

ORDINANCE NO. 07- 67

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 SECTION 1.08.01 ABBREVIATIONS, SECTION 1.08.02 DEFINITIONS; CHAPTER 2 - ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.01 RESIDENTIAL ZONING DISTRICTS, SECTION 2.03.07 OVERLAY ZONING DISTRICTS, SECTION 2.03.08 RURAL FRINGE ZONING DISTRICTS, SECTION 2.05.01 DENSITY STANDARDS AND HOUSING TYPES; CHAPTER 3 - RESOURCE PROTECTION, INCLUDING SECTION 3.03.02 APPLICABILITY, 3.05.10 LITTORAL SHELF PLANTING AREA; CHAPTER 4 - SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.02.01 DIMENSIONAL STANDARDS FOR PRINCIPAL USES IN BASE ZONING DISTRICTS, 4.02.03 SPECIFIC STANDARDS FOR LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES, SECTION 4.06.02 BUFFER REQUIREMENTS, SECTION 4.06.05 GENERAL LANDSCAPING REQUIREMENTS; CHAPTER 5 - SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS, SECTION 5.06.02 PERMITTED SIGNS, SECTION 5.06.04 SIGN STANDARDS FOR SPECIFIC SITUATIONS; CHAPTER 6 - INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS, INCLUDING SECTION 6.05.01 STORMWATER MANAGEMENT SYSTEM REQUIREMENTS, SECTION 6.05.02 SEAWALLS AND BULKHEADS; CHAPTER 10 - APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING, SECTION 10.02.02 SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS, 10.02.03 SUBMITTAL REQUIREMENTS FOR SITE DEVELOPMENT PLANS, SECTION 10.02.04 SUBMITTAL REQUIRMENTS FOR PLATS, SECTION 10.02.05 SUBMITTAL REQUIREMENTS FOR IMPROVEMENT PLANS, SECTION 10.02.06 SUBMITTAL REQUIREMENTS FOR PERMITS, SECTION 10.03.05 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS BEFORE THE BCC, THE PLANNING COMMISSION, THE BOARD OF ZONING APPEALS, THE EAC AND THE HISTORIC PRESERVATION BOARD, SECTION 10.04.03 APPLICATIONS SUBJECT TO TYPE II REVIEW, SECTION 10.04.04 APPLICATIONS SUBJECT TO TYPE III REVIEW; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, PUBLICATION AS THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2007 OCT 30 PM 3:35

FILED

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 2007; 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 an advertised public hearing on October 11, 2007 and October 24, 2007 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

*	* * * * *
ATF	After the Fact
AUIR	Annual Update and Inventory Report
BD	Boat Dock Petition
BMP	<u>Best Management Practices</u>
BOA	Collier County Building Board of Adjustments and Appeals
BCC	Collier County Board of County Commissioners
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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

* * * * *

Best Management Practices: Schedule of activity, maintenance procedures, pre-emptive site control measures and other management techniques intended to reduce the discharge of pollutants to waters of the United States.

* * * * *

Dwelling, two-family: A single, freestanding, conventional building intended, designed, used and occupied as two dwelling units attached by a common wall or roof, but wherein each unit is located on a separate lot under separate ownership.

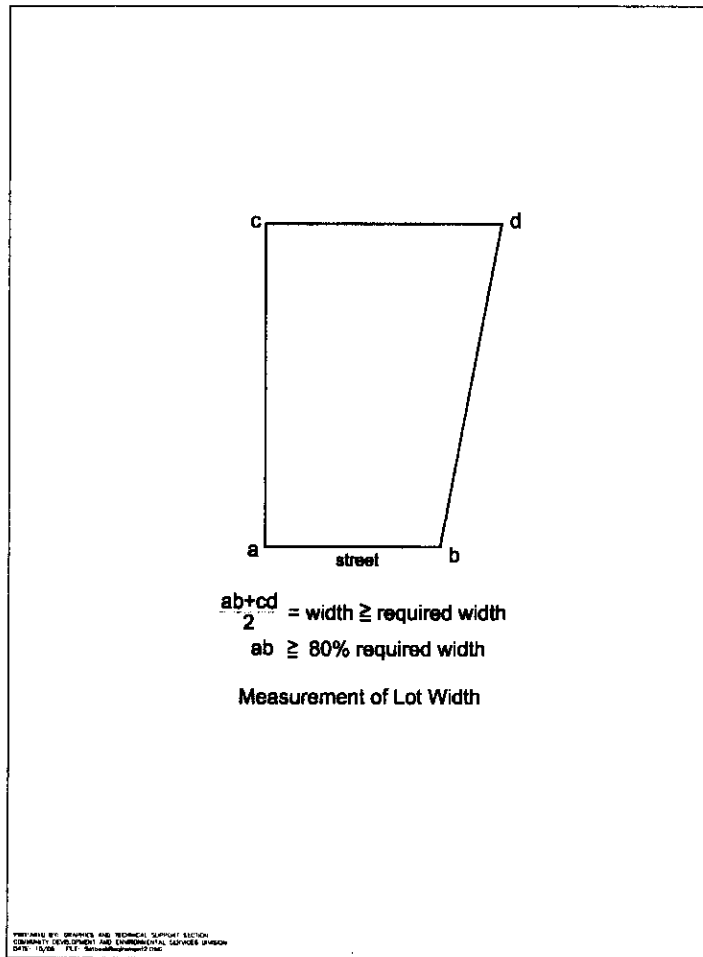
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Infiltration trench: An excavated trench, nominally two to three feet in width and depth lined with a class "C" geotextile fabric, or better, and backfilled with clean stone aggregate.

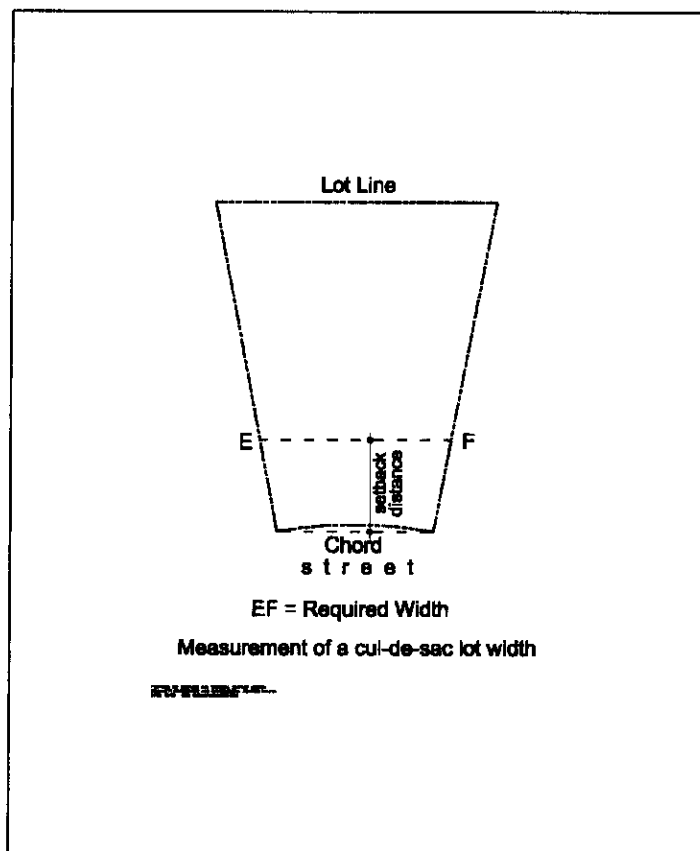
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Lot measurement, width: Width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines where they intersect with the street line and the points of the side lot lines where they intersect the rear property line, (see Figure 9). The width between the side lot lines at their foremost points in front shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac when the 80 percent requirement shall

not apply. The minimum lot width on a cul-de-sac shall be figured by drawing a straight line at the chord, then drawing a straight line parallel to it at the required setback distance for that particular zoning district. That new established line shall meet the minimum lot width of that district, (see Figure 10).



1.08.02 – Figure 9



1.08.02 – Figure 10

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Subdivision, minor: The division of land, whether improved or unimproved, into three or more, but less than ten, contiguous lots or parcels of land, for the purpose, whether immediate or future, of transfer of ownership or development, which does not involve the extension of an existing street or the establishment of a new street and does not involve the extension, creation or establishment of any improvement otherwise required in section 10.02.05

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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 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. 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.
 - 1. Minimum **yard** Requirements. See the subsection 4.02.01 A, Table 2.1 in Chapter 2-07.00 for the general requirements. The following are exceptions to those requirements:
 - a. Conforming Corner **lots**. Conforming corner **lots**, in which only one full depth **setback** shall be required along the shorter **lot line** along the **street**. the **setback** along the longer **lot line** may be reduced to 37.5 feet, so long as no **right-of-way** or **right-of-way** easement is included within the reduced **front yard**. (See Exhibit A)

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

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

2.03.07 Overlay Zoning Districts

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D. Special Treatment Overlay "ST"

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4. Transfer of **development** Rights (TDR).

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b. Transfer of **development** rights from urban areas to urban areas. An owner of land located within areas designated as urban on the Future Land Use Map, including agriculturally zoned properties, which may or may not be identified with the ST overlay, may elect to transfer some or all of the residential **development** rights from one **parcel** of land to another **parcel**, as an alternative to the **development** of the sending lands. The lands to which the **development** rights are to be transferred shall be referred to as receiving lands and those lands from which **development** rights are transferred shall be referred to as sending lands, as provided herein and shall be located within the urban designated areas of the county.

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vi. Maximum number of residential units which eligible lands may receive.

a) Lands in all residential zoning districts and residential components of planned unit **development** zoning districts are eligible to receive residential **development** units provided that the maximum number of residential units which may be transferred to the receiving land does not exceed ten percent of the maximum number of residential units permitted under the receiving property's basic zoning district. For the purpose of determining the number of residential units which a **parcel** of land is capable of receiving, the following formulas shall apply:

i) RSF-1 through RSF-5 districts, up to and including five units per acre:

$$\text{Units per base density} \times 10\% = .1 \text{ to } .5 \text{ units per acre}$$

ii) RMF-6 district, up to and including six units per acre:

$$6 \text{ units} \times 10\% = 0.6 \text{ units per acre}$$

iii) RMF-12 district, seven to and including 12 units per acre:

$$12 \text{ units} \times 10\% = 1.20 \text{ units per acre}$$

iv) RMF-16 district:

$$16 \text{ units} \times 5\% = 0.80 \text{ units per acre}$$

v) RT district:

16 units × 5% = 0.80 units per acre

~~26 units × 5% = 1.30 units per acre~~

vi) PUD district:

Residential tract units × 5% =
permitted units per acre

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c. **TDR credits from RFMU sending lands:**
General Provisions

i. **Creation of TDR credits.**

a) **TDR credits** are generated from **RFMU sending lands** at a rate of 1 **TDR credit** per 5 acres of RFMU Sending Land or, for those legal non-conforming **lots or parcels** of less than 5 acres that were in existence as of June 22, 1999, at a rate of 1 **TDR credit** per legal non-conforming **lot or parcel**.

b) For lots and **parcels** 5 acres or larger, the number of **TDR credits** generated shall be calculated using the following formula:

$$\# \text{ of acres} \times 0.2 = \# \text{ of TDR credits generated.}$$

Where the number of **TDR credits** thus calculated is a fractional number, the number of **TDR credits** created shall be rounded to the nearest 1/100th.

ii. **Creation of TDR Bonus credits.** **TDR Bonus credits** shall only be generated from **RFMU sending land** property from which **TDR credits** have been severed. The three types **TDR Bonus credits** are as follows:

a) Environmental Restoration and Maintenance Bonus credits. Environmental Restoration and Maintenance **Bonus credits** are generated at a rate of 1 credit for each **TDR credit** severed from that **RFMU sending land** for which a Restoration and Management Plan (RMP) has been accepted by the County. In order to be accepted, a RMP shall satisfy the following:

- 1) The RMP shall include a listed species management plan.
- 2) The RMP shall comply with the criteria set forth in 3.05.08.A. and B.
- 3) The RMP shall provide financial assurance, in the form of a letter of credit performance surety bond or similar—financial security, establishing that the RMP shall remain in place and be performed, until the earlier of the following occurs:

f. Procedures applicable to the transfer of TDR credits from RFMU sending lands.

i. General. The transfer of TDR credits from RFMU sending lands does not require the approval of the County. However, those developments that utilize such TDR credits are subject to all applicable permitting and approval requirements of this Code, including but not limited to those applicable to site development plans, plat approvals, PUDs, and DRIs.

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

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

i) a legal description of the property from which the RFMU TDR credits originated, including the total acreage;

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

iii) ~~an affidavit, signed by the owner, stating that the property was not subject to a conservation restriction or any other development restriction that prohibited residential development during the period between the effective date of the title opinion and conservation easement recordation;~~

~~iii~~ iv) a legal instrument, prepared in accord with the form provided by the County, that limits the allowable uses on the property after the severance of TDR credits as set forth in section 2.03.08 A.4.b.; and

iv v) a statement identifying the price, or value of other remuneration, paid to

the owner of the **RFMU sending lands** from which the **TDR credits** were generated and that the value of any such remuneration is at least \$25,000 per **TDR credit**, unless such owner retains ownership of the **TDR credits** after they are severed, unless the RFMU or non-RFMU **receiving lands** on which the **TDR credits** will be utilized and the **RFMU sending lands** from which the **TDR credits** were generated are owned by the same persons or entities or affiliated persons or entities; and

v vi) a statement attesting that the **TDR credits** are not being severed from **RFMU sending lands** in violation of section 2.03.07(D)(4)(c)(iv)(b) of this Code.

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

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I. Bayshore Mixed Use Overlay District

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3. Mixed Use Project Approval Process.

- a. Owners of property in the Neighborhood Commercial (BMUD-NC) and Waterfront (BMUD-W) Subdistricts may petition the Board of County Commissioners for mixed use project approval. The application for MUP approval shall acknowledge that the owner shall not seek or request, and the County shall not thereafter grant or approve, any additional uses beyond those allowed in the C-1 through C-3 zoning districts. The application shall be accompanied by a conceptual site plan demonstrating compliance with the criteria in section 10.03.05.G.
- b. There shall be a public hearing before the Planning Commission, legally noticed and advertised pursuant to subsection 10.03.05 G. 1. and posted as provided for in subsection 10.03.05 G. 3. The Planning Commission shall make a recommendation to the Board of County Commissioners based upon the criteria provided in subsection 10.03.05 G. 8. There shall be a public hearing before the BCC, legally noticed and advertised pursuant to section 10.03.05.G. If approved by the BCC, such approval shall be by resolution.
- c. Once a Mixed Use Project has been approved by the BCC, the applicant shall submit a **site development plan (SDP)**, based on the conceptual site plan approved by the BCC and meeting the requirements of section 10.02.03 B.1. of this Code, to the Community Development and Environmental Services Division within six months of the

date of approval. This SDP must be determined as sufficient and accepted for review by the Division within 30 days of submittal. After the SDP has been approved, the approved project shall be identified on the Collier County official zoning atlas map, using the map notation MUP. If a MUP approval expires, as set forth below, the map notation shall be removed from the official zoning atlas map. The burden is on the applicant to submit an SDP application in a timely manner, to be responsive to the County's SDP review comments, and to commence construction in a timely manner after SDP approval has been granted.

- 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:
 - i. The SDP is not submitted within six months of MUP approval by the BCC.
 - ii. The SDP is not deemed sufficient for review within 30 days of submittal.
 - iii. The SDP under review is deemed withdrawn and cancelled, pursuant to section 10.02.03.B.4.a.
 - iv. The SDP is considered no longer valid, pursuant to section 10.02.03.B.4.b. and c.
- e. Once a property owner, through a MUP approval, elects to develop or redevelop a mixed use project under Neighborhood Commercial (NC) or Waterfront (W) Subdistricts, then the property shall be developed in compliance with all provisions of the overlay and cannot revert back to the underlying zoning district.

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J. **Goodland Zoning Overlay "GZO".** To create design guidelines and **development** standards that will assure the orderly and appropriate **development** in the unincorporated area generally known as Goodland. The Goodland Zoning Overlay district (GZO) is intended to provide regulation and direction under which the growth and **development** of Goodland can occur with assurance that the tropical fishing village and small town environment of Goodland is protected and preserved, and that **development** and/or redevelopment reflect the unique residential and commercial characteristics of the community. The boundaries of the Goodland Zoning Overlay district are delineated on Map 1 below.

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- 4. **Storage Sheds. Parcels** located off of Bayshore Drive Way are allowed to retain any sheds that were constructed prior to October 17, 2003. Storage sheds for fishing and boat equipment on the boat **dock parcels** off of Bayshore Drive Way constructed after October 17, 2003 are permissible if they comply with the following requirements:
 - a. The appropriate **building** permit must be obtained.
 - b. Bayshore drive **setback**: ten feet.
 - c. Waterfront **setback**: ten feet.
 - d. Side **yard setback**: 0 feet.
 - e. Maximum size of shed: 144 square feet.

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K. Activity Center #9 Overlay. The purpose of this designation is to create an enhanced entryway into the Naples urban area through appropriate, unified design elements and standards; the implementation of which will result in an attractive, positive image as outlined in the vision statement of the Activity Center #9 Interchange Master Plan. These regulations and the design standards located in section 4.02.23 apply to the following properties within Activity Center #9 as identified in the Interchange Master Plan Land Use Map:

1. All **buildings** and projects that are subject to the requirements of section 5.05.08 of this LDC.
2. Nonresidential land uses **abutting** any public **street** except industrial **buildings** internal to industrial PUD zoned project, that are located no less than 200 feet from the public **street**.

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N. Gateway Triangle Mixed Use Overlay District

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

- a. Owners of property in the Neighborhood Commercial (BMUD-NC) and Waterfront (BMUD-W) Subdistricts may petition the Board of County Commissioners for mixed use project approval. The application for MUP approval shall acknowledge that the owner shall not seek or request, and the County shall not thereafter grant or approve, any additional uses beyond those allowed in the C-1 through C-3 zoning districts. The application shall be accompanied by a conceptual site plan demonstrating compliance with the criteria in section 10.03.05.G.
- b. There shall be a public hearing before the Planning Commission, legally noticed and advertised pursuant to subsection 10.03.05 G. 1. and posted as provided for in subsection 10.03.05 G. 3. The Planning Commission shall make a recommendation to the Board of County Commissioners based upon the criteria provided in subsection 10.03.05 G. 8. There shall be a public hearing before the BCC, legally noticed and advertised pursuant to section 10.03.05.G. If approved by the BCC, such approval shall be by resolution.

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SUBSECTION 3.E. AMENDMENTS TO SECTION 2.03.08 RURAL FRINGE ZONING DISTRICTS

Section 2.03.08 Rural Fringe Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.08 Rural Fringe Zoning Districts

* * * * *

A. Rural Fringe Mixed Use District (**RFMU District**)

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2. **RFMU receiving lands.** RFMU receiving lands are those lands within the **RFMU district** that have been identified as being most appropriate for **development** and to which residential **development** units may be transferred from **RFMU sending lands**. Based on the evaluation of available data, **RFMU receiving lands** have a lesser degree of environmental or listed species habitat value than **RFMU sending lands** and generally

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

have been disturbed through **development** or previous or existing agricultural operations. Various incentives are employed to direct **development** into **RFMU receiving lands** and away from **RFMU sending lands**, thereby maximizing **native vegetation** and habitat preservation and restoration. Such incentives include, but are not limited to: the TDR process; **clustered development**; **density** bonus incentives; and, provisions for central sewer and water. Within **RFMU receiving lands**, the following standards shall apply, except as noted in subsection 2.03.08 A.1. above, or as more specifically provided in an applicable PUD.

a. **Outside rural villages.**

- (1) NBMO Exemption. Except as specifically provided herein NBMO Receiving Lands are only subject to the provisions of section 2.03.08 ~~D~~ C.
- (2) **Maximum density.**
 - (a) **Base density.** The base **residential density** allowable within **RFMU receiving lands**, exclusive of the applicable **density blending** provisions set forth in section 2.05.02, is one (1) unit per five (5) gross acres (0.2 **dwelling units** per acre) or, for those legal **nonconforming lots** or **parcels** in existence as of June 22, 1999, one (1) unit per lot or parcel.

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SUBSECTION 3.F. AMENDMENTS TO SECTION 2.05.01 DENSITY STANDARDS AND HOUSING TYPES

Section 2.05.01 Density Standards and Housing Types, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.05.01 Density Standards and Housing Types

A. Where residential uses are allowable, the following **density** standards and housing type criteria shall apply.

<i>Housing Type: Zoning District:</i>	<i>Single-family</i>	<i>Duplex</i>	<i>Townhouse</i>	<i>Multifamily</i>	<i>Mobile Home</i>	<i>Cluster</i>	<i>Guest House</i>	<i>Caretaker Units (number allowed)</i>	<i>Timeshare</i>	<i>Recreational vehicles ^{per 1}</i>	<i>Maximum Density² (units per gross acre)</i>
GC								Two			
A	✓				S		✓				1/5 acres <u>0.2</u> (1 unit per 5 acres)
E	✓						✓				1/2-1/4 acres <u>0.44</u> (1 unit per 2.25 acres)
RSF-1	✓					✓	✓				1/g.a.
RSF-2	✓					✓	✓				2/g.a.
RSF-3	✓					✓	✓				3/g.a.
RSF-4	✓					✓	✓				4/g.a.
RSF-5	✓					✓	✓				5/g.a.
RSF-6	✓					✓	✓				6/g.a.
RMF-6	✓	✓	✓	<u>✓</u>		✓	✓				DRS up to 6 /g.a.
RMF-12	S	✓	✓	<u>✓</u>							DRS up to 12 /g.a.
RMF-16			✓	✓							DRS up to 16 /g.a.

RT ³											26
RT ²⁴			✓	✓					✓		16/acre within activity center
RT ⁵			✓	✓					✓		DRS up to 16 /g.a.
VR ⁶	✓				✓	✓					DRS up to 7.26 /g.a.
VR ⁷		✓				✓					DRS up to 8.71/g.a.
VR ⁸				✓		✓					DRS up to 14.52 /g.a.
MH ^{2,2}					✓			One	✓		DRS up to 7.26 /g.a.
TTRVC								One	✓		12 /acre
C-1 ¹⁰								One			16
C-2 ¹⁰								One			16
C-3 ¹⁰								One			16
C-4								One			
C-5								One			
I								One			
BP								One			
CON ¹¹	✓										1/5 acres 0.2 (1 unit per 5 acres) 1/3 acres Big Cypress 0.33 (1 unit per 3 acres) Big Cypress
BMUD ¹²	S	<u>S</u>	<u>S</u>	S							12 /acre
GTMUD ¹²	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>							12
R-1	✓	✓	✓	✓							
R-2	✓	✓	✓	✓							
GZO	Per underlying zoning district										
VB-RT			✓	✓					✓		
GGDCCO											Per underlying zoning district
RFMU ¹³	✓				¹⁶ ✓						0.025 (1 unit per 40 acres)
RFMU ¹⁴	✓	✓	✓	✓	¹⁶ ✓	✓	✓	✓			0.2 (1 unit per 5 acres)
RFMU ¹⁵	✓	✓	✓	✓	¹⁶ ✓	✓	✓	✓		✓	0.2 (1 unit per 5 acres)
MHO					✓						0.2 (1 unit per 5 acres)

Legend:

S = permitted subject to supplemental standards

g.a. = gross acre

DSF = density rating system

1 **Recreational vehicles** include travel trailers, park models, pickup coaches, and motor homes.

2 In the **MH** district, modular homes are allowable.

2 **Density** is calculated as the number of residential dwelling units per gross acre (see definition of **density, residential**). Generally, in all zoning districts except for **A, E** and **CON**, this indicates the maximum allowable **density**, including any applicable **density bonuses** per the **density rating system** in the growth management plan. **Density** may be restricted by the board of county commissioners at the time of rezoning to something less than the maximum, as indicated parenthetically on the official zoning atlas maps. For example, "RMF-6(4)" allows all uses and development standards of the RMF-6 zoning district but **density** is limited to 4 dwelling units per acre.

3 A maximum of twenty-six (26) units per acre are allowed for hotels and motels.

~~3 A maximum of twenty six (26) units per acre for hotels and motels, and sixteen (16) units per acre for timeshares and multifamily uses when located within an activity center or if the RT zoning was in existence at the time of adoption of this LDC. For properties located outside an activity center or if the RT zoning was not in existence at the time of adoption of this LDC, density shall be determined through application of the density rating system, up to a maximum of sixteen (16) units per acre. The calculation of density shall be based on the land area defined by a lot(s) of record.~~

4 For RT zoning located inside Activity Centers as designated on the Growth Management Plan's Future Land Use Map, residential units (including those for timeshares and multifamily uses) are allowed at a maximum of sixteen (16) units per acre. Similarly for RT zoning not located within Activity Centers but in existence at the time of adoption of the LDC (October 30, 1991), residential units are allowed at a maximum of sixteen (16) units per acre.

5 For RT zoning not located within Activity Centers and not in existence at the time of adoption of this LDC (October 30, 1991), allowed density is per the density rating system up to sixteen (16) units per acre. The calculation of density shall be based on the land area defined by a lot(s) of record.

6 Density for single-family and mobile home, with or without clustering.

7 Density for duplex, with or without clustering.

8 Density for multi-family, with or without clustering.

9 In the MH district, modular homes are allowable.

10 Properties zoned C-1 through C-3 may have associated residential densities in instances of mixed-use development pursuant to the Future Land Use Element of the Growth Management Plan.

11 The density of 1 dwelling unit per 3 gross acres only applies to private in-holdings within the Big Cypress National Preserve that were in existence prior to October 14, 1974.

12 Maximum allowable density in the BMUD and GTMUD overlays is attained through the Mixed Use Project (MUP) Approval Process pursuant to the regulations in the Overlays.

13 One unit per 40 acres is the maximum density permitted in RFMU Sending Lands (see section 2.03.08).

14 One unit per 5 acres is the maximum density permitted in RFMU Neutral Lands (see section 2.03.08).

15 One unit per acre is the maximum density permitted in RFMU Receiving Lands located outside of a Rural Village with redemption of Transfer of Development Rights (TDR) credits; 0.2 units per acre is the maximum density permitted in RFMU Receiving Lands without redemption of TDR credits; 3 units per acre is the maximum density per acre in RFMU Receiving Lands located within a Rural Village with the redemption of TDR credits (see section 2.03.08).

16 Only if Mobile Home Overlay exists.

* * * * *

SUBSECTION 3.G. AMENDMENTS TO SECTION 3.03.02 APPLICABILITY

Section 3.03.02 Applicability, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.03.02 Applicability

- A. New and existing **development** in the **coastal zone** shall be in compliance with the goals, objectives, and policies of the **conservation** and Coastal Management Element (CCME) of the Collier County GMP and with this LDC until the formal adoption by the County of all land **development** regulations, ordinances, policies, and programs ~~which implement the coastal zone Management Plan—1994,~~ as adopted by the BCC, and as prescribed by the **conservation** and Coastal Management Element of the Collier County GMP.
- B. In addition to these **coastal zone** regulations, all land **development** activities on **shorelines**, and/or undeveloped and developed coastal barriers, shall comply with the County's environmental land **development** regulations, including, but not limited to: section 2.03.07(D)(1), Special Treatment Overlay district (ST); procedural requirements in Chapter 10; section 3.05.00, Vegetation Removal, Protection and Preservation; section 3.04.03, sea turtle Protection; section 3.04.00, Endangered, Threatened or Listed Species Protection; Chapter 10, Coastal Construction **setback line** variance; and as required by Vehicle on the

beach Regulations in the County Code of Ordinances.

* * * * *

SUBSECTION 3.H. AMENDMENTS TO SECTION 3.05.10 LITTORAL SHELF PLANTING AREA (LSPA)

Section 3.05.10 Littoral Shelf Planting Area, 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)

* * * * *

A. *Design requirements.*

* * * * *

- 6. *Posted area.* The boundary of the LSPA shall be posted with appropriate signage denoting the area as a LSPA. **sign(s)** should note that the posted area is a Littoral Shelf Planting Area and contain specific instructions to ensure that the planted area will not be subjected to herbicidal treatments or other activities that will kill the vegetation. The **signs** shall be no closer than ten feet from residential property lines; be limited to a maximum height of four feet and a maximum size of two square feet; and, otherwise comply with section 5.06.0300. A minimum of two **signs** shall be provided to mark the extent of the LSPA. Maximum **sign** spacing shall be 150 feet.

* * * * *

SUBSECTION 3.I. AMENDMENTS TO SECTION 4.02.01 DIMENSIONAL STANDARDS FOR PRINCIPAL USES IN BASE ZONING DISTRICTS

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

4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts

* * * * *

D. Exemptions and exclusions from design standards.

* * * * *

- 13. Permanent emergency generators may be placed within the rear yard of any property supporting a permitted single-family residence, subject to a 10-foot rear yard setback, and within side yards subject to a maximum encroachment into the setback of 36 inches. Generators are not permitted to encroach into required front yards. Above-ground fuel tanks for the generators are subject to the same setbacks; however, underground tanks are not subject to setback requirements. In order to reduce noise during required routine exercising of the generators, this exercising is restricted to operating the generator for no more than 30 minutes weekly during the hours of 9:00 am to 5:00 pm and shall not exceed sound level limits for Manufacturing and Industrial uses as set forth in Ordinance 90-17, the Noise Ordinance, as amended. All permanent emergency generators must be equipped with sound attenuating housing to reduce noise.

* * * * *

SUBSECTION 3.J. AMENDMENTS TO SECTION 4.02.03 SPECIFIC STANDARDS FOR LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES

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

4.02.03 Specific Standards for Location of Accessory Buildings and Structures

* * * * *

Table 3. Dimensional Standards for Accessory Buildings and Structures on Non-Waterfront Lots And Non-Golf Course Lots.

		Front	Rear	Side	Structure to Structure (If Detached)
1.	Parking garage or carport, single-family	SPS	10 feet	SPS	10 feet
2.	One-story parking structures and/or carports	SPS	35 feet	SPS	10 feet
3.	Multistory parking structures	SPS	35 feet	SPS	1/1*
4.	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet	SPS	N
5.	Swimming pool (multi-family and commercial)	SPS	20 feet	15 feet	N
6.	Tennis courts (private) (one- and two-family)	SPS	15 feet	SPS	10 feet
7.	Tennis courts (multi-family, and commercial)	SPS	20 feet	15 feet	20 feet
8.	Utility buildings	SPS	10 feet	SPS	10 feet
9.	Chickee, barbecue areas	SPS	10 feet	SPS	10 feet
10.	Attached screen porch	SPS	10 feet	SPS	N/A
11.	Unlisted accessory	SPS	SPS	SPS	10 feet
12.	Satellite dish antenna	NP	15 feet	SPS	10 feet
13.	<u>Permanent emergency generators</u>	<u>NP</u>	<u>10 feet</u>	<u>See Sec. 4.02.01.D.13</u>	<u>N/A</u>

N = None.

N/A = Not applicable.

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

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

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

* * * * *

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

		Setbacks			Structure to structure (If Detached)
		Front	Rear	Side	
1.	Parking garage or carport, single-family	SPS	SPS	SPS	10 feet
2.	One-story parking structures	SPS	SPS	SPS	10 feet
3.	Multistory parking structures	SPS	SPS	SPS	1/1 1
4.	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet ³	SPS	N
5.	Swimming pool (multi-family and commercial)	SPS	20 feet	15 feet	N
6.	Tennis courts (private) (one- and two-family)	SPS	15 feet	SPS	10 feet
7.	Tennis courts (multi-family and commercial)	SPS	35 feet	SPS	20 feet
8.	Boathouses and boat shelters (private)	SPS	N/A	7.5 feet or 15 feet	10 feet
				(See section 5.03.06(F))	
9.	Utility buildings	SPS	SPS	10 feet	10 feet
10.	Chickee, barbecue areas	SPS	10 feet	SPS	N
11.	Davits, hoists and lifts	N/A	N/A	7.5 feet or 15 feet	SPS
12.	Attached screen porch	SPS	10 feet ⁴	SPS	SPS
13.	Unlisted accessory	SPS	SPS	SPS	10 feet
14.	Docks, decks and mooring pilings	N/A	N/A	7.5 feet or 15 feet	N/A
15.	Boat slips and ramps (private)	N/A	N/A	7.5 feet	N/A
16.	Satellite dish antennas	NP	15 feet	SPS	10 feet
17.	<u>Permanent emergency generators</u>	<u>NP</u>	<u>10 feet</u>	<u>See Sec. 4.02.01.D.13</u>	<u>N/A</u>

N = None.

N/A = Not applicable.

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

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

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

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

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

³ 20 feet where swimming pool decks exceed 4 feet in height above top of seawall or top of bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear **setback** of ten feet.

⁴ 20 feet where floor or deck of porch exceeds 4 feet in height above top of seawall or top of bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear setback of ten feet.

* * * * *

SUBSECTION 3.K. AMENDMENTS TO SECTION 4.06.02 BUFFER REQUIREMENTS

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

4.06.02 Buffer Requirements

* * * * *

C. Table of buffer yards.

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

1. *Alternative A:* Ten-foot-wide **landscape buffer** with trees spaced no more than 30 feet on center.
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.
3. *Alternative C:* 20-foot-wide, opaque within one year, **landscape buffer** with a six-foot wall, fence, hedge, or **berm**, or combination thereof and two staggered rows of trees spaced no more than 30 feet on center. Projects located within the Golden Gate **Neighborhood center** district shall be exempt from the **right-of-way** requirement of a six-foot wall, fence, hedge, **berm** or combination thereof. These projects shall provide a meandering Type D **landscape buffer** hedge. In addition, a minimum of 50 percent of the 25-foot wide **buffer** area shall be composed of a meandering bed of shrubs and ground covers other than grass.
4. *Alternative D:* A **landscape buffer** shall be required adjacent to any road **right-of-way** external to the **development** project and **adjacent** to any primary access roads internal to a commercial **development**. Said **landscape buffer** shall be consistent with the provisions of the Collier County Streetscape Master Plan, which is incorporated by reference herein. The minimum width of the perimeter **landscape buffer** shall vary according to the ultimate width of the **abutting right-of-way**. Where the ultimate width of the **right-of-way** is zero to 99 feet, the corresponding **landscape buffer** shall measure at least ten feet in width. Where the ultimate width of the **right-of-way** is 100 or more feet, the corresponding **landscape buffer** shall measure at least 15 feet in width. **Developments** of 15 acres or more and **developments** within an activity center shall provide a perimeter **landscape buffer** of at least 20 feet in width regardless of the width of the **right-of-way**. Activity center **right-of-way buffer** width requirements shall not be applicable to roadways internal to the **development**. (See Figure 4.06.02 C.)

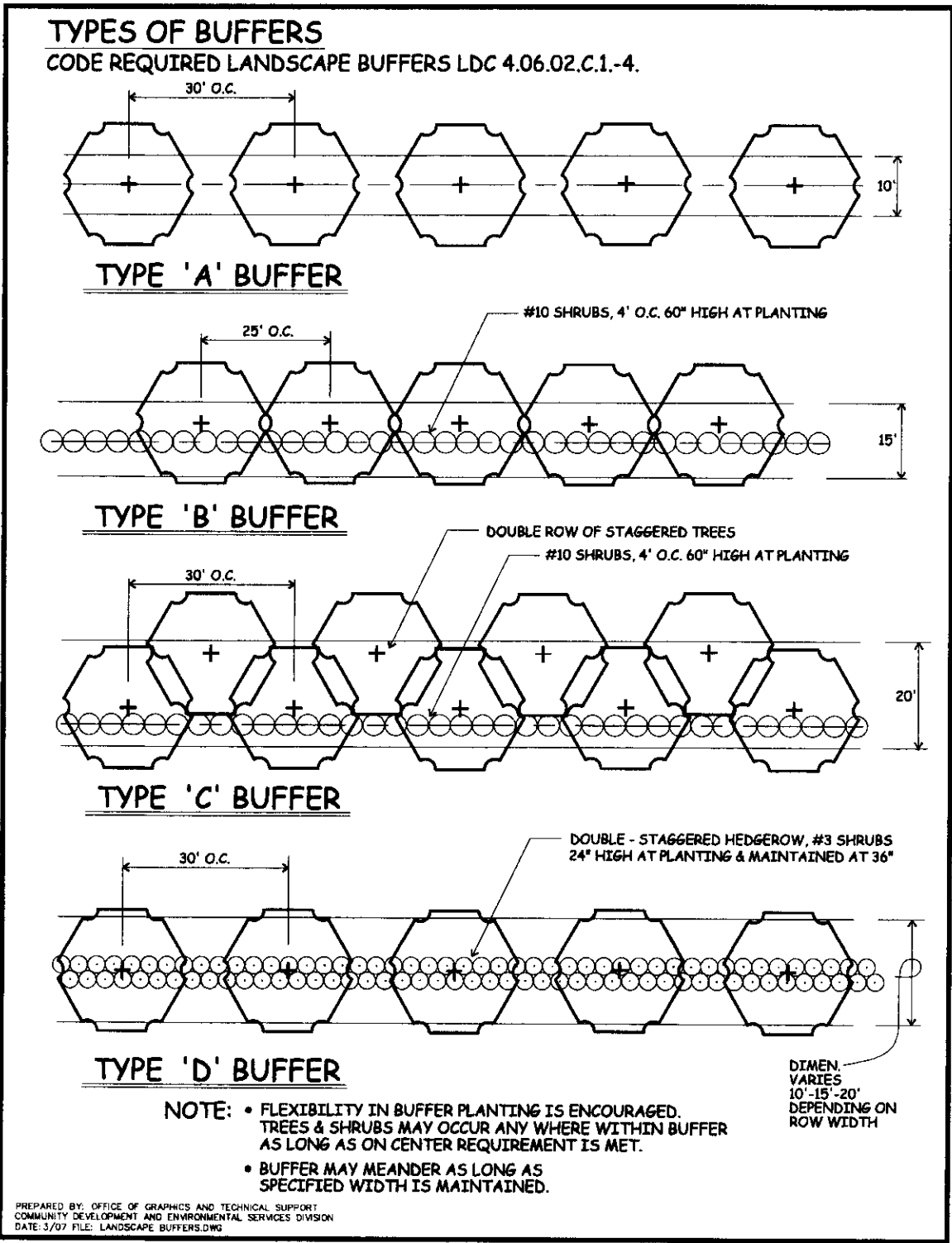


Figure 4.06.02 C

* * * * *

SUBSECTION 3.L. AMENDMENTS TO SECTION 4.06.05 GENERAL LANDSCAPING REQUIREMENTS

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

4.06.05 General Landscaping Requirements

* * * * *

C. Plant Material Standards.

Words struck through are deleted, words underlined are added

1. **Quality.** Plant materials used to meet the requirements of this section shall meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, part I and part II, Department of Agricultural, State of Florida (as amended). Root ball sizes on all transplanted plant materials shall also meet state standards.
 - a. ~~At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements shall be native Southern Floridian species, as determined by accepted valid scientific reference. For sites that are north and east of U.S. Highway 41, at least 35 percent of the shrubs used to fulfill these requirements shall be native Floridian species, as determined by accepted valid scientific reference. "Native Trees and Shrubs for Collier County List" is available for reference. For proposed land **development** projects on coastal **shorelines** and/or undeveloped and developed coastal barrier islands, all required landscaping shall be 100 percent native Southern Floridian species.~~
 - a. For sites South and West of US-41 all required landscaping shall be 100% native species as determined by accepted valid scientific reference. For sites South and West of I-75 and North and East of US-41, a minimum of 75% native trees and 50% Native shrubs are required. For sites North and East of I-75, a minimum of 75% native trees and 35% native shrubs are required. (Link to "Recommended Collier County Native Plant list" and "Native Required Planting Map").
 - b. In addition, for all sites, at least 75 percent of the trees and shrubs used to fulfill these requirements shall be drought-tolerant species as listed in the Xeriscape Plant Guide and Native Trees and Trees for South Florida (IFAS). References used in the determination of native species may include, but not be limited to:
 - Long, R.W., and O. Lakela, 1976. A Flora of Tropical Florida.
 - Small, J.K., 1933. A Manual of the Southeastern Flora.
 - Wunderlin, R.P., 1982. Guide to the Vascular Plants of Central Florida.
 - c. Where xeric plants are to be utilized, use the South Florida Water Management District, Xeriscape Plant Guide (as amended) as a reference.

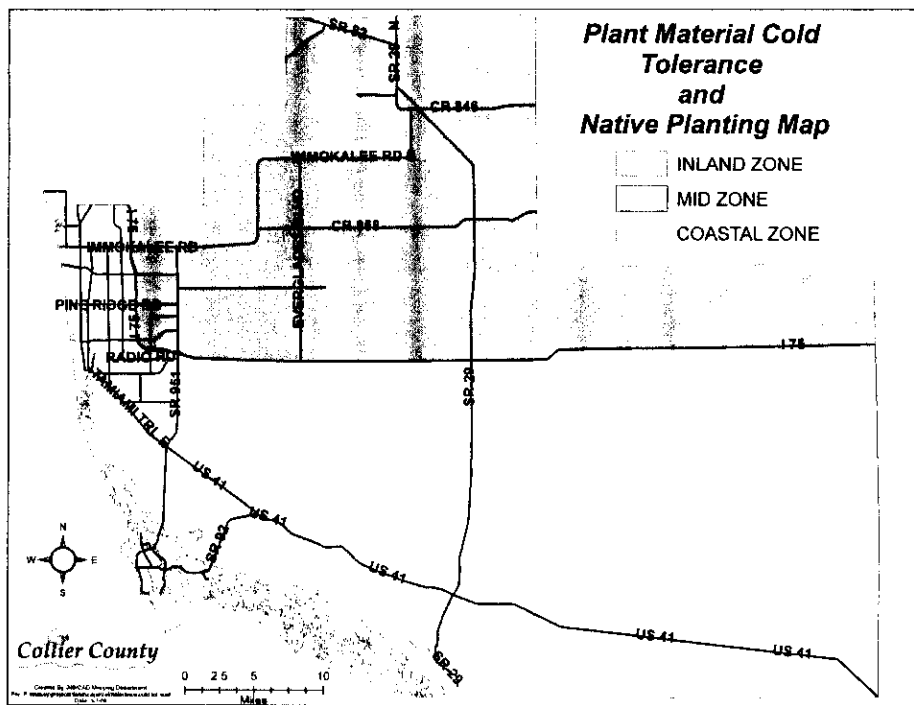


Figure 4.06.05 C

* * * * *

E. Prohibited Plant Materials.

1. *Prohibited species.* The following plant species shall not be planted:

a. All Category I Invasive Exotics as listed on the Florida Exotic Pest Plant Council's website: [www.fleppc.org]. This list is routinely monitored and updated by the FLEPPC. Plus the following species:

b. Melia azedarach (Chinaberry tree).

c. Dalbergia sissoo (Indian rosewood).

a. ~~Enterolobium cyclocarpum (ear tree).~~

b. ~~Melia azedarach (Chinaberry tree).~~

c. ~~Bischofia javanica (bishopwood).~~

d. ~~Scaevola frutescens (Australian inkberry).~~

e. ~~Dalbergia sissoo (Indian rosewood).~~

f. ~~Sapium sebiferum (Chinese tallow tree).~~

g. ~~Ardisia elliptica (shoe button ardisia).~~

h. ~~Ficus microcarpa/Ficus nitida (laurel fig/Cuban laurel).~~

~~This list shall be subject to revision as exotic plant species are determined to be noxious, invasive, cause environmental degradation to native habitats, or to be detrimental to human health, safety, or the public welfare.~~

2. *Prohibited exotic species.* In addition to the prohibitions outlined in section 4.06.05 E. above, the species enumerated in section 3.05.08 or seeds thereof shall not be grown, offered for sale, or transported inter-county or intra-county.

3. *Prohibited exotic plants.* All prohibited exotic plants, as defined in this Chapter as well as Chapter 3, shall be removed during each phase of construction from **development** areas, **open space** areas, and preserve areas pursuant to this Chapter as well as Chapter 3. Following site **development**, a maintenance program shall be implemented to prevent reinvasion of the site by prohibited exotic species. This plan shall describe control techniques and inspection intervals, shall be filed with, and be approved by, the **development** services director prior to approval of the improvement plans and final **subdivision** plat. Flexibility, in the form of area tradeoffs or mitigation, may be allowed in the determination of areas within **developments** to be preserved.
4. *Native habitats.* **developments** shall identify, protect, conserve, incorporate and use native vegetative communities pursuant to Chapter 3 and identify, protect and conserve wildlife habitat.

F. Requirements to remove prohibited plant materials. For these requirements, see section 3.05.08 of this Code.

* * * * *

G. Installation and selection requirements for plant materials

1. Prior to the issuance of any certificate of occupancy for a use required to provide landscaping and irrigation in accordance with this section, all required landscaping and irrigation shall be installed and in place as set out in the plans approved under Chapter 10 of the Code. All plant materials must be installed in accordance with accepted landscape practices in the area and meet the plant material standards contained in Section 4.06.05 C. Plant materials shall be installed in soil conditions that are conducive to the proper growth of the plant material.
2. Limerock located within planting areas shall be removed and replaced with native or growing quality soil before planting. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead power lines, lighting, sidewalks, **buildings**, circulation, etc.). Trees shall not be placed where they interfere with site drainage, subsurface utilities, or where they shall require frequent pruning in order to avoid interferences with overhead power lines and **buildings**. ~~Large canopy trees that are planted closer than 15' to a **building** or within 10' of a **sidewalk**, paved area or underground utility shall provide root barrier, structural soils or other acceptable method of protection extending within 20 feet of such **building, sidewalk, paved area or underground utility.**~~ Tree and parking lot/pole lighting locations shall be designed so as not to conflict with one another. ~~Parking lot/pole lighting shall not be located in landscape islands with trees and shall be located a minimum of 12.5 feet from the trunk of a tree. (See Figure X below).~~
 - a. An approved root barrier system shall be installed when the following occurs:
 - i. Large canopy trees are planted closer than 15' to a building.
 - ii. Large canopy trees are planted closer than 10' to a sidewalk, underground utility or paved area with no curbing or curbing which extends less than 18" below grade (see Figure 4.06.05 G.A. below).

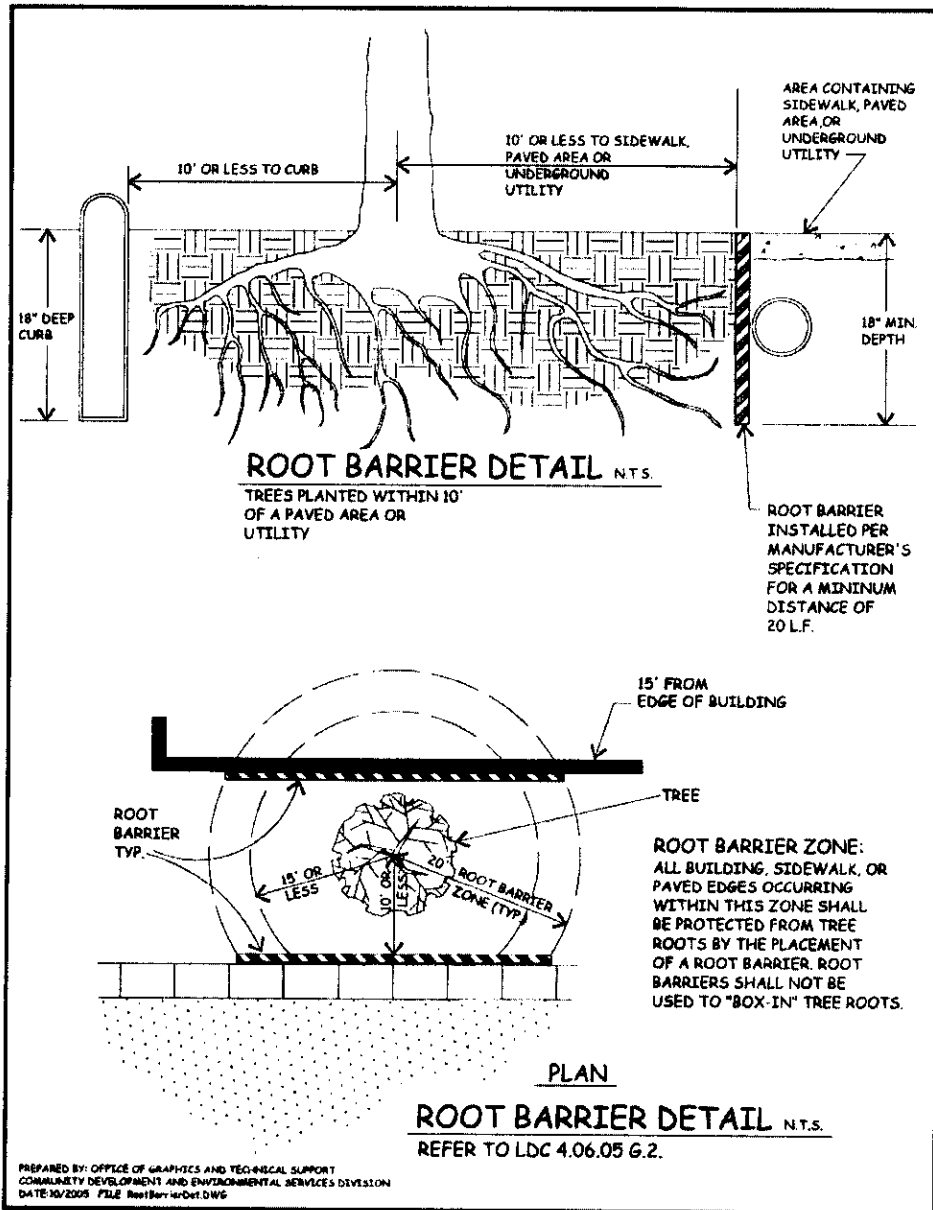


Figure 4.06.05 G.A.

- b. Tree and parking lot/pole lighting locations shall be designed so as not to conflict with one another.
- i. Parking lot/pole lighting shall not be located in landscape islands with trees.
 - ii. Parking lot/pole lighting shall be located a minimum of 12.5 feet from the trunk of a tree (see Figure 4.06.05 G. B, below).

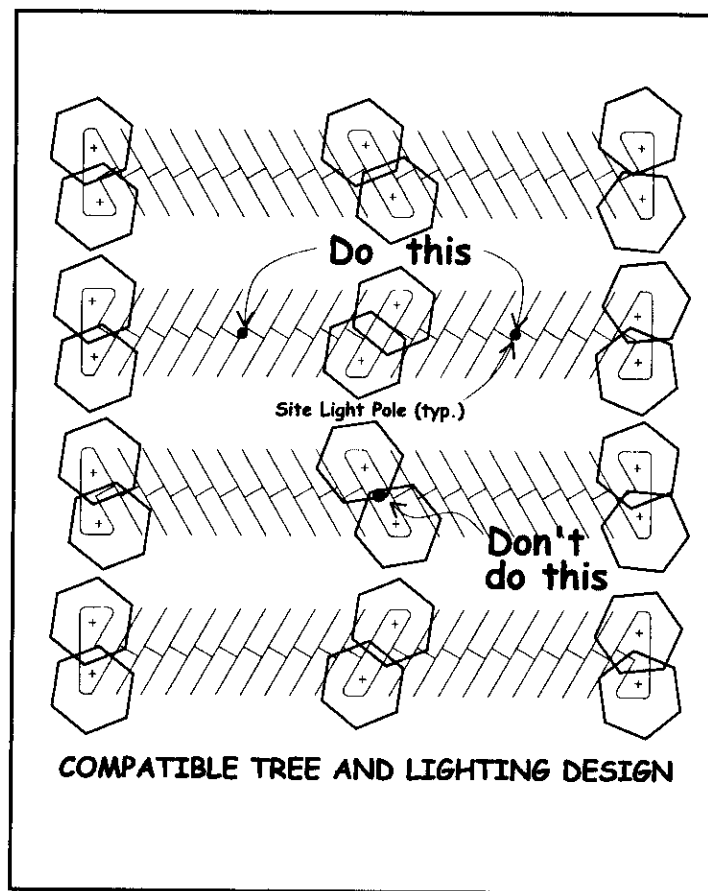


Figure X

Figure 4.06.05 G. B

3. Trees shall not be planted in areas that retain excessive quantities of water or will require excessive amounts of fill placed over the root system that will affect the health of the tree species. Required landscaping shall not be placed within **easements** without written approval from all entities claiming an interest under said **easement**.
4. All trees and palms shall be properly guyed, braced and/or staked, at the time of planting to ensure establishment of the tree or trees and erect growth. Nail staking or other methods that cause cosmetic or biological damage to the tree are prohibited. Trees shall be re-staked within 24 hours in the event of blow-over or other failure of the staking and guying. Staking shall be removed between six and 12 months after installation.
5. All required landscaping shall be installed in accordance with plans approved under Chapter 10 of the Code. Landscaping within a **subdivision** development shall be guaranteed by a **subdivision** completion bond in accordance with Chapter 10 governing the final platting of **subdivision**.
6. All required landscaping shall be maintained in a healthy condition in perpetuity as per the approved **building** and site plans. Code Enforcement may investigate deficiencies in approved landscaping and institute corrective action to insure compliance with this Code.
7. In instances where an act of God or conditions outside the control of the **applicant** have prevented immediate installation, the County Manager or his designee, if furnished with a statement which includes good and sufficient evidence that states that the required plantings will be installed when conditions permit, may issue a temporary certificate of occupancy. If the required plantings are not installed when conditions permit, then the county may revoke the certificate of occupancy.

* * * * *

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

Slope Chart 4.06.05.I.

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

* * * * *

SUBSECTION 3.M. 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

- * * * * *
- B. *Applicability.* The provisions of section 5.05.08 apply:
- * * * * *
3. To all renovations and redevelopment, including applicable additions of a building or site, as follows, except that "renovation" is not intended to apply to routine repairs and maintenance of an existing building:
- a. Any addition or renovation of an existing building or project including vehicular use area (i.e. - approved for use and occupancy as of November 10, 2004) that will result in a change to the exterior of the building or site such that in the case of:
 - i. A building facade renovation where such addition, renovation, or redevelopment exceeds 50 percent of the wall area of an existing facade, that entire facade must comply with the standards of Section 5.05.08.
 - ii. An addition or renovation to, or redevelopment of, an existing building or project, where the cost of such addition, renovation, or redevelopment exceeds 50 percent of the assessed value of the existing structure(s), or would exceed 25 percent of the square footage of the gross area of the existing structures, the existing building(s) and the site improvements must conform with the standards of Section 5.05.08.
 - iii. Upon repainting an existing building, the colors to be applied must comply with Section 5.05.08 ~~D~~ C.13. Materials and colors.
- * * * * *

SUBSECTION 3.N. 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 residential designated 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 ~~G~~ B. as determined by the county for safety and operation.

* * * * *

SUBSECTION 3.O. AMENDMENTS TO SECTION 5.06.04 SIGN STANDARDS FOR SPECIFIC SITUATIONS

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

5.06.04 Sign Standards for Specific Situations

* * * * *

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

* * * * *

3. Directory Signs. Multiple-occupancy **parcels** such as **shopping centers**, office complexes, business parks, or industrial parks containing 25,000 square feet or more of gross leasable floor area, and eight or more independent businesses will be permitted one directory sign for a single entrance on each public **street**. When a directory **sign** is proposed then pole or ground signs shall be limited to the name and logo of the complex and shall not contain name of any tenant. The directory **sign** shall contain a minimum of four and a maximum of eight tenant names. The name of businesses located on **outparcels** shall not appear of directory **signs**.

- a. The maximum height for directory **signs** is limited to 20 feet. 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. Directory **signs** shall not be closer than 15 feet from the property line, unless otherwise noted below or as provided for in section 1.04.04 ~~G~~ B.
- c. Maximum allowable **sign** area: 150 square feet for Directory **signs**.
- d. A minimum 100 square foot planting area shall be provided around the base of any Directory **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.
- e. The location of all permanent directory **signs** shall be shown on the landscape plans as required by section 4.06.05.

* * * * *

14. *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~~ Development Code.

* * * * *

SUBSECTION 3.P. AMENDMENTS TO SECTION 6.05.01 STORMWATER MANAGEMENT SYSTEM REQUIREMENTS

Section 6.05.01 Stormwater System Management Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.05.01 Stormwater Management System Requirements

—A complete stormwater management system shall be provided for all areas within the **subdivision** or **development**, including **lots**, **streets**, and **alleys**.

- A. The system design shall meet the applicable provisions of the current County codes and ordinances, SFWMD rules and regulations pursuant to Florida Statutes, and the Florida Administrative Code, and any other affected state and federal agencies' rules and regulations in effect at the time of preliminary **subdivision** plat submission.
- B. Where stormwater runoff from outside the **subdivision** or **development** historically passes on, over, or through areas of the **subdivision** or **development**, such runoff shall be included in the stormwater system design. The system shall be designed for long life, low cost maintenance by normal methods and provide for optimal on-site detention of stormwater runoff and groundwater recharge in accordance with applicable County and SFWMD regulations.
- C. Any **structure** with an outside wall which is closer than ten (10) feet from a side property line shall install properly sized (minimum twenty-four (24)-square inch cross-section) gutters and downspouts to direct stormwater away from neighboring properties and toward front and/or rear swales or retention/detention areas.
- D. In-ground percolation type retention systems such as rock trenches, exfiltration trenches or beds, infiltrator type systems, gallery type systems, etc., shall not be used to achieve water quality retention for residential **subdivisions**. Rear **yard** open retention systems shall likewise not be designed to achieve water quality retention on projects submitted after January 1, 2002. All retention systems for projects designed after January 1, 2002, shall be on common property owned and maintained by a homeowners' association or similar entity.
- E. Any canal which forms a part of the public water management system shall be dedicated for care and maintenance per the requirements of the governmental agency which has jurisdiction. Canals located entirely within the **subdivision** and which do not form a part of the public water management system shall be dedicated to the public, without the responsibility for maintenance, as a drainage **easement**. A maintenance **easement**, of a size acceptable to the County Manager or designee or other governmental agency with maintenance responsibility, shall be provided **adjacent** to the established drainage **easement**, or the drainage **easement** created must be of a size suitable for the proposed canal and its maintenance.

F. **Stormwater Retention / Detention Design for *Single-Family Dwelling Units, Two-Family Dwelling Units and Duplexes.***

- 1. **Applicability.** Any application for a building permit to allow the **development** or redevelopment of a **single-family** or **two-family dwelling** or **duplex** submitted after July 1, 2008, except for the following conditions:

- a. Any application within the boundaries of development projects that have: (1) been permitted by the South Florida Water Management District for Surface Water Management or Environmental Resource Protection and (2) have a central surface water management collection, storage, treatment and discharge system;
- b. a one-time addition is allowed for certain sized homes, as set forth below; or
- c. an application accompanied by a stormwater management plan, signed and sealed by a registered Florida Professional Engineer.

Table 6.05.01 F.

<u>Lot size</u>	<u>Lot Coverage</u>	<u>Impervious Area Coverage</u>
<u>under 11,000 sq. ft.</u>	<u>25%</u>	<u>40%</u>
<u>11,000 sq. ft. to 52,999 sq. ft. and 100 ft. or greater in width</u>	<u>2,750 sq. ft. + 5% of area in excess of 11,000 sq. ft.</u>	<u>4,400 sq. ft. + 5% of area in excess of 11,000 sq. ft.</u>
<u>11,000 sq. ft. to 52,999 sq. ft. and less than 100 ft in width.</u>	<u>2,750 sq. ft. + 2% of area in excess of 11,000 sq. ft.</u>	<u>4,400 sq. ft. + 2% of area in excess of 11,000 sq. ft.</u>
<u>53,000 sq. ft. and over</u>	<u>4,850 sq. ft. + 3% of area in excess of 53,000 sq. ft.</u>	<u>6,500 sq. ft. + 2% of area in excess of 53,000 sq. ft.</u>

2. The maximum allowable ratio of lot coverage and impervious area coverage to the total lot area shall be as provided for in table 6.05.01 F. unless accompanied by an engineer's analysis as specified below.

- a. The site drainage analysis shall include water quality calculations to SFWMD standards and water quantity calculations done to accommodate the runoff, from area in excess of the above ratio, from a 5 year 1 day storm and shall include a percolation test done by a qualified engineer or technician. If the site will use a drainfield/septic tank for sewage treatment/disposal, the wet season water table calculations for drainage must match that used for the drainfield design.
- b. The application site plan shall list all required separation distances between wells, drainfield systems, and stormwater retention/detention areas. The calculations may be done on the site plan or may be in a separate Engineer's report, but must be signed and sealed by the Engineer.
- c. The water surface area of swimming pools and ponds is not considered as impervious area for the purposes of the calculations in Table 6.05.01 F.

3. A one-time addition to an existing residence will be allowed after July 1, 2008. The addition will be limited to 3 percent of the lot area up to a maximum of 1000 sq. ft. as long as that one-time addition does not exceed the area in Table 6.05.01 F. by more than 3 percent of the lot area or more than 1,000 sq. ft.

* * * * *

SUBSECTION 3.Q. AMENDMENTS TO SECTION 6.05.02 SEAWALLS AND BULKHEADS

Section 6.05.02 Seawalls and Bulkheads, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.05.02 Seawalls and Bulkheads

* * * * *

D. Best Management Practice (BMP) for single family residential lots employing seawall(s).

Coastal canal residential lots bounded by seawall(s) shall provide an infiltration trench adjacent to and along the entire length of the seawall serving the lot perimeter. Infiltration trenches shall be excavated to a width and depth of 2 to 3 feet, lined and secured with a class "C" geotextile filter fabric, or better, and backfilled with clean ¾ – 1 inch stone. Other agency permitting requirements notwithstanding, infiltration trench characteristics shall be suitable for pretreatment of drainage areas of five (5) acres or less. The infiltration trench shall be directly behind and centered on the 2" weep hole shown on the "Sample Concrete Seawall" detail of the Technical Specifications section of County Ordinance 85-02.

* * * * *

SUBSECTION 3.R. AMENDMENTS TO SECTION 10.02.02 SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS

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

10.02.02 Submittal Requirements for All Applications

* * * * *

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

1. **Active agricultural uses.** Agriculturally related **development** as identified in the permitted and **accessory uses** allowed in the rural agricultural district A and located within any area designated as agricultural on the future land use map of the Collier County growth management plan and the Collier County official zoning atlas, except **single-family dwellings** and farm labor housing subject to sections 2.04.00 and 5.05.03, shall be exempt from the requirements and procedures for preliminary **subdivision** plats and improvements plans; provided, however, nothing contained herein shall exempt such active **agricultural uses** from the requirements and procedures for final **subdivision** plats, and where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security.
2. **Minor subdivisions for single-family detached and duplex residential development.** A minor **subdivision**, as defined in ~~article 6~~ section 1.08.02, for single-family detached and **duplex residential development** shall be exempt from the requirements and procedures for preliminary **subdivision** plats; provided, however, nothing contained herein shall exempt such minor **subdivision** from the requirements and procedures for improvement plans and final **subdivision** plats, and where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security. No **building** permits

shall be issued prior to recordation of the final **subdivision** plat.

3. *Minor subdivisions for multifamily residential and nonresidential development.* A minor **subdivision**, as defined in ~~article 6~~ section 1.08.02, for multiple-family residential **development** and all nonresidential **development** shall be exempt from the requirements and procedures for preliminary **subdivision** plats and improvement plans; provided, however, nothing contained herein shall exempt such minor **subdivision** from the requirements and procedures for design requirements for **access** under the Collier County Construction Standards Manual, water management plans under the Collier County Construction Standards Manual, final **subdivision** plats under sections 10.02.04 and 10.02.05, and site **development plans** under section 10.02.03, and where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security. No **building** permits shall be issued prior to recordation of the final **subdivision** plat.

4. *Integrated phased developments.* An integrated phased **development**, as defined in section ~~4.08.00~~ 1.08.02 and which has been previously approved in accordance with section 10.02.04 A.5., shall be exempt from the requirements, standards and procedures for preliminary **subdivision** plats (section 10.02.04) and improvement plans (section 10.02.05 E.); provided, however, nothing contained herein shall exempt such integrated phased **development** from the requirements and procedures for design requirements for **access** according to the Collier County Construction Standards Manual, water management plans according to the Collier County Construction Standards Manual, final **subdivision** plats and **subdivision** performance security under sections 10.02.04 and 10.02.05, and major site **development plans** under section 10.02.03. No **building** permits shall be issued prior to recordation of the final **subdivision** plat. These provisions shall not require that the interior **access** within an integrated phased **development** be different from the conditions in section 10.02.03 applicable to site **development plans**.

* * * * *

SUBSECTION 3.S. 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:

* * * * *

- d. *Vegetation inventory:* A generalized vegetation inventory of the property shall be required to the extent necessary, as determined at the pre-application meeting, indicating the approximate location, **densities** and species of the

following:

* * * * *

iii. Projects containing the following shall provide a survey of identifying species and locations on a current aerial photograph at a scale of one inch equals 200 feet or larger or superimposed on the site plan:

* * * * *

(c) State or federal rare, threatened or endangered plant species surveyed according to accepted ~~Florida Game and Freshwater Fish Commission~~ Florida Fish and Wildlife Conservation Commission or U.S. Fish and Wildlife Service methods.

* * * * *

SUBSECTION 3.T. 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

* * * * *

B. Final plat requirements

* * * * *

3. General requirements for final subdivision plats

* * * * *

b. The final subdivision plat shall conform to the approved preliminary subdivision plat, if the applicant chose to submit a preliminary subdivision plat, pursuant to section 10.02.05 A.5.. The final subdivision plat shall constitute only that portion of the approved preliminary subdivision plat, if applicable, which the applicant proposes to construct within a finite period not to exceed 18 months. The improvements required by this section which apply to the final subdivision plat shall be completed within 18months from the date of approval of the final plat by the board of county commissioners unless prior to the 18-month construction period, a written request for an extension in time not exceeding one year is applied for and approved by the development services administrator or his designee. The applicant shall enter into a construction and maintenance agreement with the county, in a form acceptable to the county attorney, which establishes the terms and conditions for the construction and maintenance of the improvements required during the 18-month construction period (unless a written extension request is approved by the County Manager or his designee prior to the expiration of the 18-month construction period), ~~whether the final plat is approved only or approved and recorded with the posting of a subdivision performance security.~~ This agreement shall be submitted with the final plat for review and approval and executed by all parties at the time of final plat approval per section c. below.

~~c. At the time of submission of the final subdivision plat, the applicant shall submit a statement indicating whether the required improvements are to be constructed prior to the recording of the final subdivision plat or after recording under subdivision performance security posted with the county as provided for in this section. When the required improvements~~

~~are to be completed after recording under guarantees as provided in this section, Once approved by the board, the applicant shall submit the final plat for recording within 18 months.~~ The final subdivision plat upon submittal shall be accompanied by the following:

* * * * *

SUBSECTION 3.U. 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

* * * * *

A. Procedures for improvement plans and final **subdivision** plats

* * * * *

2. *Review, determination and recommendation by County Manager or his designee.* After receipt of completed improvement plans and final **subdivision** plat, the County Manager or his designee shall review and evaluate the improvement plans in light of section 10.02.05 E., including the general requirements established in section 10.02.05 E.1., the improvement plans submission requirements established in section 10.02.05 B.2., the required improvements established in section 10.02.05 E.3., and the design requirements established in section 10.02.05 E.4., the time limitations pursuant to section 10.02.03 B.4.a, and shall review and evaluate the final **subdivision** plat in light of the final **subdivision** plat requirements established in section 10.02.04 B.3. Based on the review and evaluation, the County Manager or his designee shall approve, approve with conditions, or deny the improvement plans. If the improvement plans are denied, then the final **subdivision** plat shall not be submitted to the board of county commissioners unless and until the improvement plans have been approved or approved with conditions by the County Manager or his designee. If the improvement plans are approved or approved with conditions, the County Manager or his designee shall recommend that the board of county commissioners consent to, consent with conditions or deny the final **subdivision** plat. The determinations regarding the improvement plans and the recommendation regarding the final **subdivision** plat shall be in writing. If the County Manager or his designee denies or places conditions on the improvement plans or recommends denial or conditions on the final **subdivision** plat, he shall state reasons for such denial or conditions, or recommendation of denial or conditions and shall cite the applicable code or regulatory basis for the conditions of denial.

* * * * *

B. Construction of required improvements

* * * * *

11. ~~Expiration. All required improvements associated with the construction and maintenance agreement shall be completed within 18 months from the date of recording of the final subdivision plat, or, if construction of required improvements is undertaken prior to recording the final subdivision plat, within 18 months from the date of approval of the final subdivision plat by the board of county commissioners.~~ If improvements are not completed within

the prescribed time period as specified in section 10.02.04 B.3.b. and a subdivision performance security has been submitted, the engineering review director may recommend to the board that it draw upon the subdivision performance security or otherwise cause the subdivision performance security to be used to complete the construction, repair, and maintenance of the required improvements. All of the required improvements shall receive final acceptance by the board of county commissioners within 36 months from the date of the original board approval. The developer may request a one-time, one-year extension to receive final acceptance of the improvements.

* * * * *

E. Improvement Plan Requirements.

* * * * *

2. Improvement plans submission requirements.

* * * * *

s. Subdivision Construction Plans and Plats (PPLs) once submitted for review, will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time, the application for PPL review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees.

* * * * *

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:

* * * * *

x. Construction plans for all subdivisions, site development plans, site development plan amendments and site improvement plans shall include a general note stating that all off-site drainage improvements associated with the current phase of development, including perimeter berms, swales, stormwater outfall systems and on-site perimeter swales shall be completed and operational prior to commencement of construction of on-site improvement.

a) This requirement shall be established at the mandatory pre-construction conference. Failure to comply with completion of the required off site improvements will result in a stop work order being issued until such time as the project is brought into compliance with this requirement.

b. The engineer of record prior to final acceptance, shall provide documentation from the stormwater maintenance

entity that it has been provided information on how the stormwater system works and their responsibility to maintain the system.

* * * * *

SUBSECTION 3.V. AMENDMENTS TO SECTION 10.02.06 SUBMITTAL REQUIREMENTS FOR PERMITS

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

10.02.06 Submittal Requirements for Permits

* * * * *

E. *Enforcement and penalties.*

* * * * *

3. Corrective measures for environmental violations.

* * * * *

e. Monitoring and replanting.

i. A monitoring program shall be required that would determine the survivability by species of the plants used in the mitigation effort. A minimum of ~~five~~ two reports will be submitted. Reports shall be due at one-year intervals.

ii. ~~An Eighty percent survival by species shall be required for a five two-year period unless other arrangements are specified and agreed upon in the mitigation plan. Replanting shall be required each year if the mortality exceeds 20 percent of the total number of each species in the mitigation plan. Should the County Manager or designee determine the need for an extended monitoring schedule, monitoring may continue until at least an eighty percent survival of required planting(s) has been attained.~~

iii. The soil and hydrological conditions for some mitigation areas may favor some of the plants and preclude others. Should the county and/or consultant find that over time, some of the species planted simply don't adjust, the mitigation plan shall be reevaluated by both the consultant and the county, and a revised plan will be instituted. This condition shall not apply to all mitigation areas and each case will be evaluated individually, based on the supported [supporting] data submitted by the mitigator.

iv. Should there be a change in ownership of the property identified in the approved mitigation plan, the seller will be responsible for notifying the buyer of the mitigation plan and any requirements pursuant to the plan.

f. Donation of land or funds. The donation of land and/or funds to a public agency may be made if none of the above are viable alternatives. This donation of land and/or funds shall be equal to or greater than the total sum it would cost to mitigate for the violation according to section 10.02.06E.3.a. including consulting fees for design, and monitoring, installation costs, vegetation costs, earth moving costs, irrigation costs, replanting and exotic removal.

* * * * *

SUBSECTION 3.W. AMENDMENTS TO SECTION 10.03.05 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS BEFORE THE BCC, THE PLANNING COMMISSION, THE BOARD OF ZONING

APPEALS, THE EAC, AND THE HISTORIC PRESERVATION BOARD

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

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

* * * * *

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

1. Applications for a PUD extension, whether initiated by the **applicant** or the BCC, shall only be heard by the BCC pursuant to the notice and advertising requirements set forth in sections 10.03.05 B.8 10. and 9 11. of this Code.
2. In the case of PUD extensions pursuant to sections 10.02.13 C D.4., 10.02.13 C D.5.a. and 10.02.13 C D.6. of this Code, a **sign** shall be posted at least 15 days prior to the date of the hearing before the BCC and shall conform to the applicable **sign** requirements listed in ~~subsections 3.c., 3.d., 4 and 5~~ below.

a. The **sign** advising of the PUD extension hearing shall be in substantially the following format:

PUBLIC HEARING FOR A PLANNED UNIT DEVELOPMENT (PUD) EXTENSION

TO PERMIT: _____ (set forth alternatives going to the BCC)

DATE: _____

TIME: _____

b. THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMiami TRAIL, NAPLES, FLORIDA, 34112.

3. In the case of small-scale or other site-specific comprehensive plan amendments, a **sign** must be posted at least 15 days prior to the date of both transmittal and adoption hearings, as applicable, before the planning commission.

a. The **sign** advising of the comprehensive plan amendment hearing shall be in substantially the following format:

PUBLIC HEARING FOR SMALL-SCALE OR OTHER SITE-SPECIFIC AMENDMENT TO THE COMPREHENSIVE PLAN

TO PERMIT: (sufficiently clear to describe the amendment) _____

DATE: _____

TIME: _____

b. THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES, FLORIDA, 34112.

3. 4. For all other petitions noted in paragraph B above, a A sign shall be posted at least 15 days prior to the date of the public hearing by the planning commission. The sign to be posted shall contain substantially the following language and the sign's copy shall utilize the total area of the sign:

a. PUBLIC HEARING TO REZONE THIS PROPERTY:
FROM _____ TO _____
TO _____ PERMIT: _____

DATE: _____
TIME: _____

(or where applicable the following:)

b. PUBLIC HEARING REQUESTING CONDITIONAL USE (VARIANCE) APPROVAL

(both to contain the following information:)

TO PERMIT: (Sufficiently clear to describe the project)

DATE: _____
TIME: _____

~~c. The sign advising of the PUD extension hearing shall be in substantially the following format:~~

~~PUBLIC HEARING FOR A PLANNED UNIT DEVELOPMENT (PUD) EXTENSION~~

~~TO PERMIT: _____ (set forth alternatives going to the BCG)~~

~~DATE: _____~~

~~TIME: _____~~

~~ALL OF THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES, FLORIDA, 34112.~~

c. ALL OF THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES, FLORIDA, 34112.

d 5. For all petitions, the The area of the signs shall be as follows:

i.a. For properties less than one acre in size, the sign shall measure at least one and one-half square feet in area.

- ii.b. For properties one acre or more in size, the **sign** shall measure at least 32 square feet in area.
- 4- 6. For all petitions, in ~~in~~ the case of **signs** located on properties less than one acre in size, a **sign** shall be erected by the County Manager or his designee in full view of the public on each **street** side of the subject property. Where the property for which approval is sought is landlocked or for some other reason the **signs** cannot be posted directly on the subject property, then the **sign** or **signs** shall be erected along the nearest **street right-of-way**, with an attached notation indicating generally the distance and direction to the subject property.
- 5- 7. For all petitions, in ~~in~~ the case of **signs** located on properties one acre or more in size, the **applicant** shall be responsible for erecting the required **sign(s)**. A **sign** shall be erected in full view of the public on each **street** upon which the subject property has **frontage**. Where the subject property is landlocked, or for some other reason the **signs** cannot be posted directly on the property, then the **sign** or **signs** shall be erected along the nearest **street right-of-way**, with an attached notation indicating generally the distance and direction to the subject property. There shall be at least one **sign** on each external boundary which fronts upon a **street**, however, in the case of external boundaries along a **street** with greater **frontages** than 1,320 linear feet, **signs** shall be placed equidistant from one another with a maximum spacing of 1,000 linear feet, except that in no case shall the number of **signs** along an exterior boundary fronting on a **street** exceed four **signs**. The **applicant** shall provide evidence to the county manager or designee that the **sign(s)** were erected by furnishing photographs of the **sign(s)** showing the date of their erection at least ten days prior to the scheduled public hearing by the planning commission, whichever has jurisdiction. The **signs** shall remain in place until the date of either of the following occurrences: 1. Final action is taken by the board of county commissioners or 2. The receipt of written notification by the county manager or designee from the **applicant** requesting to withdraw the petition or requesting its indefinite continuance.
- 6- 8. For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, the ~~The~~ planning commission shall hold one advertised public hearing. Notice of the time and place of the public hearing by the planning commission shall be sent at least 15 days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.
- 7- 9. For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, notice ~~Notice~~ of the time and place of the public hearing by the planning commission shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the public hearing. Where applicable, the notice shall clearly describe the proposed land uses, applicable **development** standards, intensity or **density** in terms of total floor area of commercial or industrial space and **dwelling units** per acre for residential projects, and a description of the institutional or recreational uses when part of the **development** strategy. The advertisement shall also include a location map that identifies the approximate geographic location of the subject property.
- 8- 10. For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, for ~~For~~ subject properties located within the urban designated area of the future land use element of the growth management plan, notice of the time and place of the public hearing by the planning commission shall be sent by the county at least 21 days in advance of the hearing. This notice shall be sent by mail to all owners of property within 500 feet of the property lines of the land for which an approval is sought; provided, however, that where the land for which the approval is sought is part of, or **adjacent** to, land owned by the same person, the 500 foot distance shall be measured from the boundaries of the entire ownership or PUD, except that notices need not be mailed to any property owner located more than one-half mile (2,640 feet) from the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the

latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.

- ~~9- 11.~~ For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, for For subject properties located within areas of the future land use element of the growth management plan that are not designated urban, all of the foregoing notice requirements apply, except that written notification must be sent to all property owners within 1,000 linear feet of the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have formally requested the county to be notified.
- ~~12.~~ For small-scale and other site-specific comprehensive plan amendments, the planning commission (local planning agency) shall hold advertised public hearing(s) on the proposed ordinance or resolution, as applicable, pursuant to requirements of Chapter 163, Florida Statutes.
- ~~10- 13.~~ For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, notice Notice of the time and place of the public hearing by the board of county commissioners shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the public hearing.
- ~~11- 14.~~ The clerk to the board of county commissioners shall notify by mail each real property owner whose land is subject to rezoning, or PUD amendment, and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution. Such notice shall be given at least 15 days prior to the date set for the public hearing, and a copy of such notices shall be kept available for public inspection during the regular business hours of the clerk to the board of county commissioners.
- ~~15.~~ For small-scale and other site-specific comprehensive plan amendments, the board of county commissioners shall hold advertised public hearing(s) on the proposed ordinance or resolution, as applicable, pursuant to requirements of Chapter 163, Florida Statutes.
- ~~12- 16.~~ For all other petitions, the The board of county commissioners shall hold one advertised public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.

* * * * *

F. *Public participation requirements for small-scale or other site-specific comprehensive plan amendments, rezonings, PUD amendments, conditional uses, Mixed Use Projects (MUPs), variances, ~~or~~ and parking exemptions.*

1. **Applicants** requesting a small-scale or other site-specific comprehensive plan amendment, rezoning, PUD amendment, mixed use project approval or conditional use approval must conduct at least one Neighborhood Informational Meeting ("NIM") after initial staff review and comment on the application have been provided, or after notification of application sufficiency for a small-scale or other site-specific comprehensive plan amendment, and before the Public Hearing is scheduled with the Planning Commission or Board of County Commissioners acting as the Board of Zoning Appeals.

a. For a small-scale amendment, the NIM is required prior to the CCPC adoption hearing. For other site-specific comprehensive plan amendments, the NIM is required prior to the Planning Commission transmittal hearing. A second NIM for a site specific comprehensive plan amendment, to be held prior to the Planning Commission adoption hearing, will only be required if, as determined by staff, a substantial change has occurred to the proposed amendment subsequent to the Board of County

Commissioners transmittal hearing.

- b. In the case of a Mixed Use Project application, after initial staff review and comment on the application have been provided, a NIM shall be conducted prior to the first public hearing.
- c. For all other applications, the appropriate number of staff reviews of the application returned before the NIM can be held will be at the discretion of the County Manager or his designee, only in cases where one or two pending reviews are unnecessarily hindering the **applicant** from presenting the proposal to the public.
2. ~~Written notice of the meeting shall be sent to all property owners who are required to receive legal notification from the county pursuant to section 10.03.05.B.6. or 7. Notification shall be sent to all property owners within 500 feet of the property lines of the land for which the amendment to zoning is sought. The 500 foot distance shall be measured from the boundaries of the entire ownership or PUD. For properties located within areas of the future land use element of the growth management plan that are not designated urban, the foregoing notice requirements apply, except that written notification must be sent to all property owners within 1,000 linear feet of the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County. The applicant shall provide written notice of the Neighborhood Information Meeting (NIM) shall also be sent to property owners, condominium and civic associations whose members are may be impacted by the proposed land use changes and who have formally requested the county to be notified.~~
- a. A list of such organizations must be provided and maintained by the county, but the **applicant** must bear the responsibility of insuring that all parties are notified. A copy of the list of all parties noticed as required above, and the date, time, and location of the meeting, must be furnished to the County Manager or designee and the office of the ~~b~~Board of ~~e~~County ~~e~~Commissioners no less than ten days prior to the scheduled date of the neighborhood information meeting.
- b. The **applicant** must make arrangements for the location of the meeting. The location must be reasonably convenient to those property owners who are required to receive notice and the facilities must be of sufficient size to accommodate expected attendance. The **applicant** must further cause a display advertisement, one-fourth page, in type no smaller than 12 point, and must not be placed in that portion of the newspaper where legal notices and classified advertisements appear, stating the purpose, location, time of the meeting and legible site location map of the property for which the zoning change is being requested. The advertisement is to be placed within a newspaper of general circulation in the county at least seven days prior to, but ~~no sooner~~ not later than five days before, the Neighborhood Information Meeting (NIM). The Collier County staff planner assigned to attend the pre-application meeting, or designee, must also attend the neighborhood informational meeting and shall serve as the facilitator of the meeting; however, the **applicant** is expected to make a presentation of how it intends to develop the subject property. The **applicant** is required to audio or video tape the proceedings of the meeting and to provide a copy of same to the County Manager or designee.

2 c. As a result of mandated meetings with the public, any commitments made by the applicant shall be reduced to writing and made a part of the record of the proceedings provided to the ~~planning services~~ Zoning and Land Development Review department. These written commitments will be made a part of the staff report to the county's appropriate review and approval bodies and made a part of the consideration for inclusion in the conditions of approval of any applicable **development order**.

d. In cases where the applicant's petition activity extends beyond one year from the date that the last Neighborhood Information Meeting (NIM) was held, a second NIM will be conducted with adherence to all notification and advertising required for the initial meeting. This requirement does not apply to site-specific comprehensive plan amendments.

3. Any **applicant** requesting variance approval or parking exemption approval must provide documentation to the ~~planning services department~~ Community Planning Coordinator indicating that property owners within 150 feet of the subject site have been advised of the extent and nature of the variance or parking exemption requested within 30 days of receipt of a letter indicating that the application is sufficient.

4. Where it has been determined that there is a property owner, functioning **condominium** or civic association which has made formal request of the county to be so notified, then the **applicant** must provide written documentation to the ~~planning services department~~ Community Planning Coordinator indicating that such property owner or organization has also been notified concerning the extent and nature of the variance or parking exemption requested. ~~The applicant must provide a written account of the result of such notice and shall submit any and all written communications to the planning services department.~~ A list of property owners, homeowner or **condominium** associations notified and any other written communications must be submitted to the ~~planning services department~~ Community Planning Coordinator at least two weeks prior to the scheduled date of the first advertised public hearing. The **applicant shall** ~~must~~ provide a written account of the result of such notice and shall submit any and all written communications to the ~~Zoning and Land Development Review department~~ Community Planning Coordinator.

* * * * *

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 planning commission shall hold one advertised public hearing. Notice of the time and place of the public hearing by the planning commission shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the date of the public hearing.

~~1. 2.~~ 2. The board of county commissioners shall hold one advertised public hearing. 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.~~ 3. Applicants requesting a MUP approval must conduct 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) after initial staff review and comment on the application and before the public hearing by the board of county commissioners planning commission. 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.

~~3.~~ 4. The applicant shall further cause a display advertisement, one-fourth page, in type no smaller than 12 point; which shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The ad shall be published no later than 7 days prior to the date of the neighborhood informational meeting. The ad shall state the purpose, location, and time of meeting, and shall display a legible site location map of the property for which the mixed use project approval is being requested.

~~4.~~ 5. The applicant shall post the subject property with an outdoor sign at least ten days prior to the date of the public hearing before the BCG planning commission. The sign to be posted shall contain substantially the following language and the sign's copy shall utilize the total area of the sign:

a. PUBLIC HEARING REQUESTING APPROVAL OF A MIXED USE PROJECT

TO PERMIT: (Name of Project) (Number of acres)

DATE:

TIME:

ALL OF THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES, FL 34112.

~~6.~~ 7. The area of the sign shall be as provided in section 10.03.05 B.3.d. of this Code.

~~7.~~ 8. Criteria for Mixed Use Project Approval

The following criteria must be met in order to gain approval for mixed use projects developed in accordance with provisions of a mixed use overlay.

a. No less than sixty percent of all commercial uses within a mixed use project shall provide retail, office and personal service uses to serve the needs of the subject project and surrounding residential neighborhoods.

b. No more than 25 percent of the residential units within a mixed use project shall be on gated roadways. Residential uses shall be constructed concurrent with, or prior to the

construction of commercial uses so as to insure actual development of a mixed use project.

- c. Mixed use projects shall connect to local streets, adjoining neighborhoods and adjacent developments, regardless of land use types. A grid pattern is usually the basis for the transportation network. Whatever the pattern of the vehicular network, internal interconnections between uses and external connections between adjoining neighborhoods and land uses shall be provided for pedestrian, bicycle and other modes of alternate transportation.
- d. The commercial component of a mixed use project may be located internal to the project or along the boundary; if externally located, internal access roads and service access shall be provided so as not to promote strip commercial development along external collector and arterial roadways.
- e. Parking lots shall be dispersed throughout the project. No one parking lot shall provide more than 40 percent of the required offstreet parking. Parking garages shall have no restrictions on percentage of required parking that may be accommodated; however, commercial uses only shall be permitted on the ground floor. This requirement shall not apply to individual parcels less than 5 acres in size.
- f. At least 30 percent of the gross area of mixed use projects shall be devoted to useable open space, as defined in section 4.02.01 B. of this Code. This requirement shall not apply to individual parcels less than 5 acres in size.

* * * * *

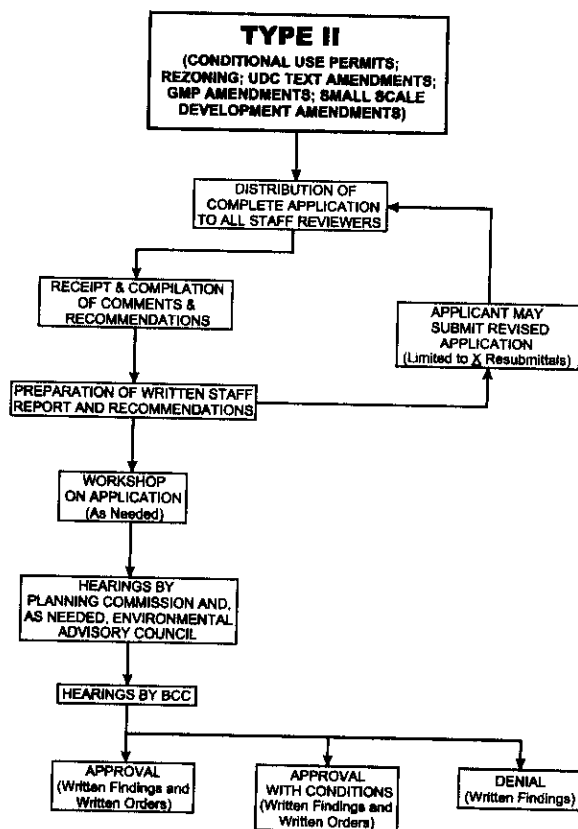
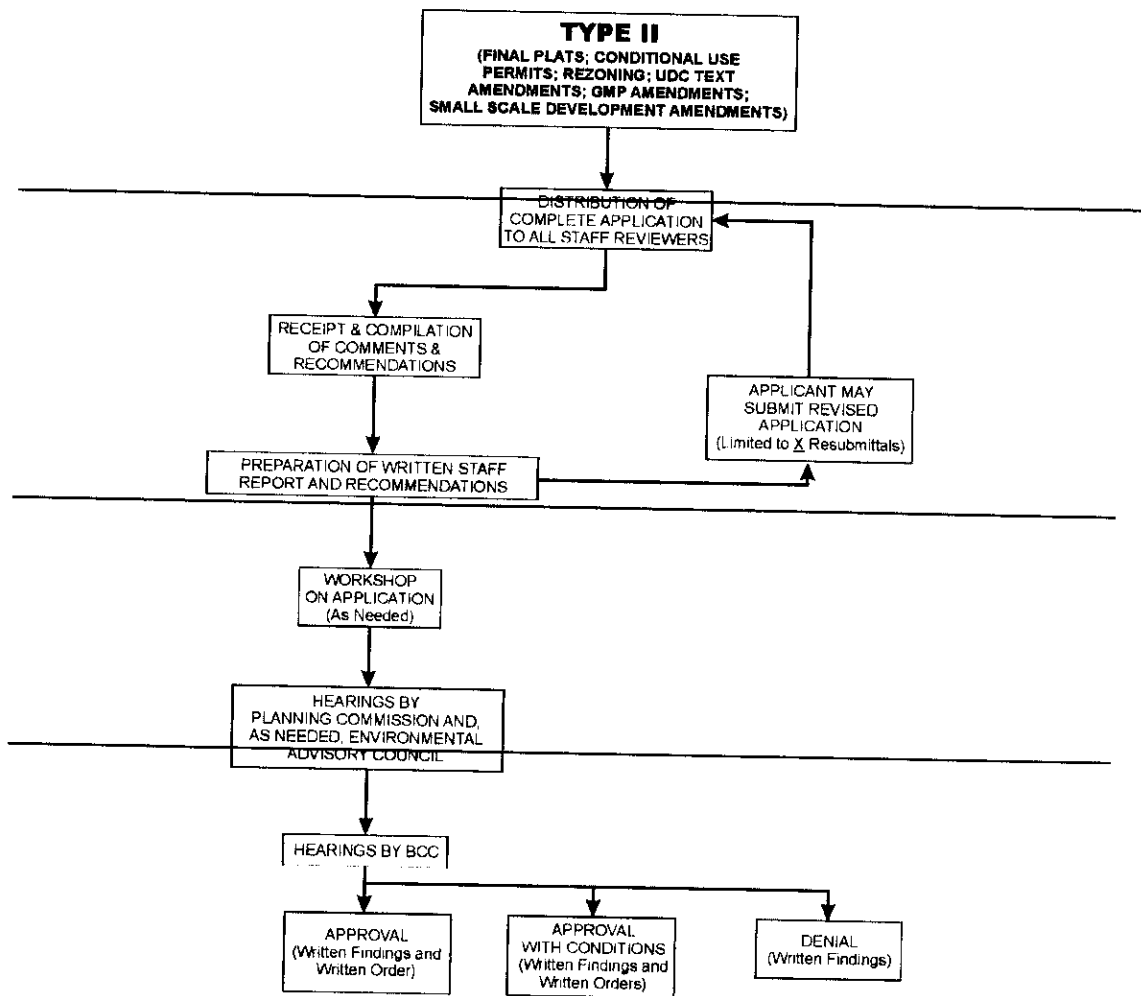
SUBSECTION 3.X. AMENDMENTS TO SECTION 10.04.03 APPLICATION SUBJECT TO TYPE II REVIEW

Section 10.04.03 Application Subject to Type II Review, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.04.03 Applications Subject to Type II Review

The following applications are subject to Type II review: ~~Final Plans~~; conditional use Permits; Rezoning; LDC Text Amendments; GMP Amendments; and small-scale development Amendments.

For a graphic depiction of the review procedure, please see Illustration 10.04.03 A



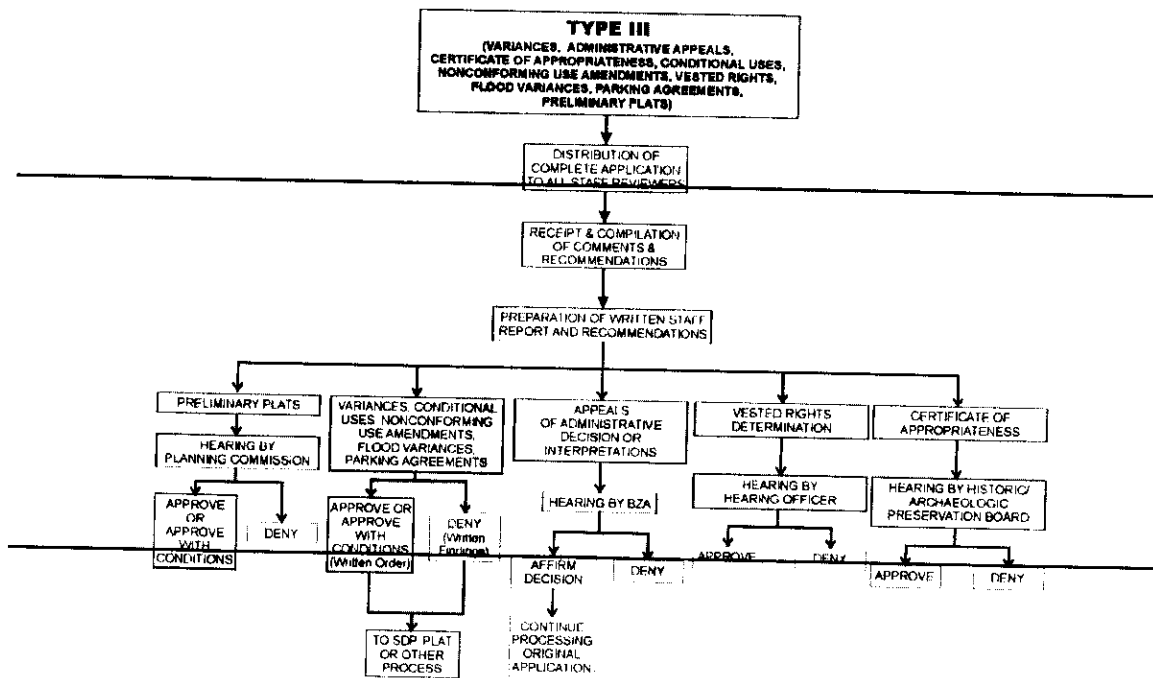
SUBSECTION 3.Y. AMENDMENTS TO SECTION 10.04.04 APPLICATIONS SUBJECT TO TYPE III REVIEW

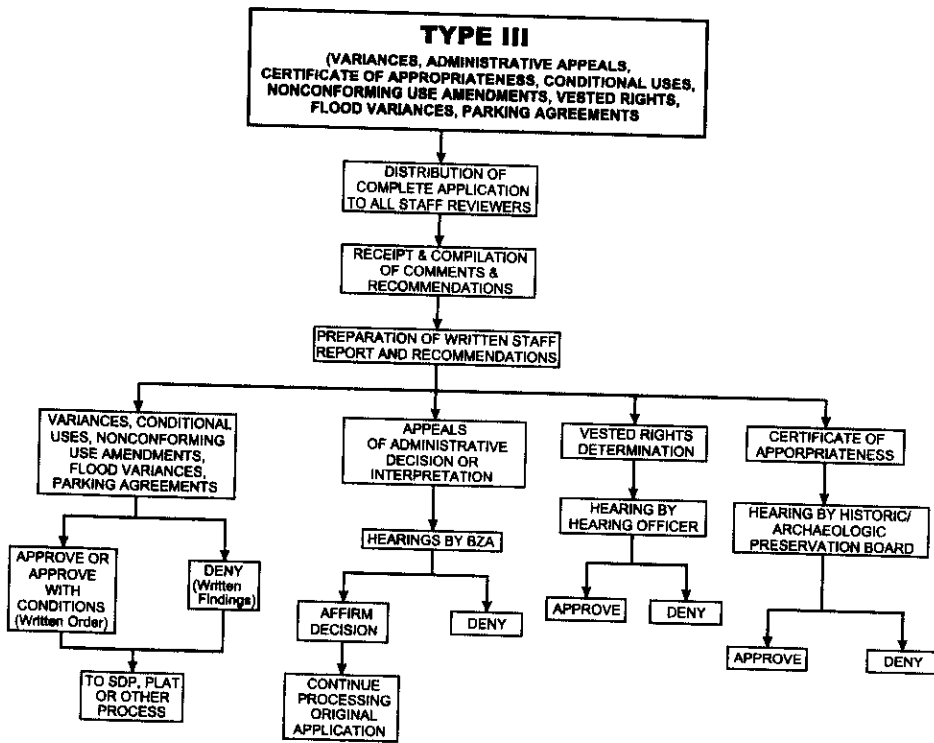
Section 10.04.04 Applications Subject to Type III Review, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.04.04 Applications Subject to Type III Review

The following applications are subject to Type III review: Variances; Administrative Appeals; Certificates of Appropriateness; **conditional uses**; **nonconforming** Use Amendments; Vested Rights; flood Variances; Parking Agreements; and Preliminary Plats.

For a graphic depiction of the review procedure, please see Illustration 10.04.04 A,





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.

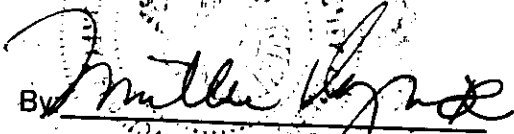
SECTION SIX: EFFECTIVE DATES

This Ordinance shall become effective upon filing with the Florida Department of State, Tallahassee, Florida; with the exception that amendments to section 6.05.01, as proposed in subsection 3.P. of this ordinance shall become effective on July 1, 2008.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 24th day of October, 2007.

ATTEST:
DWIGHT E. BROCK, CLERK

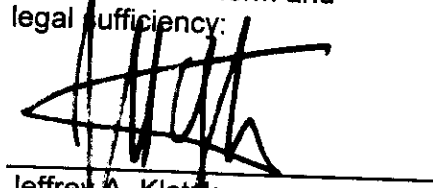
BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: 
Deputy Clerk

By: 
JAMES N. COLETTA, JR, CHAIRMAN

Attest as to Chairman's signature only.

Approved as to form and legal sufficiency:


Jeffrey A. Klatzkow
Chief Assistant County Attorney

STATE OF FLORIDA)

COUNTY OF COLLIER)

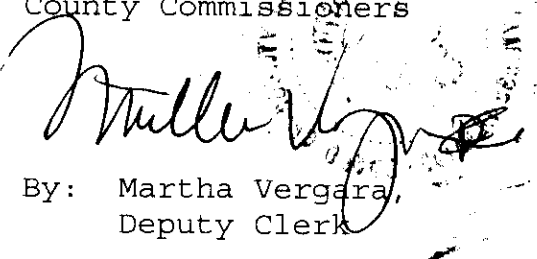
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2007-67

Which was adopted by the Board of County Commissioners on the 24th day of October, 2007, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 29th day of October, 2007.

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


By: Martha Vergara,
Deputy Clerk