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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 - AREAS OF ENVIRONMENTAL SENSITIVITY; SECTION 18 - OFF-STREET PARKING AND LOADING; SECTION 21 - RS DISTRICTS; SECTION 24 - PUD DISTRICT; SECTION 29 - MHRP DISTRICT; SECTION 32 - PC DISTRICT; SECTION 33 - CC DISTRICT; SECTION 34 - GRC DISTRICT; SECTION 35 - CI DISTRICT; SECTION 36 - I DISTRICT; AND SECTION 37 - A DISTRICT AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County Planning Department petitioned the Board of - County Commissioners to amend the Zoning Regulations;

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:

SECTION - 3 DEFINITIONS:

Change Director to read as follows:

Director: Director is the Zoning Director of Collier County, Florida. The Director is charged with the administration and enforcement of this ordinance.

Change Floor Area to read as follows:

Floor Area: Floor area is that area within a building having a roof impervious to weather and accessible from the interior of the building, which is within a completely enclosed building. For purposes of this ordinance, attics with a headroom of less than seven (7) feet, crawl space where the ceiling is not more than an average of forty-eight (48) inches above the general finished and graded level of the adjacent portion of the lot, garages, porches, patios, carports, enclosed stairs or fire escapes, elevator structures, ceiling towers, and parking structures are not to be considered as floor area.

Change Hotel or Motel Unit to read as follows:

Hotel or Motel Unit: A hotel or motel unit is a unit designed for transient occupancy and utilized for rental purposes only. A motel or hotel unit shall not have separate electric or water meters for any of the separate units in the hotel or motel. A hotel or motel unit may have cooking or eating facilities, but the number of such hotel or motel units in a hotel or motel shall be limited as stated in the definition of "Hotel, etc.". A hotel or motel unit shall contain bathing and sanitary facilities.

Add the following new definitions:

Garden Supplies: Garden supplies, other than machinery, shall include seeds, potting soil and mixtures, bark and other mulch materials, solid and liquid fertilizers, insecticides, herbicides, fungicides, flower pots or baskets, hand tools and sprayers, bagged rocks and stones, patio stones and bricks, and other similar items.

Recreational Facilities Not Accessory To Principal Uses:

Uses similar to present residential accessory uses such as swimming pools, tennis courts, accessory clubhouses or parks which will be under common ownership and serve more than one (1) residence.

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CLERK OF COUNTY
SECRETARY OF STATE

SECTION 8 - SUPPLEMENTARY DISTRICT REGULATIONS

Amend Paragraph 2 - Accessory Structures on Waterfront and Golf Course Lots as follows:

Amend rear yard setback for pools and screen enclosures by changing 15' to 10'.

Amend side yard setback for boat slips and ramps by changing 10' to 7½'.

Amend Paragraph 5 to read as follows:

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with actual and legal access to an approved private street, and all structures...or approved private street for at least twenty (20) feet.

Amend Paragraph 7A to read as follows:

7. PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT:

Change Paragraph A to read as follows:

- A. Major recreational equipment is hereby defined as including boats and boat trailers, travel trailers, pick-up campers 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. In districts permitting single family homes or mobile homes, major recreational equipment may be parked or stored only in a rear yard (on corner lots, the rear yard 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; major recreational 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. (Rev. ORD. 78-60 11/7/78)
This paragraph does not apply to "A" and "E" zoned lands.

Amend Paragraphs 7B (1) to read as follows:

- (1) Such major recreational equipment may, upon obtaining a permit from the Director, be parked upon the premises of the resident for a period not exceeding three (3) days for the purpose of loading, unloading, repairing, and/or cleaning prior to or after a trip. The permit for such period may be affixed to the vehicle in a conspicuous place on the street side thereof.

Add a new paragraph 7B (4) to read as follows:

- (4) Non-Resident: Such car, trailer, bus or motor home, when used for transportation of visitors to this County to visit friends or members of the visitors' family residing in this County may upon obtaining a permit from the Director be parked upon the premises of the visited family for a period not exceeding ten (10) days. The permit shall be affixed to the vehicle in a conspicuous place on the street side thereof. This permit does not allow for living, sleeping, or housekeeping purposes.

The Director may, for good cause shown, authorize the issuance of a second consecutive permit not to exceed ten (10) days. An additional permit for the parking of such vehicle will not be issued until after the application has been reviewed and approved by the Board of County Commissioners.

Amend Paragraph 8(4) - Parking of Commercial Vehicles, to read as follows:

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

Add a new Paragraph 26 to read as follows:

26. Home Occupations

- (1) General Provisions for Home Occupations: In any residential district, a home occupation shall be allowed and it shall be conducted by an occupant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof; and provided that all the following conditions are met:
- A. There shall be no on-site or off-site premise advertising signs.
 - B. The use does not generate more traffic than would normally be experienced at a residence.
 - C. There shall be no receiving or storage of goods or materials other than normal delivery by U.S. Postal Service or similar carrier during daylight hours.
 - D. Parking or storage of commercial vehicles or equipment as prohibited by Paragraph 8 of this Section.
 - E. The on-premises use of any equipment or materials, by their nature, shall not create or produce excessive noise, obnoxious fumes, dust or smoke.
 - F. The on-premises use of any equipment or tools shall not create any amount of vibration or electrical disturbance.
 - G. No on-premises use or storage of any hazardous materials shall be kept in such an amount as to be potentially dangerous to persons or property outside the confines of the home occupation.
 - H. There shall be no retail sale of materials, goods or products from the premises.
 - I. There shall be no outside storage of goods or products (except plants).
- (2) Any home occupation that is found to have violated any provision of this section shall be discontinued upon receipt of notice from the Director. Failure to comply with said notice shall constitute a violation of this ordinance and for each day the use continues shall be considered a separate offense.
- (3) Home occupations existing prior to the effective date of this amendment and found not to comply with the provisions of this ordinance shall be deemed a violation and shall be either discontinued or shall meet the provisions imposed by this Section.

Add a New Paragraph 27 to read as follows:

27. Garbage Dumpsters

Garbage dumpsters shall be permitted in all districts subject to the following conditions:

- 1. All dumpsters must be screened from view of adjoining property owners or streets at first floor level.
 - 2. The following structures may be permitted as screening for dumpsters:
 - A. Wood fence.
 - B. CBS wall.
 - C. Vegetative screening in conjunction with A or B above.
 - 3. Dumpsters may be permitted within the building setback area provided there is no obstruction of vision of adjacent streets.
 - 4. Screening for dumpsters shall be exempted from height limitations for fences provided there is no obstruction of vision of adjacent streets.
- Industrial Zoned Districts shall not be subject to the screening provisions.

Add a New Paragraph 28 to read as follows:

28. Integral Caretaker's Residence in Commercial and Industrial Districts:

The Zoning Director may authorize the construction of a caretaker's residence in the PC, CC, GRC, CI and I Districts subject to the following:

1. The residence shall be constructed as an integral part of the principal structure and shall be entered from within the principal structure. Exits required to comply with the fire code shall be permitted.
2. The caretaker's residence shall be an accessory use and shall be for the exclusive use of the property owner, tenant, or designated employee operating or maintaining the principal structure.
3. Minimum floor area shall be 200 square feet.
4. Off-street parking shall be as for a single family residence in accordance with Section 18.
5. Any other requirement which the Zoning Director determines necessary and appropriate to the case.
6. Residences which are designed as a detached structure shall be considered a provisional use in the PC, CC, GRC, CI and I Districts subject to the provisional use requirements of the district in which such structure is permitted.

SECTION 9 - AREAS OF ENVIRONMENTAL SENSITIVITY

Amend Paragraph 2 by changing the title to read as follows:

2. "ST AS A ZONING OVERLAY DISTRICT; DESIGNATION OF "P-ST" LANDS.

Amend Paragraph 2 by adding a New Paragraph B to read as follows, and numbering present Paragraph as Paragraph A:

- B. For purposes of identifying land from which the residential development rights have been transferred, such lands shall be designated on the Official Zoning Atlas by affixing the letter "P" for preservation to the symbol "ST", thusly "P-ST" together with the symbol of the basic zoning district which it overlays. Such designation shall be placed on the land after the Board of County Commissioners has accepted the deed and/or guarantee to said property.

Amend Paragraph 9A(7) to read as follows:

- (7) Three copies of an executed deed of transfer of ownership of the "ST" property to the County in a form approved by the County Attorney, or, if the owner elects not to deed the "ST" land to the County, the "ST" owner shall provide a guarantee, agreeable to and approved by ordinance of the Board of County Commissioners, that the "ST" land will be forever retained in its natural condition and will never be developed in any manner whatsoever by anyone. For the purpose of this requirement, natural conditions shall include minor nature related improvements such as nature paths, boardwalks, outdoor educational learning areas, and removal of exotic vegetation.

Such a guarantee shall be recorded with the Clerk of the Circuit Court of Collier County, Florida, as a recorded restriction of the use of such land and shall be binding to all present and subsequent owners, heirs, or assigns of such property. Such restrictions may not be amended, deleted, or otherwise altered except by affirmative vote of all members of the Board of County Commissioners.

SECTION 18 - OFFSTREET PARKING AND LOADING

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 off-street parking spaces for house 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 with a suitable stabilized subgrade may be substituted for the above materials. This paragraph does not apply to single family dwellings.

Amend Paragraph 4B to read as follows:

- B. Each off-street parking space must be directly accessible from a street, alley, or other public right-of-way. Except for single and two family dwellings, all off-street parking facilities must be so arranged that no automobile shall have to back onto any street.

Add a New Paragraph 5 F to read as follows:

- F. Fire lanes in accordance with Ordinance 76-49.

Amend Paragraph 16 to read as follows:

Single Family Dwelling 2 spaces

Amend Paragraph 16 by adding the following uses:

Model Homes As determined by the Director

SECTION 21 - RESIDENTIAL DISTRICT

Amend Paragraph 3 C (3) B and 3 D (3) b by deleting the 10' setback for two-story dwelling.

SECTION 24 - PUD DISTRICT

Amend Paragraph 9 to read as follows:

9. Effect of Planned Unit Development Zoning

If the Board approves the proposed PUD rezoning, the Master Plan for development and all other information and materials formally submitted with the petition shall be considered as adopted as an amendment to the zoning ordinance and shall become the standards of development for the subject planned unit development. Thenceforth, development in the area delineated as PUD district on the Official Zoning Atlas shall proceed only in accord with the adopted Master Plan for said district.

Before development of any type may proceed, however, all agreements or contracts required but not approved at the time of amending action shall be approved by appropriate officers or agencies of the County. In those instances where final plats are required by other County regulations, building permits may be issued after a final plat and construction plans have been approved by the County Commission, thereby permitting appropriate construction as necessary improvements are installed; but no occupancy permit shall be issued until the final plat of the project or phase thereof has been recorded.

SECTION 29 - MOBILE HOME RENTAL PARK DISTRICT

Amend Paragraph 8 to read as follows:

8. Required Buffers

Visual screens are required for travel trailer parks as a provisional use as follows:...

Amend Paragraphs B & C by changing the words "mobile home rental parks" to "TTRV".

Amend Paragraph 9 to read as follows:

9. Required Internal Park Street System

All lots within a mobile home rental park shall have direct access

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from an internal street. All internal streets within the mobile home park shall provide safe and convenient access to a public street and shall be paved or be of a hard, dustless material.

SECTION 32-PC Professional Commercial District

Amend Paragraph 2 B by adding a new sub-paragraph (2) to read as follows:

- (2) Caretaker's Residence (See Section 8.28)

SECTION 33-CC CONVENIENCE COMMERCIAL DISTRICT

Amend Paragraph 2 B by adding a new sub-paragraph (2) to read as follows:

- (2) Caretaker's Residence (See Section 8.28)

Amend Paragraph 2C(2) to read as follows:

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

SECTION 34-GRC GENERAL RETAIL COMMERCIAL DISTRICT

Amend Paragraph 2B by deleting paragraphs concerning boat houses and docks.

Amend Paragraph 2B by adding a new sub-paragraph (2) to read as follows:

- (2) Caretaker's Residence (See Section 8.28)

Amend Paragraph 2C(5) to read as follows:

- (5) Detached residence in conjunction with a business - one (1) per business.

SECTION 35-CI COMMERCIAL INDUSTRIAL DISTRICT

Amend Paragraph 2B by adding sub-paragraph (2) to read as follows:

- (2) Caretaker's Residence (See Section 8.28)

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

- (4) Detached residence in conjunction with business - one (1) per business.

SECTION 36-I INDUSTRIAL DISTRICT

Amend paragraph 2B to read as follows:

- (B) Permitted Accessory Uses and Structures

Accessory uses and structures customarily associated with the uses permitted in this district including caretaker's residence. (See Section 8.28).

Amend Paragraph 2C by adding new paragraph (5) to read as follows:

- (5) Detached residence in conjunction with business - one (1) per business.

Amend Paragraph 4 by adding a new Paragraph E to read as follows:

- E. Setback requirements are measured from the right-of-way line in cases involving public streets.

In cases where the property is provided access through a private easement, the setback requirements shall be measured from the inside edge of the private easement of the subject property.

In the event that the owner of the property is unable to provide adequate off-street parking, loading, and vehicular circulation as a result of measuring the setback from the inside edge of a private

easement, the Zoning Director is authorized to reduce the setback requirements from the inside edge of the private road, provided such reduction is not greater than 25% of the required setback.

SECTION 37-A AGRICULTURE DISTRICT

Amend Paragraph 2A(7) to read as follows:

- (7) Wholesale and retail plant nurseries and sales (to include the sale of garden supplies as defined in this ordinance).

SECTION TWO:

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

ADOPTED this 8th day of January, 1980.

ATTEST:
WILLIAM J. REAGAN, CLERK
William J. Reagan
MLL/ke/9-N
Planning Department
11/28/79

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: *Clifford Wenzel*
Clifford Wenzel, 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. 80- 4

which was adopted by the Board of County Commissioners during Regular Session January 8, 1980.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 8th day of January, 1980.

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

By: *Virginia Magri*
Virginia Magri, Deputy Clerk

This ordinance filed with the Secretary of State's Office the 14th day of January, 1980 and acknowledgement of that filing received this 16th day of January, 1980.

By: *Virginia Magri*
Deputy Clerk