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STATE OF FLORIDA

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: ARTICLE 1, DIVISION 1.6, INTERPRETATIONS; DIVISION 1.8, NONCONFORMITIES; ARTICLE 2, DIVISION 2.2, ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, INCLUDING REVISIONS TO THE INDUSTRIAL ZONING DISTRICT, INCLUDING REVISIONS TO THE BAYSHORE DRIVE MIXED USE OVERLAY DISTRICT, INCLUDING THE GOODLAND ZONING OVERLAY DISTRICT; DIVISION 2.4, LANDSCAPING AND BUFFERING; DIVISION 2.5, SIGNS; DIVISION 2.6, SUPPLEMENTAL DISTRICT REGULATIONS; DIVISION 2.7, ZONING ADMINISTRATION AND PROCEDURES; DIVISION 2.8, ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS; ARTICLE 3, DIVISION 3.2, SUBDIVISIONS; DIVISION 3.3, SITE DEVELOPMENT PLANS; AND ARTICLE 6, DIVISION 6.1, RULES OF CONSTRUCTION; DIVISION 6.3, DEFINITIONS; APPENDIX B, TYPICAL STREET SECTIONS AND RIGHT-OF-WAY DESIGN STANDARDS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

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

WHEREAS, the LDC may not be amended more than two times in each calendar year unless additional amendment cycles are approved by the Collier County Board of County Commissioners pursuant to Section 1.19.1., LDC; and

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

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

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

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold advertised public hearings on September 10, 2003, and October 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 at least 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 are 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 1.6 INTERPRETATIONS

Division 1.6. Interpretations, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 1.6 INTERPRETATIONS

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

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Sec. 1.6.3. Procedures.

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1.6.3.1. Submission for request for interpretation. Before an interpretation shall be provided by the planning services director, or chief building official, whichever is applicable, a Requests for interpretation shall be submitted to the planning services director or chief building official ("officials"), whichever is applicable, in a form established by him. Each request must identify the specific land development code or building code citation to be interpreted. Each request for interpretation must be accompanied by the appropriate fee as set forth in the fee resolution adopted by the board of county commissioners. A fee for the request and processing of the request 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. Under no circumstances may the request for interpretation contain more than three issues/questions. It must not contain a single question with more than three sub-issues or questions. If it is determined by the appropriate official that the request for interpretation contains more than three issues, the applicant will be required to submit a separate request accompanied by the applicable fees.

1.6.3.2. Determination of completeness. After receipt of a request for interpretation has been received, the planning services director or chief building official whichever is applicable, appropriate official must shall determine whether the request is complete. If the planning services director or chief building official, whichever is applicable, appropriate official determines that the request is not complete, he must shall serve a written notice on the applicant specifying the deficiencies. The appropriate official planning services director or chief building official, whichever is applicable, will shall take no further action on the request for interpretation until the deficiencies are remedied.

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SUBSECTION 3.B. AMENDMENTS TO DIVISION 1.8

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

DIVISION 1.8. NONCONFORMING LOTS OF RECORD

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Sec. 1.8.10. Nonconforming structures.

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1.8.10.2.1. Docks and boathouses are not subject to the provisions of Section 1.8.10.2. Docks and boathouses must be reconstructed to conform to the Code only if the reconstruction of the dock or boathouse will expand or alter the original nonconforming facility with regard to deck area, protrusion, setbacks, or the addition of any covered structure, regardless of the percentage of destruction or repairs performed. The determination of legal nonconforming status will be established by presentation of a signed, sealed survey, a copy of the Property Appraiser's record, or other dated photography or documentation showing that the facility existed in its present location and configuration prior to 1990. Any expansion of the facility, no matter how insignificant will void legal nonconforming status and require strict compliance to the Code.

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

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

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

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Sec. 2.2.16. Industrial District

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2.2.16.2.1. *Permitted uses.*

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- ~~20.~~ Gunsmith shops (groups 7699) ~~with accessory shooting range for testing and training except for outdoor shooting ranges.~~
- 21. Heavy construction (groups 1611—1629).
- 22. Health services (8011 accessory to industrial activities conducted on-site only).
- 23. Industrial and commercial machinery and computer equipment (3511—3599).
- 24. Insurance agents, brokers, and service, including Title insurance (group 6361 and 6411).
- ~~24.~~ 25. Leather and leather products (groups 3131—3199).
- ~~25.~~ 26. Local and suburban transit (groups 4111—4173).
- ~~26.~~ 27. Lumber and wood products (groups 2426, 2431—2499).
- ~~27-28.~~ 28. Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (groups 3812—3873).
- ~~28-29.~~ 29. Membership organizations (groups 8611, 8631).
- ~~29-30.~~ 30. Miscellaneous manufacturing industries (groups 3911—3999).
- ~~30-31.~~ 31. Miscellaneous repair services (groups 7622—7699) with no associated retail sales.
- ~~31-32.~~ 32. Motor freight transportation and warehousing (groups 4212, 4213—4225, 4226 except oil and gas storage, and petroleum and chemical bulk stations).
- ~~32-33.~~ 33. Outdoor storage yards pursuant to the requirements of section 2.2.151/2.6.
- ~~33-34.~~ 34. Paper and allied products (2621—2679).
- ~~34-35.~~ 35. Personal services (groups 7211—7219).
- ~~35-36.~~ 36. Physical fitness facilities (group 7991).
- ~~36-37.~~ 37. Printing, publishing and allied industries (groups 2711—2796).
- ~~37-38.~~ 38. Railroad transportation (4011, 4013).
- ~~38-39.~~ 39. Real estate brokers and appraisers (6531).
- ~~39-40.~~ 40. Rubber and miscellaneous plastics products (groups 3021, 3052, 3053).
- 41. Shooting range, indoor (group 7999).
- ~~40-42.~~ 42. Stone, clay, glass, and concrete products (groups 3221, 3251, 3253, 3255—3273, 3275, 3281).

- 44. ~~43.~~ Textile mill products (groups 2211—2221, 2241—2259, 2273—2289, 2297, 2298).
- 44. Title abstract offices (group 6541).
- ~~42.~~ ~~45.~~ Transportation equipment (groups 3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799).
- ~~43.~~ 46. Transportation by air (groups 4512—4581).
- ~~44.~~ 47. Transportation services (groups 4724—4783, 4789 except stockyards).
- ~~45.~~ 48. United States Postal services (4311).
- ~~46.~~ 49. Welding repair (7692).
- ~~47.~~ 50. Wholesale trade—Durable goods (groups 5012—5014, 5021—5049, 5063—5092, 5094—5099).
- 51. Wholesale trade—nondurable goods (groups 5111—5159, 5181, 5182, 5191 except that wholesale distribution of chemicals, fertilizers, insecticides, and pesticides must be a minimum of 500 feet from a residential zoning district (5192—5199).

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Sec. 2.2.33. Bayshore Drive Mixed Use Overlay District

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2.2.33.22.13. *Garages and Driveways.*

- 1. The rear setback may be reduced to ten feet if a front-access garage is constructed on the rear of the residence.
- 2. ~~Garage doors shall have a maximum width of 16 feet. The maximum width of garage doors is 16 feet.~~
- 3. Only one driveway is allowed per 50 linear feet of front property line. ~~The driveway shall have a maximum width of 18 feet in the right-of-way area. The maximum width of the driveway at the right-of-way line is 18 feet.~~
- 4. Other than the permitted driveway, the front yard may not be paved or otherwise used to accommodate parking.
- 5. Garages ~~shall~~ must be recessed a minimum of three feet behind the front facade of the primary residence.
- 6. No carports are permitted.
- 7. The distance from the back of the sidewalk to the garage door must be at least 23 feet to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.

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Sec. 2.2.34. Goodland Overlay

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2.2.34.4. *Development criteria.* The development criteria and standards for each zoning district in Goodland as provided for in this Code shall apply for all uses and structures in this overlay district unless specifically superseded below.

2.2.34.4.1. Permitted uses. The following uses are permitted as of right in this subdistrict:

Reserved.

2.2.34.4.2. Conditional uses. The following uses are permitted as conditional uses in this subdistrict:

a. Clam nursery, subject to the following restrictions:

- 1) A "clam nursery" is defined as the growing of clams on a "raceway" or "flow-through saltwater system" on the shore of a lot until the clam reaches a size of approximately one-half inch.
- 2) For the purposes of this section, a "raceway" or "flow-through salt water system" is defined as a piece of plywood or similar material fashioned as a table-like flow through system designed to facilitate the growth of clams.
- 3) At no time may a nursery owner operate a raceway or raceways that exceed a total of 800 square feet of surface area.
- 4) The nursery must meet the requirements of a "minimal impact aquaculture facility" as defined by the Department of Agriculture.
- 5) The nursery must not be operated on a vacant lot, unless both of the following requirements are met:
 - i. The vacant lot is owned by the same individual who owns a lot with a residence or habitable structure immediately adjacent to the vacant lot; and
 - ii. The vacant lot must not be leased to another individual for purposes of operating a clam farm within the RSF-4 and VR zoning districts.
- 6) At no time will a nursery owner be allowed to feed the clams, as the clams will be sustained from nutrients occurring naturally in the water.
- 7) Only the property owner or individual in control of the property will be allowed to operate a raceway on the shore off his property within the VR and RSF-4 zoning districts. In other words, a landowner must not lease his property to another individual to use for purposes of operating a clam nursery.
- 8) Any pump or filtration system used in conjunction with the nursery must meet all applicable County noise ordinances and must not be more obtrusive than the average system used for a non-commercial pool or shrimp tank.

~~2.2.34.4.1-2.2.34.4.3.~~ Maximum building height. As provided for in the Village Residential zoning district for each permitted, accessory, and conditional use provided that no residential building may contain more than two levels of habitable space.

~~2.2.34.4.2-2.2.34.4.4.~~ Minimum lot requirements. As provided for in the Village Residential zoning district for each permitted, accessory, and conditional use except for the following:

a. Single family/mobile home:

Minimum lot area: 4,275 square feet.

Minimum lot width: 45 feet.

~~2.2.34.4.3-2.2.34.4.5.~~ Minimum lot requirements. As provided for in the residential single family district (RSF-4) for each permitted, accessory, and conditional use except for the following:

a. Minimum lot area: 5,000 square feet.

b. Minimum lot width: 50 feet.

~~2.2.34.4.4-2.2.34.4.6.~~ Minimum yard requirements. As provided for in the residential single family district (RSF-4) for each permitted, accessory, and conditional use except for the following:

a. Side yard: Five feet.

2.2.34.5. Parking/storage of major recreational equipment and personal vehicles, and certain commercial vehicles.

2.2.34.5.1. Within the VR and RSF-4 zoning districts, except for specifically designated travel trailer subdivisions, boats, trailers, recreational vehicles and other recreational equipment may be stored in any yard subject to the following conditions.

- a. ~~No~~ Recreational equipment shall ~~not~~ be used for living, sleeping, or housekeeping purposes when parked or stored.
- b. ~~No~~ Recreational vehicles or equipment shall ~~not~~ exceed 35 feet in length.
- c. ~~No~~ Recreational vehicles or equipment shall ~~not~~ be parked, stored nor encroach in any county right-of-way easement.
- d. Recreational vehicles or equipment that exceed 35 feet in length shall ~~will~~ be subject to the provisions of subsection 2.6.7.2 of this Code.

2.2.34.5.2. Personal vehicles may be parked in drainage swales in the VR and RSF-4 zoning districts subject to the following conditions.

- a. No vehicle shall block or impede traffic.

2.2.34.5.3. Commercial vehicles 35 feet in length or less will be allowed to park at the owner's home and in the drainage swale subject to the following conditions:

- a. No vehicle shall block or impede traffic;
- b. Drainage must not be blocked or impeded in any way as a result of the parking in the swales;
- c. Parking will only be permitted in driveways and not in yard areas; and
- d. No more than two commercial vehicles may be parked at one residence/site, unless one or more of the vehicles is engaged in a construction or service operation on the residence/site where it is parked. The vehicle engaged in this service must be removed as soon as the construction or service is completed.

For purposes of this subsection only, a commercial vehicle is defined as a van, pickup truck, or passenger car used for commercial purposes and licensed by the Department of Transportation. A vehicle is not considered a commercial vehicle merely by the display of a business name or other insignia. No other commercial vehicle, such as dump trucks, cement trucks, forklifts or other equipment used in the construction industry will be allowed to park at a residence or site overnight unless specifically approved by the planning services director.

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2.2.34.6.2. Parcels located off of Bayshore Drive are allowed to retain any sheds that were constructed prior to [the effective date of this ordinance]. Storage sheds for fishing and boat equipment on the boat dock parcels off of Bayshore Drive constructed after [the effective date of this ordinance] are permissible if they comply with the following requirements:

- 1. The appropriate building permit must be obtained.
- 2. Bayshore Drive setback: ten feet.
- 3. Waterfront setback: ten feet.
- 4. Side yard setback: 0 feet.
- 5. Maximum size of shed: 144 square feet.

2.2.34.7. Sign requirements. All signs existing as of [the effective date of this ordinance] in Goodland are exempt from the requirements of the Collier County sign ordinance (Division 2.5) for five years from [the effective date of this ordinance] or until the sign is destroyed, whichever comes first. Any signs constructed after [the effective date of the ordinance] must strictly comply with Division 2.5. Sign maintenance is limited to painting existing signs. All other maintenance or repairs will void the exemption and require the owner to construct a sign that strictly adheres to Division 2.5. in the event that the owner wishes to have a sign.

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**SUBSECTION 3.D. AMENDMENTS TO DIVISION 2.4.,
LANDSCAPING AND BUFFERING**

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

DIVISION 2.4. LANDSCAPING AND BUFFERING

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Sec. 2.4.3. Procedures.

2.4.3.1. *Landscape plan required.* Prior to the issuance of any preliminary subdivision plat, final site development plan, or building permit, an applicant whose development is covered by the requirements of this section ~~shall~~ must submit a landscape plan to the planning services director. The landscape plan ~~shall~~ must bear the seal of a Landscape Architect registered in the State of Florida. The landscaping required for single-family, two family, and mobile home dwelling units ~~shall~~ must be shown on the building permit plot plan. This plan is not required to bear the seal of a landscape architect.

The landscape plan ~~shall~~ must be drawn to a suitable scale, include dimensions, north arrow, date, title, project owner's name, delineate the existing and proposed parking, vehicular use areas, buildings, access points, and roadways, show all utility lines or easements, and show the location of existing and proposed planting areas and vegetation communities and designate them by species name. The code-required landscaping ~~shall~~ must be highlighted or indicated on the plan to differentiate from the applicant's provided landscaping that is in addition to that required by this Code. Design creativity is encouraged so long as it meets the intent of this Code. The plan ~~shall~~ must show the location of permanent vegetation protection devices, such as barricades, curbing, and tree wells. The plan ~~shall~~ must also include a ~~chart~~ plant legend indicating graphic plant symbol, botanical and common name, quantity, height, spread, spacing, native status, drought tolerance rating (as defined by "Xeriscape Plan Guide II" published by South Florida Water Management District, West Palm Beach, FL) and type of mulch. The plan ~~shall~~ must show tree and palm staking details per accepted industry practices and standards. In addition, a tabulation of the code-required landscaping indicating the calculations necessary to insure compliance with this Code ~~shall~~ must also appear. A certificate of occupancy ~~shall~~ must not be issued until approval of the landscaping plan and installation of plants and materials consistent with that approved plan has been completed and inspected by the County.

2.4.3.1.1. Public Educational Facilities and Plant, Ancillary Plant, and Auxiliary Facility.

Essential services including Collier County Public Schools (CCPS) / public Educational and Ancillary Plants, and other public facility projects developed jointly with CCPS may demonstrate that the intent of this division can be effectively accomplished without meeting specific development standards. The applicant must request an administrative review of the alternative design, as outlined in Section 2.4.3.1.1.1. of the Code. The deviations are limited to quantity of plant material and the School district must demonstrate that the deviation is necessary as a result of an educational program or joint use of the school site with another public facility or use.

2.4.3.1.1.1. Procedure.

In addition to the base submittal requirements, applicants shall clearly label the plan submitted as an "Alternative Landscape Code Plan". This plan shall reference the deviations on the plan. An applicant must submit a narrative description identifying the code development standards required by this section which will be addressed through the alternative approach. The planning services director will administratively review submittal documents for consistency with the intent of this division. If the plan is approved through this provision, the approved deviations must be specifically noted and the basis of the approval must be stated within the site development plan approval letter. Deviations approved will be applicable only to the specific design and plan reviewed. Modifications of an approved design will void the deviation request and require resubmittal to planning services staff for re-evaluation of the request in the context of the amended design and plan.

2.4.3.1.1.2. Exemption.

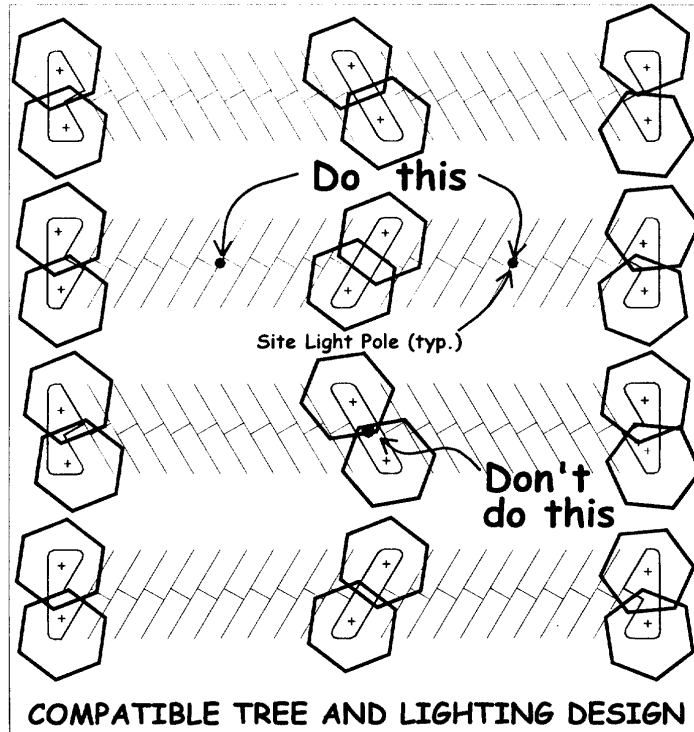
An administrative deviation is not required for specific standards relating to placement of plant materials if the intent of the division can nonetheless be carried out without meeting these standards. The intent of the division can be demonstrated by detailing a specific health, safety, or welfare concern as defined by SREF or as may be unique to a specific site or educational program that would override the need to provide plant materials. A copy of SREF, as may be amended, is

available in the records room in the Community Development and Environmental Services Division Building.

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2.4.3.5. *Installation.* Prior to the issuance of any certificate of occupancy for a use required to provide landscaping and irrigation in accordance with this section, all required landscaping and irrigation shall be installed and in place as set out in the plans approved under subsections 2.4.3.1 and 2.4.3.2. All plant materials must be installed in accordance with accepted landscape practices in the area and meet the plant material standards contained in Section 2.4.4. Plant materials shall be installed in soil conditions that are conducive to the proper growth of the plant material.

Limerock located within planting areas shall be removed and replaced with native or growing quality soil before planting. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead power lines, lighting, circulation, etc.). Trees shall not be placed where they interfere with site drainage, subsurface utilities, or overhead utility lines, or where they shall require frequent pruning in order to avoid interferences with overhead power lines. Tree and parking lot / pole lighting locations shall be designed so as not to conflict with one another. Parking lot / pole lighting shall not be located in landscape islands with trees and shall be located a minimum of 12.5 feet from the trunk of a tree. (See Figure [X] below).



Figure[X] Compatible Tree and Lighting Design

Trees shall not be planted in areas that retain excessive quantities of water or will require excessive amounts of fill placed over the root system that will affect the health of the tree species. Required landscaping shall not be placed within easements without written approval from all entities claiming an interest under said easement.

All trees and palms shall be properly guyed, braced and/or staked, at the time of planting to ensure establishment of the tree or trees and erect growth. Nail staking or other methods that cause cosmetic or biological damage to the tree are prohibited. Trees shall be re-staked within 24 hours in the event of blow-over or other failure of the staking and guying. Staking shall be removed between six and 12 months after installation.

All required landscaping shall be installed in accordance with plans approved under section[s] 2.4.3.1 and 2.4.3.2. Landscaping within a subdivision development shall be guaranteed by a subdivision completion bond in accordance with division 3.2 governing the final platting of subdivision.

All required landscaping shall be maintained in a healthy condition in perpetuity as per the approved building and site plans. Code Enforcement may investigate deficiencies in approved landscaping and institute corrective action to insure compliance with this Code.

In instances where an act of God or conditions outside the control of the applicant have presented immediate installation, the planning services director, if furnished with a statement which includes good and sufficient evidence that states that the required plantings will be installed when conditions permit, may issue a temporary certificate of occupancy. If the required plantings are not installed when conditions permit, then the county may revoke the certificate of occupancy.

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2.4.4.2. *Trees and palms.* All required new individual trees, shall be species having an average mature spread or crown of greater than 20 feet in the Collier County area and having trunk(s) which can be maintained in a clean condition over five feet of clear wood. Trees adjacent to walkways, bike paths and rights-of-way shall be maintained in a clean condition over eight feet of clear wood. Trees having an average mature spread or crown less than 20 feet may be substituted by grouping the same so as to create the equivalent of 20-foot crown spread. For code-required trees, at least 50 percent of the trees at the time of installation shall be a minimum of ten feet in height, have a 1 3/4-inch caliper (at 12 inches above the ground) and a four-foot spread. The remaining code-required canopy trees, at the time of installation, shall be at least eight feet in height, have a 1 1/2-inch caliper (at 12 inches above the ground) and a three-foot spread.

A grouping of three palm trees will be the equivalent of one canopy tree. Exceptions will be made for Roystonea spp. and Phoenix spp. (not including roebelenii) which shall count one palm for one canopy tree. Palms may be substituted for up to 30 percent of required canopy trees with the following exceptions. No more than 30% of canopy trees may be substituted by palms (or palm equivalents) within the interior of a vehicular use area and within each individual Type D road right-of-way landscape buffer. Palms must have a minimum of ten feet of clear trunk at planting.

All new trees, including palms, shall be of a species having an average mature height of 15 feet or greater.

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2.4.5.4. *Green space required in shopping centers and freestanding retail establishments with a floor area greater than 40,000 square feet.* An area that is at least seven percent of the size of the vehicular use areas ~~shall~~ must be developed as green space within the front yard(s) or courtyards of shopping centers and retail establishments and shall be in addition to the building perimeter planting area requirements. The courtyards ~~shall~~ must only be located in areas that are likely to be used by pedestrians visiting the shopping center and retail establishment. The seven percent green space area ~~shall~~ must be in addition to other landscaping requirements of this division, ~~and~~ may be used to meet the open space requirements (section 2.6.3.2), and ~~shall~~ must be labeled "Green Space" on all subdivision and site plans. The interior landscape requirements of these projects shall be reduced to an amount equal to five percent of the vehicular use area on site. Green space ~~shall~~ must be considered areas designed for environmental, scenic or noncommercial recreation purposes and ~~shall~~ be pedestrian-friendly and aesthetically appealing. Green space may only include the following: lawns, mulch, decorative plantings, nonprohibited exotic trees, walkways within the interior of the green space area not used for shopping, fountains, manmade watercourses (but not water retention areas), wooded areas, park benches, site lighting, sculptures, gazebos, and any other similar items that the planning services director deems appropriate. Green space ~~shall~~ must include: walkways within the interior of the green space area not used for shopping, a minimum of one foot of park bench per 1,000 square feet of building area, and a minimum of one tree or palm for each 250 square feet of green space area. The green space area ~~shall~~ must use existing trees where possible and landscaping credits will be allowed as governed by table 2.4.4. The green space areas ~~shall~~ must be located in areas that are in close proximity to the retail shopping area. Benches may also be located in interior landscaped areas and 75 percent of benches may be located adjacent to the building envelope along paths, walkways and within arcades or malls.

2.4.5.5. *Landscaping required for Division 2.8 buildings over 20,000 square feet.*

The following requirements will be counted toward the required greenspace and open space requirements of Division 2.4. of this Code.

1. Trees in vehicular use areas must be a minimum of 14 to 16 feet height with a six-foot to eight-foot spread and a three- to four-inch caliper and must have a clear trunk area to a height of six feet.

2. The first row of landscape islands located closest to the building front and sides must be landscaped with trees, palms, shrubs and groundcovers and must have a clear trunk area to a height of seven feet.

* * * * *

2.4.6.6. *Building perimeter foundation planting areas.* All shopping center, retail, office, apartments, condominiums, clubhouses and similar uses shall must provide building perimeter foundation plantings in the amount of ~~100 square feet per 1,000 square feet~~ ten percent of proposed building ground level floor area. These planting areas shall must be located adjacent to the primary public building entrance(s) and/or primary street elevation and shall must consist of landscape areas, raised planters or planter boxes that are a minimum of five-feet wide. These areas must be landscaped with trees and/or palms in the amount of one tree or palm equivalent per 250 square feet; shrubs and ground covers other than grass. Water management areas shall must not be a part of this ~~five-foot~~ planting area. Parking lot islands will not count towards this requirement.

2.4.6.7. *Building foundation planting requirements for tall buildings greater than 3 stories or 35 feet in height; and/or Division 2.8 buildings with a footprint greater than 20,000 square feet and/or parking garage structures.* Note: buildings subject to the requirements of this section are not subject to the requirements of the previous section 2.4.6.6.

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

<u>Adjacent Building's Wall Height:</u>	<u>Foundation Planting Width (contiguous around perimeter of building):</u>
Building height wall less than 35 feet	<u>10 feet</u>
Building wall height between 35 feet and 50 feet.	<u>15 feet</u>
Building wall height greater than 50 feet.	<u>20 feet.</u>

(b) Trees required by this section must be of an installed size relating to the adjacent building's wall height, as defined below:

<u>Building's Wall Height (feet)</u>	<u>Tree Height (feet)</u>	<u>Tree Canopy Spread (feet)</u>	<u>Palm Height (feet)</u>
<u>35 to 50</u>	<u>14 to 16</u>	<u>7</u>	<u>16</u>
<u>greater than 50</u>	<u>16 to 18</u>	<u>8</u>	<u>20</u>

* * * * *

2.4.7.2. *Applicability.* The buffering and screening shown in table 2.4 shall be required under this section and shall apply to all new development. Existing landscaping which does not comply with the provisions of this section shall be brought into conformity to the maximum extent possible when: the vehicular use area is altered or expanded except for restriping of lots/drives, the building square footage is changed, or there has been a discontinuance of use for a period of ~~90~~ 60 consecutive days or more and a request for an occupational license to resume business is made.

* * * * *

2.4.7.3. *Standards.* Unless otherwise noted, all standards outlined in section 2.4.4 shall apply. Trees and shrubs shall must be installed at the height specified in section 2.4.4.2.

Water management systems, which shall must include retention and detention areas, swales, and subsurface installations, ~~shall be~~ are permitted within a required buffer provided they are consistent with accepted engineering and landscaping practice and the following criteria:

1. Water management systems shall must not exceed 50 percent of the square footage of any required side, rear, or front yard landscape buffer.
2. Water management systems shall must not exceed, at any location within the required side, rear, or front yard landscape buffer, 70 percent of the required buffer width. A minimum five-foot wide 10:1 level planting area shall be maintained where trees and hedges are required.
3. Exceptions to these standards may be granted on a case-by-case basis, evaluated on the following criteria:
 - a. Water management systems, in the form of dry retention, may utilize an area greater than 50 percent of the buffer when existing native vegetation is retained at natural grade.

- b. For lots of record 10,000 square feet or less in size, water management areas may utilize an area greater than 50 percent of the required side and rear yard buffers. A level planting area of at least three feet in width ~~shall~~ must be provided in these buffers.
4. Sidewalks and other impervious areas ~~shall~~ must not occupy any part of a required Alternative A, B, C, or D type buffer, except when:
- a. Driveways and sidewalks are constructed perpendicular to the buffer and provide direct access to the parcel.
 - b. Parallel meandering sidewalks occupy the buffer and its width is increased by the equivalent sidewalk width.
 - c. A required 15-20 foot wide buffer is reduced to a minimum of ten feet wide and is increased by the five to ten foot equivalent width elsewhere along that buffer.

2.4.7.3.1. Natural and manmade bodies of water including retention areas for all developments subject to Division 2.8.

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

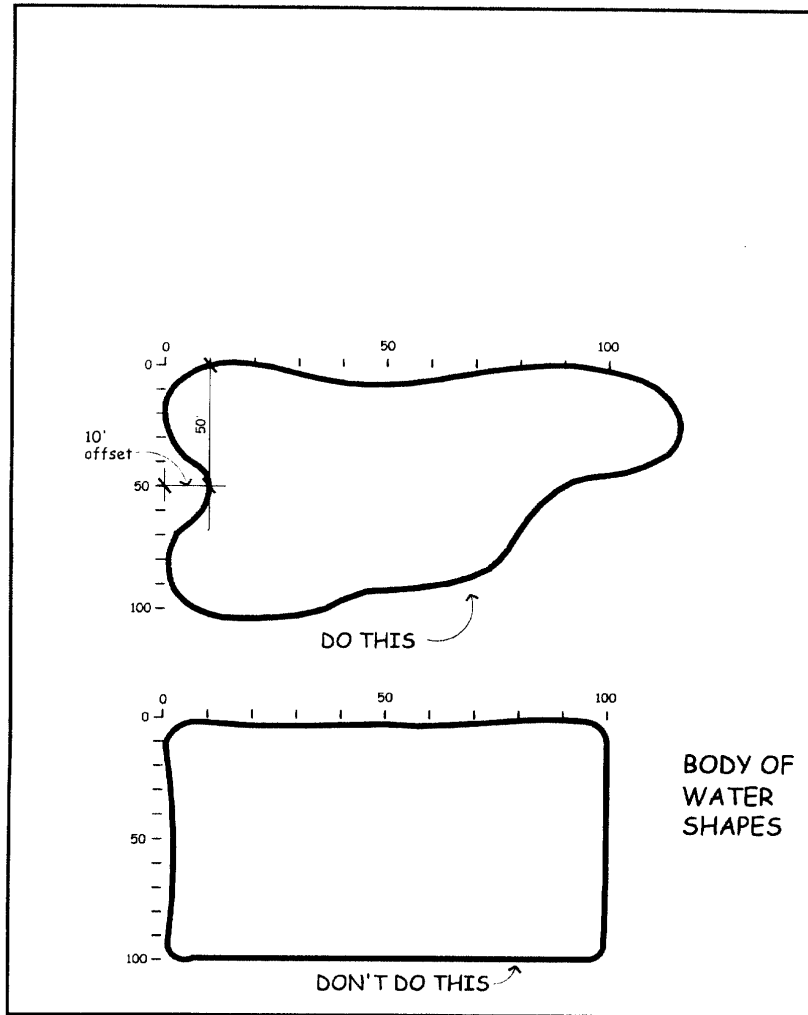


Figure [Y]- Body of Water Shapes

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

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

- a. A walkway 5 feet wide and a minimum of 200 feet long, with trees of an average of 50 feet on center and with shaded benches, a minimum of 6 feet in length or picnic tables with one located every 150 feet.
- b. Fountains.
- c. Partially shaded plaza/courtyard, a minimum of 200 square feet in area, with benches and/or picnic tables adjacent to the water-body, or retention areas.

* * * * *

TABLE 2.4 TABLE OF BUFFER REQUIREMENTS BY
LAND USE CLASSIFICATIONS

Subject Property's District/Use	Adjacent Properties District													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Agriculture (A ¹)	-	B	B	B	B	B	A	A	A	A	D	A	-	A
2. Residential (E, RSF) single-family	A	A	B	B	B	B	B	C	B	*	D	B	-	C
3. Residential (RMF-6, RMF-12, RMF-16) multifamily	A	B	A	N	A	B	B	B	B	*	D	B	-	C
4. Residential tourist (RT)	A	B	A	A	B	B	A	B	B	*	D	B	-	B
5. Village residential (VR)	A	A	B	B	A	B	B	B	B	*	D	B	-	B
6. Mobile home (MH)	A	B	B	B	B	A	B	B	B	*	D	B	B	B
7. Commercial ³⁺ ⁴⁺⁵ (C-1, C-1/T, C-2, C-3, C-4, C-5); Business Park (BP)	A	B	B	B	B	B	A	A	A	*	D	B	B	B
8. Industrial ² (I)	A	C	B	B	B	B	A	A ²	A	*	D	B	B	B

9. Public use (P), community facility (CF), Golf Course Clubhouse, Amenity Center	A	B	B	B	B	B	A	A	A	*	D	B	-	C
10. Planned unit development (PUD)	*	*	*	*	*	*	*	*	*	*	D	*	*	*
11. Vehicular rights-of-way	D	D	D	D	D	D	D	D	D	D	-	B	-	D
12. Golf course maintenance building	B	B	B	B	B	B	B	B	B	B	B	A	B	C
13. Golf course	-	-	-	-	-	-	-	-	-	-	-	B	-	C
14. Automobile service station	A	C	C	B	B	B	B	B	C	*	D	C	C	D

The letter listed under "Adjacent Properties District" ~~shall be~~ is the landscape buffer and screening alternative required. The "-" symbol shall represent that no buffer is required. The PUD district buffer, due to a variety of differing land uses, is indicated by the "*" symbol, and ~~shall~~ must be based on the landscape buffer and screening of the district or use with the most similar types, densities and intensities of use. Where a conflict exists between the buffering requirements and the yard requirements of this Code, the yard requirements of the subject zoning district shall apply.

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

²Industrial (I) zoned property, where abutting industrial (I) zoned property, shall be required to install a minimum five-foot-wide type A landscape buffer adjacent to the side and rear property lines. This area shall not be used for water management. In addition, trees may be reduced to 50 feet on center along rear and side perimeter buffers only. This reduction in buffer width shall not apply to buffers adjacent to vehicular rights-of-way or nonindustrial zoned property.

³Buffer areas between commercial outparcels located within a shopping center may have a shared buffer ~~40'~~ 15 feet wide with each adjacent property contributing 7.5 feet. This does not apply to right-of-way buffers.

~~⁴Buffer areas between interior lot lines of commercial parcels may be displaced to other locations as schematically shown in Figure 4, displaced commercial interior lot line landscaping. Approval shall be obtained from the planning services director subject to the following conditions:~~

- ~~(i) The project is part of a unified plan of development as illustrated by a master site development plan which includes all of the individual building parcels which comprise the unified plan of development; and~~

~~(ii) An agreement between all owners of the separate parcels is recorded in the public records of the county to the effect that there is a system of cross access easements and that the entire parking lot functions as a common parking lot; and~~

~~(iii) All of the buildings share a common architectural and landscape theme; and~~

~~(iv) The land area normally associated with landscaping that will be displaced as a result of the elimination of some interior lot line landscaping will be proportionately added to other required interior vehicular use area landscaping, building perimeter plantings or perimeter buffering.~~

³Refer to section 2.6.28 for automobile service station landscape requirements.

* * * * *

2.4.7.5. “Collier County Streetscape Master Plan” and the “Golden Gate Community Roadways Beautification Master Plan.” Street corridors identified in ~~the “Collier Naplescape 90’s County Streetscape Master Plan” and the “Golden Gate Community Roadways Beautification Master Plan.”~~ including areas within the right-of-way and on required buffers adjacent to the right-of-way, shall adhere to the requirements of the “Collier Naplescape 90’s County Streetscape Master Plan” and the “Golden Gate Community Roadways Beautification Master Plan.”

Notwithstanding the above, for required landscape buffers adjacent to any right-of-way, the requirements of the “Collier County Naplescape 90’s Streetscape Master Plan” and the “Golden Gate Community Roadways Beautification Master Plan” shall apply at the time of issuance of any related subsequent development order including construction plans attendant to the approval of a final plat and or a final site development plan. Where the application of said ~~Streetscape~~ Master Plan standards and requirements is questioned, an official interpretation of the planning services director pursuant to section 1.6.1 of the Collier County Land Development Code may be requested. Further, the interpretation of the planning services director may be appealed to the board of zoning appeals as prescribed by section 1.6.6 of the Land Development Code.

* * * * *

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

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

DIVISION 2.5. SIGNS

* * * * *

Sec. 2.5.5. Permitted signs.

* * * * *

2.5.5.2. Signs within non-residential districts:

* * * * *

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

2.5.5.2.5.9.1. *Time and temperature signs.* One time and temperature sign having a surface area not exceeding 12 square feet shall be permitted at each industrial, commercial or other non-residentially zoned property. Such signs may be affixed to the structure of a pole or ground sign. Such sign shall require a building permit.

2.5.5.2.5.9.2. Barber Pole signs. All traditional size (not more than 54 inches in height and not more than 6 inches in diameter) and style barber poles which contain any illuminated moving or rotating part may be permitted as a lawful sign if the following and all other applicable requirements are met:

1. The barber pole sign is attached to the exterior wall of an establishment providing the services of a licensed barber;
2. Each such establishment (barbershop, salon, etc.) is limited to only one barber pole sign;

3. No barber pole sign may move or rotate except when the establishment is open and providing the services of a licensed barber; and

4. All barber pole signs that illuminate, whether or not they rotate, otherwise comply with sec. 2.5.5.2.5.13. for illuminated signs.

* * * * *

Sec. 2.5.7. Prohibited signs.

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

2.5.7.1. Signs which are in violation of the building code or electrical code adopted by Collier County.

2.5.7.2. Abandoned signs.

2.5.7.3. Animated or activated signs, except special purpose time and temperature signs and barber pole signs complying with sec. 2.5.5.2.5.9.1. & 2., respectively

2.5.7.4. Flashing signs or electronic reader boards.

2.5.7.5. Rotating signs or displays, except barber pole signs complying with sec. 2.5.5.2.5.9.2.

* * * * *

**SUBSECTION 3.F. AMENDMENTS TO DIVISION 2.6.,
SUPPLEMENTAL DISTRICT REGULATIONS**

DIVISION 2.6., Supplemental District Regulations, of Ordinance 91-102, as amended, of the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.6. SUPPLEMENTAL DISTRICT REGULATIONS

* * * * *

Sec. 2.6.11. Fences.

* * * * *

~~2.6.11.4. —*Commercial and industrial districts.* For the purposes of this section, commercial and industrial districts shall include: C1/T, C 2, C 3, C 4 and C 5 commercial districts; I, industrial district; and P, public use district; and commercial and industrial tracts or increments of PUD, planned unit development districts. All fences or walls in commercial zoning districts, and all fences and walls in industrially zoned parcels where such fences abut arterial or collector roads, must also comply with the provisions of sections 2.8.3.3.3.1., 2.8.4.2.3.1. and 2.4.7.4. of this Code. Unless otherwise provided, all commercial and industrially designated lands in PUDs, planned unit developments shall comply with these provisions.~~

~~2.6.11.4.1. *Industrial Districts [Non-residential development].* Fences or walls in commercial and industrial districts not subject to Division 2.8 shall be limited to eight feet in height.~~

~~2.6.11.4.2. 2.6.11.4.1. *Walls and fences required contiguous or opposite residentially zoned districts.*~~

* * * * *

2.6.11.5. *All districts.* Whenever a property owner elects to erect a chain link fence pursuant to the provisions of section 2.6.11 adjacent to an arterial/collector road in the urban coastal area said fence shall not be located nearer than three feet to the right-of-way/property line, and said fence shall be screened from view by planting a vegetative hedge a minimum of 30 inches in height at planting spaced at a distance that will achieve an opacity rating of 80 percent within one year of planting. An irrigation system shall be installed to insure the continued viability of the vegetative hedge as a visual screen of the chain link fence. This regulation shall not apply to single family

homes.

1. Structures subject to Division 2.8 Architectural & Site Design Standards shall comply with the following additional fencing standards:

a. Chain link and wood fences are prohibited forward of the primary façade and must be a minimum of 100 feet from a public right-of-way. Chain link and wood fencing facing a public or private street shall be screened with an irrigated hedge planted directly in front of the fence on the street side. Plant material shall be a minimum of 3 gallon in size and planted no more than 3 feet on center at time of installation. This plant material shall be maintained at no less than three-quarters of the height of the adjacent fence (See Illustration 6.1).

b. Fences forward of the primary façade, excluding chain link and wood are permitted under the following conditions:

(1) Fences shall not exceed 4 feet in height.

(2) The fence provides either an open view at a minimum of 25 percent of its length or provides variation in its height for a minimum of 15 percent of its length with a deviation of at least 12 inches.

(3) The fence style must complement building style through material, color and design.

* * * * *

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

DIVISION 2.7., Zoning Administration and Procedures, of Ordinance 91-102, as amended, of 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~~ must conduct at least one Neighborhood Informational Meeting ("NIM") within 30 days of receipt of the county staff's initial review and comments on the application after initial staff review and comment on the application and before the Public Hearing is scheduled with the Planning Commission. The appropriate number of staff reviews of the application returned before the NIM can be held, will be at the discretion of the current planning manager, only in cases where one or two pending reviews are unnecessarily hindering the applicant from presenting the proposal to the public. 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~~ must be provided and maintained by the county, but the applicant ~~shall~~ must bear the responsibility of insuring that all parties are notified. A copy of the list of all parties noticed as required above, and the date, time, and location of the meeting, ~~shall~~ must 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 neighborhood informational meeting. The applicant ~~shall~~ must make arrangements for the location of the meeting. The location ~~should~~ must be reasonably convenient to those property owners who are required to receive notice and the facilities ~~shall~~ must be of sufficient size to accommodate expected attendance. The applicant ~~shall~~ must further cause a display advertisement, one-fourth page, in type no smaller than 12 point and ~~shall~~ must 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, and legible site location map of the property for which the zoning change is being requested. The advertisement is to be placed within a newspaper of general circulation in the county at least seven days prior to, but not sooner than ten days before, the neighborhood informational meeting. The Collier County

staff planner assigned to attend the pre-application meeting, or designee, shall must also attend the neighborhood informational meeting and shall serve as the facilitator of the meeting, however, the applicant is expected to make a presentation of how it intends to develop the subject property. The applicant is required to audio or video tape the proceedings of the meeting and to provide a copy of same to the planning services department.

* * * * *

3. Any applicant requesting variance approval or parking exemption approval shall must 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.

4. 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 ~~shall~~ must 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 must provide a written account of the result of such noticing 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 must be submitted to the planning services department at least two weeks prior to the scheduled date of the first advertised public hearing.

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

* * * * *

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 must be submitted by the ~~developer/owner(s) or authorized agent~~ of a PUD to the ~~planning services department director~~ Community Development and Environmental Services Division Administrator or his designee. The monitoring report shall must be prepared in a County approved format to include an affidavit executed by the property owner(s) attesting that the information contained in the monitoring report is factually correct and complete, 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 (built out). The monitoring report shall must provide the following information:

1. Name of project.
2. Name of owner, ~~developer~~.
3. Number of units, by residential type; square footage and acreage of recreational facilities, commercial and other permitted uses; infrastructure and/or other uses which are complete and approved ~~of or~~ for which a valid permit has been issued, but which have not been completed, and any on-site or off-site commitments completed and approved as of the date of the monitoring report.
4. Up-to-date PUD master plan showing infrastructure, projects/developments, plats, parcels and other pertinent information, including on-site or off-site commitments.
5. Traffic counts for all access points to the adjacent roadway ~~major highway~~ network.
6. Copies of all other required monitoring reports completed in the past year (i.e., traffic, wellfield, etc.).
7. Up-to-date PUD document which includes all approved amendments as of the date of the monitoring report.
8. Status of commitments in PUD document, including projected completion dates if then established.
9. Other information as may be required by the ~~planning services department director~~ Community Development and Environmental Services Division Administrator or his designee.
10. Affidavit form drafted and supplied by Collier County to be executed by the owner(s) of the PUD.

* * * * *

Sec. 2.7.7. Affordable housing density bonus.

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2.7.7.2. Affordable housing density bonus program.

2.7.7.2.1. *Overview.* Within most of the coastal urban designated areas identified on the future land use map of the growth management plan, a base density of four residential dwelling units per gross acre is permitted. However, the base density may be adjusted depending on the characteristics of the development. One characteristic of a housing development which would allow the addition of density bonuses in order to increase the density over the base density is the provision of affordable housing in the development. The provision of affordable housing units may add up to eight dwelling units per gross acre to the base density of four residential dwelling units per gross acre, for a total of 12 residential dwelling units per gross acre, plus any other density bonuses available, and minus any density reduction for traffic congestion ~~or coastal management area~~ required, pursuant to the growth management plan. The total eligible density must not exceed a total of 16 dwelling units per gross acre, except as allowed through use of transfer of development rights, as provided for in the growth management plan.

Within most of the Immokalee Urban area, as identified on the Immokalee area master plan future land use map of the growth management plan, base densities are four or six or eight residential dwelling units per gross acre. However, the base density may be adjusted depending on the characteristics of the development. One characteristic of a housing development that would allow the addition of density bonuses is the provision of affordable housing in the development. The provision of affordable housing units may add up to eight dwelling units per gross acre to the base density of four, six or eight residential dwelling units per gross acre, for a total of twelve, fourteen or sixteen residential dwelling units per gross acre, plus any other density bonuses available. The total eligible density must not exceed a total of 16 dwelling units per gross acre.

Within the Rural Lands Stewardship Area Overlay of the Agricultural/Rural area, as identified on the future land use map of the growth management plan, towns, villages, hamlets and compact rural developments are allowed at a density range of one-half to four dwelling units per gross acre. The allowed density may be adjusted depending on the characteristics of the development. One characteristic of a housing development that would allow the addition of density bonuses is the provision of affordable housing in the development. The provision of affordable housing units may add up to eight dwelling units per gross acre to the allowed density of one-half to four dwelling units per gross acre, for a total of eight and one-half to twelve and one-half residential dwelling units per gross acre, plus any other density bonuses available.

* * * * *

2.7.7.2.3. *Preapplication conference.* Prior to submitting an application for AHDB, a preapplication conference may be scheduled with the planning development services director. If the proposed development is to include affordable housing, the housing and urban improvement ~~director shall~~ department must participate in the preapplication conference. The preapplication conference provides an opportunity to familiarize the applicant with the AHDB program and provides an opportunity for the county staff to obtain a clear understanding of the proposed development. The AHDB rating system, the AHDB monitoring program, the limitations, criteria, procedures, standard conditions, standard forms, and other information will be discussed and made available to the applicant. Depending on the type of development proposed, the application may ~~take the form of,~~ or be combined with, an application for a planned unit development (PUD), a rezone, or an ~~AHDB development agreement~~ a Stewardship Receiving Area.

2.7.7.2.4. *Application.* An application for AHDB for a development shall must be submitted to the development services director in the form established by the planning development services director. One additional copy of the application as otherwise required shall must be provided for the housing and urban improvement ~~director~~ department. The application shall must, at a minimum, include:

- 1. Zoning districts proposed by the applicant, ~~if any,~~ on the property and acreage of each;

* * * * *

- 6. Whether the AHDB is requested in conjunction with an application for a planned unit development (PUD), an application for rezoning, or an application for a Stewardship Receiving Area or an AHDB development agreement;

- 7. Any other information which would reasonably be needed to address the request for AHDB for the development pursuant to the requirements set forth in this section.

* * * * *

2.7.7.2.6. *Review and recommendation by the housing and urban improvement director.* After receipt of a completed application for AHDB, the housing and urban improvement director shall must review and evaluate the application in light of the AHDB rating system, the AHDB monitoring program and the requirements of this division, ~~and, if applicable, the housing and urban improvement director shall must coordinate a rezone with the planning development services director, and to schedule the AHDB application with the companion application for rezoning, planned unit development, or stewardship receiving area, and shall must~~ recommend to the planning commission and the board of county commissioners to deny, grant, or grant with conditions, the AHDB application. The recommendation of the housing and urban improvement director shall must include a report in support of his recommendation.

2.7.7.2.7. *Review and recommendation by the planning commission.* Upon receipt by the planning commission of the application for AHDB and the written recommendation and report of the housing and urban improvement director, the planning commission shall must schedule and hold a properly advertised and duly noticed public hearing on the application. If the application has been submitted in conjunction with an application for a PUD, then the hearing shall must be consolidated and made a part of the public hearing on the application for the PUD before the planning commission, and the planning commission shall must consider the application for AHDB in conjunction with the application for the PUD. If the application has been submitted in conjunction with an application for a rezoning, then the hearing shall must be consolidated and made a part of the public hearing on the application for rezoning before the planning commission, and the planning commission shall must consider the application for AHDB in conjunction with the application for rezoning. If the application has been submitted in conjunction with an application for a stewardship receiving area, then the hearing must be consolidated and made a part of the public hearing on the application for stewardship receiving area before the planning commission, and the planning commission must consider the application for AHDB in conjunction with the application for stewardship receiving area. ~~In the event that the application for AHDB has not been submitted in conjunction with an application for PUD or an application for rezoning, then the application for AHDB shall nonetheless be treated as a rezoning on the property and shall comply with the requirements for a rezoning, as well as the requirements of this section.~~ After the close of the public hearing, the planning commission shall must review and evaluate the application in light of the requirements of this division and the requirements for a rezoning, PUD rezoning, or stewardship receiving area, as applicable, and shall must recommend to the board of county commissioners that the application be denied, granted or granted with conditions. However, in the event that the application for AHDB does not change the densities or intensities of use or the zoning on the property and does not require a rezoning or PUD application (i.e., an application to maintain the existing zoning on the property in the face of a downzoning through the zoning reevaluation program), then the application for AHDB shall comply with the requirements for development agreements under the Collier County Development Agreement Ordinance [Code ch. 106, art. IV], as well as the requirements of this section, in lieu of compliance with the rezoning requirement referenced in this section.

2.7.7.2.8. *Review and determination by board of county commissioners.* Upon receipt by the board of county commissioners of the application for AHDB and the written recommendation and report of the housing and urban improvement director and recommendation of the planning commission, the board of county commissioners shall must schedule and hold a properly advertised and duly noticed public hearing on the application. If the application has been submitted in conjunction with an application for a planned unit development (PUD), then the hearing shall must be consolidated and made a part of the public hearing on the application for the planned unit development (PUD) before the board of county commissioners, and the board of county commissioners shall must consider the application for AHDB in conjunction with the application for the planned unit development (PUD). If the application has been submitted in conjunction with an application for a rezoning, then the hearing shall must be consolidated and made a part of the public hearing on the application for rezoning before the board of county commissioners, and the board of county commissioners shall must consider the application for AHDB in conjunction with the application for rezoning. If the application has been submitted in conjunction with an application for a stewardship receiving area, then the hearing must be consolidated and made a part of the public hearing on the application for stewardship receiving area before the board of county commissioners, and the board of county commissioners must consider the application for AHDB in conjunction with the application for stewardship receiving area. ~~In the event that the application for AHDB has not been submitted in conjunction with an application for planned unit development (PUD) or an application for rezoning, then the application for AHDB shall nonetheless be treated as a rezoning on the property and shall comply with the requirements for a rezoning as well as the requirements of this section.~~ After the close of the public hearing, the board of county commissioners shall must review and evaluate the application in light of the requirements of this division and the requirements for a rezoning, and shall must deny, grant, or grant with conditions, the application in accordance with the AHDB rating system and the AHDB monitoring program. However, if the application for AHDB does not change the densities or intensities of use or the zoning on the property and does not require a rezoning or planned unit development application, then the application for AHDB shall comply with the requirements for development agreements under the Collier County Development

Agreement Ordinance [Code ch. 106, art. IV] as well as the requirements of this division, in lieu of compliance with the rezoning requirements referenced in this section.

* * * * *

SUBSECTION 3.H. AMENDMENTS TO DIVISION 2.8., ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS

DIVISION 2.8., Architectural and Site Design Standards and Guidelines for Commercial Buildings and Projects, of Ordinance 91-102, as amended, of the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.8. ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS

* * * * *

~~2.8.3.3.1. *Fencing standards.* Chain link and wood fencing are prohibited forward of the primary facade and must be a minimum of 100 feet from a public right of way. Chain link and wood fencing facing a public right of way shall provide at a minimum an irrigated hedge directly in front of the fence on the side of the right of way. Plant material shall be a minimum of three gallon and planted three feet on center at time of installation. This plant material shall be maintained at a minimum of three quarter the height of the fencing. (See Illustration 6.1).~~

Fencing forward of the primary facade is permitted under the following conditions:

- 1) ~~Fencing does not exceed four feet in height.~~
- 2) ~~The fencing provides either an open view at a minimum of 25 percent of its length or provides variation in its height for a minimum of 15 percent of its length with a deviation of at least 12 inches.~~
- 3) ~~The fence style must complement building style through material, color and/or design.~~

~~— Illustration 6.1~~

* * * * *

~~2.8.3.7. *Landscaping.* In addition to the requirements of section 2.4., "Landscaping and Buffering" the following requirements shall apply.~~

~~2.8.3.7.1. *Purpose and intent.* To provide enhanced landscaping within the vehicular and pedestrian use areas of large commercial buildings and projects. Such landscaping is intended to enhance the visual experience of the motoring and pedestrian public, commonly referred to as the "streetscape", while adhering to the purpose and intent set forth in division 2.4. of this Code. Landscaping should be used to enhance and complement the site design and building architecture.~~

~~2.8.3.7.2. *Landscaping.* The following requirements, with the exception of building perimeter plantings, shall be counted toward the required greenspace and open space requirements of division 2.4. of this Code.~~

- 1. ~~Until the time specified below, at time of planting, trees in vehicular use areas shall be a minimum of 12 to 14 feet height with a six foot spread and a two and one half inch caliper and shall have a clear trunk area to a height of seven feet.~~
- 2. ~~Beginning on June 1, 2002, at time of planting, trees in vehicular use areas shall be a minimum of 14 to 16 feet height with a six to eight foot spread and a three to four inch caliper and shall have a clear trunk area to a height of six feet.~~

~~3. The first row of landscape islands located closest to the building front and sides shall be landscaped with trees, palms, shrubs and groundcovers and shall have a clear trunk area to a height of seven feet (see Illustration 17 below).~~

Illustration 17 Landscaping First Row of Landscape Islands

~~4. Tree and lighting locations shall be designed so as not to conflict with one another (see Illustration 18 below).~~

Illustration 18 Compatible Tree and Lighting Design

~~2.8.3.7.3. Locational requirements for building perimeter plantings as required by section 2.4.6.5. of this Code:~~

~~1. Perimeter landscape plantings shall be located adjacent to the primary building facade, including building entrance areas, plazas, and courtyards. These areas shall be landscaped with any combination of trees, palms, shrubs and ground covers (see Illustrations 19 and 20 below).~~

Illustration 19 Building Perimeter Plantings

Illustration 20 Building Perimeter Plantings

~~2. Building perimeters shall include plantings at a ratio of 100 square feet of planters per 1,000 square feet of building ground floor area. Planters shall either be raised or at ground level and be a minimum of ten feet wide. Seating courtyards, eating areas and plazas may be incorporated within them (see Illustration 21 below).~~

Illustration 21 Building Perimeter Plantings

~~2.8.3.7.4. Natural and manmade bodies of water including wet and dry retention areas (exceeding twelve (12) feet in width):~~

~~The shape of a manmade body of water, including wet and dry retention areas, shall be designed to appear natural by having off sets in the edge alignment that are a minimum of ten feet and spaced 50 feet apart. All bodies of water, including wet and dry retention areas, exceeding 20,000 square feet in area, and which are located adjacent to a public right of way, shall incorporate into the overall design of the project at least two of the following items: (see Illustration 22 below).~~

Illustration 22 Body of Water Shapes

- ~~1. A five foot wide walkway with trees an average of 50 feet on center and shaded benches a minimum of six feet in length or picnic tables with one located every 150 feet.~~
- ~~2. A public access pier with covered structure and seating.~~
- ~~3. An intermittent shaded plaza/courtyard, a minimum of 200 square feet in area, with benches and/or picnic tables adjacent to the water body.~~
- ~~4. A permanent fountain structure.~~

* * * * *

~~2.8.4.2.3.1. Fencing standards: Chain link and wood fencing are prohibited forward of the primary facade and must be a minimum of 100 feet from a public right of way. Chain link and wood fencing facing a public right of way shall provide at minimum an irrigated hedge directly in front of the fence on the side of the right of way. Plant material shall be a minimum of three gallons and planted three feet on center at time of installation. This plant material shall be maintained at a minimum of three quarter the height of the fencing. (See Illustration 6.1).~~

~~Fencing forward of the primary facade is permitted under the following conditions:~~

- ~~1) Fence does not exceed four feet in height.~~
- ~~2) The fencing provides either an open view at a minimum of 25 percent of its length or provides variation in its height for a minimum of 15 percent of it length with a deviation of at least 12 inches.~~

~~3) The fence style must complement the building style through material, color and/or design.~~

* * * * *

**SUBSECTION 3.I. AMENDMENTS TO DIVISION 3.2.,
SUBDIVISIONS**

DIVISION 3.2., Subdivisions, of Ordinance 91-102, as amended, of the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.2. SUBDIVISIONS

* * * * *

Sec. 3.2.8. Improvement Plans.

* * * * *

3.2.8.4.16. *Streets.* The street layout of all subdivisions or developments shall be coordinated with the street systems of the surrounding areas. Adjacent properties shall be provided with local street interconnections unless topography, other natural features or other ordinances/regulations do not allow or require said connections. All arterial or collector streets shall be planned to conform to the Collier County comprehensive plan. Collector and arterial streets within a development shall not have individual residential driveway connections. Their location and right-of-way cross section must be reviewed and approved by the county transportation services division during the preliminary subdivision plat review process. All subdivisions shall provide rights-of-way in conformance with the comprehensive plan and the right-of-way cross section contained in appendix B. All streets shall be designed and constructed to provide for optimum vehicular and pedestrian safety, long service life and low cost of maintenance.

A tolerance of one-quarter inch for pavement surface and one-half inch for base course may be accepted. Any deviations more than these tolerances will result in withholding preliminary acceptance until such time that the pavement is brought up to county standards.

* * * * *

21. Sidewalk parking. The distance from the back of the sidewalk to the garage door must be at least 23 feet to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.

* * * * *

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

DIVISION 3.3., Site Development Plans, of Ordinance 91-102, as amended, of 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.

* * * * *

3.3.7.1.9. *Infrastructure improvements plans.* Detailed on-site and off-site infrastructure improvement plans and construction documents prepared in conformance with the design standards of division 3.2 and any current county ordinances, regulations, policies and procedures which consist of, but are not limited to, the following items:

1. A cover sheet setting forth the development name, applicant name, name of engineering firm, and vicinity map.

* * * * *

15. Sidewalk parking. The distance from the back of the sidewalk to the garage door must be at least 23 feet to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.

* * * * *

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

DIVISION 6.3., Definitions, of Ordinance 91-102, as amended, of the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 6.3. DEFINITIONS

* * * * *

Adjacent (applicable to School Board Review issues only): Lying near or adjoining [see also Abutting property or adjacent property].

Ancillary plant: The building, site and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program which may lawfully be used as authorized by the Florida Statutes and approved by the Collier County School Board.

Auxiliary facility: The spaces located at educational plants which are not designed for student occupation stations.

Compatibility review: A review pursuant to the Architectural and Site Design Standards contained within the Division 2.8 of the Land Development Code (LDC) in effect at the time SBR Letters of Compliance are requested and that pertains to issues of compatibility with surrounding uses, complimentary patterns of development and mitigation of negative impacts. The Compatibility Review will be limited to compatibility issues, external sidewalks and pathway connections, lighting, dumpster location and screening, and orientation of buildings and ancillary facilities.

Consistency Review: A review process whereby the County will determine prior to the School Board's acquisition of property whether such property is consistent with the locational criteria of the Growth Management Plan's Future Land Use Element and Map, Golden Gate Area Master Plan and Immokalee Area Master Plan, and whether the plant or facility is a permitted use, conditional use or prohibited use in the zoning district on the site, pursuant to the 2003 Interlocal Agreement.

Educational Facilities: The buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by the Collier County School Board.

Educational Plant: The educational facilities, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant.

Fire station: The building(s) and site of a government establishment primarily engaged in firefighting, used to house fire trucks and other emergency vehicles, firefighting equipment and apparatus, firefighters, and support/administrative staff.

Fire station services, ancillary: Fire protection activities imperative to carry out the purposes of a government establishment primarily engaged in firefighting, such as fire training camps, but which is not required to be located at a fire station for that fire station to serve its function. However, services designed to repair any firefighting equipment is not an ancillary fire station service.

Locational Criteria: The land use categories established in the Growth Management Plan's Future Land Use Element and Map, Golden Gate Area Master Plan and Immokalee Area Master Plan.

School Board Review ("SBR"): The site development plan review process for School Board projects as outlined in the 2003 Interlocal Agreement.

State Requirements for Educational Facilities ("SREF"): The Florida Department of Education State Requirements for Educational Facilities, effective 1999, as amended.

1996 Interlocal Agreement: the Interlocal Agreement between the Collier County School Board and Collier County as recorded in Official Record Book 2207, Pages 1729 *et seq.*, which bears an effective date of June 25, 1996.

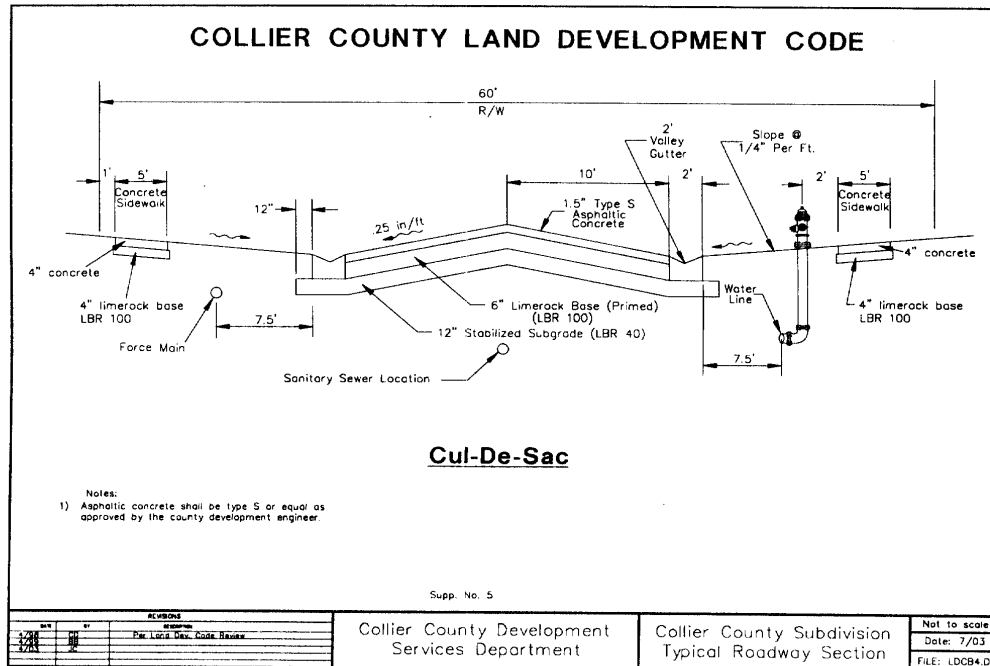
2003 Interlocal Agreement: the Interlocal Agreement between the Collier County School Board and Collier County as recorded in Official Record Book 3228, Page 2989 *et seq.*, which bears an effective date of February 28, 2003.

* * * * *

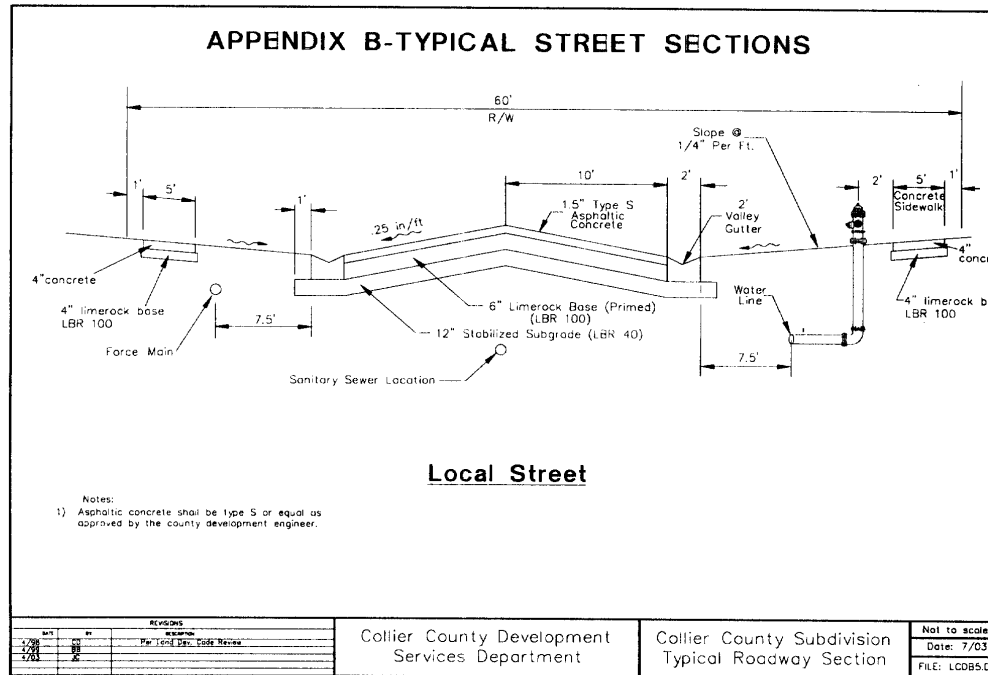
SUBSECTION 3.L. AMENDMENTS TO APPENDIX B, TYPICAL STREET SECTIONS AND RIGHT-OF-WAY DESIGN STANDARDS

APPENDIX B, Typical Street Sections and Right-of-Way Design Standards, of Ordinance 91-102, as amended, of the Collier County Land Development Code, is hereby amended to include the revisions to the following cross-sections as follows:

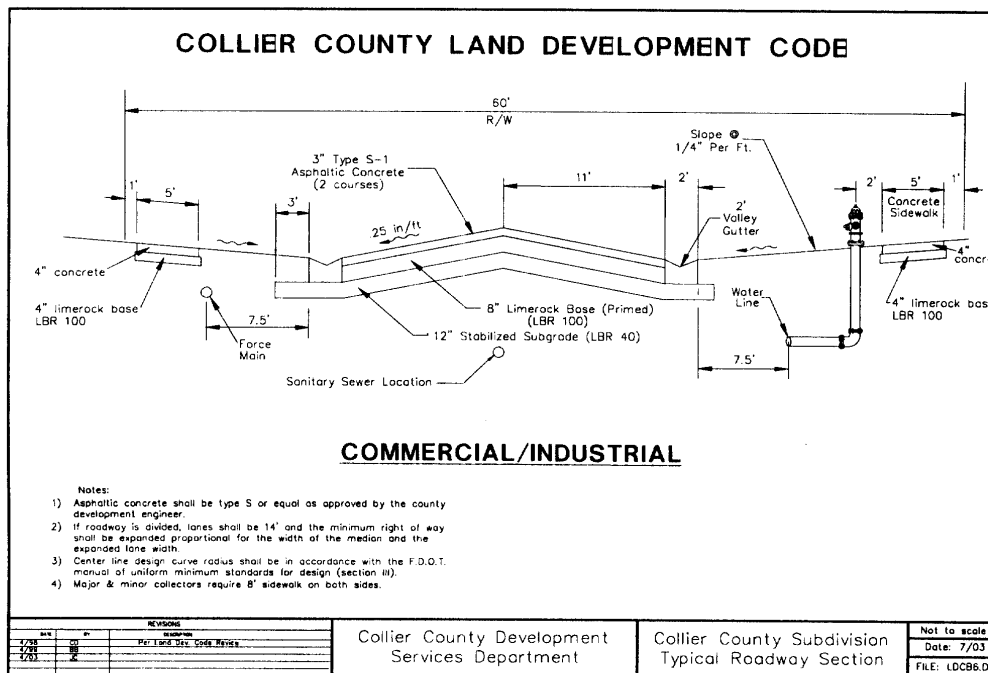
Cul-de Sac:



Local Street:

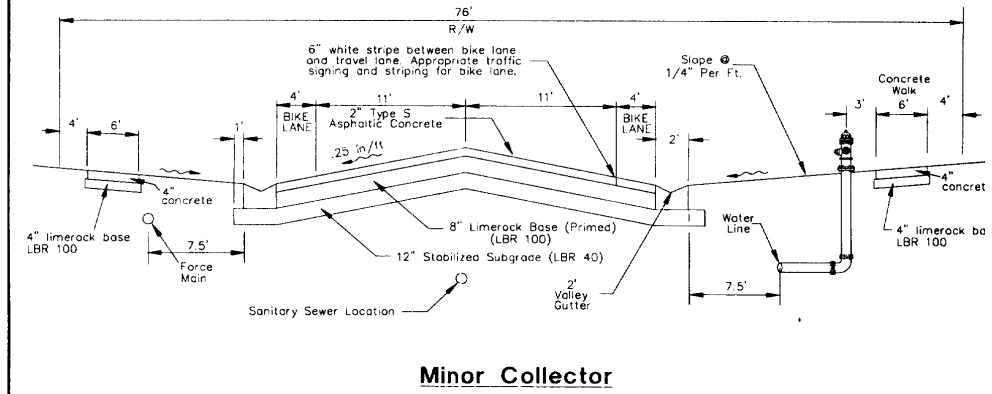


Commercial/Industrial:



Minor Collector:

APPENDIX B-TYPICAL STREET SECTIONS



Minor Collector

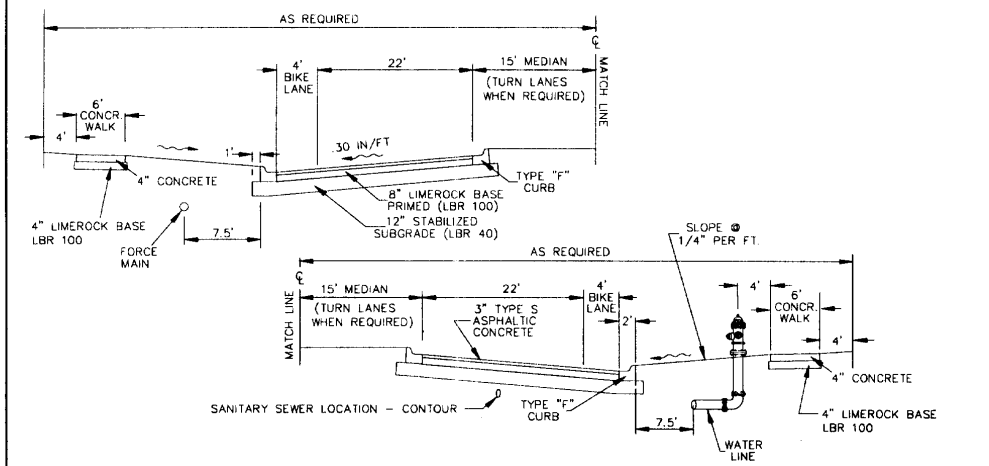
Notes:
 1) Asphaltic concrete shall be type S or equal as approved by the county development engineer.

REVISED	DATE	BY	REVISION	

Collier County Development Services Department	Collier County Subdivision Typical Roadway Section	Not to scale Date: 7/03 FILE: LDCB7.1
--	--	---

Major Collectors and Arterials:

COLLIER COUNTY LAND DEVELOPMENT CODE



Major Collector and Arterials

Notes:
 1) Asphaltic concrete shall be type S or equal as approved by the county development engineer.

REVISED	DATE	BY	REVISION	

Collier County Development Services Department	Collier County Subdivision Typical Roadway Section	Not to scale Date: 7/03 FILE: LDCB8.1
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SECTION FOUR: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such

portion shall be deemed a separate, distinct and independent provision and such holding 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.

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

ATTEST:
DWIGHT E. BROCK, CLERK
COMMISSIONERS

BOARD OF COUNTY
OF COLLIER COUNTY, FLORIDA

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

By: Tom Henning
TOM HENNING, CHAIRMAN
10-8-03

Approved as to form and
legal sufficiency:
Patrick G. White
Patrick G. White
Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
11 day of October
and acknowledgement of that
filing received this 21 day
of October, 2003
By: Patricia L. Morgan, DC
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

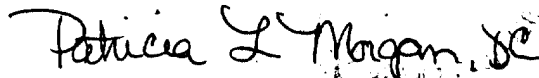
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2003-55

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

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 16th day of October, 2003.

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



By: Patricia L. Morgan,
Deputy Clerk