

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 9-SPECIAL REGULATIONS FOR AREAS OF ENVIRONMENTAL SENSITIVITY (ST); SECTION 11-SPECIAL REGULATIONS FOR (GH) GROUP HOUSING; SECTION 12-SPECIAL REGULATIONS FOR WATERFRONT YARDS; SECTION 13-SPECIAL REGULATIONS FOR HOUSING OF FARM LABOR; SECTION 14-PROVISIONAL USES; SECTION 18-OFF-STREET PARKING AND OFF-STREET LOADING; SECTION 23-RM-2 RESIDENTIAL MULTIFAMILY DISTRICT; SECTION 24-PUD PLANNED UNIT DEVELOPMENT DISTRICT; SECTION 27-FVR-FISHING VILLAGE RESIDENTIAL DISTRICT; SECTION 39-ADMINISTRATION AND ENFORCEMENT; SECTION 42-SCHEDULE OF FEES AND PROVIDING AN EFFECTIVE DATE:

RECEIVED
JUN 2 3 15 PM '77
WILLIAM J. REEMAN
CLERK OF COUNTY
COLLIER COUNTY, FLORIDA

WHEREAS, the Coastal Area Planning Commission petitioned the Board of County Commissioners of 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 hereby amended as hereinafter described:

FILED
MAY 31 11 52 AM '77
BRUCE A. SMITHERS
SECRETARY OF STATE

AMEND THE FOLLOWING SECTIONS BY ADDING THE WORDS "SITE ALTERATION PLAN":

- Section 9, Paragraph 3
- Section 9, Paragraph 5A(1)(c), 5A(1)(d), 5A(1)(e)(i), 5A(1)(e)(ii), 5A(2)(a)(i), 5A(2)(a)(ii), 5A(2)(a)(iii), 5A(2)(a)(iv), 5B(1)(d), 5B(1)(e)(i), 5B(1)(e)(ii), 5B(2)(a)(ii), 6A, 6B(1), (2), and (3), 8, 9A and 9B, 9C(1) and 9C(2), 9D, 9E, 10A paragraph 2 and 10A paragraph 2(1).
- Section 14.1A(1)
- Section 39.8, 39.8A, 39.8B, 39.8B(14), 39.8C, 39.8D, and 39.9

AMEND THE FOLLOWING SECTIONS BY DELETING THE WORDS
"SITE PLAN":

Section 12, Paragraphs 2,5, and 6
Section 13, Paragraphs 3,4,4A,5,6,6E and 6F
Section 14, Paragraph 6
Section 18, Paragraph 15-Banks

AMEND THE FOLLOWING SECTION BY CHANGING THE WORD
"SITE" TO "DEVELOPMENT":

Section 23, Paragraph 12A
Section 24, Paragraphs 6K and 6L
Section 39, Paragraph 8C(9)

AMEND SECTION 3, DEFINITIONS BY DELETING THE FOLLOWING
WORDS FROM THE MOBILE HOME DEFINITION:

"detached single family"

AMEND SECTION 8, SUPPLEMENTARY DISTRICT REGULATIONS
BY CHANGING PARAGRAPH 8A(4) TO READ AS FOLLOWS:

(4) Automobiles, vans, pick-up trucks having a rated load capacity of less than one ton shall be exempted from this Ordinance unless otherwise prohibited in Section 13A.

AMEND SECTION 8, SUPPLEMENTARY DISTRICT REGULATIONS
BY ADDING A NEW PARAGRAPH 24 TO READ AS FOLLOWS:

24. Interim Agricultural Use of Premises: The Board of County Commissioners may upon the recommendation of the Planning Commission authorize the use of lands within any district for agricultural activities, such as and limited to field crops, horticulture, fruit and nut production, forestry, bee-keeping, aquaculture and mariculture. It is the intent of this section to permit certain interim agricultural uses on a temporary basis which retains the land in its open, undeveloped character. The inclusion of buildings and structures, other than wells, structures for conservation and drainage protection, and unpaved roads is strictly prohibited. Such interim use shall be subject to the following conditions:

A. Petitions for interim agricultural use shall be considered first by the Planning Commission in the manner herein set out.

(1) Written Petition: A written petition for an interim agricultural use shall be submitted through the Director indicating the basis in this zoning ordinance under which the interim agricultural use is sought and stating the grounds upon which it is requested, with particular reference to the types of findings which the Planning Commission must make under Section 8.24D below. The petition should include material necessary to demonstrate that the grant of the interim agriculture use will be in harmony with the general intent and purpose of this zoning ordinance, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material may include, but is not limited to the following, where applicable:

- (a) Site alteration and/or development plans at an appropriate scale showing site alteration, proposed placement of structures on the property, provisions for ingress and egress, off-street parking and off-street loading areas, refuge and service areas, and required yards and other open spaces.
- (b) Plans showing proposed locations for utilities hook-up.
- (c) Plans for screening and buffering with reference as to type, dimensions, and character.
- (d) Proposed landscaping and provisions for trees protected by County regulations.
- (e) Proposed signs and lighting, including type, dimensions, and character. Where this zoning ordinance places additional requirements on specific uses, the petition should demonstrate that such requirements are met.

(2) Public Hearing: A public hearing shall be held by the Planning Commission. Any party may appear personally or by agent or attorney.

(3) Notice of Public Hearing: Notice of public hearing shall be given at least fifteen (15) days in advance of the public hearing. The owner of the property for which an interim agricultural use is sought or his agent or attorney designated by him or his petition shall be notified by mail. Notice of public hearing shall be prominently posted on the property for which the interim agricultural use is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the County at least one time at least fifteen (15) days prior to the public hearing. Notice shall be given by mail to all owners of property within three hundred (300) feet of the boundary lines of the property for which the interim agricultural use is requested; provided, however, that where the petitioner is the owner of land not included in the petitioner's petition and such land that is not included in the petition is a part of or adjoins the parcel for which the request is made, the three hundred (300) foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by petitioner's petition. For purposes of this provision, owners of adjacent or nearby properties within the distance set out shall be deemed those whose names appear on the latest available tax rolls of the County.

(4) Findings: Before any interim agricultural use shall be recommended for approval to the Board, the Planning Commission shall make a written finding that the granting of the interim agricultural use will not adversely affect the public interest and certifying that the specific requirements governing the individual interim agricultural use, if any, have been met by the petitioner and that, further satisfactory provision and arrangement has been made concerning the following matters, where applicable:

- (a) Compliance with all elements of the Comprehensive Plan.
- (b) Ingress and egress to property and proposed structures thereon with particular reference to automotiv and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (c) Offstreet parking and loading areas, where required, with particular attention to the items in (b) above and economic, noise, glare, or odor effects of the interim agricultural use on adjoining properties and properties generally in the district.
- (d) Refuse and service areas, with particular reference to the items in (b) and (c) above.
- (e) Utilities, with reference to locations, availability, and compatibility.
- (f) Screening and buffering with reference to type, dimensions and character.
- (g) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.
- (h) Required yards and other open space.
- (i) General compatibility with adjacent properties and other property in the district.
- (j) Any special requirements set out in the Schedule of District Regulations for the particular use involved.

(5) Conditions and Safeguards: In recommending approval of any interim agricultural use, the Planning Commission may also recommend appropriate conditions and safeguards in conformity with this zoning ordinance. Violation of such conditions and safeguards, which are made a part of the terms under which the interim agricultural use is granted, shall be deemed a violation of this zoning ordinance.

Any interim agricultural use shall expire six (6) months from the date of grant, unless extended by action of the Board, if by that date the use for which the interim agricultural use was granted has not been commenced; and an interim agricultural use shall automatically expire two years after the date of grant and must be reviewed by the Board of County Commissioners in order to be continued. Each subsequent renewal period shall be limited to two (2) years and must be reviewed by the Board of County Commissioners at the end of each two year period to be continued.

(6) Public Access and/or Related Commercial Uses: The interim agricultural use of the premises in any way which attracts or invites access and use of the general public or the use of such premises for any commercial activity other than that expressly permitted within the zoning district is strictly prohibited.

(7) Denial: If the Planning Commission shall recommend denial of an interim agricultural use, it shall state fully in its record its reason for doing so. Such reasoning shall take into account the factors stated in Section 24A(4) above, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific interim agricultural use requested, if any.

B. Status of Planning Commission Report and Recommendations: The report and recommendations of the Planning Commission required above shall be advisory only and shall not be binding upon the Board of County Commissioners.

C. Board - Action of Planning Commission Report: Upon receipt of the Planning Commission's report and recommendations, the Board shall approve or deny the petition for an interim agricultural use. An approval shall be by resolution of the Board.

D. Taxes: The granting of an interim agricultural use of the premises by the Board as provided herein shall not constitute grounds for establishing a new assessment of Special Classes of Property as provided in Chapter 193.461 F.S., which assessment of Special Classes of Property did not exist for the subject premises prior to the approval of the interim agricultural use of the premises as provided herein.

E. Minor Changes and Amendments: The Director may approve any change he determines to be of a minor nature such as changes in location, siting or height of permitted buildings and structures, and improvements authorized by the approved interim agricultural use.

G. Major Changes and Amendments: Any change or amendment which the Director determines to be of a major nature shall require a full review as for a new petition.

H. Filing Fee: There shall be a \$100.00 filing fee for the processing of a petition for an interim agricultural use, which fee shall be used to defray the cost of public hearing notice and administrative cost of processing said petition.

AMEND SECTION 11, SPECIAL DISTRICT FOR (GH) GROUP HOUSING
BY ADDING A NEW PARAGRAPH 7 TO READ:

7. Changes and Amendments: All changes or amendments except increase in land area shall require development approval as outlined in Section 39.8.

Any change or amendment which would increase the land area covered by "GH" Group Housing shall require a full review as for a new request.

AMEND SECTION 12, SPECIAL REGULATIONS FOR WATERFRONT YARDS
BY ADDING A NEW PARAGRAPH 7 TO READ:

7. Changes and Amendments: Any change or amendment shall require a full review as for a new request.

AMEND SECTION 14, PROVISIONAL USES BY DELETING PARAGRAPH
4 IN ITS ENTIRETY AND RENUMBER PARAGRAPHS ACCORDINGLY.

AMEND SECTION 18, OFFSTREET PARKING AND OFFSTREET LOADING
BY CHANGING PARAGRAPH 15 TO READ AS FOLLOWS:

RM-2 and RT Multiple Family
Dwellings

AND BY ADDING TO SECTION 18, PARAGRAPH 15 THE FOLLOWING:

Public Buildings As determined by the
(not otherwise listed) Director.

AMEND SECTION 24, PUD-PLANNED UNIT DEVELOPMENT PARAGRAPH
6 TO READ AS FOLLOWS:

6. Planned Unit Development: Specific Requirements, Limitations, and Standards: In addition to all general provisions and procedures set out in this section, the following specific requirements, limitations, and standards shall apply particularly to: location of planned unit development districts intended primarily for residential uses and purposes; location of planned unit development districts intended primarily for residential uses and purposes but containing commercial retail or service activities; location of planned unit development districts intended primarily for commercial, industrial or professional office uses; the preparation of master plans for the three items immediately preceding; the review of applications for rezoning to PUD; and, the development (or redevelopment) of PUD districts that have been adopted as amendments to these zoning regulations.

AMEND SECTION 24, PUD-PLANNED UNIT DEVELOPMENT BY ADDING TO
PARAGRAPH 6D A NEW SUBPARAGRAPH (11) TO READ AS FOLLOWS:

(11) General service commercial, industrial and professional office uses.

AMEND SECTION 27, FVR-FISHING VILLAGE RESIDENTIAL DISTRICT
BY DELETING THE FOLLOWING AND RENUMBERING ACCORDINGLY:

(7) Transient Lodging Facilities

AMEND SECTION 39, PARAGRAPH 8, SITE ALTERATION AND DEVELOPMENT
PLAN APPROVAL BY ADDING A NEW SUBPARAGRAPH E TO READ:

E. Changes and Amendments: Any changes or amendments shall require a full review as for a new request.

AMEND SECTION 42, SCHEDULE OF FEES TO READ AS FOLLOWS:

DRI REVIEW	\$5.00 per acre with a minimum	\$250.00*
PUD REVIEW	\$5.00 per acre with a minimum	250.00*
ST REVIEW	\$5.00 per acre with a minimum	100.00*

AMEND SECTION 42, SCHEDULE OF FEES BY ADDING THE FOLLOWING:

Off-Street Parking Location Variance	\$ 100.00
Coastal Construction Setback Line Variance	100.00
Site Alteration or Development Plan Approval	50.00

AMEND SECTION 42, SCHEDULE OF FEES BY DELETING THE FOLLOWING:

Preliminary Subdivision Review	First 100 Lots, plus \$1.00 for each additional lot.	\$ 200.00
Final Subdivision Review		100.00

SECTION TWO:

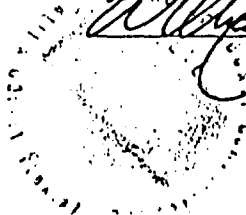
This Ordinance shall become effective upon receipt of notice that it has been filed with the Secretary of State.

DATE: May 24, 1977

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:
WILLIAM J. REAGAN, CLERK

BY: Thomas P. Archer
Thomas P. Archer, 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 31st day of May, 1977 and acknowledgement of that filing received this 2nd day of June, 1977.

By Virginia Major
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, WILLIAM J. REAGAN, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true original of:

ORDINANCE NO. 77-24

which was adopted by the Board of County Commissioners on May 24, 1977.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 25th day of May, 1977.

WILLIAM J. REAGAN
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

By *Virginia Maguire*
Deputy Clerk



RECEIVED
JUN 2 3 15 PM '77
WILLIAM J. REAGAN
CLERK OF COURTS
COLLIER COUNTY, FLORIDA