

RECEIVED

AN ORDINANCE AMENDING ORDINANCE 76-30 TO BE AMENDED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA TO AMEND THE FOLLOWING SECTIONS AS HEREINAFTER DESCRIBED: SECTION 9 AREAS OF ENVIRONMENTAL SENSITIVITY AND SECTION 22, RESIDENTIAL MULTI-FAMILY DISTRICT, AND PROVIDING AN EFFECTIVE DATE.

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 9, PARAGRAPH 8.B TO READ AS FOLLOWS:

- B. The transfer of residential development rights to be used for non-"ST" land shall be from "ST" designated land to non-"ST" land located in TDR-1, RM-1, RM-1A, RM-2, and RT Zoning Districts and shall be subject to all of the requirements of the basic zoning districts unless specifically approved otherwise as provided by law.

AMEND SECTION 9, PARAGRAPH 8.F TO READ AS FOLLOWS:

- 1. Add a new paragraph (2) and renumber present paragraph (2) to paragraph (3) as follows:
  - (3) Non-"ST" lands in the TDR-1 zoned districts are eligible to receive residential development units provided that the maximum number of residential units which may be transferred to the non-"ST" land do not exceed a maximum number of three (3) units per acre of non-"ST" land.

SECRETARY OF STATE

DEC 8 1 11 PM '78

FILED

AMEND SECTION 22 BY ADDING PART III, TDR-1 TRANSFER OF DEVELOPMENT RIGHTS, MULTI-FAMILY DISTRICT, WHICH READS AS FOLLOWS:

- 1. District Purpose: The provisions of this district are intended to apply to an area of medium density residences designed in a manner which encourages open space on-site or in combination with off-site open space, through the utilization of the transfer of development rights provided in Section 9, "ST" Special Treatment Overlay District.
- 2. Designation of TDR-1 Lands and Waters: The procedure for designating land and water TDR-1 shall be in accordance with the provisions contained in Section 48 of Ordinance 76-30.

Prior to the designation of any land as TDR-1, the Board of County Commissioners shall make a finding that:

as defined in Section 48.5 of Ordinance 76-30 are sufficient to adequately serve the maximum number of residential units resulting from the transfer of development rights to the subject land through its use in combination with land designated "ST" Special Treatment.

- B. The transfer of residential development rights as an alternative to development will result in a public benefit through the protection of the natural resources, reduction of flood hazard, conservation of energy, and the long-range enhancement of the socio-economic vitality of Collier County.
- C. That the granting of the TDR-1 designation is in compliance with the Goals, Objectives and Policies of the Comprehensive Plan.

3. 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, in a TDR-1 District for other than the following:

A. Permitted Principal Uses

- (1) Multi-family dwellings

B. Permitted Accessory Uses and Structures:

- (1) Customary accessory uses and structures
- (2) Signs as permitted in Section 20
- (3) Non-Commercial boat launching facilities and multiple docking facilities
- (4) Private boat houses and docks, with or without boat hoists, on canal or waterway lots, not protruding more than five (5) feet into the canal or waterway, unless such canal or waterway has a width of one hundred (100) feet or more; then the dock may protrude twenty (20) feet into such canal or waterway or such additional length as may be justified to the Zoning Director based on water depth, currents, unusual land contour or configuration, or some other natural condition. No boat or boat house may be used as a residence.

All docks, regardless of length, shall have reflectors four (4) inches minimum size installed at the outermost end, on both sides.

C. Provisional Uses and Structures: The following uses may be permitted subject to the provisions of Section 14 of Ordinance 76-30:

- (1) Single Family Residences
- (2) Churches, schools and child care centers
- (3) Civic and cultural facilities
- (4) Non-commercial recreational facilities not accessory to principal use

4. Maximum Density: The maximum density shall be six (6) units per gross acre of land area when used independently of "ST" Special Treatment Land.

The maximum density shall be nine (9) units per acre when used in combination with "ST" land which has been preserved as open space in accordance with Section 9 of this Ordinance.

5. Minimum Lot Area Requirement: Five (5) acres of land.

6. Minimum Lot Width: Three hundred and thirty (330) feet as measured at the front yard building line setback.

7. Minimum Yard Requirements:

A. Depth of front yard-Thirty (30) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

B. Depth of side yard-Thirty (30) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

C. Depth of rear yard-Thirty (30) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

D. Depth of Gulf Front Yard-As per the Coastal Construction Setback Line established by the Department of Natural Resources of the State of Florida pursuant to Section 161.053, F.S.

8. Distance Between Structures:

A. The distance between any two (2) principal structures on the same parcel shall be fifteen (15) feet or a distance equal to one-half (1/2) the sum of their heights, whichever is the greater.

9. Minimum Floor Area of Principal Structure:

A. 750 square feet for each dwelling unit.

10. Maximum Height of Principal Structure:

A. Twenty (20) stories or two-hundred (200) feet above the finished grade of the lot elevation, whichever is the greater. In areas governed by the National Flood Insurance Ordinance, the height shall be measured from the height of the minimum base flood elevation line.

11. Minimum Landscaped Areas:

A. There shall be provided two (2) square feet of landscaped area for each square foot of off-street parking provided on the ground level. This may include any landscaping required in Section 19 of this Ordinance. The preservation of existing native vegetation is encouraged when such use is not in conflict with Chapter 13 of the Collier County Code of Laws and Ordinance.

12. Minimum Off-Street Parking:

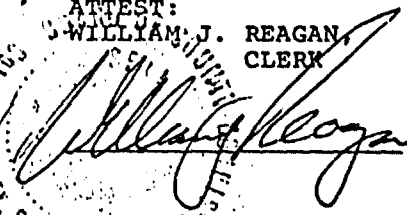
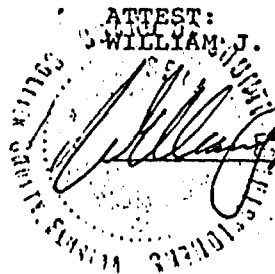
- A. As for the RM-2, RT Multiple Family requirement of Section 18 of Ordinance 76-30
- B. Single family as provisional use as per single family dwelling in Section 18 of Ordinance 76-30.
- C. Other uses as per similar uses listed in Section 18 of Ordinance 76-30.

SECTION TWO:

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

DATE: December 5, 1978 BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

ATTEST:  
WILLIAM J. REAGAN,  
CLERK

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

APPROVED AS TO FORM AND LEGALITY

Ronald C. Dillo  
Per: DONALD A. PICKWORTH, COUNTY ATTORNEY

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. 78-71 which was adopted by the Board of County Commissioners during Regular Session December 5, 1978.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 5th day of December, 1978.

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

By Virginia Magier  
Deputy Clerk

This ordinance filed with the Secretary of State's Office, the 8th Day of December, 1978 and acknowledgement of that filing received this 11th day of December, 1978.

By Virginia Magier  
Deputy Clerk