



ORDINANCE NO. 03- 01

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND DEVELOPMENT REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: ARTICLE 1, GENERAL PROVISIONS, DIVISION 1.9, ENFORCEMENT; ARTICLE 2, ZONING, DIVISION 2.2., ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS INCLUDING REVISIONS TO THE C-I THROUGH C-4 ZONING DISTRICTS LIST OF PERMITTED AND CONDITIONAL USES, GENERAL REQUIREMENTS FOR "PUD" DISTRICTS AND INCLUDING THE EXTENSION OF THE VANDERBILT BEACH RESIDENTIAL TOURIST ZONING DISTRICT INTERIM DEVELOPMENT CONTROLS (MORATORIUM); DIVISION 2.6, SUPPLEMENTAL DISTRICT REGULATIONS; DIVISION 2.7, ZONING ADMINISTRATION AND PROCEDURES; ARTICLE 3, DEVELOPMENT REGULATIONS, DIVISION 3.2, SUBDIVISIONS; DIVISION 3.3, SITE DEVELOPMENT PLANS; DIVISION 3.4, EXPLOSIVES; DIVISION 3.9, VEGETATION REMOVAL, PROTECTION ~~AND~~ PRESERVATION; DIVISION 3.13, COASTAL CONSTRUCTION SETBACK LINE VARIANCE; DIVISION 3.15, ADEQUATE PUBLIC FACILITIES; DIVISION 3.16, GROUNDWATER PROTECTION INCLUDING AMENDMENTS TO EXHIBIT A THEREOF ENTITLED WELLFIELD PROTECTION ZONE MAP SERIES; ARTICLE 5, DECISION-MAKING AND ADMINISTRATIVE BODIES, DIVISION 5.2, PLANNING COMMISSION; DIVISION 5.13, ENVIRONMENTAL ADVISORY COUNCIL; ARTICLE 6, DEFINITIONS, DIVISION 6.3, DEFINITIONS, INCLUDING BUT NOT LIMITED TO AMENDMENTS TO THE DEFINITION OF "ALLEY" AND THE ADDITION OF DEFINITIONS FOR "OUTPARCEL," "PASSENGER VEHICLES," AND "YARD-FRONT"; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATES.

2003 JAN 15 4:10:52

FILED

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 second amendment to the LDC, Ordinance 91-102, for the calendar year 2002; 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 December 11, 2002, and January 8, 2003, and did take action concerning these amendments to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, 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 1.9., ENFORCEMENT

Division 1.9, Enforcement, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 1.9 ENFORCEMENT

Sec. 1.9.9. Notice and appeal.

* * * * *

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:

* * * * *

4. ~~Schools, public and private.~~

* * * * *

2.2.3.4.3. *Minimum yard requirements.*

1. *Front yard.* 75 feet, except in the case of:
~~Conforming~~ corner lots, in which ~~only~~ one full depth setback shall be required along the shorter lot line along the street. The setback along the longer lot line may be reduced by up to 50 percent. Note: For lots which do not conform to the minimum lot width or area requirements, see definition of yard, front.

Non-conforming through lots, i.e. double frontage lots, legal nonconforming lots of record with double road frontage, which are nonconforming due to inadequate lot depth, in which case, the front yard along the local road portion shall be computed at the rate of fifteen percent of the depth of the lot, as measured from edge of the right-of-way.

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

* * * * *

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

* * * * *

2.2.4.2. The following uses are permitted as a right or as uses accessory to permitted uses, in the residential single-family districts (RSF).

* * * * *

2.2.4.2.1. *Permitted uses.*

* * * * *

3. ~~Schools, public (RSF-3 and RSF-5 zoning districts only, effective only through January 30, 2004).~~

* * * * *

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.

* * * * *

3. Schools, public (RSF-1, 2, and 4 zoning districts only, effective only through January 30, 2004) and private.

* * * * *

Sec. 2.2.12. Commercial professional and general office district. (C-1).

* * * * *

- 2.2.12.2. *Permitted uses.* The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the C-1 commercial professional and general office district.

* * * * *

2.2.12.2.1. *Permitted uses.*

* * * * *

18. Real estate (groups 6531--655241).

* * * * *

22. Any other commercial use or professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business and are purely associated with activities conducted in an office.

* * * * *

Sec. 2.2.13. Commercial convenience district (C-2).

* * * * *

- 2.2.13.2. *Permitted uses.* The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the C-2 commercial convenience district.

* * * * *

2.2.13.3. *Permitted uses.*

* * * * *

16. Personal services ~~with 1,800 square feet or less of gross floor area in the principle structure~~ (groups 7212, 7215, 7221--7251, no beauty or barber schools, 7291).

- ~~17. Security and commodity brokers, dealer, exchanges and services (groups 6211--6289).~~

- ~~17.18.~~ United States Postal Service (4311 except major distribution center).

- ~~18.19.~~ Veterinary services (0742 excluding outside kenneling).

~~19.20.~~ Videotape rental with 1,800 square feet or less of gross floor area in the principal principle structure (7841).

* * * * *

Sec. 2.2.14. Commercial intermediate district (C-3).

* * * * *

2.2.14.2. *Permitted uses.* The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the commercial intermediate district (C-3).

* * * * *

17. Museums and art galleries (8412) ~~art galleries only.~~

* * * * *

20. Personal services with 5,000 square feet or less of gross floor area in the principal structure (groups 7211, 7212, 7215, 7216 nonindustrial dry cleaning only, ~~7221--7251~~, 7291, 7299, babysitting bureaus, clothing rental, costume rental, dating service, depilatory salons, diet workshops, dress suit rental, electrolysis, genealogical investigation service, and hair removal only).

* * * * *

28. Any of the foregoing uses that are subject to a gross floor area limitation shall be permitted by right without the maximum floor area limitation if the use is developed as an individual structure that is part of a shopping center.

2.2.14.3. *Conditional uses.* The following uses are permissible as conditional uses in the commercial intermediate district (C-3), subject to the standards and procedures established in division 2.7.4.

* * * * *

4. Food stores with greater than 5,000 square feet of gross floor area in the principal structure (groups 5411--5499).

54. Homeless shelters, as defined by this Code.

65. Hospitals (groups 8062--8069).

76. Justice, public order and safety (groups 9211, 9222, 9224, 9229).

87. Social services (8322--8399).

98. Mixed residential and commercial uses, subject to the following criteria:

- a. A site development plan is approved pursuant to division 3.3 that is designed to protect the character of the residential uses and neighboring lands;
- b. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
- c. The residential uses are designed so that they are compatible with the commercial uses;

- d. Residential dwelling units are located above principal uses;
- e. Residential and commercial uses do not occupy the same floor of a building;
- f. The number of residential dwelling units shall be controlled by the dimensional standards of the C-3 district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building or the density permitted under the growth management plan;
- g. Building height may not exceed two stories;
- h. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
- i. The residential dwelling units shall be restricted to occupancy by the owners or lessees of the commercial units below;
- j. A minimum of 30 percent of the mixed-use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements; landscaped areas; recreation areas; or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
- k. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular accessways and parking areas from residential units, to the greatest extent possible.

10.9. Motion picture theaters, except drive-in (7832).

11.10. Permitted personal services, video rental or retail uses (excluding drug stores (5912)), with more than 5,000 square feet of gross floor area in the principal structure.

12.11. Permitted food service (eating places) uses with more than 6,000 square feet of gross floor area in the principal structure.

13.12. Permitted use with less than 700 square feet gross floor area in the principal structure.

14.13. Soup kitchens, as defined by this Code.

15.14. Vocational schools (8243--8299).

16.15. Any other intermediate commercial use which is comparable in nature with the foregoing list of permitted uses and consistent with the permitted uses and purpose and intent statement of the district, as determined by the board of zoning appeals.

* * * * *

Sec. 2.2.15. General commercial district (C-4).

* * * * *

2.2.15.2. *Permitted uses.* The following uses, as identified within the Standard Industrial Classification Manual, or as otherwise provided for within this section, are permitted as of right or as uses accessory to permitted uses in the general commercial district (C-4).

2.2.15.2.1. *Permitted uses.*

- * * * * *
13. Food stores (groups 5411--5499).
14. General merchandise stores (5311).
- ~~15.~~13. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. 4-193 F.A.C.; all subject to section 2.6.26.
- ~~16.~~14. Health services (groups 8051--8059, 8062-8069, 8071--8072 and 8092--8099).
- ~~17.~~15. Hotels and motels (groups 7011, 7021, 7041 when located within an activity center).
- ~~18.~~16. Marinas (4493, 4499 except canal operation, cargo salvaging, ship dismantling, lighterage, marine salvaging, marine wrecking, steamship leasing), subject to section 2.6.22.
- ~~19.~~17. Miscellaneous repair services (groups 7622--7641, 7699 except agricultural equipment repair, awning repair, beer pump coil cleaning and repair, blacksmith shops, catch basin, septic tank and cesspool cleaning, coppersmithing, farm machinery repair, fire equipment repair, furnace and chimney cleaning, industrial truck repair, machinery cleaning, repair of service station equipment, boiler cleaning, tinsmithing, tractor repair).
- ~~20.~~18. Miscellaneous retail (groups 5912-5963, 5992-5999).
- ~~21.~~19. Motion picture theaters (7832).
- ~~22.~~20. Public or private parks and playgrounds.
- ~~23.~~21. Personal services (groups 7215, 7217, 7219, 7261 except crematories, 7291--7299).
- ~~24.~~22. Real estate (group 6512).
- ~~25.~~23. Social services (groups 8322--8399, except for homeless shelters and soup kitchens).
- ~~26.~~24. [Reserved.]
- ~~27.~~25. Vocational schools (groups 8243--8299).

* * * * *

2.2.1.6.2.1. *Permitted uses.*

* * * * *

4. Barber shops (group 7241).

Sec. 2.2.20. Planned Unit development district (PUD).

2.2.20.1 *Purpose and intent.* The purpose and intent of establishing the planned unit development district (PUD) is to provide procedures and standards to encourage mixed use planned developments that may be ~~instituted~~ situated at appropriate locations, or planned developments that may or may not be mixed use in the urban fringe areas, all in accordance with the planning and development objectives of the county under the code and growth management plan. It is further the purpose and intent of these PUD regulations to encourage ingenuity, innovation and imagination in the planning, design, and development or redevelopment of relatively large tracts of land under unified ownership or control. PUDs produced in compliance with the terms and provisions of this code and the growth management plan may depart from the strict application of setback, height, and minimum lot requirements of conventional zoning districts while maintaining minimum standards by which flexibility may be accomplished, and while protecting the public interest, ~~so that~~ in order to:

1. Provide ~~A a~~ more creative, economical approach ~~may be taken to improve the quality of the built environment the development of~~ contiguous tracts of land which will ~~and to~~ encourage development of ~~zoning~~ infill parcels of contiguous tracts of land in certain circumstances.
2. Create ~~A a~~ more desirable environment providing for consistency and visual harmony ~~may be accomplished than that which~~ would be possible through strict application of the minimum requirements of this zoning code.
3. Encourage patterns of land use that support economical provisions of infrastructure ~~Land may be used more efficiently,~~ resulting in smaller networks of utilities and streets with consequent lower construction and future maintenance costs.
4. Evaluate ~~The~~ impact of a particular PUD on the present and projected population, economy, land use pattern, tax base, street system, and public facility networks(s) of the county ~~may be carefully evaluated~~ relative to the various costs and benefits ~~that may be~~ associated with such development.
5. Assure that ~~The~~ development employs techniques featuring amenities and excellence in the form of variations in siting, mixed land uses and/or varied dwelling types, as well as adaptation to and conservation of the topography and other natural characteristics of the land involved. Exceptions to variations in siting, mixed land uses and/or varied dwelling types may be granted on PUD infill development.

* * * * *

2.2.20.2 *General.*

2.2.20.2.1 *Relation of planned unit development regulations to the growth management plan, zoning, subdivision, or other applicable regulations.* All applications for PUDs shall be in full compliance with the future land use element and the goals, objectives, and policies of all elements of the growth management plan. Proposed PUD developments shall demonstrate consistency with “Smart Growth” principles as adopted in the most recent policy guide on smart growth by the American Planning Association (APA). All development regulations, including overlay districts or special development standards for specific land use types, or the like, supplemental regulations and other applicable provisions of all county

ordinances such as but not limited to, all provisions of the Collier County land development code, as may be amended, shall apply unless specifically modified by the approved PUD document and PUD master plan. Where the application for a PUD proposes to modify any of the regulations set forth in the land development code, the application, the PUD document and the PUD master plan shall specifically identify the code section number, the specific regulation and the proposed modification to such regulation, in a standard format established by the planning services director. An applicant for a PUD rezoning shall indicate on the official PUD rezoning application and within the PUD document the code section numbers, the specific regulation and the proposed modification to such regulation, in a standard format established by the planning services director. PUD site development plans and final plats shall be in compliance with all applicable regulations in force at the time of their approval.

* * * * *

2.2.20.2.3. *Planned unit development districts application processing.* An application for a planned development rezoning, amendment or change 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 planned development rezoning, amendment or change 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 rezoning, for a period of six (6) months. An application deemed “closed” will not receive further processing and an application “closed” through inactivity shall be deemed withdrawn. The planning services department will notify 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 project will be subject to the then current code.

2.2.20.2.3.4. *Unified control.* All land included for purposes of rezoning to a development within the PUD zoning district shall be owned or under the control of the applicant ~~for such zoning designation~~, whether that applicant be an individual, partnership or corporation, or a group of individuals, partnerships or corporations. The applicant shall present competent substantial evidence of the unified control of the entire area within the proposed PUD district and shall state agreement that if he proceeds with the proposed development, he will:

1. Notify the planning services department in writing of any change in ownership, control and/or name of the development.
- 1.2. Do so in accordance with:
 - a. The PUD master plan of development officially adopted for the district;
 - b. Regulations and development standards as set forth in the PUD document and PUD master plan;
 - c. Such other conditions or modifications as may be attached to the rezoning of land to the PUD classification; and
 - d. The Collier County growth management plan; and land development code.

2.3. Provide written agreements, contracts, deed restrictions, or sureties acceptable to the county for completion of the undertaking in accord with the adopted PUD master plan as well as for the continuing operation and maintenance of such areas, functions and facilities that are not to be provided, operated or maintained at general public expense; and

3.4. Bind his successors in title to any commitments made under section 2.2.20.

2.2.20.2-4.5. *Minimum area required.* The minimum area required for a PUD shall be ten contiguous acres except as otherwise provided for within a specific zoning or overlay district, or when located within an activity center or within the urban fringe areas as designated on the future land use map of the growth management plan where no minimum acreage requirements must be met. For infill parcels, as defined in article 6 and the growth management plan, the minimum area required for a PUD shall be two contiguous acres. For purposes of the planned unit development district only, the term "contiguous" shall include properties separated by either an intervening planned or developed public street right-of-way; provided, however, no portion of such separated properties shall be less than five acres.

2.2.20.2-5.6. *Development planning – External relationships.* Development within a PUD district shall be compatible with established or planned uses of surrounding neighborhoods and property. The PUD shall provide protection of the development from potentially adverse surrounding influences and protection of the surrounding area from potentially adverse influences generated by or within the PUD. Such protection shall include, but is not limited to, adequate buffering and screening as follows: fences, walls, or vegetative screening at the boundaries of PUD districts shall be provided at a minimum, in accordance with the landscaping/buffering requirements of division 2.4 to protect residents from undesirable views, lighting, noise or other adverse off-site influences, or to protect residents of adjoining districts from similar possible influences from within the PUD district. In all cases, screening shall at a minimum, be designated to protect existing or potential first-floor residential occupant window levels. Off-street parking areas for five or more cars, service areas for loading or unloading vehicles other than passengers, and areas for storage and collection of trash and garbage shall be so screened.

2.2.20.2.6.7. *Development planning – Internal relationships.* The development plan for a PUD district shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.

* * * * *

2.2.20.3 *Development standards.* In addition to all general provisions and procedures established in section 2.2.20.2, the following specific requirements, limitations and standards shall apply to all PUD districts except that section 2.2.20.3.1 shall not apply when there is no residential component within the PUD and section ~~2.2.20.3.1~~ 2.2.20.4.5, shall not apply when there is no industrial component in the PUD.

* * * * *

~~2.2.20.3.2~~ *~~Multifamily entry level rental housing areas.~~* ~~This area is intended to apply to an area of entry level multifamily residential rental units having a mid-rise profile silhouette and generally surrounded by low profile structures and open space and so situated that it is well-served by public~~

~~and commercial services and has direct and convenient access to thoroughfares and collector streets. Multifamily entry level rental housing regulations shall not be used in conjunction with affordable housing density bonus regulations.~~

1. ~~Permitted uses and structures.~~ No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:
 - a. ~~Multifamily rental dwelling units.~~
2. ~~Maximum density.~~ The maximum residential density permissible shall be guided, in part, by the density rating system contained in the future land use element of the growth management plan. The maximum density permissible or permitted shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.
3. ~~Minimum lot area requirement.~~ Five acres.
4. ~~Minimum lot width.~~ 150 feet as measured at the front yard building line setback.
5. ~~Minimum yard requirements.~~
 - a. ~~Depth of front yard:~~ 30 feet plus one foot for each two feet of building height over 30 feet.
 - b. ~~Depth of side yard:~~ 15 feet plus one foot for each two feet of building height over 30 feet.
 - c. ~~Depth of rear yard:~~ 30 feet plus one foot for each two feet of building height over 30 feet.
6. ~~Distance between structures.~~
 - a. ~~If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15 feet or a distance equal to one half the sum of their heights, whichever is the greater.~~
7. ~~Minimum and maximum floor area of principal structures.~~
 - a. ~~Efficiency apartments.~~
 - (1) ~~Minimum floor area: 450 square feet.~~
 - (2) ~~Maximum floor area: 525 square feet.~~
 - b. ~~One-bedroom apartment.~~
 - (3) ~~Minimum floor area: 450 square feet.~~
 - (2) ~~Maximum floor area 650 square feet.~~
 - b. ~~Two-bedroom apartment.~~
~~Minimum floor area: 650 square feet.~~
 - (2) ~~Maximum floor area: 900 square feet.~~
 - d. ~~Three-bedroom apartment.~~

~~(1) Minimum floor area: 900 square feet.~~

~~(2) Maximum floor area: 1,050 square feet.~~

~~8. Maximum height of structures.~~

~~a. Three living floors.~~

~~9. Landscaping. As required in division 2.4.~~

~~10. Minimum off-street parking.~~

~~a. Efficiency apartments: Two spaces per dwelling unit.~~

~~b. One bedroom: Two spaces per dwelling unit.~~

~~c. Two bedrooms or more: Two spaces per dwelling unit.~~

*

*

*

*

*

*

2.2.20.3.11. *Streets, drives, parking and service areas.* Streets, drives, parking, and service areas shall provide safe and convenient access to dwelling units and project facilities, and for service and emergency vehicles and shall be otherwise consistent with the Collier County Functional Classification and Future Roadway Plans, as may be amended from time to time. Streets shall not be so laid out and constructed so as not to require excessive cuts or fills or to interfere with desirable drainage in or adjacent to the district. In addition, all major arteries as shown on the master plan of development shall be limited access facilities and the only vehicular access thereto shall be public streets unless otherwise provided for within the approved PUD master plan.

1. Principal vehicular access points shall be designed to encourage smooth traffic flow and minimize hazards to vehicular or pedestrian traffic. Merging and turn lanes and/or traffic dividers shall be required where existing or anticipated heavy traffic flows indicate need. The interconnection of collector and local streets within the PUD to adjacent lands or developments shall be required except where determined by the transportation services department director that an interconnection is not feasible or warranted due to existing development patterns, transportation network needs, or the like. ~~encouraged, except that the~~ interconnection of local streets shall be designed to discourage through traffic, and not adversely impact local streets in the neighboring residential areas. Where streets within the district intersect adjoining streets, a visibility triangle shall be maintained.

*

*

*

*

*

*

2.2.20.3.12. *Signs, limitations.* Signs shall be in accordance with division 2.5.

2.2.20.4. PUD districts: The purpose and intent of establishing and identifying the following classifications is to identify a relationship between a proposed PUD and the other zoning districts within this code. The goal is to relate the purpose and intent of the PUD zoning district and the uses permitted within a PUD to defined zoning districts within this code and to establish appropriate uses and performance standards within this PUD, which are similar to those allowed by the most similar district(s). PUDs shall hereafter be defined by the following districts and shall be referenced as such within the PUD document as follows:

2.2.20.4.1. Residential planned unit development district. This district is intended to further the general purpose of a planned unit development district set forth in section 2.2.20 as it relates to residential areas. The principal use of any residential planned unit development is for human habitation in permanent and/or seasonal year-round dwelling units. The RPUD district shall be construed to include the following zoning districts: RSF-1, RSF-2, RSF-3, RSF-4, RSF-5, RSF-6, RMF-6, RMF-12, RMF-16, RT, VR, AND MH.

2.2.20.4.2. Community facilities planned unit development district. This district is intended to accommodate public facilities, institutional uses, open space uses, recreational uses, water-related or dependent uses, and other governmental, religious and community service activities which complement and are necessary to serve other zoning districts.

2.2.20.4.3. Commercial planned unit development district. This district shall be construed to include the following districts: C-1, C-2, C-3, C-4, C-5 and TTRVC. Accessory uses which may be permitted in the commercial planned unit development district include permanent and/or seasonal human habitation in multiple-family buildings and townhouses, transient housing in hotel or motel rooms, health care facilities, and other limited institutional uses.

2.2.20.4.4. Industrial planned unit development district. This district is intended to accommodate industrial development. The principal use of any industrial planned unit development is the manufacture of goods, materials and the storage/wholesale distribution of such goods or materials.

~~2.2.20.3.13.~~ 2.2.20.4.5. Special requirements for industrial planned unit developments. Industrial PUDs are intended to implement the industrial under criteria subdistrict as provided for in urban designated areas on the future land use map. The boundaries of the proposed PUD must be transitional, therefore, requiring uses along the perimeter to be compatible with nonindustrial uses. The project must have direct access to an arterial or collector level street or higher designation roadway, with an internal circulation system that prohibits industrial traffic from traveling through predominantly residential areas. The PUD must have central water and sewer, and shall not generate light, noise or odors so as to be incompatible with surrounding land uses. Minimum development standards shall be as described within this section, Special requirements for industrial planned unit developments. In industrial PUDs, no building or structure, or part thereof shall be erected, altered or used, or land or water used, in whole or in part, for other than as described below.

1. *Permitted principal uses and structures.*

- a. Corporate headquarters.
- b. Laboratories.
- c. Light manufacturing, processing and packaging.
- d. Medical laboratories, clinics, treatment facilities and research and rehabilitative centers.
- e. Printing, lithographing and publishing.
- f. Technological research, design and product development.

2. *Permitted accessory uses and structures.*

- a. Accessory uses and structures customarily associated with the uses permitted in this district.

- b. Recreational facilities such as a health spa, handball courts courses, and ~~golf courses~~, or other similar recreational activities.
- c. Restaurants, or offices available for use by the public or by employees of businesses located within the permitted and accessory use buildings.
- d. Child care centers.
- e. Wholesale and storage as accessory to the principal use.
- f. Retail sales and/or display areas as accessory to the principal use, not to exceed an area greater than ten percent of the gross floor area of the permitted principal structure.

3. *Development standards.*

- a. *Minimum PUD area.* Ten acres, except that a PUD less than ten acres but not less than two acres in size may be considered if it meets the requirements for infill parcels in this Code and the growth management plan and is compatible with surrounding land uses.
- b. *Minimum lot area.* One acre.
- c. *Minimum lot width.* 150 feet.
- d. *Minimum yard requirements.*
 - (1.) *Front yard:* 50 feet.
 - (2.) *Side yard:* 20 feet, except when abutting residentially zoned property then 50 feet.
 - (3.) *Rear yard:* 50 feet.
- e. *Maximum height of structures.* 65 feet, except when abutting residentially zoned property then 35 feet.
- f. *Landscape buffer areas.* As required in division 2.4.
- g. *Fence requirements.* When required, a fence shall be of masonry, wood, concrete block, or decorative iron or steel.
- h. *Outside storage or display.* No outside storage or display shall be permitted. All manufacturing, processing and packing shall be conducted within a fully enclosed building.
- i. *Usable open space requirements.* 30 percent of the gross PUD area.
- j. *Performance standards.* Environmental controls, sound-proofing, lighting and emission controls shall be required to mitigate impacts of the development on surrounding residential property.

2.2.20.4.6. Airport operations planned unit development district (AOPUD) This district is intended to accommodate and regulate those lands on which public airports and ancillary facilities are to be located.

2.2.20.4.7. Mixed use planned unit development district (MPUD) This district is intended to accommodate a planned unit development with more than one

type of PUD district. The PUD document shall define the mixture of PUD districts as set forth in this section.

~~2.2.20.3.14.~~ 2.2.20.4.7.1. Special requirements for mixed use planned unit developments containing commercial component. When a ~~residential~~ mixed use PUD containing a commercial tract or increment is located outside of an activity center, and is intended as a neighborhood village center offering personal services, offices and convenience goods for residents of the PUD, as provided for in the PUD Neighborhood Village Center subdistrict of the Future Land Use Element of the growth management plan, the following list of uses, regulations, development standards, and design guidelines shall apply.

* * * * *

2.2.20.4.8. Research and technology park planned unit development district. This district is intended to accommodate a planned unit development with a mixture of targeted industry uses – aviation/aerospace, health technology industry, information technology industry, and light, low environmental impact manufacturing industry and non-industrial uses, in accordance as set forth in this section 2.2.20.2.2.1 of this code and the growth management plan research and technology park subdistrict.

- 1. Type A – Research and technology park in the urban-mixed use district of the future land use element of the growth management plan.
- 2. Type B – Research and technology park in the urban commercial district of the future land use element of the growth management plan.
- 4. Type C – Research and technology park in the urban industrial district of the future land use element of the growth management plan.
- 5. At a minimum, 60 percent of the total park net acreage shall be devoted to target industry uses as defined in section 2.2.20.5.1 of this code, use regulations table.
- 6. Non-target industries, as defined in section 2.2.20.5.1 of this code, use regulations table, and workforce housing, shall be permitted to include up to 20 percent of the total park net acreage.
- 7. Access to arterial and collector road systems shall be in accordance with the Collier County Access Management Policy and consistent with objective 7 and policy 7.1 of the transportation element of the growth management plan.

2.2.20.5. Use regulations table. Use regulations for research and technology park planned development districts are as follows:

USE REGULATIONS FOR RESEARCH AND TECHNOLOGY PARK PLANNED UNIT DEVELOPMENT DISTRICTS

Identified use	Special Notes Or Regulation	RTPPUD
Accessory uses and structures	§2.6	P
Accounting 8721, 7521,7231,7241		NT
Administrative offices		P (2)
Aircraft & Parts 3721-3728		T
Aviation/Aerospace Industries		
ATM (automatic teller machine)		P
Automobile service station	§2.6.28	NT
Banks and financial establishments		
Group I 6011 - 6062		NT
Group II 6081 - 6173		NT
Bar or cocktail lounge		-
Barber Shops 7241		NT
Beauty Shops 7231		NT

Identified use	Special Notes Or Regulation	RTPPUD
Boats:		NT
Boat ramps and dockage (not marinas)	§2.6.12	
Boat rental	§2.6.21	
Boat repair and service	§2.6.22	-
Boat sales		NT
Broadcast studio, commercial radio and television		T
Business services 7311 – 7352, 7359-7389		NT
Cable and other pay television services 4841		T
Call Center and Customer Support Activities		T
Car wash		NT
CD-ROM development		T
Clothing stores, general		NT
Communication groups 4812-4841		T
Communication towers:		
75 feet or less in height	§2.2.15.3	P
More than 75 feet in height	§ 2.6.35	CU
Computer and data processing services, Computer related services, not elsewhere classified		T
Consumption on premises		NT
Convenience food and beverage store		NT
Day care center, adult & child services		P/NT
Data and Information processing		T
Development testing and related manufacturing		T
Drive-through facility for any Permitted use		P
Drugs, Medicine 2833-2836		T
Drugstore, pharmacy 5912		NT
Dwelling unit:		
Single-family, duplex		P
Two-family attached		P
Townhouse, multiple-family building		P
Educational, scientific and research organizations		T
Engineering 0781, 8711-8713, 8748		NT
Export based laboratory research or testing activities		T
Fences, walls	§2.6.11	P
Food and beverage service, limited		NT
Food stores 5411-5499		NT
Gasoline dispensing system, special		NT
General Merchandise 5331-5399		NT
General Contractors 1521-1542		NT
Gift and souvenir shop		NT
Hardware store 5251		NT
Health care facilities:		
8011 - 8049		NT
8051 - 8099		NT
Health Technologies		T
Heliport or helistop		P
Hobby, toy and game shops		NT
Hotel/motel: 7011, 7021, 7041		NT
Housing units for employees only	§2.6.25	P
Insurance companies 6311-6399, 6411		NT
Information Technologies		T
Laboratories 5047, 5048, 5049, 8071, 8731, 8734		T
Laundry or dry cleaning		NT
Legal Offices 8111		NT
MANUFACTURING OF:		
1. Electronics 3612-3699		T
2. Measuring, analyzing & Controlling instruments, 3812 - 3873		T
3. Novelties, jewelry, toys and signs		NT
Management 8741-8743, 8748		NT
Medical Laboratory 8071, 8072, 8092, 8093		T
Membership Organization 8611-8699		NT
Motion picture production studio 7812-7819		NT
Multimedia activities		T
Parks		P

Identified use	Special Notes Or Regulation	RTPPUD
Parking lot: Accessory Garage, public parking		P P
Personal services 7211-7299		NT
Pharmacy		NT
Photo finishing laboratory		T
Photographic Studios 7221		NT
Physical Fitness 7991		NT
Play Ground		P
Printing and publishing 2752		T
Production facilities and operations/technology based		T
Professional Office		NT
Research, development laboratories & Technology Parks: 8071, 8731, 8734 All others	See Note (3)	P P P
Residential Development including care units, family care facilities and group care facilities		P
Residential accessory uses		NT
Restaurant, fast food		NT
Restaurants 5812-5813		NT
Schools: Commercial 8243-8299		NT
Security & Commodity Brokers 6211-6289		NT
Self-service fuel pumps		NT
Signs in accordance with Div. 2.5	§2.5 Signs	P
Storage: Indoor only.		P
Studios		NT
Telephone communications 4813		T
Travel Agency 4724		NT

TABLE 2.2.20.5.1

LEGEND: (-) NOT PERMITTED, (P) PERMITTED, (CU) CONDITIONAL USE (T) TARGET INDUSTRY [RTPPUD ONLY], (NT) NON-TARGET INDUSTRY [RTPPUD ONLY]

Notes:

- (1) Subject to limitations for commercial uses set forth in section 2.2.13. of this code.
- (2) Accessory uses only
- (3) Subject to Ordinance 02-24 (Growth Management Plan Amendment).

2.2.20.6. Special requirements for research and technology park planned unit development districts:

1. Minimum lot area. 20,000 square feet.
2. Minimum lot width. 100 feet except lots abutting arterial or collector roads shall have a minimum frontage width of 250 feet.
3. Minimum yard requirements:
 - a. Front yard: 25 feet.
 - b. Side yard: 15 feet, except when abutting residentially zoned property, then 25 feet.
 - c. Rear yard: 15 feet.

d. Minimum yard requirement from any
residentially zoned or used property: 25 feet.

* * * * *

**Section 2.2.36 Establishment of interim development controls (moratorium) for the
Vanderbilt Beach Residential Tourist (RT) Zoning District.**

* * * * *

2.2.36.2 *Duration.* ~~For a period not to exceed one year the date of the adoption of
this amendment to the land development code, t~~The issuance of any
development orders for certain land uses as set forth in subsection 2.2.36.4
of this code is prohibited until January 31, 2004.

* * * * *

2.2.36.4.1.1 *Prohibited uses.* The issuance of any development order that would allow
the following uses is hereby prohibited ~~for a maximum one-year period
until January 31, 2004,~~ while the Vanderbilt Beach residential tourist
zoning district area assessment is being conducted.

* * * * *

**SUBSECTION 3.C. 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 SUPPLEMENTAL DISTRICT REGULATIONS

* * * * *

2.6.9. Essential Services.

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

* * * * *

2.6.9.2. *Conditional uses.* The following uses require approval pursuant to section 2.7.5.
as conditional uses:

a. in every zoning district: electric or gas generating plants, effluent tanks, major
re-pump stations, sewage treatment plants including percolation ponds,
hospitals, hospices, water aeration or treatment plants, governmental facilities,
except as otherwise specified by section. 2.6.9.1 of this code;

b. in residential, agricultural and estate zoned districts: ~~except as otherwise
specified by section. 2.6.9.1;~~ regional parks, community parks, safety service
facilities, and other similar facilities; , except as otherwise specified by section
2.6.9.1 of this code;

c. in residential zoned districts: branch libraries.

* * * * *

Sec. 2.6.30. Provisions of polling places.

At the time the board of county commissioners approves a zoning request to a planned unit development (PUD) or any other residential development involving a project of more than 100 dwelling units, or at the time the board of county commissioners approves a PUD amendment, any residential project which will have a community recreation/public building/public room or similar common facility, shall be required to provide polling places in said community recreation/public building/public room if a polling place is determined to be necessary by the board of county commissioners. The board shall consider the recommendation of the supervisor of elections in reaching such determination.

If a residential PUD or a residential project is a private development with a restricted and/or monitored entrance which limits access to residents of that development, their guests and necessary maintenance workers, a polling place may be required by the board to be provided in any community recreation/public building/public room or similar facility; however, the controlling entity of that private development may not limit the use of the polling places to the residents of that private development. Access to the polling place shall be provided to all individuals arriving to vote or work at the polling place during official voting hours, including the time required to establish the polling place, tabulate and post the voting results.

* * * * *

SUBSECTION 3.D. 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. 2.7.2. Amendment procedures.

* * * * *

2.7.2.3.5. *Public participation requirements for rezonings, PUD amendments, conditional uses, variances or parking exemptions.*

1. Applicants requesting a rezoning, PUD amendment, or conditional use approval shall conduct at least one public neighborhood informational meeting within 30 days of receipt of the county staff's initial review and comments on the application. ~~after a pre-application meeting with and prior to submitting a sufficient application to the planning services department.~~ Written notice of the meeting shall be sent to all property owners who are required to receive legal notification from the county pursuant to section 2.7.2.3.2. Notification shall also be sent to property owners, condominium and civic associations whose members are impacted by the proposed land use changes and who have formally requested the county to be notified. A list of such organizations shall be provided and maintained by the county, but the applicant shall bear the responsibility of insuring that all parties are notified. A copy of the list of all parties noticed as required above, and the date, time, and location of the meeting, shall be furnished to the planning services department and

the office of the board of county commissioners no less than ten days prior to the scheduled date of the ~~publie~~ neighborhood informational meeting. The applicant shall make arrangements for the location of the meeting. The location should be reasonably convenient to those property owners who are required to receive notice and the facilities shall be of sufficient size to accommodate expected attendance. The applicant shall further cause a display advertisement, one-fourth page, in type no smaller than ~~18~~ 12 point and shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear stating the purpose, location, and time of the meeting, to be placed within a newspaper of general circulation in the county at least seven days prior to the ~~publie~~ neighborhood informational meeting. The Collier County staff planner assigned to attend the pre-application meeting, or designee, shall also attend the ~~publie~~ neighborhood informational meeting and shall serve as the facilitator of the meeting, however, the applicant is expected to make a presentation of how it intends to develop the subject property. The applicant is required to audio or video tape the proceedings of the meeting and to provide a copy of same to the planning services department.

2. As a result of mandated meetings with the public, any commitments made by the applicant shall be reduced to writing and made a part of the record of the proceedings provided to the planning services department. These written commitments will be made a part of the staff report to the county's appropriate review and approval bodies and made a part of the consideration for inclusion in the conditions of approval of any applicable development order.
3. ~~Any applicant requesting variance approval or parking exemption approval shall provide documentation to the planning services department indicating that property owners within 150 feet of the subject site have been advised of the extent and nature of the variance or parking exemption requested within 30 days of receipt of a letter indicating that the application is sufficient. Where it has been determined that there is a property owner, functioning condominium or civic association who has made formal request of the county to be notified, then the applicant shall provide written documentation to the planning services department indicating that such property owner or organization has also been notified concerning the extent and nature of the variance or parking exemption requested. The applicant shall provide a written account of the result of such meeting and shall submit any and all written communications to the planning services department. A written account of the meeting, the list of property owners, homeowner or condominium associations notified and any other written communications shall be submitted to the planning services department at least two weeks prior to the scheduled date of the first advertised public hearing.~~
4. Where it has been determined that there is a property owner, functioning condominium or civic association which has made formal request of the county to be so notified, then the applicant shall provide written documentation to the planning services department indicating that such property owner or organization has also been notified concerning the extent and nature of the variance or parking exemption requested. The applicant shall provide a written account of the result of such notice and shall submit any and all written communications to the planning services department. A list of property owners, homeowner or condominium associations notified and any other written communications shall be submitted to the planning services department at least two weeks prior to the scheduled date of the first advertised public hearing.

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

* * * * *

2.7.2.15. *Site development plan time limits.* Approved final site development plans (SDPs) shall only remain valid and in force for two years from the date of approval unless construction has commenced as specified in section 3.3.10.3 of this code. If no development (i.e., actual construction), has commenced within two years, measured from the date of such site development plan approval, the site development plan shall ~~expire~~ approval term expires and the SDP, is of no force or effect; however, one amendment to the SDP, may be approved, prior to the expiration date, which would allow the SDP as amended to remain valid for two years measured from the date of approval of the amendment so long as the proposed amendment complies with the requirements of the then existing code. ~~One one-year extension may be granted for good cause shown upon written application submitted to the development services director prior to expiration of the preceding approval. When extending the final site development plan approval, the development services director shall require the approval to be modified to bring the plan into compliance with any new provision of this Code in effect at the time of the extension request. Once construction has commenced, the approval term will be determined by the provisions of section 3.3.10.3. of this code.~~

2.7.2.16. *Rezoning application processing time.* An application for a rezoning, amendment or change 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 rezoning, amendment or change 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 rezoning, amendment or change, for a period of six (6) months. An application deemed "closed" will not receive further processing and shall be withdrawn. 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 submission of a new application, repayment of all application fees and the grant of a determination of "sufficiency". Further review of the request will be subject to the then current code.

* * * * *

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

2.7.3.1. *Application and PUD master plan submission requirements.* Applications for amendments to, or rezoning to PUD shall be in the form of a PUD master plan of development and a PUD document. The plan shall have been designed by an urban planner who possesses the education and experience to qualify for full membership in the American Institute of Certified Planners; and/or a landscape architect who possesses the education and experience to qualify for full membership in the American Society of Landscape Architects, together with either a practicing civil engineer licensed by the State of Florida, or a practicing architect licensed by the State of Florida, and shall be comprised, at a minimum, of the following elements:

2.7.3.1.1. *PUD master plan.* The PUD master plan shall include the following information ~~unless determined to be unnecessary~~ to graphically illustrate the development strategy. The Community Character Plan For Collier County, Florida (April 2001) should be referenced as a guide for development and redevelopment in the PUD district.

* * * * *

4. Identification of all proposed tracts or increments illustrating boundaries within the PUD such as, but not limited to: residential; office and retail; commercial; industrial; institutional; conservation/preservation; lakes and/or other water management facilities; common open space; types of buffers with a cross-section for any buffer which deviates from that which is otherwise required by the land development code; 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, and provisions for ownership, operation, and maintenance. All non-residential tract dimensions and boundaries shall be illustrated on the master plan;

5. Identification of all proposed and permitted land uses pursuant to section 2.2.20.4. of this code 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 leaseable floor area and an outline of the proposed building footprint and an indication of the proposed building height for each structure within the individual tracts or increments. Descriptions of the relationship of the proposed land uses to each other within the PUD and to land uses abutting/surrounding the project;

* * * * *

7. The location of all proposed major internal thoroughfares and pedestrian accessways, including interconnecting roadways within the PUD as well as with abutting uses;

8. Typical cross sections of all major, collector, and local streets, public or private, within the ~~proposed~~ PUD;

9. The location of proposed and existing roads, rights-of-way, and pedestrian systems within 1,500 ~~200~~ feet of the proposed PUD;

* * * * *

11. Information on previous and recent ~~Other~~ uses of land;

12. Proposed vehicular ingress and egress points;

13. Any other relevant information determined to be necessary by the planning services department director.

2.7.3.1.2. ~~Supporting data.~~ PUD document. The applicant shall submit ~~D~~data supporting and describing the application for rezoning to PUD in the form of a PUD document. The PUD document shall be submitted in both an electronic version and printed version in a format as established by the planning services director. The submittals shall conform to the most recent standardized format established by the planning services department director. The PUD document which shall consist of contain the following information

unless determined by the director to be unnecessary to describe the development strategy:

* * * * *

5. General location map drawn to scale, illustrating north point and showing relationship of the site to such external facilities as highways, shopping areas, cultural complexes and the like;

* * * * *

8. Boundary survey (no more than 6 months old) and legal description;

9. Proposed and permitted land uses within each tract or increment;

10. Dimensional standards for each type of land use proposed within the PUD. Dimensional standards shall be based upon an established existing zoning district that most closely resembles the development strategy, particularly the type, density and intensity, of each proposed land use. All proposed variations or deviations from dimensional standards of the most similar zoning district shall be clearly identified. No deviations from the fire code will be permitted, except as otherwise allowed by that code;

* * * * *

12. The proposed location of all ~~other~~ roads and pedestrian systems, with typical cross sections, which will be constructed to serve the PUD;

* * * * *

16. The location and nature of all ~~other~~ existing public facilities, such as schools, parks, and fire stations that will service the PUD and like;

17. A plan for the provision of all needed utilities to serve and within the PUD; including (as appropriate) water supply, sanitary sewer collection and treatment system, stormwater collection and management system, pursuant to related county regulations and ordinances;

* * * * *

21. When determined necessary to adequately assess the compatibility of proposed uses to existing or other proposed uses, ~~their~~ relationship to open space, recreation facilities, or traffic impacts, or to assess requests for reductions in dimensional standards, the ~~development services~~ planning services department director may request schematic architectural drawings (floor plans, elevations, perspectives) for all proposed structures and improvements, as appropriate;

22. Deviations to sections of the land development code other than to dimensional standards related to building placement such as yard requirements, lot area requirements, building height and the like, shall be identified in the PUD document by citing the specific section number of the regulation and indicating the proposed modification to such regulation.

- 2.7.3.1.3. Deviations from the required master plan elements. The ~~development services~~ planning services department director may exempt a petition from certain required elements for the PUD master plan pursuant to section 2.7.3.1.2 of this code of the PUD master plan when the petition contains conditions, which demonstrate that the element may be waived without a detrimental effect on the health, safety and welfare of the community. All exemptions shall be

noted within the PUD submittal and provided the board of county commissioners.

* * * * *

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

* * * * *

2.7.3.2.2. *Prehearing conference.* ~~Any application for rezoning to PUD, together with all materials prescribed herein, shall be submitted to the development services director.~~ Prehearing conferences may be held between the applicant and/or his representatives and officials or representatives of the county prior to advertisement of the hearing date. The purpose of such prehearing conferences shall be to assist in bringing the application for rezoning to PUD as nearly as possible into conformity with the intent of these or other applicable regulations, and/or to define specifically any justifiable variations from the application of such regulations.

2.7.3.2.3. *Staff review and recommendation.* Based upon its evaluation of the factors set forth above, the ~~appropriate~~ county staff shall prepare a report containing their review findings, and a recommendation of approval or denial.

2.7.3.2.4. *Hearing before the planning commission.* Public notice shall be given and a public hearing held before the planning commission on the application for rezoning to PUD. Both the notice and the hearing shall identify the application, by name and application number, proposed PUD master plan of development, and required statements as they may have been amended as a result of the prehearing conference conducted pursuant to section 2.7.3.2.2.

2.7.3.2.5. *Planning commission recommendation.* The planning commission shall make written findings as required in section[s] 2.7.2.5 through 2.7.2.8 and as otherwise required in this section and shall recommend to the board of county commissioners either approval of the PUD rezoning as proposed; approval with conditions or modifications; or denial. In support of its recommendation, the planning commission shall make findings as to the PUD master plan's compliance with the following criteria in addition to the findings in section[s] 2.7.2.5 through 2.7.2.8:

* * * * *

2. Adequacy of evidence of unified control and suitability of ~~any proposed~~ agreements, contract, or other instruments, or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense. Findings and recommendations of this type shall be made only after consultation with the county attorney.

* * * * *

2.7.3.2.6. *Action by board of county commissioners.* Unless the application is withdrawn by the applicant or deemed "closed" pursuant to section 2.2.20.2.3. of this code, the board of county commissioners shall, upon

receipt of the planning commission's recommendation, advertise and hold a public hearing on the application. The notice and hearing shall be on the application, and PUD master plan of development and PUD document, as recommended by the planning commission to the board of county commissioners. The board of county commissioners shall either grant the proposed rezoning to PUD; approve with conditions or modifications; or deny the application for PUD rezoning.

* * * * *

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

2.7.3.4. *Time limits for approved PUDs master plans.* ~~Should the development services director determine that the development has not commenced in earnest, then upon review and consideration of the report provided by the owner and any supplemental information that may be provided, the board of county commissioners shall elect one of the following:~~

~~1. To extend the current PUD approval for a maximum period of two years; at the end of which time, the owner will again submit to the procedure as defined herein.~~

~~2. Require the owner to submit an amended PUD in which the unimproved portions of the original PUD shall be consistent with the growth management plan. The existing PUD shall remain in effect until subsequent action by the board on the submitted amendment of the PUD.~~

~~3. If the owner fails to submit an amended PUD within six months of board action to require such an amended submittal, then the board may initiate proceedings to rezone the unimproved portions of the original PUD to an appropriate zoning classification consistent with the future land use element of the growth management plan.~~

~~The owner entity shall submit to the development services director a status report on the progress of development annually from the date of the PUD approval by the board of county commissioners. The singular purpose of the report will be to evaluate whether or not the project has commenced in earnest in accordance with the criteria set forth above. PUDs approved prior to October 24, 2001 remain subject to the PUD five year sunset provision. Amendments made thereafter shall be subject to the three year provision. PUDs and PUD amendments made thereafter shall be subject to the three year sunset provision.~~

~~If in the even of a moratorium or third party litigation challenging the development order or other action of government that prevents the approval of any final development order the duration of the suspension of the approval shall not be counted towards the sunset provision.~~

~~Should the development services director determine that the development has commenced in earnest, then the land shall retains its existing PUD approval~~

~~and shall not be subject to additional review and consideration of new development standards or use modification.~~

~~Should the development services director determine that the development has not commenced in earnest, then upon review and consideration of the report provided by the owner and any supplemental information that may be provided, the board of county commissioners shall elect one of the following:~~

~~1. To extend the current PUD approval for a maximum period of two years; at the end of which time, the owner will again submit to the procedure as defined herein.~~

~~2. Require the owner to submit an amended PUD in which the unimproved portions of the original PUD shall be consistent with the growth management plan. The existing PUD shall remain in effect until subsequent action by the board of the submitted amendment of the PUD.~~

~~3. If the owner fails to submit an amended PUD within six months of board action to require such an amended submittal, then the board may initiate proceedings to rezone the unimproved portions of the original PUD to an appropriate zoning classification consistent with the future land use element of the growth management plan.~~

~~In the case of developments of regional impact, time limit restrictions shall be superseded by the passing plan and/or time limits contained within the application for development approval and approved as part of a development order in conformance with F.S. 380.06.~~

For purposes of this section, the word "sunset" or "sunsetting" shall be the term used to describe a PUD which has, through a determination made by the planning services department director, not met the time frames and development criteria outlined in sections 2.7.3.4.1. or 2.7.3.4.2. of this code as applicable. For all PUDs, the owner entity shall submit to the planning services department director a status report on the progress of development annually from the date of the PUD approval by the board of county commissioners. The purpose of the report will be to evaluate whether or not the project has commenced in earnest in accordance with the following criteria:

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

A. Obtain approval for improvement 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 five years from the date of approval by the board of county commissioners; and

B. Receive final local development orders for at least 15 percent of the total number of approved dwelling units in the PUD, or in the case of PUDs consisting of nonresidential uses, 30 percent of the total approved gross leasable floor area within the PUD every six years from the date of approval by the board of county commissioners.

C. Any PUD approved before October 24, 2001 that receives subsequent amendment approval shall be subject to the development criteria and time limits established for those PUDs approved on or after October 24, 2001 as outlined in section 2.7.3.4.2. of this code.

2.7.3.4.2. For PUDs approved on or after October 24, 2001 the land owner shall:

A. For residential portions of PUDs, initiate physical development of infrastructure improvements, including access roads, internal

roads, sewer and water utilities and any other related infrastructure, that supports a minimum of 15 percent of the designated residential area or areas of the PUD by the third anniversary date of the PUD approval. An additional 15 percent of such infrastructure shall be completed every year thereafter until PUD buildout; and

B. For the nonresidential portions of PUDs and commercial and industrial PUDs the owner entity shall initiate physical development of a minimum of 15 percent of authorized floor area when approved on the basis of a defined amount of floor space, by the third anniversary date of the PUD approval. In the event the floor area is not the defining intensity measure, then 25 percent of the land area to include some representative portion of the building space shall be constructed by the third anniversary of the PUD approval date. The same amount of development shall be required every year thereafter up to an amount representing 75 percent of authorized buildable area and floor area. Thereafter the PUD shall be exempt from these sunset provisions.

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

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

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

1. request for a PUD extension; or

2. request for PUD amendment.

2.7.3.4.5. Board of county commissioners action on PUDs which have sunsetted. Upon review and consideration of the appropriate application, or the status report provided by the property owner and any supplemental information that may be provided, the board of county commissioners shall elect one of the following:

1. To extend the current PUD approval for a maximum period of two years; at the end of which time, the property owner shall again submit to the procedure as defined herein, however no further development order applications shall be processed by the county until the PUD is officially extended.

2. Approve or deny an application for a PUD amendment. The existing PUD shall remain in effect until subsequent action by the board of county commissioners on the submitted amendment to the PUD, however no further development order applications shall be processed by the county until the PUD is officially amended.

3. Require the owner to submit an amended PUD. The existing PUD shall remain in effect until subsequent action by the board of county commissioners on the submitted amendment to the PUD, however no

further development order applications shall be processed by the county until the PUD is officially amended.

- A. If the owner fails to submit an amended application to the PUD within six months of the action of the board of county commissioners to require such a submittal, or the board denies the request to amend the PUD, then the board of county commissioners may initiate proceedings to rezone the unimproved portions of the original PUD to an appropriate zoning classification consistent with the future land use element of the growth management plan.

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

1. Maximum extension: There shall be a maximum of two extensions. The first may be granted for a maximum of 2 years from the date of original approval. The second extension, may be granted for an additional 2 years from the date of expiration of the first extension.
2. Approval of an extension shall be based on the following:
 - a. The PUD and the master plan is consistent with the current growth management plan including, but not limited to, density, intensity and concurrency requirements; and
 - b. The approved development has not become incompatible with existing and proposed uses in the surrounding area as the result of development approvals issued subsequent to the original approval of the PUD zoning; and
 - c. approved development will not, by itself or in conjunction with other development, place an unreasonable burden on essential public facilities.
3. An extension request shall consist of the following:
 - a. A completed application form provided to the property owner by the county; and
 - b. A copy of the original PUD approval ordinance; and
 - c. A written statement describing how the criteria listed in subsection 2.7.3.4.6.2. of this code have been met; and
 - d. A fee paid in accordance with the county fee resolution.
 - e. Any other information the planning services director deems necessary to process and evaluate the request.
4. No more than two extensions may be granted for any development original approval date.
5. Any PUD developer who has not commenced development pursuant to the sunset provisions set forth in section 2.7.3.4. of this code within ten years of the original PUD approval date shall submit a new rezoning application.

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

- A. The board of county commissioners approves a request for extension of PUD zoning status.
- B. The board of county commissioners approves an amendment to the existing PUD.

Should the planning services department director determine that development has commenced in earnest, then the land shall retain its existing PUD approval and shall not be subject to additional review and consideration of new development standards or use modification pursuant to the provisions for time limits for approved PUDs.

In the case of developments of regional impact, PUD time limit restrictions shall be superseded by the phasing plan and/or time limits contained within the application for development approval and approved as part of a development order in conformance with F.S. § 380.06.

* * * * *

2.7.3.5. *Changes and amendments.*

2.7.3.5.2. *Procedure for substantial/substantial change determination.*

* * * * *

1. The applicant shall provide the ~~development services~~ planning services department director documentation which adequately describes the proposed changes along with the appropriate review fee prior to review by the planning commission. The PUD master plan map shall show all data normally required for submittal of a PUD master plan unless it is otherwise determined not to be necessary, describing the proposed changes in: land use; densities; infrastructure; open space, preservation or conservation areas; area of building square footage proposed for nonresidential development; change in potential intensity of land use and related automobile trip movements, and relationships to abutting land uses. In addition, the applicant, for evaluation of PUD master plan revisions, shall provide a detailed written narrative describing all of the change(s) and the reasons for the request. Upon receipt of the amended PUD master plan, the ~~development services~~ planning services department director shall review said plan against criteria established within section 2.7.3.5.1 above and may forward the plan to any other agency, division or authority deemed necessary for review and comment.

- 2.7.3.5.6. *Minor changes not otherwise provided for.* It shall be understood that, while a PUD is required to describe and provide for infrastructure, intended land use types, approximate acreages of internal development tracts, and compatibility with adjacent land uses, minor changes may become necessary during the subdivision or site development plan review processes.

The planning services director shall also be authorized to allow minor changes to the PUD master plan during its subdivision improvements plan or site development plan process to accommodate topography, vegetation and other site conditions not identified or accounted for during its original submittal and review and when said changes have been determined to be compatible with adjacent land uses, have no impacts external to the site, existing or proposed, and is otherwise consistent with the provisions of this code and the growth management plan. Such changes shall include:

1. Internal realignment of rights-of-way, including a relocation of access points to the PUD itself, where no water management facility, conservation/preservation areas, or required easements are affected or otherwise provided for.

2. Relocation of building envelopes when there is no encroachment upon required conservation or preservation areas.
3. Relocation of swimming pools, clubhouses, or other recreation facilities when such relocation will not affect adjacent properties or land uses.
4. Relocation or reconfiguration of lakes, ponds, or other water facilities subject to the submittal of revised water management plans, or approval of the environmental advisory board where applicable.

Minor changes of the type described above shall nevertheless be reviewed by appropriate staff to ensure that said changes are otherwise in compliance with all county ordinances and regulations prior to the ~~development—services~~ planning services department director's consideration for approval.

- 2.7.3.6. *Monitoring requirements.* In order to ensure and verify that approved project densities or intensities of land will not be exceeded and that development commitments will be fulfilled, annual monitoring reports shall be submitted by the developer/owner or authorized agent of a PUD to the ~~development services director~~ planning services department director. The monitoring report shall be submitted annually, on each anniversary of the date said PUD was approved by the board until the PUD is completely constructed and all commitments in the PUD document/master plan are met. The monitoring report shall provide the following information:

* * * * *

9. Other information as may be required by the ~~development services~~ planning services department director.

- 2.7.3.6.1. *Change of ownership.* A change in ownership shall not absolve the original owner of the requirement to file an annual monitoring report. Transferring responsibility for filing the annual monitoring report to an entity other than the original owner may be demonstrated in the form of an executed agreement between the original owner and the new entity which when filed with the ~~site development review director~~ planning services department director shall automatically transfer responsibility for filing the annual monitoring report.

* * * * *

- 2.7.3.8. *Interpretations of PUD documents.* The ~~development—services~~ planning services department director shall be authorized to interpret the PUD document and PUD master plan.

- 2.7.3.9. *Applicability.* All applications for either a PUD rezoning or an amendment to an existing PUD document or PUD master plan submitted after January 8, 2003, shall comply with the amended procedures set forth in section 2.7.3. of this code. All PUDs existing and future, shall comply with the sunset provisions established pursuant to subsection 2.7.3.4. of this code.

* * * * *

Sec. 2.7.5. Variance procedures.

* * * * *

- 2.7.5.1.1. *Types of variances authorized.* A variance is authorized for any dimensional development standard, including the following height, area, and size of structure; height of fence; size of yards and open spaces; dimensional aspects of landscaping and buffering requirements; size, height, maximum number of, and minimum setback for signs; and minimum requirements for off-street parking facilities.

SUBSECTION 3.F. AMENDMENTS TO DIVISION 3.2., SUBDIVISIONS

Division 3.2., Subdivisions, 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. 3.2.4. Exemptions.

3.2.4.8. *Lot line adjustment / reconfiguration.* An adjustment of a lot line between contiguous lots or parcels which may be platted or unplatted and which are under separate ownership or the same ownership shall be exempt from this division if all of the following conditions are met in a written request to the ~~development services engineering review~~ director:

3.2.4.8.1 It is demonstrated that the request is to correct an engineering or surveying error in a recorded plat or is to permit an insubstantial boundary change between adjacent parcels; ~~such insubstantial change shall not exceed the creation of two lots from three platted lots; and~~

* * * * *

3.2.4.8.3. Instrument(s) evidencing the lot line adjustment shall be filed in the official records of Collier County, Florida, upon approval, and shall indicate that the result of the lot line adjustment will meet the standards of, and conforms to, the requirements of this code, including the dimensional requirements of the zoning district and the subdivision in which the lots are located. However, in cases of an existing nonconforming lot of record, the adjustment shall not increase the nonconformity of the lot; and

* * * * *

Sec. 3.2.6. Subdivision review procedures.

* * * * *

3.2.6.4.8 *Expiration.* All required improvements associated with the construction and maintenance agreement shall be completed within ~~36~~ 18 months from the date of recording of the final subdivision plat, or, if construction of required improvements is undertaken prior to recording the final subdivision plat, within ~~36-18~~ months from the date of approval of the final subdivision plat by the board of county commissioners. If improvements are not completed within the prescribed time period and a subdivision performance security has been submitted, the ~~development services engineering review~~ director may recommend to the board that it draw upon the subdivision performance security or otherwise cause the subdivision performance security to be used to complete the construction, repair, and maintenance of the required improvements. All of the required improvements shall receive final acceptance by the board of county commissioners within 36 months from the date of the original board approval. The developer may request a one-time, one-year extension to receive final acceptance of the improvements.

* * * * *

3.2.6.5.1. *General.* The required improvements constructed under the policies, procedures, guidelines, and requirements established in this division shall

be approved and accepted by the board of county commissioners as prescribed in this section 3.2.6.5. All applicable completed water and sewer facilities shall simultaneously be conveyed to Collier County, or to Collier County Water-Sewer District or its dependent water-sewer districts, where appropriate, or the appropriate water-sewer district in conformance with the provisions of Collier County Ordinance No. 88-76 [Code ch. 134, art. III], as amended. All roadway improvements intended to be turned over to Collier County for operation and maintenance shall provide a checklist for public road acceptance, along with all required information, prior to any such acceptance. This section 3.2.6.5 describes the policies, procedures and data required to obtain approval and acceptance of all required improvements constructed.

* * * * *

3.2.6.5.8 *Conditional final acceptance.* At the discretion of the engineering review director, a developer may apply for a conditional final acceptance. The conditional final acceptance may occur when the required subdivision improvements, with the exception of the final lift of asphalt, and in certain cases, portions of the sidewalk(s) have received a satisfactory final inspection. The developer shall provide a performance security in the amount of 150 percent of the estimated cost of the remaining improvements. Additionally, the developer shall provide a letter to the engineering review director, which confirms the developer's intent to complete all of the remaining improvements within a 12 month time period. Additional one year extensions may be approved by the engineering review director.

* * * * *

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 as well as being digitally created on one or more CDROM disks. 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 and 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 the Collier County GIS department on CDROM disk or from an on-line electronic download. In addition, all improvement plans shall, at a minimum include, but not be limited to:

* * * * *

3.2.8.3.14. *Polling places.* Any residential development or subdivision which will have a clubhouse, community recreation/public building/public room or similar common facility, shall not refuse to allow such facility to be utilized as a polling place for county, state, city and/or federal elections on the day of said election. Said facility shall be restricted to voting only and shall not include ballot tabulation or the announcement of vote totals. Dully qualified electors who are nonresidents of the development shall be allowed entrance to a "residents only" development for voting purposes only. shall be required to provide polling places in said community recreation/public building/public room if a polling place is determined to be necessary by the supervisor of elections. Access to the polling place shall be provided to all individuals arriving to vote or work at the polling place during official voting hours, including the time required to establish the polling place, tabulate and post the voting results.

* * * * *

SUBSECTION 3.6. AMENDMENTS TO DIVISION 3.3., SITE DEVELOPMENT PLANS

Division 3.3., Site Development Plans, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.3 SITE DEVELOPMENT PLANS

* * * * *

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

A. A pre-application meeting shall be conducted by the planning services director, or his/her designee, prior to the submission of any site development or site improvement plan for review. This meeting may be waived by the planning services director upon the ~~written~~ request of the applicant.

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

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

3.3.7.1.2. *Site development plan.* A site development plan and a coversheet prepared on a maximum size sheet measuring 24 inches by 36 inches drawn to scale, ~~and setting forth the following information when applicable:~~

A. The following information shall be set forth on the coversheet:

1. The project title and the name, address and phone number of the firm or agent preparing the plans and the name, address and telephone number of the property owner.
2. Zoning designation and land uses on the subject and adjacent properties of the subject property. In the event that the property is zoned PUD (Planned Unit Development), the name of the PUD and the number of the ordinance approving the rezone to PUD.
- ~~3. North arrow, scale and date.~~
43. Vicinity map clearly identifying the location of the development and its relationship to the surrounding community.
54. A legal description and the property appraiser's property identification number(s)/folio number(s) for the subject property or properties.

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

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

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

* * * * *

d. For residential projects, total number of units, units per acre, and a unit breakdown by square footage and number of bedrooms, as well as minimum/maximum (as applicable) floor area required and floor area proposed.

e. For nonresidential projects, total building footage and a square footage breakdown by use (i.e., office, retail, storage, etc.) and its percentage of the total building; for hotels and motels, the minimum/maximum (as applicable) floor area, or proposed floor area ratio, required, and floor areas.

* * * * *

g. Maximum building height allowed and proposed building height.

h. Zoning and land use of the subject property and adjacent properties, including properties abutting an adjacent right-of-way or right-of-way easement.

i. North arrow, scale, and date.

73. A parking summary in matrix form which shall include:

a. Type of use.

b. Total square footage ~~per~~ broken down by use.

c. Required parking ratio-, number of standard spaces required by use, and number provided.

d. ~~Number of spaces required by use.~~

e. ~~Number of spaces provided by use.~~

d. Number of loading spaces required and provided (if applicable).

e. Number of spaces provided by use.

84. The following information must be included in the SDP packet:

a. Information in the Standard Building Code, type of construction, number of stories, total square footage under roof, occupancy/use and fire sprinkler intentions of all proposed structures so that a needed fire flow may be determined. ~~NFPA 1141.~~

- b. A fire hydrant flow test report from the applicable fire district for the closest hydrant(s) to the project so that the available fire flow may be determined. ~~NFPA 1141.~~

95. Illustrative information accurately depicted ~~on the site development plan~~ shall be as follows unless waived at the pre-application meeting:

- a. A boundary survey, prepared by a professional surveyor, showing the location and dimensions of all property lines, existing streets or roads, easements, rights-of-way, and areas dedicated to the public. This survey shall be accompanied either by an attorney's opinion of title, or by a sworn statement from the property owner(s) stating that he or she has provided sufficient information to the surveyor to allow the accurate depiction of the above information on the survey.

* * * * *

- p. Traffic circulation, signing and marking plan, to include outside and inside radii for all turn movements using a common pivot point for both radii at each location.

- qp. Any additional relevant information as may be required by the planning services director.

- qr. Off-site access, roadway elevation, building and other physical features a minimum of 200 feet from the property unless otherwise determined necessary or feasible by the planning services or transportation planning director.

106. For projects subject to the provisions of division 2.8., ~~five sets of~~ architectural drawings, signed and sealed by a licensed architect, registered in the state of Florida.

- a. Scaled elevation for all sides of the building;
- b. Scaled wall section from top of roof to grade depicting typical elevation with details and materials noted, and rendered to show materials and color scheme with paint chips and roof color samples;
- c. Site sections showing the relationship to adjacent structures; and
- d. A unified sign plan as required division 2.8.

Representations made on the site development plan shall become conditions of approval. Building plans and ~~Architectural~~ drawings submitted in conjunction with an application for any building permits shall be consistent with the building plans and architectural drawings submitted and approved for the SDP or SIP.

* * * * *

3.3.7.1.3. Digital requirements for site development plans. A site development plan shall also be digitally created on one or more CDROM disks. 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 and 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 the Collier County GIS department on CDROM disk or from an on-line electronic download.

* * * * *

Sec. 3.3.8. Site improvement plan review.

3.3.8.6 Performance securities for site development plans. In the case of multi-family the developments with individually owned units which are served by subdivision type improvements, i.e. driveways which function as access roads and drainage improvements, the developer shall be required to post a performance security in a form as outlined in section 3.2.9.1.5 of this code. Calculations for the amount of the security shall be determined as outlined in division 3.2 subdivisions, of this code. The performance security shall be accepted by the county prior to the issuance of the first certificate of occupancy for the site development plan. Upon a satisfactory final inspection of the improvements, which shall be no later than 24 months from approval of the site development plan, the performance security shall be returned to the developer. One year extensions may be granted by the engineering review director.

* * * * *

Sec. 3.3.10. Site development plan time limits for review, approval and construction.

1. Site development plans (SDPs), once accepted for review, will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time, the application for site development plan review will be considered withdrawn and cancelled. Further review of the project will require a new application subject to the then current code.
2. Approved site development plans (SDPs) shall only remain valid and in force for two years from the date of their approval unless construction has commenced, as follows. If no development/actual construction has not commenced within two years, measured by the date of the SDP approval letter, the site development plan shall expire approval term expires and the SDP is of no force or effect; however, one amendment to the SDP may be approved prior to the expiration date, which would allow the SDP, as amended, to remain valid for two years measured from the date of approval of the amendment so long as the proposed amendment complies with the requirements of the then existing code. A one-year extension may be granted for good cause shown upon written application submitted to the planning prior to expiration of the preceding approval. When extending the site development plan approval, the planning services director shall require the approval to be modified to bring the plan into compliance with any new provisions of this Code in effect at the time of the extension request. Once construction has commenced, the approval term will be determined as follows:
3. The construction of infrastructure improvements approved by an SDP shall be completed, and the engineer's completion certificate provided to the engineering services director, within eighteen (18) months of the pre-construction conference, i.e., commencement of construction. A single, six-month extension to complete construction may be granted for good cause shown if a written request is

submitted to, and approved by, the engineering services director prior to expiration of the then effective approval term. Thereafter, once the SDP approval term expires the SDP is of no force or effect.

* * * * *

SUBSECTION 3.H. AMENDMENTS TO DIVISION 3.4., EXPLOSIVES

Division 3.4., Explosives, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.4. EXPLOSIVES

* * * * *

Sec. 3.4.5. Permit application requirements and conditions.

* * * * *

3.4.5.1. *General application requirements.* Application for the Collier County user/blaster permit shall be pursuant to a letter of application for the permit signed by the user and filed with the development services department engineering services department. The application letter shall detail the purpose of the permit and shall include, but shall not be limited to, the following data and information or, where applicable, shall have such data and information submitted as an attachment. It is not the intent of this division to require an applicant who has previously obtained a State of Florida user of explosives license or explosive blaster permit to again produce original data and information (other than the originals requested in section[s] 3.4.5.1.1 through 3.4.5.1.6 below) that was supplied as part of the application process for the state license or permit and which original data and information is on file with the development services department engineering services department. In the event that application data or information required by this section has been previously supplied to the department of natural resources, the applicant may supply copies of such information to Collier County to fulfill the specific data or information requirement.

* * * * *

3.4.5.1.7. ~~A legal description~~ Location of the site at which blasting will occur, including section, township, and range.

* * * * *

3.4.5.1.10. Blasting activities will not be permitted within 350 feet of any existing structures, structures under construction, or within 350 feet of public roads ways rights-of-way.

* * * * *

Sec. 3.4.5.2. *Blasting explosives information.*

* * * * *

3.4.5.2.2. A full description of the following blasting information (in cases where a manufacturer, distributor or dealer who is acting as a user in conjunction with a commercial excavation and that site's representative(s) is purchasing explosives and has a user's license, it shall be the responsibility of the site's user or blaster to supply the appropriate information contained below to the development services director for review and approval prior to placement of explosives within the ground):

* * * * *

~~7. The hour of the day when blasting will occur.~~

7. 8. The pounds per shot when underwater “doby” detonation is performed (if such information is applicable to the blasting activity).

* * * * *

Sec. 3.4.7. Permit application review procedures.

3.4.7.1. Upon submittal of the ~~letter~~ of application to the office of the ~~development engineering services director~~ services director, processing shall commence.

* * * * *

3.4.7.1.3. Pre-blast inspections.

1. Prior to detonation of explosives a list of all pre-blast inspections performed shall be provided to the engineering Plan Review and Inspections Sservices department. Pre-blast inspections are required for structures if one of the following conditions has been satisfied:

a. If the structure is within a distance of ~~150~~ 200 feet times the square root of the charge away from the blast, as illustrated by the following formula:

$$D = \sqrt{200 \times W}$$

(Where “D” equals the distance in feet and “W” equals the weight of the charge in pounds of explosives per delay.)

b. If the structure is within ~~300~~ 500 feet of the blast permitted for any size charge.

2. Pre-blast inspections shall be conducted by an independent seismologist, vibration engineer, structural engineer, or their representative. The pre-blast survey inspection shall consist of complete documentation of all visible interior and exterior defects observed at the structure. The inspection documentation shall be prepared on eight and one-half by 11 or eight and one-half by 14 sheet(s) of paper. The date of the inspection must be indicated on the documentation.

Interior and/or exterior 35 mm photographs of the structure and appurtenances containing defects must be identifiable as to the location and date taken.

A list of all pre-blast surveys shall be received by the Eengineering Plan Review and Inspections Sservices department no later than five days prior to the planned commencement of blasting. A location map indicating the streets and structures involved shall be submitted together with this list.

* * * * *

3.4.7.1.4 Pre-blast notification

1. The applicant shall provide written notification to residents who

have not received a pre-blast inspection of the pending blast at least ten days prior to the commencement of the initial blast. The notification brochure shall be mailed or placed on the front door of each individual residence within the notification radius. A list of the property owners who were notified shall be furnished to the county prior to blasting.

- 2. Notification shall be distributed to all properties containing structures within a radius calculated for a scaled distance of ~~150~~ 200 feet, plus an additional 50 percent.

* * * * *

- 4. If blasting is suspended in an area for a period of 90 days or longer, renotification of all, residents within the radius calculated for a scaled distance of ~~150~~ 200 feet plus an additional 50 percent shall be accomplished at least seven days prior to the re-commencement of blasting.

* * * * *

3.4.7.2. Within ten working days after an letter of application has been fully completed, as determined by the development services director, or his designee, and submitted to the engineering Development Sservices director, or his designee, the engineering development services director, or his designee, shall:

* * * * *

- 3.4.7.2.1. Approve the ~~letter~~ of application and issue a permit with such conditions, if any, which may be deemed necessary; or

* * * * *

Sec. 3.4.13. Restrictions for the use and handling of explosives.

* * * * *

3.4.13.5. Blasting permit and limits.

3.4.13.5.1 It shall be unlawful for any person, to blast, fire, detonate or use any amount of explosive within the territorial limits of the county without fist obtaining a blasting permit as hereinafter provided by this section; provided that in any event it shall be unlawful for any person to blast, fire or detonate or use any amount of explosives which would result in a resultant peak particle velocity in excess of 0.5 inches per second when measured on the ground at the nearest building or structure finished or under construction not owned by the permittee, or at a location identified by the seismologist of record and the ~~planning services director~~ engineering services director, or designee. A blasting control procedure is herby established by adopting an 80 percent rule for controlling blasting in urban construction environments. If 80 percent of the allowable particle velocity is exceeded, no blasting may be undertaken until a letter, facsimile transmission, or telephone call with a follow-up letter or facsimile transmission is provided by the blasting permit applicant to the county identifying a revised blasting mythology which provides procedures that will be implemented to assure that a peak particle velocity of 0.5 inches per second will not be exceeded.

* * * * *

**SUBDIVISION 3.I. AMENDMENTS TO DIVISION 3.9., VEGETATION
REMOVAL, PROTECTION AND PRESERVATION**

Division 3.9., Vegetation Removal, Protection and Preservation, 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 RESERVATION**

Sec. 3.9.7. Appeal by aggrieved person ~~from enforcement~~.

Any person who feels aggrieved by the application of this division, except one who is the subject of a violation of this division that has not been lawfully abated, may file, no later than ~~within~~ 30 days after the occurrence of the event(s) which first gave rise to said grievance and upon payment of the required fee, a written petition with the development planning services director, to have the case reviewed by the board of county commissioners. The petition filed shall specifically state all relevant and material facts pertinent to the event(s) which gave rise to the grievance as well as the remedy or relief being sought on review. The planning services director, no later than 30 days after receipt of a sufficient petition, will prepare an appropriate written response thereto, and then schedule the case to be reviewed by the board of county commissioners at its next regularly scheduled public meeting.

* * * * *

**SUBSECTION 3.K. AMENDMENTS TO DIVISION 3.13., COASTAL
CONSTRUCTION SETBACK LINE VARIANCE**

Division 3.13., Coastal Construction Setback Variance of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.13 COASTAL CONSTRUCTION SETBACK LINE VARIANCE

Sec. 3.13.6. Procedures for obtaining variances.

* * * * *

3.13.6.2 Notice and public hearing for coastal construction setback line variances. An application for coastal construction setback line (CCSL) variance shall be considered by the board of county commissioners pursuant to the following public notice and hearing requirements.

1. The applicant shall post a sign at least 45 days prior to the date of the public hearing by the board of county commissioners. The sign shall contain substantially the following language and the sign copy shall utilize the total area of the sign:

PUBLIC HEARING REQUESTING
CCSL VARIANCE APPROVAL

(both to contain the following information:)

TO PERMIT: (Sufficiently clear to describe the type of variance requested).

DATE: _____

TIME: _____

TO BE HELD IN BOARD OF COUNTY COMMISSIONERS
MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER.

2. The area of a property sign shall be as follows:
 - a. For a property less than one acre in size, the sign shall measure at least one and one-half square feet in area.
 - b. For a property one acre or more in size, the sign shall measure at least 32 square feet in area.
 3. In the case of a sign located on a property less than one acre in size, such sign shall be erected by the development services director in full view of the public on each street side of the subject property and on the side of the property visible from the beach. Where the property for which approval is sought is landlocked or for some other reason a sign cannot be posted directly on the subject property, then the sign shall be erected along the nearest street right-of-way, with an attached notation indicating generally the distance and direction to the subject property.
 4. In the case of sign(s) located on a property one acre or more in size, the applicant shall be responsible for erecting the required sign(s). The sign(s) shall be erected in full view of the public on each street upon which the subject property has frontage and on the side of the property visible from the beach. Where the subject property is landlocked, or for some other reason the sign(s) cannot be posted directly on the property, then the sign(s) shall be erected along the nearest street right-of-way, with an attached notation indicating generally the distance and direction to the subject property. There shall be at least one sign on each external boundary which fronts upon a street, however, in the case of external boundaries along a street with greater frontages than 1,320 linear feet, signs shall be placed equidistant from one another with a maximum spacing of 1,000 linear feet, except that in no case shall the number of signs along an exterior boundary fronting on a street exceed four signs. The applicant shall provide evidence to the planning services department that the sign(s) were erected by furnishing photographs of the sign(s) showing the date of their erection at least ten days prior to the scheduled public hearing by the board of county commissioners. The sign(s) shall remain in place until the date of either of the following occurrences: 1. final action is taken by the board of county commissioners or 2. the receipt of a written request by the planning services department director from the applicant to either withdraw or continue the petition indefinitely.
 5. Notice of the time and place of the public hearing by the board of county commissioners shall be advertised in a newspaper of general circulation in the county at least one time and at least 15 days prior to the public hearing. Where applicable, the notice shall clearly describe the proposed variance. The advertisement shall also include a location map that identifies the approximate geographic location of the subject property.
 6. The board of county commissioners shall hold one advertised public hearing on the proposed variance and may, upon the conclusion of the hearing, immediately adopt the resolution approving the variance
- ~~3.13.6.3.1. The board of county commissioners shall within 60 days of the filing of the petition, hold a public hearing thereon upon due public notice.~~

~~3.13.6.3.2. Due public notice shall mean at least 15 days' notice of the time and place of such hearing published one time in a newspaper of general circulation in the area.~~

3.13.6.4-3 The board of county commissioners shall notify petitioner in writing of its decision within 15 days of the public hearing.

3.13.6.54 Any person aggrieved by a decision of the board of county commissioners granting or denying a variance may apply to the circuit court of the circuit in which the property is located for judicial relief within 30 days after rendition of the decision by the board of county commissioners. Review in the circuit court shall be by petition for a writ of certiorari and shall be governed by the Florida Appellate Rules.

* * * * *

SUBSECTION 3.L. AMENDMENTS TO DIVISION 3.15., ADEQUATE PUBLIC FACILITIES

Division 3.15., Adequate Public Facilities, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.15. ADEQUATE PUBLIC FACILITIES

~~Code reference--Adequate public facilities ordinance, § 106-71 et seq.~~
State law reference(s)--Concurrency, F.S. § 163.3180.

Sec. 3.15.1. Short title, authority and applicability.

3.15.1.1. *Short title.* This division shall be known and may be cited as the "Collier County Adequate Public Facilities ~~Ordinance~~ Regulations."

* * * * *

Sec. 3.15.3. Definitions.

For the purposes of this division only, the following terms are defined as follows:

* * * * *

3.15.3.3. *Capital drainage facilities* means the planning of, engineering for, acquisition of land for, or the construction of drainage and water management facilities necessary for proposed development to meet the level of service (LOS) for drainage facilities.

* * * * *

3.15.3.5. *Capital road facilities or capital road improvement* means and will shall include transportation planning for, engineering for, right-of-way acquisition for, ~~engineering for~~, and construction of any project eligible for inclusion as a road project in the road component of the Capital Improvement Element (CIE) of the Collier County Growth Management Plan or the Five-Year Florida Department of Transportation ~~Plan~~ Work Program.

* * * * *

3.15.3.9. *Comprehensive plan* means a plan that meets the requirements of F.S. §§ 163.3177 and 163.3178, and shall mean the Collier County Growth

Management Plan, where referenced in this division. See, subsection 3.15.3.19.

- 3.15.3.10. ~~Reserved.~~ Constrained facilities are those road facilities which have been so designated by action of the board of commissioners (BCC) upon the recommendation of the Transportation Administrator once it has been determined that the road facility will not be expanded by two or more through lanes due to physical, environmental, or policy constraints.
- 3.15.3.10.1 Physical constraints exist when intensive land use development is immediately adjacent to existing through lanes making road facility expansion cost prohibitive, or when a road facility has reached the maximum through lane standards acceptable to the county. For county maintained facilities, the maximum through lane standard for a road facility will be no greater than six through lanes with allowances for auxiliary or service lanes as deemed operationally necessary. For state maintained facilities, the maximum through lane standard will be as designated by the Florida Department of Transportation.
- 3.15.3.10.2. Environmental and policy constraints exist when decisions are made not to expand a road facility based on environmental, historical, archaeological, aesthetic or social impact considerations. Policy constraints are artificial barriers to road facility expansions based on environmental or political realities within a community. Unlike physical constraints, however, these barriers to road facility expansion can change over time, as needs and community goals change.
- 3.15.3.11. Deficient road segment means a county or state road segment on the major road network system that is operating below its adopted level of service standard (LOS) as determined by roadway service volumes calculated by the Transportation Division administrator. the following:
- ~~3.15.3.11.1. A county or state road segment on the major road network system that either:~~
- ~~3.15.3.11.1.1. Has an adopted LOS "C" peak season, peak hour, that has operated below LOS "C" peak season, peak hour, based on the annual update and inventory report ("AUIR"); or~~
- ~~3.15.3.11.1.2. Has an adopted LOS "D" peak season, peak hour, that has operated below LOS "D" peak season, peak hour, for two years or more based on the AUIR; or~~
- ~~3.15.3.11.1.3. Has an adopted LOS "D" peak season, peak hour, that is operating below LOS "E", peak season, peak hour, based on the AUIR; or~~
- ~~3.15.3.11.1.4. Has an adopted LOS "E" peak season, peak hour, that is operating worse than LOS "E" peak season, peak hour, based on the AUIR.~~
- ~~3.15.3.11.2. In determining the capacity of a county road segment or a state road segment for the purpose of determining whether it is a deficient road segment, the county shall consider:~~
- ~~3.15.3.11.2.1. Any capital road improvement currently in place;~~
- ~~3.15.3.11.2.2. Any capital road improvement that is under construction;~~
- ~~3.15.3.11.3. 3.15.3.11.2.3. Any capital road improvement guaranteed in an enforceable development agreement that includes the provisions in subsections 3.15.3.10.2.1 and 3.15.3.10.2.2.;~~

~~3.15.3.11.4. 3.15.3.11.2.4. The actual construction of the required capital improvement is included and is scheduled to commence in or before the third year of the state's five-year work program and the county's current five-year capital improvement schedule adopted as part of the growth management plan; and~~

~~3.15.3.11.2.5. The Board of County Commissioners has made an express finding, after a public hearing, that the current five-year capital improvement schedule is based on a realistic, financially feasible program of funding from existing revenue sources~~

3.15.3.11.1 Roadway service volumes shall be determined based on the methodology contained in the most recent edition of the "Highway Capacity Manual," Transportation Research Board, National Research Council, Washington, D.C., the Florida Department of Transportation (FDOT) procedures and applications, and the level of service standards set forth in the Capital Improvements and Transportation Elements of the Growth Management Plan.

3.15.3.11.2. In determining the capacity of a county road segment or a state road segment for the purpose of determining whether it is a deficient road segment, the Transportation administrator shall consider:

1. Current roadway facilities including, but not limited to, number of lanes, provision of turn lanes, operation of intersections and number of signals.

2. Capital road improvements under construction.

3. Any improvements that are guaranteed in an enforceable development agreement in which the improvements are completed or under construction before the impacts from the development or phased development accrue to the roadway system.

4. Construction of the required capital improvement is included in or before the third year of either the state's five-year work program or the county's current five-year capital improvement schedule adopted as part of the Growth Management Plan except as otherwise provided by law.

* * * * *

3.15.3.13. Development agreement generally has the meaning contemplated in F.S. § 163.3220 et seq., except that any developer contribution agreement approved by the board of county commissioners will also meet the terms of this definition.

3.15.3.14. Development has the meaning given it in F.S. § 380.04.

3.15.3.15. Development order means any order, permit, determination, or action granting, denying, or granting with conditions as an application for any final local development order, building permit, temporary use permit, temporary construction and development permit, sign permit, well permit, spot survey, electrical permit, plumbing permit, occupational license, boat dock permit, HVAC permit, septic tank permit, right-of-way permit, blasting permit, excavation permit, construction approval for infrastructure (including water, sewer, grading, paving), approved development of regional impact (DRI), zoning ordinance amendment, comprehensive plan amendment, flood variance, coastal construction control line variance, tree removal permits, site development plan approval, subdivision approval (including plats, plans, variances, and amendments), rezoning, PUD

amendment, certification, conditional use (provisional use), variance, or any other official action of Collier County having the effect of permitting development, as defined in this division.

* * * * *

3.15.3.18. *Final local development order* means ~~any valid, unexpired for this division only, a final approved subdivision plat, a final approved site development plan, or~~ building permit or mobile home tie-down permit issued by the county.

* * * * *

3.15.3.20. *Land development regulations* mean ordinances enacted by Collier County pursuant to F.S. § 163.3161 *et seq.*, for the regulation of development, and includes any zoning, subdivision, ~~impact fee~~, building construction, or sign regulations, or any other regulations controlling the development of land.

3.15.3.21. Level of service (LOS) means an indicator of the extent or degree of service provided by, or proposed to be provided by, a public facility based on, and related to, the operational characteristics of the public facility, as adopted in the Collier County growth management plan. LOS will be stated as shall indicate the capacity per unit of demand for each public facility.

3.15.3.21.1 *Level of service calculations for roads facilities* means calculations ~~that are performed annually following the end of the calendar year by comparing average annual daily traffic counts to the annual average daily traffic service volume look-up tables in the traffic circulation element. These tables are calculated to express the annual average daily traffic volumes based upon the 100th highest volume hour of the year, or peak season, peak hour. Annual average daily traffic (AADT) is generally calculated as the average of a daily 24-hour two-way volume, counted in each of the four seasons of the year. On some low volume roads, a single annual count may be taken and factored to the annual average daily traffic volume using a monthly or quarterly factor. for peak hour traffic on a roadway segment for maximum service volumes at the adopted level of service. Peak hour is calculated as the 100th highest hour based on a 10 month period (omitting February and March) which is generally equivalent to the 250th highest hour for a 12-month period. For design of roadway capacity projects, the 30th highest hour for a 12-month period at LOS "D" will be utilized.~~

3.15.3.23. LOS for capital park facilities means 2.9412 acres per 1,000 persons for regional park land; 1.2882 acres per 1,000 persons for community park land; and ~~\$179.00~~ \$240.00 of capital investment per capita (at current cost) for recreational facilities.

3.15.3.24 LOS for capital potable water facilities varies between public water systems and private water systems. For the Collier County Wwater and Ssewer Ddistrict the LOS is 185 gallons per capita per day (GPCD). For the Goodland water district the LOS is 163 GPCD. For the City of Naples unincorporated service area the LOS is 163 GPCD. For the Everglades City unincorporated service area the LOS is 163 GPCD. For independent districts and private potable water systems, the LOS is the "sewage" flow design standards as identified in Policy 1.3.1 of the Potable Water Sub-Element of the Growth Management Plan as follows, except that approved private wells are exempt from these LOS requirements.

Type of Establishment Gallons Per Day (GPD)

Airports
 (a) Per passenger 5
 (b) Add per employee 20

Barber and beauty shops (per chair) 100

Bowling alleys (toilet wastes only per lane) 100

Country club
 (a) Per resident member 100
 (b) Per member present 25
 (c) Per employee 20

Dentist offices
 (a) Per wet chair 200
 (b) Per non-wet chair 50

Doctors office (per doctor) 250

Factories, exclusive of industrial wastes (gallons per person per shift)
 (a) No showers provided 20
 (b) Showers provided 35

Food service operations
 (a) Ordinary restaurant (per seat) 50
 (b) 24-hour restaurant (per seat) 75
 (c) Single service articles only (per person) 25
 (d) Bar and cocktail lounge (per person) 30
 (e) Drive-in restaurant (per car space) 50
 (f) Carry out only
 -1. Per 100 square feet of floor space 50
 -2. Add per employee 20
 (g) Institutions (per meal) 5

Hotels and motels
 (a) Regular (per room) 150
 (b) Resort hotels, camps, cottages (per person) 75
 (c) Add for establishments with self service laundry facilities (per machine) 400

Office building (per employee per 8 hour shift) 20

Service stations (per water closet and per urinal) 250

Shopping centers without food or laundry (per square foot of floor space) 0.1

Stadiums, race tracks, ball parks (per seat) 5

Stores per square foot of floor space 0.1

Theaters
 (a) Indoor, auditoriums (per seat) 5
 (b) Outdoor, drive-ins (per space) 10

Trailer/mobile home park (per trailer space) 200

Travel trailer/recreational vehicle park
 (a) Travel trailer (overnight), without water and sewer hook-up (per trailer space) 75
 (b) Travel trailer (overnight), with water and sewer hook-ups (per trailer space) 100

Swimming and bathing facilities, public (per person) 10

Churches (per seat) 3

Hospitals (per bed) 200

Nursing, rest homes (per bed) 100

Parks, public picnic
 (a) With toilets only (per person) 5
 (b) With bathhouse, showers and toilets (per person) 10

Public institutions other than schools and hospitals (per person) 100

Schools (per student)
 (a) Day type 15
 (b) Add for showers 5
 (c) Add for cafeteria 5
 (d) Add for day school workers 15
 (e) Boarding type 75

Work/Construction camps

Semi-permanent (per worker) 50
 Residences
 (a) single or multiple family (per dwelling unit) one bedroom and 600 square feet or less heated or cooled area 150
 Two bedrooms and 601-1,000 square feet heated or cooled area 300
 Three bedrooms and 1,001-2,000 square feet heated or cooled area 450
 Four or more bedrooms and more than 2,000 square feet heated or cooled area 600
 (b) Other (per occupant) 75

3.15.3.25. *LOS for capital road facilities on the major road network system are as set forth in Policy 1.1.5 of the Capital Improvement Element and Policy 1.4 of the Transportation Element of the Growth Management Plan, varies depending on the type of road, and is based on a defined peak season, peak hour. The LOS on the following county roads is LOS "E" peak season, peak hour:*

Road Segment
 Airport Road Pine Ridge Road to Golden Gate Parkway
 Golden Gate Pkwy Airport Rd. to Santa Barbara Blvd.
 Goodlette-Frank Rd. Pine Ridge Rd. to Golden Gate Parkway
~~Goodlette-Frank Rd. Golden Gate Parkway to U.S. 41~~
 Pine Ridge Road Airport Road to I-75
 The county has declared as "constrained" the following segment:
 Vanderbilt Beach Rd. U.S. 41 to Gulfshore Drive

~~On all other county roads on the major road network system, the LOS is "D" peak season, peak hour; however such a county road segment may operate at LOS "E", peak season, peak hour, for a period not to exceed two fiscal years so as to provide Collier County time to make the capital road improvements needed to restore the road to LOS "D" peak season, peak hour, or better.~~
~~The LOS on state and federal roads shall be as follows based on peak season, peak hour:~~

Road	Rural Area	Existing Urbanized Area	Transitioning Urbanized Area
I-75	B	C	C
US41	C	D	D
SR-84	C	D	D
SR-951	-	D	D
SR-29	C	-	-
SR-82	C	-	-

3.15.3.26. *LOS for capital sanitary sewer facilities varies between public sanitary sewer systems and private sanitary sewer systems. The LOS for public sanitary sewer systems is 100 gallons per capita per day (gpcd), plus 21 percent for nonresidential development, making the LOS 121 gpcd. the North Sewer Area is 145 gallons per capita per day (gpcd). The LOS for the South Sewer Area is 100 gallons per capita per day (gpcd). The LOS for the City of Naples unincorporated sewer service area is 121 gallons per capita per day (gpcd).*

The LOS for independent districts and private sanitary sewer systems is the sewage flow design standards identified in Policy 1.2.1 of the Sanitary Sewer Sub-element of the Growth Management Plan, as required by the State of Florida in Chapter 10-D-6, F.A.C. These standards vary according to the type of land use. They are as follows, except that aApproved private septic systems are exempt from these LOS requirements.

Type of Establishment Gallons Per Day (GPD)

Airports

(a) Per passenger 5

(b) Add per employee 20

Barber and beauty shop (per chair) 100

Bowling alleys (toilet wastes only per lane) 100

Country club

(a) Per resident member 100

(b) Per member present 25

(c) Per employee 20

Dentist office

(a) Per wet chair 200

(b) Per non-wet chair 50

Doctors offices (per doctor) 250

Factories, exclusive of industrial wastes (gallons per person per shift)

(a) No showers provided 20

(b) Showers provided 35

Food service operations

(a) Ordinance restaurant (per seat) 50

(b) 24-hour restaurant (per seat) 75

(c) Single service articles only (per person) 25

(d) Bar and cocktail lounge (per person) 30

(e) Drive-in restaurant (per car space) 50

(f) Carry out only:

1. Per 100 square feet of floor space 50

2. Add per employee 20

Hotels and motels

(a) Regular (per room) 100

(b) Resort hotels, camps, cottages (per person) 75

(c) Add for establishments with self-service laundry facilities (per machine) 400

Office building (per worker) 20

Service stations (per bay) 500

Shopping centers without food or laundry (per square foot of floor space) 0.1

Stadiums, race tracks, ball parks (per seat) 5

Stores (without food service)

(a) Private toilets, for employees only (per employee) 20

(b) Public toilets (per square foot of floor space) 0.1

Theaters

(a) Indoor, auditoriums (per seat) 5

(b) Outdoor, drive-ins (per space) 10

Trailer/mobile home park (per trailer space) 200

Travel trailer/recreational vehicle park

(a) Travel trailer (overnight), without water and sewer hookup (per trailer space) 50

(b) Travel trailer (overnight), with water and sewer hook-ups (per trailer space) 100

Swimming and bathing facilities, public (per person) 10

Churches (per seat) 3

Hospitals (per bed) 200

Nursing, rest homes (per person) 100

Parks, public picnic

(a) With toilets only (per person) 5

(b) With bathhouse, showers and toilets (per person) 10

Public institutions other than schools and hospitals (per person) 100

Schools (per student)

(a) Day type 15

(b) Add for showers 5

(c) Add for cafeteria 5

- (d) Add for day school workers 15
- (e) Boarding type 75
- Work/construction camps semi-permanent (per worker) 50
- Residences
- (a) Single-family (per bedroom) 150
- (b) Apartment (per bedroom) 150
- (c) Mobile home not in a trailer park (per bedroom) 150
- (d) Other (per occupant) 75

- 3.15.3.27. *LOS for capital solid waste disposal facilities requires sufficient capital solid waste facilities to dispose of 1.10 tons of solid waste per capita per year. In addition, the LOS requires two years of landfill lined cell disposal capacity at present fill rates and ten years of landfill raw land capacity at present fill rates is two (2) years of constructed lined cell capacity at the average disposal rate for the previous five (5) years, and ten (10) years of permittable landfill capacity at the average disposal rate for the previous five (5) years.*
- ~~3.15.3.28. LOS "C" peak season, peak hour is in the range of stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. The selection of speed is affected by the presence of other, and maneuvering either the traffic stream requires substantial vigilance on the part of the user. The general level of comfort and convenience declines noticeably at this level. LOS "C" peak season, peak hour, is based on the 100th highest hourly traffic volumes during a calendar year for the various types of roads defined by Special Report 209, "Highway Capacity Manual," Transportation Research Board, National Research Council, Washington, D.C., 1985, or subsequent revisions thereto.~~
- ~~3.15.3.29. LOS "D" peak season, peak hour represents a high density, but stable, flow. Speed and freedom to maneuver are severely restricted, and the driver or pedestrian experiences a generally poor level of comfort and convenience. Small increases in traffic flow will generally cause operational problems at this level. LOS "D" peak season, peak hour, is based on the 100th highest hourly traffic volumes during a calendar year for the various types of roads defined by Special Report 209, "Highway Capacity Manual," Transportation Research Board, National Research Council, Washington, D.C., 1985, or subsequent revisions thereto.~~
- ~~3.15.3.29.1. LOS "E" peak season, peak hour represents operating conditions at or near capacity. All speeds are significantly reduced. Freedom to maneuver is difficult. Comfort and convenience is extremely poor, and motorist frustration is generally high. LOS "E" peak season, peak hour, is based on the 100th highest hourly traffic volumes during a calendar year for the various types of roads defined by Special Report 209, "Highway Capacity Manual," Transportation Research Board, National Research Council, Washington, D.C. 1985, or subsequent revisions thereto.~~
- ~~3.15.3.30. Peak season, peak hour is considered to be the 100th highest volume hour of the year, and is the basic time reference used to calculate levels of service using the definitions and methodologies of the 1985 Highway Capacity Manual (or its current edition). For planning and concurrency applications, peak season, peak hour conditions are converted to annual average daily traffic (AADT) level of service maximum volumes and are presented in a series of look-up tables adopted in the traffic circulation element of the growth management plan.~~
- 3.15.3.31~~28~~. *Major road network system means all arterial and collector roads within the total unincorporated Collier County. The major road network system is those roads depicted in the traffic circulation Transportation Element of the Collier County Growth Management Plan.*

- ~~3.15.3.3029.~~ Peak hour for transportation concurrency determination is considered to be the 100th highest volume hour of the year, and is the basic time reference used to calculate levels of service using the definitions and methodologies of the 1985 Highway Capacity Manual (or its current edition). For planning and concurrency applications, peak season, peak hour conditions are converted to annual average daily traffic (AADT) level of service maximum volumes and are presented in a series of look-up tables adopted in the traffic circulation element of the growth management plan means the 100th highest hour on a roadway segment, omitting February and March data, and is the basic time reference used to calculate levels of service using the definitions and methodologies of the current edition of the Transportation Research Board Highway Capacity Manual and the procedures and applications from the Florida Department of Transportation which is generally equivalent to the 250th highest hour for a 12-month period. For design of roadway capacity projects, the 30th highest hour for a 12-month period at LOS "D" will be utilized.
- 3.15.3.32.30. *Person* means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity, and its designated agents, successors or assigns.
- ~~3.15.3.33.~~ Potentially deficient road segment means the following:
- ~~3.15.3.33.1.~~ A county or state road segment on the major road network system whose adopted LOS standard is LOS "C" or LOS "D", peak season, peak hour, that is presently operated at its adopted LOS, or whose adopted LOS is LOS "D" peak season, peak hours, and has operated at LOS "E" peak season, peak hour, for two years or less, based on the AUIR. A potentially deficient road segment which has an adopted LOS "D" peak season, peak hour, may operate at LOS "E", peak season, peak hour, for two years before it shall become a deficient road segment.
- ~~3.15.3.33.2.~~ A county or state road segment on the major road network system whose adopted LOS standard is "E", peak season, peak hour, that is presently operating at LOS "E" peak season, peak hour, based on the AUIR.
- ~~3.15.3.33.3.~~ In determining the capacity of a county road segment or a state road segment for the purpose of determining whether it is a potentially deficient road segment, the county shall consider:
- ~~3.15.3.33.3.1.~~ Any capital road improvement currently in place;
- ~~3.15.3.33.3.2.~~ Any capital road improvement that is under construction;
- ~~3.15.3.33.3.3.~~ Any capital road improvement guaranteed in an enforceable development agreement that includes the provisions in subsections 3.15.3.34.3.1 and 3.15.3.34.3.2;
- ~~3.15.3.33.3.4.~~ The actual construction of the required capital road improvement is included and is scheduled to commence in or before the third year of the state's five-year work program and the county's current five-year capital improvement schedule adopted as part of the growth management plan; and
- ~~3.15.3.33.3.5.~~ The Board of County Commissioners has made an express finding, after a public hearing, that the current five-year capital improvement schedule is based on a realistic, financially feasible program of funding from existing revenue sources.

- 3.15.3.3431. Public facilities mean capital drainage (surface water management system) facilities, capital park and recreation facilities, capital potable water facilities, capital road facilities, capital sanitary sewer facilities, and capital solid waste facilities. These are also known as Category "A" public facilities under Policy 1.1.1. of the Capital Improvement Element of the comprehensive plan.

Sec. 3.15.4. Rules of construction. ~~Reserved.~~

~~In the construction of this division, the rules set out in this section shall be observed unless such construction is inconsistent with the manifest intent of the Collier County Board of County Commissioners. The rules of construction and definitions set forth herein shall not be applied to any provisions which expressly exclude such construction, or where the subject matter, content or context of such provisions would make such construction internally inconsistent or inconsistent with other provisions of this division.~~

- ~~3.15.4.1. Generally. All provisions, terms, phrases and expressions contained in this division shall be liberally construed in order that the true intent and meaning of the Collier County Board of County Commissioners may be fully carried out. Terms used in this division, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.~~

~~In the interpretation and application of any provision of this division it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this division imposes greater restrictions upon the subject matter than a general provision imposed by the growth management plan or another provision of this division, the provision imposing the greater restriction or regulation shall be deemed to be controlling.~~

- ~~3.15.4.2. Text. In case of any difference of meaning or implication between the text of this division and any figure, the text shall control.~~

- ~~3.15.4.3. Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is Saturday, Sunday or legal holiday, that day shall be excluded.~~

- ~~3.15.4.4. Day. The word "day" shall mean a calendar day, unless "business" day is indicated.~~

- ~~3.15.4.5. Delegation of authority. Whenever a provision appears requiring a division administrator, the head of a department or some other county officer or employee to do some act or perform some duty, it is to be construed to authorize the division administrator, head of the department or some other county officer or employee to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.~~

- ~~3.15.4.6. Gender. Words importing the masculine gender shall be construed to include the feminine and neuter.~~

- ~~3.15.4.7. Month. The word "month" shall mean a calendar month.~~

- ~~3.15.4.8. Non-technical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a~~

~~peculiar and appropriate meaning in law shall be construed and understood according to such meaning.~~

~~3.15.4.9. Number. A word importing the singular number only, may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.~~

~~3.15.4.10. Shall, may. The word "shall" is mandatory; "may" is permissive.~~

~~3.15.4.11. Tense. Words used in the past or present tense include the future as well as the past or present.~~

~~3.15.4.12. Week. The word "week" shall mean seven calendar days.~~

~~3.15.4.13. Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures whether by printing or other form or method of writing.~~

~~3.15.4.14. Year. The word "year" shall mean a calendar year, unless a fiscal year is indicated or 365 days is indicated.~~

Sec. 3.15.5. Establishment of management and monitoring program and regulatory program: the annual update and inventory report (AUIR), Transportation Concurrency Management System, CIE amendments, and annual budget.

In order to implement the mandate of the Collier County Growth Management Plan to ensure that adequate potable water, sanitary sewer, solid waste, drainage, park and road public facilities are available to accommodate development in Collier County concurrent with when the impacts of development occur on such public facilities, the Board of County Commissioners establishes, pursuant to the terms of this division, (1) a management and monitoring program that evaluates the conditions of public facilities to ensure they are being adequately planned for and funded to maintain the LOS for each public facility herein after referred to as the AUIR, and (2) a regulatory program that ensures that each public facility is available to serve development orders which are subject to the provisions of this division.

* * * * *

Sec. 3.15.6. Management and monitoring program.

* * * * *

3.15.6.2. Annual Update and Inventory Report on Public Facilities (AUIR). ~~On or about December 1 of each year, t~~The Community Development and Environmental Services Division Administrator shall complete an annual update and inventory report on public facilities (hereinafter "AUIR"). The AUIR shall determine the existing conditions of all capital potable water, capital sanitary sewer, capital solid waste, capital drainage, capital park, and capital road public facilities to determine and summarize the available capacity of these capital improvements (public facilities) based on their LOS, forecast the capacity of existing and planned public facilities identified in the five-year capital improvement schedule for each of the five succeeding years, and ten succeeding years, and identify new projects needed to maintain adopted LOS. The forecasts shall be based on the most recently updated schedule of capital improvements (public facilities) for each public facility. The AUIR shall be based on the most recent bureau of economic and business research (BEBR) population projections, updated public facility inventories, updated unit costs and revenue projections, and analysis of the most recent traffic county data.

~~The findings of the AUIR shall form the basis for the preparation of the next annual update and amendment to the CIE, the determination of any area of significant influence (ASI) and the review and issuance of development orders subject to the provisions of this division during the next year.~~

3.15.6.2.1. *Annual determination of adequate "Category A" public facilities (concurrency).* ~~On or about December 1 of each year, t~~The Community Development and Environmental Services Division Administrator will annually present the AUIR report to the Board of County Commissioners identifying deficiencies pr or potential deficiencies in "Category A" public facilities and remedial action options including, but not limited to, the following:

* * * * *

- 2. Public facility project additions to the financially feasible CIE;
- 3. ~~Deferral of development order issuance~~ Establish interim development controls in affected service areas pending:

* * * * *

- d. Private development improvements guaranteed by an enforceable development agreement.
- e. For capital road facilities only, designation of a constrained roadway segment.

3.15.6.2.2. The findings of the AUIR, once approved by the board of county commissioners, will form the basis for the preparation of the next annual update and amendment of the CIE and the annual determination of deficient, or constrained, "Category A" facilities. The AUIR will identify additional projects and funding for inclusion in the Schedule of Capital Improvements and the Costs and Revenues Schedule of the CIE needed to maintain or restore adopted LOS for all "Category A" facilities for the next five years. Direction by the board of county commissioners to update and amend the CIE to include projects and revenues (within the first three years for roads) needed to maintain adopted LOS for "Category A" facilities, as identified in the AUIR, shall constitute a finding of concurrent "Category A" facilities, for the review and issuance of development orders subject to the provisions of this division until the presentation of the next AUIR, except for any ASI designated areas or other areas subject to interim development controls.

3.15.6.2.3. In addition to identifying needed capacity expansion projects and revenues for inclusion in the next CIE update, the roads facilities component of the AUIR will include an audit and update of the capacity balances in the Transportation Concurrency Management System database on a segment-by-segment basis factoring in all such development approvals since the previous AUIR that generate trips along each road segment and the effect of capacity expansion projects included in the financially feasible Schedule of Capital Improvements of the CIE for such segments.

3.15.6.3. *Recommendations on the annual CIE update and annual budget.* Based upon the prior year's AUIR analysis, the Community Development and Environmental Services Division Administrator shall ~~propose~~ recommend to the Collier County Planning Commission and the Board of County Commissioners ~~on or about October 1 of each year, the an~~ annual update and amendment to the CIE as part of the annual growth management plan amendment cycle ~~transmittal~~ public hearings. ~~It~~ The recommendation will

include the proposed public facilities needed to maintain adopted LOS standards as directed by the Board of County Commissioners upon presentation of the AUIR. The as well as recommendations for the annual budget, which is to be adopted by October 1 of each year shall also include as to needed projects and suggested funding sources. as directed by the board upon presentation of the prior AUIR.

3.15.6.4. Establishment of area of significant influence (ASI) for roads. Designation of Deficient or Constrained roadway segments. Deficient roadway segments may be designated as constrained whenever they meet the terms set forth in subsections 3.15.3.10. of this code.

3.15.6.4.1. Establishment of area of significant influence (ASI). Regulation of growth along roadway segments designated constrained. If the findings of the AUIR analysis identify additional road improvement projects needed to maintain adopted LOS, they may be included in the road component of the proposed annual CIE update and amendment at the discretion of the Board. Based upon Board direction on inclusion of additional road projects, the community development and environmental services division administrator, in conjunction with the MPO chief and transportation services department director may propose and identify one or more areas of significant influence (ASI) around any deficient or potentially deficient road segment (except where such potentially deficient road segment is projected not to exceed its adopted LOS within the first three years of the five-year schedule of capital improvements in the CIE update and amendment proposed for transmittal on or about October 1, and the estimated annual residual capacity trips that would be allocated to those applicants for certificates of public facility adequacy within the ASI encompassing such potentially deficient road segment during the next year does not exceed the remaining trip capacity). The boundaries of any ASI shall be established pursuant to the standards in subsection 3.15.6.4.2 of this division along with any residual trips covering potentially deficient road segments for each ASI by January 1 of each year. No residual trips shall be allotted for development in an ASI encompassing a deficient road segment. Roadway segments once designated as constrained are subject to the growth restrictions set forth below which are intended to ensure that further LOS degradation does not occur in the event the roadway is determined to be operating below the Level-of-Service standard for that road facility. Constrained roadway segments are subject to growth restrictions on development that will not allow for approval of a final local development order resulting in an increase in peak hour traffic volume of 10% above the service volume at the adopted Level-of-Service standard.

3.15.6.4.2. Regulation of growth along deficient roadway segment(s). No trips shall be allotted under a Certificate of Public Facility Adequacy for development that directly accesses and generates more than a *de minimis* (*de minimis impact is defined as traffic impact of less than 1% of the peak hour service volume*) impact on the deficient roadway segment(s) or for which the significance test in subsection 3.15.6.4.3. of this code, below indicates that the development will generate more than a *de minimis* impact on the deficient roadway segment(s).

3.15.6.4.3. Significance Test. Impact for traffic impact analysis purposes for a proposed development project will be considered significant:

1. on those roadway segments directly accessed by the project where project traffic is equal to or greater than 3% of the adopted LOS standard service volume;
2. for those roadway segments immediately adjacent to segments which are directly accessed by the project where project traffic is

greater than or equal to 3% of the adopted LOS standard service volume; or

3. for all other adjacent segments where the project traffic is greater than 5% of the adopted LOS standard service volume.

Once traffic from a development has been shown to be less than significant on any segment using the above standards, the development's impact is not required to be analyzed further on any additional segments.

- 3.15.6.5. Establishment of area(s) of significant influence (ASI) for deficient road segments. If the findings of the AUIR analysis identify additional road improvement projects that would be needed in order to maintain a segment or road facility's adopted LOS, and such projects are not included in the proposed annual CIE road component update adopted by the Board, then the Community Development and Environmental Services Division Administrator, in conjunction with the Transportation Services Administrator, may propose to establish one or more areas of significant influence (ASI) for any such deficient road segment. The geographic limits of any ASI must meet the standards in subsection 3.15.6.5.1. of this division.

3.15.6.4.2.5.1. Standards in establishing area of significant influence (ASI).

- 3.15.6.4.2.1. ~~General.~~ The boundaries for a ASI shall include the limits of the roadway segment(s) that are deficient as recommended by the Transportation Administrator. be based upon an "envelope" that surrounds major road segments. In general, the ASI surrounding a road segment will radiate out from the segment a distance of one to three miles, depending upon natural or manmade features, roadway facility type. Additionally, there may be an overlap of ASI's due to the effect of adjacent land uses upon a roadway segment or segments.

~~The following standards shall guide the Community Development and Environmental Services Division Administrator MPO chief and transportation services department director in developing these proposed ASI's:~~

Type of Roadway Facility Scope of ASI

~~Principal Arterial Three miles on each side of affected segment and three miles from each end of affected segment.~~

~~Minor Arterial Two miles on each side of affected segment and two miles for each end of affected segment~~

~~Minor Arterial Two miles on each side of affected segment and two miles for each end of affected segment.~~

~~Collector One mile on each side of affected segment and one mile from each end of affected segment.~~

~~Rural Minor Collector One mile on each side of affected segment and one mile from each end of affected segment.~~

~~Limited Access Facility One mile from each side of the affected segment and three miles from any access point and each segment end.~~

- ~~3.15.6.4.2.3. Determining annual residual capacity trips. The Community Development and Environmental Services Division Administrator in conjunction with the MPO chief and transportation services department director shall complete a detailed conditions analysis of the deficient or potentially deficient road segment within each proposed ASI boundary prior to proposing the boundaries of the ASI. The analysis shall take into consideration characteristics of the road segment (such as traffic control, signal spacing, timing, and phasing) using procedures documented in the 1985 Highway Capacity Manual (or its current edition). The annual residual capacity trips for the proposed ASI covering the potentially~~

~~deficient road segment shall be based upon up to 100 percent of the potentially deficient road segment's remaining capacity, measured in peak hour, peak season trips. Thirty percent of the potentially deficient road segment's remaining capacity shall be reserved for only those land uses, which generate one peak hour trip per day or less, based on the most recent ITE Trip Generation Rate Manual.~~

- 3.15.6.4.3-5.2. *Review and approval of ASI by Board of County Commissioners.* After receipt of the proposed boundaries of a potential ASI and the proposed residual capacity trips of the ASI from the community development and environmental services division transportation services division administrator, the board of county commissioners, by January 1 of each year, shall hold a public hearings noticed pursuant to the requirements of F.S. § 125.66(5) subsection 2.7.2.3.4.. of this code, and a After final consideration of the proposal and public comment, the Board may approve the boundaries designation of an ASI, (including a map of the boundaries impacted roadway segments) and the annual residual capacity trips of the ASI, with or without modifications, or determine that competent substantial evidence has been placed on the record to show that the road segment is not potentially deficient and find determine that the establishment of an ASI is not necessary to ensure that development orders are served by adequate road public facilities. The approved boundaries ASI(s) and annual residual capacity trip allotments for each ASI will become effective upon adoption by the board of county commissioners. on January 1 of each year if additional road improvements are not added to the capital improvement element at that time.
- 3.15.6.4.4-5.3. *Map of areas of significant influence (ASI).* A map showing the boundaries of deficient roadway segment(s) within each ASI established by the Board of County Commissioners shall be kept in the Community Development and Environmental Services Division and the office of the Clerk to the Board of community County Commissioners for review and inspection by the public during normal business hours.
- 3.15.6.4.5-5.4. *Duration of established area of significant influence (ASI).* Once the boundaries of an ASI are approved by the board of county commissioners, they are valid for one year, unless otherwise dissolved by the board of county commissioners or modified in a subsequent AUIR update.
- 3.15.6.4.6-5.5. *Duration of residual capacity trips.* ~~Once the road facility residual capacity trips are approved by the Board of County Commissioners, they are valid for one year.~~ Interim development controls on ASI roadway segments. No final local development order for development directly accessing deficient roadway segments may be approved if it would add more than a de minimis number of vehicle trips (i.e., an impact equal to or greater than 1% of the peak hour service volume) to a deficient roadway segment designated as an ASI. Development of a single-family home on a lot, tract or parcel of land will be considered to be de minimis development regardless of the number of actual trips that would be generated.
- 3.15.6.4.7-5.6. *Dissolution of area of significant influence (ASI).* ~~If the additional needed road improvements identified in the AUIR are added to the CIE or funds are available for, and committed for construction of, the needed road improvements to eliminate the classification of a road as a deficient or potentially deficient road segment, then t~~ The area of significant influence (ASI) established for that a deficient or potentially deficient road segment shall may be dissolved in the same manner in which it was established under subsection 3.15.6.5.2. of this code by the board of county commissioners.

Sec. 3.15.7. Regulatory program: review of development to ensure adequate public facilities are available, including the Transportation Concurrency Management System.

* * * * *

- 3.15.7.2.1.3. ~~An overriding concern for public health, safety, or welfare exists;~~ The county can demonstrate pursuant to F.S. § 380.06, that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the application of this division to the development order is clearly established to be essential to the public health, safety and welfare; or
- 3.15.7.2.1.54. The new requirements would not so change or alter a DRI development order that they would materially or substantially affect the developer's ability to complete the development authorized by the DRI development order.
- ~~3.15.7.2.3. Any development orders determined by the Community Development and Environmental Services Division Administrator not to impact public facilities as evaluated against the standards contained in this division.~~
- 3.15.7.2.43. ~~Original~~ Temporary construction and development permits and any subsequent renewals not to exceed a cumulative period of one year.
- 3.15.7.2.54. Development orders permitting replacement, reconstruction or repair of existing development consistent with all elements of the growth management plan.
- 3.15.7.2.65. ~~Original~~ Temporary use permits and any subsequent renewals not to exceed a cumulative period of one year.
- 3.15.7.2.76. Developments that claim vested status from the Growth Management Plan adopted January 10, 1989 and its implementing regulations. Any development order or development whose current owner is entitled to receive, and who properly obtains, a determination of vested rights for a Certificate of adequate Public Facility Adequacy ("APF") in accordance with the provisions of this section, as follows: 3.15.7.2.7.
- 3.15.7.2.76.1. *Application.* An application for determination of vested rights for a Certificate of Public Facility Adequacy shall be submitted in the form established by the Community Development and Environmental Services Division Administrator. An application fee in an amount to be determined by the Board of County Commissioners shall accompany and be part of the application. The application shall, at a minimum, include:
- 3.15.7.2.76.1.1. Name, address, and telephone number of the owner and authorized applicant if other than the owner;
- 3.15.7.2.76.1.2. Street address, legal description, and acreage of the property; and
- 3.15.7.2.76.1.3. All factual information and knowledge reasonably available to the owner and applicant to address the criteria established in subsection 3.15.7.2.76.7. of this code.
- 3.15.7.2.76.2. *Determination of completeness.* After receipt of an application for determination of vested rights for a Certificate of Public Facility Adequacy, the Community Development and Environmental Services Division Administrator shall determine whether the application submitted is complete. If he determines that the application is not complete, the Community Development and Environmental Services Division

Administrator shall notify the applicant in writing of the deficiencies. The Community Development and Environmental Services Division Administrator shall take no further steps to process the application until the deficiencies have been remedied.

- 3.15.7.2.76.3. *Review and determination or recommendation by community development and environmental services division administrator and the county attorney.* After receipt of a completed application for determination of vested rights for a Certificate of Public Facility Adequacy, the community development and environmental services division administrator and the county attorney shall review and evaluate the application in light of all of the criteria in subsection 3.15.7.2.76.7. Based on the review and evaluation, the community development and environmental services division administrator and the county attorney shall prepare a written recommendation to the hearing officer that the application should be denied, granted or granted with conditions by the hearing officer. Such recommendation shall include findings of fact for each of the criteria established in subsection 3.15.7.2.76.7. to the extent that information is represented or obtained or inclusion feasible or applicable. If the community development and environmental services division administrator and the county attorney agree based on the review and evaluation that the application for determination of vested rights for a Certificate of Public Facility Adequacy so clearly should be granted or granted with conditions, then they may enter into a written stipulated determination of vested rights for a Certificate of Public Facility Adequacy with the owner, in lieu of the written recommendation to the hearing officer and the provisions in subsections 3.15.7.2.76.4., 3.15.7.2.76.5. and 3.15.7.2.76.6. However, any such stipulated determination shall be in writing, signed by the community development and environmental services division administrator, the county attorney and the owner, and shall include findings of fact based on the criteria established in subsection 3.15.7.2.76.7., conclusions of law for such criteria, and the determination granting or granting with conditions, in whole or in part, the vested rights for adequate public facilities.
- 3.15.7.2.76.4. *Review and determination of vested rights determination for a Certificate of Public Facility Adequacy by hearing officer.* Upon receipt by the hearing officer of the application for determination of vested rights for a Certificate of Public Facility Adequacy and the written recommendation of the community development and environmental services division administrator and the county attorney, the hearing officer shall hold a public hearing on the application. At the hearing, the hearing officer shall take evidence and sworn testimony in regard to the criteria set forth in Subsection 3.15.7.2.6.7. of this code~~7-2-7-7.~~, and shall follow the rules of procedure set forth in Section F.S. § 120.57(1)(b), 4, 6, 7, and 8;~~Florida Statutes, and Section F.S. § 120.58(1)(a),(d) and (f); Florida Statutes and Section F.S. § 120.58(1)(b), Florida Statutes,~~ only to the extent that the hearing officer is empowered to swear witnesses and take testimony under oath. The hearing officer shall follow the procedures established for administrative hearings in Rules 60Q-2.009, 2.017, 2.020, 2.022, 2.023, 2.024, 2.025, 2.027, and 2.031, ~~F.A.C. Florida Administrative Code~~ except as expressly set forth herein. The parties before the hearing officer shall include the county, the owner or applicant, and the public. Testimony shall be limited to the matters directly relating to the standards set forth in section 3.15.7.2.6.7. of this code~~7-2-7-7.~~ The county attorney shall represent the county, shall attend the public hearing, and shall offer such evidence as is relevant to the proceedings. The owner of the property and its authorized agents, may offer such evidence at the public hearing as is relevant to the proceedings and criteria. The order of presentation before the hearing officer at the public hearing shall be as follows: 1) the county's summary of the application, written recommendation, witnesses and other evidence; 2) owner or applicant witnesses and evidence; 3) public

witnesses and evidence; 4) county rebuttal, if any; and 5) applicant rebuttal, if any.

- 3.15.7.2.76.5. *Issuance of vested rights determination for a Certificate of Public Facility Adequacy by hearing officer.* Within 15 working days after the completion of the public hearing under subsection 3.15.7.2.6.4. of this code 7.2.7.4., the Hearing officer shall consider the application for determination of vested rights for a Certificate of Public Facility Adequacy , the recommendation of the community development and environmental services division administrator and the county attorney, and the evidence and testimony presented at the public hearing, in light of all of the criteria set forth in subsection 3.15.7.2.6.7. of this code 7.2.7.7., and shall deny, grant, or grant with conditions the application for determination of vested rights for a Certificate of Public Facility Adequacy for the property or properties at issue. The determination shall be in writing and shall include findings of fact for each of the applicable criteria established in subsection 3.15.7.2.6.7. of this code 7.2.7.7., conclusions of law for each of such criteria, and a determination denying, granting, or granting with conditions, in whole or in part, the vested rights for adequate public facilities.
- 3.15.7.2.76.6. *Appeal to the Board of County Commissioners.* Within 30 days after issuance of the Hearing Officer's written determination of vested rights for a Certificate of Public Facility Adequacy , the County Attorney, the Community Development and Environmental Services Division Administrator, or the owner or its authorized attorney or agent, may appeal the determination of vested rights for a Certificate of Public Facility Adequacy of the Hearing Officer to the Board of County Commissioners. A fee for the application and processing of an owner-initiated appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the owner or its authorized agent. The Board of County Commissioners shall adopt the Hearing Officer's determination of vested rights for a Certificate of Public Facility Adequacy , with or without modifications or conditions, or reject the Hearing Officer's determination of vested rights for a Certificate of Public Facility Adequacy . The Board of County Commissioners shall not be authorized to modify or reject the Hearing Officer's determination of vested rights for a Certificate of Public Facility Adequacy unless the Board of County Commissioners finds that the Hearing Officer's determination is not supported by substantial competent evidence in the record of the Hearing Officer's public hearing or that the Hearing Officer's determination of vested rights for a Certificate of Public Facility Adequacy is contrary to the criteria established in subsection 3.15.7.2.6.7. of this code 7.2.7.7.
- 3.15.7.2.76.7. *Criteria for vested rights.* This section is intended to strictly adhere to and implement existing case law as they it relates to the doctrine of vested rights and equitable estoppel as applied to a local government exercising its authority and powers in zoning, the provision of adequate public facilities concurrent with development (concurrency), and related matters. It is the express intent of Collier County to require application of the provisions of this division to as much development and property in the unincorporated areas of the county as is legally possible without violating the legally vested rights which the owner may have obtained in accordance with Florida common law and statutory law, particularly F.S. § 163.3167(8). The criteria herein provided shall be considered in rendering a vested rights determination under this subsection. It is intended that each case be decided on a case by case factual analysis. An owner shall be entitled to a positive determination of vested rights for a Certificate of Public Facility Adequacy only if he demonstrates by substantial competent evidence that he is entitled to complete his development without regard to the otherwise applicable provisions of this division

based on the provisions of F.S. § 163.3167(8), or all three of the following requirements of the three-part test under Florida common law: 1) upon some act or omission of the county, 2) a property owner relying in good faith, 3) has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired.

3.15.7.2.76.8. *Limitation on determination of vested rights for a Certificate of Public Facility Adequacy.* A determination of vested rights for a Certificate of Public Facility Adequacy which grants an application for determination of vested rights for a Certificate of Public Facility Adequacy shall expire and be null and void unless construction is commenced pursuant to a final development order, final subdivision plat, or final site development plan, within two years after the issuance of the determination of vested rights for a Certificate of Public Facility Adequacy under this subsection 3.15.7.2.76., or unless substantial permanent buildings have been, or are being constructed or installed pursuant to a valid, unexpired, final development order of Collier County within two years after issuance of the determination of vested rights for a Certificate of Public Facility Adequacy under this subsection 3.15.7.2.76., and such development pursuant to a final development order, final subdivision plat, final site development plan, final subdivision master plan, or planned unit development master plan is continuing in good faith. The aforementioned two-year time limitation on the determination of vested rights for a Certificate of Public Facility Adequacy shall be stayed during any time periods within which commencement of construction pursuant to a final development order, final subdivision plat, or final site development plan is prohibited or deferred by the county solely as a result of lack of adequate public facilities to serve the property, pursuant to this division.

3.15.7.3. *Certificate of Public Facility Adequacy.*

3.15.7.3.1. *General.*

3.15.7.3.1.1. ~~A valid, unexpired Certificate of Public Facility Adequacy shall be obtained at issued concurrently with the approval of the filing for earliest or next to occur of final local development order, final subdivision plat, final site development plan or building permit provided however, any development orders except a final local development order may be approved or issued provided they are expressly conditioned on the issuance of a certificate of public facility adequacy prior to building permit approval and provided the owner and applicant proceed at their own risk and expressly waive and release the county in writing from any and all future claims of vested rights and equitable estoppel resulting from such conditional approval or actions relying thereon. At the time a Certificate of Public Facility Adequacy is issued, 50% of the estimated transportation impact fees must be paid into the applicable Trust Fund pursuant to subsection 3.15.7.3.1.5., and such funds will be immediately available for appropriation to implement capital road facility improvements. Impact fees for all other Category "A" capital improvements will be paid at the time of issuance of building permits at the rate then currently applicable, with the exception of a certificate of public facility adequacy for roads which must be obtained prior to at the time of approval of a preliminary plat for a residential subdivision or final site development plan for all other development. At the time a Certificate of Adequate Public Facilities for Roads is issued, all applicable Transportation Impact Fees must be paid. These fees will be immediately available for use by the county to implement capital road improvements.~~

3.15.7.3.1.2. *Reserved: Traffic Impact Vesting Affirmation.* The county will conduct a Traffic Impact Vesting Affirmation Review during the six month period following [effective date of this division's amendment] to determine

which developments were vested for transportation concurrency prior to [the effective date of this division's amendment], which will include those developments that have previously received a Certificate of Adequate Public Facility, have entered into an approved development agreement with vesting provisions, or were statutorily vested prior to [the effective date of this division]. The review will also analyze the schedule of when these developments will be built, and the magnitude of traffic that will be generated by these developments. During this process of vesting affirmation, revisions to approved final site development plans and final subdivision plats that propose to decrease the impact of the development through such methods as reducing density, making additional provisions for mixed use development to capture trips or providing additional transportation system interconnections may be considered without risking vesting status.

Previously vested development, i.e., development with a valid Certificate of Adequate Public Facility issued prior to the [effective date of this division's amendment], may elect to maintain and rely on its current certification until expiration, or opt to allow its escrowed transportation impact fees to be used under the revised concurrency certification process on the [effective date of this division's amendment], as provided in subsection 3.15.7.3.1.5 and as immediately follows to establish concurrency certification in perpetuity. Any development that opts into the provisions of subsection 3.15.7.3.1.5, will maintain its vesting status and road facility capacity reservations associated with the existing certificate without being required to submit revised or additional traffic studies; and upon surrender of the existing certificate will be issued new certificates for concurrency in perpetuity once 100% percent of the estimated transportation impact fees based on the then existing rate schedule are paid.

3.15.7.3.1.2.1. *Annual mid-year traffic monitoring report.* On [the effective date of this division's amendment], all development that has been issued an SDP or FSP, but which is less than 90 % built-out, must annually by mid-year (on or about June 30th) submit a report detailing its progress toward build-out of the development. The written report must be submitted to, and be in, a format established by the Transportation Administrator and must indicate any revised estimates to the initial build-out schedule and any resulting effect on traffic impact projections, along with any progress towards completing any developer contribution requirements.

3.15.7.3.1.3. Where the proposed development has been issued final subdivision plat approval or final site development plan approval prior to the effective date of this division, i.e., on or about November 3, 1993, a Certificate of Public Facility Adequacy shall be obtained prior to approval of the next development order required for the proposed development.

3.15.7.3.1.4. ~~All applicable~~ Estimated transportation impact fees and system development fees for a development shall be paid into the applicable Impact Fee Escrow Trust Fund in the amount estimated to be due upon issuance of the final local development order(s) upon issuance building permit(s) for the development upon or prior to issuance of a Certificate of Public Facility Adequacy for the development, ~~except in the instance of a simultaneous application for a building permit(s) and a certificate of public facility adequacy in which case(s) all applicable impact and system development fees will be paid directly into the appropriate impact fee fund at the time the building permit(s) and certificate are picked up by the applicant.~~

Developments that have paid estimated impact fees for all Category "A" facilities prior to the [effective date of this division's amendment], and which elect to come under the provisions of this division may make. P

~~payment of The payment of the estimated impact fees into the applicable transportation Impact Fee Escrow Trust Fund such that previously paid estimates may shall be applied as a credit towards the impact fees calculated and due as a prerequisite to the issuance of the building-permit final local development order(s) for the development. If the Developer does not elect to come under the provisions of this division, Impact fees paid into the Impact Fee Escrow Trust Fund prior to [the effective date of this division's amendment] shall be refundable upon written request to the community development and environmental services division administrator accompanied by the surrender of the original Certificate of Public Facility Adequacy obtained prior to issuance of building-permit final local development order(s) for the development. Fees paid into applicable Impact Fee Trust accounts as a prerequisite to the issuance of building-permit final local development order(s) prior to the [effective date of this division's amendment] in accordance with the applicable consolidated impact fee ordinances shall be refundable pursuant to the provisions of such ordinances upon written request to the finance director, clerk of courts.~~

3.15.7.3.1.5. *Assessment and application of transportation impact fees and surrender of Certificate of Public Facility Adequacy.* Within 90 days of notification by facsimile that an application for a Certificate of Public Facility Adequacy has been approved and a certificate issued, an applicant may pick up the certificate upon payment of one-half (50%) of the estimated transportation impact fees due. Such estimates shall be based on the currently approved transportation impact fee rate schedule. If the certificate is not picked up within 90 days and the applicable estimated transportation impact fees paid, the application will be deemed denied and the applicant must reenter the application process from the beginning. Transportation impact fees for residential development will be estimated using the fee based on the mid-range housing size, unless the residential use qualifies as affordable housing. Affordable housing estimated transportation impact fees shall be based on the income limitations for affordable housing in force at the time of a Certificate of Public Facility Adequacy application. Additionally, previously vested developments may, pursuant to subsection 3.15.7.3.1.2., elect to have escrowed fees applied against the one-half (50%) of estimated transportation impact fees. Payment of these fees vests the development entitlements for which the Certificate of Public Facility Adequacy certificate applies on a continuous basis unless relinquished pursuant to the requirements of this section prior to the end of the third year after the initial impact fee payment. The initial 50% impact fee payment is non-refundable after payment and receipt of the Certificate of Public Facility Adequacy certificate.

For certificates issued after [the effective date of this division's amendment], not later than 90 days prior to the expiration of the three year period for such certificates, the county shall notify the certificate holder via registered mail of the remaining balance due for the estimated transportation impact fees up to 50%, based on level of building permits already issued. The balance of the impact fees due will be calculated at the rate schedule then currently applicable. The Developer may elect to pay the balance of the estimated transportation impact fees for the entitlements for which the certificate applies or modify the certificate to a lesser entitlement and calculate the balance of the transportation impact fees on the revised entitlements. The Certificate of Public Facility Adequacy shall be modified to include only the entitlements for which the estimated transportation impact fees are paid. The expiration date for the remaining, up to 50%, balance of the estimated transportation impact fees due from a previously vested development that opts into the revised concurrency certificate process as provided in subsection 3.15.7.3.1.2. of this code, will relate back to the date of issuance of the original certificates. Once the balance of the estimated transportation impact fees

are paid, those estimated fees are non-refundable. However, the Certificate of Public Facility Adequacy runs continuously with the land in perpetuity after all estimated transportation impact fees have been paid. As building permits are drawn down on the entitlements, the estimated transportation impact fees already paid shall be debited at the rate of the impact fees in effect at the time of utilization. If the estimated transportation impact fee account becomes depleted, the Developer shall pay the currently applicable transportation impact fee for each building permit in full prior to its issuance. In the event that upon build-out of the development estimated transportation impact fees are still unspent, the remaining balance of such estimated fees may be transferred to another approved project within the same, or adjacent, transportation impact fee district, provided any vested entitlements associated with the unspent and transferred transportation impact fees are relinquished and the Certificate of Public Facility Adequacy is modified to delete those entitlements.

3.15.7.3.2. Rules of general applicability for Certificate of Public Facility Adequacy. Certificates of Public Adequacy issued for roads under subsection 3.15.7.3.1.1 of this code subsequent to the [effective date of this division's amendment] will run in perpetuity provided provisions of subsection 3.15.7.3.1.5 of this ce are met and that annual mid-year monitoring reports are filed which comply with subsection 3.15.7.3.1.2.1 of this code and all developer requirements established during zoning or as part of a developer contribution agreement are completed or are being constructed consistent with the current development infrastructure improvement construction commitment schedule.

3.15.7.3.2.1. Timing. An application for a Certificate of Public Facility Adequacy may only be submitted at any time, as part of an application for a final local development order subject to subsection 3.15.7.3.1.1. of this code.

3.15.7.3.2.2. Impact Fees. A complete application for a Certificate of Public Facility Adequacy will include the calculation of the total amount of transportation impact fees estimated to be due by the applicant on the development for which a final local development order application has been submitted. Impact fee calculations will be reviewed and the amount estimated to be paid pursuant to subsection 3.15.7.3.1.5 of this code finally determined by the Impact Fee Coordinator. One-half (50%) of the estimated payment will be due at the time of notification of approval of the final local development order and will be deposited into the applicable Impact Fee Trust Fund and will be immediately available for appropriation by the board of county commissioners for transportation capital improvements. Final calculation of impact fees due will be based on the intensity of development actually permitted for construction and the impact fee schedule in effect at the time of the issuance of building permit(s); such that additional impact fees may be due prior to issuance of the building permit(s). The balance of transportation impact fees shall be due as provided for in subsection 3.15.7.3.1.1. of this code.

3.15.7.3.2.23. Consolidated application. ~~A building permit, final subdivision plat or final site development plan~~ A final local development order shall receive final approval only to the extent to which the proposed development receives a Certificate of Ppublic Ffacility Adequacy. The application for a Certificate of Ppublic Ffacility Adequacy may only be submitted with an application for final local development order approval, where appropriate under this division. An application for a Certificate of Public Facility Adequacy will receive final approval and a certificate will be issued concurrently with approval of a final local development order as set forth in subsection 3.15.7.3.1.5. of this code.

3.15.7.3.2.3.4 Assignability and transferability. An approved Certificate of Ppublic Ffacility Adequacy shall run with the land associated with the

corresponding development approval, and shall be assignable within the corresponding land of the approved a-proposed-development, and shall not be assignable or transferable to other development, except as may otherwise be provided for under an approved development agreement. This provision does not preclude the re-allocation of capacity between lots or parcels comprising the land that is the subject of the same consolidated application for development approval so long as the original certificate is surrendered along with a written request to re-allocate no more than that certificate's previously approved capacity in a re-issued certificate.

- 3.15.7.3.2.4.5 *Expiration.* A Certificate of Public Facility Adequacy for "Category A" facilities, except roads, shall expire three years from the date of its approval except to the extent that building permits have been issued for the proposed development for which the certificate is approved or a final subdivision plat has been approved and recorded, and the proposed development is then completed pursuant to the terms of the Collier County Building Code or as provided in subsection 3.15.7.3.1.1. of this code; provided: Refund of Impact Fees, except for certificates issued pursuant to subsection 3.15.7.3.1.1. of this code, will be subject to the provisions of the Consolidated Impact Fee Trust Fund Ordinance. The expiration date of a re-issued certificate re-allocating capacity to different lots or parcels in the same development will relate back to, and be calculated from, the original certificate's date of issuance.
- 3.15.7.3.2.45.1. For large developments as indicated below, a five year Certificate of Public Facility Adequacy for "Category A" facilities, except roads, may be obtained provided the Developer enters into an enforceable development agreement with the county. For dDevelopments comprised of more than 500 residential dwelling units, or for a phased increment of development comprised of more than 150 residential dwelling units, or for a commercial/industrial development of more than 100,000 square feet of gross leasable area is considered to be a large development., a A Certificate of Ppublic Ffacility Aadequacy for a large development shall expire five years from the date of its approval except to the extent that building permits have been issued for the proposed development for which the certificate is approved, and the proposed development is then completed pursuant to the terms of the Collier County Building Code., provided the certificate holder:
- ~~3.15.7.3.2.4.1.1. Obtains approval of its final subdivision plat and final site development plan, whichever is applicable, within 12 months from the date of issuance of the certificate of public facility adequacy; and~~
- ~~3.15.7.3.2.4.1.2. Commences construction of the infrastructure for the final subdivision plat and final site development plan, whichever is applicable, within 24 months from the date of issuance of the certificate of public facility adequacy; and~~
- ~~3.15.7.3.2.4.1.3. Completes the construction of the infrastructure for the final subdivision plat and final site development plan, whichever is applicable, and records the final subdivision plat in the public records of Collier County, if applicable, within 36 months from the date of issuance of the certificate of public facility adequacy.~~
- ~~3.15.7.3.2.4.2. For purposes of determining the expiration of a certificate of public facility adequacy for a mixed-use development, the size of the mixed use development shall be determined by aggregating the percentage of the threshold for each land use component identified in section 3.15.7.3.2.4.1 that is proposed for the mixed-use development.~~
- 3.15.7.3.2.56. *Effect.* Issuance of a Certificate of Public Facility Adequacy shall demonstrate proof of adequate public facilities to serve the development

approved in the development order, subject to the conditions in the development order. A subsequent application for development approval for development approved in a development order for which a Certificate of Public Facility Adequacy has been approved shall be determined to have adequate public facilities as long as the Certificate of Public Facility Adequacy is valid and unexpired. When a Certificate of Public Facility Adequacy expires, any subsequent application for development approval shall require a new certificate of public facility adequacy to be issued pursuant to the terms of this section prior to approval of any subsequent development order for the proposed development. Application for approval of a Certificate of Public Facility Adequacy for subsequent or continuing development once a certificate has expired shall be based on public facility availability at the time of the new application. Under no circumstances shall a Certificate of Public Facility Adequacy be automatically renewed.

- ~~3.15.7.3.2.6. Anything in this ordinance to the contrary notwithstanding, all certificates of public facility adequacy approved or issued from the date that the community development and environmental services division administrator presents the proposed ASI boundary maps to the Board of County Commissioners, as provided by section 7.4.2.3, through the date that the boundaries and the annual residual capacity trip allotments for each ASI are approved by the board shall be expressly conditioned upon any and all restrictions, limitations, provisions, boundaries and allotments adopted by the Board of County Commissioners pursuant to section 6.4.3.~~
- 3.15.7.3.3. *Effect of development agreement in conjunction with a Certificate of Public Facility Adequacy.* Upon approval by the Board of County Commissioners, any applicant may shall enter into an enforceable development agreement with Collier County pursuant to the provisions of F.S. §§ 163.3220—3242 or other agreement acceptable to the board of county commissioners, in conjunction with the approval of a development order and/or a Certificate of Public Facility Adequacy. The effect of the development agreement shall be to bind the parties pursuant to the terms and conditions of the development agreement and the Certificate of Public Facility Adequacy in order to insure that adequate public facilities are available to serve the proposed development concurrent with when the impacts of the development occur on the public facilities.
- 3.15.7.3.4. *Procedure for review of application.*
- 3.15.7.3.4.1. *Submission of applications and fees.* ~~The An~~ Application for a Certificate of Public Facility Adequacy for road facilities only shall be submitted in duplicate to the Community Development and Environmental Services Division Administrator. ~~An~~ Such applications shall be submitted at the filing of the earliest or for the next final local development order next to occur of final subdivision plat, final site development plan, or building permit as specifically provided for under subsection 3.15.7.3.1.1. All other applications for a certificate (i.e., except for road facilities) shall be submitted at building permit along with final payment for any impact fees owed, including any road impact fees. ~~An~~ application fees in an amount to be determined by the Board of County Commissioners shall accompany and be part of the applications.
- 3.15.7.3.4.2. *Application contents.* The form and contents for the Application for Public Facility Adequacy except for the road component shall be established by the Community Development and Environmental Services Division Administrator. In all cases, the applicant shall provide a facsimile number at which communications and notifications from the county to the applicant may be sent. The form and contents for the Application for Public Facility Adequacy for the roadway component shall be established by the Transportation Services Division Administrator. Complete

applications in their entirety are necessary to allow proper and adequate review by both the Community Development and Environmental Services Division and the Transportation Services Division. The form and contents for Applications shall be published and made available to the general public.

* * * * *

3.15.7.3.4.3. *Determination of completeness and review.* Upon receipt of an Application for Certificate of Public Facility Adequacy by the Community Development and Environmental Services Division for road facilities, all copies of the application will be time and date stamped. One copy will be forwarded to the Transportation Services Division for processing no later than the next business day. After receipt of the an Application for Certificate of Public Facility Adequacy, the Community Development and Environmental Services Division Administrator and transportation services division administrator shall determine whether its respective appliaction is complete within five business days. If it is determined that the applications are is any component of the application is not complete, written notice via facsimile shall be served on provided to the applicant specifying the deficiencies. The Community Development and Environmental Services Division Administrator and Transportation Services Division Administrator shall take no further action on the application unless the deficiencies are remedied. The applicant shall provide the additional information within 60 days or the application will be considered withdrawn and the application fee is forfeited. Within twenty business days after any application for a certificate except for road facilities is received and the application is determined to be complete, the Community Development and Environmental Services Division Administrator shall review and grant, or deny each public facility component except for roads in the application pursuant to the standards established in Ssubsection 3.15.7.3.5. of this code. The Transportation Services Administrator shall review and grant, or deny a Certificate of Public Facility Adequacy for roads within twenty business days after the application is determined to be complete.

3.15.7.3.4.4. *Appeal to of Public Facilities Determination, Appeal Committee.* Within 30 days after issuance of the determination of the Community Development and Environmental Services Division Administrator and/or the Transportation Services Division Administrator on the Application for a Certificate of Public Facility Adequacy, the applicant may appeal the determination of the Community Development and Environmental Services Division Administrator on the Application for a Certificate of Public Facility Adequacy to the Public Facilities Determination Appeal Committee the Collier County board of county commissioners. A fee for the application and processing on an appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the applicant for a third party evaluation. The third party shall be an outside consultant who has been previously approved by the county for the purpose of providing independent review and recommendations on public facility adequacy determinations. The board of county commissioners Public Facilities Determination Appeal Committee shall hold a hearing on the appeal and shall consider the determination of the Community Development and Environmental Services Division Administrator and the Transportation Services Division Administrator, independent third party testimony and public testimony in light of all the criteria set forth in Ssubsection 3.15.7.3.5 of this ordinance. The board of county commissioners Public Facilities Determination Appeal Committee shall adopt the Community Development and Environmental Services Division Administrator's and the transportation services division administrator's determination on the Application for a Certificate of Public Facility Adequacy with or without modifications or

conditions, or reject the Community Development and Environmental Services Division Administrator's and the transportation services division administrator's determination. The board of county commissioners ~~Public Facilities Determination Appeal Committee~~ shall not be authorized to modify or reject the Community Development and Environmental Services Division Administrator's and the transportation services division administrator's determination unless the board of county commissioners ~~Public Facilities Determination Appeal Committee~~ finds that the determination is not supported by substantial competent evidence or that the Community Development and Environmental Services Division Administrator's and the transportation services division administrator's determination is contrary to the criteria established in Subsection 3.15.7.3.5 of this code ~~of this ordinance~~. The decision of the board of county commissioners ~~Public Facilities Determination Appeal Committee~~ shall include findings of fact for each of the criteria.

~~3.15.7.3.4.4.1. Composition of public facilities determination appeal committee. The public facilities determination appeal committee shall be comprised of three members: the public works division director, or his designee; metropolitan planning organization (MPO) coordinator, or his designee; and the engineering review services manager, or his designee.~~

3.15.7.3.4.5. Approval of Certificate; Payment for, and Cancellation of certificates. Upon notification by facsimile by the Community Development and Environmental Services Division Administrator or his designee and the Transportation Services Division Administrator or his designee, that an application for a Certificate of Public Facility Adequacy for road facilities has been approved, and a Certificate one-half (50%) all of the estimated transportation impact and system development fees shall be paid. If the applicant fails to pick up the Certificate and pay the appropriate fees within 20 calendar days of notification of approval, a second notification of pending cancellation of the Certificate will be sent to the applicant by certified mail. If the applicant does not pick up the certificate and pay all applicable transportation impact fees within ten calendar 90 days of notification by facsimile by certified mail, the certificate will be voided. In such a case, the applicant shall then be required to apply for issuance of a new certificate. All Collier County impact fees are due and payable at building permit issuance based on the applicable rate structure at that time.

* * * * *

3.15.7.3.5.1. *Potable water facilities.*

* * * * *

3.15.7.3.5.1.1.1. The required public facilities are in place at the time a final Site Development Plan, Final Subdivision Plat or building permit is issued.

3.15.7.3.5.1.1.2. The required public facilities are under construction at the time a final Site Development Plan, Final Subdivision Plat or building permit is issued.

3.15.7.3.5.1.1.3. The required public facilities are guaranteed in an enforceable development agreement that includes the provisions of subsections 3.15.7.3.5.1.1.1. and 3.15.7.3.5.1.1.2. of this code.

* * * * *

3.15.7.3.5.2. *Sanitary sewer facilities.*

3.15.7.3.5.2.1. The sanitary sewer component shall be granted if any of the following conditions are met:

3.15.7.3.5.2.1.1. The required public facilities are in place at the time a final Site Development Plan, Final Subdivision Plat or building permit is issued.

3.15.7.3.5.2.1.2. The required public facilities are under construction at the time a final Site Development Plan, Final Subdivision Plat or building permit is issued.

* * * * *

3.15.7.3.5.3. *Solid waste facilities.*

* * * * *

3.15.7.3.5.3.1.1. The required public facilities are in place at the time a final Site Development Plan, Final Subdivision Plat or building permit is issued.

3.15.7.3.5.3.1.2. The required public facilities are under construction at the time a final Site Development Plan, Final Subdivision Plat or building permit is issued.

* * * * *

3.15.7.3.5.4. *Drainage facilities.* The drainage component shall be granted if the proposed development has a drainage and water management plan that has been approved by the environmental services division that meets the LOS for Capital Drainage Facilities defined in subsection 3.15.3.26.43-22. of this code.

3.15.7.3.5.5. *Park and recreation facilities.*

* * * * *

3.15.7.3.5.5.1.1. The required public facilities are in place at the time a final Site Development Plan, Final Subdivision Plat or building permit is issued.

3.15.7.3.5.5.1.2. The required public facilities are under construction at the time of a final Site Development Plan, Final Subdivision Plat or building permit is issued.

3.15.7.3.5.5.1.3. The required public facilities are the subject of a binding contract executed for the construction of those public facilities, which provides for the commencement of actual construction within one year of issuance of a final Site Development Plan, Final Subdivision Plat or a building permit.

* * * * *

3.15.7.3.5.6. *Road facilities.* The road component shall be considered based upon whether sufficient roadway and intersections capacity is available based on the findings of the transportation-concurrency management system impact statement (TIS), which shall be based upon the provisions of subsections 3.15.6.4.1, 3.15.6.5.1.6 and 3.15.7.3.5.7. ~~the proposed development is outside a designated ASI or within a designated ASI.~~

3.15.7.3.5.7. *Significance Test.* Impact for traffic impact analysis purposes for a proposed development project will be considered significant:

1. on those roadway segments directly accessed by the project where project traffic is equal to or greater than 3% of the adopted LOS standard service volume;

2. for those roadway segments immediately adjacent to segments which are directly accessed by the project where project traffic is greater than or equal to 3% of the adopted LOS standard service volume; or
3. for all other adjacent segments where the project traffic is greater than 5% of the adopted LOS standard service volume.

Once traffic from a development has been shown to be less than significant on any segment using the above standards, the development's impact is not required to be analyzed further on any additional segments.

~~Sec. 3.15.8. Liberal construction, severability, and penal provision.~~

- ~~3.15.8.1. The provisions of this division shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety, welfare and convenience.~~
- ~~3.15.8.2. If any section, phrase, sentence or portion of this division is for any reason 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 effect the validity of the remaining portion.~~
- ~~3.15.8.3. A violation of this division shall be misdemeanor punishable according to law; however, in addition to or in lieu of any criminal prosecution, Collier County shall have the power to sue in civil court to enforce the provisions of this division.~~

* * * * *

SUBSECTION 3.M. AMENDMENTS TO DIVISION 3.16., GROUNDWATER PROTECTION INCLUDING THE WELLFIELD PROTECTION ZONE MAP SERIES.

Division 3.16., Groundwater Protection including the Wellfield Protection Zone Map Series, of Ordinance No. 91-102, as amended, the Collier County Land Development Code is hereby amended to read and replace or add certain wellfield protection zone maps as follows:

DIVISION 3.16 GROUNDWATER PROTECTION

Sec. 3.16.2. Applicability.

* * * * *

- 3.16.2.1.2.1.7. The following wellfields withdraw groundwater from the water table aquifer:
 - A. The Everglades City Wellfield; and
 - B. The Florida Governmental Utility Authority Golden Gate Water Treatment Plant Cities (Avatar) Wellfield, ; and
 - ~~C. The North Naples Utilities (Quail Creek) Wellfield.~~
- 3.16.2.1.2.1.8. The following wellfields withdraw groundwater from the Lower Tamiami aquifer:

- A. The East Golden Gate Wellfield;
- B. The Coastal Ridge (Goodlette Road) Wellfield;
- C. The Collier County Utilities Wellfield;
- ~~D. The Glades Wellfield;~~
- ~~E. D.~~ The Airport Water Treatment Plant Wellfield of the Immokalee Water and Sewer District wellfields;
- ~~F. E.~~ The Carson Road Water Treatment Plant Wellfield of the Immokalee Water and Sewer District wellfields; and
- ~~G. F.~~ The Orange Tree Pelican Bay Wellfield.

~~3.16.2.1.2.1.9. The Port of the Islands Wellfield withdraws groundwater from the intermediate aquifer system.~~

3.16.2.1.2.1.9.10. The main water treatment plant wellfield of the Immokalee Water and Sewer District wellfields withdraws groundwater from the Lower Tamiami and the Sandstone aquifers.

3.16.2.1.2.1.10.11. Available data indicate that:

* * * * *

3.16.2.1.2.1.11.12. SFWMD technical assistance information includes a finding that "[d]ue to the leaky nature of the Tamiami confining beds . . . there is presently not enough data to conclude that these confining beds could protect the aquifer from surface contamination. Therefore, land use decisions should be geared towards restricting hazardous chemicals or industries from the immediate areas where the Lower Tamiami is being used as a source of drinking water supply." (Water Resources Data and Related Technical Information to Assist Local Government Planning in Collier County, SFWMD, 1987, p. Co-C-5.)

3.16.2.1.2.1.11.13. The risk of contamination of groundwater and existing and future wellfields in geographical Collier County will be reduced by regulating the development, land use, and activity within Collier County and ensuring that state groundwater quality standards are implemented.

* * * * *

3.16.2.1.2.2. *Protected public water supply wellfields. * * * **

3.16.2.1.2.2.1. Withdrawing from the water table aquifer:

- A. The Everglades City Wellfield; and
- B. The Florida Governmental Utility Authority Golden Gate Water Treatment Plant Cities (Avatar) Wellfield; and
- ~~C. The North Naples Utilities (Quail Creek) Wellfield.~~

3.16.2.1.2.2.2. Withdrawing from the Lower Tamiami aquifer:

* * * * *

~~E. D.~~ The Orange Tree Pelican Bay Wellfield.

~~F. E.~~ The Airport Water Treatment Plant Wellfield of the Immokalee Water and Sewer District wellfields; and

~~G. F.~~ The Carson Road Water Treatment Plant Wellfield of the Immokalee Water and Sewer District wellfields.

* * * * *
Sec. 3.16.2.4. *Application of zones.*

* * * * *
Sec. 3.16.2.4.1. *Regulated wellfields. * * * *.*

3.16.2.4.1.1. East Golden Gate Wellfield.

3.16.2.4.1.2. Coastal Ridge (Goodlette Road) Wellfield.

3.16.2.4.1.3. Collier County Utilities Wellfield.

3.16.2.4.1.4. Everglades City Wellfield.

3.16.2.4.1.5. Florida Governmental Utility Authority Golden Gate Water Treatment Plant Cities (Avatar) Wellfield.

3.16.2.4.1.6. The Orange Tree Glades Wellfield.

3.16.2.4.1.7. Immokalee Water and Sewer District wellfields drilled into the Lower Tamiami aquifers and Sandstone aquifers.

~~3.16.2.4.1.8. North Naples Utilities (Quail Creek) Wellfield.~~

~~3.16.2.4.1.9. Pelican Bay Wellfield.~~

APPENDIX A. WELLFIELD PROTECTION ZONE MAPS

[See attached maps]

* * * * *

SUBSECTION 3.N. AMENDMENTS TO DIVISION 5.2., PLANNING COMMISSION

Division 5.2., Planning Commission, of Ordinance No. 91-102, as amended, the Collier County Land Development Code is hereby amended to read as follows:

DIVISION 5.2 PLANNING COMMISSION

* * * * *

Sec. 5.2.2. Powers and duties.

The planning commission shall have the following powers and duties:

* * * * *

5.2.2.11. The school district member of the planning commission shall attend those planning commission meetings at which comprehensive plan amendments and rezonings that would, if approved, increase residential density of the property that is the subject of the application being considered.

* * * * *

Sec. 5.2.3 Commission membership.

* * * * *

5.2.3.2. *Appointment.* The planning commission shall be composed of nine members to be appointed by the board of county commissioners. In addition, a representative of the school district appointed by the school board shall serve as a non-voting member of the planning commission unless the board of county commissioners grants voting status to the school district representative.

5.2.3.3. *Reappointments.* All reappointments to the planning commission shall be made so as to achieve the following geographical distribution of membership:

* * * * *

One member: Appointed by the school district.

* * * * *

Sec. 5.2.4. Terms of office.

The initial terms of office of the planning commission shall be as follows:

* * * * *

The school district member shall be appointed for a term of four years.

SUBSECTION 3.O. AMENDMENTS TO DIVISION 5.13., ENVIRONMENTAL ADVISORY COUNCIL

Division 5.13., Environmental Advisory Council, of Ordinance No. 91-102, as amended, of the Collier County Land Development Code is hereby amended to read as follows:

DIVISION 5.13 ENVIRONMENTAL ADVISORY COUNCIL

* * * * *

Sec. 5.13.2. Authority, functions, powers and duties.

* * * * *

5.13.2.3. The powers and duties of the EAC are as follows:

* * * * *

~~(14) The EAC shall present an annual report to the board at a regular board meeting in May of each year. The report shall list the EAC's achievements for the prior year, present its objectives for the coming year and highlight environmental issues that need further study.~~

* * * * *

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

Division 6.3., Definitions, of Ordinance 91-05, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 6.3 DEFINITIONS

* * * * *

Alley: The A public or approved private way which affords only a secondary means of access to abutting properties and which is not intended for general traffic circulation.

* * * * *

Outparcel: A site for a freestanding building or buildings which is generally related to an original (parent) development tract is adjacent to a roadway that interrupts the frontage of another lot and is intended or withheld by the developer for development separately from the majority of the original development. The outparcel shall meet the minimum development and dimensional standards of the underlying zoning district, shall provide the required number of parking spaces to accommodate the proposed use(s) and shall integrate access, landscaping, architecture and signage with the main component of the project, based upon the specific provisions of the land development code and the appropriate PUD ordinance.

* * * * *

Passenger vehicle: A car, pickup truck, motorcycle, van, sports utility vehicle or the like, used primarily for personal transportation and the transportation of others but which is not for hire or used for commercial or recreational purposes.

* * * * *

Yard, front: The required open space extending across the entire width of the lot between the front building line and street right-of-way line. Where double-frontage lots exist, the required front yard shall be provided on both streets except as otherwise provided for herein.

Where corner lots of record existed prior to the date of adoption of Collier County Ordinance No. 82-2 [January 5, 1982], which lots do not meet minimum lot width or area requirements established in this Code, ~~:(1) only one full depth front yard shall be required, (2) all other front yards shall be not less than 50 percent of the otherwise required front yard depth exclusive of any right-of-way, or right-of-way easement except that in the E estates district this depth may not be less than 15 feet exclusive of any right-of-way or right-of-way easement and the full depth front yard shall be located along the shorter lot line along the street.~~ In all zoning districts, the full depth front yard requirement shall apply to the front yard which has the shorter or shortest street frontage. In all zoning districts, except the E (Estates) zoning district, the setback requirement for the remaining front yard(s) shall not be reduced by more than 50 percent of the full front yard setback requirement for that district, exclusive of any road right-of-way or road right-of-way easement. Additionally, in the E (Estates) zoning district only, the setback requirement for the remaining front yard(s): (i) shall not be reduced to less than 15 feet, and (ii) shall not include any road right-of-way or road right-of way easement within the reduced front yard.

* * * * *

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

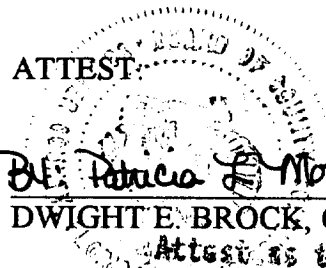
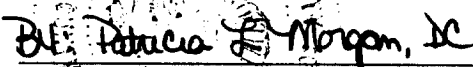
This Ordinance shall become effective upon filing with the Secretary of State with the exception of Division 3.15, Amendments to Adequate Public Facilities Division. The amendments to said Division 3.15 entitled Adequate Public Facilities shall not become effective until the supporting amendments to the Collier County Growth Management Plan (Ordinance Number 02-60), become legally effective in accordance with Subsection 163.3189(2)(a) Florida Statutes (2002).

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 8th day of January 2003.

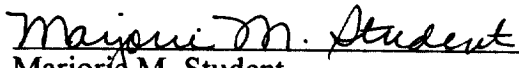
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

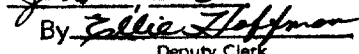
BY: 
JAMES N. COLETTA, CHAIRMAN
1-8-03

ATTEST:

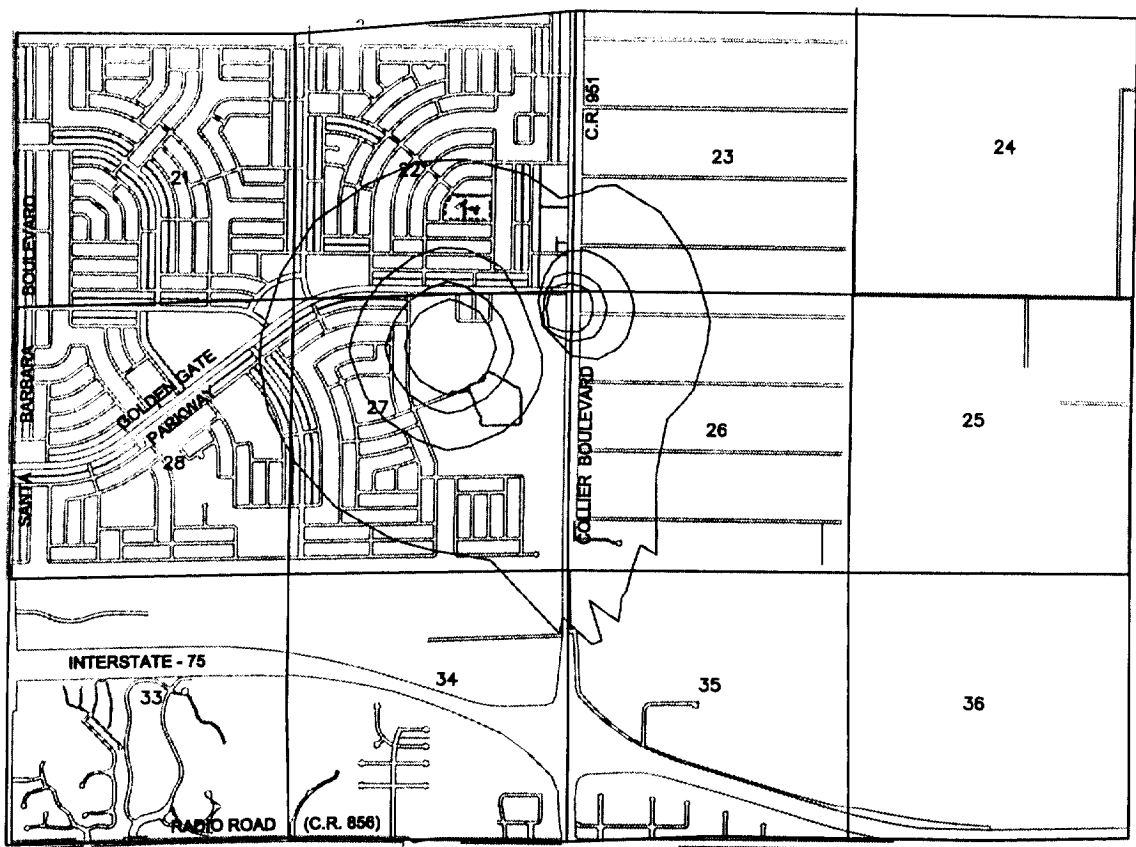


DWIGHT E. BROCK, CLERK
Attest as to Chairman's signature only.

Approved As To Form And Legal Sufficiency


Marjorie M. Student
Assistant County Attorney

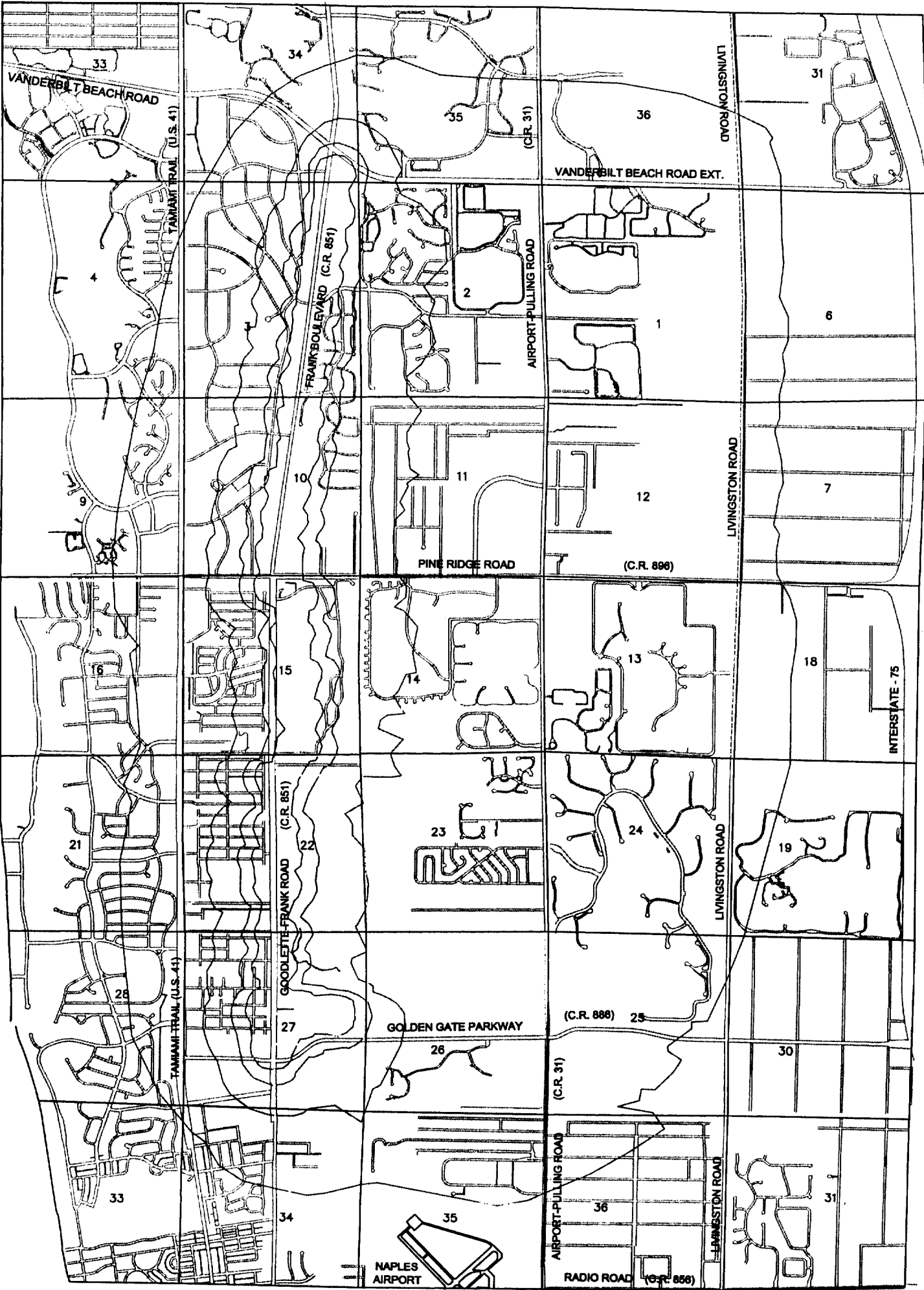
This ordinance Filed with the Secretary of State's Office the 16th day of Jan, 2003 and acknowledgement of that filing received this 22nd day of Jan, 2003
By: 
Deputy Clerk

**FLORIDA GOVERNMENTAL
UTILITY AUTHORITY GOLDEN
GATE WATER TREATMENT
PLANT WELLFIELD**



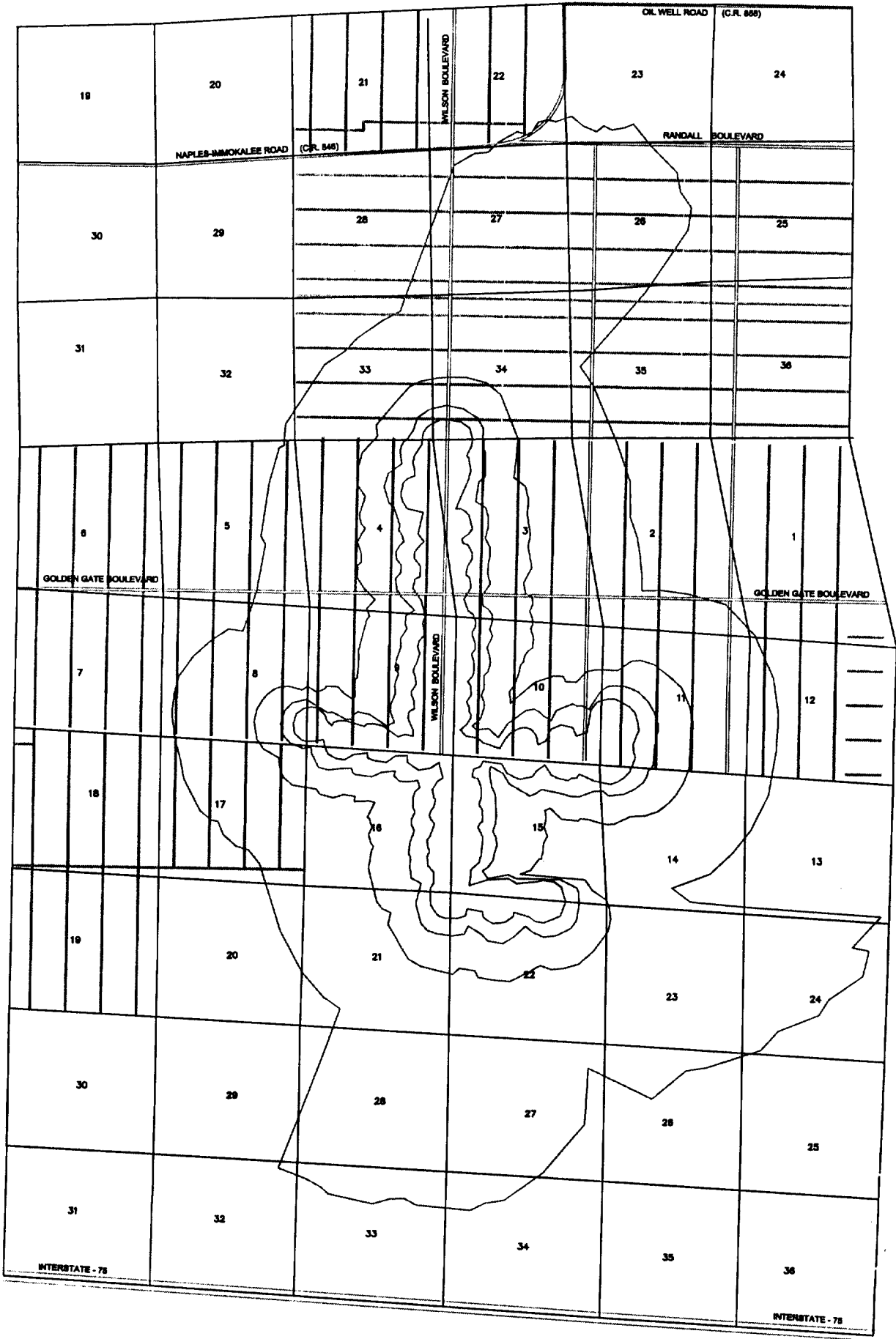
(Replaces untitled map of Florida Cities (Avatar) Wellfield)

COASTAL RIDGE WELLFIELD



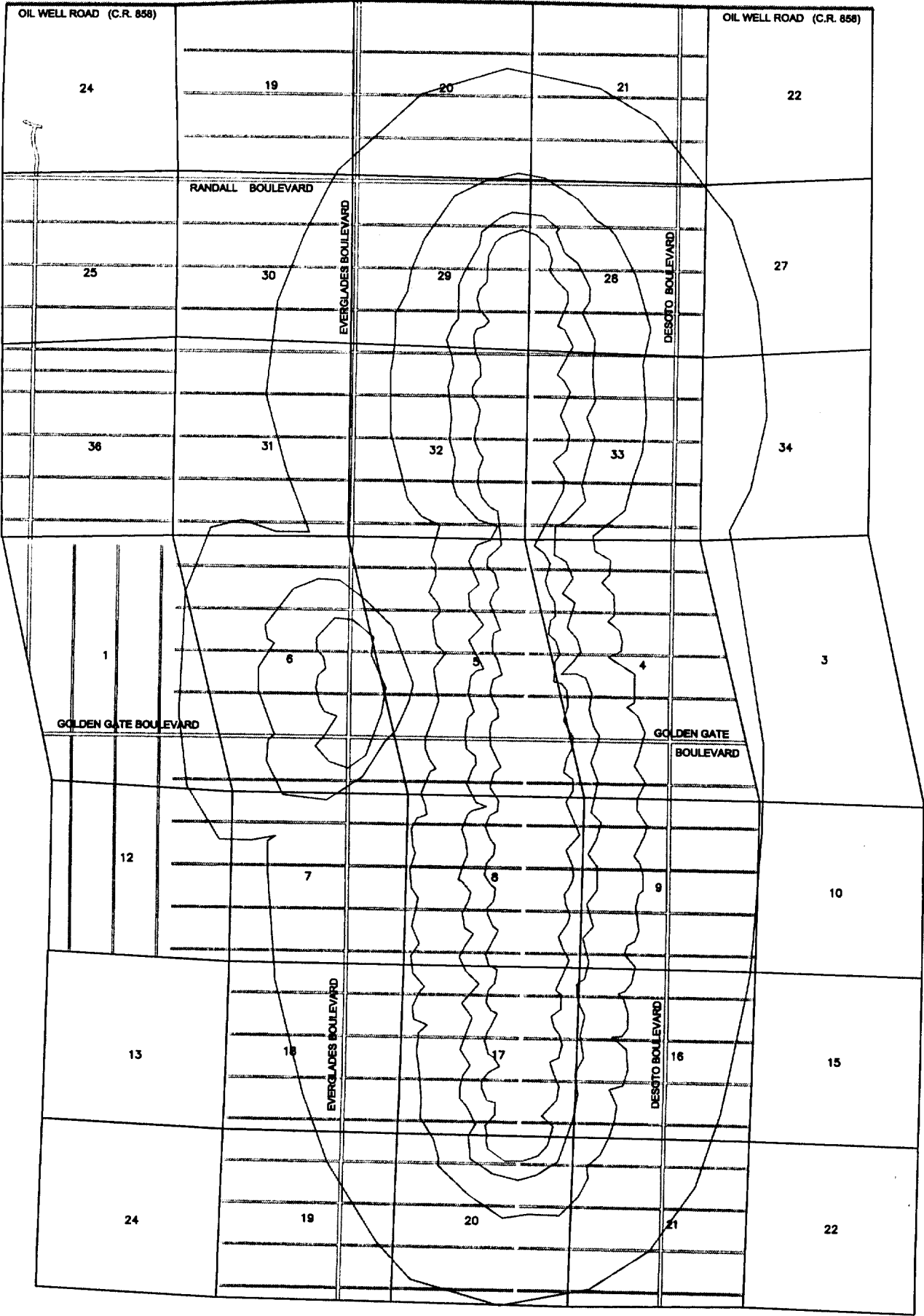
(Replaces map entitled Coastal Ridge)

COLLIER COUNTY UTILITIES WELLFIELD



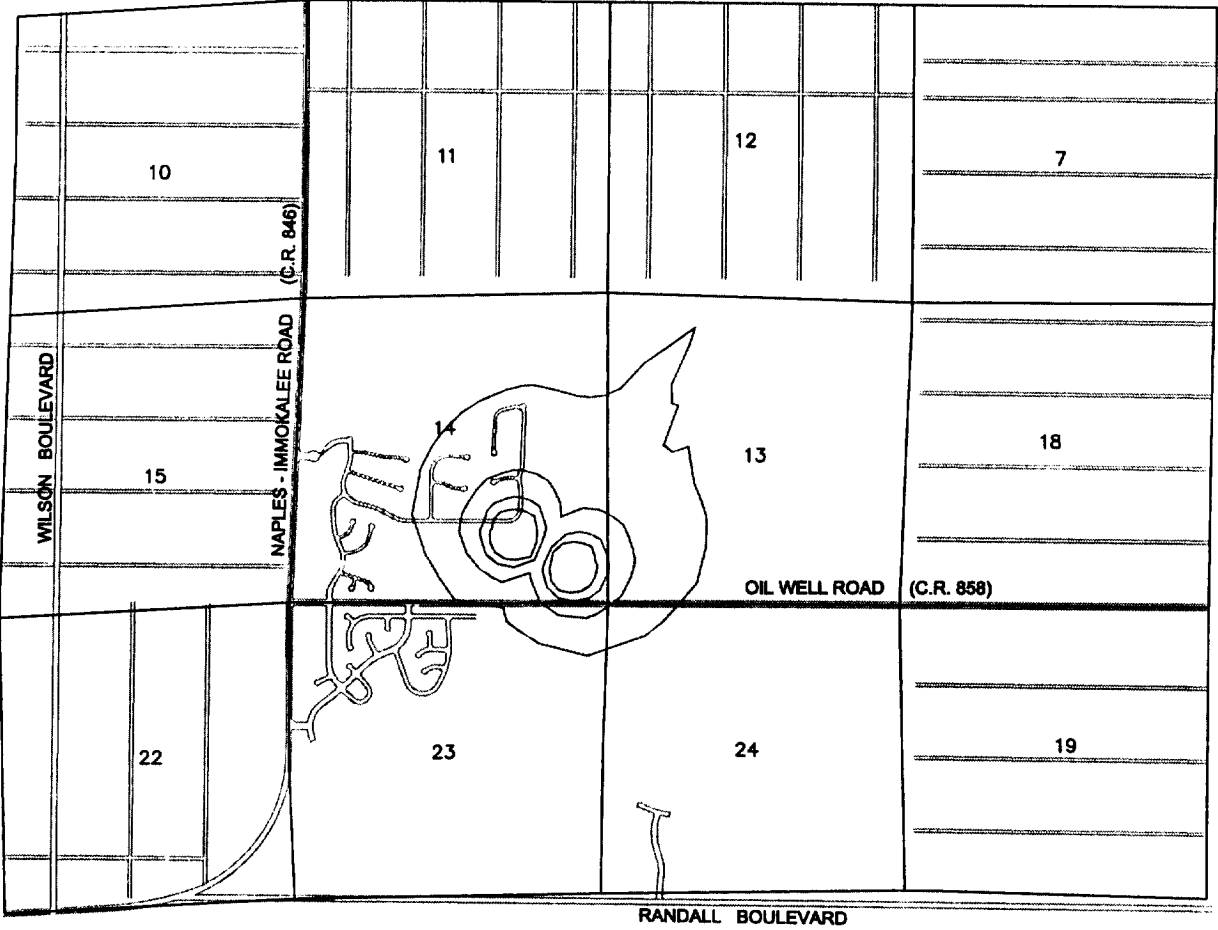
(Replaces map entitled Collier County Utilites)

EAST GOLDEN GATE WELLFIELD



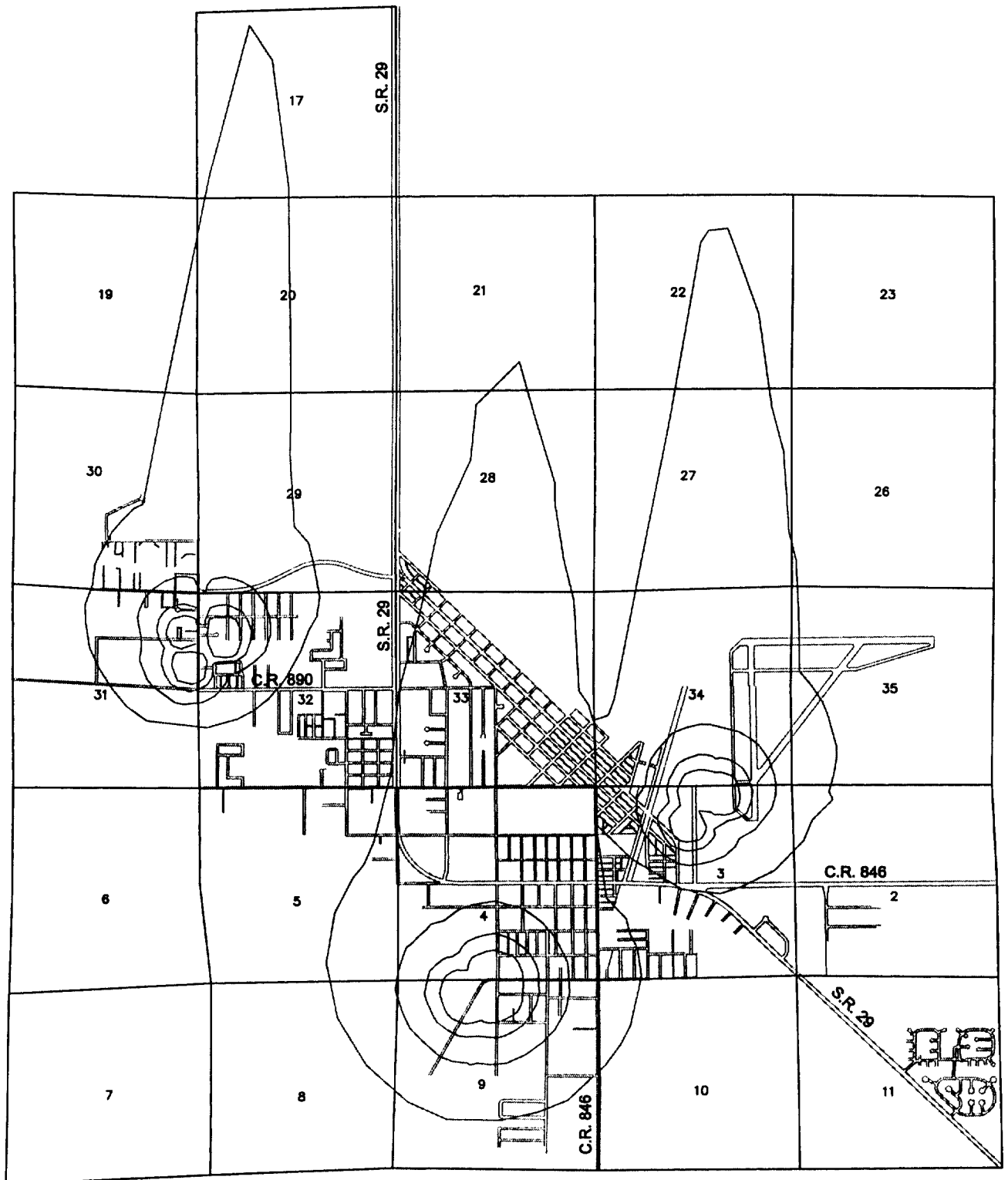
(Replaces map entitled East Golden Gate Wellfield)

ORANGE TREE WELLFIELD



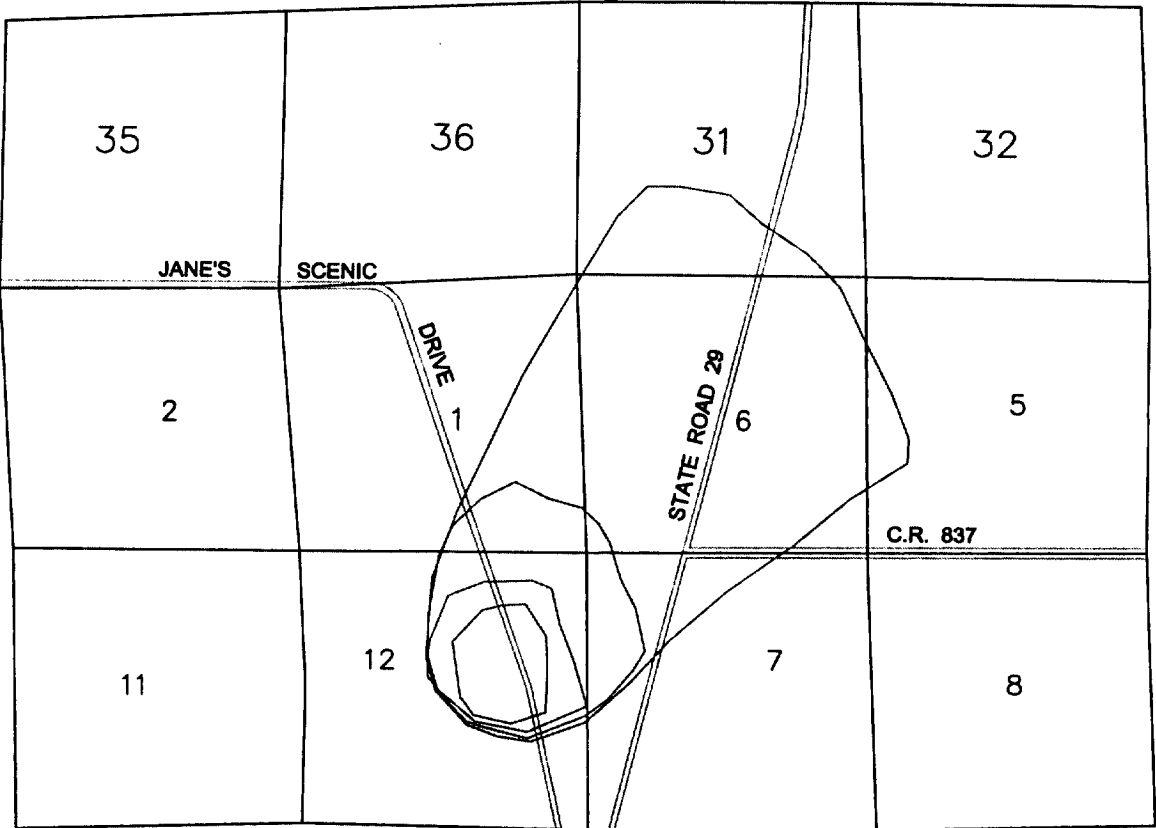
(New map)

IMMOKALEE WATER AND SEWER DISTRICT WELLFIELDS



(Replaces untitled map of Immokalee Wellfields)

**EVERGLADES CITY
WELLFIELD**



(Replaces untitled map of Everglades City Wellfield)

STATE OF FLORIDA)

COUNTY OF COLLIER)

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

ORDINANCE NO. 2003-01

Which was adopted by the Board of County Commissioners on the 8th day of January, 2003, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 15th day Of January 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

2003 JAN 15 7:10:52
CLERK OF COURTS
COLLIER COUNTY, FLORIDA

FILED