



ORDINANCE NO. 06- 63

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 REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER 1 - GENERAL PROVISIONS, INCLUDING SEC. 1.08.01 ADDING ABBREVIATIONS, SECTION 1.08.02 ADDING DEFINITIONS; CHAPTER 2 - ZONING DISTRICTS AND USES, INCLUDING, SECTION 2.03.01 RESIDENTIAL ZONING DISTRICTS, SECTION 2.03.06 PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 2.03.07 OVERLAY ZONING DISTRICTS INCLUDING MAPS, SECTION 2.04.03 TABLE OF LAND USES IN EACH ZONING DISTRICT; SECTION 2.06.01 GENERALLY; CHAPTER 3 - RESOURCE PROTECTION, INCLUDING SECTION 3.02.10 STANDARDS FOR SUBDIVISION PLATS, SECTION 3.03.05 SEA LEVEL RISE, SECTION 3.05.02 EXEMPTIONS FROM REQUIREMENTS FOR VEGETATION PROTECTION AND PRESERVATION, SECTION 3.05.10 LITTORAL SHELF PLANTING AREA; CHAPTER 4 - SITE DESIGN STANDARDS, INCLUDING SECTION 4.01.01 ELEVATION REQUIREMENTS FOR ALL DEVELOPMENTS, SECTION 4.02.16 DESIGN STANDARDS FOR THE BMUD NEIGHBORHOOD COMMERCIAL SUBDISTRICT, SECTION 4.02.17 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD WATERFRONT SUBDISTRICT, SECTION 4.02.18 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD RESIDENTIAL SUBDISTRICT (R1), SECTION 4.02.23 SAME - DEVELOPMENT IN THE ACTIVITY CENTER #9 ZONING DISTRICT, SECTION 4.02.35 DESIGN STANDARDS IN THE GTMUD MIXED USE SUBDISTRICT (MXD), SECTION 4.02.36 DESIGN STANDARDS FOR DEVELOPMENT IN THE GTMUD RESIDENTIAL SUBDISTRICT (R), ADDING SECTION 4.02.38 SPECIFIC DESIGN CRITERIA FOR MIXED USE DEVELOPMENT WITHIN C-1 THROUGH C-3 ZONING DISTRICTS, SECTION 4.03.05 SUBDIVISION DESIGN REQUIREMENTS, SECTION 4.04.02 ACCESS MANAGEMENT, SECTION 4.06.02 BUFFER REQUIREMENTS, SECTION 4.06.05 GENERAL LANDSCAPING REQUIREMENTS, SECTION 4.07.04 SPECIAL REQUIREMENTS FOR MIXED USE PLANNED UNIT DEVELOPMENTS CONTAINING A COMMERCIAL COMPONENT; CHAPTER 5 - SUPPLEMENTAL STANDARDS INCLUDING SECTION 5.03.06 DOCK FACILITIES, SECTION 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS, SECTION 5.06.02 PERMITTED SIGNS, SECTION 5.06.03 DEVELOPMENT STANDARDS FOR SIGNS, SECTION 5.06.04 SIGN STANDARDS FOR SPECIFIC SITUATIONS, SECTION 5.06.06 PROHIBITED SIGNS; CHAPTER 6 - INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS INCLUDING, SECTION 6.02.02 MANAGEMENT AND MONITORING PROGRAM, SECTION 6.06.02 SIDEWALKS AND BIKE LANE REQUIREMENTS; CHAPTER 8 - DECISION-MAKING AND ADMINISTRATIVE BODIES INCLUDING, SECTION 8.06.03 POWERS AND

DUTIES, SECTION 8.06.04 MEMBERSHIP, SECTION 8.06.10 APPEAL, SECTION 8.08.00 CODE ENFORCEMENT BOARD; CHAPTER 9 - VARIATIONS FROM CODE REQUIREMENTS INCLUDING, SECTION 9.04.04 SPECIFIC REQUIREMENTS FOR MINOR AFTER-THE-FACT ENCROACHMENTS; CHAPTER 10 - APPLICATION REVIEW AND DECISION-MAKING PROCEDURES INCLUDING, SECTION 10.02.02 SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS, SECTION 10.02.03 SUBMITTAL REQUIREMENTS FOR SITE DEVELOPMENT PLANS, SECTION 10.02.04 SUBMITTAL REQUIREMENTS FOR PLATS, SECTION 10.02.05 SUBMITTAL REQUIREMENTS FOR IMPROVEMENT PLANS, SECTION 10.02.07 SUBMITTAL REQUIREMENTS FOR CERTIFICATES OF PUBLIC FACILITY ADEQUACY, SECTION 10.02.13 PLANNED UNIT DEVELOPMENT (PUD) PROCEDURES, 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 FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATES.

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 superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

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

WHEREAS, this is the first amendment to the LDC for the calendar year 2006; 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 September 20, 2006 and October 25, 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 Section 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 prevent the overcrowding of land and avoid the undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; to conserve, develop, utilize and protect natural resources within the jurisdiction of Collier County; to protect human, environmental, social and economic resources; and to maintain through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

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

SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

SUBSECTION 3.A. AMENDMENTS TO SECTION 1.08.01 ABBREVIATIONS

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

1.08.01 Abbreviations

<u>A</u>	<u>Agricultural Zoning District</u>
<u>ACOE</u>	<u>Army Corps of Engineers</u>
<u>ACP</u>	<u>Agricultural Cleaning Permit</u>
<u>ADA</u>	<u>Americans with Disabilities Act</u>
<u>ACSC</u>	<u>Big Cypress Area of Critical State Concern</u>
ADT	Average Daily Trips (transportation)
AHDB	Affordable Housing Density Bonus
ALF	Assisted Living Facility
APFC	Adequate Public Facilities Certificate (APFC)
<u>ASI</u>	<u>Area of Significant Influence</u>
ASTM	American Society for Testing and Materials
ATF	After the Fact
AUIR	Annual Update and Inventory Report
<u>BD</u>	<u>Boat Dock Petition</u>
BOA	Collier County Building Board of Adjustments and Appeals
BCC	Collier County Board of County Commissioners
<u>BFE</u>	<u>Base Flood Elevation</u>
<u>BMUD</u>	<u>Bayshore Mixed Used District</u>
<u>BP</u>	<u>Business Park Zoning District</u>
BZA	Collier County Board of Zoning Appeals
<u>CAO</u>	<u>County Attorney's Office</u>
<u>C-1</u>	<u>Commercial Districts</u>

<u>C-2</u>	<u>Commercial Convenience District</u>
<u>C-3</u>	<u>Commercial Intermediate District</u>
<u>C-4</u>	<u>General Commercial District</u>
<u>C-5</u>	<u>Heavy Commercial District</u>
<u>CCME</u>	<u>Conservation and Coastal Management Element of the Growth Management Plan</u>
<u>CMS</u>	<u>Concurrency Management System</u>
<u>CCPC</u>	<u>Collier County Planning Commission</u>
<u>CCSL(P)</u>	<u>Coastal Construction Setback Line (Permit)</u>
<u>CDD</u>	<u>Community Development District</u>
<u>CEB</u>	<u>Code Enforcement Board</u>
<u>CDES</u>	<u>Community Development & Environmental Services</u>
<u>CF</u>	<u>Community Facility</u>
<u>CFR</u>	<u>Code of Federal Register</u>
<u>CIE</u>	<u>Capital Improvement Element</u>
<u>CIP</u>	<u>Capital Improvement Program</u>
<u>CMO</u>	<u>Corridor Management Overlay</u>
<u>C.O.</u>	<u>Certificate of Occupancy</u>
<u>COA</u>	<u>Certificate of Public Facilities Adequacy</u>
<u>CON</u>	<u>Conservation Zoning District</u>
<u>CRD</u>	<u>Compact Rural Development</u>
<u>CSP</u>	<u>Conceptual Site Plan</u>
<u>CU</u>	<u>Conditional Use</u>
<u>DBH</u>	<u>Diameter at Breast Height</u>
<u>DCA</u>	<u>Department of Community Affairs</u>
<u>DEP</u>	<u>Department of Environmental Protection</u>
<u>DO</u>	<u>Development Order</u>
<u>DRI</u>	<u>Development of Regional Impact</u>
<u>DSAC</u>	<u>Development Services Advisory Committee</u>
<u>DSWT</u>	<u>Dry Season Water Table</u>
<u>E</u>	<u>Estates Zoning District</u>
<u>EAC</u>	<u>Collier County Environmental Advisory Council</u>
<u>EAR</u>	<u>Evaluation and Appraisal Report</u>
<u>EIS</u>	<u>Environmental Impact Statement</u>
<u>EPA</u>	<u>Environmental Protection Agency</u>
<u>ERP</u>	<u>Environmental Resource Permit</u>
<u>EXP</u>	<u>Excavation Permit</u>
<u>FAC</u>	<u>Florida Administrative Code</u>
<u>FAR</u>	<u>Floor Area Ratio</u>
<u>FBC</u>	<u>Florida Building Code</u>
<u>FDEP</u>	<u>Florida Department of Environmental Protection</u>
<u>FDOT</u>	<u>Florida Department of Transportation</u>
<u>FEMA</u>	<u>Federal Emergency Management Agency</u>
<u>FFWCC</u>	<u>Florida Fish and Wildlife Conservation Commission</u>
<u>FIHS</u>	<u>Florida Interstate Highway System</u>
<u>FIRM</u>	<u>Flood Insurance Rate Map</u>
<u>FIS</u>	<u>Flood insurance study</u>
<u>FLDO</u>	<u>Final Local Development Order</u>
<u>FLUCFCS (FDOT 1999)</u>	<u>"Florida Land Use Cover and Forms Classification System" (FDOT 1999)</u>
<u>FLUE</u>	<u>Future Land Use Element of the Collier County Growth Management Plan</u>
<u>FLUM</u>	<u>Future Land Use Map of the Collier County Growth Management Plan</u>
<u>F.S./ Fla. Stat.</u>	<u>Florida Statutes</u>
<u>FSA</u>	<u>Flow Way Stewardship Area</u>
<u>FSP</u>	<u>Final Subdivision Plat</u>
<u>GC</u>	<u>Golf Course Zoning District</u>
<u>GGAMP</u>	<u>Golden Gate Area Master Plan</u>
<u>GGPPOCO</u>	<u>Golden Gate Parkway Professional Office Commercial Overlay District</u>
<u>GMP</u>	<u>Collier County Growth Management Plan</u>
<u>GPCD</u>	<u>Gallons per Capita per Day</u>
<u>GT</u>	<u>Gopher Tortoise</u>
<u>GTMUD</u>	<u>Gateway Triangle Mixed Use District</u>
<u>GIS</u>	<u>Geographic information system</u>
<u>GWP</u>	<u>Ground Water Protection Zone</u>
<u>GZO</u>	<u>Goodland Zoning Overlay</u>
<u>HSA</u>	<u>Habitat Stewardship Area</u>
<u>HVAC</u>	<u>Heating, Ventilation, & Air Conditioning</u>
<u>I</u>	<u>Industrial Zoning District</u>
<u>ICBSD</u>	<u>Immokalee Central Business Subdistrict</u>
<u>LDC</u>	<u>Collier County Land Development Code</u>
<u>LINDAR</u>	
<u>LPA</u>	<u>Local Planning Agency</u>
<u>LOS</u>	<u>Level of Service</u>

<u>LSPA</u>	<u>Littoral Shelf Planting Area</u>
<u>M/F</u>	<u>Multi-Family Use or Zoning</u>
<u>MH</u>	<u>Mobile Home</u>
<u>MHO</u>	<u>Mobile Home Overlay</u>
<u>MHWL</u>	<u>Mean High Water Line</u>
<u>MLW</u>	<u>Mean Low Water</u>
<u>MPP</u>	<u>Manatee Protection Plan</u>
<u>MUP</u>	<u>Mixed Use Project</u>
NAICS	North American Industry Classification System
<u>NAVD</u>	<u>North American Vertical Datum</u>
<u>NBMO</u>	<u>North Belle Meade Overlay</u>
<u>NC</u>	<u>Neighborhood Commercial District</u>
<u>NPDES</u>	<u>National Pollution Discharge Elimination System</u>
<u>NGS</u>	<u>National Geodetic Survey</u>
NGVD	National Geodetic Vertical Datum
NOAA	National Oceanic and Atmospheric Administration
<u>NRPA</u>	<u>Natural Resource Protection Area</u>
<u>O.C.</u>	<u>On Center</u>
<u>P</u>	<u>Public Use District</u>
<u>PPL</u>	<u>Plans and Plat</u>
<u>PSI</u>	<u>Pounds per Square Inch</u>
PSP	Preliminary Subdivision Plat
PUD	Planned Unit Development
<u>RCW</u>	<u>Red Cockaded Woodpecker</u>
RFMU	Rural Fringe Mixed-Use
<u>RLS</u>	<u>Request for Legal Services</u>
<u>RLSA</u>	<u>Rural Lands Stewardship Area</u>
<u>RNC</u>	<u>Residential Neighborhood Commercial Subdistrict</u>
ROW	Right-of-way
<u>RSF-1-2-3-4-5-6</u>	<u>Residential Single-Family</u>
<u>RMF-6</u>	<u>Residential Multiple-Family District 6</u>
<u>RMF-12</u>	<u>Residential Multiple-Family District 12</u>
<u>RMF-16</u>	<u>Residential Multiple-Family District 16</u>
<u>RT</u>	<u>Residential Tourist District</u>
<u>SBCO</u>	<u>Santa Barbara Commercial Overlay District</u>
SBR	School Board Review
<u>SIC</u>	<u>Standard Industrial Classification</u>
SDP	Site Development Plan
<u>SF</u>	<u>Single-Family</u>
SIP	Site Improvement Plan
SFWMD	South Florida Water Management District
SLOSH	Sea, Lake, and Overland Surge from Hurricane
<u>SLR</u>	<u>Sound Level Reduction</u>
<u>SRA</u>	<u>Stewardship Receiving Area</u>
<u>SSA</u>	<u>Stewardship Sending Area</u>
<u>ST</u>	<u>Special Treatment Area Zoning Overlay</u>
<u>ST-NAR</u>	<u>Special Treatment Area Zoning for Natural Aquifer Recharge</u>
<u>SWM permit</u>	<u>Surface Water Management Permit</u>
<u>TCEA</u>	<u>Transportation Concurrency Exemption Areas</u>
<u>TCMA</u>	<u>Transportation Concurrency Management Areas</u>
<u>TCMS</u>	<u>Transportation Concurrency Management System</u>
TDR	Transfer of Development Rights
<u>TIS</u>	<u>Transportation Impact Statement</u>
TND	Traditional Neighborhood Design
TP	Turtle Permit
<u>ITRVC</u>	<u>Travel Trailer Recreational Vehicle Campground</u>
<u>UMAN</u>	<u>Unified Wetland Mitigation Assessment Methodology</u>
USDOTFHA	U.S. Dept. of Transportation Federal Highway Administrator
USFWS	United States Fish and Wildlife Service
<u>VOB</u>	<u>Vehicle on the Beach Permit</u>
<u>VR</u>	<u>Village Residential Zoning Districts</u>
<u>VRP</u>	<u>Vegetation Removal Permit</u>
<u>VRSFP</u>	<u>Vegetation Removal and Site Fill Permit</u>
<u>W</u>	<u>Waterfront District</u>
<u>WRA</u>	<u>Water Retention Area (within RLSA)</u>

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

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Boat lift canopy: A covering that is applied to a boat lift over a legally permitted dock.

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Commercial equipment: Any equipment used in a commercial business, regardless if the equipment is actually owned or utilized by a business. Commercial equipment shall include the following: earth-moving equipment, landscaping equipment, lawn mowers (push-type or tractor), tillers, ladders, pipes, spools of electric-type wiring or cable, portable pumps, portable generators, pool cleaning equipment and supplies, any trailer not recreational in nature (flat-bed, stake-bed, or fully enclosed), in addition to any other equipment of similar design or function.

Commercial vehicles: Any vehicle used in conjunction with a commercial or business activity, or possessing the following characteristics. Any motor vehicle not recreational in nature having a rated load capacity of greater than 1 ton, exceeding 7½ feet in height, 7 feet in width, and/or 25 feet in length. The display of lettering or a similar sign upon a vehicle shall not in and of itself make a vehicle commercial.

* * * * *
Dock facility: Includes walkways, piers, boathouses and pilings associated with the dock.

* * * * *
House pad: The fill placed on the original ground of a lot upon which a house with an attached garage is built; as differentiated from yard, driveway, detached garage or drain field fill pads.

* * * * *
Pedestrian pathway: The area between the Road Rights-of-Way and the building within the Commercial Mixed Use Project and the Residential Mixed Use PUD Project. The Pedestrian pathway shall include: street furnishings; a street tree planting zone, and a pedestrian travel zone, and shall be a minimum of 21 feet in width.

Pedestrian travel zone: The area within a Pedestrian pathway located in a Commercial Mixed Project or a Residential Mixed Use Project in which furnishings or other obstructions shall be kept out to promote pedestrian movement. The pedestrian travel zone shall be a minimum of 5 feet in width.

* * * * *
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.)

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SUBSECTION 3.C. AMENDMENTS TO SECTION 2.03.01 Residential Zoning Districts

SECTION 2.03.01 Residential Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.01 Residential Zoning Districts

- A. Rural Agricultural District "A". The purpose and intent of the rural agricultural district "A" is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and

facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of the County are permissible as conditional uses in the A district. The A district corresponds to and implements the a Agricultural/Rural land use designation on the future land use map of the Collier County GMP, and in some instances, may occur in the designated urban area. The maximum density permissible in the rural agricultural district within the urban mixed use district shall be guided, in part, by the density rating system contained in the future land use element of the GMP. The maximum density permissible or permitted in the A district shall not exceed the density permissible under the density rating system. The maximum density permissible in the A district within the agricultural/rural district of the future land use element of the Collier County GMP shall be consistent with and not exceed the density permissible or permitted under the agricultural/rural district of the future land use element.

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

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SUBSECTION 3.D. AMENDMENTS TO SECTION 2.03.06 Planned Unit Development Districts

SECTION 2.03.06 Planned Unit Development Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.06 Planned Unit Development Districts

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G. Residential Mixed Use Neighborhood Center PUD Design Criteria.

1. Purpose and Scope. The Residential Mixed Use Neighborhood Center PUD Design Criteria is intended to encourage the development of residential projects with a limited mix of commercial uses with a context of smart growth design. Such mixed-use projects are intended to be developed at a human-scale with a pedestrian orientation, interconnecting with adjacent project, whether commercial or residential. The Residential Mixed Use Neighborhood Center PUD is allowed in the Urban Mixed Use District contained within the FLUE and subject to the standards and criteria set forth under the Residential Mixed Use Neighborhood Subdistrict and the regulations contained herewith.
2. Residential PUD mixed use projects shall comply with the following standards and criteria. These design criteria are applicable to Residential Mixed Use Projects, those projects approved prior to the effective date this amendment, shall not be required to adopt the design criteria contained here within during any future PUD amendments.

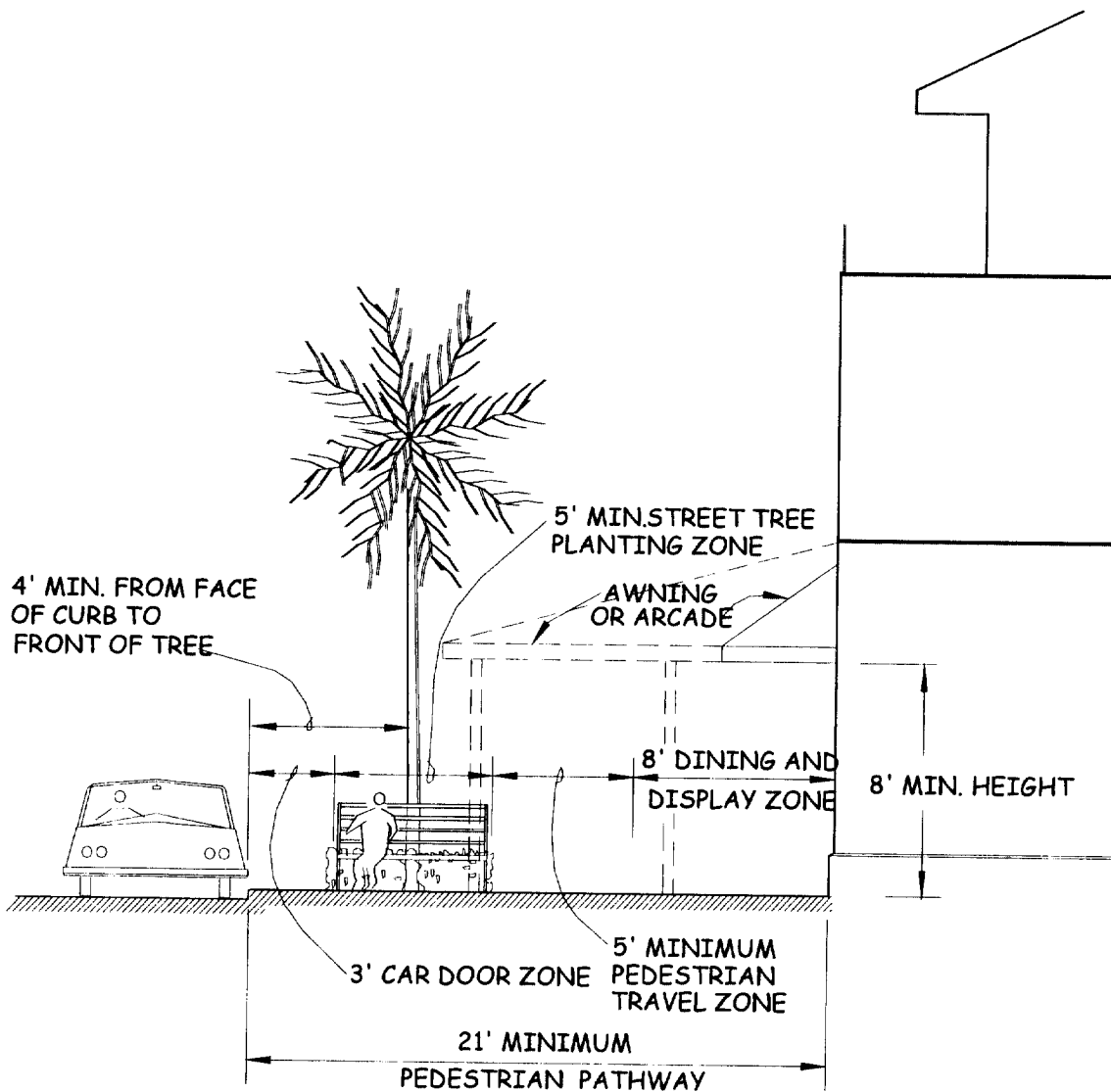
- a. Uses in the commercial component are limited to those allowed in the C-1, C-2 and C-3 zoning districts as contained in the Collier County Land Development Code.
- b. The commercial component shall be no larger than 10 acres in size and shall not exceed 80,000 square feet of gross leasable floor area.
- c. A maximum of one acre of land for commercial uses is allowed for each five acres of land for residential uses.
- d. The minimum size for a project utilizing the Residential Mixed Use PUD shall be greater than 5 acres.
- e. No single commercial use in the commercial component shall exceed 15,000 square feet of gross leasable floor area, except that a grocery store or supermarket shall not exceed 45,000 square feet of gross leasable floor area.
- f. The maximum floor area ratio for commercial uses is 0.25, of the commercial component.
- g. Residential **density** shall be no less than the base **density** allowed by the FLUE Density Rating System. For properties located in the Urban Residential Fringe, the minimum **density** shall be as allowed by that Subdistrict.
- h. For freestanding residential uses, acreage to be used for calculating **density** is exclusive of the commercial component and of any acreage component for a use with a residential equivalency, e.g. ALF-adult living facility. For properties not located in the Urban Residential Fringe, eligible **density** shall be as allowed by the FLUE Density Rating System, or as allowed under the existing residential zoning district, or as otherwise allowed by FLUE, Policy 5.1. For properties located in the Urban Residential Fringe, eligible **density** shall be as allowed by that Subdistrict.
- i. For residential uses located within the commercial component of the project, whether located above commercial uses in the same **building**, in an attached **building**, or in a freestanding **building**; **density** is calculated based upon the gross project acreage. For properties not located in the Urban Residential Fringe, eligible **density** is the base **density** allowed by the Density Rating System, less any reductions. For properties located in the Urban Residential Fringe, eligible **density** shall be as allowed by that Subdistrict.
- j. The project is encouraged to use a grid **street** system, or portion thereof, so as to afford maximum opportunity for interconnections with surrounding properties and to provide multiple route alternatives.
- k. The project shall provide **street**, pedestrian **pathway** and **bike lane** interconnections with **adjacent** properties, where possible and practicable.
- l. The commercial component shall be interconnected with the residential component of the project by **streets**, or pedestrian **pathways**, and **bike lanes**, unless precluded by the existence of wetlands or other environmentally sensitive habitats. In such instance, no less than one type of interconnection shall be provided.
- m. All **buildings** shall be limited to five stories in height, inclusive of under **building** parking, not to exceed the zoned height and in no case greater than 60 feet.

- n. The commercial component of the project shall be internally located with no direct **access** to **adjacent** external roadways, or the commercial component shall have **frontage** on a road classified as an **arterial** or **collector** in the Transportation Element.
- o. If the commercial component is not internally located, then its **frontage** shall be no greater than twice its depth.
- p. For projects located along an **arterial** or **collector road**, the number and type of **access** points shall be limited, as appropriate, so as to minimize disruption of traffic flow on the **adjacent arterial** or **collector roadway**.
- q. The **setback** for projects which are **adjacent** to residentially zoned properties shall be a minimum of 15 feet.

3. **Pedestrian Pathways.**

- a. The pedestrian **pathways** along the main **streets** shall be a minimum of 21 feet in width, which shall have a **pedestrian travel zone** that is unobstructed and continuous. (See diagram.)
- b. **Pedestrian pathways** shall be provided pursuant to section 4.02.3 8 D of the LDC and shall include: **street** furnishings, a **street tree planting zone**, and a **pedestrian travel zone**. (This is not applicable to internal parking lots.)
- c. Overhead arcades, awnings or canopies, may extend over the dining and display zone as well as the pedestrian travel zone at a minimum height of 8 feet. Furnishings or other obstructions shall be kept out of the pedestrian travel zone.
- d. Outdoor dining at **building** arcades or outdoor areas may be enclosed by planters, decorative fencing, or comparable moveable barriers. The dining area shall not encroach into the pedestrian travel zone.
- e. **Building** elements in the form of arcades, overhangs, signage, marquees, bay windows, and structural supports shall be allowed to extend over the pedestrian travel zone. These allowable overhead encroachments shall have a minimum clearance of 8 feet height above the sidewalk.

**MIXED USE
PEDESTRIAN PATHWAY SECTION
(Internal Street Section)**



PREPARED BY: OFFICE OF GRAPHICS AND TECHNICAL SUPPORT
COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION
DATE: 8/2006 FILE: PEDESTRIAN PATHWAY

4. Street Furnishings & Street Plantings.

- a. Street furnishings shall be provided in conjunction with the street tree planting zone. Street furnishings shall include benches per LDC Section 4.06.03 B. 8, one waste/recycling receptacle per 300 lineal feet of street frontage, and bike racks per LDC Section 4.05.08. Street furnishings may also include bus shelters, information kiosks, and similar furnishings.

- b. Site furnishings (not associated with an individual business) shall be coordinated and fabricated of compatible materials.
- c. Visual obstructions shall not be allowed within sight triangles/spaces at **street** intersections pursuant to section 4.06.01 D.1 of the Code.
- d. The **street** tree planting zone shall have a minimum width of 5 feet and a minimum length of 10 feet and be located parallel to the curb. Root barriers are required to protect **sidewalks** and **utilities**.
 - i. Within the **street** tree planting zone, **street** trees shall be spaced at a rate of 40 feet on center and may be clustered. The **street** tree pattern may be interrupted by overhead arcades, utilities, and pedestrian access. Trees shall have a minimum height at the start of branching of 8 feet and have an overall planting height of 16 feet. Palm trees are allowed as a substitute to canopy trees where **building** elements (Reference LDC 2.03.06 G. 3.e, and LDC 2.03.06 G. 7. b. i. and ii.) are closer to the **street** and the amount of space for landscaping, the pedestrian travel zone, and **street** furnishings will not allow canopy trees. Areas for canopy trees should be included at plazas, **street** intersections, and other areas where **buildings** are set back and space will allow.
 - ii. Plantings shall include a variety of tree and shrub species with at least 50% of the required trees and 35% of the required shrubs being plants native to Florida.
 - iii. Planting zones at the ground plane shall include turf grass; groundcover, low shrubs or flowering plants.

5. Landscape.

a. General Landscape.

- i. Provide a variety of tree and shrub species with at least 50% of the required trees and 35% of the required shrubs being plants native to Florida.
- ii. Canopy trees used in open landscape areas (other than **street** trees) shall be a minimum of 10 feet in height, having a 4 foot spread and a minimum caliper of 1³/₄ inches.
- iii. Plantings shall be a maximum of 25% turf grass. The balance shall be groundcover, low shrubs and/or flowers located in planting areas as is appropriate to the design.
- iv. Irrigation shall be provided for all planting areas. Irrigation control boxes and appurtenances shall be located away from direct public view.
- v. Landscape **buffers** per section 4.06.02 of the Code **buffer** requirements shall apply to the external boundaries of the mixed use **development** only. Landscape **buffers** shall not be required internal to the mixed use **development** project.

b. Parking Lot Landscaping.

- i. Up to 30 percent of the landscape islands may have a minimum width of 5 feet inside planting area and shall be planted with a palm tree equivalent.
- ii. Minimum tree size shall be 1¼ " caliper and a minimum of 10 feet in height.
- iii. The perimeter of all parking lots fronting public right-of-ways shall be screened to a minimum height of 24 inches using walls, fences, landscaping or any combination thereof.
- iv. Parking lot perimeter landscaping areas shall be a minimum of 8 feet in width. Shrubs shall be arranged in a staggered pattern with a minimum size of 3 gallons at the time of planting to provide year-round screening. Trees shall be included in the perimeter landscape area at a minimum spacing of one tree/palm per 25 feet of lineal frontage. Street trees within the right-of-way may be used to meet this requirement.

6. Building Foundation Plantings

- a. Building foundation plantings shall be required per section 4.06.05.B.4., of the Code except as follows; The building regardless of its size, shall provide the equivalent of 10% of its ground level floor area, in building foundation planting area. A continuous building foundation planting width is not required per section 4.06.05.B.5.a. of the Code. However, the foundation plantings shall be located within 21 feet of the building edge in the form of landscaped courtyards and seating area landscaping.

7. Building Architectural Standards

- a. The Mixed Use Projects shall include architectural features that provide visually interesting building design at a scale appropriate for pedestrian and automobile.
 - i. Building facades shall be designed to reduce the mass and scale of the building, by providing arcades, windows, entry features, and other design treatments in compliance with section 5.05.08 of the Code, except as follows.
 - ii. Covered pathways and arcades shall be constructed with columns a minimum width of 12 inches, if masonry and 10 inches wide, if constructed of finished steel products.
 - iii. For buildings 3 stories or more, pedestrian scale at the street level shall be maintained by incorporation of façade variations such as massing, texture, color or materials on the primary facades between the first and subsequent stories.
- b. The following architectural options are in addition to the list of required design treatments identified in subsection 5.05.08 C.2. of the Code.
 - i. Open arcade or covered walkway with a minimum depth of 8 feet and a total minimum length of 60 percent of the façade.

- ii. A **building** recess or projection of the first floor with minimum depth of 8 feet and total minimum length of 60 percent of the **facade** length.
- iii. Architectural elements such as balconies and bay windows with a minimum depth of 3 feet and that cover a minimum of 30 percent of the **facade** above the first floor. (Storm shutters, hurricane shutters, screen enclosures or any other comparable feature, if applied as part of the **structure**, must also comply with the required minimum depth.)

8. **Sign Types & Definitions.**

a. Definitions

- i. Sandwich boards: A portable **sign** comprised of two **sign** panels hinged together at the top.
- ii. Flag Banners: Fabric panels hanging from or stretched between brackets projecting from light poles.

b. Permitted **Sign** Types

- i. All **signs** shall be in compliance with Section 5.06 of the Code, except as follows:
- ii. Awning **Signs**: In addition to any other **sign** allowed by this code. The front vertical drip of an awning may be stenciled with letter or graphics. A ten percent clear area border is required on all four sides of the front vertical drip.
- iii. Project Entrance **Signs** - Two ground or wall **signs** shall be allowed at the main entrance to the **development** with a maximum height of 6 feet subject to the following requirements.
 - a) The **signs** shall contain only the name of the **development**, the insignia or motto of the development and shall not contain promotional or sales material
 - b) The **signs** shall be limited to 60 square feet of **sign** area each and shall not exceed the height or length of the wall upon which it is located.
 - c) The ground or wall **sign** shall maintain a 10 foot **setback** from any property line unless placed on a wall subject to the restrictions set forth in the Section 5.06 of the Code.

c. Residential and Neighborhood Amenity **Signs** – One ground **sign** shall be allowed for each residential tract, **parcel** or amenity with a maximum height of 4 feet subject to the following requirements.

- i. The **sign** shall contain only the name of the residential neighborhood and the insignia.
- ii. The ground or wall **sign** shall be limited to 30 square feet of **sign** area and shall not exceed the height of the length of the wall upon which is located.

- iii. Ground or wall **sign** shall maintain a 10 foot **setback** from any property line unless placed on a wall subject to the restrictions set forth in the Code.
 - d. Sandwich boards are permitted on the above ground floor, one per establishment, not to exceed 6 square feet of **sign** area in size and shall only be displayed during business hours. (maximum 2 faces at 6 Sq. feet each).
 - e. Flag Banners: Vertical or horizontal panels of woven fabric [or formed synthetic material] attached to, and projecting from light poles within the project that act to identify, through logo, lettering, or a combination thereof, the unified control of the project from developer through and to project's Association. The maximum **sign** area shall be proportional to the height of the pole:
 - i. 16 foot pole - 15 sq ft. maximum (2 faces at 15 square feet each)
 - ii. 20 foot pole - 20 sq ft. maximum (2 faces at 20 square feet each)
 - iii. 30 foot pole - 36 sq ft. maximum (2 faces at 36 square feet each)
 - f. Seasonal and/or Special Events Banners: Vertical or horizontal panels that may be attached to designated fixtures located within the project at the time of site **development plan** submission. The number of designated fixtures for such panels shall be proportionate in number to **parcels** at a ratio of one to six (1 to 6), and are restricted to application within the commercial locations or sections of the project.
 - g. Prohibited **Sign** Types
 - i. Portable or mobile **signs** except sandwich boards.
 - ii. Off-site **signs**.
 - iii. Projecting or Pole **signs**
 - iv. Fluorescent colors
9. Parking Requirements. Mixed-use projects have the opportunity to provide a variety of parking options to residents and patrons and remove parking areas as the focal point of the **development**. Mixed-use projects reduce vehicular trips, and thereby reducing the number of parking spaces, by utilizing pedestrian-oriented design and reducing the distance between residential and commercial uses.
- a. Definitions
 - i. On-street Parking – Parking spaces located **adjacent** to, and accessed directly from the roadway.
 - ii. Off-street Parking – Parking spaces located within parking lots or parking **structures** and accessed off the roadway.
 - iii. Parking lot – A ground-level area utilized for parking spaces accessible from the road and usually **adjacent** to the use it serves.
 - iv. Parking **structure** – A multi-level parking area utilized for parking spaces that serve establishments within walking distance of the **structure**. The **structure** may or may not be **adjacent** to the establishments it serves.

- b. Design Criteria and Dimensional Requirements On-street Parking
 - i. Parallel parking shall be a minimum of 9 feet wide by 23 feet long.
 - ii. Angled parking may be 45 degrees or 60 degrees from the travel lane. Spaces must be a minimum of 9 feet wide and 18 feet long.
- c. Design Criteria and Dimensional Requirements Off-street Parking
 - i. Location – Parking lots or parking **structures** shall be located to the rear of **buildings** located on the main street, or the along the secondary/side **streets**. Off-street parking shall not occur in front of the primary façade.
 - ii. Lots shall be designed to keep all circulation between aisles internal to the lot. **Driveways** to parking areas shall be a minimum of 24 feet wide.
 - iii. 90 degree parking spaces shall have a minimum drive aisle width of 24 feet and stall size of 9 feet by 18 feet.
 - iv. 60 degree angled parking shall have a minimum drive aisle width of 20 feet, if one-way, and 24 feet, if two-way. Parking stall size shall be a minimum of 9 feet x 18 feet.
- d. Handicap Parking. Handicap parking shall be located to facilitate the most direct and safest route to **building** entries and meet all applicable codes.
- e. Parking **Structures**
 - i. Parking **structure facades** shall be designed to screen views of automobiles by the general public from **adjacent streets** and **driveways**.
 - ii. Parking **structures** without ground floor retail or residential uses along the front façade shall have a minimum 10-foot wide, **Building** Foundation Landscaping pursuant to section 4.06.00. of the Code. Where the parking **structure** is attached to the **building** or **adjacent** to preserve area, and the preserve area meets the otherwise required landscaping, no additional landscaping is required.
 - iii. All **structures** with uncovered parking on the top level shall have rooftop planters around the perimeter that is a minimum of 5 feet wide located around a minimum of 80% of the perimeter of the parking integral to the **structure**, or suitable architectural features to soften the **building** edge.
 - iv. Parking **structure** lighting shall be a maximum of 20 feet in height. Lighting shall incorporate full shield cut-offs to contain light to the surface of the deck only.
 - v. Parking **structures** are also allowed to be located below grade and below habitable space. These **structures** must be accessed from the rear of the **building**.

- f. General Requirements and Shared Parking Agreements.
- i. The total number of parking spaces provided in a mixed-use project shall be determined by the intended uses as required by section 4.05.00 of the Code, Off-street Parking and Loading unless modified herein.
 - ii. Commercial areas (with **streets** internal to the project) must utilize on-street parking to meet at least a portion of the parking requirement.
 - iii. One half of the on-street parking spaces located within one block or 0.125 mile, whichever is less, may contribute toward an individual establishment's parking requirement.
 - iv. If a commercial area is developed in one phase with one site **development plan** application the on-street parking may be utilized to meet parking requirements in a one-to-one ratio.
 - v. The overall parking requirement may be reduced at the time of site **development plan** approval by consideration of a shared parking analysis and agreement. The analysis shall demonstrate the number of parking spaces available to more than one use or function, recognizing the required parking will vary depending on the multiple functions or uses in close proximity which are unlikely to require the spaces at the same time. The shared parking analysis methodology will be determined and agreed upon by County staff and the applicant during the pre-application meeting, or during ongoing discussion, during the site **development plan** review process.
 - vi. Establishments providing valet parking services may not utilize parking areas designated for shared use by a shared parking agreement for the storage of vehicles parked by this service, unless allowed by the shared parking agreement.
 - vii. Residential areas that are within a block or 0.125 mile of a commercial area but are not directly accessible by a vehicle due to gating or lack of vehicular interconnection may not utilize on-street parking in the commercial area to meet the residential parking requirement.
 - viii. Residential areas may utilize on-street parking that is **abutting** a residential unit to meet the parking requirement in a one to one ratio. If parking spaces are used to meet a residential parking requirement they may not then be utilized to meet any of the commercial requirement.

10. Service Areas

- a. Loading docks, solid waste facilities, recycling facilities and other services elements shall be placed to the rear or side **yard** of the **building** in visually unobtrusive locations with minimum impacts on view.
- b. Refuse containers and facilities shall be hidden by an opaque wall or fencing of sufficient height to screen the bin and any appurtenances, but not less than 6 feet in height. Chain link fencing, wood fencing and chain link gates are not allowed.

Walls shall be constructed of a material compatible with the principal **structure** it is serving. Landscaping with vines or other plants is encouraged. Enclosures shall include solid latchable gates to avoid blowing refuse.

c. Service area recesses in the **building** and/or depressed **access** ramps should also be used where applicable.

d. Businesses are encouraged to consolidate and share refuse areas and equipment.

* * * * *

SUBSECTION 3. E. AMENDMENTS TO SECTION 2.03.07 Overlay Zoning Districts

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

2.03.07 Overlay Zoning Districts

- H. Santa Barbara Commercial Overlay District "SBCO". Special conditions for properties **abutting** the east side of Santa Barbara Boulevard, as referenced in the Santa Barbara Commercial Subdistrict Map (Map 7) of the Golden Gate Area Master Plan. This is referenced as figure 2.03.07 H. below.

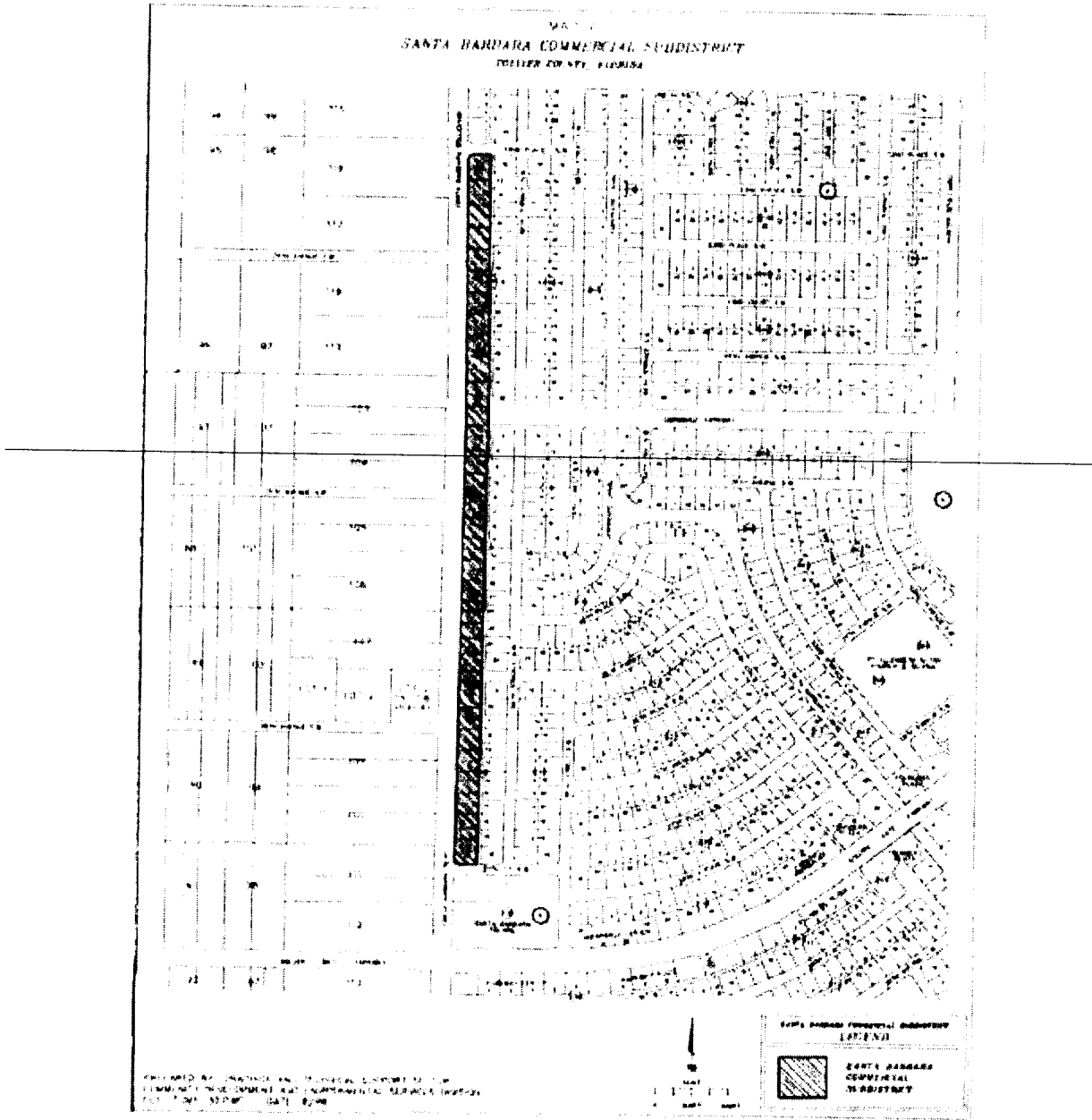
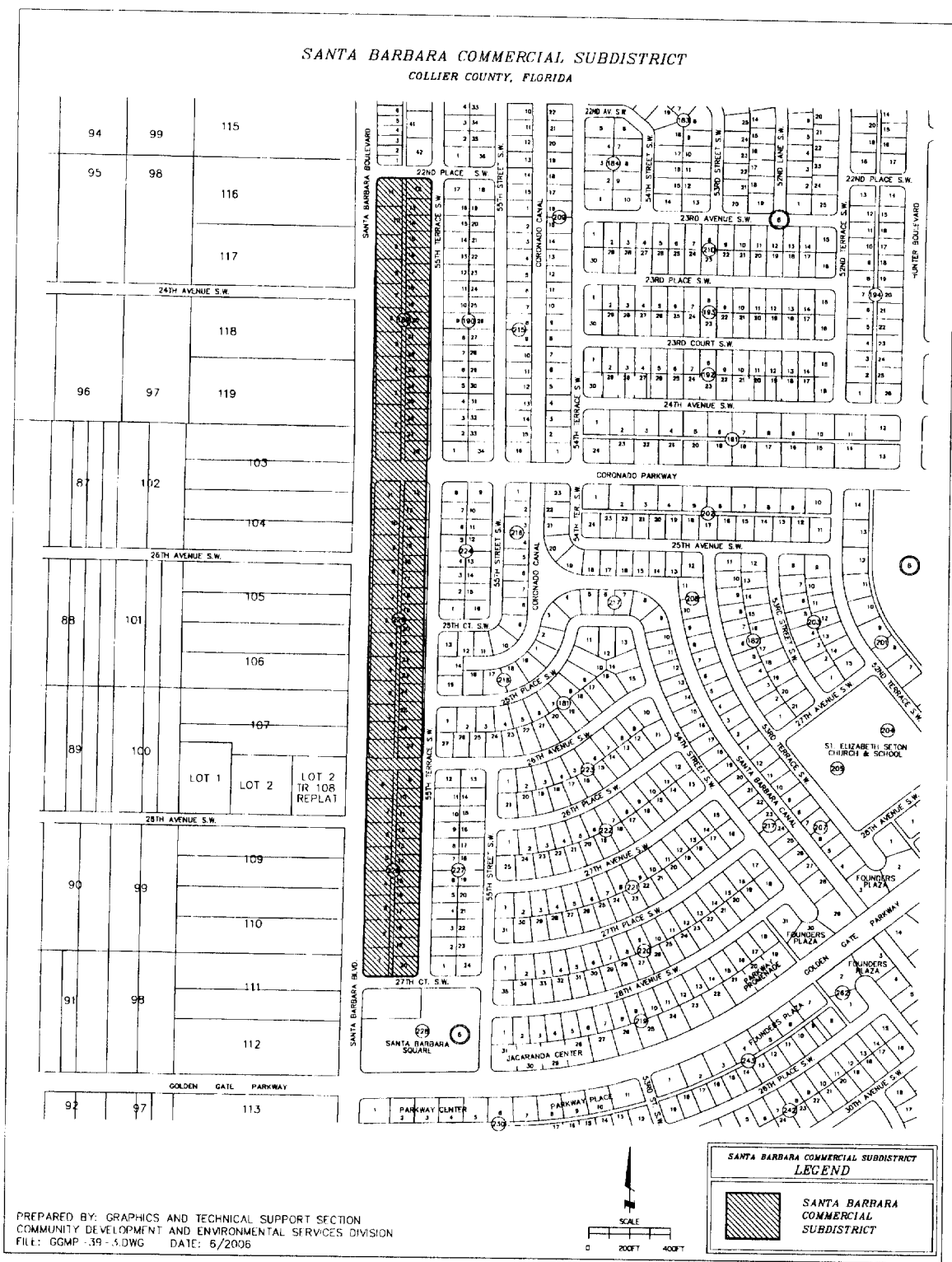


Figure 2.03.07 H.



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SUBSECTION 3. F. AMENDMENTS TO SECTION 2.03.07 Overlay Zoning Districts

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

2.03.07 Overlay Zoning Districts

* * * * *

1. **Bayshore Drive Mixed Use Overlay District.**
Special conditions for the properties **adjacent** to Bayshore Drive as referenced on BMUD Map 1; and further identified by the designation "BMUD" on the applicable official Collier County Zoning Atlas Map or map series.

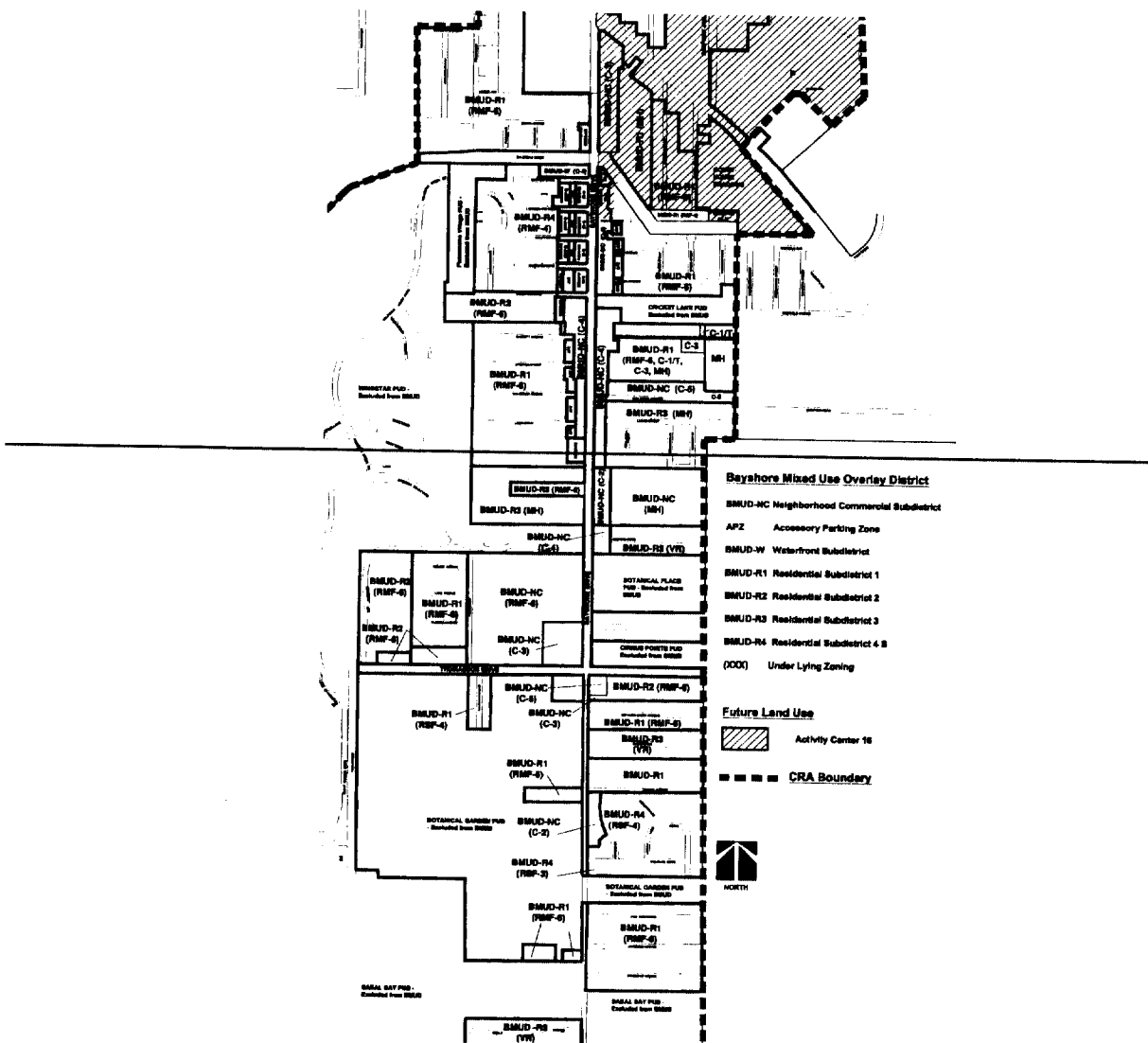
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2. **Applicability**
 - a. These regulations shall apply to the Bayshore Drive Mixed Use

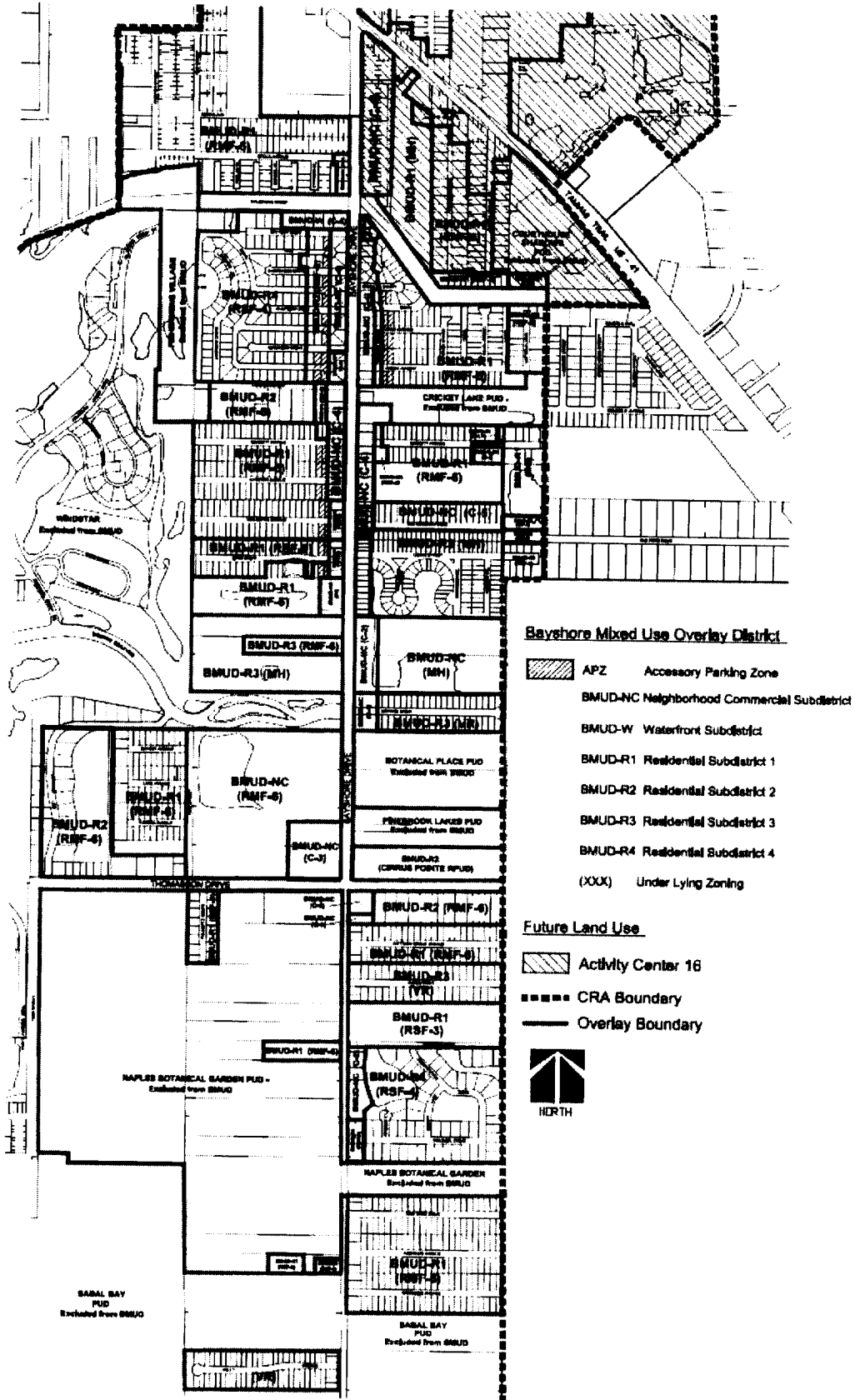
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Overlay District as identified on BMUD Map 1 and further identified by the designation "BMUD" on the applicable official Collier County Zoning Atlas Maps. Except as provided in this section of the LDC, all other uses, dimensional and development requirements shall be as required in the applicable underlying zoning category.

- b. Existing Planned Unit **Developments** (PUDs) are not ~~included~~ subject to in the Bayshore Overlay District requirements; however, PUDs ~~approved~~ approved applications submitted, and found sufficient, after March 3, 2006 are included in the Bayshore Overlay District and must comply with the requirements stated herein.
- c. Amendments or boundary changes to PUDs that existed prior to March 3, 2006 are not subject to the Bayshore Overlay District requirements.
- e d. Property owners may follow existing Collier County Land **Development** Code regulations of the underlying zoning classification, or may elect to develop/redevelop under the mixed use provisions of the BMUD Neighborhood Commercial (NC) or Waterfront (W) Subdistricts of this overlay, through a **mixed use project approval** from the BCC. However, in either instance, BMUD site **development** standards are applicable, as provided for in section 2.03.07 1.5 6.h. of this Code.



[Remove existing map and replace with map below]



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3. **Mixed Use Project Approval Process.**

* * * * *

d. **MUP approval** shall expire and any residential density bonus units shall be null and void and returned to the bonus density pool if any of the following occur:

* * * * *

5. **Administrative Deviations.**

- a. Authority. The County Manager or designee is hereby authorized to utilize this MUP Administrative Deviation process to grant administrative deviations for proposed **developments** which have obtained a MUP approval from the Board of County Commissioners from the following eligible land **development** standards that meet their associated criteria.

- b. Applicability-List of **Development** Standards Eligible for deviation requests and Associated Criteria. At the time of SDP application an approved MUP shall be eligible to seek an administrative deviation from the following Code provisions that may apply:
 - i. 4.02.16.A.Table 11.**Front Yard** (including build-to line).
 - a) These deviation requests shall be subject to the process and procedures of Sec. 5.05.08. F. **Deviations and Alternative Compliance**, except that in order to be eligible for an administrative deviation the site shall meet at least one of the following conditions or circumstances:
 - i) If constructed where otherwise required, the **building(s)** or **structure(s)** would conflict with regulatory standards for existing public utilities or encroach into an associated public utility **easement**, which cannot reasonably be relocated or vacated based on physical or legal restrictions, as applicable.
 - ii) **parcel** configurations of unique or challenging boundary geometry such as when a **parcel's** acreage has limited **frontage** relative to its acreage as defined by a ratio of acreage to **frontage** in excess of 0.0045 and which is proposing to provide **frontage** and/or alternative **frontage** along internal vehicular and pedestrian circulation **pathways** at a minimum of 110 percent of the **parcel frontage**.
 - b) In order for the conditions or circumstances under b), immediately above, to be approved for a deviation, the following criteria shall also be met:
 - i) the proposed alternative shall be integrated into the existing and future vehicular and pedestrian circulation pattern of the neighborhood and,
 - ii) the proposed alternative shall demonstrate compliance with the intent of the standards to create a connective and walk-able environment by demonstrating a comparable relationship between proposed alternative **building(s)** location(s) and their associated pedestrian and vehicular **pathways**, and associated parking facilities.
 - ii. **Building** and architectural standards, as specified below. These deviation requests shall be subject to the

process and procedures of Sec. 5.05.08. F. Deviations and Alternative Compliance:

- a) 4.02.16.A. Table 11. **Building Design**; pertaining to the **building façades** facing the intersecting east-west **streets** with Bayshore shall have the same architectural design treatment as the **building façade** facing Bayshore Drive;
- b) 4.02.16.G. **Architecture Design Theme**; and
- c) 5.05.08 **Architectural and Site Design Standards**.
- iii. 4.02.16.F. **Landscape and Buffer Requirements**; and, 4.06.00 **Landscaping, Buffering and Vegetation Retention** as applicable. The alternative plans requesting approval for deviation from landscaping and **buffer** requirements shall be subject to the process and procedures of 5.05.08.F. **Deviations and Alternative Compliance**; and, must additionally provide a minimum of 110 percent of the **open space** requirement for Mixed Use Projects in addition to other conditions that the County Manager or designee deems necessary.
- iv. 4.02.16. E. **Design Standards For Awnings, Loading Docks, and Dumpsters**; and, 5.03.04. **Dumpsters and Recycling**, limited to:
 - a) deviation requests for individual **structures** with curbside pickup, that shall be subject to the process and procedures provisions of subsection 5.03.04 G. **Curbside Pickup**.
 - b) requests for locational deviations from the subsection 4.02.16. E, shall be subject to the process and procedures of 5.05.08.F. **Deviations and Alternate Compliance** and comply with the provisions of subsection 5.03.04 A.
- v. Notwithstanding the process and procedures set forth above for paragraphs i. through iv., any appeals from these administrative decisions of the County Manager or designee shall be made solely under the provisions of section 250-58 of the Collier County Code of Laws and Ordinances.
- vi. 4.02.16.D. **Parking Standards**. These deviation requests shall be subject to the process and procedures of 4.05.04. F.2.

5 6. Bayshore Mixed Use District (BMUD) Subdistricts

* * * * *

- b. Waterfront Subdistrict (W). The purpose of this subdistrict is to allow maximum use of the waterfront for entertainment, while enhancing the area for use by the general public. Development standards for the district are the same as those set forth for the Neighborhood Commercial subdistrict, except for the standards set forth in section 4.02.17. For mixed use projects only, subject to the ~~MUP approval process~~ **MUP approval process** in Sec. 2.03.07 I.3., refer to Tables 1 and 2 for permitted uses. Otherwise, permitted uses are in accordance with the underlying zoning district.

* * * * *

Table 1. Permissible Land Uses in BMUD Mixed Use Subdistricts

Land Use Type or Category	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict 2 (R-2)	BMUD Residential Subdistrict 3 (R-3)	BMUD Residential Subdistrict (R-4)
Automobile Parking	7521	E ⁷					
Boat Dealers	5551						
Marinas	4493 4499	P	P				
Multi-Family Dwellings		P	P	P	P		
Parks, Public or Private		P		P	P		
Performing Arts Theater ⁸	7922	P ⁸					

⁷ This use does not include tow-in parking lots or storage.
⁸ Performance seating limited to 200 seats

SUBSECTION 3. G. AMENDMENTS TO SECTION 2.03.07 Overlay Zoning Districts

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

2.03.07 Overlay Zoning Districts

* * * * *

N. Gateway Triangle Mixed Use District Overlay
 Special conditions for the properties in and **adjacent** to the Gateway Triangle as referenced on GTMUD Map 1; and further identified by the designation "GTMUD" on the applicable official Collier County Zoning Atlas Map or map series.

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2. Applicability

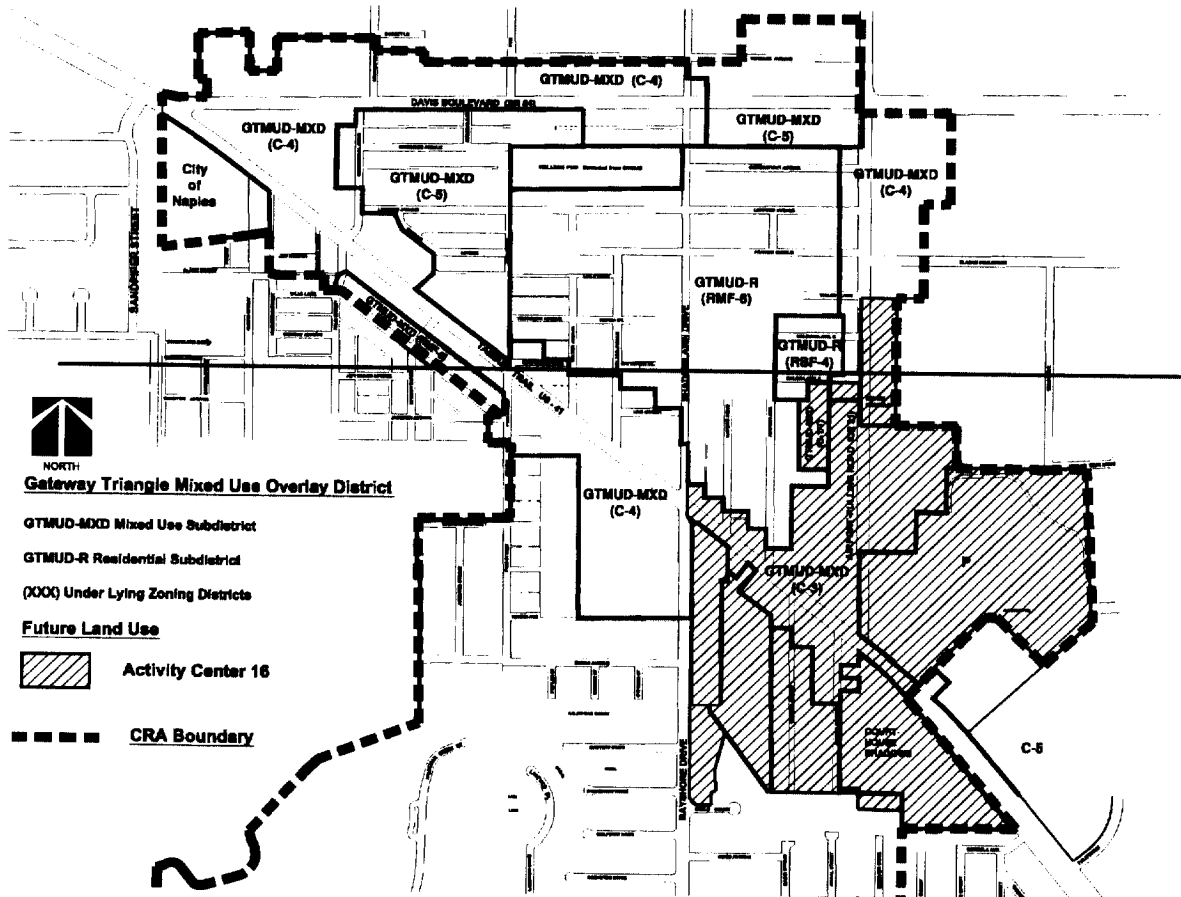
- a. These regulations shall apply to the Gateway Triangle Mixed Use Overlay District as identified on GTMUD Map 1 and further identified by the designation "GTMUD" on the applicable official Collier County Zoning Atlas Maps. Except as provided in this section of the LDC, all other uses, dimensional and

development requirements shall be as required in the applicable underlying zoning classification.

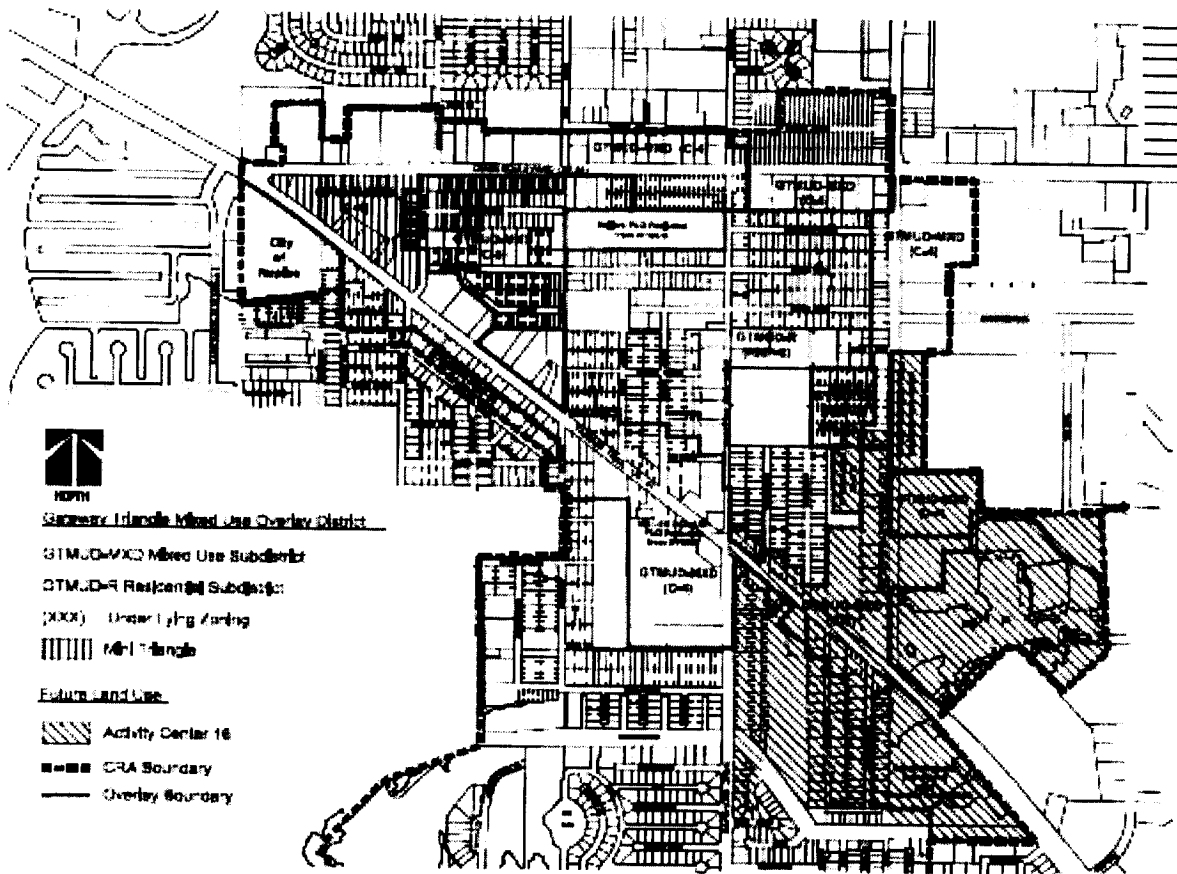
b. Existing Planned Unit **Developments** (PUDs) are not ~~included~~ in subject to the Gateway Triangle Mixed Use District requirements; however, PUDs applications submitted, and found sufficient, approved after March 3, 2006 are included in the Gateway Triangle Overlay District and must comply with the requirements stated herein.

c. Amendments or boundary changes to PUDs that existed prior to March 3, 2006 are not subject to the Gateway Triangle Overlay District requirements.

e.d. Property owners may follow existing Collier County Land Development Code regulations of the underlying zoning classification, or may elect to develop/redevelop under the mixed use provisions of the GTMUD Mixed Use (MXD) Subdistrict of this overlay, through a **mixed use project approval** from the BCC. However, in either instance, GTMUD site **development** standards are applicable, as provided for in section 2.03.07 N.5.d. of this Code. However, in either instance, GTMUD site development standards are applicable, as provided for in subsection 2.03.07 N.5 6.d. of this Code.



[Remove existing map and replace with map below]



3. **Mixed Use Project Approval Process.**

- * * * * *
- d. **MUP approval** shall expire and any residential **density** bonus units shall be null and void and returned to the bonus density pool if any of the following occur:

* * * * *

5. Administrative Deviations.

a. Authority. The County Manager or designee is hereby authorized to utilize this MUP Administrative Deviation process to grant administrative deviations for proposed **developments** which have obtained a **MUP approval** from the Board of County Commissioners from the following eligible land **development** standards that meet their associated criteria.

b. Applicability-List of Development Standards Eligible for deviation requests and Associated Criteria. At the time of SDP application an approved MUP shall be eligible to seek an administrative deviation from the following Code provisions that may apply:

i. 4.02.35.A. Table 1. Front Yard (including build-to line).

1) These deviation requests shall be subject to the process and procedures of Sec. 5.05.08. F. Deviations and Alternative Compliance, except that in order to be eligible for an administrative deviation the site shall meet at least one of the following conditions or circumstances:

a) If constructed where otherwise required, the building(s) or structure(s) would conflict with regulatory standards for existing public utilities

or encroach into an associated public utility easement, which cannot reasonably be relocated or vacated based on physical or legal restrictions, as applicable.

b) Parcel configurations of unique or challenging boundary geometry such as when a parcel's acreage has limited frontage relative to its acreage as defined by a ratio of acreage to frontage in excess of 0.0045 and which is proposing to provide frontage and/or alternative frontage along internal vehicular and pedestrian circulation pathways at a minimum of 110% of the parcel frontage.

2) In order for the conditions or circumstances under b), immediately above, to be approved for a deviation, the following criteria shall also be met:

a) the proposed alternative shall be integrated into the existing and future vehicular and pedestrian circulation pattern of the neighborhood and,

b) the proposed alternative shall demonstrate compliance with the intent of the standards to create a connective and walk-able environment by demonstrating a comparable relationship between proposed alternative building(s) location(s) and their associated pedestrian and vehicular pathways, and associated parking facilities.

ii. Building and architectural standards, as specified below. These deviation requests shall be subject to the process and procedures of Sec. 5.05.08. F. Deviations and Alternative Compliance:

a) 4.02.35.G. Architecture Design Theme; and

b) 5.05.08 Architectural and Site Design Standards.

iii. 4.02.35. E. Landscape and Buffer Requirements; and, 4.06.00 Landscaping, Buffering and Vegetation Retention as applicable. The alternative plans requesting approval for deviation from landscaping and buffer requirements shall be subject to the process and procedures of 5.05.08.F. Deviations and Alternative Compliance; and, must additionally provide a minimum of 110% of the open space requirement for Mixed Use Projects in addition to other conditions that the County Manager or designee deems necessary.

iv. 4.02.35. D. Design Standards For Awnings, Loading Docks, and Dumpsters; and, 5.03.04. Dumpsters and Recycling, limited to:

a) Deviation requests for individual structures with curbside pickup, that shall be subject to the process and procedures provisions of subsection 5.03.04 G. Curbside Pickup.

b) Requests for locational deviations from the subsection 4.02.35. D, shall be subject to the process and procedures of 5.05.08.F. Deviations and Alternate Compliance and comply with the provisions of subsection 5.03.04 A.

v. Notwithstanding the process and procedures set forth above

for paragraphs i. through iv., any appeals from these administrative decisions of the County Manager or designee shall be made solely under the provisions of section 250-58 of the Collier County Code of Laws and Ordinances.

vi. 4.02.35.C. Parking Standards. These deviation requests shall be subject to the process and procedures of 4.05.04. F.2.

5 6. Gateway Triangle Mixed Use District (GTMUD) Subdistricts

a. Mixed Use Subdistrict (GTMUD-MXD). The purpose and intent of this subdistrict is to provide an option to current and future property owners by encouraging a mixture of low intensity commercial and residential uses on those **parcels with frontage** on US 41, the south side of Davis Boulevard, and west of Airport-Pulling Road. Included also is the “mini triangle” formed by US 41 on the South, Davis Boulevard on the North and Commercial Drive on the East. **Developments** will be pedestrian-oriented and reflect **building** patterns of traditional neighborhood design.

* * * * *

SUBSECTION 3. H. AMENDMENTS TO SECTION 2.03.07 Overlay Zoning Districts

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

2.03.07 Overlay Zoning Districts

* * * * *

P. Copeland Zoning Overlay (CZO)

1. Purpose. To create **development** standards which address the unique community characteristics of the Copeland community.

2. Applicability. The Copeland Zoning Overlay (CZO) boundary is delineated on the map below, and these standards apply to those portions of the Copeland Community, which are in private ownership and located within the urban designated lands on the Collier County Future Land Use Map.

3. Permitted uses.

a. All principal and accessory uses permitted by right in the VR-ACSC/ST zoning district as identified in section 2.04.03 of the LDC as of _____ [the effective date of this ordinance] . In the event any conflicts arise between the underlying zoning district requirements and those contained in the Copeland Zoning Overlay, the requirements of the Copeland Zoning Overlay shall supersede the underlying zoning requirements.

b. The following uses may be permitted only on lands adjacent to Church Street:

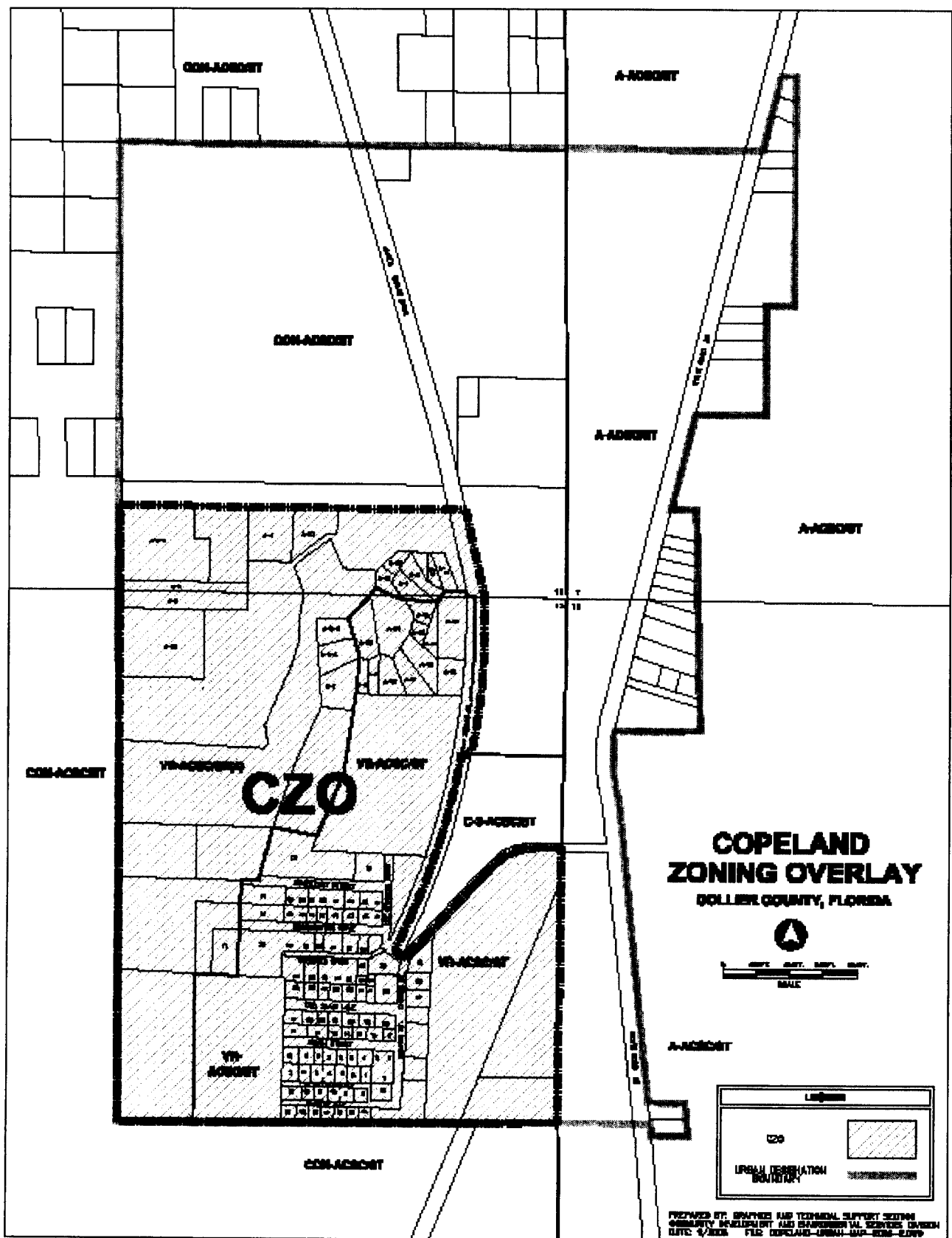
- i. Churches and places of worship
- ii. Community centers
- iii. Civic and cultural facilities
- iv. Recreational facilities
- v. Post Office
- vi. Food Store (no gas services)

c. Area of Critical State Concern (ACSC) and Environmental Compliance. Nothing herein shall exempt any land use from complying with the Area of Critical State Concern requirements of section 4.02.14 of the LDC. The **development** of single

family **dwelling**s on existing **lots** of record within the VR-ACSC/ST zoning district shall be exempt from requirements to provide an Environmental Impact Statement (EIS); however, any **subdivision** or **site development plan** may be required under section 10.02.02 of the Code to submit an EIS for review by Collier County.

4. Prohibited Uses.

- a. Multi-family **dwelling units** shall be prohibited on all VR zoned properties located within the Copeland Zoning Overlay as designated on the official zoning atlas map.



5. Accessory Uses.

- a. Parking and storage of recreational equipment / commercial vehicles.

i. Within the VR-ACSC/ST zoning district, boats, trailers, recreational vehicles or other licensed recreational equipment may be stored in any yard subject to the following conditions:

a) Recreational vehicles and equipment may not be used for living, sleeping, or housekeeping purposes when parked or stored.

b) Recreational vehicles or equipment stored under this section of the LDC shall not exceed 35 feet in length.

c) Recreational vehicles exceeding 35 feet in length may only be parked or stored in accordance with section 2.01.00 of the LDC.

d) No more than 2 **commercial vehicles**, 35 feet or less in length, shall be permitted to be parked at the property owner's residence, unless one or more of the vehicles are temporarily engaged in construction or service operation.

i) Parking for the property owner's licensed **commercial vehicles** shall only be permitted within **driveways**, garages, and/or carports in accordance with Collier County regulations.

ii) **Commercial vehicles** greater than thirty-five (35) feet or greater in length shall be prohibited from parking or being stored on residentially utilized property.

e) **Commercial equipment** such as crab traps, and other seasonal **commercial equipment** may be stored on the owner's residential property in any **yard**.

b. Keeping of animals/fowl as **accessory use**. On VR-ACSC/ST **parcels** a minimum of two (2) acres in area or greater, individual property owners may keep a maximum of 25 poultry or fowl in total numbers, and a maximum of 2 horses or other livestock per acre.

* * * * *

SUBSECTION 3. I. 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:

2.04.03 Table 2. Lands Uses that May be Allowed in Each Zoning District as Accessory Uses or Conditional Uses

		GC	A	E ¹	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	*
	SIC Code										*
C = conditional use A = accessory use											*
* * * *	*	*	*	*	*	*	*	*	*	*	*
Soup kitchens											*
Sports instructional camps or schools	C										*
Staged entertainment facilities											*
Stone, clay, glass and concrete products											*
Swimming pools											*
Storage, enclosed											*
Tennis facilities											*
Textile mill products											*
Transfer stations											*
Veterinarian's office	C										*
Wholesale trade - durable goods											*
Wholesale trade - nondurable goods											*
Yacht club											*
Zoo	C										*

1--The overlay districts are not included in this table where they are design-oriented and do not change the underlying uses. Overlay districts, whether listed herein or not, allow the uses in the underlying zoning district. Those overlay districts listed in this table also allow the specifically listed uses.

~~Residential Neighborhood Commercial is not included, as it deals with home occupations.~~

Also permissible in the C-1 zoning district is any other commercial use or professional service which is comparable in nature with the listed uses including those that exclusively serve the administrative as opposed to the operational functions of a business and are purely associated with activities conducted in an office.

a For Estates zoning within the Golden Gate Estates subdivision, the Golden Gate Area Master Plan restricts the location of conditional uses.

¹ For restrictions/conditions on clam nurseries in the Goodland Overlay District, see 2.03.07
² Not incidental to agricultural **development** of the property. NOTE: "Extraction related processing and production" is not related to "oil extraction and related processing" as defined in this Code.
³ Subject to the following criteria:
 (a) the activity is clearly incidental to the agricultural **development** of the property.
 (b) the affected area is within a surface water management system for agricultural use as permitted by the South Florida Water Management District.
 (c) the amount of excavated material removed from the site cannot exceed 4,000 cubic yards. Amounts in excess of 4,000 cubic yards shall require conditional use approval for earthmining, pursuant to the procedures and conditions set forth in section 10.08.00.
⁴ Subject to state field development permits.
⁵ With outdoor kenneling.
⁶ Only when located outside of any activity center. If within an activity center, see the permitted use tables above.

* * * * *

SUBSECTION 3. J. AMENDMENTS TO SECTION 2.06.01 Generally

SECTION 2.06.01 Generally, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

C=conditional use	*				*
A=accessory use	*				*
ACCESSORY AND CONDITIONAL USES	*	Commercial Professional and General Office ² – C-1	Commercial Convenience – C-2	Commercial Intermediate – C-3	*
	*				*
	*				*
	*				*
	*				*
Mixed Use uses	*	<u>C¹⁶</u>	<u>C¹⁶</u>	<u>C¹⁶</u>	*

* * * * *
¹⁶ Subject to design criteria contained in Section 4.02.38

* * * * *

SUBSECTION 3. K. AMENDMENTS TO SECTION 2.06.01 Generally

SECTION 2.06.01 Generally, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.06.00 AFFORDABLE HOUSING DENSITY BONUS

2.06.01 Generally

* * * * *

D. In order to qualify for the AHDB for a **development**, the developer must apply for and obtain the AHDB from the County for a development in accordance with this section, especially in accordance with the provisions of the AHDB program, including the AHDB rating system, the AHDB monitoring program, and the limitations on the AHDB.

* * * * *

2. *Application.* An application for AHDB for a development must be submitted to the County Manager or his designee in the form established by the County Manager or his designee. One additional copy of the application as otherwise required must be provided for the housing and urban improvement director. The application must, at a minimum, include:
 - a. Zoning districts proposed by the **applicant** on the property and acreage of each;
 - b. The total number of residential **dwelling units** in the proposed development, categorized by number of bedrooms and whether the unit is to be rented or owner-occupied;
 - c. The total number of AHDB units requested, categorized by number of bedrooms and whether the unit is to be rented or owner-occupied;
 - d. Total number of **affordable housing** units proposed in the development categorized by level of income, number of bedrooms, and rental units and owner-occupied units:

- i. Moderate income households (one bedroom, two bedrooms, or three bedrooms or more).
- ii. Low income households (one bedroom, two bedrooms, or three bedrooms or more).
- iii. Very low income households (one bedroom, two bedrooms, or three bedrooms or more).
- iv. Total **affordable housing** units (one bedroom, two bedrooms, or three bedrooms or more).
- e. Gross **density** of the proposed development;
- f. Whether the AHDB is requested in conjunction with an application for a **planned unit development** (PUD), an application for rezoning, an application for a Stewardship Receiving Area, or a **conditional use** application for a Commercial Mixed Use project as provided for within section 4.02.38 of the LDC; and
- g. Any other information which would reasonably be needed to address the request for AHDB for the **development** pursuant to the requirements set forth in this section.

* * * * *

SUBSECTION 3. L. AMENDMENTS TO SECTION 3.02.10 Standards for Subdivision Plats

SECTION 3.02.10 Standards for Subdivision Plats, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.02.10 Standards for Subdivision Plats

- A. All **subdivision** plats shall be consistent with the need to minimize **flood** damage.
- B. All **subdivision** plats shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize **flood** damage.
- C. All **subdivision** plats shall have adequate drainage provided to reduce exposure to **flood** hazards.
- D. **Base flood elevation** data shall be shown on the Master Subdivision Plan.
- E. All final plats presented for approval shall clearly indicate the finished elevation ~~above~~ **NGVD** of the roads, the average finished elevation ~~above~~ **NGVD** of the **lots** or homesite, and the minimum **base flood elevation** ~~above~~ **NGVD** as required in this section. All grades must be shown in both **NAVD** and **NGVD**. The information may be shown referenced to one datum with a note on the cover sheet listing a site-specific equation for determining the grades in the other datum

* * * * *

SUBSECTION 3. M. AMENDMENTS TO SECTION 3.03.05 Sea Level Rise

SECTION 3.03.05 Sea Level Rise, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.03.05 Sea Level Rise

An analysis shall be required demonstrating the impact of a six (6) inch rise in sea level ~~above~~ **NGVD** for **development** projects on a **shoreline**. This requirement shall be met by inclusion of this analysis in an **environmental impact statement** (EIS). This requirement shall be waived when an EIS is not required. This analysis shall demonstrate that the **development** will remain fully functional for its intended use after a six (6) inch rise in sea level. In the event that the **applicant** cannot meet this requirement, a list shall be provided by

the **applicant** of the changes necessary in order for the **development** to meet the standard.

* * * * *

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

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

3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation

* * * * *

D. Pre-existing uses. Exemptions from the requirements of section 3.05.07F through 3.05.09 shall not apply to, affect or limit the continuation of uses within the RFMUD which existed ~~existing~~ prior to June 19, 2002.

* * * * *

F. Except for **lots** on undeveloped coastal barrier islands, and any project proposing to **alter** mangrove trees, a vegetation removal permit for clearing one (1) acre or less of land is not required for the removal of protected vegetation, other than a specimen tree on a **parcel** of land zoned residential, -RSF, VR, A or E, or other nonagricultural, non-sending lands, non-NRPA, noncommercial zoning districts in which single-family **lots** have been subdivided for single-family use only, where the following conditions have been met:

1. A building permit has been issued for the permitted **principal structure** (the building permit serves as the clearing permit); or
2. The permitted **principal structure** has been constructed, and the property owner or authorized **agent** is conducting the removal, and the total area that will be cleared on site does not exceed on acre.
3. All needed environmental permits or management plans have been obtained from the appropriate local, state and federal agencies. These permits may include but are not limited to permits for **wetland** impacts or for listed species protection.
4. Where greater vegetation protection is required in the Rural Fringe Mixed Use District, a higher native vegetation protection requirement may not allow for the full 1 acre of clearing.

G. A vegetation removal permit is not required for the following situations:

1. Removal of protected vegetation other than a specimen tree, when a site plan and vegetation protection plans have been reviewed and approved by the County Manager or designee as part of the final **development order**.
2. Removal of protected vegetation from the property of a Florida licensed tree farm/nursery, where such vegetation is intended for sale in the ordinary course of the licensee's business and was planted for the described purpose.
3. Removal of protected vegetation, other than a specimen tree, by a Florida licensed land surveyor in the performance of his/her duties, provided such removal is for individual trees within a swath that is less than three (3) feet in width.
4. Removal of protected vegetation prior to building permit issuance if the conditions set forth in section 4.06.04 A.1.
5. Hand removal of **prohibited exotic vegetation**. Mechanical clearing of prohibited **exotic vegetation** shall require a vegetation removal permit.

Mechanical clearing is defined as clearing that would impact or disturb the soil or sub-soil layers or disturb the root systems of plants below the ground.

6. After a **right-of-way** for an electrical transmission line or public utility distribution line has been established and constructed, a local government may not require any clearing permits for vegetation removal, maintenance, tree pruning or trimming within the established and constructed **right-of-way**. Trimming and pruning shall be in accordance with subsection 4.06.05.J.1 of the Code. All needed environmental permits must be obtained from the appropriate agencies and management plans must comply with agency regulations and guidelines. These may include but are not limited to permits for wetland impacts and management plans for listed species protection.

7. After a publicly owned road **right-of-way** has been legally secured, a local government may not require any clearing permits for vegetation removal, maintenance, tree pruning or trimming within the established road **right-of-way**. Trimming and pruning shall be in accordance with subsection 4.06.05.J.1 of the Code. All needed environmental permits or management plans have been obtained from the appropriate local, state and federal agencies. These permits may include but are not limited to permits for **wetland** impacts or for listed species protection.

* * * * *

SUBSECTION 3. O. AMENDMENTS TO SECTION 3.05.10 Littoral Shelf Planting Area (LSPA)

SECTION 3.05.10 Littoral Shelf Planting Area (LSPA), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.05.10 Littoral Shelf Planting Area (LSPA)

The purpose and intent of a littoral shelf planting area (LSPA) is to establish a planted area within an excavated lake serving as a wet detention pond as part of a stormwater management system that will support wetland plants, improves the water quality within the lake and provides habitat for a variety of aquatic species including wading birds and other waterfowl. Contained within such a lake, this area will typically function as a freshwater marsh. Accordingly, the following requirements have been established in order for the LSPA to be designed and maintained to accomplish this stated purpose and function.

A. *Design requirements.*

* * * * *

- 7. *Required information.* The planting plan for the LSPA shall provide the following information:
 - a. Calculation table showing the required area (square feet) for the LSPA and its percentage of the total area at control elevation (~~NGVD~~);
 - b. Control elevation (~~NGVD~~) and dry season water table (~~NVGD~~);
 - c. Maximum water depth (feet) and estimated number of months of **flooding** for the range of planted elevations within the LSPA;
 - d. A plant list to include the appropriate range of elevations for each specified plant species, spacing requirements, and plant size;
 - e. Planting locations of selected plants.

* * * * *

SUBSECTION 3. P. AMENDMENTS TO SECTION 4.01.01 Elevation Requirements For All Developments

SECTION 4.01.01 Elevation Requirements For All Developments, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.01.01 Elevation Requirements for All Developments

The elevation of all **building** sites and public or private roadways included within a **subdivision** or **development** for which a use other than conservation or recreation is proposed shall be not less than ~~five and one half (5 1/2) feet NGVD when completed, or to~~ such minimum elevations ~~above the established NGVD datum~~ as adopted by the BCC, FEMA/FIRM, or South Florida Water Management District (SFWMD) criteria. All lawful regulations with reference to **bulkhead lines**, saltwater barrier lines, and other appropriate regulations regarding land filling, conservation, excavations, demolition, and related regulations shall be observed during the construction of any improvements within Collier County.

* * * * *

SUBSECTION 3. Q. AMENDMENTS TO SECTION 4.02.16 Design Standards for Development in the BMUD - Neighborhood Commercial Subdistrict

SECTION 4.02.16 Design Standards for Development in the BMUD - Neighborhood Commercial Subdistrict, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.16 Design Standards for Development in the BMUD - Neighborhood Commercial Subdistrict

* * * * *

A. Dimensional Standards

Table 11. Design Standards for the BMUD Neighborhood Commercial Subdistrict.

<i>Design Standards</i>	
front yard build-to-line	5 feet from the property line to the building footprint.
The front build-to-line shall also apply to any new buildings or structures in the C-1 through C-5 zoning districts which underlay the BMUD Neighborhood Commercial Subdistrict.	<p>1. Eighty percent of the structure must be located at the required front yard build-to-line; the remaining 20 percent must be behind the front yard build-to-line within the range of 3 to 10 feet.*</p> <p>2. Buildings containing commercial or residential uses are required to have a minimum depth of 35 feet from the front yard build-to-line on all floors. The remaining depth of the lot may be used for parking.</p> <p>3. Buildings which face on lots that abut Bayshore and intersecting side streets shall have the same front yard build-to-line as the front yard build-to-line for Bayshore.</p> <p>* [This is to allow for an entry courtyard or additional landscaping, if desired].</p>

* * * * *

B. Special Requirements for **Accessory** Uses.

1. Uses and structures that are accessory and incidental to the permitted uses allowed within this subdistrict are allowed unless otherwise prohibited in this subdistrict.
2. BMUD-NC land ~~immediately adjacent to~~ abutting Haldeman Creek may engage in boat rental operations.

3. Lots **abutting adjacent** to the Neighborhood Commercial (NC) and Waterfront (W) Subdistricts, as indicated on BMUD Map No. 1, may construct a dock provided the lots are under the same ownership as the adjacent BMUD-NC or BMUD-W parcels. A site development plan shall be submitted to the County Manager or designee and must succeed in gaining approval.

* * * * *

E. Design Standards For Awnings, Loading Docks, and Dumpsters

1. Loading docks and service areas shall not be allowed along the **street frontage**.
2. All dumpsters, for new developments of less than 2 acres, must be located in the rear yard of the property, and not visible from Bayshore Drive.

F. Landscaping and **Buffer** Requirements

1. As required by section 4.06.00 of this Code, unless specified otherwise below:
2. **Buffers** are required between mixed use PUDs, BMUD-NC and BMUD-W Subdistricts ~~and that abut~~ contiguous BMUD R1 through R4 Residential Subdistricts, property. A minimum 10-foot wide landscaped area shall be required. This area shall include: a (6) six-foot high opaque masonry wall; a row of trees spaced no more than 25 feet on center; and a single row of shrubs at least 24 inches in height, and 3 feet on center at the time of planting. Landscaping shall be on the commercial side of the wall.
3. A shared 10' wide landscape **buffer** with each **adjacent** property contributing a minimum of 5 feet is required between BMUD-NC and BMUD-W Subdistricts ~~abutting~~ **abutting** commercial zoned districts or **abutting** BMUD-NC or BMUD-W Subdistricts. However, the equivalent **buffer** area square footage may be provided in the form of landscaped and hardscaped courtyards, mini-plazas, outdoor eating areas and **building** foundation planting areas.

* * * * *

G. Architectural Design Theme.

The "Florida Cracker" architectural theme is encouraged for any new **developments** or existing **building** rehabilitation or renovation in the C-1 through C-5 zoning districts which underlay the BMUD Neighborhood Commercial (NC) and Waterfront (W) Subdistricts. If the suggested architectural design theme is used then the elements of the **buildings** should reflect the architectural vernacular of the "Florida Cracker" style.

1. All **buildings** shall meet the requirements set forth in section 5.05.08 unless otherwise specified below.
2. Regardless of the architectural theme chosen, the following design elements are required.
 - a. Hip or gable **building** roofs shall be metal seam (5v Crimp, standing seam or similar design)
 - b. Windows with vertical orientation and the appearance of divided glass trim.
 - c. **Facade** wall **building** materials shall be of wood, stucco finish or cement board products.

- d. All **buildings** immediately adjacent to Bayshore Drive shall have the principal pedestrian entrance fronting Bayshore Drive. Exceptions may be granted for mixed use projects of 2 acres or greater through the administrative deviation process per section 2.03.07.1.5.
- e. Thirty-five (35) percent of the **building facade** along Bayshore Drive will be clear glass.
- f. Clear glass windows with a tint of 25% or less, between the height of two (2) and seven (7) feet above sidewalk grade are required on the **primary facade** of the first floor of any building.
- g. Attached **building** awnings may encroach over the **setback** line by a maximum of five (5) feet.
- h. Florescent colors shall not be used.

* * * * *

SUBSECTION 3. R. AMENDMENTS TO SECTION 4.02.17 Design Standards for Development in the BMUD - Waterfront Subdistrict

SECTION 4.02.17 Design Standards for Development in the BMUD - Waterfront Subdistrict, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.17 Design Standards for Development in the BMUD - Waterfront Subdistrict

- A. Design Standards for the Subdistrict are the same as those set forth for the BMUD Neighborhood Commercial Subdistrict, unless set forth below. **Development** in this subdistrict is encouraged to be a mix of restaurant and retail uses while allowing for limited marina uses.
- B. Special conditions for **Marinas**:
 - 1. Repair and dry storage areas shall not be visible from the street.
 - 2. Boats available for rental purposes shall be located in the water or screened with a fence or wall from the local side streets and not visible from Bayshore Drive.
 - 3. All boat racks shall be enclosed, with a wall or fence. The fence material can be wood, vinyl composite, concrete block with stucco finish or metal or a combination. No chain link fence is allowed.
 - 4. Height of structures may be increased to a maximum actual height of fifty (50) feet by the Board of Zoning Appeals (BZA) upon approval of a variance petition.
 - 5. Outdoor displays of boats for sale on properties fronting Bayshore Drive shall be limited to the following:
 - a. All areas used for boat display activities shall occupy no more than thirty-five (35) percent of the linear frontage of the property.
 - b. All boat sale areas shall not be closer to the frontage line than the primary **building** they serve.
 - c. All boats located within an outdoor sales area shall not exceed the height of seventeen (17) feet above existing grade.
 - d. Outdoor sales areas shall be connected to the parking area and primary structure by a pedestrian walkway.
 - e. An additional landscape 10 foot **buffer** is required around the perimeter of the outdoor boat sales area. This **buffer** must

include, at a minimum fourteen (14)-foot high trees, spaced at thirty (30) feet on center and a three (3)-foot high double row hedge spaced at three feet on center at the time of planting.

- 6. ~~(Reserved) Outdoor displays of boats on properties fronting Haldeman Creek shall be limited to the following:~~
 - a. ~~All areas used for boat sales shall utilize no more than fifty (50) percent of the linear frontage of the property.~~
 - b. ~~All new boat sale areas shall not be closer to the frontage line than the primary building they serve unless it is otherwise recommended for approval reviewed and commented on by the CRA Local Advisory Board staff and shall be administratively approved by the County Manager or designee.~~
 - c. ~~All boats located within outdoor sales areas shall not exceed a height of thirty five (35) feet above the existing grade. Sailboat masts are exempt from this limitation.~~
 - d. ~~Outdoor sales areas shall be connected to the parking area and primary structure by a pedestrian walkway.~~
 - e. ~~An additional landscape 10 foot buffer is required around the perimeter of the outdoor sales area. This buffer must include, at minimum fourteen (14) foot high trees, spaced at thirty (30) feet on center and a three (3) foot high double row hedge spaced at three (3) feet on center at the time of planting.~~
- 7. One (1) parking space per five (5) dry boat storage spaces.
- 8. On-site traffic circulation system shall be provided that will accommodate areas for the loading and unloading of equipment that will not encroach upon residential developments.

* * * * *

SUBSECTION 3. S. AMENDMENTS TO SECTION 4.02.18 Design Standards for Development in the BMUD - Residential Subdistrict (R1)

SECTION 4.02.18 Design Standards for Development in the BMUD - Residential Subdistrict (R1), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.18 Design Standards for Development in the BMUD - Residential Subdistrict (R1)

Subdistrict design standards encourage the **development** of a variety of housing types which are compatible with existing neighborhoods and allow for **building** additions such as front porches. In new **development** the purpose is to encourage a traditional neighborhood design pattern. The intent is to create a row of residential units with uniform **front yard setbacks** and **access** to the street.

* * * * *

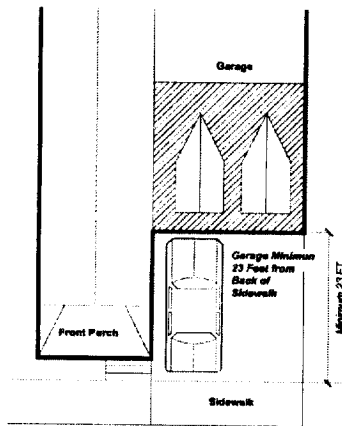
B. Specific Design Requirements

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- 5. **Garages and driveways.**
 - a. Garage doors shall have a maximum width of sixteen (16) feet.
 - b. The **driveway** shall have a maximum width of eighteen (18) feet in the

right-of-way area. Other than the permitted **driveway**, the **front yard** may not be paved or otherwise used to accommodate parking.

BMUD Figure 6: Garage Driveway (For illustrative purposes only)



- c. No freestanding carports are permitted. Carports and porte-cochere must be attached to the **principal structure** and of similar materials and design as the **principal structure**. Carports shall be no closer than 23 feet from the front yard setback line.
- d. The distance from the back of the **sidewalk** to the garage door must be at least 23 feet to allow room to park a vehicle on the **driveway** without parking over the **sidewalk**. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.

* * * * *

6. **Accessory Unit**

An **accessory unit** is a separate **structure** located on the property and related to the primary residence (single-family detached only) for uses which include, but are not limited to: library, studio, workshop, playroom, screen enclosure, garage, swimming pool or guesthouse.

- a. Ownership of an **accessory unit** shall not be transferred independently of the primary residence.
- b. Only one (1) **accessory unit** of each type of use is permitted per principal **structure**.
- c. The maximum area of an **accessory unit** is ~~550~~ 570 square feet, limited to one (1) habitable floor.
- d. The **accessory unit** may be above a garage or may be connected to the primary residence by an enclosed breezeway or corridor not to exceed eight (8) feet in width.
- e. The maximum height of a structure containing a guesthouse over a garage is limited to a maximum of twenty (20) feet, measured from the level of the first finished floor ~~of graded lot~~ to the eave, and with a maximum actual **building** height of twenty-six (26) feet to the top of the roof.

- f. A **structure** containing only a guest unit must meet the NFIP first habitable floor elevation requirement. The maximum actual **building** height shall not exceed twenty-six (26) feet to the top of the roof.

* * * * *

SUBSECTION 3. T. AMENDMENTS TO SECTION 4.02.23 Same - Development in the Activity Center #9 Zoning District

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

4.02.23 Same - Development in the Activity Center #9 Zoning District

* * * * *

C. In addition to the requirements of section 5.05.08, **buildings** shall have features that characterize the area character themes. These elements include:

1. All primary **facades** of a **building** shall feature one (1) or more of the following design elements listed below:
 - a. Porch.
 - b. Portico.
 - c. Elevated first floor or elevated entry.
 - d. Any other treatment which the County Manager or designee determines to represent the character themes of this overlay district.
2. Roof treatment.
 - a. **Buildings** with gross **floor areas** of less than 10,000 square feet shall have pitched roofs. Pitched roofs shall have a minimum of 4/12 slope.
 - b. **Buildings** with gross **floor areas** of 10,000 square feet or greater shall have one or more of the following roof treatments:
 - i. Pitched roof with a minimum slope of 4/12.
 - ii. Flat roof with mansard edge treatment.
 - iii. Flat roof with a combination of pitched and mansard roof elements that extend along a minimum of fifty (50) percent of the length of any primary **facade**, and a minimum of thirty (30) percent of the attached **facades** as measured from the connection point.
 - c. **Industrial use buildings** shall have one (1) or more of the following roof treatments:
 - i. Pitched roof with a minimum slope of 3/12.
 - ii. Flat roof with mansard edge treatment.
 - iii. Flat roof with a combination of pitched and mansard roof elements that extend along a minimum of thirty (30) percent of the length of any primary **facade**, and twenty (20) percent of the attached **facades** as measured from the connection point.
 - d. Roof material shall be tile or metal.
 - e. Roof overhangs shall be deep, no less than three (3) feet beyond the supporting walls.
 - f. To create articulation, roofs shall include a minimum of one (1) of the following architectural elements:
 - i. Clearstory windows.

- ii. Cupolas.
- iii. Dormers.
- iv. Attached clock towers.
- ~~iv.v.~~ Any other treatment which the County Manager or designee determines to represent the character themes of this overlay district.

3. Freestanding clock towers shall be permitted in non-residential and mixed use planned unit developments (PUDs) within Activity Center No. 9 subject to the following conditions:

- a. The clock tower shall not exceed an actual height of 35 feet, measured from the highest point of the crown of the road adjoining the tower site;
- b. The clock tower shall be designed to complement the architectural themes of this overlay district pursuant to subsection 4.02.23 B;
- c. The clock tower shall have no more than 1 clock face per side and digital clocks shall not be allowed;
- d. The clock tower shall not contain any signage of any nature; and
- e. Only one clock tower per business park or PUD shall be permitted.

* * * * *

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

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SUBSECTION 3. U. AMENDMENTS TO SECTION 4.02.35 Design Standards for Development in the GTMUD- Mixed Use Subdistrict (MXD)

SECTION 4.02.35 Design Standards for Development in the GTMUD- Mixed Use Subdistrict (MXD), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.35 Design Standards for Development in the GTMUD- Mixed Use Subdistrict (MXD)

* * * * *

E. Landscaping and **Buffer** Requirements.

- 1. Landscaping and **buffer** requirements shall be pursuant to section 4.06.00 of this Code unless specified otherwise below:
- 2. **Buffers** are required between GTMUD-MXD Subdistricts and ~~contiguous GTMUD-R Residential Subdistricts,~~ abutting residential property. A minimum **buffer** 10-foot wide landscaped area shall be required. This area shall include: a (6) six-foot high opaque masonry wall; a row of trees spaced no more than 25 feet on center; and a single row of shrubs at least 24 inches in height, and 3 feet on center at the time of planting. Landscaping shall be on the commercial side of the wall.

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SUBSECTION 3. V. AMENDMENTS TO SECTION 4.02.36 Design Standards for Development in the GTMUD- Residential Subdistrict (R)

SECTION 4.02.36 Design Standards for Development in the GTMUD- Residential Subdistrict (R), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.36 Design Standards for Development in the GTMUD--Residential Subdistrict (R)

* * * * *

5. Garages and Driveways.

- a. Other than the permitted **driveway**, the **front yard** may not be paved or otherwise used to accommodate parking.
- b. No freestanding carports are permitted. Carports and porte-cochere (Figure GTMUD 11) must be attached to the **principal structure** and of similar materials and design as the **principal structure**. Carports shall be no closer than 23 feet from the front yard setback line.
- c. The distance from the back of the **sidewalk** to the garage door (GTMUD Figure 10) must be at least 23 feet to allow room to park a vehicle on the **driveway** without parking over the **sidewalk**. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.

6. An **accessory unit** is a separate **structure** located at the rear of the property and related to the primary residence (single-family detached only) for uses which include, but are not limited to: library, studio, workshop, playroom, screen enclosure, garage, swimming pool or guesthouse. Ownership of an **accessory** unit shall not be transferred independently of the primary residence.

- a. Other than the permitted **driveway**, the **front yard** may not be paved or otherwise used to accommodate parking.
- b. No freestanding carports are permitted. Carports and porte-cochere (Figure GTMUD 11) must be attached to the **principal structure** and of similar materials and design as the **principal structure**. Carports shall be no closer than 23 feet from the front yard setback line.

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SUBSECTION 3. W. Add Section 4.02.38 Specific Design Criteria for Mixed Use Developments within C-1 through C-3 Zoning Districts

SECTION 4.02.38 Specific Design Criteria for Mixed Use Developments within C-1 through C-3 Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.38 Specific Design Criteria for Mixed Use Development within C-1 through C-3 Zoning Districts

- A. Purpose and Scope. The Commercial Mixed Use design criteria are to encourage the development and the redevelopment of commercially zoned properties with a mix of residential and commercial uses. Such mixed-use projects are intended to be developed at a human-scale with a pedestrian orientation, interconnecting with adjacent project, whether commercial or residential. A Commercial Mixed Use Project is allowed in the Urban Mixed Use District contained within the FLUE and subject to the standards and criteria set forth under the Commercial Mixed Use Subdistrict in the Urban-Commercial District and the regulations contained herein.
- B. Applicability. All properties zoned C-1, C-2 and C-3. These regulations shall apply to all mixed-use projects proposed within these zoning districts, subject to the design criteria set forth in this ection. The design criteria address the relationship of buildings, parking, vehicular, and pedestrian movement to create a pedestrian oriented experience. Buildings are encouraged to be built

close to the vehicular and pedestrian way to create a continuous active and vibrant **streetscape** utilizing the architecture, landscaping, lighting, signage, and **street** furnishings. Vehicular travelways support two-way traffic and on **street** parking. A logical pedestrian **pathway** system is provided throughout that connects the pedestrian movements from one use to another or within use areas. **Building** arcades and awnings are allowed to extend over the **sidewalk** to create shade and encourage pedestrian activity. Signage design shall be carefully integrated with site and **building** design to create a unified appearance for the project. Creativity in the design of **signs** is encouraged in order to emphasize the unique character of the project. Projects utilizing these design criteria will be developed in compliance with the LDC, except as specified herein.

C. Commercial Mixed Use Design Criteria.

Projects utilizing the Commercial Mixed Use option within a C-1, C-2, or C-3 Zoning District shall comply with the following standards and criteria.

1. These design criteria are applicable to the C-1 through C-3 zoning districts.
2. Commercial uses and **development** standards shall be in accordance with the commercial zoning district on the subject property, unless modified within these regulations.
3. Residential **density** is calculated based upon the gross commercial project acreage. For property in the Urban Residential Fringe Subdistrict, **density** shall be as limited by that subdistrict. For property not within the Urban Residential Fringe Subdistrict, but within the Coastal High Hazard Area, **density** shall be limited to four **dwelling units** per acre; **density** in excess of three **dwelling units** per acre must be comprised of affordable-workforce housing in accordance with Section 2.06.00 of the Land Development Code, Ordinance No. 04-41, as amended. For property not within the Urban Residential Fringe Subdistrict and not within the Coastal High Hazard Area, **density** shall be limited to sixteen **dwelling units** per acre; **density** in excess of three **dwelling units** per acre and up to eleven **dwelling units** per acre must be comprised of affordable-workforce housing in accordance with Section 2.06.00 of the Land Development Code, Ordinance No. 04-41, as amended. In case of residential uses located within a **building** attached to a commercial **building** or in the case of a freestanding residential **building**, square footage and acreage devoted to residential uses shall not exceed seventy percent (70%) of the gross **building** square footage and acreage of the project.
4. The project shall provide **street**, pedestrian **pathway** and **bike lane** interconnections with **adjacent** properties, where possible and practicable.
5. The project shall, to the greatest extent possible, use a grid **street** system, or portion thereof, so as to afford maximum opportunity for interconnections with surrounding properties and to provide multiple route alternatives.

D. Pedestrian Pathways.

1. This design criteria is only applicable to **streets** internal to commercial mixed use projects, it is not applicable to project portions fronting on existing **collector** or **arterial roadway**.
2. The pedestrian **pathways** along the main **streets** shall be a minimum of 21 feet in width. (See diagram below)
3. Pedestrian **pathways** shall be provided pursuant to Collier County LDC Section 4.02.38 D. and shall include: **street** furnishings, a **street** tree planting zone, and a pedestrian travel zone. (This is not applicable to internal parking lots).

4. Overhead arcades, awnings or canopies, may extend over the dining and display zone, as well as, the pedestrian travel zone at a minimum height of 8 feet. Furnishings or other obstructions shall be kept out of the pedestrian travel zone.
5. Outdoor dining at **building** arcades or outdoor areas may be enclosed by planters, decorative fencing, or comparable moveable barriers. The dining area shall not encroach into the pedestrian travel zone.
6. **Building** elements in the form of arcades, overhangs, signage, marquees, bay windows, and structural supports shall be allowed to extend over the pedestrian travel zone. These allowable overhead encroachments shall be have a minimum clearance of 8 feet height above the **sidewalk**.

E. **Street** Furnishings & **Street** Plantings.

1. This design criteria is only applicable to **streets** internal to commercial mixed use projects, it is not applicable to project portions fronting on existing **collector** or **arterial roadways**.
2. **Street** furnishings shall be provided in conjunction with the **street** tree planting zone. **Street** furnishings shall include benches per LDC Section 4.06.03 B. 8, one waste/recycling receptacle per 300 lineal feet of street **frontage**, and bike racks per LDC Section 4.05.08. **Street** furnishings may also include bus shelters, information kiosks, and similar furnishings
3. Site furnishings (not associated with an individual business) shall be coordinated and fabricated of compatible materials.
4. Visual obstructions shall not be allowed within sight triangles/spaces at **street** intersections pursuant to 4.06.01 D.1 of the LDC.
5. The **street** tree planting zone shall have a minimum width of 5 feet and a minimum length of 10 feet and be located parallel to the curb. Root barriers are required to protect **sidewalks** and utilities.
 - i. Within the **street** tree planting zone, **street** trees shall be spaced at a rate of 40 feet on center and may be clustered. The **street** tree pattern may be interrupted by overhead arcades, utilities, and pedestrian **access**. Trees shall have a minimum height at the start of branching of 8 feet and have an overall planting height of 16 feet. Palm **trees** are allowed as a substitute to canopy trees where **building** elements (reference LDC 2.03.06 G 3.e, and LDC 2.03.06 G 7.b. i and ii) are closer to the **street** and the amount of space for landscaping, the pedestrian travel zone, and **street** furnishings will not allow canopy trees. Areas for canopy trees should be included at plazas, **street** intersections, and other areas where **buildings** are set back and space will allow.
 - ii. Plantings shall include a variety of tree and shrub species with at least 50 percent of the required trees and 35 percent of the required shrubs being plants native to Florida.
 - iii. Planting zones at the ground plane shall include turf grass; groundcover, low shrubs or flowering plants.

F. **Landscape**.

1. This design criteria is only applicable to **streets** internal to commercial mixed use projects, it is not applicable to project portions fronting on existing **collector or arterial roadway**.
2. Provide a variety of tree and shrub species with at least 50 percent of the required trees and 35 percent of the required shrubs being plants native to Florida.
3. Canopy trees used in open landscape areas (other than **street trees**) shall be a minimum of 10 feet in height, having a 4 foot diameter spread and a minimum caliper of 1¼ inches.
4. Plantings shall be a maximum of 25 percent turf grass. The balance shall be groundcover, low shrubs and/or flowers located in planting areas appropriate to the design.
5. Irrigation shall be provided for all planting areas. Irrigation control boxes and appurtenances shall be located away from direct public view.
6. Landscape **buffers** per section 4.06.02 of the Code "**Buffer Requirements**" shall only apply to the external boundaries of the mixed use **development**. Landscape **buffers** shall not be required internal to the mixed use **development** project.

G. **Parking Lot Landscaping.**

1. Up to 30 percent of the landscape islands shall have a minimum width of 5 feet inside planting area and may be planted with a palm tree equivalent.
2. Minimum tree size shall be 1-¾ " caliper and a minimum of 10 feet in height.
3. The perimeter of all parking **lots** fronting on public **rights-of-way** shall be screened to a minimum height of 24 inches using walls, fences, landscaping or any combination thereof.
4. Parking **lot** perimeter landscaping areas shall be a minimum of 8 feet in width. Shrubs shall be arranged in a staggered pattern with a minimum size of three gallons at the time of planting to provide year-round screening. Trees shall be included in the perimeter landscape area at a minimum spacing of one tree/palm per 25 feet of linear **frontage**. **Street trees** planted within the **right-of-way** may be used to meet this requirement.

H. **Building Foundation Plantings.**

1. **Building** foundation plantings shall be required per section 4.06.05 of the Code, except as follows. The **building** regardless of its size, shall provide the equivalent of 10 percent of its ground level floor area, in **building** foundation planting area. A continuous **building** foundation planting width is not required per section 4.06.05 of the Code. However, the foundation plantings shall be located within 21 feet of the **building** edge in the form of landscaped courtyards and seating area landscaping.

I. **Building Architectural Standards.**

1. The Mixed Use Projects shall include architectural features that provide visually interesting **building** design at a scale appropriate for pedestrian and automobile.
 - a. **Building facades** shall be designed to reduce the mass and scale of the **building**, by providing arcades, windows, entry features, and other design treatments in compliance with section 5.05.08 of the LDC except as follows;

- b. Covered **pathways** and arcades shall be constructed with columns a minimum width of 12-inches, if masonry and 10 inches wide, if constructed of finished steel products.
- c. For **buildings 3 stories** or more, pedestrian scale at the **street level** shall be maintained by incorporation of **facade** variations such as massing, texture, color or material on the **primary facades** between the first and subsequent **stories**.
- d. The following architectural options are in addition to the list of required design treatments identified in subsection 5.05.08 C.2. of the Code:
 - i. Open arcade or covered walkway with a minimum depth of 8 feet and a total minimum length of 60 percent of the **facade**.
 - ii. A **building** recess or projection of the first floor with minimum depth of 8 feet and total minimum length of 60 percent of the **facade** length.
 - iii. Architectural elements such as balconies and bay windows with a minimum depth of 3 feet and that cover a minimum of 30 percent of the **facade** above the first floor. (Storm shutters, hurricane shutters, screen enclosures or any other comparable feature, if applied as part of the **structure**, must also comply with the required minimum depth).

J. **Sign Types & Definitions.**

1. **Definitions**

- a. Sandwich boards: A portable **sign** comprised of two **sign** panels hinged together at the top.
- b. Flag Banners: Fabric panels hanging from or stretched between brackets projecting from light poles.

2. **Permitted Sign Types.**

- a. All **signs** shall be in compliance with section 5.06 of the Code, except as follows:
- b. **Awning Signs:** In addition to any other **sign** allowed by the Code. The front vertical drip of an awning may be stenciled with letter or graphics. A 10 percent clear area border is required on all 4 sides of the front vertical drip.
- c. Project Entrance **Signs** - Two **ground** or **wall signs** shall be allowed at the main entrance to the **development** with a maximum height of 6 feet subject to the following requirements.
 - i. The **signs** shall contain only the name of the **development**, the insignia or motto of the **development** and shall not contain promotional or sales material
 - ii. The **signs** shall be limited to 60 square feet of **sign area** each and shall not exceed the height or length of the wall upon which it is located.

- iii. The **ground or wall sign** shall maintain a 10 foot **setback** from any property line unless placed on a wall subject to the restrictions set forth in the section 5.06 of the Code.
- d. Residential and Neighborhood Amenity **Signs** – One **ground sign** shall be allowed for each residential tract, **parcel** or amenity with a maximum height of 4 feet subject to the following requirements.
 - i. The **sign** shall contain only the name of the residential neighborhood and the insignia.
 - ii. The **ground or wall sign** shall be limited to 30 square feet of **sign** area and shall not exceed the height of the length of the wall upon which is located.
 - iii. **Ground or wall sign** shall maintain a 10 foot **setback** from any property line unless placed on a wall subject to the restrictions set forth in the Code.
- e. Sandwich boards are permitted on the above ground floor, one per establishment, not to exceed 6 square feet of **sign area** in size and shall only be displayed during business hours. (maximum 2 faces at 6 Sq. feet each).
- f. Flag Banners: Vertical or horizontal panels of woven fabric [or formed synthetic material] attached to, and projecting from light poles within the project that act to identify, through logo, lettering, or a combination thereof, the unified control of the project from developer through and to project's Association. The maximum **sign** area shall be proportional to the height of the pole:
 - i. 16 foot pole - 15 sq ft. maximum (2 faces at 15 square feet each).
 - ii. 20 foot pole - 20 sq ft. maximum (2 faces at 20 square feet each), and
 - iii. 30 foot pole - 36 sq ft. maximum (2 faces at 36 square feet each).
- g. Seasonal and/or Special Events Banners: Vertical or horizontal panels that may be attached to designated fixtures located within the project at the time of site **development plan** submission. The number of designated fixtures for such panels shall be proportionate in number to **parcels** at a ratio of one to six (1 to 6), and are restricted to application within the commercial locations or sections of the project.

3. Prohibited **Sign** Types.

- a. Portable or mobile **signs** except sandwich boards.
- b. Off-site **signs**.
- c. Projecting or Pole **signs**
- d. Fluorescent colors

K. Parking Requirements. Mixed-use **developments** have the opportunity to provide a variety of parking options to residents and patrons. Mixed-use projects reduce vehicular trips, and the number of required parking spaces by utilizing pedestrian-oriented design and reducing the distance between residential and commercial uses.

1. Definitions.

- a. On-street Parking – Parking spaces located **adjacent** to, and accessed directly from the roadway.

- b. Off-street Parking – Parking spaces located within parking lots or parking **structures** and accessed off the roadway.
- c. Parking lot – A ground-level area utilized for parking spaces **accessible** from the road and usually **adjacent** to the use it serves.
- d. Parking **structure** – A multi-level parking area utilized for parking spaces that serve establishments within walking distance of the **structure**. The **structure** may or may not be **adjacent** to the establishments it serves.

2. Design Criteria and Dimensional Requirements On-street Parking.

- a. Design criteria only applicable to **streets** internal to commercial mixed use project, not applicable to project portion fronting on existing **collector** or **arterial roadway**
- b. Parallel parking shall be a minimum of 9 feet wide by 23 feet long. For every four on-street parking spaces provided a landscape island that is 8 feet wide and 15 feet long and is surrounded by Type D concrete curbing, shall be provided in addition to the pedestrian clear zone landscape requirement. The corners **adjacent** to the travel lane shall be angled at least 45 degrees away from perpendicular with the curb in order to provide adequate ingress and egress from each parallel parking space. Each island shall be planted with hedges, groundcover and/or grasses less than 36 inches high and shall contain at least one small to medium ornamental tree that is a minimum of 8 feet tall at the time of planting.
- c. Angled parking may be 45 degrees or 60 degrees from the travel lane. Spaces must be a minimum of 9 feet wide and 18 feet long. For every four on-street parking spaces provided a landscape island that is 12 feet wide and 15 feet long and is surrounded by Type D concrete curbing, shall be provided in addition to the pedestrian clear zone landscape requirement. The island shall be planted with hedges, groundcover, and/or grasses less than 36 inches high and shall contain at least one small to medium ornamental tree that is a minimum of 8 feet tall at the time of planting

3. Design Criteria and Dimensional Requirements Off-street Parking.

- a. Location – Parking lots or parking **structures** shall be located to the rear of **buildings** located on the main street, or the along the secondary/side streets. Off-street parking shall not occur in front of the **primary façade**.
- b. Lots shall be designed to keep all circulation between aisles internal to the lot. **Driveways** to parking areas shall be a minimum of 24 feet wide.
- c. 90 degree parking spaces shall have a minimum drive aisle width of 24 feet and stall size of 9 feet by 18 feet.
- d. 60 degree angled parking shall have a minimum drive aisle width of 20 feet, if one-way, and 24 feet, if two-way. Parking stall size shall be a minimum of 9 feet x 18 feet.

4. Handicap Parking. Handicap parking shall be located to facilitate the most direct and safest route to **building** entries and meet all applicable codes.

5. Parking **Structures**.

- a. Parking **structure facades** shall be designed to screen views of automobiles by the general public from **adjacent streets and driveways.**
- b. Parking **structures** without ground floor retail or residential uses along the front **facade** shall have a minimum 10-foot wide, **Building** Foundation Landscaping pursuant to section 4.06.00. of the Code. Where the parking **structure** is attached to the **building** or **adjacent** to preserve area, and the preserve area meets the otherwise required landscaping, no additional landscaping is required.
 - i. All **structures** with uncovered parking on the top level shall have rooftop planters around the perimeter that is a minimum of 5 feet wide located around a minimum of 80 percent of the perimeter of the parking integral to the **structure**, or suitable architectural features to soften the **building** edge.
 - ii. Parking **structure** lighting shall be a maximum of 20 feet in height. Lighting shall incorporate full shield cut-offs to contain light to the surface of the deck only.
 - iii. Parking **structures** are also allowed to be located below grade and below habitable space. These **structures** must be accessed from the rear of the **building.**
- c. General Requirements and Shared Parking Agreements
 - i. Design criteria only applicable to **streets** internal to commercial mixed use project, not applicable to project portion fronting on existing **collector** or **arterial roadway**
 - ii. The total number of parking spaces provided in a mixed-use project shall be determined by the intended uses as required by section 4.05.00 of the Code, Off-street Parking and Loading unless modified herein.
 - iii. Commercial areas (with **streets** internal to the project) must utilize on-street parking to meet at least a portion of the parking requirement.
 - iv. One half of the on-street parking spaces located within one block or 0.125 mile, whichever is less, may contribute toward an individual establishment's parking requirement.
 - v. If a commercial area is developed in one phase with one site **development plan** application the on-street parking may be utilized to meet parking requirements in a one-to-one ratio.
 - vi. The overall parking requirement may be reduced at the time of site **development plan** approval by consideration of a shared parking analysis. The analysis shall demonstrate the number of parking spaces available to more than one use or function, recognizing the required parking will vary depending on the multiple functions or uses in close proximity which are unlikely to require the spaces at the same time. The shared parking analysis methodology will be determined and agreed upon by County staff and the **applicant** during the pre-application meeting, or during ongoing discussion, during the site **development plan** review process.

- vii. Establishments providing valet parking services may not utilize parking areas designated for shared use for the storage of vehicles parked by this service, unless allowed by a shared parking agreement.
- viii. Residential areas that are within a block or 0.125 mile of a commercial area but are not directly accessible by a vehicle due to gating or lack of vehicular interconnection may not utilize on-street parking in the commercial area to meet the residential parking requirement.
- ix. Residential areas may utilize on-street parking that is **abutting** a residential unit to meet the parking requirement in a one to one ratio. If parking spaces are used to meet a residential parking requirement they may not then be utilized to meet any of the commercial requirement.

L. Service Areas.

- 1. Loading docks, solid waste facilities, recycling facilities and other services elements shall be placed to the rear or side **yard** of the **building** in visually unobtrusive locations with minimum impacts on view.
- 2. Refuse containers and facilities shall be hidden by an opaque wall or fencing of sufficient height to screen the bin and any appurtenances, but not less than 6 feet in height. Chain link fencing, wood fencing and chain link gates are not allowed. Walls shall be constructed of a material compatible with the principal **structure** it is serving. Landscaping with vines or other plants is encouraged. Enclosures shall include solid, latching gates to avoid blowing refuse.
- 3. Service area recesses in the **building** and/or depressed **access ramps** should also be used where applicable.
- 4. Businesses are encouraged to consolidate and share refuse areas and equipment.

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SUBSECTION 3. X. AMENDMENTS TO SECTION 4.03.05 Subdivision Design Requirements

SECTION 4.03.05 Subdivision Design Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.03.05 Subdivision Design Requirements

- A. **Blocks.** The length, width and shape of blocks shall be determined with due regard to:
 - 1. Zoning requirements as to lot size and dimensions.
 - 2. Need for convenient access, circulation, control and safety of vehicular and pedestrian traffic.
 - 3. Limitations and opportunities of topography, including all natural and preserved features identified.
 - 4. Where special topographical conditions exist, block lengths greater than 660 feet shall be approved by the County Manager or designee pursuant to procedures set forth in Chapter 10. Traffic calming devices, as approved in the Neighborhood Traffic Management Program, shall be provided in block lengths greater than 660 feet.

B. House Pad Height Requirements. All Residential Single-Family (RSF) homes constructed within recorded or unrecorded **subdivisions** that are not required to obtain a **South Florida Water Management District (SFWMD) Surface**

Water Management (SWM) Permit or Environmental Resource Permit (ERP) and that do not also have (a) a central (backbone) stormwater runoff collection and (b) a treatment system (swales and lakes or retention areas) shall only build fill pads to a maximum elevation of 18 inches above the elevation of the crown of the paved **street** or 24 inches above the elevation of the crown of the unpaved **street** at the **driveway** entrance to the home. The side slopes of the fill pad can be no steeper than 1 vertical unit to 4 horizontal units.

1. Any first **floor** being built higher than what can be set on that **house pad** must sit on a stem wall, or piles, or columns with footings, or any similar such design that does not require a wider fill pad.
2. Exceptions to this section can be sought based on a site stormwater retention design done by a Professional Engineer, licensed in the State of Florida, showing that the site has sufficient water quality retention and water quantity attenuation on site to prevent the shedding of excess runoff onto neighboring properties and showing that flood plain compensation has been achieved.

* * * * *

SUBSECTION 3. Y. AMENDMENTS TO SECTION 4.04.02 Access Management

SECTION 4.04.02 Generally, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.04.02 Access Management

* * * * *

B. Regulations.

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3. During ~~development or redevelopment of commercial lots~~, shared ~~access and/or interconnection shall be encouraged~~. During the **development** or redevelopment of commercial or residential projects and all rezone petitions shared **access** and interconnection shall be required. Should the shared **access** or interconnection require the removal of existing parking spaces, the applicable **development** will not be required to mitigate for the parking spaces. The County Manger or designee shall require the shared **access** and interconnection unless in the professional judgment of the County Manger, or designee, one of the following criteria prohibits this requirement.
 - a. It is not physically or legally possible to provide the shared **access** or interconnection.
 - b. The cost associated with the shared **access** or interconnection is unreasonable. For this application unreasonable will be considered when the cost exceeds the cost of a typical local **road** section or is above 10% of the value of the improvements being made to the **development**.
 - c. The location of environmentally sensitive lands precludes it and mitigation is not possible.
 - d. The **abutting** use is found to be incompatible with the existing or proposed use.

* * * * *

SUBSECTION 3 Z. 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 Requirement

* * * * *

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 an 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 an 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.

When a community facility is located within a residential PUD and abuts a residential unit, the normally required combined Type B and Type A landscape buffers shall be reduced to a single Type B buffer. When a fence or wall is used within the buffer a minimum of 50 percent of the trees and hedge plantings shall be located on the residential side of the fence or wall.

* * * * *

D. Standards for retention and detention areas in **buffer yards**. Unless otherwise noted, all standards outlined in section 4.06.05 C. apply. Trees and shrubs must be installed at the height specified in this section.

* * * * *

- ~~5. Natural and manmade bodies of water including retention areas for all developments subject to section 5.05.08 and 3.05.10.~~

~~a. Configuration of water management areas. The shape of a manmade body of water, including retention and detention areas, must be designed to appear natural with curvilinear edges. See "Body of Water Shapes" figure below. An alternative design may be approved as a part of the design of the building, if the design of the water management area is related to the architectural design of the building.~~

GRAPHIC LINK: [Click here](#)

~~b. Water management areas within the front yards. Narrow and steep water management areas are prohibited within the front yards that lie between the primary facades of a building and a public and private street. These narrow and steep water~~

Words struck through are deleted, words underlined are added

management areas are defined as 12 feet or less in width with maximum slope of 4 to 1.

e. ~~Required amenities. The following standards apply to detention and retention areas exceeding twelve feet in width. All bodies of water, including retention areas exceeding 20,000 square feet, and which are located adjacent to a public right-of-way, must incorporate into overall design of the project at least two of the following items:~~

i. ~~A walkway 5 feet wide and a minimum of 200 feet long, with trees of an average of 50 feet on center and with shaded benches, a minimum of 6 feet in length or picnic tables with one located every 150 feet.~~

ii. ~~Fountains.~~

iii. ~~Partially shaded plaza/courtyard, a minimum of 200 square feet in area, with benches and/or picnic tables adjacent to the water body, or retention areas.~~

* * * * *

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

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

4.06.05. General Landscaping Requirements

* * * * *

B. Landscaping requirements for industrial and commercial development.

* * * * *

4. ~~Building foundation planting areas. All shopping center, retail, office, apartments, condominiums, clubhouses and similar uses must provide building foundation planting in the amount of ten percent of proposed building ground level floor area. These planting areas must be located adjacent to the primary public building entrance(s) and/or primary street elevation. Planting areas must consist of landscape areas, raised planters or planter boxes that are a minimum of five feet wide except as required by section 4.06.05 B.5. below. These areas must be landscaped with trees and/or palms in the amount of one tree or one palm equivalent per 250 square feet; and shrubs and ground covers other than grass. Building foundation plantings are exempt from the native requirements. Water management areas must not be a part of this planting area. Parking lot islands will not count towards this requirement.~~

5. ~~Building foundation planting requirements for buildings 35 feet or more in height; and/or section 5.05.08 buildings with a footprint greater than 20,000 square feet and/or parking garage structures.~~

a. ~~The minimum width of building foundation planting areas must be measured from the base of the building and must relate to the adjacent building's wall height as herein defined as follows:~~

TABLE INSET:

Adjacent building's wall height:	Foundation Planting Width (contiguous around perimeter of building excluding points of ingress and egress):
Building height wall less than 35 feet	10 feet
Building wall height between	15 feet

35 feet and 50 feet	
Building wall height greater than 50 feet	20 feet

- b. ~~Sites located adjacent to a permanent water body such as a canal, lake, bay or gulf may incorporate the required landscape buffer width into the building perimeter landscape buffer width.~~
- e. ~~Trees required by this section must be of an installed size relating to the adjacent building's wall height, as defined below:~~

TABLE INSET:

Building's Wall Height (feet)	Minimum Tree Height (feet)	Minimum Tree Canopy Spread;e(feet)	Tree Container Size (gallons)	Minimum Palm Height (feet)
35 to 50	14 to 16	7	45	16
Greater than 50	16 to 18	8	65	20

6 4. **Raw water well** landscaping requirements. Screening and buffering requirements are to be limited to the area surrounding the **raw water well** installation, including appurtenances such as security fencing, wall or well house. Canopy trees as described in Section 4.06.05 B.1., will not be required. ~~Where equipment such as generators and antennas are visible above the surrounding fences or walls,~~ Projections visible above the fence or wall shall be screened from view by trees of sabal palms with a minimum clear trunk height of 8-12 feet, must Each palm shall be planted 30" 10 feet on center around the perimeter of the fence or wall. Surrounding fences or walls must have, at a minimum, ten (10) gallon shrubs, five (5) feet tall at the time of planting, placed four (4) feet on center along the exterior perimeter of the surrounding fence or wall. Stand alone well houses without perimeter fences or walls must have, at a minimum, two (2) rows of three (3) gallon shrubs, two (2) feet tall at the time of planting, placed three (3) feet on center and offset between rows. In all cases, mature vegetation must provide and eighty (80) percent sight-obscuring screen equal to seventy-five (75) percent of the height of the fence or wall, as applicable.

* * * * *

Table 4.06.05.C. Building Foundation Planting Requirements

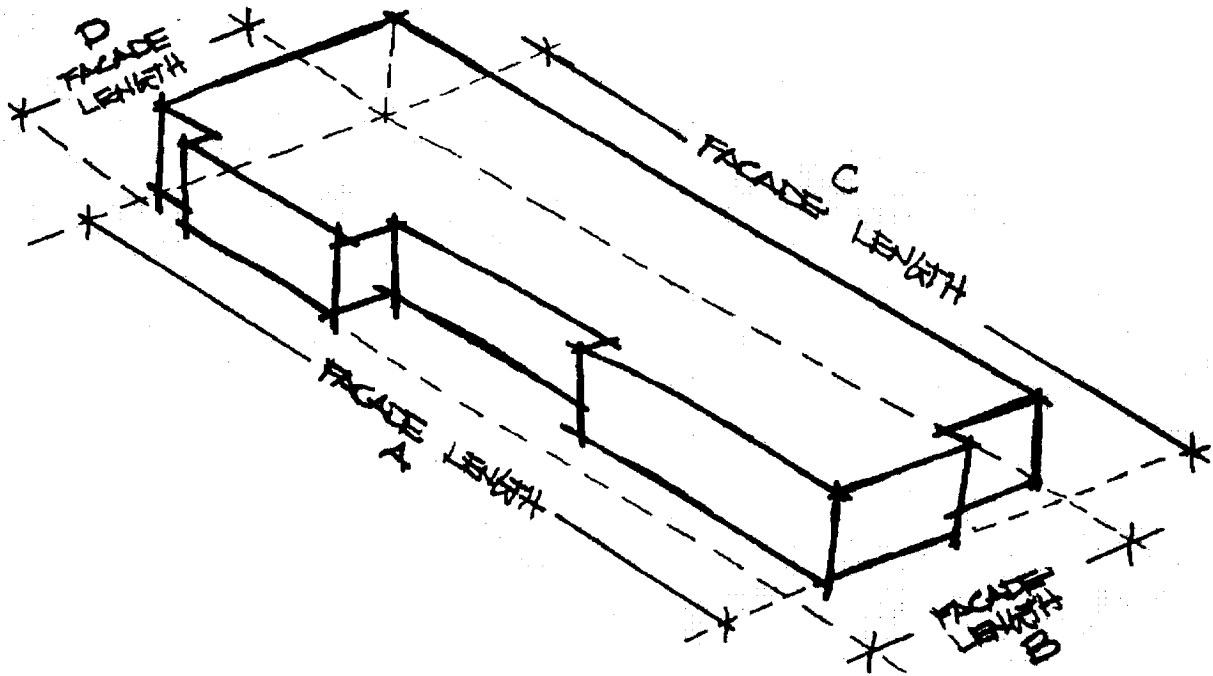
<p>Building footprint under 10,000 square feet</p>	<p><u>(Length) 25 percent of the combined total of all building facade length x (Width) 10 feet wide = (Area) Total Planting Area Required.</u> <u>Trees and palms shall be a minimum 10 feet high at planting. Minimum width of planting beds shall be 5 feet.</u> <u>Trees and palms shall be provided at a rate of 1 per 300 square feet of required foundation planting area.</u></p>
<p>Building footprint over 10,000 square feet</p>	<p><u>(Length) 45 percent of the combined total of all building facade length x (Width) 15 feet wide = (Area) Total Planting Area Required.</u> <u>Trees and palms shall be a minimum 14 feet high at planting. Minimum width of planting beds shall be 10 feet.</u> <u>Trees and palms shall be provided at a rate of 1 per 400 square feet of required foundation planting area.</u></p>
<p>All Buildings with zoned height 50 feet or greater</p>	<p><u>(Length) 55 percent of the combined total of all building facade length x (Width) 20 feet wide = (Area) Total Planting Area Required.</u> <u>Trees and palms shall be a minimum 18 feet high at planting. Minimum width of planting beds shall be 10 feet.</u> <u>Trees and palms shall be provided at a rate of 1 per 500 square feet of required foundation planting area.</u></p>

C. **Building** foundation plantings. All commercial **buildings**, residential **buildings** with 3 or more units, and retail and office uses in industrial **buildings** shall provide **building** foundation plantings in the amount set forth in table 4.06.05.C. and illustration 4.06.05.C. These planting areas shall be located **adjacent** to **building** entrance(s), **primary facades**, and/or along **facades** facing a street.

1. Retail and office **buildings** shall have foundation plantings on at least **three building facades**. Plantings shall occur along at least 30 percent of each these **façade** lengths.
2. Minimum planting area width for trees and palms shall be 8 feet.
3. **Building** foundation plantings shall be covered with shrub, ground cover, raised planter boxes, and ornamental grass plantings, except as provided in item 10 below.
4. **Sidewalks** may occur between the **building** and foundation planting areas. **Sidewalks** may also occur between foundation planting areas and planted islands that meet criterion 7 below.
5. A maximum of 50 percent of the required foundation planting may be located in perimeter **buffers**.
6. Water management areas shall not occur in foundation planting areas.
7. Parking lot islands shall not be used to meet **building** foundation planting area requirements, except for islands **contiguous** to foundation planting areas that exceed minimum width requirements.

8. Buildings with overhead doors and/or open vehicular use areas along building perimeters that are visible from any road, access, or residence shall provide a Type B landscape buffer or approved equivalent along the entire perimeter opposite these features. The required foundation plantings for these buildings shall be reduced by 20 percent.
9. All projects may use the following alternatives to meet the requirements of table 4.06.05 C.:
- a. Turf grass may be used for up to 30 percent of the building foundation planting area when required tree heights are increased by 2 feet.
 - b. Decorative paving areas incorporating courtyards, walkways, water features, plazas, covered seating and outdoor eating spaces may be used to meet up to 20 percent of the required building foundation planting area.
 - c. Vine planted arbors, wall planters, and trellis structures may be used to meet up to 15 percent of the required building foundation planting area.

**Illustration 4.06.05.C.
Building Foundation Planting Area**



Building Foundation Calculation Formulas

Buildings under 10,000 square feet.

Total of all facades (A+B+C+D) x .25 x 10' = Total square feet of foundation plantings required.

Buildings over 10,000 square feet and under 50 feet zoned height.

Total of all facades (A+B+C+D) x .45 x 15' = Total square feet of foundation plantings required.

Buildings 50 feet or greater zoned height.

Total of all facades (A+B+C+D) x .55 x 20' = Total square feet of foundation plantings required.

[Renumber C-L to D-M]

* * * * *

N. Water management areas.

1. Natural and manmade bodies of water including retention areas for all developments subject to section 5.05.08 and 3.05.10.

a. Configuration of water management areas. The shape of a manmade body of water, including retention and detention areas, must be designed to appear natural with curvilinear edges. See "Body of Water Shapes" figure below. An alternative design may be approved as a part of the design of the building, if the design of the water management area is related to the architectural design of the building.

GRAPHIC HERE:

b. Water management areas within the front yards. Narrow and steep water management areas are prohibited within the front yards that lie between the primary facades of a building and a public and private street. These narrow and steep water management areas are defined as 12 feet or less in width with maximum slope of 4 to 1.

c. Required amenities. The following standards apply to detention and retention areas exceeding twelve feet in width. All bodies of water, including retention areas exceeding 20,000 square feet, and which are located adjacent to a public right-of-way, must incorporate into overall design of the project at least two of the following items:

i. A walkway 5 feet wide and a minimum of 200 feet long, with trees of an average of 50 feet on center and with shaded benches, a minimum of 6 feet in length or picnic tables with one located every 150 feet.

ii. Fountains.

iii. Partially shaded plaza/courtyard, a minimum of 200 square feet in area, with benches and/or picnic tables abutting the water-body, or retention areas.

* * * * *

SUBSECTION 3. BB. AMENDMENTS TO SECTION 4.07.04 Special Requirements for Mixed Use Planned Unit Developments Containing a Commercial Component

SECTION 4.07.04 Special Requirements for Mixed Use Planned Unit Developments Containing a Commercial Component, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.07.04 Special Requirements for Mixed Use Planned Unit Developments Containing a Commercial Component

* * * * *

B. Design Standards.

1. The gross acreage of the neighborhood **village center** shall be sized in proportion to the number of housing units authorized in the PUD as follows. The maximum size shall be fifteen (15) contiguous acres.

* * * * *

7. ~~A unified sign plan shall be submitted and made a part of the approval for the neighborhood **village center** site development plan. The approved unified sign plan will establish signage specifications and will therefore become the sign regulations that will apply to the neighborhood **village center**. The unified sign plan shall adhere to section 5.06.00 of this LDC, except that pole signs are prohibited. The neighborhood **village center** shall adhere to section 5.06.00 of this LDC, except that **pole signs** are prohibited. Signs shall be designed so that their size and location are pedestrian-oriented.~~

* * * * *

SUBSECTION 3. CC. AMENDMENTS TO SECTION 5.03.06 Dock Facilities

SECTION 5.03.06 Dock Facilities, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

* * * * *

5.03.06 Dock Facilities

- A. Generally. **Docks** and the like are primarily intended to adequately secure moored vessels and provide safe **access** for routine maintenance and use, while minimally impacting navigation within any **adjacent** navigable channel, the use of the waterway, the use of neighboring **docks**, the native marine habitat, manatees, and the view of the waterway by the neighboring property owners.
- B. Allowable uses. The following uses may be permitted on waterfront property:
1. Individual or multiple private **docks**.
 2. Mooring pilings.
 3. Davits or lifts.
 4. **Boathouses**.
 5. **Boat lift canopies**.
- C. Measurement of dock protrusions and extensions.
1. Measurement is made from the most restrictive of the following: property line, **bulkhead line**, **shoreline**, seawall, rip-rap line, control elevation contour, or **mean high water line (MHWL)**.
 2. On manmade waterways less than 100 feet in width, where the actual waterway has receded from the platted waterfront property line, the County Manager or Designee may approve an administrative variance allowing measurement of the protrusion from the existing MHWL, provided that:
 - a. A signed, sealed survey no more than sixty (60) days old is provided showing the location of the MHWL on either side of the waterway at the site, as well as any **dock** facilities on the subject property and the property directly across the waterway; and
 - b. At least fifty (50) percent of the true waterway width, as depicted by the survey, is maintained for navigability.
 3. On manmade canals sixty (60) feet or less in width, which are not reinforced by a vertical seawall or bulkhead, at least thirty-three (33) percent of the true waterway width, as depicted by the survey, must be maintained for navigability.
 4. The allowable protrusion of the facility into the waterway shall be based on the percentages described in subsection 5.03.06(E)(2) of this LDC as applied to the true waterway width, as depicted by the survey, and not the platted canal width.
- D. Determination as principal or **accessory use**.
1. On unbridged barrier islands, a boat **dock** shall be considered a permitted **principal use**; however, a **dock** shall not, in any way, constitute a use or **structure** which permits, requires, and/or provides for any **accessory uses** and/or **structures**.
 2. **Boathouses** and **dock facilities facilities** proposed on residentially zoned properties, as defined in section 2.02.02 of this LDC, shall be considered an **accessory use** or **structure**.
 3. Any covered **structure** erected on a private boat **dock** shall be considered an **accessory use**, and shall also be required to be approved through the procedures and criteria of subsections 5.03.06(G) and 5.03.06(F) of this LDC.
- E. Standards for ~~dock facilities~~ **dock facilities**. The following criteria apply to **dock facilities facilities** and **boathouses**, with the exception of ~~dock facilities~~ **facilities** and **boathouses** on manmade lakes and other manmade bodies of water under private control.
1. For **lots** on a canal or waterway that is 100 feet or greater in width, no **boathouse** or **dock** facility/boat combination shall protrude more than twenty (20) feet into the waterway (i.e. the total protrusion of the **dock** facility plus the total protrusion of the moored vessel).
 2. For **lots** on a canal or waterway that is less than 100 feet in width, **dock** facilities may occupy no more than twenty-five (25) percent of the width of the waterway or protrude greater than twenty (20) feet into the waterway,

whichever is less.

3. On manmade canals sixty (60) feet or less in width, which are not reinforced by a vertical seawall or bulkhead, **dock** facilities may protrude up to thirty-three (33) percent of the width of the waterway, provided that the procedures outlined in section 5.03.06(C) are followed.
 4. For **lots** on unbridged barrier islands located within state aquatic preserves, protrusion limits, **setbacks**, and deck area shall be determined by the applicable Florida Department of Environmental Protection (DEP) regulations in effect at the time of permit application, and the protrusion limits above shall not apply. All required DEP permits for a **dock** facility must be obtained prior to the issuance of a Collier County **building** permit for the facility.
 5. All **dock** facilities on **lots** with water **frontage** of sixty (60) feet or greater shall have a side **setback** requirement of fifteen (15) feet, except as provided in subsections 5.03.06(E) or 5.03.06(F) of this LDC or as exempted below.
 6. All **dock** facilities, ~~(except boathouses)~~, on **lots** with less than sixty (60) feet of water **frontage** shall have a side **setback** requirement of seven and one-half (7.5) feet.
 7. All **dock** facilities, ~~(except boathouses)~~, on **lots** at the end or side end of a canal or waterway shall have a side **setback** requirement of seven and one-half (7.5) feet as measured from the side **lot line** or riparian line, whichever is appropriate.
 8. Riparian lines for **lots** at the end or side end of a waterway with a regular **shoreline** shall be established by a line extending from the corner of an end **lot** and side end **lot** into the waterway bisecting equidistantly the angle created by the two (2) intersecting **lots**.
 9. Riparian lines for all other **lots** shall be established by generally accepted methods, taking into consideration the configuration of the **shoreline**, and allowing for the equitable apportionment of riparian rights. Such methods include, but are not limited to, lines drawn perpendicular to the **shoreline** for regular (linear) ~~shorelines~~ shorelines, or lines drawn perpendicular to the centerline (thread) of the waterway, perpendicular to the line of deep water, ~~(line of navigability or edge of navigable channel)~~, as appropriate, for irregular ~~shorelines~~ shorelines.
 10. All **dock** facilities, regardless of length and/or protrusion, shall have reflectors and house numbers, no less than four (4) inches in height, installed at the outermost end on both sides. For multi-family **developments**, the house number requirement is waived.
 11. Multi-slip **docking** facilities with ten (10) or more slips will be reviewed for consistency with the Manatee Protection Plan ("MPP") adopted by the BCC and approved by the DEP. If the location of the proposed **development** is consistent with the MPP, then the developer shall submit a "Manatee Awareness and Protection Plan," which shall address, but not be limited to, the following categories:
 - a. Education and public awareness.
 - b. Posting and maintaining manatee awareness signs.
 12. Information on the type and destination of boat traffic that will be generated from the facility.
 13. Monitoring and maintenance of water quality to comply with state standards.
 14. Marking of navigational channels, as may be required.
- F. Standards for **boathouses**. **Boathouses**, including any roofed **structure** built on a **dock**, shall be reviewed by the Planning Commission according to the following criteria, all of which must be met in order for the Planning Commission to approve the request:
1. Minimum side **setback** requirement: Fifteen (15) feet.
 2. Maximum protrusion into waterway: Twenty-five (25) percent of canal width or twenty (20) feet, whichever is less. The roof alone may overhang no more than three (3) feet into the waterway beyond the maximum protrusion and/or

side **setbacks**.

3. Maximum height: Fifteen (15) feet as measured from the top of the seawall or bank, whichever is more restrictive, to the peak or highest elevation of the roof.
4. Maximum number of **boathouses** or covered **structures** per site; One (1).
5. All **boathouses** and covered **structures** shall be completely open on all four (4) sides.
6. Roofing material and roof color shall be the same as materials and colors used on the **principal structure** or may be of a palm frond "chickee" style. A **single-family dwelling unit** must be constructed on the subject **lot** prior to, or simultaneously with, the construction of any **boathouse** or covered **dock structure**.
7. The **boathouse** or covered structure must be so located as to minimize the impact on the view of the **adjacent** neighbors to the greatest extent practicable.

G. Standards for **boat lift canopies**.

1. **Boat lift canopies** shall be permitted over an existing boat lift attached to a **dock** legally permitted, by the requisite local, state and federal agencies, if the following criteria are met.
 - a. Canopy covers shall not extend more than 27 inches beyond the width of the boat lift on each side.
 - b. The length of the **boat lift canopy** shall not exceed 35 feet.
 - c. The height of the **boat lift canopy** shall not exceed 12 feet, measured from the highest point of the canopy to the height of the **dock** walkway.
 - d. The sides of the canopy cover shall remain open on all sides, except that a drop curtain, not to exceed 18" shall be permitted on the sides.
 - e. **Boat lift canopies** shall meet the requirements of Awnings and Canopies in the Florida Building Code.
 - f. Canopy cover material shall be limited to beige, or mid-range shades of blue or green.
 - g. No **boatlift canopies** shall be permitted at sites that contain either a boathouse or a covered **structure**.
2. **Lots with frontage** on canals shall be permitted a maximum of 1 **boatlift canopy** per site. **Lots with frontage** on bays shall be permitted a maximum of 2 **boatlift canopies** per site.
23. If an applicant wishes to construct a **boat lift canopy** that does not meet the standards of subsection 5.03.06 G. above, then a petition for a **boat lift canopy** deviation may be made to the Planning Commission which shall review a sufficient petition application and either approve or deny the request.

G H. **Dock facility** extension. Addition protrusion of a dock facility into any waterway beyond the limits established in subsection 5.03.06(E) of this Code may be considered appropriate under certain circumstances. In order for the Planning Commission to approve the boat dock extension request, it must be determined that at least four of the five primary criteria, and at least four of the six secondary criteria, have been met. These criteria are as follows:

* * * * *

H I. Procedures for approval of docks, **dock facilities** and **boathouses**.

* * * * *

† J. *Protection of seagrass beds.*
Seagrass or seagrass beds within 200 feet of any proposed **docks**, **dock** facilities, or **boathouses** shall be protected through the following standards:

- 1. Where new **docking** facilities or boat **dock** extensions are proposed, the location and presence of seagrass or seagrass beds within 200 feet of any proposed **dock** facility shall be identified on an aerial photograph having a scale of one (1) inch to 200 feet when available from the County, or a scale of one (1) inch to 400 feet when such photographs are not available from the County. The location of seagrass beds shall be verified ~~by a site visit~~ by the County manager or designee prior to issuance of any project approval or permit.

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SUBSECTION 3. DD. 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.~~
Exterior building colors.
 - i. The use of color materials or finish paint above level 8 saturation (chroma) or below lightness level 3 on the Collier County Architectural Color Charts is limited to no more than 10 percent of a facade or the total roof area.
 - ii. The use of naturally occurring materials are permissible, such as marble, granite, and slate and the following man-made materials: silver unpainted metal roofs.
 - iii. The use of florescent colors is prohibited
 - 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 metal panels, and
 - ii. Smooth concrete block.

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

- d. Neon tubing. The use of neon or neon type tubing is prohibited on the exterior and the roof of a building.

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SUBSECTION 3. EE. AMENDMENTS TO SECTION 5.06.02 Permitted Signs

SECTION 5.06.02 Permitted Signs, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.02 Permitted Signs

- A. **Signs** within residential zoned districts and as applicable to designated residential portions of PUD zoned properties.

- 1. Development standards.
 - a. Maximum allowable height. All signs within residential zoned districts and as applicable to residential designated portions of PUD zoned properties are limited to a maximum height of eight feet, or as provided within this Code. Height shall be measured from the lowest centerline grade of the nearest public or private R.O.W. or easement to the uppermost portion of the sign structure.
 - b. Minimum setback. All signs within residential zoned districts and as applicable to residentially designated portions of PUD zoned properties shall not be located closer than ten feet from the property line, unless otherwise noted below or as provided for in section 1.04.04 C. **as determined by the county for safety and operation.**
 - c. If the applicant is not the property owner, then a copy of a notarized authorization letter between the property owner or property manager and the applicant is required, specifically authorizing approval of the erection of a sign on the subject parcel.

- B. **Signs** within non-residential districts:

- ~~1. *Design criteria and unified sign plan. Where multiple on-premise signs are proposed for a single site or project, or in the case of a shopping center or multi-use building, a unified sign plan shall be employed. An application for site development or site improvement plan approval shall be accompanied by a graphic and narrative representation of the unified sign plan to be utilized on the site. The unified sign plan must be applied for by the property owner, or his or her authorized agent. The unified sign plan may be amended and resubmitted for approval to reflect style changes or changing tenant needs. Design elements which shall be addressed in both graphic and narrative form include:*~~
 - ~~a. Colors;~~
 - ~~b. Construction materials and method;~~
 - ~~c. Architectural design;~~
 - ~~d. Illumination method;~~
 - ~~e. Copy style;~~
 - ~~f. Sign type(s) and location(s); and, conformance with the following:~~
 - ~~i. The sign shall not be in the shape of a logo and the logo shall not protrude from the sign.~~
 - ~~ii. The use of fluorescent colors is prohibited.~~

- 1. If the applicant is not the owner of the property, then a copy of a notarized authorization letter between the property owner or property

manager and the applicant is required, specifically authorizing approval of the erection of a sign on the subject parcel.

* * * * *

SUBSECTION 3. FF. AMENDMENTS TO SECTION 5.06.03 Development Standards For Signs

SECTION 5.06.03 Development Standards For Signs, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.03 Development Standards for Signs

A. Development standards.

1. The maximum size limitation shall apply to each **structure** . Pole or ground **signs** may be placed back to back or in V-type construction with not more than one display on each facing for a maximum of two display areas for each V-type **sign** , and such **sign structure** shall be considered as one **sign** .
2. Spot or floodlights shall be permitted only where such spot or floodlight is non-revolving and said light shines only on the owner's premises or **signs** and away from any **right-of-way** .
3. Official Address Numbers and/or the range of Official Address Numbers shall be posted within the upper third portion of the sign face or in the area defined in this section of the Land Development Code for Commercial ~~and residential~~ signage that utilizes the following **sign** types: pole **sign**, ground **sign**, and directory **signs**. Address numbers on **signs** shall be a minimum height of eight (8) inches. Where address numbers are determined to be in conflict with the addressing grid the County Manager or his designee may determine that this provision does not apply.

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SUBSECTION 3. GG. 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.
 - a. **Maximum allowable height.** All **pole or ground signs** within nonresidential zoned districts and as applicable to nonresidential designated portions of PUD zoned properties are limited to a maximum height of 15 feet when located along an **arterial or collector roadway** and 12 feet for all other

roads, except as provided in this Code for pole or ground. Height shall be measured from the lowest centerline **grade** of the nearest public or private R.O.W. or **easement** to the uppermost portion of the **sign structure**.

- b. Minimum **setback**. All pole or **ground signs** within nonresidential zoned districts and as applicable to nonresidential designated portions of PUD zoned properties shall not be located closer than ten feet from the property line.
- c. Maximum allowable **sign** area: 80 square feet for pole or **ground signs** located along an **arterial** or **collector roadway** and 60 square feet for all other roads.
- d. The location of all permanent pole, **ground signs** shall be shown on the landscape plans as required by section 4.06.05.
- e. **Pole 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** the **sign** is accessory to. 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 this Code, development of landscaping shall be approved by the County consistent with Section 4.06.03 A. of the LDC.
- f. The **ground** or **pole sign** shall not be in the shape of a logo and the logo shall not protrude from the **sign**.

* * * * *

4. **Wall, mansard, canopy or awning signs.** One wall, mansard, canopy or awning sign shall be permitted for each single-occupancy parcel, or for each establishment in a multiple-occupancy parcel. End units within shopping centers, multiple-occupancy parcels, or single occupancy parcels where there is double frontage on a public right-of-way, shall be allowed two **signs**, but such **signs** shall not be placed on one wall. Retail businesses with a floor area of larger than 25,000 square feet and a front wall length of more than 200 linear feet, are allowed three **wall signs**; however, the combined area of those **signs** shall not exceed the maximum allowable display area for **signs** by this Code.

- a. The maximum allowable display area for **signs** shall not be more than 20 percent of the total square footage of the visual **facade** of the **building** to which the **sign** will be attached and shall not, in any case, exceed 150 square feet for **buildings** or units up to 24,999 square feet, 200 square feet for **buildings** or units between 25,000 and 59,999 square feet and 250 square feet for **buildings** over 60,000 square feet in area.
- b. No wall **sign** shall exceed 80 percent of the width of the unit(s) or the **building** occupied by a business with a minimum of ten percent clear area on each outer edge of the unit(s) or the **building**; and
 - i. The County Manager or designee may administratively vary the dimension requirements of clear area, in cases where architectural design of **facades** restricts clear area.
- c. All wall **signs** for multi-use **buildings** shall be located at a consistent location on the **building facade**, except that anchor

tenants may vary from this locational requirement in scale with the anchor's tenant's larger primary **facade** dimensions. All ~~signs shall adhere to the dimensions provided for in the unified sign plan.~~

d. No wall or mansard sign shall project more than 18 inches from the building or roofline to which it is attached.

e. Multi-story buildings with three or more stories are limited to 1 wall sign per street frontage not to exceed a maximum of 2 wall signs per building, but such signs shall not be placed on the same wall.

i. Wall signs may be located in the uppermost portion of the building not to exceed the main roof or parapet. A notarized authorization letter is required at the time of building permit submittal from the property owner or property management company giving authorization as to which tenant sign will be allowed.

ii. First floor commercial units shall be limited to one wall sign not to exceed 20 percent of the total square footage of the visual facade of the unit to which the sign will be attached and shall not in any case exceed 64 square feet.

iii. No wall sign shall exceed 80 percent of the width of the unit(s) occupied by a business with a minimum of 10 percent clear area on each outer edge of the unit(s).

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5. Menu boards: One menu board with a maximum height of 6 ft. measured from drive thru grade adjacent to menu board and 64 square feet of copy area per drive thru lane.

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8. *Signage for automobile service stations.* The following are the only signs allowed in **automobile service stations** and convenience stores with gas pumps.

a. Window signs: As allowed per LDC. ~~in this section 5.06.03 of the Code.~~

b. An illuminated corporate logo with a maximum area of 12 square feet shall be allowed on a canopy face which is **adjacent** to a dedicated **street** or highway. Otherwise, **accent lighting**, back lighting and accent striping are prohibited on canopy **structures**.

* * * * *

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 eight 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 principal structure on the property.

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~~42~~ 13. *Special purpose signs (on-site).* Due to the unique and varied nature of the following uses, additional **signs** may be required to provide the desired **level of service** to the public. Special purpose **signs** shall be permitted as follows:

- a. *Time and temperature signs.* One time and temperature **sign** having a surface area not exceeding 12 square feet shall be permitted at each industrial, commercial or other non-residentially zoned property. Such **signs** may be affixed to the **structure** of a pole or ground **sign**. Such **sign** shall require a **building** permit.
 - b. *Barber Pole signs.* All traditional size (not more than 54 inches in height and not more than 6 inches in diameter) and style barber poles which contain any illuminated moving or rotating part may be permitted as a lawful **sign** if the following and all other applicable requirements are met:
 - i. The barber pole **sign** is attached to the exterior wall of an establishment providing the services of a licensed barber;
 - ii. Each such establishment (barbershop, salon, etc.) is limited to only one barber pole **sign**;
 - iii. No barber pole **sign** may move or rotate except when the establishment is open and providing the services of a licensed barber; and
 - iv. All barber pole **signs** that illuminate, whether or not they rotate, otherwise comply with section 5.06.06 C.16. for illuminated **signs**.
- ~~13~~ 14. *Commercial, business park and industrial directional or identification signs.* Directional or identification **signs** no greater than six square feet in size, four feet in height, and located internal to the **subdivision** or **development** and with a minimum **setback** of ten feet, may be allowed subject to the approval of the County Manager or his designee, or his designee. Such **sign** shall only be used to identify the location or direction of approved uses such as sales centers, information centers, or the individual components of the **development**. Directional or identification **signs** maintaining a common architectural theme may be combined into a single **sign** not to exceed six feet in height and 64 square feet in area. Such **signs** shall require a **building** permit. For signage to be located along the Golden Gate Parkway, see sections 2.04.03, 2.03.05 and 2.03.07 and the Golden Gate Master Plan. Logos shall not occupy more than 20 percent of the directional **sign** area when the said **sign** is more than six square feet in area. Directional **signs** are also subject to restrictions of section 5.06.05 of this Code.
- ~~14~~ 15. *On-premise signs within agricultural districts in the rural agricultural area designated on the future land use map of the growth management plan.* On-premises **signs** shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and subject to the following restrictions:
- a. One pole or ground **sign** identifying the farm organization, located at the entrance or gate of each **street frontage**, and only for permitted **agricultural uses**. The maximum allowable **sign** area for each pole or ground **sign** shall not exceed 100 square feet with a maximum height of 20 feet, and shall be located a minimum of 15 feet from any property lines, public or private **right-of-way** or **easement**.
 - i. On premise **signs** within agricultural zoned districts in the urban area shall comply with the requirements of section 5.06.04 A. of the Land **development** Code.
 - b. Seasonal farm **signs** (on-site). One temporary ground **sign**, with a maximum height of ten feet, and located a minimum of ten feet from any property line, public or private **right-of-way** or **easement**, identifying the farm, farm organization, entrance, or gate not exceeding 32 square feet in area. This **sign** shall

be used to identify temporary agricultural offices so as to expedite the exportation of crops to various parts of the county. Such **signs** shall be permitted for a period not to exceed 30 days and may be issued only twice in any calendar year. Such **signs** shall require a **building** permit.

- c. U-Pic **signs**. One U-Pic **sign** located at the entrance on each **street frontage**. The maximum allowable **sign** area for each U-Pic **sign** shall not exceed 32 square feet in area and a maximum height of ten feet, and shall be located a minimum of ten feet from any property line, public or private **right-of-way** or **easement**.
- d. Wall, mansard canopy or awning **signs** within agricultural districts. Wall, mansard, canopy or awning **signs** shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and subject to the following restrictions:
 - i. One wall or mansard, canopy or awning **sign** shall be permitted for each **principal use structure** on the **parcel**. Corner **parcels** or double-frontage **parcels** shall be allowed one **sign** per **street frontage**, but such **signs** shall not be combined for the purpose of placing the combined area on one wall. The maximum allowable display area for any **sign** shall not be more than 20 percent of the total square footage of the wall to which it is affixed, and shall not in any case exceed 250 square feet in area per **sign**.

~~45~~ 16. *Off-premises directional signs*. Off-premises directional **signs** are permitted subject to review and approval of the design and location of such **signs** by the County Manager or his designee, or his designee, if the following requirements are met:

- a. Off-premises directional **signs** shall only be permitted in nonresidentially zoned, or agricultural districts.
- b. No more than two one-sided or one double-sided off-premise directional **signs** shall be permitted, identifying the location and nature of a **building, structure**, or use which is not visible from the **arterial roadway** serving such **building, structure**, or uses, provided:
 - i. Each **sign** is not more than 12 square feet in area.
 - ii. The **sign** is not more than eight feet in height above the lowest center **grade** of the **arterial roadway**.
 - iii. The **sign** is located no closer than ten feet to any property line.
 - iv. The **applicant** must submit with the permit application notarized, written permission from the property owner where the off-site **sign** is located.
 - v. The **sign** shall only be located within 1,000 feet of the intersection of the **arterial roadway** serving the **building, structure**, or use.
- c. Off-premises directional **signs** shall not be located closer than 50 feet from a residentially zoned district.
- d. Off-premises directional **signs** shall not be located closer than 100 feet from another off-premises directional **sign**.

~~46~~ 17. *Illuminated signs*. All illuminated **signs** shall have electrical components, connections, and installations that conform to the National Electrical Code, and all other applicable federal, state, and local codes and regulations. Further, lighted **signs** shall: be shielded in such a manner as to produce no glare, hazard or nuisance to motorists or occupants of **adjacent** properties; nor be reflective or

phosphorescent; have a steady nonfluctuating or nonundulating light source.

18. Signage for Public Use Facilities: These requirements apply to signs for public use facilities, as identified below, where signs are informational and contain no commercial advertisements. Signage for these facilities is exempt from the requirements provided in section 5.06.02 A.7 (Conditional uses within residential and agricultural districts). In addition, the number of signs, location and distance restrictions per section 5.06.04.C shall not apply to public use facility signage. Applications for such sign permits must be applied for according to the requirements of section 10.02.06.B.2 (Building permit applications for signs). Public facilities consist of:

a. Government buildings and or uses, such as public parks & libraries, law enforcement, fire departments, and emergency medical services.

b. Accredited public or private schools K-12.

c. Hospitals: As defined in the LDC.

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SUBSECTION 3. HH. AMENDMENTS TO SECTION 5.06.06 Prohibited Signs

SECTION 5.06.06 Prohibited Signs, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.06 Prohibited Signs

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from this Code. The following signs are expressly prohibited:

* * * * *

LL. The use of fluorescent colors is prohibited.

* * * * *

SUBSECTION 3. II. AMENDMENTS TO SECTION 6.02.02 Management and Monitoring Program

SECTION 6.02.02 Management and Monitoring Program, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.02.02 Management and Monitoring Program

A. Generally. In order to implement the mandate of the GMP to ensure that adequate potable water, sanitary sewer, **solid waste**, drainage, park, and road public facilities are available to accommodate **development** in the County concurrent with the impacts of **development** on such public facilities, the BCC establishes, pursuant to the terms of this section: (1) a management and monitoring program that evaluates the conditions of public facilities to ensure they are being adequately planned for and funded to maintain the LOS for each public facility, and (2) a regulatory program that ensures that each public facility is available to serve **development orders** which are subject to the provisions of this section.

1. If the County Manager or designee determines that a site development plan or plat application when reviewed cumulatively with projects submitted within the last six months from the same master project or development does not meet the transportation concurrency

requirements or is contrary to the purpose and intent of this section, as stated above, he may withhold approval of said development order application until adequate capacity is available or require the application submittals to be reviewed cumulatively and subsequent impacts to be distributed and accounted for within the same impact boundary of the master project or development.

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SUBSECTION 3. JJ. AMENDMENTS TO SECTION 6.06.02 Sidewalks and Bike Lane Requirements

SECTION 6.06.02 Sidewalks and Bike Lane Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.06.02 Sidewalks, and Bike Lane and Pathway Requirements

A. ~~Unless otherwise exempted by the regulations of this LDC, a~~ All developments must construct **sidewalks, and bike lanes, and pathways,** where applicable, prior to completion of construction authorized by a final subdivision plat, site improvement, or site development plan, or any substantial amendment thereto, and as described below:

1. ~~Sidewalks and bike lanes where required,~~ must be constructed within public and private rights-of-way or easements, which are **adjacent** to ~~and internal to~~ the site prior to issuance of the first certificate of occupancy for construction authorized by a final subdivision plat, site improvement, or site development plan, unless otherwise determined by the County Manager or designee, as follows:

Typical Cross Section	Sidewalks – Both sides ^{1 2 3 4}		Bike Lanes – Both sides ^{1 2 3 4}
	6 feet wide	5 feet wide	
Arterials and collectors	X		X
Local/Internal Accessway		X	

- 1- except that only required on one side (closest to the **development**) where right-of-way is **adjacent** to, but not within, the subject **development** and except as set forth below in this section.
- 2- unless otherwise determined by the County Manager, or designee, that the existing ROW cross-section is physically constrained or construction would result in unsafe conditions.
- 3- ~~unless otherwise identified on the Collier County Comprehensive Pathways Plan Update, as amended, as a potential off-street pathway corridor, except that for residential development projects where 75% or more of that project's land area has been approved as of [the effective date of this ordinance] for site development plans or final subdivision plats with sidewalks or bike lanes that are only required on one side of the ROW, then all applications for subsequent site development plans or final subdivision plat may be approved with sidewalks or bike lanes on only one side of the ROW.~~
- 4- ~~for development projects seeking approval of a final subdivision plat or site development plan of 25 or fewer dwelling units where those units front on a ROW that terminates in a cul de sac, then sidewalks or bike lanes will only be required on one side of the ROW and not around the circumference of the cul de sac.~~

2. Sidewalks and bike lanes must be constructed within public and private rights-of-way or easements, which are internal to the site, as follows:

Typical Cross Section	Sidewalks - Both sides ^{1 2 3 4 5 6}		Bike Lanes – Both sides ^{1 2 3 4 6}
	6 Feet wide	5 feet wide	
Arterials and collectors	X		X
Local/Internal Accessway		X	

¹ - except that only required on one side (closest to the **development**) where **right-of-way** is **adjacent** to, but not within, the subject **development** and except as set forth below in this section.

² - unless otherwise determined by the County Manager, or designee, that the existing ROW cross-section is physically constrained or construction would result in unsafe conditions.

³ - except that for residential **development** projects where 75% or more of that project's land area has been approved as of March 8, 2005 for **site development plans** or **final subdivision plats with sidewalks or bike lanes** that are only required on one side of the **ROW**, then all applications for subsequent **site development plans** or **final subdivision plat** may be approved with **sidewalks** or **bike lanes** on only one side of the **ROW**.

⁴ - for **development** projects seeking approval of a **final subdivision plat** or site development plan of 4 or fewer dwelling units per gross acre and where 15 or fewer dwelling units front on a **ROW** that terminates in a **cul-de-sac**, then **sidewalks** will only be required on one side of the **ROW** and not around the circumference of the **cul-de-sac**.

⁵ - prior to the issuance of individual certificates of occupancy, the required sidewalks along the individual parcels frontage shall be constructed.

⁶ - prior to the issuance of 75% of the certificates of occupancy authorized by a final subdivision plat, site improvement or site development plan, all sidewalks and bike lanes shall be constructed, unless otherwise determined by the County Manager or designee.

3. Required **pathways**, as identified in the Collier County Comprehensive Pathways Plan, must be constructed a minimum of 12 feet in width, within public and private **rights-of-way** or easements, which are **adjacent** to or internal to the site. Prior to issuance of the first permanent certificate of occupancy for construction, authorized by a final subdivision plat, site improvement, or site development plan, all required **pathways** shall be provided, unless otherwise determined by the County Manager or designee.

2 4. For single-family and multi-family site **development** and site improvement projects within all conventional zoning districts and all single-family and multi-family residential components of PUD districts:

a. **Sidewalks**, five feet in width, must be provided within a dedicated public or private **right-of-way** or other internal access. Where there is no public or private **right-of-way** or internal access way proposed within a **development**, **sidewalks** must be constructed in accordance with Code standards contained herein to connect from each on-site residential **building** to a **sidewalk** within an adjacent private or public **right-of-way** or, if no **sidewalk** exists therein, must connect to the edge of the adjacent paved road within the **right-of-way**.

b. Alternative **sidewalk** designs that are determined by the County Manager, or designee, to be at least equivalent in function and area to that which would otherwise be required and would serve each dwelling unit, may be approved. Should a two-directional shared use **pathway sidewalk** be proposed as an alternative design, then the minimum paved width of the **pathway sidewalk** must not be less than ten feet.

35. All **sidewalks** and **bike lanes** must also be constructed in accordance with design specifications identified in sub-section E E., below.

46. All **bicycle lanes** must also have signage and be marked in accordance with the latest edition of the U.S.D.O.T.F.H.W.A. Manual on Uniform Traffic Control Devices.

B. All **developments** required to provide interconnections to existing and future **developments** must dedicate sufficient **right-of-way** or easement for all required roads, **sidewalks**, and **bike lanes**. **Bike lanes** and **sidewalks interconnections** must be constructed concurrently with the required road interconnection.

C. Payment-in-lieu of construction or construction at an alternate site, as set forth below, may be authorized or required as part of any corresponding **development order** or permit, at the discretion of the County manager or designee, for any or all of the following circumstances:

1. where planned **right-of-way** improvements are scheduled in the County's capital improvements program (CIP), any governmental entity's adopted five year work program, or any developer's written commitment approved by the County,

2. the cost of proposed **sidewalks or bike lanes** would be greater than twenty-five (25%) per cent of the development's cost of improvements as determined by the project engineer's estimate approved by the County Manager, or designee, or
 3. an existing development has not been constructed with **sidewalks or bike lanes** and no future connectivity of one or more of these facilities is anticipated by the Comprehensive Pathways Plan or within the Plan's current five year work program.
- D. In lieu of construction of required **sidewalks, and bike lanes and pathways**, all **developments** approved or required to make payments-in-lieu must either:
1. Provide funds for the cost of **sidewalks, and bike lanes and pathways** construction prior to the release of the corresponding development review for final subdivision plat, site improvement, or site development plan, except as stipulated within an approved zoning ordinance or resolution as set forth in the Schedule of Development of Review and Building Permit Fees adopted in the Collier County Administrative Code into a Pathway fund or identified CIP project; or
 2. Identify and commit to constructing a project with an equivalent length of sidewalk in an area identified in the Needs Plan of the Comprehensive Pathway Plan and approved by the County Manager or designee. The selected project must connect to an existing sidewalk on at least one side and if the remaining side does not connect with an existing sidewalk, it must be connected to the edge of the existing pavement. The construction of the sidewalk must be completed prior to issuance of the first certificate of occupancy for construction authorized by a final subdivision plat, site improvement, or site development plan, unless otherwise determined by the County Manager or designee.
- E. If payment-in-lieu is the recommendation by the County Manager or designee, Such funds will be used by the County for future construction of required **sidewalks, and bike lanes and pathways**, and system improvements to the bicycle and pedestrian network at locations as close in proximity to the subject site as is feasible. Funds provided as payments-in-lieu do not release the developer from meeting these requirements if the payment-in-lieu amount is less than what would otherwise be required to completely construct all of the required **sidewalks, and bike lanes and pathways**. In that event, the development will continue to be obligated to pay or construct the outstanding requirements until fully paid or constructed, except that partial payments previously made will fully vest that portion paid. Any future payments-in-lieu will be applied to the developer's continuing obligation to construct **sidewalks, and bike lanes and pathways** under the current LDC specifications.

D. F. **Sidewalk, and Bike Lane, and Pathway Design & Construction/Materials.**

1. All **sidewalks** shall be designed and constructed in accordance with the latest edition of FDOT's Design Standards. All **sidewalks** shall be constructed of Portland cement concrete, or paver brick in conformance with the standard **right-of-way** cross sections contained in appendix B in locations illustrated on an approved site development plan. Concrete **sidewalks** for roads with a functional classification as an arterial or collector shall be a minimum of four-inches- thick, with a 28-day compressive strength of 3,000 psi and be constructed over a compacted four-inch limerock base, or a minimum of six inches thick of concrete which may be constructed without a limerock base but must be constructed over a compacted subgrade; roads with a functional classification as local or with no functional classification (i.e., drive or accessways) may be constructed of a minimum of four inches of such concrete over a compacted subgrade. Expansion joints shall be one-half-inch preformed bituminous conforming to the latest edition of ASTM. Contraction joints shall be saw-cut joints with longitudinal

spacing equal to the width of the walk. The saw cut depth shall equal or exceed one-fourth the concrete thickness. All workmanship materials, methods of placement, curing, forms, foundation, finishing, etc. shall be in conformance to the latest edition of FDOT Standard Specifications for Road and Bridge Construction, ~~section 522~~. Paver brick, **sidewalks**, or paver brick accents in **sidewalks** must be installed over a four inch thick, compacted limerock base, except as otherwise allowed above for sidewalks.

2. All **bike lanes** shall be designed and constructed in accordance with the most current "Florida Bicycle Facilities Design Standards and Guidelines" or the "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways" (commonly known as the "Florida Greenbook") requirements.
3. All **pathways** shall be designed in accordance with the most current FDOT Bicycle Facilities Planning and Design Handbook as it pertains to shared use **pathways**. Below are the preferred standards for **pathway** construction; however, if the **applicant** can demonstrate that a lesser cross-section will meet the requirements of the County, then upon the approval of the County Manager, or designee, it may be permitted. **Pathways** may be constructed of the following types of materials:
 - a. Concrete - All **pathways** constructed of Portland cement concrete, shall be a minimum of six inches thick of concrete which may be constructed without a limerock base but must be constructed over a compacted subgrade. Expansion joints shall be one-half inch preformed bituminous conforming to the latest edition of ASTM. Contraction joints shall be saw-cut joints with longitudinal spacing equal to the width of the **pathway**. The saw cut depth shall equal or exceed one-fourth the concrete thickness. All workmanship materials, methods of placement, curing, forms, foundation, finishing, etc. shall be in conformance to the latest edition of FDOT Standard Specifications for Road and Bridge Construction.
 - b. Asphalt – All **pathways** constructed of asphalt shall contain a minimum of 12 inches stabilized subgrade (LBR 40), 6 inches compacted lime rock base, & 1.5 inches Type S-III asphaltic concrete, unless an alternate cross-section is otherwise determined to be acceptable by the County Manager, or designee.

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

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

8.06.03 Powers and Duties

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- N. All preliminary subdivision plat and/or site development plan submissions for development or site alteration on a shoreline and/or undeveloped coastal barrier shall be reviewed and a recommendation shall be made for approval, approval with conditions or denial by the EAC. If the applicant chooses not to utilize the optional preliminary subdivision plat process, the review and approval will occur at the time of either the final plat and construction plans or the final plat.
 - ~~1. An applicant aggrieved by action of the EAC may appeal to the BZA. Said appeal shall be in accordance with the procedure and standards of section 10.02.02 for appeal of written interpretations.~~
- O. Scope of land **development** project reviews. The EAC shall review all land development petitions which require the following: an environmental impact statement (EIS) per section 10.02.02 of the LDC; all developments of regional

impact (DRI); lands with special treatment (ST) or area of critical state concern/special treatment (ACSC/ST) zoning overlays; or any petition for which environmental issues cannot be resolved between the applicant and staff and which is requested by either party to be heard by the EAC. The EAC shall also review any petition which requires approval of the Collier County Planning Commission (CCPC) or the board of county commissioners (BCC) where staff receives a request from the chairman of the EAC, CCPC or the BCC for that petition to be reviewed by the EAC.

1. Any petitioner may request a waiver to the EAC hearing requirement, when the following considerations are met: 1) no protected species or wetland impacts are identified on the site; 2) an EIS waiver has been administratively granted; 3) ST zoning is present and an administrative approval has been granted; or 4) an EIS was previously completed and reviewed by staff and heard by a predecessor environmental board, and that EIS is less than five years old (or if older than five years, has been updated within six months of submittal) and the master plan for the site does not show greater impacts to the previously designated preservation areas.
2. The surface water management aspects of any petition, that is or will be reviewed and permitted by South Florida Water Management District (SFWMD), are exempt from review by the EAC except to evaluate the criteria for allowing treated stormwater to be discharged in Preserves as allowed in section 3.05.07.

* * * * *

SUBSECTION 3. LL. AMENDMENTS TO SECTION 8.06.04 Membership

SECTION 8.06.04 Membership, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

8.06.04 Membership

- A. *Appointment.* Nine (9) regular members and 2 alternate members of the EAC shall be appointed by, and serve at the pleasure of, the BCC. Alternate members will be requested to attend meetings when regular members have notified staff that they will be absent. Alternate members will participate in discussions and vote when replacing a regular member. Appointment to the EAC shall be by resolution of the BCC and shall set forth the date of appointment and the term of office. Each appointment shall be for a term of ~~four (4)~~ years. Terms shall be staggered so that no more than a minority of such members' appointments will expire in any one year.
- B. *Vacancies.* Vacancies on the EAC shall be publicized in a publication of general circulation within the County, and vacancy notices shall be posted in the County libraries and County courthouse.
- C. *Qualifications.* Members shall be permanent residents and electors of the County and should be reputable and active in community service. The primary consideration in appointing EAC members shall be to provide the BCC with technical expertise and other viewpoints that are necessary to effectively accomplish the EAC's purpose. In appointing members, the BCC should consider a membership guideline of ~~six (6)~~ technical regular members and ~~three (3)~~ non-technical regular members, and 2 technical alternate members. Technical members shall demonstrate evidence of expertise in one(1) or more of the following areas related to environmental protection and natural resources management: air quality, biology (including any of the sub-disciplines such as botany, ecology, zoology, etc.), coastal processes, estuarine processes, **hazardous waste**, hydrogeology, hydrology, hydraulics, land use law, land use planning, pollution control, **solid waste**, stormwater management, water resources, wildlife management, or other representative area deemed appropriate by the BCC.

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SUBSECTION 3. MM. ADDITION OF SECTION 8.06.10 Appeal

SECTION 8.06.10 Appeal, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

8.06.10 Appeal.

A. Any person aggrieved by the decision of the county manager or his designee regarding any petition for which environmental issues cannot be resolved between the applicant and staff in which there is no other avenue of appeal may file a written request for appeal, not later than ten days after said decision, with the EAC. The EAC will notify the aggrieved person and the county manager or his designee of the date, time and place that such appeal shall be heard; such notification will be given 21 days prior to the hearing unless all parties waive this requirement. The appeal will be heard by the EAC within 60 days of the submission of the appeal. No less than ten days prior to the hearing the aggrieved person and staff shall submit to the EAC and to the county manager or his designee copies of the data and information they intend to use in the appeal, and will also simultaneously exchange such data and information with each other. Upon conclusion of the hearing the EAC will submit to the board of county commissioners its facts, findings and recommendations. The board of county commissioners, in regular session, will make the final decision to affirm, overrule or modify the decision of the county manager or his designee in light of the recommendations of the EAC.

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SUBSECTION 3. NN. AMENDMENTS TO SECTION 8.08.00 Code Enforcement Board

SECTION 8.08.00 Code Enforcement Board, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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8.08.00 Code Enforcement Board

* * * * *

G. *Civil penalties and remedies.*

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4. Stop work order. For any violation of the provisions of this Code which constitutes a threat to life or to public or private property, the county manager or designee shall have the authority to issue a stop work order in the form of a written official notice given to the owner of the subject property or to his agent or to the person doing the work where such a violation has been committed or exists. Upon notice from the county manager or designee ~~administrator~~ that any action or work is occurring contrary to the provisions of this Code, and it constitutes a threat to life or to public or private property. When any condition(s) of the violation presents a serious threat to the health, safety and welfare of the public or constitutes irreparable or irreplaceable harm, such action or work shall immediately be stopped. The notice shall state the conditions under which the action or work may be resumed. Where any emergency exists, oral notice given by the county manager or designee ~~administrator~~ shall be sufficient.

a. If the owner of the subject property, his agent, or the person doing the work where such a violation has been committed or exists, fails to comply with the stop work order posted on the property, the county manager or designee may issue a citation, which may result in the imposition of a fine up to and including \$500, or may initiate further administrative or judicial enforcement proceedings. In addition, the county manager or designee may impose administrative costs on the responsible owner, agent, or person. Nothing set forth herein is intended to limit any existing legal right or recourse that the alleged violator may have to contest the stop work order.

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SUBSECTION 3.00. AMENDMENTS TO SECTION 9.04.04 Specific Requirements for Minor After-the-Fact Encroachment

SECTION 9.04.04 Specific Requirements for Minor After-the-Fact Encroachment, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

9.04.04 Specific Requirements for Minor After-the-Fact Encroachment

Minor after-the-fact **yard** encroachments for **structures**, including **principal** and **accessory structures**, may be approved administratively by the County Manager or designee. Exceptions to required **yards** as provided for within section 4.02.01.D shall not be used in the calculations of existing **yard** encroachments. For the purposes of this subsection, minor **yard** encroachments shall be divided into three (3) classifications:

- A. ~~Structures~~ for which a ~~building~~ permit has been issued and is under review, but for which a certificate of occupancy has not been granted. The County Manager or designee may administratively approve minor after the fact **yard** encroachments of up to five (5) percent of the required **yard**, not to exceed a maximum of six (6) inches. For ~~single-family, mobile/modular homes, duplex, and two family dwelling units~~ only, in the presence of mitigating circumstances, where the encroachment does not result from error or action on the part of the applicant, the County Manager or designee may administratively approve encroachments of up to twenty five (25) percent of the required **yard**.
- B. ~~Structures~~ for which a ~~building~~ permit and certificate of occupancy or a ~~final development order~~ has been granted. The County Manager or designee may administratively approve minor after the fact **yard** encroachments of up to ten (10) percent of the required **yard** which requirement was in effect as of the date on which the certificate of occupancy or ~~final development order~~ was issued, not to exceed a maximum of two (2) feet. For ~~single-family, mobile/modular home, duplex, and two family dwelling units~~ only, the County Manager or designee may administratively approve minor after the fact **yard** encroachments of up to twenty five (25) percent of the required **yard** which requirement was in effect as of the date on which the certificate of occupancy or ~~final development order~~ was issued.
- C. ~~Single-family, duplex and two family dwelling units~~ only for which no ~~building~~ permit record can be produced. Provided that all of the following criteria are met, the County Manager or designee may administratively approve minor after the fact encroachments of up to twenty five (25) percent of the required **yard**, provided that:
- ~~The encroaching structure, or portion of the structure, was constructed prior to the purchase of the subject property by the current owner.~~
 - ~~Evidence is presented showing the encroaching structure, or portion of the structure, was constructed at least two (2) years prior to the date of application for the administrative variance. This evidence may be in the form of a survey, property card, or dated aerial photograph clearly showing the encroachment.~~
 - ~~The encroaching structure is either an addition of living area to a principal structure, or an accessory structure of at least 200 square feet in area.~~
 - ~~The encroachment presents no safety hazard and has no adverse affect on the public welfare.~~
 - ~~An after the fact building permit for the structure, or portion of the structure, is issued prior to the application for the administrative variance. The administrative variance will only be approved once all inspections have been completed, and the certificate of occupancy will be issued once the administrative variance has been approved.~~

~~D. Under no circumstances shall any administrative variance be approved which would allow a reduction of the separation between structures to less than ten (10) feet. Administrative variances approved pursuant to the above do not run with the land in perpetuity and remain subject to the provisions of this section regarding non-conforming structures.~~

A. For both residential and non-residential **structures** the County Manager or designee may administratively approve minor after-the-fact **yard** encroachments of up to five (5) percent of the required **yard**, not to exceed a maximum of six (6) inches when:

1. A **building** permit has been issued and is under review, but for which a certificate of occupancy has not been granted.
2. A **building** permit and certificate of occupancy or a final **development order** has been granted.

B. For both residential and non-residential **structures**, the County Manager or designee may administratively approve minor after-the-fact **yard** encroachments of up to ten (10) percent of the required **yard** with a maximum of two (2) feet.

1. A **building** permit and certificate of occupancy or a final **development order** has been granted.
2. The encroachment applies to the **yard** requirement which was in effect as of the date on which the certificate of occupancy or **final development order** was issued.

C. For property supporting a single-family home, two-family home, duplex, mobile home or modular home, the County Manager or designee may administrative approve encroachments of up to twenty-five (25) percent of the required **yard** in effect as of the date of the **final development order**.

1. In the presence of mitigating circumstances, where the encroachment does not result from error or action on the part of the property owner.
2. **Structures** for which a **final development order** has been issued.
3. When no **building** permit record can be produced the following criteria must be met;
 - a. An after-the-fact **building** permit for the **structure**, or portion of the **structure**, is issued prior to the application for the administrative variance. The administrative variance will only be approved once all inspections have been completed, and the certificate of occupancy will be issued only in cases where an administrative variance has been approved.
 - b. The encroaching **structure**, or portion of the **structure**, was constructed prior to the purchase of the subject property by the current owner.
 - c. Evidence is presented showing that the encroaching **structure**, or portion of the **structure**, was constructed at least two (2) years prior to the date of application for the administrative variance. This evidence may be in the form of a survey, property card, or dated aerial photograph clearly showing the encroachment.
 - d. The encroaching **structure** is either an addition of living area to a **principal structure**, or an **accessory structure** of at least 200 square feet in area.

e. The encroachment presents no safety hazard and has no adverse affect on the public welfare.

4. Where a **structure** was lawfully permitted within a residential zoning district under a previous code, and where said **structure** is considered **nonconforming** under the current Land Development Code, due to changes in the required **yards**, the County Manager or designee may administratively approve a variance for an amount equal to or less than the existing **yard** encroachment.

D. Under no circumstances shall any administrative variance be approved which would allow a reduction of the separation between **structures** to less than ten (10) feet.

E. Administrative variances approved pursuant to the above do not run with the land in perpetuity and remain subject to the provisions of this section regarding **nonconforming structures**.

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SUBSECTION 3. PP. AMENDMENTS TO SECTION 10.02.02 Submittal Requirements for all Applications

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

10.02.02 Submittal Requirements for all Applications

A. Environmental impact statements

* * * * *

2. Applicability; **environmental impact statement** (EIS) required. Without first obtaining approval of an EIS, or qualifying for an exemption pursuant to section 10.02.02 A.7., as required by this Code it shall be unlawful and no **building** permit, **conditional use**, zoning change, **subdivision** or **condominium** plat or unplatted **subdivision** approval or other county permit or approval of or for **development** or site **alteration** shall be issued to cause the **development** of or site **alteration** of:

- a. Any site with a ST or ACSC-ST overlay.
- b. All sites seaward of the coastal management boundary that are 2.5 or more acres.
- c. All sites landward of the coastal management boundary that are ten or more acres.
- d. Sites where a prior EIS was prepared and approved for the same area of land and where the following exist:
 - i. ~~Greater impacts to preserve areas or changes in location to preserve areas~~ are proposed;
 - ii. Greater impacts to jurisdictional **wetlands** or listed species habitats are proposed;
 - iii. New listed species have been identified on site;
 - iv. A ~~previous~~ prior EIS is more than 5 years old ; or
 - v. Preserve areas were not previously approved.

e. Any other **development** or site **alteration** which in the opinion of the County Manager or his designee, would have substantial impact upon **environmental quality** and which is not

specifically exempted in this Code. In determining whether such a project would have substantial environmental impact the County Manager or his designee shall base his decision on the terms and conditions described in this Code and on the project's consistency with the growth management plan.

- f. When required by section 3.04.01 of this Code, plant and animal species surveys shall be conducted regardless of whether an EIS or resubmitted EIS is required by this section.

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4. Information required for application.

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- h. Other.

- i. For multi-slip **docking** facilities with ten slips or more, and for all **marina** facilities, show how the project is consistent with the **marina** Siting and other criteria in the Manatee Protection Plan.

- ii. Include the results of any environmental assessments and/or audits of the property. If applicable, provide a narrative of the cost and measures needed to clean up the site.

- iii. For sites located in the Big Cypress Area of Critical State Concern-Special Treatment (ACSC-ST) overlay district, show how the project is consistent with the **development** standards and regulations established for the ACSC-ST.

- iv. Soil sampling or ground water monitoring reports and programs shall be required for sites that occupy old farm fields, old golf courses or for which there is a reasonable basis for believing that there has been previous contamination on site. The amount of sampling and testing shall be determined by the Environmental Services staff along with the Pollution Control Department and the Florida Department of Environmental Protection.

- v. Provide documentation from the Florida Master Site File, Florida Department of State and any printed historic archaeological surveys that have been conducted on the project area. Locate any known historic or archaeological sites and their relationships to the proposed project design. Demonstrate how the project design preserves the historic/archaeological integrity of the site.

- vi. Provide an analysis demonstrating that the project will remain fully functional for its intended use after a six-inch rise in sea level as required by the Growth Management Plan.

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7. Exemptions.

- a. The EIS exemption shall not apply to any **parcel** with a ST or ACSC-ST overlay, unless otherwise exempted by section 4.02.14 H (exceptions) or 4.02.14.I. (exemptions), of this Code.
- b. Single-family or **duplex** uses. ~~Also, single-family or duplex use~~ on a single **lot** or **parcel**.
- c. ~~**Agricultural uses.**~~ ~~**Agricultural uses**~~ Agricultural uses. Agricultural uses that fall within the scope of sections 163.3214(4) or 823.14(6), Florida Statutes, provided that the subject property will not be converted to a nonagricultural **use** or considered for any type of rezoning petition for a period of twenty-five years after the **agricultural uses** commence and provided that the subject property does not fall within an ACSC or ST zoning overlay.
- d. Non-sensitive areas. Any area or **parcel** of land which is not, in the opinion of the County Manager or his designee, an **area of environmental sensitivity** , subject to the criteria set forth below, provided that the subject property does not fall within an ACSC or ST zoning overlay:
 - i. The subject property has already been **altered** through past usage, prior to the adoption of this Code, in such a manner that the proposed use will not further degrade the **environmental quality** of the site or the surrounding areas which might be affected by the proposed use.
 - ii. The major flora and fauna features have been **altered** or removed to such an extent as to preclude their reasonable regeneration or useful ecological purpose. An example would be in the case of an industrial park or a commercial **development** where most of the flora and fauna were removed prior to the passage of this Code.
 - iii. The surface and/or natural drainage or recharge capacity of the project site has been paved or channeled, or otherwise **altered** or improved prior to the adoption of this Code, and will not be further degraded as a result of the proposed use or **development** .
 - iv. The use and/or **development** of the subject property will definitely improve and correct ecological deficiencies which resulted from use and/or **development** which took place prior to the passage of this Code. An example would be where the developer proposes to reforest the area, provide additional **open space**, replace natural drainage for channeled drainage, and/or reduce **density**.
 - v. The use or **development** will utilize existing **buildings** and **structures** and will not require any major **alteration** or modification of the existing land forms, drainage, or flora and fauna elements of the property.
- e. All lands lying within all incorporated municipalities in Collier County.
- f. All NBMO Receiving Lands.
- g. Single-family **lots** in accordance with section 3.04.01 C.1.
- h. A conventional rezone with no site plan or proposed **development plan**. This exemption does not apply to lands that include any of the following zoning, overlays or critical

habitats: Conservation (CON), Special Treatment (ST), Area of Critical State Concern (ACSC), Natural Resource Protection Areas (NRPA's), Rural Fringe Mixed Use (RFMU) Sending Lands, Xeric Scrub, Dune and Strand, Hardwood Hammocks, or any land occupied by listed species or defined by an appropriate State or Federal agency to be critical foraging habitat for listed species.

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G. Transportation impact statements.

1. Purpose.

a. The purpose of this section is to outline the minimum requirements for the review of and requirements for the submittal of a transportation impact statement which is required to be submitted as part of a **development order** application. Transportation impact statements will:

i. Comply with the existing Transportation Impact Statement (TIS) guidelines and procedures in resolution 2003-410 as may be amended from time to time.

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SUBSECTION 3. QQ. 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

* * * * *

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

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

a. Ownership: A copy of the recorded deed, contract for sale or agreement for sale, or a notarized statement of ownership clearly demonstrating ownership and control of the subject lot or parcel of land. The applicant shall also present a notarized letter of authorization from the property owner(s) designating the applicant as the agent acting on behalf of the owner(s).

b. Site development plan. A site development plan and a coversheet prepared on a maximum size sheet measuring 24 inches by 36 inches drawn to scale.

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ii. The following information shall be set forth on the site **development plan** and/or on a separate data sheet used exclusively for that purpose.

(a) A narrative statement on the plan identifying the provisions of ownership and maintenance of all common areas, open space, private streets and easements.

- (b) A site summary in chart form which shall include the following information, with development and dimensional standards based on the provisions of the land development code and where applicable the PUD ordinance:

* * * * *

- (f) For projects subject to the provisions of Section 5.05.08, architectural drawings, signed and sealed by a licensed architect, registered in the state of Florida.

- (i) Scaled elevation for all sides of the building;
- (ii) Scaled wall section from top of roof to grade depicting typical elevation with details and materials noted, and rendered to show materials and color scheme with paint chips and roof color samples;
- (iii) Site sections showing the relationship to adjacent structures; and
- ~~(iv) A unified sign plan as required Section 5.05.08. Representations made on the site development plan shall become conditions of approval. Building plans and architectural drawings submitted in conjunction with an application for any building permits shall be consistent with the building plans and architectural drawings submitted and approved for the SDP or SIP.~~
- (iv) For nonresidential projects, total building footage and a square footage breakdown by use (i.e., office, retail, storage, etc.) and its percentage of the total building; for hotels and motels, the minimum/maximum (as applicable) floor area, or proposed floor area ratio, required, and floor areas.
- (vi) All required and provided setbacks and separations between buildings and structures in matrix form.
- (vii) Maximum zoned building height allowed and actual building height as defined in Section 1.08.00.
- (viii) Zoning and land use of the subject property and adjacent properties, including properties **abutting an adjacent right-of-way or right-of-way easement.**
- ~~(ixviii)~~ North arrow, scale, and date.
- ~~(ix)~~ The South Florida Water Management District Environmental Resource Permit or General Permit number.
- ~~(xi)~~ Stormwater management control **structure(s)** location (referenced to State Plane Coordinates, Florida East Zone, North American Datum 1983 (NAD '83), latest adjustment).
- ~~(xii)~~ Stormwater management control elevation(s) and overflow elevation(s) (referenced to the North American Vertical Datum, 1988 (NAVD '88), latest adjustment), and NGVD.

(xiii) 25-year/ 3-day design discharge at control structure(s).

* * * * *
i. *Infrastructure improvement plans.* Detailed on-site and off-site infrastructure improvement plans and construction documents prepared in conformance with the design standards of Sections 10.02.04 and 10.02.05 and any current county ordinances, regulations, policies and procedures which consist of, but are not limited to the following items:

- * * * * *
- vii. Improvements for water management purposes as needed or as may have been specified during the preliminary site **development plan** review, prepared in conformance with section the Collier County Construction Standards Manual **subdivision** design requirements (for purposes of this requirement, all references in section the Collier County Construction Standards Manual to "**subdivision**" should be read to mean **development**, where applicable and appropriate), and pursuant to South Florida Water Management District rules, chapter 40E-4, 40E-40 and 40E-41, Florida Administrative Code.
 - viii. All necessary standard and special details associated with paragraphs (iii)--(vi) above.
 - ix. Written technical specifications for all infrastructure improvements to be performed.
 - x. Engineering design computations and reports for water, sewer, roads and water management facilities, as required by federal, state and local laws and regulations.
 - xi. Topographical map of the property which shall include the following:
 - a) Existing features, such as, watercourses, drainage ditches, lakes, marshes.
 - b) Existing contours or representative ground elevations at spot locations and a minimum of 50 feet beyond the property line.
 - c) Benchmark locations and elevations (to both NGVD and NAVD).

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4. **Site development plan** time limits for review, approval and construction.

- b. Approved site development plans (SDPs) only remain valid and in force for two years from the date of their approval unless construction has commenced, ~~as follows~~. If actual construction has not commenced within two years, measured by the date of the SDP approval letter, the site development plan approval term expires and the SDP is of no force or effect; however, one amendment to the SDP may be approved prior to the expiration date, which would allow the SDP, as amended, to remain valid for two years measured from the date of approval of the amendment so long as the proposed amendment complies with the requirements of the then existing code. Once construction has commenced, the approval term will be determined as follows:
- c. The construction of infrastructure improvements approved by an SDP or SDP Amendment shall be completed, and the engineer's completion certificate provided to the engineering services director, within ~~18 months~~ 2 years of the pre-construction conference, ~~i.e., which will be considered the date of commencement of construction.~~ A single ~~six-month~~ one-year extension to complete construction may be granted for good

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

cause shown if a written request is submitted to, and approved by, the engineering services director prior to expiration of the then effective approval term. Thereafter, once the SDP or SDP Amendment approval term expires the SDP is of no force or effect.

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SUBSECTION 3. RR. 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 requirements.

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n. Ground elevations based on both the NAVD and NGVD shall be shown. The information may be shown referenced to one datum with a note on the cover sheet listing a site-specific equation for determining the grades in the other datum. However, information pursuant to 10.02.04 A.2.h. may suffice for this information requirement where spot elevations have been provided in sufficient number and distribution on a boundary survey map.

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B. Final plat requirements.

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4. *Final subdivision plat submission requirements.*

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xii. All final plats presented for approval shall clearly indicate the finished elevation ~~above NGVD~~ of the roads, the average finished elevation ~~above NGVD~~ of the **lots** or homesites, and the minimum **base flood elevation above NGVD** as required. All grades must be shown in both NAVD and NGVD. The information may be shown referenced to one datum with a note on the cover sheet listing a site-specific equation for determining the grades in the other datum.

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SUBSECTION 3. SS. AMENDMENTS TO SECTION 10.02.05 Submittal Requirements for Improvement Plans

SECTION 10.02.05 Submittal Requirements for Improvement Plans, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.05 Submittal Requirements for Improvement Plans

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E. Improvement plan requirements.

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2. *Improvement plans submission requirements.* The improvement plans shall be prepared on 24-inch by 36-inch sheets and well as being

digitally created on one or more CDROM disks. All data shall be delivered in the North American Datum 1983/1990 (NAD83/90) State Plane coordinate system, Florida East Projection, in United States Survey Feet units; as established by a Florida Professional Surveyor & Mapper in accordance with Chapters 177 and 472 of the Florida Statutes. All information shall meet Minimum Technical Standards as established in Chapter 61G17 of the Florida Administrative Code. Files shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. **right-of-way** - ROW, centerlines - CL, edge-of-pavement - EOP, etc.)

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h. Benchmark, based on NOAA datum (both NAVD and NGVD).

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3. Required improvements. . . .

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g. *Elevation, land filling, excavation and demolition.* The elevation of all **building** sites and public or private roadways included within a **subdivision** or **development** for which a use other than conservation or recreation is proposed shall be not less than ~~5 1/2 feet NGVD when completed, or to~~ such minimum elevations above the established ~~NGVD~~ NAVD datum as adopted by the board of county commissioners, FEMA/FIRM, or South Florida Water Management District criteria. All lawful regulations with reference to **bulkhead lines**, salt[water] barrier lines, and other appropriate regulations regarding land filling, conservation, excavations, demolition, and related regulations shall be observed during the construction of any improvements within Collier County.

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4. *Design requirements for Water Management.*

a. *Plans and specifications.* As a precondition for approval of improvement plans, the developer shall deliver to the County Manager or his designee complete plans and specifications in report form prepared by a registered professional engineer licensed to practice in the State of Florida, which shall include, but may not be limited to, the following:

i. A topographic map of the land **development** related to both NAVD and NGVD with sufficient spot elevations to accurately delineate the site topography, prepared by a professional surveyor. The information may be shown referenced to one datum with a note on the cover sheet listing a site-specific equation for determining the grades in the other datum.

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

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

10.02.07 Submittal Requirements for Certificates of Public Facility Adequacy

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C. Certificate of public facility adequacy.

1. General.

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b. Annual Traffic/PUD Monitoring Report. After February 6, 2003, the effective date of this section's amendment, all PUDs which are less than ~~90~~ 100 percent "built-out", must annually submit a report detailing their progress toward build-out of the development. The traffic report must be submitted as part of the annual PUD monitoring report on or before the anniversary date of the PUD's approval by the Board per LDC section 10.02.13.F. The written report must be submitted to, and be in, a format established by the County Manager, or designee, unless payment-in-lieu is provided pursuant to section 10.02.13.F., and must indicate any revised estimates to the initial build-out schedule and any resulting effect on traffic impact projections, along with any progress towards completing any developer contribution requirements. Traffic/PUD Monitoring Reports which are more than ninety (90) days past due will result in the suspension of final local development order issuance for the PUD pending receipt of the Report. The county manager or designee may waive the traffic counts for the annual monitoring period for the entire PUD or portions of the PUD when the remaining un-built approved density or intensity produces less than 25 PM peak trips. The PUD owner(s) "the Developer, Home Owners Association, Master Association or similar entity" may petition the Board of County Commissioners to relinquish the development rights to any un-built units and declare themselves "built-out" in order to satisfy all reporting requirements. The applicant for a waiver or determination of "built-out" status shall be responsible for any documentation required in order to verify the status of the PUD. The traffic reporting requirements are the responsibility of the entity that retains the remaining development rights to any un-built units or intensity.

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e. Assessment and application of transportation impact fees and surrender of certificate of public facility adequacy. Within 90 days of written notification by facsimile or other approved electronic format that an application for a **final local development order** has been approved and a certificate issued, or prior to expiration of the temporary, one-year capacity reservation previously secured by the applicant upon the County's acceptance of the TIS pursuant to section 10.02.07 C.4.f., provided said capacity reservation has more than 90 days remaining, whichever of the two occurs later, an **applicant** may pick up the certificate upon payment of one-half (50 percent) of the estimated transportation impact fees due. Such estimates shall be based on the currently approved transportation impact fee rate schedule. If the certificate is not picked up within ~~90 days~~ the timeline set forth above and the applicable estimated transportation impact fees paid, the application will be deemed denied and the **applicant** must reenter the application process from the beginning. Transportation impact fees for residential **development** will be estimated using the fee based on the mid-range housing size, unless the residential use qualifies as **affordable housing**. **Affordable housing** estimated transportation impact fees shall be based on the income limitations for **affordable housing** in force at the time of a certificate of public facility adequacy application. Additionally, previously vested **developments** may, pursuant to section 10.02.07 C.1. elect to have escrowed fees applied against the one-half (50 percent) of estimated transportation impact fees. Payment of these fees vests

the **development** entitlements for which the certificate of public facility adequacy certificate applies on a continuous basis unless relinquished pursuant to the requirements of this section prior to the end of the third year after the initial impact fee payment. The initial 50 percent impact fee payment is non-refundable after payment and receipt of the certificate of public facility adequacy certificate.

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4. Procedure for review of application.

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c. *Determination of completeness and review.* Upon receipt of an application for certificate of public facility adequacy by the Community ~~Development~~ **Development** and Environmental Services Division for road facilities, all copies of the application will be time and date stamped. One copy will be forwarded to the Transportation Services Division for processing no later than the next business day. After receipt of the application for certificate of public facility adequacy, the ~~Community Development and Environmental Services Division Administrator, County Manager, or designee,~~ and Transportation Services Division Administrator, or designee, shall determine whether its respective application is complete within five business days. If it is determined that any component of the application is not complete, written notice via facsimile or other approved electronic format shall be provided to the **applicant** specifying the deficiencies. The ~~Community Development and Environmental Services Division Administrator, County Manager, or designee,~~ and Transportation Services Division Administrator, or designee, shall take no further action on the application unless the deficiencies are remedied. The **applicant** shall provide the additional information within 60 days or the application will be considered withdrawn and the application fee is forfeited. ~~Within 20 business days a~~ After any application for a certificate, except for road facilities, is received and the application is determined to be complete, the ~~Community Development and Environmental Services Division Administrator, County Manager, or designee,~~ shall review and grant, or deny each public facility component except for roads in the application pursuant to the standards established in section 10.02.07 C.5. of this Code. The Transportation Services Division Administrator, or designee, shall review the related traffic impact statement and, if there are no outstanding transportation-related issues associated with the applicable development order application, grant, or deny a one-year traffic capacity reservation for roads within 20 business days pursuant to subsection 10.02.07 C.4.f. within the then effective submittal review time frame set forth by the County Manager, or designee, after the application is determined to be complete At the Transportation Services Division Administrator's or designee's discretion, based upon their professional judgment, granting of said traffic capacity reservation may be withheld beyond the aforementioned time frame as long as there are outstanding transportation-related issues associated with the applicable development order application until after receipt and review of re-submittal(s) that remedy all of said outstanding transportation-related issues. If the Transportation Services Division Administrator, or designee, determines that the applicable development order application can be approved with stipulations related to outstanding transportation-related issues, they shall grant the said one-year traffic capacity reservation for roads within the aforementioned submittal review time frame, or at the earliest opportunity

thereafter. The traffic capacity reservation will be granted during, and as part of, the applicable development order review and decision making procedures set forth in this chapter, subject to a final concurrency determination, issuance of a COA and the approval of the final development order.

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SUBSECTION 3. UU. 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

A. Application and PUD master plan submission requirements. Applications for amendments to, or rezoning to PUD shall be in the form of a PUD master plan of development ~~and a PUD document~~ along with a list of permitted and accessory uses and a development standards table. The PUD application shall also include a list of developer commitments and any proposed deviations from the Land Development Code. The PUD master plan shall have been designed by an urban planner who possesses the education and experience to qualify for full membership in the American Institute of Certified Planners; and/or a landscape architect who possesses the education and experience to qualify for full membership in the American Society of Landscape Architects, together with either a practicing civil engineer licensed by the State of Florida, or a practicing architect licensed by the State of Florida, and shall be comprised, at a minimum, of the following elements:

1. PUD master plan. The PUD master plan shall ...(No change)
2. ~~PUD document application.~~ PUD document application. The applicant shall submit data supporting and describing the ~~application petition~~ application for rezoning to PUD in the form of a ~~PUD document application~~ application that includes a development standards table, developer commitments and a list of deviations from the LDC. ~~The PUD document~~ development standards table, developer commitments and the list of deviations from the LDC shall be submitted in both an electronic version and printed version in a format as established by the County Manager or his designee. The submittals shall conform to the most recent standardized format established by the ~~planning services zoning and land development review~~ department director. The ~~PUD document application~~ application shall contain the following information unless determined by the director to be unnecessary to describe the development strategy:
 - a. ~~Title page to include a~~ Name of project;
 - b. ~~Index/table of contents;~~
 - e b. List of exhibits which are proposed to be included in the ordinance of adoption;
 - d c. Statement of compliance with all elements of the growth management plan;
 - e d. General location map drawn to scale, illustrating north point and relationship of the site to such external facilities as highways, shopping areas, cultural complexes and the like;
 - f e. Property ownership and general description of site (including statement of unified ownership);
 - g f. Description or narrative of project development;
 - h g. Boundary survey (no more than six months old) and legal description;

- i h. Proposed and permitted land uses within each tract or increment which shall be incorporated into the ordinance of adoption;
- j i. ~~A~~ Dimensional standards table for each type of land use proposed within the PUD. Dimensional standards shall be based upon an established zoning district that most closely resembles the development strategy, particularly the type, density and intensity, of each proposed land use. All proposed variations or deviations from dimensional standards of the most similar zoning district shall be clearly identified. No deviations from the fire code will be permitted, except as otherwise allowed by that code. This table shall be incorporated into the ordinance of adoption;
- k j. The proposed timing for location of, and sequence of phasing or incremental development within the PUD;
- l k. The proposed location of all roads and pedestrian systems, with typical cross sections, which will be constructed to serve the PUD which shall be attached as exhibits to the ordinance of adoption;
- m l. Habitats and their boundaries identified on an aerial photograph of the site. Habitat identification will be consistent with the Florida Department of Transportation Florida Land Use Cover and Forms Classification System and shall be depicted on an aerial photograph having a scale of one inch equal to at least 200 feet when available from the county, otherwise, a scale of at least one inch equal to 400 feet is acceptable. Information obtained by ground-truthing surveys shall have precedence over information presented through photographic evidence. Habitat, plant and animal species protection plans as required by Chapter 3 shall apply;
- n m. Environmental impact analysis pursuant to applicable provisions of section 10.02.02;
- o n. Information about existing vegetative cover and soil conditions in sufficient detail to indicate suitability for proposed structures and uses;
- p o. The location and nature of all existing public facilities, such as schools, parks and fire stations that will service the PUD;
- q p. A plan for the provision of all needed utilities to serve the PUD; including (as appropriate) water supply, sanitary sewer collection and treatment system, stormwater collection and management system, pursuant to related county regulations and ordinances;
- r q. Traffic impact analysis;
- s r. Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the PUD and any of its common areas or facilities;
- t s. Development commitments for all infrastructure and related matters;
- u t. When determined necessary to adequately assess the compatibility of proposed uses to existing or other proposed uses, relationship to open space, recreation facilities, or traffic impacts, or to assess requests for reductions in dimensional standards, ~~the planning services~~ zoning and land development review department director may request schematic architectural drawings (floor plans, elevations, perspectives) for all proposed structures and improvements, as appropriate;
- v u. Deviations to sections of the land development code other than to dimensional standards related to building placement such as yard requirements, lot area requirements, building height and the like, shall be identified in the PUD ~~document~~ application by

citing the specific section number of the regulation and indicating the proposed modification to such regulation. The list of deviations shall be incorporated into the ordinance of adoption.

3. Deviations from master plan elements. The ~~planning services zoning and land development review~~ department director may exempt a petition from certain required elements for the PUD master plan pursuant to section 10.02.12 of this Code when the petition contains conditions, which demonstrate that the element may be waived without a detrimental effect on the health, safety and welfare of the community. All exemptions shall be noted within the PUD submittal and provided the board of county commissioners.

B. Procedures for planned unit development zoning. Petitions for rezoning to PUD in accordance with section 10.02.12 shall be submitted and processed as for a rezoning amendment generally pursuant to section 10.02.12 and in accordance with the following special procedures:

1. Preapplication conference. Prior to the submission of a formal application for rezoning to PUD, the applicant shall confer with the ~~planning services zoning and land development review~~ department director and other county staff, agencies, and officials involved in the review and processing of such applications and related materials. The applicant is further encouraged to submit a tentative land use sketch plan for review at the conference, and to obtain information on any projected plans or programs relative to possible applicable federal or state requirements or other matters that may affect the proposed PUD. This preapplication conference should address, but not be limited to, such matters as:

* * * * *

6. Action by board of county commissioners. Unless the application is withdrawn by the applicant or deemed "closed" pursuant to section 2.03.06 of this Code, the board of county commissioners shall, upon receipt of the planning commission's recommendation, advertise and hold a public hearing on the application. The notice and hearing shall be on the PUD rezone application, PUD master plan of development and PUD ~~document~~ ordinance, as recommended by the planning commission to the board of county commissioners. The board of county commissioners shall either grant the proposed rezoning to PUD; approve with conditions or modifications; or deny the application for PUD rezoning.

C. Effect of planned unit development zoning. If approved by the county board of commissioners, the master plan for development, the PUD ~~document~~ ordinance and all other information and materials formally submitted with the petition shall be considered and adopted as an amendment to the zoning code and shall become the standards for development for the subject PUD. Thenceforth, the development in the area delineated as the PUD district on the official zoning atlas shall proceed only in accordance with the adopted development regulations and the PUD master plan for said PUD district, except that approval and adoption of a PUD ordinance or PUD master plan does not act to authorize or vest the location, design, capacity, or routing of traffic for any **access** point depicted on, or described in, such ordinance or plan.

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D. *Time limits for approved PUDs.* For purposes of this section, the word "sunset" or "sunsetting" shall be the term used to describe a PUD which has, through a determination made by the planning services department director, not met the time frames and **development** criteria outlined in section 10.02.12 of this Code as applicable. For all PUDs, the owner entity shall submit to the planning services department director a status report on the progress of **development** annually from the date of the PUD approval by the board of county commissioners. The purpose of the report will be to evaluate

whether or not the project has commenced in earnest in accordance with the following criteria:

* * * * *

2. For PUDs approved on or after October 24, 2001, but prior to _____ [the date of adoption ordinance] the land owner shall:

* * * * *

c. If in the event of a moratorium or other action or inaction of government that prevents the approval of any **local development order** the duration of the suspension of the approval shall not be counted towards the three-year sunset provision.

3. For PUDs approved on or after the date of adoption of this revision the land owner shall:

a. For all PUDs the build out year as submitted and approved with the application's Traffic Impact Statement (TIS) shall serve as the reference year for the approved **density** and intensity. Two years after the build out year as defined on the approved TIS submitted with the application and on the anniversary date of the adopted PUD any remaining **density** or intensity that has not been approved by the appropriate **site development plan** or plat and received a certificate of public adequacy (COA) shall be considered expired and void of any remaining development rights. In the event that action or in-action by the County or any regulatory agency or legal action prevents the approval of a **development order**, the duration of the suspension of the approval shall not be counted towards the expiration provision above, contingent that the applicant has been diligently pursuing a **local development order** or permit through any of the required regulatory agencies. The county manager or designee must be notified in writing of the circumstances of the delay with the appropriate documentation.

b. For all PUDs the build out year as submitted and approved with the application's Traffic Impact Statement (TIS) shall serve as the reference year for the approved **density** and intensity. On the build out year as defined on the approved TIS submitted with the application and on the anniversary date of the adopted PUD any remaining **density** and intensity shall be considered expired if all of the lands within the PUD boundary have received approval through **site development plans** or plats and received a certificate of public adequacy (COA). For non residential portions of a PUD, section (a) above allows for two additional years to amend the **site development plan(s)** in order to apply for **development orders** for any remaining intensity within non residential sections of the PUD.

~~3~~ 4. Infrastructure improvements as required above shall be located on site and shall constitute infrastructure that makes possible vertical construction consistent with the permitted land uses. Acceleration lanes, entry road **access** and the like do not count towards meeting the required levels of infrastructure improvements as required above.

~~4~~ 5. *PUD sunseting.* Prior to or any time after the planning services department director determines that a PUD has sunsetted, then the property owner shall initiate one of the following:

* * * * *

~~5~~ 6. *Board of county commissioners action on PUDs which have sunsetted.* Upon review and consideration of the appropriate application, or the status report provided by the property owner and any supplemental

information that may be provided, the board of county commissioners shall elect one of the following:

* * * * *

6.7. *PUD time limit extensions.* Extensions of the time limits for a PUD may be approved by the board of county commissioners. An approved PUD may be extended as follows:

* * * * *

7.8. *Retention of existing PUD status.* Once a PUD has sunsetted the land shall retain its existing PUD zoning status, however applications for additional **development orders** shall not be processed until one of the following occurs:

* * * * *

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

* * * * *

4. County will be given at least 6 month's prior written notice to a change in ownership, to a community association, including but not limited to transfer of all or part of the **development** to a Home Owners Association, Property Owners Association, Master Association or similar entity. Change in ownership of portions of a PUD development shall not absolve the original owner of the requirement to file an annual monitoring report. Transferring responsibility for filing the annual monitoring report to an entity other than the original owner may be demonstrated in the form of an executed agreement between the original owner and the new entity which when filed with the planning services department director shall automatically transfer responsibility for filing that annual monitoring report.

5. A release of a PUD commitment determined to be no longer necessary shall be brought as an agenda item to the Board of County Commissioners for their approval.

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SUBSECTION 3. VV. AMENDMENTS TO SECTION 10.03.05 Notice Requirements for Public Hearings By 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 By the BCC, the Planning Commission, the Board of Zoning Appeals, the EAC and the Historic Preservation Board., of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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

* * * * *

G. Notice and public hearing requirements where proposed resolution by the board of county commissioners would approve a mixed use project (MUP) located in a mixed use district overlay. In cases in which the **applicant** requests approval of a mixed use project (MUP) under the provisions of a mixed use district overlay, with or without requested allocation of bonus **density** units, where applicable, the mixed use project shall be considered for approval pursuant to the following public notice and hearing requirements by the board of county commissioners.

1. The board of county commissioners shall hold one advertised public hearing on the petition to approve a mixed use project for property located in a mixed use district overlay. The public hearing shall be held at least 15 days after the day that an advertisement is published in a newspaper of general paid circulation in the county and of general interest and readership in the community.
2. At least one Neighborhood Informational Meeting (NIM) shall be conducted by the **applicant** (in conjunction with the overlay area advisory board, where such advisory board exists) at least 15 days before the public hearing by the board of county commissioners. Written notice of the meeting shall be sent by **applicant** to all property owners who are required to receive legal notification from the County pursuant to sections 10.03.05 B.8 and 10.03.05 B.9. A Collier County staff planner, or designee, must also attend the neighborhood informational meeting; however, the **applicant** is required to make the presentation on the **development plan** of the subject property.

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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.

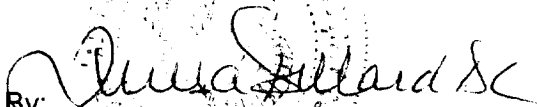
SECTION SIX: EFFECTIVE DATES

This Ordinance shall become effective upon filing with the Florida Department of State, Tallahassee, Florida; with the exception that amendments to section 4.03.05, as proposed in subsection 3. X. of this ordinance shall become effective 60 days after the effective date of this ordinance, and with the exception that amendments to section 5.03.06, as proposed in subsection 3 CC. of this ordinance, shall become effective 90 days after the effective date of this ordinance, and with the exception that amendments to section 5.05.08, as proposed in subsection 3. DD. of this ordinance shall become effective 270 days after the effective date of this ordinance.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 14th day of December, 2006.

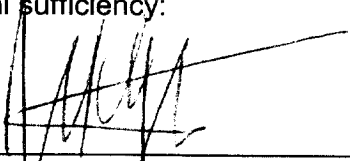
ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: 
Dwight E. Brock, Clerk
Signature on File

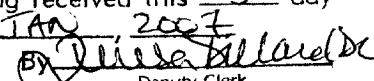
By: 
FRANK HALAS, CHAIRMAN

Approved as to form and
legal sufficiency:



Jeffrey A. Klatzkow
Assistant County Attorney

Jeffrey A. Klatzkow
Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
26 day of Dec, 2006
and acknowledgement of that
filing received this 3rd day
of JAN, 2007
By: 
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

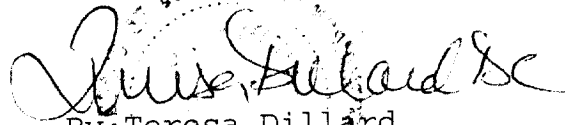
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 2006-63

Which was adopted by the Board of County Commissioners on the 14th day of December 2006, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 22nd day of December 2006.

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


By: Teresa Dillard,
Deputy Clerk