

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2005-27

Which was adopted by the Board of County Commissioners on the 8th day of June 2005, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 5thst day of July, 2005.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Ann Jennejohn

By: Ann Jennejohn
Deputy Clerk





ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER 1 - GENERAL PROVISIONS, INCLUDING SEC. 1.08.01 ABBREVIATIONS COA AND TIS, SEC. 1.08.02 DEFINITIONS FOR AFFORDABLE HOUSING, PVIOUS SURFACE, EXOTIC VEGETATION, KENNELING AND SHOPPING CENTER ; CHAPTER 2 - ZONING DISTRICTS AND USES, INCLUDING, SEC. 2.03.00 ZONING DISTRICTS, SEC. 2.03.05 OPEN SPACE ZONING, SEC. 2.03.08 EASTERN LANDS/RURAL FRINGE AND RFMU RECEIVING LANDS, SEC. 2.05.02 DENSITY BLENDING, SEC. 2.06.03. AHDB RATING SYSTEM, SEC. 2.07.00 TABLE OF SETBACKS FOR BASE ZONING DISTRICTS; CHAPTER 3 - RESOURCE PROTECTION, INCLUDING SEC. 3.03.06 NATIVE VEGETATION RETENTION ON COASTAL BARRIERS, 3.04.02 SPECIES SPECIFIC REQUIREMENTS, SEC. 3.05.02 EXEMPTIONS FROM REQUIREMENTS OF VEGETATION PROTECTION AND PRESERVATION, SEC. 3.05.05 CRITERIA FOR REMOVAL OF PROTECTED VEGETATION, SEC. 3.05.07 PRESERVATION STANDARDS, SEC. 3.05.08. REQUIREMENT FOR REMOVAL OF PROHIBITED EXOTIC VEGETATION, 3.06.06 REGULATED WELLFIELDS INCLUDING MAPS; CHAPTER 4 - SITE DESIGN STANDARDS, INCLUDING SEC. 4.02.01 DIMENSIONAL STANDARDS FOR PRINCIPLE USES IN BASE ZONING DISTRICTS, SEC. 4.02.23 SAME-DEVELOPMENT IN THE ACTIVITY CENTER #9 ZONING DISTRICT, SEC. 4.03.00 SUBDIVISION DESIGN AND LAYOUT, SEC. 4.03.02 APPLICABILITY, SEC. 4.03.03 EXEMPTIONS, SEC. 4.05.00 OFF-STREET PARKING AND LOADING, SEC. 4.05.04 PARKING SPACE REQUIREMENTS, SEC. 4.06.00 LANDSCAPING, BUFFERING, AND VEGETATION RETENTION, SEC. 4.06.01 GENERALLY, 4.06.03 LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS AND RIGHTS-OF-WAY SEC. 4.06.04 TREES AND VEGETATION PROTECTION, SEC. 4.06.05 GENERAL LANDSCAPING REQUIREMENTS, SEC. 4.08.00 RURAL LANDS STEWARDSHIP AREA ZONING OVERLAY DISTRICT STANDARDS, SEC. 4.08.05 LANDS WITHIN RLSA, SEC. 4.08.07 SRA DESIGNATION, SEC. 4.08.08 BASELINE STANDARDS ; CHAPTER 5 - SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.02.00 HOME OCCUPATIONS, SEC. 5.02.03 STANDARDS, SEC. 5.03.02 FENCES AND WALLS, SEC. 5.05.02 MARINAS, SEC. 5.05.08 ARCHITECTURAL STANDARDS FOR COMMERCIAL BUILDINGS AND PROJECTS, SEC. 5.05.09 COMMUNICATION TOWERS DEVELOPMENT STANDARDS, SEC. 5.05.12 SPECIFIC STANDARDS FOR RAW WATER WELLS IN COLLIER COUNTY, SEC. 5.06.01 GENERALLY, SEC. 5.06.07 ENFORCEMENT AND PENALTIES; CHAPTER 6 - INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS, INCLUDING SEC. 6.01.02 EASEMENTS, SEC. 6.06.01 STREET SYSTEM REQUIREMENTS; CHAPTER 8 - DECISION-MAKING AND ADMINISTRATIVE BODIES, INCLUDING SEC. 8.06.03 POWERS AND DUTIES OF THE ENVIRONMENTAL ADVISORY COUNCIL; CHAPTER 9 - VARIATIONS FROM CODE REQUIREMENTS INCLUDING, SEC. 9.04.00 VARIANCES, SEC. 9.04.01 GENERALLY, SEC. 9.04.03 CRITERIA FOR VARIANCES, SEC. 9.04.06

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REQUIREMENTS FOR VARIANCE TO THE COASTAL CONSTRUCTION SETBACK LINE; CHAPTER 10 - APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING, SEC. 10.01.02 DEVELOPMENT ORDERS REQUIRED, SEC. 10.02.02 SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS, SEC. 10.02.03 SUBMITTAL REQUIREMENTS FOR SITE DEVELOPMENT PLANS, SEC. 10.02.04 SUBMITTAL REQUIREMENTS FOR PLATS, 10.02.06 SUBMITTAL REQUIREMENTS FOR PERMITS, SEC. 10.02.07 SUBMITTAL REQUIREMENTS FOR CERTIFICATES OF PUBLIC FACILITY ADEQUACY, SEC. 10.02.12 BUILDING OR LAND ALTERATION PERMITS, SEC. 10.02.13 PUD PROCEDURES, SEC. 10.03.05 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS, SEC. 10.09.00 VARIANCE PROCEDURES; APPENDIX E ACCESS MANAGEMENT PLAN MAPS, APPENDIX H - LDC/JDC COMPARATIVE TABLES, SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, PUBLICATION AS THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

Recitals

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC), which was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superceded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, the LDC may not be amended more than two times in each calendar year unless additional amendment cycles are approved by the Collier County Board of Commissioners pursuant to Section 10.02.09 A. of the LDC; and

WHEREAS, this is the first amendment to the LDC for the calendar year 2005; and

WHEREAS, on March 18, 1997, the Board adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold advertised public hearings on May 11, 2005 and June 8, 2005, and did take action concerning these amendments to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, this ordinance is adopted in compliance with and pursuant to the local government comprehensive planning and land development regulation act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w);

and

WHEREAS; this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise been met.

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

SECTION ONE: RECITALS

The foregoing Recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION TWO: FINDINGS OF FACT

The Board of Commissioners of Collier County, Florida, hereby makes the following findings of fact:

1. Collier County, pursuant to Sec. 163.3161, *et seq.*, Fla. Stat., the Florida Local Government Comprehensive Planning and Land Development Regulations Act (herein after the "Act"), is required to prepare and adopt a comprehensive plan.

2. After adoption of the Comprehensive Plan, the Act and in particular Se. 163.3202(1). Fla. Stat., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.

3. Section 163.3201, Fla. Stat., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted comprehensive plan.

4. Section 163.3194(1)(b), Fla. Stat., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted comprehensive plan, or element or portion thereof, and any land regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent.

5. Section 163.3202(3), Fla. Stat., states that the Act shall be construed to encourage the use of innovative land development regulations.

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its comprehensive plan pursuant to the requirements of Sec. 163.3161 *et seq.*, Fla. Stat., and Rule 9J-5 F.A.C.

7. Section 163.3194(1)(a), Fla. Stat., mandates that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such comprehensive plan, or element or portion thereof shall be consistent with such comprehensive plan or element or portion thereof.

8. Pursuant to Sec. 163.3194(3)(a), Fla. Stat., a development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

9. Section 163.3194(3)(b), Fla. Stat., requires that a development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991 and may be amended twice annually. The Land Development Code adopted in Ordinance 91-102 was recodified and superceded by Ordinance 04-41.

11. Collier County finds that the Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; to encourage the most appropriate use of land, water and resources consistent with the public interest; to overcome present handicaps; and to deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County and it is intended that this Land Development Code preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience and general welfare of Collier County; to prevent the overcrowding of land and avoid the undue concentration of population; to facilitate the adequate and efficient provision of transportation, water,

sewerage, schools, parks, recreational facilities, housing and other requirements and services; to conserve, develop, utilize and protect natural resources within the jurisdiction of Collier County; to protect human, environmental, social and economic resources; and to maintain through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

12. It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance with the provisions of the Collier County Comprehensive Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., and through these amendments to the Code.

SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

SUBSECTION 3.A AMENDMENTS TO SECTION 1.08.01 ABBREVIATIONS

Section 1.08.01 Abbreviations, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

1.08.01 Abbreviations

*	*	*	*	*	*	*	*	*	*	*
COA										
TIS										
*	*	*	*	*	*	*	*	*	*	*

SUBSECTION 3.B AMENDMENTS TO SECTION 1.08.02 DEFINITIONS

Section 1.08.02 Definitions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

1.08.02 Definitions

~~*Housing, affordable Workforce: One or more means residential dwelling units with a monthly rent or monthly mortgage payment, including property taxes and insurance, not in excess of 1/12 of 30 percent of an amount which represents a range of median adjusted gross annual income (median income) for the households as published annually by the U.S. Department of Housing and Urban Development within the Naples Metropolitan Statistical Area (MSA) (See section 2.05.02), 50 percent or less (for very low income), 50 percent to 80 percent (for low income), or 80 percent to 100 percent (for moderate income) of the specifically including the following subsets:*~~

Owner Occupied Workforce Housing 50% or less of Median Income, otherwise considered to be "very-low income."

Owner Occupied Workforce Housing 51% - 60% of Median Income, otherwise considered to be "low income."

Owner Occupied Workforce Housing 61% - 80% of Median Income, otherwise considered to be "low income."

Owner Occupied Workforce Housing 81% - 100% of Median Income, otherwise considered to be "moderate income."

Rental Workforce Housing less than 50% of Median Income, otherwise considered to be "very-low income."

Rental Workforce Housing less than 51% - 60% of Median Income, otherwise considered to be "low income."

The term affordable housing is specifically intended to include workforce housing which is limited to owner-occupied housing with a monthly mortgage payment, including property taxes and insurance, not in excess of 1/12 of 30 percent of an amount which represents 50 percent to 100 percent of the median adjusted gross annual income for the household as published annually by the U.S. Department of Housing and Urban Development within the Naples Metropolitan Statistical Area (MSA). (See section 2.05.02) affordable workforce housing.

* * * * *

Kenneling: An establishment licensed to operate a facility housing dogs, cats, or other household pets or the keeping of more than three dogs, six months or older, on premises used for residential purposes, or the keeping of more than two dogs on property used for industrial or commercial security purposes.

* * * * *

Pervious (also pervious surface or pervious area - applicable to Section 4.05.03 only): Material that allows the percolation or absorption of water into the ground including, but not limited to grass, mulch, and crushed stone. Pavers (excluding those specifically designed and constructed to be pervious) and limerock are not considered as pervious surface.

* * * * *

Shopping center: A group of unified commercial establishments built on a site which is planned, developed, owned or managed as an operating unit and related in its location, size, and type of shops to the trade area that the unit serves. It consists of eight or more retail business or service establishments containing a minimum total of 20,000 square feet of floor area. No more than 20 percent of a shopping center's floor area can be composed of restaurants without providing additional parking for the area over 20 percent. A marina, hotel, or motel with accessory retail shops is not considered a shopping center.

* * * * *

Vegetation, Category I Invasive Exotic: Invasive exotic vegetation that alters native vegetation communities by: displacing native plant species, changing the structure or ecological functions of native plant communities, or hybridizing with native species; which includes all species of vegetation listed on ~~A list of these exotics can be found in the~~ 2003 Florida Exotic Pest Plant Council's List of Invasive Species, under Category I.

* * * * *

Wells, raw water: The individual or collective excavations and resulting appurtenant equipment owned or operated by a public or quasi public entity which are the source of raw water used to provide public irrigation or potable

water. When water from such wells is conveyed through physically connected infrastructure to a public or quasi-public treatment facility, the system of physically inter-connected infrastructure and wells may be considered to be collectively located "on-site" as that term is to be applied in GMP Policies 6.1.1, and 6.1.2, and any implementing land development regulations.

SUBSECTION 3.C. AMENDMENTS TO SECTION 2.03.05 OPEN SPACE ZONING DISTRICTS

Section 2.03.05 Open Space Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

2.03.05 Open Space Zoning District

* * * * *

B. Conservation District "CON."

1. Allowable uses. The following uses are allowed in the CON District, :

a. Uses permitted as of right.

* * * * *

(8) **Oil and gas exploration** subject to applicable federal and state drilling permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as such rules existed on 2005, [the effective date of this provision] regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-3Q, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the **applicant** shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, even if outside the defined Big Cypress Watershed. All oil and gas **access** roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a) (1) through (12), F.A.C.

(9) **The following essential services**

- (a) **Private wells and septic tanks necessary to serve uses identified in 1 through 8 above.**
- (b) **Utility lines necessary to serve uses identified in 1 through 8 above, with the exception of sewer lines.**
- (c) **Sewer lines and lift stations if all of the following criteria are satisfied:**

- i. Such sewer lines or lift stations shall not be located in any NRPA Lands in the ~~CON~~ district;
- ii. Such sewer lines or lift stations shall be located within already cleared portions of existing rights-or-way or easements; and
- iii. Such sewer lines or lift stations are necessary to serve a central sewer system that provides service to Urban Areas or to the Rural Transition Water and Sewer District.

* * * * *

c. Conditional uses.

- (1) **Oil and gas field development and production**, subject to ~~federal and~~ state field development permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on 2005, [the effective date of this provision], regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), FAC. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, FAC. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the **applicant** shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas **access** roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)(1) through (12), F.A.C.

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SUBSECTION 3.D. AMENDMENTS TO SECTION 2.03.07 OVERLAY ZONING DISTRICTS

Section 2.03.07 Overlay Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

2.03.07 Overlay Zoning Districts

* * * * *

D. Special Treatment Overlay "ST".

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4. Transfer of Development Rights (TDR).

f. Procedures Applicable to the Transfer of TDR Credits from RFMU sending lands

ii. County-maintained central TDR registry. In order to facilitate the County's monitoring and regulation of the TDR Program, the County shall serve as the central registry of all TDR credit purchases, sales, and transfers, as well as a central listing of TDR credits available for sale and purchasers seeking TDR credits. No TDR credit generated from RFMU sending lands may be utilized to increase density in any area unless the following procedures are complied with in full.

b) TDR credits shall not be used to increase density in either non-RFMU Receiving Areas or RFMU receiving lands until severed from RFMU sending lands. TDR credits shall be deemed to be severed from RFMU sending lands at such time as a TDR credit Certificate is obtained from the County and recorded. TDR credit Certificates shall be issued only by the County and upon submission of the following:

ii) a title search, or other evidence, establishing sufficient to establish that, prior to the severance of the TDR credits from RFMU sending lands, such Sending Lands were not subject to a conservation restriction or any other development restriction that prohibited residential development;

vi) documented evidence that, if the property from which TDRs are being severed is subject to a mortgage, lien, or any other security interest; the mortgagee, lien holder, or holder of the security interest has consented to the conservation easement required for TDR severance.

d) Each TDR credit shall have an individual and distinct tracking number, which shall be identified on the TDR Certificate that reflects the severance of the TDR credit from RFMU Sending Land. The County TDR Registry shall maintain a record of all TDR credits, to include a designation of those that have been expended.

e) The County bears no responsibility to provide notice to any person or entity holding a lien or other security interest in Sending Lands that TDR credits have been severed from the property or that an application for such severance has been filed.

SUBSECTION 3.F. AMENDMENTS TO SECTION 2.05.02 DENSITY BLENDING

Section 2.05.02 DENSITY BLENDING, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

2.05.02 DENSITY BLENDING

* * * * *

B. Conditions and limitations.

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3. Properties straddling the Immokalee urban area and the RLSA district. **Density and Intensity Blending** between properties straddling the Immokalee Urban Area and the RLSA District shall be permitted, subject to all of the following conditions and limitations:

- a. The project in aggregate must be a minimum of 200 acres in size.
- b. The lands from which **density** and/or **blending** are shifted must be within the Immokalee Urban Area must be designated Recreational/Tourist District.
- c. The lands within the Immokalee Urban Area from which **density** and/or **intensity** are shifted must have a ~~FLUCCS~~ FLUCFCS Code designation of Group 1 or Group 2 and an Index Value of greater than 1.2, both as indicated on the Natural Resource Index.

4. Lands straddling RFMU Receiving and Neutral Lands. **Density blending** between properties straddling Receiving and Neutral Lands in the RFMU District is permitted subject to all of the following conditions and limitations:

- a. The property was under unified control as of June 19, 2002;
- b. The project for which **density** is to be blended must be a minimum of eighty (80) aggregate acres in size;
- c. A minimum of 25% of the property must be **RFMU Receiving Land**;
- d. The project must extend central water and sewer to serve the entire project, unless alternative interim sewer and water provisions are authorized by the County; and
- e. The density must be shifted so as to preserve and protect the highest quality **native vegetation and wildlife habitat on-site and to maximize the connectivity of such native vegetation and wildlife habitat with adjacent preservation and habitat areas.**

SUBSECTION 3.G. AMENDMENTS TO SECTION 2.06.00 AFFORDABLE HOUSING DENSITY BONUS

Section 2.06.00 AFFORDABLE HOUSING DENSITY BONUS, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

2.06.00 AFORDABLE HOUSING DENSITY BONUS

2.06.01 Generally

- A. Within most of the coastal urban designated areas identified on the future land use map of the Collier County GMP, a base **density** of four (4) residential **dwelling units** per gross acre is permitted. However, the base **density** may be adjusted depending on the characteristics of the **development**. One characteristic of a housing **development** which would allow the addition of **density** bonuses in order to increase the **density** over the base **density** is the provision of **affordable housing** in the **development**. The provision of **affordable housing** units may add up to eight (8) **dwelling units** per gross acre to the base **density** of four (4) residential **dwelling units** per gross acre, for a total of twelve (12) residential **dwelling units** per gross acre, plus any other **density** bonuses available, and minus any **density** reduction for traffic congestion area required, pursuant to the Collier County GMP GMP. The total eligible **density** must not exceed a total of sixteen (16) **dwelling units** per gross acre, except as allowed through use of transfer of **development** rights, as provided for in the growth management plan. The program to accomplish this increase to provide **affordable housing** is called the **affordable housing density Bonus** (AHDB) program.
- B. Within most of the Immokalee Urban area, as identified on the Immokalee area master plan future land use map of the growth management plan, base densities are four or six or eight residential **dwelling units** per gross acre. However, the base **density** may be adjusted depending on the characteristics of the **development**. One characteristic of a housing **development** that would allow the addition of **density** bonuses is the provision of **affordable housing** in the **development**. The provision of **affordable housing** units may add up to eight **dwelling units** per gross acre to the base **density** of four, six or eight residential **dwelling units** per gross acre, for a total of twelve, fourteen or sixteen residential **dwelling units** per gross acre, plus any other **density** bonuses available. The total eligible **density** must not exceed a total of 16 **dwelling units** per gross acre.
- C. Within the Rural Lands Stewardship Area Overlay of the Agricultural/Rural area, as identified on the future land use map of the growth management plan, towns, villages, hamlets and compact rural **developments** are allowed at a **density** range of one-half to four **dwelling units** per gross acre. The allowed **density** may be adjusted depending on the characteristics of the **development**. One characteristic of a housing **development** that would allow the addition of **density** bonuses is the provision of **affordable housing** in the **development**. The provision of **affordable housing** units may add up to eight **dwelling units** per gross acre to the allowed **density** of one-half to four **dwelling units** per gross acre, for a total of eight and one-half to twelve and one-half residential **dwelling units** per gross acre, plus any other **density** bonuses available.
- B- D. In order to qualify for the AHDB for a **development**, the developer must apply for and obtain the AHDB from the County for a **development** in accordance with this section, especially in accordance with the provisions of the AHDB program, including the AHDB rating system, the AHDB monitoring program, and the limitations on the AHDB.

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4. ~~Review and recommendation by the housing and urban improvement director~~ County Manager or designee. After receipt of a completed application for AHDB, the ~~housing and urban improvement director~~ County Manager or designee must review and evaluate the application in light of the AHDB rating system, the AHDB monitoring program and the requirements of this ~~division~~ section. The ~~housing and urban improvement director~~ County Manager or designee must coordinate with the **development** services director to schedule the AHDB application with the companion application for rezoning, planned unit **development** or stewardship receiving area, and must recommend to

the planning commission and the ~~board of county commissioners~~ BCC to deny, grant, or grant with conditions, the AHDB application. The recommendation of the ~~housing and urban improvement director~~ County Manager or designee must include a report in support of his recommendation.

5. *Review and recommendation by the planning commission.* Upon receipt by the planning commission of the application for AHDB and the written recommendation and report of the ~~housing and urban improvement director~~ County Manager or designee, the planning commission must schedule and hold a properly advertised and duly noticed public hearing on the application. If the application has been submitted in conjunction with an application for a PUD, then the hearing must be consolidated and made a part of the public hearing on the application for the PUD before the planning commission, and the planning commission must consider the application for AHDB in conjunction with the application for the PUD. If the application has been submitted in conjunction with an application for a rezoning, then the hearing must be consolidated and made a part of the public hearing on the application for rezoning before the planning commission, and the planning commission must consider the application for AHDB in conjunction with the application for rezoning. If the application has been submitted in conjunction with an application for a stewardship receiving area, then the hearing must be consolidated and made a part of the public hearing on the application for stewardship receiving area before the planning commission, and the planning commission must consider the application for AHDB in conjunction with the application for stewardship receiving area. After the close of the public hearing, the planning commission must review and evaluate the application in light of the requirements of this division section and the requirements for a rezoning, PUD rezoning, or stewardship receiving area, as applicable, and must recommend to the ~~board of county commissioners~~ BCC that the application be denied, granted or granted with conditions.

6. *Review and determination by board of county commissioners.* Upon receipt by the ~~board of county commissioners~~ BCC of the application for AHDB and the written recommendation and report of the ~~housing and urban improvement director~~ County Manager or designee and recommendation of the planning commission, the ~~board of county commissioners~~ BCC must schedule and hold a properly advertised and duly noticed public hearing on the application. If the application has been submitted in conjunction with an application for a planned unit **development** (PUD), then the hearing must be consolidated and made a part of the public hearing on the application for the planned unit **development** (PUD) before the ~~board of county commissioners~~ BCC, and the ~~board of county commissioners~~ BCC must consider the application for AHDB in conjunction with the application for the planned unit **development** (PUD). If the application has been submitted in conjunction with an application for a rezoning, then the hearing must be consolidated and made a part of the public hearing on the application for rezoning before the ~~board of county commissioners~~ BCC, and the ~~board of county commissioners~~ BCC must consider the application for AHDB in conjunction with the application for rezoning. If the application has been submitted in conjunction with an application for a stewardship receiving area, then the hearing must be consolidated and made a part of the public hearing on the application for stewardship receiving area before the ~~board of county commissioners~~ BCC, and the ~~board of county commissioners~~ BCC must consider the application for AHDB in conjunction with the application for stewardship receiving area. After the close of the public hearing, the ~~board of county commissioners~~ BCC must review and evaluate the application in light of the requirements of this division section and the requirements for a rezoning, and must

deny, grant, or grant with conditions, the application in accordance with the AHDB rating system and the AHDB monitoring program.

- Ⓔ E. The procedures to request approval of a **density bonus** are described in Chapter 10 of this LDC, along with requirements for the developer's agreement to ensure compliance.

SUBSECTION 3.H. AMENDMENTS TO SECTION 2.06.03 AHDB Rating System

Section 2.06.03 AHDB Rating System, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

2.06.03 AHDB Rating System

A. The AHDB rating system shall be used to determine the amount of the AHDB which may be granted for a **development**, based on household income level, ~~number of bedrooms per affordable housing unit~~, type of **affordable housing** units (owner-occupied or rental, single-family or multi-family, and percentage of **affordable housing** units in the **development**). To use the AHDB rating system, Tables A and B, below, shall be used. Tables A and B shall be reviewed and updated, if necessary, on an annual basis by the BCC or its designee.

1. First, choose the household income level (~~moderate, low, or very low~~ 50% of Median Income, 60% of Median Income, or 80% of Median Income) of the **affordable housing** unit(s) proposed in the **development**, and the type of **affordable housing** units (owner-occupied or rental, single-family or multi-family, where applicable) to be provided, as shown in Table A. Then, ~~referring again to Table A,~~ choose the ~~number of bedrooms proposed for the affordable housing unit(s).~~ An AHDB rating based on the household income level and the number of bedrooms is shown in Table A.

Table A-
TABLE INSET:

Level of Household Income	Number of Bedrooms/Unit		
	Efficiency and 1	2	3 or More
Moderate (only owner-occupied, single-family)	0	1*	1*
Low (owner-occupied or rental, single-family or multi-family)	2	3	4
Very low (owner-occupied or rental, single-family or multi-family)	3	4	5

*For cluster housing developments in the urban-coastal fringe, add one (1) density bonus to obtain two (2).

2. ~~After the AHDB rating has been determined in Table A, locate it in Table B, and determine the percentage of that type of affordable housing unit proposed in the development compared to the total number of dwelling units in the development. From this~~

determination, Table B A will indicate the maximum number of residential dwelling units per gross acre that may be added to the base density. These additional residential dwelling units per gross acre are the maximum AHDB available to that development. Developments with percentages of affordable housing units which fall in between the percentages shown on table B A shall receive an AHDB equal to the lower of the two (2) percentages it lies between, plus one-tenth (1/10) of a residential dwelling unit per gross acre for each additional percentage of affordable housing rental units in the development. For example, a development which has twenty-four (24) percent of its total residential dwelling units as affordable housing units, and which has an AHDB rating of "4" at the 80%MI level will receive an AHDB of 4.4 ~~2.4~~ residential dwelling units per gross acre for the development.

Table B. (Additional available dwelling units per gross acre)
TABLE INSET:

AHDB Rating	% of Affordable Housing Units			
	10%	20%	30%	40%
1	0	0	1	2
2	0	1	2	3
3	2	3	4	5
4	3	4	5	7
5	4	5	7	8

- Where more than one (1) type of affordable housing unit (based on level of income and number of bedrooms shown in Table A) is proposed for a development, the AHDB for each type shall be calculated separately in Table B. After the AHDB calculations for each type of affordable housing unit have been completed in Table B, the AHDB for each type of unit shall be added to those for the other type(s) to determine the maximum AHDB available for the development. In no event shall the AHDB exceed eight (8) dwelling units per gross acre.

Table A. Affordable Housing Density Bonus
(Additional Available Dwelling Units Per Gross Acre)

	Percent of Development Designated as Affordable Housing										
	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%	
80% MI*	1	2	3	4	5	6	7	8	8	8	
60% MI	2	3	4	5	6	7	8	8	8	8	
50% MI	3	4	5	6	7	8	8	8	8	8	

*Owner-occupied only

Total Allowable Density = Base Density + Affordable Housing Density Bonus

In no event shall the maximum gross density allowed exceed 16 units per acre.

- B. The AHDB shall be available to a **development** only to the extent that it otherwise complies and is consistent with the GMP and the land **development** regulations, including the procedures, requirements, conditions, and criteria for "PUDs" and rezonings, where applicable.
- C. The minimum number of **affordable housing** units that shall be provided in a **development** pursuant to this section shall be ten (10) **affordable housing** units.

D. The ratio of number of bedrooms per affordable housing unit shall in general be equal to the ratio of the number of bedrooms per residential unit for the entire development.

* * * * *

SUBSECTION 3.I. AMENDMENTS TO SECTION 2.07.00 Table of SETBACKS For Base Zoning Districts

Section 2.07.0 Table of SETBACKS For Base Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

2.07.00 Table of SETBACKS For Base Zoning Districts

Zoning District	Minimum Front Yard (feet)	Minimum Side Yard (feet)		Minimum Rear Yard (feet)	Public School Requirements
GC	None	None		None	-
A	50	30		50	X
E	75	30		75	X
RSF-1	50	30		50	X
RSF-2	40	20		30	X
RSF-3	30	Waterfront 10	Non-waterfront 7.5	25	X
RSF-4	25	10	7.5	25	X
RSF-5	25	10	7.5	20	X
RSF-6	25	10	7.5	20	X
RMF-6	S.F. 25 Duplex 25 3+ units 30	NA NA NA	7.5 10 15	20 20 20	X
RMF-12	30	A		30	X

RMF-16	B-	A-		B-		X-
RT-	B-	A-		B-		X-
VR-	S.F.-MH-20 Duplex-35 M.F.-35-	Waterfront 10 15 15-	Non-waterfront 5 15 15-	20 30 30-		X-
MH-1	25-	Waterfront 10-	Non-waterfront 7.5-	10-		X-
TTRVC-2	30-	10-	5-	Waterfront 10-	Non-waterfront 3-	
C-1-	25-	Residential 25-	Non-residential 15-	Residential 25-	Non-residential 15-	X-
C-2-	25-	25-	15-	25-	15-	X-
C-3-3	G-	25-	A-	25-	A-	X-
C-4-4	D-	25-	A-	25-	A-	X-
C-5-4	25-	25-	15-	25-	A-	X-
I-4	25-	50-	E-	50-	15-	X-
BR-	50-	50-	10-	50-	25-	
GON-	50-	50-		50-		
P-	F-	F-		F-		X-
CF-	25-	Residential 25-	Non-residential 15-	Residential 25-	Non-residential 15-	X-
Overlay Districts-	See table of special design requirements for the applicable overlay district located in the appropriate section for that district in Chapter 4.					

¹MH District—additional yard requirements: side yard setback from a public road that is external to the boundary of the park = 50 ft.; the minimum setback on any side from the exterior boundary of the park = 15ft.

²TTRVC 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.

³C-3 District—minimum setback on any side that is waterfront = 25 ft.; setback for marinas = none.

~~4 C-4 and C-5 Districts — minimum setback on any side that is waterfront = 25 ft.; setback for marinas = none; setback on any side adjacent to a railroad right-of-way = none~~

~~A = 50% of the building height, but not less than 15 feet.~~

~~B = 50% of the building height, but not less than 30 feet.~~

~~C = 50% of the building height, but not less than 25 feet.~~

~~D = 50% of the building height, but not less than 25 feet. Structures 50 feet or more in height = 25 feet plus one additional foot of setback for each foot of building height over 50 feet.~~

~~E = the total of all side yard setbacks shall equal 20% of the lot width, with a maximum of 50 feet. No side yard shall be less than 10 feet. Alternative dimensions may be possible when approved through a unified plan of development involving one or more lots under common ownership where the yard requirements are met for the unified site but not necessarily for each parcel within the unified site.~~

~~F = the yard requirements shall be equal to the most restrictive adjoining district.~~

~~X = for principal structures: 50 feet from all property lines; for accessory structures: 25 feet from all property lines.~~

SUBSECTION 3.J. AMENDMENTS TO SECTION 3.04.02 Species Specific Requirements

Section 3.04.02 Species Specific Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

3.04.02 Species Specific Requirements

A. Gopher Tortoise (*Gopherus polyphemus*).

* * * * *

11. When identifying the **native vegetation** preservation requirement of section ~~3.05.00~~ **3.05.07** of this LDC for parcels containing gopher tortoises, priority shall be given to protecting the largest, most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off-site **adjacent** gopher tortoises' preserves. All gopher tortoise preserves shall be platted with protective covenants, as required by this section and section ~~10.02.04~~ **3.05.07 H** of this LDC or, if the project is not platted, shall provide such language on the approved site **development plan**. It shall be a priority to preserve scrub habitat, when it exists on-site, for its rare unique qualities and for being one of the most endangered habitats in the County, regardless of whether gopher tortoises are relocated off-site.
12. Gopher tortoises shall be removed from all active and inactive burrows located within the area of construction prior to any site improvement, in accordance with the protection/management plan approved by County Manager or designee.
13. **Exemptions. Single family platted lots, seven and one-half acres or less in size, shall be exempt from the requirements set forth in subsections 5 through 11 above, when these lots are not a part of a previous development which has been required to comply with subsections 5 through 11. However, gopher tortoises shall be protected pursuant to 4-4 1-3 above.**

* * * * *

B Sea Turtle Protection.

* * * * *

5. It shall be unlawful, during the nesting season, to construct any **structure**, add any fill, mechanically clean any **beach**, or **grade** any dirt within 100 feet of the nesting zone of a **beach** where sea turtles nest or may nest, without obtaining a construction in sea turtle nesting area permit from the County Manager or designee.
 - a. If sea turtle nesting occurs within 100 **yards** of the construction, measured parallel to the **shoreline** during permitted construction activities, the nest area shall be flagged by the permittee and the County Manager or designee informed prior to 9:00 a.m. of that morning.
 - b. Depending on nest location, in relation to intensive construction activities, the County Manager or designee may require that the nest(s) be relocated by the **applicant**.
 - c. Construction activities shall not interfere with sea turtle nesting, shall preserve or replace any **native vegetation** on the site, shall must maintain the natural existing **beach** profile, and minimize interference with the natural **beach** dynamics and function.
 - d. Construction or repair of any **structure**, including, but not limited to, **dune** walkovers, seawalls, or other revetments, sandbags, groins, or jetties, shall not be permitted during sea turtle nesting season on any County **beaches**, except if permitted structures are damaged by a named storm or other declared natural disaster and the following conditions are met.
1. Minor repair work (boards need to be nailed back to the existing intact structure, or a few boards need to be replaced) that can be performed completely from atop the structure is authorized after obtaining the necessary approval of the FDEP and notifying Collier County Environmental Services of that work.
2. Prior to any major repair work (greater than that described in 1 above) or reconstruction of any part of the structure, the following information shall be provided to so that staff can determine if the major repair or reconstruction can occur prior to the end of sea turtle nesting season:
 - a. The appropriate permit from FDEP.
 - b. The location of all known sea turtle nests. Community Development and Environmental Services (CDES) staff will provide assistance in locating nests. Construction activities shall not occur within 10 feet of these boundaries for viable nests.
 - c. A survey by a qualified consultant locating any gopher tortoise burrows on site within 50 feet of the structure. Relocation of gopher tortoises will be required when the burrows are in harms way of the construction activity.

- d. Photographs of the site as it existed after the storm to document the conditions of the property.
 - e. An aerial of the property showing the CCSL line.
 - f. A copy of a CCSL variance or CCSL permit if required and building permit approving the original construction of the structure.
3. Sea turtle nest locations will be reestablished using their previously recorded GPS locations and accuracy data to identify a 95% confidence boundary. Construction activities shall not occur within 10 feet of these boundaries for viable nests. Nests will be considered viable for 80 days from the time the nest was recorded unless it can be proven that a particular nest has been damaged by the storm and there is no chance of any hatchlings.
4. Minor structures, as defined by Florida Statutes Subsection 161.055, of the Coastal Zone Protection Act of 1985, shall be approved provided that they also comply with:
- a. Federal requirements for elevations above the 100-year flood level.
 - b. Collier County Building Code requirements for flood proofing.
 - c. Current building and life safety codes.
 - d. Collier County and State of Florida Department of Environmental Protection CCSL/CCCL regulations.
 - e. Applicable disability access regulations of the American Disability Act (ADA), and
 - f. Any required Collier County zoning and other development regulations with the exception of existing density or intensity requirements established, unless compliance with such zoning or other development regulations would preclude reconstruction otherwise intended by the Build back Policy as determined by the Emergency Review Board established herein.
6. The following shall be obligations for all property owners who have had sand washed ashore (as a result of a storm) and deposited on the dune and seaward of the CCSL. As supported by GMP Conservation and Coastal Management Element Objective 10.4 and Policy 10.4.8, construction seaward of the CCSL shall not interfere with sea turtle nesting, will minimize interference with natural beach dynamics, and where appropriate will restore the historical dunes and will vegetate with native vegetation and help in the restoration of natural functions of coastal barriers and beaches and dunes.

The property owner may be prohibited from removing the deposited sand when it is determined that the wash over was a part of the natural rebuilding of the beach and dune system. Only native salt tolerant beach or dune vegetation may be

planted on the deposited sand, after obtaining a Collier County CCSL permit.

This shall not apply to sand washed over onto yards that have received the appropriate Collier County approvals for landscaping seaward of the CCSL (such as single family homes along Vanderbilt Beach).

67. It shall be unlawful for any person to kill, molest, or cause direct or indirect injury to any species of sea turtle in Collier County or within its jurisdictional waters. It shall be unlawful to collect or possess any part of a sea turtle.

SUBSECTION 3.K. AMENDMENTS TO SECTION 3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation

Section 3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation

* * * * *

- C. Agricultural exemption. Agricultural operations that fall within the scope of sections 163.3162(4) and 823.14(6), Florida Statutes, are exempt from the provisions of section ~~3.05.00~~ 3.05.03 through 3.05.09, provided that any new clearing of land for agriculture outside of the RLSA District shall not be converted to non-agricultural **development** for 25 years, unless the applicable provisions set forth in section ~~3.05.00~~ 3.05.04 through 3.05.07 G. are adhered to at the time of the conversion. The percentage of **native vegetation** preserved shall be calculated on the amount of vegetation occurring at the time of the agricultural clearing, and if found to be deficient, a native plant community shall be restored to re-create a native plant community in all three strata (ground covers, shrubs and trees), utilizing larger plant materials so as to more quickly re-create the lost mature vegetation.
- D. Pre-existing uses. Exemptions from the requirements of section ~~3.05.00~~ 3.05.07 F. through 3.05.09 shall not apply to, affect or limit the continuation of uses within the RFMUD which existed existing prior to June 19, 2002.
1. Such existing uses shall include: those uses for which all required permits were issued prior to June 19 2002; or projects for which a **conditional use** or Rezone petition has been approved by the County prior to June 19, 2002; or, land use petitions for which a completed application has been submitted and which have been determined to be vested from the requirements of the Final Order prior to June 19, 2002. The continuation of existing uses shall include expansions of those uses if such expansions are consistent with or clearly ancillary to the existing uses.
 2. Such previously approved **development** shall be deemed to be consistent with the GMP Goals, Policies and Objectives for the **RFMU district**, and they may be built out in accordance with their previously approved plans. Changes to these previous approvals shall also be deemed to be consistent with the GMP Goals, Objectives and Policies for the **RFMU district** as long as they do not result in an increase in **development density or intensity**.
- E. Exempt mangrove alteration projects. Mangrove alteration projects that are

exempted from Florida Department of Environmental Protection permit requirements by Florida Administrative Code 17-321.060 are exempt from preservation standards for the mangrove trees, unless they are a part of a preserve. This exemption shall not apply to mangrove alterations or removal in any preserve or in any area where the mangroves have been retained in satisfaction of section 3.05.07. The Collier County Environmental Advisory Council (EAC) may grant a variance to the provisions of this section if compliance with the mangrove tree preservation standards of this Division section would impose a unique and unnecessary hardship on the owner or any other person in control of affected property. Mangrove trimming or removal for a view shall not be considered a hardship. Relief shall be granted only upon demonstration by the landowner or affected party that such hardship is peculiar to the affected property and not self-imposed, and that the grant of a variance will be consistent with the intent of this division and the growth management plan.

SUBSECTION 3.L. AMENDMENTS TO SECTION 3.05.05 Criteria for Removal of Protected Vegetation

Section 3.05.05 Criteria for Removal of Protected Vegetation, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

3.05.05 Criteria for Removal of Protected Vegetation

The County Manager or designee may approve an application for vegetation removal permit if it is determined that reasonable efforts have been undertaken in the layout and design of the proposed **development** to preserve existing vegetation and to otherwise enhance the aesthetic appearance of the **development** by the incorporation of existing vegetation in the design process. Relocation or replacement of vegetation may be required as a condition to the issuance of an approval in accordance with the criteria set forth in this section. In addition, a vegetation removal permit may be issued under the following conditions:

- A. Protected vegetation is a safety hazard to pedestrian or vehicular traffic, public services, utilities, or to an existing **structure**.
- B. Diseased or otherwise unhealthy vegetation, as determined by standard horticultural practices, and, if required, a site inspection by the County Manager or designee.
- C. A final local development order has been issued which ~~requires~~ allows removal of the protected vegetation.
- D. Compliance with other codes and/or ordinances may involve protected vegetation removal.
- E. Replacement of **non-native vegetation** shall be with **native vegetation** and shall be subject to the approval of the County Manager or designee. Replacement vegetation shall comply with the standards of section 4.06.05 and shall include the following minimum sizes: one gallon ground cover; seven (7) gallon shrubs; fourteen (14) foot high trees with seven foot crown spread and dbh (diameter, at breast height) of three inches. Replacement **native vegetation** shall be planted within fourteen (14) calendar days of removal.
- F. On a **parcel** of land zoned RSF, VR, E, or other nonagricultural, noncommercial zoning district in which **single-family lots** have been subdivided for single-family use only, a vegetation removal permit may be issued for any permitted **accessory use** to that zoning.

- G. The proposed mangrove alteration has a DEP permit, or meets the permitting standards in the Florida Administrative Code. However, mangrove removal or trimming shall be prohibited in all preserves or areas used to fulfill the **native vegetation** preservation requirements.
- H. Removal of vegetation for approved mitigation bank sites (as defined by the Florida Administrative Code); state, federal or county approved or endorsed environmental preservation, enhancement, or restoration projects; ~~or fire breaks approved by the State of Florida, Division of Forestry,~~ shall be permitted. Vegetation removal permits issued under these criteria are valid for the period of time authorized by such agency permits.
- I. Vegetation relocation plan. If vegetation relocation is proposed by the **applicant** prior to site **development plan**, construction plan or other final approvals, a vegetation relocation permit (vegetation removal permit) may be issued by the County Manager or his designee provided that it can be demonstrated that early transplantation will enhance the survival of the relocated vegetation. The vegetation relocation plan shall document methods of relocation, timing of relocation, watering provisions, maintenance and other information as required by the County Manager or his designee.
- J. Landscape plant removal or replacement. The removal or replacement of approved landscaping shall be done in accordance with the regulations that guide the landscape plans reviews and approvals in section 4.06.00. A vegetation removal permit will not be issued for the removal or replacement of landscape plants. That approval must be obtained through an amendment process to the landscape plan or as otherwise authorized by permit by the Collier County Landscape Architect.
- ~~K. Removal of vegetation for firebreaks approved by the State of Florida, Division of Forestry, shall be permitted. The width of the approved clearing shall be limited to the minimum width determined necessary by the Division of Forestry.~~
- ~~L. A State or Federal permit issuance depends on data that cannot be obtained without preliminary removal of some protected vegetation. The clearing shall be minimized and shall not allow any greater impacts to the native vegetation on site than is absolutely necessary. Clearing shall be limited to areas that are outside any on-site preserves, as identified on the PUD master plan, Plat/Construction Plans or Site Development Plan.~~
- ~~M. In conjunction with a Collier County approved Preserve Management Plan, native vegetation clearing may be approved only when it is to improve the native habitat or to improve listed species habitat.~~
- ~~N. Conservation Collier projects which may need minimal clearing for parking, pathways for walking, or structures that may not require site plan approvals.~~
- O. Early clearing will be allowed as part of a final review of an SDP or PPL, after the Environmental Services Review Staff approves the necessary components of the project to ensure the appropriate environmental protection and preservation on site. This can only be allowed after the following are completed and approved: 1) final configuration and protection of the preserve is complete, 2) the conservation easements are completed and approved by both the environmental review staff and the county attorney's office, 3) the environmental review staff has approved the clearing of the site through the site clearing/preservation plan, 4) copies of all applicable Federal, State, and Local permits must be submitted and reviewed against the site clearing/preservation plan. This early clearing does not authorize approval for excavation, spreading fill, and grading. That must be approved through a preliminary work authorization process in accordance with section

10.02.04.4.f. If for any reason the underlying SDP or PPL is not approved, the property owner will be responsible for revegetation of the site in accordance with Section 4.06.04.A.1.a.vii.

* * * * *

SUBSECTION 3.M. AMENDMENTS TO SECTION 3.05.07 Preservation Standards

Section 3.05.07 Preservation Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

Section 3.05.07 Preservation Standards

All development not specifically exempted by this ordinance shall incorporate, at a minimum, the preservation standards contained within this section.

A. General standards and criteria.

* * * * *

3. Preserve areas shall be selected in such manner as to preserve the following, in descending order of priority, except to the extent that preservation is made mandatory in sections 3.05.07 F.3. and 3.05.07 G.3.C.:

- a. ~~Onsite wetlands having an assessed functionality of 0.65 or greater;~~ Areas known to be utilized by listed species or that serve as corridors for the movement of wildlife;
- b. Onsite wetlands having an accepted WRAP score of 0.65 or a Uniform Wetland Mitigation Assessment Score of 0.7.

* * * * *

SUBSECTION 3.N. AMENDMENTS TO SECTION 3.05.08 Requirement for Removal of Prohibited Exotic Vegetation

3.05.08 Requirement for Removal of Prohibited Exotic Vegetation

Prohibited exotic vegetation specifically includes the following:

- Earleaf acacia (*Acacia auriculiformis*)
- Australian pine (*Casuarina* spp.)
- Melaleuca (*Melaleuca* spp.)
- Catclaw mimose (*Minosa pigra*)
- Downy rosemyrtle (*Rhodomyrtus tomentosa*)
- Brazilian pepper (*Schinus terebinthifolius*)
- Java plum (*Syzygium cumini*)
- Women's tongue (*Albizia lebbek*)
- Climbing fern (*Lygodium* spp.)
- Air potato (*Dioscorea bulbifera*)
- Lather leaf (*Colubrina asiatica*)
- Carrotwood (*Cupaniopsis anacardioides*)

A. General.

1. **Prohibited exotic vegetation** removal and methods of removal shall be conducted in accordance with the specific provisions of each local **development order**.
 2. **Native vegetation** shall be protected during the process of removing **prohibited exotic vegetation**, in accord with the provisions of section 3.05.04.
 3. **Prohibited exotic vegetation** shall be removed from the following locations, and within the following timeframes:
 - a. From all **rights-of-way**, common area tracts not proposed for **development**, and **easements** prior to preliminary acceptance of each phase of the required **subdivision** improvements.
 - b. From each phase of a site **development plan** prior to the issuance of the certificate of occupancy for that phase.
 - c. From all golf course fairways, roughs, and **adjacent open space/natural** preserve areas prior to the issuance of a certificate of occupancy for the first permitted **structure** associated with the golf course facility.
 - d. From property proposing any enlargement of existing interior floor space, paved parking area, or substantial site improvement prior to the issuance of a certificate of occupancy.
 4. In the case of the discontinuance of use or occupation of land or water or **structure** for a period of 90 consecutive days or more, property owners shall, prior to subsequent use of such land or water or **structure**, conform to the regulations specified by this section.
 5. Verification of **prohibited exotic vegetation** removal shall be performed by the **development** services director's field representative.
 6. Herbicides utilized in the removal of **prohibited exotic vegetation** shall have been approved by the U.S. Environmental Protection Agency. When **prohibited exotic vegetation** is removed, but the base of the vegetation remains, the base shall be treated with an U.S. Environmental Protection Agency approved herbicide and a visual tracer dye shall be applied.
- B. **Exotic vegetation maintenance plan.** A maintenance plan shall be submitted to the **development** services director for review on sites which require **prohibited exotic vegetation** removal prior to the issuance of the local **development order**. This maintenance plan shall describe specific techniques to prevent reinvasion by **prohibited exotic vegetation** of the site in perpetuity. This maintenance plan shall be implemented on a yearly basis at a minimum. Issuance of the local **development order** shall be contingent upon approval of the maintenance plan. Noncompliance with this plan shall constitute violation of this section. The **development** services director's field representative shall inspect sites periodically after issuance of the certificate of occupancy, or other final acceptance, for compliance with this section.
- C. **Applicability to new structures and to additions on single-family and two-family lots.** In addition to the other requirements of this section, the applicant shall be required to remove all **prohibited exotic vegetation** before a

certificate of occupancy is granted on any new principal or **accessory structure** and any additions to the square footage of the principal or **accessory structures** on **single-family** or two-family **lots**. This shall not apply to tents, awnings, cabanas, utility storage sheds, or screened enclosures not having a roof impervious to weather. This shall not apply to interior remodeling of any existing structure.

The removal of **prohibited exotic vegetation** shall be required in perpetuity. Upon issuance of a vegetation removal permit, **prohibited exotic vegetation** may be removed from **lots** which are zoned residential single-family (RSF), estates (E), village residential (VR), and **mobile home** (MH), prior to issuance of a **building** permit.

SUBSECTION 3.O. AMENDMENTS TO SECTION 3.06.06 Regulated Wellfields

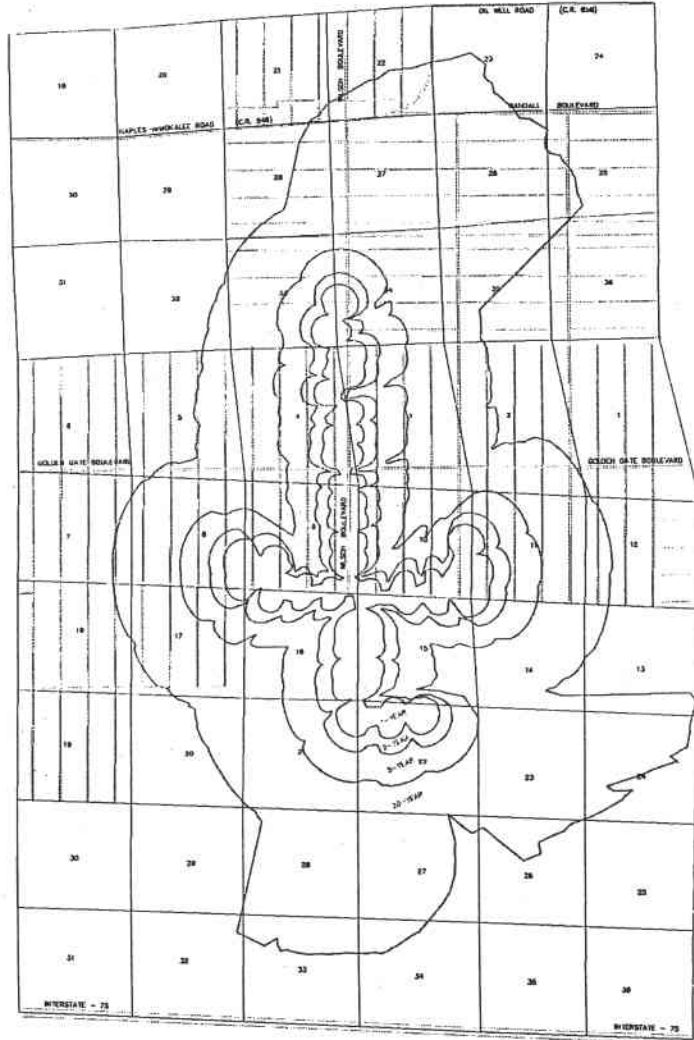
Section 3.06.06 Regulated Wellfields, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

3.06.06 Regulated Wellfields

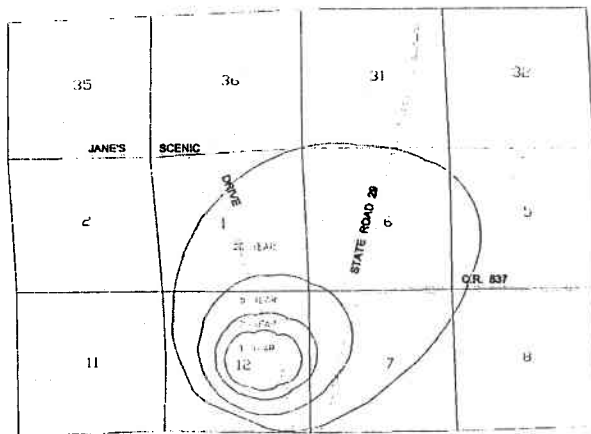
The following wellfield risk management special treatment overlay zones, as defined in section 3.06.03, and criteria specified herein shall be applied to the following wellfields:

- A. City of Naples East Golden Gate Well Field Wellfield.
- B. City of Naples Coastal Ridge Well Field (Goodlette Road) Wellfield.
- C. Collier County Utilities Golden Gate Well Field Wellfield.
- D. Everglades City Well Field Wellfield.
- E. Florida Governmental Utility Authority Golden Gate City Well Field Water Treatment Plant Wellfield.
- F. The Orange Tree Well Field Wellfield.
- G. ~~Immokalee Water and Sewer District Well Field. wellfields drilled into the Lower Tamiami aquifers and Sandstone aquifers.~~

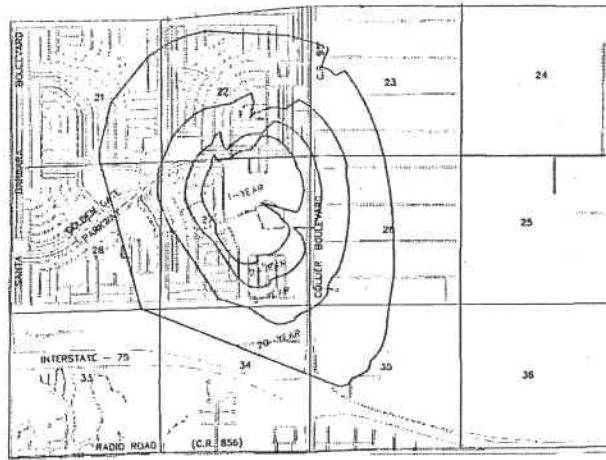
COLLIER COUNTY UTILITIES GOLDEN GATE WELL FIELD



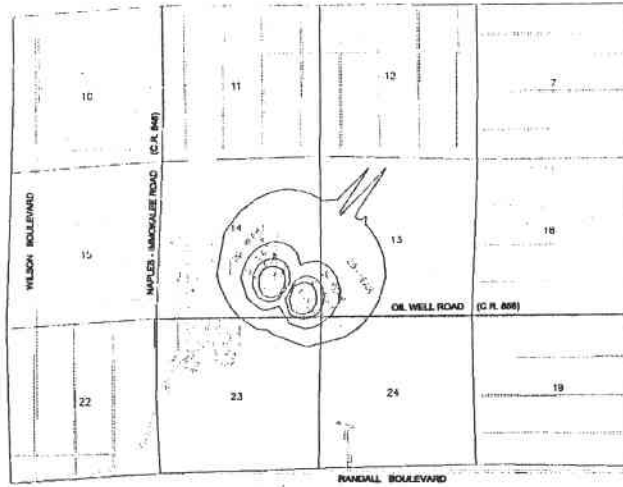
EVERGLADES CITY WELL FIELD



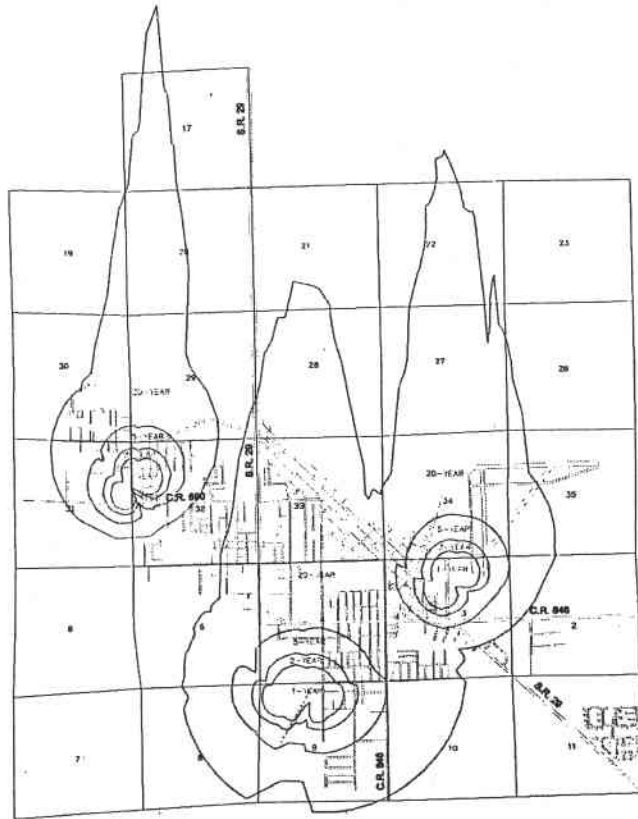
**FLORIDA GOVERNMENTAL
UTILITY AUTHORITY
GOLDEN GATE CITY
WELL FIELD**



ORANGE TREE WELL FIELD



IMMOKALEE WELL FIELD



* * * * *

SUBSECTION 3.P. AMENDMENTS TO SECTION 4.02.01 Dimensional Standards for Principle Uses in Base Zoning Districts

Section 4.02.01 Dimensional Standards for Principle Uses in Base Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.02.01 Dimensional Standards for Principle Principal Uses in Base Zoning Districts

A. The following tables describe the dimensional standards pertaining to base zoning districts. Site design requirements apply to the **principal building** on each site.

* * * * *

Table 2.1 - TABLE OF MINIMUM YARD REQUIREMENTS (SETBACKS) FOR BASE ZONING DISTRICTS

Note as to **Setback line** measurement: minimum setback lines are typically measured from the legal boundary of a lot, regardless of all easements burdening a lot, with the exception of easements that comprise a road right-of-way where the minimum setback line is to be measured from the road right-of-way easement line.

<u>Zoning District</u>	<u>Minimum Front Yard (feet)</u>	<u>Minimum Side Yard (feet)</u>		<u>Minimum Rear Yard (feet)</u>	<u>Public School Requirements</u>
<u>GC</u>	<u>None</u>	<u>None</u>		<u>None</u>	
<u>A</u>	<u>50</u>	<u>30</u>		<u>50</u>	<u>x</u>
<u>E</u>	<u>75</u>	<u>30</u>		<u>75</u>	<u>x</u>
<u>RSF-1</u>	<u>50</u>	<u>30</u>		<u>50</u>	<u>x</u>
<u>RSF-2</u>	<u>40</u>	<u>20</u>		<u>30</u>	<u>x</u>
<u>RSF-3</u>	<u>30</u>	<u>Waterfront</u> <u>10</u>	<u>Non-waterfront</u> <u>7.5</u>	<u>25</u>	<u>x</u>
<u>RSF-4</u>	<u>25</u>	<u>10</u>	<u>7.5</u>	<u>25</u>	<u>x</u>
<u>RSF-5</u>	<u>25</u>	<u>10</u>	<u>7.5</u>	<u>20</u>	<u>x</u>
<u>RSF-6</u>	<u>25</u>	<u>10</u>	<u>7.5</u>	<u>20</u>	<u>x</u>
<u>RMF-6</u>	<u>S.F. 25</u>	<u>NA</u>	<u>7.5</u>	<u>20</u>	<u>x</u>

	<u>Duplex 25</u> <u>3 + units 30</u>	<u>NA</u> <u>NA</u>	<u>10</u> <u>15</u>	<u>20</u> <u>20</u>		
RMF-12	<u>30</u>	<u>a</u>		<u>30</u>		<u>x</u>
RMF-16	<u>b</u>	<u>a</u>		<u>b</u>		<u>x</u>
RT	<u>b</u>	<u>a</u>		<u>b</u>		<u>x</u>
VR	<u>S.F. /MH 20</u> <u>Duplex 35</u> <u>M.F. 35</u>	<u>Waterfront</u> <u>10</u> <u>15</u> <u>15</u>	<u>Non-</u> <u>waterfront</u> <u>5</u> <u>15</u> <u>15</u>	<u>20</u> <u>30</u> <u>30</u>		<u>x</u>
MH ¹	<u>25</u>	<u>Waterfront</u> <u>10</u>	<u>Non-</u> <u>waterfront</u> <u>7.5</u>	<u>10</u>		<u>x</u>
TTRVC ²	<u>10</u>	<u>Waterfront</u> <u>10</u>	<u>Non-</u> <u>waterfront</u> <u>5</u>	<u>Waterfront</u> <u>10</u>	<u>Non-</u> <u>waterfront</u> <u>8</u>	
C-1	<u>25</u>	<u>Residential</u> <u>25</u>	<u>Non-</u> <u>residential</u> <u>15</u>	<u>Residential</u> <u>25</u>	<u>Non-</u> <u>residential</u> <u>15</u>	<u>x</u>
C-2	<u>25</u>	<u>25</u>	<u>15</u>	<u>25</u>	<u>15</u>	<u>x</u>
C-3 ³	<u>c</u>	<u>25</u>	<u>a</u>	<u>25</u>	<u>a</u>	<u>x</u>
C-4 ⁴	<u>d</u>	<u>25</u>	<u>a</u>	<u>25</u>	<u>a</u>	<u>x</u>
C-5 ⁴	<u>25</u>	<u>25</u>	<u>15</u>	<u>25</u>	<u>15</u>	<u>x</u>
I ⁴	<u>25</u>	<u>50</u>	<u>e</u>	<u>50</u>	<u>15</u>	<u>x</u>
BP	<u>50</u>	<u>50</u>	<u>10</u>	<u>50</u>	<u>25</u>	
CON ⁵	<u>50</u>	<u>50</u>		<u>50</u>		
P	<u>f</u>	<u>f</u>		<u>f</u>		<u>x</u>
CF	<u>25</u>	<u>Residential</u> <u>25</u>	<u>Non-</u> <u>residential</u> <u>15</u>	<u>Residential</u> <u>25</u>	<u>Non-</u> <u>residential</u> <u>15</u>	<u>x</u>
Overlay Districts	<u>See table of special design requirements for the applicable overlay district located in the appropriate section for that district in Chapter 4.</u>					

¹MH District - additional yard requirements: side yard setback from a public road that is external to the boundary of the park = 50 ft.; the minimum setback on any side from the exterior boundary of the park = 15ft.

²TTRVC 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.

³C-3 District - minimum setback on any side that is waterfront = 25 ft.; setback for marinas = none.

⁴C-4, C-5 and I Districts - minimum setback on any side that is waterfront = 25 ft.; setback for marinas = none; setback on any side adjacent to a railroad right-of-way = none

⁵Any non-conforming platted lot of record in the CON District that existed before November 13, 1991 will be subject to the following standards:

Front yard: 40 feet.

Side yard: ten percent of the lot width, but no more than 20 feet on each side.

Rear Yard: 30 feet.

a = 50% of the building height, but not less than 15 feet.

b = 50% of the building height, but not less than 30 feet.

c = 50% of the building height, but not less than 25 feet.

d = 50% of the building height, but not less than 25 feet. Structures 50 feet or more in height = 25 feet plus one additional foot of setback for each foot of building height over 50 feet.

e = the total of all side yard setbacks shall equal 20% of the lot width, with a maximum of 50 feet. No side yard shall be less than 10 feet. Alternative dimensions may be possible when approved through a unified plan of development involving one or more lots under common ownership where the yard requirements are met for the unified site but not necessarily for each parcel within the unified site.

f = the yard requirements shall be equal to the most restrictive adjoining district.

x = for principal structures: 50 feet from all property lines; for accessory structures: 25 feet from all property lines.

B. 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 space** areas shall also include those areas set aside for preservation of **native vegetation** and landscaped areas. 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**.

SUBSECTION 3.Q. AMENDMENTS TO SECTION 4.02.23 Design Standards for Development in Activity Center #9 Zoning District

Section 4.02.23 Design Standards for Development in Activity Center #9 Zoning District, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.02.23 Design Standards for Development In Activity Center #9 Zoning District

* * * * *

D. Landscape buffers adjacent to road rights-of-way. In addition to the requirements for a Type D buffer, the following requirements shall apply:

1. Landscape buffers adjacent to Collier Boulevard, S.R. 84. (Davis Boulevard and Beck Boulevard) and within 400 linear feet of I-75 right-of-way line:
 - a. Shall measure a minimum of 25 feet in width.
 - b. The required number of trees shall be supplemented by an additional palm tree planting in the amount of 25 percent.
 - c. Undulating beds of ornamental grasses and/or ground cover beds shall be incorporated for at least 30 percent of the required buffer strip area.
 - d. All required trees shall be a minimum of 12 feet in height.
 - e. Where industrial land uses abut I-75, an eight-foot high unified, opaque, masonry wall is required. Landscape buffers shall be placed along the street side of said wall. The wall shall be located at the edge of the landscape buffer farthest from the property line.
2. Landscape buffers adjacent to all other public streets:
 - a. Shall measure a minimum of 15 feet in width.
 - b. Undulating beds of ornamental grasses and ground cover beds shall be incorporated for a least 25 percent of the required buffer strip area.
 - c. All required trees shall be a minimum of 12 feet in height.
3. Landscape buffers, signage and lighting fixtures in residential areas shall feature a unified design at point of ingress/egress.

D. E. Lighting fixtures and signage within the Activity Center #9 shall be designed to complement the architectural themes of this overlay district. Lighting shall also be subject to the requirements pursuant to section 5.05.08 regardless of the gross building area.

SUBSECTION 3.R. AMENDMENTS TO SECTION 4.03.02 Applicability

Section 4.03.02 Applicability (Plats), of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.03.02 Applicability

It shall be unlawful for any person to transfer, sell, or otherwise convey, to sell any land by reference to, exhibition of, or other use of, a plat of a **subdivision** of such land without having submitted a final **subdivision** plat of such land for approval to the BCC as required by this section and without having recorded the approved final **subdivision** plat as required by this section. Any division of land meeting the definition of subdivision which is not otherwise exempt by this section shall require the filing of a subdivision plat in accordance with the requirements of Section 10.02.04 of this code.

SUBSECTION 3.S. AMENDMENTS TO SECTION 4.05.04 Parking Space Requirements

Section 4.05.04 Parking Space Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.05.04 Parking Space Requirements

- A. Requirements for off-street parking for uses not specifically mentioned in this division section shall be the same as for the use most similar to the one sought, or as otherwise determined by the County Manager or designee pursuant to 4.05.04 of this LDC it being the intent of this LDC to require all uses to provide off-street parking, unless specific provision is made to the contrary.
- B. Measurement. Where this LDC requires off-street parking based on various types of measurements, the following rules shall apply:
 - 1. **Floor area** means, for the purposes of this section only, the gross floor area inside the exterior walls, unless otherwise specifically indicated.
 - 2. In hospitals, bassinets do not count as beds.
 - 3. 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 (24) lineal inches of such seating facilities count as one (1) seat.
 - 4. Where the parking requirements are based on number of employees or persons employed or working in an establishment and 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.
 - 5. 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 (1-1/2) shall require a full off-street parking space.

SUBSECTION 3. T. AMENDMENTS TO SECTION 4.06.01 Trees and Vegetation Protection

Section 4.06.04 Parking Space Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.06.00 LANDSCAPING, BUFFERING, AND VEGETATION RETENTION

4.06.01 Generally.

A. Purpose and Intent

- * * * * *
- 2. **Buffering and Screening.** The purpose and intent of establishing landscape buffering and screening is to:

- * * * * *
- j. Promote water conservation by encouraging the use of native and drought-tolerant vegetation and properly zoned irrigation systems through xeriscape.

- k. In order to minimize negative effects between adjacent land

uses, this ~~division~~ section promotes the use of **landscape buffers** and screens to eliminate or minimize potential nuisances such as dirt, litter, noise, lights, unsightly **buildings and structures**, and off-street parking and loading areas. Additionally, **buffers** and screens provide spacing and landscaping to reduce potentially **adverse impacts** of noise, odor, or lighting. **buffering** refers to a strip of land separating **adjacent** land uses, whereas screening refers to fences, walls, berms, trees, shrubs, or a combination of these screening devices on the **buffer strip**.

* * * * *

E. Landscaping Plans Required

* * * * *

3. The landscape architect must inspect and certify that all open space area, landscaping and the irrigation system are in substantial compliance with the landscape and irrigation plans approved as part of the development order. Insubstantial changes to an approved landscape plan shall be approved through the Insubstantial Change process.

SUBSECTION 3.U. AMENDMENTS TO SECTION 4.06.03 Landscaping Requirements for Vehicular Use Areas and RIGHTS-OF-WAY

Section 4.06.03 Landscaping Requirements for Vehicular Use Areas and RIGHTS-OF-WAY, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.06.03 Landscaping Requirements for Vehicular Use Areas and RIGHTS-OF-WAY

A. Applicability. The provisions of this section shall apply to all new off-street parking or other **vehicular use areas**. Existing landscaping which does not comply with the provisions of this Code shall be brought into conformity to the maximum extent possible when: the vehicular use area is altered or expanded except for re-striping of **lots/drives**, the **building** square footage is changed, or the structure has been vacant for a period of 90 days or more and a request for an occupational license to resume business is made. These provisions shall apply to all **developments** with the exception of single-family, two-family, **mobile home dwelling unit**, raw water wells, and dwellings on individually platted **lots**. Any appeal from an administrative determination relating to these regulations shall be to the board of zoning appeals or equivalent. Prior to issuing occupancy permits for new construction, implementation and completion of landscaping requirements in off-street vehicular facilities shall be required. Where a conflict exists between the strict application on this ~~division~~ Chapter/section and the requirements for the number of off-street parking spaces or area of off-street loading facilities, the requirements of this section shall apply.

B. Standards for landscaping in vehicular use areas.

* * * * *

3. Green space required in shopping centers and freestanding retail establishments with a floor area greater than 40,000 square feet. An area that is at least seven percent of the size of the vehicular use areas must be developed as green space within the front yard(s) or courtyards of shopping centers and retail establishments and must be in addition to the building perimeter planting area requirements. The courtyards must only be located in areas that are likely to be used by pedestrians visiting the shopping center and retail establishment. The

seven percent green space area must be in addition to other landscaping requirements of this ~~division~~ section, may be used to meet the **open space** requirements (section 4.02.01), and must be labeled "Green Space" on all **subdivision** and site plans. (Refer to section 5.05.08, Architectural and Site Design Standards and Guidelines for Commercial **buildings** and Projects.) The interior landscape requirements of these projects must be reduced to an amount equal to five percent of the **vehicular use area** on site. Green space must be considered areas designed for environmental, scenic or noncommercial recreation purposes and must be pedestrian-friendly and aesthetically appealing. Green space may only include the following: lawns, mulch, decorative plantings, non-prohibited exotic trees, walkways within the interior of the green space area not used for shopping, fountains, manmade watercourses (but not water retention areas), wooded areas, park benches, site lighting, sculptures, gazebos, and any other similar items that the planning service director deems appropriate. Green space must include: walkways within the interior of the green space area not used for shopping, a minimum of one foot of park bench per 1,000 square feet of **building** area. The green space area must use existing trees where possible and landscaping credits will be allowed as governed by table 4.06.04 D. The green space areas must be located in areas that are in close proximity to the retail shopping area. Benches may also be located in interior landscaped areas and 75 percent of the benches may be located **adjacent** to the **building** envelope along paths, walkways and within arcades or malls.

SUBSECTION 3.V. AMENDMENTS TO SECTION 4.06.04 Trees and Vegetation Protection

Section 4.06.04 Trees and VEGETATION Protection, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.06.04 Trees and Vegetation Protection

A. Vegetation Removal and Site Filling:

1. Clearing of woody vegetation requires a Vegetation Removal Permit or Vegetation Removal and Site Filling Permit unless exempted by section 3.05.02. The Vegetation Removal Permit process is governed by section ~~3.05.04~~, 3.05.05.
 - a. Permitted removal of vegetation or site filling with an approved Vegetation Removal and Site Filling Permit (VRSFP), **Site Development Plans (SDP)** or Plat and Construction Plans (PPL)
 - i. For individual single family lots or blocks of lots 1) a completed **building** permit application must be submitted and deemed sufficient by Collier County, 2) all necessary current state and Federal environmental permits must be obtained. If these two items are fulfilled, a VRSFP must be obtained prior to removal of this vegetation.
 - ii To allow for safety during tree removal, if a developer owns contiguous single-family lots, the trees on the single family lots directly **adjacent** to a lot where a house is under construction may be removed, if removal at a future date may be a danger to life or

property. A VRSFP must be obtained prior to removal of this vegetation.

- iii. A developer will be permitted to clear up to 25 ~~100~~ acres of residential, commercial, or industrial lots or building sites to store excess fill generated by lake excavations within the PUD or project where the excavation is taking place when the following information has been submitted and approved with the SDP or PPL. Fill dirt may be imported on to the site if there is no excess lake material generated on site. Imported fill dirt may be used towards the lot preparation of not more than 50 acres, per section 4.06.04.A.1.a.iii.c.

a) *Plat and Construction Plans:* Clearing for the construction of the infrastructure, such as road rights-of-way, and drainage and utility easement areas shall be approved on site clearing plans within that phase of approved residential, commercial or industrial Plat and construction Plans. Clearing of individual lots or blocks of lots may be approved.

- i) The limits of each separate stockpile must be clearly delineated and the area, height, cross-section, and volume of each individual stockpile must appear on the drawing referenced to the stockpile. Slopes must not be steeper than a ratio of 4:1.
- ii) The type of vegetation to be removed must be shown on the drawing.
- iii) The source of the material, such as lake number (lake #) for each stockpile must be indicated on the drawing and the amount of material excavated must justify the need to clear the proposed area.

b) *Site Development Plans (SDPs) and Site Improvement Plans (SIPs):*

- i) *Commercial and industrial:* Clearing for all infrastructure improvements and for building pads shall be approved on the SDP or SIP site clearing plans.
- ii) *Residential SDPs:* Clearing for the construction of the infrastructure, such as road rights-of-way, and drainage and utility easement areas shall be approved on SDP clearing plans. Clearing of individual lots or blocks of lots may be approved.

iii) Preliminary Clearing and Excavation Permits (PCEP): Once the environmental review is complete and approved, the applicant may submit for a PCEP to allow for early clearing, excavation, and earthwork as per the work limits that are shown on the applicant's site plan. All requirements of Section 3.05.05.C.1. must be met.

- iii) ~~iv)~~ The limits of each separate stockpile must be clearly delineated and the area, height, cross-

section, and volume of each individual stockpile must appear on the drawing referenced to the stockpile. Slopes must not be steeper than a ratio of 4:1.

- iv) v) The type of vegetation to be removed must be shown on the drawing.
- v) vi) The source of the material, such as lake number (lake #) for each stockpile must be indicated on the drawing and the amount of material excavated must justify the need to clear the proposed area.
- c) A portion of the 25 100 acres may be used to bring **building lots** to desired construction elevations. The area used to prepare **lots** shall not exceed 40 50 acres and those **lots** shall immediately be stabilized and seeded, to prevent erosion and exotic seed infestation. A separate VRSFP may also be obtained after SDP or PPL approval prior.
- iv. No VRSFP will be issued without first submitting copies of all required approved agency permits, regardless of whether the permit is for clearing and filling or simply filling a site.
- v. When a VRSFP authorizing up to 25 100 acres of clearing and filling is nearing capacity, permission to clear and fill up to an additional 25 100 -acres to use excess lake material may be applied for with a new VRSFP application.
- vi. A VRSFP will be issued to authorize greater than 25 100 acres of residential, commercial, or industrial **lots** to store excess fill generated by lake excavations within the PUD or project where the excavation is taking place, when the property used for storing excess fill has been previously cleared or has greater than 75% canopy of exotics.
- vii. *Revegetation:* For VRSFPs within **subdivisions**, a revegetation bond in the form of a performance bond, letter of credit, or cash bond and in the amount of \$5,000.00 per acre must be posted.
 - a) When fill is used to bring **building lots** to desired construction elevations those **lots** shall immediately be seeded, to prevent erosion and exotic seed infestation.
 - b) All fill areas for **lots** or stockpiles must have erosion control silt fencing.
 - c) Any stockpile in place for more than six months must be sodded or hydroseeded. Failure to do so within 14 calendar days of notification by the county will result in a fine of \$10.00 per acre, per day.
 - d) In the event that any portion of the stockpile is in place for greater than 18 months, the county will order the fill to be removed and the land to be revegetated. The **density** and type of revegetation must mimic nearby ecosystems, and must not be less than 64 trees per

acre with associated mid-story and groundcover.

2. BCC Approved Vegetation Removal and Site Filling Permit Procedures. An **applicant** can seek approval by the Board of County Commissioners for a Board approved Vegetation Removal and Site Filling Permit (VRSFP) for a site that exceeds current thresholds contained in the Land Development Code. To be granted a Board Approved VRSFP, the **applicant** must demonstrate to the Board, through a Schedule of Development Activities, that the project will be completed in a reasonable amount of time so as to minimize noise, dust, blasting, traffic, and inconvenience to the neighboring and general public. All criteria in 4.06.04 A.1.a that applies to the administrative VRSFP, shall also apply to the BCC approved permit.

~~B. Protection of native vegetation on coastal barriers. Native vegetation retention or revegetation shall be in compliance with the requirements of section 3.05.07 and shall incorporate at a minimum the preservation and revegetation standards as follows:~~

- ~~1. Native vegetation shall be preserved to the maximum extent possible. To the extent that native vegetation cannot be retained on-site and the remaining native vegetation can be supplemented without degrading or damaging its natural function, then the existing native vegetation shall be supplemented with compatible vegetation on-site.~~
- ~~2. All beachfront land development projects shall be required to revegetate the dune where the dune is devoid of coastal dune vegetation.~~
- ~~3. All land development projects shall provide 100 percent native Southern Floridian species within their required landscaping and buffering standards as established within this section 4.06.00.~~
- ~~4. Appropriate coastal dune or strand vegetation shall be required as the only stabilizing medium in any coastal barrier dune or strand vegetation restoration program.~~

~~D. B. Credit for Tree Preservation. Existing trees may be credited towards meeting the minimum tree planting requirements according to the formula in table 4.06.04 D. B. - 1. Fractional measurements shall be attributed to the next lowest category.~~

~~Table 4.06.04 D. B. - 1. Calculation Of Tree Preservation Credits~~

Existing Crown Spread of Preserved Trees	or	Diameter of Tree at 4.5 Feet Above Natural Grade	=	Number of Tree Credits
50 feet or greater	or	26 inches or greater	=	3
40 to 49 feet	or	20 to 25 inches	=	2
30 to 39 feet	or	13 to 19 inches	=	2
20 to 29 feet	or	8 to 12 inches	=	1*
10 to 19 feet	or	2 to 7 inches	=	1*
Less than 10 feet	or	1 1/2 to 2 inches	=	1*

~~*Credited against equivalent required tree only.~~

* * * * *

SUBSECTION 3. W. AMENDMENTS TO SECTION 4.06.05 General Landscaping Requirements

Section 4.06.05 General Landscaping Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.06.05 General Landscaping Requirements

B. Landscaping requirements for industrial and commercial development.

6. Raw water well landscaping requirements. Screening and buffering requirements are to be limited to the area surrounding the raw water well installation, including appurtenances such as security fencing, wall or well house. Canopy trees, as described in Section 4.06.05 B.1., will not be required. Where equipment such as generators and antennas are visible above the surrounding fences or walls, trios of sabal palms with a minimum clear trunk height of 8-12 feet must be planted 30" on center. Surrounding fences or walls must have, at a minimum, ten (10) gallon shrubs, four (4) feet tall at time of planting, placed four (4) feet on center along the exterior perimeter of the surrounding fence or wall. Stand alone well houses without perimeter fences or walls must have, at a minimum, two (2) rows of three (3) gallon shrubs, two (2) feet tall at time of planting, placed three (3) feet on center and offset between rows. In all cases, mature vegetation must provide an eighty (80) percent sight-obscuring screen equal to seventy-five (75) percent of the height of the fencing or wall, as applicable.

- a. Native plant material must be used, to the maximum extent practicable, to meet the screening and buffering requirements of this sub-section and the chosen plant materials must be consistent with existing native vegetation found on or near the raw water well site, with the following exceptions:
 - i. for any disturbed area required to construct a raw water well that is equal to or greater than fifteen (15) feet from the edge of a well house or other structure, the disturbed area may be planted with a drought resistant sod, such as Bahia; or
 - ii. for any disturbed area required to construct a raw water well that is less than fifteen (15) feet from the edge of a well house or other structure, the disturbed area may be covered with a sufficient depth of ground cover such as organic mulch, shell or similar pervious material.
- b. Irrigation must be provided to ensure the establishment of installed plant materials and maintenance of said plant materials in perpetuity. The irrigation water may be provided by either a mechanical system, using raw or potable water, or by truck delivery and/or hand application.
- c. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all plant materials required by the provisions of this section. If required plant material dies, it is the responsibility of the owner to replace it with plant material of the appropriate class within thirty (30) days.

C. Plant Material Standards.

- 1. **Quality.** Plant materials used to meet the requirements of this section shall meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, part I and part II, Department

of Agricultural, State of Florida (as amended). Root ball sizes on all transplanted plant materials shall also meet state standards.

- a. At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements shall be native Southern Floridian species, as determined by accepted valid scientific reference. For sites that are north and east of U.S. Highway 41, at least 35 percent of the shrubs used to fulfill these requirements shall be native Floridian species, as determined by accepted valid scientific reference. "Native Trees and Shrubs for Collier County List" is available for reference. For proposed land **development** projects on coastal **shorelines** and/or undeveloped and developed coastal barrier islands, all required landscaping shall be 100 percent native Southern Floridian species.
- b. In addition, for all sites, at least 75 percent of the trees and shrubs used to fulfill these requirements shall be drought-tolerant species as listed in the Xeriscape Plant Guide and Native Trees and Trees for South Florida (IFAS). Reference to be used in the native determination may include, but not be limited to:

Long, R.W., and O. Lakela, 1976. A Flora of Tropical Florida.

Small, J.K., 1933. A Manual of the Southeastern Flora.

Wunderlin, R.P., 1982. Guide to the Vascular Plants of Central Florida.

- c. Where xeric plants are to be utilized, use the South Florida Water Management District, Xeriscape Plant Guide (as amended) as a reference.

2. **Trees and palms.** All required new individual trees, shall be species having an average mature spread or crown of greater than 20 feet in the Collier County area and having trunk(s) which can be maintained in a clean condition over five feet of clear wood. Trees **adjacent** to walkways, bike paths and **rights-of-way** shall be maintained in a clean condition over eight feet of clear wood. Trees having an average mature spread or crown less than 20 feet may be substituted by grouping the same so as to create the equivalent of 20-foot crown spread. For code-required trees, the trees at the time of installation shall be a minimum of 25 gallon, ten feet in height, have a 1 3/4-inch caliper (at 12 inches above the ground) and a four-foot spread.

- a. A grouping of three palm trees will be the equivalent of one canopy tree. Exceptions will be made for Roystonea spp. and Phoenix spp. (not including roebelenii) which shall count one palm for one canopy tree. Palms may be substituted for up to 30 percent of required canopy trees with the following exceptions. No more than 30% of canopy trees may be substituted by palms (or palm equivalent) within the interior of a **vehicular use area** and within each individual Type D road **right-of-way landscape buffer**. Palms must have a minimum of ten feet of clear trunk at planting.
- b. All new trees, including palms, shall be of a species having an average mature height of 15 feet or greater.

* * * * *

8. *Site-specific plant material.* Trees and other vegetation shall be planted in soil and climatic conditions which are appropriate for their growth habits. The County Manager or his designee shall review and approve land plans based on the following criteria. Required plants used in the landscape design shall be:

- a. Appropriate to the conditions in which they are to be planted (including drought, salt and cold tolerance).
- b. Have noninvasive growth habits.
- c. Encourage low maintenance.
- d. Be otherwise consistent with the intent of this division section.

* * * * *

12. For a description of plants utilized for mitigation, please see Section 10.02.06 E. 3.c.

~~12. Plants used for Mitigation according to the procedures set out in Chapters 4 and 10.~~

- ~~a. All plants used for mitigation shall be native Florida species.~~
- ~~b. All plants used for mitigation shall be from a legal source and be graded Florida No. 1 or better, as graded by the Florida Department of Agriculture and Consumer Services' Grades and Standards for Nursery Plants (Charles S. Bush, 1973, Part 1 and 2). All plants not listed in Grades and Standards for Nursery Plants shall conform to a Florida No. 1 as to: (1) health and vitality, (2) condition of foliage, (3) root system, (4) freedom from pest or mechanical damage, (5) heavily branched and densely foliated according to the accepted normal shapes of the species or sport. Trees shall be a minimum of 14 feet tall at the time of planting and shall have a minimum dbh (diameter at breast height) of three inches.~~
- ~~c. The plants proposed for planting must be temperature tolerant to the areas they are to be planted in. The South Florida Water Management District's Xeriscape Plant Guide II shall be used in determining the temperature tolerances of the plants.~~
- ~~d. The existing soil types shall be identified. Plants proposed for planting shall be compatible with the soil type. The 1954 or the 1992 soil survey of Collier County shall be used to determine if the plants proposed for planting are compatible with the existing or proposed soil types.~~
- ~~e. The source and method of providing water to the plants shall be indicated on the plan and subject to review and approval.~~
- ~~f. A program to control prohibited exotic vegetation in the mitigation area shall be required.~~

* * * * *

K. Irrigation system requirements.

1. *Cultivated landscapes.* Cultivated landscape areas shall be provided with an automatic irrigation system to improve the survivability of the

required landscaping. Sprinkler heads irrigating lawns or other high water demand areas shall be zoned separately from those irrigating trees, shrubbery, ground cover, flowers, or other reduced water requirement areas. Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering "high water" requirement areas at different frequencies and duration than "low water requirement areas. Landscaping shall be watered on an as-needed basis only.

Irrigation systems shall be designed for the zoning of high and low water use areas. Heads shall be designed for 100 percent head-to-head coverage unless specified by the manufacturer. These requirements may be adjusted for retention areas. The irrigation system shall be designed and installed in accordance with the Florida Irrigation Society, Standards and Specifications for Turf and Landscape Irrigation Systems (as amended). Irrigation systems utilizing well water shall be designed and maintained in a manner which eliminates staining of the **building**, walks, walls, and other site improvements. All systems shall be designed to eliminate the application of water to **impervious areas**. Irrigation systems, other than drip or soaker hose systems, shall be operated between the hours of midnight and 10:00 a.m., unless the operation of multiple zones requires additional time. South Florida Water Management District (SFWMD) or other utility company water use restrictions shall supersede these requirements. There are no operational requirements for irrigation systems utilizing effluent.

All new residential, commercial, and industrial **developments** shall be irrigated by the use of an automatic irrigation system with controller set to apply water in a manner consistent with this division section. Moisture detection devices shall be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices shall be installed in compliance with this section.

L. Post-installation landscape certificate of compliance.

All projects which require the submission of landscape plans by a registered Landscape Architect must be inspected and certified that the landscaping and irrigation systems meet or exceed the landscape and irrigation plans approved by the County as part of the development order review process. Proof of certification shall be provided on a form approved by the County Manager or his designee and must be submitted to the Engineering Services Department Director prior to the request for County inspection. This regulation applies to projects submitted after [the effective date of this ordinance].

SUBSECTION 3. X. AMENDMENTS TO SECTION 4.08.00 RURAL LANDS STEWARDSHIP AREA ZONING OVERLAY DISTRICT STANDARDS AND PROCEDURES

Section 4.08.00 Rural Lands Stewardship Area Zoning Overlay District Standards and Procedures, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.08.00 Rural Lands Stewardship Areas Zoning Overlay District Standards and Procedures

4.08.01 Specific Definitions Applicable to the RLSA District

As used in the RLSA District Regulations, the terms below shall have the following meanings, set forth below, to the exclusion of any meanings ascribed to such terms in section 1.08.00:

* * * * *

L. Incidental Clearing – Clearing of no more than 1% of the area of an SSA, which is conducted to accommodate the ability to convert from one Ag 1 use to another Ag 1 use and which connects existing Ag 1 acres, squares up existing Ag 1 farm fields, or provides access to or from Ag 1 areas.

L M. Landmark building. A prominent civic or institutional building that creates a significant community feature, focal point, or terminating vista.

M N. Land Use - Land Cover Indices. One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon land use and land cover characteristics as mapped using the Florida Land Use, Cover, and Forms Classification System (~~FLUGCS~~) (FLUCFCS) (FDOT 1999). For purposes of assigning values, land use and land cover codes are grouped as follows: Group 1 (Codes 617, 6172, 621, 6218, 6219, 624, 630, 641, 643); Group 2 (Codes 321, 411, 4119, 425, 434, 439, 428); Group 3 (211, 212, 213, 214, 221, 222, 241, 242, 243, 250, 260, 261, 310, 329, 330, 422, 510, 521, 523, 533, 534); and Group 4 (all others).

N O. Land Use Layer (Layer). Permitted and conditional land uses within the Baseline Standards that are of a similar type or intensity and that are grouped together in the same column on the Land Use Matrix.

O P. Land Use Matrix (Matrix). The tabulation of the permitted and conditional land uses within the Baseline Standards set forth in Section 4.08.06 B.4., with each Land Use Layer displayed as a single column.

P Q. Listed Species Habitat Indices. One of the indices comprising the Natural Resource Index Value, with values assigned based upon the habitat value of the land for listed species. Index values are based on documentation of occupied habitat as established by the intersect of documented and verifiable observations of listed species with land cover identified as preferred or tolerated habitat for that species. Land mapped, using ~~FLUGCS~~ FLUCFCS, as 310, 321, 411, 425, 428, 434, 617, 6172, 621, 6218, 6219, 624, and 630 is deemed to be preferred or tolerated habitat for panthers for the purpose of assigning a value for these indices. An intersection of at least one data point establishing the presence of a listed species within a geographic information system (GIS) polygon of preferred or tolerated habitat for that species shall result in the entire polygon being scored as occupied habitat.

Q R. Natural Resource Index (Index). A measurement system that establishes the relative natural resource value of each acre of land by objectively measuring six different characteristics of land and assigning an index factor based on each characteristic. The sum of these six factors is the Index value for the land. The six characteristics measured are: Stewardship Overlay Delineation, Proximity, Listed Species Habitat, Soils/Surface Water, Restoration Potential, and Land Use/Land Cover.

R S. Natural Resource Index Map Series (Index Maps). The Rural Lands Study Area Natural Resource Index Map Series adopted as part of the GMP.

S I. Natural Resource Index Value (Index Value). The sum of the values assigned to each acre, derived through the calculation of the values assigned to each of the six (6) characteristics included in the Index.

T U. Neighborhood Edge. A defining Context Zone that includes the least intensity and diversity within the town, village or hamlet. The zone is predominantly single-family residential and recreational uses. The Neighborhood Edge may be used to provide a transition to adjoining rural land uses.

U V. Neighborhood General. A defining Context Zone that creates community diversity with the inclusion of a mix of single and multi-family housing, neighborhood scale goods and services, schools, parks and other recreational uses, and **open space**.

V W. Neighborhood Goods and Services Zone. Zone located within the Neighborhood General Context Zone. These zones are intended to provide convenient neighborhood scale retail and office use within proximity to the residential uses in order to support community walkability.

W X. **Open space**. **Open space** includes active and passive recreational areas such as parks, playgrounds, ball fields, golf courses, lakes, waterways, lagoons, **flood plains**, nature trails, **native vegetation** preserves, landscape areas, public and private conservation lands, agricultural areas (not including **structures**), and water retention and management areas. **buildings** shall not be counted as part of any **open space** calculation. Vehicular use surface areas of **streets**, **alleys**, **driveways**, and off-street parking and loading areas shall not be counted as part of any **open space** calculation.

X Y. Pathway. A defined corridor for the primary use of non-motorized travel.

Y Z. Post Secondary Institution Ancillary Uses. Any use or facility owned by a public or private post secondary institution that is of a type commonly found on public or private post secondary institution campuses.

Z AA. Proximity Indices. One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon the proximity of the land to areas designated on the RLSA Overlay Map as FSA, HSA, or WRA and to either public or private preserve lands. No additional value shall be added under the Proximity Indices for land that is within an FSA, HSA, WRA, or public or private preserve.

AA BB. Restoration Potential Indices. One of the indices comprising the Natural Resource Index Value of land, with values assigned based both upon the potential for restoration and the historic use or character of the land as a large mammal corridor, connector **wetlands** and flow way, wading bird habitat, or other listed species habitat.

BB CC. Restoration Zone. Privately owned lands delineated on the RLSA Overlay Map that are located within 500 feet of an FSA, but are not otherwise included in an HSA or WRA.

CC DD. RLSA District. Rural Lands Stewardship Area Zoning Overlay District. The area generally depicted on the Future Land Use Map and specifically depicted on the Official Zoning Atlas Map as the Rural Lands Stewardship Area Overlay, including lands within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment referred to in the State of Florida Administration Commission Final Order No. AC-99-002. The RLSA District generally includes rural lands in northeast Collier County lying north and east of Golden Gate Estates, north of the Florida Panther National Wildlife Refuge and Big Cypress National Preserve, south of the Lee County Line, and south and west of the Hendry County Line.

DD EE. RLSA Overlay Map. The map entitled "Collier County Rural & Agricultural Area Assessment Stewardship Overlay Map," which identifies those areas delineated as FSA, HSA, WRA, Restoration Zone, and Open.

EE FF. RLSA District Regulations. LDC Section 4.08.00.

FF GG. Soils/Surface Water Indices. One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon soil types classified using the following Natural Soils Landscape Positions (NSLP) categories:

Open Water and Muck Depression Soils (NSLP Categories 1 and 5); Sand Depression Soils (NSLP Category 6); Flats Soils (NSLP Category 7); and Non-Hydric Soils (NSLP Categories 8, 9, and 11).

~~GG~~ HH. Special Districts. An area dedicated for certain uses that cannot be incorporated into one of the Context Zones. Special Districts provide for the inclusion of unique uses and **development** standards not otherwise defined in a context zone.

~~HH~~ II. SRA - Stewardship Receiving Area. A designated area within the RLSA District that has been approved for the **development** of a Hamlet, Village, Town or CRD and that requires the consumption of Stewardship Credits.

~~II~~ JJ. SSA - Stewardship Sending Area. A designated area within the RLSA District that has been approved for the generation of Stewardship Credits in exchange for the elimination of one or more Land Use Layers.

~~JJ~~ KK. Stewardship Credit (Credit). A transferable unit of measure generated by an SSA and consumed by an SRA. Eight credits are transferred to an SRA in exchange for the **development** of one acre of land as provided in Section 4.08.06 B.

~~KK~~ LL. Stewardship Credit Database. A database maintained by the County that keeps track of all of the credit transactions (generation of Credits through SSA designation and the consumption of credits through SRA designation) approved by the County.

~~LL~~ MM. Stewardship Credit System. A system that creates incentives to protect and preserve natural resources and agricultural areas in exchange for the generating and use of credits to entitle compact forms of rural **development**. The greater the value of the natural resources being preserved and the higher the degree of preservation, the greater the number of credits that can be generated. Credits are generated through the designation of SSAs and consumed through the designation of SRAs.

~~MM~~ NN. Stewardship Credit Worksheet. An analytical tool that manually describes the Stewardship Credit calculation process including the Natural Resource Index and Land Use Layer components. The worksheet can be used to document proposed changes to the Index component during the SSA and SRA designation processes.

~~NN~~ OO. Stewardship Overlay Designation. One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon the designation of the land on the RLSA Overlay Map as FSA, HSA, WRA, or ACSC, or, where Land Use Layers 1 through 3 are removed, Restoration Zone. Land that is designated as ACSC, as well as FSA, HSA, or WRA shall receive value for the designation with the higher value but shall not receive value for both designations.

~~OO~~ PP. **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.

~~PP~~ QQ. **Story, half**. The designation of a space on the upper level of a **building** in which the walls at the eaves are zero to four feet.

~~QQ~~ RR. **Town**. Towns are a form of SRA and are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure which support **development** that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns are comprised of several Villages and/or neighborhoods that have individual identity and character.

RR SS. Town Center. A defining Context Zone that is intended to provide a wide range of uses, including daily goods and services, culture and entertainment, and residential uses within a Town. The Town Center is an extension of the Town Core, however the intensity is less as the Town Center serves as a transition to surrounding neighborhoods.

SS TT. Town Core. A defining Context Zone within a Town. The Town Core is the most dense and diverse Context Zone with a full range of uses. The Town Core is the most active area within the Town with uses mixed vertically and horizontally.

TT UU. Village. Villages are a form of SRA and are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages are comprised of residential neighborhoods and shall include a mixed-use **village center** to serve as the focal point for the community's support services and facilities.

UU VV. **Village center.** A defining Context Zone within a Village that is intended to provide a wide range of uses including daily goods and services, culture and entertainment, and residential uses.

VV WW. WRA - Water Retention Area. Privately owned lands delineated on the RLSA Overlay Map, that have been permitted by the SFWMD to function as agricultural water retention areas and that provide surface water quality and other natural resource value.

SUBSECTION 3.Y. AMENDMENTS TO SECTION 4.08.05 RURAL LANDS STEWARDSHIP AREA ZONING OVERLAY DISTRICT STANDARDS AND PROCEDURES

4.08.05 Baseline Standards ~~Lands Within the RLSA District Prior to SSA or SRA Designation~~

All lands within the RLSA District have been delineated on the RLSA Overlay Map. Unless and until designated as an SSA or SRA, lands within the RLSA District shall remain subject to the Baseline Standards.

- A.** *Purpose and intent.* These Baseline Standards will remain in effect for all land within the RLSA District unless or until such land becomes subject to the transfer or receipt of Stewardship Credits, except as to those agricultural uses subject to sections 163.3162(4) and 823.14(6), Florida Statutes. The Baseline Standards are intended to protect water quality and quantity, maintain the natural water regime, and protect listed animal and plant species and their habitats on land that has not been designated as an SSA or SRA. The opportunity to voluntarily participate in the Stewardship Credit Program, as well as the right to sell conservation easements or a fee or lesser interest in the land, shall constitute compensation for the loss of any development rights related to these standards.
- B.** *Applicability of code.* Except as otherwise specifically provided in this section 4.05.00, those provisions of this Code in effect as of July 25, 2000, shall apply to all land within the RLSA District unless or until such lands become subject to the transfer or receipt of Stewardship Credits.
- C.** *Private lands delineated FSAs, HSAs, and WRAs.* Lands delineated FSA, HSA, or WRA on the RLSA overlay map have been identified through data and analysis as having a higher quality natural resource value than those lands not delineated. Although any land within the RLSA District can be designated as an SSA, generally those lands delineated FSAs, HSAs, and WRAs are the most likely candidates for

designation because of the higher credit values applied to lands with those delineations.

D. Private lands delineated as open. Lands not otherwise classified as FSA, HSA, or WRA are delineated as "open" on the RLSA overlay map and are generally of a lower natural resource quality. Open lands may be designated as either SSAs or SRAs.

E. Area of critical state concern (ACSC). The RLSA District includes lands that are within the ACSC. Those ACSC lands are depicted on the RLSA overlay map and are eligible for designation as SRAs, subject to additional standards set forth in subsection 4.08.07 A.2. All ACSC regulations continue to apply to ACSC lands within the RLSA District regardless of designation.

F. Public or private conservation lands. Those lands within the RLSA District that are held in public ownership or in private ownership as conservation lands may be delineated on the RLSA overlay map as FSA, HSA, or WRA but are not eligible for designation as either an SSA or SRA.

~~A. Baseline Standards. The Baseline Standards shall apply until lands within the RLSA District are voluntarily designated as an SSA or SRA and shall remain in effect for all land not subject to the transfer or receipt of Stewardship Credits.~~

~~B. G. No increase in density or intensity within the RLSA District is permitted beyond the Baseline Standards except in areas designated as SRAs. Within SRAs, density and intensity may be increased through the provisions of the Stewardship Credit System and, where applicable, through the affordable housing density Bonus as referenced in the density Rating System of the FLUE, and the density and intensity blending provision of the Immokalee Area Master Plan.~~

~~C. Lands Within the RLSA District Not Designated SSA or SRA Subject to Special Environmental Standards. In order to protect water quality and quantity and maintenance of the natural water regime in areas mapped as FSAs on the RLSA Overlay Map prior to the time that they are designated as SSAs under the Stewardship Credit Program, Residential Uses, General conditional uses, Earth Mining and Processing Uses, and Recreational Uses (Layers 1-4) as listed in Section 4.08.06 B, shall not be permitted in FSAs within the RLSA District. conditional use essential services and governmental essential services, except those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less. In order to protect water quality and quantity and maintenance of the natural water regime and to protect listed animal and plant species and their habitats in areas mapped as FSAs, HSAs, and WRAs on the RLSA Overlay Map that are not within the ACSC, the use of such land for a non-agricultural purpose under the Baseline Standards shall be subject to environmental regulations implementing Policies 5.1 through 5.6 of the RLSA Overlay, which regulations shall be adopted by December 13, 2003.~~

H. Allowable uses. The permitted, accessory, and conditional uses allowed shall be those set forth in section 2.03.00 in effect as of July 25, 2000, with the following exceptions:

1. Residential Uses, General conditional uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix at section 4.08.00 shall be eliminated in all FSAs, as provided in

section 4.08.00.

2. Conditional use essential services and governmental essential services, except those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with an Index value of 1.2 or less, as provided in section 4.08.00.
3. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas exploration and oil and gas field development and production activities in FSAs and HSAs in order to minimize impacts to native habitats, when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62-30.005(2)(a) 1 through 12, F.A.C.
4. Asphaltic and concrete batch making plants shall be prohibited in areas mapped as HSAs.

I. Standards applicable inside the ACSC. RLSA District lands within the ACSC shall be subject to all ACSC regulatory standards, including those that strictly limit non-agricultural clearing.

J. Standards applicable outside the ACSC. Except to the extent superceded by L. or M. below, the following standards shall apply to all development within those areas of the RLSA District that are outside of the ACSC, other than agricultural operations that fall within the scope of sections 163.3162 (4) and 823.14 (6), F.S., and single family residential dwellings, unless or until such lands are subject to transmittal or receipt of Stewardship Credits:

1. A wildlife survey, as set forth in Chapter 10, shall be required for all parcels when listed species are known to inhabit biological communities similar to those existing on site or where listed species are directly observed on the site.
2. If listed species are directly observed on the site of the project or are indicated by evidence, such as denning, foraging, or other indications, first priority shall be given to preserving the habitat of such listed species a minimum of 40% of native vegetation on site shall be retained, with the exception of clearing for incidental purposes.
3. If the wildlife survey indicates that listed species are utilizing the site, or the site is capable of supporting and is likely to support listed species, a wildlife habitat management plan shall be prepared and submitted to the County.
 - a. The wildlife habitat management plan within the RLSA District shall include the following techniques to protect listed species from the negative impacts of development:

- i. Open space and vegetation preservation requirements shall be used to establish **buffer** areas between wildlife habitat areas and areas dominated by human activities.
 - ii. Fencing, walls, other obstructions, or other provisions shall be used to minimize **development** impacts to the listed species and to encourage wildlife to use wildlife corridors.
 - iii. Roadways crossings, underpasses, and signage shall be used where roads must cross wildlife corridors.
- b. The wildlife habitat management plan shall also incorporate the following:
 - i. A description of the techniques used to direct incompatible land uses away from listed species and their habitats and to comply with the criteria identified in 1 and 2 above, as applicable;
 - ii. Identification of appropriate lighting controls for permitted uses and a consideration of the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetation communities and provide browse for white-tailed deer, consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, except as recommended otherwise by the UFWS or FFWCC; and
 - iii. If the **development** will be larger than 10 acres, a monitoring program.
- c. The following references shall be used, as appropriate, to prepare the wildlife habitat management plan:
 - i. South Florida Multi-Species Recovery Plan, USFWS, 1999.
 - ii. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.
 - iii. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale **development** in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.
 - iv. Ecology and **development**-Related Habitat Requirements of the Florida Scrub Jay (*Apelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.
 - v. Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco Sparverius Paulus*) on Large-scale **development** Sites in Florida, Nongame Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.
- d. The following species specific provisions shall be included within the wildlife habitat management plan if the wildlife survey indicates that the identified species utilizes the site or the site is

capable of supporting and is likely to support such species:

- i. Gopher tortoise. For **parcels** containing gopher tortoises (*Gopherus polyphemus*), priority shall be given to protecting the largest, most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off site **adjacent** gopher tortoise preserves.
- ii. Florida scrub jay. Habitat preservation for the Florida scrub jay (*Aphelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. A maintenance program shall be established, which shall specify appropriate fire or mechanical protocols to maintain the natural scrub community. A public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation shall be developed. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999.
- iii. Bald eagle. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999.
- iv. Red-cockaded woodpecker. For the red-cockaded woodpecker (*Ipicoides borealis*), the required habitat protection plan shall outline measures to avoid **adverse impacts** to active clusters and to minimize impacts to foraging habitat. Where adverse effects cannot be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999.
- v. Florida black bear. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.
- vi. Panther. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be buffered from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses).

4. On property where the wildlife survey establishes that listed species are utilizing the site or where the site is capable of supporting listed species and such listed species can be anticipated to potentially occupy the site, the County shall, consistent with the RLSA Overlay of the GMP, consider and utilize recommendations and letters of technical assistance from the State of Florida Fish and Wildlife Conservation Commission and recommendations from the U.S. Fish and Wildlife Service in issuing development orders. It is recognized that these agency recommendations, on a case-by-case basis may change the requirements contained herein and any such change shall be deemed consistent with this Code.

K. Golf course standards. Except as otherwise required by L. or M. below, all golf courses within the RLSA District that are not within an SRA shall be subject to the following requirements:

1. Golf courses shall be designed, constructed, and managed in accordance with Audubon International's Gold Signature Program. The project shall demonstrate that the Principles for Resource Management required by the Gold Signature Program (Site Specific Assessment, Habitat Sensitivity, Native and Naturalized Plants and Natural Landscaping, Water Conservation, Waste Management, Energy Conservation & Renewable Energy Sources, Transportation, Greenspace and Corridors, Agriculture, and building Design) have been incorporated into the golf course's design and operational procedures. In addition to addressing these requirements, golf courses shall meet the following specific criteria:

a. In order to prevent the contamination of soil, surface water and ground water by the materials stored and handled by golf course maintenance operations, golf courses shall comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995.

b. To protect ground and surface water quality from fertilizer and pesticide usage, golf courses shall demonstrate the following management practices:

i. The use of slow release nitrogen sources;

ii. The use of soil and plant tissue analysis to adjust timing and amount of fertilization applications;

iii. The use of an integrated pest management program using both biological and chemical agents to control various pests;

iv. The coordination of pesticide applications with the timing and application of irrigation water; and

v. The use of the procedure contained in IFAS Circular 1011, *Managing Pesticides for Golf Course Maintenance and Water Quality Protection*, May 1991 (revised 1995) to select pesticides that will have a minimum adverse impact on water quality.

2. To ensure water conservation, golf courses shall incorporate the following in their design and operation:

a. Irrigation systems shall be designed to use weather station

information and moisture-sensing systems to determine the optimum amount of irrigation water needed considering soil moisture and evapotranspiration rates.

b. As available, golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies;

c. Native plants shall be used exclusively except for special purpose areas such as golf greens, fairways, and building sites. Within these excepted areas, landscaping plans shall require that at least 75% of the trees and 50% of the shrubs be freeze-tolerant native Floridian species. At least 75% of the required native trees and shrubs shall also be drought tolerant species.

3. Stormwater management ponds shall be designed to mimic the functions of natural systems: by establishing shorelines that are sinuous in configuration in order to provide increased length and diversity of the littoral zone. A Littoral shelf shall be established to provide a feeding area for water dependent avian species. The combined length of vertical and rip-rapped walls shall be limited to 25% of the shoreline. Credits to the site preservation area requirements, on an acre- to- acre basis, shall be given for littoral shelves that exceed these littoral shelf area requirements.

L. Standards applicable in FSAS, HSAS, and WRAS that are outside of the ACSC. The provisions of Chapters 3, 4, and 10 in effect as of July 25, 2000, shall apply to FSAs, HSAs, and WRAs that outside of the ACSC, with the following exceptions:

1. Site clearing and alteration shall be limited to 20% of the property and nonpermeable surfaces shall not exceed 50% of any such area.

2. Except for roads and lakes, any nonpermeable surface greater than one acre shall provide for release of surface water run off, collected or uncollected, in a manner approximating the natural surface water flow regime of the surrounding area.

3. Roads shall be designed to allow the passage of surface water flows through the use of equalizer pipes, interceptor spreader systems or performance equivalent structures.

4. Revegetation and landscaping of cleared areas shall be accomplished with predominantly native species and planting of undesirable exotic species shall be prohibited.

M. Standards applicable to wetlands outside of FSAS, HSAS, WRAS, and the ACSC. Wetlands located outside of FSAs, HSAs, WRAs, and the ACSC shall be preserved in accord with the following criteria:

1. The vegetative preservation requirement set forth in J.2. above shall first be met through preservation of wetlands having a functionality assessment score of 0.65 or greater. Applicants shall establish the wetland functionality score of wetlands using the South Florida Water Management District's Unified wetland Mitigation Assessment Method, F.A.C. 62-345. Upland vegetative communities may be utilized to meet the vegetative, open space, and site preservation requirements when the wetland functional assessment score of on-site wetlands is less than 0.65.

2. Wetlands utilized by listed species or serving as corridors for the movement of listed species shall be preserved on site.

3. Wetland flowway functions through the project shall be maintained.
4. Ground water table drawdowns or diversions shall not adversely change the hydroperiod of preserved wetlands on or offsite and detention and control elevations shall be set to protect surrounding wetlands and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2.4.6.11 and 6.12 of SFWMD's Basis of Review, January 2001.
5. All direct impacts shall be mitigated for as required by applicable federal or state agencies and in the same manner as set forth in section 4.06.04 of this Code.
6. Single family residences shall follow the requirements contained within Policy 6.2.7 of the Conservation and Coastal Management Element.
7. Appropriate buffering shall be provided to separate preserved wetlands from other land uses. A minimum 50-foot vegetated upland buffer is required adjacent to a natural water body and for other wetlands a minimum 25-foot vegetated upland buffer adjacent to the wetland. A structural buffer, consisting of a stem-wall, a berm, or a vegetative hedge with suitable fencing, may be used in conjunction with a vegetative buffer that would reduce the vegetative buffer width by 50%. A structural buffer shall be required adjacent to wetlands where direct impacts are allowed. Wetland buffers shall conform to the following standards:
 - a. The buffer shall be measured landward from the approved jurisdictional line.
 - b. The buffer zone shall consist of preserved native vegetation. Where native vegetation does not exist, native vegetation compatible with the existing soils and expected hydrologic conditions shall be planted.
 - c. The buffer shall be maintained free of Category I Exotics.
 - d. The following land uses are considered to be compatible with wetland functions and are allowed within the buffer:
 - i. Passive recreational areas, boardwalks and recreational shelters;
 - ii. Pervious nature trails;
 - iii. Water management structures;
 - iv. Mitigation areas;
 - v. Any other conservation and related open space activity or use which is comparable in nature with the foregoing uses.
8. Mitigation Requirements. Mitigation shall be required for direct impacts to wetlands, such that the wetland functional score of the mitigation equals or exceeds the wetland functional score of the impacted wetlands.
 - a. Priority shall be given to mitigation within FSAs and HSAs.

b. Loss of storage or conveyance volume resulting from direct impacts to wetlands shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or adjacent to the impacted wetland.

c. Protection shall be provided for preserved or created wetland or upland vegetative communities offered as mitigation by placing a conservation easement over the land in perpetuity, providing for initial exotic plant removal (Class I invasive exotic plants defined by the Florida Exotic Plant Council) and continuing exotic plant maintenance, or by appropriate ownership transfer to a state or federal agency along with sufficient funding for perpetual management activities.

9. Prior to issuance of any final development order that authorizes site alteration, the applicant shall demonstrate compliance with paragraphs 8.a. through 8.c. above, as applicable. If state or federal agency permits have not provided mitigation consistent with paragraphs 8 above, the County shall require mitigation exceeding that of the jurisdictional agencies.

10. Wetland preservation, buffer areas, and mitigation areas shall be identified or platted as separate tracts. In the case of a Planned Unit development (PUD), these areas shall also be depicted on the PUD Master Plan. These areas shall be maintained free from trash and debris and from Category I Exotics. Land uses allowed in these areas shall be limited to those identified in 7.d. above.

SUBSECTION 3. Z. AMENDMENTS TO SECTION 4.08.06 SSA Designation

Section 4.08.06 SSA Designation, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.08.06 SSA Designation.

Lands within the RLSA District may be designated as SSAs subject to the following regulations:

* * * * *

2. FSA Delineated Lands.

* * * * *

c. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for OIL AND GAS EXPLORATION and oil and gas field DEVELOPMENT, and production activities in FSAs in order to minimize impacts to native habitats when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit requiring compliance with the criteria established in the Florida Administrative Code Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on 2005 (the effective date of this provision), regardless of whether the FSA in which OIL AND GAS EXPLORATION and oil and gas field DEVELOPMENT and production activities is activity occurs within the Big Cypress Swamp as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, FAC. For

those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C. even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protect from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)1 through 12, FAC. Nothing contained herein alters the requirement to obtain **CONDITIONAL USE** permits for oil and gas field **DEVELOPMENT** and production activities. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for **oil and gas exploration and oil and gas field development, and production** activities in FSAs in order to minimize impacts to native habitats when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit requiring compliance with the criteria established in the ~~Florida Administrative Code~~ Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on January 14, 2005, regardless of whether the FSA in which **oil and gas exploration and oil and gas field DEVELOPMENT and production** activities is within the Big Cypress Swamp as defined in Rule 62C-30.001(2), F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C. even if outside the defined Big Cypress Watershed. Nothing contained herein alters the requirement to obtain **conditional use** permits for **oil and gas field development and production** activities.

* * * * *

- e. Once land in an FSA is designated as an SSA, no expansion of Agriculture Group 1 (Layer 5) or Agriculture Group 2 (Layer 7) and no conversion of Agriculture Group 2 to Agriculture Group 1 shall be allowed beyond those land uses in existence or allowed by applicable permits as of the date that the SSA designation is approved other than incidental clearing as set forth in f. below.
- f. Incidental clearing is permitted, provided that the Ag 1 Land Use Layer has been retained on the areas to be incidentally cleared and the Natural Resource Index Value score has been adjusted to reflect the proposed change in land cover. In the even said incidental clearing impacts lands having a Natural Resource Index Value in excess of 1.2, appropriate mitigation shall be provided.

3. HSA Delineated Lands.

- a. In the case where lands delineated as HSA are designated as an SSA, at a minimum, Residential Land Uses (Layer 1), as listed in the Matrix, shall be eliminated.
- b. **General conditional uses, Earth Mining and Processing Uses, and Recreational Uses** shall be allowed only on HSA lands with a Natural Resource Stewardship Index value of 1.2 or less.
- c. In addition to the requirements imposed in the LDC for approval of a **conditional use**, uses listed in b. above will only be approved upon submittal of an EIS which demonstrates that clearing of **native vegetation** has been minimized, the use will not significantly and

adversely impact listed species and their habitats and the use will not significantly and adversely impact **aquifers**. This demonstration shall be made by establishing the following:

- (1) Clearing of **native vegetation** shall not exceed 15% of the **native vegetation** on the **parcel**.
- (2) Priority shall be given to utilizing contiguous areas of previously cleared land before native vegetated areas.
- (3) **Buffering** to Conservation Land shall comply with Section 4.08.07 J.6.10.

* * * * *

- g. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for **OIL AND GAS EXPLORATION** and oil and gas field **DEVELOPMENT**, and production activities in HSAs in order to minimize impacts to native habitats when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit requiring compliance with the criteria established in the ~~Florida Administrative Code Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on _____, 2005 (the effective date of this provision),~~ regardless of whether the HSA in which ~~OIL AND GAS EXPLORATION~~ and oil and gas field **DEVELOPMENT** and production activities is activity occurs within the Big Cypress Swamp as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, FAC. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C. even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)1 through 12, FAC. Nothing contained herein alters the requirement to obtain **CONDITIONAL USE** permits for oil and gas field **DEVELOPMENT** and production activities.
- h. Golf Course design, construction, and operation in any HSA shall comply with the best management practices of Audubon International's Gold Program and the Florida DEP, which standards shall be adopted by December 13, 2003.
- i. Once land in an HSA is designated as an SSA, no expansion of Agriculture Group 1 (Layer 5) or Agriculture Group 2 (Layer 7) and no conversion of Agriculture Group 2 to Agriculture Group 1 shall be allowed beyond those land uses in existence or allowed by applicable permits as of the date that the SSA designation is approved other than incidental clearing as set forth in f. below.
- l. ~~Incidental clearing is permitted, provided that the Aq 1 Land Use Layer has been retained on the areas to be incidentally cleared and the Natural Resource Index Value score has been adjusted to reflect the proposed change in land cover. In the even said incidental clearing impacts lands having a Natural Resource Index Value in excess of 1.2, appropriate mitigation shall be provided.~~

* * * * *

C. SSA Designation Application Package. A request to designate lands(s) within the RLSA District as an SSA shall be made pursuant to the regulations of this Section. An SSA Application Package shall include the following:

* * * * *

4. Support Documentation. In addition, the following support documentation shall be provided for each SSA being designated:

* * * * *

f. FDOT Florida Land Use Cover and Forms Classification System (~~FLUGCS~~) (FLUCFCS) map(s) delineating the area being designated as an SSA on an aerial photograph having a scale of one (1) inch equal to at least 200 feet when available from the County, otherwise, a scale of at least one (1) inch equal to 400 feet is acceptable;

* * * * *

7. Recording of SSA Memorandum. Following approval by the County, an SSA Memorandum shall be prepared and recorded in the public records, together with the following portions or exhibits of the SSA Credit Agreement as attachments:

- a. The legal description of the lands subject to the SSA Credit Agreement and the number of SSA Credits assigned to the land designated as SSA, including lands designated for restoration, if any, and the Restoration Credits assigned to such land;
- b. The Stewardship ~~agreement~~ Agreement on the SSA lands, describing the land uses remaining on the land;
- c. A summary of the Restoration Plan, if restoration is to be undertaken by the applicant, to include the elements set forth in Section ~~4.08.04 C-5~~ 4.08.06 C.5.

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SUBSECTION 3. AA. AMENDMENTS TO SECTION 4.08.07 SRA Designation

Section 4.08.07 SRA Designation, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.08.07 SRA Designation

SRA designation is intended to encourage and facilitate uses that enable economic prosperity and diversification of the economic base of the RLSA District, and encourage development that utilizes creative land use planning techniques and facilitates a compact form of development to accommodate population growth by the establishment of SRAs. Stewardship Credits generated from SSAs are exchanged for additional residential or non-residential entitlements in an SRA on a per acre basis as set forth herein. ~~d~~Density and intensity within the RLSA District shall not be increased beyond the Baseline Standards except through the provisions of the Stewardship Credit System, the affordable housing density Bonus as referenced in the density Rating System of the FLUE, and the density and intensity blending

provision of the Immokalee Area Master Plan. The procedures for the establishment and transfer of Credits and SRA designation are set forth herein. Credits can be transferred only to lands within the RLSA District that meet the defined suitability criteria and standards set forth herein. Land becomes designated as an SRA on the date that the SRA Credit Agreement becomes effective pursuant to Section 4.08.057 D.11. Any change in the **residential density** or non-residential intensity of land use on a **parcel** of land located within an SRA shall be specified in the resolution, which shall reflect the total number of transferable Credits assigned to the **parcel** of land.

* * * * *

A. Lands Within the RLSA District that can be Designated as SRAs.

1. Suitability Criteria

- * * * * *
- g. An SRA may be contiguous to an FSA or HSA, but shall not encroach into such areas, and shall **buffer** such areas as described in Section ~~4.08.05(J)(6)~~ 4.08.07 J.6. An SRA may be contiguous to, or encompass a WRA.

* * * * *

B. Establishment and Transfer of Stewardship Credits. The procedures for the establishment and transfer of Credits and SRA designation are set forth herein. Stewardship Credits will be exchanged for additional residential or non-residential entitlements in an SRA on a per acre basis, as described in Section 4.08.057 B.2. Stewardship **density** and intensity will thereafter differ from the Baseline Standards.

1. Transfer of Credits. The transfer or use of Stewardship Credits shall only be in a manner as provided for herein.

- * * * * *
- e. Stewardship Credits may be acquired from a Stewardship Credit Trust established pursuant to Section 4.08.044 B., and transferred to an SRA subject to the limitations contained in this Section.

* * * * *

C. Forms of SRA developments.

1. Towns. Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure which support **development** that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be not less than 1,000 acres or more than 4,000 acres and are comprised of several villages and/or neighborhoods that have individual identity and character. Towns shall have a mixed-use town center that will serve as a focal point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected **sidewalk and pathway** system serving all residential neighborhoods. Towns shall have at least one community park with a minimum size of 200 square feet per **dwelling unit** in the Town. Towns shall also have parks or public green spaces within neighborhoods. Towns shall include both community and neighborhood scaled retail and office uses, in a ratio as provided in Section 4.08.057 J.1. Towns may also include those compatible corporate office and light industrial uses as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE. Towns shall be the preferred location for the full range of schools, and to the extent

possible, schools and parks shall be located **adjacent** to each other to allow for the sharing of recreational facilities. Towns shall not be located within the ACSC.

2. **Villages.** Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not less than 100 acres or more than 1,000 acres. Villages are comprised of residential neighborhoods and shall include a mixed-use **village center** to serve as the focal point for the community's support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected **sidewalk** and **pathway** system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Section 4.08.057 J.1. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located **adjacent** to each other to allow for the sharing of recreational facilities. The Village form of rural land **development** is permitted within the ACSC subject to the limitations of Section 4.08.057 A.2.
3. **Hamlets.** Hamlets are small rural residential areas with primarily single-family housing and limited range of convenience-oriented services. Hamlets shall be not less than 40 or more than 100 acres. Hamlets will serve as a more compact alternative to traditional five-acre **lot** rural subsections currently allowed in the Baseline Standards. Hamlets shall have a public green space for neighborhoods. Hamlets include convenience retail uses, in a ratio as provided in Section 4.08.057 J.1. Hamlets may be an appropriate location for pre-K through elementary schools. The Hamlet form of rural land **development** is permitted within the ACSC subject to the limitations of Section 4.08.057 A.2.
4. **Compact Rural developments (CRDs).** Compact Rural **development** (CRD) is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. A CRD may include, but is not required to have permanent residential housing and the services and facilities that support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth in Section 4.08.057 J.1. based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required. However for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with the standards for the most comparable form of SRA as described in Section 4.08.057 C.2. or 3.

* * * * *

- b. **CRDs within the ACSC.** The CRD form of rural land **development** is permitted within the ACSC subject to the limitations of Section 4.08.057 A.2.
5. **Proportion of Hamlets and CRDs to Villages and Towns.** In order to maintain the correct proportion of Hamlets and CRDs of 100 acres or less to the number of Villages and Towns approved as SRAs, not more than five (5) of any combination of Hamlets and CRDs of 100 acres ~~of~~ **or** less may be approved prior to the approval of a Village or Town. In order to maintain that same proportion thereafter, not more than five (5) of any combination of Hamlets and CRDs of 100 acres ~~of~~ **or** less may be approved for each subsequent Village or Town approved.

6. SRAs as Part of a **development** of Regional Impact (DRI). SRAs are permitted as part of a DRI subject to the provisions of § 380.06, F.S. and the RLSA District Regulations.

- a. An SRA Designation Application may be submitted simultaneously with a Preliminary **development** agreement application that occurs prior to a DRI Application for **development** Approval (ADA). In such an application, the form of SRA **development** shall be determined by the characteristics of the DRI project, as described in the PDA ADA.

* * * * *

D. SRA Designation Application Package. A Designation Application Package to support a request to designate land(s) within the RLSA District as an SRA shall be made pursuant to the regulations of the RLSA District Regulations. The SRA Application Package shall include the following:

* * * * *

3. Natural Resource Index Assessment. An assessment that documents the Natural Resource Index Value scores shall be prepared and submitted as part of the SRA Application. The Assessment shall include an analysis that quantifies the number of acres by Index Values. The Assessment shall:

* * * * *

- h. Demonstrate compliance with the Suitability Criteria contained in Section 4.08.057 A.1.

* * * * *

4. Natural Resource Index Assessment Support Documentation. Documentation to support the Natural Resource Index Assessment shall be provided for each SRA being designated to include:

* * * * *

- f. FLUGCS FLUCFCS map(s) delineating the area being designated as an SRA;

* * * * *

5. SRA Master Plan. A Master Plan shall be prepared and submitted by the **applicant** as part of the SRA Application for Designation of an SRA. The SRA Master Plan shall be consistent with the requirements of Section 4.08.057 G.

6. SRA **development** Document. A **development** Document shall be prepared and submitted by the **applicant** as part of the SRA Application for Designation of an SRA. The SRA **development** Document shall be consistent with the requirements of Section 4.08.057 H.

7. SRA Public Facilities Impact Assessment Report. An Impact Assessment Report shall be prepared and submitted by the **applicant** as part of the SRA Application for Designation a of SRA. The SRA Impact Assessment Report shall address the requirements of Section 4.08.057 K.

8. SRA Economic Assessment Report. An Economic Assessment Report shall be prepared and submitted by the **applicant** as part of the SRA

Application for Designation of an SRA. The SRA Economic Assessment Report shall address the requirements of Section 4.08.057 L.

* * * * *

E. SRA Application Review Process.

1. Pre-Application Conference with County Staff:

* * * * *

b. Consideration of suitability criteria described in Section 4.08.057 A.1. and other standards of this Section;

* * * * *

2. Application Package Submittal and Processing Fees. The required number of SRA Applications and the associated processing fee shall be submitted to the County Manager or his designee. The contents of said application package shall be in accordance with Section 4.08.057 D.

* * * * *

H. **Development Document.** Data supporting the SRA Master Plan, and describing the SRA application, shall be in the form of a **development Document** that shall consist of the information listed below, unless determined at the required pre-application conference to be unnecessary to describe the **development strategy**.

* * * * *

2. The document shall identify, locate and quantify the full range of uses, including **accessory uses** that provide the mix of services to, and are supportive of, the residential population of an SRA or the RSLA District, and shall include, as applicable, the following:

* * * * *

k. Design standards for each type of land use proposed within the SRA. Design standards shall be consistent with the Design Criteria contained in Section 4.08.057 J.;

* * * * *

J. **Design Criteria.** Criteria are hereby established to guide the design and **development** of SRAs to include innovative planning and **development strategies** as set forth in §§ 163.3177 (11), F.S. and Chapter 9J-5.006(5)(l), F.A.C.. The **size and base density** of each form of SRA shall be consistent with the standards set forth below. The maximum **base residential density** as specified herein for each form of SRA may only be exceeded through the **density blending process** as set forth in **density and intensity blending provision** of the Immokalee Area Master Plan or through the **affordable housing density Bonus** as referenced in the **density Rating System** of the FLUE. The **base residential density** is calculated by dividing the total number of residential units in an SRA by the acreage therein that is entitled through Stewardship Credits. The **base residential density** does not restrict net **residential density of parcels** within an SRA. The location, size and **density** of each SRA will be determined on an individual basis, subject to the regulations below, during the SRA designation review and approval process.

1. **SRA Characteristics.** Characteristics for SRAs designated within the

RLSA District have been established in the Goals Objectives and Policies of the RLSA Overlay. All SRAs designated pursuant to this Section shall be consistent with the characteristics identified on the Collier County RLSA Overlay SRA Characteristics Chart and the design criteria set forth in 2. through 6. below.

a. SRA Characteristics Chart

Collier County RLSA Overlay SRA Characteristics Chart

* Towns are prohibited within the ACSC, per ~~policy 4.7.1 of the Goals, Objectives, and Policies~~ section 4.08.07 A.2. of this code.

** Villages, Hamlets, and Compact Rural **developments** within the ACSC are subject to location and size limitations, per ~~policy 4.20~~ section 4.08.07 A.2. of this code, and are subject to Chapter 28-25, FAC.

8. Requests for Deviations from the LDC. The SRA **development** Document may provide for nonprocedural deviations from the LDC, provided that all of the following are satisfied:

- a. The deviations are consistent with the RLSA Overlay;
- b. The deviations further the RLSA District Regulations and are consistent with those specific Design Criteria from which Section 4.08.057 J.2. - 5. expressly prohibits deviation; and
- c. It can be demonstrated that the proposed deviation(s) further enhance the tools, techniques and strategies based on principles of innovative planning and **development** strategies, as set forth in §§ 163.3177 (11), F.S. and Chapter 9J-5.006(5)(L), F.A.C.

K. SRA Public Facilities Impact Assessments. Impact assessments are intended to identify methods to be utilized to meet the SRA generated impacts on public facilities and to evaluate the self-sufficiency of the proposed SRA with respect to these public facilities. Information provided within these assessments may also indicate the degree to which the SRA is consistent with the fiscal neutrality requirements of Section 4.08.057 L. Impact assessments shall be prepared in the following infrastructure areas:

7. Public schools. The applicant shall coordinate with the Collier County School Board to provide information and coordinate planning to accommodate any impacts that the SRA has on public schools. As part of the SRA application, the following information shall be provided:

- a. Number of residential units by type;**
- b. An estimate of the number of school-aged children for each type of school impacted (elementary, middle, high school); and**
- c. The potential for located a public educational facility or facilities within the SRA, and the sites of any sites that may be dedicated or otherwise made available for a public educational facility.**

L. SRA Economic Assessment. No change.

1. Demonstration of Fiscal Neutrality.

* * * * *

b. Alternative Fiscal Impact Model. If Collier County has not adopted a fiscal impact model as indicated above, the applicant may develop an alternative fiscal impact model using a methodology approved by Collier County. ~~The model methodology will be consistent with the Fiscal Impact Analysis Model ("FIAM") developed by the State of Florida or with Burchell et al., 1994, Development Assessment Handbook (ULI).~~ The BCC may grant exceptions to this policy of fiscal neutrality to accommodate affordable or workforce housing.

* * * * *

M. The BCC may, as a condition of approval and adoption of an SRA development, require that suitable areas for parks, schools, and other public facilities be set aside, improved, and/or dedicated for public use. When the BCC requires such a set aside for one or more public facilities, the set aside shall be subject to section 2.03.06, in the same manner as are public facility dedications required as a condition of PUD rezonings.

SUBSECTION 3. BB. AMENDMENTS TO SECTION 4.08.08 Baseline Standards

Section 4.08.08 Baseline Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

4.08.08 Baseline Standards

~~A. Purpose and intent. These Baseline Standards will remain in effect for all land within the RLSA District unless or until such land becomes subject to the transfer or receipt of Stewardship Credits, except as to those agricultural uses subject to sections 163.3162(4) and 823.14(6), Florida Statutes. The Baseline Standards are intended to protect water quality and quantity, maintain the natural water regime, and protect listed animal and plant species and their habitats on land that has not been designated as an SSA or SRA. The opportunity to voluntarily participate in the Stewardship Credit Program, as well as the right to sell conservation easements or a fee or lesser interest in the land, shall constitute compensation for the loss of any development rights related to these standards.~~

~~B. Applicability of code. Except as otherwise specifically provided in this section 4.08.00, these provisions of this Code in effect as of November [], 1999, shall apply to all land within the RLSA District unless or until such lands become subject to the transfer or receipt of Stewardship Credits.~~

~~C. Allowable uses. The permitted, accessory, and conditional uses allowed shall be those set forth in section 2.03.00 in effect as of November [], 1999, with the following exceptions:~~

~~1. Residential Uses, General conditional uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix at section 4.08.00 shall be eliminated in all FSAs, as provided in section 4.08.00.~~

~~2. Conditional use essential services and governmental essential services, except those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with an Index value of 1.2 or less, as provided in section 4.08.00.~~

3. ~~Directional drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas exploration and oil and gas field development and production activities in FSAs and HSAs in order to minimize impacts to native habitats, when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62-30.005(2)(a)(1) through (12), F.A.C.~~

4. ~~Asphaltic and concrete batch making plants shall be prohibited in areas mapped as HSAs.~~

D. ~~Standards applicable inside the ACSC.~~ RLSA District lands within the ACSC shall be subject to all ACSC regulatory standards, including those that strictly limit non-agricultural clearing.

E. ~~Standards applicable outside the ACSC.~~ Except to the extent superseded by G. or H. below, the following standards shall apply to all development within those areas of the RLSA District that are outside of the ACSC, other than agricultural operations that fall within the scope of sections 163.3162 (4) and 823.14(6), F.S., and single family residential dwellings, unless or until such lands are subject to transmittal or receipt of Stewardship Credits:

1. ~~A wildlife survey, as set forth in Chapter 10, shall be required for all parcels when listed species are known to inhabit biological communities similar to those existing on site or where listed species are directly observed on the site.~~

2. ~~A minimum of 40% of the native vegetation on the project site must be retained. If listed species are directly observed on the site of the project or are indicated by evidence, such as denning, foraging, or other indications, first priority shall be given to preserving the habitat of such listed species.~~

3. ~~If the wildlife survey indicates that listed species are utilizing the site, or the site is capable of supporting and is likely to support listed species, a wildlife habitat management plan shall be prepared and submitted to the County.~~

a. ~~The wildlife habitat management plan within the RLSA District shall include the following techniques to protect listed species from the negative impacts of development:~~

i. ~~Open space and vegetation preservation requirements shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities.~~

ii. ~~Fencing, walls, other obstructions, or other provisions~~

~~shall be used to minimize development impacts to the listed species and to encourage wildlife to use wildlife corridors.~~

~~iii. Roadways crossings, underpasses, and signage shall be used where roads must cross wildlife corridors.~~

~~b. The wildlife habitat management plan shall also incorporate the following:~~

~~i. A description of the techniques used to direct incompatible land uses away from listed species and their habitats and to comply with the criteria identified in 1 and 2 above, as applicable;~~

~~ii. Identification of appropriate lighting controls for permitted uses and a consideration of the opportunity to utilize prescribed burning to maintain fire adapted preserved vegetation communities and provide browse for white-tailed deer, consistent with the UFWS South Florida Multi-Species Recover Plan, May 1990, except as recommended otherwise by the UFWS or FFWCC; and~~

~~iii. If the development will be larger than 10 acres, a monitoring program.~~

~~c. The following references shall be used, as appropriate, to prepare the wildlife habitat management plan:~~

~~i. South Florida Multi Species Recovery Plan, USFWS, 1990.~~

~~ii. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.~~

~~iii. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale development in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.~~

~~iv. Ecology and development Related Habitat Requirements of the Florida Scrub Jay (*Apelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.~~

~~v. Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco sparverius Paulus*) on Large-scale development Sites in Florida, Nongame Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.~~

~~d. The following species specific provisions shall be included within the wildlife habitat management plan if the wildlife survey indicates that the identified species utilizes the site or the site is capable of supporting and is likely to support such species:~~

~~i. Gopher tortoise. For parcels containing gopher tortoises (*Gopherus polyphemus*), priority shall be given to protecting the largest, most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off-site adjacent gopher tortoise~~

preserves.

- ii. ~~Florida scrub jay. Habitat preservation for the Florida scrub jay (*Aphelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. A maintenance program shall be established, which shall specify appropriate fire or mechanical protocols to maintain the natural scrub community. A public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation shall be developed. These requirements shall be consistent with the UFW's South Florida Multi-Species Recovery Plan, May 1999.~~
 - iii. ~~Bald eagle. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the UFW's South Florida Multi-Species Recover Plan, May 1999.~~
 - iv. ~~Red-cockaded woodpecker. For the red-cockaded woodpecker (*picoides borealis*), the required habitat protection plan shall outline measures to avoid adverse impacts to active clusters and to minimize impacts to foraging habitat. Where adverse effects cannot be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFW's South Florida Multi-Species Recovery Plan, May 1999.~~
 - v. ~~Florida black bear. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.~~
 - vi. ~~Panther. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be buffered from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses).~~
4. ~~On property where the wildlife survey establishes that listed species are utilizing the site or where the site is capable of supporting listed species and such listed species can be anticipated to potentially occupy the site, the County shall, consistent with the RLSA Overlay of the GMP, consider and utilize recommendations and letters of technical assistance from the State of Florida Fish and Wildlife Conservation~~

~~Commission and recommendations from the U.S. Fish and Wildlife Service in issuing development orders. It is recognized that these agency recommendations, on a case by case basis may change the requirements contained in herein and any such change shall be deemed consistent with this Code.~~

~~F. Golf course standards. Except as otherwise required by G. or H. below, all golf courses within the RLSA District that are not within an SRA shall be subject to the following requirements:~~

~~1. Golf courses shall be designed, constructed, and managed in accordance with Audubon International's Gold Signature Program. The project shall demonstrate that the Principles for Resource Management required by the Gold Signature Program (Site Specific Assessment, Habitat Sensitivity, Native and Naturalized Plants and Natural Landscaping, Water Conservation, Waste Management, Energy Conservation & Renewable Energy Sources, Transportation, Greenspace and Corridors, Agriculture, and building Design) have been incorporated into the golf course's design and operational procedures. In addition to addressing these requirements, golf courses shall meet the following specific criteria:~~

~~a. In order to prevent the contamination of soil, surface water and ground water by the materials stored and handled by golf course maintenance operations, golf courses shall comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995.~~

~~b. To protect ground and surface water quality from fertilizer and pesticide usage, golf courses shall demonstrate the following management practices:~~

~~i. The use of slow release nitrogen sources;~~

~~ii. The use of soil and plant tissue analysis to adjust timing and amount of fertilization applications;~~

~~iii. The use of an integrated pest management program using both biological and chemical agents to control various pests;~~

~~iv. The coordination of pesticide applications with the timing and application of irrigation water; and~~

~~v. The use of the procedure contained in IFAS Circular 1011, *Managing Pesticides for Golf Course Maintenance and Water Quality Protection*, May 1991 (revised 1995) to select pesticides that will have a minimum adverse impact on water quality.~~

~~2. To ensure water conservation, golf courses shall incorporate the following in their design and operation:~~

~~a. Irrigation systems shall be designed to use weather station information and moisture sensing systems to determine the optimum amount of irrigation water needed considering soil moisture and evapotranspiration rates.~~

~~b. As available, golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies;~~

- ~~c. Native plants shall be used exclusively except for special purpose areas such as golf greens, fairways, and building sites. Within these excepted areas, landscaping plans shall require that at least 75% of the trees and 50% of the shrubs be freeze-tolerant native Floridian species. At least 75% of the required native trees and shrubs shall also be drought tolerant species.~~
- ~~3. Stormwater management ponds shall be designed to mimic the functions of natural systems: by establishing shorelines that are sinuous in configuration in order to provide increased length and diversity of the littoral zone. A Littoral shelf shall be established to provide a feeding area for water dependent avian species. The combined length of vertical and rip-rapped walls shall be limited to 25% of the shoreline. Credits to the site preservation area requirements, on an acre to acre basis, shall be given for littoral shelves that exceed these littoral shelf area requirements.~~

~~G. Standards applicable in FSAS, HSAS, and WRAS that are outside of the ACSC. The provisions of Chapters 3, 4, and 10 in effect as of November [], 1999, shall apply to FSAs, HSAs, and WRAs that outside of the ACSC, with the following exceptions:~~

- ~~1. Site clearing and alteration shall be limited to 20% of the property and nonpermeable surfaces shall not exceed 50% of any such area.~~
- ~~2. Except for roads and lakes, any nonpermeable surface greater than one acre shall provide for release of surface water run off, collected or uncollected, in a manner approximating the natural surface water flow regime of the surrounding area.~~
- ~~3. Roads shall be designed to allow the passage of surface water flows through the use of equalizer pipes, interceptor spreader systems or performance equivalent structures.~~
- ~~4. Revegetation and landscaping of cleared areas shall be accomplished with predominantly native species and planting of undesirable exotic species shall be prohibited.~~

~~H. Standards applicable to wetlands outside of FSAS, HSAS, WRAS, and the ACSC. Wetlands located outside of FSAs, HSAs, WRAs, and the ACSC shall be preserved in accord with the following criteria:~~

- ~~1. The vegetative preservation requirement set forth in E.2. above shall first be met through preservation of wetlands having a functionality assessment score of 0.65 or greater. applicants shall establish the wetland functionality score of wetlands using the South Florida Water Management District's Unified wetland Mitigation Assessment Method, F.A.C. 62-345. Upland vegetative communities may be utilized to meet the vegetative, open space, and site preservation requirements when the wetland functional assessment score of on-site wetlands is less than 0.65.~~
- ~~2. Wetlands utilized by listed species or serving as corridors for the movement of listed species shall be preserved on site.~~
- ~~3. Wetland flowway functions through the project shall be maintained.~~
- ~~4. Ground water table drawdowns or diversions shall not adversely change the hydroperiod of preserved wetlands on or offsite and detention and control elevations shall be set to protect surrounding wetlands and be consistent with surrounding land and project control~~

elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2.4.6.11 and 6.12 of SFWMD's Basis of Review, January 2001.

5. ~~All direct impacts shall be mitigated for as required by applicable federal or state agencies and in the same manner as set forth in section 4.06.04 of this Code.~~
6. ~~Single family residences shall follow the requirements contained within Policy 6.2.7 of the Conservation and Coastal Management Element.~~
7. ~~Appropriate buffering shall be provided to separate preserved wetlands from other land uses. A minimum 50-foot vegetated upland buffer is required adjacent to a natural water body and for other wetlands a minimum 25-foot vegetated upland buffer adjacent to the wetland. A structural buffer, consisting of a stem wall, a berm, or a vegetative hedge with suitable fencing, may be used in conjunction with a vegetative buffer that would reduce the vegetative buffer width by 50%. A structural buffer shall be required adjacent to wetlands where direct impacts are allowed. Wetland buffers shall conform to the following standards:~~
 - a. ~~The buffer shall be measured landward from the approved jurisdictional line.~~
 - b. ~~The buffer zone shall consist of preserved native vegetation. Where native vegetation does not exist, native vegetation compatible with the existing soils and expected hydrologic conditions shall be planted.~~
 - c. ~~The buffer shall be maintained free of Category I Exotics.~~
 - d. ~~The following land uses are considered to be compatible with wetland functions and are allowed within the buffer:~~
 - i. ~~Passive recreational areas, boardwalks and recreational shelters;~~
 - ii. ~~Pervious nature trails;~~
 - iii. ~~Water management structures;~~
 - iv. ~~Mitigation areas;~~
 - v. ~~Any other conservation and related open space activity or use which is comparable in nature with the foregoing uses.~~
8. ~~Mitigation Requirements. Mitigation shall be required for direct impacts to wetlands, such that the wetland functional score of the mitigation equals or exceeds the wetland functional score of the impacted wetlands.~~
 - a. ~~Priority shall be given to mitigation within FSAs and HSAs.~~
 - b. ~~Loss of storage or conveyance volume resulting from direct impacts to wetlands shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or adjacent to the impacted wetland.~~
 - c. ~~Protection shall be provided for preserved or created wetland or upland vegetative communities offered as mitigation by placing a~~

~~conservation easement over the land in perpetuity, providing for initial exotic plant removal (Class I invasive exotic plants defined by the Florida Exotic Plant Council) and continuing exotic plant maintenance, or by appropriate ownership transfer to a state or federal agency along with sufficient funding for perpetual management activities.~~

~~9. Prior to issuance of any final development order that authorizes site alteration, the applicant shall demonstrate compliance with paragraphs 8.a. through 8.c. above, as applicable. If state or federal agency permits have not provided mitigation consistent with paragraphs 8 above, the County shall require mitigation exceeding that of the jurisdictional agencies.~~

~~10. Wetland preservation, buffer areas, and mitigation areas shall be identified or platted as separate tracts. In the case of a Planned Unit development (PUD), these areas shall also be depicted on the PUD Master Plan. These areas shall be maintained free from trash and debris and from Category I Exotics. Land uses allowed in these areas shall be limited to those identified in 7.d. above.~~

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SUBSECTION 3. CC. AMENDMENTS TO SECTION 5.04.06 Annual Beach Events Permit

Section 5.04.06 Annual Beach Events Permit, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

5.04.06 Annual Beach Events Permit

E. Sea turtle nesting season. Annual beach events which occur during sea turtle nesting season (May 1st through October 31st of each year) are also subject to the following regulations:

1. All required Florida Department of Environmental Protection (FDEP) field permits, shall be obtained and a copy furnished to Collier County prior to the time of the scheduled event as set forth in section 5.04.06(C).

2. Consistent with section 10.02.06, and the Code of Laws of Collier County, no structure set up, or beach raking or mechanical cleaning activity for any particular beach event shall commence until after monitoring conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit has been completed.

3. Prior to all scheduled beach events, every beach event permit holder is required to rope off (or otherwise identify with a physical barrier) an area with no less than a 15-foot radius out from each sea turtle nest that has been identified and marked on a beach, unless a greater distance is required by an applicable state permit.

4. Use of vehicles on the beach is prohibited, except as may be permitted under the Code of Laws of Collier County SECTION 10.02.06 I.

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9. A copy of all notices required by any permit or these regulations must also be provided by the permit holder to Collier County Natural Resources Department the County Manager or designee.

Note: When a state permit is more restrictive than the Code requirements, the State requirements shall supersede, and the county shall enforce these requirements.

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**SUBSECTION 3. DD. AMENDMENTS TO SECTION 5.02.03 Standards
[Home Occupations]**

Section 5.02.03 Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

5.02.03 Standards

The home occupation shall be clearly incidental to the use of the **dwelling** for dwelling purposes. The existence of the home occupation shall not change the character of the **dwelling**.

- A. An allowable home occupation shall must be conducted by an occupant of the **dwelling**.
- B. There shall be no on-site or off-site advertising signs.
- C. The use shall not generate more traffic than would be associated with the allowable residential use. To that end, traveling to and from as well as meeting or parking at the residence by either employees of the business operated therefrom who are not residing at the subject address or by customers or clients of the home occupations is prohibited.

SUBSECTION 3. EE. AMENDMENTS TO SECTION 5.03.02 Fences and Walls

Section 5.03.02 Fences and Walls, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

5.03.02 Fences and Walls

A. All districts.

1. Whenever a property owner elects to ~~erect~~ construct a chain link fence, pursuant to the provisions herein, adjacent to an arterial or collector road in the urban coastal area, said fence shall not be located nearer ~~closer~~ than three (3) feet to the **right-of-way** or property line, and said fence shall be screened from view by planting a ~~vegetative~~ hedge of living plant material at a minimum of thirty (30) inches in height ~~at planting and~~ spaced at a distance apart that will achieve an opacity rating of eighty (80) percent sight-obscuring screen within one (1) year of planting. An irrigation system shall be installed to ensure the continued viability of the ~~vegetative~~ hedge as a visual screen of the chain link fence. This regulation shall not apply to single-family homes.

a. Structures subject to section 5.05.08 Architectural & Site Design Standards must comply with the following additional fencing standards:

l. Chain link and wood fences are prohibited forward of the primary facade and must be a minimum of 100 feet from a

public right-of-way. Chain link and wood fencing facing a public or private street must be screened with an irrigated hedge planted directly in front of the fence on the street side. Plant material must be a minimum of three gallon in size and planted no more than three feet on center at time of installation. This plant material must be maintained at no less than three-quarters of the height of the adjacent fence (See Illustration 5.03.02 A.1.a. - 1).

ii. Fences forward of the primary facade, excluding chain link and wood are permitted under the following conditions:

(a) Fences must not exceed four feet in height.

(b) The fence provides either an open view at a minimum of 25 percent of its length or provides variation in its height for a minimum of 15 percent of its length with a deviation of at least 12 inches.

(c) The fence style must complement building style through material, color and design.

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3. Barbed wire is authorized within agricultural, commercial, industrial districts and on fences surrounding raw water wells in all districts. Razor or concertina wire is not permitted except in the case of an institution whose purpose is to incarcerate individuals, i.e., a jail or penitentiary, or by appeal to the BZA.

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C. Residential Zoning Districts

1. Fences or walls on lots greater than one (1) acre in area may reach a maximum height of six (6) feet; except for raw water wells, for which the allowable height is eight (8) feet.

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SUBSECTION 3. FF. AMENDMENTS TO SECTION 5.05.02 Marinas

Section 5.05.02 Marinas, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

5.05.02 Marinas

A. The following standards are for the purpose of manatee protection and are applicable to all multi-slip docking facilities with ten slips or more, and all marina facilities.

**SUBSECTION 3.GG. AMENDMENTS TO SECTION 5.05.08
Architectural and Site Design Standards**

Section 5.05.08 Architectural and Site Design Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

5.05.08 Architectural and Site Design Standards

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B. Applicability. The provisions of section 5.05.02 apply:

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4. Raw water wells in Collier County do not have to meet the provisions of this Section provided that well houses surrounding the raw water well shall not have any wall planes exceeding 35 feet in length or have an actual building height greater than eighteen (18) feet, excluding communications equipment. Fences and walls surrounding raw water wells must be screened with plant materials as described in Section 4.06.05.B.6. and are exempt from Sections 5.05.08.C.3 and 5.05.08.D.2 of this Section.

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M. Building design standards.

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4. Variation in massing. A single, large, dominant **building** mass must be avoided. Changes in mass must be related to entrances, the integral structure and the organization of interior spaces and activities, and not merely for cosmetic effect. False fronts or parapets create insubstantial appearance and are discouraged. All facades, excluding courtyard area, shall be designed to employ the design treatments listed below. a. *Projections and recesses.*

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a. *Wall plane changes.*

- i. ~~For buildings exceeding 5,000 square feet in gross building area, any façade with horizontal length exceeding 50 linear feet must incorporate wall plane projections or recesses having depth of at least three feet, with a single wall plane limited to no more than three feet, with a single wall plane limited to no more than 60 percent of each affected façade. Buildings subject to the projections or recesses depths required by 5.05.08.C.4.a must not have a single wall plane exceeding 60 percent of each facade.~~

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5. Project Standards.

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- c. **Building design treatments.** Each **building facade** must have at least four of the following **building design treatments**:

**SUBSECTION 3.HH. AMENDMENTS TO SECTION 5.05.09
Communications Towers**

Section 5.05.09 Communication Towers, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

5.05.09 Communication Towers

* * * * *

C. Migratory Birds and other Wildlife Considerations.

1. **Ground Mounted towers.** Except to the extent not feasible for the respective new ground mounted tower's intended purpose(s), each

new ground mounted tower that will exceed a height of seventy-five (75) feet (above ground), exclusive of antennas, but will not exceed a height of one hundred and ninety-nine (199) feet above natural grade, exclusive of antennas, should not be guyed. If the applicant proposes that a new ground mounted tower within this height range be guyed, the applicant shall have the burden of proving the necessity of guying the tower.

2. *Bird Diverter Devices.* Each new ground mounted guyed tower installed ~~on or after the effective date of this Ordinance~~ February 20, 2004, greater than seventy-five (75) feet in height above natural grade, exclusive of antennas, shall have installed and maintained bird diverter devices on each guy wire (to reduce injuries to flying birds).
3. *Habitat Loss.* In addition to the requirements in Chapters 4 3 and 10, towers and other on-site facilities shall be designed, sited, and constructed to minimize habitat loss within the tower footprint. At such sites, road access and fencing, to the extent feasible, shall be utilized to minimize on-site and adjacent habitat fragmentation and/or disturbances.

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G. **Development standards for communication towers.**

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23. All existing and proposed ground mounted and rooftop towers and antennas with a height greater than 150 feet shall be required to have a solid red beacon or dual mode lights unless exempted in writing by the Collier Mosquito Control District. Such lights shall meet the then existing Federal Aviation Administration (FAA) technical standards. The total structure height shall include all appendages and attachments, such as antennas, lights, lightening rods, or any other accessory device that would extend the height of the tower. All existing towers shall have six months (180 days) from [the effective date of this Amendment] to comply with the requirement. If the FAA rules require lighting, then the applicant shall comply with such rules.
24. A copy of each application for a tower in excess of 150 feet shall be supplied by the applicant to the Collier Mosquito Control District or designee.

SUBSECTION 3.II. AMENDMENTS TO SECTION 5.05.12 Specific Standards for Raw Water Wells in Collier County

Section 5.05.12 Specific Standards for Raw Water Wells in Collier County, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

5.05.12 Specific Standards for Raw Water Wells in Collier County

- A. Applicable designs for raw water wells selected from the Collier County Utility Standards Manual shall be submitted for appropriate County staff review of the following requirements.
- B. Setback Requirements.
 1. Well houses enclosing raw water wells which are greater than four hundred (400) square feet in size must meet the following minimum setbacks:

Adjacent to Right-of-Way – 25 feet

Side yard from adjoining property – no less than the underlying zoning district's requirements for side yard setback

Rear yard from adjoining property – 25 feet

For well houses within easements – 6 feet or the above setbacks where an easement line is coincidental with the property line.

Appurtenant equipment, including, but not limited to antennas, pig launchers, fuel tanks, and transformers, not enclosed by a fence or wall, shall not be considered separate structures and shall be setback six (6) feet from a property or easement line.

2. Well houses enclosing raw water wells which are equal to or less than four hundred (400) square feet must meet the following minimum setbacks:

Adjacent to Right-of-Way – 15 feet

Side yard from adjoining property – no less than the underlying zoning district's requirements for side yard setback

Rear yard from adjoining property – 10 feet

For well houses within easements – 6 feet or the above setbacks where an easement line is coincidental with the property line.

Appurtenant equipment, including, but not limited to antennas, pig launchers, fuel tanks, and transformers, not enclosed by a fence or wall, shall not be considered separate structures and shall be setback six (6) feet from a property or easement line.

3. Fences and walls enclosing raw water wells and appurtenant equipment including, but not limited to well vaults and enclosures, meters, control panels, generators, antennas, pig launchers and transformers must meet the following setbacks:

Adjacent to Right-of-Way or easement line– 5 feet

Side yard or easement line – 5 feet. Appurtenant equipment, other than antennas, that exceeds the height of the fence or wall, shall be setback no less than the underlying zoning district's requirements for side yard setback

Rear yard or easement line – 5 feet

Raw water well easements contained within a larger public easement – 2 feet

Fence or wall heights may be between six (6) feet and eight (8) feet in height.

Appurtenant equipment shall not be considered as separate structures.

C. Raw water well site access:

1. Direct access from public ways shall be limited to one access point location and must otherwise comply with the requirements of LDC Section 4.04.02.
2. Access from an easement must provide legal access to a public or approved private way. Access from an existing public way to an easement must otherwise comply with the requirements of LDC Section 4.04.02.

- D. Prior to County approval of a raw water well site under this Code, the applicant shall obtain a consumptive use permit from South Florida Water

Management District (SFWMD) and meet the requirements of any state or federal agency having jurisdiction over well development or siting.

E. Stormwater management and environmental resource permits for raw water well sites shall be governed by the requirements of SFWMD and or Florida Department of Environmental Protection (DEP), and if approval is granted for the well(s) by SFWMD or DEP under those requirements, the project may be considered for a waiver from the requirements of Section 10.02.02 A.

F. Landscaping and buffering shall conform to the requirements of Section 4.06.05 B.6.

G. Site planning review and approval for raw water wells must follow the requirements of an insubstantial change to a Site Development Plan or Site Improvement Plan review process providing water from such wells is conveyed through physically connected infrastructure to a public or quasi-public treatment facility. The system of physically inter-connected infrastructure and wells may be considered to be collectively located "on-site".

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SUBSECTION 3.JJ. AMENDMENTS TO SECTION 5.06.00 Signs

Section 5.06.00 Signs, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

5.06.01 Generally

* * * * *

B. Signage Table

The following table is intended to provide a graphic representation of the various permitted residential and commercial signs, but may not encompass all of the requirements for those signs. For the specific regulations, please see the appropriate subsections throughout this section of the code.

Residential Signage

Sign Type	Max. Number of Max. Sign	Max. Height	Setback	Landscaping	Lot Size or Frontage Size	Building Permit Required? Y or N (See sec. 10.02.06 B. of the LDC)	Additional Requirements? Y or N
Signs Allowed	Copy						
Real Estate	1	4	6	10	N/A	No	
Real Estate	1	12	8	10	N/A	No	
Real Estate	1	64	15	10	N/A	Yes	Yes
Construction	1	4	6	10	N/A	No	
Construction	1	12	8	10	N/A	No	
Construction	1	64	15	10	N/A	Yes	Yes
Model Home	1	32	8	10	N/A	No	Yes
On Premise Signs	2	64	8	10	N/A	Yes	
Conditional Use	1	32	8	10	N/A	Yes	
					Commercial Signage		
Real Estate	1	12	10	10	N/A	No	
Real Estate	1	32	10	10	N/A	No	
Real Estate	1	64	15	10	N/A	Yes	
Construction	1	12	10	10	N/A	No	
Construction	1	32	10	10	N/A	No	
Construction	1	64	15	10	N/A	Yes	
Directory	1	150	20	15	100 sq ft	Yes	Yes

Words struck through are deleted, words underlined are added

Pole or Ground	2	80	15	10	100 sq ft	150 ft frontage, Arterial Rd	Yes	Yes
Pole or Ground	2	60	12	10	100 sq ft	150 ft frontage, Collector Rd	Yes	Yes
Ground	2	32	8	10	100 sq ft	121 to 149.9 ft frontage	Yes	Yes
Ground	2	16	6	10	100 sq ft	100 to 120.9 ft frontage	Yes	Yes
Wall	2	150	N/A	N/A	N/A	20% build. - facade - max 150 Up to 24,999 sq ft leasable space	Yes	Yes
Wall	2	200	N/A	N/A	N/A	20% build. - facade - max 200 From 25,000 - 59,999 sq ft leasable space	Yes	Yes
Wall	2	250	N/A	N/A	N/A	20% build. - facade - max 250 Over 60,000 sq ft leasable space	Yes	Yes
Outparcel - Ground	1	60	8	10	100 sq ft	150 ft frontage	Yes	Yes
Outparcel - Wall	2	150 & 60	N/A	N/A	N/A	20% build. - facade - max 150	Yes	Yes
Auto Service Station - Wall	2	150	N/A	N/A	N/A	20% build. - facade - max 150	Yes	Yes
Auto Service Station - Ground	1	60	8	10	200 sq ft	150 ft frontage	Yes	Yes

Words ~~struck through~~ are deleted, words underlined are added

SUBSECTION 3.KK. AMENDMENTS TO SECTION 5.06.07
Enforcement

Section 5.06.07 Enforcement, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

5.06.07 Enforcement

A. General. No sign shall hereafter be erected, placed, altered or moved unless in conformity with this Code. All signs located within Collier County shall comply with the following requirements:

1. The issuance of a sign permit pursuant to the requirements of this Code shall not permit the construction or maintenance of a sign or structure in violation of an existing county, state or federal law or regulation.
2. All signs for which a permit is required shall be subject to inspections by the County Manager or his designee. The County Manager or his designee is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Code are being adhered to. Such entrance shall be made during business hours, unless an emergency exists. The County Manager or his designee may order the removal of any sign that is not in compliance with the provisions of this Code, is improperly maintained, or which would constitute a hazard to the public health, safety, and welfare.
3. The County Manager or his designee shall be charged with interpretation and enforcement of this Code.

B. Enforcement procedures. Whenever, by the provisions of this Code, the performance of an act is required or the performance of an act is prohibited, a failure to comply with such provisions shall constitute a violation of this Code.

1. The owner, tenant, and/or occupant of any land or structure, or part thereof, and an architect, builder, contractor agent, or other person who knowingly participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this Code may be held responsible for the violation and be subject to the penalties and remedies provided herein.
2. Where any sign or part thereof violates this Code, the County Manager or his designee may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this Code, as provided by law, including prosecution before the Collier County Code Enforcement Board against the owner, agent, lessee, or other persons maintaining the sign, or owner, or lessee of the land where the sign is located.
3. If a sign is in such condition as to be in danger of falling, or is a menace to the safety of persons or property, or found to be an immediate and serious danger to the public because of its unsafe condition, the provisions of section 2301.6 of the Standard Building Code, as adopted by Collier County shall govern.
4. Code enforcement shall immediately remove all signs in violation of this Section that are located in or upon public rights-

of-way or public property.

5. Penalties. If any person, firm or corporation, whether public or private, or other entity fails or refuses to obey or comply with or violates any of the provisions of this Code, such person, firm, corporation, or other entity, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days in the county jail, or both, in the discretion of the court. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation or noncompliance shall be considered as a separate offense.

a. Nothing herein contained shall prevent or restrict the county from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

b. Further, nothing in this section shall be construed to prohibit the county from prosecuting any violation of this Code by means of a code enforcement board established pursuant to the subsidiary of F.S. Chapter 162.

* * * * *
SUBSECTION 3. LL. AMENDMENTS TO SECTION 6.01.02 Easements

Section 6.01.02 Easements, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

6.01.02 Easements

If applicable, **easements** shall be provided along **lot lines** or along the alignment of the improvements requiring **easements** in accordance with all design requirements so as to provide for proper **access** to, and construction and maintenance of, the improvements. All such **easements** shall be properly identified on the preliminary **subdivision** plat and dedicated on the final **subdivision** plat.

* * * * *
C. Protected/preserve area and easements.

~~A nonexclusive easement or tract in favor of the County, without any maintenance obligation, shall be provided for all "protected/preserve" areas required to be designated on the preliminary and final subdivision plats. Any buildable lot or parcel subject to or abutting a protected/preserve area required to be designated on the preliminary and final subdivision plats shall have a minimum twenty five (25) foot setback from the boundary of such protected/preserve area in which no principle structure may be constructed. Further, the preliminary and final subdivision plats shall require that no alteration, including accessory structures, fill placement, grading, plant alteration or removal, or similar activity shall be permitted within such setback area without the prior written consent of the County Manager or designee; provided, in no event shall these activities be permitted in such setback area within ten (10) feet of the protected/preserve area boundary, unless the above setbacks are accomplished through buffering pursuant to section 4.06.00.~~

For provisions related to protected/preserve area and easements, see section 10.02.04 B.1. of this code.

SUBSECTION 3. MM. AMENDMENTS TO SECTION 6.06.01 Street System Requirements

Section 6.06.01 Street System Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

6.06.01 Street System Requirements

* * * * *

O. The minimum **right-of-way** widths to be utilized shall be as follows and, where applicable, shall be classified by the cross-sections contained in Appendix B, and will be directly related to traffic volume as indicated in the definition of each **street** contained contained herein and, where applicable, clarified by the cross-sections contained in Appendix B. Private street right-of-way widths and design may be determined on a case-by-case basis in accordance with Chapter 10. In the event that the applicant does not apply for a preliminary subdivision plat, the applicants engineer may request that the County Manager or his designee approve an alternate private right-of-way cross-section. The request shall be in writing and accompanied with documentation and justification for the alternate section based on sound engineering principals and practices.

* * * * *

SUBSECTION 3. NN. AMENDMENTS TO SECTION 8.06.01 Establishment

Section 8.06.01 Establishment, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

8.06.01 Establishment

There is hereby established an Environmental Advisory Council ("EAC") ("EAC") which. The EAC obtains its jurisdiction, powers, and limits of authority from the BCC, and pursuant to this LDC, shall act in an advisory capacity to the BCC in matters dealing with the regulation, control, management, use, or exploitation of any or all natural resources of or within the County, and the review and evaluation of specific zoning and **development** petitions and their impact on those resources.

* * * * *

SUBSECTION 3. OO. AMENDMENTS TO SECTION 8.06.03 Powers and Duties

Section 8.06.03 Powers and Duties, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

8.06.03 Powers and Duties

The powers and duties of the EAC are as follows:

* * * * *

O. The EAC shall review all land development petitions which require the following: an environmental impact statement (EIS) per section 10.02.02 of the LDC; all developments of regional impact (DRI); lands with special treatment (ST) or area of critical state concern/special treatment (ACSC/ST) zoning overlays; or any petition for which environmental issues cannot be

resolved between the applicant and staff and which is requested by either party to be heard by the EAC. The EAC shall also review any petition which requires approval of the Collier County Planning Commission (CCPC) or the board of county commissioners (BCC) where staff receives a request from the chairman of the EAC, CCPC or the BCC for that petition to be reviewed by the EAC.

1. Any petitioner may request a waiver to the EAC hearing requirement, when the following considerations are met: 1) no protected species or wetland impacts are identified on the site; 2) an EIS waiver has been administratively granted; 3) ST zoning is present and an administrative approval has been granted; or 4) an EIS was previously completed and reviewed by staff and heard by a predecessor environmental board, and that EIS is less than five years old (or if older than five years, has been updated within six months of submittal) and the master plan for the site does not show greater impacts to the previously designated preservation areas.
2. The surface water management aspects of any petition, that is or will be reviewed and permitted by South Florida Water Management District (SFWMD), are exempt from review by the EAC.

* * * * *

SUBSECTION 3. PP. AMENDMENTS TO SECTION 8.09.02 Jurisdiction, Authority and Duties

SECTION 8.09.02 Jurisdiction, Authority and Duties, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

SECTION 8.09.02 Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority and duties which may be conferred upon the community development and environmental services administrator by other provisions of the county Code of Collier County or the county manager, the community development and environmental services administrator shall have the following jurisdiction, authority and duties:

- A. To provide the board of county commissioners, the Development Services Advisory Committee, planning commission, the board of zoning appeals, the **building** board of adjustments and appeals, the code enforcement board, and the contractors' licensing board, with reports and recommendations with respect to matters before such bodies as directed by the board of county commissioners or the county manager.
- B. To administer and manage the Planning Services, Pollution Control, ~~Natural Resources~~ Environmental Services, **Building Review and Permitting**, Code Enforcement and housing and urban improvement departments, and oversee the preparation of the budget for each.
- C. For the purposes of this code the phrases Development Services Director, Growth Management Director, Code Compliance Director, Growth Planning Director and Planning Services Director, shall mean the Community Development and Environmental Services Administrator, or his designee.

9.04.00 VARIANCES

SUBSECTION 3. QQ. AMENDMENTS TO SECTION 9.04.00
Variances

Section 9.04.00 Variances, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

9.04.00 VARIANCES

9.04.01 Generally

A. *Purpose.* In specific cases, variance from the terms of the LDC may be granted where said variance will not be contrary to the public interest, safety, or welfare and where owing to special conditions peculiar to the property, a diminution of a regulation is found to have no measurable impact on the public interest, safety or welfare; or a literal enforcement of the LDC would result in unnecessary and undue hardship, or practical difficulty to the owner of the property and would otherwise deny the property owner a level of utilization of his/her property that is consistent with the **development** pattern in the neighborhood and clearly has no adverse effect on the community at large or neighboring property owners.

B. *Historic Places.* Variances may be issued for the reconstruction, rehabilitation or restoration of **structures** listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

C. For specific procedures associated with Variances, please see section 10.09.00 of the LDC.

* * * * *

9.04.02 Types of Variances Authorized

A variance is authorized for any dimensional **development** standard, including the following: height, area, and size of **structure**; height of fence; size of **yards and open spaces**; dimensional aspects of landscaping and **buffering** requirements; size, height, maximum number of, and minimum **setback** for **signs**; and minimum requirements for off-street parking facilities.

A. *Variances for signs.* The board of zoning appeals based upon the evidence given in public hearing; and the findings of the planning commission should determine to the maximum extent possible if the granting of the variance will diminish or otherwise have a detrimental effect on the public interest, safety or welfare. A variance from the terms of this zoning code may be granted based on the requirements of this section 9.04.00 or where it can be demonstrated that a **sign** has significant historic or community significance, and pursuant to the criteria and procedures set forth in this section 9.04.00. In granting any variance, the board of zoning appeals may prescribe the following:

1. Appropriate conditions and **safeguards** in conformity with this Code or other applicable county ordinances. 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 Code.
2. A reasonable time limit within which the action for which the variance required shall be begun or completed or both.

9.04.03 Criteria for Variances

Findings. Before any variance shall be recommended for approval to the board of

zoning appeals, the planning commission shall consider and be guided by the following standards in making a determination:

* * * * *

9.04.06 Specific Requirements for Variance to the Coastal Construction Setback Line

~~F. Certain activities that may temporarily alter ground elevations such as artificial beach nourishment projects, excavation or maintenance dredging of inlet channels may be permitted seaward of the coastal construction setback line if said activity is in compliance with the Collier County GMP and receives Federal and State agency approvals. Until such time as the fee schedule can be amended, the fee shall be \$400.00 for these beach nourishment permits~~

G. Procedures for obtaining variance.

1. A written petition requesting a variance from the established **setback line** shall be filed with the board of county commissioners BCC or their designee. The petition shall set forth:

- a. A description of petitioner's property to include the information requested on a current Collier County request for a coastal construction **setback line** variance form;
- b. A description of the established **setback line** and the line which petitioner wishes to be varied;
- c. The justification upon which the petitioner relies for the granting of the variance, to include compliance with the Collier County growth management plan, conservation and coastal management element.

2. Notice and public hearing for coastal construction **setback line** variances. An application for coastal construction **setback line** (CCSL) variance shall be considered by the board of county commissioners BCC pursuant to the following public notice and hearing requirements.

a. The **applicant** shall post a **sign** at least 45 days prior to the date of the public hearing by the board of county commissioners BCC. The **sign** shall contain substantially the following language and the **sign** copy shall utilize the total area of the **sign**:

**PUBLIC HEARING REQUESTING
CCSL VARIANCE APPROVAL (both to contain the following
information:)**

**TO PERMIT: (Sufficiently clear to describe the type of variance
requested).**

DATE: _____

TIME: _____

**TO BE HELD IN BOARD OF COUNTY COMMISSIONERS
MEETING ROOM, COLLIER COUNTY GOVERNMENT
CENTER.**

b. The area of a property **sign** shall be as follows:

- i. For a property less than one acre in size, the **sign** shall measure at least one and one-half square feet in area.
 - ii. For a property one acre or more in size, the **sign** shall measure at least 32 square feet in area.
 - c. In the case of a **sign** located on a property less than one acre in size, such **sign** shall be erected by the County Manager or his designee in full view of the public on each **street** side of the subject property and on the side of the property visible from the **beach**. Where the property for which approval is sought is landlocked or for some other reason a **sign** cannot be posted directly on the subject property, then the **sign** shall be erected along the nearest **street right-of-way**, with an attached notation indicating generally the distance and direction to the subject property.
 - d. In the case of **sign(s)** located on a property one acre or more in size, the **applicant** shall be responsible for erecting the required **sign(s)**. The **sign(s)** shall be erected in full view of the public on each **street** upon which the subject property has **frontage** and on the side of the property visible from the **beach**. Where the subject property is landlocked, or for some other reason the **sign(s)** cannot be posted directly on the property, then the **sign(s)** shall be erected along the nearest **street right-of-way**, with an attached notation indicating generally the distance and direction to the subject property. There shall be at least one **sign** on each external boundary which fronts upon a **street**, however, in the case of external boundaries along a **street** with greater **frontages** than 1,320 linear feet, **signs** shall be placed equidistant from one another with a maximum spacing of 1,000 linear feet, except that in no case shall the number of **signs** along an exterior boundary fronting on a **street** exceed four **signs**. The **applicant** shall provide evidence to the ~~planning services department~~ County Manager or designee that the **sign(s)** were erected by furnishing photographs of the **sign(s)** showing the date of their erection at least ten days prior to the scheduled public hearing by the ~~board of county commissioners~~ BCC. The **sign(s)** shall remain in place until the date of either of the following occurrences: 1. Final action is taken by the ~~board of county commissioners~~ BCC or 2. The receipt of a written request by the ~~planning services department director~~ County Manager or designee from the **applicant** to either withdraw or continue the petition indefinitely.
 - e. Notice of the time and place of the public hearing by the ~~board of county commissioners~~ BCC shall be advertised in a newspaper of general circulation in the county at least one time and at least 15 days prior to the public hearing. Where applicable, the notice shall clearly describe the proposed variance. The advertisement shall also include a location map that identifies the approximate geographic location of the subject property.
 - f. The ~~board of county commissioners~~ BCC shall hold one advertised public hearing on the proposed variance and may, upon the conclusion of the hearing, immediately adopt the resolution approving the variance
3. The ~~board of county commissioners~~ BCC shall notify petitioner in writing of its decision within 15 days of the public hearing.

4. Any person aggrieved by a decision of the ~~board of county commissioners~~ BCC granting or denying a variance may apply to the circuit court of the circuit in which the property is located for judicial relief within 30 days after rendition of the decision by the ~~board of county commissioners~~ BCC. Review in the circuit court shall be by petition for a writ of certiorari and shall be governed by the Florida Appellate Rules.

H. Exemptions. Exemptions shall be reviewed administratively for compliance with applicable county codes, and shall not be heard by the ~~board of county commissioners~~ BCC. Exemptions to this section 9.04.06 shall include:

1. The removal of any plant defined as **exotic vegetation** by county code.
2. Any modification, maintenance, or repair, to any existing **structure** within limits of the existing foundation or footprint, which does not require, involve, or include any additions to, or repair or modifications of, the existing foundation of that **structure**, except those modifications required by code, excluding additions or enclosure added, constructed, or installed below the first **dwelling floor** or lowest deck of the existing **structure**.
3. Any **structures**, that: 1) do not constitute fixed **structure(s)**, 2) do not require a **building** permit, 3) weigh less than 100 pounds, and 4) upon review by the County Manager or his designee ~~or his designees, is determined to~~ does not present an actual or potential threat to the **beach** and the **dune** system and **adjacent** properties are exempt from the variance requirements of this division section. This exemption shall not be effective during sea turtle nesting season (May 1--October 31) unless the **structures** are removed daily from the **beach** prior to 9:30 p.m. and are not moved onto, or placed on, the **beach** before completion of monitoring conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit (daily sea turtle monitoring), or unless the **beach** furniture is being actively used or attended during the period of time from 9:30 pm until the next day's monitoring. Exemptions allowed under this provision are not intended to authorize any violation of F.S. § 370.12, or any of the provisions of the Endangered Species Act of 1973, as it may be amended.

SUBSECTION 3. RR. AMENDMENTS TO SECTION 10.01.02 Development Orders Required

Section 10.01.02 Development Orders Required, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

10.01.02. Development Orders Required

A. Development Order Required. No on-site or off-site development or development related activities, including site preparation or infrastructure construction, will be allowed prior to approval of the otherwise required development order or development permit including, but not limited to: SDP, SIP, Construction Drawings, or SCP, except where early work authorization has been approved.

B. Early Work Authorization (EWA).

- 1. An EWA permit may be approved by the County Manager, or designee, for one or more of the following activities:**
 - a. Vegetation removal (site clearing).**
 - b. Excavations.**
 - c. Site filling.**
 - d. Construction of stormwater management facilities limited to ponds, retention/detention areas, interconnection culverts, and swale systems; and.**
 - e. Off-site infrastructure.**
 - f. Construction of a perimeter landscape buffer, berm, wall, or fence.**

- 2. The County may issue an EWA permit for the allowed activities, subject to demonstrated compliance with the following criteria, as applicable:**
 - a. The proposed vegetation removal complies with Section 3.05.05.O.;**
 - b. County right-of-way permit has been approved.**
 - c. A determination of native vegetation to be retained for landscaping which would comply with Section 4.06.00.**
 - d. An excavation permit has been approved.**
 - e. A Soil and Erosion Control Plan demonstrating compliance with the provisions of Section 10.02.02. C.**
 - f. Copies of all approved Agency permits being submitted, including, but not limited to: SFWMD, ACOE, USFWS, and FFWCC.**
 - g. Determination of legal sufficiency of the EWA permit by the County Attorney's Office.**
 - h. Posting of a Revegetation Bond of not less than \$2,000 nor more than \$5,000 per acre dependent on the character of vegetation being removed.**
 - i. Assurance that all underlying zoning approvals are in place (e.g. PUD, C.U., etc.)**
 - j. This approval is good for 60 days with the possibility of 2 ea. 30 day extensions dependent on the reason for the inability to gain proper approvals. After that time, cleared areas must be graded off and hydro-seeded.**
 - k. The developer must clearly state his understanding that all such preliminary construction activities are at his own risk.**
 - l. Provide assurance that the schedule of development activities created**

in accordance with the VRSFP, will commence at the time the EWA is issued, and will be a part of that 18 month time frame as set forth in Section 4.06.04 A 1.a.vii.d.

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**SUBSECTION 3. TT. AMENDMENTS TO SECTION 10.02.02
Submittal Requirements for All Applications**

Section 10.02.02 Submittal Requirements for All Applications, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

10.02.02 Submittal Requirements for All Applications

A. Environmental impact statements

* * * * *

4. Information required for application.

* * * * *

d. Native vegetation preservation.

- i. Identify the acreage and community type of all upland and wetland habitats found on the project site, according to the Florida Land Use Cover and Forms Classification System (FLUCFCS). Provide a description of each of the FLUCFCS categories identified on-site by vegetation type (species), vegetation composition (canopy, midstory and ground cover) and vegetation dominance (dominant, common and occasional).
- ii. Explain how the project meets or exceeds the **native vegetation** preservation requirement in Goal 6 of the Conservation and Coastal Management Element of the Growth Management Plan, and Chapters **4 3** and 10 of the Land **Development** Code. Provide an exhibit illustrating such. Include calculations identifying the acreage for preservation and impact, per FLUCFCS category.
- iii. For sites already cleared and in **agricultural use**, provide documentation that the **parcel(s)** are in compliance with the 25 year rezone limitation in Policy 6.1.5 of the Conservation and Coastal Management Element of the Growth Management Plan and Chapters **4 3** and 10 of the Land **Development** Code. For sites cleared prior to January 2003, provide documentation that the **parcel(s)** are in compliance with the 10 year rezone limitation previously identified in the Growth Management Plan and Land **Development** Code.

* * * * *

g. Listed species.

- i. Provide a plant and animal species survey to include at a minimum, listed species known to inhabit biological

communities similar to those existing on-site, and conducted in accordance with the guidelines of the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service. State actual survey times and dates, and provide a map showing the location(s) of species of special status identified on-site.

- ii. Identify all listed species that are known to inhabit biological communities similar to those existing on the site or that have been directly observed on the site.
- iii. Indicate how the project design minimizes impacts to species of special status. Describe the measures that are proposed as mitigation for impacts to listed species.

* * * * *

7. Exemptions.

- a. The EIS exemption shall not apply to any parcel with a ST or ACSC-ST overlay, unless otherwise exempted by section 4.02.14 H. of this Code.
- ~~a. b.~~ **Single-family or duplex uses.** Also, sSingle-family or duplex use on a single lot or parcel. Exemption shall not apply to any parcel with a ST or ACSC-ST overlay, unless otherwise exempted by section 2.03.07 D. of this Code.
- ~~b. c.~~ **Agricultural uses.** **Agricultural uses** that fall within the scope of sections 163.3214(4) or 823.14(6), Florida Statutes, provided that the subject property will not be converted to a nonagricultural use or considered for any type of rezoning petition for a period of twenty-five years after the **agricultural uses** commence and provided that the subject property does not fall within an ACSC or ST zoning overlay.
- ~~e. d.~~ **Non-sensitive areas.** Any area or **parcel** of land which is not, in the opinion of the County Manager or his designee, an **area of environmental sensitivity**, subject to the criteria set forth below, provided that the subject property does not fall within an ACSC or ST zoning overlay:
 - i. The subject property has already been **altered** through past usage, prior to the adoption of this Code, in such a manner that the proposed use will not further degrade the **environmental quality** of the site or the surrounding areas which might be affected by the proposed use.
 - ii. The major flora and fauna features have been **altered** or removed to such an extent as to preclude their reasonable regeneration or useful ecological purpose. An example would be in the case of an industrial park or a commercial development where most of the flora and fauna were removed prior to the passage of this Code.
 - iii. The surface and/or natural drainage or recharge capacity of the project site has been paved or channeled, or otherwise **altered** or improved prior to the adoption of this Code, and will not be further degraded as a result of the proposed use or **development**.

iv. The use and/or **development** of the subject property will definitely improve and correct ecological deficiencies which resulted from use and/or **development** which took place prior to the passage of this Code. An example would be where the developer proposes to reforest the area, provide additional **open space**, replace natural drainage for channeled drainage, and/or reduce **density**.

v. The use or **development** will utilize existing **buildings** and **structures** and will not require any major **alteration** or modification of the existing land forms, drainage, or flora and fauna elements of the property.

d. e. All lands lying within all incorporated municipalities in Collier County.

e. f. All NBMO Receiving Lands.

g. Single-family lots in accordance with section 3.04.01 C.1.

9. Appeals.

a. Any person aggrieved by the decision of the County Manager or his designee regarding EIS procedures or submittals (i.e. - this section of the Code) any-section-of-this-Code may file a written request for appeal, not later than ten days after said decision, with the EAC environmental advisory board or their successor organization.

b. The EAC environmental advisory board will notify the aggrieved person and the County Manager or his designee of the date, time and place that such appeal shall be heard; such notification will be given 21 days prior to the hearing unless all parties waive this requirement.

c. The appeal will be heard by the EAC environmental advisory board within 60 days of the submission of the appeal.

d. Ten days prior to the hearing the aggrieved person shall submit to the EAC environmental advisory board and to the County Manager or his designee copies of the data and information he intends to use in his appeal.

e. Upon conclusion of the hearing the EAC environmental advisory board will submit to the BCC board of county commissioners their facts, findings and recommendations.

f. The BCC board of county commissioners, in regular session, will make the final decision to affirm, overrule or modify the decision of the County Manager or his designee in light of the recommendations of the EAC environmental advisory board.

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B. Subdivision exemptions.

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12. Lot Splits. The further split or division of a lot, parcel, or any lot of record into two proposed parcels must be reviewed and approved by the County prior to any subsequent development orders or development permits being issued or approved.

Applicants for such lot splits are required to submit a survey of the property to be split depicting all existing lot dimensions, all proposed "new" lot lines, all easements of record on the subject property, and the present zoning and land use classification of the subject property, as well as all pertinent yard or setback regulations and proposed access to all resulting parcels. Appropriate access to the resulting parcels from the public road network must be demonstrated, and where necessary, may require appropriate easements for joint or cross access to be recorded before an approved lot split becomes effective. Only lot split requests meeting the applicable land development regulations, specifically including the minimum lot area and lot dimensions for the existing zoning district, may be approved, but do not become effective until evidence of the County approved lot split is also provided to the Property Appraiser or Clerk of Courts for their consideration and record-keeping, as may be applicable.

SUBSECTION 3. UU. AMENDMENTS TO SECTION 10.02.03
Submittal Requirements for Site Development Plans

Section 10.02.03 Submittal Requirements for Site Development Plans, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

10.02.03 Submittal Requirements for Site Development Plans

A. Generally.

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3. Exemptions. Due to its location or minimal impact on surrounding properties and probable minimal impacts under the site **development plan** review standard contained in section 10.02.03 A.4., standard application requirements as described in section 10.02.03 A., may be waived in part or in full by the County Manager or his designee for agriculturally related **development** as identified in the permitted and **accessory uses** section of the rural agricultural zoning district; however, a site improvement plan as required by section 10.02.03 B. addressing the application requirements deemed necessary by the County Manager or his designee shall be submitted to the planning department for review and approval.

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b. The expedited site plan for **school board review**, as referenced in section 10.02.03 A.3.a. of the Land Development Code, will consist of the following areas of review:

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iv. Environmental regulations for compliance with the Collier County GMP Conservation and Coastal Management Element in effect at the time a SBR Letter of Compliance is requested shall apply as follows:

(a) On a site by site basis, County Staff will determine the necessity for an **environmental impact statement ("EIS")** to be submitted.

- (b) The final SFWMD Environmental Resource Permit and all other agency permits for **wetlands** must be submitted prior to a determination that the SBR application is sufficient for review.
- (c) Submission of Protected Species Surveys and, if needed, wildlife management plans in accordance with the code and the GMP in effect at the time of the issuance of the SBR Letter of Compliance along with United States Fish and Wildlife Service ("USFWS") and the Florida Fish and Wildlife Conservation Commission ("FWCC") agency permits.
- (d) A site clearing plan must be submitted that shows the **native vegetation** areas to be preserved and identifies the upland/**wetlands** preserve or protected species preserves.
- (e) The GMP and LDC section 3.05.07 requires schools to provide a set percentage for **native vegetation** preservation in the Rural Fringe and the Rural Lands. The School Board must comply with the set percentages of **native vegetation** preservation.

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B. Final Site development plan procedure and requirements

A pre-application meeting shall be conducted by the County Manager or his designee, or his/her designee, prior to the submission of any site **development** or site improvement plan for review. This meeting may be waived by the County Manager or his designee upon the request of the **applicant**

- 1. **Site development plan** submittal packet: The site **development** submittal packet shall include the following, if applicable:

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- d. *Vegetation inventory*: A generalized vegetation inventory of the property shall be required to the extent necessary, as determined at the pre-application meeting, indicating the approximate location, **densities** and species of the following:
 - i. Upland, wetland and estuarine vegetation including **prohibited exotic vegetation**, mapped using FLUGGS FLUCFCS terminology.
 - ii. Any type of vegetation identified for preservation.
 - iii. Projects containing the following shall provide a survey of identifying species and locations on a current aerial photograph at a scale of one inch equals 200 feet or larger or superimposed on the site plan:
 - (a) Plants specified to remain in place or to be transplanted to other locations on the property as specified in the applicable **development order**.
 - (b) Specimen trees designated by the ~~board of county commissioners~~ BCC, pursuant to section

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2. Site improvement plan review.

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d. Raw water wells in Collier County will be permitted as insubstantial changes to the Site Development Plan or Site Improvement Plan approved for the water treatment plant or facility to which the raw water well(s) are ancillary, provided that the requirements of Section 5.05.12 are met. More than one well may be permitted with one application provided that all wells are within the same well field. The insubstantial change submittal shall include a signed and sealed boundary survey of the property or lease parcel; a copy of recorded deed or lease agreement; a recent aerial photograph of the project area; a master plan showing all well fields ancillary to the main water treatment plant or facility, including the proposed wells; and a site-plan prepared on a 24-inch by 36-inch sheet drawn to scale and setting forth the following information:

- i. The project title, utility owner, address and telephone number.
- ii. Legal description, scale, and north arrow.
- iii. Zoning designation of the subject site(s) and adjacent sites and the proposed use of the subject site.
- iv. Location, configuration and dimensions of all building and lot improvements.
- v. Location and dimension of access point(s) to the site.
- vi. Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation.
- vii. All required and provided setbacks and separations between structures in matrix form.
- viii. Any additional relevant information as may be required by the County Manager or his designee.

d-e. Site improvement plan submittal and review. A site improvement plan (SIP) shall be prepared on a 24-inch by 36-inch sheet drawn to scale and setting forth the following information:

- I. The project title, property owner, address and telephone number.
- II. Legal description, scale, and north arrow.
- III. Zoning designation of the subject site and adjacent sites and the proposed use of the subject site.
- IV. Location, configuration and dimensions of all building and lot improvements.
- V. Location and configuration of parking and loading areas, and the directional movement of internal vehicle traffic.

- vi. Location and dimension of **access** point(s) to the site.
 - vii. Parking summary in matrix form, indicating the required and provided parking for each existing and proposed use.
 - viii. Location and configuration of handicapped parking facilities and **building** accessibility features.
 - ix. Location, dimension and configuration of existing water management facilities.
 - x. Location of trash enclosures.
 - xi. Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation.
 - xii. All required and provided **setbacks** and separations between **structures** in matrix form.
 - xiii. Any additional relevant information as may be required by the County Manager or his designee.
- e. f. Site improvement plan completion. Upon completion of the required improvements associated with a site improvement plan, and prior to the issuance of a certificate of occupancy, the engineer shall provide a completion certificate as to the improvements, together with all applicable items referenced in section 10.02.05 C.3. of this Code. Upon a satisfactory inspection of the improvements, a certificate of occupancy may then be issued.
- f. g. Performance securities for site **development plans**. In the case of multi-family the **developments** with individually owned units which are served by **subdivision** type improvements, i.e. **driveways** which function as **access** roads and drainage improvements, the developer shall be required to post a performance security in a form as outlined in section 10.02.04 B.3.e. of this Code. Calculations for the amount of the security shall be determined as outlined in this Chapter of this Code. The performance security shall be accepted by the county prior to the issuance of the first certificate of occupancy for the site **development plan**. Upon a satisfactory final inspection of the improvements, which shall be no later than 24 months from approval of the site **development plan**, the performance security shall be returned to the developer. One year extensions may be granted by the engineering review director.

**SUBSECTION 3. VV. AMENDMENTS TO SECTION 10.02.04
Submittal Requirements for Plats**

Section 10.02.04 Submittal Requirements for Plats, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

10.02.04 Submittal Requirements for Plats

A. Preliminary subdivision plat requirements

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4. *Effect and limitation of approval of preliminary subdivision plat*

f Approval of improvement plans, site development plans, and final subdivision plat required prior to development. Anything contained elsewhere in this Code to the contrary notwithstanding, no development shall be allowed pursuant to a preliminary subdivision plat prior to the approval of improvement plans and final subdivision plat submitted for the same or portion thereof. Authorization to commence any development prior to the completion of the provisions set forth herein in sections 10.02.05 E., 10.02.04 B.3., and 10.02.03 A.4. shall be the subject of an preliminary early work authorization as set forth herein. An preliminary early work authorization whose form and legal sufficiency shall be approved by the county attorney shall be submitted in the form established by the county attorney and shall be a legally binding agreement between the applicant and the county.

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B. Final Plat Requirements

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4. *Final subdivision plat submission requirements.*

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i. ***Rights-of-way and easements.*** All ***right-of-way*** and ***easement*** widths and dimensions shall be shown on the plat. All lots must have ***frontage*** on a public or private ***right-of-way*** in conformance with the design requirements of this section, with the exception of one division of a single platted lot or otherwise established lot of record in the Rural Agricultural or Estates zoning district into two lots, herein referred to as a "lot-split," as set forth in Section 10.02.02 B. 12, of this Code. Any such lot-split may utilize an access easement to satisfy access, and frontage requirements for the lot which would not otherwise have street frontage. The width of such access easement may not be less than twelve (12) feet and may be required to be wider at the discretion of Collier County staff, to accommodate safe access and turning movements, stormwater drainage pipes and the like. The number of access points to a public right-of-way shall not be increased as a result of the lot-split, if, in the opinion of the County staff, safe and sufficient access may be accomplished with fewer access points than existed prior to the proposed lot-split. The access easement will create a front yard for setback purposes for all lots abutting the access easement. In cases where access is presently provided by an access easement to existing lots of record in any zoning district which are not part of a recorded or unrecorded subdivision, this easement will serve to satisfy access and frontage requirements for those lots, and yards abutting the easement will be considered front yards for setback purposes.

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**SUBSECTION 3. WW. AMENDMENTS TO SECTION 10.02.06
Submittal Requirements for Permits**

Section 10.02.06 Submittal Requirements for Permits, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

10.02.06 Submittal Requirements for Permits

* * * * *

A. *Generally.* Any permit submitted to the County must meet the requirements for that particular permit, as more specifically stated below.

1. Relation to state and federal statutes.

a. *Required state and/or federal permits.* Where proposed use or **development** requires state or federal **development orders** or permits prior to use or **development**, such **development orders** or permits must be secured from state or federal agencies prior to commencement of any construction and/or **development**, including any changes in land configuration and land preparation.

b. *Development of regional impact.* Where a proposed use or **development** is a **development** of regional impact (DRI), it shall meet all of the requirements of F.S. ch. 380, as amended, prior to the issuance of any required county **development orders** or permits and commencement of construction or **development**. Submission of the application for **development** approval (ADA) for a DRI shall be simultaneous with the submission of any rezoning and/or **conditional use** application or other land use related petition required by this Code to allow for concurrent reviews and public hearings before both the planning commission and the BCC of the ADA and rezone and/or **conditional use** applications. The DRI and rezone and/or **conditional use** shall be approved prior to the issuance of any required county **development orders** or permits and commencement of construction or **development**.

2. No approval of the final **subdivision** plat, improvement plans or authorization to proceed with construction activities in compliance with the same shall require Collier County to issue a **development order** or **building** permit if (1) it can be shown that issuance of said **development order** or **building** permit will result in a reduction in the **level of service** for any public facility below the **level of service** established in the Collier County growth management plan, or (2) if issuance of said **development order** or [or] **building** permit is inconsistent with the growth management plan. Anything in this division section to the contrary notwithstanding, all **subdivision** and **development** shall comply with the Collier County Adequate Public Facilities Ordinance [Code ch. 106, art. III] and the growth management plan.

B. ***Building or Land Alteration Permits.***

1. ***Building or land alteration permit and certificate of occupancy compliance process.***

a. *Zoning action on building or land alteration permits.* The County Manager or his designee shall be responsible for determining whether applications for **building** or **land alteration** permits, as required by the Collier County **Building** code or this Code are in accord with the requirements of this Code, and no **building** or **land alteration** permit shall be issued without written approval that plans submitted conform to

applicable zoning regulations, and other land **development** regulations. For purposes of this section a land **alteration** permit shall mean any written authorization to **alter** land and for which a **building** permit may not be required. Examples include but are not limited to clearing and excavation permits, site **development plan** approvals, agricultural clearing permits, and blasting permits. No **building** or **structure** shall be erected, moved, added to, **altered**, utilized or allowed to exist and/or no land **alteration** shall be permitted without first obtaining the authorization of the required permit(s), inspections and certificate(s) of occupancy as required by the Collier County **Building Code** or this Code and no **building** or land **alteration** permit application shall be approved by the County Manager or his designee for the erection, moving, addition to, or **alteration** of any **building**, **structure**, or land except in conformity with the provisions of this Code unless he shall receive a written order from the board of zoning appeals in the form of an administrative review of the interpretation, or variances as provided by this Code, or unless he shall receive a written order from a court or tribunal of competent jurisdiction.

- b. *Application for **building** or land alteration permit.* All applications for **building** or land **alteration** permits shall, in addition to containing the information required by the **building** official, be accompanied by all required plans and drawings 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, **altered** or allowed to exist; the existing 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; changes in grade, including details of berms; and such other information with regard to the **lot** and existing/proposed **structures** as provided for the enforcement of this Land **development** Code. In the case of application for a **building** or land **alteration** permit on property adjacent to the Gulf of Mexico, a survey, certified by a land surveyor or an engineer licensed in the State of Florida, and not older than 30 days shall be submitted. If there is a storm event or active erosion on a specific parcel of land for which a **building** or land **alteration** permit is requested, which the County Manager or his designee determines may effect the **density** or other use relationship of the property, a more recent survey may be required. Where ownership or property lines are in doubt, the County Manager or his designee 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 the commencement of construction.
- c. *Construction and use to be as provided in applications; status of permit issued in error.* **Building** or land **alteration** permits or certificates of occupancy issued on the basis of plans and specifications approved by the County Manager or his designee authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. **Building** use arrangement, or construction different from that authorized shall be deemed a violation of this Land **development** Code.

- i. Statements made by the **applicant** on the **building** or **land alteration** permit application shall be deemed official statements. Approval of the application by the County Manager or his designee shall, in no way, exempt the **applicant** from strict observance of applicable provisions of this Land **Development** Code and all other applicable regulations, ordinances, codes, and laws.
- ii. A **building** or **land alteration** 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.

d. Adequate public facilities required. No **building** or **land alteration** permit or certificate of occupancy shall be issued except in accordance with the Collier County Adequate Public Facilities Ordinance, Ord. No. 90-24 (chapters 3, 6 and 10 of this Code) and Rule 9J-5.0055, F.A.C.

e. Improvement of property prohibited prior to issuance of **building** permit. No site work, removal of protected vegetation, 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 Land **development** Code or other applicable county regulations. Exceptions to this requirement may be granted by the County Manager or his designee for an approved **subdivision** or site **development plan** to provide for distribution of fill excavated on-site or to permit construction of an approved water management system, to minimize stockpiles and hauling off-site or to protect the public health, safety and welfare where clearing, grading and filling plans have been submitted and approved meeting the warrants of section 4.06.04 A. of this Code; removal of **exotic vegetation** shall be exempted upon receipt of a vegetation removal permit for exotics pursuant to Chapters 4 and 10.

- i. In the event the improvement of property, construction of any type, repairs or remodeling of any type that requires a **building** permit has been completed, all required inspection(s) and certificate(s) of occupancy must be obtained within 60 days after the issuance of after the fact permit(s).

e. f. Zoning and land use approval required prior to or simultaneously with issuance of **building** or **land alteration** permit or occupancy of land and space. A zoning certificate, attesting to compliance with all aspects of the zoning provisions of the Land **development** Code, shall be required prior to obtaining a **building** or **land alteration** permit or to occupying any space of land or **buildings** or for the conduct of a business in all zoning districts. The following zoning certificate review procedure shall provide for the issuance of a zoning certificate.

- i. For the purposes of determining compliance with the zoning provisions of the Land **Development** Code, an approval of a site **development plan** pursuant to section 10.02.03 herein, authorizes the issuance of a zoning certificate. Said zoning certificate shall constitute a statement of compliance with all applicable provisions of

the Land Development Code, including the uses of the **building** space upon which applicable off-street parking and loading requirements were based, however, issuance of a zoning certificate shall not exempt any person from full compliance with any applicable provision of the Land Development Code.

- ii. In subdivided **buildings** each space for which a use is proposed requires a zoning certificate for that particular space, independent of any approval conferred upon the **building** and the land pursuant to section 10.02.03 and of a zoning certificate issued for the **building** and the land, shall be required.
- iii. A zoning certificate shall be required for any use of land or **buildings** located in residential zoning districts, which involve the conduct of a commercial or other nonresidentially allowed uses of land or **buildings**.

C. *Vegetation Removal permit requirements.*

1. Other permits required. No vegetation removal permit or ~~final development order~~ authorizing site clearing or site improvements shall be issued by the County Manager or his designee until all applicable federal and state, and County approvals as designated by the County Manager or his designee have been obtained. These approval may or may not include, but are not limited to:

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D. *Agricultural land clearing.*

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1. Land clearing notice. No later than 60 days prior vegetation removal as part of agricultural operations that fall within the scope of sections 163.3162(4) or 823.14(6), Florida Statutes, the property owner shall provide notice to the ~~environmental services director~~ County Manager or designee that the removal will occur. Said notice shall include the following information:

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E. *Enforcement and penalties.*

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2. Restoration standards. If an alleged violation of this Code has occurred and upon agreement between the County Manager or his designee and the violator, or if they cannot agree, then, upon conviction by the court or the code enforcement board, in addition to any fine imposed, a restoration plan shall be ordered in accordance with the following standards:

* * * * *

c. The understory vegetation shall be restored to the area from which protected trees were unlawfully removed. The selection of plants shall be based on the characteristics of the Florida Land Use, Covers and Form Classifications System (~~FLUGCS~~) (FLUCFCS) code. Shrubs, ground cover, and grasses shall be restored as delineated in the ~~FLUGCS~~ FLUCFCS code. The species utilized shall be with relative proportions characteristic of those in the ~~FLUGCS~~ FLUCFCS code. The exact number and type of species required may also be based upon the

existing indigenous vegetation on the **adjacent** property at the discretion of the County Manager or his designee.

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3. Corrective measures for environmental violations.

a. *Mitigation.*

- i. The person(s) responsible for violations of the environmental sections of the Land **development** Code shall be notified according to section 8.08.00 and shall have 30 days to prepare a mitigation plan that is acceptable to the county to resolve the violation. The mitigation plan shall be submitted to **development** services staff for review and comment. Once the plan is accepted by **development** services, the responsible party shall have 15 days to complete the mitigation unless other arrangements are specified and agreed upon in the mitigation plan.
- ii. Mitigation shall restore the area disturbed unless the responsible party demonstrates that off-site mitigation will successfully offset the impacts being mitigated for. Off-site mitigation shall be on lands under the control of a public agency, or identified for public acquisition, or on lands protected from future **development**. Ratios for off-site mitigation shall be as follows: two to one for uplands and three to one for **wetlands**.
- iii. The selection of plants to be used shall be based on the characteristics of the Florida Land Use, Covers and Forms Classification System (**FLUCGS**) FLUCFCS Code. The exact number and type of species required may vary depending on the existing indigenous vegetation found at the site.

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c. *Site-specific review criteria.*

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- vi. A program to control **prohibited exotic vegetation** (section 3.05.07 08) in the mitigation area shall be required.

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F. *Wellfield conditional use permit and standards.*

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5. Administrative review of wellfield **conditional use** permit petition.

- a. The county manager shall review the petition for wellfield **conditional use** permit for compliance with sections 3.06.12 and 3.06.13 of this **division section** in the same procedural manner as for a certificate to operate.

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H. *Coastal Construction Setback Line Permits.* The following activities seaward of the coastal construction **setback line** shall not require a hearing by the board of county commissioners, but shall require a coastal construction **setback line** permit. Such permit shall be

reviewed and approved administratively by site **development** review environmental staff. The appropriate fee as set by county resolution shall be submitted with permit application.

1. Construction of a **dune** walkover when a Florida Department of Environmental Protection (FDEP) permit has been obtained and the following criteria have been met.

a. A maximum width of six feet.

b. A minimum separation of 200 feet between walkovers when two or more walkovers are proposed on a single **parcel**.

2. Creation, restoration, re-vegetation or repair of the **dune** or other natural area seaward of the CCSL on an individual **parcel** of land, when a Florida Department of Environmental Protection (FDEP) permit has been obtained and the following criteria have been met.

a. Sand used must be compatible in color and grain size to existing sand subject to FDEP requirements.

b. Plants utilized shall be 100 percent native coastal species.

c. Restoration plans shall be designed by an individual with expertise in the area of environmental sciences, natural resource management or landscape architecture. Academic credentials shall be a bachelors or higher degree. Professional experience may be substituted for academic credentials on a year for year basis, provided at least two years professional experience are in the State of Florida.

3. Certain activities that may temporarily alter ground elevations such as artificial beach nourishment projects, excavation or maintenance dredging of inlet channels may be permitted seaward of the coastal construction setback line if said activity is in compliance with the Collier County GMP and receives Federal and State agency approvals. Until such time as the fee schedule can be amended, the fee shall be \$400.00 for these beach nourishment permits.

~~3.~~ 4. Penalty and civil remedies.

a. *Penalty for a violation of section 9.04.06.* Notwithstanding the penalties set forth elsewhere in this Code, the following violations of section 9.04.06 H., which occur during sea turtle nesting season:

i. Setting up of any **structures** , prior to daily sea turtle monitoring, 2) failing to remove all **structures** from the **beach** by 9:30 p.m., or 3) failing to have lights, so required, turned off by 9:00 pm., are subject to the following penalties:

First violation: Up to \$1,000.00 fine.

Second violation: \$2,500.00 fine.

Third or more violation: \$5,000.00 fine.

ii. **Beach** front property owners who leave **beach** furniture unattended on the **beach** between 9:30 pm and the time of the next day's sea turtle monitoring, are subject to the following penalties:

First violation: Written notice of ordinance violation.

Second violation: Up to \$1,000.00 fine.

Third violation: \$2,500.00 fine.

More than three violations: \$5,000.00 fine.

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1. Vehicle on the beach regulations.

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2. Exceptions; permit. All permits to allow operation of vehicles on county **beaches** shall expire on April 30, of each year, to coincide with the beginning of sea turtle nesting season. During sea turtle nesting season, May 1 through October 31, of each year, all permits shall be subject to section 10.02.06 I.3 below.

a. Sheriff, city, state and federal police, emergency services, and the Florida Fish and Wildlife Conservation Commission vehicles operated or authorized by officers of these departments operating under orders in the normal course of their duties shall be exempt from the provisions of this division section.

b. Vehicles which must travel on the **beaches** in connection with environmental maintenance, conservation, environmental work, and/or for purposes allowed by Collier County Ordinance No. 89-16, providing that the vehicle(s) associated with the permitted uses of Collier County Ordinance No. 89-16 remain stationary, except to **access** and egress the **beach**, shall be exempt from the provisions of this division section if a permit has been obtained from the environmental services department director or his designee, and said [permit] is prominently displayed on the windshield of such vehicle and kept with the vehicle and available for inspection. The procedure for obtaining such a permit shall be by application to the environmental services department director in writing stating the reason or reasons why it is necessary for such vehicle or vehicles to be operated on the **beaches** in connection with an environmental maintenance, conservation, environmental purpose and/or for purposes allowed by Collier County Ordinance No. 89-16, taking into consideration the vehicular use restriction previously stated as a criterion for an exception, and permit for such vehicle or vehicles shall be issued by the environmental services department director if the environmental services department director is satisfied that a lawful and proper environmental maintenance, conservation, environmental purpose and/or purpose as described above and allowed by Collier County Ordinance No. 89-16 will be served thereby.

c. Baby buggies (perambulators), toy vehicles, toy wagons, wheelchairs or similar devices to aid disabled or non-ambulatory persons shall be exempt from the provisions of this division section.

d. **Vehicle-on-the-beach** permits issued in conjunction with special or annual **beach** events, in conjunction with permanent concession facilities, or for other routine functions associated with permitted uses of commercial **hotel** property. Vehicles which are used in conjunction with functions on the **beach**, are exempt from the provisions of this division section if a vehicle-on-the-beach permit has been granted by the environmental

~~services director or his~~ County Manager or designee. All permits issued are subject to the following conditions and limitations:

- * * * * *
3. Operation of vehicles on the **beach** during marine turtle nesting season. The operation of motorized vehicles, including but not limited to self-propelled, wheeled, tracked, or belted conveyances, is prohibited on coastal **beaches** above mean high water during sea turtle nesting season, May 1 to October 31, of each year, except for purposes of law enforcement, emergency, or conservation of sea turtles, unless such vehicles have a valid permit issued pursuant to this ~~division~~ section. Permits issued pursuant to this ~~division~~ section are not intended to authorize any violation of F.S. § 370.12, or any of the provisions of the Endangered Species Act of 1973, as it may be amended.
 - a. All vehicle use on the **beach** during sea turtle nesting season, May 1 to October 31, of each year must not begin before completion of monitoring conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit.
 4. Penalties. Notwithstanding the penalties set forth elsewhere in this Code, violations of this ~~division~~ section are subject to the following penalties:

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SUBSECTION 3.XX. AMENDMENTS TO SECTION 10.02.07 Submittal Requirements for Certificates of Public Facility Adequacy

Section 10.02.07 Submittal Requirements for Certificates of Public Facility Adequacy, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

10.02.07. Submittal Requirements for Certificates of Public Facility Adequacy

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C. *Certificate of public facility adequacy.*

1. General.

- a. A certificate of public facility adequacy (**COA**) shall be issued concurrently with the approval of the next to occur **final local development order**. At the time a certificate of public facility adequacy is issued, fifty percent of the estimated transportation impact fees must be paid into the applicable trust fund pursuant to 10.02.07 C.1.e., and such funds will be immediately available for appropriation to implement capital road facility improvements, except that for those non-residential (i.e., typically commercial or industrial) developments otherwise required to obtain approval of an SDP prior to the issuance of a building permit, applicants for a final subdivision plat may elect to:

1. comply with the applicable regulations of this section as to one or more of the lot(s) of the FSP and obtain a COA specifically for just that lot or lots at a specified intensity of development; or

ii. delay submitting a TIS and obtaining a COA for all of the proposed lots, or just those remaining lots not then already complying with this section, until a required SDP is applied for and the terms of this section are then complied with including payment of estimated transportation impact fees.

The subject development is not allocated any available road system capacity or considered eligible to be vested for transportation concurrency purposes, however, until approval of a TIS, payment of 50% estimated Transportation Impact Fees, and issuance of a COA in accordance with Chapters 3, 6, and 10 of this Code and Rule 9J-5.0055, F.A.C.

Impact fees for all other Category "A" capital improvements will be paid at the time of issuance of building permits at the rate then currently applicable.

b. ~~Annual Traffic/PUD Monitoring Report. On After February 6, 2003, [the effective date of this section's amendment], all PUDs which are less than 90 percent built-out, must annually submit a report detailing their progress toward build-out of the development. The traffic report must be submitted as part of the annual PUD monitoring report on or before the anniversary date of the PUD's approval by the Board per LDC section 10.02.13, F.42-LDC. The written report must be submitted to, and be in, a format established by the County Manager, or designee, unless payment-in-lieu is provided pursuant to section 10.02.13, F., Transportation Administrator and must indicate any revised estimates to the initial build-out schedule and any resulting effect on traffic impact projections, along with any progress towards completing any developer contribution requirements. Traffic/PUD Monitoring Reports which are more than ninety (90) days past due will result in the suspension of final local development order issuance for the PUD pending receipt of the Report.~~

c. Where the proposed development has been issued final subdivision plat approval or final site development plan approval prior to the effective date of this section, i.e., on or about November 3, 1993, a certificate of public facility adequacy shall be obtained prior to approval of the next development order required for the proposed development.

d. Estimated transportation impact fees for a development shall be paid into the applicable impact fee trust fund in the amount estimated to be due upon issuance of the final local development order(s) for the development upon or prior to issuance of a certificate of public facility adequacy for the development.

Developments that have paid estimated impact fees for all Category "A" facilities prior to February 6, 2003 ~~the [effective date of this section's amendment], and which elect to come under the provisions of this section may make payment of estimated impact fees into the applicable transportation impact fee trust fund such that previously paid estimates may be applied as a credit towards the impact fees calculated and due as a prerequisite to the issuance of the final local development order(s) for the development. If the developer does not elect to come under the provisions of this division, impact fees paid into the impact fee escrow trust fund prior to February 6, 2003, [the effective date of this section's amendment] shall be refundable upon written request to the County Manager or designee ~~Community development and Environmental Services Division Administrator~~~~

accompanied by the surrender of the original certificate of public facility adequacy obtained prior to issuance of **final local development order(s)** for the **development**. Fees paid into applicable impact fee trust accounts as a prerequisite to the issuance of **final local development order(s)** prior to February 6, 2003, the ~~[effective date of this section's amendment]~~ in accordance with the applicable consolidated impact fee regulations ordinances in Chapter 74 of the Code of Laws and Ordinances shall be refundable pursuant to the provisions of such regulations ordinances upon written request to the Finance Director, Clerk of Courts.

SUBSECTION 3.YY. AMENDMENTS TO SECTION 10.02.12 Building or Land Alteration Permits

Section 10.02.12 **Building or Land Alteration Permits**, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

~~10.02.12 Building or Land Alteration Permits~~

~~A. Building or land alteration permit and certificate of occupancy compliance process.~~

~~1. Zoning action on building or land alteration permits. The County Manager or his designee shall be responsible for determining whether applications for **building or land alteration** permits, as required by the Collier County **building** code or this Code are in accord with the requirements of this Code, and no **building or land alteration** permit shall be issued without written approval that plans submitted conform to applicable zoning regulations, and other land **development** regulations. For purposes of this section a land **alteration** permit shall mean any written authorization to **alter** land and for which a **building** permit may not be required. Examples include but are not limited to clearing and excavation permits, site **development plan** approvals, agricultural clearing permits, and blasting permits. No **building or structure** shall be erected, moved, added to, **altered**, utilized or allowed to exist and/or no land **alteration** shall be permitted without first obtaining the authorization of the required permit(s), inspections and certificate(s) of occupancy as required by the Collier County **building** code or this Code and no **building or land alteration** permit application shall be approved by the County Manager or his designee for the erection, moving, addition to, or **alteration** of any **building, structure**, or land except in conformity with the provisions of this Code unless he shall receive a written order from the board of zoning appeals in the form of an administrative review of the interpretation, or variances as provided by this Code, or unless he shall receive a written order from a court or tribunal of competent jurisdiction.~~

~~2. Application for building or land alteration permit. All applications for **building or land alteration** permits shall, in addition to containing the information required by the **building** official, be accompanied by all required plans and drawings 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, **altered** or allowed to exist; the existing 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; changes in grade, including details of berms; and such other information with regard to the lot and existing/proposed structures as provided for the enforcement of this~~

~~Land development Code. In the case of application for a building or land alteration permit on property adjacent to the Gulf of Mexico, a survey, certified by a land surveyor or an engineer licensed in the State of Florida, and not older than 30 days shall be submitted. If there is a storm event or active erosion on a specific parcel of land for which a building or land alteration permit is requested, which the County Manager or his designee determines may effect the density or other use relationship of the property, a more recent survey may be required. Where ownership or property lines are in doubt, the County Manager or his designee 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 the commencement of construction.~~

~~3. Construction and use to be as provided in applications; status of permit issued in error. Building or land alteration permits or certificates of occupancy issued on the basis of plans and specifications approved by the County Manager or his designee authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Building use arrangement, or construction different from that authorized shall be deemed a violation of this Land Development Code.~~

~~a. Statements made by the applicant on the building or land alteration permit application shall be deemed official statements. Approval of the application by the County Manager or his designee shall, in no way, exempt the applicant from strict observance of applicable provisions of this Land Development Code and all other applicable regulations, ordinances, codes, and laws.~~

~~b. A building or land alteration 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.~~

~~4. Adequate public facilities required. No building or land alteration permit or certificate of occupancy shall be issued except in accordance with the Collier County Adequate Public Facilities Ordinance, Ord. No. 90-24 (chapters 3, 6 and 10 of this Code) and Rule 9J-5.0055, F.A.C.~~

~~5. Improvement of property prohibited prior to issuance of building permit. No site work, removal of protected vegetation, 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 Land Development Code or other applicable county regulations. Exceptions to this requirement may be granted by the County Manager or his designee for an approved subdivision or site development plan to provide for distribution of fill excavated on-site or to permit construction of an approved water management system, to minimize stockpiles and hauling off-site or to protect the public health, safety and welfare where clearing, grading and filling plans have been submitted and approved meeting the warrants of section 4.06.04 of this Code; removal of exotic vegetation shall be exempted upon receipt of a vegetation removal permit for exotics pursuant to Chapter 3 and this Chapter 10.~~

~~a. In the event the improvement of property, construction of any type, repairs or remodeling of any type that requires a building~~

~~permit has been completed, all required inspection(s) and certificate(s) of occupancy must be obtained within 60 days after the issuance of after the fact permit(s).~~

~~6. Zoning and land use approval required prior to or simultaneously with issuance of building or land alteration permit or occupancy of land and space. A zoning certificate, attesting to compliance with all aspects of the zoning provisions of the Land Development Code, shall be required prior to obtaining a building or land alteration permit or to occupying any space of land or buildings or for the conduct of a business in all zoning districts. The following zoning certificate review procedure shall provide for the issuance of a zoning certificate.~~

~~a. For the purposes of determining compliance with the zoning provisions of the Land Development Code, an approval of a site development plan pursuant to section 10.02.03 herein, authorizes the issuance of a zoning certificate. Said zoning certificate shall constitute a statement of compliance with all applicable provisions of the Land Development Code, including the uses of the building space upon which applicable off street parking and loading requirements were based, however, issuance of a zoning certificate shall not exempt any person from full compliance with any applicable provision of the Land Development Code.~~

~~b. In subdivided buildings each space for which a use is proposed requires a zoning certificate for that particular space, independent of any approval conferred upon the building and the land pursuant to section 10.02.03 and of a zoning certificate issued for the building and the land, shall be required.~~

~~c. A zoning certificate shall be required for any use of land or buildings located in residential zoning districts, which involve the conduct of a commercial or other nonresidentially allowed uses of land or buildings.~~

SUBSECTION 3. ZZ. AMENDMENTS TO SECTION 10.02.13 PUD Reporting Procedures

Section 10.02.13 PUD Reporting Procedures, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

10.02.13. Planned Unit Development (PUD) Procedures

* * * * *

F. Monitoring requirements. In order to ensure and verify that approved project densities or intensities of land use will not be exceeded and that development commitments will be fulfilled and are consistent with the development's approved transportation impact study, annual monitoring reports must be submitted by the owner(s) of a PUD to the County Manager or his designee.

1. The monitoring report must be prepared in a County approved format ~~to include as~~ an affidavit executed by the property owner(s) attesting that the information contained in the monitoring report is factually correct and complete. These reports are to be submitted annually, on or before each anniversary of the date said PUD was approved by the Board until the PUD is completely constructed and all commitments in the PUD document/master plan are met (built out).

2. The monitoring report must provide the following information:

- a. ~~1-~~Name of project.
- b. ~~2-~~Name of owner.
- c. ~~3-~~Number of units, by residential type; square footage and acreage of recreation facilities, commercial and other permitted uses; infrastructure and/or other uses which are complete and approved or for which a valid permit has been issued, but which have not been completed and any on-site or off-site commitments completed and approved as of the due date of the monitoring report.
- d. ~~4-~~Up-to-date PUD master plan showing infrastructure, projects/**developments**, plats, **parcels** and other pertinent information, including on-site or off-site commitments.
- e. ~~5-~~A ~~T~~traffic counts report for all **access** points to the **adjacent** roadway network which must be signed and sealed by a professional engineer and performed over a 72-hour weekday period to include 15 minute intervals and turning movements in the PM peak two hours; except that the owner(s) of the PUD, in lieu of submitting an annual traffic count report, may elect to make a payment to the County in an amount equal to the cost to conduct the required traffic count(s) as defined in an engineer's certified estimate of such costs. Such funds received must be used by the County to count traffic on the major roadway network used by the development as defined in the originally submitted traffic impact statement.
- f. ~~6-~~Copies of all required monitoring reports completed in past year (i.e., traffic, wellfield, etc.).
- g. ~~7-~~Up-to-date PUD document which includes all approved amendments as of the date of the monitoring report.
- h. ~~8-~~Status of commitments in PUD document, including projected completion dates if then established.
- i. ~~9-~~Other information as may be required by County Manager or his designee.

~~3.10. Monitoring reports must be submitted in a Affidavit form drafted and supplied approved by Collier County to be executed by the owner(s) of the PUD.~~

~~4. Change of ownership. A Change in ownership of portions of a PUD development shall not absolve the original owner of the requirement to file an annual monitoring report. Transferring responsibility for filing the annual monitoring report to an entity other than the original owner may be demonstrated in the form of an executed agreement between the original owner and the new entity which when filed with the planning services department director shall automatically transfer responsibility for filing that the annual monitoring report.~~

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**SUBSECTION 3. AAA. AMENDMENTS TO SECTION 10.02.14
Landscape Plans**

Section 10.02.14 Landscape Plans, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

Section 10.02.14 Landscape Plans

- A. **Landscape plan required.** Prior to the issuance of any preliminary subdivision plat, final site development plan, or building permit, an applicant whose development is covered by the requirements of this section must submit a landscape plan to the County Manager or his

designee. The landscape plan must bear the seal of a Landscape Architect registered in the State of Florida. The landscaping required for single-family, two family, and **mobile home dwelling units** must be shown on the **building permit plot plan**. This plan is not required to bear the seal of a landscape architect.

* * * * *

1. **Public educational facilities and Plant, ancillary plant, and auxiliary facility. Essential services** including Collier County Public Schools (CCPS)/public Educational and **ancillary plants**, and other public facility projects developed jointly with CCPS may demonstrate that the intent of this division section can be effectively accomplished without meeting specific **development** standards. The **applicant** must request an administrative review of the alternative design, as outlined in paragraph (a) below. The deviations are limited to quantity of plant material and the School district must demonstrate that the deviation is necessary as a result of an educational program or joint use of the school site with another public facility or use.

a. *Procedure.* In addition to the base submittal requirements, **applicants** shall clearly label the plan submitted as an "Alternative Landscape Code Plan". This plan shall reference the deviations on the plan. An **applicant** must submit a narrative description identifying the code **development** standards required by this section which will be addressed through the alternative approach. The County Manager or his designee will administratively review submittal documents for consistency with the intent of this division section. If the plan is approved through this provision, the approved deviations must be specifically noted and the basis of the approval must be stated within the site **development plan** approval letter. Deviations approved will be applicable only to the specific design and plan reviewed. Modifications of an approved design will void the deviation request and require resubmittal to planning services staff for re-evaluation of the request in the context of the amended design and plan.

b. *Exemption.* An administrative deviation is not required for specific standards relating to placement of plant materials if the intent of the Code can nonetheless be carried out without meeting these standards. The intent of the division section can be demonstrated by detailing a specific health, safety, or welfare concern as defined by SREF or as may be unique to a specific site or educational program that would override the need to provide plant materials. A copy of SREF, as may be amended, is available in the records room in the Community **Development Development** and Environmental Services Division **building**.

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SUBSECTION 3. BBB. AMENDMENTS TO SECTION 10.03.05 Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, The EAC, and the Historic Preservation Board

Section 10.03.05 Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, The EAC, and the Historic Preservation Board, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

10.03.05 Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, The EAC, and the Historic Preservation Board

* * * * *

B. Notice and public hearing where proposed amendment would change zoning classification of land and for **CONDITIONAL USES** and variances, for planned unit development (PUD) rezoning extensions. In the case of an application for extension of PUD zoning status or the rezoning of land, to include rezonings, **conditional uses** and variances initiated by other than the board of county commissioners or amendments to planned unit developments, such provisions shall be enacted or amended pursuant to the following public notice and hearing requirements by the planning commission and the board of county commissioners. PUD extensions, Rezoning, **conditional use** and variance petitions initiated by the board of county commissioners or its agencies for county owned land shall be subject to these provisions.

* * * * *

8. For subject properties located within the urban designated area of the future land use element of the growth management plan, notice of the time and place of the public hearing by the planning commission shall be sent by the county twice. ~~The first notice shall be sent no less than 30 days after the receipt of a sufficient application by the County Manager or his designee. The second notice shall be sent at least 15 21 days in advance of the hearing. Both This~~ notices shall be sent by mail to all owners of property within ~~500~~ 1,000 feet of the property lines of the land for which an approval is sought; provided, however, that where the land for which the approval is sought is part of, or adjacent to, land owned by the same person, the ~~500~~ 1,000 foot distance shall be measured from the boundaries of the entire ownership or PUD, except that notices need not be mailed to any property owner located more than one-half mile (2,640 feet) from the subject property. 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 and any other persons or entities who have made a formal request of the county to be notified.

* * * * *

F. Public participation requirements for small-scale or other site-specific comprehensive plan amendments, rezonings, PUD amendments, conditional uses, variances or parking exemptions.

1. Applicants requesting a small-scale or other site-specific comprehensive plan amendment, rezoning, PUD amendment, or conditional use approval must conduct at least one Neighborhood Informational Meeting ("NIM") after initial staff review and comment on the application, or after notification of application sufficiency for a small-scale or other site-specific comprehensive plan amendment, and before the Public Hearing is scheduled with the Planning Commission. For a small-scale amendment, the NIM is required prior to the CCPC adoption hearing. For other site-specific comprehensive plan amendments, the NIM is required prior to the Planning Commission transmittal hearing. A second NIM for a site-specific comprehensive plan amendment, to be held prior to the Planning Commission adoption hearing, will only be required if, as determined by staff, a substantial change has occurred to the proposed amendment subsequent to the Board of County Commissioners transmittal hearing. For all other applications, the appropriate number of staff

reviews of the application returned before the NIM can be held will be at the discretion of the County Manager or his designee, only in cases where one or two pending reviews are unnecessarily hindering the **applicant** from presenting the proposal to the public. Written notice of the meeting shall be sent to all property owners who are required to receive legal notification from the county pursuant to section 10.03.05. B. above 6. or 7. Notification shall also be sent to property owners, **condominium** and civic associations whose members are impacted by the proposed land use changes and who have formally requested the county to be notified. A list of such organizations must be provided and maintained by the county, but the **applicant** must bear the responsibility of insuring that all parties are notified. A copy of the list of all parties noticed as required above, and the date, time, and location of the meeting, must be furnished to the County manager or designee and the office of the board of county commissioners no less than ten days prior to the scheduled date of the neighborhood informational meeting. The **applicant** must make arrangements for the location of the meeting. The location must be reasonably convenient to those property owners who are required to receive notice and the facilities must be of sufficient size to accommodate expected attendance. The **applicant** must further cause a display advertisement, one-fourth page, in type no smaller than 12 point and must not be placed in that portion of the newspaper where legal notices and classified advertisements appear stating the purpose, location, time of the meeting and legible site location map of the property for which the zoning change is being requested. The advertisement is to be placed within a newspaper of general circulation in the county at least seven days prior to, but no sooner than five days before, the neighborhood informational meeting. The Collier County staff planner assigned to attend the pre-application meeting, or designee, must also attend the neighborhood informational meeting and shall serve as the facilitator of the meeting, however, the **applicant** is expected to make a presentation of how it intends to develop the subject property. The **applicant** is required to audio or video tape the proceedings of the meeting and to provide a copy of same to the County manager or designee.

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SUBSECTION 3. CCC. AMENDMENTS TO SECTION 10.08.00 Conditional Use Procedures

Section 10.08.00 Conditional Use Procedures, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

10.08.00 Conditional Use Procedures

* * * * *

- I. **Conditional uses for school or religious purposes.** A use which has been approved as part of a preliminary **subdivision plat** (formerly **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 must comply with the provisions of ~~division 3.3~~ **section 10.02.03**, **site development plan approval**, as applicable, and all other zoning requirements.

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SUBSECTION 3. DDD. AMENDMENTS TO SECTION 10.09.00 Variance Procedures

Section 10.09.00 Variance Procedures, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

10.09.00 Variance Procedures

- A. Conditions and safeguards.** In recommending approval of any variance, the planning commission may recommend appropriate conditions and safeguards in conformity with this zoning code including, but not limited to, reasonable time limits within which the action for which the variance is required shall be begun or completed, or both. In the case of after-the-fact variances, the planning commission may recommend, as a condition of approval, that in the case of the destruction of the encroaching structure, for any reason, to an extent equal to or greater than 50 percent of the actual replacement cost of the structure at the time of its destruction, any reconstruction shall conform to the provisions of this Code in effect at the time of reconstruction. 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 code.
- B. Recommendation of denial.** If the planning commission recommends denial of a variance, it shall state fully in its record its reason for doing so. Such reasons shall take into account the factors stated in section 9.04.03 of this code, or such of them as may be applicable to the action of denial and the particular regulations relating to the specific variance requested if any.
- C. Status of planning commission report and recommendations.** The report and recommendation of the planning commission required above shall be advisory only and shall not be binding upon the board of zoning appeals.
- D. Notice of board of zoning appeals public hearing.** Upon completion of the public hearing before the planning commission, the petition shall be heard by the board of zoning appeals. Notice of public hearing shall be given at least 15 days in advance of the public hearing before the board of zoning appeals. The owner of the property for which the variance is sought, or his agent or attorney designated by him on his petition, shall be notified by mail. Notice of public hearing shall be advertised in a newspaper of general circulation in the county at least one time 15 days prior to the hearing.
- E. Board of zoning appeals public hearings.** 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 board of zoning appeals.
- F. Board of zoning appeals action.** Upon consideration of the planning commission's report, findings and recommendations, and upon consideration of the standards and guidelines set forth in section 9.04.03 of this code, the board of zoning appeals shall approve, by resolution, or deny a petition for a variance.
- G. Conditions and safeguards.** In granting any variance, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this zoning code, including, but not limited to, reasonable time limits within which action for which the variance is required shall be begun or completed, or both. In the case of after-the-fact variances, the board may stipulate that in the case of destruction

of the encroaching structure, for any reason, to an extent equal to or greater than 50 percent of the actual replacement cost of the structure at the time of its destruction, any reconstruction shall conform to the provisions of this Code in effect at the time of reconstruction. 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 code.

H. Limitations on power to grant variances. Under no circumstances shall the board of zoning appeals grant a variance to permit a use not permitted under the terms of this zoning code in the zoning district involved, or any use expressly or by implication prohibited, by the terms of these regulations in the said zoning district.

I. Variance application processing time. An application for a variance will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a variance will be considered "closed" when the petitioner withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the variance, for a period of six months. An application deemed "closed" will not receive further processing and shall be withdrawn and an application "closed" through inactivity shall be deemed withdrawn. The planning services department will notify the applicant of closure, however, failure to notify by the county shall not eliminate the "closed" status of a petition. An application deemed "closed" may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of "sufficiency". Further review of the request will be subject to the then current code.

1. Applicability. All applications for a variance whether submitted before or after June 26, 2003, shall comply with the processing time procedures set forth in section I. above.

SUBSECTION 3. EEE. AMENDMENTS TO APPENDIX E ACCESS MANAGEMENT PLAN MAPS

Appendix E Access Management Plan Maps, of Ordinance 04-41, as amended, the Collier County Land Development Code is hereby amended to read as follows:

APPENDIX E

ACCESS MANAGEMENT PLAN MAPS

EXPLANATION OF LEGEND AND NOTATIONS ON ACCESS MANAGEMENT PLAN MAPS:

~~Existing buildings and structures~~—Generally represents the shape, size and location of structures (primarily nonresidential) existing at the time of adoption of the map. Some uses are identified for geographic reference (e.g., banks) and others because of high traffic generation (e.g., convenience stores, shopping centers).

~~Existing ingress/egress~~—Indicates an existing drive or driveway into a project at the time of adoption of the map.

~~Approved ingress/egress, unbuilt~~—Indicates a drive, driveway or roadway approved by an existing development order (PUD, planned unit development or SDP, site development plan) but not constructed at the time of adoption of the map.

~~*New ingress/egress*~~ — Indicates desired location of future access points. Future development orders could only be approved if access points comply with these locations.

~~*Monitor for future modification/removal*~~ — Indicates an existing or approved but unbuilt access point, at the time of adoption of the map, which is to be monitored (review and analyze accidents reports, traffic volumes, and operating conditions within close proximity to the site) for possible modification or removal. Usually this symbol is accompanied by the potential change identified in parentheses, e.g., "(possible removal)." Access points may be modified thru median modification (e.g., change median opening from full to directional, etc.) and/or at the access point itself. Median modification may occur independent of site development activity. Modification or removal of the access point itself may occur at time of site redevelopment, significant site alteration, or change in use.

~~*Existing medians*~~ — Depicts location and shape of existing restrictive medians (grass or concrete median, not painted median) at the time of adoption of the map. Median dimensions are representative — no field measurements were performed.

~~*Sidewalk*~~ — Indicates existing paved sidewalk at the time of adoption of the map.

~~*Possible traffic light*~~ — Indicates the possible location of a traffic light at some time in the future.

~~*Future closure of median opening*~~ — Indicates the planned or approved closure of an existing median opening due to scheduled roadway improvements.

~~*Possible closure of median opening*~~ — Indicates the possible closure of an existing median opening.

~~*Future modification of median opening*~~ — Indicates the planned or approved modification of an existing median opening, e.g. change from full opening to directional.

~~*Possible modification of median opening*~~ — Indicates the possible modification of an existing median opening.

~~*Shares access encouraged*~~ — Indicates desire for one access point to serve two or more parcels of land. Staff would encourage/request this at time of development order review. Adjacent parcels under same ownership may be limited to a single access point onto the major roadway.

~~*Interconnect encouraged*~~ — Indicates where an interconnection between properties appears appropriate. Staff would encourage/request this at time of development order review.

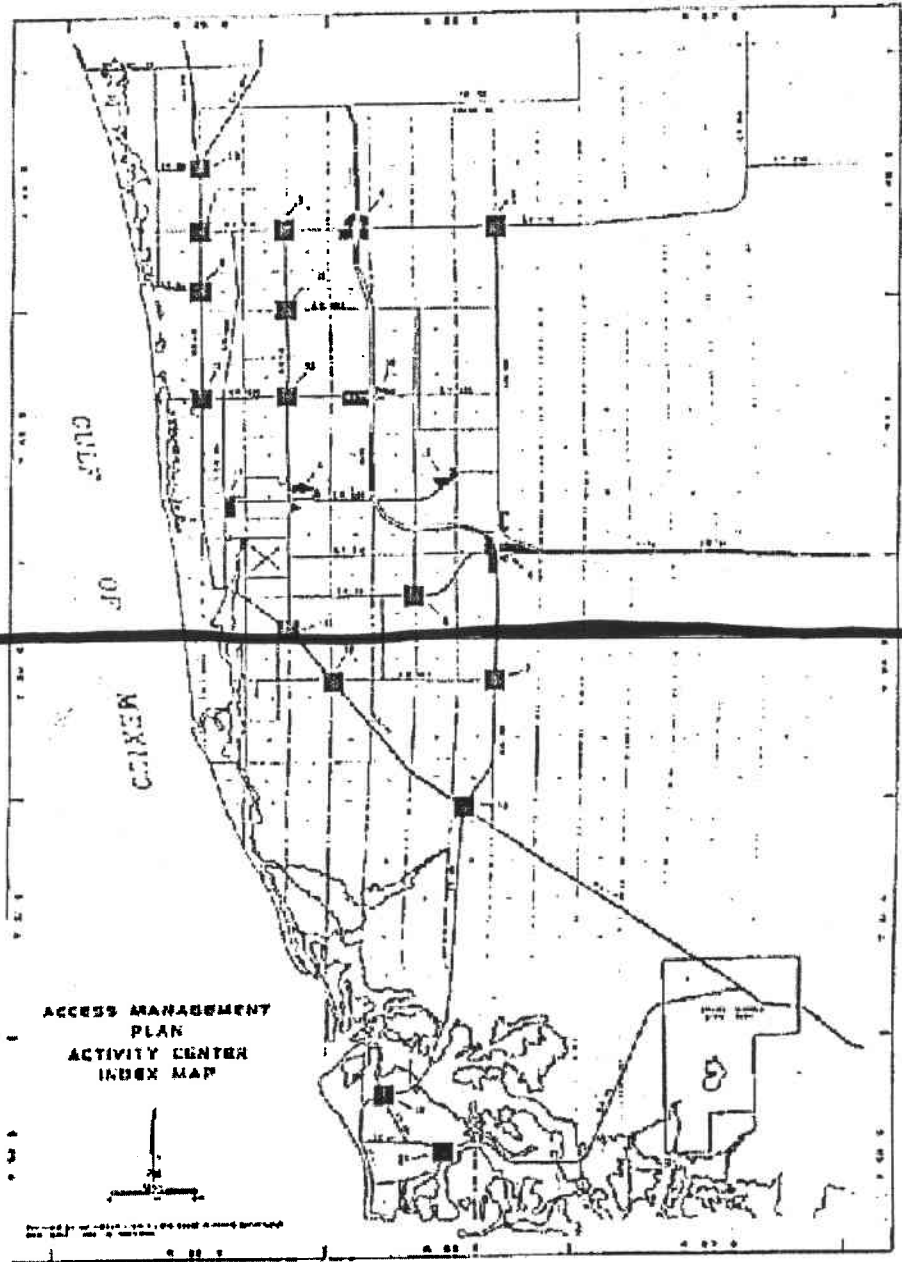
~~*Potential interconnect*~~ — Indicates general location where an interconnection between properties appears appropriate and where one of the two parcels is already developed. Staff may encourage/request this at time of development order review of the undeveloped parcel and at time of redevelopment or significant use change for the existing developed parcel.

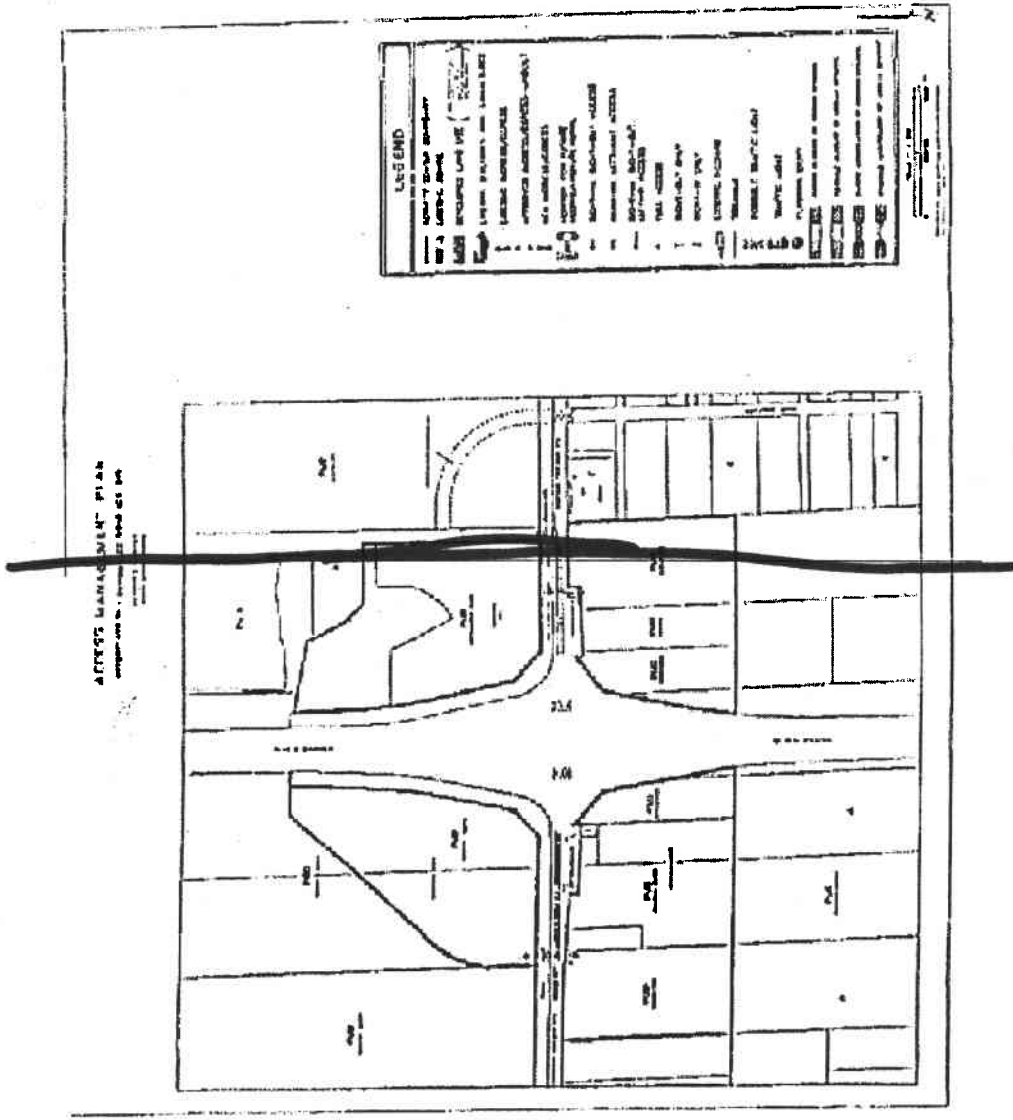
~~*No direct access to _____ (name of road)*~~ — Indicates a parcel cannot obtain access from the specified roadway resulting in access being obtained through interconnection with an adjacent property and/or from some other street.

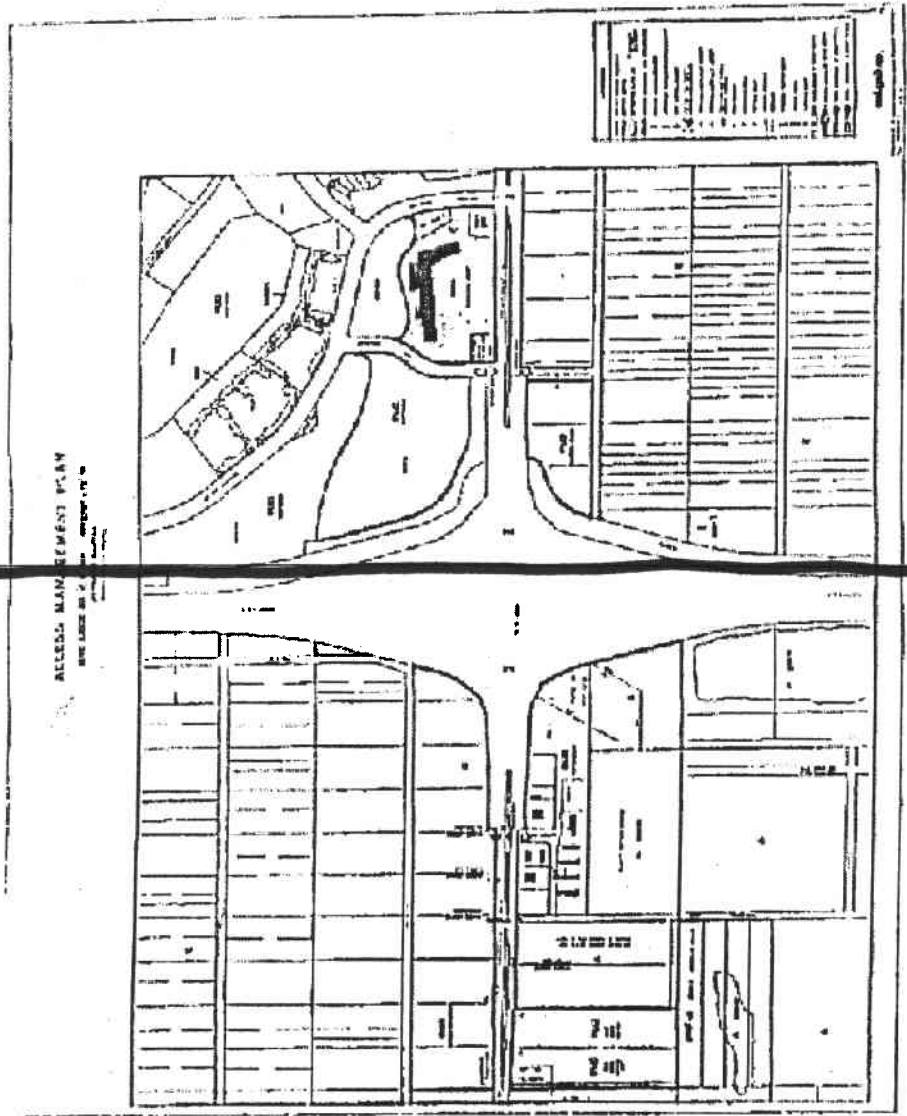
~~*No direct access to _____ (name of road) unless a shared access point*~~ — Indicates a parcel cannot obtain access from the specified roadway resulting in access being obtained through interconnection with an adjacent property and/or from some other street unless the access is shared with an adjacent property.

~~*Future removal, future right in, right out, etc.*~~ — Indicates a planned or approved change to an access point due to scheduled roadway improvements (e.g., planned future 4-laning will include median modification such that an access point changes from full to directional) or due to an approved development order for different land use which existing access point removed or modified.

~~*Possible removal, possible right in, right out, etc.*~~ — Indicates a possible change to an access point due to future median modifications not yet planned or as a result of monitoring the access point.







ACCESS MANAGEMENT PLAN

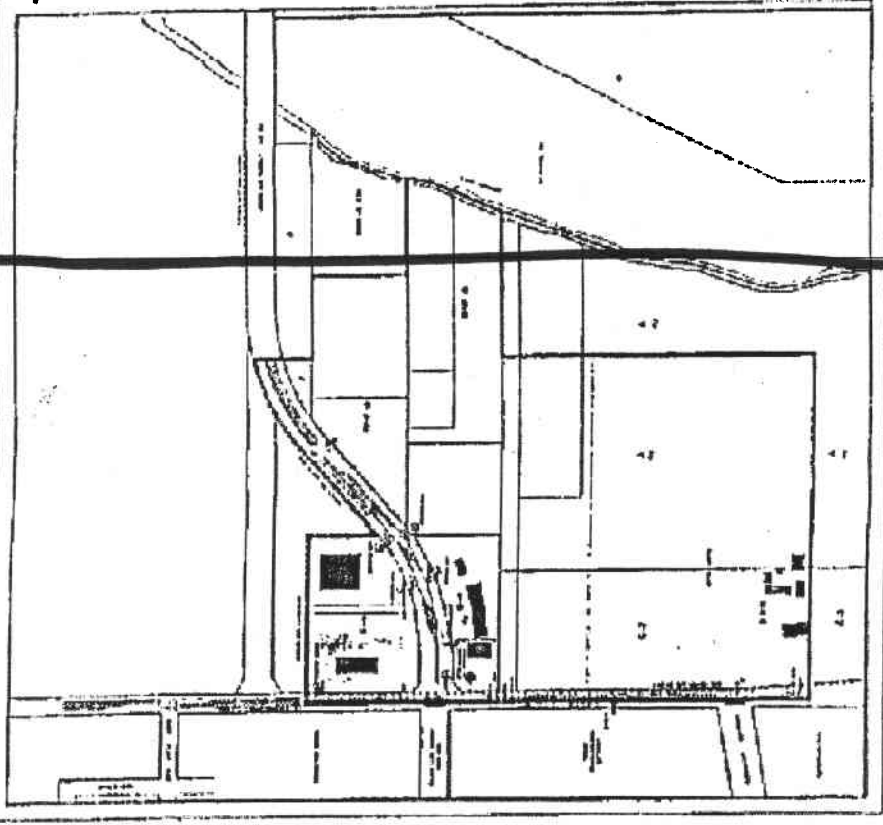
1. PURPOSE: To provide a clear and concise description of the access management plan for the project.

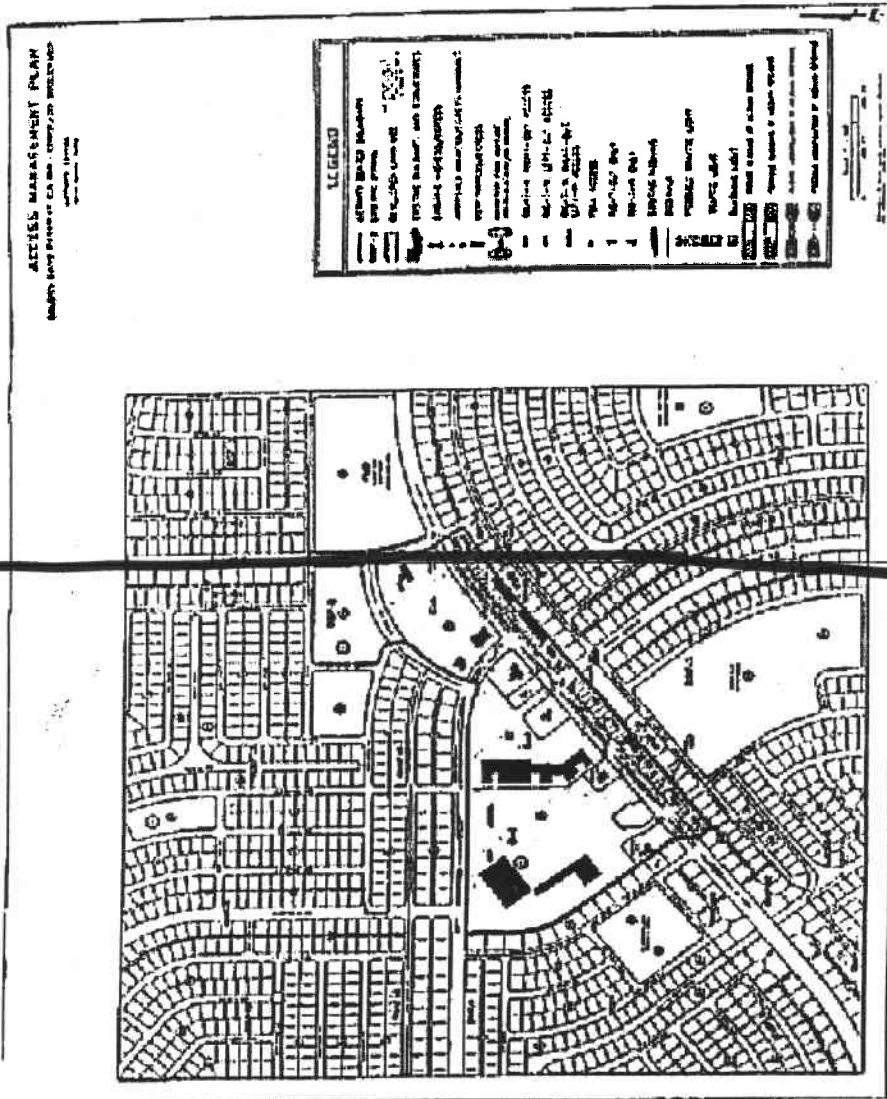
2. SCOPE: This plan applies to all access points and crossings within the project area.

3. REFERENCES: Refer to the project plan and other relevant documents for more information.

LEGEND

- 1. Access Management Plan
- 2. Access Management Plan
- 3. Access Management Plan
- 4. Access Management Plan
- 5. Access Management Plan
- 6. Access Management Plan
- 7. Access Management Plan
- 8. Access Management Plan
- 9. Access Management Plan
- 10. Access Management Plan
- 11. Access Management Plan
- 12. Access Management Plan
- 13. Access Management Plan
- 14. Access Management Plan
- 15. Access Management Plan
- 16. Access Management Plan
- 17. Access Management Plan
- 18. Access Management Plan
- 19. Access Management Plan
- 20. Access Management Plan





**SUBSECTION 3. FFF. AMENDMENTS TO APPENDIX G ANNUAL
BEACH EVENT STANDARD PERMIT
CONDITIONS**

Appendix G ANNUAL BEACH EVENT STANDARD PERMIT
CONDITIONS, of Ordinance 04-41, as amended, the Collier County Land
Development Code is hereby amended to read as follows:

**APPENDIX G ANNUAL BEACH EVENT STANDARD PERMIT
CONDITIONS**

* * * * *

10. Annual beach events which occur during Sea Turtle Nesting Season (May 1st through October 31st of each year) are also subject to the following regulations:
 - A. All required Florida Department of Environmental Protection (FDEP) Field Permits, shall be obtained and a copy furnished to Collier County prior to the time of the scheduled event as set forth in section 5.04.06.
 - B. Consistent with section ~~40.02.06~~ 5.04.06, no structure set up, or beach raking, or mechanical cleaning activity for any particular Beach Event shall not commence until after monitoring conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit has been completed.
 - C. Prior to all scheduled beach events, every beach event permit holder is required to rope off (or otherwise identify with a physical barrier) an area with no less than a 15-foot radius around each sea turtle nest that has been identified and marked on a beach, unless a greater distance is required by an applicable State permit.
 - D. Use of vehicles on the beach is prohibited, except as may be permitted under section ~~40.02.06~~ 5.04.06.
 - E. Consistent with section ~~40.02.06~~ all materials placed on the beach for the purpose of conducting permitted Beach Events must be: 1) removed from the beach by no later than 9:30 p.m. the date of the event; and 2) no structures may be set, placed, or stored on, or within ten feet of any beach dune, except that materials may remain in an identified staging area until 10:00 p.m. The location and size of all staging areas will be as identified in the annual beach events permit.

* * * * *

**SUBSECTION 3. GGG. AMENDMENTS TO APPENDIX H - LDC/UDC
COMPARATIVE TABLES**

Appendix H LDC/UDC Comparative Tables, of Ordinance 04-41, as
amended, the Collier County Land Development Code is hereby amended to
read as follows:

APPENDIX H - LDC/UDC COMPARATIVE TABLES

The tables contained in this Appendix provide a detailed cross-reference between
the sections of the LDC in effect prior to the October 18, 2004, effective date, and

the LDC sections thereafter in effect on that date. The documents are broken down into Articles, which was the format of the LDC prior to the October 18, 2004, effective date. The LDC has been revised into a Chapter format as of the October 18, 2004 date. The contents of this Appendix are as follows:

Article 1 - General Provisions

Article 2 - Zoning

Article 3 - Development Requirements

Article 4 - Impact Fees

Article 5 - Decision-Making and Administrative Bodies

Article 6 - Definitions

ARTICLE 1 - GENERAL PROVISIONS

LDC Division	LDC Section	LDC Sub-section	UDC Chapter	UDC Section	Other Notes
1.1			Chapter 1	1.01.00 – Title	
1.2.			Chapter 1	1.02.00 – Authority	
1.3.			Chapter 1	1.05.00 – Findings, Purpose and Intent	
1.4.			Chapter 1	1.05.00 – Findings, Purpose and Intent	
1.5.			Chapter 1	1.04.01 - Generally	
	1.5.1.		Chapter 1	1.04.05 – Relationship to GMP	
	1.5.2.		Chapter 1	1.04.03 – Exceptions	
	1.5.3.		Chapter 1	1.04.02 – Applicability to...	
	1.5.4.		Chapter 1	1.04.02 – Applicability to...	
	1.5.5.				Relocated to Code of Laws & Ord..
	1.5.6.		Chapter 1	1.04.01 – Generally	
	1.5.7.				Relocated to Code of Laws & Ord..
1.6.					Revised in Supp. 17 (Ord. 03-55)
	1.6.1.		Chapter 1	1.06.01 – Responsibility for...	
	§§1.6.2. – 1.6.6.			10.02.02 - Submittal Requirements for All Applications	
	1.6.7.		Chapter 1	1.06.02 – Rules for Interpretations...	
	1.6.8.		Chapter 1	1.06.03 – Interpretations Not...	
	1.6.9.		Chapter 1	1.06.02 – Rules for Interpretations...	
	1.6.10.		Chapter 1	1.06.40 – Continuity of Zoning	
1.7.			Chapter 9	9.02.00 - Development with Vested Rights- [Reserved]	This Division is no longer legally effective and therefore is not being carried forward, but the section is reserved for future amendment
1.8.			Chapter 9	9.03.00 -	§ 1.8.2. was

				Nonconformities	revised in Supp. 16 (Ord. 03-27) and Supp. 17 (Ord. 03-55)
1.9.			Chapter 8	8.08.00 - Code Enforcement Board	
1.10. Fees					This Division relocated to the County Administrative Code
1.11. – 1.17.					These "Reserved" divisions were not required for inclusion in the UDC
1.18.			Chapter 1	1.07.00 – Laws Adopted by Reference	Revised in Supp. 16 (Ord. 03-27)
1.19.			Chapter 10	10.02.08 - 11	
1.20. & 1.21.					These Divisions are replaced by Section Five in the 2004 adopting Ordinance.
1.22.					This Division is replaced by Section Four in the 2004 adopting Ordinance.
1.23					This Division is replaced by Section Seven in the 2004 adopting Ordinance.

ARTICLE 2- ZONING

LDC Division	<u>LDC Section</u>	LDC Sub-section	UDC Chapter	<u>UDC Section</u>	<u>Other Notes</u>
2.1. – General	2.1.1.				This section is not needed and is not included in the UDC.
	2.1.2.		Chapter 2	2.01.01 – Purpose	
	2.1.3.				This section is not needed and is not included in the UDC.
	<u>ss. 2.1.4. – 2.1.7.</u>		Chapter 2	2.02.01 – Establishment of	

				Official Zoning Atlas	
	ss. 2.1.8. & 2.1.9.		Chapter 2	2.02.01 – Official Zoning Atlas	
	ss. 2.1.10. – 2.1.12.		Chapter 1	1.04.01 – Generally	
	2.1.13.		Chapter 1	1.04.04 C Reduction	
	2.1.14.		Chapter 2	2.02.02 – District...	
	2.1.15.		Chapter 2	2.02.03 – Prohibited Uses	
	2.1.16.		Chapter 2	2.02.02 – District...	
	2.1.17.		Chapter 1	1.04.02 – Applicability...	
	2.1.18.		Chapter 1	1.04.02. D....	
Div. 2.2.	2.2.1.		Chapter 2	2.03.05. & 2.04.03 – Table of Uses	
	2.2.2.		Chapter 2	2.03.05 – Open Space Zoning Districts	Revised in Supp. 16 (Ord. 03-27) & Supp. 18 (Ord. 04-08)
	2.2.2 ½		Chapter 2	2.03.08 -Eastern Lands/ Rural Fringe Zoning Districts	New zoning district
	ss. 2.2.3. – 2.2.10.		Chapter 2	2.03.01 – Residential Zoning Districts	Revised in Supp. 16 (Ord. 03-27) and in Supp. 18 (Ord. 04-08)
	2.2.11.		Chapter 2	2.03.02. F-TTRVC District	
		2.2.11.4.13.	Chapter 4	4.06.06 - Special Buffer Requirements...	
	ss. 2.2.12. – 2.2.15 ½		Chapter 2	2.03.02 – Commercial Zoning Districts	Revised in Supp. 18 (Ord. 04-08)
	ss. 2.2.16 & 2.2.16 ½		Chapter 2	2.03.03 – Industrial Zoning Districts	Sec. 2.2.16. revised in Supp. 17 (Ord. 03-55) and in Supp. 18 (Ord. 04-08)
	2.2.17.		Chapter 2	2.03.05 – Open Space Zoning Districts	Revised in Supp. 18 (Ord. 04-08)
	ss. 2.2.18. & 2.2.19.		Chapter 2	2.03.04 – Civic and Institutional Zoning	Revised in Supp. 18 (Ord. 04-08)
		Sub-section 2.2.18.4.6.	Chapter 4 4.05.05 – Parking Variation in the P District		
	2.2.20.		Chapter 2	2.03.06 – PUD Districts	Revised in Supp 18 (Ord. 04-08)

	ss. 2.2.21. - 2.2.28.		Chapter 2	2.03.07 – Overlay Zoning Districts 2.2.27. in Chapter 4 4.08.00	§ 2.2.27. created by Supp. 16 (Ord. 03-27), revised in Supp. 18 (Ord. 04-08)
	2.2.29	2.2.29.1. - 2.	Chapter 2	2.03.07 G.6.	
		2.2.29.3. - 4. and 2.2.29.5. (2) and (6)	Chapter 10	10.02.05 F.	Section created in Cycle 2, 2004 after the LDC recodification.
		2.2.29.5. (1), (3), (4) and (5)	Chapter 4	4.02.33	
	ss. 2.2.30. (NRPA) & 2.2.31. (NBMO)			NRPA-2.03.08 C ; NBMO - 2.03.08 D	Revised in Supp. 18 (Ord. 04-08)
	ss. 2.2.32. - 2.2.35.		Chapter 2	2.03.07 – Overlay...	§§ 2.2.32. & 2.2.33. revised in Supp. 16 (Ord. 03-27) §§ 2.2.33. & 2.2.34. revised in Supp. 17 (Ord. 03-55)
	2.2.37.				This section has expired and is no longer needed or included in the UDC.
	2.2.38.			New district § 2.03.07	Revised in Supp. 18 (Ord. 04-08)
2.3.	2.3.1.				This section is not needed and is therefore not included in the UDC.
	ss. 2.3.2. & 2.3.3.		Chapter 4	4.05.01 – Generally	
	ss. 2.3.4. – 2.3.12.		Chapter 4	4.05.04 – Parking Space Requirements	Sec. 2.3.5. revised in Supp. 18 (Ord. 04-08)
	2.3.13.		Chapter 1	1.04.04 C	
	ss. 2.3.14. & 2.3.15.				These were reserved sections and are not included in the UDC.
	2.3.16.		Chapter 4	4.05.09 – Stacking Lane Requirements	Revised in Supp. 16 (Ord. 03-27)
		2.3.16.1.	Chapter 4	4.05.08 Bicycle Parking...	
	ss. 2.3.17. - 2.3.21.		Chapter 4	4.05.06 – Loading Space	§ 2.3.19. revised in

				Requirements	Supp. 16 (Ord. 03-27). § 2.3.21. revised in Supp. 18 (Ord. 04-08)
	2.3.22.		Chapter 4	4.05.07 – Handicapped Parking...	
	ss. 2.3.23. & 2.3.24.				These were reserved sections and are not included in the UDC.
2.4.	2.4.1.				This section is not needed and is therefore not included in the UDC.
	2.4.2.		Chapter 4	4.06.01 – Generally	
	2.4.3.	<i>Note: ss. 2.4.3.4. - 2.4.3.7. in Chapter 4 (4.06.05)</i>	Chapter 10	Administrative procedures Chapter.	§ 2.4.3.6. revised in Supp. 16 (Ord. 03-27) § 2.4.3. revised in Supp. 17 (Ord. 03-55)
	2.4.4.		Chapter 4	4.06.05 – General Landscape Requirements	§. 2.4.4. revised in Supp. 17 (Ord. 03-55)
		2.4.4.14.	Chapter 4	4.06.04 D.	
		Sub-section 2.4.4.16.	Chapter 4	4.06.01 – Generally	
	2.4.5.		Chapter 4	4.06.03 – Landscaping Requirements for Vehicular...	§ 2.4.5. revised in Supp. 17 (Ord. 03-55)
	2.4.6.		Chapter 4	4.06.05 – General Landscape Requirements	§ 2.4.6.5. revised in Supp. 16 (Ord. 03-27) §§ 2.4.6.6. & 2.4.6.7. revised in Supp. 17 (Ord. 03-55)
	2.4.7.		Chapter 4	4.06.01 - Generally and 4.06.02 – Buffer Requirements	§§ 2.4.7.2., 2.4.7.3. & 2.4.7.5. revised in Supp 17 (Ord. 03-55). §§ 2.4.7.2. and 2.4.7.5. revised in Supp. 18 (Ord. 04-08)
2.5.	2.5.1.				This section is

					not needed and is not included in the UDC.
	ss. 2.5.2. – 2.5.4.		Chapter 5	5.06.01 – Generally	§ 2.5.5. revised in Supp. 17 (Ord. 03-55) and in Supp. 18 (Ord. 04-08)
	2.5.5		Chapter 5	5.06.04 Permitted	
	ss. 2.5.6. & 2.5.7.	§ 2.5.7. revised in Supp. 17 (Ord. 03-55)	Chapter 5	5.06.03 – Prohibited Signs	§§ 2.5.6.22. & 2.5.7.30. revised in Supp. 16 (Ord. 03-27)
	2.5.8.		Chapter 5	5.06.04	
	ss. 2.5.9. & 2.5.10.		Chapter 9	9.03.00 – Nonconformities	
	2.5.11.		Chapter 9	9.04.00 – Variances	
	s 2.5.12. & 2.5.13.		Chapter 10	10.02.06 - Submittal Requirements for Permits	
2.6.	2.6.1.		Chapter 4	4.04.01 – Generally	
	2.6.2.		Chapter 4	4.02.03 – Specific Standards ...	
	ss. 2.6.3. – 2.6.4.		Chapter 4	4.02.01 – Dimensional Standards for Principal Uses in Base Zoning Districts	§ 2.6.4. revised in Supp. 16 (Ord. 03-27); § 2.6.3. revised in Supp. 18 (Ord. 04-08)
		2.6.2.4.	Chapter 5	5.03.01 – Canopy Tents	
		2.6.4.3.	Chapter 9	9.04.00 – Variances	
		2.6.4.4.	Chapter 4	4.02.01 – Dimensional St.	
	ss 2.6.5. & 2.6.6.		Chapter 4	4.04.01 – Generally	
	2.6.7.	2.6.7.1.	Chapter 2	2.01.00 A	
		2.6.7.2.	Chapter 2	2.01.00 B	
		2.6.7.3.	Chapter 2	2.01.00 C	
		2.6.7.4.	Chapter 2	2.03.07 L	
	2.6.8.		Chapter 1	1.04.01 – Generally	
	2.6.9.		Chapter 2	2.01.03 - Essential Services & 2.04.03 – Table of Uses	
	2.6.10.		Chapter 5	5.05.01 – Businesses...	
	2.6.11.		Chapter 5	5.03.02 – Fences & Walls	
	2.6.12.		Chapter 2	2.01.00 E	
	2.6.13.		Chapter 2	2.01.02	

	2.6.14.		Chapter 2 Chapter 4 (CONT'D.) Chapter 5	2.04.00 - Permissible, Accessory, 4.02.01 - Dimensional Standards & 5.03.03 - Guesthouses	
	2.6.15.		Chapter 5	5.03.04 - Dumpsters	Revised in Supp. 16 (Ord. 03-27)
	2.6.16.		Chapter 5	5.03.05 - Caretaker ...	
	2.6.17.		Chapter 2	2.01.00 F	
	2.6.18.		Chapter 2	2.01.00 G	
	2.6.19.		Chapter 10	10.02.06 A	
	2.6.20.		Chapter 5	5.02.00 - Home Occupations	
	2.6.21.		Chapter 5	5.03.06 - Dock Facilities	Revised in Supp. 18 (Ord. 04-08)
		2.6.21.2.7.	Chapter 3	3.05.00 - Vegetation...	
	2.6.22.		Chapter 5	5.05.02 - Marinas	
	2.6.23.		Chapter 2	2.03.01 J	
	2.6.24.		Chapter 5	5.04.02 - Interim...	
	2.6.25.		Chapters 2 and 5	2.04.00 5.05.03	
	2.6.26.		Chapter 5	5.05.04 - Group Housing	
	2.6.27.		Chapter 4	4.02.02 - Dimensional Standards	
	2.6.28.		Chapter 5	5.05.05 - Automobile...	
		2.6.28.4.	Chapter 9	9.04.07 - Specific Reqts.	
	2.6.29.		Chapter 5	5.05.06 - Private Airports	
	2.6.30.		Chapter 4	4.07.06	
	2.6.31.				Relocated to Code of Laws & Ord.
	2.6.32.		Chapter 4	4.02.01 - Dimensional Standards	
	2.6.33.		Throughout Chapter 5 - see below	Temporary Use Process in 10.02.06 G	
		Sub-section 2.6.33.3.	Chapter 5	5.03.05 - Caretaker... & 5.04.03 - Temporary Uses...	Revised in Supplement 16 (Ord. 03-27)
		Sub-section 2.6.33.4.	Chapter 5	5.04.04 - Model Homes...	
		Sub-sections	Chapter 5	5.04.05 - Temporary	

		2.6.33.6. – 2.6.33.9.		Events	
		Sub-section 2.6.33.10.	Chapter 5	5.06.06 - Sign Standards for Specific Situations	Added in Supplement 18 (Ordinance 04-08)
	2.6.34. (see also Appx. G		Chapter 5	5.04.06 - Annual Beach Events Permit	
	2.6.35.		Chapter 5	5.05.09 – Communication Towers	Revised in Supp. 18 (Ord. 04-08)
	2.6.36.		Chapter 5	5.05.07 – Townhouse...	
	2.6.37.		Chapter 4	4.01.02 - Kitchens in Dwelling Units	Revised in Supp. 18 (Ord. 04-08)
	2.6.39. TDRs		Chapter 2	2.03.07 - Overlay Zoning Districts	Added in Supp. 18 (Ord. 04-08).
	2.6.40. Density Blending		Chapter 2	2.05.02 - Density Blending	Added in Supp. 18 (Ord. 04-08)
2.7.					Portions revised in Supp.16 (Ord. 03-27)
	2.7.1.				This section is not needed and is not included in the UDC.
	2.7.2.	2.7.2.1. & 2.7.2.2.	Chapter 10	10.02.08 - Submittal Requirements...	Revised in Supp.17 (Ord. 03-55)
		2.7.2.3. - 2.7.2.16.	Chapter 10	10.03.05 - Notice Requirements...	Revised in Supp.17 (Ord. 03-55)
	2.7.3.		Chapter 10	10.02.13 - PUD Procedures	Revised in Supp. 17 (Ord. 03-55) and § 2.7.3.5. revised in Supp. 18 (Ord. 04-08)
	2.7.4.		Chapter 10	10.08.00 - Conditional Use Procedures	Sec. 2.7.4.9. revised in Supplement 18 (Ordinance 04-08)
	2.7.5.		Chapter 9	9.04.00 – Variances	
	2.7.6.		Chapter 10	10.02.06 - Submittal...	
	2.7.7.		Chapter 2	2.06.00 – AHDB	Revised in Supp.17 (Ord. 03-55)
2.8.			Chapter 5	All in § 5.05.08 – Architectural Standards, EXCEPT 4.06.02 C	Portions of Div. 2.8. were carried over into Div. 2.4. by Supp. 17 (Ord. 03-55)
		2.8.3.3.2.			

ARTICLE 3- DEVELOPMENT REQUIREMENTS

LDC Division	LDC Section	LDC Sub-section	UDC Chapter	UDC Section	Other Note
3.1. General	3.1.1. Overview		None		This section was not required or included in UDC
	3.1.2. Fees		None		This section was not required or included in UDC
3.2. Subdivisions	3.2.1. Title and Citation		None		This section was not required or included in UDC
	3.2.2. Purpose		Chapter 4	4.03.01	
	3.2.3. Applicability		Chapter 1	1.04.01	Revised in Supp. 18 (Ord. 04-08)
	3.2.4. Exemptions		Chapter 1 & Chapter 10	1.04.03 – Exceptions 10.02.02 B	
		3.2.4.10. 1.to 4., Rural Area Subdivision		10.02.02 B 10.	3.2.4.10. was not required included in UDC
		3.2.4.11. 1.to 4., Chokoloske Island Subdivision		10.02.02 B 11.	3.2.4.11. was not required included in UDC
	3.2.5. General Requirements	3.2.5.1.	Chapter 1	1.04.01	
		3.2.5.2.	Chapter 1	1.04.01	
		3.2.5.3.	Chapter 4	4.03.02	
		3.2.5.4.	Chapter 10	10.02.06 A.2.	
	3.2.6. Sub-division review procs		Chapter 10		Revised in Supp. 18 (Ord. 04-08)
		3.2.6.1.		10.02.01 A.	
		3.2.6.2.		10.02.04 A.	
		3.2.6.3.		10.02.05 A.	
		3.2.6.4.		10.02.05 B.	
		3.2.6.5.		10.02.05 C.	
	3.2.7. Preliminary subdivision plat		Chapter 10	10.02.04 - Submittal Requirements for Plats	Revised/made optional in Supp. 18 (Ord. 04-08)
	3.2.8. Improvement Plans			4.03.02, 4.04.01, 4.06.00 6.03.00 & 6.04.00	Revised in Supp. 16 (Ord. 03-27) & Supp. 18 (Ord. 04-08)
		3.2.8.1. – 3.2.8.2.	Chapter 10	10.02.05-	
		3.2.8.3.1. & 3.2.8.3.2.	Chapter 10	10.02.05 -	
		3.2.8.3.4.	Chapter 4	4.06.01	
		3.2.8.3.5.	Chapter 10	10.02.05	
		3.2.8.3.6.	Chapter 4	4.06.04	
		3.2.8.3.7. – 3.2.8.3.10.	Chapter 10	10.02.05	
		3.2.8.3.11.	Chapter 10	10.02.05	

		& 3.2.8.3.12.			
		3.2.8.3.13.	Chapter 4	4.06.01	
		3.2.8.3.14.	Chapter 2	2.01.04	
		3.2.8.3.15.	Chapter 10	10.02.05	
		& 3.2.8.3.16.			
		3.2.8.3.17.	Chapter 6	6.06.02	
		3.2.8.3.18.	Chapter 10 & Chapter 4	10.02.05 E.3(n) and 4.06.01 C	
		3.2.8.3.19. and 21	Chapter 10	10.02.05 E.3	
		3.2.8.3.20 and 22.	Chapter 6	6.06.03 & 6.06.05	
		3.2.8.3.23.	Chapter 6	6.01.00 -	
		3.2.8.3.24.	Chapter 6	6.01.01 A	
		3.2.8.3.25.	Chapter 6	6.04.01	
		3.2.8.3.26.	Chapter 6	6.05.01	
	3.2.8.4.	3.2.8.4.1. - 13., except 3.2.8.4.11.	Chapter 6	6.05.02	Relocated in Construction Stds. Manua except as noted.
		3.2.8.4.14.	Chapter 6	6.06.02 D.	NOTE:3.2.8. 4. revised in Supp. 16 (03 27).
		3.2.8.4.15.	Chapter 6	6.01.03	
		3.2.8.4.16.; <i>Streets</i>			Construction Standards Manual Revised in Supp. 17 (03 55).
		3.2.8.4.17.	Chapters 6 and 10	6.06.03 - Streetlights & 10.02.12 A	
		3.2.8.4.18.	Chapter 10	10.02.05 E.3.(r)	
		3.2.8.4.19.	Chapter 6	6.01.01	
		3.2.8.4.20. - 3.2.8.4.22.; except 3.2.8.4.22, paragraph 11	None Chapter 10	 10.02.05 E.4	Construction Standards Manual
		3.2.8.4.23.	Chapter 6	6.04.01	
		3.2.8.4.24.	Chapter 6	6.04.02	
		3.2.8.4.25.	Chapter 4	4.06.05 E.3	
		3.2.8.4.26.	Chapter 4	4.06.05 E.4	
	3.2.9. Final subdivision plat		Chapter 10	10.02.04	Revised in Supp. 18 (Or 04-08)
3.3. Site Development Plans			Chapter 10 10.02.03 - Submittal Requirements for SDP's		Revised in Supps. 16 (Ords. 03-27), Supp. 17 (03- 55), and 18 (0 08)
	3.3.1.				This section not required or included in the UDC
3.4. Explosives					Relocated to Code of Laws Ord.; Ch 55, A

					I., ss. 55-1-18
3.5. Excavation	3.5.1. – 15.;		Chapter 3	3.05.10	Relocated to Code of Law Ord.; ss. 22-22-119 NO Revised in § 16 (Ord. 03- and Supp. 1 (Ord. 04-08)
	except 3.5.11.; Littoral Shelf Planting Area				
3.6. Well Construction					Relocated to Code of Law Ord.; ss. 90-90-8.
3.7. Soil Erosion Control	3.7.1.				This section not required included in the UDC
	3.7.2.				This section not required included in the UDC
	3.7.3.		Chapter 10	10.02.02	
3.8. Environmental Impact Statements					Revised in § 18 (Ord. 04-08)
	3.8.1.				This section not required included in the UDC
	3.8.2. – 3.8.11.		Chapter 10	10.02.02	
3.9. Vegetation Removal					Revised in § 18 (Ord. 04-08)
	3.9.1.				This section not required included in the UDC
	3.9.2.		Chapter 3	3.05.02 Exemptions	
	3.9.3.		Chapter 3	3.05.02 Exemptions	
	3.9.4. –3.9.7		Chapter 3	3.05.07 Preservation Standards	Div. 3.9 Section numbering was greatly revised Cycle 3, 2003
	3.9.5. (prior to Cycle 3, 2003, then re-numbered to 3.9.8.		Chapter 3	3.05.04 – Vegetation removal . . . thru 3.05.07	Revised in § 16 (Ord. 03-2003)
	3.9.5.5. (3.9.4. after Cycle 3, 2003)			3.05.07	
	3.9.8.	3.9.8.1.	Chapter 3	03.05.04	
		3.9.8.2.	Chapter 3	03.05.05	
		3.9.8.3.	Chapter 3	03.05.06	
		3.9.8.4.			This section was not required or included in the UDC
	3.9.9.		Chapter 3	3.05.08 - Requirement for Removal...	

	3.9.10. (3.9.6. prior to Cycle 3, 2003)		Chapter 10	10.02.06 C - Submittal Requirements for Permits	
		3.9.10.2.	Chapter 10	10.02.06 D	
	3.9.11.; numbered ss. 3.9.6.8. and 3.9.6.9. prior to 3rd Cycle, 2003.	ss. 3.9.12. & 13, were created in Cycle 3 & are in Ch.10	Chapter 10	10.02.06 E - Submittal Requirements for Permits	
3.10. Sea Turtle Protection	3.10.1.				This section not required included in th UDC
	3.10.2. - 3.10.5.		Chapter 3	3.04.02 - Species...	
	3.10.6.		Chapter 3	3.04.02 B.6	
	3.10.7.		Chapter 3	3.04.02	
	3.10.8. (reserved)				This section not required included in th UDC
	3.10.9.		Chapter 10	10.02.06. C	
	3.10.10.				This section not required included in th UDC
3.11. Endangered, Threatened or...			Chapter 3	3.04.00 - Protection of Endangered, Threatened...	Revised in Su 18 (Ord. 04-0
		3.11.3.2. & 3.11.3.3.			Deleted in Cy 3, 2003
		3.11.3.4.	Chapter 3	3.04.02 - Species Specific...	
3.12. Coastal Zone Management	3.12.1. & 3.12.4.				These section were not requ or included in UDC
	3.12.2.		Chapter 3	3.03.01 - Purpose	
	3.12.3.		Chapter 3	3.03.02 - Applicability	
	3.12.5.		Chapter 3	3.03.02 - Applicability	
		3.12.5.1.	Chapter 10	Cross- referenced in 3.03.04	Revised in Su 18 (Ord. 04-06
		3.12.5.2.	Chapter 10		Revised in Su 18 (Ord. 04-06
		3.12.5.3.	Chapter 3	3.03.05 - Sea Level Rise	
		3.12.5.4.	Chapter 3	3.03.06 - Native Vegetation...	
	3.12.6.		Chapter 3	3.03.07 - Undeveloped Coastal Barriers	
	3.12.8.		Chapter 3	3.03.07 - Undeveloped Coastal Barriers	
	3.12.7. & 3.12.9.				These sections were not requir or included in th UDC
3.13.	3.13.1				This section wa:

Coastal Construction Setback					not required included in the UDC.
	3.13.2. - 3.13.7.		Chapter 9	9.04.06 - Specific Requirements for Variance	Variances and Administrative procedures chapter
	3.13.8 & 3.13.9		Chapter 10	10.02.06 A - Submittal Requirements for Permits	3.13.8. revised Supp. 18 (Ord. 04-13)
3.14. Vehicle on the Beach Regulations			Chapter 10	10.02.06 I.	Revised in S 16 (Ord. 03-2
3.15. Adequate Public Facilities					Revised in S 18 (Ord. 04-0
	3.15.1.				This section is not required and is not included in the UDC
	3.15.2.		Chapter 6	6.02.01	
	3.15.3.		Chapter 6	6.02.01 D	
	3.15.4.; reserved				This section is not included in the UDC
	3.15.5 & 3.15.6.		Chapter 6	6.02.01 - Generally & 6.02.02 - Management .	
	3.15.7.		Chapter 10	10.02.07	
3.16 Groundwater Protection	3.16.1	3.16.1.1. - 3.16.1.3.			These subsections were required or included in the UDC
		3.16.1.4. & 3.16.1.5.	Chapter 3	3.06.01 - Purpose and Intent	
	3.16.2.	3.16.2.1. & 3.16.2.1.1.	Chapter 3	3.06.01 - Purpose and Intent	
		3.16.2.1.2.	Chapter 3	Throughout Ch. 3	
		3.16.2.1.3.	Chapter 3	3.06.04 - Groundwater Protection	
		3.16.2.2. & 3.16.2.3.	Chapter 3	3.06.05 - Annual Review of Zones	
		3.16.2.4.	Chapter 3	3.06.06 - 3.06.08	

		3.16.2.5.	Chapter 3	3.06.09 - Protection of Future Wellfields	
		3.16.2.6.	Chapter 3	3.06.10 - Effects of...	
	3.16.3.		Chapter 3	3.06.11 - Exempted Development	
	3.16.4.		Chapter 3	3.06.12 - Regulated Development	
	3.16.5.		Chapter 3	3.06.13 - Countywide Groundwater	
	3.16.6.		Chapter 10	10.04.01 (B) - Determination of Completeness	
	3.16.7.		Chapter 10	10.02.06 (F) - Submittal Requirements for Permits	
	3.16.8.		Chapter 10	10.04.08 - Modifications to Pending Applications	
	3.16.9.		Chapter 10	10.02.02 (E) - Submittal Requirements for All...	
	3.16.10.		Chapter 10	10.04.11 - Public Hearings	
	3.16.11.		Chapter 3	3.06.09 - Protection of Future Wellfields	
	3.16.12.	3.16.12.1	Chapter 1	1.08.00	
		3.16.12.2	Chapter 1	1.03.02	
	3.16.13. – 3.16.17.		Chapter 10	10.01.04 – Deter. of Completeness	Administrative procedures chapter
3.17. Post-Disaster Recovery & Re-construction Management					Relocated to Code of Laws Ord.; ss. 38-1 38-12.

ARTICLE 4 – IMPACT FEES

LDC Division	<u>LDC Section</u>	LDC Sub-section	UDC Chapter	<u>UDC Section</u>	Other Notes
4.1. – 4.7.					These provisions are located in Chapter 74 of the Code of Laws & Ordinances, and therefore, are not required to be, and are not, located in the UDC.

ARTICLE 5 – DECISION-MAKING AND ADMINISTRATIVE BODIES

LDC Division	<u>LDC Section</u>	<u>LDC Sub-section</u>	<u>UDC Chapter</u>	<u>UDC Section</u>	<u>Other Notes</u>
5.1. Board of County Commissioners			Chapter 8	8.02.00 - BOCC	
5.2. Planning Commission			Chapter 8	8.03.00 – CCPC	
5.3. Board of Zoning Appeals			Chapter 8	8.04.00 – BZA	
5.4. Building Board of Adjustment and Appeals			Chapter 8	8.05.00 – BOAA	Revised in Supp. 16 (Ord. 03-27)
5.5. & 5.6.; 5.8. ; & 5.10. – 5.12. Reserved					These Divisions were not required or included in the UDC
5.7. County Manager	5.7.1.				This Section was not required or included in the UDC
	5.7.2.	5.7.2.1.			This Section was not required or included in the UDC, except for 5.7.2.1., relocated to Sec. 2-78 (a) (4), of the Code of Laws & Ords.
5.9. CD&ES Division			Chapter 8	8.09.00 – CD&ES	
5.13. Environmental Advisory Council			Chapter 8	8.06.00 – EAC	
5.14. Historical/ Archaeological Preservation Board			Chapter 8	8.07.00 – HAPB	

ARTICLE 6 - DEFINITIONS

LDC Division	<u>LDC Section</u>	<u>LDC Sub-section</u>	<u>UDC Chapter</u>	<u>UDC Section</u>	<u>Other Notes</u>
6.1. Rules of Construction			Chapter 1	1.03.00 Rules of Construction	
6.2. Abbreviations			Chapter 1	1.08.00. A.	Revised in Supp. 18 (Ord. 04-08)
6.3. Definitions			Chapter 1	1.08.00. B.	Revised in all three Supps. (16, 17, and 18).

SECTION FOUR: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding Section not affect the validity of the remaining portion.

SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION SIX: EFFECTIVE DATES

This Ordinance shall become effective upon filing with the Department of State, with the exception of Section 10.02.02 B.12., as proposed in Subsection 3 TT of this ordinance, shall become effective on September 8, 2005.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 8th day of June, 2005.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: *[Signature]*, Deputy Clerk
Attest as to Chairman's signature only.

By: *Fred W. Coyle*
FRED W. COYLE, CHAIRMAN

Approved as to form and legal sufficiency:
[Signature]
Patrick G. White
Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 10th day of June, 2005 and acknowledgement of that filing received this 20th day of June, 2005
By: *[Signature]*, Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2005-27

Which was adopted by the Board of County Commissioners on the 8th day of June 2005, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 15th day of June, 2005.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Heidi R. Rockhold, cc
By: Heidi R. Rockhold
Deputy Clerk

