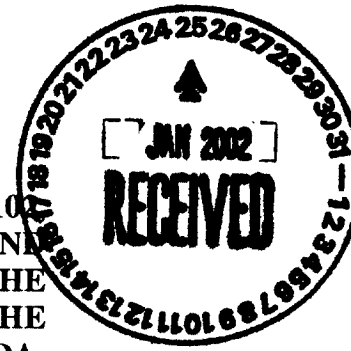


ORDINANCE NO. 02- 03



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 2, ZONING, DIVISION 2.1. GENERAL; DIVISION 2.2. ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS INCLUDING THE ADOPTION OF THE IMMOKALEE NON-CONFORMING MOBILE HOME PARK OVERLAY DISTRICT, THE ADOPTION OF THE ACTIVITY CENTER # 9 OVERLAY DISTRICT, AND THE ADOPTION ON INTERIM ZONING CONTROLS IN THE RESIDENTIAL TOURIST (RT) ZONING DISTRICT LOCATED IN THE VANDERBILT BEACH AREA, AND AMENDMENTS TO THE GOLDEN GATE PARKWAY PROFESSIONAL OFFICE COMMERCIAL OVERLAY DISTRICT, IMMOKALEE OVERLAY DISTRICT, SANTA BARBARA COMMERCIAL OVERLAY DISTRICT AND BAYSHORE DRIVE MIXED USE OVERLAY DISTRICT; DIVISION 2.3. OFF-STREET PARKING AND LOADING; DIVISION 2.5. SIGNS; DIVISION 2.6 SUPPLEMENTAL DISTRICT REGULATIONS; DIVISION 2.7. ZONING ADMINISTRATION AND PROCEDURES; ARTICLE 3, DEVELOPMENT REQUIREMENTS, DIVISION 3.2. SUBDIVISIONS; DIVISION 3.3 SITE DEVELOPMENT PLANS; DIVISION 3.5, EXCAVATION; DIVISION 3.6, WELL CONSTRUCTION; DIVISION 3.16 GROUNDWATER PROTECTION; ARTICLE 6. DEFINITIONS, DIVISION 6. DEFINITIONS, INCLUDING BUT NOT LIMITED TO THE DEFINITIONS FOR THE TERMS FRONT YARD, RIGHT-OF-WAY AND TRACT; SECTION FOUR; READOPTION OF LAND DEVELOPMENT CODE AMENDMENTS, MORE SPECIFICALLY READOPTING THE FOLLOWING ARTICLE ZONING DIVISION 2.2, ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS; AND DIVISION 2.7, ZONING ADMINISTRATION AND PROCEDURES; SECTION FIVE, ADOPTION OF AMENDED ZONING ATLAS MAP; SECTION SIX, REPLACEMENT OF APPENDIX C ENTITLED FINAL SUBDIVISION PLAT REQUIRED CERTIFICATIONS WITH A REVISED EXHIBIT C; SECTION SEVEN, CONFLICT AND SEVERABILITY; SECTION EIGHT, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION NINE, EFFECTIVE DATE.

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FILED

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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 pursuant to Section 1.19.1., LDC; and

WHEREAS, this is the first amendment to the LDC, Ordinance 91-102, for the calendar year 2001;
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 19, 2001 and January 9, 2002, 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 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 GENERAL DIVISION**

Division 2.1., General, of Ordinance 91-102, as amended, the Collier County Land

Development Code, is hereby amended to read as follows:

Sec. 2.1.15. Prohibited uses and structures.

* * * * *

6. In any zoning district, where the list of permitted and conditional uses contains the phrase “any other use which is comparable in nature with the foregoing uses and is consistent with the permitted uses and purpose and intent statement of the district” or any similar phrase which provides for a use which is not clearly defined or described in the list of permitted and conditional uses, which requires the discretion of the planning services director or other staff as to whether or not it is permitted in the district, then the determination of whether or not that use is permitted in the district shall be made through the process outlined in division 1.6, interpretations, of this code.

SUBSECTION 3.B. AMENDMENTS TO ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARD DIVISION

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

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

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

* * * * *

Sec. 2.2.2. Rural agricultural district (A).

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2.2.2.2.1. Permitted uses.

* * * * *

9. Essential services, as set forth in section 2.6.9.1.

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

* * * * *

26. Essential services, as set forth in section 2.6.9.2.

Sec. 2.2.3. Estates district (E).

* * * * *

2.2.3.2.1. Permitted uses.

* * * * *

3. Essential services, as set forth in section 2.6.9.1.

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:

* * * * *

- 7. Extraction or earthmining, and related processing and production not incidental to the development of the property subject to the following criterion.
a. The site must be a maximum of 20 acres in size. The site area shall not exceed 20 acres.

8. Essential services, as set forth in section 2.6.9.2.

Sec. 2.2.12. Commercial professional and general office district (C-1) and commercial professional transitional district (C-1/T).

2.2.12.1. Purpose and intent. The C-1 commercial professional district is intended to permit those uses which minimize pedestrian and vehicular traffic. The provisions of the C-1 district are intended to apply to areas located adjacent to highways and arterial roads. Landscaping, controlled ingress and egress, and other restrictions are intended to minimize frequent ingress and egress to the highway from abutting uses. The C-1 district is designed to be compatible with all residential uses, as well as residential uses located along arterials. The C-1/T commercial professional/transitional district is intended to apply to those areas that are transitional and located between areas of higher and lower intensity development. The uses in this district are office, low intensity service uses, and limited residential uses that meet the intent of the C-1/T commercial professional/transitional district. Those areas identified as transitional (C-1/T) shall be further noted on the official zoning atlas. The commercial professional district and the commercial professional/transitional district are consistent with the

~~locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan. The maximum density permissible in the commercial professional district and the commercial professional/transitional district shall be as provided for herein. The C-1/T zoning district, where utilized to meet the intent of the office and infill commercial subdistrict provisions of the future land use element of the comprehensive growth management plan, shall only be applied one time to serve as transitional use and will not be permitted to expand adjacent to other commercial zoning obtained via consistency with the office and infill commercial subdistrict provisions.~~

The C-1 commercial professional and general office district is intended to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most C-1 commercial professional and general office districts are contiguous to, or when within a PUD will be placed in close proximity to residential areas, and therefore serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building. Housing may also be a component of this district as provided for through conditional use approval.

* * * * *

2.2.12.4.3. *Minimum yard requirements.*

1. ~~Front yard. 25 feet, or one half of the building height as measured from each exterior wall, whichever is greater.~~
2. ~~Side yard. 15 feet. One half of the building height as measured from each exterior wall with a minimum of 15 feet.~~
3. ~~Rear yard. 15 feet, or one half of the building height as measured from each exterior wall, whichever is the greater.~~

* * * * *

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

2.2.13.1. Purpose and intent. The purpose and intent of the commercial convenience district (C-2) is to provide lands where commercial establishments may be located to provide the small scale shopping and personal needs of the surrounding residential land uses within convenient travel distance except to the extent that office uses carried forward from the C-1 district will expand the traditional neighborhood size. However, the intent of this district is that retail and service uses by of a nature that can be economically supported by the immediate residential environs. Therefore, the uses should allow for goods and services that households require on a daily basis, as opposed to those goods and services that households seek for the most favorable economic price and therefore require much larger trade areas. It is intended that the C-2 district implements the Collier County growth management plan within those areas designated agricultural/rural; estates neighborhood center district of the Golden Gate Master Plan; the neighborhood center district of the Immokalee Master Plan; and the urban mixed use district of the future land use element permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan. The maximum density permissible in the commercial convenience district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County growth management plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

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2.2.13.4.3. *Minimum yard requirements.*

1. *Front yard.* 25 feet, ~~or one-half of the building height as measured from each exterior wall, whichever is the greater.~~
2. *Side yard.* 15 feet. ~~One-half of the building height as measured from each exterior wall with a minimum of 15 feet.~~
3. *Rear yard.* 15 feet, ~~or one-half of the building height as measured from each external wall, whichever is the greater.~~
4. *Any yard abutting a residential parcel.* A minimum of 50 25 feet.

* * * * *

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

2.2.14.1. *Purpose and intent.* The purpose and intent of the commercial intermediate district (C-3) is to provide for a wider variety of goods and services intended in for areas that have expected to receive a higher degree of automobile traffic. The type and variety of goods and services are those that provide an opportunity for comparison-shopping and have a trade area consisting of several neighborhoods and are preferably located at the intersection of two arterial level streets. Most activity centers meet this standard. This district is intended to be compatible with residential areas and is not intended to permit wholesaling, or activities which require outside storage of merchandise and equipment. This district is also intended to allow all of the uses permitted in the C-1 and C-2 zoning districts typically aggregated in planned shopping centers. This district is not intended to permit wholesaling type of uses, or land uses that have associated with them the need for outdoor storage of equipment and merchandise. A mixed-use project containing a residential component is permitted in this district subject to the criteria established herein. The C-3 district is permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan. The maximum density permissible in the commercial intermediate district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County growth management plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

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2.2.14.4.3. *Minimum yard requirements.*

1. *Front yard.* 25 feet or one-half of the building height as measured from grade ~~each exterior wall, whichever is the greater.~~
2. *Side yard.* One-half of the building height as measured from grade ~~each exterior wall, with a minimum of 15 feet.~~
3. *Rear yard.* 15 feet or one-half of the height of the building as measured from grade ~~each exterior wall, whichever is the greater.~~

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

2.2.15.1. *Purpose and intent.* ~~The purpose and intent of the general commercial district (C-4) is to concentrate commercial development at the intersections of arterial roads on the county's major road network where traffic impacts can readily be accommodated, to avoid strip and disorganized patterns of commercial~~

Words struck through are deleted, words underlined are added.

~~development, and to create commercial centers within Collier County where commercial development can benefit from proximity to other commercial centers. The general commercial district is intended to provide for those types of land uses that attract large segments of the population at the same time by virtue of scale, coupled with the type of activity. The purpose and intent of the C-4 district is to provide the opportunity for the most diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions, at a larger scale than the C-1 through C-3 districts. As such, all of the uses permitted in the C-1 through C-3 districts are also permitted in the C-4 district. The outside storage of merchandise and equipment is prohibited, except to the extent that it is associated with the commercial activity conducted on site such as but not limited to automobile sales, marine vessels, and the renting and leasing of equipment. Activity centers are suitable locations for the uses permitted by the C-4 district because most activity centers are located at the intersection of arterial roads; therefore the uses in the C-4 district can most be sustained by the transportation network of major roads. The C-4 district will allow a broad range of commercial uses with appropriate standards to ensure adequate landscaping, and buffering of adjacent land uses. The C-4 district is permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.~~

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2.2.15.4.3. *Minimum yard requirements.*

1. *Front yard.* 25 feet or one-half of the height of the building as measured from grade each exterior wall, whichever is the greater. Structures 50 feet in height or greater shall maintain a minimum of a 25 foot front yard setback and shall be required to provide an additional one foot of setback for each foot of building height in excess of 50 feet.
2. *Side yard.* 15 feet or one-half of the building height as measured from grade, each exterior wall.
3. *Rear yard.* 15 feet or one-half of the building height as measured from grade each exterior wall, whichever is greater.

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2.2.15.4.4 *Maximum height.* ~~100~~ 75 feet.

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Sec. 2.2.151/2. Heavy commercial district (C-5).

2.2.15¹/₂.1. *Purpose and intent.* In addition to the uses provided in the C-4 zoning district, the heavy commercial district (C-5) allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct of the business. The C-5 district permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction associated equipment and supplies within an enclosed structure or have showrooms displaying the building material for which they specialize. Outdoor storage yards are permitted with the requirement that such yards are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan. ~~The maximum density permissible in the heavy commercial and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County growth management plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.~~

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Words struck through are deleted, words underlined are added.

2.2.151/2.4.3. *Minimum yard requirements.*

1. *Front yard. 25 feet.*
2. *Side yard. 15 feet. ~~One half of the building height as measured from each exterior wall with a minimum of 15 feet.~~*
3. *Rear yard. 15 feet. ~~One half of the building height as measured from each exterior wall.~~*

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

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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; ~~but streets shall not be so laid out as to encourage outside traffic to traverse the development on minor streets, nor occupy more than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks, nor shall s.~~ Streets shall be laid out and or constructed so as not to require excessive cuts or fills or to interfere with desirable drainage in or adjacent to the district. ****

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2.2.20.3.13. *Special requirements for industrial planned unit developments.* Industrial PUDs are intended to implement the industrial under criteria subdistrict as provided for in the 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 predominately residential areas. ****

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Sec. 2.2.26. Golden Gate Parkway Professional Office Commercial Overlay District (GGPPOCO): special conditions for the properties abutting Golden Gate Parkway east of Santa Barbara Boulevard as referenced in the Golden Gate Parkway Professional Office Commercial District Map (Map 2) of the Golden Gate Area Master Plan.

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2.2.26.3.5. *Access.* Access to projects shall be provided exclusively via Golden Gate Parkway and shall be limited to one per 450 feet commencing at the center line of Santa Barbara Boulevard but shall nonetheless comply with the Access Control Policy (Res. 01-247) in place at the time of development.

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Sec. 2.2.28. Immokalee Overlay Districts.

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2.2.28.4.3.1. Access points for future commercial development shall be limited to a maximum one per 150 feet of street frontage. Properties with less than the required street frontage, shall be encouraged, and may be required as a condition of site development plan approval, to utilize shared access points with adjoining commercial development.

* * * * *

2.2.28.8.9.1. *Yard requirements.*

Maximum yard requirements.

1. Front yard. ~~Seven or Ten~~ feet except in the event of an awning, arcade or colonnade which may extend up to seven (7) feet into the required yard.
2. Side yard. Zero in the event a wall is contiguous to another wall on an adjacent property, otherwise ten feet.

Minimum yard requirements.

1. Rear yard. ~~Zero or Five~~ feet.

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Sec. 2.2.29. Non Conforming Mobile Home Park Overlay Subdistrict: Establishment of special conditions for these properties which by virtue of actions preceding the adoption of Ordinance No. 91-102, on October 30, 1991, were deemed to be nonconforming as a result of inconsistencies with the land development code, and are located within the Immokalee Urban Boundary as depicted on the Immokalee Area Master Plan.

2.2.29.1. Purpose and intent: The purpose of these provisions is to recognize that there are nonconforming mobile home parks in the Immokalee Urban Area, to provide incentives to upgrade these parks while requiring the elimination of substandard units, and to allow park owners to take advantage of alternative development standards in order to cause some upgrading of conditions that would normally be required of conforming mobile home parks. Travel trailers, regardless of the square footage, are not permitted as a permanent habitable structure.

2.2.29.2. Required site improvement plan application: All nonconforming mobile home developments/parks that predate Ordinance No. 91-102, the land development code, shall be required to submit a site improvement plan (SIP) within twelve (12) months of adoption of this amendment.

The site improvement plan (SIP) master plan shall illustrate the way existing buildings are laid out and the infrastructure (i.e. utilities, streets, drainage, landscaping, parking and the like) to serve those buildings. The number and location of buildings shall be reviewed for consistency with code requirements (i.e. setbacks, space between buildings, density, and the like). Similarly, the SIP shall serve to provide a basis for obtaining approval of required infrastructure improvements such as those referenced herein. The approved SIP showing all of the above shall become the official record acknowledging the legal use of the property. Failure to initiate this process will result in a code violation in which the property owner will be required to immediately remove all mobile homes which have not received a building permit and all mobile homes deemed to be unsafe and unfit for human habitation, and otherwise contrary to the county's housing code unless otherwise prohibited by state law.

2.2.29 3. Pre-application meeting requirements:

Prior to making an application to submit an SIP, the property owner and/or agent is required to have a pre-application meeting with Collier County planning staff. Coordinating this process will be the responsibility of the assigned planner who will establish a date for the meeting and will advise other review staff to attend the meeting. The owner of the property or agent representing the owner shall bring to the meeting a survey plot plan showing the location of all buildings and structures, and preferably a draft plan showing the proposed layout of buildings and infrastructure improvements. The applicant shall consult with the Immokalee Fire Department and the Immokalee Sewer and Water District prior to the pre-

application meeting. Within 90 days after the pre-application meeting, the owner/agent shall submit the SIP application and supporting documents. Failure to submit a formal SIP shall cause a citation to be issued to the property which may culminate in the requirement to remove all buildings and structures as provided above unless otherwise prohibited by state law.

2.2.29.4. SIP submission requirements, preparation standards and notes:

1. An application for an SIP on a form prepared by Collier County shall be signed by the owner or agent of the property owner in the form of an affidavit as indicated on the application form.
2. A survey plan showing all buildings and structures, their uses and the actual size of the structures.
3. A site improvement plan showing the proposed location of all buildings, and all required infrastructure, drawn to scale on a 24" x 36" sheet(s) illustrating the following information:
 - a. Park name, address and phone number of agent preparing the plan and address and phone number of the property owner.
 - b. Folio number(s) of property and total site area.
 - c. Zoning designation and land use on subject and adjacent property.
 - d. North arrow, scale and date.
 - e. Landscaping, proposed and existing.
 - f. Parking spaces.
 - g. Setbacks and space between building measurements.
 - h. Location and arrangement of ingress/egress points.
 - i. Type of surface of all access roadways leading to the park and within the park.
 - j. Location of all structures in the park (units, office, accessory building, etc.)
 - k. Location of dumpster or trash container enclosure.
 - l. Location and height of walls and/or fences.
 - m. Where applicable, dimensions of lots, width of internal streets and design cross-section of streets and drainage improvements.
4. Plans do not have to be signed and sealed by a professional engineer, however, plans must be prepared by a person having knowledge of drafting skills and basic engineering construction standards which may include a paraprofessional associated with a professional engineering, architectural, landscape architectural firm or licensed contractor.
5. Prior to approval of the SIP the county building inspector will identify all mobile homes not meeting minimum housing code standards and minimum floor area requirements for mobile homes as defined in this code. Those mobile home units that cannot be rehabilitated shall be removed within twelve (12) months of the approval of the SIP unless prohibited by law and shall be so indicated on the SIP.

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

6. Mobile home units meeting the housing code and as defined in this code may replace the units removed, provided the replacement units do not exceed the maximum number of units allowed on the original SIP.
7. The number of units approved on the SIP will be allowed to remain, except for those identified substandard units which must be removed in accordance with the timeframes referred to in subsection 2.2.29.4.5, so long as the requirements of the approved SIP are implemented and a building permit has been obtained for each unit.
8. A right-of-way permit shall be required. This permit shall be obtained prior to approval of the SIP. A copy of same shall be submitted to the assigned planner.

2.2.29.5. Improvement standards:

1. Roads and drainage:

Private roads leading to and serving the mobile home park or mobile home lots must be improved and maintained, and shall consist of a dust free surface with a minimum width of 20 feet. The dust free surface may consist of aggregate material treated with oil-based material that will bind the aggregate material into a form of macadam road finish. A drainage ditch capable of storing the first one inch of rainfall shall be incorporated into the right-of-way design-cross section, exclusive of the required 20 feet. Drainage shall be directed to a public road via the private road and/or easement conveyance, unless it can be proved that the on-site percolation rates exceed the on-site retention requirement.

2. Landscaping:

Landscape improvements shall be shown on the SIP, either separately or collectively on the same sheet as the site plan. Existing trees may be credited pursuant to subsection 2.4.4.14. of this code.

a. The plan shall be prepared by a landscape architect, landscape designer or landscape contractor or paraprofessional associated with such a firm and having knowledge of Florida plant material and planting requirements. Landscape plans do not need to be signed and sealed when prepared by a licensed landscape architect.

b. Landscaping requirements are as follows:

i. A 10-foot wide landscape buffer, with one single hedgerow and trees spaced 30 feet on center along property lines abutting a right-of-way.

ii. Trees spaced 50 feet on center along internal boundary lines.

iii. Permitted trees include live oak, sycamore, red maple, and sweet gum. Under electrical transmission lines, simpson stopper, magnolia, east Palatka holly, and dahoon holly trees are permitted.

iv. Fixed irrigation systems which shall include two irrigation bubblers per tree.

3. Fire protection standards:

Where a public water line is available, a hydrant will be required to serve the park. Should water line pressure be inadequate, arrangements shall be

made to seek approval of the Immokalee Fire Department to confirm that supplemental fire apparatus is adequate for fire protection.

4. Trash disposal:

A dumpster or enclosure for individual containers is required in accordance with section 2.6.15 of this code. No dumpster shall be located closer than 15 feet from any public street.

5. Dimensional standards:

a. Mobile home park overlay subdistrict setbacks shall be as follows.

Interior roads:

- i. Front yard - 10 feet
- ii. Side yard - 5 feet
- iii. Rear yard - 8 feet
- iv. Cluster/no lot lines- minimum space between structures-10 feet.

b. From all public road frontages
Minimum set back- 20 feet

c. Minimum floor area for replacement units- 320 square feet.

d. Minimum lot area:

- i. 2400 square feet (single wide units)
- ii. 3500 square feet (double wide units)

e. Minimum lot width:

- i. 35 feet (single wide units)
- ii. 45 feet (double wide units)

6. Implementation time frame:

The site improvement plan shall be implemented and park improvements shall be made in accordance with the following timeline commencing from the date of SIP approval.

<u>Number of units/project</u>	<u>Length of Time</u>
10 or less	18 months
11 to 25	30 months
26 to 50	42 months
more than 50	54 months

Projects approved with an implementation timeline in excess of 18 months must be completed as a phased development as identified below.

<u>Project Implementation Timeline</u>	<u># of Phases</u>	<u>Phase Timelines</u>
<u>18 months</u>	<u>1</u>	<u>18 months</u>
<u>30 months</u>	<u>2</u>	<u>18 months – first phase</u> <u>30 months – second phase</u>
<u>42 months</u>	<u>3</u>	<u>18 months – first phase,</u> <u>30 months – second phase,</u> <u>42 months – third phase</u>
<u>54 months</u>	<u>4</u>	<u>18 months – first phase,</u> <u>30 months – second phase,</u> <u>42 months – third phase,</u> <u>54 months – fourth phase</u>

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

Building permits must be obtained for each unit when relocated and replaced within an approved park, otherwise the code enforcement action will proceed except as otherwise provided pursuant to section 2.2.29.4.5.

* * * * *

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

* * * * *

2.2.32.3.2. *Permitted uses.*

* * * * *

~~e. Automobile parking (7521).~~

f.e. Barber shops (7241).

g.f. Beauty shops (7231).

h.g. Business services (groups 7311, 7313, 7322-7338, 7361-7379, 7384).

i.h. Child day care services (8351).

j.i. Depository institutions (groups 6011-6099).

k.j. Eating places (5812 except contract feeding, dinner theaters, food service(institutional), industrial feeding).

l.k. Educational services (8211-8244, 8299),.

m.l. Food stores (groups 5411 except supermarkets, 5421-5499).

n.m. Funeral service and crematories (7261).

o.n. General merchandise stores (5311-5399).

p.o. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to F.S. § 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to F.S. § 651 and ch. 4-193 F.A.C.; all subject to section 2.6.26.

q.p. Hardware stores (5251).

r.q. Offices for engineering, architectural, and surveying services (groups 0781, 8711-8713).

s.r. Health services (8011-8049, 8082).

t.s. Home furniture, furnishing and equipment stores (groups 5713-5719, 5731-5736).

u.t. Individual and family social services (8322 activity centers, elderly or handicapped; adult day care centers; and, day care centers, adult and handicapped only.)

v.u. Insurance carriers, agents and brokers (groups 6311-6399, 6411).

w.v. Legal services (8111).

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

- ~~x.w.~~ Management and public relations services (groups 8741-8743, 8748).
- ~~y.x.~~ Membership organizations (8611-8699).
- ~~z.y.~~ Miscellaneous repair services, except aircraft, business and office machines, large appliances, and white good such as refrigerators and washing machines (7629-7631).
- ~~aa.z.~~ Miscellaneous retail services (5912, 5942-5961, 5992-5999).
- ~~bb.aa.~~ Museums and art galleries (8412).
- ~~ee.bb.~~ Nondepository credit institutions (groups 6111-6163).
- ~~dd.cc.~~ Paint, glass and wallpaper stores (5231).
- ~~ee.dd.~~ Personal services (groups 7212, 7215, 7221-7251, 7291).
- ~~ff.ee.~~ Photographic studios (7221).
- ~~gg.ff.~~ Public administration (groups 9111-9199, 9229, 9311, 9411-9451, 9511-9532, 9611-9661).
- ~~hh.gg.~~ Real estate (groups 6521-6541).
- ~~ii.hh.~~ Retail nurseries, lawn and garden supply stores (5261).
- ~~jj.ii.~~ Security and commodity brokers, dealer, exchanges and services (groups 6211-6289).
- ~~kk.jj.~~ Shoe repair shops and shoeshine parlors (7251).
- ~~ll.kk.~~ Social services, not elsewhere classified (8399).
- ~~mm.ll.~~ United States Postal Service (4311 except major distribution center).
- ~~nn.mm.~~ Veterinary services (groups 0742 veterinarian's office only, 0752 dog grooming and pedigree record services only, all excluding outdoor kenneling).
- ~~oo.nn.~~ Videotape rental (7841).

* * * * *

2.2.32.3.6. Access. Access via a rear property right-of-way shall be required, if available, in lieu of direct access to Santa Barbara Boulevard. ~~Access shall be limited to one access point per project.~~ Abutting projects shall be required ~~are encouraged~~ to share access.

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Sec. 2.2.33. Bayshore Drive Mixed Use Overlay District.

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2.2.33.16 Signs. As required by division 2.5 unless specified below:

* * * * *

8. Properties that are located in the waterfront subdistrict (W) and are located adjacent to the Haldeman Creek Bridge are allowed one pole sign not to exceed 65 square feet in area. The pole signs shall not be internally lit. Pole signs shall be architecturally compatible with the building it serves.

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

* * * * *

2.2.33.22.3. Conditional uses. The following uses are permitted as conditional uses in this subdistrict for lots that are adjacent to the waterfront.

1. Bed and breakfast lodging facilities subject to the following requirements:
 - a. A site development plan pursuant to division 3.3.
 - b. Minimum number of guest rooms or suites is two with a maximum number of six. Guest occupancy is limited to a maximum stay of 30 days. The minimum size of bedrooms for guest occupancy shall be 100 square feet.
 - c. No cooking facilities shall be allowed in guest rooms.
 - d. Separate toilet facilities for the exclusive use of guests must be provided. At least one bathroom for each two guestrooms shall be provided.
 - e. All automobile parking areas shall be provided on-site based upon a minimum of two spaces plus one space for each two bedrooms. All other applicable provisions of this code relative to parking facilities shall apply.
 - f. One sign with a maximum sign area of four square feet containing only the name of the proprietor or name of the residence. Sign lettering shall be limited to two inches in height and shall not be illuminated.
 - g. An on-site manager is required.
 - h. The facility shall comply with all business license, certifications, and health laws of Collier County and the State of Florida.

2.2.33.22.3.4. Minimum lot width:

Single-family:	50 feet
Two-family:	50 feet
Townhouses	25 feet
Multi-family	100 feet

2.2.33.22-4.5.R-1 yard requirements. The following yard requirements shall apply and are in relation to the platted property boundaries.

	<i>Front Yard At*</i>	<i>Mm. Side Yard</i>	<i>Mm. Rear Yard</i>
One (single) family units	10 feet dwelling	7'2 feet unless abutting commercial property, then 5 feet	15 feet
Two family dwelling units	10 feet	5 feet unless abutting single family unit, then 7.5 feet	15 feet
Townhouse	10 feet	0 feet when abutting another townhouse, if not then the same standards as a two family dwelling unit.	15 feet
Multiple family (three or more) dwelling units	10 feet	5 feet unless abutting single family unit, then 7.5 feet	15 feet

*Shall be ten feet from the property line to the building footprint.

2.2.33.22.5.6. Minimum floor area: 750 square feet per unit.

2.2.33.22.6.7. Maximum height of structures: (Measured from Federal Emergency Management Agency (FEMA) to building eave)

1. *Principal structures*. Three habitable floors or a measure of 40 feet.
2. *Accessory structures*. 15 feet except for screen enclosures, which may be the same height as the principal structure but in no event greater than 35 feet.

2.2.33.22.7.8. Minimum off-street parking.

1. Minimum off-street parking is one space per dwelling unit.
2. There shall be no visible parking area from the frontage road.

2.2.33.22.8.9. On street parking requirements. (Reserved.)

2.2.33.22.9.10. Building placement and design. Buildings and their elements shall adhere to the following: (See BMUD figure 4):

1. Buildings shall be divided using articulation and/or modulation at least every 80 feet. Facade modulation is stepping back or extending forward a portion of the facade at least six feet measured perpendicular to the front facade for each interval. Articulation includes porches, balconies, bay windows and/or covered entries.
2. The primary residence shall be oriented to the street. Orientation is achieved by the provision of a front facade including an entry door that faces the street.
3. On corner lots, both street facades of a building shall have complementary details; in particular, building materials and color, rooflines and shapes, window proportions and spacing, and door placement.
4. All mechanical equipment must be screened with a three-foot high hedge spaced three feet on center or an opaque fence or wall at any height to completely screen the mechanical equipment.
5. Stem wall construction is required, no monolithic construction is allowed.

2.2.33.22.10.11. Elevation. Buildings shall adhere to the following elevation requirements:

1. The first habitable floor at the street facade may not be greater than one foot over the minimum first floor elevation designated in the National Flood Insurance Program by the Federal Emergency Management Agency (FEMA). A maximum of 40 percent of the first habitable floor may be greater than one foot over the FEMA-designated minimum first floor elevation.
2. Open stilt-type construction is not permitted. On front yards, the facade area below the first floor must be treated with a solid

facade or lattice which is consistent with the architectural style of the building.

3. The garage floor shall not exceed 24 inches above the elevation of the right-of-way from which it is accessed.

~~2.2.33.22.11.12.~~12. *Front porches.* Front porches that adhere to the following standards may encroach seven feet into the front yard setback, with an additional three-foot encroachment allowable for entry stairs.

1. Front porches must cover a minimum of 40 percent of the horizontal length of the front yard facade of the primary residence.
2. Front porch design and material shall be consistent with the architectural design and construction material of the primary residence.
3. Front porches shall not be air-conditioned nor enclosed with glass, screen, or other material.
4. Second-story porches are encouraged, but no enclosed room is permitted above the front porch.

~~2.2.33.22.12.13.~~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.
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.
4. Other than the permitted driveway, the front yard may not be paved or otherwise used to accommodate parking.
5. Garages shall be recessed a minimum of three feet behind the front facade of the primary residence.
6. No carports are permitted.

~~2.2.33.22.13.14.~~14. *Accessory units.* An accessory unit is a separate structure located at the rear of the property and related to the primary residence for uses which include, but are not limited to: library studio, workshop, playroom, or guest quarters. Ownership of an accessory unit shall not be transferred independently of the primary residence.

The following regulations regarding accessory units apply:

1. Only one accessory unit is permitted per principal structure.
2. The maximum area of an accessory unit is 550 square feet, limited to one habitable floor.
3. The accessory unit may be above a garage or may be connected to the primary residence by an enclosed breezeway or corridor not to exceed eight feet in width.
4. The maximum height of a structure containing a guest unit over a garage is limited to 18 feet, measured from the level of graded lot

to the eave, and with a maximum overall building height of 24 feet to the top of the roof. A structure containing only a guest unit is limited to one story and ten feet, measured from the FEMA first habitable floor height requirement to the eave, with a maximum overall building height of 16 feet to the top of the roof.

5. For purposes of calculating density, an accessory unit will count as one-half a dwelling unit.

~~2.2.33.22.14,15.~~Density. Maximum 12 units per acre, or as consistent with the future land use element of the growth management plan.

~~2.2.33.22.15,16.~~ Fencing standards.

Fencing forward of the primary facade of the structure is permitted subject to the following conditions:

1. The fence does not exceed four feet in height.
2. The fence is not opaque but provides an open view.
3. Chain link fence is prohibited.
4. The fence material shall be wood, vinyl, or iron.
5. A masonry wall is permitted and shall not exceed three feet in height.
6. Fencing and walls must architecturally complement the primary structure as determined by the CRA staff and the planning services department director.

* * * * *

~~2.2.33.23.2~~ Conditional uses. The following uses are permitted as conditional uses in this subdistrict.

1. Bed and breakfast lodging facilities subject to the following requirements:
 - a. A site development plan pursuant to division 3.3.
 - b. Minimum number of guest rooms or suites is two with a maximum of six. Guest occupancy is limited to a maximum stay of 30 days. The minimum size of bedrooms for guest occupancy shall be 100 square feet.
 - c. No cooking facilities shall be allowed in guest rooms.
 - d. Separate toilet facilities for the exclusive use of guests must be provided. At least one bathroom for each two guest rooms shall be provided.
 - e. All automobile parking areas shall be provided on-site based on a minimum of two spaces plus one space for each two bedrooms. All other applicable provisions of this code relative to parking facilities shall apply.
 - f. One sign with a maximum sign area of four square feet, containing only the name of the proprietor or name of the residence. Sign lettering shall be limited to two inches in height and shall not be illuminated.
 - g. An on-site manager is required.
 - h. The facility shall comply with all business license, certifications, and health laws of Collier County and the State of Florida.

* * * * *

Sec. 2.2.35. Activity Center #9 Zoning Overlay District: Establishment of special conditions for the properties and rights-of-way located within the activity center #9 as identified on the Collier County Mixed Use and Interchange Activity Center Map.

2.2.35.1. Purpose and intent: The purpose of this designation is to create an enhanced entryway into the Naples urban area through appropriate, unified design elements and standards. The implementation of which will result in an attractive, positive image as outlined in the vision statement of the Activity Center #9 Interchange Master Plan.

2.2.35.2. Applicability: These regulations apply to the following properties within Activity Center #9 as identified in the Interchange Master Plan Land Use Map:

1. All buildings and projects that are subject to the requirements of division 2.8 of this code.
2. Non-residential land uses abutting any public street except industrial buildings internal to industrial PUD zoned project that are located no less than 200 feet from the public street.

2.2.35.3. Building and project design standards. All buildings and projects within Activity Center #9 shall be developed or redeveloped in accordance with one or more of the design themes defined in the Activity Center #9 Interchange Master Plan. The design themes shall be incorporated into architecture, landscape, signage, and gateway features and roadway lighting.

2.2.35.3.1. All buildings shall meet the architectural and site design requirements set forth in division 2.8., of this code except as set forth below.

2.2.35.3.2.. Architectural style. Buildings within the Activity Center #9 shall be limited to three complementary character themes: Everglades, Rural and Old Florida, as defined in the Vision Statement of the Activity Center #9 Interchange Master Plan.

2.2.35.3.3. General requirements. In addition to the requirements of division 2.8, buildings shall have features that characterize the area character themes. These elements include:

1. Primary facade treatment. All primary facades of a building shall feature one or more of the following design elements listed below:
 - a. Porch
 - b. Portico
 - c. Elevated first floor or elevated entry.
 - d. Any other treatment which the planning services director determines to represent the character themes of this overlay district.
2. Roof treatment:
 - a. Buildings with gross floor areas of less than 10,000 square feet shall have pitched roofs. Pitched roofs shall have a minimum of 4/12 slope.
 - b. Buildings with gross floor areas of 10,000 square feet or greater shall have one or more of the following roof treatments:
 - i. Pitched roof with a minimum slope of 4/12.
 - ii. Flat roof with mansard edge treatment.
 - iii. Flat roof with a combination of pitched and mansard roof elements that extend along a minimum of 50 percent of the length of any primary facade, and a minimum of 30 percent of the attached facades as measured from the connection point.
 - c. Industrial use buildings shall have one or more of the following roof treatments:

- i. Pitched roof with a minimum slope of 3/12.
- ii. Flat roof with mansard edge treatment.
- iii. Flat roof with a combination of pitched and mansard roof elements that extend along a minimum of 30 percent of the length of any primary façade, and 20 percent of the attached facades as measured from the connection point.
- d. Roof material shall be tile or metal.
- e) Roof overhangs shall be deep, no less than three feet beyond the supporting walls.
- f) To create articulation, roofs shall include a minimum of one of the following architectural elements:
 - i. Clearstory windows.
 - ii. Cupolas.
 - iii. Dormers.
 - iv. Any other treatment which the planning services director determines to represent the character themes of this overlay district.

2.2.35.4. Landscaping and buffering. As required in division 2.4., of this code, except as set forth below.

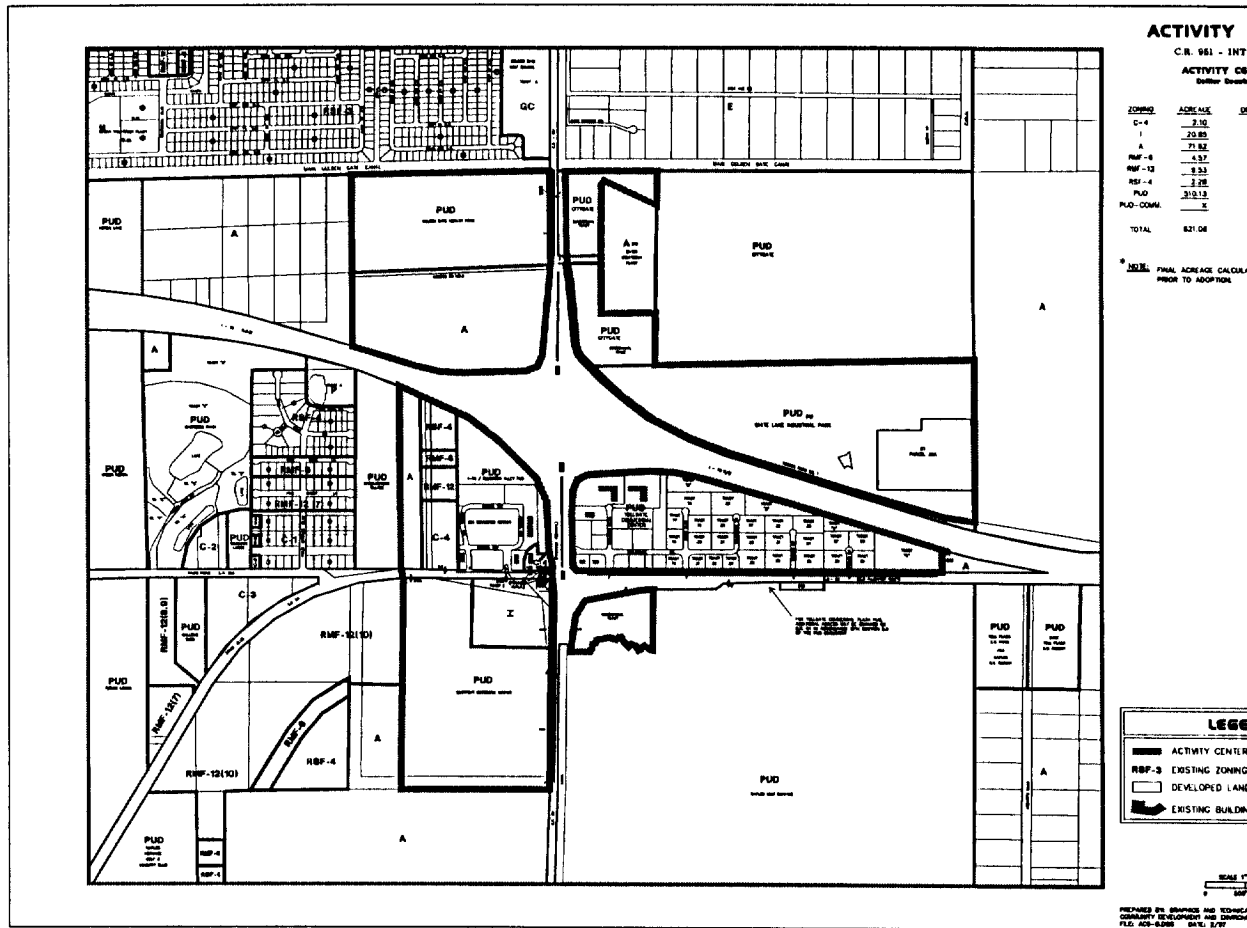
2.2.35.4.1. Applicability. In addition to the requirements set forth in division 2.4., the requirements for landscaping pursuant to subsection 2.8.3.7. shall apply to all development approvals within Activity Center #9, regardless of the gross building area.

2.2.35.4.2. Landscape buffers adjacent to road rights of way. In addition to the requirements for a Type D buffer, the following requirements shall apply:

- A. Landscape buffers adjacent to Collier Boulevard, S.R. 84. (Davis Boulevard and Beck Boulevard) and within 400 linear feet of I-75 right-of-way line:
 - 1. Shall measure a minimum of 25 feet in width.
 - 2. The required number of trees shall be supplemented by an additional palm tree planting in the amount of 25%.
 - 3. Undulating beds of ornamental grasses and / or ground cover beds shall be incorporated for at least 30% of the required buffer strip area.
 - 4. All required trees shall be a minimum of 12 feet in height.
 - 5. Where industrial land uses abut I-75, an 8 foot high unified, opaque, masonry wall is required. Landscape buffers shall be placed along the street side of said wall. The wall shall be located at the edge of the landscape buffer farthest from the property line.
- B. Landscape buffers adjacent to all other public streets:
 - 1. Shall measure a minimum of 15 feet in width.
 - 2. Undulating beds of ornamental grasses and ground cover beds shall be incorporated for a least 25% of the required buffer strip area.
 - 3. All required trees shall be a minimum of 12 feet in height.
- C. Landscape buffers, signage and lighting fixtures in residential areas shall feature a unified design at point of ingress/egress.

2.2.35.5. Lighting and signage. Lighting fixtures and signage within the Activity Center #9 shall be designed to complement the architectural themes of this overlay district. Lighting shall also be subject to the requirements pursuant to section 2.8.3.2., regardless of the gross building

area.



ACTIVITY CENTER # 9 OVERLAY DISTRICT
MAP 2.2.35.-1

Sec. 2.2.36. Establishment of interim development controls (moratorium) for the Vanderbilt Beach residential tourist (RT) zoning district.

2.2.36.1. Purpose and intent. The purpose and intent of the interim development controls (moratorium) for the residential tourist (RT) zoning districts in the Vanderbilt Beach area is to restrict most development and redevelopment to allow the county planning department to conduct an assessment of the area and determine appropriate development standards for the area by way of establishing an overlay district.

The Vanderbilt Beach area is unique in that it is situated on a narrow spit of land lying to the to the east of the Gulf of Mexico and to the west of the Vanderbilt Lagoon. It is served by a narrow two-lane roadway known as Gulfshore Drive. Presently, hotel, motel, multiple-family and other uses are permitted with maximum heights of ten stories not to exceed 100 feet. Setbacks are a function of the height of a structure.

The area has been experiencing redevelopment pressure due to its proximity to the water. Redevelopment proposals have been planned to maximize the use of the available land by utilizing maximum development standards on small lots that were originally platted in the 1950's. Without an overlay district that would establish less intense development standards, the area would redevelop with ten story buildings on small lots on each side of the narrow Gulfshore Drive creating a canyon-like effect, exacerbating already existing traffic congestion and further reducing view corridors and, light and air movement between the Gulf of Mexico and the Vanderbilt Lagoon.

2.2.36.2. Duration. For a period not to exceed one (1) year from the date of the adoption of this amendment to the land development code, the issuance of any

development orders for certain land uses as set forth in subsection 2.2.36.4 of this code is prohibited.

2.2.36.3. Geographic scope of the Vanderbilt Beach residential tourist zoning district area assessment. The geographic scope of the assessment area shall be as follows:

All lands designated residential tourist (RT) in the Vanderbilt Beach area which are more specifically described as an area lying east of the Gulf of Mexico, south of Bluebill Avenue together with its westerly extension to the Gulf of Mexico, west of Vanderbilt Lagoon and north of Vanderbilt Beach Road.

2.2.36.4. Prohibited uses. The issuance of any development order that would allow the following uses is hereby prohibited for a maximum one-year period while the Vanderbilt Beach residential tourist zoning district area assessment is being conducted.

1. Permitted uses.

- a. Hotels and motels.
- b. Multi-family dwellings.
- c. Family care facilities.
- d. Timeshare facilities.
- e. Townhouses.

2. Uses accessory to permitted uses.

- a. Uses and structures that are accessory and incidental to the uses permitted as of right in the RT zoning district subject to the exemptions set forth in subsection 2.2.36.5. of this code.
- b. Shops, personal service establishments, eating or drinking establishments, dancing and staged entertainment facilities, and meeting rooms and auditoriums when such uses are an integral part of a hotel or motel and to be used by the patrons of the hotel/motel.
- c. Recreational facilities that serve as an integral part of a permitted use designated on a site development plan or preliminary subdivision plat that has been previously reviewed and approved and involves the use of a structure which may include, but are not limited to, clubhouse, community center building, and tennis facilities.

3. Conditional uses.

- a. Churches and other places of worship.
- b. Marinas.
- c. Group care facilities (category I and II); care units; 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.
- d. Private clubs.
- e. Yacht clubs.
- f. Permitted uses not to exceed 125 feet in height.

4. Variances for any of the uses listed above or any existing use in the Vanderbilt Beach residential tourist zoning district subject to the exemptions set forth in subsection 2.2.36.5. of this code.

3.2.36.5. Exemptions. The following are exempt from the provisions of these interim development controls (moratorium).

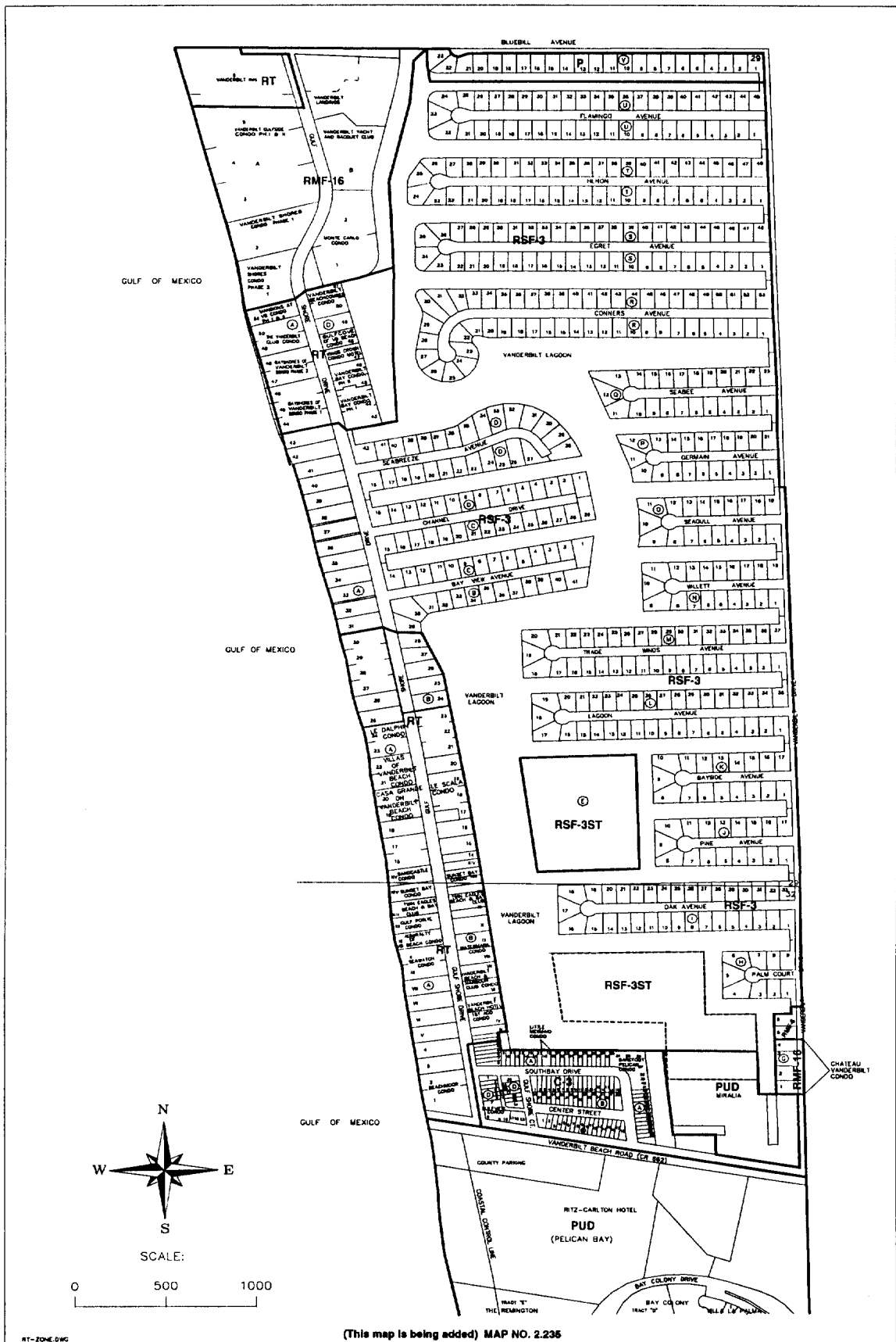
- 1. All building permits for the items listed in subparagraphs 2.3,4,and 5 hereof and the items listed in subsection 2.2.36.6 hereof.
- 2. Residential and other uses in the Vanderbilt Beach residential tourist (RT) zoning district assessment area for which completed applications for rezonings, conditional uses, variances, subdivision approvals, site

development plan approvals or plats were filed with or approved by Collier County prior to the adoption date of this amendment. For purposes of subsection 2.2.36.5.2. hereof the term “completed application” shall mean any application which has been deemed sufficient by planning services staff and has been assigned an application request number.

3. Any development order required by the Collier County code enforcement board or deemed necessary by the code enforcement department director, or his or her designee, to abate any violation or alleged violation of this land development code.
4. Uses and structures, such as but not limited to, pool enclosures, chickees, swimming pools, cabanas, boat docks and other minor accessory structures not exceeding 35 feet in height.
5. Noncommercial boat launching facilities.

2.2.36.6. Continuation of existing uses. The restrictions on uses in the study area during the assessment shall not affect or limit the continuation of existing uses and include: (1) those uses for which all required permits have been issued; (2) routine repair or maintenance of an existing structure or remodeling of such existing structure that does not result in any structural additions or modifications such as an increase in height or building footprint or an increase in density or intensity; or (3) the replacement or repair of an existing use/structure occasioned by casualty loss or damage such as fire, flood, storm event, wind, earthquake, bombings, terrorist acts and the like. In the case of such casualty loss or losses, such structure(s) may be repaired or rebuilt in accordance with the buildback requirements of Ordinance Number 98-62, as it may be amended or superseded.

2.2.36.7. Map. The following map depicts the Vanderbilt Beach residential tourist zoning district assessment area subject to these interim-development controls (moratorium).



Map No. 2.23.5-1

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

Division 2.3., Off-street Parking and Loading Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.3. OFF-STREET PARKING AND LOADING

* * * * *

Sec. 2.3.4. Off-Street vehicular facilities: design standards.

* * * * *

2.3.4.5. *Access.* Be arranged for convenient and safe access of pedestrians and vehicles. Access via a rear property right-of-way shall be required if available in lieu of direct access.

2.3.4.11. *Locational requirements.*

1. All ~~required~~ off-street parking facilities shall be located on the same lot they serve, on a contiguous lot under the same ownership that is zoned for use as a parking lot, or shall be approved under the provisions of section 2.3.4.11.2., below.

* * * * *

2.3.4.12.2 *Minimum space size.* Each parking space shall be a minimum of nine feet by 18 feet in size or 16 feet in depth measured from the aisle width to the face of the wheel stop except in the case of parallel parking where the dimension of the space shall be 9 feet by 23 feet for spaces running parallel to the driveway which affords access to said spaces. As an alternative, 9 feet by 18 feet spaces may be used in which case there must be a 6 foot marked clear zone space in front of or in back of every space. See Exhibit "A" for typical off-street parking design. All parking spaces for the exclusive use of compact vehicles indicated on an approved site development plan, and any subsequent amendments thereto, shall be counted as standard parking spaces.

* * * * *

Sec. 2.3.5. Automobile parking in conjunction with residential structures.

All automobile parking or storage of automobiles in connection with residential structures which are located on property which is designated as Mixed Use Urban Residential on the Future Land Use Map and which are zoned or used for residential uses, shall occur on specifically designed surfaces in a specifically designated area of the lot upon which the residential structure is located. The parking and/or storage of automobiles in connection with the residential dwelling units they are ancillary and accessory to shall be regulated as follows:

1. Single family dwelling units: Unless otherwise parked or stored in an enclosed structure, the parking or storing of automobiles in connection with single family dwelling units shall be limited to stabilized pervious or imperviously treated surface areas of the lot specifically designed for the parking of automobiles which may not comprise an area greater than forty (40) percent of any required front yard, which nonetheless may not serve to limit a driveway to a width less than twenty (20) feet. All parked

automobiles shall utilize only the designated pervious or impervious surface areas.

2. Two family dwelling units: Unless otherwise parked or stored in an enclosed structure, the parking or storing of automobiles in connection with a two family structure shall be limited to pervious or imperviously treated areas of the lot which may not comprise an area greater than fifty (50) % of any required front yard, except that this shall not serve to limit a driveway width to less than 20 feet, and a driveway may be provided on each side of the two family structure.
3. Multiple family (i.e. 3 or more) dwelling units: Unless otherwise parked or stored in an enclosed structure, the parking or storing of automobiles in connection with multiple family dwelling units shall be limited to pervious or imperviously treated surface areas of the lot designated for the parking and storing of automobiles. Pervious or imperviously treated surface areas designated for the parking of automobiles shall not exceed a ratio of 2.5 automobiles per dwelling unit in the event all parking spaces are not located within an enclosed structure or any combination of open air and enclosed structure.
4. Where multiple family structures consist of single family attached (i.e. row houses) dwelling units each with its own driveway to a common accessway, public or private street, all parking of automobiles shall be limited to the driveway and or garage combination.
5. Automobiles parked and/or stored in connection with residential dwelling units as described above shall be owned by the occupants of the dwelling unit or units unless the vehicle is owned by a firm, corporation or entity for which a dwelling unit occupant is employed. This provision shall not be construed to apply to automobile vehicles owned by persons or business firms at the site for social or business purposes.
6. No other portion of a front yard may be used to park or store automobiles including that portion of the right-of-way not directly a part of the designated driveway or designated parking areas.

2.3.5.1. Non-conforming situations. Nonconforming situations that were otherwise lawful prior to the effective date of this section of the ordinance shall comply with this ordinance or any subsequent amendment to this ordinance within 90 days of its effective date.

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SUBSECTION 3.D. AMENDMENTS TO SIGNS DIVISION

Division 2.5., Signs, of Ordinance 91-102, as amended, the Collier County Land

Development Code, is hereby amended to read as follows:

DIVISION 2.5. SIGNS

Sec. 2.5.5. Permitted signs.

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2.5.5.1.1. Development standards.

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2. Minimum setback. All signs within residential zoned districts and as applicable to residentially designated portions of PUD zoned properties shall not be located closer than ten feet from the property line, unless otherwise noted below or a provided for in section 2.1.13 as determined by the county for safety and operation.

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SUBSECTION 3.E. AMENDMENTS TO SUPPLEMENTAL DISTRICT REGULATIONS DIVISION

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

DIVISION 2.6. SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 2.6.11. Fences.

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

Whenever a non-residential development lies contiguous to or opposite a residentially zoned district, said non-residential development shall provide a masonry wall or prefabricated concrete wall/fence. If located on a contiguous property, the wall/fence shall be a minimum of six feet and a maximum of eight feet in height and shall be located a minimum of six feet from the residentially zoned district. If on a property opposite a residentially zoned district but fronting on a local street, or the properties are separated by a platted alley, the wall/fence shall be located a minimum of three feet from the rear of the right-of-way landscape buffer line and shall be four feet in height. On properties which front on more than one street, a six foot high wall/fence shall be required along the street which is opposite the primary ingress and egress point of the project along the street frontage which is adjacent to the rear of the project.

At the applicants' request, the planning services director may determine that a masonry wall/fence is not warranted, particularly where the local street lies contiguous to the rear of a residence or some other physical separation exists between the residential development and the non-residential development, or for other good cause including the existence of a wall on an adjacent residential development. The applicant shall demonstrate that the intent of this section can be effectively accomplished, without constructing a wall, by submitting for the approval an alternative design, and a descriptive narrative through the administrative variance process set forth in subsection 2.6.11.5.7. of this code. The planning services director will review the submitted documents for consistency with the intent of this section and, if the administrative variance is approved the fact of the approval and basis for it shall be stated in the site development plan approval letter.

Vegetative plantings shall be located external to the wall/fence such that 50 percent of the wall/fence is screened within one year of the installation of said vegetative material. An irrigation system shall be installed to insure the continued viability of the vegetative screen.

These regulations shall not be construed to require a masonry wall/fence for commercial development fronting on an arterial or collector roadway where the opposite side of such roadway is zoned residential or to be otherwise inconsistent with the provisions of section 2.8.2 of this code.

A wall/fence shall be constructed following site plan approval but prior to any vertical construction or any other type of improvement resulting from the issuance of a building permit. Special circumstances may warrant constructing the wall/fence in phases depending upon the location of affected residential areas and after vertical construction commences.

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2.6.11.5.7. When determined to be beneficial to the health, safety, and welfare of the public, the ~~development~~ planning services director may ~~waive~~ approve an administrative

variance from height limitations of fences and walls in all districts provided that at least one health, safety, or welfare standard peculiar to the property is identified, and that such approval does not set an unwanted precedent by addressing a generic problem more properly corrected by an amendment to this code.

* * * * *

Sec. 2.6.21. Dock facilities.

- ~~2.6.21.1.~~ Individual or multiple private docks, including mooring pilings, davits, lifts and the like are permitted to serve the residents having waterfront property as described in division 6.3, definitions, provided they do not protrude more than the respective distances specified in sections 2.6.21.2, and 2.6.21.3, for such waterway. Docks and the like are primarily intended to adequately secure moored vessels and provide safe access by users for routine maintenance and use while minimally impacting the navigability of the waterway, the native marine habitat, manatees, and the use and view of the waterway by surrounding property owners. Permitted dock facility protrusions as well as extension of dock facilities are measured from the property line, bulkhead line, shoreline, seawall, rip rap line, or mean high water line, whichever is more restrictive. On unbridged barrier islands, a boat dock shall be considered a permitted principal use; however, a dock shall not, in any way, constitute a use or structure which permits, requires, and/or provides for any accessory uses and or structures. Boathouses and dock facilities proposed on residentially zoned properties as defined in section 2.1.4 of this Code, shall be considered an accessory use or structure. Boathouses shall be required to be approved through the procedure and criteria in section 2.6.21.3 and 2.6.21.4. In addition, any covered structure erected on a private boat dock shall also be considered an accessory use, and shall also be required to be approved through the procedures and criteria of section 2.6.21.3. and 2.6.21.4. of this Code.
- ~~2.6.21.1.2.~~ Non-residential dock facilities shall be subject to all the provisions of section 2.6.21. of the code, with the exception that protrusions for non-residential dock facilities beyond the specified limits shall be determined administratively by the planning services director at the time of site development plan review, based on an evaluation of the criteria in section 2.6.21.3. of the Code.
- ~~2.6.21.2.~~ *Dock facility requirements and restrictions.* The following criteria apply to dock facilities and boathouses, with the exception of boat dock facilities on manmade lakes and other manmade bodies of water under private control.
 - ~~2.6.21.2.1.~~ For lots on a waterway that is 100 feet or greater in width, no boathouse, dock facility/boat combination shall protrude more than 20 feet into the waterway (i.e. the total protrusion of the dock facility plus the total protrusion of the moored vessel). A dock extension in accordance with section 2.6.21.3. may be granted to allow a protrusion of more than 20 feet.
 - ~~2.6.21.2.2.~~ For lots on a waterway that is less than 100 feet in width, dock facilities may occupy no more than 25 percent of the width of the waterway or protrude greater than 20 feet into the waterway, whichever is lesser. A dock extension in accordance with section 2.6.21.3. may be granted to allow a protrusion of more than 20 feet, but at no time shall such extension allow more than 25 percent of the waterway width to be occupied.
 - ~~2.6.21.2.3.~~ All dock facilities on lots with water frontage of 60 feet or greater shall have a side setback requirement of 15 feet, except as provided in section 2.6.21.2.4.1 or as exempted below. All dock facilities (except boathouses) on lots with less than 60 feet of water frontage shall have a side setback requirement of seven and one-half feet. All dock facilities (except boathouses) on lots at the end or side end of

~~a waterway having regular (linear) water frontage shall have a side setback requirement of seven and one half feet as measured from the side lot line or riparian line, whichever is appropriate.~~

- ~~2.6.21.2.3.1. Riparian lines (see division 6.3, definitions, riparian line) for lots at the end or side end of a waterway with a regular shoreline are established by a line extending from the corner of an end lot and side end lot into the waterway bisecting equidistantly the angle created by the two intersecting lots (see Exhibit A). Riparian lines for all other lots should be established by generally accepted methods, taking into consideration the configuration of the shoreline, and allowing for the equitable apportionment of riparian rights. Such methods include, but are not limited to, lines drawn perpendicular to the shoreline for regular (linear) shorelines, or lines drawn perpendicular to the centerline (thread) of the waterway, or perpendicular to the line of deep water (line of navigability or edge of navigable channel), as appropriate, for irregular shorelines.~~
- ~~2.6.21.2.4. All dock facilities, regardless of length/protrusion, shall have reflectors and house numbers four inches minimum size installed at the outermost end, on both sides. For multifamily developments, the house number requirement is waived.~~
- ~~2.6.21.2.5. All dock facilities are subject to, and shall comply with, all federal and state requirements and permits, including but not limited to the requirements and permits of the Florida department of environmental protection, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.~~
- ~~2.6.21.2.6. Protection of seagrass beds. Where new docking facilities are proposed or boat dock extensions, the location and presence of seagrass or seagrass beds within 200 feet of any proposed dock facility shall be identified on an aerial photograph having a scale of one inch to 200 feet when available from the county, or a scale of one inch to 400 feet when such photographs are not available from the county. The location of seagrass beds shall be verified by a site visit by the site development review director or his designee prior to issuance of any project approval or permit.~~
- ~~2.6.21.2.6.1 All proposed dock facilities shall be located and aligned to stay at least ten feet from any existing seagrass beds, except where a continuous bed of seagrasses exists off the shore of the property and adjacent to the property, and to minimize negative impacts to seagrasses and other native shoreline, emergent and submerged vegetation and hard bottom communities.~~
- ~~2.6.21.2.6.2 Where a continuous bed of seagrasses exists off the shore of the property and adjacent to the property the applicant shall be allowed to build a dock across the seagrasses, or a docking facility within ten feet of seagrasses. Such docking facilities shall comply with the following conditions:~~
- ~~1. The dock shall be at a height of at least 3.5 feet NGVD.~~
 - ~~2. The terminal platform of the dock shall not exceed 160 square feet.~~
 - ~~3. The access dock shall not exceed a width of four feet.~~
 - ~~4. The access dock and terminal platform shall be sited to impact the smallest area of seagrasses possible.~~
- ~~2.6.21.2.6.3. The petitioner shall be required to demonstrate how negative impacts to seagrasses and other native shoreline vegetation and hard bottom communities have been minimized prior to any project approval or permit issuance.~~
- ~~2.6.21.3. Dock facility extension; boathouse establishment criteria. Additional length/protrusion beyond said respective distances specified in section 2.6.21.2.1 and 2.6.21.2.2 for dock facilities; and all boathouses, regardless of the extent of the protrusion into the waterway or the width of the waterway, shall require~~

~~public notice and a hearing by the Collier County Planning Commission. As to any boat dock extension petition upon which the planning commission takes action, pursuant to section 5.2.11. of this Code, an aggrieved petitioner or adversely affected property owner may appeal such final action to the board of zoning appeals, except that such appeal shall be filed with the development services director within 14 days of the date of the final action by the planning commission. The board of zoning appeals may affirm, affirm with conditions, reverse, or reverse with conditions the action of the planning commission. Such appeal shall be filed with the community development and environmental services administrator, or his designee and shall be noticed for hearing with the board of zoning appeals pursuant to the procedures and applicable fee set forth in section 1.6.6 of this Code. The planning commission shall base its decision for approval, approval with conditions, or denial, on the following criteria:~~

- ~~2.6.21.3.1. Whether or not the number of dock facilities or slips to be located on the subject property is appropriate in relation to the length of waterfront property available for the location of the proposed dock facilities.~~
- ~~2.6.21.3.2. Whether or not the water depth where the proposed dock facility is to be located is sufficient to allow for safe mooring of the vessel, thereby necessitating the extension request.~~
- ~~2.6.21.3.3. Whether or not the proposed dock facility and moored vessel(s) in combination may have an adverse impact to navigation within an adjacent navigable channel.~~
- ~~2.6.21.3.4. Whether or not, for lots on a waterway that is greater than 100 feet in width, the proposed dock facility occupies more than 25 percent of the width of the waterway, or, for boathouses only, protrudes greater than 20 feet, and whether or not a minimum of 50 percent of the width of the waterway is maintained in order to ensure reasonable waterway navigability.~~
- ~~2.6.21.3.5. Whether or not there are special conditions related to the subject property or waterway which justify the proposed dimensions and location of the subject dock.~~
- ~~2.6.21.3.6. Whether or not the proposed dock is of minimal dimensions necessary in order to adequately secure the moored vessel while providing reasonable access to the boat for routine maintenance, without the use of excessive deck area.~~
- ~~2.6.21.3.7. Whether or not the proposed structure is of minimal dimensions to minimize the impact of the view of the waterway by surrounding property owners.~~
- ~~2.6.21.3.8. Whether or not the proposed vessel is in excess of 50 percent of the length of the water frontage such that the addition of a dock structure will increase the impact on or negatively impact the view of the waterway by surrounding property owners.~~
- ~~2.6.21.3.9. Whether or not the proposed location and design of the dock/vessel combination is such that it may infringe upon the use of neighboring properties, including any existing dock structures.~~
- ~~2.6.21.3.10. Regarding existing benthic organisms in the vicinity of the proposed extension.
 - ~~(a) Whether or not seagrasses are located within 200 feet of the proposed dock; and~~
 - ~~(b) Whether or not the proposed dock is subject to the manatee protection requirements of this Code (section 2.6.22).~~~~
- ~~2.6.21.3.11. If deemed necessary based upon review of the above criteria, the planning commission may impose such conditions upon the approval of an extension request it deems as necessary to accomplish the purposes of this Code and~~

protect the safety and welfare of the public. Such conditions may include, but shall not be limited to, ~~greater side setback(s), provision of light(s), additional reflectors, or reflectors larger than four inches, and prohibiting or permitting mooring on the outside of the dock facility.~~

~~2.6.21.4. *Boathouse requirements:* In addition to the criteria in section 2.6.21.3, the following criteria shall apply to boathouses:~~

~~2.6.21.4.1. *Minimum side setback requirement:* 15 feet.~~

~~2.6.21.4.2. *Maximum protrusion into waterway:* 25 percent of canal width or 20 feet, whichever is less.~~

~~2.6.21.4.3. *Maximum height:* 15 feet as measured from top of seawall or bank whichever is more restrictive.~~

~~2.6.21.4.4. *Maximum number of boathouses per site:* One.~~

~~2.6.21.4.5. *All boathouse structures shall be completely open on all four sides.*~~

~~2.6.21.4.6. *Roofing material and roof color shall be the same as materials and colors used on the principal structure or may be of a palm frond "chiekee" style.*~~

2.6.21.1. Individual or multiple private docks, including mooring pilings, davits, lifts and the like are permitted to serve waterfront property as described in division 6.3 definitions, provided such docks do not protrude more than the respective allowable distances specified in subsections 2.6.21.2, and 2.6.21.3. of this code for such waterway or waterbody. Docks and the like are primarily intended to adequately secure moored vessels and provide safe access for routine maintenance and use while minimally impacting navigation within any adjacent navigable channel, the use of the waterway, the use of neighboring docks, the native marine habitat, manatees, and the view of the waterway by the neighboring property owners..

2.6.21.1.1. Permitted dock facility protrusions as well as extensions of dock facilities are measured from the property line, bulkhead line, shoreline, seawall, rip-rap line, control elevation contour, or mean high water (MHW) line, whichever is most restrictive, with the following exception: on manmade waterways less than 100 feet in width, where the actual waterway has receded from the platted waterfront property line, the planning services director may approve an administrative variance allowing measurement of the protrusion from the existing MHW line, provided that: 1) a signed, sealed survey no more than sixty (60) days old is provided showing the location of the MHW line on either side of the waterway at the site as well as any dock facilities on the subject property and the property directly across the waterway, and, 2) at least 50 percent of the true waterway width as depicted by the survey is maintained for navigability, with the following exception: on manmade canals 60 feet or less in width, which are not reinforced by a vertical seawall or bulkhead, at least 33 percent of the true waterway width must be maintained for navigability. The allowable protrusion of the facility into the waterway shall be based on the percentages described in subsection 2.6.21.2.2. of this code as applied to the true waterway width shown on the survey and not the platted canal width.

2.6.21.1.2. On unbridged barrier islands, a boat dock shall be considered a permitted principal use; however, a dock shall not, in any way, constitute a use or structure which permits, requires, and/or provides for any accessory uses and or structures. Boathouses and dock facilities proposed on residentially zoned properties as defined in section 2.1.14. of this code, shall be considered an accessory use or structure. Boathouses shall be required to be approved through the procedure and

criteria in subsections 2.6.21.3 and 2.6.21.4. In addition, any covered structure erected on a private boat dock shall also be considered an accessory use, and shall also be required to be approved through the procedures and criteria of subsections 2.6.21.3. and 2.6.21.4. of this code.

- 2.6.21.1.3. Non-residential dock facilities shall be subject to all of the provisions of section 2.6.21 of the code, with the exception that protrusions for non-residential dock facilities beyond the specified limits shall be determined administratively by the planning services director at the time of site development plan review, based on an evaluation of the criteria in subsection 2.6.21.3. of this code.
- 2.6.21.2. *Dock facility requirements and restrictions.* The following criteria apply to dock facilities and boathouses, with the exception of dock facilities and boathouses on manmade lakes and other manmade bodies of water under private control.
- 2.6.21.2.1. For lots on a canal or waterway that is 100 feet or greater in width, no boathouse, dock facility/boat combination shall protrude more than 20 feet into the waterway (i.e. the total protrusion of the dock facility plus the total protrusion of the moored vessel). A dock extension in accordance with subsection 2.6.21.3. of this code may be granted to allow a protrusion of more than 20 feet.
- 2.6.21.2.2. For lots on a canal or waterway that is less than 100 feet in width, dock facilities may occupy no more than 33 percent of the width of the waterway or protrude greater than 20 feet into the waterway, whichever is lesser. A dock extension in accordance with subsection 2.6.21.3. of this code may be granted to allow a protrusion of more than 20 feet, but at no time shall such an extension be granted to allow a protrusion into more than 25 percent of the waterway width.
- 2.6.21.2.3. For lots on unbridged barrier islands located within state aquatic preserves, protrusion limits, setbacks, and deck area shall be determined by the applicable Florida Department of Environmental Protection (DEP) regulations in effect at the time of permit application, and the protrusion limits above shall not apply; however, all required DEP permits for the dock facility must be obtained prior to the issuance of a Collier County building permit for the facility.
- 2.6.21.2.4. All dock facilities on lots with water frontage of 60 feet or greater shall have a side setback requirement of 15 feet, except as provided in subsections 2.6.21.2 or 2.6.21.4 of this code or as exempted below. All dock facilities (except boathouses) on lots with less than 60 feet of water frontage shall have a side setback requirement of 7 1/2 feet. All dock facilities (except boathouses) on lots at the end or side end of a canal or waterway shall have a side setback requirement of 7 1/2 feet as measured from the side lot line or riparian line, whichever is appropriate.
- 2.6.21.2.4.1. Riparian lines (see division 6.3, definitions, riparian line), for lots at the end or side end of a waterway with a regular shoreline, are established by a line extending from the corner of an end lot and side end lot into the waterway bisecting equidistantly the angle created by the two intersecting lots (see Exhibit A). Riparian lines for all other lots should be established by generally accepted methods, taking into consideration the configuration of the shoreline, and allowing for the equitable apportionment of riparian rights. Such methods include, but are not limited to, lines drawn perpendicular to the shoreline for regular (linear) shorelines, or lines drawn perpendicular to the centerline (thread) of the waterway, perpendicular to the line of deep water (line of navigability or edge of navigable channel), as appropriate, for irregular shorelines.
- 2.6.21.2.5. All dock facilities, regardless of length/protrusion, shall have reflectors and house numbers, no less than four inches in height, installed at the outermost end, on both sides. For multifamily developments, the house number requirement is waived.

2.6.21.2.6. All dock facilities are subject to, and shall comply with, all federal and state requirements and permits, including but not limited to the requirements and permits of the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.

2.6.21.2.7. *Protection of seagrass beds.* Where new docking facilities or boat dock extensions are proposed, the location and presence of seagrass or seagrass beds within 200 feet of any proposed dock facility shall be identified on an aerial photograph having a scale of one inch to 200 feet when available from the county, or a scale of one inch to 400 feet when such photographs are not available from the county. The location of seagrass beds shall be verified by a site visit by the site development review director, or his designee, prior to issuance of any project approval or permit.

2.6.21.2.7.1. All proposed dock facilities shall be located and aligned to stay at least ten feet from any existing seagrass beds, except where a continuous bed of seagrasses exists off the shore of the property and adjacent to the property, and to minimize negative impacts to seagrasses and other native shoreline, emergent and submerged vegetation and hard bottom communities.

2.6.21.2.7.2. Where a continuous bed of seagrasses exists off the shore of the property and adjacent to the property, the applicant shall be allowed to build a dock across the seagrass beds, or a docking facility within ten feet of seagrass beds. Such docking facilities shall comply with the following conditions:

1. The dock shall be at a height of at least 3.5 feet NGVD.
2. The terminal platform area of the dock shall not exceed 160 square feet.
3. The access dock shall not exceed a width of four feet.
4. The access dock and terminal platform shall be sited to impact the smallest area of seagrass beds possible.

2.6.21.2.7.3. The petitioner shall be required to demonstrate how negative impacts to seagrass beds and other native shoreline vegetation and hard bottom communities have been minimized prior to any project approval or permit issuance.

2.6.21.3. *Dock facility extension.* Additional protrusion of a dock facility into any waterway beyond the limits established in subsection 2.6.21.2 of this code may be considered appropriate under certain circumstances. The Collier County Planning Commission, at a duly advertised public hearing, shall approve, approve with conditions, or deny, a dock facility extension request based on the criteria below. Advertisement of such hearing shall consist of, 1) publication of a notice of the hearing in a newspaper of general circulation in the county at least 15 days in advance of the hearing; 2) posting of a sign by the development services director in full view of the public on the subject property; and, 3) notification by the development services director of all owners of property within 500 feet of the subject property. As to any boat dock extension petition upon which the planning commission takes action, pursuant to subsection 5.2.11 of this code, an aggrieved petitioner or adversely affected property owner may appeal such final action to the board of zoning appeals. The board of zoning appeals may affirm, affirm with conditions, reverse, or reverse with conditions the action of the planning commission. Such appeal shall be filed with the community development and environmental services division and shall be noticed for hearing by the board of zoning appeals pursuant to the procedures and applicable fee set forth in subsection 1.6.6. of this code. The planning commission shall base its decision for approval, approval with conditions, or denial, on an evaluation of the following primary and secondary criteria. The application for a boat dock extension shall include the following: 1) a signed, sealed survey depicting mean high water, mean low water, and relevant water

depths measured at no less than 5-foot increments; and 2) a chart, drawn to scale, of the waterway at the site, depicting the waterway width, the proximity of the proposed facility to any adjacent navigable channel, the proximity of the proposed facility to docks, if any, on the adjacent lots, and the unobstructed waterway between the proposed facility and the opposite bank or any dock facility on the opposite bank. In order for the planning commission to approve the request, it must be determined that at least four (4) of the five (5) primary criteria, and at least four (4) of the six (6) secondary criteria, have been met. These criteria are as follows:

2.6.21.3.1. Primary criteria:

2.6.21.3.1.1. Whether or not the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use and zoning of the subject property; consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical, single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate).

2.6.21.3.1.2. Whether or not the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should show that the water depth is too shallow to allow launch and mooring of the vessel (s) described without an extension).

2.6.21.3.1.3. Whether or not the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel).

2.6.21.3.1.4. Whether or not the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether or not a minimum of 50 percent of the waterway width between dock facilities on either side of the waterway is maintained for navigability. (The facility should maintain the required percentages).

2.6.21.3.1.5. Whether or not the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks).

2.6.21.3.2. Secondary criteria:

2.6.21.3.2.1. Whether or not there are special conditions, not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds).

2.6.21.3.2.2. Whether the proposed dock facility would allow reasonable, safe, access to the vessel for loading/unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area).

2.6.21.3.2.3. For single-family dock facilities, whether or not the length of the vessel, or vessels in combination, described by the petitioner exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained).

2.6.21.3.2.4. Whether or not the proposed facility would have a major impact on the waterfront view of neighboring waterfront property owners. (The facility should not have a major impact on the view of either neighbor).

2.6.21.3.2.5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with subsection 2.6.21.2.6. of this code must be demonstrated).

2.6.21.3.2.6. Whether or not the proposed dock facility is subject to the manatee protection requirements of subsection 2.6.22. of this code. (If applicable, compliance with section 2.6.22 must be demonstrated).

2.6.21.3.3. If deemed necessary based upon review of the above criteria, the planning commission may impose such conditions upon the approval of an extension request it deems necessary to accomplish the purposes of this code and protect the safety and welfare of the public. Such conditions may include, but shall not be limited to, greater side setback(s), and provision of light(s), additional reflectors, or reflectors larger than four inches.

2.6.21.4. *Boathouse requirements:* Boathouses, including any roofed structure built on a dock, shall be reviewed by the planning commission using the same procedures and applicable criteria described in subsection 2.6.21.3 of this code; however, the criteria in subsection 2.6.21.3. of this code shall apply only to simultaneous application for both a dock extension and a boathouse. In cases where the boathouse is to be constructed on an existing, legally permitted, dock, these criteria shall not apply since the dock itself is already in compliance with the code. In all cases, the following additional criteria shall apply to boathouses, and all of these criteria must be met in order for the planning commission to approve the request :

2.6.21.4.1. Minimum side setback requirement: 15 feet.

2.6.21.4.2. Maximum protrusion into waterway: 25 percent of canal width or 20 feet, whichever is less; the roof alone may overhang no more than 3 feet into the waterway beyond the maximum protrusion and/or side setbacks.

2.6.21.4.3. Maximum height: 15 feet as measured from top of seawall or bank, whichever is more restrictive, to the peak or highest elevation of the roof.

2.6.21.4.4. Maximum number of boathouses or covered structures per site: 1.

2.6.21.4.5. All boathouses and covered structures shall be completely open on all four sides.

2.6.21.4.6. Roofing material and roof color shall be the same as materials and colors used on the principal structure or may be of a palm frond "chickee" style; a single-family dwelling unit must be constructed on the subject lot prior to, or simultaneously with, the construction of any boathouse or covered dock structure.

Sec. 2.6.33 Temporary use permits.

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

1. Temporary offices to be used for construction, and administrative functions within the development.
2. Temporary administrative offices to be used in conjunction with a bona fide agricultural use in the agricultural zoning district when located in the area designated agricultural on the future land use map of the future land use element of the Collier County growth management plan.
3. Temporary classrooms on the site for existing nonprofit organizations, used to continue existing classroom activities, and in conjunction with an approved development order; permits for such classrooms will be issued in conjunction with an approved site improvement plan.
- ~~3.~~ 4. On-site storage of equipment and construction materials for use on the development site only.
- ~~4.~~ 5. On-site mobile home used as a temporary office or storage facility for persons engaged in the development of the site.
- ~~5.~~ 6. On-site mobile radio and television equipment and antennae.
- ~~6.~~ 7. On-site mobile home for the use of a watchman or caretaker only.
- ~~7.~~ 8. On-site temporary use of structures and equipment for the building of roads, public utilities, and government projects.
- ~~8.~~ 9. Off-site temporary parking on property which is located contiguous to the subject development, or would be contiguous except for a roadway that is not designated as a collector or arterial in the traffic circulation element of the growth management plan, with the written authorization of the property owner.
- ~~9.~~ 10. Other on-site uses similar to the foregoing uses and determined by the planning services director to meet the intent of section 2.6.33.2.

* * * * *

1. purposes of enhanced light and/or sound; or
2. The event:
 - (a) is attended by 25 or more people and is organized by or at the direction of the Owner; and
 - (b) is of a nature not commonly associated with the day-to-day use of the beach by the general public.

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Sec. 2.6.38. Access management plans.

2.6.38.1. *Purpose and intent.* This section pertains to transportation access within mixed-use activity centers as designated on the Future Land Use Map of the Growth Management Plan. ~~An access management plan exists for each mixed-use activity center (see Appendix V).~~The purpose of the access management plans is to control the number, location and type of access points to the roadway (usually arterials and/or collectors) around which each mixed-use activity center is located, so that the adverse impacts to safety, capacity and operating conditions of the roadways will be minimized, while providing adequate access to those properties within the mixed-use activity center. The location and type of future access (existing and future) points (~~new ingress/egress~~) shall be is based upon the Collier County Access Management Control Policy (Resolution No. 92-442)(Res. 01-247) as may be amended, existing and future land use conditions, and with the objective of to minimize ~~minimizing~~ the number of access points to the roadway network. ~~Future access points are subject to change as road improvements are planned and designed, based upon road capacity and safety considerations.~~ This section restricts the location and type of ingress / and egress

points and median openings; restricts the location of traffic signals; identifies areas appropriate for shared access and interconnection; and otherwise regulates transportation access- all within mixed-use activity centers. Access to all properties ~~not located within a mixed-use activity center~~ is controlled by the access management control policy (Resolution No. 92-442 01-247, and as may be amended), the Collier County Construction Standards, for work within rights-of-way (Ordinance 93-64 and as may be amended), and any other applicable regulations.

* * * * *

~~2.6.38.3. Access management plan maps. There are 21 access management plan maps one for each mixed-use activity center and one for the future activity center at the intersection of Vanderbilt Beach Road (C.R. 862) and Airport Road (C.R. 31). The map depicts: mixed use activity center boundaries; existing zoning districts and their boundaries; major development, ingress/egress points and type (full or restricted access), restrictive medians, median openings, traffic signals and sidewalks; approved but unbuilt ingress/ egress points and type; future and potential median opening modifications; potential traffic signal locations; potential locations for shared access or interconnection; existing ingress/egress points to be monitored for possible modifications; and other relevant data. These maps are found in Appendix V together with an explanation of the map legend and notations.~~

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2.6.38.4. *Regulations.*

2.6.38.4.1. Future development orders within mixed-use activity centers can only be approved if access location(s) and type(s) comply with ~~those depicted on the access management plan maps, except as provided in section 2.6.38.5.1.~~ the Collier County Access Control Policy and the Collier County Construction Standards for work within the right-of-way and any other regulations as may be amended.

* * * * *

2.6.38.4.3. During development or redevelopment of commercial lots, shared access or interconnection shall be encouraged and may be required as a condition of site development plan approval.

~~2.6.38.4.4. Ten mixed use activity centers contain an intersection identified on the Future Traffieways Map Year 2015 (Traffic Circulation Element) as the site of possible future grade separation. These future grade separations may result in necessary changes to the location and type of access points and median openings. The ten Activity Centers are found on map numbers 1, 2, 7, 8, 13, 14, 16, 17, and 18.~~

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SUBSECTION 3. F. AMENDMENTS TO ZONING ADMINISTRATION AND PROCEDURES DIVISION

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

DIVISION 2.7 ZONING ADMINISTRATION AND PROCEDURES

Sec. 2.7.2. Amendment procedures.

2.7.2.4. *Planning commission hearing and report to the board of county commissioners.*

1. *Time limits.* Hearings by the planning commission on applications for rezoning of land ~~shall~~ may be held at least 24 times a year. For applications not involving the rezoning of land, but which involve amendments to these zoning regulations, the planning commission shall hold its public hearings twice per calendar year. ~~In the case of an emergency, except~~ amendments to these zoning regulations may be made more often than twice during the calendar year if the additional amendment cycle receives the approval of a super-majority vote of the board of county commissioners. Unless a longer time is mutually agreed upon by the planning commissioners, the planning commission shall file its recommendations for either type of amendment with the board of county commissioners within 45 days after the public hearing before the planning commission has been closed.

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

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- 2.7.3.3. *Effect of planned unit development zoning.* If approved by the county board of commissioners, the master plan for development 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 PUD master plans.* In the event that a PUD master plan is given approval, and the landowner(s) shall:

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3. Infrastructure improvements shall be located on site and shall constitute infrastructure that makes possible vertical construction consistent with 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.

* * * * *

- 2.7.3.5.6. *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 ~~development~~ 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-ways, ~~other than~~ 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.

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SUBSECTION 3.G. AMENDMENTS TO SUBDIVISIONS DIVISION

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

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Sec. 3.2.6. Subdivision review procedures.

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3.2.6.3.4. *Recordation of final subdivision plat.*

1. *General.* No building permits for habitable structures shall be issued prior to approval by the board of county commissioners and recordation of the final subdivision plat.
2. *Posting of subdivision performance security.* Approval of the final subdivision plat shall not entitle the final subdivision plat to be recorded unless the required improvements have been completed by or for the applicant and accepted by the county, or the required subdivision performance security for the construction of the required improvements, both on-site and off-site, has been posted by the applicant, in a format approved by the county attorney, and approved and accepted by the board of county commissioners or the community development and environmental services administrator, or his designee, on behalf of the board. Once the form of a subdivision performance security has been approved and accepted alternate securities, in a format approved by the county attorney, may be approved by the community development and environmental administrator, or his designee, on behalf of the board.
3. *Recordation procedure.* After approval of the final subdivision plat by the board of county commissioners, but prior to the development services director's recording of the final subdivision plat with the clerk of the circuit court, all of the following shall occur:
 - a. The applicant shall obtain all of the signatures on the original plat cover sheet(s) that are associated with the applicant's obligations or that are otherwise required (together with any separate opinion of title or title certification, and any separate mortgage's consent(s)).
 - b. The applicant shall submit the original final subdivision plat, and any separate consents, or opinions or certifications of title, to the development services director after obtaining the signatures required above. The development services director shall obtain all county related signatures required on the final subdivision plat.
 - c. Simultaneously with the submission of the fully executed final subdivision plat to the development services director, the applicant shall also submit in accordance with § 177.041, F.S., at no expense to the county, either a title opinion ~~or certificate~~ from a licensed attorney authorized to practice in the State of Florida complying with the

standards for such opinions as they may be promulgated from time to time, or a title certification, as well as any required documents supporting such title information, and any such related documents as may be required by the office of the county attorney.

The effective date of the ~~supporting~~ title information must be no more than 30 days prior to the submission of the final subdivision plat to the development services director and must contain all of the following:

- (1) A legal description of at least the lands being platted;
 - (2) A statement that the attorney is licensed to practice in the State of Florida and that the attorney has examined title to the subject real property, if a title opinion is being provided;
 - (3) Identification of the exact name of any ~~the~~ person who is the record owner of the subject real property and a specific citation to the official records book and page, where each ~~the~~ record legal owner obtained title to the subject real property. The ~~supporting~~ title information shall have attached thereto a copy of said instrument(s) of conveyance;
 - (4) Identification of liens, encumbrances, easements, or matters shown or that should be shown as exclusions to coverage on a title insurance policy. As may be ~~If~~ applicable, the ~~supporting~~ title information shall include ~~have attached~~ in a neatly bound fashion, and make citation to the recording information of, all referenced liens, encumbrances, easements, or exclusions. The ~~supporting~~ title information shall have attached thereto a copy of any such instruments.
4. *Payment of recording and copy fees.* The recording and copy fees specified in this section must be verified as correct and paid by the applicant. Upon verification and payment, the development services director shall record the final subdivision plat with the clerk of the circuit court in the official records of Collier County, Florida, and then proceed to produce three copies and one mylar of the recorded final subdivision plat and accompanying documents which are required for the clerk of the circuit court.
 5. *Recording of other documents.* If any dedications, grants, conveyances, easements, consents (including mortgagee consents), reservations, covenants, or other like instruments are to be recorded simultaneously with the final subdivision plat, appropriate fees and original documentation must be provided to the development services director for processing and recording by the clerk of court prior to, or simultaneously with, the recording of the final subdivision plat.
 6. *Additional copies.* If the applicant or its professional surveyor or engineer of record wishes to obtain additional copies or mylars of the recorded document(s) at the time of recording, arrangements shall be made through the ~~development~~ engineering services director and coordinated with the transportation services division prior to recording and payment of fees.
 7. *Completion of improvements.* The required improvements shall be completed prior to recordation of the final subdivision plat unless the applicant shall file with the county a subdivision performance security in a manner and form prescribed in this division to assure the installation of the required improvements.
 8. *Supporting "gap" title information.* Within 60 days of recordation of the final subdivision plat in the official records of Collier County, Florida,

the applicant, at no expense to the county, shall submit to the development services director ~~either a title opinion or certificate from a licensed attorney authorized to practice in the State of Florida as final supporting “gap” title information in order to induce the Collier County board of county commissioners to conduct final acceptance of the subdivision improvements as required by this division. The final supporting title information must meet all of the requirements of 3.c., above, except as to effective date. Receipt and approval of the “gap” title information is shall be a condition precedent to acceptance of subdivision improvements.~~

The effective date of the supporting “gap” title information ~~must be through the date of recordation of the final subdivision plat and must, at a minimum, cover the “gap” between the time the effective date of the information required by 3.c., above when submitted and the date and time of recording of the final plat, and additionally such title information must identify and provide copies of any recorded documentation contain the following:~~

- ~~a. — A legal description of the lands which were platted;~~
- ~~b. — A statement that the attorney is licensed to practice in the State of Florida and that the attorney has examined title to the subject real property through the date the final subdivision plat was recorded, if a title opinion is provided;~~
- ~~c. — Identification of the exact name of the person or entity who is the record owner of the subject property and a specific citation to the official records book and page where the record legal owner obtained title to the platted lands. This supporting title information shall have attached thereto a copy of said instruments of conveyance;~~
- ~~d. — Identification of the holders of any estates, liens, encumbrances or easements which have not properly included or joined in the dedication or consents on the final subdivision plat;~~
- ~~e. — Identification of liens, encumbrances, easements, or matters shown or that should be shown as exclusions to coverage on a title insurance policy. If applicable, the supporting title information shall have attached in a neatly bound fashion, and make citation to the recording information, of all referenced liens, encumbrances, easements, or exclusions. The supporting “gap” title information must shall have attached thereto a copy of any ~~such~~ required instruments not previously provided in connection with ~~previous~~ submittals for the final plat’s recording.~~

9. After approval for recording by the board, but prior to recordation of the final subdivision plat, the development services administrator may approve of minor or insubstantial changes to the final plat.

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3.2.6.4.3. *Observation of construction.* The applicant shall have the professional engineer or engineer’s representative make periodic site visits at intervals appropriate to the various stages of required improvement construction to observe the contractor’s compliance with the approved plans and specifications. At the time of preliminary acceptance, the applicant’s professional engineer shall submit a completion certificate for those required improvements completed. The completion certificate shall be based on information provided by the project surveyor and the engineer’s own observations. The completion certificate shall not be based on “information provided by the contractor”. Any discrepancy

shall be resolved to the satisfaction of the ~~development~~ engineering services director prior to preliminary acceptance of the improvements.

* * * * *

3.2.6.4.5. *Construction inspections by the ~~development~~ engineering services director.*
Upon approval of the improvement plans by the ~~development~~ engineering services director, the applicant's professional engineer of record shall be provided with a list of standard inspections which require the presence of the ~~development~~ engineering services director. Notification of all required inspections shall be contained in the approval letter for the development. Based on the scheduling and progress of construction, the applicant shall be responsible to notify the ~~development~~ engineering services director prior to the time these inspections are required. At least 48 hours' notice shall be provided to the ~~development~~ engineering services director to allow scheduling of an inspection. Verbal confirmation of inspection time or a request for rescheduling will be made by the ~~development~~ engineering services director on each notification made.

All required inspections as noted in the Collier County Utilities Standards and Procedures Ordinance 97-17, Section 9.4.2 shall require notice to the engineering services director. Also, the engineering services director shall be notified at the following stages of construction: prior to any paving or concrete work associated with roads or sidewalks.

From time to time, the ~~development~~ engineering services director shall inspect the progress of construction. Should special inspections be required they shall be coordinated through the applicant.

The foregoing notwithstanding, routine spot inspections by the ~~development~~ engineering services director may be carried out without notice on all construction to ensure compliance with the approved improvement plans. During the on-site inspection process, if the ~~development~~ engineering services director finds construction in progress which does not comply with the procedures, policies and requirements contained in this division or the approved improvement plans, he shall have the full authority to issue a stop work order for the portion of the work not in compliance. If a stop work order is issued, it shall remain in full effect with respect to the defective work until such time as the documented discrepancies have been corrected to the full satisfaction of the ~~development~~ engineering services director.

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3.2.6.5.3 *Procedures for acceptance of required improvements.*

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2. *Completion certificate, record improvement plans and supportive documents.*

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c. All record drawing data for water and sewer facilities pursuant to the provisions of Section 10.4 of the Collier County Ordinance No. 88-76, Utilities Standards and Procedures Ordinance No. 97-17, as amended.

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Sec. 3.2.8. Improvement plans.

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3.2.8.3.1. *Access to public roads.* The street system of a subdivision approved pursuant to this division shall be connected to a public road, which is state or county maintained, with adequate capacity as defined by the growth management plan to accept the traffic volumes generated by the proposed development. Unless topography, or a compliance with the County's Access Management Control Policy (Resolution 92-422-01-247) as may be amended, or LDC Section 3.2.8.4.1 prohibits it, the number of access points to public roads shall ensure that there are no more than 4,000 average daily trips (ADT) per access point (existing or future). ~~The total~~ maximum number of access points required by this section shall be six. Proposed developments accessing public roads shall be subject to the requirements of the Collier County Adequate Public Facilities Ordinance. The connection of any property to a public or private road shall be carried out in conformance with Collier County Ordinance No. 82-91, as amended.

3.2.8.3.2. *Alleys.* Alleys may be provided in industrial, commercial and residential subdivisions. Alleys may be for one-way or two-way traffic. Alleys for one-way traffic only shall have the appropriate directional and instruction signage installed. Alleys shall be utilized for secondary access unless otherwise provided in this code.

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3.2.8.3.25. *Water system, central.* A complete water distribution and transmission system to include provision for separate potable and reuse water lines, and interim water treatment or interim water treatment and supply facilities, if required, shall be provided or employed by the applicant, at no cost to Collier County for all subdivisions and developments. Reuse water lines, pumps, and other appurtenances will not be maintained by Collier County. County potable water will not be permitted for irrigation unless other sources of supplemental water are not permitted or available, therefore the developer will need to provide irrigation water from a source until such time that reuse water may be available. All facilities shall be constructed in accordance with federal, state and local regulations. When required, the water distribution and transmission facilities shall be conveyed to Collier County, or the Collier County Water-Sewer District or other dependent district where appropriate, upon completion of construction pursuant to County Ordinance [No.] 88-76 [Code ch. 134, art. III], as amended.

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3.2.8.3.26. *Storm water management.* Any structure with an outside wall which is closer than 10 feet from a side property line shall install properly sized (minimum 24 square inch cross-section) gutters and downspouts to direct storm water away from neighboring properties and toward front and/or rear swales or retention/detention areas.

In-ground percolation type retention systems such as rock trenches, exfiltration trenches or beds, infiltrator type systems, gallery type systems, etc., shall not be used to achieve water quality retention for residential subdivisions. Rear yard open retention systems shall likewise not be designed to achieve water quality retention on projects submitted after January 1, 2002. All retention systems for projects designed after January 1, 2002 shall be on common property owned and maintained by a homeowners' association or similar entity.

* * * * *

3.2.8.4.1 *Access.* Access to lots within a subdivision shall be designed to accomplish access to the lots by use of local streets. Access to residential lots shall be in accordance with Ordinance No. 82-91 [superseded by ordinance found in Code ch. 110, art. II], the county right-of-way construction standards handbook for work within the public right-of way Ordinance No. 93-63, as may be amended. ~~but shall be no less than 30 feet from intersecting right of way lines on local to local street intersections; 100 feet for local to minor collector intersections; and~~

~~180 feet from intersecting right of way lines on all other streets of higher classifications. Local or minor collector street connections to major collectors shall be a minimum of 400 feet apart (See Figure 1 below).~~

Delete Figure 1

~~Local or minor street connections to arterial streets shall be a minimum of 660 feet apart (See Figure 2 below)~~

Delete Figure 2

~~Local or minor collector street connections to arterial streets may be 330 feet apart if the street connection provides for right turns only (See Figure 3 below)~~

Delete Figure 3

~~Major collector street connections to arterial streets shall be a minimum of 1,320 feet apart. Where residential or non-residential access is desired along a major collector or arterial street, it shall be provided by means of a marginal access road. The first point of access to the marginal access road from an intersection of collector streets and/or arterial streets shall be a minimum of 330 feet from intersecting right of way lines. Intermittent access points to the marginal access road shall be a minimum of 660 feet apart. Access points to the marginal access roads shall be provided with appropriate turn lanes, signalization or other necessary traffic control measures. When double-frontage lots are created adjacent to a collector or arterial street and a local street, they shall front on the local street, which shall provide access to said lot. Access to the lot shall not be provided by means of the major collector or arterial street. In such cases, the lot shall be buffered as required herein. Access management regulations as required by the Growth Management Act, when implemented, shall supersede this section where applicable. Where access locations are not consistent with the county's Access Management policy, a separate access capacity analysis shall be required to identify capacity impacts and appropriate mitigation.~~

In the case of commercial or industrial subdivisions which contain or include parcels which are separated by common parking area or other common area, sometimes referred to as "outparcels", "anchor store parcels", or "fee simple footprint parcels", or an integrated phased development as defined in article 6, access shall be created through an internal access provision documented on the final subdivision plat. Internal access provisions shown on the final subdivision plat shall include by way of example, but not limited to, cross-covenants, cross-easements, dedicated access tracts, or the like, and shall clearly and specifically identify the dominant and servient estates involved, and the scope and duration of such internal access provision. ~~This provision shall be acceptable to the Community Development and Environmental Services Division Administrator and the county attorney and satisfy the zoning requirements for the zoning district in which the subdivision is located.~~

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3.2.8.4.3. *Blocks.* The length, width and shape of blocks shall be determined with due regard to:

1. Zoning requirements as to lot size and dimensions.
2. Need for convenient access, circulation, control and safety or vehicular and pedestrian traffic.
3. Limitations and opportunities of topography, including all natural and preserved features identified.

Where special topographical conditions exist, block lengths greater than 660 feet ~~may~~shall be approved by the Community Development and Environmental Services Administrator pursuant to section 3.2.7.2. Traffic calming devices, as approved by the Neighborhood Traffic Management Program, shall be provided

in block lengths greater than 660 feet. ~~Recommended spacing of traffic calming devices is 400 feet or greater based on site geometry that discourages operating speed greater than the posted speed.~~

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3.2.8.4.16.5. *Street right of way width.* The minimum right-of-way widths to be utilized shall be as follows and, where applicable, shall be clarified by the cross sections contained in appendix B, and will be directly related to traffic volume as indicated in the definition of each street continued herein and where applicable clarified by the cross sections contained in appendix B. Private street right-of-way widths and design may be determined on a case-by-case basis in accordance with section 3.2.7.2.

<i>Street Type</i>	<i>(feet)</i>	<i>R/W Width* Lane Width lanes</i>	<i>Number of (feet)</i>
<i>All Streets</i>			
Cul-de-sac	60	2	10
Local	60	2	10
Minor collector	60 80	2	11-12
Minor collector (divided)	as required for median and turn lanes 80-100	2	11-12
Major collector or Minor Arterial*	as required as determined for median and turn lanes	2	11-12

Note: Any rural cross sections approved may require expanded right-of-way widths for additional shoulder and swale facilities. Design to be approved on a case-by-case basis.

*If an alley is utilized, the right-of-way width may be reduced upon approval of the ~~Community Development and Environmental~~ Transportation Services Administrator.

Sec. 3.2.9. Final subdivision plat.

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3.2.9.2.12. *Certification and approvals.* The plat shall contain, except as otherwise allowed below, on the first page (unless otherwise approved by the engineering services director and office of the county attorney prior to submittal) the following certifications and approvals, acknowledged if required by law, all being in substantially the form set forth in appendix C to this code. The geometric layout and configuration of the property to be platted shall not be shown on the page(s) containing the certifications, approvals and other textual data associated with the plat when practical.

1. *Dedications.* The purpose of all dedicated or reserved areas shown on the plat shall be defined in the dedication on the plat. All areas dedicated for use by the residents of the subdivision shall be so designated and all areas dedicated for public use, such as parks, rights-of-way, easements for drainage and conservation purposes and any other area, however designated, shall be dedicated by the owner of the land at the time the plat is recorded. Such dedication and the responsibility for their maintenance shall require a separate acceptance by resolution of the board of county commissioners. No dedications items shall be included in the general note for the plat.
2. *Mortgagee's consent and approval.* Identification of all mortgages and appropriate recording information together with all mortgagees' consents and approvals of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged in the same manner as deeds are required to be witnessed and acknowledged. In case the mortgagee is a

corporation, the consent and approval shall be signed on behalf of the corporation by the president, vice-president or chief executive officer. At the applicant's option, mortgagee's consents do not have to be included on the plat to be recorded, so long as they are provided as fully executed and acknowledged separate instruments along with the plat submittal.

3. *Certification of surveyor.* The plat shall contain the signature, registration number and official seal of the land surveyor, certifying that the plat was prepared~~is a representation of the land surveyed~~ under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all of the requirements of F.S. ch. 177, Part I, as amended, ~~and this division~~. The certification shall also state that permanent reference monuments, "P.R.M.," have been set in compliance with F.S. ch. 177, Part I, as amended, and this division, and that P.C.P.s and lot corners will be set under the direction and supervision of the surveyor ~~within two months after completion~~ prior to final acceptance of required improvements. Upon installation of the P.C.P.s, the surveyor must submit to the development services director written certification that the installation work has been properly completed. When required improvements have been completed prior to the recording of a plat, the certification shall state the P.C.P.s and lot corners have been set in compliance with the laws of the State of Florida and ordinances of Collier County. When plats are recorded and improvements are to be accomplished under performance security posted as provided for by this division, the required improvements and performance guarantee shall include P.C.P.s.
4. *Signature block for board of county commissioners and clerk of circuit court.* The plat shall contain the approval and signature block for the board of county commissioners and the acknowledgement and signature block of the clerk of circuit court.
5. *Signature block for county attorney.* The plat shall contain the approval and signature block for the county attorney.
6. ~~*Evidence Certification of title.*~~ A title certification or opinion of title complying with § 177.041, F.S., must~~shall~~ be submitted with the plat. The evidence of title provided must ~~certification shall~~ state or describe: (1) that the lands as described and shown on the plat are in the name, and record title is held by the person, persons or organization executing the dedication, (2) that all taxes due and payable at the time of final plat recording have been paid on said lands, (3) all mortgages on the land and indicate the official record book and page number of each mortgage. The evidence of title certification shall be an opinion by an attorney at law licensed in Florida, or other entity approved under F.S. § 177.041 may, at the applicant's discretion, be included on the first page of the plat, so long as the information required by Section 177.041, F.S., and this paragraph is clearly stated, an effective date is provided, and the statement is properly signed.
7. *Instrument prepared by.* The name, street and mailing address of the natural person who prepared the plat shall be shown on each sheet. The name and address shall be in statement form consisting of the words, "This instrument was prepared by (name), (address)."

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

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

DIVISION 3.3 SITE DEVELOPMENT PLANS

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Sec. 3.3.5. Site development and site improvement plan standards.

* * * * *

3.3.5.2. Development compliance with all appropriate zoning regulations and the growth management plan. The ingress and egress to the proposed development and its improvements, vehicular and pedestrian safety, separation of vehicular traffic from pedestrian and other traffic, traffic flow and control, traffic calming devices, provision of services and servicing of utilities and refuse collection, and access in the case of fire or catastrophe, or other emergency.

Notwithstanding the requirement to comply with the foregoing provisions, the depiction on a PUD master plan or description of access or location of access points in a PUD ordinance, does not authorize or vest access to the major road system. The location, design, capacity, or routing of traffic for any specific access point will be determined by, and must comply with, the regulations for site development in effect at the time of site development plan approval.

3.3.5.5.7. Completion of Site Development Plans. Upon completion of the infrastructure improvements associated with a site development plan, and prior to the issuance of a certificate of occupancy, the engineer shall provide a completion certificate as to the improvements, together with all applicable items referenced in Section 3.2.6.5.3 of this code. Upon a satisfactory inspection of the improvements, a certificate of occupancy may then be issued.

3.3.5.8 Site improvement plan completion. Upon completion of the required improvements associated with a site improvement plan, and prior to the issuance of a certificate of occupancy, the engineer shall provide a completion certificate as to the improvements, together with all applicable items referenced in Section 3.2.6.5.3 of this code. Upon a satisfactory inspection of the improvements, a certificate of occupancy may then be issued.

* * * * *

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

3.3.7.1.2.9. *Infrastructure improvements plans.*

* * * * *

q. 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.

* * * * *

3.3.7.1.9.12 Site improvement plan completion. Upon completion of the required improvements associated with a site improvement plan, and prior to the issuance of a certificate of occupancy, the engineer shall provide a completion certificate as to the improvements, together with all applicable items referenced in subsection 3.2.6.5.3 of this code. Upon a satisfactory inspection of the improvements, a certificate of occupancy may then be issued.

* * * * *

SUBSECTION 3.I. AMENDMENTS TO EXCAVATIONS DIVISION

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

DIVISION 3.5 EXCAVATIONS

* * * * *

Sec. 3.5.9. Fees.

* * * * *

3.5.9.3. ~~*Road impact fee.* If excavated material is to be removed from the subject property, appropriate road impact fees in accordance with Ordinance No. 85-55 [Code ch. 74, art. VII], as succeeded or amended, shall be paid prior to the issuance of a permit under this division. A site specific traffic impact statement may be required to determine the lane mile impacts and the appropriate fee in accordance with Ordinance [No.] 85-55 [Code ch. 74, art. VII], as succeeded or amended. Upon completion of off-site removal of material, the amount of any impact fees paid will be credited to the future site development activities in accordance with applicable agreement(s) which may be agreed upon by the county and the developer (property owner).~~

Road damage repair fee. The road damage repair fee attributable to the hauling of excavated fill material across county roads is \$0.047 (4.7 cents) per cubic yard of excavated fill material. The fee is to be paid yearly. The first year's fee is to be estimated by the community development and environmental services division based on information submitted by the applicant. Subsequent yearly fees will be based on the previous year's total excavation that appears on the annual status report (sec. 3.5.8.2.1.2.a(3).

* * * * *

SUBSECTION 3.J. AMENDMENTS TO WELL CONSTRUCTION DIVISION

Division 3.6, Well Construction of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.6 WELL CONSTRUCTION

* * * * *

Sec. 3.6.5. Construction, repair and abandonment standards.

* * * * *

3.6.5.10. *Wellhead protection.* All permanent wells in Collier County must be double cased for the top 6.5 feet. The outer casing must extend 5 feet below original (natural) grade and 18 inches above original grade.

The outer casing must have a diameter 4 inches larger (at a minimum) than the well casing. The well casing must extend to a minimum of 24 inches above original grade (6 inches above the outer casing).

The space between the two casings must be grouted with a portland cement grout.

* * * * *

SUBSECTION 3.K. AMENDMENTS TO GROUNDWATER PROTECTION DIVISION

Division 3.16, Groundwater Protection, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.16 GROUNDWATER PROTECTION

* * * * *

Sec. 3.16.4. Regulated Development.

* * * * *

3.16.4.1.2.1.1. In zones W-1, W-2, W-3 and W-4 ~~and GWP~~, future solid waste disposal facilities are prohibited ~~in the absence of a wellfield conditional use permit.~~ In the GWP zone future solid waste disposal facilities are prohibited in the absence of a wellfield conditional use permit.

* * * * *

3.16.4.1.4.1.1. In zones W-1, W-2 and W-3, future solid waste transfer stations are prohibited, ~~in the absence of a wellfield conditional use permit.~~

* * * * *

3.16.4.1.6.1.2. In zones W-1, W-2 and W-3, future solid waste storage collection and recycling facilities that will handle hazardous products and hazardous wastes shall be prohibited, ~~in the absence of a wellfield conditional use permit.~~

* * * * *

3.16.4.3.3.1.1. All future land disposal systems for application of domestic wastewater treatment plant effluent shall be constructed and permitted in accordance with applicable state law and regulations, and comply with the state-mandated setbacks and buffers as adopted in the Florid Administrative Code and as incorporated by reference in section 3.16.2.6 hereof; and must meet the high level disinfection standards as found in 40 CFR, part 135.

* * * * *

3.16.4.5.1.1.5. In zones W-1, W-2, and W-3, land application of domestic residual shall comply with the following criteria:

- A. Metal concentrations ~~of cadmium, copper, lead, nickel and zinc~~ shall not exceed the thresholds set forth in Rule ~~17~~ 62-640, Florida Administrative Code, as may be amended. ~~For reference purposes only, the applicable metal concentrations for these metals at the effective date of this division [November 18, 1991] are as follows:~~

<i>Metals</i>	<i>MG/KG Dry Weight</i>
Cadmium	30
Copper	900
Lead	1,000
Nickel	100
Zinc	1,800

- B. The total rate of domestic residuals applied to land shall not exceed the nitrogen uptake of the vegetation upon which the residuals are being applied, and shall be consistent with Collier County Ordinance No. 87-79 [Code ch. 54, art. V], as may be amended or superseded, and chapter 17

62-640, Florida Administrative Code, and 40 CFR parts 256 and 257, and as may be superseded.

C. If domestic residuals are applied to a site that is receiving reclaimed water, the nitrogen uptake calculation shall include the combined effect of nitrogen loading from both domestic residuals and reclaimed water applied to the site as provided in Rule ~~17~~ 62-640, Florida Administrative Code.

D. Land application of domestic residuals is prohibited in the absence of a wellfield conditional use permit.

* * * * *

3.16.4.11.1.1.1. In zones W-1 and W-2, future petroleum exploration or production facilities, and expansion of existing petroleum exploration or production facilities shall be prohibited.

~~3.16.4.11.1.1.2. In zones W 1 and W 2, future petroleum and production facilities and the continued operation and use of existing legal nonconforming petroleum exploration and production facilities shall be allowed pursuant to the owner/operator obtaining a certificate to operate incorporating the following conditions and the provisions of sections 3.16.4.11.1.1.4 and sections 3.16.4.11.1.1.5 hereof:~~

~~A. Implementation of a detailed containment plan approved by the county manger, describing:~~

~~1. A primary and secondary containment system designed to ensure that any discharge or accidental release of the petroleum, petroleum product, drilling fluid, or formation waters is not discharged or accidentally released to an on-site or off-site stormwater management system, wetland, or surface waters or groundwaters of the state as defined in F.S. ch. 403. Secondary containment shall meet the following criteria:~~

~~a. Containment structures open to rainfall or otherwise subject to infiltration by water, shall be designed to detain at least 150 percent of the total volume of the discharge or release; and~~

~~b. Containment structures which are impermeable to rainfall or infiltration b water, shall be designed to detain 110 percent of the total volume of the discharge or release.~~

~~2. Emergency collection devices that have or will be employed to ensure that any discharge or accidental release of the petroleum, petroleum product, drilling fluids, or formation waters do not discharge to an on-site or off-site stormwater management system, wetland, or surface waters or groundwaters of the state; and~~

~~3. The maintenance that will be provided for the primary and secondary containment systems and emergency collection devices to ensure that any discharge or accidental release is contained on-site for proper disposal in accordance with applicable state and federal law.~~

~~B. Upon discovery of a discharge or accidental release to a pervious surface, implementation of a department approved or detailed contingency plan which describes:~~

~~1. Actions to be taken by the owner/operator in the event of a discharge, accidental release, or failure in any containment or~~

emergency collection system required under this section, which shall include:

- ~~a. First response steps to control and prohibit the discharge or accidental release of the petroleum product, petroleum, drilling fluid, or formation water;~~
- ~~b. Remedial actions consistent with applicable state and federal laws; and~~
- ~~c. Proper disposal of the petroleum product.~~

~~2. Emergency telephone numbers of:~~

- ~~a. Local and state response units; and~~
- ~~b. Owner/operator's designated emergency response personnel.~~

~~3. Compliance with the applicable state and federal regulations~~

~~3.16.4.11.1.1.3. In zones W 3, W 4 and GWP, the operation and use of future and existing petroleum exploration and production facilities are not regulated under this division, except as provided in section 3.16.4.11.1.1.4 and section 3.16.4.11.1.1.5 hereof.~~

3.16.4.11.1.1.42. In zones ~~W 1, W 2,~~ W-3 and W-4, the siting of future petroleum exploration and production facilities is prohibited in the absence of a wellfield conditional use permit.

3.16.4.11.1.1.53. In zone GWP, future petroleum product exploration shall be prohibited from directional drilling through any potable water aquifer within the vertical projection of the map boundaries of the wellfield risk management special treatment overlay zones.

SUBSECTION 3.L. AMENDMENTS TO DEFINITIONS DIVISION

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

Land Development Code, is hereby amended as follows:

DIVISION 6.3. DEFINITIONS

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

Lot coverage: The part or percentage of the lot occupied by principal and accessory buildings and structures.

Principal building: Any building or part of a building in which the principal function or activity for which the land is zoned is conducted shall be deemed to be the principal building and includes any structure having a roof impervious to weather, irrespective of whether or not in a single or multiple building configuration in which principal uses are conducted as distinct from subordinate uses as defined under accessory uses and structures.

Right-of-way: A strip or area of land, public or private, occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, storm drainage facility, water main, sanitary or storm sewer main, or for similar special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way, whether public or private, hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots

or parcels. Unless otherwise expressly stated, a dedication of right-of-way on a plat reflects an intention of the dedicator(s) to dedicate such right-of-way or tract as a fee simple interest in land, subject to any easement(s) stated on the plat or otherwise of record. (See division 3.2.)

Tract: An area of land, public or private, occupied or intended to be occupied, by or for a lawful purpose, including a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, storm drainageway, water main, sanitary or storm sewer main, canal, landscape buffer, or for similar use. The term "tract," when used for land platting purposes, means an area separate and distinct from platted lots or parcels and not included within the dimensions or areas of such lots or parcels. Unless otherwise expressly stated, the dedication of a tract on a plat reflects an intention of the dedicator(s) to dedicate such tract as a fee simple interest in land, subject to any easement(s) stated on the plat or otherwise of record. (See division 3.2.)

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 or 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 the case of shoulder lots which conform to the minimum lot width and area requirements of the zoning district, the required front yard adjacent to the longest street may be reduced by five feet providing that in no case may this yard be less than 25 feet.

In the case of through lots, unless the prevailing front yard pattern on the adjoining lots indicates otherwise, a full depth front yard shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the development services director may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

Depth of a required front your shall be measured so that the yard established is a strip of the minimum width required by the district regulations with its inner edge parallel to the front lot line. In the cases of irregularly shaped lots, including culs-de-sac, the depth may be measured at right angles to a straight line joining the foremost points of the side lot line, provided the depth at any point is never less than the minimum length of a standard parking space as established within section 2.3.4. of this code.

However, in the Golden Gate Estates Subdivision, unimproved perimeter and bisecting access easements, or improved access easements serving three or fewer lots of record, shall not constitute a front yard for the purpose of establishing building setback lines.

Where lots in residential districts comprising 40 percent or more of the frontage on one side of a street between intersecting streets are 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. This provision applies in all residential zoning districts and to all residentially designated areas.

* * * * *

SECTION FOUR: READOPTION OF AMENDMENTS TO LAND DEVELOPMENT CODE

Division 2.2., Zoning Districts, Permitted Uses, Conditional Uses, Dimensional Standards and Division 2.7, Zoning Administration and Procedures of Ordinance 91-102, as amended, the Collier County Land Development Code are hereby readopted to read as follows:

2.2.20.3.7. *Dedication of the public facilities and development of prescribed amenities.*

Public Facility Dedication. The board of county commissioners may, as a condition of approval and adoption of ~~a the~~ PUD rezoning and in accordance with th approved master plan of development, require that suitable areas for streets, public rights-of-way, schools, parks, and other public facilities be set aside, improved, and/or dedicated for public use. Where impact fees are levied for one or more required ~~certain~~ public facilities, the market value of the land set aside for the public purpose ~~may shall~~ be credited towards such impact fees to the extent authorized by the County's Consolidated Impact Fee Ordinance. Said credit shall be based on a negotiated amount no greater than the market value of the set aside land prior to the rezoning action, as determined by an accredited appraiser from a list approved by Collier County. Said appraisal shall be submitted to the county attorney's office and the real property office within 90 days of the date of approval of the rezone, or as otherwise extended in writing by ~~Collier the~~ County manager, so as to establish the amount of any impact fee credits resulting from said dedication. Failure to provide said appraisal within this time frame shall automatically authorize the county to determine the market value of the set aside property. Impact fee credits shall only be effective after recordation of the document conveying the dedicated property to Collier County. Where the term Collier County is used in this section, it shall be construed to include the Collier County Water and Sewer District or other agency or dependent district of Collier County Government.

Land set aside and/or to be improved as committed in the PUD document, or master plan, as the case may be, shall be deeded or dedicated to Collier County within 90 days of receipt of notification by the county that the property is needed for certain pending public improvements or as otherwise approved by the board of county commissioners during the PUD rezoning approval process. In any case, however, the county shall take title to the set aside property, at the latest, by a date certain established during, and conditioned on, the approval of the PUD zoning. At no cost to the County, ~~the~~ land set aside and/or to be improved shall be made free and clear of all liens, encumbrances and improvements, ~~at the developer's sole expense~~, except as otherwise approved by the board. Failure to convey the deed or complete the dedication within the appropriate time frame noted above may result in a recommendation to the board ~~of~~ for consideration of rezoning the subject parcel from its current PUD zoning district to an appropriate zoning district and may result in a violation of this Code pursuant to subsection 1.9.2.

Should said dedication of land also include agreed upon improvements, said improvements shall be completed and accepted by the Collier County Board of Commissioners at the development phase which has infrastructure improvements available to the parcel of land upon which said improvements are to be made, or at a specified time provided for within the PUD document.

* * * * *

2.7.2.8.1. *Dedication of public facilities and development of prescribed amenities.*

Public Facility Dedication. The board of county commissioners may, as a condition of approval and adoption of the rezoning required that suitable areas for streets, public rights-of-way, schools, parks, and other public facilities be set aside, improved, and/or dedicated for public use. Where impact fees are levied for certain one or more such public facilities, the market value of the land set aside for such public facilities the public

purpose may shall be credited towards impact fees to the extent authorized by the County's Consolidated Impact Fee Ordinance. Said credit shall be based on a negotiated amount not greater than the market value of the set aside land prior to the rezoning action, as determined by an accredited appraiser from a list approved by Collier County. Said appraisal shall be submitted to the county attorney's office and the real property office within 90 days of the date of approval of the rezone, or as otherwise extended in writing by Collier County, so as to establish the amount of any impact fee credits resulting from said dedication. Failure to provide said appraisal within this 90 day time frame shall automatically authorize the county to determine the market value of the property. Impact fee credits shall only be effective after recordation of the conveyance document conveying the dedicated property to Collier County. Where the term Collier County is used in this section, it shall be construed to include the Collier County Water and Sewer District or other agency or dependant district of Collier County Government.

Land set aside and/or to be improved as committed as part of the rezoning approval shall be deeded or dedicated to Collier County within 90 days of receipt of notification by the county that the property is needed for certain pending public improvements or as otherwise approved by the board of county commissioners during the rezoning approval process. In any case, however, the county shall take title to the set aside property, at the latest, by a date certain established during, and condition on, the approval of the rezoning action. At no costs to the county, the land set aside and/or to be improved shall be made free and clear of all liens, encumbrances and improvements, at the developer's sole expense, except as otherwise approved by the board. Failure to deed the land or complete the dedication within the 90 day appropriate time frame noted above may result in a recommendation to the board of for consideration of rezoning the subject parcel from its current zoning district to an appropriate zoning district and may in a violation of this Code pursuant to subsection 1.9.2.

Should the dedication of land also include agreed upon improvements, said improvements shall be completed and accepted by Collier County Board of Commissioners at the development phase which has infrastructure improvements available to the parcel of land upon which said improvements are to be made, or at a specified time provided for within the ordinance approving the rezone.

SECTION FIVE: ADOPTION OF AMENDED ZONING ATLAS MAP

The amended zoning atlas map numbered 9634N attached as Exhibit A is hereby adopted and made a part of the Collier County Land Development Code.

SECTION SIX: REPLACEMENT OF APPENDIX C ENTITLED FINAL SUBDIVISION PLAT REQUIRED CERTIFICATIONS WITH A REVISED APPENDIX C OF THE SAME TITLE

Appendix C, a form entitled Final Subdivision Plat Required Certifications, is hereby replaced with a revised Appendix C which reads as follows:

APPENDIX C

FINAL SUBDIVISION PLAT, REQUIRED CERTIFICATIONS AND SUGGESTED TEXT AND FORMATS FOR OTHER REQUIRED INFORMATION

(SEE LDC DIVISION 3.2 for applicable, specific provisions)

The following text language and format are intended is presented as a guide for the preparers of those platting materials required to which will be submitted to reviewing authorities, including the project review services department, utilities division, county health department, county attorney and the board of county commissioners. Adherence to this format and text form will substantially expedite ~~each division's~~ review. Substantial ~~Deviation~~ in substance or form from ~~this the~~ suggested language text and format may result in delay or disapproval of the submitted plat.

SURVEYOR'S CERTIFICATE

State of Florida)	
)	SS
County of Collier)	

~~It is~~ The undersigned hereby certifies that ~~the preparation of this plat was based on a boundary survey of the property made prepared by me or under my supervision as provided in Chapter 61G17-6, Florida Administrative Code, and in Chapter 472, Florida Statutes,~~ and that the depicted survey data complies with all of the requirements of Chapter 177, Part I, Florida Statutes. Permanent reference monuments will be set prior to the recording of this plat and permanent control points and lot corners will be set ~~within two months after the completion~~ prior to final acceptance of required improvements.

<u>(Signature)</u>	
<u>(Printed Name)</u>	
Florida Professional Land Surveyor No. _____	
Date _____	

COUNTY COMMISSION APPROVAL

State of Florida)	
)	SS
County of Collier)	

This plat approved for recording in a regular open meeting by the Board of County Commissioners of Collier County, Florida, this _____ day of _____, ~~19~~ 20_____, A.D., provided that the plat is filed in the office of the Clerk of the Circuit Court of Collier County, Florida.

_____, Clerk	_____ Chairman, Board of County Commissioners Collier County, Florida
-----------------	---

FILING RECORD

I hereby certify that this plat has been examined by me and that it complies in form with the requirements, of Chapter 177, Florida Statutes. I further certify that said plat was filed for record at _____ (a.m. or p.m.) this _____ day of _____, 19 20_____, A.D. and duly recorded in Plat Book Page(s) _____, inclusive, of the Public Records of Collier County, Florida.

	_____, Clerk
	By: _____

ENGINEERING REVIEW SERVICES

This Plat approved by the Engineering Review Services Section of the Community Development Division of Collier County, Florida this _____ day of _____, 19 20_____, A.D.

_____ Engineering Review Services Manager <u>Director</u> Collier County, Florida	
--	--

COUNTY ATTORNEY

This Plat approved by the Collier County Attorney this _____ day of _____, 19 20_____, A.D.

_____ Collier County Attorney	
----------------------------------	--

DEDICATIONS

State of Florida)	
)	SS
County of Collier)	

KNOW ALL MEN BY THESE PRESENTS that _____ (owner(s)), the owner of lands described hereon, have caused this plat entitled _____ (name of subdivision) to be made and do hereby ~~dedicate the following~~:

A. Dedicate to Collier County or the public:

1. The {rights-of-ways for depicted streets, roads, or ingress & egress easements} as shown hereon ~~to the perpetual use of the public~~ for the purpose of access, ingress & egress and any other purposes shown.
2. {any tracts or easements intended to be conveyed to the public for such purposes as they may be required, i.e., canal rights-of-way/easements, drainage or stormwater management easements, etc.}

B. To Collier County Water-Sewer District {or any other applicable entity: i.e., Immokalee Water-Sewer District, etc.}::

1. all water and sewer utility facilities constructed within this platted area, upon acceptance of the improvements required by the applicable land development regulations.
32. To Collier County Water-Sewer District (or any other applicable entity: i.e., Immokalee Water-Sewer District, etc.) ~~all County utility easements, indicated (C.U.E.), with no responsibility for maintenance.~~
4. ~~To Florida Power and Light Company (or any other applicable entity) and United Telephone Company (or any other applicable entity), their successors, assigns and subsidiaries, a non-exclusive utility easement (U.E.) as indicated on the plat for the purpose of construction, installation, maintenance and operation of electric and telephone facilities.~~
5. ~~To any authorized County franchised cable TV provider, its successors, assigns and subsidiaries, a non-exclusive utility easement (U.E.) as indicated on the plat for the purpose of construction, installation, maintenance and operation of cable television services, provided no such construction, installation, maintenance and operation of cable television service shall interfere with the facilities and services of Florida Power & Light (or any other applicable entity) and United Telephone Company (or any other applicable entity). In the event the franchisee, its successors, assigns and subsidiaries damage the facilities of another public utility, the franchisee, its successors and assigns shall be solely responsible for said damages.~~

C. Dedicate to the {insert appropriate entity name(s)} {home/property/lot owners' association, or to any other lawfully existing entity, which must have the power or authority to perform the obligation to maintain being dedicated, along with the responsibility for such maintenance}::

1. Private road rights of ways,

2. drainage or stormwater management easements,
3. landscape buffer easements,
4. lake maintenance easements,
5. access easements,
6. or any other similar easement or tract intended to be dedicated for a set purpose(s)

{Such tracts or easments must shall—be dedicated to a Hhomeowner's Association or to any other lawfully existing entity which has or would have at the time of final plat recording the power or authority to perform the obligation to maintain, along with the responsibility for such maintenance.}

7. ~~Drainage easements shall be dedicated to a Homeowner's Association with the responsibility for maintenance, and to Collier County with no responsibility for maintenance.~~

8. ~~To Florida Power and Light, United Telephone Services, and any cablevision provider, the shared use of tract R (Roadway Tract) as shown on the plat as a utility easement for the purpose of installation and maintenance of their respective facilities, provided all uses by such utility providers shall be subject to and not inconsistent with use by Collier County or the Collier County Water Sewer District as a C.U.E.~~

D. A non-exclusive public utility easement (P.U.E.) to all licensed or franchised public or private utilities as shown on this plat for public utility purposes, including construction, installation, maintenance, and operation of their respective facilities, including cable television services, provided that such uses be subject to, and not inconsistent with, the use by the collier county water-sewer district. In the event a cable company damages the facilities of another public utility it will be solely responsible for said damages.

E. Reserve to the {state appropriate owner entity(s) name(s)}:

1. {any tracts intended for “Future Development,” or being retained for other stated, specific purposes.}

{BE SURE TO PROVIDE A SEPARATE ACKNOWLEDGMENT FOR EACH OWNER}

WITNESSES: _____ _____	BY: _____
------------------------------	--------------

ACKNOWLEDGMENT

{All dedications and consents are to shall—be executed and acknowledged in accordance with the applicable sections of Chapters 689 and 692 of the Florida Statutes.}

WAIVER AND RELEASE NOTE:

On _____, of 19 20 _____ ({the owner(s)} executing the Ddedication, as the holders of ~~apparent~~-record title {or other specified interests}, expressly waived and released the County from any ~~future~~-claims of vested rights and equitable estoppel pertaining to the issuance of a Certificate of Public Facility Adequacy in accordance with Collier County, ~~Ordinance No. 93-82.~~

TITLE CERTIFICATION

State of Florida)	
)	SS
County of Collier)	

I, (name), a duly licensed attorney in the State of Florida, do hereby certify that I have examined title to all of the property described herein, and such title is vested in (owner). The current taxes have been paid and the property is free of encumbrances, except a mortgage in favor of (mortgagee) recorded in O.R. Book _____, Page _____, of the Public Records of Collier County, Florida.

	_____ NAME
	_____ FLORIDA BAR NUMBER

{PLEASE NOTE: AT THE APPLICANT'S DISCRETION, MORTGAGEE'S CONSENTS AND ACKNOWLEDGMENTS IN SUBSTANTIALLY THE FOLLOWING FORM MAY BE PROVIDED AS A SEPARATE INSTRUMENT AS SET FORTH IN § 177.081 (2), F.S., ADDITIONAL RECORDING FEES MAY BE REQUIRED IF SUCH SEPARATE CONSENTS ARE PROVIDED.}

MORTGAGEE'S CONSENT

STATE OF FLORIDA)
)
COUNTY OF COLLIER)

_____ (mortgagee), authorized to transact business in the State of Florida, hereby certifies that it is the holder of a mortgage upon the herein described property as recorded on O.R. Book _____, Page _____ of the Public Records of Collier County, and does hereby join in and consent to the dedication of the property by the owner, and agrees that its mortgage shall be subordinated to the dedications shown hereon.

	_____ NAME
	_____ TITLE

{All dedications and consents ~~are to shall~~ be executed and acknowledged in accordance with the applicable sections of Chapters 689 and 692 of the Florida Statutes.}

{BE SURE TO PROVIDE A SEPARATE ACKNOWLEDGMENT FOR EACH MORTGAGE}

SECTION SEVEN: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Ordinance of Collier County and other applicable law, the more restrictive shall apply. If any phrase or portion of the 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 EIGHT: 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 NINE: EFFECTIVE DATE

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 9th day of January, 2002.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: *James N. Coletta*
JAMES N. COLETTA, CHAIRMAN



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

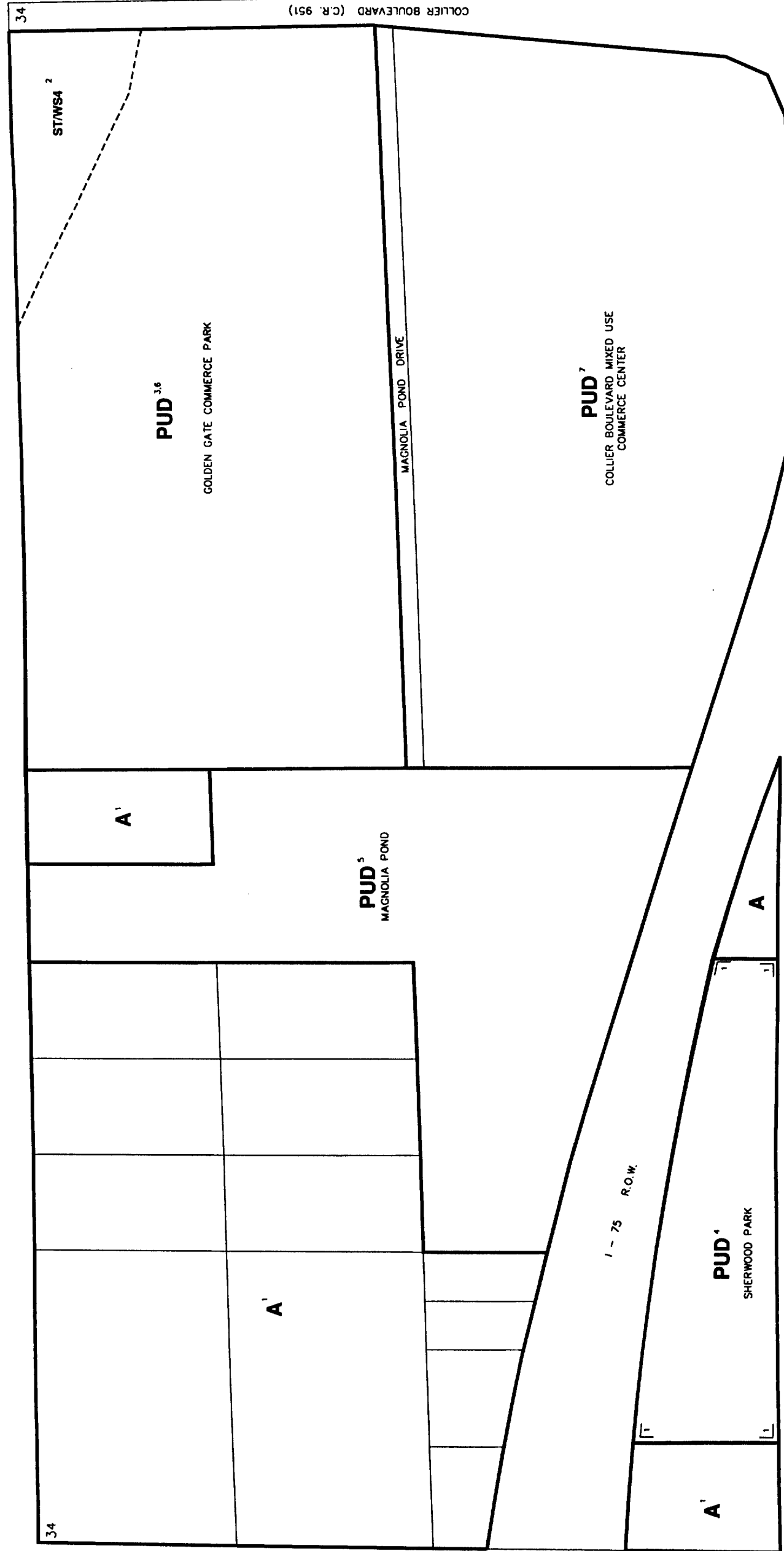
Approved As To Form And Legal Sufficiency

Marjorie M. Student
FOR Marjorie M. Student PATRICK G. WHITE
Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 18th day of Jan., 2002 and acknowledgement of that filing received this 25th day of Jan., 2002
By *Ellie Hoffman*
Deputy Clerk

The Historic/Archaeological Probability Maps are the official County source designating historic or archaeological resources.

96275



9635N

9635N

LAST REVISION: ZONING OTHER

9634S

FLOOD INSURANCE RATE MAP INFORMATION	
COMMUNITY NUMBER: 120067	PANEL NUMBER: 415 D
PROGRAM: REGULAR	EFFECTIVE DATE: JUNE 3, 1986
FLOOD ZONE: ALL...X...OR AS SHOWN ON MAP.	
WIND ZONE: ALL...130...OR AS SHOWN ON MAP.	
COLLIER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DIVISION	
TWP 49S RING 26E SEC(S) 34 NO 1/2	
SCALE	MAP NUMBER: 9634N

THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL ZONING ATLAS REFERRED TO AND ADOPTED BY REFERENCE BY ORDINANCE NO. 91-102 OF THE COUNTY OF COLLIER, FLORIDA, ADOPTED OCTOBER 30, 1991.

BY: *[Signature]* CHAIRMAN
 ATTEST: *[Signature]* CLERK

ZONING NOTES

1	LDC-91
2	11-19-91
3	10-27-92
4	PUD-92-4
5	91-103
6	5-19-94
7	PDI-94-3
8	94-21
9	8-9-96
10	PUD-97-15
11	98-49
12	1-14-00
13	5-1-00
14	1-13-01
15	PUD-00-18
16	01-10

-----INDICATES SPECIAL TREATMENT OVERLAY

NO.	NAME	P.B.	Pg.
1	SHERWOOD PARK	25	57-59
2			
3			
4			
5			
6			
7			
8			
9			
10			

EXHIBIT A

STATE OF FLORIDA)

COUNTY OF COLLIER)

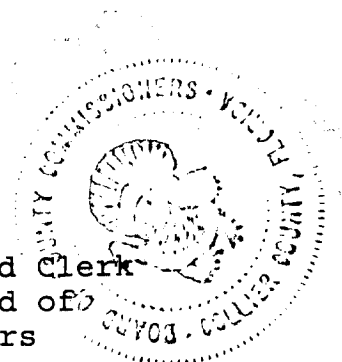
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 2002-03

Which was adopted by the Board of County Commissioners on the 9TH day of January, 2002, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 17th day of January, 2002.

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



Ellie Hoffman
By: Ellie Hoffman,
Deputy Clerk