

AN ORDINANCE AMENDING ORDINANCE 76-30 THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF THE COASTAL AREA PLANNING DISTRICT BY AMENDING SECTION 3, DEFINITIONS; SECTION 8, SUPPLEMENTARY DISTRICT REGULATIONS; SECTION 18, OFF-STREET PARKING; SECTION 21, RS-RESIDENTIAL SINGLE FAMILY; SECTION 22, RM-1 RESIDENTIAL MULTIPLE FAMILY; SECTION 24, PLANNED UNIT DEVELOPMENT DISTRICT; SECTION 25, RT-RESIDENTIAL TOURIST DISTRICT; SECTION 29, MHRP-MOBILE HOME RENTAL PARK DISTRICT; SECTION 33, CC-CONVENIENCE COMMERCIAL; SECTION 37, A-AGRICULTURE DISTRICT; SECTION 38, E-ESTATES DISTRICT; SECTION 39, ADMINISTRATION AND ENFORCEMENT; SECTION 48, AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

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:

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 76-30 are amended as hereinafter described:

Amend Section 3 - Definitions by adding the following:

ADULT FOSTER HOME: An adult foster home is a family-like living situation, in a private home, designed to meet the needs of those persons who are unable to function independently.

DEVELOPMENT: Development shall mean the act, process, or result of placing buildings and/or structures on a lot or parcel of land.

DEVELOPMENT PLAN: A graphic representation which supports supportive information and data depicting the development.

SITE ALTERATION: Any modification, change or transformation of any portion of a lot or parcel of land including but not limited to the removal, displacement or relocation of trees, plants and vegetation, the addition or removal of earth materials, and the creation, retention, or relocation of drainage courses or water areas.

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SITE ALTERATION PLAN: A graphic representation along with supportive information and data depicting the intended site alterations.

Amend Section 3 - Definitions by deleting the existing definitions of Automobile Service Stations and Drive-In or Refreshment Stand and substituting new definitions to read as follows:

AUTOMOBILE SERVICE STATION: An automobile service stations is any establishment/facility engaged in the retail dispensing of automobile fuels and oils, whether designed as a full service or self-service establishment/facility.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND: A drive-in restaurant or refreshment stand is any place or premise where provisions is made on the premises for the preparation, selling, dispensing or serving of food, refreshments, or beverages to the patron without his having to depart from his automobile or vehicle.

Amend Section 8, Supplementary District Regulations by changing Paragraph 2, Location of Accessory Structures on Waterfront Lots and Golf Course Lots to read as follows:

	FRONT	REAR	SIDE	STRUCTURE TO STRUCTURE	
RS and Duplex-Swimming Pool and/or Screen Enclosure	SPS	15'	SPS	N	**
Swimming Pool RT, RM and Commercial	35'	20'	15'	N	**
Utility Buildings, Chickee, Bar-B-Que	SPS SPS	SPS 15'	SPS SPS	N 10'	

Amend Section 8, Supplementary District Regulations by changing Paragraph 2, Location of Accessory Structures Non-Waterfront and Non-Golf Course Lots to read as follows:

Attached Screen Porch,
RS and Duplex

Amend Section 8, Paragraph 12A by adding a new paragraph to read as follows:

The failure of a petition to meet any one of the following requirements shall be mandatory grounds for the Planning Commission to recommend denial to the Board of County Commissioners.

Amend Section 8, Paragraph 12A(1) as follows:

(1) No such use shall be located within five hundred feet of any established school, church, public park, or playground.

The distance of five hundred (500) feet shall be measured as the shortest distance between the lot on which the school, church, public park or playground is located and the lot on which the alcoholic beverages are to be sold.

**"In those cases where the coastal setback line is involved, the coastal setback line will apply."

Amend Section 8, Paragraph 12A(2) as follows:

(2) No such use shall be located within five hundred (500) feet of any existing establishment which sells alcoholic beverages for consumption on premises.

Amend Section 8, Paragraph 12A(3) to read as follows:

(3) The uses in the immediate area are capable of existing together in harmony with the proposed sale of alcoholic beverages.

Amend Section 8, Paragraph 12A by adding a new subparagraph (7) to read as follows:

(7) No such use shall be located within fifty (50) feet of any residential zoned lot.

The distance of fifty (50) feet shall be measured as the shortest distance between the residential zoned lot and the structure in which the alcoholic beverages are to be sold or from the off-street parking area of such structure whichever is the lesser.

Amend Section 8, Paragraph 12B by changing 12B to read as follows:

B. The following uses shall be exempted from the distance limitations of Paragraph 12A(2) of this Section, but shall comply with all other requirements of this Section.

- (1) Any restaurant deriving at least fifty-one percent of its gross revenue from the sale of food and non-alcoholic beverages.
- (2) Any motel and/or hotel with one hundred (100) or more guest rooms.
- (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.

Amend Section 8, Paragraph 12C to read as follows:

Any establishment approved under this section to sell any alcoholic beverages for consumption on premises shall upon written demand of the 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.

Amend Section 8, Supplementary District Regulations by adding to Paragraph 16, Fences, a new sub-paragraph C to read as follows:

C. Safety Barriers for Pools:

(1) All pools in RS 1,2,3,4, "E", RM-1, and RM-1A Zoning Districts shall have a safety barrier.

The safety barrier shall take the form of one or more of the following types: Screen or open mesh enclosure, wooden and/or wire fence, rock and/or concrete block wall, and other types which shall meet the protective intent of this subsection. Said safety barriers shall be so constructed as not to have openings, holes, or gaps larger than six (6) inches in one dimension, except for doors and gates. The minimum height of the safety barrier shall not be less than four feet (4').

The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is erected, provided the minimum setbacks as required in this section are met. In either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area. No safety barrier shall be required on the lot line of property abutting a water frontage, except a safety barrier shall be required on property abutting the Gulf of Mexico.

Gates shall be equipped with a lock, so that they shall automatically be in a closed and fastened position at all times, and said lock shall be at a minimum height of three (3') feet above the base of the safety barrier. Any lock located below five feet (5') shall be a positive lock.

It shall be the responsibility of the owner and/or occupant of the premises upon which the swimming pool has been constructed or is hereafter erected to install and maintain and keep in proper and safe condition the safety barrier required and erected in accordance with this Section.

(2) Pools in districts other than those covered in (1) shall be required to provide a safety barrier as outlined in (1) above or be so situated as to provide visual policing of the pool by an attendant on duty during day light hours.

Amend Section 18, Off-Street Parking, Paragraph 15, Required Amounts by adding:

Coin-Op: One (1) space for each two (2) washing machines.

Amend Section 21, RS-Residential, Single-family by adding to 2C Provisional Uses:

(4) Rest homes, homes for the aged, adult foster homes, children's homes, rehabilitation centers.

Amend Section 22, RM-1, Residential Multiple Family by adding to 2A, Permitted Principal Uses:

(3) Single family dwellings in accordance with the provisions of the RS-4 District.

Amend Section 22, RM-1, Residential Multiple Family, Part I and Part II by adding to 2C Provisional Uses:

(4) Rest homes, homes for the aged, adult foster homes, children's homes, rehabilitation centers.

Amend Section 24, (PUD) Planned Unit Development District by adding to Paragraph 5B, a new subparagraph (9) to read:

(9) Deviations from the required master plan elements:

The Director may exempt a petition from certain required elements of the master plan when the petition contains conditions which show the elements can be waived without a detrimental effect on the health, safety and welfare of the community. These exemptions shall be listed in the Staff Report to the Planning Commission.

Amend Section 25, RT, Residential Tourist by changing Paragraph 6B to read:

- B. Depth of side yard - Fifteen (15) feet plus one (1) foot for each two (2) feet of building height over forty five (45) feet.

Amend Section 25, RT, Residential Tourist by changing Paragraph 10, Minimum Landscaping Requirements to read as follows:

10. MINIMUM LANDSCAPING REQUIREMENTS: There shall be provided one (1) square foot of landscaped area for each square foot of off-street parking area. This may include any landscaping required in Section 19 of this Ordinance. The preservation of existing native vegetation is permitted when such use is not in conflict with Chapter 13 of the Collier County Code of Laws and Ordinances.

Amend Section 29, MHHP-Mobile Home Rental Park by changing 2C Provisional Uses by deleting subparagraph (6) (a):

- (6) (a). The requirements of the TTRV district shall be in addition to the requirements of the MHHP district regulations.

Amend Section 33, CC-Convenience Commercial by changing Paragraph 8, Maximum Height to read:

8. Maximum Height: Twenty-five (25) feet above the finished grade of the lot.

Amend Section 33, CC-Convenience Commercial by adding to 2C, Provisional Uses:

- (2) Residence in conjunction with business-one (1) per business.

Amend Section 37, A-Agricultural District by adding to Paragraph 2C Provisional Uses:

- (9) Communication towers

Amend Section 38, E-Estates District by adding to Paragraph 2C Provisional Uses:

- (5) Convalescent homes, rest homes, homes for the aged, adult foster homes, children's homes, rehabilitation centers.

Amend Section 39, Administration and Enforcement by adding to Paragraph 8 a new subparagraph E to read:

E. CHANGES AND AMENDMENTS:

Any change in an approved site and development plan requires a review before the Planning Commission as for a new request (See Paragraph 8A above).

Amend Section 48, Amendments by changing Paragraph 5 to read as follows:

- 5. When pertaining to rezoning amendments of this zoning ordinance, the Planning Commission shall determine that adequate community facilities and services are available. To determine this, the Official Land Use Guide and/or the rating system shall be used.

The Planning Commission shall forward its determination to the Board for its use as a guide in reviewing the rezone petition.

Amend Section 48, Amendments, by changing Paragraph 8 to read as follows:

- 8. Board: Action on Planning Commission Report: Upon receipt of the Planning Commission's report and recommendations, the Board shall hold a second public hearing with notice to be given as set out in Subsection 2 and 3 above.

In the case of all proposed changes or amendments, such changes or amendments shall not be adopted except by the affirmative vote of four (4) members of the Board.

SECTION TWO:

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

DATE: December 21, 1976

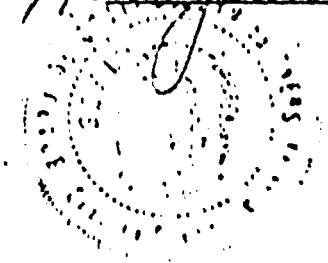
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:
MARGARET T. SCOTT, CLERK
Margaret T. Scott

BY: *Clifford Wenzel*
CLIFFORD WENZEL, CHAIRMAN

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 December, 1976 and acknowledgment of that filing received this 4th day of January, 1977.

By *Virginia Magis*
Deputy Clerk