COLLIER COUNTY
Collier County Hearing Examiner

AGENDA

Growth Management Department
Conference Rooms 609/610
2800 Horseshoe Drive North
Naples, FL 34104

September 14, 2023

9: 00 AM

Andrew W. J. Dickman, Esq., AICP
Hearing Examiner

Note: Individual speakers will be limited to 5 minutes unless otherwise waived by the Hearing Examiner. Persons Wishing to have written or graphic materials included in the hearing report packets must have that material submitted to County staff at Ailyn.Padron@CollierCountyFL.gov 10 days prior to the Hearing. All materials used during presentation at the hearing will become a permanent part of the record.

Any person who decides to appeal a decision of the Hearing Examiner will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Decisions of the Hearing Examiner are final unless appealed to the Board of County Commissioners.

Hearing Procedures will provide for presentation by the Applicant, presentation by staff, public comment and applicant rebuttal. The Hearing Examiner will render a decision within 30 days. Persons wishing to receive a copy of the decision by mail may supply County staff with their name, address, and a stamped, self-addressed envelope for that purpose. Persons wishing to receive an electronic copy of the decision may supply their email address.

1. Pledge of Allegiance

2. Review of Agenda

3. Advertised Public Hearing

A. Petition No. DR-PL20220006184 – Outdoor Resorts at Chokoloskee Island – Request for approval of a site plan with deviations pursuant to LDC Section 10.02.03.F and seeks four deviations: (1) from LDC Section 4.02.01.A.2 to instead allow a setback between 15 feet and 23 feet, five inches to the south property line for Building 1 and 36 feet 10 inches and 49 feet 10 inches to the south property line for Building 2, both buildings identified on Deviations Exhibit B Site Plan; (2) from LDC Section 4.06.06.A.1 to instead allow the existing opaque fence to satisfy the required screening; (3) from LDC Section 4.06.06.A.2 to instead allow the existing opaque fence to satisfy the required visual screening; (4) from LDC Section 4.06.03.B.1 to instead allow a minimum of 3.33 percent of the amount of vehicular area onsite to be devoted to interior landscaping for the redevelopment of Outdoor Resorts at Chokoloskee Island, consisting of ±19.0 acres and located at 150 Smallwood Drive, Chokoloskee, FL 34138 also known as Outdoor Resorts at Chokoloskee Island (Condo) in Section 31, Township 53 South, Range 30 East, Collier County, Florida. [Sean Sammon, Planner III] Commissioner District 5

B. Petition No. PCUD-PL20230004883 - Hana Foot Massage & Spa (PCUD) - Request for a comparable use decision of the Hearing Examiner that a massage therapy spa business, including foot massage and spa treatments, is comparable in nature to other permitted uses in Section 5.02.A of the Berkshire Lakes Planned Unit Development (PUD) adopted by Ordinance Number 83-46, as amended. The subject property is located at 7071 Radio Road, just east of Devonshire Boulevard, in Section 32, Township 49 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commission District 4

4. Other Business

5. Public Comments

6. Adjourn

09/14/2023

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A
Doc ID: 26416
Item Summary: Petition No. DR-PL20220006184 – Outdoor Resorts at Chokoloskee Island – Request for approval of a site plan with deviations pursuant to LDC Section 10.02.03.F and seeks four deviations: (1) from LDC Section 4.02.01.A.2 to instead allow a setback between 15 feet and 23 feet, five inches to the south property line for Building 1 and 36 feet 10 inches and 49 feet 10 inches to the south property line for Building 2, both buildings identified on Deviations Exhibit B Site Plan; (2) from LDC Section 4.06.06.A.1 to instead allow the existing opaque fence to satisfy the required screening; (3) from LDC Section 4.06.06.A.2 to instead allow the existing opaque fence to satisfy the required visual screening; (4) from LDC Section 4.06.03.B.1 to instead allow a minimum of 3.33 percent of the amount of vehicular area onsite to be devoted to interior landscaping for the redevelopment of Outdoor Resorts at Chokoloskee Island, consisting of ±19.0 acres and located at 150 Smallwood Drive, Chokoloskee, FL 34138 also known as Outdoor Resorts at Chokoloskee Island (Condo) in Section 31, Township 53 South, Range 30 East, Collier County, Florida. [Sean Sammon, Planner III] Commissioner District 5

Meeting Date: 09/14/2023

Prepared by:
Title: Principal Planner – Zoning
Name: Sean Sammon
08/16/2023 4:16 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
08/16/2023 4:16 PM

Approved By:

Review:

Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	08/18/2023 6:36 PM
Operations & Regulatory Management	Michael Stark	Review Item	Completed	08/30/2023 10:19 AM
Zoning	Sean Sammon	Review Item	Skipped	08/16/2023 4:15 PM
Zoning	Ray Bellows	Review Item	Completed	08/30/2023 11:00 AM
Zoning	Mike Bosi	Review Item	Completed	08/30/2023 11:06 AM
Zoning	Diane Lynch	Division Director	Skipped	08/30/2023 12:32 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	09/14/2023 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: SEPTEMBER 14, 2023

SUBJECT: OUTDOOR RESORTS AT CHOKOLOSKEE ISLAND, SITE PLAN WITH DEVIATIONS, DR-PL20220006184

PROPERTY OWNER/AGENT:

Applicant/Owner:

ORA at Chokoloskee, Inc.
150 Smallwood Drive
Chokoloskee, FL 34138

Agent:

Dave Sneed
Kuhlman Engineering, Inc.
2223 Trade Center Way
Naples, FL 34109

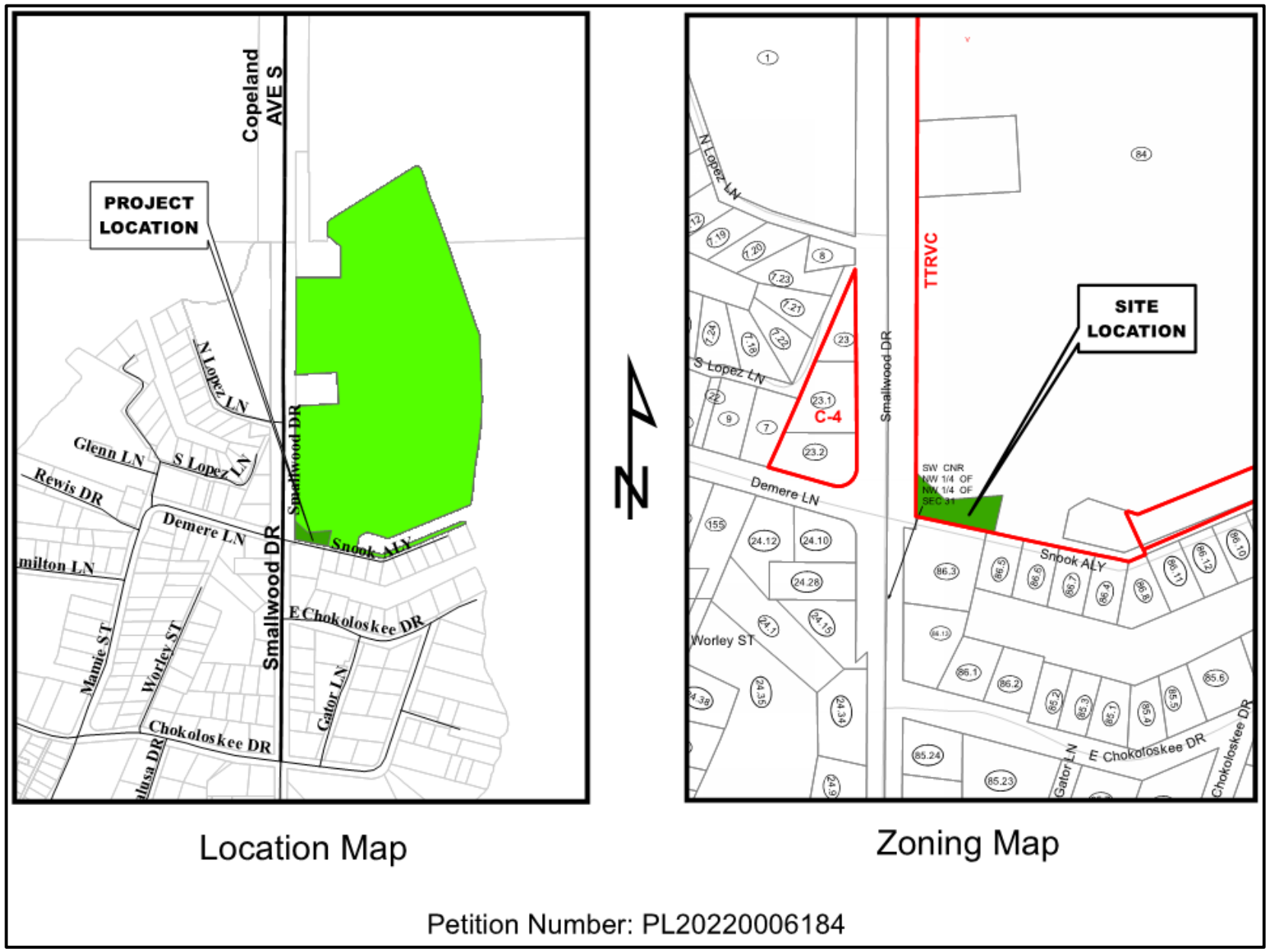
REQUESTED ACTION:

The applicant requests approval of a site plan with deviations pursuant to LDC Section 10.02.03.F and seeks four deviations: (1) from LDC Section 4.02.01.A.2 to instead allow a setback between 15 feet and 23 feet, five inches to the south property line for Building 1 and 36 feet 10 inches and 49 feet 10 inches to the south property line for Building 2, both buildings identified on Deviations Exhibit B Site Plan; (2) from LDC Section 4.06.06.A.1 to instead allow the existing opaque fence to satisfy the required screening; (3) from LDC Section 4.06.06.A.2 to instead allow the existing opaque fence to satisfy the required visual screening; (4) from LDC Section 4.06.03.B.1 to instead allow a minimum of 3.33 percent of the amount of vehicular area onsite to be devoted to interior landscaping for the redevelopment of Outdoor Resorts at Chokoloskee Island.

GEOGRAPHIC LOCATION:

The subject property is ±19.0 acres and is located at 150 Smallwood Drive, Chokoloskee, FL 34138 also known as Outdoor Resorts at Chokoloskee Island (Condo), along the east side of Smallwood Drive and the northeast quadrant of the intersection of Smallwood Drive and Snook Alley in Section 31, Township 53 South, Range 30 East, of Collier County, Florida (see location map page 2).

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at


PROJECT LOCATION
Copeland AVE S
N Lopez LN
S Lopez LN
Glenn LN
Rewis DR
Demere LN
Snook ALY
Smallwood DR
E Chokoloskee DR
Mamie ST
Worley ST
Gator LN
Chokoloskee DR
Location Map
N
TTRVC
SITE LOCATION
C-4
Smallwood DR
Demere LN
Snook ALY
Worley ST
E Chokoloskee DR
Zoning Map
Petition Number: PL20220006184

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at

PURPOSE AND DESCRIPTION OF PROJECT:

The applicant requests a Site Plan with Deviations for Redevelopment for a reduction in setback, landscape buffer, and landscape vehicular use area requirements. This will allow for the construction of storage buildings to replace the existing structures located in the maintenance area of Outdoor Resorts at Chokoloskee Island, a recreational vehicle park (TTRVC). The maintenance area is located on the southwest extent of the property adjacent to the intersection of Smallwood Drive and Snook Alley, as seen in Exhibit C, Deviations.

Before the site converted to an RV park, the site served as a mobile home community since the 1950's. The RV Park was approved in 1984 in accordance with Ordinance No. 82-002; OR Book 14 Pages 99- 103 (attached). Currently, the existing site contains multiple structures identified as Building 1 and Building 2. Building 1 was constructed first in the 1950's and Building 2 followed in the 1980's. Specifically regarding the location and orientation, Building 1 is located on the west boundary adjacent to County Road 29. Its position is 26'1" from south boundary and 2' 10" from the west boundary. Building 2 is located 20'8" and 31'11" from south boundary. Both existing structures have experienced flooding during heavy afternoon rain events and have been subjected to hurricane damage over their lifetime.

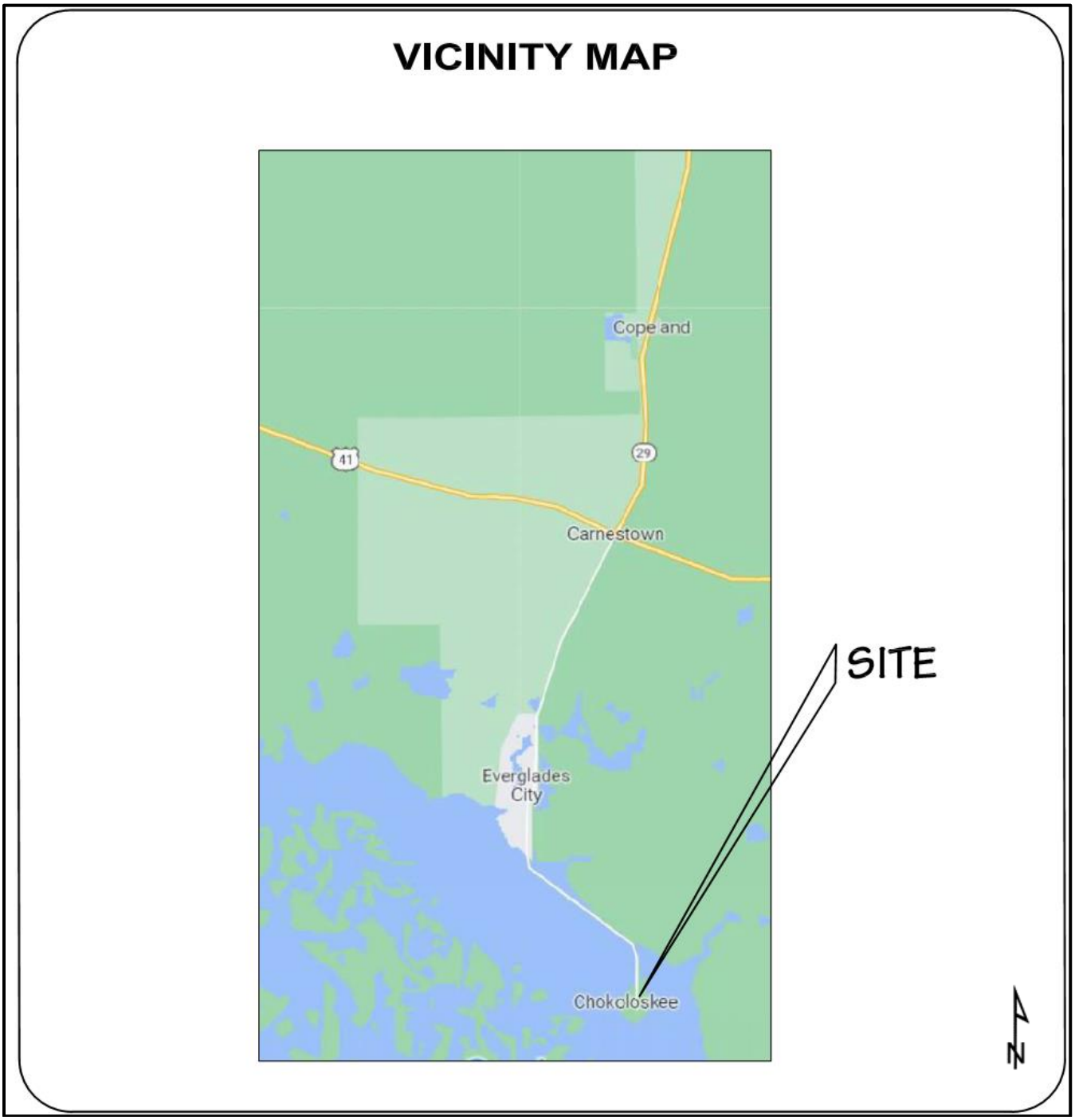
Both buildings 1 and 2 will be removed, as seen in Exhibit A, Demolition Plan. The proposed replacement structures will be used for storage. The proposed setback for Building 1 will be a minimum 50 feet from public road, 15' from south boundary/private road. Building 1 will be designed with a second-floor level elevation of 15.5 NAVD, which is above the current FEMA base flood elevation 9.0 NAVD. This building will be used to store supplies needed for the park operation and provide a safe storage above a 100-year flood event. Consequentially, Building 2 will have a minimum setback 36 feet from south boundary/private road, as seen on Exhibit B, Proposed Plan. Building 2 will serve as a storage area for the residents boating supplies. Both structures will have minimum floor elevation of 5.5 NAVD. This will eliminate flooding during heavy afternoon storm rainfall events. Both structures will have flood venting in accordance with FEMA and Building Code.

The primary reason for the request for the proposed deviations is because of the 1991 Land Development Code adoption amended the requirements for TTRVC which increased the minimum lot area to 20 acres and a legal minimum setback requirement of 50 feet from the boundary. This setback is impossible to meet since the depth of the site maintenance area is approximately 60 feet at the widest point from the southerly boundary.

Therefore, the four deviations being requested are as follows:

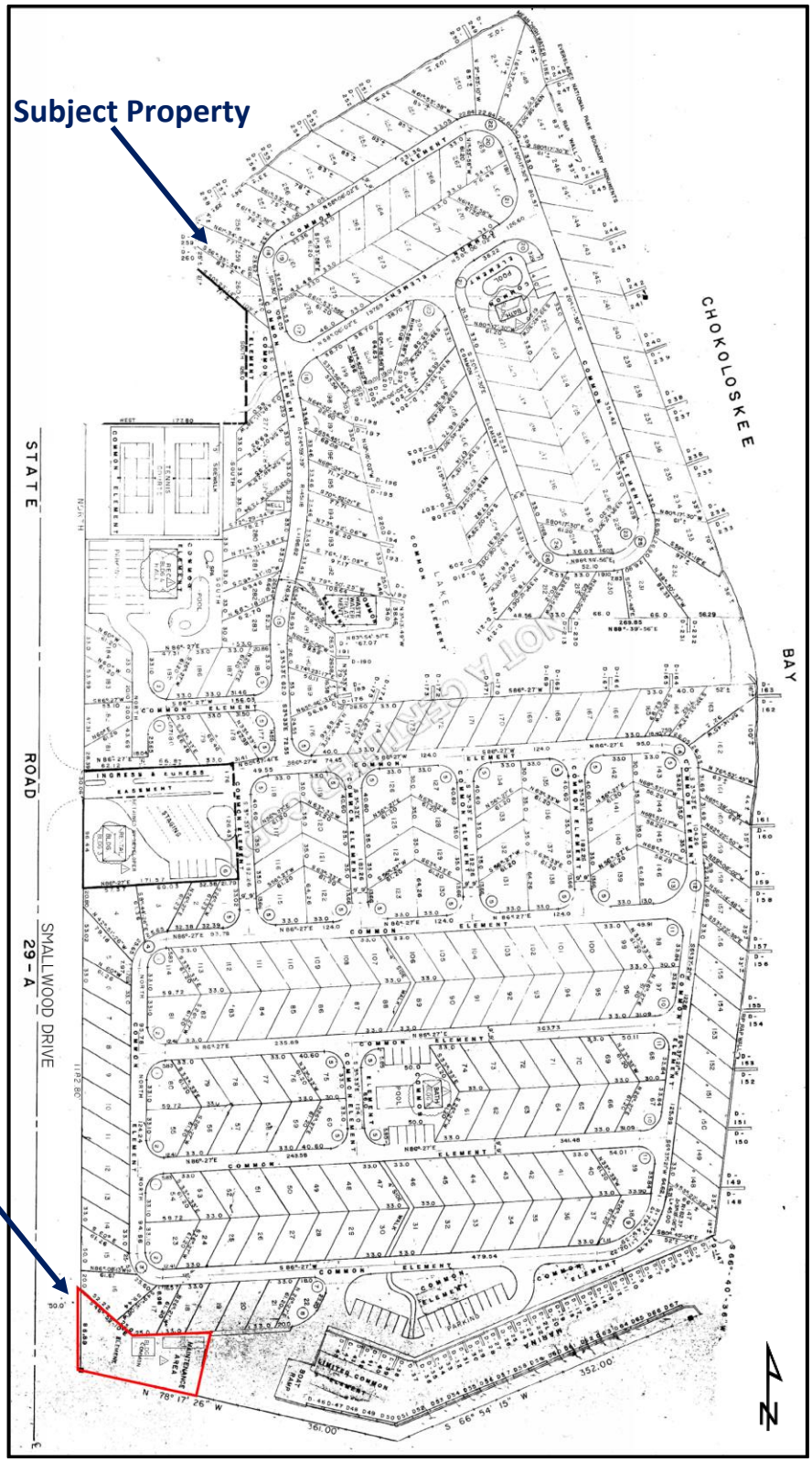
1. From LDC Section 4.02.01.A.2 to instead allow a setback between 15 feet and 23 feet, five inches to the south property line for Building 1 and 36 feet 10 inches and 49 feet 10 inches to the south property line for Building 2, both buildings identified on Deviations Exhibit B Site Plan.
2. From LDC Section 4.06.06.A.1 to instead allow the existing opaque fence to satisfy the required screening.
3. From LDC Section 4.06.06.A.2 to instead allow the existing opaque fence to satisfy the required visual screening
4. From LDC Section 4.06.03.B.1 to instead allow a minimum of 3.33 percent of the amount of vehicular area onsite to be devoted to interior landscaping for the redevelopment of Outdoor Resorts of Chokoloskee Island.

No other deviations are being requested. All other improvements will be in conformance with the existing codes and requirements per the Site Improvement Plan Pre-Application meeting held May 19, 2022, planning project number PL20220003599.



Subject Property Vicinity Map – Source: Kuhlman Engineering

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at



Overall Site Plan – Source: Kuhlman Engineering

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the boundaries of the subject property. The subject property is zoned Travel Trailer-Recreational Vehicle Campground (TTRVC) Zoning District. The surrounding zoning and land use is as follows:

North: Developed commercial and open space/water, zoned Conservation (CON) Zoning District in the Special Treatment (ST) Overlay and land zoned General Commercial (C-4) Zoning District) and Travel Trailer-Recreational Vehicle Campground (TTRVC).

East: Open space/water, zoned Conservation (CON) Zoning District in the Special Treatment (ST) Overlay.

South: Snook Alley and developed residential, land zoned Village Residential (VR) Zoning District.

West: Smallwood Dr/S.R. 29 and developed residential and commercial, land zoned Right-of-Way (R.O.W.), Village Residential (VR) and General Commercial (C-4) Zoning District.



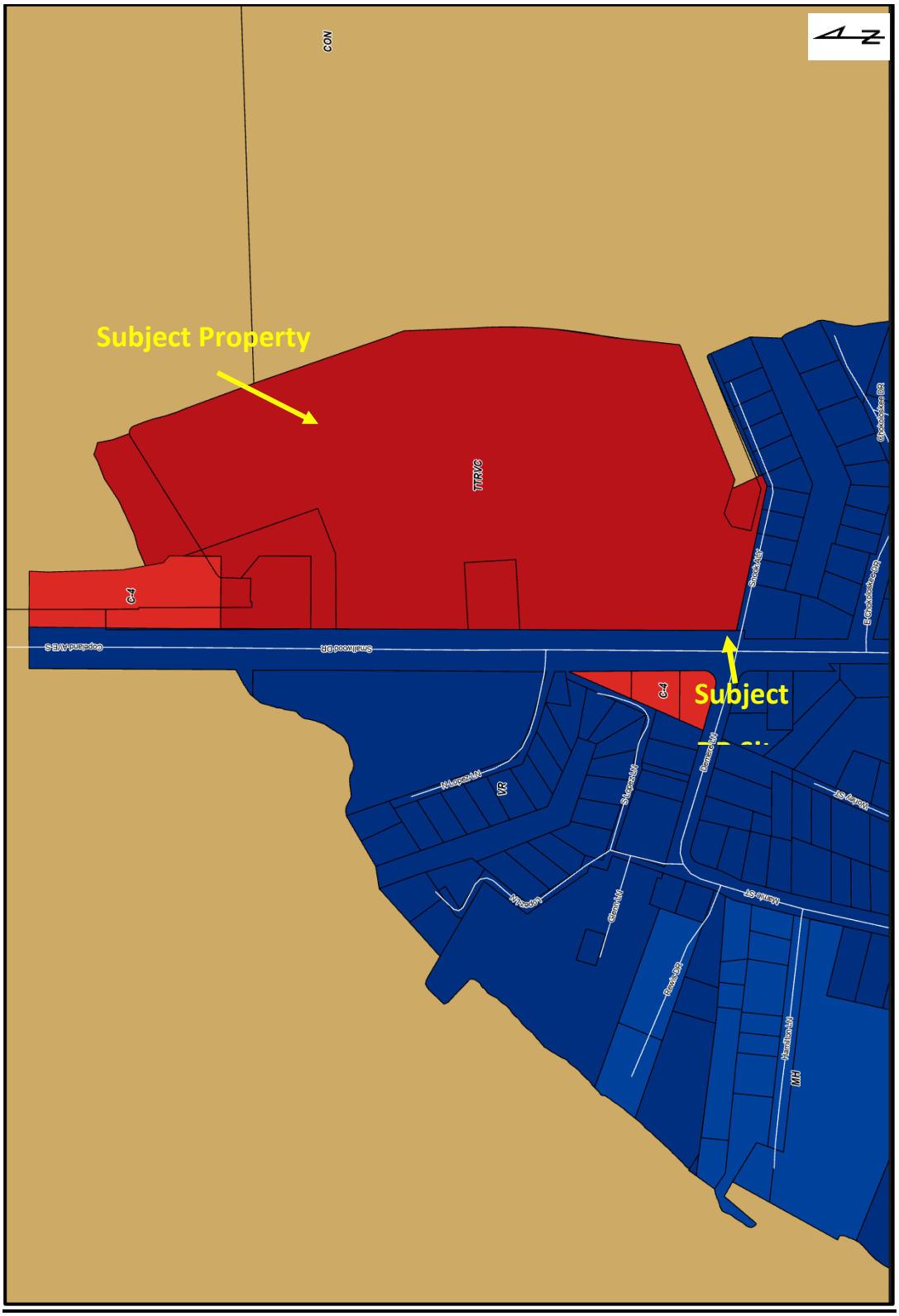
Subject Property Aerial – Source: Collier County GIS

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at



Subject Property Zoning Map – Source: ESRI/Collier County GIS

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at



Subject Property Zoning Map – Source: ESRI/Collier County GIS Addressing

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at

APPLICANT'S JUSTIFICATIONS FOR REQUESTED DEVIATIONS:

The petitioner is seeking four (4) deviations from the requirements of the Land Development Code (LDC). The deviations are listed below with staff analysis and recommendations.

Proposed Deviation #1 seeks relief from LDC Section 4.02.01 A, Table 2.1 Table of Minimum Yard Requirements for Base Zoning Districts, which requires a 50-foot setback from both the external boundary of park and external street in the TTRVC District, to instead allow a setback of between 15 feet and 23 feet 5 inches to the south property line for the Building labeled Building 1 as shown on Deviation Exhibit B Site Plan and 36 foot 10 inch and 49 foot 10 inch to the south property line for the Building labeled Building 2 as shown on Deviation Exhibit B Site Plan.

Petitioner's Justification: *The RV Park was approved in 1984 in accordance with Ordinance No. 82-002; OR Book 14 Pages 99-103 (attached). Section 7.19.c.4.d of the ordinance requires a setback of 10 feet for the boundary or from the required buffer area. Section 7.19.c.4.e of the ordinance requires a setback of 25 feet from a public street. The proposed structures will be a minimum of 50 feet from the right of way of County Road 29 a public street and 15 feet from the south boundary adjacent to Snook Alley, a private road.*

Staff Analysis and Recommendation: Staff sees no detrimental impact to the surrounding area should the deviation be approved. Staff has reviewed and evaluated the proposed deviation to the site plan and found no issue with consistency. This deviation is site specific as represented on the Site Plan. Therefore, Zoning Staff recommends **APPROVAL** of this deviation.

Proposed Deviation #2 seeks relief from LDC 4.06.06 A.1., Special Buffer Requirements For The TTRVC Zoning District, which requires TTRVC parks fronting on a highway shall provide and maintain clear area not less than 20 feet in width alongside, and parallel to the highway. There shall be an additional landscape area of five feet inside the entire length of the clear area. The landscape plan for this area will be determined at the time of submission of a site development plan pursuant to Chapter 10. The entire clear area and landscape area may be combined to achieve a visual screen between public road and TTRVC park. To instead allow the existing opaque fence to satisfy the required screening.

Petitioner's Justification: *The existing maintenance area is screened along County Road 29 by an existing opaque fence per Ordinance 82-002 Section 7.19.f.3 which allowed for a structural or plant material screening.*

Staff Analysis and Recommendation: Staff sees no detrimental impact to the surrounding area should the deviation be approved. Landscape Staff has reviewed and evaluated the proposed deviation to the site plan and found no issue with consistency. Therefore, Zoning Staff recommends **APPROVAL** of this deviation.

Proposed Deviation #3 seeks relief from LDC Sec. 4.06.06 A.2., Special Buffer Requirements for The TTRVC Zoning District, which requires TTRVC parks abutting lands zoned other than for such parks shall be screened from such land by a buffer strip at least 15 feet wide, in which ornamental screening composed of structural or plant material shall be placed. Such screening shall be maintained at all times and constructed in accordance with the landscape provisions of section 4.06.00. To instead allow the existing opaque fence to satisfy the required visual screening.

Petitioner's Justification: *The existing maintenance area is screened along the entire length of the South boundary by an existing opaque fence per Ordinance 82-002 Section 7.19.f.3 which allowed for a structural screening.*

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at

Staff Analysis and Recommendation: Staff sees no detrimental impact to the surrounding area should the deviation be approved. Landscaping staff has reviewed and evaluated the proposed deviation to the site plan and found no issue with consistency. This deviation is site specific as represented on the Site Plan. Therefore, Zoning Staff recommends **APPROVAL** of this deviation.

Proposed Deviation #4 seeks relief from LDC 4.06.03 B.1 which requires at least 10 percent of the amount of vehicular use area onsite to be devoted to interior landscaping areas. Interior areas shall be a minimum of five feet in width and a minimum of 150 square feet in area, to instead allow a minimum of 3.33 percent of the amount of vehicular area onsite to be devoted to interior landscaping area.

Petitioner's Justification: *Ordinance 82-002 Section 8.30.(3).(a) requires a minimum VUA landscape area of at least ten (10) square feet of additional interior landscaping for each parking space or ten (10) square feet of landscaped area for each three hundred (300) square feet or fraction thereof of paved area whichever is greater. The proposed additional pavement provides for the required fire access. The proposed gravel area will provide additional area for emergency vehicle maneuvering without increasing the impervious area.*

Staff Analysis and Recommendation: Staff sees no detrimental impact to the surrounding area should the deviation be approved. Transportation and Landscaping staff has reviewed and evaluated the proposed deviation to the site plan and found no issue with consistency. Therefore, Zoning Staff recommends **APPROVAL** of this deviation.

STAFF ANALYSIS:

Staff has reviewed the requested deviations against the established criteria for Site Plans with Deviations in LDC Section 10.02.03.F.7 and provides the following analysis.

a. Land uses and densities within the development shall be consistent with the permitted and approved conditional uses in the zoning district.

The property is zoned TTRVC, which allows for recreational vehicles and travel trailers and accessory structures including service buildings. The request is for an existing use that has been present since 1984.

b. The proposed development is consistent with the Growth Management Plan.

The proposed development is consistent with the Growth Management Plan, as it is within a mixed-use district per the Future Land Use map, specifically Urban Residential Subdistrict.

c. The development shall have a beneficial effect both upon the area in which it is proposed to be established and upon the unincorporated area as a whole.

The proposed improvements will eliminate the structure flooding during heavy afternoon rainfall events, provide an area above the 100-year storm flood elevation and provide additional landscaping, and provide a fire access and add a fire hydrant.

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at

d. The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.

This is an existing maintenance area and has served the site since 1984; the total land area of the maintenance area will remain unchanged and is adequately serving the intended use.

e. Streets, utilities, drainage facilities, recreation areas, sizes and yards, architectural features, vehicular parking and loading facilities, sight distances, landscaping and buffers shall be appropriate for the particular use involved.

The proposed development improvements access drives, utilities, drainage facilities, yards, architectural features, vehicular parking, site distance, and landscaping are appropriate for the proposed and existing use. This petition will replace the existing structures that are subject to flooding.

f. Visual character of the project shall be equal or better in quality than that required by the development standards for the zoning district. The visual character of the project shall be better in quality than the existing project before redevelopment and after it was first permitted.

The existing site contains two wood frame structures with wood siding and shingle roofs. The westerly building is located approximately three feet (3') from the westerly property line (CR 29 right-of way). The second structure is the same type of construction and is located approximately twenty feet eight inches (20'8") and thirty-one feet eleven inches (31'11") from the southerly property line (Snook Alley).

Both of these structures are exposed to constant flooding during heavy afternoon rainfall events and extreme high tides. This causes the structures to be constantly repaired and subject to mold infestation.

The proposed site will improve the visual character of the project by:

- The removal of the existing aged wood structure located three feet from the westerly property line (CR 29 right-of way).
- Locating the proposed structures, a minimum of fifty feet (50') from the westerly property line (CR 29 right-of way).
- Installation of code minimum required landscaping.
- New structures will be located fifty feet (50') from the Smallwood Drive right of way.
- New structures will be pre-engineered steel building designed with an Old Florida look.

g. Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.

The maintenance and operation of the common elements are and shall be the responsibility of the Association as stated in the Declaration of Condominium. The property is owned and maintained in accordance with the common elements of the condominium documents.

h. Deviations shall be clearly delineated in the petition and shall be the minimum required to achieve the goals of the project and comply with these standards.

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at

Due to the revisions to the LDC from the inception of this project in the mid 1980's to present day, the codes have changed that are in conflict with the original Zoning Standards. Deviations from the present-day codes have been kept to a minimum for the reconstruction of the site. The deviations requested are limited to setback requirements and landscape buffer. The requested deviations are outlined below.

i. The petitioner has provided enhancements to the development.

The project development has provided enhancements by means of additional landscape materials and stormwater quality. The project site also enhances the architectural aesthetics by removing and replacing the existing aged and damaged non-conforming buildings with new structures. Enhanced fire protection will be provided by the addition of a fire access drive along with the installation of an additional fire hydrant.

j. Approval of the deviation will not have an adverse effect on adjacent properties.

The maintenance area has continuously served the RV Park since its inception. The structures serve as a storage area for materials, tools, and equipment used to maintenance and repairs within the park and serves as repository for general supplies needed for the everyday operation of the common areas. Both proposed structures will be constructed at a higher elevation that will reduce flooding during heavy rainfall events and king tides. The new structures will be constructed in accordance with the current building codes which provide more protection from hurricane damage. The larger building will have a second-floor level five feet (5') above the base flood elevation. The smaller structure will provide a storage area for boating supplies for park residence. There are no operational changes proposed, the site will not change from current use.

*Landscape Review***:** As mentioned in the Staff Analysis and Recommendation section for the landscape deviation justifications above, staff sees no detrimental impact to the surrounding area resulting from approval of these deviations.

Transportation Review: Transportation Planning staff reviewed the application and found this project consistent with Policy 5.1 of the Transportation Element of the Growth Management Plan (GMP). There is no additional trip generation anticipated with the proposed development, therefore no transportation related impacts.

Conservation and Coastal Management Element (CCME): Environmental review staff has found this project to be consistent with the Conservation & Coastal Management Element (CCME). The project site is not required to set aside a preserve area, as no native vegetation exists onsite.

Environmental Review: Environmental Planning staff has reviewed this petition. The request is to construct storage buildings to replace existing storage buildings. The property was originally developed as a mobile home park and then converted to a recreational vehicle park (TTRVC) in 1984. A preservation area is not required since the property has been cleared and does not contain native vegetation or listed species. This project does not require Environmental Advisory Council (EAC) review, as this project did not meet the EAC scope of land development project reviews as identified in Section 2-1193 of the Collier County Codes of Laws and Ordinances.

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at

STAFF RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner **APPROVE** Outdoor Resorts at Chokoloskee Island, Site Plan with Deviations, DR-PL20220006184, with a condition that the deviations be limited to what is depicted on:

1. Site Improvement Plan: Outdoor Resorts 150 Smallwood Drive, Chokoloskee, FL, original date issued July 2, 2022, digitally signed and sealed on April 2, 2023, by James Kuhlman, PE

Attachments: A. Backup Package
B. Site Plan with Deviations for Redevelopment (DR) – SIP PL20220003599
C. Exhibits B & C
D. Legal Ad & HEX Sign Posting

Attachment: Staff Report - DR-PL20220006184 - Outdoor Resorts at Chokoloskee Island (26416 : PL20220006184 – Outdoor Resorts at

HEARING PACKAGE CHECKLIST Return this form with printed materials

A. Backup provided by the County Planner

The Planner is responsible for all required data included in the printed packets of information for the Hearing Examiner (Hex) or the Collier County Planning Commission (CCPC). DO NOT ACCEPT DUPLICATES OF ANY DOCUMENTS. MAKE SURE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. PLEASE CONFIRM THE DOCUMENTS ARE IN THE ORDER DESCRIBED IN "BACKUP PROVIDED BY APPLICANT."

Planner responsible for providing the County Attorney-drafted Ordinance for PUDs and placing in backup materials. AGENTS DO NOT INCLUDE THE PUD DOCUMENT – STAFF PROVIDES THIS TO THE COUNTY ATTORNEY WHEN THE ORDINANCE IS DRAFTED FOR A PUD. THE FINAL PUD ORDINANCE/RESOLUTION IS THE FIRST ITEM AFTER THE STAFF REPORT. [FOR HEX, THE REQUESTED LANGUAGE/ PROPOSED PLAN IS THE FIRST ITEM AFTER THE STAFF REPORT]

B. Backup provided by Applicant:

PLEASE PROVIDE THE DOCUMENTS IN THE ORDER DESCRIBED BELOW. DO NOT PROVIDE DUPLICATES OF ANY DOCUMENTS. PROVIDE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. IF THE BACKUP PROVIDED BY APPLICANT IS IN DISARRAY-MEANING IT IS NOT IN THE PROPER ORDER AND/OR THE APPLICANT PROVIDES MULTIPLE DUPLICATES-THE APPLICANT COULD LOSE ITS HEARING DATE.

____ Application, to include but not limited to the following:

- ✓ Narrative of request NARRATIVE
- ✓ Property Information CONDO PLAT
- ✓ Property Ownership Disclosure Form
- ____ Any other documents required by the specific petition type; such as a variance, a boat dock extension; PUD amendment, rezone request, etc.

NA Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form)

NA Affidavit of Unified Control

✓ Affidavit of Representation

✓ Drawings (may include Cross-Section (for BDEs generally), proposed Boat Dock(s) with Water depth, location maps etc.) EXHIBITS A, & B, SIP

NA NIM Information (Sign in sheet, notes, minutes and transcript/or summary)

- ✓ Include 3 thumbnail drives of video and/or audio

NA Traffic Impact Study (TIS)

NA Environmental Data

NA Historical/Archeological Survey or Waiver

NA Utility Letter

✓ Deviation Justifications EXHIBIT "C"

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

✓ Boundary Survey SURVEYS 1 & 2

✓ Other documents, as needed, on a case-by-case basis such as relevant prior Ordinances, Conditional Uses, historical documents, any "private or legal" agreements affecting the PUD etc. ORDINANCE 82-602

N/A Submerged Resource Surveys may be included here if required.

____ **CD with *only one* pdf file for all documents in the same order as the packets are put together. They must be in the same order.**

I understand that by submitting the above materials, it is the agent's/applicant's responsibility to ensure all materials are in the same order for all copies of backup materials to provide to the Hex/CCPC and the CD must contain the documents in one pdf file (not multiple files) in the same order as the printed materials. It is the agent's responsibility to ensure no documentation is left out.

David C Sneed
Signature of Agent Representative

8/3/2023
Date

DAVID C SNEED
Printed Name of Signing Agent Representative

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

SITE PLAN WITH DEVIATIONS FOR REDEVELOPMENT

LDC Section 10.02.03 F
Ch. 6 I of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT INFORMATION

Name of Property Owner(s): ORA at Chokoloskee, Inc

Name of Applicant if different than owner: _____

Address: 150 Smallwood Drive **City:** Chokoloskee **State:** FL **ZIP:** 34138

Telephone: 239 695-2666 **Cell:** 239 719-0335 **Fax:** _____

E-Mail Address: grfora2@gmail.com

Name of Agent(s): David Sneed

Firm: Kuhlman Engineering, Inc

Address: 2223 Trade Center Way **City:** Naples **State:** FL **ZIP:** 34109

Telephone: 239 254-8219 **Cell:** 239 591-5465 **Fax:** _____

E-Mail Address: davidsneed@yahoo.com

CORRESPONDING SDP, SDPA, SIP INFORMATION

This application shall be submitted in conjunction with one of the following: site development plan, site development plan amendment, or site improvement plan.

PROJECT NAME/PL # IF KNOWN: Outdoor Resorts of Chokoloskee Island

PLANNER/PROJECT MANAGER, IF KNOWN: Stefanie Nawrocki

DATE OF SUBMITTAL OF SDP/SDPA/SIP: 8/8/2022 SIP PL20220003599

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

INFORMATION REGARDING DEVIATION REQUESTS

A site plan with deviations for redevelopment provides a means for a redevelopment project to seek dimensional deviations (excluding height), architectural deviations, and deviations from site features, such as but not limited to, landscaping, parking, and buffers, from the standards established in the LDC when the passing of time has rendered certain existing buildings, structures, or site features nonconforming.

A site plan with deviations may be requested for the redevelopment of a site which meets the criteria for a site development plan, site development plan amendment or a site improvement plan as established in LDC section 10.02.03. Except for the requested deviations, the site plan shall comply with LDC section 10.02.03.

In accordance with LDC section 10.02.03 F, "redevelopment" shall mean the renovation, restoration, or remodeling of a building or structure, or required infrastructure, in whole or in part, where the existing buildings, structures or infrastructure were legally built and installed.

DEVIATION REQUESTS

The application must address the follow requirements. Please attach the required narratives and explanations.

1. **A narrative of the redevelopment project and how it is consistent with the standards for approval, LDC section 10.02.03 F.7.**
2. Description of each requested deviation and justification for each request. Requested deviations shall be clearly delineated in the petition. The LDC section for which the deviation seeks relief from shall be identified.
3. **Must provide a copy of the building permits and certificates of occupancy for all buildings subject to the DR application to verify the applicable Code at the time of construction.**
4. Project enhancements to offset or minimize the deviations shall be clearly identified on the site plan and explanation provided.
5. Deviation Request types:

Zoning Deviation Requests - Check all that may be impacted by the request.

- ☐ Dimensional standards (excluding height): _____
- ☐ Parking
- ☐ Architectural
- ☒ Landscape / Buffers
- ☒ Other site features: Required Setbacks

Engineering Deviation Requests - Check all that may be impacted by the request.

- ☐ Stormwater
- ☐ Pathways
- ☐ Transportation Planning
- ☐ Other site features: _____

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

SUBMITTAL REQUIREMENTS CHECKLIST

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Site Development Plan with Deviations for Redevelopment Application	1	☒	☐
Completed SDP/SDPA/SIP application and all associated materials, including all site plan documents.	1	☒	☐
Copy for the Pre-Application Notes, if not submitted with SDP/SDPA/SIP	1	☒	☐
Affidavit of Authorization, signed and notarized	1	☒	☐
Electronic Copy of all documents and plans on CD If application is being submitted as a paper submittal. Not required for electronic submittals.	1	☐	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARNG PROCESS:

- At the completion of the review process by County review staff, the applicant shall submit all materials electronically to the designated planner.
- Please contact the planner to confirm the number of additional copies required.

FEE REQUIREMENTS

- ☐ **Site Plan for Redevelopment:** $1,000.00
- ☐ **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $1,125.00

All checks payable to: Board of County Commissioners

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department/Zoning Division
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Pre-Application Meeting Notes

Petition Type: ____SIP_____

Date and Time: _____5-19-22 @ 10:30 AM_____

Assigned Planner: ____Stefanie Nawrocki_____

Engineering Manager (for PPL's and FP's): _____

Project Information

Project Name: ____Outdoor Resorts of Chokoloskee Island_____

PL #: _____20220003599_____

Property ID #: ____26085840007 __ Current Zoning: ____TTRVC_____

Project Address: ___150 Smallwood Dr._____ City: _____ State: _____ Zip: _____

Applicant: ____ Kuhlman Engineering, Inc. _____

Agent Name: ____David Sneed _____ Phone: __(239) 254-8219 _____

Agent/Firm Address: __2223 Trade Center Way ___ City: _____ State: _____ Zip: _____

Property Owner: ____OUTDOOR RESORTS AT CHOKO LOSKEE ISLAND A CONDOMINIUM ____

Please provide the following, if applicable:

i. Total Acreage: _____

ii. Proposed # of Residential Units: _____

iii. Proposed Commercial Square Footage: _____

iv. For Amendments, indicate the original petition number: _____

v. If there is an Ordinance or Resolution associated with this project, please indicate the type and number: _____

vi. If the project is within a Plat, provide the name and AR#/PL#: _____

_____

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Meeting Notes

Zoning: Unplatted TTRVC site

* [2] TTRVC District - additional yard requirements: setback from exterior boundary of park = 50 ft.; setback from an external street = 50 ft., setback from an internal street = 25 ft.; setback from any building or other structure = 10 ft.

Max height- 30' zoned

Parking- TTRVC lot- 1 space per campsite/ lot 1 space /200 sq ft clubhouse

Storage 1 space/ 1,000 sq ft.

Boat ramp open to public? If yes, provide applicable parking

Rec courts 1.5 spaces per court

Pool 1 per 75 square feet of water areas for the first 1,000 square feet and 1 for each additional 125 square feet of water areas 50% reduct. Allowed

This is an SIP and will be plan of record. Show full extents of property. Then may focus in on the location of the changes.

Provide parking table and development standards table-should show existing and proposed setbacks. Parking table should show existing parking spaces, proposed, and required parking space

* Per ZVL this is a non-conforming site
LDC 9.03.02 non-conformities may not be increased. Sheds may not be placed nearer unless meeting current 50' setbacks or may be replaced in same footprint w/ non-conforming status

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Meeting Notes

Outdoor Resorts Of Chokoloskee Island SIP-PL20220003599

*Right-of-way - Label internal roadways and Snook Alley as private. Label Smallwood Drive as public, provide a note on the plans that a County "Permit to Perform Work and/or Maintenance in Public Right-of-Way" is required for work within the roadway ROW on Smallwood Drive. On plans depict and label driveway/lane widths, radius returns, throat depth, stop sign, stop bar, crosswalks, submit r/w permit separately after SIP submittal, plans should include all work within right-of-way (paving, drainage, utilities, sidewalks, etc.).

*Transportation Pathways - Label all improvements including but not limited to pavement striping, existing and proposed sidewalk, and associated signage. Provide pedestrian access from the site to the row. Provide details for all improvements. Use FDOT Standard Plans FY 2021-2022 index references.

Provide payment-in-lieu (PIL) of sidewalk construction for the frontages along the project limits. Provide a signed and sealed exhibit identifying the linear footage of sidewalk along both Smallwood Drive and Snook Alley, square footage of sidewalk (5' sidewalk width times linear footage of sidewalk), and payment-in-lieu fee based on $9.92 per square foot for Smallwood Drive frontage and $6.61 for Snook Alley frontage. Once the fee is confirmed by staff, we will provide a payment slip via email so that the fee can be paid. The PIL fee must be paid prior to SIP approval.

*Transportation Planning - Note in the cover letter or on the plans that the proposed project will not increase the number of vehicular trips. Traffic Impact Statement (TIS) not required.

*Utilities - No utility improvements proposed. N/A.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Meeting Notes

Landscape: Landscape requirements to be provided to the greatest extent practical.

It appears it will be possible to provide at least a portion of the buffer along Smallwood Dr. after the 12x22 building is removed. If the survey provided with your submittal indicates that the right of way width of Smallwood is greater than 99', a 15' wide buffer needs to be provided where possible along the West boundary. Encroachment is not permitted into a required buffer. So the area labeled "new drive and pavement" will need to be revised so that it does not encroach into the buffer. If ROW width is less 99' or less, buffer width is 10'

If the proposed buildings are maintenance buildings, foundation planting is required based on only the office area. See LDC 4.06.05 C.

All new required plantings must be native.

Include VUA landscape calculations and provide required VUA trees to the greatest extend practical. See also LDC 4.06.03

If there is an existing irrigation system, add a note that the existing irrigation system will be retrofitted to provide 100% coverage. If no existing irrigation, provide an irrigation plan meeting the requirements of LDC 10.02.14 B and 4.06.05 L.

- ENVIRONMENTAL:
  - STANDARD EXOTIC VEGETATION REMOVAL NOTE (LDC 3.05.08)

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Meeting Notes

Stormwater: Outdoor Resorts of Chokoloskee Island PL20220003599-SIP

* Site is in AE-9. Label existing and proposed FF elevations. Proposed building FF will be BFE+1 or 100 year design flood elevation, whichever is greater.

* No existing ERP.

* Provide land use summary table and water management summary table on the plans.

* Provide stormwater engineering report including narrative of existing and proposed stormwater conditions.

* If adding impervious area, provide full stormwater engineering report, with water quality calculations for additional impervious area or documentation that the existing stormwater system can accept additional runoff.

* Include storm sewer pipe sizing calculations (include rim and invert elevations), as applicable.

* Include paving and drainage details. Include erosion control details.

* Include engineering stormwater checklist.

* Include opinion of cost for site work.

* Plans must be in NAVD datum.

* Refer to the current FDOT Index numbers and ensure any FDOT Index references reflect the current FDOT Index numbers.

* Include Engineer's certification stating that the receiving system has been inspected and is operating as originally designed, either #36 on the engineering checklist or a separate letter from the engineer.

* Include the following notes:

1. The approval of these construction plans does not authorize construction of required improvements which are inconsistent with easement of record.

2. Provide a note stating which entity is responsible for maintenance of stormwater management facilities on the plans.

3. Provide a note stating which entity is responsible for the maintenance of infrastructure on the site, i.e. open space, paved areas, etc.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Pre-Application Meeting Sign-In Sheet

PL #:_____

Collier County Contact Information:

Name	Review Discipline	Phone	Email
☐ David Anthony	Lot Line Adjustments	252-2497	David.Anthony@colliercountyfl.gov
☐ Laurie Beard	PUD Monitoring	252-5782	Laurie.Beard@colliercountyfl.gov
☐ Marcus Berman	County Surveyor	252-6885	Marcus.Berman@colliercountyfl.gov
☐ Craig Brown	Environmental Review	252-2548	Craig.Brown@colliercountyfl.gov
☐ Gabriela Castro	Planning and Zoning	252-2408	Gabriela.Castro@colliercountyfl.gov
☐ Heidi Ashton Cicko	Managing Asst. County Attorney	252-8773	Heidi.Ashton@colliercountyfl.gov
☐ Sue Faulkner	Comprehensive Planning	252-5715	Sue.Faulkner@colliercountyfl.gov
☒ Storm Gewirtz	Stormwater	252-2434	Storm.Gewirtz@colliercountyfl.gov
☐ Cormac Giblin	Planning Manager	252-2460	Cormac.Giblin@colliercountyfl.gov
☐ Nancy Gundlach, AICP, PLA	Zoning Services	252-2484	Nancy.Gundlach@colliercountyfl.gov
☐ Alicia Humphries	ROW/ Sidewalks Review	252-2326	Alicia.Humphries@colliercountyfl.gov
☒ Thomas Mastroberto	Fire Safety	252-7348	Thomas.Mastroberto@colliercountyfl.gov
☐ Jack McKenna, P.E.	Engineering Services	252-2911	Jack.Mckenna@colliercountyfl.gov
☐ Mark Morton	Senior Planner	252-2361	Mark.Morton@colliercountyfl.gov
☐ Annis Moxam	Addressing	252-5519	Annis.Moxam@colliercountyfl.gov
☒ Stefanie Nawrocki	Planning and Zoning	252-2313	Stefanie.Nawrocki@colliercountyfl.gov
☐ Joanna Nicholson	Utilities Plan Review	252-2538	joanna.nicholson@colliercountyfl.gov
☐ Derek Perry	Assistant County Attorney	252-8066	Derek.Perry@colliercountyfl.gov
☒ David Roe	Environmental Review	252-2915	David.Roe@colliercountyfl.gov
☒ Brett Rosenblum, P.E.	Utilities/ Transportation Review	252-2905	Brett.Rosenblum@colliercountyfl.gov
☒ Gino Santabarbara	Impact Fees	252-2925	Gino.Santabarbara@colliercountyfl.gov
☐ Michael Sawyer	Transportation Planning	252-2926	Michael.Sawyer@colliercountyfl.gov
☐ Corby Schmidt, AICP	Comprehensive Planning	252-2944	Corby.Schmidt@colliercountyfl.gov
☐ Peter Shawinsky	Architectural Review	252-8523	Peter.Shawinsky@colliercountyfl.gov
☐ Linda Simmons	North Naples Fire	252-2311	Linda.Simmons@colliercountyfl.gov
☐ Mark Templeton	Landscape	252-2475	Mark.Templeton@colliercountyfl.gov
☐ Cecilia Varga	Transportation ROW Review	252-2613	Cecilia.Varga@colliercountyfl.gov
☐ Kirsten Wilkie	Environmental Review	252-5518	Kirsten.Wilkie@colliercountyfl.gov
☐ Christine Willoughby	Planning and Zoning	252-5748	Christine.Willoughby@colliercountyfl.gov
☐ Daniel Zunzunegui	Fire Review	252-2310	Daniel.Zunzunegui@colliercountyfl.gov

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Additional Attendee Contact Information:

Name	Representing	Phone	Email
Victor Kim			
Jeff Curl			
Dave Snead			

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

SITE IMPROVMENT PLAN:

OUTDOOR RESORTS
700 SMALLWOOD DRIVE, CHOKOLOSKEE, FL

COLLIER COUNTY, FLORIDA

REVIEWING AGENCIES

COLLIER COUNTY DEVELOPMENT SERVICES
2800 NORTH HORSESHOE DRIVE
NAPLES, FL 34104
TEL: (239) 252-2400

GREATER NAPLES FIRE AND RESCUE
2335 NORTH HORSESHOE DRIVE
NAPLES, FL 34104
TEL: (239) 774-0800

PREPARED BY
KUHLMAN ENGINEERING, INC.
2223 TRADE CENTER WAY
NAPLES, FLORIDA 34109
TELEPHONE (239) 254-8219 KUHLMANENGINEERING@YAHOO.COM

PREPARED FOR
TAMIAMI BUILDERS, INC
3500 RADIO ROAD
NAPLES, FLORIDA 34104

Legal Description

COMMENCING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 53, RANGE 30 EAST; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 31, 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD 29–A FOR A PLACE OF BEGINNING:

THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 1182.80 FEET TO THE SOUTH LINE OF LOT 1 AS RECORDED IN PLAT BOOK 1, PAGE 20 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE OF LOT 1 S 78° 17' 26" E 361.00 FEET; THENCE N 66° 5' 15" E 362 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF CHOKOLOSKEE BAY; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE 1145 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 31; THENCE WEST 600 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

SHEET INDEX

SHEET NO.	SHEET TITLE
C-1	COVER SHEET
C-2	PLAT
C-3	AERIAL
C-4	SURVEY
C-5	SITE PLAN
C-6	GRADING
C-7	BLDG. FLOOR / ELEVATIONS
C-8	NPDES

OWNERS NAME: ORA AT CHOKOLOSKEE INC.
ADDRESS: 150 SMALLWOOD DRIVE, CHOKOLOSKEE, FL 34138
PHONE: (239) 695-2600

LAND USE: RV PARK
ZONING DISTRICT: TTRVC

ADJACENT ZONING	EXISTING	
NORTH	TTRVC	C4
EAST	CON-ST	
SOUTH	VR	
WEST	C4	

TOTAL SHTS OF CONSTRUCTION AREA: 7650 SF

	EXISTING	PROPOSED
BUILDING AREA	1348 SF	1296 SF
PAVEMENT	3711 SF	5085 SF
OPEN AREA	2591 SF	1234 SF

SETBACKS	PROVIDED	REQUIRED
FRONT (EAST) SMALLWOOD DRIVE (CR 399)		25
SIDE (NORTH)		
SIDE (SOUTH) BROOK ALLEY (PRIVATE)		10
REAR (WEST)		

BUILDING HEIGHTS: MAX ZONED 35'
ZONED HEIGHT: 19' AS MEASURED FROM EXISTING PAVEMENT
CANOPY SEPARATION: REQUIRED 10' PROVIDED 10'-0"

PARKING CALCULATIONS
OFFICE 644 / 375 = 2 SPACES, STORAGE 6360 / 1000 = 6.4 SPACES TOTAL REQUIRED = 9 SPACES
PROVIDED PARKING = 8 STANDARD SPACES, 1 HANDICAP SPACE = 10 SPACES

BUILDING TYPE 2 - OFFICE/RECEPTION/RESTROOMS
BUILDING 'A' AREA - 1 F (LOCAL SALES TAX EXEMPTION) 750 SF
BUILDING 'B' AREA - 1 F (LOCAL SALES TAX EXEMPTION) 600 SF

OCCUPANCY CLASSIFICATION: STORAGE

APPLICABLE CODES
2020 - FLORIDA BUILDING CODE - ACCESSIBILITY
2020 FLORIDA BUILDING CODE - BUILDING (7TH EDITION)
2020 FLORIDA BUILDING CODE - MECHANICAL
2020 FLORIDA BUILDING CODE - PLUMBING
2020 FLORIDA BUILDING CODE - ENERGY CONSERVATION
2017 NATIONAL ELECTRICAL CODE
NATIONAL FIRE ASSOCIATION - CURRENT
NFPA 2015 EDITION - FLORIDA FIRE PREVENTION CODE (2017)

VICINITY MAP



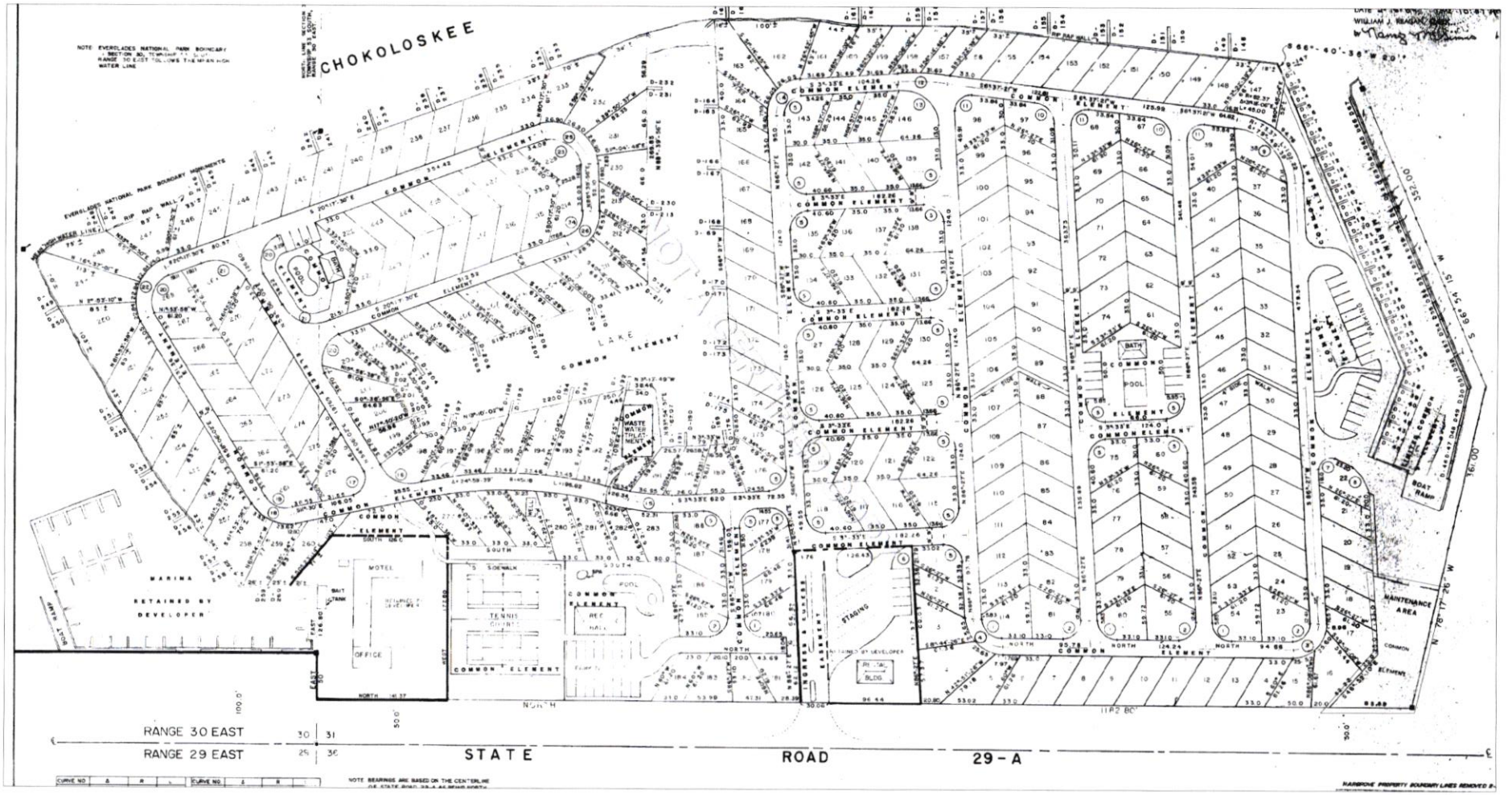
LOCATION MAP



CLIENT: TAMIAMI BUILDERS, INC. 3500 RADIO ROAD NAPLES, FLORIDA

SHEET: C 21-5518

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at



Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at





CLIENT: TAMIAMI BUILDERS, INC.
3900 RADIO ROAD
NAPLES, FLORIDA 34104

PROJE
OUTDOO
TAMIAM
CHOKL
FLOR

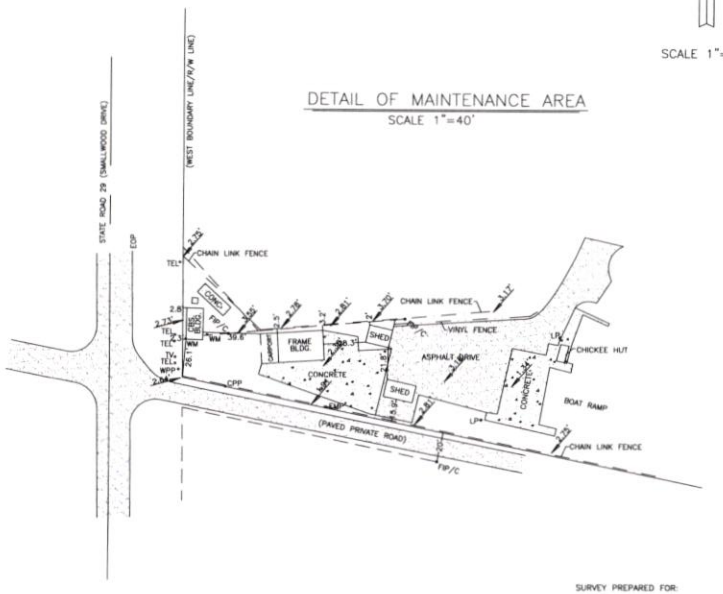
C.
21-9518

OUTDOOR RESORTS OF AMERICA AT CHOKOLOSKEE ISLEAND

#150 SMALLWOOD DRIVE, CHOKOLOSKEE ISLAND, FLORIDA, 34138.
(MAINTENANCE AREA SPECIFIC PURPOSE SURVEY)

SCALE 1"=40'

DETAIL OF MAINTENANCE AREA
SCALE 1"=40'



SURVEY PREPARED FOR:

OUTDOOR RESORTS AT CHOKLOSKEE

A SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE STANDARDS OF PRACTICE PER CHAPTER 5J-17 F.A.C., PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.

LEGAL DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 53, RANGE 30 EAST; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 31, 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD 29-A FOR A PLACE OF BEGINNING;

THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 1182.80 FEET TO THE SOUTH LINE OF LOT 1 AS RECORDED IN PLAT BOOK 1, PAGE 20 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE OF LOT 1 S 78° 17' 26" E 361.00 FEET; THENCE N 66° 5' 15" E 362 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF CHOKOLOSKEE BAY; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE 1145 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 31; THENCE WEST 600 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

MELVIN HATTON, P.S.M.
FLORIDA REGISTRATION # 5109

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT FURNISHED AT TIME OF SURVEY.

ELEVATIONS ARE BASED ON NAVD 1988 DATUM.

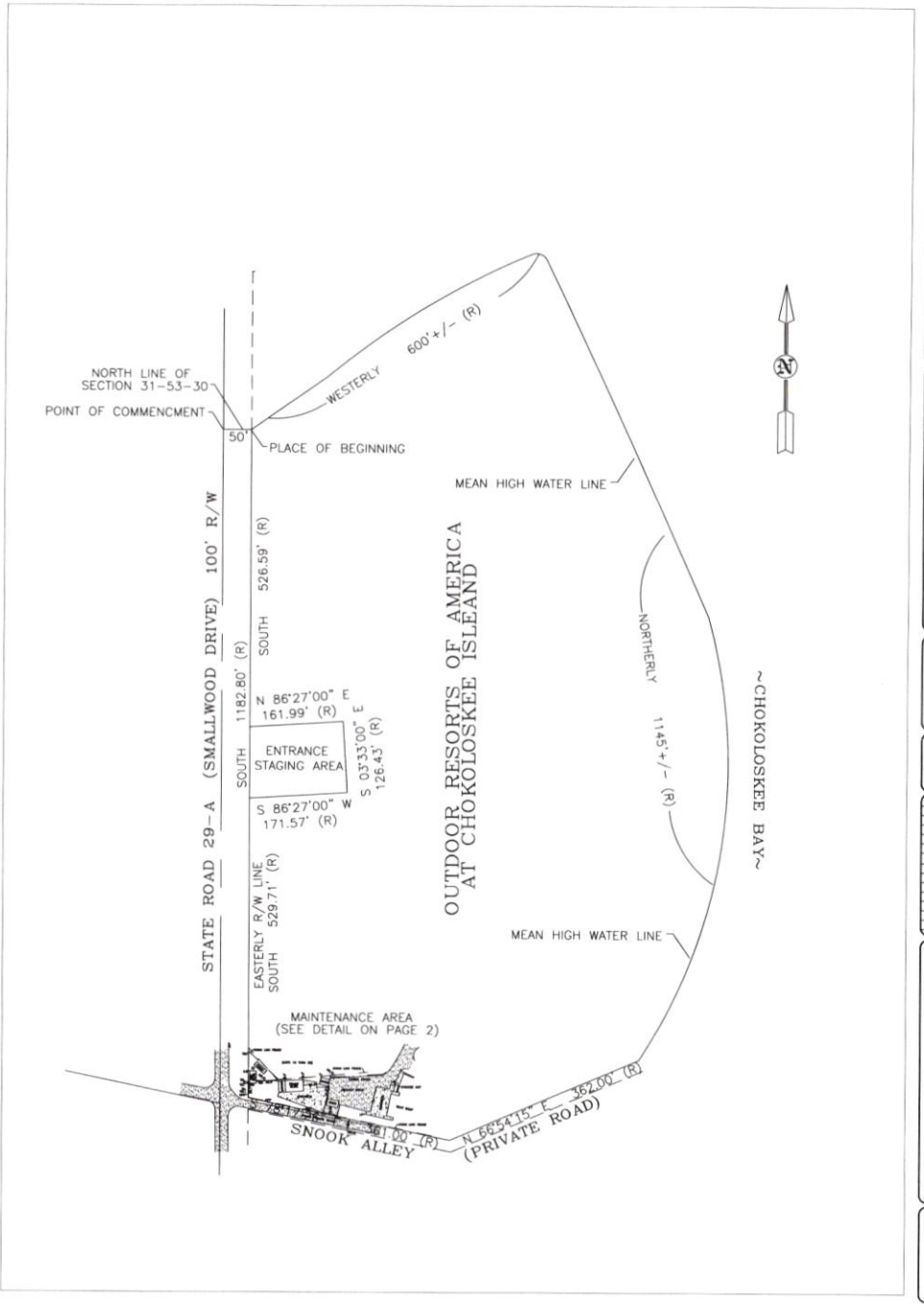
© COPYRIGHT MEL HATTON LAND SURVEYORS, INC. (2022)

SPECIFIC PURPOSE SURVEY

MEL HATTON
LAND SURVEYORS, INC.
#313 EAST GRACE STREET, PUNTA GORDA, FLORIDA, 33950.
(239) 450-9949

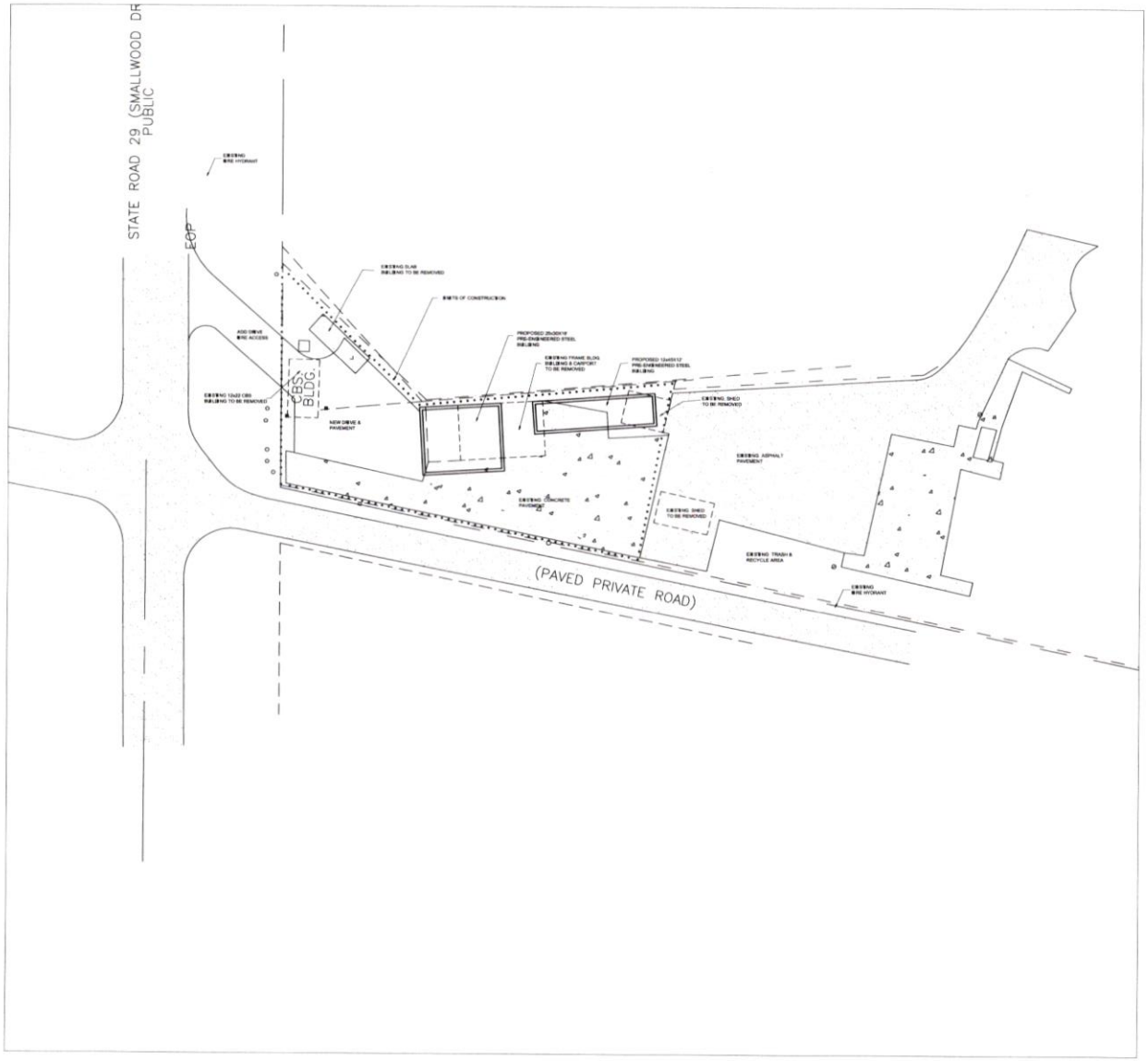
FOR	PROJECT
OUTDOOR RESORTS CHOKOLOSKEE	#150 SMALLWOOD DRIVE CHOKOLOSKEE, FL, 34138.

DATE	BY	REVISION	SHEET	F.B.	SCALE
			2 OF 2	160 PG. 01	1"= 60'
			W.O. NO. 22-090	FILE NO. 22-090.DWG	DATE 02/16/22

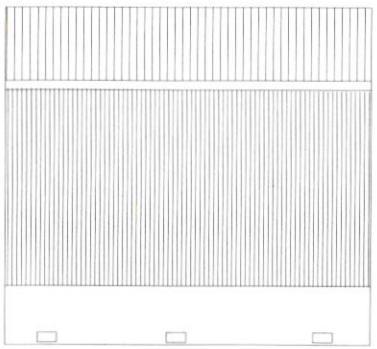


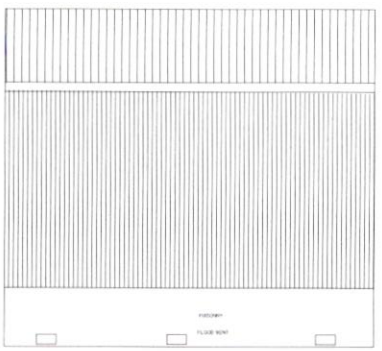
SHEET: C-
21-5518

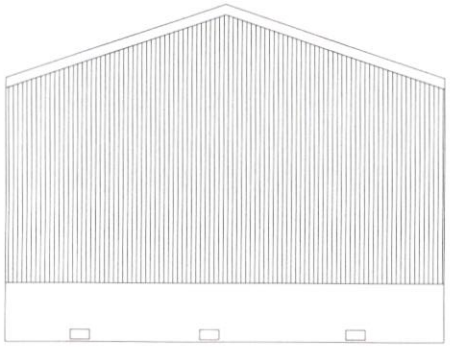
Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at

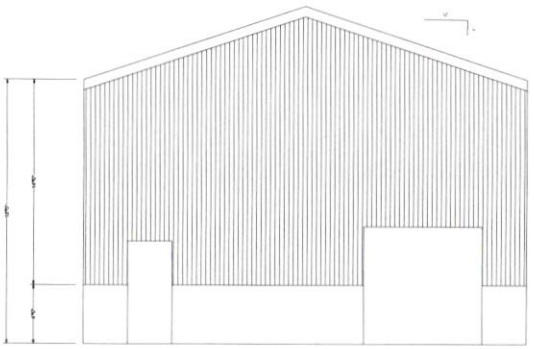


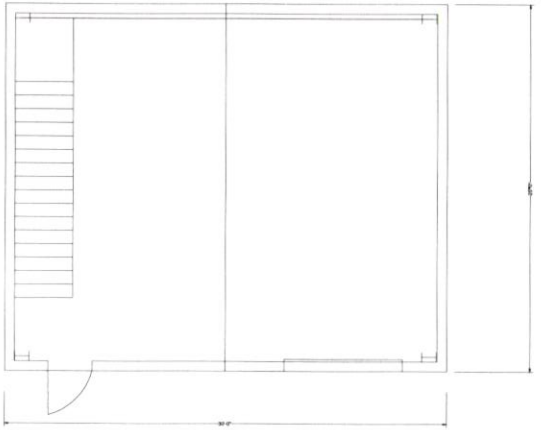
Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at

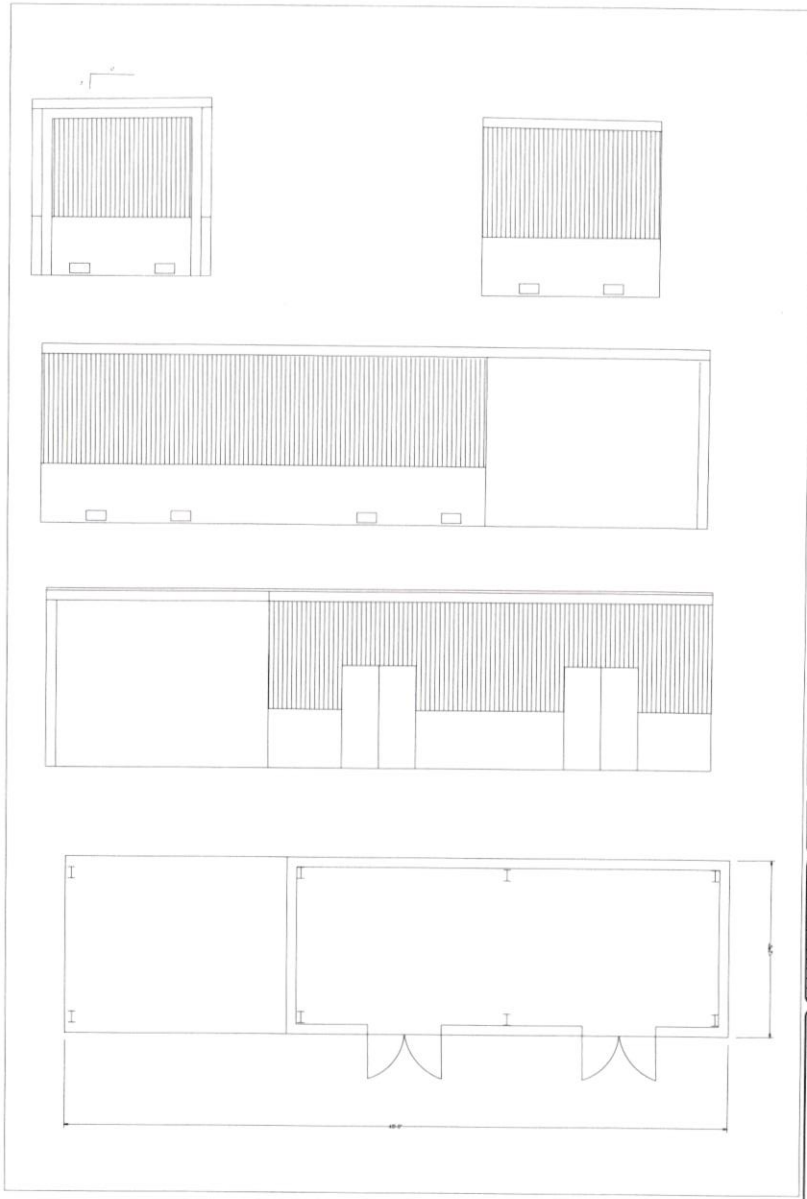












KUH
ENGIN
I.
PHONE
FLORIDA C

CLIENT:
TAMIAMI BUILDERS, INC.
3050 RADIO ROAD
NAPLES, FLORIDA 34104

PROJEC
OUTDOOI
150 SMALL
CHOKO
FLORII

DATE ISSUED
DATE 01-
CHECKED BY:

REVISI
DATE | MARK

JAMES D. KUHLMA
FLORIDA REGISTR

SHEET:
C-
21-5518

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at



Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County
Growth Management Department

2800 North Horseshoe Drive
Naples, Florida 34104
239-252-2400

APPLICATION FOR SITE IMPROVEMENT PLAN (SIP)

☐ Site Improvement Plan (SIP): LDC subsection 10.02.03 E. and other applicable provisions and Chapter 4 I3. of the Administrative Code

☐ Immokalee Non-conforming Mobile Home Parks or Mobile Home Sites Existing Conditions Site Improvement Plan: LDC subsection 2.03.07 G.6, and Chapter 4.I.3.a of the Administrative Code

APPLICANT CONTACT INFORMATION

Name of Owner: _____
Name of Applicant (if different than owner): _____
Address: _____ **City:** _____ **State:** _____ **ZIP:** _____
Telephone: _____ **Cell:** _____ **Fax:** _____
E-Mail Address: _____

Name of Agent: _____
Firm: _____
Address: _____ **City:** _____ **State:** _____ **ZIP:** _____
Telephone: _____ **Cell:** _____ **Fax:** _____
E-Mail Address: _____

PROPERTY INFORMATION

Project Name/Name of PUD: _____ **Zoning:** _____
Legal Description: _____
Property ID Number: _____ **Section/Township/Range:** ____/____/____
Subdivision: _____ **Unit:** _____ **Lot:** _____ **Block:** _____

DETAIL OF REQUEST

On a separate sheet attached to the application, provide a cover letter describing in detail the proposed changes, including any discussions with the assigned planner that may be pertinent to the review of the application, and the sheet numbers of the plans affected by the change if applicable.

SUBMITTAL REQUIREMENT CHECKLIST

The following Submittal Requirement Checklist is to be utilized during the pre-application meeting and at time of application submittal. See Chapter 4 of the Administrative Code for submittal requirements. **Incomplete submittals will not be accepted.**

REQUIREMENTS FOR REVIEW:	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from the County website)	1	☒	☐
Cover Letter briefly explaining project	1	☒	☐
Copy of the last recorded deed, contract for sale or agreement for sale, or a notarized statement of ownership clearly demonstrating ownership and control of the subject lot or parcel of land	1	☒	☐

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County
Growth Management Department

2800 North Horseshoe Drive
Naples, Florida 34104
239-252-2400

SUBMITTAL REQUIREMENT CHECKLIST CON'T

Cover Letter briefly explaining project	1	☒	☐
Electronic copies of all documents and plans	1	☒	☐
Site Plan depicting the following:			
✓ The project title, property owner, address and telephone number ✓ Legal description, scale and north arrow ✓ Zoning designation of the subject site and adjacent sites and the proposed use of the subject site ✓ Location, configuration and dimensions of all building and lot improvements ✓ Location and configuration of parking and loading areas, and the directional movement of internal vehicle traffic ✓ Location and dimensions of access point(s) to the site ✓ Parking summary in matrix form, indicating the required and provided parking for each existing and proposed use ✓ Location and configuration of handicapped parking facilities and building accessibility features ✓ Location, dimensions and configuration of existing water management facilities ✓ Location of trash and recycling enclosures ✓ Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation ✓ All required and provided setbacks and separations between structures on the plan and in matrix form ✓ Any additional relevant information as may be required by the County Manager or designee ✓ Site clearing plan/vegetation inventory, if required	1	☒	☐
Architectural Plans, including 1 color rendering signed & sealed, if required ✓ Building elevation with dimensions & floor plans, if required	1	☒	☐
Landscape & Irrigation plans signed & sealed, if required	1	☒	☐
Boundary & topographic survey (1 signed & sealed), if required	1	☐	☐
Utility letters of availability (water & sewer), if required	1	☐	☒
Engineering Report with Assumptions and Explanations per Ord. 2001-57, if required	1	☒	☐
Engineers Opinion of Probable Cost (OPC) signed and sealed, if required	1	☒	☐

IMMOKALEE NONCONFORMING MOBILE HOME PARKS OR MOBILE HOMES SITES EXISTING CONDITIONS SITE PLAN SUBMITTAL REQUIREMENTS CHECKLIST

The following Submittal Requirement Checklist is to be utilized during pre-application meeting and at time of application submittal. See Chapter 4 I.3a of the Administrative Code for submittal requirements and LDC section 2.03.07 G.6 for criteria. **Incomplete submittals will not be accepted**

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County
Growth Management Department

2800 North Horseshoe Drive
Naples, Florida 34104
239-252-2400

REQUIREMENTS FOR REVIEW:	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from the County website)	1	☐	☐
Site Plan depicting the following:			
Immokalee Nonconforming Mobile Home Parks or Mobile Home Sites Existing Conditions Site Improvement plan			
See Chapter 4 I.3.a of the Administrative Code for Site plan requirements	6	☐	☐

FEES

Site Improvement Plan:

☐ **Site Improvement Plan Review (SIP):** $ 1,000.00 (plus Engineering review fees)

☐ **Fire Review:** $150.00

☐ **Site Clearing (first acre or fraction thereof):** $250.00

- **For each additional acre or fraction thereof:** $50.00 ($3,000.00 maximum)

☐ **Utility Plan Review and Inspection, if required:** N/A

- Construction Document Review: 0.75% of probable water and /or sewer costs.
  Cost Estimate $ _____ **Due at Application Submittal.**
- Construction Inspection: 2.25% of probable water and/or sewer construction costs.
  Cost Estimate $ _____ **Due at Application Submittal.**

☒ **Engineering Site Plan Review Fee, if applicable:**

- Construction document review: 0.75% of probable Paving, Grading, Drainage, Lighting, Code Minimum Landscaping, and any other appurtenant cost of construction.
  Cost Estimate $ _____ **Due at Application Submittal.**
- Construction Inspection: 2.25% of probable Paving, Grading, Drainage, Lighting, Code Minimum Landscaping, and any other appurtenant cost of construction.
  Code Estimate $ _____ **Due at Application Submittal.**

Immokalee Nonconforming Mobile Home Parks or Mobile Home Sites – Existing Conditions Site Improvement Plan:

☐ **Immokalee Nonconforming Mobile Home Parks or Mobile Home Sites – Existing Conditions Site Improvement Plan: $**750.00

☐ **Fire Review:** $150.00

All checks payable to: Board of County Commissioners

The completed application, all required submittal materials and fees shall be submitted to:
Growth Management Department/Development Review Division
ATTN: Business Center-Client Services
2800 North Horseshoe Drive
Naples, FL 34104

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County
Growth Management Department

2800 North Horseshoe Drive
Naples, Florida 34104
239-252-2400

SDP/SIP DATA TABLE, RECOMMENDED FORMAT

Zoning, Subject Property & Surrounding (example)

SUBJECT PROPERTY: PUD (Westview Plaza)

SURROUNDING:

N	I (Industrial)
S	Gail Blvd ROW, the E (Estates)
E	RSF-3 (Residential)
W	PUD (Westview Plaza)

Setbacks, Interior Lots (example)

SITE DATA	REQUIRED	PROVIDED
FRONT YARD	25'	50'
SIDE YARD #1 (N*)	15' or ½ BH (BH = 30)	15.5'
SIDE YARD #2 (S)	15' or ½ BH (BH = 30)	25'
REAR YARD	25' (PRESERVE SETBACK**)	25'

Setbacks, Corner Lots/Lots having more than one street frontage (example)

SITE DATA	REQUIRED	PROVIDED
FRONT YARD #1 (NE*)	25'	25.5'
FRONT YARD #2 (SE)	20' (REDUCED 2ND FY SETBACK PER PUD DOC, SEC 3.4.5**)	20'
SIDE YARD #1 (SW)	15'	5.5'
SIDE YARD #2 (NW)	15'	30'

*Use closest corresponding compass point: N, NW, S, SE, etc.

**Explain special yard requirements or allowances & cite PUD document where applicable

Separation of structures (example)

REQUIRED	PROVIDED
15'	17'
or	
15' or ½ sum of building heights (SBH)	20' (SBH = 40' ½ X 40' = 20'

Building height (example)

REQUIRED	PROVIDED ZONED	PROVIDED ACTUAL
75'	50'	55'

Residential minimum floor area (example)

REQUIRED	PROVIDED
1,200 sq. ft	1,850 sq. ft

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County
Growth Management Department
Zoning Services Section

January 21, 2022

David Sneed
Kuhlman Engineering, Inc
2223 Trade Center Way
Naples, FL 34109

ZLTR-PL20210003335; Zoning Verification Letter for 150 Shell Island Road in Section 31, Township 53, Range 30 of unincorporated Collier County, Florida. Property ID/Folio Number: 26085840007.

Mr. Sneed,

This letter is in response to a Zoning Verification Letter (ZLTR) Application that you submitted on or about December 9, 2021. The applicant has requested verification of setbacks and whether or not the property is nonconforming.

Zoning:
The current official zoning atlas, an element of the Collier County Land Development Code (LDC), Ordinance 04-41, as amended, reveals the subject property is located within the Travel Trailer-Recreational Vehicle Campground District (TTRVC).

Determination:
Based on the original condominium plat map and property card provided by the applicant, the subject property was recorded in February of 1984. At the time of original development, the minimum lot or park size in the TTRVC district was 10 acres. Changes to the applicable zoning and the Land Development Code (LDC) have increased the minimum lot size to 20 acres feet. Because the subject property is 19.79 acres per the Property Appraiser, the property is therefore considered legal nonconforming. There have been additional changes to minimum setback requirements from the time of original development, but without a current survey staff can only confirm the nonconforming status as a result of lot size.

The current setback requirements are as follows. See attached LDC section 4.02.02 for more information regarding design standards in the TTRVC district.

Zoning district	Minimum Front Yard (feet)	Minimum Side Yard (feet)		Minimum Rear Yard (feet)	
TTRVC[2]	10	Waterfront 10	Non-waterfront 5	Waterfront 10	Non-waterfront 8

[2] TTRVC District - additional yard requirements: setback from exterior boundary of park = 50 ft.; setback from an external street = 50 ft., setback from an internal street = 25 ft.; setback from any building or other structure = 10 ft.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

The information presented in this verification letter is based on the Collier County LDC and/or Growth Management Plan in effect as of this date. It is possible that subsequent amendment(s) to either of these documents could affect the validity of this verification letter. It is also possible that development of the subject property could be affected by other issues not addressed in this letter, such as, but not limited to, concurrency related to the provision of adequate public facilities, environmental impact, and other requirements of the Collier County LDC or related ordinances.

This letter represents a determination of Zoning Services Section staff. Should you disagree with this determination, you may request an Official Interpretation by the Zoning Director of the provisions of the Land Development Code pursuant to Sections 1.06.01.A and 10.02.02.F.1 of that Code. The fee for an Official Interpretation is identified in the most recent GMD Fee Schedule Resolution as approved by the Board of County Commissioners. To obtain copies of any document referenced herein, please contact GMD Records Section at (239) 252-5730 or at GMDRecordsRoom@colliercountyfl.gov. The LDC may be viewed online at www.municode.com / Municode Library / Florida / Collier County. Validated Ordinances may be viewed online via the Clerk of Court's website, www.collierclerk.com / Records Search / BMR Records / Boards, Minutes, Records / BMR Validated Ordinances.

Disclaimer: Issuance of a development permit by the County does not create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development.

Should you require additional information, please do not hesitate to call my office at (239) 252-1442.

Researched and prepared by:

HansenRachel Digitally signed by HansenRachel
DN: E=Rachel.Hansen@colliercountyfl.gov, CN=HansenRachel, OU=LDS User Accounts, OU=GMD PR Land Development Svcs, OU=Planning and Regulation, OU=GMD, OU=Divisions, DC=bcc, DC=colliergov, DC=net
Date: 2022.01.24 09:50:24-05'00'

Rachel Hansen, Senior Planner
Comprehensive Planning Section

Reviewed by:

bellows_r Digitally signed by bellows_r
Date: 2022.01.23 15:03:20 -05'00'

Raymond Bellows, Zoning Manager
Zoning Services Section

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County Property Appraiser

MAP SIZE: SMALL | MEDIUM | **LARGE** |

- Introduction
- Search for Parcels by
- Search Results
- Layers
- Legend
- Print



Aerial Photography: January - 2021 Urban [6IN] - 2021 Rural [2FT] - 2021 Rural [10FT] - 2021 Rural [50FT]

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County Zoning
CAD Zoning
26085840007
Show search results for 26085...
53 R29 S25
53 R30 S30
53 R29 S36
53 R30 S31
FLU: AG
FLU: UR
(1 of 4)
PAO Parcels
Information
Folio 26085840007
Acres 19.79
Additional Property Appraiser Information
Zoom to
Smallwood Dr
N Lopez LN
Outdoor Resorts of America
Demere LN
Snook ALY
Collier County GMDN GIS/Addressing | State of Florida, Maxar, Microsoft | Esri Community Maps Contributors, University of South Florida, Cou...
esri



SUBDIVISON INDEX

NO.	NAME	P.B.	Pg.
1	C.S. SMALLWOOD	1	20
2	SMALLWOOD'S DIVISION	1	27

ZONING NOTES

1	8-8-83	R-83-13C 83-41
2	12-13-83	PU-83-22C 83-224
3	3-14-84	A-83-23C 84-57
4	11-14-89	V-89-14 89-357
5	LDC-91	
6	8-14-93	HD-93-2 93-387
7	8-4-98	BD-98-29 98-345
8	8-4-98	BD-98-30 98-346
9	10-17-02	BD-02-AR-2537 02-07
10	5-13-08	HD-08-AR-12980 08-138

THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL ZONING ATLAS REFERRED TO AND ADOPTED BY REFERENCE BY ORDINANCE NO. 04-41 OF THE COUNTY OF COLLIER, FLORIDA, ADOPTED JUNE 22, 2004, AS AMENDED BY THE ZONING NOTES AND SUBDIVISION INDEX REFERENCED HEREON.

BY_____CHAIRMAN

ATTEST_____CLERK

COLLIER COUNTY, FLORIDA

COMMUNITY DEVELOPMENT DIVISION

TWP 53S RNG 29E SEC 36 & RNG 30E SEC 31

N

SCALE 0 400

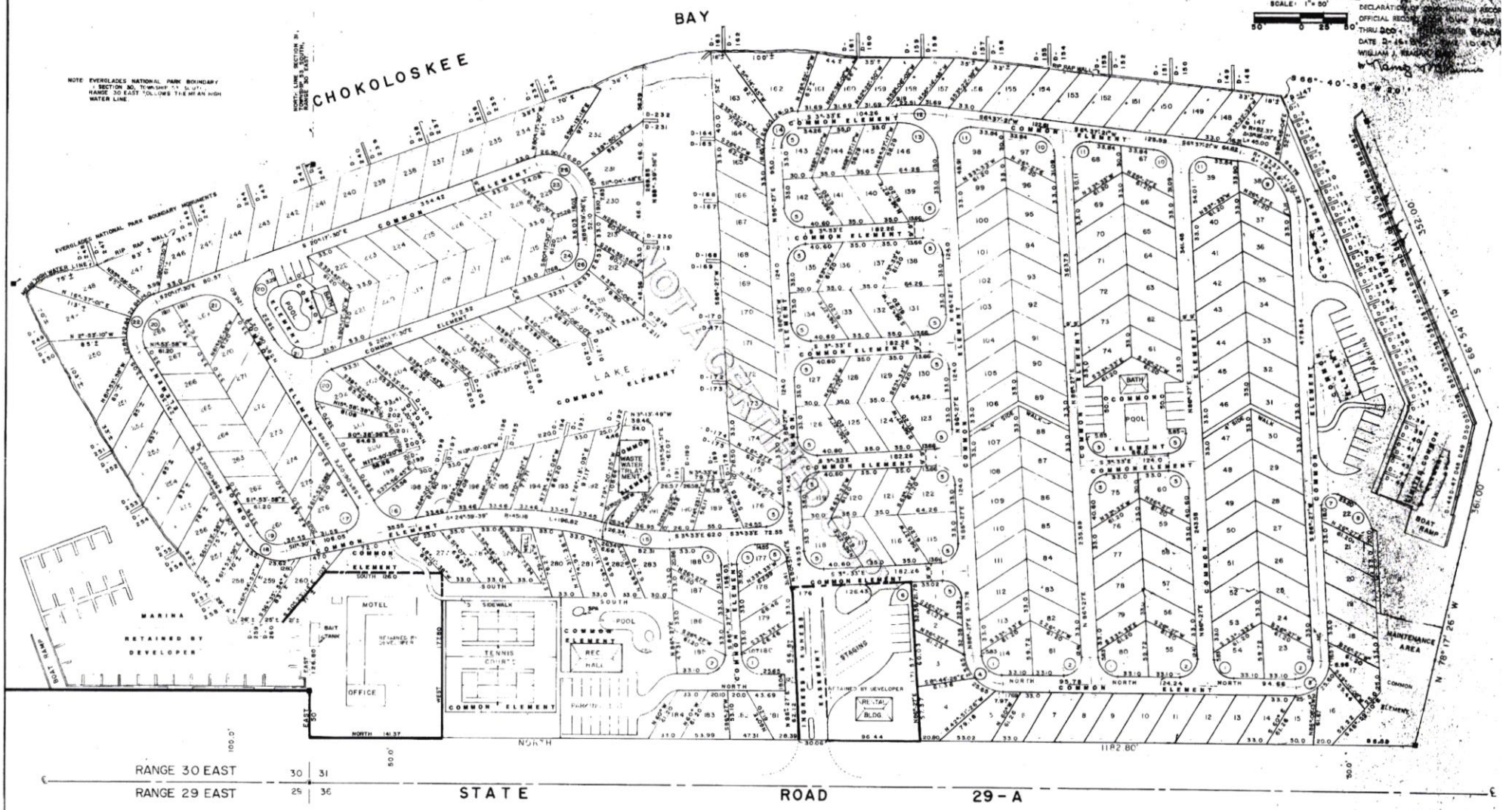
MAP NUMBER: 39363031

8-1

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at

CONDOMINIUM PLAT BOOK 24

Outdoor Resorts at Chokoloskee Island, A CONDOMINIUM



CURVE NO.	Δ	R	L	CURVE NO.	Δ	R	L
1	86°27'	2.28	3.11	14	90°00'	28.0	43.98
2	93°33'	19.80	30.70	15	174°02'39"	166.84	48.63
3	93°33'	27.80	45.39	16	69°56'06"	42.16	51.21
4	86°27'	30.28	45.88	17	20°03'54"	17.38	35.49
5	90°00'	20.0	31.42	18	69°56'06"	37.78	45.89
6	90°00'	25.0	39.27	19	68°56'06"	28.78	34.98
7	00°00'	11.55	24.18	20	109°36'54"	28.54	50.81
8	60°00'	31.8	32.65	21	78°23'12"	40.92	56.88
9	79°45'35"	64.37	89.69	22	109°36'54"	37.54	68.57
10	79°45'35"	23.91	33.31	23	109°57'45"	28.35	54.29
11	00°00'-0"	16.73	29.85	24	71°06'54"	38.02	34.74
12	104°07'-0"	29627	52.60	25	108°57'06"	37.55	71.40
13	90°00'	40.0	62.83	26	71°06'54"	37.02	45.90

CURVE TABLE

NOTE BEARINGS ARE BASED ON THE CENTERLINE OF STATE ROAD 29-A AS BEING NORTH.

NOTE DISTANCES SHOWN ON CURVES ARE ARC LENGTHS

LEGEND

■ — FOUND CONCRETE MONUMENT

⊙ — FOUND STEEL PIN

FOR DESCRIPTION OF CONDOMINIUM PROPERTY SEE EXHIBIT A

SURVEY & PLOT PLAN

EXHIBIT B

D-## DESIGNATES DOCK SPACE WHICH IS A LIMITED COMMON ELEMENT TO BE ASSIGNED BY DEVELOPER

HARROWS PROPERTY BOUNDARY LINES REMOVED BY

PROPERTY SUBJECT TO RIGHT-OF-WAY EASEMENT FOR UTILITY PURPOSES

1-12-84 — FINAL DRAWING

LOT 147 REVISED 12-2-83

SHEET 1 OF 1

BGA

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at

(b) Two hundred (200) square feet for each lot in excess of one hundred (100) lots.

(c) One-half (½) of the water surface within the park may be credited toward the required recreation area, except that at least fifty (50%) percent of the required recreation area shall be land area.

7) Development Plan Approval Requirements: Layout plans for a mobile home rental park shall be submitted in accordance with Section 10.5.

8) Required Internal Park Street System: All lots within a mobile home rental park shall have direct access 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. The right-of-way widths, paving widths, and other construction standards, including gradient and alignment of all internal streets and drainage shall be reviewed and approved by the County Engineer.

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking: As required in Section 8.

f. Required Buffers: Visual screens are required in the parking area adjacent to the entrance and exitway areas, as may be required under Section 8.30 of this Ordinance.

g. Compliance: All MHRP which commenced construction after the effective date of this Ordinance shall comply with all requirements of this Ordinance, except as further provided herein. No MHRP that exists on the effective date of this Ordinance shall be altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the effective date of this Ordinance. Land already zoned MHRP which does not meet the acreage requirement may be developed; however, the development shall conform with all other regulations of this Ordinance.

7.19 TTRVC - Travel Trailer - Recreational Vehicle Park Campground District:

a. District Purpose: The provisions of this district are intended to apply to trailer lots for travel trailers and recreational vehicles not exceeding eight (8) feet in width and not

BOOK 014 PAGE 99

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

exceeding thirty-eight (38) feet in length. Such trailer lots are intended to accommodate travel trailers, pick-up coaches, motor homes, and other vehicular accommodations which are suitable for temporary habitation, used for travel, vacation, and recreational purposes. Campsites are intended to accommodate temporary residency while camping, vacationing or recreating.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Travel trailers, pick-up coaches, motor homes and other recreational vehicles: One (1) per lot.

(b) Campsites: One (1) per site.

2) Accessory Uses and Structures:

(a) One (1) single-family dwelling in conjunction with the operation of the TTRVC.

(b) Accessory uses and structures customarily associated with travel trailer recreational vehicle parks, including patios, recreation facilities, administration buildings, service buildings, and utilities.

(c) Upon completion of all required improvements of the TTRVC park, convenience establishments of a commercial nature including stores, laundry and dry cleaning agencies, beauty shops and barber shops may be permitted in TTRVC parks subject to the following restrictions: Such establishments and the parking area primarily related to their operations shall not occupy more than five (5%) percent of the park; shall be subordinate to the use and character of the park; shall be located, designed, and intended to serve the exclusive trade of the service needs of the persons residing in the park; and shall present no visible evidence of their commercial character from any portion of any public street or way outside the park.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

3) Permitted Provisional Uses and Structures:

(a) Civic and cultural facilities.

(b) Churches and other places of worship.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein, or permissible by special exception.

c. Development Standards:

1) Minimum Park Size: Ten (10) acres.

2) Minimum Lot Area:

(a) 1,200 square feet for TTRV lots.

(b) 3,600 square feet for campsites.

3) Minimum Lot Width: Twenty (20) feet for TTRV lots; 40 feet for campsites.

4) Minimum Yards:

(a) Front Yard - Ten (10) feet.

(b) Side Yard - Five (5) feet.

(c) Rear Yard - Eight (8) feet.

(d) From exterior boundary of park or from any required buffer area - ten (10) feet.

(e) From public street - twenty-five (25) feet.

(f) From buildings or structures - ten (10) feet.

5) Maximum Height of Structures: 30 feet.

6) Required Recreation Area: The following amount of land or water shall be set aside and developed for recreational purposes within the TTRVC park site:

(a) Two hundred (200) square feet for each lot or campsite for the first one hundred (100) lots or campsites.

(b) One hundred fifty (150) square feet for each lot or campsite in excess of one hundred (100) lots or campsites.

(c) One-half (½) of the water surface within the park may be credited toward the required recreation area, except that at least fifty (50%) percent of the required recreation area shall be land area.

7) Plan Approval Requirements: Layout plans for a TTRVC park shall be submitted to the Zoning Director and construction shall be in accordance with approved plans and specifications.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

8) Required Internal Park Street System: All lots within a TTRVC park shall have direct access from an internal street. All internal streets within the district shall provide safe and convenient access to a public street. The right-of-way widths, paving widths, and other construction standards, including gradient and alignment of all internal streets and drainage shall be reviewed and approved by the County Engineer.

9) Required Facilities for Campsites and TTRV Lots:

(a) Sanitary facilities, including flush toilets, and showers within four hundred (400) feet walking distance from every campsite and TTRV lot as approved by the Collier County Health Department. Lighting shall be provided in sanitary facilities at all times.

(b) Potable water supply as approved by the Collier County Health Department.

(c) At least one (1) garbage or trash receptacle for every two (2) campsites or TTRV lots.

(d) Administration building and safety building open at all times wherein a portable fire extinguisher in operable condition and first aid equipment is available, and a telephone is available for public use.

(e) One parking space per campsite or TTRV lot.

(f) One picnic table per campsite or TTRV lot.

(g) One fireplace or cooking area per campsite or TTRV lot.

10) Design Standards for Campsites:

(a) Campsites shall be set back a minimum of 660 feet from any county, state, or federal highway right-of-way.

(b) Each campsite shall have a minimum setback of ten (10) feet from the exterior boundary lines of the campground area or from any required buffer area.

(c) Each campsite shall be directly accessible by an interior road.

(d) Each separate campsite shall contain a minimum of 3,600 square feet.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(e) Each campsite shall contain a level area containing at least 600 square feet for erecting camping equipment.

c. Minimum Off-Street Parking: As required in Section 8.

f. Required Buffers: Visual screens are required in the following areas:

1) Parking area adjacent to the entrance and exitway areas, may be required under Section 8 of this Ordinance.

2) TTRVC parks fronting on a highway shall provide and maintain a clear area not less than twenty (20) feet in width alongside and parallel to the highway to facilitate safe and rapid entrance and exit from the highway by arriving and departing vehicles. There shall be an additional landscaped area of five (5) feet inside the entire length of the clear area.

3) TTRVC parks abutting highways or lands zoned other than for such parks shall be effectively screened from such highways or land by a buffer strip at least five (5) feet wide, in which ornamental screening composed of structural or plant material shall be placed. Such screen shall be attractively maintained at all times.

g. Compliance: All TTRVC parks which commenced construction after the effective date of this Ordinance shall comply with all requirements of this Ordinance exceptas further provided herein. No TTRVC park that exists on the effective date of this Ordinance shall be altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the effective date of this Ordinance. Land already zoned TTRVC which does not meet the acreage requirements may be developed; however, the development shall conform with all other regulations of this Ordinance.

7.20 C-1 - Commercial Professional District:

a. District Purpose: The provisions of this district are intended to apply to areas located adjacent to highways and arterial roads. The C-1 - Commercial Professional District is intended to permit those uses which minimize pedestrian and vehicular traffic. Large lot sizes, landscaping, controlled ingress and egress, and other restrictions are intended to minimize

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County
Growth Management Department

2800 North Horseshoe Drive
Naples, Florida 34104
239-252-2400

APPLICATION FOR SITE IMPROVEMENT PLAN (SIP)

☑ Site Improvement Plan (SIP): LDC subsection 10.02.03 E. and other applicable provisions and Chapter 4 I3. of the Administrative Code

☐ Immokalee Non-conforming Mobile Home Parks or Mobile Home Sites Existing Conditions Site Improvement Plan: LDC subsection 2.03.07 G.6, and Chapter 4.I.3.a of the Administrative Code

APPLICANT CONTACT INFORMATION

Name of Owner: ORA At Chokoloskee, Inc
Name of Applicant (if different than owner): _____
Address: 150 Smallwood Drive **City:** Chokoloskee **State:** FL **ZIP:** 34138
Telephone: 239 695-2666 **Cell:** 239 719-0335 **Fax:** _____
E-Mail Address: grfora2@gmail.com

Name of Agent: David Sneed
Firm: Kuhlman Engineering, Inc
Address: 2223 Trade Center Way **City:** Naples **State:** FL **ZIP:** 34109
Telephone: 239 254-8219 **Cell:** 239 591-5465 **Fax:** _____
E-Mail Address: davidsneed@yahoo.com

PROPERTY INFORMATION

Project Name/Name of PUD: Outdoor Resorts of Chokoloskee Island **Zoning:** TTRVC
Legal Description: _____
Property ID Number: 26085840007 **Section/Township/Range:** 31 / 53 / 30
Subdivision: _____ **Unit:** _____ **Lot:** _____ **Block:** _____

DETAIL OF REQUEST

On a separate sheet attached to the application, provide a cover letter describing in detail the propose changes, including any discussions with the assigned planner that may be pertinent to the review of tl application, and the sheet numbers of the plans affected by the change if applicable.

SUBMITTAL REQUIREMENT CHECKLIST

The following Submittal Requirement Checklist is to be utilized during the pre-application meeting and at time application submittal. See Chapter 4 of the Administrative Code for submittal requirements. **Incomplete submitta will not be accepted.**

REQUIREMENTS FOR REVIEW:	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from the County website)	1	■	☐
Cover Letter briefly explaining project	1	■	☐
Copy of the last recorded deed, contract for sale or agreement for sale, or a notarized statement of ownership clearly demonstrating ownership and control of the subject lot or parcel of land	1	■	☐

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County
Growth Management Department

2800 North Horseshoe Drive
Naples, Florida 34104
239-252-2400

SUBMITTAL REQUIREMENT CHECKLIST CON'T

Cover Letter briefly explaining project	1	☒	☐
Electronic copies of all documents and plans	1	☒	☐
Site Plan depicting the following:			
✓ The project title, property owner, address and telephone number ✓ Legal description, scale and north arrow ✓ Zoning designation of the subject site and adjacent sites and the proposed use of the subject site ✓ Location, configuration and dimensions of all building and lot improvements ✓ Location and configuration of parking and loading areas, and the directional movement of internal vehicle traffic ✓ Location and dimensions of access point(s) to the site ✓ Parking summary in matrix form, indicating the required and provided parking for each existing and proposed use ✓ Location and configuration of handicapped parking facilities and building accessibility features ✓ Location, dimensions and configuration of existing water management facilities ✓ Location of trash and recycling enclosures ✓ Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation ✓ All required and provided setbacks and separations between structures on the plan and in matrix form ✓ Any additional relevant information as may be required by the County Manager or designee ✓ Site clearing plan/vegetation inventory, if required	1	☒	☐
Architectural Plans, including 1 color rendering signed & sealed, if required ✓ Building elevation with dimensions & floor plans, if required	1	☒	☐
Landscape & Irrigation plans signed & sealed, if required	1	☒	☐
Boundary & topographic survey (1 signed & sealed), if required	1	☐	☐
Utility letters of availability (water & sewer), if required	1	☐	☒
Engineering Report with Assumptions and Explanations per Ord. 2001-57, if required	1	☒	☐
Engineers Opinion of Probable Cost (OPC) signed and sealed, if required	1	☒	☐

IMMOKALEE NONCONFORMING MOBILE HOME PARKS OR MOBILE HOMES SITES EXISTING CONDITIONS SITE PLAN SUBMITTAL REQUIREMENTS CHECKLIST

The following Submittal Requirement Checklist is to be utilized during pre-application meeting and at time of application submittal. See Chapter 4 I.3a of the Administrative Code for submittal requirements and LDC section 2.03.07 G.6 for criteria. **Incomplete submittals will not be accepted**

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County
Growth Management Department

2800 North Horseshoe Drive
Naples, Florida 34104
239-252-2400

REQUIREMENTS FOR REVIEW:	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from the County website)	1	☐	☐
Site Plan depicting the following:			
Immokalee Nonconforming Mobile Home Parks or Mobile Home Sites Existing Conditions Site Improvement plan			
See Chapter 4 I.3.a of the Administrative Code for Site plan requirements	6	☐	☐

FEES

Site Improvement Plan:

☒ **Site Improvement Plan Review (SIP):** $ 1,000.00 (plus Engineering review fees)

☒ **Fire Review:** $150.00

☒ **Site Clearing (first acre or fraction thereof):** $250.00

- **For each additional acre or fraction thereof:** $50.00 ($3,000.00 maximum)

☒ **Utility Plan Review and Inspection, if required:**

- Construction Document Review: 0.75% of probable water and /or sewer costs.
  Cost Estimate $ 0.00 **Due at Application Submittal.**
- Construction Inspection: 2.25% of probable water and/or sewer construction costs.
  Cost Estimate $ 0.00 **Due at Application Submittal.**

☒ **Engineering Site Plan Review Fee, if applicable:**

- Construction document review: 0.75% of probable Paving, Grading, Drainage, Lighting, Code Minimum Landscaping, and any other appurtenant cost of construction.
  Cost Estimate $ 22,575.00 **Due at Application Submittal.**
- Construction Inspection: 2.25% of probable Paving, Grading, Drainage, Lighting, Code Minimum Landscaping, and any other appurtenant cost of construction.
  Code Estimate $ 22,575.00 **Due at Application Submittal.**

Immokalee Nonconforming Mobile Home Parks or Mobile Home Sites – Existing Conditions Site Improvement Plan:

☐ **Immokalee Nonconforming Mobile Home Parks or Mobile Home Sites – Existing Conditions Site Improvement Plan: $**750.00

☐ **Fire Review:** $150.00

All checks payable to: Board of County Commissioners

The completed application, all required submittal materials and fees shall be submitted to:
Growth Management Department/Development Review Division
ATTN: Business Center-Client Services
2800 North Horseshoe Drive
Naples, FL 34104

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County
Growth Management Department

2800 North Horseshoe Drive
Naples, Florida 34104
239-252-2400

SDP/SIP DATA TABLE, RECOMMENDED FORMAT

Zoning, Subject Property & Surrounding (example)

SUBJECT PROPERTY: PUD (Westview Plaza)

SURROUNDING:

N	I (Industrial)
S	Gail Blvd ROW, the E (Estates)
E	RSF-3 (Residential)
W	PUD (Westview Plaza)

Setbacks, Interior Lots (example)

SITE DATA	REQUIRED	PROVIDED
FRONT YARD	25’	50’
SIDE YARD #1 (N*)	15’ or ½ BH (BH = 30)	15.5’
SIDE YARD #2 (S)	15’ or ½ BH (BH = 30)	25’
REAR YARD	25’ (PRESERVE SETBACK**)	25’

Setbacks, Corner Lots/Lots having more than one street frontage (example)

SITE DATA	REQUIRED	PROVIDED
FRONT YARD #1 (NE*)	25’	25.5’
FRONT YARD #2 (SE)	20’ (REDUCED 2ND FY SETBACK PER PUD DOC, SEC 3.4.5**)	20’
SIDE YARD #1 (SW)	15’	5.5’
SIDE YARD #2 (NW)	15’	30’

*Use closest corresponding compass point: N, NW, S, SE, etc.

**Explain special yard requirements or allowances & cite PUD document where applicable

Separation of structures (example)

REQUIRED	PROVIDED
15’	17’
or	
15’ or ½ sum of building heights (SBH)	20’ (SBH = 40’ ½ X 40’ = 20’

Building height (example)

REQUIRED	PROVIDED ZONED	PROVIDED ACTUAL
75’	50’	55’

Residential minimum floor area (example)

REQUIRED	PROVIDED
1,200 sq. ft	1,850 sq. ft

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Pre-Application Meeting Notes

Petition Type: Site Plan with Deviations (DR)
Date and Time: Tuesday 10/4/22 at 1:30PM

Assigned Planner: Sean Sammon

Engineering Manager (for PPL's and FP's): _____

Project Information

Project Name: Outdoor Resorts of Chokoloskee Island (DR)

PL #: 20220006184

Property ID #: 26085840007 **Current Zoning:** TTRVC

Project Address: 150 SmallwoodDr **City:** Chokoloskee, **State:** FL **Zip:** 34138

Applicant: David Sneed - Kuhlman Engineering, Inc.

Agent Name: David Sneed **Phone:** 239-591-5465

Agent/Firm Address: 2223 Trade Ctr Way **City:** Naples **State:** FL **Zip:** 34109

Property Owner: ORA at Chokoloskee, Inc.

Please provide the following, if applicable:

i. **Total Acreage:** 19

ii. **Proposed # of Residential Units:** _____

iii. **Proposed Commercial Square Footage:** _____

iv. **For Amendments, indicate the original petition number:** _____

v. **If there is an Ordinance or Resolution associated with this project, please indicate the type and number:** _____

vi. **If the project is within a Plat, provide the name and AR#/PL#:** _____

_____

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Meeting Notes

As of 10/16/2017 all Zoning applications have revised applications, and your associated Application is included in your notes; additionally a *new Property Ownership Disclosure Form is required for all applications. A copy of this new form is included in your pre-app

Note – link is https://www.colliercountyfl.gov/Home/ShowDocument?id=75093

ZONING - SEAN SAMMON - SEE ATTACHED NOTES ON PAGES 2.A.1. - 2.A.2

ZONING OPS. - SHERYL SOTEN NOTES CONFIRMING PRE-APP MEETING FEES - SEE EMAILS ON PAGES 2.B.1 - 2.B.3 (ORIGINALLY DISCUSSED A NUA APPLICATION, PER RAY BELLOWS A DR APPLICATION WOULD WORK)

COUNTY ATTORNEY - CONTACT DENELL PERRY WITH QUESTIONS INFO ON PAGE 5

If Site is within the City of Naples Water Service Area please send to Naples Utilities and Planning Departments. Then, if the petition is submitted, we are to send it (by email) to the four persons below in their Utilities and Planning Depts. - along with a request that they send us a letter or email of "no objection" to the petition. Bob Middleton RMiddleton@naplesgov.com Allyson Holland AMHolland@naplesgov.com Robin Singer RSinger@naplesgov.com Erica Martin emartin@naplesgov.com

Disclaimer: Information provided by staff to applicant during the Pre-Application Meeting is based on the best available data at the time of the meeting and may not fully inform the applicant of issues that could arise during the process. The Administrative Code and LDC dictates the regulations which all applications must satisfy. Any checklists provided of required data for an application may not fully outline what is needed. It is the applicant's responsibility to provide all required data.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Outdoor Resorts at Chokoloskee (DR) – PL20220006184 – Pre-App Notes – Zoning – Sean Sammon

October 4, 2022; 10:00 am

- Purpose/Issue: Seeking a reduction in setback requirements to allow for the construction of storage buildings that will replace existing structures, originally built in 1984, located in the maintenance area of Outdoor Resorts at Chokoloskee Island recreational vehicle park. Building 1 and Building 2 are subject to flooding, will be used for storage, and will be brought to meet FEMA and Building code.
- ZLTR-PL20210003335 – Communicates zoning district development standards
- SIP #3599
- Original NUA Application submitted 8/31/2022 (20220005734)
- Property Zoned: TTRVC
- Based on current zoning, since TTRVC is commercial, and not mixed with mobile home residential, this will be more suitable to be applied for as a Site Plan with Deviations for Redevelopment Projects (DR)
    - DR has similar timing and fees as with an NUA
    - Commercial with pre-existing nonconformities
- DR Process will reference LDC Sec. 10.02.03.F (10.02.03 F.1 for explanation of Purpose)
    - Complete DR application with Fee Requirements
        - DR Application - $1,000
        - Estimated Legal Advertising Fee for HEX - $1,125
    - Application Requirements:
        - Narrative of the redevelopment project and how it's consistent with standards for approval in LDC Sec. 10.02.03.F.7, a-j.
        - Description of each requested deviation and justification for each request. Requested deviations shall be clearly delineated in the petition. The LDC section for which the deviation seeks relief from shall be identified.
        - Project enhancements to offset or minimize the deviations shall be clearly identified.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

    - Key part of the DR, what the allowable setbacks were in the 1984 ordinance
    - Applicant will clarify where and why they can't meet code (50' from Snook ALY)
    - Submit simplified site plan and where code isn't being met
        - Only the specific site area of the park
        - Applicant can use SIP info
- Requires at least 1 advertised public hearing
    - Public Notice requirements LDC Sec. 10.03.06.R.
        - Mailed notifications & newspaper advertisements
            - Urban Area = 500' for surrounding property owners from the Specific Site Area (not the entire property)
            - Based on LDC Sec. 10.03.05.B, work with GIS
        - One advertised HEX public hearing
    - Decision Maker: Hearing Examiner
- Fee and application issues, Sean and Ray will coordinate with Cheryl Soter to transfer application and figure out fee issue solution
    - Create a new DR application, attached
        - Will require a new Pre-Application Meeting since there are more reviewers required for a DR application
        - PL number will change, it won't close out until the DR application is submitted
- Any further questions, please contact me at Sean.Sammon@colliercountyfl.gov – (239)252-8422

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

ThomasClarkeVEN

From: Cheryl Soter <no-reply-jira@gmdnorth.atlassian.net>
Sent: Wednesday, October 05, 2022 11:41 AM
To: ThomasClarkeVEN
Subject: GSD-29710 PL20220006184 preapp fee deposit transfer from PL20220005734 Chokolosk Outdoor Resorts

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

Hi there!

Cheryl Soter commented:

> Transfer completed you can proceed with preapp workflow (Thomas Clarke) Please advise if you have any issues or questions, thank you Cheryl

on GSD-29710.

> PL20220006184 preapp fee deposit transfer from PL20220005734 Chokoloskee Outdoor Resorts
> Please apply the credit/deposit record from PL20220005734 to this pre-app meeting PL20220006184

If you have questions about or would like to see the full details of the request please use the 'View Request' link belov
There you will be able to see all of the request's details and submit comments to the team.

Hi there!

Cheryl Soter resolved the following request as Done.

> GSD-29710 - PL20220006184 preapp fee deposit transfer from PL20220005734 Chokoloskee Outdoor Resorts
> Please apply the credit/deposit record from PL20220005734 to this pre-app meeting PL20220006184

If you have questions about or would like to see the full details of the request please use the 'View Request' link belov
There you will be able to see all of the request's details and submit comments to the team.

Thank you!

Cheryl Soter changed the status to Resolved.

View request · Turn off this request's notifications

This is shared with Jennifer Gonzalez, Ray Bellows, Thomas Clarke, and 2 other people.

This email was automatically generated.
Please do not respond directly to this email.

Powered by Jira Service Desk

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

ThomasClarkeVEN

From: Cheryl Soter <no-reply-jira@gmdnorth.atlassian.net>
Sent: Wednesday, October 05, 2022 11:40 AM
To: ThomasClarkeVEN
Subject: GSD-29710 PL20220006184 preapp fee deposit transfer from PL20220005734 Chokolosk Outdoor Resorts

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

Hi There!

Cheryl Soter has shared a request GSD-29710 with you which is the 'In Progress' status.

Here are the details of the request:

> PL20220006184 preapp fee deposit transfer from PL20220005734 Chokoloskee Outdoor Resorts
> Please apply the credit/deposit record from PL20220005734 to this pre-app meeting PL20220006184 reported by Jennifer Gonzalez

If you have questions about or would like to see the full details of the request please use the 'View Request' link belov There you will be able to see all of the request's details and submit comments to the team.

View request · Turn off this request's notifications

This is shared with Jennifer Gonzalez, Ray Bellows, Thomas Clarke, and 2 other people.

This email was automatically generated.
Please do not respond directly to this email.

Powered by Jira Service Desk

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County
Growth Management Division
2800 Horseshoe Drive N.
Naples, FL 34104
239-252-2400

RECEIPT OF PAYMENT

Receipt Number: 20221018833
Transaction Number: 2022-099903
Date Paid: 10/05/2022
Amount Due: $500.00

Payment Details:

Payment Method	Amount Paid	Check Number
Deposit	$500.00	

Amount Paid: $500.00
Change / Overage: $0.00
Contact: David Sneed - Kuhlman Engineering, Inc.
2223 Trade Center Way
Naples, FL 34109

FEE DETAILS:

Fee Description	Reference Number	Original Fee	Amount Paid	GL Account
Pre-application Meeting	PL20220006184	$500.00	$500.00	131-138326-341276

Cashier Name: Vanessa.McHenry
Batch Number: 11393
Entered By: JenniferGonzalez

Planning Deposit Details:
- Planning Project Application Number: PL20220005734
- Planning Application Name: Outdoor Resorts Of Chokoloskee Island (NUA)
- Deposit Balance: $1,000.00
- Deposit Source Account: 131-138326-341280
- Deposit Type: Application Overpayment Deposit
- Deposit Item: General Deposit
- Deposit Description: PL20220005734 (undefined), Application Overpayment Deposit, Open, $1,500.00, $1,000.00

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Page 2.B.3.

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Meeting Notes

LANDSCAPE - MARK TEMPLETON - SEE ATTACHED EMAIL & NOTES ON PAGES 3.A.1 - 3A.2.

ENVIRONMENTAL - CRAIG BRAUN - PLEASE CONTACT WITH QUESTIONS SEE PAGE 4

FIRE - THOMAS MASTROBERTO - PLEASE CONTACT W/ QUESTIONS SEE PAGE 4

STORMWATER - RICK ORTH - PLEASE CONTACT - PAGE 4

IMPACT FEES - CINDY SANTABARBARA - PLEASE CONTACT AT 239-252-2925

Other required documentation for submittal (not listed on application):

Disclaimer: Information provided by staff to applicant during the Pre-Application Meeting is based on the best available data at the time of the meeting and may not fully inform the applicant of issues that could arise during the process. The Administrative Code and LDC dictates the regulations which all applications must satisfy. Any checklists provided of required data for an application may not fully outline what is needed. It is the applicant's responsibility to provide all required data.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

ThomasClarkeVEN

From: TempletonMark
Sent: Tuesday, October 04, 2022 2:40 PM
To: ThomasClarkeVEN
Subject: PL20220006184 - Outdoor Resorts Of Chokoloskee Island (DR)
Attachments: PL20220006184 - Outdoor Resorts Of Chokoloskee Island (DR).pdf

Hi Thomas,
Attached please find the landscape notes for the DR on Chokoloskee

Respectfully,

Mark Templeton, RLA
Principal Planner/Landscape Review

Collier County

Development Review Division
Exceeding Expectations, Every Day!

NOTE: Email Address Has Changed

2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239.252.2475

How are we doing? Please CLICK HERE to fill out a Customer Survey.
We appreciate your Feedback!

Disclaimer- this email is not to be interpreted as an endorsement or approval of any permit, plan, project, or deviation from Land Development Code.

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Page 321

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Meeting Notes

Landscape: Label South and West buffers on the site plan submitted with the DR application.
Include deviations for the buffers since these cannot be provided per current code. Craft deviation language to match what is shown on the concurrent SIP plans.
Include a deviation for VUA landscape as well if needed.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Pre-Application Meeting Sign-In Sheet

PL# 20220006184

Collier County Contact Information:

	Name	Review Discipline	Phone	Email
☐	Maggie Acevedo	North Collier Fire	252-2309	macevedo@northcollierfire.com
☐	Steve Baluch	Transportation Planning	252-2361	stephen.baluch@colliercountyfl.gov
☐	Shar A.Beddow	MSM/Deputy Fire Marshal - Greater Naples Fire	241-1422	sbeddow@gnfire.org
☐	Ray Bellows	Zoning, Planning Manager	252-2463	raymond.bellows@colliercountyfl.gov
☐	Laurie Beard	PUD Monitoring	252-5782	laurie.beard@colliercountyfl.gov
☑	Craig Brown	Environmental Specialist	252-2548	craig.brown@colliercountyfl.gov
☐	Heidi Ashton Cicko	Managing Asst. County Attorney	252-8773	heidi.ashton@colliercountyfl.gov
☑	Thomas Clarke	Zoning Operations Analyst	252-2584	thomas.clarke@colliercountyfl.gov
☐	Jamie Cook	Development Review Director	252-6290	Jaime.cook@colliercountyfl.gov
☐	Gabriela Castro	Zoning Principal Planner	252-4211	gabriela.castro@colliercountyfl.gov
☐	Maggie DeMeo	North Collier Fire	252-2308	pdemeo@northcollierfire.com
☐	Eric Fey, P.E.	Utility Planning	252-1037	eric.fey@colliercountyfl.gov
☐	Tim Finn, AICP	Zoning Principal Planner	252-4312	timothy.finn@colliercountyfl.gov
☐	Sue Faulkner	GMP - Comprehensive Planning	252-5715	sue.faulkner@colliercountyfl.gov
☐	Michael Gibbons	Structural/Residential Plan Review	252-2426	michael.gibbons@colliercountyfl.gov
☐	Storm Gewirtz, P.E.	Engineering Stormwater	252-2434	storm.gewirtz@colliercountyfl.gov
☑	Cormac Giblin, AICP	Development Review-Planning Manager	252-5095	Cormac.giblin@colliercountyfl.gov
☐	Nancy Gundlach, AICP	Zoning Principal Planner	252-2484	nancy.gundlach@colliercountyfl.gov
☐	Rachel Hansen	GMP – Comprehensive Planning	252-1142	Rachel.hansen@colliercountyfl.gov
☐	Richard Henderlong	Zoning Principal Planner	252-2464	richard.henderlong@colliercountyfl.gov
☐	John Houldsworth	Engineering Subdivision	252-5757	john.houldsworth@colliercountyfl.gov
☐	Alicia Humphries	Right-Of-Way Permitting	252-2326	alicia.humphries@colliercountyfl.gov
☐	Anita Jenkins	Planning & Zoning Director	252-5095	Anita.jenkins@colliercountyfl.gov
☐	John Kelly	Zoning Senior Planner	252-5719	john.kelly@colliercountyfl.gov
☐	Parker Klopf	GMP – Comprehensive Planning	252-2471	Parker.klopf@colliercountyfl.gov
☐	Troy Komarowski	North Collier Fire	252-2521	tkomarowski@northcollierfire.com
☐	Sean Lintz	North Collier Fire	597-9227	slintz@northcollierfire.com
☐	Diane Lynch	Operations Analyst	252-8243	diane.lynch@colliercountyfl.gov
☑	Thomas Mastroberto	Greater Naples Fire	252-7348	thomas.mastroberto@colliercountyfl.gov
☐	Jack McKenna, P.E.	Engineering Services	252-2911	jack.mckenna@colliercountyfl.gov

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

☐	Matt McLean, P.E.	Division Director - IF, CPP & PM	252-8279	matthew.mclean@colliercountyfl.gov
☐	Michele Mosca, AICP	Capital Project Planning	252-2466	michele.mosca@colliercountyfl.gov
☐	Richard Orth	Stormwater Planning	252-5092	richard.orth@colliercountyfl.gov
☒	Eric Ortman	Zoning Principal Planner	252-1032	Eric.Ortman@colliercountyfl.gov
☒	Derek Perry	Assistant County Attorney	252-8066	Derek.perry@colliercountyfl.gov
☐	Brandi Pollard	Utility Impact fees	252-6237	brandi.pollard@colliercountyfl.gov
☐	Todd Riggall	North Collier Fire	597-9227	triggall@northcollierfire.com
☐	Brett Rosenblum, P.E.	Development Review Principal Project Manager	252-2905	brett.rosenblum@colliercountyfl.gov
☐	James Sabo, AICP	GMP, Comp Planning Manager	252-2708	james.sabo@colliercountyfl.gov
☐	Michael Sawyer	Transportation Planning	252-2926	michael.sawyer@colliercountyfl.gov
☐	Corby Schmidt, AICP	Comprehensive Planning	252-2944	corby.schmidt@colliercountyfl.gov
☐	Linda Simmons	North Collier Fire	252-2311	Linda.Simmons@colliercountyfl.gov
☐	Peter Shawinsky	Architectural Review	252-8523	peter.shawinsky@colliercountyfl.gov
☒	Mark Templeton	Landscape Review	252-2475	mark.templeton@colliercountyfl.gov
☐	Connie Thomas	Client Services Supervisor	252-6369	Consuela.thomas@colliercountyfl.gov
☐	Jessica Velasco	Client Services	252-2584	jessica.velasco@colliercountyfl.gov
☐	Jon Walsh, P.E.	Building Review	252-2962	jonathan.walsh@colliercountyfl.gov
☐	Kirsten Wilkie	Environmental Review Manager	252-5518	kirsten.wilkie@colliercountyfl.gov
☐	Christine Willoughby	Development Review - Zoning	252-5748	christine.willoughby@colliercountyfl.gov
☐	Daniel Zunzunegui	North Collier Fire	252-2310	Daniel.Zunzunegui@colliercountyfl.gov

Additional Attendee Contact Information:

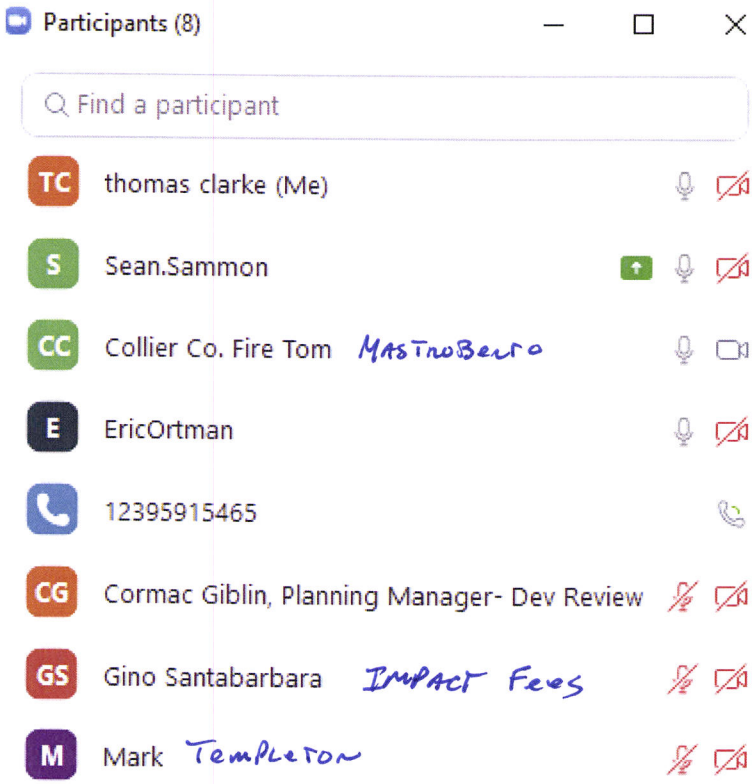
	Name	Representing	Phone	Email
	Sean Samman	CC Zoning	252-8422	
—	Gordan Furbes	Outdoor Resorts (N/A)		
X	Gino Santaboburg	Impact Fees		
	David Sneed	Kuhlman Engineering		

See Zoom Attendance Attached

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Outdoor Resorts of Chokoloskee Island (DR) – PL20220006184 – Sean Sammon

Agent David Sneed- Kuhlman Engineering Inc. Oct 4, 2022 1:30PM



Derek Perry – CAO

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Applicant/Agent may also send site plans or conceptual plans for review in advance if desired.

PL20220006184 – Outdoor Resorts of Chokoloskee Isl. (DR) - Planner: Sean Sammon

Assigned Ops Staff: Thomas Clarke

STAFF FORM FOR SUPPLEMENTAL PRE-APPLICATION MEETING INFORMATION

- **Name and Number of who submitted pre-app request**

  David Sneed – Kuhlman Engineering, Inc.
  239-591-5465 (cell)
  davidsneed@yahoo.com

- **Agent to list for PL#**

  David Sneed – Kuhlman Engineering, Inc.

- **Owner of property (all owners for all parcels)**

  Outdoor Resorts at Chokoloskee Island A Condominium

- **Confirm Purpose of Pre-App:**

  Site Plan with Deviations(DR)

- **Please list the density request of the project if applicable and number of homes/units/offices/docks (any that apply):** N/A

- **Details about Project:**

Seeking a reduction in setback requirements to allow for the construction of storage buildings that will replace existing structures, originally built in 1984, located in the maintenance area of Outdoor Resorts at Chokoloskee Island recreational vehicle park. Building 1 and Building 2 are subject to flooding, will be used for storage, and will be brought to meet FEMA and Building code

REQUIRED Supplemental Information provided by:
Name:
Title:
Email:
Phone:

Cancellation/Reschedule Requests: Contact Danny Condomina-Client Services Supervisor
danny.condomina@colliercountyfl Phone: 239-252-6866

Created April 5, 2017

Location: K:\CDES Planning Services\Current\Zoning Staff Information

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

SITE PLAN WITH DEVIATIONS FOR REDEVELOPMENT

LDC Section 10.02.03 F
Ch. 6 I of the Administrative Code

PROJECT NUMBER PROJECT NAME DATE PROCESSED	*To be completed by staff*

APPLICANT INFORMATION

Name of Property Owner(s): _____

Name of Applicant if different than owner: _____

Address: _____ City: _____ State: _____ ZIP: _____

Telephone: _____ Cell: _____ Fax: _____

E-Mail Address: _____

Name of Agent(s): _____

Firm: _____

Address: _____ City: _____ State: _____ ZIP: _____

Telephone: _____ Cell: _____ Fax: _____

E-Mail Address: _____

CORRESPONDING SDP, SDPA, SIP INFORMATION

This application shall be submitted in conjunction with one of the following: site development plan, site development plan amendment, or site improvement plan.

PROJECT NAME/PL # IF KNOWN: _____

PLANNER/PROJECT MANAGER, IF KNOWN: _____

DATE OF SUBMITTAL OF SDP/SDPA/SIP: _____

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

INFORMATION REGARDING DEVIATION REQUESTS

A site plan with deviations for redevelopment provides a means for a redevelopment project to seek dimensional deviations (excluding height), architectural deviations, and deviations from site features, such as but not limited to, landscaping, parking, and buffers, from the standards established in the LDC when the passing of time has rendered certain existing buildings, structures, or site features nonconforming.

A site plan with deviations may be requested for the redevelopment of a site which meets the criteria for a site development plan, site development plan amendment or a site improvement plan as established in LDC section 10.02.03. Except for the requested deviations, the site plan shall comply with LDC section 10.02.03.

In accordance with LDC section 10.02.03 F, "redevelopment" shall mean the renovation, restoration, or remodeling of a building or structure, or required infrastructure, in whole or in part, where the existing buildings, structures or infrastructure were legally built and installed.

DEVIATION REQUESTS

The application must address the follow requirements. Please attach the required narratives and explanations.

1. **A narrative of the redevelopment project and how it is consistent with the standards for approval, LDC section 10.02.03 F.7.**
2. Description of each requested deviation and justification for each request. Requested deviations shall be clearly delineated in the petition. The LDC section for which the deviation seeks relief from shall be identified.
3. **Must provide a copy of the building permits and certificates of occupancy for all buildings subject to the DR application to verify the applicable Code at the time of construction.**
4. Project enhancements to offset or minimize the deviations shall be clearly identified on the site plan and explanation provided.
5. Deviation Request types:

Zoning Deviation Requests - Check all that may be impacted by the request.

- ❑ Dimensional standards (excluding height):_____
- ❑ Parking
- ❑ Architectural
- ❑ Landscape / Buffers
- ❑ Other site features: _____

Engineering Deviation Requests - Check all that may be impacted by the request.

- ❑ Stormwater
- ❑ Pathways
- ❑ Transportation Planning
- ❑ Other site features: _____

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

SUBMITTAL REQUIREMENTS CHECKLIST

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Site Development Plan with Deviations for Redevelopment Application	1	☒	☐
Completed SDP/SDPA/SIP application and all associated materials, including all site plan documents.	1	☒	☐
Copy for the Pre-Application Notes, if not submitted with SDP/SDPA/SIP	1	☒	☐
Affidavit of Authorization, signed and notarized	1	☒	☐
Electronic Copy of all documents and plans on CD If application is being submitted as a paper submittal. Not required for electronic submittals.	1	☒	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARNG PROCESS:

- At the completion of the review process by County review staff, the applicant shall submit all materials electronically to the designated planner.
- Please contact the planner to confirm the number of additional copies required.

FEE REQUIREMENTS

- ☒ **Site Plan for Redevelopment:** $1,000.00
- ☒ **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $1,125.00

All checks payable to: Board of County Commissioners

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department/Zoning Division
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

E. Posting of a Sign

Applicability For applicable land use petitions, the posting of a sign shall be as follows.

Timing The sign shall be posted at least 15 days before the Hearing Examiner, Planning Commission, or the BCC acting as the BZA hearing.

Sign Requirements The sign copy must occupy the total area of the sign. The requirements for the size, location, and proof of posting and removal of the sign are as follows:

1. **Properties < 1 acre:** The sign shall measure at least 1 and ½ square feet in area. The sign is erected by the Planning & Zoning Department on behalf of the **applicant**.

2. **Properties > 1 acre**: The sign shall measure at least 32 square feet in area. The sign is erected by the **applicant**. At least 1 sign is placed on each external boundary that fronts a street. If the external boundaries along a street exceed 1,320 linear feet, signs are placed equidistant from one another with a maximum spacing of 1,000 linear feet. However, the number of signs along an exterior boundary fronting a street cannot exceed 4 signs.

3. **All properties**:
   - The sign must be located in full view of the public on each street side of the subject property.
   - Where the subject property is landlocked or for some other reason the signs cannot be posted directly on the subject property, then the sign or signs are erected along the nearest street right-of-way, with an attached notation indicating generally the distance and direction to the subject property.
   - The **applicant** must provide evidence to the Planning & Zoning Department that the sign(s) were erected by furnishing photographs of the sign(s) that show the date of their erection at least 10 days before the scheduled public hearing.

Removal of Sign The signs shall remain in place until any of the following occur:

1. Final action is taken on the application, or
2. The Planning & Zoning Department receives written notification that the **applicant** is withdrawing or indefinitely continuing the application.

Updated

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Kuhlman Engineering, Inc. CIVIL & STRUCTURAL ENGINEERING : CERTIFICATE OF AUTHORIZATION 00003388

2223 TRADE CENTER WAY NAPLES, FLORIDA 34109 (239) 254-8219 kuhlmanengineering@yahoo.com

OUTDOOR RESORTS AT CHOKOLOSKEE ISLAND
NARRATIVE FOR:
SITE PLAN WITH DEVIATIONS
Revised 1-19-23

The applicant is requesting a Site Plan With Deviations For Redevelopment seeking a reduction in setback requirements, landscape buffer requirements and landscape vehicular use area requirements to allow for construction of storage buildings that will replace the existing structures located in the maintenance area of Outdoor Resorts At Chokoloskee Island, a recreational vehicle park (TTRVC). (Exhibit C, Deviations)

Prior to conversion to a RV park, the site was a mobile home community dating back to the 1950's. The RV Park was approved in 1984 in accordance with Ordinance No. 82-002; OR Book 14 Pages 99- 103 (attached).

The existing site contains several structures indentified as buildings 1 and 2. Building 1 located on the west boundary adjacent to County Road 29 was constructed in the 1950's. It is located 26'1" from south boundary and 2.8' from the west boundary. Building 2 was constructed in the 1980's.
It is located 20'8" and 31'11" from south boundary. Both structures will be removed (Exhibit A Demolition Plan).

The 1991 Land Development Code adoption amended the requirements for TTRVC, increasing the acreage to 20 acres and setback requirements of 50 feet from the boundary, which is impossible to meet since the depth of the site maintenance area is approximately 60 feet at the widest point from the southerly boundary.

Both of the existing structures are subject to flooding during heavy afternoon rain events and have been subjected to hurricane damage over their lifetime. Proposed structures will be used for storage. Proposed setback for Building 1: minimum 50 feet from public road, 15' from south boundary/private road. Building 2: minimum 36 feet from south boundary/private road (Exhibit B Proposed Plan)

Building 1 is designed with a second floor level elevation of 15.5 NAVD, which is above the current FEMA base flood elevation 9.0 NAVD. This building will be used to store supplies needed for the park operation and provide a safe storage above a 100 year flood event. Building 2 will serve as a storage area for the residents boating supplies. Both structures will have minimum floor elevation of 5.5 NAVD. This will eliminate flooding during heavy afternoon storm rainfall events. Both structures will have flood venting in accordance with FEMA and Building Code.

No other deviations are being requested. All other improvements will be in conformance with existing codes and requirements per the Site Improvement Plan Pre-application meeting held May 19, 2022 PL20220003599.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Kuhlman Engineering, Inc. CIVIL & STRUCTURAL ENGINEERING : CERTIFICATE OF AUTHORIZATION 00003388

2223 TRADE CENTER WAY NAPLES, FLORIDA 34109 (239) 254-8219 kuhlmanengineering@yahoo.com

OUTDOOR RESORTS AT CHOKOLOSKEE ISLAND
STANDARDS FOR:
SITE PLAN WITH DEVIATIONS
Revised 1-19-23

The Standards for Approval of a Site Improvement Plan with Deviations as outlined in LDC 10.02.03.F.7 are listed below:

a. **Land uses and densities within the development shall be consistent with the permitted uses in the zoning district.**
The property is zoned TTRVC, which allows for recreational vehicles and travel trailers and accessory structures including service buildings. The request is for an existing use that has been present since 1984.

b. **The proposed development is consistent with the Growth Management Plan.**
The proposed development is consistent with the Growth Management Plan, as it is within a mixed use district per the Future Land Use map, specifically Urban Residential Subdistrict.

c. **The development shall have a beneficial effect upon the area in which it is proposed to be established and upon the unincorporated area as a whole.**
The proposed improvements will eliminate the structure flooding during heavy afternoon rainfall events, provide an area above the 100 year storm flood elevation and provide additional landscaping, and provide a fire access and add a fire hydrant.

d. **The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended use.**
This is an existing maintenance area and has served the site since 1984; the total land area of the maintenance area will remain unchanged and is adequately serving the intended use.

e. **Streets, utilities, drainage facilities, recreational areas, sizes and yards, architectural features, vehicular parking and loading facilities, sight distances, landscaping and buffers shall be appropriate for the particular use involved.**
The proposed development improvements access drives, utilities, drainage facilities, yards, architectural features, vehicular parking, site distance, and landscaping are appropriate for the proposed and existing use. This petition will replace the existing structures that are subject to flooding.

f. **Visual character of the project shall be equal or better in quality than that required by the development standards for the zoning district. The visual character of the project shall be better in quality than the existing project before redevelopment and after it was first permitted.**
The existing site contains two wood frame structures with wood siding and shingle roofs. The westerly building is located approximately three feet (3') from the westerly property line (CR 29 right-of way). The second structure is the same type of construction and is located approximately twenty feet eight inches (20'8") and thirty one feet eleven inches (31'11") from the southerly property line (Snook Alley).

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Both of these structures are are exposed to constant flooding during heavy afternoon rainfall events and extreme high tides. This causes the structures to be constantly repaired and subject to mold infestation.

The proposed site will improve the visual character of the project by:

- *The removal of the existing aged wood structure located three feet from the westerly property line (CR 29 right-of way).*
- *Locating the proposed structures a minimum of fifty feet (50') from the westerly property line (CR 29 right-of way).*
- *Installation of additional landscaping.*
- *New structures will be located fifty feet (50') from the Smallwood Drive right of way.*
- *New structures will be pre-engineered steel building designed with an Old Florida look.*

g. Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.
The maintenance and operation of the common elements are and shall be the responsibility of the Association as stated in the Declaration of Condominium. The property is owned and maintained in accordance with the common elements of the condominium documents.

h. Deviations shall be clearly delineated in the petition and shall be the minimum required to achieve the goals of the project and comply with these standards.
Due to the revisions to the LDC from the inception of this project in the mid 1980's to present day, the codes have changed that are in conflict with the original Zoning Standards. Deviations from the present-day codes have been kept to a minimum for the reconstruction of the site. The deviations requested are limited to setback requirements and landscape buffer. The requested deviations are outlined below.

i. The petitioner has provided enhancements to the development.
The project development has provided enhancements by means of additional landscape materials and stormwater quality. The project site also enhances the architectural aesthetics by removing and replacing the existing aged and damaged non-conforming buildings with new structures. Enhanced fire protection will be provided by the addition of a fire access drive along with the installation of an additional fire hydrant.

j. Approval of the deviation will not have an adverse effect on adjacent properties.
The maintenance area has continuously served the RV Park since its inception. The structures serve as a storage area for materials, tools, and equipment used to maintenance and repairs within the park and serves as repository for general supplies needed for the everyday operation of the common areas. Both proposed structures will be constructed at a higher elevation that will reduce flooding during heavy rainfall events and king tides. The new structures will be constructed in accordance with the current building codes which provide more protection from hurricane damage. The larger building will have a second floor level five feet (5') above the base flood elevation. The smaller structure will provide a storage area for boating supplies for park residence. There are no operational changes proposed, the site will not change from current use.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20220006184

I, Danny Floyd (print name), as President of the Board (title, if applicable) of ORA at Chokoloskee, Inc (company, if applicable), swear or affirm under oath, that I am the (choose one) owner [X] applicant [ ] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize David Sweed to act as our/my representative in any matters regarding this petition including 1 through 2 above.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Signature

January 23, 2023
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 23rd day of JANUARY, 2023, by (printed name of owner or qualifier) DANNY FLOYD.

Such person(s) Notary Public must check applicable box:

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: Jennifer L. Brown

JENNIFER L. BROWN
MY COMMISSION # GG 916717
EXPIRES: September 25, 2023

CP\08-COA-00115\155
REV 3/4/2020

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

DRAFT
SECOND NOTICE OF ANNUAL MEETING ORA AT CHOKOLOSKEE, INC.
February 19, 2022 at 12:30 pm

ORA Annual Meeting - 3 Consecutive Meetings Sat, Feb 19, 2022 12:30 PM - 3:00 PM (EST) Please join my meeting from your computer, tablet or smartphone. https://meet.goto.com/434870605 You can also dial in using your phone. United States: +1 (872) 240-3212 Access Code: 434-870-605

On Saturday, February 19, 2022, 12:30 p.m. at the Outdoor Resorts Recreation Hall, SR 29, Chokoloskee, Florida, the Annual Budget Adoption Meeting of the ORA at Chokoloskee Association was held for the consideration of the adoption of the budget for the fiscal year April 1, 2022- March 31, 2023.

A copy of the proposed budget was distributed per the ORA at Chokoloskee and Florida's Condominium Act.

1. The meeting was called to order at 1230 hours by President, Dan Floyd. Role Call and Certification of Quorum Directors Dan Floyd, Steve Kingston, John Krueger, LeeAnne Stuhlmiller, Deb Mancini, Stan Smith and Lee Rondenet were present thus a quorum was established in accordance with Article 4, Section 10 of the Association's Amended and Restated bylaws.

2. Proof of Notice of Meeting. LeeAnne Stuhlmiller, Secretary, stated that the Notice and Agenda was posted in the rec center, posted on ORA notices and emailed to all directors and all ORA members on or prior to January 28, 2022. This is according to Resolution 08-02 of the Board of Directors and Article 4, Section 8 (A) of the Association's Amended and Restated bylaws. The signed certification was presented.

3. Discussion of the Fiscal Year 2022-2023 was led by Mr. Steve Hart, President of Collier Financial. Collier Financial is responsible for the accounting and administration of ORA at Chokoloskee.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

	ORA 2022-2026 RESERVE BUDGET SUPPLEMENTAL INFORMATION	12/28/2022				
LINE	PROJECT	2022-2023	2023-2024	2024-2025	2025-2026	Comments
	PROPERTY SITE ELEMENTS					
4.02	ASPHALT PAVEMENT, CRACK REPAIR, PATCH/PARTIAL SEAL COAT	$500	$500	$500	$3,484	
4.15	DREDGING, SOUTH MARINA	$20,000	$20,000	$20,000	$20,000	
4.221	FENCES, CHAIN LINK, 6' HIGH (BARBED WIRE) - eliminate (barbed wire)	$1,000	$1,000	$1,000		
4.26	FENCES, VINYL	$1,000	$1,000	$1,000	$1,000	
4.301	GOLF CARTS (PHASED) - 4 IN TOTAL		$2,500	$2,500		
4.65	PIPES, SUBSURFACE UTILITIES	$40,000	$20,000	$20,000	$7,500	
4.7	SEA WALL, CONCRETE, SOUTH MARINA, NORTH SIDE, INSPEC/Cap Reprs	$5,000	$5,000	$5,000		
4.701	SEA WALL, CONCRETE, SOUTH MARINA, SOUTH SIDE, INSPEC/Cap Reprs	$5,000	$5,000	$5,000		
4.702	SEA WALL, FIBERGLASS, SEWER LOT, (INSPECTIONS/CAPITAL REPAIRS)	$5,000	$5,000	$5,000		
4.840	TENNIS COURTS, FENCE	$4,000			$12,380	
4.850	TENNIS COURTS, SURFACE REPLACEMENT(INCLUDES SHUFFLEBOARD COURTS)				$51,340	*
5.101	CLUBHOUSE, RENOVATION, EXERCISE EQUIPMENT, PHASED	$3,500	$4,500	$9,000		
5.106	CLUBHOUSE, RENOVATION, FURNITURE, PHASED	$1,000	$1,000	$1,000	$1,000	
5.202	LAUNDRY EQUIPMENT, WATER HEATERS, PHASED	$9,000	$1,000	$1,000		
5.402	REST ROOM, CLUBHOUSE, RENOVATIONS	$5,000	$5,000	$5,000	$5,000	
5.55	MAINTENANCE BLDG, REPLACE ENTIRE BLDG	$275,000	$5,000	$5,000		
5.501	ROOFS, CEDAR SHAKES, CLUBHOUSE (INCLUDES POOL BLDG)				$26,250	*
5.503	ROOFS, CEDAR SHAKES, SATELLITE #1				$11,250	*
5.504	ROOFS, CEDAR SHAKES, SATELLITE #2				$15,000	*
5.603	WALLS, FIBER CEMENT, PAINT & CAPITAL REPAIRS, SAT #1				$2,200	*
5.604	WALLS, FIBER CEMENT, PAINT & CAPITAL REPAIRS, SAT #2				$2,019	*
5.611	WALLS, PLYWOOD SIDING, CLUBHOUSE (INCL POOL BLDG). REPLACE W/FIBER CEMENT			$28,298		
6.2	CONCRETE POOL DECKS, PARTIAL REPLACE - REC HALL		$5,000	$5,000		
6.5	POOL FURNITURE, PHASED REPLACEMENT	$0			$5,500	
6.6	MECHANICAL EQUIPMENT, CONTROLLERS, FILTRATION AND HEATERS	$7500		$7500		
6.801	PLASTER FINISH REPLACEMENT AND TILE REPAIRS, CLUBHOUSE				$25320	
6.802	PLASTER FINISH REPLACEMENT AND TILE REPAIRS, SATELLITE #1		$0			
6.803	PLASTER FINISH REPLACEMENT AND TILE REPAIRS, SATELLITE #2					
	TOTAL RESERVE ITEMS	$382,500	$81,500	$121,798	$189,243	
	RESERVE CONTRIBUTION	$114,300	$114,300	$114,300	$114,300	
8.001	BOAT LIFT, CAPITAL REPAIRS	$70,000				
8.003	BOAT LIFT, HOISTS/CONTROLS, PHASED	$15,000				
	TOTAL BOAT LIFT RESERVE ITEMS	$85,000				
	BOAT LIFT RESERVE CONTRIBUTION	$7,000	$7,000	$5,000	$5,000	

Funded in Budget

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

PROPERTY OWNERSHIP DISCLOSURE FORM

This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

Please complete the following, use additional sheets if necessary.

a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

Name and Address	% of Ownership
See attached property owner information for ownership of all	1/283rd
members of Outdoor Resorts at Chokoloskee, Inc., all	
of which own an undivided 1/283rd interest in the	
common elements where the maintenance shed is located.	

b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

Name and Address	% of Ownership
n/a	

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

Name and Address	% of Ownership
n/a	

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership
n/a	

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership
n/a	

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address
n/a

g. Date subject property acquired approx. 2/15/1984

☐ **Leased: Term of lease _____ years /months**

If, Petitioner has option to buy, indicate the following:

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Danny Floyd
Agent/Owner Signature

10-28-22
Date

Danny Floyd
Agent/Owner Name (please print)

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Collier County Property Appraiser

MAP SIZE: SMALL | MEDIUM | LARGE

- Introduction
- Search for Parcels by
- Search Results

Parcel ID: 64710040008
Name: DIEHL, TIMOTHY W
Street# & Name: 150 SMALLWOOD DR
Build# / Unit#: / 1
Map

Parcel ID: 64710080000
Name: BOURNE, CALEB
Street# & Name: 150 SMALLWOOD DR
Build# / Unit#: / 2
Map

Parcel ID: 64710120009
Name: CYLKOWSKI, PAUL=& JOAN
Street# & Name: 150 SMALLWOOD DR
Build# / Unit#: / 3
Map

Parcel ID: 64710160001
Name: JALOSZYNSKI, JOHN=& ANGELA
Street# & Name: 150 SMALLWOOD DR
Build# / Unit#: / 4
Map

Parcel ID: 64710200000
Name: WILD, TERESA B
Street# & Name: 150 SMALLWOOD DR
Build# / Unit#: / 5
Map

Parcel ID: 64710240002
Name: VALLE, AMABLE=& MILVIA
Street# & Name: 150 SMALLWOOD DR
Build# / Unit#: / 6
Map

Parcel ID: 64710280004
Name: JOHNSON, MICHAEL ANN=& KENT E
Street# & Name: 150 SMALLWOOD DR
Build# / Unit#: / 7
Map

Parcel ID: 64710320003
Name: MARTINEZ, JORGE
Street# & Name: 150 SMALLWOOD DR
Build# / Unit#: / 8
Map



Zoom In
Zoom Out
Identify
Pan
Measure
Full County View
Previous View
Zoom To Selected
Clear Map Graphics
Overview

Aerial Year: 2022
Sales Year: OFF

Aerial Photography: January - 2022 Urban [6IN] - 2022 Rural [2FT] - 2022 Rural [10FT] - 2022 Rural [50FT]

6. OWNERSHIP. The ownership of each Lot will carry with it, as appropriate, and whether or not separately described, all of the rights, title and interest of a Lot Owner in the Condominium Property which will include, but not be limited to:

6.1 Common Elements and Common Surplus. An undivided 1/283rd share of ownership of the Common Elements and common surplus.

6.2 Limited Common Elements. Either the exclusive use, or use in common with one or more other designated Lots, of the Limited Common Elements that may exist. Limited Common Elements include without limitation the dock spaces, the boat lift, and all other items that are exterior to a Lot and required by the Declaration to be maintained, repaired and replaced by the Lot Owner.

6.3 Association Membership. Membership in the Association and voting rights.

6.4 Easement for Air Space. An exclusive easement for the use of the air space occupied by the Lot as it exists at any particular time and as the Lot may be lawfully altered or reconstructed from time to time. The easement will be terminated automatically in any air space that is vacated from time to time.

7. COMMON ELEMENTS; EASEMENTS:

7.1 Definition. The term "Common Elements" means all portions of the Condominium Property not included within the Lots, and includes without limitation the following:

(A) Land. The land within the Condominium Property, not included within the Lots.

(B) Building. All portions of the buildings and other improvements not included within the Lots.

(C) Easements. Easements through Lots for conduits, ducts, plumbing, wiring, and other facilities for furnishing utility services to other Lots and the Common Elements. An easement of ten (10) feet in width is reserved along each of the boundary lines of each Lot in the Condominium for installation and maintenance of utility services, and such easement may be used by the Association for such installation and maintenance, as the case may be.

(D) Supply of Services. The property and installments required for furnishing utilities and other services to more than one Lot or to the Common Elements.

(E) Other Common Elements. Any other parts of the Condominium Property designated as Common Elements in this Declaration or any recorded exhibit thereto or under the Condominium Act also constitute Common Elements, including without limitation, right-of-way land, the roads within the Condominium Property "excepting state and federal roads", pathways, if any, as shown on the condominium plot plan, bathhouses, recreation facilities, service and maintenance facilities located in common use areas,

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

parking areas, swimming pools, south marina launch ramp and south marina north seawall and any other areas which are for the common benefit and enjoyment of the Owners of the Lots.

(F) The Lot Owners shall not be deemed to own, as a part of their Lots, pipes, wires, conduits, roads, sewage connections and the like or other public utility lines through the Lot which are utilized by or serve more than one Lot which items, by this provision, are part of the Common Elements.

7.2 Share of. The Common Elements will be owned by the Lot Owners in an undivided 1/283rd share.

7.3 Use. Each Lot Owner and the Association will be entitled to use the Common Elements in accordance with the purposes for which the Common Elements are intended; however, no such use may hinder or encroach upon the lawful rights of other Lot Owners, including the right of an Owner or group of Owners to the exclusive right to use Limited Common Elements.

7.4 Easements. The following non-exclusive easements are granted to each Lot Owner; to the Association and its employees, agents and hired contractors; to utility companies; to Lot Owners' families in residence, Guests and invitees; and to governmental and emergency services, as applicable.

(A) Ingress and Egress. Easements over the Common Elements for ingress and egress to Lots and public ways.

(B) Maintenance, Repair and Replacement. Easements through the Lots and Common Elements for maintenance, repair and replacement on the Common Elements or other Lots.

(C) Utilities. Easements through the Common Elements and Lots for conduits, ducts, plumbing and wiring and other facilities for the furnishing of services and utilities to other Lots, the Common Elements and other utility customers, both existing and future. An easement of ten feet in width is reserved along each of the boundary lines of each Lot in the Condominium for installation and maintenance of utility services, and such easement may be used by the Association for such installation and maintenance, as the case may be.

(D) Public Services. Access to both the Condominium Property and the Lots for lawfully performed emergency, regulatory, law enforcement and other public services.

(E) Pedestrian and Vehicular Traffic. A perpetual, non-exclusive easement in favor of each Lot Owner and the Association shall exist for pedestrian traffic over, through and across sidewalks, paths, walks, lanes and other portions of the Common Elements as may be from time to time intended and designated for such purposes and use; and for the

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Current owners based on Collier Appraiser Tax Rolls (283 total)

Parcel ID	Name	Street Number	Full Street	Lot Unit
64710040008	DIEHL, TIMOTHY W	150	SMALLWOOD DR	1
64710080000	BOURNE, CALEB	150	SMALLWOOD DR	2
64710120009	CYLKOWSKI, PAUL=& JOAN	150	SMALLWOOD DR	3
64710160001	JALOSZYNSKI, JOHN=& ANGELA	150	SMALLWOOD DR	4
64710200000	WILD, TERESA B	150	SMALLWOOD DR	5
64710240002	VALLE, AMABLE=& MILVIA	150	SMALLWOOD DR	6
64710280004	JOHNSON, MICHAEL ANN=& KENT E	150	SMALLWOOD DR	7
64710320003	MARTINEZ, JORGE	150	SMALLWOOD DR	8
64710360005	MARTINEZ, JORGE	150	SMALLWOOD DR	9
64710400004	WHITE, DEBRE A	150	SMALLWOOD DR	10
64710440006	SHANAHAN, PAUL=& ROBERTA	150	SMALLWOOD DR	11
64710480008	CRUZ-PAEZ, RICARDO	150	SMALLWOOD DR	12
64710520007	TAFT, BRENDA L	150	SMALLWOOD DR	13
64710560009	PATTON, STEVEN R=& HEATHER M	150	SMALLWOOD DR	14
64710600008	LAESER TR, THOMAS A	150	SMALLWOOD DR	15
64710640000	HERBERT, CHARLES N	150	SMALLWOOD DR	16
64710680002	LUCKAY, ROBERT A	150	SMALLWOOD DR	17
64710720001	JENNY TR, LOYD G	150	SMALLWOOD DR	18
64710760003	GREGOIRE, TIMOTHY	150	SMALLWOOD DR	19
64710800002	PETERS, JEFFREY A =& AMY E	150	SMALLWOOD DR	20
64710840004	DAVIS ET AL, STEPHEN H	150	SMALLWOOD DR	21
64710880006	SILVESTER, VAUGHAN	150	SMALLWOOD DR	22
64710920005	STIPPICH, JAMES A=& BERNICE M	150	SMALLWOOD DR	23
64710960007	RINGLE, OWEN CHARLES	150	SMALLWOOD DR	24
64711000005	CHARLES D & HELENA R MITCHELL	150	SMALLWOOD DR	25
64711040007	ESTRADA, JESUS=& ANAILYN	150	SMALLWOOD DR	26
64711080009	FOWLER JR EST, JAMES A	150	SMALLWOOD DR	27
64711120008	ROSE, RONALD=& LOUISE	150	SMALLWOOD DR	28
64711160000	KRUEGER, JOHN L=& GWEN J	150	SMALLWOOD DR	29
64711200009	JOPPEK, ROBERT=& KAREN	150	SMALLWOOD DR	30
64711240001	WADE & DANIELLE GINGERICH	150	SMALLWOOD DR	31
64711280003	WAYNE, ROBERT B	150	SMALLWOOD DR	32
64711320002	WERNETTE, TERRENCE LEE	150	SMALLWOOD DR	33
64711360004	CHOKO HOLDINGS LLC	150	SMALLWOOD DR	34
64711400003	RILEY, STEVEN=& KATE	150	SMALLWOOD DR	35
64711440005	RILEY, STEVEN=& KATE	150	SMALLWOOD DR	36
64711480007	JOHNSON, PATRICIA M	150	SMALLWOOD DR	37
64711520006	JURANTY, WALTER J=& LEONA E	150	SMALLWOOD DR	38
64711560008	SMITH, MICHAEL K=& HOLLY M	150	SMALLWOOD DR	39
64711600007	HOMICK, MICHAEL=& SARAE U	150	SMALLWOOD DR	40
64711640009	GONZALEZ LAUZAN, DANIEL	150	SMALLWOOD DR	41
64711680001	GONZALEZ LAUZAN, DANIEL	150	SMALLWOOD DR	42
64711720000	BECKWITH, JOEL	150	SMALLWOOD DR	43
64711760002	ODR CHOKOLOSKEE 44 LLC	150	SMALLWOOD DR	44
64711800001	RIMES, RONALD BRUCE	150	SMALLWOOD DR	45
64711840003	HARRIS, DAVID A=& DONNA JO	150	SMALLWOOD DR	46

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

64711880005	WHERRELL, M CHAD
64711920004	REVELS, RONNIE=& BARBARA
64711960006	KOLODZIK, ROBERT C
64712000004	LAMMERS, LESTER
64712040006	RONDENET, LEON E=& LINDA
64712080008	TIPTON, MATTHEW K
64712120007	CATHEY, GLENN T=& LINDA C
64712160009	STEVEN M & LISA M NICOL TRUST
64712200008	SHANAHAN, PAUL J=& ROBERTA L
64712240000	BARANOWSKI, BARRY=& LAURI
64712280002	STUBBLEFIELD, JACK MICHAEL
64712320001	RENNIRT, JOHN K=& DEBORAH L
64712360003	ST LAURENT, JAMES M=& LINDA D
64712400002	BACH, HEIDI
64712440004	JANOWICZ, GREGORY D
64712480006	SOLEY, DAVID E=& BARBARA
64712520005	WALKER, MELVIN D=& ROSALYN D
64712560007	WALKER, MELVIN D=& ROSALYN D
64712600006	DUNN, DAVID M
64712640008	ROSE, RONALD L=& LOUISE L
64712680000	ROSE, RONALD L=& LOUISE L
64712720009	GEISENHAVER, DENNIS L
64712760001	ROSE, RONALD L=& LOUISE L
64712800000	LAZANSKY, FRANK J=& DONNA M
64712840002	SHETLER, JOHN Q =& ANNA M
64712880004	SHETLER, JONATHAN RYAN
64712920003	JOHNSON, HOWARD D=& MARGARET O
64712960005	CHRISTOPHER P PALOMBA
64713000003	BRODERICK, LANCE D
64713040005	SONDERFAN, ANDREA
64713080007	BBJT PROPERTIES LLC
64713120006	BBJT PROPERTIES LLC
64713160008	ISABELLA, ANITA
64713200007	JM3 HOLDINGS LLC
64713240009	MEISENZAHL JR, PETER A
64713280001	TOWNSEND, CHRISTOPHER J
64713320000	CZENCZ, JOHN=& BRENDA
64713360002	WALLACE, KATHLEEN
64713400001	STARK, JOHN D
64713440003	WELTER, RONALD J
64713480005	JURY, JEAN
64713520004	CASE, JEFFERY=& MELISSA
64713560006	MIRANDA, MONIQUE
64713600005	MACCHIA, ALLEN J=& JOANN M
64713640007	HEFLEBOWER TR, JEFFREY N
64713680009	MARTIN, JOHN=& VIRGINIA
64713720008	LAZANSKY, STEVEN A=& SUSAN A

150 SMALLWOOD DR	47
150 SMALLWOOD DR	48
150 SMALLWOOD DR	49
150 SMALLWOOD DR	50
150 SMALLWOOD DR	51
150 SMALLWOOD DR	52
150 SMALLWOOD DR	53
150 SMALLWOOD DR	54
150 SMALLWOOD DR	55
150 SMALLWOOD DR	56
150 SMALLWOOD DR	57
150 SMALLWOOD DR	58
150 SMALLWOOD DR	59
150 SMALLWOOD DR	60
150 SMALLWOOD DR	61
150 SMALLWOOD DR	62
150 SMALLWOOD DR	63
150 SMALLWOOD DR	64
150 SMALLWOOD DR	65
150 SMALLWOOD DR	66
150 SMALLWOOD DR	67
150 SMALLWOOD DR	68
150 SMALLWOOD DR	69
150 SMALLWOOD DR	70
150 SMALLWOOD DR	71
150 SMALLWOOD DR	72
150 SMALLWOOD DR	73
150 SMALLWOOD DR	74
150 SMALLWOOD DR	75
150 SMALLWOOD DR	76
150 SMALLWOOD DR	77
150 SMALLWOOD DR	78
150 SMALLWOOD DR	79
150 SMALLWOOD DR	80
150 SMALLWOOD DR	81
150 SMALLWOOD DR	82
150 SMALLWOOD DR	83
150 SMALLWOOD DR	84
150 SMALLWOOD DR	85
150 SMALLWOOD DR	86
150 SMALLWOOD DR	87
150 SMALLWOOD DR	88
150 SMALLWOOD DR	89
150 SMALLWOOD DR	90
150 SMALLWOOD DR	91
150 SMALLWOOD DR	92
150 SMALLWOOD DR	93

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

64713760000	SULLIVAN, TIMOTHY LEE
64713800009	HARTHORN, KENNETH JOHN
64713840001	BAERINGER, PATRICK J
64713880003	ALLEY PROPERTIES LLC
64713920002	CHARLES D & HELENA R MITCHELL
64713960004	MURRAY, JIMMY M
64714000002	SHETLER, JONATHAN RYAN
64714040004	WILSON, RONALD R
64714080006	VANDEN TOORN, LARRY
64714120005	BARTSCH, STEVEN PAUL
64714160007	SCHENK, BRIAN C=& SARAH H
64714200006	DAVID T MARX TRUST
64714240008	RUPP, STEVE
64714280000	GIRDLEY, JAMES A=& ANGELA
64714320009	WACHHOLZ, WOLFGANG
64714360001	AMICO JR, DOMINICK J=& CAROLYN
64714400000	ELLIS, GERALD F
64714440002	GAGNE, MICHAEL A=& GAIL G
64714480004	OGDEN FAMILY TRUST
64714520003	CALLESANO, ARNOLD=& MARION
64714560005	ZARRELLA, CHRISTINE E
64714600004	SMITH, MICHAEL K=& HOLLY M
64714640006	GEATER, CINDY L
64714680008	TALKOWSKI, NICHOLAS J=& NANCY
64714720007	WILLIAM F & KATHY D BARRON
64714760009	LEEPER, DAVID L
64714800008	AUSTIN, RICKY E=& MICHELLE R
64714840000	MOSCATO, JOSEPH A=& DONNA M
64714880002	MOSCATO, JOSEPH A=& DONNA M
64714920001	OWITZ, MATHEW S=& KATHLEEN P
64714960003	KNAPP, THOMAS R
64715000001	TRESSELT, ROBERT H=& SUZANNE E
64715040003	JLW REALTY ASSOCIATES LP
64715080005	UTIGAARD, ROBERT D
64715120004	TINKER, ROBERT E
64715160006	KUNZELMAN, JEFFREY G=& MARILYN
64715200005	KADISH, JOHN A=& ANITA K
64715240007	SUNNYGROVE LANDSCAPING INC
64715280009	REID, RICHARD
64715320008	MIER, CONSTANCE
64715360000	KINGERY, WILLIAM D=& SUSAN B
64715400009	SCHOONMAKER, DIANE
64715440001	REID, RICHARD S
64715480003	DIAMOND, NICK
64715520002	BERSTED, ALAN D=& JANET T
64715560004	GARY J THOLEN REV TRUST
64715600003	THOLEN, TIMOTHY G

150 SMALLWOOD DR	94
150 SMALLWOOD DR	95
150 SMALLWOOD DR	96
150 SMALLWOOD DR	97
150 SMALLWOOD DR	98
150 SMALLWOOD DR	99
150 SMALLWOOD DR	100
150 SMALLWOOD DR	101
150 SMALLWOOD DR	102
150 SMALLWOOD DR	103
150 SMALLWOOD DR	104
150 SMALLWOOD DR	105
150 SMALLWOOD DR	106
150 SMALLWOOD DR	107
150 SMALLWOOD DR	108
150 SMALLWOOD DR	109
150 SMALLWOOD DR	110
150 SMALLWOOD DR	111
150 SMALLWOOD DR	112
150 SMALLWOOD DR	113
150 SMALLWOOD DR	114
150 SMALLWOOD DR	115
150 SMALLWOOD DR	116
150 SMALLWOOD DR	117
150 SMALLWOOD DR	118
150 SMALLWOOD DR	119
150 SMALLWOOD DR	120
150 SMALLWOOD DR	121
150 SMALLWOOD DR	122
150 SMALLWOOD DR	123
150 SMALLWOOD DR	124
150 SMALLWOOD DR	125
150 SMALLWOOD DR	126
150 SMALLWOOD DR	127
150 SMALLWOOD DR	128
150 SMALLWOOD DR	129
150 SMALLWOOD DR	130
150 SMALLWOOD DR	131
150 SMALLWOOD DR	132
150 SMALLWOOD DR	133
150 SMALLWOOD DR	134
150 SMALLWOOD DR	135
150 SMALLWOOD DR	136
150 SMALLWOOD DR	137
150 SMALLWOOD DR	138
150 SMALLWOOD DR	139
150 SMALLWOOD DR	140

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

64715640005	SMITH, STANLEY K=& NANCY J
64715680007	COLE FAMILY PROTECTION TRUST
64715720006	ROBINSON, PAUL R=& CHRISTY M
64715760008	KOSTENS, GAREY L=& DONNA R
64715800007	MAGNIFICAT HEIGHTS LLC
64715840009	HARTMAN, TIMOTHY R
64715880001	FLETCHER LIVING TRUST
64715920000	KRUEGER, WILLIAM C=& MARY J
64715960002	DIXON, DAVID R=& DIANE H
64716000000	STEIN, MICHAEL J=& MARGARET
64716040002	CHRISTINE VANDEN TOORN TRUST
64716080004	CASE, JEFFERY=& MELISSA
64716120003	NANCY F ALLEY REV TRUST
64716160005	GARY J THOLEN REV LIVING TRUST
64716200004	SHETLER, JOHN Q=& ANNA M
64716240006	MARLENE E SONDERFAN TRUST
64716280008	ELEANOR G JONES REV TRUST
64716320007	STUERMER, CLARENCE WILLIAM
64716360009	EVERGLADES CITY PROPERTY
64716400008	GLENN, HAROLD R
64716440000	MATTER II, STEWART W
64716480002	FLOYD, DANNY J=& LINDA G
64716520001	SMITH, STANLEY K=& NANCY J
64716560003	KAMP, KENNETH DALE
64716600002	GILBERT, JAMES B=& DAWNA
64716640004	MANCINI, RICHARD=& DEBORAH
64716680006	CARRIERE, REJEAN O
64716720005	MATHESON, BRADLEY=& CARLA
64716760007	COUTINHO, GABRIEL A
64716800006	DIXON, DAVID R=& DIANE H
64716840008	MASTROBATTISTO, MICHAEL
64716880000	DAY JR, LEONARD A=& CHRISTINE
64716920009	WIKTOR, JASON
64716960001	ORNATO, DAVID J=& DEBORAH J
64717000009	ORNATO, DAVID J=& DEBORAH J
64717040001	ADCOCK, CAMELA J
64717080003	GRACZYK, LARRY
64717120002	HURTADO, PAULA=& PEDRO
64717160004	MCDEVITT, BONNIE L
64717200003	KENNEDY, MARTIN LYNN
64717240005	RILEY, STEVEN=& KATE
64717280007	KENNER ET AL, ROBERT
64717320006	KENNER, ROBERT M
64717360008	PALOMINO, LEONARD D=& SARAH M
64717400007	ADAMS FAMILY TRUST
64717440009	SASKA, DAVID J=& CINDEE L
64717480001	LINES AND SPOTS LLC

150 SMALLWOOD DR	141
150 SMALLWOOD DR	142
150 SMALLWOOD DR	143
150 SMALLWOOD DR	144
150 SMALLWOOD DR	145
150 SMALLWOOD DR	146
150 SMALLWOOD DR	147
150 SMALLWOOD DR	148
150 SMALLWOOD DR	149
150 SMALLWOOD DR	150
150 SMALLWOOD DR	151
150 SMALLWOOD DR	152
150 SMALLWOOD DR	153
150 SMALLWOOD DR	154
150 SMALLWOOD DR	155
150 SMALLWOOD DR	156
150 SMALLWOOD DR	157
150 SMALLWOOD DR	158
150 SMALLWOOD DR	159
150 SMALLWOOD DR	160
150 SMALLWOOD DR	161
150 SMALLWOOD DR	162
150 SMALLWOOD DR	163
150 SMALLWOOD DR	164
150 SMALLWOOD DR	165
150 SMALLWOOD DR	166
150 SMALLWOOD DR	167
150 SMALLWOOD DR	168
150 SMALLWOOD DR	169
150 SMALLWOOD DR	170
150 SMALLWOOD DR	171
150 SMALLWOOD DR	172
150 SMALLWOOD DR	173
150 SMALLWOOD DR	174
150 SMALLWOOD DR	175
150 SMALLWOOD DR	176
150 SMALLWOOD DR	177
150 SMALLWOOD DR	178
150 SMALLWOOD DR	179
150 SMALLWOOD DR	180
150 SMALLWOOD DR	181
150 SMALLWOOD DR	182
150 SMALLWOOD DR	183
150 SMALLWOOD DR	184
150 SMALLWOOD DR	185
150 SMALLWOOD DR	186
150 SMALLWOOD DR	187

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

64717520000	STILOSKI, JAMES F
64717560002	HUGHSON, DONALD BRUCE=& BRIGIT
64717600001	STUHLMILLER, LEE ANNE
64717640003	STUHLMILLER, LEE ANNE
64717680005	KRAMER, DOUGLAS
64717720004	KRAMER, DOUGLAS
64717760006	MCCONKEY, MONICA
64717800005	BLAKE, BRADLEY A
64717840007	SCHREIBER, URSULA
64717880009	D M=& S L PARSONS REV TRUST
64717920008	D M & S L PARSONS REV TRUST
64717960000	ALBORNOZ, SAMAEL
64718000008	ELLIOTT, MARTIN G=& LOU ANN
64718040000	ELLIOTT, MARTIN G
64718080002	PIPER PROPERTIES LLC
64718120001	PIPER PROPERTIES LLC
64718160003	ASHTON, JANICE
64718200002	HANSON, JOSH
64718240004	ANGEVINE, JOHN R
64718280006	PETERS, DAVID P
64718320005	CAPPUCCIO, WILLIAM J=& ANN W
64718360007	WRIGHT, LOY STEPHEN=& MARY J
64718400006	HOOVER, DONALD W=& ESTHER E
64718440008	JACKSON, ROBIN S
64718480000	KING, RONALD D=& SHARON P
64718520009	WILSON, DIANE P
64718560001	GEATER, SCOTT=& DEBORAH
64718600000	BUTLER, RICHARD W
64718640002	CAIRO, FIDEL
64718680004	KINGSTON, KENNETH S=& SYLVIA
64718720003	PATTEN, PATRICIA
64718760005	WOODARD, SCOTT=& CHARLENE
64718800004	DAMERON, PHILIPPE=& CHRISTINE
64718840006	TOWNSEND, ROBERT W=& GINA M
64718880008	JONES, KENT S
64718920007	2337676 ONTARIO LTD
64718960009	YANG,SAI
64719000007	SMITH JR, LEONARD
64719040009	FAULKNER, WILLIAM
64719080001	JACQUIER, CORNELIA RESHA
64719120000	COBAS, MARIO=& ANA
64719160002	WALLACE, KATHLEEN
64719200001	HEANSSLER, DAVID B=& BETTY E
64719240003	LOUISE F BLEDSOE TRUST
64719280005	SS MILLER LLC
64719320004	PETERS, DAVID P
64719360006	PECHOUS, DONALD J

150 SMALLWOOD DR	188
150 SMALLWOOD DR	189
150 SMALLWOOD DR	190
150 SMALLWOOD DR	191
150 SMALLWOOD DR	192
150 SMALLWOOD DR	193
150 SMALLWOOD DR	194
150 SMALLWOOD DR	195
150 SMALLWOOD DR	196
150 SMALLWOOD DR	197
150 SMALLWOOD DR	198
150 SMALLWOOD DR	199
150 SMALLWOOD DR	200
150 SMALLWOOD DR	201
150 SMALLWOOD DR	202
150 SMALLWOOD DR	203
150 SMALLWOOD DR	204
150 SMALLWOOD DR	205
150 SMALLWOOD DR	206
150 SMALLWOOD DR	207
150 SMALLWOOD DR	208
150 SMALLWOOD DR	209
150 SMALLWOOD DR	210
150 SMALLWOOD DR	211
150 SMALLWOOD DR	212
150 SMALLWOOD DR	213
150 SMALLWOOD DR	214
150 SMALLWOOD DR	215
150 SMALLWOOD DR	216
150 SMALLWOOD DR	217
150 SMALLWOOD DR	218
150 SMALLWOOD DR	219
150 SMALLWOOD DR	220
150 SMALLWOOD DR	221
150 SMALLWOOD DR	222
150 SMALLWOOD DR	223
150 SMALLWOOD DR	224
150 SMALLWOOD DR	225
150 SMALLWOOD DR	226
150 SMALLWOOD DR	227
150 SMALLWOOD DR	228
150 SMALLWOOD DR	229
150 SMALLWOOD DR	230
150 SMALLWOOD DR	231
150 SMALLWOOD DR	232
150 SMALLWOOD DR	233
150 SMALLWOOD DR	234

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

64719400005	HAMMOND FAMILY LIV TRUST
64719440007	GROSSMAN, RICHARD
64719480009	VAN C SAYLER REV TRUST
64719520008	JANE H SAYLER REV TRUST
64719560000	HYNES REVOCABLE TRUST
64719600009	HYNES REVOCABLE TRUST
64719640001	BOULMETIS JR, SAMUEL
64719680003	KBK PROPERTIES LLC
64719720002	243 RESORT HOLDINGS LLC
64719760004	AAREDFISHFELICITY LLC
64719800003	JOHNSON, KENT E=& MICHAEL ANN
64719840005	DORIS L SHEATS REVOCABLE TRUST
64719880007	GEATER, SCOTT=& DEBORAH
64719920006	CARMICHAEL, PAUL D
64719960008	LEVEN, JOHN S =& JACQUELINE W
64720000009	ZHANG, KAI
64720040001	DURRENCE JR, LAYTON
64720080003	BARLEY, WILLIAM SHAWN
64720120002	MARTIN, SHARON L
64720160004	THOMAS III, RONALD LEE
64720200003	DIEHL, DAVID=& BONNIE
64720240005	M & W COLLINS TRUST
64720280007	GB BARNARD III & KATHLEEN W
64720320006	RONALD M BERGERON JR REV TRUST
64720360008	PENICK LEGACY TRUST
64720400007	PENICK LEGACY TRUST
64720440009	RONALD M BERGERON JR REV TRUST
64720480001	COLLINS, MICHAEL=& WANDA F
64720520000	SCHWOEBEL, MICHELLE RANAE
64720560002	FERGUSON, DONALD L=& CHERYL C
64720600001	QUAIL, ANN
64720640003	CORYELL, ALAN A
64720680005	SLETTEN, PAUL M
64720720004	MILLER, ROBERT B
64720760006	FISH N SEE LLC
64720800005	CLAYBORNE, BILLY A=& JANICE M
64720840007	TORRALBAS, ROBERTO=& KATHERINE
64720880009	ZHAN, YIN
64720920008	WENTWORTH, RICHARD C=& DONNA
64720960000	TENORE, PETER L
64721000008	BOUTIN, ANNE MARIE
64721040000	TAFT, JOHN=& SHARON
64721080002	LEDERER, CRAIG W
64721120001	NOBLE, MITCHELL S=& KIMBERLY C
64721160003	CLARKSON, BOBBY J
64721200002	GB BARNARD III & KATHLEEN W
64721240004	DAVANZO, ROBERT A=& LESLIE A

150 SMALLWOOD DR	235
150 SMALLWOOD DR	236
150 SMALLWOOD DR	237
150 SMALLWOOD DR	238
150 SMALLWOOD DR	239
150 SMALLWOOD DR	240
150 SMALLWOOD DR	241
150 SMALLWOOD DR	242
150 SMALLWOOD DR	243
150 SMALLWOOD DR	244
150 SMALLWOOD DR	245
150 SMALLWOOD DR	246
150 SMALLWOOD DR	247
150 SMALLWOOD DR	248
150 SMALLWOOD DR	249
150 SMALLWOOD DR	250
150 SMALLWOOD DR	251
150 SMALLWOOD DR	252
150 SMALLWOOD DR	253
150 SMALLWOOD DR	254
150 SMALLWOOD DR	255
150 SMALLWOOD DR	256
150 SMALLWOOD DR	257
150 SMALLWOOD DR	258
150 SMALLWOOD DR	259
150 SMALLWOOD DR	260
150 SMALLWOOD DR	261
150 SMALLWOOD DR	262
150 SMALLWOOD DR	263
150 SMALLWOOD DR	264
150 SMALLWOOD DR	265
150 SMALLWOOD DR	266
150 SMALLWOOD DR	267
150 SMALLWOOD DR	268
150 SMALLWOOD DR	269
150 SMALLWOOD DR	270
150 SMALLWOOD DR	271
150 SMALLWOOD DR	272
150 SMALLWOOD DR	273
150 SMALLWOOD DR	274
150 SMALLWOOD DR	275
150 SMALLWOOD DR	276
150 SMALLWOOD DR	277
150 SMALLWOOD DR	278
150 SMALLWOOD DR	279
150 SMALLWOOD DR	280
150 SMALLWOOD DR	281

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

64721280006	GOMEZ, GUILLERMO	150 SMALLWOOD DR	282
64721320005	KELLY, JEANNETTE L	150 SMALLWOOD DR	283

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

SIGN POSTING INSTRUCTIONS

(CHAPTER 8, COLLIER COUNTY ADMINISTRATIVE CODE FOR LAND DEVELOPMENT)

A zoning sign(s) must be posted by the petitioner or the petitioner's agent on the parcel for a minimum of fifteen (15) calendar days in advance of the first public hearing and said sign(s) must be maintained by the petitioner or the petitioner's agent through the Board of County Commissioners Hearing. Below are general guidelines for signs, however these guidelines should not be construed to supersede any requirement of the LDC. For specific sign requirements, please refer to the Administrative Code, Chapter 8 E.

1. The sign(s) must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
2. The sign(s) must be securely affixed by nails, staples, or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
3. The petitioner or the petitioner's agent must maintain the sign(s) in place, and readable condition until the requested action has been heard and a final decision rendered. If the sign(s) is destroyed, lost, or rendered unreadable, the petitioner or the petitioner's agent must replace the sign(s

NOTE: AFTER THE SIGN HAS BEEN POSTED, THIS AFFIDAVIT OF POSTING NOTICE SHOULD BE RETURNED NO LATER THAN TEN (10) WORKING DAYS BEFORE THE FIRST HEARING DATE TO THE ASSIGNED PLANNER.

- - - -

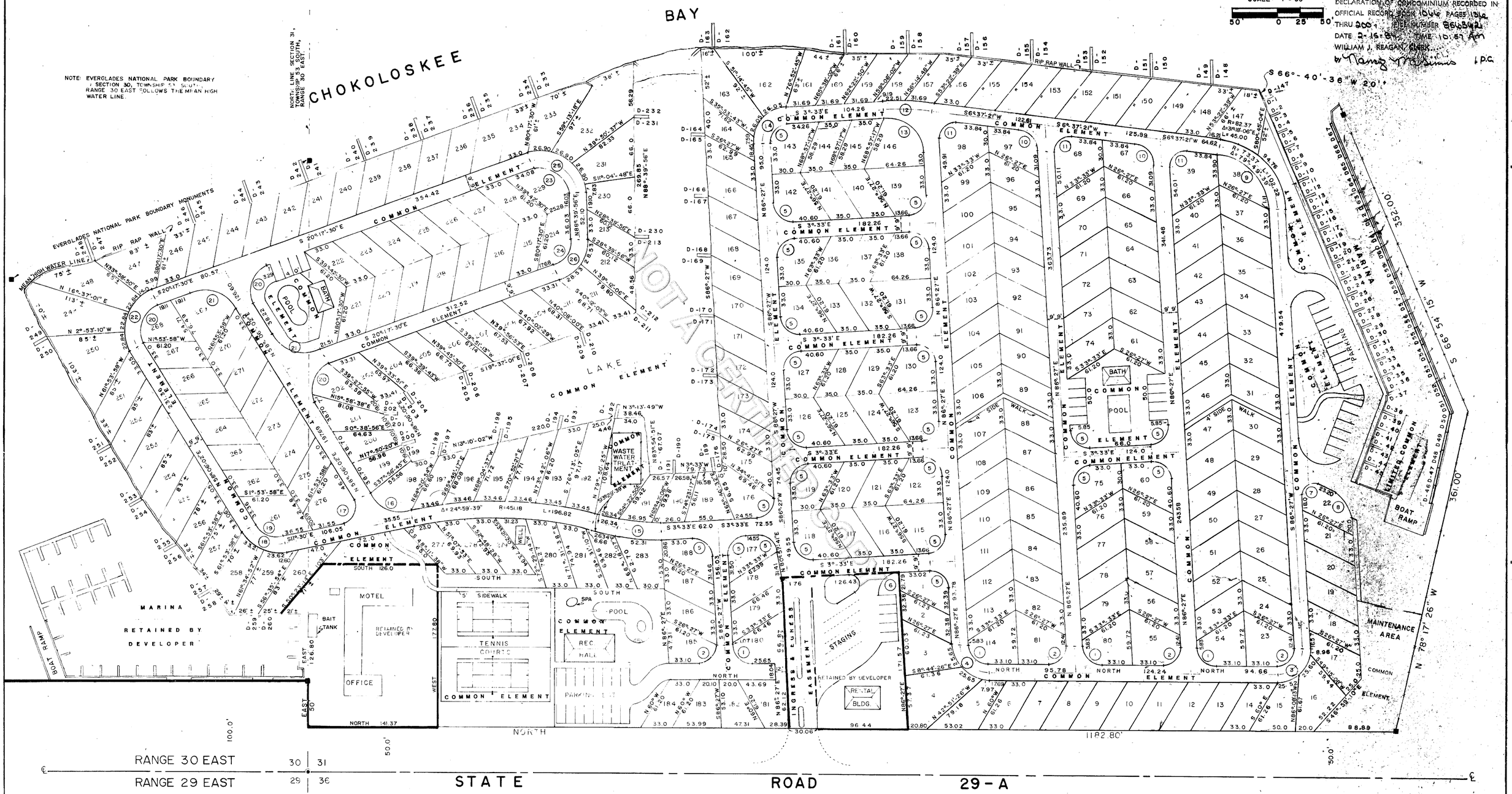
CONDOMINIUM PLAT BOOK 26 PAGE 11

Outdoor Resorts at Chokoloskee Island, A CONDOMINIUM

SCALE: 1" = 50'

50' 0 25 50'

DECLARATION OF CONDOMINIUM RECORDED IN OFFICIAL RECORDS BOOK 1646 PAGES 1512 THRU 2001, INSTRUMENT NUMBER 2508342
DATE 2-15-84 TIME 10:57 AM
WILLIAM J. REAGAN, CLERK
by Nancy Williams D.C.



CURVE NO.	Δ	R	L
1	86°-27"	21.28	32.11
2	93°-33'	18.80	30.70
3	93°-33'	27.80	45.39
4	86°-27"	30.28	45.69
5	90°-00'	20.0	31.42
6	90°-00'	25.0	39.27
7	120°-00'	11.55	24.18
8	60°-00'	31.18	32.65
9	79°-49-39"	64.37	89.69
10	79°-49-39"	23.91	33.31
11	100°-10-21"	16.73	29.25
12	101°-10-21"	29.27	52.60
13	90°-00'	40.0	62.83

CURVE NO.	Δ	R	L
14	90°-00'	29.0	45.55
15	179°-02-39"	166.84	49.63
16	69°-36-02"	42.16	51.21
17	110°-23-58"	17.38	33.49
18	69°-36-02"	37.78	45.89
19	68°-36-02"	28.78	34.96
20	101°-36-28"	28.54	50.61
21	78°-23-32"	42.92	58.88
22	101°-36-28"	37.54	66.57
23	108°-57-26"	28.55	54.29
24	71°-02-34"	28.02	34.74
25	108°-57-26"	37.55	71.40
26	71°-02-34"	37.02	45.90

CURVE TABLE

NOTE: BEARINGS ARE BASED ON THE CENTERLINE OF STATE ROAD 29-A AS BEING NORTH.

NOTE: DISTANCES SHOWN ON CURVES ARE ARC LENGTHS.

LEGEND

■ — FOUND CONCRETE MONUMENT

⦿ — FOUND STEEL PIN

FOR DESCRIPTION OF CONDOMINIUM PROPERTY SEE EXHIBIT A

SURVEY & PLOT PLAN

EXHIBIT B

D-### DESIGNATES DOCK SPACE WHICH IS A LIMITED COMMON ELEMENT TO BE ASSIGNED BY DEVELOPER

HARGROVE PROPERTY BOUNDARY LINES REMOVED 2-13-84

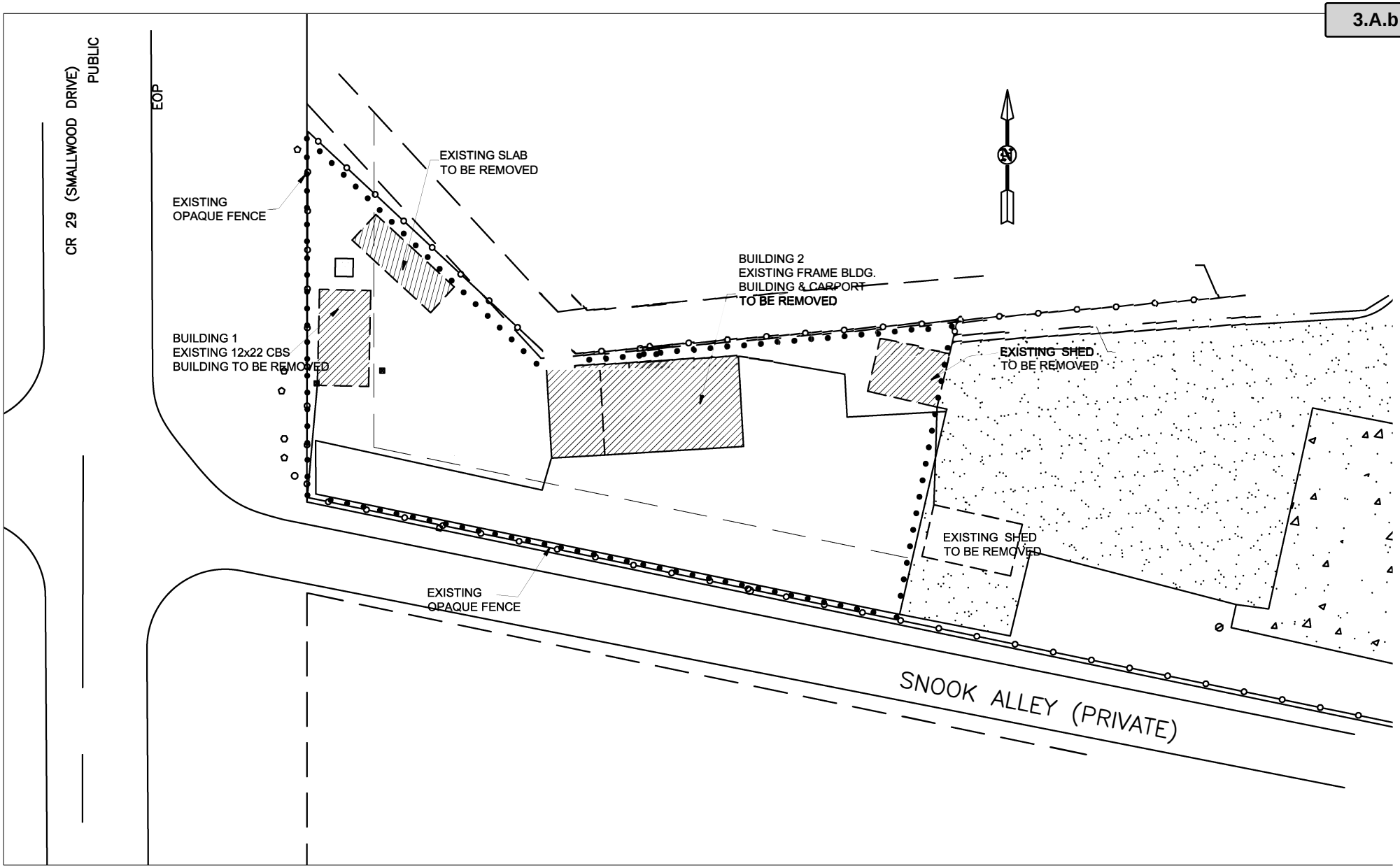
PROPERTY SUBJECT TO BLANKET EASEMENT FOR UTILITY PURPOSES.

1-12-84 — FINAL DRAWING
LOT 147 REVISED 12-2-83

SHEET 1 OF 1

BGA ENGINEERS • LAND SURVEYORS
BRUCE GREEN AND ASSOCIATES, INC.
SUITE 203 • 600 FIFTH AVENUE SOUTH
NAPLES, FLORIDA 33940-6673

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 - Outdoor Resorts at Chokoloskee Island DR)



KUHLMAN ENGINEERING, INC
2223 Trade Center Way Naples, Florida 34109
PHONE (239) 254-8219 kuhlmanengineering@yahoo.com

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S). INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

OUTDOOR RESORTS
150 SMALLWOOD DRIVE
CHOKOLOSKEE, FLORIDA 34138

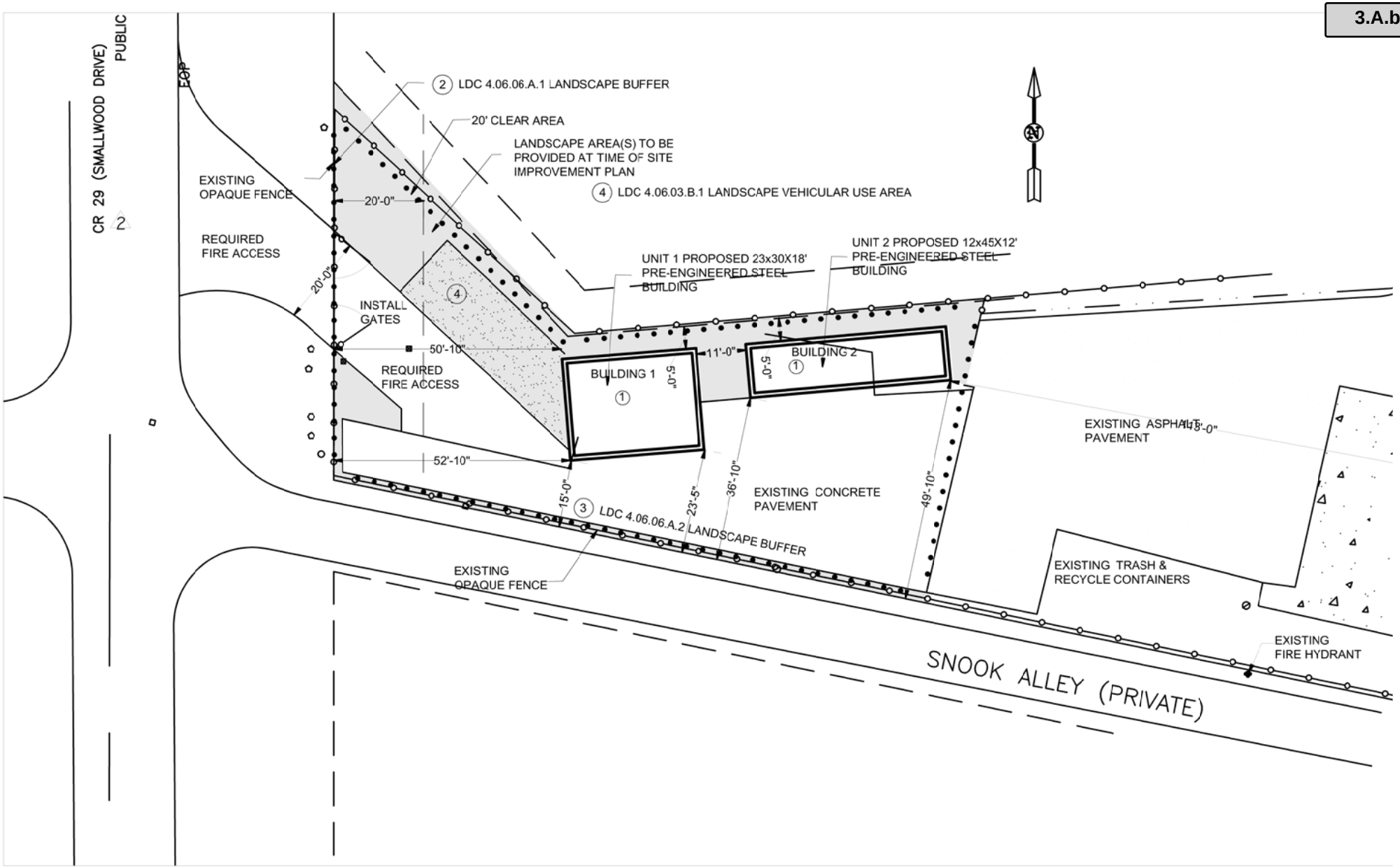
DEVIATION EXHIBIT "A"
DEMOLITION PLAN

DATE ISSUED:	10-26-2022
FILE NO:	22 - 5 518
SCALE:	1" = 30'
REVISED:	1-19-2023

This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22288

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at



KUHLMAN ENGINEERING, INC
2223 Trade Center Way Naples, Florida 34109
PHONE (239) 254-8219 kuhlmanengineering@yahoo.com

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S). INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

OUTDOOR RESORTS
150 SMALLWOOD DRIVE
CHOKOLOSKEE, FLORIDA 34138

DEVIATION EXHIBIT "B"
SITE PLAN

DATE ISSUED:	10-26-2022
FILE NO:	22 - 5518
SCALE:	1" = 30'
REVISED:	1-19-2023
REVISED:	3-29-2023
REVISED:	5-7-2023
REVISED:	6-23-2023

This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22388

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at

SITE IMPROVMENT PLAN:

OUTDOOR RESORTS
150 SMALLWOOD DRIVE, CHOKOLOSKEE, FL

COLLIER COUNTY, FLORIDA

REVIEWING AGENCIES

COLLIER COUNTY DEVELOPMENT SERVICES
2800 NORTH HORSESHOE DRIVE
NAPLES, FL, 34104
TEL: (239) 252-2400

GREATER NAPLES FIRE AND RESCUE
2700 NORTH HORSESHOE DRIVE
NAPLES, FL, 34104
TEL: (239) 774-2900

CITY OF EVERGADES UTILITIES
PO Box 251
EVERGLADES CITY, FL, 34139
TEL: (866) 934-0828

OWNERS NAME: ORA AT CHOKOLOSKEE INC.
ADDRESS: 150 SMALLWOOD DRIVE
CHOKOLOSKEE, FL 34138
PHONE: (239) - 695-2866

LAND USE: RV PARK
ZONING DISTRICT: TTRVC

ADJACENT ZONING: NORTH: TTRVC; C4 EAST: CON-ST
SOUTH: VR WEST: C4

TOTAL LIMITS OF CONSTRUCTION AREA: 7850 SF

	EXISTING	PROPOSED
BUILDING AREA:	1295 SF	1230 SF
PAVEMENT :	3707 SF	4242 SF
OPEN AREA:	2838 SF	2378 SF

SETBACKS:

	PROVIDED	REQUIRED
1 FRONT WEST: SMALLWOOD DRIVE (CR 29)	51'	50'
SIDE NORTH:	5'	5'
SITE SOUTH: SNOOK ALLEY (PRIVATE)	15'	50'
1 REAR EAST :	113'+/-	10'

BUILDING HEIGHTS: MAX ZONED 30' CENTER LINE ELEV 4.0 NAVD

2 ZONED HEIGHT: BLDG 1: 20.5' AS MEASURED FROM FINISH FLOOR — BLDG 2; 12.16' AS MEASURED FROM FINISH FLOOR
ACTUAL HEIGHT: BLDG 1: 28.2' AS MEASURED FROM CL ROAD (4.0 FT NAVD) — BLDG 2; 13.7' AS MEASURED FROM CL ROAD (4.0 FT NAVD)

SEPARATION: REQUIRED 10' PROVIDED 11'

PARKING CALCULATIONS REQUIRED: 29 SPACES

REC. HALL 1500 / 200 = 7.5 SPACES, STORAGE 1920 / 1000 = 2 SPACES, POOLS 3200 (1000/75 +2200/125)(LESS 50% =16 SPACES , TENNIS COURTS 2 X 1.5 = 3 SPACES
PROVIDED PARKING = 51 SPACES

BUILDING TYPES: V, UNSPRINKLED, UNPROTECTED
BUILDING "A" AREA: 1ST LEVEL 695SF, 2ND LEVEL 690 SF
BUILDING "B" AREA: 1 ST LEVEL 540 SF

OCCUPANCY CLASSIFICATION: STORAGE

APPLICABLE CODES:
2020 - FLORIDA BUILDING CODE - ACCESSIBILITY
2020 FLORIDA BUILDING CODE - BUILDING (7th EDITION)
2020 FLORIDA BUILDING CODE - MECHANICAL
2020 FLORIDA BUILDING CODE - PLUMBING
2020 FLORIDA BUILDING CODE - ENERGY CONSERVATION
2017 NATIONAL ELECTRICAL CODE
NATIONAL FIRE ASSOCIATION - CURRENT
6th EDITION - FLORIDA FIRE PREVENTION CODE (2017)
NFPA 2015 EDITION

PREPARED BY
KUHLMAN ENGINEERING, INC.
2223 TRADE CENTER WAY
NAPLES, FLORIDA 34109
TELEPHONE (239) 254-8219 KUHLMANENGINEERING@YAHOO.COM

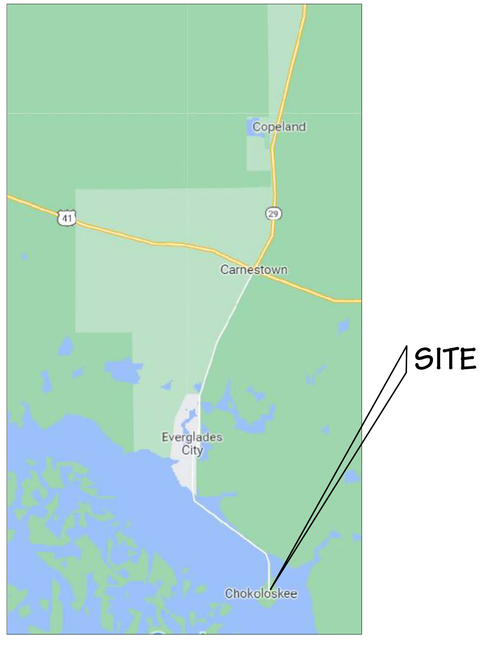
PREPARED FOR
TAMIAMI BUILDERS, INC
3500 RADIO ROAD
NAPLES, FLORIDA 34104

Legal Description

COMMENCING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 53, RANGE 30 EAST; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 31, 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD 29–A FOR A PLACE OF BEGINNING:

THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 1182.80 FEET TO THE SOUTH LINE OF LOT 1 AS RECORDED IN PLAT BOOK 1, PAGE 20 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE OF LOT 1 S 78° 17' 26" E 361.00 FEET; THENCE N 66° 5' 15" E 362 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF CHOKOLOSKEE BAY; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE 1145 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 31; THENCE WEST 600 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

VICINITY MAP



SHEET INDEX

SHEET NO.	SHEET TITLE
C-1	COVER SHEET
C-2	PLAT
C-3	AERIAL
C-4	SURVEY
C-5	SITE PLAN
C-6	GRADING
C-7	BLDG. FLOOR / ELEVATIONS
C-8	NPDES

LOCATION MAP



KUHLMAN ENGINEERING, INC.
PHONE (239) 254-8219
kuhlmanengineering@yahoo.com

CLIENT: *TAMIAMI BUILDERS, INC.*
3500 RADIO ROAD
NAPLES, FLORIDA 34104
CGC 065914 Phone 239-643-3100
e-mail brian@tamiamibuilder

DESCRIPTION: **COVER SHEET**

PROJECT:

OUTDOOR RESORTS
150 SMALLWOOD DRIVE,
CHOKOLOSKEE,
FLORIDA 34138

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S). INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

DATE ISSUED:
JULY 2, 2022

CHECKED BY:
JBK

REVISIONS:

DATE	MARK	REMARKS
8-11-22	1	CC REVIEW
12-29-22	2	CC REVIEW

This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

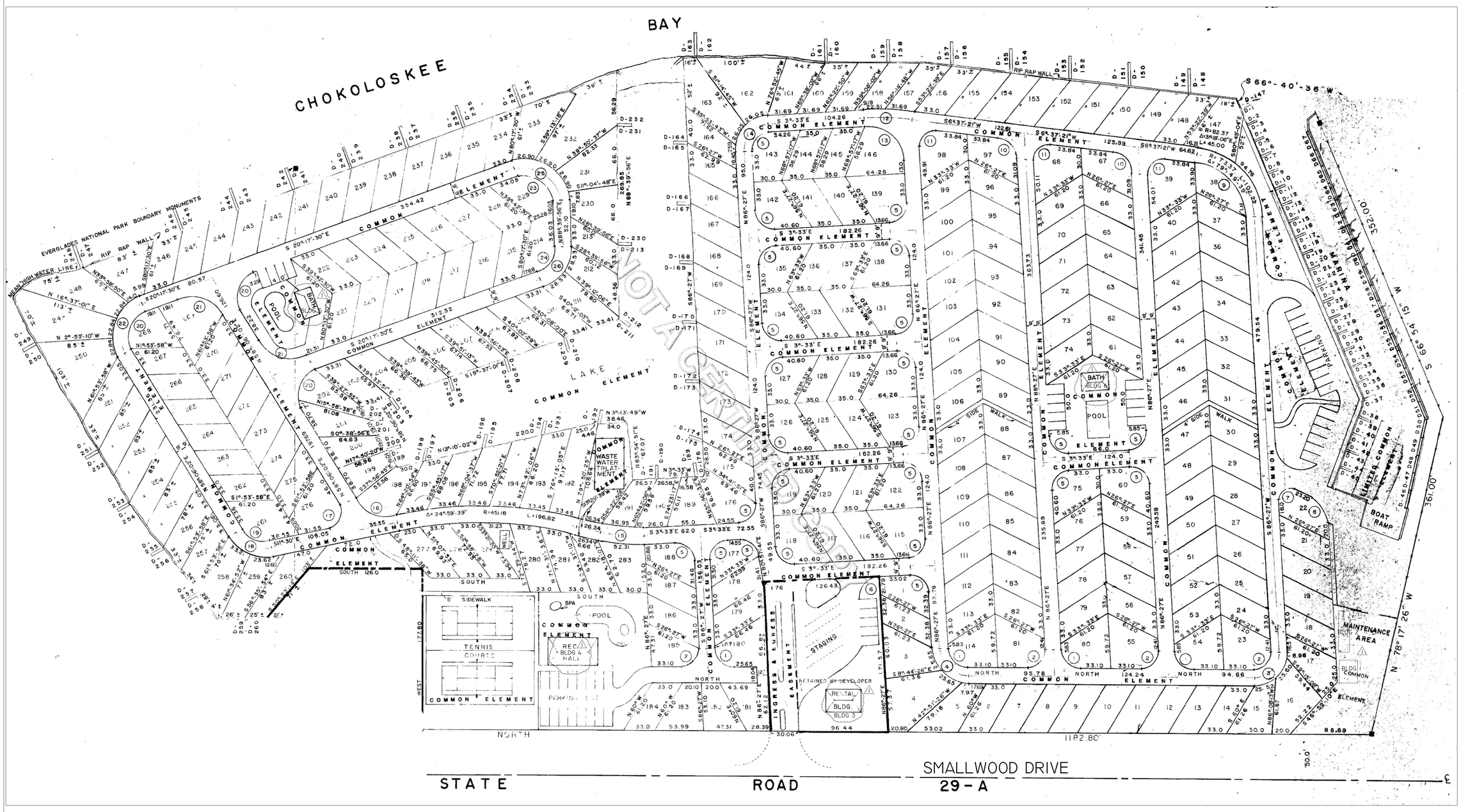
JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22388

SHEET:

C-1

Packet Pg. 96

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 - Outdoor Resorts at Chokoloskee Island DR)



KUHLMAN ENGINEERING, INC.
PHONE (239) 254-8219
kuhlmanengineering@yahoo.com

CLIENT: TAMIAMI BUILDERS, INC.
3500 RADIO ROAD
NAPLES, FLORIDA 34104
CGC 065914 Phone 239-643-3100
e-mail brent@tamiamibuilder

DESCRIPTION:
OVERALL SITE PLAN
SCALE: 1" = 50'

PROJECT:

OUTDOOR RESORTS
150 SMALLWOOD DRIVE,
CHOKOLOSKEE,
FLORIDA 34138

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S) INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

DATE ISSUED:
JULY 2, 2022

CHECKED BY:
JBK

REVISIONS:

DATE	MARK	REMARKS
8-11-22	1	CC REVIEW

This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22388

SHEET:
C-2
22

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)



AERIAL SCALE: 1" =100'



AERIAL SCALE: 1" =20'

KUHLMAN ENGINEERING, INC.
PHONE (239) 254-8219
kuhlmanengineering@yahoo. com

CLIENT: TAMIAMI BUILDERS, INC.
3500 RADIO ROAD
NAPLES, FLORIDA 34104
CGC 065814 Phone 239-643-3100
e-mail bdavis@tamiamibuilder

DESCRIPTION: **AERIAL**

PROJECT:

OUTDOOR RESORTS
150 SMALLWOOD DRIVE,
CHOKOLOSKEE,
FLORIDA 34138

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S), INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

DATE ISSUED:
JULY 2, 2022

CHECKED BY:
JBK

REVISIONS:

DATE	MARK	REMARKS
8-11-22	1	CC REVIEW

This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22388

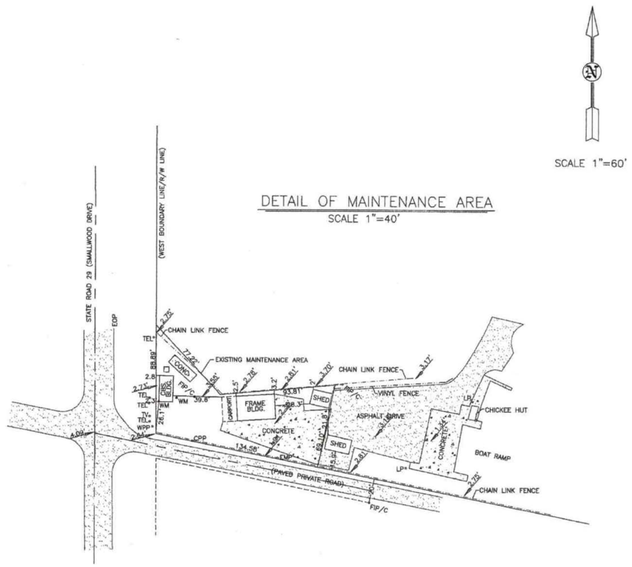
SHEET:

C-3

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

OUTDOOR RESORTS OF AMERICA AT CHOKOLOSKEE ISLAND

#150 SMALLWOOD DRIVE, CHOKOLOSKEE ISLAND, FLORIDA, 34138.
(MAINTENANCE AREA SPECIFIC PURPOSE SURVEY)



LEGAL DESCRIPTION (MAINTENANCE AREA)

COMMENCING AT THE SOUTHWEST CORNER OF OUTDOOR RESORTS OF CHOKOSKEE THENCE RUN NORTH ALONG THE EAST RIGHT OF WAY LINE OF SMALLWOOD DRIVE (STATE ROAD 29) FOR 88.89 FEET ; THENCE LEAVING SAID RIGHT OF WAY LINE RUN S 46° 59' 10" E FOR 77.22 FEET; THENCE RUN N 86° 27' 00" E FOR 93.81 FEET ; THENCE RUN S 11° 42' 34" W FOR 69.10 FEET TO THE INTERSE –CTION WITH THE SOUTH LINE OF OUTDOORS RESORTS; THENCE ALONG SAID SOUTH LINE N 78° 17' 26" W FOR 134.58 FEET TO THE POINT OF COMMENCMENT.

LEGAL DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 53, RANGE 30 EAST; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 31, 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD 29–A FOR A PLACE OF BEGINNING;

THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 1182.80 FEET TO THE SOUTH LINE OF LOT 1 AS RECORDED IN PLAT BOOK 1, PAGE 20 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE OF LOT 1 S 78° 17' 26" E 361.00 FEET; THENCE N 66° 5' 15" E 362 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF CHOKOLOSKEE BAY; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE 1145 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 31; THENCE WEST 600 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

SURVEY PREPARED FOR:
OUTDOOR RESORTS AT CHOKLOSKEE

A SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE STANDARDS OF PRACTICE PER CHAPTER 5J–17 F.A.C., PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.

MELVIN HATTON, P.S.M.
FLORIDA REGISTRATION # 5109

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT FURNISHED AT TIME OF SURVEY.

ELEVATIONS ARE BASED ON NAVD 1988 DATUM.

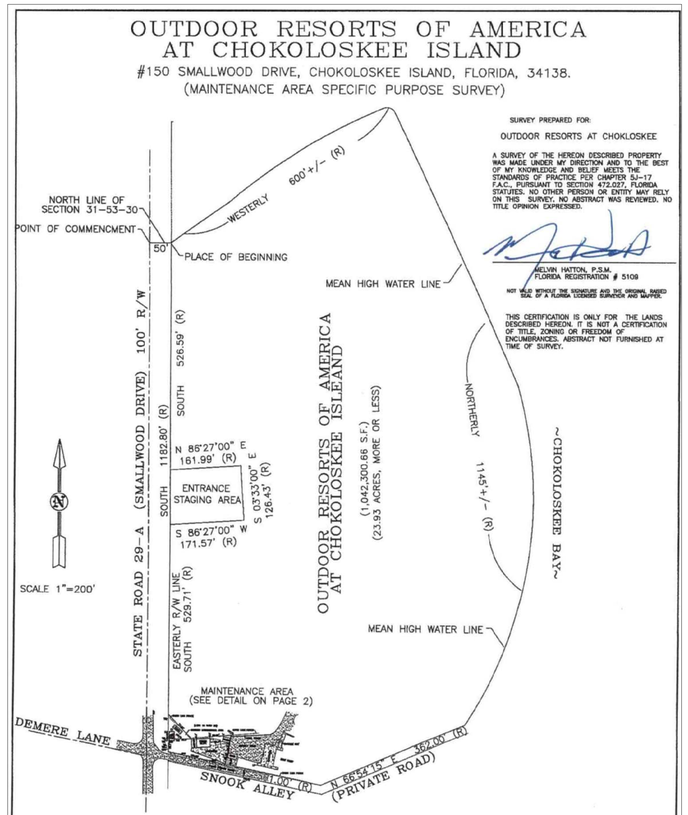
© COPYRIGHT MEL HATTON LAND SURVEYORS, INC. (2022)

TITLE: SPECIFIC PURPOSE SURVEY

FOR: OUTDOOR RESORTS CHOKOLOSKEE
PROJECT: #150 SMALLWOOD DRIVE CHOKOLOSKEE, FL. 34138.

DATE	BY	REVISION	SHEET	F.B.	PAGE
3/17/22	MH	ADD MAINTENANCE AREA DIMENSIONS	OF 2	PG. 01	1"= 60'
			W.O. NO. 22-090	FILE NO. 22-090.DWG	DATE 05/16/22

MEL HATTON
LAND SURVEYORS, INC.
#313 EAST GRACE STREET, PUNTA GORDA, FLORIDA, 33950.
(239) 450–9949



LEGAL DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 53, RANGE 30 EAST; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 31, 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD 29–A FOR A PLACE OF BEGINNING;

THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 1182.80 FEET TO THE SOUTH LINE OF LOT 1 AS RECORDED IN PLAT BOOK 1, PAGE 20 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE OF LOT 1 S 78° 17' 26" E 361.00 FEET; THENCE N 66° 5' 15" E 362 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF CHOKOLOSKEE BAY; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE 1145 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 31; THENCE WEST 600 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION (MAINTENANCE AREA)

COMMENCING AT THE SOUTHWEST CORNER OF OUTDOOR RESORTS OF CHOKOSKEE THENCE RUN NORTH ALONG THE EAST RIGHT OF WAY LINE OF SMALLWOOD DRIVE (STATE ROAD 29) FOR 88.89 FEET ; THENCE LEAVING SAID RIGHT OF WAY LINE RUN S 46° 59' 10" E FOR 77.22 FEET; THENCE RUN N 86° 27' 00" E FOR 93.81 FEET ; THENCE RUN S 11° 42' 34" W FOR 69.10 FEET TO THE INTERSE –CTION WITH THE SOUTH LINE OF OUTDOORS RESORTS; THENCE ALONG SAID SOUTH LINE N 78° 17' 26" W FOR 134.58 FEET TO THE POINT OF COMMENCMENT.

© COPYRIGHT MEL HATTON LAND SURVEYORS, INC. (2022)

TITLE: SPECIFIC PURPOSE SURVEY

FOR: OUTDOOR RESORTS CHOKOLOSKEE
PROJECT: #150 SMALLWOOD DRIVE CHOKOLOSKEE, FL. 34138.

DATE	BY	REVISION	SHEET	F.B.	PAGE
3/17/22	MH	ADD MAINTENANCE AREA DIMENSIONS	OF 1	PG. 01	1"= 200'
			W.O. NO. 22-090	FILE NO. 22-090.DWG	DATE 05/16/22

MEL HATTON
LAND SURVEYORS, INC.
#313 EAST GRACE STREET, PUNTA GORDA, FLORIDA, 33950.
(239) 450–9949

KUHLMAN ENGINEERING, INC.
PHONE (239) 254-8219
kuhlmanengineering@yahoo.com

CLIENT: TAMIAMI BUILDERS, INC.
3500 RADIO ROAD
NAPLES, FLORIDA 34104
CGC 065914 Phone 239-643-3100
e-mail brent@tamiamibuilder

DESCRIPTION: SURVEY

PROJECT:
OUTDOOR RESORTS
150 SMALLWOOD DRIVE,
CHOKOLOSKEE,
FLORIDA 34138

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S), INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

DATE ISSUED:
JULY 2, 2022

CHECKED BY:
JBK

REVISIONS:

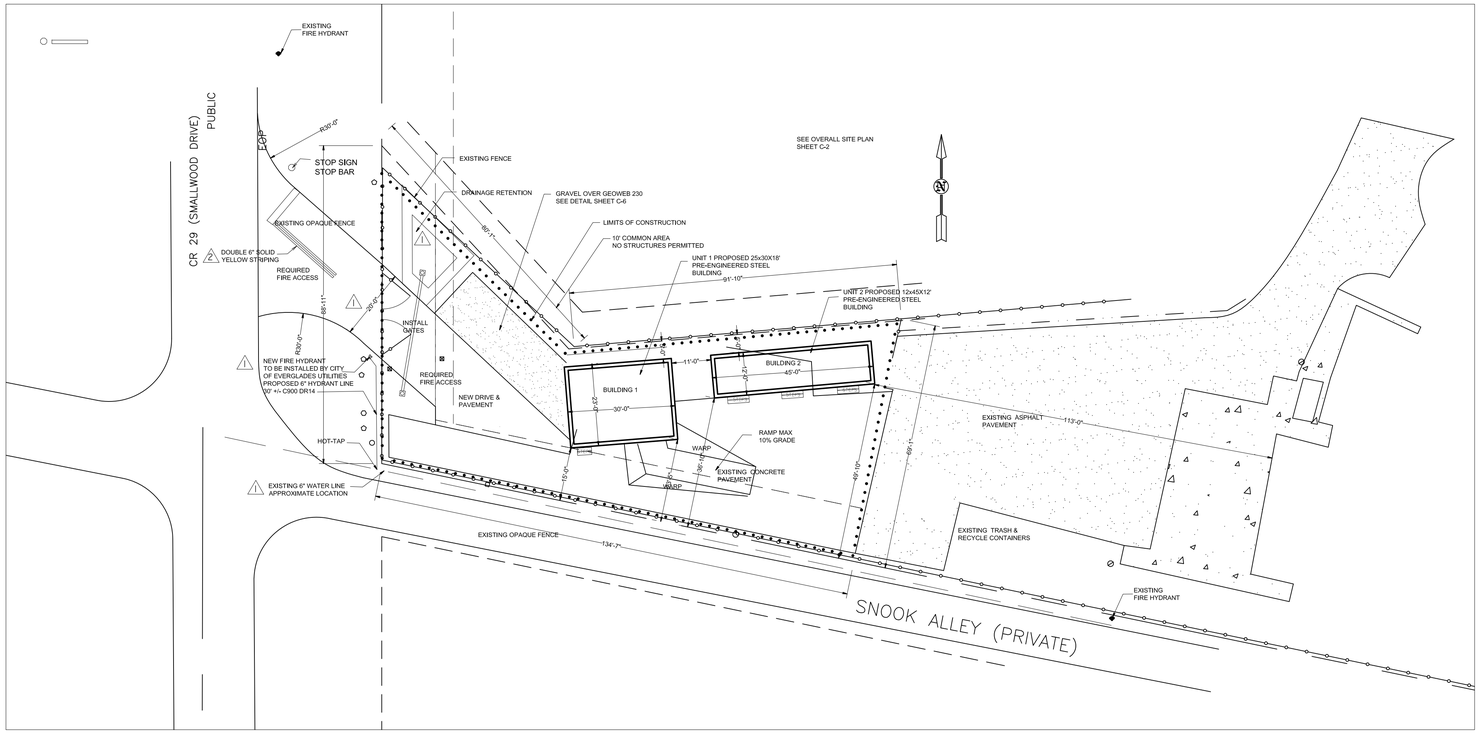
DATE	MARK	REMARKS
8-11-22	1	CC REVIEW
12-29-22	2	CC REVIEW

This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22388

SHEET:
C-4

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 - Outdoor Resorts at Chokoloskee Island DR)



NOTES:

ALL EXOTIC PLANTS SHALL BE REMOVED FROM SITE AND THE SITE SHALL BE MAINTAINED ANNUALLY EXOTIC FREE IN PERPETUITY.

WATER MANAGEMENT FACILITY SHALL BE MAINTAINED BY THE OWNER.

THE OWNER SHALL BE RESPONSIBLE FOR THE CONTINUED MAINTENANCE AND UPKEEP OF ALL REQUIRED LANDSCAPING. REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED AT ALL TIMES TO PRESENT A HEALTHY, ALIVE, NEAT AND ORDERLY APPEARANCE FOR PERSONS PASSING ON PUBLIC WAYS AND SHALL BE KEPT FREE OF REFUSE OR DEBRIS. ANY PLANT MATERIALS OF WHATSOEVER TYPE OR KIND REQUIRED BY THESE REGULATIONS SHALL BE REPLACED WITHIN THIRTY (30) DAYS OT THEIR DEMISE AND/OR REMOVAL.

THE REVIEW AND APPROVAL OF IMPROVEMENT PLANS DOES NOT AUTHORIZE THE CONSTRUCTION OF REQUIRED IMPROVEMENTS WHICH ARE INCONSISTANT WITH EXISTING EASEMENTS OF RECORD.

PROTECTIVE BARRIERS WILL BE INSTALLED AT THE PERIMETER OF PRESERVED VEGITATION AT THE COMMENCEMENT OF ANY SITE IMPROVEMENTS AND WILL REMAIN IN PLACE UNTIL COMPLETION OF CONSTRUCTION. BARRIERS WILL BE HIGHLY VISIBLE WITH BRIGHTLY COLORED ALL-WEATHER MESH MATERIAL OR EQUIVALENT. STAKES SHALL BE NO MORE THAN 10' APART, SEE LANDSCAPE PLAN.

ALL REQUIRED INSPECTIONS REQUIRE A 48 HOUR NOTICE.

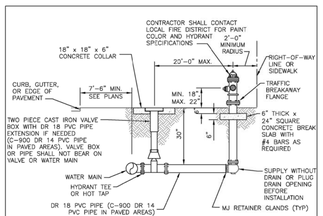
PROPERTY OWNER OWNS AND MAINTAINS POTABLE WATER AND WASTEWATER SYSTEMS.

A COUNTY "PERMIT TO PERFORM WORK AND / OR MAINTENANCE IN PUB RIGHT-OF WAY" IS REQUIRED FOR WORK WITHIN THE ROADWAY ROW ON COUNTY ROAD 29 ALSO KNOWN AS SMALLWOOD DRIVE.

PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL ON-SITE INFRASTRUCTURE INCLUDING LANDSCAPING AND IRRIGATION, PAVEMENT, STORMWATER MANAGEMENT, WATER AND WASTEWATER SYSTEMS.

⚠1 ELEVATIONS SHOWN HEREON ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

⚠2 STOP BAR & AND STRIPING SHALL BE THERMOPLASTIC



NOTES:

1. HYDRANT MUST BE CURRENT YEAR MANUFACTURE AND YEAR OF MANUFACTURE MUST BE CAST ON BARREL.
2. ALL EXISTING MAINS WHERE FIRE HYDRANTS ARE TO BE INSTALLED SHALL BE HOT TAPPED.
3. TAPPING SADDLES MAY BE EITHER STAINLESS STEEL OR DUCTILE IRON. ALL TAPPING SADDLES FOR ASBESTOS CEMENT PIPE SHALL BE STAINLESS STEEL.
4. ALL FIRE HYDRANT BARRELS SHALL BE A MINIMUM 5-1/4" IN DIAMETER.
5. ALL FIRE HYDRANTS INSTALLED SHALL BE OF THE BREAK AWAY FLANGE TYPE AND SHALL MEET THE REQUIREMENTS OF THE LOCAL FIRE CONTROL DISTRICT.
6. HYDRANT SHALL CONFORM WITH AWWA C-502.
7. THRUST RESTRAINT SHALL BE BY MJ RETAINER GLANDS.
8. ALL COMPONENTS THAT COME INTO CONTACT WITH DRINKING WATER SHALL CONFORM TO NSF STANDARD 61.

FIRE HYDRANT DETAIL NTS	REVISION DATE: JULY 2018	Collier County Public Utilities Division	SHEET NO. W-3

KUHLMAN ENGINEERING, INC.
PHONE (239) 254-8219
kuhlmanengineering@yahoo.com

CLIENT: *TAMIAMI BUILDERS, INC.*
3500 RADIO ROAD
NAPLES, FLORIDA 34104
CGC 065914 Phone 239-643-3100
e-mail brent@tamiamibuilder

DESCRIPTION:
SITE PLAN
SCALE 1"=20'

PROJECT:

OUTDOOR RESORTS
150 SMALLWOOD DRIVE,
CHOKOLOSKEE,
FLORIDA 34138

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGNS, INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

DATE ISSUED:
JULY 2, 2022

CHECKED BY:
JBK

REVISIONS:

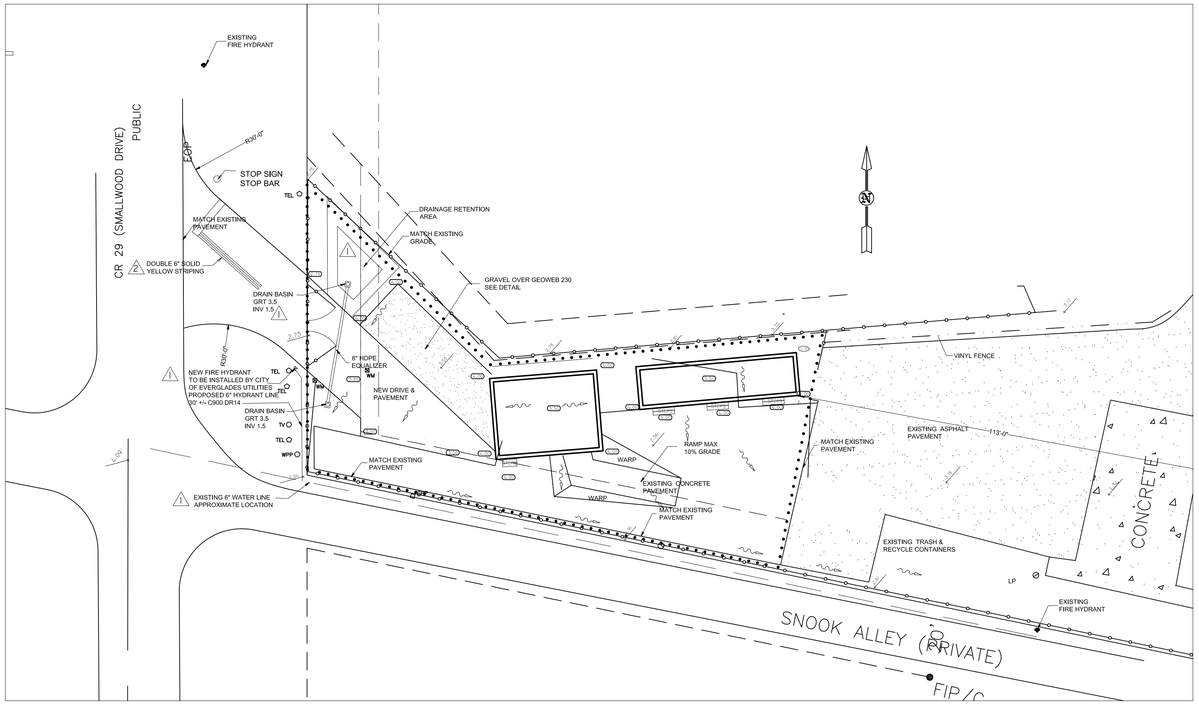
DATE	MARK	REMARKS
8-11-22	1	CC REVIEW
12-29-22	2	CC REVIEW

This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

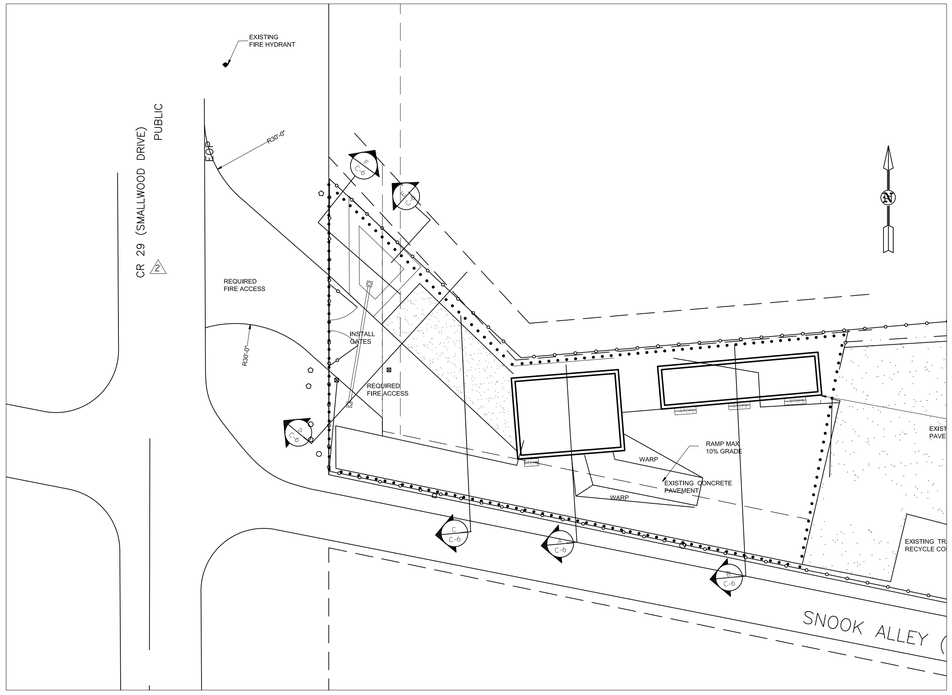
JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22388

SHEET:
C-5

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)



GRADING PLAN SCALE: 1" =20'



SECTIONS SCALE: 1" =20'

△ ELEVATIONS SHOWN HEREON ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)

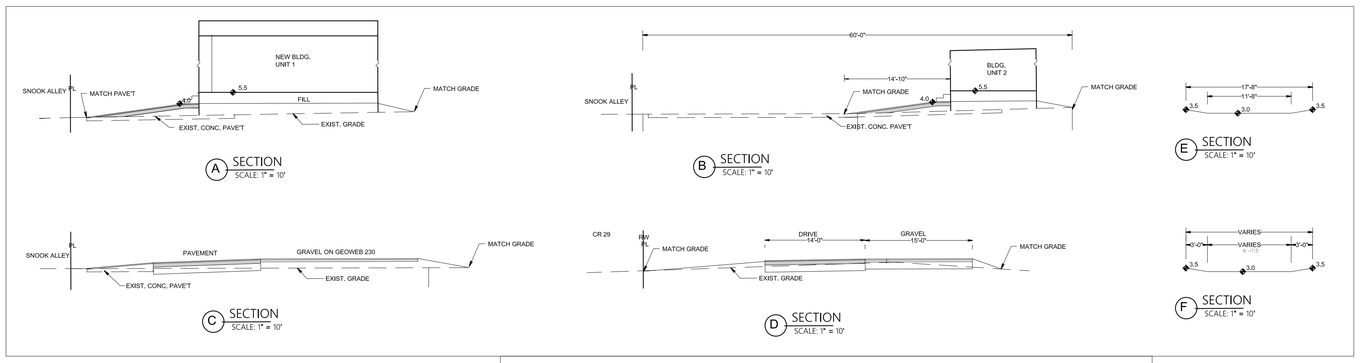
WATER QUALITY CALCULATION △1

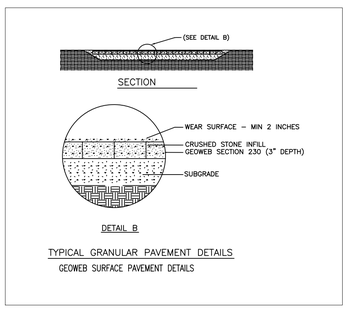
TOTAL SITE AREA 7850

EXISTING IMPERVIOUS = 5073 SF
PROPOSED IMPERVIOUS = 5600 SF
ADDITIONAL IMPERVIOUS = 527 SF

REQUIRED RETENTION
527 SF x 1.5" : 66 CF

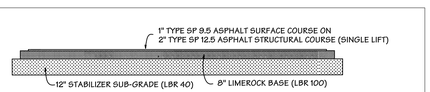
PROVIDED RETENTION: 93 CF





TYPICAL GRANULAR PAVEMENT DETAILS

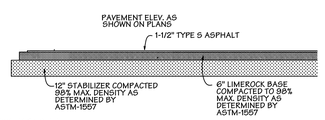
GEOWEB SURFACE PAVEMENT DETAILS



TYPICAL ASPHALT PAVEMENT WITHIN PUBLIC ROW

NOT TO SCALE

NOTE:
ALL GRADES, DIMENSIONS AND ELEVATIONS ARE ON SITE PLAN AND DRAINAGE PLAN

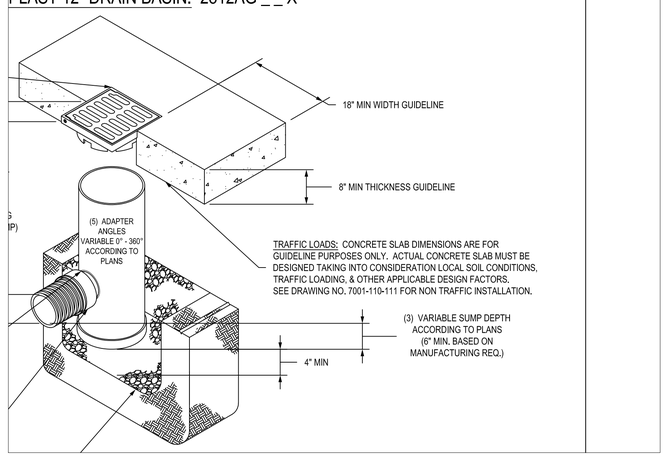


NOTE:
ALL GRADES, DIMENSIONS AND ELEVATIONS ARE ON SITE PLAN AND DRAINAGE PLAN

TYPICAL ASPHALT PAVEMENT SECTION

NOT TO SCALE

PLAST 12" DRAIN BASIN: 2812AG _ _ X



KUHLMAN ENGINEERING, INC.
PHONE (239) 254-8219
kuhlmanengineering@yahoo.com

CLIENT: TAMIAMI BUILDERS, INC.
3500 RADIO ROAD
NAPLES, FLORIDA 34104
CGC 005914 Phone 239-643-3100
e-mail brent@tamiamibuilder

DESCRIPTION: **GRADING**

PROJECT:

OUTDOOR RESORTS
150 SMALLWOOD DRIVE,
CHOKOLOSKEE,
FLORIDA 34138

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S) INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

DATE ISSUED:
JULY 2, 2022

CHECKED BY:
JBK

REVISIONS:

DATE	MARK	REMARKS
8-11-22	1	CC REVIEW
12-29-22	2	CC REVIEW

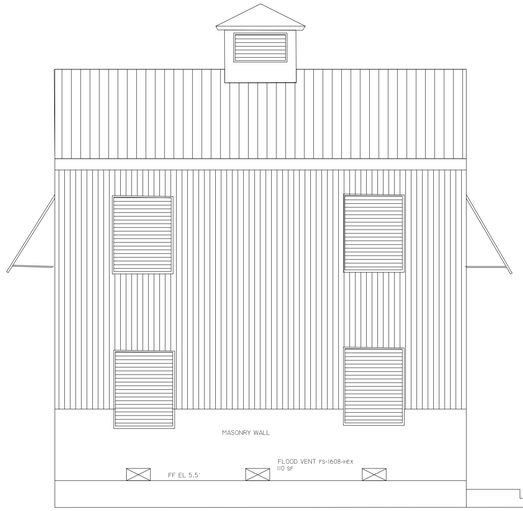
This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

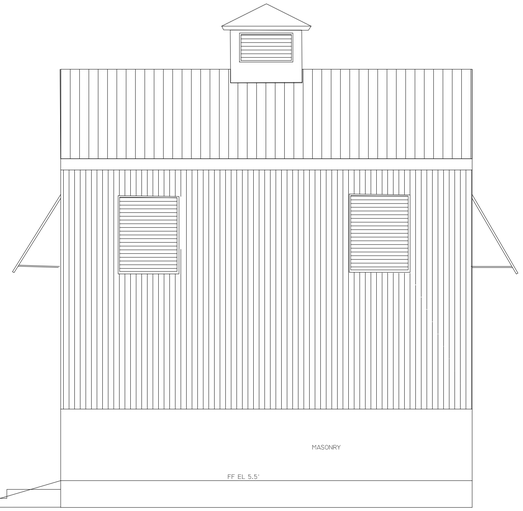
JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22388

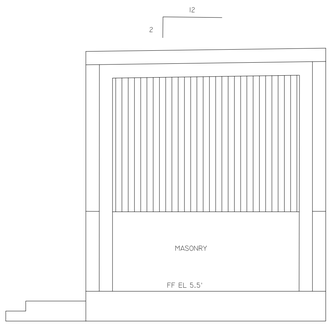
SHEET:

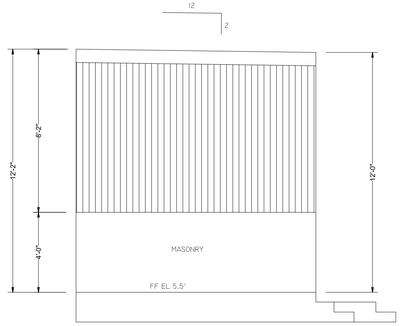
C-6

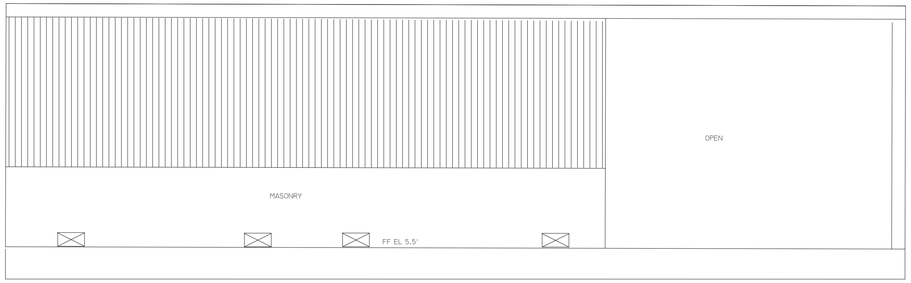
Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

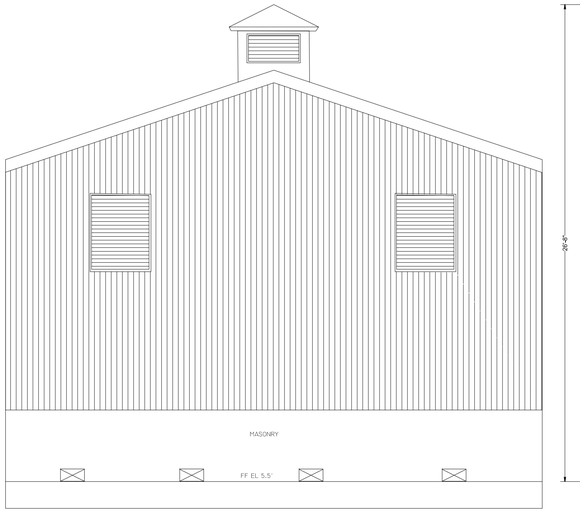


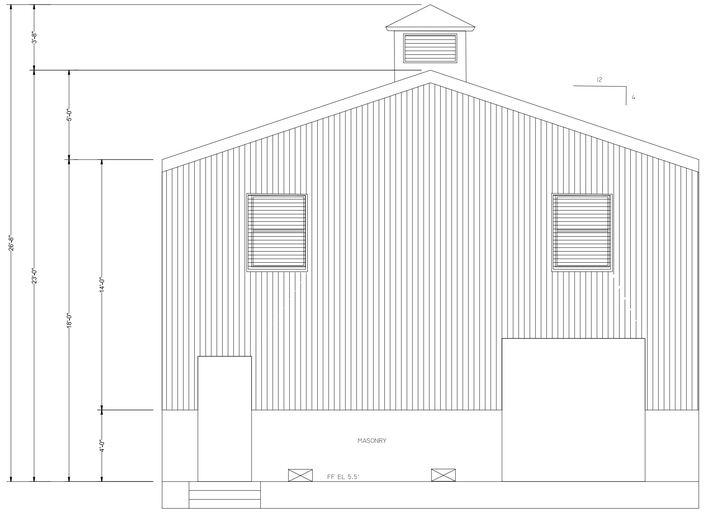


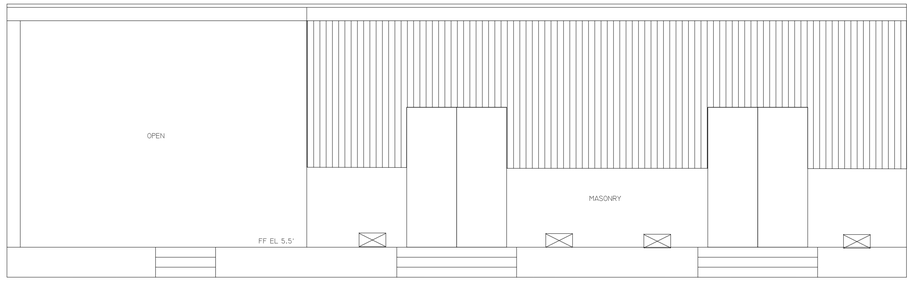


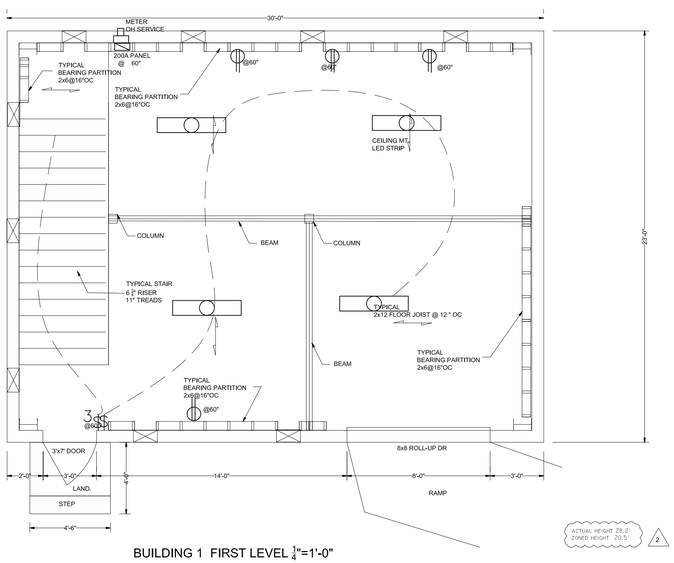




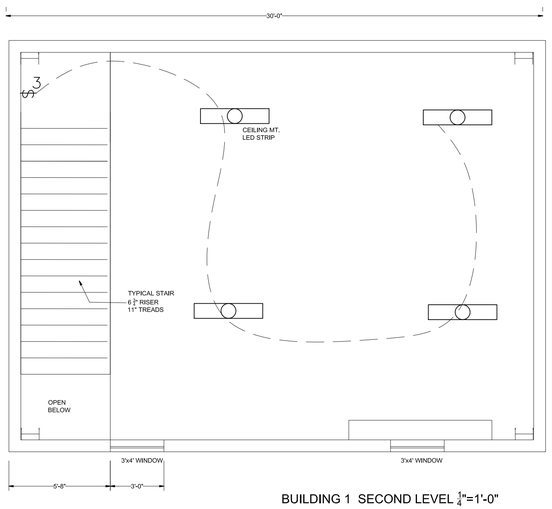






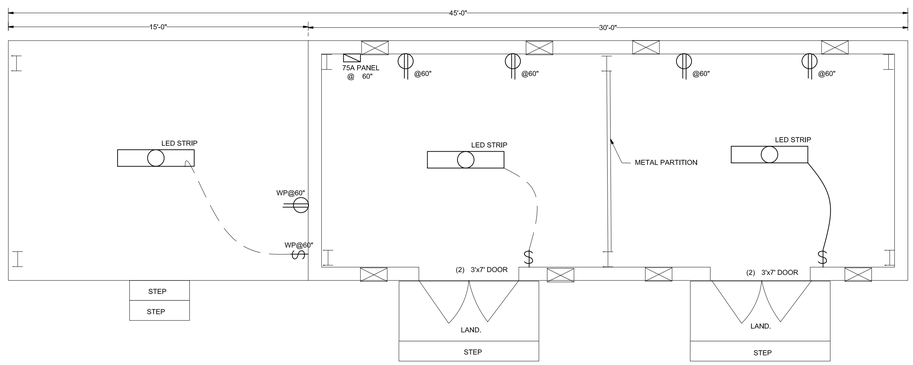


BUILDING 1 FIRST LEVEL $\frac{1}{4}$"=1'-0"



BUILDING 1 SECOND LEVEL $\frac{1}{4}$"=1'-0"

ACTUAL HEIGHT 28.2'
ZONED HEIGHT 20.5'
2



BUILDING 2

ACTUAL HEIGHT 13.7'
ZONED HEIGHT 12.16'
2

KUHLMAN ENGINEERING, INC.
PHONE (239) 254-8219
kuhlmanengineering@yahoo.com

CLIENT: *TAMIAMI BUILDERS, INC.*
3500 RADIO ROAD
NAPLES, FLORIDA 34104
CGC 005914 Phone 239-643-3100
e-mail brent@tamiamibuilder

DESCRIPTION:
PRELIMINARY PLANS
SCALE: 1/4" = 1'0"

PROJECT:

OUTDOOR RESORTS
150 SMALLWOOD DRIVE,
CHOKOLOSKEE,
FLORIDA 34138

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S) INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

DATE ISSUED:
JULY 2, 2022

CHECKED BY:
JBK

REVISIONS:

DATE	MARK	REMARKS
8-11-22	1	CC REVIEW
12-29-22	2	CC REVIEW

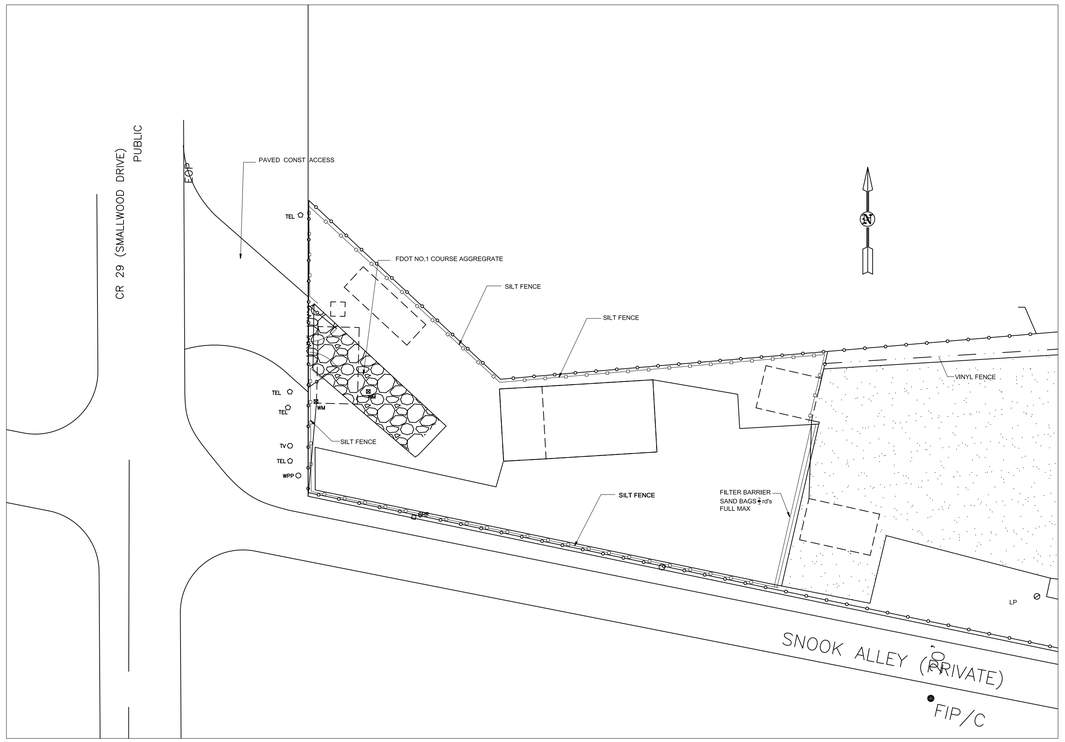
This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22388

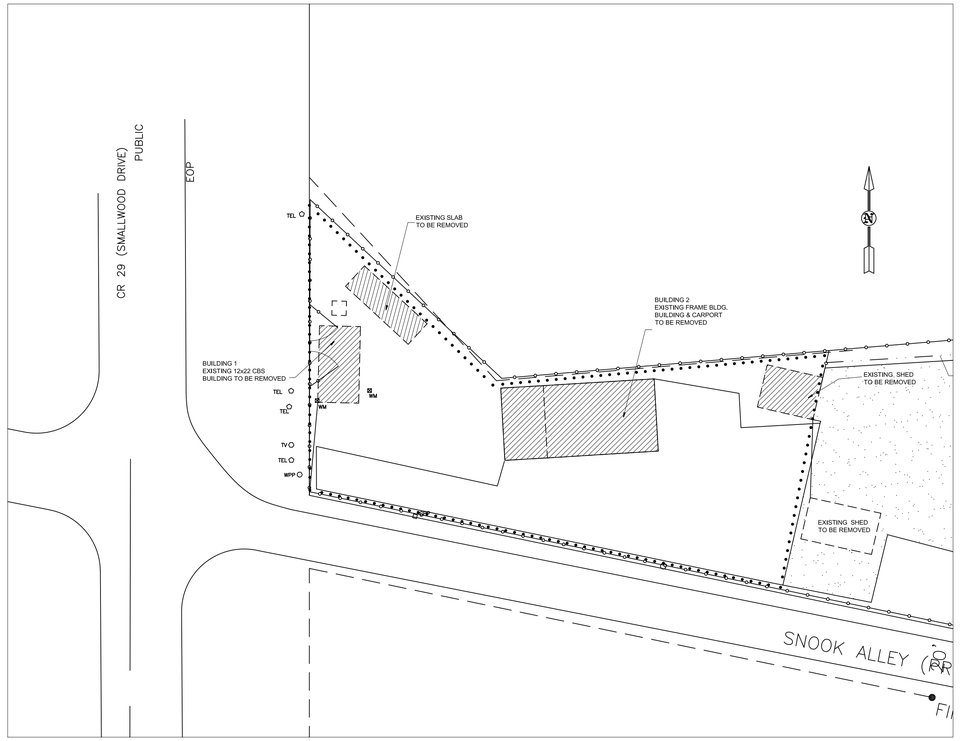
SHEET:

C-7

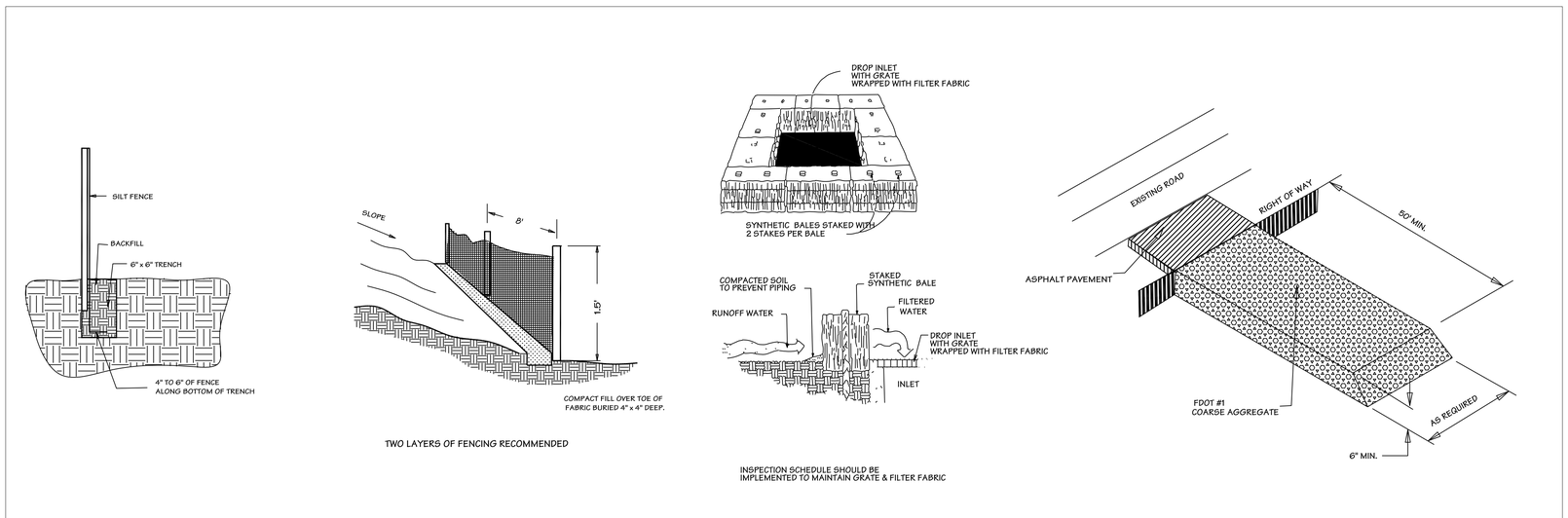
Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)



TEMP. ACCESS / NPDES SCALE: 1" =20'



DEMOLITION PLAN SCALE: 1" =20'



TWO LAYERS OF FENCING RECOMMENDED

INSPECTION SCHEDULE SHOULD BE
IMPLEMENTED TO MAINTAIN GRATE & FILTER FABRIC

KUHLMAN ENGINEERING, INC.
PHONE (239) 254-8219
kuhlmanengineering@yahoo.com

CLIENT: TAMIAMI BUILDERS, INC.
3500 RADIO ROAD
NAPLES, FLORIDA 34104
CGC 1509014 Phone 239-641-1500
email brian@tamiamibuilder

DESCRIPTION: NPDES / DEMOLITION

PROJECT:

OUTDOOR RESORTS
150 SMALLWOOD DRIVE,
CHOKOLOSKEE,
FLORIDA 34138

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S), INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

DATE ISSUED:
JULY 2, 2022

CHECKED BY:
JBK

REVISIONS:

DATE	MARK	REMARKS
8-11-22	1	CC REVIEW

This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22388

SHEET:
C-8

22 - 5518

Attachment: ATTACHMENT A - Backup Package (26416 : PL202 20006184 – Outdoor Resorts at Chokoloskee Island DR)

Proposed Deviations:
As required by 10.02.03.F7.h of the Collier County Land Development Code a detailed description of the proposed deviations along with a justification for each is provided below.

Deviation Request 1: Seeks relief from Collier County LDC Section 4.02.01.(A).(2) (Required Setback)
Deviation Number 1 seeks relief from LDC Section 4.02.01A, Table 2.1 Table of Minimum Yard Requirements for Base Zoning Districts, which requires a 50 foot setback from both the external boundary of park and external street in the TTRVC District, to instead allow a setback of between 15 feet and 23 feet 5 inches to the south property line for the Building labelled Building 1 as shown on Deviation Exhibit B Site Plan and 36 foot 10 inch and 49 foot 10 inch to the south property line for the Building labelled Building 2 as shown on Deviation Exhibit B Site Plan.
Justification
The RV Park was approved in 1984 in accordance with Ordinance No. 82-002; OR Book 14 Pages 99- 103 (attached). Section 7.19.c.4.d of the ordinance requires a setback of 10 feet for the boundary or from the required buffer area. Section 7.19.c.4.e of the ordinance requires a setback of 25 feet from a public street. The proposed structures will be a minimum of 50 feet from the right of way of County Road 29 a public street and 15 feet from the south boundary adjacent to Snook Alley, a private road.

Deviation Request 2: Seeks relief from Collier County LDC 4.06.06 - Special Buffer Requirements For The TTRVC Zoning District
Devation Number 2 seeks relief from LDC 4.06.06.(A).(1) – Special Buffer Requirements for the TTRVC Zoning District which requires TTRVC parks fronting on a highway shall provide and maintain clear area not less than 20 feet in width alongside, and parallel to the highway. There shall be an additional landscape area of five feet inside the entire length of the clear area. The landscape plan for this area will be determined at the time of submission of a site development plan pursuant to Chapter 10. The entire clear area and landscape area may be combined to achieve a visual screen between the public road and the TTRVC park. To instead allow the existing opaque fence to satisfy the required screening.

Justification
The existing maintenance area is screened along County Road 29 by an existing opaque fence per Ordinance 82-002 Section 7.19.f.3 which allowed for a structural or plant material screening.

Deviation Request 3: Seeks relief from Collier County LDC 4.06.06 - Special Buffer Requirements For The TTRVC Zoning District
Devation Number 3 seeks relief from LDC 4.06.06.(A).(2) - Special Buffer requirements for the TTRVC Zoning District which requires TTRVC parks abutting lands zoned other than for such parks shall be screened from such land by a buffer strip at least 15 feet wide, in which ornamental screening composed of structural or plant material shall be placed. Such screening shall be maintained at all times and constructed in accordance with the landscape provisions of section 4.06.00. To instead allow the existing opaque fence to satisfy the required visual screening.

Justification
The existing maintenance area is screened along the entire length of the South boundary by an existing opaque fence per Ordinance 82-002 Section 7.19.f.3 which allowed for a structural screening.

Deviation Request 4: Seeks relief from Collier County LDC 4.06.03.B.1 : Seeks relief from Collier County LDC 4.06.03.B.1 Landscape Requirements for Vehicular Use Areas
Deviation Request 4: Seeks relief from Collier County LDC 4.06.03.B.1 which requires at least 10 percent of the amount of vehicular use area onsite to be devoted to interior landscaping areas. Interior areas shall be a minimum of five feet in width and a minimum of 150 square feet in area, to instead allow a minimum of 3.33 percent of the amount of vehicular area onsite to be devoted to interior landscaping area.
Justification
Ordinance 82-002 Section 8.30.(3).(a) requires a minimum VUA landscape area of at least ten (10) square feet of additional interior landscaping for each parking space or ten (10) square feet of landscaped area for each three hundred (300) square feet or fraction thereof of paved area whichever is greater. The proposed additional pavement provides for the required fire access. The proposed gravel area will provide additional area for emergency vehicle maneuvering without increasing the impervious area.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

KUHLMAN ENGINEERING, INC
2223 Trade Center Way Naples, Florida 34109
PHONE (239) 254-8219 kuhlmanengineering@yahoo.com

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S), INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

OUTDOOR RESORTS
150 SMALLWOOD DRIVE
CHOKOLOSKEE, FLORIDA 34138

DEVIATION EXHIBIT "C"
DESCRIPTION

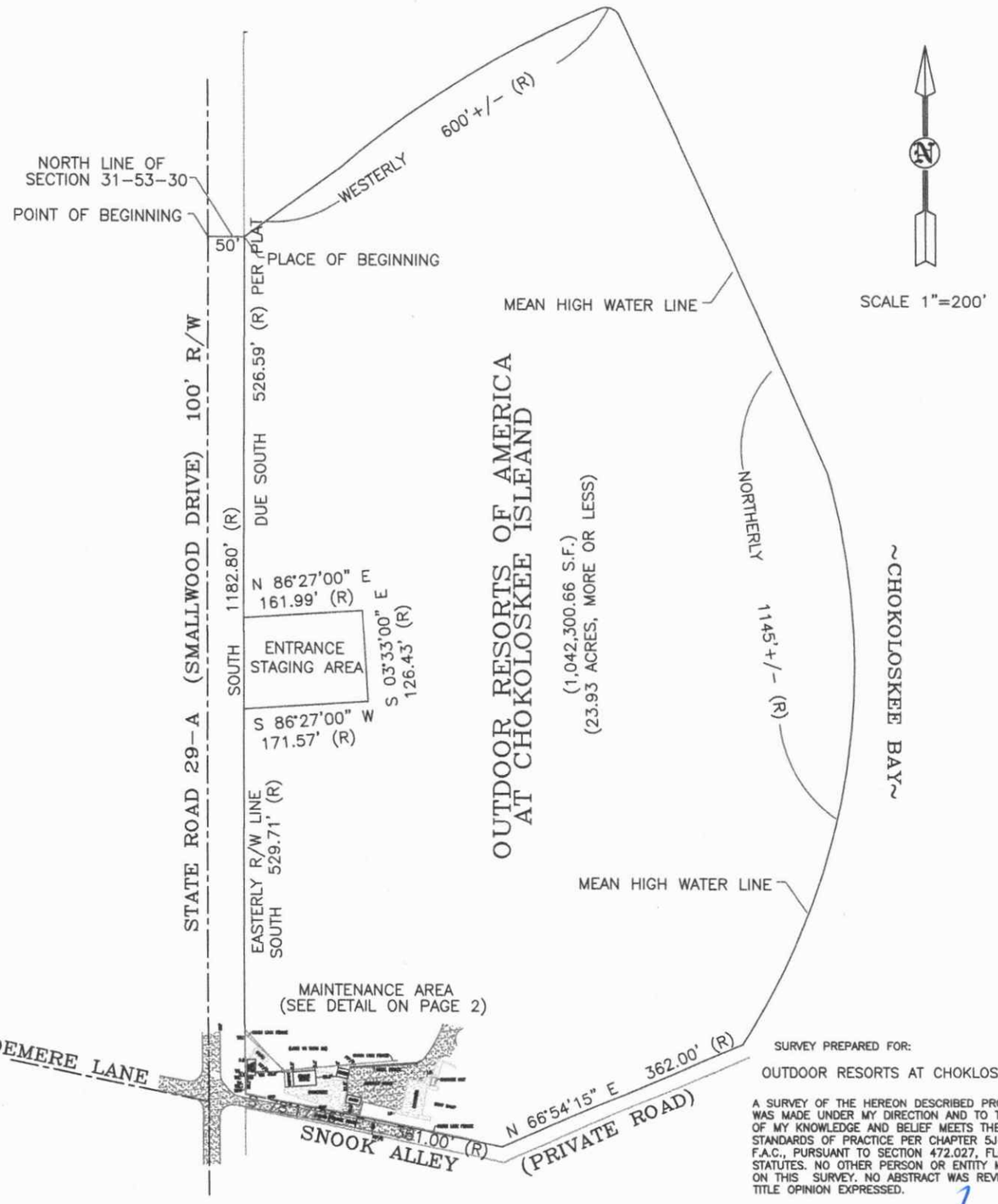
DATE ISSUED:	10-26-2022
FILE NO:	22 - 5518
SCALE:	N/A
REVISED:	1-19-2023
REVISED:	3-29-2023
REVISED:	5-7-2023
REVISED:	6-23-2023

This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22388

OUTDOOR RESORTS OF AMERICA AT CHOKOLOSKEE ISLAND

#150 SMALLWOOD DRIVE, CHOKOLOSKEE ISLAND, FLORIDA, 34138.
(MAINTENANCE AREA SPECIFIC PURPOSE SURVEY)



LEGAL DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 53, RANGE 30 EAST; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 31, 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD 29-A FOR A PLACE OF BEGINNING:

THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 1182.80 FEET TO THE SOUTH LINE OF LOT 1 AS RECORDED IN PLAT BOOK 1, PAGE 20 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE OF LOT 1 S 78° 17' 26" E 361.00 FEET; THENCE N 66° 54' 15" E 362 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF CHOKOLOSKEE BAY; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE 1145 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 31; THENCE WEST 600 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE EAST RIGHT OF WAY LINE OF SMALLWOOD DRIVE (STATE ROAD 29) BEING DUE SOUTH (PER PLAT).

SURVEY PREPARED FOR:

OUTDOOR RESORTS AT CHOKLOSKEE

A SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE STANDARDS OF PRACTICE PER CHAPTER 5J-17 F.A.C., PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.

MELVIN HATTON, P.S.M.
FLORIDA REGISTRATION # 5109

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT FURNISHED AT TIME OF SURVEY.

© COPYRIGHT MEL HATTON LAND SURVEYORS, INC. (2022)

TITLE: SPECIFIC PURPOSE SURVEY

FOR: OUTDOOR RESORTS CHOKOLOSKEE

PROJECT: #150 SMALLWOOD DRIVE CHOKOLOSKEE, FL, 34138.

DATE	BY	REVISION	SHEET	P.B.	SCALE
			1 OF 2	160 PG. 01	1"= 200'
			W.O. NO. 22-090	FILE NO. 22-090.DWG	DATE 02/16/22

MEL HATTON LAND SURVEYORS, INC.
#313 EAST GRACE STREET, PUNTA GORDA, FLORIDA, 33950.
(239) 450-9949

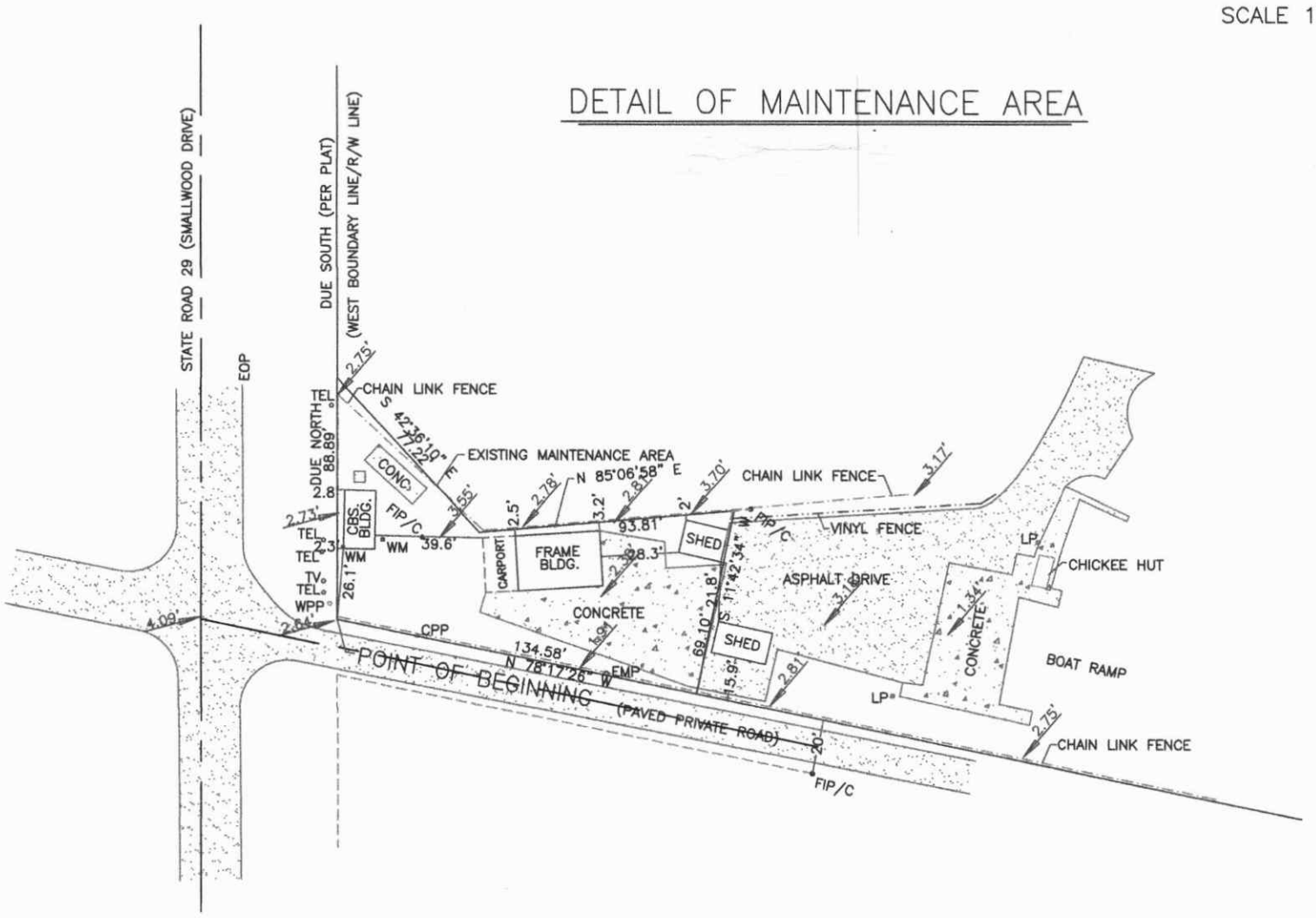
Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

OUTDOOR RESORTS OF AMERICA AT CHOKOLOSKEE ISLAND

#150 SMALLWOOD DRIVE, CHOKOLOSKEE ISLAND, FLORIDA, 34138.
(MAINTENANCE AREA SPECIFIC PURPOSE SURVEY)

SCALE 1"=60'

DETAIL OF MAINTENANCE AREA



LEGAL DESCRIPTION (MAINTENANCE AREA)

BEGINNING AT THE SOUTHWEST CORNER OF OUTDOOR RESORTS OF CHOKOSKEE THENCE RUN NORTH ALONG THE EAST RIGHT OF WAY LINE OF SMALLWOOD DRIVE (STATE ROAD 29) FOR 88.89 FEET ; THENCE LEAVING SAID RIGHT OF WAY LINE RUN S 46° 59' 10" E FOR 77.22 FEET; THENCE RUN N 86° 27' 00" E FOR 93.81 FEET ; THENCE RUN S 11° 42' 34" W FOR 69.10 FEET TO THE INTERSE –CTION WITH THE SOUTH LINE OF OUTDOORS RESORTS; THENCE ALONG SAID SOUTH LINE N 78° 17' 26" W FOR 134.58 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 53, RANGE 30 EAST; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 31, 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD 29–A FOR A PLACE OF BEGINNING:

THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 1182.80 FEET TO THE SOUTH LINE OF LOT 1 AS RECORDED IN PLAT BOOK 1, PAGE 20 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE OF LOT 1 S 78° 17' 26" E 361.00 FEET; THENCE N 66° 54' 15" E 362 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF CHOKOLOSKEE BAY; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE 1145 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 31; THENCE WEST 600 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

SURVEY PREPARED FOR:

OUTDOOR RESORTS AT CHOKLOSKEE

A SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE STANDARDS OF PRACTICE PER CHAPTER 5J–17 F.A.C., PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.

MELVIN HATTON, P.S.M.
FLORIDA REGISTRATION # 5109

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT FURNISHED AT TIME OF SURVEY.

ELEVATIONS ARE BASED ON NAVD 1988 DATUM.

© COPYRIGHT MEL HATTON LAND SURVEYORS, INC. (2022)

TITLE: SPECIFIC PURPOSE SURVEY

FOR: OUTDOOR RESORTS CHOKOLOSKEE

PROJECT: #150 SMALLWOOD DRIVE CHOKOLOSKEE, FL, 34138.

DATE	BY	REVISION
2/16/23	MH	ADD MAINTENANCE AREA DIMENSIONS

SHEET 2 OF 2 | F.B. 160 PG. 01 | SCALE 1"= 60'
W.O. NO. 22–090 | FILE NO. 22–090.DWG | DATE 02/16/22

MEL HATTON
LAND SURVEYORS, INC.
#313 EAST GRACE STREET, PUNTA GORDA, FLORIDA, 33950.
(239) 450–9949

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

ORDINANCE NO. 82-2

AN ORDINANCE ENACTING AND ESTABLISHING ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA; DIVIDING THE UNINCORPORATED AREA OF THE COUNTY INTO DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF AND WITHIN SUCH DISTRICTS REGULATING AND RESTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR OR USE OF BUILDINGS, STRUCTURES, OR LAND OR WATER; REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; REGULATING AND RESTRICTING THE PERCENTAGE OF LOTS THAT MY BE OCCUPIED; REGULATING AND RESTRICTING THE SIZE OF YARDS AND OTHER OPEN SPACES; REGULATING AND RESTRICTING THE DENSITY OF RESIDENTIAL DWELLING UNITS; REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND AND WATER FOR TRADE, COMMERCE, INDUSTRY, RESIDENCE, RECREATION AND OTHER PURPOSES; PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT OF THIS ZONING ORDINANCE; ESTABLISHING AND SETTING OUT THE POWERS, RESPONSIBILITIES, AND DUTIES OF THE PLANNING COMMISSION UNDER THIS ORDINANCE; ESTABLISHING AND SETTING OUT THE POWERS, RESPONSIBILITIES AND DUTIES OF THE BOARD OF ZONING APPEALS UNDER THIS ORDINANCE; SETTING A SCHEDULE OF FEES, CHARGES AND EXPENSES UNDER THIS ORDINANCE; DECLARING THAT THE PROVISIONS OF THIS ORDINANCE ARE MINIMUM OR MAXIMUM REQUIREMENTS AS THE CASE MAY BE; SETTING PENALTIES FOR VIOLATION OF THIS ZONING ORDINANCE AND AUTHORIZING RESORT TO OTHER REMEDIES TO PREVENT OR ABATE VIOLATION; PROVIDING THAT PROSECUTIONS BEGUN UNDER PREVIOUSLY EFFECTIVE ZONING REGULATIONS MAY BE CONTINUED; DEFINING CERTAIN TERMS HEREIN USED; PROVIDING THAT THESE ZONING REGULATIONS SHALL SUPERSEDE ANY AND ALL PREVIOUS ZONING REGULATIONS, RESOLUTIONS, OR ORDINANCES, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This ordinance filed with the Secretary of State's Office the 11th day of January, 1982 and acknowledgement of that filing received this 14th day of January, 1982.

BY: Deputy Clerk

RECEIVED
JAN 11 4 11 PM '82
Secretary of State

FILED
JAN 11 4 11 PM '82

WHEREAS, Article VIII, Section 1(f) of the Constitution of Florida confers on counties broad ordinance-making power when not inconsistent with general or special law; and

WHEREAS, Chapter 125.01, Florida Statutes, confers on all counties in Florida general powers of government, including the ordinance-making power and the power to plan and regulate the use of land and water; and

WHEREAS, the Legislature of the State of Florida has recognized the geographic, demographic and economic differences between the populous, urban coastal area of Collier County, and the relatively sparsely populated, rural agriculture oriented eastern area of Collier County by enacting Chapter 67-1246, Special Acts, Laws of Florida, 1967, as amended by Chapter 69-964, Special Acts, Laws of Florida, 1969, which recognizes these differences by authorizing the formation of multiple

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

planning commissions and districts, and the adoption of a Comprehensive Plan zoning regulations for each district or for the County as a whole; and

WHEREAS, the Board of County Commissioners of Collier County, Florida, and its recommendatory agents did take action in the manner prescribed by law, and did on May 8, 1979, adopt a Comprehensive Plan for Collier County; and

WHEREAS, the Collier County Planning Agency has reviewed this zoning ordinance and found it to be in compliance with the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Collier County, Florida, find it necessary to adopt and enforce comprehensive zoning regulations for those unincorporated lands and waters subject to the jurisdiction of the County, to the end that the public health, safety, comfort, order, appearance, convenience, morals, and the general welfare will be served; and

WHEREAS, the Board of County Commissioners of Collier County, Florida, and its recommendatory agents have conformed to all applicable procedural requirements of Florida law, and particularly those requirements relating to public notice and hearing; and

WHEREAS, all applicable substantive requirements of the law have been met;

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

SECTION 1. SHORT TITLE:

This ordinance shall be known and cited as the "Collier County Zoning Ordinance".

SECTION 2. INTENT AND PURPOSE:

2.1 It is the intent and purpose of this ordinance to establish and adopt comprehensive zoning regulations governing the use of land and water in the unincorporated areas of Collier County, Florida. The regulations set out are based on a comprehensive plan for future development, and are enacted to protect, promote, and improve the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the residents of the County.

2.2 It is intended by this ordinance to accomplish and to provide for efficiency and economy in the process of future development and

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

redevelopment; appropriate use of land; preservation, protection, conservation, and development of the natural resources of land, water and air; convenience in circulation of traffic for the transport of people, goods, and commodities, protection of persons and property in floodways and flood plains; healthful and convenient distribution of population; adequate and continuously maintained public facilities and utilities; promotion of amenities, both public and private, to maintain and improve the quality of life for all residents; and development in accord with the Comprehensive Plan.

SECTION 3. ESTABLISHMENT OF ZONING DISTRICTS; PROVISION FOR OFFICIAL ZONING ATLAS:

3.1 Establishment of Districts. The unincorporated land and water area of Collier County is hereby divided into districts as set out in Section 7 of this Zoning Ordinance and as shown on the Official Zoning Atlas which, together with all explanatory material shown thereon, is hereby adopted by reference and declared to be a part of this Zoning Ordinance.

3.2 Official Zoning Atlas.

a. Each page of the Official Zoning Atlas shall be identified by the signature of the Chairman of the Board of County Commissioners and attested by the Clerk of the Circuit Court, and shall bear the seal of the County of Collier under the following words: "This is to certify that this is Page ____ of the Official Zoning Atlas referred to and adopted by reference by Ordinance No. ____ of the County of Collier, Florida, adopted _____, 19__."

b. The boundaries of each district shall be shown on the Official Zoning Atlas, and the district symbol or symbols as set out in this Zoning Ordinance shall be used to designate each district.

3.3 Changes in District Boundaries. If, in accordance with the provisions of this Zoning Ordinance and applicable provisions of Florida Law, changes are made in district boundaries or other matters portrayed on the Official Zoning Atlas, such changes shall be entered promptly on the Official Zoning Atlas after the amendment has been approved by the Board of County Commissioners, with an entry on the appropriate page of the Official Zoning Atlas as

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

follows: "On _____ by Ordinance No. _____ of the County of Collier, the following changes were made in the Official Zoning Atlas: (Brief description of nature of change)", which entry shall be attested by the Clerk of the Circuit Court. No amendment to this zoning ordinance which involves matter portrayed in the Official Zoning Atlas shall become effective until such change and entry has been made on the Official Zoning Atlas in the manner herein set out; such change shall be made within twenty (20) working days after the date of adoption of the amendment.

3.4 Unauthorized Changes Prohibited. No changes of any nature shall be made in the Official Zoning Atlas or any matter shown thereon except in conformity with the procedures set out in this Zoning Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this zoning ordinance and punishable as provided by Section 18 of this Zoning Ordinance.

3.5 Final Authority as to Zoning. Regardless of the existence of purported copies of all or part of the Official Zoning Atlas which may from time to time be made or published, the Official Zoning Atlas, which shall be located in the office of the Clerk of the Circuit Court, shall be the final authority as to the current zoning status of all lands and waters in the unincorporated area of the County.

3.6 Retention of Earlier Zoning Maps or Atlases. All zoning maps or atlases, or remaining portions thereof, which have had the force and effect of official zoning maps or atlases for Collier County prior to the effective date of adoption of this Zoning Ordinance shall be retained as a public record as a guide to the zoning status of lands and waters prior to such date. Upon the date of adoption of this Zoning Ordinance, the Official Zoning Atlas of that date shall be microfilmed and such filmed record retained permanently in a place separate from the original Atlas.

3.7 Replacement of Official Zoning Atlas. If the Official Zoning Atlas, or any page or portion thereof, becomes damaged, lost, destroyed, or difficult to interpret by reason of the nature or number of changes, the Board of County Commissioners may by resolution adopt a new Official Zoning Atlas, or any page or pages thereof, which shall supersede the prior Official Zoning Atlas or page or pages thereof. The new Official Zoning Atlas, or page or pages

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

thereof, may correct drafting or other errors or omissions in the prior Official Zoning Atlas, or page or pages thereof, but no such correction shall have the effect of amending the original Official Zoning Atlas, or page or pages thereof.

If, in the process of adopting a replacement Official Zoning Atlas, or any page or pages thereof, district boundaries are changed or altered, then action in regard to such change of district boundaries shall be taken only on the form of an amendment to this Zoning Ordinance.

The Official Zoning Atlas, or portion thereof, shall be authenticated as for the original, with wording to the following effect: "This is to certify that this Official Zoning Atlas (or page or pages thereof) by Resolution No. _____ dated _____, replaced the Official Zoning Atlas (or page or pages thereof) adopted _____ as part of Ordinance No. ____ of the County of Collier, Florida."

Unless the prior Official Zoning Atlas has been lost, or has been totally destroyed, the prior Atlas or any significant parts thereof remaining shall be preserved as a public record, together with all available records pertaining to its adoption or amendment.

SECTION 4. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:

4.1 District Regulations Extend to all Portions of Districts Surrounded by Boundaries. Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the Official Zoning Atlas indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line.

4.2 Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Atlas, the following rules shall apply:

a. Boundaries indicated as approximately following the centerlines of dedicated streets, highways, alleys, or rights-of-way shall be construed as following such centerline as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel. In case of a street vacation, the boundary

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

shall be construed as remaining in its location except where ownership of the vacated street is divided other than at the center, in which case the boundary shall be construed as moving with the ownership.

b. Boundaries indicated as approximately following lot lines, public property lines, and the like shall be construed as following such lines; provided however, that where such boundaries are adjacent to a dedicated street, alley, highway, or right-of-way and the zoning status of the street, highway, alley, or right-of-way is not indicated, the boundaries shall be construed as running to the middle of the street, highway, alley, or right-of-way. In the event of street vacation, interpretation shall be as provided in Section 4.2.a. above.

c. Boundaries indicated as approximately following City or County limits shall be construed as following such City or County limits.

d. Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks.

e. Boundaries indicated as following mean high water lines or center lines or streams, canals, lakes, or other bodies of water shall be construed as following such mean high water lines or centerlines. In case of a change in mean high water line, or of the course or extent of bodies of water, the boundaries shall be construed as moving with the change, except where such moving would change the zoning status of a lot or parcel; and in such case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel.

f. Boundaries indicated as entering any body of water but not continuing to intersect with other zoning boundaries or with the limits of jurisdiction of Collier County shall be construed as extending in the direction in which they enter the body of water to intersection with other zoning boundaries or with the limits of County jurisdiction.

g. Boundaries indicated as following physical features other than those listed above shall be construed as following such physical features, except where variation of actual location from mapped location would change the zoning status of a lot or

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

parcel, and in such manner as to avoid changing the zoning status of any lot or parcel.

h. Boundaries indicated as parallel to or extensions of features indicated in Subparagraphs a. through g. above shall be construed as being parallel to or extensions of such feature.

i. Distances not specifically indicated on the Official Zoning Atlas shall be determined by the scale of the map on the page of the Atlas showing the property in question.

4.3 Cases not covered by Section 4.2 above. In cases not covered by Section 4.2 above, or where the property or street layout existing on the ground is at variance with that shown on the Official Zoning Atlas, the Zoning Director shall interpret the Official Zoning Atlas in accord with the intent and purpose of this Zoning Ordinance. Appeal from the interpretation of the Zoning Director shall be only to the Board of Zoning Appeals in conformity with Section 11 of this Zoning Ordinance.

4.4 Division of a Lot of Record by a District Boundary. Where a district boundary divides a lot of record at the time the boundary was established, and where the division makes impractical the reasonable use of the lot, the extension of the regulations for the front lot may be permitted as a special exception for not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

4.5 Continuity of Zoning. In the event any unincorporated territory within Collier County shall hereafter become incorporated, to insure that there shall be no lapse of zoning, then, any and all zoning regulations which may be in effect in such territory and administered by the County shall remain in full force and effect and shall continue to be administered and enforced by the County under this Zoning Ordinance until such time as municipal zoning within such territory shall be adopted and take effect.

SECTION 5. APPLICATION OF DISTRICT REGULATIONS:

The regulations herein set out within each district shall be minimum or maximum limitations, as the case may be, and shall apply uniformly to each class or kind of structure, use, or land or water, except as hereinafter provided:

5.1 Zoning Affects Use or Occupancy. No building, structure, land, or water shall hereafter be used or occupied, and no building, struc-

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

ture, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

5.2 Zoning Affects Height of Structures, Population Density, Lot Coverage, Yards and Open Spaces. No building or structure shall hereafter be erected or altered in any manner contrary to the provisions of this zoning ordinance, and especially:

a. To exceed height, bulk, or floor area;

b. To provide a greater number of dwelling units;

c. To provide less lot area per dwelling unit or to occupy a smaller lot;

d. To occupy a greater percentage of lot area;

e. To provide narrower or smaller yards, courts, or other open spaces;

f. To provide lesser separation between buildings or structures or portions of buildings or structures.

5.3 Multiple Use of Required Open Space Prohibited. No part of a required yard or other required open space, or required off-street parking or off-street loading space, provided in connection with one building, structure, or use shall be included as meeting the requirements for any other building, structure, or use, except where specific provision is made in this Zoning Ordinance.

5.4 Reduction of Lot Area Prohibited. No lot, even though it may consist of one or more adjacent lots of record, or yard existing at the effective date of this Zoning Ordinance shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner including dedication, condemnation, purchase and the like. Lots or yards created after the effective date of this Zoning Ordinance shall meet at least the minimum requirements established herein.

SECTION 6. NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND OR WATER, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USES:

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

1. Generally.

a. Intent: Within the districts established by this Zoning Ordinance or amendments that may later be adopted there may exist lots, structures, uses of land or water and structures and, characteristics of use which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Ordinance or future amendments. It is the intent of this Zoning Ordinance to permit these non-conformities to continue until they are voluntarily removed or removed as required by this Zoning Ordinance, but not to encourage their survival. It is further the intent of this Zoning Ordinance that the non-conformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

b. Declaration: Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land or water, or a non-conforming use of structure and land or water in combination shall not be extended or enlarged after the effective date of this Zoning Ordinance or relevant amendment thereto by attachment on a structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

c. Vested Projects: To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or property on which a building permit had been applied for prior to the effective date of adoption or relevant amendment of this Zoning Ordinance.

In addition, nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction, or designated use of any property for which a Development Plan was lawfully required and approved prior to the effective date of adoption or relevant amendment of this Zoning Ordinance, provided that such plan shall expire two years from the date of said approval, or one year from the date of adoption of

BOOK 014 PAGE 68

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

this Zoning Ordinance, whichever shall first occur, if no actual construction has been commenced and thereafter all development shall be in accordance with the zoning regulations then in effect. Any such approved plat or plan may be amended by approval of the Board of County Commissioners, provided the degree of non-conformity with this Zoning Ordinance shall not be increased.

6.2 Non-Conforming Lots Of Record: In any district any permitted or permissible structure may be erected, expanded, or altered on any lot of record at the effective date of adoption or relevant amendment to this Zoning Ordinance. The minimum width and minimum yard requirements shall be as for the most similar district to which such lot of record most closely conforms in the area, except when specifically provided for in the district regulations, such as RT and MHSD.

6.3 Non-Conforming Uses of Lands or Waters Or Structures Only: Where, at the effective date of adoption or relevant amendment of this Zoning Ordinance, lawful use of lands or waters exists which would not be permitted under this Zoning Ordinance, the use may be continued, so long as it remains otherwise lawful, provided:

a. Enlargement, Increase, Intensification, Alteration: No such non-conforming use shall be enlarged, intensified, increased, or extended to occupy a greater area of land , structure, or water than was occupied at the effective date of adoption or relevant amendment of this zoning ordinance.

b. Movement: No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or relevant amendment of this zoning ordinance.

c. Discontinuance: If any such non-conforming use ceases for any reason (except where governmental action impedes access to the premises) for a period of more than ninety (90) consecutive days, any subsequent use of land shall conform to the regulations specified by this zoning ordinance for the district in which such land is located.

d. Subdivision or Structural Additions: No land in non-conforming use shall be subdivided, nor shall any structures be added

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

on such land except for the purposes and in a manner conforming to the regulations for the district in which such land is located; provided, however, that subdivision may be made which does not increase the degree of non-conformity of the use.

e. Non-Conformities Not Involving the Use of a Principal Structure: Non-conformities not involving the use of a principal structure, including, but not limited to, open storage, building supplies, vehicles, mobile homes, trailers, equipment and machinery storage, junk yard, commercial animal yards and the like, shall be discontinued within one (1) year of the effective date of this ordinance or relevant amendment of this Zoning Ordinance.

6.4 Extension of Use in Building Manifestly Designed for Such Use

Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or relevant amendment of this Zoning Ordinance. Any non-conforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. Non-conforming use shall be extended to occupy any land outside the building, nor any additional building on the same lot or parcel, not used for such non-conforming use at the effective date of adoption or relevant amendment of this Zoning Ordinance.

6.5 Change in Tenancy or Ownership: There may be a change in tenancy, ownership, or management of a non-conforming use provided there is no change in the nature or character of such non-conforming use.

6.6 Change in Use: If no structural alterations are made, any non-conforming use of a structure, or of a structure and premises in combination may be changed to another non-conforming use of the same character, or to a more restricted non-conforming use, provided the Board of Zoning Appeals, upon application to the Community Development Administrator, shall find after public notice and hearing that the proposed use is equally or more appropriate to the district than the existing non-conforming use and that the relation of the structure to surrounding properties is such that adverse effects on occupants and neighboring properties will not be greater than if the existing non-conforming use is continued. In permit-

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

ting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with the intent and purpose of this Zoning Ordinance.

6.7 Change to Conforming Use Requires Future Conformity With District Regulations: Any structure, or structure and premises in combination, in or on which a non-conforming use is replaced by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use shall not thereafter be resumed nor shall any other non-conforming use be permitted.

6.8 Casual, Temporary, or Illegal Use: The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a non-conforming use or to create rights in the continuance of such use.

6.9 Uses Under Special Exception Provisions Not Non-Conforming Uses: Any use which is permitted as a Special Exception in a district under the terms of this Zoning Ordinance shall not be deemed a non-conforming use in such district, but shall without further action be deemed a conforming use in such district.

6.10 Non-Conforming Structures: Where a structure exists lawfully under this Zoning Ordinance at the effective date of its adoption or relevant amendment that could not be built under this Zoning Ordinance by reason of restrictions on lot area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;

b. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its actual replacement cost at time of destruction, as determined by a cost-estimate submitted to the Zoning Director, it shall not be reconstructed except in conformity with provisions of this Zoning Ordinance.

Notwithstanding the foregoing restrictions as to reconstruction, any residential structure or structures in any

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

residential zone district may be rebuilt after destruction to the prior extent, height and density of units per acre regardless of the percentage of destruction. In the event of such rebuilding, all setbacks and other applicable district requirements shall be met unless a variance therefore is obtained from the Board of Zoning Appeals. For the purpose of this Section, a hotel, motel, or boatel shall be considered to be a residential structure.

c. Should such structure be moved for any reason for any distance whatever, other than as a result of governmental action, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

6.11 Improvements or Additions to Non-Conforming Mobile Homes: Improvements or additions to non-conforming mobile homes containing conforming uses, in the A-Agricultural Districts only, shall be permitted if the addition or improvement complies fully with the setback and other applicable regulations.

6.12 Destruction of Major Structure or Structures: When non-conforming use status applies to a major structure or structures, or to a major structure or structures and premises in combination, removal or destruction of the structure or structures shall eliminate the non-conforming status of the land. "Destruction" of the structure for purposes of this subsection is hereby defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of the destruction. Upon removal or destruction as set out in this paragraph, the use of land and structures shall therefore conform to the regulations for the district in which such land is located.

6.13 Repairs and Maintenance: On any non-conforming structure or portion of a structure and on any structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding twenty (20) percent of the current assessed valuation of the structure (or of the non-conforming portion of the structure if a non-conforming portion of a structure is involved), provided that the cubic content of the structure existing at the date it becomes non-conforming shall not be increased.

BOOK 014 PAGE 70

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

6.14 Non-Conforming Structures Unsafe Because of Lack of Maintenance: If a non-conforming structure or portion of a structure, or any structure containing a non-conforming use, becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the duly authorized official of Collier County to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

6.15 Non-Conforming Structures Unsafe for Reasons Other than Lack of Maintenance: If a non-conforming structure or portion of a structure, or any structure containing a non-conforming use, becomes physically unsafe or unlawful for reasons other than lack of repairs or maintenance, nothing contained herein shall be deemed to prevent the strengthening or restoring to a safe condition of such building or part thereof declared to be unsafe by the authorized official of Collier County charged with protecting the public safety; provided, however, that where such unsafeness or unlawfulness is the result of damage from destruction, the percentage of damage limitations set out in Section 6.10.b. or 6.12, as the case may be, shall apply.

SECTION 7. SCHEDULE OF DISTRICT REGULATIONS

7.1 General. District Regulations shall be as set out in the Schedule of District Regulations, hereby declared to be a part of this Zoning Ordinance, or as provided in Section 8 of this Zoning Ordinance entitled "Supplementary District Regulations:, or as otherwise provided in this Zoning Ordinance. The Official Schedule of District Regulations is subject to amendment in the same manner as any other portion of this Zoning Ordinance.

7.2 Districts. Districts as shown on the Official Schedule of District Regulations and as delineated on the Official Zoning Atlas, are as follows with titles and abbreviations for symbol purposes as indicated:

GC	Golf Course District
RO	Recreation and Open Space District
A-1	Agriculture District
A-2	Rural Agriculture District

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

E	Estate District
RSF-1	Residential Single-Family District
RSF-2	Residential Single-Family District
RSF-3	Residential Single-Family District
RSF-4	Residential Single-Family District
RSF-5	Residential Single-Family District
RMF-6	Residential Multiple-Family District
RMF-12	Residential Multiple-Family District
RMF-16	Residential Multiple-Family District
RT	Residential Tourist District
VR	Village Residential District
MHSD	Mobile Home Subdivision District
MHRP	Mobile Home Rental Park District
TTRVC	Travel Trailer-Recreational Vehicle Campground District
C-1	Commercial Professional District
C-2	Commercial Convenience District
C-3	Commercial Intermediate District
C-4	Commercial General District
C-5	Commercial Industrial District
IL	Industrial, Light District
I	Industrial District
PUD	Planned Unit Development District

7.3 Definitions of Groupings of Various Districts:

a. Where the phrases "agricultural districts", "zoned agricultural", "agriculturally zoned", "agricultural zoning", "rural zoning" or phraseology of similar intent, are used in this zoning ordinance, the phrases shall be construed to include: A-1, A-2, and E.

b. Where the phrases "all residential districts", "residential districts", zoned residentially", or "residentially zoned", or phraseology of similar intent, are used in this Zoning Ordinance, the phrases shall be construed to include the following districts: RSF-1, RSF-2, RSF-3, RSF-4, RSF-5, RMF-6, RMF-12, RMF-16, RT, MHRP and MHSD.

c. Where the phrases "commercial districts", "zoned commercially", "commercially zoned", "commercial zoning", or phraseology of similar intent, are used in this Zoning Ordinance, the

BOOK 014 PAGE 72

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

phrases shall be construed to include: C-1, C-2, C-3, C-4 C-5, and TTRVC.

d. Where the phrases "industrial districts", "zoned industrially", industrially zoned", "industrial zoning", or phraseology of similar intent, are used in this Zoning Ordinance, the phrases shall be construed to include: C-5, IL and I.

7.4 Unauthorized Changes Prohibited. No changes of any nature shall be made in the Official Schedule of District Regulations or any matter shown thereon except in conformity with this Zoning Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Zoning Ordinance and punishable as provided by Section 18 of this Zoning Ordinance.

7.5 Final Authority of Official Schedule. Regardless of the existence of purported copies of all or part of the Official Schedule of District Regulations which may from time to time be published or reproduced, the Official Schedule of District Regulations which shall be located in the office of the Clerk of the Circuit Court shall be the final authority as to the various zoning districts herein established.

7.6 GC - GOLF COURSE DISTRICT

a. District Purpose. The provisions of this district are intended to apply to areas developed into golf courses and normal accessory uses of golf courses, including some uses of a commercial nature.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures. Golf Courses.

2) Permitted Accessory Uses and Structures:

(a) Clubhouses, pro-shop, practice driving range and other customary accessory uses of golf courses, or other recreational facilities.

(b) Small commercial establishments, including gift shops, golf equipment sales, restaurants, cocktail lounges, and similar uses, intended to exclusively serve patrons of the golf course or other permitted recreational facilities, subject to the provisions of Section 8.11 of this Ordinance.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Packet Pg. 122

(c) Shuffleboard courts, tennis courts, swimming pools, and other types of facilities intended for outdoor recreation.

(d) Signs as permitted in Section 8.31 of this Ordinance.

(e) A maximum of two (2) residential units in conjunction with the operation of the golf course as determined to be compatible with the adjacent zoning as determined by the Zoning Director.

c. Plan Approval Requirements. Plans for the golf course and all accessory uses shall be submitted to the Director who will review these plans and approve their construction. All construction shall be in accordance with the approved plans and specifications. The perimeter boundaries of such plans shall be recorded in the same manner as a subdivision plat.

1) General Requirements:

(a) Overall site design shall be harmonious in terms of landscaping, enclosure of structures, location of access streets and parking areas and location and treatment of buffer areas.

(b) Buildings shall be set back a minimum of fifty (50) feet from abutting residential districts and the setback area shall be appropriately landscaped and maintained to act as a buffer zone.

(c) Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.

(d) A site plan shall be provided showing pertinent structure locations.

d. Maximum Height. Thirty-five (35) feet above the finished grade of the lot within 150 feet of any district restricted to thirty (30) feet or less in height, and forty-five (45) feet elsewhere within the district.

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 Damage Prevention Ordinance.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

c. Minimum Off-Street Parking - See Section 18.

f. Signs: See Section 8.31.

7.7 RO - Recreation and Open Space District:

a. District Purpose: This district is designed to apply to areas which provide natural or man-made recreation and other open space lands and facilities which provide public or special group recreation, education, entertainment and relaxation. Such lands and facilities may be provided through public, private, commercial or special group sponsorship. It is the intent of this district to implement the Comprehensive Plan within any category shown on the Land Use Plan which meets the overall purpose of this district.

b. 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 for other than the following:

1) Permitted Principal Uses and Structures:

(a) Parks and playgrounds.

(b) Biking, hiking, canoeing, and nature trails.

(c) Equestrian paths.

(d) Nature preserves and wildlife sanctuaries.

(e) Any other open space activity which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in the district.

2) Permitted Accessory Uses and Structures: Accessory uses and structures customarily associated with the uses permitted in this district.

(a) Customary accessory uses of recreational facilities.

3) Permitted Provisional Uses and Structures:

(a) Public swimming pools.

(b) Marinas and boat ramps.

(c) Community centers.

(d) Amphitheatre.

(e) Shooting range.

(f) Race track.

(g) Driving range.

(h) Miniature golf course.

BOOK 014 PAGE 75

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(i) Archery ranges.

(j) Water ski jumps.

(k) Tennis facilities.

(l) Zoo, sea aquarium, aviary, botanical garden, or other similar uses.

(m) Restaurant in conjunction with recreational activity.

(n) Private clubs and yacht clubs and related facilities of a non-commercial nature, such as boat ramps, docks, restaurant, cocktail lounge and limited overnight lodging rooms for persons arriving by yacht and docking at the club, provided such facilities are used exclusively by the members of the club and their invitees.

(o) Sports facilities.

(p) Any other recreational use which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in the district.

4) Prohibited Uses and Structures: Any use or structure not specifically, or by reasonable implication, permissible herein or permissible by special exception, except new and unusual uses directly related to and subordinate to the recreational open space uses. The applicant shall have the affirmative burden of establishing said intent.

c. Development Standards:

1) Minimum Lot Area: 2½ acres unless otherwise approved during Development Plan review.

2) Minimum Lot Width: 150 feet unless otherwise approved during Development Plan review.

3) Yard Requirements for Structures: Unless otherwise approved during Development Plan review:

(a) Front Yard: Fifty (50) feet.

(b) Side Yard: Thirty (30) feet.

(c) Rear Yard: Fifty (50) feet.

4) Maximum Height of Structures: 35 feet unless otherwise approved during Development Plan review.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking and Off-Street Loading Requirements: As Required in Section 8.

f. Minimum Landscaping Requirements: As required in Section 8.30.

g. Development Plan Approval: Development Plan review required for all uses - See Section 10.5.

7.8 A-1 - Agricultural District:

a. District Purpose: The A-1 District is intended to apply to those areas, the present or prospective use of which is primarily agricultural, pastoral or rural in nature. This district is designed to accommodate traditional agricultural uses, and conservation measures where appropriate, while protecting the rural areas of the County. The regulations in this district are intended to permit a reasonable use of the property, while at the same time prevent the creation of conditions which would seriously endanger, damage, or destroy the agricultural base of the County, or environmental resources of Collier County, the potable water supply, or the wildlife resources of the County. It is the intent of this district to implement the Comprehensive Plan within, but not necessarily limited to those areas of Collier County shown as agriculture on the Land Use Plan.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Agricultural activities, such as field crops, horticulture, fruit and nut production, forestry, ranching, bee-keeping, poultry and egg production, milk production, animal breeding, raising, training, stabling or kenneling.

(b) Oil and gas exploration and drilling (subject to State drilling permit).

2) Permitted Accessory Uses and Structures:

(a) Single-family dwellings.

(b) Accessory uses and structures which are incidental to and customarily associated with uses permitted in the district.

BOOK 014 PAGE 77

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(c) Mobile home.

(d) Private boat houses and docks, with or without boat hoists, on lake, canal or waterway lots.

(e) Farm labor housing subject to Section 9.3.

(f) On site retail sales of farm products primarily grown on the farm.

3) Permitted Provisional Uses and Structures:

(a) Aquaculture and mariculture.

(b) Hunting cabins, subject to all building codes and permits.

(c) Extraction and related processing and production.

(d) Private landing strips for general aviation.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein.

c. Development Standards:

1) Minimum Lot Areas: All permitted uses or special exceptions unless otherwise specified: 5 acres.

2) Minimum Lot Width: Three hundred (300) feet.

3) Minimum Yard Requirements:

(a) Front Yard: Seventy-five (75) feet.

(b) Side Yard: Ten (10%) percent of the width of the lot, not to exceed a maximum requirement of fifty (50) feet.

(c) Rear Yard: Seventy-five (75) feet.

4) Maximum Height of Structures: Thirty (30) feet.

5) Maximum Density: One dwelling unit per five (5) acres.

d. Minimum Off-Street Parking: None, unless otherwise specified within this Ordinance.

e. Signs: As permitted in Section 8.

7.9 A-2 - Rural Agriculture District:

a. District Purpose: The A-2 Rural Agriculture District is intended to apply to those areas, the present or prospective use of which is directly related to agriculture, pastoral or rural in nature. The district is designed to accommodate traditional agriculture, agricultural related activities and facilities, support facilities related to rural needs and conservation measures. The regulations in this district are

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

intended to permit a reasonable use of the property, while at the same time prevent the creation of conditions which would seriously deplete, endanger, damage, or destroy the agricultural or environmental resources of Collier County, the potable water supply or wildlife resources of the County. It is the intent of this district to retain and encourage agriculture and agricultural related activities and facilities in accordance with the objectives of the Comprehensive Plan, and to implement the Comprehensive Plan within, but not necessarily limited to those areas of Collier County shown as agriculture on the Land Use Plan.

b. Uses and Structures:

1) Permitted Principal Uses:

(a) Single-family dwellings and mobile homes.

(b) Agricultural activities, such as field crops, horticulture, fruit and nut production, forestry, ranching, bee-keeping, poultry and egg production, milk production, animal breeding, raising, training, stabling or kenneling.

(c) Wildlife management areas, plant and wildlife conservancies, refuges and sanctuaries.

(d) Wholesale plant nurseries and retail sales (to include the sale of garden supplies).

(e) Any use clearly intended as a measure of conservation.

(f) Oil and gas exploration and drilling (subject to State drilling permit).

2) Permitted Accessory Uses and Structures:

(a) Accessory uses and structures which are incidental to and customarily associated with the uses permitted in the district.

(b) Farm labor housing subject to Section 9.3.

(c) On-site retail sales of farm products primarily grown on the farm.

(d) Guest house (subject to Section 8.38).

3) Permitted Provisional Uses and Structures:

(a) Extraction and related processing and production.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) Earth mining and related processing.

(c) Churches and places of worship.

(d) Private landing strips for general aviation.

(e) Sawmills, provided that no sawmill shall be located closer than 1,000 feet from any County, State or Federal property or highway right-of-way.

(f) Cemeteries.

(g) Sport race tracks and arenas.

(h) Zoo, aquarium, aviary, botanical garden, or other similar use.

(i) Communication towers, provided that no communication tower shall be located closer than one-half (½) the height of the tower plus ten (10) feet from any County, State or Federal property or highway right-of-way.

(j) Public, private and parochial school or college having a conventional academic curriculum. (See Section 8.11)

(k) Hunting cabin, subject to all building codes and permits.

(l) Child care centers.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally, or by reasonable implication permitted herein.

c. Development Standards:

1) Minimum Lot Area: All permitted uses and special exceptions, unless otherwise specified: 5 acres.

2) Minimum Lot Width: One hundred sixty-five (165) feet.

3) Minimum Yard Requirement:

(a) Front Yard: Fifty (50) feet.

(b) Side Yard: Thirty (30) feet.

(c) Rear Yard: Fifty (50) feet.

4) Maximum Height of Structures: Thirty (30) feet, except for accessory structures such as silos.

5) Maximum Density: One dwelling unit per five (5) acres.

6) Minimum Floor Area: 550 square feet.

d. Minimum Off-Street Parking: As required in Section 8.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

e. Signs: As permitted in Section 8.31.

7.10 E - Estates District:

a. District Purpose: The provisions of this district are intended to apply to an area of low density residences in a semi-rural to rural environment, permitting all necessary residential activities and limited agricultural activities. The district is designed to accommodate certain structures and uses subject to restrictions and requirements necessary to preserve and protect the low density residential, semi-rural and rural environment character of the district. It is the intent of this district to implement the Comprehensive Plan within, but not necessarily limited to those areas of Collier County shown as Low Density on the Land Use Plan.

b. Uses and Structures: No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or part, for other than the following:

1) Permitted Principal Uses and Structures: Single-family dwellings.

2) Permitted Accessory Uses and Structures:

(a) Accessory uses and structures which are incidental to and customarily associated with the uses permitted in the district.

(b) Field crops raised for consumption of the people residing on the land.

(c) Keeping of fowl or poultry not to exceed twenty-five (25) in total number provided such fowl or poultry are kept in an enclosure located thrity (30) feet or more from any lot line and at least one hundred (100) feet from any existing residence located in adjacent porperty.

(d) 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 no closer than one hundred (100) feet to any existing residence located on adjacent property. No open feed lot for animals shall be permitted.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(c) One guest house (Subject to Section 8.38).

3) Permitted Provisional Uses and Structures:

(a) Churches and other places of worship.

(b) Public, private and parochial schools and colleges having a conventional academic curriculum.

(c) Recreational facilities not accessory to principal use.

(d) Social and fraternal organizations. (Subject to Section 8.11)

(e) Owner occupied child care centers (Subject to Section 8.48), convalescent homes, hospices, rest homes, homes for the aged, adult foster homes, children's homes and rehabilitation centers.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally, or by reasonable implication permitted herein, or permissible by special exception.

c. Development Standards:

1) Minimum Lot Area: Two and one-quarter (2¼) acres.

2) Minimum Lot Width: One hundred fifty (150) feet.

3) Minimum Yard Requirements:

(a) Front Yard: Seventy-five (75) feet.

(b) Side Yard: Ten (10%) percent of the width of the lot not to exceed a maximum requirement of thirty (30) feet.

(c) Rear Yard: Seventy-five (75) feet.

4) Maximum Height of Structures: Thirty (30) feet.

5) Maximum Density: One (1) dwelling unit per two and one-quarter (2¼) acres.

6) Minimum Floor Area: 750 square feet.

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking: As required in Section 8.

f. Non-conforming Lots of Record on the Corner of Two (2) County Streets: Any non-conforming corner lot of record which abuts two (2) County streets shall have the front yard with the longest street frontage setback a minimum of twenty-five (25') feet from the easement or right-of-way line. The front yard with the shortest street frontage shall require the 75 feet frontage yard setback.

BOOK 014 PAGE 82

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

7.11 RSF - Residential, Single-Family District:

a. District Purpose: These districts are intended to apply to areas of single-family residences which conform to the Collier County Building Code and low dwelling unit intensity. Variation among the RSF-1, RSF-2, RSF-3, RSF-4 and RSF-5 districts is in requirements of lot area, lot width and minimum yards. Certain structures and uses designed to serve governmental, educational, religious, non-commercial recreational, and other immediate needs of such areas are permitted or are permissible as special exceptions within such districts, subject to restrictions and requirements necessary to preserve and protect their single-family residential character. It is the intent of these districts to implement the Comprehensive Plan within, but not necessarily limited to those areas of Collier County shown as low, low to medium and medium residential densities on the Land Use Plan.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Single-family dwellings.

(b) Public parks, public playgrounds, public playfields, and commonly owned open space. (Subject to Section 8.11)

2) Permitted Accessory Uses and Structures:

(a) Private boat houses and docks. (Subject to Section 8.46)

(b) Customary accessory uses and structures, including private garages.

(c) One (1) guest house (Subject to Section 8.38).

3) Permitted Provisional Uses and Structures:

(a) Non-commercial boat launching facilities, and multiple docking areas.

(b) Recreational facilities not accessory to principal use.

(c) Churches.

(d) Public, private, parochial schools.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(e) Owner occupied child care centers. (Subject to Section 8.48)

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

(g) Group housing, patio housing and cluster housing.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein.

c. Development Standards:

1) Minimum Lot Area:

RSF-1	43,560 square feet.
RSF-2	20,000 square feet.
RSF-3	10,000 square feet.
RSF-4	7,500 square feet.
RSF-5	6,000 square feet.

2) Minimum Lot Width:

RSF-1	150 feet.
RSF-2	120 feet.
RSF-3	Corner Lots - 95 feet.
	Interior Lots - 80 feet.
RSF-4	Corner Lots - 75 feet.
	Interior Lots - 70 feet.
RSF-5	Corner Lots - 75 feet.
	Interior Lots - 60 feet.

3) Minimum Yard Requirements:

	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5
(a) Front Yard:	50 ft.	40 ft.	30 ft.	25 ft.	25 ft.
(b) Side Yard:	30 ft.	20 ft.	7½ ft.	7½ ft.	7½ ft.
(c) Rear Yard:	50 ft.	30 ft.	25 ft.	25 ft.	20 ft.

(d) Accessory Structure Yard: See Section 8.2.

4) Maximum Height: For all RSF - Residential, Single-Family Districts.

(a) Principal Structures: 30'.

(b) Accessory Structures: 20'.

5) Maximum Density: For all RSF - Residential Single-family Districts.

(a) One (1) dwelling unit per lot.

6) Minimum Floor Area:

	One Story	Two Story
RSF-1 & 2	1,500 square ft.	1,800 square ft.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

RSF-3	1,000 square ft.	1,200 square ft.
RSF-4	800 square ft.	1,200 square ft.
RSF-5	600 square ft.	800 square ft.

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking: As required in Section 8.

7.12 RMF-6 - Residential Multi-Family District:

a. District Purpose: The provisions of this district are intended to apply to an area of single family, two family and multi-family residences having a low profile silhouette and surrounded by open space and being so situated that it is well-served by public and commercial services and has direct or convenient access to thoroughfares and collector streets. It is the intent of this district to implement the Comprehensive Plan within, but not necessarily limited to those areas of Collier County shown as medium density residential areas on the Land Use Plan.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Single-family dwellings.

(b) Two-family dwellings.

(c) Multi-family dwellings.

(d) Cluster housing, group housing or patio housing. (Development Plan approval - Subject to Section 10.5)

2) Permitted Accessory Uses and Structures:

(a) Customary accessory uses and structures.

(b) Private boat houses and docks. (Subject to Section 8.46)

3) Permitted Provisional Uses and Structures:

(a) Churches.

(b) Schools

(c) Owner occupied child care centers. (Subject to Section 8.48)

(d) Civic and cultural facilities.

(e) Recreational facilities not accessory to principal use.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

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

(g) Non-commercial boat launching facilities.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein.

c. Development Standards:

1) Minimum Lot Area: 7,260 square feet for each dwelling unit.

2) Minimum Lot Width: 100 feet.

3) Minimum Yard Requirements:

(a) Front Yard: Thirty-five (35) feet.

(b) Side Yard: Fifteen (15) feet.

(c) Rear Yard: Thirty (30) feet.

4) Maximum Height of Structures: Three (3) habitable stories.

5) Maximum Density: Six (6) dwelling units per acre; also, see Section 9 for transfer of development rights.

6) Distance Between Structures: Thirty (30) feet or one-half (½) the sum of the heights of the adjacent structures, whichever is greater.

7) Development Standards for Non-Conforming Lots of Record:

(a) Single-family dwellings, in conformance with the development standards of the RSF-5 district.

(b) Multi-family dwellings, in conformance with the development standards of the RMF-6 district; except non-conforming lots of record need 6,500 square feet for each dwelling unit as the minimum lot area; and further providing that when calculating the density on these nonconforming lots, a fractional unit of .50 or greater of a unit shall entitle the applicant to an additional unit.

8) Minimum Floor Area: 750 square feet.

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking: As required in Section 8.

7.13 RMF-12 - Residential Multi-Family District:

a. District Purpose: The provisions of this district are intended to apply to an area of multi-family residences having a

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

midrise profile silhouette and generally surrounded by low profile structures and open space and so situated that it is well-served by public and commercial services and has direct or convenient access to thoroughfares and collector streets. The intent of this district is to implement the Comprehensive Plan within, but not necessarily limited to those areas of Collier County shown as medium to high density residential on the Land Use Plan.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Multi-family dwellings.

(b) Group Housing, cluster housing or patio housing (Development Plan approval required - See Section 10.5)

(c) Townhouses (Development Plan Approval required - See Section 10.5)

2) Permitted Accessory Uses and Structures:

(a) Customary accessory uses and structures.

(b) Private boat houses and docks. (Subject to Section 8.46)

3) Permitted Provisional Uses and Structures:

(a) Single-family dwellings.

(b) Two-family dwellings.

(c) Churches, public, private, parochial schools and child care centers.

(d) Civic and cultural facilities.

(e) Recreational facilities not accessory to principal use.

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

(g) Non-commercial boat launching facilities.

(h) Multi-family dwellings up to 4, 5, and 6 stories.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

c. Development Standards:

1) Minimum Lot Area: One (1) acre.

2) Minimum Lot Width: 150 feet.

3) Minimum Yard Requirements:

(a) Front Yard: Thirty (30) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

(b) Side Yard: Fifteen (15) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

(c) Rear Yard: Thirty (30) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

4) Maximum Height of Structures: Three (3) stories

5) Maximum Density: Twelve (12) units per acre; also see Section 9.1.h. for transfer of development rights.

6) Distance Between Structures: The distance between any two (2) principal structures on the same parcel shall be fifteen (15) feet or a distance equal to one-half (½) the sum of their heights, whichever is greater.

7) Minimum Floor Area: 750 square feet.

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking: As required in Section 8.

7.14 RMF-16 - Residential Multi-Family District:

a. District Purpose: The provisions of this district are intended to apply to an area of medium to high density residences surrounded by open space and being so situated that it is well-served by public and commercial services and has direct or convenient access to thoroughfares and collector streets. The intent of this district is to implement the Comprehensive Plan within, but not necessarily limited to those areas of Collier County shown as medium to high density residential on the Land Use Plan.

b. 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, for other than the following:

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

1) Permitted Principal Uses and Structures:

(a) Multi-family dwellings.

(b) Group housing, patio housing and cluster housing. (Development Plan approval required - See Section 10.5)

(c) Townhouses (Development Plan Approval required -See Section 10.5)

2) Permitted Accessory Uses and Structures:

(a) Customary accessory uses and structures.

(b) Private boat houses and docks. (Subject to Section 8.46)

3) Permitted Provisional Uses and Structures:

(a) Churches, may include child care centers.

(b) Child care centers.

(c) Civic and cultural facilities.

(d) Recreational facilities not accessory to principal use.

(e) Non-commercial boat launching facilities.

(f) Schools.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein.

c. Development Standards:

1) Minimum Lot Area: One (1) acre.

2) Minimum Lot Width: 150 feet.

3) Minimum Yard Requirements: All building line setbacks shall be computed by the following formula:

55% of the building height with a minimum of 20'.

4) Maximum Height of Structures: Ten (10) stories or 100 feet whichever is greater.

5) Maximum Density: Sixteen (16) dwelling units per acre; also see Section 9.1h for transfer of development rights.

6) Distance Between Structures: Between any two (2) principal structures on the same parcel there shall be provided a distance equal to one-half (½) the sum of their heights.

7) Minimum Floor Area: 750 square feet.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking: As required in Section 8.

f. Minimum Landscaping Requirements: See Section 8.30.

7.15 RT - Residential Tourist District:

a. District Purpose: The RT Residential Tourist District is intended to provide for tourist accommodations and supporting facilities and multiple-family dwellings. This district is not designed to serve all the potential needs of tourists, but rather to provide those goods and services tourists normally require, aside from automotive oriented services which are not permitted in this district. Depending upon location, it is generally intended to utilize this district within, but not necessarily limited to those areas of Collier County which comply with the policies and objectives of the Comprehensive Plan.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Multi-family dwellings.

(b) Hotels, motels, apartment hotels - not exceeding 100'.

(c) Time sharing facilities.

2) Permitted Accessory Uses and Structures:

(a) Customary accessory uses and structures.

(b) Shops, personal service establishments, eating or drinking establishments, dancing and staged entertainment facilities, meeting rooms and auditoriums, where such uses are an integral part of an apartment hotel, hotel or motel.

(c) Private boat houses and docks. (See Section 8.46)

3) Permitted Provisional Uses and Structures:

(a) Churches and other places of worship.

(b) Marinas.

(c) Fraternal and social clubs. (See Section 8.11)

(d) Recreational facilities and clubs not accessory to principal use.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(e) Restaurants (see Definitions, Section 20), but not drive-in or fast food restaurants. (See Section 8.11)

(f) Non-commercial boat launching facilities.

(g) Hotel and motel up to 125 feet in height.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein.

c. Development Standards:

1) Minimum Lot Area: One (1) acre.

2) Minimum Lot Width: 150 feet, provided that non-conforming lots of record shall be required to meet the yard requirements listed below.

3) Minimum Yard Requirements:

All building line setbacks shall be computed by the following formula:

55% of the building height with a minimum of 20 feet.

4) Maximum Height: Ten (10) stories or 100 feet whichever is greater.

5) Maximum Density Permitted:

The maximum density for transient hotel and motel units shall be twenty-six (26) dwelling units per acre; time share facilities and multi-family dwelling units shall be sixteen (16) dwelling units per acre. Also see Section 9.1.h. for transfer of development rights.

6) Distance Between Structures: Between any two (2) principal buildings on the same parcel, there shall be provided a distance equal to one-half (½) of the sum of their heights.

7) Floor Area Requirements:

(a) 500 square feet minimum for multi-family and time share facilities.

(b) 300 square feet minimum with a 500 square foot maximum for hotels and motels except that 20% of the total units may be utilized for suites or penthouses.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking and Off-Street Loading Requirements: As required in Section 8.

f. Minimum Landscaping Requirements: See Section 8.30.

7.16 VR - Village Residential District:

a. District Purposes: The provisions of this district are intended to apply to areas where a mixture of residential uses may be permitted to exist in combination with fishing and farming equipment and structures, their maintenance , repair and storage, and facilities for processing fishing catches and agricultural products. Because of the unusual nature of these developments and the importance of the fishing and agricultural industry, certain commercial uses may be permitted in close proximity to the residential uses. Standards for development will recognize the unusual land ownership configurations which normally exist in such areas.

b. Uses and Structures: No building or structure, or part thereof, shall be erected, altered or used, land or water used, in whole or in part for other than the following:

1) Permitted Principal Uses and Structures:

(a) Single-family residences.

(b) Two-family residences.

(c) Mobile homes.

(d) Multi-family residences.

2) Permitted Accessory Uses and Structures:

(a) Accessory uses and structures, including private garages.

(b) Private boat launching facilities and multiple docking areas, including those uses for charter business or party boats, when operated by the residents of the principal use.

(c) Storage, repair and maintenance areas and structures for fishing and farming equipment, when used by the residents of the principal use.

(d) Boat yard and way when used by the residents of the principal use.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

3) Permitted Provisional Uses and Structures:

(a) Antique shops; appliance stores; art studios; art supply shops; automobile parts stores; automobile service stations without repairs; and awning shops.

(b) Bakery shops; bait and tackle shops; banks and financial institutions; barber and beauty shops; bath supply stores; bicycle sales and services; blueprint shops; bookbinders; book stores; and business machine services.

(c) Carpet and floor covering sales - which may include storage and installation; churches and other places of worship (See Section 8.11); civic and cultural facilities; clothing stores; cocktail lounges; commercial recreation uses - indoor; commercial schools; and confectionery and candy stores.

(d) Delicatessens; department stores; drug stores; dry cleaning shops; dry goods stores; and drapery shops.

(e) Electrical supply stores.

(f) Fish market; farm market; fish and agricultural product loading and unloading; storage and processing activities, utilizing development standards of the Industrial District; florist shops; fraternal and social clubs; funeral homes - may include accessory residence; furniture stores; and furrier shops.

(g) Garden supply stores - outside display in rear; general offices; gift shops; glass and mirror sales - which may include storage and installation; and gourmet shops.

(h) Hardware stores; hat cleaning and blocking; health food stores; and hobby supply stores.

(i) Ice cream stores.

(j) Jewelry stores.

(k) Laboratories - film, research and testing; laundries - self-service only; leather goods; legitimate theatres; liquor stores; and locksmith.

(l) Marinas; markets - food; markets - meat; medical clinics; millinery shops; motion picture theatres; museums and music stores.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(m) New car dealerships - outside display permitted; and news stores.

(n) Office supply stores.

(o) Paint and wallpaper stores; pet shops; pet supply shops; photographic equipment stores; pottery stores; printing; publishing and mimeograph service; private clubs (See Section 8.11); and professional offices.

(p) Radio and television sales and services; research and design labs; rest homes; restaurants - not including drive-ins. (See Section 8.11)

(q) Shoe repair; shoe stores; shopping centers - less than 25,000 square feet gross floor area on ground floor; souvenir stores; stationary stores; and supermarkets.

(r) Tailor shops; taxidermists; tile sales - ceramic tile; tobacco shops; toy shops; and tropical fish stores.

(s) Upholstery shops.

(t) Variety stores; vehicle rental - automobiles only; and veterinarian offices and clinics - no outside kennels.

(u) Watch and precision instrument repair shops.

Any other commercial use or professional service which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in the district.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein.

c. Development Standards:

1) Minimum Lot Area:

(a) Single-family residences - 6,000 square feet.

(b) Mobile homes - 6,000 square feet.

(c) Two-family residences - 6,000 square feet.

(d) Multifamily dwellings, hotels, motels, time share facilities and transient lodging facilities - 3,000 square feet per dwelling unit.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(c) All other - none.

2) Minimum Lot Width: Sixty (60) feet.

3) Minimum Yard Requirements:

(a) Front Yard Setbacks - Twenty (20) feet.

(b) Side Yard Setbacks - Five (5) feet.

(c) Rear Yard Setbacks - Twenty (20) feet.

4) Maximum Height of Structures: Five (5) stories or 50' whichever is greater.

5) Minimum Floor Area:

(a) Multi-family - 450 square feet.

(b) Single-family - 550 square feet.

(c) Mobile Home - 550 square feet.

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking: As required in Section 8.

f. Minimum Landscaping Requirements: See Section 8.30.

7.17 MHSD - Mobile Home Subdivision District:

a. District Purpose: The provisions of this district are intended to apply to an area which has been designed specifically for the placement of mobile homes for residential occupancy upon lots which are owned by the residents thereon.

b. 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, for other than the following:

1) Principal Uses and Structures:

(a) Mobile Homes.

(b) Group Housing (Subject to Development Plan approval - See Section 10.5).

2) Accessory Uses and Structures:

(a) Accessory uses and structures customarily associated with mobile home development, such as recreational facilities, administration buildings, service buildings, utilities, and additions which compliment the mobile homes.

(b) Private boat houses and docks. (See Section 8.46)

3) Permitted Provisional Uses and Structures:

(a) Schools - public, private and parochial. (See Section 8.11)

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) Civic and cultural facilities.

(c) Churches and other places of worship. (See Section 8.11)

(d) Recreational facilities not accessory to principal use.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein, or permissible by special exception.

c. Development Standards:

1) Minimum Lot Area: Mobile homes - 6,000 square feet.

2) Minimum Width: Mobile homes - Sixty (60) feet.

3) Minimum Yards:

(a) Front Yard - Twenty-five (25) feet.

(b) Side Yard: - Seven and one/half (7½) feet.

(c) Rear Yard: - Ten (10) feet.

4) Maximum Height: Thirty (30) feet.

Accessory buildings limited to twenty (20) feet above the finished grade of lot.

5) Plan Approval Required: Plans for mobile home subdivision district shall be processed in the same manner as regular subdivision plats. Mobile home subdivision plats shall be recorded in the Collier County Plat Book.

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking: As required in Section 8.

f. Exceptions: Non-conforming MHSD lots within platted subdivisions approved by the Board of County Commissioners and recorded with the Clerk of the Circuit Court prior to October 14, 1974 shall be subject to the following standards:

1) Minimum Lot Area: In accordance with the recorded plat.

2) Minimum Lot Width: In accordance with the recorded plat.

3) Minimum Yard Requirements:

(a) Depth of front yard - Twenty (20) feet.

(b) Depth of side yard - Five (5) feet.

(c) Depth of rear yard - Ten (10) feet.

4) All other standards as required for conforming lots.

7.18 MHRP - Mobile Home Rental Park:

a. District Purpose: The provisions of this district are intended to apply to managed mobile home rental parks, in which

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

lots shall not be sold to individuals and on-site management is provided.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Mobile homes.

2) Permitted Accessory Uses and Structures:

(a) Accessory uses and structures customarily associated with mobile home parks, inlcuding patios, recreation facilities, administration buildings, service buildings and utilities.

(b) Private boat houses and docks. (Section 8.46)

(c) One (1) single-family dwelling in conjunction with the operation of the MHRP.

3) Permitted Provisional Uses and Structures:

(a) Civic or cultural facilities.

(b) Churches.

(c) Upon completion and occupancy of fifty (50%) percent or more of the designed lot capacity of the mobile home rental park, convenience establishments of a commercial nature, including stores, laundry and dry cleaning agencies, beauty shops and barber shops, may be permitted in mobile home rental parks subject to the following restrictions: Such establishments and the parking area primarily related to their operation shall not occupy more than five (5%) percent of the area of the park; shall be located, designed, and intended to serve the exclusive trade of the service needs of persons residing in the park; and shall present no visible evidence of their commercial character from any portion of any public street or way outside the park.

(d) Mobile home sales, providing the following restrictions be met:

(1) Such uses shall not occupy more than ten (10%) percent of the area of the park or two (2) acres, whichever is smaller.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(2) The outside display area shall be treated with a hard surface of either concrete or plant mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas.

(3) A visual buffer shall be provided around the area of outside display adjacent to residential or mobile home park development or vacant land.

(e) Owner occupied child care centers (See Section 8.48).

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein, or permissible by special exception.

c. Development Standards:

1) Minimum Park Size: Ten (10) acres.

2) Minimum Lot Area: Minimum size of lot or space - 4,000 square feet.

3) Minimum Lot Width: Forty-five (45) feet.

4) Minimum Yard Requirements:

(a) Front Yard - Ten (10) feet.

(b) Side Yard - Five (5) or zero (0) feet - see (g) below.

(c) Rear Yard - Eight (8) feet.

(d) From exterior boundary of park or from any required buffer area - ten (10) feet.

(e) From public street - twenty-five (25) feet.

(f) From building or structures - ten (10) feet.

(g) The zero (0) setback may be used on adjoining lots where carports are connected at a common lot line. In the case of the zero setback, a minimum of ten (10) feet shall be required on the opposite side yard.

5) Maximum Height of Structures: 30 feet.

6) Required Recreation Area: The following amount of land or water shall be set aside and developed for recreational purposes within the mobile home rental park site:

(a) Three hundred (300) square feet for each lot for the first one hundred (100) lots.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) Two hundred (200) square feet for each lot in excess of one hundred (100) lots.

(c) One-half (½) of the water surface within the park may be credited toward the required recreation area, except that at least fifty (50%) percent of the required recreation area shall be land area.

7) Development Plan Approval Requirements: Layout plans for a mobile home rental park shall be submitted in accordance with Section 10.5.

8) Required Internal Park Street System: All lots within a mobile home rental park shall have direct access 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. The right-of-way widths, paving widths, and other construction standards, including gradient and alignment of all internal streets and drainage shall be reviewed and approved by the County Engineer.

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking: As required in Section 8.

f. Required Buffers: Visual screens are required in the parking area adjacent to the entrance and exitway areas, as may be required under Section 8.30 of this Ordinance.

g. Compliance: All MHRP which commenced construction after the effective date of this Ordinance shall comply with all requirements of this Ordinance, except as further provided herein. No MHRP that exists on the effective date of this Ordinance shall be altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the effective date of this Ordinance. Land already zoned MHRP which does not meet the acreage requirement may be developed; however, the development shall conform with all other regulations of this Ordinance.

7.19 TTRVC - Travel Trailer - Recreational Vehicle Park Campground District:

a. District Purpose: The provisions of this district are intended to apply to trailer lots for travel trailers and recreational vehicles not exceeding eight (8) feet in width and not

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

exceeding thirty-eight (38) feet in length. Such trailer lots are intended to accommodate travel trailers, pick-up coaches, motor homes, and other vehicular accommodations which are suitable for temporary habitation, used for travel, vacation, and recreational purposes. Campsites are intended to accommodate temporary residency while camping, vacationing or recreating.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Travel trailers, pick-up coaches, motor homes and other recreational vehicles: One (1) per lot.

(b) Campsites: One (1) per site.

2) Accessory Uses and Structures:

(a) One (1) single-family dwelling in conjunction with the operation of the TTRVC.

(b) Accessory uses and structures customarily associated with travel trailer recreational vehicle parks, including patios, recreation facilities, administration buildings, service buildings, and utilities.

(c) Upon completion of all required improvements of the TTRVC park, convenience establishments of a commercial nature including stores, laundry and dry cleaning agencies, beauty shops and barber shops may be permitted in TTRVC parks subject to the following restrictions: Such establishments and the parking area primarily related to their operations shall not occupy more than five (5%) percent of the park; shall be subordinate to the use and character of the park; shall be located, designed, and intended to serve the exclusive trade of the service needs of the persons residing in the park; and shall present no visible evidence of their commercial character from any portion of any public street or way outside the park.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

3) Permitted Provisional Uses and Structures:

(a) Civic and cultural facilities.

(b) Churches and other places of worship.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein, or permissible by special exception.

c. Development Standards:

1) Minimum Park Size: Ten (10) acres.

2) Minimum Lot Area:

(a) 1,200 square feet for TTRV lots.

(b) 3,600 square feet for campsites.

3) Minimum Lot Width: Twenty (20) feet for TTRV lots; 40 feet for campsites.

4) Minimum Yards:

(a) Front Yard - Ten (10) feet.

(b) Side Yard - Five (5) feet.

(c) Rear Yard - Eight (8) feet.

(d) From exterior boundary of park or from any required buffer area - ten (10) feet.

(e) From public street - twenty-five (25) feet.

(f) From buildings or structures - ten (10) feet.

5) Maximum Height of Structures: 30 feet.

6) Required Recreation Area: The following amount of land or water shall be set aside and developed for recreational purposes within the TTRVC park site:

(a) Two hundred (200) square feet for each lot or campsite for the first one hundred (100) lots or campsites.

(b) One hundred fifty (150) square feet for each lot or campsite in excess of one hundred (100) lots or campsites.

(c) One-half (½) of the water surface within the park may be credited toward the required recreation area, except that at least fifty (50%) percent of the required recreation area shall be land area.

7) Plan Approval Requirements: Layout plans for a TTRVC park shall be submitted to the Zoning Director and construction shall be in accordance with approved plans and specifications.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

8) Required Internal Park Street System: All lots within a TTRVC park shall have direct access from an internal street. All internal streets within the district shall provide safe and convenient access to a public street. The right-of-way widths, paving widths, and other construction standards, including gradient and alignment of all internal streets and drainage shall be reviewed and approved by the County Engineer.

9) Required Facilities for Campsites and TTRV Lots:

(a) Sanitary facilities, including flush toilets, and showers within four hundred (400) feet walking distance from every campsite and TTRV lot as approved by the Collier County Health Department. Lighting shall be provided in sanitary facilities at all times.

(b) Potable water supply as approved by the Collier County Health Department.

(c) At least one (1) garbage or trash receptacle for every two (2) campsites or TTRV lots.

(d) Administration building and safety building open at all times wherein a portable fire extinguisher in operable condition and first aid equipment is available, and a telephone is available for public use.

(e) One parking space per campsite or TTRV lot.

(f) One picnic table per campsite or TTRV lot.

(g) One fireplace or cooking area per campsite or TTRV lot.

10) Design Standards for Campsites:

(a) Campsites shall be set back a minimum of 660 feet from any county, state, or federal highway right-of-way.

(b) Each campsite shall have a minimum setback of ten (10) feet from the exterior boundary lines of the campground area or from any required buffer area.

(c) Each campsite shall be directly accessible by an interior road.

(d) Each separate campsite shall contain a minimum of 3,600 square feet.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(e) Each campsite shall contain a level area containing at least 600 square feet for erecting camping equipment.

c. Minimum Off-Street Parking: As required in Section 8.

f. Required Buffers: Visual screens are required in the following areas:

1) Parking area adjacent to the entrance and exitway areas, may be required under Section 8 of this Ordinance.

2) TTRVC parks fronting on a highway shall provide and maintain a clear area not less than twenty (20) feet in width alongside and parallel to the highway to facilitate safe and rapid entrance and exit from the highway by arriving and departing vehicles. There shall be an additional landscaped area of five (5) feet inside the entire length of the clear area.

3) TTRVC parks abutting highways or lands zoned other than for such parks shall be effectively screened from such highways or land by a buffer strip at least five (5) feet wide, in which ornamental screening composed of structural or plant material shall be placed. Such screen shall be attractively maintained at all times.

g. Compliance: All TTRVC parks which commenced construction after the effective date of this Ordinance shall comply with all requirements of this Ordinance exceptas further provided herein. No TTRVC park that exists on the effective date of this Ordinance shall be altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the effective date of this Ordinance. Land already zoned TTRVC which does not meet the acreage requirements may be developed; however, the development shall conform with all other regulations of this Ordinance.

7.20 C-1 - Commercial Professional District:

a. District Purpose: The provisions of this district are intended to apply to areas located adjacent to highways and arterial roads. The C-1 - Commercial Professional District is intended to permit those uses which minimize pedestrian and vehicular traffic. Large lot sizes, landscaping, controlled ingress and egress, and other restrictions are intended to minimize

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

frequent ingress and egress to the highway from abutting uses. The CP district is designed to be compatible with residential uses located along arterials.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Business and professional offices; banks; financial institutions.

(b) Churches and other places of worship; civic and cultural facilities; colleges, universities and schools (See Section 8.11).

(c) Funeral homes.

(d) Homes for the aged; hospitals; hospices and sanitoriums.

(e) Medical laboratories; medical clinics; medical offices for humans; mortgage brokers; museums.

(f) Parking garages and lots; private clubs. (See Section 8.11)

(g) Real estate offices; research design and development activities; rest homes; convalescent centers; and nursing homes.

(h) Laboratories, provided that:

(1) No odor, noise, etc., detectable to normal senses from off the premises are generated;

(2) All work is done within enclosed structures; and

(3) No product is manufactured or sold, except incidental to development activities.

(i) Transportation, communication and utility offices -not including storage of equipment.

(j) Any other professional or commercial use which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in the district.

2) Permitted Accessory Uses and Structures:

(a) Accessory uses and structures customarily associated with uses permitted in this district.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) Caretaker's residence (see Section 8.40).

3) Permitted Provisional Uses and Structures: None.

4) Prohibited Uses and Structures: Any use or structure not specifically, or by reasonable implication permitted herein:

(a) Mobile homes or mobile offices, except as provided for in Section 10.6.

c. Development Standards:

1) Minimum Lot Area: One (1) acre.

2) Minimum Lot Width: Two hundred (200) feet.

3) Minimum Yard Requirements:

(a) Front Yard - Fifty (50) feet.

(b) Side Yard - Fifty (50) feet.

(c) Rear Yard - Fifty (50) feet.

4) Maximum Height of Structures: Fifty (50) feet plus ten (10) feet for under building parking.

5) Minimum Floor Area of Principal Structure: One thousand (1,000) square feet per building on ground floor.

6) Minimum Distance Between Structures: Thirty (30) feet or 1/2 the sum of the height, whichever is greater.

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking and Off-Street Loading Requirements: As required in Section 8.

f. Minimum Landscaping Requirements: As required in Section 8.30.

g. Required Landscape Buffer Area: When abutting residentially zoned districts as required in Section 8.37.

h. Development Plan Approval: All uses are subject to Development Plan approval as per Section 10.5.

7.21 C-2 - Commercial Convenience District:

a. District Purpose: The C-2 Commercial Convenience District is intended to apply to areas where selected establishments may be appropriately located to provide the small scale shopping and personal needs of the surrounding residential areas and within convenient traveling distance. It is generally intended to utilize this district to implement the Comprehensive Plan within, but not necessarily limited to, those areas of Collier County shown as "Commercial" on the Land Use Plan.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Automobile service stations without repairs (Subject to Section 9.8).

(b) Bakery shops - including baking only when incidental to retail sales from the premises; barber and beauty shops; bicycle sales and service.

(c) Child care centers.

(d) Delicatessens; drug stores; dry cleaning - collecting and delivering only.

(e) Food markets.

(f) Hardware stores.

(g) Ice cream shops, ice sales (not including ice plants).

(h) Laundries - self service only.

(i) Meat markets, medical offices.

(j) Post offices.

(k) Repair shops - radio, TV, small appliances, shoes; and restaurants - not including drive-ins.

(l) Shopping center - not to exceed 25,000 square feet (See Section 10.5).

(m) Veterinary clinics - no outside kenneling.

(n) Any other convenience commercial use which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in the district.

2) Permitted Accessory Uses and Structures:

(a) Accessory uses and structures customarily associated with the uses permitted in this district.

(b) Caretaker's residence. (See Section 8.40).

3) Permitted Provisional Uses and Structures: None.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein, or permissible by special exception:

(a) Mobile homes or mobile offices, except as provided for in Section 10.6.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

c. Development Standards:

1) Minimum Lot Area: 7,500 square feet.

2) Minimum Lot Width: Seventy-five (75) feet.

3) Minimum Yard Requirements:

(a) Front yard - Fifteen feet (15) feet within which no parking shall be allowed nor any merchandise stored or displayed.

(b) Side yard - None, or a minimum of five (5) feet with unobstructed passage from front yard to rear yard.

(c) Rear Yard - Twenty-five (25) feet.

(d) Any yard abutting a residentially zoned parcel - fifty (50) feet. (See Paragraph i. below)

4) Maximum Height: Thirty (30) feet above the finished grade of the lot.

5) Minimum Zoned Area: Two (2) acres.

6) Minimum Floor Area of Structures: 1,000 square feet per building on the ground floor.

7) Distance Between Structures: Same as for sideyard set-back.

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking and Off-Street Loading Requirements: As required in Section 8.

f. Minimum Landscaping Requirements: As required in Section 8.30.

g. Lighting: Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.

h. Merchandise Storage and Display: There shall be no outside storage or display of merchandise.

i. Required Landscaped Buffer Area: When abutting residentially zoned districts, as required in Section 8.37.

7.22 C-3 - Commerical Intermediate

a. District Purpose

The C-3 Intermediate Commercial District is intended to apply in areas which have a high degree of automobile traffic, a great deal of which originated from outside of the adjacent neighborhoods. This district is designed to provide a greater variety of goods and services than are permitted in the C-2

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Commercial Convenience District. This district is not intended to permit wholesaling activities or activities which require outside storage of merchandise and equipment.

Moreover, it is the intent of this district to encourage a business environment which includes businesses and services which promote a compact business to another without necessarily having to use the automobile in the process.

It is generally intended to utilize this district to implement the Comprehensive Plan within, but not necessarily limited to those areas of Collier County shown as "Commercial" on the Land Use Plan.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Antique shops; appliance stores; art studios; art supplies; automobile parts stores; automobile service stations (Subject to Section 9.8).

(b) Bakery shops (including baking incidental to retail or wholesale sales); banks (branch or main office) and financial institutions; barber and beauty shops; bath supply stores; blue print shops; bicycle sales and services; book stores.

(c) Carpet and floor covering sales (including storage and installation) child care centers; churches and other places of worship; clothing stores; confectionary and candy stores.

(d) Delicatessen; drug stores; dry cleaning shops; dry goods stores and department stores.

(e) Electrical supply stores.

(f) Fish stores; florist shops; food markets; furniture stores; furrier shops and fast food restaurants.

(g) Gift shops; gourmet shops.

(h) Hardware stores; health food stores; hobby supply stores; homes for the aged; hospitals and hospices.

(i) Ice cream stores; ice sales; interior decorating showrooms.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(j) Jewelry stores.

(k) Laundries - self-service; leather goods and luggage stores; locksmiths and liquor stores.

(l) Meat market; medical office or clinic for human care; millinary shops; music stores.

(m) Office (retail or professional); office supply stores.

(n) Paint and wallpaper stores; pet shops; pet supply stores; photographic equipment stores; post office.

(o) Radio and television sales and service; small appliance stores; shoe sales and repairs; restaurants (not including drive-ins or fast food stores).

(p) Souvenir stores; stationery stores; shopping centers (See Section 10.5); supermarkets and sanitoriums.

(q) Tailor shops; tobacco shops; toy shops; tropical fish stores.

(r) Variety stores; veterinary offices and clinics (no outside kennelling).

(s) Watch and precision instrument sales and repair.

(t) Any other commercial use or professional service which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in the district.

(u) Any use which was permissible under the prior GRC zoning and which was existing or for which a building permit had been issued prior to the effective date of this ordinance.

2) Permitted Accessory Uses and Structures:

(a) Accessory uses and structures customarily associated with the uses permitted in this district.

(b) Caretaker's residence (See Section 8.40).

3) Permitted Provisional Uses and Structures

(a) Indoor recreational uses.

(b) Commercial schools.

(c) Motion picture theatres.

(d) Uses over 50 feet in height with a maximum height of 100 feet.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein, or permissible by special exception:

(a) Mobile homes or mobile offices, except as provided for in Section 10.6.

c. Development Standards:

1) Minimum Lot Area: 7,500 square feet.

2) Minimum Lot Width: 75 feet

3) Minimum Yard Requirements:

(a) Front yard - Fifteen (15) feet within which no parking shall be allowed nor any merchandise stored or displayed.

(b) Side yard - None, or a minimum of five (5) feet with unobstructed passage from front yard to rear yard.

(c) Rear yard - Twenty-five (25) feet.

(d) Any yard abutting a residentially zoned parcel - Fifty (50) feet.

(e) Waterfront - Twenty-five (25) feet.

4) Maximum Height: Fifty (50) feet.

5) Minimum Floor Area of Principal Structure: 1,000 square feet per building on the ground floor.

(6) Distance between structures - Same as for sideyard setback.

d) Signs: As permitted in Section 8.31.

e) Minimum Off-Street Parking and Off-Street Loading Requirements: As required in Section 8.

f) Minimum Landscaping Requirements: As required in Section 8.30.

g) Required Landscaped Buffer Area: As required in Section 8.37.

h) Loading and Unloading Provisions: As required in Section 8.

i) Lighting: Maximum height of lights shall be fifteen (15) feet and constructed and located in a manner so that no light is aimed directly toward a residentially zoned property within 200 feet of the source of light.

7.23 C-4 - Commercial General:

a. District Purpose: The C-4 - Commercial General District is intended to provide for a greater variety of commercial servi-

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

ces and sales than is permitted in the C2 - Commercial Convenience District and C-3 Commercial Intermediate District. The C-4 - Commercial General District is also intended to serve a larger trade area of the community than the C-2 and C-3 Districts and is designed to accommodate the motoring public as well as the local pedestrian consumers. This district will be utilized in the implementation of the Comprehensive Plan by limiting its amount and location in accordance with the policies and objectives of the Comprehensive Plan.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Antique shops; appliance stores; art studios; art supply shops; automobile parts stores; automobile service stations without repairs (see Section 9.8); awning shops.

(b) Bakery shops; bait and tackle shops; banks and financial institutions; barber and beauty shops; bath supply stores; bicycle sales and services; blueprint shops; bookbinders; book stores; business machine services.

(c) Carpet and floor covering sales - which may include storage and installation; churches and other places of worship (See Section 8.11); clothing stores; cocktail lounges (See Section 8.11); commercial recreation uses - indoor; commercial schools; confectionery and candy stores.

(d) Delicatessens; department stores; drug stores; dry cleaning shops; dry goods stores; and drapery shops.

(e) Electrical supply stores; equipment rentals including lawn mowers and power saws.

(f) Fish market - retail only; florist shops; fraternal and social clubs (See Section 8.11); funeral homes; furniture stores; furrier shops.

(g) Garden supply stores - outside display in side and rear yards; gift shops; glass and mirror sales -including storage and installation; gourmet shops.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(h) Hardware stores; hat cleaning and blocking; health food stores; homes for the aged; hospitals and hospices.

(i) Ice cream stores.

(j) Jewelry stores.

(k) Laundries - self service only; leather goods; legitimate theatres; liquor stores; locksmiths.

(l) Marinas; markets - food; markets - meat, medical offices and clinics; millinery shops; motion picture theatres; museums; music stores.

(m) New car dealerships - outside display permitted; news stores.

(n) Office - general; office supply stores.

(o) Paint and wallpaper stores; pet shops; pet supply shops; photographic equipment stores; pottery stores; printing; publishing and mimeograph service shops; private clubs (See Section 8.11); professional offices.

(p) Radio and television sales and services; research and design labs; rest homes; restaurants - including drive-in or fast food restaurants (See Section 8.11).

(q) Shoe repair; shoe stores; shopping centers (See Section 10.5); souvenir stores; stationery stores; supermarkets and sanitoriums.

(r) Tailor shops; taxidermists; tile sales - ceramic tile; tobacco shops; toy shops; tropical fish stores.

(s) Upholstery shops.

(t) Variety stores; vehicle rental - automobiles only; veterinarian offices and clinics - no outside kennels.

(u) Watch and precision instrument repair shops.

(v) Any other commercial use or professional service which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in the district.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

2) Permitted Accessory Uses and Structures: Accessory uses and structures customarily associated with the uses permitted in this district.

(a) Caretaker's residence (see Section 8.40).

3) Permitted Provisional Uses and Structures:

(a) Car wash.

(b) Child care center

(c) Commercial recreation - outdoor.

(d) Detached residence in conjunction with a business -One (1) per business.

(e) Drive-in theatres.

(f) Permitted use with less than 1,000 square feet gross floor area in the principal structure.

(g) Used car lots and outdoor boat sales.

(h) Vehicle rentals.

(i) hotels and motels.

(j) Time share facilities.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein, or permissible by special exception:

(a) Mobile homes or mobile offices, except as provided for in Section 10.6.

c. Development Standards:

1) Minimum Lot Area: Ten thousand (10,000) square feet.

2) Minimum Lot Width: One hundred (100) feet.

3) Minimum Yard Requirements:

(a) Front yard - Twenty-five (25) feet plus one (1) foot for each two (2) feet of building height over fifty (50) feet.

(b) Side yard - None, or a minimum of five (5) feet with unobstructed passage from front to rear yard.

(c) Rear yard - Twenty-five (25) feet.

(d) No setback is required from a railroad siding easement or railroad right-of-way.

(e) Waterfront - Twenty-five (25) feet, except none for marinas. (See Section 9.6)

4) Maximum Height: One hundred (100) feet.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

5) Minimum Floor Area of Structures: One thousand (1,000) square feet per building on the ground floor.

6) Maximum Density: Sixteen (16) units per acre for transient lodging facilities, hotel, motels and time share facilities with a maximum floor area of 500 square feet.

7) Distance Between Structures: Same as for side yard setback.

d. Signs: As required in Section 8.31.

e. Minimum Off-Street Parking and Off-Street Loading Requirements: As required in Section 8.

f. Minimum Landscaping Requirements: As required in Section 8.30.

g. Required Landscaped Buffer Area: When abutting residentially zoned district, as required in Section 8.37.

h. Merchandise Storage and Display: Unless specifically permitted for a given use, outside storage or display of merchandise is prohibited.

7.24 C-5 - Commercial Industrial District:

a. District Purpose: The provisions of this district are intended to permit a range of commercial uses and services not generally permitted in more restrictive commercial districts. The C-5 District is intended to permit inside storage and warehousing along with limited manufacturing wholly within a building and which are not obnoxious by reason of emission of odor, fumes, dust, smoke, noise, or vibration. The C-5 District is intended to provide uses and activities which are compatible with the policies and objectives of the Comprehensive Plan.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Aluminum fabricators and screening shops; antique shops; appliance stores; art studios; art supply shops; assembly in enclosed building; auction houses; automobile parts stores; automobile repair shops; automobile service stations with repairs (see Section 9.8); awning shops.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) Bakery shops; bait and tackle shops; banks and financial institutions; barber and beauty shops; bath supply stores; bicycle sales and services; bicycle shops -repair only; blueprint shops; boat sales - with outside storage; boat yards and ways; body shop; bookbinders; book stores; building maintenance service; building supplies; bulk storage yards not including bulk storage of flammable liquids; business machine services.

(c) Cabinet shops; canteen services; carpet storage and installation; carpet and floor covering sales which may include storage and installation; car washes; churches and other places of worship (See Section 8.11); clothing stores; cocktail lounges (See Section 8.11); commercial boat houses, and commercial boat storage - non-waterfront; commercial recreation - outdoor; commercial recreation uses - indoor; commercial schools; communications services and equipment repair; confectionery and candy stores; contractors storage - outside; crematoriums.

(d) Drive-in theatres (see Section 8.35); delicatessens; department stores; drug stores; dry cleaning shops; dry goods stores; drapery shops.

(e) Electrical supply stores; equipment rentals - including lawn mowers, power saws, etc.; employment agencies.

(f) Feed and grain sales; fish markets; florist shops; fraternal and social clubs; funeral homes; freight movers; furniture refinishing; furniture stores; furrier shops.

(g) Garden supply stores - outside display in side and rear yards; gift shops; glass and mirror sales which may include storage and installation; gourmet shops; gunsmiths.

(h) Hardware stores; hat cleaning and blocking; health food stores; hobby supply stores; hospitals and hospices.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(i) Ice cream stores.

(j) Jewelry stores.

(k) Laboratories - film, research and testing; laundries; lawn maintenance shops; leather goods; legitimate theatres; light manufacturing or processing (including food processing, but not slaughter house); packaging or fabricating in completely enclosed building; linen supply shops; liquor stores; and locksmiths.

(l) Marinas; markets - food; markets - meat; medical office and clinics; millinery shops; miscellaneous uses such as express office, telephone exchange; motor bus or truck or other transportation terminal and related uses; motion picture theatres; motorcycle sales and service; motorcycle shops - repair only; museums; music stores.

(m) New car dealerships - outside display permitted; news stores.

(n) Office - general; office supply stores; outdoor storage yards and lots, provided such outdoor storage yard shall not be located closer than twenty-five (25) feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, by a solid fence or wall not less than six (6) feet high, and provided further that this provision shall not permit wrecking yards (including automobile wrecking yard), junk yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive vehicle parts.

(o) Paint and wallpaper stores; parking garages and lots - commercial; pest control service; pet shops; pet supply shops; photographic equipment stores; plumbing shop; plumbing supplies; pottery stores; poultry markets; printing; lithographic; publishing or similar establishments; private clubs (See Section 8.11); and professional offices.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(p) Radio and television stations and transmitters, but not tower; radio and television sales and services; research and design labs; rest homes; restaurants including drive-ins or fast food restaurants; retail and repair establishments for sale and repair of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive vehicle parts and accessories (but not junk yards or automobile vehicle wrecking yards), heavy machinery and equipment, farm equipment; retail establishments for sale of farm supplies, lumber and building supplies, monuments, and similar uses.

(q) Secondhand stores, service establishments catering to commerce and industry; sign company; sign painting shops; shoe repair; shoe stores; shopping centers (See Section 10.5); souvenir stores; stationery stores; supermarkets; swimming pool maintenance shops and sanitoriums.

(r) Tailor shops; taxidermists; tile sales - ceramic tile; tobacco shops; toy shops; tropical fish stores; truck stops.

(s) Union halls; upholstery shops; used car lots.

(t) Variety stores; vehicle rentals; veterinarian offices and clinics - no outside kennels; vocational, technical, trade or industrial schools.

(u) Warehousing; watch and precision instrument repair shops; wholesaling, storage, or distributing establishments and similar uses.

2) Permitted Accessory Uses and Structures: Accessory uses and structures customarily associated with the uses permitted in this district.

(a) Caretaker's residence (see Section 8.40).

3) Permitted Provisional Uses and Structures:

(a) Commercial fisheries.

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

(c) Outside kenneling and stabling.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(d) Permitted use with less than 1,000 square feet gross floor area in the principal structure.

(e) Hotels and motels.

(f) Time share facilities.

4) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein, or permissible by special exception:

(a) Mobile homes or mobile offices, except as provided for in Section 10.6.

c. Development Standards:

1) Minimum Lot Area: Ten thousand (10,000) square feet.

2) Minimum Lot Width: One hundred (100) feet.

3) Minimum Yard Requirements:

(a) Front Yard: Twenty-five (25) feet.

(b) Side Yard: None, or a minimum of five (5) feet with unobstructed passage from front to rear yard. Twenty-five (25) feet for all side yards abutting residentially zoned property.

(c) Rear yard - Twenty-five (25) feet.

(d) Waterfront - Twenty-five (25) feet, except marinas require none. (See Section 9.6)

(e) No setback is required from a railroad siding easement or railroad right-of-way.

4) Maximum Height of Structures: Thirty-five (35) feet.

5) Minimum Floor Area of Principal Structure: 1,000 square feet.

6) Distance Between Structures - Same as for side yard setback.

7) Maximum Density: Sixteen (16) units per acre for transient lodging facilities, hotels, motels and time share facilities with a maximum floor area of 500 square feet.

d. Signs: As required in Section 8.31.

e. Minimum Off-Street Parking and Off-Street Loading Requirements: As required in Section 8.

f. Minimum Landscaping Requirements: As required in Section 8.30.

g. Required Landscape Buffer Area: When abutting residentially zoned districts as required in Section 8.37.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

7.25 IL - Industrial, Light District:

a. District Purpose: This district is intended for light manufacturing, processing, storage and warehousing, wholesaling, and distribution. Residential uses are prohibited as not in character with the activities conducted in this district. Service and commercial activities relating to the character of the district and in support of activities conducted in the district are permitted. Certain commercial uses relating to automotive and heavy equipment sales and repair are permitted, but this district is not to be deemed commercial in character. Standards are intended to prevent or reduce friction between uses in this district and also to protect nearby residential and commercial districts.

b. 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, for other than the following:

1) Permitted Principal Uses and Structures:

(a) Bulk storage yards, not including bulk storage of flammable liquids.

(b) Laundries; light manufacturing, processing (including food processing, but not slaughter house), packaging, or fabricating in completely enclosed building.

(c) Medical offices and clinic in connection only with industrial activity. Miscellaneous uses such as express office, telephone exchange, commercial parking lots and parking garages, motor bus, truck, railroad or other transportation terminal and related uses.

(d) Outdoor storage yards and lots, provided such outdoor storage yard shall not be closer than twenty-five (25) feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, by an opaque fence or wall not less than six (6) feet high.

(e) Printing, lithographing, publishing or similar establishments.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(f) Retail and repair establishments for sale and repair of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive vehicle parts and accessories, heavy machinery and equipment, farm equipment; retail establishments for sale of farm supplies, lumber and building supplies, monuments, and similar uses.

(g) Schools - vocational, technical, trade, or industrial, and similar uses; service establishments catering to commerce and industry including linen supply, freight movers, building trades contractors, communication services, business machine service, canteen services, restaurant (including drive-in restaurants), hiring and union halls, employment agencies, sign company, and similar uses.

(h) Wholesaling, warehousing, storage, or distribution establishments, and similar uses.

2) Permitted Accessory Uses and Structures: Accessory uses and structures customarily associated with uses permitted in this district.

(a) Caretaker's residence. (See Section 8.40)

3) Permitted Provisional Uses and Structures:

(a) Any light industrial use not specifically permitted or prohibited which is otherwise lawful and is in keeping with the overall character of this district.

4) Prohibited Uses and Structures: Any uses or structures not specifically, provisionally, or by reasonable implication permitted herein, including the following which are listed for emphasis:

(a) Chemical and fertilizer manufacture.

(b) Dwelling units (including motel and hotel) except as provided under accessory uses.

(c) Explosives manufacturing and storage.

(d) Paper and pulp manufacture.

(e) Petroleum refining.

(f) Slaughter of animals, stockyards or feeding pens.

(g) Tannery or the curing or storage of raw hides.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(h) Yards or lots for scrap or salvage operations or for processing, storage, display, or sale of any scrap, salvage, or second-hand building materials and automotive vehicle parts, including wrecking yards and junk yards.

c. Development Standards:

1) Minimum Lot Area: Ten thousand (10,000) square feet.

2) Minimum Lot Width: One hundred (100) feet.

3) Minimum Yard Requirements:

(a) Front Yard - Twenty-five (25) feet.

(b) Side Yard - Ten (10) feet, except that no side yard shall be less than fifty (50) feet from an abutting residentially zoned lot.

(c) Rear Yard - Fifteen (15) feet, except that no rear yard shall be less than fifty (50) feet from an abutting residentially zoned lot.

(d) Waterfront - Twenty-five (25) feet.

(e) No setback is required from a railroad easement or right-of-way.

(f) 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.

4) Maximum Height of Structures: Fifty (50) feet.

5) Minimum Floor Area of Structures: 800 square feet.

6) Distance Between Structures: None, or if separated Fifteen (15) feet or ½ the sum of the heights, whichever is greater.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking and Off-Street Loading Requirements: As required in Section 8.

f. Minimum Landscaping Requirements: When abutting residentially zoned district as required in Section 8.30.

g. Required Landscaped Buffer Area: As required in Section 8.37.

h. Fence Requirements: Where required, a fence shall be of masonry or wood, or other material approved by the Zoning Director, at least seven (7) feet in height above ground level. See Section 8.33, Fences, Walls and Hedges.

7.26 I - Industrial District:

a. District Purpose: The purpose of this district is to permit industrial uses under such conditions of operation as will protect residential and commercial uses and adjacent industrial uses. The I District is designed to allow outside storage of equipment and merchandise. The I District is intended to provide land for basic industrial uses which are not permitted in other zoning districts, but which are essential to the needs and well-being of the community. The I District is not to be deemed commercial in character.

b. 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, for other than the following:

1) Permitted Principal Uses:

(a) Airports and landing fields - Development Plan required (See Section 10.5.); aluminium fabricating and screening; awning shops; auction houses; assembling, packaging and fabricating operations; automotive parts store; and automobile service station (with or without repair (See Section 9.8).

(b) Body shops, mechanical repairs; building supply; banks and financial institutions; blueprint shops; and boat sales with outside storage.

(c) Clothing fabrication; commercial and private parking lots and parking garages; contractors' equipment storage yards; coal and wood yards or similar uses; Commercial recreation - indoor and outdoor; commercial service and equipment repair; cabinet shops;

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

car washes; communication offices - including storage equipment; and carpet and floor covering storage and installation (including sales).

(d) Electrical supply stores; equipment rentals (including lawnmowers and power saws); furniture refinishing; feed and grain sales; glass and mirror storage and installation (including sales); gunsmiths; and ice plants.

(e) Kenneling; stabling; animal clinics; veterinary hospitals.

(f) Laundries; lumber and building supplies, monuments and similar uses; laboratories; locksmiths; and lawn maintenance shops.

(g) Manufacturing, warehousing, storing, processing, canning, packing, mining, extracting or similar uses; marinas, commercial boat storage, boat building, boat ways, boat yards and commercial fisheries; medical office or clinics in connection only with industrial activity; miscellaneous uses, such as express office, telephone exchange, motor bus, truck, railroad or other transportation terminal and related uses; motorcycle shops (repair only); and new car dealerships - outside display permitted.

(h) Printing and publishing; offices; office supply stores; outdoor storage yards and lots, provided such outdoor storage yard shall not be located closer than 25 feet to any public street or easement and that such yard shall be completely enclosed, except for necessary ingress and egress, by a solid fence or wall (opaque) not less than 6 feet high, and provided further that this provision shall not permit wrecking yards (including automobile wrecking yard), recycling yard, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of any scrap or second-hand building materials, junk automotive vehicles, or second-hand automotive parts; pest control services; plumbing shop; plumbing and bath

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

supplies; packaging or fabricating in completely enclosed building.

(i) Radio and television stations and transmitters; railroad rights-of-way and sidings; repair shops; research, design and development activities; restaurants -including drive-in or fast food; Radio-TV stations and transmitters (including towers); repair establishments for sale and repair of new and used automobiles, motorcycles, trucks, tractors, mobile homes, boats, heavy equipment and machinery, farm equipment.

(j) Sales and service of trucks and heavy equipment; service establishments catering to commerce and industry including linen supply, freight movers, building trades contractors, communication services, business machine warehousing and services, canteen services, hiring and union halls, sign company, and similar uses; storage yards; swimming pool and maintenance shops.

(k) Vocational, technical, trade, or industrial schools and similar uses excluding dormitories; taxidermists; tile storage and installation (including sales); truck stops; upholstery shops; used car lots; vehicle rental.

(l) Wholesale establishments.

(m) Any other intensive commercial, industrial or manufacturing use which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in this district.

2) Permitted Accessory Uses and Structures: Accessory uses and structures customarily associated with the uses permitted in this district, including offices, retail sales, and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures; provided, however, that no residential facilities shall be permitted in the district except for housing of security guards, watchmen or caretakers whose work requires residence on the premises. (See Section 8.40).

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

3) Permitted Provisional Uses and Structures: The following uses shall include, but not be limited to any other uses which in the opinion of the Zoning Director is of a similar character as those specified below:

(a) Manufacturing: Involving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn and hydrochloric, nitric, phosphoric, picric, and sulphuric acid, coal, coke and tar products, explosives, fertilizer, gelatin, animal glue and size, gas manufacturing; unless incidental to a principal use, turpentine, matches, rubber, soaps, fat rendering.

(b) Processing: Involving the following: Nitration of cotton or other materials, magnesium foundry, reduction, refining, smelting of metal or metal ores, refining of petroleum products and by products; curing or tanning of raw green or salted hides or skins; melting and allowing of metals; stockyards; recycling centers; slaughter houses; slag piles; ammonia; and storage of fireworks or explosives and automobile wrecking.

(c) Wholesale storage of gasoline, liquified petroleum, gas, oil, or other flammable liquids or gases, but not located within five hundred (500) feet of the nearest residential district.

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

4) Prohibited Uses and Structures: Any uses or structures not specifically, provisionally, or by reasonable implication permitted herein.

c. Development Standards:

1) Minimum Lot Area: Twenty thousand (20,000) square feet.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

2) Minimum Lot Width: One hundred (100) feet.

3) Minimum Yard Requirements:

(a) Front Yard - Fifty (50) feet.

(b) Depth of Total Side Yard Setback - 20% of the width of the lot, not to exceed a maximum of fifty (50) feet. It shall not be mandatory that the required side setback be located equally along each side of the lot. The total side yard setback requirements of the two side yards may be combined and apportioned among the two side yards in any manner desired except as required in (1) and (2) of this Paragraph, as long as the sum of the side yard apportionments are equal to the total side yard requirements.

(1) The minimum depth of any side yard abutting a lot which is not zoned I-Industrial, shall be twenty-five (25) feet.

(2) In no case may the depth of a side yard be reduced to less than ten (10) feet from any structure on an abutting lot except where no side yard is provided and the buildings are separated by a common wall.

(c) Depth of Rear Yard Setback - Fifteen (15) feet except that no rear yard shall be less than fifty (50) feet of an abutting residentially zoned lot.

(d) Other Setbacks: Twenty-five (25) feet from waterfront. No setback is required from a railroad easement or right-of-way.

(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

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

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.

4) Maximum Height of Structures: Thirty-five (35) feet.

5) Minimum Floor Area of Structures: One thousand (1,000) square feet.

6) Distance Between Structures: None, or if separated Fifteen (15) feet or onehalf (½) the sum of the heights of the adjacent structures on the same lot, whichever is greater.

d. Signs: As permitted in Section 8.31.

e. Minimum Off-Street Parking and Off-Street Loading Requirements: As required in Section 8.

f. Minimum Landscaping Requirements: As required in Section 8.30.

g. Required Landscaped Buffer Area: When abutting residentially zoned land as required in Section 8.37.

h. Fence Requirements: When required a fence shall be of masonry or wood, or other material approved by the Zoning Director, at least seven (7) feet in height above ground level for all uses not contained in an enclosed building. In all cases of junk yards, said fence or wall should be of such construction so as to completely conceal and block the fenced materials from the view of neighboring land owners and passersby, and shall meet all rules and regulations concerning zoning and construction in Collier County. See Section 8.33.

7.27. (PUD) PLANNED UNIT DEVELOPMENT DISTRICT:

a. Intent and Purpose: The intent and purpose of establishing the Planned Unit Development - PUD - District is to provide an optional alternative zoning procedure so that planned developments may be instituted at appropriate locations in the County in accordance with the planning and development objectives of the County. It is the intent and purpose of these PUD regulations to encourage, as well as permit, land planners, architects, engineers, builders, and developers to exercise ingenuity and imagination in the planning and development or redevelopment of relatively large tracts of land under unified

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

ownership or control. Although planned unit developments produced in compliance with the terms and provisions of this Ordinance may depart from the strict application of use, setback, height, and minimum lot requirements of conventional zoning regulations, the intent is to provide standards by which flexibility may be accomplished, while maintaining and protecting the public interest, so that:

1) A more creative approach may be taken to the development of contiguous tracts of land five (5) acre or more in size.

2) A more desirable environment may be accomplished than would be possible through strict application of the minimum requirements of this Zoning Ordinance.

3) Land may be used more efficiently, resulting in smaller networks of utilities and streets with consequent lower construction and future maintenance costs.

4) The impact of a particular planned unit development on the present and projected population, economy, land use pattern, tax base, street system, and public facility network(s) of the County may be carefully evaluated relative to the various costs and benefits that may be associated with such development.

5) Application of Planned Unit Development techniques to a given tract will permit large scale development which features amenities and excellence in the form of variations in siting, mixed land uses and/or varied dwelling types, as well as adaptation to and conservation of the topography and other natural characteristics of the land involved.

b. Planned Unit Development: Defined: A planned unit development is hereby defined as a contiguous tract of land not less than five (5) acres in size, except as otherwise provided, under unified control which is planned and improved:

1) To function as a relatively self-contained and readily identifiable district, section, or neighborhood of the County;

2) To accommodate a variety of dwelling types together with appropriate commercial, institutional, industrial, and

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

public uses and activities as deemed necessary to properly serve prescribed density and population levels for the development as a whole, or for any designated component thereof; and

3) In a single development operation or programmed series of development operations over an extended period of time according to an officially adopted Master Plan and related programs for the provision, operation, and maintenance of such areas, improvements, facilities, and services as will be for the common use of all residents and/or users of the planned community.

c. Relation of Planned Unit Development Regulations to General Zoning, Subdivision or Other Applicable Regulations: The provisions which follow shall apply generally to the creation and regulation of all PUD Districts. Where there are conflicts between these special PUD provisions and general zoning, subdivision or other applicable regulations, these special regulations shall apply. The standards as contained herein, and the PUD guides and standards adopted as part of these regulations shall apply to the creation of PUD Districts and to the issuance of building permits and certificates of occupancy in such districts.

d. Planned Unit Development Districts: How Established: Where Permitted: PUD Districts may hereafter be established from designated pre-existing zoning districts by amendment of the Official Zoning Atlas where tracts of land suitable in location, extent and character for the structures and uses proposed are to be planned and developed according to the procedures and requirements herein set out.

e. Planned Unit Development Districts: General Requirements and Limitations: The following general requirements and limitations shall apply in PUD Districts approved under the terms and provisions of these regulations:

1) Unified Control: All land included for purpose of development within a PUD District shall be owned or under the control of the applicant for such zoning designation, whether that applicant be an individual, partnership or corporation, or a group of individuals, partnerships or

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed PUD District and shall state agreement that, if he proceeds with the proposed development, he will:

(a) Do so in accord with:

(1) The Master Plan of development officially adopted for the district;

(2) Regulations existing when the amendment rezoning the land to PUD is adopted; and

(3) Such other conditions or modifications as may be attached to the rezoning of land to the PUD classification.

(b) Provide agreements, contracts, deed restrictions, or sureties acceptable to the County for completion of the undertaking in accord with the adopted Master Plan as well as for the continuing operation and maintenance of such areas, functions and facilities that are not to be provided, operated or maintained at general public expense, and

(c) Bind his successors in title to any commitments made under (a) and (b) preceding.

2) Master Plan: Any application for re-zoning to PUD shall be accompanied by a professionally prepared Master Plan of the development comprised, as a minimum, of the following elements:

(a) A development plan, drawn to acceptable scale, which shall indicate:

(1) The title of the project and name of the developer;

(2) Scale, date, north arrow, and general location map showing relationship of the site to such external facilities as highways, shopping areas, cultural complexes and the like;

(3) Boundaries of the subject property, all existing streets, land uses, watercourses, easements, section lines, and other important physical features within and adjoining the proposed project;

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(4) The proposed use of all land within the project boundaries, including the location and function of all areas proposed to be dedicated or reserved for community and/or public use;

(5) The location and size (as appropriate) of all existing and proposed drainage, water, sewer, and other utility provisions;

(6) The location and nature of all other existing public facilities, such as schools, parks, fire stations and the like;

(7) Information about existing vegetative cover and soil conditions in sufficient detail to indicate suitability for proposed structures and uses;

(8) A plan for pedestrian and vehicular circulation showing the general locations, widths, and recommended surface treatment of all major internal thoroughfares and pedestrian accessways. A diagrammatic flow chart demonstrating the pattern of vehicular traffic movement to, within, and through the planned development;

(9) A plan for the provision of all needed utilities to and within the planned community; including (as appropriate) water supply, treatment and disposal; electric power; gas and communications (telephone, cable TV).

(b) A written legal description of the subject property together with names and addresses of all owners of record.

(c) Supportive report(s) which shall include:

(1) A statement indicating how and why the proposed project complies with planning and development objectives of the County;

(2) A general description of the proposed development, including information as to:

(I) Total acreage involved in the project.

(II) The number of acres devoted to the various categories of land use shown on the devel-

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

opment plan, together with the respective percentage of total project acreage represented by each category of use.

(III) The number and type of dwelling units involved and the corresponding overall project density in dwelling units per gross acre.

(IV) The minimum design standards reflected by the site plan for such features as lot shape and size, internal streets and pedestrian ways, open space provisions, off-street parking, signs, and landscaping, as required.

(V) Dwelling unit densities for each residential component.

(3) A proposed schedule of development which identifies the anticipated project and component start and completion dates, stages of development, and the area and location of common open space to be provided at, or by, each stage; and

(4) A statement and/or map indicating which streets or roads (and pedestrian ways as appropriate) are proposed for public ownership and maintenance, and whether approval is sought as part of the Master Plan for private roads if any are within the district.

(d) As determined by the Community Development Administrator, schematic architectural drawings (floor plans, elevations, perspectives) of all proposed structures and improvements, except single-family residences and their related accessory buildings, as appropriate.

(e) Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development and any of its common areas or facilities.

(f) Professional Services Required: Any Master Plan of Development submitted in support of an application

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

for PUD zoning shall certify that the services of two (2) or more of the following professionals were utilized in the design or planning process:

(1) An urban planner who possesses the education and experience to qualify for full membership in the American Institute of Certified Planners; and/or a landscape architect who possesses the education and experience to qualify for full membership in the American Society of Landscape Architects;

(2) Together with either a practicing civil engineer licensed by the State of Florida, or a practicing architect licensed by the State of Florida.

(g) Common Open Space or Common Facilities: Any common open space or common facilities established by an adopted Master Plan of Development for a PUD District shall be subject to the following:

(1) The Planning Commission may recommend that the Board of County Commissioners require that the petitioner provide for and establish an organization for the ownership and maintenance of any common open space and/or common facilities, and such organization shall not be dissolved nor shall it dispose of any common open space or common facilities, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space or common facilities. However, the conditions of transfer shall conform to the adopted Master Plan.

(2) In the event that the organization established to own and maintain common open space or common facilities, or any successor organization, shall at any time after the establishment of the planned unit development fail to meet conditions in accordance with the adopted Master Plan of Development, the Community

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Development Administrator may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing, the Community Development Administrator shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Community Development Administrator determines that the subject organization is not prepared or able to maintain the common open space or common facilities, such public or private agency shall continue maintenance for yearly periods.

(3) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space or common facilities and shall become a lien on said properties.

(h) Dedication of the Public Facilities: The Planning Commission and the Board may, as a condition of approval and adoption of PUD zoning and in accord with the Master Plan of Development, require that suitable areas for streets, public right-of-way, school, parks, and other public facilities to be set aside, improved, and/or dedicated for public use.

(i) Deviations from the required Master Plan elements: The Community Development Administrator 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.

f. <u>Planned Unit Development: Specific Requirements, Limitations, and Standards</u>: In addition to all general provisions and

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

procedures set out in this Subsection, the following specific requirements, limitations and standards shall apply particularly to: location of PUD Districts intended primarily for residential uses and purposes but containing commercial retail or service activities, location of PUD Districts intended primarily for commercial and industrial uses or combination thereof; the preparation of Master Plans for the two (2) items immediately preceding; the review of applications for rezoning to PUD; and the development (or re-development) of PUD Districts that have been adopted as amendments to this Zoning Ordinance.

1) Location: PUD Districts shall be so located as to provide adequate access for the population to be expected and in accord with the provisions and standards herein set out.

2) Minimum Area Required: The minimum area required for a Planned Unit Development District shall be five (5) acres.

3) Character of the Site: Any proposed PUD shall be suitable for development in the manner proposed without undue hazards to persons or property, on or off the tract, from probability of flooding, wind or water erosion, subsidence or slipping of the soil, or subsidence of buildings or other structures of facilities. Condition of soil, ground water level, drainage, and topography shall all be appropriate to both kind and pattern of use or uses intended. The site shall also contain sufficient width and depth to accommodate adequately its proposed use and design.

4) Uses Permitted: The following uses either individually or combination thereof, shall be permitted in PUD Districts when they are shown on the Master Plan of Development adopted by the Board of County Commissioners for such districts:

   (a) Dwellings of any variety or combination of types.

   (b) Accessory buildings and accessory uses.

   (c) Common public and private open spaces.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(d) Parks, playgrounds, community centers, or other recreation or social facility owned and operated by a non-profit organization.

(e) Recreational facilities such as golf, swimming, tennis and country clubs.

(f) Houses of Worship, libraries, schools, nursing homes, child care centers, hospitals.

(g) Public parks and playgrounds, public buildings, public utility and service uses.

(h) Marina.

(i) General service commercial, industrial and professional office uses or combination thereof.

(j) Support business and retail facilities, provided the amount of land designated for such uses does not exceed five (5) percent of the gross area of the total development unless a larger area has been designated on the Comprehensive Plan.

(k) Entry level multifamily rental dwellings in accordance with Paragraph f 6) of this section, exluding Paragraph e 2) [(d)-(g)] and Paragraph f 7), 8) and 10).

5) Maximum Residential Densities Permitted:

(a) Maximum density for any residential component or group of components shall not exceed the maximum density permitted in the district the use most closely resembles.

(b) The Planning Commission may recommend deviations on density or extent of development when it has determined that development to the maximum density permitted in Paragraph (a) above would:

(1) Create inconvenient or unsafe access to the PUD, or

(2) Create traffic congestion in the streets which adjoin or lead to the PUD, or

(3) Place a burden on parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the PUD, or

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(4) Be in conflict with the general intent and provisions of the Comprehensive Plan, or

(5) Create a threat to property or incur abnormal public expense in areas subject to natural hazards.

(c) The overall density of a PUD shall be calculated by dividing the number of dwelling units by the total gross development area.

6) Multi-Family Entry Level Rental Housing Areas

(To become effective April 1, 1982.)

(a) Intent: This area is intended to apply to an area of entry level multi-family residential rental units having a mid-rise profile silhouette and generally surrounded by low profile structures and open space and so situated that it is well-served by public and commercial services and has direct or convenience access to thoroughfares and collector streets. This area is intended to implement the Comprehensive Plan and provide mid-ride multi-family dwelling accommodations in accordance with the goals, objectives and policies of the Comprehensive Plan.

This area is based on the following findings of fact by the Boad of County Commissioners:

(1) That Collier County is among the highest rental and purchase housing markets in the State of Florida;

(2) There is a real need for additional housing facilities both rental and purchase in the low to moderate income ranges;

(3) Due to the shortage of affordable housing in the low to moderate income range, local businesses have experienced difficulty in recruiting and retaining qualified employees within many necessary employment classifications;

(4) That the creations of this district would discourage young families, presently unable to find affordable housing, from moving elsewhere;

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(5) That the creation of this district would attract business to the community by stabilizing the work force and providing affordable housing for semi-skilled, skilled, trade and young professional workers;

(6) That providing incentives to the private sector to provide low and low-to-moderate income housing would strengthen the County's tax base by keeping such projects on the tax rolls;

(b) Permitted Uses and Structures: No building or structure, or part thereof, shall be erecte, altered or used, or land or water used, in whole or in part, for other than the following:

(1) Permitted Principal Uses and Structures

(i) Multi-family rental dwellings units.

(c) Maximum Density: Sixteen (16) residential units per gross acre.

(d) Minimum Lot Area Requirement: Five (5) acres.

(e) Minimum Lot Width: One hundred and fifty (150) feet as measured at the front yard building line setback.

(f) Minimum Yard Requirements:

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

(2) Depth of side yard - Fifteen (15) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

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

(g) Distance Between Structures:

(1) If there is a separation between any two (2) principal structures on the same parcel, said separation shall be a minimum of fifteen (15) feet or a distance equal to one-half (½) the sum of their heights, whichever is the greater.

(h) Minimum and Maximum Floor Area of Principal Structures:

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(1) Efficiency Apartments

(i) Minimum Floor Area - 450 square feet.

(ii) Maximum Floor Area - 525 square feet.

(2) One bedroom apartment

(i) Minimum Floor Area - 450 square feet.

(ii) Maximum Floor Area - 650 square feet.

(3) Two bedroom apartment

(i) Minimum Floor Area - 650 square feet.

(ii) Maximum Floor Area - 900 square feet.

(4) Three bedroom apartment

(i) Minimum Floor Area - 900 square feet.

(ii) Maximum Floor Area - 1,050 square feet.

(i) Maximum Height of Structures:

(1) Three (3) living floors.

(j) Minimum Landscaping Requirements:

As required in Section 19 of this Ordinance.

(k) Minimum Off-Street Parking:

(1) Efficiency Apartments - 1 space per dwelling unit.

(2) One Bedroom and above - 1.5 spaces per dwellign unit.

(3) Two Bedrooms or more - 2 spaces per dwelling unit. (Rev. ORD 80-60).

7) Commercial Components: Commercial areas in a given PUD District are designed and intended to serve either the residential component or the community generally, and are so designated by the adopted master plan for said district, shall be and are hereby considered to be planned unit developments or part of a planned unit development as defined by this subsection. Required master development plans for these commercial PUD components shall therefore be prepared, reviewed and carried out in compliance with all applicable requirements, limitations and standards, as set out in this Subsection.

8) Minimum Lot Area and Frontage Requirements Within a PUD : No minimum lot size or yards shall be required within a PUD, except that frontage on dedicated public roads shall observe front yard requirements in accordance with the

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

zoning classification the use most closely resembles, and peripheral yards abutting the exterior limits of the PUD boundary (except for boundaries limited in or by water) shall observe yard requirements in accordance with the zoning classification the use most closely resembles. Every dwelling unit or other use permitted in the PUD shall have access to a public road or street either directly or via an approved road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on a public dedicated road or street.

9) Off-Street Parking and Off-Street Loading Requirements: Off-street parking and off-street loading requirements shall be as for comparable uses set out in Section 8 of this Zoning Ordinance. No parking spaces on or within any public or private road or travelway shall be counted in fulfilling the required number of spaces. Landscaping for vehicular areas shall be as set out in Section 8.32 of this Zoning Ordinance.

(10) Usable Open Space Requirements: Usable open space shall include active and passive recreation areas such as playgrounds, golf courses, beach frontage, waterways, lagoons, flood plains, nature trails, and other similar open spaces. Open water area beyond the perimeter of the site, street rights-of-way, driveways, off-street parking areas, and off-street loading areas shall not be counted in determining usable open space.

(a) Planned Residential Developments: In residential developments at least sixty (60%) percent of the gross area shall be devoted to usable open space.

(b) Commercial, Industrial and Mixed Purpose Developments: In developments of commercial, industrial and mixed use, including residential, at least thirty (30%) percent of the gross area shall be devoted to usable open space.

(c) Dedication of Usable Open Space: A maximum of eight (8%) percent of the gross project site shall be

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

required for dedication to public use for all projects after a determination by the Board of County Commissioners that a public need exists for such public facilities.

11) Development Planning - External Relationships: Development planning within a PUD District shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences generated by or within the district.

(a) Principal vehicular access points shall be designed to encourage smooth traffic flow and minimize hazards to vehicular or pedestrian traffic. Merging and turn lanes and/or traffic dividers shall be required where existing or anticipated heavy traffic flows indicate need. In general, minor streets within the PUD development shall not be connected with minor streets outside the PUD development so as not to adversely impact minor streets in the neighboring residential areas. Where streets within the district intersect adjoining streets, visability triangles shall be maintained.

(b) Fences, walls, or vegetative screening at edges of PUD Districts shall be provided where needed to protect residents from undesirable view, lighting, noise or other adverse off-site influences, or to protect residents of adjoining districts from similar possible influences from within the PUD District. In all cases, screening shall, at a minimum, be designed to protect existing or potential first-floor residential occupant window levels. In particular, off-street parking areas for five (5) or more cars, service areas for loading or unloading vehicles other than passengers, and areas for storage and collection of trash and garbage shall be so screened.

12) Development Planning - Internal Relationships: The development plan for a PUD District shall provide for

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

safe, efficient, convenient, and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.

(a) Streets, drives and parking and service areas shall provide safe and convenient access to dwelling units and project facilities, and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the development on minor streets, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks, nor shall streets be laid out or constructed as to require excessive cuts or fills or to interfere with desirable drainage in or adjacent to the district. In addition, all major arteries as shown on the master plan of development shall be controlled access facilities and the only vehicular access thereto shall be public and private streets.

(b) Private streets or roads, if proposed by the applicant, shall comply with all requirements for such streets and roads as contained in the County Subdivision Regulations.

13) Preservation and Protection of Desirable Natural, Historic or Archaeological Features: Every effort shall be made in the planning and development of a PUD District to preserve and protect desirable natural, historic, or archaeological features of the site, including trees and other vegetation of consequence. The disturbance of terrain or vegetation in a manner likely to significantly increase either wind or water erosion within or adjacent to the PUD District is prohibited.

14) Sign Limitation: Signs shall be in accordance with Section 8.31 of this Ordinance.

15) Deviations from Specific Requirements, Limitations, and Standards: When, in the opinion of the Planning Commission, unusual conditions exist, they may recommend to the Board of County Commissioners and the Board may approve

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

the waiving of certain portions of the above standards, limitations and requirements.

g. Utilities: It is intended that within the residential portions of a PUD District, all utilities, including telephone, television cable, and electrical systems, shall be installed underground; provided, however, appurtenances to these systems which require above ground installation must be effectively screened and thereby may be exempted from these requirements; and primary facilities providing service to the site of the development or necessary to service areas outside the district may be exempted from this requirement.

h. Procedures for Planned Unit Development Zoning: Petitions for rezoning to PUD shall be submitted and processed as for rezoning amendments generally and in accordance with the following special procedures:

1) Pre-application Conference: Prior to submitting a formal application for rezoning to PUD, the applicant shall confer with the Community Development Administrator and other County staff, agencies, and officials involved in the review and processing of such applications and related materials. The applicant is further encouraged to submit a tentative land use sketch plan for review at the conference, and to obtain information on any projected plans or programs relative to possible applicable Federal or State requirements or other matters that may affect the proposed planned unit development. This pre-application conference should address, but not be limited to, such matters as:

(a) The proper relation between the anticipated project and surrounding uses, and the effect of the proposed development on the planning and development objectives of the County.

(b) The adequacy of existing and proposed streets, utilities, and other public facilities to serve the development.

(c) The nature, design, and appropriateness of the proposed land use arrangement for the size and configuration of property involved.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(d) The adequacy of open space areas in existence and as proposed to serve the development.

(e) The ability of the subject property and of surrounding areas to accommodate future expansions, if needed.

2) Application Materials: In addition to information generally required for rezoning applications, the applicant shall submit the following materials or data in sufficient copies for necessary referrals and records:

(a) The evidence of unified control of the proposed planned unit development and the associated agreements required under this Subsection.

(b) A proposed master plan of development as prescribed under this Subsection.

(c) Such other material as the applicant may feel is applicable to and in support of his application for rezoning to PUD.

(d) Any additional information as may be required by the Planning Commission or the Board of County Commissioners at the time of any public hearing.

3) Prehearing Conference: Any application for rezoning to PUD, together with all materials prescribed herein, shall be submitted to the Community Development Administrator. Pre-hearing conferences may be held between the applicant and/or his representatives and officials or representative of the County. The purpose of such pre-hearing conferences shall be to assist in bringing the application for rezoning to PUD as nearly as possible into conformity with the intent of these or other applicable regulations, and/or to define specifically any justifiable variations from the application of such regulations. If such conferences be held, any recommendations for change in the application, master plan of development, or required statements shall be set down in writing and shall become a part of the public record in the case. All such recommendations shall be supported by written, stated reasons for the proposed change. The applicant

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

shall, in writing, indicate agreement to such recommendations or disagreement. If disagreeing, the applicant shall state, in writing, the reasons therefore. All such responses by the applicant shall be included in the record of the case.

4) Review by Advisory Boards: The Board of County Commissioners shall require review of the application for rezoning to PUD by such County advisory boards as it may, from time to time, designate. Where the Board has required review, comments and critique of such advisory board shall be made in writing and shall become a part of the record in the matter; provided, a representative of such designated board may appear and speak at the public hearings before the Planning Commission and the Board of County Commissioners.

5) Hearing Before the Planning Commission: Public notice shall be given and a public hearing held before the Planning Commission on the application for rezoning to PUD. Both the notice and the hearing shall be on the application, proposed master plan of development, and required statements as they may have been amended as a result of the pre-hearing conferences conducted pursuant to this subsection.

6) Planning Commission Recommendation: The Planning Commission shall make written findings as herein set out and shall recommend to the Board of County Commissioners either approval of the PUD rezoning as proposed; approval conditional on stated modifications; or disapproval. In support of its recommendation, the Planning Commission shall make findings as to:

(a) The suitability of the area for the type and pattern of development proposed in relation to physical characteristics of the land, relation to surrounding areas, traffic and access, drainage, sewer, water, and other utilities.

(b) Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, or

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

other instruments or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense. Findings and recommendations of this type shall be made only after consultation with the County Attorney.

(c) Conformity of the proposed planned unit development with the goals and objectives of the Comprehensive Plan.

(d) Conformity with PUD regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.

7) Action by Board: Unless the application is withdrawn by the applicant, the Board of County Commissioners shall, upon receipt of the Planning Commission's recommendation, advertise and hold a public hearing on the application. The notice and hearing shall be on the application and master plan of development as recommended by the Planning Commission to the Board of County Commissioners. The Board of County Commissioners shall either grant the proposed rezoning to PUD; approve with conditions or modifications or deny the application for PUD rezoning. Such modifications shall be stated with reference to the appropriate provision of these regulations upon which they are based and the reasons therefore.

i. Effect of Planned Unit Development Zoning: If the Board of County Commissioners approved the proposed PUD rezoning, the master plan for development and all other information and materials formally submitted with the petition shall be considered and 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

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

shall proceed only in accord with the adopted master plan for said district.

Before development of any type may proceed, 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 Board of County Commissioners, 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.

j. Changes and Amendments: The Board of County Commissioners, upon recommendation by the Planning Commission, may approve minor changes in the location, siting or height of buildings, structures, and improvements authorized by the adopted master plan of development for a designated PUD District, provided that such modifications do not:

1) Increase the number of structures; the number of dwelling units; or densities as specified by the adopted master plan.

2) Change any perimeter boundary of the planned unit development.

3) Rearrange any lot, block, building tract, or common open space or common facility as shown on the adopted master plan.

4) Change any use as shown on the adopted master plan.

5) Change location or amounts of land devoted to specified land uses on the adopted master plan.

Changes 1) through 5) above shall be considered major changes to the Master Plan and shall require the same procedure as for actual PUD zoning before they can be approved by the Board. Language changes not involving 1) through 5) above shall require the same procedure as for amending the Zoning Ordinance.

SECTION 8. SUPPLEMENTARY DISTRICT REGULATIONS:

8.1 Visibility at Intersections in All Zoning Districts: On a corner lot in all zoning districts, no fence, wall, hedge, planting, or

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

structure shall be erected, planted, or allowed to grow in such a manner as to obstruct vision between a height of three (3) feet and eight (8) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines forty (40) feet from the point of intersection. Parking is prohibited in this area. Trees are permitted, so long as the foliage is cut away and maintained within the three (3) and eight (8) foot clearance requirement. Posts for illuminating fixtures, traffic control, and street name signs are permitted, so long as the sign or equipment is not within the prescribed clear space.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

8.2 Location of Accessory Structures: Accessory structures must be constructed simultaneously with or following the construction of the principal structure and shall conform with the following set-backs and building separations:

ACCESSORY STRUCTURES

Non-Waterfront Lots - NonGolf Course Lots

		FRONT	REAR	SIDE	STRUCTURE TO STRUCTURE (If detached)
1.	Parking Garage or Carport - Single Family	SPS	10'	SPS	10'
2.	1-Story Parking Structures	SPS	35'	SPS	10'
3.	Multi-Story Parking Structures	SPS	35'	SPS	*1/1
4.	Swimming Pool and/or Screen Enclosure (One and two family)	SPS	10'	SPS	N
5.	Swimming Pool (Multiple family and Commercial)	SPS	20'	15'	N
6.	Tennis Courts (Private) (One and two family)	SPS	15'	SPS	10'
7.	Tennis Courts (Multiple family and Commercial)	SPS	20'	15'	20'
8.	Utility Buildings	SPS	10'	SPS	10'
9.	Chickee, Barbecue Areas	SPS	10'	SPS	N
10.	Attached Screen Porch	SPS	10'	SPS	N/A
11.	Unlisted Accessory	SPS	SPS	SPS	10'

N = None

N/A = Not Applicable

SPS = Calculated same as principal structure.

*1/1 = 1/foot of accessory height = 1/foot of building separation.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

ACCESSORY STRUCTURES

On Waterfront Lots and Golf Course Lots

		FRONT	REAR**	SIDE	STRUCTURE TO STRUCTURE (If detached)
1.	Parking Garage or Carport - Single Family	SPS	SPS	SPS	10'
2.	1-Story Parking Structures	SPS	SPS	SPS	10'
3.	Multi-Story Parking Structures	SPS	SPS	SPS	*1/1
4.	Swimming Pool and/or Screen Enclosure (One and two family)	SPS	10'	SPS	N
5.	Swimming Pool (Multiple family and Commercial)	SPS	20'	15'	N
6.	Tennis Courts (Private) (One and two family)	SPS	15'	SPS	10'
7.	Tennis Courts (Multiple family and Commercial)	SPS	35'	SPS	20'
8.	Boat Houses (Private)	SPS	N/A	7.5'	10'
9.	Utility Buildings	SPS	SPS	SPS	10'
10.	Chickee, Barbecue Areas	SPS	10'	SPS	N
11.	Davits	N/A	N/A	7.5'	SPS
12.	Attached Screen Porch	SPS	10'	SPS	SPS
13.	Unlisted Accessory	SPS	SPS	SPS	10'
14.	Docks	N/A	N/A	7.5'	N/A
15.	Boat Slips & Ramps (Private)	N/A	N/A	7.5'	N/A

N = None

N/A = Not Applicable

SPS = Calculated same as principal structure.

*1/1 = 1/foot of accessory height = 1/foot of building separation.

**In those cases where the Coastal Control Line is involved, the Coastal Control Line will apply.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

8.3 Exclusions from Height Limits. The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, flagpoles, antennas, water tanks, fire towers when operated by a branch of government, ventilators, chimneys, feed storage structures, silos, windmills, or to other appurtenances usually required to be placed above the roof level and not intended for human occupancy, or to airport control towers; provided, however, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency or airport zoning regulations within the flight-approach zone of airports. (See Section 9.9).

8.4 Exclusions from Height Limits - Off-Street Parking Within a Building. In instances where off-street parking is provided within the primary building, the Zoning Director may waive the maximum height requirements to the extent necessary to permit off-street parking within the primary building, provided the number of off-street parking spaces required by this ordinance for the use involved may not be reduced, nor may the waiver in height be greater than that necessary to provide for the off-street parking within the primary building, with a maximum of two (2) parking levels. This exclusion shall not apply to those districts where provisions are made in the Height Limits for under-building parking.

8.5 Exceptions to Required Yards. In all zone districts, yards as defined in Section 20 shall be as established by the Schedule of District Regulations except as follows:

a. Front Yards Exceptions. Where corner lots of record existed prior to the date of adoption of this Ordinance which do not meet minimum requirements, only one (1) full depth front yard shall be required. All other front yards shall be not less than fifty (50%) percent of the required front yard depth. The full depth front yard shall be located along the shorter street lot line.

In the case of through lots, unless the prevailing front yard pattern on the adjoining lots indicate otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Director may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

Depth of a required front yard shall be measured so that the yard established is a strip of the minimum width required by the district regulations with its inner edge parallel to the front lot line. In the case of irregularly shaped lots, the depth may be measured at right angles to a straight line joining the foremost points of the side lot line.

Where lots in residential districts comprising forty (40%) percent or more of the frontage on one side of a street between intersecting streets are developed with structures having an average front yard with a variation of not more than six (6) feet, no building thereafter erected shall project beyond the average line so established. This provision applies in all residential districts.

b. Side Yard Exceptions. Where lots of record existed prior to the effective date of this Zoning Ordinance, which lots do not meet the minimum width requirements set out in this Zoning Ordinance, then for such lots, and only for such lots, the minimum side yards shall be not less than ten (10%) percent of the average lot width, provided no side yard shall be less than five (5) feet. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established on both frontages shall be considered side yards.

c. Rear Yard Exceptions. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured so that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel to the rear lot line.

d. Special Yard Exceptions. In cases where neither the term "side yard" nor the term "rear yard" clearly applies, the Zoning Director shall require a yard with minimum dimensions

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

In the case of irregularly shaped lots or unusual circumstances where minor variations in yards appear necessary, the Zoning Director may allow smaller yards than are otherwise required in the district, providing that:

1. The Zoning Director allows only yards that are similar to yards required elsewhere in the same district, and in no event allows yards over twenty-five (25%) percent smaller than are required elsewhere in the same district.
2. The Zoning Director allows only yards that achieve the same purpose as required yards elsewhere in the district.
3. The irregular shape is due to conditions over which the property owner has no control.

e. Yard Encroachments. Every part of every required yard shall be open and unobstructed from thirty (30) inches above the general ground level of the graded lot upward to the sky except as hereinafter provided or as otherwise permitted in this Zoning Ordinance:

1) Sills and belt courses may project not over twelve (12) inches into a required yard.

2) Movable awnings may project not over three (3) feet into a required yard, provided that where the yard is less than five (5) feet in width the projection shall not exceed one-half (½) the width of the yard.

3) Window or wall mounted air conditioning units, chimneys, fireplaces, bay windows, or pilasters may project not over two (2) feet into a required yard.

4) Fire escapes, stairways, and balconies which are unroofed and unenclosed may project not over five (5) feet into a required side yard of a multiple family dwelling, hotel or motel and not over three (3) feet into an RSF District.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

5) Hoods, canopies, roof overhangs, or marquees may project not over three (3) feet into a required yard, but shall not come closer than one (1) foot to the lot line.

6) Fences, walls, hedges, subject to Section 8.33, and pad mounted air conditioners are permitted in required yards, subject to the provisions of Section 8.1.

7) Cornices, eaves or gutters may project not over three (3) feet into a required yard, provided that where the required yard is less than six (6) feet in width, such projection shall not exceed one-half (½) the width of the yard.

8) Except as provided in Section 8.1, nothing in this Zoning Ordinance shall be so construed as to prohibit any type of landscaping or private, non-profit gardening on any lot.

8.6 Buildings to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street or with actual and legal access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

8.7 Use of Residentially Zoned Property for Access. No lot or parcel which is residentially zoned shall be used for driveway, walkway, or access purposes to any land which is non-residentially zoned, or used for any purpose not permitted in a residential district except for ingress and egress to a use existing at the effective date of this Zoning Ordinance which does not abut on a street, except as may be further provided in this Ordinance.

8.8 Parking and Storage of Certain Vehicles. Automotive vehicles, or trailers of any type without current license plates where required by law shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

8.9 Moving of Buildings or Structures. No building or structure shall be moved from one lot to another lot, or moved to another location on the same lot, unless such building or structure shall thereafter conform to all of the applicable provisions of this Zoning Ordinance and to all other applicable regulations of Collier County.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

8.10 Essential Services. Essential services are hereby defined as services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction. Essential services are allowed in any zoning district subject to the following conditions:

a. Permitted Uses. The following uses shall be deemed permitted uses in any zoning district: water lines, sewer lines, gas lines, telephone lines, cable television, electrical transmission and distribution lines, sub-stations, lift stations, individual wells and septic tanks, and similar installations necessary for the performance of these services.

b. Provisional Uses. The following uses shall be deemed provisional uses in any district: electric or gas generating plants, sewage treatment plants, hospitals, hospices, sanitoriums, water pumping or water aeration or treatment plants, governmental facilities in residential areas, communication towers, and other similar facilities.

c. Under this subsection, where structures are involved other than structures supporting lines or cables, such structures shall conform insofar as possible to the character of the district in which they are located as to architecture and landscaping, with utilization of screening and buffering compatible with the district.

d. Essential services shall not be deemed to include the erection of structures for commercial activities such as sales or the collection of bills in districts from which such activities would otherwise be barred.

8.11 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:

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

1) No such use shall be located within five hundred (500) feet of any established school, church, public park, or playground. This does not include beach access points.

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 alchoholic beverages are to be sold.

3) The erection of any school, church, public park or playground within five hundred (500) feet of an establishment which offers the sale of alcoholic beverages for consumption on premises shall not cause such establishment to become nonconforming.

4) The applicant shall submit 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 this ordinance including landscaping, off-street parking, buffer areas, and location and size of all signs.

b. The following uses shall be exempted from the distance limitations of Paragraph 13.a.(2) of this Subsection, but shall comply with all other requirements of this Subsection:

1) Any restaurant deriving at least fifty-one (51%) 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

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

use and for the exclusive use of the members, tenants, and/or guests of the facility.

c. Any owner or operator of an establishment approved under this Subsection to sell any alcoholic beverages for consumption on premises shall upon written demand of the Zoning 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.

8.12 Off-Street Vehicular Facilities - Parking and Loading. Wherever in any zoning district off-street facilities are provided for the parking or display of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use (including "drive-in" facilities) hereinafter referred to as "other vehicular uses", such off-street facilities and land shall conform to the minimum requirements of this Zoning Ordinance.

a. Intent: It is the intent of this Zoning Ordinance that the public health, safety, comfort, order, appearance, convenience, morals, interest, and general welfare require that every building and use erected or instituted after the effective date of this Zoning Ordinance shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, customers, or patrons. It is also the intent of this Zoning Ordinance that certain uses must provide adequate off-street loading facilities. Such off-street parking and off-street loading facilities shall be maintained and continued so long as the use continues. (For definitions of "parking space, off-street" and "loading space, off-street", see Section 20.)

b. General: Off-street parking and off-street loading facilities shall be provided as set out in this Zoning Ordinance. Conforming buildings and uses existing as of the effective date of this Zoning Ordinance may be modernized, altered, or repaired without providing additional off-street parking or off-street loading facilities, providing there is no increase in floor area or capacity or change in use which would require additional off-street parking.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

1) Where a conforming building or use existed as of the effective date of this Zoning Ordinance and such building or use is enlarged in floor area, volume, capacity, or space occupied, off-street parking and off-street loading as specified in this Zoning Ordinance shall be provided for the additional floor area, volume, capacity, or space so created or used.

2) Where a use and building existed at the effective date of this Zoning Ordinance and the use is changed after the effective date of this ordinance and where this ordinance requires such later and changed use to have greater required off-street parking, then additional off-street parking shall be provided for the later and changed use to the extent of the difference between the later use and the prior use and as though both uses had been subject to this Ordinance.

3) Central Business District: Unless otherwise provided, areas designated as the Central Business District of a community shall not be required to meet the requirements for off-street parking and loading herein. Such Central Business Districts may be designated on a map or such other documents and materials as are necessary and adopted by the County Commission upon recommendation of the Planning Commission for the purpose of exempting such area from off-street parking and loading regulations.

c. Off-Street Vehicular Facilities: Identification, Surfacing, Drainage, Lighting, Access, Etc. Off-street parking facilities and other vehicular facilities both required and provided, shall:

1) Be identified as to purpose and location when not clearly evident.

2) Be surfaced with asphalt, bituminous, concrete or dustless material and maintained in smooth, well graded condition (driveways, access aisles, and 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 Zoning Director, a suitable material (limerock excluded) with a suitable stabilized

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

subgrade may be substituted for the above materials. This Paragraph does not apply to single-family dwellings.

3) Be drained and sloped so as not to cause any nuisance to adjacent property or to public property or rights-of-way.

4) Be so lighted, if lighted, as to shield streets and all adjacent properties from direct glare, excessive light, and hazardous interference with automotive and pedestrian traffic.

5) Be arranged for convenient and safe access of pedestrians and vehicles.

6) Be arranged so that no vehicle shall be forced onto any street to gain access from one aisle to another aisle.

7) Whenever the number of off-street parking spaces required by this Ordinance is five (5) or more, all spaces shall be marked with paint or other suitable pavement marking material. The striping requirement may be excluded in residential districts subject to approval of the Zoning Director.

8) Be constructed so that interior portions of off-street vehicular facilities not utilized specifically as a parking space or maneuvering or other vehicular use area shall not be paved but shall be landscaped in accordance with this Section.

9) Off-street parking areas shall be designed so as not to create dead-end aisles, unless waived by the Zoning Director. Aisles designed for one-way traffic flow shall have painted arrows not less than four (4) feet in length at each end of the aisle indicating the direction of travel.

10) Whenever any part of an off-street parking area is re-designed, those pavement markings which no longer apply shall be completely obliterated.

d. Off-Street Parking: Location.

1) The required off-street parking facilities shall be located on the same lot or parcel they serve or may be located on a contiguous lot in the same ownership and not separated by a street, with the permitted use of the contiguous lot permitting the same use as the lot on which the principal structure is located.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

2) 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.

3) The required off-street 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 10.5 may allow the establishment of the required off-street 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 off-street parking facilities on the same lot as the building or use it is intended to serve providing:

   (a) 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 Collier 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.

   (b) The owner of the land upon which such required off-street parking facilities are located shall enter into a written agreement with the County, to be filed with the Clerk of the Circuit Court, with enforcement running to the County providing that the land comprising the required off-street parking facilities shall never be encroached upon, used, sold, leased or conveyed for any purpose except in conjunction with the building or use which the required off-street parking facilities serves so long as the off-street parking facilities are required.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(c) The owner of the land upon which such required off-street parking facilities are located agrees to bear the expense of recording the agreement, which shall bind his heirs, successors, and assigns.

(d) The written agreement shall be voided by Collier County if other required off-street parking facilities are provided in accordance with the requirements of this Ordinance.

e. Off-Street Parking: Dimensional Standards. Each parking space shall be a minimum of nine (9) feet by eighteen (18) feet in size. Minimum aisle width shall be as follows:

Angle of Parking	Aisle Width One Way	Aisle Width Two Way
Parallel	12 feet	20 feet
30°	12 feet	22 feet
45°	12 feet	22 feet
60°	18 feet	24 feet
90°	22 feet	24 feet

8.13 Off-Street Parking: Plans Required. A plan shall be submitted with every application for a building permit for any building or use that is required to provide off-street parking. The plan shall include, but not be limited to the following information:

a. Vehicular entry and exit drives.

b. On-site vehicular circulation patterns, required parking and loading spaces.

c. Accessways for emergency and service vehicles if separate from a. above.

d. Location of buffers and landscaping areas as required by Section 8.30 and 37 of this Ordinance.

e. Off-site improvements necessitated by the traffic of the proposed project such as storage lanes, median cuts, signalization, sidewalks, etc.

The Zoning Director may require a traffic impact statement where the proposed project may:

1) Generate a volume of traffic greater than that normally generated by the other permitted uses of the same zoning district; or,

2) Require the creation of new curb cuts or median cuts to safely handle the traffic generated by the proposed project; or,

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

3) Require signalization, storage lanes or other similar traffic safety devices to safely and adequately handle the traffic generated by the proposed project.

f. Fire lanes in accordance with the Collier County Code of Laws and Ordinances.

8.14 Off-Street Parking: Mixed Uses. Where several types of uses are to be located in a single building, or where several types of uses are to be located in two (2) or more structures on a site under single ownership or management, the computation of required off-street parking spaces shall be the total of the several uses computed separately.

No part of an off-street parking area required for any bulding or use shall be included as a part of an off-street parking area similarly required for another building or use unless the Zoning Director finds that the type of use indicates that the period of usage will not overlap or be concurrent with each other.

8.15 Off-Street Parking: Uses Not Specifically Mentioned. Requirements for off-street parking for uses not specifically mentioned in this ordinance shall be the same as for the use most similar to the one sought, it being the intent of this Zoning Ordinance to require all uses to provide off-street parking, unless specific provision is made to the contrary.

8.16 Off-Street Parking: Fractional Measurements. When units of measurements determining number of required off-street parking spaces result in a requirement of a fractional space, then such fraction equal or greater than one-half (1/2) shall require a full offstreet parking space.

8.17 Off-Street Parking: Measurement. Where this Zoning Ordinance requires off-street parking based on various types of measurements, the following rules shall apply:

a. Floor area means, for the purposes of this subsection only, the gross floor area inside the exterior walls, unless otherwise specifically indicated.

b. In hospitals, bassinets do not count as beds.

c. In stadiums, sports arenas, houses of worship, and other places of public assembly where occupants utilize benches, pews, or other similar seating arrangements, each twenty-four

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(24) lineal inches of such seating facilities count as one seat.

d. Requirements based on number of employees or persons employed or working in an establishment must be clearly marked and reserved for the use of such employees or workers. When the number of employees increases after the building or structure is occupied, then the amount of off-street parking provided must be increased in ratio to the increase of the number of employees.

8.18 Off-Street Parking: Minimum Requirement: Irrespective of any other requirement of this Zoning Ordinance, each and every separate individual store, office, or other business shall be provided with at least one off-street parking space, unless specific provision is made to the contrary.

8.19 Off-Street Parking: Encroachment Prohibited. Required off-street parking shall be located so that no automotive vehicle when parked shall have any portion of such vehicle overhanging or encroaching on public right-of-way or the property of another. If necessary, wheel stops or barriers may be required in order to enforce this provision.

8.20 Off-Street Parking: Required. Required off-street parking according to the requirements of this ordinance shall not be reduced in area or changed to any other use unless the permitted or permissible use that it serves is discontinued or modified, or equivalent required off-street parking is provided meeting the requirements of this Ordinance.

8.21 Off-Street Parking: Reservation. Where in the determination of the Zoning Director, the required number of spaces is excessive for a specific 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 Development Plan is submitted to and approved in accordance with Section 10.5.

b. The owner of the land upon which such parking is being reserved shall enter into a written agreement with the County, to be filed with the Clerk of the Circuit Court, with enforcement

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

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 off-street parking facilities are required.

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

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.

8.22 Off-Street Parking: Non-Conforming. Where the required off-street parking makes a use non-conforming, no major alteration, repair or extension of that use may take place until such time as additional parking is supplied which will make the total use in conformance with these requirements.

8.23 Off-Street Parking: Required Amounts. Off-street parking requirements are as follows:

Agricultural Uses	As for specific uses.
Art Gallery or Museum	One space for each 250 square feet of floor area open to the public.
Bank or Financial Institution	As for professional or business office provided any bank or financial institution providing drive-in facilities must have approval of a Development Plan under Section 10.5.
Barbershops & Beauty Parlors.	Three (3) spaces per chair.
Bowling Alley	Five (5) spaces per 1,000 square feet of gross floor area.
Child Care Center, Day Nursery, Kindergarten	Two (2) spaces for each employee plus adequate provision for loading and unloading children off the street during peak hours.
Coin-Op (Laundry, self-service)	One space for each two (2) washing machines.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Commercial or Membership Raquet Clubs	Three (3) per court plus additional spaces as required for other uses.
Dance, Art, Music Studio	One (1) space for each 300 square feet of gross floor area.
Dry Boat Storage	One (1) space for each eight (8) dry slips or any part thereof. In no case, shall there be less than three (3) spaces for each dry slip storage structure.
Elementary or Middle School	Two (2) spaces for each classroom or office room, plus one space for each 150 square feet of seating area (including aisles) in any auditorium, gymnasium, or cafeteria intended to be used as a place of assembly, but where seating is not permanently fixed. Permanently fixed seating shall be as for stadium, etc. below.
Funeral Home	One space for each two (2) seats in rooms for services or chapel.
Furniture or Carpet Stores	One (1) space for each 500 square feet of gross floor area.
Golf Courses	Four (4) parking spaces for each golf hole. Where restaurants, bars, cocktail lounges and transient accommodations are made an integeral part of a golf course enterprise, then 50% of the spaces required for the golf course shall be credited to the parking requirements of such supplemental facilities.
Hospitals	Two (2) spaces per patient bed.
House of Worship	One space for each two (2) seats in chapel or auditorium.
Industrial Activity	One (1) parking space for each 1,000 square feet of the gross floor area in the building up to 10,000 square

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

	feet and then one (1) parking space for each 2,000 square feet of gross floor area thereafter, or one (1) parking space for each two (2) anticipated employees, whichever requires the greater number of parking spaces. If retail sales are conducted in connection with such industrial use, additional off-street parking shall be provided as required by the provisions hereof relating to such retail uses. The portion of the structure allocated for retail sales shall be used as a basis for determining additional off-street parking to be provided. In no event shall there be fewer than five (5) parking spaces provided per building.
Library, Community Center, or Recreation Facility (not otherwise listed)	One (1) space for each 200 square feet of gross floor area, or one (1) space for each three (3) seats, whichever is greater.
Marina	Two (2) spaces for each three (3) boat slips or moorings.
Medical, Dental Office	One (1) space for each doctor, nurse, or employee, plus two (2) spaces for each consultation, practice and/or examining room.
Mobile Home Residences	Two (2) spaces per dwelling unit.
Model Homes,	As determined by the Zoning Director.
Motel, Hotel	One and one half (1½) spaces per unit for the first one hundred (100) units plus one (1) space for each additional unit thereafter.
New and Used Car Sales	Ten (10) parking spaces, plus one (1) space for each 200 square

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

	feet of office and principal showroom space, plus one (1) space for each additional 1,000 square feet of repair and maintenance space, none of which may be used for merchandise inventory parking. In no event shall there be less than one (1) space for each 10,000 square feet of gross land area.
Nurses' Home, Convent, Monastery	One (1) space for each four (4) lodging units.
Nursing Home, Home for the Aged, Convalescent Homes.	One space per two (2) beds.
Professional or Business Office	One (1) space per 250 square feet of gross floor area on the first floor level and one (1) space per 300 square feet of gross floor area for each additional floor level.
Private Clubs, or Lodges	One (1) space per 100 square feet of gross floor area.
Public Buildings (not otherwise listed)	As determined by the Director.
Public Tennis, Racquetball, or Handball Courts	Three (3) spaces per court.
Restaurants (Drive-In), Fast Food Service	One (1) space per thirty (30) square feet of gross floor area. Restaurants with drive-thru facilities - subject to Section 10.5)
Restaurants (other than Drive-In), Bar, Night Club	One space for each two (2) seats in public rooms, whether seating is fixed or moveable or one (1) space per seventy (70) square feet of the gross floor area, whichever is greater.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Retail Shops, Stores, Department Stores, and other unlisted Commercial Uses, but not including Supermarkets or Shopping Centers.	One (1) space per 250 square feet of gross floor area.
Senior High School	As for elementary and middle schools except seven (7) spaces for each classroom or office room.
Shopping Centers	One (1) space per 175 square feet or any part thereof of the gross floor area.
Single Family Dwellings	Two (2) spaces per dwelling unit.
Stadium, Sports Arena, Theatre, or other place of public assembly other than those listed elsewhere.	One space for each (3) seats, or one (1) space per forty (40) square feet of the gross floor area, whichever is greater.
Supermarket	One (1) space per 125 square feet or any part thereof of the gross floor area.
Temporary Parking for Sports Events, Religious Events, or Community Events	In the case of a church, community, or other sporting event which operates on an intermittent or seasonal basis, the required off-street parking may be provided on a temporary basis and need not be permanently designated, paved, drained, or landscaped provided use has been approved and issued by the Director.
Town or Row House	Two (2) spaces for each dwelling unit.
Two Family and Multifamily Dwellings.	Efficiency and one (1) bedroom dwelling units: Two (2) off-street parking spaces per unit for the first fifty (50) dwelling units and 1½ off-

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

	street parking spaces for each additional dwelling unit thereafter. Two (2) or more bedroom dwelling units: Two (2) off-street parking spaces per dwelling unit.
Travel Trailer - Campsite	One (1) space per lot or campsite.
Wholesale, Warehouse or Storage Establishment	There shall be provided three (3) parking spaces for the first 2,500 square feet of floor area, and one (1) parking space for each additional 1,000 square feet or any part thereof of floor area. In no event shall there be fewer than three (3) spaces provided per use.

8.24 Off-Street Loading: Specifications. Off-street loading facilities are required by this Zoning Ordinance so that vehicles engaged in unloading will not encroach on or interfere with public use of streets and alleys by pedestrians and automotive vehicles and so that adequate space is available for the unloading and loading off the street of goods, materials, or things for delivery and shipping. Off-street loading facilities supplied to meet the needs of one use may not be considered as meeting the needs of another use. Off-street parking facilities may not be used for or counted as meeting off-street loading requirements.

a. When the use of a structure or land or any part thereof is changed to a use requiring off-street loading facilities, the full amount of off-street loading space required shall be supplied and maintained. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires off-street loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size.

b. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space or off-street parking space. Such loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

and safe ingress and egress by motor truck and/or trailer combination.

8.25 Off-Street Loading: Plans Required. A plan shall be submitted with every application for a building permit for any use or structure required to provide off-street loading facilities. The plan shall accurately designate the required off-street loading spaces, access thereto, dimensions and clearance.

8.26 Off-Street Loading: Reservation. Areas reserved for required off-street loading in accordance 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 it serves is discontinued or modified or equivalent required off-street loading is provided in accordance with the requirements of this Ordinance.

8.27 Off-Street Loading: Combined Off-Street Loading. Collective, joint, or combined provisions for off-street loading facilities for two (2) or more buildings or uses may be made, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby.

8.28 Off-Street Loading Requirements. Off-street loading spaces shall be provided and maintained as follows:

a. Each retail store, warehouse, wholesale establishment, industrial activity, terminal, market, restaurant, funeral home, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

Square feet	Square feet	No. of Spaces
5,000 but not over	10,000	1
10,000 but not over	20,000	2
20,000 but not over	50,000	3

Plus one (1) additional off-street loading space for each additional 25,000 square feet over 50,000 square feet or major fraction thereof.

b. For each multiple family dwelling facility having at least twenty (20) dwelling units but not over fifty (50) dwelling units: one (1) space. For each multiple family dwelling facility having over fifty (50) dwelling units: one (1) space, plus one (1) space for each additional fifty (50) dwelling units, or major fraction thereof.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

c. For each auditorium, convention hall, exhibition hall, museum, hotel or motel, office building, sports arena, stadium, two (2) or more buildings or uses may be permitted, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby; hospitals, sanitariums, welfare institutions, or similar uses which have an aggregate gross floor area of:

Over 5,000 square feet, but not over 20,000 square feet: one (1) space; plus for each additional 25,000 square feet (over 20,000 square feet) or major fraction thereof: one (1) space.

d. For facilities in Paragraphs a. b. and c. above not of sufficient size to meet the minimums therein set out, each such facility shall provide off-street loading on the property, in accord with Section 8.28 of this Ordinance, to insure that no deliveries or shipment of goods or products will require the use, however temporary, of any public right-of-way or required off-street parking space for the parking of a delivery vehicle.

e. For any use not specifically mentioned, the requirements for off-street loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

8.29 Off-street Parking Spaces Required for Disabled Persons.

a. One (1) space in the immediate vicinity of a building maintained and operated with public funds and intended for use by the public, including, but not limited to, state office buildings, courthouses, rehabilitation centers, and hospitals; except a minimum of three (3) spaces shall be provided at physical restoration rehabilitation centers.

b. One (1) space for each 300 metered on-street and publicly maintained and operated parking lot spaces.

c. All spaces shall have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

d. Diagonal or perpendicular parking spaces shall be a minimum of twelve (12) feet wide.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

e. Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

f. Each such parking space shall be posted with a sign of a color and design approved by the Department of Transportation, with lettering such as "PARKING BY DISABLED PERMIT ONLY" and bearing the internationally accepted wheelchair symbol.

8.30 Required Landscaping for Off-Street Vehicular Facilities - General. Wherever in any zoning district off-street facilities are provided for the parking or display of any or all types of vehicles, boats, or heavy construction equipment (whether such vehicles, boats or equipment are self-propelled or not), for off-street loading and trash pickup purposes, or for the vehicular traverse of the property as a function of the primary use (including drive-in facilities of any type), such off-street vehicular facilities and land shall conform to at least the minimum landscaping requirements of this Section provided single-family and two family dwellings on individually platted lots are exempt from the requirements of this Section.

a. Plant Material:

1) Quality. Plant materials used to meet the requirements of this section must meet the Standards for Florida No. 1 or better, as set out in "Grades and Standards for Nursery Plants", Part I, 2963, and Part II, Department of Agriculture, State of Florida.

2) Trees. All trees shall be species having an average mature spread or crown of greater than fifteen (15) feet in the Collier County area and having trunk(s) which can be maintained in a clean condition over five (5) feet of clear wood. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of fifteen (15) foot crown spread. (Although palms may be utilized as part of a landscaping plan, palms shall not be utilized in fulfilling more than thirty (30%) percent of the requirements of this section.) Trees shall be a

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

minimum of seven (7) feet in height at time of planting. Species of trees whose roots are known to cause damage to public roadways, sewer or water systems, or to public facilities are not permitted in landscaped areas required by these regulations.

3) Shrubs and Hedges. Shrubs shall be a minimum of two (2) feet in height when measured at time of planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen within a minimum of one (1) year after time of planting.

4) Vines. Vines shall be a minimum of thirty (30) inches in height at time of planting and may be used in conjunction with fences, screens, or walls to meet the physical barrier requirements as specified.

5) Ground Covers. Where used, ground covers, over all or part of the required area, must be planted in a manner which presents a finished appearance and complete coverage. They shall be used with a decorative mulch such as pine or cypress bark or material of similar nature. In no instance shall stone or gravel or any artificial ground covers be utilized for more than twenty (20%) percent of the required landscaped area.

6) Lawn Grass. Grassed areas shall be planted in species normally grown in permanent lawns in the Collier County area. Grassed areas may be sodded, plugged, sprigged, or seeded; provided, solid sod shall be used in swales or other areas subject to erosion, and provided, further, in areas where other than solid sod or grass seed is used, nursegrass seed shall be sown for immediate ground coverage until permanent coverage is achieved.

7) Prohibited Trees. The following trees are specifically prohibited from use for meeting any landscaping requirement under this Section:

(a) Broussonetia Papyrifera (Paper mulberry)

(b) Causuarinaceau (Australian Pine)

(c) Enterolobiom cyclocappum (Ear tree)

(d) Melaleuca leucadendra (Punk)

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(e) Melia azedarach (Chinaberry tree)

(f) Schinus terebinthinfolius (Brazilian Pepper tree) (Florida Holly)

(g) Cocos nocifera (Jamaican tall Palm)

8) Existing Plant Material. In meeting the requirements of landscaping for off-street vehicular facilities, the Zoning Director may permit use of healthy plant material existing on a site prior to site development. In so doing, the Zoning Director may adjust the application of the standards of these regulations to allow credit for such existing plant material, provided, he may not permit the reduction of required percentages of a landscaped area, reduction in numbers of trees or shrubs required, or other elements of these regulations. Removal of trees is subject to the County Tree Protection Ordinance.

b. Landscape Plan Approval. Prior to the issuance of any building permit (except for single-family or two family dwellings on individually platted lots), an applicant whose development is covered by the requirements of this section shall submit a landscape plan to the Zoning Director. The plan shall be drawn to suitable scale, indicate the location and size of buildings, if any, to be served, show the location of planting protective devices, indicate any existing and proposed off-street parking areas and other vehicular use areas, access points, aisles, and drive-ways, and show location of planting areas and, if required by the Director, designate planting locations by species. The landscape plan required under this subsection may be submitted separately or as part of other plans that may be required for building permit application or application or petition for other permit under this Zoning Ordinance, but no use required under this section to provide landscaping shall receive a certificate of occupancy without specific approval of such landscaping plan and the installation of the required landscaping.

c. Installation: Prior to the issuance of any certificate of occupancy for a use required to have landscaping in accordance with this section, all required landscaping must be planted

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

and in place as set out in the landscaping plan approved under Subsection b. above. All plant materials must be installed in accord with accepted landscape practices in the area. In instances where an act of God or conditions outside the control of the developer have prevented immediate planting, the Zoning Director, if furnished with good and sufficient evidence that required plantings will be installed when conditions permit, may issue a temporary certificate of occupancy. Such temporary certificate shall be issued to a date certain, with a notarized statement by the owner, developer,or contractor that he will bear all costs of vacating occupancy, including any court and legal fees the County may incur, if the plantings have not been installed by the date set in the temporary certificate of occupancy.

d. Maintenance. The owner shall be responsible for the continued maintenance and upkeep of all required landscaping. Required landscaped areas shall be maintained at all times to present a healthy, alive, neat and orderly appearance for persons passing on public ways and shall be kept free of refuse and debris. Any plant materials of whatsoever type or kind required by these regulations shall be replaced within thirty (30) days of their demise and/or removal.

e. Development Standards:

1) Required Landscaping Adjacent to Vehicular Rights-of-Way. On any parcel providing an off-street parking area or other vehicular use area where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, excluding alleys (except where properties across the alley are zoned residential), there shall be provided landscaping area along such right-of-way as follows:

(a) A strip of land at least five (5) feet in depth measured at right angles to the property lines and located between the abutting right-of-way and the off-street parking area or other vehicular use area which is exposed to an abutting right-of-way shall be landscaped to include an average of one (1) tree for each fifty (50) linear feet or fraction thereof.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) In addition, a hedge at least three (3) feet in height shall be placed along the entire length of such landscaped area, provided no hedge is permitted within ten (10) feet of an intersection of a public right-of-way and a point of ingress and egress of the parking area.

2) Required Vehicular Use Landscaping Adjacent to Interior Property Lines. On any lot providing an offstreet parking area or other vehicular use area, landscaping shall be provided between such area and any interior property lines as follows:

(a) A strip of land at least five (5) feet in width measured at right angles to the property lines and located along and parallel to the property lines shall be landscaped to include an average of one (1) tree for each fifty (50) linear feet of such interior property line or fraction thereof. In addition to the required trees, such planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving.

3) Required Vehicular Use Area Interior Landscaping: In addition to the requirements for landscaping of areas adjacent to public rights-of-way and interior property lines set out above, landscaping shall be provided for the interior of the lot containing vehicular uses as follows:

(a) Off-street parking areas vehicular use areas shall have at least ten (10) square feet of additional interior landscaping for each parking space or ten (10) square feet of landscaped area for each three hundred (300) square feet or fraction thereof of paved area whichever is greater.

(b) Interior landscaped areas shall have a minimum dimension of at least five (5) feet and shall include at least one (1) tree for each one hundred (100) square feet or fraction thereof. The remaining areas shall be landscaped with shrubs, ground

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

cover, or other landscaping material not to exceed two and one-half (2½) feet in height.

(c) The intent of this Subsection is such that the interior landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction. However, in other vehicular use areas where the strict application of this subsection will seriously limit the function of said area such as off-street loading or trash pickup areas, the required landscaping may be located near the perimeter of the paved area. Such required interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements. This subsection shall not apply to interior levels of parking garages.

4) Vehicular Overhang of Landscaped Areas. The front of a vehicle may overhang any landscaped area a maximum area of three (3) feet, provided the landscaped area is protected by motor vehicle wheel stops or curbing. Two (2) feet of such landscaped area or walkway may be part of the required depth of each abutting parking space.

5) Common Accessway on Common Property Line: Wherever a common accessway is located on a common property line and providing access to off-street parking areas or other vehicular use areas on abutting properties, the required landscaping for said common property line shall be determined by the Zoning Director.

6) Applicability. The provisions of this Section shall apply to all new off-street parking or other vehicular use areas. At such time as existing off-street parking or other vehicular use areas are enlarged or expanded, such provisions shall apply to the previous existing areas as well as the new areas. Any appeal from an administrative determination relating to these regulations shall be to the Board of Zoning Appeals. Prior to issuing occupancy permits for new construction, implementation and completion of landscaping requirements in

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

off-street vehicular facilities shall be required. Where a conflict exists between the strict application of this Section and the requirements for number of off-street parking spaces or area of off-street loading facilities as found in the Schedule of District Regulations, the requirements of this Section shall supersede the Schedule.

8.31 Signs.

a. Intent and Purpose. The provisions of this Zoning Ordinance shall govern the number, sizes, location, and character of all signs which may be permitted as a main or accessory use. No signs shall be erected or permitted in any location except in conformity with this Zoning Ordinance.

Increased numbers and size of signs, as well as certain types of lighting, distract the attention of motorists and pedestrians and interfere with traffic safety. Indiscriminate erection and maintenance of signs seriously detracts from the enjoyment and pleasure in the natural scenic beauty of the County, and in turn, injuriously affects the economic well-being of the citizenry. It is intended to provide for the regulation of types, sizes, locations, and character of signs in relation to the identification of various uses and activities on premises, and to provide for certain types, sizes, locations, and character of off-premise signs.

b. General Provisions, Requirements and Specifications.

1) All signs must conform to the Federal, State and County Statutes, Codes and Regulations, and also to the Southern Standard Building Code where applicable.

2) Signs erected by the Federal, State or County governments are not regulated by this Subsection.

3) No sign shall be placed or permitted as a principal use on any vacant property, in any zoning district, except as provided for in this Zoning Ordinance.

4) All signs shall adhere to the required setbacks, except entrance and gate signs which may be located at property lines.

5) Entrance and exit signs may be placed at appropriate places, but not in the right-of-way unless approved by the County Engineer

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

c. Measurement of Sign Area.

1) The area of a sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes and are of an area equal to or less than the permitted sign class area.

2) Double faced signs shall be measured by only one side if both sides are advertising the same business, commodity, or service.

3) Height - the vertical distance from the average crown of the road or the finished elevation at the base of the supporting structure, whichever is lower, to the top of the sign, or its frame or supporting structure, whichever is higher.

d. Permits and Fees and Exemptions.

1) A permit for a sign shall be issued by the Zoning Director prior to the issuance of a building permit. (See also the Collier County Building Code.)

2) A sign permit fee shall be collected by the Zoning Director pursuant to any fees associated with the issuance of a building permit as required in Section 15 of this Zoning Ordinance.

3) Exemptions. The following signs may be erected without a permit, subject, however, to all remaining requirements of this Zoning Ordinance:

(a) Professional name plates not exceeding two (2) square feet in area.

(b) Bulletin boards and identification signs for public, charitable, educational or religious institutions located on the premises of said institutions and not exceeding twelve (12) square feet in total area.

(c) Non-illuminated temporary construction project ground signs.

(d) Occupational signs denoting only the name, street, number and business of an occupant in a commercial building, public institutional building, or dwelling which do not exceed four (4) square feet in area.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(e) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

(f) Traffic or other Municipal, County, State or Federal signs, legal notices, railroad crossing signs, danger signs, and such temporary, emergency or non-advertising signs as may be approved by the Board.

(g) One ground or wall "For Sale" or "For Rent" sign per parcel or property when such sign has an area per face of not more than forty (40) square feet, except in RSF Districts where the maximum shall be four (4) square feet. Such sign shall not be located within fifteen (15) feet of any property line except in commercial or industrial districts.

(h) Identification signs at the entrance drive of residences, estates, and ranches, which do not exceed four (4) square feet in area.

(i) Non-advertising directional signs or symbols ("entrance", "exit", "caution", "slow", "no trespassing", etc.) located on and pertaining to a parcel of private property, none to exceed two (2) square feet in area.

e. <u>Classes of Signs:</u>

1) Class "A" (Billboards)

(a) One hundred (100) square feet minimum.

(b) Five hundred (500) square feet maximum.

2) Class "B"

(a) One hundred (100) square feet maximum.

3) Class "C"

(a) Forty (40) square feet maximum.

4) Class "D"

(a) Twelve (12) square feet maximum.

5) Class "E"

(a) Six (6) square feet maximum.

6) Class "F"

(a) Four (4) square feet maximum.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

7) Class "G"

(a) Two (2) square feet maximum.

8) Class "H"

One wall sign with an area not more than twenty (20%) percent of the total square footage of the front wall to which it shall be affixed, with a maximum of 250 square feet.

f. District Regulations:

1) Signs in E-Estates, Single-Family, Multiple-Family, MHSD, MHRP, and TTRVC Districts.

(a) Maximum height - Twelve (12) feet.

(b) Minimum Front Setback - Fifteen (15) feet.

(c) One Class "B" on each major entrance to development or two (2) Class "C" on each major entrance.

(1) Freestanding

(2) Entrance or gate sign

(d) One Class "C" per non-conforming use or special exception.

(1) Wall

(2) Freestanding

(e) One Class "C" wall or ground sign advertising only the name of a multi-family residential building.

2) Signs in RT-Residential Tourist District.

(a) Maximum height - Twenty-five (25) feet.

(b) Minimum Front Setback - Fifteen (15) feet.

(c) One Class "B" on-premise sign

(1) Freestanding combination

(2) Freestanding, and

(d) One Class "H" on-premise sign

(1) Wall

(2) Marquee - Maximum projection six (6) inches

3) Signs in C-2 - Commercial Convenience District.

(a) Maximum height - Twelve (12) feet.

(b) Minimum Front Setback - Fifteen (15) feet.

(c) Permitted per use:

(1) Service Stations

(I) One Class "C" freestanding sign, and

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(II) One Class "C" wall sign

(2) All other permitted uses:

(I) One Class "H" wall sign

4) Signs in C-1, C-3 and C-4 Districts.

(a) Maximum Height - Twenty-five (25) feet.

(b) Minimum Front Setback - Fifteen (15) feet.

(c) One Class "H" on-premise sign per business (no maximum height.)

(1) Wall

(2) Marquee (maximum projection six (6) inches), and

(d) One Class "B" on-premise sign for lots with one hundred fifty (150) feet or more of frontage. On corner lots, the two (2) street frontages may be combined to meet the one hundred fifty (150) feet or more requirement. Maximum height, twenty-five (25) feet.

(e) Shopping Center with minimum of 25,000 square feet of floor area.

(1) One Class "H" per rental unit

(I) Wall

(II) Marquee (maximum projection six (6) inches.)

(f) One Directory Sign located at each main entrance from each different public street. Such Directory Sign may not exceed 250 square feet in area.

(g) One Class "B" on each major entrance to development or two (2) Class "C" on each major entrance.

(1) Freestanding

(2) Entrance or gate sign

5) Signs in C-5, IL, and I - Industrial Districts.

(a) Maximum height - Twenty-five (25) feet.

(b) Minimum setback from street line - Fifteen (15) feet.

(c) One Class "A" (Billboard) only on vacant property with one hundred (100) feet or more of frontage and subject to provisions of Section 8.33.h.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(d) One Class "H" on-premise sign.

(1) Wall

(2) Marquee (maximum projection six (6) inches.)

and

(e) One Class "B" on-premise sign (for lots with one hundred fifty (150) feet or more of frontage).

(1) Freestanding

(f) One Directory Sign located at each main entrance from each different public street. Such Directory Sign may not exceed 250 square feet in area.

(g) One Class "B" on each major entrance to development or two (2) Class "C" on each major entrance.

(1) Freestanding

(2) Entrance or gate sign

6) Signs in A-Agriculture Districts.

(a) Maximum height - Twenty-five feet.

(b) Minimum front setback - Fifteen (15) feet.

(c) One or more Class "A" (Billboards on vacant A-property and subject to the provisions of Section 8.31 g 4)(b)

(d) One Class "B" per frontage and only for permitted agricultural uses:

(1) Freestanding

(e) One Class "C" per frontage and only for permitted non-agricultural uses:

(1) Wall

(2) Freestanding

(3) Bulletin Board

(4) Marquee - Maximum projection six (6) inches.

7) Signs in RO, Recreational Open-Space District and GC, Golf Course District.

(a) Maximum height - Twelve (12) feet.

(b) Minimum front setback - Fifteen (15) feet.

(c) One Class "B" on each major entrance to recreational activity, or

Two Class "C" on each major entrance, or

One Class "B" on lots with 150 feet or more frontage:

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(1) Ground Sign

(d) One Class "D" wall sign per permitted use.

g. Billboards.

1) No billboard shall be located or placed on a plot closer than two hundred (200) feet to a parcel containing a church, public or private school, public park or playground, beach, greenbelt area, cemetery, or residence.

2) Maximum height - Twenty-five (25) feet.

3) Maximum length - Fifty (50) feet.

4) Location:

(a) Billboards may be located on vacant I-Industrial property with one hundred (100) feet or more of frontage.

(b) Billboards may be located on vacant A-Agriculture property also and shall be set back six hundred sixty (660) feet from a right-of-way line, and there shall be a minimum distance of 2,640 feet between any two (2) billboards along the same side of a common right-of-way except at major intersections.

h. Political Signs.

1) Political signs, advertisements, handbills, or billboards may be used for such purpose and shall be placed in the County in accordance with this Zoning Ordinance. Such political signs shall be removed within a two (2) week period following the particular election that is involved.

2) A bulk permit for political signs may be approved by the Zoning Director.

3) Failure to remove and clean-up the permitted signs within the two (2) week period will result in violation of this regulation.

i. Prohibited Signs in all Districts.

1) Animated signs except public service signs.

2) Neon type signs in all but Commercial and Industrial.

3) Portable signs except in accordance with the provisions of Section 10.6 of this Ordinance.

4) Strip lighting.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

5) Roof signs.

6) Wind signs, except an official Federal, State, County or City flag.

7) Any sign that is contemptible, vile, obscene, degrading or detracting from the surrounding neighborhood as determined by community standards.

8) Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers or moving vehicles from traffic movement on streets, roads, intersections, or access facilities; nor shall any sign be erected in such a manner as to obstruct the vision of pedestrians. The use of flashing lights, or revolving lights is prohibited in any sign as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. No sign may use the words "Stop", "Look", "Drive-in", "Danger", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

9) Signs (other than those erected by a governmental agency or required to be erected by a governmental agency) erected on the right-of-way of any street, road, or public way, or signs overhanging or infringing upon the right-of-way of any street, road or public way, except as specifically provided by this Zoning Ordinance.

10) Signs erected on public property other than signs erected by public authority for public purposes.

j. Use of Special Purpose Signs. The Zoning Director may permit the following signs after an on-site investigation of the subject premises:

1) Directional, safety, and other signs of a non-commercial nature subject to the following criteria:

(a) The sign is necessary in the public interest.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) The sign is of four (4) square feet in area or less.

(c) The maximum height is not to exceed five (5) feet.

(d) The sign is a minimum distance of fifteen (15) feet to any right-of-way.

2) Temporary Signs. The Zoning Director may, in special cases, grant permits for temporary signs, including portable signs or banner signs to be erected on the premises of an establishment or activity having a grand opening or special event. Such signs shall:

(a) Be permitted for not more than seven (7) calendar days in any six (6) month period, and

(b) Shall be erected in a manner satisfactory to the Zoning Director to insure against hazard to the public. This provision is not applicable to sales held by private persons, such sales not being subject to the collection of sales tax under the Laws of Florida. The Board of Zoning Appeals may, in other special cases, grant permits on such conditions as it may reasonably require for the erection and maintenance of temporary signs not conforming to the requirements of this Zoning Ordinance. Such temporary permits shall be for a specific period of time, at the end of which the sign shall be removed. The permittee shall pay the same fee for a permit for such temporary sign as is required of standard sign permittees for the issuance of a permit.

3) Public Service Sign. The permittee shall pay the same fee for a permit for such public service as is required of standard sign permittees for the issuance of a permit.

k. Removal, Alteration or Maintenance of Signs.

1) Unlawful signs covered by Section 8.31.j. may be physically removed by the Zoning Director.

2) Any sign now or hereafter existing which no longer advertises a bonafide business conducted or a product sold is an abandoned sign and shall be taken down and removed by the owner, agency, or persons having beneficial use of the building, structure, or land upon which such sign

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

shall be found, within thirty (30) days after written notification by the Zoning Director.

3) All signs shall be maintained so as to present a neat, clean appearance. Painted areas shall be kept in good condition and illumination, if provided, shall be maintained in safe and good working order.

4) If the Zoning Director shall find that any sign regulated under this Zoning Ordinance is unsafe or insecure, or is abandoned, or is a menace to the public, or is not maintained in accordance with this Section, he shall give written notice to the owner thereof. If the owner fails to remove, alter or repair the sign within thirty (30) days after such notice so as to comply with the standards set forth, the Zoning Director may remove or alter said non-complying sign at the expense of the permittee or person having the right to use and possession of the property upon which the sign is located.

l. Conflict With State or Federal Regulations. The issuance of a permit in conjunction with the requirements of this Zoning Ordinance shall not permit the construction or maintenance of an outdoor advertising sign or structure in violation of any existing County, State or Federal law or regulation.

m. Seasonal Off-Premise U-Pic Farm Signs: Seasonal off-premise U-Pic Farm sign(s) may be approved by the Zoning Director subject to the following conditions:

1) Size of U-Pic Farm Sign: The face of the sign upon which the message is written shall not exceed two (2) feet in height nor four (4) feet in length for an individual off-premise U-Pic Farm sign, nor eight (8) feet in height by twelve (12) feet in length for a combination off-premise U-Pic Farm sign providing, however, that such combination off-premise U-Pic Farm sign may not exceed a width or length equivalent to four (4) square feet for each individual off-premise U-Pic Farm advertised on the sign.

2) Message Content: The message content on a seasonal off-premise U-Pic Farm sign shall be limited to the name of the farm, the directions for locating the farm, and a

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

directional arrow when deemed appropriate by the Zoning Director.

3) Location of Seasonal Off-Premise U-Pic Farm Sign: A seasonal off-premise U-Pic Farm sign shall be located on private property and under no circumstances shall such sign be placed in any public rights-of-way. Prior to the issuance of a seasonal off-premise U-Pic Farm sign on any private property, an authorization for the placement of such sign is required by the property owner.

4) Construction of Seasonal Off-Premise U-Pic Farm Sign: All seasonal off-premise U-Pic Farm signs shall be constructed in a manner which complies with all applicable County ordinances.

In the case of a seasonal combination off-premise U-Pic Farm sign, individual messages shall either be painted directly on the combination sign board, or if constructed of individual panels, such panels shall be attached to the combination sign board in a manner which is secure from winds and which may be removed and replaced as required by this Section.

5) Duration of Valid Seasonal Off-Premise U-Pic Farm Permit: All seasonal off-premise U-Pic Farm sign permits shall be issued for and valid during the period between October 15 and May 15 of the following year. A seasonal off-premise U-Pic Farm sign permit shall be renewable annually.

6) Removal of Seasonal Signs. All seasonal U-Pic signs permitted under this Subsection shall be removed within two (2) weeks after May 15. Failure to remove the signs shall constitute a violation of this Ordinance; and notwithstanding the other provisions for penalities, the Director may refuse to renew the permit for the offending sign the following year. Said illegal sign may also be removed by the Director.

8.32 Fallout Shelters.

a. Definitions.

1) An above ground fallout shelter is one entirely above the natural grade of the property, excepting the foundation.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

2) An underground fallout shelter is one entirely below the natural grade of the property, excepting vents not to exceed thirty-six (36) inches in height when in open position.

No fallout shelter may be erected on any lot on which there is not a principal structure. A building permit is required for all permanent fallout shelters.

b. Location. One family fallout shelter per lot is permitted in any single-family zoning district.

After public notice and hearing by the Planning Commission and approval by the Board of County Commissioners, community shelters may be constructed in other residential districts. Display shelters for sales demonstration purposes are permitted in commercial and industrial zoning districts only and may not be occupied for living purposes.

c. Specifications. All fallout shelters shall be constructed to specifications of types approved by or in accordance with plans issued by the Office of Civil Defense.

d. Setbacks. Above ground fallout shelters are not permitted in front yards and are considered as accessory uses and must meet the required setbacks for accessory uses in the district in which such shelter is located. A fallout shelter may be attached to a principal building, provided it meets the same yard and setback requirements as the principal structure. Underground fallout shelters may be located anywhere on the property in question, except in a required front yard; provided, the entrance to the shelter and the vent pipes or stacks are the only portions which are above the normal grade level.

e. Utilization. Fallout shelters are for emergency use only. They shall not be used for dwelling purposes except in emergency and then only by the occupants of the principal building.

f. Landscaping. All fallout shelters shall be landscaped so as not to appear obnoxious or detrimental to the neighborhood.

g. Temporary Fallout Shelters. In the case of single-family dwellings only, a temporary fallout shelter may be constructed outside of, but attached to, the dwelling unit during a period

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

of international tension. The design and construction must be in accordance with plans prescribed by the Office of Civil Defense and is subject to inspection. A special permit must be obtained from the Zoning Director prior to construction of a temporary shelter. Temporary shelters must be removed from the premises within thirty (30) days after the end of the period of international tension. Failure to do so is a violation of this Ordinance.

8.33 Fences.

a. Fences Residential.

1) In any residential district no closed wall or fence shall be erected or maintained within twenty (20) feet from the corner intersection of street right-of-way.

2) Fences or walls outside of the building line shall be limited to a maximum height of six (6) feet from finished grade.

3) No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in any residential area or district, except that the Board of Zoning Appeals may allow the use of barbed wire in conjunction with chain link fencing where it finds a security need, i.e., around hazards, utility substations, sewage treatment plants, etc.

4) Fences shall be treated as a stucture for building permit purposes, and a permit shall be obtained prior to erection.

b. Fences in Non-Residential Districts.

1) Fences involving agricultural purposes are exempt from height and type of construction.

2) Fences in commercial and industrial districts are limited to eight (8) feet in height with the restriction to be lifted if an extreme emergency exists.

3) All fences shall be of sound, sturdy construction and not detract from the neighborhood.

4) Barbed wire is authorized in all non-residential districts.

5) No fence shall block the view of passing motorists or pedestrians so as to constitute a hazard.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

8.34 Boats or Other Floating Equipment Used as Dwelling Units. Boats or other floating equipment being used as dwelling units or as commercial establishments may not anchor or tie-up in waters under the jurisdiction of the County for longer than forty-eight (48) hours, except at facilities located in zoning districts permitting such use and at facilities within such districts designated for such use and meeting County and State health standards for such use.

8.35 Regulations for the Construction and Operation of Drive-In Theatres.

a. The screen must be so oriented that the picture is not visible from any existing or proposed street.

b. Not more than two (2) exits shall be provided to each access highway but such exit may be suitably channelized to provide for right and left turns onto the highway, and not more than one (1) traffic lane shall be permitted for each traffic lane on the highway available to vehicles leaving the theatre.

c. No entrance or exit on a State road or primary state-maintained system shall be within five hundred (500) feet of its intersection with another major street.

d. Sufficient area shall be provided between the highway and the viewing area to provide storage space for vehicles equal to not less than twenty-five (25) percent of theatre capacity and of that storage space so provided not less than ten (10) percent of the theatre capacity shall be provided between the highway and ticket booths. In all cases, sufficient storage space shall be provided so that vehicles will not back up onto the travelled way of the highway. Storage area shall be calculated on the basis of one (1) space per twenty-five (25) lineal feet of storage lane.

e. An individual speaker shall be provided for each vehicle. All speakers shall be equipped with sufficient cord to permit the speaker to be placed inside the vehicle. Speakers must not be audible beyond the boundaries of the theatre lines.

8.36 Miscellaneous Structures. School bus shelters and bicycle racks may be located in any district. No advertising sign shall be permitted on such structures without approval of the Board of County Commissioners. Locations and setbacks of school bus shelters shall be approved by the School Board of Collier County.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Bus stop benches may be located in any district. No advertising sign shall be permitted on such structures. Telephone booths may be located in any district. District setbacks are waived. Mail (and newspaper) delivery boxes may be placed in accord with U.S. Postal Service Regulations, and are exempt from district setbacks.

8.37 Landscaped Buffer Area. Where this Zoning Ordinance requires a landscaped buffer area, the following requirements shall be met unless otherwise specifically required elsewhere:

a. The landscaped buffer area shall not be less than ten (10) feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines;

b. The area shall be so designed, planted, and maintained as to be eighty (80%) percent or more opaque between three (3) and eight (8) feet above average ground level when viewed horizontally. Plantings shall be of a size and type which will insure the meeting of the eighty (80%) percent opacity requirement within no longer than twelve (12) months of the date of first planting;

c. Types and numbers of plantings for landscaped buffers shall be submitted with application for building permit, along with plans and statements demonstrating how the buffer will be irrigated and maintained in the future. Where this Zoning Ordinance requires a landscaped buffer area or areas, no building permit shall be issued without such data;

d. Failure to maintain the landscaped buffer area as set out above shall be a violation of this Zoning Ordinance.

e. Substitution for Landscaped Buffer Area. Except when otherwise specifically provided by these regulations, a six (6) foot high opaque structure set in a five (5) foot wide landscaped buffer area may be substituted for the planted buffer in a. above.

f. Waiver by Zoning Director. When the Zoning Director finds that the public safety requires, he may waive or modify the buffer requirements set out above at street and alley frontages adjacent to any entrance; the finding of the Zoning Director shall be in writing and shall be filed with the approved

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

building permit. The finding shall demonstrate that the buffer is not required for a certain number of feet back from the street or alley entrance, in order to afford protection to pedestrian or vehicular traffic entering or leaving the lot on which the landscaped buffer area is required by this Zoning Ordinance.

g. Application Where Regulations Set Out Different Requirement. In those instances where this Zoning Ordinance sets out a different buffering requirement (e.g., a greater width of landscaped buffer, or a different type of buffer), then the specific provisions of those regulations applicable to the particular type of use shall govern.

8.38 Guest House. No guest accommodation facility which is accessory to a single-family dwelling, whether a free standing guest house or guest accommodations which are structurally integrated with the main dwelling, may be utilized for commercial purposes. Leasing or renting a guest accommodation facility shall constitute a violation of this Zoning Ordinance. Similarly, if a main residence is leased or rented, a guest accommodation facility accessory to it may not be occupied by the property owner, since that would constitute the unlawful utilization of single-family zoned property for two family dwelling purposes. Guest houses which are physically separate from the main residence to which they are accessory shall not be constructed on lots which are smaller than 43,560 square feet in area nor shall they be constructed on lots which have a frontage less than 105' in width, nor shall a guest house be larger than 40% of the size of the principal dwelling. Detached guest houses shall not be closer than 20 feet to the principal dwelling. A guest house may be constructed prior to a principle dwelling provided the guest house meets the minimum requirements of a single family residence in the district in which it is being constructed.

At such time as a principle residence is constructed, then the floor area percentages listed above shall apply.

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

a. All dumpsters must be screened from view of adjoining property owners or streets at first floor level.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

b. The following structures may be permitted as screening for dumpsters:

1) Wood fence.

2) CBS wall.

3) Vegetative screening in conjunction with 1) or 2) above.

c. Dumpsters may be permitted within the building setback area provided there is no obstruction of vision of adjacent streets.

d. Screening for dumpsters shall be exempted from height limitations for fences provided there is no obstruction of vision of adjacent streets.

e. Screening of garbage dumpsters shall be exempted in "I", "A-1", "A-2" Districts, and during construction in all other Districts.

8.40 Integral Caretaker's Residence in Commercial and Industrial Districts. The Zoning Director may authorize the construction of a caretaker's residence in the C-1, C-2, C-3, C-4, C-5, IL and I Districts. 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 fire code shall be permitted.

8.41 Private Airports. The following regulations apply to the location and layout of private airports:

a. Definitions - For the purpose of this Section, the following definitions shall apply:

1) Approach Zone - a trapezoidal area increasing at a rate of 1:10 in width from 50 feet either side of the runway centerline, at the ends of the usable runway(s), to a width of 350 feet either side of the runway centerline at a distance of 3,000 feet outward from the end of the runway(s).

2) Primary Surface - means an airport surface, free of obstructions, of prescribed width which includes the runway.

b. Control of Airspace: The applicant must control the airspace within 700 feet from the ends of the primary surface(s). The control is to prevent any airport hazards from being grown,

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Packet Pg. 243

erected or otherwise placed within a glide path of 20:1 from the ends of the primary surface(s). This control may be created by ownership, right-of-way, easement, or a combination thereof.

c. Minimum Yards:

1) Setback primary surface - 200 feet.

2) Other structures - Other structures must conform with setbacks of the base zone; however, they may not be placed within fifty (50) feet of the primary surface.

d. Location: Private airports shall be located in accordance with applicable State, County and Federal regulations.

8.42 Condominiums. This Zoning Ordinance shall be construed and applied with reference to the nature of the use of such property without regard to the form of ownership. Condominium forms of ownership shall be subject to this Zoning Ordinance as is any other form of ownership. Condominiums of any kind, type or use shall comply with the provisions of Chapter 711, Florida Statutes, known as the "Condominium Act".

8.43 Deed Restrictions. This Zoning Ordinance shall not be affected by any deed restrictions or restrictive covenants recorded with any deed, plat or other legal documents. No person or agency, in the capacity of enforcing and administering this Ordinance shall be responsible for enforcing any deed restrictions.

8.44 Relation to State and Federal Statutes.

a. Required State and/or Federal Permits: Where proposed use or development requires State or Federal Permits prior to use or development, such permits must be secured from State or Federal agencies prior to commencement of any construction and/or development, including any changes in land conformation or land preparation.

b. Development of Regional Impact: Where a proposed use or development is a Development of Regional Impact, it shall meet all of the requirements of Chapter 380.06 Florida Statutes prior to the issuance of any required County Permits and commencement of construction or development.

8.45 Home Occupations:

a. In any residential district, a home occupation shall be allowed and it shall be conducted by an occupant thereof. The home

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

occupation shall be clearly incidental to and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof; provided that all the following conditions are met:

1) There shall be no on-site or off-site premise advertising signs.

2) The use does not generate more traffic than would normally be experienced at a residence.

3) There shall be no receiving of goods or materials other than normal delivery by U.S. Postal Service or similar carrier.

4) Parking or storage of commercial vehicles or equipment as prohibited by Section 9.7.

5) The on-premise use of any equipment or materials, by their nature, shall not create or produce excessive noise, obnoxious fumes, dust or smoke.

6) The on-premise use of any equipment or tools shall not create any amount of vibration or electrical disturbance.

7) No on-premise use or storage of any hazardous material shall be kept in such an amount as to be potentially dangerous to persons or property outside the confines of the home occupation.

8) There shall be no retail sale of materials, goods or products from the premises.

9) There shall be no outside storage of goods or products (except plants).

b. 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.

c. Home occupations existing prior to the effective date of this Ordinance 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.

d. A home occupation shall be subject to all applicable County occupational licenses and other business taxes.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

8.46 Private Boat Houses and Docks:

a. Individual or multiple private boat houses and docks including mooring pilings to serve the residents of a development, 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, in which case the boat house or dock may protrude twenty (20) feet into such canal or waterway. Extension of dock is measured from the property line. Additional length beyond said 5' or 20' may be requested and shall require public hearing by the Planning Commission. After public hearing of due public notice, the Planning Commission may either approve or deny any additional length. The Planning Commission's recommendation shall be based upon consideration of the following factors:

1) The number of boat houses or docks to be located on the subject property in relation to the length of waterfront property available for the location of the boat houses or docks.

2) The water depth where the boat house or dock facility is to be located and the distance to the location of the navigable channel.

3) The nature and speed of water currents in the navigable channel.

4) The land contour of the property on which the boat house or dock facility is to be located.

5) The effect the boat house or dock facility will have on the safety of the users of the navigable channels and adjacent waters.

b. All docks, or mooring pilings, whichever protrudes the greater into the water, regardless of length, shall have reflectors and house numbers four (4) inches minimum size installed at the outermost end, on both sides.

8.47 Model Homes or Apartments: A model home or apartment is a temporary use governed by the provisions of Section 10.6 of this Ordinance.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

8.48 Child Care Center - Owner Occupied:

a. The owner or operator must maintain his residence in the same structure in which the owner occupied child care center is located.

b. The maximum number of children permitted shall be six (6) for the first 7,000 square feet of lot area and one (1) child for each 500 square feet of lot area in excess of the first 7,000 square feet of lot area.

The Board of Zoning Appeals may approve a lot of less than 7,000 square feet in area if such lot was originally platted less than 7,000 square feet in area.

The maximum number of children which may be approved by the Board of Zoning Appeals for each owner occupied child care center shall be twenty-five (25) children.

c. For the purpose of this Ordinance, play area is defined as the area specifically designed and used for play, exercise, or outside teaching or training areas and does not include off-street parking, loading and unloading areas, utility areas, building areas or required open space and landscaped areas.

d. Fences and walls: A fence or wall shall be required as a separation between the play area and an abutting lot.

e. The playing of music or the use of any type of broadcasting outside of the buildings shall be prohibited.

f. Supplementary conditions, as deemed appropriate, may be prescribed by the Board of Zoning Appeals.

8.49 Prohibited Animals In Residential Districts: The following animals are to be considered farm animals and are not permitted to be kept in residential districts: turkeys, chickens, ducks, geese, pigs, horses, cows, goats, hogs and the like.

SECTION 9. SPECIAL REGULATIONS:

9.1 "ST" Special Treatment Overlay District--Special Regulations for Areas of Environmental Sensitivity and Lands and Structures of Historical and/or Archaeological Significance:

a. Intent and Purpose: Within Collier County there are certain areas, which because of their unique assemblages of flora and/or fauna, their esthetic appeal, historical or archaeological significance or their contribution to their own and adjacent ecosystems, make them worthy of special regulations.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Such regulations are directed toward the conservation, protection, and preservation of ecological, commercial, and recreational values for the greatest benefit to the people of Collier County. Such areas include, but are not necessarily limited to mangrove and fresh water swamps, barrier islands, coastal beaches, estuaries, cypress domes, natural drainage ways, aquifer recharge areas and lands and structures of historical and archaeological significance.

The purpose of this overlay district regulation is to assure the maintenance of these environmental and cultural resources and to encourage the preservation of the intricate ecological relationships within the systems and at the same time permit those types of developments which will hold changes to levels determined acceptable by the Board of County Commissioners after public hearing.

b. "ST" as a Zoning Overlay District; Designation of "P-ST" Lands:

1) An overlay zoning classification to be known as the "ST" Special Treatment Overlay District, and to be designated on the Official Zoning Atlas by the symbol "ST" together with the symbol of the basic zoning district which it overlays, is hereby established. This overlay district classification will be used for those lands of environmental sensitivity and historical and archaeological significance where the essential ecological or cultural value of the land is not adequately protected under the basic zoning district regulations established by ordinance.

The placement or removal of this overlay zoning district shall be governed by the procedure for amending the zoning ordinance and the zoning atlas as prescribed in Section 14 of this Ordinance.

2) 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

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

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.

c. Uses Permitted on Land Designated "ST": Land designated "ST" shall be used only for the permitted principal use, the permitted accessory use, and/or the permitted provisional use under the basic zoning classification of such land.

The consideration of an application for a permitted provisional use shall be subject to a Public Hearing. This hearing may run concurrently with any public hearing required by this Section or may be held at a separate time.

The fact that a use is permitted under the basic zoning district classification shall confer no right to the property owner for such use unless such use is specifically approved as a condition of approval of a site alteration plan and/or site development plan by the Board of County Commissioners as provided in paragraph 5, subparagraph B of this section.

d. Site Alteration Plan or Site Development Plan Approval Required: Prior to the clearing, alteration, or development of any land designated "ST" the property owner or his legally designated agent shall apply for and receive approval of a site alteration plan or site development plan, as the case may be, by the Board of County Commissioners as provided in paragraph e, subparagraph (2) of this section.

e. Procedure and Requirements for Site Alteration Plan or Site Development Plan Approval for Development in "ST" Designated Land.

1) Procedure:

(a) Pre-application Conference: Prior to filing a petition for site alteration or site development approval of "ST" land, the petitioner shall request and hold a pre-application conference with the Community Development Administrator and County Staff he deems appropriate. The pre-application conference is for the purpose of guidance and information, and for insuring insofar as is possible, that the petition is in conformity with these regulations.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

No petition for the site alteration or site development approval will be accepted for formal processing until the Administrator has reviewed the petition to determine that all required data is included; a minimum of thirty (30) days should be allowed for this phase of the review process.

(b) The Site Alteration Plan or Site Development Plan shall be submitted to the Director who shall have it reviewed by the appropriate County Staff and Advisory Boards. The Administrator shall then forward the Site Alteration Plan or Site Development Plan and the Advisory Board's recommendations to the Planning Commission for its review and recommendation to the Board.

The Planning Commission review shall not require a public hearing nor notice to the abutting property owners, but shall be held in a regular meeting.

(c) Final action on the Site Alteration Plan or Site Development Plan lies with the Board of County Commissioners. The Board shall review the proposed Site Alteration Plan or Site Development Plan in regular session and shall act formally by resolution stipulating reasons for approval, or approval with modification, or denial of the Site Alteration Plan or Development Plan.

(d) Upon approval by the Board, the petitioner may apply for the appropriate local, state and federal permits for the alteration or development of the subject premises.

(e) Commencement of Site Alteration or Site Development: Upon obtaining all required local, state and federal permits in order to alter or develop the subject property, the petitioner may commence alteration or development in accordance with the conditions and requirements of said permits.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

2) Requirements:

(a) Submission and approval of a Site Alteration Plan or Site Development Plan containing the following as determined applicable to the petition by the Administrator.

(1) Title of the project

(2) Names of the project planner and developer

(3) Date

(4) North directional arrow

(5) Exact survey showing the project boundaries, any existing street, water courses or easements within or adjacent to the proposed development

(6) Location of all proposed buildings and structures with dimensions showing setbacks to property lines, roads, water courses and other structures adjacent to the building(s)

(7) Access and traffic flow plan

(8) Off-street parking and off-street loading areas

(9) Proposed screening and buffering

(10) Refuse collection areas and solid waste

(11) Access to utilities and points of utilities hookups

(12) Locations for beach access as required by the Beach Access.

(b) Tabulation of total gross acreage in the project and the percentages thereof proposed to be devoted to the various permitted uses; ground coverage by structures and impervious surface coverage.

(c) Architectural definitions for types of buildings in the development; number of dwelling units, sizes, and types, together with typical floor plans of each type.

(d) Computation sheet including the following data:

(1) Lot area

(2) Totally enclosed area of each floor

(3) Number and floor area of units by type

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(4) Landscaped areas to be provided including any existing areas of native vegetation

(5) Parking area

(6) Number of parking spaces

(7) Indoor and outdoor recreation areas

(e) Plans for providing potable and irrigation water requirements.

(f) Storm drainage and sanitary sewage plans.

(g) Plans for signs, if any.

(h) Such additional data as the Director may believe is pertinent to the review and evaluation of the Site Alteration or Site Development Plan.

Items (a), (b), (c), (d), (e), and (f) above shall be prepared by a Florida registered surveyor, engineer, or architect or practicing land planner as may be appropriate to the particular item.

(i) Transfer of development rights data required in Paragraph h, as determined appropriate by the Administrator.

(j) Submission and approval of an Environmental Impact Statement as required by County ordinance.

(k) Submission and approval of a tree removal plan as required by County ordinance, if applicable.

(l) Submission and approval of an excavation plan as required by County ordinance, if applicable.

(m) A Development of Regional Impact review as required by Chapter 380.06 of the Florida Statutes, if applicable.

f. Exceptions:

1) Where land has an "ST" designation and the proposed alteration or development area contains twenty (20) acres or less in gross area, and where no transfer of residential rights are involved, the Administrator may approve a Site Alteration Plan or a Site Development Plan. Prior to such approval, the Administrator shall make a finding that one or more of the following conditions exists:

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(a) The proposed site alteration or site development will improve ecological deficiencies existing on the area.

(b) The proposed site alteration or site development will not require any significant modification of the topography, drainage, or flora, or fauna on the site.

(c) No pollutants will be discharged from the area that will degrade the air, water or soil below the levels existing at the time of application.

(d) Naturally occurring phenomena, such as hurricanes, floods or fires have changed the previously existing flora and fauna, or that the topography and drainage pattern have been altered by man prior to the adoption of this ordinance or by nature to such a degree that there is no reasonable probability of ecological regeneration.

(e) The site is surrounded by lands not designated "ST" and where the effects of legal use of the surrounding land exerts a continuing environmental deterioration of the "ST" area that cannot be legally or justifiably corrected.

2) Where land has an "ST" designation and the proposed alteration or development area contains over twenty (20) acres and not more than forty (40) acres of gross area, and where no transfer of development rights are involved, the CAPC shall review and approve the site alteration or development plan prior to proceeding with any site alteration or development. Such review and approval shall not require notice or public hearing.

3) All site alteration or site plan approvals of over forty (40) acres shall be as required in Paragraphs d and e of this ordinance.

g. <u>Modification of Site Alteration Plan or Site Development Plan</u>:

1) Any modification of the Site Alteration Plan or Site Development Plan as approved by the County, which would, in the opinion of the Administrator, substantially alter

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

the intent and purpose of these "ST" regulations requires the procedure and approval as if for a new petition.

2) Minor modifications consistent with the intent and purpose of these regulations may be made upon approval by the Director.

h. Transfer of Residential Development Rights: An owner of land designated as "ST" may elect to transfer some or all of the residential development rights of his "ST" land to non-"ST" property, as provided herein, as an alternative to the development of the "ST" lands in conformity with the "ST" regulations.

1) The residential development rights shall be considered as interests in real property and may be transferred in portions or as a total as provided in this Section. Once used, the residential development rights shall not be used again and the residential development rights of the subject "ST" lands providing them shall be considered severed forever.

2) 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 RMF-6, RMF-12, RMF-16, and RT Zoning Districts and shall be subject to all of the requirements of the basic zoning district unless specifically approved otherwise as provided by law.:

(a) The Zoning Director is hereby directed to waive the land area requirement for the landscaping, off-street parking or open space to the extent necessary to accommodate the number of residential units permitted in h (6)(a) of this section

3) The minimum area of "ST" land eligible for the transfer of development rights shall be two (2) acres of land excluding submerged land.

4) Upon the approval of the transfer of residential development rights for an "ST" land by the Director, the property owner of the "ST" land is strongly encouraged to donate the land to the county; however, if the owner chooses otherwise, the approval may be conditioned upon

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

an agreement by the county which will guarantee that said "ST" lands will be forever retained in its natural condition and will never be developed in any manner whatsoever by anyone except as stipulated in the agreement.

5) The maximum number of residential units which may be transferred from "ST" land to non-"ST" land shall be compiled on the basis of each acre of "ST" land at the following rate:

One half (0.5) of a residential unit for each one (1) acre of "ST" land.

6) Maximum number of residential units which eligible non-"ST" lands may receive.

(a) Non-"ST" lands in RMF-6, RMF-12, RMF-16 and RT 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 does not exceed 20% of the maximum number of residential units permitted under the basic zoning of the RMF-6 and RMF-12 district or 10% of the maximum number of residential units permitted under the basic zoning of the RMF-16 and RT district as the case may be. For the purpose of determining the number of residential units which non-"ST" land is capable of receiving, the following formula shall apply:

RMF-6 District

6 units x 20% = 1.20 units per acre

RMF-12 District

12 units x 20% = 2.40 units per acre

RMF-16 District

16 units x 10% = 1.60 units per acre

RT District

16 units x 10% = 1.60 units per acre

26 units x 10% = 2.60 units per acre

(b) For the purpose of calculating the final fractional residential unit of the total number of residential units eligible for transfer to a non-"ST" property,

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

the following shall apply: Any fractional residential unit shall be converted upward, if 1/2 or more of a whole unit, or downward, if less than 1/2 of a whole unit, to the nearest whole unit value.

i. Procedure For Obtaining Transfer of Residential Development Rights.

1) Any owner of "ST" land may apply for a transfer of residential development rights either separately or concurrently with a building permit for their use in connection with the construction of the transferred residential units on non-"ST" land as provided in this section.

Prior to the approval of any transfer of residential development rights or the issuance of any building permits in connection with the use of any transfer of residential development rights, the petitioner shall submit the following information and data, as applicable to the petition, to the Director for his review and action.

(a) Name and address of "ST" property owner.

(b) Name and address of non-"ST" property owner.

(c) Legal description of "ST" land from which transfer of residential development rights is petitioned.

(d) Survey of "ST" property from which transfer of residential development rights is requested.

(e) Legal description of non-"ST" land which receives the transfer of residential development rights.

(f) Survey of the non-"ST" land which receives the transfer of residential development rights.

(g) 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,

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

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.

j. Time Limitations on Director's Approval of Transfer of Residential Development Rights or Authorization to Proceed with the Processing of a Building or Construction Permit. The Director's approval of a transfer of residential development rights or authorization to proceed with the processing of a building or construction permit shall be valid so long as such approval is permitted by law.

The failure to act on the part of the petitioner to exercise the transfer of residential development rights or obtain and culminate an authorized building or construction permit within the time period provided by law shall automatically terminate such approval and the County shall be held harmless for any damages arising out of the petitioner's failure to act.

k. Sequential Use of Residential Units Approved For Transfer by the Director. Upon the issuance of any permit for the construction of residential unit(s) upon a non-"ST" receiving land, the first residential units built thereon shall be considered to be the residential units approved for transfer by the Director for transfer, the succeeding residential units constructed shall be considered the residential units permitted under the basic zoning district regulations.

l. Appeal of Community Development Administrator's Decision or Interpretations. Any person aggrieved by any decision or interpretation made by the Community Development Administrator

BOOK 014 PAGE 208

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

in the enforcement of this Section may appeal such grievance as provided in Section 11 of this Ordinance.

9.2 Interim Agricultural Use of Premises:

a. The Board of County Commissioners, may, upon recommendation of the Planning Commission, authorize the use of lands within any district for agricultural activities, such as, and limited to, pasturing, field crops, horticulture, fruit and nut production, forestry, beekeeping, aquaculture and mariculture. It is the intent of this Subsection 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.

b. 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 to the Community Development Administrator 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 Paragraph 4) below. The petition should include material necessary to demonstrate that the grant of the interim agricultural 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) 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, refuse and service areas; and required yards and other open spaces;

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) Plans showing proposed locations for utilities;

(c) Plans for screening and buffering with reference to type, dimensions, and character;

(d) Proposed landscaping and provisions for trees protected by County regulations; and

(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 shall be notified by mail. Notice of the 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 (1) 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 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 the 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,

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

except that notice need not be mailed to any property owner located more than one-half mile (2,640 feet) from the land for which the interim agricultural use is sought.

4) Findings: Before any interim agricultural use shall be recommended for approval to the Board of Zoning Appeals, the Planning Commission shall make a 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 automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

(c) Off-street 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 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;

BOOK 014 PAGE 211

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(h) Required yards and other open space;

(i) General compatibility with adjacent properties and other properties 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 one (1) year from the date of grant, unless extended by action of the Board of Zoning Appeals, 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 (2) years after the date of grant and must be reviewed by the Board of Zoning Appeals in order to be continued. Each subsequent renewal period shall be limited to two (2) years and must be reviewed by the Board of Zoning Appeals at the end of each two (2) year period in order to be continued.

6) Public Access and/or Related Commercial Uses: The interim agricultural use of the premises which in any way 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 reasons for doing so. Such reasoning shall take into account the factors stated in Paragraph 4) above, or such of them as may be applicable to the specific interim agricultural use requested, if any.

(a) Status of Planning Commission Report and Recommendations: The report and recommendations of the Planning Commission

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

required above shall be advisory only and shall not be binding upon the Board of Zoning Appeals.

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

(c) Taxes: The granting of an interim agricultural use of the premises by the Board of Zoning Appeals 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.

(d) Minor Changes and Amendments: The Zoning 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.

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

9.3 Special Provisions for Housing of Farm Labor:

a. Intent and Purpose: This Subsection is intended to apply to those agricultural situations where housing is required for permanent or transient farm labor. Housing established under this Subsection shall be used exclusively for that purpose and no other. It is intended that housing under this Subsection shall be erected only in the "A-1" or"A-2" Agricultural Districts and only when such housing meets the requirements and procedures of this Subsection. It is the intent of this Section that housing for farm labor shall be in the nature of a planned development, but with restrictions designed to meet the peculiar requirements of the farm labor market and the necessities of health, safety, and general welfare of the farm laborers and the general public.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

b. Agriculture: Defined. For the purpose of this Subsection, agriculture is defined as the cultivation of the soil, the production of crops, and the raising of livestock for the purpose of sale. The definition includes the accessory uses of packing, treating, or storing the agricultural products raised on the premises, but shall not include facilities for processing agricultural commodities brought from off the premises unless such off-premises production is under the same ownership and control.

c. Development Plan Required: No construction for the housing of farm labor shall be erected until a Development Plan has been approved as set out in this Subsection and Section 10.5 of this Ordinance. Any application for development to house farm labor shall include the general data set out in Section 10.5 and, in addition, the data required by this Subsection. Upon the approval of a Development Plan, no building permit or certificate of occupancy shall be issued except in conformity with such approved Development Plan and no use shall be made of farm labor housing subsequent to construction except in conformity with that approved Development Plan.

d. 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. There shall be an advisory committee consisting 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 of County Commissioners to serve terms of four (4) years.

e. 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 Subsection and to determine that such plans meet the standards set out in this Subsection in the context of farm labor housing.

f. Standards: In addition to the applicable requirements of this Subsection, Development Plans for farm labor housing shall meet the following minimum standards:

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

1) Highway Setback: Farm labor housing shall be set back a minimum of one thousand (1,000) feet measured from the nearest point of construction to any State, Federal, or County highway right-of-way line.

2) Minimum and Maximum Area: No on-site farm labor housing shall exceed in land area three (3%) percent of the gross acreage of the agricultural operation. Off-site farm labor housing for laborers shall have a land area of not less than one (1) acre nor more than ten (10) acres.

3. Utilities: All utilities must be installed as required by State and County regulations.

4) Layout: General: Any application for Development Plan approval shall show:

(a) Land area in acres.

(b) Street patterns, with provision for surfacing with a hard dustless material.

(c) At least three hundred (300) square feet for each lot or dwelling unit for open space and recreation area.

(d) The layout of building sites.

(e) Actual yard dimension (not less than minimum) for periphery of site and for each lot.

(f) Size of units to be installed and specification of type.

(g) Utility locations, sizes,and types; and,

(h) Types of services to be provided.

5) Additional Standards for Concrete Block or Frame Dwellings: In addition to the materials of Paragraph 4) above, an applicant for Development Plan approval shall show the following data where it is proposed to use concrete block or frame construction for farm labor housing:

(a) For each structure, thirty (30) foot front yard, ten (10) foot side yard, and twenty (20) foot rear yard, with yards measured from street, building, or property lines and with all dwellings having at least the minimum separation between them;

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) For each dwelling unit, a minimum of one hundred twenty (120) square feet of living area for the first two (2) persons and additional fifty (50) square feet for each person thereafter for sleeping purposes only, provided other utilization of a dwelling unit shall require square footage of living area to meet minimum housing standards of the State of Florida.

(c) Arrangements for a resident manager on the premises; and

(d) Minimum lot size of six thousand (6,000) square feet with an average width of sixty (60) feet.

6) Additional Standards for Utilization of Mobile Homes and Travel Trailers: In addition to the material in Paragraph 4) above, an applicant for development approval shall show the following data where it is proposed to use mobile homes and/or travel trailers for farm labor housing:

a) Arrangements for a resident manager, on the premises;

b) Mixing or intermingling of mobile homes and conventional dwelling construction; provided, there shall be at least sixty (60) foot separation between mobile home and conventional dwelling complexes where both types of dwelling unit utilization is proposed;

(c) Within the mobile home complex, one (1) building for service purposes only and not occupying more than two (2%) percent of the gross area of the project may be erected; and

(d) Each mobile home or travel trailer shall have at least one hundred twenty (120) square feet of living area for the first two (2) persons and fifty (50) additional square feet of living area for each person thereafter for the purpose of sleeping accommodations provided other utilization of the mobile home shall require square footage of living area to

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

meet minimum housing standards of the State of Florida.

7) Special Provisions for Dormitory Housing: In addition to the requirements of Paragraph 6) above, mobile homes or travel trailers may be utilized for housing migrant labor in dormitory style arrangements provided:

(a) The area of land to be so utilized is one (1) acre or more in area;

(b) At least three (3) basic units are utilized - one (1) for sleeping facilities, one (1) for dining and recreation use, and one (1) for utility purposes consisting of shower and toilet facilities;

(c) Each sleeping unit shall have minimum dimensions of twelve (12) feet by sixty-five (65) feet with a maximum sleeping capacity of twelve workers;

(d) Each cooking-dining-recreation unit shall have minimum dimensions of twelve (12) feet and accommodate no more than twenty-four (24) laborers;

(e) Each utility unit shall have minimum dimensions of twelve (12) feet by forty-five (45) feet and accommodate not more than twenty-four (24) laborers; and

(f) The peripheral boundaries of the complex must be surfaced with a hard, dustless material.

9.4 Special Provisions for (GH) Group Housing:

a. Intent and Purpose: This Subsection is intended to apply to areas zoned or being rezoned to residential at the time of application for "GH" where flexibility in lot size, setback and height will provide for a better setting of structures, produce more useable space, and produce innovation in design and construction than might otherwise result under the standards of the district to which it is applied. This shall be done through an adopted plan of development set out in d. below. No "GH" designation shall effect an increase in the number of dwelling units allowed by the base zoning classification.

b. Establishment of a "GH" Zoning Designation: A "GH" designation shall be established through provisions of Section 10.5 or 13 of this Ordinance where required.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

c. Uses Permitted: The "GH" designation allows those permitted uses and special exceptions of the basic zoning classifications of the specific parcel, provided that "RSF" district lands with "GH" may include cluster and townhouses in the "GH" development.

d. Procedure and Approval: Should a parcel of land carry a "GH" designation at the time of the adoption of this Ordinance, approval of a Development Plan is required prior to beginning any construction. An application having land that does not have a "GH" designation and desiring to develop a group housing project must submit his Development Plan as a part of his application for special exception. In any event, upon the date of approval, the "GH" designation shall lapse after one (1) year if actual construction has not commenced. Extensions may be granted by the Board of Zoning Appeals upon a showing of affirmative action to commence the project.

e. Standards for Development Plan:

1) Group housing consists of two (2) or more structures of the type permitted in the basic residential zoning classification, subject to Paragraph c. above.

2) Land area for a Development Plan under "GH" designation shall not be less than one (1) acre.

3) The parcel of land is not subdivided into the customary streets and lots, and will not be so subdivided, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this ordinance to the individual dwellings and structures in such group development.

4) Yards, distances between structures and other dimensional standards are satisfactory to carry out the intent and spirit of the Zoning Ordinance, such standards to be specified by the applicant and may be approved pursuant to Sections 10.5 and/or 13, if such standards are less than are required elsewhere in the same residential zoning district.

5) District regulations applicable in the basic zoning designation to other matters than those set out above shall be observed in the Development Plan.

BOOK 014 PAGE 218

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

6) The standards and requirements of Sections 10.5 and 13 of this Zoning Ordinance shall apply to the Development Plan.

f. Effect of Development Plan Approval: No building permit or certificate of occupancy shall be issued except in conformity with the approved Development Plan.

g. Changes and Amendments: All changes or amendments except increase in land area shall require Development Plan approval as outlined in Section 10.5.

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

9.5 Patio Houses (Zero Side Yard):

a. Patio houses are single family detached dwelling structures on individually platted lots which are designed to provide maximum usage of outdoor living space while insuring privacy from adjacent housing by providing a side yard or "patio" of greater than normal width on one (1) side of the dwelling and no yard on the other.

b. In certain districts, the owner or owners of three (3) or more adjoining lots along a common public or approved private street may request a grant of special exception in accordance with the procedures set forth in Section 13 for the purpose of construction of patio houses.

c. All requirements of the Subdivision Regulations and the zone district in which such patio houses are located shall be complied with, except that no side yard shall be permitted on one (1) side of each parcel and the combined side yard requirement of the applicable zone district shall be required on the opposite side of each parcel. No patio house shall be located closer than that distance required as combined side yards from any other patio house nor shall any patio house be located closer than the minimum setback of the applicable zone district from the property line of any other dwelling unit not a patio house. Where patio houses are located at the property line, with no side yard as required above, no window, door, or other opening below seven (7) feet in height above the first

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

floor level shall pierce the wall of such structure adjacent to the adjoining property.

d. Concurrent with final approval, and as a condition thereof, a convenant, in a form satisfactory to the County Attorney, shall be recorded as part of the deed for the subject property setting forth the side yard setbacks for each lot within the subject property and the responsibility for maintenance of the common wall along the property line.

9.6 Special Regulations for Waterfront Yards:

a. Intent and Purpose: It is the intent and purpose of this Subsection to permit the placement of principal buildings at the bulkhead line or shoreline where such placement at the water's edge can enhance the character of waterfront development without detriment to adjoining or nearby properties or without damage to a particular environmental situation. The provisions of this Subsection have their greatest potential application in planning for the use of tidewater inlands or areas of the County of such size and location that the use of this provision will meet its intent and purpose. If the provisions of this Subsection are met, such provisions govern regardless of any requirement for waterfront yards in the district involved.

b. Development Plan Required: Before a building may be constructed under the terms of this Subsection, approval of a Development Plan is required as set out in Section 10.5 of this Zoning Ordinance.

c. Classification of Waterfront Lands and Building Location: Buildings may not be erected waterward under this Section beyond the following limits for the situations outlined:

1) For waterfront lands along which a bulkhead line has been established, buildings may be erected out to, but not beyond, the bulkhead line.

2) For waterfront lands along which an off-shore building limit has been established by the Board of County Commissioners, buildings may be erected out to, but not beyond, the building limit line.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

3) For waterfront lands along which neither a bulkhead nor a building limit line has been established, buildings may be erected out to, but not beyond, the shoreline, as that shoreline exists prior to construction.

d. Uses: Since this Subsection applies only to the placement of buildings in waterfront yards, there shall be no use permitted under this Subsection which is not permitted or permissible in the district involved. A building approved under this Subsection, however, may be attached to or made an integral part of a boat house or dock, if such boat house or dock is permitted or permissible in the district involved.

e. Development Plan: An applicant under this Subsection shall submit a Development Plan as required in Section 10.5 of this Ordinance. In addition to the contents of such a plan, as required by Section 10.5 of this Ordinance, the applicant shall submit such materials as will demonstrate that the placement of the proposed buildings in waterfront yards from which they would otherwise be excluded will not (1) adversely affect adjoining or nearby properties nor cause blocking of water view in any substantial degree from adjoining or nearby properties, and (2) that no adverse environmental effects will ensue as a result of building placement as requested.

f. Effect of Approved Development Plan: No building permit or certificate of occupancy shall be issued under this Subsection except in strict conformity with the terms and conditions of the approved Development Plan.

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

9.7. Special Regulations Restricting the Parking of Commercial and Major Recreational Equipment:

a. Intent and Purpose: It is the intent and purpose of this Subsection to allow residents within a subdivision in Collier County to prescribe stricter regulations governing the parking of commercial and/or major recreational equipment than is provided under the minimum requirements set forth in this Zoning Ordinance.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Packet Pg. 270

This district is intended to apply as an overlay district for areas or portions of areas which are zoned for residential uses.

The purpose of these regulations is to maintain the appearance and quality of the residential use in the manner in which it was originally platted, to reduce congestion, prevent overcrowding and the blocking of views and the free flow of air currents, and to maintain the lasting values and amenities of the neighborhood.

b. Establishment of Zoning Classification: A zoning classification, to be known as the Restricted Parking Overlay District, and to be designated on the Official Zoning Atlas by the symbol "RP" in conjunction with the basic residential symbol, is hereby established.

c. Procedure for Establishing District: Upon petition to the Board of County Commissioners, signed by a minimum of one hundred (100) property owners or fifty (50%) percent of the property owners, whichever is the lesser, in the proposed district, platted subdivision, or within a voting precinct comprising a homogeneous zoning area, the Board of County Commissioners may revise the boundaries of the district and enact an implementing ordinance to become effective upon approval by a majority of the qualified electors residing within the district voting in the next general or special election held for other purposes within the district(s). The election permits a choice by the elector if in favor of or opposed to the following regulations as may be revised by the implementing ordinance:

1) House car, camp car, camper, house trailer, motor home, school and/or other buses: No house car, camp car, camper, house trailer, motor home or any vehicle, by whatever name known, school and/or other bus, designated or adaptable for human habitation, whether such vehicle moves by its own power or by power supplied by a separate unit, shall be kept or parked on premises zoned for residential purposes within the County nor on public rights-of-way of said zoned districts except when parked

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

entirely within the confines of a garage, carport, or fully enclosed structure and cannot be seen from any abutting property or public way; provided, however, that such vehicles may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading.

(a) The following exceptions may be granted by the Zoning Director upon application by the property owner:

(1) Resident: Such car, trailer, bus or motor home may, upon obtaining a permit from the Zoning Director, be parked upon the premises of the resident for a period not exceeding three (3) days for the purpose of loading or unloading and/or cleaning and unloading prior to or after a trip. The permit for each period shall be affixed to the vehicle in a conspicuous place on the street side thereof.

The Zoning Director may, for good cause shown, authorize the issuance of a second consecutive permit not to exceed three (3) days. An additional permit for the parking of such vehicle will not be issued until after such application has been reviewed and approved by the Board of County Commissioners.

The Zoning Director may, for good cause shown, issue a renewable on-site parking permit for one (1) year to a resident who, for reasons of disability, must park such vehicle on residential property.

(2) 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 Zoning Director, may be parked upon the premises of the visited family for a period not exceeding

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

ten (10) days. The permit shall be affixed to the vehicle in a conspicuous place on the street side thereof.

The Zoning 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.

2) Passenger Vehicles Containing Commercial Advertising:

(a) Parking of passenger vehicles with commercial advertising signs which are written directly on the finished surface of the passenger vehicle or attached in such a manner so as not to protrude more than one (1") inch from the finished surface of the passenger vehicle, setting forth the name of the business, its address, business telephone number and type of business, e.g., realtor, painter, etc., thereon in residential areas outside the confines of a garage or carport is permitted so long as the home (residential) address is not shown thereon.

(b) All passenger vehicles having commercial advertising signs not conforming to the requirements set forth in Paragraph (a) above shall be prohibited.

3) Trucks, Trailers, School Buses and/or Other Commercial Vehicles: It shall be unlawful for any person to park, keep or store in or upon any property, public or private, in any area of the County which is zoned residential, except as provided in Subsection 3)(a) of this Section, any truck exceeding a rated capacity in excess of one (1) ton, trailer, school bus and/or other commercial vehicle, and any passenger-type vehicle, by whatever name designated, converted partially or completely from a passenger carrying vehicle to a vehicle for transporting goods or articles by removal of a seat or seats therefrom or by addition thereto, thereon, or therein, or a rack, crate

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

or other carrier or holder for transporting goods or articles, such as, but not limited to, ladders, wheelbarrows, tools, equipment, supplies or materials, if such vehicle so converted is used in or incidental to the operation of a business.

(a) Exceptions:

(1) The foregoing prohibition shall not apply in cases of licensed contractors or service establishments actually doing work on the premises, or in case of loading or unloading such vehicles, or to any such vehicle while it is being used for transportation for personal reasons of the operator of a temporary nature to and from the house, such as for noonday meals or to visit or serve an ill person.

(2) The parking or storage of such vehicles is within the confines of a garage, carport, or fully enclosed structure and cannot be seen from any abutting property or public way.

4) Boats and Boat Trailers: No boat or boat trailer shall be parked or stored on premises zoned for residential uses or on public rights-of-way of said zoned districts, except when parked or stored entirely within the confines of a garage, carport or fully enclosed or shielded structure and cannot be seen from any abutting property or public way.

a) Exceptions:

(1) A boat or a boat trailer may be parked on the owner's premises in the open, on a temporary basis not to exceed eight (8) hours for the purpose of loading and/or cleaning and unloading prior to or after an outing.

(2) An empty boat trailer may be parked at a launching site during the period of time that the boat is launched therefrom for a single voyage and while in the process of loading or unloading the boat and/or trailer.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(3) Boats on davits or cradles adjacent to waterways or berthed at approved docks and/or piers.

5) Hotel and Motel Parking Provisions: Hotels and motels are considered as business-like enterprises; therefore, recreational vehicles, trucks, trailer, buses and/or other commercial industrial vehicles, listed herein of bona fide residents thereof, transients or otherwise may be parked on the premises of such facilities. Such vehicles shall not be parked in streets, alleys or other rights-of-way within the residential district.

6) General Exceptions: The provisions of this Paragraph shall not apply to vehicles parked on the premises of churches, clinics, schools, private clubs, golf courses, utilities, hotels and motels and parks and recreational areas, while the persons transported thereby are attending or participating in activities or being treated or served thereat, nor to buses, trucks or trailers parked, at any time, in a space prepared or designated therefore on said premises, if such vehicles are used or operated by or for the operation of the places or institutions designated, except that such vehicles cannot be used for residential occupancy.

9.8 Automobile Service Stations:

a. The following regulations apply to the location, layout, drainage, operation, fencing, landscaping, parking and permitted sales and service activities of automobile service stations:

1) Lot Size - Minimum Eighteen Thousand (18,000) Square Feet:

(a) Minimum Frontage: An automobile service station shall not be located on a lot with less that one hundred fifty (150) feet frontage on a dedicated street or highway.

(b) Minimum Depth: One hundred twenty (120) feet.

2) Minimum Yards:

(a) Front Yard Setback - Fifty (50) feet.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) Side Yard Setback - Forty (40) feet.

(c) Rear Yard Setback - Forty (40) feet.

(d) Canopy - Ten (10) feet beyond pump setback line.

3) Storage Tanks: Storage tanks shall be located below grade.

4) Lighting: All lights and lighting for an automobile service station shall be designed and arranged so that no source of light shall be visible from any residential district. No part of any light structure shall protrude beyond property lines.

5) Location of Structures, Pumps, etc.: No main or accessory building, no sign of any type, and no gasoline pump, tank, vent, pump island or pump island canopy shall be located within twenty-five (25) feet of any residentially zoned property.

Gasoline pumps and pump islands may be located no closer than thirty (30) feet to the street property lines and shall be located no closer that forty (40) feet to any side or rear property line. Pump island canopies may be located no closer that fifteen (15) feet to the street property line. If such setback requirements mentioned above, are closer than setback requirements for the district in which the automobile service station is located, such service station appurtenances shall be removed before the property is converted to a use other than an automobile service station. Removal of fuel storage tanks is required.

Free standing vents are not permitted.

6) Entrance and Exit: No automobile service station shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of a school, public playground; child care center, church, hospital, public library, or any institution for dependents or for children, except where such property is in another block.

7) Fence Requirements: If an automobile service station abuts a residential district, a wall of solid decorative material five (5) feet in height or a wall of landscaping

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

must be provided and properly maintained. If the station is separated from the residential zone by an alley, then the wall shall be erected along the lot line also. In addition, all outside trash areas for used tires, auto parts, and other items shall be enclosed on all sides by a five (5) foot high decorative fence or wall which shall conform to all fence setback regulations. All walls and buildings shall be protected by a barrier to prevent vehicles from contacting the wall.

8) Outside Display of Products: Petroleum products in cans and windshield wiper blades may be displayed outside the service station building in the standard racks provided for such display, provided such racks shall not be placed closer to a street line than the pump island. There shall be no outside display or stacking of tires or other merchandise.

9) Trash Facilities: Adequate, completely enclosed trash storage facilities shall be provided on the site. On an interior lot, such facilities shall be located at the rear of the service station's main structure; on a corner lot, such facilities shall be located, where possible, on the side of the main structure with street frontage carrying the lesser volume of traffic.

10) Vehicle Sales: There shall be no vehicle sales conducted on the premises.

11) Drainage: The entire lot, excluding the area occupied by a building, shall be properly drained and hard surfaced with concrete or plant-mixed bituminous material, except for the required landscaped areas.

12) Parking Areas: Parking areas will conform to the provisions of this Ordinance. At no time shall repairs be performed in parking areas.

13) Landscaping: A minimum of twenty (20%) percent of the lot area shall be landscaped, with a minimum of three (3%) percent landscaped per lot side.

b. General: In addition to the retail dispensing of automobile fuels and oil, only the following services may be rendered and sales made:

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

1) Sales and servicing of spark plugs, batteries, distributors and distributor parts:

2) Sales, servicing and repair of tires, but not recaping or regrooving;

3) Replacement of waterhoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, and the like;

4) Provision of water, anti-freeze, and the like;

5) Washing and polishing and sale of automobile washing and polishing materials, but this provision does not permit car laundries;

6) Providing and repairing fuel pumps and lines;

7) Minor servicing and repair of carburetors;

8) Emergency wiring repairs;

9) Providing repair of brakes;

10) Minor motor adjustments not involving removal of the head or crankcase;

11) Greasing and lubrication;

12) Sales of cold drinks, candies, tobacco, and similar convenience goods for service station customers, but strictly and only as accessory and incidental to the principal business operation;

13) Provision of road maps and other information outside of the enclosed areas;

14) No mechanical work shall be allowed outside of the enclosed areas;

15) No automobile service station shall be permitted where any oil drainage pit or visible appliance for any such purpose other than refueling cars is located within twenty (20) feet of any street right-of-way or within forty-five (45) feet of any residential district, except where such appliance or pit is located within a wholly enclosed building;

16) Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles, commercial garage as an accessory

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

use, or other work involving undue noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in such stations. An automobile service station is not a facility for the sale of automobile vehicles, a repair garage, a body shop, a car laundry, or a truck stop.

c. Convenience grocery stores selling motor fuel must conform with 8.a. 3), 4) and 5) of this Section.

9.9 Special Regulations for Specified Areas In and Around the Naples, Everglades, Aero-Oasis, Marco Island, and Immokalee (Ed Scott Air field) Airports:

a. Intent and Purpose: Certain areas in and around Collier County, Florida, require special regulation to prevent hazards which endanger the lives and property of users of the airports and of occupants of land in their vicinity and which, if of the obstruction type, reduce the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein. Accordingly, it is hereby declared that:

1) The creation or establishment of airport hazards and obstructions are a public nuisance and an injury to the County;

2) That it is necessary, in the interest of public health, public safety, and general welfare, that the creation of airport obstructions, hazards and structures be prevented;

3) That is it necessary in the interest of public health and welfare that the establishment of incompatible land uses be prevented in the areas defined as the CNR 100 contour (ASDS 85 DBA) noise area and/or the accident potential hazard areas;

4) That the prevention of these obstructions, structures and incompatible land uses should be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

5) In addition to the regulations applicable to land zoned, as indicated in the Official Zoning Atlas, the following regulations are additionally applicable to lands in the County in the vicinity of the Naples, Everglades, Aero-Oasis, Marco Island and Immokalee (Ed Scott Airfield) Airports as indicated on the Airport Zoning Maps of Collier County. Lands lying within various zones as indicated on the Airport Zoning Maps are subject to the additional regulations set out in this Section.

b. Airport Zones and Airspace Height Limitations: In order to carry out the provisions of this Zoning Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach, transitional, horizontal and conical surfaces as they apply to a particular airport. Such zones are shown on the Naples, Marco Island, Everglades, Aero-Oasis and Immokalee Airport Zoning Maps which are hereby adopted by reference and declared to be made a part of this Zoning Ordinance.

Zoning Map A: Naples Airport

Zoning Map B: Marco Island Airport

Zoning Map C: Everglades Airport

Zoning Map D: Aero-Oasis Airport

Zoning Map E: Immokalee Airport (Ed Scott Airfield)

All of the land lying within the instrument approach zones, VFR approach zones, transition zones, horizontal zone and conical zone may be designated and regulated as herein authorized. Lands within the various airport zones shall be designated on the maps noted above and adopted by the Board of County Commissioners. The various zones are hereby established and defined as follows:

1) Naples Airport:

(a) Instrument Approach Zones: An instrument approach zone is established at the Northeast end of the instrument runway 22-4 for instrument landing and take-off. The instrument approach zone shall have a width of one thousand (1,000) feet at a distance of two hundred (200) feet Northeast of the end of the

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

runway, widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a distance of fifty thousand two hundred (50,200) feet Northeast of the end of the runway, its centerline being the continuation of the centerline of the runway. An instrument approach zone is established at the Southwest end of the instrument runway for instrument landings and take-offs. The instrument approach zone shall have a width of four thousand (4,000) feet at a distance of ten thousand two hundred (10,200) feet beyond the end of the runway, its centerline being the continuation of the centerline of the runway.

A height limitation is established providing one (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from and at the centerline elevation of the Northeast end of 22-4, the instrument runway, and extending Northeasterly a distance of ten thousand two hundred (10,200) freet from the end of the runway; thence Northeasterly one (1) foot in height for each forty (40) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the Northeast end of the runway. Also, one (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at a point two hundred (200) feet from and at the centerline elevation of the Southwest end of the instrument runway and extending Southwesterly to a point ten thousand two hundred (10,200) feet from the end of the runway.

(b) VFR Approach Zones: Visual Flight Rules approach zones are hereby established and shall have a width of five hundred (500) feet at a distance of two hundred (200) feet beyond each end of runway 31-13, widening thereafter uniformly to a width of one thousand five hundred (1,500) feet beyond each end of this runway.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

A height limitation is established providing one (1) foot in height for each forty (40) feet in horizontal distance beginning at a point two hundred (200) feet from and at the centerline elevation of each end of runway 31-13 and extending to points two thousand two hundred (2,200) feet from the ends of the runway; thence one (1) foot in height for each twenty (20) feet in horizontal distance and extending to a point five thousand two hundred (5,200) feet from the ends of the runway.

(c) Transition Zones: Transition zones are hereby established adjacent to each instrument and VFR runway and approach zone as indicated on the Airport Zoning Map. Transition zones symmetrically located on either side of runways have variable widths as shown on the Airport Zoning Map. Safety zones extend outward to a line one hundred fifty (150) feet on either side of the centerline of the VFR runway, for the length of such runway plus two hundred (200) feet on each end and two hundred fifty (250) feet on either side of the centerline of the instrument runway, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward forn the edges of the safety zones one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to both instrument and VFR approach zones and these transition zones from the base of such zones slope upward and outward at the rate on one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal zone. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the horizontal zone, extending a distance of five

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

thousand (5,000) feet measured horizontally from the end of the instrument approach zone at right angles to the continuation fo the centerline of the runway.

A height limitation is established providing one (1) foot in height for each seven (7) feet in horizontal distance beginning at the edge of each safety zone and at the elevation of the centerline of each runway, and extending to a height of one hundred fifty (150) feet above the airport elevation which height is one hundred fifty-eight (158) feet above mean sea level. In addition to the foregoing, there are established height limitations of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the length of the approach zones as shown and extending upward and outward to the points where they intersect the horizontal surface. Further, to the Northeast, where the instrument approach zone projects through and beyond the conical zone, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of five thousand (5,000) feet from the edge of the instrument approcah zone measured normal to the centerline of the runway extended.

(d) Horizontal Zone: A horizontal zone is hereby established as the area within an oval with its center at the ends of the instrument runway and having a radius of five thousand (5,000) feet. The horizontal zone does not include the instrument and VFR approach zones and the transition zones.

A height limitation is established at one hundred fifty (150) feet above the airport elevation or a height of one hundred fifty-eight (158) feet above mean sea level.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(e) Conical Zone: A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of four thousand (4,000) feet. The conical zone shall slope upward and outward from this periphery at the rate of one (1) foot vertically for each twenty (20) feet horizontally. The conical zone does not include the instrument approach zones and transition zones. A height limitation is established providing one (1) foot in the height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of three hundred fifty (350) feet above the airport elevation.

(f) Other Areas: In addition to the height limitations imposed in (a) through (e) above, no structure or obstruction will be permitted within Collier County that would cause a minimum obstruction clearance altitude, a minimum descent altitude, decision height or a minimum vectoring altitude to be raised.

2) Marco Island, Everglades, Aero-Oasis and Immokalee Airports:

(a) Primary Zone: An area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of the runway with the width so specified for each runway for the most precise approch existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and take-off area and is of greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:

Everglades Aero-Oasis, and Immokalee Airports:

Two hundred fifty (250) feet for utility runways having visual approaches.

Marco Island Airport:

Five hundred (500) feet for visual runways having only visual approaches.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

The width of the primary zone of a runway will be that width prescribed in this Subsection for the most precise approach existing or planned for either end of that runway.

No structure or obstruction will be permitted within the primary zone that is not part of the landing and take-off facilities and is of a greater height than the nearest point on the runway centerline.

(b) Horizontal Zone: The area around each civil airport with an outer boundary, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

Everglades Marco Island, Aero-Oasis, and Immokalee Airports:

Five thousand (5,000) feet for all runways designated as utility or visual.

No structure or obstruction will be permitted in the horizontal zone that has a height greater than one hundred fifty (150) feet above the airport height.

(c) Conical Zone: The area extending outward from the periphery of the horizontal zone for a distance of four thousand (4,000) feet. Height limitations for structures in the conical zone are one hundred fifty (150) feet above airport height at the inner boundary to a height of three hundred fifty (350) feet above airport height at the outer boundary.

(d) Approach Zone: An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(1) The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of:

Everglades Aero-Oasis and Immokalee Airports:

One thousand two hundred fifty (1,250) feet for tha end of a utility runway with only visual approaches.

Marco Island Airport:

One thousand five hundred (1,500) feet for that end of a runway other than a utility runway with only visual approaches.

(2) The approach surface extends for a horizontal distance of:

Five thousand (5,000) feet for all utility and visual runways.

(3) The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(4) Permitted height limitation within the approach zones is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

Everglades Marco Island, Aero-Oasis and Immokalee Airports:

Permitted height increases one (1) foot vertically for every twenty (20) feet horizontal distance for all utility and visual runways.

(e) Transitional Zone: The area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

line where it adjoins and increases at a rate of one (1) foot vertically for every seven (7) feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline until the height matches the height of the horizontal zone or for a horizontal distance of five thousand (5,000) feet from the side of the part of the precision approach zone that extends beyond the conical zone.

(f) Other Areas: In addition to the height limitations imposed in (a) through (e) above, no structure or obstruction will be permitted within Collier County that would cause a minimum obstruction clearance altitude, a minimum descent altitude, decision height or a minimum vectoring altitude to be raised.

c. Additional Provisions:

1) Naples Airport:

(a) Use Restriction: Notwithstanding any other provisions of the Zoning Ordinance, no use may be made of land within the Northeast instrument approach zone established by this Ordinance in such a manner as to create electrical interference with radio communication between the airport and aircraft; make it difficult for flyers to distinguish between airport lights and others; result in glare in the eyes of flyers using the airport; impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

(b) Nonconformities:

(1) Regulations not Retroactive: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other changes or alteration of any structure not conforming to the regulations as to the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations, and is diligently prosecuted.

(2) Marking and Lighting: Notwithstanding the preceding provision of this Subsection, the owner of any nonconforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Authority of the City of Naples to indicate to the operator of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Authority.

(c) Compliance With These Requirements:

(1) Future Uses: Except as specifically provided herein, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created except in compliance with these requirements.

(2) Existing Uses: No building permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use or structure to be made or become higher, or to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto.

2) Everglades, Marco Island, Aero-Oasis and Immokalee Airports:

(a) Use Restrictions: Notwithstanding any other provision of this Ordinance, no use may be made of land or water within any zones established by this Ordinance in such a manner as to interfere with the

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

(1) All lights or illumination used in conjunction with street, parking, sign or use of land or structure shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.

(2) No operations of any type shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of a public airport.

(3) No operations from any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

(4) Use of land within the accident potential hazard area shall prohibit high density residential use, schools, hospitals, storage of explosive material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.

(b) Lighting: Notwithstanding the preceding provisions of this Subsection, the owner of any structure over two hundred (200) feet above ground level shall install lighting on such structure in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and amendments thereto. Additionally, high intensity white obstruction lights shall be installed on a high structure which exceeds seven hundred forty-nine (749) feet above mean sea level. The high intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and amendments.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(c) Variances: Any person desiring to erect or increase the height of any structure or use his property not in accordance with the regulations prescribed in this Ordinance may apply to the Board of Zoning Appeals for a variance from such regulations.

(d) Hazard Marking and Lighting: Any permit or variance granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70-7460-1 or subsequent revisions. The permit may be conditioned to permit Collier County, at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

3) Airport Noise Zones: No person shall sell, lease or offer to sell or lease any land within the airport noise zone (100 CNR 85 DBA contour) unless the prospective buyer or lessee has been given the following notice in writing:

"Noise Warning - This land lies beneath the aircraft approach and departure routes for Naples, Marco Island, Everglades, Aero-Oasis and Immokalee Airports and is subject to noise that may be objectionable."

SECTION 10. ADMINISTRATION AND ENFORCEMENT: GENERALLY, BUILDING PERMITS, CERTIFICATES OF OCCUPANCY, DEVELOPMENT PLAN APPROVAL, TEMPORARY USE PERMITS:

10.1 General: An official to be known as the Zoning Director, designated by the Board of County Commissioners, shall enforce this Zoning Ordinance. The Zoning Director is authoirzed to act through aides and assistants. In the performance of his duties, the Zoning Director may request the assistance of any appropriate officer or agency of the County.

He shall investigate promptly complaints of violations, reporting his findings and actions to complaintants, and shall use his best endeavors to prevent violations or to detect and secure the correction of violations. If he finds that any of the provisions of this

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(c) Variances: Any person desiring to erect or increase the height of any structure or use his property not in accordance with the regulations prescribed in this Ordinance may apply to the Board of Zoning Appeals for a variance from such regulations.

(d) Hazard Marking and Lighting: Any permit or variance granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70-7460-1 or subsequent revisions. The permit may be conditioned to permit Collier County, at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

3) Airport Noise Zones: No person shall sell, lease or offer to sell or lease any land within the airport noise zone (100 CNR 85 DBA contour) unless the prospective buyer or lessee has been given the following notice in writing:

"Noise Warning - This land lies beneath the aircraft approach and departure routes for Naples, Marco Island, Everglades, Aero-Oasis and Immokalee Airports and is subject to noise that may be objectionable."

SECTION 10. ADMINISTRATION AND ENFORCEMENT: GENERALLY, BUILDING PERMITS, CERTIFICATES OF OCCUPANCY, DEVELOPMENT PLAN APPROVAL, TEMPORARY USE PERMITS:

10.1 General: An official to be known as the Zoning Director, designated by the Board of County Commissioners, shall enforce this Zoning Ordinance. The Zoning Director is authoirzed to act through aides and assistants. In the performance of his duties, the Zoning Director may request the assistance of any appropriate officer or agency of the County.

He shall investigate promptly complaints of violations, reporting his findings and actions to complaintants, and shall use his best endeavors to prevent violations or to detect and secure the correction of violations. If he finds that any of the provisions of this

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order the discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other lawful action authorized by this Zoning Ordinance necessary to insure compliance with or to prevent violation of this Ordinance. Failure to comply with any such order of the Zoning Director shall be a violation of this Ordinance.

The Zoning Director shall maintain written records of all zoning violations and offical actions of his office with relation to the enforcement of this, and of all complaints and actions taken with regard thereto, and of all violations discovered by whatever means, with remedial action taken and disposition of all cases; and the same shall be a public record.

10.2 Zoning Action on Building Permits: The Zoning Director shall be responsible for determining whether applications for building permits, as required by the Collier County Building Code, are in accord with the requirements of this Zoning Ordinance, and no building permit shall be issued without written approval that plans submitted conform to applicable zoning regulations. No building or structure shall be erected, moved, added to, or altered without a permit, as required by the Collier County Building Code and no building permit application shall be approved by the Zoning Director for the erection, moving, addition to, or alteration of any building or structure except in conformity with the provisions of this Zoning Ordinance, unless he shall receive a written order from the Board of Zoning Appeals in the form of an administrative review of the interpretation or variance as provided by this Zoning Ordinance or unless he shall receive a written order from a court of competent jurisdiction.

10.3 Application for Building Permit: All applications for building permits shall, in addition to containing the information required by the Building Official, be accompanied by plot and construction

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

plans drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of buildings already existing, if any; the size and location on the lot of the building or buildings to be erected or altered; the existing use of buildings on the lot, if any; the intended use of each building or buildings or parts thereof; the number of families the building is designed to accommodate; the location and number of required off-street parking and off-street loading spaces; approximate location of trees protected by County regulations; and such other information with regard to the lot and existing proposed structures as may be necessary to determine compliance with and provide for the enforcement of this Zoning Ordinance. Where ownership or property lines are in doubt, the Zoning Director may require the submission of a survey, certified by a land surveyor or engineer licensed in the State of Florida. Property stakes shall be in place at time of commencement of construction.

10.4 Construction and Use to be as Provided in Applications; Status of Permit Issued in Error: Building permits or certificates of occupancy issued on the basis of plans and specifications approved by the Zoning Director authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction different from that authorized shall be deemed a violation of this Zoning Ordinance.

a. Statements made by the applicant on the building permit application shall be deemed official statements. Approval of the application by the Zoning Director shall, in no way, exempt the applicant from strict observance of applicable provisions of this Zoning Ordinance and all other applicable regulations, ordinances, codes, and laws.

b. A building permit issued in error shall not confer any rights or privileges to the applicant to proceed to or continue with construction, and the County shall have the power to revoke such permit until said error is corrected.

10.5 Development Plan Approval:

a. Procedure: Whereby the terms of this Zoning Ordinance, approval of a Development Plan is required or whereby approval is

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

requested by the developer prior to the issuance of a building permit, such Development Plan shall be submitted to the Zoning Director. He may circulate the Development Plan for comment and criticism to any County official, department, or advisory board which may have a responsibility for some aspect of the Development Plan.

b. Contents: The Development Plan required to be submitted under Section 10.5(a) above and by the requirements of this Zoning Ordinance shall include the following elements, unless the Zoning Director determines that one or more of said elements does not apply to the particular development.

1) Statements of ownership and control of the proposed development.

2) Statement describing, in detail, the character and intended use of the development.

3) General location map, showing relation of the site for which Development Plan approval is sought to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project, and the like.

4) A Development Plan containing the title of the project and the names of the project planner and developer, date, and north arrow, and, based on an exact survey of the property drawn to a scale of sufficient size to show boundaries of the project, any existing streets, buildings and structures; access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic; off-street parking and offstreet loading areas; recreation facilities locations; all screens and buffers; refuse collection areas; and access to utilities and points of utilities hookups.

5) Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to the various permitted uses; ground coverage by structures; and impervious surface coverage.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

6) Tabulations showing the derivation of numbers of off-street parking and off-street loading spaces shown in Subparagraph 4) above; and total project density in dwelling units per gross acre.

7) If common facilities (such as recreation areas or structures, private streets, common open space, etc.) are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners associations, surety arrangements, or other legal instruments providing adequate guarantees to the County that such common facilities will not become a future liability for the County.

8) Storm drainage and sanitary sewage plans.

9) Architectural definitions for types of buildings in the development; exact number of dwelling units, sizes and types, together with typical floor plans of each type.

10) Plans for signs, if any.

11) Landscaping plan, including types, sizes and locations of vegetation and decorative shrubbery, and showing the provisions for irrigation and maintenance. Location on the site of all existing trees protected by County regulations shall be shown.

12) Plans for recreation facilities, if any, including buildings for such use.

13) Such additional data, maps, plans, surveys or statements as may be required for the particular use or activity involved.

14) Such additional data as the applicant may believe is pertinent to the Development Plan.

Items 3), 4), 8) and 9) above shall be prepared by a registered surveyor, engineer, architect or practicing urban planner as may be appropriate to the particular item.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

c. Zoning Director Action: In reaching a decision as to whether the 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 10.5 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) Sufficiency of Statements on ownership and control of the development and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities, or common lands to insure preservation of such lands and facilities will not become a future liability for the County.

2) Density and/or Purpose of the proposed development with particular attention to its relationship to adjacent and nearby properties and the effect thereon and relationship to the County's Comprehensive Plan.

3) Ingress and Egress to the development and the proposed structures thereon, with particular reference to automotive and pedestrian safety, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe or emergency.

4) Location and Relationship of Off-Street Parking and Off-Street Loading Facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

5) Sufficiency of Proposed Screens and Buffers to preserve internal and external harmony and compatibility with use inside and outside the proposed development.

6) Manner of Drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall County capacities.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

8) Recreation Facilities and Open Spaces, with attention to the size, location, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community-wide open spaces and recreation facilities.

9) General Development Arrangement, Amenities and Convenience, with particular reference to insuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial depreciation of property values.

10) Such Other Standards as may be imposed by this Zoning Ordinance for the particular use or activity involved.

d. Effect of Development Plan Approval: Upon approval of a Development Plan, no building permit or certificate of occupancy shall be issued except in strict conformity with the approved Development Plan. Violation of the terms of the approved Development Plan is a violation of this Zoning Ordinance.

e. Changes and Amendments: Any change in an approved Development Plan requires a review as for a new request (see Paragraphs 5.a through 5.d above).

10.6 Temporary Use Permits:

a. General: Certain uses are temporary in character. They vary in type and degree, as well as in length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present serious questions involving potential incompatibility of the temporary uses with existing and projected permitted or permissible uses. It is the intent of this Zoning Ordinance to classify temporary uses and to provide for permitting, administration, and control of such uses according to the several classifications herein set out.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Unless otherwise specified in this Zoning Ordinance, this Section governs temporary uses.

b. Temporary Construction and Development Permits:

1) In the case of real estate development projects in any zoning district, the developer may request a Temporary Use Permit for a period not to exceed twelve (12) months to allow promotional, storage and fabrication activities which are needed during construction and sale of the project. The following uses may be permitted under the terms of such a temporary permit.

(a) Temporary on-premise real estate sales offices.

(b) Equipment and construction materials, storage, processing and fabrication facilities.

(c) Temporary office space for persons engaged in the development.

(d) Temporary signs in conformity with all current sign regulations.

(e) Mobile radio and television equipment and antennae.

(f) Temporary mobile home as office or storage but not for residency other than for a watchman or caretaker.

(g) Temporary structures and equipment for road building, public utility construction, and public government projects.

(h) Model homes or apartments.

(i) Other uses as determined appropriate by the Zoning Director.

2) Applicants for the temporary use permit shall submit plans to the Zoning Director indicating the area in which the temporary use permit is to apply, the nature of the use and activities requested and time period requested.

3) The Zoning Director may grant or deny a temporary construction and development use permit, and in addition, may also stipulate:

(a) Traffic Safety Measures

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) Additional Parking Requirements

(c) Limited Activity Hours

(d) Additional landscaping for temporary permit area.

(e) Additional on-premise safeguards, which may include, but not be limited to:

(1) Watchman

(2) Fencing

(3) Lighting

(4) Sanitary Measures

(f) A faithful performance bond to guarantee compliance with the conditions of the permit.

4) Upon the termination of the first one year permit period, application must be filed for an extension of the permit stating the reason for extension and the time required. The Zoning Director may extend the permit, on a year to year basis or less, for the development life of the project. Such extension may be made subject to the stipulations of the previous permit or may be amended as determined to be necessary by the Zoning Director. If the temporary use is not discontinued upon expiration of the permit, it shall be deemed a violation of the Zoning Ordinance and shall be subject to the penalties therein.

c. Temporary Sales, Sports Events, Religious Events, and Community Events:

1) In the case of temporary sales, such as Christmas tree sales, grand openings, going out of business sales (exclusive of garage sales, lawn sales and similar private home sales), special promotional sales, sports events, religious events and community events, the Zoning Director may grant a non-renewable two-week permit for such events and may include the placement of temporary signs, merchandise, temporary structures and equipment, and temporary mobile home as an office, but not for residency. If the temporary use is not discontinued upon expiration of the permit, it shall be deemed a violation of the Zoning Ordinance and shall be subject to the penalties therein.

BOOK 014 PAGE 249

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

2) In making such approval, the Zoning Director may stipulate the following requirements as he deems appropriate to the case:

(a) Traffic Safety Measures

(b) Additional Parking Requirements

(c) Limited Activity Hours

(d) Watchman, Fencing, Lighting

(e) Sanitary Facilities

(f) A faithful performance bond to guarantee compliance with the conditions of the permit.

d. Garage Sales: In the case of garage sales, lawn sales and similar private home sales, the Zoning Director may issue a two (2) day permit for such events during each six (6) month period. Such permit may include the use of temporary signs located on the property where the sale is being held. No signs shall be placed in any public rights-of-way. If the temporary use is not discontinued upon expiration of the permit, it shall be a violation of the Zoning Ordinance and shall be subject to the penalties herein.

10.7 Improvement of Property Prohibited Prior to Issuance of Building Permit: No site work, grading, improvement of property or construction of any type may be commenced prior to the issuance of a building permit where the development proposed requires a building permit under this Zoning Ordinance or other applicable County regulations.

10.8 Right of Entry: The Zoning Director shall enforce the provisions of this Ordinance and he, or his duly authorized representative, may enter any building, structure, or premises to perform any duty imposed upon him by this Ordinance. Any act of obstructing the Director in the performance of his duties shall constitute a violation of this Ordinance.

SECTION 11. BOARD OF ZONING APPEALS: POWERS, DUTIES AND PROCEDURES:

11.1 Powers and Duties: The Board of Zoning Appeals shall have the following powers and duties subject to the regulations prescribed:

a. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, decision, or determina-

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

tion of the Zoning Director in the administration and enforcement of this Zoning Ordinance.

b. Variances: Powers; Conditions Governing Petitions; Procedures; Limitations: To authorize upon appeal from the decision of the Zoning Director in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions peculiar to the property, a literal enforcement of this Zoning Ordinance would result in unnecessary and undue hardship. A variance from the terms of this Zoning Ordinance shall not be granted unless and until:

1) Written Petition: A written petition for a variance is submitted by the applicant to the Community Development Administrator.

2) Notice of Public Hearing: Notice of public hearing is given at least fifteen (15) days in advance of the public hearing. The owner of the property for which variance is sought, or his agent or attorney designated by him on his petition, shall be notified by mail. Notice of the public hearing shall be prominently posted on the property for which the variance is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the County at least one time fifteen (15) days prior to the hearing.

3) Public Hearing: The public hearing shall be held by the Board of Zoning Appeals. Any party may appear in person, by agent or attorney, or may submit written comments to the Community Development Administrator.

4) Considerations: The Board of Zoning Appeals shall consider and be guided by the following standards in making a determination on any petition.

(a) Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved and which are not applicable to the same degree or extent to the lands, structures, or buildings in the same zoning district?

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(b) Are there special conditions and circumstances which do not result from the action of the applicant?

(c) Will a literal interpretation of the provisions of this Zoning Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Ordinance and work unnecessary and undue hardship on the applicant?

(d) Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building or structure?

(e) Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

(f) Will granting the variance be in harmony with the general intent and purpose of this Zoning Ordinance, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

5) Conditions and Safeguards: In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance, including, but not limited to, reasonable time limits within which the action for which variance is required shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Ordinance.

6) Limitations on Power to Grant Variances: Under no circumstance shall the Board of Zoning Appeals grant a variance to permit a use not permitted under the terms of this Zoning Ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of these regulations in the said zoning district.

No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

use of lands, structures or buildings in any other district shall be considered grounds for the granting of a variance.

c. Special Authority of Board of Zoning Appeals in Relation to Certain Non-Conforming Uses: Any non-conforming use of a structure or of a structure and premises in combination may be changed to another non-conforming use of the same character, or to a more restricted but non-conforming use, provided that the Board of Zoning Appeals shall find, after public notice and hearing, that the proposed use is equally or more appropriate to the district than the existing non-conforming use and that the relation of the structure to surrounding properties is such that adverse effects on occupants and neighboring properties will not be greater than if the existing non-conforming use is continued. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the intent and purpose of these zoning regulations. Petition under this Subsection shall be to the Community Development Administrator for transmittal to the Board of Zoning Appeals.

d. Board of Zoning Appeals Has Powers of Director on Appeals; Reversing Decision of the Zoning Director: In exercising any of the above mentioned powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Zoning Ordinance, reverse or affirm, in whole or in part, or may modify the order requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Director from whom the appeal is taken.

In matters of review, the concurring votes of a majority of all members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Director, or to decide in favor of the petitioner on any matter upon which it is required to pass under this Zoning Ordinance.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

e. Provisional Uses: To hear and decide provisional uses as authorized under the terms of this Ordinance; to decide such questions as are involved in the determination of when provisional uses should be granted; and to grant provisional uses with appropriate conditions and safeguards or to deny provisional uses when not in harmony with the purpose and intent of this Ordinance.

In granting any provisional use the Board shall find that such grant will not adversely affect the public interest.

In granting any provisional use the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the provisional use is granted shall be deemed a violation of the Ordinance.

The Board may prescribe a reasonable time limit within which the action for which the provisional use is required shall be begun or completed or both.

The Planning Commission shall hear all requests for provisional uses prior to hearing by the Board of Zoning Appeals. The report and recommendations of the Planning Commission shall be advisory only to the Board of Zoning Appeals.

11.2 Hearings; Appeals; Notice: Appeals to the Board of Zoning Appeals, as established by Section 28-13 of the Collier County Code of Ordinances, concerning interpretation or administration of this Zoning Ordinance or for variance under this Zoning Ordinance may be taken by any person aggrieved or by any officer, agency, or bureau of Collier County affected by any decision, determination or requirement of the Zoning Director. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period as may be provided by the rules of the Board, by filing with the Community Development Administrator. The Community Development Administrator shall forthwith transmit to the Board of Zoning Appeals a copy of said notice of appeal and all papers constituting the record upon which the action appealed from was taken.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agency or attorney or may submit written comments to the Community Development Administrator.

11.3 Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Director from whom the appeal is taken notifies the Board of Zoning Appeals after the notice of appeal is filed with the Community Development Administrator that, by reasons of facts stated in the notice, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application on notice to the Zoning Director and on due cause shown.

11.4 Appeals from Board of Zoning Appeals Decisions: Review of decisions of the Board of Zoning Appeals shall be as set out in Section 28-18 of the Collier County Code or Ordinances and applicable laws of Florida.

SECTION 12. DUTIES OF ZONING DIRECTOR, BOARD OF ZONING APPEALS, PLANNING COMMISSION, BOARD OF COUNTY COMMISSIONERS, AND COURTS ON MATTERS OF APPEAL:

12.1 Interpretation and Enforcement: It is the intent of this Zoning Ordinance that questions of interpretation and enforcement shall first be presented to the Zoning Director, that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Director, and that recourse to the courts shall be as set out in Section 11.4 of this Zoning Ordinance.

It is further the intent of this Zoning Ordinance that the duties of the Board of County Commissioners in connection with this Zoning Ordinance shall not include hearing and deciding questions of enforcement and interpretation that may arise. The procedure for settling such questions shall be governed by the policy set out in this Section and the procedures set out in Section 11 of this Zoning Ordinance.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

12.2 Amendments: Planning Commission: It is the intent of this Zoning Ordinance that all proposed amendments shall be heard in the first instance by the Planning Commission and that the Planning Commission's report and recommendations on such matters shall be advisory only to the Board of County Commissioners.

12.3 Duties of Board of County Commissioners: Under this Zoning Ordinance, the Board of County Commissioners shall have only the duties of appointing and confirming members of the Planning Commission and Board of Zoning Appeals required under this Ordinance; considering and adopting or rejecting proposed amendments to or the repeal of this Zoning Ordinance; and, establishing a schedule of fees and charges as set out in Section 15 of this Zoning Ordinance.

SECTION 13. PROVISIONAL USES:

13.1 General: A provisional use is a use that would not be appropriate generally or without restriction throughout a particular zoning district or classification, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a Zoning District or classification as a provisional use, if specific provision for such provisional use is made in this Zoning Ordinance. All petitions for provisional uses shall be considered first by the Planning Commission in the manner herein set out.

a. Written Petition: A written petition for provisional use shall be submitted to the Community Development Administrator indicating the basis in this Zoning Ordinance under which the provisional use is sought and stating the grounds upon which it is requested, with particular reference to the types of findings which the Board of Zoning Appeals must make under Subsection d. below. The petition should include material necessary to demonstrate that the grant of special exception 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:

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

1) Development plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas; and required yards and other open spaces;

2) Plans showing proposed locations for utilities;

3) Plans for screening and buffering with reference as to type, dimensions, and character;

4) Proposed landscaping and provisions for trees protected by County regulations; and

5) Proposed signs and lighting, including type, dimensions, and character.

6) Where this Zoning Ordinance places additional requirements on specific provisional use, the petitioner should demonstrate that such requirements are met.

Where the rezoning of land, as well as grant of provisional use, is requested simultaneously for the same parcel of land, both said petitions may be processed concurrently in accordance with the procedures set forth in Sections 13 and 14 of this Ordinance.

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

c. 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 provisional use is sought or his agent or attorney designated by him on his petition shall be notified by mail. Notice of the public hearing shall be prominently posted as required in Section 14.3. 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 a provisional use is requested; provided, however, that where the land for which a provisional use is sought is

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

part of, or adjacent to, land owned by the same person, the three hundred (300) foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed to any property owner located more than one-half mile (2,640 feet) from the land for which the provisional use is sought. For purposes of this provision, owners of adjacent or nearby properties within the distances set forth herein shall be deemed those whose names appear on the latest available tax rolls of Collier County.

d. Findings: Before any provisional use shall be recommended for approval to the Board of Zoning Appeals, the Planning Commission shall make a finding that the granting of the special exception will not adversely affect the public interest and that the specific requirements governing the individual provisional 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:

1) General compliance with the Comprehensive Plan;

2) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

3) The effect the provisional use would have on neighboring properties in relation to noise, glare, economic or ordor effects.

4) General compatibility with adjacent properties and other property in the district;

e. Conditions and Safeguards: In recommending approval of any provisional 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 provisional use is granted, shall be deemed a violation of this Zoning Ordinance.

Any provisional use shall expire one (1) year from the date of grant, unless appealed and extended by action of the

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Board of Zoning Appeals, if by that date the use for which the provisional use was granted has not been commenced; and a provisional use shall expire one (1) year following the discontinuance of the use for which the provisional use was granted if the use has not then been commenced.

f. Denial: If the Planning Commission shall recommend denial of a provisional use, it shall state fully in its record its reason for doing so. Such reasons shall take into account the factors stated in Subsection d. above, or such of them as may be applicable to the action of denial and the particular regulations relating to the specific provisional use requested, if any.

13.2 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 Zoning Appeals.

13.3 Board of Zoning Appeals: Action on Planning Commission Report: Upon receipt of the Planning Commission's report and recommendations, the Board of Zoning Appeals shall approve, by resolution, or deny a petition for a provisional use.

13.4 Provisional Uses for School, Religious or Eleemosynary Purposes: A use which has been approved as part of a subdivision master plan or a planned unit development for schools, religious or eleemosynary uses shall be exempt from the provisions of this Section. Such uses may be approved by the Zoning Director after a finding that the use complies with Section 10.5 and all other zoning requirements of law.

13.5 Changes and Amendments: The Zoning Director may approve minor changes in the location, siting, or height of buildings, structures, and improvements authorized by the provisional use.

All major changes or amendments except increase in land area shall require Development Plan approval. (See Section 10.5)

Any change or amendment which would increase the land area covered by a provisional use shall require a full review as for a new request.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

SECTION 14. AMENDMENTS:

This Zoning Ordinance and the Official Zoning Atlas and the Official Schedule of District Regulations which are part of this Zoning Ordinance may, from time to time, be amended, supplemented, changed or repealed. Procedures shall be as follows:

14.1 Initiation of Proposals for Amendment: A zoning amendment may be proposed by:

a. Board of County Commissioners

b. Planning Commission

c. Board of Zoning Appeals

d. Any other department or agency of the County

e. Any person other than those listed in (a-d) above; provided, however, that no person shall propose an amendment for the re-zoning of property (except as agent or attorney for an owner) which he does not own. The name of the owner shall appear in each application.

All proposals for zoning amendments shall be considered first by the Planning Commission in the manner herein set out.

All proposals for zoning amendments shall be submitted in writing to the office of the Community Development Administrator, accompanied by all pertinent information required by this Zoning Ordinance and which may be required by the Planning Commission for proper consideration of the matter, along with payment of such fees and charges as have been established by the Board of County Commissioners. No application for zoning amendment shall be heard by the Planning Commission until such fees and charges have been paid. All proposals for a change from any zoning classification to a commercial or industrial zoning classification shall require a development plan prepared in accordance with Section 10.5 of this ordinance and shall be submitted as part of the zoning amendment. All other proposals for a change to any other zoning classification may submit a development plan for approval in accordance with Section 10.5 and may be mitted as part of that Zoning Amendment. This development plan, if submitted, will be binding unless amended in accordance with Section 10.5.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

14.2 Notice Generally: No request for amendment may be considered by the Planning Commission until such time as notice of a public hearing on the proposed amendment has been given to the citizens of Collier County by publication of a notice of the hearing in a newspaper of general circulation in the County, at least fifteen (15) days in advance of the public hearing.

14.3 Notice Where Proposed Amendment Would Change Zoning Classification of Land: In addition, in the case of an application for the rezoning of land, a sign shall be posted at least fifteen (15) days prior to the date of the public hearing by the Planning Commission. The sign to be posted shall measure at least one and one-half (1½) square feet in area and shall contain substantially the following language:

PUBLIC HEARING TO REZONE THIS PROPERTY:

FROM _____ TO _____

TO PERMIT: _____

DATE: _____

TIME: _____

TO BE HELD IN COMMISSIONERS MEETING ROOM,

COLLIER COUNTY GOVERNMENT CENTER.

The sign shall be erected by the Zoning Director in full view of the public on each street side of the said land to be rezoned. Where the property for which rezoning is sought is landlocked or for some other reason the signs cannot be posted directly on the land to be rezoned, then the sign or signs shall be erected along the nearest street right-of-way, with an attached notation indicating generally the distance and direction to the property for which rezoning is sought. Where large parcels of property are involved with street frontages extending over considerable distance, the Zoning Director shall erect as many signs on a street frontage as may be deemed adequate to inform the public. The posting of signs as provided in this Subsection shall only be required where the zoning amendment proposal is specifically directed to changing the zoning classification of a particular parcel of land.

Notice of the time and place of the public hearing by the Planning Commission shall be sent a least fifteen (15) days in

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.

Notice of the time and place of the public hearing by the Planning Commission shall be sent at least fifteen (15) days in advance of the hearing by mail to all owners of property within three hundred (300) feet of the property lines of the land for which rezoning is sought; provided, however, that where the land for which rezoning is sought is part of, or adjacent to, land owned by the same person, the three hundred (300) foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed to any property owner located more than one-half mile (2,640 feet) from the land for which rezoning is sought. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County.

In cases in which the proposed rezoning involves five percent (5%) or more of the total land area of Collier County, the Planning Commission shall provide for public notice and hearings as follows:

a. The Planning Commission shall hold two (2) advertised public hearings on the proposed Ordinance. Both hearings shall be held after 5 p.m. on a weekday, and the first shall be held approximately seven (7) days after the day that the first advertisement is published. The second hearing shall be held approximately two (2) weeks after the first hearing and shall be advertised approximately five (5) days prior to the public hearing. The day, time and place at which second public hearing will be held shall be announced at the first public hearing.

b. The required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the County and of general interest and readership in the community pursuant

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

to Chapter 50, F.S., not one of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days per week unless the only newspaper in the community is published less than five (5) days per week. The advertisement shall be in the following form:

NOTICE OF ZONING CHANGE

The (name of local government unit) proposes to rezone the land within the area shown in the map in this advertisement.

A public hearing on the rezoning will be held on (date and time) at (meeting place).

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the area.

14.4 Nature of Requirements of Planning Commission Report: When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the Board of County Commissioners required in Subsection 10 below shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:

a. Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the Comprehensive Plan;

b. The existing land use pattern;

c. The possible creation of an isolated district unrelated to adjacent and nearby districts;

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

BOOK 014 PAGE 263

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

f. Whether changed or changing conditions make the passage of the proposed amendment necessary;

g. Whether the proposed change will adversely influence living conditions in the neighborhood;

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety;

i. Whether the proposed change will create a drainage problem;

j. Whether the proposed change will seriously reduce light and air to adjacent areas;

k. Whether the proposed change will adversely affect property values in the adjacent area;

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasting with the public welfare;

n. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning;

o. Whether the change suggested is out of scale with the needs of the neighborhood or the County;

p. Whether it is impossible to find other adequate sites in the County for the proposed use in districts already permitting such use.

q. Review and recommendation of development plan as required in accordance with Section 10.5 and 14.1.

14.5 Rezoning Amendments: 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 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.

14.6 Residential Rezone Petition: A petition requesting rezoning shall be graded by all the portions of the rating system. Any petition receiving 22 points shall be considered as having adequate commu-

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

nity facilities and services and shall not be considered as leap-frog growth.

A petition which would result in a lower or equal density than that presently permitted under the existing zone of the land shall not be required to meet the Rating System for Determining Availability of Adequate Existing Community Facilities and Services.

14.7 Commercial or Industrial Rezone Petitions: A petition to rezone land to commercial or industrial shall be graded to determine adequate community facilities and services by the following portions of the rating system: water, sewer, streets and highways, ambulance and fire. Any petition receiving 15 points shall be considered as having adequate community facilities and services.

14.8 A Non-Commercial, Non-Industrial, Non-Residential Rezone Petition: A petition to rezone land to a use which is non-commercial, non-industrial, and non-residential, such as a civic or fraternal club, may be granted a waiver for certain portions of the rating system by the Community Development Administrator. In granting such a waiver, the Community Development Administrator must enumerate the reasons why certain portions of the rating system are not applicable. The enumeration should clearly show that the impact of the requested zone would not require the same extent or degree of facilities and services as would be normally required for any other rezone petition.

14.9 RATING SYSTEM FOR DETERMINING AVAILABILITY OF ADEQUATE EXISTING COMMUNITY FACILITIES AND SERVICES

Water

(1)	Municipal or County System	6 Points
(2)	Franchised Systems and Special Districts under County control	5 Points
(3)	Private Central System	3 Points
(4)	Private Well	1 Point
(5)	None available	-5 Points

Sewer

(1)	Municipal or County System or Private System with Plant and Collection System Dedicated to County	6 Points

BOOK 014 PAGE 265

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

(2)	Franchised Systems and Special Districts under County Control	5 Points
(3)	Private Systems with Collection Systems only Dedicated to the County	4 Points
(4)	Private System	3 Points
(5)	Acceptable Suptic Systems	1 Point
(6)	None available	-5 Points

Streets and Highways

Proximity to Existing Arterial

(1)	Direct Access	5 Points
(2)	Within 1 Mile of Arterial via an Approved Collector	4 Points (Res.) 3 Points (Non-Res.)
(3)	Within 1 Mile of Arterial	1 Point
(4)	Over 1 Mile from Arterial	0 Points

Ambulance

(1)	Within a Service Area and Within 1 Road Mile of a Station	5 Points
(2)	Within Service Area and Within 3 Road Miles of a Station	4 Points
(3)	Within Service Area and Within 5 Road Miles of a Station	3 Points
(4)	Over 5 Miles	1 Point

Fire

(1)	Within Fire or Fire Contract District and Within 2 Road Miles of the District Firehouse	5 Points
(2)	Within Fire or Fire Contract District and Between 2 and 3 Road Miles of the District Firehouse	3 Points
(3)	Within Fire or Fire Contract District and between 3 and 5 Road Miles of the District Firehouse	1 Point
(4)	Other	0 Points

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Neighborhood Park*

(1)	Within 1 Mile with Bicycle Path or Sidewalks	3 Points
(2)	Within 1 Mile without Bicycle Path or Sidewalks	2 Points
(3)	From 1 to 2 Miles with Bicycle Path or Sidewalk	1 Point
(4)	Other	0 Points

*Neighborhood Parks:

Size: 2 to 10 Acres

Standard: 2.5 Acres per 1,000 persons.

Normal Location: Adjacent to a school or within proposed development.

User Mode of Transportation: "Bike-to", "Walk-to".

Main Activity: Playground, tennis courts, basketball courts, para courses, shuffleboard courts, tot lots, picnic areas, and other passive recreeational activities.

Elementary School

(1)	Within 1 Mile of Existing School with Bicycle Path or Sidewalk	5 Points
(2)	Within 1 Mile of Existing School without Bicycle Path or Sidewalk	4 Points
(3)	From 1 to 2 Miles of Existing School with Bicycle Path or Sidewalk	3 Points
(4)	From 1 to 2 Miles of Existing School without Bicycle Path or Sidewalk	2 Points
(5)	Within 1 Mile of Existing School Site with Bicycle Path or Sidewalk	1 Point
(6)	From 1 to 2 Miles of Existing School Site with Bicycle Path or Sidewalk	1 Point
(7)	Other	0 Points

Mosquito Control

(1)	Within Existing Mosquito District	1 Point

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

The petitioner may provide all required existing community facilities and services for the requested rezone needs in any one of the following manners:

1) Petition for a rezone at such time as all required adequate existing community facilities and services have been provided at public expense according to the Capital Improvement Program, or,

2) Petition for a rezone at such time as all required existing community facilities and services have been provided at the private expense of the petitioner, or,

3) Post a surety in lieu of completed improvements to guarantee that all of the required (existing) community facilities and services will be provided.

4) Petitioner may provide facilities for parks and schools through land dedication or fee in lieu of such dedication.

5) Other acceptable to Board of County Commissioners.

14.10 Status of Planning Commission Report and Recommendations: The report and recommendations of the Planning Commission required by Subsections 4 and 5 above shall be advisory only and not be binding upon the Board of County Commissioners.

14.11 Board of County Commissioners: Action on Planning Commission Report: Upon receipt of the Planning Commission's report and recommendations, the Board of County Commissioners shall hold a second public hearing with notice to be given pursuant to the provisions of general law.

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 of County Commissioners.

14.12 Failure of Board of County Commissioners to Act: If a Planning Commission recommendation is not legislatively decided within ninety (90) days of the date of closing of the public hearing by the Board of County Commissioners, the application upon which the report and recommendation is based shall be deemed to have been denied, providing the Board of County Commissioners may refer the application to the Planning Commission for further study.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

14.13 Limitations on the Rezoning of Property:

a. Except where the proposal for the rezoning of property involves an extension of an existing district boundary, no change in the zoning classification of land shall be considered which involves less than forty thousand (40,000) square feet of area and two hundred (200) feet of street frontage.

b. Whenever the Board of County Commissioners has denied an application for the rezoning of property, the Planning Commission shall not thereafter:

1) Consider any further application for the same rezoning of any part or all of the same property for a period of twelve (12) months from the date of such action;

2) Consider an application for any other kind of rezoning or any part or all of the same property for a period of six (6) months from the date of such action.

14.14 Waiver of Time Limits: The time limits of Subsection 14.13 b. above may be waived by three (3) affirmative votes of the Board of County Commissioners when such action is deemed necessary to prevent injustice or to facilitate the proper development of Collier County.

14.15 Development Plan Time Limits: In the case of proposals which require Development Plan submission in Section 14.1 and said rezone and Development Plan are approved, the Development Plan shall remain in force for two (2) years. If no development (actual construction) has commenced, the Development Plan shall expire.

In the event said Development Plan expires, the Board may:

a. Extend the Development Plan for six (6) months provided the applicant can show just cause why said development cannot proceed;

b. Initiate a rezone to the previous zoning classification or more appropriate zoning classification if conditions have changed;

c. Or, take no action on rezoning of the land.

SECTION 15. SCHEDULE OF FEES AND CHARGES:

The Board of County Commissioners shall establish a schedule of fees and charges for matters pertaining to this Zoning Ordinance and allied matters. It is the intent of these regulations that the County shall not be required to bear any part of the cost of applications or petitions made

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

under this Zoning Ordinance and that the fees and charges represent the actual cost of required legal advertising, postage, clerical, filing, and other costs involved in the processing of applications and petitions.

The schedule of fees and charges shall be posted in the office of the Community Development Administrator. The charges listed may be changed by resolution of the Board of County Commissioners and are not subject to the procedure for amendment of this Zoning Ordinance set out in Section 14.

Applications or petitions initiated officially by Collier County by its duly authorized agencies or officers are exempt from the payment of the fees or charges herein set out.

Until the applicable fees or charges have been paid in full, no action of any type or kind shall be taken on an application or petition.

See Appendix A for Schedule of Fees.

SECTION 16. PROVISIONS OF ZONING REGULATIONS DECLARED TO BE MINIMUM OR MAXIMUM REQUIREMENTS:

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum or maximum requirements, as the case may be, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of these zoning regulations are at variance with the requirements of any other governmentally adopted statute, rule, regulation, ordinance, or code, the most restrictive or that imposing the higher standards, shall govern.

SECTION 17. COMPLAINTS REGARDING VIOLATIONS:

Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occured, any person may file a complaint. Such complaint stating fully the causes and basis thereof shall be filed in writing with the Zoning Director. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance. He shall maintain as a public record in his office the disposition made of the complaint.

SECTION 18. PENALTIES FOR VIOLATION: RESORT TO OTHER REMEDIES:

Violation of the provisions of this Zoning Ordinance or failure to comply with any of the requirements, including violations of conditions and safeguards established in connection with grants of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Zoning Ordinance or fails to comply with any of the requirements shall upon conviction thereof be fined, or imprisoned, or both as provided by law and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action, including, but not limited to, resort to equitable action, as is necessary to prevent or remedy any violation.

SECTION 19. PROSECUTION UNDER PREVIOUS ZONING REGULATIONS:

Any prosecution arising from a violation of any prior zoning code, ordinance, or regulation of Collier County superseded by this Zoning Ordinance, which prosecution was pending at the effective date of this Zoning Ordinance, or any prosecution which may be begun within one (1) year after the effective date of this Zoning Ordinance, in consequence of any violation of any prior zoning code, ordinance, or regulation superseded hereby, which violation was committed prior to the effective date of this Zoning Ordinance, shall be tried and determined exactly as if such prior zoning code, ordinance, or regulation had not been superseded.

SECTION 20. DEFINITIONS:

A. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

B. The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.

C. The word shall is mandatory; the word may is permissive.

D. The words used or occupied include the words intended, designed, or arranged to be used or occupied.

E. The word lot includes the words plot, parcel, or tract.

F. The word structure includes the word building as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

G. The word land includes the words water, marsh, or swamp.

H. Terms not defined shall have the meaning customarily assigned to them.

Abandoned Sign: A sign for which a business advertised on that sign is no longer licensed, or no longer has a certificate of occupancy, or is no longer doing business at that location.

Abutting Properties: Properties having a boundary line or a portion of a boundary line in common with no intervening public street.

Acceptable Environmental Alteration: An alteration in the natural environment by the process of development that reasonably safeguards the environmental quality of the area as determined by the Board of County Commissioners after public notice and hearing and consideration of the impact of a proposed environmental alteration upon environmental quality.

Accessory Use or Structure: A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same premises. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory building. A facility for the service of malt, vinous, or other alcoholic beverages shall be deemed an accessory use for a motel, hotel, boatel, private club, country club, yacht club, or golf club provided all other applicable requirements of State law and County regulations are met.

Acre: An area containing 43,560 square feet of area. Gross acreage is the total area of a lot or parcel of land measured within the perimeter boundaries of the lot or parcel. Net acreage is the total area of a lot or parcel measured within the perimeter boundaries of the lot or parcel but with the area of public rights-of-way excluded.

Administrator: The Administrator of the Division of Community Development of Collier County, Florida.

Advertising Sign: A sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered, either on premises or off premises.

Advertising Structure: Any structure erected for advertising purposes with or without any advertisement display thereon, situated upon or

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

attached to real property, upon which any poster, bill, printing, painting, device or other advertisement may be placed, posted, painted, tacked, nailed, or otherwise fastened, affixed, or displayed; provided, however, that said term shall not include buildings.

Agriculture: The cultivation of the soil, the production of crops, and the raising of livestock for the purpose of sale. The definition includes the accessory uses of packing, treating, or storing the agricultural products raised on the premises, but shall not include facilities for processing agricultural commodities brought from off the premises unless such off-premises production is under the same ownership and control.

Alley: A public or approved private way which affords only a secondary means of access to abutting property and which is not intended for general traffic circulation.

Alteration: Any change in size, shape, occupancy, character, or use of a building or structure.

Animated Sign: A sign with action or movement, whether by flashing lights, color changes, wind, rotation, movement of any parts of the sign or letter or parts of the sign structure or any other motion.

Aquaculture: The cultivation of the natural product of water.

Area of Environmental Sensitivity: An area of land and/or water where change in the area resulting from development may degrade the environment of the area below permissible State, Federal or County standards. An area of environmental sensitivity may be developed, but only in accord with the provisions of this ordinance and applicable State and Federal standards.

Arterial: A street used for continuous traffic primarily as main traffic artery and carries more traffic for greater distance than a collector street.

Automobile Service Station: An establishment whose principal business is the retail dispensing of automotive fuels and oil and where grease, batteries, tires, and automobile accessories may be supplied and dispensed.

Automobile Wrecking or Automobile Wrecking Yard: The dismantling, crushing, shredding, or disassembling of used motor vehicles or trailers, or the storage, sales, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their repairs.

BOOK 014 PAGE 273

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Bar, Cocktail Lounge, or Saloon: Any establishment or part thereof devoted primarily to the retailing for on-premises consumption of malt, vinous, or other alcoholic beverages.

Billboards: An off-premise sign of more than one hundred (100) square feet. Any framework for signs advertising merchandise, services, or entertainment sold, produced, manufactured, or furnished at a place other than the location of such structure.

Block: The length of a street between the intersections of that street with two other streets. A block, according to the context, may also be a parcel or parcels of land surrounded by public streets (other than alleys) or other physical barriers such as a water course.

Board: The Board of County Commissioners of Collier County, Florida.

Boatdock: A walkway protruding into a waterway which provides access to a moored boat. A boatdock may include a boatshelter.

Boathouse, Commercial: A building where, for a fee, boats are housed, launched, hauled, repaired, serviced, maintained or stored.

Boathouse, Private: An accessory use to a residential structure adjacent to a waterway, providing space for the housing of a boat and accessories customary thereto. A private boathouse may not be used for the purpose of human habitation.

Boatshelter: A roofed structure adjacent to a waterway, open on all sides and providing covered protection to a boat.

Boat Yards and Ways: A premises or site used as a commercial establishment for the provision of all such facilities as are customary and necessary to the construction or reconstruction or repair or maintenance or sale of boats or marine engines or marine equipment and supplies of all kinds including, but not limited to, rental of covered or uncovered boat slips or dock space or enclosed dry storage space or marine railways or lifting or launching services, and for dredge or barge dockage and storage.

Buildable Area: The portion of a lot or parcel remaining after required yards have been provided. Buildings may be placed in any part of the buildable area, but limitations on the percentage of the lot that may be covered by buildings may require open space within the buildable area.

Building: Any structure, either temporary or permanent, having a roof impervious to weather, and used or built for the shelter or enclosure of

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

persons, animals, chattels, or property of any kind. This definition shall include tents, awnings, cabanas, or vehicles situated on private property and serving in any way the function of a building, but does not include screened enclosures not having a roof impervious to weather.

Building, Frontage: That side of a building that faces toward the principal road, street, highway, or public way serving the building. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance or where two sides of a building have entrances of equal importance and carry approximately equal volumes of pedestrian or automotive traffic, the Zoning Director shall select building frontage on the basis of interior layout of the building, traffic on adjacent streets, or other indicators available. (See also Lot Frontage.)

Building, Height of: The vertical distance measured from the first finished floor to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. Where minimum floor elevations in flood prone areas have been established by law, the building height shall be measured from such required minimum floor elevations. (See Sections 8.3 and 8.4, "Exclusions from Height Limits" and "Off-Street Parking Within a Building".)

Building Line: The innermost edge of any required yard or setback, as the case may be.

Building Site: A building site is the lot or portion of a lot or lots used for a structure, the total area of which is ascribed to the building or structure for compliance with this Zoning Ordinance.

Bulk Permit: A permit issued for any number of political signs.

Cafeteria: See Restaurant.

Canopy: A permanent roof structure that does not project over public property, which may be freestanding, attached to a building, or supported in whole or in part by a building.

Carport: An accessory structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

BOOK 014 PAGE 275

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Cemetery: An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals and for the erection of customary markers, monuments, and mausoleums.

Change of Occupancy: The discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Child Care Center: An establishment where six (6) or more children, other than members of the family occupying the premises, are cared for away from their own home by day or night. The term includes day nurseries, day care service, day care agency, nursery school, or play school. The term does not include foster homes.

Child Care Center - Owner Occupied: A child care center located in the same structure as the residence in which the owner or operator resides.

Church: A building used as a place of worship and religious education, and for customary accessory uses, by a body or organization of religious believers.

Clinic, Medical or Dental: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the State of Florida. A public clinic is one operated by any governmental organization for the benefit of the general public. All other clinics are private clinics.

Clinics, Veterinary: Any structure or premises used primarily and essentially for the medical and surgical care of ill, injured, or disabled animals other than humans.

Club, Night: A restaurant, dining room, bar, or other similar establishment, providing food or refreshments, wherein paid floor shows or other forms of paid entertainment are provided for customers as a part of the commercial enterprise.

Club, Private: Those associations and organizations of a civic, fraternal or social character not operated or maintained for profit, and to which there is no unrestricted public access or use. The term "private club" shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Cluster Housing: Two (2) or more dwelling structures, each containing one (1) or two (2) dwelling units, with no dwelling unit located above another dwelling unit, on a parcel of ground in single ownership at the time of development, with frontage on a public street or approved private street. Peripheral yards for the total parcel or lot shall be as for single or multiple family dwellings in the district in which the cluster housing is to be erected.

Collector: A street which carries traffic from local streets to arterial streets and includes the principal entrance streets of a subdivision or a development.

Combination Sign: A sign which is made up of two (2) or more signs, exclusive of billboards.

Combination Farm Sign: A temporary sign used for the purpose of identifying the owner or operator of a farm and the product produced on the farm, which sign may also incidentally identify the contract buyer of the product.

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.

Commercial Fishery: A premises, structure, or site used as a commercial establishment for the receiving, processing, packaging, storage, and wholesale or retail distribution and sale of food products of the sea. Such a premise, structure, or site may include facilities for the docking, loading and unloading, fueling, icing, and provisioning of vessels and for the drying and maintenance and storage of nets, buoys, traps, and fishing equipment, including boats used in the activity.

Commercial Vehicle: Any vehicle that has rated load capacity of more than one (1) ton and is used in conjunction with a commercial or business activity.

Communications Towers: Any structure erected and so designed to receive or transmit electronic waves, such as telephone, television, radio or microwave transmissions.

Completely Enclosed Building: A building separated on all sides from adjacent open space, or from other buildings or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Condominium: That form of ownership of property under which units or improvements are subject to ownership by one or more owners, and there is appurtenant to each unit as part thereof an undivided share in common elements.

Construction, Actual: The placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition, excavation or removal of an existing structure has been substantially begun preparatory to new construction, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be continuously carried on until the completion of the new construction involved. Actual construction shall include only that begun and carried on under a valid building permit.

Construction Sign: A temporary sign placed in advance of occupancy of a building or structure indicating the name of the building or structure, the architects, the contractors and other information regarding the building or structure.

Contiguous Property: See abutting property.

Convalescent Home: See Nursing Home, Rest Home, or Extended Care Facility.

County: The County of Collier, Florida.

Court: An open space, other than a required yard, on the same lot with a building which is bounded on two (2) or more sides by the walls of such building. A court can contain shurbs, statuary, trees, and yard furniture. An interior court is a court enclosed on all sides by the walls of a building or by walls and lot lines on which walls are permitted. An exterior court is a court opening on any front, side or rear yard.

Day Nursery: See Child Care Center.

Density, Residential: The number of residential dwelling units permitted per gross acre of land and determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel not including dedicated rights-of-way and except as otherwise provided for in this Zoning Ordinance. In the determination of the number of residential dwelling units to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

Depth of a Lot: See Lot Measurement, Depth.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Detoxification Center: A medical facility open twenty-four (24) hours per day meeting comparable standards to a hospital or nursing home. Such facility shall be for the temporary emergency shelter of intoxicated persons, or those persons suffering from alcoholism, drug abuse or other similar condition for the purpose of detoxification.

Development: The act, process, or result of placing buildings and/or structures on a lot or parcel of land.

Development Plan: A graphic representation along with supportive information and data depicting the intended development.

Directional Sign: A sign designed to guide or direct pedestrians or vehicles.

Directory Sign: An on-premises sign of permanent character, but with removable letters, words, or numerals indicating one reference name of each person associated with, or event conducted upon, or product or service offered upon the premises upon which such sign is maintained. This may be a freestanding sign, a marquee, or a wall sign.

Double Faced Sign: A sign having two (2) display surfaces, not necessarily displaying the same copy, which are usually parallel and back and not more than 24" apart.

Double Decker Sign: Two (2) or more billboards erected so that one is on top of the other.

Drive-In Bank or Financial Institution: A drive-in bank or financial institution provides drive-in teller service, where the patron makes withdrawals or deposits or receives other financial services without departing from his vehicle.

Drive-In Business: An establishment other than a drive-in restaurant or refreshment stand, drive-in bank or financial institution, or drive-in theatre, where a patron is provided products or services without departing from his automotive vehicle.

Drive-In Restaurant or Refreshment Stand: Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises. A restaurant which

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for the purpose of this Zoning Ordinance. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

Drive-In Theatre: A place of outdoor assembly used for the showing of plays, operas, motion pictures, and similar forms of entertainment which is designed to permit the audiences to view the performance from vehicles parked within the theatre enclosure. (See also Section 8.37)

Dwellings, General: Any building, or part thereof, occupied in whole or in part as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently, with cooking and sanitary facilities.

Dwelling, One-Family or Single-Family: A building containing only one dwelling unit. For regulatory purposes, the term is not to be construed as including mobile homes, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.

Dwelling, Two-Family or Duplex: One building containing only two dwelling units.

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units.

Dwelling, Multiple-Dwelling Use: For purposes of determining whether a lot is in multiple-dwelling use, the following considerations shall apply:

a. Multiple-dwelling uses may involve dwelling units intended to be rented and maintained under central ownership and management, or co-operative apartments, condominiums, and the like.

b. Where an undivided lot contains more than one building and the buildings are not so located that lots and yards conforming to requirements for single or multiple-family dwellings in the district could be provided, the lot shall be considered to be in multiple-dwelling use if there are three (3) or more dwelling units on the lot, even though the individual buildings may each contain less than three (3) dwelling units.

c. Guest houses and servants' quarters shall not be considered as dwelling units in the computation of Subsection b. above.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

d. Any multiple dwelling in which dwelling units are available for rental for periods of less than one week shall be considered a tourist home, a motel, motor hotel, or hotel, as the case may be.

e. For the purpose of this Ordinance, Time Share Estate Facilities shall be considered as intended primarily for transient occupancy and shall only be permitted in districts where specifically designated.

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy, or for rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping and sanitary facilities and one kitchen.

Environmental Quality: The character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural, and social sciences, the arts and technology, and the quantitative guidelines of Federal, State and County governments.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavation, fill, drainage, demolition of an existing structure, and the like shall be considered part of erection. (See Construction, Actual).

Essential Services: Services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction.

Fallout Shelter: A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms or other emergencies.

Family: One or more persons occupying a single dwelling unit, provided that, unless all members are related by law, blood, adoption, or marriage, no such family shall contain over four (4) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families. The term family shall not be construed to mean a fraternity, sorority, club, monastery or convent, or institutional group.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Farm: See Agriculture.

Farm Organization Sign: A sign used for the purpose of indicating membership in a farm organization, such as Cattlemen's Association, Four H Club, Farm Bureau and the like.

Filling Station: See Automobile Service Station.

Flood Plain: Those areas defined by the Flood Damage Prevention Ordinance.

Floor Area: Except as may be otherwise indicated in relation to particular districts and uses, "floor area" shall be construed as the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings, excluding attic areas with a headroom of less than seven (7) feet, enclosed or unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, parking structures, and crawl space where the ceiling is not more than an average of forty-eight (48) inches above the general finished grade level of the adjacent portion of the lot.

Freestanding Sign: A sign supported by one or more poles, columns, uprights, or by other structural supports on the ground separated from a building. (Also referred to as Ground Sign - Section 2301.2B, Southern Standard Building Code.)

Frontage of a Building: See Building Frontage.

Frontage of a Lot: See Lot Frontage.

Garage, Parking: A building or portion thereof designed or used for temporary parking of motor vehicles, and within which gasoline and oils may be sold only to parking patrons of the garage.

Garage, Private: An accessory structure designed or used for inside parking of private passenger vehicles, recreation vehicles, or boats, solely by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. There can be no public shop or mechanical service in connection with a private garage.

Garage, Repair: A building or portion thereof, other than a private, storage, or parking garage or automobile service station, designed or used for repairing, equipping, or servicing of motor vehicles. Such

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

garages may also be used for hiring, renting, or selling of motor vehicles.

Garage, Storage: A building or portion thereof designed and used primarily for the storage of motor vehicles or boats, and within which temporary parking may also be permitted.

Gate or Entrance Sign: A sign attached to an entrance gate or entrance structure which identifies a permitted use.

Grade: See Building, Height of a.

Guest House or Cottage: An accessory dwelling unit which might or might not include cooking facilities, which is incorporated, attached to, or detached from a principal dwelling; and which is used exclusively for the non-commercial accommodation of friends or relatives of the occupant or owner of the principal dwelling.

Height of a Building: See Building, Height of.

Home for the Aged: A facility for the care of the aged with routine nursing and/or medical care and supervision provided. A home for the aged is in the nature of a nursing home, but with clientele restricted to the aged.

Home Occupation: An occupation conducted entirely in a dwelling unit in accordance with the provisions of Section 8.47.

Hospice: An institution designed to provide comfort and relief for the emotional and physical needs of the terminally ill.

Hospital: A building or group of buildings having facilities for overnight care of one or more human patients, providing services to in-patients and medical care to the sick and injured, and which may include as related facilities laboratories, out-patient services, training facilities, central service facilities and staff facilities; provided, however, that any related facility shall be incidental and subordinate to principal hospital use and operation. A hospital is an institutional use under these zoning regulations.

Hotel, Motel, Boatel, Motor Hotel, Motor Lodge, Tourist Court: The terms hotel, motel, boatel, motor hotel, motor lodge, tourist court, are to be considered synonomous, and to mean a building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with a daily charge, as distinguished from multiple-family dwellings (apartments) and rooming or boarding

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

houses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. For the purpose of calculating residential density, each hotel, motel, etc., unit shall be considered a dwelling unit.

Hotel or Motel Unit: A hotel or motel unit is a unit designed for transient occupancy and utilized for rental purposes only. A hotel or motel unit may have cooking or eating facilities. A hotel or motel unit shall contain bathing and sanitary facilities.

Hunting Cabin: A temporary structure or shelter used primarily during the hunting seasons, and which shall not be designed or intended to be used as a permanent residence or structure.

Kenneling: The keeping of any dog or dogs, regardless of number, for the primary purpose of sale, breeding, boarding, or treatment, except in a general veterinary or small animal hospital, or the keeping of more than three (3) dogs, six (6) months or older, on premises used for residential purposes, or the keeping of more than two (2) dogs on property used for industrial or commercial security purposes.

Loading Space, Off-Street: A space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. (See Section 8.26)

Lot: A parcel of land of at least sufficient size to meet minimum requirements of the zoning district in which it is located for use, and area, and to provide such yards and other open spaces as are herein required.

Lot Frontage: The front of an interior lot is construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets are to be considered frontage, and yards shall be as set out in this Zoning Ordinance. (See also Building Frontage and Section 8.5a).

Lot Measurement, Depth: Depth of a lot is considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot Measurement, Width: Width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot

3.A.b
Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)
Packet Pg. 334

lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street line) and the rearmost points of the side lot lines in the rear, provided however, that the width between the side lines at their foremost points in the front shall not be less than eighty (80%) percent of the required lot width.

Lot of Record: A lot of record is (1) a lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court of Collier County, or (2) a lot or parcel described by metes and bounds, the description of which has been so recorded on or before the effective date of this zoning ordinance, or (3) for which an agreement for deed was executed prior to October 14, 1974 if within the Coastal Area Planning District and January 5, 1982 if presently within or previously within the Immokalee Area Planning District prior to May 1, 1979.

Lot Types: The following is the terminology used in this Zoning Ordinance with reference to corner lots, interior lots, reversed frontage lots, and through lots:

a. A corner lot is defined as lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

b. Interior lot is defined as a lot other than a corner lot with only one frontage on a street.

c. Through lot is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

d. Reversed frontage lot is defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

Major Intersection: The intersection of a Federal, State or County highway with any other arterial.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Marina: A commercial establishment with a waterfront location for the provision of: rental of covered and uncovered boat slips or dock space or enclosed dry storage space, rental and/or sale of boats and boat motors, repair and maintenance of boats and boat motors, marine fuel and lubricants, bait and fishing equipment, on-shore restaurants, and small boat hauling or launching facilities. Such premises or site shall not include boat and/or motor manufacturing as an accessory use. A boat sales lot is not a marina.

Mariculture: The development of the resources of the sea, especially with reference to food.

Marquee: A roofing structure projecting over an entrance of a building.

Marquee Sign: A sign attached to or constructed on a marquee.

Mean High Water Line: The intersection of the tidal plane of mean high water with the shore as established by the Florida Coastal Mapping Act of 1974, Chapter 74-56, Laws of Florida.

Minimum Vectoring Altitude: The lowest MSL altitude at which an IFR aircraft will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures and missed approaches.

Mobile Home: A detached dwelling unit with all of the following characteristics: (a) designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; (b) designed for transportation after fabrication on streets or highways on its own wheels, and (c) arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities and the like. A travel trailer is not to be considered as a mobile home.

Mobile Home Park: The premises where mobile homes are parked for non-transient living or sleeping purposes and where sites or lots are set aside or offered for lease or rent for use by mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises. (See Section 7.21).

Mobile Home Site: A lot or parcel of ground within a mobile home park or subdivision, designated for the accommodation of not more than one mobile home.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Mobile Home Subdivision: The premises where mobile homes are parked for non-transient living or sleeping purposes and where lots are set aside or offered for sale for use by mobile homes for living or sleeping purposes in accordance with Collier County Subdivision Regulations, including any land, building, structure, or facility used by occupants of mobile homes on such premises. (See Section 7.20).

Model Home: A residential structure used for demonstration purposes or sales promotion, not occupied as a dwelling unit, and open to the public for inspection. (See Section 10.6.)

Modular Home: A dwelling unit, constructed as a total entity, or in parts of a total entity, which is constructed other than on the building site and which is then moved to and erected on the building site. A modular home must be constructed to meet the standards of all Collier County construction codes and to the standards set by the State of Florida for such construction. A mobile home is not to be considered a modular home unless its maker's name appears on the approved listing of such construction in the State of Florida. (This listing is available in the Collier County Building Department.)

Motel: See Hotel, etc.

Motor Home: A vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.

Multi-Face Sign: A sign which is made up of three (3) or more faces.

Night Club: See Club, Night.

Non-Conforming Lot of Record: Any lot or parcel which was recorded or for which an agreement for deed was executed prior to October 14, 1974, and which lot or parcel does not meet the minimum width and lot area requirements 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 the other requirements of this Ordinance and the Florida Statutes are met.

Non-Conforming Sign: A sign or advertising structure existing on the effective date of this Ordinance which by its height, square foot area, location, use or structural support does not conform with the requirements of this Section.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Nursery School: See Child Care Center.

Nursery, Plant: Any lot, structure or premises used as an enterprise for the purpose of growing or keeping of plants for sale or resale.

Nursing Home, Rest Home or Extended Care Facility or Adult Congregate Living Facility: A private home, institution, building, residence, or other place, whether operated for profit or not, including those places operated by units of government, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, maintenance, personal care, or nursing for three (3) or more persons not related by blood or marriage to the operator, who by reason of illness, physical infirmity, or advanced age, are unable to care for themselves; provided, that this definition shall include homes offering services for less than three (3) persons where the homes are held out to the public to be establishments which regularly provide nursing and custodial services. (See also Homes for the Aged).

Office, Business: An office for such activities as real estate agencies, advertising agencies (but not sign shop), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies or insurance companies, stockbroker, and the like. It is characteristic of a business office that retail or wholesale goods are not shown to or delivered from the premises to a customer. A barber or beauty shop is not a business office.

Office, Professional: An office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, psychiatrists, psychologists, and the like.

Off-Premise Sign: A sign not located on the same premises as the principal business, product, service, or activity being identified or advertised.

On-Premise Sign: A sign containing copy relating only to the principal business, product, service, or activity conducted or sold on the same premises as that on which the sign is located.

Open Space, Usable: That portion of a lot or parcel which can be used by the inhabitants of the property for outdoor living, active or passive activity, and/or recreation.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Outdoor Advertising Sign: An off-premise sign.

Package Store: A place where alcoholic beverages are dispensed or sold in containers for consumption off the premises.

Parking Area - Off-Street: An area for the temporary storage and parking of motor vehicles including the area required for adequate maneuvering space, access aisles, or drives thereto.

Parking Space, Off-Street: A space adequate for parking an automotive vehicle with room for opening doors on both sides.

Patio: An unroofed projection from the outside wall of a building, without any form of enclosure other than open mesh screening.

Permanent Sign: A sign not specifically designated as being temporary.

Political Sign: A sign promoting, advertising, or identifying a political party, candidate, or issue.

Porch: A roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

Portable Sign: A sign not affixed to the ground or to a structure or only affixed by means of tiedown straps.

Private Club: See Club, Private.

Projecting Sign: A sign mounted on the vertical surface of a building or structure in such a manner that all of the display surfaces are not parallel to the supporting structure.

Provisional Use: A use that would not be appropriate generally or without restriction throughout a zoning district, but which if controlled as to number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a zoning classification or a district as a provisional use if specific provision for such a provisional use is made in these zoning regulations. (For procedure in securing provisional uses, see Section 13.)

Public Resource: Land, air, water and wildlife which is part of the public domain or which is within the realm embracing inherent rights that belong to the community at large and in which the community shares the rights and benefits of such resource.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Public Service Sign: A sign designed to render a public service such as, but not limited to, "time and temperature" signs and "flashing news" signs. Such signs may not include any advertising whatsoever on them unless such advertising complies with all of the requirements of this Ordinance.

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.

Recycling Center: A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale or handling of salvaged housewrecking or structural steel materials. This definition shall not include automobile wrecking and automobile wrecking yards, or pawnshops and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

Restaurant: An establishment where food is ordered from a menu, prepared and served for pay primarily for consumption on the premises in a completely enclosed room, under roof of the main structure, or in an interior court. A drive-in restaurant is not a restaurant. A cafeteria is a restaurant for the purpose of this Zoning Ordinance. (See also definition of Drive-In Restaruant.)

Restaurant, Fast-Food: An establishment where food is prepared and served to the customer in a ready-to-consume state for consumption either within the restaurant building, outside the building but on the same premises, or off the premises and having any combination of two or more of the following characteristics:

a. A limited menu, usually posted on a sign rather than printed on individual sheets or booklets;

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

b. Self-service rather than table service by restaurant employees;

c. Disposable containers and utensils; or

d. A kitchen area in excess of 50% of the total floor area.

A cafeteria or delicatessen shall not be deemed a fast-food restaurant for the purpose of this Zoning Ordinance.

Rest Home: See Nursing Home.

Roof Sign: Any sign erected or constructed upon a roof and projecting in whole or in part above the crown of the roof.

Safety Sign: A sign used only for the purpose of identifying and warning of dangers.

Sandwich Sign: See Portable Sign.

Schools: An educational facility that meets academic standards as provided by the State of Florida.

Servants' Quarters: Dwelling units located in residential districts and utilized for domestic servants employed on the premises. Such units may be in either a principal or an accesory building, but no such living quarters shall be rented, leased, or otherwise be made available for compensation of any kind except in the form of housing for servants.

Service Station: See Automobile Service Station.

Setback Line: A line marking the minimum distance between a right-of-way line, property line, bulkhead line, shoreline, access easement line or other defined location and the beginning point of a required yard or the buildable area, as this ordinance may require in the particular case.

Shoreline: Same as Mean High Water Line except that in non-tidal waters defined by average annual water level.

Shopping Center: A retail sales facility consisting of five (5) or more retail outlets or having a gross floor area of more than 25,000 square feet, whichever shall apply; exclusive of supermarkets.

Sign: Any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character which is designed to advertise or give direction to any business, product, service or other related function.

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

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

addition or removal of earth materials, and the creation, retention, or relocation of drainage courses or water areas.

Story: That portion of a building included between a floor which is calculated as part of the building's habitable floor area and the floor or roof next above it.

Street: A public or approved private thoroughfare which affords the principal means of access to abutting property. Streets may be called, but not limited to, lanes, ways, places, drives, (not including private drives or driveways), boulevards, roads, avenues, or other means of access, regardless of the descriptive term used. (See Collier County Subdivision Regulations).

Street Frontage: That portion of the lot which borders on the street; corner lots have two (2) frontages.

Strip Lighting: A continuous series of linear exterior lights designed to illuminate a sign or a structure.

Structure: Anything constructed or erected which requires a fixed location on the ground, or in the ground, or attached to something having a fixed location on or in the ground.

Supermarket: A departmentalized self-service retail market which primarily sells food items, but also may sell household items, personal items and other merchandise. Such facility is generally, but not necessarily, part of a chain-store system which may exist as an individual structure or as an integrated structure within a shopping center and which exceeds 20,000 square feet.

Temporary Sign: A sign intended to advertise community or civic projects, construction projects, or other special events on a temporary basis for a designated period of time.

Time-Share Estate: Any interest in a dwelling unit under which the exclusive right of use, ownership, possession, or occupancy of the unit circulates among the various owners of time-share estates in such unit in accordance with a fixed time schedule on a periodically recurring basis for a period of time established by such schedule.

Time-Share Estate Facility: Any dwelling in which time-share estates have been created.

Time-Share Unit: A dwelling unit in which time-share estates have been created.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

Townhouse or Rowhouse: Townhouse or rowhouse shall mean three or more single-family structures separated by party walls or separated by not more than one (1) inch from another townhouse.

Trailer, Boat: A wheeled conveyance drawn by other motive power for the transportation of a single boat.

Trailer, Camping or Pop-Out: A wheeled conveyance drawn by other motive power designed for travel, recreation, and vacation use and which is made up of elements which fold into a compact assembly for travel.

Trailer, Travel: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation purposes, which: (1) is identified by the manufacturer as a travel trailer; (2) is not more than eight (8) feet in body width; and (3) is of any weight provided its body length does not exceed thirty-eight (38) feet.

Travel Trailer - Recreational Vehicle Campground Park: See Section 7.22.

Truck Stop: An establishment where the principal use is primarily the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

U-Pic Farm: A farm where the customer picks or purchases the produce directly from the premises on which they are grown or produced.

Use: The purpose of which land or water or a structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by this Zoning Ordinance.

Vacation Time-Sharing Plan: Any arrangement, plan, scheme, or similar device, whether by membership agreement, tenancy in common, sale, lease, deed, rental agreement, license, use agreement, security, or by any other means, whereby a purchaser in exchange for advanced consideration receives a right to use a time-share estate.

Variance: A relaxation of the terms of this Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Zoning Ordinance would result in unnecessary and undue hardship on the land. A variance is

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance.

Wall Sign: A sign affixed in any manner to any exterior wall of a building or structure and which is parallel to and projects not more than eighteen (18) inches from the building or structure wall and which does not extend more than six (6) inches above the parapet wall or roof of the building on which it is located. Signs which are on architectural projections which do not extend more than six (6) inches above the roof or parapet wall of the building are wall signs.

Wind Sign: Any sign or display including, but not limited to flags, banners, balloons, streamers and rotating devices, fastened in such a manner to move upon being subjected to pressure by wind or breeze.

Yard, Generally: A required open space, other than a court, unoccupied and obstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, walls, hedges, poles, posts, children's play equipment, and other customary yard accessories, ornaments, statuary and furniture may be permitted in any yard subject to height limitations and requirements limiting obstructions to visibility.

Yard, Front: A yard extending between side lot lines accross the front of a lot adjoining a street. See Section 8.5.

Yard, Gulf: Any yard within Collier County abutting the Gulf of Mexico.

Yard, Rear: A yard extending across the rear of the lot between inner side yard lines. (In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.) (See Section 8.5)

Yard, Side: A yard extending from the interior (rear) lot line, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. (See Section 8.5)

Yard, Special: A yard other than a yard adjacent to a public street required to perform the same functions as a side or rear yard, but adjacent to a lot line and so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. (See Section 8.5)

Yard, Waterfront: A waterfront yard is a yard required on waterfront property with depth measured from the property line, provided that no

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

structure shall extend waterward of the shoreline excepting those structures customarily extending into the water, i.e. seawalls, docks, boathouses, etc., and further excepting those structures built under a "W"-Waterfront Classification. Waterfront property is hereby defined as property abutting on the Gulf of Mexico, bays, bayous, navigable streams, and on man-created canals, lakes, or impounded reservoirs. For the purpose of this ordinance, any waterfront yard except Yard, Gulf shall be treated as a rear yard.

Zoning Director: An administrative official to be known as the Zoning Director, designated by and under the direction of the Community Development Administrator, and who shall enforce the Zoning Ordinance.

SECTION 21. SEPARABILITY CLAUSE:

Should any section or provision of this Zoning Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Zoning Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 22. REPEAL OF PREVIOUS ORDINANCES:

The zoning regulations for the unincorporated area of Collier County adopted through June 30, 1976, as amended and any or all zoning regulations, except for PUD's, in effect on the day prior to the effective date of this Zoning Ordinance are hereby repealed.

Other ordinances specifically repealed are:

74-15 - Immokalee Area Planning District Regulations as amended.

76-30 - Coastal Area Planning District Regulations as amended.

SECTION 23. EFFECTIVE DATE:

This Zoning Ordinance shall take effect immediately upon receipt of acknowledgement that this Ordinance has been filed with the Office of the Secretary of State of the State of Florida.

ADOPTED this 5th day of January, 1982.

ATTEST:
WILLIAM C. REAGAN, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: C. R. Russ Wimer
CHAIRMAN C. R. "RUSS" WIMER

TV/ke
A/400/401/402
Community Develop. Division
9/5/80 - Rev. 11/6/81
Rev. 1/7/82

BOOK 238 014 PAGE 295

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

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. 82-2

which was adopted by the Board of County Commissioners during Special Session January 5, 1982.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 8th day of January, 1982.

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

By _____
Deputy Clerk

BOOK 014 PAGE 296

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

SCHEDULE OF FEES

Rezone Petition		$350.00
Special Exception Petition		350.00
Interim Agricultural Use Petition		350.00
Comprehensive Plan Amendments		350.00
Boat Dock Extension Petition		150.00
Appeal from an Administrative Decision		150.00
Variance		150.00
DRI Review	$5.00 per acre plus	350.00 *
Farm Labor Petition		100.00
PUD Review	$5.00 per acre plus	350.00 *
EIS Review		250.00
ST Review	$5.00 per acre with a minimum	100.00
Coastal Construction Control Line Variance		150.00
Modification of any Development Plan approved by Board of County Commissioners.		One half of petition fee for original approval.
Renewal of any Development Plan approved by Board of County Commissioners.		One half of petition fee for original approval.

SIGNS:

CLASS	
A	$25.00
B	15.00
C	10.00
D	5.00
E	5.00
F	5.00
G	5.00
H	Equivalent to corresponding Class

Publications, maps, reports, etc.		As determined by the Administrator based on cost.
Zoning Ordinance		As determined by the Administrator based on cost.
Official Zoning Atlas	Map Sheet	$2.00
Map of Western Portion of Collier County		5.00
Xerox Copies	.10/sheet + service charge	$1.00

* Only one fee is required when PUD and DRI review is requested for the same project review and public hearing.

Attachment: ATTACHMENT A - Backup Package (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

SITE IMPROVEMENT PLAN:

OUTDOOR RESORTS
150 SMALLWOOD DRIVE, CHOKOLOSKEE, FL

COLLIER COUNTY, FLORIDA

REVIEWING AGENCIES

COLLIER COUNTY DEVELOPMENT SERVICES
2800 NORTH HORSESHOE DRIVE
NAPLES, FL 34104
TEL: (239) 252-2400

GREATER NAPLES FIRE AND RESCUE
2500 NORTH HORSESHOE DRIVE
NAPLES, FL 34104
TEL: (239) 774-0800

CITY OF EVERGLADES UTILITIES
P.O. Box 10
EVERGLADES CITY, FL 34139
TEL: (239) 934-0628

OWNERS NAME: ORA AT CHOKOLOSKEE INC.
ADDRESS: 150 SMALLWOOD DRIVE
CHOKOLOSKEE, FL 34138
PHONE: (239) 695-2666

LAND USE: RV PARK
ZONING DISTRICTS: TTRVC

ADJACENT ZONING: NORTH:TTRVC/ C4 EAST: CONST
SOUTH:VR WEST: C4

TOTAL LIMITS OF CONSTRUCTION AREA: 7650 SF

	EXISTING	PROPOSED
BUILDING AREA:	1295 SF	1230 SF
PAVEMENT:	3707 SF	4242
OPEN AREA:	2638 SF	2178 SF

SETBACKS:	PROVIDED	REQUIRED
FRONT WEST: SMALLWOOD DRIVE (CR 29)	51'	50'
SIDE NORTH:	51'	25'
SIDE SOUTH: SNOOK ALLEY (PRIVATE)	19'	25'
REAR EAST :	113'+-	10'

BUILDING HEIGHTS MAX ZONED 35' CENTER LINE ELEV 4.0 NAVD

ZONED HEIGHT: BLDG 1: 20.0' AS MEASURED FROM FINISH FLOOR BLDG 2: 12.16' AS MEASURED FROM FINISH FLOOR
ACTUAL HEIGHT: BLDG 1: 28.2' AS MEASURED FROM CL ROAD (4.0 FT NAVD) BLDG 2: 15.7' AS MEASURED FROM CL ROAD (4.0 FT NAVD)

SEPARATION: REQUIRED 10' PROVIDED 11'

PARKING CALCULATIONS REQUIRED: 29 SPACES

REC./HALL 1500 / 200 = 7.5 SPACES, STORAGE 1500 / 1500 = 2 SPACES, POOLS 3200 (1000/75 +2200/125)/LESS 50% = 18 SPACES , TENNIS COURTS 2 X 1.5 = 3 SPACES
PROVIDED PARKING = 51 SPACES

BUILDING TYPE(S): V - UNSPRINKLED, UNPROTECTED
BUILDING '1' AREA: 1ST LEVEL 1295 SF, 2ND LEVEL 890 SF
BUILDING 'B' AREA: 1 ST LEVEL 540 SF

OCCUPANCY CLASSIFICATION: STORAGE

APPLICABLE CODES:
2020 – FLORIDA BUILDING CODE – ACCESSIBILITY
2020 FLORIDA BUILDING CODE – BUILDING (7th EDITION)
2020 FLORIDA BUILDING CODE – MECHANICAL
2020 FLORIDA BUILDING CODE – PLUMBING
2020 FLORIDA BUILDING CODE – ENERGY CONSERVATION
NATIONAL ELECTRICAL CODE – CURRENT
INTERNATIONAL FIRE CODE – CURRENT
6th EDITION – FLORIDA FIRE PREVENTION CODE (2017)
NFPA 2015 EDITION

PREPARED BY
KUHLMAN ENGINEERING, INC.
2223 TRADE CENTER WAY
NAPLES, FLORIDA 34109
TELEPHONE (239) 254-8219 KUHLMANENGINEERING@YAHOO.COM

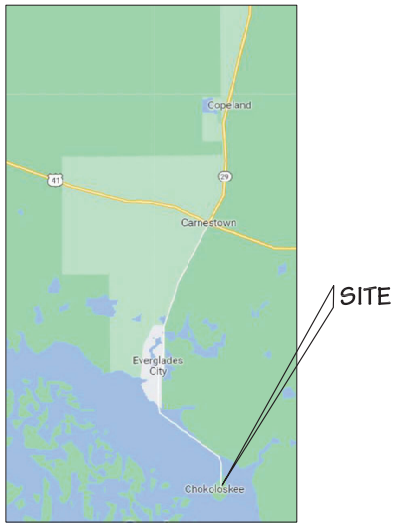
PREPARED FOR
TAMIAMI BUILDERS, INC
3500 RADIO ROAD
NAPLES, FLORIDA 34104

Legal Description

COMMENCING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 53, RANGE 30 EAST; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 31, 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD 29–A FOR A PLACE OF BEGINNING:

THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 1182.80 FEET TO THE SOUTH LINE OF LOT 1 AS RECORDED IN PLAT BOOK 1, PAGE 20 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE OF LOT 1 S 78° 17' 26" E 361.00 FEET; THENCE N 66° 5' 15" E 362 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF CHOKOLOSKEE BAY; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE 1145 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 31; THENCE WEST 600 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

VICINITY MAP



SHEET INDEX

SHEET NO.	SHEET TITLE
C-1	COVER SHEET
C-2	PLAT
C-3	AERIAL
C-4	SURVEY
C-5	SITE PLAN
C-6	GRADING
C-7	BLDG. FLOOR / ELEVATIONS
C-8	NPDES

LOCATION MAP



3.A.c

KUHLMAN ENGINEERING, I
PHONE (2
kuhlmanengine

CLIENT: TAMIAMI BUILDERS, INC.
3500 RADIO ROAD
NAPLES, FLORIDA 34104
CGC 060914 Phone 239-642-5199
e-mail brian@tamiamibuilder

PROJEC
OUTDOO
150 SMALL
CHOKO
FLORI

KUHLMAN ENGI
EXPRESSLY RES
COPYRIGHT AN
RIGHTS FOR TH
DESIGNS, INCL
ORIGINAL PURP
REPRODUCED, C
IN PART OR EXT
OR COPIED WIT
CONSENT OF KU
ENGINEERING E
ASSIGNMENT TO
IS UNINTENDED

DATE ISSUE
JULY
CHECKED B

REVI		
DATE	MARI	
8-11-22	1	
12-29-22	2	

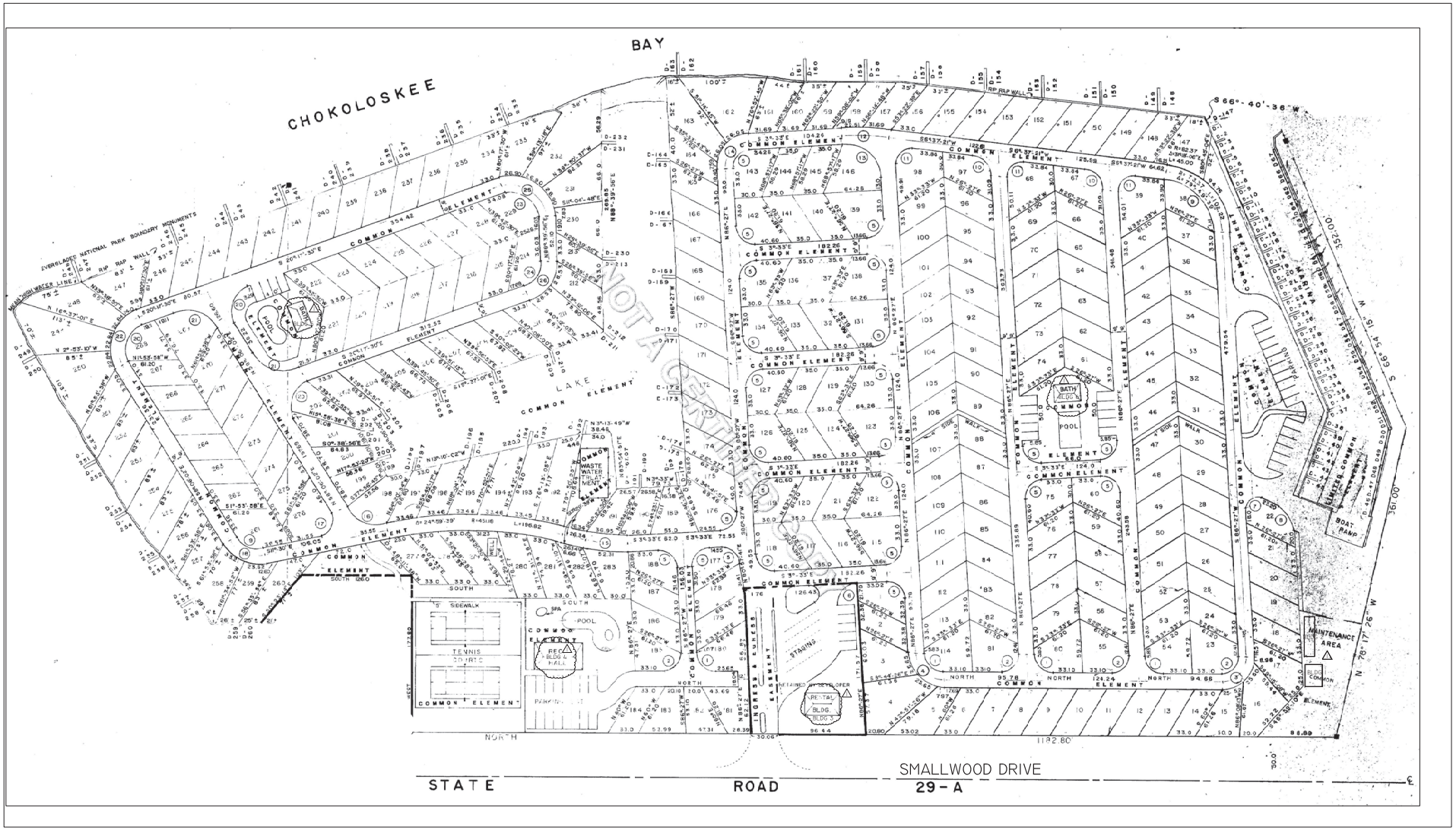
This item has be
and sealed by J
PE. on date not
signature. Printe
document are n
signed and seal
must be verified
copies

Digitally
James Ku
Date: 202
15:14:29

JAMES B. KUHL
FLORIDA REGI

SHEET:
C
22

Attachment: ATTACHMENT B - Site Plan with Deviations for Redevelopment (DR) - SIP PL20220003599



KUHLMAN ENGINEERING, I
PHONE (2
kuhlmanengine

CLIENT: TAMIAMI BUILDERS, INC.
3506 PADDO ROAD
NAPLES, FLORIDA 34104
CGC 060914 Phone: 239-642-5100
e-mail:brian@tamiamibuilder

PROJEC
OUTDOO
181 SMALL
CHOKO
FLORI

KUHLMAN ENGI
EXPRESSLY RES
COPYRIGHT AN
RIGHTS FOR THE
DESIGNS, INCL
ORIGINAL PURP
WHOLE OR IN P
REPRODUCED, C
OR COPIED WIT
CONSENT OF KU
ENGINEERING C
ASSIGNMENT, U
IS UNINTENDED

DATE ISSUE
JULY
CHECKED B

REV	DATE	MARK
1	12-29-22	

This item has be
and sealed by J
PE, on date not
signatures. Print
document are n
signed and sea
must be verified
copies

Digitally
James K
Date: 20
15:15:02

JAMES B. KUHL
FLORIDA REGI

SHEET:
C
22

Attachment: ATTACHMENT B - Site Plan with Deviations for Redevelopment (DR) - SIP PL20220003599

AERIAL SCALE 1" = 100'

AERIAL SCALE 1" = 20'

KUHLMAN ENGINEERING, LLC
PHONE (2
kuhlmanengine

CLIENT: TAMIAMI BUILDERS, INC.
3506 RADIO ROAD
NAPLES, FLORIDA 34104
CGC 060914 Phone: 239-643-5100
e-mail:brian@tamiamibuilder

PROJEC
OUTDOO
1SI SMALL
CHOK(
FLORI

KUHLMAN ENGI
EXPRESSLY RES
COPYRIGHT AN
RIGHTS FOR THI
DESIGNS, INCL
ORIGINAL PURP
WHOLE OR IN P
REPRODUCED, C
OR COPIED WIT
CONSENT OF KU
ENGINEERING, L
ASSIGNMENT TO
IS UNINTENDED

DATE ISSUE
JULY
CHECKED B

REVI	
DATE	MARI
8-11-22	1
12-29-22	2

This item has be
and sealed by a
PE, on date not
signature. Print
document are n
signed and sea
must be verified
copies

Digitally
James K
Date: 20
15:15:27

JAMES B. KUHL
FLORIDA REGI

SHEET:
C
22

Attachment: ATTACHMENT B - Site Plan with Deviations for Redevelopment (DR) - SIP PL20220003599

OUTDOOR RESORTS OF AMERICA AT CHOKOLOSKEE ISLAND

#150 SMALLWOOD DRIVE, CHOKOLOSKEE ISLAND, FLORIDA, 34138.
(MAINTENANCE AREA SPECIFIC PURPOSE SURVEY)

SCALE 1"=60'

DETAIL OF MAINTENANCE AREA



LEGAL DESCRIPTION (MAINTENANCE AREA)

BEGINNING AT THE SOUTHWEST CORNER OF OUTDOOR RESORTS OF CHOKOSKEE THENCE RUN NORTH ALONG THE EAST RIGHT OF WAY LINE OF SMALLWOOD DRIVE (STATE ROAD 29) FOR 88.89 FEET ; THENCE LEAVING SAID RIGHT OF WAY LINE RUN S 46° 59' 10" E FOR 77.22 FEET; THENCE RUN N 86° 27' 20" E FOR 93.61 FEET ; THENCE RUN S 11° 42' 34" W FOR 59.10 FEET TO THE INTERSE -CTON WITH THE SOUTH LINE OF OUTDOORS RESORTS. THENCE ALONG SAID SOUTH LINE N 78° 17' 26" W FOR 134.53 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF SECTON 31, TOWNSHIP 53, RANGE 30 EAST; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 31, 50.00 FEET TC THE EAST RIGHT OF WAY LINE OF STATE ROAD 29-A FOR A PLACE OF BEGINNING;

THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 1182.80 FEET TO THE SOUTH LINE OF LOT 1 AS RECORDED IN PLAT BOOK 1, PAGE 20 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE OF LOT 1 S 78° 17' 26" E 361.00 FEET; THENCE N 35° 54' 15" E 362 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF CHOKOLOSKEE BAY; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE 1145 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 31; THENCE WEST 600 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

SURVEY PREPARED FOR:
OUTDOOR RESORTS AT CHOKLOSKEE

A SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE STANDARDS OF PRACTICE PER CHAPTER 5J-17 F.A.C., PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.

MELVIN HATTON, P.S.M.
FLORIDA REGISTRATION # 5139

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT FURNISHED AT TIME OF SURVEY.

ELEVATIONS ARE BASED ON NAVD 1988 DATUM.

© COPYRIGHT MEL HATTON LAND SURVEYORS INC. (2022)

TITLE: SPECIFIC PURPOSE SURVEY

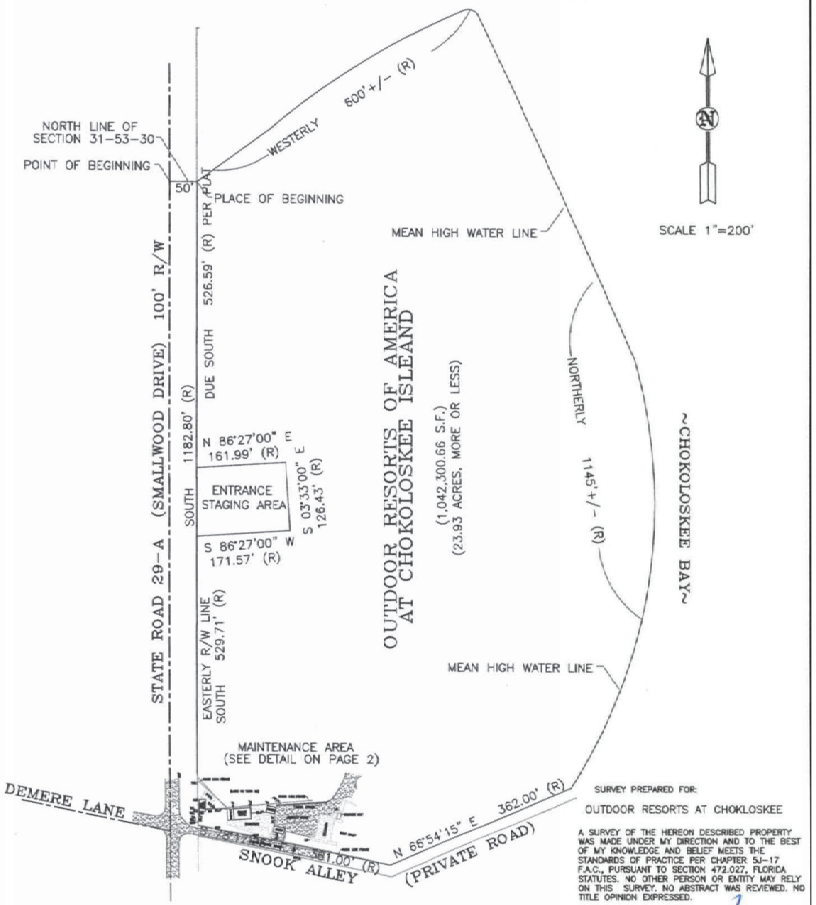
FOR: OUTDOOR RESORTS CHOKOLOSKEE
PROJECT: #150 SMALLWOOD DRIVE CHOKOLOSKEE, FL, 34138.

DATE	BY	REVISION	SHEET	F.B.	SCALE
2/10/22	MH	ADD MAINTENANCE AREA DIMENSIONS	OF 2	PG. 01	1"= 60'
			W.O. NO. 22-090	FILE NO. 22-090.DWG	DATE 02/16/22

MEL HATTON
LAND SURVEYORS, INC.
#313 EAST GRACE STREET, PUNTA GORDA, FLORIDA, 33950.
(239) 450-6949

OUTDOOR RESORTS OF AMERICA AT CHOKOLOSKEE ISLAND

#150 SMALLWOOD DRIVE, CHOKOLOSKEE ISLAND, FLORIDA, 34138.
(MAINTENANCE AREA SPECIFIC PURPOSE SURVEY)



LEGAL DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 53, RANGE 30 EAST; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 31, 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD 29-A FOR A PLACE OF BEGINNING;

THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 1182.80 FEET TO THE SOUTH LINE OF LOT 1 AS RECORDED IN PLAT BOOK 1, PAGE 20 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE OF LOT 1 S 78° 17' 26" E 361.00 FEET; THENCE N 66° 54' 15" E 362 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF CHOKOLOSKEE BAY; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE 1145 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 31; THENCE WEST 600 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE EAST RIGHT OF WAY LINE OF SMALLWOOD DRIVE (STATE ROAD 29) BEING DUE SOUTH (PER PLAT).

SURVEY PREPARED FOR:
OUTDOOR RESORTS AT CHOKLOSKEE

A SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE STANDARDS OF PRACTICE PER CHAPTER 5J-17 F.A.C., PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.

MELVIN HATTON, P.S.M.
FLORIDA REGISTRATION # 5109

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT FURNISHED AT TIME OF SURVEY.

© COPYRIGHT MEL HATTON LAND SURVEYORS, INC. (2022)

TITLE: SPECIFIC PURPOSE SURVEY

FOR: OUTDOOR RESORTS CHOKOLOSKEE
PROJECT: #150 SMALLWOOD DRIVE CHOKOLOSKEE, FL, 34138.

DATE	BY	REVISION	SHEET	F.B.	SCALE
			OF 2	PG. 01	1"= 200'
			W.O. NO. 22-090	FILE NO. 22-090.DWG	DATE 02/16/22

MEL HATTON
LAND SURVEYORS, INC.
#313 EAST GRACE STREET, PUNTA GORDA, FLORIDA, 33950.
(239) 450-6949

KUHLMAN ENGINEERING, LLC
PHONE (2
kuhlmanengine
CLIENT: TAMIAMI BUILDERS, INC.
3500 PADDO ROAD
NAPLES, FLORIDA 34104
CGC 060914 Phone 239-643-5199
e-mail brian@tamiamibuilder
PROJEC
OUTDOO
150 SMALL
CHOKO
FLORI

KUHLMAN ENGI EXPRESSLY RES COPYRIGHT AN RIGHTS FOR TH DESIGNS, INCL ORIGINAL PURP THESE DESIGNS OR COPIED WITH CONSENT OF KU ENGINEERING L ASSIGNMENT TC IS UNINTENDED

DATE ISSUE
JULY
CHECKED B

REVI		
DATE	MARI	
8-11-22	1	
12-29-22	2	

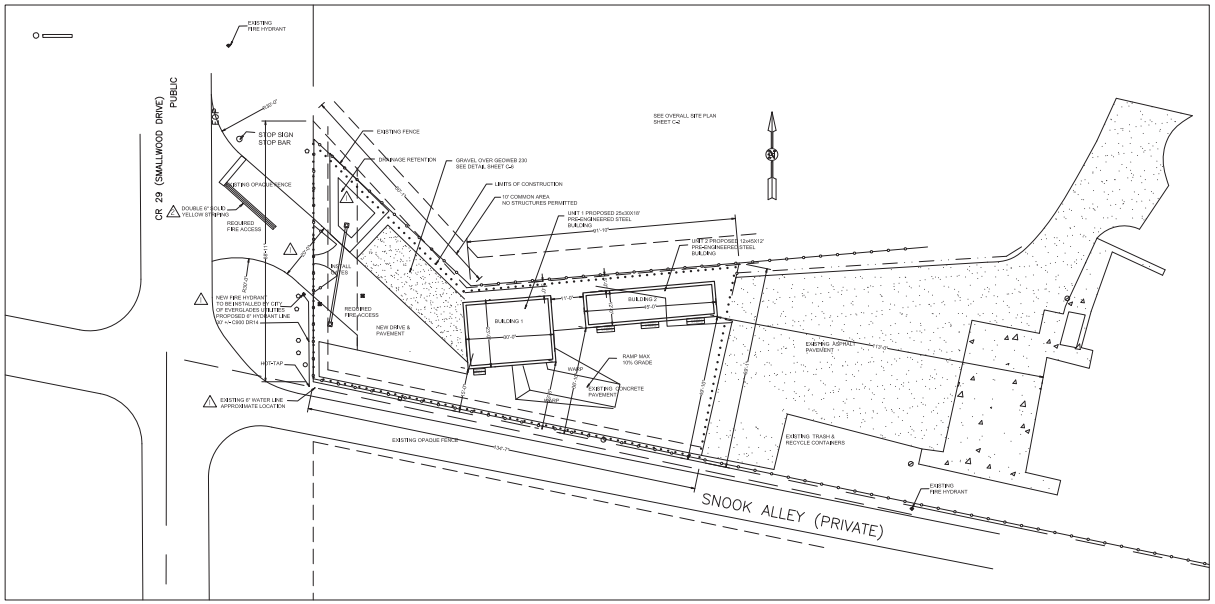
This item has be and sealed by J PE, on date not signature. Print document are n signed and seal must be verified copies

Digitally si
James Kuh
Date: 2023
15:13:05 -0

JAMES B. KUHL
FLORIDA REGI

SHEET:
C
22

Attachment: ATTACHMENT B - Site Plan with Deviations for Redevelopment (DR) - SIP PL20220003599



NOTES:

ALL EXISTING PLANTS SHALL BE REMOVED FROM SITE AND THE SITE SHALL BE MAINTAINED ANNUALLY EXOTIC FREE IN PERPETUITY.

WATER MANAGEMENT FACILITY SHALL BE MAINTAINED BY THE OWNER.

THE OWNER SHALL BE RESPONSIBLE FOR THE CONTINUED MAINTENANCE AND UPKEEP OF ALL REQUIRED LANDSCAPING, REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED AT ALL TIMES TO PRESENT A HEALTHY, ALIVE, NEAT AND ORDERLY APPEARANCE. NO TRASH OR DEBRIS SHALL BE ALLOWED TO ACCUMULATE ON PUBLIC WAYS AND SHALL BE KEPT FREE OF REFUSE OR DEBRIS. ANY PLANT MATERIALS OF WHATSOEVER TYPE OR KIND REQUIRED BY THESE REGULATIONS SHALL BE REPLACED WITHIN THIRTY (30) DAYS OF THEIR DEMISE AND/OR REMOVAL.

THE REVIEW AND APPROVAL OF IMPROVEMENT PLANS DOES NOT AUTHORIZE THE CONSTRUCTION OF REQUIRED IMPROVEMENTS WHICH ARE INCONSISTANT WITH EXISTING EASEMENTS OF RECORD.

PROTECTIVE BARRIERS WILL BE INSTALLED AT THE PERIMETER OF PRESERVED VEGETATION AT THE COMMENCEMENT OF ANY SITE IMPROVEMENTS AND WILL REMAIN IN PLACE UNTIL COMPLETION OF CONSTRUCTION. BARRIERS WILL BE HIGHLY VISIBLE WITH BRIGHTLY COLORED ALL-WEATHER MESH MATERIAL OR EQUIVALENT. BARRIERS SHALL BE NO MORE THAN 10' APART. SEE LANDSCAPE PLAN.

ALL REQUIRED INSPECTIONS REQUIRE A 48 HOUR NOTICE.

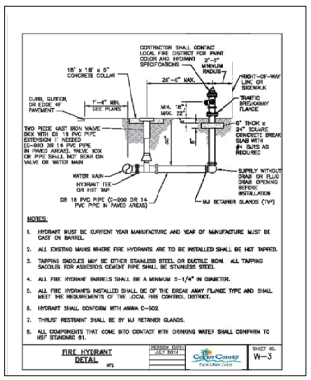
PROPERTY OWNER OWNS AND MAINTAINS POTABLE WATER AND WASTEWATER SYSTEMS.

A COUNTY "PERMIT TO PERFORM WORK AND / OR MAINTENANCE IN PUBLIC RIGHT-OF WAY" IS REQUIRED FOR WORK WITHIN THE ROADWAY ROW ON COUNTY ROAD 29 ALSO KNOWN AS SMALLWOOD DRIVE.

PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL ON-SITE INFRASTRUCTURE INCLUDING LANDSCAPING AND IRRIGATION, PAVEMENT, STORMWATER MANAGEMENT, WATER AND WASTEWATER SYSTEMS.

△ **ELEVATIONS SHOWN HEREON ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)**

△ STOP BAR & AND STRIPING SHALL BE THERMOPLASTIC



NOTES:

1. HYDRANT MUST BE CURRENT YEAR MANUFACTURE AND YEAR OF MANUFACTURE MUST BE CAST ON BARREL.
2. ALL EXISTING MAINS WHERE FIRE HYDRANTS ARE TO BE INSTALLED SHALL BE HOT TAPPED.
3. TAPPING SADDLES MAY BE EITHER STAINLESS STEEL OR DUCTILE IRON. ALL TAPPING SADDLES FOR ASBESTOS CEMENT PIPE SHALL BE STAINLESS STEEL.
4. ALL FIRE HYDRANT BARRELS SHALL BE A MINIMUM 5-1/4" IN DIAMETER.
5. ALL FIRE HYDRANTS INSTALLED SHALL BE OF THE BREAK AWAY FLANGE TYPE AND SHALL MEET THE REQUIREMENTS OF THE LOCAL FIRE CONTROL DISTRICT.
6. HYDRANT SHALL CONFORM WITH AWWA C-502.
7. "THRUST RESTRAINT" SHALL BE BY MJ RETAINER GLANDS.
8. ALL COMPONENTS THAT COME INTO CONTACT WITH DRINKING WATER SHALL CONFORM TO NSF STANDARD 61.

FIRE HYDRANT DETAIL — SHEET NO. W-3

3.A.c

KUHLMAN ENGINEERING, LLC
PHONE (2
kuhlmanengine

CLIENT: TAMIAMI BUILDERS, INC.
3500 PADDO ROAD
NAPLES, FLORIDA 34104
CGC 060914 Phone 239-642-5100
e-mail brian@tamiamibuilder

SCALE 1"=20

PROJEC
OUTDOO
180 SMALL
CHOKO
FLORI

KUHLMAN ENGI
EXPRESSLY RES
COPYRIGHT AN
RIGHTS FOR TH
DESIGNS). INCL
ORIGINAL PURP
HEREIN IS EXCL
OR COPIED WIT
CONSENT OF KU
ENGINEERING L
ASSIGNMENT TC
IS UNINTENDED

DATE ISSUE
JULY
CHECKED B

REVI
DATE | MARI
8-11-22 | 1
12-29-22 | 2

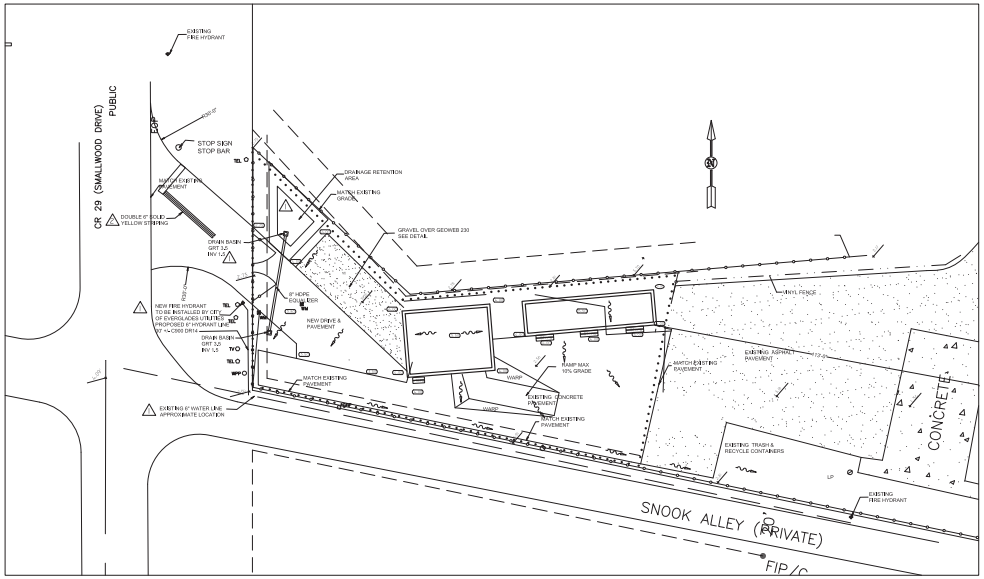
This item has be
and sealed by a
PE; on date not
signature. Printe
document are n
signed and sea
must be verified
copies

Digitally
James K
Date: 20
15:12:48

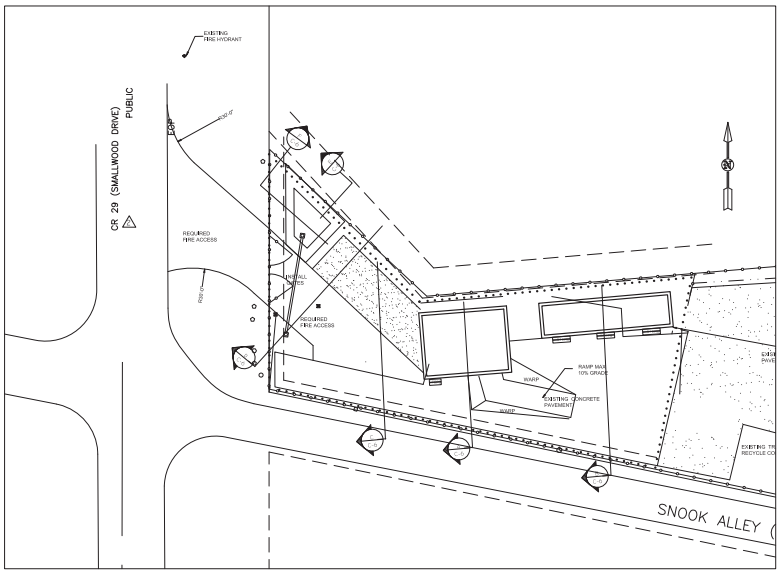
JAMES B. KUHL
FLORIDA REGI

SHEET:
C
22

Attachment: ATTACHMENT B - Site Plan with Deviations for Redevelopment (DR) - SIP PL20220003599



GRADING PLAN SCALE: 1" = 10'



SECTIONS SCALE: 1" = 20'

△ ELEVATIONS SHOWN HEREON ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)

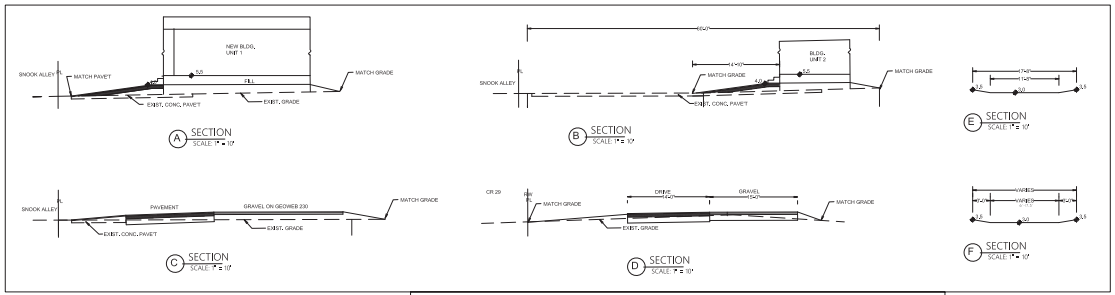
WATER QUALITY CALCULATION △1

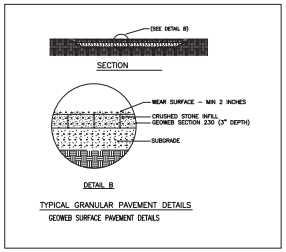
TOTAL SITE AREA 7850

EXISTING IMPERVIOUS	= 5073 SF
PROPOSED IMPERVIOUS	= 5600 SF
ADDITIONAL IMPERVIOUS	= 527 SF

REQUIRED RETENTION
527 SF x 1.5" : 66 CF

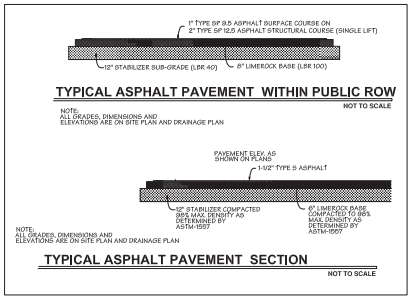
PROVIDED RETENTION: 93 CF

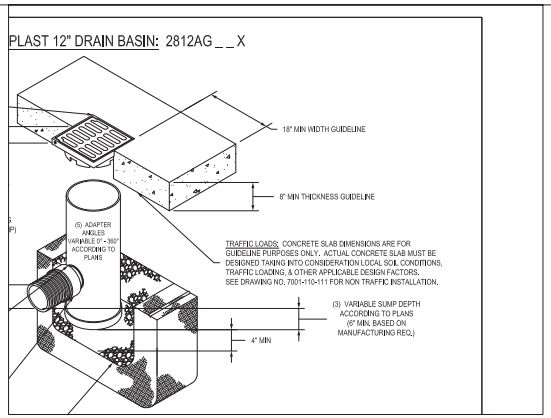




TYPICAL GRANULAR PAVEMENT DETAILS

GEOWEB SURFACE PAVEMENT DETAILS





KUHLMAN ENGINEERING, LLC
PHONE (2
kuhlmanengine

CLIENT: TAMIAMI BUILDERS, INC.
3500 PADDO ROAD
NAPLES, FLORIDA 34104
CGC 060914 Phone 239-642-5199
e-mail brian@tamiamibuilder

PROJEC
OUTDOO
150 SMALL
CHOKO
FLORI

KUHLMAN ENGI
EXPRESSLY RES
COPYRIGHT AN
RIGHTS FOR TH
DESIGN(S). INCL
ORIGINAL PURP
FURNISHED. SU
REPRODUCED O
OR COPIED WIT
CONSENT OF KU
ENGINEERING L
ASSIGNMENT TO
IS UNINTENDED

DATE ISSUE
JULY
CHECKED B

REVI		
DATE	MARI	
8-11-22	1	
12-29-22	2	

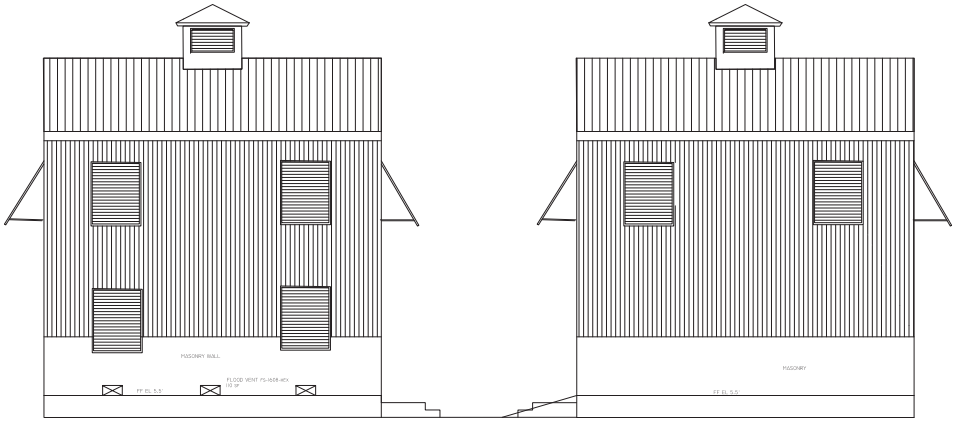
This item has be
and sealed by a
PE. on date not
signature. Printe
document are n
signed and seal
must be verified
copies

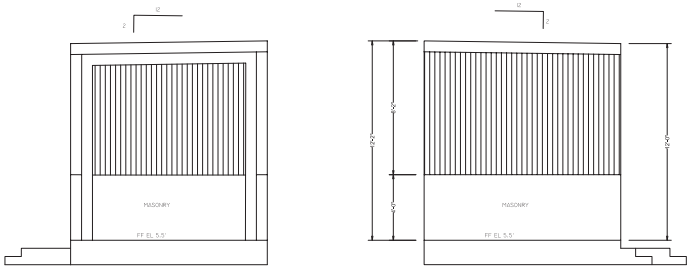
Digitally
James Ku
Date: 20
15:12:27

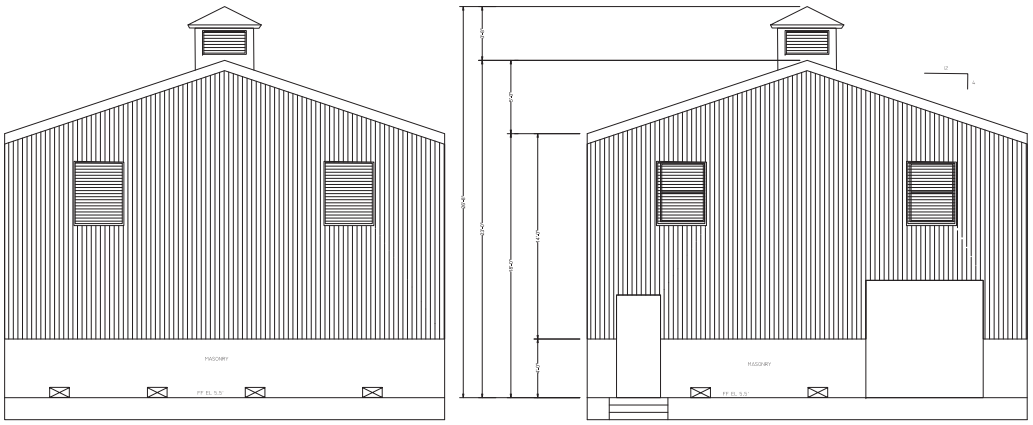
JAMES B. KUHL
FLORIDA REGI

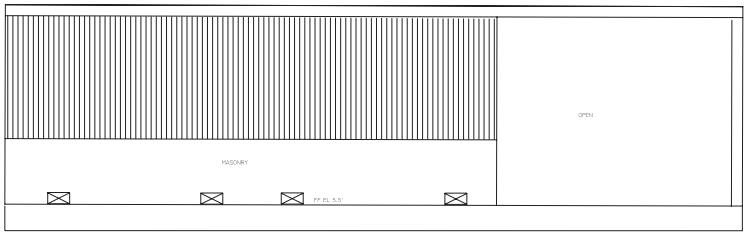
SHEET:
C
22

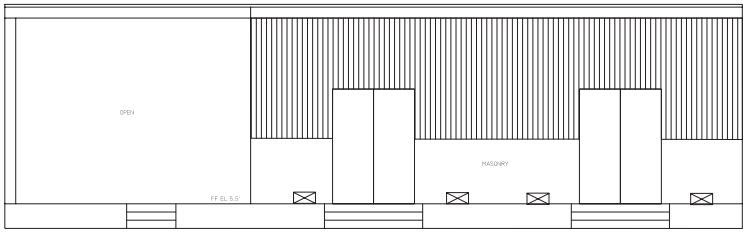
Attachment: ATTACHMENT B - Site Plan with Deviations for Redevelopment (DR) - SIP PL20220003599

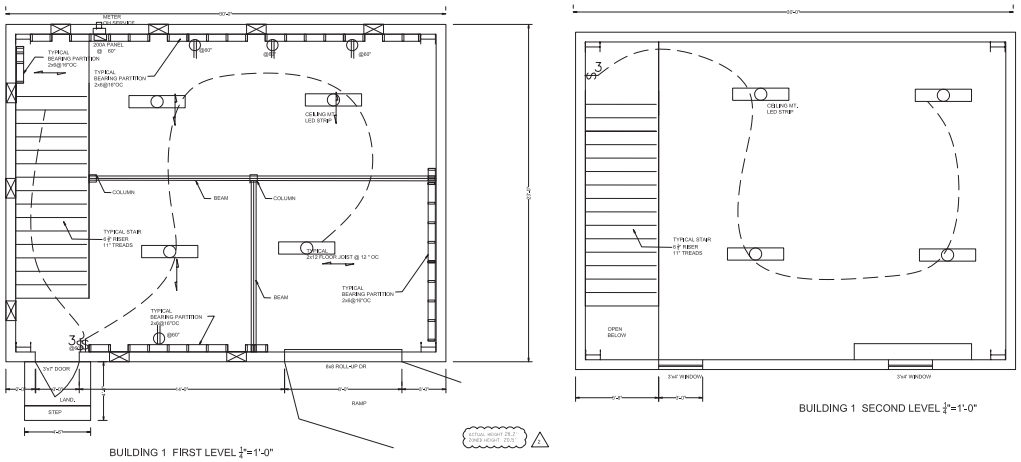




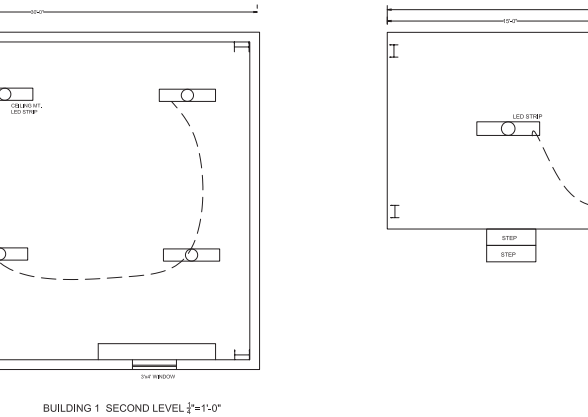




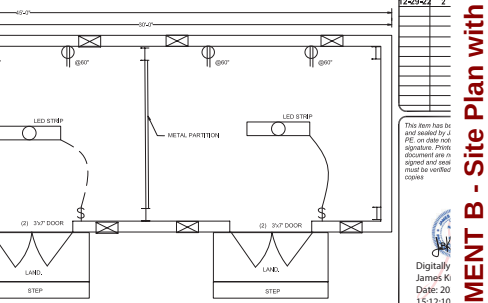




BUILDING 1 FIRST LEVEL $\frac{1}{4}$"=1'-0"



BUILDING 1 SECOND LEVEL $\frac{1}{4}$"=1'-0"



BUILDING 2

KUHLMAN ENGINEERING, LLC
PHONE (2
kuhlmanengine

CLIENT: TAMIAMI BUILDERS, INC.
3500 PADO ROAD
MARCO ISLAND, FL 34145
CGC 060914 Phone: 239-642-5199
e-mail brian@tamiamibuilder

PROJEC
OUTDOO
150 SMALL
CHOKC
FLORI

KUHLMAN ENGI
EXPRESSLY RES
COPYRIGHT AN
RIGHTS FOR TH
DESIGNS, INCL
ORIGINAL PURP
REPRODUCED,
REPRODUCTION
OR COPIED WIT
CONSENT OF KU
ENGINEERING L
ASSIGNMENT TO
IS UNINTENDED

DATE ISSUE
JULY
CHECKED B

REV	DATE	MARK
1	8-11-22	
2	12-29-22	

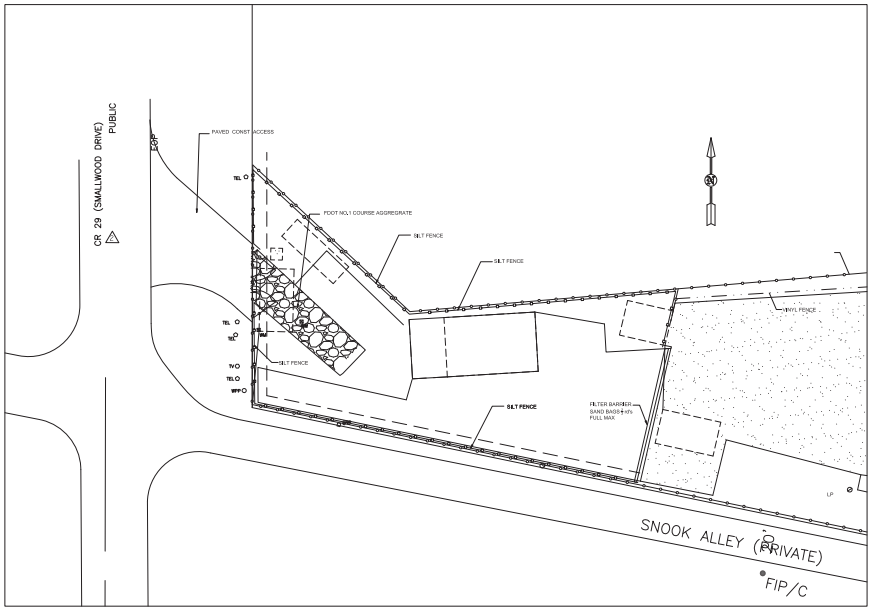
This item has be
and sealed by a
PE. on date not
signatures. Print
document are n
signed and seal
must be verified
copies

Digitally
James Ki
Date: 20
15:12:10

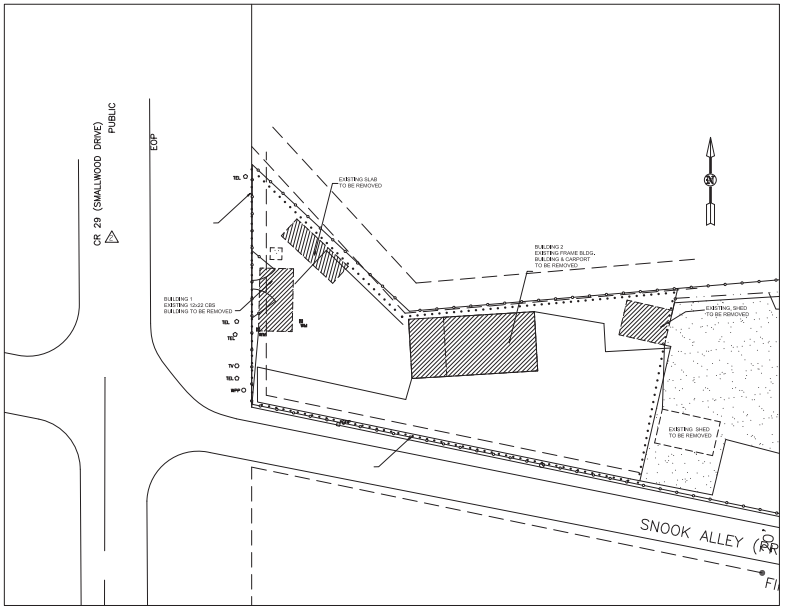
JAMES B. KUHL
FLORIDA REGI

SHEET:
C
22

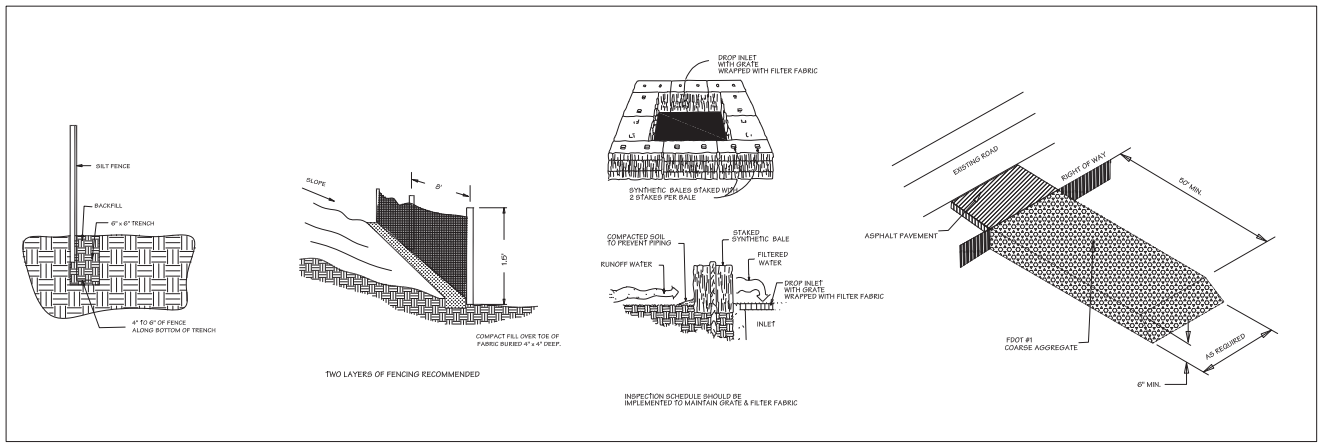
Attachment: ATTACHMENT B - Site Plan with Deviations for Redevelopment (DR) - SIP PL20220003599



TEMP. ACCESS / NPDES SCALE: 1" = 20'



DEMOLITION PLAN SCALE: 1" = 20'



3.A.c

KUHLMAN ENGINEERING, I

PHONE (23
kuhlmaneginee

CLIENT: TAMIAMI BUILDERS, INC.
3509 RADIO ROAD
NAPLES, FLORIDA 34104
CGC 1505914 Phone 239-643-5100
e-mail brian@tamiamibuilder

PROJEC

OUTDOO
159 SMALL
CHOKO
FLORI

KUHLMAN ENGI
EXPRESSLY RESI
COPYRIGHT AND
RIGHTS FOR THE
DESIGN(S), INCLU
ORIGINAL PURPO
THESE DRAWING
REPRODUCED, CI
OR COPIED WITH
EXPRESS WRITT
ENGINEER. A LI
ASSIGNMENT TO
IS UNINTENDED

DATE ISSUE
JULY
CHECKED B
J

REVI

DATE	MARK
8-11-22	1
12-29-22	2

This item has be
and sealed by Ja
PE, on date note
signature. Printe
document are no
signed and seale
mual be verified
copies

Digitally si
James Kuh
Date: 202
15:11:43 -

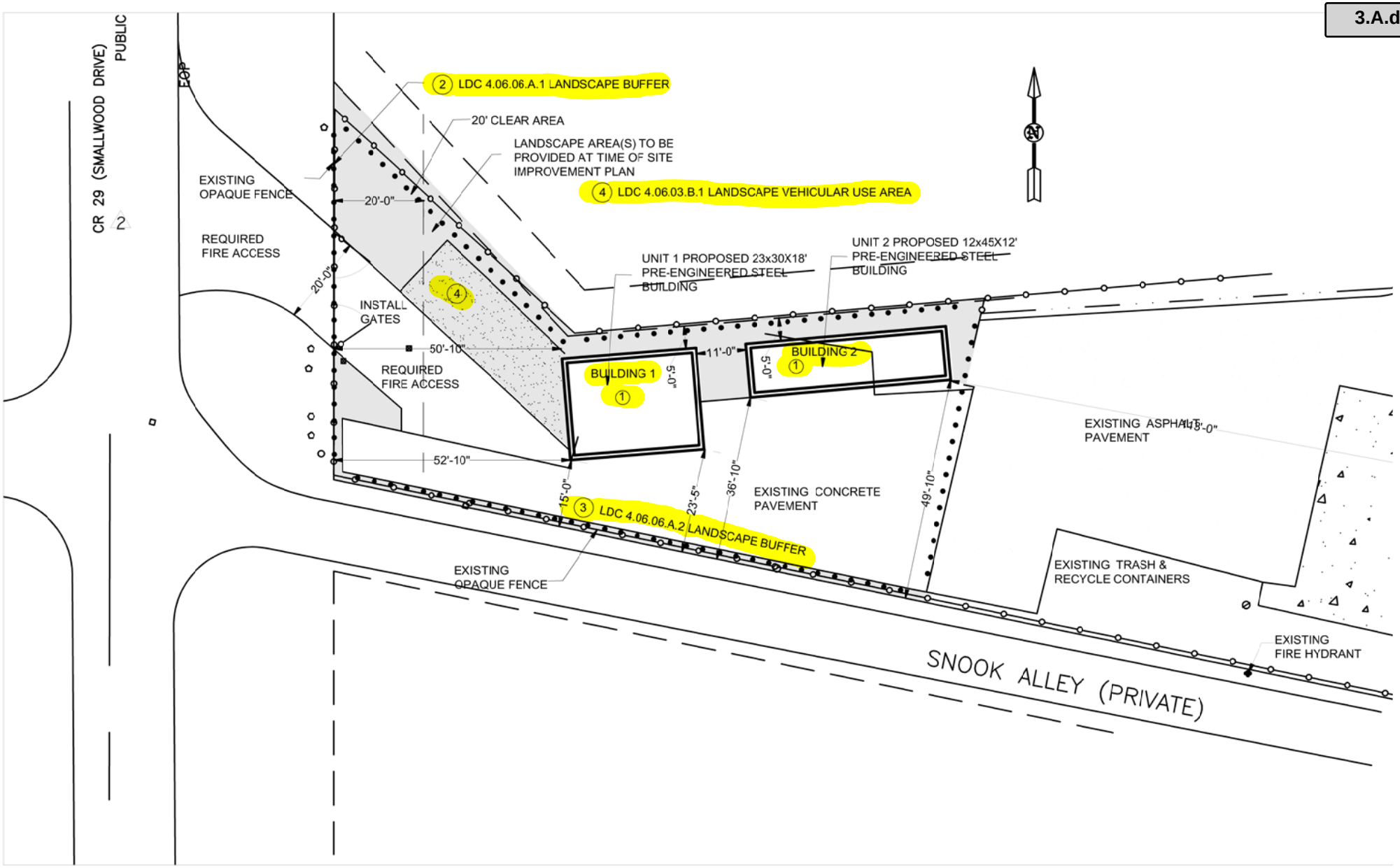
JAMES B. KUHL
FLORIDA REGI

SHEET:

C

22

Attachment: ATTACHMENT B - Site Plan with Deviations for Redevelopment (DR) - SIP PL20220003599



KUHLMAN ENGINEERING, INC
2223 Trade Center Way Naples, Florida 34109
PHONE (239) 254-8219 kuhlmanengineering@yahoo.com

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S). INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

OUTDOOR RESORTS
150 SMALLWOOD DRIVE
CHOKOLOSKEE, FLORIDA 34138

DEVIATION EXHIBIT "B"
SITE PLAN

DATE ISSUED:	10-26-2022
FILE NO:	22 - 5518
SCALE:	1" = 30'
REVISED:	1-19-2023
REVISED:	3-29-2023
REVISED:	5-7-2023
REVISED:	6-23-2023

This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22288

Attachment: ATTACHMENT C - Exhibits B & C (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee

Proposed Deviations:
As required by 10.02.03.F7.h of the Collier County Land Development Code a detailed description of the proposed deviations along with a justification for each is provided below.

Deviation Request 1: Seeks relief from Collier County LDC Section 4.02.01.(A).(2) (Required Setback)
Deviation Number 1 seeks relief from LDC Section 4.02.01A, Table 2.1 Table of Minimum Yard Requirements for Base Zoning Districts, which requires a 50 foot setback from both the external boundary of park and external street in the TTRVC District, to instead allow a setback of between 15 feet and 23 feet 5 inches to the south property line for the Building labelled Building 1 as shown on Deviation Exhibit B Site Plan and 36 foot 10 inch and 49 foot 10 inch to the south property line for the Building labelled Building 2 as shown on Deviation Exhibit B Site Plan.

Justification

The RV Park was approved in 1984 in accordance with Ordinance No. 82-002; OR Book 14 Pages 99- 103 (attached). Section 7.19.c.4.d of the ordinance requires a setback of 10 feet for the boundary or from the required buffer area. Section 7.19.c.4.e of the ordinance requires a setback of 25 feet from a public street. The proposed structures will be a minimum of 50 feet from the right of way of County Road 29 a public street and 15 feet from the south boundary adjacent to Snook Alley, a private road.

Deviation Request 2: Seeks relief from Collier County LDC 4.06.06 - Special Buffer Requirements For The TTRVC Zoning District
Devation Number 2 seeks relief from LDC 4.06.06.(A).(1) – Special Buffer Requirements for the TTRVC Zoning District which requires TTRVC parks fronting on a highway shall provide and maintain clear area not less than 20 feet in width alongside, and parallel to the highway. There shall be an additional landscape area of five feet inside the entire length of the clear area. The landscape plan for this area will be determined at the time of submission of a site development plan pursuant to Chapter 10. The entire clear area and landscape area may be combined to achieve a visual screen between the public road and the TTRVC park. To instead allow the existing opaque fence to satisfy the required screening.

Justification

The existing maintenance area is screened along County Road 29 by an existing opaque fence per Ordinance 82-002 Section 7.19.f.3 which allowed for a structural or plant material screening.

Deviation Request 3: Seeks relief from Collier County LDC 4.06.06 - Special Buffer Requirements For The TTRVC Zoning District
Devation Number 3 seeks relief from LDC 4.06.06.(A).(2) - Special Buffer requirements for the TTRVC Zoning District which requires TTRVC parks abutting lands zoned other than for such parks shall be screened from such land by a buffer strip at least 15 feet wide, in which ornamental screening composed of structural or plant material shall be placed. Such screening shall be maintained at all times and constructed in accordance with the landscape provisions of section 4.06.00. To instead allow the existing opaque fence to satisfy the required visual screening.

Justification

The existing maintenance area is screened along the entire length of the South boundary by an existing opaque fence per Ordinance 82-002 Section 7.19.f.3 which allowed for a structural screening.

Deviation Request 4: Seeks relief from Collier County LDC 4.06.03.B.1 : Seeks relief from Collier County LDC 4.06.03.B.1 Landscape Requirements for Vehicular Use Areas
Deviation Request 4: Seeks relief from Collier County LDC 4.06.03.B.1 which requires at least 10 percent of the amount of vehicular use area onsite to be devoted to interior landscaping areas. Interior areas shall be a minimum of five feet in width and a minimum of 150 square feet in area, to instead allow a minimum of 3.33 percent of the amount of vehicular area onsite to be devoted to interior landscaping area.

Justification

Ordinance 82-002 Section 8.30.(3).(a) requires a minimum VUA landscape area of at least ten (10) square feet of additional interior landscaping for each parking space or ten (10) square feet of landscaped area for each three hundred (300) square feet or fraction thereof of paved area whichever is greater. The proposed additional pavement provides for the required fire access. The proposed gravel area will provide additional area for emergency vehicle maneuvering without increasing the impervious area.

Attachment: ATTACHMENT C - Exhibits B & C (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

KUHLMAN ENGINEERING, INC
2223 Trade Center Way Naples, Florida 34109
PHONE (239) 254-8219 kuhlmanengineering@yahoo.com

KUHLMAN ENGINEERING, INC EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER PROPERTY RIGHTS FOR THESE DRAWINGS AND DESIGN(S), INCLUDING THEIR ORIGINAL PURPOSE AND SITE. THESE DRAWINGS MAY NOT TO BE REPRODUCED, CHANGED, REUSED OR COPIED WITHOUT WRITTEN CONSENT OF KUHLMAN ENGINEERING, INC. ANY ASSIGNMENT TO ANOTHER PARTY IS UNINTENDED AND PROHIBITED.

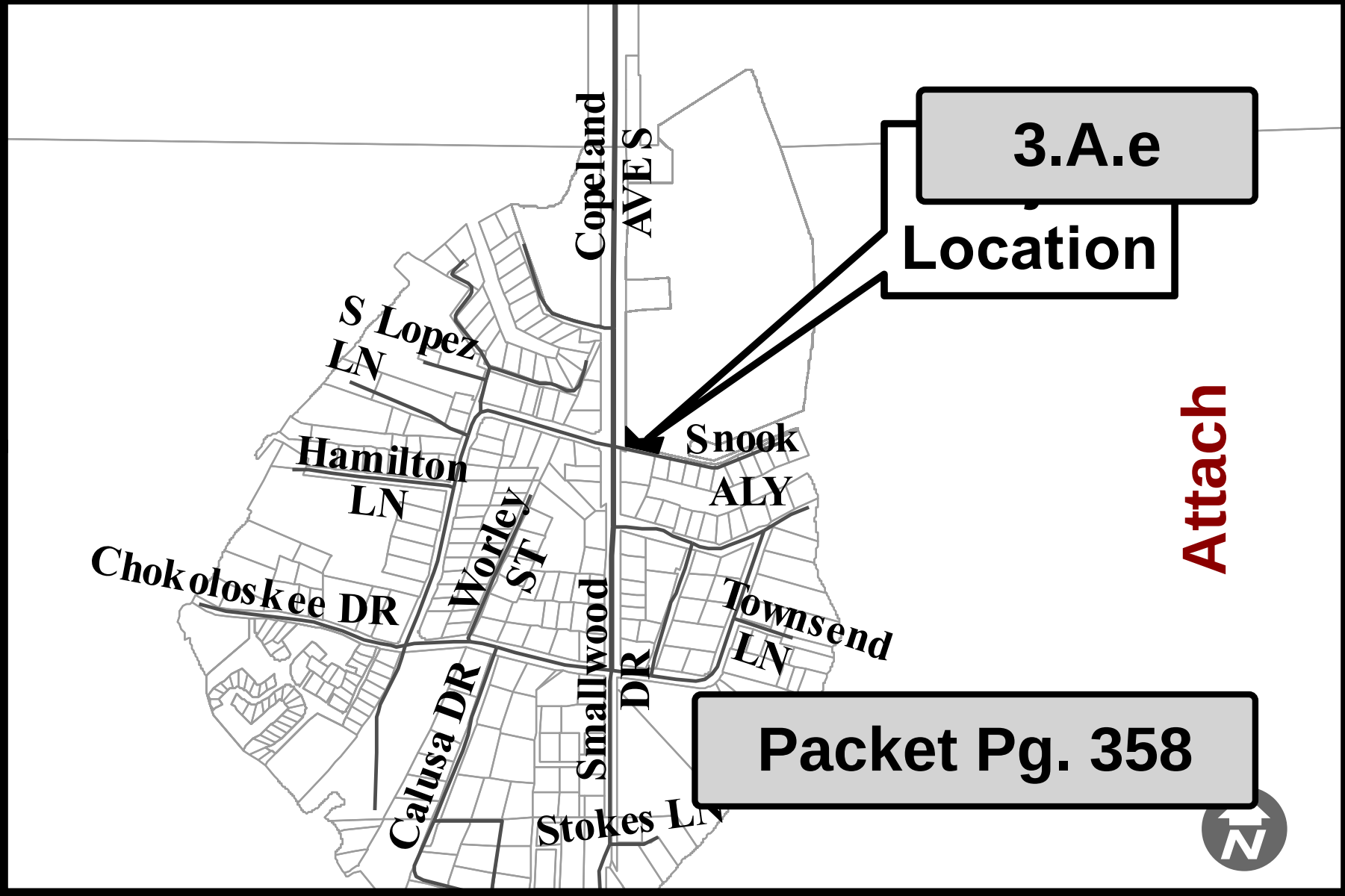
OUTDOOR RESORTS
150 SMALLWOOD DRIVE
CHOKOLOSKEE, FLORIDA 34138

DEVIATION EXHIBIT "C"
DESCRIPTION

DATE ISSUED:	10-26-2022
FILE NO:	22 - 5518
SCALE:	N/A
REVISED:	1-19-2023
REVISED:	3-29-2023
REVISED:	5-7-2023
REVISED:	6-23-2023

This item has been digitally signed and sealed by James B. Kuhlman PE. on date noted in sealed signature. Printed copies of this document are not considered signed and sealed and signature must be verified on any electronic copies

JAMES B. KUHLMAN PE
FLORIDA REGISTRATION # 22388


3.A.e
Location
Copeland AVE S
S Lopez LN
Hamilton LN
Snook ALY
Worley ST
Chokoloskee DR
Smallwood DR
Townsend LN
Calusa DR
Stokes LN
Attach
Packet Pg. 358

Collier County
Growth Management
Community Development Department
Zoning Division

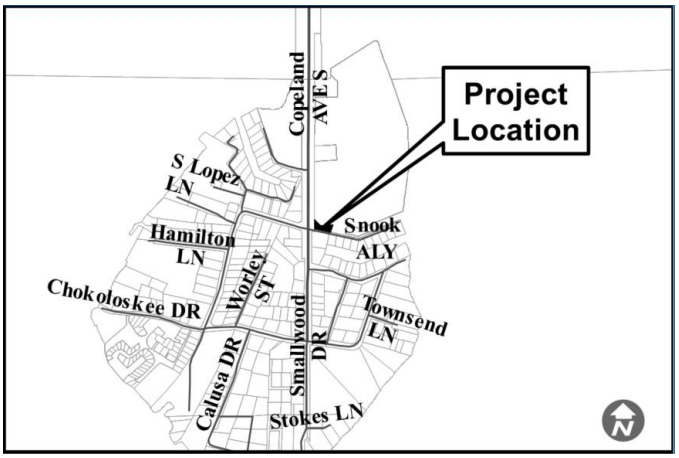
PUBLIC HEARING NOTICE

Outdoor Resorts of Chokoloskee Island (DR)
Petition Type: Deviations for Redevelopment
Petition No.: PL20220006184
Planner Name: Sean Sammon
Phone: (239) 252-8422

Hearing Examiner:

Date: 09/14/2023
Time: 09:00 AM
Location: GMD Conference Room 609/610
2800 N. Horseshoe Dr, Naples, FL 34104

This is to advise you of an upcoming public hearing because you may have interest in the proceedings, or you own property located near the vicinity of the following property.



For more information, or to register to participate remotely:
https://bit.ly/Public_Hearings

*Remote participation is provided as a ***courtesy*** and is at the user's risk. ***The County is not responsible for technical issues***

For difficulties registering please call Ailyn Padron at (239) 252-5187 or email to ailyn.padron@CollierCountyFL.Gov.

Meeting information: Individual speakers may be limited to five (5) minutes on any item. Persons wishing to have written or graphic materials included in the agenda packets must submit materials a minimum of ten (10) days prior to the respective public hearing, to the county staff member noted above. All material used in presentations before the Hearing Examiner will become a permanent part of the record.

Any person who decides to appeal a decision of the Hearing Examiner will need a record of the proceedings pertaining thereto and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Zoning Division, located at 2800 N. Horseshoe Drive, Naples, FL 34104, (239) 252-2400, at least two (2) days prior to the meeting. Assisted listening devices for the hearing impaired are available upon request.

This petition and other pertinent information related to this petition is kept on file and may be reviewed at the Growth Management Community Development Department building located at 2800 North Horseshoe Drive, Naples, Florida 34104.

Attachment: ATTACHMENT D - Legal Ad & Sign Posting (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

See reverse for more information

Hearing Examiner to consider the following:

PETITION NO. DR-PL20220006184 – OUTDOOR RESORTS OF CHOKOLOSKEE ISLAND – REQUEST FOR APPROVAL OF A SITE PLAN WITH DEVIATIONS PURSUANT TO LDC SECTION 10.02.03.F AND SEEKS FOUR DEVIATIONS: (1) FROM LDC SECTION 4.02.01.A.2 TO INSTEAD ALLOW A SETBACK BETWEEN 15 FEET AND 23 FEET, FIVE INCHES TO THE SOUTH PROPERTY LINE FOR BUILDING 1 AND 36 FEET 10 INCHES AND 49 FEET 10 INCHES TO THE SOUTH PROPERTY LINE FOR BUILDING 2, BOTH BUILDINGS IDENTIFIED ON DEVIATIONS EXHIBIT B SITE PLAN; (2) FROM LDC SECTION 4.06.06.A.1 TO INSTEAD ALLOW THE EXISTING OPAQUE FENCE TO SATISFY THE REQUIRED SCREENING; (3) FROM LDC SECTION 4.06.06.A.2 TO INSTEAD ALLOW THE EXISTING OPAQUE FENCE TO SATISFY THE REQUIRED VISUAL SCREENING; (4) FROM LDC SECTION 4.06.03.B.1 TO INSTEAD ALLOW A MINIMUM OF 3.33 PERCENT OF THE AMOUNT OF VEHICULAR AREA ONSITE TO BE DEVOTED TO INTERIOR LANDSCAPING FOR THE REDEVELOPMENT OF OUTDOOR RESORTS OF CHOKOLOSKEE ISLAND, CONSISTING OF ±19.0 ACRES AND LOCATED AT 150 SMALLWOOD DRIVE, CHOKOLOSKEE, FL 34138 ALSO KNOWN AS OUTDOOR RESORTS AT CHOKOLOSKEE ISLAND (CONDO) IN SECTION 31, TOWNSHIP 53 SOUTH, RANGE 30 EAST, COLLIER COUNTY, FLORIDA.

Attachment: ATTACHMENT D - Legal Ad & Sign Posting (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)


PUBLIC HEARING NOTICE
Outdoor Resorts of Chokoloskee Island
Deviations for Redevelopment (DR)
Petition No. PL20220006184
HEX: September 14, 2023 - 9:00 a.m.
Growth Management Building
2800 N. Horseshoe Dr., Naples, FL 34104
Planner: Sean Sammon 239-252-8422



Attachment: ATTACHMENT D - Legal Ad & Sign Posting (26416 : PL20220006184 – Outdoor Resorts at Chokoloskee Island DR)

SIGN POSTING INSTRUCTIONS

(CHAPTER 8, COLLIER COUNTY ADMINISTRATIVE CODE FOR LAND DEVELOPMENT)

A zoning sign(s) must be posted by the petitioner or the petitioner's agent on the parcel for a minimum of fifteen (15) calendar days in advance of the first public hearing and said sign(s) must be maintained by the petitioner or the petitioner's agent through the Board of County Commissioners Hearing. Below are general guidelines for signs, however these guidelines should not be construed to supersede any requirement of the LDC. For specific sign requirements, please refer to the Administrative Code, Chapter 8 E.

1. The sign(s) must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
2. The sign(s) must be securely affixed by nails, staples, or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
3. The petitioner or the petitioner's agent must maintain the sign(s) in place, and readable condition until the requested action has been heard and a final decision rendered. If the sign(s) is destroyed, lost, or rendered unreadable, the petitioner or the petitioner's agent must replace the sign(s

NOTE: AFTER THE SIGN HAS BEEN POSTED, THIS AFFIDAVIT OF POSTING NOTICE SHOULD BE RETURNED NO LATER THAN TEN (10) WORKING DAYS BEFORE THE FIRST HEARING DATE TO THE ASSIGNED PLANNER.

- - - -

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B
Doc ID: 26456
Item Summary: Petition No. PCUD-PL20230004883 - Hana Foot Massage & Spa (PCUD) - Request for a comparable use decision of the Hearing Examiner that a massage therapy spa business, including foot massage and spa treatments, is comparable in nature to other permitted uses in Section 5.02.A of the Berkshire Lakes Planned Unit Development (PUD) adopted by Ordinance Number 83-46, as amended. The subject property is located at 7071 Radio Road, just east of Devonshire Boulevard, in Section 32, Township 49 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commission District 4

Meeting Date: 09/14/2023

Prepared by:
Title: Planner – Zoning
Name: John Kelly
08/22/2023 11:59 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
08/22/2023 11:59 PM

Approved By:

Review:

Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	08/29/2023 6:37 PM
Operations & Regulatory Management	Michael Stark	Review Item	Completed	08/30/2023 9:39 AM
Zoning	Ray Bellows	Review Item	Completed	08/30/2023 9:59 AM
Zoning	James Sabo	Review Item	Skipped	08/30/2023 2:57 PM
Zoning	Mike Bosi	Division Director	Completed	08/30/2023 3:30 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	09/14/2023 9:00 AM	

Attachment: Staff Report - PL20230004883 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio Road)

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION – ZONING SERVICES SECTION

HEARING DATE: SEPTEMBER 14, 2023

SUBJECT: PCUD-PL20230004883; HANA FOOT MASSAGE & SPA
IN THE BERKSHIRE LAKES PUD

PROPERTY OWNER/AGENT:

Owner: REG8 Berkshire Commons, LLC
1 Independent Drive, Suite 114
Jacksonville, FL 32202

Applicant: TZ Dragon, LLC
Tom B J Zou
11358 South Cleveland Ave.
Fort Myers, FL 33907

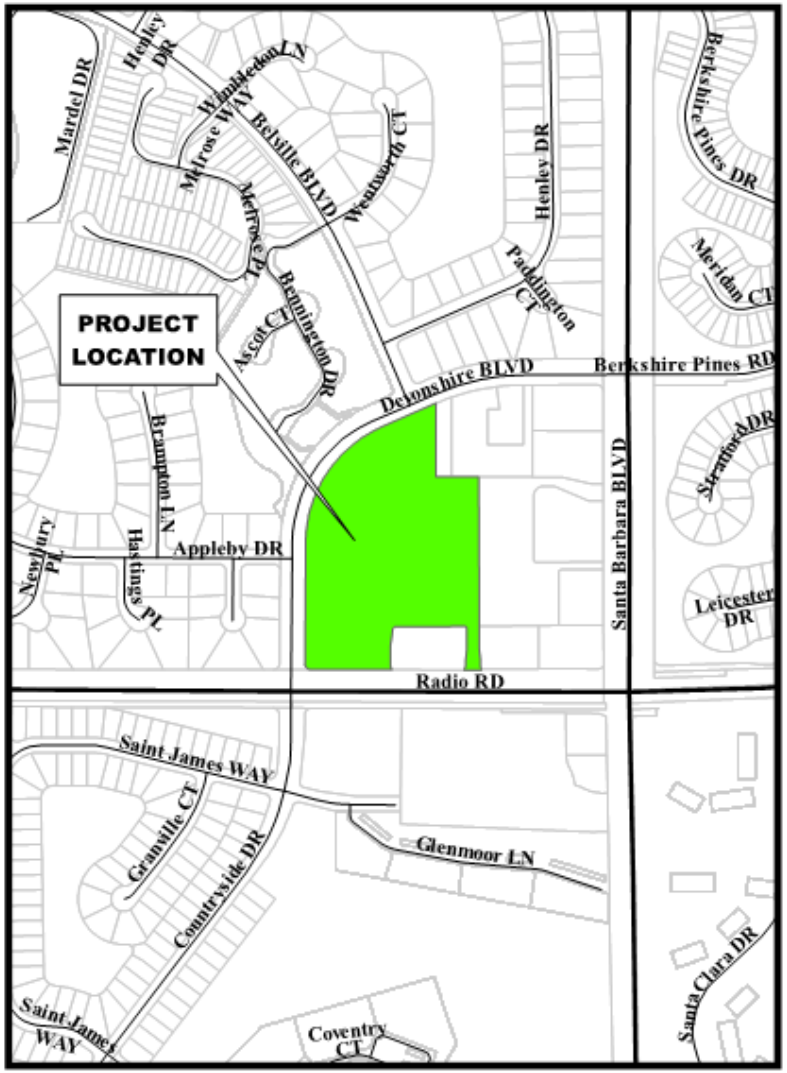
Agent: Francesca Passidomo, Esq.
Coleman, Yovanovich & Koester, P.A.
4001 Tamiami Trail North, Suite 300
Naples, FL 34103

REQUESTED ACTION:

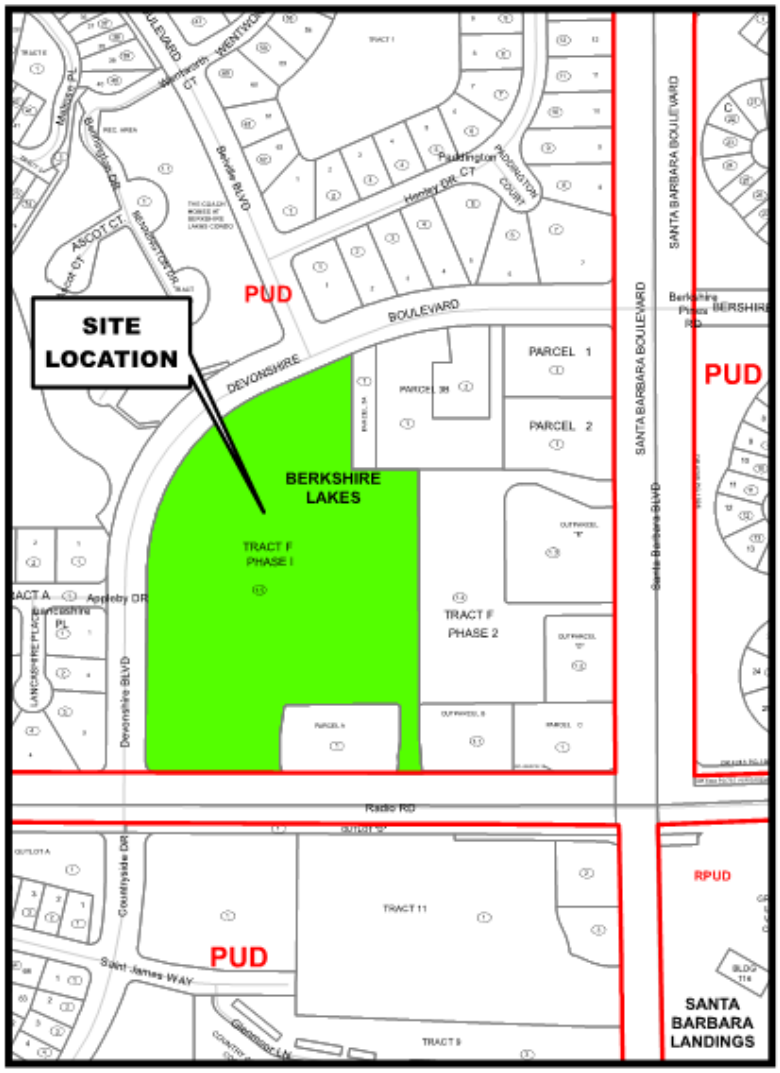
Request for a comparable use decision of the Hearing Examiner that a massage therapy spa business, including foot massage and spa treatments, is comparable in nature to other permitted uses in section 5.02.A of the Berkshire Lakes Planned Unit Development (PUD) adopted by Ordinance No. 83-46, as amended.

GEOGRAPHIC LOCATION:

The subject property is located just east of Devonshire Boulevard and is located within the Berkshire Lakes Planned Unit Development (PUD), a built-out mixed-use development, which comprises 1,093.9± acres located within the corresponding Berkshire Lakes Development of Regional Impact (DRI), Ordinance 82-1, as amended. The specific location of this determination is a 1,200± square foot leasable unit located within the Commercial/Multi-Use "C-1" component of the PUD; specifically, 7071 Radio Road, in Section 32, Township 49 South, Range 26 East, Collier County, Florida. (*see location map on following page*)



Location Map



Zoning Map

Petition Number: PL20230004883

Attachment: Staff Report - PL20230004883 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa -

SURROUNDING LAND USE AND ZONING:

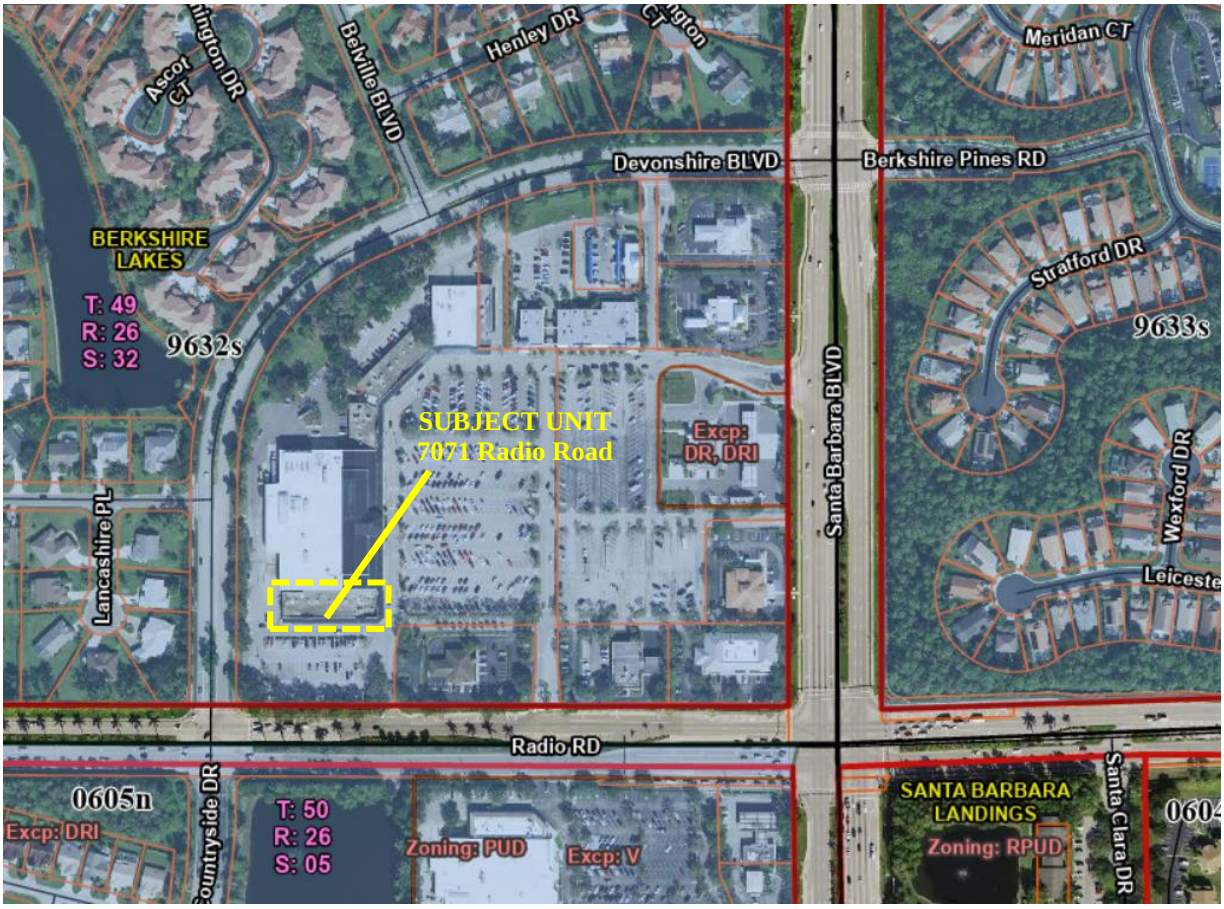
This section of the staff report identifies the land uses and zoning classifications for properties surrounding the boundaries of the subject property:

North: Devonshire Boulevard (Right-of-Way), then multiple-family residential located within the Berkshire Lakes PUD

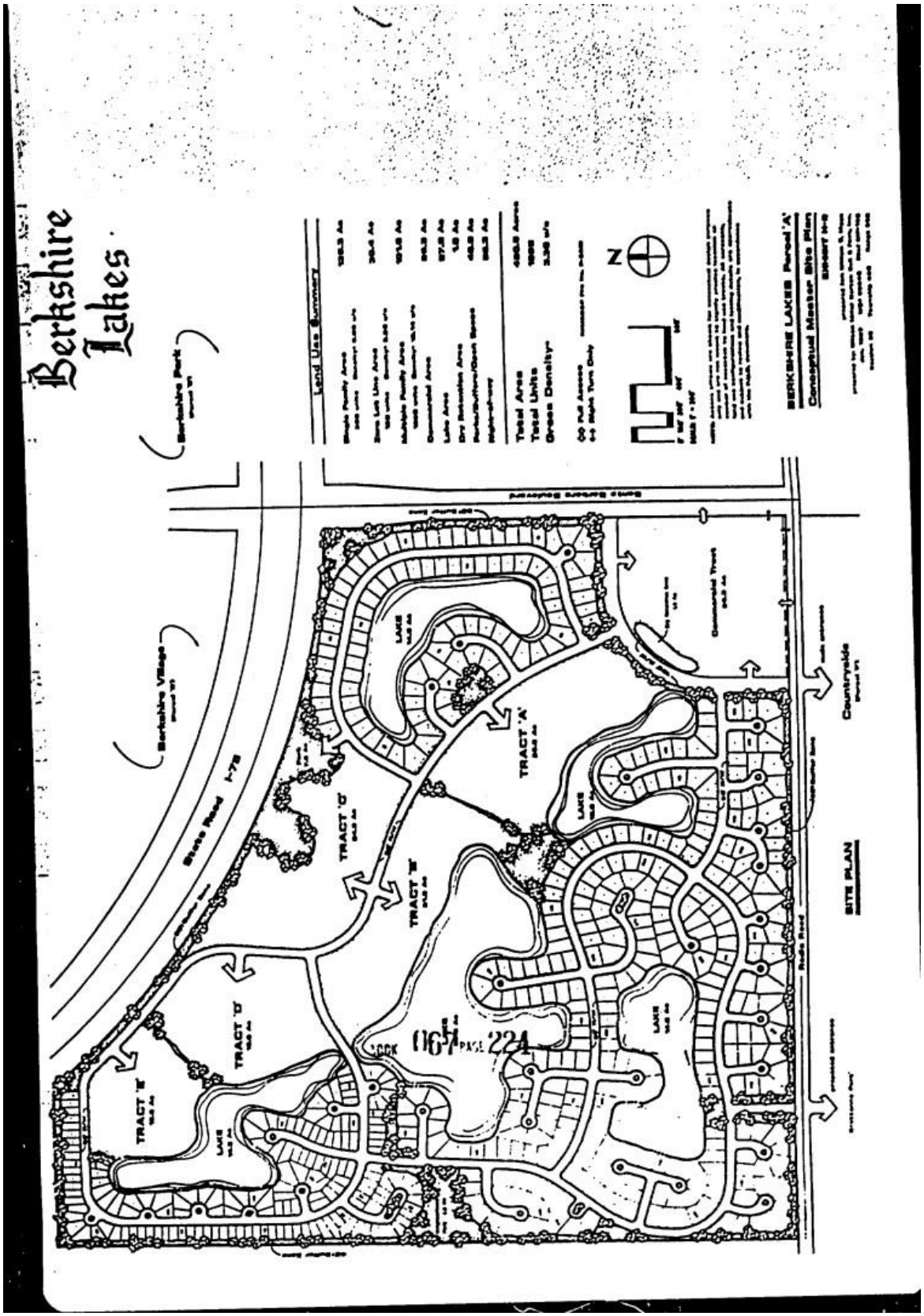
East: Santa Barbara Boulevard, then single-family residential located within the Berkshire Lakes PUD

South: Radio Road (Right-of-Way), then commercial, a developed shopping plaza, within the Berkshire Lakes PUD

West: Devonshire Boulevard (Right-of-Way), then single-family residential located within the Berkshire Lakes PUD



Collier County GIS



PUD Master Plan, Ord. 94-42

Attachment: Staff Report - PL20230004883 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio Road)

PURPOSE/DESCRIPTION OF PROJECT:

The petitioner is the lessee of a 1,200-square-foot unit within a larger 7,071-square-foot building that is located within the Berkshire Lakes Shopping Center, which received development approval using the County's Site Development Plan (SDP) process; specifically, SDP 89-242, as amended. The most current approved site plan, SDPI-PL20210000851, reveals the shopping center presently has substantial excess parking available.

The subject development is within the Berkshire Lakes PUD, for which the permitted uses within the Commercial/Multi-Use "C-1" component are contained within section 5.02.A. Permitted use #22 states: "Any other use which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in the district." The responsibility for determinations of this type has since been conferred to the Hearing Examiner.

The applicant's agent has presented a substantial argument that has been evaluated by staff and found to be sufficient for the rendering of a decision of this type. The intended and proposed use is a massage therapy spa to include massage and spa treatments performed by state-licensed massage therapists. The massage treatments will be performed in an open area with no private rooms or booths. The applicant's agent has compared the proposed use to Barber and beauty shops, self-service laundries, shoe repair, tailor shops, and upholstery shops, all of which are listed as permitted uses within the PUD. Zoning staff opines that the proposed use is most similar to barber and beauty shops, medical offices and clinics, art studios, and private clubs. Whatever the case, the findings contained herein are unchanged.

STAFF ANALYSIS:

In accordance with LDC Section 10.02.06.K, a Comparable Use Determination (CUD) process is to be used to determine whether a specified use is comparable in nature with the list of permitted uses and the purpose and intent statement of the specified zoning district, overlay, or PUD. CUDs are to be evaluated using the following criteria, which are then presented at a public hearing for approval, approval with conditions, or denial.

a. The proposed use possesses similar characteristics to the other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:

i. Operating hours;

- There are no restrictions for operating hours for any allowable use within the Berkshire Lakes PUD; operating hours for business uses generally range from 7:00 AM to 11:00 PM or later for restaurants.

ii. Traffic volume generated/attracted;

- The applicant has submitted a Traffic Impact Analysis, dated March 9, 2023, using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition and ITR Trip Generation Handbook, 3rd Edition. For trip generation purposes, "hair salon"

Attachment: Staff Report - PL20230004883 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio Road)

was used as the highest and best use as the ITE provides no data for a massage and spa treatment business. Said report concludes the proposed use is less intensive when compared to the existing conditions.

iii. Type of vehicles associated with the use;

- The vehicles used to visit the massage and spa treatment business will be the same passenger-type automobiles that frequent the other businesses within this shopping center. Deliveries will, for the most part, be by common courier.

iv. Number and type of required parking spaces; and

- Parking requirements for shopping centers are set by LDC section 4.05.04, Table 17, and are deemed adequate for the various permitted uses within such shopping centers. Some uses require less parking, and some require more parking. Traditionally, parking is shared equally amongst all tenants with no assigned spaces. Parking is typically evaluated at the time of permitting. The subject unit is located within the Berkshire Lakes Shopping Center, which received development approval in conjunction with Site Development Plan (SDP) No. SDP 89-242, as amended. The most current approved site plan is SDPI-PL20210000851, which reveals the site presently has excess parking available. (See Attachment C)

b. The effect the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.

- The proposed massage therapy spa business, including foot massage and spa treatments, will take place entirely within the confines of the 1,200-square-foot unit. The proposed business will have no greater impact than any other business at this location.

c. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not explicitly prohibit the proposed use. The proposed use is not omitted when the future land use designation contains a specific list of allowable uses.

- The subject property is within the Urban Mixed-Use District, Urban Residential Subdistrict, as identified on the Future Land Use Map (FLUM) of the Future Land Use Element (FLUE). The purpose of the Urban Mixed-Use District, Urban Residential Subdistrict, is to provide for various residential and non-residential developments such as PUDs. The proposed uses are not explicitly prohibited and are deemed consistent as the uses are comparable to others permitted by right within the commercial component of the PUD.

d. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.

Attachment: Staff Report - PL20230004883 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio Road)

- The applicant has demonstrated that the proposed use (massage therapy spa business, including foot massage and spa treatments) is consistent with those listed as being allowable within the Commercial/Multi-Use "C-1" component of the Berkshire Lakes PUD:

  i. Barber and beauty shops,
  ii. Laundries – self-service,
  iii. Shoe repair,
  iv. Tailor shops, and
  v. Upholstery shops

e. County Manager or Designee may require any additional relevant information.

- As per the Berkshire Lakes PUD Master Plan, the subject shopping center is located fully within the PUD's Commercial/Multi-Use "C-1" component, for which permitted principal and accessory uses are detailed within section 5.02 of the PUD document. The Berkshire Lakes PUD, Ordinance 83-46, has been amended ten times since its initial approval; however, with the exception of adding self-storage as a permitted use – subject to conditions – all other uses remain as initially approved. Staff notes that the County uses the *Standard Industrial Classification Manual*, 1987 Edition, published by the Executive Office of the President, Office of Management and Budget, to establish uses within straight zoning districts. The subject PUD pre-dates this manual, and SIC classifications are not used within it. Were SIC classifications to have been used, the proposed business could be classified in two ways. The first is SIC 7299 – Miscellaneous Personal Services, which includes explicitly "massage parlors," and the second is SIC 8049 – Offices and Clinics of Health Practitioners, Not Elsewhere Classified. The latter is primarily used for businesses offering therapeutic massage by licensed professional massage therapists, whereas the former would be used for any other type of massage business. The County uses a pyramidal zoning system; SIC 8049 is permitted within the Commercial Professional and General Office District (C-1), and SIC 7299 is first allowable within the General Commercial District (C-4). Staff opines that massage businesses are stigmatized and often mischaracterized as the result of illegal activity, thus requiring a more intense zoning district, typically further away from residential communities.

  The Collier County Sexually Oriented Business (SOB) Ordinance, Ord. 91-083, provides the following definition within Section 4:

  - ***Physical Culture Establishment*** *means any establishment that offers, provides, or advertises massage, body rubs, or physical contact with specified anatomical areas, regardless of whether or not the establishment has received a sexually oriented business permit under this Ordinance. Establishments that routinely provide medical services by state-licensed medical practitioners, electrolysis treatment by permitted operators of electrolysis equipment, and massage by licensed massage therapists shall be excluded from the definition of adult physical cultural establishments.*

    It is not the intent of this Ordinance to regulate matters of massage establishments.

Attachment: Staff Report - PL20230004883 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio Road)

These matters are regulated by the Department of Professional Regulation, Board of Massage, and by State law, Chapter 480, Florida Statutes.

The applicant's agent states: "The intended use is a massage therapy spa to include foot massage and spa treatments performed by licensed massage therapists. The massage treatments will be performed in an open area with no private rooms or booths." Given this information, zoning staff concludes that the proposed business does not satisfy the definition of a "Physical Culture Establishment" as contemplated within the SOB Ordinance.

- Compatibility is defined within the LDC as follows: "A condition in which land uses, or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." Compliance with the LDC architectural and landscape requirements, in combination with applicable PUD development regulations, assists in ensuring compatibility.

- The applicant believes that they have made a significantly strong case for the compatibility of the massage therapy spa business, including foot massage and spa treatments, and has not provided any additional relevant information.

CONCURRENT LAND USE APPLICATIONS:

There are no concurrent land use applications pertaining to the subject properties.

PUBLIC NOTICE):

Per LDC Section 10.03.06.O and the Administrative Code, the following notice procedures are required: Newspaper Advertisement prior to the advertised public hearing per F.S. § 125.66. This requirement was satisfied by county staff on or about August 25, 2023.

A Comparable Use Determination petition does not require an Agent Letter, Property Owner Notification Letter, Neighborhood Information Meeting, or the posting of a sign on the property.

RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner render a decision that a massage therapy spa business, including foot massage and spa treatments, is comparable and compatible with the Commercial/Multi-Use "C-1" component of the Berkshire Lakes PUD subject to the following conditions of approval:

1. State-licensed massage therapists will perform massage and spa treatments.

2. Other than public restrooms, custodial closets, a business office, and an employee break room, there shall be no other private rooms or booths within the confines of this business location.

3. This Comparable Use Determination shall not negate the requirement to obtain and abide by the requirements of a Sexually Oriented Business Permit if it is found to be operating in such a manner that it is determined to be operating as a Physical Culture Establishment.

Attachments:

A. Legal Description
B. Ordinance 83-46, the original Berkshire Lakes PUD
C. Site Development Plan – SDPI-PL20210000851
D. Applicant's Backup – Application and Support Documents

Attachment: Staff Report - PL20230004883 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio Road)

EXHIBIT A

Property

A PORTION OF TRACT "F" BERKSHIRE LAKES UNIT ONE AS SHOWN IN PLAT BOOK 14, PAGES 118 THROUGH 120, LYING IN SECTION 32, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 32, RUN NORTH 89'35'47" WEST A DISTANCE OF 100.00 FEET; THENCE RUN NORTH 00'07'01 WEST A DISTANCE OF 75.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT F THENCE NORTH 89'35'47" WEST ALONG THE SOUTHERLY BOUNDARY OF TRACT "F" A DISTANCE OF 483.10 FEET TO THE POINT OF BEGINNING ALSO BEING THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 31'11'58" HAVING A CHORD OF 21.51 FEET AND A CHORD BEARING OF NORTH 15'43'00 WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 21.78 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00'07'01" WEST ALONG THE WESTERLY BOUNDARY OF PARCEL A DISTANCE OF 19.86 FEET; THENCE NORTH 07'14'59" WEST A DISTANCE OF 40.27 FEET; THENCE NORTH 00'07'01 WEST A DISTANCE OF 82.73 FEET; THENCE CONTINUING NORTH 00 DEGREES 07'01" WEST A DISTANCE OF 598.65 FEET; THENCE SOUTH 89'52'59" WEST A DISTANCE OF 168.31 FEET; THENCE NORTH 00'07'01" WEST A DISTANCE OF 291.27 FEET; THENCE SOUTH 66'43'00 WEST ALONG THE NORTHERLY BOUNDARY OF TRACT "F" A DISTANCE OF 233.09 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST HAA RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 66'18'47; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 578.69 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 24'13' WEST ALONG THE WESTERLY BOUNDARY OF TRACT "F" A DISTANCE OF 475.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25,00 FEET AND A CENTRAL ANGLE OF 90 DEGREES 00'00'; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.27 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 35'47 EAST ALONG THE SOUTH BOUNDARY OF TRACT "F" A DISTANCE OF 320.73 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 31 DEGREES 08'52" HAVING A CHORD OF 21.48 FEET AND A CHORD BEARING OF NORTH 15'41'27" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 21.75 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00 DEGREES 07'01 WEST ALONG THE WESTERLY BOUNDARY OF PARCEL "A" A DISTANCE OF 76.14 FEET; THENCE NORTH 08'00'25 EAST A DISTANCE OF 65.27 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 10.00 FEET AND A CENTRAL ANGLE OF 81 DEGREES 52'34"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 14.29 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89 DEGREES 52'59 EAST ALONG THE NORTHERLY BOUNDARY OF PARCEL "A" A DISTANCE OF 273.36 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 10.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES 00'00"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 15.71 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 07'01" EAST ALONG THE EASTERLY BOUNDARY OF PARCEL "A" A DISTANCE OF 82.73 FEET; THENCE SOUTH 07'00'57" WEST A DISTANCE OF 40.27 FEET; THENCE SOUTH 00 DEGREES 07'01" EAST A DISTANCE OF 18.64 FEET TO THE POINT OF

Attachment: Attachment A - Legal Description (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio Road)

CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 32 DEGREES 11`20"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 22.47 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 89`35'47" EAST ALONG THE SOUTHERLY BOUNDARY OF TRACT "F" A DISTANCE OF 69.93 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE ACCESS AND PARKING EASEMENT OVER THAT PROPERTY GENERALLY REFERRED TO AS PHASE 2 OF THE BERKSHIRE COMMONS SHOPPING CENTER, AS SET FORTH IN THAT CERTAIN EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1665, PAGE 460, TOGETHER WITH FIRST AMENDMENT WITH FIRST AMENDMENT THERETO RECORDED IN OFFICIAL RECORDS BOOK 3680, PAGE 2573, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

WEB COPY CERTIFIED COPY

Attachment: Attachment A - Legal Description (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio Road)

ORDINANCE 83- 46

AN ORDINANCE AMENDING ORDINANCE 82-2 THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA BY AMENDING THE ZONING ATLAS MAP NUMBER 49-26-5 AND 49-26-8 BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM A-2 AND A-2ST TO "PUD" PLANNED UNIT DEVELOPMENT FOR BERKSHIRE LAKES; LOCATED BETWEEN GOLDEN GATE CITY AND DAVIS BOULEVARD 1½ MILES WEST OF C-951 AND PROVIDING AN EFFECTIVE DATE:

FILED
AUG 22 2 45 PM '83

WHEREAS, John J. Agnelli, Authorized Representative petitioned the Board of County Commissioners to change the Zoning Classification of the herein described real property;

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

SECTION ONE:

The Zoning Classification of the herein described real property located in Sections 32 and 33, Township 49 S, Range 26 E, Collier County, Florida is changed from A and A-ST to "PUD" Planned Unit Development in accordance with the PUD document attached hereto as Exhibit "A" which is incorporated herein and by reference made part hereof. The Official Zoning Atlas Map Number, Number 49-26-5 and 49-26-8, as described in Ordinance 82-2, is hereby amended accordingly.

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

SECTION TWO:

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

DATE: August 16, 1983

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: Mary-Frances Kruse
MARY-FRANCES KRUSE, CHAIRMAN

ATTEST:
WILLIAM J. REAGAN, CLERK

Berkshire Lakes

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. 83-46

which was adopted by the Board of County Commissioners during Regular Session the 16th day of August, 1983.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 17th day of August, 1983.

This ordinance filed with the Secretary of State's Office the 22nd day of Aug., 1983 and acknowledgement of that filing received this 26th day of Aug., 1983.

By _____
Deputy Clerk

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

By _____
Virginia Magri
Deputy Clerk

BOOK 017 PAGE 243

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

PLANNED UNIT DEVELOPMENT DOCUMENT

FOR

BERKSHIRE LAKES

A PLANNED RESIDENTIAL COMMUNITY

WILSON, MILLER, BARTON, SOLL & PEEK, INC.
ENGINEERS, PLANNERS & LAND SURVEYORS
1383 Airport Road North
Naples, Florida 33942

Date Issued: January 5, 1982
Revised: August 2, 1983

BOOK 017 PAGE 244

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

INDEX

		PAGE
LIST OF EXHIBITS		ii
STATEMENT OF COMPLIANCE & SHORT TITLE		iii
SECTION I	PROPERTY OWNERSHIP & DESCRIPTION	1-1
SECTION II	PROJECT DEVELOPMENT	2-1
SECTION III	SINGLE-FAMILY RESIDENTIAL "R-1"	3-1
SECTION IV	MULTI-FAMILY RESIDENTIAL "R-2"	4-1
SECTION V	COMMERCIAL/MULTI-USE "C-1"	5-1
SECTION VI	GOLF COURSE "G.C."	6-1
SECTION VII	RECREATION AND OPEN SPACE/PARK "O"	7-1
SECTION VIII	GENERAL DEVELOPMENT COMMITMENTS	8-1

BOOK 017 PAGE 245

LIST OF EXHIBITS

EXHIBIT H	MASTER DEVELOPMENT PLAN (Prepared by Wilson, Miller, Barton, Soll & Peek, Inc., File No. RZ-73)

BOOK 017 PAGE 246

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

STATEMENT OF COMPLIANCE

The development of approximately 1,093 acres of property in Sections 32 and 33, Township 49 South, Range 26 East, and Section 5, Township 50 South, Range 26 East, Collier County, Florida, as a Planned Unit Development to be known as BERKSHIRE LAKES, will be in compliance with the planning goals and objectives of Collier County as set forth in the Comprehensive Plan. The residential, commercial/multi-use development and associated recreational facilities of BERKSHIRE LAKES will be consistent with the growth policies, land development regulations and applicable Comprehensive Plan documents for the following reasons:

1) The subject property has the necessary rating points to determine availability of adequate community facilities and services.

2) The project development is compatible and complementary to the surrounding land uses.

3) Improvements are planned to be in substantial compliance with applicable regulations.

4) The project development will result in an efficient and economical extension of community facilities and services.

5) The project development is planned to incorporate natural systems for water management in accordance with their natural functions and capabilities.

SHORT TITLE

This ordinance shall be known and cited as the "Berkshire Lakes PUD Ordinance."

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

SECTION I

PROPERTY OWNERSHIP & GENERAL DESCRIPTION

1.01 INTRODUCTION AND PURPOSE

It is the intent of John J. Agnelli (authorized representative) (hereinafter called "applicant" or "developer") to establish and develop a Planned Unit Development (PUD) on approximately 1,093 acres of property located in Collier County, Florida. It is generally bordered on the west by St. Clair Shores, an unrecorded subdivision and on the east by the Green Heron Planned Unit Development. The northern boundary of the property is the Golden Gate Canal. The southern edge of the property is bounded by Davis Boulevard. It is the purpose of this document to provide the required standards and to set forth guidelines for the future development of the property.

1.02 NAME - The PUD development shall be known as BERKSHIRE LAKES.

1.03 LEGAL DESCRIPTION

Section 32, Township 49 South, Range 26 East, Collier County, Florida;
less South 50 feet for Right-of-Way for Radio Road (County Road 856);
less that land as described in O.R. Book 818, page 806 of Collier County, Florida.

ALSO the west 5/6 of the west 1/2 of Section 33, Township 49 South, Range 26 East, Collier County, Florida;
less south 50 feet for Right-of-Way for Radio Road (County Road 856);
less that land as described in O.R. Book 818, page 810 of Collier County, Florida.

ALSO the east 1/2 of Section 5, Township 50 South, Range 26 East, Collier County, Florida;
less south 75 feet for Right-of-Way of Davis Boulevard Extension (S.R. 84);
less north 50 feet for Right-of-Way of Radio Road (County Road 856).

subject to easements, restrictions, and reservations of record;
containing ±1093 acres more or less.

1.04 TITLE TO PROPERTY

Subject properties are currently under the unified control of Barnett Bank Trust Company, N.A. Trustee; under Trust No. 36-8750.

BOOK 017 PAGE 249

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

SECTION II

PROJECT DEVELOPMENT

2.01 PURPOSE

The purpose of this Section is to generally describe the plan of the development and delineate the general conditions that will apply to the project.

2.02 GENERAL PLAN OF DEVELOPMENT

Berkshire Lakes is a planned community, which includes a mixture of residential and commercial/multi-use uses, golf course, open space/parks and preserve areas.

2.03 COMPLIANCE WITH APPLICABLE ORDINANCES

The project is intended to be in substantial compliance with the applicable Collier County general zoning and subdivision regulations as well as other Collier County development codes in effect at the time permit plats are requested.

2.04 FRACTIONALIZATION OF TRACTS

a. When the developer sells an entire Tract or a building parcel (fraction of a Tract) to a subsequent owner, or proposes development of such property himself, the developer shall provide to the Administrator for approval or denial, prior to the sale of such property, a boundary drawing showing the tract and the building parcel therein (when applicable) and in the case of a residential area, the number of dwelling units of each residential type assigned to the property.

b. In the event any residential tract or building parcel is sold by any subsequent owner, as identified in Section 2.04(a), in fractional parts to other parties for development, the subsequent owner shall provide to the Administrator, for approval or denial, prior to the sale of a fractional part, a boundary drawing showing his originally purchased tract or building parcel and the fractional parts therein and the number of dwelling units assigned to each of the fractional parts.

The drawing shall also show the location and size of access to those fractional parts that do not abut a public street.

c. In the event a commercial tract or building parcel is sold by any subsequent owner, as identified in Section 2.04(a), in fractional parts to other parties for development, the subsequent owner shall provide to the Director, for approval or denial, prior to the sale of a fractional part, a boundary drawing showing his originally purchased tract or building parcel and the fractional parts therein. The drawing shall also show the location and size of access to those fractional parts that do not abut a public street.

d. The developer of any tract or building parcel must submit at the time of application for a building permit, a detailed plot plan for his tract or parcel. Such plot plan shall show the proposed location of all buildings, access roads, offstreet parking and offstreet loading areas, refuse and service areas, required yards and other open spaces, locations for utilities hook-up, screening and buffering, signs, lighting, landscape plan, other accessory uses and structures and in residential areas, the distribution of dwelling units among the proposed structures.

e. In evaluating the fractionalization plans the Administrator's decision for approval or denial shall be based on compliance with the criteria and the development intent as set forth in this document, conformance with allowable numbers of residential units and the reasonable accessibility of the fractional parts to public or private roadways, common areas, or other means of ingress and egress.

f. If approval or denial is not issued within ten (10) working days, the submission shall be considered automatically approved.

BOOK 017 PAGE 251

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

2.05 SITE PLAN APPROVAL

When site plan approval is desired or required by this document, the following procedure shall be followed:

A written request for site plan approval shall be submitted to the Director for approval or denial. The request shall include materials necessary to demonstrate that the approval of the site plan will be in harmony with the general intent and purpose of this document. Such material may include, but is not limited to the following, where applicable:

A) Site plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, offstreet parking and offstreet loading areas, yards and other open spaces.

B) Plans showing proposed locations for utilities hookup.

C) Plans for screening and buffering.

D) Plans for proposed signs and lighting.

E) In the case of clustered buildings and/or zero lot line with common architectural theme, required property development regulations may be waived or reduced provided a site plan is approved under this section.

BOOK 017 PAGE 252

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

2.06 LAND USES

The following table is a schedule of the intended land use types, with approximate acreages and total dwelling units indicated. The arrangement of these land use types is shown on Exhibit "H", Master Development Plan. Minor changes and variations in design and acreages shall be permitted at final design to accommodate topography, vegetation and other site conditions. The specific location and size of individual tracts and the assignment of dwelling units thereto shall be submitted to the Administrator for approval or denial.

The final size of the recreation and open space lands will depend on the actual requirements for water management, golf course layout, roadway pattern and dwelling unit size and configuration.

BOOK 017 PAGE 253

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

LAND USE SCHEDULE

LAND USE TYPE	APPROXIMATE ACREAGE	MAXIMUM NO.OF DWELLING UNIT
RESIDENTIAL *1		
R-1 Residential Single-Family	132.0	335
R-2 Residential Multi-Family	435.4	3,865
COMMERCIAL/MULTI-USE *1		
C-1 Commercial	42.5	*1
RECREATION AND OPEN SPACE		
GC Golf Course	149.2	
O (Park/Open Space /green belts)	74.3 *2	
Water Management/Lakes	149.5	
Major Right-of-Way	75.1	
Total	1058 Acres	4,200 Residential Dwelling Units

*1 Residential dwelling units may also be provided within the C-1 Commercial/Multi-use category provided the total number of dwelling units does not exceed 4200.

*2 A park site of 35 acres will be deeded to the County.

BOOK 017 PAGE 254

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

2.07 PROJECT DENSITY

The total acreage of the BERKSHIRE LAKES property is approximately 1058 acres of which 35 acres will be deeded to the County. The maximum number of dwelling units to be built on the total acreage is 4,200. The number of dwelling units per gross acre is approximately 3.96. The density on individual parcels of land throughout the project may vary according to the type of housing placed on each parcel of land.

2.08 PERMITTED VARIATIONS OF DWELLING UNITS

All properties designated for residential uses may be developed at the maximum number of dwelling units as assigned by Section 2.06, provided that the applicant may increase or decrease the maximums by not more than 10%; and provided that the total number of dwelling units shall not exceed 4200. The Administrator shall be notified in accordance with Section 2.04 of such an increase and the resulting reduction in the corresponding residential land use types or other categories so that the total number of dwelling units shall not exceed 4200.

2.09 DEVELOPMENT SEQUENCE AND SCHEDULE

The applicant has not set "stages" for the development of the property. Since the property is to be developed over an estimated 20 year time period, any projection of project development can be no more than an estimate based on current marketing knowledge. The estimate may of course, change depending upon future economic factors. The following schedule indicates, by years, the estimated absorption of units for the estimated 20 year development period.

BOOK 017 PAGE 255

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

ESTIMATED MARKET ABSORPTION SCHEDULE

DESIGNATION UNIT	PHASE YEARS I 1-5	II 6-10	III 11-15	IV 16-20	TOTAL
R-1 Dwelling Units	235	100	-	-	335
R-2 Dwelling Units	800	1000	1000	1065	3865
C-1 Bldg.Sq.Ft.x1000	100	100	100	75	375
GC,(Golf Course) Acres	149.2	-	-	-	149.2

BOOK 017 PAGE 256

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

2.10 RESERVATION OF NATURAL VEGETATION AND TREE REMOVAL

Clearing, grading, earthwork, and site drainage work shall be performed in accordance with the approved PUD Master Development Plan and applicable Collier County Development Codes. Protected areas shall be flagged, clearly marked and/or fenced during periods of construction.

Approval from the County Environmentalist shall be received prior to any development of the identified archaeological site. Archaeological sites shall be preserved if found to be of significant value.

Initial site clearing plans for each phase of development shall be reviewed and approved by the County Environmentalist with the specific intent of checking on the removal of all exotics on the site.

2.11 EASEMENTS FOR UTILITIES

Easements shall be provided for water management areas, utilities and other purposes as may be needed. Said easements and improvements shall be done in substantial compliance with the Collier County Subdivision Regulations.

All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all service utilities in substantial compliance with applicable regulations in effect at the time approvals are requested.

2.12 EXCEPTIONS TO THE COLLIER COUNTY SUBDIVISION REGULATIONS

The following requirements shall be waived:

a. Article XI, Section 10: Where such monuments occur within street pavement areas, they shall be installed in a typical water valve cover, as prescribed in the current County standards.

b. Article XI, Section 17H: Such streets shall not exceed one thousand (1,000) feet in length.

c. Article XI, Section 17J, requiring curved streets to have a minimum tangent of 100 feet at intersections.

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

SECTION III

SINGLE-FAMILY RESIDENTIAL "R-1"

3.01 PURPOSE

The purpose of this Section is to set forth the regulations for the areas designated on Exhibit "H", Master Development Plan, as Single-Family Residential.

3.02 MAXIMUM DWELLING UNITS

A maximum number of 335 dwelling units may be constructed in all of the Single-Family Residential parcels except as permitted by Section 2.08.

3.03 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, for other than the following:

A. Permitted Principal Uses and Structures

1) Single Family dwellings.

2) Public and private parks, playgrounds, playfields and commonly owned open space.

B. Permitted Principal Uses and Structures Requiring Site Plan Approval

1) Villas, cluster and group housing, townhouses, patio houses, and zero lot lines.

BOOK 017 PAGE 258

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

C. Permitted Accessory Uses and Structures

1) Customary accessory uses and structures, including but not limited to private garages and private swimming pools.

2) Signs as permitted by the Collier County Zoning Ordinance in effect at the time permits are requested.

3) Model homes shall be permitted in conjunction with the promotion of the development. Such model homes shall be permitted for a period of one (1) year from the initial use as a model. The Administrator may authorize the extension of such use upon written request and justification.

3.04 PROPERTY DEVELOPMENT REGULATIONS

3.04.01 GENERAL: All yards, set-backs, etc., shall be applied in relation to the individual parcel boundaries.

3.04.02 MINIMUM LOT AREA AND DIMENSIONS:

Area	10,000 Square Feet
Frontage	80 Feet Interior Lots
	95 Feet Corner lots
	80 Feet Cul-de-sac and odd shaped lots. (measured at the front yard setback line.)

3.04.03 MINIMUM SETBACKS:

Front	30 Feet
Side	7.5 Feet One Story
	10.0 Feet Two Story
Rear	25 Feet

3.04.04 MAXIMUM BUILDING HEIGHT:

Principal Structures:	30 Feet
Accessory Structures:	20 Feet

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

3.04.05 MINIMUM FLOOR AREA:

One Story: 1,000 Square Feet

Two Story: 1,200 Square Feet

3.04.06 SIGNS AND MINIMUM OFF-STREET PARKING:

As may be permitted or required by the applicable Collier County Zoning Ordinance in effect at the time a permit is requested.

BOOK 017 PAGE 260

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

SECTION IV

MULTI-FAMILY RESIDENTIAL "R-2"

4.01 PURPOSE

The purpose of this Section is to set forth the regulations for the areas designated on Exhibit "H", Master Development Plan, as Multi-Family Residential.

4.02 MAXIMUM DWELLING UNITS

A maximum number of 3,865 dwelling units may be constructed in all of the Multi-Family Residential parcels except as permitted by Section 2.08.

4.03 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, for other than the following:

A. Permitted Principal Uses and Structures:

1) Two (2) Family and Multi-family dwellings.

2) All permitted principal uses and structures allowed by Section 3.03.A. of this document.

B. Permitted Principal Uses and Structures requiring Site Plan Approval:

1) All permitted principal uses and structures allowed by Section 3.03.B. of this document.

2) Any permitted structure exceeding the maximum building height allowed by Section 4.04.04 of this document but not exceeding six (6) habitable/-living stories above parking.

3) Essential services/central waste water treatment facilities on the multi-family designated tract located immediately north of I-75 R.O.W., east of Santa Barbara R.O.W. extension south of the Golden Gate Canal and south of the east-west unnamed access road which is located between the Golden Gate Canal and the I-75 R.O.W. (in Section 33, Township 49 South, Range 26 East, Collier County, Florida).

C. Permitted Accessory Uses and Structures:

1) All permitted accessory uses and structures allowed by Section 3.03.C. of this document.

BOOK 017 PAGE 261

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

4.04 PROPERTY DEVELOPMENT REGULATIONS:

4.04.01 GENERAL:

All yards, setbacks, etc. shall be applied in relation to the individual parcel boundaries.

4.04.02 MINIMUM LOT AREA AND DIMENSIONS:

Area	
Single Family dwelling	10,000 Square Feet
other principal uses	20,000 Square Feet
Frontage	80 Feet

4.04.03 MINIMUM SETBACKS:

One-half of principal building height with a minimum of:

Front	30 Feet
Side	15 Feet
Rear	30 Feet

The distance between any two 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 greater.

4.04.04 MAXIMUM BUILDING HEIGHT:

Three (3) habitable/living stories above parking. Unless otherwise approved under Section 4.03.B.2.

4.04.05 MINIMUM FLOOR AREA: 750 Square Feet.

4.04.06 SIGNS AND MINIMUM OFF-STREET PARKING:

As may be permitted or required by the applicable Collier County Zoning Ordinance in effect at the time a permit is requested.

BOOK 017 PAGE 262

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

SECTION V

COMMERCIAL/MULTI-USE "C-1"

5.01 PURPOSE

The purpose of this Section is to set forth the regulations for the areas designated on Exhibit "H" as Commercial/Multi-Use.

5.02 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, for other than the following:

A. Permitted Principal Uses and Structures:

1) Antique shops; appliance stores; art studios; art supply shops; automobile parts stores; automobile service stations without repairs.

2) Bakery shops; banks and financial institutions; barber and beauty shops; bath supply stores; bicycle sales and services; blueprint shops; bookbinders; book stores; business machine services.

3) Carpet and floor covering sales - which may include storage and installation; churches and other places of worship; clothing stores; cocktail lounges; commercial recreation uses - indoor; commercial schools; confectionery and candy stores.

4) Delicatessens; department stores; drug stores; dry cleaning shops; dry goods stores; and drapery shops.

5) Electrical supply stores.

BOOK 017 PAGE 263

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

6) Fish market - retail only; florist shops; food markets; fraternal and social clubs; funeral homes; furniture stores; furrier shops.

7) Garden supply stores - outside display in side and rear yards; gift shops; glass and mirror sales; gourmet shops.

8) Hardware stores; health food stores; homes for the aged; hospitals and hospices.

9) Ice cream stores; ice sales and interior decorating show rooms.

10) Jewelry stores.

11) Laundries - self service only; leather goods; legitimate threatres; liquor stores; locksmiths.

12) Markets - food; markets - meat, medical offices and clinics; millinery shops; motion picture theatres; museums; music stores.

13) New car dealerships - outside display permitted; news stores.

14) Office - general; office supply stores.

15) Paint and wallpaper stores; pet shops; pet supply shops; photographic equipment stores; pottery stores; printing; publishing and mimeograph service shops; private clubs; professional offices.

16) Radio and television sales and services; research and design labs; rest homes; restaurants - including drive-in or fast food restaurants.

17) Shoe repair; shoe stores; souvenir stores; stationery stores; supermarkets and sanitoriums.

18) Tailor shops; taxidermists, tile sales - ceramic tile; tobacco shops; toy shops; tropical fish stores.

19) Upholstery shops.

BOOK 017 PAGE 264

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

20) Variety shops; vehicle rental - automobile only; veterinarian offices and clinics - no outside kennels.

21) Watch and precision instrument repair shops.

22) Any other use which is comparable in nature with the foregoing uses and which the Zoning Director determines to be compatible in the district.

B. Permitted Principal Uses and Structures Requiring Site Plan Approval

1) Attached residence in conjunction with business- one (1) per business.
2) Car wash; child care centers, commercial recreation-outdoor.
3) Hotels, Motels
4) Multi-family residential;
5) Permitted uses with less than 1,000 square feet gross floor area in the principal structure.
6) Shopping centers.

C. Permitted Accessory Uses and Structures

1) Accessory uses and structures customarily associated with the uses permitted in this district.

2) Caretaker's residence.

3) Signs as permitted by the Collier County Zoning Ordinance in effect at the time permits are requested.

5.03 PROPERTY DEVELOPMENT REGULATIONS

5.03.01 GENERAL: All yards, setbacks, etc., shall be in relation to the individual parcel boundaries.

5.03.02 MINIMUM LOT AREA AND DIMENSIONS:

Area	10,000 Square Feet
Frontage	100 Feet

BOOK 017 PAGE 265

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

5.03.03 MINIMUM SETBACKS:

- One-half (1/2) of principal building height with a minimum of:

Front	25 Feet
Side	None, or a minimum of five (5) feet with unobstructed passage from front to rear yard.
Rear	25 Feet

- Distance between any two principal structures - Ten (10) feet or 1/2 the sum of their heights whichever is greater except that in the case of clustered buildings with a common architectural theme these distances may be less provided that a site plan is approved in accordance with Section 2.05.

- Principal commercial buildings shall be setback a minimum of fifty (50) feet from abutting residental districts.

5.03.04 MINIMUM FLOOR AREA OF PRINCIPAL STRUCTURE:

One thousand (1,000) square feet per building on ground floor.

5.03.05 MAXIMUM HEIGHT OF STRUCTURES:

Fifty (50) feet.

5.03.06 SIGNS AND MINIMUM OFF-STREET PARKING:

As may be permitted or required by the applicable Collier County Zoning Ordinance in effect at the time a permit is requested.

5.03.07 SPECIAL PROPERTY DEVELOPMENT REGULATIONS:

A) Landscaping, buffer areas and supplementary district zoning regulations that may be applicable to certain uses above shall be adhered to unless in conflict with any of the intent or the provisions specified herein.

B) Merchandise storage and display. Unless specifically permitted for a given use, outside storage or display of mechandise is prohibited.

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

SECTION VI

GOLF COURSE "G.C."

6.01 PURPOSE

The purpose of this Section is to set forth the regulations for the areas designated on Exhibit "H", Master Development Plan, as Golf Course.

6.02 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, for other than the following:

A. Permitted Principal Uses and Structures

1) Golf Course

B. Permitted Accessory Uses and Structures

1) Clubhouses, pro-shop, practice driving range and other customary accessory uses of golf courses, or other recreational facilities.

2) Small commercial establishments, including gift shops, golf equipment sales, restaurants, cocktail lounges, and similar uses, intended to exclusively serve patrons of the golf course or other permitted recreational facilities, subject to the provisions of the applicable supplementary regulations of the Zoning Ordinance.

3) Shuffleboard courts, tennis courts, swimming pools, and other types of facilities intended for outdoor recreation.

4) Signs as permitted by the Collier County Zoning Ordinance in effect at the time permits are requested.

5) A maximum of two (2) residential units in conjunction with the operation of the golf course as determined to be compatible with the adjacent zoning as determined by the Administrator.

BOOK 017 PAGE 267

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

C. Plan Approval Requirements

A site plan of the golf course shall be submitted in accordance with Section 2.05 of this document. The perimeter boundaries of such plans shall be recorded in the same manner as a subdivision plat.

6.03 PROPERTY DEVELOPMENT REGULATIONS

6.03.01. General Requirements

a) Overall site design shall be harmonious in terms of landscaping, enclosure of structures, location of access streets and parking areas and location and treatment of buffer areas.

b) Buildings shall be set back a minimum of fifty (50) feet from abutting residential districts and the setback area shall be appropriately landscaped and maintained to act as a buffer zone.

c) Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.

6.03.02. Maximum Height of Structures

Thirty-five (35) feet.

6.03.03. Signs and Minimum Off-Street Parking

As may be permitted or required by the applicable Collier County Zoning Ordinance in effect at the time a permit is requested.

BOOK 017 PAGE 268

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

SECTION VII

RECREATION AND OPEN SPACE/PARK "O"

7.01 PURPOSE

The purpose of this Section is to set forth the regulations for the areas designated on Exhibit "H", Master Development Plan, as Open Space/Park, CYP, Willowhead, Willow Cypress Preserve, Cypress Preserve, Green Belt, Lake....etc.

7.02 PERMITTED USES AND STRUCTURE

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures

1) Parks, Playgrounds and game courts and fields.

2) Biking, hiking, canoeing and nature trails.

3) Equestrian paths.

4) Nature preserves and wildlife sanctuaries.

5) Any other open space activity which is comparable in nature with the foregoing uses and which the Administrator determines to be compatible in the District.

6) Recreational shelters and restroom facilities.

7) Water Management Facilities and Lakes.

8) Wildlife Management.

9) Community Park.

B) Permitted Accessory Uses and Structures

1) Accessory uses and structures customarily associated with principal uses permitted in this District.

BOOK 017 PAGE 269

2) Signs as may be permitted by the Collier County Zoning Ordinance in effect at the time permits are requested.

3) Maintenance and storage areas and structures.

C) Site Plan Approval Requirement

Site plans for the proposed uses shall be submitted to the Administrator in accordance with Section 2.05 of this document.

7.03 PROPERTY DEVELOPMENT CRITERIA

a) Overall site design shall be harmonious in terms of landscaping, enclosure of structures, location of access streets and parking areas and location and treatment of buffer areas.

b) Buildings shall be setback a minimum of fifty (50) feet from abutting residential districts and the setback area shall be landscaped and maintained to act as a buffer zone.

c) Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.

7.04 SIGNS AND MINIMUM OFF-STREET PARKING

As may be permitted or required by the applicable Collier County Zoning Ordinance in effect at the time a permit is requested.

BOOK 017 PAGE 270

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

SECTION VIII

GENERAL DEVELOPMENT COMMITMENTS

8.01 PURPOSE

The purpose of this Section is to set forth the standards for development of the project.

8.02 DEVELOPMENT COMMITMENTS

A. ENERGY

1) Construction shall comply with applicable local and state energy codes.

2) Reasonable "good faith" efforts to utilize state-of-the-art energy conservation techniques shall be made where practically and economically feasible. Such techniques may include, but not be limited to the following:

a. Provision of a bicycle/pedestrian system connecting all land uses, to be placed along all arterial collectors and local roads within the project. This system is to be consistent with Collier County requirements.

b. Provision of bicycle racks and/or storage facilities in office and commercial areas and in multi-family residential areas.

c. Cooperation in the locating of bus stops, shelters and other passenger and system accommodations when a transit system is developed to serve the project area.

d. Use of energy-efficient features in window design (e.g., shading and tinting).

e. Use of operable windows and ceiling fans.

f. Installation of energy-efficient appliances and equipment.

g. Reduced coverage by asphalt, concrete, rock and similar substances in streets, parking lots and other areas to reduce local air temperatures and reflected light and heat.

BOOK 017 PAGE 271

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

h. Installation of energy-efficient lighting for streets, parking areas, recreation areas and other interior and exterior public areas.

i. Selection of native plants, trees and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

j. Planting of native shade trees to provide reasonable shade for all recreation areas, streets and parking areas.

k. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months. (Shade in the summer should receive primary consideration.)

l. Planting or retention of native shade trees for each residential unit.

m. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize natural cooling effects of the wind.

n. Provision for structural shading (e.g., trellises, awnings and roof overhangs) wherever practical when natural shading cannot be used effectively.

o. Inclusion of porch/patio areas in residential units.

3. Deed restrictions and other mechanisms shall not prohibit or prevent the use of alternative energy devices such as solar collectors (except when necessary to protect the public health, safety and welfare).

B. AIR QUALITY

1) The developer shall comply with applicable codes and apply for required permits relative to air quality.

BOOK 017 PAGE 272

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

C. TRANSPORTATION

1. Bikepath/sidewalks shall be provided on the west side of Santa Barbara from Radio Road to Golden Gate Canal.

2. The applicant shall be required to pay for the signalization, turn lanes and other improvements deemed necessary by the County Engineer or FDOT for the intersection of the project's southern access road with Davis Boulevard (SR-84). These improvements shall be made at the time that this intersection is found to exceed level of service "C". Service level determination shall be made by either the Collier County Engineering Department or FDOT.

3. At such time as Davis Boulevard (SR-84) exceeds service level C, the developer representing Berkshire Lakes will find a proportionate share of 1.24 miles of the cost of construction based on total build-out of the project. The developer will supply bond addressing this issue.

4. Donate to Collier County one hundred feet of a future two hundred feet right-of-way along the east boundary of Berkshire Lakes between Davis Boulevard and Radio Road.

5. Donate to Collier County 25 feet of additional right-of-way on each side of Radio Road along the Berkshire Lakes frontages.

6. The developer of Berkshire Lakes pay its fair share for upgrading Radio Road and Santa Barbara Boulevard from Golden Gate Canal to Davis Boulevard.

7. A fair-share contribution toward the capital cost of traffic signals at the principal access points to the project when deemed warranted by the County Engineer. The signals shall be owned, operated and maintained by Collier County.

8. Arterial type street lighting at all principal access points to the project. The operating and maintenance cost of these units shall be assumed by Collier County.

9. Provide appropriate left and right turn lanes at the principal access points to the project.

The above noted properties shall be donated to the County for the specific purpose of widening Radio Road and for the planned future extension of Santa Barbara Boulevard from Radio Road to Davis Boulevard.

BOOK 017 PAGE 273

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

This donation shall take place at such time as th additional right-of-way is needed by the County for th immediate road construction or at the developer's convenience, whichever occurs first.

D. WATER MANAGEMENT

1) Detailed water management construction plans shal be submitted for approval to the County Engineerin Department prior to commencement of construction.

2) Surface Water Management Permits must be obtaine from the South Florida Water Management Distric prior to the commencement of development.

3) The Control level elevation concerns identified i the South Florida Water Management District Impac Assessment Report, page 2, Appendix II, must b addressed by the applicant during the Distric Surface Water Management permitting process.

4) The drainage system for the Berkshire Lakes projec shall implement the water quality "best managemen practices" outlined in the Berkshire Lake Application for Development Approval, response t Question 22 Drainage, Part C., pages 22-5 and 22-6.

5) An on-going maintenance and monitoring program tha regularly inspects, maintains and samples th stormwater drainage system shall be implemented.

E. UTILITIES

1) A central water supply system shall be mad available to all areas of the project. The wate supply source for the project shall be the Count system.

2) All areas of the project shall be served by a central wastewater collection system and by a on-site wastewater treatment plant. The plant shal be expanded as may be needed to meet the anticipate demands and shall be phased-out at such time as a County system becomes available.

3) The development shall be in substantial compliance with applicable County laws and ordinances governin utility provisions and facilities.

4) Telephone, power and T.V. cable service shall b made available to the site.

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

F. HURRICANE EVACUATION

a) The applicant shall use a minimum floor elevation of 12.8 ft. m.s.l. as required by the SFWMD or Collier County Building Code. Should these requirements be lessened through regulatory changes, Recommendations b, c, and d below shall become requirements.

b) On-site refuge space shall be provided at a ratio of 20 square feet per person.

c) Provisions shall be made in deeds and convenants that temporary shelter for persons living in ground level units shall be made in buildings of more than one story; designated refuge space shall be located in the interior hallways of upper story structures or similarly protected areas with protected openings leading directly to the exterior.

d) On-site shelters shall fulfill the following conditions:

* Shelters shall be designed and constructed to withstand winds of 140 miles per hour, and certified by a professional engineer, licensed and registered by the State of Florida.

* Shelters shall be equipped with emergency power and potable water supplies (generators and storage tanks).

* Shelters shall be constructed with as little glass as possible, and glass should be protected by shutters or boards.

* Shelter shall provide adequate ventilation, sanitary facilities, and first aid equipment.

e) A homeowners' association shall be established to provide education to residents concerning hurricane evacuation, shelters, etc.

BOOK 017 PAGE 275

Attachment: Attachment B - Ordinance 83-46 (26456 : PL20230004883 PCUD Hana Foot Massage & Spa - Berkshire Lakes PUD - 7071 Radio

Collier County
Reviewed and Approved For:
Permit Issuance
PL20210000851 Date: 5/21/2021

BERKSHIRE COMMONS

7163 RADIO ROAD. - NAPLES, FL 34104

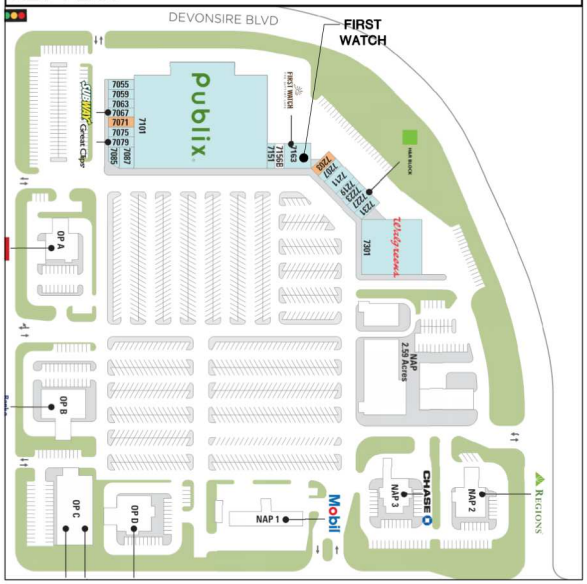
FIRST WATCH
THE DAYTIME CAFE

APPLICANT CONTACT INFORMATION	GENERAL NOTES	PROJECT DESCRIPTION
CONSOLIDATED DEVELOPMENT SERVICES 14901 QUORUM DRIVE, SUITE 300 DALLAS, TX 75254 CONTACT:KERRIANNE CANNON PHONE: (214) 461-9652 FAX: (682) 553-7207 EMAIL: kcannon@cdsdevelpment.com	THE PROJECT IS AN INSUBSTANCIAL CHANGE TO APPROPRIATE SDP OF SIP EXISTING SDP NUMBER: SDP 89-242 ZONING DESIGNATION: PUD LEGAL DESCRIPTION: BERKSHIRE LAKES UNIT 1 PT OF TR F REF AS BERKSHIRE COMMONS PH I DESC IN OR 1927 PG 2031 PROPERTY INDENTIFICATION NUMBER: 23945007103	OUTDOOR SEATING FOR AN EXISTING RESTAURANT.

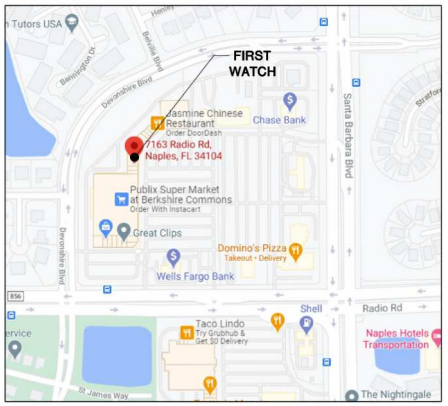
DRAWING INDEX

ARCHITECTURAL		ORIGINAL DRAWING DATE	REVISED 01/04/2021	REVISED 02/24/2021	REVISED 03/09/2021
A001	COVER SHEET	02-24-2021	●	●	
A004	SITE PLAN	12-10-2020	●	●	●

KEY PLAN

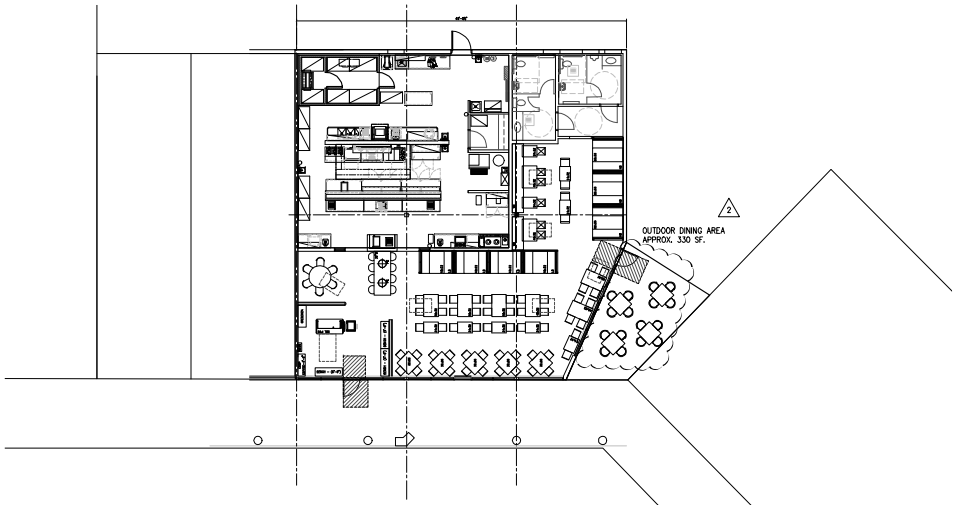


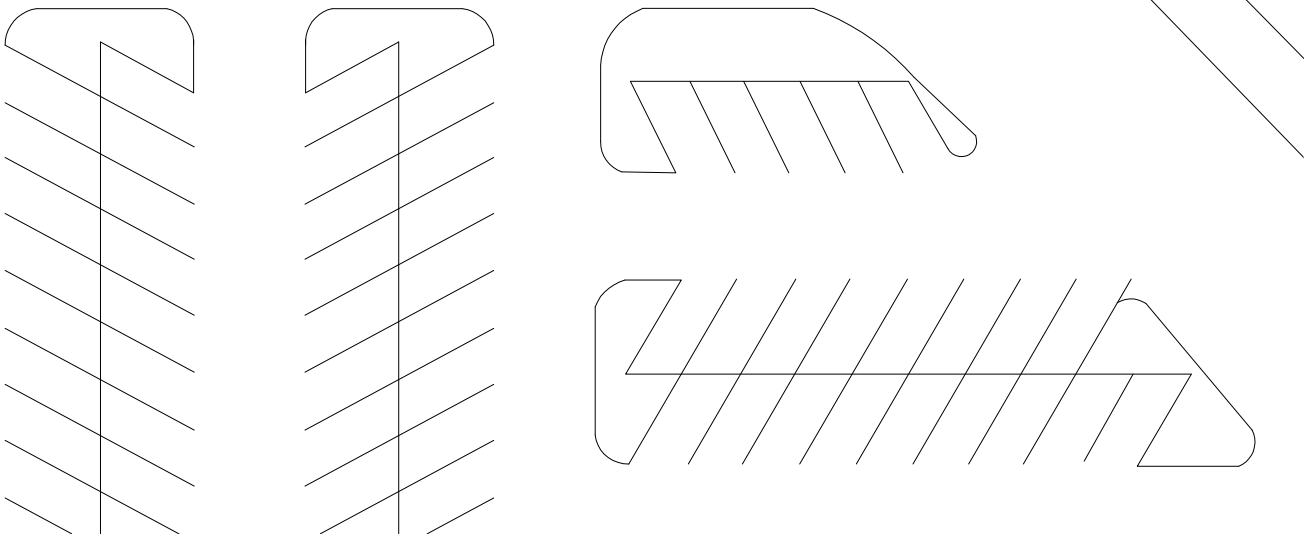
VICINITY MAP



Attachment: Attachment C - Approved Site Plan PL20210000851 (26456 : PL20230004883 PCUD Hana Foot

Collier County
Reviewed and Approved For:
Permit Issuance
PL20210000851 Date: 5/21/2021





BERKSHIRE COMMONS

BUILDING USE SUMMARY

USE	SQ FT	PERCENTAGE
RETAIL	100,196	94
RESTAURANT	6,158	6
TOTALS	106,354	100

PARKING REQUIREMENTS 3

EXISTING PARKING

BUILDING	SQ FT	RATIO	SPACES
A	11,681	1/250	47
B	65,573	1/250	262
C	5,910	1/250	24
D	9,690	1/250	39
E	13,500	1/250	54
TOTALS	106,354	1/250	426

ADJUSTED TOTALS W/NEW PATIO SEATING

BUILDING	SQ FT	RATIO	SPACES
A	11,681	1/250	47
B	65,573	1/250	262
C	6,240	1/250	25
D	9,690	1/250	39
E	13,500	1/250	54
TOTALS	106,354	1/250	427

TOTAL PARKING SPACES PROVIDED = 565
HANDICAP SPACES REQUIRED = 11
(2% x 565)
HANDICAP SPACES PROVIDED = 24

FIRST WATCH BERKSHIRE (BUILDING C) 3

3458 SQ FT INTERIOR + 330 SQ FT PATIO = 3,788 SQ FT = 15 SPACES
SPACES REQUIRED MET BY EXISTING DEVELOPMENT

NOTES:

1. HOURS OF OPERATION: OUTDOOR SEATING ARE WILL OPERATE ONLY WHEN THE RESTAURANT IS OPERATIONAL – 7AM TO 2:30PM DAILY.
2. ALL OUTDOOR SEATING AREAS ARE UNENCLOSED.
3. NO PROPOSED LIVE PERFORMANCE OR AMPLIFIED MUSIC IS PROPOSED.
4. THE SEATING DIAGRAM IS CLOUDED ON THE PLAN AND SHALL BE CONFIRMED BY THE RESTAURANT TENANT.
5. NO RESIDENTIAL USES WITHIN 2,500 SF.
6. APPROXIMATE DISTANCE TO RESIDENTIAL ZONING:
   TO NORTH: 325'
   TO WEST: 350'
   TO SOUTH: 800'
   TO EAST: 1000'

2

1 A101 **SITE PLAN**
SCALE: 3/32"=1'-0"

PLAN NORTH

Revisions:

Mark	Date	Description
Issued	12/09/2020	ISSUED FOR ZONING
2	02/24/2021	ZONING COMMENTS
3	03/09/2021	ZONING COMMENTS

BERKSHIRE COMMONS

BERKS
COMM
FIRST W
NAPLE

Title
2 SITE

Sheet
A0

Attachment: Attachment C - Approved Site Plan PL20210000851 (26456 : PL20230004883 PCUD Hana Foot

PCUD - PL20230004883
BERKSHIRE LAKES PUD
7071 RADIO RD

HEARING PACKAGE CHECKLIST

A. Backup provided by the County Planner

The agent is responsible for all required data included in the digital file of information for the Hearing Examiner (Hex) or the Collier County Planning Commission (CCPC). DO NOT ACCEPT DUPLICATES OF ANY DOCUMENTS. MAKE SURE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. PLEASE CONFIRM THE DOCUMENTS ARE IN THE ORDER DESCRIBED IN "BACKUP PROVIDED BY APPLICANT."

Planner responsible for providing the County Attorney-drafted Ordinance for PUDs and placing in backup materials. AGENTS DO NOT INCLUDE THE PUD DOCUMENT – STAFF PROVIDES THIS TO THE COUNTY ATTORNEY WHEN THE ORDINANCE IS DRAFTED FOR A PUD. THE FINAL PUD ORDINANCE/RESOLUTION IS THE FIRST ITEM AFTER THE STAFF REPORT. [FOR HEX, THE REQUESTED LANGUAGE/ PROPOSED PLAN IS THE FIRST ITEM AFTER THE STAFF REPORT]

B. Backup provided by Applicant:

PLEASE PROVIDE THE DOCUMENTS IN THE ORDER DESCRIBED BELOW. DO NOT PROVIDE DUPLICATES OF ANY DOCUMENTS. PROVIDE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. IF THE BACKUP PROVIDED BY APPLICANT IS IN DISARRAY-MEANING IT IS NOT IN THE PROPER ORDER AND/OR THE APPLICANT PROVIDES MULTIPLE DUPLICATES-THE APPLICANT COULD LOSE ITS HEARING DATE.

- ✓ Application, to include but not limited to the following:
  - ✓ Narrative of request AND ANALYSIS
  - ✓ Property Information
  - ✓ Property Ownership Disclosure Form
  - ✓ Any other documents required by the specific petition type; such as a variance, a boat dock extension; PUD amendment, rezone request, etc.
- ✓ Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form)
- ____ Affidavit of Unified Control
- ✓ Affidavit of ~~Representation~~ AUTHORIZATION
- ____ Drawings (may include Cross-Section (for BDEs generally), proposed Boat Dock(s) with Water depth, location maps etc.)
- ____ NIM Information (Sign in sheet, notes, minutes and transcript/or summary)
  - ✓ Include 3 thumbnail drives of video and/or audio
- ✓ Traffic Impact Study (TIS)
- ____ Environmental Data
- ____ Historical/Archeological Survey or Waiver
- ____ Utility Letter
- ____ Deviation Justifications

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

____ Boundary Survey

____ Other documents, as needed, on a case-by-case basis such as relevant prior Ordinances, Conditional Uses, historical documents, any "private or legal" agreements affecting the PUD etc.

___ Submerged Resource Surveys may be included here if required.

✓ flash drive with *only one* pdf file for all documents BY E.MAIL, PDF TO PLANNER

I understand that by submitting the above materials, it is the agent's/applicant's responsibility to ensure all materials are in the same order for flash drive must contain the documents in one pdf file. It is the agent's responsibility to ensure no documentation is left out.

Signature of Agent Representative

01/22/2

Date

FRANCESCA PASSIDOMO

Printed Name of Signing Agent Representative

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Collier County
Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

Comparable Use Determination

Land Development Code section 10.02.06 K
Chapter 3 L of the Administrative Code

☐ PUD Zoning District ☐ Standard Zoning District

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): REG8 Berkshire Commons, LLC

Name of Applicant if different than owner: TZ Dragon, LLC

Address: 7071 Radio Road **City:** Naples **State:** FL **ZIP:** 34104

Telephone: **Cell:**

E-Mail Address: fpassidomo@cyklawfirm.com

Name of Agent: Francesca Passidomo

Firm: Coleman, Yovanovich & Koester, P.A.

Address: 4001 Tamiami Trail North, #300 **City:** Naples **State:** FL **ZIP:** 34103

Telephone: 239-435-3535 **Cell:**

E-Mail Address: fpassidomo@cyklawfirm.com

PROPERTY INFORMATION

Site Address: 7071 Radio Road **Folio Number:** 23945007103

Property Owners Name: REG8 Berkshire Commons, LLC

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

DETERMINATION REQUEST

The determination request and justification for the use must be done by a certified land use planner or a land use attorney. Provide the completed request on a separate attached sheet. Please be very specific and include the SIC Code, if known. The request should adhere to the following format:

"I request a determination from the Planning Manager and approval from the Office of the Hearing Examiner, that the use of _____ is comparable and compatible with the permitted uses in the _____ PUD or in the _____ Straight Zoning District."

ASSOCIATIONS

Complete the following for all registered Home Owner / Civic Association(s) that could be affected by this petition and located within 1,000 feet of the subject property. Provide additional sheets if necessary. Information can be found on the Civic Associations and Communities page on the Board of County Commissioner's website. Applicant is responsible for and shall confirm the current mailing addresses for each association as registered by the Florida Department of State, Division of Corporations.

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** ___ **ZIP:** _____

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** ___ **ZIP:** _____

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** ___ **ZIP:** _____

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** ___ **ZIP:** _____

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** ___ **ZIP:** _____

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Collier County
Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

SUBMITTAL REQUIREMENTS CHECKLIST

See Chapter 3 G.6 of the Administrative Code for submittal requirements. The following items are to be submitted with the application packet. **Incomplete submittals will not be accepted or processed.**

REQUIREMENTS FOR REVIEW	REQUIRED	NOT REQUIRED
Completed Application	✓	
Affidavit of Authorization	✓	
Completed Addressing Checklist	✓	
Property Ownership Disclosure Form	✓	
Determination request and the justification for the use	✓	
PUD Ordinance and Development Commitment information		

FEE REQUIREMENTS

- ✓ **Pre-Application Meeting fee** $500.00
- ✓ **Comparable Use Determination Application fee:** $1,000.00
- ✓ **Estimated Legal Advertising fee:** $1,125.00
- ✓ **If applicable, an additional fee for Property Owner Notifications will be billed to the applicant after hearing date.** *(Variable)*

All fees are collected at the time of application. Property Notification Letters, if required by The Land Development Code, will be invoiced after the petition is heard by the Board of County Commissioners.

*As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition. *Additional fee for the 5th and subsequent re-submittal will be accessed at 20% of the original fee.*

***The completed application, all required submittal materials, and fees shall be submitted to:**

Growth Management Community Development Department | GMD Portal:
https://cvportal.colliercountyfl.gov/cityviewweb

Questions? Email: GMDclientservices@colliercountyfl.gov

Applicant Signature

Tom Zou
Printed Name

3/29/23
Date

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

COMPARABLE USE DETERMINATION

BERKSHIRE LAKES PUD

This is a request for a determination by the Zoning Manager and confirmation from the Hearing Examiner that the intended use, described below, is comparable and compatible with the several uses permitted as a matter of right in the Berkshire Lakes Planned Unit Development (PUD) approved under Ordinance No. 83-46, as amended. The following criteria are to be applied when considering a Comparable Use Determination relative to one or more permitted uses within the PUD:

1. Whether the proposed use is comparable in nature with other permitted uses in the PUD; and
2. If comparable, whether the proposed use is, or may be with certain conditions, compatible with adjacent and nearby uses.

The PUD Ordinance expressly authorizes additional uses that are comparable in nature to the listed permitted uses through the Comparable Use Determination (*see* Sec. V, 5.02.A(22) of the PUD). The purpose of the PUD as stated therein is to "result in an efficient and economical extension of community facilities and services". The PUD provides neighborhood commercial uses and services as part of a mixed-use development.

The intended use is a massage therapy spa to include foot massage and spa treatments performed by licensed massage therapists. The massage treatments will be performed in an open area with no private rooms or booths. The leasable space is 1,200 square feet of the 12,000 square feet building located at 7071 Radio Road, Naples, Florida 34104. The location is within the commercial district of the PUD.

The business model is anticipated to generally conform to the "sister" establishment in Lee County (*see* https://ginkgofootmassageandspa.com). That location is subject to straight C-1 zoning according to the Lee County Zoning Map. Under C-1 zoning, "massage establishments" are an expressly permitted use as a Group 1 Personal Service. Other Group 1 Personal Services include barbershops and beauty shops, self-service laundries, shoe repair service, and tailors (*see* Lee County Land Development Code Sec. 34-844; herein attached as ***Scheduled 1***). As such, it was determined by a neighboring jurisdiction that massage establishments are a similar intensity and type of use as barbershops, beauty parlors, self-service laundries, shoe repair services, and tailors.

Collier County made a similar determination under Section 2.03.06.E of the Land Development Code. "Massage parlor" is a specifically permitted use in commercial Planned Unit Developments. Since the intended use is planned within a commercial district of the PUD, an analogy to uses permitted as of right by Collier County in commercial planned unit developments for purposes of the comparable use determination is appropriate.

Moreover, the PUD expressly permits a variety of commercial personal services uses, including, but not limited to:

1. Barber and beauty shops,
2. Laundries – self-service,
3. Shoe repair,
4. Tailor shops, and
5. Upholstery shops

(*see* Section V, 5.02.A.2, 11, 17, 18 and 19).

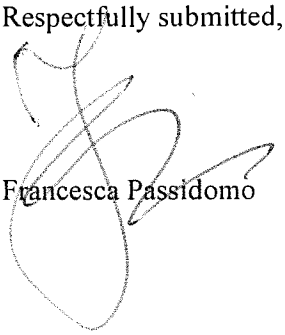
It is worth noting that several permitted uses are more intensive than the above-listed personal services, such as commercial recreation, restaurants and cocktail lounges (*see* Section V, 5.02.A.3 and 16). The level of comparative intensity is clearly acknowledged under the County's own regulations. For example, Section 4.05.05 of the Land Development Code assumes a parking requirement of 1/200 square feet or 1.5 spaces per massage station under the beauty shop/beauty parlor/hair salon category, but a parking requirement of 1/60 square feet for a conventional restaurant. The trip generation comparison, attached herein as ***Schedule 2*** shows a significant reduction in the number of trips when comparing the requested square feet of the proposed land use relative to the same square feet of a permitted land use in the PUD.

From a traffic and overall intensity standpoint, the proposed use is similar or less intense when compared to uses permitted as a matter of right, and is a comparable use to other personal services allowed in the PUD.

Based on the analysis provided, the intended use should be determined to be comparable and compatible with existing uses allowed within the Berkshire Plaza PUD because: (1) the use is compatible with existing uses as evidenced by (a) the determination by Lee County grouping massage establishments with the same commercial personal services as authorized by the PUD, and (b) the determination by Collier County that massage establishments are a permitted use in a commercial Planned Unit Development where the intended use is to be located in a commercial district of the PUD; and (2) has a lower impact on public facilities and trip generation relative to the more intense uses permitted in the PUD.

Trebilcock Consulting Solutions supplemental comparable use letter dated March 13, 2023 is also attached herein as ***Schedule 3.***

Respectfully submitted,



Francesca Passidomo

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Schedule 1

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Sec. 34-844. Use regulations table.

Use regulations for conventional commercial districts are as follows:

TABLE 34-844. USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH
Accessory apartment and accessory dwelling unit	Notes (1) & (25), 34-1177	P	P	P	P	—	—	—	—	—	—	P	—
Administrative offices		P	P	P	P	P	P	P	P	P	P	P	P
Aircraft landing facilities, private:													
Lawfully existing:													
Expansion of aircraft landing strip, helistop or heliport landing pad	34-1231 et seq.	SE	SE	SE	SE	SE	SE	—	SE	SE	SE	SE	SE
New accessory buildings	34-1231 et seq.	P	P	P	P	P	P	—	P	P	P	P	P
New:													
Helistop	34-1231 et seq.	SE	SE	SE	SE	SE	SE	—	SE	SE	SE	SE	SE
Amateur radio antennas and satellite earth stations when accessory to an existing principal use	34-1175	Refer to 34-1175 for regulations.											
Animals:													
Clinic	34-1321 et seq.	—	P	P	P	—	—	—	P	P	—	—	—
Keeping and breeding of Class I or Class II(df)	34-1291 et seq.	—	SE	SE	SE	—	—	—	—	—	—	—	—
Kennel	34-1321 et seq.	—	—	P (3)	—	—	—	—	—	P (3)	—	—	—
Control center (including Humane Society)		P	P	P	P	—	—	—	—	P	P	SE	—
Assisted living facility	Note (9), (29), 34-1411 et seq.	—	P	P	—	—	—	P	—	—	—	—	—

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

ATM (automatic teller machine)		P	P	P	P	P	P	P(16)	P	P	P	SE	—
Auto parts store	34-1351, 34-1353	P	P	P	P	—	P	P	P	P	—	—	—
Automobile repair and service (34-622(c)(2)):													
Group I	34-1351, 34-1353	—	P	P	P	—	—	—	P	P	—	—	—
Group II	34-1351, 34-1353	—	—	P	P	—	—	—	—	P	—	—	—
Automobile service station	Note (34), 34-1351, 34-1353	—	P	P	P	—	P	—	P	P	—	—	P
Bait and tackle shop	Note (33)	P	P	P	P	P	P	P	P	P	—	SE (5)	—
Banks and financial establishments (34-622(c)(3)):													
Group I		P	P	P	P	—	P	P(16)	P	P	P	P(16)	—
Group II		—	P	P	P	—	—	—	P	P	P	P(16)	—
	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH
Bar or cocktail lounge	34-1201 et seq. 34-1261 et seq.	—	AA/SE	AA/SE	AA/SE	—	—	—	AA/SE	AA/SE	—	—	AA/SE (6)
Bed and breakfast (df)	Note (25), 34-1494	—	P	P	P	—	—	—	—	—	—	SE	—
Boarding house	Note (25)	—	P	P	P	—	—	—	—	—	—	SE	—
Boats:													
Boat parts store		P	P	P	P	—	P	P(2, 4)	P	P	—	—	—
Boat ramp		EO/SE	EO/SE	P	P	—	—	—	P	P	—	—	—
Boat rental		P	P	P	P	—	P	—	P	EO	—	—	P
Boat repair and service	34-1352, 34-3001 et seq.	—	—	—	—	—	—	—	—	—	—	—	—
Boat sales		—	P	P	P	—	—	—	—	P	—	—	—
Boat storage, dry, not exceeding 18 feet above grade	Note (32)	—	P	P	P	—	—	—	—	P	—	—	—
Boat storage, dry, exceeding 18 feet above grade	Note (32)	—	SE	SE	SE	—	—	—	—	SE	—	—	—
Broadcast studio, commercial radio and television	34-1441 et seq.	—	—	P	P	—	—	—	P	P	—	—	—

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Building materials sales (34-622(c)(4))		—	—	P	P	—	—	—	—	P	—	—	—
Business services (34-622(c)(5)):													
Group I		P	P	P	P	P	P	P	P	P	P	P (8)	—
Group II	Note (34), 34-1352	—	P	P	P	—	—	SE	—	P	—	—	—
Bus station/depot	34-1381 et seq.	—	—	P	P	—	—	—	SE	P	—	—	P
Caretaker's residence	Note (30)	—	P	P	SE	P	P	P	P	P	—	—	—
Car wash	34-1353	—	P	P	P	—	—	—	P	P	—	—	P
Cleaning and maintenance services (34-622(c)(7))		P	P	P	P	—	—	SE	P	P	P	P	—
Clothing stores, general (34-622(c)(8))		P	P	P	P	—	—	—	P	P	—	—	—
Clubs:													
Commercial		—	—	P	P	—	—	—	P	EO	—	SE	—
Fraternal	34-2111	—	P	P	P	—	—	—	P	EO	—	SE	—
Membership organization	34-2111	—	P	P	P	—	—	—	P	EO	—	—	—
Private		—	—	—	—	P	P	—	P	—	—	SE	—
Cold storage warehouse and processing plant (including precooling)		—	—	P	—	—	—	—	—	—	—	—	—
Commercial fishery		—	—	EO	—	—	—	—	—	—	—	—	—
Commercial use of beachfront seaward of the water body setback line	34-3151	SE (7)	SE (7)	SE (7)	SE (7)	—	—	—	SE (7)	SE (7)	—	—	—
Communication facility, wireless	34-1441 et seq.	Refer to 34-1441 et seq. for regulations.											
Community residential home	Note (29)	P	P	P	P	—	—	P	—	—	—	—	—
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE(22)	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
Contractors and builders (34-622(c)(9)):													
Group I		P	P	P	P	—	—	P	P	P	—	—	—
Group II		—	P	P	P	—	—	—	P	P	—	—	—
Group III		—	—	—	—	—	—	—	—	P	—	—	—
Convenience food and beverage store	34-1353	P(19)	P(19)	P(19)	P(19)	—	SE(19)	—	P	P	—	—	P
Cultural facilities (34-622(c)(10))		—	P	P	P	—	—	—	—	—	—	—	—
Day care center, adult, child	Notes (25) & (36)	P	P	P	P	P	P	P	P	P	—	—	—

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Department store		P	P	P	P	—	—	—	P	P	—	—	—
Dormitory	Note (25)	—	—	—	—	—	—	—	—	—	—	—	—
Drive-through facility for any permitted use		P	P	P	P	—	SE	—	P	P	SE	SE	P
Drugstore, pharmacy		P	P	P	P	—	P	P	P	P	—	—	—
Dwelling unit:													
Duplex	34-3107, 34-3108, Note (25)	P	P	P	P	—	—	—	—	—	—	P	—
Single-family	Note (26)	P	P	P	P	—	—	—	—	—	—	P	—
Two-family attached	34-3107, 34-3108, Note (25)	P	P	P	P	—	—	—	—	—	—	—	—
Townhouse	Note (25)	EO	P	P	EO	—	—	—	—	—	—	—	—
Live-work	34-1773	—	P	P	P	SE	SE	—	—	—	SE	SE	—
Multiple-family building	Note (25)	P (35)/ EO	P	P	EO	SE (10)	SE (10)	SE (10)	—	—	SE (10)	SE (10)	—
Entrance gates and gatehouse	34-1748	P	P	P	P	P	P	P	P	P	P	P	P
Emergency operations center		P	P	P	P	—	—	—	—	P	P	SE	—
EMS, fire or sheriff's station		P	P	P	P	—	—	—	P	P	P	—	—
Essential services	34-1611 et seq.	P	P	P	P	P	P	P	P	P	P	P	P
Essential service facilities:	34-622(c)(13)												
Group I	34-1611 et seq., 34-1741 et seq.	P	P	P	P	P	P	P	P	P	P	P	P
Group II	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	EO	—	—	—	—	—	—	EO	—	—	—	—
Excavation:													
Water retention	34-1651 et seq.	P	P	P	P	P	P	P	P	P	P	P	P
Oil or gas		SE	SE	SE	SE	SE	SE	—	SE	SE	SE	—	SE
Farm equipment, sales, storage, rental or service		—	—	—	—	—	—	—	—	P	—	—	—
Feed or fertilizer, mixing and sales		—	—	—	—	—	—	—	—	—	—	—	—
Fish house, wholesale		—	—	P (11)	—	—	—	—	—	—	—	—	—
Flea market:													
Open		—	—	SE	SE	—	—	—	—	SE	—	—	—
Indoor		—	P	P	P	—	—	—	P	P	—	—	—

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Food and beverage service, limited		SE	SE	SE	SE	SE	SE	SE	SE	SE	—	SE	—
Food stores (34-622(c)(16)):													
Group I		P	P	P	P	P (12)	P	P (12)	P	P	—	—	—
Group II		P	P	P	P	—	P	P	P	P	—	—	—
Fraternity house	Note (25)	—	—	—	—	—	—	—	—	—	—	—	—
Freight and cargo handling establishments (34-622(c)(17))		—	—	—	—	—	—	—	—	—	—	—	—
Funeral home or mortuary:													
No cremation		P	P	P	P	—	—	—	P	P	P	SE	—
With cremation		SE	SE	SE	SE	—	—	—	SE	P	P	SE	—
Gasoline dispensing system, special		—	—	—	—	—	—	—	—	—	—	—	—
Hardware store		P	P	P	P	P	P	P	P	P	—	—	—
Health care facility (34-622(c)(20)):													
Group I (less than 50 beds)	Note (9) & (25)	—	—	—	—	—	—	—	—	—	P (13)	SE (13)	—
Group II (less than 50 beds)	Note (9) & (25)	—	—	—	—	—	—	—	—	—	P (13)	SE (13)	—
Group III		P	P	P	P	—	P	P	P	P	P	SE(13)	—
Group IV	Note (9) & (25)	—	—	—	—	—	—	—	—	—	P (13)	SE (13)	—
Hobby, toy and game shops (34-622(c)(21))		P	P	P	P	—	P	P	P	P	—	—	—
Home care facility	Note (25)	P	P	P	P	SE	SE	—	—	—	SE	SE	—
Home occupation:													
No outside help	Note (27), 34-1771 et seq.	P	P	P	P	P	P	P	—	—	P	P	—
With outside help	Note (27), 34-1771 et seq.	AA	AA	AA	AA	AA	AA	AA	—	—	AA	AA	—
Hotel/motel	Note (31), 34-1801 et seq.	—	P	P	P	—	—	—	—	—	—	SE	P
Household and office furnishings (34-622(c)(22)):													
Group I		P	P	P	P	—	—	P	P	P	—	—	—
Group II		P	P	P	P	—	—	P	P	P	—	—	—
Group III		—	—	—	—	—	—	—	—	P	—	—	—
Impound yard		—	EO	EO	—	—	—	—	EO	EO	—	—	—

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Insurance companies (34-622(c)(23))		P	P	P	P	—	—	—	—	—	P	—	—
Laundromat		P	P	P	P	P	P	P	P	P	—	SE (5)	—
Laundry or dry cleaning (34-622(c)(24)):													
Group I		P	P	P	P	—	P	P	P	P	—	—	—
Group II		—	—	P	—	—	—	—	—	—	—	—	—
Lawn and garden supply store	34-2081	P	P	P	P	—	—	—	P	P	—	—	—
Library	Note (25)	P	P	P	P	—	P	P	P	P	—	—	P
Maintenance facility (government)		P	P	P	P	—	—	—	—	P	P	SE	—
Manufacturing of:													
Apparel products (34-622(c)(1))		—	—	P	—	—	—	—	—	—	—	—	—
Dairy products (SIC 202 only)		—	—	P	—	—	—	—	—	—	—	—	—
Electrical machinery and equipment (34-622(c)(11))		—	—	P	—	—	—	—	—	—	—	—	—
Fabricated metal products (34-622(c)(14)), group III		—	—	P	—	—	—	—	—	—	—	—	—
Food and kindred products (34-622(c)(15)), group III		—	—	P	—	—	—	—	—	—	—	—	—
Leather products (34-622(c)(25)), group II		—	—	P	—	—	—	—	—	—	—	—	—
Lumber and wood products (34-622(c)(26)), group II		—	—	P	—	—	—	—	—	—	—	—	—
Measuring, analyzing and controlling instruments (34-622(c)(28))		—	—	P	—	—	—	—	—	—	—	—	—

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Novelties, jewelry, toys and signs (34-622(c)(29)), all groups		—	—	P	—	—	—	—	—	—	—	—	—
Rubber and plastic products (34-622(c)(44)), group II		—	—	P	—	—	—	—	—	—	—	—	—
Marina	34-1862	EO	EO	EO	EO	—	—	—	—	EO	—	—	—
Marina, ancillary uses		EO	EO	EO	EO	—	—	—	—	EO	—	—	—
Mass transit depot or maintenance facility (government-operated)		P	P	P	P	—	—	—	—	P	P	SE	—
Medical office		P	P	P	P	—	P	P	P	P	P	P	—
Mobile home dealers	34-1352	—	—	P	—	—	—	—	—	SE	—	—	—
Model:													
Home	34-1951 et seq.	P	P	P	P	—	—	—	—	—	—	—	—
Unit	34-1951 et seq.	P	P	P	P	—	—	—	—	—	—	—	—
Display center	34-1951 et seq.	—	P	P	P	—	—	—	P	P	—	—	—
Multislip docking facility		—	P	P	P	—	—	—	—	—	—	—	—
Nightclubs	34-1201 et seq. 34-1261 et seq.	—	AA/SE	AA/SE	AA/SE	—	—	—	AA/SE	AA/SE	—	—	AA/SE(6)
Nonstore retailers (34-622(c)(30)), all groups		P	P	P	P	—	—	—	P	—	—	—	—
Package store	34-1261 et seq.	P	P	P	P	P	P	P	P	P	—	—	—
Paint, glass and wallpaper		P	P	P	P	—	—	P	P	P	—	—	—
Parks (34-622(c)(32))													
Group I		P	P	P	P	—	—	—	P	P	—	—	—
Group II		SE	SE	P	P	—	—	—	—	P	—	—	—
Parking lot:													
Accessory		P	P	P	P	P	P	P	P	P	P	P	P
Commercial		—	SE	SE	SE	—	—	—	SE	SE	—	—	—
Garage, public parking		—	SE	SE	P	—	—	—	SE	SE	—	—	—
Park-and-ride	34-1388	P	P	P	P	P	P	P	P	P	P	P	P
Temporary	Note (14), 34-3049	P	P	P	P	P	P	—	P	P	P	P	P

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Personal services (34-622(c)(33)):													
Group I		P	P	P	P	P	P	P	P	P	—	SE (5)	—
Group II		P	P	P	P	—	—	P	P	P	—	—	—
Group III		P	P	P	P	—	—	P	P	P	SE	SE (5)	—
Group IV		P	P	P	P	—	P	P	P	P	—	—	—
Pet services		P	P	P	P	—	—	—	P	P	—	—	—
Pet shop		P	P	P	P	—	P	P	P	P	—	—	—
Pharmacy		P	P	P	P	P	P	P	P	P	—	—	—
Place of worship	Note (25), 34-2051	P	P	P	P	P	P	P	P	P	P	P	P
Plant nursery	34-2081	P	P	P	P	—	—	—	—	P	—	—	—
Post office		P	P	P	P	—	—	—	—	P	P	SE	—
Printing and publishing (34-622(c)(36))		—	—	P	—	—	—	—	—	EO	—	—	—
Processing and warehousing		—	—	P	—	—	—	—	—	—	—	—	—
Produce stand	34-1713	—	—	—	—	—	—	—	—	—	—	—	—
Recreation, facilities:													
Commercial (34-622(c)(38))													
Group I		P	P	P	P	—	—	P	P	P	—	—	—
Group III	Note(20)	—	P/SE	P/SE	P/SE	—	—	—	—	—	—	—	—
Group IV	Note(20)	P	—	—	—	—	—	—	P/SE	P/SE	—	—	—
Personal		P	P	P	P	P	P	P	—	—	—	—	—
Private:													
On-site		P	P	P	P	—	—	—	P	—	—	—	—
Off-site		SE	P	P	P	—	—	—	—	—	—	—	—
Recycling facility		—	—	SE	—	—	—	—	—	SE	—	—	—
Religious facilities	Note (25), 34-2051 et seq.	—	—	P	—	—	P	P	P	P	P	SE	—
Rental or leasing establishments (34-622(c)(39)):													
Group I	34-1352, 34-3001 et seq.	P	P	P	P	—	P	P	P	P	—	—	P
Group II	34-1352, 34-3001 et seq.	P	P	P	P	—	P	P	P	P	—	—	P
Group III	34-1352, 34-3001 et seq.	—	P	P	P	—	—	—	P	P	—	—	P
Group IV	34-1352, 34-3001 et seq.	—	—	—	—	—	—	—	—	—	—	—	—
Repair shops (34-622(c)(40)):													
Group I		P	P	P	P	P	P	P	P	P	—	—	—
Group II		P	P	P	P	—	—	P	P	P	—	—	—

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Group III		—	—	P	P	—	—	—	—	P	—	—	—
Group IV		—	—	P	—	—	—	—	—	P	—	—	—
Group V		—	—	—	—	—	—	—	—	—	—	—	—
Research and development laboratories (34-622(c)(41)):													
Group II		P	P	P	—	—	—	—	P	P	P	SE	—
Group IV		—	—	P	—	—	—	—	—	—	—	—	—
Residential accessory uses (34-622(c)(42))	Note (27)	P	P	P	P	P	P	P	—	P	P	P	—
Restaurant, fast food	34-1353	—	P	P	P	—	—	—	P	P	—	—	P
Restaurants (34-622(c)(43)):													
Group I		P	P	P	P	—	P	P	P	P	—	SE (5)	P
Group II		P	P	P	P	—	P	P (24)	P	P	SE	SE (5)	P
Group III		P	P	P	P	—	P	P (24)	P	P	—	SE (5)	P
Group IV		—	P	P	P	—	—	—	P	P	—	SE (5)	P
Rooming house	Note (25)	—	—	—	—	—	—	—	—	—	—	SE	—
Schools:													
Commercial (34-622(c)(45))	34-2381	P	P	P	P	—	—	—	P	P	P	SE	—
Non-commercial	Note (25), 34-2381	P	P	P	P	—	—	—	P	P	P	SE	—
Self-service fuel pumps	Note (18)	SE	SE	SE	SE	—	SE	—	P	P	—	—	SE
Signs in accordance with chapter 30		P	P	P	P	P	P	P	P	P	P	P	P
Social services, group I	34-622(c)(46)	P	P	P	P	—	—	—	P	P	P	—	—
Specialty retail shop (34-622(c)(47)):													
Group I		P	P	P	P	P	P	P	P	P	SE	SE (5)	P
Group II		P	P	P	P	—	P	P	P	P	—	SE (5)	—
Group III		P	P	P	P	—	—	P (2)	P	P	—	—	—
Group IV		P	P	P	P	—	—	—	P	P	—	—	—
Stable, commercial	34-1291 et seq.	—	—	—	—	—	—	—	—	—	—	—	—
Storage:													
Indoor only	34-3001 et seq.	P	P	P	P	P	P	P	P	P	P	P	P
Storage, open	34-3001 et seq., 34-1352	—	P	P	P	—	—	—	P	P	—	—	—
Studios (34-622(c)(49))		P	P	P	P	—	—	P	P	EO	—	SE	—
Supermarket		P	P	P	P	—	P	—	P	P	—	—	—
Temporary uses	34-3041 et seq.	TP	TP	TP	TP	—	TP	TP	TP	TP	TP	—	TP
Theater:													

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Indoor	34-2471 et seq.	—	EO	EO	—	—	—	—	P	P	—	—	—
Drive-in	Note (25), CPD or MPD only 34-2471 et seq.	—	—	EO	—	—	—	—	—	—	—	—	—
Timeshare units	Note (25)	EO	SE	SE	SE	—	—	—	—	—	—	—	—
Transportation services (34-622(c)(53)):													
Group I		—	—	P	P	—	—	—	—	—	—	—	—
Group II		—	—	P	P	—	—	—	P	P	—	—	—
Group III		—	—	P	P	—	—	—	—	P	—	—	P
Group IV		—	—	P	P	—	—	—	—	—	—	—	—
Truck stop		—	—	—	—	—	—	—	—	P	—	—	P
Trucking terminal, motor, rail, air, including warehousing of goods awaiting shipment, parking, and storage of rolling stock		—	—	—	—	—	—	—	—	—	—	—	—
Used merchandise stores (34-622(c)(54)):													
Group I		—	P	P	P	—	P	—	P	P	—	—	—
Group I, limited to indoor display only,		P	—	—	—	—	—	P	—	—	—	—	—
Group II		—	P	P	P	—	—	P (2)	P	P	—	—	—
Group III		—	P	P	P	—	—	—	P	P	—	—	—
Group IV		—	—	P	P	—	—	—	—	P	—	—	—
Variety store		P	P	P	P	—	P	P	P	—	—	—	—
Vehicle and equipment dealers (34-622(c)(55)):													
Group I	34-1352	—	P	P	P	—	—	—	—	P	—	—	—
Group II	34-1352	—	P	P	P	—	—	—	P	P	—	—	—
Group III	34-1352	—	P	P	P	—	—	—	—	P	—	—	—
Group IV	34-1352	—	P	P	P	—	—	—	—	P	—	—	—
Group V	34-1352	—	—	—	—	—	—	—	—	P	—	—	—
Warehouse:													
Mini-warehouse		—	—	P	—	—	SE	—	SE	SE	—	—	—
Private		—	—	P	—	—	—	—	—	—	—	—	—
Public		—	—	P	—	—	—	—	—	—	—	—	—
Wholesale establishment (34-622(c)(56)):													

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

	Group I		—	P(15)	P	P	—	—	—	P(15)	P(15)	P(15)	P(15)	—
	Group III		—	P (15)	P	P	—	—	—	P (15)	P (15)	P (15)	P (15)	—
	Group IV		—	P (15)	P (15)	P (15)	—	—	—	P (15)	P (15)	—	—	—

Notes:

(1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.

(2) No outdoor display of merchandise permitted.

(3) Permitted only if completely enclosed within a building.

(4) No installation service permitted.

(5) Limited to 500 square feet when in conjunction with one dwelling unit on the same premises.

(6) Use only permitted when clearly incidental to a hotel or motel.

(7) The following uses may be permissible seaward of the water body setback line only by special exception: boat rentals (inflatables, sailboats, jet skis, windsurfers and the like), foodstands, rental of cabanas and beach furniture, outdoor amusements including boat balloonist, and seaplane rides, water ski tows, parasail tows and similar activities, fishing and sightseeing piers and towers.

(8) Bail bonding, blood banks, blood donor stations and caterers permitted only by special exception.

(9) Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a.

(10) The total square footage of the residential uses shall not exceed the total square footage of all existing and proposed commercial uses on the subject property, and the total number of residential units shall not exceed the number of units permitted by the Lee Plan, whichever is less.

(11) Not permitted within 500 feet of the nearest residence.

(12) Excluding supermarkets.

(13) New facilities of 50 or more beds, or the expansion of an existing facility that will bring the number of beds to 50 or more, requires a special exception.

(14) Use not permitted on Captiva Island or within the Gasparilla Island conservation district.

(15) Limited to those commodities and products which are permitted to be sold at retail, provided that parking meets the requirements for retail sales.

(16) ATM's that are to be available to the public 24 hours a day, must be approved by Special Exception and located so that their uses will not cause a disturbance to adjacent property owners. ATM's located within a building housing a permitted use and available to the public only during normal working hours do not require a Special Exception.

(17) Limited to rental of passenger cars, vans, and pick-up trucks less than three-quarter ton capacity. Maintenance activities limited to washing, waxing, vacuuming and minor repairs but excluding activities classified as Automotive Repair and Service-Groups I and II. See section 34-622(c)(2).

(18) Two pumps are permissible as an accessory use to businesses (other than a convenience food and beverage store which is listed separately) to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.

(19) Limited to eight pumps unless a greater number is approved as part of a special exception or as specifically approved in the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998 will not be considered non-conforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.

(20) Facilities proposed for ten or more acres or the expansion of an existing facility that will bring the number of acres to ten or more acres must request and be approved as a special exception.

(21) Regular business hours limited to 7:00 a.m. to 9:00 p.m. unless extended hours are approved by Special Exception for a specific use.

(22) Use may only be approved when clearly incidental to a permitted restaurant.

(23) Total floor area of a single use building may not exceed 5,000 square feet. A multi-use building may not exceed 7,500 square feet. If more than one building is in a development, there must be a minimum separation between buildings of fifteen feet.

(24) No outdoor seating.

(25) Not permitted in Airport Noise Zone B.

(26) Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.

(27) Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See section 34-1004.

(28) Limited to active recreation only (ball fields and tennis courts, for example) in Airport Noise Zone B.

(29) Not permitted in Airport Noise Zone B unless pre-empted by state law.

(30) Not permitted in Airport Noise Zones B unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in section 34-1004 as applicable.

(31) Sound attenuating insulation should be considered for hotels and motels in Airport Noise Zone B.

(32) For purposes of this use only, grade is the average elevation of the street or streets abutting the property measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage.

(33) Limited to four pumps, unless a greater number is approved as part of a special exception.

(34) Automobile auctions, on-site or internet, are permitted only when all vehicles are stored inside. Projects with outdoor storage will be considered vehicle and equipment dealers, group I, and must comply with section 34-1352.

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

(35) New multiple-family buildings are permitted on properties zoned C-1A only within the mixed use overlay.

(36) Family day care homes are exempt pursuant to F.S. § 125.0109.

(Ord. No. 93-24, § 7(table 450.A), 9-15-93; Ord. No. 94-02, § 16, 1-10-94; Ord. No. 94-24, § 49, 8-31-94; Ord. No. 95-07, § 35, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 98-11, § 5, 6-23-98; Ord. No. 99-05, § 9, 6-29-99; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 02-20, § 5, 6-25-02; Ord. No. 03-11, § 1, 4-8-03; Ord. No. 03-16, § 6, 6-24-03; Ord. No. 04-05, § 1, 4-27-04; Ord. No. 05-14 , § 6, 8-23-05; Ord. No. 06-10 , § 1, 6-12-06; Ord. No. 07-24 , § 7, 8-14-07; Ord. No. 09-23 , § 10, 6-23-09; Ord. No. 11-08 , § 10, 8-9-11; Ord. No. 13-10 , § 10, 5-28-13; Ord. No. 14-13 , § 7, 6-17-14; Ord. No. 16-19 , § 10, 11-15-16; Ord. No. 17-11 , § 1, 9-5-17; Ord. No. 19-03 , § 7, 4-2-19; Ord. No. 21-08 , § 9, 6-1-21)

Note(s)—See the editor's note to § 34-842.

(33)

Personal services. This major group includes establishments primarily engaged in providing services generally involving the care of the person or his apparel.

EXPAND

GROUP I	
	ATM's (automatic teller machines)
	Barbershops or beauty shops
	Clothing alterations and repair, including dressmakers, seamstresses and tailors
	Coin-operated laundries wherein coin-operated or other facilities are provided for self-service laundering or dry cleaning
	Laundromats
	Laundry agents wherein the establishment may do its own pressing and finish work but the laundering or dry cleaning is p
	Massage establishments
	Photo agents wherein dropoff and pickup film processing services are provided but the actual processing and developing
	Shoe repair services wherein shoe repair or shoeshining for individual customers is performed

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

GROUP II. The following uses are permitted provided that lodging facilities or resorts are not included:

EXPAND

	Beauty spas
	Health clubs or spas
	Massage establishments
	Massage parlors (article VII, division 3)
	Reducing or slenderizing salons

GROUP III. Establishments primarily engaged in the sale, rental or service of health-related devices such as:

EXPAND

	Artificial limbs
	Crutches
	Hearing aids
	Hospital beds
	Optical supplies
	Orthopedic supplies
	Wheelchairs

GROUP IV. Personal service agencies. Establishments primarily engaged in providing a personal service not classified elsewhere, including but not limited to:

EXPAND

	Babysitting bureaus

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

	Dating services
	Debt counseling or adjustment service to individuals
	Escort services
	Palm readers, fortunetellers or card readers
	Portrait copying
	Shopping services
	Tattoo parlors

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Schedule 2

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

TREBILCOCK
CONSULTING SOLUTIONS

Traffic Impact Analysis

Berkshire Lakes Planned Unit Development (PUD)
Hana Foot Massage and Spa
Comparable Use Determination (CUD)

Collier County, FL
03/09/2023

Prepared for:
Tom Zou
2355 Ivy Avenue
Fort Myers, FL 33907
Phone: 626-384-8047

Prepared by:
Trebilcock Consulting Solutions, PA
2800 Davis Boulevard, Suite 200
Naples, FL 341104
Phone: 239-566-9551
Email: ntrebilcock@trebilcock.biz

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Statement of Certification

I certify that this Traffic Impact Analysis has been prepared by me or under my immediate supervision and that I have experience and training in the field of Traffic and Transportation Engineering.

Norman J. Trebilcock, AICP, PTOE, PE
FL Registration No. 47116
Trebilcock Consulting Solutions, PA
2800 Davis Boulevard, Suite 200
Naples, FL 34104
Company Cert. of Auth. No. 27796

Table of Contents

Project Description 4

Trip Generation 6

Conclusion 7

Appendices

Appendix A: Zoning Map 8

Appendix B: ITE Trip Generation Manual Calculations 10

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Project Description

Hana Foot Massage and Spa is a proposed new business part of the Berkshire Commons located within the Berkshire Lakes Planned Unit Development (PUD), located in the northwest quadrant of the intersection of Radio Road and Santa Barbara Boulevard. The project is located in Section 32, Township 49 South, Range 26 East, in Collier County, Florida.

Refer to **Figure 1 – Project Location Map**, which follows and **Appendix A: Zoning Map**.

Figure 1 – Project Location Map



The Berkshire Lakes PUD was approved on August 16, 1983, initially approved for 335 single-family and 3,856 multi-family housing units with 375,000 square feet (sf) of commercial and office space, along with an 82.5 acre golf course and 176.9 acres of parks and greenbelt areas.

Berkshire Commons is an area located within the Berkshire Lakes PUD and consists of multiple buildings of various commercial uses. Tract F consists of a Publix with other strip retail and

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

commercial uses in adjacent buildings. The building located directly south of the Publix is a small strip retail plaza consisting of approximately 12,000 sf, per Collier County Property Appraiser.

This traffic report is in agreement with the latest adopted Collier County Traffic Impact Study Guidelines and Procedures. The project provides the highest and best use scenario with respect to the project's proposed trip generation. Consistent with the recommendations illustrated in Collier County Traffic Impact Study Guidelines and Procedures, traffic generation with the proposed development is evaluated based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition and ITE Trip Generation Handbook, 3rd Edition. In agreement with the ITE Land Use Code (LUC) descriptions, the ITE land use designation is illustrated in **Table 1A**.

Table 1A
Existing Development Program

Development	ITE Land Use	ITE Land Use Code	Total Size
Berkshire Commons	Strip Retail Plaza	822	12,000 sf

Hana Foot Massage and Spa proposes to occupy a 1,200 sf vacant unit included within the existing shopping center. This Comparable Use Determination (CUD) report will show a trip/traffic comparison demonstrating that the spa and shopping center will not generate any net new trips from what was previously approved.

For trip generation purposes, ITE LUC 918 - Hair Salon will be used as the highest and best use as ITE provides no data for a massage and spa treatment business.

The proposed change will allocate one of the units of 1,200 sf to be used as the spa. The proposed development program is illustrated in **Table 1B.**

Table 1B
Proposed Development

Development	ITE Land Use	ITE Land Use Code	Total Size
Berkshire Commons	Strip Retail Plaza	822	10,800 sf
Berkshire Commons	Hair Salon	918	1,200 sf
Total Proposed Development			12,000 sf

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Trip Generation

The project provides the highest and best use scenario with respect to the project's proposed trip generation. The project's site trip generation is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, and the software program OTISS (Online Traffic Impact Study Software, most current version). The ITE rates and equations are used for the trip generation calculations, as applicable. The ITE – OTISS trip generation calculation worksheets are provided in **Appendix B: ITE Trip Generation Manual Calculations**.

The **internal capture** accounts for a reduction in external traffic because of the interaction between the multiple land uses in a site. Per ITE recommendations no internal capture is considered for this study.

The **pass-by trips** account for traffic that is already on the external roadway network and stops at the project on the way to a primary trip destination. For the purposes of this analysis, conservatively, no pass-by reductions have been considered for the included land uses.

ITE Land Use Code 918 – Hair Salon does not provide daily two-way trip generation.

The proposed development scenario trip generation is illustrated in **Table 2A**. The trip generation analysis based on existing conditions is shown in **Table 2B**. The net new total external proposed trip generation (**Table 2C**) shows total proposed traffic conditions versus existing allowed (the difference between **Table 2A** and **Table 2B**).

Table 2A
Trip Generation (Proposed Conditions) – Average Weekday

Development	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Strip Retail Plaza	18	12	**30**	41	41	**82**
Hana Foot Massage and Spa	0	0	**0**	0	2	**2**
Total External	18	12	**30**	41	43	**84**

Table 2B
Trip Generation (Existing Conditions) – Average Weekday

Development	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Strip Retail Plaza	19	13	**32**	45	44	**89**

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

In agreement with the Collier County TIS guidelines, significantly impacted roadways are identified based on the proposed project highest peak hour trip generation and consistent with the peak hour of the adjacent street traffic. Based on the information contained in Collier County 2022 Annual Update and Inventory Report (AUIR), the peak hour for adjacent roadway network is PM.

For the purpose of this report, the potential project's traffic impact is analyzed based on projected PM peak hour total external traffic generated as a result of the proposed development (as shown in **Table 2C**).

Table 2C
Trip Generation (Estimated Net New Total External Traffic) – Average Weekday

Development	PM Peak Hour		
	Enter	Exit	Total
Proposed Development Traffic	41	43	**84**
Existing Traffic	45	44	**89**
Net New Total External Traffic Net Increase/(Net Decrease)	**(4)**	**(1)**	**(5)**

Conclusion

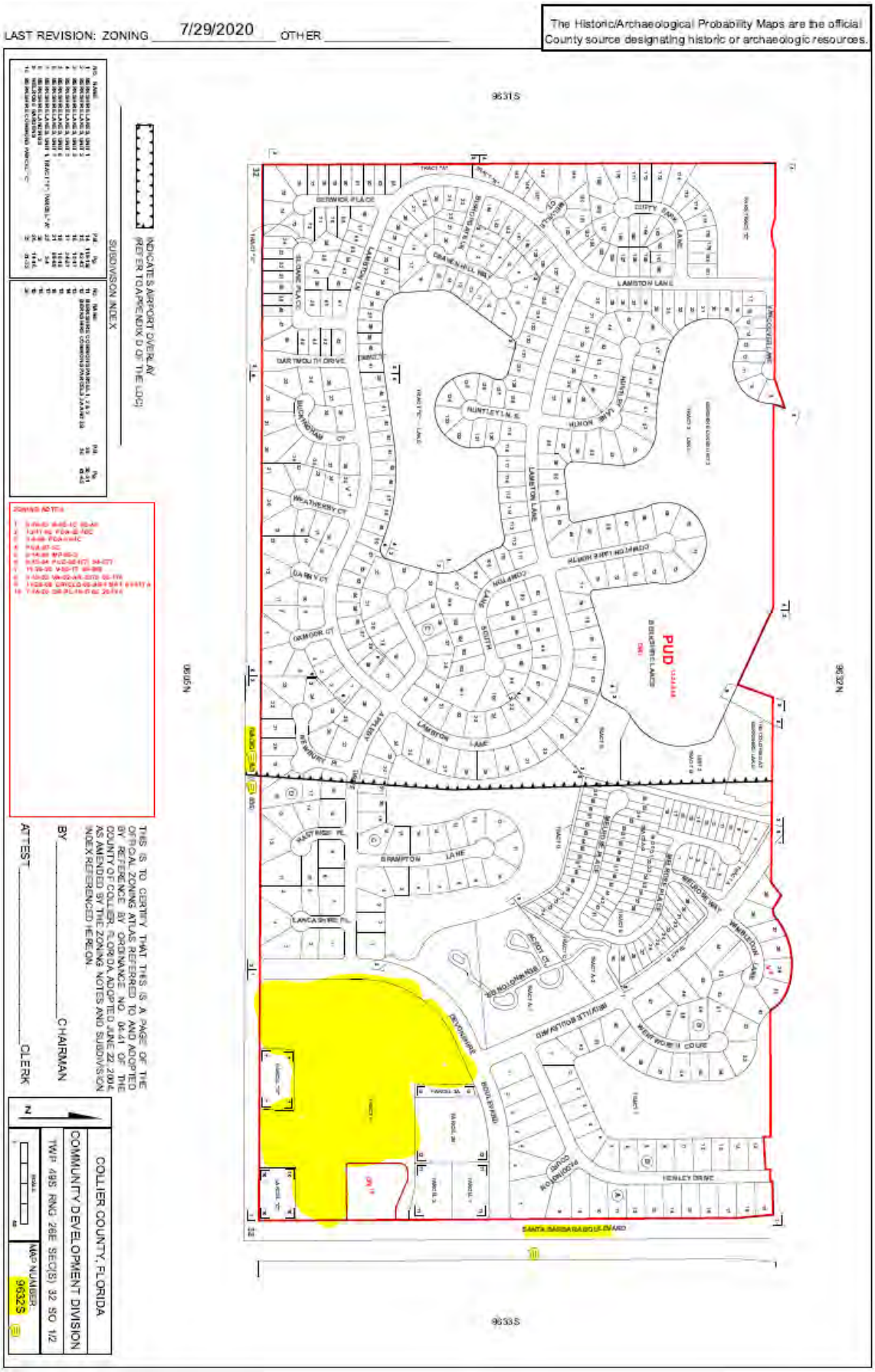
As illustrated in **Table 2C**, from a traffic standpoint, the proposed development scenario is less intensive when compared to the existing conditions.

Based on the fact that the proposed use is less intensive than what is allowed under current zoning designation, it is our recommendation that Hana Foot Massage and Spa be permitted within the Berkshire Commons Shopping Plaza as proposed within this report.

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Appendix A: Zoning Map



Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 :

Packet Pg. 443

3.B.e

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Appendix B: ITE Trip Generation Manual Calculations

Land Use: 918
Hair Salon

Description

A hair salon is a facility that specializes in cosmetic and beauty services including hair cutting and styling, skin and nail care, and massage therapy. A hair salon may also contain spa facilities.

Additional Data

The site was surveyed in the 2000s in New York.

Source Number

586

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Land Use: 822
Strip Retail Plaza (<40k)

Description

A strip retail plaza is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Each study site in this land use has less than 40,000 square feet of gross leasable area (GLA). Because a strip retail plaza is open-air, the GLA is the same as the gross floor area of the building.

The 40,000 square feet GFA threshold between strip retail plaza and shopping plaza (Land Use 821) was selected based on an examination of the overall shopping center/plaza database. No shopping plaza with a supermarket as its anchor is smaller than 40,000 square feet GLA.

Shopping center (>150k) (Land use 820), shopping plaza (40-150k) (Land Use 821), and factory outlet center (Land Use 823) are related uses.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (https://www.ite.org/technical-resources/topics/trip-and-parking-generation/).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Delaware, Florida, New Jersey, Ontario (CAN), South Dakota, Vermont, Washington, and Wisconsin.

Source Numbers

304, 358, 423, 428, 437, 507, 715, 728, 936, 960, 961, 974, 1009

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Existing Conditions – ITE Trip Generation Manual 11th Edition

Project Information	
Project Name:	Berkshire Commons - South Strip Retail
No:	
Date:	3/7/2023
City:	
State/Province:	
Zip/Postal Code:	
Country:	
Client Name:	
Analyst's Name:	
Edition:	Trip Generation Manual, 11th Ed

Land Use	Size	Weekday		AM Peak Hour		PM Peak Hour	
		Entry	Exit	Entry	Exit	Entry	Exit
822 - Strip Retail Plaza (<40k) (General Urban/Suburban)	12 1000 Sq. Ft. GLA	368	368	19	13	45	44
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		368	368	19	13	45	44
Total		368	368	19	13	45	44
Total Reduction		0	0	0	0	0	0
Total Internal		0	0	0	0	0	0
Total Pass-by		0	0	0	0	0	0
Total Non-pass-by		368	368	19	13	45	44

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

PERIOD SETTING

Analysis Name : Weekday
Project Name : Berkshire Commons - South Strip Retail **No :**
Date: 3/7/2023 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
822 - Strip Retail Plaza (<40k) (General Urban/Suburban)	1000 Sq. Ft. GLA	12	Weekday	Best Fit (LIN) T = 42.2 (X)+229.68	368(0) 50%	368(0) 50%	736(0)

(0) indicates small sample size, use carefully.

PERIOD SETTING

Analysis Name : AM Peak Hour
Project Name : Berkshire Commons - South Strip Retail **No :**
Date: 3/7/2023 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
822 - Strip Retail Plaza (<40k) (General Urban/Suburban)	1000 Sq. Ft. GLA	12	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LOG) Ln(T) = 0.66Ln(X) +1.84	19(0) 59%	13(0) 41%	32(0)

(0) indicates small sample size, use carefully.

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

PERIOD SETTING

Analysis Name :	PM Peak Hour		
Project Name :	Berkshire Commons - South Strip Retail	**No :**	
Date:	3/7/2023	**City:**	
State/Province:		**Zip/Postal Code:**	
Country:		**Client Name:**	
Analyst's Name:		**Edition:**	Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
822 - Strip Retail Plaza (<40k) (General Urban/Suburban)	1000 Sq. Ft. GLA	12	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG) Ln(T) = 0.71Ln(X) +2.72	45 51%	44 49%	89

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Proposed Development – ITE Trip Generation Manual 11th Edition

Project Information	
Project Name:	Hana Massage and Retail
No:	
Date:	3/7/2023
City:	
State/Province:	
Zip/Postal Code:	
Country:	
Client Name:	
Analyst's Name:	
Edition:	Trip Generation Manual, 11th Ed

Land Use	Size	AM Peak Hour		PM Peak Hour	
		Entry	Exit	Entry	Exit
822 - Strip Retail Plaza (<40k)					
(General Urban/Suburban)	10.8 1000 Sq. Ft. GLA	18	12	41	41
Reduction		0	0	0	0
Internal		0	0	0	0
Pass-by		0	0	0	0
Non-pass-by		18	12	41	41
918 - Hair Salon (General Urban/Suburban)	1.2 1000 Sq. Ft. GFA	0	0	0	2
Reduction		0	0	0	0
Internal		0	0	0	0
Pass-by		0	0	0	0
Non-pass-by		0	0	0	2
Total		18	12	41	43
Total Reduction		0	0	0	0
Total Internal		0	0	0	0
Total Pass-by		0	0	0	0
Total Non-pass-by		18	12	41	43

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

PERIOD SETTING

Analysis Name :	AM Peak Hour		
Project Name :	Hana Massage and Retail	**No :**	
Date:	3/7/2023	**City:**	
State/Province:		**Zip/Postal Code:**	
Country:		**Client Name:**	
Analyst's Name:		**Edition:**	Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
822 - Strip Retail Plaza (<40k) (General Urban/Suburban)	1000 Sq. Ft. GLA	10.8	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LOG) Ln(T) = 0.66Ln(X) +1.84	18(2) 60%	12(2) 40%	30(2)
918 - Hair Salon (General Urban/Suburban)	1000 Sq. Ft. GFA	1.2(1)	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average 1.21	N/A 0%	N/A 0%	1(0)

(0) indicates directional distribution was not provided in the source document. This study cannot be used for trip distribution.
(1) indicates size out of range.
(2) indicates small sample size, use carefully.

PERIOD SETTING

Analysis Name :	PM Peak Hour		
Project Name :	Hana Massage and Retail	**No :**	
Date:	3/7/2023	**City:**	
State/Province:		**Zip/Postal Code:**	
Country:		**Client Name:**	
Analyst's Name:		**Edition:**	Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
822 - Strip Retail Plaza (<40k) (General Urban/Suburban)	1000 Sq. Ft. GLA	10.8	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG) Ln(T) = 0.71Ln(X) +2.72	41 50%	41 50%	82
918 - Hair Salon (General Urban/Suburban)	1000 Sq. Ft. GFA	1.2(0)	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average 1.45	0(1) 0%	2(1) 100%	2(1)

(0) indicates size out of range.
(1) indicates small sample size, use carefully.

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Schedule 3

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

TREBILCOCK
CONSULTING SOLUTIONS

March 13, 2023

Ray Bellows
Zoning Planning Manager
Collier County Zoning Services
2800 N. Horseshoe Drive
Naples, FL 34104

SUBJECT: Berkshire Commons - Hana Foot Massage and Spa - Comparable Use Determination

Dear Mr. Bellows:

The purpose of this letter is to provide supplemental comparable use information regarding the consideration of a Comparable Use Determination (CUD) for the subject site. The goal of this analysis was to provide reasonable comparable analysis between the currently existing shopping center and the addition of Hana Foot Massage and Spa as a massage therapy business.

Hana Foot Massage and Spa would occupy the unit at 7071 Radio Rd. which is 1,200 square feet (sf) in size. To show that the new massage therapy use is less intensive, the strip retail plaza where the unit is located was estimated at around 12,000 sf based on Collier County Property Appraiser. The Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition provides no data for a massage and spa treatment business. For this reason, LUC # 918 – Hair Salon was used as it includes massage therapy and spa type facilities as presented within its land use description.

A massage therapy spa is comparable to a shopping center and other associated uses in the shopping center such as a hair salon and is less intensive for trip generation than a shopping center use; also, given that a massage therapy spa service does not have an ITE LUC and is associated with the hair salon LUC description, it would be our opinion and belief that a massage therapy business would be comparable to either the shopping center, or even the hair salon ITE LUC's. From a parking standpoint, the proposed use aligns with barbershop/beauty parlor/hair salon, where massage is specifically mentioned in the LDC criteria (4.05.04.G, Table 17). We believe this use would simply follow the shopping center criteria in similar fashion to a barbershop/beauty parlor/hair salon.

Let me know if you have any questions, or need anything else.

Sincerely,

Trebilcock Consulting Solutions, PA

Norman J. Trebilcock, AICP, PTOE, PE
President

Trebilcock Consulting Solutions, PA • 2800 Davis Boulevard, Suite 200 • Naples, FL 34104
Phone 239-566-9551 • ntrebilcock@trebilcock.biz • www.trebilcock.biz

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

PROPERTY OWNERSHIP DISCLOSURE FORM

This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

Please complete the following, use additional sheets if necessary.

a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

Name and Address	% of Ownership

b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

Name and Address	% of Ownership

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

Name and Address	% of Ownership

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership
The property owner is REG8 Berkshire Commons, LLC 1 Independent Dr., Suite 114, Jacksonville, FL 32202	
REG8 Member, LLC is the sole member of REG8 Berkshire Commons, LLC 1 Independent Dr., Suite 114, Jacksonville, FL 32202	100%
Regency Centers, L.P. is the sole member of REG8 Member, LLC, LLC 1 Independent Dr., Suite 114, Jacksonville, FL 32202	100%
Regency Centers Corporation, a publicly traded corporation, is the sole general partner of Regency Centers, L.P. 1 Independent Drive, Suite 114, Jacksonville, FL 32202	100% GP

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired _____

☐ **Leased: Term of lease _____ years /months**

If, Petitioner has option to buy, indicate the following:

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

_____ 3-7-23
Agent/Owner Signature Date

_____
Agent/Owner Name (please print)

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

PROPERTY OWNERSHIP DISCLOSURE FORM

This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

Please complete the following, use additional sheets if necessary.

a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

Name and Address	% of Ownership

b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

Name and Address	% of Ownership

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

Name and Address	% of Ownership

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

*********Limited liability company - Petitioner has leasehold interest

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership
TZ Dragon, LLC/Tom B J Zou	100

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired Leasehold Interest

☒ **Leased: Term of lease** 5 years **years /months**

If, Petitioner has option to buy, indicate the following:

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

The completed application, all required submittal materials, and fees shall be submitted to:

Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

_____
Agent/Owner Signature

6/28/2023
Date

Francesca Passidomo
Agent/Owner Name (please print)

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Dianna Quintanilla

From: Bonnell, Joni <JoniBonnell@regencycenters.com>
Sent: Wednesday, May 17, 2023 1:28 PM
To: Francesca Passidomo
Subject: RE: REG8 Berkshire Commons LLC (Hana Foot Massage & Spa @ Berkshire Commons in Naples, FL)
Attachments: 02 Property Owner Disclosure.pdf

Hello Francesca,

We received your below message from Foley. Regency Centers, L.P. is owned by Regency Centers Corporation, which is a publicly traded company on the Nasdaq Stock Market. No individual has direct ownership – only shares held in Regency Centers Corporation. Will this avoid the need to file a disclosure. Otherwise, what seems to be the issue with the attached disclosure that we previously provided?

Thank you,

Joni Bonnell
Senior Corporate Paralegal
904 598 7761

One Independent Drive, Suite 114
Jacksonville, FL 32202

The information contained in this email message is intended only for the personal and confidential use of the recipient(s) named above. This communication is for discussion purposes only and does not create any obligation to negotiate or enter into a binding agreement. You should be aware that discussions or negotiations may be occurring simultaneously with other parties regarding the property or space discussed herein, and that neither party shall be bound by any terms contained herein until an agreement has been mutually executed and delivered. If you have received this communication in error, please notify us immediately by email, and delete the original message.

From: Francesca Passidomo <fpassidomo@cyklawfirm.com>
Sent: Tuesday, May 16, 2023 3:34 PM
To: Rabil, Chris <CRabil@foley.com>
Subject: REG8 Berkshire Commons LLC

**** EXTERNAL EMAIL MESSAGE ****
Mr. Rabil,

Our firm is working on a land use petition for a tenant in the complex owned by captioned entity. I believe you represent the landowner in review of the scrivener's block on its vesting deed and its Articles filed with the Division. The

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

name of the tenant is TZ Hospitality LLC (trade name Hana Foot Massage & Spa). The land use petition is a comparable use, which means the county determines whether the proposed use as a foot massage and spa is comparable to the listed permitted uses in the underlying zoning. No new structures or deviations are proposed.

One administrative item for all land use petitions in Collier County is a Disclosure, in the form attached, which identifies the individual ownership interests in the company that owns the subject land. Our client procured the attached Disclosure from the landowner, but it was rejected by the county. The county requires us to actually identify the ultimate individual ownership interests – in this case, based on the form completed by REG8 Berkshire, that of the parent Regency Centers LP. If the parent is publically traded then no disclosure is required and we simply state that fact.

I left you a voicemail as well and you are welcome to call me to discuss the form and information we need to move the petition forward. I can be reached at the phone number in my signature block, whenever convenient for you.

Thank you for your time.

Francesca

FRANCESCA PASSIDOMO, Esq.

Coleman, Yovanovich & Koester, P.A.
The Northern Trust Building
4001 Tamiami Trail North, Suite 300
Naples, Florida 34103
239.435.3535 (telephone)
239.435.1218 (fax)
239.404.6174 (cell)
fpassidomo@cyklawfirm.com

Visit cyklawfirm.com to learn more about us.

CYK
COLEMAN | YOVANOVICH | KOESTER

Both Francesca Passidomo and Coleman, Yovanovich & Koester, P.A., intend that this message be used exclusively by the addressee(s). This message may contain information that is privileged, confidential, and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently dispose of the original message and notify Francesca Passidomo immediately at fpassidomo@cyklawfirm.com or call (239) 435-3535. Thank you.

FRAUD ALERT ---- PLEASE DO NOT WIRE ANY FUNDS TO OUR FIRM UNLESS YOU OR THE SENDING BANK HAVE VERIFIED THE WIRING INSTRUCTIONS DIRECTLY WITH OUR FIRM VIA TELEPHONE

The information contained in this message, including but not limited to any attachments, may be confidential or protected by the attorney-client or work-product privileges. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message and any attachments or copies. Any disclosure, copying, distribution or reliance on the contents of this message or its attachments is strictly prohibited, and may be unlawful. Unintended transmission does not constitute waiver of the attorney-client privilege or any other privilege. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party. Unless expressly stated otherwise, nothing contained in this message should be construed as a digital or electronic signature, nor is it intended to reflect an intention to make an agreement by electronic means.

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

Attachment: Attachment D - Applicant's Backup, Application and Supporting Documents (26456 : PL20230004883 PCUD Hana Foot Massage &

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

I, Tom Zou (print name), as Owner (title, if applicable) of TZ Dragon, LLC (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [ ] applicant [✓] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize Francesca Passidomo/Coleman Yovanovich & Koester AND Norm Trebilcock/Trebilcock Consulting to act as our/my representative in any matters regarding this petition including 1 through 2 above.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Tom zou (Mar 29, 2023 15:05 EDT)

Signature

Mar 29, 2023

Date

STATE OF ~~FLORIDA~~ Virginia
COUNTY OF ~~COLLIER~~ Chesterfield

The foregoing instrument was acknowleged before me by means of [ ] physical presence or [✓] online notarization this 29th day of March, 20 23, by (printed name of owner or qualifier) Tom Zou.

Such person(s) Notary Public must check applicable box:

[ ] Are personally known to me

[✓] Has produced a current drivers license Z000-802-99-130-0

[ ] Has produced _____ as identification.

Notary Signature: _____

LAUREN N FRIDLEY
ELECTRONIC NOTARY PUBLIC
REG # 7699515
EXPIRES 6/30/2024
COMMONWEALTH OF VIRGINIA
Seal

Notary Public -Lauren N Fridley
Commission 7699515
Notary Public of Chesterfield County, Virginia
Expires June 30, 2024

Completed via Remote Online Notarization using 2way Audio/Video technology

CP\08-COA-00115\155
REV 3/4/2020