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ORDINANCE NO. 76-43

REC 663 PAGE 1523



AN ORDINANCE AMENDING ORDINANCE NO. 76-30 BY AMENDING SECTION 8, SUPPLEMENTARY DISTRICT REGULATIONS; AMENDING SECTION 9, SPECIAL REGULATIONS FOR (ST) AREAS OF ENVIRONMENTAL SENSITIVITY; AMENDING SECTION 14, PROVISIONAL USES; AMENDING SECTION 18, OFF-STREET PARKING AND OFF-STREET LOADING; AMENDING SECTION 20, SIGNS; AMENDING SECTION 21, RESIDENTIAL SINGLE-FAMILY; AMENDING SECTION 22, PART I & II, RESIDENTIAL MULTIPLE FAMILY; AMENDING SECTION 23, RM-2, RESIDENTIAL MULTIPLE FAMILY; AMENDING SECTION 24, PUD; AMENDING SECTION 25, RT, RESIDENTIAL TOURIST; AMENDING SECTION 26, GC, GOLF COURSE DISTRICT; AMENDING SECTION 28, MOBILE HOME SUBDIVISION DISTRICT; AMENDING SECTION 32, PROFESSIONAL COMMERCIAL DISTRICT; AMENDING SECTION 33, CONVENIENCE COMMERCIAL DISTRICT; AMENDING SECTION 34, GENERAL RETAIL COMMERCIAL DISTRICT; AMENDING SECTION 35, COMMERCIAL INDUSTRIAL DISTRICT; AMENDING SECTION 36, INDUSTRIAL DISTRICT; AMENDING SECTION 37, AGRICULTURAL DISTRICT; AMENDING SECTION 38, ESTATES DISTRICT; AMENDING SECTION 39, ADMINISTRATION AND ENFORCEMENT; AMENDING SECTION 48, AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE:

RECORDED
OFFICIAL RECORD BOOK
COLLIER COUNTY, FLORIDA

SEP 30 8 44 AM '76

MARGARET I. SCOTT
CLERK OF CIRCUIT COURT
COLLIER COUNTY, FLORIDA

WHEREAS, the Coastal Area Planning Commission petitioned the Board of County Commissioners, Collier County, Florida to amend the Comprehensive Zoning Regulations for the unincorporated area of the Coastal Area Planning District of Collier County, Florida, as hereinafter described:

FILED
SEP 27 1 30 PM '76
RUCIA SALTERS
SECRETARY OF STATE

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA:

SECTION ONE:

The Comprehensive Zoning Regulations for the unincorporated area of the Coastal Area Planning District of Collier County, Florida, Ordinance No. 76-30 are amended as hereinafter described:

Amend Section 8 - Supplementary District Regulations

Paragraph 10: Essential Services
Amend to read as follows:

- 10. Essential Services: Essential services are services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction. Essential services are permitted in any zoning district subject to the following conditions:

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A. Permitted Uses.

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The following uses shall be deemed permitted uses in any zoning district: water lines, sewer lines, gas lines, telephone lines, cable television, electrical transmission and distribution lines, sub-stations, lift stations and similar installations necessary for the performance of these services.

B. Provisional Uses:

The following uses shall be deemed provisional uses in any district: Electric or gas generating plants, sewage treatment plants, water pumping or water aeration or treatment plants, sewage or water system accessory to a use, but not in the same zoning district as the use it is intended to serve, and other similar facilities.

C. Under this subsection, where structures are involved other than structures supporting lines or cables, such structures shall conform insofar as possible to the character of the district in which they are located as to architecture and landscaping, with utilization of screening and buffering compatible with the district.

D. Essential Services shall not be deemed to include the erection of structures for commercial activities such as sales or the collection of bills in districts from which such activities would otherwise be barred.

Amend Section 9 - SPECIAL REGULATIONS FOR (ST) AREAS OF ENVIRONMENTAL SENSITIVITY:

1. Intent and Purpose:

Certain areas of Environmental Sensitivity require special regulation to protect, conserve and improve the ecology of the Coastal Area Planning District, and prevent their use in a manner which is contrary to the health, safety, and well-being of the community. These areas of environmental sensitivity are a unique natural resource being commercial, recreational and aesthetic benefits of a kind of abundance found nowhere else in this nation. These are annually renewable benefits that are dependent upon the maintenance of certain conditions and ecological relationships found in the ecological system of Collier County. The purpose of this special regulation is to protect and conserve areas of environmental sensitivity while permitting those types of developments which will prevent ecological change or damage or hold such changes to acceptable levels. Areas of environmental sensitivity include but are not necessarily limited to, mangrove swamp; coastal beaches; estuarine areas; cypress domes; fresh water marshes; tidal marshes; natural drainage courses; and land and structures of historic and/or archeological significance. Conservation goals for areas of environmental sensitivity include, but are not limited to:

- A. Preservation of natural drainage ways.
- B. Reduction or elimination of pollutant discharge into air or water which would lower the pollutant level or air or water below permissible Federal, State, and local governmental standards.
- C. Preservation of ecological systems to the end that flora and fauna are capable of

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viable reproduction in continuing their effective role in the life chain of their biologic community;

- D. Conservation of the essential fresh and salt water resources of the Coastal Area Planning District, and,
- E. The preservation of lands and structures of historical and/or archaeological significance.

2. Establishment of Zoning Classification:

An overlay zoning classification to be known as the "ST" Special Treatment District, and to be designated on the Official Zoning Atlas by the symbol "ST" together with the symbol of the basic zoning district which it overlays, is hereby established. This overlay classification will be used for those lands of environmental sensitivity where the essential ecology of the lands cannot be preserved under other zoning districts and regulations established by this ordinance. Where lands are designated "ST" the regulations of this Section 9 shall be in addition to the regulations applicable to the basic zoning classification such lands otherwise hold.

3. Development Plan Approval Required:

No lands designated "ST" shall be cleared, altered, changed or in any manner developed until approval of a Development Plan has been obtained in the manner herein set forth.

For the purpose of this Section, the requirements of Section 39.8 "Site and Development Plan Approval" do not apply.

4. Uses:

Lands designated "ST" shall be used only for the permitted principal uses, the permitted accessory uses, and/or the permitted provisional uses under the basic zoning classification of such lands. The consideration of an application for a provisional use shall be subject to a Public Hearing. This hearing may run concurrently with any public hearing required by this Section or may be held at a separate time.

However, where an applicant for development approval proposes a particular use or uses that are permitted or permissible under the basic zoning classification, the fact that such a use or uses is permitted or permissible shall confer no right on him to such use or uses if the ecology of the area involved would be severely or substantially damaged thereby.

5. Transfer of Residential Density Credit:

An owner of land located within an area designated as "ST" may elect to transfer all or some of the residential density of his "ST" land to another property, rather than develop the "ST" lands in conformity with the "ST" regulations.

The residential density credits may be transferred in portions or as a total, provided that once transferred, residential density credits shall not be transferred again.

Such transfer may be for the immediate development of contiguous non-"ST" land or may be for the future development of contiguous non-"ST" land and is subject to the following conditions:

A. Transfer of Residential Density Credit For Immediate Development:

(1) General Requirements:

- (a) The transfer shall be to land not designated "ST".
- (b) The transfer shall be to land having at least one point of contiguity with the land designated "ST". For the purpose of this section, an intervening agent such as but not limited to a public or private street, easement, railroad right-of-way, or natural body of water, excluding waters under jurisdiction of any public agency unless specifically approved by the Board, does not prevent properties from being contiguous, provided:
 - (i) All lands are included within the same petition.
 - (ii) Such lands would have contiguity were it not for the fact that they are physically separated by an intervening agent.
 - (iii) Such lands would have juxtaposition in at least one point if the intervening agent were removed and the land boundaries extended across the intervening agent.
- (c) The "ST" land may be left in its natural state or used for limited recreation, open space, surface drainage and spreader waterways, effluent polishing ponds, scenic trails, and protected wildlife habitats or for any other use which is approved by the County as an integral part of the development plan.
- (d) The non-"ST" land to which the density transfer is made shall be developed in accordance with all of the regulations of this Section including the approval of a development plan.
- (e) The fact of transfer for "ST" land along with a development plan, shall be recorded at the owner's expense in the records of the Clerk of the Circuit Court of Collier County, together with a covenant on such land with enforcement running to the County that no future alteration, building, or development permit will be issued in the future on such land except as follows:
 - (i) In accordance with the conditions

of the approved development plan.

- (ii) In accordance with the conditions of an approved modification of the development plan.
- (iii) The recorded transfer of density credit may not be amended or expunged from the public records of the Clerk of the Circuit Court without due process of law and/or just compensation for any reduction of development rights.
- (f) The maximum allowable transfer of density use credit from a parcel of land designated "ST" to a contiguous area not designated "ST" shall be computed on the basis of one (1) acre of "ST" to one (1) acre of contiguous area not designated "ST".

The number of units which may be transferred shall be calculated on the number of dwelling units which are permitted:

- (i) In the zoning district of the non-"ST" land to which the credit density is being transferred, or,
- (ii) On the Official Land Use Guide level for the non-"ST" land to which the credit density is being transferred, whichever of these is the greater.

In instances where a transfer of development rights consists of more "ST" land than non-"ST" land, the residential density of the excessive "ST" land may be included in the transfer at the ratio of .2 dwelling units for each additional gross acre of "ST" land in excess of the non-"ST" land.

(2) Specific Requirements:

- (a) Development of "ST" land of ten (10) acres or less involving density transfer.

Where land has an "ST" designation, is ten (10) acres or less in gross area, and where transfer of density credit is involved under Section 9.5 above, the following procedures and standards shall govern for the approval of the Development Plan.

- (i) Pre-application conference: Prior to the filing of an application for approval of a Development Plan for "ST" land, the Applicant shall request and hold a pre-application conference with the Director and appropriate County Staff. The pre-application

conference is for the purpose of guidance and information and for insuring insofar as may be possible that any application will be in conformity with these regulations. No application for approval of a Development Plan will be accepted for formal processing and public hearings until the Director has reviewed the application to determine that all required data have been included; a minimum of thirty (30) days should be allowed for this phase of the review process.

- (ii) Prior to the granting of an approval for a Development Plan for the transfer of development rights for any lands designated "ST", the conditions of transfer shall meet all the requirements of Section 9 of this Ordinance.
- (iii) The formal application for a Development Plan Approval shall include a Development Plan of the subject lands along with an environmental impact statement as required in Ordinance 74-36, and when applicable a tree removal plan in compliance with Ordinance 75-21, and/or a Development of Regional Impact Review Data as required under Chapter 380.06 of the Florida Statutes.
- (iv) Upon the formal filing of the application for Development Plan Approval, the application and supporting data shall be referred to the appropriate advisory boards for recommendation. These recommendations shall be filed at the time of public hearing before the Planning Commission or prior thereto. Such reference shall not, however, serve to delay the public hearing by the Planning Commission.
- (v) Upon such hearing, the Planning Commission shall make its recommendation to the Board.

(b) Development of "ST" Land of More Than Ten (10) Acres Involving Density Transfer.

Where land has an "ST" designation, is more than ten (10) acres in gross area, and where transfer of density credit is involved under Section 9.5 above, the procedures and standards to be used are the same as in paragraph 5.A. (2) (a) above.

B. Transfer of Residential Density Credit for Future Development:

(1) General Requirements:

- (a) The transfer shall be to land not designated "ST".
- (b) The transfer shall be to land having at least one point of contiguity with the land designated "ST". For the purpose of this Section, an intervening agent such as but not limited to a public or private street, easement, railroad right-of-way, or natural body of water, excluding waters under the jurisdiction of any public agency unless specifically approved by the Board, does not prevent properties from being contiguous, provided:
 - (i) All lands are included within the same petition.
 - (ii) Such lands would have contiguity were it not for the fact that they are physically separated by an intervening agent.
 - (iii) Such lands would have juxtaposition in at least one point if the intervening agent were removed and the land boundaries extended across the intervening agent.
- (c) The "ST" land may be left in its natural state or used for limited recreation, open space, surface drainage and spreader waterways, effluent polishing ponds, scenic trails, and protected wildlife habitats or for any other use which is approved by the County as an integral part of the Development Plan.
- (d) At the time non-"ST" land to which the density transfer has been made is ready for development, such development shall be in accordance with all of the regulations of this Section including the approval of the Development Plan.
- (e) The fact of transfer for "ST" land shall be recorded at the owner's expense in the records of the Clerk of the Circuit Court of Collier County, together with a covenant on such land with enforcement running to the County that no future alteration, building or development permit will be issued in the future on such land except as follows:
 - (i) In accordance with the conditions of an approved Development Plan.
 - (ii) In accordance with the conditions of an approved modification of the Development Plan.
 - (iii) The recorded transfer of density credit may not be amended or

expunged from the public records of the Clerk of the Circuit Court without due process of law and/or just compensation for any reduction of development rights.

- (f) The maximum allowable transfer of density use credit from a parcel of land designated "ST" to a contiguous area not designated "ST" shall be computed on the basis of one (1) acre of contiguous area not designated "ST".

The number of units which may be transferred shall be calculated on the number of dwelling units which are permitted:

- (i) In the zoning district of the non-"ST" land to which the credit density is being transferred or,
- (ii) On the Official Land Use Guide density level for the non-"ST" land to which the credit density is being transferred, which ever of these is the greater.

In instances where a transfer of development rights consists of more "ST" land than non-"ST" land, the residential density of the excessive "ST" land may be included in the transfer at the ratio of .2 dwelling units for each additional gross acre of "ST" land in excess of the non-"ST" land.

(2) Specific Requirements:

- (a) Transfer of Residential Density Credit for Future Development for Areas of "ST" Lands of Ten (10) Acres or less:

Where land has an "ST" designation, is ten (10) acres or less in gross area, and where transfer of residential density is involved as set out in Section 9.5 above, the following procedures apply:

- (i) Pre-application conference: Prior to the filing of an application for approval of transfer of residential density credit on ten (10) acres or less of "ST" land, the applicant shall request and hold a pre-application conference with the Director and appropriate County Staff. The pre-application conference is for the purpose or guidance and information and for insuring insofar as may be possible that any application will be in conformity with these regulations. No application for a transfer will be accepted

for formal processing and public hearings until the Director has reviewed the application to determine that all required data have been included; a minimum of thirty (30) days should be allowed for this phase of the review process.

- (ii) Prior to the approval for the transfer of development rights for any lands designated "ST", the conditions of transfer must meet all the requirements of Section 9 of this Ordinance with the exception that the petitioner shall not be required to submit or receive approval of a development plan, until such time as the development of the non-"ST" land to which the transfer of development rights has been made is ready for commencement, at which time the petitioner is required to submit and receive County approval of a development plan prior to commencement of development.

The development plan shall meet all County regulations in force and effect at the time of its submittal and approval by the County.

- (iii) The Director shall schedule a public hearing on the application for transfer before the Planning Commission and upon such hearing the Planning Commission shall make its recommendation to the Board.

- (b) Transfer of Residential Density Credit for Future Development for Areas of "ST" lands of more than ten (10) acres:

Where land has an "ST" designation, is more than ten (10) acres in gross area, and where transfer of density credit is involved under Section 9.5 above, the procedures to be used are the same as in paragraph 5.B.(2)(a) above.

6. Development Procedures and Standards for "ST" Lands:

- A. Development Procedure and Standards for "ST" Land of Ten (10) Acres or less not involving Density Transfer:

Where land has an "ST" designation, is ten (10) acres or less in gross area, and where no transfer of residential density is involved as set out in Section 9.5 above, the Director may issue a development plan approval for a proposed development. Prior to the issuance of any such development plan approval the Director must make a finding that one or more of the following conditions exist:

- (1) Previous usage and development of the property has altered the original environment in such a manner that the proposed development will not further degrade the environmental quality of the site or surrounding areas that might be affected by the proposed development.
- (2) Previously existing major flora and fauna of the site has already been removed or altered to such a degree as to preclude any reasonable probability for ecological regeneration.
- (3) Surface and/or natural drainage of the site has already been channelized, paved, altered, or improved and will not be further altered or degraded as a result of the proposed development.
- (4) No pollutants will be discharged from the proposed development which will substantially degrade the air and water quality beyond levels existing at the time of application.
- (5) The proposed development will improve and correct ecological deficiencies which resulted from previous use or development.
- (6) The proposed development will not require any major alteration or modification of the existing land forms, drainage, or flora or fauna on the site.

B. Development Standards and Procedure for "ST" Land of More Than Ten (10) Acres not Involving Density Transfer:

Where land has an "ST" designation, is more than ten (10) acres in gross area, and where transfer of density credit is not involved under Section 9.5 above, the following procedures and standards shall govern for the issuance of development permits.

- (1) Pre-application conference: Prior to the filing of an application for development plan approval of "ST" land, the applicant shall request and hold a pre-application conference with the Director and appropriate County Staff. The pre-application conference is for the purpose of guidance and information and for insuring insofar as may be possible that any application will be in conformity with these regulations. No application for a development plan approval will be accepted for formal processing and public hearings until the Director has reviewed the application to determine that all required data have been included; a minimum of thirty (30) days should be allowed for this phase of the review process.
- (2) Development Plan Required: The formal application for a development plan approval shall include a development plan of the subject lands along with an environmental impact statement as required in Ordinance 74-36, and when applicable, a tree removal plan in compliance with Ordinance 75-21, and/or a Development of Regional Impact data as required under Chapter 380.06 of the Florida Statutes.

- (3) Upon the formal filing of the application for a development plan approval, the application and supporting data shall be referred to the appropriate advisory board for recommendation. These recommendations shall be filed at the time of public hearing before the Planning Commission or prior thereto. Such reference shall not, however, serve to delay the public hearing by the Planning Commission.
- (4) The public hearing shall be held by the Planning Commission and, upon the hearing, it shall make its recommendation to the Board.

7. Board Action:

Final action on all developments more than ten (10) acres within "ST" land and on applications involving transfer regardless of acreage lies with the Board of County Commissioners. The Board may:

- A. Approve the application as presented.
- B. Deny the application as presented, or
- C. Approve the application with additional changes, conditions, and safeguards.

Upon approval by the Board, the petitioner may then apply for the required permits in order to develop his property; i.e. building permits, engineering permits, tree removal permits, etc.

8. Modification of Development Plan:

Any modification of the development plan as approved by the Board which would substantially alter the intent and purpose of these "ST" regulations requires the procedure and approval as for a new application. Minor modifications within the intent and purpose of these regulations may be made by the Board upon the recommendation of the Planning Commission.

9. Duration and Effect of Development Permit, Failure to Conform to Permit Requirements:

- A. Unless otherwise specified by the Board, the development plan approval shall expire and be terminated two (2) years after the date of approval or as specified in the development plan approval; provided, if development is progressing in full accord with the terms of the development plan approval, development may continue. The Board may, at the time of approval of the development plan application prescribe time limits for the development and completion of stages of the project. For future development, the time limit shall begin upon approval of a development plan by the County.
- B. Where a development plan approval calls for staging no subsequent stage may be commenced until the Director has certified that the previous stage has been accomplished in full accord with the terms of the development plan approval.
- C. The Board may suspend or terminate the approved development plan approval and order the termination of the project upon a finding that the developer has failed to comply with:

- (1) Time limitations prescribed in the development plan approval, or
 - (2) Any substantive provisions of the development plan approval relating to the character of the development has not been complied with.
- D. When a development plan has been terminated under sub-section C., above, the applicant may petition the Board to reinstate the development plan approval. The Board may direct the applicant to refile his application for a complete review or for specific stages of the review procedure. No subsequent development plan approval shall effect an increase in residential density nor a decrease in water environmental quality as set by the original development plan approval.
- E. On due cause shown, time limits prescribed in the development plan approval may be extended by the Board for not to exceed a one (1) year period.
10. Requirements to Post Surety to Assure Completion of Development:

Prior to the issuance of any development permit, the developer shall post a surety to guarantee the completion of the improvements which shall satisfy the following requirements:

- A. A surety, in the form of a surety bond, trust deed or escrow agreement or other security device, approved by the Board of County Commissioners shall be filed with the Clerk of the Circuit Court. Such security device shall cover at least one hundred ten (110) percent of all of the costs of all the required improvements, such as streets, sidewalks, drainage, canals, fill, public water, sewerage, and solid waste disposal including engineering supervision and inspections, etc., as shown on the development construction plans. Cost estimates shall be prepared by a registered professional engineer of the State of Florida and approved by the County Engineer. Surety for completion shall be reviewed for cost estimates of the work remaining to be completed on an annual basis.

When extension of the completion time is requested by the Board of County Commissioners beyond the duration of the development plan approval a revised cost estimate and adjusted amount of surety shall be provided for the improvements to be completed. Such security device shall:

- (1) Be conditioned upon the faithful performance by the developer of all work required to complete all improvements and installations for the development of stages thereof, in compliance with the development plan approval with a specified time; four (4) years unless otherwise noted.

Amend Section 14 - Provisional Uses:

By adding Paragraph 6 - Changes and Amendments:

- 6. The Director may approve changes in the location, siting or height of buildings, structures, and improvements authorized by the approved Provisional Uses.

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All other changes or amendments except increase in land area shall require site and development plan approval. (See Section 39.8)

Any change or amendment which would increase the land area covered by a Provisional Use shall require a full review as for a new request.

Amend Section 18 - Offstreet Parking and Offstreet Loading by Changing Paragraph 5 to read:

5. Offstreet Parking: Plans Required. A Plan shall be submitted with every application for a building permit for any building or use that is required to provide offstreet parking. The plan shall include, but not be limited to the following information:

- A. Vehicular entry and exit drives.
- B. On-site vehicular circulation patterns, required parking and loading spaces.
- C. Accessways for emergency and service vehicles if separate from A above.
- D. Location of buffers and landscaping areas as required by Section 19 of this Ordinance.
- E. Off-site improvements necessitated by the traffic of the proposed project such as storage lanes, median cuts, signalization, etc.

The Director shall require a traffic impact statement where the proposed project may:

1. Generate a volume of traffic greater than that normally generated by the other permitted uses of the same zoning district, or,
2. Require the creation of new curb cuts or median cuts to safely handle the traffic generated by the proposed project, or,
3. Require signalization, storage lanes or other similar traffic safety devices to safely and adequately handle the traffic generated by the proposed project.

And by Adding Paragraph 20 to Read:

20. Parking Spaces Required for Disabled Persons:

- A. One space in the immediate vicinity of a building maintained and operated with public funds and intended for use by the public, including but not limited to, state office buildings, courthouses, rehabilitation centers, and hospitals; except a minimum of three spaces shall be provided at physical restoration rehabilitation centers, and
- B. One space for each 300 metered on-street and publicly maintained and operated parking lot spaces.
- C. All spaces shall have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.
- D. Diagonal or perpendicular parking spaces shall be a minimum of twelve (12) feet wide.

- E. Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
- F. Each such parking space shall be posted with a sign of a color and design approved by the Department of Transportation, with lettering such as "PARKING FOR WHEELCHAIR DISABLED ONLY" and bearing the internationally accepted wheelchair symbol.

Amend Section 20, Signs, by adding:

7. District Regulations:

H. Signs in RO, Recreational Open-Space District

- (1) Maximum height: 12'
- (2) One (1) class "B" on each major entrance to recreational activity,
or
Two (2) class "C" on each major entrance
or
One (1) class "B" on lots with 150' or more frontage:
 - (a) Ground Sign
- (3) One class "D" wall sign per permitted use.

Amend Section 21, RS-Residential, Single-Family by changing 2.C Provisional Uses (2) to read:

- (2) Recreational facilities not accessory to principal use.

Amend Section 22.I, RM-1 by changing 2.C Provisional Uses (3) to read:

- (3) Recreational facilities not accessory to principal use.

Amend Section 22.II, RM-1A, Residential Multi-Family District, by changing Paragraph 2.A.(2) to read:

- (2) Multi-family dwellings in accordance with the provisions of the RM-1 district, provided that non-conforming lots of record need 6,500 square feet for each dwelling unit.

And by changing 2.C Provisional Uses (3) to read:

- (3) Recreational facilities not accessory to principal use.

Amend Section 23, RM-2 by changing 2.C Provisional Uses (5) to read:

- (5) Recreational facilities not accessory to principal use.

Amend Section 24, PUD Paragraph 10 by adding an additional paragraph to read:

- F. All other changes shall be considered major changes to the Master Plan and shall require the same procedure as for actual PUD zoning (See Paragraph 8 of this Section) before they can be approved by the Board.

Amend Section 25, RT, by adding to 2.C Provisional Uses (4) to read:

- (4) Recreational facilities not accessory to principal use.

Amend Section 26, GC, Golf Course District by adding a new Section 26.II, RO-Recreation and Open Space District to read:

- (1) District Purpose: This district is intended to apply to areas which provide natural or man-made recreation and other open space lands and facilities which provide public or special group recreation, education, entertainment and relaxation. Such lands and facilities may be provided through public, private, commercial or special group sponsorship.

- (2) Permitted Uses and Structures: No building or structure or part thereof, shall be erected, altered or used, or land or water used, in whole or in part for other than the following:

A. Permitted Principal Uses and Structures:

- (1) Parks and playgrounds.
- (2) Biking, hiking, canoeing, and nature trails.
- (3) Equestrian paths.
- (4) Nature preserves and wildlife sanctuaries.
- (5) Any other open space activity which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the District.

B. Permitted Accessory Uses and Structures:

Accessory uses and structures customarily associated with the uses permitted in this District.

C. Permitted Provisional Uses and Structures:

The following may be permitted subject to provisions of Section 14 of this Ordinance:

- (1) Public swimming pools
- (2) Marinas and boat ramps
- (3) Community centers
- (4) Amphitheater
- (5) Shooting range
- (6) Race track
- (7) Driving range
- (8) Miniature golf course
- (9) Archery ranges
- (10) Water ski jumps
- (11) Tennis facilities
- (12) Zoo, sea aquarium, aviary, botanical garden, or other similar uses.

3. Site Plan Approval: Site plan review required for all uses-see Section 39.8 of this Ordinance.
4. Minimum Lot Area: 2½ acres unless otherwise approved during site plan review.
5. Minimum Lot Width: 150 feet unless otherwise approved during site plan review.
6. Yard Requirements for Structures: Unless otherwise approved during site plan review:
 - A. Depth of front yard: 50 feet
 - B. Depth of side yard: 30 feet
 - C. Depth of rear yard: 50 feet

7. Maximum Height of Structures: 35 feet ~~Unless~~ otherwise approved during site plan review.
8. Minimum Off-Street Parking and Off-Street Loading Requirements: As required in Section 18 of this Ordinance.
9. Minimum Landscaping Requirements: As required in Section 19 of this Ordinance.
10. Limitation of Signs: As permitted in Section 20 of this Ordinance.

Amend Section 28 MHS D by adding to 2.C Provisional Uses (4) to read:

- (4) Recreational facilities not accessory to principal use.

Amend Section 32, PC - Professional Commercial, by adding 2.A Permitted Principal Uses:

- (10) Civic and cultural facilities.
- (11) Any other professional or commercial use which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the District.

And by adding to 2.C, Provisional Uses (8) to read:

- (8) Recreational facilities not accessory to principal use.

Amend Section 33, CC-Convenience Commercial by adding to 2.A Permitted Principal Uses:

- (18) Any other convenience commercial use which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the District.

And by adding 2.C Provisional Uses and Structures to read:

- C. Provisional Uses and Structures: The following uses may be permitted subject to the provisions of Section 14 of this Ordinance.

- (1) Recreational Facilities not accessory to principal uses.

Amend Section 34, GRC - General Retail Commercial by changing Paragraph 5.A to read:

- A. Depth of Front Yard Setback - Fifteen (15) feet in which no parking shall be allowed.

Amend Section 36, I - Industrial by adding to 2.C Provisional Uses (4) to read:

- (4) Recreational facilities not accessory to principal uses.

Amend Section 37.A - Agricultural District by adding to 2.B Permitted Accessory Uses:

- (5) One guest house (also see Section 8.22, Page 47 - Supplementary District Regulations)

Amend Section 38, E - Estates District by adding to 2.B Permitted Accessory Uses:

- (5) One guest house (also see Section 8.22, Page 47 - Supplementary District Regulations)

And by adding to 2.C Provisional Uses (4) to read:

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(4) Recreational facilities not accessory to principal use.

Amend Section 39, Administration and Enforcement by adding to Subparagraph 2 of Paragraph 1. General a sentence to read:

Failure to comply with any such order of the Director shall be a violation of this Ordinance.

Amend Section 48, Amendments:

By removing Paragraph 4 completely and renumbering remaining paragraphs accordingly.

By adding to the existing Paragraph 6 under sub-title Residential Rezone Petition a third paragraph to read:

A petition which would result in a lower density than that presently permitted under the existing zoning of the land shall not be required to meet the Rating System for Determining Availability of Adequate Existing Community Facilities and Services.

SECTION TWO:

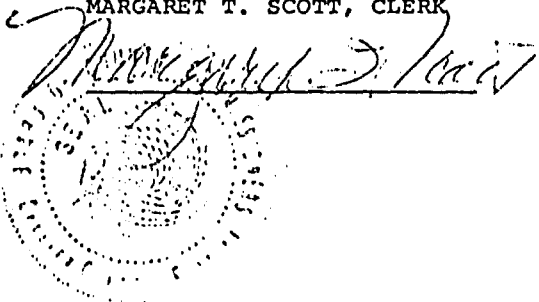
This Ordinance shall become effective upon receipt of notice that it has been filed with the Secretary of State.

DATE: September 21, 1976

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: David C. Brown
DAVID C. BROWN, CHAIRMAN

ATTEST:
MARGARET T. SCOTT, CLERK



APPROVED AS TO FORM AND LEGALITY:
Donald A. Pickworth
DONALD A. PICKWORTH, COUNTY ATTORNEY

This ordinance filed with the Secretary of State's office the 27th day of September, 1976 and acknowledgment of that filing received this 29th day of September, 1976.

By: Virginia Maguire
Deputy Clerk

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