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ORDINANCE NO. 12-38

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 1.08.02 DEFINITIONS; CHAPTER TWO - ZONING DISTRICTS AND USES INCLUDING SECTION 2.03.01 AGRICULTURAL ZONING DISTRICTS SECTION 2.03.08 RURAL FRINGE ZONING DISTRICTS; CHAPTER THREE - RESOURCE PROTECTION, INCLUDING SECTION 3.05.02 EXEMPTIONS FROM REQUIREMENTS FOR VEGETATION PROTECTION AND PRESERVATION, SECTION 3.05.05 CRITERIA FOR REMOVAL OF PROTECTED VEGETATION, SECTION 3.05.07 PRESERVATION STANDARDS, SECTION 3.06.06 REGULATED WELLFIELDS, SECTION 3.06.07 UNREGULATED WELLFIELDS, SECTION 3.06.12 REGULATED DEVELOPMENT; CHAPTER FOUR - SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.02.01 DIMENSIONAL STANDARDS FOR PRINCIPAL USES IN BASE ZONING DISTRICTS, SECTION 4.02.04 STANDARDS FOR CLUSTER RESIDENTIAL DESIGN, SECTION 4.02.14 DESIGN STANDARDS FOR DEVELOPMENT IN THE ST AND ACSC-ST DISTRICTS, SECTION 4.05.02 DESIGN STANDARDS, SECTION 4.05.04 PARKING SPACE REQUIREMENTS, SECTION 4.06.02 BUFFER REQUIREMENTS, SECTION 4.06.03 LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS AND RIGHTS-OF-WAY, SECTION 4.06.04 TREES AND VEGETATION PROTECTION, SECTION 4.07.02 DESIGN REQUIREMENTS; CHAPTER FIVE - SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.03.02 FENCES AND WALLS, SECTION 5.06.02 DEVELOPMENT STANDARDS FOR SIGNS WITHIN RESIDENTIAL DISTRICTS, SECTION 5.06.03 DEVELOPMENT STANDARDS FOR SIGNS FOR INSTITUTIONAL USES, SECTION 5.06.04 DEVELOPMENT STANDARDS FOR SIGNS IN NONRESIDENTIAL DISTRICTS, SECTION 5.06.05 EXEMPTIONS FROM THESE REGULATIONS; CHAPTER SIX - INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS, INCLUDING SECTION 6.02.01 GENERALLY, SECTION 6.02.03 TRANSPORTATION LEVEL OF SERVICE REQUIREMENTS, SECTION 6.06.01 STREET SYSTEM REQUIREMENTS, SECTION 6.06.02 SIDEWALKS, BIKE LANE AND PATHWAY REQUIREMENTS; CHAPTER NINE - VARIATIONS FROM CODE REQUIREMENTS, INCLUDING SECTION 9.03.02 REQUIREMENTS OF CONTINUATION OF NONCONFORMITIES, SECTION 9.04.02 TYPES OF VARIANCES AUTHORIZED; CHAPTER TEN - APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING SECTION 10.01.02

DEPARTMENT OF STATE  
ALL AMENDMENTS TO  
THE LAND DEVELOPMENT  
CODE

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DEVELOPMENT ORDERS REQUIRED, 10.02.03 SUBMITTAL REQUIREMENTS FOR SITE DEVELOPMENT PLANS, SECTION 10.02.04 SUBMITTAL REQUIREMENTS FOR PLATS, SECTION 10.02.05 SUBMITTAL REQUIREMENTS FOR IMPROVEMENTS PLANS, SECTION 10.02.06 SUBMITTAL REQUIREMENTS FOR PERMITS, SECTION 10.02.07 SUBMITTAL REQUIREMENTS FOR CERTIFICATES OF PUBLIC FACILITY ADEQUACY, SECTION 10.02.13 PLANNED UNIT DEVELOPMENT (PUD) PROCEDURES, SECTION 10.03.05 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS BEFORE THE BCC, THE PLANNING COMMISSION, THE BOARD OF ZONING APPEALS, THE EAC, AND THE HISTORIC PRESERVATION BOARD, SECTION 10.08.00 CONDITIONAL USES PROCEDURES; APPENDIX A - STANDARD PERFORMANCE SECURITY DOCUMENTS FOR REQUIRED IMPROVEMENTS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

### Recitals

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

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and 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 amendment to the LDC is part of the first amendment cycle for the calendar year 2012; and

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

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

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold advertised public hearings on July 24, 2012 and September 11, 2012 and September 25, 2012, 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 Community Planning 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 § 163.3161, *et seq.*, F.S., the Florida Community Planning 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 § 163.3202(1), F.S., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.
3. Section 163.3201, F.S., 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), F.S., 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), F.S., 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 § 163.3161 *et seq.*, F.S.

7. Section 163.3194(1)(a), F.S., 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 § 163.3194(3)(a), F.S., a development order or land development regulation 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.

9. Section 163.3194(3)(b), F.S., states 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. 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 1.08.02 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**

\* \* \* \* \*

~~Hazardous Product or Waste: Solid waste or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.~~

Hazardous Product means any hazardous substance designated pursuant to 40 Code of Federal Regulations part 302, as amended or superseded. In general a hazardous product is a hazardous substance that has a reactive, ignitable, corrosive, or toxic characteristic, and if released or misused, can harm people, other living organisms, property, or the environment.

Hazardous Waste shall have the meaning provided in 40 Code of Federal Regulations 261 and Florida Administrative Code 62-730, as amended or superseded. In general a hazardous waste is a waste material that has a reactive, ignitable, corrosive, or toxic characteristic, and if released or misused, can harm people, other living organisms, property, or the environment.

\* \* \* \* \*

~~Kenneling: An establishment licensed to operate as a facility housing dogs, cats, or other household pets, or the keeping of more than 3 dogs, 6 months or older, on premises used for residential purposes, or the keeping of more than 2 dogs on property used for industrial or commercial security purposes.~~

\* \* \* \* \*

*Open space:* Areas that are not occupied by buildings, impervious parking areas, streets, driveways or loading areas and which may be equipped or developed with amenities designed to encourage the use and enjoyment of the space either privately or by the general public. Examples of open space include: areas of preserved indigenous native vegetation; areas replanted with vegetation after construction; lawns, landscaped areas and greenways; outdoor recreational facilities; and, plazas, atriums, courtyards and other similar public spaces.

*Open space, common:* Those areas within or related to a development, not in individually owned lots, designed and intended to be accessible to, and for the common use or enjoyment of, the residents of the development, or the general public.

*Open space, usable:* Active or passive recreation areas such as parks, playgrounds, tennis courts, golf courses, beach frontage, waterways, lakes, lagoons, floodplains, nature trails and other similar open spaces. Usable Open space areas shall also include those portions of areas set aside for preservation of native vegetation, required yards (setbacks) and ~~of~~ landscaped areas, which are accessible to and usable by residents of an individual lot, the development, or the general public. Open water area beyond the perimeter of the site, street rights-of-way, driveways, off-street parking areas, and ~~off-street~~-loading areas, shall not be counted ~~in determining~~ towards required Usable ~~Open~~ sSpace.

\* \* \* \* \*

**SUBSECTION 3.B. AMENDMENTS TO SECTION 2.03.01 AGRICULTURAL ZONING DISTRICTS**

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

**2.03.01 Agricultural Zoning Districts**

\* \* \* \* \*

**B. Estate District (E).**

\* \* \* \* \*

2. Minimum **yard** Requirements. See subsection 4.02.01 A. Table 2.1 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~~ 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)

\* \* \* \* \*

c. **Nonconforming through lots**, i.e. double **frontage** lots, legal **nonconforming** lots of record with double road **frontage**, which are **nonconforming** due to inadequate lot depth, in which case, the **front**

yard along the local road portion shall be computed at the rate of 15 percent of the depth of the lot, as measured from edge of the right-of-way.

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

d. Nonconforming lots of record, which are nonconforming due to inadequate lot width, in which case the required side yard shall be computed at the rate of ten (10) percent of the width of the lot.

\* \* \* \* \*

**SUBSECTION 3.C. 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**

\* \* \* \* \*

B. Natural resource protection area overlay district (NRPA).

1. Purpose and intent. The purpose and intent of the Natural Resource Protection Area Overlay District (NRPA) is to: protect endangered or potentially endangered species by directing incompatible land uses away from their habitats; to identify large, connected, intact, and relatively unfragmented habitats, which may be important for these listed species; and to support State and Federal agencies' efforts to protect endangered or potentially endangered species and their habitats. NRPAs may include major wetland systems and regional flow-ways. These lands generally should be the focus of any federal, state, County, or private acquisition efforts. Accordingly, allowable land uses, vegetation preservation standards, **development** standards, and listed species protection criteria within NRPAs set forth herein are more restrictive than would otherwise be permitted in the underlying zoning district and shall to be applicable in addition to any standards that apply tin the underlying zoning district.

\* \* \* \* \*

**SUBSECTION 3.D. AMENDMENTS TO 3.05.02 EXEMPTIONS FROM REQUIREMENTS FOR VEGETATION PROTECTION AND PRESERVATION**

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

### 3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation

\* \* \* \* \*

D. ~~Pre-existing uses. Exemptions from the~~ The requirements of ~~subsection 3.05.07F through 3.05.09~~ 3.05.07 C shall not apply to, affect or limit the continuation of uses within the RFMUD which existed prior to June 19, 2002. No changes in location of preserves shall be required for projects identified by this exemption.

1. Such existing uses shall include: those uses for which all required permits were issued prior to June 19 2002; or projects for which a **conditional use** or Rezone petition has been approved by the County prior to June 19, 2002; or, land use petitions for which a completed application has been submitted and which have been determined to be vested from the requirements of the Final Order prior to June 19, 2002. The continuation of existing uses shall include expansions of those uses if such expansions are consistent with or clearly ancillary to the existing uses.
2. Such previously approved **development** shall be deemed to be consistent with the GMP Goals, Policies and Objectives for the **RFMU district**, and they may be built out in accordance with their previously approved plans. Changes to these previous approvals shall also be deemed to be consistent with the GMP Goals, Objectives and Policies for the **RFMU district** as long as they do not result in an increase in **development** density or intensity.

E. ~~Exempt mangrove alteration projects. Mangrove alteration projects that are exempted from Florida Department of Environmental Protection permit requirements by Florida Administrative Code 17 321.060 are exempt from preservation standards for the mangrove trees, unless they are a part of a preserve. This exemption shall not apply to mangrove alterations or removal in any preserve or in any area where the mangroves have been retained in satisfaction of section 3.05.07. The Collier County Environmental Advisory Council (EAC) may grant a variance to the provisions of this section if compliance with the mangrove tree preservation standards of this Division would impose a unique and unnecessary hardship on the owner or any other person in control of affected property. Mangrove trimming or removal for a view shall not be considered a hardship. Relief shall be granted only upon demonstration by the landowner or affected party that such hardship is peculiar to the affected property and not self-imposed, and that the grant of a variance will be consistent with the intent of this division and the growth management plan. Mangrove trimming and alteration that is exclusively governed by the State pursuant to the Mangrove Trimming and Preservation Act, Sections 403.9321 through 403.9333, F.S.~~



- F. Except for **lots** on undeveloped coastal barrier islands, ~~and any project proposing to alter mangrove trees,~~ a vegetation removal permit for clearing 1 acre or less of land is not required for the removal of protected vegetation, other than a specimen tree on a **parcel** of land zoned residential, -RSF, VR, A or E, or other nonagricultural, non-sending lands, non-NRPA, noncommercial zoning districts in which single-family **lots** have been subdivided for single-family use only, where the following conditions have been met:
1. A building permit has been issued for the permitted principal structure (the building permit serves as the clearing permit); or
  2. The permitted principal structure has been constructed, and the property owner or **authorized agent** is conducting the removal, and the total area that will be cleared on site does not exceed one acre.
  3. All needed environmental permits or management plans have been obtained from the appropriate local, state and federal agencies. These permits may include but are not limited to permits for wetland impacts or for listed species protection.
  4. Where greater vegetation protection is required in the Rural Fringe Mixed Use District, a higher native vegetation protection requirement may not allow for the full one acre of clearing.

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

1. Removal of protected vegetation other than a specimen tree, when a site plan and vegetation protection plans have been reviewed and approved by the County Manager or designee as part of the final **development order**.
2. Removal of protected vegetation from the property of a Florida licensed tree farm/nursery, where such vegetation is intended for sale in the ordinary course of the licensee's business and was planted for the described purpose.
3. Removal of protected vegetation, other than a specimen tree, by a Florida licensed land surveyor in the performance of his/her duties, provided such removal is for individual trees within a swath that is less than three (3) feet in width.
4. Removal of protected vegetation prior to building permit issuance if the conditions set forth in section 4.06.04 A.4.
5. Hand removal of **prohibited exotic vegetation**. Mechanical clearing of **prohibited exotic vegetation** shall require a vegetation removal permit. Mechanical clearing is defined as clearing that would impact or disturb the soil or sub-soil layers or disturb the root systems of plants below the ground.
6. After a right-of-way for an electrical transmission line or public utility distribution line has been established and constructed, a local government may not require any clearing permits for vegetation removal, maintenance, tree pruning or trimming within the established and constructed **right-of-way**. Trimming and pruning shall be in accordance with subsection 4.06.05 J.1- of the Code. All needed environmental permits must be obtained from the appropriate agencies

and management plans must comply with agency regulations and guidelines. These may include but are not limited to permits for wetland impacts and management plans for listed species protection.

7. After a publicly owned road **right-of-way** has been legally secured, a local government may not require any clearing permits for vegetation removal, maintenance, tree pruning or trimming within the established road **right-of-way**. Trimming and pruning shall be in accordance with subsection 4.06.05 J.1. of the Code. All needed environmental permits or management plans have been obtained from the appropriate local, state and federal agencies. These permits may include but are not limited to permits for wetland impacts or for listed species protection.
8. Vegetation removal for environmental restoration projects on publically owned land designated as parks, preserves, forests or mitigation areas. State and Federal agency permits or approvals shall be required, where applicable, prior to clearing.
9. Vegetation removal to implement Preserve Management Plans and firewise safety plans that specify land management practices for clearing for fuel management or fire lines in accordance with normal forestry practices and which have been approved as part of a Preserve Management Plan pursuant to 3.05.07 H. State and Federal agency permits or approvals shall be required, where applicable, prior to clearing.

\* \* \* \* \*

**SUBSECTION 3.E. AMENDMENTS TO SECTION 3.05.05 CRITERIA FOR REMOVAL OF PROTECTED VEGETATION**

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

**3.05.05 Criteria for Removal of Protected Vegetation**

~~The County Manager or designee may approve an application for vegetation removal permit if it is determined that reasonable efforts have been undertaken in the layout and design of the proposed development to preserve existing vegetation and to otherwise enhance the aesthetic appearance of the development by the incorporation of existing vegetation in the design process. Relocation or replacement of vegetation may be required as a condition to the issuance of an approval in accordance with the criteria set forth in this section. In addition, a~~  
**Native vegetation shall be retained within proposed developments where existing vegetation would be expected to survive in open space areas or buffers, where site improvements or changes in elevation are not proposed or required.** A vegetation removal permit may be issued under the following conditions:

\* \* \* \* \*

- G. ~~The proposed mangrove alteration has a DEP permit, or meets the permitting standards in the Florida Administrative Code. However, mangrove removal or trimming shall be~~

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

~~prohibited in all preserves or areas used to fulfill the native vegetation preservation requirements.~~

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

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

N. Early clearing as part of a final review of an SDP, SIP or PPL, in accordance with Sections 4.06.04 and 10.01.02. The following criteria shall apply.

1. Final configuration of preserves is complete.
2. Conservation easements are complete and have been recorded in the public records.
3. The site clearing/preservation plan for the SDP, SIP or PPL is approved.
4. All applicable Federal, State, and local permits have been submitted.

P.O. Removal of living or dead standing vegetation with a bald eagle nest. Permits, if required, shall be provided from the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service authorizing the removal of the nest, in accordance with state and federal permit requirements, prior to issuance of a County permit. Removal of vegetation containing an active, inactive or abandoned nest may be allowed when:

1. The vegetation is located on a single-family lot, and is located in such a manner that either:
  - a. the principal **structure** cannot be constructed, or
  - b. **access** to the property is impeded.
2. The **protected vegetation** poses an imminent threat to human safety or an **adjacent principal or accessory building**.
3. The vegetation is located outside of a preserve or an area used to fulfill the **native vegetation** preservation requirements of this Code.

\* \* \* \* \*

**SUBSECTION 3.F. AMENDMENTS TO SECTION 3.05.07 PRESERVATION STANDARDS**

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

**3.05.07 Preservation Standards**

\* \* \* \* \*

F. **Wetland preservation and conservation.**

\* \* \* \* \*  
3. **RFMU district.** Direct impacts of **development** within **wetlands** shall be limited by directing such impacts away from high quality **wetlands**. This shall be accomplished by adherence to the vegetation retention requirements of section 3.05.07 ~~(C)~~ above and the following standards:

- a. In order to assess the values and functions of **wetlands** at the time of project review, **applicants** shall rate the functionality of **wetlands** using the Unified Wetland Mitigation Assessment Method set forth in F.A.C. 62-345. For projects that have already been issued an Environmental Resource Permit by the state, the County will accept **wetlands** functionality assessments that are based upon the South Florida Water Management District's Wetland Rapid Assessment Procedures (WRAP), as described in Technical Publication Reg 001 (September 1997, as update August 1999). The **applicant** shall submit to County staff these respective assessments and the scores accepted by either the South Florida Water Management District or Florida Department of Environmental Protection.
- b. **Wetlands** documented as being utilized by listed species or serving as corridors for the movement of wildlife shall be preserved on site, regardless of whether the preservation of these **wetlands** exceeds the acreage required in section 3.05.07~~(B)~~ C.
- c. Existing **wetland flowways** through the project shall be maintained, regardless of whether the preservation of these **flowways** exceeds the acreage required in section 3.05.07~~(C)~~.
- d. Drawdowns or diversion of the ground water table shall not adversely change the hydroperiod of preserved **wetlands** on or offsite. Detention and control elevations shall be set to protect surrounding **wetlands** and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2.4, 6.11 and 6.12 of SFWMD's Basis of Review, January 2001.
- e. Single family residences shall follow the requirements contained within Section 3.05.07~~(F)~~~~(5)~~ F.5.
- f. Preserved **wetlands** shall be **buffered** from other land uses as follows:
  - i. A minimum 50-foot vegetated upland **buffer adjacent** to a natural water body.
  - ii. For other **wetlands** a minimum 25-foot vegetated upland **buffer adjacent** to the **wetland**.
  - iii. A structural **buffer** may be used in conjunction with a

vegetative **buffer** that would reduce the vegetative **buffer** width by 50%. A structural **buffer** shall be required **adjacent** to **wetlands** where direct impacts are allowed. A structural **buffer** may consist of a stem-wall, **berm**, or vegetative hedge with suitable fencing.

- iv. The **buffer** shall be measured landward from the approved jurisdictional line.
  - v. The **buffer** zone shall consist of preserved **native vegetation**. Where **native vegetation** does not exist, **native vegetation** compatible with the existing soils and expected hydrologic conditions shall be planted.
  - vi. The **buffer** shall be maintained free of **Category I invasive exotic** plants, as defined by the Florida Exotic Pest Plant Council.
  - vii. The following land uses are considered to be compatible with **wetland functions** and are allowed within the **buffer**:
    - (1) a) Passive recreational areas, boardwalks and recreational shelters;
    - (2) b) Pervious nature trails;
    - (3) c) Water management **structures**;
    - (4) d) Mitigation areas;
    - (5) e) Any other conservation and related **open space** activity or use which is comparable in nature with the foregoing uses.
4. g. Mitigation. Mitigation shall be required for direct impacts to **wetlands** in order to result in no net loss of **wetland functions**, in adherence with the following requirements and conditions:
- a. i. Mitigation Requirements:
    - i. a) Loss of storage or conveyance volume resulting from direct impacts to **wetlands** shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or **adjacent** to the impacted **wetland**.
    - ii. b) Prior to issuance of any final **development order** that authorizes site alteration, the applicant shall demonstrate compliance with a) and ~~b~~ above d) of this subsection. If agency permits have not provided mitigation consistent with this Section, Collier County will require mitigation exceeding that

of the jurisdictional agencies.

- iii- c) Mitigation requirements for single-family lots shall be determined by the State and Federal agencies during their permitting process, pursuant to the requirements of ~~Section (5)~~ subsection 3.05.07 F.4 below.
- d) Preserved or created wetland or upland vegetative communities offered as mitigation shall be placed in a conservation easement in accordance with 3.05.07 H.1.d, provide for initial removal of Category I Invasive Exotic Vegetation as defined by the Florida Exotic Pest Plant Council and provide for continual removal of exotic vegetation.
- b- ii. Mitigation Incentives: A density bonus of 10% of the maximum allowable **residential density**, a 20% reduction in the required **open space** acreage, a 10% reduction in the required **native vegetation**, or a 50% reduction in required littoral zone requirements may be granted for projects that do any of the following:
  - i- a) Increase **wetland** habitat through recreation or restoration of **wetland functions**, of the same type found on-site, on an amount of off-site acres within the Rural Fringe Mixed Use District Sending Lands, equal to, or greater than 50% of the on-site **native vegetation** preservation acreage required, or 20% of the overall project size, whichever is greater;
  - ii- b) Create, enhance or restore wading bird habitat to be located near wood stork, and/or other wading bird colonies, in an amount that is equal to, or greater than 50% of the on-site **native vegetation** preservation acreage required, or 20% of the overall project size, whichever is greater; or
  - iii- c) Create, enhance or restore habitat for other listed species, in a location and amount mutually agreeable to the **applicant** and Collier County after consultation with the applicable jurisdictional agencies.
- e- iii. EIS Provisions. When mitigation is proposed, the EIS shall demonstrate that there is no net loss in **wetland functions** as prescribed above.
- d. ~~Exotic vegetation Removal. exotic vegetation removal shall not constitute mitigation.~~

5.4. Estates, rural-settlement areas, and ACSC. In the case of lands located

within Estates Designated Area, the Rural Settlement Area, and the ACSC, the County shall rely on the **wetland** jurisdictional determinations and permit requirements issued by the applicable jurisdictional agency, in accordance with the following:

- a. For single-family residences within Southern Golden Gate Estates or within the Big Cypress Area of Critical State Concern, the County shall require the appropriate federal and state **wetland**-related permits before Collier County issues a **building** permit.
- b. Outside of Southern Golden Gate Estates and the Area of Critical State Concern, Collier County shall inform **applicants** for individual single-family **building** permits that federal and state **wetland** permits may be required prior to construction. The County shall also notify the applicable federal and state agencies of single family **building** permits applications in these areas.

6-5. RLSA district. Within the RLSA District, **wetlands** shall be preserved pursuant to section 4.08.00.

7-6. Submerged marine habitats. The County shall protect and conserve submerged marine habitats as provided in section 5.03.06 I-J.

\* \* \* \* \*

H. Preserve standards.

\* \* \* \* \*

1. Design standards.

\* \* \* \* \*

e. Created preserves. Although the primary intent of GMP CCME Policy 6.1.1 is to retain and protect existing **native vegetation**, there are situations where the application of the retention requirements of this Policy is not possible. In these cases, creation or restoration of vegetation to satisfy all or a portion of the **native vegetation** retention requirements may be allowed. In keeping with the intent of this policy, the preservation of **native vegetation** off site is preferable over creation of preserves. Created Preserves shall be allowed for parcels that cannot reasonably accommodate both the required on-site preserve area and the proposed activity.

i. Applicability. Criteria for determining when a **parcel** cannot reasonably accommodate both the required on-site preserve area and the proposed activity include:

\* \* \* \* \*

(h) In the **RFMU District** where upland **buffers** required by the LDC, lack native vegetative communities.

(i) Archeological/historical sites where such sites are authorized by the BCC as part of a PUD rezone, to be planted with native vegetation in accordance with the criteria herein.

\* \* \* \* \*



- vi. Planting requirements for created preserves. Soils compatible with the habitat to be created shall be used to create the preserve. Where compatible soils are not present, a minimum of 6 to 8 inches of compatible soil shall be used.

Where created preserves are approved, the planting plan shall re-create a native plant community in all three strata (ground cover, shrubs and trees), utilizing larger plant materials to more quickly re-create the lost mature vegetation. Environments which do not normally contain all three strata shall only be required to plant the strata found in the habitat to be created. Plant material shall be planted in a manner that mimics a natural plant community and shall not be maintained as landscaping. Such re-vegetation shall include the following minimum sizes: one gallon ground cover; 7 gallon shrubs; canopy trees in the following sizes: 25 percent at 10 feet, 50 percent at 8 feet and 25 percent at 6 feet. Spacing requirements for calculating the number of plants shall be as follows: 20 to 30 foot on center for trees with a small canopy (less than 30 feet mature spread) and 40 to 50 foot on center for trees with a large canopy (greater than 30 feet mature spread), 10 foot on center for shrubs, 3 foot on center for ground covers which spread by rhizomes or creeping stems or which have a mature height of 2 feet or more, excluding the bloom, and 2 foot on center for ground covers with a mature height of less than 2 feet, excluding the bloom, and which reproduce primarily by seed.

Minimum sizes for plant material may be reduced for scrub and other xeric habitats in order to promote diversity or where smaller size plant material is better suited for re-establishment of the native plant community. Coverage of pine and hardwoods in scrub habitats shall occupy no more than 70% of the area of a scrub preserve, in order to create natural open areas for wildlife and native ground covers. In south Florida slash pine dominated environments, where fire is a concern, the amount of mid-story vegetation planted may be reduced to promote the growth of native ground covers, reduce the threat of wildfire and to promote use of the preserve by listed species.

Three gallon container saw palmetto (*Serenoa repens*) may be used in lieu of seven gallon containers. South Florida slash pine (*Pinus elliotii* var. *densa*) trees may be planted in the following sizes: 25 percent at 6 feet and 75 percent at 4 feet, with a spacing requirement of 40 feet on center for calculating the number of slash pines to be planted.

Mangrove trees may be planted as three gallon size containers but must be planted a minimum of five to seven foot on center for calculating the number of mangroves to be planted, if planted at this size. Ground covers in estuarine and other aquatic environments may be planted as liners or bare root plants.

Where archeological/historical sites are counted towards the minimum native vegetation retention requirement and where such sites have no native vegetation or the native vegetation is authorized to be cleared and excavated by the BCC as part of a PUD rezone, these sites shall be re-vegetated with native vegetation similar to or compatible with the native vegetation in the preserve or on the archeological/historical site. Re-vegetation shall only be with ground covers in one-gallon containers unless otherwise approved by the BCC.

Upland or seasonally wet preserves with extended dry periods shall detail a method of providing water until the plants are established.

\* \* \* \* \*

**SUBSECTION 3.G. AMENDMENTS TO SECTION 3.06.06 REGULATED WELLFIELDS**

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

**3.06.06 Regulated Wellfields**

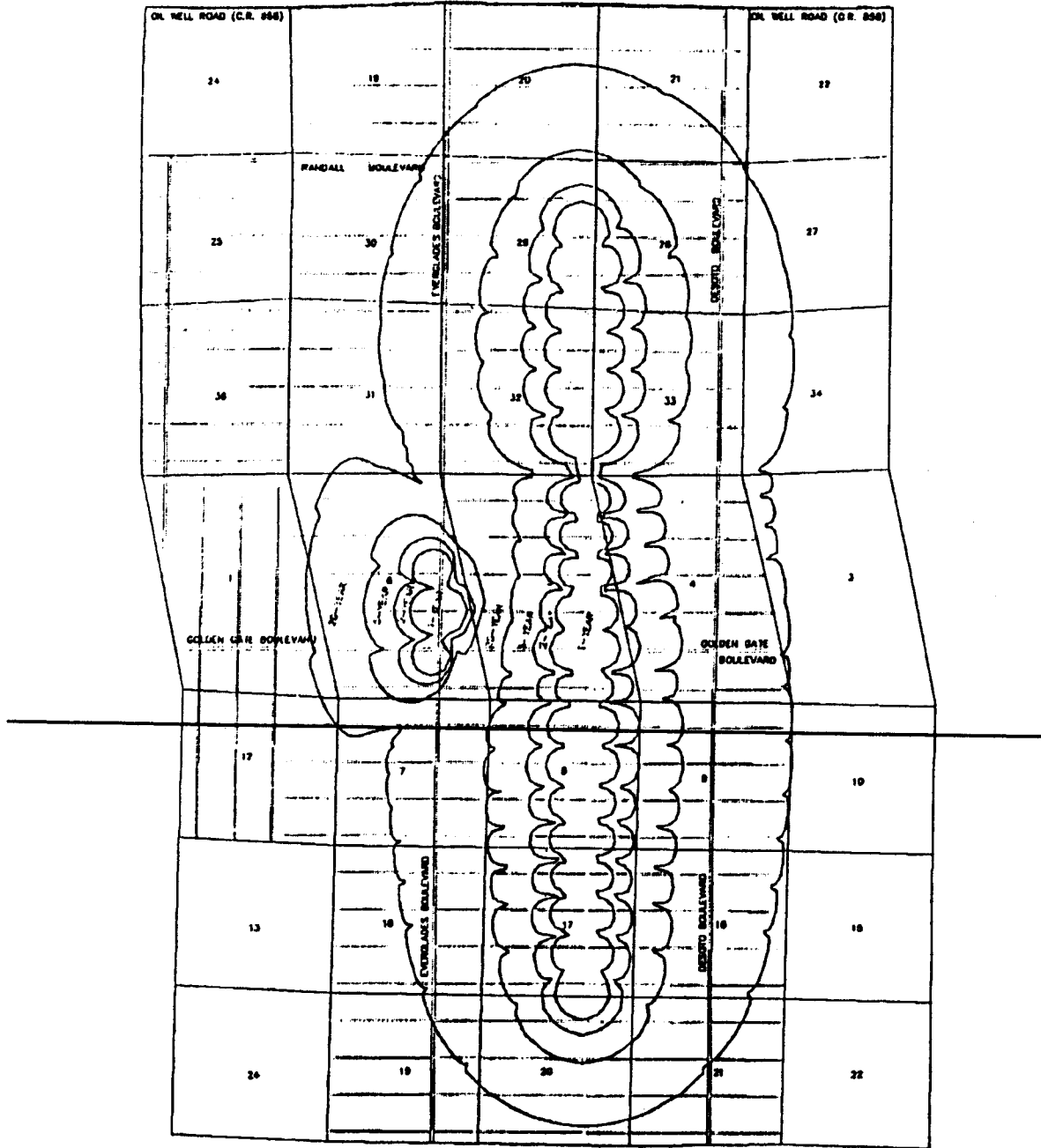
The following wellfield risk management special treatment overlay zones, as defined in section 3.06.03, and criteria specified herein shall be applied to the following wellfields:

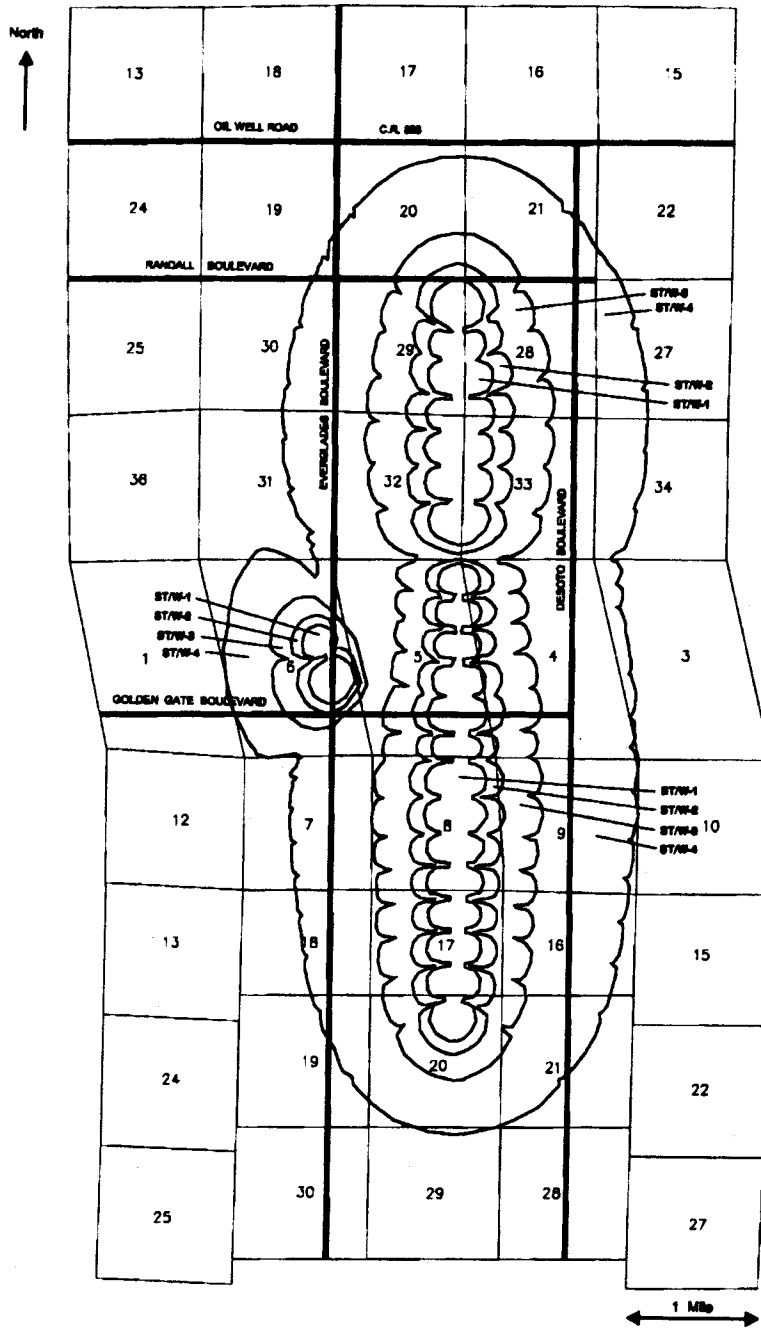
- A. City of Naples East Golden Gate Well Field.
- B. City of Naples Coastal Ridge Well Field.
- C. Collier County Utilities Golden Gate Well Field.
- D. Everglades City Well Field.
- E. Florida Governmental Utility Authority Golden Gate City Well Field.

- F. Orange Tree Well Field.
- G. Immokalee Well Field.
- H. Ave Maria Utility Company Well Field.
- I. Port of the Islands Well Field.

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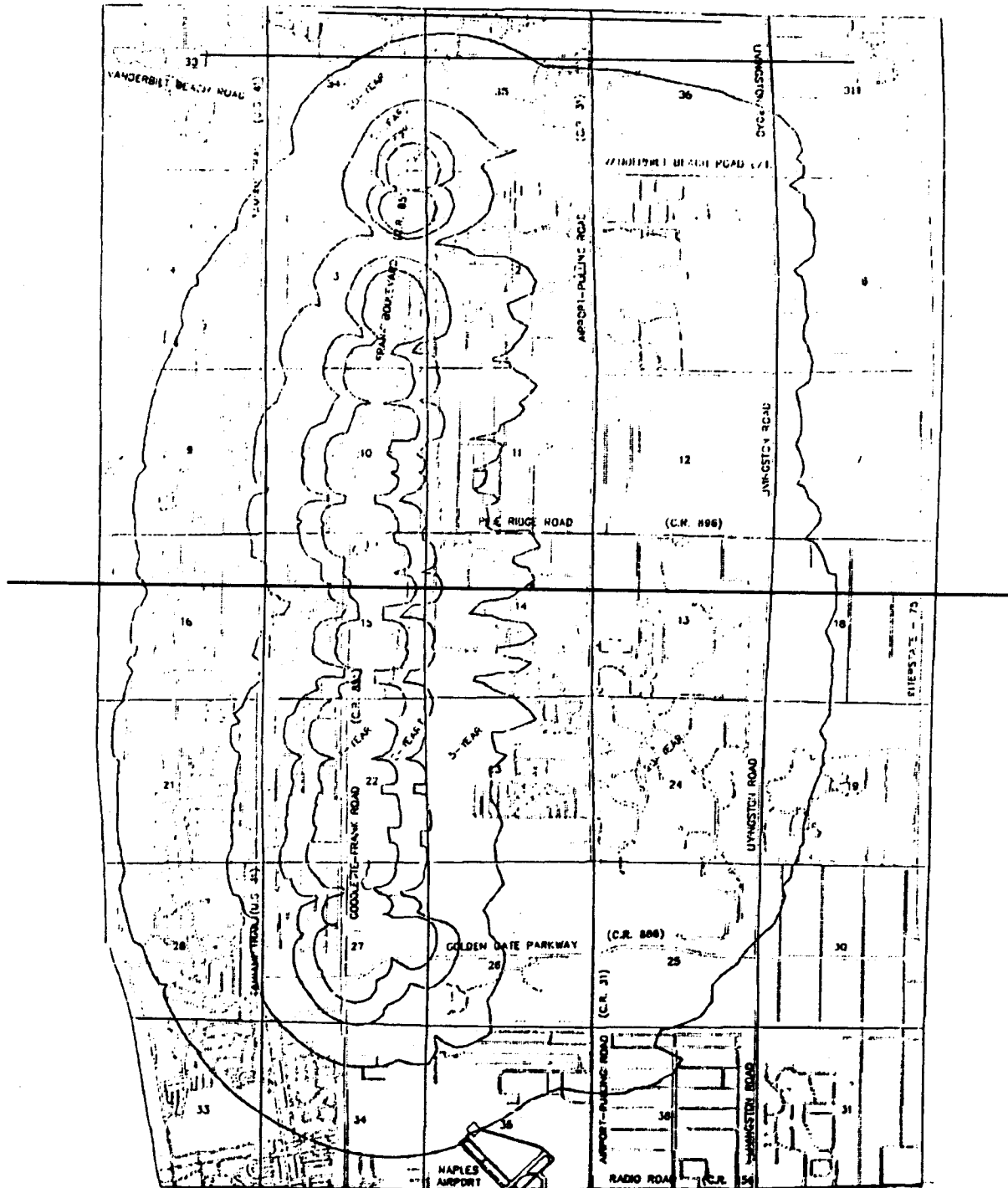
# CITY OF NAPLES EAST GOLDEN GATE WELL FIELD





**Illustration 3.06.06 A.**  
 For more information, refer to the Collier County Zoning Map at  
<http://www.colliergov.net/Index.aspx?page=992>

# CITY OF NAPLES COASTAL RIDGE WELL FIELD



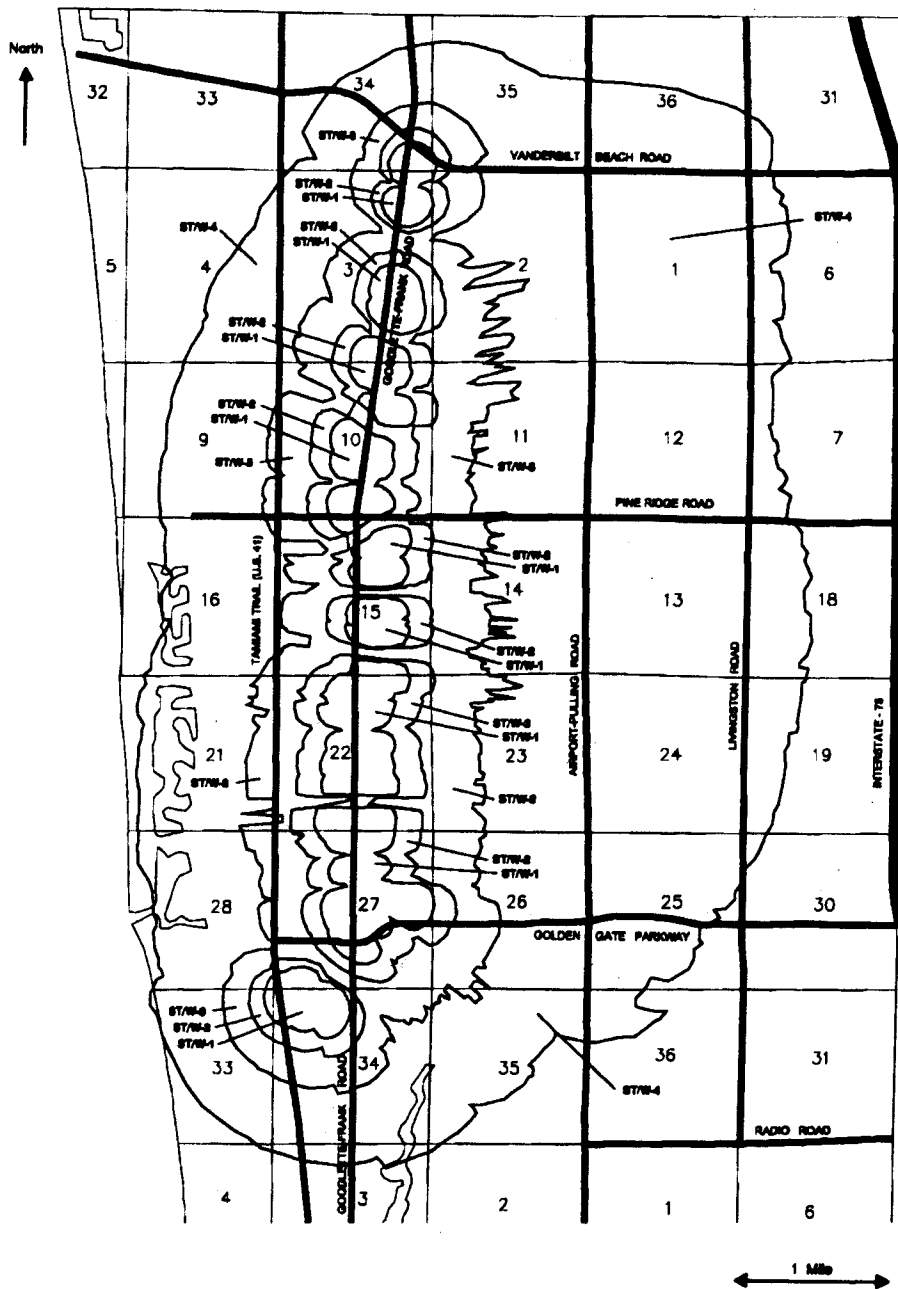
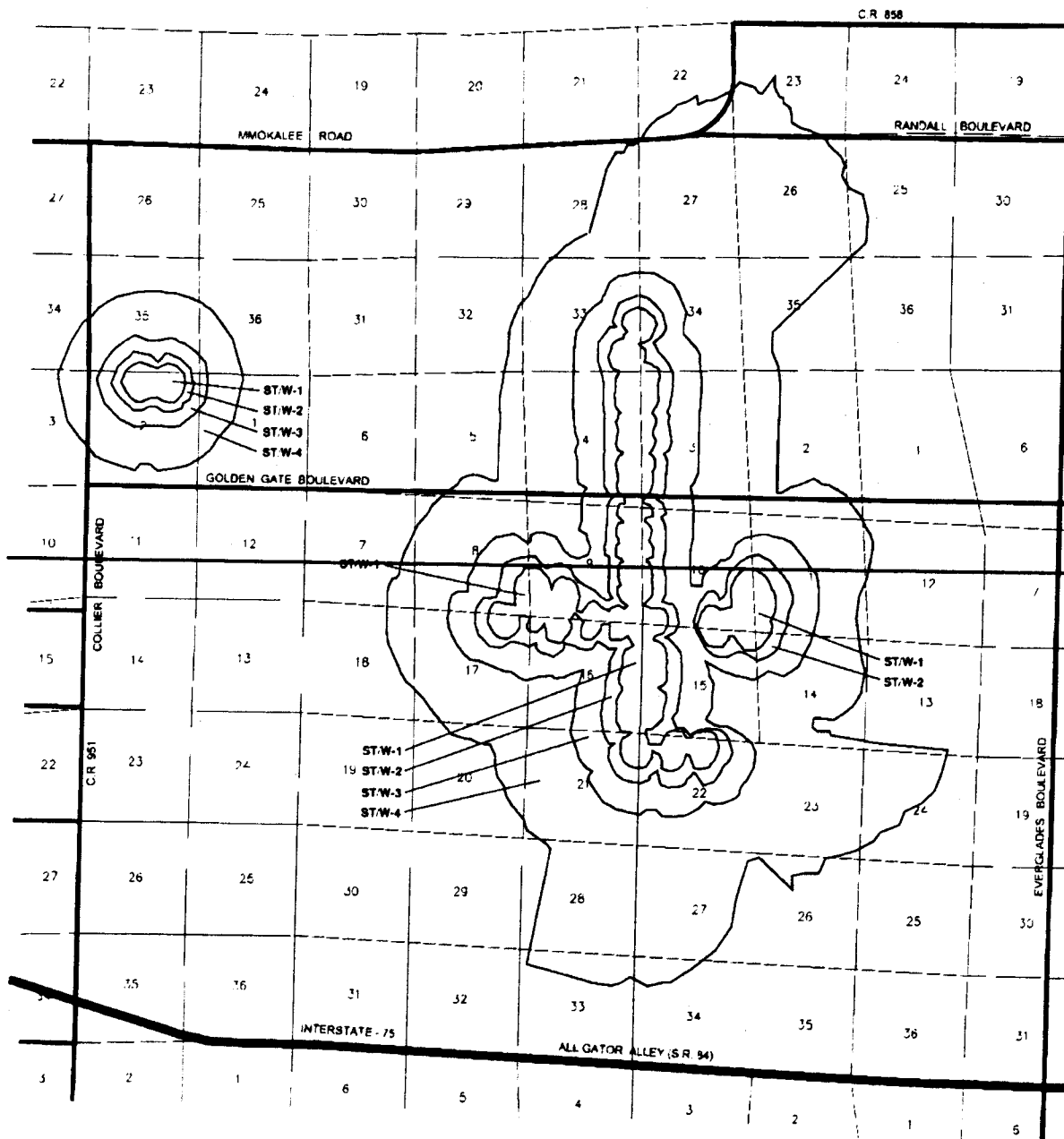


Illustration 3.06.06 B.  
 For more detailed information, refer to the Collier County Zoning Map at  
<http://www.colliergov.net/Index.aspx?page=992>

# COLLIER COUNTY UTILITIES GOLDEN GATE WELL FIELD





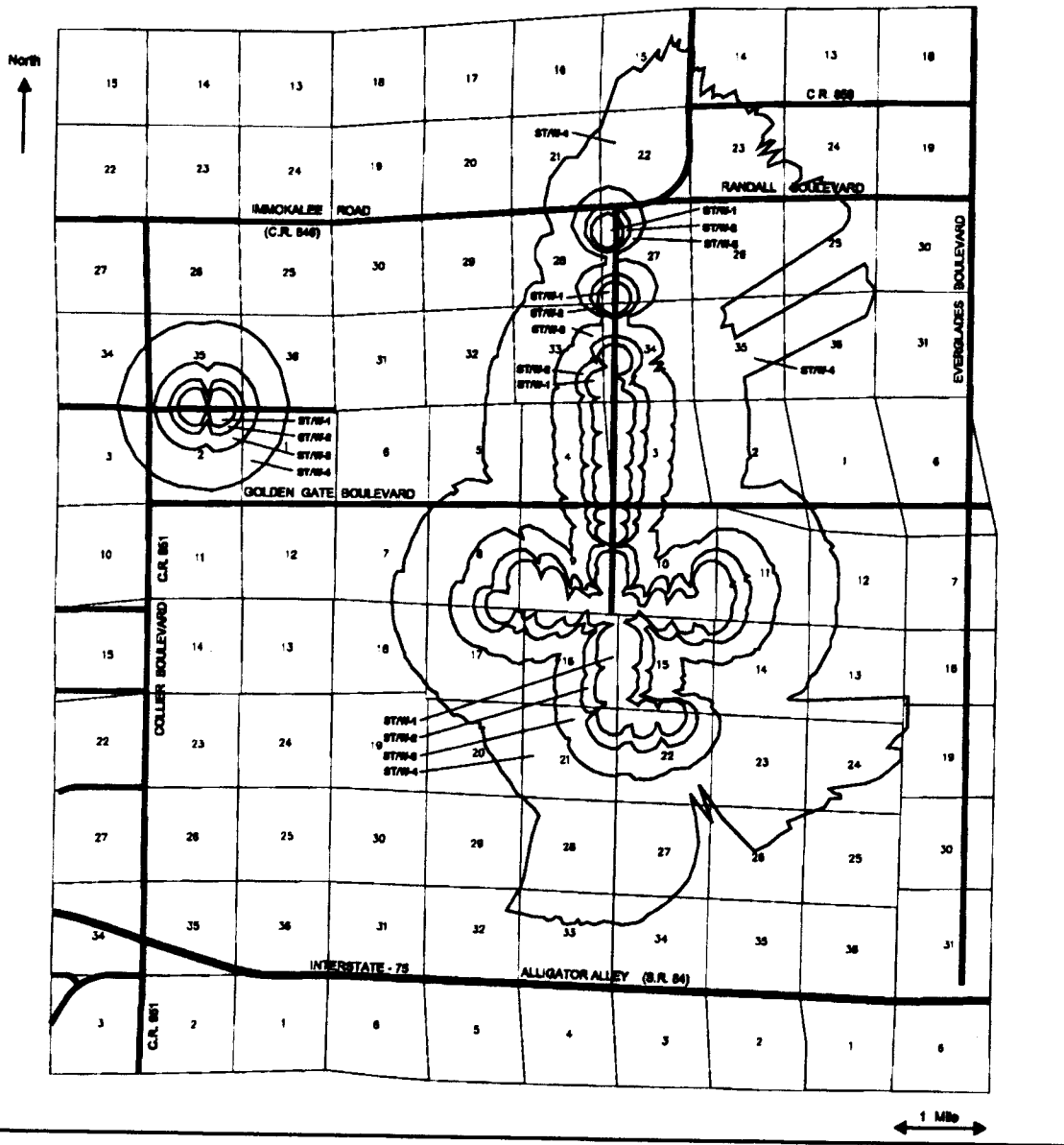


Illustration 3.06.06 C.

For more detailed information, refer to the Collier County Zoning Map at <http://www.colliergov.net/Index.aspx?page=992>

# EVERGLADES CITY WELL FIELD

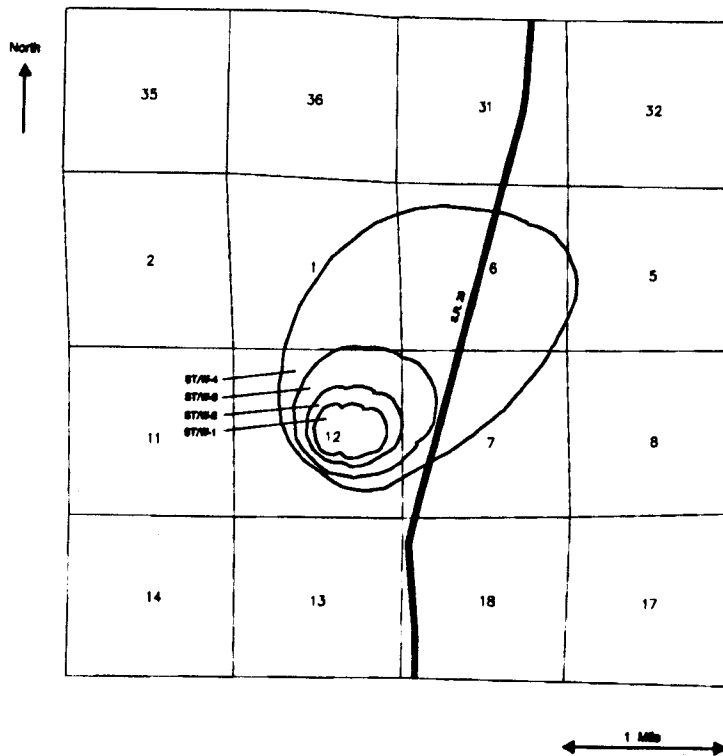
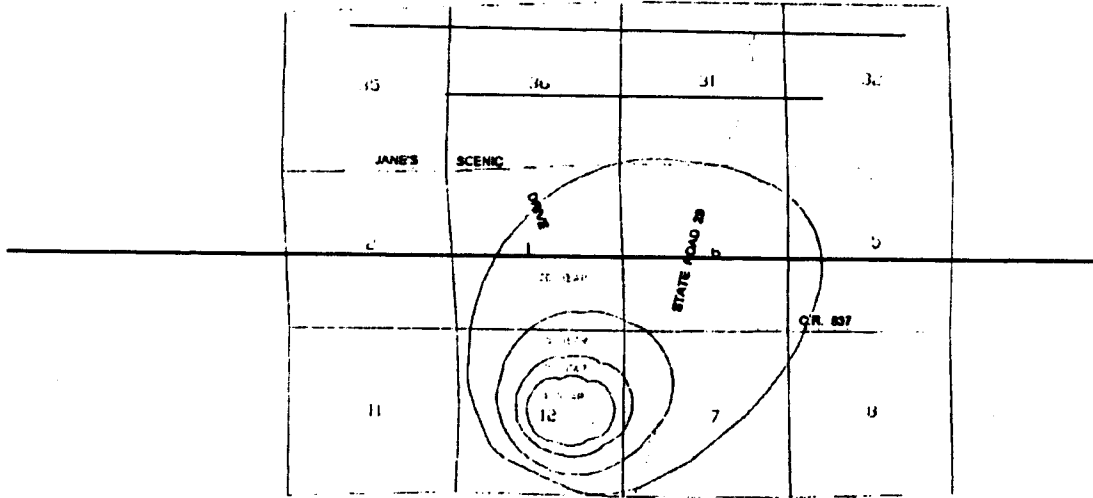


Illustration 3.06.06 D.  
 For more information, refer to the Collier County Zoning Map at  
<http://www.colliergov.net/Index.aspx?page=992>

# FLORIDA GOVERNMENTAL UTILITY AUTHORITY GOLDEN GATE CITY WELL FIELD

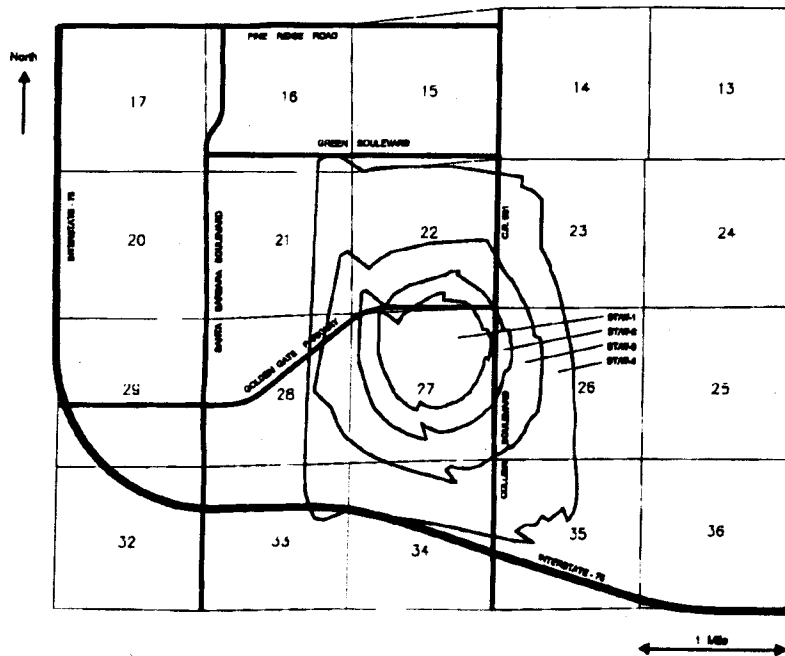
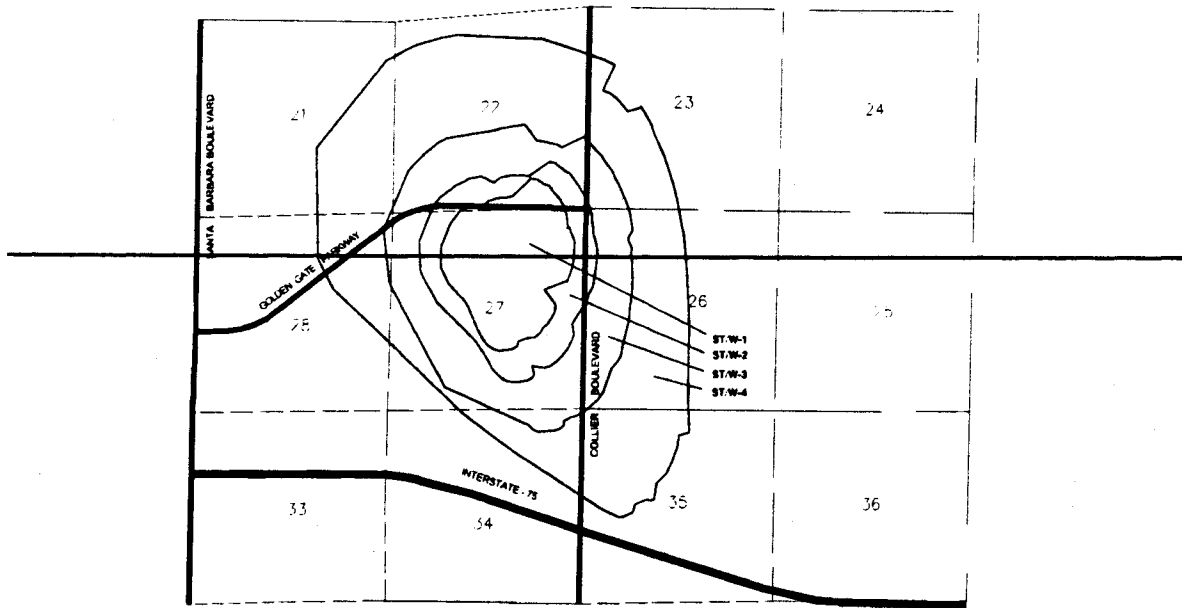


Illustration 3.06.06 E.  
For more detailed information, refer to the Collier County Zoning Map at  
[www.colliergov.net/Index.aspx?page=992](http://www.colliergov.net/Index.aspx?page=992)

# ORANGE TREE WELL FIELD

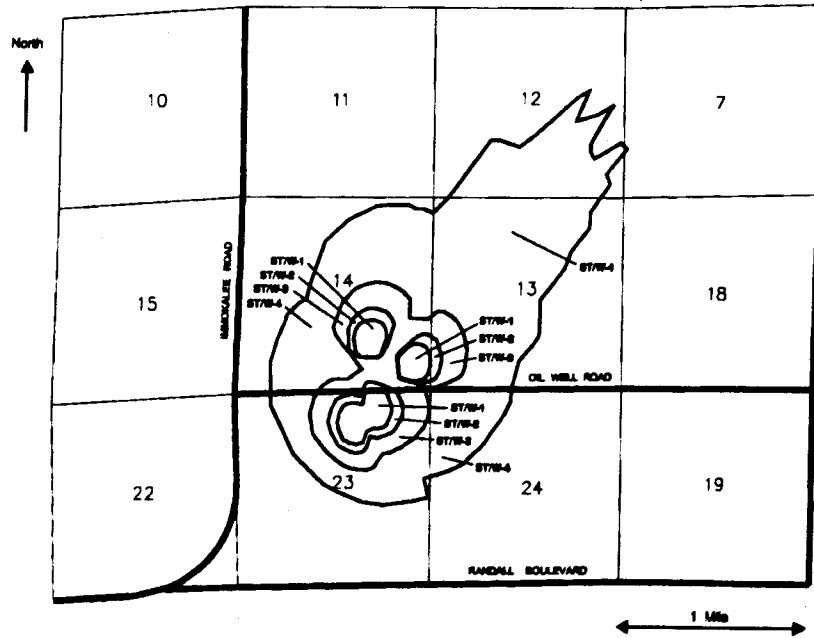
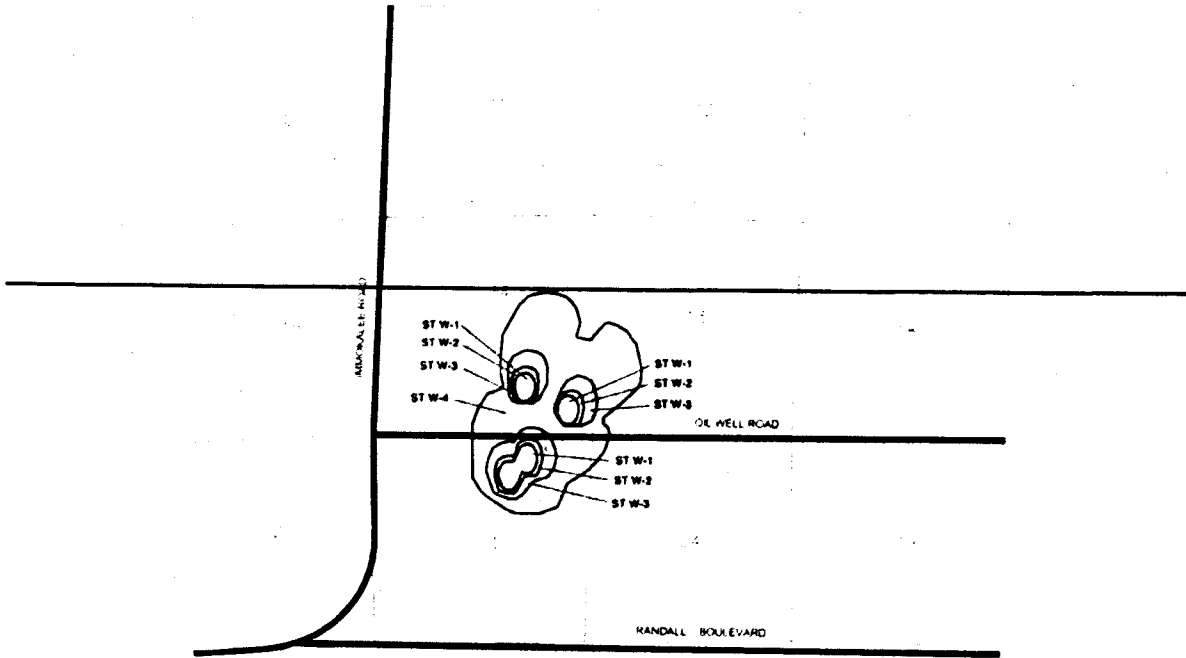
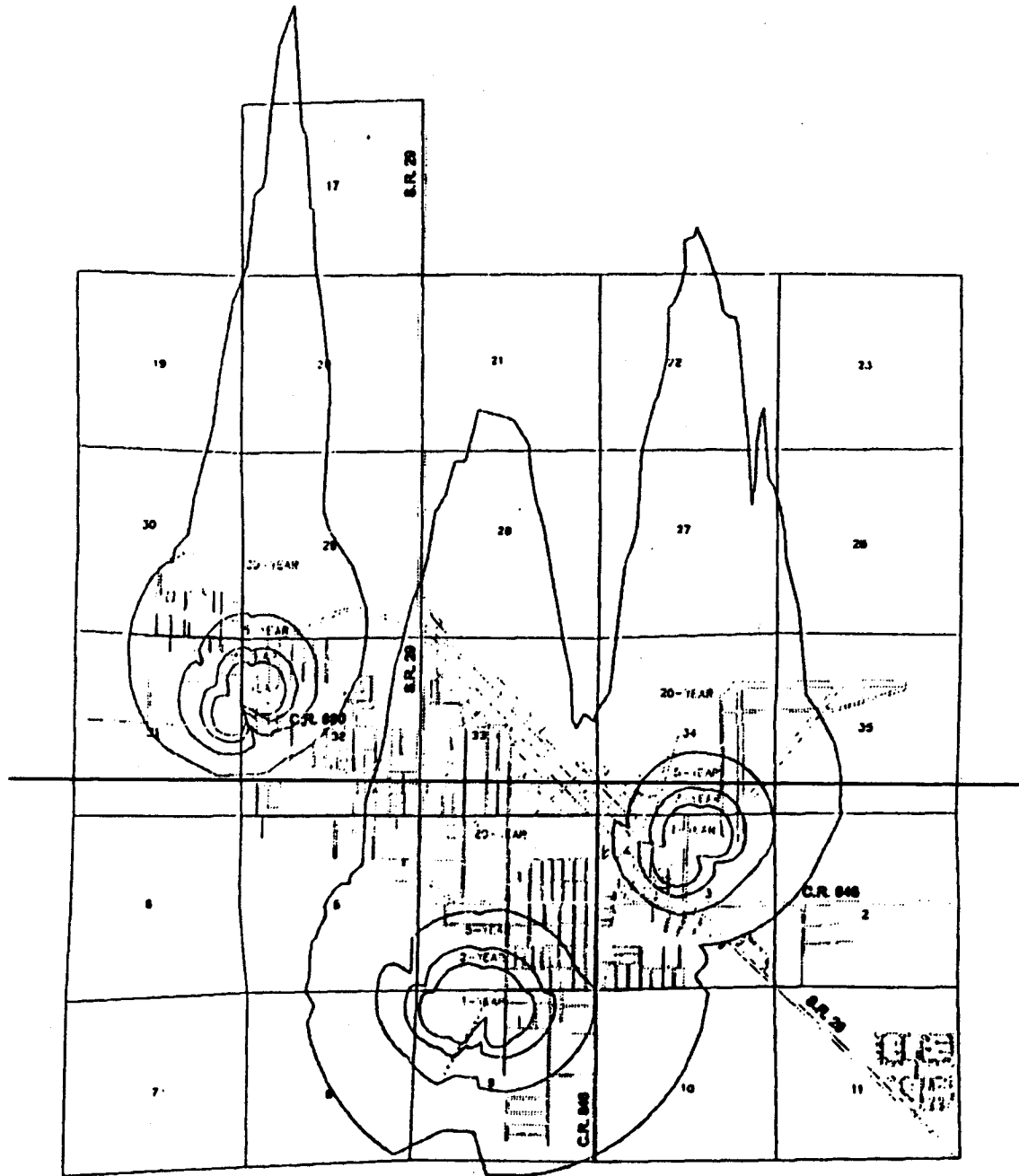


Illustration 3.06.06 F.  
 For more detailed information, refer to the Collier County Zoning Map at  
<http://www.colliergov.net/Index.aspx?page=992>

# IMMOKALEE WELL FIELD



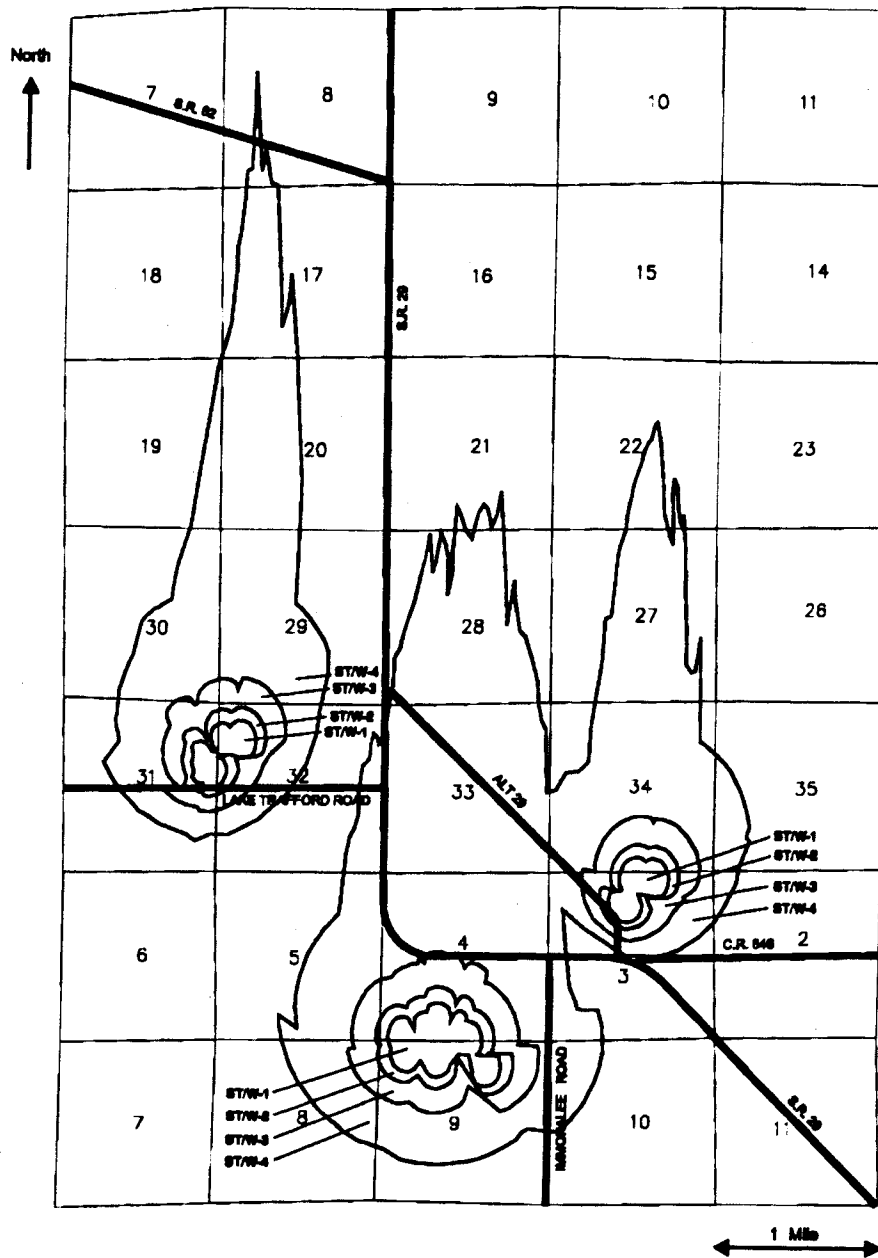
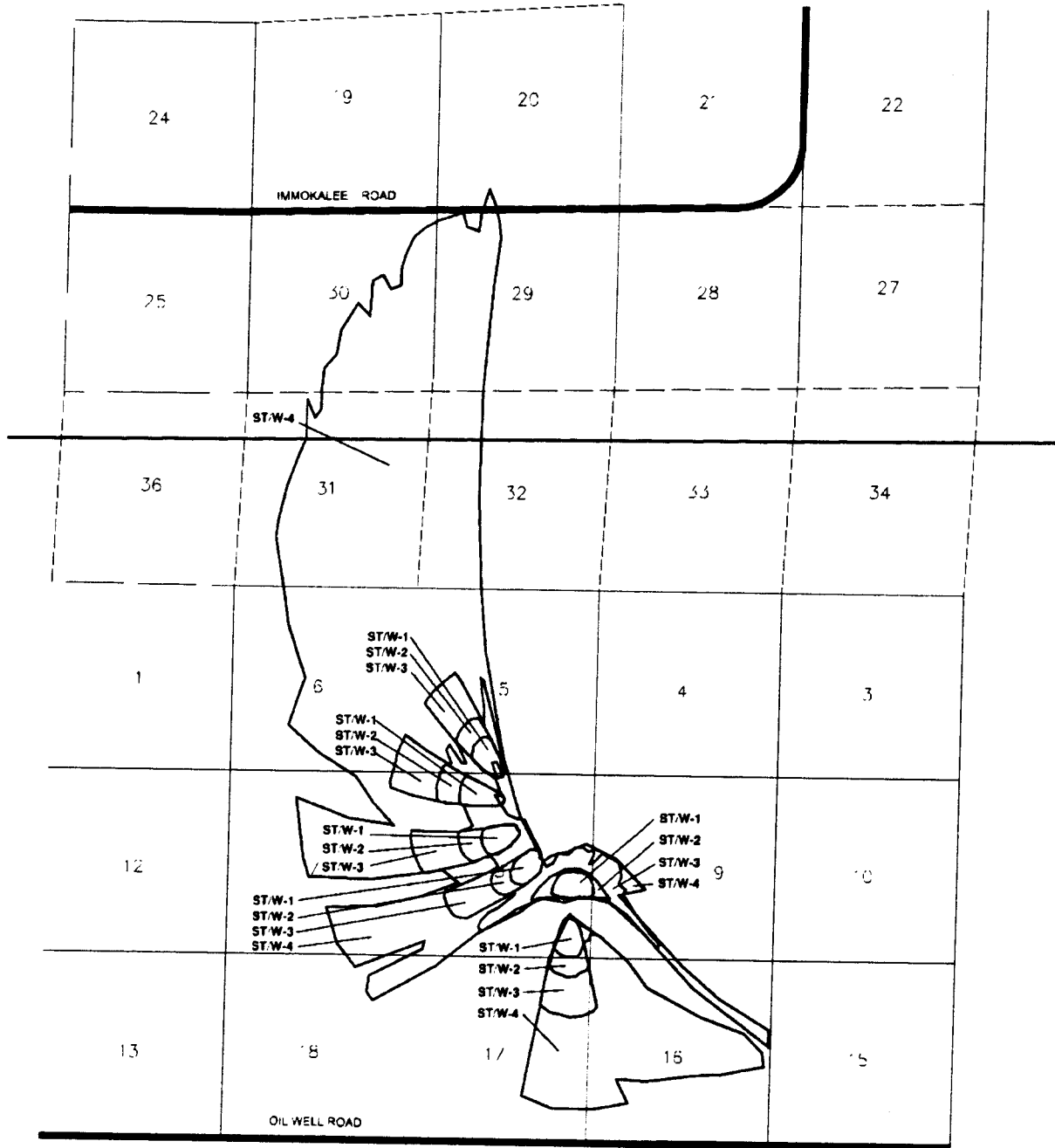


Illustration 3.06.06 G.

For more information, refer to the Collier County Zoning Map at <http://www.colliergov.net/Index.aspx?page=992>

# AVE MARIA UTILITY COMPANY WELL FIELD



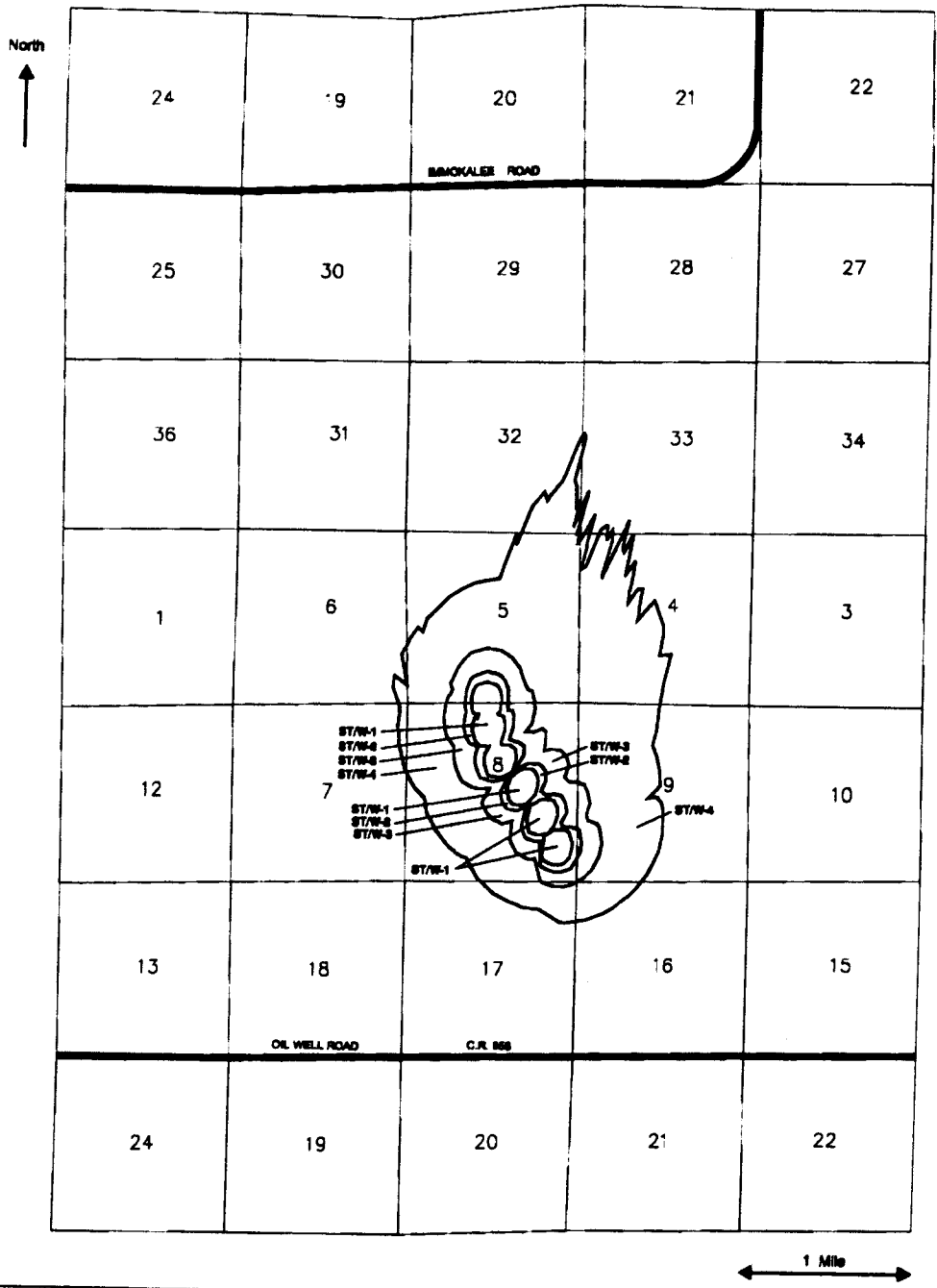


Illustration 3.06.06 H.

For more detailed information, refer to the Collier County Zoning Map at [www.colliergov.net/Index.aspx?page=992](http://www.colliergov.net/Index.aspx?page=992)



# PORT OF THE ISLANDS WELL FIELD

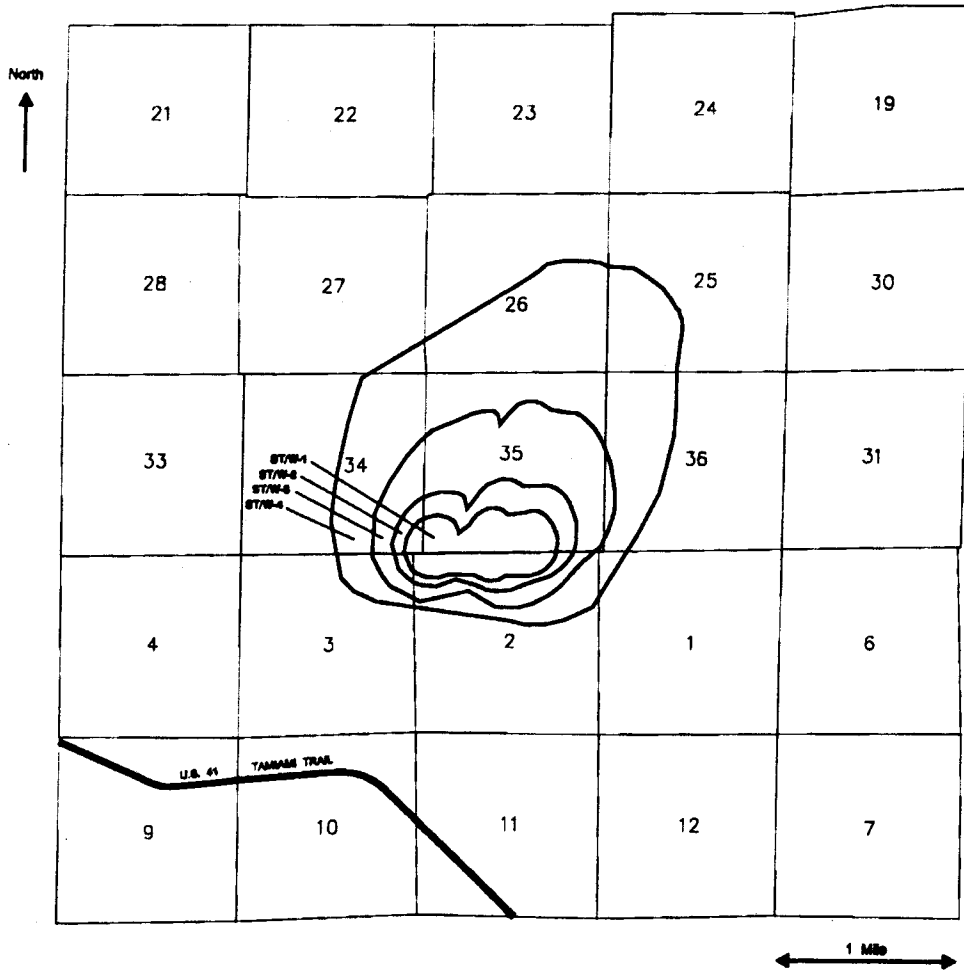


Illustration 3.06.06 I.

For more detailed information, refer to the Collier County Zoning Map at  
[www.colliergov.net/Index.aspx?page=992](http://www.colliergov.net/Index.aspx?page=992)

\* \* \* \* \*

**SUBSECTION 3.H. AMENDMENTS TO SECTION 3.06.07 UNREGULATED WELLFIELDS**

Section 3.06.07 Unregulated Wellfields, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**3.06.07 Unregulated Wellfields**

~~Wellfield risk management special treatment overlay zones, as defined in section 3.06.03 and the criteria specified in 3.06.12 shall not be applied to Port of the Islands Wellfield.~~

\* \* \* \* \*

**SUBSECTION 3.I. AMENDMENTS TO SECTION 3.06.12 REGULATED DEVELOPMENT**

Section 3.06.12 Regulated Development, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**3.06.12 Regulated Development**

\* \* \* \* \*

I. Existing and future nonresidential use, handling, storage, generation, transport, or processing of **hazardous products**.

1. In zones W-1, W-2, and W-3, future nonresidential **development** and the continued operation or use of existing nonresidential **development**, which, at any point in time, uses, handles, stores, generates, transports, or processes **hazardous products** that are not gaseous at 105 degrees Fahrenheit and ambient pressure, and are not in quantities that exceed 250 gallons for liquids or 1,000 pounds for solids, shall be allowed pursuant to the owner and/or operator of such **development** obtaining a certificate to operate issued by the County. The certificate to operate shall incorporate the following conditions:

\* \* \* \* \*

e. Upon discovery of any discharge or accidental release, implementation of a detailed contingency plan, approved by the county manager, which shall describe the actions to be taken by the owner and/or operator in the event of a discharge or accidental release of a **hazardous product** under this section. Actions shall include first response steps to control and prohibit the discharge or accidental release of the **hazardous product**; remedial actions consistent with applicable state and federal laws; and proper disposal of the **hazardous product**. Emergency telephone numbers shall be provided for local and state response units, and the owner and/or operator's designated emergency response personnel. The plan shall demonstrate compliance with the applicable state and federal regulations. The County shall provide forms for reporting of discharges or accidental releases.

\* \* \* \* \*

**SUBSECTION 3.J. 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 ~~Principle~~ Principal Uses in Base Zoning Districts**

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

**Table 1. Lot Design Requirements for ~~Principle~~ Principal Uses in Base Zoning Districts.**

\* \* \* \* \*

**Table 2. Building Dimension Standards for ~~Principle~~ Principal Uses in Base Zoning Districts.**

\* \* \* \* \*

B. **Usable ~~o~~Open space requirements. Usable open space shall be provided as follows, except as required in the Rural Fringe Mixed Use District within the Future Land Use Element of the Growth Management Plan.** ~~shall include active and passive recreation areas such as playgrounds, golf courses, beach frontage, waterways, lagoons, flood plains, nature trails, and other similar open spaces. Open space areas shall also include those areas set aside for preservation of native vegetation and landscaped areas. Open water area beyond the perimeter of the site, street rights-of-way, driveways, off street parking areas, and off street loading areas shall not be counted in determining usable open space.~~

1. In residential **developments**, at least ~~sixty (60)~~ percent of the gross area shall be devoted to **usable open space**. This requirement shall not apply to individual single-family lots less than 2.5 acres in size.
2. In **developments** of commercial, industrial and mixed use including residential, at least ~~thirty (30)~~ percent of the gross area shall be devoted to **usable open space**. This requirement shall not apply to individual parcels less than five ~~(5)~~ acres in size.
3. Historical/archaeological resources that are to be preserved may be utilized to satisfy required **setbacks, buffer strips or open space** up to the maximum area required by **development** regulations. Conservation of such historic or archaeological resources shall qualify for any **open space** requirements mandated by the **development** regulations.

\* \* \* \* \*

D. Exemptions and exclusions from design standards.

- \* \* \* \* \*
9. Fences, walls and hedges, subject to section 5.03.02, ground (~~slab on grade~~) mounted air conditioners, unenclosed pool equipment and well pumps, are permitted in required **yards**, subject to the provisions of section 4.06.00. This includes air conditioners that are ground mounted and those required to be elevated to meet flood elevation, including their supporting structures, provided the minimum separation of structures is maintained. (~~For permanent emergency generator setbacks see Article IV, section 54-87 of the Collier County Code of Laws and Ordinances.~~)
- \* \* \* \* \*

**SUBSECTION 3.K. AMENDMENTS TO SECTION 4.02.04 STANDARDS FOR CLUSTER RESIDENTIAL DESIGN**

Section 4.02.04 Standards for Cluster Residential Design, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.02.04 Standards for Cluster Residential Design**

\* \* \* \* \*

**Table 5. Table of Design Standards for Cluster Development**

<i>Design Standard</i>	
Minimum lot area per single-family unit	3,000 sq. ft.
Minimum lot width	
Cul-de-sac lots	20 feet
All other lots	40 feet
Minimum setbacks	
Front yard	20 feet
front entry garage side entry garage	10 feet
Side yards	
zero lot line on one side	10 feet remaining side
no zero lot line	5 feet each side
Rear yard	
<del>principle</del> <u>principal</u> structure	10 feet
accessory structure	3 feet

\* \* \* \* \*

SUBSECTION 3.L.

AMENDMENTS TO SECTION 4.02.14 DESIGN STANDARDS FOR DEVELOPMENT IN THE ST AND ACSC-ST DISTRICTS

Section 4.02.14 Design Standards for Development in the ST and ACSC-ST Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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

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

\* \* \* \* \*

5. Fill areas and related dredge or borrow ponds shall be aligned substantially in the direction of local surface water flows and shall be separated from other fill areas and ponds by **unaltered** areas of vegetation of comparable size. Dredge or borrow ponds shall provide for the release of stormwaters as sheet flow from the downstream end into **unaltered** areas of vegetation. ~~a~~**Access** roads to and between fill areas shall provide for the passage of water in a manner approximating the natural flow regime and designed to accommodate the fifty (50)-year storm. Fill areas and related ponds shall not substantially retain or divert the tidal flow in or to a slough or strand or significantly impede tidal action in any portion of the estuarine zone.

\* \* \* \* \*

D. Port of the Islands, Copeland, and Plantation Island ~~mobile home sites~~. Port of the Islands, Copeland, and Plantation Island ~~mobile home sites~~ are developments located within the ~~urban designated area~~ Urban Designated Area, but are also located ~~totally~~ within the Big Cypress Area of Critical State Concern. A portion of the Port of the Islands development was determined "vested" by the State of Florida, thus exempting it from the requirements of ~~F.S.~~ ch. 380, F.S. There is an existing **development agreement** between Port of the Islands, Inc., and the State of Florida, Department of Community Affairs, ~~department of community affairs~~ dated July 2, 1985, which regulates land uses at Port of the Islands. **Development** ~~development~~ within Port of the Islands shall be regulated by the **development agreement** and the **residential density** and commercial intensities shall not exceed that permitted under zoning at time of adoption of the GMP. **Development** within the ~~urban designated areas~~ Urban Designated Areas of Copeland and Plantation Island ~~mobile home sites~~ shall be ~~subject to review and administrative approval~~ reviewed and approved administratively by the County Manager or his

designee for compliance with Area of Critical State Concern regulations. Development will within the Urban Designated Areas of Copeland and Plantation Island shall not be required to go through the process of filing a petition for site alteration or site development plan approval, pursuant to section 4.02.14 G, and not be required to follow the procedures for site alteration plan or site development plan approval pursuant to 4.02.14 E, 4.02.14 F.2 and 4.02.14 F.3. This does not exempt site development plans required in section 10.02.03 development orders required pursuant to Chapter 10 of the Code. There is also an agreement for Plantation Island, between the Board of County Commissioners and the Department of Community Affairs, to allow site alteration, including dredging and filling of up to 2,500 square feet, regardless of the predevelopment vegetation. This Agreement is recorded in the Official Records, Book 3788, Page 3788, in the public records of Collier County.

- E. Site alteration plan or site development plan approval required. Prior to the clearing, alteration, or development of any land designated ST or ACSC-ST, the property owners or his their legally designated agent shall apply for and receive approval of a site alteration plan or site development plan, as the case may be, by the BCC as provided in section 4.02.14 F- (below).
- F. Procedures for site alteration plan or site development plan approval for development in ST or ACSC-ST designated land.
1. ~~Preapplication conference.~~ Prior to filing a petition for site alteration or site development approval of ST or ACSC-ST land, the petitioner shall request and hold a preapplication conference with the ~~planning services director and appropriate county staff~~ County Manager or designee. The preapplication conference is for the purpose of guidance and information, and for ensuring insofar as is possible, that the petition is in conformity with these regulations. ~~No petition for the site alteration or site development approval will be accepted for formal processing until the planning services director has reviewed the petition to determine that all required data is included; a minimum of 30 days shall be allowed for this phase of the review process. County staff shall visit the site, where appropriate.~~
  2. ~~Review and recommendation by planning services director, planning commission and environmental advisory council~~ the County Manager or designee, Planning Commission and Environmental Advisory Council. The site alteration plan or site development plan shall be submitted to the ~~planning services director~~ County Manager or designee who shall have it reviewed by the appropriate county staff. The ~~planning services director~~ County Manager or designee shall then forward the site alteration plan or site development plan and the county staff recommendations to the ~~planning commission~~ Planning Commission (CCPC) and the ~~environmental advisory council~~ Environmental Advisory Council (EAC) for review and recommendation. ~~Neither the planning commission nor the Hearings before the CCPC and EAC review shall require a public hearing are not required to be legally advertised and not required to provide nor notice to the abutting property owners, but shall be held in a regular meeting. The planning commission and EAC recommendations and county staff recommendations~~ Recommendations from the CCPC, EAC and staff shall be forwarded to the BCC for final action.

3. ~~Final action by board of county commissioners~~ Board of County Commissioners (BCC). Final action on the site **alteration** plan or site **development** plan lies with the BCC. The ~~board~~ BCC shall review the proposed site **alteration** plan or site **development** plan in a regular session meeting and shall act formally by resolution stipulating reasons for approval, or approval with modification, or denial of the site **alteration** plan or **development** plan.
  4. *Other permits required.* The petitioner may at any time during the county review process apply for the appropriate local, state and federal permits for the **alteration** or **development** of the subject property.
  5. *Commencement of site **alteration** or site **development**.* Upon obtaining all required local, state and federal permits in order to **alter** or develop the subject property, the petitioner may commence **alteration** or **development** in accordance with the conditions and requirements of said permits.
- G. Submission requirements for site **alteration** plan or site **development** plan approval for **development** in ST or ACSC-ST designated land. The following shall be submitted in a petition for site **alteration** or site **development** approval of ST or ACSC-ST land, where applicable:
1. ~~Submission and approval of a site alteration plan or site development plan containing the following as determined applicable to the petition by the planning services director:~~
    - a. ~~Title of the project.~~
    - b. ~~Names of the project planner and developer.~~
    - c. ~~Date.~~
    - d. ~~North directional arrow.~~
    - e. ~~Exact survey showing the project boundaries, any existing street, watercourses or easements within or adjacent to the proposed development. Developments shall identify, protect, and conserve native vegetative communities and wildlife habitat. Habitats and their boundaries will be consistent with the Florida Department of Transportation Florida Land Use Cover and Forms Classification System and shall be depicted on an aerial photograph having a scale of one inch equal to at least 200 feet when available from the county, otherwise, a scale of at least one inch equal to 400 feet is acceptable. Information obtained by ground-truthing surveys shall have precedence over information presented through photographic evidence. For proposed site alteration(s) within [or] on shorelines and/or undeveloped or developed coastal barriers habitat identification shall comply with the siting criteria in accordance with chapter 10 of this Code.~~
    - f. ~~Location of all proposed buildings and structures with dimensions showing setbacks to property lines, roads, watercourses and other structures adjacent to the building(s).~~

- ~~g. Access and traffic flow plan.~~
- ~~h. Off street parking and off street loading areas.~~
- ~~i. Proposed screening and buffering.~~
- ~~j. Refuse collection area and solid waste.~~
- ~~k. Access to utilities and points of utilities hookups.~~
- ~~l. Location for beach access as required the Beach Access Ordinance No. 76-20 [Code ch. 146, art. III] or its successor in function.~~

~~The above items shall be prepared by a Florida registered surveyor, engineer, or architect or practicing land planner or environmental consultant as may be appropriate to the particular item.~~

Submission requirements pursuant to 10.02.00 and 10.08.00, as applicable.

- 2. ~~Tabulation of total gross acreage in the project and the percentages thereof proposed to be devoted to the various permitted uses; ground coverage by structures and impervious surface coverage. Locations for beach access as required the Beach Access Ordinance No. 76-20 [Code ch. 146, art. III] or its successor in function.~~
- 3. ~~Architectural definitions for types of buildings in the development; number of dwelling units, sizes, and types, together with typical floor plans of each type. Document that the project is consistent with 3.03.00 and the Objectives and Policies in Goal 10 of the Conservation and Coastal Management Element of the GMP.~~
- 4. ~~Computation sheet including the following data:~~
  - ~~a. Lot area~~
  - ~~b. Totally enclosed area of each floor.~~
  - ~~c. Number and floor area of units by type.~~
  - ~~d. Landscaped areas to be provided including any existing areas of native vegetation.~~
  - ~~e. Parking area.~~
  - ~~f. Number of parking spaces.~~
  - ~~g. Indoor and outdoor recreation areas.~~
  - ~~h. Plans for providing potable and irrigation water requirements.~~
  - ~~i. Storm drainage and sanitary sewage plans.~~



- ~~j. Plans for signs, if any.~~
  - ~~k. Such additional data as the planning services director may believe is pertinent to the review and evaluation of the site alteration plan or site development plan. Items shall be prepared by a Florida registered surveyor, engineer, or architect or practicing land planner or environmental consultant as may be appropriate to the particular item.~~
  - ~~l. Transfer of development rights data required in section 4.02.14 J.~~
  - ~~m. Submission and approval of an environmental impact statement as required by Collier County laws or regulations of applicable environmental data as required by the LDC.~~
  - ~~n. The developer shall be subject to Chapter 3, tree/vegetation removal regulations, in existence at the time of permitting, requiring a tree removal permit prior to any land clearing. A site clearing plan shall be submitted to the planning services director for his review and subject to approval in phases to coincide with the development schedule. The site clearing plan shall indicate the retention of native vegetation to the maximum extent practical and how roads, buildings, lakes, parking lots, and other facilities have been oriented to accommodate this goal. One criterion to be used in evaluating the extent of native vegetation to be retained shall be a consideration of the land use.~~
  - ~~o. Submission and approval of an excavation plan as required by the Collier County Code of Laws and Ordinances, if applicable.~~
  - ~~p. A development of regional impact review as required by F.S. § 380.06, as amended, if applicable.~~
  - ~~q. An appropriate protected species survey using methodology of the Florida game and freshwater fish commission shall be required. An appropriate protected species survey should include considerations for species known or likely to occur in or around habitats in the development area.~~
  - ~~r. All exotic plants as defined in section 1.08.02 shall be removed during each phase of construction from development areas, open space areas, and preserve areas. Following site development, a maintenance program shall be implemented to prevent reinvasion of the site by exotic species. This plan, which will describe control techniques and inspection intervals, shall be filed with and subject to approval by the community planning services director in accordance with the standards established in Chapter 3.~~
- H. Exceptions from public hearing requirements. The ~~planning services director~~ County Manager or designee may administratively approve a site alteration plan or site development plan for land designated ST or ACSC-ST without the public hearing otherwise required by this section if:

1. The area of the proposed alteration or **development** is five (5) acres or less in gross area; there are no transfer of **development** rights involved, and the following conditions, where applicable, exist:
    - a. The proposed site alteration or site **development** will occur on land that was lawfully cleared and no more than ten percent of the cleared lands have re-grown with **native vegetation**.
    - b. Where the proposed alteration or **development** involves a single-family principal **structure** or the renovation or replacement of a single-family **structure** and the proposed site alteration or site **development** plan will not require any significant modification of topography, drainage, flora, or fauna on the site. "Significant modification" shall mean modification greater than 15 percent of the site.
    - c. No pollutants will be discharged from the area that will further degrade the air, water or soil ~~below the levels existing at the time of application~~.
    - d. Water management berms and **structures** proposed for the protection and/or enhancement of the ST areas will meet the minimum dimensions permitted by the South Florida Water Management District.
  2. Temporary site alteration for oil and gas geophysical surveys and testing. "Temporary site" alteration shall mean only those alterations involving and cutting of vegetation for surveys and equipment entry, drill shot holes not exceeding six inches in diameter and rutting associated with vehicle **access**. Trimming of vegetation for **access** routes shall be kept to the minimum width necessary for surveying and testing. The site shall be restored as required by federal, state and county permits within 90 days of ~~the~~ the start of the project.
  3. ~~Where a A conditional use has been approved, along with an environmental impact statement (EIS), or an exemption from the requirement for an EIS has been granted pursuant to section 10.02.02 of this Code.~~
  4. Site alteration or site **development** around existing communication towers to expand or construct **accessory structures** associated with an already existing tower, not to exceed five acres.
  5. All other site alteration or site **development** plan approvals of any size shall be as required to comply with the provisions in ~~sections~~ 4.02.14 D-, E- and F-, as applicable.
- I. Exemptions. The following activities shall be exempt from the requirements of ~~section~~ 4.02.14 E- and F.
1. Removal and control of exotic vegetation as defined in Chapter 3 of this Code.
  2. Prescribed fires and associated firebreaks as approved by the Florida Department of Forestry.
  3. Removal of non-native vegetation pursuant to Chapter 3 of this Code.

~~J. Modification of site alteration plan or site development plan. Any modification of the site alteration plan or site development plan as approved by the county, which would alter the intent and purpose of these ST regulations, requires the procedure and approval as if for a new petition.~~

\* \* \* \* \*

**SUBSECTION 3.M. AMENDMENTS TO SECTION 4.05.02 DESIGN STANDARDS**

Section 4.05.02 Design Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.05.02 Design Standards**

\* \* \* \* \*

~~B. Parking lots and spaces shall meet the following standards:~~

- ~~1. Be surfaced with asphalt, bituminous, concrete or dustless material and maintained in smooth, well-graded condition. Upon approval of the County Manager or designee, a suitable material (lime rock excluded) with a suitable stabilized subgrade may be substituted for the above materials.~~
- ~~2. Up to seventy (70%) percent of the parking spaces for houses of worship and schools may be surfaced with grass or lawn. When the County Manager or designee determines that the paving of some or all parking spaces for houses of worship and schools will have significant negative environmental impacts, the County Manager or designee may require that these parking spaces not be paved.~~
- ~~3. Spaces that are not paved shall be compacted, stabilized, well drained and surfaced with a durable grass cover.~~
- ~~4. Driveways, handicapped spaces and access aisles shall be paved.~~

B. Parking lots and spaces shall meet the following surfacing standards:

1. Be surfaced with asphalt, bituminous, concrete or dustless material and maintained in smooth, well-graded condition. Upon approval of the County Manager or designee, a suitable material (lime rock excluded) with a suitable stabilized subgrade may be substituted for the above materials. Driveways, handicapped spaces, and access aisles shall be paved.
  - a. Grass Parking Spaces. Grass parking spaces may be used to satisfy the required off-street requirements of Section 4.05.04 in the following circumstances:

- i. Grass parking spaces shall be compacted, stabilized, well drained and surfaced with a durable and maintained grass cover. Driveways, handicapped spaces, and access aisles shall be paved.
  - ii. Grass parking spaces in excess of 15 percent of the total required off-street parking shall be considered as an impervious surface in water management calculations for quality and quantity standards per the South Florida Water Management District and Collier County regulations.
  - iii. Up to 70 percent of the parking spaces for houses of worship and schools may be surfaced with grass or lawn, when the County Manager or designee determines that the paving of some or all parking spaces for houses of worship and schools will have significant negative environmental impacts.
  - iv. Parking lots in excess of 200 parking spaces may surface 15 percent of the required off-street parking spaces in grass. Such grass parking spaces shall be located along the outlying perimeter of the parking lot.
- b. Re-establishment of paved parking. If in the opinion of the County Manager or designee, the grass parking spaces create an unsafe condition as evidenced by documented injuries or accidents, then the owner of any property may be required to replace some or all of the grass parking spaces with improved parking spaces that meet the standards of B.1 above upon receipt of written notice from the County.

\* \* \* \* \*

**SUBSECTION 3.N. AMENDMENTS TO SECTION 4.05.04 PARKING SPACE REQUIREMENTS**

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

**4.05.04 Parking Space Requirements**

\* \* \* \* \*

~~D. Developers providing parking lots in excess of 200 parking spaces may surface fifteen (15%) percent of the required off-street parking spaces in grass which shall be compacted, stabilized, well drained and surfaced with a durable grass cover. Such grass parking spaces shall be located along the outlying perimeter of the parking lot. Driveways, handicapped spaces and access aisles shall be paved. All grassed parking spaces shall be included in the water management calculations for site development plan review.~~

Words struck through are deleted, words underlined are added

E. D. Required off-street parking shall be located so that no automotive vehicle when parked shall have any portion of such vehicle overhanging or encroaching on public right-of-way or the property of another. If necessary, wheel stops or barriers may be required in order to enforce this provision.

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

G. F. Minimum requirement.

1. Irrespective of any other requirement of this LDC, each and every separate individual store, office, or other business shall be provided with at least one (1) off-street parking space, unless specific provision is made to the contrary.
2. The County Manager or designee may determine the minimum parking requirements for a use which is not specifically referenced below or for which an applicant has provided evidence that a specific use is of such a unique nature that the applicable minimum parking ratio listed in this LDC should not be applied. In making such a determination the County Manager or designee may require submission of parking generation studies; evidence of parking ratios applied by other counties and municipalities for the specific use; reserved parking pursuant to section 4.05.05; and other conditions and safeguards deemed to be appropriate to protect the public health, safety and welfare.

H. G. Spaces required.

\* \* \* \* \*

### SUBSECTION 3.O. 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

A. Applicability of **buffer** requirements. The buffering and screening shown in table 2.4 below shall be required under this section and shall apply to all new **development**. Existing landscaping which does not comply with the provisions of this section shall be brought into conformity to the maximum extent possible when: the **vehicular use area** is **altered** or expanded (except for restriping of lots/drives), the **building square footage** is changed, or there has been a discontinuance of use for a period of 1 year ~~60 consecutive days~~ or more and a request for an occupational license to resume business is made.

**Subdivisions or Developments** shall be **buffered** for the protection of property owners from land uses as required pursuant to this section 4.06.00. ~~buffers~~ Buffers shall not

inhibit pedestrian circulation between adjacent commercial land uses. ~~buffers~~ **Buffers** shall be installed during construction as follows and in accordance with this section 4.06.00:

\* \* \* \* \*  
 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.

\* \* \* \* \*

Table 2.4 Table of **Buffer Requirements** by Land Use Classifications

Subject Property's District/Use	Adjacent Properties Zoning District and/or Property Use													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Agriculture (A <sup>1</sup> )	-	B	B	B	B	B	A	A	A	A	D	A	-	A
2. Residential (E, RSF) single-family	A	A	B	B	B	B	B	C	B	*	D	B	-	C
3. Residential (RMF-6, RMF-12, RMF-16) multifamily	A	B	A	A	A	B	B	B	B	*	D	B	-	C
4. Residential tourist (RT)	A	B	A	A	B	B	A	B	B	*	D	B	-	B
5. Village residential (VR)	A	A	B	B	A	B	B	B	B	*	D	B	-	B
6. Mobile home (MH)	A	B	B	B	B	A	B	B	B	*	D	B	B	B
7. Commercial <sup>3</sup> (C-1, C-1/T, C-2, C-3, C-4, C-5); Business Park (BP)	A	B	B	B	B	B	A	A	A	*	D	B	B	B
8. Industrial <sup>4</sup> (I)	A	C	B	B	B	B	A	A2	A	*	D	B	B	B
9. Public use (P), community facility (CF), Golf Course Clubhouse, Amenity Center	A	B	B	B	B	B	A	A	A	*	D	B	-	C
10. Planned unit development (PUD)	*	*	*	*	*	*	*	*	*	*	D	*	*	*
11. Vehicular rights-of-way	D	D	D	D	D	D	D	D	D	D	-	B	-	D
12. Golf course maintenance building	B	B	B	B	B	B	B	B	B	B	B	A	B	C
13. Golf course	-	-	-	-	-	-	-	-	-	-	-	B	-	C
14. Automobile service station	A	C	C	B	B	B	B	B	C	*	D	C	C	D

<sup>1</sup> **Buffering** in agriculture (A) districts shall be applicable at the time of site development plan (SDP) submittal.

<sup>2</sup> Industrial (I) zoned property, where abutting industrial (I) zoned property, shall be required to install a minimum 5-foot-wide type A **landscape buffer** adjacent to the side and rear property lines. ~~This~~ The buffer area shall not be used for water management. In addition, trees may be reduced to 50 feet on center along rear and side perimeter buffers only. This reduction in buffer width shall not apply to buffers adjacent to vehicular rights-of-way or nonindustrial zoned property. Abutting industrial zoned properties may remove a side or rear buffer along the shared property line in accordance with Section 4.06.02 C.7. This exception to buffers shall not apply to buffers abutting to vehicular rights-of-way.

<sup>3</sup> **Buffer areas between commercial outparcels located within a shopping center, Business Park, or similar commercial development** may have a shared **buffer 15 feet wide with each adjacent abutting property contributing 7.5 feet. The outparcels may remove a side or rear buffer along the shared property line between comparable uses within the same zoning designation in accordance with Section 4.06.02 C.7. This does** ~~These provisions shall not apply to right-of-way buffers.~~

\* \* \* \* \*

6. **Buffering and screening standards.** In accordance with the provisions of this Code, loading areas or docks, outdoor storage, trash collection, mechanical equipment, trash compaction, vehicular storage excluding new and used cars, recycling, roof top equipment and other service function areas shall be fully screened and out of view from adjacent properties at ground view level and in view of roadway corridors.

7. Joint Project Plan. **Abutting** platted parcels may submit a joint project plan to remove one side or rear **landscape buffer** along a shared property line in order to share parking or other infrastructure facilities, provided the following criteria are met:

a. A joint project plan shall include all necessary information to ensure that the combined site meets all of the design requirements of this Code, and shall be submitted as either a single SDP or SIP consisting of both **parcels**, or separate SDPs or SIPs for each parcel that are submitted concurrently. Joint project plans require a shared maintenance and access easement that is recorded in the public records.

b. The following are eligible for a joint project plan. One **outparcel** shall be no greater than 3 acres and the combined **parcel** acreage shall not exceed 5 acres:

i. **Abutting commercial outparcels located within a shopping center.**

ii. **Abutting commercial parcels in a Business Park.**

iii. **Abutting commercial parcels with the same zoning designation.**

iv. **Abutting industrial parcels with the same zoning designation.**

c. The eliminated **buffer** shall be reallocated to the remaining **landscape buffers** and/or internal landscaped areas of the proposed joint project. There shall be no net loss of landscape material or square footage of the **buffer** as a result of the eliminated **buffer** on the shared property line.

d. The buffer to be eliminated shall not be a perimeter buffer or adjacent to any internal main access drives.

\* \* \* \* \*

**SUBSECTION 3.P. AMENDMENTS TO SECTION 4.06.03 LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS AND RIGHTS-OF-WAY**

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

**4.06.03 Landscaping Requirements for Vehicular Use Areas and Rights-of-Way**

A. *Applicability.* The provisions of this section shall apply to all new off-street parking or other **vehicular use areas**. Existing landscaping which does not comply with the provisions of this Code shall be brought into conformity to the maximum extent possible when: the **vehicular use area is altered** or expanded except for restriping of lots/drives, the **building** square footage is changed, or the **structure** has been vacant for a period of 90 days 1 year or more and a request for an occupational license to resume business is made. These provisions shall apply to all **developments** with the exception of single-family, two-family, **mobile home dwelling unit, public utility ancillary system,** and dwellings on individually platted lots. Any appeal from an administrative determination relating to these regulations shall be to the board of zoning appeals or equivalent. Prior to issuing occupancy permits for new construction, implementation and completion of landscaping requirements in off-street vehicular facilities shall be required. Where a conflict exists between the strict application on this division and the requirements for the number of off-street parking spaces or area of off-street loading facilities, the requirements of this section shall apply.

\* \* \* \* \*

**SUBSECTION 3.Q. AMENDMENTS TO SECTION 4.06.04 TREES AND VEGETATION PROTECTION**

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

**4.06.04 Trees and Vegetation Protection**

- ~~A. Vegetation Removal and Site Filling:~~  
1. ~~Clearing of woody vegetation requires a Vegetation Removal Permit or Vegetation Removal and Site Filling Permit unless exempted by section 3.05.02. The Vegetation Removal Permit process is governed by section 3.05.05.~~



a. ~~Permitted removal of vegetation or site filling with an approved Vegetation Removal and Site Filling Permit (VRSFP), Site Development Plans (SDP) or Plat and Construction Plans (PPL).~~

i. ~~For individual single family lots or blocks of lots 1) a completed building permit application must be submitted and deemed sufficient by Collier County, 2) all necessary current state and Federal environmental permits must be obtained. If these two items are fulfilled, a VRSFP must be obtained prior to removal of this vegetation.~~

ii. ~~To allow for safety during tree removal, if a developer owns contiguous single family lots, the trees on the single family lots directly adjacent to a lot where a house is under construction may be removed, if removal at a future date may be a danger to life or property. A VRSFP must be obtained prior to removal of this vegetation.~~

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

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

i) ~~The limits of each separate stockpile must be clearly delineated and the area, height, cross-section, and volume of each individual stockpile must appear on the drawing referenced to the stockpile. Slopes must not be steeper than a ratio of 4:1.~~

ii) ~~The type of vegetation to be removed must be shown on the drawing.~~

iii) ~~The source of the material, such as lake number (lake #) for each stockpile must be indicated on the drawing and the amount of material excavated must justify the need to clear the proposed area.~~

- b) ~~Site Development Plans (SDPs) and Site Improvement Plans (SIPs):~~
- i) ~~Commercial and industrial: Clearing for all infrastructure improvements and for building pads shall be approved on the SDP or SIP site clearing plans.~~
  - ii) ~~Residential SDPs: Clearing for the construction of the infrastructure, such as road rights-of-way, and drainage and utility easement areas shall be approved on SDP clearing plans. Clearing of individual lots or blocks of lots may be approved.~~
  - iii) ~~Preliminary Clearing and Excavation Permits (PCEP): Once the environmental review is complete and approved, the applicant may submit for a PCEP to allow for early clearing, excavation, and earthwork as per the work limits that are shown on the applicant's site plan. All requirements of section 3.05.05.C.1. must be met.~~
  - iv) ~~The limits of each separate stockpile must be clearly delineated and the area, height, cross-section, and volume of each individual stockpile must appear on the drawing referenced to the stockpile. Slopes must not be steeper than a ratio of 4:1.~~
  - v) ~~The type of vegetation to be removed must be shown on the drawing.~~
  - vi) ~~The source of the material, such as lake number (lake #) for each stockpile must be indicated on the drawing and the amount of material excavated must justify the need to clear the proposed area.~~
- c) ~~A portion of the 100 acres may be used to bring building lots to desired construction elevations. The area used to prepare lots shall not exceed 50 acres and these lots shall immediately be stabilized and seeded, to prevent erosion and exotic seed infestation. A separate VRSFP may also be obtained after SDP or PPL approval prior.~~
- iv. ~~No VRSFP will be issued without first submitting copies of all required approved agency permits, regardless of whether the permit is for clearing and filling or simply filling a site.~~
- v. ~~When a VRSFP authorizing up to 100 acres of clearing and filling is nearing capacity, permission to clear and fill up to an additional 100 acres to use excess lake material may be applied for with a new VRSFP application.~~

vi. ~~A VRSFP will be issued to authorize greater than 100 acres of residential, commercial, or industrial lots to store excess fill generated by lake excavations within the PUD or project where the excavation is taking place, when the property used for storing excess fill has been previously cleared or has greater than 75% canopy of exotics.~~

vii. ~~Revegetation: For VRSFPs within subdivisions, a revegetation bond in the form of a performance bond, letter of credit, or cash bond and in the amount of \$5,000.00 per acre must be posted.~~

a) ~~When fill is used to bring building lots to desired construction elevations those lots shall immediately be seeded, to prevent erosion and exotic seed infestation.~~

b) ~~All fill areas for lots or stockpiles must have erosion control silt fencing.~~

c) ~~Any stockpile in place for more than six months must be sodded or hydroseeded. Failure to do so within 14 calendar days of notification by the county will result in a fine of \$10.00 per acre, per day.~~

d) ~~In the event that any portion of the stockpile is in place for greater than 18 months, the county will order the fill to be removed and the land to be revegetated. The density and type of revegetation must mimic nearby ecosystems, and must not be less than 64 trees per acre with associated mid-story and groundcover.~~

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

A. Vegetation Removal and Site Filling. Unless exempted by Section 3.05.02, clearing and filling for Site Development Plans (SDP), Site Improvement Plans (SIP), Plans and Plat (PPL) and Vegetation Removal and Site Fill Permits (VRSFP) shall be in accordance with Section 3.05.05 and the following criteria. The following shall not apply to the Golden Gate Estates subdivision.

1. SDP, SIP and PPL. Clearing and filling for residential, commercial or industrial lots or building sites where lakes are excavated within a PUD or project, where the SDP, SIP or PPL has been approved, subject to the following:

- a. Clearing and filling of **native vegetation** shall be limited to 100 acres and shall be shown on the approved site plans for the SDP, SIP or PPL. Fill dirt may be imported to the site.
- b. Clearing and filling in excess of 100 acres shall be allowed where land has been previously cleared or the vegetation is not **native vegetation**.
- c. **Lots** cleared must, at minimum, be filled and graded in accordance with the approved plans to ensure the stormwater management system will function as designed and to insure the health, safety and welfare of the public. **Best Management Practices (BMP)** for erosion control shall be implemented and **lots** cleared must be stabilized with vegetation within six months. If desired by the applicant, **lots** may be partially cleared to retain existing **native vegetation**.
- d. The limits of each stockpile of excavated material along with height and cross-sections must be included on the approved plans for the SDP, SIP or PPL. Slopes shall not be steeper than a ratio of 4:1, or as otherwise approved by the County Manager or designee where vegetation on the stockpile does not require mowing or the 4:1 ratio is not practicable. Such determination shall be based on the type of material to be excavated and other information as provided by the applicant.
- e. The limits of clearing shall be shown on site plans for the SDP, SIP or PPL.

2. VRSFP. Issuance of a VRSFP, subject to the following:

- a. Clearing and filling of individual single family **lots** where a completed building permit application has been submitted and deemed sufficient by the County.
- b. On **adjacent** single-family **lots** where a building permit for a single-family home for one of the **lots** has been issued. Up to five **lots** may be cleared and filled per application.
- c. Temporary **access** in previously cleared areas, areas not containing **native vegetation** or areas of future **development** identified in a PUD, where the need and location for such temporary **access** has been approved by the County Manager or designee.
- d. Clearing and filling of up to 100-acres of **native vegetation** within a PUD or project, where the SDP, SIP or PPL has been approved, and where storage of fill from the previous **development order** authorizing clearing and filling is nearing capacity (75 percent complete).
- e. No work may commence until State and Federal permits are obtained.

3. Stabilization:

- a. **Best Management Practices (BMP)** for erosion control shall be

implemented and areas cleared shall be stabilized within six months.

b. Stockpiles in place for more than six months shall be stabilized. Stabilization shall be with one or more of the following: vegetation, watering, covering of stockpiles or other methods as approved by the County Manager or designee. Such determination shall be based on the type of material to be excavated and other information as provided by the applicant. Failure to do so within 14 calendar days of notification by the County will result in a fine of \$10.00 per acre, per day.

c. Stockpiles located one half mile or more from residences are not required to be stabilized unless the County or developer receive complaints of dust from residents. Where valid complaints are received, stabilization shall be required in accordance with 4.06.04 A.3.b (above).

d. Stockpiles shall not be placed in areas used to satisfy the native vegetation retention requirements of the LDC.

e. For subdivisions and VRSFPs within subdivisions, excluding VRSFPs for clearing and filling of 5 lots or less or for temporary access pursuant to 4.06.04 A.2.a, b and c (above), a vegetation bond in the form of a performance bond, letter of credit, or cash bond and in the amount of \$5,000.00 per acre must be posted. Bonds shall be released to the applicant on a prorated basis based upon issuance of building permits or stabilization of fill.

4. BCC approval. Deviations from the thresholds contained herein may be obtained from the BCC through PUD rezone or BCC approved VRSFP. The applicant must demonstrate to the Board, through a schedule of development activities, that the project will be completed in a reasonable amount of time so as to minimize noise, dust, blasting, traffic, and inconvenience to the neighboring and general public. Except as explicitly exempted by the Board, all other criteria in Section 4.06.04 shall apply.

\* \* \* \* \*

**SUBSECTION 3.R. AMENDMENTS TO SECTION 4.07.02 DESIGN REQUIREMENTS**

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

**4.07.02 Design Requirements**

\* \* \* \* \*

G. Open space requirements. Usable open space for PUDs shall be provided as follows, except as required in the Rural Fringe Mixed Use District within the Future Land Use Element of the Growth Management Plan.

1. ~~Usable open space shall include active and passive recreation areas such as~~

~~playgrounds, golf courses, lakes, both natural and manmade, beach frontage, waterways, lagoons, flood plains, nature trails, and similar open spaces. Open water areas beyond the perimeter of the site, internal street rights-of-way, driveways, off-street parking areas, and off-street loading areas shall not be counted in determining usable open space.~~

- 2-1. Within PUD districts composed entirely of residential **dwelling units** and **accessory uses**; at least ~~sixty (60)~~ percent of the gross area shall be devoted to **usable open space**.
- 3-2. Within PUD districts containing commercial, industrial and mixed use including residential, at least ~~thirty (30)~~ percent of the gross area shall be devoted to **usable open space**.
- 4-3. An appropriate percentage of the gross project area shall may be required to be dedicated to public use as **usable open space** for all **development** after a determination by the BCC that a public need exists for such public facilities and that the amount of area dedicated is directly related to the impacts or needs created by the proposed **development**.

\* \* \* \* \*

**SUBSECTION 3.S. AMENDMENTS TO SECTION 5.03.02 FENCES AND WALLS, EXCLUDING SOUND WALLS**

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

**5.03.02 Fences and Walls, Excluding Sound Walls**

\* \* \* \* \*

**G. Supplemental Standards.**

\* \* \* \* \*

- 1. Fences on sites with **structures** which are subject to section 5.05.08 Architectural & Site Design Standards must comply with the following additional standards:
  - a. Chain link (including wire mesh) and wood fences are prohibited forward of the primary facade and shall be a minimum of 100 feet from a public **right-of-way**. If these types of fences face a public or private **street** then they shall be screened with an irrigated hedge planted directly in front of the fence on the street side. Plant material shall be a minimum of 3 gallons in size and planted no more than 3 feet on center at time of installation. This plant material must be maintained at no less than three-quarters of the height of the **adjacent fence** (~~See Illustration 5.03.02 A.1.a. 1).~~

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

\* \* \* \* \*

**SUBSECTION 3.T. AMENDMENTS TO SECTION 5.06.02 DEVELOPMENT STANDARDS FOR SIGNS WITHIN RESIDENTIAL DISTRICTS**

Section 5.06.02 Development Standards for Signs within Residential Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**5.06.02 Development Standards for Signs within Residential Districts**

\* \* \* \* \*

B. Applicability. **Signs** within residential zoning districts, and in designated residential portions of PUD zoned properties shall be permitted as provided for in this section.

\* \* \* \* \*

11. *Flags & Flagpoles.* Residential properties including Estates, Con & Agricultural zoned districts with residential uses that have been issued a certificate of occupancy are permitted up to three flags on a single ~~flag-pole~~ flagpole.

\* \* \* \* \*

d. ~~Flagpoles in excess of 15 feet~~ shall have the flagpole foundation or flagpole attachment design/construction plan signed and sealed by a professional engineer licensed in the State of Florida. The design/construction plan shall indicate the maximum flag area that the flagpole is capable of supporting, with the following exception:

i. Single family and duplex lots with a flagpole less than 15 feet in height. No permit required.

\* \* \* \* \*

**SUBSECTION 3.U. AMENDMENTS TO SECTION 5.06.03 DEVELOPMENT STANDARDS FOR SIGNS FOR INSTITUTIONAL USES**

Section 5.06.03 Development Standards for Signs for Institutional Uses, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**5.06.03 Development Standards for Signs for Institutional Uses**

A. Applicability. These requirements apply to signs for **institutional use** facilities where signs are informational and contain no commercial message.

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

1. Signage for these facilities is exempt from the requirements provided in section 5.06.02 B.8 **Conditional uses** within residential and agricultural districts.
2. In addition, the number of signs, location and distance restrictions per section 5.06.04 E E. shall not apply to **institutional use** signage.

\* \* \* \* \*

**SUBSECTION 3.V. AMENDMENTS TO SECTION 5.06.04 DEVELOPMENT STANDARDS FOR SIGNS IN NONRESIDENTIAL DISTRICTS**

Section 5.06.04 Development Standards for Signs in Nonresidential Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**5.06.04 Development Standards for Signs in Nonresidential Districts**

\* \* \* \* \*

C. **Development Standards**

\* \* \* \* \*

3. The use of accent lighting as defined by the Land Development Code is prohibited ~~on signs~~.

\* \* \* \* \*

9. No signs shall be permitted on a vacant lot or **parcel**, unless a **building** permit or clearing permit has been issued, with the exception of **real estate signs**, ~~which may be allowed on parcels less than 10 acres.~~

\* \* \* \* \*

D. Real estate signs shall be permitted in nonresidential districts subject to the following:

1. One ground sign with a maximum height of ~~40~~ 8 feet or **wall sign** with a maximum sign area of 12 square feet per **street frontage** for each **parcel**, or lot less than 1 acre in size. No **building** permit is required.
2. One ground sign with a maximum height of ~~40~~ 8 feet or **wall sign** with a maximum area of 32 square feet per **street frontage** for each **parcel**, or lot of 1-10 acres in size. No **building** permit is required.

\* \* \* \* \*

E. **Construction signs.** Signs may be erected and located upon a site under construction. Such signs shall be securely built, and allowed under the following:

1. Signs shall be located a minimum of 10 feet from any property line.
2. One **ground sign** with a maximum height of 8 ~~40~~ feet or **wall sign** with a maximum **sign area** of 12 square feet is allowed within each **front yard** for each **parcel** less than one acre in size. No **building** permit is required.



3. One **ground sign** with a maximum height of 8\_40 feet or **wall sign** with a maximum **sign area** of 32 square feet is allowed within each **front yard** for each **parcel** 1-10 acres in area. No **building** permit is required.

\* \* \* \* \*

F. *On-premise signs.* **On-premises pole signs, ground signs, projecting signs, wall signs, and mansard signs** shall be allowed in all nonresidential zoning districts subject to the restrictions below:

\* \* \* \* \*

1. Pole or ground signs. Single-occupancy or multiple-occupancy **parcels**, having **frontage** of 150 feet or more on a public **street**, or combined public **street frontage** of 220 linear feet or more for corner **lots**, shall be permitted one **pole** or **ground sign**. Additional **pole** or **ground signs** may be permitted provided that there is a minimum of a 1,000-foot separation between such **signs**, and all **setback** requirements are met. In no case shall the number of **pole** or **ground signs** exceed 2 per **street frontage**.

\* \* \* \* \*

- d. Pole signs and, where applicable, ground signs shall provide a pole cover no less than 50 percent of the width of the sign, with architectural design features including colors and or materials common to those used in the design of the building to which the sign is accessory.

\* \* \* \* \*

4. Wall, mansard, canopy or awning signs. One **wall, mansard, canopy** or **awning sign** shall be permitted for each single-occupancy **parcel**, or for each unit in a multiple-occupancy **parcel**. End units within **shopping centers** and multiple-occupancy **parcels**, or single occupancy **parcels** where there is double **frontage** on a public **right-of-way**, shall be allowed 2 signs, but such signs shall not be placed on one wall. Retail businesses with a floor area of larger than 25,000 square feet and a front wall length of more than 200 linear feet, are allowed 3 **wall signs**; however, the combined area of those signs shall not exceed the maximum allowable display area for signs by this Code.

- a. The maximum allowable display area for signs shall not be more than 20 percent of the total square footage of the visual **façade** including windows of the **building or unit** to which the sign will be attached and shall not, in any case, exceed 150 square feet for **buildings** or units up to 24,999 square feet, 200 square feet for **buildings** or units between 25,000 and 59,999 square feet and 250 square feet for **buildings** over 60,000 square feet in area.

\* \* \* \* \*

- e. In addition, any non-illuminated, non-reflective signs located in a window shall not exceed 25 percent of each window area. No building permit required.

\* \* \* \* \*

9. **On-premises directional signs** may be permitted within nonresidential zoning districts intended to facilitate the movement of pedestrians and vehicles within

the site upon which such signs are posted. **On-premises directional signs** shall not exceed 6 square feet in area. On-premises directional signs shall not exceed and 4 feet in height unless located on the side of the building. **On-premises directional signs** shall be limited to 2 at each vehicle access point and a maximum of 4 internal to the development. Internal signs are not intended to be readily visible from the road.

- a. **Directional signs** located internal to the subdivision or development shall maintain a minimum setback of 10 feet from the property line, the edge of the roadway, paved surface or back of the curb, as applicable.
- b. Directional signs may be combined into a single sign not to exceed 6 feet in height and 64 square feet in area. Such signs shall require a building permit.

\* \* \* \* \*

**14. Sandwich Board/Sidewalk Signs may be permitted subject the following conditions:**

- a. One nonilluminated sandwich board/sidewalk sign is allowed per business establishment.
- b. The sign must be placed on the private property and within 10 feet of the front door of the business or within a designated outdoor eating area. Signs shall allow a 3 foot passage way for pedestrian accessibility and shall not block access to an entrance.
- c. The size of the sign shall be no more than 30 inches wide and 42 inches in height. The sign must be weighted at the base to provide stability. A maximum of 2 sign faces are allowed per sign.
- d. The sign must be moved inside the business when the business is closed.

\* \* \* \* \*

**SUBSECTION 3.W. AMENDMENTS TO SECTION 5.06.05 EXEMPTIONS FROM THESE REGULATIONS**

Section 5.06.05 Exemptions from These Regulations, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**5.06.05 Exemptions from These Regulations**

The following signs and actions are exempt from the permit requirements of this Code, and shall be permitted in all districts subject to the limitations set forth below:

- A. Signs authorized to be displayed by law or by governmental order, rule or regulation.

1. Prohibitory signs (e.g., no dumping, no trespassing) 3 square feet in size or less and no more than 6 ft in height unless mounted to a building may be allowed without a permit.
2. Reasonable repairs and maintenance.
3. Signs located on fences or walls surrounding athletic fields, or within sports arenas, stadiums and the like, not to exceed 32 square feet in size, per side, per sign. Signs shall be oriented along the fence or wall to face the fields(s) or playing area, and away from any adjacent public or private roads.

\* \* \* \* \*

**SUBSECTION 3.X. AMENDMENTS TO SECTION 6.02.01 GENERALLY**

Section 6.02.01 Generally, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**6.02.01 Generally**

\* \* \* \* \*

D. For the purposes of this section only, the following terms are defined as follows:

\* \* \* \* \*

12. *Transportation Concurrency Management System* means a "real time" **concurrency** system that tracks and allocates the available roadway capacity on a continuous basis with quarterly status reports to the Board. Trips generated from proposed **developments** will be added to the trips approved to date and the existing background traffic counts to determine if there is available capacity for each new **development** to be approved, in whole or part, as proposed **development plans** are submitted. Application of this system is limited to the following **final local development orders: site development plan, site development plan amendment, site improvement plan, and subdivision plat and plan application.**

\* \* \* \* \*

**SUBSECTION 3.Y. AMENDMENTS TO SECTION 6.02.03 TRANSPORTATION LEVEL OF SERVICE REQUIREMENTS**

Section 6.02.03 Transportation Level of Service Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

### 6.02.03 Transportation Level of Service Requirements

\* \* \* \* \*  
E. ~~Potentially deficient road segments.~~

1. ~~A County or State road segment shall be considered potentially deficient when located on the major road network system whose adopted LOS standard is LOS "C" or LOS "D," peak season, peak hour, that is presently operated at its adopted LOS, or whose adopted LOS is LOS "D" peak season, peak hour, and has operated at LOS "E" peak season, peak hour, for 2 years or less, based on the AUIR.~~
2. ~~A potentially deficient road segment which has an adopted LOS "D" peak season, peak hour, may operate at LOS "E," peak season, peak hour, for 2 years before it shall become a deficient road segment.~~
3. ~~A County or State road segment shall be considered potentially deficient when located on the major road network system whose adopted LOS standard is "E," peak season, peak hour, that is presently operating at LOS "E" peak season, peak hour, based on the AUIR.~~
4. ~~In determining the capacity of a County road segment or a State road segment for the purpose of determining whether it is a potentially deficient road segment, the County shall consider:~~
  - a. ~~Any capital road improvement currently in place.~~
  - b. ~~Any capital road improvement that is under construction.~~
  - e. ~~Any capital road improvement guaranteed in an enforceable **development agreement** that includes the provisions in subsections 6.02.03 E.1. and 6.02.03 E.3.~~
  - d. ~~The actual construction of the required capital road improvement is included and is scheduled to commence in or before the third year of the State's five (5) year work program and the County's current five (5) year capital improvement schedule adopted as part of the GMP.~~
  - e. ~~The BCC has made an express finding, after a public hearing, that the current five (5) year capital improvement schedule is based on a realistic, financially feasible program of funding from existing revenue sources.~~

F. E. The LOS for capital road facilities on the major road network system are as set forth in Policy 1.1.5 of the CIE and Policy 1.4 of the Transportation Element of the GMP.

G. ~~Determination of public facility adequacy for the road component shall be based upon whether the proposed **development** is outside a designated ASI or within a designated ASI.~~

1. ~~For **development** outside a designated ASI, or where no ASI exists, the road component shall be granted.~~

2. ~~For development within a designated ASI covering a potentially deficient road segment, the road component shall be approved, subject to available capacity, if it is demonstrated that the proposed development will not make the potentially deficient road segment within the ASI a deficient road segment. In the instance where the proposed development will create a deficient road segment, a certificate of public facility adequacy for the road component shall be approved only for that portion of the development that does not create the deficient road segment. For development within a designated ASI covering a deficient road segment, the road component shall be approved only for that portion of the development that does not increase the net trips on the deficient road segment and does not further degrade the LOS of the deficient road segment.~~

\* \* \* \* \*

**SUBSECTION 3.Z. AMENDMENTS TO SECTION 6.06.01 STREET SYSTEM REQUIREMENTS**

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

**6.06.01 Street System Requirements**

\* \* \* \* \*

~~K. Where a subdivision or development abuts or contains existing limited access highway, freeway, or arterial street, and if access is desired to adjoining property other than street connections, a marginal access street to afford separation of through and local traffic may be required by the County Manager or designee.~~

*(re-letter paragraphs L through S accordingly)*

\* \* \* \* \*

S. R. Traffic control devices shall be provided by the developer when the engineering study indicates traffic control is justified at any **street** intersection within the **subdivision** or **development** or where the additional traffic flow results from the proposed **subdivision** or **development** onto any **collector** or **arterial street**. Traffic control devices are subject to County approval. If more than 1 **development** or **subdivision** is involved, each shall be required to make a pre-rata proportionate share contribution for the installation cost of the traffic control devices, as defined by the Traffic Impact Study Guidelines, as may be amended or superseded. The cost of all required traffic control devices shall be included in the amount of **subdivision** performance security furnished for the required improvements.

\* \* \* \* \*

SUBSECTION 3.AA.

AMENDMENTS TO SECTION 6.06.02 SIDEWALKS, BIKE LANE AND PATHWAY REQUIREMENTS

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

6.06.02 Sidewalks, Bike Lane and Pathway Requirements

- \* \* \* \* \*
- F. Sidewalk, Bike Lane, and Pathway Design & Construction/Materials. All workmanship materials, methods of placement, curing, forms, foundation, finishing, etc. shall be in conformance to the latest edition of FDOT Standard Specifications for Road and Bridge Construction and FDOT Design Standards.
1. All **sidewalks** shall be designed and constructed in accordance with the following: ~~latest edition of FDOT's Design Standards.~~ All **sidewalks** shall be constructed of Portland cement concrete, or paver brick in conformance with the standard right-of-way cross sections contained in appendix B in locations illustrated on an approved site development plan.
    - a. Concrete **sidewalks** for roads with a functional classification as an arterial or collector or that is County maintained shall be a minimum of 4 inches ~~thick, with a 28 day compressive strength of 3,000 psi and be constructed over a compacted four inch limerock base, or a minimum of 6 inches thick of concrete which may be constructed without a limerock base but must be~~ and constructed over a compacted subgrade.
    - b. Concrete **sidewalks** for non-County maintained roads with a functional classification as local or with no functional classification (i.e., drive or accessways) ~~may be constructed of~~ shall be a minimum of 4 inches thick of such concrete and constructed over a compacted subgrade. ~~Expansion joints shall be one-half inch performed bituminous conforming to the latest edition of ASTM. Contraction joints shall be saw cut joints with longitudinal spacing equal to the width of the walk. The saw cut depth shall equal or exceed one fourth the concrete thickness. All workmanship materials, methods of placement, curing, forms, foundation finishing, etc. shall be in conformance to the latest edition of FDOT Standard Specifications for Road and Bridge Construction.~~
    - c. Paver brick, ~~sidewalks,~~ or paver brick accents in **sidewalks** must be installed over a 4-inch thick, compacted limerock base and sand cushion per manufacture specifications, except as otherwise allowed above for sidewalks.
  2. All **bike lanes** shall be designed and constructed in accordance with the most current "Florida Bicycle Facilities Design Standards and Guidelines" or the "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways" (commonly known as the "Florida Greenbook") requirements.

3. All **pathways** shall be designed in accordance with the most current FDOT Bicycle Facilities Planning and Design Handbook as it pertains to shared use **pathways**. Below are the preferred standards for **pathway** construction; however, if the **applicant** can demonstrate that a lesser cross-section will meet the requirements of the County, then upon the approval of the County Manager, or designee, it may be permitted. **Pathways** may be constructed of the following types of materials:

a. Concrete - County maintained pathways shall be constructed of a minimum of 6 inches of Portland cement concrete over a compacted subgrade. Pathways on non-County maintained roads with a functional classification as local or with no functional classification shall be constructed of a minimum of 4 inches of Portland cement concrete over a compacted subgrade. ~~All pathways constructed of Portland cement concrete, shall be a minimum of 6 inches thick of concrete which may be constructed without a limerock base but must be constructed over a compacted subgrade. Expansion joints shall be one half inch preformed bituminous conforming to the latest edition of ASTM. Contraction joints shall be saw cut joints with longitudinal spacing equal to the width of the pathway. The saw cut depth shall equal or exceed 1/4 the concrete thickness. All workmanship materials, methods of placement, curing, forms, foundation, finishing, etc. shall be in conformance to the latest edition of FDOT Standard Specifications for Road and Bridge Construction.~~

b. *Asphalt* - All **pathways** constructed of asphalt shall contain a minimum of 42 6 inches stabilized subgrade (LBR 40), 6 inches compacted lime-rock base, and 1.5 inches Type S-III asphaltic concrete, unless an alternate cross-section is otherwise determined to be acceptable by the County Manager, or designee.

\* \* \* \* \*

**SUBSECTION 3.BB. AMENDMENTS TO SECTION 9.03.02 REQUIREMENTS OF CONTINUATION OF NONCONFORMITIES**

Section 9.03.02 Requirements of Continuation of Nonconformities, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**9.03.02 Requirements of Continuation of Nonconformities**

\* \* \* \* \*

F. *Discontinuance or destruction.*

1. If any such **nonconforming** use ceases for any reason (except where governmental action impedes **access** to the premises) for a period of more than ~~180 consecutive days~~ 1 year, any subsequent use of land shall conform to the regulations specified by the LDC for the district in which such land is located.

2. Notwithstanding the above definitions of discontinuance relative to a **nonconforming** use of land or water or **structure**, where the use of land, water or a **structure** has ceased for a period of more than 1 year ~~ninety (90) consecutive days~~, and where such property or use is deficient in the required amount of paved, striped parking, including parking and **access** to the **structure** for the disabled; water management facilities; landscaping; and other site improvements as required in Chapter Four of the LDC, prior to the recommencement of any use of land, water or **structure**, said deficiencies as may apply shall be remedied, to the greatest extent possible given the physical constraints on the property, via the appropriate administrative processes found in Chapter Ten, or as otherwise required by the LDC.

\* \* \* \* \*

**SUBSECTION 3.CC. AMENDMENTS TO SECTION 9.04.02 TYPES OF VARIANCES AUTHORIZED**

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

**9.04.02 - Types of Variances Authorized**

A variance is authorized for any dimensional **development** standard, including the following: height, area, and size of **structure**; height of fence; size of **yards and open spaces**; dimensional aspects of landscaping and **buffering** requirements; size, height, maximum number of, and minimum **setback** for **signs**; and minimum requirements for **off-street** parking facilities; ~~and for site alterations, regardless of predevelopment vegetation, on lots within the Plantation Island Unit One, Plantation Island Unit Two and Plantation Island Unit Three Subdivision (unrecorded).~~

A. *Variances for signs.* The variance procedure for signs is provided in section 5.06.00, the Collier County Sign Code.

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

~~1. Pursuant to the § 380.032(3) Agreement between the Board of County Commissioners and the Department of Community Affairs dated April 26, 2005, regarding Plantation Island Subdivision within the Big Cypress Area of Critical State Concern, a variance from the requirement of subsection 4.02.14 C.4. of the Land Development Code shall be authorized for site alterations, including dredging and filling, of up to 2,500 square feet, regardless of predevelopment vegetation, on a group of adjacent lots under common ownership, including on a single lot if only one lot is owned, within Units One, Two and Three of the Plantation Island Subdivision (unrecorded) located in Section 29, Township 53 South, Range 20 East, in Collier County, Florida utilizing the procedure as set forth in section 9.04.03 of the Land Development Code and where the proposed **development** is designed consistent with Big Cypress Critical Area regulations to have a minimum adverse impact on the critical area's water storage capacity,~~



\* \* \* \* \*

**SUBSECTION 3.DD. AMENDMENTS TO SECTION 10.01.02 DEVELOPMENT ORDERS REQUIRED**

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

**10.01.02 Development Orders Required**

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

B. Early Work Authorization (EWA).

\* \* \* \* \*

2. The County may issue an EWA permit for the allowed activities, subject to demonstrated compliance with the following criteria, as applicable:

- a. The proposed vegetation removal complies with Section 3.05.05-O;
- b. County **right-of-way** permit has been approved;
- c. A determination of **native vegetation** to be retained for landscaping which would comply with Section 4.06.00;
- d. An excavation permit has been approved;
- e. A Soil and Erosion Control Plan demonstrating compliance with the provisions of Section 10.02.02- C;
- f. Copies of all approved Agency permits being submitted, including, but not limited to: SFWMD, ACOE, USFWS, and FFWCC;
- g. Determination of legal sufficiency of the EWA permit by the County Attorney's Office;
- h. ~~Posting of a Revegetation Bond of not less than \$2,000.00 nor more than \$5,000.00 per acre dependent on the character of vegetation being removed;~~ A vegetation bond in the form of a performance bond, letter of

credit, or cash bond and in the amount of \$2,000.00 per acre is posted for stabilization with vegetation in accordance with 4.06.04 A.3;

- i. Assurance that all underlying zoning approvals are in place (e.g. PUD, C.U., etc.);
- j. ~~This approval is good~~ The EWA permit is valid for 60 days with the possibility of 2 ea. 30-day two 60-day extensions dependent on the reason for the inability to gain proper approvals. After that time, cleared areas must be graded off and hydro-seeded. Where more time is needed, a new EWA may be requested;
- k. ~~The developer must clearly state his understanding that all such~~ All preliminary construction activities are at his own risk; the risk of the developer.
- l. ~~Provide assurance that the schedule of development activities created in accordance with the VRSFP, will commence at the time the EWA is issued, and will be a part of that 18 month time frame as set forth in Section 4.06.04 A 1.a.vii.d.~~

C. Early Construction Authorization (ECA). An ECA permit may grant the applicant a conditional building permit prior to development order approval subject to the criteria, limitations, and procedure established in this section.

- 1. The ECA may be approved by the County Manager or their designee if the following criteria are met:
  - a. A form provided by the Collier County Growth Management Division is submitted that clearly states the developer understands that all such preliminary construction activities are at his/her own risk.
  - b. The zoning designation allows the use.
  - c. The proposed vegetation removal complies with Section 3.05.05.O, if applicable.
  - d. The site development plan, improvement plan or amendment application has been submitted and reviewed and the first review comments are posted.
  - e. The building permit application and plans have been submitted, reviewed and the portion of work to be authorized by the permit has been approved by the Collier County Building Department.
  - f. The portion of work to be authorized for the permit has been approved by the Office of the Fire Code Official and under the Florida Fire Prevention Code.
  - g. Posting of a bond or other surety acceptable to the County, naming the County as the insured, to make certain that any construction improvements, for all phases, will be removed if the development does

not receive the necessary final development order approval. The bond or surety shall be in an amount equal to an estimated cost prepared by the developer and approved by the County Manager or designee to remove improvements granted by the ECA permit. If phased permits are approved, the initial bond or surety shall be increased to cover the construction authorized by the phased permit or a subsequent bond or surety shall be posted.

2. Limitations on construction activity.

a. The ECA permit allows approved construction to commence up to the first building code inspection. Construction may continue following phased or complete building permit approval by the Collier County Building Department and Office of the Fire Code Official. All construction is subject to the time limitations identified in section 105.4.1 Permit intent, of the Florida Building Code.

b. If the site development plan, improvement plan or amendment is denied by the County, then the developer shall remove any improvements permitted by the ECA's conditional building permit within thirty (30) days of the denial. Failure to remove the improvements within thirty (30) days will result in the forfeiture of the Bond or surety provided for in 10.01.02 C.1.g.

3. Procedure.

a. The ECA permit application shall be reviewed by the Collier County Planning and Zoning Department, the Building Department and the Office of the Fire Official through a combined submission process.

b. Failure to receive an approved site plan prior to the expiration of the building permit shall result in the forfeiture of the bond or surety provided for in 10.01.02 C.1.g.

\* \* \* \* \*

**SUBSECTION 3.EE. 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/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 designee upon the request of the **applicant**.

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

\* \* \* \* \*

j. **Permits.** All necessary permits and necessary applications requiring county approval and other permitting and construction related items, including but not limited to the following, shall be submitted and approved with the **site development plan**:

- i. Florida Department of Environmental Protection water and sewer facilities construction permit application.
- ii. Excavation permit application.
- iii. A Notice of Intent [NOI] to issue either a Florida Department of Transportation and/or a Collier County **right-of-way** permit. ~~utilities construction application and/or **rights-of-way** construction permits.~~
- ~~iv. Collier County **right-of-way** permit, if required, prior to or at site development plan approval.~~
- iv v. Blasting permit prior to commencement of any blasting operation.
- v vi. South Florida Water Management District permit, if required, or, Collier County general permit for water management prior to **site development plan** approval.
- vi vii. Interim **wastewater** and/or water treatment plant construction or interim septic system and/or private well permits prior to **building** permit approval.
- vii viii. Any additional state and federal permits which may be required prior to commencement of construction, addressing the impacts on jurisdictional **wetlands** and habitat involving protected species.
- viii ix. All other pertinent data, computations, plans, reports, and the like necessary for the proper design and construction of the **development** that may be submitted.
- ix x. All necessary performance securities required by Collier County ordinances in effect at the time of construction.
- x. The following permits, if applicable, require final approval and issuance prior to the County pre-construction meeting:
  - (a) Florida Department of Transportation **Right-Of-Way** Construction Permit.
  - (b) Collier County **right-of-way** [ROW] permit.

\* \* \* \* \*

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

\* \* \* \* \*

b. Approved site development plans (SDPs) shall remain in force for three (3) years from the date of approval, as determined by the date of the SDP approval letter. If construction has not commenced within 3 years, the site development plan approval term will expire and the SDP approval is of no force or effect. One ~~An~~ amendment to the SDP may be applied for and may be granted prior to the original expiration date, so long as the proposed amendment complies with the LDC requirements in force at the time of the SDP amendment submittal. The SDP amendment shall remain in effect for 3 years from the date of approval, as determined by the date of the SDP amendment approval letter.

~~i. A one time, one year~~ Two year extensions of the ~~three year~~ limit of for the approved SDP or the approved SDP amendment may be granted. A maximum of two (2) extensions may be granted before a SDP amendment is required. ~~Applications for an extension must be made to the planning manager with the appropriate processing/administrative fee.~~

c. Once construction has commenced, the approval term shall be determined as follows. The construction of infrastructure improvements approved under an SDP or SDP Amendment shall be completed, and the project engineer's completion certificate provided to the Engineering and Environmental Services Director, within 30 months of the pre-construction conference, which will be considered the date of commencement of construction. ~~A single 12-month~~ Two year extensions to complete construction may be granted, ~~for good cause shown.~~ A maximum of two extensions may be granted before an amendment is required and the extension is reviewed for LDC compliance. Each request should provide written justification for the extension and ~~A written request~~ shall be submitted to, and approved by the County Manager or designee prior to expiration of the then effective approval term. Thereafter, once the SDP or SDP Amendment approval term expires the SDP is of no force or effect.

\* \* \* \* \*

**SUBSECTION 3.FF. 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**

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

\* \* \* \* \*

C. Relationship of Plats to Site Development Plans. No site development plan may be accepted for concurrent review with a preliminary subdivision plat. Once the preliminary subdivision plat has been approved, site development plans may be submitted for review concurrent with the submittal of the final plat. No site development plan may be approved until the final plat receives administrative approval, and no building permits may be issued until the final plat is recorded, except for those development amenities which are excluded from the provisions of section 10.01.01 in accordance with section 10.02.03 A.2. of this Code. Where no preliminary subdivision plat is contemplated, one Site Development Plan(s) may be submitted for concurrent review with the final plat at such time as the applicant submits the response to the first staff review comments. Approval of the SDP will be withheld until the final plat has received administrative approval, and no building permits may be issued until the final plat has been recorded.

\* \* \* \* \*

**SUBSECTION 3.GG. 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**

\* \* \* \* \*

B. Construction of required improvements.

\* \* \* \* \*

11. Expiration. 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 one two-year extensions for completion and acceptance of the required improvements. A maximum of 2 extensions may be granted. Each request should provide written justification for the extension. ~~Additional extensions at the discretion of the County Manager or designee.~~

\* \* \* \* \*

F. SIP Requirements for the Nonconforming Mobile Home Park Overlay Subdistrict.

\* \* \* \* \*

2. SIP submission requirements, preparation standards and notes.

\* \* \* \* \*

- h. A right-of-way permit shall be required, subject to subsection 10.02.03 B.1.j. ~~This permit shall be obtained prior to approval of the SIP. A copy of same shall be submitted to the assigned planner.~~

\* \* \* \* \*

**SUBSECTION 3.HH. 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**

\* \* \* \* \*

D. *Agricultural land clearing.*

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

1. Agricultural clearing permit. A permit for clearing of agriculturally zoned land for agricultural uses that do not fall within the scope of sections 163.3162(4) or 823.14(6), Florida Statutes, shall be required for all agricultural operations except as exempted by 10.02.06 D.1.f (below).

a. *Application.* An application for an agricultural clearing permit shall be submitted in the form established by the County Manager or his designee. Silviculture operations, as defined by this Code, shall require a management plan prepared by a forester or a resource manager (e.g. ~~division of forestry~~ Florida Forest Service, private or industrial) as part of the application. An application fee in an amount to be determined by the Board of County Commissioners shall accompany and be a part of the application. The following conditions, as applicable, shall be addressed as part of and attachments to the agricultural land clearing application:

\* \* \* \* \*

vi. The applicant has submitted data relating to wetland impacts and protected wildlife species habitat subject to the Collier County growth management plan, conservation and coastal management element ~~policies 6.2.9, 6.2.10 and objective 7.3 and associated policies~~ and Collier County Land Development Code ~~section~~ section 3.04.00. This data will be required only when the county's on-site inspection indicates that there are potential or actual impacts to **wetlands** and to protected federally and state listed wildlife habitat.

\* \* \* \* \*

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

\* \* \* \* \*

E. *Enforcement and penalties.*

\* \* \* \* \*

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

- a. The restoration plan shall include the following minimum planting standards:

- i. In the successful replacement of trees illegally removed, replacement trees shall be of sufficient size and quantity to replace the dbh inches removed. Dbh is defined for the purposes of this ordinance as diameter of the tree, measured at a height of 4.5 feet above natural grade.

- ii. Each replacement tree shall be Florida grade No. 1 or better as graded by the Florida department of agriculture and consumer service.

- ~~iii. All replacement trees shall be nursery grown, containerized and be a minimum of 14 feet in height with a 7 foot crown spread and have a minimum dbh of 3 inches.~~

- iii. Replacement vegetation shall meet the following criteria, at time of planting:

- a) Plant material used to meet the minimum landscape requirements shall be in accordance with 4.06.05.

- b) Plant material used to meet the requirements for littoral shelf planting areas shall be in accordance with 3.05.10.

- c) Environmental restoration within County required preserves shall be in accordance with 3.05.07 H.



d) Environmental restoration, other than in County required preserves, shall be in accordance with State and Federal agency enforcement or permit conditions. Where such requirements are not enforced or project not permitted by these agencies, the following minimum sizes shall apply: one gallon or liner ground covers, three gallon shrubs and four foot high trees. Ground covers in aquatic environments may be planted as bare root plants. Mangroves may be two foot high at time of planting.

e) Natural recruitment of native vegetation similar to or compatible with native vegetation on site will be accepted.

iv. Replacement trees shall have a guarantee of 80 percent survivability for a period of no less than 3 years. A maintenance provision of no less than 3 years must be provided in the restoration plan to control invasion of **exotic vegetation** (those species defined as **exotic vegetation** by the Collier County Land Development Code).

v. It shall be at the discretion of the County Manager or his designee to allow for any deviation from the above specified ratio criteria.

b. In the event that identification of the species of trees is impossible for any reason on the property where protected trees were unlawfully removed, it shall be presumed that the removed trees were of a similar species mix as those found on **adjacent** properties.

c. ~~The understory vegetation shall be restored to the area from which protected trees were unlawfully removed.~~ The selection of plants shall be based on the characteristics of the Florida Department of Transportation, Florida Land Use, Covers and Forms Classifications System (FLUCFCS) code. Shrubs, ground cover, and grasses shall be restored as delineated in the FLUCFCS Code. The species utilized shall be with relative proportions characteristic of those in the FLUCFCS Code. The exact number and type of species required may also be based upon the existing indigenous vegetation on the adjacent property at the discretion of the County Manager or his designee.

\* \* \* \* \*

3. Corrective measures for environmental violations.

a. *Mitigation.*

\* \* \* \* \*

iii. The selection of plants to be used shall be based on the characteristics of the Florida Department of Transportation,

Florida Land Use, Covers and Forms Classification System (FLUCFCS) Code. The exact number and type of species required may vary depending on the existing indigenous vegetation found at the site.

\* \* \* \* \*

b. *Requirements for a mitigation plan.*

- i. A copy of the deed, contract for sale or agreement for sale or a notarized statement of ownership clearly demonstrating ownership and control of the subject lot or parcel of land, or permission from the landowner to mitigate on his or her site shall be provided.
- ii. The mitigation plan shall be prepared by a person who meets or exceeds the credentials specified in section ~~10.02.02-A.3~~ 3.05.07 H or Chapter 7 of the Administrative Code, unless waived by the County Manager or designee.
- iii. ~~The plan shall designate the preparer's person's name, address and telephone number that prepared~~ shall be included on the plan.
- iv. A north arrow, scale, and date shall be required on the plan.
- v. Existing vegetation areas shall be shown.
- vi. The proposed planting areas shall be clearly defined.
- vii. The plan shall denote the number and location of each plant to be planted, or for the case of ground covers, show them in groupings. Large mitigation areas may be designated by a more simplified method.
- viii. All plants proposed shall be denoted by genus, species, and the common name.
- ix. The plan shall identify what is adjacent to the mitigation areas, i.e. existing forest (provide type), farm, natural **buffer** area, lake, etc.

c. *Site-specific review criteria.*

- i. All plants used for mitigation shall be native Florida species.
- ii. ~~All plants used for mitigation shall be from a legal source and be graded Florida No. 1 or better, as graded by the Florida Department of Agriculture and Consumer Services' Grades and Standards for Nursery Plants (Charles S. Bush, 1973, Part 1 and 2). All plants not listed in Grades and Standards for Nursery Plants shall conform to a Florida No. 1 as to: (1) health and vitality, (2) condition of foliage, (3) root system, (4) freedom from pest or mechanical damage, (5) heavily branched and densely~~

~~foliated according to the accepted normal shapes of the species or sport. Trees shall be a minimum of 14 feet tall at the time of planting and shall have a minimum dbh (diameter at breast height) of 3 inches.~~ Plant materials used to meet minimum landscape requirements of the LDC shall conform to the plant specifications in 4.06.05.

- iii. The plants proposed for planting must be temperature tolerant to the areas they are to be planted in. ~~The South Florida Water Management District's Xeriscape Plant Guide II Florida-Friendly Landscaping Guide to Plant Selection & Landscape Design~~ shall be used in determining the temperature tolerances of the plants.
  - iv. The existing soil types shall be identified. Plants proposed for planting shall be compatible with the soil type. The 1954 or the 1992 soil survey of Collier County shall be used to determine if the plants proposed for planting are compatible with the existing or proposed soil types.
  - v. The source and method of providing water to the plants shall be indicated on the plan and subject to review and approval.
  - vi. A program to control **prohibited exotic vegetation** (section 3.05.08) in the mitigation area shall be required.
- d. *County review of mitigation plan.*
- i. ~~Development services~~ The County Manager or designee will review the plan based on, but not limited to, the preceding requirements within 15 days. Additional relevant information may be required when requested.
  - ii. Should the county reject the mitigation plan, the reasons will be provided so the **applicant** can correct the plan and resubmit for county review.
- 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 two reports will be submitted. Reports shall be due at 1-year intervals. A time zero monitoring report with photographs shall be submitted within 30 days of replanting. At the option of the respondent, two follow-up monitoring reports may be submitted at one-year intervals, starting one year after submittal of the time zero monitoring report, to document condition and survivability of mitigation plantings. If annual monitoring reports are submitted, they must document on-site conditions within one month prior to the anniversary/due date for the re-inspection. Success shall be verified by the County Manager or designee.~~
  - ii. An eighty percent survival by species shall be required for a two-

year period, starting at time of submittal of the time zero monitoring report, 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 10.02.06 E.3.a. including consulting fees for design, and monitoring, installation costs, vegetation costs, earth moving costs, irrigation costs, replanting and exotic removal.
4. Appeal from enforcement. Any person who feels aggrieved by the application of this section, may file, within 30 days after said grievance, a petition with the County Manager or his designee, to have the case reviewed by the Collier County Board of County Commissioners.
5. Suspension of permit requirement. The Board of County Commissioners may, by emergency resolution, suspend the permit requirement for vegetation removal in the aftermath of a natural disaster, such as a hurricane, when the following conditions are met and contained in the resolution:
- a. The suspension is for a defined period of time not to exceed 30 days or as otherwise set by the Board of County Commissioners.
  - b. The vegetation removal is necessitated by disaster related damage.
  - c. The suspension is not applicable to vegetation within habitats containing listed species (as regulated in section 3.04.00).
6. Existing Code Enforcement cases. The requirements of 10.02.06 E.2.a.iii and 10.02.06 E.3.e.i shall not apply to existing Code Enforcement cases with

plans/orders approved prior to [effective date of Ordinance], unless the respondent elects to use the new criteria.

\* \* \* \* \*

**SUBSECTION 3.II. AMENDMENTS TO SECTION 10.02.07 SUBMITTAL REQUIREMENTS FOR CERTIFICATES OF PUBLIC FACILITY ADEQUACY**

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

**10.02.07 Submittal Requirements for Certificates of Public Facility Adequacy**

\* \* \* \* \*

**C. Certificate of public facility adequacy.**

**1. General.**

a. *Payment of road impact fees to obtain a certificate of adequate public facilities.*

i. This section is to be read in conjunction with Section 74-302(h) of the Collier County Code of Laws and Ordinances.

~~i- ii.~~ A ~~five-year temporary~~ certificate of public facility adequacy (COA) shall be issued concurrent with the approval of the next to occur **final local development order**. ~~At the time a temporary certificate of public facility adequacy is issued, 20% of the estimated payment based on the impact fee rate in effect at the time of the pre-approval letter will be due upon payment of the estimated road impact fees in accordance with the provisions of Section 74-302(h) of the Collier County Code of Laws and Ordinances. Such payments will be~~ and deposited into the applicable impact fee trust fund. The funds will then be immediately available for appropriation by the Board of County Commissioners for transportation capital improvements, except that for those non-residential (i.e., typically commercial or industrial) **developments** otherwise required to obtain approval of an SDP prior to the issuance of a building permit, **applicants** for a final subdivision plat may elect to:

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

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

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

Final calculation of impact fees due will be based on the intensity of **development** actually permitted for construction and the impact fee schedule in effect at the time of the **building** permit(s) application, such that additional impact fees may be due prior to issuance of the **building** permit(s). ~~The balance of transportation impact fees shall be paid in four additional annual installments of 20%, beginning one year after the initial 20% payment.~~

- ~~ii.~~ iii. Impact fees for all other Category "A" capital improvements will be paid at the time of issuance of building permits at the rate then currently applicable.
- ~~iii.~~ At the time a temporary COA is issued, and the first 20% of the estimated payment is paid, the applicant will deposit with the County sufficient security, the form of which has been approved by the Board of County Commissioners, for a term of four years, in an amount equal to the 20% payment.
- ~~iv.~~ Upon payment of 100% of the estimated impact fees, the certificate will be issued in perpetuity and the dedicated security will be released. No further advance payments will be due once actual road impact fees are paid equal to the initial estimated impact fees.
- ~~v.~~ Once the initial 20% of the estimated payment has been paid, the security has been deposited with the County, and a temporary COA has been issued, failure to submit the remaining additional installments in accordance with the provisions of this subsection shall result in the following:
- a) Upon failure to cure following 10 days written demand, the County will exercise its payment rights to the dedicated security; and
- b) The matter will be referred to the Board of County Commissioners for review. Absent the Board finding

~~exceptional circumstances, the temporary certificate of public facility adequacy shall be revoked.~~

~~vi. For those developments that have secured a three-year COA, in order to extend the vesting period for an additional five years, the balance of the estimated transportation impact fees, based on the impact fee rate in effect at the time of the pre-approval letter, must be paid in five additional annual installments of 20% with the first payment being made prior to the expiration date of the three-year certificate. For those developments that have secured a three-year certificate that has expired, in order to extend the vesting period for an additional five years, the balance of estimated transportation impact fees based on the impact fee rate in effect at the time of the pre-approval letter must be paid in five additional annual installments of 20%, with the first payment being made within 30 days of the effective date of this Ordinance. At the time the first 20% of the estimated payment is paid, the applicant will deposit with the County sufficient security, the form of which has been approved by the Board of County Commissioners, for a term of four years, in an amount equal to the 20% payment. Upon payment of 100% of the balance of the estimated impact fees, the certificate will be issued in perpetuity and the dedicated security will be released. No further advance payments will be due once actual road impact fees are paid equal to the balance of the estimated transportation impact fees. Once the first additional annual installment has been paid, the security has been deposited with the County, and a temporary COA has been issued, failure to submit payment in accordance with the provisions of this subsection shall result in the following:~~

- ~~a) Upon failure to cure following 10 days written demand, the County will exercise its payment rights to the dedicated security; and~~
- ~~b) The matter will be referred to the Board of County Commissioners for review. Absent the Board finding exceptional circumstances, the temporary certificate of public facility adequacy shall be revoked.~~

~~vii. Offsets for road impact fees assessed to building permits for impact fees paid in accordance with this subsection, as well as any remaining balance of payments related to the original three-year certificate, will be applied equally to the new or remaining units or square footage and will run with the subject land.~~

~~viii. This provision is to be read in conjunction with section 74-302(h) of the Collier County Code of Laws and Ordinances.~~

~~b. Annual Traffic/PUD Monitoring Report. Planned Unit Developments (PUDs) that are less than one hundred (100) percent "built out", must submit an annual report detailing their progress toward build-out of the development. The traffic report shall be submitted as part of the annual~~

~~PUD monitoring report on or before the anniversary date of the PUD's approval by the Board per LDC section 10.02.13 F.~~

- ~~i. The written report shall be submitted to, and be in a format established by the County Manager, or designee, unless payment-in-lieu is provided pursuant to section 10.02.13 F.,~~
  - ~~ii. The report shall provide any revised estimates to the initial build-out schedule and any resulting effect on traffic impact projections, along with any progress towards completing any developer contribution requirements.~~
  - ~~iii. The traffic reporting requirements are the responsibility of the entity or entities that:
    - ~~a. Retains the development rights to any density or intensity; or~~
    - ~~b. Has obtained a new certificate of occupancy since the previous monitoring period.~~~~
  - ~~iv. Traffic/PUD Monitoring Reports which are more than thirty (30) days past due will result in the suspension of final local development order issuance for the PUD or portion of the PUD pending receipt of the report from the responsible entity.~~
  - ~~v. The county manager or designee may waive the traffic counts for the annual monitoring period for the entire PUD or portions of the PUD under the following conditions:
    - ~~a) If portions of the PUD have remaining un-built approved density or intensity that produces less than twenty-five (25) PM peak trips,~~
    - ~~b) If the PUD or portions of the PUD are completely built-out or are still vacant~~
    - ~~c) If there has been no activity in portions of the PUD since the previous monitoring report.~~~~
  - ~~vi. A notarized statement is required to request a traffic count waiver stating one (1) of the reasons above.~~
- b. vii. The PUD owner(s) "the Developer, Home Owners Association, Master Association or similar entity" may petition the Board of County Commissioners to relinquish the **development** rights to any un-built units and declare themselves "built-out" in order to satisfy all reporting requirements. The **applicant** shall be responsible for any documentation required to verify the status of the PUD when requesting a waiver or a determination of "built-out" status.



- c. Where the proposed **development** has been issued final **subdivision** plat approval or final **site development plan** approval, a certificate of public facility adequacy shall be obtained prior to approval of the next **development order** required for the proposed **development**.
- d. Assessment and application of transportation impact fees and surrender of certificate of public facility adequacy. Upon notice by facsimile or other approved electronic format that an application for a **final local development order** and a certificate have been approved and prior to expiration of the temporary, 1-year capacity reservation previously secured by the **applicant** upon the County's acceptance of the TIS pursuant to section 10.02.07 C.4.f., an **applicant** may pick up the certificate upon payment of the estimated transportation impact fees due in accordance with section 10.02.07 C.1.a. ~~Such estimates shall be based on the currently approved transportation impact fee rate schedule.~~ If the certificate is not picked up within the timeline set forth above and the applicable estimated transportation impact fees paid, the application will be deemed denied and the certificate will be voided. In such a case, the **applicant** shall then be required to apply for an extension of the capacity reservation in accordance with section 10.02.07 C.4.f. If the size of the residential units is not known at the time of payment, the transportation impact fees for residential **development** will be estimated using the fee based on the mid-range housing size. Road impact fees paid to obtain a certificate of adequate public facilities are non-refundable after payment and receipt issuance of the certificate of public facility adequacy certificate.

~~Not later than 45 days prior to the due date of the next to occur annual installment for certificates issued subsequent to the effective date of this amendment, or not later than 90 days prior to the expiration of the 3 year period for certificates issued prior to the effective date of this amendment, the county shall notify the then current owner via certified mail of the amount due calculated in accordance with section 10.02.07 C.1.a. If the estimated transportation impact fee account becomes depleted, the developer shall pay the currently applicable transportation impact fee for each **building** permit in full prior to its issuance. In the event that upon build-out of the **development** estimated transportation impact fees are still unspent, the remaining balance of such estimated fees may be transferred to another approved project within the same, or **adjacent**, transportation impact fee district, provided any vested entitlements associated with the unspent and transferred transportation impact fees are relinquished and the certificate of public facility adequacy is modified to delete those entitlements.~~

- 2. Rules of general applicability for certificate of public facility adequacy. Certificates of public adequacy issued for roads under section 10.02.07 C.1. of this Code will remain in effect ~~until the expiration date of the certificate~~ provided provisions of subsection 10.02.07 C.1. d. of this Code are met and that annual mid-year monitoring reports are filed which comply with section 10.02.07 C.1. of this Code and all developer requirements established during zoning or as part of a developer contribution agreement are completed or are being constructed consistent with the current **development** infrastructure improvement construction

commitment schedule.

\* \* \* \* \*

**SUBSECTION 3.JJ. AMENDMENTS TO SECTION 10.02.13 PLANNED UNIT DEVELOPMENT (PUD) PROCEDURES**

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

**10.02.13 Planned Unit Development (PUD) Procedures**

\* \* \* \* \*

E. Changes and amendments. There are three types of changes to a PUD Ordinance: Substantial, Insubstantial, and Minor. Language changes to a previously approved PUD document shall require the same procedure as for amending the official zoning atlas, except for the removal of a commitment for payment towards affordable housing which is considered to be a minor change as described in Section 10.02.13 E.3.c.

1. ~~Substantial/insubstantial changes.~~ Any substantial change(s) to an approved PUD ~~master plan Ordinance~~ shall require the review and recommendation of the Planning Commission and approval by the Board of County Commissioners as a PUD amendment prior to implementation. Applicants shall be required to submit and process a new application complete with pertinent supporting data, as set forth in sections 10.02.13 A and B. ~~Any insubstantial change(s) to an approved PUD master plan shall require approval by the Planning Commission.~~ For the purpose of this section, a substantial change shall be deemed to exist where:

\* \* \* \* \*

2. ~~Procedure for substantial/insubstantial~~ Insubstantial change determination. An insubstantial change includes any change that is not considered a substantial or minor change. An insubstantial change(s) to an approved PUD Ordinance based upon an evaluation of subsection 10.02.13 E.1 shall require the review and approval of the Planning Commission based on the findings and criteria used for original applications as an action taken at a regularly scheduled meeting.

a. The applicant shall provide the Planning Services Department Director documentation which adequately describes the proposed changes along with the appropriate review fee prior to review by the Planning Commission. The PUD master plan map shall show all data normally required for submittal of a PUD master plan unless it is otherwise determined not to be necessary, describing the proposed changes in: land use; **densities**; infrastructure; **open space**, preservation or conservation areas; area of **building square footage** proposed for nonresidential **development**; change in potential intensity of land use and related automobile trip movements, and relationships to **abutting** land uses. In addition, the **applicant**, for evaluation of PUD master plan revisions, shall provide a detailed written narrative describing all of the change(s) and the reasons for the request. Upon receipt of the amended

PUD master plan, the Planning Services Department Director shall review said plan against criteria established within section 10.02.1342 E.1 above and may forward the plan to any other agency, division or authority deemed necessary for review and comment.

- ~~3. *Substantial changes procedures.* Changes, as identified in section 10.02.12 E.1, shall be considered substantial changes to the approved PUD master plan, and the applicant shall be required to submit and process a new application complete with pertinent supporting data, as set forth in sections 10.02.12 A. and B.~~
- ~~4. *Insubstantial changes procedures.* Any insubstantial change(s) to an approved PUD master plan based upon an evaluation of subsection 10.02.12 E.1 shall require the review and approval of the Planning Commission based on the findings and criteria used for original applications as an action taken at a regularly scheduled meeting.~~
- ~~5. *Language changes.* Language changes to a previously approved PUD document shall require the same procedure as for amending the official zoning atlas.~~
- ~~6.3. *Minor changes, not otherwise provided for.* The following are considered minor changes, and may be approved by the County Manager or designee under the procedures established in this section. It shall be understood that, while a PUD is required to describe and provide for infrastructure, intended land use types, approximate acreages of internal development tracts, and compatibility with adjacent land uses, minor changes may become necessary during the subdivision or site development plan review processes.~~
- ~~7. a. *Educational and ancillary plants exception.* When a PUD is amended for the sole purpose of adding an **Educational** and/or **ancillary plant**, that PUD will not be subject to the review process outlined in section 10.02.12 E.13 E.1. The review conducted will be limited to the impacts that the **Educational** or **ancillary plant** will have on the surrounding uses.~~
- ~~8. b. The County Manager or his designee shall also be authorized to allow minor changes to the PUD master plan during its **subdivision improvements plan** or **site development plan** process to accommodate topography, vegetation and other site conditions not identified or accounted for during its original submittal and review and when said changes have been determined to be compatible with **adjacent** land uses, have no impacts external to the site, existing or proposed, and is otherwise consistent with the provisions of this code and the growth management plan. Such changes shall include:
  - ~~a. i. Internal realignment of **rights-of-way**, including a relocation of **access** points to the PUD itself, where no water management facility, conservation/preservation areas, or required **easements** are affected or otherwise provided for.~~
  - ~~b. ii. Relocation of **building envelopes** when there is no encroachment upon required conservation or preservation areas.~~~~

- e. iii. Relocation of swimming pools, clubhouses, or other recreation facilities when such relocation will not affect adjacent properties or land uses.
- d. iv. Relocation or reconfiguration of lakes, ponds, or other water facilities subject to the submittal of revised water management plans, or approval of the EAC where applicable.

Minor changes of the type described above shall nevertheless be reviewed by appropriate staff to ensure that said changes are otherwise in compliance with all county ordinances and regulations prior to the Planning Services Department Director's consideration for approval.

c. **Affordable housing commitments.** Beginning [effective date of this Ordinance], the County Manager or designee shall be authorized to make minor text changes to remove affordable housing commitments to pay an affordable housing contribution in PUDs, Development Agreements, and Settlement Agreements if the following conditions are met:

- i. The applicant notices property owners in writing in accordance with sections 10.03.05 B.10 or 10.03.05 B.11 as may be applicable.
- ii. If no written objection is received, the request to remove commitments is deemed approved.
- iii. If a property owner who receives notice submits a written objection within 30 days of the mailing of the notice, the matter shall be scheduled for public hearing before the Board of County Commissioners. Public notice shall comply with subsection 10.03.05 B.13 of the LDC.

\* \* \* \* \*

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

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

considered built-out and not responsible for annual monitoring reports, as long as all PUD commitments within that tract are complete. This built-out status does not exempt the tract owner(s) from commitments applicable to the entire PUD.

\* \* \* \* \*

6. Traffic Count Monitoring requirements. A onetime payment for permanent traffic count stations shall be due at the time of the first PUD Annual Monitoring Report following the first certificate of occupancy within the PUD. The payment shall be based upon the number of ingress and/or egress points (Access Points) based upon the conceptual Master Plan within the PUD Ordinance. Each Access Point shall require a payment of \$500.00. If additional Access Points are granted at any time, an additional payment of \$500 per Access Point will be payable with the following Annual Monitoring Report. The Traffic Count monitoring requirement shall be considered fulfilled for all PUDs that have already provided at least one traffic count or payment in lieu of traffic counts. PUDs that have traffic count monitoring language tied to specific commitments within their ordinances shall remain in effect.

\* \* \* \* \*

**SUBSECTION 3.KK. 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**

\* \* \* \* \*

S. Site development plan time limits. Approved final **site development plans** (SDPs) only remain valid and in force for 2 3 years from the date of approval unless construction has commenced as specified in section 10.02.03 of this Code. If no **development**, i.e., actual construction, has commenced within 2 3 years, measured from the date of such **site development plan** approval, the **site development plan** approval term expires and the SDP is of no force or effect; however, 1 amendment to the SDP may be approved prior to the expiration date, which would allow the SDP as amended to remain valid for 2 3 years measured from the date of approval of the amendment so long as the proposed amendment complies with the requirements of the then existing code. Once construction has commenced, the approval term will be determined by the provisions of section 10.02.03 of this Code.

\* \* \* \* \*

**SUBSECTION 3.LL. AMENDMENTS TO SECTION 10.08.00 CONDITIONAL USES PROCEDURES**

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

**10.08.00 Conditional Uses Procedures**

\* \* \* \* \*

E. *Conditions and safeguards.* In recommending approval of any **conditional use**, the Planning Commission may also recommend appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, which are made a part of the terms under which the **conditional use** is granted, shall be deemed a violation of this Zoning Code.

1. Any **conditional use** shall expire 3 ~~5~~ years from the date of grant, if by that date the use for which the **conditional use** was granted has not been commenced.
2. Any **conditional use** shall expire 1 year following the discontinuance of the use for which the **conditional use** was granted unless the site was improved and/or **structures** built for the specific uses approved by a **conditional use** and which cannot be converted to a use permitted by the underlying zoning designation of the site.
3. The Board of Zoning Appeals may grant ~~a maximum of one 4-year~~ 2-year extension of an approved **conditional use** upon written request of the petitioner.

\* \* \* \* \*

**SUBSECTION 3.MM. AMENDMENTS TO APPENDIX A - STANDARD PERFORMANCE SECURITY DOCUMENTS FOR REQUIRED IMPROVEMENTS**

Appendix A - Standard Performance Security Documents for Required Improvements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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

**APPENDIX A – STANDARD PERFORMANCE SECURITY DOCUMENTS FOR REQUIRED IMPROVEMENTS**

\* \* \* \* \*

IRREVOCABLE STANDBY LETTER OF CREDIT NO. \_\_\_\_\_

(insert issuer's identifying number)

ISSUER: (insert full name, street address, and telephone number of Issuer) (hereinafter "Issuer").

PLACE OF EXPIRY: At Issuer's counters.

DATE OF EXPIRY: This Credit shall be valid until (insert date of first anniversary of date of issue), and shall thereafter be automatically renewed for successive one-year periods on the anniversary of its issue unless at least sixty (60) days prior to any such anniversary date, the Issuer notifies the Beneficiary in writing by registered mail that the Issuer elects not to so renew this Credit.

APPLICANT: (insert full name of person or entity) (hereinafter "Applicant") (insert Applicant's current business address).

BENEFICIARY: The Board of County Commissioners, Collier County, Florida (hereinafter "Beneficiary") c/o Engineering Review Services, 2800 North Horseshoe Drive, Naples, Florida 34104.

AMOUNT: \$ (insert dollar amount) (U.S.) up to an aggregate thereof.

CREDIT AVAILABLE WITH: Issuer.

BY: Payment against documents detailed herein and Beneficiary's drafts at sight drawn on the Issuer.

DOCUMENTS REQUIRED: AVAILABLE BY BENEFICIARY'S DRAFT(S) AT SIGHT DRAWN ON THE ISSUER AND ACCOMPANIED BY BENEFICIARY'S STATEMENT PURPORTEDLY SIGNED BY THE COUNTY MANAGER OR DESIGNEE, CERTIFYING THAT: "(insert name of Applicant) has failed to construct and/or maintain the improvements associated with that certain plat of a subdivision known as (insert name of subdivision) or a final inspection satisfactory to Collier County has not been performed prior to the date of expiry, and satisfactory alternative performance security has not been provided to and formally accepted by the Beneficiary."

DRAFT(S) DRAWN UNDER THIS LETTER OF CREDIT MUST BE MARKED: "Drawn under (insert name of Issuer) Credit No. (insert Issuer's number identifying this Letter of Credit), dated (insert original date of issue.)" The original Letter of Credit and all amendments, if any, must be presented for proper endorsement. Draft(s) may be presented within the State of Florida at the following address (list Florida address).

This Letter of Credit sets forth in full the terms of the Issuer's undertaking and such undertaking shall not in any way be modified, amended, or amplified by reference to any document, instrument, or agreement referenced to herein or in which this Letter of Credit relates, and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement.

Issuer hereby engages with Beneficiary that draft(s) drawn under and in compliance with the terms of this Credit will be duly honored by Issuer if presented within the validity of this Credit.

This Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 2007 Revision) International Chamber of Commerce Publication No. 500 600.

(Name of Issuer)

By: \_\_\_\_\_  
\_\_\_\_\_

Printed Name/Title  
(President, Vice President, or CEO)  
(Provide proper Evidence of Authority)

\* \* \* \* \*

**SECTION FOUR: CONFLICT AND SEVERABILITY**

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

**SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE**

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



**SECTION SIX: EFFECTIVE DATE**

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 25<sup>th</sup> day of September, 2012.

ATTEST:  
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF COLLIER COUNTY, FLORIDA

By: *Dwight E. Brock*  
Deputy Clerk  
Attest as to the  
signature of

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

Approved as to form and  
legal sufficiency:

*Heidi Ashton-Cicko*  
Heidi Ashton-Cicko, Esquire  
Managing Assistant County Attorney

04-CMD-01077/1038 (9/26/12)

This ordinance filed with the  
Secretary of State's Office the  
3<sup>rd</sup> day of Oct, 2012  
and acknowledgement of that  
filing received this 10<sup>th</sup>  
day of Oct, 2012  
By: *Dwight E. Brock*  
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

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

**ORDINANCE 2012-38**

which was adopted by the Board of County Commissioners on the 25th day of September, 2012, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 2nd day of October, 2012.

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

  
By: Teresa Cannon,  
Deputy Clerk

