

ORDINANCE NO. 03- 27



AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE 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: ARTICLE 1, DIVISION 1.8, NONCONFORMITIES; DIVISION 1.18, LAWS INCORPORATED BY REFERENCE; ARTICLE 2, DIVISION 2.2, ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, INCLUDING REVISIONS TO THE RURAL AGRICULTURAL, ESTATES AND RESIDENTIAL ZONING DISTRICTS LIST OF PERMITTED AND CONDITIONAL USES, INCLUDING REVISIONS TO THE SANTA BARBARA OVERLAY DISTRICT RELATED TO SIDEWALKS, INCLUDING REVISIONS AND ADDITIONS TO THE BAYSHORE MIXED USE OVERLAY DISTRICT, INCLUDING CREATION OF A STEWARDSHIP OVERLAY DISTRICT AND DESIGNATION PROCEDURES FOR STEWARDSHIP SENDING AND RECEIVING AREAS; DIVISION 2.3, OFF-STREET PARKING AND LOADING; DIVISION 2.4, LANDSCAPING AND BUFFERING; DIVISION 2.5, SIGNS, TO REVISE PROVISIONS RELATED TO ILLUMINATED SIGNS; DIVISION 2.6 SUPPLEMENTAL DISTRICT REGULATIONS; DIVISION 2.7, ZONING ADMINISTRATION AND PROCEDURES; ARTICLE 3, DIVISION 3.2, SUBDIVISIONS; DIVISION 3.3, SITE DEVELOPMENT PLANS; DIVISION 3.5, EXCAVATION; DIVISION 3.9, VEGETATION REMOVAL, PROTECTION AND PRESERVATION; DIVISION 3.14, VEHICLE ON THE BEACH REGULATIONS; ARTICLE 5, DIVISION 5.4, BUILDING BOARD OF ADJUSTMENTS & APPEALS; AND ARTICLE 6, DIVISION 6.3, DEFINITIONS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

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 has been subsequently amended; 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 County Commissioners pursuant to Section 1.19.1., LDC; and

WHEREAS, this is the first amendment to the LDC, Ordinance 91-102, for the calendar year 2003; and

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

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

WHEREAS, the Board of County Commissioners, in a manner prescribed by law did hold advertised public hearings on May 21, 2003, and June 16, 2003, and did take action concerning these amendments to the LDC; and

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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, all applicable substantive and procedural requirements of the law have 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 County Commissioners of Collier County, Florida, hereby makes the following findings of fact:

1. Collier County, pursuant to Sec. 163.3161, *et seq.*, Fla. Stat., the Florida Local Government Comprehensive Planning and Land Development Regulations Act (hereinafter the "Act"), is required to prepare and adopt a Comprehensive Plan.
2. After adoption of the Comprehensive Plan, the Act and in particular Sec. 163-3202(1). Fla. Stat., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.
3. Sec. 163.3201, Fla. Stat., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on; be related to, and be a means of implementation for, the adopted Comprehensive Plan as required by the Act.
4. Sec. 163.3194(1)(b), Fla. Stat., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted Comprehensive Plan, or element or portion thereof, and any land development 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. Sec. 163.3202(3), Fla. Stat., states that the Act shall be construed to encourage the use of innovative land development regulations.
6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its Comprehensive Plan pursuant to the requirements of Sec. 1634.3161 *et seq.* Fla. Stat., and Rule 9J-5, F.A.C.
7. Sec. 163.3194(1)(a), Fla. Stat., mandates that after a Comprehensive Plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such Comprehensive Plan or element or portion thereof shall be consistent with such Comprehensive Plan or element or portion thereof.
8. Pursuant to Sec. 163.3194(3)(a), Fla. Stat., a development order or land development regulation shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.
9. Section 163.3194(3)(b). Fla. Stat., requires that a development approved or undertaken by a local government shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with, and further the

objectives, policies, land uses, densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991 and may be amended twice annually.

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; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and 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; prevent the overcrowding of land and avoid the undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage schools, parks, recreational facilities, housing, and other requirements and services, conserve, develop, utilize, and protect natural resources within the jurisdiction of Collier County; and protect human, environmental, social, and economic resources; and 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 DIVISION 1.8. NONCONFORMIES

Division 1.8. Nonconforming Lots of Record, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 1.8. NONCONFORMING LOTS OF RECORD

* * * * *

Sec. 1.8.2 Nonconforming Lots of Record.

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C. When two or more adjacent legal nonconforming lots of record are either combined under a single folio or parcel number for taxing purposes by the property appraiser's office or combined as a single parcel by recording the previously separate non-conforming lots into one legal description, neither or both of these actions will prohibit the owner or future owners from subsequently splitting the parcel into two or more folio or parcel numbers for tax purposes, or severing the parcels into their former legal descriptions as legal non-conforming lots of record according to the original legal description(s) at the time the property was recognized as legal nonconforming. Prior to any two or more adjacent, legal non-conforming lots being combined for development a legally binding document must be recorded to reflect a single parcel with a unified legal description. Once such a document has been recorded to amend the legal description and a development permit has been approved by the County for development as that unified parcel, the property can not be split or subdivided except as may then be allowed by this code.

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SUBSECTION 3.B. AMENDMENTS TO DIVISION 1.18

Division 1.18, Laws Incorporated herein by reference, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 1.18 LAWS INCORPORATED HEREIN BY REFERENCE

Collier County ordinances and laws, as amended or superseded, are hereby incorporated into this Code by reference as if fully set forth and recited herein. Repeal or amendment of these ordinances, or adoption of successor ordinances, shall not be subject to procedures otherwise required for adoption of amendments to this Code, except as otherwise required by general law.

DIVISION 1.18. LAWS INCORPORATED HEREIN BY REFERENCE

The following Collier County ordinances and laws, as amended or superseded, are hereby incorporated into this Code by reference as if fully set forth and recited herein. Repeal or amendment of these ordinances, or adoption of successor ordinances, shall not be subject to procedures otherwise required for adoption of amendments to this Code, except as otherwise required by general law.

Subject	Ordinance Number
Building Construction Administrative Code	91-56 2002-01 [Code of Laws Ch. 22, Art.. II]
Standard Building Code 1988 Code with 89 and 90 Revisions Florida Building Code 2001, including the following technical codes: <u>Plumbing</u> <u>Mechanical</u> <u>Fuel Gas</u>	91-58 2002-01 [Code of Laws §§ 22-106, 22-107]
Standard Plumbing Code 1988 Code with 89 and 90 Revisions	91-59 [Code §§ 22-106, 22-108]
Standard Mechanical Code 1988 Code with 89 and 90 Revisions	91-60 [Code §§ 22-106, 22-109]
Standard Gas Code 1988 Code with 89 and 90 Revisions	91-61 [Code §§ 22-106, 22-110]
Standard Swimming Pool Code Edition: 1985	87-21 [Code ch. 22, art. IV, div. 3]
The National Electrical Code Edition: 1990 NFPA 70 <u>1999</u>	91-62 [Code ch. 22, art. IV, div. 2]
National Fire Protection (NFPA) Edition: 1986 <u>Florida Fire Prevention Code</u> <u>Chapter 4A-60, Florida Administrative Code</u> <u>National Fire Protection Association (NFPA) 1</u> <u>With modification by Ch. 4A-60.003 FAC</u> <u>National Fire Protection Association (NFPA) 101</u> <u>With modification by Ch. 4A-60.004 FAC</u> <u>Publications added to NFPA 1 and NFPA 101 by 4A-60.005</u> <u>Local Amendments Ord# 2002-49</u>	86-54 2002-49 [Code of Laws Ch. 58, Art.. II]
Floodplain	86-28 [Code ch. 62, art. II] 87-80 90-31
Coastal Building Zone (Wind)	87-20 [Code ch. 22, art. IX] 2002-1
Utility Standards	88-76 [Code ch. 134, art. III] 89-23 89-32 <u>2001-57</u>
Public Right-of-Way Standards	82-91 [Code ch. 110, art. II] 89-26 <u>93-64</u>
Seawall Construction	85-2 [Code ch. 22, art. IX] 85-26

	86-5
Water Policy	74-50 [Code ch. 90, art. II] <u>90-10</u> <u>2001-27</u>
Collier County Streetscape Master Plan (CCSMP)	97-25

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SUBSECTION 3.C AMENDMENTS TO DIVISION 2.2., ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS

DIVISION 2.2., Zoning Districts, Permitted Uses, Conditional Uses, Dimensional Standards, of Ordinance 91-102, as amended, of the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.2. ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS

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Sec. 2.2.2 Rural agricultural district (A).

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2.2.2.3. *Conditional uses.* The following uses are permitted as conditional uses in the rural agricultural district (A), subject to the standards and procedures established in division 2.7.4.

* * * * *

27. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, LDC 2.6.33.4. as it may be amended.

* * * * *

Sec. 2.2.3 Estates district (E)

* * * * *

2.2.3.3. *Conditional uses.* The following uses are permissible as conditional uses in the estates district (E), subject to the standards and procedures established in division 2.7.4:

* * * * *

9. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, LDC 2.6.33.4. as it may be amended.

* * * * *

Section 2.2.4. Residential single-family districts (RSF).

* * * * *

2.2.4.3. *Conditional uses.* The following uses are permissible as conditional uses in the residential single-family districts (RSF), subject to the standards and procedures established in division 2.7.4.

* * * * *

9. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, LDC 2.6.33.4. as it may be amended.

* * * * *

Section 2.2.5. Residential multiple-family-6 district (RMF-6).

* * * * *

2.2.5.3. *Conditional uses.* The following uses are permissible as conditional uses in the RMF-6 district, subject to the standards and procedures established in division 2.7.4:

* * * * *

9. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, LDC 2.6.33.4. as it may be amended.

* * * * *

Section 2.2.6. Residential multiple-family-12 district (RMF-12).

* * * * *

2.2.6.3. *Conditional uses.* The following uses are permissible as conditional uses in the residential multiple-family-12 district (RMF-12), subject to the standards and procedures established in division 2.7.4.

* * * * *

7. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, LDC 2.6.33.4. as it may be amended.

* * * * *

Section 2.2.7. Residential multiple-family-16 district (RMF-16).

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2.2.7.3. *Conditional uses.* The following uses are permissible as conditional uses in the residential multiple-family-16 district (RMF-16), subject to the standards and procedures established in division 2.7.4:

* * * * *

7. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, LDC 2.6.33.4. as it may be amended.

* * * * *

Section 2.2.8. Residential Tourist district (RT).

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2.2.8.3. *Conditional uses.* The following uses are permitted as conditional uses in the residential tourist district (RT), subject to the standards and procedures established in division 2.7.4:

* * * * *

8. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, LDC 2.6.33.4. as it may be amended.

* * * * *

2.2.8.4.5. Maximum density permitted. ~~For properties located within an activity center or if the RT zoning was in existence at the time of adoption of this Code: A maximum of 26 units per acre for hotels and motels, and 16 units per acre for timeshares and multifamily uses when located within an activity center or if the RT zoning was in existence at the time of adoption of this Code.~~ For properties located outside an activity center or if the RT zoning was not in existence at the time of adoption of this Code: Density shall be determined through application of the density rating system as set forth in the growth management plan, up to a maximum of 16 units per acre. ~~When located outside an activity center, except as provided above, the density shall not exceed 16 units per acre as shall be determined through application of the density rating system established in the Collier County growth management plan, but shall not exceed 16 units per acre.~~ The calculation of density shall be based on the land area defined by a lot(s) of record. Any project, which received approval at a public hearing prior to July 1, 2000, shall not be deemed to be nonconforming as a result of inconsistency with density limitations.

Section 2.2.9. Village Residential district (VR).

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2.2.9.3. *Conditional uses.* The following uses are permissible as conditional uses in the village residential district (VR), subject to the standards and procedures established in division 2.7.4:

* * * * *

10. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, LDC 2.6.33.4. as it may be amended.

* * * * *

Section 2.2.10. Mobile home district (MH).

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2.2.10.3. *Conditional uses.* The following uses are permissible as conditional uses in the mobile home district (MH), subject to the standards and procedures established in division 2.7.4:

* * * * *

6. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to, LDC 2.6.33.4. as it may be amended

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Sec. 2.2.27. RURAL LANDS STEWARDSHIP AREA (RLSA) ZONING OVERLAY DISTRICT REGULATIONS

2.2.27.1 Purpose and Intent. The purpose of this section (the RLSA District Regulations) is to create a Rural Lands Stewardship Area Zoning Overlay District (RLSA District) to implement the incentive based Collier County Rural Lands Stewardship Area Overlay (RLSA Overlay) established within the County's Growth Management Plan (GMP). It is the intent of the RLSA District and the RLSA District Regulations to protect natural resources and retain viable agriculture by promoting compact rural mixed-use development as an alternative to low-density single use development, and to provide a system of compensation to private property owners for the elimination of certain land uses in order to protect natural resources and viable agriculture in exchange for transferable credits that can be used to entitle such compact development.

2.2.27.2 Definitions. As used in the RLSA District Regulations, the terms below shall have the following meanings:

1. **Baseline Standards** – Baseline Standards are the allowable uses, density, intensity and other land development regulations assigned to land within the RLSA District by the GMP, Collier County Land Development Regulations and Collier County Zoning Regulations in effect prior to July 25, 2000, and subject to the further provisions of Section 2.2.27.8.

2. **Compact Rural Development (CRD)** – Compact Rural Developments are a form of SRA that provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. A CRD may include, but is not required to have permanent residential housing and the services and facilities that support permanent residents. An example of a CRD without permanent residential housing is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to eco-tourists, but may not provide for the range of services necessary to support permanent residents.

3. **Designation** – Application of the SSA or SRA concepts through a formal application, review, and approval process as described in the RLSA District Regulations.

4. **FSA – Flow way Stewardship Area** – Privately owned lands delineated on the RLSA Overlay Map, which primarily include privately owned wetlands that are located within the Camp Keais Strand and Okaloacoochee Slough. FSAs form the primary wetland flow way systems in the RLSA District.

5. **Hamlet** – Hamlets are a form of SRA and are small rural residential areas with primarily single-family housing and a limited range of convenience-oriented services. Hamlets serve as a more compact alternative to traditional five-acre lot rural subdivisions currently allowed in the Baseline Standards.

6. **HSA – Habitat Stewardship Area** – Privately owned lands delineated on the RLSA Overlay Map, which include both areas with natural characteristics that make them suitable habitat for listed species and areas without these characteristics. These latter areas are included because they are located contiguous to habitat with natural characteristics, thus forming a continuum of landscape that can augment habitat values.

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

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

9. **Land Use Matrix (Matrix)** – The tabulation of the permitted and conditional land uses within the Baseline Standards set forth in Section 2.2.27.9.B.4, with each Land Use Layer displayed as a single column.

10. **Listed Species Habitat Indices** – One of the indices comprising the Natural Resource Index Value, with values assigned based upon the habitat value of the land for listed species. Index values are based on documentation of occupied habitat as established by the intersect of documented and verifiable observations of listed species with land cover identified as preferred or tolerated habitat for that species. Land mapped, using FLUCCS, as 310, 321, 411, 425, 428, 434, 617, 6172, 621, 6218, 6219, 624, and 630 is deemed to be preferred or tolerated habitat for panthers for the purpose of assigning a value for

these indices. An intersection of at least one data point establishing the presence of a listed species within a geographic information system (GIS) polygon of preferred or tolerated habitat for that species shall result in the entire polygon being scored as occupied habitat.

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

12. **Natural Resource Index Map Series (Index Maps)** – The Rural Lands Study Area Natural Resource Index Map Series adopted as part of the FLUE.

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

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

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

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

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

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

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

20. **RLSA Overlay Map** – The map entitled “Collier County Rural & Agricultural Area Assessment Stewardship Overlay Map,” which identifies those areas delineated as FSA, HSA, WRA, Restoration Zone, and Open.

21. **RLSA District Regulations** – Collier County Land Development Code Section 2.2.27.

22. **Soils/Surface Water Indices** – One of the indices comprising the Natural Resource Index Value of land, with values assigned based upon soil types classified using the following Natural Soils Landscape Positions (NSLP) categories: Open Water and Muck Depression Soils (NSLP Categories 1 and 5); Sand Depression Soils (NSLP Category 6); Flats Soils (NSLP Category 7); and Non-Hydric Soils (NSLP Categories 8, 9, and 11).

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

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

25. **Stewardship Credit (Credit)** – A transferable unit of measure generated by an SSA and consumed by an SRA. Eight credits are transferred to an SRA in exchange for the development of one acre of land as provided in Section 2.2.27.10.B.2.

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

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

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

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

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

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

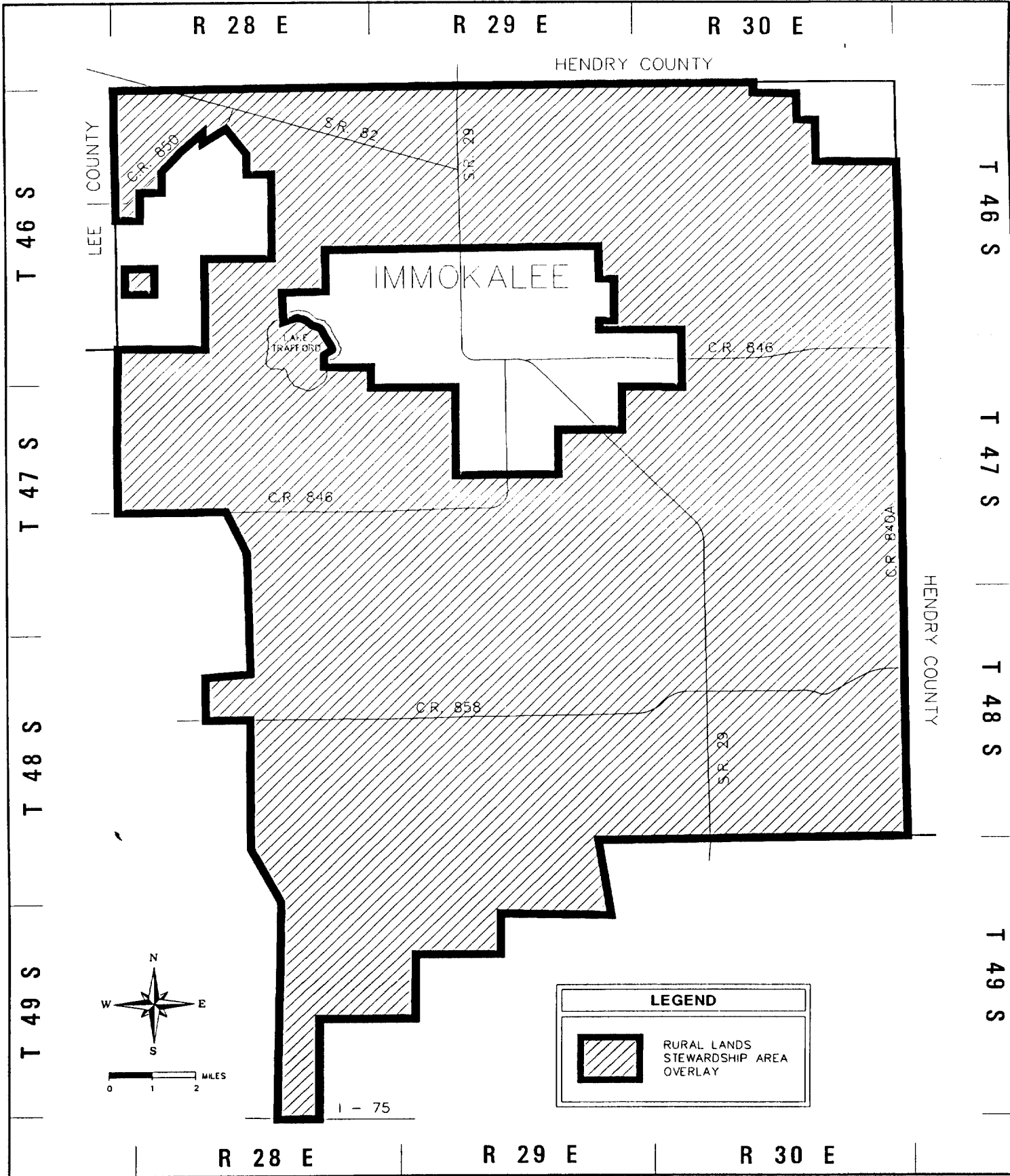
32. **WRA – Water Retention Area** – Privately owned lands delineated on the RLSA Overlay Map, that have been permitted by the South Florida Water Management District to function as agricultural water retention areas and that provide surface water quality and other natural resource value.

2.2.27.3 Establishment of RLSA Zoning Overlay District. In order to implement the RLSA District Regulations, an RLSA District, to be designated as “RLSAO” on the Official Zoning Atlas, is hereby established.

A. The lands included in the RLSA District and to which the RLSA District Regulations apply are depicted by the following map:

[INSERT MAP]

Rural Lands Stewardship Area (RLSA) Zoning Overlay District



B. Within the RLSA District, additional lands may be designated to implement the Stewardship Credit System as follows:

1. Establishment of SSA Designations. An RLSA District classification to be known as SSAs, and to be designated on the official zoning atlas by the symbol "A-RLSAO-SSA", is hereby established. This overlay district classification will be used for those lands within the RLSA District that are designated by the Board of County Commissioners (BCC) as SSAs. The placement of this designation shall be governed by the procedures as prescribed in the RLSA District Regulations.
2. Establishment of SRA Designations. An RLSA District classification to be known as SRAs, and to be designated on the official zoning atlas by the symbol "A-RLSAO-SRA", is hereby established. This overlay district classification will be used for those lands within the RLSA District that are designated by the BCC as SRAs. The placement of this designation shall be governed by the procedures as prescribed in the RLSA District Regulations.

2.2.27.4. Establishment of Land Uses Allowed in the RLSA District. Land uses allowed within the RLSA District are of two types: those allowed in the Baseline Standards prior to designation of SSAs and SRAs, and; those uses provided for in SSAs and SRAs after designation. The underlying land uses allowed within the RLSA District are included in the Baseline Standards. Upon designation of SSAs and SRAs pursuant to the RLSA District Regulations, the land uses allowed shall be as provided in Sections 2.2.27.9.B.4. and 2.2.27.10.J.1., respectively.

2.2.27.5. Establishment of a Stewardship Credit Database. As part of the initial implementation of the RLSA Overlay, the Community Development and Environmental Services Administrator (Administrator) shall cause to be developed a Stewardship Credit Database to track the generation (by SSAs) and consumption (by SRAs) of Stewardship Credits within the RLSA District. The database shall be in an electronic form that can be linked to the RLSA Overlay Map and can readily produce reports that will afford convenient access to the data by the public. The database shall be updated upon approval of an SSA or SRA Designation Application and Credit Agreement.

2.2.27.6. Authorization to Establish a Stewardship Credit Trust. As part of the implementation of the RLSA Overlay, the County may elect to acquire Credits through a publicly funded program. Should the County pursue this option, the County shall establish a Stewardship Credit Trust to receive and hold Credits until such time as they are sold, transferred or otherwise used to implement uses within SRAs. Nothing herein shall preclude the County from permanently "retiring" those credits received or held.

2.2.27.7. General. Except as provided in Subsections 2.2.27.8.E., F. and G., there shall be no change to the underlying density and intensity of permitted uses of land within the RLSA District, as set forth in the Baseline Standards, until a property owner elects to utilize the provisions of the Stewardship Credit System pursuant to the provisions of Section 2.2.27.9.B. No part of the Stewardship Credit System shall be imposed upon a property owner without that owner's written consent. It is the intent of the RLSA District Regulations that a property owner will be compensated consistent with Policy 3.8 of the RLSA Overlay for the voluntary stewardship and protection of important agricultural and natural resources. The Baseline Standards will remain in effect for all land not subject to the transfer or receipt of Stewardship Credits.

A. Creation of Stewardship Credits/General. Stewardship Credits (Credits) may be created from any lands within the RLSA District from which one or more Land Use Layers are removed. These lands will be identified as SSAs. All privately owned lands within the RLSA District are candidates for designation as an SSA. Land becomes designated as an SSA upon petition by the property owner seeking such designation as outlined herein. A Stewardship Agreement shall be developed that identifies those land uses, which have been removed. Once land is designated as an SSA and Credits or other compensation is granted to the owner, no increase in density or additional uses that are not expressly identified in the Stewardship Agreement shall be allowed on such property.

B. Transfer of Stewardship Credits/General. Credits can be transferred only to lands within the RLSA District that meet the defined suitability criteria and standards set forth in Section 2.2.27.10.A.1. and that have been designated as SRAs. The procedures for the establishment and transfer of Credits and SRA designation are set forth herein. Stewardship Credits will be exchanged for additional residential or non-residential entitlements in an SRA on a per acre basis. SRA density and intensity will thereafter differ from the Baseline Standards.

C. Allocation of Stewardship Credits/General. Stewardship Credits generated from one SSA may be allocated to one or more SRAs, and an SRA may receive Stewardship Credits generated from one or more SSAs.

D. Five Year Comprehensive Review.

1. Many of the tools, techniques, and strategies of the RLSA Overlay are new, innovative, and incentive-based and have yet to be tested in actual implementation. Consequently, by June 2008 and at such subsequent times as deemed appropriate by the BCC, the County shall prepare and submit to DCA for review a comprehensive analysis of the RLSA Overlay to assess the participation and effectiveness of the RLSA Overlay implementation in meeting the Goals, Objectives, and Policies of the RLSA Overlay by utilizing the measures of review delineated in Policy 1.22. The County shall encourage public participation in the review process through publicly noticed workshops and meetings and through the solicitation of public input.
2. Subsequent to the June 2008 review, the RLSA Overlay and RLSA District Regulations may be amended in response to the County's assessment and evaluation of the participation in and effectiveness of the Stewardship Credit System.
3. The value, exchange rate, and use of Stewardship Credits shall be governed by the RLSA Overlay and RLSA District Regulations in effect at the time the SSA from which those credits are generated is approved. The Restoration Stewardship Credits shall be governed by the RLSA Overlay and RLSA District Regulations in effect at the time that such Restoration Stewardship Credits are authorized by the BCC.

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

- A. Private Lands Delineated FSAs, HSAs, and WRAs.** Lands delineated FSA, HSA, or WRA on the RLSA Overlay Map have been identified through data and analysis as having a higher quality natural resource value than those lands not delineated. Although any land within the RLSA District can be designated as an SSA, generally those lands delineated FSAs, HSAs, and WRAs are the most likely candidates for designation because of the higher credit values applied to lands with those delineations.
- B. Private Lands Delineated as Open.** Lands not otherwise classified as FSA, HSA, or WRA are delineated as "Open" on the RLSA Overlay Map and are generally of a lower natural resource quality. Open lands may be designated as either SSAs or SRAs.
- C. Area of Critical State Concern (ACSC).** The RLSA District includes lands that are within the ACSC. Those ACSC lands are depicted on the RLSA Overlay Map and are eligible for designation as SRAs, subject to additional standards set forth in 2.2.27.10.A.2. All ACSC regulations continue to apply to ACSC lands within the RLSA District regardless of designation.
- D. Public or Private Conservation Lands.** Those lands within the RLSA District that are held in public ownership or in private ownership as conservation lands may be delineated on the RLSA Overlay Map as FSA, HSA, or WRA but are not eligible for designation as either an SSA or SRA.
- E. Baseline Standards.** The Baseline Standards shall apply until lands within the RLSA District are voluntarily designated as an SSA or SRA and shall remain in effect for all land not subject to the transfer or receipt of Stewardship Credits.
- F. No Increase in Density or Intensity (in excess of the Baseline Standards).** No increase in density or intensity within the RLSA District is permitted beyond the Baseline Standards except in areas designated as SRAs. Within SRAs, density and intensity may be increased through the provisions of the Stewardship Credit System and, where applicable, through the Affordable Housing Density Bonus as referenced in the Density Rating System of the FLUE, and the density and intensity blending provision of the Immokalee Area Master Plan.
- G. Lands Within the RLSA District Not Designated SSA or SRA Subject to Special Environmental Standards.** In order to protect water quality and quantity and maintenance of the natural water regime in areas mapped as FSAs on the RLSA Overlay Map prior to the time that they are designated as SSAs under the Stewardship Credit Program, Residential Uses, General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses (Layers 1-4) as listed in Section 2.2.27.9.B.4.a, shall not be permitted in FSAs within the RLSA District. Conditional use essential services and governmental essential services, except those necessary to serve permitted uses or for public safety,

shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less. In order to protect water quality and quantity and maintenance of the natural water regime and to protect listed animal and plant species and their habitats in areas mapped as FSAs, HSAs, and WRAs on the RLSA Overlay Map that are not within the ACSC, the use of such land for a non-agricultural purpose under the Baseline Standards shall be subject to environmental regulations implementing Policies 5.1 through 5.6 of the RLSA Overlay, which regulations shall be adopted by December 13, 2003.

2.2.27.9. SSA Designation. Lands within the RLSA District may be designated as SSAs subject to the following regulations:

A. Lands Within the RLSA District that can be Designated as SSAs. Any privately held land within the RLSA District delineated on the RLSA Overlay Map as FSA, HSA, WRA, Restoration, or Open, may be designated as an SSA, including lands within the ACSC.

1. May be within an SRA Boundary. A WRA, whether designated as an SSA or not, may be contiguous to or surrounded by an SRA. Should a WRA be used to provide water retention for an SRA, the provisions of 2.2.27.9.A.4.b. shall apply.

2. FSA Delineated Lands.

- a. In the case where lands delineated as FSA are designated as an SSA, at a minimum, Residential uses, General Conditional uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Land Use Matrix shall be eliminated as permitted land uses.
- b. Conditional use essential services and governmental essential services, other than those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less.
- c. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas exploration and oil and gas field development, and production activities in FSAs in order to minimize impacts to native habitats, when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit requiring compliance with the criteria established in Chapter 62C-30, F.A.C., regardless of whether the FSA in which oil and gas exploration and oil and gas field development and production activities is within the Big Cypress Swamp. Nothing contained herein alters the requirement to obtain conditional use permits for oil and gas field development and production activities.
- d. The elimination of the Earth Mining layer (Layer 3) shall not preclude the excavation of lakes or other water bodies if such use is an integral part of a restoration or mitigation program within an FSA.
- e. Once land in an FSA is designated as an SSA, no expansion of Agriculture Group 1 (Layer 5) or Agriculture Group 2 (Layer 7) and no conversion of Agriculture Group 2 to Agriculture Group 1 shall be allowed beyond those land uses in existence or allowed by applicable permits as of the date that the SSA designation is approved.

3. HSA Delineated Lands.

- a. In the case where lands delineated as HSA are designated as an SSA, at a minimum, Residential Land Uses (Layer 1), as listed in the Matrix, shall be eliminated.
- b. General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses shall be allowed only on HSA lands with a Natural Resource Stewardship Index value of 1.2 or less.
- c. In addition to the requirements imposed in the LDC for approval of a Conditional Use, uses listed in b. above will only be approved upon submittal of an EIS which demonstrates that clearing of native vegetation has been minimized, the use will not significantly and adversely impact listed species and their habitats and the use will not significantly and adversely impact aquifers. This demonstration shall be made by establishing the following:
 - (1) Clearing of native vegetation shall not exceed 15% of the native vegetation on the parcel.
 - (2) Priority shall be given to utilizing contiguous areas of previously cleared land before native vegetated areas.
 - (3) Buffering to Conservation Land shall comply with Section 2.2.27.10.J.6.d.
 - (4) Stormwater Management design shall base water control elevations on seasonal high water elevations of adjacent wetlands to protect wetland hydroperiods in accord with the SFWMD Basis of Review.

- (5) The area has a Listed Species Habitat Indices Value of 0.4 or less and no state or federal direct impact take permit is required for the use.
- (6) Activities that are the subject of an approved SFWMD Environmental Resource Permit or Consumptive Use Permit and that utilize best management practices designed to protect groundwater from contamination from allowable land uses are deemed not to significantly and adversely impact aquifers.
- d. As an alternative to the submittal of an EIS, the applicant may demonstrate that such use is an integral part of a State or Federally approved restoration plan or mitigation program.
- e. Conditional use essential services and governmental essential services, other than those necessary to serve permitted uses or for public safety, shall only be allowed in HSAs with a Natural Resource Stewardship Index value of 1.2 or less.
- f. Asphaltic and concrete batch making plants are prohibited in all HSAs.
- g. Directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas exploration and oil and gas field development, and production activities in HSAs in order to minimize impacts to native habitats when determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit requiring compliance with the criteria established in Chapter 62C-30, F.A.C., regardless of whether the HSA in which oil and gas exploration and oil and gas field development and production activities is within the Big Cypress Swamp. Nothing contained herein alters the requirement to obtain conditional use permits for oil and gas field development and production activities.
- h. Golf Course design, construction, and operation in any HSA shall comply with the best management practices of Audubon International's Gold Program and the Florida Department of Environmental Protection, which standards shall be adopted by December 13, 2003.
- i. Once land in an HSA is designated as an SSA, no expansion of Agriculture Group 1 (Layer 5) or Agriculture Group 2 (Layer 7) and no conversion of Agriculture Group 2 to Agriculture Group 1 shall be allowed beyond those land uses in existence or allowed by applicable permits as of the date that the SSA designation is approved.

4. WRA Delineated Lands.

- a. In the case where lands delineated as WRA are designated as an SSA, at a minimum, Residential Land Uses (Layer 1), as listed in the Matrix, shall be eliminated as permitted land uses.
- b. During permitting to serve new uses within an SRA, additions and modifications to WRAs may be required, including but not limited to changes to control elevations, discharge rates, storm water pre-treatment, grading, excavation or fill. Such additions and modifications shall be allowed subject to review and approval by the SFWMD in accordance with best management practices. Such additions and modifications to WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or restoration in other areas of the RLSA District that will provide comparable habitat function. Compensating mitigation or restoration for an impact to a WRA contiguous to the Camp Keais Strand or Okaloacoochee Slough shall be provided within or contiguous to that Strand or Slough.

- 5. Restoration Zone Delineated Lands.** To further direct other uses away from and to provide additional incentive for the protection, enhancement, and restoration of the Okaloacoochee Slough and Camp Keais Strand, when lands within a Restoration Zone are designated as an SSA and at least Land Use Layers 1 through 3 are eliminated as permitted uses, such Restoration Zone shall receive a Stewardship Overlay Designation value of 0.6.

B. SSA Credit Generation - Stewardship Credit System. Stewardship Credits (Credits) are created from any lands within the RLSA District from which one or more Land Use Layers are removed and that are designated as SSAs. Once land is designated as an SSA and Credits or other compensation consistent with Policy 3.8 of the RLSA Overlay is granted to the owner, no increase in density or additional uses not expressly identified in the Stewardship Agreement shall be allowed on such property. A methodology has been adopted in the GMP for the calculation of credits based upon: 1) the Natural Resource Index Value of the land being designated as an SSA, and 2) the number of land use layers being eliminated.

1. **Early Entry Bonus Credits.** Early Entry Bonus Credits are hereby established to encourage the voluntary designation of SSAs within the RLSA District. The bonus shall be in the form of an additional one Stewardship Credit per acre of land designated as an SSA that is within an HSA located outside of the ACSC and one-half Stewardship Credit per acre of land designated as an SSA that is within an HSA located inside the ACSC.
 - a. The early entry bonus shall be available until January 30, 2009.
 - b. The early designation of SSAs and the resultant generation of Stewardship Credits do not require the establishment of SRAs or otherwise require the early use of Credits.
 - c. Credits generated under the early entry bonus may be used after the termination of the bonus period.
 - d. The maximum number of Credits that can be generated under the early entry bonus is 27,000.
 - e. Early Entry Bonus Credits shall not be transferred into or otherwise used to entitle an SRA within the ACSC.
2. **Credit Worksheet.** The Stewardship Credit Worksheet, adopted as Attachment "A" of the Growth Management Plan RLSA Goals, Objectives, and Policies, sets out a the mathematical formula that shall be used to determine the number of credits available for each acre of land being considered for an SSA.
3. **Natural Resource Indices and Values.** A set of Natural Resource Indices has been established as part of the Stewardship Credit Worksheet.
 - a. **Natural Resource Indices.**
 - Stewardship Overlay Designation*
 - Proximity Indices*
 - Listed Species Habitat Indices**
 - Soils/Surface Water Indices*
 - Restoration Potential Indices*
 - Land Use – Land Cover Indices*
 - b. **Index Values.** During the RLSA Study, based upon data and analysis, each acre within the RLSA District was assigned a value for each Index except for the Restoration Potential Index. The Restoration Potential Index is assigned during the SSA designation process if appropriate, and credit adjustments are made at that time.
 - c. **Slough/Strand Index Score Upgrade.** An index score upgrade is hereby established as an incentive for the protection, enhancement and restoration of the Okaloocoochee Slough and Camp Keais Strand. All lands within 500 feet of the delineated FSAs that comprise the Slough or Strand that are not otherwise included in an HSA or WRA shall receive the same natural index score (0.6) that an HSA receives, if such property is designated as an SSA and retains only agricultural, recreational and/or conservation layers of land use.
 - d. **Index Map.** A Natural Resource Index Map adopted as a part of the RLSA Overlay, indicates the Natural Resource Stewardship Index Value for all land within the RLSA District. Credits from any lands designated as SSAs, shall be based upon the Natural Resource Index values in effect at the time of designation. At the time of designation, the Natural Resource Index Assessment required in Section 2.2.27.9.C.3. shall document any necessary adjustments to the index values reflected on the Index Map. Any change in the characteristics of land due to alteration of the land prior to the designation of an SSA that either increases or decreases any Index Value shall result in a corresponding adjustment in the credit value.
 - e. **Restoration Potential Index Value.** If the applicant asserts that the land being designated as an SSA has a Restoration Potential Index Value of greater than zero (0), an evaluation of the restoration potential of the land being designated shall be prepared by a qualified environmental consultant (per Section 3.8 of the LDC) on behalf of the applicant and submitted as part of the SSA Designation Application Package. In the event that restoration potential is identified, the appropriate Restoration Potential Index Value shall be determined in accord with the Credit Worksheet. The credit value of each acre to which the Restoration Potential Index Value is applied shall be recalculated by adding the Restoration Potential Index Value to that acre's total Index Value.
 - f. **Restoration Stewardship Credits.** Restoration Stewardship Credits are hereby established in addition to the Restoration Potential Index Value. In certain locations there may be the opportunity for flow way or habitat restoration such as locations where flow ways have been

constricted or otherwise impeded by past activities, or where additional land is needed to enhance wildlife corridors. Restoration Stewardship Credits shall be applied to an SSA subject to the following regulations:

- (1) Priority has been given to restoration within the Camp Keais Strand FSA or contiguous HSAs. Therefore, four additional Stewardship Credits shall be generated for each acre of land dedicated by the applicant for restoration activities within any of the following areas: the Camp Keais Strand FSA, contiguous HSAs, or those portions of the Restoration Zone depicted on the RLSA Overlay Map that are contiguous to the Camp Keais Strand.
- (2) Two additional Stewardship Credits shall be generated for each acre of land dedicated for restoration activities within the Okaloacoochee Slough, contiguous HSAs, or those portions of the Restoration Zone depicted on that are contiguous to the Okaloacoochee Slough.
- (3) The actual implementation of restoration improvements is not required for the owner to receive such credits referenced in (1) and (2) above.
- (4) Lands designated "Restoration" shall be restricted to Agriculture – Group 2 and conservation uses and all natural areas shall be maintained in their existing natural condition until such time as restoration activities occur. Upon completion of restoration, the land shall be managed in accordance with the applicable restoration permit conditions, which may impose further restriction on the allowed use of the property.
- (5) If the applicant agrees to complete the restoration improvements and the eligibility criteria below are satisfied, four additional Stewardship Credits shall be authorized at the time of SSA designation, but shall not become available for transfer until such time as it has been demonstrated that the restoration activities have met applicable success criteria as determined by the permitting or commenting agency authorizing said restoration. One or more of the following eligibility criteria shall be used in evaluating an applicant's request for these additional Restoration Stewardship Credits:
 - (a) FSA and/or HSA lands where restoration would increase the width of flow way and/or habitat corridors along the Camp Keais Strand or Okaloacoochee Slough so that, in the opinion of the applicant's environmental consultant and County environmental or natural resources staff, there will be functional enhancement of the flow way or wildlife corridor;
 - (b) FSA and/or HSA lands where restoration would increase the width of flow way and/or habitat corridors within two miles of existing public lands so that, in the opinion of the applicant's environmental consultant and County environmental or natural resources staff, there will be a functional enhancement of the flow way or wildlife corridor;
 - (c) Documentation of state or federal listed species utilizing the land or a contiguous parcel;
 - (d) Lands that could be restored and managed to provide habitats for specific listed species (e.g., gopher tortoise, Big Cypress fox squirrel, red-cockaded woodpecker, etc.), or;
 - (e) Occurrence of a land parcel within foraging distance from a wading bird rookery or other listed bird species colony, where restoration and proper management could increase foraging opportunities (e.g., wood storks);

4. Land Use Layers to be Eliminated. A set of Land Use Layers has been established as part of the Stewardship Credit Worksheet and adopted as the *Land Use Matrix – Attachment B* to the Rural Stewardship Area Overlay Goals, Objectives and Policies. Each Layer incorporates a number of the permitted or conditional uses allowed under the Baseline Standards. Each Layer listed below has an established credit value (percentage of a base credit) developed during the RLSA Study.

At the time of designation application, a landowner wishing to have his/her land designated as an SSA determines how many of the Land Use Layers are to be removed from the designated lands. A Land Use Layer can only be removed in its entirety (all associated activities/land use are removed), and Layers shall be removed sequentially and cumulatively in the order listed below.

a. Land Use Layers.

1 - Residential Land Uses

- 2 - General Conditional Uses
3 - Earth Mining and Processing Uses
4 - Recreational Uses
5 - Agriculture – Group 1
6 - Agriculture – Support Uses
7 - Agriculture – Group 2

b. Land Use Matrix

Residential Land Uses	General Conditional Uses	Earth Mining and Processing Uses	Recreational Uses	Agriculture Group 1	Agriculture – Support Uses	Agriculture Group 2	Conservation, Restoration and Natural Resources
Single-family dwelling, incl. mobile home (P)	Family care facilities (P)	Excavation, extraction or earthmining and related processing and production (CU)	Golf courses and/or golf driving ranges (CU)	Crop raising; horticulture; fruit and nut production; groves; nurseries; improved pasture (P)	Farm labor housing (A)	Unimproved pasture and grazing, forestry (P)	Wildlife management, plant and wildlife conservancies, refuges and sanctuaries (P)
Mobile homes [(P) in MH Overlay; (A) as temporary use]	Collection and transfer sites for resource recovery (CU)	Asphaltic and concrete batch making plants (CU)	Sports instructional schools and camps (CU)	Animal breeding (other than livestock), raising, training, stabling or kenneling (P)	Retail sale of fresh, unprocessed agricultural products; grown primarily on the property (A)	Ranching; livestock raising (P)	Water management, groundwater recharge (P)
Private boathouses and docks on lake, canal or waterway lots (A)	Veterinary clinic (CU)		Sporting and recreational camps (CU)	Dairying, beekeeping; poultry and egg production; milk production (P)	Retail plant nurseries (CU)	Hunting cabins (CU)	Restoration, mitigation (P)
Recreational facilities integral to residential development, e.g., golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields (A)	Child care centers and adult day care centers			Aquaculture for native species (P) and non-native species (CU)	Packinghouse or similar agricultural processing of farm products produced on the property (A)	Cultural, educational, or recreational facilities and their related modes of transporting participants, viewers or patrons; tour operations, such as, but not limited to airboats, swamp buggies, horses and similar modes of transportation (CU)	Water supply, wellfields (P); oil and gas exploration (P)
Guesthouses (A)	Zoo, aviary, botanical garden, or other similar uses (CU)			The commercial production, raising or breeding of exotic animals (CU)	Sawmills (CU)	Excavation and related processing incidental to Ag(A)	Boardwalks, nature trails (P)
	Churches and other places of worship (CU)			Wholesale reptile breeding and raising – non-venomous (P)			Natural resources not otherwise listed (P)

				and venomous(CU)			
	Communications towers (P)(CU)						Essential services (P and CU)
	Social and fraternal organizations (CU)						Oil and gas field development and production (CU)
	Private landing strips for general aviation (CU)						
	Cemeteries (CU)						
	Schools (CU)						
	Group care facilities, ALF (CU)						

Uses as listed in Collier County Land Development Code – Rural Agricultural District
(P) Principal Use, (a) Accessory Use, (CU) Conditional Use

5. Matrix Calculation. The maximum number of credits generated through designation as an SSA is established in a matrix calculation that multiplies each Natural Resource Index Value by the value of each Land Use Layer, thereby establishing a credit value for each acre in the Overlay, weighted by the quality of its natural resources. As Land Use Layers are removed, the sum of the percentages of those Layers removed is multiplied by the Natural Resource Index Values to determine the Stewardship Credits to be generated by each acre being designated as an SSA.

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

1. SSA Designation Application. A landowner or his/her agent, hereafter “applicant,” shall submit a request for the designation of SSA for lands within the RLSA District to the Administrator or his designee, on an approved application form. The application shall be accompanied by the documentation as required by this Section.

2. Application Fee. An application fee shall accompany the application.

3. Natural Resource Index Assessment. The applicant shall prepare and submit as part of the SSA Designation Application a report entitled Natural Resource Index Assessment that documents the Natural Resource Index Value scores. The Assessment shall include a summary analysis that quantifies the number of acres by Index Values, the level of conservation being proposed, and the resulting number of Credits being generated. The Assessment shall:

a. Verify that the Index Value scores assigned during the RLSA Study are still valid through recent aerial photography or satellite imagery, agency-approved mapping, or other documentation, as verified by field inspections.

b. if this Assessment establishes that the Index Value scores assigned during the RLSA Study are no longer valid, document the Index Value of the land as of the date of the SSA Designation Application.

c. Establish the suggested “Restoration Potential” Index Value for any acres as appropriate and provide evidence/documentation supporting the suggested Index Value;

d. Quantify the acreage of agricultural lands, by type, being preserved;

e. Quantify the acreage of non-agricultural acreage, by type, being preserved;

f. Quantify the acreage of all lands by type within the proposed SSA that have an Index Value greater than 1.2; and

g. Quantify all lands, by type, being designated as SSA within the ACSC, if any.

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

a. Legal description, including sketch or survey;

b. Acreage calculations, e.g., acres of FSAs, HSAs, and WRAs, etc., being put into the SSA;

- c. RLSA Overlay Map delineating the area of the RLSA District being designated as an SSA;
 - d. Aerial photograph(s) 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, delineating the area being designated as an SSA;
 - e. Natural Resource Index Map of area being designated as an SSA;
 - f. Florida Department of Transportation Florida Land Use Cover and Forms Classification System (FLUCCS) map(s) delineating the area being designated as an SSA 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;
 - g. Listed species occurrence map(s) from United States Fish and Wildlife Service, Florida Fish Wildlife Conservation Commission, and Florida Natural Areas Inventory, delineating the area being designated as an SSA;
 - h. United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) Soils map(s) delineating the area being designated as an SSA;
 - i. Documentation to support a change in the related Natural Resource Index Value(s), if appropriate; and
 - j. Calculations that quantify the number of acres by Index Values, the level of conservation being offered, and the resulting number of credits being generated.
- 5. SSA Credit Agreement.** Any landowner petitioning to have all or a portion of land owned within the RLSA District designated as an SSA and who is to obtain SSA credits for the land so designated shall enter into a SSA Credit Agreement with the County. SSA Credit Agreements entered into by and between a landowner and the County shall contain the following:
- a. The number of acres, and a legal description of all lands subject to the SSA Credit Agreement;
 - b. A map or plan (drawn at a scale of 1"= 500') of the land subject to the agreement which depicts any lands designated FSAs, HSAs, or WRAs and the acreage of lands so designated;
 - c. A narrative description of all land uses, including conditional uses, if any, that shall be removed from the land upon approval of the SSA Credit Agreement;
 - d. Calculations that support the total number of SSA credits that result from the Natural Resource Index Assessment;
 - e. A copy of the Stewardship Easement, (or deed if a fee simple transfer is proposed) applicable to the land, which shall be granted in perpetuity and shall be recorded by the County upon approval of the SSA Credit Agreement;
 - f. Land management measures;
 - g. Provisions requiring that, upon designation of land as an SSA, the owner shall not seek or request, and the County shall not grant or approve, any increase in density or any additional uses beyond those specified in the SSA Credit Agreement on the land;
 - h. Provisions requiring that, upon designation of land within either an FSA or an HSA as an SSA, the owner shall not thereafter seek or request, and the County shall not thereafter grant or approve any expansion or conversion of agricultural land uses in violation of Sections 2.2.27.9.A.2 and 3;
 - i. Provisions regarding and ensuring the enforceability of the SSA Credit Agreement; and
 - j. If applicable, the number of credits to be granted for restoration (Restoration Credits), together with the following information:
 - (1) A legal description of lands to be designated for restoration;
 - (2) A map depicting the land being designated as SSA, with the lands to be dedicated for restoration, but which the applicant makes no commitment to undertake restoration, identified as Restoration I ("R I"); and the lands dedicated for restoration and for which the applicant has committed to carry out the restoration identified as Restoration II ("R II");
 - (3) The number of Restoration Credits to be granted for the lands designated R I and R II;
 - (4) A Restoration Analysis and Report, which shall include a written evaluation of the restoration area's existing ecological/habitat value and the necessary restoration efforts required to reestablish original conditions; enhance the functionality of wetlands or

wildlife habitat; or remove exotics so as to enhance the continued viability of native vegetation and wetlands; and

(5) When the restoration is to be undertaken by the applicant, a Restoration Plan that addresses, at a minimum, the following elements:

(a) Restoration goals or species potentially affected;

(b) Description of the work to be performed;

(c) Identification of the entity responsible for performing the work;

(d) Work Schedule;

(e) Success Criteria; and

(f) Annual management, maintenance and monitoring.

6. Public Hearing for Credit Agreement. The SSA Credit Agreement shall be approved by a resolution of the BCC at an advertised public meeting by majority vote.

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

a. The legal description of the lands subject to the SSA Credit Agreement and the number of SSA Credits assigned to the land designated as SSA, including lands designated for restoration, if any, and the Restoration Credits assigned to such land;

b. The Stewardship Easement Agreement on the SSA lands, describing the land uses remaining on the land;

c. A summary of the Restoration Plan, if restoration is to be undertaken by the applicant, to include the elements set forth in Section 2.2.27.9.C.5.i(5)(a).

8. Stewardship Easement Agreement or Deed. The Applicant shall prepare and submit a Stewardship Easement Agreement in all cases except when the property is being deeded in fee simple to a “conservation/preservation agency.”

a. The Agreement shall impose a restrictive covenant or grant a perpetual restrictive easement that shall be recorded for each SSA, shall run with the land and shall be in favor of Collier County and one or more of the following: Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, South Florida Water Management District, or a recognized land trust.

b. The Stewardship Easement Agreement shall identify the specific land management measures that will be undertaken and the party responsible for such measures.

c. In the event that the land being designated as an SSA is being transferred to a conservation entity by fee simple title, a deed shall be submitted in lieu of the Stewardship Easement Agreement.

D. SSA Application Review Process

1. Pre-application Conference with County Staff. Prior to the submission of a formal application for SSA designation, the applicant shall attend a pre-application conference with the Administrator or his designee and other county staff, agencies, and officials involved in the review and processing of such applications and related materials. If an SRA designation application is to be filed concurrent with an SSA application, only one pre-application conference shall be required. This pre-application conference should address, but not be limited to, such matters as:

a. Conformity of the proposed SSA with the goals, objectives, and policies of the growth management plan;

b. Review of the Stewardship Credit Worksheet and Natural Resource Index Assessment for the property;

c. Identification of the recognized entity to be named in the covenant or perpetual restrictive easement, and;

d. Identification of the proposed land management measures that will be undertaken and the party responsible for such measures.

2. Application Package Submittal and Processing Fees. The required number of copies of each SSA Application and the associated processing fee shall be submitted to the Administrator or his

designee. The contents of said application package shall be in accordance with Section 2.2.27.9.C.

- 3. Application Deemed Sufficient for Review.** Within fifteen (15) working days of receipt of the SSA Application, the Administrator or his designee shall advise the applicant in writing that the application is complete and sufficient for agency review or advise what additional information is needed to find the application sufficient. If required, the applicant shall submit additional information. Within ten (10) working days of receipt of the additional information, the Administrator or his designee shall advise the applicant in writing that the application is complete, or, if additional or revised information is required, the Administrator shall again inform the applicant what information is needed, and the timeframe outlined herein shall occur until the application is found sufficient for review.
- 4. Review by County Reviewing Agencies:** Once the SSA application is deemed sufficient, the Administrator or his designee will distribute it to specific County staff for their review .
- 5. Designation Review.** Within sixty (60) days of receipt of a sufficient application, county staff shall review the submittal documents and provide written comments, questions, and clarification items to the applicant. If deemed necessary by county staff or the applicant, a meeting shall be held to resolve outstanding issues and confirm public hearing dates.
- 6. Designation Report.** Within ninety (90) days from the receipt of a sufficient application, county staff shall prepare a written report containing their review findings and a recommendation of approval, approval with conditions or denial. This timeframe may be extended upon written agreement by the applicant.

E. SSA Application Approval Process

- 1. Public Hearing.** The BCC shall hold an advertised public hearing on the proposed resolution approving an SSA Application and SSA Credit Agreement. Notice of the Board's intention to consider the Application and proposed SSA Credit Agreement shall be given at least fifteen (15) days prior to said hearing by publication in a newspaper of general circulation in the County. A copy of such notice shall be kept available for public inspection during regular business hours of the Office of Clerk to the BCC. The notice of proposed hearing shall state the date, time and place of the meeting, the title of the proposed resolution, and the place or places within the County where the proposed resolution and agreement may be inspected by the public. The notice shall provide a general description and a map or sketch of the affected land and shall advise that interested parties may appear at the meeting and be heard with respect to the proposed resolution. The BCC shall review the staff report and recommendations and, if it finds that all requirements for designation have been met, shall, by resolution, approve the application. If it finds that one or more of the requirements for designation have not been met, it shall either deny the application or approve it with conditions mandating compliance with all unmet requirements. Approval of such resolution shall require a majority vote by the BCC.
- 2. Legal Description.** Following the Board's approval of the SSA Application and SSA Credit Agreement, a legal description of the land designated SSA, the SSA credits granted, and the Stewardship easement applicable to such lands, shall be provided to the Collier County Property Appraiser and the applicant, and shall be recorded within thirty (30) days by the applicant in the public records.
- 3. Update the RLSA Overlay Map and Official Zoning Atlas.** The Official Zoning Atlas shall be updated to reflect the designation of the SSA. Sufficient information shall be included on the updated zoning maps so as to direct interested parties to the appropriate public records associated with the designation, including but not limited to Resolution number and SSA Designation Application number. The RLSA Overlay Map shall be updated to reflect the SSA designation during a regular growth management cycle no later that twelve months from the effective date of the SSA Agreement.

F. SSA Amendments. Collier County shall consider an amendment to an approved SSA in the same manner described in this Section for the designation of an SSA. Amendment(s) to approved SSAs shall only be considered if the application removes one or more additional Land Use Layers from the existing SSA. Under no circumstances shall Land Use Layers, once removed as part of an SSA designation, be added back to the SSA. The application to amend the SSA may be submitted as part of an application to designate a new SSA provided such lands are contiguous to the previously approved SSA and are under the same ownership.

2.2.27.10. SRA Designation. SRA designation is intended to encourage and facilitate uses that enable economic prosperity and diversification of the economic base of the RLSA District, and encourage

development that utilizes creative land use planning techniques and facilitates a compact form of development to accommodate population growth by the establishment of SRAs. Stewardship Credits generated from SSAs are exchanged for additional residential or non-residential entitlements in an SRA on a per acre basis as set forth herein. Density and intensity within the RLSA District shall not be increased beyond the Baseline Standards except through the provisions of the Stewardship Credit System, the Affordable Housing Density Bonus as referenced in the Density Rating System of the FLUE, and the density and intensity blending provision of the Immokalee Area Master Plan. The procedures for the establishment and transfer of Credits and SRA designation are set forth herein. Credits can be transferred only to lands within the RLSA District that meet the defined suitability criteria and standards set forth herein. Land becomes designated as an SRA on the date that the SRA Credit Agreement becomes effective pursuant to Section 2.2.27.10.D.11.c. Any change in the residential density or non-residential intensity of land use on a parcel of land located within an SRA shall be specified in the resolution, which shall reflect the total number of transferable Credits assigned to the parcel of land.

A. Lands Within the RLSA District that can be Designated as SRAs. All privately owned lands within the RLSA District that meet the suitability criteria contained herein may be designated as SRA, except lands delineated on the RLSA Overlay Map as FSA, HSA, or WRA, or lands already designated as an SSA. WRAs may be located within the boundaries of an SRA and may be incorporated into an SRA Master Plan to provide water management functions for properties within such SRA, subject to all necessary permitting requirements.

1. Suitability Criteria. The following suitability criteria are established to ensure consistency with the Goals, Objectives, and Policies of the RLSA Overlay.

- a. An SRA must contain sufficient suitable land to accommodate the planned development.
- b. Residential, commercial, manufacturing/light industrial, group housing, and transient housing, institutional, civic and community service uses within an SRA shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2.
- c. Conditional use essential services and governmental essential services, with the exception of those necessary to serve permitted uses and for public safety, shall not be sited on land that receives a Natural Resource Index value of greater than 1.2, regardless of the size of the land or parcel.
- d. Lands or parcels that are greater than one acre and have an Index Value greater than 1.2 shall be retained as open space and maintained in a predominantly natural vegetated state.
- e. Open space shall also comprise a minimum of thirty-five percent of the gross acreage of an individual SRA Town, Village, or those CRDs exceeding 100 acres. Gross acreage includes only that area of development within the SRA that requires the consumption of Stewardship Credits.
- f. As an incentive to encourage open space, open space on lands within an SRA located outside of the ACSC that exceeds the required thirty-five percent retained open space shall not be required to consume Stewardship Credits.
- g. An SRA may be contiguous to an FSA or HSA, but shall not encroach into such areas, and shall buffer such areas as described in Section 2.2.27.10.J.6.d. An SRA may be contiguous to, or encompass a WRA.
- h. The SRA must have either direct access to a County collector or arterial road or indirect access via a road provided by the developer that has adequate capacity to accommodate the proposed development in accordance with accepted transportation planning standards.

2. SRAs Within the ACSC. SRAs are permitted within the ACSC subject to limitations on the number, size, location, and form of SRA described herein. Nothing within this Section shall be construed as an exemption of an SRA from any and all limitations and regulations applicable to lands within the ACSC. Lands within the ACSC that meet all SRA suitability criteria shall also be restricted such that credits used to entitle an SRA in the ACSC must be generated exclusively from SSAs within the ACSC. No early entry bonus credits can be used to entitle an SRA within the ACSC.

- a. The only forms of SRA allowed in the ACSC east of the Okaloacoochee Slough shall be Hamlets and CRDs of 100 acres or less and the only forms of SRA allowed in the ACSC west of the Okaloacoochee Slough shall be Villages and CRDs of not more than 300 acres and Hamlets. Provided, however, two SRAs, consisting of any combination of Villages or CRDs of not more than 500 acres each, exclusive of any lakes created prior to the effective date of this amendment as a result of mining operations, shall be allowed in areas that have a frontage

on State Road 29 and that, as of the effective date of the RLSA Overlay, had been predominantly cleared as a result of Ag Group I (Layer 5) or Earth Mining or Processing Uses (Layer 3).

b. The Town form of an SRA shall not be located within the ACSC.

B. Establishment and Transfer of Stewardship Credits. The procedures for the establishment and transfer of Credits and SRA designation are set forth herein. Stewardship Credits will be exchanged for additional residential or non-residential entitlements in an SRA on a per acre basis, as described in Section 2.2.2710.B.2. Stewardship density and intensity will thereafter differ from the Baseline Standards.

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

a. Stewardship Credits generated from any SSA may be transferred to entitle any SRA, except where the SRA is within the ACSC, in which case only Stewardship Credits that have been generated from an SSA within the ACSC can be used to entitle such SRA. No early entry bonus credits can be used to entitle an SRA within the ACSC.

b. Credits can be transferred only to lands within the RLSA that meet the defined suitability criteria and standards set forth herein.

c. Stewardship Credits may be transferred between different parcels or within a single parcel, subject to compliance with all applicable provisions of these policies. Residential clustering shall only occur within the RLSA District through the use of the Stewardship Credit System, and other forms of residential clustering shall not be permitted.

d. Stewardship Credits may be acquired from any credit holder and transferred to an SRA subject to the limitations contained in this Section.

e. Stewardship Credits may be acquired from a Stewardship Credit Trust established pursuant to Section 2.2.27.6., and transferred to an SRA subject to the limitations contained in this Section.

2. Stewardship Credit Exchange. Stewardship Credits shall be exchanged for additional residential or non-residential entitlements in an SRA on a per acre basis at a rate of eight (8) Stewardship Credits per gross acre. Lands within an SRA greater than one acre, with Index Values of greater than 1.2, shall be retained as open space and maintained in a predominantly natural, vegetated state. Any such lands within an SRA located outside of the ACSC exceeding the required thirty-five percent shall not be required to consume Stewardship Credits.

3. Public Benefit Uses. The acreage within an SRA devoted to a public benefit use shall not be required to consume Stewardship Credits and shall not count toward the maximum acreage limits of an SRA. For the purpose of this Section, public benefit uses are limited to public schools (preK-12) and public or private post secondary institutions, Post Secondary Institution Ancillary Uses, community parks exceeding the minimum requirement of 200 square feet per dwelling unit, municipal golf courses, regional parks, and governmental facilities excluding essential services as defined in the LDC.

4. Mixed Land Use Entitlements. In order to promote compact, mixed use development and provide the necessary support facilities and services to residents of rural areas, the SRA designation and the transfer of the Stewardship Credits allows for a full range of uses, accessory uses and associated uses that provide a mix of services to and are supportive to the residential population of an SRA and the RLSA District. SRAs are intended to be mixed use and shall be allowed the full range of uses permitted by the Urban Designation of the FLUE, as modified by Policies 4.7, 4.7.1, 4.7.2, 4.7.3, 4.7.4 and RLSA Overlay Attachment C. Depending on the size, scale, and character of an SRA, it shall be designed to include an appropriate mix of retail, office, recreational, civic, governmental, and institutional uses, in addition to residential uses.

C. Forms of SRA Developments. SRA Developments are a compact form of development, which accommodate and promote uses that utilize creative land use planning techniques. SRAs shall be used to facilitate the implementation of innovative planning and flexible development strategies described in Chapter 163.3177 (11), F.S. and 9J-5.006(5)(l), F.A.C. These planning strategies and techniques are intended to minimize the conversion of rural and agricultural lands to other uses while discouraging urban sprawl, protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and, providing for the cost-efficient delivery of public facilities and services. Only the following four specific forms of rural development in SRAs are permitted within the RLSA District.

1. Towns. Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure which support development that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be not less than 1,000 acres or more than 4,000 acres and are comprised of several villages and/or neighborhoods that have individual identity and character. Towns shall have a mixed-use town center that will serve as a focal point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Towns shall have at least one community park with a minimum size of 200 square feet per dwelling unit in the Town. Towns shall also have parks or public green spaces within neighborhoods. Towns shall include both community and neighborhood scaled retail and office uses, in a ratio as provided in Section 2.2.27.10.J.1. Towns may also include those compatible corporate office and light industrial uses as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE. Towns shall be the preferred location for the full range of schools, and to the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities. Towns shall not be located within the ACSC.

2. Villages. Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not less than 100 acres or more than 1,000 acres. Villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point for the community's support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Section 2.2.27.10.J.1. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities.

The Village form of rural land development is permitted within the ACSC subject to the limitations of Section 2.2.27.10.A.2.

3. Hamlets. Hamlets are small rural residential areas with primarily single-family housing and limited range of convenience-oriented services. Hamlets shall be not less than 40 or more than 100 acres. Hamlets will serve as a more compact alternative to traditional five-acre lot rural subsections currently allowed in the Baseline Standards. Hamlets shall have a public green space for neighborhoods. Hamlets include convenience retail uses, in a ratio as provided in Section 2.2.27.10.J.1. Hamlets may be an appropriate location for pre-K through elementary schools. The Hamlet form of rural land development is permitted within the ACSC subject to the limitations of Section 2.2.27.10.A.2.

4. Compact Rural Developments (CRDs). Compact Rural Development (CRD) is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. A CRD may include, but is not required to have permanent residential housing and the services and facilities that support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth in Section 2.2.27.10.J.1. based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required. However for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with the standards for the most comparable form of SRA as described in Section 2.2.27.10.C.2, or 3.

a. Size of CRDs limited. There shall be no more than 5 CRDs of more than 100 acres in size.

b. CRDs within the ACSC. The CRD form of rural land development is permitted within the ACSC subject to the limitations of Section 2.2.27.10.A.2.

5. Proportion of Hamlets and CRDs to Villages and Towns. In order to maintain the correct proportion of Hamlets and CRDs of 100 acres or less to the number of Villages and Towns approved as SRAs, not more than five (5) of any combination of Hamlets and CRDs of 100 acres or less may be approved prior to the approval of a Village or Town. In order to maintain that same proportion thereafter, not more than five (5) of any combination of Hamlets and CRDs of 100 acres or less may approved for each subsequent Village or Town approved.

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

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

b. The DRI may encompass more than a single SRA Designation Application. It is the intent of this Section to allow for the future designations of SRAs within a DRI as demonstrated by the DRI phasing schedule.

c. A DRI applicant is required to demonstrate that:

(1) The applicant has the necessary Stewardship Credits to entitle the DRI as part of subsequent SRA Designation Applications, or

(2) The applicant owns or has a contract with an owner of enough land that would qualify as SSAs to entitle the DRI as part of subsequent SRA Designation Applications, or has the ability to obtain the necessary Stewardship Credits to entitle the entire DRI as part of subsequent SRA Designation Applications.

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

1. SRA Designation Application. An application shall be submitted by a landowner or his/her agent, hereafter "applicant," to request the designation of an SRA within the RLSA District. The Application shall be submitted to the Administrator or his designee, on a form provided. The application shall be accompanied by the documentation as required by this Section.

2. Application Fee. An application fee shall accompany the application.

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

a. Identify all lands within the proposed SRA that have an Index Value greater than 1.2;

b. Verify that the Index Value scores assigned during the RLSA Study are still valid through recent aerial photography or satellite imagery or agency-approved mapping, or other documentation, as verified by field inspections.

c. If the Index Value scores assigned during the RLSA Study are no longer valid, document the current Index Value of the land.

d. Quantify the acreage of agricultural lands, by type, being converted;

e. Quantify the acreage of non-agricultural acreage, by type, being converted;

f. Quantify the acreage of all lands by type within the proposed SRA that have an Index Value greater than 1.2;

g. Quantify the acreage of all lands, by type, being designated as SRA within the ACSC, if any; and

h. Demonstrate compliance with the Suitability Criteria contained in Section 2.2.27.10.A.1.

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

a. Legal Description, including sketch or survey;

- b. Acres calculations of lands being put into the SRA, including acres calculations of WRAs (if any) within SRA boundary but not included in SRA designation;
 - c. RLSA Overlay Map delineating the area of the RLSA District being designated as an SRA;
 - d. Aerial photograph delineating the area being designated as an SRA;
 - e. Natural Resource Index Map of area being designated as an SRA;
 - f. FLUCCS map(s) delineating the area being designated as an SRA;
 - g. Listed species map(s) delineating the area being designated as an SRA;
 - h. Soils map(s) delineating the area being designated as an SRA, and;
 - i. Documentation to support a change in the related Natural Resource Index Value(s), if appropriate.
5. **SRA Master Plan.** A Master Plan shall be prepared and submitted by the applicant as part of the SRA Application for Designation of an SRA. The SRA Master Plan shall be consistent with the requirements of Section 2.2.27.10.G.
6. **SRA Development Document.** A Development Document shall be prepared and submitted by the applicant as part of the SRA Application for Designation of an SRA. The SRA Development Document shall be consistent with the requirements of Section 2.2.710.H.
7. **SRA Public Facilities Impact Assessment Report.** An Impact Assessment Report shall be prepared and submitted by the applicant as part of the SRA Application for Designation a of SRA. The SRA Impact Assessment Report shall address the requirements of Section 2.2.27.10.K.
8. **SRA Economic Assessment Report.** An Economic Assessment Report shall be prepared and submitted by the applicant as part of the SRA Application for Designation of an SRA. The SRA Economic Assessment Report shall address the requirements of Section 2.2.2710.L.
9. **Stewardship Credit Use and Reconciliation Application.** A Credit Use and Reconciliation Application shall be submitted as part of an SRA Designation Application in order to track the transfer of credits from SSA(s) to SRA(s). The Stewardship Credit Use and Reconciliation Application shall be in a form provided by the Administrator, or his designee. The application package shall contain the following:
- a. The legal description of, or descriptive reference to, the SRA to which the Stewardship Credits are being transferred;
 - b. Total number of acres within the proposed SRA and the total number of acres of the proposed SRA within the ACSC (if any);
 - c. Number of acres within the SRA designated “public use” that do not require the redemption of Stewardship Credits in order to be entitled (does not consume credits);
 - d. Number of acres of “excess” open spaces within the SRA that do not require the consumption of credits;
 - e. Number of acres of WRAs inside the SRA boundary but not included in the SRA designation;
 - f. Number of acres within the SRA that consume Credits ;
 - g. The number of Stewardship Credits being transferred (consumed by) to the SRA and documentation that the applicant has acquired or has a contractual right to acquire those Stewardship Credits;
 - h. Number of acres to which credits are to be transferred (consumed) multiplied by 8 Credits / acre equals the number of Credits to be transferred (consumed);
 - i. A descriptive reference to one or more approved or pending SSA Designation Applications from which the Stewardship Credits are being obtained. Copies of the reference documents, e.g., SSA Stewardship Credit Agreement, etc., shall be provided, including:
 - (1) SSA application number;
 - (2) Pending companion SRA application number;
 - (3) SSA Designation Resolution (or Resolution Number);
 - (4) SSA Credit Agreement (Stewardship Agreement);
 - (5) Stewardship Credits Database Report.

- j. A descriptive reference to any previously approved Stewardship Credit Use and Reconciliation Applications that pertain to the referenced SSA(s) from which the Stewardship Credits are being obtained; and
- k. A summary table in a form provided by Collier County that identifies the exchange of all Stewardship Credits that involve the SRA and all of the associated SSAs from which the Stewardship Credits are being obtained.

10. Conditional SRA Designation. If at the time of the approval of the SRA Designation Application, the applicant has not acquired the number of credits needed to entitle the SRA, then the SRA Designation approval shall be conditional. The applicant shall have 60 days from the date of the conditional approval to provide documentation of the acquisition of the required number of Stewardship Credits. If the applicant does not provide such documentation within 60 days, the conditional SRA Designation approval shall be null and void. The Stewardship Credit Use and Reconciliation Application shall be amended to accurately reflect the transfer of credits that occurred following the conditional approval of the SRA.

11. SRA Credit Agreement.

- a. Any applicant for designation of an SRA shall enter into an SRA Credit Agreement with the County.
- b. The SRA Credit Agreement shall contain the following information:
 - (1) The number of SSA credits the applicant for an SRA designation is utilizing and which shall be applied to the SRA land in order to carry out the plan of development on the acreage proposed in the SRA Development Documents.
 - (2) A legal description of the SRA land and the number of acres;
 - (3) The SRA master plan depicting the land uses and identifying the number of residential dwelling units, gross leaseable area of retail and office square footage and other land uses depicted on the master plan;
 - (4) A description of the SSA credits that are needed to entitle the SRA land and the anticipated source of said credits;
 - (5) The applicant's acknowledgement that development of SRA land may not commence until the applicant has recorded an SRA Credit Agreement Memorandum with the Collier County Clerk of Courts; and
 - (6) The applicant's commitments, if any, regarding conservation, or any other restriction on development on any lands, including wetlands, within the SRA, as may be depicted on the SRA Master Plan for special treatment.
- c. The SRA Credit Agreement shall be effective on the latest of the following dates:
 - (1) the date that the County approves the SRA Application;
 - (2) the date that documentation of the applicant's acquisition of the Stewardship Credits to be utilized for the SRA is found by the County to be sufficient; or
 - (3) five (5) working days after the date on which the applicant submits documentation of the acquisition of the Stewardship Credits to be utilized, if the County fails to make a sufficiency determination prior to that date.
- d. Following approval of the SRA Application, the applicant shall record a SRA Credit Agreement Memorandum, which shall include the following:
 - (1) A cross reference to the recorded SSA Credit Agreement Memorandum or Memoranda for the SSA lands from which the credits being utilized are generated and identification of the number of credits derived from each SSA; and
 - (2) a legal description of the SRA lands.
- e. If the development provided for within an SRA constitutes, or will constitute, a development of regional impact ("DRI") pursuant to Sections 380.06 and 380.0651, F.S., and if the applicant has obtained a preliminary development agreement ("PDA") from the Florida Department of Community Affairs for a portion of the SRA land, the applicant may request the County to enter into a Preliminary SRA Credit Agreement for those Stewardship Credits needed in order to develop the PDA authorized development. Commencement of the PDA authorized development may not proceed until the applicant has recorded a Preliminary SRA Credit Agreement Memorandum. The Preliminary SRA Credit Agreement and Preliminary

SRA Credit Agreement shall include the same information and documentation as is required for an SRA Credit Agreement and an SRA Credit Agreement Memorandum.

E. SRA Application Review Process

- 1. Pre-Application Conference with County Staff:** Prior to the submission of a formal application for SRA designation, the applicant shall attend a pre-application conference with the Administrator or his designee and other county staff, agencies, and officials involved in the review and processing of such applications and related materials. If an SRA designation application will be filed concurrent with an SSA application, only one pre-application conference shall be required. This pre-application conference should address, but not be limited to, such matters as:
 - a. Conformity of the proposed SRA with the goals, objectives, and policies of the growth management plan;
 - b. Consideration of suitability criteria described in Section 2.2.27.10.A.1. and other standards of this Section;
 - c. SRA master plan compliance with all applicable policies of the RLSA District Regulations, and demonstration that incompatible land uses are directed away from FSAs, HSAs, WRAs, and Conservation Lands;
 - d. Assurance that applicant has acquired or will acquire sufficient Stewardship Credits to implement the SRA uses, and;
 - e. Consideration of impacts, including environmental and public infrastructure impacts.
- 2. Application Package Submittal and Processing Fees.** The required number of SRA Applications and the associated processing fee shall be submitted to the Administrator or his designee. The contents of said application package shall be in accordance with Section 2.2.27.10.D.
- 3. Application Deemed Sufficient for Review.** Within thirty (30) days of receipt of the SRA Application, the Administrator or his designee shall notify the applicant in writing that the application is deemed sufficient for agency review or advise what additional information is needed to find the application sufficient. If required, the applicant shall submit additional information. Within twenty (20) days of receipt of the additional information, the Administrator or his designee shall notify the applicant in writing that the application is deemed sufficient, or, what additional or revised information is required. If necessary, the Administrator shall again inform the applicant in writing of information needed, and the timeframe outlined herein shall occur until the application is found sufficient for review.
- 4. Review by County Reviewing Agencies:** Once the SRA application is deemed sufficient, the Administrator or his designee will distribute it to specific County review staff.
- 5. Staff Review.** Within sixty (60) days of receipt of a sufficient application, County staff shall review the submittal documents and provide comments, questions, and clarification items to the applicant. If deemed necessary by County staff or the applicant, a meeting shall be held to address outstanding issues and confirm public hearing dates.
- 6. Staff Report.** Within ninety (90) days from the receipt of a sufficient application, County staff shall prepare a written report containing their review findings and a recommendation of approval, approval with conditions or denial. This timeframe may be extended upon agreement of County staff and the applicant.

F. SRA Application Approval Process.

- 1. Public Hearings Required.** The BCC shall review the staff report and recommendations and the recommendations of the EAC and CCPC, and the BCC shall, by resolution, approve, deny, or approve with conditions the SRA Application only after advertised public notices have been provided and public hearings held in accordance with the following provisions:
 - a. Public Hearing Before the EAC, Recommendation to the BCC.** The EAC shall hold one public hearing on a proposed resolution to designate an SRA if such SRA is within the ACSC, or is adjoining land designated as Conservation, FSA, or HSA.
 - b. Public Hearing Before the CCPC, Recommendation to BCC.** The CCPC shall hold one advertised public hearing on the proposed resolution to designate an SRA. A notice of the public hearing before the CCPC on the proposed resolution shall include a general description

and a map or sketch and shall be published in a newspaper of general circulation in the County at least ten (10) days in advance of the public hearing.

c. Public Hearing Before the BCC, Resolution Approved. The BCC shall hold one advertised public hearing on the proposed resolution to designate an SRA. A public notice, which shall include a general description and a map or sketch, shall be given to the citizens of Collier County by publication in a newspaper of general circulation in the County at least ten days prior to the hearing of the BCC. The advertised public notice of the proposed adoption of the resolution shall, in addition, contain the date, time and place of the hearing, the title of the proposed resolution and the place within the County where such proposed resolution may be inspected by the public. The notice shall also advise that interested parties may appear at the hearing and be heard with respect to the proposed resolution.

2. Update Stewardship Credits Database. Following the effective date of the approval of the SRA, the County shall update the Stewardship Credits Database used to track both SSA credits generated and SRA credits consumed.

3. Update the Official Zoning Atlas and the RLSA Overlay Map. Following the effective date of the approval of the SRA, the County shall update the Official Zoning Atlas to reflect the designation of the SRA. Sufficient information shall be included on the updated maps so as to direct interested parties to the appropriate public records associated with the designation, e.g., Resolution number, SRA Designation Application number, etc. The RLSA Overlay Map shall be updated to reflect the SRA designation during a regular growth management plan amendment cycle, no later than twelve months from the effective date of the SRA Credit Agreement.

4.SRA Amendments. Amendments to the SRA shall be considered in the same manner as described in this Section for the establishment of an SRA, except as follows.

a. Waiver of Required SRA Application Package Component(s). A waiver may be granted by the Administrator or his designee, if at the time of the pre-application conference, in the determination of the Administrator, the original SRA Designation Application component(s) is (are) not materially altered by the amendment or an updated component is not needed to evaluate the amendment. The Administrator shall determine what application components and associated documentation are required in order to adequately evaluate the amendment request.

b. Approval of Minor Changes by Administrator. Administrator shall be authorized to approve minor changes and refinements to an SRA Master Plan or Development Document upon written request of the applicant. Minor changes and refinements shall be reviewed by appropriate County staff to ensure that said changes and refinements are otherwise in compliance with all applicable County ordinances and regulations prior to the Administrator's consideration for approval. The following limitations shall apply to such requests:

(1) The minor change or refinement shall be consistent with the RLSA Overlay, the RLSA District Regulations, and the SRA Development Document's amendment provisions.

(2) The minor change or refinement shall be compatible with contiguous land uses and shall not create detrimental impacts to abutting land uses, water management facilities, and conservation areas within or external to the SRA.

(3) Minor changes or refinements, include but are not limited to:

(a)Reconfiguration of lakes, ponds, canals, or other water management facilities where such changes are consistent with the criteria of the SFWMD and Collier County;

(b)Internal realignment of rights-of-way, other than a relocation of access points to the SRA itself, where water management facilities, preservation areas, or required easements are not adversely affected; and

(c)Reconfiguration of parcels when there is no encroachment into the conservation areas or lands with an Index Value of 1.2 or higher,

c. Relationship to Subdivision or Site Development Approval. Approval by the Administrator of a minor change or refinement may occur independently from, and prior to, any application for Subdivision or Site Development Plan approval. However, such approval shall not constitute an authorization for development or implementation of the minor change or refinement without first obtaining all other necessary County permits and approvals.

G. Master Plan. To address the specifics of each SRA, a master plan of each SRA will be prepared and submitted to Collier County as a part of the petition for designation as an SRA. The master plan will demonstrate that the SRA complies with all applicable Growth Management Plan policies and the RLSA District and is designed so that incompatible land uses are directed away from lands identified as FSAs, HSAs, WRAs, and Conservation Lands on the RLSA Overlay Map.

1. Master Plan Requirements. A master plan shall accompany an SRA Designation Application to address the specifics of each SRA. The master plan shall demonstrate that the SRA is designed so that incompatible land uses are directed away from lands identified as FSAs, HSAs, WRAs and Conservation Lands on the RSLA Overlay Map. The plan shall be designed by an urban planner who possesses an AICP certification, together with at least one of the following:

- a. a professional engineer (P.E.) with expertise in the area of civil engineering licensed by the State of Florida;
- b. a qualified environmental consultant per Section 3.8 of the LDC; or
- c. a practicing architect licensed by the State of Florida.

2. Master Plan Content. At a minimum, the master plan shall include the following elements:

- a. The title of the project and name of the developer;
- b. Scale, date, north arrow;
- c. Location map that identifies the relationship of the SRA to the entire RLSA District, including other designated SRAs;
- d. Boundaries of the subject property, all existing roadways within and adjacent to the site, watercourses, easements, section lines, and other important physical features within and adjoining the proposed development;
- e. Identification of all proposed tracts or increments within the SRA such as, but not limited to: residential, commercial, industrial, institutional, conservation/ preservation, lakes and/or other water management facilities, the location and function of all areas proposed for dedication or to be reserved for community and/or public use, and areas proposed for recreational uses including golf courses and related facilities;
- f. Identification, location and quantification of all wetland preservation, buffer areas, and open space areas;
- g. The location and size (as appropriate) of all proposed drainage, water, sewer, and other utility provisions;
- h. The location of all proposed major internal rights of way and pedestrian access ways;
- i. Typical cross sections for all arterial, collector, and local streets, public or private, within the proposed SRA;
- j. Identification of any WRAs that are contiguous to or incorporated within the boundaries of the SRA; and
- k. Documentation or attestation of professional credentials of individuals preparing the master plan.

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

1. The document shall be prepared by an urban planner who possesses an AICP certification, together with at least one of the following:

- a. a professional engineer (P.E.) with expertise in the area of civil engineering licensed by the State of Florida;
- b. a qualified environmental consultant per Section 3.8 of the LDC; or
- c. a practicing architect licensed by the State of Florida.

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

- a. Title page to include name of project;

- b. Index/table of contents;
 - c. List of exhibits;
 - d. Statement of compliance with the RSLA Overlay and the RLSA District Regulations;
 - e. General location map showing the location of the site within the boundaries of the RLSA Overlay Map and in relation to other designated SRAs and such external facilities as highways;
 - f. Property ownership and general description of site (including statement of unified ownership);
 - g. Description of project development;
 - h. Legal description of the SRA boundary, and for any WRAs encompassed by the SRA;
 - i. The overall acreage of the SRA that requires the consumption of Stewardship Credits and proposed gross density for the SRA;
 - j. Identification of all proposed land uses within each tract or increment describing: acreage; proposed number of dwelling units; proposed density and percentage of the total development represented by each type of use; or in the case of commercial, industrial, institutional or office, the acreage and maximum gross leasable floor area within the individual tracts or increments;
 - k. Design standards for each type of land use proposed within the SRA. Design standards shall be consistent with the Design Criteria contained in Section 2.2.27.10.J.;
 - l. All proposed variations or deviations from the requirements of the LDC, including justification and alternatives proposed;
 - m. The proposed schedule of development, and the sequence of phasing or incremental development within the SRA, if applicable;
 - n. A Natural Resource Index Assessment as required in Section 2.2.27.9.C.3.;
 - o. The location and nature of all existing or proposed public facilities (or sites), such as schools, parks, fire stations and the like;
 - p. A plan for the provision of all needed utilities to and within the SRA; including (as appropriate) water supply, sanitary sewer collection and treatment system, stormwater collection and management system, pursuant to related county regulations and ordinances;
 - q. Typical cross sections for all arterial, collector, and local streets, public or private, within the proposed SRA;
 - r. Agreements, provisions, or covenants, which govern the use, maintenance, and continued protection of the SRA and any of its common areas or facilities;
 - s. Development commitments for all infrastructure;
 - t. When determined necessary to adequately assess the compatibility of proposed uses within the SRA to existing land uses, their relationship to agriculture uses, open space, recreation facilities, or to assess requests for deviations from the Design Criteria standards, the Administrator or his designee may request schematic architectural drawings (floor plans, elevations, perspectives) for all proposed structures and improvements, as appropriate;
 - u. Development Document amendment provisions; and,
 - v. Documentation or attestation of professional credentials of individuals preparing the development document.
- I. DRI Master Plan.** If applicable, the DRI master plan shall be included as part of the SRA Designation Application. The DRI master plan shall identify the location of the SRA being designated, and any previously designated SRAs within the DRI.
- J. Design Criteria.** Criteria are hereby established to guide the design and development of SRAs to include innovative planning and development strategies as set forth in Chapter 163.3177 (11), F.S. and OJ-5.006(5)(l). The size and base density of each form of SRA shall be consistent with the standards set forth below. The maximum base residential density as specified herein for each form of SRA may only be exceeded through the density blending process as set forth in density and intensity blending provision of the Immokalee Area Master Plan or through the Affordable Housing Density Bonus as referenced in the Density Rating System of the FLUE. The base residential density is calculated by dividing the total number of residential units in an SRA by the acreage therein that is entitled through Stewardship Credits. The base residential density does not restrict net residential density of parcels within an SRA. The location, size and density of each SRA will be determined on an individual basis, subject to the regulations below, during the SRA designation review and approval process.

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

Collier County RLSA Overlay SRA Characteristics Chart

Typical Characteristics	Town*	Village	Hamlet	Compact Rural Development	
	1,000-4,000 acres	100-1,000 acres	40-100 acres**	100 Acres or less**	Greater than 100 Acres**
Residential Units (DUs) per gross acre base density	1-4 DUs per gross acre***	1-4 DUs per gross acre***	½-2 DUs per gross acre***	½-2 DUs per gross acre***	1-4 DUs per gross acre***
Residential Housing Styles	Full range of single family and multi-family housing types, styles, lot sizes	Diversity of single family and multi-family housing types, styles, lot sizes	Single Family and limited multi-family	Single family and limited multi-family****	Single family and limited multi-family****
Maximum Floor Area Ratio or Intensity	Retail & Office - .5 Civic/Governmental/Institution - .6 Manufacturing/Light Industrial - .45 Group Housing - .45 Transient Lodging - 26 upa net	Retail & Office - .5 Civic/Governmental/Institution - .6 Group Housing - .45 Transient Lodging - 26 upa net	Retail & Office - .5 Civic/Governmental/Institution - .6 Group Housing - .45 Transient Lodging - 26 upa net	Retail & Office - .5 Civic/Governmental/Institution - .6 Group Housing - .45 Transient Lodging - 26 upa net	Retail & Office - .5 Civic/Governmental/Institution - .6 Group Housing - .45 Transient Lodging - 26 upa net
Goods and Services	Town Center with Community and Neighborhood Goods and Services in Town and Village Centers: Minimum 65 SF gross building area per DU; Corporate Office, Manufacturing and Light Industrial	Village Center with Neighborhood Goods and Services in Village Centers: Minimum 25 SF gross building area per DU	Convenience Goods and Services: Minimum 10 SF gross building area per DU	Convenience Goods and Services: Minimum 10 SF gross building area per DU	Village Center with Neighborhood Goods and Services in Village Centers: Minimum 25 SF gross building area per DU
Water and Wastewater	Centralized or decentralized community treatment system Interim Well and Septic	Centralized or decentralized community treatment system Interim Well and Septic	Individual Well and Septic System: Centralized or decentralized community treatment system	Individual Well and Septic System: Centralized or decentralized community treatment system	Centralized or decentralized community treatment system Interim Well and Septic
Recreation and Open Spaces	Community Parks (200 SF/DU) Parks & Public Green Spaces with Neighborhoods Active Recreation/Golf Courses Lakes Open Space Minimum 35% of SRA	Parks & Public Green Spaces with Neighborhoods Active Recreation/Golf Courses Lakes Open Space Minimum 35% of SRA	Public Green Spaces for Neighborhoods (Minimum 1% of gross acres)	Public Green Spaces for Neighborhoods (Minimum 1% of gross acres)	Parks & Public Green Spaces with Neighborhoods Active Recreation/Golf Courses Lakes Open Space Minimum 35% of SRA
Civic, Government and Institutional Services	Wide Range of Services - minimum 15 SF/DU Full Range of Schools	Moderate Range of Services - minimum 10 SF/DU; Full Range of Schools	Limited Services Pre-K through Elementary Schools	Limited Services Pre-K through Elementary Schools	Moderate Range of Services - minimum 10 SF/DU; Full Range of Schools
Transportation	Auto - interconnected system of collector and local roads; required connection to collector or arterial Interconnected sidewalk and pathway system County Transit Access	Auto - interconnected system of collector and local roads; required connection to collector or arterial Interconnected sidewalk and pathway system Equestrian Trails County Transit Access	Auto - interconnected system of local roads Pedestrian Pathways Equestrian Trails	Auto - interconnected system of local roads Pedestrian Pathways Equestrian Trails	Auto - interconnected system of collector and local roads; required connection to collector or arterial Interconnected sidewalk and pathway system Equestrian Trails County Transit Access

*- Towns are prohibited within the ACSC, per policy 4.7.1 of the Goals, Objectives, and Policies.

** - Villages, Hamlets, and Compact Rural Developments within the ACSC are subject to location and size limitations, per policy 4.20, and are subject to Chapter 28-25, FAC.

*** - Density can be increased beyond the base density through the Affordable Housing Density Bonus or through the density blending provision, per policy 4.7

**** - Those CRDs that include single or multi-family residential uses shall include proportionate support services.
Underlined uses are not required uses.

2. Town Design Criteria. [Reserved]

3. Village Design Criteria. [Reserved]

4. Hamlet Design Criteria. [Reserved]

5. CRD Design Criteria. [Reserved]

6. Design Criteria Common to SRAs.

- a. Parcels of one (1) acre or more, with a Natural Resource Index rating greater than 1.2, must be preserved as open space and maintained in a predominantly naturally vegetated state.
- b. A minimum of 35% of the SRA land designated as Town or Village shall be kept in open space.
- c. SRA design shall demonstrate that ground water table draw down or diversion will not adversely impact the hydroperiods of adjacent FSA, HSA, WRA or Conservation Land and will not adversely affect the water use rights of either adjacent developments or adjacent agricultural operations and will comply with the SFWMD Basis of Review. Detention and control elevations shall be established to protect natural areas and be consistent with surrounding land and project control elevations and water tables.
- d. Where an SRA adjoins an FSA, HSA, WRA or existing public or private conservation land delineated on the RLSA Overlay Map, best management and planning practices shall be applied to minimize adverse impacts to such lands. Best management practices shall include the following:
 - (1)The perimeter of each SRA shall be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs shall be well defined and designed to be compatible with the character of adjoining property. Techniques such as, but not limited to setbacks, landscape buffers, and recreation/open space placement may be used for this purpose.
 - (2)Open space within or contiguous to an SRA shall be used to provide a buffer between the SRA and any adjoining FSA, HSA, or existing public or private conservation land delineated on the RLSA Overlay Map. Open space contiguous to or within 300 feet of the boundary of an FSA, HSA, or existing public or private conservation land may include: natural preserves, lakes, golf courses provided no fairways or other turf areas are allowed within the first 200 feet, passive recreational areas and parks, required yard and set-back areas, and other natural or man-made open space. Along the west boundary of the FSAs and HSAs that comprise Camp Keais Strand, i.e., the area south of Immokalee Road, this open space buffer shall be 500 feet wide and shall preclude golf course fairways and other turf areas within the first 300 feet.
- e. Where a WRA is incorporated into the stormwater system of an SRA, the provisions of Section 2.2.27.9.A.4.b. apply.
- f. Where existing agricultural activity adjoins an SRA, the design of the SRA must take this activity into account to allow for the continuation of the agricultural activity and to minimize any conflict between agriculture and SRA uses.

7. Infrastructure Required. An SRA shall have adequate infrastructure available to serve the proposed development, or such infrastructure must be provided concurrently with the demand as identified in Division 3.15 of the LDC. The level of infrastructure required will depend on the type of development, accepted civil engineering practices, and the requirements of this Section.

- a. The capacity of infrastructure serving the SRA must be demonstrated during the SRA designation process in accordance with the provisions in Division 3.15 of the LDC in effect at the time of SRA designation.
- b. Infrastructure to be analyzed will include facilities for transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste.
- c. Centralized or decentralized community water and wastewater utilities are required in Towns, Villages, and those CRDs exceeding 100 acres in size. Centralized or decentralized community water and wastewater utilities shall be constructed, owned, operated and

maintained by a private utility service, the developer, a Community Development District, other special districts the Immokalee Water Sewer Service District, Collier County Water and Sewer District, or other governmental entity. This Section shall not prohibit innovative alternative water and wastewater treatment systems such as decentralized community treatment systems provided that they meet all applicable regulatory criteria.

- d. Individual potable water supply wells and septic systems, limited to a maximum of 100 acres of any Town, Village or CRD are permitted on an interim basis until services from a centralized/decentralized community system are available.
- e. Individual potable water supply wells and septic systems are permitted in Hamlets and may be permitted in CRDs of 100 acres or less in size.

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

- a. The deviations are consistent with the RLSA Overlay;
- b. The deviations further the RLSA District Regulations and are consistent with those specific Design Criteria from which Section 2.2.27.10.J.2. through 5 expressly prohibit deviation; and
- c. It can be demonstrated that the proposed deviation(s) further enhance the tools, techniques and strategies based on principles of innovative planning and development strategies, as set forth in Chapter 163.3177 (11), F.S. and 9J-5.006(5)(L).

K. SRA Public Facilities Impact Assessments. Impact assessments are intended to identify methods to be utilized to meet the SRA generated impacts on public facilities and to evaluate the self-sufficiency of the proposed SRA with respect to these public facilities. Information provided within these assessments may also indicate the degree to which the SRA is consistent with the fiscal neutrality requirements of Section 2.2.2710.L. Impact assessments shall be prepared in the following infrastructure areas:

1. Transportation. A transportation impact assessment meeting the requirements of Section 2.7.3 of the LDC, or its successor regulation or procedure, shall be prepared by the applicant as component of an Impact Assessment Report that is submitted as part of an SRA Designation Application package.

- a. In addition to the standard requirements of the analyses required above, the transportation impact assessment shall specifically consider, to the extent applicable, the following issues related to the highway network:
 - (1) Impacts to the level of service of impacted roadways and intersections, comparing the proposed SRA to the impacts of conventional Baseline Standard development;
 - (2) Effect(s) of new roadway facilities planned as part of the SRA Master Plan on the surrounding transportation system; and
 - (3) Impacts to agri-transport issues, especially the farm-to-market movement of agricultural products.
- b. The transportation impact assessment, in addition to considering the impacts on the highway system, shall also consider public transportation (transit) and bicycle and pedestrian issues to the extent applicable.
- c. No SRA shall be approved unless the transportation impact assessment required by this Section has demonstrated through data and analysis that the capacity of County/State collector or arterial road(s) serving the SRA to be adequate to serve the intended SRA uses in accordance with Division 3.15 of the LDC in effect at the time of SRA designation.

2. Potable Water. A potable water assessment shall be prepared by the applicant as a component of an Impact Assessment Report that is submitted as part of an SRA Designation Application package. The assessment shall illustrate how the applicant will conform to either Chapter 64E-6, F.A.C., for private and limited use water systems, or FAC Chapter 62-555, F.A.C., for Public Water Systems. In addition to the standard requirements of the analyses required above, the potable water assessment shall specifically consider, to the extent applicable, the disposal of waste products, if any, generated by the proposed treatment process. The applicant shall identify the sources of water proposed for potable water supply.

3. Irrigation Water. An irrigation water assessment shall be prepared by the applicant as a component of an Impact Assessment Report that is submitted as part of an SRA Designation Application package. The assessment shall quantify the anticipated irrigation water usage

expected at the buildout of the SRA. The assessment shall identify the sources of water proposed for irrigation use and shall identify proposed methods of water conservation.

- 4. Wastewater.** A wastewater assessment shall be prepared by the applicant as a component of an Impact Assessment Report that is submitted as part of an SRA Designation Application package. The assessment shall illustrate how the applicant will conform to either Standards for Onsite Sewage Treatment and Disposal Systems, contained in State of Florida in Chapter 64E6, F.A.C. for systems having a capacity not exceeding 10,000 gallons per day or Chapter 62-600, F.A.C. for wastewater treatment systems having a capacity greater than 10,000 gallons per day. In addition to the standard requirements of the analyses required above, the wastewater assessment shall specifically consider, to the extent applicable, the disposal of waste products generated by the proposed treatment process.
- 5. Solid Waste.** A solid waste assessment shall be prepared by the applicant as a component of an Impact Assessment Report that is submitted as part of an SRA Designation Application package. The assessment shall identify the means and methods for handling, transporting and disposal of all solid waste generated including but not limited to the collection, handling and disposal of recyclables and horticultural waste products. The applicant shall identify the location and remaining disposal capacity available at the disposal site.
- 6. Stormwater Management.** A stormwater management impact assessment shall be prepared by the applicant as a component of an Impact Assessment Report that is submitted as a part of an SRA Designation Application Package. The stormwater management impact assessment shall, at a minimum, provide the following information:
 - a. An exhibit showing the boundary of the proposed SRA including the following information:
 - (1) The location of any WRA delineated within the SRA;
 - (2) A generalized representation of the existing stormwater flow patterns across the site including the location(s) of discharge from the site to the downstream receiving waters;
 - (3) The land uses of adjoining properties and, if applicable, the locations of stormwater discharge into the site of the proposed SRA from the adjoining properties.
 - b. A narrative component to the report including the following information:
 - (1) The name of the receiving water or, if applicable, FSA or WRA to which the stormwater discharge from the site will ultimately outfall;
 - (2) The peak allowable discharge rate (in cfs / acre) allowed for the SRA per Collier County Ordinance 90-10 or its successor regulation;
 - (3) If applicable, a description of the provisions to be made to accept stormwater flows from surrounding properties into, around, or through the constructed surface water management system of the proposed development;
 - (4) The types of stormwater detention areas to be constructed as part of the surface water management system of the proposed development and water quality treatment to be provided prior to discharge of the runoff from the site; and
 - (5) If a WRA has been incorporated into the stormwater management system of an SRA, the report shall demonstrate compliance with provisions of Section 2.2.27.9.A.4.b.

L. SRA Economic Assessment. An Economic Assessment meeting the requirements of this Section shall be prepared and submitted as part of the SRA Designation Application Package. At a minimum, the analysis shall consider the following public facilities and services: transportation, potable water, wastewater, irrigation water, stormwater management, solid waste, parks, law enforcement, emergency medical services, fire, and schools. Development phasing and funding mechanisms shall address any adverse impacts to adopted minimum levels of service pursuant to the Division 3.15 of the LDC.

- 1. Demonstration of Fiscal Neutrality.** Each SRA must demonstrate that its development, as a whole, will be fiscally neutral or positive to the Collier County tax base, at the end of each phase, or every five (5) years, whichever occurs first, and in the horizon year (build-out). This demonstration will be made for each unit of government responsible for the services listed below, using one of the following methodologies:
 - a. Collier County Fiscal Impact Model. The fiscal impact model officially adopted and maintained by Collier County.
 - b. Alternative Fiscal Impact Model. If Collier County has not adopted a fiscal impact model as indicated above, the applicant may develop an alternative fiscal impact model using a

methodology approved by Collier County. The model methodology will be consistent with the Fiscal Impact Analysis Model (“FIAM”) developed by the State of Florida or with Burchell et al., 1994, Development Assessment Handbook (ULI).

The BCC may grant exceptions to this policy of fiscal neutrality to accommodate affordable or workforce housing.

- 2. Monitoring Requirement.** To assure fiscal neutrality, the developer of the SRA shall submit to Collier County a fiscal impact analysis report (“Report”) every five years until the SRA is 90% built out. The Report will provide a fiscal impact analysis of the project in accord with the methodology outlined above.
- 3. Imposition of Special Assessments.** If the Report identifies a negative fiscal impact of the project to a unit of local government referenced above, the landowner will accede to a special assessment on his property to offset such a shortfall or in the alternative make a lump sum payment to the unit of local government equal to the present value of the estimated shortfall for a period covering the previous phase (or five year interval). The BCC may grant a waiver to accommodate affordable housing.
- 3. Special Districts Encouraged in SRAs.** The use of community development districts (CDDs), Municipal Service Benefit Units (MSBUs), Municipal Service Taxing Units (MSTUs), or other special districts shall be encouraged in SRAs. When formed, the special districts shall encompass all of the land designated for development in the SRA. Subsequent to formation, the special district will enter into an Interlocal agreement with the County to assure fiscal neutrality. As outlined above, if the monitoring reveals a shortfall of net revenue, the special district will impose the necessary remedial assessment on lands in the SRA.

2.2.27.11. Baseline Standards. [Reserved]

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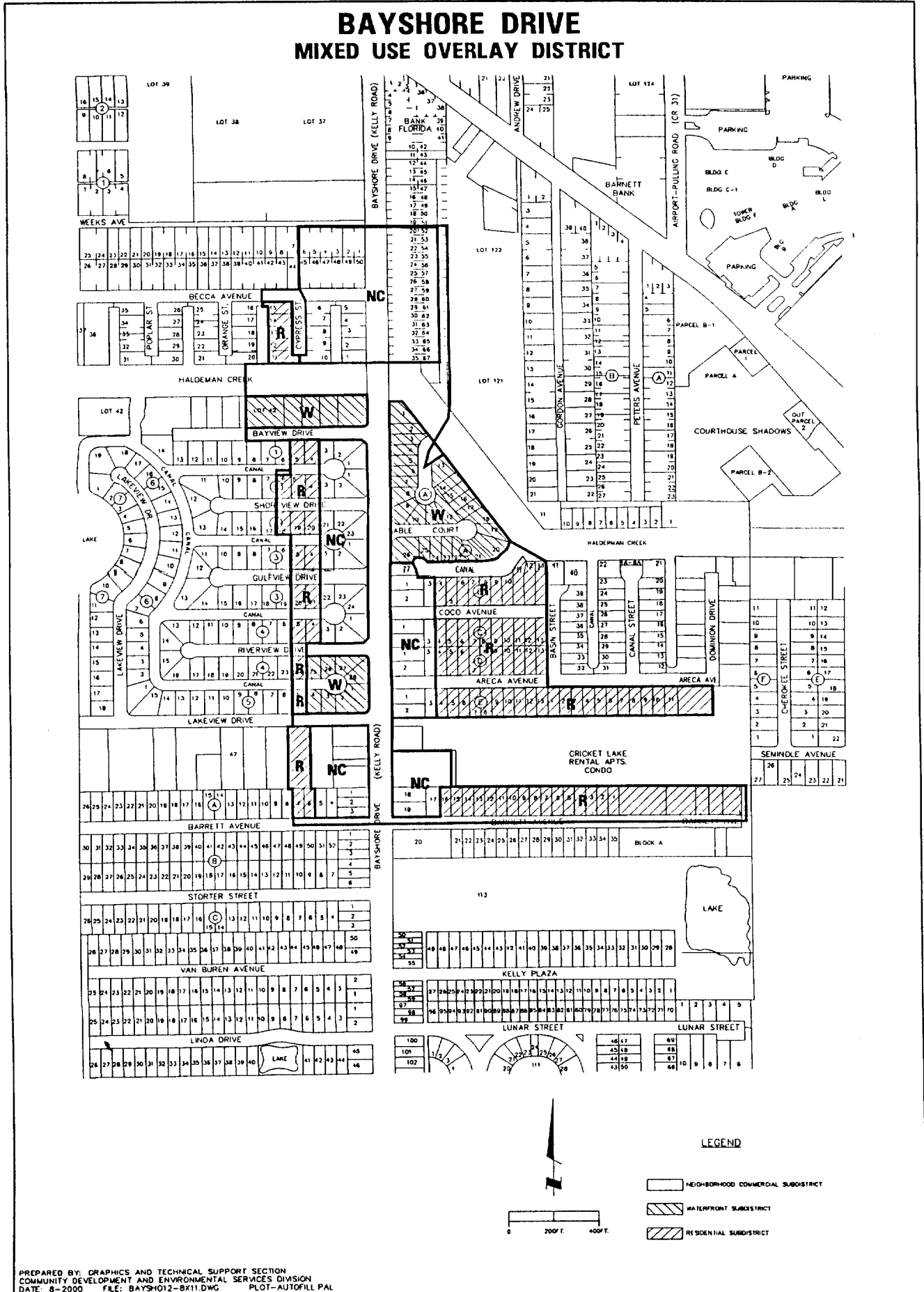
Sec. 2.2.32. Santa Barbara Commercial Overlay District (SBCO).

* * * * *

2.2.32.3.9. *Sidewalks.* Projects shall provide sidewalks so as to encourage pedestrian and bicycle traffic. Adjacent projects shall coordinate the location and intersection of sidewalks.

Section 2.2.33. Bayshore Drive Mixed Use Overlay District

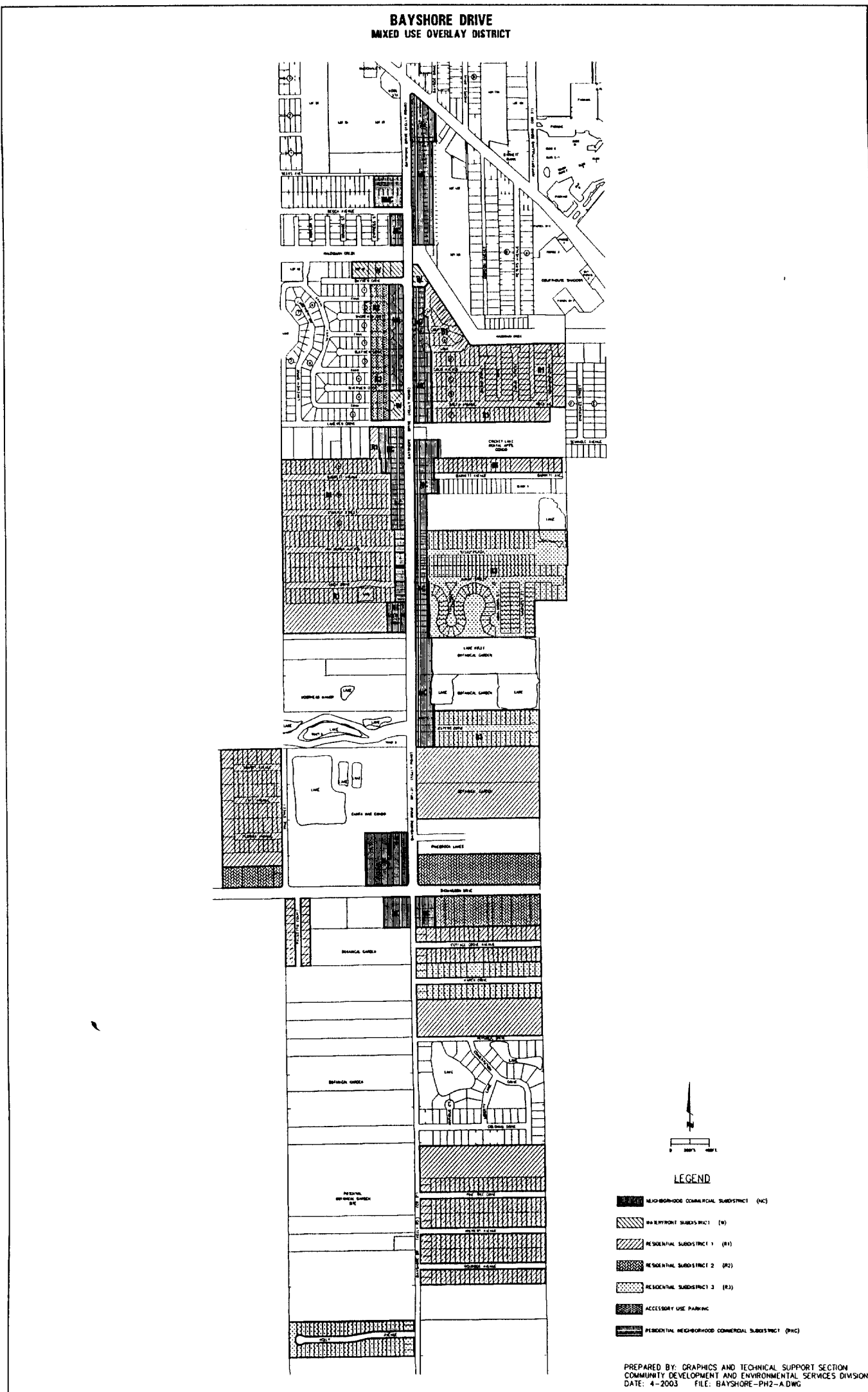
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PREPARED BY: GRAPHICS AND TECHNICAL SUPPORT SECTION
 COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION
 DATE: 8-2000 FILE: BAYS-012-8X11.DWG PLOT-AUTOFILL.PAL

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Sec. 2.2.33.6. Permitted uses.

* * * * *

b. Amusement and recreation services (groups 7911, 7991, 7999 tourist guides only).

* * * * *

w. Public Administration (groups 9111-9199, 9224 fire protection, 9229, 9311, 9411- 9451, 9511-9532, 9611-9611).

y. Repair shops and related services, not elsewhere classified (7699 antique repair and restoration, except furniture and automotive only, bicycle repair shops only, rod and reel repair).

y z. Security and commodity brokers, dealer, exchanges and services (groups 6211-6289)

z. aa. Shoe repair shops and shoeshine parlors (7251).

aa. bb. United States Postal Service (4311 except major distribution center).

~~bb~~. cc. Veterinary services (groups 0742 veterinarian’s office only, 0752 dog grooming and pedigree record services only, all excluding outdoor kenneling).

ee. dd. Videotape rental (7841)

~~dd~~. ee. Residential with the following limitations: multi-family uses are permitted above commercial uses on lots fronting Bayshore Drive, no single family units are permitted on lots fronting Bayshore Drive

* * * * *

2.2.33.24 Residential Subdistrict 3 (R3). The purpose of this district is to allow the development of mobile home, modular home, townhouses and single-family residences. All new development in this Subdistrict shall be compatible with the building patterns and façade articulation of traditional neighborhood design. The intent is to create a row of residential units with consistent front yard set backs and access to the street. Development standards for this Subdistrict are the same as those set forth for the Residential Subdistrict 1, unless set forth below.

2.2.33.24.1. Permitted uses. The following uses are permitted as of right, or as uses accessory to permitted uses:

- a. Single-family dwellings
- b. Modular homes
- c. Townhouses
- d. Mobile homes: As allowed by Section 2.2.10 of this Code unless specified otherwise below.

2.2.33.24.2. Minimum lot width:

<u>Single-family:</u>	<u>40 feet.</u>
<u>Modular homes:</u>	<u>40 feet.</u>
<u>Townhouses</u>	<u>25 feet</u>
<u>Mobile homes</u>	<u>40 feet.</u>

* * * * *

2.2.33.24.3. Yard requirements. The following yard requirements are in relation to the platted property boundaries.

	<u>Front Yard At</u>	<u>Min. Side Yard</u>	<u>Min. Rear Yard</u>
<u>One (Single) Family Dwelling Units</u>	<u>10 feet</u>	<u>5 feet</u>	<u>8 feet</u>
<u>Modular Dwelling Units</u>	<u>10 feet</u>	<u>5 feet</u>	<u>8 feet</u>
<u>Townhouse</u>	<u>10 feet</u>	<u>0 feet when abutting another townhouse, if not then 5 feet.</u>	<u>8 feet</u>
<u>Mobile Homes</u>	<u>10 feet</u>	<u>5 feet</u>	<u>8 feet</u>

* * * * *

~~2.2.33.24~~ 2.2.33.25. *Residential Neighborhood Commercial Subdistrict (RNC).* The purpose and intent of this Subdistrict is to allow limited home occupational businesses. Home occupations requirements set forth in Section 2.6.20, shall apply unless specified otherwise below. Development standards for the district are the same as those set forth for the residential Subdistrict 2, unless otherwise set forth below.

~~2.2.33.24.1~~ 2.2.33.25.1. The home occupations permitted include: Accounting (8721), auditing and bookkeeping (8721), barber shops and beauty salons (7231 except beauty culture schools, cosmetology schools, or barber colleges), engineer or architectural services (8713,8712,8711), insurance agents and brokers (6411), legal services (8111), and real estate agents (6531 except manufactured home brokers, on site; housing authorities, operating).

~~2.2.33.24.2~~ 2.2.33.25.2. The home occupation shall be clearly incidental to and secondary to the use of the dwelling for residential purposes and shall not change the character of the dwelling unit. The following conditions shall be met:

1. There shall be a minimum of one residential dwelling unit.
2. The resident of the home shall be the owner and operator of the home occupation.
3. The home occupation shall not occupy more than 30 percent of the primary residential structure.
4. The home occupation shall not employ more than two employees at any given time.
5. One wall sign shall be permitted provided it does not exceed 6 square feet in area, and shall not project more than 4 feet from the building on which the sign is attached.
6. A total of 2 parking spaces shall be provided for clients or customers. Two additional parking spaces shall be provided for employees, if any. The required parking area or areas shall not be located in the front yard of the residence.
7. Parking areas shall consist of a dust free surface such as; mulch, shell, or asphalt. A single row hedge at least 24 inches in height at the time of planting shall be required around all parking areas.
8. There shall be no additional driveway to serve such home occupation.
9. There shall not be outdoor storage of materials or equipment used or associated with the home occupation.

* * * * *

~~2.2.33.25~~ 2.2.33.26. (Reserved)

SUBSECTION 3.D AMENDMENTS TO DIVISION 2.3 OFF-STREET PARKING AND LOADING

Section 2.3 Off-street parking and loading, of Ordinance 91-102, as amended, the Collier county Land Development Code, is hereby amended to read as follows:

DIVISION 2.3 OFF-STREET PARKING AND LOADING

* * * * *

Sec. 2.3.16. Off-street parking and stacking: required amounts.

Minimum off-street parking space requirements are set forth below. Where stacking is required, the amount listed does not include the first vehicle being serviced. A minimum of five spaces shall be provided preceding the first menu board or order station, for restaurants with ~~(for~~ drive-in windows. For all other stacking uses, stacking starts ten feet behind the middle of the pickup window) and is computed at 20 feet per vehicle (turns are computed at 22 feet per vehicle, measured at the outside of the driveway). Stacking for one lane may be reduced if the reduction is added to the other lane(s).

* * * * *

Sec. 2.3.19. Off-street loading: reservation.

Areas reserved for required off-street loading in accordance with the requirements of this Code shall not be reduced to [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 loading is provided in accordance with the requirements of this Code. The areas immediately fronting an overhead door(s) shall not be counted towards meeting the off-street parking requirements of this Code.

SUBSECTION 3.E. AMENDMENTS TO DIVISION 2.4, LANDSCAPING AND BUFFERING

Division 2.4. Landscaping and Buffering, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.4. LANDSCAPING AND BUFFERING*

* * * * *

Sec. 2.4.3. Procedures.

* * * * *

2.4.3.6. *Pruning.* Vegetation required by this Code shall only be pruned to promote healthy, uniform, natural growth of the vegetation except where necessary to promote health, safety, and welfare and shall be in accordance with the current Tree, Shrub, and Other Woody Plant Maintenance - Standard Practices ANSI A300 ~~(12/17/93)~~" of the National Arborist Association. Trees shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. Severely pruned trees shall be replaced by the owner. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead power lines, lighting, circulation, sidewalks, buildings, and similar conflicts).

* * * * *

Sec. 2.4.6. Minimum landscaping requirements.

* * * * *

2.4.6.5. Littoral zone planting. All developments that create lake areas shall provide littoral zone ~~plantings of emergent, aquatic vegetation in accordance with section 3.5.7.2.5.~~ a littoral shelf planting area in accordance with section 3.5.11.

* * * * *

SUBSECTION 3.F. AMENDMENTS TO DIVISION 2.5., SIGNS

Division 2.5. Signs, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.5. SIGNS

Sec. 2.5.6. Signs exempt from permitting as follows:

* * * * *

2.5.6.22. One sign indicating only the business’s or establishment’s operational status at that time may be installed and illuminated inside that business or establishment, provided said sign (1) does not exceed 2.25 square feet in total size, (2) has a cabinet enclosed on all sides, (except for signs illuminated with gas filled tubing aka “neon”) and (3) includes a front panel that is clear or translucent (except for signs illuminated with gas filled tubing aka “neon”). The only allowable illumination source(s) for said sign is: incandescent, fluorescent, halogen lamp, Light Emitting Diode, fiber optic light or gas filled tubing (aka “neon). The illumination source must not flash, fade, or increase in brightness, or change color. Nothing in this provision is to be construed to allow a sign that would otherwise be prohibited by this Code.

* * * * *

Sec. 2.5.7. Prohibited Signs as follows:

* * * * *

2.5.7.30. Illuminated signs, neon or otherwise, installed inside businesses and intended to be seen from the outside. Signs that comply with the provisions of Section 2.5.6.22. of this code are exempt from this section.

SUBSECTION 3.G. AMENDMENTS TO DIVISION 2.6. SUPPLEMENTAL DISTRICT REGULATIONS

Division 2.6., Supplemental District Regulations, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.6. SUPPLELMENTAL DISTRICT REGULATIONS

* * * * *

Sec. 2.6.4. Exceptions to required yards.

* * * * *

2.6.4.1.4. Fire escapes, stairways, and balconies which are unroofed (except as otherwise permitted within this section) and unenclosed shall not project over five feet into a required side or rear yard and three feet into a front yard of a multiple-family dwelling, hotel or motel and not over three feet into a required front, side or rear yard of a single-family residential dwelling. Regardless of the extent of encroachment, the minimum requirement for separation of structures shall be maintained.

* * * * *

2.6.4.2. *Minor after-the-fact yard encroachments.*

2.6.4.2.1. Minor after-the-fact yard encroachments may be approved administratively by the development planning services director. For the purposes of this subsection, minor yard encroachments shall be divided into two three classifications:

1. Structures for which a building permit has been issued and is under review, but for which a certificate of occupancy has not been granted. The development planning services director may administratively approve minor after-the-fact yard encroachments of up to 5 percent of the required yard, not to exceed a maximum of 6 inches. For single-family, mobile/modular homes, duplex, and two-family dwelling units only, in the presence of mitigating circumstances, where the encroachment does not result from error or action on the part of the applicant, the planning services director may administratively approve encroachments of up to 25 percent of the required yard.

2. Structures for which a building permit and certificate of occupancy or a final development order has been granted. The development planning services director may administratively approve minor after-the-fact yard encroachments of up to ten percent of the required yard which requirement was in effect as of the date on which the certificate of occupancy or final development order was issued, not to exceed a maximum of two feet. For single-family, mobile/modular home, duplex, and two-family dwelling units only, the planning services director may administratively approve minor after-the-fact yard encroachments of up to 25 percent of the required yard which requirement was in effect as of the date on which the certificate of occupancy or final development order was issued.

3. Single-family, duplex, and two-family dwelling units only for which no building permit record can be produced. Provided that all of the following criteria are met, the planning services director may administratively approve minor after-the-fact encroachments of up to 25 percent of the required yard

- the encroaching structure, or portion of the structure, was constructed prior to the purchase of the subject property by the current owner

- evidence is presented showing that the encroaching structure, or portion of the structure, was constructed at least two (2) years prior to the date of application for the administrative variance. This evidence may be in the form of a survey, property card, or dated aerial photograph clearly showing the encroachment.

- the encroaching structure is either an addition of living area to a principal structure, or an accessory structure of at least 200 square feet in area

- the encroachment presents no safety hazard and has no adverse affect on the public welfare

- an after-the-fact building permit for the structure, or portion of the structure, is issued prior to the application for the administrative variance. The administrative variance will only be approved once all inspections have been completed, and the certificate of occupancy will be issued once the administrative variance has been approved.

3. Under no circumstances shall any administrative variance be approved which would allow a reduction of the separation between structures to less than ten (10) feet. Administrative variances approved pursuant to the above do not run with the land in perpetuity and remain subject to the provisions of section 1.8.10 non-conforming structures.

* * * * *

~~Sec. 2.6.15. Solid Waste Disposal~~

~~Pursuant to Ordinance No. 90-30, as amended. Solid waste disposal shall be required in the form of bulk container service (garbage dumpsters and/or compactors) for all commercial establishments and multi-family projects not receiving curbside pickup. Solid waste disposal shall be required in the form of curbside pickup for all other housing types.~~

~~2.6.15.1. Screening. All trash or recycle receptacles shall be located so as to be easily accessible to the residents and the solid waste hauler and shall be screened on at least three sides to prevent visibility of containers by neighboring property owners and from adjacent streets at the first floor level, except as provided for in section 2.6.15.1.3. Enclosures shall have minimum internal dimensions of 12 feet by 12 feet~~

~~square. If equipped with gates, the clear opening dimension shall be a minimum of 12 feet and the gates must be equipped with a device to hold them open.~~

~~2.6.15.1.1. The following structures may be used for screening as required above:~~

- ~~a. Wood Fence~~
- ~~b. Concrete block and stucco wall, brick wall, masonry wall, or walls of similar material.~~
- ~~c. Vegetative screening in conjunction with section 2.6.15.2.1. or section 2.6.15.2.2 above.~~

~~2.6.15.1.2 Screening as required above, shall be exempt from height limitations for fences provided there is no obstruction of vision of adjacent streets.~~

~~2.6.15.1.3. Screening of bulk containers (garbage dumpsters) may be exempted in: Industrial districts (I) if the dumpsters are located greater than 200 feet from residentially zones or used property and are not located within front yards; rural agricultural districts (A) in conjunction with a bona fide agricultural use on parcels conforming to the required minimum lot size in the district' and during construction in all other districts.~~

~~2.6.15.2. Access. The access approach to the container should be sufficient to accommodate a vehicle requiring a minimum clear width of 8 feet and minimum clear turning radius of 50 feet when directly accessing a public street. Containers and enclosures shall be placed such that the accessing vehicles are not required to maneuver in the adjacent travel lanes of any street. Provision shall be made to allow for a forward travel path for these vehicles where possible. When backing maneuvers are required to permit the vehicle to exit from the dumpster, provision shall be made to provide an apron at least 8 feet wide and 50 feet in length adjacent to the container as herein illustrated.~~

~~2.6.15.3. Minimum requirements and locational restrictions. In the case of multifamily developments that do not receive curbside service pickup and choose to use dumpster service, at least one standard size bulk container (dumpster) per every ten units shall be required. All such containers are subject to the following locational restrictions:~~

- ~~a. Solid waste bulk containers (garbage dumpsters) shall be permitted in all zoning.~~
- ~~b. Solid waste bulk containers may be located within a required yard provided they do not encroach in to a required landscape area, and further provided that there be no blockage of the view of motorists or pedestrians so as to constitute a hazard.~~
- ~~c. In the case of multi-family developments containing more than one structure, no solid waste bulk container (garbage dumpster) shall be located greater than 500 feet from the structure it is intended to serve.~~
- ~~d. In the case of multi-family developments that do not use curbside pickup and that choose to use compactor service the following restrictions apply:
 - ~~i. Solid waste compactors shall be permitted in all zoning districts.~~
 - ~~ii. In the case of individually owned multi-family units (condominiums), the owner may utilize a compactor instead of curbside pickup or dumpsters. Compactor service shall only be instituted by the developer prior to the sale of the first unit. A change from curbside or dumpster to compactor service would require a majority vote by the homeowners' association.~~
 - ~~iii. In the case of multi-family developments (rental units) containing more than one structure, the owner may permit a compactor instead of dumpsters at any time.~~~~

~~2.6.15.4. Exceptions. The site development review director, or his designee, may allow the following exceptions to the above requirements:~~

~~2.6.15.4.1. Solid waste bulk containers (dumpsters) may be substituted by individual solid waste disposal service (unit by unit curbside pickup) subject to the following:~~

- ~~a. In the case of individually owned multi-family dwelling units (condominiums), individual (curbside) solid waste disposal service may be substituted for the required bulk containers (dumpsters and/or compactors) upon documentation that the subject unit or condominium association, having been turned over from the developer to the residents, has voted in the majority to eliminate the use of~~

~~dumpsters and/or compactors in favor of individual curbside service for all or part of a particular development, subject to acceptance by the Collier County Solid Waste Department. Additionally, the association shall demonstrate that there is adequate access to facilitate curbside pickup and that all individual units have an enclosed location other than the residential structure such as a carport or garage, for the storage of individual solid waste containers.~~

~~b. In the case of multi-family rental units the owner may utilize a compactor instead of a dumpster at any time.~~

~~c. In the case of a commercial use bulk solid waste disposal containers (dumpsters) shall be used unless an alternative methodology for solid waste pick-up is approved by the Collier County Solid Waste Department and the waste hauler.~~

Sec. 2.6.15. Solid Waste Collection and Disposal

Pursuant to Ordinance No. 90-30, as amended, solid waste disposal shall be required in the form of bulk container service (garbage dumpsters and/or compactors) for all commercial and industrial establishments, unless authorization for alternative means of disposal is approved by Collier County Utility Billing and Customer Service. Bulk container service shall be required for all multi-family projects not receiving curbside pickup. Solid waste disposal shall be required in the form of curbside pickup for all units on the Mandatory Trash Collection and Disposal roll. All individual units within a deed-restricted area must have an enclosed location other than the residential structure, such as a carport or garage for the storage of individual solid waste containers, or as otherwise permitted below.

2.6.15.1. Trash container location requirements. All trash or recycle receptacles shall be located so as to be easily accessible to the residents and the solid waste hauler. Dumpsters and their enclosures may be located within a required yard provided that they do not encroach into a required landscape area and that there is no blockage of view of motorists or pedestrians that would constitute a safety hazard. For multi-family residential developments having more than one structure, no dumpster shall be located more than 250 feet from the structure that it is intended to serve. All projects subject to the provisions of LDC Division 2.8 shall locate trash containers in accordance with the relevant provisions of that Division.

2.6.15.2. Access to trash containers. The access approach to the container should be sufficient to accommodate a vehicle requiring a minimum clear width of 10 feet and a minimum clear turning radius of 50 feet when directly accessing a public street. Containers and enclosures shall be placed such that the accessing vehicles are not required to maneuver in the adjacent travel lanes of any street. When backing maneuvers are required to permit the vehicle to exit from the container, provision shall be made to provide an apron at least 10 feet wide and 60 feet in length adjacent to the container.

2.6.15.3. Container quantities. In the case of multi-family developments and commercial and industrial businesses that do not receive curbside service and choose to use dumpster service, at least one standard size bulk container (garbage dumpster) shall be required for trash disposal. Prior to site development plan submittal, the contractor, developer or homeowner's association must contact Collier County Utility Billing and Customer Service to estimate the number and sizes of bulk containers needed.

2.6.15.4. Enclosure dimensions. Enclosures for dumpsters shall have minimum internal dimensions of 12 X 12 feet for each standard garbage dumpster contained inside. If equipped with gates, the clear opening dimension shall be a minimum of 12 feet, and the gates must be provided with a device to hold them open.

2.6.15.5. Container screening. Except as noted below, all containers shall be screened on at least three sides from view of adjacent property owners and from adjacent streets on the first-floor level. All enclosures must have a cement pad as the floor of the enclosure. This screening shall not be subject to height limitations for fences, provided that the vision of motorists on adjacent streets remains unobstructed. Screening may be exempted 1) in I (Industrial) zoning, so long as the containers are located more than 200 feet from residentially zoned or used property, and are not located within front yards; 2) in A (Rural Agricultural) zoning in conjunction with a bona fide agricultural use; and 3) during construction in all zoning districts. Screening material shall consist of a wood fence, concrete block and stucco wall, brick wall, masonry wall, or walls of similar material. For only those projects subject to the provisions of Division 2.8, trash enclosure walls or gates made of chain link or wood are *not* acceptable.

2.6.15.6. Compactors. Multi-family developments may substitute garbage compactors for garbage dumpsters or curbside pickup to dispose of non-recyclable material with the following restrictions; for individually owned multi-family units (condominiums), compactor service may only be implemented by the developer prior to the sale of the first unit (subsequent to that time, a change from curbside or dumpster service to compactor service may only be achieved through a majority vote by the homeowner's association); for multi-family developments containing more than one structure, the property owner may implement compactor service at any time, so long as the compactor has the capacity to accept an item of furniture having dimensions of up to 3 X 12 feet.

2.6.15.7. Curbside pickup. The Utility Billing & Customer Service Director, or his designee, may approve curbside pickup in lieu of dumpsters or compactors for individually owned multi-family developments provided that the following criteria are met. Multi-family rental units must provide dumpsters or a compactor. Condominium developments may substitute curbside pickup for dumpsters or compactors so long as satisfactory documentation is presented to the Utility Billing & Customer Service Department that 1) the subject condominium association has voted in the majority to eliminate the use of dumpsters or compactors in favor of curbside pickup for all or part of the development, 2) there is adequate access to facilitate curbside pickup, and 3) all individual units have an enclosed location other than the residential structure, such as a carport or garage, for the storage of individual solid waste containers.

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2.6.33. Temporary construction and development permits.

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2.6.33.3. *Temporary construction and development permits.* During the construction of any development for which at least a preliminary development order has been granted, as required below, the developer may request a temporary use permit for the below-listed activities. The temporary use permit shall be granted initially for a period not to exceed 24 months in duration and may be renewed annually based upon demonstration of need and payment of fee. A request for renewal shall be submitted to the planning services director in writing 30 days prior to the expiration of the temporary use permit. Temporary construction and development permits shall be allowed for the following uses:

1. Temporary offices to be used for construction, and administrative functions within the development.
2. Permits for temporary offices for single-family residential developments may be issued under the following circumstances:
 - a. Where the same developer or licensed building contractor performing the work has obtained a valid building permit to construct three or more homes in the same development.
 - b. Where a developer, owner-builder, or licensed building contractor performing the work has obtained a building permit for the construction of one single-family home which exceeds 2,500 square feet of air conditioned floor area and that a letter of justification of need is submitted to, and approved by, the Planning Services Director (limited to one office).
 - c. The temporary offices shall be removed within 30 days of the issuance of a certificate of occupancy for the last home to have been issued a building permit.

[Renumber remaining sections from 2. through 10., as 3. through 11.]

SUBSECTION 3.H. AMENDMENTS TO DIVISION 2.7., ZONING ADMINISTRATION AND PROCEDURES

Division 2.7., Zoning Administration and Procedures of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.7. ZONING ADMINISTRATION AND PROCEDURES

Sec. 2.7.1. General (Reserved.)

Sec. 2.7.2. Amendment procedures.

* * * * *

2.7.2.16.1. Applicability. All applications for a rezoning whether submitted before or after [the effective date of this ordinance], shall comply with the processing time procedures set forth in section 2.7.2.16 of this code.

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Sec. 2.7.3. Planned unit development (PUD) procedures.

* * * * *

2.7.3.4.1. For PUDs approved prior to October 24, 2001 the landowner(s) shall:

A. Obtain approval for improvements plans or a development order for all infrastructure improvements to include utilities, roads and similar improvements required by the approved PUD master Plan or other development orders for at least 15 percent of the gross land area of the PUD site every five years from the date of approval by the board of county commissioners; and

* * * * *

2.7.3.9.1. All applications for a PUD rezoning or an amendment to an existing PUD document or PUD master plan whether submitted before or after [the effective date of this ordinance], shall comply with the processing time procedures set forth in section 2.7.3.9 of this code.

Sec. 2.7.4. Conditional uses procedures.

* * * * *

2.7.4.11. Conditional Use application processing time. An application for a conditional use will be considered “open” when the determination of “sufficiency” has been made and the application is assigned a petition processing number. An application for a conditional use will be considered “closed” when the petitioner withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the conditional use, for a period of six (6) months. An application deemed “closed” will not receive further processing and shall be withdrawn and an application “closed” through inactivity shall be deemed withdrawn. The Planning Services Department will notify the applicant of closure, however, failure to notify by the County shall not eliminate the “closed” status of a petition. An application deemed “closed” may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of “sufficiency”. Further review of the request will be subject to the then current code.

2.7.4.11.1. Applicability. All applications for conditional use whether submitted before or after [the effective date of this ordinance], shall comply with the processing time procedures set forth in section 2.7.4.11. of this code.

Sec. 2.7.5. Variance procedures.

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2.7.5.15. Variance application processing time. An application for a variance will be considered “open” when the determination of “sufficiency” has been made and the application is assigned a petition processing number. An application for a variance will be considered “closed” when the petitioner withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the variance, for a period of six (6) months. An application deemed “closed” will not receive further processing and shall be withdrawn and an application “closed” through inactivity shall be deemed withdrawn. The Planning Services Department will notify the applicant of closure, however, failure to notify by the County shall not eliminate the

“closed” status of a petition. An application deemed “closed” may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of “sufficiency”. Further review of the request will be subject to the then current code.

2.7.5.15.1 Applicability. All applications for a variance whether submitted before or after [the effective date of this ordinance], shall comply with the processing time procedures set forth in section 2.7.5.15. of this code.

SUBSECTION 3.I. AMENDMENTS TO DIVISION 3.2, SUBDIVISIONS

Division 3.2.8.2, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.2. SUBDIVISIONS

* * * * *

Sec. 3.2.8. Improvement plans. ***

* * * * *

3.2.8.2. Improvement plans submission requirements. The improvement plans shall be prepared on 24-inch by 36-inch sheets and well as being digitally created on one or more CDROM disks. All data shall be delivered in the North American Datum 1983/1990 (NAD83/90) State Plane coordinate system, Florida East Projection, in United States Survey Feet units; as established by a Florida Professional Surveyor & Mapper in accordance with Chapters 177 and 472 of the Florida Statutes. All information shall meet Minimum Technical Standards as established in Chapter 61G17 of the Florida Administrative Code. The digital data to be submitted shall follow these formatting guidelines:—All data shall be delivered in the State Plan coordinate system, with a Florida East Projection, and North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor & mapper. All information shall have a maximum dimensional error of +/- 0.5 feet. Files shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. right-of-way - ROW, centerlines - CL, edge-of-pavement - EOP, etc.). All plans shall tie into the Public Lands Survey system (PLSS) grid which shall be provided by Collier County’s GIS Department via CDROM disk or from an on-line electronic download. In addition, all improvement plans shall, at a minimum include, but not be limited to:

* * * * *

~~3.2.8.3.17. Sidewalks; and bike lanes and bike paths.~~ The developer shall be required to must construct sidewalks ~~or bike paths~~, and bike lanes where applicable, as described below, ~~unless otherwise exempted from the subdivision regulations of this code.~~

Applicability: For all districts, Ssidewalks or bike paths and bike lanes shall must be constructed contiguous to public and private roadways, which are adjacent to and/or internal to the site, in conformance with the following criteria described below unless otherwise modified or waived by the board of county commissioners:

1. Bike lanes shall must be provided on both sides of collector and arterial streets.~~any street classified higher than a local street (i.e., collector, arterial).~~
2. Sidewalks six feet in width or bike paths seven feet in width, shall must be provided on both sides of collector and arterial streets.
3. Sidewalks or bike paths five feet in width, shall must be provided on both sides of local streets.~~except as follows~~
4. For multi-family site development and site improvement projects, districts RT, RMF-6, RMF-12, and RMF-16 and all multi-family residential components of PUD districts; sidewalks, five feet in width, must be provided on both sides of local streets with a dedicated public right-of-way or roadway easement. Where there is no public right-of-way or roadway easement, sidewalks must connect on-site residential building(s)

to a sidewalk within a public roadway or, if no sidewalk exists, to the right-of-way line in accordance with Code standards contained herein. Should a two-directional shared use path be utilized, the minimum paved width must be 10 feet.

~~(a). Where a cul-de-sac or dead-end street exists within an approved single-family residential subdivision, and where the developer of such subdivision was granted an exemption to the subdivision regulations to allow a sidewalk on only one side of the street, the same exemption shall then apply to any new abutting single-family residential subdivision which extends the dead-end street or cul-de-sac to no more than 1,000 feet~~

5.4. All sidewalks, bike paths and bike lanes along public and private roadways shall must be constructed in accordance with design specifications identified in section 3.2.8.4.14. and division 2.8 of this Code.

5. ~~Alternative designs for sidewalks, bike lanes, or bike paths in developments with public or private roadways may be provided, subject to approval by the community development and environmental services division administrator and may utilize, but not be limited to the following analysis:~~

~~a. A design that matches the land use density and intensity of the development along the street or cul-de-sac.~~

~~b. A design that matches the expected traffic volumes on the street or cul-de-sac.~~

~~c. A design that does not create a safety hazard caused by vehicles parked across the sidewalk or directs pedestrians or cyclists into high traffic areas.~~

~~d. A design that does not encourage additional landscape area due to clearing for the installation, aesthetic softening or additional hardscape, additional softening of unnatural linear concrete strips, or similar features~~

~~e. A design that matches the character of the development, i.e., golf course/country club community, affordable housing, private gated communities, etc.~~

~~f. Criteria pursuant to the provisions of section 3.2.7.2.~~

~~g. A design that matches the expected amount of utilization by joggers, walkers and cyclists.~~

~~h. A design that matches the character of the development, i.e., golf course/country club community, affordable housing, private gated communities, etc.~~

~~i. Criteria pursuant to the provisions of section 3.2.7.2.~~

6. ~~Developments that provide an internal bikepath system which functions primarily for transportation purposes, not recreation, and which connects with existing public bicycle paths or bike lanes may be exempt from the sidewalk/bike path requirement by the county's transportation services division director if the alternative system functionally operates equal to the standards of the county's bikeway system, interconnects with the existing or proposed county bikeway system and will be perpetually open to the public.~~

7.6. Developments providing interconnections to existing and future developments pursuant to the density rating system section of the Collier County growth management plan's future land use element, shall must include sufficient right-of-way to accommodate the roadway, sidewalks, ~~or bike paths~~ and bike lanes, where required. Bikepaths ~~B~~bike lanes and sidewalks shall must be constructed concurrently with the roadway interconnection.

8.7. Where planned right-of-way improvements by the County Transportation Division scheduled in the capital improvements program (CIP) would cause the removal of any sidewalks/~~bikepaths~~ or bike lanes ~~required by this Code within two fiscal years following the fiscal year in which the first building permit for the project is issued~~, the developer, in lieu of construction of the required sidewalks/~~bikepaths~~ and bike lanes, shall must provide funds for the cost of sidewalk/~~bikepath~~ and bike lane construction as defined by the Schedule of Development of Review and Building Permit Fees into a pathway fund approved by the transportation services director, or his designee, for future construction of required sidewalks/~~bikepaths~~ and bike lanes, by the county. The time frame for this funding option is two years from the date of issuance of the first building permit to the date that the road construction is required to be bid.

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3.2.8.4.14 ~~Sidewalks and bikepaths.~~ All sidewalks ~~and bikepaths~~ shall be constructed of Portland cement concrete, or paver brick, ~~or the alternate asphalt sidewalk noted in these regulations, or an alternate approved by the development services director pursuant to section 3.2.7.2,~~ in conformance with the locations illustrated on the standard right-of-way cross sections contained in appendix B in locations illustrated on an approved site development plan.

1. Concrete sidewalks ~~or bikepaths~~ shall be four-inch-thick, Portland cement concrete with a 28-day compressive strength of 3,000 psi. Expansion joints shall be one-half-inch preformed bituminous conforming to the latest edition of ASTM. Contraction joints shall be saw-cut joints with longitudinal spacing equal to the width of the walk. The saw cut depth shall equal or exceed one-fourth the concrete thickness. All workmanship materials, methods of placement, curing, forms, foundation, finishing, etc. shall be in conformance to the latest edition of FDOT Standard Specifications for Road and Bridge Construction, section 522. Paver brick, sidewalks, or paver brick accents in sidewalks must be installed over a four inch thick, compacted limerock base.

2. ~~Asphalt sidewalks shall be constructed with an four-inch limerock base (primed) and one-inch, type III asphaltic concrete. When used, asphalt sidewalks shall be a minimum of one-foot wider than the specified width for concrete walks.~~

3. ~~Bicycle paths shall be six feet in width. It is preferred to have bicycle paths constructed of asphaltic concrete, however, portland cement concrete may be substituted with no reduction in width.~~

4.2. All bicycle bike lanes shall be designed, constructed, and signed in accordance with the most current "Florida Bicycle Facilities Design Standards and Guidelines" requirements have signage and be marked in accordance with the latest edition of the Manual on Uniform Traffic Control Devices.

5. ~~Where an exemption to the subdivision regulations has been granted permitting a sidewalk/bikepath to be developed on one side of the street, and the sidewalk/bikepath cannot be made continuous on the same side of a street for the length of the street, the sidewalk may be allowed to continue on the other side of the street, provided a paved sidewalk/bikepath connection with curb cuts is constructed from the end of the sidewalk/bikepath to the street, on both sides of the street, consistent with the design criteria described in section 3.2.8.4.14. and division 2.8 of this Code.~~

SUBSECTION 3.J. AMENDMENTS TO DIVISION 3.3. SITE DEVELOPMENT PLANS

Division 3.3., Site Development Plans, of Ordinance 91-102, as amended, the Collier County Land Development Code is hereby amended to read:

DIVISION 3.3. SITE DEVELOPMENT PLANS

* * * * *

Sec. 3.3.3. Applicability.

All development, except as otherwise provided herein, is subject to the provisions of this division. The provisions of this division shall not apply to the following land use activities and represents the sole exceptions therefrom:

- 1) Single-family detached and two-family housing structure(s) on a lot(s) of record except as otherwise provided at section 2.6.27 (cluster development).
- 2) Underground construction; utilities, communications and similar underground construction type activities.
- 3) Accessory and ancillary facilities for a golf course such as restrooms, irrigation systems, pump-houses where a preliminary work authorization has been entered into with the county except where a site alteration permit is required by this Code.

- 4) Construction trailers and storage of equipment and materials following issuance of a building permit for the use to which said activities are a function of, except as otherwise provided by section 2.6.33.
- 5) Model homes and sales centers, except as otherwise provided by section 2.6.33.
- 6) Project entryway signs, walls, gates and guardhouses.
- 7) Neighborhood parks, subject to the approval of a conceptual site plan, depicting, on a 24" by 36" sheet, all site clearing; improvements, including fences and walls, playground equipment, walkways, picnic areas, and play areas; and minimum Code landscaping (irrigation will not be required). For the purposes of review fees only, this plan shall be treated as a Conceptual Site Development Plan, and the applicable review fee shall apply.

Minimum landscape buffering. Under certain circumstances with neighborhood parks, there may be underlying health, safety and welfare concerns that necessitate deviation from the buffering required in Section 2.4. The planning services director will determine, on a case-by-case basis, whether such deviation is necessary. This determination will be made upon a request for determination from the Applicant, which must include all reasons that would justify the deviation. The planning services director will use factors including, but not limited to, the following when making a determination for deviation:

1. The geographic location of the neighborhood park;
2. The effects that a lack of buffering will have on neighboring uses; and
3. The need to ensure that the public safety is maintained by providing law enforcement and other policing entities clear view of the activities occurring on the park premises.

While the above land use activities shall be exempt from the provisions of division 3.3, these land use activities are subject to all other provisions of the Land Development Code such as but not limited to landscaping (with the exception of 7), as listed above), tree removal, development standards and the submission requirements attendant to obtaining temporary use and building permits.

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Sec. 3.3.7. Site development plan review (SDP) procedures.

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~~{3.3.7.1.2 ½} C. Digital requirements for site development plans. A site development plan shall also be digitally created on one or more CDROM disks. All data shall be delivered in the North American Datum 1983/1990 (NAD83/90) State Plane coordinate system, Florida East Projection, in United States Survey Feet units; as established by a Florida Professional Surveyor & Mapper in accordance with Chapters 177 and 472 of the Florida Statutes. All information shall meet Minimum Technical Standards as established in Chapter 61G17 of the Florida Administrative Code. The digital data to be submitted shall follow these formatting guidelines: All Data shall be delivered in the State Plane coordinate system, with a Florida east projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor & mapper. All information shall have a maximum dimension error of +/- 0.5 feet. Files shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. right-of-way - ROW, centerlines - CL, edge-of-pavement - EOP, etc.). All plans shall tie into the Public Lands Survey system (PLSS) grid which shall be provided by Collier County's GIS Department via CDROM disk or from an on line electronic download.~~

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[Renumber Sub-section 3.3.7.1.9.6. through .13. (following Illustration 2), as Sub sections 7. through 14., including the re-numbering in the sub-section immediately following]

~~3.3.7.1.9.12. 13 Sidewalks and bike lanes and bikepaths. For all projects required to be developed through the site development plan (SDP) process, the developer shall be required to must construct sidewalks or bikepaths, and bike lanes where applicable, as described below, unless otherwise exempted from the subdivision regulations of this Code.~~

Applicability: For all districts, sidewalks or bikepaths, and bike lanes shall must be constructed contiguous to public and private roadways which are adjacent to and/or internal to the site, in conformance with the following criteria described below:

- a. Sidewalks, six feet in width, ~~or bikepaths seven feet in width~~ shall must be provided on both sides of collector and arterial streets.
- b. Sidewalks, ~~or bike paths,~~ five feet in width, shall must be provided on both sides of local streets except as follows:

~~(1). Where a cul-de-sac or dead-end street exists within an approved single-family residential subdivision, and where the developer of such subdivision was granted an exemption to the subdivision regulations to allow a sidewalk on one side, the same exemption shall then apply to any new abutting single-family residential subdivision which extends the dead-end street or cul-de-sac to no more than 1,000 feet.~~

c. Bike lanes must shall be provided on both sides of collector and arterial streets. any street classified higher than a local street (i.e. collector, arterial):

d. For multi-family site development and site improvement projects, districts RT, RMF-6, RMF-12, and RMF-16 and all multi-family residential components of PUD districts; sidewalks, five feet in width, must be provided on both sides of local streets with a dedicated public right-of-way or roadway easement. Where there is no public right-of-way or roadway easement, sidewalks must connect on-site residential building(s) to a sidewalk within a public roadway or, if no sidewalk exists, to the right-of-way line in accordance with Code standards contained herein. Should a two-directional shared use path be utilized, the minimum paved width must be 10 feet.

de. All sidewalks, ~~bikepaths~~ and bike lanes along public and private roadways shall must be constructed in accordance with design specifications identified in section 3.2.8.4.14. and division 2.8 of this Code.

e. ~~Alternative designs for sidewalks, bike lanes, and bikepaths in developments adjacent to public or private roadways may be provided, subject to approval by the community development and environmental services division administrator and may utilize, but not be limited to the following criteria:~~

~~(1). A design that reflects the land use density and intensity of the development along the street or cul-de-sac.~~

~~(2). A design that reflects the expected traffic volumes on the street or cul-de-sac.~~

~~(3). A design that does not create a safety hazard caused by vehicles parked across the sidewalk or directs pedestrians or cyclists into high traffic areas.~~

~~(4). A design that does not encourage additional landscape area due to clearing for the installation, aesthetic softening or additional landscape, additional softening of unnatural linear concrete strips, or similar features.~~

~~(5). A design that reflects the expected demographics of the development, including but not limited to considerations such as the expected amount of school age children and active adults.~~

~~(6). A design that reflects reduced speed streets and culs-de-sac.~~

~~(7). A design that reflects the expected amount of utilization by joggers, walkers and cyclists.~~

~~8). A design that reflects the character of the development, i.e., golf course/country club community, affordable housing, private gated communities.~~

~~(9). Criteria pursuant to the provisions of section 3.2.7.2. of this Code.~~

f. ~~Developments that provide an internal bikepath system, which functions primarily for transportation purposes, not recreation, and which connects with existing public bicycle paths or bike lanes may be exempt from the sidewalk/bikepath requirement. The county's transportation services division administrator may grant such an exemption if the alternative system functionally operates equal to the standards of the county bikeway system, interconnects with the existing or proposed county bikeway system and will be perpetually open to the public.~~

gf. Developments providing interconnections to existing and future developments pursuant to the density rating system section of the Collier County growth management plan future land use element, shall must include sufficient right-of-way to accommodate the roadway, sidewalks, bike lanes or bikepaths, and bike lanes, where required. ~~Bikepaths;~~ Bike lanes and sidewalks shall must be constructed concurrently with the roadway interconnection.

hg. Where planned right-of-way improvements by the County Transportation Division scheduled in the county's capital improvements program (CIP) would cause the removal of any sidewalks/bikepaths or bike lanes required by this Code within two fiscal years following the fiscal year in which the first building permit for the project is issued, the developer, in lieu of construction of the required

~~sidewalks/bikepaths and bike lanes, shall~~ must provide funds for the cost of sidewalk/~~bikepath~~ and bike lane construction as defined by the Schedule of Development Review and Building Permit Fees and deposit the same into a pathway fund approved by the transportation services director, or his designee, for future construction of required sidewalks/~~bikepaths~~ and bike lanes, by the county. The time frame for this funding option is two years from the date of issuance of the first building permit to the date that the road construction is required to be bid.

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Sec. 3.3.9. Amendments and insubstantial changes.

Any proposed change or amendment to a previously approved site development plan shall be subject to review and approval by the planning services director. Upon submittal of a plan clearly illustrating the proposed change, the planning services director shall determine whether or not it constitutes a substantial change. In the event the planning services director determines the change is substantial, the applicant shall be required to follow the review procedures set forth for a new site development plan. A substantial change, requiring a site development plan amendment, shall be defined as: ~~3.3.9.1. Any change which~~ substantially affects existing transportation circulation, parking or building arrangements, drainage, landscaping, buffering, identified preservation/conservation areas and other site development plan considerations. ~~or~~

~~3.3.9.2. Any other change the planning services director may determine as significantly altering the general layout, configuration and arrangement of the project.~~

~~3.3.9.3. In the event the planning services director determines the change to be less than substantial, the applicant shall not be required to follow the review procedures set forth for a new site development plan. The planning services director shall evaluate the proposed change in relation to the following criteria; for purposes of this section, the insubstantial change procedure shall be acceptable where the following conditions exist with respect to the propose change:~~

1. There is no South Florida Water Management District permit, or letter of modification, needed for the work and there is no major impact on water management as determined by the engineering director.
2. There is no new access proposed from any public street however minimal right-of-way work may be permitted as determined by the transportation planning director.
3. There is no addition to existing buildings (air-conditioned space) proposed however a maximum area of 300 square feet of non-air-conditioned space used for storage, or to house equipment, will be permitted.
4. There is no proposed change in building footprint or relocation of any building on site beyond that needed to accommodate storage areas as described in number 3 above.
5. The change does not result in an impact on, or reconfiguration of, preserve areas as determined by the Environmental Services Director.
6. The change does not result in a need for additional environmental data regarding protected species as determined by the Environmental Services Director.
7. The change does not include the addition of any accessory structure that generates additional traffic as determined by the Transportation Planning Director, impacts water management as determined by the Engineering Director, or contains air-conditioned space.
8. The change does not trigger the requirements of Division 2.8 as determined by the planning services director.
9. There are no revisions to the existing landscape plan that would alter or impact the site development plan (as opposed to only the landscape plan) as determined by the landscape architect.

SUBSECTION 3.K. AMENDMENTS TO DIVISION 3.5. EXCAVATIONS

Division 3.5., Excavations, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.5 EXCAVATIONS

* * * * *

Sec. 3.5.7. Construction requirements for the construction of excavations.

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3.5.7.2.4. Exceptions to the side slope requirements that may be justified by such alternatives as artificial slope protection or vertical bulkheads shall be approved in advance by the site development review director, where justification shall be documented in a design analysis prepared by a professional engineer registered in the State of Florida. Bulkheads may be allowed for no more than 40 percent of the shoreline length, but compensating littoral zone must be provided.

3.5.7.2.5. ~~For purposes of this section, the littoral zone of a lake in Collier County is defined as the area of the lake lying in the zone between two feet below WSWT (wet season water table) to one foot above WSWT. An area of littoral zone equivalent to two percent of the total area of the lake at control elevation shall be planted with wetland type vegetation. This littoral planting zone will be at an eight to one minimum side slope.~~

Littoral planting zones should be adjacent to and waterward of control structures or pipe outlets or inlets and shall be a minimum of 15 feet from any discharge structure or pipe intake so as not to impede or break flow. The following criteria shall be the minimum standards in the creation of the littoral zone.

1. ~~Eighty percent vegetative coverage of the planted littoral shelf is required over a three year period to ensure establishment. Beyond three years the littoral shelf shall be maintained as functional component of the lake system. The function shall be defined as mimicking a natural system to improve water quality, biologically cleanse runoff prior to discharge into water, buffer against shoreline erosion, naturally control exotics and/or to mimic other natural functions such as the utilization by wildlife.~~
2. ~~The littoral zone shall be planted with at least three different species of native, nursery grown or otherwise legally obtained vegetation tolerant of the different zones within the littoral shelf where no single species shall account for greater than 50 percent of coverage. Copies of receipts for vegetation purchase shall be provided upon request by the site development review director.~~
3. ~~Littoral zones may be moved or consolidated to areas within any lake in an interconnected lake system at a rate of one and one fourth greater than the original amount.~~
4. ~~All Collier County listed prohibited exotics shall be removed as they occur, manually or with U.S. Environmental Protection Agency approved herbicides. Cattails shall be removed manually or with U.S. Environmental Protection Agency approved herbicides when they exceed ten percent coverage.~~
5. ~~At the time of planting: minimum tree height shall be eight feet; minimum shrub height shall be 24 inches; minimum herbaceous height shall be 12 inches.~~
6. ~~An annual monitoring report shall be forwarded to compliance services environmental staff, until such time as criteria set forth in section 3.5.7.2.5.(1) have been satisfied.~~

~~In order to ensure a minimum eight percent coverage of littoral zone planting areas, a performance guarantee pursuant to the provisions of section 3.5.10 will be required upon completion and acceptance of each excavation permitted by the county. The value of the guarantee shall be based on a cost estimate to replace the original installed littoral zone plants. The guarantee must be submitted in a format approved by the county attorney and approved by the community development and environmental services administrator, or his designee, on behalf of the board of county commissioners prior to preliminary acceptance of the permitted excavation(s) and shall be held for a period of a minimum of one year to permit the plantings to become established within the lake. The guarantee may only be released by the county upon the completion of a final inspection which confirms that at least 80 percent coverage has been obtained.~~

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3.5.7.3.2. Minimum. In order to assure that unsightly conditions or undesirable aquatic growth will not occur in wet retention areas during the dry season of the year, the bottom elevation of these excavations shall be at least six feet below the mean annual low water level dry season water table.

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3.5.7.8. Non-water management system lakes. Non-water management system lakes of a surface area of one acre or less, may be riprapped along their entire shoreline under the following conditions:

- a. Side slopes shall be at a minimum ratio of two to one.
- b. ~~The required littoral zone may be created at a water management lake in the system, but at least ten percent of the required littoral areas shall be created at the lake discharge facility.~~ Littoral shelf areas must conform to section 3.5.11.
- c. Riprapping must extend down to the slope breakpoint required by section 3.5.7.2, LDC.
- d. The lake shall have protective barriers to prevent vehicular access where necessary.
- e. The lake shall meet all of the design requirements of section 3.5, LDC.

3.5.7.9. Amendments to approved excavations. Substantial changes to any approved excavation permit, (i.e. changes resulting in an increase of 20 percent or more in excavated volume resulting in less than 50,000 additional cubic yards), must be submitted to project plan review for review and approval, with such approval granted in writing prior to commencement of any proposed change. Littoral shelf areas must conform to section 3.5.11.3. Failure to comply with the permit requirements shall be cause for the development services director to issue stop work orders on all excavation related activities taking place or planned for the subject property. Insubstantial changes shall not require prior written approval and shall include reductions in surface area not affecting water management design quantities of material to be removed. A written description of proposed insubstantial change, including an illustrated as-built as per the excavation permit, to any approved excavation shall be submitted in writing to project plan review and to the development compliance department.

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3.5.7.10.11. Littoral zone plantings must conform to subsection ~~3.5.7.2.5.11.~~

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Sec. 3.5.10. Performance guarantee requirements.

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3.5.10.2. The performance guarantee shall be executed by a person or entity with a legal or financial interest in the property and shall remain in effect until the excavation and the requirements of section 3.5.11 is are completed in accordance with this division. Performance guarantees may be recorded in the official records of the county and title to the property shall not be transferred until the performance guarantee is released by the development services director.

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Sec. 3.5.11 Littoral Shelf Planting Area (LSPA). The purpose and intent of a littoral shelf planting area (LSPA) is to establish a planted area within an excavated lake that will support wetland plants, improves the water quality within the lake and provides habitat for a variety of aquatic species including wading birds and other waterfowl. Contained within an excavated lake, this area will typically function as a freshwater marsh. Accordingly, the following requirements have been established in order for the LSPA to be designed and maintained to accomplish this stated purpose and function.

3.5.11.1 Design Requirements.

3.5.11.1.1 Area Requirements. The total area of the LSPA shall be calculated as a percentage of the total area of the lake at control elevation. Area requirements vary within the County and are as follows:

- a. Rural Fringe Mixed Use District – Reserved;
- b. All other areas –7 percent.

3.5.11.1.2 Location Criteria. Unless otherwise allowed for, the LSPA shall be concentrated in one location of the lake(s), preferably adjacent to a preserve area, in order to maximize its habitat value and

minimize maintenance efforts. Multiple locations for meeting the LSPA area requirement within a single lake shall be allowed as long as a single LSPA is no smaller than 1,000 square feet. Whenever possible, the LSPA should be located away from residential lots in order to avoid maintenance and aesthetic conflicts with residential users, and the LSPA shall be located adjacent to control structures or pipe outlets or inlets in order to maximize water quality benefits. However, the LSPA shall be located no closer than 20 feet from any discharge structure or pipe intake so as to not impede flow. If the LSPA is located around a discharge structure, the 20-foot setback shall extend waterward of the discharge structure to a point in the center of the lake. For interconnected lake systems, the total required area of the LSPA for all lakes may be configured within a single lake and at one location.

3.5.11.1.3. Shelf Elevation. The design elevation(s) of the LSPA shall be determined based on the ability of the LSPA to function as a marsh community and on the ability of selected plants to tolerate the expected range of water level fluctuations. Generally, marsh communities in this area have a hydroperiod of between 6 and 10 months. Wet seasonal water levels range from 12 to 24 inches above ground elevation. Dry seasonal water levels are 6 inches below ground elevation for an average year and 46 inches below ground elevation for a 1 in 10 year drought. The design of the shelf may deviate from these reference values if site-specific data and information is presented that supports the proposed elevations.

3.5.11.1.4. Shelf Configuration. The LSPA shall be designed so that the slope of the shelf is as flat as possible. An undulating bottom allowing for shallow pooling during the dry season is encouraged. Shelves may be terraced to provide for varying elevations for different plant species. The area requirements specified in 3.5.11.1.1 shall only be satisfied by those areas planted on a shelf that has an average slope of 8:1 or flatter. Shelves having undulating bottoms and terraced configurations shall be deemed to meet the slope requirements if the average slope across the shelf is 8:1 or flatter.

3.5.11.1.5. Plant Selection and Specifications. Plants shall be selected based on the expected flooding durations and maximum water depths for which the selected plants can survive. The LSPA shall be initially planted with at least three different species of native, nursery grown or otherwise legally obtained vegetation. No species shall constitute more than 50 percent of coverage, and at least one species shall be herbaceous. Spacing shall be no more than: 20 feet for trees; 5 feet for shrubs; and 36 inches on center for herbaceous plants. At the time of planting, minimum size shall be: 3 gallon (minimum 4 feet high) for trees; 1 gallon for shrubs and 12 inches for herbaceous plants. Clustering of plants shall be allowed to provide for scattered open areas as long as the open areas do not constitute more than 20 percent of the required shelf area and the elevations of the open areas are at least a foot deeper than the surrounding planted area.

3.5.11.1.6. Posted area. The boundary of the LSPA shall be posted with appropriate signage denoting the area as a LSPA. Sign(s) should note that the posted area is a Littoral Shelf Planting Area and contain specific instructions to ensure that the planted area will not be subjected to herbicidal treatments or other activities that will kill the vegetation. The signs shall be no closer than ten feet from residential property lines; be limited to a maximum height of four feet and a maximum size of two square feet; and, otherwise comply with Section 2.5.6. A minimum of two signs shall be provided to mark the extent of the LSPA. Maximum sign spacing shall be 150 feet.

3.5.11.1.7 Required Information. The Planting Plan for the LSPA shall provide the following information:

1. Calculation table showing the required area (square feet) for the LSPA and its percentage of the total area at control elevation (NGVD);
2. Control Elevation (NGVD) and Dry Season Water Table (NVGD);
3. Maximum water depth (feet) and estimated number of months of flooding for the range of planted elevations within the LSPA;
4. A plant list to include the appropriate range of elevations for each specified plant species, spacing requirements, and plant size;
5. Planting locations of selected plants.

3.5.11.2 Operational Requirements: Littoral Shelf Planting Areas shall be maintained according to the following requirements:

3.5.11.2.1 Eighty percent vegetative coverage of the LSPA is required within a two-year period following the initial planting and shall be maintained in perpetuity. Native plants that recruit within the LSPA will be counted towards this coverage requirement except as required per section 3.5.11.2.2. The LSPA must be kept free of refuse and debris.

3.5.11.2.2 Prohibited exotics and nuisance species shall be removed as they occur, manually or with U.S. Environmental Protection Agency approved herbicides. Prohibited exotics are those species as listed in Section 2.4.4.12. For the purpose of this section, nuisance species include those species listed as Class I and Class II Prohibited Aquatic Plants specified in Chapter 62C-52.011, Florida Administrative Code. Cattails shall be removed manually or with U.S. Environmental Protection Agency approved herbicides when they exceed ten percent coverage of the required LSPA area.

3.5.11.3. Application to existing lakes. All previously approved projects shall meet the Operational requirements required in 3.5.11.2.

3.5.11.3.1. Projects approved and constructed according to previous standards may have to meet the new standards if the littoral shelves are no longer functioning, subject to the following criteria:

a. The amount of planted area shall be the same as that required in the original approval;

b. The property owner shall assess the existing slopes and elevations in order to determine the appropriate location of the plantings subject to the criteria found in 3.5.11.1.3. The planted area shall be consolidated as much as possible subject to the criteria found in 3.5.11.1.2.

c. Subject to the assessment described in b., the existing planting slopes should be as flat as possible but the 8:1 requirement of 3.5.11.1.4 shall not be required.

d. Plant selection and specifications shall conform to 3.5.11.1.5;

e. Signage of the planted littoral areas shall be required subject to 3.5.11.1.6.

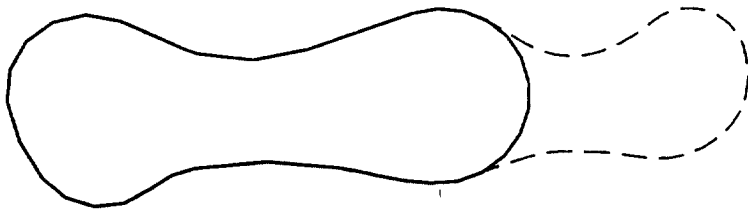
3.5.11.3.2. For amendments to approved excavations where the proposed amendments will modify the previously approved lake shoreline or increase the previously approved lake area, signage of the planted littoral areas shall be required subject to 3.5.11.1.6.

a. For amendments that modify less than 20 percent of the previously approved shoreline but increase the previously approved lake area, only the additional portion of the lake shall be used to calculate the additional LSPA area using the percentage requirements of 3.5.11.1.1. (See figure 3.5.11.3.2.) This additional LSPA shall conform to the design requirements of 3.5.11.1.

b. For amendments that modify 20 percent or more of the previously approved shoreline, the total lake area shall be used to calculate the LSPA area using the percentage requirements of 3.5.11.1.1. (See figure 3.5.11.3.2.) The LSPA shall conform to the design requirements of 3.5.11.1..

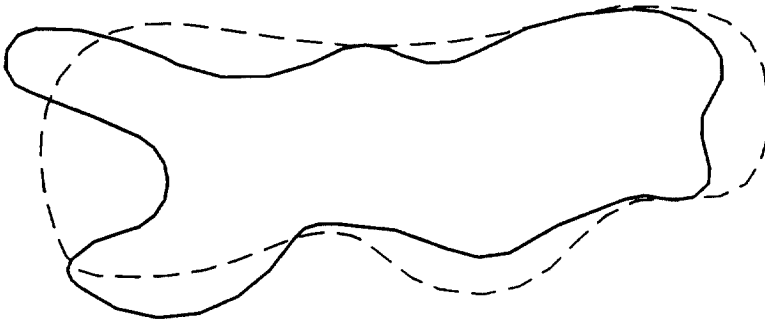
3.5.11.4. Exemptions. Lake excavations activities which are lawfully permitted and used for aquaculture shall be exempt from the LSPA requirements. Lake excavation activities subject to the Resource Extraction Reclamation Act (Ch. 378, Part IV, Fla. Stat.) shall be exempt from the LSPA requirements but shall otherwise be required to follow the mine reclamation requirements required in Section 3.5.7.6.

Figure 3.5.11.3.2



— existing lake
- - - lake addition

For amendments that modify the existing lake area by adding an addition, only the new portion of the lake shall be used to calculate the LSPA area using the percentage requirements of 3.5.11.1.1.



— existing shoreline
- - - modified lake shoreline

For amendments that modify the existing shoreline by greater than 20 percent, the total lake area shall be used to calculate the LSPA area using the percentage requirements of 3.5.11.1.1.

Sec. 3.5.11 12. Appeals.

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Sec. 3.5.12 13. Penalties and enforcement.

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Sec. 3.5.13 14. Severability.

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Sec. 3.5.14 15. Compliance with state and federal permits.

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SUBSECTION 3.L. AMENDMENTS TO DIVISION 3.9., VEGETATION REMOVAL, PROTECTION AND PRESERVATION

Division 3.9., Vegetation Removal, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.9. VEGETATION REMOVAL, PROTECTION AND PRESERVATION

Sec. 3.9.5. Vegetation removal, protection and preservation standards.

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3.9.5.5.6 Native Preserve criteria

1. Identification. Native vegetation that is required to be preserved pursuant to 3.9.5.5 shall be set-aside in a Preserve. Areas set aside as preserves shall be labeled as "Preserve" on all site plans.

2. Minimum dimensions. The minimum width of the preserve shall be:

- a. twenty feet, for property less than ten acres.
- b. an average of thirty feet in width but not less than twenty feet in width, for property equal to ten acres and less than twenty acres.
- c. an average of fifty feet in width but not less than twenty feet for property of twenty acres and greater.

3. Created Preserves. Where created preserves are approved, the landscape plan shall re-create a native plant community in accordance with the vegetation sizes and standards set forth in 3.9.5.5. The spacing of the plants shall be as follows: twenty to thirty foot on center for trees with a small canopy (less than 30 ft mature spread) and forty foot on center for trees with a large canopy (greater than 30 ft mature spread), five foot on center for shrubs and three foot on center for ground covers. Plant material shall be planted in a manner that mimics a natural plant community and shall not be maintained as landscaping. Minimum sizes for plant material may be reduced for scrub and other xeric habitats where smaller size plants material are better suited for re-establishment of the native plant community.

- a. Approved created preserves, identified in 3.9.5.5 as mitigated native preservation, may be used to recreate:
 - i. not more than one acre of the required preserves if the property has less than twenty acres of existing native vegetation.
 - ii. not more than two acres of the required preserves if the property has equal to or greater than twenty acres and less than eighty acres of existing native vegetation.
 - iii. not more than 10% of the required preserves if the property has equal to or greater than eighty acres of existing native vegetation.
- b. The minimum dimensions shall apply as set forth in 3.9.5.5.6.2.
- c. All perimeter landscaping areas that are requested to be approved to fulfill the native vegetation preserve requirements shall be labeled as preserves and shall comply with all preserve setbacks.
- d. Created preserve exceptions may be granted:
 - i. when a State or Federal permit requires creation of native habitat on site. The created preserve acreage may fulfill all or part of the native vegetation requirement when preserves are planted with all three strata; using the criteria set forth in *Created Preserves*. This exception may be granted, regardless of the size of the project.
 - ii. when small isolated areas (of less than ½ acre in size) of native vegetation exist on site. In cases where *retention* of native vegetation results in small isolated areas of ½ acre or less, preserves may be planted with all three strata; using the criteria set forth in *Created Preserves* and shall be created adjacent existing native vegetation areas on site or contiguous to preserves on adjacent properties. This exception may be granted, regardless of the size of the project.
 - iii. When an access point to a project cannot be relocated. To comply with obligatory health and safety mandates such as road *alignments* required by the State, preserves may be impacted and created elsewhere on site.

4. Required Setbacks to Preserves. All *principal* structures shall have a minimum 25-foot setback from the boundary of any preserve. Accessory structures and all other site alterations shall have a minimum 10-foot setback from the boundary of any preserve. There shall be no site alterations within the first 10 feet adjacent to any preserve unless it can be demonstrated that it will not adversely impact the integrity of that preserve. (i.e., Fill may be approved to be placed within 10 feet of the upland preserve but may not be approved to be placed within 10 feet of a wetland preserve, unless it can be demonstrated that it will not negatively impact that wetland.)

5. Invasive Exotic Vegetation Removal and Maintenance Plans. Exotic vegetation removal and maintenance plans shall require that category I exotics be removed from all preserves. All exotics within the first 75 feet of the outer edge of every preserve shall be physically removed, or the tree cut down to grade and the stump treated with a U.S. Environmental Protection Agency approved herbicide and a visual trace dye applied. Exotics within the interior of the preserve may be approved to be treated in place, if it is determined that physical removal might cause more damage to the native vegetation in the preserve. When prohibited exotic vegetation is removed, but the base of the vegetation remains, the base shall be treated with an U.S. Environmental Protection Agency approved herbicide and a visual tracer dye shall be applied. Exotics within the interior of the preserve may be approved to be treated in place, if it is determined that physical removal might cause more damage to the native vegetation in the preserve. When prohibited exotic vegetation is removed, but the base of the vegetation remains, the base shall be treated with an U.S. Environmental Protection Agency approved herbicide and a visual tracer dye shall be applied. A

maintenance plan shall be implemented on a yearly basis at a minimum, or more frequently when required to effectively control exotics, and shall describe specific techniques to prevent reinvasion by prohibited exotic vegetation of the site in perpetuity. The plan shall be approved prior to the issuance of any final local development order.

6. Exemptions. Applications for development orders authorizing site improvements, i.e., an SDP or FSP and on a case by case basis a PSP, that are submitted and deemed sufficient prior to June 16, 2003 are not required to comply with the new regulations in section 3.9.5.5.6 adopted on June 16, 2003.

SUBSECTION 3.M. AMENDMENTS TO DIVISION 3.14. , PENALTIES

Division 3.14., Penalties, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.14. PENALTIES

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Sec. 3.14.3. Exceptions; permit.

All permits to allow operation of vehicles on county beaches shall expire on April 30, of each year, to coincide with the beginning of sea turtle nesting season. During sea turtle nesting season, May 1 through October 31, of each year, all permits shall be subject to section 3.14.6 4. of this division.

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

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

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

3.14.3.4. Vehicle-on-the-beach permits issued in conjunction with special or annual beach events, in conjunction with permanent concession facilities, or for other routine functions associated with permitted uses of commercial hotel property. Vehicles which are used in conjunction with functions on the beach, as ~~permitted by an approved special event temporary use permit, or annual beach events permit,~~ are exempt from the provisions of this division if a vehicle-on the-beach permit has been granted by the ~~planning services~~ Environmental Services director or his designee. All permits issued are subject to the following conditions and limitations:

* * * * *

3.14.3.4.5. Permits shall only be issued for ATVs when Environmental Services Department staff has determined that: 1) evidence has been provided that there is a need to move equipment, which, due to the

excessive weigh and distance of equal to or greater than 200 feet, would be prohibitive in nature to move with, push carts or dollies. due to the distance and the excessive weight of the equipment to be moved that it would be prohibitive in nature to use push carts or dollies or 2) a limited designated work area has been established at the foot of the dune walkover for loading and unloading and the ATV use is restricted to that limited identified area.

* * * * *

3.14.3.4.7. During sea turtle nesting season, the following shall apply: 1) no vehicle may be used on the beach until after completion of daily sea turtle monitoring conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit; 2) consistent with section 3.13.7.3., there shall be no use of vehicles for set up of chairs or hotel or commercial beach equipment, etc. until after the beach has been monitored; 3) one ingress/egress corridor onto and over the beach, perpendicular to the shoreline from the owner's property, shall be designated by the ~~Collier County Natural Resources Department (CCNRD)~~ Collier County Environmental Services Department (ESD); additional corridors may be approved when appropriate and necessary as determined by the ESD; a staging area may be approved for large events as determined by the ESD and 4) except for designated corridors, all motorized vehicles shall be operated below the Mean High Water line (MHW), as generally evidenced by the previous high tide mark. If at anytime ~~CCNRD~~ ESD determines that the designated corridor may cause adverse impacts to the beach, nesting sea turtles, or the ability of hatchlings to traverse the beach to the water, an alternative corridor shall be designated. If no alternative is available, as determined by the ESD, the vehicle-on-the-beach permit may be suspended for the remaining period of the sea turtle season.

~~3.14.3.5. Vehicle on the beach permits issued in conjunction with permanent concession facilities: Shall be exempt from the provisions of this division if a vehicle on the beach permit has been granted by the planning services director or his designee. Vehicles which are used in conjunction with approved permitted beach concession activities may be used to set up concession equipment and may be used to remove the equipment from the beach and return it to the approved storage area, subject to the following conditions and limitations:~~

~~3.14.3.5.1. The types of vehicles permitted for this use may include ATVs, non-motorized handcarts or dollies, and small utility wagons, which may be pulled behind the ATVs.~~

~~3.14.3.5.2. Said permit shall be prominently displayed on the vehicle and kept with the vehicle and available for inspection.~~

~~3.14.3.5.3. All vehicles shall be equipped with large pneumatic tires having a maximum ground to tire pressure of ten PSI (pounds per square inch), as established by the Standard PSI Formula. Calculations for tire pressure using the standard formula shall be included with each permit application.~~

~~3.14.3.5.4. Permits shall only be issued for ATV's when one of the following criteria has been met:~~

~~(1) Evidence has been provided that there is a need to move equipment, which, due to the excessive weight and distance, of equal to or greater than 200 feet, would be prohibitive in nature to move with, push carts or dollies.~~

~~(2) A limited designated work area has been established at the foot of the dune walkover for loading and unloading and the ATV use is restricted to that limited identified area.~~

~~3.14.3.5.5. When not in use all vehicles shall be stored off the beach.~~

~~3.14.3.5.6. 4.8. These vehicles may not be used for transportation of people or equipment throughout the day. The permit shall designate a limited time for equipment set up and for the removal of the equipment at the end of the day.~~

~~3.14.3.5.7. During sea turtle nesting season, the following shall apply: 1) no vehicle may be used on the beach until after completion of daily sea turtle monitoring conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit; 2) consistent with section 3.13.7.3., there shall be no use of vehicles for set up of chairs or hotel or commercial beach equipment until after the beach has been monitored; 3) one ingress/egress corridor onto and over the beach, perpendicular to the shoreline from the owner's property, shall be designated by; additional corridors may be approved when appropriate and necessary and 4) except~~

~~for designated corridors, all motorized vehicles shall be operated below MHW, as generally evidenced by the previous high tide mark. If at anytime determines that the designated corridor may cause adverse impacts to the beach, nesting sea turtles, or the ability of hatchlings to traverse the beach to the water, an alternative corridor shall be designated. If no alternative is available, the vehicle-on-the-beach permit may be suspended for the remaining period of the sea turtle season.~~

~~3.14.3.6. Vehicle-on-the-beach permits for other routine functions associated with permitted uses of commercial hotel property. Vehicles which are used in conjunction with tasks such as routine equipment set-up that cannot reasonably be accomplished without the use of such vehicle due to size, weight, volume and such, shall be exempt from the provisions of this division if a vehicle-on-the-beach permit has been granted by the planning services director or his designee, subject to the following conditions and limitations:~~

~~3.14.3.6.1. Use of the vehicle shall be limited to a one-time set-up and a one-time removal of equipment each day.~~

~~3.14.3.6.2. Said permit shall be prominently displayed on the vehicle and kept with the vehicle and available for inspection.~~

~~3.14.3.6.3. The types of vehicles permitted for this use may include ATVs, non-motorized handcarts or dollies.~~

~~3.14.3.6.4. Permits shall only be issued for ATVs when one of the following criteria has been met:~~

~~(1) Evidence has been provided that there is a need to move equipment, which, due to the excessive weigh and distance of equal to or greater than 200 feet, would be prohibitive in nature to move with, push carts or dollies.~~

~~(2) A limited designated work area has been established at the foot of the dune walkover for loading and unloading and the ATV use is restricted to that limited identified area.~~

~~3.14.3.6.5. All vehicles shall be equipped with large pneumatic tires having a maximum ground-to-tire pressure of ten PSI (pounds per square inch), as established by the Standard PSI Formula. Calculations for tire pressure using the standard formula shall be included with each permit application.~~

~~3.14.3.6.6. When not in use all vehicles shall be stored off the beach.~~

~~3.14.3.6.7. During sea turtle nesting season, the following shall apply: 1) no vehicle may be used on the beach until after completion of daily sea turtle monitoring conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit; 2) consistent with section 3.13.7.3., there shall be no use of vehicles for set up of chairs or hotel or commercial beach equipment until after the beach has been monitored; 3) one ingress/egress corridor onto and over the beach, perpendicular to the shoreline from the owner's property, shall be established by the; additional corridors may be approved when appropriate and necessary and 4) except for designated corridors, all motorized vehicles shall be operated below MHW, as generally evidenced by the previous high tide mark. If at anytime determines that the designated corridor may cause adverse impacts to the beach, nesting sea turtles, or the ability of hatchlings to traverse the beach to the water, an alternative corridor shall be designated. If no alternative is available, the vehicle-on-the-beach permit may be suspended for the remaining period of the sea turtle season.~~

~~3.14.3.7. Tire tread identifications. All rear tires shall be marked with raised metal lettering (minimum 1/2-inch thick attached to the raised tread of the tires) in order that field identifications can be made when vehicles are used on the beach. This identification shall be required for all new vehicle-on-the-beach permits issued for ATV's and for all vehicles using the beach during sea turtle season.~~

~~See: 3.14.4 3.5. Permit for construction (excluding beach renourishment and maintenance activities).~~

Prior to beginning construction in proximity to a sand dune for any purpose whatsoever, including conservation, a temporary protective fence shall be installed a minimum of ten feet landward of the dune. It shall be unlawful to cause or allow construction and related activity seaward of such fence. Each permit for work shall clearly indicate the provisions of this Code and the protective measures to be taken and shall be subject to the provisions of section 3.14.6.4. of this division.

~~Sec. 3.14.5~~ 3.6. Beach raking and mechanical beach cleaning.

~~3.14.5.1-3.6.1~~ Beach raking and mechanical beach cleaning shall be prohibited on undeveloped coastal barriers unless a state permit is obtained.

~~3.14.5.2-3.6.2.~~ Beach raking and mechanical beach cleaning must comply with the provisions of section ~~3.14.6.4.~~ of this division.

~~3.14.5.3-3.6.3.~~ Beach raking and mechanical beach cleaning shall not interfere with sea turtle nesting, shall preserve or replace any native vegetation on the site, and shall maintain the natural existing beach profile and minimize interference with the natural beach dynamics and function; which includes the natural wrack-line.

~~3.14.3.6.4.~~ Beach raking and mechanical cleaning shall not occur below MHW on the wet sand area of beach which is covered by high tide and which remains wet during low tide. Beach raking and mechanical beach cleaning shall not operate or drive within 15 feet of dune vegetation and endangered plant and animal communities, including sea turtle nests. Surface grooming equipment that does not penetrate the sand may operate or drive to within 10 feet of dune vegetation and endangered plant and animal communities, including sea turtle nests.

~~3.14.5.4~~ 3.6.5. Beach raking and mechanical beach cleaning devices shall not disturb or penetrate beach sediments by more than the minimum depth necessary, not to exceed ~~one~~ two inches, in order to avoid a potential increase in the rate of erosion. ~~In cases where the one-inch depth is not sufficient, a maximum depth of two inches, as allowed by the department of natural resources will be permitted where approved in writing by the development services director.~~

~~3.14.5.5~~ 3.6.6. ~~Heavy equipment~~ Vehicles with greater than 10 psi ground to tire pressure, shall not be used to conduct beach raking and mechanical beach cleaning. ~~Lightweight v~~ Vehicles having wide, low profile, low pressure tires with less than 10 psi ground to tire pressures, in conjunction with the attachment of a screen, harrow drag or other similar device used for smoothing may be used to conduct beach raking and mechanical beach cleaning upon approval of the ESD or designee.

~~3.14.3.6.7.~~ Mechanical beach cleaning involving sand screening or a combination of raking and screening shall only be conducted on an "as needed" basis as determined by the Public Utilities Engineering Department and the Environmental Services Department. Necessity will include when large accumulations of dead and dying sea-life or other debris remains concentrated on the wrack-line for a minimum of two tidal cycles following a storm event, red tide or other materials which represent a hazard to public health.

~~3.14.3.7.~~ Vehicles associated with Beach Nourishment and Inlet Maintenance

~~3.14.3.7.1~~ Heavy equipment used in conjunction with beach nourishment, inlet maintenance, to accomplish FDEP permit requirements, or other unusual circumstance as determined by the CDES Administrator, which cannot meet the standard PSI, will require compaction mitigation. Mitigation shall be accomplished by tilling to a depth of 36 inches or other FDEP approved methods of decreasing compaction. Beach tilling shall be accomplished prior to April 15 following construction and for the next 2 years should compaction evaluations exceed state requirements.

~~3.14.3.7.2~~ Utilization of equipment for the removal of scarps, as required by FDEP, shall be limited to an ingress/egress corridor and a zone parallel to the MHW. Scarp removal during sea turtle season shall have prior FDEP approval and coordinated through the FDEP, FWCC, CCESD and the person possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit for the area.

~~3.14.3.7.3~~ No tilling of the beaches shall occur during sea turtle nesting season.

Sec. 3.14.6.4. Operation of vehicles on the beach during marine turtle nesting season.

The operation of motorized vehicles, including but not limited to self-propelled, wheeled, tracked, or belted conveyances, is prohibited on coastal beaches above mean high water during sea turtle nesting season, May 1 to October 31, of each year, except for purposes of law enforcement, emergency, or conservation of sea turtles, unless such vehicles have a valid permit issued pursuant to this division. Permits issued pursuant to this division are not intended to authorize any violation of F.S. § 370.12, or any of the provisions of the Endangered Species Act of 1973, as it may be amended.

3.14.6 4.1. All ~~beach raking and mechanical beach cleaning~~ vehicle use on the beach during sea turtle nesting season, May 1 to October 31, of each year must not begin before completion of monitoring conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit.

Sec. 3.14.7 5. Penalties.

Notwithstanding the penalties set forth elsewhere in this Code, violations of this division are subject to the following penalties:

3.14.7 5.1. Violations of section 3.14.5 ~~3.6~~ which do not occur during sea turtle nesting season, i.e., occur outside of sea turtle nesting season, are subject to up to a \$500.00 fine per violation.

3.14.7 5.2. ~~1~~—Minor infractions of section 3.14.5 ~~3.6~~ which occur during sea turtle nesting season are subject to up to a \$500.00 fine per violation. Minor infractions are defined as any activity that will not cause immediate harm to sea turtles or their nesting activity; and include, but are not limited to, the following: 1) use of an unpermitted vehicle; 2) vehicles being operated: ~~a) without required tire tread identification;~~ a) without permit being available for inspection; or ~~e~~ b) with improper tire pressure.

3.14.5.3. 2—Major infractions of section 3.14.5 ~~3.6~~ which occur during sea turtle nesting season, are subject to the following penalties. Major infractions are defined as any activity that may cause immediate harm to sea turtles or their nesting activities; and include, but are not limited to, the following: 1) use of a vehicle prior to daily sea turtle monitoring, 2) use of a vehicle after 9:30 pm, or 3) use of a vehicle outside of a designated corridor.

First violation: \$1000.00 fine and a suspension of permitted activities, including but not limited to: Beach raking or mechanical cleaning activities, for 70 days or the balance of sea turtle nesting season, whichever is less.

Second violation: \$2,500.00 fine and a suspension of permitted activities, including but not limited to: Beach raking or mechanical cleaning activities, for 70 days or the balance of sea turtle nesting season, whichever is less.

Third or more violation: \$5,000.00 fine and a suspension of permitted activities, including but not limited to: Beach raking or mechanical cleaning activities, for 70 days or the balance of sea turtle nesting season, whichever is less.

3.14.7.3. 5.4. Violations of sections ~~3.14.3.2.; 3.14.3.4.; 3.14.3.5.; or 3.14.3.6.~~ which do not occur during sea turtle nesting season, i.e., occur outside of sea turtle nesting season, are subject to up to a \$500.00 fine per violation.

3.14.7.4. 5.5. Violations of sections ~~3.14.3.2.; 3.14.3.4.; 3.14.3.5.; or 3.14.3.6.~~ which occur during sea turtle nesting season are subject to the following penalties:

1. Minor infractions are subject to up to a \$500.00 fine per violation. Minor infractions are defined as any activity that will not cause an immediate harm to sea turtles or their nesting activity; and include, but are not limited to, the following: 1) use of an unpermitted vehicle; 2) vehicles being operated: ~~a) without required tire tread identification;~~ a) with permit not available for inspection; or ~~e~~ b) with improper tire pressure.

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SUBSECTION 3.N. AMENDMENTS TO DIVISION 5.4., BUILDING BOARD OF ADJUSTMENT AND APPEALS

Division 5.4, Building Board of Adjustment and Appeals, of Ordinance 91-102, as amended, the Collier County Land Development Code is hereby amended to read:

DIVISION 5.4. BUILDING BOARD OF ADJUSTMENTS AND APPEALS

Sec. 5.4.1. Establishment and purpose.

There is hereby established a building board of adjustments and appeals. The purpose of the building board of adjustments and appeals is to provide a decision-making body through which an owner of a building or structure, or his duly authorized agent, may appeal the rejections or refusal of the building official to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of that building or structure, or when it is claimed that the provisions of the Florida Building Code and Florida Fire Prevention Code as incorporated by Division 1.18. of this Code ~~Collier County Standard Building Code, Collier County Electrical Code, Collier County Fire Prevention Code, Collier County Gas Code, Collier County Mechanical Code, Collier County Plumbing Code, or Collier County Swimming Pool Code~~ do not apply, or that an equally good or more desirable form of construction can be employed in a specific case, or when it is claimed that the true intent and meaning of such codes or any of the regulations thereunder have been misconstrued or wrongly interpreted by the building official.

Sec. 5.4.2. Powers and duties.

The building board of adjustments and appeals shall have the following powers and duties:

5.4.2.1. To review and approve, with or without modifications or conditions, or deny an appeal from a decision of the building official with regard to a variance from the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of the Florida Building Code and Florida Fire Prevention Code as incorporated by Division 1.18. of this Code ~~Collier County Standard Building Code, Collier County Electrical Code, Collier County Fire Prevention Code, Collier County Gas Code, Collier County Mechanical Code, Collier County Plumbing Code, or Collier County Swimming Pool Code~~ do not apply or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of such building codes and technical codes or any of the regulations thereunder have been misconstrued or wrongly interpreted.

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Sec. 5.4.3. Building board of adjustments and appeals membership.

5.4.3.1. *Qualifications.* A building board of adjustments and appeals shall be composed of five regular members appointed by the board of county commissioners. The Collier County Fire Marshal's Association may recommend for consideration by the board of county commissioners those two members one of whom would be an architect or engineer, and one whom must be a fire protection specialist. The building board of adjustments and appeals shall consist of members engaged in the following occupations who by reason of education, experience, and knowledge are deemed to be competent to sit in judgment on matters concerning the Florida Building Code and Florida Fire Prevention Code as incorporated by Division 1.18. of this Code ~~Collier County Standard Building Code, Collier County Electrical Code, Collier County Fire Prevention Code, Collier County Gas Code, Collier County Mechanical Code, Collier County Plumbing Code, or Collier County Swimming Pool Code~~: one state-licensed architect or one structural engineer; one class A general contractor; one state-certified fire protective equipment contractor ~~or~~ state-certified firefighter with the rank of lieutenant or higher or state certified fire safety inspector with the rank of lieutenant or higher; one licensed electrical contractor; and one licensed plumbing or mechanical contractor. The members shall serve for a term of four years, except for initial appointees who shall serve as follows: two for a term of one year; two for a term of two years; one for a term of three years.

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Sec. 5.4.4. Quorum.

Three members of the building board of adjustments and appeals shall constitute a quorum. In varying the application of any provision of the Florida Building Code and Florida Fire Prevention Code as incorporated by Division 1.18. of this Code ~~Collier County Standard Building Code, Collier County Electrical Code, Collier County Fire Prevention Code, Collier County Gas Code, Collier County Mechanical Code, Collier County Plumbing Code, or Collier County Swimming Pool Code~~ or in modifying an order of the building official or the public safety administrator, an affirmative vote of not less than three building board members shall be required.

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Sec. 5.4.7. Standard appeal procedure; time limit; fee.

5.4.7.1. Whenever the building official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of the Florida Building Code and Florida Fire Prevention Code as incorporated by Division 1.18. of this Code ~~Collier County Standard Building Code, Collier County Electrical Code, Collier County Fire Prevention Code, Collier County Gas Code, Collier County Mechanical Code, Collier County Plumbing Code, or Collier County Swimming Pool Code~~ do not apply, or than an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the Florida Building Code and Florida Fire Prevention Code as incorporated by Division 1.18. of this Code ~~Collier County Standard Building Code, Collier County Electrical Code, Collier County Fire Prevention Code, Collier County Gas Code, Collier County Mechanical Code, Collier County Plumbing Code, or Collier County Swimming Pool Code~~ or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the authority having jurisdiction to the building board of adjustments and appeals. Notice of appeal shall be in writing and on appeal forms provided by the secretary of the building board. Notice of appeal shall be filed at the project review services section of the development services department within 30 days after the decision to be appealed is rendered by the authority having jurisdiction, except as set forth in the interlocal agreement appeals procedure. A fee in an amount to be set by the board of county commissioners shall accompany any such notice of appeal filed pursuant to this section.

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Sec. 5.4.9. Decisions of the building board of adjustments and appeals.

5.4.9.1. The building board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provisions of the Florida Building Code and Florida Fire Prevention Code as incorporated by Division 1.18. of this Code ~~Collier County Standard Building Code, Collier County Electrical Code, Collier County Fire Prevention Code, Collier County Gas Code, Collier County Mechanical Code, Collier County Plumbing Code, or Collier County Swimming Pool Code~~ to any particular case when the building board determines that the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of the code or public interest, or when the building board determines that the interpretation of the authority having jurisdiction should be modified or reversed.

* * * * *

SUBSECTION 3.O. AMENDMENTS TO DIVISION 6.3., DEFINITIONS

Division 6.3, Definitions, of Ordinance 91-102, as amended, the Collier County Land

Development Code is hereby amended to read:

DIVISION 6.3. DEFINITIONS

Sec. 6.3. Definitions:

Automobile Service Station: any commercial or industrial facility wherein the retail sale of gasoline is conducted. Where the sale of gasoline is provided only as a "secondary function," such as a retail establishment (i.e. - grocery store or warehouse) that provides gasoline for its customers/members as an incidental service, the structures and site related to the fuel facility will be considered an automobile service station.

~~Bicycle Path: That portion of a street, crosswalkway, and the like, paved or otherwise, intended for the use of bicycles, and if property sized, for pedestrians (see division 3.2)~~

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

Bike Lane: a portion of a roadway which has been designed, constructed, and designated by signing and pavement markings in accordance with the most current "Florida Bicycle Facilities Design Standards and Guidelines" requirements.

Density, residential: The number of residential dwelling units permitted per gross acre of land and allowed under the Comprehensive Plan's Density Rating System subject to limitations of the corresponding zoning district determined by dividing the development's total number of dwelling units by the total area of residential land within the legally described boundaries of the residential development's a lot(s) or parcel (s). Total residential land area does not include existing platted land area for vehicular rights-of-way, whether public or private, nor ~~and exclusive of~~ land within a planned unit development district that is to be used for commercial or industrial uses. Total residential land area may include land submerged beneath an existing freshwater body (e.g., ponds or lakes) so long as evidence of fee ownership of the submerged lands is provided at the time of development application, but may not include land submerged beneath tidal water bodies, nor lands considered to be marine wetlands. For purposes of calculating density the total number of dwelling units may be rounded up to the next whole number if the dwelling unit total yields a fraction of a unit .5 or greater.

Park, neighborhood: A public park, owned and maintained by Collier County which is intended to serve the needs of the local community and: is located within the E (Estates) zoning district, or any residential zoning district or residential component of a Planned Unit Development; is comprised of no more than five (5) acres of land; access to which is provided through non-vehicular means, with no on-site parking facilities; and provides only basic park facilities and amenities such as, but not limited to, sidewalks, non-air-conditioned shelters, bike racks, drinking fountains and playground equipment.

Sidewalk: That portion of a right-of-way or cross or crosswalk, paved or otherwise surfaced, intended for pedestrian use and also bicycle use, ~~if properly sized.~~ (See division 3.2.)

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 shall not affect the validity of the remaining portion.

SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

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

SECTION SIX: EFFECTIVE DATES

This Ordinance shall become effective upon filing with the Secretary of State, except for the provisions of Sub-section 3.C. adding Section 2.2.27, pertaining to the Rural Lands Stewardship Area (RLSA) and the corresponding Zoning District Overlay which will become effective upon adoption of this Ordinance.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County,
Florida, this 16th day of June, 2003.

ATTEST: BOARD
DWIGHT E. BROCK, CLERK

By: Patricia L. Morgan, DC
Deputy Clerk
Attest as to Chairman's
signature only.

Approved as to form and
legal sufficiency:

Patrick G. White
Patrick G. White
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: Donna Seale, Vice Chair
for TOM HENNING, CHAIRMAN

This ordinance filed with the
Secretary of State's Office the
26th day of June, 2003
and acknowledgement of that
filing received this 2nd day
of July, 2003

By: Jeri Michael, DC
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 2003-27

Which was adopted by the Board of County Commissioners on the 16th day of June, 2003, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 25th day of June, 2003.

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

Patricia L. Morgan, DC

By: Patricia L. Morgan,
Deputy Clerk