



ORDINANCE NO. 06- 07

AN 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 DEVELOPMENT 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. 1.04.04 REDUCTION OF REQUIRED SITE DESIGN REQUIREMENTS, SEC. 1.08.02 DEFINITIONS; CHAPTER 2 - ZONING DISTRICTS AND USES, INCLUDING, SEC. 2.01.00 GENERALLY, SEC. 2.01.03 ESSENTIAL SERVICES, SEC. 2.04.03 TABLE OF LAND USES IN EACH ZONING DISTRICT; CHAPTER 4 - SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING: SEC. 4.02.03 SPECIFIC STANDARDS FOR THE LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES, SEC. 4.02.14 SAME-DEVELOPMENT IN THE ACSC-ST DISTRICT, SEC. 4.03.02 APPLICABILITY, SEC. 4.03.03, EXEMPTIONS, SEC. 4.05.03 SPECIFIC PARKING REQUIREMENTS FOR RESIDENTIAL USES IN MIXED USE URBAN RESIDENTIAL LAND USE, SEC. 4.06.02 BUFFER REQUIREMENTS, 4.06.05 GENERAL LANDSCAPING REQUIREMENTS, SEC. 4.07.02 DESIGN REQUIREMENTS; CHAPTER 5 - SUPPLEMENTAL STANDARDS, INCLUDING SEC. 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS, SEC. 5.06.04 SIGN STANDARDS FOR SPECIFIC SITUATIONS; CHAPTER 6 - INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS, INCLUDING SEC. 6.06.03 STREETLIGHTS; CHAPTER 9 - VARIATIONS FROM CODE REQUIREMENTS INCLUDING, SEC. 9.04.02 TYPES OF VARIANCES AUTHORIZED; CHAPTER 10 - APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING: SEC. 10.02.01 PRE-APPLICATION CONFERENCE 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. 10.02.13 PLANNED UNIT DEVELOPMENT (PUD) PROCEDURES, SEC. 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, SEC. 10.08.00 CONDITIONAL USES PROCEDURES; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN 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 second 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 January 11, 2006 and February 8, 2006, 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 Sec. 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 superseded 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 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 1.04.04 REDUCTION OF REQUIRED SITE DESIGN REQUIREMENTS

Section 1.04.04 Reduction of Required Site Design Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

1.04.04 Reduction of Required Site Design Requirements

* * * * *

A. No part of a required yard, required open space, required off-street parking space, or required off-street loading space, provided in connection with one building, structure, or use shall be included as meeting the requirements for any other, structure, or use, except where specific provision is made in this LDC.

~~**B.** No lot, even though it may consist of one or more adjacent lots of record, or yard existing at the effective date of this LDC shall thereafter be reduced in size, dimension, or area below the minimum requirements set forth herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, purchase and the like. yards, lot area, and lot dimensions reduced in this manner, may be reduced by the same amount involved in the dedication, condemnation, purchase or similar method of acquisition, but shall not result in a front yard less than ten (10) feet in depth. Lots or yards created after the effective date of this LDC shall meet at least the minimum requirements established herein.~~

~~C. Required off-street parking according to the requirements of this LDC shall not be reduced in area or changed to any other use unless the permitted or permissible use that it serves is discontinued or modified, or equivalent required off-street parking is provided meeting the requirements of this LDC.~~

B. Minimum standards; nonconformities created by public acquisition.

1. All lots or yards created after the effective date of this Code must comply with the requirements then established by this Code.

2. No lot, even though it may consist of one or more abutting lots of record, or yard, existing at the effective date of this Code or lawfully existing on the effective date of applicable amendments to this Code shall thereafter be reduced in its degree of compliance, including its size, dimension, or area, below the minimum requirements then set forth in this Code, except by reason of a portion thereof being acquired for public use in any manner, including dedication, condemnation, purchase, and the like.

a. Required yards on improved lots, lot area, lot coverage on improved lots, and lot dimensions rendered nonconforming or more legally nonconforming as a result of being acquired for public use, may be reduced by the same dimension, area, or amount involved in the dedication, condemnation, purchase, or similar method of acquisition for public use, but shall not result in a front yard of less than ten feet (10') in depth. Accordingly, the resulting degree of nonconformity of the area and dimensions of a lot and the required yards with this Code's then current requirements will be deemed lawful unless or until the remaining lot or yard is recreated, typically by re-development, re-plat or lot re-combination, at which time such lots and yards must comply with the requirements then established by this Code. Further, no conforming lot otherwise qualifying for a lot split or lot line adjustment pursuant to Sec. 10.02.02. B.8; 10.02.02. B.12, 1.04.04 or 9.03.03.A.5 may be denied such approval solely on the grounds that the resulting lot or lots would be less than the required minimum area for such lot(s) in the applicable zoning district as a result of acquisition, from [the effective date of this ordinance].

b. Other existing site related legal nonconformities, including those rendered more nonconforming as a result of acquisition for public use and which pertain to this Code's or other county code requirements, such as, but not limited to, stormwater management, landscaping or buffers, preserves, on- or off-site parking, architectural design standards, etc., will be deemed legally nonconforming, and all such resulting nonconformities may be allowed to remain so nonconforming, unless or until the remaining lot or yard is subsequently re-created or re-developed, at which time such site related nonconformities and development must comply with the then existing requirements of this Code.

c. In those circumstances where acquisition for public use of a portion of a lot or yard would result in one or more nonconformities that would require approval of a development order or permit in order to implement the terms of the acquisition, i.e., in order to cure or remedy the effect of an acquisition, (e.g., an SDP or building permit required to relocate a prior existing building), the County manager, or designee, is authorized to approve such development order or permit so long as any prior existing legal nonconformity of the type set forth in b. above would not be increased.

3. This section may be applied to those acquisitions occurring prior to the adoption of this ordinance so long as the purchase or dedication of the property has not closed, or the condemnation proceeding relating to the property acquired has not reached final disposition.

C. Other than provided for immediately above, required off-street parking shall not be reduced in area or changed to any other use unless the permitted or permissible use that it serves is discontinued or modified, or equivalent required off-street parking is provided meeting the requirements of this LDC.

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

* * * * *
Conservation Collier lands: Lands acquired by Collier County, whether held in fee or otherwise, under the Conservation Collier Program for the purposes of conservation, preservation and provision of public green space.

* * * * *
Floor area ratio (FAR): A means of measurement of the intensity of building development on the site. A floor area ratio is the relationship between the gross floor area on a site and the gross land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and dividing that figure by the gross a land area. See Figure 5. The gross floor area of a building clearly designed for a parking facility shall not be included in the floor area ratio calculation.

* * * * *
Restaurant, drive-through: A fast food facility with one or more drive-through lanes where food is ordered through a speaker phone and a menu board located in the drive-through lane. This type of facility has no indoor seating or food ordering but may have walk-up windows and/or outdoor seating.

Restaurant, fast food: An establishment where food is prepared and served to the customers in an ready to consume state for consumption either within the restaurant building, outside the building but on the same premises, or off the premises and having any combination of two or more of the following characteristics:

- a. A limited menu, usually posted on a sign rather than printed on individual sheets or booklets;
- b. Self-service rather than table service by restaurant employees;
- c. Disposable containers and utensils;
- d. A kitchen area in excess of 50% of the total floor area; or
- e. A cafeteria or delicatessen shall not be deemed a fast food restaurant for the purposes of this Land Development Code.

Restaurant, sit-down: A restaurant where food is ordered from a menu normally while seated at a table, and where table service is provided. Cafeterias are deemed sit-down restaurants for the purposes of this Land Development Code.

Restaurant, walk-up: A fast food facility with one or more walk-up windows. This type of facility has no indoor eating or drive-through windows, but may have outdoor seating.

* * * * *

Sign, abandoned: Any sign or sign structure expressly installed for the purpose of affixing a sign which bears no sign or copy for 90 consecutive days or more; or for a period of 90 consecutive days or more, displays information which incorrectly identifies the business, owner, lessor, or principal activity conducted on the site; or which through lack of maintenance, becomes illegible or nearly so; or is in a state of disrepair. Signs displaying an "available for lease" or similar message or partially obliterated faces which do not identify a particular product, service, or facility, shall be deemed abandoned. (See section 5.06.00.)

Sign, activated: Any sign which contains or uses for illumination any light, lighting device, or light which change color, flash, or alternate; or change appearance of said sign or any part thereof automatically; any sign which contains moving parts as part of its normal operation, such as rotating signs, shall be considered an activated sign. (See section 5.06.00.)

Sign, advertising: A sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered, either on-premises or off-premises. (See section 5.06.00.)

Sign, alterations: Any substantial improvement to a sign, but shall not include routine maintenance, painting or change of copy of an existing sign. (See section 5.06.00.)

Sign, animated: Any sign which included action, motion, or the optical illusion of action or motion, or color changes of all or any part of the sign facing, requiring electrical energy, or set in motion by movement of the atmosphere. (See section 5.06.00.)

Sign, area: The area of a sign is the entire area within the periphery of a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all the elements of the matter displayed. The sign area shall include the aggregate sign area upon which the copy is placed and all parts of the sign structure that bear advertising matter or are constructed in such a manner as to draw attention to the matter advertised. Signs consisting of detached letters shall also be measured as defined above. (See section 5.06.00.)

Sign, awning (aka canopy sign or marquee sign): A sign suspended from or forming part of a shelter supported partially or entirely for the exterior wall of a building or structure. (See section 5.06.00.)

Sign, banner: A temporary sign such as used to announce open houses, grand openings or special announcements. (See section 5.06.00.)

Sign, billboard: Any sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located. (See section 5.06.00.)

Sign, bulk permit: A permit issued for any number of political signs. (See section 5.06.00.)

Sign, bulletin board: A board for posting notices such as those found at a school, church or other civic organization. (See section 5.06.00.)

Sign, canopy: (See Awning, sign.)

Sign, changeable copy: Any permanently enframed sign illuminated or not which is principally devoted to and designed for changeable text and graphics, including electronically controlled public service, time, temperature, and date signs, message centers, or reader boards. (See section 5.06.00.)

Sign, Construction sign: A sign erected at a building site that displays the name of the project and identifies the owner, architect, engineer, general contractor, financial institutions and other firms involved with the design or construction of the project.

Sign, copy: The letters, text, or other graphics which compose the message displayed upon the sign surface area. (See section 5.06.00.)

Sign, directional: An on-premises sign giving direction, instructions, or facility information such as parking or entrance or exit signs, and which may contain the name, logo, service or activity of an establishment. (See section 5.06.00.)

Sign, directory: An on-premises sign of permanent character indicating the name of five or more independent businesses associated with, or events conducted upon, or products or services offered upon the premises upon which the sign is maintained. This sign may be a freestanding (pole, monument or ground), awning, or wall sign as otherwise permitted by this code. Such signs may have changeable copy. (See section 5.06.00.)

Sign, double-faced : A sign having two display surfaces, displaying the same copy on both faces, which are parallel and back-to-back and not more than 24 inches apart. Double-faced signs shall be measured by only one side if both sides are advertising the same business, commodity, or service. (See section 5.06.00.)

Sign, electric: Any sign containing electric wiring, but not including signs illuminated by exterior light sources, such as floodlights. (See section 5.06.00.)

Sign, entrance or gate (a/k/a subdivision sign): Any community entry sign which is designed to identify a subdivision or neighborhood, including but not limited to industrial and commercial parks, multifamily projects, and single-family residential development. (See section 5.06.00.)

Sign face: The area, display surface, or part of assign on which the copy of message is placed. (See section 5.06.00.)

Sign, flashing: A flashing sign is an activated sign on which any electric lighting by any device is either alternated on and off or raised and lowered in brightness or intensity. (See section 5.06.00.)

Sign, freestanding: (See Pole sign.) (See section 5.06.00.)

Sign, ground (aka monument sign): A sign, eight (8) ft. in height or lower which is independent of support from any building, that is mounted on freestanding poles or other supports, and shall include a pole cover that is between fifty (50) percent and one hundred (100) percent of the overall sign width.

Sign, Holiday decoration: An ornate embellishment placed specifically for the purpose of celebrating a specific holiday, holiday event or holiday season.

Sign, identification: A sign which contains no advertising but is limited to the name, address, and number of a building, institution, or person and the activity carried on in the building, institution, or the occupation of the person. (See section 5.06.00.)

Sign, illuminated: An illuminated sign is on which either: (a) provides artificial light through exposed bulbs, lamps, or luminous tubes on the sign surface; (b) emits light through transparent or translucent material from a source within the sign; or (c) reflects light from a source intentionally directed upon it. (See section 5.06.00.)

Sign, inflatable: Any object made of plastic, vinyl, or other similar material that, when inflated with gas or air, represents, advertises, or otherwise draws attention to a products, service, or activity. (See section 5.06.00.)

Sign, mansard: Any sign which is attached to a mansard-style roof with the face parallel to the structure to which it is attached and which does not project more than 18 inches from such structure, or above the roofline. Mansard signs shall be considered wall signs.' (See section 5.06.00.)

Sign, marquee: (See Awning sign.) (See section 5.06.00.)

Sign, monument: A detached sign typically containing design elements such as a base columns, borders, toppers or caps, and a sign cabinet occupying at least two-thirds of the total sign area. (See ground sign)

Sign, nonconforming: Any sign or advertising structure lawfully in existence with Collier County on the effective date of this Code, which by its height, area, location, use or structural support does not conform to the requirements of this Code. This definition shall not be construed to include signs specifically prohibited by this Code. (See section 5.06.00.)

Sign, off-premises: (See Billboard.) (See section 5.06.00.)

Sign, on-premises: A sign containing copy relating only to the principal legally licensed business, project, service or activity conducted or sold on the same premises as that on which the sign is located. (See section 5.06.00.)

Sign, outdoor advertising: (See Billboard.) (See section 5.06.00.)

Sign, Pennant: A piece of fabric or material which tapers to a point or swallow tail, which is attached to a string or wire, either singularly or in series.

Sign, permanent: A sign which is affixed to a building or the ground in such a manner as to be immobile. (See section 5.06.00.)

Sign, pole: A sign, eight (8) or more ft. in height which is independent of support from any building, that is mounted on freestanding poles or other supports, and shall include a pole cover that is between fifty (50) percent and one hundred (100) percent of the overall sign width. (See section 5.06.00.)

Sign, political: Any sign which states the name and/or picture of an individual seeking election, or appointment, to a public office, or pertaining to a forthcoming public election, or referendum pertaining to or advocating political views or policies. (See section 5.06.00.)

Sign, portable: Any sign which is designed to be transported, including by trailer or on its own wheels, even though the wheels of such signs may be removed and the remaining chassis or support constructed without wheels is converted to an A or T frame sign, or attached temporarily or permanently to the ground since this characteristic is based on the design of such sign. It is

characteristic of such a portable sign that the space provided for advertising matter consists of a changeable copy sign. (See section 5.06.00.)

Sign, projecting: Any sign which is attached to, and which projects, more than 18 inches from the outside wall of any building or structure, excluding wall, marquee, and canopy signs. (See section 5.06.00.)

Sign, Project Identification Sign: Shall mean a sign which provides identification or recognition of a development only, individual tenants or outparcels are not permitted to use this type of signage. (See section 5.06.00.)

Sign, public service: Any sign intended to promote primarily a public purpose including items of general interest to the community welfare. It may also refer to a sign designed to render a public service such as, but not limited to, time and temperature signs. (See section 5.06.00.)

Sign, real estate: A sign which advertises the sale, lease, rental, or development of the property upon which it is located. (See section 5.06.00.)

Sign, residential identification: A sign intended to identify a residential subdivision or other development. (See section 5.06.00.)

Sign, revolving (a/k/a rotating sign): Any sign so erected or constructed as to periodically or continuously change the direction toward which any plane containing the display surface is oriented. (See section 5.06.00.)

Sign, roof: Any sign erected, constructed, or maintained either on the roof, or more than 18 inches above the roof of any building. (See section 5.06.00.)

Sign, safety: A sign used only for the purpose of identifying and warning of danger, or potential hazards. (See section 5.06.00.)

Sign, snipe: A sign made of any material and attached to a utility pole, tree, fence post, stake, stick, mailbox, or any similar object. (See section 5.06.00.)

Sign, special purpose: Directional, safety, and other signs of a noncommercial nature. (See section 5.06.00.)

Sign structure: Any structure which supports or is capable of supporting any sign. Said definition shall not include a building to which a sign is attached. (See section 5.06.00.)

Sign, temporary: A sign intended to advertise community or civic projects, construction projects, or other special events on a temporary basis, for a designated period of time. (See section 5.06.00.)

Sign, U-pic: A sign describing a farm where the customer picks or purchases the produce directly from the premises on which they are grown or produced. (See section 5.06.00.)

Sign, V-shaped: Two single-face freestanding signs that are constructed in the form of a "V" when viewed from above, provided the internal angle at the apex is not more than 90 degrees, and the two faces are not separated by more than six inches at the apex and displaying the same copy on both faces. (See section 5.06.00.)

Sign, vehicle: Any sign affixed to a vehicle other than a license plate, or other identification required for access to restricted parking areas, a registered logo, trademark, or service mark. (See section 5.06.00.)

Sign, wall, fascia or parapet: A sign affixed in a manner to any exterior wall of a building or structure, and which is parallel to and projects not more than 18 inches from the building or structure wall, and which does not extend more than 18 inches above the roof line of the main building or from the point where the roof line intersects the parapet wall on which the sign is located, whichever is more restrictive. (See section 5.06.00.)

Sign, wind: Any sign or display including, but not limited to, flags, balloons, banners, streamers, and rotating devices, fastened in such a manner to move upon being subject to pressure by wind or breeze, but shall not include official flags, emblems, insignia, or pennants of any religious, educational, national, state, or political subdivision. (See section 5.06.00.)

Sign, window: A window sign which is painted on, attached to, or visible through a window, excluding displays of merchandise, and shall not exceed 25 percent of the total window area in the same vertical plane at the same floor level on the side of the building or unit upon which the signs are displayed. (See section 5.06.00.)

* * * * *

Sporting and recreational camps: A facility, public or private, which may offer permanent or temporary shelters such as cabins or tents and is primarily engaged in providing camping, sporting or other recreational activities. Examples of sporting and recreational camps shall include boys' and girls' camps, hunting camps, fishing camps, or summer camps.

* * * * *

SUBSECTION 3.C. AMENDMENTS TO SECTION 2.01.00 GENERALLY

Section 2.01.00 Generally, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.01.00 Generally

- 1.A.** Parking and storage of vehicles without current license plates. Vehicles or trailers of any type that are not immediately operable, or used for the purpose for which they were manufactured without mechanical or electrical repairs or the replacement of parts; or do not meet the Florida Safety Code; or do not have current valid license plates; or do not meet the definition of recreational equipment as defined within this Code, shall not be parked or stored on any residentially zoned or designated property, including the E estates district, other than in a completely enclosed building. For the purpose of this section a license plate shall not be considered valid unless it is both affixed to a vehicle or trailer in a fashion authorized by Florida law and is registered to the vehicle or trailer upon which it is displayed.

- 2.B.** Parking, storage or use of major recreational equipment. No recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residentially zoned lot, residential districts, or any location not approved for such use. In districts permitting single-family homes or mobile homes, major recreational equipment may be parked or stored only in a rear yard, or in a completely enclosed building, or in a carport, or on davits or cradles adjacent to waterways on residentially zoned property; provided, however, that such equipment may be parked anywhere on residential premises, other than on county rights-of-way or right-of-way easements for a period not to exceed six hours within a time period of seven days for loading and unloading, and/or cleaning prior to or after a trip. For the purpose of this section the rear yard for a corner lot shall be considered to be that portion of the lot opposite the street with the least frontage. For through lots the rear yard shall be considered to be that portion of the lot lying between the rear elevation (by design) of the residence and the street.

The following exceptions may be granted by the county manager or designee:

1. Such recreational equipment may be parked upon the premises of the resident for a period not exceeding seven days for the purpose of repairing and/or cleaning prior to or after a trip. A temporary use permit must be obtained to authorize this activity. The permit for such period shall be affixed to the vehicle in a conspicuous place on the street side thereof. No more than two consecutive permits may be issued and the maximum number of permits issued during one calendar year shall be restricted to four.
2. Nonresident: Such car, trailer, bus or motor home, when used for transportation of visitors to this county to visit friends or member of the visitor's family residing in this county may be parked upon the premises of the visited family for a period not exceeding seven days. A temporary use permit must be obtained to authorize this activity. The permit for such period shall be affixed to the vehicle in a conspicuous place or on the street side thereof. This does not allow for living, sleeping, or housekeeping purposes. No more than two consecutive permits may be issued and the maximum number of permits issued during one calendar year shall be restricted to four.
3. Parking of commercial vehicles or commercial equipment in residential areas. It shall be unlawful to park a commercial vehicle or commercial equipment on any lot in a residential zoning district unless one of the following conditions exists:
 - ~~1.~~a. The vehicle and/or equipment is engaged in a construction or service operation on the site where it is parked. The vehicle or equipment must be removed as soon as the construction or service activity has been completed.
 - ~~2.~~b. The vehicle and/or equipment is parked in a garage or fully enclosed structure or carport which is structurally or vegetatively screened and cannot be seen from adjacent properties or the street serving the lot.
 - ~~3.~~c. The vehicle is parked in the rear of the main structure and is enclosed within a vegetative screening which conceals the vehicle from the view of neighbors.
 - ~~4.~~d. Automobiles; passenger type vans; and pickup trucks having a rated load capacity of one ton or less - all of which do not exceed 7.5 feet in height, nor 7.0 feet in width, nor 25 feet in length shall be exempted from this section unless otherwise prohibited by a special parking overlay district created pursuant to Section 2.03.07 LM.
 - ~~5.~~e) Exempted from this section are small commercial equipment such as ladders and pipes that cannot be contained in the vehicle. Said equipment shall be limited to one ladder or one unit of pipe which does not exceed 12 inches in diameter per commercial vehicle. Said equipment shall be secured atop the vehicle and shall not extend beyond the length, height or width of the vehicle.
4. Boats or other floating equipment used as dwelling units. Boats or other floating equipment being used as dwelling units or as commercial establishments may not anchor or tie up in waters under the jurisdiction of the county for longer than 48 hours, except at facilities located in zoning districts permitting such use and at facilities within such districts designated for such use and meeting county and state health standards for such use.

5. Condominiums. This Code shall be construed and applied with reference to the nature of the use of such property without regard to the form of ownership. Condominium forms of ownership shall be subject to this Code as is any other form of ownership. Condominiums of any kind, type or use shall comply with the provisions of F.S. Ch. 718, as amended, known as the "Condominium Act."
6. Deed restrictions. This Code shall not be affected by any deed restrictions or restrictive covenants recorded with any deed, plat or other legal documents. No person or agency, in the capacity of enforcing and administering this Code, shall be responsible for enforcing any deed restrictions.

SUBSECTION 3.D. AMENDMENTS TO SECTION 2.01.03 ESSENTIAL SERVICES

Section 2.01.03 Essential Services, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.01.03 Essential Services

Essential services are hereby defined as services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction, and government facilities. Essential services are allowed in any zoning district subject to the following conditions:

- A. The following uses shall be deemed permitted uses in all zoning districts, except CON districts, RFMU sending lands, NRPAS, HSAS, AND FSAS:
 1. Water lines and sewer lines;
 2. Natural gas lines, except those associated with oil extraction and related processing operations as defined in this Code and regulated under applicable federal and state law;
 3. Telephone lines, telephone switching stations, and cable television lines;
 4. Communication towers, limited to those providing wireless emergency telephone service, subject to all applicable provisions section 5.05.09 of this Code;
 5. Electrical transmission and distribution lines, substations, and emergency power structures;
 6. Sewage lift stations and water pumping stations;
 7. Essential service wells (including extraction facilities and requisite ancillary facilities); ~~and~~
 8. Any other wells which have been or will be permitted by the South Florida Water Management District or the Florida Department of Environmental Protection either prior to or subsequent to the effective date of this ordinance, or if the respective well and/or well related facility is otherwise required to be installed or constructed by law. If any proposed well is a Collier County owned well under the permitting jurisdiction of a Florida agency, staff, early in the County's well permit application process, shall post sign(s) at the County's proposed well site(s) and shall provide written notice that the county has applied for a required well permit to property owners within 300 feet of the property lines of the lots or parcels of land on which the applied-for well is being sought by the County, including, if

applicable, the times and places of the permitting agency's scheduled public hearings; and

9. **Conservation Collier lands** which provide for permitted nondestructive, passive natural resource based recreational and educational activities, exclusive of major improvements. Permitted minor improvements shall be limited to one (1) **ground sign**, not to exceed eight (8) feet in height with a maximum **sign area** of thirty-two (32) square feet; a parking area, not to exceed twenty (20) parking spaces; hiking trails; a fully accessible trail or trail section; educational kiosks not to exceed one hundred (100) square feet; and public restroom facilities not to exceed five hundred (500) square feet. The provisions for **Conservation Collier lands** in this Code do not affect the underlying zoning districts or land use designations in any district where **Conservation Collier lands** are established. Such that no expansion or diminution of the various zoning district permitted uses is intended or implied by these provisions, except as stated above with respect to minor improvements. **Oil and gas exploration** as defined and regulated in this Code remains a permitted use on or beneath **Conservation Collier lands** established in any zoning district providing for **oil and gas exploration** as a permitted use pursuant to section 2.03.05 B.1.a.(8) of this Code.

B. Permitted essential services IN CON districts, RFMU sending lands, NRPASs, HSASs, AND FSASs.

1. Within CON districts, Sending Lands in the RFMU district, NRPAs, and within designated Habitat Stewardship Areas (HSA) and Flow way Stewardship Areas (FSA) within the RLSA overlay district subject to the limitations set forth in section 4.08.08 C., the following essential services are permitted:

- a. Private wells and septic tanks;
- b. Utility lines, except sewer lines;
- c. Sewer lines and lift stations, only if located within already cleared portions of existing rights-of-way or easements, and necessary to serve a publicly owned or privately owned central sewer system providing service to urban areas; or the Rural Transition Water and Sewer District, as delineated on the Urban-Rural Fringe Transition Zone Overlay Map in the Future Land Use Element of the GMP; and,
- d. Water pumping stations necessary to serve a publicly owned or privately owned central water system providing service to urban areas; or the Rural Transition Water and Sewer District, as delineated on the Urban-Rural Fringe Transition Zone Overlay Map in the Future Land Use Element of the GMP .

e. **Conservation Collier lands** which provide for permitted nondestructive, passive natural resource based recreational and educational activities, exclusive of major improvements. Permitted minor improvements shall be limited to one (1) **ground sign**, not to exceed eight (8) feet in height with a maximum **sign area** of thirty-two (32) square feet; a parking area, not to exceed twenty (20) parking spaces; hiking trails; a fully accessible trail or trail section; educational kiosks not to exceed one hundred (100) square feet; and public...what about restroom facilities not to exceed five hundred (500) square feet. The provisions for **Conservation Collier lands** in this Code do not affect the underlying zoning districts or land use designations in any district where

Conservation Collier lands are established, such that no expansion or diminution of the various zoning district permitted uses is intended or implied by these provisions, except as stated above for minor improvements. Oil and gas exploration as defined and regulated in this Code remains a permitted use on or beneath Conservation Collier lands established in the CON zoning district providing for oil and gas exploration as a permitted use subject to section 2.03.05 B.1.a.(8) of this Code.

- C. Additional permitted essential services in commercial and industrially zoned districts. In commercial and industrially zoned districts, in addition to the essential services identified above in section 2.01.03 A., governmental facilities, as defined by this Code, including law enforcement, fire, emergency medical services and facilities, public park and public library services and facilities, shall be considered a permitted essential service.
- D. Additional permitted essential services in the agricultural and estate zoned districts. In the agricultural and estate zoned districts, in addition to the essential services identified above in section 2.01.03 A., the following governmental services and facilities shall be considered permitted essential services: nonresidential not-for-profit child care, nonresidential education facilities, libraries, museums, neighborhood parks, and recreational service facilities.
- E. Additional permitted essential services in the agricultural zoned district. In the agricultural zoned district, in addition to the essential services identified above in section 2.01.03 A., safety services, and other government services, necessary to promote and protect public health, safety and welfare are permitted essential services, limited to the following: law enforcement, fire, and emergency medical services.
- F. Additional permitted essential services in residentially zoned districts. In residentially zoned districts, in addition to the essential services identified above in section 2.01.03 A., neighborhood parks shall be considered a permitted essential service.
- G. Conditional uses. The following uses require approval pursuant to section 10.08.00 conditional uses:
 - 1. Conditional essential services in every zoning district excluding the RFMU district sending lands, CON districts, NRPASs, AND RLSA designated HSASs and FSASs. In every zoning district, unless otherwise identified as permitted uses, and excluding RFMU district Sending Lands, CON districts, and NRPA's, the following uses shall be allowed as conditional uses:
 - a. Electric or gas generating plants;
 - b. Effluent tanks;
 - c. Major re-pump stations sewage treatment plants, including percolation ponds, and water aeration or treatment plants,
 - d. Hospitals and hospices; and
 - e. Government facilities, including where not identified as a permitted use in this section, safety service facilities such as including law enforcement, fire, emergency medical services; and

f. **Conservation Collier lands** which provide for permitted, nondestructive, passive natural resource based recreational and educational activities, when such sites require major improvements to accommodate public **access** and use. These major improvements shall include, but are not limited to: parking areas of 21 parking spaces or more; nature centers; equestrian paths; biking trails; canoe and kayak launch sites; public restroom facilities, greater than 500 square feet; signage beyond that allowed in sections 2.01.03 A.9. and 2.01.03 B.1.e. of this Code and other nondestructive passive recreational activities as identified by the County Manager or designee. The provisions for **Conservation Collier lands** in this Code do not affect the underlying zoning districts or land use designations in any district where **Conservation Collier lands** are established, such that no expansion or diminution of the various zoning district **conditional uses** is intended or implied by these provisions, except as stated above for major improvements. **Oil and gas field development and production** as defined and regulated in this Code remains a **conditional use** on or beneath **Conservation Collier lands** established in zoning districts providing for **oil and gas field development and production** as a **conditional use**, subject to section 2.03.05 B.1.c.(1) of this Code.

2. Conditional essential services in RFMU sending lands, NRPASs, CON districts, and RLSA designated HSASs and FSASs. Within RFMU District Sending Lands, NRPA, CON districts, and the RFLA designated HSAs and FSAs subject to the limitations set forth in section 4.08.08 C.2., in addition to the essential services identified as allowed conditional uses in section 2.01.03 G.1. above, the following additional essential services are allowed as conditional uses:

- a. Sewer lines and lift stations necessary to serve a publicly owned or privately owned central sewer system providing service to urban areas; or the Rural Transition Water and Sewer District, as delineated on the Urban-Rural Fringe Transition Zone Overlay Map in the Future Land Use Element of the GMP, when not located within already cleared portions of existing rights-of-way or easements; and
- b. Safety Services limited to law enforcement, fire, and emergency medical services; and
- c. **Oil and gas field development and production**, as defined and regulated in this Code, remains a **conditional use** on or beneath **Conservation Collier lands** established in the CON zoning district subject to section 2.03.05 B.1.c.(1) of this Code.

* * * * *

SUBSECTION 3.E. AMENDMENTS TO SECTION 2.04.03 Table of Land Uses in Each Zoning District

Section 2.04.03 Table of Land Uses in Each Zoning District, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

Table 1. Permissible Land Uses in Each Zoning District

<u>P = permitted</u> <u>E = permitted with certain exceptions</u> <u>Blank cell = prohibited (also see table of conditional and accessory uses)</u> Land Use Type or Category	<u>SIC Code</u>	Golf Course - GC	Rural Agricultural - A	Estate - E	Residential Single Family RSF1- RSF-6	Residential Multiple Family - 6 - RMF-6	Residential Multiple Family - 12 - RMF-12
* * * * *	*	*	*	*	*	*	*
<u>Security Brokers, Dealers, Exchanges, Services</u>	6211-6289						
<u>Shoe Repair Shops or Shoeshine Parlors</u>	7251						
<u>Shooting range, indoor</u>	7999						
<u>Single-Family Dwellings</u>		P	P	P	P	P	P ²⁵
<u>Social Services</u>	8322-8399						
* * * * *	*	*	*	*	*	*	*

* * * * *

SUBSECTION 3.F. AMENDMENTS TO SECTION 4.02.03 Specific Standards for Location of Accessory Buildings and Structures

Section 4.02.03 Specific Standards for Location of Accessory Buildings and Structures, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

Table 4. Dimensional Standards for Accessory Buildings and Structures on Waterfront Lots and Golf Course Lots

		Setbacks			Structure to structure (If Detached)
		Front	Rear	Side	
1.	Parking garage or carport, single-family	SPS	SPS	SPS	10 feet
2.	One-story parking structures	SPS	SPS	SPS	10 feet
3.	Multistory parking structures	SPS	SPS	SPS	1/1 1
4.	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet ³	SPS	N
5.	Swimming pool (multi-family and commercial)	SPS	20 feet	15 feet	N
6.	Tennis courts (private) (one- and two-family)	SPS	15 feet	SPS	10 feet
7.	Tennis courts (multi-family and commercial)	SPS	35 feet	SPS	20 feet
8.	Boathouses and boat shelters (private)	SPS	N/A	7.5 feet or 15 feet	10 feet
					(See section 5.03.06(F))
9.	Utility buildings	SPS	SPS	10 feet	10 feet
10.	Chickee, barbecue areas	SPS	10 feet	SPS	N
11.	Davits, hoists and lifts	N/A	N/A	7.5 feet or 15 feet	SPS
12.	Attached screen porch	SPS	10 feet ⁴	SPS	SPS
13.	Unlisted accessory	SPS	SPS	SPS	10 feet
14.	Docks, decks and mooring pilings	N/A	N/A	7.5 feet or 15 feet	N/A
15.	Boat slips and ramps (private)	N/A	N/A	7.5 feet	N/A
16.	Satellite dish antennas	NP	15 feet	SPS	10 feet

N = None.

N/A = Not applicable.

NP = **structure** allowed in rear of **building** only.

SPS = Calculated same as **principal structure**.

* = 1 foot/foot of **accessory** height = 1 foot/foot of **building** separation

¹ 1/foot of **accessory** height = 1/foot of **building** separation.

² In those cases where the coastal construction control line is involved, the coastal construction control line will apply.

³ 20 feet where swimming pool decks exceed 4 feet in height above top of seawall or top of bank, except Isles of Capri and properties identified in the Goodland Zoning Overlay which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear **setback** of ten feet. The bench mark elevation of the top of seawall cap or top of bank for determining the setback for the rear yard accessory setback on a parcel shall be no higher than the average elevation of the top of seawall cap or top of bank on the two immediate adjoining parcels.

⁴ 20 feet where floor or deck of porch exceeds 4 feet in height above top of seawall or top of bank, except Isles of Capri and properties identified in the Goodland Zoning Overlay which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear **setback** of ten feet. The bench mark elevation of the top of seawall cap or top of bank for determining the setback for the rear yard accessory on a parcel shall be no greater than the average elevation of the top of seawall cap or top of bank on the two immediate adjoining parcels.

SUBSECTION 3.G. AMENDMENTS TO SECTION 4.02.14 Same-Development in the ACSC-ST District

Section 4.02.14 Same-Development in the ACSC-ST District, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.14 Same—Design Standards for Development in the ST and ACSC-ST Districts

- A. All development orders issued within the ACSC-ST area shall comply with the Florida Administrative Code, as amended, Boundary and Regulations for the Big Cypress Area of Critical State Concern.
- B. All development orders issued for projects within the Big Cypress Area of Critical State Concern shall be transmitted to the State of Florida, Department of Community Affairs, for review with the potential for appeal to the administration commission pursuant to Florida Administrative Code, development order Requirements for Areas of Critical State Concern.
- C. Site alteration.

* * * * *

SUBSECTION 3.H. AMENDMENTS TO SECTION 4.03.02 Applicability

Section 4.03.02 Applicability, 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.I. AMENDMENTS TO SECTION 4.03.03 Exemptions

Section 4.03.03 Exemptions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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

4.03.03 Exemptions

* * * * *

~~B. A minor **subdivision**, as defined in Chapter 1, for single-family detached and **duplex** residential **development** shall be exempt from the requirements and procedures for preliminary **subdivision** plats; provided, however, nothing contained herein shall exempt such minor **subdivision** from the requirements and procedures for improvement plans and final **subdivision** plats, and where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security. No **building** permits shall be issued prior to recordation of the final **subdivision** plat.~~

~~C. A minor **subdivision**, as defined in Chapter 1 for multi-family residential **development** and all nonresidential **development** shall be exempt from the requirements and procedures for preliminary **subdivision** plats and improvement plans; provided, however, nothing contained herein shall exempt such minor **subdivision** from the requirements and procedures for design requirements for **access** under section 4.04.00, water management plans under Chapter 6, final **subdivision** plats under the procedures set forth in Chapter 10, and site **development plans** under procedures set forth in Chapter 10, and where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security. No **building** permits shall be issued prior to recordation of the final **subdivision** plat.~~

~~D. An integrated phased **development**, as defined in Chapter 1 and which has been previously approved in accordance with procedures set forth in Chapter 10, shall be exempt from the requirements, standards and procedures for preliminary **subdivision** plats (Chapter 10) and improvement plans (Chapter 10); provided, however, nothing contained herein shall exempt such integrated phased **development** from the requirements and procedures for design requirements for **access** under section 4.04.00, water management plans under Chapter 6, final **subdivision** plats and **subdivision** performance security under Chapter 10, and major site **development plans** under Chapter 10. No **building** permits shall be issued prior to recordation of the final **subdivision** plat. These provisions shall not require that the interior **access** within an integrated phased **development** be different from the conditions in Chapter 10 applicable to site **development plans**.~~

* * * * *

SUBSECTION 3.J. AMENDMENTS TO SECTION 4.05.03 Specific Parking Requirements for Residential Uses in Mixed Use Urban Residential Land Use

Section 4.05.03 Specific Parking Requirements for Residential Uses in Mixed Use Urban Residential Land Use, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.05.03 Specific Parking Requirements for Residential Uses in Mixed Use Urban Residential Land Use

All automobile parking or storage of automobiles in connection with residential **structures** which are located on property which is designated as Mixed Use Urban Residential on the Future Land Use Map and which are zoned or used for residential uses, shall occur on specifically designed surfaces in a specifically designated area of the **lot** upon which the residential **structure** is located. The parking and/or storage of automobiles in connection with the residential **dwelling units** they are ancillary and **accessory** to shall be regulated as follows:

- A. **Single-family dwelling units:** Unless otherwise parked or stored in an enclosed **structure**, the parking or storing of automobiles in connection with **single-family dwelling units** shall be limited to stabilized subsurface base or plastic grid stabilization system covered by pervious or imperviously treated surface areas made of concrete, crushed stone, crushed shell, asphalt, pavers or turf parking systems specifically designed designated for the parking of automobiles. The designated parking area ~~which~~ may not comprise an area greater than forty (40%) percent of any required **front yard**; ~~which,~~ nonetheless, may not serve to limit a **driveway** to a width of less than twenty (20) feet. All parked automobiles shall utilize only the designated ~~pervious or impervious surface~~ parking areas of the lot.

- B. **Two-family dwelling units:** Unless otherwise parked or stored in an enclosed **structure**, the parking or storing of automobiles in connection with a two-family **structure** shall be limited to stabilized pervious or imperviously treated surface areas made of concrete, crushed stone, asphalt, pavers or turf parking systems specifically designed designated for the parking of automobiles. The designated parking area shall ~~which~~ may not comprise an area greater than fifty (50%) percent of any required **front yard**; ~~except that this shall~~ which, nonetheless will not serve to limit a **driveway** to a width of less than twenty (20) feet, ~~and a Separate driveways~~ may be provided on each side of the two-family **structure**; ~~but, in no case, shall the combined area of both driveways and any other designated parking areas exceed fifty (50) percent of any required front yard.~~

- C. **Multi-family (i.e. three (3) or more) dwelling units:** Unless otherwise parked or stored in an enclosed **structure**, the parking or storing of automobiles in connection with **multi-family dwelling units** shall be limited to ~~pervious or imperviously treated~~ stabilized surface areas made of concrete, crushed stone, asphalt, pavers or turf parking systems designed designated for the parking and storing of automobiles. ~~Pervious or imperviously treated surface~~ Areas designated for the parking of automobiles shall not exceed a ratio of two and one-half (2-1/2) automobiles per **dwelling unit** in the event all parking spaces are not located within an enclosed **structure** or any combination of open air and enclosed **structure**.

* * * * *

SUBSECTION 3.K. AMENDMENTS TO SECTION 4.06.02 Buffer Requirements

Section 4.06.02 Buffer Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.06.02. Buffer Requirements

* * * * *

C. Table of Buffer Yards

Types of buffers. Within a required buffer strip, the following alternative shall be used based on the matrix in table 2.4.

- 1. **Alternative A:** Ten-foot-wide landscape buffer with trees spaced no more than 30 feet on center.

When a Alternative A buffer is located within a residential PUD and adjacent to a lake, the required trees may be clustered on common property lines to provide views. Clustered tree plantings shall not exceed 60 feet between clusters.

2. Alternative B: Fifteen-foot-wide, 80 percent opaque within one year landscape buffer six feet in height, which may include a wall, fence, hedge, berm or combination thereof, including trees spaced no more than 25 feet on center. When planting a hedge, it shall be a minimum of ten gallon plants five feet in height, three feet in spread and spaced a maximum four feet on center at planting.

When a Alternative B buffer is located within a residential PUD and adjacent to a lake, the required plant materials may be clustered to provide views. Clustered tree plantings shall not exceed 60 feet between clusters and the clustered hedge plantings can be provided as a double row of shrubs that are a minimum of 30 inches in height. When the adjacent lake exceeds 1500 feet in width the hedge planting shall not be required.

SUBSECTION 3.L. 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:

C. Plant Material Standards

* * * * *
~~7. Lawn grass. Grassed areas shall be planted with species normally grown in permanent lawns common to the Collier County area. Grassed areas may be sodded, plugged, sprigged, or seeded provided solid sod shall be used in swales or other areas subject to erosion and provided further, in areas where other than solid sod or grass seed is used, nursegrass seed shall be sown for immediate ground coverage until permanent coverage is achieved. The use of drought-tolerant species is advised.~~

7. Lawn grass. Grassed lawn areas shall be planted with turf grass species normally grown for use as permanent lawns in Collier County. Lawns shall be planted using turf grass sod, plugs, sprigs, or seed installation methods. All water management areas and slopes steeper than 6:1 (6 horizontal to 1 vertical) shall be sodded. The use of drought tolerant turf species is encouraged. Synthetic turf shall not be used in any landscape area except when used in the rear yards of residential lots for the construction of recreation areas that do not exceed 30 percent of the rear yard pervious area.

* * * * *
~~I. Standards for landscape berms. All perimeter landscape berms over two feet in height shall meet or exceed the minimum standards as set forth herein. All grassed berms shall have side slopes no greater than four to one. Berms planted with ground cover and landscaping shall have side slopes no greater than three to one. The toe of the slope shall be set back a minimum of five feet from the edge of all right-of-way and property lines. Existing native vegetation shall be incorporated into the berms with all slopes fully stabilized and landscaped with trees, shrubs, and ground cover. Landscape berms shall not be placed within easements without written approval from all entities claiming an interest under said easement.~~

~~a. Landscape berms located adjacent to Interstate 75 right-of-way (I-75). Berms located adjacent to I-75 right of way may have a maximum slope of 2:1. Such berms shall be planted with native ground cover over a erosion control fabric, and native trees placed at 25 feet on center, equal in height to the height of the berm and located within a minimum ten-foot wide level planting area.~~

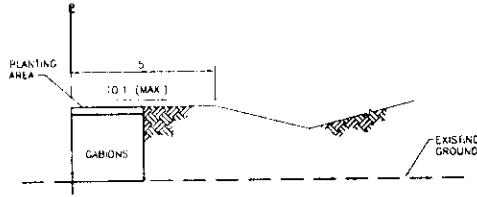
I. Treatment of Slopes: The following landscape and engineering standards shall apply to all landscape areas except for Golf Courses. See: Slope Chart 4.06.05.I. and Slope Cross Sections 4.06.05.I.

Slope Chart 4.06.05.I.

Slope Ratio	Slope Treatment. See a. below.
No Steeper Than 4:1 (4 horizontal to 1 vertical)	Grass. See Figure 3 below. Trees, Ground Covers, Ornamental Grasses, and Shrubs.
No Steeper Than 3:1 (3 horizontal to 1 vertical)	Trees, Ground Covers, Ornamental Grasses, and Shrubs. See Figure 2 below. Requires 50% surface coverage at time of installation and 80% coverage within 1 year and avoid soil erosion. Toe of slope shall be set back a minimum of 2 feet from sidewalks and paved surfaces.
No Steeper Than 2:1 (2 horizontal to 1 vertical)	Rip-rap or other forms of erosion and scour protection. See Figure 1 below. Permitted only in concentrated, rapid flow water management areas or sloped areas less than 200 square feet with a maximum height of 30 inches. Slopes shall be stabilized with geo-textile fabric and be planted with ground covers or vines to provide 80% coverage within 1 year.
No Steeper Than 1:1 (1 horizontal to 1 vertical)	Permanent slope stabilization systems are required on all slopes steeper than 2:1 and no steeper than 1:1. Stabilization systems shall require engineered plans signed and sealed by a Professional Engineer, Architect, or Landscape Architect registered in the state of Florida. Stabilization systems if visible from any road, access, or residence shall be set back from property line a minimum of 2 feet and be landscaped to provide 80% opacity within 1 year. In addition when a system is located within a landscape buffer all buffer plantings shall be located on the high or elevated side in a minimum 5 foot wide planting area with a slope no greater than 10:1. Stabilization systems shall not exceed 3 feet in height and shall not be located on lake banks or in lake maintenance easements. Set back requirements from sidewalks or paved surfaces shall be a minimum of 2 feet.
Steeper Than 1:1	Vertical Retaining Walls. See b, c, and d. below, See Also Alternative B below. Walls over 30 inches in height shall require engineered plans signed and sealed by a Professional Engineer, Architect, or Landscape Architect registered in the state of Florida. Wall shall be architecturally finished or provide a natural appearance. See e. below. Walls if visible from any road, access, or residence shall be set back from property line a minimum of 2 feet and be landscaped to provide 80% opacity within 1 year. In addition when a wall is located within a landscape buffer all buffer plantings shall be located on the high or elevated side of the wall in a minimum 5 foot wide planting area with a slope no greater than 10:1.

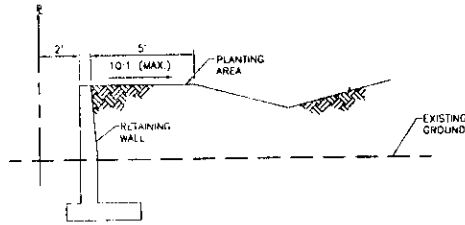
- a. Slopes adjacent to required preserve areas shall be planted with 100% Florida native species, shall provide swales to direct water flow away from preserves, and meet setbacks as required by section 3.05.07.H.3. of this Code.
- b. Perimeter water management walls shall not exceed 3 feet in height and shall be setback from property lines a minimum of 2 feet. In addition when water management walls are located in landscape buffers the walls shall be consistent with section 4.06.02.D of this Code. All water management walls shall be landscaped to provide 80% opacity within 1 year. See Figure 4 below.
- c. Water management areas with continuous vertical walls exceeding 20 feet in length and/or open vaults are prohibited.
- d. Vertical Retaining Wall requirements and standards do not apply to headwalls or bridge abutments.
- e. Architectural finish requires color, texture, and materials that are in common with those used on surrounding structures. Exposed concrete walls are prohibited. Natural appearance requires color, texture, and materials that mimic or occur in nature.

Slope Cross-Sections 4.06.05.I.

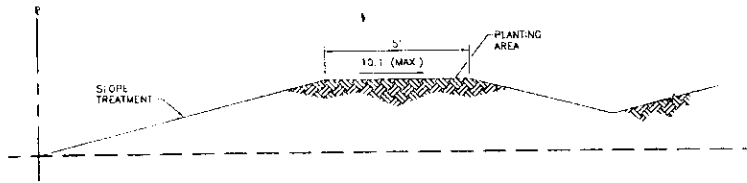


**PERIMETER BERM
ALTERNATIVE "A"**
N.T.S.

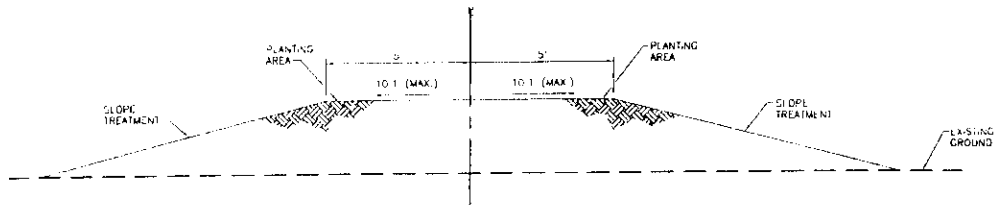
NOTE:
FACE OF GABION SHALL BE
PLANTED TO PROVIDE 80%
OPACITY WITHIN ONE YEAR.
IF FACI IS NOT PLANTED,
GABION SHALL BE SET BACK
2' MIN. FROM PROPERTY LINE



**PERIMETER BERM
ALTERNATIVE "B"**
N.T.S.



**PERIMETER BERM
ALTERNATIVE "C"**
N.T.S.



**PERIMETER BERM
ALTERNATIVE "D"**
N.T.S.

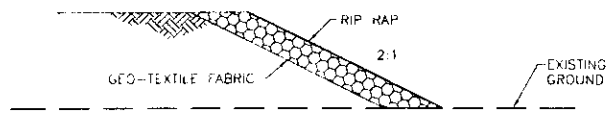


FIGURE #1
N.T.S.

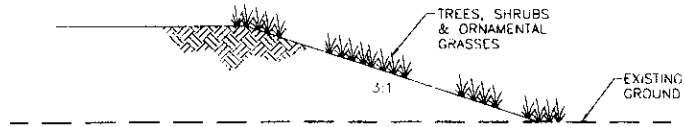


FIGURE #2
N.T.S.

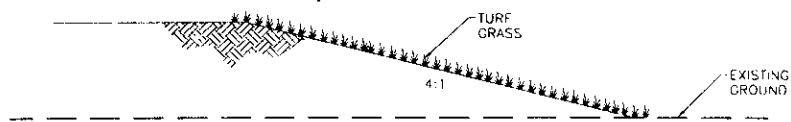


FIGURE #3
N.T.S.

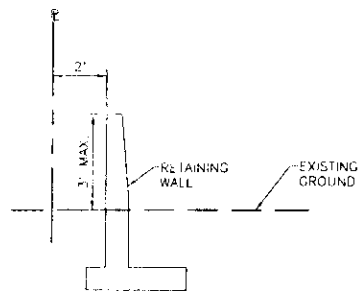


FIGURE #4 - PERIMETER
WATER MANAGEMENT WALL
N.T.S.

SLOPE TREATMENTS
N.T.S.

SUBSECTION 3.M. AMENDMENTS TO SECTION 4.07.02 Design Requirements

Section 4.07.02 Design Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.07.02 Design Requirements

* * * * *

A. Minimum area.

1. The minimum area required for a PUD shall be ten (10) contiguous acres except as otherwise provided for within a specific zoning or overlay district, or when located within an activity center or within the urban coastal fringe areas as designated on the future land use map of the GMP, or when located within a neighborhood center as designated on the golden gate area master plan future land use map or Immokalee area master plan future land use map of the GMP, or when implementing the residential mixed use neighborhood subdistrict or the commercial mixed use subdistrict in the future land use element of the GMP, where no minimum acreage requirements must be met.
2. For infill **parcels**, ~~as defined in Chapter 1 and the GMP,~~ the minimum area required for a PUD shall be two (2) contiguous acres. For purposes of the planned unit **development** district only, the term "infill parcels" shall refer to property implementing any of the infill subdistricts identified in the future land use element or golden gate area master plan element of the GMP, or property sharing at least two common boundaries with parcels that are developed.
3. For a PUD subject to the minimum area requirement of ten (10) contiguous acres, an exception shall be made for properties separated by either an intervening planned or developed public street right-of-way; provided, however, no portion of such separated properties shall be less than five (5) acres. For infill parcels, an exception shall be made for properties separated by either an intervening planned or developed public street right-of-way. For a PUD with no minimum area requirement, as identified in section 4.07.02.A.1., that PUD may include properties separated by either an intervening planned or developed public street right-of-way.

SUBSECTION 3.N. 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

* * * * *

C. Building Design Standards

* * * * *

13. Materials and colors.

- a. Purpose and intent. Exterior building colors and materials contribute significantly to the visual impact of buildings on the community. The colors and materials must be well designed and integrated into a comprehensive design style for the project.
- b. Exterior building colors. The use of solid black, gray, florescent, primary or secondary colored materials or finish paint is limited to no more than ten percent of a facade or the total roof area, except that naturally occurring materials are permissible, such as marble, granite, and slate and the following man-made materials: silver unpainted metal roofs.

- c. Exterior building materials (excluding roofs). The following building finish materials are limited to no more than 33 percent of the facade area:
 - i. Corrugated, or ~~reflective~~ metal panels, and
 - ii. Smooth concrete block.
- d. Neon tubing. The use of neon or neon type tubing is prohibited on the exterior and the roof of a building.

* * * * *

E. Site Design Standards. Compliance with the standards set forth in this section must be demonstrated by submittal of architectural drawings and a site development plan in accordance with Section 10.02.03 Site Development Plans of this Code.

* * * * *

- 2. Pedestrian pathways.
 - a. Purpose and intent. To provide safe opportunities for alternative modes of transportation by connecting with existing and future pedestrian and bicycle pathways within the county and to provide safe passage from the public right-of-way to the building or project which includes the area between the parking areas and the building perimeter walk, and between alternative modes of transportation. The on-site pedestrian system must provide adequate directness, continuity, street and drive aisle crossings, visible interest and security as defined by the standards in this Section.
 - b. Pedestrian access standards. Pathways and crosswalks must be provided as to separate pedestrian traffic from vehicular traffic while traveling from the parking space to building entries and from building entries to outparcels and to pathways along adjacent roadways. Pedestrians will only share pavement with vehicular traffic in marked crosswalks.
 - c. Minimum ratios. Pedestrian pathway connections must be provided from the building to adjacent road pathways at a ratio of one for each vehicular entrance to a project. Drive aisles leading to main entrances must have at least a walkway on one side of the drive isle.
 - d. Minimum dimensions. Pedestrian pathways must be a minimum of ~~six~~ five feet wide.
 - e. Materials. Pedestrian pathways must be consistent with the provisions of Section 4.5 of the Americans with Disabilities Act (ADA), Accessibility Guidelines. Materials may include specialty pavers, concrete, colored concrete, or stamped pattern concrete.
 - f. Building perimeter path. A minimum ~~6-foot wide~~ 5 feet wide building perimeter path is required as specified below:
 - i. A continuous building perimeter path interconnecting all entrances and exits of a building is required. Emergency "exits-only" are excluded.
 - ii. If parking area is proposed along the building facade within 15 feet from a building wall, a building perimeter path must be provided along the full length of the row of parking spaces facing the building.

SUBSECTION 3.O. AMENDMENTS TO SECTION 5.06.04 Sign Standards for Specific Situations

Section 5.06.04 Sign Standards for Specific Situations, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.04 Sign Standards for Specific Situations

* * * * *

C. On-premise signs. On-premise pole signs, ground signs, projecting signs, wall signs, and mansard signs shall be allowed in all non-residentially zoned districts subject to the restrictions below:

1. Pole or ground signs. Single-occupancy parcels, shopping centers, office complexes, business parks, or industrial parks having frontage of 150 feet or more on a public street, or combined public street frontage of 220 linear feet or more for corner lots, shall be permitted one pole or ground sign. Additional pole or ground signs may be permitted provided that there is a minimum of a 1,000-foot separation between such signs, and all setback requirements are met. In no case shall the number of pole or ground signs exceed two per street frontage.

* * * * *

g. Ground signs shall provide a pole cover no less than 50 percent of the width of the sign, with architectural design features including colors and/or materials common to those used in the design of the building to which the sign is appurtenant. A minimum 100 square foot planting area shall be provided around the base of any ground or pole sign, consistent with the provisions of this section of the Code. Development of sign planting area landscaping shall be pursuant to Section 4.06.03 A. of this Code.

* * * * *

11. Conservation Collier signs. In addition to other signs allowed by this code, lands acquired for the Conservation Collier lands program shall be allowed to have one ground sign having a maximum height of 8 feet and a maximum sign area of 32 square feet to identify the main preserve entrance. This sign shall require a permit and shall be allowed if there is no principle structure on the property.

~~11.12.~~ Temporary signs. The erection of any temporary shall require permitting as established within section 10.02.06 G. unless otherwise indicated herein. Applicants for temporary sign permits shall pay the minimum fee established for said permit. Temporary signs shall be allowed subject to the restrictions imposed by this section and other relevant parts of this Code.

* * * * *

d. "Coming soon signs". A temporary use permit may be granted, at the discretion of the County Manager or his designee, for a "coming soon" sign located within a non-residential district. This sign must not exceed 32 square feet and the temporary use permit number must be placed at the base of the sign not less than one-half inch from the bottom. The sign must not be displayed for a period of more than six months from the issuance of temporary use permit ~~a building permit~~ or until the issuance of a permit for the permanent sign, whichever occurs first. A temporary use permit will not be issued until a building permit for the principal structure is applied for. The non-refundable fees for this temporary use permit will be calculated by the board of county commissioners and are subject to change.

SUBSECTION 3.P. AMENDMENTS TO SECTION 6.06.03 Streetlights

Section 6.06.03 Streetlights, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.06.03 Streetlights

- A. Streetlights shall be designed and installed utilizing the IES standards for each **street**, intersection at required intervals along each **street** ~~not to exceed 400 feet~~ and at the end of each **cul-de-sac**, ~~and may be required at intervals along each street.~~ Such lights ~~may be required on interior streets, alleys, boundary streets, access paths and the like.~~ The IES standards for this **street** lighting are: ~~(per IESNA RP 8.00);~~ except as below:
1. ~~A minimum of 1.4 foot candles at the center of each internal project intersection is required.~~
 2. ~~A minimum of 1.4 foot candles along internal roadways is recommended but not required.~~
- B. At the entry/exit of any **subdivision** located on a public County collector or **arterial street**, the following additional standards shall apply:
1. At the points where the edges of pavement of the entrance road meet the intersecting right-of-way line, the illumination level shall be at or between, a minimum of 2.0 foot candles and maximum of 5.0 foot candles.
 2. ~~At the centerline of the entrance road and a minimum of right of way line,~~ the illumination level shall be a minimum of 3.5 foot candles. A full cutoff fixture is required on both sides of each entry or exit outside of the intersecting public right-of-way.
- C. ~~All light levels shall be measured at a minimum of approximately four (4) feet above the pavement on a moonless night.~~ All sidewalks not directly lighted by street lighting that interconnect developments must be lighted to pedestrian level standards per IESNA RP-8-00.

SUBSECTION 3.Q. AMENDMENTS TO SECTION 9.04.02 Types of Variances Authorized

Section 9.04.02 Types of Variances Authorized, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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 space; dimensional aspects of landscaping and buffering requirements; size, height, maximum number of and minimum setback for signs; minimum requirements for off-street parking facilities; and for site alterations, regardless of predevelopment vegetation, on lots within the Plantation Island Unit One, Plantation Island Unit Two and Plantation Island Unit Three Subdivision (unrecorded).

- B. Variances for site alterations, regardless of predevelopment vegetation, on lots within the Plantation Island Unit One, Unit Two and Unit Three subdivisions (unrecorded).

1. Pursuant to the § 380.032(3) Agreement between the Board of County Commissioners and the Department of Community Affairs dated April 26, 2005, regarding Plantation Island Subdivision within the Big Cypress Area of Critical State Concern, a variance from the requirement of subsection 4.02.14 C.4. of the Land Development Code shall be authorized for site alterations, including dredging and filling, of up to 2,500 square feet, regardless of predevelopment vegetation, on a group of adjacent lots under common ownership, including on a single lot if only one lot is owned, within Units One, Two and Three of the Plantation Island Subdivision (unrecorded) located in Section 29, Township 53 South, Range 29 East, in Collier County, Florida utilizing the procedure as set forth in section 9.04.03 of the Land Development Code and where the proposed development is designed consistent with Big Cypress Critical Area regulations to have a minimum adverse impact on the critical area's water storage capacity, surface water and estuarine fisheries as authorized by Rule 28-25.011, Florida Administrative Code.

SUBSECTION 3.R .AMENDMENTS TO SECTION 10.02.01 Pre-Application Conference Required

Section 10.02.01 Pre-Application Conference Required, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.01 Pre-Application Conference Required

A. Subdivision review procedures.

1. *Preapplication conference.* Prior to formal filing of a preliminary or final subdivision plat, an **applicant** shall confer with the County Manager or his designee to obtain information and guidance. The purpose of such a conference is to permit the **applicant** and the County Manager or his designee to review informally a proposed **development** and determine the most efficient method of **development** review before substantial commitments of time and money are made in the preparation and submission of the preliminary **subdivision** plat, improvement plans, final **subdivision** plat, and related documents.

- a. *Preapplication.* A written preapplication shall be submitted to the County Manager or his designee at any time prior to the review of a proposed preliminary or final subdivision plat. The written application shall contain the following:

* * * * *

- b. *Issues of discussion.* Issues that shall be discussed at the preapplication conference shall include but are not limited to the following:

* * * * *

- iv. *Application contents.* In conformance with the requirements of this section, the County Manager or his designee shall establish the contents of the preliminary or final subdivision plat required to be submitted for the proposed **development**. This shall include descriptions of the types of reports and drawings required, the general form which the preliminary or final subdivision plat shall take, and the information which shall be contained within the preliminary or final subdivision plat and supporting documentation.

- v. *Application copies and fees.* The County Manager or his designee shall identify the number of copies of the preliminary or final **subdivision** plat application that are required to be submitted for the proposed **development**, along with the amount of the fees needed to defray the cost of processing the application.

* * * * *

SUBSECTION 3.S. 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

* * * * *

- B. **Subdivision** exemptions. Before any property or **development** proposed to be exempted from the terms of this section may be considered for exemption, a written request for exemption shall be submitted to the County Manager or his designee. After a determination of completeness, the County Manager or his designee shall approve, approve with conditions or disapprove the request for exemption based on the terms of the applicable exemptions. To the extent indicated, the following shall be exempt from the applicability of this section.

* * * * *

~~2. *Minor subdivisions for single family detached and duplex residential development.* A minor **subdivision**, as defined in article 6, for single-family detached and **duplex residential development** shall be exempt from the requirements and procedures for preliminary **subdivision** plats; provided, however, nothing contained herein shall exempt such minor **subdivision** from the requirements and procedures for improvement plans and final **subdivision** plats, and where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security. No **building** permits shall be issued prior to recordation of the final **subdivision** plat.~~

~~3. *Minor subdivisions for multifamily residential and nonresidential development.* A minor **subdivision**, as defined in article 6, for multiple-family residential **development** and all nonresidential **development** shall be exempt from the requirements and procedures for preliminary **subdivision** plats and improvement plans; provided, however, nothing contained herein shall exempt such minor **subdivision** from the requirements and procedures for design requirements for **access** under the Collier County Construction Standards Manual, water management plans under the Collier County Construction Standards Manual, final **subdivision** plats under sections 10.02.04 and 10.02.05, and site **development plans** under section 10.02.03, and where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security. No **building** permits shall be issued prior to recordation of the final **subdivision** plat.~~

4. ~~Integrated phased developments. An integrated phased development, as defined in section 1.08.00 and which has been previously approved in accordance with section 10.02.04 A.5., shall be exempt from the requirements, standards and procedures for preliminary subdivision plats (section 10.02.04) and improvement plans (section 10.02.05 E.); provided, however, nothing contained herein shall exempt such integrated phased development from the requirements and procedures for design requirements for access according to the Collier County Construction Standards Manual, water management plans according to the Collier County Construction Standards Manual, final subdivision plats and subdivision performance security under sections 10.02.04 and 10.02.05, and major site development plans under section 10.02.03. No building permits shall be issued prior to recordation of the final subdivision plat. These provisions shall not require that the interior access within an integrated phased development be different from the conditions in section 10.02.03 applicable to site development plans.~~

* * * * *

SUBSECTION 3.T. 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.

1. Purpose. The intent of this section is to ensure compliance with the appropriate land **development** regulations prior to the issuance of a **building** permit. This section is further intended to ensure that the proposed **development** complies with fundamental planning and design principles such as: consistency with the county's growth management plan; the layout, arrangement of **buildings**, architectural design and **open spaces**; the configuration of the traffic circulation system, including **driveways**, traffic calming devices, parking areas and emergency **access**; the availability and capacity of drainage and utility facilities; and, overall **compatibility** with **adjacent development** within the jurisdiction of Collier County and consideration of natural resources and proposed impacts thereon.
2. Applicability. All **development**, except as otherwise provided herein, is subject to the provisions of this section. The provisions of this section shall not apply to the following land use activities and represents the sole exceptions therefrom:
 - a. Single-family detached and two-family housing **structure(s)** on a **lot(s)** of record except as otherwise provided at section 4.02.02 (**cluster development**).
 - b. Townhouses developed on fee simple lots under individual ownership, provided that a fee simple townhouse plat is approved in accordance with the provisions of section 10.02.04.B.4
 - ~~b.c.~~ **Underground construction; utilities, communications and similar underground construction type activities.**
 - ~~e.d.~~ **Accessory and ancillary facilities for a golf course such as restrooms, irrigation systems, pump-houses where a preliminary work authorization has been entered into with the county except where a site **alteration** permit is required by this Code.**

~~e.e.~~ Construction trailers and storage of equipment and materials following issuance of a **building** permit for the use to which said activities are a function of, except as otherwise provided by section 5.04.03 E. Model homes and sales centers, except as otherwise provided by section 5.04.04.

~~f.g.~~ Project entryway **signs**, walls, gates and guardhouses.

~~g.h.~~ **Neighborhood parks**, subject to the approval of a conceptual site plan, depicting, on a 24" by 36" sheet, all site clearing; improvements, including fences and walls, playground equipment, walkways, picnic areas, and play areas; and minimum Code landscaping (irrigation will not be required). For the purposes of review fees only, this plan shall be treated as a conceptual site **development plan**, and the applicable review fee shall apply.

* * * * *

SUBSECTION 3.Q. 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.

* * * * *

2. Preliminary **subdivision** plat submission requirements. The preliminary **subdivision** plat process is optional. The optional nature of this process will in no way affect the submission requirements enumerated below. In other words, if an **applicant** chooses this option, the **applicant** must follow all of the submission requirements. The mandatory nature of the final **subdivision** plat process is likewise not affected by the optional nature of the preliminary **subdivision** plat submission process.

3. A preliminary **subdivision** plat application shall be submitted for the entire property to be subdivided in the form established by the County Manager or his designee and shall, at a minimum, include ten copies of the preliminary **subdivision** plat unless otherwise specified by the County Manager or his designee. The preliminary **subdivision** plat shall be prepared by the **applicant's** engineer and surveyor. Land planners, landscape architects, architects, and other technical and professional persons may assist in the preparation of the preliminary **subdivision** plat. The preliminary **subdivision** plat shall be coordinated with the major utility suppliers and public facility providers applicable to the **development**. Provisions shall be made for placement of all utilities underground, where possible. Exceptions for overhead installations may be considered upon submission of sound justification documenting the need for such installation. The preliminary **subdivision** plat shall include or provide, at a minimum, the following information and materials:

* * * * *

t. Typical **lot** configurations shall be illustrated and the minimum area of the **lots** required by the approved zoning classification shall be referenced by note. ~~Such illustrations shall show a typical dwelling unit meeting required setbacks for a typical lot.~~ For fee-simple residential lots, the illustration shall portray the type of unit

identified by LDC definition and developer's description to be placed on each lot (example: Lots 1-20, single-family attached (patio home), and show a typical unit on typical interior and corner lots, depicting setbacks (including preserve setbacks, if applicable) and/or separation of structures. Also for fee simple residential lots, the illustration shall portray the location of typical units on atypical lots (such as cul-de-sac, hammerhead and all irregular lots). For non-residential lots (e.g., multi-family amenity lots or parcels, commercial/industrial lots), the illustration shall portray setbacks & building envelope. Setbacks required by the approved zoning classification shall be provided verbatim on the plan in matrix form. Where more than one type of dwelling unit (e.g., single-family detached, single-family attached, zero lot line) is planned, lots must be linked to the type, or types, of unit which they are intended to accommodate. Lot areas and lot dimensions may be shown on a legend as opposed to a notation on each lot. A table shall be provided showing lot area and lot width for each irregular lot, regular corner and interior lots may show only typical width and area.

* * * * *

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

~~a. Precondition for improvement plans and final subdivision plat. Only after approval of the preliminary subdivision plat shall the applicant be entitled to submit to the county the improvement plans and final subdivision plat as required by this section. No improvement plans or final subdivision plat shall be accepted for review unless the preliminary subdivision plat has been approved and remains valid and in effect.~~

b.a. No vested rights. It is hereby expressly declared that the intent of this section is to create no vested rights in the applicant or owner of property which obtains approval of a preliminary subdivision plat, and the county shall not be estopped to subsequently deny approval of the improvement plans and final subdivision plat based on changes in federal, state or local laws or regulations, or upon any other facts or circumstances subsequently arising or considered which would adversely affect the feasibility or desirability of the preliminary subdivision plat, nor shall the county be estopped to deny any rezoning in which a preliminary subdivision plat is submitted in support of such rezoning.

c.b. Time limitations. Refer to the provisions of 10.02.05 A.

~~d. Relationship to site development plans. Anything contained elsewhere in this Code to the contrary notwithstanding, no major final or minor site development plan may be accepted for concurrent review with a preliminary subdivision plat, however approval shall be withheld until the preliminary subdivision plat is approved except where no preliminary subdivision plat is required under a minor subdivision. Further, no final site development plan (whether minor or final) shall be approved prior to approval of the final plat by the board of commissioners, however, no building permit will be issued until the plat is recorded, except for development amenities such as club houses, swimming pools, guard houses and the like, upon approval of the plat by the board of county commissioners and pursuant to submission of a site development plan, or a temporary use permit as may be permitted by 5.04.04 of this Code.~~

e.c. *Relationship to zoning and planned unit developments.* Anything contained elsewhere in this Code to the contrary notwithstanding, no preliminary **subdivision** plat shall be approved prior to final approval of the zoning or planned unit **development** for the proposed **subdivision**; provided, however, the zoning or planned unit **development** application and the preliminary **subdivision** plat may be processed concurrently at the written request of the **applicant** to the County Manager or his designee.

f.d. *Approval of improvement 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. and 10.02.04 B.3. shall be the subject of a preliminary work authorization as set forth herein. A preliminary 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.

* * * * *

B. Final plat requirements.

* * * * *

4. Final subdivision plat submission requirements. The submittal of final plats for which no preliminary subdivision plat is contemplated must include, apart from the final plat and/or improvement plans, that information required for review of preliminary **subdivision** plats in accordance with Section 10.02.04 A.2. For only those final plats incorporating townhouse **development** on fee simple lots, the following additional information, prepared by a registered engineer (and landscape architect for landscape plan), must be provided either separately or in conjunction with the information required by section 10.02.04 A.2. of this Code:

a. Landscape plans, signed and sealed, in accordance with section 10.02.03.B.1.c of this Code

b. Zoning data as follows, prepared on maximum size sheets measuring 24 inches by 36 inches, drawn to scale:

i. A coversheet which includes:

a) The name of the **development**.

b) The zoning district, and PUD name and ordinance number, if applicable.

c) A legal description of the property, both prior to, and after, **subdivision**.

d) The name, address and phone number of the agent preparing the plat, and the name, address, and phone number of the property owner.

- e) A vicinity map, clearly identifying the location of the **development**.
- ii. A site plan, providing the following information in table format:
- a) Total site acreage.
 - b) Total square footage of **impervious area** (including all parking areas, drive aisles, and internal **streets**) and its percentage of the total site area.
 - c) Total number of units, units per acre, and a unit breakdown by square footage and number of bedrooms, as well as minimum/maximum (as applicable) floor area required and floor area proposed.
 - d) All required and provided **setbacks** and separation between principal and **accessory structures**.
 - e) Maximum **building** height allowed by zoning district and height proposed.
 - f) Zoning and land use of the subject property and **adjacent** properties, including properties **abutting** an **adjacent right-of-way or right-of-way easement**.
 - g) A parking summary, showing number of spaces required, and number of spaces provided.
 - h) Preserve area required and provided.
 - i) Illustrative information (drawing) accurately depicting the following:
 - 1) Name and alignment of existing/proposed **rights-of-way** of all **streets** bordering the **development**; the location of all existing **driveways** or **access** points of the opposite sides of all **streets** bordering the **development**; and the location of all traffic calming devices.
 - 2) Location and configuration of all **development** ingress and egress points.
 - 3) Location and arrangements of all proposed principal and **accessory structures**.
 - 4) Name and alignment of existing/proposed **rights-of-way** for all internal **streets** and **alleys**.
 - 5) Directional movement of internal vehicular traffic and its separation from pedestrian traffic.
 - 6) Location of emergency **access** lanes, fire hydrants and fire lanes.
 - 7) Location of all handicapped parking spaces.
 - 8) Location of trash enclosures or compactors, if applicable.
 - 9) Location and proposed heights of proposed walls

or fences.

- 10) Location of **sidewalks** and **pathways**, designed in accordance with section 10.02.03.B.1.i, xiii. of this Code.
- 11) Location of **sidewalk** parking in accordance with section 10.02.03 B.1.i.xv. of this Code.
- 12) Location of all required preserves with area in square feet.
- 13) Any additional relevant information as may be required by the County Manager or designee.

5. Contents and Substance of Final **Subdivision** Plat.

The final plat ~~itself must shall~~ be drawn on only standard size 24-inch by 36-inch sheets of mylar or other approved material in conformance with F.S. ch. 177. The final plat shall be prepared by a land surveyor currently registered in the State of Florida and is to be clearly and legibly drawn with black permanent drawing ink or a photographic silver emulsion mylar to a scale of not smaller than one inch equals 100 feet. The final plat shall be prepared in accordance with the provisions of F.S. ch. 177, as amended, and shall conform, at a minimum, to the following requirements:

- a. *Name of subdivision.* The plat shall have a title or name acceptable to the County Manager or his designee. When the plat is a new **subdivision**, the name of the **subdivision** shall not duplicate or be phonetically similar to the name of any existing **subdivision**. When the plat is an additional unit or section by the same developer or successor in title to a recorded **subdivision**, it shall carry the same name as the existing **subdivision** and as necessary a sequential numeric or alphabetic symbol to denote and identify the new plat from the original plat. If the name of the **subdivision** is not consistent with the name utilized for any zoning action for the subject property, a general note shall be added to the plat cover sheet which identifies the zoning action name and ordinance number which approved such action.
- b. *Title.* The plat shall have a title printed in bold legible letters on each sheet containing the name of the **subdivision**. The subtitle shall include the name of the county and state; the section, township and range as applicable or if in a land grant, so stated; and if the plat is a replat, amendment or addition to an existing **subdivision**, it shall include the words "section," "unit," "replat," "amendment," or the like.

* * * * *

C. Relationship of Plats to Site Development Plans

No site development plan may be accepted for concurrent review with a preliminary subdivision plat. Once the preliminary subdivision plat has been approved, site development plans may be submitted for review concurrent with the submittal of the final plat. No site development plan may be approved until the final plat receives administrative approval, and no building permits may be issued until the final plat is recorded, except for those development amenities which are excluded from the provisions of section 10.01.01 in accordance with

SUBSECTION 3.S. AMENDMENTS TO SECTION 10.02.13 Planned Unit Development (PUD) Procedures

Section 10.02.13 Planned Unit Development (PUD) 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

* * * * *

E. Changes and amendments

- 1. Substantial/insubstantial changes. Any substantial change(s) to an approved PUD master plan shall require the review and recommendation of the planning commission and approval by the board of county commissioners prior to implementation. Any insubstantial change(s) to an approved PUD master plan shall require approval by the planning commission. For the purpose of this section, a substantial change shall be deemed to exist where:

* * * * *

- k. Any modification to the PUD master plan or PUD document or amendment to a PUD ordinance which impact(s) any consideration deemed to be a substantial modification as described under this section 10.02.12. 13.

SUBSECTION 3.T. 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 EAD 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 at least ~~21~~ 15 days in advance of the hearing. This notice shall be sent by mail to all owners of property within 500 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 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.

* * * * *

SUBSECTION 3.U. 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:

Section 10.08.00 Conditional Use Procedures

K. **Conditional use application processing time.** An application for a **conditional use** 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 **conditional use** 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 **conditional use**, 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, by certified mail, return receipt requested; 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.

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 re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

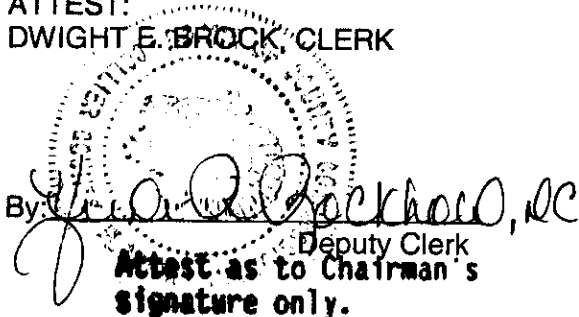
SECTION SIX: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 8th day of February, 2006.

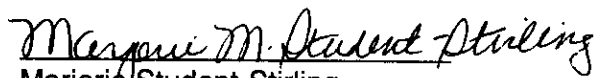
ATTEST:
DWIGHT E. BROCK, CLERK

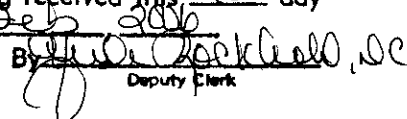
BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By:  Deputy Clerk
Attest as to Chairman's signature only.

By:  FRANK HALAS, CHAIRMAN

Approved as to form and legal sufficiency:


Marjorie Student-Stirling
Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 14th day of Feb, 2006 and acknowledgement of that filing received this 20th day of Feb, 2006
By:  Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

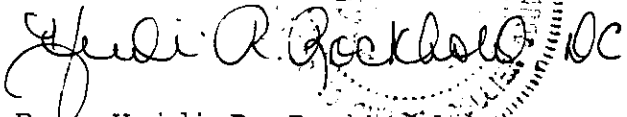
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2006-07

Which was adopted by the Board of County Commissioners on the 8th day of February, 2006, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 13th day of February, 2006.

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

A handwritten signature in cursive script, reading "Heidi R. Rockhold". The signature is written over a circular official seal of the Board of County Commissioners of Collier County, Florida. The seal contains the text "BOARD OF COUNTY COMMISSIONERS" and "COLLIER COUNTY, FLORIDA".

By Heidi R. Rockhold
Deputy Clerk