

Collier County Land Development Code (LDC)

Ordinance 04-41, as amended

NOTICE

The following information is taken from the Collier County Land Development Code, Ordinance 04-41, as amended, and is being provided to users outside the Community Development and Environmental Services Division in an effort to consolidate information now found in various sections of the Code. In some cases, information was inadvertently omitted from the new Code (04-41) when it superseded the previous Code (Ordinance 91-102). In such cases, *the setbacks and standards of the previous Code will apply until the corrections are made to the new Code*. Every effort has been made to ensure that the information in this document is accurate; however, users are warned that if this information conflicts with that incorporated in the existing LDC Ordinance 04-41, as amended, the LDC governs, and users are advised to consult the Code as needed.

Estates Zoning District (E)

The purpose and intent of the Estates Zoning District (E)* is to provide lands for low-density residential development in a semi-rural to rural environment, with limited agricultural activities. In addition to low density residential density with limited agricultural activities, the E district is also designed to accommodate as Conditional Uses, Development that provides services for and is compatible with the low density residential, semi-rural and rural character of the E district. The E district corresponds to and implements the estate land use designation on the future land use map of the Collier County GMP, although, in limited instances, it may occur outside of the estates land use designation. The maximum density permissible in the E district shall be consistent with and not exceed the density permissible or permitted under the estates district of the future land use element of the Collier County GMP or as provided under the Golden Gate Master Plan. **(2.03.01B)**

* Please note the distinction between the *Estates Zoning District* and the *Golden Gate Estates Subdivision*. All property in the Golden Gate Subdivision is zoned Estates, but not all Estates zoning is within the Golden Gate Estates Subdivision. Certain regulations apply specifically and exclusively to property within the Subdivision and do not apply to the entire zoning district.

1. Minimum Yard Requirements

Setbacks & Separation of Structures

Principal Structures

Conforming Interior Lots (Table, 2.7.00)

- Minimum Front Yard - 75 feet
- Minimum Side Yard - 30 feet
- Minimum Rear Yard - 75 feet

Nonconforming Interior Lots (9.03.01.B.1)

- Minimum Front Yard – same as conforming (75 feet)
- Minimum Side Yard – only for lots that are nonconforming due to inadequate lot width: 10% of lot width, not more than 30 feet. *Note that if lot width is conforming, even though the area is less than 2.25 acres, full side yards are required.*
- Minimum Rear Yard – same as conforming (75 feet)

Accessory Structures

- All accessory structures have same setback as principal structures

Conforming Corner Lots, in which only one full depth setback shall be required along the shorter lot line along the street. The setback along the longer lot line may be reduced to 37.5 feet, so long as no right-of-way or right-of-way easement is included within the front yard. (See Exhibit A, LDC).

Nonconforming Corner Lots

Nonconforming corner lots of record, in which only one full depth setback shall be required along the shorter lot line along the street. The setback along the longer lot line may be reduced to 15 feet, so long as no right-of-way or right-of-way easement is included within the reduced front yard. (See exhibit B, LDC)

Nonconforming Through Lots

Nonconforming through lots, i.e. double frontage lots, legal nonconforming lots of record with double road frontage, which are nonconforming due to inadequate lot depth, in which case the front yard along the local road portion shall be computed at the rate of 15 percent of depth the of the lot, as measured from the edge right-of-way.

The nonconforming through lot utilizing the reduced frontage shall establish the lot frontage along the local road only. Frontage along a collector or arterial roadway to serve such lots is prohibited. Front yards along the local road shall be developed with structures having an average front yard with variations of not more than six feet; no building thereafter erected shall project beyond the average line so established.

Accessory Structures, setbacks and separation

- All accessory structures have same setbacks as principal structures
- Guest houses, separation from principal structure : 20 feet
- Roofed structures for shelter and feeding of horses and livestock, and enclosures for fowl or poultry must be a minimum of thirty (30) feet from any adjacent lot line and a minimum of 100 feet from any residence on an adjacent parcel.

2. Dimensional standards for Principle Uses (4.02.01)

- Minimum lot area- 98,010sq.ft.
- Minimum lot width- 150 linear feet
- Maximum building coverage (%) - None
- Maximum building height- 30 feet
- Minimum floor area of building- 1,000sq.ft.
- Floor area ratio (%) – None

3. Access Easements - Golden Gate Estates lot divisions (4.03.06)

When a five (5) acre parcel in Golden Gate Estates is subdivided into two (2) lots, where one of the lots is not on the existing right-of-way, the owner may create an access easement to and through the parcel which is not on the right-of-way. The easement must be at least twenty (20) feet in width, and extend at least 150 feet into the otherwise landlocked lot. The easement shall provide for access to the lot, and satisfy the frontage requirement.

4. Uses

Permitted Uses (2.04.03). The following uses are permitted by right

- Essential Services- Per section 2.01.03
- Family Care Facilities
- Schools, public- This includes educational plants
- Single-Family Dwellings

Accessory Uses (2.04.03). The following uses and structures that are accessory and incidental to the uses permitted as of right

- Category II group care facilities
- Child day care- 8351 (Standard Industrial Classification Code)
- Earth mining
- Excavation
- Field crops, for consumption by persons living on premises
- Guesthouses: see **(A)** below
- Livestock: see **(B)** below
- Poultry raising
- Recreational facilities
- Social association or clubs- 8641

(A) Guest Houses (5.03.03) Where a guesthouse is an allowable use, it shall be permitted only in compliance with the following standards.

- No guest accommodation facility in a single-family residential district, whether a freestanding guesthouse or guest accommodations which are structurally integrated with the main dwelling, may be utilized for commercial purposes.
- Leasing or renting a guest accommodation shall constitute a violation of this LDC.
- 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 a single-family zoned property for two-family dwelling purposes.
- The following site designs standards shall apply to all guest houses:
 - Minimum lot area shall be 43,560 square feet.
 - Minimum lot width shall be 105 feet.
 - The maximum floor area shall be forty (40) percent of the air-conditioned, enclosed living area (excluding garages, carports, patios, porches, utility areas and the like) of the principal dwelling.
 - Detached guesthouses shall not be closer than twenty (20) feet to the principal dwelling.
- A guesthouse may be constructed prior to a principal 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 a time as the principal residence is constructed, then the floor area percentages listed above shall apply.

(B) Standards for keeping animals (4.02.07)

Maximum number of animals

- Poultry or fowl- Total of 25
- Horses or livestock- Two (2) per acre
- Hogs- None

Fences and Walls (5.03.02)

The Estates District is grouped within the general heading of Agricultural zoning districts, and fences and walls within Agricultural districts are exempt from height and type of construction requirements.

Conditional Uses (2.04.03)

NOTE: Conditional Uses in the Golden Gate Estates Subdivision must be consistent with the Collier County Growth Management Plan (GMP) and Golden Gate Area Master Plan (GGAMP); consult the GMP/GGAMP to determine consistency.

- Adult day care- 8322
- Ancillary plants
- Assisted living facilities
- Care units
- Churches and places of worship-8661
- Civic and cultural facilities
- Earth mining- Subject to Section 4.02.02C (Extraction or earth mining, and related processing and production, not incidental to the development of the property, may be permissible as a conditional use where the site area does not exceed twenty (20) acres.
- Education facilities, public and private schools- 8211-8231
- Extraction related processing and production
- Fraternal lodges, private club or social clubs
- Group care units
- Model homes and model home sales
- Nursing homes
- Schools, public or private

5. Vegetation Removal

A vegetation removal permit (VRP) is not required for the hand removal of **prohibited exotic vegetation**. Mechanical clearing of **prohibited exotic vegetation** shall require a vegetation removal permit. Mechanical clearing is defined as clearing that would impact or disturb the soil or sub-soil layers or disturb the root systems of plants below the ground.

A vegetation removal permit for clearing one acre or less of land is not required for the removal of protected vegetation, where the following conditions have been met:

- i. A **building** permit has been issued for the permitted **principal structure** (the **building** permit serves as the clearing permit), or
- ii. The permitted **principal structure** has been constructed, and the property owner or **authorized agent** is conducting the removal, and the total area that will be cleared on site does not exceed one acre. (10.02.06 C)

A VRP is required to clear more than 1 acre. Reason for proposed clearing must be an accessory use in Estates zoning.

The Florida Department of Environmental Protection regulates wetland impacts on single family lots.