

AN ORDINANCE AMENDING ORDINANCE 76-30 THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF THE COASTAL AREA PLANNING DISTRICT BY AMENDING THE FOLLOWING SECTIONS AS HEREINAFTER DESCRIBED: SECTION 3-DEFINITIONS; SECTION 8-SUPPLEMENTARY DISTRICT REGULATIONS; SECTION 13-SPECIAL PROVISIONS FOR HOUSING OF FARM LABOR; SECTION 18-OFFSTREET PARKING AND OFFSTREET LOADING; SECTION 21-RESIDENTIAL SINGLE FAMILY DISTRICT; SECTION 22I-RESIDENTIAL MULTIFAMILY DISTRICT; SECTION 23-RESIDENTIAL MULTIFAMILY DISTRICT; SECTION 25-RESIDENTIAL TOURIST DISTRICT; SECTION 26-GOLF COURSE DISTRICT; SECTION 26II-RECREATION OPEN SPACE DISTRICT; SECTION 27-FISHING VILLAGE RESIDENTIAL DISTRICT; SECTION 28-MOBILE HOME SUBDIVISION DISTRICT; SECTION 32-PROFESSIONAL COMMERCIAL DISTRICT; SECTION 33-CONVENIENCE COMMERCIAL DISTRICT; SECTION 34-GENERAL RETAIL COMMERCIAL; SECTION 35-COMMERCIAL INDUSTRIAL DISTRICT; SECTION 36-INDUSTRIAL DISTRICT; SECTION 37-AGRICULTURE DISTRICT; SECTION 38-ESTATES DISTRICT AND SECTION 39-ADMINISTRATION AND ENFORCEMENT; SECTION 42-FEES, AND BY PROVIDING AN EFFECTIVE DATE.

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WILLIAM J. PEIGAN CLERK OF COUNTY BOARD OF COUNTY COMMISSIONERS

WHEREAS, the County Planning Department petitioned the Board of County Commissioners to amend the Zoning Regulations, Ordinance 76-30, as hereinafter described;

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

SECTION ONE:

The Zoning Ordinance 76-30 is hereby amended as follows:

AMEND SECTION 3-DEFINITIONS AS FOLLOWS:

Add a New Definition to read as follows-Commercial Equipment: Any equipment commonly used in a commercial business, i.e. contractors equipment, earth moving machinery, utility trailers, and devices used for the transportation of equipment, materials or merchandise.

Change the definition for Hotel, Motel, Boatel, Motor Hotel, Motor Lodge, Tourist Court to read as follows: The terms hotel, motel, boatel, motor hotel, motor lodge, tourist court are to be considered synonymous and to mean a building or a group of buildings in which sleep accommodations are offered to the public and intended primarily for rental to transients with daily charge; as distinguished from multiple-family dwellings (apartments) and rooming or boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. No more than 25% of the units in a hotel, motel, motor hotel, boatel, motor lodge or tourist court may have cooking facilities except when said units are in a district that permits both hotel, motel, etc. and multi-family dwellings.

NOV 16 1978 CLERK OF COUNTY BOARD OF COUNTY COMMISSIONERS

AMEND SECTION 8-SUPPLEMENTARY DISTRICT REGULATIONS AS FOLLOWS:

Amend Paragraph 2-Accessory Structures on Waterfront and Golf Course Lots by adding (13) and (14) as follows:

	FRONT	REAR	SIDE	S-S
13. Docks	NA	NA	7.5	NA
14. Boat Slips & Ramps (Private	NA	NA	10	NA

Amend Paragraph 7A to read as follows: Parking, Storage or Use of Major Recreational Equipment: Major recreational equipment is hereby defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on motorized vehicles), motorized dwellings or motor homes over twenty (20) feet in length, tent trailers, popout campers, houseboats, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residentially zoned lot or any location not approved for such use. Major recreational equipment may be parked or stored only in a rear yard (on corner lots, the rear lot shall be considered the rear of the residence), or in a completely enclosed building, or in a carport, or on davits or cradles adjacent to waterways on residentially zoned property; provided, however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading and unloading, and/or cleaning prior to or after a trip.

Amend Paragraph 8 and Paragraph 8A to read as follows:

8. Parking of Commercial Vehicles or Commercial Equipment in Residential Areas:

A. It shall be unlawful to park a commercial vehicle or commercial equipment on any lot in a residential zoned district unless one of the following conditions exist:

Amend Paragraph 12A to read as follows:

12. Locational Restrictions for Use Involving Intoxicating Beverages:

A. Sale of Alcoholic Beverages: The sale of alcoholic beverages for consumption on premises will not be permitted at any location until such location has been approved by the Zoning Director. Prior to action by the Zoning Director for recommending a location for sale of alcoholic beverages for consumption on premises at any location, he shall find that the following requirements have been met:

(1) No such use shall be located within five hundred (500) 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.

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

The distance of five hundred (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.

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

(4) That any nuisance or hazard feature involved is adequate for the use.

(5) That excessive traffic will not be generated on residential streets.

(6) That the land and/or buildings involved are adequate for the use.

(7) The petition shall be accompanied by a plot plan showing the following:

- (a) Dimensions of subject premises.
- (b) All vehicular points of ingress and egress.
- (c) Compliance with all requirements of Ordinance 76-30 including landscaping, offstreet parking, buffer areas, and location and size of all signs.

Amend Paragraph 13 by deleting Subparagraph D in its entirety and renumbering remaining paragraphs accordingly.

Amend Paragraph 16 by deleting Subparagraph C(2) in its entirety.

AMEND SECTION 13-SPECIAL PROVISIONS FOR HOUSING OF FARM LABOR AS FOLLOWS:

Amend Paragraph 4 to read as follows:

4. Farm Labor Committee: The peculiar problems created by the necessity for housing farm labor, and the particular problem of housing transient farm labor, require that special knowledge be brought to the matter of approving development plans for farm labor housing. Therefore, an advisory committee is hereby established to consist of five (5) residents of the County knowledgeable in the problems of farm labor. The advisory committee shall be known as the Farm Labor Committee and shall be appointed by the Board to serve terms of four (4) years.

Amend Paragraph 5 to read as follows:

5. Farm Labor Committee-Role in Approval of Development Plans: It shall be the responsibility of the Farm Labor Committee to review development plans submitted under this section and to determine that such plans meet the standards set out in this section and in Section 39.8 of this Ordinance in the context of farm labor housing.

AMEND SECTION 18-OFFSTREET PARKING AND OFFSTREET LOADING AS FOLLOWS:

Amend Paragraph 3B to read as follows:

B. Surfaced with asphalt, bituminous, or concrete material and maintained in smooth, dustless, and well graded condition (driveways, access aisles, and offstreet parking spaces for houses of worship and public and private schools offering academic courses may be surfaced with grass or lawn.) Upon approval of the Director, a suitable material (limerock excluded) with a suitable stabilized subgrade may be substituted for the above materials. This paragraph does not apply in Agricultural, Estates, RS, RM-1, and RM-1A Districts.

Amend Paragraph 4C and Paragraph 4C(1) to read as follows:

C. The required offstreet parking facilities shall normally be located on the same lot or parcel of land as the building or use it is intended to serve.

However, the Zoning Director, after a review of a development plan submitted in accordance with Section 39.8, may allow the establishments of the required offstreet parking facilities within six hundred (600) feet of the building or use it is intended to serve when practical difficulties prevent the placing of the required offstreet parking facilities on the same lot as the building or use it is intended to serve providing:

(1) The Zoning Director may impose such regulations or conditions upon approval as he may deem appropriate for the protection of the health, safety, and well-being of the citizens of the County which may include but shall not be limited to pedestrian ground level and overhead walkways, traffic signals, traffic control devices, and directional signs, controlled ingress and egress, fences, walls, and vegetative screens as determined appropriate.

Amend Paragraph 13 to read as follows:

13. Offstreet Parking-Required: Required offstreet parking according with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted or permissible use that is serves is discontinued or modified, or equivalent required offstreet parking is provided meeting the requirements of this Ordinance.

Add a new Paragraph 14 and renumbering present paragraphs from 14-20 to 15-21:

14. Offstreet Parking - Reservation: Where in the determination of the Zoning Director, the required number of spaces is excessive for a sepcific use, the owner or agent may substitute landscaping in lieu of paving provided said areas are reserved for future parking should the County find those spaces are needed, and further provided:

A. A site development plan is submitted to and approved in accordance with Section 39.8.

B. The owner of the land upon which such parking is being reserved shall enter into a written agreement with the County with enforcement running to the County ensuring that the reserved parking area shall never be encroached upon, used, sold, leased or conveyed for any purpose except in conjunction with the building or use which the reserved parking area serves so long as the offstreet parking facilities are required.

C. The owner of the land which such reserved parking area is located agrees to bear the expense of recording the agreement which shall bind his heirs, assigns or successors.

D. The written agreement shall be voided by the County if the reserved parking area is converted to usable parking area or if the reserved parking area is no longer required.

Amend Paragraph 15 Offstreet Parking:Required Amounts. by adding the following:

Furniture or Carpet Stores	1 space for each 500 square feet of gross floor area.
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AMEND THE FOLLOWING SECTIONS BY ADDING A NEW PARAGRAPH AS FOLLOWS:

SECTION 21.3A(5)B(5)C(5) and D(5)	SECTION 32.7
" 22.8	" 33.8
" 23.9	" 34.7
" 25.8	" 35.6
" 26.4	" 36.6
" 26.II.7	" 37.7
" 27.8	" 38.8
" 28.9	

In order to comply with the minimum flood elevation requirements, the maximum height of a structure shall be measured from the minimum base flood elevation required by the Flood Elevation Ordinance.

AMEND SECTION 23 RM-2 RESIDENTIAL MULTIFAMILY DISTRICT AS FOLLOWS:

Change Paragraph 13C(5) to Paragraph 13D.

AMEND SECTION 32 - PC PROFESSIONAL COMMERCIAL DISTRICT AS FOLLOWS:

Adding a new Paragraph 11 to read as follows:

11. Required Buffer for Property Adjacent to Residential Zoned Property: Where such commercial abuts property zoned for residential purposes, there shall be provided a landscaped buffer area designed and planted so as to be eighty (80) percent opaque when viewed horizontally at three (3) feet above ground level, and said plant materials should reach a height of five (5) feet within two years after planting. A fifteen (15) foot wide landscaping area may be substituted for the required three (3) foot high planted buffer. Such landscaped buffer shall be located between the common lot line and the commercial activity or offstreet parking area exposed to the abutting residential property so that the purpose of screening the commercial area is accomplished. If this buffer is located on or within a utility easement, the maximum height of the vegetative buffer shall be fifteen (15) feet.

AMEND SECTION 33 - CONVENIENCE COMMERCIAL DISTRICT AS FOLLOWS:

Adding a new Paragraph 16 to read as follows:

16. Required Buffer for Property Adjacent to Residential Zoned Property: Where such commercial abuts property zoned for residential purposes, there shall be provided a landscaped buffer area designed and planted so as to be eighty (80) percent opaque when viewed horizontally at three (3) feet above ground level, and said plant materials should reach a height of five (5) feet within two years after planting. A fifteen (15) foot wide landscaping area may be substituted for the required three (3) foot high planted buffer. Such landscaped buffer shall be located between the common lot line and the commercial activity or offstreet parking area exposed to the abutting residential property so that the purpose of screening the commercial area is accomplished. If this buffer is located on or within a utility easement, the maximum height of the vegetative buffer shall be fifteen (15) feet.

AMEND SECTION 34 - GENERAL RETAIL COMMERCIAL DISTRICT AS FOLLOWS:

Amend Paragraph 2A by adding the following to Principal Uses and renumbering accordingly:

(98) Retail Fish Markets  
Change present (98) to (99)

Amend Paragraph 2C - Provisional Uses by adding the following:  
(10) Used Car Lots

AMEND SECTION 35 - COMMERCIAL INDUSTRIAL DISTRICT AS FOLLOWS:

Adding a new Paragraph 10 to read as follows:

10. Required Buffer for Property Adjacent to Residential Zoned Property: Where such commercial area abuts property zoned for residential purposes, there shall be provided a landscaped buffer area designed and planted so as to be eighty (80) percent opaque when viewed horizontally at three (3) feet above ground level, and said plant materials should reach a height of five (5) feet within two years after planting. A fifteen (15) foot wide landscaping area may be substituted for the required three (3) foot high planted buffer. Such landscaped buffer shall be located between the common lot line and the commercial activity or offstreet parking area exposed to the abutting residential property so that the purpose of screening the commercial area is accomplished. If this buffer is located on or within a utility easement, the maximum height of the vegetative buffer shall be fifteen (15) feet.

AMEND SECTION 36 - INDUSTRIAL DISTRICT AS FOLLOWS:

Adding a new paragraph 11 to read as follows:

11. Required Buffer for Property Adjacent to Residential Zoned Property: Where such industrial area abuts property zoned for residential purposes, there shall be provided a landscaped buffer designed and planted so as to be eighty (80) percent opaque when viewed horizontally at three (3) feet above ground level, and said plant materials should reach a height of five (5) feet within two years after planting. A fifteen (15) foot wide landscaping area may be substituted for the required three (3) foot high planted buffer. Such landscaped buffer shall be located between the common lot line and the industrial activity or offstreet parking area exposed to the abutting residential property so that the purpose of screening the industrial area is accomplished. If this buffer is located on or within a utility easement, the maximum height of the vegetative buffer shall be fifteen (15) feet.

AMEND SECTION 38 - ESTATES DISTRICT AS FOLLOWS:

Amend Paragraph 2B(4) to read as follows:

(4) Keeping of horses and/or livestock (excluding pigs and hogs) not to exceed two (2) per acre. Any roofed structure for the shelter and feeding of such animals shall be no less than twenty (20) feet from any lot line or closer than one hundred (100) feet to any existing residence located on adjacent property. No open feed lot storage for animals shall be permitted.

Amend Paragraph 2C - Provisional Uses by adding (7) and (8) as follows:

- (7) Child Care Centers
- (8) Administrative Offices for Non-profit Public Oriented Uses.

Amend Paragraph 3 to read as follows:

3. Minimum Lot Area: Two and one-quarter (2¼) acres. See Paragraph 10.

Amend Paragraph 10 to read as follows:

10. Non-Conforming Lots of Record: Any lot or parcel which was recorded or for which an agreement for deed was executed prior to October 14, 1974 (Ord. 74-42 and Ord. 75-24) and which lot or parcel does not meet the minimum width and lot area requirements for a principal use as a result of the passage of this Ordinance shall be considered as a legal non-conforming lot and shall be eligible for the issuance of a building permit provided all other requirements of this Ordinance and the Florida Statutes are met. This section applies to Principal Uses only. All Provisional Uses shall require the minimum of two and one-quarter (2¼) acres of land area.

AMEND SECTION 39 - ADMINISTRATION AND ENFORCEMENT AS FOLLOWS:

Amend Paragraph 8A to read as follows:

8A. Procedure: Where by the terms of this Zoning Ordinance, approval of a site alteration and/or development plan is required prior to the issuance of a building permit, such site alteration and/or development plan shall be submitted to the Zoning Director. He shall circulate the site alteration and/or development plan for comment and criticism to all County officers or departments which may have a responsibility for some aspect of the site alteration and/or development plan.

Amend 8C to read as follows:

C. Zoning Director Action: In reaching a decision as to whether the site alteration and/or development plan as submitted shall be approved or approved with changes or in reaching a decision not to approve the plan, the Zoning Director shall follow the procedure set out in Section 39.8 A and B above and shall be guided in his decision and the exercise of discretion to approve, approve with conditions, or to deny by the following standards:

(1) through (10) leave as presently written.

Amend Paragraph 8E to read as follows:

E. Changes and Amendments: Any change in an approved site alteration and/or development plan requires a review as for a new request. (See Paragraphs 8A through 8D above).

AMEND SECTION 42 - SCHEDULE OF FEES AND CHARGES BY REMOVING THE FOLLOWING:

Alcoholic Beverage Petition	100.00
Offstreet Parking Location Variance	100.00
Site Alteration or Development Plan Approval	50.00

SECTION TWO:

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

DATE: November 7, 1978

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

ATTEST:  
WILLIAM J. REAGAN, CLERK

BY: John A. Pistor  
JOHN A. PISTOR, CHAIRMAN

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. 78-60 which was adopted by the Board of County Commissioners during Regular Session November 7, 1978.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 7th day of November, 1978.

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

By Virginia Maguire  
Deputy Clerk

This ordinance filed with the Secretary of State's office the 14th day of November, 1978 and acknowledgment of that filing received this 16th day of November, 1978.

By Virginia Maguire  
Deputy Clerk