses, as may be approved by the board of zoning appeals. The sign and sign copy shall be non-reflective.~~

~~2.2.27.10.2.1.2. *Real estate signs:* As defined in the definition section of this Code, one ground or wall "For Sale," "For Rent," or similar sign, is permissible, for each lot having street frontage, and shall not require a building permit, subject to the conditions noted below. For the purposes of this section,~~

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

~~frontage on a navigable waterbody or a golf course shall constitute street frontage. During supervised real estate open houses, an "open house" sign, no larger than four square feet, may be erected in addition to the real estate sign. In conjunction with an approved right of way permit, a single off-site directional sign, not to exceed four square feet, may be permitted during a supervised open house. Said off-site directional sign shall be placed at the intersection of the arterial or collector street providing access to the street on which the open house is being conducted. No other off-site signs shall be permitted. All such signs shall be removed at the completion of the open house, and during non-supervised hours. Real estate signs shall not be illuminated in any manner. Real estate signs may mention the name, address and telephone number of any two of the following entities: the property owner, real estate broker, investment company or business firm licensed to sell real estate in the state, the name and address of the salesperson, or real estate agent. The word "pending" or "sold" may be attached to the face of the sign within the 12-inch by 18-inch sign face, until the closing has been completed.~~

~~2.2.27.10.2.1.2.1. Real estate signs on single family zoned properties (see Illustration 1 below).~~

- ~~a. *Maximum size:* 12 inches in height by 18 inches in length. Signs may be double faced, provided each sign face contains the same copy. Such signs may be located either parallel to, or perpendicular to the adjacent right of way. No additional riders or information boxes shall be affixed to this sign.~~
- ~~b. *Color:* White background. Lettering may be any single color; 20 percent of the sign face may include the display of a logo which may include multiple colors.~~
- ~~c. *Sign supports:* Supports shall not exceed two inches by two inches. All supports shall either be white or black.~~
- ~~d. *Maximum height:* Three feet as measured from average finished ground elevation.~~
- ~~e. *Setbacks:* Said signs may be placed at the property line, however, in no case shall such sign be located any closer than ten feet to the edge of the pavement of any adjacent public street.~~

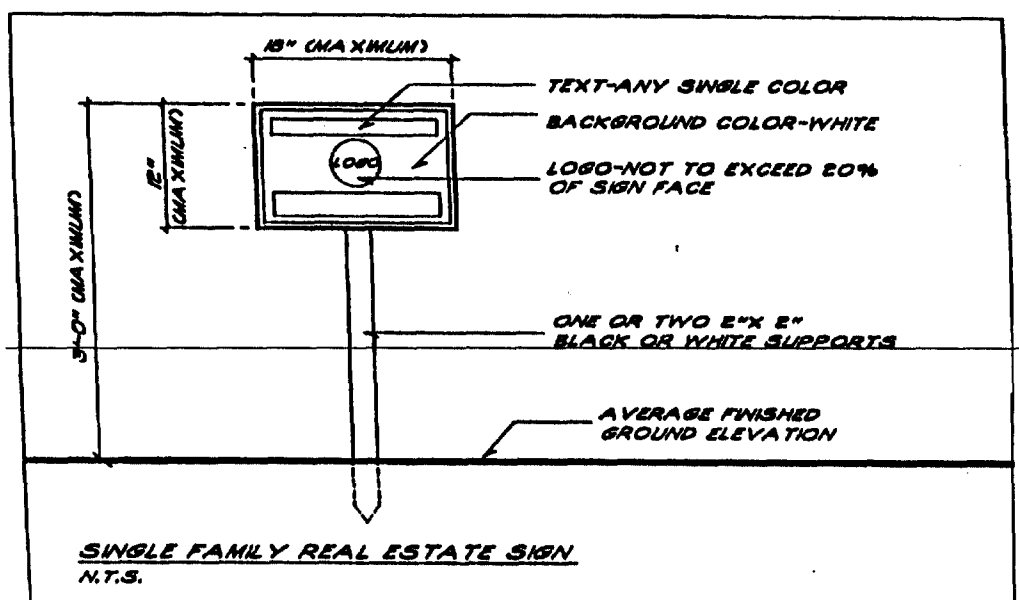


Illustration 1

Illustration 1 above is hereby deleted in its entirety.

~~2.2.27.10.2.1.2.2. Real estate signs on RMF zoned properties (see Illustration 2 below).~~

- ~~a. **Maximum size:** Four square feet. Signs may be double faced, provided each sign face contains the same copy. Such signs may be located either parallel to, or perpendicular to the adjacent right of way. No additional riders or information boxes shall be affixed to this sign.~~
- ~~b. **Colors:** White background. Lettering may be any single color; 20 percent of the sign face may include the display of a logo which may include multiple colors.~~
- ~~c. **Sign supports:** Supports shall not exceed two inches by two inches. All supports shall either be white or black.~~
- ~~d. **Maximum height:** Four feet as measured from average finished ground elevation.~~
- ~~e. **Setbacks:** Said signs may be placed at the property line, however, in no case shall such sign be located any closer than ten feet to the edge of pavement of any adjacent public street.~~

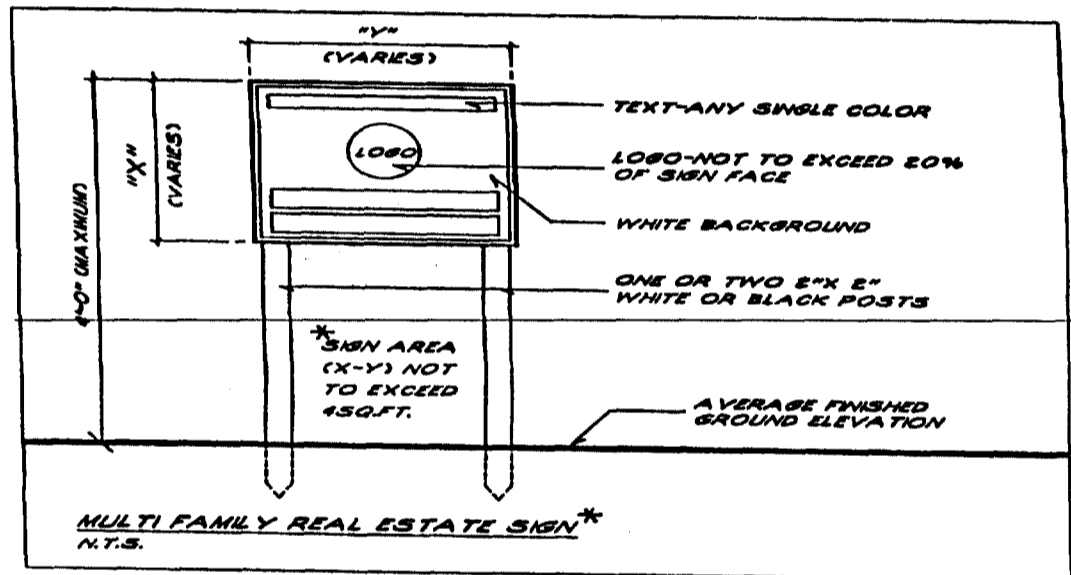


Illustration 2

Illustration 2 above is hereby deleted in its entirety.

~~2.2.27.10.2.1.2.3. **Model home signs (see Illustration 3 below):** A single on-premise sign for a model home, approved in conjunction with a temporary use permit, is permitted. Copy on a model home sign shall be limited to the name of the model, the developer/builder's name, address, phone number, logo, and that of the licensed real estate company/broker, investment company or business firm licensed to sell real estate in the state, or the name and address of the salesperson, or real estate agent marketing the model. Model home signs shall not be illuminated in any manner. No other signs, including real estate and construction signs, shall be placed on property on which a model home sign is erected.~~

- ~~a. **Maximum size:** 16 square feet. Signs may be double faced, provided each sign face contains the same copy. Such signs may be located either parallel to, or perpendicular to the adjacent right of way. No additional riders or information boxes shall be affixed to this sign.~~
- ~~b. **Maximum height:** Six feet as measured from finished grade around the base of the sign.~~
- ~~c. **Colors:** The background of a model home sign may either match the principal color of the model home, or shall be white. Lettering may be~~

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

any single color; 20 percent of the sign face may include the display of (a) logo(S) which may include multiple colors.

- d. *Setbacks:* Said signs may be placed at the property line, however, in no case shall such sign be located any closer than ten feet to the edge of pavement of any adjacent public street.

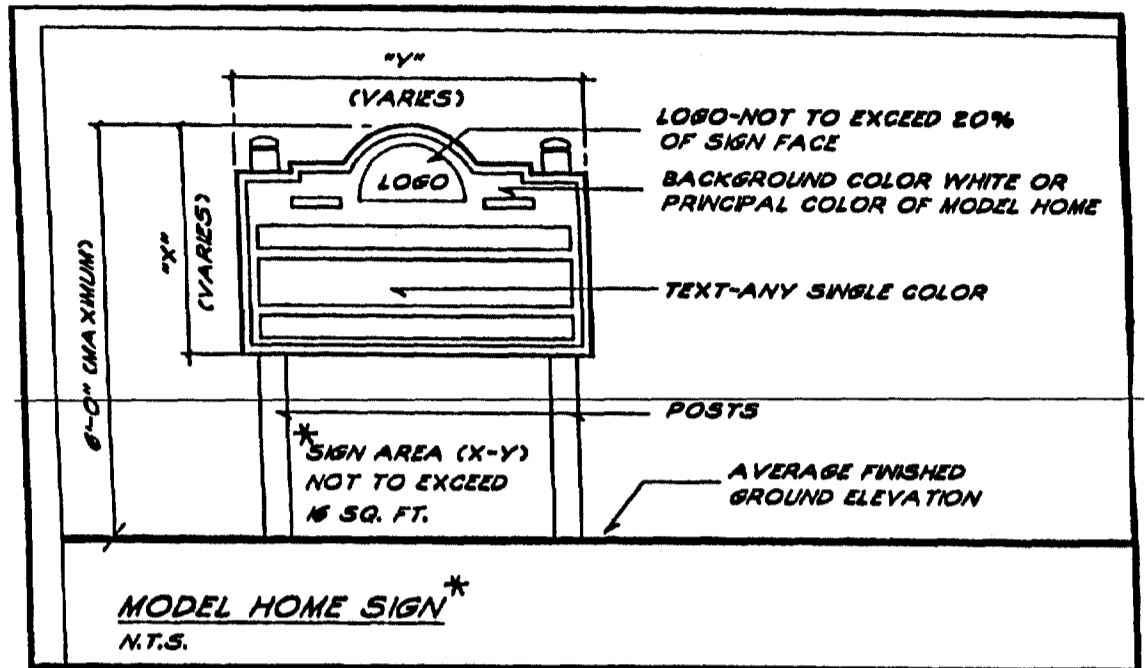


Illustration 3

Illustration 3 above is hereby deleted in its entirety.

~~2.2.27.10.2.1.2.4. Construction signs (see Illustrations 4 and 5 below): A single construction sign may be erected on any residential property for which a building permit has been granted. No building permit shall be required for the construction sign, however, said sign shall be securely constructed and erected. Copy on a construction sign shall be limited to the name and telephone number of the developer, architectural, planning and engineering firm, contractor and/or subcontractor(s) involved with the project, and the name of the individual(s) for whom the dwelling/addition is being constructed. Construction signs shall not be illuminated in any manner and shall be located in the front yard parallel to the adjacent right-of-way. Construction signs shall be removed at such time as a certificate of occupancy is granted.~~

- a. ~~Maximum size:~~ Six square feet for single family, 16 square feet for multi-family. Signs shall be single faced, with the back side of the sign being utilized as a "permit board." Such signs shall be located parallel to the adjacent right of way. No additional riders or information boxes shall be affixed to this sign, except tubes or boxes designed to hold construction plans.
- b. ~~Maximum height:~~ Six feet as measured from average finished ground elevation.
- e. ~~Color:~~ The copy side of a construction sign shall be white. Lettering may be any color; 20 percent of the sign face may include the display of logo(s) which may include multiple colors.
- d. *Setbacks:* Said signs may be placed at the property line, however, in no case shall such sign be located any closer than 10 feet to the edge of pavement of any adjacent public street.

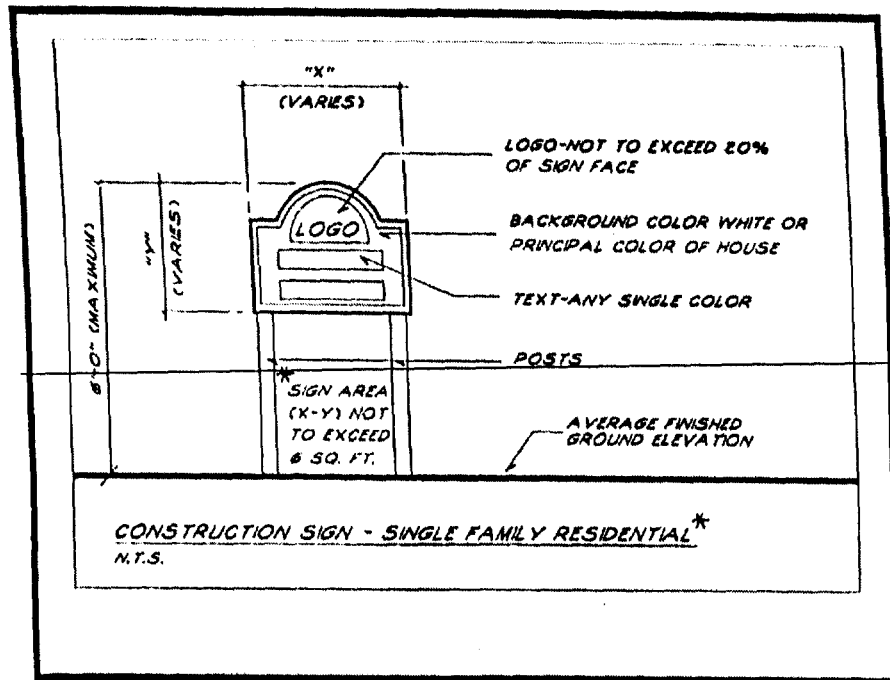


Illustration 4

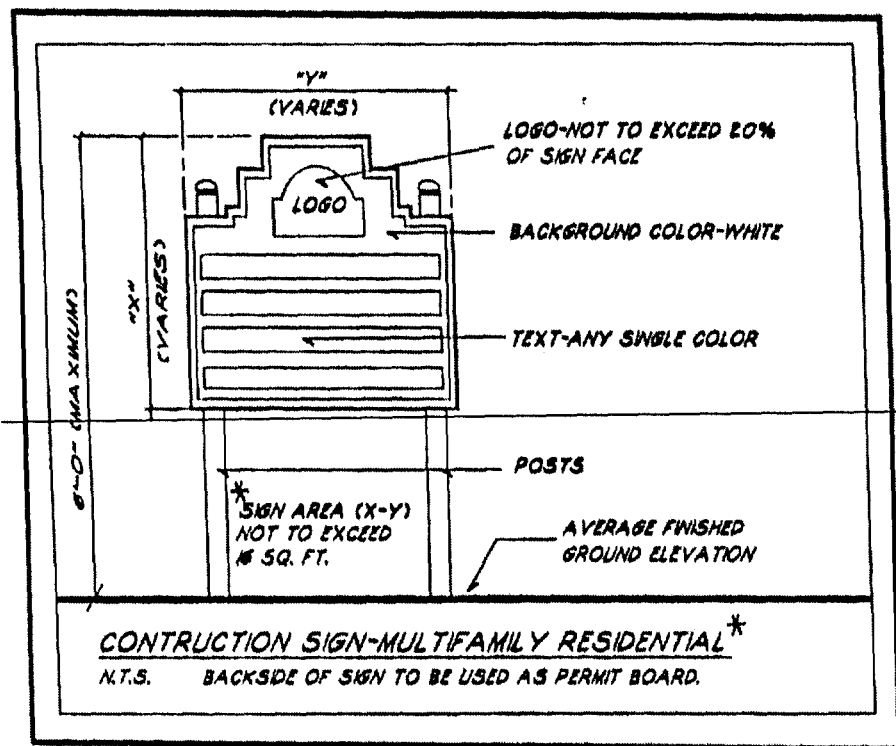


Illustration 5

Illustrations 4 and 5 are hereby deleted in their entirety.

~~2.2.27.10.2.1.2.5. Incidental information and directional signs: A maximum of four incidental non-commercial information or directional signs may be erected on residential properties and shall not require a building permit. Examples of such signs include name or insignia plaques identifying the home or homeowner. "No Trespassing" signs, "Beware of Dog" signs, and other similar types of informational signs.~~

- a. ~~Maximum size: 12 inches in height by 18 inches in height.~~
- b. ~~Maximum height: Three feet as measured from average finished ground elevation, or, if attached to a wall or fence, not to exceed the maximum height of said wall or fence.~~

~~2.2.27.10.2.1.2.6. Subdivision/project signs: At each entrance to a specific subdivision, neighborhood, or multi-family project, two ground or wall entrance or gate signs may be located at each entrance to the project. Such signs shall~~

~~contain only the name of the subdivision, neighborhood, or project in which it is located, subject to the following:~~

- ~~a. *Maximum size:* The ground or wall signs, in combination, shall not exceed a maximum size of 64 square feet, with no individual sign exceeding 32 square feet.~~
- ~~b. *Maximum height and width:* The height of a ground or wall and shall not exceed the height or width of the wall or gate upon which it is located.~~
- ~~c. *Required setback:* Said signs shall maintain a 15-foot setback from any property line.~~

~~2.2.27.10.2.1.2.7. *Conditional uses within residential districts.*~~

- ~~a. *Approved conditional uses within residential zoned districts are permitted one wall or ground sign, not to exceed 32 square feet. Corner lots are permitted two wall signs. Bulletin boards and identification signs not exceeding 12 square feet are permitted for public, charitable, educational or religious institutions. Said signs shall not be illuminated.*~~

~~2.2.27.10.2.2. *Signs in non-residential districts (includes P, CF, RT):*~~

- ~~2.2.27.10.2.2.1. *Real estate signs (see Illustration 6 below):* As defined in Article 6 of this Code, one ground or wall "For Sale," "For Rent," or similar sign, is permissible, for each lot having street frontage, and shall not require a building permit, subject to the conditions noted below. Real estate signs shall not be illuminated in any manner.~~

~~Real estate signs may mention only the name, address and telephone number of any two of the following entities: the property owner, real estate broker, investment company or business firm licensed to sell real estate in the state, or the name and address of the salesperson, or real estate agent. The word "pending" or "sold" may be attached to the face of the sign within the 12-inch by 18-inch sign face, until closing.~~

- ~~a. *Maximum size:* Four square feet. Signs may be double faced, provided each face contains the same content. Such signs may be located either parallel to, or perpendicular to the adjacent right of way. No additional riders or information boxes shall be affixed to this sign.~~
- ~~b. *Colors:* White background. Lettering may be any single color; 20 percent of the sign face may include the display of a logo which may include multiple colors.~~
- ~~c. *Sign support:* Supports shall not exceed two inches by two inches. All supports shall be white or black.~~
- ~~d. *Maximum height:* Three feet as measured from average finished ground elevation.~~
- ~~e. *Setbacks:* Said signs may be placed at the property line, however, in no case shall such sign be located any closer than 10 feet to the edge of pavement of any adjacent public street.~~

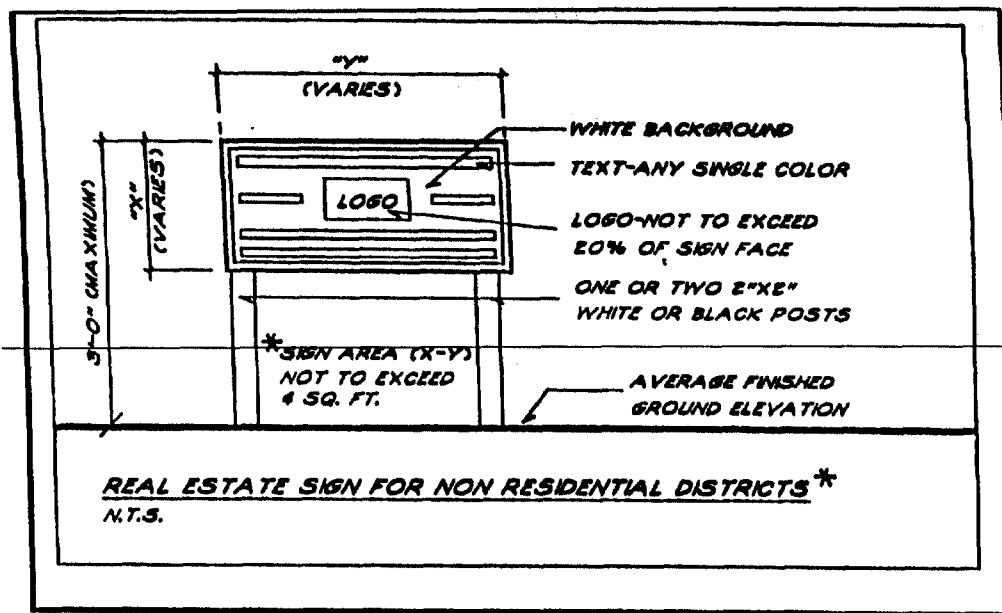


Illustration 6

Illustration 6 above is hereby deleted in its entirety.

~~2.2.27.10.2.2.2.~~ ~~Construction signs (see Illustration 7 below). A single construction signs may be erected on any non-residential property for which a building permit has been granted. No building permit shall be required for the construction sign, however, said sign shall be securely constructed and erected. Copy on a construction sign shall be limited to the name and telephone number of the developer, architectural, planning and engineering firm, contractor and/or subcontractor(s) involved with the project, and the name of the individual(s) for whom the dwelling/addition is being constructed. Construction signs shall not be illuminated in any manner and shall be located in the front yard parallel to the adjacent right-of-way pursuant to the setback restrictions contained in Division 2.5 of this Code. Construction signs shall be removed at such time as a certificate of occupancy is granted.~~

- a. ~~Maximum size: 23 square feet. Signs shall be single faced, with the back side of the sign being utilized as a "permit board." Such signs shall be located parallel to the adjacent right of way. No additional riders or information boxes shall be affixed to this sign, except tubes or boxes designed to hold construction plans.~~
- b. ~~Maximum height: Six feet as measured from average finished ground elevation.~~
- e. ~~Color: The copy side of a construction sign shall be white. Lettering may be any color; 20 percent of the sign face may include the display of logo(s) which may include multiple colors.~~
- d. ~~Setbacks: Said signs may be placed at the property line, however, in no case shall such sign be located any closer than 15 feet to the edge of pavement of any adjacent public street.~~

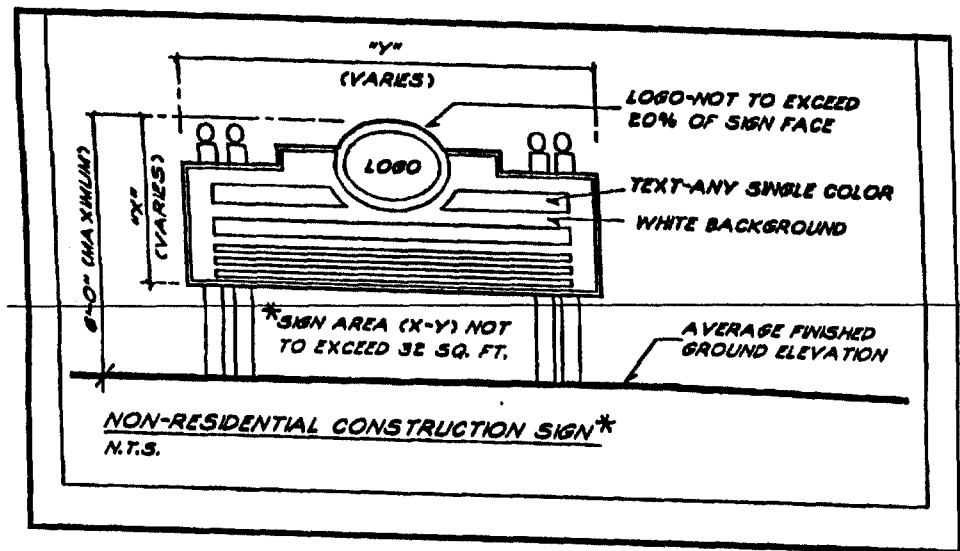


Illustration 7

Illustration 7 above is hereby deleted in its entirety.

~~2.2.27.10.2.2.3. On-premises permanent signs: On premises permanent signs are encouraged to be designed, constructed and located in such a fashion so as to be integrated with, and not detract from, the existing development pattern in the neighborhood.~~

~~2.2.27.10.2.2.3.1. Unified sign plan: An application for site development or site improvement plan as provided for in section 3.3 of this Code, for commercial or mixed use projects, shall be accompanied by unified signage plan as required by Division 2.8 of this Code.~~

~~2.2.27.10.2.2.3.2. Permitted types of signs and specific development standards by sign types:~~

~~a. Wall, mansard, canopy or awning signs: A single wall, mansard, canopy or awning sign is permitted for each single occupancy parcel, or for each establishment in a multiple occupancy parcel. Corner buildings or corner units within a building may have one sign on each frontage wall or the unit or building not to exceed two signs.~~

~~1. No wall, mansard, canopy or awning sign shall exceed 80 percent of the width of the unit(s) occupied by a business with a minimum of ten percent clear area on each outer edge of the unit(s).~~

~~2. Wall signs for a multi tenant building shall be located at a uniform height on the building facade, for the top and bottom of the sign, except that anchor tenants may vary from this requirement subject to all other provisions of this Code.~~

~~3. Wall, mansard, canopy or awning signs may not exceed 15 percent of the total square footage of the visual facade of the building, in the case of single use buildings; or the unit, in the case of multi use buildings, to which the sign will be attached. A wall sign shall not exceed 150 square feet in any case.~~

~~b. Projecting signs. Projecting signs may be substituted for wall or mansard signs provided:~~

~~1. The projecting sign does not protrude greater than four feet from the building wall to which it is attached.~~

~~2. Projecting signs shall not exceed 20 square feet of display area.~~

3. ~~Projecting signs shall not extend above the roofline of the building to which they are attached; and~~
 4. ~~Projecting signs which may project over any pedestrian way shall be elevated to a minimum height of eight feet above said pedestrian way.~~
- e. ~~Ground signs:~~
1. ~~The height of any ground sign shall not exceed twice the width, and the width shall not exceed the height.~~
 2. ~~Ground signs shall not exceed eight feet in height as measured from the finished grade of the lot on which the sign is located to the top of the sign face. Architectural treatments incorporated into such signage, consistent with building architecture on site, including arches, columns, cupolas, and other such treatments, shall be permitted to a height of 12 feet.~~
- d. ~~Pole signs:~~
1. ~~Pole signs shall provide a pole cover, width of which shall be a minimum of 20 percent of the sign structure and extending from the bottom of the sign structure to the ground, completely covering the supporting pole(s);~~
 2. ~~A minimum two foot perimeter planting area shall [be] provided around the base of any pole sign, consistent with the provisions of Division 2.5 of this Code. The two foot perimeter shall be measured from the overall width of sign;~~
 3. ~~Pole signs shall not exceed 15 feet in height as measured from the finished grade of the lot on which the sign is located.~~
- e. ~~Directory signs:~~
1. ~~The maximum size of any single directory sign shall not exceed 100 square feet.~~
 2. ~~Copy shall include the shopping center or building name and street number and may include the name(s) of two or more persons or businesses associated with, or events conducted upon, or products or services offered upon the premises upon which the sign is located.~~
- f. ~~Under canopy signs:~~
1. ~~In addition to any other sign permitted by this Code, one under canopy sign is required for each business in a multi-occupancy building;~~
 2. ~~Under canopy signs shall not exceed six square feet for each establishment in a shopping center or multi-tenant building;~~
 3. ~~No building permit is required to erect an under canopy sign, unless there is an electrical component;~~
 4. ~~Under canopy signs shall adhere to the common signage theme for the property.~~

5. ~~Under canopy signs shall be installed so as to maintain a minimum of eight feet of clear, unobstructed area between the bottom of the sign and the sidewalk below.~~

~~2.2.27.10.2.2.3.3. General development standards:~~

~~a. Construction materials:~~

1. ~~Signs and any supporting structure shall be constructed of CBS, wood (with raised or engraved letters), stone, metal, or durable opaque plastic. Plywood is not permissible as a finished sign face material.~~

~~b. Illumination design and methods:~~

1. ~~Sign lighting shall be designed in such a fashion so as not to cause confusion with traffic control devices, and not to shine directly onto adjoining properties or public rights of way;~~
2. ~~Signs shall be illuminated in the following manner: external fixtures for lighting shall be designed and positioned so that no light spills over the edge of the sign face; internal or backlit signs shall be designed with an opaque sign face, allowing only the sign copy to be illuminated.~~

~~e. Minimum frontage requirements:~~

1. ~~Single or multiple tenant buildings located on a parcel having less than 125 linear feet of street frontage are permitted a single ground sign per parcel, a maximum of 20 square feet in area. Copy is limited to building reference name and street number.~~
2. ~~Single or multiple tenant buildings located on parcel having 125 linear feet or greater of street frontage are permitted a single ground or pole sign per parcel, with a maximum of 60 square feet of sign face area. Copy shall include building reference name and street number and may include a maximum of five tenant names.~~
3. ~~Shopping centers and other multi-tenant buildings having 250 linear feet or greater of street frontage on a single street, or 300 combined linear feet of street are permitted a single "directory sign" per street frontage, not to exceed two such signs. The maximum size permitted for a single directory sign is 100 square feet in area. Where two directory signs are permitted, the maximum combined size shall not exceed 120 square feet in area.~~
4. ~~Where a site development or site improvement plan has been approved for multiple properties, adherence to the minimum frontage provisions set forth in section 2.2.27.10.2.2.3.1(g) shall be determined based on the aggregate frontage of all contiguous parcels which are part of the site improvement or site development plan.~~

~~2.2.27.10.2.2.3.3.1. Building permit requests: Requests for building permits for permanent on-premises signs shall adhere to this unified signage plan, which shall be kept on file in the community development and environmental services division. Revisions to an approved unified sign plan shall include provisions for retrofitting any existing permanent on-premises signs.~~

Words struck through are deleted, words underlined are added.

~~2.2.27.10.2.2.4. Nonconforming signs.~~

~~2.2.27.10.2.2.4.1. Real estate signs, model home signs and construction signs. Real estate signs shall conform to the provisions of this overlay by December 31, 1997.~~

~~2.2.27.10.2.2.4.2. All other signs. Existing signs which were constructed with an approved building permit under the provisions of Division 2.5 of this Code, or its predecessor ordinance, which do not conform to the provisions of section 2.2.27.10 shall be considered legal nonconforming signs and shall be treated as follows:~~

- ~~1. All signs made of paper, cloth, or other nondurable materials shall be removed within 30 days of the date of adoption of this overlay.~~
- ~~2. All legal nonconforming, on premises permanent signs shall conform to the provisions of this Code as follows:~~
 - ~~a. In conjunction with the issuance of a building permit for structural alteration to an existing sign, regardless of the extent of value of such structural alteration; and,~~
 - ~~b. All legal non conforming on premises permanent signs shall be removed or made to comply with the provisions of this overlay by June 15, 2001.~~
- ~~3. All other nonconforming signs shall adhere to the provisions of section 2.5.9 of this Code.~~

~~2.2.27.10.2.2.5. Prohibited signs. All prohibited signs listed in section 2.5.7, and signs which do not conform to the provisions set forth herein shall be considered prohibited signs.~~

~~2.2.27.11. Restricted parking of recreation vehicles. The purpose of these regulations is to maintain the appearance and quality of residential neighborhoods to reduce congestion, prevent overcrowding and the blocking of views, to maintain the free flow of air currents, and to maintain the property values and amenities of the neighborhood.~~

~~2.2.27.11.1. Applicability. The restrictions set forth in this section are intended to apply to all areas designated residential on the future land use element of the Marco Island Master Plan, excluding any areas in the Marco Shores PUD/DRI, including the Key Marco Development (a/k/a Horr's Island), Cape Marco PUD, and Hideaway Beach PUD. These restrictions apply in all residential zoning districts, including the RT district, as well as any residential component of a PUD, except those PUDs excluded above.~~

~~2.2.27.11.2. Recreational equipment. No recreational equipment shall be kept or parked on premises zoned for residential purposes nor on public rights-of-way of said districts except when said equipment is parked entirely within the confines of a garage, carport, or fully enclosed structure such that it cannot be seen from any abutting property or public way. Such vehicles may be parked anywhere on residential lots for a period of time not to exceed 24 hours to allow for loading and unloading.~~

- ~~a. Exceptions may be granted by the site development review director where the following conditions are satisfied:~~
 - ~~1. Such recreational equipment may be parked upon the premises of the resident for a period not exceeding seven days for the~~

~~purpose of loading, unloading, repairing and/or cleaning prior to or after a trip. The permit for such period shall be affixed to the vehicle in a conspicuous place. No more than two consecutive permits may be issued. A maximum of four permits may be granted in any single calendar year.~~

2. ~~Nonresident: Such recreational equipment including but not limited to, trailers, buses or motor homes, when used for transportation of guests may be parked upon the premises for a period not exceeding ten days. No sleeping or living activities may take place within the vehicle while parked. No more than two consecutive permits shall be issued. The maximum number of permits allowed for any single calendar year shall be four.~~

~~2.2.27.11.3.~~

~~*Boats and boat trailers.* No boat or boat trailer shall be parked or stored on premises zoned for residential uses or on public rights of way of residentially zoned districts, except when parked or stored entirely within the confines of a garage, carport or fully enclosed structure and shielded such that they cannot be seen from any abutting property or public way, except where the following conditions occur:~~

- a. ~~A boat trailer may be parked on the owner's premises in the open, or on a temporary basis not to exceed eight hours for the purpose of loading and/or cleaning and unloading prior to or after an outing.~~
- b. ~~Boats may be stored on premises zoned for residential use only in one of the following methods:~~
 1. ~~Boats may be stored in the confines of a garage or fully enclosed opaque structure;~~
 2. ~~Boats may be berthed at approved docks, piers or by use of mooring whips, standoffs or by a similar structure/device on navigable waterways/canals;~~
 3. ~~Boats may be stored on davits, lifts, elevators or similar devices adjacent to navigable waterways/canals;~~
 4. ~~Boats may be stored on cradles consisting of a framework of bars or rods when said cradle is used in conjunction with a davit, lift, elevator or similar device adjacent to navigable waterways/canals.~~

~~2.2.27.11.4.~~

~~*Hotel and motel parking provisions.* Hotels and motels are considered to be commercial enterprises; therefore, recreational vehicles, trucks, trailers, buses and/or commercial or industrial vehicles, listed herein, of bona fide residents thereof, transients or others, may be parked on the premises of such facilities. Such vehicles shall not be parked in streets, alleys or other rights of way within any residential district, unless otherwise permitted by this Code.~~

~~2.2.27.11.5.~~

~~*General exceptions.* The provisions of this section shall not apply to vehicles parked on the premises of churches, clinics, schools, private clubs, golf courses, utilities, hotels, motels and parks or recreational areas while the persons transported thereto are attending or participating in activities or being treated or served thereat. The provisions of this section shall not apply to buses, trucks or trailers parked in a space prepared or specifically designated for their use on the premises of churches, clinics, schools, private clubs, golf courses, utilities, hotels, motels and parks or recreational areas, if such vehicles are used or operated by or for the~~

~~operation of such places or institutions, except that such vehicles cannot be used for residential occupancy.~~

~~2.2.27.12. *Definitions.* For the purposes of this overlay, the following definitions shall apply:~~

~~2.2.27.12.1. *Mixed use.* Within the Marco Island Zoning Overlay the term "mixed use" means both commercial and residential multi family uses, whether located within the same building or located in separate buildings within a single project.~~

SUBSECTION 3.B: AMENDMENTS TO OFF-STREET PARKING AND LOADING

Division 2.3, Off-Street Parking and Loading, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.3. OFF-STREET PARKING AND LOADING

Sec. 2.3.16. Off-street parking and stacking; required amounts.

2.3.16.1 *Bicycle parking for non-residential developments.*

1. Provisions for the safe and secure parking of bicycles shall be furnished at a ratio of five percent of requirements for motor vehicles as set forth in Sec. 2.2.16. but not to exceed a ratio of 10% of the required number of maximum of 15 total bicycle parking spaces. A minimum of two bicycle parking spaces shall be provided.
2. A bicycle parking facility suited to a single bicycle ("parking space") shall be of a stand-alone inverted-U design measuring a minimum of 36 inches high and 18 inches wide [of 1½ inch Schedule 40 pipe, ASTM F 10831] bent in one piece ("bike rack") mounted securely to the ground [by a 3/8 inch thick steel base plate, ASTM A 36] so as to secure the bicycle frame and both wheels.
3. Each parking space shall have a minimum of three feet of clearance on all sides of the bike rack.
4. Bicycle spaces shall be paved, surfaced with the same or similar materials approved for the motor vehicle parking lot, lighted and located no greater than 100 feet from the main building entrance.
5. Extraordinary bicycle parking designs which depart from the bike rack standard but are in keeping with the development's design theme shall be considered by the County architect. Bike racks which function without securing the bicycle frame, require the use of a bicycle kick stand, or which may be freely reoriented are not allowable.
6. ~~Substitutions of up to five percent of parking required by section 2.3.16. are allowable by providing additional bicycle parking on a five to one basis.~~

Sec. 2.3.24. ~~Standards for parking within the Marco Lake Drive Business District (MLDBD).~~

~~2.3.24.1. *Location of Marco Lake Drive Business District.* The Marco Lake Drive Business District is hereby created. The physical limits of the Marco Lake Drive Business District (MLDBD) are depicted on the Official Zoning Atlas~~

~~Map of the subject area. All of the lots which constitute the MLDBD are zoned commercial and have frontage on Marco Lake Drive. The MLDBD Highlands Subdivision, as recorded in Plat Book 3, Page 72, of the public records of Collier County, Florida.~~

~~2.3.24.1.1. *Existing uses.* Uses in existence as of the date of approval of this amendment (April 19, 1995), are exempt from the minimum parking requirements as set forth in section 2.3.16 subject to the following conditions:~~

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

~~2.3.24.1.2. *Expansion or new development.* Parking to support any new development within the boundaries of the MLDBD shall be provided at 75 percent of the minimum requirement as set forth in section 2.3.16 for uses which have a parking intensity of one space per 200 square feet or less, for the square footage of the expansion or new construction only. Any expansion or new construction for uses having a parking intensity greater than one space per 200 square feet shall provide the minimum parking required as set forth in section 2.3.16. Any expansion or new construction shall include the on site installation of parking for the disabled as provided for in section 2.3.22 of this Code.~~

~~2.3.24.1.3. *Change in existing use.* A change in 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 200 square feet. A change of use to an intensity of greater than one space per 200 square feet shall provide parking for the use as set forth in section 2.3.16, and shall provide on site parking for the disabled as set forth in section 2.3.22 of this Code.~~

~~2.3.24.1.4. *Off site parking agreements.* In no way shall the provisions of the Marco Lake Drive Business District (MLDBD) be construed so as to prevent establishments within the boundaries from taking advantage of off site parking arrangements as set forth in section 2.3.4.11.~~

SUBSECTION 3.C AMENDMENTS TO SIGNS

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

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

- ~~1. One ground or wall "For Sale," "For Rent," or similar sign, with a maximum of four square feet in size, per street frontage for each parcel, or lot less than one acre in size. Said sign shall be located no closer than ten feet from any adjacent residentially used property and may be placed up to the property line abutting a right-of-way, provided it is a minimum of ten feet from the edge of pavement. (No building permit required.)~~
- ~~2. One ground or wall "For Sale," "For Rent," or similar sign, with a maximum of 12 square feet in size, per street frontage for each parcel, or lot one to ten acres in size. (No building permit required.)~~

3. One ground pole sign with a maximum height of 15 feet or wall "For Sale," "For Rent," or similar sign, with a maximum of 64 square feet in size, per street frontage for each parcel or lot in excess of ten acres in size.
4. Real estate signs shall not be located closer than 15 feet from any property line. In the case of undeveloped parcels where the existing vegetation may not allow the location of the sign 15 feet from the property line, the planning services director may allow a reduction in the amount of the required setback however, in no case shall said sign be located closer than five feet from any property line unless authorized by the board of zoning appeals through the variance process.
5. Real estate signs shall be removed when an applicable temporary use permit has expired, or within seven days of any of the following conditions: ownership has changed; the property is no longer for sale; rent or lease; or, the model home is no longer being used as a model home.
6. A sign advertising that a property has been sold or leased shall not be displayed for more than 30 days after it is erected.

2.5.5.1.3. *Model home signs.* One on-premises sign for model homes, approved in conjunction with a temporary use permit in any zoning district not to exceed 32 square feet. Model home sign copy shall be limited to the model name, builder's name, name and address, phone number, price, logo, and model home. Model home signs shall not be illuminated in any manner. (No building permit required.)

2.5.5.1.4. *Construction signs.* All supports for such signs shall be securely built, constructed, and erected and shall be located on the site under construction, subject to the following:

1. One ground or wall sign, with a maximum of four square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel less than one acre in size. (No building permit required.)
2. One ground or wall sign, with a maximum of 12 square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel one to ten acres in size. (No building permit required.)
3. One ground pole sign with a maximum height of 15 feet or wall sign, with a maximum of 64 square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel in excess of ten acres in size.
4. One ground or wall sign, with a maximum of four square feet in size, may be used as a construction sign by each contractor, lending institution, or other similar company involved with the development, regardless of parcel size. (No building permit required.)

2.5.5.1.7. *Conditional uses within the residential and agricultural districts.*

1. Conditional uses within the residential district are permitted one wall sign with a maximum of 32 square feet. Corner lots are permitted two such wall signs.

2. Conditional uses within the agricultural district in the urban area, residential and estates districts with a street frontage of 150 feet or more and a land area of 43,560 square feet or larger are permitted a ground sign with a maximum area of 32 square feet.
3. Bulletin boards and identification signs for public, charitable, educational or religious institutions located on the premises of said institutions and not exceeding 12 square feet in size. (No building permit required.)
4. The Board of County Commissioners may approve additional signage as may be deemed appropriate during the conditional use approval process.

2.5.5.2. *Signs within non-residential districts:*

2.5.5.2.1. *Unified sign plan.* Where multiple on-premise signs are proposed for a single site or project, or in the case of a shopping center or multi-use building, a unified sign plan shall be employed. An application for site development or site improvement plan approval shall be accompanied by a graphic and narrative representation of the unified sign plan to be utilized on the site. The unified sign plan may be amended and resubmitted for approval to reflect style changes or changing tenant needs. Design elements which shall be addressed in both graphic and narrative form include:

- (a) colors;
- (b) construction materials and method;
- (c) architectural design;
- (d) illumination method;
- (e) copy style;
- (f) sign type(s) and location(s); and,
- (g) in the case of multi-use buildings, and parcels with multiple structures on site, including outparcels, the unified sign plan shall indicate conformance with the following:
 - (1) no wall sign shall exceed 80 percent of the width of the unit(s) occupied by a business with a minimum of 10 percent clear area on each outer edge of the unit(s);
 - (2) all wall signs for multi-use buildings shall be located at a consistent location on the building facade, except that anchor tenants may vary from this locational requirement in scale with the anchor tenant's larger primary facade dimensions. All signs shall adhere to the dimensions provided for in the unified sign plan; and
 - (3) pole signs shall provide a pole cover with architectural design features, including colors and/or materials common to those used in the design of the building the sign is accessory to. A minimum 100 square foot planting area shall be provided around the base of any ground or pole sign, consistent with the provisions of division 2.5, of this code (see Illustration 16 below).

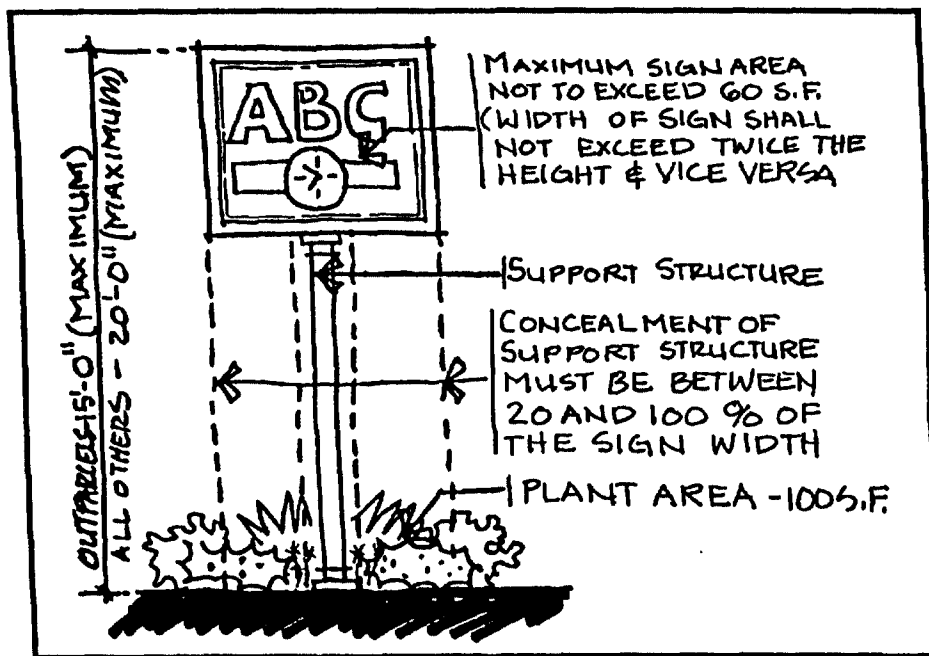


Illustration 16

2.5.5.2.1.1. Outparcels. In addition to the above requirements, unified sign plans for outparcels, regardless of the size of the outparcel, shall be limited to the following:

- (a) a wall sign for any facade adjacent to a public right-of-way and a wall sign for any facade facing the main commercial center with a maximum of 60 square feet, not to exceed a maximum of two wall signs for any single use; and,
- (b) a single ground or pole sign for outparcels having a frontage of 150 feet or more, not to exceed 60 square feet. Pole signs shall be limited to 15 feet in height.

2.5.5.2.1.2. Building permit requests. Requests for building permits for permanent on-premise signs shall adhere to the unified sign plan, which shall be kept on file in the community development and environmental services division. Requests to permit a new sign, or to relocate, replace or structurally alter an existing sign shall be accompanied by a unified sign plan for the building or project the sign is accessory to. Existing permitted signs may remain in place; however, all future requests for permits, whether for a new sign, or relocation, alteration, or replacement of an existing sign, shall adhere to the unified sign plan for the property.

2.5.5.2.4. 2. Development standards.

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

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

1. One ground or wall "For Sale," "For Rent," or similar sign with a maximum area of ~~four~~ twelve square feet in size per street frontage for each parcel, or lot less than one acre in size. (No building permit required.)
2. One ground or wall "For Sale," "For Rent," or similar sign, with a maximum 32 square feet in size, per street frontage for each parcel, or lot one to ten acres in size. (No building permit required.)
3. One ~~ground~~ pole sign with a maximum height of 15 feet or wall "For Sale," "For Rent," or similar sign, with a maximum of 64 square feet in size, per street frontage for each parcel or lot in excess of ten acres in size.
4. Real estate signs shall not be located closer than 15 feet from any property line. In the case of undeveloped parcels where the existing vegetation may not allow the location of the sign 15 feet from the property line, the planning services director may allow a reduction in the amount of the required setback however, in no case shall said sign be located closer than five feet from any property line unless authorized by the board of zoning appeals through the variance process.
5. Real estate signs shall be removed when an applicable temporary use permit has expired, or within seven days of any of the following conditions: ownership has changed; or, the property is no longer for sale, rent or lease.
6. A sign advertising that a property has been sold or leased shall not be displayed for more than 30 days after it is erected.

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

1. One ground or wall sign, with a maximum of 12 square feet, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel less than one acre in size. (No building permit required.)
2. One ground or wall sign, with a maximum of 32 square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel one to ten acres in size. (No building permit required.)
3. One ~~ground~~ pole sign with a maximum height of 15 feet or wall sign, with a maximum of 64 square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel in excess of 10 acres in size.
4. One ground or wall sign, with a maximum of 4 square feet in size, may be used as a construction sign by each contractor, lending institution, or other similar company involved with the development, regardless of parcel size. ~~(NPR)~~ (No building permit required).
5. All construction signs must be removed prior to the issuance of certificate of occupancy.

2.5.5.2-4 5. *On-premise signs.* On-premise pole signs, ground signs, projecting signs, wall signs, and mansard signs shall be allowed in all nonresidentially zoned districts subject to the restrictions below:

2.5.5.2-4 5.1. *Pole or ground signs.* Single-occupancy parcels, shopping centers, office complexes, business parks, or industrial parks having frontage of 150 feet or more on a public street, or combined public street frontage of 220 linear feet or more for corner lots, shall be permitted one pole or two ground signs. Additional pole or ground signs may be permitted provided that there is a minimum of a 1,000-foot separation between such signs, and all setback requirements are met. In no case shall the number of pole or ground signs exceed two per street frontage. In addition, multiple-occupancy parcels such as shopping centers, office complexes, business parks, or industrial parks containing 25,000 square feet or more of gross leasable floor area, and eight or more independent businesses will be permitted one directory sign with a maximum size of 250 square feet for a single entrance on each public street. When a directory sign is proposed then any pole or ground signs shall be limited to the name and logo of the complex and shall not contain name of any tenant.

1. Maximum allowable sign area: 100 square feet for each pole or ground signs, or a maximum combined area of 120 square feet for two ground signs, except for approved directory signs.
2. Setbacks: 15 feet from any property line, public or private right-of-way, or easement, unless otherwise noted below or as provided for in section 2.1.13., and with the exception of directory signs which may be located within the medians of private streets or easements, provided that there is a minimum of a 15-foot setback from all project boundaries and public rights-of-ways and easements, and their location presents no visual obstructions, or traffic hazards to motorists or pedestrians, unless otherwise noted below or as provided for in section 2.1.13.
3. The 15-foot setback requirement may be administratively reduced by a maximum of ten feet by the planning services director upon submission of the administrative variance fee and a written request. The planning services director's decision to reduce the required 15-foot setback shall be based on the following:
 - a) Where it can be demonstrated that within the adjacent right-of-way the area between the property line and the edge of pavement is excessively wide and that the actual paved area is unlikely to be widened to the extent that reduction in the required setback will result in the sign being any closer than 30 feet to the edge of pavement;
 - b) Where due to the existing site conditions and improvements, it can be demonstrated that adherence to the required 15-foot setback will have a deleterious effect on the safety of users of the site from the perspective of vehicular parking and vehicular and pedestrian ingress and egress;
 - c) Where due to the nature and location of existing landscape features and/or specimen trees, it would be prudent to allow for a reduction in the required setback so as to most appropriately locate the sign structure; or,
 - d) The extent of the reduction is the minimum amount necessary to provide relief from the applicable conditions cited above.

4. Maximum allowable height: 20 feet in height, except for directory signs as permitted in section 2.5.5.2.4.1., which may be 25 feet in height. Height shall measure from the lowest centerline grade of the nearest public or private right-of-way or easement to the uppermost portion of the sign structure.
5. The maximum size limitation shall apply to each structure. Pole or ground signs may be placed back to back, side by side, or in V-type construction with not more than one display on each facing, and such sign structure shall be considered as one sign.
6. Spot or floodlights shall be permitted only where such spot or floodlight is non-revolving and said light shines only on the owner's premises or signs and away from any right-of-way.

~~2.5.5.2.4.2. Pole or ground signs within regional shopping centers. One pole or ground sign is permitted for each regional shopping center having a frontage of 150 feet or more on a public street. Additional pole or ground signs may be permitted provided that there is a minimum of a 1,000 foot separation between such signs, and all setback requirements are met. In no case shall the number of pole or ground signs exceed two per street frontage. Additionally, one directory sign with a maximum size of 250 square feet will be permitted for a single entrance on each public street.~~

- ~~1. Maximum allowable sign area: 100 square feet for each pole or ground signs, or a maximum combined area of 120 square feet for two ground signs, except for approved directory signs.~~
- ~~2. Setbacks: 15 feet from any property line, public or private right of way, or easement, with the exception of directory signs which may be located within the medians of private streets or easements, provided that there is a minimum of a 15 foot setback from all project boundaries and public rights of way and easements, and their location presents no visual obstructions, or traffic hazards to motorists or pedestrians.~~
- ~~3. The 15 foot setback requirement may be administratively reduced by a maximum of ten feet by the planning services director upon submission of the administrative variance fee and a written request. Where the planning services director approves such a reduction, the height of the sign shall be reduced by an amount equal to the amount of variance being requested. The planning services director's decision to reduce the required 15 foot setback shall be based on the following:~~
 - ~~a) Where it can be demonstrated that within the adjacent right of way the area between the property line and the edge of pavement is excessively wide and that the actual paved area is unlikely to be widened to the extent that reduction in the required setback will result in the sign being any closer than 30 feet to the edge of pavement;~~
 - ~~b) Where due to the existing site conditions and improvements, it can be demonstrated that adherence to the required 15 foot setback will have a deleterious effect on the safety of users of the site from the perspective of vehicular parking and vehicular and pedestrian ingress and egress;~~
 - ~~e) Where due to the nature and location of existing landscape features and/or specimen trees, it would be prudent to allow for a reduction in the required setback so as to most appropriately locate the sign structure; or,~~

d) ~~The extent of the reduction is the minimum amount necessary to provide relief from the applicable conditions cited above.~~

4. ~~Maximum allowable height: 20 feet in height, except for directory signs as permitted in section 2.5.5.2.4.2., which may be 25 feet in height. Height shall measure from the lowest centerline grade of the nearest public or private right of way or easement to the uppermost portion of the sign structure.~~
5. ~~The maximum size limitation shall apply to each structure. Pole or ground signs may be placed back to back, side by side, or in V type construction with not more than one display on each facing, and such sign structure shall be considered as one sign.~~
6. ~~Spot or floodlights shall be permitted only where such spot or floodlight is nonrevolving and said light shines only on the owner's premises or signs and away from any right of way.~~

2.5.5.2.4.3 5.2. Wall, mansard, canopy or awning signs. One wall, mansard, canopy or awning sign shall be permitted for each single-occupancy parcel, or for each establishment in a multiple-occupancy parcel. ~~Corner~~ End units within ~~multiple occupancy parcels~~ shopping centers, or single occupancy parcels where there is double frontage on a public right-of-way, shall be allowed two signs, but such signs shall not be ~~combined for the purpose of~~ placed ~~placing the combined area~~ on one wall. In addition, outparcels within shopping centers may be allowed one additional sixty square foot wall sign facing the shopping center if the additional sign is not oriented towards any public right-of-way. In no case shall the number of wall signs for an outparcel exceed two signs. Retail businesses with a floor area of larger than 15,000 square feet and a front wall length of more than 200 linear feet, are allowed three wall signs; however, the combined area of those signs shall not exceed the maximum allowable display area for signs by this code.

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

2.5.5.2.4.4 5.3. Projecting signs. Projecting signs may be substituted for wall or mansard signs provided that the display area of the projecting sign shall not exceed 60 square feet of display area.

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

2.5.5.2.4.5 5.4. Under-canopy signs. In addition to any other sign allowed by this code, one under-canopy sign shall be allowed for each establishment in a shopping center. This sign shall not exceed six square feet in area and shall be a minimum of eight feet above finished grade. Under canopy signs do not require a building permit unless the sign is equipped with an electrical component.

~~2.5.5.2.4.6. Accent lighting. In addition to any other sign allowed by this code, accent lighting may be allowed subject to the following requirements:~~

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

2.5.5.2.5.5. Signage for automobile service stations:

The following are the only signs permitted in automobile services stations and convenience stores with gas pumps.

1. Window signs may only show the building address, hours of operation, emergency telephone numbers, and acceptable credit cards.
2. An illuminated corporate logo with a maximum area of twelve (12) square feet shall be allowed on a canopy face which is adjacent to a dedicated street or highway. Otherwise, accent lighting and back lighting is prohibited on canopy structures.
3. Pole signs are prohibited, however, one (1) ground sign shall be permitted for each site and shall be placed within a 200 square foot landscaped area. Height is limited so that the top edge of the sign face is less than eight (8) feet above grade. Maximum permitted area 70 square feet.
4. Illuminated signage, logos, advertising and information are prohibited above gas pumps.

~~2.5.5.2.4.7.~~ 5.6. Signs within planned unit developments (PUDs). Pursuant to the purpose and intent of this division, creative, flexible and uniform comprehensive sign plans providing for size, location, type, and common architectural design standards, are encouraged within all PUD zoning districts, and specifically required for PUDs containing in a commercial component. Sign classes and sizes for planned unit developments should be the same as the standards found within this code for the zoning district the development most closely resembles, unless such planned unit developments have comprehensive sign standards contained in the PUD document.

~~2.5.5.2.4.8.~~ 5.7. Flags. Residential properties that have been issued a certificate of occupancy may display up to three non-commercial flags. Three non-commercial flags may be displayed at the entrance of a commercial, office, industrial or residential development. Where these developments have multiple entrances, any entrance may have up to three flags each, provided: the development is at least ten acres in size, any entrance with flags is providing ingress/egress only off a roadway that is designated a collector or arterial in the traffic element of the growth management plan, and all entrances with flags are at least 300 feet apart. Four additional flags may be displayed within a development provided the flags are not visible to motorists

along any frontage roadways. The four internally displayed flags may be increased by up to eight additional flags for maximum total of 12 flags with the amount of the proposed increase to be determined by the planning services director, provided: all proposed flags would not be visible to motorists along any frontage roadways and the planning services director determines that the display of the extra flags is essential to the theme and design of the development.

1. All flagpoles with a height in excess of 15 feet above finished grade or that extend more than ten feet from any building that they are attached to shall be subject to the building permit process. As a condition of permitting, the flagpole foundation or attachment shall be designed by a Florida registered engineer on a signed and sealed drawing showing construction details and maximum flag area that is supportable. Certified designing and sealing shall not be required where flagpoles are located at a distance exceeding their height plus five feet from all structures (except those designed solely for storage), property boundaries, utility lines and poles, and pedestrian/vehicular accessways and roadways open to the general public or the residents of that community.
2. On single-family or duplex lots flagpoles shall not exceed 30 feet in height above finished grade. For all other residential zoned parcels, flagpoles shall not exceed 35 feet in height from the finished grade or extend more than 20 feet from any building to which they are attached. In the estates, agricultural or conservation districts flagpoles shall not exceed 35 feet in height above finished grade. In all other zoning districts, flagpoles shall not exceed 50 feet in height from the finished grade, nor extend more than 20 feet from any building to which they are attached, nor shall the width of the flag exceed 30 percent of the length of the pole to which it is attached.
3. All flags in all zoning districts shall have a minimum 5 foot setback from all property lines.

~~2.5.5.2.4.9.~~ 5.8. *Temporary signs.* The erection of any temporary sign shall require permitting as established within section 2.6.33 unless otherwise indicated herein. Applicants for temporary sign permits shall pay the minimum fee established for said permit. Temporary signs shall be allowed subject to the restrictions imposed by this section and other relevant parts of this code.

~~2.5.5.2.4.9.1.~~ 5.8.1. *Political signs.* Political campaign signs and posters shall be permitted subject to the following requirements:

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

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

~~2.5.5.2.4.9.2.~~ 5.8.2. *Grand opening signs.* An occupant may display an on-site grand opening sign not exceeding 32 square feet ~~on a side, and not exceeding 64 square feet total.~~ The banner sign shall be anchored and may be displayed on-site for a period not exceeding 14 days within the first three months that the occupant is open for business.

~~2.5.5.2.4.9.3.~~ 5.8.3. *Special events signs.* A special events sign not exceeding 32 square feet in size may be displayed to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, or any public, charitable, educational event. Such sign shall be located no closer than 15 feet to any property line. Such signs shall require a building permit.

~~2.5.5.2.4.10.~~ 5.9. *Special purpose signs (on-site).* Due to the unique and varied nature of the following uses, additional signs may be required to provide the desired level of service to the public. Special purpose signs shall be permitted as follows:

~~2.5.5.2.4.10.1.~~ ~~*Theater signs (on-site).*~~ ~~In addition to the signs otherwise permitted by this code, a theater shall be permitted a changeable message sign, the surface of which shall not exceed 100 square feet in area. Such sign shall require a building permit.~~

~~2.5.5.2.4.10.3.~~ 5.9.1. *Time and temperature signs.* One time and temperature sign having a surface area not exceeding ~~18~~ 12 square feet shall be permitted at each industrial, commercial or other non-residentially zoned property. Such signs may be affixed to the structure of a pole or ground sign. Such sign shall require a building permit.

~~2.5.5.2.4.10.4.~~ 5.10. *Commercial, business park and industrial directional or identification signs.* Directional or identification signs no greater than six square feet in size, and located internal to the subdivision or development and with a minimum setback of 15 feet, may be allowed subject to the approval of the community development and environmental services administrator, or his designee. Such sign shall only be used to identify the location or direction of approved uses such as sales centers, information centers, or the individual components of the development, directional or identification signs maintaining a common architectural theme may be combined into a single sign not to exceed six feet in height and 64 square feet in area. Such signs shall ~~require~~ require a building permit. For signage to be located along the Golden Gate Parkway, see division 2.2, sections 2.2.21.1 and 2.2.21.6.2 and the Golden Gate Master Plan. Logos on all directional signs shall not exceed 20 percent of the sign area.

~~2.5.5.2.4.11.~~ 5.11. *On-premise signs within agricultural districts.* On-premises signs shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and subject to the following restrictions:

~~2.5.5.2.4.11.1.~~ 5.11.1. One pole or ground sign identifying the farm organization, located at the entrance or gate of each street frontage, and only for permitted

agricultural uses. The maximum allowable sign area for each pole or ground sign shall not exceed 100 square feet with a maximum height of 20 feet, and shall be located a minimum of 15 feet from any property lines, public or private right-of-way or easement.

~~2.5.5.2.4.11.2.~~ 5.11.2. *Seasonal farm signs (on-site).* One temporary pole or ground sign identifying the farm, farm organization, entrance, or gate not exceeding 40 square feet in area. This sign shall be used to identify temporary agricultural offices so as to expedite the exportation of crops to various parts of the county. Such signs shall be permitted for a period not to exceed 30 days and may be issued only twice in any calendar year. Such signs shall require a building permit.

~~2.5.5.2.4.11.3.~~ 5.11.3. *U-Pic signs.* One U-Pic sign located at the entrance ~~or date of~~ on each street frontage. The maximum allowable sign area for each U-Pic sign shall not exceed 32 square feet, and shall be located a minimum of 15 feet from any property line, public or private right-of-way or easement.

~~2.5.5.2.4.11.4.~~ 5.11.4. *Wall, mansard canopy or awning signs within agricultural districts.* Wall, mansard, canopy or awning signs shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and subject to the following restrictions:

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

~~2.5.5.2.4.12.~~ 5.12. *Off-premises directional signs.* Off-premises directional signs are permitted subject to review and approval of the design and location of such signs by the community development and environmental services administrator, or his designee, if the following requirements ~~retirements~~ are met:

1. Off-premises directional signs shall only be permitted in nonresidentially zoned, or agricultural districts.
2. No more than two one-sided or one double-sided off-premise directional signs shall be permitted, identifying the location and nature of a building, structure, or use which is not visible from the arterial roadway serving such building, structure, or uses, provided:
 1. Each sign is not more than 12 square feet in area ~~with a single-faced display area only. Double faced signs shall not be permitted.~~
 2. The sign is not more than eight feet in height above the lowest center grade of the arterial roadway.
 3. The sign is located no closer than 15 feet to any property line.
 4. The applicant must submit with the permit application notarized, written permission from the property owner where the off-site sign is located.

5. The sign shall only be located within 1,000 feet of the intersection of the arterial roadway serving the building, structure, or use.
3. Off-premises directional signs shall not be located closer than 50 feet from a residentially zoned district.
4. Off-premises directional signs shall not be located closer than 100 feet from another off-premises directional sign.

2.5.5.2.4.13. 5.13. Illuminated signs. All illuminated signs shall have electrical components, connections, and installations that conform to the National Electrical Code, and all other applicable federal, state, and local codes and regulations. Further, lighted signs shall: be shielded in such a manner as to produce no glare, hazard or nuisance to motorists or occupants of adjacent properties; ~~not~~ nor be reflective or phosphorescent; have a steady nonfluctuating or nonundulating light source.

Sec. 2.5.6. Signs exempt from permitting.

In addition to those signs identified elsewhere in this code, the following signs are exempt from the permit requirements of this code, and shall be permitted in all districts subject to the limitations set forth below:

- 2.5.6.1. Signs required to be maintained or posted by law or governmental order, rule, or regulation.
- 2.5.6.2. On-premises directional signs, not exceeding ~~four~~ six square feet in area, intended to facilitate the movement of pedestrians and vehicles within the site upon which such signs are posted. On-premises directional signs shall be limited to two at each vehicle access point and a maximum of four internal to the development. Internal signs are not intended to be readily visible from the road.
- 2.5.6.3. One identification sign, professional nameplate, or occupational sign for each professional office, or business establishment not to exceed two square feet in sign area and placed flush against a building face or mailbox side, and denoting only the name of the occupant and, at the occupant's election, the occupant's ~~professional~~ profession or specialty and/or the street address of the premise.
- 2.5.6.4. Memorial ~~plaques~~ plaques, cornerstones, historical tablets, and similar types of commemorative signs when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- 2.5.6.5. "No Trespassing," "No Dumping," or other prohibitory or safety type signs, provided each sign does not exceed ~~two~~ three square feet in size.
- 2.5.6.6. One ground or wall "For Sale," "For Rent," or similar sign per street frontage for each parcel, or lot less than ten acres in size.
- 2.5.6.7. One on-premises sign for model homes, approved in conjunction with a temporary use permit in any zoning district.
- 2.5.6.8. One on-premises open house sign not to exceed four square feet in size. Such sign shall not be located within 15 feet of any property line, right-of-way or access easement.
- 2.5.6.9. Bulletin boards and identification signs for public, charitable, educational or religious institutions located on the premises of said institutions and not exceeding 12 square feet in size.

- 2.5.6.10. Signs located on fences or walls surrounding athletic fields, or within sports arenas, stadiums and the like, not to exceed 32 square feet in size, per sign. Signs shall be oriented along the fence or wall to face the field(s) or playing area, and away from any adjacent public or private roads.
- 2.5.6.11. Traffic control and safety signs or other municipal, county, state or federal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency signs when erected by an appropriate authority.
- ~~2.5.6.12. Holiday, seasonal, or commemorative decorations provided that such signs display no commercial advertising and provided that such signs are not displayed for a period of more than 60 days.~~
- 2.5.6.13 12. Window merchandise displays which are changed on a regular basis, meaning no less frequently than every 30 days.
- 2.5.6.14 13. Window signs not exceeding 25 percent of ~~the total~~ each window area.
- 2.5.6.15 14. Signs located at the entrance drive of residences located upon 2.25-acre lots or greater, displaying the name and address of the resident and not exceeding four square feet in area.
- 2.5.6.16 15. Flags, or insignias of governmental, religious, charitable, fraternal or other nonprofit organizations when displayed on property owned by or leased to said organization. Non-commercial flags that will be flown on a flagpole that does not exceed 15 feet in height above finished grade or extend more than ten feet from any building they are attached to, are allowable if the number of flags displayed does not exceed those described in section 2.5.5.2.3.8 and the flagpoles do not require a certified design or be sealed by a Florida registered engineer as described in section 2.5.5.2.3.8.
- 2.5.6.17 16. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers, provided such sign does not violate section 2.5.7 of this code.
- ~~2.5.6.18. Bulletin boards and identification signs for public, charitable, educational or religious institutions located on the premises of said institutions and not exceeding 12 square feet in size.~~
- 2.5.6.19 17. Religious displays that do not constitute advertising.
- 2.5.6.20 18. Painting, repainting or cleaning of an advertising structure, or changes which are determined to be less than a substantial improvement.
- 2.5.6.21 19. Copy changes for shopping center, theaters, billboards or marquees that have routine changes of copy, or are specifically designed for changes of copy.
- 2.5.6.22 20. One ground or wall sign may be used as a construction sign by the general contractor of the development, within each front yard for each parcel less than ten acre in size
- 2.5.6.23 21. Temporary signs in conjunction with an approved temporary use permit.

Sec. 2.5.7. Prohibited signs.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from this code. The following signs are expressly prohibited:

- 2.5.7.1. Signs which are in violation of the building code or electrical code adopted by Collier County.
- 2.5.7.2. Abandoned signs.
- 2.5.7.3. Animated or activated signs, except time and temperature signs.
- 2.5.7.4. Flashing signs or Electronic reader boards ~~that do not flash on and off are not flashing signs.~~
- 2.5.7.5. Rotating signs or displays.
- 2.5.7.6. Illuminated signs in any residentially zoned or used district, except residential identification signs, residential nameplates, and street signs that are illuminated by soft or muted light. Nonresidential uses within residentially used or zoned districts by ~~provisional~~ conditional use, PUD ordinance, or as otherwise provided for within the zoning ordinance, shall be allowed the use of illuminated signs, subject to the approval of the community services administrator or his designee.
- 2.5.7.7. Signs located upon, within, or otherwise encroaching upon county or public rights-of-way, except as may be permitted under the provisions of Ordinance [No.] 82-91, as amended, and those erected by a governmental agency or required ~~rehired~~ to be erected by a governmental agency.
- 2.5.7.8. Billboards.
- 2.5.7.9. Strip lighted signs.
- 2.5.7.10. Neon type signs except within all commercial and industrial districts.
- 2.5.7.11. Roof signs.
- 2.5.7.12. Portable signs.
- 2.5.7.13. Signs which resemble any official sign or marker erected by any governmental agency, or which by reason of position, shade or color, would conflict with the proper function of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination which may be reasonably confused with or construed as, or conceal, a traffic control device.

State law reference(s)--Display of unauthorized traffic signs, signals or markings, F.S. § 316.077.
- 2.5.7.14. Signs, commonly referred to as snipe signs, made of any material whatsoever and attached in any way to a utility pole, tree, fence post, stake, stick or any other object located or situated on public or private property, except as otherwise expressly allowed by, or exempted from this code.
- 2.5.7.15. Wind signs (except where permitted as part of section 2.5.5 and 2.5.6 of this code).
- 2.5.7.16. Any sign which is located adjacent to a county right-of-way within the unincorporated areas of the county which sign was erected, operated or maintained without the permit required by section 2.5.12 having been issued by the community development services administrator or his designee shall be removed as provided in section 2.5.7. Such signs shall include but are not limited to structural signs, freestanding signs, [and] signs attached or affixed to structures or other objects.

- 2.5.7.17. Any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:
 - 2.5.7.17.1. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and
 - 2.5.7.17.2. Taken as a whole, lacks serious literary, artistic, political, or scientific value.
- 2.5.7.18. Any sign which:
- 2.5.7.19. Emits audible sound, vapor, smoke, or gaseous matter.
- 2.5.7.20. Obstructs, conceals, hides, or otherwise obscures from view any official traffic or government sign, signal, or device.
- 2.5.7.21. Employs motion, ~~have~~ has visible moving parts, or gives the illusion of motion (excluding time and temperature signs).
- 2.5.7.22. Is erected or maintained so as to obstruct any firefighting equipment, window, door, or opening used as a means of ingress or egress for fire escape purposes including any opening required for proper light and ventilation.
- 2.5.7.23. Constitutes a traffic hazard, or detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing or distracting the vision of drivers or pedestrians.
- 2.5.7.24. Signs mounted on a vehicle, be it the roof, hood, trunk, bed, and so on, where said sign is intended to attract or may distract the attention of motorists for the purpose of advertising a business, product, service, or the like, whether or not said vehicle is parked, or driven, excluding emergency vehicles, taxi cabs, and delivery vehicles, where a roof mounted sign does not exceed two square feet. This section shall not apply to magnetic type signs affixed to or signs painted on a vehicle, which are not otherwise prohibited by this code.
- 2.5.7.25. Uses flashing or revolving lights, or contains the words "Stop," "Look," "Danger," or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular traffic.
- 2.5.7.26. Any sign which advertises or publicizes an activity not conducted on the premises upon which the sign is maintained, except as otherwise provided for within this code.
- 2.5.7.27. No sign shall be placed or permitted as a principal use on any property, in any zoning district except as follows: U-Pic signs, political signs or signs approved by temporary permit pursuant to the time limitations set forth herein.
- 2.5.7.28. Inflatable signs.
- 2.5.7.29. Accent lighting as defined in this code, ~~outlining doors and windows, or attached to columns and vertical corners of structures.~~
- 2.5.7.30. ~~Accent lighting on walls of commercial buildings that abut residentially zoned parcels.~~

SUBSECTION 3.D: AMENDMENTS TO SUPPLEMENTAL 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.

- 2.6.4.1.4. Fire escapes, stairways, and balconies which are unroofed (except as otherwise permitted within this section) and unenclosed shall not project over five feet into a required side or rear yard and three feet into a front yard of a multiple-family dwelling, hotel or motel and not over three feet into a required front, side or rear yard of a single-family residential dwelling.
- 2.6.4.1.5. Hoods, canopies, or roof overhangs shall not project over three feet into a required yard, but shall not come closer than one foot to the lot line.
- 2.6.4.1.6. Fences, walls and hedges, subject to section 2.6.11, and pad-mounted air conditioners are permitted in required yards, subject to the provisions of section 2.4.4.13.
- 2.6.4.1.7. Cornices, eaves or gutters shall not project over three feet into a required yard, provided that where the required yard is less than six feet in width, such projection shall not exceed one-half the width of the yard.
- 2.6.4.1.8. Except as provided in section 2.6.1, nothing in this zoning code shall be so construed as to prohibit landscaping.
- 2.6.4.1.9. Except as otherwise provided by this land development code, when lots on both sides of an undeveloped recorded lot contain a residential structure whose front yard setback is less than is now required, the average of the setbacks of the two contiguous developed lots shall serve to establish the minimum front yard requirement for the vacant lot.
- 2.6.4.1.10. Carports which are open on all sides may encroach into the required yards provided they do not encroach into the required landscape buffers, as required by this code; and furthermore, if the landscaping is deficient where the carports are proposed, the landscaping must be upgraded to comply with the code requirements to the greatest extent possible prior to the issuance of a building permit for said carports. This shall be accomplished by an site development plan amendment or a site improvement plan approval.

Sec. 2.6.10. Locational restrictions for use involving intoxicating businesses serving alcoholic beverages.

- 2.6.10.1. *Sale of alcoholic beverages.* The ~~site development review~~ planning services director, or his designee, may authorize the sale of alcoholic beverages for consumption on-premises subject to compliance with all zoning restrictions and the following locational criteria:
- 2.6.10.1.1. No such use shall be located within 500 feet of any established elementary, middle or high school, child care center, public library, church, public park, or public playground, unless a waiver of said distance requirement is granted by a board of zoning appeals resolution pursuant to section 2.6.10.3. This does not include beach access points. The distance of 500 feet shall be measured as the shortest distance between the lot on which the school, child care center, public library, church, public park or public playground is located and the lot on which the alcoholic beverages are to be sold, except that establishments located in shopping centers shall be measured to the outer wall of the establishment.
- 2.6.10.1.2. No such use shall be located within 500 feet of any existing establishment whose primary function is the sale of alcoholic beverages for consumption on-premises.

The distance of 500 feet shall be measured as the shortest distance between the lot on which the existing establishment is located and the lot on which the alcoholic beverages are to be sold, except that establishments located in shopping centers shall be measured to the outer wall of the establishment.

- 2.6.10.1.3. The erection of any school, child care center, public library, church, public park or public playground within 500 feet of an establishment which offers the sale of alcoholic beverages for consumption on-premises shall not cause such establishment to become nonconforming.
- 2.6.10.1.4. The applicant shall submit a site plan showing the following:
1. Dimensions of subject premises;
 2. All vehicular points of ingress and egress; and
 3. Compliance with all requirements of this code including landscaping, off-street parking, buffer areas, and location and size of all signs.
- 2.6.10.2. *Expiration of zoning approval.* The ~~development~~ planning services director's approval for the sale of alcoholic beverages for consumption on-premises, granted pursuant to this section, shall expire after the following periods of time and shall thereafter become null and void:
- 2.6.10.2.1. In the case of an existing structure, zoning approval shall expire six months from the date of approval unless, within that period of time, operation of the alcoholic beverage establishment has commenced. For purposes of this section, operation shall be defined as the sale of alcoholic beverages in the normal course of business.
- 2.6.10.2.2. In the case of a new structure, zoning approval shall expire one year from the date of approval unless, within that period of time, operation of the alcoholic beverage establishment has commenced. However, if substantial construction is completed, the ~~development~~ planning services director may grant one extension for up to six months.
- 2.6.10.3. *{Waiver of distance requirement.}* The board of zoning appeals may, by resolution, grant waiver of part or all of the minimum distance requirement set forth in section 2.6.10.1-1 if it is demonstrated by the applicant and determined by the board of zoning appeals that the site proposed for the sale and consumption of alcoholic beverages is separated from an established business whose primary function is the sale of alcoholic beverages for consumption on premises, school, child care center, public library, church, public park or public playground by natural or manmade boundaries, structures or other features which offset or limit the necessity for such minimum distance requirement. The board of zoning appeals' decision to waive part or all of the distance requirement shall be based upon the following factors:
- 2.6.10.3.1. The nature and type of natural or manmade boundary, structure or other feature lying between the proposed establishment and an existing school, child care center, public library, church, public park or public playground which is determined by the board of zoning appeals to lessen the need for the total 500-foot distance requirement. Such boundary, structure or other feature may include, but not be limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals, and major rights-of-way.
- 2.6.10.3.2. The paths of vehicular and pedestrian traffic which could be taken between the establishment and the school, child care center, public library, church, public park or public playground.

- 2.6.10.3.3. The hours of operation and the noise and light which could potentially be generated from the premises selling alcoholic beverages.
- 2.6.10.3.4. ~~Whether alcoholic beverages will be sold in conjunction with food or whether the establishment is primarily engaged in the sale of alcoholic beverages as a primary use.~~ Prior to consideration of such waiver by the board of zoning appeals, the applicant shall provide to the development planning services director a written application for waiver of the distance limitation on an application form supplied by the development planning services director, including a legal description of all applicable structures with a survey or boundary sketch to scale, and such other information which the applicant can supply which would assist the board of zoning appeals in its evaluation pursuant to the factors set forth above. Upon receipt of the applicant's application and the applicable application fee established by the board of county commissioners, a public hearing date shall be scheduled before the board of zoning appeals for a determination on the proposed waiver. The applicant shall notify, by certified mail, the owners or representatives of the subject school, child care center, public library, church, public park or public playground, of the application at least 15 days prior to the public hearing; and evidence of such notification shall be supplied to the development planning services director.
- 2.6.10.4. ~~{Exemptions from distance requirement.}~~ The following uses shall be exempted from the ~~distance limitations requirements~~ requirements of section 2.6.10.1-2 but ~~shall comply with all other requirements of this section.~~
- 2.6.10.4.1. Any restaurant deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages.
- 2.6.10.4.2. Any motel and/or hotel with 100 or more guestrooms.
- 2.6.10.4.3. Any private club, golf club, country club, civic or fraternal club may serve alcoholic beverages for consumption on-premises when such service is incidental to the main use and for the exclusive use of the members, tenants and/or guests of the facility.
- 2.6.10.5. ~~{Statement of gross receipts.}~~ Any owner or operator of an establishment approved under this section to sell any alcoholic beverages for consumption on-premises shall upon written demand of the development planning services director, make or cause to be made under oath a statement itemizing what percentage of his gross receipts are from the sale of alcoholic beverages.
- Sec. 2.6.11. Fences.**
- 2.6.11.1. *Fences in residential districts.* Fences or walls shall be allowed in all zoning districts subject to the restrictions set forth in section[s] 2.6.11.2--2.6.11.5.
- 2.6.11.2. *Residential districts.* For the purposes of this section, residential districts shall include: RSF residential single-family; RMF-6, RMF-12, and RMF-16 residential multiple-family; RT residential tourist; VR village residential; MH mobile home; TTRVC travel trailer-recreational vehicle park campground; and residential increments of PUD residential planned unit development districts. Fences and walls placed within required yards shall be subject to the following:
- 2.6.11.2.1. ~~Fences or walls placed within required yards shall be limited to six feet in height except that no fence placed between the front building line and the front property line of lots or parcels less than 1 1/4 acres in size shall be greater than four feet in height on interior lots, or three feet on corner lots.~~ Fences or walls on all lots greater than one acre in area may reach a maximum height of 6 feet.

- 2.6.11.2.2. ~~Fences or walls placed within the required rear yard of waterfront lots one acre or less in size shall be limited to four feet in height. For non-waterfront interior lots one acre or less in area, fences or walls may reach a maximum height of 6 feet for side and rear yards, but are limited to 4 feet within the required front yard.~~
- 2.6.11.2.3. ~~Barbed wire, razor wire, spire tips, sharp objects, or electrically charged fences shall be prohibited, except that the board of zoning appeals may allow the use of barbed wire in conjunction with chainlink fencing where it finds a security or hazard exists such as a utility substation, sewage treatment plant, or similar use. For waterfront lots one acre or less in area, height limits are as for non-waterfront lots, but with the additional restriction that fences or walls within the required rear yard are limited to 4 feet.~~
- 2.6.11.2.4. For corner lots one acre or less in area, which by definition have only front yards and side yards, any portion of a front yard fence within the safe sight triangle described in section 3.2.8.3.22 of this code is restricted to 3 feet in height. (Two sides of this triangle extend 30 feet along the property lines from the point where the right-of-way lines meet, and the third side is a line connecting the other two.)
- 2.6.11.2.5. Barbed wire, razor wire, spire tips, sharp objects, or electrically charged fences shall be prohibited, except that the board of zoning appeals may allow the use of barbed wire in conjunction with chainlink fencing for facilities where a security hazard may exist, such as a utility substation, sewage treatment plant, or similar use.
- 2.6.11.3. *Agricultural districts.* For the purposes of this section, agricultural districts shall include: A agricultural; E estates; and CON conservation districts. Fences and walls within agricultural districts shall be exempt from height and type of construction requirements ~~except that agriculturally zoned property less than five acres in size and located within urban designated areas on the future land use map of the growth management plan shall be subject to the same fencing provisions as for residential districts.~~

Sec. 2.6.21. Dock facilities

- 2.6.21.1. Individual or multiple private docks, including mooring pilings, davits, lifts and the like are permitted to serve the residents of a development on canal or waterway lots, provided they do not protrude more than the respective distances specified in sections 2.6.21.2, and 2.6.21.3, for such canal or waterway. Docks and the like are primarily intended to adequately secure moored vessels and provide safe access by users for routine maintenance and use while minimally impacting the navigability of the waterway, the native marine habitat, manatees, and the use and view of the waterway by surrounding property owners. Permitted dock facility protrusions as well as extension of dock facilities are measured from the property line, bulkhead line, shoreline, seawall, rip-rap line, or Mean High Water line, whichever is more restrictive. On unbridged barrier islands, a boat dock shall be considered a permitted principal use; however, a dock shall not, in any way, constitute a use or structure which permits, requires, and/or provides for any accessory uses and/or structures. Boathouses and dock facilities proposed on residentially zoned properties as defined in section 2.1.4 of this Code, shall be considered an accessory use or structure. Boathouses shall be required to be approved through the procedure and criteria in section 2.6.21.3 and 2.6.21.4. In addition, any covered structure erected on a private boat dock shall also be considered an accessory use, and shall also be required to be approved through the procedures and criteria of section 2.6.21.3 and 2.6.21.4, of this code. ~~Regardless of the length of protrusion, boathouses proposed on residentially zoned properties as defined in section 2.1.14 of this code, shall~~

~~be considered a conditional use and shall be approved by the board of county commissioners pursuant to the procedures set forth in section 2.7.4 and shall be reviewed based on the applicable criteria referenced therein, as well as the applicable criteria found in sections 2.6.21.1.1 through 2.6.21.1.10 of this code.~~

Sec. 2.6.28. Automobile Service Stations.

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.~~
- e. ~~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.~~

Sec. 2.6.33. Temporary use permits.

2.6.33.3. *Temporary construction and development permits.* During the construction of any development for which at least a preliminary development order has been granted, as required below, the developer may request a temporary use permit for the below-listed activities. The temporary use permit shall be granted initially for a period not to exceed 24 months in length and may be renewed annually based upon demonstration of need. A request for renewal shall be submitted to the site development review director in writing 30 days prior to the expiration of the temporary use permit. Temporary construction and development permits shall be allowed for the following uses:

1. Temporary offices to be used for construction, and administrative functions within the development.
2. ~~Temporary offices to be used for sales functions, including sales offices, allowing for the sale, resale, [or] marketing of dwellings, structures, or property within the development in which it is located, or adjacent developments under the same control.~~
2. Temporary administrative offices to be used in conjunction with a bona fide agricultural use in the agricultural zoning district when located in the area designated agricultural on the future land use map of the future land use element of the Collier County growth management plan.
3. On-site storage of equipment and construction materials for use on the development site only.

4. On-site mobile home used as a temporary office or storage facility for persons engaged in the development of the site.
5. On-site mobile radio and television equipment and antennae.
6. On-site mobile home for the use of a watchman or caretaker only.
7. On-site temporary use of structures and equipment for the building of roads, public utilities, and government projects.
8. Off-site temporary parking on property which is located contiguous to the subject development, or would be contiguous except for a roadway that is not designated as a collector or arterial in the traffic circulation element of the growth management plan, with the written authorization of the property owner.
9. Other on-site uses similar to the foregoing uses and determined to meet the intent of section 2.6.33.2.

~~Proposed temporary structures identified above and intended to be located either within a development for which a preliminary subdivision plat, in the case of single-family projects, or a preliminary site development plan for all other projects has been granted require the submission and approval of a conceptual site plan which addresses any or all of the above referenced considerations identified in a pre-application meeting. In the case of projects requiring platting pursuant to div. 3.2, a preliminary subdivision plat shall be submitted and approved in addition to the preliminary site development plan referenced above. All other temporary uses and structures permitted within section 2.6.33.3 require the submission of a conceptual plan which demonstrates that provisions will be made to address the requirements of section 2.6.33.2.~~

Proposed temporary structures identified above require the submission of a conceptual site plan which addresses the requirements of section 2.6.33.2.

2.6.33.4. *Model homes and model sales centers.*

2.6.33.4.1. Model homes and model sales centers shall be of a temporary nature and may be allowed in any residential zoning district or residential component of a PUD, in the estates zoning district, and in the agricultural zoning district as part of a rural subdivision, by the issuance of a temporary use permit; however, a model center as a permitted use within a PUD, and not located within a dwelling unit, shall not require a temporary use permit. Model homes and model sales centers are intended to facilitate the sale of the model design, or of products similar in design to the model. Model homes and model sales centers located within residential zoning districts, or within a residential component of a PUD shall be restricted to the promotion of a product or products permitted within the residential zoning district or PUD in which the model home or model sales center is located and further subject to the following:

1. Model homes shall only be permitted for dwellings which have not been previously used as a residence.
2. A model home or model sales center is not intended to allow the full scope of real estate activities and shall be restricted primarily to the sale and marketing of the model, or products similar to the model. A model home shall not include offices for builders, contractors, developers, or similar activities.
3. Model homes may be "wet" or "dry." Model homes permitted as "dry" models (unoccupied by a sales office and/or representative) shall be

limited to a conditional certificate of occupancy allowing the use of the structure as a model only provided all required infrastructure is in place to service the unit. Model homes permitted as "wet" models (occupied by a sales office and/or representative) shall not be occupied until such time as all required infrastructure is available to service the unit and a permanent certificate of occupancy has been issued. Transportation to and from unoccupied model homes is provided at a sales center, which shall provide required parking and handicapped accommodations in accordance with section 2.6.33.2. Model homes occupied by a sales office and/or representative must have all required landscaping, parking, and handicapped access on site. A temporary use permit for a model home (occupied or unoccupied) shall be issued initially for a period of three years. Extensions in excess of this period shall require submittal and approval of a conditional use petition in accordance with section 2.7.4. of this code.

4. ~~A temporary use permit for a model home or model sales center shall be issued initially for a period of 24 months. Extensions beyond the initial two year permit may be granted in accordance with section 2.6.33.4.3.~~

Model sales centers may be located in either a temporary structure, usually a mobile home, or a permanent structure which is either a residential dwelling unit or a non-residential structure. Temporary use permits shall be issued as follows:

- a. A temporary use permit for a sales center in a temporary structure shall be issued initially for a period of three years and may be renewed annually based upon demonstration of need.
 - b. A temporary use permit for a sales center in a permanent structure which is a residential dwelling unit shall be issued initially for a period of three years. Extensions in excess of this period shall require submittal and approval of a conditional use petition in accordance with section 2.7.4. of this code.
 - c. A temporary use permit for a sales center in a permanent structure other than a residential dwelling unit shall be issued initially for a period of three years and may be renewed annually on demonstration of need.
5. Temporary use permits for model homes or model sales centers to be located within a proposed single-family or multi-family development prior to final plat approval may be requested by the applicant and require: ~~submission and approval of a preliminary subdivision plat pursuant to division 3.2~~ 1) administrative approval of a plat and construction plans showing all required infrastructure for the lot(s) on which the model home or model sales center is to be located, and 2) a site development plan (SDP) pursuant to division 3.3, subject to the following:
- (a) A maximum of five models shall be permitted within an approved development prior to final plat approval as permitted above.
 - (b) The applicant shall provide documentation that all required utilities will be available to the subject site, and, where required, shall depict such utilities in detail on the site development plan.

- (c) The parcels on which the models are located must abut a privately owned and maintained road, temporary in nature or permanently constructed to Collier County roadway standards.
 - (d) The boundaries depicted on the preliminary subdivision plat shall be depicted on the site development plan in order to ensure compliance with the applicable development standards in effect on the subject property.
 - (e) Final lot grading and drainage conveyance shall be in conformance with the master grading plan for the project as depicted on the preliminary subdivision plat submittal documents.
6. All other temporary use requests for model homes shall require the submission of a conceptual plan which demonstrates that provisions will be made to adequately address the requirements of section 2.6.33.2.
 7. Temporary use permits for a model sales center within an existing subdivision shall require a site plan as follows: in the case of a permanent structure which is a dwelling unit, a site improvement plan (SIP) per section 3.3.8.4. of this code; in the case of a permanent structure which is other than a dwelling unit, a site development plan (SDP); in the case of a temporary structure (mobile home or sales trailer), either a conceptual site plan (CSP) which addresses the requirements of section 2.6.33.2. of this code, or a site improvement plan, depending on the extent of the work required.
 8. Temporary use permits for model homes to be located within a proposed single-family or multi-family development may be approved following administrative approval of a plat and construction drawings for all required infrastructure encompassing the lots on which the models are to be constructed pursuant to division 3.2, and a conceptual site plan which addresses the requirements of section 2.6.33.2. of this code. Unoccupied (dry) model homes will be permitted only in conjunction with an approved SDP for a model sales center which provides adequate parking to support the model(s).
 9. Temporary use permits for occupied (wet) model homes following subdivision approval shall require a conceptual site plan which addresses the requirements of section 2.6.33.2. of this code. Temporary use permits for unoccupied model homes following subdivision approval shall require a conceptual site plan and shall be issued only in conjunction with an approved site development plan or site improvement plan for a model sales center which provides adequate parking to support the model(s).

~~2.6.33.4.3. Extension of a temporary use permit issued for a model home or for a model sales center may be granted for a maximum of three years and shall require public notice and a hearing by the planning commission. A request for an extension and scheduling on the planning commission agenda shall be made within 30 days of the expiration of the initial temporary use permit issued for a model home or model sales center. Only one such extension may be granted and any additional requests for an extension shall be granted only in accordance with section 2.6.33.4.5. Notice of the public hearing shall be prominently posted on the property for which the extension is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the county at least one time 15 days prior to the hearing. Notice of the time and place of the public hearing shall be sent at least 15 days in advance of the~~

~~hearing by mail to all owners of property within 300 feet of the subject property. The planning commission's action shall be based upon consideration of the following factors:~~

- ~~1. The number of existing model homes or model sales centers within the immediate area of the extension request.~~
- ~~2. The classification of the right of way(s) upon which the model home or model sales center fronts.~~
- ~~3. The character or makeup of the area surrounding the model home or model sales center.~~
- ~~4. The potential effect of the model home or model sales center on adjacent and surrounding properties.~~
- ~~5. The existence of complaints relating to the use of the model home or model sales center which is the subject of the extension request.~~

~~2.6.33.4.4. When deemed necessary and based upon review of the above criteria, the planning commission may impose such conditions upon the approval of the extension request it determines necessary to accomplish the purpose of this section and protect the safety and welfare of the public. Such conditions may include, but shall not be limited to, restrictions to the hour of operation, parking, signage, screening and buffering, and the length of the extension.~~

~~2.6.33.4.5. Extensions of temporary use permits for model homes or model sales centers in excess of three years shall require submittal and approval of a conditional use permit in accordance with section 2.7.4.~~

Sec. 2.6.35. Towers

~~2.6.35.6.6. With the exception of rooftop towers and towers on essential services-conditional use sites, each new communication tower shall meet the following separation requirements: exceeding 185 feet in height shall be located at least 1,000 feet from RSF 1 through RSF 6, and RMF 6 zoning districts including planned unit developments where predominant use is consistent with RSF 1 through RSF 6 and RMF 6 zoning districts. If a part of a PUD is not developed and it is inconclusive whether the part of a PUD area within 1,000 feet of the proposed tower site may be developed with a density of six units per acre or less, it shall be presumed that the PUD area nearest to the proposed site will be developed at the lowest density possible under the respective PUD.~~

1. Each new tower that exceeds 185 feet in height shall be located not less than 2.5 times the height of the tower from all RSF-1 through RSF-6, and RMF-6 zoning districts including planned unit developments (PUDs) where the adjacent use(s) is/are, or comparable to, RSF-1 through RSF-6 and RMF-6 zoning districts. If a part of a PUD is not developed and it is inconclusive whether the part of a PUD area within such minimum separation distance from the proposed tower site may be developed with a density of six units per acre or less, it shall be presumed that the PUD area nearest to the proposed site will be developed at the lowest density possible under the respective PUD.
2. In addition, each such new tower that exceeds a height of seventy-five (75) feet excluding antennas, shall be separated from all boundaries of surrounding property zoned RMF-12, RMF-16, E, RT, VR, MH, TTRVC, H, and the residential areas of PUDs with existing or planned densities greater than six units per acre by not less than the

total height of the tower including its antennae; and from all other surrounding property boundaries by a distance not less than one-half the height of the tower and its antennae, or the tower's certified collapse area, whichever distance is greater.

3. Upon written application for exception(s) by the tower permit applicant, citing to specific provisions(s) of controlling law, staff shall, in writing, grant one or more specifically articulated exceptions to these separation requirements, but only to the extent, in the opinion of the county attorney, each applied-for exception is mandated by application of such law(s) as applied to the specific tower site.

SUBSECTION 3.E: AMENDMENTS TO ZONING ADMINISTRATION AND PROCEDURES DIVISION

Division 2.7., Zoning Administration and Procedures, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.7. ZONING ADMINISTRATION AND PROCEDURES

Sec. 2.7.4. Conditional use procedures

- 2.7.4.5.1. Any conditional use shall expire ~~one~~ three years from the date of grant, if by that date the use for which the conditional use was granted has not been commenced.
- 2.7.4.5.2. Any conditional use shall expire one year following the discontinuance of the use for which the conditional use was granted unless the site was improved and/or structures built for the specific uses approved by a conditional use and which cannot be converted to a use permitted by the underlying zoning designation of the site.
- 2.7.4.5.3. The board of zoning appeals may grant a maximum of ~~three~~ one one-year extension of an approved conditional use upon written request of the petitioner. ~~Each extension must be requested and approved prior to the expiration of the original conditional use.~~

SUBSECTION 3.F: AMENDMENTS TO ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS DIVISION

Division 2.8., Architectural and Site Design Standards and Guidelines for Commercial Buildings and Projects, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.8. ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS.

2.8.36. *Signage.*

- 2.8.3.6.2.1. ~~Unified sign plan. Where multiple on-premise signs are proposed for a single site or project, or in the case of a shopping center or multi-use building, a unified signage plan shall be employed. An application for site development or site improvement plan approval shall be accompanied by a graphic and narrative representation of the unified signage plan to be utilized on the site. The unified sign plan may be amended and resubmitted for approval to reflect~~

~~style changes or changing tenant needs. Design elements which shall be addressed in both graphic and narrative form include:~~

- ~~(a) adherence with the provisions of division 2.5. of this code;~~
- ~~(b) colors;~~
- ~~(c) construction materials and method;~~
- ~~(d) architectural design;~~
- ~~(e) illumination method;~~
- ~~(f) copy style;~~
- ~~(g) sign type(s) and location(s); and;~~
- ~~(h) in the case of multi-use buildings, and parcels with multiple structures on site, including outparcels, the unified sign plan shall indicate conformance with the following:~~
 - ~~(1) No wall sign shall exceed 80 percent of the width of the unit(s) occupied by a business with a minimum of ten percent clear area on each outer edge of the unit(s);~~
 - ~~(2) All wall signs for multi-use buildings shall be located at a consistent location on the building facade, except that anchor tenants may vary from this locational requirement in scale with the anchor's larger primary facade dimensions. All signs shall adhere to the dimensions provided for in the unified signage plan; and~~
 - ~~(3) Pole signs shall provide a pole cover with architectural design features, including colors and/or materials common to those used in the design of the building the sign is accessory to. A minimum 100 square foot planting area shall be provided around the base of any ground or pole sign, consistent with the provisions of division 2.5. of this code (see Illustration 16 below).~~

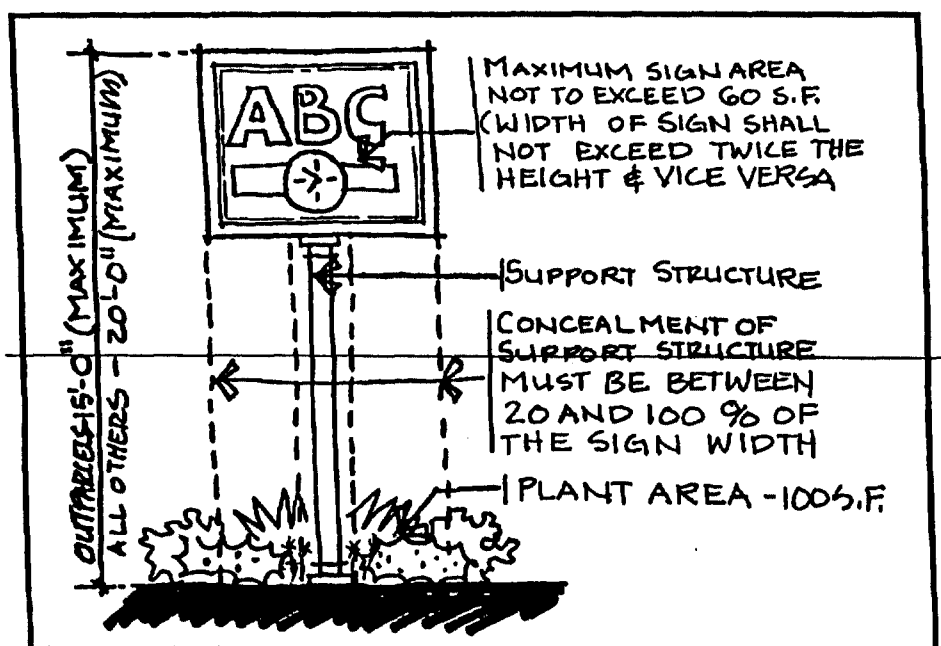


Illustration 16

Illustration 16 above is hereby deleted in its entirety

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

~~2.8.3.6.2.2. *Outparcels.* In addition to the above requirements, unified sign plans for outparcels, regardless of the size of the outparcel, shall be limited to the following:~~

- ~~(a) a wall sign for any facade adjacent to a public right of way and a wall sign for any facade facing the main commercial center, not to exceed a maximum of two wall signs for any single use; and,~~
- ~~(b) a single ground or pole sign not to exceed 60 square feet. Pole signs shall be limited to 15 feet in height.~~

~~2.8.3.6.2.3. *Building permit requests.* Requests for building permits for permanent on-premise signs shall adhere to the unified signage plan, which shall be kept on file in the community development and environmental services division. Requests to permit a new sign, or to relocate, replace or structurally alter an existing sign shall be accompanied by a unified sign plan for the building or project the sign is accessory to. Existing permitted signs may remain in place; however, all future requests for permits, whether for a new sign, or relocation, alteration, or replacement of an existing sign, shall adhere to the unified sign plan for the property.~~

SUBSECTION 3.G: 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

3.2.8.3. *Required improvements.*

3.2.8.3.4. *Buffer areas.* Subdivisions or developments shall be buffered for the protection of property owners from surrounding land uses as required pursuant to division 2.4. Buffers shall not inhibit pedestrian circulation between adjacent commercial land uses. Buffers shall be installed during construction as follows and in accordance with division 2.4:

- (a) To separate residential developments from commercial, community use, industrial and public use developments and adjacent expressways, arterials and railroad rights-of-way, except where such expressway, arterial, or railroad right-of-way abuts a golf course.
- (b) To separate commercial, community use, industrial and public use developments from residential developments.
- (c) To separate subdivisions of residential property that do not result in the submittal of a site development plan pursuant to the provisions of division 3.3 from other residential properties.

Separation shall be created with a landscape buffer strip which is designed and constructed in compliance with the provisions of division 2.4. ~~Such buffer strip(s) shall be shown and designated on the final plat as a tract or easement and shall not be located within any public or private right of way. The ability to locate buffer(s) within a platted or recorded easement shall be determined pursuant to the provisions of division 2.4.~~ Buffers adjacent to protected/preserve areas shall conform to the requirements established by the agency requiring such buffer.

3.2.8.3.17. *Sidewalks, bike lanes and bike paths.* ~~Sidewalks, bike lanes and bike paths shall be provided for public and private roadways in conformance with the following criteria:~~ The developer shall be required to construct sidewalks or

bike paths, and bike lanes where applicable, as described below, unless otherwise exempted from the subdivision regulations of this code. Sidewalks or bike paths, and bike lanes shall be constructed contiguous to public and private roadways, which are adjacent to and internal to the site, in conformance with the following criteria unless otherwise modified or waived by the Board of County Commissioners:

1. Bike lanes shall be provided on both sides of any street classified higher than a local street (i.e., collector, arterial).
2. Sidewalks six feet in width, or bike paths six seven feet in width, shall be provided on both sides of collector and arterial streets.
3. Sidewalks, or bike paths, five feet in width, shall be provided on both sides of local streets except as follows:
 - (a) Where a cul-de-sac or dead-end street exists within an approved single family residential subdivision, and where the developer of such subdivision was granted an exemption to the subdivision regulations to allow a sidewalk on only one side of the street, the same exemption shall then apply to any new abutting single family residential subdivision which extends the dead-end street or cul-de-sac to no more than 1000 feet.
4. All sidewalks, bike paths and bike lanes along public and private roadways shall be constructed in accordance with design specifications identified in section 3.2.8.4.14. and division 2.8 of this code.
5. Alternative designs for sidewalks, bike lanes, or bike paths in developments with public or private roadways may be provided, subject to approval by the Community Development and Environmental Services Division Administrator and may utilize, but not be limited to the following analysis:
 - a. A design that matches the land use density and intensity of the development along the street or cul-de-sac.
 - b. A design that matches the expected traffic volumes on the street or cul-de-sac.
 - c. A ~~D~~design that does not create a safety hazard caused by vehicles parked across the sidewalk or directs pedestrians or cyclists into high traffic areas.
 - d. A ~~D~~design that does not encourage additional landscape area due to clearing for the installation, aesthetic softening or additional hardscape, additional softening of unnatural linear concrete strips, or similar features.
 - e. A ~~D~~design that matches the expected demographics of the development, including but not limited to considerations such as the expected amount of school age children and active adults.
 - f. A ~~D~~design that matches reduced speed streets and culs-de-sacs.
 - g. A ~~D~~design that matches the expected amount of utilization by joggers, walkers and cyclists.
 - h. A ~~D~~design that matches the character of the development, i.e., golf course/country club community, affordable housing, private gated communities, etc.
 - i. Criteria pursuant to the provisions of section 3.2.7.2.
6. ~~Developments fronting on existing roads shall be required to provide its [their] fair share portional cost of the sidewalks/bikepaths along the~~

~~frontage of the development in conformance with the county's bikeway program.~~ Developments that provide an internal bikepath system which functions primarily for transportation purposes, not recreation, and which connects with existing public bicycle paths or bike lanes may be exempt from ~~this requirement~~ the sidewalk/bike path requirement by the County's ~~Transportation Services~~ Transportation Services ~~Division~~ director if the alternative system functionally operates equal to the standards of the county's bikeway system, interconnects with the existing or proposed county bikeway system and will be perpetually open to the public.

7. Developments providing interconnections to existing and future developments pursuant to the density rating system section of the Collier County growth management plan's future land use element, shall include sufficient right-of-way to accommodate the roadway, sidewalks, ~~bike lanes or bikepaths, and bike lanes, where required.~~ bikepaths, bike lanes and sidewalks shall be constructed concurrently with the roadway interconnection.
8. Where planned right-of-way improvements scheduled in the capital improvements program (CIP) would cause the removal of any sidewalks/bikepaths or bike lanes required by this code within two fiscal years following the fiscal year in which the first building permit for the project is issued, the developer, in lieu of construction of the required sidewalks/bikepaths and bike lanes, shall provide funds for the cost of sidewalk/bikepath and bike lane construction into a fund approved by the transportation services director, or his designee, for future construction of required sidewalks/bikepaths and bike lanes, by the county.

3.2.8.4.14. *Sidewalks and bikepaths.*

5. Where an exemption to the subdivision regulations has been granted permitting a sidewalk/bikepath to be developed on one side of the street, and the sidewalk/bikepath cannot be made continuous on the same side of a street for the length of the street, the sidewalk may be allowed to continue on the other side of the street, provided a paved sidewalk/bikepath connection with curb cuts is constructed from the end of the sidewalk/bikepath to the street, on both sides of the street, consistent with the design criteria described in section 3.2.8.4.14. and division 2.8. of this code.

SUBSECTION 3.H: AMENDMENTS TO SITE DEVELOPMENT PLANS DIVISION

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

3.3.7.1.9. *Infrastructure improvement plans.*

12. *Sidewalks, bike lanes and bikepaths.* For all projects required to be developed through the site development plan (SDP) process, the developer shall be required to construct sidewalks or bikepaths, and bike lanes where applicable, as described below, unless otherwise exempted from the subdivision regulations of this code. Sidewalks or bikepaths, and bike lanes shall be constructed contiguous to public and private roadways which are adjacent to and internal to the site, in conformance with the following criteria:

- a. Sidewalks, six feet in width, or bikepaths seven feet in width shall be provided on both sides of collector and arterial streets.
- b. Sidewalks, or bike paths, five feet in width, shall be provided on both sides of local streets except as follows:
 - (1). Where a cul-de-sac or dead-end street exists within an approved single family residential subdivision, and where the developer of such subdivision was granted an exemption to the subdivision regulations to allow a sidewalk on one side, the same exemption shall then apply to any new abutting single family residential subdivision which extends the dead-end street or cul-de-sac to no more than 1000 feet.
- c. Bike lanes shall be provided on both sides of any street classified higher than a local street (i.e. collector, arterial).
- d. All sidewalks, bikepaths and bike lanes along public and private roadways shall be constructed in accordance with design specifications identified in section 3.2.8.4.14. and division 2.8 of this code.
- e. Alternative designs for sidewalks, bike lanes, and bikepaths in developments adjacent to public or private roadways may be provided, subject to approval by the community development and environmental services division administrator and may utilize, but not be limited to the following criteria:
 - (1). A design that reflects the land use density and intensity of the development along the street or cul-de-sac.
 - (2). A design that reflects the expected traffic volumes on the street or cul-de-sac.
 - (3). A design that does not create a safety hazard caused by vehicles parked across the sidewalk or directs pedestrians or cyclists into high traffic areas.
 - (4). A design that does not encourage additional landscape area due to clearing for the installation, aesthetic softening or additional hardscape, additional softening of unnatural linear concrete strips, or similar features.
 - (5). A design that reflects the expected demographics of the development, including but not limited to considerations such as the expected amount of school age children and active adults.
 - (6). A design that reflects reduced speed streets and cul-de-sacs.
 - (7). A design that reflects the expected amount of utilization by joggers, walkers and cyclists.
 - (8). A design that reflects the character of the development, i.e., golf course/country club community, affordable housing, private gated communities.
 - (9). Criteria pursuant to the provisions of section 3.2.7.2. of this code.
- f. Developments that provide an internal bikepath system, which functions primarily for transportation purposes, not recreation, and which connects with existing public bicycle paths or bike lanes may be exempt from the sidewalk/bikepath requirement. The county's transportation services division administrator may grant such an exemption if the alternative system functionally operates equal to the standards of the county

bikeway system, interconnects with the existing or proposed county bikeway system and will be perpetually open to the public.

- g. Developments providing interconnections to existing and future developments pursuant to the density rating system section of the Collier County growth management plan future land use element, shall include sufficient right-of-way to accommodate the roadway, sidewalks, bike lanes or bike-paths, and bike lanes, where required. Bikepaths, bike lanes and sidewalks shall be constructed concurrently with the roadway interconnection.
- h. Where planned right-of-way improvements scheduled in the county's capital improvements program (CIP) would cause the removal of any sidewalks/bikepaths or bike lanes required by this code within two (2) fiscal years following the fiscal year in which the first building permit for the project is issued, the developer, in lieu of construction of the required sidewalks/bikepaths and bike lanes, shall provide funds for the cost of sidewalk/bikepath and bike lane construction and deposit the same into a fund approved by the transportation services director, or his designee, for future construction of required sidewalks/bikepaths and bike lanes, by the county.

SUBSECTION 3.I: AMENDMENTS TO EXPLOSIVES DIVISION

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

DIVISION 3.4. EXPLOSIVES

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

- 3.4.13.5.1. It shall be unlawful for any person, to blast, fire, detonate or use any amount of explosive within the territorial limits of the county without first obtaining a blasting permit as hereinafter provided by this section; provided that in any event it shall be unlawful for any person to blast, fire or detonate or use any amount of explosives which would result in a resultant peak particle velocity in excess of 0.5 inches per second when measured on the ground at the nearest building or structure not owned by the permittee, or at a location identified by the seismologist of record and the Planning Services Director, or designee. A blasting control procedure is hereby established by adopting an 80% rule for controlling blasting in urban construction environments. If 80% of the allowable particle velocity is exceeded, no blasting may be undertaken until a letter, facsimile transmission, or telephone call with a follow-up letter or facsimile transmission is provided by the blasting permit applicant to the county identifying a revised blasting methodology which provides procedures that will be implemented to assure that a peak particle velocity of 0.5 inches per second will not be exceeded.

The maximum allowable airblast, measured at the nearest building or structure not owned by the permittee, or when measured at a distance of 5280 feet from the blast shall not exceed 129 decibels when measured by an instrument having a flat frequency response over a range of at least 6 to 200 hertz. If the airblast is measured with an instrument having a flat frequency measure over a range of at least 2 to 200 hertz, the corresponding limit is 133 decibels.

The following requirements shall apply to all blasting within the urban boundaries of the county:

- a) Overburden shall not be removed prior to blasting. When overburden exceeds 4 feet of depth, a minimum of 4 feet of overburden shall remain in place prior to blasting.
- b) All blast holes within 1000 feet of the nearest structure based on a GPS measurement with 89 stone or approved equal material shall be stemmed to confine the gaseous products of detonation.
- c) The “borehole” surrounding the blast tube shall be backfilled to ensure stability of the ground surface.
- d) All surface detonators shall be covered or buried.
- e) All charges shall be at (originally placed) proper depth prior to the detonation of multiple blasts.

SUBSECTION 3.J: AMENDMENTS TO VEGETATION, REMOVAL AND PRESERVATION DIVISION

Division 3.9., Vegetation, Removal 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 AND PRESERVATION

Sec. 3.9.5. Vegetation removal, protection and preservation standards.

3.9.5.2.9 Removal of vegetation for approved mitigation bank sites (as defined by the Florida Administrative Code); state or federally endorsed environmental preservation, enhancement or restoration projects; or State of Florida, division of forestry approved fire breaks shall be permitted. Vegetation removal permits issued under these criteria are valid for the period of the time authorized by such agency permits.

SUBSECTION 3.K: AMENDMENTS TO DEFINITIONS DIVISION

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

Commercial equipment: Any equipment commonly used in a commercial business, i.e. contractors equipment, earth moving machinery, lawn equipment, or utility trailers, or devices used for the transportation of equipment, materials or merchandise. (See section 2.6.7)

Nonconforming lot of record: Any lawful lot or parcel which was recorded, or for which an agreement for deed was executed, prior to the effective date of this code, and which lot or parcel does not meet the minimum width ~~and~~ or lot area requirements as a result of the passage of this code shall be considered as a legal nonconforming lot and shall be eligible for the issuance of a building permit provided all the other requirements of this code and the Florida Statutes are met. This definition also includes any lot or parcel made nonconforming by a rezoning initiated by Collier County to implement the Zoning Reevaluation Ordinance [No.] 90-23 (1990) [Code ch. 106, art. II].

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 16th day of June, 1999.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: _____
PAMELA S. MAC'KIE, CHAIRWOMAN

ATTEST: [Signature]

DWIGHT E. BROCK, CLERK
~~Attest as to chairman's signature only.~~
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

LDC ORD CYCLE 1 - 1999/md

This ordinance filed with the Secretary of State's Office the 22nd day of June, 1999 and acknowledgement of that filing received this 25th day of June, 1999
By [Signature]
Deputy Clerk

FILED

1999 JUN 22 AM 10:35

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

STATE OF FLORIDA)
COUNTY OF COLLIER)

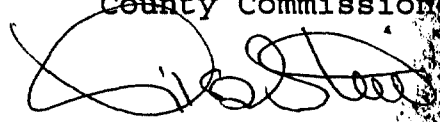
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twelfth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 99-46

Which was adopted by the Board of County Commissioners on the 16th day of June, 1999, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 21st day of June, 1999.

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



By: Lisa Steele
Deputy Clerk

