



ORDINANCE NO. 01- 60

ORDINANCE AMENDING ORDINANCE NUMBER 91-102, AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE ZONING 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 2.2. ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, DIVISION 2.7. ZONING ADMINISTRATION AND PROCEDURES; ARTICLE 3, DIVISION 3.5 EXCAVATION; AND READOPTING CERTAIN AMENDMENTS TO DIVISION 2.5 SIGNS, SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

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

WHEREAS, the LDC may not be amended more than two times in each calendar year 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 October 10, 2001 and October 24, 2001, 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

FILED
NOV - 11 8 2001
CLERK OF COUNTY COMMISSIONERS
COLLIER COUNTY
FLORIDA

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 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:

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

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

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2.2.12.2.1. Permitted uses.

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2. Automobile parking (7521) except for tow-in parking.

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

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2.2.14.2.1 Permitted uses.

* * * * *

4. Automotive services (7549) except that this shall not be construed to permit the activity of "wrecker service (towing) automobiles, road and towing service."

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

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2.2.15.2.1 Permitted uses.

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5. Automotive repair, services, parking (groups 7514, 7515, 7521 except that this shall not be construed to permit the activity of "tow-in parking lots"), and carwashes (group 7542), provided that carwashes abutting residential zoning districts shall be subject to the following criteria:

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Sec. 2.2.16. Industrial district (I).

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2.2.16.2.1 *Permitted uses.*

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- 18. General aviation airport.
- ~~18~~ 19. Gunsmith shops (group 7699) with accessory shooting range for testing and training except for outdoor shooting ranges.
- ~~19~~ 20. Heavy construction (groups 1611-1629).
- ~~20~~ 21. Health services (8011 accessory to industrial activities conducted on-site only).
- ~~21~~ 22. Industrial and commercial machinery and computer equipment (3511-3599).
- ~~22~~ 23. Leather and leather products (groups 3131-3199).
- ~~23~~ 24. Local and suburban transit (groups 4111– 4173).
- ~~24~~ 25. Lumber and wood products (groups 2426, 2431-2499).
- ~~25~~ 26. Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (groups 3812-3873).
- ~~26~~ 27. Membership organizations (groups 8611, 8631).
- ~~27~~ 28. Miscellaneous manufacturing industries (groups 3911-3999).
- ~~28~~ 29. Miscellaneous repair services (groups 7622-7699) with no associated retail sales.
- ~~29~~ 30. Motor freight transportation and warehousing (groups 4212, 4213-4225, 4226 except oil and gas storage, and petroleum and chemical bulk stations).
- ~~30~~ 31. Outdoor storage yards pursuant to the requirements of section 2.2.15 ½ .6.
- ~~31~~ 32. Paper and allied products (2621-2679).
- ~~32~~ 33. Personal services (groups 7211- 7219).
- ~~33~~ 34. Physical fitness facilities (group 7991).
- ~~34~~ 35. Printing, publishing and allied industries (groups 2711-2796).
- ~~35~~ 36. Railroad transportation (4011, 4013).
- ~~36~~ 37. Real estate brokers and appraisers (6531).
- ~~37~~ 38. Rubber and miscellaneous plastics products (groups 3021, 3052, 3053).

- 38 39. Stone, clay, glass, and concrete products (groups 3221, 3251, 3253, 3255-3273, 3275, 3281)
- 39 40. Textile mill products (groups 2211-2221, 2241-2259, 2273-2289, 2297, 2298).
- 40 41. Transportation equipment (groups 3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799).
- 41 42. Transportation by air (groups 4512-4581 ~~except airports and flying fields~~).
- 42 43. Transportation services (groups 4724-4783, 4789 except stockyards).
- 43 44. United States Postal services (4311).
- 44 45. Welding repair (7692).
- 45 46. Wholesale trade – durable goods (groups 5012-5014, 5021-5049, 50-63-5092, 5094-5099).
- 46 47. Wholesale trade – nondurable goods (groups 5111-5159, 5181, 5182, 5191 except that wholesale distribution of chemicals, fertilizers, insecticides, and pesticides shall be a minimum of 500 feet from a residential zoning district (5192-5199).
- 47 48. Any other use which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the district.

2.2.16.2.2. *Uses accessory to permitted uses.*

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- 4. Recreational vehicle campground and ancillary support facilities when in conjunction with temporary special event activities such as air shows and the like.

SUBSECTION 3.B. AMENDMENTS TO SIGNS DIVISION

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

DIVISION 2.5. SIGNS

Sec. 2.5.5. Permitted signs.

2.5.5.1. Signs within residential zoned districts and as applicable to residential designated portions of PUD zoned properties.

2.5.5.1.1. *Development standards.*

- 1. Maximum allowable height. All signs within residential zoned districts and as applicable to residential designated portions of PUD zoned properties are limited to a maximum height of eight feet, or as provided within this code. Height shall be measured from the lowest centerline grade of the nearest public or private R.O.W. or easement to the uppermost portion of the sign structure.
- 2. Minimum setback. All signs within residential zoned districts and as applicable to residential designated portions of PUD zoned properties shall

not be located closer than ~~15~~ 10 feet from the property line, unless otherwise noted below or as provided for in section 2.1.13.

2.5.5.1.2. *Real estate signs.* The following signs classified as real estate signs shall be permitted in residential districts subject to the following:

1. One ground sign with a maximum height of 6 feet or wall "For Sale," "For Rent," or similar sign, with a maximum of four square feet in size, per street frontage for each parcel, or lot less than one acre in size. Said sign shall be located no closer than ten feet from any adjacent residentially used property and may be placed up to the property line abutting a right-of-way, provided it is a minimum of ten feet from the edge of pavement. (No building permit required.)
2. One ground sign with a maximum height of 8 feet or wall "For Sale," "For Rent," or similar sign, with a maximum of 12 square feet in size, per street frontage for each parcel, or lot one to ten acres in size. (No building permit required.)
3. One pole sign with a maximum height of 15 feet or wall "For Sale," "For Rent," or similar sign, with a maximum of 64 square feet in size, per street frontage for each parcel or lot in excess ten acres in size.
4. Real estate signs shall not be located closer than ~~15~~ 10 feet from any property line. In the case of undeveloped parcels where the existing vegetation may not allow the location of the sign ~~15~~ 10 feet from the property line, the planning services director may allow a reduction in the amount of the required setback however, in no case shall said sign be located closer than five feet from any property line unless authorized by the board of zoning appeals through the variance process.
5. Real estate signs shall be removed when an applicable temporary use permit has expired, or within seven days of any of the following conditions: ownership has changed; the property is no longer for sale; rent or lease; or, the model home is no longer being used as a model home.
6. A sign advertising that a property has been sold or leased shall not be displayed for more than ~~30~~ 14 days after it is erected.

2.5.5.1.3. *Model home signs.* One on-premises sign for model homes, approved in conjunction with a temporary use permit in any zoning district not to exceed 32 square feet. Model home sign copy shall be limited to the model name, builder's name, name and address, phone number, price, logo, and model home. Model home signs shall not be illuminated in any manner (No building permit required.)

2.5.5.1.4. *Construction signs.* All supports for such signs shall be securely built, constructed, and erected and shall be located on the site under construction, subject to the following:

1. One ground sign with a maximum height of 6 feet or wall sign, with a maximum of four square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel less than one acre in size. (No building permit required.)
2. One ground sign with a maximum height of 8 feet or wall sign, with a maximum of 12 square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel one to ten acres in size. (No building permit required.)

3. One pole sign with a maximum height of 15 feet or wall sign, with a maximum of 64 square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel in excess of ten acre in size.
4. One ground or wall sign, with a maximum of four square feet in size, may be used as a construction sign by each contractor, lending institution, or other similar company involved with the development, regardless of parcel size, (No building permit required.)

2.5.5.1.5. *Residential directional or identification signs.* Directional or identification signs no greater than four square feet in size, and located internal to the subdivision or development may be allowed subject to the approval of the planning services director, or his designee. Such signs shall only be used to identify the location or direction of approved uses such as models or model sales centers, club house, recreational areas, etc. These signs may be clustered together to constitute a sign with a maximum area of 24 square feet and a maximum height of eight feet. Such clustered signs shall require a building permit. For signage to be located ~~alone~~ along the Golden Gate Parkway see division 2.2, section 2.2.21.1 and 2.2.21.6.2.

2.5.5.1.6. *On-premises signs within residential districts.* Two ground signs with a maximum height of 8 feet or wall residential entrance or gate signs may be located at each entrance to a multi-family, single-family, mobile home or recreational vehicle park subject to the following requirements:

1. Such signs shall contain only the name of the subdivision, the insignia or motto of the development and shall not contain promotional or sales material. Said signs shall maintain a 10 ~~15~~-foot setback from any property line unless placed on a fence or wall subject to the restriction set forth in section 2.6.11. Furthermore, bridge signs located on private bridges directly leading to private communities shall not be considered off-premise signs. Bridge signs complying with the requirements of section 2.5.5.1.6 may be substituted for ground or wall signs in residential districts.
2. The ground or wall signs shall not exceed a combined area of 64 square feet, and shall not exceed the height or length of the wall or gate upon which it is located.
3. Logos without any verbal content and similar architectural features less than ten square feet in area not containing any letters or numbers shall not be considered signs and shall be allowed throughout the development. However, should such architectural embellishments be located closer than ten feet to any sign, then it shall be considered an integral part of the sign and shall be subject to the restrictions of this section.

2.5.5.1.7. *Conditional uses within the residential and agricultural districts.*

1. Conditional uses within the residential district are permitted one wall sign with a maximum of 32 square feet. Corner lots are permitted two such wall signs.
2. Conditional uses within the agricultural district in the urban area, residential and estates districts with a street frontage of 150 feet or more and a land area of 43,560 square feet or larger are permitted a ground sign with a maximum height of 8 feet ~~with~~ and a maximum area of 32 square feet.
3. Bulletin boards and identification signs for public, charitable, educational or religious institutions located on the premises of said institutions and not exceeding 12 square feet in size. (No building permit required.)

4. The Board of County Commissioners may approve additional signage as may be deemed appropriate during the conditional use approval process.

2.5.5.2. *Signs within non-residential districts:*

2.5.5.2.1. Design criteria and unified sign plan. Where multiple on-premise signs are proposed for a single site or project, or in the case of a shopping center or multi-use building, a unified sign plan shall be employed. An application for site development or site improvement plan approval shall be accompanied by a graphic and narrative representation of the unified sign plan to be utilized on the site. The unified sign plan must be applied for by the property owner, or his or her authorized agent. The unified sign plan may be amended and resubmitted for approval to reflect style changes or changing tenant needs. Design elements which shall be addressed in both graphic and narrative form include:

- (a) Colors;
- (b) Construction materials and method;
- (c) Architectural design;
- (d) Illumination method;
- (e) Copy style;
- (f) Sign type(s) and location(s); and, conformance with the following:
- (g) No wall sign shall exceed 80 percent of the width of the unit(s) or the building occupied by a business with a minimum of ten percent clear area on each outer edge of the unit(s) or the building;
- ~~(g)~~ ~~In the case of multi-use buildings, and parcels with multiple structures on site, including outparcels, the unified sign plan shall indicate conformance with the following:~~
 - ~~(1) No wall sign shall exceed 80 percent of the width of the unit(s) occupied by a business with a minimum of ten percent clear area on each outer edge of the unit(s);~~
 - ~~(2)(h)~~ All wall signs for multi-use buildings shall be located at a consistent location on the building facade, except that anchor tenants may vary from this locational requirement in scale with the anchor's tenant's larger primary facade dimensions. All signs shall adhere to the dimensions provided for in the unified sign plan; and
 - ~~(3)(i)~~ Pole signs shall provide a pole cover no less than 50 percent of the width of the sign, with architectural design features including colors and/or materials common to those used in the design of the building the sign is accessory to. A minimum 100 square foot planting area shall be provided around the base of any ground or pole sign, consistent with the provisions of division 2.5. of this Code ~~(see Illustration 16 below).~~

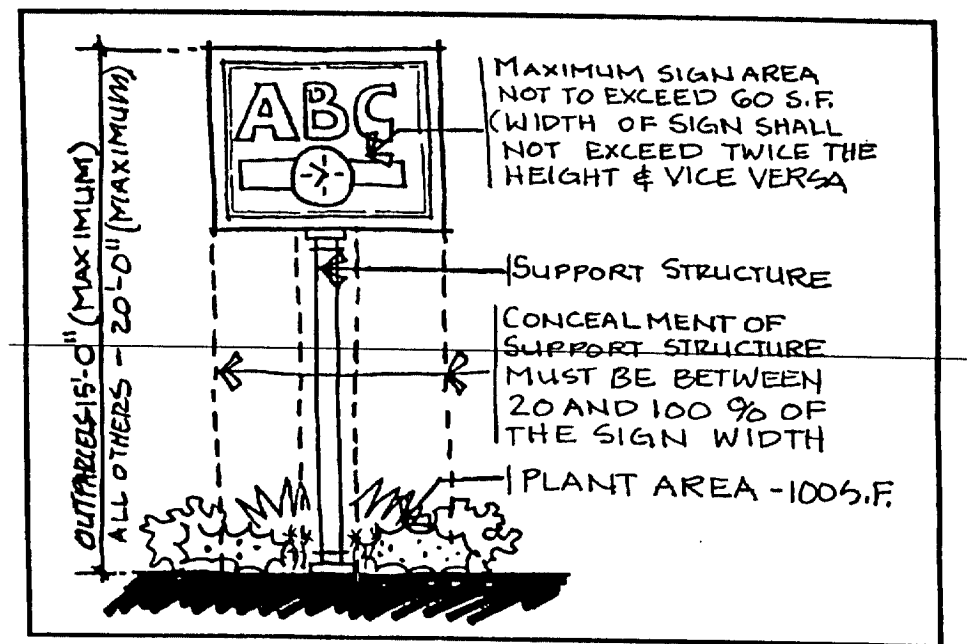


Illustration 16

(Illustration 16 is deleted)

- (j) The sign shall not be in the shape of a logo and the logo shall not protrude from the sign.
- (k) The use of fluorescent colors is prohibited.

2.5.5.2.1.1. Outparcels. In addition to the above requirements, ~~unified signs plans~~ for outparcels, regardless of the size of the outparcel, shall be limited to the following:

- (a) A wall sign for any facade adjacent to a public right of way and a wall sign for any facade facing the main commercial center with a maximum of 60 square feet, not to exceed a maximum of two wall signs for any single use. In addition to any wall signs permitted by this code, outparcels may be allowed one additional sixty square foot wall sign facing the shopping center if the additional sign is not oriented towards any public right-of-way. In no case shall the number of wall signs for an outparcel exceed 2 signs; and,
- (b) A single ground or pole sign for outparcels having a frontage of 150 feet or more, not to exceed 60 square feet. Pole Ground signs shall be limited to 15 8 feet in height.

~~2.5.5.2.1.2. Building permit requests.~~ Requests for building permits for permanent on-premise signs shall adhere to the unified sign plan, which shall be kept on file in the community development and environmental services division. Requests to permit a new sign, or to relocate, replace or structurally alter an existing sign shall be accompanied by a unified sign plan for the building or project the sign is accessory to. Existing permitted signs may remain in place; however, all future requests for permits, whether for a new sign, or relocation, alteration, or replacement of an existing sign, shall adhere to the unified sign plan for the property.

2.5.5.2.2. Development standards.

1. Maximum allowable height. All pole or ground signs within non-residential zoned districts and as applicable to non-residential designated portions of PUD zoned properties are limited to a maximum height of 15 feet when located along an arterial or collector roadway and 12 feet for all other roads, except as provided in this code for pole or ground signs for automobile service stations and outparcels which are limited to a maximum height of 8 feet; the maximum height for directory signs is

~~limited to 20 feet, eight feet, except wall or pole signs, or as otherwise provided for within this section.~~ Height shall be measured from the lowest centerline grade of the nearest public or private R.O.W. or easement to the uppermost portion of the sign structure.

2. Minimum setback. All pole or ground signs within non-residential zoned districts and as applicable to non-residential designated portions of PUD zoned properties shall not be located closer than ~~45~~ 10 feet from the property line. Directory signs shall not be closer than 15 feet from the property line, unless otherwise noted below or as provided for in section 2.1.13.
3. Maximum allowable sign area: 80 square feet for pole or ground signs located along an arterial or collector roadway and 60 square feet for all other roads, 60 square feet for outparcels and automobile service stations and 150 square feet for directory signs.
4. The location of all permanent pole, ground and directory signs shall be shown on the landscape plans as required by section 2.4.4.17.
5. The maximum size limitation shall apply to each structure. Pole or ground signs may be placed back to back or in V-type construction with not more than one display on each facing for a maximum of two display areas for each V-type sign, and such sign structure shall be considered as one sign.
6. Spot or floodlights shall be permitted only where such spot or floodlight is non-revolving and said light shines only on the owner's premises or signs and away from any right-of-way.

2.5.5.2.3. *Real estate signs:* The following signs classified as real estate signs shall be permitted in non-residential districts subject to the following:

1. One ground sign with a maximum height of 10 feet or wall "For Sale," "For Rent," or similar sign with a maximum area of twelve square feet in size per street frontage for each parcel, or lot less than one acre in size. (No building permit required.)
2. One ground sign with a maximum height of 10 feet or wall "For Sale," "For Rent," or similar sign, with a maximum 32 square feet in size, per street frontage for each parcel, or lot one to ten acres in size. (No building permit required.)
3. One ~~pole~~ ground sign with a maximum height of 15 feet or wall "For Sale," "For Rent," or similar sign, with a maximum of 64 square feet in size, per street frontage for each parcel or lot in excess of ten acres in size.
4. Real estate signs shall not be located closer than ~~45~~ 10 feet from any property line. In the case of undeveloped parcels where the existing vegetation may not allow the location of the sign ~~45~~ 10 feet from the property line, the planning services director may allow a reduction in the amount of the required setback however, in no case shall said sign be located closer than five feet from any property line unless authorized by the board of zoning appeals through the variance process.
5. Real estate signs shall be removed when an applicable temporary use permit has expired, or within seven days of any of the following conditions: ownership has changed; or, the property is no longer for sale, rent or lease.
6. A sign advertising that a property has been sold or leased shall not be displayed for more than ~~30~~ 14 days after it is erected.

2.5.5.2.4. *Construction signs.* All supports for such signs shall be securely built, constructed, and erected and shall be located on the site under construction and no closer than ~~45~~ 10 feet from any property line, and subject to the following:

1. One ground sign with a maximum height of 10 feet or wall sign, with a maximum of 12 square feet, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel less than one acre in size. (No building permit required.)
2. One ground sign with a maximum height of 10 feet or wall sign, with a maximum of 32 square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel one to ten acres in size. (No building permit required.)
3. One pole sign with a maximum height of 15 feet or wall sign, with a maximum of 64 square feet in size, may be used as a construction sign by the general contractor of the development or as a permit board, within each front yard for each parcel in excess of 10 acres in size.
4. One ground or wall sign, with a maximum of 4 square feet in size, may be used as a construction sign by each contractor, lending institution, or other similar company involved with the development, regardless of parcel size. (No building permit required).
5. All construction signs must be removed prior to the issuance of a certificate of occupancy.

2.5.5.2.5. *On-premise signs.* On-premise pole signs, ground signs, projecting signs, wall signs, and mansard signs shall be allowed in all nonresidentially zoned districts subject to the restrictions below:

2.5.5.2.5.1. *Pole or ground signs.* Single-occupancy parcels, shopping centers, office complexes, business parks, or industrial parks having frontage of 150 feet or more on a public street, or combined public street frontage of 220 linear feet or more for corner lots, shall be permitted one pole or ~~two ground signs~~ sign. Additional pole or ground signs may be permitted provided that there is a minimum of a 1,000-foot separation between such signs, and all setback requirements are met. In no case shall the number of pole or ground signs exceed two per street frontage. In addition, multiple-occupancy parcels such as shopping centers, office complexes, business parks, or industrial parks containing 25,000 square feet or more of gross leasable floor area, and eight or more independent businesses will be permitted one directory sign ~~with a maximum size of 250 square feet~~ for a single entrance on each public street. When a directory sign is proposed then pole or ground signs shall be limited to the name and logo of the complex and shall not contain name of any tenant. The directory sign shall contain a minimum of 4 and a maximum of 8 tenant names. The name of businesses located on outparcels shall not appear of directory signs.

1. ~~Maximum allowable sign area: 100 square feet for each pole or ground signs, or a maximum combined area of 120 square feet for two ground signs, except for approved directory signs.~~
2. ~~Setbacks: 15 feet from any property lines, public or private right of way, or easement, unless otherwise noted below or as provided for in section 2.1.13., and with the exception of directory signs which may be located within the medians of private streets or easements, provided that there is a minimum of a 15-foot setback from all project boundaries and public right-of-ways and easements, and their location presents no visual obstructions, or traffic hazards to motorists or pedestrians, unless otherwise noted below or as provided for in section 2.1.13.~~

~~3-2.5.5.2.5.1.1.~~ The minimum 15-foot setback requirement may be administratively reduced by a maximum of ten feet by the planning services director upon submission of the administrative variance fee and a written request. However in no case shall the required setback be reduced to less than 5 feet. The planning services director's decision to reduce the required ~~15-foot~~ setback shall be based on the following:

- a) Where it can be demonstrated that within the adjacent right-of-way the area between the property line and the edge of pavement is excessively wide and that the actual paved area is unlikely to be widened to the extent that reduction in the required setback will result in the sign being any closer than 30 feet to the edge of pavement;
- b) Where due to the existing site conditions and improvements, it can be demonstrated that adherence to the required minimum required 15-foot setback will have a deleterious effect on the safety of users of the site from the perspective of vehicular parking and vehicular and pedestrian ingress and egress;
- c) Where due to the nature and location of existing landscape features and/or specimen trees, it would be prudent to allow for a reduction in the required setback so as to most appropriately locate the sign structure; or,
- d) The extent of the reduction is the minimum amount necessary to provide relief from the applicable conditions cited above.

~~4. Maximum allowable height: 20 feet in height, except for directory signs as permitted in section 2.5.5.2.4.1., which may be 25 feet in height. Height shall measure from the lowest centerline grade of the nearest public or private right-of-way or easement to the uppermost portion of the sign structure.~~

~~5. The maximum size limitation shall apply to each structure. Monument Pole or ground signs may be placed back to back, side by side, or in V-type construction with not more than one display on each facing, and such sign structure shall be considered as one sign.~~

~~6. Spot or floodlights shall be permitted only where such spot or floodlight is non-revolving and said light shines only on the owner's premises or signs and away from any right-of-way.~~

2.5.5.2.5.2. *Wall, mansard, canopy or awning signs.* One wall, mansard, canopy or awning sign shall be permitted for each single-occupancy parcel, or for each establishment in a multiple-occupancy parcel. End units within shopping centers, or single occupancy parcels where there is double frontage on a public right-of-way, shall be allowed two signs, but such signs shall not be placed on one wall. ~~In addition, outparcels within shopping centers may be allowed one additional sixty square foot wall sign facing the shopping center if the additional sign is not oriented towards any public right-of-way. In no case the number of wall signs for an outparcel can exceed 2 signs.~~ Retail businesses with a floor area of larger than ~~15,000~~ 25,000 square feet and a front wall length of more than 200 linear feet, are allowed three wall signs; however, the combined area of those signs shall not exceed the maximum allowable display area for signs by this code.

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

2.5.5.2.5.3. *Projecting signs.* Projecting signs may be substituted for wall or mansard signs provided that the display area of the projecting sign shall not exceed 60 square feet of display area.

1. Projecting signs shall not project more than four feet from the building wall to which it is attached.
2. Projecting signs shall not extend above the roofline of the building to which it is attached.
3. Projecting signs shall not project into the public right-of-way.
4. Projecting signs which project over any pedestrian way shall be elevated to a minimum height of eight feet above such pedestrian way.

2.5.5.2.5.4. *Under-canopy signs.* In addition to any other sign allowed by this code, one under-canopy sign shall be allowed for each establishment in a shopping center. This sign shall not exceed six square feet in area and shall be a minimum of eight feet above finished grade. Under canopy signs do not require a building permit unless the sign is equipped with an electrical component.

2.5.5.2.5.5. Signage for automobile service stations:

The followings are the only signs allowed in automobile services stations and convenience stores with gas pumps.

1. ~~Window signs: may only show the building address, hours of operation, emergency telephone numbers, and acceptable credit cards are as allowed in section 2.5.6.13 of this code.~~
2. An illuminated corporate logo with a maximum area of 12 square feet shall be allowed on a canopy face which is adjacent to a dedicated street or highway. Otherwise, accent lighting, ~~and back lighting~~ and accent striping ~~are is~~ prohibited on canopy structures.
3. ~~Pole signs are prohibited, however,~~ ~~One~~ (1) ground sign shall be permitted for each site and shall be placed within a 200 square foot landscaped area. Height is limited so that the top edge of the sign face is less than eight feet above grade. Maximum permitted area ~~70~~ 60 square feet.
4. ~~Illuminated~~ Signage, logos, advertising and information are prohibited above gas pumps.
5. Wall signs: As allowed in section 2.5.5.2.5.2. of this code.
6. Signs: As allowed in section 2.5.6.2. of this code.

* * * * *

2.5.5.2.5.8.1. *Political signs.* Political campaign signs and posters shall be permitted subject to the following requirements:

1. Prior to the erection, installing, placing, or displaying of a political sign a bulk temporary permit shall be obtained. The permit number shall appear on every sign or on the pole supporting the sign. The fee for said bulk permit shall be as adopted by resolution by the board of county commissioners. A cash bond in the amount of \$500.00 shall be posted

with the Collier County Community Development and Environmental Services Division to insure adequate clean up and removal of all political signs installed under the said permit. This bond is not intended to replace the applicant's responsibility to remove all political signs installed under the said permit. The Collier County Community Development and Environmental Services Division shall return such bond to the permittee if all signs for the candidate or the issue for which the permit was issued are removed within seven days after the election. In the case of non-compliance with the requirements of this code the bond will be forfeited.

2. Political campaign signs or posters within residentially zoned or used property shall not exceed four square feet in size, and shall not be located closer than five feet to any property line. Political signs placed within residential districts shall require written permission from the property owner.
3. Political campaign signs or posters will be permitted in all other zoning districts within a maximum copy area of ~~40~~ 32 square feet per sign, and shall be located no closer than ~~15~~ 10 feet to any property line. The number of such signs shall be limited to one ~~two~~ signs for each lot or parcel per bulk permit issued for each candidate or issue.
4. All supports shall be securely built, constructed and erected to conform with the requirements of this code.
5. The maximum height of any political campaign sign or poster, except those that may be affixed to a wall, shall be limited to eight feet.
6. Political signs shall be erected not more than ~~60~~ 45 calendar days prior to an election or political event, and shall be removed within seven calendar days after the election, event, or after the campaign issue has been decided.

2.5.5.2.5.8.3. *Special events signs.* A special events sign not exceeding 32 square feet in size may be displayed to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, or any public, charitable, educational event. Such sign shall be located no closer than ~~15~~ 10 feet to any property line. Such signs shall require a building permit. Special event signs shall be erected not more than 15 calendar days prior to the advertised event and shall be removed within seven calendar days after the event has taken place.

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

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

2.5.5.2.5.10. *Commercial, business park and industrial directional or identification signs.* Directional or identification signs no greater than six square feet in size, four feet in height, and located internal to the subdivision or development and with a minimum setback of 10 ~~15~~ feet, may be allowed subject to the approval of the community development and environmental services administrator, or his designee. Such sign shall only be used to identify the location or direction of approved uses such as sales centers, information centers, or the individual components of the development. ~~Directional or identification signs~~ Directional or identification signs maintaining a common architectural theme may be combined into a single sign not to exceed six feet in height and 64 square feet in area. Such signs shall require a building permit. For signage to be located along the Golden Gate Parkway, see division 2.2, sections 2.2.21.1 and 2.2.21.6.2 and the Golden Gate Master Plan.

Logos on all directional signs shall not exceed 20 percent of the sign area. Logos shall not occupy more than 20 percent of the directional sign area when the said sign is more than six square feet in area. Directional signs are also subject to restrictions of section 2.5.6.2. of this code.

- 2.5.5.2.5.11. *On-premise signs within agricultural districts in the rural agricultural area designated on the future land use map of the growth management plan*. On-premises signs shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and subject to the following restrictions:
- 2.5.5.2.5.11.1. One pole or ground sign identifying the farm organization, located at the entrance or gate of each street frontage, and only for permitted agricultural uses. The maximum allowable sign area for each pole or ground sign shall not exceed 100 square feet with a maximum height of 20 feet, and shall be located a minimum of 15 feet from any property lines, public or private right-of-way or easement.
- 2.5.5.2.5.11.1.1. On premise signs within agricultural zoned districts in the urban area shall comply with the requirements of section 2.5.5.2. of the land development code.
- 2.5.5.2.5.11.2. *Seasonal farm signs (on-site)*. One temporary ~~pole or~~ ground sign, with a maximum height of 10 feet, and located a minimum of 10 feet from any property line, public or private right-of-way or easement, identifying the farm, farm organization, entrance, or gate not exceeding ~~40~~ 32 square feet in area. This sign shall be used to identify temporary agricultural offices so as to expedite the exportation of crops to various parts of the county. Such signs shall be permitted for a period not to exceed 30 days and may be issued only twice in any calendar year. Such signs shall require a building permit.
- 2.5.5.2.5.11.3. *U-Pic signs*. One U-Pic sign located at the entrance on each street frontage. The maximum allowable sign area for each U-Pic sign shall not exceed 32 square feet in area and a maximum height of 10 feet, and shall be located a minimum of ~~15~~ 10 feet from any property line, public or private right-of-way or easement.
- 2.5.5.2.5.11.4. *Wall, mansard canopy or awning signs within agricultural districts*. Wall, mansard, canopy or awning signs shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and subject to the following restrictions:
1. One wall or mansard, canopy or awning sign shall be permitted for each principal use structure on the parcel. Corner parcels or double-frontage parcels shall be allowed one sign per street frontage, but such signs shall not be combined for the purpose of placing the combined area on one wall. The maximum allowable display area for any sign shall not be more than 20 percent of the total square footage of the wall to which it is affixed, and shall not in any case exceed 250 square feet in area per sign.
- 2.5.5.2.5.12. *Off-premises directional signs*. Off-premises directional signs are permitted subject to review and approval of the design and location of such signs by the community development and environmental services administrator, or his designee, if the following requirements are met:
1. Off-premises directional signs shall only be permitted in nonresidentially zoned, or agricultural districts.
 2. No more than two one sided or one double sided off-premise directional signs shall be permitted, identifying the location and nature of a building, structure, or use which is not visible from the arterial roadway serving such building, structure, or uses, provided:
 1. a. Each sign is not more than 12 square feet in area.

2. b. The sign is not more than eight feet in height above the lowest center grade of the arterial roadway.
 3. c. The sign is located no closer than ~~45~~ 10 feet to any property line.
 4. d. The applicant must submit with the permit application notarized, written permission from the property owner where the off-site sign is located.
 5. e. The sign shall only be located within 1,000 feet of the intersection of the arterial roadway serving the building, structure, or use.
3. Off-premises directional signs shall not be located closer than 50 feet from a residentially zoned district.
 4. Off-premises directional signs shall not be located closer than 100 feet from another off-premises directional sign.

* * * * *

Sec. 2.5.6. Signs exempt from permitting.

In addition to those signs identified elsewhere in this code, the following signs are exempt from the permit requirements of this code, and shall be permitted in all districts subject to the limitations set forth below:

- 2.5.6.1. Signs required to be maintained or posted by law or governmental order, rule, or regulation.
- 2.5.6.2. On-premises directional signs, not exceeding six square feet in area and four feet in height, intended to facilitate the movement of pedestrians and vehicles within the site upon which such signs are posted. On-premises directional signs shall be limited to two at each vehicle access point and a maximum of four internal to the development. Internal signs are not intended to be readily visible from the road. Directional signs are also subject to restrictions of section 2.5.5.2.5.10. of this code.
- 2.5.6.3. One identification sign, professional nameplate, or occupational sign for each professional office, or business establishment not to exceed two square feet in sign area and placed flush against a building face or mailbox side, and denoting only the name of the occupant and, at the occupant's election, the occupant's profession or specialty and/or the street address of the premise.
- 2.5.6.4. Memorial plaques, cornerstones, historical tablets, and similar types of commemorative signs when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- 2.5.6.5. "No Trespassing," "No Dumping," or other prohibitory or safety type signs, provided each sign does not exceed three square feet in size.
- 2.5.6.6. One ground or wall "For Sale," "For Rent," or similar sign per street frontage for each parcel, or lot less than ten acres in size.
- 2.5.6.7. One on-premises sign for model homes, approved in conjunction with a temporary use permit in any zoning district.
- 2.5.6.8. One on-premises open house sign not to exceed four square feet in size. Such sign shall not be located within ~~45~~ 10 feet of any property line, right-of-way or access easement.

- 2.5.6.9. Bulletin boards and identification signs for public, charitable, educational or religious institutions located on the premises of said institutions and not exceeding 12 square feet in size.
- 2.5.6.10. Signs located on fences or walls surrounding athletic fields, or within sports arenas, stadiums and the like, not to exceed 32 square feet in size, per sign. Signs shall be oriented along the fence or wall to face the field(s) or playing area, and away from any adjacent public or private roads.
- 2.5.6.11. Traffic control and safety signs or other municipal, county, state or federal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency signs when erected by an appropriate authority.
- 2.5.6.12. Window merchandise displays which are changed on a regular basis, meaning no less frequently than every 30 days.
- 2.5.6.13. Non-electrical, non-illuminated and non-reflective ~~W~~window signs not exceeding 25 percent of each window area.
- 2.5.6.14. Signs located at the entrance drive of residences located upon 2.25-acre lots or greater, displaying the name and address of the resident and not exceeding four square feet in area.
- 2.5.6.15. Flags, or insignias of governmental, religious, charitable, fraternal or other nonprofit organizations when displayed on property owned by or leased to said organization. Non-commercial flags that will be flown on a flagpole that does not exceed 15 feet in height above finished grade or extend more than ten feet from any building they are attached to, are allowable if the number of flags displayed does not exceed those described in section 2.5.5.2.3.8 and the flagpoles do not require a certified design or be sealed by a Florida registered engineer as described in section 2.5.5.2.3.8.
- 2.5.6.16. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers, provided such sign does not violate section 2.5.7 of this code.
- 2.5.6.17. Religious displays that do not constitute advertising.
- 2.5.6.18. Painting, repainting or cleaning without modifying the existing sign copy or design of an advertising structure, or changes which are determined by the planning services director to be less than a substantial improvement.
- 2.5.6.19. Copy changes for shopping center, theaters, billboards or marquees that have routine changes of copy, or are specifically designed for changes of copy.
- 2.5.6.20. One ground or wall sign may be used as a construction sign by the general contractor of the development, within each front yard for each parcel less than ten acres in size
- 2.5.6.21. Temporary signs in conjunction with an approved temporary use permit.

Sec. 2.5.7. Prohibited signs.

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

- 2.5.7.1. Signs which are in violation of the building code or electrical code adopted by Collier County.
- 2.5.7.2. Abandoned signs.
- 2.5.7.3. Animated or activated signs, except time and temperature signs.

- 2.5.7.4. Flashing signs or electronic reader boards.
- 2.5.7.5. Rotating signs or displays.
- 2.5.7.6. Illuminated signs in any residentially zoned or used district, except residential identification signs, residential nameplates, and street signs that are illuminated by soft or muted light. Nonresidential uses within residentially used or zoned districts by conditional use, PUD ordinance, or as otherwise provided for within the ~~zoning ordinance~~ land development code, shall be allowed the use of illuminated signs, subject to the approval of the community services administrator or his designee.
- 2.5.7.7. Signs located upon, within, or otherwise encroaching upon county or public rights-of-way, except as may be permitted under the provisions of Ordinance [No.] 82-91, as amended, and those erected by a governmental agency or required to be erected by a governmental agency.
- 2.5.7.8. Billboards.
- 2.5.7.9. Strip lighted signs.
- 2.5.7.10. Neon type signs, except non-exposed neon signs covered with an opaque or translucent shield which will prevent radiation of direct light, within all commercial and industrial districts.
- 2.5.7.11. Roof signs.
- 2.5.7.12. Portable signs.
- 2.5.7.13. Signs which resemble any official sign or marker erected by any governmental agency, or which by reason of position, shade or color, would conflict with the proper function of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination which may be reasonably confused with or construed as, or conceal, a traffic control device.
- 2.5.7.14. Signs, commonly referred to as snipe signs, made of any material whatsoever and attached in any way to a utility pole, tree, fence post, stake, stick or any other object located or situated on public or private property, except as otherwise expressly allowed by, or exempted from this code.
- 2.5.7.15. Wind signs (except where permitted as part of section 2.5.5 and 2.5.6 of this code).
- 2.5.7.16. Any sign which is located adjacent to a county right-of-way within the unincorporated areas of the county which sign was erected, operated or maintained without the permit required by section 2.5.12 having been issued by the community development services administrator or his designee shall be removed as provided in section 2.5.7. Such signs shall include but are not limited to structural signs, freestanding signs, [and] signs attached or affixed to structures or other objects.
- 2.5.7.17. Any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:
 - 2.5.7.17.1. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and
 - 2.5.7.17.2. Taken as a whole, lacks serious literary, artistic, political, or scientific value.
- 2.5.7.18. ~~Any sign which~~ Beacon lights.
- 2.5.7.19. Any sign which ~~E~~ emits audible sound, vapor, smoke, or gaseous matter.

- 2.5.7.20. Any sign which ~~Θ~~ obstructs, conceals, hides, or otherwise obscures from view any official traffic or government sign, signal, or device.
- 2.5.7.21. Any sign which ~~E~~ employs motion, has visible moving parts, or gives the illusion of motion (excluding time and temperature signs).
- 2.5.7.22. Any sign which ~~I~~ is erected or maintained so as to obstruct any firefighting equipment, window, door, or opening used as a means of ingress or egress for fire escape purposes including any opening required for proper light and ventilation.
- 2.5.7.23. Any sign which ~~€~~ constitutes a traffic hazard, or detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing or distracting the vision of drivers or pedestrians.
- 2.5.7.24. Signs mounted on a vehicle, be it the roof, hood, trunk, bed, and so on, where said sign is intended to attract or may distract the attention of motorists for the purpose of advertising a business, product, service, or the like, whether or not said vehicle is parked, or driven, excluding emergency vehicles, taxi cabs, and delivery vehicles, where a roof mounted sign does not exceed two square feet. This section shall not apply to magnetic type signs affixed to or signs painted on a vehicle, provided said vehicle is used in the course of operation of a business, and which are not otherwise prohibited by this code. It shall be considered unlawful to park a vehicle and/or trailer with signs painted, mounted or affixed, on site or sites other than that at which the firm, product, or service advertised on such signs is offered.
- 2.5.7.25. Any sign which ~~U~~ uses flashing or revolving lights, or contains the words "Stop," "Look," "Danger," or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular traffic.
- 2.5.7.26. Any sign which advertises or publicizes an activity not conducted on the premises upon which the sign is maintained, except as otherwise provided for within this code.
- 2.5.7.27. No sign shall be placed or permitted as a principal use on any property, in any zoning district except as follows: U-Pic signs, political signs or signs approved by temporary permit pursuant to the time limitations set forth herein.
- 2.5.7.28. Inflatable signs.
- 2.5.7.29. Accent lighting as defined in this code.
- 2.5.7.30. Illuminated signs, neon or otherwise, installed inside businesses and intended to be seen from the outside.

Sec. 2.5.8. Termination of prohibited signs.

All signs expressly prohibited by section 2.5.7. and their supporting structures, shall be removed within 30 days of notification that the sign is prohibited by the Collier County Code Enforcement Director, or his designee, or, within 30 days of the end of the amortization period contained in section 2.5.9. or, in the alternative, shall be altered so that they no longer violate section 2.5.7. Billboards with an original cost of \$100.00 or more, and which have been legally permitted, shall be treated as nonconforming signs and removed pursuant to section 2.5.9.3.

Sec. 2.5.9. Nonconforming signs.

Existing signs not expressly prohibited by this code and not conforming to its provisions shall be regarded as nonconforming signs.

- 2.5.9.1. The following signs, and sign structures shall be removed or made to conform to this code within 90 days from the effective date thereof.

- 2.5.9.1.1. Signs made of paper, cloth or other nondurable materials.
- 2.5.9.1.2. All temporary signs.
- 2.5.9.1.3. Those signs described in sections 2.5.6.7, 2.5.6.13, 2.5.6.14, 2.5.6.17, and 2.5.6.18.
- 2.5.9.1.4. All non-conforming on-premises signs, and sign structures having an original cost or value of \$100.00 or more, and originally built prior to January 1st 1991, which do not conform to the requirements of the 1991 code and all illuminated and/or animated signs, neon or otherwise, installed inside commercial establishments and intended to be seen from the outside may be maintained until February 1st, 2003, at which date all such signs must be made to comply with the requirements of this code or removed, except as provided below:
- 2.5.9.2. Nonconforming off-premises signs. All nonconforming off-premises signs, and sign structures having an original cost or value of \$100.00 or more may be maintained for the longer of the following periods:
 - 2.5.9.2.1. Two years from the date upon which the sign became nonconforming under this ordinance.
 - 2.5.9.2.2. A period of three to seven years from the effective date of this ordinance, according to the amortization table below.

| <i>Sign Cost/Value</i> | <i>Permitted Years from Effective Date of this Amendment</i> |
|---------------------------|--|
| \$100.00 to \$1,000.00 | 3 |
| \$1,001.00 to \$3,000.00 | 4 |
| \$3,001.00 to \$10,000.00 | 5 |
| More than \$10,000.00 | 7 |

- 2.5.9.2.3. Any owner of an off-premises sign who requests an amortization period longer than two years shall, within one year from the date of enactment of these regulations, register the sign with the code enforcement director, or his designee. The following information shall be provided at the time of registration; the cost or value, whichever is greater, of the sign; the date of erection; or the cost or value and date of the most recent renovation; a photograph of the sign or signs and their supporting structure, not less than five inches by seven inches in size; and a written agreement to remove the sign at or before the expiration of the amortization period applicable to the sign. The off-premise sign owner's signature shall be witnessed before a notary public on all requests for extended amortizations. A registration fee of \$50.00 shall be paid at the time of registration.

Sec. 2.5.10. Continuation of nonconforming signs.

Subject to the limitations imposed by section 2.5.9 of this code, a nonconforming sign may be continued and ~~may~~ shall be maintained in good condition for the duration of amortization period as required by this code, but shall not be:

- 2.5.10.1. Structurally or mechanically extended or altered to further the nonconformity, except in cases where it has been determined that there exists imminent danger to the public safety.

- 2.5.10.2. Repaired or rebuilt when destroyed or damaged to the extent of 50 percent or more of its replacement value, except in conformity with this code.
- 2.5.10.3. A nonconforming permanent on-premises or off-premises sign shall not be replaced by another nonconforming sign. All non-conforming signs shall be brought into full compliance as part of any future change requiring a building permit. A permit for routine maintenance or non-structural repairs shall be exempt from the requirements of this subsection provided the cost of such repairs does not exceed 50 percent of the replacement cost of the sign. ~~except that~~ substitution or interchange of letters, on nonconforming signs shall be permitted through the period of nonconformity established by this code.
- 2.5.10.4. Continued in use when any land use to which the sign pertains has ceased for a period of 90 consecutive days, or has otherwise changed.
- 2.5.10.5. Nonconforming status shall not be afforded to any sign erected without the required permit issued by the county, state, or any federal agency either before or after the enactment of this code, or to any pre-existing signs which have been illegally installed, constructed, placed or maintained.
- ~~2.5.10.6. In the case of sign which would be permitted by, and conform to, the regulations of this code, except that such signs violate the maximum height, minimum setback from a property line, maximum sign area and other similar development standards, the planning services director, or his designee, may approve structural alterations upon written request, provided the sign and or supporting structure is redesigned so as to remove one or more of the nonconforming aspects of the sign.~~

Sec. 2.5.12. Permit applications.

- 2.5.12.1. *General.* Any person wishing to erect, place, rebuild, reconstruct, relocate, alter, or ~~change~~ change the sign copy (see section 2.5.5. for exceptions) of any sign shall apply for and receive a building permit in accordance with Resolution 91-642, prior to the commencement of any work. A building permit will be issued by the community development services administrator, or his designee, provided that all permit requirements of the code and all other applicable provisions of Collier County's ordinances and regulations have been met.
- 2.5.12.2. *Permit fees.* A building permit fee shall be collected pursuant to the fee schedule set forth by resolution.
- 2.5.12.3. *Form.* Every application for a building permit shall be in writing upon forms to be furnished by the community development and environmental services administrator, or his designee.
- 2.5.12.4. *Application contents.* In order to obtain a permit to erect, place, rebuild, reconstruct, relocate, alter or ~~change~~ change the sign copy of any sign under the provision of this code, an applicant shall submit to the building official a building permit application which shall set forth in writing a complete description of the proposed sign including:
 - 2.5.12.4.1. The name, address and telephone number of the: (a) owner and lessee of the sign and (b) sign contractor or erector of the sign.
 - 2.5.12.4.2. The legal description and the street address of the property upon which the sign is to be erected.
 - 2.5.12.4.3. The dimensions of the sign including height.
 - 2.5.12.4.4. The copy to be placed on the face of the sign.

- 2.5.12.4.5. Other information required in the permit application forms provided by the community development and environmental services administrator, or his designee; including two copies of the site plan, elevation drawings of the proposed sign and identification of the type, height, area and location of all existing pole signs, ground signs and directory signs on the subject parcel.
- 2.5.12.4.6. Two blueprints or ink drawings, certified by a Florida registered engineer or architect, of the plans and specifications and method of construction and attachment to the building or the ground for all pole signs and all projecting signs; and any ground sign over 32 square feet.
- 2.5.12.4.7. Wall signs, or any separate part thereof, which is to be affixed to a wall shall be fastened flush with the surface with fasteners which shall have the capacity to carry the full load of the sign or separate part thereof under wind load conditions of the approved Collier County Building Code Ordinance [Code § 22-106 et seq.], Flood Ordinance [Code ch. 62. art. II], and the Coastal Building Zone Ordinance [Code ch. 22, art. VIII]. Any such sign or separate part thereof which is not mounted flush with the surface and which weighs more than 20 pounds shall have a Florida registered engineer design the mounting or fastening system and depict the system on signed and sealed drawings which shall accompany the permit application.
- 2.5.12.4.8. If the sign or sign copy is to be illuminated or electronically operated, the technical means by which this is to be accomplished.
- 2.5.12.4.9. The permit number shall be displayed or affixed at the bottom of the sign face and shall have the same life expectancy as the sign. Such permit number shall be clearly legible to a person standing five feet in front of the base of the sign and in no case shall the permit number be less than one-half inch in size.
- 2.5.12.5. *Expiration of permit.* Building permits shall expire and become null and void if the work authorized by such permit is not commenced and inspected within six months from the date of issuance of the permit.
- 2.5.5.2.1.2. *Adherence to the unified sign plan: Requests for building permits for permanent on-premise signs shall adhere to the unified sign plan, which shall be kept on file in the community development and environmental services division. Requests to permit a new sign, or to relocate, replace or structurally alter an existing sign shall be accompanied by a unified sign plan for the building or project the sign is accessory to. Existing permitted signs may remain in place; however, all future requests for permits, whether for a new sign, or relocation, alteration, or replacement of an existing sign, shall adhere to the unified sign plan for the property.*

Sec. 2.5.13. Enforcement.

- 2.5.13.1. *General.* No sign shall hereafter be erected, placed, altered or moved unless in conformity with this code. All signs located within Collier County shall comply with the following requirements:
- 2.5.13.1.1. The issuance of a sign permit pursuant to the requirements of this code shall not permit the construction or maintenance of a sign or structure in violation of an existing county, state or federal law or regulation.
- 2.5.13.1.2. All signs for which a permit is required shall be subject to inspections by the county ~~manager~~ administrator or his designee. The county ~~manager~~ administrator, or his designee, is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this code are being adhered to. Such entrance shall be made during business hours, unless an emergency exists. The county ~~manager~~ administrator, or his designee, may order the removal of any sign that is not in compliance with the provisions of this code, is improperly maintained, or which would constitute a hazard to the public health, safety, and welfare.

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SUBSECTION 3.C. 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 to read as follows:

DIVISION 2.7. ZONING ADMINISTRATION AND PROCEDURES

Sec. 2.7.2. Amendment procedures.

* * * * *

2.7.2.3.2. *Notice and public hearing where proposed amendment would change zoning classification of land and for conditional uses and variances. In the case of an application for the rezoning of land, to include rezonings, conditional uses and variances initiated by other than the board of county commissioners or amendments to planned unit developments, such provisions shall be enacted or amended pursuant to the following public notice and hearing requirements by the planning commission and the board of county commissioners. Rezoning, conditional use and variance petitions initiated by the board of county commissioners or its agencies for county owned land shall be subject to these provisions.*

1. A sign shall be posted at least 15 days prior to the date of the public hearing by the planning commission. The sign to be posted ~~shall measure at least 1 1/2 square feet in area~~ and shall contain substantially the following language and the sign's copy shall utilize the total area of the sign:

PUBLIC HEARING TO REZONE THIS PROPERTY
FROM _____ TO _____

(or where applicable the following:)

PUBLIC HEARING REQUESTING
CONDITIONAL USE (VARIANCE) APPROVAL

(both to contain the following information:)

TO PERMIT: (Sufficiently clear to describe the project)

DATE: _____

TIME: _____

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

The area of the signs shall be as follows:

- a. For properties less than one (1) acre in size, the sign shall measure at least 1 1/2 square feet in area.
- b. For properties one (1) acre or more in size, the sign shall measure at least 32 square feet in area.

2. In the case of signs located on properties less than one (1) acre in size, a
~~The sign shall be erected by the development services director in full view~~

of the public on each street side of the subject property. ~~said land to be rezoned~~. Where the property for which rezoning approval is sought is landlocked or for some other reason the signs cannot be posted directly on the subject property land to be rezoned, then the sign or signs shall be erected along the nearest street right-of-way, with an attached notation indicating generally the distance and direction to the subject property. ~~for which rezoning is sought~~. Where large parcels of property are involved with street frontages extending over considerable distance, the development services director shall erect as many signs on a street frontage as may be deemed adequate to inform the public. The posting of signs as provided in this subsection shall only be required where the zoning amendment proposal is specifically directed to changing the zoning classification of a particular parcel of land.

3. In the case of signs located on properties one (1) acre or more in size, the applicant shall be responsible for erecting the required sign(s). A sign shall be erected in full view of the public on each street upon which the subject property has frontage. Where the subject property is landlocked, or for some other reason the signs cannot be posted directly on the property, then the sign or signs shall be erected along the nearest street right-of-way, with an attached notation indicating generally the distance and direction to the subject property. There shall be at least one sign on each external boundary which fronts upon a street, however, in the case of external boundaries along a street with greater frontages than 1320 linear feet, signs shall be placed equidistant from one another with a maximum spacing of 1000 linear feet, except that in no case shall the number of signs along an exterior boundary fronting on a street exceed four signs. The applicant shall provide evidence to the planning services department that the sign(s) were erected by furnishing photographs of the sign(s) showing the date of their erection at least ten (10) days prior to the scheduled public hearing by the planning commission, whichever has jurisdiction. The signs shall remain in place until the date of either of the following occurrences: 1. Final action is taken by the board of county commissioners or 2. The receipt of written notification by the planning services department director from the applicant requesting to withdraw the petition or requesting its indefinite continuance.
- ~~3.~~ 4. The planning commission shall hold one advertised public hearing. Notice of the time and place of the public hearing by the planning commission shall be sent at least 15 days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.
- ~~4.~~ 5. Notice of the time and place of the public hearing by the planning commission shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the public hearing. Where applicable, the notice shall clearly describe the proposed land uses, applicable development standards, intensity or density in terms of total floor area of commercial or industrial space and dwelling units per acre for residential projects, and a description of the institutional or recreational uses when part of the development strategy. The advertisement shall also include a location map that identifies the approximate geographic location of the subject property.
- ~~5.~~ 6. For subject properties located within the urban designated area of the future land use element of the growth management plan, N notice of the time and place of the public hearing by the planning commission shall be sent by the county twice. The first notice shall be sent no less than 30 days after the receipt of a sufficient application by the planning services department. The second notice shall be sent at least 15 days in advance of the hearing. Both notices shall be sent by mail to all owners of property within 300 500 feet of the property lines of the land for which an approval

~~rezoning or a planned unit development (PUD) amendment~~ is sought; provided, however, that where the land for which the approval rezoning, or PUD amendment, is sought is part of, or adjacent to, land owned by the same person, the ~~300- 500~~ - foot distance shall be measured from the boundaries of the entire ownership or PUD, except that notice need not be mailed to any property owner located more than one-half mile (2,640 feet) from the ~~subject property land or PUD for which rezoning or PUD amendment is sought~~. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.

- ~~6- 7.~~ For subject properties located within areas of the future land use element of the growth management plan that are not designated urban, all of the foregoing notice requirements apply, except that written notification must be sent to all property owners within 1000 linear feet of the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have formally requested the county to be notified.
- ~~6- 8.~~ 8. Notice of the time and place of the public hearing by the board of county commissioners shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the public hearing.
- ~~7- 9.~~ 9. The clerk to the board of county commissioners shall notify by mail each real property owner whose land is subject to rezoning, or PUD amendment, and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution. Such notice shall be given at least 15 days prior to the date set for the public hearing, and a copy of such notices shall be kept available for public inspection during the regular business hours of the clerk to the board of county commissioners.
- ~~8- 10.~~ 10. The board of county commissioners shall hold one advertised public hearing on the proposed ordinance or resolution and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.

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

1. Applicants requesting a rezoning, PUD amendment, or conditional use approval shall conduct at least one public informational meeting after a pre-application meeting with and prior to submitting a sufficient application to the planning services department. Written notice of the meeting shall be sent to all property owners who are required to receive legal notification from the county pursuant to section 2.7.2.3.2. Notification shall also be sent to property owners, condominium and civic associations whose members are impacted by the proposed land use changes and who have formally requested the county to be notified . A list of such organizations shall be provided and maintained by the county, but the applicant shall bear the responsibility of insuring that all parties are notified. A copy of the list of all parties noticed as required above, and the date, time, and location of the meeting, shall be furnished to the planning services department and the office of the board of county commissioners no less than 10 days prior to the scheduled date of the public informational meeting. The applicant shall make arrangements for the location of the

meeting. The location should be reasonably convenient to those property owners who are required to receive notice and the facilities shall be of sufficient size to accommodate expected attendance. The applicant shall further cause a display advertisement, ¼ page, in type no smaller than 18 point and shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear stating the purpose, location, and time of the meeting, to be placed within a newspaper of general circulation in the county at least seven (7) days prior to the public informational meeting. The Collier County staff planner assigned to attend the pre-application meeting, or designee, shall also attend the public informational meeting and shall serve as the facilitator of the meeting, however, the applicant is expected to make a presentation of how it intends to develop the subject property. The applicant is required to audio- or video-tape the proceedings of the meeting and to provide a copy of same to the planning services department.

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

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

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:

1. ~~Fail to obtain approval for improvement plans or a development order for all infrastructure improvements to include utilities, roads and similar improvements required by the approved PUD master plan or other development orders for at least 15 percent of the gross land area of the PUD site every five years of the date of approval by the board of county commissioners; and~~
2. ~~Fail to receive final local development orders for at least 15 percent of the total number of approved dwelling units in the PUD, or in the case of PUDs consisting of nonresidential uses, 30 percent of the total approved gross leasable floor area within the PUD every six years of the date of approval by the board of county commissioners.~~

1. For residential portions of PUDs, the owner entity shall initiate physical development of infrastructure improvements, including access roads, internal roads, sewer and water utilities and any other related infrastructure, that supports a minimum of fifteen (15) percent of the designated residential area or areas of the PUD by the third anniversary date of the PUD approval. An additional fifteen (15) percent of such infrastructure shall be completed every year thereafter until PUD buildout.

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

~~The project developer~~ owner entity shall submit to the development services director a status report on the progress of development annually ~~commencing on the fifth anniversary date~~ from the date of the PUD approval by the board of county commissioners. The singular purpose of the report will be to evaluate whether or not the project has commenced in earnest in accordance with the criteria set forth above. PUDs approved prior to October 24, 2001 remain subject to the PUD five (5) year sunset provision. Amendments made thereafter shall be subject to the three year provision. PUDs and PUD amendments made thereafter shall be subject to the three year sunset provision. If in the event of a moratorium or other action of government that prevents the approval of any final development order the duration of the suspension of the approval shall not be counted towards the three year sunset provision.

* * * * *

Sec. 2.7.4. Conditional uses procedures.

2.7.4.3. *Notice and public hearing.* Notice and public hearing by the planning commission and the board of zoning appeals shall be as provided for under subsection 2.7.2.3.2., such that the provisions applicable to the board of county commissioners shall apply to the board of zoning appeals All testimony given shall be under oath and the action by the planning commission and the board of county commissioners zoning appeals shall be quasi-judicial in nature. Additionally, the requirements of section 2.7.2.3.5. must be met.

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Sec. 2.7.5. Variance procedures.

2.7.5.4. *Notice of Planning Commission public hearing.* Notice of public hearing before the Planning Commission is ~~given at least 15 days in advance of the public hearing. The owner of the property for which variance is sought, or his agent or attorney designated by him on his petition, shall be notified by mail. Notice of the public hearing shall be prominently posed on the property for which the variance is sought. Notice of the public hearing shall be advertised in a~~

~~newspaper of general circulation in the county at least one time 15 days prior to the hearing.~~

~~Notice of the time and place of the public hearing before the Planning Commission shall be sent at least 15 days in advance of the hearing by mail to all owners of property within 300 feet of the property lines of the land for which a variance is sought shall be as provided for under subsection 2.7.2.3.2.~~

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SUBSECTION 3.D. AMENDMENTS TO EXCAVATION DIVISION

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

DIVISION 3.5 EXCAVATION

Sec. 3.5.3. Applicability; permit required.

It shall be unlawful for any person, association, corporation or other entity to create, attempt to create, or alter an excavation without having obtained a permit therefor, except as provided herein.

3.5.3.1 Excavations are defined as the removal of any material to a depth greater than three feet below the existing grade over any area, or one foot below existing grade over an area greater than 10,000 square feet.

3.5.3.2 Excavations on undeveloped coastal barriers shall be prohibited, except as specified in section 3.12.8.3.

Sec. 3.5.4. Exemptions.

The following activities, to the extent specified herein, are exempt from the requirements of this division, provided that no excavated material is removed off-site, but are subject to compliance with all other applicable laws and county ordinances:

3.5.4.1 Earth moving in conjunction with any routine maintenance activity which restores the excavation to the final, and previously excavated, slope and depth configuration approved by the board, or with the installation of an underground utility which is to be backfilled. Material generated by such maintenance activity may be hauled offsite with administrative staff level approval, if so specified in an approval letter.

3.5.4.2 Foundations of any building or structure, providing the excavation will be confined to the area of the structure only.

3.5.4.3 Excavations relating to the accessory use of property which by nature are of limited duration and designed to be filled upon completion, i.e., graves, septic tanks, swimming pools, fuel storage tanks, etc.

3.5.4.4 The regrading only of any property for aesthetic purposes, including berming or contouring, that does not create a body of water or affect existing drainage patterns or remove native vegetation in excess of county standards.

3.5.4.5 Agricultural drainage and irrigation work incidental to agricultural operations (see subsec. 3.5.5.1.2 for offsite hauling).

- 3.5.4.5.1 Excavations incidental to agriculture surface water management and water use facilities as included in existing South Florida Water Management District permits. All excavated materials must remain on lands under the same ownership. Any transportation of materials over public roads is subject to appropriate transportation ~~impact~~ road use fees.
- 3.5.4.6. The grading, filling, and moving of earth in conjunction with road construction within the limits of the right-of-way or construction easement when the construction plans have been approved by the Collier County or state department of transportation.
- 3.5.4.7. Farm animal watering ponds or excavations located on single-family lots / tracts where the net property size is two acres or more are exempt from the permitting procedures contained in this division, but must comply with all the construction standards of this division. Such exemptions apply only if:
- 3.5.4.7.1. Excavation does not exceed one acre in area and ~~12~~ 20 feet in depth.
- ~~3.5.4.7.2. No excavated material is removed from the property.~~
- 3.5.4.7.2. A building permit for ~~the~~ a single-family home must be issued prior to the county issuing a letter of exemption.

Activities set forth in subsections 3.5.4.1, (except removal of excess material) 3.5.4.2, 3.5.4.3, 3.5.4.5, and 3.5.4.6 do not require letters of exemption. Activities set forth in subsections 3.5.4.4 and 3.5.4.7 require plans or drawings of the proposed activity to the engineering plan review department for a formal letter of exemption.

Sec. 3.5.5. Excavation review procedures.

- 3.5.5.1. *Types of excavation permits.* The permits required by this division shall be issued by the development services ~~director~~ department in accordance with the procedures set forth herein and shall come under one of the following categories:
- 3.5.5.1.1. *Private excavations.* Private excavations are considered to be an excavation on non-commercial property where the excavated material is not removed from the property and where the disturbed surface area at grade does not exceed two acres. Where more than one excavation is proposed for the same piece of property or properties under common ownership and the combined disturbed surface area exceeds two acres, the permits shall not be issued as a private excavation.
- 3.5.5.1.2. *Commercial excavations. (Types I, II, & III (A, B, C, D))* Commercial excavations are considered to be any excavation wherein the excavated material is removed from the subject property. Except that up to 4000 cubic yards of excavated material may be removed from an agriculturally zoned site if the fill is the result of a legitimate agricultural use as defined in other sections of this code.

For purposes of this section, the following definitions shall apply:

Type I commercial excavation – Located in estates zoning districts with a surface area less than 3.0 acres with an excavated material volume less than 60,000 cubic yards.

Type II commercial excavation – Located in estates zoning districts with dimensions greater than those listed for type I commercial.

Type III A commercial excavation – Located in agricultural zoning districts with a volume less than 100,000 cubic yards.

Type III B commercial excavation – Located in agricultural zoning districts with a volume equal to or greater than 100,000 cubic yards and less than 500,000 cubic yards.

Type III C commercial excavation – Located in agricultural zoning districts with a volume equal to or greater than 500,000 cubic yards and less than or equal to 5,000,000 cubic yards.

Type III D commercial excavation – Located in agricultural zoning districts with a volume greater than 5,000,000 cubic yards.

All approved developments with offsite hauling activities will be considered Type III B commercial excavations.

The minimum lot size for any Type III commercial excavation shall be 20 acres.

3.5.5.1.3. *Development excavation.* Development excavations are considered to be any excavation located within the boundaries of a planned unit development, or subdivision development, having approved construction plans (to include SDPs), or an industrial or commercial project, or where the disturbed area of an excavation exceeds two acres, but no fill is removed from the subject property for whatever purpose provided that:

1. The excavations were clearly defined and detailed as to location, size, shape, depth, and side slopes during the development's review process and, if applicable, approved by the board after appropriate public hearings.
2. If approved by the board during the rezone and/or preliminary subdivision plat process, excavated material in an amount up to ten percent (to a maximum of 20,000 cubic yards) of the total volume excavated may be removed from the development. Intentions to remove material must be clearly stated during the development's review and approval process. ~~The design depth of the excavation shall be adjusted accordingly to minimize off-site removal of surplus material.~~

3.5.5.2. *Issuance of permits.*

3.5.5.2.1 *Issuance of private and development excavation permits.* The development services director may administratively approve and issue private and development excavation permits where all of the applicable standards of this division have been met. When, in his opinion, the standards have not been met, the application shall be submitted to the environmental advisory ~~board~~ council for recommendation with ultimate approval or denial required of the board.

3.5.5.2.2. *Issuance of commercial excavation permits.* Applications for commercial excavation permits shall be reviewed by the community development and environmental services administrator, or his designee, and by the environmental advisory ~~board~~ council for recommendation and approved by the board. When a request is made to remove surplus fill material from a previously approved development excavation, the requirement for review by the environmental advisory ~~board~~ council shall be waived, but dependent on haul route and amount of fill to be hauled, staff may require approval by Collier County Planning Commission.

3.5.5.3 *Notice of meeting.* The development services director shall give prior written notice of the environmental advisory ~~board~~ council meeting, by first class mail, as noted in section 3.5.6.1.3.4, to all adjacent property owners (within 300 feet of the property line or within 500 feet of the excavation itself) as determined by reference to the latest official tax rolls.

For Type I and Type II excavations, all owners of existing homes or homes under construction, (i.e. having broken ground on the date of submittal of the excavation permit application) within 1 mile of the site along the haul route must be notified in accordance with subsection 3.5.6.1.3.4, of the code. Such property owners may request that the item be heard by the board of county commissioners at a public hearing.

- 3.5.5.4. *Excavation permit criteria.* Approval by the site development review director and the board shall be granted only upon competent and substantial evidence submitted by the applicant, that:
- 3.5.5.4.1 The excavation will not interfere with the natural function of any sanitary, storm or drainage system, or natural ~~flowage~~ flow way, whether public or private, so as to create flooding or public health hazards or jeopardize the functions of the natural resources and environment of Collier County.
- 3.5.5.4.2 Dust or noise generated by the excavation will not cause a violation of any applicable provisions of article 2 of this code. Rock crushing operations or material stockpiles that will be adjacent to any existing residential area may require separate county approval.
- 3.5.5.4.3 The excavation will not adversely affect groundwater levels, water quality, hydroperiod or surface water flowways. The development services director may require the applicant to monitor the quality of the water in the excavation and adjacent ground and surface waters. Under no circumstances shall the excavation be conducted in such a manner as to violate Collier County or applicable State of Florida water quality standards.
- 3.5.5.4.4 The excavation will be constructed so as not to cause an apparent safety hazard to persons or property.
- 3.5.5.4.5 The excavation does not conflict with the growth management plan or land development regulations adopted pursuant thereto, nor does it conflict with existing zoning regulations. Special criteria and approval procedures may be necessary for projects within the Big Cypress Area of Critical State Concern.
- 3.5.5.4.6 In cases where a wetland is no longer capable of performing environmental functions or providing environmental values or in cases where it is determined that no reasonable alternative exists other than disrupting a wetland, certain alterations may be allowed, except as otherwise authorized through previous county review processes.
- 3.5.5.4.7 Flow of water within and through preserved wetlands shall not be impeded.
- 3.5.5.4.8 Appropriate sediment control devices (hay bales, silt screens, etc.) shall be employed to prevent sedimentation within the wetland pursuant to the design requirements of division 3.7. Any building site adjacent to a wetland and elevated by filling, must employ the same erosion control devices. Fill must be stabilized using sod, ~~or seed, and or mulch, if an acceptable growth provides for stabilization.~~
- 3.5.5.5 *Other permits required.* All appropriate state and federal permits or approvals for work in jurisdictional areas shall be provided to the development services director prior to issuance of an excavation permit.
- The excavation permit shall include authorization to remove vegetation within 20 feet of the lake control contour elevation and for the stockpile area.
- 3.5.5.6 *Fees and guarantees.* Upon community development and environmental services administrator, or his designee, approval on behalf of the board of county commissioners, the applicant will, within 60 days of written notification from the

community development and environmental services administrator, pay the required permit fee, road ~~impact~~ use fee if required, and post, if required, the appropriate performance guarantee, in a format approved by the county attorney. In addition, the applicant shall provide written proof of payment of road ~~impact~~ use fees in accordance with section 3.5.9.3, if required.

Failure to pay the fees and post the guarantee, within this time period shall constitute abandonment of the excavation permit application and will require complete reapplication and review in accordance with all requirements in effect at the time of reapplication, with the following exceptions:

- 3.5.5.6.1. Upon receipt of an applicant's written request with sufficient justification, as determined by the development services director, and payment of a time extension fee, the development services director may, one time only, authorize the extension of the permit issuance time for up to an additional 60 days.
- 3.5.5.6.2. All previously approved excavation permits that have yet to be issued by the development services director become eligible for the above time extensions upon the effective date of this division.
- 3.5.5.7. *Duration of excavation permits.*
- 3.5.5.7.1. Private excavation and Type I and Type II commercial excavation permits shall be valid for a period of 12 months from the date of issuance. If the work is not completed in that time, a second application, with a reapplication fee must be submitted to the development services director, requesting up to an additional 12 months to complete the excavation. If the development services director finds sufficient good cause to grant the request, a permit extension will be issued.
- 3.5.5.7.2. Commercial Type III and development excavation permits will be of indefinite duration or until the excavation reaches the limits of the permitted size, provided the excavating operation remains active in accordance with the requirements of this division.

Sec. 3.5.6. Application requirements for excavation permits.

- 3.5.6.1. Unless otherwise directed, one copy of all required application documents shall be submitted to the development services director on a form to be supplied by Collier County. The application shall include, but not be limited to, the following information:
 - 3.5.6.1.1 The name, address, and telephone number of the applicant or his agent, and, if known, the excavator.
 - 3.5.6.1.2. Proof of ownership, legal description and location of the property involved. A small location map, drawn on 8 ½- inch by 11-inch paper, shall accompany the application, clearly showing the location of the proposed excavation(s) in relation to commonly recognized landmarks.
 - 3.5.6.1.3. A signed ~~application~~ statement provided by the county and completed by the applicant or his agent which includes:
 - 1. A statement that he has read this division and agrees to conduct the excavation in accordance with this division, this code and other county and state codes and laws.
 - 2. A statement of the purpose of the excavation and intended use of the excavated material.
 - 3. Exhibits prepared and sealed by the project's surveyor/engineer showing.

- a. The boundaries of the property.
 - b. Existing grades on the property.
 - c. The level of the mean annual high and low water table with supporting information relative to how elevations were determined.
 - d. The grades which will exist following the completion of the excavation.
 - e. The volume of the excavation as measured from the natural grade.
 - f. Easements, existing utilities, roads and setbacks, and zoning.
 - g. Drainage and flowways.
 - h. Aerial limits of any special site vegetation such as mangrove, cypress or other wetland species.
 - i. For development and all Type III commercial excavations, logs of soil auger borings with field classification shall be provided, unless existing recent data is available and provided to the development services director, for use in determining minimum and maximum depths and appropriate side slope configurations and evidence of any confining layers, (this latter to determine if on-site or adjacent wetlands are "perched.") The depth of the soil auger borings shall extend to a point at least one foot below the proposed bottom elevation of the excavation, and shall be of at least the following density according to size of each excavation; zero to 4.9 acres/two locations; 5 to 9.9 acres/three locations; 10 acres or more/three locations plus one for each additional 20 acres or fractional part thereof.
 - j. For private and Type I commercial excavations, two auger borings or a simple machine excavated hole to a depth of 13 feet below the wet season water table must be submitted.
 - k. For Type I and Type II commercial excavations, the site must be posted with a notification of the date, time, and location of the public hearing before the board of county commissioners.
 - l. For Type I and Type II commercial excavations, a map of all existing dwellings and dwellings under construction at the time of submittal of the application along the haul route, one mile in any direction, must be submitted along with envelopes having postage for two ounces and addressed to the owners of those dwellings or dwellings under construction.
4. If the project is to be submitted to the environmental advisory board council, a list of the names and addresses, obtained from the latest official tax rolls, of all owners or owner associations of property within one-fourth mile of the excavation or on-site vehicle access route or within 300 feet of the property lines of the property on which the excavation is to be performed, whichever is less. The applicant shall also furnish the development services director with said owners' names and addresses on pre-addressed four-inch by 9 ½-inch envelopes with first class, plus one additional ounce, postage ready for mailing.
- For Type I and Type II excavations, all owners of existing homes or homes under construction (i.e. having broken ground on the date of submittal of the application) within one mile of the site along the haul route must be notified. The petitioner shall submit a list of these homeowners along with stamped, having 2 ounces worth of first class postage, pre-addressed envelopes to the community development division, engineering review department.
5. Water management plan detailing methods for the conservation of existing on-site and off-site surface drainage systems and groundwater resources. Copies of an appropriate surface water management permit and/or water use permit (dewatering) as required and issued by the South Florida Water Management District shall be provided to the development services director prior to commencing the excavation operation.

6. If excavated material will be removed from the property, and unless, due to site-specific circumstances, the requirement is waived by transportation services operations director, a traffic and road impact analysis will be made by the applicant to address the following:

- a. Identifying the project's zone of influence, that is, the distance from the site that traffic is either generated from or attracted to.
- b. The existing condition of the road system within the excavation project's zone of influence.
- c. The capacity of the road system within the zone of influence to handle existing traffic, normal growth in the traffic, and additional traffic generated from the excavation project in consideration of the time frame of the traffic generation and the wheel loadings of such traffic.
- d. The site-specific road work within the zone of influence which ~~are~~ is necessary prior to the start of the project and which ~~are~~ will be necessary during the project so as to assure that premature road failure and/or severe road damage will not occur.
- e. ~~Road work to be undertaken by the county and~~ Road work to be undertaken by the applicant to mitigate adverse road impacts along with confirmation of the security, if applicable, to be provided by the applicant to assure completion of the identified road work. Any and all security and/or performance guarantee required in excess of \$100,000.00 as set forth in the road use analysis shall be secured or guaranteed in accordance with section 3.5.10.

~~Should there not be concurrence by transportation services operations director and the applicant, of~~ about the improvements, maintenance, performance guarantee and/or other requirements on the part of both parties based on the road impact analysis, the permit application along with applicable information shall be subject to review and recommendation by the ~~environmental advisory board~~ collier county planning commission followed by review and action by the board.

7. The permittee may provide a phasing plan whereby the required performance guarantee may be reduced provided that security requirements are met in the first phase. No additional excavation shall take place in future phases until either the first phase is completed and approved by Collier County or additional security requirements are provided for the future phase(s) of work. Performance guarantees for platted lakes shall be in an amount equal to the engineer's certified construction estimate.

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3.5.6.3. If trees are to be removed as a result of the excavating operation, ~~a vegetation removal permit shall be obtained from the site development review director before work shall commence.~~ A simultaneous submittal shall be made to the environmental staff of the planning services department. Approval by environmental staff will constitute a permit for removal of the vegetation when the excavation permit is granted.

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

All requirements of the South Florida Water Management District, Permit Information Volume IV, along with the following requirements shall apply to all excavations.

3.5.7.1. *Setbacks.* Excavations shall be located so that the ~~top of bank~~ control elevation contour of the excavation shall adhere to the following minimum setback requirements:

* * * * *

3.5.7.1.2. Fifty feet from side, rear, or abutting property lines, except where the excavation is located in agriculturally or industrially zoned districts abutting a residentially zoned district, the setback shall be 100 feet from the residentially zoned property. Exceptions to these setbacks may be granted if the following criteria are met: installation of proper fencing (minimum 4 feet chain link), berms, walls, or other engineered protective measures for the portion of the property line within 100 feet of the lake. The minimum setback from any property line to the control elevation contour shall be 20 feet.

3.5.7.1.3. From jurisdictional wetlands setbacks will be determined using standards set by SFWMD.

3.5.7.2. *Side slopes.* The finished side slopes of the excavated area, expressed as the ratio of the horizontal distance in feet to one foot of vertical drop, shall be as follows:

A maximum 4.0 to one slope shall be graded from the ~~top of the bank~~ existing grade to a breakpoint at least ~~three~~ ten feet below the control elevation mean annual low water level. Below this breakpoint, slopes shall be no steeper than 2.0 to one.

3.5.7.2.1. All governing side slopes shall be considered from ~~the top of bank of the resulting excavation, whether said top of bank is at the surface of adjacent fill material or at existing ground level~~ 20 feet outside the control elevation contour of the resulting excavation.

3.5.7.2.2. If rock, homogenous to the bottom of the excavation, is encountered at any elevation above the breakpoint, then the remaining slope below the breakpoint shall be no steeper than 0.5 to one. If said homogenous rock is encountered below the breakpoint, then the slope below the breakpoint shall be no steeper than 2.0 to one to the rock elevation, and no steeper than 0.5 to one from the rock elevation ~~to the bottom of the excavation. However, in no case shall the 0.5 to one slope originate less than six feet below the mean annual low water level~~ to ten feet below the control elevation.

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3.5.7.2.5. ~~Ten percent of the finished lake banks shall be planted with native aquatic vegetation on a littoral shelf located three feet vertically, with two thirds below and one third above the control elevation, except for dry detention, dry retention ponds, wet swales and ditches used only for conveyance of surface water. For purposes of this ordinance, the littoral zone of a lake in Collier County is defined as the area of the lake lying in the zone between two feet below WSWT (wet season water table) to one foot above WSWT. An area of littoral zone equivalent to 2% of the total area of the lake at control elevation shall be planted with wetland type vegetation. This littoral planting zone will be at an 8:1 minimum side slope.~~

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

* * * * *

- 3. Littoral zones may be moved or consolidated to areas within any lake in an interconnected lake system at a rate of 1.25 greater than the original amount.
- ~~3.~~ 4. All Collier County listed prohibited exotics shall be removed as they occur, manually or with U.S. Environmental Protection Agency approved herbicides. Cattails shall be removed manually or with U.S. Environmental Protection Agency approved herbicides when they exceed ten percent coverage.
- ~~4.~~ 5. At the time of planting: minimum tree height shall be eight feet; minimum shrub height shall be 24 inches; minimum herbaceous height shall be 12 inches.
- ~~5.~~ 6. An annual monitoring report shall be forwarded to compliance services environmental staff, until such time as criteria set forth in section 3.5.7.2.5(1) have been satisfied.

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3.5.7.3.3. *Over-excavation.* In those instances where the excavator over-excavates the depth of the excavation by more than an average of ten percent, written justification shall be submitted to the development services director by the project's surveyor/engineer providing an assessment of the impact of the over-excavation on the water quality of the excavation. If, upon review of the assessment statement by the development services director and advisory ~~board~~ council, the increased depth is found to be unacceptable, the permittee shall be required to fill the excavation to the permitted depth with materials and methods approved by the development services director. If the depth is deemed acceptable by the development services director and approved by the environmental advisory ~~board~~ council, a penalty will be against the permittee for the volume of over-excavated material. The penalty shall be set by resolution for each additional cubic yard of excavated material.

* * * * *

3.5.7.5. *Hours of operation.* Hours of equipment and blasting operations shall be regulated by appropriate county ordinance and state laws. Unless otherwise approved by the development services director, all excavation operations with the exception of dewatering pumps, which are within 1,000 feet of developed residential property, shall be limited to operating hours between 7:00 a.m. and ~~5~~6:00 p.m., Monday through Saturday. Hours of operation for private and for Type I and Type II commercial excavations shall be 7:00 a.m. to 5:00 p.m., Monday through Friday. Additionally, such excavation operations shall be in compliance with any and all county ordinances which establish operating controls by hours, days, noise level, or other parameters relating to public health, safety and welfare.

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

3.5.7.10 *Special requirements for Type I and Type II commercial excavations*

- 3.5.7.10.1 Type I and Type II commercial excavations will be required to apply for a conditional use approval for the parcel(s) that the excavation occurs on.
- 3.5.7.10.2 Conditional uses and excavation permits expire after one (1) year, with a provision for one (1) additional one year extension upon payment of a renewal fee.
- 3.5.7.10.3 Blasting will not be permitted. If test holes show that rock is less than 12 feet from the original grade, removal methods must receive staff approval.
- 3.5.7.10.4 Hours of operation for digging and/or offsite hauling will be 7:00 a.m. to 5:00 p.m., Monday through Friday.
- 3.5.7.10.5 All areas disturbed as a result of fill storage must be seeded and mulched upon completion of construction. Prior to release of the performance bond, the planted seed must reach a height of 6 inches. Rye grass is acceptable for this purpose.
- 3.5.7.10.6 *Lake location and size.*
- For parcels 5.00 acres in size and smaller, the surface of the lake can occupy a maximum of 40% of the lot area.
- For parcels over 5.00 acres up to 10.00 acres, the surface area of the lake can occupy a maximum of 45% of the lot area.
- For parcels over 10.00 acres, the surface area of the lake can occupy a maximum of 50% of the lot area.
- Finished lakes shall be irregularly shaped with no corners less than 40 feet in radius, and must otherwise conform to subsection 2.8.4.7.1 of the land development code.
- Setbacks less than 50 feet from control elevation contour to property line are permitted if proper fencing (48 inches high and "childproof") is used. There shall be no exceptions to the 50 foot front yard setback from the road right-of-way line.
- 3.5.7.10.7 *Depths.* Type I and Type II commercial excavations shall not exceed 20 feet in depth. The minimum depth shall be 12 feet at the middle of the excavation. See subsection 3.5.7.3.1 for exceptions.
- 3.5.7.10.8 Sideslopes shall be no steeper than one (1) foot vertical to four (4) feet horizontal to a depth of ten (10) feet below control elevation and may be as steep as one (1) foot vertical to two (2) feet horizontal below that elevation.
- 3.5.7.10.9 *Building envelope.* A minimum one (1) acre building envelope is required. The envelope shall be contiguous, rectangular in shape, and may extend to the property lines and include setbacks. The minimum dimension of any side of the rectangle shall be 150 feet.
- 3.5.7.10.10 *Stockpiles.* Temporary stockpile areas shall occupy a minimum of one (1) acre. The stockpile area may occupy the future homesite. Proper erosion control and sediment measures (meeting NYPDES standards) must be used at the stockpile site.
- 3.5.7.10.11. Littoral zone plantings must conform to subsection 3.5.7.2.5.
- 3.5.7.10.12 *Federal and state agency permits.* Any excavation in an area containing SFWMD (Southwest Florida Water Management District), DEP (Department of Environmental Protection) zoning district, or USACOE (United States Army Corps of Engineers) jurisdictional vegetation must obtain a permit from the applicable agency prior to issuance of the excavation permit.

Sec. 3.5.8. Inspection and reporting requirements.

3.5.8.1. *Inspection.*

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3.5.8.1.3. Collier County personnel ~~is~~ are not obligated to carry out a detailed topographic survey to determine compliance with this division. Upon a finding of violation of this division or the special conditions of the excavation permit, the development services director shall advise the permittee in writing by certified letter. The permittee shall, within 15 days of receipt of such notice, have either the violation corrected or submit in writing why such correction cannot be accomplished within the 15-day period. Such written communication shall also state when the violation is to be corrected. If, in the opinion of the development services director, the delay in correcting the violation is excessive, he may recommend to the board that the excavation permit be temporarily suspended or permanently revoked. Upon correction of the violation, the permittee may be required by the development services director to have an appropriate report, letter and/or survey, whichever is applicable, prepared, sealed and submitted to Collier County by the project's engineer/surveyor. Failure to do so shall be cause for revoking the permit.

3.5.8.2. *Reporting*

3.5.8.2.1. *Status reports.* The permittee shall provide the community development and environmental services administrator, or his designee, with an excavation activities status report as follows:

1. *Private and Type I and Type II commercial excavations.* A final status report within 30 days after the final completion of the excavation.
2. *Development and all Type III commercial excavations.* An annual status report every 12 months over the duration of the permit and a final status report within 30 days after the final completion of each phase of the excavation. If a final status report will be filed within four months of the required annual status report, then the need for the preceding annual status report shall be waived.

* * * * *

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

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

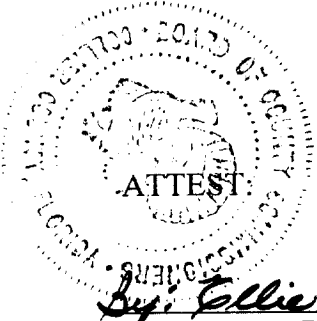
SECTION SIX: EFFECTIVE DATE

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 24th day of October, 2001.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: *James D. Carter*
JAMES D. CARTER, Ph. D., CHAIRMAN



By: *Ellie Hoffman, P. C.*
DWIGHT E. BROCK, CLERK
**Attest as to Chairman's
signature only.**

Approved as to Form and Legal Sufficiency:

Marjorie M. Student
Marjorie M. Student
Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
12th day of Nov., 2001
and acknowledgement of that
filing received this 6th day
of Nov., 2001.

By: *Ellie Hoffman*
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

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

ORDINANCE 2001-60

Which was adopted by the Board of County Commissioners on the 24th day of October, 2001, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 31st day of October, 2001.

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

Ellie Hoffman

By: Ellie Hoffman,
Deputy Clerk

