

Table of Contents for Ordinance No. 2013-56– The sections below are hyperlinked to the corresponding page.

1.06.01 Responsibility for Interpretations	6
2.03.01 Agricultural Districts.....	9
2.03.06 Planned Unit Development Districts	10
3.02.10 Standards for Subdivision Plats.....	10
3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation	11
3.05.03 Procedures for a Vegetation Removal Permit	12
3.05.07 Preservation Standards.....	13
3.08.00 Environmental Data Requirements	13
4.03.01 Generally.....	19
4.03.03 Subdivision Exemptions	20
4.03.04 Lot Line Adjustments and Lot Split	26
4.05.04 Parking Space Requirements.....	27
4.07.02 Design Requirements.....	28
5.03.06 Dock Facilities	28
5.04.01 Temporary Use Permits	29
5.04.05 Temporary Events.....	30
5.04.08 Reserved Film Permit	31
5.05.01 Businesses Serving Alcoholic Beverages.....	32
5.05.05 Automobile Service Stations.....	33
5.05.08 Architectural and Site Design Standards	36
5.06.02 Development Standards for Signs within Residential Districts	37
5.06.04 Development Standards for Signs in Nonresidential Districts	39
5.06.11 Permit Application and Review Process for Signs	40
6.01.02 Easements	42
6.01.05 Soil Erosion and Sediment Control Plan	43
6.02.01 Generally.....	44
6.02.03 Transportation Level of Service Requirements	44
6.04.03 Fire Hydrants.....	45
6.05.01 Water Management Requirements	46
6.06.01 Street System Requirements.....	50
6.06.02 Sidewalks, Bike Lane and Pathway Requirements	51
9.02.06 Required Notices for Vested Rights Determination Process, Including Public Hearings	53
9.03.07 Nonconformities Created or Increased by Public Acquisition.....	54
9.04.07 Specific Requirements for Waiver of Automobile Service Station Distance Requirements	57
10.01.02 Development Orders Required.....	58
10.02.02 Infrastructure Standards and County Inspections Submittal Requirements for All Applications	60
10.02.03 Submittal Requirements for Site Development, Site Improvement Plans and Amendments thereof	76
10.02.04 Submittal Requirements for Preliminary and Final Subdivision Plats	96
10.02.05 Construction, Approval, and Acceptance of Required Improvements Submittal Requirements for Improvements Plans	123
10.02.06 Submittal Requirements for Permits	149
10.02.07 Submittal Requirements for Certificates of Public Facility Adequacy	166
10.02.08 Submittal Requirements for Amendments to the Official Zoning Atlas and LDG	185

10.02.13 Planned Unit Development (PUD) Procedures192

10.02.15 Requirements for Mixed Use Projects Procedures within the Bayshore Gateway
Triangle Redevelopment Area207

10.03.05 Required Methods of Providing Public Notice ~~Notice Requirements for Public Hearings
Before the BCC, the Planning Commission, the Board of Zoning Appeals, The EAC, and
the Historic Preservation Board~~209

10.03.06 Public Notice and Required Hearings for Land Use Petitions226

10.08.00 Conditional Uses Procedures234

ORDINANCE NO. 2013 – 56

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND 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: CHAPTER 1 – GENERAL PROVISIONS, INCLUDING SECTION 1.06.01 RESPONSIBILITY FOR INTERPRETATIONS; CHAPTER TWO – ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.01 AGRICULTURAL ZONING DISTRICTS, SECTION 2.03.06 PLANNED UNIT DEVELOPMENT DISTRICTS; CHAPTER THREE – RESOURCE PROTECTION, INCLUDING SECTION 3.02.10 STANDARDS FOR SUBDIVISION PLATS, SECTION 3.05.02 EXEMPTIONS FROM REQUIREMENTS FOR VEGETATION PROTECTION AND PRESERVATION, SECTION 3.05.03 PROCEDURES, SECTION 3.05.07 PRESERVATION STANDARDS, ADDING SECTION 3.08.00 ENVIRONMENTAL DATA REQUIREMENTS; CHAPTER FOUR – SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.03.01 GENERALLY, SECTION 4.03.03 EXEMPTIONS, SECTION 4.03.04 LOT LINE ADJUSTMENTS, SECTION 4.05.04 PARKING SPACE REQUIREMENTS, SECTION 4.07.02 DESIGN REQUIREMENTS; CHAPTER FIVE – SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.03.06 DOCK FACILITIES, SECTION 5.04.01 TEMPORARY USE PERMITS, SECTION 5.04.05 TEMPORARY EVENTS, ADDING SECTION 5.04.08 FILM PERMIT, SECTION 5.05.01 BUSINESSES SERVING ALCOHOLIC BEVERAGES, SECTION 5.05.05 AUTOMOBILE SERVICE STATIONS, SECTION 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS, SECTION 5.06.02 DEVELOPMENT STANDARDS FOR SIGNS WITHIN RESIDENTIAL DISTRICTS, SECTION 5.06.04 DEVELOPMENT STANDARDS FOR SIGNS IN NONRESIDENTIAL DISTRICTS, SECTION 5.06.11 PERMIT APPLICATION AND REVIEW PROCESS; CHAPTER SIX – INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS, INCLUDING SECTION 6.01.02 EASEMENTS, ADDING SECTION 6.01.05 SOIL EROSION AND SEDIMENT CONTROL PLAN, SECTION 6.02.01 GENERALLY, SECTION 6.02.03 TRANSPORTATION LEVEL OF

SERVICE REQUIREMENTS, SECTION 6.04.03 FIRE HYDRANTS, SECTION 6.05.01 STORMWATER MANAGEMENT SYSTEM REQUIREMENTS, SECTION 6.06.01 STREET SYSTEM REQUIREMENTS, SECTION 6.06.02 SIDEWALKS, BIKE LANE AND PATHWAY REQUIREMENTS; CHAPTER 9 – VARIATIONS FROM CODE REQUIREMENTS, INCLUDING SECTION 9.02.06 REQUIRED NOTICES FOR VESTED RIGHTS DETERMINATION PROCESS, INCLUDING PUBLIC HEARINGS, SECTION 9.03.07 NONCONFORMITIES CREATED OR INCREASED BY PUBLIC ACQUISITION, DELETING SECTION 9.04.07 SPECIFIC REQUIREMENTS FOR WAIVER OF AUTOMOBILE SERVICE STATION DISTANCE REQUIREMENTS; CHAPTER TEN – APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING SECTION 10.01.02 DEVELOPMENT ORDERS REQUIRED, SECTION 10.02.02 SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS, SECTION 10.02.03 SUBMITTAL REQUIREMENTS FOR SITE DEVELOPMENT PLANS, SECTION 10.02.04 SUBMITTAL REQUIREMENTS FOR PLATS, SECTION 10.02.05 SUBMITTAL REQUIREMENTS FOR IMPROVEMENTS PLANS, SECTION 10.02.07 SUBMITTAL REQUIREMENTS FOR CERTIFICATES OF PUBLIC FACILITY ADEQUACY, SECTION 10.02.08 SUBMITTAL REQUIREMENTS FOR AMENDMENTS TO THE OFFICIAL ZONING AND LDC, SECTION 10.02.09 SUBMITTAL REQUIREMENTS FOR TEXT AMENDMENTS TO THE LDC, SECTION 10.02.13 PLANNED UNIT DEVELOPMENT (PUD) PROCEDURES, SECTION 10.02.15 MIXED USE PROJECT PROCEDURES WITHIN THE BAYSHORE GATEWAY TRIANGLE REDEVELOPMENT AREA, SECTION 10.03.05 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS BEFORE THE BCC, THE PLANNING COMMISSION, THE BOARD OF ZONING APPEALS, THE EAC, AND THE HISTORIC PRESERVATION BOARD, ADDING SECTION 10.03.06 PUBLIC NOTICE AND REQUIRED HEARINGS FOR LAND USE PETITIONS, SECTION 10.08.00 CONDITIONAL USES PROCEDURES; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

Recitals

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 was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, the LDC may not be amended more than two times in each calendar year unless additional amendment cycles are approved by the Collier County Board of Commissioners pursuant to Section 10.02.09 A. of the LDC; and

WHEREAS, this amendment to the LDC is part of the first amendment cycle for the calendar year 2013; and

WHEREAS, on March 18, 1997, the Board 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 an advertised public hearing on September 24, 2013, 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, this ordinance is adopted in compliance with and pursuant to the Community Planning Act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

WHEREAS, this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise been met.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE: RECITALS

The foregoing Recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION TWO: FINDINGS OF FACT

The Board of Commissioners of Collier County, Florida, hereby makes the following findings of fact:

1. Collier County, pursuant to § 163.3161, *et seq.*, F.S., the Florida Community Planning Act (herein after the "Act"), is required to prepare and adopt a comprehensive plan.

2. After adoption of the Comprehensive Plan, the Act and in particular § 163.3202(1), F.S., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.

3. Section 163.3201, F.S., 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.

4. Section 163.3194(1)(b), F.S., 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 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. Section 163.3202(3), F.S., 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 § 163.3161 *et seq.*, F.S.

7. Section 163.3194(1)(a), F.S., 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 § 163.3194(3)(a), F.S., a development order or land development regulation 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.

9. Section 163.3194(3)(b), F.S., states 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. The Land Development Code adopted in Ordinance 91-102 was recodified and superseded by Ordinance 04-41.

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; to encourage the most appropriate use of land, water and resources consistent with the public interest; to overcome present handicaps; and to deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County and it is intended that this Land Development Code preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience and general welfare of Collier County; to prevent the overcrowding of land and avoid the undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; to conserve, develop, utilize and protect natural resources within the jurisdiction of Collier County; to protect human, environmental, social and economic resources; and to 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 SECTION 1.06.01 RESPONSIBILITY FOR INTERPRETATIONS

Section 1.06.01 Responsibility for Interpretations, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

1.06.01 Responsibility for Interpretations¹

- A. The County Manager or designee shall have the authority to make all interpretations of the text of this LDC, the boundaries of zoning districts on the official zoning atlas, and to make all interpretations of the text of the GMP and the boundaries of land use districts on the future land use map.
- B. The County Manager or designee shall have the authority to make all interpretations of the text of this LDC on matters related to the **Building Code**, **building** permit requirements, **building** construction administrative code or **building** permits.

¹ Text added in 1.06.01 D derives from the former 10.02.02 F.

- C. During the course of review of a **development order** or permit, as the case may be, should an **applicant** and staff be unable to concur on the application of a specific provision or provisions of this LDC, the County Manager or designee shall be authorized to make a final determination. ~~The procedures for issuance of a determination are provided in Chapter 10.~~
- D. Request for Official Interpretation. The County Manager or designee may render an official interpretation of any part of the LDC. The **building** official may render an official interpretation of any part of the Florida **Building Code**.
1. Generally. An official interpretation may be requested by any affected person, resident, developer, land owner, government agency or department, or any person having a contractual interest in land in Collier County.
 2. Procedure. The Administrative Code shall establish the procedure and submittal requirements for an official interpretation.
 3. Request Criteria. Each request must identify the specific LDC or **building** code citation to be interpreted. Each request for interpretation must be accompanied by the appropriate fee as set forth in the fee resolution adopted by the Board of County Commissioners. Under no circumstances may the request for interpretation contain more than 3 issues or questions. It must not contain a single question with more than 3 sub-issues or questions. If it is determined by the appropriate official that the request for interpretation contains more than 3 issues, the **applicant** will be required to submit a separate request accompanied by the applicable fees.
 4. Notice. The interpretation shall be in writing and shall be sent to the **applicant** by certified mail return receipt requested. Public notice procedures are identified in LDC subsection 10.03.06 P.
 5. Effective time limits of an interpretation.
 - a. An interpretation rendered by the County Manager or designee shall remain in effect until the appropriate LDC section is amended to clarify the applicable provision or provisions which warranted the interpretation, or until such time as the interpretation is adopted, modified, or rejected as a result of an appeal to the Board of Zoning Appeals and/or the Building Board of Adjustments and Appeals, by the **applicant** or other individual or entity identified in LDC section 1.06.01 D.1, above. From the time the interpretation is rendered and the time the appropriate LDC section is amended, or in the case of an appeal, until such time as the Board of Zoning Appeals and/or Building Board of Adjustments and Appeals has rendered its finding, no further request for interpretation regarding the same issue shall be permitted.
 - b. An interpretation rendered by the **building** official shall remain in effect as provided for in the Florida **Building Code**.
 6. Appeal to Board of Zoning Appeals or Building Board of Adjustments and Appeals.

- a. Within 30 days after receipt by the **applicant** or affected property owner of a written official interpretation sent by certified mail return receipt requested by the County Manager or designee or **building** official, or within 30 days of publication of public notice of the official interpretation, the **applicant**, affected property owner, or aggrieved or adversely affected party may appeal the interpretation to the Building Board of Adjustments and Appeals for matters relating to **building** and technical codes as shown in LDC section 1.07.00 or to the Board of Zoning Appeals for all other matters in the LDC. For the purposes of this section, an affected property owner is defined as an owner of property located within 300 feet of the property lines of the land for which the official interpretation is effective. An aggrieved or affected party is defined as any person or group of persons which will suffer an adverse effect to an interest protected or furthered by the Collier County Growth Management Plan, LDC, or **building** code(s). The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons.

- b. A fee for the application and processing of an appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the **applicant**.

- c. The Board of Zoning Appeals or the Building Board of Adjustments and Appeals, whichever is applicable, shall hold an advertised public hearing on the appeal and shall consider the interpretation of the County Manager or designee or **building** official, whichever is applicable, and public testimony in light of the growth management plan, the future land use map, the LDC or the official zoning atlas, or **building** code related matters, whichever is applicable. The Board of Zoning Appeals or the Building Board of Adjustments and Appeals, whichever is applicable, shall adopt the County Manager or designee's or **building** official's interpretation, whichever is applicable, with or without modifications or conditions, or reject their interpretation. The Board of Zoning Appeals or the Building Board of Adjustments and Appeals, whichever is applicable, shall not be authorized to modify or reject the County Manager or designee's or **building** official's interpretation unless such board finds that the determination is not supported by substantial competent evidence or that the official interpretation is contrary to the Growth Management Plan, the future land use map, the LDC or the official zoning atlas, or **building** code, whichever is applicable.

- d. Time limitations on appeals. Any appeal that has not been acted upon by the **applicant** within 6 months of the **applicant** filing the appeal will be determined to be withdrawn and cancelled unless extended by the BCC. Further review and action on the appeal will require a new application subject to the then current LDC.

* * * * *

SUBSECTION 3.B. AMENDMENTS TO SECTION 2.03.01 AGRICULTURAL DISTRICTS

Section 2.03.01 Agricultural Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.01 Agricultural Districts

A. Rural Agricultural District (A). The purpose and intent of the rural agricultural district (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of the County, are permissible as **conditional uses** in the A district. The A district corresponds to and implements the Agricultural/Rural land use designation on the future land use map of the Collier County GMP, and in some instances, may occur in the designated urban area. The maximum **density** permissible in the rural agricultural district within the urban mixed use district shall be guided, in part, by the **density** rating system contained in the future land use element of the GMP. The maximum **density** permissible or permitted in A district shall not exceed the **density** permissible under the **density** rating system. The maximum **density** permissible in the A district within the agricultural/rural district of the future land use element of the Collier County GMP shall be consistent with and not exceed the **density** permissible or permitted under the agricultural/rural district of the future land use element.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the rural agricultural district (A).

* * * * *

b. **Accessory uses.**

* * * * *

5. Excavation and related processing and production subject to the following criteria:

- i. The activity is clearly incidental to the agricultural **development** of the property.
- ii. The affected area is within a surface water management system for agricultural use as permitted by the South Florida Water Management District (SFWMD).
- iii. The amount of excavated material removed from the site cannot exceed 4,000 cubic yards. Amounts in excess of 4,000 cubic yards shall require **conditional use** approval for earthmining, pursuant to the procedures and conditions set forth in ~~Chapter 10~~ LDC section 10.08.00 and the Administrative Code.

* * * * *

c. Conditional uses. The following uses are permitted as conditional uses in the rural agricultural district (A), subject to the standards and procedures established in LDC section 10.08.00 and the Administrative Code.

* * * * *

SUBSECTION 3.C. AMENDMENTS TO SECTION 2.03.06 PLANNED UNIT DEVELOPMENT DISTRICTS

Section 2.03.06 Planned Unit Development Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.06 Planned Unit Development Districts

* * * * *

C. PUD districts shall hereafter be established by amendment of the official zoning atlas according to the procedures established in ~~Chapter 10~~ LDC section 10.02.08 and the Administrative Code. The purpose and intent of establishing and identifying the following classifications is to identify a relationship between a proposed PUD and the other zoning districts within this LDC. The goal is to relate the purpose and intent of the PUD zoning district and the uses permitted within a PUD to defined zoning districts within this LDC and to establish appropriate uses and performance standards within this PUD, which are similar to those allowed by the most similar district(s). PUDs shall hereafter be defined by the following districts and shall be referenced as such within the PUD document as follows:

* * * * *

SUBSECTION 3.D. AMENDMENTS TO SECTION 3.02.10 STANDARDS FOR SUBDIVISION PLATS

Section 3.02.10 Standards for Subdivision Plats, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.02.10 Standards for Subdivision Plats

* * * * *

E. All final plats presented for approval shall clearly indicate the finished elevation of the roads, and the average finished elevation of the lots or homesite, ~~and the minimum base flood elevation as required in this section~~. All grades must be shown in both **NAVD** and **NGVD**. The information may be shown referenced to one datum with a note on the cover sheet listing a site-specific equation for determining the grades in the other datum.

* * * * *

SUBSECTION 3.E. AMENDMENTS TO 3.05.02 EXEMPTIONS FROM REQUIREMENTS FOR VEGETATION PROTECTION AND PRESERVATION

Section 3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation

* * * * *

- F. The following exceptions shall apply when there are no bald eagle nests:
 - 1. ~~Except for lots on undeveloped coastal barrier islands, a~~ A ~~vegetation removal permit for clearing 1 acre or less of land is shall not be required for the removal of~~ **protected vegetation**, other than a specimen tree, ~~on lots subdivided for only single-family use on a parcel of land zoned residential, -RSF, VR, A or E, or other nonagricultural, non-sending lands, non-NRPA, noncommercial zoning districts pursuant to LDC section 3.05.02 F.1.a-c. in which single-family lots have been subdivided for single-family use only, where the following conditions have been met:~~ This exemption shall not apply to lots on undeveloped coastal barrier islands or to the Rural Fringe Mixed Use District when a higher native vegetation protection requirement may not allow for 1 full acre of clearing.
 - ~~4a.~~ 2a. A **building** permit has been issued for the permitted **principal structure** (the **building** permit serves as the clearing permit); or
 - ~~2b.~~ 2b. The permitted **principal structure** has been constructed, and the property owner or **authorized agent** is conducting the removal, and the total area that will be cleared on site does not exceed one acre; ~~and~~
 - ~~3c.~~ 3c. All needed environmental permits or management plans have been obtained from the appropriate local, state and federal agencies. These permits may include but are not limited to permits for wetlands impacts or for listed species protection.
 - ~~4.~~ 4. ~~Where greater vegetation protection is required in the Rural Fringe Mixed Use District, a higher native vegetation protection requirement may not allow for the full one acre of clearing.~~

- G. A vegetation removal permit is not required for the following situations:
 - 1. Removal of **protected vegetation** other than a specimen tree, when a site plan and vegetation protection plans have been reviewed and approved by the County Manager or designee as part of the **final local development order**.
 - 2. Removal of protected vegetation from the property of a Florida licensed tree farm/nursery, where such vegetation is intended for sale in the ordinary course of the licensee's business and was planted for the described purpose.

3. Removal of **protected vegetation**, other than a specimen tree, by a Florida licensed professional land surveyor and mapper in the performance of his/her surveying duties, provided such removal is for individual trees within a swath that is less than three (3) feet in width.
4. Removal of protected vegetation prior to **building** permit issuance if the conditions set forth in section 4.06.04 A.
5. Hand removal of **prohibited exotic vegetation**. Mechanical clearing of **prohibited exotic vegetation** shall require a vegetation removal permit. Mechanical clearing is defined as clearing that would impact or disturb the soil or sub-soil layers or disturb the root systems of plants below the ground.
6. After a **right-of-way** for an electrical transmission line or public utility distribution line has been established and constructed, a local government may not require any clearing permits for vegetation removal, maintenance, tree pruning or trimming within the established and constructed **right-of-way**. Trimming and pruning shall be in accordance with subsection 4.06.05 ~~↓ K.1~~ of the LDC Code. All needed environmental permits must be obtained from the appropriate agencies and management plans must comply with agency regulations and guidelines. These may include but are not limited to permits for wetland impacts and management plans for listed species protection.
7. After a publicly owned road **right-of-way** has been legally secured, a local government may not require any clearing permits for vegetation removal, maintenance, tree pruning or trimming within the established road **right-of-way**. Trimming and pruning shall be in accordance with subsection 4.06.05 ~~↓ K.1~~ of the LDC Code. All needed environmental permits or management plans have been obtained from the appropriate local, state and federal agencies. These permits may include but are not limited to permits for wetland impacts or for listed species protection.

* * * * *

SUBSECTION 3.F. AMENDMENTS TO 3.05.03 PROCEDURES

Section 3.05.03 Procedures, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.05.03 Procedures for a Vegetation Removal Permit²

~~Requirements for submittals, documentation of assessments and evaluations, and application and review procedures are set forth in Chapter 10.~~

A. The Administrative Code shall establish the process and application submittal requirements to obtain a vegetation removal permit.

B. Issuance of permit. An approved vegetation removal permit is valid for a period not to exceed 180 days.

² Added text in 3.05.03 B derives from the former 10.02.06 C.3

1. Approval. The County Manager or designee may approve, approve with conditions, or deny the vegetation removal permit. Any conditions applied to the permit shall relate to the methods of designating and protecting vegetation not proposed for removal. A violation of these conditions shall constitute cause to void the vegetation removal permit.
2. Extension of permit. An extension requested prior to expiration of the original permit may be granted for good cause shown upon written application to the County Manager or designee.
3. Permit fees. All vegetation removal permit applications shall be charged a review fee as established by resolution of the Board of County Commissioners.

* * * * *

SUBSECTION 3.G. AMENDMENTS TO 3.05.07 PRESERVATION STANDARDS

Section 3.05.07 Preservation Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.05.07 Preservation Standards

* * * * *

F. Wetland preservation and conservation.

* * * * *

3. **RFMU district.** Direct impacts of **development** within **wetlands** shall be limited by directing such impacts away from high quality wetlands having functionality scores of at least 0.65 WRAP or 0.7 UMAM. This shall be accomplished by adherence to the vegetation retention requirements of LDC section 3.05.07 C above and the following standards:

* * * * *

SUBSECTION 3.H. ADDING NEW SECTION 3.08.00 ENVIRONMENTAL DATA REQUIREMENTS

Section 3.08.00 Environmental Data Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby added to read as follows:

3.08.00 Environmental Data Requirements³

A. Environmental Data Requirements.

³ Text relocated from 10.02.02 A and updated

1. Purpose. The purpose of this section is to identify the environmental data that is required to review a proposed project to ensure it meets the land **development** standards contained within the LDC.
2. Preparation of Environmental Data. Environmental Data Submittal Requirements shall be prepared by an individual with academic credentials and experience in the area of environmental sciences or natural resource management. Academic credentials and experience shall be a bachelor's or higher degree in one of the biological sciences with at least two years of ecological or biological professional experience in the State of Florida.
3. Procedure. Submittal requirements for all land use applications are identified in this section. The Administrative Code shall establish the process and additional submittal requirements for Environmental Data Requirements for PUD Zoning and **Conditional Uses**.
4. Environmental Data. The following information shall be submitted, where applicable, to evaluate projects.
 - a. **Wetlands.**
 - i. Identify on a current aerial, the location and acreage of all Collier County/SFWMD jurisdictional **wetlands** according to the Florida Land Use Cover and Forms Classification System (FLUCFCS) and include this information on the site **development plan** (SDP) or construction plan and final **subdivision plat (PPL)**. **Wetlands** must be verified by the South Florida Water Management District (SFWMD) or Florida Department of Environmental Protection (DEP) prior to SDP or PPL approval. For sites in the **RFMU district**, provide an assessment in accordance with LDC section 3.05.07 F and identify on the FLUCFCS map the location of all high quality **wetlands** having functionality scores of at least 0.65 WRAP or 0.7 UMAM and their location within the proposed **development plan**. Sites with high quality **wetlands** must have their functionality scores verified by the SFWMD or DEP prior to the first **development order** approval. Where functionality scores have not been verified by either the SFWMD or DEP, scores must be reviewed and accepted by County staff, consistent with State regulation.
 - ii. SDP or PPL with impacts to 5 or more acres of **wetlands** shall provide an analysis of potential water quality impacts of the project by evaluating water quality loadings expected from the project (post **development** conditions considering the proposed land uses and stormwater management controls) compared with water quality loadings of the project area as it exists in its pre-**development** conditions. The analysis shall be performed using methodologies approved by Federal and State water quality agencies, and must demonstrate no increase in nutrients (nitrogen and phosphorous) loadings in the post **development** scenario.
 - iii. Where treated stormwater is allowed to be directed into preserves, show how the criteria in LDC section 3.05.07 H have been met.

- iv. Where **native vegetation** is retained on site, provide a topographic map to a half foot and, where possible, provide elevations within each of the FLUCFCS Codes identified on site. For a SDP or PPL, include this information on the site plans.
 - b. Listed Species and Bald Eagle Nests and Nest Protection Zones.
 - i. Provide a wildlife survey for the nests of bald eagle and for listed species known to inhabit biological communities similar to those existing on site. The survey shall be conducted in accordance with the guidelines or recommendations of the Florida Fish and Wildlife Conservation Commission (FFWCC) and the U.S. Fish and Wildlife Service (USFWS). Survey times may be reduced or waived where an initial habitat assessment by the environmental consultant indicates that the likelihood of listed species occurrence is low, as determined by the FFWCC and USFWS. Where an initial habitat assessment by the environmental consultant indicates that the likelihood of listed species occurrence is low, the survey time may be reduced or waived by the County Manager or designee, when the project is not reviewed or technical assistance not provided by the FFWCC and USFWS. Additional survey time may be required if listed species are discovered.
 - ii. Provide a survey for listed plants identified in LDC section 3.04.03.
 - iii. Wildlife habitat management and monitoring plans in accordance with LDC section 3.04.00 shall be required where listed species are utilizing the site or where wildlife habitat management and monitoring plans are required by the FFWCC or USFWS. These plans shall describe how the project directs incompatible land uses away from listed species and their habitats. Identify the location of listed species nests, burrows, dens, foraging areas, and the location of any bald eagle nests or nest protection zones on the **native vegetation** aerial with FLUCFCS overlay for the site. Wildlife habitat management plans shall be included on the SDP or PPL. Bald eagle management plans are required for sites containing bald eagle nests or nest protection zones, copies of which shall be included on the SDP or PPL.
- c. **Native vegetation** preservation.
 - i. For sites or portions of sites cleared of **native vegetation** or in agricultural operation, provide documentation that the **parcel(s)** were issued a permit to be cleared and are in compliance with the 25 year rezone limitation pursuant to LDC section 10.02.06. For sites permitted to be cleared prior to July 2003, provide documentation that the **parcel(s)** are in compliance with the 10 year rezone limitation previously identified in the GMP. Criteria defining **native vegetation** and determining the legality, process and criteria for clearing are found in LDC Chapter 3 and LDC section 10.02.06.

- ii. Identify on a current aerial the acreage, location and community types of all upland and **wetland** habitats on the project site, according to the Florida Land Use Cover and Forms Classification System (FLUCFCS), and provide a legend for each of the FLUCFCS Codes identified. Aerials and overlay information must be legible at the scale provided. Provide calculations for the acreage of **native vegetation** required to be retained on-site. Include the above referenced calculations and aerials on the SDP or PPL. In a separate report, demonstrate how the preserve selection criteria pursuant to LDC section 3.05.07 have been met. Where applicable, include in this report an aerial showing the project boundaries along with any undeveloped land, preserves, natural **flowways** or other natural land features, located on abutting properties.
 - iii. Include on a separate site plan, the project boundary and the land use designations and overlays for the RLSA, **RFMU**, ST and ACSC-ST districts. Include this information on the SDP or PPL.
 - iv. Where off-site preservation of **native vegetation** is proposed in lieu of on-site, demonstrate that the criteria in LDC section 3.05.07 have been met and provide a note on the SDP or PPL indicating the type of donation (monetary payment or land donation) identified to satisfy the requirement. Include on the SDP or PPL, a location map(s) and property identification number(s) of the off-site **parcel(s)** if off-site donation of land is to occur.
- d. General environmental requirements.
- i. Provide the results of any Environmental Assessments and/or Audits of the property, along with a narrative of the measures needed to remediate if required by DEP.
 - ii. Soil and/or ground water sampling shall be required at the time of first **development order** submittal for sites that occupy farm fields (crop fields, cattle dipping ponds, chemical mixing areas), golf courses, landfill or junkyards or for sites where **hazardous products** exceeding 250 gallons of liquid or 1,000 pounds of solids were stored or processed or where **hazardous wastes** in excess of 220 pounds per month or 110 gallons at any point in time were generated or stored. The amount of sampling and testing shall be determined by a registered professional with experience in the field of Environmental Site Assessment and shall at a minimum test for organochlorine pesticides (U.S. Environmental Protection Agency (EPA) 8081) and Resource Conservation and Recovery Act (RCRA) 8 metals using Florida Department of Environmental Protection (DEP) soil sampling Standard Operating Procedure (SOP) FS 3000, in areas suspected of being used for mixing and at discharge point of water management system. Sampling should occur randomly if no points of contamination are obvious. Include a background soil analysis from an undeveloped location hydraulically upgradient of the potentially contaminated site. Soil sampling should occur just

below the root zone, about 6 to 12 inches below ground surface or as otherwise agreed upon with the registered professional with experience in the field of Environmental Site Assessment. Include in or with the Environmental Site Assessment, the acceptable State and Federal pollutant levels for the types of contamination found on site and indicate in the Assessment, when the contaminants are over these levels. If this analysis has been done as part of an Environmental Audit then the report shall be submitted. The County shall coordinate with the DEP where contamination exceeding applicable DEP standards is identified on site or where an Environmental Audit or Environmental Assessment has been submitted.

iii. **Shoreline development** must provide an analysis demonstrating that the project will remain fully functional for its intended use after a six-inch rise in sea level.

iv. Provide justification for deviations from environmental LDC provisions pursuant to GMP CCME Policy 6.1.1 (13), if requested.

v. Where applicable, provide evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed **oil and gas activities** in Collier County. Include all state permits that comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on January 13, 2005.

e. Other LDC requirements.

i. Identify any Wellfield Risk Management Special Treatment Overlay Zones (WRM-ST) within the project area and provide an analysis for how the project design avoids the most intensive land uses within the most sensitive WRM-STs and will comply with the WRM-ST pursuant to LDC section 3.06.00. Include the location of the Wellfield Risk Management Special Treatment Overlay Zones on the SDP or PPL. For land use applications such as standard and PUD rezones and CUs, provide a separate site plan or zoning map with the project boundary and Wellfield Risk Management Special Treatment Overlay Zones identified.

ii. Demonstrate that the design of the proposed stormwater management system and analysis of water quality and quantity impacts fully incorporate the requirements of the Watershed Management regulations of LDC section 3.07.00.

iii. For sites located in the Big Cypress Area of Critical State Concern-Special Treatment overlay district (ACSC-ST), show how the project is consistent with the **development** standards and regulations in LDC section 4.02.14.

iv. For multi-slip **dock facilities** with ten slips or more, and for all **marina** facilities, show how the project is consistent with LDC section 5.05.02. Refer to the Manatee Protection Plan for site specific requirements of the Manatee Protection Plan not included

in LDC section 5.05.02.

v. For **development orders** within **RFMU sending lands**, show how the project is consistent with each of the applicable Objectives and Policies of the Conservation and Coastal Management Element of the GMP.

f. Additional data. The County Manager or designee may require additional data or information necessary to evaluate the project's compliance with the LDC and GMP requirements.

5. Exemptions.

a. The Environmental Data Submittal Requirements exemption shall not apply to any **parcel** with a ST or ACSC-ST overlay, unless otherwise exempted by LDC section 4.02.14 I.

b. Single-family detached and two-family housing **structure(s)** on a **lot(s) of record** except as otherwise provided at LDC section 4.02.04 (**cluster development**), and **townhouses** developed on fee simple **lots** under individual ownership, provided that a fee simple **townhouse** plat is approved in accordance with the provisions of LDC section 10.02.04.B. These exemptions shall not apply to the following:

i. **Wetland** delineations and permitting.

ii. Retention of **native vegetation** in accordance with LDC section 3.05.07 C.

iii. Listed species protection in accordance with LDC section 3.04.01.

c. Agricultural uses. Agricultural uses that fall within the scope of sections 163.3214(4) or 823.14(6), Florida Statutes, provided that the subject property will not be converted to a nonagricultural use or considered for any type of rezoning petition for a period of 25 years after the agricultural uses commence and provided that the subject property does not fall within an ACSC or ST zoning overlay.

d. All NBMO Receiving Lands in accordance with 2.03.08 A.2.

e. A conventional rezone with no site plan or proposed **development plan**. This exemption does not apply to lands that include any of the following zoning, overlays or critical habitats: Conservation (**CON**), Special Treatment (ST), Area of Critical State Concern (ACSC), Natural Resource Protection Areas (NRPA's), Rural Fringe Mixed Use (**RFMU**) Sending Lands, Xeric Scrub, Dune and Strand, Hardwood Hammocks, or any land occupied by listed species or defined by an appropriate State or Federal agency to be critical foraging habitat for listed species.

f. In those areas of Collier County where **oil extraction and related processing** is an allowable use, such use is subject to applicable state and federal oil and gas permits and Collier County non-environmental site

development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on January 13, 2005, regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the **applicant** shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C. even if outside the defined Big Cypress Watershed. All **access** roads to oil and gas uses shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)(1) through (12), F.A.C.

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SUBSECTION 3.I. AMENDMENTS TO 4.03.01 GENERALLY

Section 4.03.01 Generally, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.03.01 Generally

- A. The purpose of this section is to establish procedures and standards for the **development** and **subdivision** of real estate within the unincorporated areas of Collier County, Florida. Furthermore, the purpose of this section is to carry out the goals, policies and objectives of the Collier County GMP. These procedures and standards are provided in an effort to, among other things:
 - A.—1. Ensure proper legal description, identification, documentation and recording of real estate boundaries;
 - B.—2. Aid in the coordination of land **development** in Collier County in accordance with orderly physical patterns to encourage state of the art and innovative design;
 - C.—3. Discourage haphazard, premature, uneconomic or scattered land **development**,
 - D.—4. Ensure an economically stable and healthy community;
 - E.—5. Ensure adequate public facilities and utilities;

- F.——6.—— Maintain the community's quality of life by properly preserving and conserving natural resource features;
- G.——7.—— Prevent periodic and seasonal **flooding** by providing protective **flood** control and **drainage facilities**;
- H.——8.—— Provide open spaces for recreation; ensure land **development** with installation of adequate and necessary public facilities and physical improvements;
- I.——9.—— Ensure that the citizens and taxpayers of Collier County will not have to bear the costs resulting from haphazard **subdivision** of land;
- J.——10.—— Provide the county with the authority to require installation by the developer of adequate and necessary physical improvements so that the taxpayers and citizens of Collier County will not have to bear the costs for the same;
- K.——11.—— Ensure to the purchasers of subdivided land that necessary improvements of lasting quality have been installed; comply with Chapter 177, F.S. as amended.

B. The design of the required improvements for all **subdivisions** and **developments** pursuant to LDC section 10.02.03 shall be in accordance with generally accepted professional engineering principles and practices. The standards established in this section are intended only as minimum guidelines for the design engineer and are not intended to deprive the engineer of their responsibility for the technical adequacy of their design or freedom to use their engineering judgment and discretion in the practice of their profession.

C. Design data, such as calculations or analyses, shall be submitted along with the **subdivision** and **development** improvement plans covering important features affecting design or construction prior to the issuance of any required county **development orders**, permits or approvals. Such calculations and analyses shall include, but not be limited to: low and high water elevations, utility hydraulic and drainage calculations, subsurface soil data, alternate pavement and sub-**grade** types and centerline elevations when the minimum standards of Florida Department of Transportation or the American Association of State Highway and Transportation Officials are inadequate, inappropriate or not applicable.⁴

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SUBSECTION 3.J. AMENDMENTS TO 4.03.03 EXEMPTIONS

Section 4.03.03 Exemptions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.03.03 Subdivision Exemptions

⁴ Text added in 4.03.01 B & C relocated from Code of Laws §2-12, Exhibit A.

Before any property or **development** proposed to be exempted from the terms of this section may be considered for exemption, a written request for exemption shall be submitted to the County Manager or designee. After a determination of completeness, the County Manager or designee shall approve, approve with conditions, or deny the request for exemption based on the terms of the applicable exemptions. Procedures for application, review, and decision regarding exemptions from these **subdivision** requirements are set forth in the Administrative Code Chapter 10. To the extent approved, the following may be exempted from these **subdivision** requirements.

A. Active agricultural uses. Agriculturally related **development** as identified in the permitted and **accessory** uses allowed in the rural agricultural district A and located within any area designated as agricultural on the future land use map of the Collier County GMP and the Collier County official zoning atlas, except **single-family dwellings** and farm labor housing subject to LDC sections 5.05.03 and 2.03.00 shall be exempt from the requirements and procedures for preliminary **subdivision** plats and ~~improvements~~ construction plans; provided, however, nothing contained herein shall exempt such active **agricultural uses** from the requirements and procedures for final **subdivision** plats, and where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security.

~~B. Reserved.~~

~~C. Reserved.~~

~~D. Reserved.~~

~~BE.~~ Cemeteries. The division of land into cemetery **lots** or **parcels** shall be exempt from the requirements and procedures for preliminary **subdivision** plats and improvement plans; provided, however, nothing contained herein shall exempt such division of land into cemetery **lots** or **parcels** from the requirements and procedures for final **subdivision** **plats** and, where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security; and provided, further, that such division of land into cemetery **lots** or **parcels** shall be subject to and comply with the requirements and procedures for site **development plans** as set forth in the Administrative Code and ~~under~~ Chapter 10, and shall obtain site **development plan** approval for the entire property proposed for such division of land into cemetery **lots** or **parcels**.

CF. Eminent domain or operation of law. The division of land which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court, shall be exempt from this section; if and only if the County Manager or designee and the County Attorney are given timely written notice of any such pending action and given the opportunity to signify that the county be joined as a party in interest in such proceeding for the purpose of raising the issue of whether or not such action would circumvent or otherwise avoid the purposes or provisions of this section, i.e., the **subdivision** regulations, prior to the entry of any court order; and, if and only if an appropriate pleading is not filed on behalf of the County within 20 days after receipt of such notice. However, if a pleading is filed on behalf of the county within 20 days after receipt of such notice, such division of land created by the court shall not be exempt from this section.

- DG. Oil, gas, and mineral rights. The division of land which creates an interest or interests in oil, gas, or minerals which are now or hereafter severed from the surface ownership of real property shall be exempt from this section.
- EH. Prior **subdivision**. All division of land occurring prior to the effective date of this LDC and conforming to the purposes of this section, shall be exempt from this section; provided, however, that any property so divided which is resubdivided or further divided on or after January 10, 1989, shall not be exempt from this section. For agricultural/residential **subdivisions** within the rural area of Collier County as defined herein, refer to LDC section 4.03.04; Also see "**lot of record**" in Chapter 1.
- FI. The division of property, occurring prior to July 15, 1998, meeting the definition of rural **subdivision** shall not require the subdivider to record a final **plat** nor comply with the **subdivision** regulations provided in LDC section 4.03.00. Nor shall the division of property occurring after July 15, 1998, in the rural area require the property owner to record a final **plat** nor comply with the **subdivision** regulations provided in LDC section 4.03.00, if the property so divided has been the subject of a rezoning hearing by the BCC within the 24 month period preceding July 15, 1998. The **subdivision** of properties occurring after July 15, 1998 shall not be exempt from platting and filing a preliminary **subdivision plat** (PSP). However, the applicability of all required **subdivision** improvements and standards as set forth in section LDC 4.03.00, required improvements, of this LDC shall be determined by the County Manager or designee on a case by case basis. The **applicant**, through the preliminary **subdivision** plat (PSP) process may request waivers from certain "required improvements". The subdivider and purchaser of property meeting definition (a) of rural **subdivision** shall comply with section 4.03.03 of this LDC. The division of property not meeting the definition of rural **subdivision** is required to comply with all requirements of section 4.03.00.
- G. Rural area **subdivision** requirements.⁵

1. Deeds and other conveyances. All deeds and other conveyances for properties shall include in ten-point type the following statement: "NO GOVERNMENTAL AGENCY, INCLUDING COLLIER COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED."
2. **Building** permits for rural **subdivisions**. **Building** permits will not be issued until the final **subdivision** plat is recorded.
3. **Access** agreement. The owner of property applying for a **building** permit shall execute a release and waiver agreement which shall be executed and recorded at the **applicant's** expense in the official records of Collier County. The release and waiver agreement shall be in a form approved by the county attorney or designee, and shall include, at a minimum, the following provisions and a copy of the recorded agreement submitted with the property owner's **building** permit application:
 - a. Identification of the property by legal description and tax **parcel** folio number;

⁵ Text added in 4.03.03 G was relocated from the former 10.02.02 B.10.

- b. Description of the means of **access** to the subject property and the physical condition of that **access**;
- c. A statement recognizing that the **access** rights are personal rights between the grantor and grantee and the county's approval of the use of the accessway in no way implies that the use is permitted;
- d. A statement confirming that the maintenance and upkeep of such means of **access** shall be the perpetual responsibility of the individual(s) or other entity holding rights to such means of **access**;
- e. A statement confirming that any **development order** issued by Collier County proposing utilization of such means of **access** shall contain a specific disclaimer from Collier County relating to the county's obligation for the present or future maintenance or upkeep of such means of **access**;
- f. A statement of release holding Collier County harmless in perpetuity for maintenance of such means of **access**;
- g. Description of the extent and specifications for improvements to the means of **access** being proposed by the **applicant**;
- h. Description of the utilities, including, for example, water, sewer, telephone, electricity, which shall service the property as required by Collier County Ordinance No. 89-06 [Code ch. 22, art. VII], known as the Collier County Standard Housing Code, or its successor in function;
- i. A statement of the **applicant's** intent to arrange for, have installed and pay for provision of such utilities as are required by law;
- j. A statement of release holding Collier County harmless in perpetuity for maintenance of such utilities;
- k. An acknowledgment that the Department of Economic Opportunity (DEO) may review and appeal any **development order** issued by Collier County within the Big Cypress Area of Critical State Concern. Also, confirmation that the **applicant** will execute, prior to issuance of any **development order** by Collier County, a statement of understanding of the DEO review requirements in the form approved by the DEO; and
- l. A statement that permits from all state and federal agencies have been obtained or applied for, including copies of said applications. The responsibility to determine if such permits are necessary is solely the responsibility of the **applicant**.

Hj. Chokoloskee Island. The division of property of Chokoloskee Island shall not require the subdivider to record a final **plat** nor comply with the **subdivision** regulations provided in LDC section 4.03.00. The subdivider and purchaser of the property shall comply with the regulations provided in LDC section 4.03.03. The division of property not on Chokoloskee Island is required to comply with all requirements to section 4.03.00. All

parcels of land existing on Chokoloskee Island as of October 30, 1991, and identified in the property appraiser's official records, which do not conform to the minimum **lot** area and **lot** width requirements of the overlying zoning district shall be considered conforming **lots**. Any **subdivision** of land on Chokoloskee Island occurring after October 30, 1991, shall comply with the minimum **lot** area and width requirements for the overlying zoning district in effect at the time the land is subdivided. In any case, except as described above, the minimum applicable **development** standards set forth in the LDC shall apply, unless a variance therefrom is obtained.

1.⁶ Chokoloskee Island **subdivision** requirements.

- a. Deeds and other conveyances. All deeds and other conveyances for properties hereafter on Chokoloskee Island shall include in bold-faced type the following statement: "NO GOVERNMENTAL AGENCY, INCLUDING COLLIER COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED." Failure to include this information in a deed shall not affect the conveyance of property.
- b. **Building** permits for Chokoloskee Island. Prior to the issuance of a **building** permit for any property on Chokoloskee Island, the owner of the property applying for the **building** permit must provide verification that he or she has an existing means of **access** to the property and the existing means of **access** to such property must be improved to the standards established by this subsection. Said **access** may be:
 - i. Dustless surface a minimum of 20 feet in width;
 - ii. Asphalt paved road a minimum of 18 feet in width; or
 - iii. Limerock surface a minimum of 20 feet in width.
- c. **Access** agreement. The owner of property applying for a **building** permit shall execute a release and waiver agreement which shall be executed and recorded at the **applicant's** expense in the official records of Collier County. The release and waiver agreement shall be in a form approved by the County Attorney or designee, and shall include, at a minimum, the following provisions and a copy of the recorded agreement submitted with the property owner's **building** permit application:
 - i. Identification of the property by legal description and tax **parcel** folio number;
 - ii. Description of the means of **access** to the subject property and the physical condition of that **access**;

⁶ Text added in 4.03.03 H.1. was relocated from the former 10.02.02 B.11.

- iii. A statement recognizing that the **access** rights are personal rights between the grantor and grantee and the county's approval of the use of the accessway in no way implies that the use is permitted;
- iv. A statement confirming that the maintenance and upkeep of such means of **access** shall be the perpetual responsibility of the individual(s) or other entity holding rights to such means of **access**;
- v. A statement confirming that any **development order** issued by Collier County proposing utilization of such means of **access** shall contain a specific disclaimer from Collier County relating to the county's obligation for the present or future maintenance or upkeep of such means of **access**;
- vi. A statement of release holding Collier County harmless in perpetuity for maintenance of such means of **access**;
- vii. Description of the extent and specifications for improvements to the means of **access** being proposed by the **applicant**;
- viii. Description of the utilities, including, for example, water, sewer, telephone, electricity, which shall service the property as required by Collier County Ordinance No. 89-06, known as the Collier County Standard Housing Code, or its successor in function;
- ix. A statement of the **applicant's** intent to arrange for, have installed and pay for provision of such utilities as are required by law;
- x. A statement of release holding Collier County harmless in perpetuity for maintenance of such utilities;
- xi. A statement that permits from all state and federal agencies have been obtained or applied for, including copies of said permits applications. The responsibility to determine if such permits are necessary is solely the responsibility of the **applicant**.

I. Golden Gate Estates **lot** divisions. When a 5 acre **parcel** in Golden Gate Estates is subdivided into 2 **lots**, where 1 of the **lots** is not on the existing **right-of-way**, the owner may create an **access easement** to and through the **parcel** which is not on the **right-of-way**. The **easement** must be at least 20 feet in width, and extend at least 150 feet into the otherwise landlocked **lot**. The **easement** shall provide for **access** to the **lot**, and satisfy the frontage requirement.⁷

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SUBSECTION 3.K. AMENDMENTS TO 4.03.04 LOT LINE ADJUSTMENTS

⁷ Text added in 4.03.03 I was relocated from the former 10.02.02 B.11.d.

Section 4.03.04 Lot Line Adjustments, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.03.04 Lot Line Adjustments and Lot Split

- A. Lot Line Adjustment. An adjustment of a **lot line** between contiguous **lots** or **parcels** which may be platted or unplatted and which are under separate ownership or the same ownership shall be exempt from this section if all of the following conditions are met. The Administrative Code shall establish the procedures and submittal requirements for obtaining a **lot line** adjustment. Procedures for demonstration of compliance with the following conditions are set forth in Chapter 10. The **lot line** adjustment shall be recorded with the Clerk of Courts within 12 months of approval by the County Manager or designee.
- A. ~~1.~~ 1. It is demonstrated that the request is to correct an engineering or surveying error in a recorded plat or is to permit an insubstantial boundary change between **adjacent parcels**; and
- B. ~~2.~~ 2. Both **landowners** whose **lot lines** are being adjusted provide written consent to the **lot line** adjustment; and
- C. ~~3.~~ 3. Instrument(s) evidencing the **lot line** adjustment shall be filed in the official records of Collier County, Florida, upon approval, and shall indicate that the result of the **lot line** adjustment will meet the standards of, and conforms to, the requirements of this LDC, including the dimensional requirements of the zoning district and the **subdivision** in which the **lots** are located. However, in cases of an existing **nonconforming lot of record**, the adjustment shall not increase the nonconformity of the **lot**; and
- D. ~~4.~~ 4. It is demonstrated that the **lot line** adjustment will not affect the **development** rights or permitted **density** or intensity of use of the affected **lots** by providing the opportunity to create a new **lot(s)** for resale or **development**.
- B.^{8 9} Lot Split. All **lots** must have **frontage** on a public or private **right-of-way**, with the exception of 1 division of a single platted **lot** or otherwise established **lot of record** in the Rural Agricultural or Estates zoning district into 2 **lots**. Any such **lot split** may utilize an **access easement** to satisfy **access**, and **frontage** requirements for the **lot** which would not otherwise have **street** frontage.
1. The width of such **access easement** may not be less than 12 feet and may be required to be wider at the discretion of Collier County staff, to accommodate safe **access** and turning movements, stormwater drainage pipes and the like.
2. The number of **access** points to a public **right-of-way** shall not be increased as a result of the **lot split** if, in the opinion of the county staff, safe and sufficient **access** may be accomplished with fewer **access** points than existed prior to the proposed **lot split**.
3. The **access easement** will create a **front yard** for **setback** purposes for all **lots abutting the access easement**. In cases where **access** is presently provided by

⁸ 4.03.04 B.1-3 derives from the former 10.02.04 B.5.i.

⁹ 4.03.04 B.4 derives from the former 10.02.02 B.12.

an **access easement** to existing **lots of record** in any zoning district which are not part of a recorded or unrecorded **subdivision**, this **easement** will serve to satisfy **access** and **frontage** requirements for those **lots**, and **yards abutting the easement** will be considered **front yards** for **setback** purposes.

4. Application. The further split or division of a **lot, parcel**, or any **lot of record** into 2 proposed **parcels** must be reviewed and approved by the County prior to any subsequent **development orders** or **development** permits issued or approved.
 - a. The Administrative Code shall establish the procedures and submittal requirements for obtaining a **lot split**.
 - b. Appropriate **access** to the resulting **parcels** from the public road network shall be demonstrated, and where necessary, may require appropriate **easements** for joint or cross **access** to be recorded before an approved **lot split** becomes effective.
 - c. Only **lot** split requests meeting the applicable land **development** regulations, specifically including the minimum **lot** area and **lot** dimensions for the existing zoning district, may be approved, but do not become effective until evidence of the County approved **lot** split is also provided to the Property Appraiser or Clerk of Courts for their consideration and record-keeping, as may be applicable.

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SUBSECTION 3.L. AMENDMENTS TO 4.05.04 PARKING SPACE REQUIREMENTS

Section 4.05.04 Parking Space Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.05.04 Parking Space Requirements¹⁰

* * * * *

- D. Required off-**street** parking shall be located so that no automotive vehicle when parked shall have any portion of such vehicle overhanging or encroaching on public **right-of-way** or the property of another. If necessary, wheel stops or barriers may be required in order to enforce this provision.
 1. Residential off-**street** parking. **Driveways** must be at least 23 feet in length, measured from the back of the **sidewalk** to the garage, to allow room to park a vehicle on the **driveway** without parking over the **sidewalk**. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular

¹⁰ Text added in 4.05.04 D was relocated from 10.02.03 B.1.i.xv. which was the list of submittal requirements in the SDP section.

line to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic by providing equivalent space.

* * * * *

SUBSECTION 3.M. AMENDMENTS TO 4.07.02 DESIGN REQUIREMENTS

Section 4.07.02 Design Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.07.02 Design Requirements¹¹

* * * * *

F. Off-street parking and off-street loading requirements shall be as for comparable type, **density** and intensity of uses established in the PUD. No parking spaces on or within any public or private road or travelway shall be counted in fulfilling the required number of spaces. Landscaping for vehicular areas shall be as established in LDC section 4.06.00.

1. Residential off-street parking. Driveways must be at least 23 feet in length, measured from the back of the sidewalk to the garage, to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular line to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic by providing equivalent space.

* * * * *

SUBSECTION 3.N. AMENDMENTS TO 5.03.06 DOCK FACILITIES

Section 5.03.06 Dock Facilities, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.03.06 Dock Facilities

* * * * *

H. **Dock facility** extension. Additional protrusion of a **dock facility** into any waterway beyond the limits established in LDC subsection 5.03.06 E. ~~of this Code~~ may be considered appropriate under certain circumstances. In order for the Planning Commission to approve the boat **dock** extension request, it must be determined that at

¹¹ Text added in 4.07.02 F relocated from 10.02.03 B.1.i.xv. which was the list of submittal requirements in the SDP section.

least 4 of the 5 primary criteria, and at least 4 of the 6 secondary criteria, have been met. These criteria are as follows:

* * * * *

I. Procedures for approval of **docks, dock facilities, and boathouses.**

1. The Administrative Code shall establish the procedures and submittal requirements ~~Procedures~~ for the issuance of permits for **docks, dock facilities, and boathouses.** Notice procedures are provided in LDC section 10.03.06. Chapter 10 of this LDC.
2. All **dock facilities** are subject to, and shall comply with, all federal and state requirements and permits, including, but not limited, to the requirements and permits of the DEP, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.
3. Nonresidential **dock facilities** shall be subject to all of the provisions of LDC section 5.03.06 of this LDC, with the exception that protrusions for nonresidential **dock facilities** beyond the specified limits shall be determined administratively by the County Manager or designee at the time of site **development plan** review, based on an evaluation of the criteria in LDC subsection 5.03.06 H.(G) of this LDC.

* * * * *

SUBSECTION 3.O. AMENDMENTS TO 5.04.01 TEMPORARY USE PERMITS

Section 5.04.01 Temporary Use Permits, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.04.01 Temporary Use Permits ¹²

- A. Purpose and intent. Based upon the nature of some uses, their impact on **adjacent** uses, their **compatibility** with surrounding properties, and the length of time a use is intended to function, there is an identified need to allow certain temporary uses within a **development** site, and to provide for other types of temporary uses such as special events, sales and promotions. It is the intent of this section to classify temporary uses and to provide for their permitting.
- B. General. The County Manager or designee may grant a temporary use permit for requests that demonstrate compliance with the intent of this section and Chapter 5 of the LDC Code. Approvals for such requests shall be based upon, but not limited to, the **applicant's** description of the temporary use, the intended duration of the use, hours of operation and the impacts of the proposed temporary use on **adjacent** properties.
- C. Indemnification. The **applicant** shall be required to indemnify and hold harmless Collier County, its officers, agents and employees from and against all claims, suits, actions,

¹² New text in this section has been relocated from the former 10.02.06 G.6-G.9.

damages, liabilities, expenditures or causes of action arising out of or occurring during the activities of **applicant** under a permit issued hereupon in the form and manner provided by the County Manager or designee.

D. Cancellations and postponements.

1. If a permitted event is canceled or postponed, the **applicant** shall furnish Collier County with written notification of such cancellation or postponement and the reason(s) for same. It is understood that weather conditions may cause last minute cancellations; however, the **applicant** shall make every effort to notify the county staff prior to the scheduled commencement of said event. If the event is to be re-scheduled, notice of the date and time of the rescheduled event shall be provided.
2. If a permitted event is postponed, the permit will be amended to reflect the rescheduled event dates and a copy will be provided to the **applicant** prior to the event.
3. If an event is cancelled and the County is notified prior to the initially proposed commencement date the number of days used will not count towards the maximum number of authorized days afforded for events by the LDC.

E. Suspension or revocation. Failure to comply with the terms and conditions of the temporary use permit, once issued, shall be grounds for immediate suspension of the permitted activity until such time as the noncompliance is remedied. A permit may be revoked, without refund, for established public safety and welfare issues. The suspension or revocation shall be initially communicated verbally, followed by a written suspension or revocation order. The continued failure to comply with the terms and conditions of a previously suspended permit may result in the revocation of said permit.

F. Violations. The failure to obtain a required Temporary Use Permit, and/or the failure to cease activities authorized by such a temporary use permit, including the removal of any displays, **structures**, merchandise, equipment, signs or banners authorized by said permit, upon expiration, suspension, or revocation shall establish a violation of the LDC and shall be subject to the penalties established within the LDC.

* * * * *

SUBSECTION 3.P. AMENDMENTS TO 5.04.05 TEMPORARY EVENTS

Section 5.04.05 Temporary Events, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.04.05 Temporary Events

A. Special Events

1. Sales and Promotional Events

- a. A temporary use permit is required for temporary sales and/or promotional events on non-residential property, such as grand openings, going out of business sales, special promotional sales, **sidewalk** sales, overstock sales, tent sales, or other similar uses for sales and promotional events related to the **principal** activities in operation at the subject property, unless otherwise provided for in this section.
- b. The Administrative Code shall establish the procedural requirements for a A temporary use permit for sales or promotional events, ~~shall meet the procedural requirements of Section 10.02.06 G.~~

* * * * *

SUBSECTION 3.Q. ADDING SECTION 5.04.08 FILM PERMIT

Section 5.04.08 Film Permit, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby added to read as follows:

5.04.08 [Reserved] Film Permit ¹³

- A. Film Permit Required. A permit shall be required for the following activities taking place, in conjunction with commercial motion picture, film, television, video or still photography production: the use of set scenery, temporary **structures** or other apparatus, special effects, or closure of public **streets** or accessways. The LDC shall not apply to bona fide newspaper, press association, newsreel or television news media personnel, nor to properties that have been zoned to allow motion picture/television filming as a permitted use.
- B. Procedural Requirements. The Administrative Code shall establish the application requirements and review procedures for a Film Permit.
- C. Insurance requirements. The **applicant** shall maintain in force at all times during the permit period, a comprehensive general liability policy with limits other than those described in the Administrative Code as determined by the risk management director upon a review of the particular circumstances involved. Said **applicant** shall provide to the County Manager or designee a certificate of insurance as evidenced that said insurance is in existence and certifying that Collier County is named insured, and that Collier County be given 30 days' notice prior to the expiration or cancellation of the policy. Any additional insurance requirements for filming on private property will be at the discretion of the affected property owner.
- D. Indemnification. The **applicant** shall be required to indemnify and hold harmless Collier County, its officers, agents and employees from and against all claims, suits, actions, damages, liabilities, expenditures or causes of action arising out of or occurring during the activities of **applicant** under a permit issued hereupon in the form and manner provided by the County Manager or designee.

¹³ Text relocated from 10.02.06 G.10

- E. Permit fee. No permit fee shall be required. Any additional license or user fees which have been established for county-owned land or facilities shall be in effect.
- F. Issuance of Permit. Upon presentation of the completed application, proof of insurance, payment of permit fee, surety bond or cash payment in lieu of the bond and review by the County Manager or designee, the permit may be issued. If the County Manager or designee determines that the use of public or private property could affect the public's use of the property, or have potential **adverse impacts** on surrounding properties, then the County Manager or designee may require that the permit application be scheduled for a public hearing before the Board of County Commissioners. The special circumstances could include, but are not limited to, closure of a public **street** or **accessway**; use of special effects, including incendiary or explosive devices; a large production crew or crowd control; and increased liability insurance required. The notice for the public hearing shall be advertised in a newspaper of general circulation in the county at least 1 time 15 days prior to the hearing.
- G. Suspension of permit. Failure to comply with the terms and conditions of the temporary use permit once issued shall be grounds for immediate suspension of the permitted activity until such time as the noncompliance is remedied. The suspension shall be initially communicated verbally, followed by a written suspension order; and continued failure to comply with the terms and conditions of the permit may result in revocation of the permit.
- H. Costs for extraordinary services. The County shall recover direct costs for extraordinary services rendered in connection with a production. Such costs shall include, but not be limited to, charges for personnel and/or equipment committed in support of the production which are outside the normal scope of government services. Based on the information contained in the permit application, an estimate of these costs will be provided to the **applicant** prior to issuance of this permit. The County may require prepayment of all or a portion of these estimated costs prior to issuance of the permit. At the conclusion of the production, actual costs below or in excess of the estimates will be refunded by the County or paid by the **applicant**, respectively.
- I. Surety bond. A surety bond in an amount to be determined by Collier County and issued by a company authorized to issue bonds in Florida or cash payment in lieu of the bond may be required by the County Manager or designee to provide for cleanup and/or restoration of the subject site(s).

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SUBSECTION 3.R. AMENDMENTS TO 5.05.01 BUSINESSES SERVING ALCOHOLIC BEVERAGES

Section 5.05.01 Businesses Serving Alcoholic Beverages, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.01 Businesses Serving Alcoholic Beverages

A. Sale of alcoholic beverages. The County Manager or designee, may authorize the sale of alcoholic beverages for consumption on-site, subject to compliance with all zoning restrictions and the following locational criteria:

* * * * *

5. The procedures for approval of a site for the sale of alcoholic beverages are set forth in Chapter 10 and the Administrative Code.

6. The BZA may, by resolution, grant a waiver of part or all of the minimum distance requirement set forth herein if it is demonstrated by the **applicant** and determined by the BZA that the site proposed for the sale and consumption of alcoholic beverages is separated from an established business whose primary function is the sale of alcoholic beverages for consumption on-site, from the school, **child care center**, public library, **church**, public park or public playground by natural or manmade boundaries, **structures**, or other features which offset or limit the necessity for such minimum distance requirement. The BZA's decision to waive part or all of the distance requirement shall be based upon the following factors:

* * * * *

d. The Administrative Code shall establish the submittal requirements and ~~Procedures for the waiver of distance requirements, are set forth in Chapter 10.~~

SUBSECTION 3.S. AMENDMENTS TO 5.05.05 AUTOMOBILE SERVICE STATIONS

Section 5.05.05 Automobile Service Stations, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.05 Automobile Service Stations

A. The purpose of this section is to ensure that **automobile service stations** do not adversely impact **adjacent** land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with service stations, particularly those open ~~twenty-four (24)~~ hours, may be incompatible with surrounding uses, especially residential uses. Therefore, in the interest of protecting the health, safety, and general welfare of the public, the following regulations shall apply to the location, layout, drainage, operation, landscaping, parking, and permitted sales and service activities of **automobile service stations**.

B. Site design requirements.

B- 1. Table of site design requirements:

	Site Standards
Minimum lot area (sq. ft.)	30,000

Minimum lot width (ft.)	150
Minimum lot depth (ft.)	180
Separation from adjacent automobile service stations (ft.) (based on distance between nearest points)	500
Minimum setbacks, all structures:	
Front yard	50
Side yard	40
Rear yard	40

2. ¹⁴ Waiver of separation requirements.

- a. The BZA may, by resolution, grant a waiver of part or all of the minimum separation requirements set forth herein if it is demonstrated by the **applicant** and determined by the BZA that the site proposed for **development** of an **automobile service station** is separated from another **automobile service station** by natural or man-made boundaries, **structures**, or other features which offset or limit the necessity for such minimum distance requirements. The BZA's decision to waive part or all of the distance requirements shall be based upon the following factors:
- i. Whether the nature and type of natural or manmade boundary, **structure**, or other feature lying between the proposed establishment and an existing **automobile service station** is determined by the BZA to lessen the impact of the proposed service station. Such boundary, **structure**, or other feature may include, but is not limited to, lakes, marshes, nondevelopable **wetlands**, designated preserve areas, canals, and a minimum of a 4 lane **arterial** or **collector right-of-way**.
 - ii. Whether the **automobile service station** is only engaged in the servicing of automobiles during regular, daytime business hours, or, if in addition to or in lieu of servicing, the station sells food, gasoline, and other convenience items during daytime, nighttime, or on a 24 hour basis.
 - iii. Whether the service station is located within a **shopping center** primarily **accessed** by a **driveway**, or if it fronts on and is **accessed** directly from a platted road **right-of-way**.
 - iv. Whether the granting of the distance waiver will have an adverse impact on **adjacent** land uses, especially residential land uses.
- b. The Administrative Code shall establish the submittal requirements for an automobile service station waiver request. The request for an **automobile service station** waiver shall be based on the submittal of the required application, a site plan, and a written market study analysis which justifies

¹⁴ Text added under 5.05.05 B.2 was relocated from the former 9.04.07.

a need for the additional **automobile service station** in the desired location.

c. Additional conditions. The BZA shall have the right to add additional conditions or requirements to its approval of a distance waiver request in order to insure **compatibility** of the **automobile service station** with the surrounding area and the goals and objectives of the GMP.

* * * * *

E. **Automobile service station** sites shall be separated from **adjacent** residentially zoned or residentially developed properties by an architecturally designed six (6) foot high masonry wall or fence utilizing materials similar in color, module, and texture to those utilized for the **building**. Landscaping shall be planted on the residential side of the fence or wall.

~~1. The BZA may, by resolution, grant a waiver of part or all of the minimum separation requirements set forth herein if it is demonstrated by the **applicant** and determined by the BZA that the site proposed for **development** of an **automobile service station** is separated from another **automobile service station** by natural or man-made boundaries, structures, or other features which offset or limit the necessity for such minimum distance requirements. The BZA's decision to waive part or all of the distance requirements shall be based upon the following factors:~~

- ~~a. Whether the nature and type of natural or manmade boundary, structure, or other feature lying between the proposed establishment and an existing **automobile service station** is determined by the BZA to lessen the impact of the proposed service station. Such boundary, structure, or other feature may include, but is not limited to, lakes, marshes, nondevelopable **wetlands**, designated preserve areas, canals, and a minimum of a four (4) lane **arterial** or **collector right-of-way**.~~
- ~~b. Whether the **automobile service station** is only engaged in the servicing of automobiles during regular, daytime business hours, or, if in addition to or in lieu of servicing, the station sells food, gasoline, and other convenience items during daytime, nighttime, or on a twenty-four (24) hour basis.~~
- ~~c. Whether the service station is located within a **shopping center** primarily accessed by a **driveway**, or if it fronts on and is accessed directly from a platted road right-of-way.~~
- ~~d. Whether the granting of the distance waiver will have an adverse impact on **adjacent** land uses, especially residential land uses.~~

* * * * *

~~O. Procedural requirements are set forth in Chapter 10.~~

P.O. Exceptions:

- 1. The site design standards set forth in 5.05.05 B.1. (table) shall not apply to, nor render non-conforming, any existing **automobile service station** or any **automobile service station** within a PUD in which a specific architectural rendering and site plan was approved as part of a rezoning action prior to July 5, 1998.

* * * * *

SUBSECTION 3.T. AMENDMENTS TO 5.05.08 ARCHITECTURAL AND SITE DESIGN STANDARDS

Section 5.05.08 Architectural and Site Design Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.08 Architectural and Site Design Standards¹⁵

* * * * *

C. Building Design Standards.

* * * * *

5. Project Standards.

a. An **applicant** must submit architectural drawings and a site **development plan** or site improvement plan according to LDC Section 10.02.03 Site Development Plans of this and the Administrative Code to comply with this LDC Section 5.05.08. Architectural drawings must be signed and sealed by a licensed Architect who is responsible for preparing the drawings, and who is registered in the state of Florida as set forth in F.S. Chapter 481. This includes: floor plan(s) of each proposed building, all elevations of each proposed building at a minimum of 1/8" scale, a color rendering or elevation, color paint chips, and roof color paint chip(s) or sample.

~~b. Architectural drawings must be signed and sealed by the licensed Architect who is responsible for preparing the drawings, and who is registered in the state of Florida as set forth in Chapter 481, of the Florida Statutes.~~

~~b.~~ **Building** design treatments. Each **building** façade must have at least four of the following **building** design treatments:

* * * * *

~~c.~~ Site design elements. All projects must have at a minimum two of the following:

* * * * *

E. Site Design Standards. Compliance with the standards set forth in this section must be demonstrated by submittal of architectural drawings and a site **development plan** in accordance with the Administrative Code and LDC Section 10.02.03, Site Development Plans of this Code.

* * * * *

¹⁵ Language stricken in section 5.05.08 is being relocated to the Administrative Code for Land Development, referenced as Exhibit B in Code of Laws Section 2-13.

F. Deviations and Alternate Compliance. The following alternative compliance process is established to allow deviations from the requirements of this ~~Section~~ as approved by the County Manager or designee.

1. Review and approval procedure. Upon request by the **applicant**, the County Manager or designee may administratively approve a **Site and Development Plan** application that includes an alternative architectural design and site **development plan** that may be substituted in whole or in part for a plan meeting the standards of ~~Section~~ 5.05.08. Approved deviations are allowed only as to the specific design and plan reviewed. Any modification to an approved design shall necessitate re-review and approval by the County Manager or designee.
2. Review criteria. In approving an alternative plan, the County Manager or designee must find that the proposed alternative plan accomplishes the purpose and intent of this ~~Section~~, ~~in the same manner as the provisions would~~. If the plan is approved through this ~~section~~provision, the ~~Site Development Plan~~ approval letter shall specifically note the deviations and the basis for their approval.
3. The Administrative Code shall establish the Submittal requirements for the Deviations and Alternate Compliance process. ~~In addition to the base submittal requirements, applicants must provide the following:~~
 - a. ~~Architectural design plan and/or site development plan clearly labeled as an "Alternative Architectural Design Standards Plan". This plan must identify the section numbers from this Section from which the deviation is being requested.~~
 - b. ~~A narrative statement that specifically identifies all standards of Section 5.05.08 from which the deviations are requested, and the justification for the request. This statement must include a description of how the alternative plan accomplishes the purpose and intent of this Section, without specifically complying with those standards identified.~~
4. Applicability.

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SUBSECTION 3.U. AMENDMENTS TO 5.06.02 DEVELOPMENT STANDARDS FOR SIGNS WITHIN RESIDENTIAL DISTRICTS

Section 5.06.02 Development Standards for Signs within Residential Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.02 Development Standards for Signs within Residential Districts

* * * * *

B. Applicability. Signs within residential zoning districts, and in designated residential portions of PUD zoned properties shall be permitted as provided for in this section.

1. **Development standards.**
 - a. Maximum allowable height. All signs within residential zoning districts, and as applicable to designated residential portions of PUD zoned properties, are limited to a maximum height of 8 feet, or as otherwise provided within the LDC~~this Code~~. Height shall be measured from the lowest centerline **grade** of the nearest public or private **right-of-way** or **easement** to the uppermost portion of the sign **structure**.
 - b. Minimum **setback**. All signs within residential zoning districts and as applicable to designated residential portions of PUD zoned properties shall be located no closer than 10~~ten~~ feet from the property line, unless otherwise noted below or as provided for in LDC section 9.03.07 ~~of the LDC~~. When a property line encompasses a portion of the roadway, then the **setback** shall be no less than 10 feet from the edge of the roadway, paved surface or back of the curb, as applicable, unless otherwise provided for in this section.
 - c. If the **applicant** is not the property owner, then a copy of a notarized authorization letter between the property owner or property manager and the **applicant** is required, specifically authorizing approval of the erection of a sign on the subject **parcel**.
 - d. Double-faced signs shall be measured by only one side if both sides are the same.
 - e. The use of fluorescent colors on signs is prohibited.
 - f. The permit number shall be displayed or affixed at the base of the sign **structure** and shall have the same life expectancy as the sign. Such permit number shall be clearly legible to a person standing 5 feet in front of the base of the sign and, in no case, shall the permit number be less than ½ inch in size.
 - g. For any ground sign over 32 square feet or over 8 feet in height, construction drawings shall be certified by a Florida registered engineer or a Florida registered architect. The construction drawings shall contain the plans and specifications, the method of construction, and the method of attachment to the **building** or the ground for **pole signs** and all projecting signs.

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SUBSECTION 3.V. AMENDMENTS TO 5.06.04 DEVELOPMENT STANDARDS FOR SIGNS IN NONRESIDENTIAL DISTRICTS

Section 5.06.04 Development Standards for Signs in Nonresidential Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.04 Development Standards for Signs in Nonresidential Districts

* * * * *
C. **Development standards.**

* * * * *

9. No signs shall be permitted on a vacant **lot** or **parcel**, unless a **building** permit or clearing permit has been issued, with the exception of real estate signs which may be allowed on **parcels** less than 10 acres.

10. For any ground sign over 32 sq. feet or over 8 feet in height, construction drawings shall be certified by a Florida registered engineer or a Florida registered architect. The construction drawings shall contain the plans and specifications, the method of construction, and the method of attachment to the **building** or the ground for **pole signs** and all projecting signs.

* * * * *

F. On-premise signs. On-premises **pole signs**, ground signs, projecting signs, wall signs, and mansard signs shall be allowed in all nonresidential zoning districts subject to the restrictions below:

* * * * *

4. Wall, mansard, canopy or **awning** signs. One wall, mansard, canopy or **awning** sign shall be permitted for each single-occupancy **parcel**, or for each unit in a multiple-occupancy **parcel**. End units within **shopping centers** and multiple-occupancy **parcels**, or single occupancy **parcels** where there is double frontage on a public **right-of-way**, shall be allowed 2 signs, but such signs shall not be placed on one wall. Retail businesses with a **floor area** of larger than 25,000 square feet and a front wall length of more than 200 linear feet, are allowed 3 wall signs; however, the combined area of those signs shall not exceed the maximum allowable display area for signs by the LDC~~this Code~~.

* * * * *

g. 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.

* * * * *

SUBSECTION 3.W. AMENDMENTS TO 5.06.11 PERMIT APPLICATION AND REVIEW PROCESS

Section 5.06.11 Permit Application and Review Process, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.11 Permit Application and Review Process for Signs¹⁶

- A. **Building** Permit applications for signs.
1. General. Any person who wishes to construct, install, rebuild, reconstruct, relocate, **alter**, or change the message of any sign shall apply for and receive a **building** permit in accordance with Collier County Ordinances and the Florida Building Code as adopted by Collier County prior to the commencement of any work. A **building** permit will be issued by the County Manager or designee, provided that all permit requirements of the LDC Code and all other applicable provisions of the Collier County ordinances and regulations have been met.
 2. Process. The Administrative Code shall establish the application requirements and review process for sign permits. All drawings, plans, and specifications for **pole signs**, projecting signs, and any ground sign over 32 square feet or over 8 feet in height must be submitted and certified by a Florida registered design professional.
 3. 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.
 - ~~2.4. Permit fees. A **building** permit fee shall be collected pursuant to the fee schedule set forth by resolution.~~
 - ~~3. Form. Every application for a **building** permit shall be in writing upon forms to be furnished by the County Manager or designee.~~
 - ~~4. Application contents. In order to obtain a permit to erect, place construct, install, rebuild, reconstruct, relocate, alter or change the sign graphics/message of any sign under the provision of this Code, an applicant shall submit a complete application provided by the **building** official which shall set forth in writing a complete description of the proposed sign including:
 - ~~a. The name, address and telephone number of the: (a) owner and lessee of the sign and (b) sign contractor or erector of the sign.~~
 - ~~b. The legal description and the street address of the property upon which the sign is to be erected.~~
 - ~~c. The dimensions of the sign including height.~~
 - ~~d. The graphics/message to be placed on the sign face.~~
 - ~~e. Other information required in the permit application forms provided by the County Manager or designee; including two copies of the site plan, dimensioned 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**.~~~~

¹⁶ Language stricken in section 5.06.11 is being relocated to the Administrative Code for Land Development, referenced as Exhibit B in Code of Laws Section 2-13.

- ~~f. Two drawings, certified by a Florida registered engineer or a Florida registered 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 or over 8 feet in height.~~
- ~~g. 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.~~
- ~~h. If the sign or sign graphics/message is to be illuminated or electronically operated, the technical means by which this is to be accomplished.~~
- ~~i. The permit number shall be displayed or affixed at the base of the sign structure 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 height.~~

~~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.~~

~~B. Permit Application Review and Time Limits. Upon receipt of a completed permit application and upon payment of the appropriate permit fee by the applicant, the County Manager or designee shall promptly conduct a review of the application and the proposed sign. The County Manager or designee shall grant or deny the permit application within 60 days from the date the completed application was determined to be sufficient.~~

~~C. Issuance or Denial of Permit~~

~~1. The County Manager or designee shall issue the permit if it is determined that the application meets the requirements contained in this sign ordinance and it is determined that the proposed sign will not violate any **building**, electrical or other code adopted by Collier County.~~

~~2. The County Manager or designee shall deny the permit if it is determined that one or more reasons for denial exists, including noncompliance with this Sign Code and any **building**, electrical or other adopted code of Collier County. The County Manager or designee shall make a written report of the denial and the reasons therefore. A copy of the report shall be sent by mail or other method to the designated return address of the applicant.~~

~~D.B. Appeal to Board of Zoning Appeals or Building Board of Adjustments and Appeals.~~

1. Within 30 days of the date of the written denial, ~~the applicant denial~~ sent by certified mail return receipt requested by the County Manager or designee, the **applicant**, may appeal the permit denial to the ~~Building Board of Adjustments~~.
2. A request for appeal shall be filed in writing. Such request shall state the basis for the appeal and shall include any pertinent information, exhibits, and other backup information in support of the appeal. A fee for the application and processing of an appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the **applicant**. The ~~Building Board of Adjustments and Appeals~~, shall hold an advertised public hearing on the appeal and shall consider the denial of the County Manager or designee or ~~chief building~~ official, whichever is applicable.
3. Time limitations on appeals. The Board of Zoning Adjustment and the Building Board of Adjustments and Appeals shall make their decision on an appeal within 60 days after a request for an appeal has been filed in writing. Any appeal that has not been acted upon by the **applicant** within 6 months of the **applicant** filing the appeal will be determined to be withdrawn and cancelled unless extended by the BCC. Further review and action on the appeal will require a new application subject to the then current LDC code.

* * * * *

SUBSECTION 3.X. AMENDMENTS TO 6.01.02 EASEMENTS

Section 6.01.02 Easements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.01.02 Easements ¹⁷

* * * * *

- C. Protected/preserve area and **easements**. ~~For provisions related to protected/preserve area and easements, see section 10.02.04 B.1. of this Code.~~ A nonexclusive easement or tract in favor of Collier County, without any maintenance obligation, shall be provided for all "protected/preserve" areas required to be designated on the preliminary and final subdivision plats or only on the final subdivision plat if the applicant chooses not to submit the optional preliminary subdivision plat. Any buildable lot or parcel subject to or abutting a protected/preserve area required to be designated on the preliminary and final subdivision plats, or only on the final subdivision plat if the applicant chooses not to submit the optional preliminary subdivision plat, shall have a minimum setback as required by the LDC, or other setback that may be approved as a deviation through the PUD approval process by the Board of County Commissioners from the boundary of such protected/preserve area in which no principle structure may be constructed. The required preserve principal structure setback line and the accessory structure setback lines shall be clearly indicated and labeled on the final plat where applicable. Further, the preliminary and final subdivision plats, or only on the final subdivision plat

¹⁷ Language added in section 6.01.02 C was relocated from the former 10.02.04 B.1.

if the **applicant** chooses not to submit the optional preliminary **subdivision** plat, shall require that no **alteration**, including **accessory structures**, fill placement, grading, plant alteration or removal, or similar activity shall be permitted within such **setback** area without the prior written consent of the County Manager or designee; provided, in no event shall these activities be permitted in such **setback** area within ten feet of the protected/preserve area boundary. Additional regulations regarding preserve **setbacks** and **buffers** are located in Chapters 4 and 10, and shall be applicable for all preserves, regardless if they are platted or simply identified by a recorded conservation **easement**. The boundaries of all required **easements** shall be dimensioned on the final **subdivision** plat. Required protected/preserve areas shall be identified as separate **tracts** or **easements** having **access** to them from a platted **right-of-way**. No individual residential or commercial **lot** or **parcel** lines may project into them when platted as a **tract**. If the protected/preserve area is determined to be jurisdictional in nature, verification must be provided which documents the approval of the boundary limits from the appropriate local, state or federal agencies having jurisdiction and when applicable pursuant to the requirements and provisions of the growth management plan. All required **easements** or **tracts** for protected/preserve areas shall be dedicated and also establish the permitted uses for said **easement(s)** and/or **tracts** on the final **subdivision** plat to Collier County without the responsibility for maintenance and/or to a property owners' association or similar entity with maintenance responsibilities. An **applicant** who wishes to set aside, dedicate or grant additional protected preserve areas not otherwise required to be designated on the preliminary **subdivision** plat and final **subdivision** plats, or only on the final **subdivision** plat if the **applicant** chooses not to submit the optional preliminary **subdivision** plat, may do so by grant or dedication without being bound by the provisions of this section.

* * * * *

SUBSECTION 3.Y. ADDING SECTION 6.01.05 SOIL EROSION AND SEDIMENT CONTROL PLAN

Section 6.01.05 Soil Erosion and Sediment Control Plan, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby added to read as follows:

6.01.05 Soil Erosion and Sediment Control Plan¹⁸

- A. Soil Erosion and Sediment Control Plan. For new and existing **development** and construction approved pursuant to the provisions of LDC sections 10.02.03, 10.02.04 and 10.02.05, a soil erosion and sediment control plan shall be prepared and submitted for approval with the required construction documents for each proposed project as prescribed by objective 5.4 and policy 5.4.1 of the Conservation and Coastal Management Element of the Collier County Growth Management Plan.
 - 1. Application. The Administrative Code shall establish the procedure and submittal requirements for a Soil Erosion and Sediment Control Plan.

¹⁸ Added text in section 6.01.05 was relocated from the former 10.02.02 C and updated.

* * * * *

SUBSECTION 3.Z. AMENDMENTS TO 6.02.01 GENERALLY

Section 6.02.01 Generally, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.02.01 Generally

* * * * *

- B. Procedures for determinations of vested rights for adequate public facilities are set forth in Chapter 9 40.
- C. Procedures for applications for certificates of public facility adequacy are set forth in the Administrative Code and LDC section 10.02.07~~Chapter 10~~.
- D. For the purposes of this section only, the following terms are defined as follows:

* * * * *

SUBSECTION 3.AA. AMENDMENTS TO 6.02.03 TRANSPORTATION LEVEL OF SERVICE REQUIREMENTS

Section 6.02.03 Transportation Level of Service Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.02.03 Transportation Level of Service Requirements ¹⁹

* * * * *

F. Proportionate Share Payments. Proportionate share payments may be used to mitigate the impacts of a development on a deficient roadway link by more than a de minimis amount within a Transportation Concurrency Management Area in which 85 percent of the north-south lane miles and 85 percent of the east-west lane miles are operating at or above the adopted LOS standards consistent with Policies 5.8 and 5.9 of the Comprehensive Plan Transportation Element.

- 1. However, no impact will be de minimis if it exceeds the adopted level-of-service standard of any affected designated hurricane evacuation routes within a TCMA. Hurricane routes in Collier County are shown on Map TR7 of the Transportation Element. Any impact to a hurricane evacuation route operating below the adopted LOS within a TCMA shall require a proportionate share payment provided the remaining LOS requirements of the TCMA are maintained. Proportionate share payments under this section are determined subsequent to a finding of concurrency for a proposed project within a TCMA and do not

¹⁹ Text added in 6.02.03 F was relocated from former 10.02.07 C.4.g.

influence the **concurrency** determination process. **Development** of an individual single-family residence will not be required to contribute or make a **proportionate share** payment under this section.

a. The **proportionate share** of the cost of improvements of such deficient roadways is calculated according to the following formula:

Project trips impacting deficient link/SV increase X cost = **proportionate share**.

i. Project trips = Cumulative number of the trips from the proposed **development** expected to reach the roadway during the peak hour from the complete buildout of a stage or phase being approved.

ii. SV increase = The change in peak hour maximum service volume of the roadway resulting from construction of the improvement necessary to maintain the adopted **level of service**.

iii. Cost = Cost of construction, at the time of developer payment, of an improvement necessary to maintain the adopted **level of service**. Construction cost includes all improvement associated costs, including engineering design, **right-of-way** acquisition, planning, engineering, inspection, and other associated physical **development** costs directly required and associated with the construction of the improvement.

b. The cost for a deficient roadway link shall be established using a typical "lane mile cost" of adding lanes to a roadway having a similar area type/facility type as determined by the Collier County Transportation Administrator.

* * * * *

SUBSECTION 3.BB. AMENDMENTS TO 6.04.03 FIRE HYDRANTS

Section 6.04.03 Fire Hydrants, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.04.03 Fire Hydrants

~~A. All hydrants shall be connected to water systems having sufficient storage or emergency pumping facilities to provide for the minimum fire flows to be maintained for at least four (4) hours or the current recommendation of the Fire Suppression Rating of the Insurance Services Office, whichever is greater. Hydrants shall be placed on common **lot lines** within the approved **right-of-way**, unless otherwise approved by the County Manager or designee pursuant to Chapter 10.~~

~~B. Hydrants shall be installed and placed in a manner complying with the requirements set forth in the latest edition of NFPA No. 24 entitled, "Standard for the Installation of Private Fire Service Mains and Their Appurtenances," published by the National Fire Protection~~

Association. Hydrants to be installed within subdivided ~~lots~~ for fire protection purposes shall be evaluated during the site ~~development plan~~ review process as required in Chapter 10. These installations shall be in compliance with the standards set forth in the latest edition of NFPA 1141 entitled, "Standard for Fire Protection in Planned ~~building~~ Groups."

1. ~~Residential land development. In 1 and 2 family land developments with not more than 10 dwelling units per acre, fire hydrants shall be spaced not greater than 500 feet apart and not more than 250 feet from the center of any lot in the subdivision and shall be connected to mains no less than six (6) inches in diameter. The system shall provide capacity for water flows of at least 500 gallons per minute or greater, as required by the Fire Suppression Rating Schedule of the Insurance Services Office, in addition to maximum day domestic requirements at residual pressures of not less than twenty (20) pounds per square inch, unless otherwise required by the applicable fire code.~~

2. ~~Commercial, industrial, and multifamily developments. Fire hydrants located in these areas shall be connected to water mains no less than 8 inches in diameter. In no case shall the spacing of hydrants be greater than 500 feet apart and not more than 250 feet from the center of any lot in the subdivision. Hydrant spacing and size shall be capable of providing water flows adequate to meet the requirements of the Fire Suppression Rating Schedule of the Insurance Services Office. In no case shall the flow be less than 750 gallons per minute with the residual pressure of twenty (20) pounds per square inch at the most remote point of discharge.~~

A. ~~3. Fire hydrants shall be provided at no cost to the County in all subdivisions and developments. In all cases, fire hydrants shall be provided and spaced in the manner prescribed by the design requirements of this section.~~

B. All subdivisions and development shall comply with the Florida Fire Prevention Code (FFPC).

* * * * *

SUBSECTION 3.CC. AMENDMENTS TO 6.05.01 WATER MANAGEMENT REQUIREMENTS

Section 6.05.01 Water Management Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.05.01 Water Management Requirements²⁰

²⁰ Language being added in section 6.05.01 derives from the former Code of Laws section 2-12, Exhibit A, subsection C.16.

A complete stormwater management system shall be provided for all areas within the **subdivision** or **development**, including **lots**, **streets**, and **alleys**.

A. The system design shall meet the applicable provisions of the current County codes and ordinances, SFWMD rules and regulations pursuant to Florida Statutes, and the Florida Administrative Code, and any other affected state and federal agencies' rules and regulations in effect at the time of preliminary **subdivision** plat submission. Water management areas will be required to be maintained in perpetuity according to the approved plans. Water management areas not maintained will be corrected according to approved plans within 30 days.

* * * * *

H. **Street grades.** Street grades must be determined in relation to the **drainage facilities** for the **subdivision** and must not exceed four percent nor be less than 0.3 percent, unless otherwise approved by the County Manager or designee pursuant to section 10.02.04 of the LDC. **Street grades** must be shown on the **development plans** by direction and percent of fall on the road profiles.

I. Rainfall and runoff criteria. The system must be designed for "design **floods**" resulting from rain storms and antecedent conditions for all system components in accordance with current Collier County and South Florida Water Management District criteria.

1. Runoff coefficients. Existing land usage will be considered for the selection of proper runoff coefficients within the drainage basins involved, whether within the **subdivision** or **development** or not.

2. Lakes. Artificial lakes and retention basins proposed as part of a stormwater retention system for on-site water management must be designed and shall be consistent with other ordinances or regulations of Collier County, the state or the region. All lakes will be set back from **abutting** roadways or intersections pursuant to the design standards established in sections 22-106 through 22-119 of the Code of Laws and Ordinances.

J. Stormwater outfalls. Stormwater runoff must be conducted to positive outfalls that can be permanently maintained, practicably and legally. Outfalls to existing waterways, canals, preserve or conservation areas, lakes or storm sewers will be acceptable provided it can be demonstrated through a professional engineering study to the County Manager or designee that such receiving systems have adequate capacity to receive the proposed quantity and quality of the additional flow.

1. Side ditches or swales along public or private roads shall not be accepted as suitable positive outfalls except as may be specifically accepted under the provisions of the LDC by the County Manager or designee and by the Florida Department of Transportation, if applicable. The storage of stormwater runoff in other existing or proposed ditches or swales within a public or private **right-of-way** will be permitted for volume storage when approved under South Florida Water Management District design criteria, but will not be utilized to satisfy the stormwater storage (quality) requirements of a **development's** master water management system.

K. Major waterway. Improvement or establishment of major waterways and canals will be developed in full accord with applicable stormwater management criteria. Engineering data, criteria, and suitable calculations shall be submitted to the County Manager or designee prior to approval of construction plans.

1. Roadways over major waterways will be **structures** approved by the County Manager or designee, sized to maintain flow capacity, designed to assure long life and minimal maintenance. Construction must meet all current Florida Department of Transportation Standard Specifications for Road and Bridge Construction, as amended, unless otherwise approved by the County Manager or designee pursuant to section 10.02.04 of the LDC.

L. Outfall ditches and open channels. Unless otherwise approved by the County Manager or designee pursuant to section 10.02.04 of the LDC, side slopes no steeper than four to one will be allowed. Protection against scour and erosion will be provided as required by the County Manager or designee.

M. Roadside swales.

1. Design. In the interest of preserving the existing natural groundwater levels, roadways will not be designed so as to cause the significant lowering of the water levels existing in the area prior to **development**. Roadside swales and ditches may be permitted within **street rights-of-way** where the use of roadside swales can be justified to the County Manager or designee through a written report prepared by the **applicant's** professional engineer. Swales, where permissible, will have side slopes no steeper than four to one and they will not be utilized to satisfy the stormwater quality (volume) requirements of a project's master water management system. Where flow velocities in excess of four feet per second are anticipated, urban **right-of-way sections** will be required.

2. Erosion protection. All unpaved areas within the permanent **right-of-way** must be provided with permanent erosion protection, such as **native vegetation** or turf. Swale ditches shall be sodded a lateral distance extending from the road pavement to the top of the swale ditch backslope. Where valley guttered sections are used for drainageways, turf protection must be placed from the edge of the gutter to the outer limits of the **right-of-way**. If seeding is utilized, then mulching in accordance with the Florida Department of Transportation standards will be required. Additionally, if seeding and mulching are utilized, then a strip of sod one foot wide will be placed along the face of the pavement or curb section and over the invert of any approved swale section within the runoff flowway. All swales subject to erosion velocities will have adequate erosion protection in the form of riprap or other applicable like methods.

3. **Driveways** across swale ditches. **Driveways** across permitted swale ditches must have placed beneath them drainage pipes of adequate size and type approved by the County Manager or designee, based on the capacity requirements calculated by the **applicant's** professional engineer for the **development's** master water management system.

N. **Street** drainage. **Street** drainage within the road **right-of-way** through grassed swales will be permitted for rural cross sections only except where velocities in excess of four feet per second are anticipated. The flow from these swales or other types of **drainage**

facilities will be diverted to natural percolation areas, artificial seepage basins or artificial lakes of at least sufficient capacity to comply with the criteria of Collier County and the South Florida Water Management District. Other equally effective methods of returning cleansed waters to the aquifer will be acceptable upon prior review and approval by the County Manager or designee.

1. Existing natural lakes may be used as detention areas provided that they have adequate storage capacity and that pretreatment measures approved by the County Manager or designee are taken to prevent pollutant matter from entering the lake. Positive outfall **drainage facilities** will be provided away from all percolation areas, seepage basins, detention areas and artificial lakes to handle the runoff from storms which exceed the required design storm event in duration and/or severity.

O. Percolation areas. The actual area required will depend on the percolation rate for the soils at the specific site and the manner in which the site is developed in accordance with Collier County and South Florida Water Management District criteria.

1. Underground drainage. Where drainage plans provide for, or it is so directed by the County Manager or designee, the collection of stormwater in underground pipes, inlets and other appurtenances for conveyance to an intermediate or ultimate outfall, the following minimum design criteria will be observed:

a. The minimum pipe used within a publicly maintained stormwater collection system will be 15 inches in diameter.

b. Inlets will be spaced at such intervals and in such a manner to allow for the acceptance of 100 percent of the ten-year, one-hour storm runoff.

c. The distance between terminating and intermediate **structures** must not exceed those required by the Florida Department of Transportation, pursuant to Florida Department of Transportation Drainage Manual, Volumes 1—4 (1987 edition or latest revision).

d. The stormwater, underground collection system, must be so designed that the elevation of the hydraulic gradient during a ten-year, one-hour storm event is never higher than the crown elevation of any publicly maintained roadway in the system.

e. The pipes must be designed to minimize sediment deposits.

f. The pipe materials must meet the requirements set forth in sections 943 - 948 inclusive of the current edition of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction. Only concrete pipe or other pipe materials approved by the County Manager or designee may be used in tidal or salt waters.

g. All drainage pipes must be fitted with headwalls, endwalls, inlets and other appropriate terminating and intermediate **structures**.

P. Stormwater disposal. The method of ultimate disposal of stormwaters will be dependent upon the soil characteristic underlying the **development** or **subdivision**. All stormwaters

will be subjected to treatment for the removal of petroleum residues, oils, suspended solids and other pollutants found in stormwater runoff. The method of treatment will be determined by the **applicant's** professional engineer responsible for the preparation of the stormwater management plans and specifications, and will be subject to the approval of the County Manager or designee and the concerned state agencies.

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SUBSECTION 3.DD. AMENDMENTS TO 6.06.01 STREET SYSTEM REQUIREMENTS

Section 6.06.01 Street System Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.06.01 Street System Requirements

* * * * *

S. Curbs/valley gutter. All **streets** must be provided with valley gutter or curbs to provide for drainage. Curbs will be required at **street** intersections and for those areas requiring additional vehicular protection. All required intersection curbs must extend ten feet beyond the radius.²¹

T. Intersection radii. **Street** intersections will be provided with a minimum of a 25-foot radius (edge of pavement) for local or **cul-de-sac streets**. If two local or **cul-de-sac streets** intersect at less than 90 degrees, a radius of greater than 30 feet may be required. Intersection **right-of-way** lines must be provided with no less than a 25-foot radius, or as approved by the county manager or designee.²²

U. Signs. The developer must provide and install traffic control signs, **street** name and speed limit signs. All signs must be of noncorrosive, reflective material construction or of a type approved by the County Manager or designee. One double-sided **street** name sign of standard design as prescribed by current county standards will be provided at each intersection for each named **street** unless otherwise approved by the County Manager or designee pursuant to LDC section 10.02.04. All signs shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), unless approved through the PUD deviation process. All signs must be designated on the construction plans prior to their approval by the County Manager or designee.²³

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SUBSECTION 3.EE. AMENDMENTS TO 6.06.02 SIDEWALKS, BIKE LANE AND PATHWAY REQUIREMENTS

²¹ Language being added in this subsection derives from the former Code of Laws section 2-12, Exhibit A, subsection C.13.g.
²² Language being added in this subsection derives from the former Code of Laws section 2-12, Exhibit A, subsection C.13.h.
²³ Language being added in this subsection derives from the former Code of Laws section 2-12, Exhibit A, subsection C.13.l.ix.

Section 6.06.02 Sidewalks, Bike Lane and Pathway Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.06.02 Sidewalks, Bike Lane and Pathway Requirements ²⁴

A. All **developments** must construct **sidewalks, bike lanes, and pathways**, as described below:

* * * * *

- 6. All **bicycle lanes** must also have signage and be marked in accordance with the latest edition of the U.S.D.O.T.F.H.W.A. Manual on Uniform Traffic Control Devices.
- 7. Sidewalks and bike paths at intersections shall continue to the edge of curb as depicted by Illustrations 1 and 2.

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²⁴ text and illustrations being added in 6.06.02 A.7-9 were relocated from the former 10.02.03 B.1.i.v-vi.

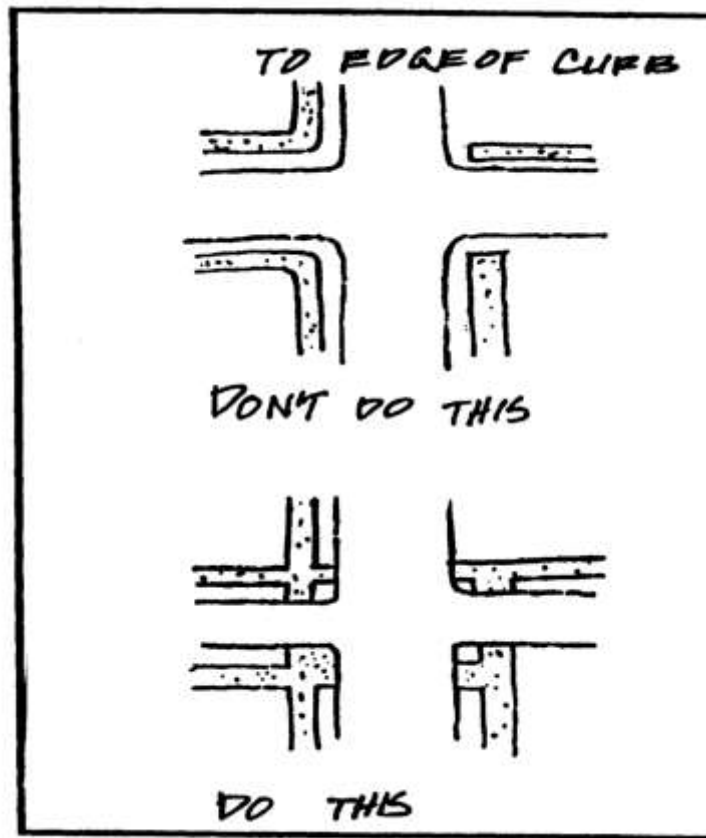


Illustration 1

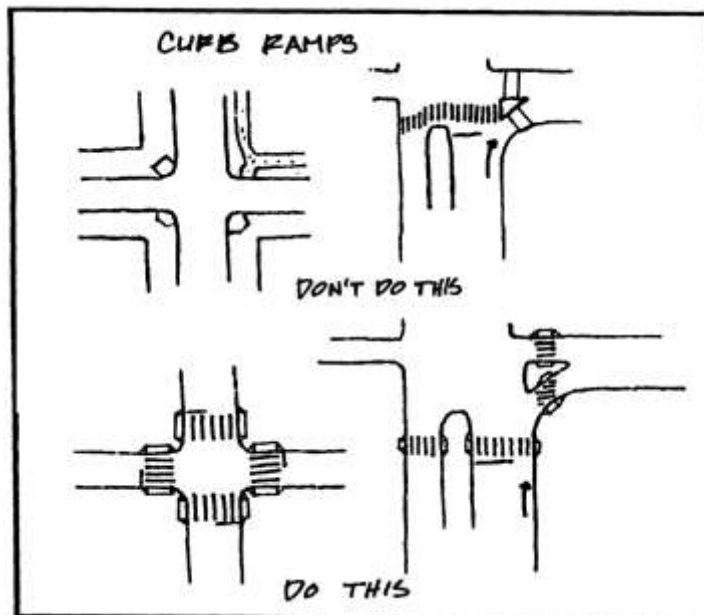


Illustration 2

8. Two curb ramps shall be provided for **sidewalks** and bike paths at each **street** corner of an intersection. Curb ramps shall be a minimum of 36 inches in width and shall not rise at a ratio greater than as outlined by the Florida accessibility code for **building** construction.
9. Crosswalks shall be required at any intersection where the distance to the nearest crosswalk is greater than 1,000 feet.

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SUBSECTION 3.FF. AMENDMENTS TO 9.02.06 REQUIRED NOTICES FOR VESTED RIGHTS DETERMINATION PROCESS, INCLUDING PUBLIC HEARINGS

Section 9.02.06 Required Notices for Vested Rights Determination Process, Including Public Hearings, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

9.02.06 Required Notices for Vested Rights Determination Process, Including Public Hearings

- A. Within ~~fifteen~~ (15) days of the date of receipt by the county of a completed application for a vested rights determination, the **landowner** must provide notice of the submission of the application by:
 - a)
 1. Prominently posting on the property for which the vested rights determination is sought a sign advising of the substance of the claim of vested rights. The **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 contain substantially the following format.
 - a. Public Hearing for Vested Rights Determination:
To Permit: (sufficiently clear to describe the project)
Date:
Time:
To be held in the Commissioners Meeting Room, Administration Building, County Government Center, 3299 Tamiami Trail East, Naples, Florida
 2. The area of the **signs** shall be as follows:
 - a. For properties less than one acre in size, the **sign** shall measure at least one and one half square feet in area.
 - b. For properties 1 acre or more in size, the **sign** shall measure at least 32 square feet in area.
 3. In the case of **signs** located on properties less than one acre in size, the **sign** shall be erected by the County Manager or designee in full view of the public on each **street** side of the subject property. Where the property for which approval is

sought is landlocked or for some other reason the **signs** cannot be posted directly on the subject 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.

4. In the case of **signs** located on properties one 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 subject 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 1,320 linear feet, **signs** shall be placed equidistant from one another with a maximum spacing of 1,000 linear feet, except that in no case shall the number of **signs** along the exterior boundary fronting on a **street** exceed 4 **signs**. The **applicant** shall provide evidence to the County Manager or designee that the **sign(s)** were erected by furnishing photographs of the **sign(s)** showing the date of their erection at least ten days prior to the scheduled public hearing by the planning commission, whichever has jurisdiction. The **signs** shall remain in place until the date of either the following occurrences: 1) Final action is taken by the board of county commissioners or 2) The receipt of written notification by the County Manager or designee from the **applicant** requesting to withdraw the petition or requesting its indefinite continuance.

5. ~~and otherwise complying with section 10.03.05. B. 1. as to timing and otherwise, a. or b., only, and B. 2. through 4., as applicable, and b) Mmailing notice to all property owners within 300 feet of the property lines of the subject property. The mailed notice must briefly state the nature of the claim and must be made via certified mail, return receipt requested, sent at the **landowner's** expense.~~

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SUBSECTION 3.GG. AMENDMENTS TO 9.03.07 NONCONFORMITIES CREATED OR INCREASED BY PUBLIC ACQUISITION

Section 9.03.07 Nonconformities Created or Increased by Public Acquisition, Including Public Hearings, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

9.03.07 Nonconformities Created or Increased by Public Acquisition

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D. **Post Take Plan.** This section addresses the **development**, review and approval of post-take cure plans for remainder properties to mitigate and/or eliminate the negative and potentially costly impacts resulting from the **taking** of a property for public purposes. In such cases, it may be determined to be in the public interest to allow some deviations from applicable LDC or PUD provisions, or **Conditional Use** requirements, in order to accommodate site modifications and/or enhancements, designed to cure, remedy,

mitigate, minimize or resolve otherwise negative site impacts resultant from public acquisition.

1. ²⁵ The Administrative Code shall establish the submittal requirements for a **Post Take Plan** may be submitted for staff review and approval and the applicant shall provide ~~depict~~ the following:
 - a. The boundary or special purpose survey shall be signed and sealed by a professional surveyor and mapper licensed to practice in the State of Florida.
 - a. ~~A scaled drawing or drawings 24 by 36 inches in size, with one 8.5 by 11 inch drawing providing and/or depicting:~~
 - i. ~~The public project name (purpose of the acquisition);~~
 - ii. ~~The name, address and phone number of the consulting firm(s) preparing the plans;~~
 - iii. ~~Zoning designation of the subject property;~~
 - iv. ~~Legal Description, along with the total site acreage in both pre and post-acquisition condition;~~
 - v. ~~All existing improvements, clearly depicting those affected by the acquisition;~~
 - vi. ~~All proposed mitigating improvements and remedies;~~
 - vii. ~~The exact nature and dimension of any requested deviations;~~
 - viii. ~~The pre and post-acquisition configuration of the lot or lots;~~
 - ix. ~~The dimensions from the pre and post-acquisition property line to all affected improvements;~~
 - b. ~~A narrative description of the pre and post-acquisition site conditions, noting impacts and all nonconformities created or exacerbated as a result of the acquisition, and any proposed mitigation and remedies;~~
 - c. ~~A signed and sealed boundary or special purpose survey prepared by a surveyor licensed to practice in the State of Florida as may be deemed sufficient, to ascertain or verify existing conditions; and,~~
 - d. ~~The most recent available aerial of the site.~~
 - e-b. The appropriate fee as established by the Board of County Commissioners.
2. The property owner or the County may request the following deviations from the LDC, PUD or **Conditional Use** requirements, as may be applicable:
 - a. **Landscape Buffers** may be reduced from the required width or depth; but shall not result in a **buffer** of less than ~~five (5)~~ feet in width or depth. **Landscape buffers** which have been completely eliminated by the acquisition may be replaced beyond the acquisition area; but shall not result in a **buffer** of less than ~~five (5)~~ feet in width or depth. All required plant materials and irrigation requirements shall remain within the reduced **buffer** area or shall be relocated or installed as a condition of the **Post Take Plan** approval.

²⁵ Language stricken in section 9.03.07 D.1. is being relocated to the Administrative Code for Land Development, referenced as Exhibit B in Code of Laws Section 2-13.

- b. Water management facilities, including retention, detention and conveyance may occupy up to ~~seventy-five (75)~~ percent of a **landscape buffer** width, if there is a minimum remaining planting area of at least ~~five (5)~~ feet.
 - c. Required **native vegetation**, preserve, or **open space** requirements may be reduced by an amount not to exceed ~~ten (10)~~ percent.
3. Deviations other than those set forth in paragraphs D.2.a. through D.2.c. above, or exceeding the minimums or maximums established therein, may also be approved, subject to the following procedures:
- a. In addition to the requirements for submittal of a **Post Take Plan** established in ~~the Administrative Code paragraph D.1., above,~~ within 60 days of the date of submittal of the **Post Take Plan** to Collier County the **applicant** shall also notify property owners in accordance with notice procedures established in LDC section 10.03.06 S, Section 10.03.05.B.10 and Section 10.03.05.B.11, as may be applicable.
 - b. The notice shall: (1) list the requested deviations other than those set forth in paragraph 2, above, or exceeding the minimums and maximums established in that subsection; (2) provide a brief narrative justification for such deviation(s); and (3) provide a copy of the **Post Take Plan** (in 11 by 17 inch or 8.5 by 11 inch format). ~~If no written objection is received within 30 days of the date of mailing of the notice, the Post Take Plan is deemed approved.~~

4. Approval Criteria and Process.

- a. If no written objection is received within 30 days of the date of mailing of the notice, the **Post Take Plan** is deemed approved.
- ~~e-b.~~ If an **abutting** property owner who receives a notice submits a written objection to Collier County within 30 days of the date of mailing of notice, the matter shall be scheduled for public hearing before the Collier County Planning Commission (CCPC). In such cases, the Board of County Commissioners delegates the authority to review the **Post Take Plan** to the CCPC and includes this review as part of the CCPC powers and duties under the Collier County Code of Laws and Ordinances section 2-1156 - 2-1164, Section 8.03.01 of the LDC. Public notice for the hearing shall comply with LDC section 10.03.05 C, Section 10.03.05.B, as may be applicable, and shall specifically note the location of the property and the requested deviations. The CCPC, in considering whether to approve, approve with conditions, or deny the proposed **Post Take Plan**, shall consider the following:
 - i. Whether the deviation is the minimum amount necessary to mitigate for the impacts of the acquisition, while still protecting the public health, safety, and welfare; and

- ii. Whether the County or property owner has or will mitigate for impacts from the requested deviation(s) on neighboring properties by maintaining or enhancing **compatibility** through various measures, including but not limited to the installation of additional landscape plantings or the installation of fences or walls; and
- iii. Whether the requested deviations are consistent with and further applicable policies of the GMP and the requirements of the LDC, PUD, or **Conditional Use**, as may be applicable.

4-5. Within 30 days of approval, approval with conditions, or denial of a **Post Take Plan** by the CCPC, the **applicant**, affected property owner, or **abutting** property owner may appeal the decision to the Board of Zoning Appeals. For the purposes of this section, an aggrieved or adversely affected party is defined as any person or group of persons which will suffer an adverse effect to any interest protected or furthered by the Collier County Growth Management Plan, Land Development Code, or **building** code(s). If an appeal is filed by an **abutting** property owner, and said appeal is successful, Collier County shall reimburse said appellant for the appeal application fee and any associated advertising costs.

E. This section (9.03.07) applies to acquisitions which occurred prior to the adoption of this ordinance if the purchase or dedication of the property has not closed, or the condemnation proceeding relating to the property acquired has exhausted all available appeals.

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SUBSECTION 3.HH. AMENDMENTS TO 9.04.07 SPECIFIC REQUIREMENTS FOR WAIVER OF AUTOMOBILE SERVICE STATION DISTANCE REQUIREMENTS

Section 9.04.07 Specific Requirements for Waiver of Automobile Service Station Distance Requirements, Including Public Hearings, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

~~9.04.07 Specific Requirements for Waiver of Automobile Service Station Distance Requirements~~²⁶

- ~~A. *Waiver of distance requirements.* The BZA may, by resolution, grant a waiver of part or all of the minimum separation requirements set forth in section 5.05.05, if it is demonstrated by the **applicant** and determined by the BZA that the site proposed for **development** of an **automobile service station** is separated from another **automobile service station** by natural or man-made boundaries, **structures** or other features which offset or limit the necessity for such minimum distance requirements. The BZA decision to waive part or all of the distance requirements shall be based upon the following factors:~~
- ~~1. Whether or not the nature and type of natural or manmade boundary, **structure**, or other feature lying between the proposed establishment and an existing~~

²⁶ The text of 9.04.07 A-C is being relocated to 5.05.05 B.

~~automobile service station~~ is determined by the board to lessen the impact of the proposed service station. Such boundary, ~~structure~~ or other feature may include, but not be limited to, lakes, marshes, nondevelopable ~~wetlands~~, designated preserve areas, canals and a minimum of a four-lane arterial or collector ~~right-of-way~~.

2. ~~Whether or not the automobile service station is only engaged in the servicing of automobiles during regular, daytime business hours, or if in addition to or in lieu of servicing, the station sells food, gasoline and other convenience items during daytime, nighttime, or on a 24-hour basis.~~
3. ~~Whether or not the service station is located within a shopping center primarily accessed by a driveway, or if it fronts on and is accessed directly from a platted road right-of-way.~~
4. ~~Whether or not the granting of the distance waiver will have an adverse impact on adjacent land uses, especially residential land uses.~~

B. ~~Waiver request submittal requirements.~~ The request for an ~~automobile service station~~ waiver shall be based on the submittal of the required application, a site plan, and a written market study analysis which justifies a need for the additional ~~automobile service station~~ in the desired location. The site plan shall indicate the following:

1. ~~The dimensions of the subject property.~~
2. ~~All vehicular points of ingress and egress.~~
3. ~~Compliance with all requirements of this Code including the location of the structures on site, landscaping, off-street parking, site circulation, architectural design guidelines, and signage.~~
4. ~~All proposed buffer areas.~~
5. ~~The site plan shall also indicate the layout and type of land uses surrounding the subject property within 500 feet. The site plan shall show the layout of the road on which the proposed station fronts or to which access is provided, including the type of road, the number of lanes, and the location of intersections and turn lanes, median locations and median widths, for a 500 foot distance from the subject parcel.~~

C. ~~Additional conditions.~~ The BZA shall have the right to add additional conditions or requirements to its approval of a distance waiver request in order to insure ~~compatibility~~ of the ~~automobile service station~~ with the surrounding area and the goals and objectives of the GMP.

* * * * *

SUBSECTION 3.II. AMENDMENTS TO 10.01.02 DEVELOPMENT ORDERS REQUIRED

Section 10.01.02 Development Orders Required, Including Public Hearings, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.01.02 Development Orders Required

* * * * *

B. Early Work Authorization (EWA). An EWA permit allows for limited development activities before a development order is issued provided all underlying zoning

approvals are in place. The Administrative Code shall establish the submittal requirements to obtain an EWA permit.

1. An EWA permit may be approved by the County Manager, or designee, for 1 or more of the following activities:
 - a. Vegetation removal (site clearing);
 - b. Excavations;
 - c. Site filling;
 - d. Construction of stormwater management facilities limited to ponds, retention/detention areas, interconnection culverts, and swale systems; ~~and,~~
 - e. Off-site infrastructure; and
 - f. Construction of a perimeter **landscape buffer, berm**, wall, or fence.

2. The County may issue an EWA permit for the allowed activities, subject to demonstrated compliance with the following criteria, as applicable:
 - a. The proposed vegetation removal complies with LDC sSection 3.05.05 O;
 - b. County **right-of-way** permit has been approved;
 - c. A determination of **native vegetation** to be retained for landscaping which would comply with LDC sSection 4.06.00;
 - d. An excavation permit has been approved;
 - e. A Soil ~~and~~ Erosion and Sediment Control Plan demonstrating compliance with the provisions of LDC sSection 6.01.0540.02.02 C;
 - f. Copies of all approved Agency permits being submitted, including, but not limited to: SFWMD, ACOE, USFWS, and FFWCC;
 - g. Determination of legal sufficiency of the EWA permit by the County Attorney's Office;
 - h. A vegetation bond in the form of a performance bond, letter of credit, or cash bond and in the amount of \$2,000.00 per acre is posted for stabilization with vegetation in accordance with LDC section 4.06.04 A.3;
 - i. Assurance that all underlying zoning approvals are in place (e.g. PUD, C.U., etc.);
 - j. The EWA permit is valid for 60 days with the possibility of two 60-day extensions dependent on the reason for the inability to gain proper approvals. After that time, cleared areas must be **graded** off and hydro-seeded. Where more time is needed, a new EWA may be requested;
 - k. All preliminary construction activities are at the risk of the developer.

- C. Early Construction Authorization (ECA). An ECA permit may grant the **applicant** a conditional **building** permit prior to **development order** approval subject to the criteria, limitations, and procedure established in this section.
 1. The ECA may be approved by the County Manager or ~~their~~ designee if the following criteria are met:
 - a. A form provided by the Collier County Growth Management Division is submitted that clearly states the developer understands that all such preliminary construction activities are at his/her own risk.
 - b. The zoning designation allows the use.

- c. The proposed vegetation removal complies with LDC section 3.05.05-_O, if applicable.

* * * * *

2. Limitations on construction activity.

a. The ECA permit allows approved construction to commence up to the first **building** code inspection. Construction may continue following phased or complete **building** permit approval by the Collier County **Building** Department and Office of the Fire Code Official. All construction is subject to the time limitations identified in ~~section 105.4.1 Permit intent~~, of the Florida **Building Code**, Permit intent, section 105.4.1.

b. If the site **development plan**, improvement plan or amendment is denied by the County, then the developer shall remove any improvements permitted by the ECA's conditional **building** permit within ~~thirty (30)~~ days of the denial. Failure to remove the improvements within ~~thirty (30)~~ days will result in the forfeiture of the ~~B~~ bond or surety provided for in 10.01.02.C.1.g.

* * * * *

SUBSECTION 3.JJ. AMENDMENTS TO 10.02.02 SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS

Section 10.02.02 Submittal Requirements for All Applications, Including Public Hearings, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.02 Infrastructure Standards and County Inspections Submittal Requirements for All Applications

~~A. Environmental Data Submittal Requirements.~~²⁷

- ~~1. Purpose. The purpose of this section is to identify the types and format of data that is required to review a proposed project to ensure it meets the land development standards contained within the Land Development Code.~~
- ~~2. Preparation of Environmental Data. Environmental Data Submittal Requirements shall be prepared by an individual with academic credentials and experience in the area of environmental sciences or natural resource management. Academic credentials and experience shall be a bachelor's or higher degree in one of the biological sciences with at least two years of ecological or biological professional experience in the State of Florida.~~
- ~~3. Environmental Data. The following information shall be submitted, where applicable, to evaluate projects.~~
 - ~~a. **Wetlands.**~~
 - ~~i. Identify on a current aerial, the location and acreage of all Collier County/SFWMD jurisdictional **wetlands** according to the Florida Land Use Cover and Forms Classification System (FLUCFCS)~~

²⁷ The text of 10.02.02 A has been entirely relocated to 3.08.00 A.

- and include this information on the SDP or final plat construction plans. **Wetlands** must be verified by the South Florida Water Management District (SFWMD) or Florida Department of Environmental Protection (DEP) prior to SDP or final plat construction plans approval. For sites in the **RFMU district**, provide an assessment in accordance with 3.05.07 F and identify on the FLUCFCS map the location of all high quality **wetlands** (**wetlands** having functionality scores of at least 0.65 WRAP or 0.7 UMAM) and their location within the proposed **development plan**. Sites with high quality **wetlands** must have their functionality scores verified by the SFWMD or DEP prior to first **development order** approval. Where functionality scores have not been verified by either the SFWMD or DEP, scores must be reviewed and accepted by County staff, consistent with State regulation.
- ii. ~~SDP or final plat construction plans with impacts to 5 or more acres of **wetlands** shall provide an analysis of potential water quality impacts of the project by evaluating water quality loadings expected from the project (post **development** conditions considering the proposed land uses and stormwater management controls) compared with water quality loadings of the project area as it exists in its pre-**development** conditions. The analysis shall be performed using methodologies approved by Federal and State water quality agencies, and must demonstrate no increase in nutrients (nitrogen and phosphorous) loadings in the post **development** scenario.~~
 - iii. ~~Where treated stormwater is allowed to be directed into preserves, show how the criteria in 3.05.07 H have been met.~~
 - iv. ~~Where native vegetation is retained on site, provide a topographic map to a half foot and, where possible, provide elevations within each of the FLUCFCS Codes identified on site. For SDP or final plat construction plans, include this information on the site plans.~~
- b. ~~Listed Species and Bald Eagle Nests and Nest Protection Zones.~~
- i. ~~Provide a wildlife survey for the nests of bald eagle and for listed species known to inhabit biological communities similar to those existing on site. The survey shall be conducted in accordance with the guidelines or recommendations of the Florida Fish and Wildlife Conservation Commission (FFWCC) and the U.S. Fish and Wildlife Service (USFWS). Survey times may be reduced or waived where an initial habitat assessment by the environmental consultant indicates that the likelihood of listed species occurrence is low, as determined by the FFWCC and USFWS. Where an initial habitat assessment by the environmental consultant indicates that the likelihood of listed species occurrence is low, the survey time may be reduced or waived by the County Manager or designee, when the project is not reviewed or technical assistance not provided by the FFWCC and USFWS. Additional survey time may be required if listed species are discovered.~~
 - ii. ~~Provide a survey for listed plants identified in 3.04.03.~~
 - iii. ~~Wildlife habitat management and monitoring plans in accordance with 3.04.00 shall be required where listed species are utilizing the~~

~~site or where wildlife habitat management and monitoring plans are required by the FFWCC or USFWS. These plans shall describe how the project directs incompatible land uses away from listed species and their habitats. Identify the location of listed species nests, burrows, dens, foraging areas, and the location of any bald eagle nests or nest protection zones on the native vegetation aerial with FLUCFCS overlay for the site. Wildlife habitat management plans shall be included on the SDP or final plat construction plans. Bald eagle management plans are required for sites containing bald eagle nests or nest protection zones, copies of which shall be included on the SDP or final plat construction plans.~~

- c. ~~Native vegetation preservation.~~
 - i. ~~For sites or portions of sites cleared of native vegetation or in agricultural operation, provide documentation that the **parcel(s)** were issued a permit to be cleared and are in compliance with the 25 year rezone limitation pursuant to section 10.02.06. For sites permitted to be cleared prior to July 2003, provide documentation that the **parcel(s)** are in compliance with the 10 year rezone limitation previously identified in the GMP. Criteria defining native vegetation and determining the legality, process and criteria for clearing are found in 3.05.05, 3.05.07 and 10.02.06.~~
 - ii. ~~Identify on a current aerial the acreage, location and community types of all upland and **wetland** habitats on the project site, according to the Florida Land Use Cover and Forms Classification System (FLUCFCS), and provide a legend for each of the FLUCFCS Codes identified. Aerials and overlay information must be legible at the scale provided. Provide calculations for the acreage of native vegetation required to be retained on-site. Include the above referenced calculations and aerials on the SDP or final plat construction plans. In a separate report, demonstrate how the preserve selection criteria pursuant to 3.05.07 have been met. Where applicable, include in this report an aerial showing the project boundaries along with any undeveloped land, preserves, natural **flowways** or other natural land features, located on abutting properties.~~
 - iii. ~~Include on a separate site plan, the project boundary and the land use designations and overlays for the RLSA, **RFMU**, ST and ACSC-ST districts. Include this information on the SDP or final plat construction plans.~~
 - iv. ~~Where off-site preservation of native vegetation is proposed in lieu of on-site, demonstrate that the criteria in section 3.05.07 have been met and provide a note on the SDP or final plat construction plans indicating the type of donation (monetary payment or land donation) identified to satisfy the requirement. Include on the SDP or final plat construction plans, a location map(s) and property identification number(s) of the off-site **parcel(s)** if off-site donation of land is to occur.~~
- d. ~~General environmental requirements.~~
 - i. ~~Provide the results of any Environmental Assessments and/or Audits of the property, along with a narrative of the measures needed to remediate if required by FDEP.~~

- ~~ii. Soil and/or ground water sampling shall be required at the time of first **development order** submittal for sites that occupy farm fields (crop fields, cattle dipping ponds, chemical mixing areas), golf courses, landfill or junkyards or for sites where **hazardous products** exceeding 250 gallons of liquid or 1,000 pounds of solids were stored or processed or where **hazardous wastes** in excess of 220 pounds per month or 110 gallons at any point in time were generated or stored. The amount of sampling and testing shall be determined by a registered professional with experience in the field of Environmental Site Assessment and shall at a minimum test for organochlorine pesticides (U.S. Environmental Protection Agency (EPA) 8081) and Resource Conservation and Recovery Act (RCRA) 8 metals using Florida Department of Environmental Protection (FDEP) soil sampling Standard Operating Procedure (SOP) FS 3000, in areas suspected of being used for mixing and at discharge point of water management system. Sampling should occur randomly if no points of contamination are obvious. Include a background soil analysis from an undeveloped location hydraulically upgradient of the potentially contaminated site. Soil sampling should occur just below the root zone, about 6 to 12 inches below ground surface or as otherwise agreed upon with the registered professional with experience in the field of Environmental Site Assessment. Include in or with the Environmental Site Assessment, the acceptable State and Federal pollutant levels for the types of contamination found on site and indicate in the Assessment, when the contaminants are over these levels. If this analysis has been done as part of an Environmental Audit then the report shall be submitted. The County shall coordinate with the FDEP where contamination exceeding applicable FDEP standards is identified on site or where an Environmental Audit or Environmental Assessment has been submitted.~~
- ~~iii. Shoreline development must provide an analysis demonstrating that the project will remain fully functional for its intended use after a six-inch rise in sea level.~~
- ~~iv. Provide justification for deviations from environmental LDC provisions pursuant to GMP CCME Policy 6.1.1 (13), if requested.~~
- ~~v. Where applicable, provide evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County. Include all state permits that comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on January 13, 2005.~~
- ~~e. Other Code requirements:~~
 - ~~i. Identify any Wellfield Risk Management Special Treatment Overlay Zones (WRM-ST) within the project area and provide an analysis for how the project design avoids the most intensive land uses within the most sensitive WRM-STs and will comply with the WRM-ST pursuant to 3.06.00. Include the location of the Wellfield Risk Management Special Treatment Overlay Zones on the SDP or final plat construction plans. For land use applications such as standard and PUD rezones and CUs, provide a separate site plan or zoning map with the project boundary and Wellfield Risk~~

- Management Special Treatment Overlay Zones identified.
- ii. ~~Demonstrate that the design of the proposed stormwater management system and analysis of water quality and quantity impacts fully incorporate the requirements of the Watershed Management regulations of 3.07.00.~~
 - iii. ~~For sites located in the Big Cypress Area of Critical State Concern Special Treatment overlay district (ACSC-ST), show how the project is consistent with the **development** standards and regulations in 4.02.14.~~
 - iv. ~~For multi-slip **dock facilities** with ten slips or more, and for all **marina** facilities, show how the project is consistent with 5.05.02. Refer to the Manatee Protection Plan for site specific requirements of the Manatee Protection Plan not included in 5.05.02.~~
 - v. ~~For **development orders** within **RFMU sending lands**, show how the project is consistent with each of the applicable Objectives and Policies of the Conservation and Coastal Management Element of the GMP.~~
 - f. ~~Additional data. The County Manager or designee may require additional data or information necessary to evaluate the project's compliance with LDC and GMP requirements.~~
4. ~~PUD zoning and CU petitions. For PUD rezones and CU petitions, **applicants** shall collate and package applicable Environmental Data Submittal Requirements into a single **Environmental Impact Statement (EIS)** document, prior to public hearings and after all applicable staff reviews are complete. Copies of the **EIS** shall be provided to the County Manager or designee prior to public hearings.~~
5. ~~Exemptions.~~
- a. ~~The Environmental Data Submittal Requirements exemption shall not apply to any **parcel** with a ST or ACSC-ST overlay, unless otherwise exempted by section 4.02.14 I.~~
 - b. ~~Single-family detached and two-family housing **structure(s)** on a **lot(s) of record** except as otherwise provided at section 4.02.04 (**cluster development**), and townhouses developed on fee simple **lots** under individual ownership, provided that a fee simple townhouse plat is approved in accordance with the provisions of section 10.02.04.B.4. These exemptions shall not apply to the following.~~
 - i. ~~**Wetland** delineations and permitting.~~
 - ii. ~~Retention of **native vegetation** in accordance with 3.05.07 C.~~
 - iii. ~~Listed species protection in accordance with 3.04.01.~~
 - c. ~~Agricultural uses. Agricultural uses that fall within the scope of sections 163.3214(4) or 823.14(6), Florida Statutes, provided that the subject property will not be converted to a nonagricultural use or considered for any type of rezoning petition for a period of 25 years after the agricultural uses commence and provided that the subject property does not fall within an ACSC or ST zoning overlay.~~
 - d. ~~All NBMO Receiving Lands in accordance with 2.03.08 A.2.a(1).~~
 - e. ~~A conventional rezone with no site plan or proposed development plan. This exemption does not apply to lands that include any of the following zoning, overlays or critical habitats: Conservation (CON), Special Treatment (ST), Area of Critical State Concern (ACSC), Natural Resource Protection Areas (NRPA's), Rural Fringe Mixed Use (RFMU) Sending~~

Lands, Xeric Scrub, Dune and Strand, Hardwood Hammocks, or any land occupied by listed species or defined by an appropriate State or Federal agency to be critical foraging habitat for listed species.

~~f. In those areas of Collier County where **oil extraction and related processing** is an allowable use, such use is subject to applicable state and federal oil and gas permits and Collier County non-environmental site development plan review procedures. Directional drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on January 13, 2005, regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the **applicant** shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C. even if outside the defined Big Cypress Watershed. All **access** roads to oil and gas uses shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)(1) through (12), F.A.C.~~

~~B. Subdivision Exemptions. Before any property or development proposed to be exempted from the terms of this section may be considered for exemption, a written request for exemption shall be submitted to the County Manager or his designee. After a determination of completeness, the County Manager or his designee shall approve, approve with conditions or disapprove the request for exemption based on the terms of the applicable exemptions. To the extent indicated, the following shall be exempt from the applicability of this section.~~

~~1. Active agricultural uses. Agriculturally related development as identified in the permitted and **accessory uses** allowed in the rural agricultural district A and located within any area designated as agricultural on the future land use map of the Collier County growth management plan and the Collier County official zoning atlas, except single-family dwellings and farm labor housing subject to sections 2.03.00 and 5.05.03, shall be exempt from the requirements and procedures for preliminary subdivision plats and improvements plans; provided, however, nothing contained herein shall exempt such active agricultural uses from the requirements and procedures for final subdivision plats, and where required subdivision improvements are contemplated, the posting of subdivision performance security.~~

~~2. Reserved.~~

~~3. Reserved.~~

~~4. Reserved.~~

~~5. Cemeteries. The division of land into cemetery **lots** or **parcels** shall be exempt from the requirements and procedures for preliminary subdivision plats and improvement plans; provided, however, nothing contained herein shall exempt such division of land into cemetery **lots** or **parcels** from the requirements and procedures for final subdivision plats and, where required subdivision~~

improvements are contemplated, the posting of subdivision performance security; and provided, further, that such division of land into cemetery ~~lots or parcels~~ shall be subject to and comply with the requirements and procedures for site development plans under section 10.02.03, and shall obtain site development plan approval for the entire property proposed for such division of land into cemetery ~~lots or parcels~~.

6. ~~Eminent domain or operation of law. The division of land which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court, shall be exempt from this section; if and only if the County Manager or his designee and the county attorney are given timely written notice of any such pending action and given the opportunity to signify that the county be joined as a party in interest in such proceeding for the purpose of raising the issue of whether or not such action would circumvent or otherwise avoid the purposes or provisions of this section, i.e., the subdivision regulations, prior to the entry of any court order; and, if and only if an appropriate pleading is not filed on behalf of the county within 20 days after receipt of such notice. However, if a pleading is filed on behalf of the county within 20 days after receipt of such notice, such division of land created by the court shall not be exempt from this section.~~
7. ~~Oil, gas, and mineral rights. The division of land which creates an interest or interests in oil, gas, or minerals which are now or hereafter severed from the surface ownership of real property shall be exempt from this section.~~
8. ~~**Lot line** adjustment/reconfiguration. An adjustment of a **lot line** between contiguous **lots or parcels** which may be platted or unplatted and which are under separate ownership or the same ownership shall be exempt from this section if all of the following conditions are met in a written request to the engineering review director:
 - a. ~~It is demonstrated that the request is to correct an engineering or surveying error in a recorded plat or is to permit an insubstantial boundary change between **adjacent parcels**;~~
 - b. ~~Both landowners whose **lot lines** are being adjusted provide written consent to the **lot line** adjustment;~~
 - c. ~~Instrument(s) evidencing the **lot line** adjustment shall be filed in the official records of Collier County, Florida, upon approval, and shall indicate that the result of the **lot line** adjustment will meet the standards of, and conforms to, the requirements of this Code, including the dimensional requirements of the zoning district and the subdivision in which the **lots** are located. However, in cases of an existing nonconforming **lot of record**, the adjustment shall not increase the nonconformity of the **lot**; and~~
 - d. ~~It is demonstrated that the **lot line** adjustment will not affect the development rights or permitted density or intensity of use of the affected **lots** by providing the opportunity to create a new **lot(s)** for resale or development.~~~~
9. ~~Prior subdivision. All division of land occurring prior to the effective date of this Code and conforming to the purposes of this section shall be exempt from this section; provided, however, that any property so divided which is resubdivided or further divided on or after January 10, 1989, shall not be exempt from this section. For agricultural/residential subdivisions within the rural area of Collier County as defined herein, refer to section 10.02.02 B.; Also see "**lot of record**" in section 1.08.00~~

10. ~~Rural area subdivision requirements.~~²⁸

- a. ~~Deeds and other conveyances. All deeds and other conveyances for properties shall include in ten-point type the following statement: "NO GOVERNMENTAL AGENCY, INCLUDING COLLIER COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS OF WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED."~~
- b. ~~**Building** permits for rural subdivisions. **Building** permits will not be issued until the final plat is recorded.~~
- c. ~~Access agreement. The owner of property applying for a **building** permit shall execute a release and waiver agreement which shall be executed and recorded at the applicant's expense in the official records of Collier County. The release and waiver agreement shall be in a form approved by the county attorney or his designee, and shall include, at a minimum, the following provisions and a copy of the recorded agreement submitted with the property owner's **building** permit application:~~
 - i. ~~Identification of the property by legal description and tax **parcel** folio number;~~
 - ii. ~~Description of the means of access to the subject property and the physical condition of that access;~~
 - iii. ~~A statement recognizing that the access rights are personal rights between the grantor and grantee and the county's approval of the use of the accessway in no way implies that the use is permitted;~~
 - iv. ~~A statement confirming that the maintenance and upkeep of such means of access shall be the perpetual responsibility of the individual(s) or other entity holding rights to such means of access;~~
 - v. ~~A statement confirming that any **development order** issued by Collier County proposing utilization of such means of access shall contain a specific disclaimer from Collier County relating to the county's obligation for the present or future maintenance or upkeep of such means of access~~
 - vi. ~~A statement of release holding Collier County harmless in perpetuity for maintenance of such means of access;~~
 - vii. ~~Description of the extent and specifications for improvements to the means of access being proposed by the applicant;~~
 - viii. ~~Description of the utilities, including, for example, water, sewer, telephone, electricity, which shall service the property as required by Collier County Ordinance [No.] 89-06 [Code ch. 22, art. VII], known as the Collier County Standard Housing Code, or its successor in function;~~
 - ix. ~~A statement of the applicant's intent to arrange for, have installed and pay for provision of such utilities as are required by law;~~
 - x. ~~A statement of release holding Collier County harmless in perpetuity for maintenance of such utilities;~~
 - xi. ~~An acknowledgment that the department of community affairs (DCA) may review and appeal any **development order** issued by Collier County within the Big Cypress Area of Critical State Concern. Also, confirmation that the applicant will execute, prior to~~

²⁸ The text of 10.02.02 B.10 has been relocated to 4.03.03 G.

- issuance of any ~~development order~~ by Collier County, a statement of understanding of the DCA review requirements in the form approved by the DCA; and
- xii. ~~A statement that permits from all state and federal agencies have been obtained or applied for, including copies of said applications. The responsibility to determine if such permits are necessary is solely the responsibility of the applicant.~~
11. ~~Chokoloskee Island subdivision requirements.~~²⁹
- a. ~~Deeds and other conveyances. All deeds and other conveyances for properties hereafter on Chokoloskee Island shall include in bold-faced type the following statement: "NO GOVERNMENTAL AGENCY, INCLUDING COLLIER COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS OF WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED." Failure to include this information in a deed shall not affect the conveyance of property.~~
- b. ~~**Building** permits for Chokoloskee Island. Prior to the issuance of a **building** permit for any property on Chokoloskee Island, the owner of the property applying for the **building** permit must provide verification that he or she has an existing means of access to the property and the existing means of access to such property must be improved to the standards established by this subsection. Said access may be:~~
- i. ~~Dustless surface a minimum of 20 feet in width;~~
- ii. ~~Asphalt paved road a minimum of 18 feet in width; or~~
- iii. ~~Limerock surface a minimum of 20 feet in width.~~
- c. ~~Access agreement. The owner of property applying for a **building** permit shall execute a release and waiver agreement which shall be executed and recorded at the applicant's expense in the official records of Collier County. The release and waiver agreement shall be in a form approved by the county attorney or his designee, and shall include, at a minimum, the following provisions and a copy of the recorded agreement submitted with the property owner's **building** permit application:~~
- i. ~~Identification of the property by legal description and tax **parcel** folio number;~~
- ii. ~~Description of the means of access to the subject property and the physical condition of that access;~~
- iii. ~~A statement recognizing that the access rights are personal rights between the grantor and grantee and the county's approval of the use of the accessway in no way implies that the use is permitted;~~
- iv. ~~A statement confirming that the maintenance and upkeep of such means of access shall be the perpetual responsibility of the individual(s) or other entity holding rights to such means of access;~~
- v. ~~A statement confirming that any **development order** issued by Collier County proposing utilization of such means of access shall contain a specific disclaimer from Collier County relating to the county's obligation for the present or future maintenance or upkeep of such means of access;~~

²⁹ The text of 10.02.02 B.11 has been relocated to 4.03.03 H.

- vi. ~~A statement of release holding Collier County harmless in perpetuity for maintenance of such means of access;~~
 - vii. ~~Description of the extent and specifications for improvements to the means of access being proposed by the applicant;~~
 - viii. ~~Description of the utilities, including, for example, water, sewer, telephone, electricity, which shall service the property as required by Collier County Ordinance No. 89-06, known as the Collier County Standard Housing Code, or its successor in function;~~
 - ix. ~~A statement of the applicant's intent to arrange for, have installed and pay for provision of such utilities as are required by law;~~
 - x. ~~A statement of release holding Collier County harmless in perpetuity for maintenance of such utilities;~~
 - xi. ~~A statement that permits from all state and federal agencies have been obtained or applied for, including copies of said permits applications. The responsibility to determine if such permits are necessary is solely the responsibility of the applicant.~~
- d. ~~Golden Gate Estates lot divisions. When a 5 acre parcel in Golden Gate Estates is subdivided into 2 lots, where 1 of the lots is not on the existing right-of-way, the owner may create an access easement to and through the parcel which is not on the right-of-way. The easement must be at least 20 feet in width, and extend at least 150 feet into the otherwise landlocked lot. The easement shall provide for access to the lot, and satisfy the frontage requirement.~~³⁰
12. ~~Lot Splits. The further split or division of a lot, parcel, or any lot of record into 2 proposed parcels must be reviewed and approved by the County prior to any subsequent development orders or development permits being issued or approved. Applicants for such lot splits are required to submit a survey of the property to be split depicting all existing lot dimensions, all proposed "new" lot lines, all easements of record on the subject property, and the present zoning and land use classification of the subject property, as well as all pertinent yard or setback regulations and proposed access to all resulting parcels. Appropriate access to the resulting parcels from the public road network must be demonstrated, and where necessary, may require appropriate easements for joint or cross access to be recorded before an approved lot split becomes effective. Only lot split requests meeting the applicable land development regulations, specifically including the minimum lot area and lot dimensions for the existing zoning district, may be approved, but do not become effective until evidence of the County approved lot split is also provided to the Property Appraiser or Clerk of Courts for their consideration and record-keeping, as may be applicable.~~³¹
- C. ~~Soil erosion and sediment control plan required. For new and existing development and construction approved pursuant to the provisions of sections 10.02.03, 10.02.04 and 10.02.05, a soil erosion and sediment control plan shall be prepared and submitted for approval with the required construction documents for each proposed project as prescribed by objective 5.4 and policies 5.4.1 through 5.4.4 of the conservation and coastal management element of the Collier County Growth Management Plan. Each plan shall be prepared in accordance with the following standards:~~³²

³⁰ The text of 10.02.02 B.11.d. has been relocated to 4.03.03 I.

³¹ The text of 10.02.02 B.12 has been relocated to 4.03.04 B.4.

³² The text of 10.02.02 C has been relocated to 6.01.05 A.

1. ~~The Florida Development Manual: A Guide to Sound Land and Water Management, department of environmental regulation, State of Florida, June 1988, chapter 6: Stormwater and Erosion and Sediment Control Best Management Practices for Developing Areas, Guidelines for Using Erosion and Sediment Control Practices ES BMP 1.01—1.67, pp. 6-301 through 6-500.~~
 2. ~~Turbidity values surrounding discharge from projects shall not violate water quality criteria contained in 17-302.510(r) F.A.C.~~
 3. ~~Any irrigation system utilized to implement an erosion control plan shall be designed and installed pursuant to: USDA SCS Field Office Technical Guide, section IV, codes 441, 442, 449 and all subsequent supplements thereto.~~
- D. ~~Review by Environmental Advisory Council (EAC). The procedures for reviewing PSP and/or SDP submissions for development or site alteration on a shoreline and/or undeveloped coastal barrier are outlined in section 8.06.03 N. of this Code.~~
- E. ~~Restrictions on issuance of approved site plans and certificates of occupancy.~~
1. ~~Prohibitions.~~
 - a. ~~No site plan or other development permit shall be issued or renewed and no certificate of occupancy issued by the Collier County Building Department for any regulated development which would allow development, construction or change of use in violation of the standards of this section.~~
 - b. ~~Site plans, other final development permits or certificates of occupancy issued in violation of the prohibition of this section are deemed to be invalid, and shall not confirm or vest any development right or property interest on the owner/operator or regulated development.~~
- F. ~~Requests for Interpretations.~~³³
1. ~~Initiation. An interpretation may be requested by any affected person, resident, developer, land owner, government agency or department, or any person having a contractual interest in land in Collier County.~~
 2. ~~Procedures.~~
 - a. ~~*Submission of request for interpretation.* Requests for interpretation must be submitted to the County Manager or his designee or chief **building** official ("officials") in a form established by him. Each request must identify the specific land **development** code or **building** code citation to be interpreted. Each request for interpretation must be accompanied by the appropriate fee as set forth in the fee resolution adopted by the Board of County Commissioners. Under no circumstances may the request for interpretation contain more than 3 issues or questions. It must not contain a single question with more than 3 sub-issues or questions. If it is determined by the appropriate official that the request for interpretation contains more than 3 issues, the **applicant** will be required to submit a separate request accompanied by the applicable fees.~~
 - b. ~~*Determination of completeness.* After receipt of a request for interpretation, the appropriate official must determine whether the request is complete. If the appropriate official determines that the request is not complete, he must serve a written notice on the **applicant** specifying the deficiencies. The appropriate official will take no further action on the request for interpretation until the deficiencies are remedied.~~

³³ Language stricken in 10.02.02 F is being relocated to 1.06.01 D and to the Administrative Code for Land Development, referenced as Exhibit B in Code of Laws Section 2-13.

- ~~i. Notification of affected property owner. Where a site specific interpretation has been requested by a party other than the affected property owner, Collier County shall notify the property owner that an interpretation has been requested concerning their property.~~
 - ~~c. Rendering of interpretation. After the request for interpretation has been determined complete, the County Manager or his designee or chief **building** official, whichever is applicable, shall review and evaluate the request in light of the growth management plan, the future land use map, the Code and/or the official zoning atlas, and **building** code related matters, whichever is applicable, and render an interpretation. The County Manager or his designee and the chief **building** official may consult with the county attorney and other county departments before rendering an interpretation. Prior to the release to the **applicant** of any interpretation, the interpretation shall be reviewed by the county attorney for legal form and sufficiency. Interpretations made pursuant to this section shall be rendered within 45 days of issuance of a determination of completeness made pursuant to section 10.02.02 F.2.b. above.~~
- ~~3. Form. The interpretation shall be in writing and shall be sent to the **applicant** by certified mail return receipt requested.~~
- ~~4. Official record. The County Manager or his designee shall maintain an official record of all interpretations rendered by either the County Manager or his designee or chief **building** official, which shall be available for public inspection during normal business hours.~~
 - ~~a. Notice of interpretation. The County Manager or his designee shall provide public notification upon the issuance of an interpretation. For general interpretations of the **building** code, Growth Management Plan or Land **Development** Code, notice of the interpretation and appeal time-frame shall be advertised in a newspaper of general circulation in the County. For interpretations affecting a specific **parcel** of land, notice of the interpretation and appeal time-frame shall be advertised in a newspaper of general circulation, and mail notice of the interpretation shall be sent to all property owners within 300 feet of the property lines of the land for which the interpretation is effective.~~
 - ~~b. Effective time limits of an interpretation. An interpretation rendered by the County Manager or his designee or the **building** official, as the case may be, shall remain in effect until the appropriate Code section is amended to clarify the applicable provision or provisions which warranted the interpretation, or until such time as the interpretation is adopted, modified, or rejected as a result of an appeal to the Board of Zoning Appeals and/or the **building** board of adjustments and appeals, by the **applicant** or other individual or entity identified in section 10.02.02 F.1. above. From the time the interpretation is rendered and the time the appropriate Code section is amended, or in the case of an appeal, until such time as the Board of Zoning Appeals and/or **building** board of adjustments and appeals has rendered its finding, no further request for interpretation regarding the same issue shall be permitted.~~
- ~~5. Appeal to Board of Zoning Appeals or **building** board of adjustments and appeals.~~
 - ~~a. Within 30 days after receipt by the applicant or affected property owner of a written interpretation sent by certified mail return receipt requested by the County Manager or his designee or chief **building** official, or within 30~~

~~days of publication of public notice of interpretation, the applicant, affected property owner, or aggrieved or adversely affected party may appeal the interpretation to the **building** board of adjustments and appeals for matters relating to **building** and technical codes as shown in division 1.18 or to the Board of Zoning Appeals for all other matters in this Code. For the purposes of this section, an affected property owner is defined as an owner of property located within 300 feet of the property lines of the land for which the interpretation is effective. An aggrieved or affected party is defined as any person or group of persons which will suffer an adverse effect to an interest protected or furthered by the Collier County Growth Management Plan, Land Development Code, or **building** Code(s). The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons.~~

~~b. A request for appeal shall be filed in writing. Such request shall state the basis for the appeal and shall include any pertinent information, exhibits and other backup information in support of the appeal. A fee for the application and processing of an appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the applicant. The Board of Zoning Appeals or the **building** board of adjustments and appeals, whichever is applicable, shall hold an advertised public hearing on the appeal and shall consider the interpretation of the County Manager or his designee or chief **building** official, whichever is applicable, and public testimony in light of the growth management plan, the future land use map, the Code or the official zoning atlas, or building code related matters, whichever is applicable. The Board of Zoning Appeals or the **building** board of adjustments and appeals, whichever is applicable, shall adopt the County Manager or his designee's or chief **building** official's interpretation, whichever is applicable, with or without modifications or conditions, or reject his interpretation. The Board of Zoning Appeals or the **building** board of adjustments and appeals, whichever is applicable, shall not be authorized to modify or reject the County Manager or his designee's or chief **building** official's interpretation unless such board finds that the determination is not supported by substantial competent evidence or that the interpretation is contrary to the growth management plan, the future land use map, the Code or the official zoning atlas, or **building** code, whichever is applicable.~~

~~c. Time limitations on appeals. Any appeal that has not been acted upon by the **applicant** within 6 months of the **applicant** filing the appeal will be determined to be withdrawn and cancelled unless extended by the BCC. Further review and action on the appeal will require a new application subject to the then current code.~~

~~G. Transportation impact statements:~~

~~1. Purpose:~~

~~a. The purpose of this section is to outline the minimum requirements for the review of and requirements for the submittal of a transportation impact statement which is required to be submitted as part of a **development order** application. Transportation impact statements will:~~

~~i. Comply with the existing Transportation Impact Statement (TIS) guidelines and procedures in resolution 2003-410 as may be amended from time to time.~~

- ~~H. Upon submittal of any SDP, SDPA, PPL, PUDA, plats, a registered engineer shall submit:~~
- ~~1. A copy of the latest approved agreements, PUD ordinance or amendments and an itemized list of all commitments identified within the agreement or ordinance, and a corresponding detailed status report of the commitments.~~
 - ~~2. A notarized affidavit from the owner/agent that certifies all commitments within the agreement or PUD are compliant, or not applicable at this time, or that work identified in the application being submitted fulfills the outstanding commitment(s).~~
 - ~~3. An up-to-date site drawing showing (except for DRI's):~~
 - ~~a. All on-site and off-site infrastructure identified as a commitment which have been completed or are pending such as turn lanes, entrance lighting, signalization, right-of-way dedication, water management, well fields, conservation easements, sidewalks, interconnections, etc.~~
 - ~~b. Other information which may be required by the County Manager or designee that is consistent with the monitoring of agreements and PUD ordinances.~~

A. Road Construction.³⁴

1. Materials. **Streets** shall include a stabilized subgrade, base and wearing surface in accordance with standards designated by the County Manager or designee and as shown in the **applicant's** approved typical sections.
2. Utility Installation. After the clearing, grubbing, and grading has been completed within 6 inches of final subgrade of the roadway for a **street**, all underground work for the water mains, sanitary sewers, storm sewers, gas mains, telephone, electrical power conduits and appurtenances, and any other utility shall be installed across the width of the **street** to the **sidewalk** area, or provisions shall be made so that the roadway or **right-of-way** will not be disturbed by future utility installations. All underground improvements installed for the purpose of future service connections shall be properly capped and backfilled.
3. Utility casings. All casings to be installed within the roadway section of a project must be located at a depth at least 6 inches below the bottom elevation of the roadway stabilized based course. All casings providing water service must extend to the intersection of the **right-of-way** line and the **lot line**. Unless approved by the County Manager or designee pursuant to the Collier County Utilities Standards and Procedures Ordinance 2004-31, as amended, all casings required for the complete service of underground utilities to the **subdivision** must be installed during the construction phase of the project. Any casing which must be placed after completion of the roadway stabilization and paving shall have its method of installation approved by the County Manager or designee.
4. Subgrade and shoulders. All subgrade and shoulders shall be stabilized to a depth of 12 inches and to the full width as shown on the **applicant's** approved typical section drawing. The stabilized area must be free of muck, roots, and

³⁴ Language being added in subsections 10.02.02 A-C derives from the former Code of Laws section 2-12, Exhibit A, subsections C.13.k – m, t, and C.14-15.

other objectionable material. The subgrade and shoulders must be stabilized and compacted to obtain the minimum limerock bearing ratio (LBR) of 40 LBR and at least 98 percent of maximum **density** as determined by AASHTO T180. If the bearing value of the natural soil is less than that specified, the subgrade and shoulders must be stabilized in accordance with section 160 of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, as amended. The construction of the subgrade and shoulders must generally conform to section 160 of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, as amended.

5. Base. The base shall be compacted limerock constructed to the thickness specified in the **applicant's** approved typical section drawing for the class and type of road to be constructed, and shall be built to the specified width and centered on the subgrade. Limerock used for the base must meet the standard specifications for **grade** no. 2 limerock and must be compacted to obtain at least 98 percent maximum **density** as determined by AASHTO T180. Construction and materials of the base must conform to sections 200 and 911 of Florida Department of Transportation Standard Specifications for Road and Bridge Construction, as amended. Alternate base courses that meet FDOT specifications may be considered and approved by the County Manager or designee.
6. Prime. The base must be primed with type RC-70 bituminous material of SS-1 (asphalt emulsion) and shall comply with section 300 of the Standard Florida Department of Transportation Specifications for Road and Bridge Construction, as amended.
7. Surface course. The surface course thickness and width shall be as specified in the **applicant's** approved typical section drawings. The processing of the mixture and construction of the surface course must comply with sections 320, 330, and 334 of the Standard Florida Department of Transportation Specifications for Road and Bridge Construction, as amended.
8. Pavement striping. All work shall be in accordance with section 711 of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, as amended.
9. Grass. All areas within the **right-of-way** not receiving the surface course must receive seed, fertilizer, and mulch in accordance with sections 570, 981, 982 and 983 of the Standard Florida Department of Transportation Specifications for Road and Bridge Construction, as amended. Where sod is specified by the County Manager or designee for erosion control, it shall be installed prior to preliminary acceptance of the roadway.
10. Construction in muck or clay areas. The design of **streets** proposed in excessive muck areas shall be considered on an individual basis and may, where so directed by the County Manager or designee, require the use of under drains. Alternate methods of construction may be considered by the County Manager or designee based on a design study, containing soil testing data, and recommendations prepared by a geotechnical engineer licensed to practice in the State of Florida and supported by the **applicant's** professional engineer.

11. Alternative types of pavement, base, and subgrade. Alternate types of pavement, base, and subgrade determined by the County Manager or designee to be equivalent to those specified in this section may be approved. Application for such approval must be accompanied by written data, calculations, and analysis which show, by generally accepted engineering principles, that the alternate types are equal or superior to those specified.

B. Road Maintenance. The **applicant** shall be responsible for maintenance of the roads for the period between preliminary and final acceptance. This includes workmanship, materials, and all repairs and maintenance.

C. Pavement Samples, Testing, and Inspections by the County Manager or designee.

1. Pavement samples. The developer shall provide core samples of both the base course and surface course of the completed public and private roadways prior to preliminary approval. The core samples shall be taken at a maximum of 300 linear feet intervals and arrangements shall be made to immediately replace the removed core materials to conform to the specifications to the line and **grade** of the immediate surroundings' pavement surface. The core samples shall be taken by an approved testing laboratory and/or professional engineer and certified as to location and thickness measured.

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

2. Testing. The **applicant** must have the subgrade and shoulders tested for compaction and limerock bearing ratio (LBR) at intervals set forth in Florida Department of Transportation Standard Specifications for Road and Bridge Construction, as amended, or as directed by the County Manager or designee. The subgrade and base, as specified in LDC section 10.02.02 A.4. and A.5, shall be tested for compaction by a certified engineering testing laboratory. Prior to acceptance by the county, a copy of the test results along with a statement of compliance issued by the testing laboratory, must be furnished to the County Manager or designee.

3. Inspection by the County Manager or designee. During construction, a field inspection shall be made by the County Manager or designee. It is the **applicant's** responsibility to provide written notice to the County Manager or designee when construction is ready for inspection.

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SUBSECTION 3.KK. AMENDMENTS TO 10.02.03 SUBMITTAL REQUIREMENTS FOR SITE DEVELOPMENT PLANS

Section 10.02.03 Submittal Requirements for Site Development Plans, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.03 Submittal Requirements for Site Development, Site Improvement Plans and Amendments thereof

A. Generally.

1. Purpose. The intent of this section is to ensure compliance with the appropriate land **development** regulations prior to the issuance of a **building** permit. This section is further intended to ensure that the proposed **development** complies with fundamental planning and design principles such as: consistency with the county's growth management plan; the layout, arrangement of **buildings**, architectural design and **open spaces**; the configuration of the traffic circulation system, including **driveways**, traffic calming devices, parking areas and emergency **access**; the availability and capacity of drainage and utility facilities; and, overall **compatibility** with **adjacent development** within the jurisdiction of Collier County and consideration of natural resources and proposed impacts on those resources. ~~thereon.~~

2. Applicability. All **development**, except as identified in LDC section 10.02.03 A.3, ~~otherwise provided herein,~~ is subject to the provisions of this section. ~~The provisions of this section shall not apply to the following land use activities and represents the sole exceptions therefrom:~~
 - a. No **building** permit or certificate of occupancy shall be issued except in compliance with the approved site **development plan**, site improvement plan, amendment thereof, or pursuant to an approved Early Construction Authorization permit.

 - b. No **final local development order** shall be issued or renewed for any regulated **development** that would allow **development** or change in use in violation of the LDC.

 - c. All **final local development orders** issued in violation of the LDC are deemed invalid, and shall not confirm or vest any **development** right or property interest on the owner/operator or regulated **development**.

 - d. Violation of the terms identified in the approved site **development plan**, site improvement plan, and amendments thereof shall constitute a violation of the LDC.

3. Exemptions from Site **Development Plans** and Site Improvement Plans. While the following land use activities shall be exempt from the provisions of LDC section 10.02.03, they are not exempt from other provisions of the LDC such as, but not limited to, landscaping, tree removal, **development** standards, and the submission requirements attendant to obtaining temporary use and **building** permits, unless otherwise stated in subsection 10.02.03 A.3.
 - a. Single-family detached and two-family housing **structure(s)** on a lot(s) of record except as otherwise provided at section 4.02.02 (**cluster development**).

- b. **Townhouses** developed on fee simple **lots** under individual ownership, provided that a fee simple **townhouse** plat is approved in accordance with the provisions of LDC subsection 10.02.04-B.2.a.4.
- c. Underground construction; utilities, communications and similar underground construction type activities.
- d. **Accessory** and **ancillary facilities** for a golf course such as restrooms, irrigation systems, pump-houses where an preliminary early work authorization has been entered into with the county except where a site land alteration permit is required by the LDC~~this Code.~~
- e. Construction trailers and storage of equipment and materials following issuance of a **building** permit for the use to which said activities are a function of, ~~except as otherwise provided by~~ pursuant to LDC subsection 5.04.03. E. Model homes and sales centers, except as otherwise provided by LDC section 5.04.04.
- f. Project entryway signs, walls, and gates ~~and guardhouses.~~
- g. Signage proposed for the project in conformity with LDC section 5.06.00, sign regulations and standards. ~~the Collier County Sign Code, for the site development or site improvement plan.~~
- h. **Neighborhood parks**, subject to the approval of a conceptual site plan depicting, on a 24" by 36" sheet, all site clearing; improvements, including fences and walls, playground equipment, walkways, picnic areas, and play areas; and minimum Code landscaping (irrigation will not be required). For the purposes of review fees only, this plan shall be treated as a conceptual site **development plan**, and the applicable review fee shall apply.
- i. Minimum **landscape buffering**. Under certain circumstances with **neighborhood parks**, there may be underlying health, safety and welfare concerns that necessitate deviation from the **buffering** required in section 4.06.02. The County Manager or his designee will determine, on a case-by-case basis, whether such deviation is necessary. This determination will be made upon a request for determination from the **applicant**, which must include all reasons that would justify the deviation. The County Manager or his designee will use factors including, but not limited to, the following when making a determination for deviation:
 - (a) The geographic location of the **neighborhood park**
 - (b) The effects that a lack of **buffering** will have on neighboring uses; and
 - (c) The need to ensure that the public safety is maintained by providing law enforcement and other policing entities clear view of the activities occurring on the park premises.

~~While the above land use activities shall be exempt from the provisions of section 10.02.03, these land use activities are subject to all other provisions of the Land~~

~~Development Code such as but not limited to landscaping (with the exception of g., as listed above), tree removal, development standards and the submission requirements attendant to obtaining temporary use and **building** permits.~~

- 3 4. Agricultural Exemptions. Due to its location or minimal impact on surrounding properties and probable minimal impacts under the site **development plan** review standards contained in section 10.02.03 B.A.4., standard application requirements as described in section 10.02.03 AD., may be waived in part or in full by the County Manager or his designee for agriculturally related **development** as identified in the permitted and **accessory uses** section of the rural agricultural zoning district; however, a site improvement plan as required by section 10.02.03 BE. addressing the application requirements deemed necessary by the County Manager or his designee shall be submitted to the Planning and Zoning Department for review and approval.

5. School Board Review Exemption.

- a. **School board review ("SBR") application contents.** The SBR application submittal will be in accordance with section 10.02.03 of the Code, but will be accorded an expedited process as outlined in the Manual for County Consistency and Site Plan Reviews of **educational facilities** and **ancillary plants**, as may be amended by agreement between the Board of County Commissioners and the Collier County School Board. This document is available in the Records Room of the Community Development and Environmental Services Building.

* * * * *

B. 4. Standards for Site **D**development and **S**ite Improvement **P**plans standards. The County Manager or his designee shall review and consider all site **development plans** and site improvement and ~~site development~~ plans in accordance with the following standards:

1. a. Statements regarding ownership and control of the property and the **development** as well as sufficiency of conditions regarding ownership and control, use and permanent maintenance of **common open space**, common facilities, conservation/preservation areas, or common lands to ensure the preservation of such lands and facilities will not become a future liability of the county.
2. b. **Development** compliance with all appropriate zoning regulations and the growth management plan. The ingress and egress to the proposed **development** and its improvements, vehicular and pedestrian safety, separation of vehicular traffic from pedestrian and other traffic, traffic flow and control, traffic calming devices, provision of services and servicing of utilities and refuse collection, and **access** in the case of fire or catastrophe, or other emergency.

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

3. c.—The location and relationship of parking and loading facilities to thoroughfares and internal traffic patterns within the proposed **development**, considering vehicular and pedestrian safety, traffic flow and control, **access** in case of fire or catastrophe, screening and landscaping.
4. d.—Adequacy of recreational facilities and **open spaces** considering the size, location, and **development** of these areas with regard to adequacy, effect on **adjacent** and nearby properties as well as uses within the proposed **development**, and the relationship to community-wide **open spaces** and recreation facilities.
5. e.—Adequacy of the proposed landscape screens and **buffers** considering preservation of the **development's** internal land uses as well as **compatibility** with **adjacent** land uses.
6. f.—Water management master plan on the property, considering its effect on **adjacent** and nearby properties and the consequences of such water management master plan on overall county capacities. Water management areas shall be required to be maintained in perpetuity according to the approved plans. Water management areas not maintained shall be corrected according to approved plans within 30 days. The engineer of record, prior to final acceptance, shall provide documentation from the stormwater maintenance entity; indicating that said entity has been provided information on how the stormwater systems functions and indicating responsibility for maintenance of the system.
7. g.—Adequacy of utility service, considering hook-in location and availability and capacity for the uses projected.
8. h.—Signage proposed for the project in conformity with LDC section 5.06.00, and a unified **sign** permit shall be applied for with the submittal packet for the site **development** or site improvement plan.
9. i.—Architectural design of the **building** for all commercial **developments** located in any commercial zoning district.
10. j.—Outdoor serving areas shall be explicitly detailed on the site plan, showing layout of chairs, tables, benches, bars and other serving area features as may be requested. The plan shall clearly indicate that the location is unenclosed and provide information on hours of operation, whether or not live performance music/amplified sound will be provided as entertainment and the approximate distances of all **adjacent** residential zoning districts or residential uses within 2500 feet of the location.
 - a. i.—The County Manager or designee may require additional landscape buffering beyond LDC Code requirements, the relocation of the outdoor serving area to another part of the **development**, the installation of sound attenuation devices, limitations to hours of operation and further restrictions on outdoor entertainment and amplified sound which, in their professional judgment, will help to mitigate the impacts of the outdoor serving area on **adjacent** residential zoning districts and/or residential uses.

- b. ~~ii.~~ ii.—Within 30 days from an **applicant's** first designation of the use in a site **development plan**, it shall be within the discretion of the County Manager or designee to deny approval of such site **development plan** if, in the professional judgment of the County Manager or designee, such use is believed to be not **compatible** with or has the potential to cause a deleterious effect upon an **adjacent** residential use.
- c. ~~iii.~~ iii.—Notice of such denial shall be promptly mailed to the **applicant** for the site **development plan**. The Applicant and staff will meet at their earliest convenience to discuss and attempt to resolve the **compatibility** issues, which can include, but is not limited to, moving the questioned use to another location within the **development**.
- d. ~~iv.~~ iv.—Should the parties be unable to reach a solution, the matter will be promptly referred to the Collier County Planning Commission. At a publicly noticed hearing, the Planning Commission will review the proposed use and make a finding as to: (1) whether the proposed use was intended for this site, and (2) whether such use can be made **compatible** with the **adjacent** residential zoning districts and/or uses through the imposition of certain conditions or restrictions, including but not limited to locating the use to another location within the **development**, additional buffering, sound attenuation devices, limitations on hours of operation, requirement of a vestibule, walls, and relocation of dumpsters.
- e. ~~v.~~ v.—Should either the County or the **applicant** be unwilling to abide with the findings and recommendations of the Planning Commission, the matter will then be forwarded to the Board of County Commissioners for a public hearing, to be conducted in the same manner as LDC Section 10.08.00, except that for notice purposes 10 days prior notice by publication will be sufficient.

11. k.—Such other standards as may be imposed by the LDC this Code, the growth management plan or other applicable regulations for the particular use or activity proposed.

C. 5.—Conceptual site **development plan** review and approval. At the request of the **applicant** and subject to the applicable fee set forth in the schedule of fees, the Planning and Zoning services Department will complete a conceptual review and issue a written summary of issues of concern and conceptual approval. This conceptual approval shall not mean that the project has received final approval, it shall only indicate that the project is in substantial compliance with the requirements of the LDC Code and may be approved subject to further review, changes and modifications.

BD. Site Development Plan Requirements (SDP). ~~Final Site development plan procedure and requirements.~~ A pre-application meeting shall be conducted by the County Manager or ~~his/her~~ designee, prior to the submission of any site **development plan** ~~or site improvement plan (SDP)~~ for review. This meeting may be waived by the County Manager or designee upon the request of the **applicant**.

- ³⁵1. ~~Site development plan submittal packet: The site development submittal packet shall include the following, if applicable:~~
- a. ~~Ownership: A copy of the recorded deed, contract for sale or agreement for sale, or a notarized statement of ownership clearly demonstrating ownership and control of the subject **lot** or **parcel** of land. The applicant shall also present a notarized letter of authorization from the property owner(s) designating the applicant as the agent acting on behalf of the owner(s).~~
 - b. ~~Site development plan. A site development plan and a coversheet prepared on a maximum size sheet measuring 24 inches by 36 inches drawn to scale.~~
 - i. ~~The following information shall be set forth on the coversheet:~~
 - (a) ~~The project title and the name, address and phone number of the firm or agent preparing the plans and the name, address and telephone number of the property owner.~~
 - (b) ~~Zoning designation of the subject property. In the event that the property is zoned PUD (Planned Unit Development), the name of the PUD and the number of the ordinance approving the rezone to PUD.~~
 - (c) ~~Vicinity map clearly identifying the location of the development and its relationship to the surrounding community.~~
 - (d) ~~A legal description and the property appraiser's property identification number(s)/folio number(s) for the subject property or properties.~~
 - ii. ~~The following information shall be set forth on the site development plan and/or on a separate data sheet used exclusively for that purpose.~~
 - (a) ~~A narrative statement on the plan identifying the provisions of ownership and maintenance of all common areas, open space, private streets and easements.~~
 - (b) ~~A site summary in chart form which shall include the following information, with development and dimensional standards based on the provisions of the land development code and where applicable the PUD ordinance:~~
 - (i) ~~Total site acreage.~~
 - (ii) ~~Total square footage of impervious area (including all parking areas, drive-aisles, and internal streets) and its percentage of the total site area.~~
 - (iii) ~~Total square footage of landscape area/open space and its percentage of the total site area.~~
 - (iv) ~~For residential projects, total number of units, units per acre, and a unit breakdown by square footage and number of bedrooms, as well as minimum/maximum (as applicable) floor area required and floor area proposed.~~
 - (v) ~~For nonresidential projects, total **building** footage and a square footage breakdown by use (i.e.,~~

³⁵ Language stricken in former subsection 10.02.03 B.1 is being relocated to the Administrative Code for Land Development, referenced as Exhibit B in Code of Laws Section 2-13.

- office, retail, storage, etc.) and its percentage of the total **building**; for hotels and motels, the minimum/maximum (as applicable) floor area, or proposed floor area ratio, required, and floor areas.
- ~~(vi) All required and provided setbacks and separations between **buildings** and structures in matrix form.~~
 - ~~(vii) Maximum zoned **building** height allowed and actual **building** height as defined in Section 1.08.00~~
 - ~~(viii) Zoning and land use of the subject property and **adjacent** properties, including properties abutting an **adjacent** right-of-way or right-of-way easement.~~
 - ~~(ix) North arrow, scale, and date.~~
 - ~~(c) A parking summary in matrix form which shall include:

 - ~~(i) Type of use.~~
 - ~~(ii) Total square footage broken down by use.~~
 - ~~(iii) Required parking ratio, number of standard spaces required by use, and number provided.~~
 - ~~(iv) Number of loading spaces required and provided (if applicable).~~
 - ~~(v) Number of spaces provided by use.~~~~
 - ~~(d) The following information must be included in the SDP packet:

 - ~~(i) Information in the Standard Building Code, type of construction, number of stories, total square footage under roof, occupancy/use and fire sprinkler intentions of all proposed structures so that a needed fire flow may be determined.~~
 - ~~(ii) A fire hydrant flow test report from the applicable fire district for the closest hydrant(s) to the project so that the available fire flow may be determined.~~~~
 - ~~(e) Illustrative information accurately depicted shall be as follows unless waived at the pre-application meeting:

 - ~~(i) A boundary survey, prepared by a professional surveyor, showing the location and dimensions of all property lines, existing streets or roads, easements, rights-of-way, and areas dedicated to the public. This survey shall be accompanied either by an attorney's opinion title, or by a sworn statement from the property owner(s) stating that he or she has provided sufficient information to the surveyor to allow the accurate depiction of the above information on the survey.~~
 - ~~(ii) Name, alignment and existing/proposed rights-of-way of all streets which border the development (including raised islands, striping, right/left turn lanes, median cuts and nearby intersections), the location of all existing driveways or access points on the opposite sides of all streets which border the development, and the location of all traffic calming devices.~~~~

- ~~(iii) Location and configuration of all development ingress and egress points.~~
- ~~(iv) Location and arrangement of all proposed **buildings** (including existing **buildings** that are to remain).~~
- ~~(v) Location and configuration of all parking and loading areas.~~
- ~~(vi) Name, alignment and existing/proposed right-of-way of all internal streets and alleys.~~
- ~~(vii) Directional movement of internal vehicular traffic and its separation from pedestrian traffic.~~
- ~~(viii) Location and configuration of recreational facilities (including related **buildings**, golf course areas, tennis courts, pools, etc.).~~
- ~~(ix) Location and general configuration of all water and drainage retention/detention areas as well as all existing and proposed easements, and water and sewer lines intended to serve the development.~~
- ~~(x) Location and general configuration of such natural features as preservation/conservation areas, water bodies, and wetlands.~~
- ~~(xi) Location of emergency access lanes, fire hydrants and fire lanes.~~
- ~~(xii) Location of all handicapped parking spaces.~~
- ~~(xiii) Location of trash enclosures.~~
- ~~(xiv) Location and heights of proposed walls or fences.~~
- ~~(xv) Accurate dimensions which include the following:

 - ~~1. All **building** setbacks.~~
 - ~~2. Distance between **buildings** and **accessory structures**.~~
 - ~~3. Width of all internal streets.~~
 - ~~4. All parking areas and drive aisles.~~
 - ~~5. Landscape areas **adjacent** to all vehicular drives, interior property lines and all parking areas.~~~~
- ~~(xvi) Traffic circulation, signing and marking plan, to include outside and inside radii for all turn movements using a common pivot point for both radii at each location.~~
- ~~(xvii) Any additional relevant information as may be required by the County Manager or his designee.~~
- ~~(xviii) Off-site access, roadway elevation, **building** and other physical features a minimum of 200 feet from the property unless otherwise determined necessary or feasible by the Planning Services or Transportation Planning Director.~~
- ~~(f) For projects subject to the provisions of Section 5.05.08, architectural drawings, signed and sealed by a licensed architect, registered in the State of Florida.

 - ~~(i) Scaled elevation for all sides of the **building**;~~
 - ~~(ii) Scaled wall section from top of roof to grade depicting typical elevation with details and materials~~~~

- noted, and rendered to show materials and color scheme with paint chips and roof color samples;
- ~~(iii) Site sections showing the relationship to **adjacent** structures; and~~
- ~~(iv) For nonresidential projects, total **building** footage and a square footage breakdown by use (i.e., office, retail, storage, etc.) and its percentage of the total **building**; for hotels and motels, the minimum/maximum (as applicable) floor area, or proposed floor area ratio, required, and floor areas.~~
- ~~(v) All required and provided setbacks and separations between **buildings** and structures in matrix form.~~
- ~~(vi) Maximum zoned **building** height allowed and actual **building** height as defined in Section 1.08.00~~
- ~~(vii) Zoning and land use of the subject property and **adjacent** properties, including properties abutting an **adjacent** right-of-way or right-of-way easement.~~
- ~~(viii) North arrow, scale, and date.~~
- ~~(ix) The South Florida Water Management District Environmental Resource Permit or General Permit number.~~
- ~~(x) Stormwater management control structure(s) location (referenced to State Plane Coordinates, Florida East Zone, North American Datum 1983 (NAD '83), latest adjustment).~~
- ~~(xi) Stormwater management control elevation(s) and overflow elevation(s) (referenced to the North American Vertical Datum, 1988 (NAVD '88), latest adjustment), and NGVD.~~
- ~~(xii) Twenty-five-year/3-day design discharge at control structure(s).~~
- ~~(g) For residential projects subject to the provisions of Section 10.04.09, a completed School Impact Analysis (SIA) application, location map and review fee.~~
- ~~iii. Digital requirements for site development plans. A site development plan shall also be digitally created on 1 or more CDROM disks. All data shall be delivered in the North American Datum 1983/1990 (NAD83/90) State Plane coordinate system, Florida East Projection, in United States Survey Feet units; as established by a Florida Professional Surveyor & Mapper in accordance with Chapters 177 and 472 of the Florida Statutes. All information shall meet Minimum Technical Standards as established in Chapter 61G17 of the Florida Administrative Code. Files shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. right-of-way - ROW, centerlines - CL, edge-of-pavement - EOP, etc.)~~
- c. Landscaping plan. A landscape plan which shall contain the following:
 - i. Landscape summary. A landscape summary in matrix form which shall include:
 - ~~(a) Graphic symbol to indicate each type of plant material.~~
 - ~~(b) Botanical name.~~

- (c) ~~Common name.~~
- (d) ~~Total number of each type of plant material.~~
- (e) ~~Height and spread of each type of plant material.~~
- (f) ~~Spacing of each type of plant material.~~
- ii. ~~Illustrative information. Illustrative information consisting of the following shall be accurately depicted on the landscape plan:~~
 - (a) ~~The location, configuration and arrangement of all proposed **buildings**, internal streets and parking areas as reflected on the site plan.~~
 - (b) ~~The location and dimensions of all proposed landscaped areas with appropriate graphic symbols including existing trees that are being credited toward the development's landscaping requirements.~~
 - (c) ~~Location and configuration of all special or textured paving areas.~~
 - (d) ~~Provisions for site irrigation.~~
 - (e) ~~Any additional relevant information as may be required by the County Manager or his designee.~~
- d. ~~Vegetation inventory: A generalized vegetation inventory of the property shall be required to the extent necessary, as determined at the pre-application meeting, indicating the approximate location, densities and species of the following:~~
 - i. ~~Upland, wetland and estuarine vegetation including prohibited exotic vegetation, mapped using FLUCFCS terminology.~~
 - ii. ~~Any type of vegetation identified for preservation.~~
 - iii. ~~Projects containing the following shall provide a survey of identifying species and locations on a current aerial photograph at a scale of 1 inch equals 200 feet or larger or superimposed on the site plan:~~
 - (a) ~~Plants specified to remain in place or to be transplanted to other locations on the property as specified in the applicable **development order**.~~
 - (b) ~~Specimen trees designated by the BCC, pursuant to section 3.05.09~~
 - (c) ~~State or federal rare, threatened or endangered plant species surveyed according to accepted Florida Fish and Wildlife Conservation Commission or U.S. Fish and Wildlife Service methods.~~
 - (d) ~~Existing trees that may be credited toward the development's landscaping requirements.~~
 - iv. ~~For proposed site alteration(s) within the coastal zone as depicted on the future land use map, in addition to the foregoing requirements, the vegetation inventory shall depict the categories of impact in accordance with sections 3.03.03-3.03.04.~~
- e. ~~Aerial photo. A recent aerial photo shall be provided at the same scale as the plan delineating the development boundaries, unless waived at the pre-application meeting.~~
- f. ~~Density bonus. In the event a residential bonus is requested, as provided for in the growth management plan, a certified survey that clearly illustrates the location and relationship of the development to the appropriate activity center and the related activity band shall be required.~~

- g. ~~Building plans. Plans showing proposed **building** footprints, spatial relationship to one another when there are multiple **buildings** and **building** heights.~~
- h. ~~Soil erosion and sediment control plan. A soil erosion and sediment control plan pursuant to section 10.02.02 above.~~
- i. ~~Infrastructure improvements plans. Detailed on-site and off-site infrastructure improvement plans and construction documents prepared in conformance with the design standards of Sections 10.02.04 and 10.02.05 and any current county ordinances, regulations, policies and procedures which consist of, but are not limited to, the following items:~~
 - i. ~~A cover sheet setting forth the development name, applicant name, name of engineering firm, and vicinity map.~~
 - ii. ~~Improvements for water and sewer service as needed or as may have been specified during a preliminary site development plan review prepared in conformance with Collier County Ordinance No. 88-76, as amended.~~
 - iii. ~~Improvements for roadway, motor vehicle and non-motorized circulation, ingress and egress, parking and other transportation needs, including traffic calming devices, required or as may have been specified during the preliminary site development plan review, prepared in conformance with the Collier County Construction Standards Manual subdivision design requirements (for purposes of this requirement, all references in the Collier County Construction Standards Manual to "subdivision" should be read to mean development, where applicable and appropriate).~~
 - iv. ~~Non-motorized circulation is defined as movement by persons on foot, bicycle or other human-powered device. Non-motorized circulation depicting sidewalks and bicycle facilities consistent with section 5.05.08 A.5.~~
 - v. ~~The absence of obstructions in the public right-of-way shall be demonstrated, including provisions for safe and convenient street crossing. sidewalks and bike paths at intersections shall continue to the edge of curb as depicted by Illustrations 1 and 2.~~³⁶

³⁶ Illustrations 1 & 2 have been relocated to 6.06.02 A.7.

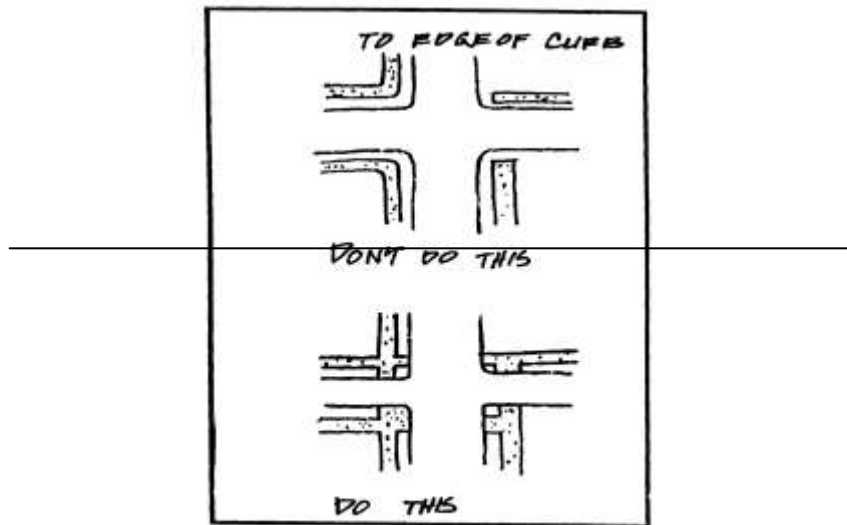


Illustration 1

- vi. ~~Two curb ramps shall be provided for sidewalks and bike paths at each street corner of an intersection. Curb ramps shall be a minimum of 36 inches in width and shall not rise at a ratio greater than as outlined by the Florida accessibility code for building construction.~~

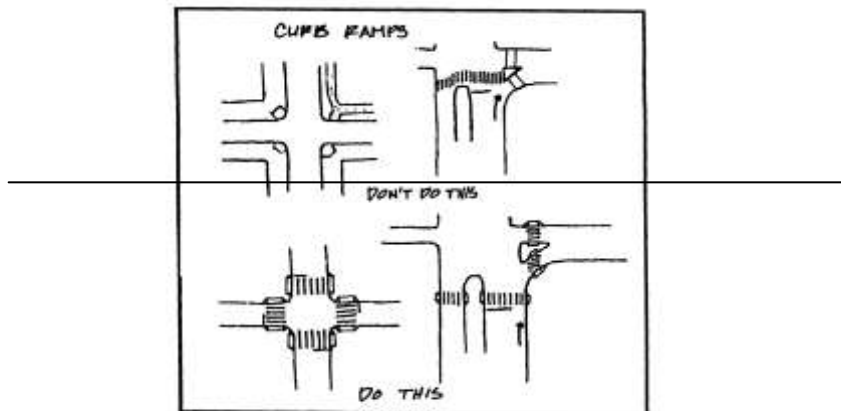


Illustration 2

- ~~Crosswalks shall be required at any intersection where the distance to the nearest crosswalk is greater than 1,000 feet.~~
- vii. ~~Improvements for water management purposes as needed or as may have been specified during the preliminary site development plan review, prepared in conformance with section the Collier County Construction Standards Manual subdivision design requirements (for purposes of this requirement, all references in section the Collier County Construction Standards Manual to "subdivision" should be read to mean development, where applicable and appropriate), and pursuant to South Florida Water Management District rules, chapter 40E-4, 40E-40 and 40E-41, Florida Administrative Code.~~

- ~~viii. All necessary standard and special details associated with paragraphs (iii)–(vi) above.~~
- ~~ix. Written technical specifications for all infrastructure improvements to be performed.~~
- ~~x. Engineering design computations and reports for water, sewer, roads and water management facilities, as required by federal, state and local laws and regulations.~~
- ~~xi. Topographical map of the property which shall include the following:

 - ~~(a) Existing features, such as, watercourses, drainage ditches, lakes, marshes.~~
 - ~~(b) Existing contours or representative ground elevations at spot locations and a minimum of 50 feet beyond the property line.~~
 - ~~(c) Benchmark locations and elevations (to both NGVD and NAVD).~~~~
- ~~xii. Site clearing plan and method of vegetation disposal.~~
- ~~xiii. Sidewalks and bike lanes. For all projects required to be developed through the site development plan (SDP) process, the developer must construct sidewalks and bike lanes where applicable as described in Section 6.06.02~~
- ~~xiv. Completion of site **development plans**. Upon completion of the infrastructure improvements associated with a site **development plan**, and prior to the issuance of a certificate of occupancy, the engineer shall provide a completion certificate as to the improvements, together [with] all applicable items referenced in section 10.02.05.3. of this Code. Upon a satisfactory inspection of the improvements, a certificate of occupancy may then be issued.~~
- ~~xv. Sidewalk parking. The distance from the back of the sidewalk to the garage door must be at least 23 feet to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.~~
- ~~j. Permits. All necessary permits and necessary applications requiring county approval and other permitting and construction related items, including but not limited to the following, shall be submitted and approved with the site **development plan**:

 - ~~i. Florida Department of Environmental Protection water and sewer facilities construction permit application.~~
 - ~~ii. Excavation permit application.~~
 - ~~iii. A Notice of Intent [NOI] to issue either a Florida Department of Transportation and/or a Collier County **right-of-way** permit.~~
 - ~~iv. Blasting permit prior to commencement of any blasting operation.~~
 - ~~v. South Florida Water Management District permit, if required, or, Collier County general permit for water management prior to site **development plan** approval.~~
 - ~~vi. Interim **wastewater** and/or water treatment plant construction or interim septic system and/or private well permits prior to **building** permit approval.~~~~

- ~~vii. Any additional state and federal permits which may be required prior to commencement of construction, addressing the impacts on jurisdictional **wetlands** and habitat involving protected species.~~
- ~~viii. All other pertinent data, computations, plans, reports, and the like necessary for the proper design and construction of the **development** that may be submitted.~~
- ~~ix. All necessary performance securities required by Collier County ordinances in effect at the time of construction.~~
- ~~x. The following permits, if applicable, require final approval and issuance prior to the County pre-construction meeting:

 - ~~(a) Florida Department of Transportation **Right-Of-Way** Construction Permit.~~
 - ~~(b) Collier County **right-of-way** [ROW] permit.~~~~

1. Application. The Administrative Code shall establish the process and submittal requirements for a site **development plan**. A site **development plan** application shall include, but not be limited to, the following information in order to illustrate compliance with LDC standards and other State, Federal, and local agency requirements.
 - a. Zoning designation of the subject and **adjacent** properties.
 - b. Site plan with existing and proposed **buildings** and **structures**, including dimensions, heights, **setbacks**, and separations. Parking, open space, preserves, and other applicable land uses shall be identified on the site plan.
 - c. Architectural plans.
 - d. Environmental Data, as applicable.
 - e. Landscape plans.
 - f. Streetlight plans.
 - g. Transportation system, **sidewalks**, and **pathways**, including all ADA information.
 - h. Stormwater management plan including all technical specifications and design computations.
 - i. Utility information, including existing and proposed facilities.
 - j. Trash and recycling information.
 - k. **Building** plans.
 - l. Information from the Fire Code, including Fire Hydrant Flow test report, if applicable.

- m. Information from the Standard **Building** Code, including type of construction, number of stories, total square footage under roof, occupancy/use and fire sprinkler intentions of all proposed **structures** so that a fire flow may be determined.
 - n. Site construction plans, including all technical specifications and design computations.
 - r. Any additional relevant information as may be required by the County Manager or designee.
2. Projects subject to the provisions of LDC section 5.05.08 shall submit architectural drawings that are signed and sealed by a licensed architect registered in the State of Florida.
 3. The engineering plans shall be signed and sealed by the **applicant's** professional engineer, licensed to practice in the State of Florida.
 4. The landscaping plans shall be signed and sealed by the **applicant's** landscape architect, registered in the State of Florida.
 5. Construction and Completion of Site **Development Plan** Improvements.
 - a. Pre-construction meeting. A pre-construction meeting shall be held prior to construction. All necessary permits and necessary applications requiring county approval and other permitting and construction related items, including but not limited to the items noted below, shall be submitted prior to the pre-construction conference. If approved by the County Manager or designee, an **applicant** may submit Federal, State and local agency permits at the pre-construction meeting:
 - i. Florida Department of Environmental Protection water and sewer facilities construction permit application.
 - ii. Excavation permit application.
 - iii. A Notice of Intent (NOI) to issue either a Florida Department of Transportation and/or a Collier County **right-of-way** permit.
 - iv. Blasting permit prior to commencement of any blasting operation.
 - v. South Florida Water Management District permit, if required, or, Collier County general permit for water management prior to site **development plan** approval.
 - vi. Interim **wastewater** and/or water treatment plant construction or interim septic system and/or private well permits prior to **building** permit approval.
 - vii. Any additional state and federal permits which may be required prior to commencement of construction, addressing the impacts on jurisdictional **wetlands** and habitat involving protected species.

- viii. All other pertinent data, computations, plans, reports, and the like necessary for the proper design and construction of the **development** that may be submitted.
- ix. All necessary performance securities required by Collier County ordinances in effect at the time of construction.
- x. The following permits, if applicable require final approval and issuance prior to the County pre-construction meeting:
 - (a) Florida Department of Transportation **right-of-way** Construction Permit.
 - (b) Collier County **right-of-way** permit.
- b. Performance securities for site **development plans**. In the case of multi-family the **developments** with individually owned units which are served by **subdivision** type improvements, i.e. **driveways** which function as **access** roads and drainage improvements, the developer shall be required to post a performance security in a form as outlined in LDC section 10.02.04 F. Calculations for the amount of the security shall be determined as outlined in LDC section 10.02.04 F. The performance security shall be accepted by the county prior to the issuance of the first certificate of occupancy for the site **development plan**. Upon a satisfactory final inspection of the improvements, which shall be no later than 24 months from approval of the site **development plan**, the performance security shall be returned to the developer. One year extensions may be granted by the Engineering Services Director.
- c. Completion of site **development plans**. Upon completion of the infrastructure improvements associated with a site **development plan**, and prior to the issuance of a certificate of occupancy, the engineer shall provide a completion certificate as to the improvements, together with all applicable items referenced in LDC section 10.02.05 B.2. Upon a satisfactory inspection of the improvements, a certificate of occupancy may then be issued.

E. Site Improvement Plan Requirements (SIP).

- 2-1. Criteria for ~~S~~site improvement plan review. ~~Submittal of a A~~ site improvement plan may be reviewed under the ~~site improvement plan (SIP) review process~~ if the **development** proposal meets all of the following ~~criteria: conditions~~:
 - a. The project involves a site which is currently improved with **principal structures**, parking facilities, water and sewer services, and defined ingress/egress.
 - b. The proposed use will not require an expansion of the existing **impervious areas** to [a] degree which would require an engineering review or otherwise affect on-site surface water management facilities as may be documented by waiver letters from the South Florida Water Management District or Collier County where applicable.

- c. Written documentation from appropriate agencies acknowledging that water and sewer services are available at the site and are adequate to serve the proposed use.
- d. **Public utility ancillary systems** in Collier County will be permitted as insubstantial changes to the Site **Development Plan** or Site Improvement Plan approved for the water treatment plant, **wastewater** treatment plant or other facility to which the **public utility ancillary systems** are subordinate, provided that the requirements of Section 5.05.12 are met. More than one (1) ancillary use may be permitted with one (1) application provided that all uses are connected by the same pipeline. The insubstantial change submittal shall include a signed and sealed boundary survey of the property or lease **parcel**; a copy of recorded deed or lease agreement; a recent aerial photograph of the project area; a master plan showing all **public utility ancillary systems** subordinate to the main water treatment plant, **wastewater** treatment facility, or irrigation quality (IQ) system; and a site plan prepared on a twenty-four inch by thirty-six inch sheet drawn to scale and setting forth the following information:
 - i. The project title, utility owner, address and telephone number.
 - ii. Legal description, scale, and north arrow.
 - iii. Zoning designation of the subject site(s) and **adjacent** sites and the proposed use of the subject site.
 - iv. Location, configuration and dimensions of all **building** and **lot** improvements.
 - v. Location and dimension of **access** point(s) to the site.
 - vi. Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation.
 - vii. All required and provided **setbacks** and separations between **structures** in matrix form.
 - viii. Any additional relevant information as may be required by the County Manager or his designee.

2. Application for site improvement plans. A pre-application meeting shall be conducted by the County Manager or designee, prior to the submission of any site improvement plan for review. This meeting may be waived by the County Manager or designee upon the request of the **applicant**.

- a. The Administrative Code shall establish the process and submittal requirements for site improvement plans.
- b. Projects subject to the provisions of LDC section 5.05.08 shall submit architectural drawings that are signed and sealed by a licensed architect registered in the State of Florida.
- c. The engineering plans shall be signed and sealed by the **applicant's** professional engineer, licensed to practice in the State of Florida.
- d. The landscaping plans shall be signed and sealed by the **applicant's** landscape architect, registered in the State of Florida.

- e. ~~Site improvement plan submittal and review. A site improvement plan (SIP) shall be prepared on a 24-inch by 36-inch sheet drawn to scale and setting forth the following information:~~
 - i. ~~The project title, property owner, address and telephone number.~~
 - ii. ~~Legal description, scale, and north arrow.~~
 - iii. ~~Zoning designation of the subject site and **adjacent** sites and the proposed use of the subject site.~~
 - iv. ~~Location, configuration and dimensions of all **building** and **lot** improvements.~~
 - v. ~~Location and configuration of parking and loading areas, and the directional movement of internal vehicle traffic.~~
 - vi. ~~Location and dimension of access point(s) to the site.~~
 - vii. ~~Parking summary in matrix form, indicating the required and provided parking for each existing and proposed use.~~
 - viii. ~~Location and configuration of handicapped parking facilities and **building** accessibility features.~~
 - ix. ~~Location, dimension and configuration of existing water management facilities.~~
 - x. ~~Location of trash enclosures.~~
 - xi. ~~Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation.~~
 - xii. ~~All required and provided setbacks and separations between structures in matrix form.~~
 - xiii. ~~Any additional relevant information as may be required by the County Manager or his designee.~~

3. f. ~~Site improvement plan completion. Upon completion of the required improvements associated with a site improvement plan, and prior to the issuance of a certificate of occupancy, the **applicant's** engineer shall provide a completion certificate as to the improvements, together with all applicable items referenced in LDC section 10.02.05 B.2.C.3. of this Code. Upon a satisfactory inspection of the improvements, a certificate of occupancy may then be issued.~~

g. ~~Performance securities for site **development plans**. In the case of multi-family the **developments** with individually owned units which are served by **subdivision** type improvements, i.e. **driveways** which function as **access** roads and drainage improvements, the developer shall be required to post a performance security in a form as outlined in section 10.02.04 B.3.e. of this Code. Calculations for the amount of the security shall be determined as outlined in this Chapter of this Code. The performance security shall be accepted by the county prior to the issuance of the first certificate of occupancy for the site **development plan**. Upon a satisfactory final inspection of the improvements, which shall be no later than 24 months from approval of the site **development plan**, the performance security shall be returned to the developer. One year extensions may be granted by the engineering review director.~~

F. ~~Reserved. *[see companion amending ordinance no. 2013-58 for text]*~~

G. 3. ~~Amendments and insubstantial changes. Any proposed change or amendment to a previously approved site **development plan** shall be subject to review and approval by the County Manager or his designee. Upon submittal of a plan clearly illustrating the~~

proposed change, the County Manager or his designee shall determine whether or not it constitutes a substantial change. In the event the County Manager or his designee determines the change is substantial, the **applicant** shall be required to follow the review procedures set forth for a new site **development plan**.

1. Site **development plan** amendments (SDPA). A substantial change, requiring a site **development plan** amendment, shall be defined as any change which substantially affects existing transportation circulation, parking or **building** arrangements, drainage, landscaping, buffering, identified preservation/conservation areas and other site **development plan** considerations.

2. Site **development plan** insubstantial changes (SDPI). The County Manager or his designee shall evaluate the proposed change in relation to the following criteria; for purposes of this section, the insubstantial change procedure shall be acceptable where the following conditions exist with respect to the proposed change:

- a. There is no South Florida Water Management District permit, or letter of modification, needed for the work and there is no major impact on water management as determined by the Engineering Services Director ~~engineering director~~.
- b. There is no new **access** proposed from any public **street**, however minimal **right-of-way** work may be permitted as determined by the Transportation Planning Director ~~transportation planning director~~.
- c. There is no addition to existing **buildings** (air-conditioned space) proposed, however a maximum area of 300 square feet of non-air-conditioned space used for storage, or to house equipment, will be permitted.
- d. There is no proposed change in **building** footprint or relocation of any **building** on site beyond that needed to accommodate storage areas as described in LDC section 10.02.03 G.2.c, number 3 above.
- e. The change does not result in an impact on, or reconfiguration of, preserve areas as determined by the Natural Resource Director ~~environmental services director~~.
- f. The change does not result in a need for additional environmental data regarding protected species as determined by the Natural Resources Director ~~environmental services director~~.
- g. The change does not include the addition of any **accessory structure** that generates additional traffic as determined by the Transportation Planning Director ~~transportation planning director~~, impacts water management as determined by the Engineering Services Director ~~engineering director~~, or contains air-conditioned space.
- h. The change does not trigger the requirements of LDC Section 5.05.08 as determined by the County Manager or his designee.

- i. There are no revisions to the existing landscape plan that would **alter** or impact the site **development plan** (as opposed to only the landscape plan) as determined by the landscape architect.

~~H. 4.—Time limits for review, approval, and construction of~~ §site **development plans**, site improvement plans, and amendments thereof. ~~time limits for review, approval, and construction.~~

~~1. a.—Site **development plans**, (SDPs), site improvement plans, and amendments thereof,~~ will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **applicant**. If a response is not received within this time, the application for the site **development plan**, site improvement plan, and amendments thereof ~~review~~ will be considered withdrawn and cancelled. Further review of the project will require a new application subject to the then current LDC code.

~~2. b.—Approved site **development plans**, site improvements plans, and amendments thereof (SDPs) shall remain in force for three (3) years from the date of approval, as determined by the date of the SDP approval letter. If construction has not commenced within 3 years, the site **development plan** approval term will expire and the SDP approval of the site **development plan**, site improvement plan, and amendments thereof is of no force or effect. An amendment to the SDP may be applied for and may be granted prior to the original expiration date, so long as the proposed amendment complies with the LDC requirements in force at the time of the SDP amendment submittal. The SDP amendment shall remain in effect for 3 years from the date of approval, as determined by the date of the SDP amendment approval letter. Two-year extensions for the approved site **development plan**, site improvement plan, and amendments thereof SDP or the approved SDP amendment may be granted. A maximum of two (2) extensions may be granted before an SDP amendment is required.~~

~~3. e.—Once construction has commenced, the approval term shall be determined as follows. The construction of infrastructure improvements approved under an site **development plan**, site improvement plan, or amendments thereof SDP or SDP Amendment shall be completed, and the project engineer's completion certificate provided to the Engineering and Environmental Services Director, within 30 months of the pre-construction conference, which will be considered the date of commencement of construction. Two-year extensions to complete construction may be granted. A maximum of two extensions may be granted before an amendment is required and the extension is reviewed for LDC compliance. Each request should provide written justification for the extension and shall be submitted to, and approved by the County Manager or designee prior to expiration of the then effective approval term. Thereafter, once the site **development plan**, site improvement plan, or amendments thereof SDP or SDP Amendment approval term expires the site **development plan**, site improvement plan, or amendments thereof SDP is of no force or effect.~~

~~5.—Violations. No building permit or certificate of occupancy shall be issued except in compliance with the approved site development plan. Violation of the terms~~

identified in the approved site development plan shall constitute a violation of this Code.

I. 6.—Electronic data requirements for site **development plans**, site improvement plans, and **amendments thereof**. After the final site **development plan** has been approved by the County Manager or his designee for compliance with the LDC, ~~this Code~~ as provided in this section, the **applicant's** professional engineer shall also submit digitally created construction/site plan documents, 1 disk (CDROM) of the master plan file, including, where applicable, **easements**, water/**wastewater** facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered professional surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files shall be in an AutoCAD (DWG) or Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. **right-of-way**—ROW, centerlines—CL, edge-of-pavement—EOP, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (**parcels**, **lots**, and requisite annotation) shall be drawn on a unique information layer, with all linework pertaining to the property feature located on that layer. Example: **parcels**—All lines that form the **parcel** boundary will be located on 1 **parcel** layer. Annotations pertaining to property information shall be on a unique layer. Example: **Lot** dimensions—Lottxt layer.

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SUBSECTION 3.LL. AMENDMENTS TO 10.02.04 SUBMITTAL REQUIREMENTS FOR PLATS

Section 10.02.04 Submittal Requirements for Plats, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.04 ~~Submittal~~ Requirements for Preliminary and Final Subdivision Plats

- A.—~~Preliminary~~ **subdivision** plat requirements
 - 1.—~~Procedures for preliminary subdivision plat.~~
 - a.—~~Optional.~~ The preliminary subdivision plat process is not mandatory, but an option that may be exercised by the applicant upon the effective date of this ordinance. All preliminary subdivision plats that were approved prior to the effective date of this ordinance are not optional and must proceed in accordance with the procedures outlined for a preliminary subdivision plat. Also, nothing in this section will be construed to affect the mandatory nature of a final subdivision plat.
 - i.—~~Abandonment/Cancellation of existing approved PSP's. The applicant may chose to abandon/cancel any PSP that was approved prior to February 11, 2004 in the event that the (FSP) has not been approved. If the applicant chooses to abandon, then the only process that will be applicable to that applicant is~~

~~the final subdivision plat process in the same manner as if the PSP option was never exercised. Any portion of the original PSP for which a Final Plat has not been approved would therefore require a separate Final Plat according to procedures in effect at the time of submittal.~~

~~b. *Initiation.* In order to initiate an application for a preliminary subdivision plat, the applicant shall prepare and submit to the County Manager or his designee a preliminary subdivision plat which meets the requirements contained in this section.~~

~~c. Review and determination of approval, approval with conditions, or denial by County Manager or his designee. After receipt of a completed preliminary subdivision plat, the County Manager or his designee shall review and evaluate the preliminary subdivision plat in conformance with the preliminary subdivision plat requirements established in this section. Based on the review and evaluation, the County Manager or his designee shall approve, approve with conditions, or deny the preliminary subdivision plat. The decision to approve with conditions, or deny the preliminary subdivision plat may be appealed to the Board of County Commissioners pursuant to the provisions of section 10.02.02 of this Code. If the County Manager or his designee should deny or place conditions on the preliminary subdivision plat, he shall state in writing reasons for such denial or conditions, and shall cite the applicable code or regulatory basis for the conditions or denial. Said determination may be appealed to the County Board of Commissioners.~~

~~2. Preliminary subdivision plat submission requirements. The preliminary subdivision plat process is optional. The optional nature of this process will in no way affect the submission requirements enumerated below. In other words, if an applicant chooses this option, the applicant must follow all of the submission requirements. The mandatory nature of the final subdivision plat process is likewise not affected by the optional nature of the preliminary subdivision plat submission process.~~

~~A preliminary subdivision plat application shall be submitted for the entire property to be subdivided in the form established by the County Manager or designee and shall, at a minimum, include ten copies of the preliminary subdivision plat unless otherwise specified by the County Manager or designee. The preliminary subdivision plat shall be prepared by the applicant's engineer and surveyor. Land planners, landscape architects, architects, and other technical and professional persons may assist in the preparation of the preliminary subdivision plat. The preliminary subdivision plat shall be coordinated with the major utility suppliers and public facility providers applicable to the development. Provisions shall be made for placement of all utilities underground, where possible. Exceptions for overhead installations may be considered upon submission of sound justification documenting the need for such installation. The preliminary subdivision plat shall include or provide, at a minimum, the following information and materials:~~

~~a. A preliminary subdivision plat shall consist of a series of mapped information sheets on only standard size 24-inch by 36-inch sheets to include, but not be limited to, the following:~~

~~i. Cover map sheet;~~

~~ii. Boundary and topographic survey;~~

~~iii. Preliminary subdivision plat with right-of-way and **lot** configurations;~~

- ~~iv. Natural features and vegetative cover map; for proposed site alteration(s) within the coastal zone, vegetative cover map shall also comply with section 3.03.02 B.;~~
- ~~v. Master utilities and water management (drainage) plans;~~
- ~~vi. Aerial map; and~~
- ~~vii. Standard right-of-way cross-sections and appropriate design details.~~

~~The above mapped information may be combined on 1 or more maps if determined appropriate by the County Manager or his designee.~~

- ~~b. Name of subdivision or identifying title which shall not duplicate or closely approximate the name of any other subdivision in the incorporated or unincorporated area of Collier County.~~
- ~~c. A vicinity plan showing the location of the tract in reference to other areas of the county.~~
- ~~d. North arrow, graphic scale and date.~~
- ~~e. Name, address and telephone number of the developer, along with the name and address of the registered engineer and registered surveyor responsible for the plat and supporting data.~~
- ~~f. The location and names of **adjacent** subdivisions, if any, and plat book and page reference.~~
- ~~g. The tract boundary with bearings and distances along with written description and location relative to section corners.~~
- ~~h. Topographical conditions on the tract including all the existing watercourses, drainage ditches and bodies of water, marshes, wetlands, possible archaeological sites and other significant features.~~
- ~~i. All existing streets and alleys of record on or **adjacent** to the tract including name, right-of-way width, street or pavement width and established centerline elevation. Existing streets shall be dimensioned to the tract boundary.~~
- ~~j. All existing property lines, easements and rights-of-way of record, their purpose, and their effect on the property to be subdivided.~~
- ~~k. The location and width of all proposed streets, alleys, rights-of-way, easements and their purpose along with the proposed layout of the **lots** and blocks. Proposed street names shall be identified on all public or private thorough-fares. Typical right-of-way and pavement cross-sections shall be graphically illustrated on the preliminary subdivision plat, showing the location of sidewalks, bikepaths and utilities. If not previously determined during the rezoning process, it shall be determined whether the streets are to be public or private.~~
- ~~l. The incorporation and compatible development of present and future streets as shown on the traffic circulation element of the Collier County Growth Management Plan, when such present or future streets are affected by the proposed subdivision.~~
- ~~m. Access points to collector and arterial streets showing their compliance to the requirements established by this section or a zoning action previously approved by the Board of County Commissioners.~~
- ~~n. Ground elevations based on both NAVD and NGVD shall be shown. The information may be shown referenced to 1 datum with a note on the cover sheet listing a site-specific equation for determining the grades in the other datum. However, information pursuant to 10.02.04 A.2.h. may~~

- suffice for this information requirement where spot elevations have been provided in sufficient number and distribution on a boundary survey map.
- ~~o. All existing drainage district facilities and their ultimate right-of-way requirements as they affect the property to be subdivided.~~
 - ~~p. Generalized statement of subsurface conditions on the property, location and results of tests made to ascertain subsurface soil conditions and groundwater depth.~~
 - ~~q. Zoning classification of the tract and all contiguous properties, and, if applicable, a reference to the planned unit development or zoning ordinance, by project name and ordinance number, shall be shown.~~
 - ~~r. Utilities such as telephone, power, water, sewer, gas, and the like, on or **adjacent** to the tract including existing or proposed water and sewage treatment plants. The preliminary subdivision plat shall contain a statement that all utility services shall be available and have been coordinated with all required utilities. Evidence of such utility availability shall be provided in writing from each utility proposed to service the subdivision.~~
 - ~~s. Sites proposed for parks, recreational areas, and school sites or the like in accordance with any existing ordinances requiring such a dedication.~~
 - ~~t. Typical **lot** configurations shall be illustrated and the minimum area of the **lots** required by the approved zoning classification shall be referenced by note. For fee-simple residential **lots**, the illustration shall portray the type of unit identified by LDC definition and developer's description to be placed on each **lot** (example: **Lots** 1-20, single-family attached (patio home), and show a typical unit on typical interior and corner **lots**, depicting setbacks (including preserve setbacks, if applicable) and/or separation of structures. Also for fee simple residential **lots**, the illustration shall portray the location of typical units on atypical **lots** (such as cul-de-sac, hammerhead and all irregular **lots**). For non-residential **lots** (e.g., multi-family amenity **lots** or **parcels**, commercial/industrial **lots**), the illustration shall portray setbacks & **building** envelope. Setbacks required by the approved zoning classification shall be provided verbatim on the plan in matrix form. Where more than 1 type of dwelling unit (e.g., single-family detached, single-family attached, zero **lot line**) is planned, **lots** must be linked to the type, or types, of unit which they are intended to accommodate. A table shall be provided showing **lot** area and **lot** width for each irregular **lot**, regular corner and interior **lots** may show only typical width and area.~~
 - ~~u. An environmental impact statement pursuant to section 10.02.02 of this Code, except that the applicant may request an administrative waiver of this provision where it is apparent that no environmental degradation will result from the development of the land or where a prior environmental impact assessment was prepared for the same area of land within 5 years from the date of submission of the preliminary subdivision plat.~~
 - ~~v. Locations of all wetlands, archaeological sites, endangered or threatened species, on the **parcel**. The following natural feature map shall be provided, as required, based on the nature of the property in question:

 - ~~i. A map of all wetland area locations as delineated by all agencies having jurisdiction over such wetlands.~~
 - ~~ii. A map of all archaeological site locations as delineated by a professional archaeologist, a regulatory agency or a state-recognized archaeological group.~~~~

- iii. ~~A map of all locations of other natural features as required by [the] County Manager or his designee or any other regulatory agency having jurisdiction over such features.~~
- iv. ~~A map of all locations of colonies, burrows and nest trees of all endangered, threatened, or species of special concern. Such map shall be based upon delineation criteria of the appropriate governmental or regulatory agencies for such species.~~
- w. ~~The location of buffered areas required by section 4.06.01 shall be illustrated and dimensioned if appropriate at this time.~~
- x. ~~A subdivision that generates 1,000 ADT (average daily trips) or 150 vehicles per hour, peak hour/peak season shall submit a traffic impact analysis. The traffic impact analysis shall be prepared by an engineer and shall be used to determine the number of lanes and capacity of the street system proposed or affected by the development, based on ultimate permitted development.~~
- y. ~~A master water management plan outlining the existing and proposed surface watercourses and their principal tributary drainage facilities needed for proper drainage, water management and development of the subdivision. The master water management plan for projects that are 40 acres or less shall consist of a plan and report with preliminary design calculations indicating the method of drainage, existing water elevations, recurring high water elevations, the proposed design water elevations, drainage structures, canals, ditches, delineated wetlands, and any other pertinent information pertaining to the control of storm and ground water. For projects that are greater than 40 acres, a South Florida Water Management District conceptual permit submittal or staff report with plan, or above equivalent, shall be required. The master water management plan and data submitted shall be consistent with the "content of application" submissions required by the South Florida Water Management District (see Rule 40E, F.A.C., as amended). In cases where modifications or improvements are not planned for existing major watercourses and their principal tributary drainage facilities, this requirement may be accomplished by so indicating on the preliminary subdivision plat.~~
- z. ~~All plans and platting documents shall be prepared fully in compliance with the Interim Watershed Management regulations of LDC section 3.07.00~~
- aa. ~~For residential projects subject to the provisions of Section 10.04.09, a completed School Impact Analysis (SIA) application, location map and review fee.~~
- 3. ~~Conditions. The County Manager or his designee has the authority to approve requests for substitutions to the design standards contained in the Collier County Construction Standards Manual provided these requests are based on generally accepted, sound and safe, professional engineering principles and practices. Requests for substitutions shall be made in writing and shall provide clear and convincing documentation and citations to professional engineering studies, reports or other generally accepted professional engineering sources to substantiate the substitution requested.~~
- 4. ~~Effect and limitation of approval of preliminary subdivision plat.~~
 - a. ~~No vested rights. It is hereby expressly declared that the intent of this section is to create no vested rights in the **applicant** or owner of property which obtains approval of a preliminary subdivision plat, and the county~~

- shall not be estopped to subsequently deny approval of the improvement plans and final subdivision plat based on changes in federal, state or local laws or regulations, or upon any other facts or circumstances subsequently arising or considered which would adversely affect the feasibility or desirability of the preliminary subdivision plat, nor shall the county be estopped to deny any rezoning in which a preliminary subdivision plat is submitted in support of such rezoning.
- b. ~~Time limitations. Refer to the provisions of 10.02.05 A.~~
 - c. ~~Relationship to zoning and planned unit developments. Anything contained elsewhere in this Code to the contrary notwithstanding, no preliminary subdivision plat shall be approved prior to final approval of the zoning or planned unit development for the proposed subdivision; provided, however, the zoning or planned unit development application and the preliminary subdivision plat may be processed concurrently at the written request of the applicant to the County Manager or his designee.~~
 - d. ~~Approval of improvement plans, site development plans, and final subdivision plat required prior to development. Anything contained elsewhere in this Code to the contrary notwithstanding, no development shall be allowed pursuant to a preliminary subdivision plat prior to the approval of improvement plans and final subdivision plat submitted for the same or portion thereof. Authorization to commence any development prior to the completion of the provisions set forth herein in sections 10.02.05 E., 10.02.04 B.3., and 10.02.03 A.4. shall be the subject of an early work authorization as set forth herein. An early work authorization whose form and legal sufficiency shall be approved by the county attorney shall be submitted in the form established by the County Attorney and shall be a legally binding agreement between the applicant and the County.~~
5. ~~Integrated phased developments. A preliminary subdivision plat application shall be submitted in accordance with this section for any integrated phased development, unless the integrated phased development is within an area which has been previously approved as part of a preliminary subdivision plat and the final subdivision plat thereof has been recorded. Any individual phase of an integrated phased development shall be reviewed in accordance with section 10.02.02 B.4.~~
6. ~~Resubdivision. A preliminary subdivision plat (PSP) application shall be submitted in accordance with this section for the provision of required improvements for any resubdivision, unless the resubdivision is of a **lot, parcel,** tract or a like unit of land which completely complies with all of the following criteria:~~
- a. ~~The **lot, parcel,** tract or a like unit of land was previously approved as part of a preliminary subdivision plat application granted in accordance with the provisions of this section for a principal property and is zoned for single-family use in accordance with the provisions of Chapter 2.~~
 - b. ~~The final subdivision plat and improvement plans for the principal property's primary subdivision required improvements, of which such property is a part thereof, have been reviewed and approved, the final plat recorded and preliminary acceptance granted for all required improvements in accordance with sections 10.01.04 and 10.02.05, 10.02.05 E., and 10.02.04 B. 3.~~

- ~~c. No separate environmental impact statement (EIS) or supplement, amendment or update pursuant to section 10.02.04 A.1.u. to an existing EIS for the property to be resubdivided shall be required.~~
- ~~d. No endangered, threatened or listed species protection issues pursuant to the provisions of section 3.04.01 are present within the property which is the subject of the resubdivision.~~
- ~~e. No additional substitutions from those granted for the principal property's PSP of the design standards contained in section 3.2.8.4 for the required improvements within the resubdivision pursuant to the provisions of section 10.02.04 A.3. are required.~~
- ~~f. No portion(s) of the principal project's water management system are required to be constructed within the property subject to resubdivision.~~
- ~~g. No greater than 50 single-family **lots** are created by the resubdivision of the subject property.~~
- ~~Resubdivisions which comply with the provisions of items (a) through (g) shall be exempt from the requirements, standards and procedures for preliminary subdivision plats (this section) but shall comply with all of the other provisions of section 10.02.04 and 10.02.05 concerning improvement plans, final subdivision plats and those subdivision review procedures contained in sections 10.02.05 A. through 10.02.05 C. inclusive.~~

~~B. Final plat requirements.~~

- ~~1. Protected/preserve area and easements. A nonexclusive easement or tract in favor of Collier County, without any maintenance obligation, shall be provided for all "protected/preserve" areas required to be designated on the preliminary and final subdivision plats or only on the final subdivision plat if the applicant chooses not to submit the optional preliminary subdivision plat. Any buildable **lot** or **parcel** subject to or abutting a protected/preserve area required to be designated on the preliminary and final subdivision plats, or only on the final subdivision plat if the applicant chooses not to submit the optional preliminary subdivision plat, shall have a minimum setback as required by the LDC, or other setback that may be approved as a deviation through the PUD approval process by the Board of County Commissioners from the boundary of such protected/preserve area in which no principle structure may be constructed. The required preserve principal structure setback line and the **accessory structure** setback lines shall be clearly indicated and labeled on the final plat where applicable. Further, the preliminary and final subdivision plats, or only on the final subdivision plat if the applicant chooses not to submit the optional preliminary subdivision plat, shall require that no alteration, including **accessory structures**, fill placement, grading, plant alteration or removal, or similar activity shall be permitted within such setback area without the prior written consent of the County Manager or his designee; provided, in no event shall these activities be permitted in such setback area within ten feet of the protected/preserve area boundary. Additional regulations regarding preserve setbacks and buffers are located in Chapters 4 and 10, and shall be applicable for all preserves, regardless if they are platted or simply identified by recorded conservation easement.~~
- ~~The boundaries of all required easements shall be dimensioned on the final subdivision plat. Required protected/preserve areas shall be identified as separate tracts or easements having access to them from a platted right-of-way. No individual residential or commercial **lot** or **parcel** lines may project into them when platted as a tract. If the protected/preserve area is determined to be jurisdictional in nature, verification must be provided which documents the~~

~~approval of the boundary limits from the appropriate local, state or federal agencies having jurisdiction and when applicable pursuant to the requirements and provisions of the growth management plan. All required easements or tracts for protected/preserve areas shall be dedicated and also establish the permitted uses for said easement(s) and/or tracts on the final subdivision plat to Collier County without the responsibility for maintenance and/or to a property owners' association or similar entity with maintenance responsibilities. An applicant who wishes to set aside, dedicate or grant additional protected preserve areas not otherwise required to be designated on the preliminary subdivision plat and final subdivision plats, or only on the final subdivision plat if the applicant chooses not to submit the optional preliminary subdivision plat, may do so by grant or dedication without being bound by the provisions of this section.~~

- ~~2. Improvement plans. The improvement plans for required improvements which will be constructed within an existing easement must illustrate the existing easement and existing facilities, and the proposed easement and the proposed facilities. Copies of the improvement plans shall be provided by the applicant to the holder of the easement(s) simultaneously with its submission to the county. The review and approval of improvement plans does not authorize the construction of required improvements which are inconsistent with existing easement(s) of record.~~
- ~~3. General requirements for final subdivision plats.~~
 - ~~a. Ten prints of the final subdivision plat shall be submitted along with the improvement plans. No final subdivision plat shall be approved unless the improvement plans shall have been reviewed and accepted by the County Manager or his designee.~~
 - ~~b. The final subdivision plat shall conform to the approved preliminary subdivision plat, if the applicant chose to submit a preliminary subdivision plat, pursuant to section 10.02.05 A.5. The final subdivision plat shall constitute only that portion of the approved preliminary subdivision plat, if applicable, which the applicant proposes to construct within a finite period not to exceed 18 months. The improvements required by this section which apply to the final subdivision plat shall be completed within 18 months from the date of approval of the final plat by the Board of County Commissioners unless prior to the 18-month construction period, a written request for an extension in time is applied for and approved by the County Manager or designee. The applicant shall enter into a construction and maintenance agreement with the county, in a form acceptable to the county attorney, which establishes the terms and conditions for the construction and maintenance of the improvements required during the 18-month construction period (unless a written extension request is approved by the County Manager or his designee prior to the expiration of the eighteen-month construction period). This agreement shall be submitted with the final plat for review and approval and executed by all parties at the time of final plat approval per section c. below.~~
 - ~~c. Once approved by the board, the applicant shall submit the final plat for recording within 18 months. The final subdivision plat upon submittal shall be accompanied by the following:~~
 - ~~d. An opinion of probable construction cost prepared by the applicant's professional engineer, or the actual contractor's bid, which includes the cost of all required improvements.~~

- e. ~~Subdivision performance security, as further described herein, in an amount equal to 110 percent of the sum of construction costs for all on-site and off-site required improvements based on the applicant's professional engineer's opinion or contract bid price. Where improvements are to be constructed by a general-purpose government such as a county or municipality, a local school district, or state agency, no subdivision performance security shall be required. Subdivision performance security shall be required of an independent special-purpose government such as a community development district (CDD). The subdivision performance security shall be in one of the following forms:~~
- ~~(1) Cash deposit agreement with the county.~~
 - ~~(2) Irrevocable standby letter of credit.~~
 - ~~(3) Surety bond.~~
 - ~~(4) Construction, maintenance and escrow agreement.~~
- f. ~~After the final subdivision plat has been approved by the County Manager or his designee for compliance with this Code as provided in this section, the applicant shall resubmit 5 certified sets of the previously approved improvement plans along with approved copies of all required county, state and federal construction permits. The applicant's professional engineer shall also submit a digitally created construction/site plan documents, 1 disk (CDROM) of the master plan file, including, where applicable, easements, water/wastewater facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. right-of-way ROW, centerlines CL, edge-of-pavement EOP, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (**parcels**, **lots**, and requisite annotation) shall be drawn on a unique information layer, with all linework pertaining to the property feature located on that layer. Example: **parcels**—All lines that form the **parcel** boundary will be located on 1 **parcel** layer. Annotations pertaining to property information shall be on a unique layer. Example: **lot** dimensions—Lottxt layer. All construction permits required from local, state and federal agencies must be submitted to the County Manager or his designee prior to commencing development within any phase of a project requiring such permits.~~
- g. ~~Approval of the final subdivision plat shall not constitute acceptance of the dedicated facilities or areas. Acceptance of any such dedicated facilities or areas and responsibility for their maintenance shall be by separate resolution of the Board of County Commissioners.~~
- h. ~~All conveyance instruments shall be in a form approved by the county attorney prior to their submission to the board of commissioners for acceptance. If requested by the County Manager or his designee, the grantee shall provide, at no cost to the county, a title opinion, or certificate in a form promulgated by the Florida Insurance Commissioner, which is in conformance with the county's procedures for acquiring real property interests. No conveyance instrument shall be recorded prior to~~

~~recording of the final subdivision plat and formal acceptance of the conveyance by the Board of [County] Commissioners.~~

- ~~i. All plans and platting documents shall be prepared fully in compliance with the Interim Watershed Management regulations of LDC section 3.07.00~~
- ~~4. Final subdivision plat submission requirements. The submittal of final plats for which no preliminary subdivision plat is contemplated must include, apart from the final plat and/or improvement plans, that information required for review of preliminary subdivision plats in accordance with Section 10.02.04 A.2. For only those final plats incorporating townhouse development on fee simple **lots**, the following additional information, prepared by a registered engineer (and landscape architect for landscape plan), must be provided either separately or in conjunction with the information required by section 10.02.04 A.2. of this Code:~~
 - ~~a. Landscape plans, signed and sealed, in accordance with section 10.02.03.B.1.c of this Code.~~
 - ~~b. Zoning data as follows, prepared on maximum size sheets measuring 24 inches by 36 inches, drawn to scale:~~
 - ~~i. A coversheet which includes:~~
 - ~~a) The name of the development.~~
 - ~~b) The zoning district, and PUD name and ordinance number, if applicable.~~
 - ~~c) A legal description of the property, both prior to, and after, subdivision.~~
 - ~~d) The name, address and phone number of the agent preparing the plat, and the name, address, and phone number of the property owner.~~
 - ~~e) A vicinity map, clearly identifying the location of the development.~~
 - ~~ii. A site plan, providing the following information in table format:~~
 - ~~a) Total site acreage.~~
 - ~~b) Total square footage of impervious area (including all parking areas, drive aisles, and internal streets) and its percentage of the total site area.~~
 - ~~c) Total number of units, units per acre, and a unit breakdown by square footage and number of bedrooms, as well as minimum/maximum (as applicable) floor area required and floor area proposed.~~
 - ~~d) All required and provided setbacks and separation between principal and **accessory structures**.~~
 - ~~e) Maximum **building** height allowed by zoning district and height proposed.~~
 - ~~f) Zoning and land use of the subject property and **adjacent** properties, including properties abutting an **adjacent** right-of-way or right-of-way easement.~~
 - ~~g) A parking summary, showing number of spaces required, and number of spaces provided.~~
 - ~~h) Preserve area required and provided.~~
 - ~~i) Illustrative information (drawing) accurately depicting the following:~~
 - ~~1) Name and alignment of existing/proposed rights-of-way of all streets bordering the development; the location of all existing driveways or access points of~~

~~the opposite sides of all streets bordering the development; and the location of all traffic calming devices.~~

- ~~2) Location and configuration of all development ingress and egress points.~~
- ~~3) Location and arrangements of all proposed principal and **accessory structures**.~~
- ~~4) Name and alignment of existing/proposed rights-of-way for all internal streets and alleys.~~
- ~~5) Directional movement of internal vehicular traffic and its separation from pedestrian traffic.~~
- ~~6) Location of emergency access lanes, fire hydrants and fire lanes.~~
- ~~7) Location of all handicapped parking spaces.~~
- ~~8) Location of trash enclosures or compactors, if applicable.~~
- ~~9) Location and proposed heights of proposed walls or fences.~~
- ~~10) Location of sidewalks and pathways, designed in accordance with section 10.02.03.B.1.i.xiii. of this Code.~~
- ~~11) Location of sidewalk parking in accordance with section 10.02.03 B.1.i.xv. of this Code.~~
- ~~12) Location of all required preserves with area in square feet.~~
- ~~13) Any additional relevant information as may be required by the County Manager or designee.~~

~~c. For residential projects subject to the provisions of Section 10.04.09, a completed School Impact Analysis (SIA) application, location map and review fee.~~

~~5. Contents and Substance of Final Subdivision Plat. The final plat itself must be drawn on only standard size 24-inch by 36-inch sheets of mylar or other approved material in conformance with F.S. ch. 177. The final plat shall be prepared by a land surveyor currently registered in the State of Florida and is to be clearly and legibly drawn with black permanent drawing ink or a photographic silver emulsion mylar to a scale of not smaller than 1 inch equals 100 feet. The final plat shall be prepared in accordance with the provisions of F.S. ch. 177, as amended, and shall conform, at a minimum, to the following requirements:~~

~~a. Name of subdivision. The plat shall have a title or name acceptable to the County Manager or his designee. When the plat is a new subdivision, the name of the subdivision shall not duplicate or be phonetically similar to the name of any existing subdivision. When the plat is an additional unit or section by the same developer or successor in title to a recorded subdivision, it shall carry the same name as the existing subdivision and as necessary a sequential numeric or alphabetic symbol to denote and identify the new plat from the original plat. If the name of the subdivision is not consistent with the name utilized for any zoning action for the subject property, a general note shall be added to the plat cover sheet which identifies the zoning action name and ordinance number which approved such action.~~

~~b. Title. The plat shall have a title printed in bold legible letters on each sheet containing the name of the subdivision. The subtitle shall include~~

~~the name of the county and state; the section, township and range as applicable or if in a land grant, so stated; and if the plat is a replat, amendment or addition to an existing subdivision, it shall include the words "section," "unit," "replat," "amendment," or the like.~~

- ~~c. Description. There shall be lettered or printed upon the plat a full and detailed description of the land embraced in the plat. The description shall show the section, township and range in which the lands are situated or if a land grant, so stated, and shall be so complete that from it without reference to the map the starting point can be determined and the boundaries identified.~~
- ~~d. Index. The plat shall contain a sheet index on page 1, showing the entire subdivision on the sheet indexing the area shown on each succeeding sheet and each sheet shall contain an index delineating that portion of the subdivision shown on that sheet in relation to the entire subdivision. When more than 1 sheet shall be used to accurately portray the lands subdivided, each sheet shall show the particular number of that sheet and the total number of sheets included as well as clearly labeled match lines to each sheet.~~
- ~~e. Survey data. The final plat shall comply with F.S. ch. 177, and shall show the length of all arcs together with central angles, radii, chord bearing, chord length and points of curvature. Sufficient survey data shall be shown to positively describe the boundary of each lot, block, right-of-way, easement, required conservation or preserve area and all other like or similar areas shown on the plat or within the boundary of the plat as shown in the description. The survey data contained on the plat shall also include:
 - ~~i. The scale, both stated and graphically illustrated, on each graphic sheet.~~
 - ~~ii. A north arrow shall be drawn on each sheet that shows the geometric layout and the configuration of the property to be platted. The north direction shall be at the top or left margin of the map where practicable.~~
 - ~~iii. The points of beginning and the commencement shall be boldly shown for any metes and bounds description.~~
 - ~~iv. All intersecting street right-of-way lines shall be joined by a curve with a minimum radius of 25 feet.~~
 - ~~v. All adjoining property shall be identified by a subdivision title, plat book and page or if unplatted, the land shall be so designated.~~
 - ~~vi. Permanent reference monuments shall be shown in the manner prescribed by F.S. ch. 177, as amended, and shall be installed prior to recording of the final plat.~~
 - ~~vii. There shall be reserved a space in the upper right hand corner of each sheet for the words "Plat Book _____" and "Page _____" with the minimum letter size of ¼ inch. On the line directly below, a space for "Sheet _____ of _____."~~
 - ~~viii. The map shall mathematically close and when practical shall be tied to all section, township and range lines occurring within the subdivision by distance and bearing where applicable.~~
 - ~~ix. The cover sheet or first page of the plat shall show a location plan, showing the subdivision's location in reference to other areas of the county.~~~~

- x. ~~The minimum size for any letter or numeral shall be 1/10 inch.~~
- xi. ~~All line and curve tables are to be shown on the same sheet as the graphic drawing they relate to. When possible, dimensions shall be shown directly on the map.~~
- xii. ~~All final plats presented for approval shall clearly indicate the finished elevation of the roads, the average finished elevation of the **lots** or homesites, and the minimum base flood elevation as required. All grades must be shown in both NAVD and NGVD. The information may be shown referenced to 1 datum with a note on the cover sheet listing a site-specific equation for determining the grades in the other datum.~~
- f. ~~**Lot** and block identification. Each **lot**, block, or other like or similar **parcel**, however described, shall be numbered or lettered. All **lots** shall be numbered or lettered by progressive numbers or letters individually throughout the subdivision or progressively numbered or lettered in each block, not necessarily starting with the number "1" or letter "A." **Parcels** and blocks in each incremental plat shall be numbered or lettered consecutively throughout a subdivision. All **parcels** which constitute a protected/preserve area shall be labeled as an easement or tract. All protected/preserve area easements or tracts shall be dedicated on the final subdivision plat to Collier County without the responsibility for maintenance and to a property owners' association or similar entity with maintenance responsibilities pursuant to section the Collier County Construction Standards Manual.~~
- g. ~~Street names. The plat shall contain the name of each street shown on the plat in conformance with the design requirements of this section.~~
- h. ~~**Outparcels.** All interior excepted **parcels** shall be clearly indicated and labeled "Not a Part of this Plat."~~
- i. ~~Rights-of-way and easements. All right-of-way and easement widths and dimensions shall be shown on the plat. All **lots** must have frontage on a public or private right-of-way in conformance with the design requirements of this section, with the exception of 1 division of a single platted **lot** or otherwise established **lot of record** in the Rural Agricultural or Estates zoning district into 2 **lots**, herein referred to as a "**lot split**," as set forth in Section 10.02.02 B.12. of this Code. Any such **lot split** may utilize an access easement to satisfy access, and frontage requirements for the **lot** which would not otherwise have street frontage. The width of such access easement may not be less than twelve (12) feet and may be required to be wider at the discretion of Collier County staff, to accommodate safe access and turning movements, stormwater drainage pipes and the like. The number of access points to a public right-of-way shall not be increased as a result of the **lot split**, if, in the opinion of the county staff, safe and sufficient access may be accomplished with fewer access points than existed prior to the proposed **lot split**. The access easement will create a front yard for setback purposes for all **lots** abutting the access easement. In cases where access is presently provided by an access easement to existing **lots of record** in any zoning district which are not part of a recorded or unrecorded subdivision, this easement will serve to satisfy access and frontage requirements for those **lots**, and yards abutting the easement will be considered front yards for setback purposes.~~

- ~~j. Restrictions, reservations and restrictive covenants. Restrictions pertaining to the type and use of water supply, type and use of sanitary facilities; use, responsibility of maintenance and benefits of water or water management areas, canals, preserve and conservation areas, and other open spaces; odd-shaped and substandard **parcels**; restrictions controlling **building** lines; establishment and maintenance of buffer strips and walls; and restrictions of similar nature shall require the establishment of restrictive covenants and the existence of such covenants shall be noted on the plat by reference to official record book and page numbers in the public records of Collier County. Documents pertaining to restrictive covenants shall be submitted with the final plat.~~
- ~~k. Private streets and related facilities. All streets and their related facilities designed to serve more than 1 property owner shall be dedicated to the public use; however private streets shall be permitted within property under single ownership or control of a property owners' association a condominium or cooperative association or other like or similar entity. Where private streets are permitted, ownership and maintenance association documents shall be submitted with the final plat and the dedication contained on the plat shall clearly dedicate the roads and maintenance responsibility to the association without responsibility to the county or any other public agency. The rights-of-way and related facilities shall be identified as tracts for roads and other purposes under specific ownership. All private streets shall be constructed in the same manner as public streets and the submission of improvement plans with required information shall apply equally to private streets pursuant to the Collier County Construction Standards Manual.~~
- ~~l. Certification and approvals. The plat shall contain, except as otherwise allowed below, on the first page (unless otherwise approved by the engineering services director and office of the county attorney prior to submittal) the following certifications and approvals, acknowledged if required by law, all being in substantially the form set forth in appendix C to this Code. The geometric layout and configuration of the property to be platted shall not be shown on the page(s) containing the certifications, approvals and other textual data associated with the plat when practical.~~
- ~~i. Dedications. The purpose of all dedicated or reserved areas shown on the plat shall be defined in the dedication on the plat. All areas dedicated for use by the residents of the subdivision shall be so designated and all areas dedicated for public use, such as parks, rights-of-way, easements for drainage and conservation purposes and any other area, however designated, shall be dedicated by the owner of the land at the time the plat is recorded. Such dedication and the responsibility for their maintenance shall require a separate acceptance by resolution of the Board of County Commissioners. No dedications items shall be included in the general note for the plat.~~
- ~~ii. Mortgagee's consent and approval. Identification of all mortgages and appropriate recording information together with all mortgagees' consents and approvals of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged in the same manner as deeds are required to be~~

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

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

- ~~m. Location. The name of the section, township, range, and if applicable city, town, village, county and state in which the land being platted is situated shall appear under the name of the plat on each sheet. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, the fact of its being a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.~~
 - ~~n. Surveyor's seal. The surveyor of record shall sign and seal copies of the plat submitted for approval.~~
 - ~~o. Basis of bearings. The basis of bearings must be clearly stated, i.e., whether to "True North," "Grid North" as established by the NOS, "Assumed North," etc., and must be based on a well-defined line.~~
 - ~~p. Existing or recorded streets. The plat shall show the name, location and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat, accurately tied to the boundary of the plat by bearings and distances.~~
- ~~C. Relationship of Plats to Site **Development Plans**. No site **development plan** may be accepted for concurrent review with a preliminary **subdivision** plat. Once the preliminary **subdivision** plat has been approved, site **development plans** may be submitted for review concurrent with the submittal of the final plat. No site **development plan** may be approved until the final plat receives administrative approval, and no **building** permits may be issued until the final plat is recorded, except for those **development** amenities which are excluded from the provisions of section 10.01.01 in accordance with section 10.02.03.A.2. of this Code. Where no preliminary **subdivision** plat is contemplated, Site Development Plans may be submitted for concurrent review with the final plat at such time as the applicant submits the response to the first staff review comments. Approval of the SDP will be withheld until the final plat has received administrative approval, and no **building** permits may be issued until the final plat has been recorded.~~

This section shall be read in conjunction with **subdivision** design standards, in particular, LDC Chapters 3, 4, and 6.

A. Requirements for Preliminary **Subdivision Plats** (PSP). A preliminary **subdivision plat** provides an overall scheme of **development** for a **subdivision**. It may be used when only one phase of a multi-phased **development** is to be constructed. Except for an **integrated phased development**, a preliminary **subdivision plat** is optional while a final **subdivision plat** is mandatory.

1. Generally.

- a. Approved zoning. No preliminary **subdivision plat** shall be approved prior to final approval of the zoning or planned unit **development** for the proposed **subdivision**. However, the zoning application and the preliminary **subdivision plat** may be processed concurrently by the County Manager or designee at the request of the **applicant**.
- b. No **development** shall be allowed prior to approval of the construction plans and final **subdivision plat**, except for the early work authorization (EWA) permit and early construction authorization (ECA) permit pursuant to pursuant to LDC section 10.02.00.

- c. **Integrated phased developments.** A preliminary **subdivision plat** application shall be submitted in accordance with this section for any **integrated phased development.**
2. Application for preliminary **subdivision plats.**
 - a. The Administrative Code shall establish the process and submittal requirements for a preliminary **subdivision plat.**
 - b. A preliminary **subdivision plat** shall include the entire property to be subdivided and recorded.
 - c. The preliminary **subdivision plat** shall be prepared by the **applicant's** professional engineer and professional surveyor and mapper.
 - d. The boundary survey for the preliminary **subdivision plat** shall be signed and sealed by a professional surveyor and mapper registered in the State of Florida.
3. Review by County Manager or designee. County Manager or designee shall approve, approve with conditions, or deny the preliminary **subdivision plat** utilizing the standards established in LDC chapters 3, 4, 6, and other provisions of the LDC. The decision to approve with conditions, or deny the preliminary **subdivision plat** may be appealed to the Board of County Commissioners pursuant to Code of Laws and Ordinances section 250-58. If the County Manager or designee should deny the preliminary **subdivision plat**, he shall state in writing reasons for such denial and shall cite the applicable code or regulatory basis for the conditions or denial.
4. Amendments. Any amendment to the approved preliminary **subdivision plat** submitted by the **applicant** shall be reviewed according to the standards established in LDC chapters 3, 4, 6, and other provisions of the LDC. The County Manager or designee shall have the authority to approve amendments to the approved preliminary **subdivision plat** provided those amendments are based on generally accepted, sound, professional engineering principles and practices in the state. Amendments shall be made prior to the processing of the construction plans and final **subdivision plat**. Requests for amendments shall be in writing in the form of an amended preliminary **subdivision plat** and shall provide clear and convincing documentation and citations to professional engineering studies, reports or other generally accepted professional engineering services in the state to substantiate the amendment requested.
5. Conditions. The County Manager or designee has the authority to approve requests for substitutions to the design standards contained in the LDC provided those requests are based on generally accepted, sound and safe, professional engineering principles and practices. Requests for substitutions shall be made in writing and shall provide clear and convincing documentation and citations to professional engineering studies, reports or other generally accepted professional engineering sources to substantiate the substitution requested.
6. Timing of **development.** Within 2 years after the date of written approval or approval with conditions of the preliminary **subdivision plat**, the **applicant** shall

prepare and submit to the County Manager or designee the construction plans and final **subdivision plat** for at least the first phase of the proposed **subdivision**. Each subsequent phase of the preliminary **subdivision plat** shall be submitted within 2 years after the date of written approval of the immediately preceding phase of the proposed **subdivision**.

a. Extensions. Two, 2-year extensions to submit the construction plans and final **subdivision plat** shall be granted for good cause shown upon written application submitted to the County Manager or designee prior to expiration of the preceding approval. When granting an extension the County Manager or designee shall require the preliminary **subdivision plat** be modified to bring the project into compliance with the LDC at the time of the extension request.

7. No vested rights. It is hereby expressly declared that the intent of this section is to create no vested rights in the **applicant** or owner of property which obtains approval of a preliminary **subdivision plat**, and the County shall not be estopped to subsequently deny approval of the construction plans and final **subdivision plat** based on changes in federal, state, or local laws or regulations, or upon any other facts or circumstances subsequently arising or considered which would adversely affect the feasibility or desirability of the preliminary **subdivision plat**, nor shall the County be estopped to deny any rezoning in which a preliminary **subdivision plat** is submitted in support of such rezoning.

B. Construction Plans and Final **Subdivision Plats** (PPLs). Construction plans and final **subdivision plats** are commonly referred to as “plans and **plat**.”

1. Generally. Final **subdivision plat** approval by the Board of County Commissioners is required before a final **subdivision plat** can be recorded.

a. No final **subdivision plat** shall be approved by the Board until the construction plans have been reviewed and accepted by the County Manager or designee, except for a minor final **subdivision plat** pursuant to LDC section 10.02.04 D.

b. The review and approval of construction plans does not authorize the construction of required improvements which are inconsistent with existing **easement(s)** of record.

c. The required improvements shall be completed prior to recordation of the final **subdivision plat** unless the **applicant** files a **subdivision** performance security as identified in LDC section 10.02.04 F with the County.

d. Where approval of construction plans and final **subdivision plats** will lead to the **level of service** for any public facility being reduced below the level established by the growth management plan for Collier County, the County shall deny approval to proceed with **development** until the requirements of LDC section 10.02.07 have been met.

2. Application for Construction Plans and Final **Subdivision Plats**.

- a. The Administrative Code shall establish the process and the submittal requirements for construction plans and final **subdivision plats**. For projects incorporating **townhouse development** on fee simple **lots**, additional submittal requirements are required and identified in the Administrative Code. All requirements established in this section shall also apply to **townhouse development** on fee simple **lots**.
- b. Construction plans for all of the improvements required by this section shall be signed and sealed by the **applicant's** professional engineer, licensed to practice in the State of Florida.
- c. Final **subdivision plats** shall be signed and sealed by a professional surveyor and mapper registered in the State of Florida. The final **subdivision plat** shall be prepared in accordance with the provisions of F.S. ch. 177, as may be amended, and shall be clearly and legibly drawn with black permanent drawing ink or a photographic silver emulsion mylar to a scale of not smaller than 1 inch equals 100 feet.
- d. The final **subdivision plat** shall conform to the approved preliminary **subdivision plat** and shall constitute only that portion of the approved preliminary **subdivision plat** which the **applicant** proposes to construct.
- e. Improvements for construction plans and final **subdivision plats** are identified in the LDC section 10.02.04 C, and are required in conjunction with the **subdivision** and **development** of any and all property pursuant to LDC section 10.02.03 within the unincorporated areas of the County. All required improvements shall be designed and constructed in accordance with the design requirements and specifications of the entity having responsibility for approval, including all federal, state, and local agencies. Construction plans for final **subdivision plats** shall include at a minimum:
 - i. **Streets, sidewalks, paving, grading, and stormwater management (drainage);**
 - ii. Bridges and culverts;
 - iii. Water and sewerage systems, including, where applicable, water reuse/irrigation pumping, storage and transmission/distribution systems;
 - iv. **Street** lighting. Plans for streetlights shall bear the approval of the utility authorities involved. If the **street** lighting system is to be privately owned and maintained by a property owners' association or similar entity, it shall be designed by the **applicant's** engineer;
 - v. Landscaping within public **rights-of-way**, parks, recreational areas; and
 - vi. Parking areas.

3. County Manager review of construction plans and final **subdivision plats**.

- a. The County Manager or designee shall review and evaluate the construction plans and final **subdivision plat** in conformance with the LDC, in particular sections 10.02.04 B and 10.02.04 C, and F.S. ch. 177. The County Manager or designee shall review and evaluate the construction plans and final **subdivision plat** in light of the requirements established in the LDC and Administrative Code. Based on the review and evaluation, the County Manager or designee shall approve, approve with conditions, or deny the construction plans and final **subdivision plat**. If the construction plans and final **subdivision plat** is denied, then the final **subdivision plat** shall not be submitted to the Board until the construction plans and final **subdivision plat** have been approved or approved with conditions by the County Manager or designee. The approval of the County Manager or designee is subject to Board approval, noted below.
- b. If the constructions plans and final **subdivision plat** are approved or approved with conditions by the County Manager or designee, the County Manager or designee shall recommend that the Board approve, approve with conditions, or deny the final **subdivision plat**. If the County Manager or designee denies or places conditions on the construction plans or recommends denial or conditions on the final **subdivision plat**, he shall state reasons and cite the applicable code or regulatory basis for the decision.
- c. Once the construction plans and final **subdivision plats** are submitted by the **applicant** for review by the County Manager or designee, they will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **applicant**. If a response is not received within this time, the application for construction plans and final **subdivision plat** review will be considered withdrawn and cancelled. Further review of the project will require a new application and the appropriate fees paid by the **applicant**.
- d. Digital submission. After the final **subdivision** plat has been approved by the County Manager or designee for compliance with the LDC, as provided in this section, the **applicant** shall resubmit 5 certified sets of the approved construction plans along with approved copies of all required county permits. The **applicant's** professional engineer shall also submit a set of digitally created construction/site plan documents, 1 disk (CDROM) of the master plan file, including, where applicable, **easements**, water/**wastewater** facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered professional surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files shall be in an AutoCAD (DWG) or Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. **right-of-way**—ROW, centerlines—CL, edge-of-pavement—EOP, etc.).

For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (**parcels, lots, and requisite annotation**) shall be drawn on a unique information layer, with all linework pertaining to the property feature located on that layer. Example: **parcels**—All lines that form the **parcel** boundary will be located on 1 **parcel** layer. Annotations pertaining to property information shall be on a unique layer. Example: **lot** dimensions—Lottxt layer.

4. Board approval of the final **subdivision plat**.

- a. Following approval or approval with conditions by the County Manager or designee, the County Manager or designee shall place the final **subdivision plat** on the consent agenda for its next available regularly scheduled Board hearing. The Board shall consider approval of the final **subdivision plat** together with the approval of standard form, Construction Maintenance Agreement, and approval of the amount of performance security for the required improvements based on the estimate of probable cost.
- b. If all members of the Board consent to the recommendation of the County Manager or designee, then the recommendation of the County Manager or designee on the final **subdivision plat** shall remain on the consent agenda and the final **subdivision plat** shall be approved. If any member of the Board objects to the recommendation of the County Manager or designee or otherwise requests discussion on the recommendation, then the recommendation shall be taken off the consent agenda and may be discussed or scheduled for a subsequent hearing date. After due notice of the hearing to the **applicant**, the Board shall hold a hearing on the final **subdivision plat**. At the hearing, the Board shall consider the County Manager or designee's recommendation and shall take evidence and testimony in regard to the final **subdivision plat** requirements identified in LDC sections 10.02.04 B and 10.02.04 C, and other provisions of the LDC. The Board shall approve, approve with conditions, or deny the final **subdivision plat**. If the Board of denies or places conditions on the final **subdivision plat**, it shall state reasons for such denial or conditions.
- c. Approval of the final **subdivision plat** shall not constitute acceptance of public dedicated facilities. Acceptance of any such dedicated public facilities and responsibility for their maintenance shall be by separate resolution of the Board of County Commissioners. See LDC section 10.02.05 C.3.

5. Insubstantial changes and amendments to construction plans and final **subdivision plats**.

- a. Insubstantial Changes to Construction Plans (ICP). Following approval by the County Manager or designee of the construction plans, the **applicant** may request insubstantial changes to the construction plans.
 - i. Application. The Administrative Code shall establish the process and the submittal requirements for an insubstantial change to the

construction plans. Construction plans shall be prepared pursuant to LDC section 10.02.04 B.

b. Following approval by the Board of the final **subdivision plat**, but prior to recordation, the County Manager or designee may approve minor insubstantial changes to the final **subdivision plat**. Insubstantial changes are insignificant to the project, such as a correction or change on the cover sheet.

c. Following approval by the Board of the final **subdivision plat**, but prior to recordation, the Board may approve amendments to the final **subdivision plat**. This is commonly referred to as a "PPLA."

i. Application. The Administrative Code shall establish the process and the submittal requirements for the final **subdivision plat** amendment. The final **subdivision plat** shall be prepared pursuant to LDC section 10.02.04 B.

6. Relationship of Final **Subdivision Plats** to Site **Development Plans**. No site **development plan** may be accepted for concurrent review with a preliminary **subdivision plat**. Once the preliminary **subdivision plat** has been approved, site **development plans** may be submitted for review concurrent with the submittal of the final **subdivision plat**. No site **development plan** may be approved until the final **subdivision plat** receives administrative approval, and no **building** permits may be issued until the final **subdivision plat** is recorded, unless otherwise provided for in the LDC.

7. Timing of recording and **development**.

a. Recording. Within 18 months of the date of approval of the final **subdivision plat** by the Board, the **applicant** shall submit the final **subdivision plat** to the County Manager or designee for recording.

b. Required improvements to be completed. The improvements required for the final **subdivision plat** shall be completed within 18 months from the date of approval by the Board unless a written extension request is approved by the County Manager or designee.

c. **Integrated phased development**. Each subsequent phase of the project shall be submitted within 2 years following the date of written approval of the most recently approved final **subdivision plat** in accordance with LDC section 10.02.04 A.6.

C. Required Improvements. The following improvements in this section are required in conjunction with the **subdivision** and **development** of any and all property pursuant to section 10.02.03 and 10.02.04 within the unincorporated areas of Collier County.

1. Elevation, land filling, excavation, and demolition requirements for all **development**, pursuant to LDC section 4.01.01.

2. Monuments and control points, pursuant to LDC section 4.03.07.

3. Streets and access improvements, pursuant to LDC section 4.03.08 A. All subdivision streets, access improvements and related facilities, whether public or private, required to serve the proposed development shall be constructed by the applicant.
4. Water management system, pursuant to LDC section 4.03.08 B.
5. Fire hydrants, pursuant to LDC section 6.04.03.
6. Canals, pursuant to LDC section 6.05.01 E.
7. Bridges and culverts, pursuant to LDC section 6.06.01 M. The bridge or culvert design shall be prepared by a professional engineer.
8. Landscaping and buffers, pursuant to LDC section 6.06.01 O.1.
9. Plantings, trees, and grass for landscaping and buffers, pursuant to LDC section 6.06.01 O.2.
10. Pavement painting and striping, pursuant to LDC section 6.06.01 Q.
11. Traffic control devices, pursuant to LDC section 6.06.01 R.
12. Sidewalks, pursuant to LDC section 6.06.02.
13. Streetlights, pursuant to LDC section 6.06.03.
14. Sanitary sewer systems, pursuant to Collier County Utilities Standards and Procedures Ordinance 2004-31, as amended.
15. Parks, protected areas, preservation areas, conservation areas, recreational areas, and school sites.
 - a. Parks, protected areas, preservation areas, conservation areas. Parks, protected areas, preservation areas and conservation areas shall be dedicated and/or conveyed in accordance with applicable mandatory dedication requirements and regulations of federal, state and local agencies.
 - b. Recreational areas. Recreational areas shall be dedicated and/or conveyed in accordance with applicable mandatory dedication and/or conveyance requirements and regulations of federal, state and local agencies.
 - c. School sites. School sites shall be dedicated and/or conveyed in accordance with applicable mandatory dedication and/or conveyance requirements and regulations of federal, state and local agencies.
16. Shoreline and waterway alterations and additions. All requests for the construction of seawalls, bulkheads, shoreline and waterway alterations and additions shall be submitted to the County Manager or designee. After review by the County Manager or designee the proposed facility or alteration shall be

approved, approved with conditions or denied. The use of vertical seawalls as a method of protecting **shorelines** and lands **adjacent** to waterways shall be discouraged except for **development** lakes, and **applicants** shall be encouraged to utilize **alternate** methods of accomplishing **shoreline** protection and waterway facilities installation. Whenever possible, all proposed construction of seawalls, bulkheads, **shoreline** and waterway alterations and additions shall be designed to afford the maximum protection to the environment of the area. Any state or federal permits required for construction must be submitted to the County Manager or designee prior to the commencement of construction.

D. General Requirements for a Minor Final **Subdivision Plat** (FP).

1. Generally. Minor final **subdivision plat** approval may be requested as an alternative to construction plans and final **subdivision plat** if the following criteria are met:

- a. No preliminary **subdivision plat** is submitted or approved.
- b. Required improvements are not required for the **subdivision**.
- c. No security performance bond is required for the **subdivision**.
- d. No phasing is required or proposed for the **subdivision**.
- e. The **subdivision** is not part of a planned unit **development**.

2. Application and process.

- a. The Administrative Code shall provide the process and submittal requirements for a minor final **subdivision plat**. Minor final **subdivision plats** shall be in conformance with F.S. ch. 177 and the LDC, as applicable.
- b. Minor final **subdivision plats** shall be signed and sealed by a professional surveyor and mapper registered in the State of Florida. The minor final **subdivision plat** shall be prepared in accordance with the provisions of F.S. ch. 177, as may be amended, and shall be clearly and legibly drawn with black permanent drawing ink or a photographic silver emulsion mylar to a scale of not smaller than 1 inch equals 100 feet.
- c. Minor final **subdivision plats** shall be reviewed and approved pursuant to LDC section 10.02.04 B.3 – B.4 as applicable.
- d. Minor final **subdivision plats** shall be recorded pursuant to LDC section 10.02.04 F.

E. General Requirements for Construction Plans (CNSTR).

1. Generally. Construction plan approval may be requested when no platting or recording of property is required. This process allows for the review of construction plans separate from a final **subdivision plat**.

- a. The review and approval of construction plans does not authorize the construction of required improvements which are inconsistent with existing **easement(s)** of record.

2. Application and process.

- a. The Administrative Code shall provide the process and submittal requirements for construction plans. Construction plans shall be in conformance with LDC section 10.02.04 B and C, as applicable.
- b. Construction plans for all of the improvements shall be signed and sealed by the **applicant's** professional engineer.
- c. Construction plans shall be reviewed and approved pursuant to LDC section 10.02.04 B.4, as applicable.

3. Insubstantial changes. An **applicant** may request insubstantial changes pursuant to LDC section 10.02.04 B.5.a.

F. Recordation of the Final **Subdivision Plat**.

1. Generally. No **building** permits for habitable **structures** shall be issued prior to approval by the Board of County Commissioners and recordation of the final **subdivision plat**, except as provided in LDC sections 5.04.04 and 10.02.04 B.6, as applicable.

2. Posting of **subdivision** performance security at the time of recording.

a. The final **subdivision plat** shall not be recorded until a **subdivision** performance security for the construction of the required improvements, both on-site and off-site, has been posted by the **applicant** and approved and accepted by the Board or the County Manager or designee on behalf of the Board.

b. The **applicant's** professional engineer shall prepare an opinion of the probable construction cost or the actual contractor's bid price, which includes the cost of all required improvements, to determine the amount of the **subdivision** performance security.

i. If no construction of the required improvements has begun at the time of posting of the **subdivision** performance security, the security shall be an amount equal to 110 percent of the sum of construction costs for all on-site and off-site required improvements based on the **applicant's** professional engineer's opinion of the probable construction costs or contract bid price.

ii. If construction of the required improvements has begun at the time of posting the **subdivision** performance security, the security shall be in an amount equal to 10 percent of the **applicant's** professional engineer's opinion of the probable construction cost or contract bid price, plus 100 percent of the required improvements to be completed, such as the final lift of asphalt and uncompleted **sidewalks**.

iii. If construction of all required improvements has been completed and accepted by the Board at the time of recording, only a

performance maintenance guarantee at an amount equal to 10 percent of the **applicant's** professional engineer's opinion of the probable construction cost or contract bid price shall be provided.

iv. No **subdivision** performance security shall be required where improvements are to be constructed by a general-purpose government such as a county or municipality, a local school district, or state agency. A **subdivision** performance security shall be required of an independent special-purpose government such as a community **development** district (CDD).

c. The **subdivision** performance security shall be prepared pursuant to Appendix A of the LDC and shall be one of the following forms:

i. Construction, maintenance, and escrow agreement, or

ii. Construction Maintenance Agreement and one of the following:

(a) Cash deposit agreement with the County, or

(b) Irrevocable standby letter of credit, or

(c) Surety bond.

d. Once the form of a **subdivision** performance security has been approved and accepted by the Board, **alternate** securities, in a format approved by the County Attorney, may be approved by the County Manager or designee, on behalf of the Board.

3. Recordation Procedure. After approval of the final **subdivision plat** by the Board, but prior to the recording of the final **subdivision plat** with the clerk of the circuit court, the following shall occur:

a. The **applicant** shall obtain all of the signatures on the original **plat** cover sheet(s) that are associated with the **applicant's** obligations and shall submit the original final **subdivision plat**, and any separate consents, or opinions or certifications of title, to the County Manager or designee.

b. The **applicant** shall provide 3 copies and 1 mylar of the recorded final **subdivision plat** and accompanying documents to the County Manager or designee.

c. Simultaneously with the submission of the executed final **subdivision plat** to the County Manager or designee, the **applicant** shall also submit in accordance with F.S. ch. 177, at no expense to the County, either a title opinion from an attorney licensed to practice in the State of Florida or certification from a title company. The effective date of the title opinion or certification must be no more than 30 days prior to the submission of the final **subdivision plat** to the County Manager or designee and must contain all of the following:

i. A legal description of at least the lands being platted;

- ii. A statement that the attorney is licensed to practice in the State of Florida and that the attorney has examined title to the subject real property, if a title opinion is being provided;
- iii. Identification of the exact name of any person who is the record owner of the subject real property and a specific citation to the official records book and page, where each record legal owner obtained title to the subject real property. The title information shall include a copy of said instrument(s) of conveyance; and
- vi. Identification of liens, encumbrances, **easements**, or matters shown or that should be shown as exclusions to coverage on a title insurance policy. As may be applicable, the title information shall include in a neatly bound fashion and make citation to the recording information of all referenced liens, encumbrances, **easements**, or exclusions. The title information shall include a copy of any such instruments.
- d. Payment of recording and copy fees. Upon compliance with this section and payment of fees by the **applicant**, the County Manager or designee shall record the final **subdivision plat** with the clerk of the circuit court in the official records of Collier County, Florida.
- e. Construction and Maintenance Agreement. The **applicant** shall enter into a construction and maintenance agreement with the County, in a form acceptable to the County Attorney, which establishes the terms and conditions for the construction and maintenance of the improvements required during the 18-month construction period or a time frame established in an approved extension request by the County Manager or designee. This agreement shall be submitted with the final **subdivision plat** for review and approval and shall be executed by all parties at the time of recording of the final **subdivision plat**.
- f. Recording of other documents. If any dedications, grants, conveyances, **easements**, consents (including mortgagee consents), reservations, covenants, or other like instruments are to be recorded by separate instrument simultaneously with the final **subdivision plat**, appropriate fees and original documentation must be provided by the **applicant** to the County Manager or designee for processing and recording by the clerk of court. All documents shall be submitted prior to or at the time of recording of the final **subdivision plat**.
- g. Supporting "gap" title information. Within 60 days of recordation of the final **subdivision plat** in the official records of Collier County, Florida, the **applicant**, at no expense to the County, shall submit to the County Manager or designee final supporting "gap" title information. The final supporting title information must meet all of the requirements of 10.02.04 F.3.c, except as to the effective date. Receipt and approval of the "gap" title information is a condition precedent to preliminary acceptance of **subdivision** improvements by the Board.

h. The effective date of the supporting "gap" title information must be through the date of recordation of the final **subdivision plat** and must, at a minimum, cover the "gap" between the time the effective date of the information required by 10.02.04 F.3.c above, when submitted and the date of recording of the final **subdivision plat**. The final supporting "gap" title information must include a copy of any required instruments not previously provided in connection with submittals for the recording of the final **subdivision plat**.

G. Vacation and annulment of **subdivision plats**. Vacation and annulment of a **subdivision plat** shall be in accordance with F.S. ch. 177.101, as may be amended, and Collier County Resolution 2006-160, as amended.

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SUBSECTION 3.MM. AMENDMENTS TO 10.02.05 SUBMITTAL REQUIREMENTS FOR IMPROVEMENTS PLANS

Section 10.02.05 Submittal Requirements for Improvements Plans, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.05 Construction, Approval, and Acceptance of Required Improvements Submittal Requirements for Improvements Plans

- A. ~~Procedures for improvement plans and final subdivision plat.~~
1. ~~*Initiation.* Within 2 years after the date of written approval or approval with conditions of the preliminary subdivision plat, the applicant shall prepare and submit to the County Manager or his designee the improvement plans and final subdivision plat for at least the first phase of the proposed subdivision. Each subsequent phase shall be submitted within 2 years after the date of written approval of the final subdivision plat for the immediately preceding phase of the proposed subdivision. Two 2-year extensions to submit the improvement plans and final subdivision plat shall be granted for good cause shown upon written application submitted to the County Manager or his designee prior to expiration of the preceding approval. When extending the preliminary subdivision plat approval, the County Manager or his designee shall require the approval to be modified to bring the project into compliance with any new provisions of section 10.02.04 and 10.02.05 of this Code in effect at the time of the extension request.~~
 2. ~~*Review, determination and recommendation by County Manager or his designee.* After receipt of completed improvement plans and final subdivision plat, the County Manager or his designee shall review and evaluate the improvement plans in light of section 10.02.05 E., including the general requirements established in section 10.02.05 E.1., the improvement plans submission requirements established in section 10.02.05 B.2., the required improvements established in section 10.02.05 E.3., and the design requirements established in section 10.02.05 E.4., the time limitations pursuant to section 10.02.03 B.4.a., and shall review and evaluate the final subdivision plat in light of the final~~

~~subdivision plat requirements established in section 10.02.04 B.3. Based on the review and evaluation, the County Manager or his designee shall approve, approve with conditions, or deny the improvement plans. If the improvement plans are denied, then the final subdivision plat shall not be submitted to the Board of County Commissioners unless and until the improvement plans have been approved or approved with conditions by the County Manager or his designee. If the improvement plans are approved or approved with conditions, the County Manager or his designee shall recommend that the Board of County Commissioners consent to, consent with conditions or deny the final subdivision plat. The determinations regarding the improvement plans and the recommendation regarding the final subdivision plat shall be in writing. If the County Manager or his designee denies or places conditions on the improvement plans or recommends denial or conditions on the final subdivision plat, he shall state reasons for such denial or conditions, or recommendation of denial or conditions and shall cite the applicable code or regulatory basis for the conditions of denial.~~

- ~~3. Consent to final subdivision; plat by Board of County Commissioners. Within 30 days after approval or approval with conditions of the improvement plans, the County Manager or his designee shall submit his recommendation to the Board of County Commissioners to consent to, consent to with conditions, or deny the final subdivision plat. After receipt by the Board of County Commissioners of the County Manager or his designee's recommendation, the Board of County Commissioners shall place the final subdivision plat on the consent agenda for its next available regularly scheduled meeting. If all members of the Board of County Commissioners consent to the recommendation of the County Manager or his designee, then the recommendation of the County Manager or his designee on the final subdivision plat shall remain on the consent agenda and the final subdivision plat shall be approved therewith. If any member of the Board of County Commissioners objects to the recommendation of the County Manager or his designee or otherwise requests discussion on the recommendation, then the recommendation shall be taken off the consent agenda and may be discussed or scheduled for a subsequent hearing date. After due notice of the hearing to the applicant, the Board of County Commissioners shall hold a hearing on the final subdivision plat. At the hearing, the Board of County Commissioners shall consider the County Manager or his designee's recommendation and shall take evidence and testimony in regard to the final subdivision plat requirements set forth in section 10.02.04 B.3. The Board of County Commissioners shall approve, approve with conditions, or deny the final subdivision plat. If the Board of County Commissioners denies or places conditions on the final subdivision plat, it shall state reasons for such denial or conditions.~~

- ~~4. Recordation of final subdivision plat.~~
- ~~a. General. No **building** permits for habitable structures shall be issued prior to approval by the Board of County Commissioners and recordation of the final subdivision plat.~~
 - ~~b. Posting of subdivision performance security. Approval of the final subdivision plat shall not entitle the final subdivision plat to be recorded unless the required improvements have been completed by or for the applicant and accepted by the county, or the required subdivision performance security for the construction of the required improvements, both on-site and off-site, has been posted by the applicant, in a format approved by the county attorney, and approved and accepted by the Board of County Commissioners or the County Manager or his designee,~~

~~or his designee, on behalf of the board. Once the form of a subdivision performance security has been approved and accepted alternate securities, in a format approved by the county attorney, may be approved by the community development and environmental administrator, or his designee, on behalf of the board.~~

~~c. Recordation procedure. After approval of the final subdivision plat by the Board of County Commissioners, but prior to the County Manager or his designee's recording of the final subdivision plat with the clerk of the circuit court, all of the following shall occur:~~

~~i. The applicant shall obtain all of the signatures on the original plat cover sheet(s) that are associated with the applicant's obligations or that are otherwise required (together with any separate opinion of title or title certification, and any separate mortgagee's consent(s)).~~

~~ii. The applicant shall submit the original final subdivision plat, and any separate consents, or opinions or certifications of title, to the County Manager or his designee after obtaining the signatures required above. The County Manager or his designee shall obtain all county related signatures required on the final subdivision plat.~~

~~iii. Simultaneously with the submission of the fully executed final subdivision plat to the County Manager or his designee, the applicant shall also submit in accordance with F.S. § 177.041, at no expense to the county, either a title opinion from a licensed attorney authorized to practice in the State of Florida complying with the standards for such opinions as they may be promulgated from time to time, or a title certification, as well as any required documents supporting such title information, and any such related documents as may be required by the office of the county attorney.~~

~~The effective date of the title information must be no more than 30 days prior to the submission of the final subdivision plat to the County Manager or his designee and must contain all of the following:~~

~~(a) A legal description of at least the lands being platted;~~

~~(b) A statement that the attorney is licensed to practice in the State of Florida and that the attorney has examined title to the subject real property, if a title opinion is being provided;~~

~~(c) Identification of the exact name of any person who is the record owner of the subject real property and a specific citation to the official records book and page, where each record legal owner obtained title to the subject real property. The title information shall have attached thereto a copy of said instrument(s) of conveyance; and~~

~~(d) Identification of liens, encumbrances, easements, or matters shown or that should be shown as exclusions to coverage on a title insurance policy. As may be applicable, the title information shall include in a neatly bound fashion, and make citation to the recording information of, all referenced liens, encumbrances, easements, or exclusions. The title information shall have attached thereto a copy of any such instruments.~~

- ~~iv. Payment of recording and copy fees. The recording and copy fees specified in this section must be verified as correct and paid by the applicant. Upon verification and payment, the County Manager or his designee shall record the final subdivision plat with the clerk of the circuit court in the official records of Collier County, Florida, and then proceed to produce 3 copies and 1 mylar of the recorded final subdivision plat and accompanying documents which are required for the clerk of the circuit court.~~
- ~~v. Recording of other documents. If any dedications, grants, conveyances, easements, consents (including mortgagee consents), reservations, covenants, or other like instruments are to be recorded simultaneously with the final subdivision plat, appropriate fees and original documentation must be provided to the County Manager or his designee for processing and recording by the clerk of court prior to, or simultaneously with, the recording of the final subdivision plat.~~
- ~~vi. Additional copies. If the applicant or its professional surveyor or engineer of record wishes to obtain additional copies or mylars of the recorded document(s) at the time of recording, arrangements shall be made through the engineering services director and coordinated with the transportation services division prior to recording and payment of fees.~~
- ~~vii. Completion of improvements. The required improvements shall be completed prior to recordation of the final subdivision plat unless the applicant shall file with the county a subdivision performance security in a manner and form prescribed in this section to assure the installation of the required improvements.~~
- ~~viii. Supporting "gap" title information. Within 60 days of recordation of the final subdivision plat in the official records of Collier County, Florida, the applicant, at no expense to the county, shall submit to the County Manager or his designee final supporting "gap" title information in order to induce the Collier County Board of County Commissioners to conduct final acceptance of the subdivision improvements as required by this section. The final supporting title information must meet all of the requirements of 3.c., above, except as to effective date. Receipt and approval of the "gap" title information is a condition precedent to acceptance of subdivision improvements.
The effective date of the supporting "gap" title information must be through the date of recordation of the final subdivision plat and must, at a minimum, cover the "gap" between the time the effective date of the information required by 3.c., above when submitted and the date and time of recording of the final plat, and additionally such title information must identify and provide copies of any recorded documentation of the holders of any estates, liens, encumbrances or easements not properly included or joined in the dedication or consents on the final subdivision plat. The supporting "gap" title information must have attached thereto a copy of any required instruments not previously provided in connection with submittals for the final plat's recording.~~
- ~~ix. After approval for recording by the board, but prior to recordation of the final subdivision plat, the development services~~

administrator may approve of minor or insubstantial changes to the final plat.

5. ~~Relationship and amendments to preliminary subdivision plat. The improvement plans and final subdivision plat shall be consistent with the preliminary subdivision plat, if the applicant chose to submit a preliminary subdivision plat. Any amendment to the approved preliminary subdivision plat desired by the applicant shall be reviewed and determined to be acceptable by the County Manager or his designee prior to the processing of the improvement plans and final subdivision plat. The County Manager or his designee shall have the authority to approve amendments to the approved preliminary subdivision plat provided these amendments are based on generally accepted, sound, professional engineering principles and practices in the state. Requests for amendments shall be in writing in the form of an amended preliminary subdivision plat and shall provide clear and convincing documentation and citations to professional engineering studies, reports or other generally accepted professional engineering services in the state to substantiate the amendment requested.~~
6. ~~Model sales centers, model homes, review and determination. As provided for within section 5.04.04, Temporary use permits.~~

B. ~~Construction of required improvements.~~

4. ~~Construction specifications. Construction specifications shall be those prescribed in the design requirements of this section, those prescribed by the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, as amended, where applicable as approved by the County Manager or his designee, and those contained in the approved technical specifications prepared by the **applicant's** professional engineer for each subdivision or development which may amend or supersede FDOT standards on a project by project basis.~~
2. ~~Administration of construction. After approval of the final subdivision plat and improvement plans, and upon posting of the subdivision performance security when required, the applicant shall construct the required improvements subject to obtaining and submitting to the County Manager or his designee all required federal, state and local **development orders** and permits. The County Manager or his designee shall be notified in writing at least 48 hours in advance of the date of commencement of such construction. Construction shall be performed under the general direction and observation of, and shall at all times be subject to, review by the County Manager or his designee; however, this in no way shall relieve the applicant of the responsibility for final compliance with the approved improvement plans and all of the requirements of this section. Final certification of the construction of the required improvements from the applicant's professional engineer shall be filed with the County Manager or his designee. Construction observation is required to observe that the required improvements have been installed in compliance with the approved improvement plans.~~
3. ~~Observation of construction. The applicant shall have the professional engineer or engineer's representative make periodic site visits at intervals appropriate to the various stages of required improvement construction to observe the contractor's compliance with the approved plans and specifications. At the time of preliminary acceptance, the applicant's professional engineer shall submit a completion certificate for those required improvements completed. The completion certificate shall be based on information provided by the project surveyor and the engineer's own observations. The completion certificate shall not be based on "information provided by the contractor". Any discrepancy shall~~

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

- ~~4. Construction schedule. Upon approval by the County Manager or his designee of the improvement plans and prior to the commencement of construction of the required improvements, a preconstruction meeting shall be conducted. The preconstruction meeting shall be conducted by the owner and attended by representatives of the county, utility companies, the applicant's professional engineer of record, the contractor and the developer. At the preconstruction meeting, a schedule of construction and copies of all applicable state and federal permits shall be provided to the County Manager or his designee. At least 48 hours' written notice shall be provided for scheduling the preconstruction meeting with the County Manager or his designee. Should any construction commence on a project prior to the preconstruction meeting, the County Manager or his designee shall have the right to require partial or full exposure of all completed work for observation, inspection and verification that it was installed in accordance with the approved improvement plans. All required improvements constructed in proposed roadway areas shall be completed in accordance with the approved improvement plans prior to proceeding with the stabilization of the roadway subgrade. Installation of improvements which would complicate corrective work on the required improvements shall be considered in scheduling all adjoining or related phases of the construction. The County Manager or his designee shall be notified within 24 hours, with written follow-up, of any problems and conflicts with the actual construction of required improvements as compared to the completion of the required improvements in substantial compliance with the approved improvement plans.~~

~~All segments of the underground utility and water management facilities that lie beneath the pavement shall be completed, tested, and found to be in conformance with the approved improvement plans prior to the installation of pavement. All provisions associated with any water and sewer facilities construction shall be in compliance with the requirements of Collier County Ordinance [No.] 88-76 [Code ch. 134, art. III], as amended, and all other applicable federal, state and local regulations and laws.~~

- ~~5. Construction inspections by the engineering services director. Upon approval of the improvement plans by the engineering services director, the applicants' professional engineer of record shall be provided with a list of standard inspections which require the presence of the engineering services director. Notification of all required inspections shall be contained in the approval letter for the development. Based on the scheduling and progress of construction, the applicant shall be responsible to notify the engineering services director prior to the time these inspections are required. At least 48 hours' notice shall be provided to the engineering services director to allow scheduling of an inspection. Verbal confirmation of inspection time or a request for rescheduling will be made by the engineering services director on each notification made.~~
- ~~6. All required inspections as noted in the Collier County Utilities Standards and Procedures Ordinance, subsection 9.4.2 shall require notice to the engineering services director. Also, the engineering services director shall be notified at the following stages of construction: Prior to any paving or concrete work associated with roads or sidewalks.~~
- ~~7. From time to time, the engineering services director shall inspect the progress of construction. Should special inspections be required they shall be coordinated through the applicant.~~

- ~~8. The foregoing notwithstanding, routine spot inspections by the engineering services director may be carried out without notice on all construction to ensure compliance with the approved improvement plans. During the on-site inspection process, if the engineering services director finds construction in progress which does not comply with the procedures, policies and requirements contained in this section or the approved improvement plans, he shall have the full authority to issue a stop work order for the portion of the work not in compliance. If a stop work order is issued, it shall remain in full effect with respect to the defective work until such time as the documented discrepancies have been corrected to the full satisfaction of the engineering services director.~~
- ~~9. Design modification. Deviations from the approved improvement plans due to field related conditions or circumstances shall be submitted via the applicant and approved by the County Manager or his designee. Initial contact with the County Manager or his designee may be by verbal contact whereby a County Manager or his designee's field representative may recommend approval to the DSD based on a field inspection of the deviation and based on its equivalency to the approved design. However, if required by the County Manager or his designee, a detailed written description of the proposed deviations or requested design modifications, the reasons for the deviations or modification, and revised improvement plans shall be submitted to the County Manager or his designee for approval. The County Manager or his designee may require written approval for specific deviations or modifications to be issued by him before construction of those items may commence.~~
- ~~10. Measurements and tests. After construction, the applicant's professional engineer of record shall submit a report to the County Manager or his designee which documents the dates of inspection, all measurements, field tests, laboratory tests and observations required to be performed during the construction.~~
- ~~11. Expiration. If improvements are not completed within the prescribed time period as specified in section 10.02.04 B.3.b and a subdivision performance security has been submitted, the engineering services director may recommend to the board that it draw upon the subdivision performance security or otherwise cause the subdivision performance security to be used to complete the construction, repair, and maintenance of the required improvements. All of the required improvements shall receive final acceptance by the Board of County Commissioners within 36 months from the date of the original board approval. The developer may request one-year extensions for completion and acceptance of the required improvements. A maximum of 2 extensions may be granted. Each request should provide written justification for the extension.~~
- ~~12. County completion of required improvements. When a final subdivision plat has been recorded and the **applicant** fails to complete, repair, or maintain the required improvements as required by this section, the Board of County Commissioners may authorize and undertake completion, repair, and maintenance of the required improvements under the subdivision performance security provided by the **applicant**. If no sale of **lots** or issuance of **building** permits has occurred, the Board of County Commissioners may declare all approvals for the subdivision and all documents for the subdivision to be null and void; provided, any vacations of plat shall be in accordance with F.S. ch. 177. In such case, the Board of County Commissioners shall direct the County Manager or his designee to call upon the subdivision performance security to secure satisfactory completion, repair, and maintenance of the required improvements, to make his best efforts to restore the property to its predevelopment condition,~~

~~or to otherwise take action to mitigate the consequences of the failure to complete, repair, or maintain the required improvements. Upon the completion of the required improvements, the County Manager or his designee shall report to the Board of County Commissioners and the board shall accept by resolution the dedication and maintenance responsibility as indicated on the final subdivision plat. In such case, the remaining subdivision performance security posted by the applicant shall be retained for the warranty period between preliminary and final acceptance in lieu of the required maintenance agreement and subdivision performance security to provide funds for any repairs, maintenance, and defects occurring during this warranty period.~~

13. ~~Failure to complete unrecorded subdivision. Where an **applicant** has elected to construct, install, and complete the required improvements prior to recordation of the final subdivision plat and fails to complete such improvements within the time limitations of this section, all approvals for the subdivision shall be null and void. No reference shall be made to the preliminary subdivision plat or the final subdivision plat with respect to the sale of **lots** or issuance of **building** permits, unless and until the preliminary and final subdivision plats have been resubmitted with all of the supplementary documents and material, and all approvals required in this section have been granted. Under these circumstances, the **applicant** shall be required to compensate the county through the payment of new review and inspection fees, as though the development were being submitted for its initial review and approval.~~

~~C. Completion, approval and acceptance of required improvements.~~

1. ~~General. The required improvements constructed under the policies, procedures, guidelines, and requirements established in this section shall be approved and accepted by the Board of County Commissioners as prescribed in this section. All applicable completed water and sewer facilities shall simultaneously be conveyed to Collier County, or to Collier County Water Sewer District or its dependent water-sewer districts, where appropriate, or the appropriate water-sewer district in conformance with the provisions of Collier County Ordinance No. 88-76 [Code ch. 134, art. III], as amended. All roadway improvements intended to be turned over to Collier County for operation and maintenance shall provide a checklist for public road acceptance, along with all required information, prior to any such acceptance. This section describes the policies, procedures and data required to obtain approval and acceptance of all required improvements constructed.~~
2. ~~Acceptance of required improvements. Upon completion of all required improvements contained in the approved improvement plans, the required improvements shall be preliminarily approved by the County Manager or his designee. All water and sewer facilities approved and accepted in this fashion and required to be maintained by Collier County shall be conveyed to the county pursuant to the provisions set forth in Collier County Utilities Standards and Procedures Ordinance [Code ch. 134, art. III], as amended. A maintenance agreement and the posting of subdivision performance security for the maintenance of the required improvements shall be required prior to the preliminary approval of the completed required improvements.~~
3. ~~Procedures for acceptance of required improvements. The applicant shall submit the following data, certifications, inspections and documents for review and approval by the site development review director prior to the county administrator [manager], or his designee denying, granting, or granting with conditions preliminary approval of any completed required improvements and prior to authorizing the site development review director to issue any **building** permits,~~

except as provided for in section 10.02.04 A.4.d. of this Code, for structures to be constructed within a subdivision or development, where the developer has chosen to construct the improvements prior to recording of the plat.

- a. ~~Maintenance agreement and subdivision performance security. The applicant shall execute a maintenance agreement guaranteeing the required improvements against defect in workmanship and material for the period beginning upon preliminary acceptance of all completed required improvements by the Board of County Commissioners and ending upon final acceptance of the required improvements. The maintenance agreement shall be submitted to the County Manager or his designee along with the completion certificate, development records and subdivision performance security for maintenance of the required improvements in an amount equal to ten percent of the cost of required improvements. The subdivision performance security shall be in a form established by the County Manager or his designee from time to time and as shown in appendix A. The maintenance agreement and security shall be approved by the county attorney prior to acceptance by the Board of County Commissioners.~~
- b. ~~Acceptance of dedication and maintenance of improvements. The dedication of public spaces, parks, rights-of-way, easements, or required improvements shall not constitute an acceptance of the dedication by the county. The acceptance of the dedication shall be indicated by a resolution adopted by the Board of County Commissioners indicating that the applicant has attested that all required improvements meet or exceed the standards established by this section. Such resolution shall be prepared by the County Manager or his designee after all of the procedures and requirements for preliminary acceptance of the required improvements have been met to the satisfaction of the County Manager or his designee.~~
- c. ~~Completion certificate, record improvement plans and supportive documents. The required improvements shall not be considered complete until a statement of substantial completion by the applicant's professional engineer of record along with the final development records have been furnished to, reviewed and approved by the County Manager or his designee for compliance with this section. The applicant's professional engineer of record shall also furnish 1 set of record improvement plans on a mylar or other similar acceptable material, with a minimum of 2 mil thickness, and 2 sets of certified prints acceptable to the County Manager or his designee, showing the original design in comparison to the actual finished work. The mylars shall be labeled as record drawings on each sheet prior to printing of the required sets of prints. The applicant's professional engineer shall also submit digitally created construction/site plan documents, 1 disk (CDROM) of the master plan file, including, where applicable, easements, water/wastewater facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. right-of-way ROW,~~

~~centerlines—CL, edge-of-pavement—EOP, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (**parcels, lots,** and requisite annotation) shall be drawn on a unique information layer, with all linework pertaining to the property feature located on that layer. Example: **parcels**—All lines that form the **parcel** boundary will be located on 1 **parcel** layer. Annotations pertaining to property information shall be on a unique layer. Example: **lot** dimensions—Lottxt layer. In addition, a copy of applicable measurements, tests and reports made on the work and material during the progress of construction must be furnished. The record construction data shall be certified by the applicant's professional engineer and professional land surveyor and shall include but not be limited to the following items which have been obtained through surveys performed on the completed required improvements:~~

- ~~i. Roadway centerline elevations at all intersections and at a minimum at all points of vertical intersection (PVI) along the roadway.~~
 - ~~ii. Invert and inlet elevations of all water management structures, including catchbasins, all junction boxes, headwalls, inlets, and the like.~~
 - ~~iii. All record drawing data for water and sewer facilities pursuant to the provisions of section 10.4 of the Collier County Utilities Standards and Procedures Ordinance No. 97-17, as amended.~~
 - ~~iv. Centerline inverts on all open swales at high and low points and at 100-foot stations along centerline.~~
 - ~~v. The following data shall be submitted in report form for the acceptance of streets, roadways, alleys or the like for maintenance purposes:
 - ~~(a) Name of subdivision, block, plat book and page of recording.~~
 - ~~(b) Name of each street proposed to be accepted for maintenance purposes.~~
 - ~~(c) The beginning and ending point for each street proposed to be accepted.~~
 - ~~(d) The centerline length of for [sic] each street proposed to be accepted.~~
 - ~~(e) The number of lanes for each street proposed to be accepted.~~~~
 - ~~d. Final release of lien from contractor(s). The applicant shall provide to the county a copy of the final release of lien from any utility/roadway contractor(s).~~
- ~~4. Recordation of final subdivision plat required. If the final subdivision plat has not been previously recorded in conformance with the required review and approval process established in this section, the original approved final subdivision plat, with all required signatures, other than those from Collier County, shall be submitted for recordation at the time of preliminary acceptance of required improvements.~~
- ~~5. Inspections. Preliminary and final inspections of all required improvements satisfactory to the county shall be required. Preliminary inspection of the completed required improvements shall be required prior to any conveyance to or acceptance by the Board of County Commissioners of any required improvements and the granting of preliminary acceptance. During preliminary~~

~~inspection, the required improvements will be checked for compliance with the approved improvement plans. In addition, revisions or deviations from the approved improvement plans shall be identified and explained in writing by the applicant's professional engineer of record. All required improvements shall be in full compliance with the approved improvement plans and record improvement plans prior to submission to the board.~~

~~The final inspection shall be conducted no earlier than 1 year after preliminary approval of the required improvements by the county administrator or his designee. During final inspection the required improvements will be examined for any defect in materials and workmanship and for physical and operational compliance with the record improvement plans. See paragraph (7) below regarding the procedure required to obtain final acceptance of the required improvements.~~

- ~~6. Preliminary approval. Upon satisfactory completion of the required improvements, as evidenced by the compliance with paragraphs (1) through (5) of this section, the County Manager or his designee shall, if in agreement, certify that the applicant has complied with all of the provisions of this section. Upon such recommendation from the County Manager or his designee, the county administrator or his designee shall preliminarily approve the required improvements, establish the responsibilities for maintenance of the completed improvements through the execution with the applicant of a maintenance agreement and the posting of a subdivision performance security for maintenance of required improvements in an amount equal to ten percent of the sum of the construction costs for all on-site and off-site required improvements based on the applicant's engineer's opinion of probable construction costs or contract bid price and grant preliminary approval of the completed required improvements. The date of this action shall designate the commencement of the required maintenance period pursuant to paragraph (3) of this section. Until preliminary approval is granted, final certificates of occupancy shall not be issued by the County Manager or his designee.~~
- ~~7. Final approval and acceptance. The applicant shall petition the County Manager or his designee to finally approve the improvements. Upon expiration of the minimum 1-year maintenance period and after satisfactory completion of all final inspections, the board shall adopt a resolution giving final approval of the final improvements, acknowledging the dedication(s) of the final subdivision plat and establishing county responsibility for maintenance of the required improvements if it is the board's desire to accept and maintain the facilities. The board has no obligation to accept maintenance responsibilities for any facilities dedicated to public use, pursuant to F.S. § 177.081. The County Manager or his designee shall notify the applicant in writing that final approval of the required improvements and applicable acceptance of the facilities has been granted, notify all affected county agencies of their final maintenance responsibilities, and instruct the clerk of the court to return the remaining maintenance security held by the county.~~
- ~~8. Conditional final acceptance. At the discretion of the engineering review director, a developer may apply for a conditional final acceptance. The conditional final acceptance may occur when the required subdivision improvements, with the exception of the final lift of asphalt, and in certain cases, portions of the sidewalk(s) have received a satisfactory final inspection. The developer shall provide a performance security in the amount of 150 percent of the estimated cost of the remaining improvements. Additionally, the developer shall provide a letter to the engineering review director, which confirms the developer's intent to~~

~~complete all of the remaining improvements within a 12-month time period. Additional 1-year extensions may be approved by the engineering review director.~~

~~D. Vacation and annulment of subdivision plats. Vacation and annulment of a subdivision plat shall be in accordance with F.S. § 177.101, as amended.~~

~~E. Improvement Plan Requirements.~~

~~1. General requirements. Improvement plans for all of the improvements required by this section shall be prepared, signed, and sealed by the applicant's professional engineer. A minimum of 5 sets of improvement plans shall be submitted to the County Manager or his designee and shall include, but not be limited to, construction drawings, written technical specifications, the professional engineer's opinion of probable cost to construct the required improvements, design computations, all necessary supportive documentation, and any other information set forth in this section. The improvement plans and other required submissions shall be so complete that from them a thorough review and analysis may be made. The improvement plans shall be transmitted under 1 cover for the following improvements, where applicable:~~

~~a. Streets, paving, grading, and water management (drainage);~~

~~b. Bridges;~~

~~c. Water and sewerage systems, including, where applicable, water reuse/irrigation pumping, storage and transmission/distribution systems; and~~

~~d. Street lighting, landscaping within public rights-of-way, parks, recreational areas and parking areas. Plans for streetlights shall bear the approval of the requisite utility authorities involved. If the street lighting system is to be privately owned and maintained by a property owners' association or similar entity, it shall be designed by the applicant's engineer.~~

~~2. Improvement plans submission requirements. The improvement plans shall be prepared on 24-inch by 36-inch sheets and well as being digitally created on 1 or more CDROM disks. All data shall be delivered in the North American Datum 1983/1990 (NAD83/90) State Plane coordinate system, Florida East Projection, in United States Survey Feet units; as established by a Florida Professional Surveyor & Mapper in accordance with Chapters 177 and 472 of the Florida Statutes. All information shall meet Minimum Technical Standards as established in Chapter 61G17 of the Florida Administrative Code. Files shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. right-of-way - ROW, centerlines - CL, edge-of-pavement - EOP, etc.)~~

~~a. A cover sheet, including a location plan.~~

~~b. Improvement plans, design reports and specifications detailing/showing complete configurations of all required improvements including, but not limited to, all water, sewer, roads, water management systems, and all appurtenant facilities, public or private. The complete calculations used to design these facilities shall be included with the improvement plans. If the development is intended to be in phases, each phase boundary shall be clearly delineated.~~

~~c. A detailed water management plan in accordance with the master water management plan approved in the preliminary subdivision plat, if the applicant chose to submit a preliminary subdivision plat, showing the complete water management system including, but not limited to, closed drainage areas, design high water, recurring high water, acreage, a complete lot grading plan with final grading elevations, surface runoff flow~~

~~patterns, and companion drainage easements consistent with the final subdivision plat pursuant to section 10.02.04 B.3. to be utilized by the applicant, his successors or assigns during the **building** permitting and site improvement process for all **lots** consistent with the Collier County Building Code, and the compatibility of drainage of surface waters into **adjacent** or larger water management systems. If the applicant chooses not to submit a preliminary subdivision plat, the information requested must still be included on the final subdivision plat. The complete calculations used to design the system shall be provided for projects 40 acres or less. For projects greater than 40 acres or where the water management system will utilize wetlands for water management, the applicant shall initially provide with the submission the SFWMD construction permit submittal. Prior to approval the applicant shall provide the staff report and early work permit or construction permit.~~

- d. ~~Typical design sections (e.g., roadway cross sections) and summary of quantities and sizes of required improvements.~~
- e. ~~Construction details showing compliance with applicable federal, state and local standards.~~
- f. ~~Plan and profile sheets, showing roads, water, sewer, conflict crossings, drainage and other unique situations.~~
- g. ~~A clearing plan for those areas where improvements are to be constructed, with a maximum limit of ten feet beyond any approved rights-of-way line or 5 feet beyond any easement line, unless otherwise approved by the County Manager or his designee pursuant to section 10.02.04 A.3.~~
- h. ~~Benchmark, based on NOAA datum (both NAVD and NGVD).~~
- i. ~~Soil analysis, showing the locations and results of test borings of the subsurface condition of the tract to be developed.~~
- j. ~~The improvement plans and attachments shall address special conditions pertaining to the subdivision in note form on the improvement plans, including statements indicating:
 - i. ~~Required compliance with special conditions of this section.~~
 - ii. ~~Where applicable, required compliance with federal, state and local standards as currently adopted.~~
 - iii. ~~Source of water and sewer service.~~
 - iv. ~~Required installation of subsurface construction such as water lines, sewer lines, public utilities and storm drainage prior to compaction of subgrade and roadway construction.~~~~
- k. ~~Detailed written technical specifications for all improvements required shall be submitted in a separate bound document, signed, and sealed by applicant's professional engineer.~~
- l. ~~All **development orders**, development permits and construction permits (i.e., **development orders** or permits issued by local, state or federal agencies) which require approval or signature by a county official, with the appropriate number of copies, shall be submitted with the improvement plans.~~
- m. ~~Detailed hydraulic design calculations utilized to design the water and sewer facilities regulated by the county and water management facilities for the subdivision or development.~~
- n. ~~The final subdivision plat, prepared in conformance with the approved preliminary subdivision plat, if the applicant chose to submit a preliminary~~

- subdivision plat, and the final subdivision plat requirements contained in section 10.02.04 B.3., pursuant to the provisions of section 10.02.05 A.2..
- ~~o. Status of all other required permits including copies of information and data submitted to the appropriate permitting agencies.~~
 - ~~p. Factual information and data relating to previous zoning actions affecting the project site.~~
 - ~~q. A soil erosion and sediment control plan pursuant to this chapter.~~
 - ~~r. Upon re-submittal of construction plans and plats, the engineer shall identify all revisions to the construction plans by lettering or numbering; the surveyor shall identify all revisions to the plat by highlighting the current revisions. The applicant shall also provide a written response to the county's comments, responding to each comment individually.~~
 - ~~s. Subdivision Construction Plans and Plats (PPLs) once submitted for review, will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time, the application for PPL review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees.~~
3. ~~Required improvements. The following improvements in this section are required in conjunction with the subdivision and development of any and all property pursuant to section 10.02.03 within the unincorporated areas of Collier County. The required improvements shall be completed prior to recordation of the final subdivision plat unless the applicant shall file with the county a subdivision performance security in 1 of the forms prescribed in this section to assure the installation of the required improvements. Any required improvements shall be designed and constructed in accordance with the design requirements and specifications of the entity having responsibility for approval, including all federal, state, and local agencies. Where approval of a final subdivision plat and improvement plans will lead to the level of service for any public facility being reduced below the level established by the growth management plan for Collier County, the county shall deny approval to proceed with development until the requirements of the Collier County Adequate Public Facilities Ordinance [Code ch. 106, art. III] or its successor in function are met.~~
- ~~a. Access to public roads. The street system of a subdivision approved pursuant to this section shall be connected to a public road, which is state or county maintained, with adequate capacity as defined by the growth management plan to accept the traffic volumes generated by the proposed development. Unless topography, or a compliance with the county's access Control Policy (Resolution No. 01-247) as may be amended, or the Collier County Construction Standards Manual prohibits it, the number of access points to public roads shall ensure that there are no more than 4,000 average daily trips (ADT) per access point (existing or future). The maximum number of access points required by this section shall be 6. Proposed developments accessing public roads shall be subject to the requirements of the Collier County Adequate Public Facilities Ordinance. The connection of any property to a public or private road shall be carried out in conformance with Collier County Ordinance No. 82-91, as amended.~~
 - ~~b. Alleys. Alleys may be provided in industrial, commercial and residential subdivisions. Alleys may be for 1-way or 2-way traffic. Alleys for 1-way traffic only shall have the appropriate directional and instruction signage~~

~~installed. Alleys shall be utilized for secondary access unless otherwise provided in this Code.~~

- ~~c. Bridges and culverts. Where a subdivision or development includes or requires access across canals, watercourses, lakes, streams, waterways, channels, or the like, bridges or culverts shall be provided to implement the proposed street system. The bridge or culvert design shall be prepared by a professional engineer.~~
- ~~d. Canals. Any canal which forms a part of the public water management system shall be dedicated for care and maintenance per the requirements of the governmental agency which has jurisdiction. Canals located entirely within the subdivision and which do not form a part of the public water management system shall be dedicated to the public, without the responsibility for maintenance, as a drainage easement. A maintenance easement, of a size acceptable to the County Manager or his designee or other governmental agency with maintenance responsibility, shall be provided **adjacent** to the established drainage easement, or the drainage easement created must be of a size suitable for the proposed canal and its maintenance.~~
- ~~e. Drainage (water management). An adequate water management system, including necessary open swales, ditches, storm sewers, drain inlets, manholes, headwalls, endwalls, culverts, bridges, retention basins, water level control structures and other appurtenances shall be required in all subdivisions or developments for the management of surface water and groundwater. The water management system shall provide for stormwaters affecting the subdivision or development and shall be in compliance with applicable federal, state and local design regulations and specifications.~~
- ~~f. Easements. If applicable, easements shall be provided along **lot lines** or along the alignment of the improvements requiring easements in accordance with all design requirements so as to provide for proper access to, and construction and maintenance of, the improvements. All such easements shall be properly identified on the preliminary subdivision plat, if the applicant chooses to submit the optional preliminary subdivision plat, and dedicated on the final subdivision plat. If the preliminary subdivision plat is not submitted, then the easements need to be identified and dedicated on the final subdivision plat.~~
- ~~g. Elevation, land filling, excavation and demolition. The elevation of all **building** sites and public or private roadways included within a subdivision or development for which a use other than conservation or recreation is proposed shall be not less than such minimum elevations above the established NAVD datum as adopted by the Board of County Commissioners, FEMA/FIRM, or South Florida Water Management District criteria. All lawful regulations with reference to bulkhead lines, salt[water] barrier lines, and other appropriate regulations regarding land filling, conservation, excavations, demolition, and related regulations shall be observed during the construction of any improvements within Collier County.~~
- ~~h. Fire hydrants. Fire hydrants shall be provided at no cost to the county in all subdivisions and developments. In all cases, fire hydrants shall be provided and spaced in the manner prescribed by the design requirements of this section.~~

- ~~i. Monuments and control points. Permanent monuments and control points shall be set as prescribed by F.S. ch. 177, as amended. Details pertaining to their type and location shall be in full compliance with the provisions set forth by these regulations and those prescribed by F.S. ch. 177, as amended.~~
- ~~j. Parks, protected areas, preservation areas, conservation areas, recreational areas, and school sites.
 - ~~i. Parks, protected areas, preservation areas, conservation areas. Parks, protected areas, preservation areas and conservation areas shall be dedicated and/or conveyed in accordance with applicable mandatory dedication requirements and regulations of federal, state and local agencies.~~
 - ~~ii. Recreational areas. Recreational areas shall be dedicated and/or conveyed in accordance with applicable mandatory dedication and/or conveyance requirements and regulations of federal, state and local agencies.~~
 - ~~iii. School sites. School sites shall be dedicated and/or conveyed in accordance with applicable mandatory dedication and/or conveyance requirements and regulations of federal, state and local agencies.~~~~
- ~~k. Plantings, trees, and grass. All rights-of-way and easements for streets, avenues, roads, drives, and the like shall be planted with trees, grass or other suitable vegetation on both sides in accordance with the specifications, limitations, procedures, types and intervals set forth in the appropriate county regulations and requirements, including but not limited to Chapter 4 and the right-of-way Construction Handbook, Collier County Ordinance No. 82-91, as amended [superseded by ordinance found in Code ch. 110, art. II]. All unpaved areas within rights-of-way shall be stabilized by seed or sodding of cultivated grass species suitable to the area. The sodding of a 1-foot-wide strip along the back of curb or edge of pavement shall be mandatory for all roadway construction. The flow line of all swale sections approved for use by the County Manager or his designee shall also be sodded as required for erosion control.~~
- ~~l. Sanitary sewer system. A complete sewage collection and transmission system and interim sewage treatment and disposal facilities, if required, shall be provided by the applicant, for all subdivisions and other types of development. All facilities shall be designed in accordance with federal, state and local requirements. When required, the sewage collection and transmission facilities shall be conveyed to Collier County, or the Collier County Water Sewer District or other dependent district where appropriate, upon completion of construction pursuant to County Ordinance [No.] 88-76 [Code ch. 134, art. III], as amended.
If county central sewer facilities are not available to connect with, the sewage collection and transmission facilities conveyed to the county shall be leased to the applicant of the interim sewage treatment facilities, with operation and maintenance responsibilities, until the county's central sewer facilities are available for connections. All sewer facilities shall be maintained and operated at no cost to the county, in a manner equal to the operation and maintenance standards for sewage collection and transmission facilities and sewage treatment facilities maintained by Collier County or the Collier County Water Sewer District, until connection to the county's central facilities is made. Any interim sewage treatment~~

~~facilities owned, operated and maintained by the applicant, or their successors and assigns, shall be abandoned in accordance with an agreement entered into between the county or the Collier County Water-Sewer District and the applicant prior to the approval of improvement plans pursuant to this section and to the requirements of Collier County Ordinance [No.] 88-76 [Code ch. 134, art. III], as amended.~~

~~In the event individual sewage facilities designed in accordance with chapter 10D-6, F.A.C., i.e., septic systems, are allowed under required state and local regulations on an interim basis, the developer shall construct a "dry" sewage collection and transmission system for future connection to the county's central sewer facilities, when available to serve the subdivision or development. Any such "dry" sewer facilities shall be designed and constructed in accordance with the requirements of the County Ordinance [No.] 88-76, as amended. Operation and maintenance responsibilities for the "dry" facilities shall be specified pursuant to a lease agreement with Collier County or where applicable the Collier County Water-Sewer District. When county central sewer facilities are available to connect the "dry" system, connection shall be completed within 90 days from approval of improvement plans for those facilities by the county utilities division. The terms and conditions controlling the connection shall be contained in an agreement between Collier County, or the Collier County Water-Sewer District where appropriate, and the applicant which must be entered into prior to the approval of the improvement plans. Upon connection to the county's central sewer facilities, all individual sewage systems shall be abandoned in the manner required by federal, state and local regulations~~

~~On-site sewage disposal systems may be utilized if permitted by the Collier County growth management plan and where the conditions of F.A.C. 10D-6 can be satisfied. In the event the **lots** are sized such that 10D-6 does not require central sewer or water, or if the **lots** are sized such that only central water and no sewer is required, construction of a "dry system" will not be required unless Collier County can confirm future service within 5 years.~~

~~All sewage collection and transmission systems, and treatment and disposal facilities shall be designed by the applicant's engineer.~~

~~m. Shoreline and waterway alterations and additions. All requests for the construction of seawalls, bulkheads, shoreline and waterway alterations and additions shall be submitted to the County Manager or his designee. After review by the County Manager or his designee the proposed facility or alteration shall be approved, approved with conditions or denied. The use of vertical seawalls as a method of protecting shorelines and lands **adjacent** to waterways shall be discouraged except for development lakes, and applicants shall be encouraged to utilize alternate methods of accomplishing shoreline protection and waterway facilities installation. Whenever possible, all proposed construction of seawalls, bulkheads, shoreline and waterway alterations and additions shall be designed to afford the maximum protection to the environment of the area. Any state or federal permits required for construction must be submitted to the County Manager or his designee prior to the commencement of construction.~~

~~n. Streets and access improvements.~~

- ~~i. All subdivision streets, access improvements and related facilities, whether public or private, required to serve the proposed development shall be constructed by the applicant. The design and construction of all subdivision streets, access improvements and related facilities shall be in conformance with the design requirements, regulations and standards established in this section and shall include but not be limited to the pavement structure, drainage, sidewalks and traffic control/safety devices.~~
- ~~ii. The arrangement, character and location of all streets shall conform to the Collier County growth management plan and shall be considered in their relation to existing and proposed streets, topographical conditions, public convenience, safety and in their appropriate relation to the proposed uses of the land to be served by such streets.~~
 - ~~(a) Rural type roadway cross sections shall only be considered for permitting on a case-by-case basis. The design of a rural cross section and its required right-of-way width shall be based on the drainage characteristics of the required swale section and the relationship of the maximum stormwater flow line to the bottom of the subbase course of the roadway. A detailed design report documenting these considerations shall be submitted for review and approval by the County Manager or his designee prior to the approval of a rural roadway cross section.~~
 - ~~(b) All existing and future public and private rights-of-way that are designed parallel to each other or to the boundary of a subdivision or development, with no **building lots** separating them from other rights-of-way or the project boundary, shall be separated by a landscape buffer, pursuant to Chapter 4. The buffer area in these cases shall be separately designated on the final subdivision plat as a tract or easement and shall be dedicated on the final subdivision plat cover sheet to the appropriate property owners' association or like entity for operation, maintenance and upkeep purposes.~~
 - ~~(c) All public and private streets requiring a design capacity which exceeds the roadway cross sections established herein for a minor collector shall be coordinated by the County Manager or his designee with and reviewed and approved by the transportation services division prior to the approval of the project's improvement plans and final subdivision plat by the County Manager or his designee.~~
- ~~iii. As applicable, the installation of turn lanes, storage lanes, deceleration lanes, parallel service lanes or any other traffic control improvements necessary to provide safe internal movements or ingress and egress from the subdivision or development to any existing or proposed street or highway shall be required.~~
 - ~~(a) If applicable, review and written approval by the Florida Department of Transportation of the subdivision or development traffic systems for ingress or egress to state-~~

~~maintained roads shall be necessary prior to approval of any final subdivision plat and improvement plans by the County Manager or his designee.~~

- ~~o. Street names, markers and traffic control devices. Street name markers and traffic control devices shall be provided by the developer at intersections and locations designated by the Transportation Administrator or his designee for all affected streets, whether the streets are existing or proposed. Such markers and traffic control devices shall be installed and constructed by the applicant to the applicant's engineer's specifications approved by the County Manager or his designee for private streets or in conformance with standards and recommendations set forth in the latest edition of the U.S.D.O.T.F.H.W.A. Manual on Uniform Traffic Control Devices for public streets. The Transportation Administrator or his designee shall accept alternative specifications on public streets signage where an acceptable maintenance agreement has been provided. Alternate specifications for private street signage where a property owners' association or other entity has maintenance responsibility shall be approved by the Transportation Administrator or his designee.~~

~~Proposed streets which are in alignment with other existing and named streets shall bear the same name of the existing street. All street names shall have a suffix (i.e., street, avenue, boulevard, drive, place, court, etc.) and in no case, except as indicated in the preceding sentence, shall the name of the proposed street duplicate or be phonetically similar to [an] existing street name regardless of the use of the suffix.~~

~~All street names shall be subject to approval by the CDES Operations Director or his designee during the preliminary subdivision plat approval process or on the final subdivision plat or the final plat and construction plans if the applicant chooses not to submit the optional preliminary subdivision plat.~~

~~Pavement painting and striping and/or appropriate reflective edge of public roadway markings shall be provided by the developer as required by the U.S.D.O.T.F.H.W.A. Manual on Uniform Traffic Control Devices. Where concrete valley gutters border the edge of pavement and for private roadways, this requirement may be waived by the Transportation Administrator or his designee.~~

- ~~p. Traffic control devices. Traffic control devices shall be provided by the developer when engineering study indicates traffic control is justified at any street intersection within the subdivision or development or where the additional traffic flow results from the proposed subdivision or development on to any collector or arterial street. Traffic control devices are subject to county approval.~~

~~If more than 1 development or subdivision is involved, each shall be required to make a pro rata contribution for the installation cost of the traffic control devices. The cost of all required traffic control devices shall be included in the amount of subdivision performance security furnished for the required improvements.~~

~~4. *Design requirements for Water Management.*~~

- ~~a. *Plans and specifications.* As a precondition for approval of improvement plans the developer shall deliver to the County Manager or his designee complete plans and specifications in report form prepared by a registered professional~~

engineer licensed to practice in the State of Florida, which shall include, but may not be limited to, the following:

- i. ~~A topographic map of the land **development** related to both NAVD and NGVD with sufficient spot elevations to accurately delineate the site topography, prepared by a professional surveyor. The information may be shown referenced to 1 datum with a note on the cover sheet listing a site-specific equation for determining the grades in the other datum.~~
- ii. ~~A drainage map of the entire basins within which the **development** or **subdivision** lies. This map may be combined with the above topographic data in a manner acceptable to the County Manager or his designee. All ridges lying within the basins and the area of the basins stated in acres, of all the existing and proposed drainage areas shall be shown and related to corresponding points of flow concentration.~~
- iii. ~~Flow paths shall be indicated throughout including final outfalls from the **development** and basins, existing water elevations, all connected and isolated **wetlands**, recurring high water elevations, proposed design water elevations, and other related hydrologic data.~~
- iv. ~~Drainage data, assumed criteria and hydraulic calculations, consistent with the criteria and design method established by the South Florida Water Management District.~~
- v. ~~Plans showing proposed design features and typical sections of canals, swales and all other open channels, storm sewers, all drainage **structures**, roads and curbs, and other proposed **development** construction.~~
- vi. ~~Plans and profiles of all proposed roads. Where proposed roads intersect existing roads, elevations and other pertinent details shall be shown for existing roads.~~
- vii. ~~Where additional ditches, canals or other watercourses are required to accommodate contributory surface waters, sufficient **right-of-way** shall be provided by the developer or subdivider to accommodate these and future needs.~~
- viii. ~~For projects which require a construction permit to be issued by the South Florida Water Management District, approval of improvement plans and the final **subdivision** plat shall not be granted by the County Manager or his designee until a copy of the permit or an acceptable "early work" permit is submitted to the County Manager or his designee.~~
- ix. ~~The master drainage plan shall include the drainage plans and details for all **lots**. The master drainage plan shall show proposed finished **grade** elevations at all **lot** corners and breaks in **grade**. The engineer shall state on the water management calculations the basis for wet season water table selection.~~
- x. ~~Construction plans for all **subdivisions**, site **development plans**, site **development plan** amendments and site improvement plans shall include a general note stating that all off-site drainage improvements associated with the current phase of development, including perimeter **berms**, swales, stormwater outfall systems and on-site perimeter swales shall be completed and operational prior to commencement of construction of on-site improvement.~~
 - a) ~~This requirement shall be established at the mandatory pre-construction conference. Failure to comply with completion of the required off site improvements will result in a stop work order~~

~~being issued until such time as the project is brought into compliance with this requirement.~~

- ~~b) The engineer of record prior to final acceptance, shall provide documentation from the stormwater maintenance entity that it has been provided information on how the stormwater system works and their responsibility to maintain the system.~~

A. Construction of Required **Subdivision** Improvements.

1. Pre-Construction Meeting. Prior to the commencement of construction of the required improvements, a Pre-Construction meeting shall be held. The **applicant** shall request the Pre-Construction meeting and provide at least 48 hours for the Pre-Construction meeting to be scheduled by the Engineering Services Department. The Pre-Construction meeting shall be attended by representatives of the county, utility companies, the **applicant's** professional engineer of record, the contractor, and the developer. At the Pre-Construction meeting, a schedule of construction, and all approved County plans shall be provided by the **applicant**. Copies of all state and federal permits shall be provided by the **applicant** to the County Manager or designee prior to commencement of construction.
 - a. Should any construction commence on a project prior to the Pre-Construction meeting, the County Manager or designee, in addition to other available remedies, shall have the right to require partial or full exposure of all completed work for observation, inspection, and verification that it was installed in accordance with the approved construction plans.
2. Commencement of construction. Following the Pre-Construction meeting the **applicant** may begin construction of the required improvements. The **applicant** shall notify the County Manager or designee in writing at least 48 hours in advance of the date of commencement of construction.
3. Observation of construction by the **applicant's** engineer. The **applicant** shall have the **applicant's** professional engineer or engineer's representative make periodic site visits at intervals appropriate to the various stages of the required construction to observe the contractor's compliance with the approved construction plans and specifications.
4. Construction inspections by the County Engineer or designee. A list of standard inspections which require the presence of the County Engineer or designee shall be provided in the construction plans approval letter provided by the County Manager or designee and discussed at the Pre-Construction meeting. The following procedure shall apply:
 - a. The **applicant** shall be responsible for the notification to the County Engineer or designee prior to the required inspections, including prior to any paving or concrete work associated with roads or **sidewalks**. At least 48 hours' notice shall be provided to the County Engineer or designee to allow for scheduling of an inspection. Verbal confirmation of an inspection time or a request for rescheduling will be made by the County Engineer or designee for each notification.

b. "Spot inspections" by the County Engineer or designee may be carried out without notice on all construction to ensure compliance with the approved construction plans. At any time, if the County Engineer or designee finds construction in progress which does not comply with the procedures, policies and requirements contained in the LDC or the approved construction plans, the County Engineer or designee shall have the full authority to issue a stop work order for the portion of the work not in compliance. If a stop work order is issued, it shall remain in full effect with respect to the defective work until such time as the documented discrepancies have been corrected to the full satisfaction of the County Engineer or designee.

5. Changes to construction plans.

a. See LDC section 10.02.04 B.5.a for insubstantial changes to construction plans (ICP).

b. The County Manager or designee shall be notified within 24 hours, with written follow-up, of any problems and conflicts with the actual construction of required improvements as compared to the approved construction plans. Problems and conflicts shall be addressed through the Insubstantial Changes procedure for construction plans, pursuant to LDC section 10.02.04 B.5.a. The County Engineer may approve insubstantial changes to construction plans in accordance with acceptable engineering principles. The changes shall be reflected on the record drawings.

B. Preliminary Acceptance of Required **Subdivision** Improvements by the County Engineer or designee. Preliminary acceptance by the County Engineer or designee shall identify that the **subdivision** or **development** is substantially safe for public occupancy.

1. General. The required improvements constructed under the policies, procedures, guidelines, and requirements established in the LDC shall receive preliminary acceptance by the County Engineer or designee pursuant to the following:

a. Recordation of the final **subdivision plat** pursuant to LDC section 10.02.04 F shall be prior to or concurrent with preliminary acceptance by the County Engineer or designee.

b. No certificates of occupancy shall be issued by the County Manager or designee until preliminary acceptance is granted.

2. Submittal requirements. Upon completion of all required improvements contained in the approved construction plans, the **applicant's** professional engineer of record shall provide the following materials for the review by the County Engineer or designee:

a. Competition Certificate. The **applicant's** professional engineer of record shall submit a completion certificate for the required improvements completed. The completion certificate shall be based on information provided by the project professional surveyor and mapper and the engineer's own observations. The completion certificate shall not be

based on "information provided by the contractor." The **applicant's** professional engineer of record shall document that the required improvements have been installed in compliance with the approved construction plans. Any discrepancy shall be brought to the attention of the County Engineer or designee and resolved to the satisfaction of the County Engineer or designee.

- b. **Applicant's** Inspection Report. The **applicant's** engineer of record shall submit a report to the County Manager or designee which documents the dates of inspection, all measurements, field tests, laboratory tests, and observations which were required to be performed during the construction of the required improvements.
- c. Final release of lien from contractor(s). The **applicant's** engineer shall provide to the County Manager or designee a copy of the final release of lien from any utility and/or roadway contractor(s).
- d. Conveyance instruments. All separate conveyance instruments to the County shall be in a form approved by the County Attorney prior to their submission to the Board for acceptance, and shall be pursuant to Collier County Utilities Standards and Procedures Ordinance 2004-31, if applicable. If requested by the County Manager or designee, the grantee shall provide, at no cost to the county, a title opinion, or certificate of title in a form promulgated by the Florida Insurance Commissioner, which is in conformance with the county's procedures for acquiring real property interests. No separate conveyance instrument shall be recorded prior to recordation of the final **subdivision plat** and formal acceptance of the conveyance by the Board.
- e. Construction plans and record drawings. The **applicant's** engineer shall provide to the County Manager or designee one set of construction plans on a mylar, with a minimum of 2 mil thickness, or other similar acceptable material and 2 sets of signed and sealed prints acceptable to the County Manager or designee, showing the original design in comparison to the actual finished work. The mylars shall be labeled as record drawings on each sheet prior to printing of the required sets of prints. Subject to the approval of the County Manager or designee, the **applicant's** engineer may provide a PDF as a substitute for the mylar plans.
- f. Digital submission. The **applicant's** professional engineer shall also submit digitally created construction/site plan documents, including 1 disk (CDROM) of the master plan file, including, where applicable, **easements**, water/**wastewater** facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered professional surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files shall be in an AutoCAD (DWG) or Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. **right-of-way**—ROW, centerlines—CL, edge-of-pavement—EOP, etc.).

For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (**parcels, lots, and requisite annotation**) shall be drawn on a unique information layer, with all linework pertaining to the property feature located on that layer. Example: **parcels**—All lines that form the **parcel** boundary will be located on 1 **parcel** layer. Annotations pertaining to property information shall be on a unique layer. Example: **lot** dimensions—Lottxt layer. In addition, a copy of applicable measurements, tests and reports made on the work and material during the progress of construction must be furnished. The record construction data shall be certified by the **applicant's** professional engineer and professional surveyor and mapper and shall include but not be limited to the following items which have been obtained through surveys performed on the completed required improvements:

- i. Roadway centerline elevations at all intersections and at a minimum at all points of vertical intersection (PVI) along the roadway.
- ii. Invert and inlet elevations of all water management **structures**, including catchbasins, all junction boxes, headwalls, inlets, and the like.
- iii. All record drawing data for water and sewer facilities pursuant to the provisions of the Collier County Utilities Standards and Procedures Ordinance 2004-31, as amended.
- iv. Centerline inverts on all open swales at high and low points and at 100-foot stations along centerline.
- v. The following data shall be submitted in report form for the acceptance of **streets, roadways, alleys** or the like for maintenance purposes:
 - (a) Name of **subdivision, block, plat** book and page of recording.
 - (b) Name of each **street** proposed to be accepted for maintenance purposes.
 - (c) The beginning and ending point for each **street** proposed to be accepted.
 - (d) The centerline length of for each **street** proposed to be accepted.
 - (e) The number of lanes for each **street** proposed to be accepted.

3. Review and inspection by the County Engineer or designee. Following the review by the County Engineer or designee of the submittals required in LDC section 10.02.05 B.2 and that the required improvements are in compliance with the LDC, the County Engineer or designee shall approve, approve with conditions, or

deny the preliminary acceptance of the required improvements. Inspection by the County Engineer or designee of the required improvements shall be completed prior to the granting of preliminary acceptance by the County Engineer or designee.

a. During preliminary inspection, the required improvements will be checked for compliance with the approved construction plans. Any approved insubstantial changes pursuant to LDC section 10.02.04 B.7 shall be identified and explained in writing by the **applicant's** professional engineer of record. All required improvements shall be in full compliance with the approved construction plans and the "record drawings" prior to submission to the Board for final acceptance.

b. Following the preliminary acceptance by the County Engineer or designee there shall be a minimum 1-year maintenance period prior to final acceptance by the Board.

4. Reduction of the **subdivision** performance security. At the time of preliminary acceptance by the County Engineer or designee, the **subdivision** performance security may be reduced by the County Manager or designee. Ten percent of the **subdivision** performance security, based on the **applicant's** professional engineer's probable construction cost or contract bid price, shall be retained as the maintenance performance security by the clerk of courts on behalf of the Board. See LDC section 10.02.04 E for acceptable forms for a **subdivision** performance security.

C. Final Acceptance of the Required **Subdivision** Improvements by the Board of County Commissioners.

1. Generally. The Board may provide final acceptance, by resolution, of the improvements subject to the following:

a. Following the 1-year minimum maintenance period as required by preliminary acceptance by the County Engineer or designee; and

b. Following satisfactory completion of the preliminary acceptance inspections by the County Engineer or designee; and

c. At the request of the **applicant**, after a final inspection by the County Engineer or designee.

2. Timing. All of the required improvements shall receive final acceptance by the Board within 36 months from the date of the original Board approval of the final **subdivision plat**, unless extended by the County Manager or designee, the Board, or general law.

a. The developer may request two-year extensions for completion and acceptance of the required improvements. A maximum of 2 extensions may be granted by the County Manager or designee. Each request should provide written justification for the extension.

3. Dedications and County maintenance. The Board shall adopt a resolution giving final acceptance of the improvements and establishing County responsibility for maintenance of the required improvements if it is the Board's desire to accept and maintain the facilities. The Board has no obligation to accept maintenance responsibilities for any facilities dedicated to public use, pursuant to F.S. ch. 177.081.
 4. Notifications. The County Manager or designee shall notify the **applicant** in writing that final acceptance of the required improvements and applicable acceptance of the facilities has been granted, notify all affected county agencies of any final maintenance responsibilities, and instruct the clerk of the court to return the remaining maintenance security held by the Board.
- D. Conditional Final Acceptance. A developer may apply for a conditional final acceptance. The conditional final acceptance may occur when the required **subdivision** improvements, with the exception of the final lift of asphalt, and in certain cases, portions of the **sidewalk(s)** have received a satisfactory final inspection. The developer shall provide a performance security in the amount of 150 percent of the estimated cost of the remaining improvements. Additionally, the developer shall provide a letter to the County Manager or designee, which confirms the developer's intent to complete all of the remaining improvements within a 12-month time period. Two additional 1-year extensions may be approved by the County Manager or designee.
- E. Failure of **Applicant** to Complete Required **Subdivision** Improvements.
1. County Draw on **Subdivision** Performance Security. If improvements are not completed within the prescribed time period as specified in LDC section 10.02.04 B.7 or 10.02.05 D and a **subdivision** performance security has been submitted, the County Engineer or designee may recommend to the Board that it draw upon the **subdivision** performance security or otherwise cause the **subdivision** performance security to be used to complete the construction, repair, and maintenance of the required improvements.
 2. County completion of required improvements. When a final **subdivision** plat has been recorded and the **applicant** fails to complete, repair, or maintain the required improvements as required by the LDC, the Board may authorize and undertake completion, repair, and maintenance of the required improvements under the **subdivision** performance security provided by the **applicant**. If no sale of **lots** or issuance of **building** permits has occurred, the Board may withdraw its approval of the final **subdivision plat** and may direct the County Manager or designee to call upon the **subdivision** performance security to secure satisfactory completion, repair, and maintenance of the required improvements, to make his best efforts to restore the property to its **predevelopment** condition, or to otherwise take action to mitigate the consequences of the failure to complete, repair, or maintain the required improvements. Any remaining **subdivision** performance security posted by the **applicant** shall be retained for the warranty period between preliminary and final acceptance to provide funds for any repairs, maintenance, and defects occurring during this warranty period.
 3. Failure to complete unrecorded **subdivision**. Where an **applicant** has elected to construct, install, and complete the required improvements prior to recordation of

the final **subdivision plat** and fails to complete such improvements within the time limitations provided in this section, all approvals, permits, and applications shall be considered null and void. Any future **subdivision** and/or **development** shall submit a new application and payment of fees based on the then current fee schedule. Review shall be subject to the then current LDC and other applicable codes.

F. SIP Requirements for the **Nonconforming Mobile Home Park** Overlay Subdistrict.

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SUBSECTION 3.NN. AMENDMENTS TO 10.02.06 SUBMITTAL REQUIREMENTS FOR PERMITS

Section 10.02.06 Submittal Requirements for Permits, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.06 Submittal Requirements for Permits

A. Generally. Any permit submitted to the County must meet the requirements for that particular permit, as more specifically stated below.

1. Relation to state and federal statutes.
 - a. Required state and/or federal permits. Where proposed use or **development** requires state or federal **development orders** or permits prior to use or **development**, such **development orders** or permits must be secured from state or federal agencies prior to commencement of any construction and/or **development**, including any changes in land configuration and land preparation.
 - b. **Development** of regional impact. Where a proposed use or **development** is a **development** of regional impact (DRI), it shall meet all of the requirements of F.S. ch. 380, as amended, prior to the ~~issuance of any required county **development orders** or permits~~ and commencement of construction or **development**. Submission of the application for **development** approval (ADA) for a DRI shall be simultaneous with the submission of any rezoning and/or **conditional use** application or other land use related petition required by the LDC this Code to allow for concurrent reviews and public hearings before both the Planning Commission and the BCC of the ADA and rezone and/or **conditional use** applications. The DRI and rezone and/or **conditional use** shall be approved prior to the issuance of any required county **development orders** or permits and commencement of construction or **development**.
2. No approval of the final **subdivision plat**, improvement plans or authorization to proceed with construction activities in compliance with the same shall require

Collier County to issue a **development order** or **building** permit if (1) it can be shown that issuance of said **development order** or **building** permit will result in a reduction in the level of service for any public facility below the level of service established in the Collier County ~~g~~Growth ~~m~~Management ~~p~~Plan, or (2) if issuance of said **development order** ~~or~~ **building** permit is inconsistent with the ~~g~~Growth ~~m~~Management ~~p~~Plan. Anything in this section to the contrary notwithstanding, all **subdivision** and **development** shall comply with the Collier County Adequate Public Facilities Ordinance [Code ch. 106, art. III] and the ~~g~~Growth ~~m~~Management ~~p~~Plan.

B. **Building Permit or Land **Alteration** Permits.**

1. **Building** or land **alteration** permit and certificate of occupancy compliance process.

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f. Zoning and land use approval required prior to or simultaneously with issuance of **building** or land **alteration** permit or occupancy of land and space with the exception of the Early Construction Authorization (ECA) permit pursuant to LDC section 10.01.02 C. A zoning certificate, attesting to compliance with all aspects of the zoning provisions of the ~~LDCLand development Code~~, shall be required prior to obtaining a **building** or land **alteration** permit or to occupying any space of land or **buildings** or for the conduct of a business in all zoning districts. The following zoning certificate review procedure shall provide for the issuance of a zoning certificate.

i. For the purposes of determining compliance with the zoning provisions of the ~~LDCLand Development Code~~, an approval of a site **development plan** pursuant to LDC section 10.02.03 herein, authorizes the issuance of a zoning certificate. Said zoning certificate shall constitute a statement of compliance with all applicable provisions of the ~~LDCLand Development Code~~, including the uses of the **building** space upon which applicable off-street parking and loading requirements were based, however, issuance of a zoning certificate shall not exempt any person from full compliance with any applicable provision of the ~~LDCLand Development Code~~.

ii. In subdivided **buildings** each space for which a use is proposed requires a zoning certificate for that particular space, independent of any approval conferred upon the **building** and the land pursuant to LDC section 10.02.03 and of a zoning certificate issued for the **building** and the land, shall be required.

iii. A zoning certificate shall be required for any use of land or **buildings** located in residential zoning districts, which involve the conduct of a commercial or other nonresidentially allowed uses of land or **buildings**.

~~2. **Building** permit submittal requirements for signs is provided in section 5.06.11 of the Collier County Sign Code.~~

- C. ~~Vegetation Removal permit requirements.~~
1. ~~Other permits required. No vegetation removal permit shall be issued by the County Manager or his designee until all applicable federal and state, and County approvals as designated by the County Manager or his designee have been obtained. These approvals may or may not include, but are not limited to:~~
 - a. ~~Building permits. (Except in accordance with section 4.06.04 A. of this Code.)~~
 - b. ~~Special treatment (ST) development permits.~~
 - c. ~~U.S. Army Corps of Engineers permits or exemptions.~~
 - d. ~~Florida Department of Environmental Protection permits or exemptions.~~
 - e. ~~U.S. Fish and Wildlife Service permits or exemptions.~~
 - f. ~~Florida Fish and Wildlife Conservation Commission permits or exemptions.~~
 - g. ~~South Florida Water Management District permits or exemptions.~~
 - h. ~~Other applicable agency reviews or permits or exemptions.~~
 - i. ~~Other county approvals.~~
 2. ~~Application contents. Application for a vegetation removal permit shall be submitted to the County Manager or his designee in writing on a form provided by the planning services department. The application shall include the following information:~~
 - a. ~~A generalized vegetation inventory which includes:~~
 - i. ~~Generalized vegetation inventory superimposed on a current aerial. A generalized vegetation inventory shall show the approximate location and extent of vegetation on the site. The inventory shall be based upon the most current available information. The inventory shall be in the form of an aerial or a field survey, and may be accompanied by photographs or videotapes illustrating typical areas of vegetation referenced to positions on the aerial or survey, but shall clearly indicate habitat types and protected vegetation, and may be accompanied by photographs or videotapes illustrating typical areas of vegetation referenced to positions on the aerial or survey. The generalized vegetation inventory shall be prepared in some manner which clearly illustrates the relationships between the areas of vegetation and the proposed site improvements.~~
 - ii. ~~Generalized written assessment and evaluation. The generalized vegetation inventory shall be accompanied by a brief written assessment of the plant communities which have been identified on the site. The assessment shall include an evaluation of character and quality of the plant communities identified, including their rarity, viability, and such other physical characteristics and factors that may affect their preservation, and presence of any bald eagle nests. The inventory assessment and evaluation shall be prepared by a person knowledgeable in the identification and evaluation of vegetative resources, such as a forester, biologist, ecologist, horticulturist, landscape architect, or certified nurseryman.~~
 - iii. ~~Reasonable additional information. The County Manager or his designee may require that the application include such additional information which is reasonable and necessary for adequate administration of this section.~~

- b. ~~A site plan which includes:~~
 - i. ~~Property dimensions.~~
 - ii. ~~Location of existing infrastructure and alterations.~~
 - iii. ~~Location of proposed structures, infrastructure and alterations.~~
 - iv. ~~The location and species of all protected vegetation. Large stands of a single species, such as cypress heads, may be indicated as a group with an approximate number or area.~~
 - v. ~~Designation of all protected vegetation proposed for removal.~~
 - vi. ~~Location and details of protective barricading of the vegetation to be retained.~~
 - vii. ~~Description of any proposed alteration of mangroves.~~
 - viii. ~~Description of any proposed maintenance trimming of mangroves.~~
 - c. ~~An executed statement which includes:~~
 - i. ~~Name, address, and phone of property owner.~~
 - ii. ~~Name, address, and phone of **authorized agent** and on-site representative.~~
 - iii. ~~Proof of ownership.~~
 - iv. ~~Legal description.~~
 - v. ~~Reason for proposed removal.~~
 - vi. ~~Method to distinguish vegetation to be removed from vegetation to be preserved and method of removal. It should be noted that the root system of the vegetation shall also be protected.~~
 - vii. ~~Signature of property owner or copy of a specific contract signed by property owner.~~
3. ~~Review procedures.~~
- a. ~~Issuance of permit. Based on the information contained in the application and obtained from the on-site inspection, the County Manager or his designee, may approve or deny an application. An approved vegetation removal permit is valid for a period not to exceed 180 days. Mangrove alteration permits shall be valid for a period of 5 years from date of issuance, or date of issuance by the Florida Department of Environmental Protection. An extension requested prior to expiration of the original permit may be granted for good cause shown upon written application to the County Manager or his designee. The County Manager or his designee may attach conditions to the permit relative to the methods of designating and protecting vegetation not proposed for removal. A violation of these conditions shall constitute cause to void the vegetation removal permit.~~
 - b. ~~Denial of permit. In the event an application is denied by the County Manager or his designee, the reason(s) shall be noted on the application and returned promptly.~~
 - c. ~~Permit fees. All vegetation removal and agricultural clearing permit applications requiring review and approval shall be charged a review fee as established by resolution of the Board of County Commissioners.~~
4. ~~Vegetation removal permit exceptions. The following exceptions shall apply when there are no bald eagle nests.~~
- a. ~~Except for **lots** on undeveloped coastal barrier islands, and any project proposing to alter mangrove trees, a vegetation removal permit for clearing 1 acre or less of land is not required for the removal of protected vegetation, other than a specimen tree on a **parcel** of land zoned residential, single-family (RSF), village residential (VR), agriculture (A) or estates (E), or other nonagricultural, non-sending lands, non-NRPA,~~

~~noncommercial zoning districts in which single-family lots have been subdivided for single-family use only, where the following conditions have been met:~~

- ~~i. A **building** permit has been issued for the permitted principal structure (the **building** permit serves as the clearing permit), or~~
- ~~ii. The permitted principal structure has been constructed, and the property owner or **authorized agent** is conducting the removal, and the total area that will be cleared on site does not exceed 1 acre.~~
- ~~b. A vegetation removal permit is not required for the removal of protected vegetation other than a specimen tree, when a site plan and vegetation protection plans have been reviewed and approved by the County Manager or his designee as part of the final **development order**.~~
- ~~c. A vegetation removal permit is not required for the removal of protected vegetation from the property of a Florida licensed tree farm/nursery, where such vegetation is intended for sale in the ordinary course of the licensee's business and was planted for the described purpose.~~
- ~~d. A vegetation removal permit is not required for the removal of protected vegetation other than a specimen tree by a Florida licensed land surveyor in the performance of his/her duties, provided such removal is for individual trees within a swath that is less than 3 feet in width.~~
- ~~e. A vegetation removal permit is not required for the removal of protected vegetation prior to **building** permit issuance if the conditions set forth in section 4.06.04 have been met.~~
- ~~f. A vegetation removal permit is not required for the hand removal of prohibited exotic vegetation. Mechanical clearing of prohibited exotic vegetation shall require a vegetation removal permit. Mechanical clearing is defined as clearing that would impact or disturb the soil or sub-soil layers or disturb the root systems of plants below the ground.~~

~~D.C.~~ Agricultural land clearing.

1. Agricultural clearing permit. A permit for clearing of agriculturally zoned land for agricultural uses that do not fall within the scope of sections 163.3162(4) or 823.14(6), Florida Statutes, shall be required for all agricultural operations except as exempted by LDC section 10.02.06 C.1.d. D.1.f (below).

~~a. *Application.* An application for an agricultural clearing permit shall be submitted in the form established by the County Manager or his designee. Silviculture operations, as defined by this Code, shall require a management plan prepared by a forester or a resource manager (e.g. Florida Forest Service, private or industrial) as part of the application. An application fee in an amount to be determined by the Board of County Commissioners shall accompany and be a part of the application. The following conditions, as applicable, shall be addressed as part of and attachments to the agricultural land clearing application:~~

- a. Application. The Administrative Code shall establish the procedures and the submittal requirements, in addition to those identified below, to obtain an agricultural land clearing permit.

- i. Silviculture operations, as defined by the LDC, shall require a management plan prepared by a forester or a resource manager (i.e. Florida Forest Service, private or industrial).
- ii. If an ST or ACSC-ST overlay is attached to the zoning of the property, ~~an ST development permit has been issued by the County Manager or his designee. The~~ ST or ACSC-ST permit review shall be in accordance with ~~Collier County Land development Code Chapter 2, LDC sections 2.03.07 and 4.02.14~~ and may be ~~simultaneously reviewed~~ simultaneously with the agricultural clearing permit application.
- iii. ~~The application, including A generalized vegetation inventory and clearing plan, as outlined in section 10.02.06 C.2.a. and site visit (if required) confirm that the proposed use is consistent with the requirement of the zoning district as a bona fide agricultural use and the applicant has been informed of the rezoning restriction which granting the permit shall place on his property.~~
- iii. ~~The applicant has obtained and produced a copy of the South Florida Water Management District (SFWMD) consumptive water use permit or exemption, if required by SFWMD.~~
- iv. ~~The applicant has obtained and produced a copy of the South Florida Water Management District surface water management permit or exemption, if required by SFWMD.~~
- v. ~~The applicant has obtained and produced a copy of the United States Army Corps of Engineers (ACOE) permit or exemption, if required by the ACOE.~~
- vi-iv. ~~The applicant has submitted d~~Data relating to ~~wetland~~wetlands impacts and protected wildlife species habitat subject to the ~~Collier County growth management plan, e~~Conservation and ~~e~~Coastal ~~m~~Management ~~e~~Element of the Growth Management Plan and the LDC~~Collier County Land Development Code~~. This data will be required only when the county's on-site inspection indicates that there are potential or actual impacts to **wetlands** and to protected federally and state listed wildlife habitat.
- v ii. The property owner, or **authorized agent**, has filed an executed agreement with the County Manager or ~~his~~ designee, stating that within 2 years from the date on which the agricultural clearing permit is approved by the County Manager or ~~his~~ designee, the owner/agent will put the property into a bona fide agricultural use and pursue such activity in a manner conducive to the successful harvesting of its expected crops or products. The owner/agent may elect to allow the subject property to lie fallow after completing the bona fide agricultural use, for the remainder of the 25-year period required by ~~vi.viii.~~ below. If the clearing is expected to occur over a period greater than 2 years, this will be stated on

the application and may be addressed as a condition on the agricultural clearing permit if determined by staff to be appropriate.

- vi ii. The property owner, or **authorized agent**, has filed an executed agreement with the County Manager or his designee stating that the owner/agent is aware that the Collier County Board of County Commissioners will not rezone the property described in the agricultural clearing permit for a period of 25 years from the date of approval of the agricultural clearing permit by the County Manager or his designee, unless for any such conversions in less than 25 years, the converted land shall be restored with **native vegetation** to the degree required by the LDC.~~this Code.~~

vii. Permit Fees. The agricultural clearing permit applications shall be charged a review fee as established by resolution by the Board.

~~b. Determination of completeness.~~

~~i. After receipt of an application for an agricultural clearing permit, County Manager or his designee shall determine whether the application submitted is complete. All applicable conditions specified in paragraph a. above must be addressed in order to obtain a determination of completeness. If the application is not complete, the County Manager or his designee shall notify the applicant in writing of the deficiencies. No further steps to process the application shall be taken until all of the deficiencies in the application have been met. In addition, a determination of completeness or a modified determination of completeness may be made in accordance with the following:~~

~~ii. Where the applicant submits, as part of the application for an agricultural clearing permit, a copy of the completed application for a SFWMD consumptive use permit or exemption, or a SFWMD surface water management permit or exemption, or an ACOE permit or exemption, a modified determination of completeness may be issued providing that said permits or exemptions are not necessary for further County review and providing that all other deficiencies in the application have been addressed.~~

~~e.b. Criteria for review of the application. Review of the application for an agricultural clearing permit shall commence upon the determination of completeness or modified determination of completeness. The following criteria shall be utilized by staff in reviewing an application for issuance of an agricultural clearing permit:~~

- ~~i. An on-site inspection has been made by staff, if indicated.~~
- ~~ii. Environmental impacts, including **wetlands** and protected wildlife species habitat(s) shall have been addressed in accordance with the requirements of the Conservation and Coastal Management Element of the Collier County Growth Management Plan and the LDC Land Development Code, as may be amended from time to time.~~

- iii. Additional data and / or information required by the County to address environmental impacts shall be submitted by the **applicant**.
- iv. The proposed use is consistent with the zoning district.
- v. The proposed use is a bona fide agricultural use.
- vi. The **applicant** has signed an executed agreement pursuant to 10.02.06 C.1.a.v above.
- ~~d. Issuance of permit. After an application for an agricultural clearing permit has been reviewed in accordance with paragraph c. above, the County Manager or his designee shall grant the permit, grant with conditions, or deny the permit, in writing. Where the agricultural clearing permit is denied, the letter shall state the reason(s) for said denial.~~
- e.c. Renewal of agricultural clearing permit. An approved agricultural clearing permit is valid for 5 years and may be automatically renewed for 5-year periods providing that a notification in writing is forwarded to the County Manager or his designee at least 30 but no more than 180 days prior to the expiration of the existing permit and providing that the property has been actively engaged in a bona fide agricultural activity. Such notification shall state that the **applicant** is in compliance with any and all conditions and/or stipulations of the permit. A violation of permit conditions shall [be] cause to void the agricultural clearing permit. **Applicants** failing to provide notification as specified herein shall be required to submit a new application for an agricultural clearing permit.
- f.d. Exemptions for agricultural clearing permit.
 - i. An agricultural clearing permit is not required for operations holding having obtained a permit under Ordinance No. 76-42 and ~~which that~~ can demonstrate that an approved bona fide agricultural activity was in existence within 2 years of the permit issuance date, or ~~for operations which can demonstrate~~ that a bona fide agricultural activity was in existence before the effective date of Ordinance No. 76-42. ~~Such A~~ A demonstrations for exemptions may include agricultural classification records from the Property Appraiser's Office; dated aerial photographs; occupational license for agricultural operation; or other information which positively establishes the commencement date and the particular location of the agricultural operation.
 - ii. Upon issuance of an agricultural clearing [permit] or as exempted above, activities necessary for the ongoing bona fide agricultural use and maintenance ~~shall be~~ are exempted from obtaining additional agricultural clearing permits for that **parcel, if** ~~providing that~~ the intent, use, and scope of said activities continue to comply remain in accordance with the ongoing agricultural clearing permit or exemption. Ongoing bona fide agricultural activities that qualify for this exemption as described in this section may include but are

not limited to clearing for, around or in dikes, ditches, canals, reservoirs, swales, pump stations, or pens; removal of new growth, such as shrubs or trees, from areas previously permitted or exempted from this section; fire line maintenance; approved wildlife food plots; or other activities similar in nature to the foregoing.

iii. ~~_____~~ Fences, **buildings**, and **structures** that ~~requiring~~ a **building** permit shall be exempt from an agricultural clearing permit but must obtain a vegetation removal permit.

iii-iv. No agricultural clearing permit shall be required for **protected vegetation** that is dead, dying or damaged beyond saving due to natural causes also known as acts of God provided that:

(a) The County Manager or his designee is notified in writing within 2 business days prior to such removal and the eCounty makes no objection within said 2 business days;

(b) The tree is not a specimen tree;

(c) The vegetation is not within an area required to be preserved as a result of a required preservation, mitigation, or restoration program;

(d) The **parcel** is currently engaged in bona fide agriculture, as defined by the LDC~~this Code~~;

(e) No agricultural clearing permit shall be required for the removal of any vegetation planted by a farmer or rancher which was not planted as a result of a zoning regulation or a required mitigation or restoration program.

2. Agricultural clearing notice. No later than 60 days prior to vegetation removal as part of agricultural operations that fall within the scope of sections 163.3162(4) or 823.14(6), Florida Statutes, the property owner shall provide notice to the County Manager or designee ~~environmental services director~~ that the removal will occur. ~~Said notice shall include the following information:~~

~~a. _____ A legal description of the land cleared, or such other description as is sufficient to document the specific location of the cleared land;~~

~~b. _____ The date on which land clearing will begin;~~

~~c. _____ The date on which land clearing is expected to be completed;~~

~~d. _____ A vegetation inventory identifying the acreage of existing native vegetation on-site prior to any site clearing; and~~

a. _____ The Administrative Code shall establish the submittal requirements for the agricultural clearing notice, including the following:

~~e-i.~~ A signed agreement acknowledging the 25-year prohibition on the creation of TDR credits from land cleared for agricultural

operations after June 19, 2002, as set forth in LDC section 2.03.07; and

f-ii. If the land is outside the RLSA, a signed agreement acknowledging that, if the land being cleared for agricultural operations is converted to a non-agricultural uses within 25 years after the clearing occurs, the property shall become subject to the requirements of LDC §sections 3.05.07, as provided in LDC §section 3.05.02.

b. Permit fees. The agricultural clearing notice application shall be charged a review fee as established by resolution by the Board.

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~~E-D.~~ Enforcement and penalties.

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~~F-E.~~ Wellfield **conditional use** permit and standards.

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~~G-F.~~ Temporary Use Permit Requirements and Issuance. See LDC section 5.04.00-01 of the ~~LDC~~ for temporary use permit classifications and restrictions.

1. The Administrative Code shall establish the procedures and application submittal requirements for temporary use permits.

~~³⁷1. Applications for temporary use permits shall be submitted to the County Manager or designee in writing on a form provided by the Community Development and Environmental Services Division.~~

~~2. Submittal Requirements. The temporary use permit application and required plan shall be submitted together with the applicable nonrefundable fee, as indicated in the CDES fee schedule, and approved prior to or simultaneously with the submission of a **building** permit application, if required.~~

~~3. Each temporary use permit application shall be accompanied by authorization of the property owner or leasing agent and a current valid Business Tax Receipt in the case of temporary sale, when required.~~

~~4. A conceptual site plan (CSP) or a site development plan (SDP) is required for special events and seasonal sales. For improved and unimproved properties the site plan must demonstrate that provisions will be made to adequately address each of the following:~~

~~a. Vehicular and pedestrian traffic safety measures.~~

~~b. Adequate on-site or additional off-site parking areas shall be provided as follows.~~

~~i. A maximum of 10 percent of the parking required by section 4.05.04 of this Code may be occupied or otherwise rendered unusable by the placement of temporary structures, equipment, and merchandise.~~

~~ii. The minimum required number of handicapped parking spaces pursuant to section 4.05.07 shall remain available for use.~~

³⁷ Language stricken in 10.02.06 G.1-5 is being relocated to the Administrative Code for Land Development, referenced as Exhibit B in Code of Laws Section 2-13.

- c. ~~Limited activity hours.~~
 - d. ~~Watchmen, fencing and lighting.~~
 - e. ~~Fire protection and emergency access measures.~~
 - f. ~~Sanitary facilities.~~
 - g. ~~If required, a faithful performance bond to guarantee compliance with the conditions of the permit.~~
5. ~~Review procedures.~~
- a. ~~Based upon the information contained in the application, the County Manager or designee may approve, approve with conditions relative to the health, safety and welfare of the public, or deny an application, and may attach conditions to the permit.~~
 - b. ~~In the event an application is denied by the County Manager or designee, the reason(s) shall be noted on the application and returned promptly.~~
- ³⁸ 6. ~~Indemnification. The applicant shall be required to indemnify and hold harmless Collier County, its officers, agents and employees from and against all claims, suits, actions, damages, liabilities, expenditures or causes of action arising out of or occurring during the activities of applicant under a permit issued hereupon in the form and manner provided by the County Manager or designee.~~
7. ~~Cancellations and postponements.~~
- a. ~~If a permitted event is canceled or postponed, the applicant shall furnish Collier County with written notification of such cancellation or postponement and the reason(s) for same. It is understood that weather conditions may cause last minute cancellations; however, the applicant shall make every effort to notify the county staff prior to the scheduled commencement of said event. If the event is to be re-scheduled, notice of the date and time of the rescheduled event shall be provided.~~
 - b. ~~If a permitted event is postponed, the permit will be amended to reflect the rescheduled event dates and a copy will be provided to the applicant prior to the event.~~
 - c. ~~If an event is cancelled and the County is notified prior to the initially proposed commencement date the number of days used will not count towards the maximum number of authorized days afforded for events by the Code.~~
8. ~~Suspension or revocation. Failure to comply with the terms and conditions of the temporary use permit, once issued, shall be grounds for immediate suspension of the permitted activity until such time as the noncompliance is remedied. A permit may be revoked, without refund, for established public safety and welfare issues. The suspension or revocation shall be initially communicated verbally, followed by a written suspension or revocation order. The continued failure to comply with the terms and conditions of a previously suspended permit may result in the revocation of said permit.~~
9. ~~Violations. The failure to obtain a required Temporary Use Permit, and/or the failure to cease activities authorized by such a temporary use permit, including the removal of any displays, structures, merchandise, equipment, signs or banners authorized by said permit, upon expiration, suspension, or revocation shall establish a violation of this Code and shall be subject to the penalties established within this Code.~~
- ³⁹ 10. ~~Film Permit.~~
- a. ~~Permit required. A permit shall be required for the following activities taking place, in conjunction with commercial motion picture, film,~~

³⁸ Language stricken in 10.02.06 G.6-9 is being relocated to 5.04.01 C-F.

³⁹ Language stricken in 10.02.06 G.10 is being relocated to 5.04.08

~~television, video or still photography production: the use of set scenery, temporary structures or other apparatus, special effects, or closure of public streets or accessways. This Code shall not apply to bona fide newspaper, press association, newsreel or television news media personnel, nor to properties that have been zoned to allow motion picture/television filming as a permitted use.~~

- ~~b. Application for permit; contents. Any person, firm, corporation, association or governmental entity desiring to obtain a permit shall apply to the County Manager or designee; and said application shall include but not be limited to the following:~~
- ~~i. Name, address (including local address) and telephone number of applicant.~~
 - ~~ii. Proof of comprehensive general liability insurance coverage in the amount of at least \$1,000,000.00 combined single limit, with Collier County named as an additional insured. The applicant shall provide to the County Manager or designee a certificate of insurance evidencing that said insurance is in effect and certifying that Collier County be given 30 days' notice prior to the expiration or cancellation of the policy.~~
 - ~~iii. Special effects to be utilized, especially incendiary or explosive devices, with proof of not less than \$5,000,000.00 comprehensive general liability insurance combined single limit with Collier County listed as additional insured. In addition, the application shall list the person in charge (pyrotechnician) of such special effects, together with his qualifications and license from the applicable federal and/or state agencies, and authorization from the local fire district permitting the event.~~
 - ~~iv. Locations, dates and hours of filming.~~
 - ~~v. The following information is required by the County Manager or designee, unless waived:~~
 - ~~a) A conceptual plan indicating the location of film events and parking facilities provided.~~
 - ~~b) Plans for construction or utilization of structures on subject site(s).~~
 - ~~c) Number, type and location of sanitation facilities to be provided. Plans for disposal of refuse and debris, and restoration of the site(s) to its original condition.~~
 - ~~d) A description of any lighting facilities that would be necessary and/or the need to disconnect any public lighting.~~
 - ~~e) A description of any use which may encroach into environmentally sensitive areas.~~
 - ~~f) Approximate number and type of vehicles and/or equipment to be used and any special parking requirements. The number of personnel to be on location with the production.~~
 - ~~g) Necessity for closures of public streets or sidewalks and for what duration and location.~~
 - ~~h) An indication of any utilization of aircraft/fixed-wing, helicopter, or balloons at the subject site(s).~~

- ~~i) List of county personnel or equipment requested, and an agreement to pay for extraordinary services provided by Collier County.~~
 - ~~j) Provisions for traffic control, fire safety and security precautions.~~
 - ~~k) If located on private property, not under the county's ownership or control, a written notarized agreement from the property owner to allow the filming to occur on his property.~~
 - ~~l) Additional information requested to assist Collier County in obtaining future film production.~~
- ~~c. Insurance requirements. The applicant shall maintain in force at all times during the permit period, a comprehensive general liability policy with limits other than those described in sections 10.02.06 G.3.b.ii. and b.iii. above of this Code as determined by the risk management director upon a review of the particular circumstances involved. Said applicant shall provide to the County Manager or designee a certificate of insurance as evidenced that said insurance is in existence and certifying that Collier County is a named insured, and that Collier County be given 30 days' notice prior to the expiration or cancellation of the policy. Any additional insurance requirements for filming on private property will be at the discretion of the affected property owner.~~
- ~~d. Indemnification. The applicant shall be required to indemnify and hold harmless Collier County, its officers, agents and employees from and against all claims, suits, actions, damages, liabilities, expenditures or causes of action arising out of or occurring during the activities of applicant under a permit issued hereupon in the form and manner provided by the County Manager or designee.~~
- ~~e. Permit fee. No permit fee shall be required. Any additional license or user fees which have been established for county-owned land or facilities shall be in effect.~~
- ~~f. Issuance of permit. Upon presentation of the completed application, proof of insurance, payment of permit fee, surety bond or cash payment in lieu of the bond and review by the County Manager or designee, the permit may be issued. If the County Manager or designee determines that the use of public or private property could affect the public's use of the property, or have potential adverse impacts on surrounding properties, then he/she may require that the permit application be scheduled for a public hearing before the Board of County Commissioners. The special circumstances could include, but are not limited to, closure of a public street or accessway; use of special effects, including incendiary or explosive devices; a large production crew or crowd control; and increased liability insurance required. The notice for the public hearing shall be advertised in a newspaper of general circulation in the county at least 1 time 15 days prior to the hearing.~~
- ~~g. Suspension of permit. Failure to comply with the terms and conditions of the temporary use permit once issued shall be grounds for immediate suspension of the permitted activity until such time as the noncompliance is remedied. The suspension shall be initially communicated verbally, followed by a written suspension order; and continued failure to comply with the terms and conditions of the permit may result in revocation of the permit.~~

- ~~h. Costs for extraordinary services. The County shall recover direct costs for extraordinary services rendered in connection with a production. Such costs shall include, but not be limited to, charges for personnel and/or equipment committed in support of the production which are outside the normal scope of government services. Based on the information contained in the permit application, an estimate of these costs will be provided to the applicant prior to issuance of this permit. The County may require prepayment of all or a portion of these estimated costs prior to issuance of the permit. At the conclusion of the production, actual costs below or in excess of the estimates will be refunded by the County or paid by the applicant, respectively.~~
- ~~i. Surety bond. A surety bond in an amount to be determined by Collier County and issued by a company authorized to issue bonds in Florida or cash payment in lieu of the bond may be required by the County Manager or designee to provide for cleanup and/or restoration of the subject site(s).~~

H.G. Coastal Construction **Setback Line** Permits. The following activities seaward of the coastal construction setback line shall require a Coastal Construction **Setback Line** (CCSL) permit. A hearing before the Board of Zoning Appeals shall be required pursuant to the variance criteria set forth in LDC section 9.04.06.~~not require a hearing by the Board of County Commissioners, but shall require a coastal construction setback line permit. Such permit shall be reviewed and approved administratively by site development review environmental staff.~~ The appropriate fee as set by county resolution shall be submitted with permit application.

1. Construction of a **dune** walkover when a Florida Department of Environmental Protection (FDEP) permit has been obtained and the following criteria have been met.
 - a. A maximum width of 6 feet.
 - b. A minimum separation of 200 feet between walkovers when 2 or more walkovers are proposed on a single **parcel**.
2. Creation, restoration, re-vegetation or repair of the **dune** or other natural area seaward of the CCSL on an individual **parcel** of land, when a Florida Department of Environmental Protection (FDEP) permit has been obtained and the following criteria have been met.
 - a. Sand used must be **compatible** in color and grain size to existing sand subject to FDEP requirements.
 - b. Plants utilized shall be 100 percent native coastal species.
 - c. Restoration plans shall be designed by an individual with expertise in the area of environmental sciences, natural resource management or landscape architecture. Academic credentials shall be a bachelors or higher degree. Professional experience may be substituted for academic credentials on a year for year basis, provided at least 2 years professional experience are in the State of Florida.
3. The Administrative Code shall establish the procedures and application submittal requirements for obtaining a Coastal Construction **Setback Line** permit.

~~3-4.~~ Certain activities that may temporarily **alter** ground elevations such as artificial **beach** nourishment projects, excavation or maintenance dredging of inlet channels may be permitted seaward of the coastal construction **setback line** if said activity is in compliance with the Collier County GMP and receives Federal and State agency approvals. Until such time as the fee schedule can be amended, the fee shall be \$400.00 for these **beach** nourishment permits.

4-5. Penalty and civil remedies.

a. Penalty for a violation of section 9.04.06 Notwithstanding the penalties set forth elsewhere in the LDC ~~this Code~~, the following violations of section 9.04.06 H., which occur during sea turtle nesting season:

i. Setting up of any **structures**, prior to daily sea turtle monitoring, 2) failing to remove all **structures** from the **beach** by 9:30 p.m., or 3) failing to have lights, so required, turned off by 9:00 pm., are subject to the following penalties:

(a) First violation: Up to \$1,000.00 fine.

(b) Second violation: \$2,500.00 fine.

(c) Third or more violation: \$5,000.00 fine.

ii. **Beach** front property owners who leave **beach** furniture unattended on the **beach** between 9:30 pm and the time of the next day's sea turtle monitoring, are subject to the following penalties:

(a) First violation: Written notice of ordinance violation.

(b) Second violation: Up to \$1,000.00 fine.

(c) Third violation: \$2,500.00 fine.

(d) More than 3 violations: \$5,000.00 fine.

H. Vehicle on the **beach** regulations.

1. Unlawful to drive on sand **dunes** or **beach** or to disturb sand **dune**. It shall be unlawful:

a. To operate or cause to be operated a hand-, animal-, or engine-driven wheel, track or other vehicle or implement on, over or across any part of the sand **dunes**, hill or ridge nearest the gulf, or the vegetation growing thereon or seaward thereof, or to operate or drive such a vehicle on the area seaward thereof, commonly referred to as the **beach**.

b. To **alter** or cause to be **altered** any sand **dune** or the vegetation growing thereon or seaward thereof; make any excavation, remove any material, trees, grass or other vegetation or otherwise **alter** existing ground elevations or condition of such **dune** without first securing a permit as provided for in the LDC ~~this Code~~.

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J-I. Cultivated Tree Removal Permit.

1. ~~Generally, Cultivated Tree Removal Permit.~~ A Cultivated Tree Removal Permits ~~are is~~ required for the removal or relocation of any tree or palm that has been installed ~~for landscaping by man~~ and which is not a part of a preserve. Moving a tree from ~~one~~ location to another shall not be considered removal; however, a Cultivated Tree Removal permit shall be obtained. A maximum of 10 trees per 5 year period may be removed with a Cultivated Tree Removal Permit. ~~However, prohibited exotic tree removals are exempt from this requirement, except when they have been used to meet minimum code landscaping standards. Naturally occurring landscapes~~ Protected vegetation, other than that planted for landscaping, shall require a Vegetation Removal Permit; refer to LDC section 3.05.00 ~~10.02.06 C~~. In no instance shall a site fall below the current minimum landscape code standard.
2. Applicability. The provisions of this section are applicable to all **development** ~~unless otherwise specified in this section, except for single family home sites. However, such homes must maintain the minimum landscape code required trees per section 4.06.05.~~ An owner, or an agent of the owner may apply for a permit. If the applicant is an agent of the owner, a letter from the property owner indicating that the owner has no rejection to the proposed tree removal shall be submitted with the application.
3. Exemptions:
 - a. The removal of a prohibited exotic tree is exempt from obtaining a Cultivated Tree Removal Permit, unless the prohibited exotic tree is used to meet the minimum landscaping code requirements pursuant to a final local development order, prior to [effective date of this ordinance].
 - b. Single-family home sites are exempt from obtaining a Cultivated Tree Removal Permit. Single-family home sites shall maintain the minimum code landscaping requirements established in LDC section 4.06.05.
- ~~3-4.~~ Criteria for removal of cultivated landscaping. The landscape architect may approve an Cultivated Tree Removal permit application for ~~vegetation removal~~ based on the following criteria:
 - a. A tree ~~can not~~ cannot be maintained by proper canopy, root pruning or root barriers and has become a safety hazard to pedestrian or vehicular traffic, utilities, or to an existing **structure**.
 - b. A tree is growing too close in proximity to another tree(s) to permit normal growth and development of the affected tree(s).
 - c. Other public health and safety circumstances as determined by the eCounty landscape architect.
- ~~4.~~ Application requirements. An application for Cultivated Tree Removal Permit shall be completed and submitted to the County Manager or his designee. The application shall include the following:
 - a. Proof of ownership such as a warranty deed or tax statement.

- ~~b. A site plan depicting the location of proposed trees to be removed, proposed replacement or relocated trees, **buildings**, paved areas, structures and utilities. The County Manager or his designee may require that said plans be prepared by a landscape architect registered in the State of Florida when the tree removal exceeds 10 trees. If the site plan does not provide sufficient information to determine which trees will be affected by the proposed tree removals, the County Manager or his designee may require that a tree survey of the site be prepared and submitted to the County Manager or his designee for review.~~
- ~~c. A letter of approval of the tree removal from the Homeowner and or Master Association if applicable.~~
- ~~d. Addressing Check List.~~

5. Application. The Administrative Code shall establish the application procedure and submittal requirements for obtaining a Cultivated Tree Removal permit.

- a. The County Manager or designee may require the site plan be prepared by a landscape architect registered in the State of Florida when the tree removal exceeds 10 trees.

6. Approval. The County Manager or designee shall approve, approve with conditions, or deny a Cultivated Tree Removal Permit.

~~5-7.~~ Permit conditions. The Landscape Architect shall issue a Cultivated Tree Removal Permit when the **applicant** for such permit has agreed to fulfill one of the following conditions:

- a. That the minimum code required tree, if transplanted, ~~will~~ shall be moved, established and maintained using proper arboricultural and horticultural practices and as outlined in LDC section 4.06.05 ~~of the Code~~.
- b. That the minimum code required tree(s), if destroyed, be substituted with an equivalent replacement or replacements, approved by the ~~e~~County ~~L~~Landscape Architect, planted on the site from which the destroyed tree(s) were removed. Sufficient space shall remain on the site allowing replacements to establish a mature canopy spread, based on usual growth characteristics.

J. Zoning Verification Letter.

1. A zoning verification letter may be used to verify the zoning of a property according to the Collier County Zoning Map, the Future Land Use Map, and the Growth Management Plan and establish the following determinations.

- a. Generally. The County Manager or designee may issue a zoning verification letter that verifies the zoning of a property. Additional information may be requested about the subject property, including but not limited to the following:
 - i. Allowable uses and **development** standards applicable to the property under the LDC;

- ii. Zoning of **adjacent** properties;
 - iii. Confirmation of any site **development plan, conditional use, or variance** approved for the property; and
 - iv. The **nonconforming** status of the property.
- b. Comparable Use Determination. The County Manager or designee may issue a zoning verification letter to determine whether a use within a PUD is consistent and compatible with the surrounding uses within the PUD. To be effective, the zoning verification letter shall be approved by the BCC by resolution at an advertised public hearing.
 - c. Non-residential Farm **Building** Exemption. The County Manager or designee, in coordination with the Collier County **Building** Official, may issue a zoning verification letter to establish that a non-residential farm **building** and/or fence is exempt from the Florida **Building** Code. However, the exemption applies to the **structure** and does not exempt the **applicant** from obtaining the necessary electrical, plumbing, mechanical, or gas permits for the **structure**.
 - d. Administrative Fence Waiver. The County Manager or designee may issue a zoning verification letter to approve an administrative fence waiver under LDC section 5.03.02 F.5.a.
2. The Administrative Code shall establish the process and application submittal requirements to obtain a zoning verification letter.

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SUBSECTION 3.OO. AMENDMENTS TO 10.02.07 SUBMITTAL REQUIREMENTS FOR CERTIFICATES OF PUBLIC FACILITY ADEQUACY

Section 10.02.07 Submittal Requirements for Certificates of Public Facility Adequacy, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.07 ~~Submittal~~ Requirements for Certificates of Public Facility Adequacy

~~No **building** or land **alteration** permit or certificate of occupancy shall be issued except in accordance with the Collier County Adequate Public Facilities Ordinance, Ord. No. 90-24 (Chapters 3, 6 and 10 of this Code) and Rule 9J-5.0055, F.A.C. Regulatory program: Review of development to ensure adequate public facilities are available, including the Transportation Concurrency Management System and the Public School Facilities Concurrency.~~

A. Generally. This section applies to any use or **development** that generates additional impacts or demands on public facilities. This section ensures that adequate public facilities are available and no **development orders** subject to **concurrency** regulation are issued unless adequate public facilities are available to serve the proposed **development**, including but not limited to the Transportation **Concurrency** Management System and the Public School Facilities **Concurrency**. ~~General. In order to ensure that adequate potable water, sanitary sewer, solid waste, drainage, park, school and road public facilities are available concurrent with when the impacts of development occur on each public facility, Collier County shall establish the following development review procedures to ensure that no development orders subject to concurrency regulation are issued unless adequate public facilities are available to serve the proposed development.~~

B. Exemptions. The following are ~~development orders and development shall be~~ exempt from the ~~terms of~~ this section:

1. All valid, unexpired final **development** of regional impact (DRI) **development orders** which were issued prior to adoption of the Collier County Growth Management Plan on January 10, 1989, except where:

a. **Development** conditions or stipulations applicable to **concurrency**, or the provision of adequate public facilities concurrent with the impacts of **development**, exist in the DRI **development order**, or

b. Substantial deviations are sought for a DRI **development order**, ~~and then, (This section applies shall apply~~ only to those portions of the **development** for which the deviation is sought);

c. The county ~~can~~ demonstrates pursuant to F.S. § 380.06, that substantial changes in the conditions underlying the approval of the **development order** have occurred or the **development order** was based on substantially inaccurate information provided by the developer or that the application of this section to the **development order** is clearly established to be essential to the public health, safety and welfare; or

d. The new requirements would not change or **alter** a DRI **development order** that they would materially or substantially affect the developer's ability to complete the **development** authorized by the DRI **development order**.

2. Construction of public facilities that is ~~are~~ consistent with the Collier County Growth Management Plan.

3. Temporary construction and **development** permits and any subsequent renewals not to exceed a cumulative period of 1 year.

4. **Development orders** permitting replacement, reconstruction or repair of existing **development** consistent with all elements of the Growth Management Plan.

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7. Developments that claim vested status from the Growth Management Plan adopted January 10, 1989 and its implementing regulations and have, ~~and~~

~~properly obtains a determination of vested rights for a certificate of public facility adequacy in accordance with LDC section 9.02.00, the provisions of this section, as follows:~~

- ~~a. Application. An application for determination of vested rights for a certificate of public facility adequacy shall be submitted in the form established by the Community Development and Environmental Services Division Administrator. An application fee in an amount to be determined by the Board of County Commissioners shall accompany and be part of the application. The application shall, at a minimum, include:
 - ~~i. Name, address, and telephone number of the owner and authorized applicant if other than the owner;~~
 - ~~ii. Street address, legal description, and acreage of the property; and~~
 - ~~iii. All factual information and knowledge reasonably available to the owner and applicant to address the criteria established in subsection 10.02.07 B.7.g. of this Code.~~~~
- ~~b. Determination of completeness. After receipt of an application for determination of vested rights for a certificate of public facility adequacy, the Community Development and Environmental Services Division Administrator shall determine whether the application submitted is complete. If he determines that the application is not complete, the Community Development and Environmental Services Division Administrator shall notify the applicant in writing of the deficiencies. The Community Development and Environmental Services Division Administrator shall take no further steps to process the application until the deficiencies have been remedied.~~
- ~~c. Review and determination or recommendation by Community Development and Environmental Services Division Administrator and the County Attorney. After receipt of a completed application for determination of vested rights for a certificate of public facility adequacy, the Community Development and Environmental Services Division Administrator and the County Attorney shall review and evaluate the application in light of all of the criteria in subsection 10.02.07 B.7.g. Based on the review and evaluation, the Community Development and Environmental Services Division Administrator and the County Attorney shall prepare a written recommendation to the hearing officer that the application should be denied, granted or granted with conditions by the hearing officer. Such recommendation shall include findings of fact for each of the criteria established in subsection 10.02.07 B.7.g. to the extent that information is represented or obtained or inclusion feasible or applicable. If the Community Development and Environmental Services Division Administrator and the County Attorney agree based on the review and evaluation that the application for determination of vested rights for a certificate of public facility adequacy so clearly should be granted or granted with conditions, then they may enter into a written stipulated determination of vested rights for a certificate of public facility adequacy with the owner, in lieu of the written recommendation to the hearing officer and the provisions in subsections 10.02.07 B.7.d., 10.02.07 B.7.e. and 10.02.07 B.7.f. however, any such stipulated determination shall be in writing, signed by the Community Development and Environmental Services Division Administrator, the County Attorney and the owner, and shall include findings of fact based on the criteria~~

~~established in subsection 10.02.07 B.7.g., conclusions of law for such criteria, and the determination granting or granting with conditions, in whole or in part, the vested rights for adequate public facilities.~~

- d. ~~Review and determination of vested rights determination for a certificate of public facility adequacy by hearing officer. Upon receipt by the hearing officer of the application for determination of vested rights for a certificate of public facility adequacy and the written recommendation of the Community Development and Environmental Services Division Administrator and the County Attorney, the hearing officer shall hold a public hearing on the application. At the hearing, the hearing officer shall take evidence and sworn testimony in regard to the criteria set forth in subsection 10.02.07 B.7.g. of this Code, and shall follow the rules of procedure set forth in F.S. § 120.57(1)(b), 4, 6, 7, and 8; F.S. § 120.58(1)(a),(d) and (f); and F.S. § 120.58(1)(b), only to the extent that the hearing officer is empowered to swear witnesses and take testimony under oath. The hearing officer shall follow the procedures established for administrative hearings in Rules 60Q-2.009, 2.017, 2.020, 2.022, 2.023, 2.024, 2.025, 2.027, and 2.031, F.A.C. except as expressly set forth herein. The parties before the hearing officer shall include the county, the owner or applicant, and the public. Testimony shall be limited to the matters directly relating to the standards set forth in subsection 10.02.07 B.7.g. of this Code. The County Attorney shall represent the County, shall attend the public hearing, and shall offer such evidence as is relevant to the proceedings. The owner of the property and its authorized agents, may offer such evidence at the public hearing as is relevant to the proceedings and criteria. The order of presentation before the hearing officer at the public hearing shall be as follows: 1) the County's summary of the application, written recommendation, witnesses and other evidence; 2) owner or applicant witnesses and evidence; 3) public witnesses and evidence; 4) County rebuttal, if any; and 5) applicant rebuttal, if any.~~
- e. ~~Issuance of vested rights determination for a certificate of public facility adequacy by hearing officer. Within 15 working days after the completion of the public hearing under subsection 10.02.07 B.7.g. of this Code the hearing officer shall consider the application for determination of vested rights for a certificate of public facility adequacy, the recommendation of the Community Development and Environmental Services Division Administrator and the County Attorney, and the evidence and testimony presented at the public hearing, in light of all of the criteria set forth in subsection 10.02.07 B.7.g. of this Code, and shall deny, grant, or grant with conditions the application for determination of vested rights for a certificate of public facility adequacy for the property or properties at issue. The determination shall be in writing and shall include findings of fact for each of the applicable criteria established in subsection 10.02.07 B.7.g. of this Code, conclusions of law for each of such criteria, and a determination denying, granting, or granting with conditions, in whole or in part, the vested rights for adequate public facilities.~~
- f. ~~Appeal to the Board of County Commissioners. Within 30 days after issuance of the hearing officer's written determination of vested rights for a certificate of public facility adequacy, the County Attorney, the Community Development and Environmental Services Division Administrator, or the owner or its authorized attorney or agent, may~~

~~appeal the determination of vested rights for a certificate of public facility adequacy of the hearing officer to the Board of County Commissioners. A fee for the application and processing of an owner-initiated appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the owner or its authorized agent. The Board of County Commissioners shall adopt the hearing officer's determination of vested rights for a certificate of public facility adequacy, with or without modifications or conditions, or reject the hearing officer's determination of vested rights for a certificate of public facility adequacy. The Board of County Commissioners shall not be authorized to modify or reject the hearing officer's determination of vested rights for a certificate of public facility adequacy unless the Board of County Commissioners finds that the hearing officer's determination is not supported by substantial competent evidence in the record of the hearing officer's public hearing or that the hearing officer's determination of vested rights for a certificate of public facility adequacy is contrary to the criteria established in subsection 10.02.07 B.7.g. of this Code.~~

- ~~g. Criteria for vested rights. This section is intended to strictly adhere to and implement existing case law as it relates to the doctrine of vested rights and equitable estoppel as applied to a local government exercising its authority and powers in zoning, the provision of adequate public facilities concurrent with development (concurrency), and related matters. It is the express intent of Collier County to require application of the provisions of this section to as much development and property in the unincorporated areas of the county as is legally possible without violating the legally vested rights which the owner may have obtained in accordance with Florida common law and statutory law, particularly F.S. § 163.3167(8). The criteria herein provided shall be considered in rendering a vested rights determination under this subsection. It is intended that each case be decided on a case-by-case factual analysis. An owner shall be entitled to a positive determination of vested rights for a certificate of public facility adequacy only if he demonstrates by substantial competent evidence that he is entitled to complete his development without regard to the otherwise applicable provisions of this section based on the provisions of F.S. § 163.3167(8), or all 3 of the following requirements of the 3-part test under Florida common law: 1) upon some act or omission of the County, 2) a property owner relying in good faith, 3) has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired.~~
- ~~h. Limitation on determination of vested rights for a certificate of public facility adequacy. A determination of vested rights for a certificate of public facility adequacy which grants an application for determination of vested rights for a certificate of public facility adequacy shall expire and be null and void unless construction is commenced pursuant to a final development order, final subdivision plat, or final site development plan, within 2 years after the issuance of the determination of vested rights for a certificate of public facility adequacy under subsection 10.02.07 B.7.g. or unless substantial permanent buildings have been, or are being constructed or installed pursuant to a valid, unexpired, final development order of Collier County within 2 years after issuance of the determination of vested rights for a certificate of public facility adequacy under~~

~~subsection 10.02.07 B.7.g., and such development pursuant to a final development order, final subdivision plat, final site development plan, final subdivision master plan, or planned unit development master plan is continuing in good faith. The aforementioned 2-year time limitation on the determination of vested rights for a certificate of public facility adequacy shall be stayed during any time periods within which commencement of construction pursuant to a final development order, final subdivision plat, or final site development plan is prohibited or deferred by the county solely as a result of lack of adequate public facilities to serve the property, pursuant to this section.~~

C. ~~Certificate of public facility adequacy.~~

1. ~~General.~~

a. ~~Payment of road impact fees to obtain a certificate of adequate public facilities.~~

i. ~~This section is to be read in conjunction with Section 74-302(h) of the Collier County Code of Laws and Ordinances.~~

ii. ~~A certificate of public facility adequacy (COA) shall be issued concurrent with the approval of the next to occur **final local development order** upon payment of the estimated road impact fees in accordance with the provisions of Section 74-302(h) of the Collier County Code of Laws and Ordinances. Such payments will be deposited into the applicable impact fee trust fund. The funds will then be immediately available for appropriation by the Board of County Commissioners for transportation capital improvements, except that for those non-residential (i.e., typically commercial or industrial) **developments** otherwise required to obtain approval of an SDP prior to the issuance of a building permit, **applicants** for a final **subdivision** plat may elect to:~~

a) ~~Comply with the applicable regulations of this section as to one or more of the **lot(s)** of the FSP and obtain a COA specifically for just that **lot** or **lots** at a specified intensity of **development**; or~~

b) ~~Delay submitting a TIS and obtaining a COA for all of the proposed **lots**, or just those remaining **lots** not then already complying with this section, until a required SDP is applied for and the terms of this section are then complied with including payment of estimated transportation impact fees.~~

~~The subject **development** is not allocated any available road system capacity or considered eligible to be vested for transportation **concurrency** purposes, however, until approval of a TIS, payment of estimated Transportation Impact Fees in accordance with this subsection, and issuance of a COA in accordance with Chapters 3, 6, and 10 of this Code and Rule 9J-5.0055, F.A.C.~~

~~Final calculation of impact fees due will be based on the intensity of **development** actually permitted for construction and the impact fee schedule in effect at the time of the **building** permit(s) application, such that additional impact fees may be due prior to issuance of the **building** permit(s).~~

- iii. ~~Impact fees for all other Category "A" capital improvements will be paid at the time of issuance of building permits at the rate then currently applicable.~~
 - b. ~~The PUD owner(s) "the Developer, Home Owners Association, Master Association or similar entity" may petition the Board of County Commissioners to relinquish the **development** rights to any un-built units and declare themselves "built-out" in order to satisfy all reporting requirements. The **applicant** shall be responsible for any documentation required to verify the status of the PUD when requesting a waiver or a determination of "built-out" status.~~
 - c. ~~Where the proposed **development** has been issued final **subdivision** plat approval or final site **development plan** approval, a certificate of public facility adequacy shall be obtained prior to approval of the next **development order** required for the proposed **development**.~~
 - d. ~~Assessment and application of transportation impact fees and surrender of certificate of public facility adequacy. Upon notice by facsimile or other approved electronic format that an application for a **final local development order** and a certificate have been approved and prior to expiration of the temporary, 1-year capacity reservation previously secured by the **applicant** upon the County's acceptance of the TIS pursuant to C.4.f., an **applicant** may pick up the certificate upon payment of the estimated transportation impact fees due in accordance with C.1.a. If the certificate is not picked up within the timeline set forth above and the applicable estimated transportation impact fees paid, the application will be deemed denied and the certificate will be voided. In such a case, the **applicant** shall then be required to apply for an extension of the capacity reservation in accordance with C.4.f. If the size of the residential units is not known at the time of payment, the transportation impact fees for residential **development** will be estimated using the fee based on the mid-range housing size. Road impact fees paid to obtain a certificate of adequate public facilities are non-refundable after payment and issuance of the certificate of public facility adequacy certificate. If the estimated transportation impact fee account becomes depleted, the developer shall pay the currently applicable transportation impact fee for each **building** permit in full prior to its issuance. In the event that upon build-out of the **development** estimated transportation impact fees are still unspent, the remaining balance of such estimated fees may be transferred to another approved project within the same, or **adjacent**, transportation impact fee district, provided any vested entitlements associated with the unspent and transferred transportation impact fees are relinquished and the certificate of public facility adequacy is modified to delete those entitlements.~~
2. ~~Rules of general applicability for certificate of public facility adequacy. Certificates of public adequacy issued for roads under C.1. of this Code will remain in effect provided provisions of subsection C.1.d. of this Code are met and that annual mid-year monitoring reports are filed which comply with C.1. of this Code and all developer requirements established during zoning or as part of a developer contribution agreement are completed or are being constructed consistent with the current **development** infrastructure improvement construction commitment schedule.~~

- a. ~~Timing. An application for a certificate of public facility adequacy may only be submitted as part of an application for a **final local development order** subject to C.1. of this Code.~~
- b. ~~Impact Fees. A complete application for a certificate of public facility adequacy will include the calculation of the total amount of transportation impact fees estimated to be due by the **applicant** on the **development** for which a **final local development order** application has been submitted. Impact fee calculations will be reviewed and the amount estimated to be paid pursuant to C.1.d. of this Code finally determined by the impact fee coordinator. Payment in accordance with Section C.1.a. will be due at the time of notification of approval of the **final local development order** and will be deposited into the applicable impact fee trust fund and will be immediately available for appropriation by the Board of County Commissioners for transportation capital improvements. Final calculation of impact fees due will be based on the intensity of **development** actually permitted for construction and the impact fee rate then currently applicable; such that additional impact fees may be due prior to issuance of the **building** permit(s). The balance of transportation impact fees shall be due as provided for in C.1 of this Code.~~
- c. ~~Consolidated application. A **final local development order** shall receive final approval only to the extent to which the proposed **development** receives a certificate of public facility adequacy. The application for a certificate of public facility adequacy may only be submitted with an application for **final local development order** approval, where appropriate under this section. An application for a certificate of public facility adequacy will receive final approval and a certificate will be issued concurrently with approval of a **final local development order** as set forth in C.1.d. of this Code.~~
- d. ~~Assignability and transferability. An approved certificate of public facility adequacy shall run with the land associated with the corresponding **development** approval, and shall be assignable within the corresponding land of the approved **development**, and shall not be assignable or transferable to other **development**, except as may otherwise be provided for under an approved **development agreement**. This provision does not preclude the re-allocation of capacity between **lots** or **parcels** comprising the land that is the subject of the same consolidated application for **development** approval so long as the original certificate is surrendered along with a written request by the then-current owner to re-allocate no more than that certificate's previously approved capacity in a re-issued certificate.~~
- e. ~~Expiration. A certificate of public facility adequacy for all public facilities, except roads, shall expire three (3) years from the date of its approval except to the extent that building permits have been issued for the proposed development for which the certificate is approved or a final subdivision plat has been approved and recorded, and the proposed development is then completed pursuant to the terms of the Collier County Building Code or as provided in C.1. of this Code, refund of impact fees, except for certificates issued pursuant to C.1. of this Code, will be subject to the provisions of the consolidated impact fee trust fund ordinance. The expiration date of a re-issued certificate re-allocating capacity to different lots or parcels in the same development will relate back to, and be calculated from, the original certificate's date of issuance.~~

- ~~i. For large developments as indicated below, a five-year certificate of public facility adequacy for all public facilities, except roads, may be obtained provided the developer enters into an enforceable development agreement with the county. Developments comprised of more than five hundred (500) residential **dwelling units**, or a phased increment of development comprised of more than one hundred fifty (150) residential **dwelling units**, or a commercial/industrial development of more than one hundred thousand (100,000) square feet of gross leasable area is considered to be a large development. A certificate of public facility adequacy for a large development shall expire five (5) years from the date of its approval except to the extent that building permits have been issued for the proposed development for which the certificate is approved, and the proposed development is then completed pursuant to the terms of the Collier County Building Code.~~
 - ~~f. Effect. Issuance of a certificate of public facility adequacy shall demonstrate proof of adequate public facilities to serve the **development** approved in the **development order**, subject to the conditions in the **development order**. A subsequent application for **development** approval for **development** approved in a **development order** for which a certificate of public facility adequacy has been approved shall be determined to have adequate public facilities as long as the certificate of public facility adequacy is valid and unexpired. When a certificate of public facility adequacy expires, any subsequent application for **development** approval shall require a new certificate of public facility adequacy to be issued pursuant to the terms of this section prior to approval of any subsequent **development order** for the proposed **development**. Application for approval of a certificate of public facility adequacy for subsequent or continuing **development** once a certificate has expired shall be based on public facility availability at the time of the new application. Under no circumstances shall a certificate of public facility adequacy be automatically renewed.~~
 - ~~3. Effect of **development agreement** in conjunction with a certificate of public facility adequacy. Upon approval by the Board of County Commissioners, any **applicant** shall enter into an enforceable **development agreement** with Collier County pursuant to the provisions of F.S. §§ 163.3220—163.3242 or other agreement acceptable to the Board of County Commissioners, in conjunction with the approval of a **development order** and/or a certificate of public facility adequacy. The effect of the **development agreement** shall be to bind the parties pursuant to the terms and conditions of the **development agreement** and the certificate of public facility adequacy in order to insure that adequate public facilities are available to serve the proposed **development** concurrent with when the impacts of the **development** occur on the public facilities.~~
 - ~~4. Procedure for review of application.
 - ~~a. Submission of applications and fees. The application for a certificate of public facility adequacy for road facilities only shall be submitted in duplicate to the Community Development and Environmental Services Division Administrator. Such applications shall be submitted at the filing for the next **final local development order** as specifically provided for under C.1. All other applications for a certificate (i.e., except for road facilities) shall be submitted at **building** permit application and final~~~~

payment for any impact fees owed, including any road impact fees, will be due prior to building permit issuance. Application fees in an amount to be determined by the Board of County Commissioners shall accompany and be part of the applications.

- b. ~~Application contents. The form and contents for the application for public facility adequacy, except for the road component, shall be established by the Community **Development** and Environmental Services Division Administrator. In all cases, the **applicant** shall provide a facsimile number at which communications and notifications from the county to the **applicant** may be sent. The form and contents for the application for public facility adequacy for the roadway component shall be established by the Transportation Services Division Administrator. Complete applications in their entirety are necessary to allow proper and adequate review by both the Community **Development** and Environmental Services Division and the Transportation Services Division. The form and contents for applications shall be published and made available to the general public.~~
- c. ~~Determination of completeness and review. Upon receipt of an application for certificate of public facility adequacy by the Community Development and Environmental Services Division for road facilities, all copies of the application will be time and date stamped. One copy will be forwarded to the Transportation Services Division for processing no later than the next business day. After receipt of the application for certificate of public facility adequacy, the County Manager, or designee, and Transportation Services Division Administrator, or designee, shall determine whether its respective application is complete within 5 business days. If it is determined that any component of the application is not complete, written notice via facsimile or other approved electronic format shall be provided to the **applicant** specifying the deficiencies. The County Manager, or designee, and Transportation Services Division Administrator, or designee, shall take no further action on the application unless the deficiencies are remedied. The **applicant** shall provide the additional information within 60 days or the application will be considered withdrawn and the application fee is forfeited. After any application for a certificate, except for road facilities, is received and determined to be complete, the County Manager, or designee, shall review and grant, or deny each public facility component except for roads in the application pursuant to the standards established in C.5. of this Code. The Transportation Services Division Administrator, or designee, shall review the related traffic impact statement and, if there are no outstanding transportation-related issues associated with the applicable **development order** application, grant or deny a 1-year traffic capacity reservation for roads pursuant to subsection C.4.f. within the then effective submittal review time frame set forth by the County Manager, or designee. At the Transportation Services Division Administrator's or designee's discretion, based upon their professional judgment, granting of said traffic capacity reservation may be withheld beyond the aforementioned time frame as long as there are outstanding transportation-related issues associated with the applicable **development order** application until after receipt and review of re-submittal(s) that remedy all of said outstanding transportation-related issues. If the Transportation Services Division Administrator, or designee, determines that the applicable **development order** application can be approved with~~

~~stipulations related to outstanding transportation-related issues, they shall grant the said 1-year traffic capacity reservation for roads within the aforementioned submittal review time frame, or at the earliest opportunity thereafter. The traffic capacity reservation will be granted during, and as part of, the applicable **development order** review and decision making procedures set forth in this chapter, subject to a final concurrency determination, issuance of a COA and approval of the final **development order**.~~

d. ~~Appeal of public facilities determination. Within 30 days after issuance of the determination of the Community **Development** and Environmental Services Division Administrator and/or the Transportation Services Division Administrator on the application for a certificate of public facility adequacy, the **applicant** may appeal the determination of to the Collier County Board of County Commissioners. A fee for the application and processing on an appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the **applicant** for a third party evaluation. The third party shall be an outside consultant who has been previously approved by the County for the purpose of providing independent review and recommendations on public facility adequacy determinations. The Board of County Commissioners shall hold a hearing on the appeal and shall consider the determination of the Community **Development** and Environmental Services Division Administrator and the Transportation Services Division Administrator, independent third party testimony and public testimony in light of all the criteria set forth in section 10.02.07C.5. The Board of County Commissioners shall adopt the Community **Development** and Environmental Services Division Administrator's and the Transportation Services Division Administrator's determination on the application for a certificate of public facility adequacy with or without modifications or conditions, or reject the Community **Development** and Environmental Services Division Administrator's and the Transportation Services Division Administrator's determination. The Board of County Commissioners shall not be authorized to modify or reject the Community **Development** and Environmental Services Division Administrator's and the Transportation Services Division Administrator's determination unless the Board of County Commissioners finds that the determination is not supported by substantial competent evidence or that the Community **Development** and Environmental Services Division Administrator's and the Transportation Services Division Administrator's determination is contrary to the criteria established in section 10.02.07C.5. of this Code. The decision of the Board of County Commissioners shall include findings of fact for each of the criteria.~~

e. ~~Approval of certificate; payment for, and cancellation of certificates. Upon notification by facsimile by the Community Development and Environmental Services Division Administrator or designee and the Transportation Services Division Administrator or designee, that an application for a certificate of public facility adequacy for road facilities has been approved, transportation impact fees shall be paid in accordance with section C.1.a. If the **applicant** does not pick up the certificate and pay all applicable transportation impact fees prior to expiration of the temporary 1-year capacity reservation previously secured by the **applicant** upon the County's acceptance of the TIS~~

~~pursuant to C.4.f., the certificate will be voided. In such a case, the **applicant** shall then be required to apply for an extension of the capacity reservation in accordance with C.4.f. All Collier County impact fees are due and payable at building permit issuance based on the applicable rate structure in effect at the time the **building** permit application is submitted.~~

~~f. Traffic Capacity Reservation for all or part of the proposed **development** may be approved and secured at application pending approval of the final sub-division plat, site **development plan** or **building** permit upon acceptance of the TIS by the Transportation Administrator as part of a complete Application Request (AR) deemed sufficient for review for the proposed **development** by the CDES Division. The Transportation Administrator will notify the **applicant** of any traffic capacity reservation via facsimile per C.4.c. Traffic capacity reservations will be awarded to the **development** upon: approval of the COA and final **development order** per C.4.e.; payment of road impact fees in accordance with C.1.a. and C.4.e.; and Proportionate Share Payment, if applicable, in accordance with. Traffic capacity reservations approved under this section will expire in 1 year, from TIS approval and determination of available capacity, unless the **final local development order** for the **development** is approved, or the Board approves an extension to the 1-year time period.~~

~~g. Proportionate Share Payments. Proportionate share payments may be used to mitigate the impacts of a **development** on a deficient roadway link by more than a de minimis amount within a Transportation **Concurrency** Management Area in which 85% of the north-south lane miles and 85% of the east-west lane miles are operating at or above the adopted LOS standards consistent with Policies 5.8 and 5.9 of the Comprehensive Plan Transportation Element. However, no impact will be de minimis if it exceeds the adopted level-of-service standard of any affected designated hurricane evacuation routes within a TCMA. Hurricane routes in Collier County are shown on Map TR7 of the Transportation Element. Any impact to a hurricane evacuation route operating below the adopted LOS within a TCMA shall require a proportionate share payment provided the remaining LOS requirements of the TCMA are maintained. Proportionate share payments under this section are determined subsequent to a finding of **concurrency** for a proposed project within a TCMA and do not influence the **concurrency** determination process. **development** of an individual single family residence will not be required to contribute or make a proportionate share payment under this section.~~

~~i. The proportionate share of the cost of improvements of such deficient roadways is calculated according to the following formula:~~

~~Project trips impacting deficient link/SV increase x cost =
proportionate share~~

~~1. Project trips = Cumulative number of the trips from the proposed **development** expected to reach the roadway during the peak hour from the complete buildout of a stage or phase being approved.~~

~~2. SV increase = The change in peak hour maximum service volume of the roadway resulting from construction of the~~

improvement necessary to maintain the adopted **level of service**.

3. ~~Cost = Cost of construction, at the time of developer payment, of an improvement necessary to maintain the adopted **level of service**. Construction cost includes all improvement associated costs, including engineering design, **right-of-way** acquisition, planning, engineering, inspection, and other associated physical **development** costs directly required and associated with the construction of the improvement.~~
 - ii. ~~The cost for a deficient roadway link shall be established using a typical "lane mile cost" of adding lanes to a roadway having a similar area type/facility type as determined by the Collier County Transportation Administrator.~~
5. ~~Standards for review of application. The following standards shall be used in the determination of whether to grant or deny a certificate of public facility adequacy. Before issuance of a certificate of public facility adequacy, the application shall fulfill the standards for each public facility component (potable water, sanitary sewer, **solid waste**, drainage, parks, schools and roads).~~
 - a. ~~Potable water facilities.~~
 - i. ~~The potable water component shall be granted if any of the following conditions are met:~~
 - (a) ~~The required public facilities are in place at the time a final site **development plan**, final **subdivision** plat or **building** permit is issued.~~
 - (b) ~~The required public facilities are under construction at the time a final site **development plan**, final **subdivision** plat or **building** permit is issued.~~
 - (c) ~~The required public facilities are guaranteed in an enforceable **development agreement** that includes the provisions of above of this Code.~~
 - b. ~~Sanitary sewer facilities.~~
 - i. ~~The sanitary sewer component shall be granted if any of the following conditions are met:~~
 - (a) ~~The required public facilities are in place at the time a final site **development plan**, final **subdivision** plat or **building** permit is issued.~~
 - (b) ~~The required public facilities are under construction at the time a final site **development plan**, final **subdivision** plat or **building** permit is issued.~~
 - (c) ~~The required public facilities are guaranteed in an enforceable **development agreement** that includes the provisions of sections (a) and (b).~~
 - c. ~~**Solid waste** facilities.~~
 - i. ~~The **solid waste** component shall be granted if any of the following conditions are met:~~
 - (a) ~~The required public facilities are in place at the time a final site **development plan**, final **subdivision** plat or **building** permit is issued.~~
 - (b) ~~The required public facilities are under construction at the time a final site **development plan**, final **subdivision** plat or **building** permit is issued.~~

- ~~(c) The required public facilities are guaranteed in an enforceable **development agreement** that includes the provisions of subsections (a) and (b) above.~~
- d. ~~**Drainage facilities.** The drainage component shall be granted if the proposed **development** has a drainage and water management plan that has been approved by the Environmental Services Division that meets the LOS for capital **drainage facilities** defined in D. of this Code.~~
- e. ~~Park and recreation facilities.~~
 - i. ~~The parks and recreation component shall be granted if any of the following conditions are met:~~
 - ~~(a) The required public facilities are in place at the time a final site **development plan**, final **subdivision** plat or **building** permit is issued.~~
 - ~~(b) The required public facilities are under construction at the time a final site **development plan**, final **subdivision** plat or **building** permit is issued.~~
 - ~~(c) The required public facilities are the subject of a binding contract executed for the construction of those public facilities, which provides for the commencement of actual construction within 1 year of issuance of a final site **development plan**, final **subdivision** plat or a **building** permit.~~
 - ~~(d) The required public facilities are guaranteed in an enforceable **development agreement** that includes the provisions of sections (a), (b), and (c) above~~
- f. ~~Road facilities. The road component shall be considered based upon whether the proposed **development** is outside a designated ASI or within a designated ASI.~~
 - i. ~~Road facilities. The road component shall be considered based upon whether sufficient roadway and intersections capacity is available based on the findings of the Transportation Impact Statement (TIS), which shall be based upon the provisions of sections H. and K.~~
 - ii. ~~**Development** within designated area of significant influence (ASI). For **development** within a designated ASI covering a potentially deficient road segment, the road component shall be approved, subject to available capacity, if it is demonstrated the proposed **development** will not make the potentially deficient road segment within the ASI a deficient road segment. In the instance where the proposed **development** will create a deficient road segment, a certificate of public facility adequacy for the road component shall be approved only for that portion of the **development** that does not create the deficient road segment. For **development** within a designated ASI covering a deficient road segment, the road component shall be approved only for that portion of the **development** that does not increase the net trips on the deficient road segment and does not further degrade the LOS of the deficient road segment.~~
- g. ~~Public school facilities. The determination of public facility adequacy for school facilities shall occur only after the School District has issued a **school capacity availability determination letter (SCADL)** verifying that capacity is available to serve the **development**. Public facility~~

~~adequacy for school facilities shall be granted if any of the following conditions are met.~~

- ~~i. The necessary facilities and services are in place at the time a final site **development plan** or final **subdivision** plat is approved;~~
- ~~ii. The necessary facilities and services are under construction or the contract for such facilities and services has been awarded, accepted, and duly executed by all parties, at the time a final site **development plan** or final **subdivision** plat is approved;~~
- ~~iii. The necessary facilities and services are found in the first, second or third year of the School District of Collier County's Five-Year Capital Improvement Plan; or~~
- ~~iv. The necessary facilities and services are subject of a **development** agreement to contribute proportionate share funding as provided for in Policy 2.4 in the Public School Facilities Element of the Growth Management Plan or to construct the needed facilities.~~

C. Certificate of Public Facility Adequacy (COA) for Roadways.

1. Applicability. The issuance of a COA for roadways shall demonstrate proof of adequate roadways to serve the **development** approved by the **development order**.

2. Issuance of a COA for roadways.

a. A COA for roadways may be issued subsequent to estimated road impact fee payment pursuant to LDC subsection 10.02.07 C.5 and only with the approval of one of the following:

i. A final **subdivision** plat and amendments thereof;

ii. A final approved site **development plan** or site improvement plan and amendments thereof;

iii. A **building** permit or **mobile home** tie-down permit issued by the County; or

iv. Pursuant to the terms of an enforceable **development agreement** with Collier County pursuant to the provisions of F.S. § § 163.3220 -163.3242 or other agreement acceptable to the Board of County Commissioners, in conjunction with the approval of a **development order** and/or a certificate of public facility adequacy.

3. Exceptions. Non-residential **developments** (i.e. commercial or industrial) otherwise required to obtain approval of a site **development plan** prior to the issuance of a **building** permit or applicants for a final **subdivision** plat may elect to:

a. Comply with the applicable regulations of this section as to one or more of the lot(s) of the final **subdivision** plat and obtain a COA specifically for just that lot or lots at a specified intensity of **development**; or

b. Delay submitting a Transportation Impact Statement (TIS) and obtaining a COA for all of the proposed lots, or just those remaining lots not then already complying with this section, until a required site **development plan** is applied for and the terms of this section are then complied with including payment of estimated transportation impact fees. However, the subject **development** is not allocated any available road system capacity or considered eligible to be vested for transportation **concurrency** purposes until approval of a TIS, payment of estimated Transportation Impact Fees in accordance with this subsection, and issuance of a COA in accordance with Chapters 3, 6, and 10 of the LDC.

4. One year Traffic Capacity Reservation.

a. At the time of TIS approval by the Engineering Services Director or designee a 1 year Traffic Capacity Reservation shall be set aside and allocated by the County Manager or designee for the proposed **development** pending the approval of the **final local development orders** identified in LDC subsection 10.02.07 C.2 a.

b. Following approval of a **final local development order** identified in LDC section 10.02.07 C.2 a, the estimated roadway impact fees shall be paid within 1 year of the TIS approval to secure the COA.

c. Failure to pay the estimated roadway impact fees following the approval of a **final local development order** identified in LDC subsection 10.02.07 C.2 a within the 1 year of Traffic Capacity Reservation shall require the applicant to re-apply for a COA.

d. If a **final local development order** identified in LDC subsection 10.02.07 C.2 a is not approved within 1 year of the TIS approval date, the **applicant** may petition the Board of County Commissioners to extend the Traffic Capacity Reservation for 1 year.

5. Roadway Impact Fee Payment.

a. Estimated Roadway Impact Fee. In order to obtain a COA the **applicant** shall pay the estimated road impact fees in accordance with Code of Laws and Ordinances Chapter 74-302(h) which identifies the amount and the timing of roadway impact fee payments.

b. Final Payment of Roadway Impact Fee. Following the estimated roadway impact fee payment, all remaining roadway impact fees shall be paid in accordance with the Code of Laws and Ordinances section 74-302 (h)(1).

c. Roadway impact fees paid to obtain a COA are non-refundable after payment and issuance.

D. Process for Certificate of Public Facility Adequacy for Roadways.

1. Process. The Administrative Code shall establish the procedures and submittal requirements for obtaining a COA.

- a. An application for a COA for roadways shall be submitted in conjunction with a **final local development order** identified in LDC subsection 10.02.07 C.2 a.
- b. Application fees for a COA shall be in an amount determined by the Board of County Commissioners and shall accompany the application. An application shall not be deemed complete until the application fees have been paid.

2. Assignability and transferability.

- a. An approved certificate of public facility adequacy shall run with the land associated with the corresponding **development** approval. A certificate of public facility adequacy shall be assignable within the corresponding land of the approved **development**, and shall not be assignable or transferable to other **development**, except as may otherwise be provided for under an approved **development agreement**. This provision does not preclude the re-allocation of capacity between lots or **parcels** comprising the land that is the subject of the same consolidated application for **development approval** so long as the original certificate is surrendered along with a written request by the then current owner to re-allocate no more than that certificate's previously approved capacity in a re-issued certificate.
- b. In the event that upon build-out of the **development** estimated transportation impact fees are still unspent, the remaining balance of such estimated fees may be transferred in accordance with Code of Laws and Ordinances section 74-203 (b). The COA shall be modified to reflect the built-out development.

3. Appeal of public facilities determination. Appeals shall be consistent with Code of Laws and Ordinances section 250-58.

E. Issuance of a Certificate of Public Facility Adequacy (COA) for Non-Roadway public facilities.

1. Non-Roadway Impact Fee Payment. Non-roadway impact fees shall be in accordance with Code of Laws and Ordinances section 74-302.
2. Non-Roadway Impact Fee Process. A COA for all non-roadway "Category A" capital improvements is deemed applied for concurrent with the **building** application and shall be issued simultaneously with the issuance of the **building permit**.
3. Appeal of public facilities determination. Appeals shall be consistent with Code of Laws and Ordinances section 250-58.

F. Standards for review of application. The following standards shall be used in the determination of whether to grant or deny a certificate of public facility adequacy if the State of Florida adopts legislation to ban the collection of impact fees. Before issuance of a certificate of public facility adequacy, the application shall fulfill the standards for the following public facility components:

1. Potable water facilities.

a. The potable water component shall be granted if any of the following conditions are met:

i. The required public facilities are in place at the time a final site **development plan**, final **subdivision** plat or **building permit** is issued.

ii. The required public facilities are under construction at the time a final site **development plan**, final **subdivision** plat or **building permit** is issued.

iii. The required public facilities are guaranteed in an enforceable **development agreement** that includes the provisions of the LDC section 10.02.07, above.

2. Sanitary sewer facilities and **solid waste** facilities.

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

i. The required public facilities are in place at the time a final site **development plan**, final **subdivision** plat or **building permit** is issued.

ii. The required public facilities are under construction at the time a final site **development plan**, final **subdivision** plat or **building permit** is issued.

iii. The required public facilities are guaranteed in an enforceable **development agreement** that includes the provisions of sections i. and ii.

3. **Drainage facilities.** The drainage component shall be granted if the proposed development has a drainage and water management plan that has been approved by the **Environmental Services** Division that meets the LOS for capital **drainage facilities** defined in LDC section 6.02.01 D.

4. Park and recreation facilities.

a. The parks and recreation component shall be granted if any of the following conditions are met:

i. The required public facilities are in place at the time a final site **development plan**, final **subdivision** plat or **building permit** is issued.

ii. The required public facilities are under construction at the time a final site **development plan**, final **subdivision** plat or **building permit** is issued.

iii. The required public facilities are the subject of a binding contract executed for the construction of those public facilities, which provides for the commencement of actual construction within 1 year of issuance of a final site **development plan**, final **subdivision** plat or a **building permit**.

iv. The required public facilities are guaranteed in an enforceable **development agreement** that includes the provisions of sections i., ii., and iii. above.

5. Public school facilities. The determination of public facility adequacy for school facilities shall occur only after the School District has issued a school capacity availability determination letter (SCADL) verifying that capacity is available to serve the **development**. Public facility adequacy for school facilities shall be granted if any of the following conditions are met.

a. The necessary facilities and services are in place at the time a final site **development plan** or final **subdivision** plat is approved;

b. The necessary facilities and services are under construction or the contract for such facilities and services has been awarded, accepted, and duly executed by all parties, at the time a final site **development plan** or final **subdivision** plat is approved;

c. The necessary facilities and services are found in the first, second or third year of the School District of Collier County's Five-Year Capital Improvement Plan; or

d. The necessary facilities and services are subject of a **development agreement** to contribute proportionate share funding as provided for in Policy 2.4 in the Public School Facilities Element of the Growth Management Plan or to construct the needed facilities.

* * * * *

SUBSECTION 3.PP. AMENDMENTS TO 10.02.08 SUBMITTAL REQUIREMENTS FOR AMENDMENTS TO THE OFFICIAL ZONING AND LDC

Section 10.02.08 Submittal Requirements for Amendments to the Official Zoning and LDC, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.08 ~~Submittal~~ Requirements for Amendments to the Official Zoning Atlas and LDC⁴⁰

- A. Purpose and intent. ~~This Zoning Code and t~~The official zoning atlas may, from time to time, be amended, supplemented, changed or repealed. Procedures shall be as follows:
- B. Amendment of the zoning atlas. ~~Initiation of proposals for amendment.~~ A zoning atlas amendment may be proposed by:
1. Board of county commissioners.
 2. Planning commission.
 3. Board of zoning appeals.
 4. Any other department or agency of the county.
 5. Any person other than those listed in 1-4 above; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which he does not own. The name of the owner shall appear in each application.
- C. All proposals for zoning amendments shall be considered first by the Planning Commission in the manner herein set out provided in this section.
- D. All proposals for zoning amendments shall be submitted as established in the Administrative Code and in writing to the office of the County Manager or his designee accompanied by all pertinent information required by the LDC this Zoning Code and which may be required by the Planning Commission for proper consideration of the matter, along with payment of such fees and charges as have been established by the Board of County Commissioners. No application for zoning amendment shall be heard by the Planning Commission until such fees and charges have been paid.
1. Rezoning application processing time. An application for a rezoning, amendment or change will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a rezoning, amendment or change will be considered "closed" when the **applicant** withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the rezoning, amendment or change, for a period of 6 months. An application deemed "closed" will not receive further processing and shall be withdrawn. An application "closed" through inactivity shall be deemed withdrawn. The County Manager or designee will notify the **applicant** of closure, however, failure to notify by the county shall not eliminate the "closed" status of a petition. An application deemed "closed" may be re-opened by submission of a new application, repayment of all application fees and the grant of a determination of "sufficiency". Further review of the request will be subject to the then current code.

⁴⁰ Language added in 10.02.08 D-O was relocated and reorganized from 10.03.05 H-T.

~~C. Amendments. Amendments to this Code may be made not more than 2 times during any calendar year as scheduled by the County Manager except:~~

- ~~1. Amendments to the Code (See section 10.02.10 A. below for requirements).
The procedure for amendment to this Code shall be as provided in section 10.03.05. This Code may only be amended in such a way as to preserve the consistency of the Code with the growth management plan.~~

~~E. Planning Commission hearing and report to the Board of County Commissioners.~~

1. Time limits. Unless a longer time is mutually agreed upon by the Planning Commissioners, the Planning Commission shall file its recommendations with the Board of County Commissioners within 45 days after the public hearing before the Planning Commission has been closed.
2. Presentation of evidence. The staff report on the application for rezoning shall be presented prior to the close of the public hearing on the application. The **applicant** shall be afforded the opportunity, prior to the close of the public hearing, to respond to any contentions presented by any testimony or other evidence presented during the public hearing, and to respond to the staff report, after receipt of which the hearing shall be concluded, unless the hearing is continued and the matter referred back to staff for further consideration of such matters as the Planning Commission may direct.

~~F. Nature of requirements of Planning Commission report. When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the Board of County Commissioners required in LDC section 10.02.08 E shall show that the Planning Commission has studied and considered the proposed change in relation to the following findings, when applicable:~~

1. Whether the proposed change will be consistent with the goals, objectives, and policies and future land use map and the elements of the Growth Management Plan.
2. The existing land use pattern.
3. The possible creation of an isolated district unrelated to **adjacent** and nearby districts.
4. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
5. Whether changed or changing conditions make the passage of the proposed amendment necessary.
6. Whether the proposed change will adversely influence living conditions in the neighborhood.
7. Whether the proposed change will create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses, because of peak volumes or projected types of vehicular traffic, including

activity during construction phases of the **development**, or otherwise affect public safety.

8. Whether the proposed change will create a drainage problem.
9. Whether the proposed change will seriously reduce light and air to **adjacent** areas.
10. Whether the proposed change will adversely affect property values in the **adjacent** area.
11. Whether the proposed change will be a deterrent to the improvement or **development** of **adjacent** property in accordance with existing regulations.
12. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
13. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.
14. Whether the change suggested is out of scale with the needs of the neighborhood or the county.
15. Whether it is impossible to find other adequate sites in the county for the proposed use in districts already permitting such use.
16. The physical characteristics of the property and the degree of site **alteration** which would be required to make the property usable for any of the range of potential uses under the proposed zoning classification.
17. The impact of **development** on the availability of adequate public facilities and services consistent with the levels of service adopted in the Collier County Growth Management Plan and as defined and implemented through the Collier County Adequate Public Facilities Ordinance [Code ch. 106, art. II], as amended.
18. Such other factors, standards, or criteria that the Board of County Commissioners shall deem important in the protection of the public health, safety, and welfare.

G. Adequate public facilities. The **applicant** may provide all required existing community and public facilities and services for the requested rezone needs in any one of the following manners:

1. Petition for a rezone at such time as all required adequate existing community and public facilities and services have been provided at public expense according to the capital improvement program; or
2. Petition for a rezone at such time as all required existing community and public facilities and services have been provided at the private expense of the **applicant**; or

3. Post a surety in lieu of completed improvements to guarantee that all of the required community and public facilities and services will be provided; or
 4. Facilities for parks and schools through land dedication or fee in lieu of such dedication; or
 5. Other method acceptable to Board of County Commissioners.
- H. Other proposed amendments. When pertaining to other proposed amendments of these zoning regulations, the Planning Commission shall consider and study:
1. The need and justification for the change;
 2. The relationship of the proposed amendment to the purposes and objectives of the county's growth management plan, with appropriate consideration as to whether the proposed change will further the purposes of these zoning regulations and other County codes, regulations, and actions designed to implement the Growth Management Plan.
- I. Restrictions, stipulations and safeguards. The Planning Commission may recommend that a petition to amend, supplement or establish a zoning district be approved subject to stipulations, including, but not limited to limiting the use of the property to certain uses provided for in the requested zoning district. The governing body, after receiving the recommendation from the Planning Commission on a request to amend, supplement or establish a zoning district, may grant or deny such amendment or supplement and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Growth Management Plan.
1. Restrictions, stipulations and safeguards attached to an amendment, supplement, or establishment of a zoning district may include, but are not limited to those necessary to protect **adjacent** or nearby **landowners** from any deleterious effects from the full impact of any permitted uses, limitations more restrictive than those generally applying to the district regarding **density**, height, connection to central water and sewer systems and stipulations requiring that **development** take place in accordance with a specific site plan. The maximum **density** permissible or permitted in a zoning district within the urban designated area shall not exceed the **density** permissible under the **density** rating system. The Board of County Commissioners shall be required to condition and limit the **density** of a zoning district to a **density** not to exceed the maximum **density** permissible under the **density** rating system. The governing body may also stipulate that the **development** take place within a given period of time after which time public hearings will be initiated and the district returned to the original designation or such other district as determined appropriate by the governing body in accordance with the Growth Management Plan and LDC sections 10.02.12 D. and 10.02.08 L. Any restrictions, stipulations and safeguards attached to an amendment or rezoning including those identified in LDC section 10.02.08 H. may be indicated on the official zoning atlas in a manner deemed by the county to be appropriate and informative to the public. In cases where stipulations, restrictions or safeguards are attached, all representations of the owner or his agents at public hearings shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. All conditions,

restrictions, stipulations and safeguards which are a condition to the granting of the change in zoning district shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. All costs, including reasonable attorney's fees shall be awarded to the governmental unit if it prevails in such suit.

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

a. Public facility dedication. The Board of County Commissioners may, as a condition of approval and adoption of the rezoning required that suitable areas for **streets**, public **rights-of-way**, schools, parks, and other public facilities be set aside, improved, and/or dedicated for public use. Where impact fees are levied for 1 or more such public facilities, the market value of the land set aside for the public purpose shall be credited towards impact fees to the extent authorized by the County's Consolidated Impact Fee Ordinance. Said credit shall be based on a negotiated amount not greater than the market value of the set aside land prior to the rezoning action, as determined by an accredited appraiser from a list approved by Collier County. Said appraisal shall be submitted to the County Attorney's office and the real property office within 90 days of the date of approval of the rezone, or as otherwise extended in writing by Collier County, so as to establish the amount of any impact fee credits resulting from said dedication. Failure to provide said appraisal within this 90-day time frame shall automatically authorize the county to determine the market value of the property. Impact fee credits shall only be effective after recordation of the conveyance document conveying the dedicated property to Collier County. Where the term Collier County is used in this section, it shall be construed to include the Collier County Water and Sewer District or other agency or dependant district of Collier County Government.

b. Land set aside and/or to be improved as committed as part of the rezoning approval shall be deeded or dedicated to Collier County within 90 days of receipt of notification by the county that the property is needed for certain pending public improvements or as otherwise approved by the Board of County Commissioners during the rezoning approval process. In any case, however, the county shall take title to the set aside property, at the latest, by a date certain established during, and condition on, the approval of the rezoning action. At no cost to the county, the land set aside and/or to be improved shall be made free and clear of all liens, encumbrances and improvements, at the **applicant's** sole expense, except as otherwise approved by the board. Failure to deed the land or complete the dedication within the 90 day appropriate time frame noted above may result in a recommendation to the board of for consideration of rezoning the subject **parcel** from its current zoning district to an appropriate zoning district and may in a violation of this LDC pursuant to LDC section 8.08.00.

c. Should the dedication of land also include agreed upon improvements, said improvements shall be completed and accepted by Board of County Commissioners at the **development** phase which has infrastructure improvements available to the **parcel** of land upon which said

improvements are to be made, or at a specified time provided for within the ordinance approving the rezone.

J. Status of Planning Commission report and recommendations. The report and recommendations of the Planning Commission required by LDC section 10.02.08 E shall be advisory only and not be binding upon the Board of County Commissioners.

K. Board of County Commissioner's action on the Planning Commission report.

1. Upon receipt of the Planning Commission's report and recommendations, the Board of County Commissioners shall hold a second public hearing with notice to be given pursuant to the provisions of general law. The reports and recommendations of the staff and the Planning Commission on the application shall be presented prior to the close of the public hearing on the application. The **applicant** shall have the right, prior to the close of the public hearing, to respond to any contentions presented by any testimony or other evidence presented during the public hearing.

2. In the case of all proposed changes or amendments, such changes or amendments shall not be adopted except by the affirmative vote of 4 members of the Board of County Commissioners.

L. Failure of Board of County Commissioners to act. If a Planning Commission recommendation is not legislatively decided within 90 days of the date of closing of the public hearing by the Board of County Commissioners, the application upon which the report and recommendation is based shall be deemed to have been denied, provided that Board of County Commissioners may refer the application to the Planning Commission for further study.

M. Limitations on the rezoning of property.

1. No change in the zoning classification of property shall be considered which involves less than 40,000 square feet of area and 200 feet of **street** frontage except: where the proposal for rezoning of property involves an extension of an existing or similar **adjacent** district boundary; within the broader land use classification of "C" districts, "RSF" districts, "RMF" districts, wherein such rezone is compatible with, or provides appropriate transition from, **adjacent** districts of higher **density** or intensity. However, the requirement of 200 feet of **street** frontage shall not apply to rezone petitions that provide 80 percent or more affordable housing units.

2. Whenever the Board of County Commissioners has denied an application for the rezoning of property, the Planning Commission shall not thereafter:

a. Consider any further application for the same rezoning of any part or all of the same property for a period of 12 months from the date of such action;

b. Consider an application for any other kind of rezoning of any part or all of the same property for a period of 6 months from the date of such action.

3. Except as otherwise provided within section 10.02.12 D. all zoning approvals for which a final **development order** has not been granted within 5 years of the date

of its approval shall be evaluated to determine if the zoning classification for the property should be changed to a lower, or more suitable classification. During the fifth year after the date of the zoning approval by the Board of County Commissioners and during every fifth year thereafter, the County Manager or designee shall prepare a report on the status of the rezoned property. The purpose of the report will be to evaluate what procedural steps have been taken to develop the property under its current zoning classification. Should the County Manager or designee determine that **development** has commenced, then the land shall retain its existing zoning classification and shall not be subject to additional review and classification change. Should the County Manager or designee determine that **development** has not commenced, then upon review and consideration of the report and any supplemental information that may be provided, the Board of County Commissioners shall elect one of the following:

- a. To extend the current zoning classification on the property for a maximum period of 5 years; at the end of which time, the property shall again be evaluated under the procedures as defined herein.
- b. Direct the appropriate county staff to begin rezoning procedures for said property. The existing zoning classification of the property shall remain in effect until subsequent action by the board on the property.
- c. In the case of **developments** of regional impact, time limit restrictions shall be superseded by the phasing plan and/or time limits contained within the application for **development** approval and approved as part of a **development order** in conformance with F.S. § 380.06.

N. Applications for rezones to a specific use. The **applicant** for any rezoning application may, at his or her option, propose a specific use or ranges of uses permitted under the zoning classification for which application has been made. As a condition of approval of such proposal, the **development** of the property which was the subject of the rezoning application shall be restricted to the approved use or range of uses. Any proposed addition to the approved use or range of uses shall require resubmittal of a rezoning application for the subject property.

O. Waiver of time limits. The time limits of 10.02.08 M above may be waived by 3 affirmative votes of the Board of County Commissioners when such action is deemed necessary to prevent injustice or to facilitate the proper **development** of Collier County.

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SUBSECTION 3.QQ. AMENDMENTS TO 10.02.09 SUBMITTAL REQUIREMENTS FOR TEXT AMENDMENTS TO THE LDC

Section 10.02.09 Submittal Requirements for Text Amendments to the LDC, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.09 Submittal Requirements for Text Amendments to the LDC

~~Amendments to this Code may be made not more than 2 times during any calendar year as scheduled by the County Manager, except:~~

- ~~A. Amendments to this Code may be made more often than twice during the calendar year if the Collier County Board of County Commissioners, by at least a super-majority vote, directs that additional amendments be made for specific purposes.~~

A. Text Amendments to the LDC.

1. Amendments to the LDC may be made no more than twice during the calendar year as scheduled by the County Manager, except if the Collier County Board of County Commissioners, by at least a super-majority vote, directs that additional amendments be made for specific purposes.
2. The LDC may only be amended in such a way as to preserve the consistency of the LDC with the Growth Management Plan.
3. The Administrative Code shall establish the submittal requirements for LDC amendments.

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SUBSECTION 3.RR. AMENDMENTS TO 10.02.13 PLANNED UNIT DEVELOPMENT (PUD) PROCEDURES

Section 10.02.13 Planned Unit Development (PUD) Procedures, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.13 Planned Unit Development (PUD) Procedures

- A. Generally. ~~Application and PUD master plan submission requirements.~~ Applications for amendments to, or rezoning to, PUD shall be in the form of a PUD master plan of **development** along with a list of permitted and **accessory uses** and a **development** standards table. The PUD application shall also include a list of developer commitments and any proposed deviations from the LDC ~~Land Development Code~~. The PUD master plan shall have been designed by an urban planner who possesses the education and experience to qualify for full membership in the American Institute of Certified Planners; and/or a landscape architect who possesses the education and experience to qualify for full membership in the American Society of Landscape Architects, together with either a practicing civil engineer licensed by the State of Florida, or a practicing architect licensed by the State of Florida, ~~and shall be comprised, at a minimum, of the following elements:~~

- 1.⁴¹ PUD master plan. ~~The PUD master plan shall include the following information to graphically illustrate the development strategy:~~ The Community Character Plan For Collier County, Florida (April 2001) should be referenced as a guide for **development** and redevelopment in the PUD district.~~:-The Administrative Code shall establish the information to graphically illustrate the **development** strategy.~~
- a. ~~The title of the project and name of the developer;~~
 - b. ~~Scale, date, north arrow;~~
 - c. ~~Boundaries of the subject property, all existing streets and pedestrian systems within the site, watercourses, easements, land uses and zoning districts of abutting property including book and page numbers of platted **parcels**, section lines, and other important physical features within and adjoining the proposed development;~~
 - d. ~~Identification of all proposed tracts or increments illustrating boundaries within the PUD such as, but not limited to: residential; office and retail; commercial; industrial; institutional; conservation/preservation; lakes and/or other water management facilities; common open space; types of buffers with a cross section for any buffer which deviates from that which is otherwise required by the land development code; the location and function of all areas proposed for dedication or to be reserved for community and/or public use; and areas proposed for recreational uses including golf courses and related facilities, and provisions for ownership, operation, and maintenance. All non-residential tract dimensions and boundaries shall be illustrated on the master plan;~~
 - e. ~~Identification of all proposed and permitted land uses pursuant to section 2.03.06 of this Code within each tract or increment describing: acreage; proposed number of dwelling units; proposed density and percentage of the total development represented by each type of use; or in the case of commercial, industrial, institutional or office, the acreage and maximum gross leaseable floor area and an outline of the proposed **building** footprint and an indication of the proposed **building** height for each structure within the individual tracts or increments. Descriptions of the relationship of the proposed land uses to each other within the PUD and to land uses abutting/surrounding the project;~~
 - f. ~~The location and size (as appropriate) of all existing drainage, water, sewer, and other utility provisions;~~
 - g. ~~The location of all proposed major internal thoroughfares and pedestrian accessways, including interconnecting roadways within the PUD as well as with abutting uses;~~
 - h. ~~Typical cross sections of all major, collector, and local streets, public or private, within the PUD;~~
 - i. ~~The location of proposed and existing roads, rights-of-way, and pedestrian systems within 1,500 feet of the proposed PUD;~~
 - j. ~~The overall acreage and proposed gross density for the PUD;~~
 - k. ~~Information on previous and recent uses of land;~~
 - l. ~~Proposed vehicular ingress and egress points;~~
 - m. ~~Any other relevant information determined to be necessary by the Planning Services Department Director.~~

⁴¹ Language stricken in 10.02.13 A.1 is being relocated to the Administrative Code for Land Development, referenced as Exhibit B in Code of Laws Section 2-13.

2. ⁴² PUD application. The **applicant** shall submit data supporting and describing the petition for rezoning to PUD ~~in the form of a PUD application~~ that includes a **development** standards table, developer commitments and a list of deviations from the LDC. Dimensional standards shall be based upon an established zoning district that most closely resembles the **development** strategy, particularly the type, density and intensity, of each proposed land use. ~~The development standards table, developer commitments and the list of deviations from the LDC shall be submitted in both an electronic version and printed version in a format as established by the County Manager or his designee. The submittals shall conform to the most recent standardized format established by the Zoning and Land Development Review Department Director. The PUD application shall contain the following~~ include the information identified in the Administrative Code unless determined by the Planning and Zoning Director to be unnecessary to describe the **development** strategy.:-

- a. ~~Name of project;~~
- b. ~~List of exhibits which are proposed to be included in the ordinance of adoption;~~
- c. ~~Statement of compliance with all elements of the growth management plan;~~
- d. ~~General location map drawn to scale, illustrating north point and relationship of the site to such external facilities as highways, shopping areas, cultural complexes and the like;~~
- e. ~~Property ownership and general description of site (including statement of unified ownership);~~
- f. ~~Description or narrative of project development;~~
- g. ~~Boundary survey (no more than 6 months old) and legal description;~~
- h. ~~Proposed and permitted land uses within each tract or increment which shall be incorporated into the ordinance of adoption;~~
- i. ~~A dimensional standards table for each type of land use proposed within the PUD. Dimensional standards shall be based upon an established zoning district that most closely resembles the development strategy, particularly the type, density and intensity, of each proposed land use. All proposed variations or deviations from dimensional standards of the most similar zoning district shall be clearly identified. No deviations from the fire code will be permitted, except as otherwise allowed by that code. This table shall be incorporated into the ordinance of adoption;~~
- j. ~~The proposed timing for location of, and sequence of phasing or incremental development within the PUD;~~
- k. ~~The proposed location of all roads and pedestrian systems, with typical cross sections, which will be constructed to serve the PUD which shall be attached as exhibits to the ordinance of adoption;~~
- l. ~~Habitats and their boundaries identified on an aerial photograph of the site. Habitat identification will be consistent with the Florida Department of Transportation Florida Land Use Cover and Forms Classification System and shall be depicted on an aerial photograph having a scale of 1 inch equal to at least 200 feet when available from the county, otherwise, a scale of at least 1 inch equal to 400 feet is acceptable. Information obtained by ground-truthing surveys shall have precedence over~~

⁴² Language stricken in 10.02.13 A.2 is being relocated to the Administrative Code for Land Development, referenced as Exhibit B in Code of Laws Section 2-13.

information presented through photographic evidence. Habitat, plant and animal species protection plans as required by Chapter 3 shall apply;

- ~~m. Environmental impact analysis pursuant to applicable provisions of section 10.02.02~~
- ~~n. Information about existing vegetative cover and soil conditions in sufficient detail to indicate suitability for proposed structures and uses;~~
- ~~o. The location and nature of all existing public facilities, such as schools, parks and fire stations that will service the PUD;~~
- ~~p. A plan for the provision of all needed utilities to serve the PUD; including (as appropriate) water supply, sanitary sewer collection and treatment system, stormwater collection and management system, pursuant to related county regulations and ordinances;~~
- ~~q. Traffic impact analysis;~~
- ~~r. Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the PUD and any of its common areas or facilities;~~
- ~~s. Development commitments for all infrastructure and related matters;~~
- ~~t. When determined necessary to adequately assess the compatibility of proposed uses to existing or other proposed uses, relationship to open space, recreation facilities, or traffic impacts, or to assess requests for reductions in dimensional standards, the Zoning and Land Development Review Department Director may request schematic architectural drawings (floor plans, elevations, perspectives) for all proposed structures and improvements, as appropriate;~~
- ~~u. Deviations to sections of the land development code other than to dimensional standards related to **building** placement such as yard requirements, **lot** area requirements, **building** height and the like, shall be identified in the PUD application by citing the specific section number of the regulation and indicating the proposed modification to such regulation. The list of deviations shall be incorporated into the ordinance of adoption.~~

3. Deviations from master plan elements. The Zoning and Land Development Review Department Director may exempt a petition from certain required elements for the PUD master plan pursuant to section 10.02.12 of this identified in the Administrative Code when the petition contains conditions, which demonstrate that the element may be waived and will not have without a detrimental effect on the health, safety and welfare of the community. All exemptions shall be noted within the PUD submittal and provided to the Board of County Commissioners.

4. Submittal of **School Impact Analysis** (SIA) application for residential projects. The **applicant** shall submit a completed SIA application for the School District's review for a determination of school capacity. Refer to LDC section 10.04.09 for SIA requirements.

B. Procedures for planned unit **development** zoning. Petitions for rezoning to PUD in accordance with LDC section 10.02.0842 shall be submitted and processed as for a rezoning amendment generally pursuant to LDC section 10.02.0842 and in accordance with the following special procedures:

1. ~~Pre-application meeting. conference.~~ Prior to the submission of a formal application for rezoning to PUD, the **applicant** shall confer with the Planning and Zoning and Land Development Review Department Director and other County staff, agencies, and officials involved in the review and processing of such applications and related materials. The **applicant** is further encouraged to submit a tentative land use sketch plan for review at the pre-application meeting conference, and to obtain information on any projected plans or programs relative to possible applicable Federal or State requirements or other matters that may affect the proposed PUD. ~~This~~ The pre-application meeting conference should address, but is not be limited to, the following such matters as:

* * * * *

c. Conformity of the proposed PUD with the goals, objectives, policies, and the Future Land Use Element of the Growth Management Plan.

* * * * *

2. Prehearing conference. Prehearing conferences may be held between the **applicant** and/or ~~his~~ representatives and officials or representatives of the county prior to advertisement of the hearing date. The purpose of ~~such~~ the prehearing conferences shall be to assist in bringing the application for rezoning to PUD as close to nearly as possible into conformity with the intent of the LDC ~~these~~ or other applicable regulations, and/or to define specifically any justifiable variations from the application of such regulations.

3. Staff review and recommendation. Based upon evaluation of the factors set forth above, ~~the~~ County staff shall prepare a report containing their review findings, and a recommendation of approval or denial.

4. Hearing before the Planning Commission. Public notice shall be given and a public hearing held before the Planning Commission on the application for rezoning to PUD. Both the notice and the hearing shall identify the application, by name and application number, proposed PUD master plan of **development**, and required statements as they may have been amended as a result of the prehearing conference conducted pursuant to LDC section 10.02.12 10.02.13 B.2.

5. ~~Planning e~~Commission hearing and recommendation. The Planning Commission shall make written findings at an advertised public hearing as required in LDC section 10.02.08 and as otherwise required in this section and shall recommend to the Board of County Commissioners either approval of the PUD rezoning as proposed; approval with conditions or modifications; or denial. In support of its recommendation, the Planning Commission shall make findings as to the PUD master plan's compliance with the following criteria in addition to the findings in LDC section 10.02.08.

* * * * *

c. Conformity of the proposed PUD with the goals, objectives, policies, and the Future Land Use Element of the Growth Management Plan.

* * * * *

6. Action by Board of County Commissioners. Unless the application is withdrawn by the **applicant** or deemed "closed" pursuant to LDC section 2.03.06 ~~of this Code~~, the Board of County Commissioners shall, upon receipt of the Planning Commission's recommendation, advertise and hold a public hearing on the application. The notice and hearing shall be on the PUD rezone application, PUD master plan of **development** and PUD ordinance, as recommended by the Planning Commission to the Board of County Commissioners. The Board of County Commissioners shall either ~~grant~~ approve the proposed rezoning to PUD; approve with conditions or modifications; or deny the application for PUD rezoning.
- C. Effect of planned unit **development** zoning. If approved by the ~~County~~ Board of County Commissioners, the PUD master plan for **development**, the PUD ordinance and all other information and materials formally submitted with the petition shall be considered and adopted as an amendment to the ~~LDC Zoning Code~~ and shall become the standards for **development** for the subject PUD. ~~Thenceforth,~~ The **development** in the area delineated as the PUD district on the official zoning atlas shall proceed only in accordance with the adopted **development** regulations and the PUD master plan for said PUD district, except that approval and adoption of a PUD ordinance or PUD master plan does not ~~act to~~ authorize or vest the location, design, capacity, or routing of traffic for any **access** point depicted on, or described in, such ordinance or plan. Before **development** of any type may proceed, all agreements, conditions of approval, and contracts required, but not approved at the time of amending action, shall be approved by appropriate officers or agencies of the County. Issuance of a final **development order** within any **tract** or increment within the PUD shall first require compliance with all sections of the Collier County subdivision regulations (Chapter 10 of the LDC) and/or the site **development plan** regulations (LDC section 10.02.03) as appropriate.
- D. Time limits for approved PUDs. For purposes of this section, the word "sunset" or "sunsetting" shall be the term used to describe a PUD which has, through a determination made by the Planning ~~and Zoning Services~~ Department Director, not met the time frames and **development** criteria outlined in this section of the ~~LDC, Code~~ as applicable. For all PUDs, the owner entity shall submit to the Planning ~~and Zoning Services~~ Department Director a status report on the progress of **development** annually from the date of the PUD approval by the Board of County Commissioners.
1. Criteria for sunsetting. The purpose of the report will be to evaluate whether or not the project has commenced in earnest in accordance with the following criteria:
- 1-a. For residential portions of PUDs, physical **development** of infrastructure improvements, including **access** roads, internal roads, sewer and water utilities and any other related infrastructure, that supports a minimum of 15 percent of the designated residential area or areas of the PUD shall be initiated by the fifth anniversary date of the PUD approval. An additional 15 percent of such infrastructure shall be completed every year thereafter until PUD buildout; and
- 2-b. For the nonresidential portions of PUDs and commercial and industrial PUDs, physical **development** of a minimum of 15 percent of authorized **floor area** when approved on the basis of a defined amount of floor

space shall be initiated by the fifth anniversary date of the PUD approval. In the event that the **floor area** is not the defining intensity measure, then 25 percent of the land area to include some representative portion of the **building** space shall be constructed by the fifth anniversary date of the PUD approval. The same amount of **development** shall be required every year thereafter up to an amount representing 75 percent of authorized buildable area and **floor area**. Thereafter the PUD shall be exempt from these sunset provisions.

~~3~~c. For mixed use **tracts** or **structures**, physical **development** of infrastructure improvements, including **access** roads, internal roads, sewer and water utilities and any other related infrastructure that supports a minimum of 15 percent of the designated mixed use **tract** or **structure** shall be initiated by the fifth anniversary date of the PUD approval. Physical **development** of a minimum of 15 percent of approved mixed use **floor area**, and 15 percent of the approved residential units, shall be initiated by the fifth anniversary date of the PUD approval. Components of mixed use planned unit **developments** (MPUDs) that are non-residential ~~shall adhere to the requirements provided in~~ must comply with LDC subsections 10.02.13 D.1**b**.~~2.a. through b.~~

~~4~~d. 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 5 year sunset period.

~~5~~e. Infrastructure improvements as required above shall be located on site and shall constitute infrastructure that makes possible vertical construction consistent with the permitted land uses. Acceleration lanes, entry road **access** and the like do not count towards meeting the required levels of infrastructure improvements as required above.

~~6~~2. PUD sunsetting. Prior to or any time after the Planning and Zoning Services Department Director determines that a PUD has sunsetted, then the property owner shall initiate one of the following:

- a. Request a PUD extension;
- b. Request a PUD amendment;- or
- c. Request a rezone.

~~7~~3. Board of County Commissioners action on PUDs which have sunsetted. Upon review and consideration of the appropriate application, or the status report provided by the property owner and any supplemental information that may be provided, the Board of County Commissioners shall elect one of the following:

* * * * *

~~8~~4. PUD time limit extensions. Extensions of the time limits for a PUD may be approved by the Board of County Commissioners. The Administrative Code shall

establish the submittal requirements for a PUD extension request. An approved PUD may be extended as follows:

a. Maximum extension: There may be one PUD extension granted for a maximum of 2~~two~~ years from the date of original sunset.

b. Approval of an extension shall be based on the following:

* * * * *

~~c. An extension request shall consist of the following:~~

~~i. A completed application form provided to the property owner by the county; and~~

~~ii. A copy of the original PUD approval ordinance; and~~

~~iii. A written statement describing how the criteria listed in subsection 10.02.12 of this Code have been met; and~~

~~iv. A fee paid in accordance with the county fee resolution.~~

~~v. Any other information the County Manager or his designee deems necessary to process and evaluate the request.~~

~~d.~~ c. No more than one extension may be granted for any **development** original approval date.

~~e.~~ d. Any PUD developer who has not commenced **development** pursuant to the sunset provisions set forth in this section of the LDC~~Code~~ within 10~~ten~~ years of the original PUD approval date shall submit a new rezoning application.

9-5. Retention of existing PUD status.

a. Once a PUD has sunsetted the land shall retain its existing PUD zoning status, however applications for additional **development orders** shall not be processed until 1~~one~~ of the following occurs:

i. a. The Board of County Commissioners approves a request for extension of PUD zoning status.

ii. b. The Board of County Commissioners approves an amendment to the existing PUD.

b. Should the Planning and Zoning Services Department Director determine that **development** has commenced in earnest, then the land shall retain its existing PUD approval and shall not be subject to additional review and consideration of new **development** standards or use modification pursuant to the provisions for time limits for approved PUDs.

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

~~40-6.~~ Exemptions from sunseting. Any educational plants or facilities or public service facilities including police, fire and EMS facilities that were identified in an approved PUD zoning district or PUD master plan and which are consistent with the approved **development** regulations shall retain **development** rights, although a planned unit **development** may have sunsetted, as provided for this section. A **development order** for such facilities shall be issued in accordance with a site **development plan** approval, without the requirement to amend or extend the original planned unit **development**.

~~44-7.~~ PUD buildout. For PUDs approved on or after January 3, 2007 the land owner shall:

* * * * *

b. For all PUDs the build out year as submitted and approved with the application's Traffic Impact Statement (TIS) shall serve as the reference year for the approved **density** and intensity. On the build out year as defined on the approved TIS submitted with the application and on the anniversary date of the adopted PUD any remaining **density** and intensity shall be considered expired if all of the lands within the PUD boundary have received approval through site **development plans** or plats and received a certificate of public adequacy (COA). For non-residential portions of a PUD, section (a) above allows for ~~two~~ 2 additional years to amend the site **development plan(s)** in order to apply for **development orders** for any remaining intensity within non-residential sections of the PUD.

~~42-8.~~ Local Economic Emergency Ordinance.

a. Short title and recitals. This Ordinance shall be known as the Collier County Local Economic Emergency Ordinance, and the above findings and recitals are hereby adopted by reference into this Ordinance.

b. Declaration of Local Economic Emergency. ~~The Collier County~~ Board of County Commissioners, convened in regular session, hereby declares and ordains that a local economic emergency exists within Collier County, Florida, requiring immediate measures to address the emergency before irreversible harm is done to the economic well being of the citizens of the County. This Ordinance is adopted after public hearing pursuant to, and in accordance with, F.S. § 125.66(2).

c. Tolling of Land Development Code Section 10.02.13.D. LDC sSection 10.02.13.D of the Collier County Land Development Code provides for Planned Unit **Development** time limit and time limit extension requirements. These time limit and time limit extension requirements are hereby tolled to May 12, 2014 for Planned Unit **Developments** which have not sunsetted prior to the effective date of this Ordinance [2009-22]. Prior to May 12, 2014, the Board of County Commissioners will determine if the declaration of Local Economic Emergency should be ended.

E. Changes and amendments. There are three types of changes to a PUD master plan: Substantial, Insubstantial, and Minor. Language changes to a previously approved PUD

document shall require the same procedure as for amending the official zoning atlas, except for the removal of a commitment for payment towards **affordable housing** which is considered to be a minor change as described in LDC ~~§~~section 10.02.13 E.3.c.

1. Substantial changes. Any substantial change(s) to an approved PUD Ordinance shall require the review and recommendation of the Planning Commission and approval by the Board of County Commissioners as a PUD amendment prior to implementation. **Applicants** shall be required to submit and process a new application complete with pertinent supporting data, as set forth in the Administrative Code. ~~sections 10.02.13 A and B~~ For the purpose of this section, a substantial change shall include any of the following: ~~shall be deemed to exist where:~~
 - a. ~~There is a~~ A proposed change in the boundary of the PUD; ~~or~~
 - b. ~~There is a~~ A proposed increase in the total number of dwelling units or intensity of land use or height of **buildings** within the **development**;
 - c. ~~There is a~~ A proposed decrease in preservation, conservation, recreation or **open space** areas within the **development** not to exceed 5 percent of the total acreage previously designated as such, or 5 acres in area;
 - d. ~~There is a~~ A proposed increase in the size of areas used for nonresidential uses, to include institutional, commercial and industrial land uses (excluding preservation, conservation or **open spaces**), or a proposed relocation of nonresidential land uses;
 - e. ~~There is a~~ A substantial increase in the impacts of the **development** which may include, but are not limited to, increases in traffic generation; changes in traffic circulation; or impacts on other public facilities;
 - f. ~~The~~ A change that will result in land use activities that generate a higher level of vehicular traffic based upon the Trip Generation Manual published by the Institute of Transportation Engineers;
 - g. ~~The~~ A change that will result in a requirement for increased stormwater retention, or will otherwise increase stormwater discharges;
 - h. ~~The~~ A change that will bring about a relationship to an **abutting** land use that would be incompatible with an **adjacent** land use;
 - i. Any modification to the PUD master plan or PUD document or amendment to a PUD ordinance which is inconsistent with the ~~F~~future ~~L~~land use ~~E~~element or other element of the ~~G~~growth ~~M~~management ~~P~~plan or which modification would increase the **density** or intensity of the permitted land uses;
 - j. The proposed change is to a PUD district designated as a **development** of regional impact (DRI) and approved pursuant to F.S. § 380.06, where such change requires a determination and public hearing by Collier County pursuant to F.S. § 380.06(19). Any change that meets the criterion of F.S. § 380.06(19)(e)2, and any changes to a DRI/PUD master

plan that clearly do not create a substantial deviation shall be reviewed and approved by Collier County under this LDC section 10.02.13 of this Code; or

- k. Any modification in the PUD master plan or PUD document or amendment to a PUD ordinance which impact(s) any consideration deemed to be a substantial modification as described under this LDC section 10.02.13.
2. Insubstantial change determination. An insubstantial change includes any change that is not considered a substantial or minor change. An insubstantial change(s) to an approved PUD Ordinance shall be based upon an evaluation of LDC subsection 10.02.13 E.1 and shall require the review and approval of the Planning Commission. The Planning Commission approval shall be based on the findings and criteria used for the original applications and be as an action taken at a regularly scheduled meeting.
- a. The **applicant** shall provide the Planning and Zoning Services Department Director documentation which adequately describes the proposed changes as described in the Administrative Code. ~~along with the appropriate review fee prior to review by the Planning Commission. The PUD master plan map shall show all data normally required for submittal of a PUD master plan unless it is otherwise determined not to be necessary, describing the proposed changes in: land use; densities; infrastructure; open space, preservation or conservation areas; area of **building** square footage proposed for nonresidential development; change in potential intensity of land use and related automobile trip movements, and relationships to abutting land uses. In addition, the applicant, for evaluation of PUD master plan revisions, shall provide a detailed written narrative describing all of the change(s) and the reasons for the request. Upon receipt of the amended PUD master plan, the Planning Services Department Director shall review said plan against criteria established within section 10.02.12 E.1 above and may forward the plan to any other agency, division or authority deemed necessary for review and comment.~~
3. Minor changes. The following are considered minor changes, and may be approved by the County Manager or designee under the procedures established in the Administrative Code. ~~this section.~~

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Minor changes of the type described above shall nevertheless be reviewed by appropriate staff to ensure that said changes are otherwise in compliance with all county ordinances and regulations prior to the Planning and Zoning Services Department Director's consideration for approval.

- c. Affordable housing commitments. Beginning October 3, 2012 the County Manager or designee shall be authorized to make minor text changes to remove affordable housing commitments to pay an affordable housing

contribution in PUDs, **Development Agreements**, and Settlement Agreements if the following conditions are met:

- i. The **applicant** notices property owners in writing in accordance with LDC section 10.03.06 T. sections 10.03.05 B. 10 or 10.03.05 B.11 as may be applicable.
- ii. If no written objection is received, the request to remove commitments is deemed approved.
- iii. If a property owner who receives notice submits a written objection within 30 days of mailing of the notice, the matter shall be scheduled for public hearing before the Board of County Commissioners. Public notice shall comply with LDC sections 10.03.05 and 10.03.06. subsection 10.03.05 B.13 of the LDC.

F. PUD Monitoring Report requirements. In order to ensure and verify that approved project densities or intensities of land use will not be exceeded and that **development** commitments will be fulfilled and are consistent with the **development's** approved transportation impact study, annual monitoring reports must be submitted by the owner(s) of a PUD to the County Manager or designee.

1. ~~The monitoring report must be prepared in a County approved format as an affidavit executed by the property owner(s) attesting that the information contained in the monitoring report is factually correct and complete. These reports are to be submitted annually, on or before each anniversary of the date said PUD was approved. The report shall be submitted annually, on or before the anniversary date of approval by the Board until the PUD is completely constructed and all commitments in the PUD document/master plan are met (built out).~~

a. A tract or parcel of a PUD that has completed construction within that **tract** may be considered built-out and is not responsible for annual monitoring reports, as long as all PUD commitments within that **tract** are complete. This built-out status does not exempt the **tract** owner(s) from commitments applicable to the entire PUD.

2. The Administrative Code shall establish the submittal requirements for a PUD Annual Monitoring Report. ~~The monitoring report must provide the following information:~~

a. ~~Name of project.~~

b. ~~Name of owner.~~

c. ~~Number of units, by residential type; square footage and acreage of recreation facilities, commercial and other permitted uses; infrastructure and/or other uses which are complete and approved or for which a valid permit has been issued, but which have not been completed and any on-site or off-site commitments completed and approved as of the due date of the monitoring report.~~

d. Up-to-date PUD master plan showing infrastructure, projects/developments, plats, **parcels** and other pertinent information, including on-site or off-site commitments.

- ~~e.~~ A traffic count report for all access points to the **adjacent** roadway network which must be signed and sealed by a professional engineer and performed over a 72-hour weekday period to include 15-minute intervals and turning movements in the PM peak 2 hours; except that the owner(s) of the PUD, in lieu of submitting an annual traffic count report, may elect to make a payment to the County in an amount equal to the cost to conduct the required traffic count(s) as defined in an engineer's certified estimate of such costs. Such funds received must be used by the County to count traffic on the major roadway network used by the development as defined in the originally submitted traffic impact statement.
 - ~~f.~~ Copies of all required monitoring reports completed in past year (i.e., traffic, wellfield, etc.).
 - ~~g.~~ Up-to-date PUD document which includes all approved amendments as of the date of the monitoring report.
 - ~~h.~~ Status of commitments in PUD document, including projected completion dates if then established.
 - ~~i.~~ Other information as may be required by County Manager or his designee.
3. Monitoring reports must be submitted in affidavit form approved by Collier County to be executed by the owner(s) of the PUD.
 4. County will be given at least 6 months' prior written notice to a change in ownership, to a community association, including but not limited to transfer of all or part of the **development** to a Home Owners Association, Property Owners Association, Master Association, or similar entity. Change in ownership of portions of a PUD **development** shall not absolve the original owner of the requirement to file an annual monitoring report. Transferring responsibility for filing the annual monitoring report to an entity other than the original owner may be demonstrated in the form of an executed agreement between the original owner and the new entity which when filed with the Planning and Zoning Services Department Director shall automatically transfer responsibility for filing that annual monitoring report.
 5. A release of a PUD commitment determined to be no longer necessary shall be brought as an agenda item to the Board of County Commissioners for their approval.
 6. The PUD owner(s) "the Developer, Home Owners Association, Master Association or similar entity" may petition the Board of County Commissioners to relinquish the **development** rights to any un-built units and declare themselves "built-out" in order to satisfy all reporting requirements. The **applicant** shall be responsible for any documentation required to verify the status of the PUD when requesting a waiver or a determination of "built-out" status.
 - 6-7. Traffic Count Monitoring requirements. A onetime payment for permanent traffic count stations shall be due at the time of the first PUD Annual Monitoring Report following the first certificate of occupancy within the PUD. The payment shall be based upon the number of ingress and/or egress points (**Access** Points) based upon the conceptual Master Plan within the PUD Ordinance. Each **Access** Point shall require a payment of \$500.00. If additional **Access** Points are granted at any time, an additional payment of \$500 per **Access** Point will be payable with

the following PUD Annual Monitoring Report. The Traffic Count monitoring requirement shall be considered fulfilled for all PUDs that have already provided at least one traffic count or payment in lieu of traffic counts. PUDs that have traffic count monitoring language tied to specific commitments within their ordinances shall remain in effect.

G. Violations. Violation of this section shall be enforced as provided in LDC section 8.08.00.

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J. Planned unit **development** districts application processing. An application for a planned development rezoning, amendment or change will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a planned **development** rezoning, amendment or change will be considered "closed" when the petitioner withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the rezoning, for a period of 6 months. An application deemed "closed" will not receive further processing and an application "closed" through inactivity shall be deemed withdrawn. The County Manager or his designee will notify **applicant** of closure, however, failure to notify by the County shall not eliminate the "closed" status of a petition. An application deemed "closed" may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of "sufficiency". Further review of the project will be subject to the then current LDC Code.

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

1. The Board of County Commissioners may, as a condition of approval and adoption of a PUD rezoning and in accordance with the approved master plan of **development**, require that suitable areas for **streets**, public **rights-of-way**, schools, parks, and other public facilities be set aside, improved, and/or dedicated for public use. Where impact fees are levied for 1 or more required public facilities, the market value of the land set aside for the public purpose may be credited towards such impact fees to the extent authorized by the County's Consolidated Impact Fee Ordinance. Said credit shall be based on a negotiated amount no greater than the market value of the set aside land prior to the rezoning action, as determined by an accredited appraiser from a list approved by Collier County. Said appraisal shall be submitted to the County Attorney's Office and the real property office within 90 days of the date of approval of the rezone, or as otherwise extended in writing by the County Manager or his designee, so as to establish the amount of any impact fee credits resulting from said dedication. Failure to provide said appraisal within this time frame shall automatically authorize the county to determine the market value of the set aside property. Impact fee credits shall only be effective after recordation of the document conveying the dedicated property to Collier County. Where the term Collier County is used in this section, it shall be construed to include the Collier County Water and Sewer District or other agency or dependent district of Collier County Government.

2. Land set aside and/or to be improved as committed in the PUD document, or master plan, as the case may be, shall be deeded or dedicated to Collier County within 90 days of receipt of notification by the county that the property is needed

for certain pending public improvements or as otherwise approved by the Board of County Commissioners during the PUD rezoning approval process. In any case, however, the county shall take title to the set aside property, at the latest, by a date certain established during, and conditioned on, the approval of the PUD zoning. At no cost to the County, the land set aside and/or to be improved shall be made free and clear of all liens, encumbrances and improvements, except as otherwise approved by the Board. Failure to convey the deed or complete the dedication within the appropriate time frame noted above may result in a recommendation to the Board for consideration of rezoning the subject **parcel** from its current PUD zoning district to an appropriate zoning district and may result in a violation of the LDC ~~this Code~~ pursuant to LDC subsection 8.08.00 B.

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

L. **Common open space** or common facilities. Any **common open space** or common facilities established by an adopted master plan of **development** for a PUD district shall be subject to the following:

* * * * *

- 2. In the event that the organization established to own and maintain **common open space** or common facilities, or any successor organization, shall at any time after the establishment of the PUD fail to meet conditions in accordance with the adopted PUD master plan of **development**, the Planning and Zoning Development Services Director may serve written notice upon such organization and/or the owners or residents of the planned unit **development** and hold a public hearing. If deficiencies of maintenance are not corrected within 30 days after such notice and hearing, the Planning and Zoning Development Services Director shall call upon any public or private agency to maintain the **common open space** for a period of 1 year. When the Planning and Zoning development services ~~Director~~ determines that the subject organization is not prepared or able to maintain the **common open space** or common facilities, such public or private agency shall continue maintenance for yearly periods.

* * * * *

SUBSECTION 3.SS. AMENDMENTS TO 10.02.15 MIXED USE PROJECT PROCEDURES WITHIN THE BAYSHORE GATEWAY TRIANGLE REDEVELOPMENT AREA

Section 10.02.15 Mixed Use Project Procedures within the Bayshore Gateway Triangle Redevelopment Area, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.15 Requirements for Mixed Use Projects Procedures within the Bayshore Gateway Triangle Redevelopment Area

A. Mixed Use Project Approval Types.

* * * * *

1. Administrative Approval:

a. MUPs may be approved administratively provided they meet the following conditions:

* * * * *

iii. The MUP does not seek additional **density** through the Bonus **Density** Pool provisions of LDC section 10.02.15 C.

b. The Administrative Code shall establish the submittal requirements for MUP administrative approval. ~~Submittal Requirements:~~ The application shall follow the applicable submittal requirements and procedures for site **development plan** submittal and review.

2. MUPs Requiring Public Hearing:

* * * * *

b. The Administrative Code shall establish the submittal requirements for MUP requiring a public hearing for approval. ~~Submittal Requirements:~~ The application shall follow the applicable submittal requirements and procedures set forth in LDC section 10.08.00, for **conditional use** submittal and review. ~~The application shall be accompanied by a conceptual site plan depicting the proposed mixed-use **development** and noting all requested deviations.~~ In addition to the **conditional use** findings as set forth in LDC section 10.08.00 D., the following shall be considered:

* * * * *

c. There shall be a public hearing before the BZA legally noticed and advertised pursuant to LDC section 10.03.~~0605-G~~.

* * * * *

e. MUP approval shall expire and any **residential density** bonus units shall be null and void and returned to the bonus **density** pool if any of the following occur:

i. The SDP is not submitted and deemed sufficient for review within one year and approved within two years of MUP approval.

ii. The SDP under review is deemed withdrawn and cancelled, pursuant to LDC section 10.02.03.B.4.a.

iii. The SDP is considered no longer valid, pursuant to LDC section 10.02.03.B.4.b. and c.

f. An approved MUP may be amended subject to the same procedures provided in this section.

B. MUP Deviations.

* * * * *

2. List of **Development** Standards Eligible for Administrative Deviation Requests. MUPs shall be eligible to seek an administrative deviation from the following LDC provisions:

a. Front **Setback**.

i. These deviation requests shall be subject to the process and procedures of LDC sections 5.05.08. F. 1. – 23 and the submittal requirements established in the Administrative Code. ~~Deviations and Alternative Compliance~~, except that in order to be eligible for an administrative deviation the site shall meet at least one of the following conditions or circumstances:

* * * * *

b. Architectural and Site Design Standards. These deviation requests shall be subject to the process and procedures of LDC sections 5.05.08. F. 1. – 23, and 5. ~~Deviations and Alternative Compliance~~ and the submittal requirements established in the Administrative Code.

c. Landscape and **Buffer** Requirements. The alternative plans requesting approval for deviation from landscaping and **buffer** requirements shall be subject to the process and procedures of LDC section 5.05.08. F. 1. – 32 and the submittal requirements established in the Administrative Code. ~~Deviations and Alternative Compliance~~. Further, the **applicant** and must additionally provide a minimum of 110 percent of the **open space** requirement for mixed use projects in addition to other conditions that the County Manager or designee deems necessary.

d. Parking Standards. These deviation requests shall be subject to the process and procedures of LDC section 4.05.04. F.2.

3. In order to provide for maximum flexibility, an **applicant** may request a deviation in addition to the administrative deviations specifically identified in LDC section 10.02.15 B.2 as part of a MUP Public Hearing process. Requests to deviate from LDC provisions where compliance is not practical, feasible, desirable, or warranted in a mixed use project shall include a written justification for any such deviation. The review of these deviations shall be guided by the following considerations:

* * * * *

C. Bonus **Density** Pool Allocation. Under the Collier County Future Land Use Element, bonus **density** units are available for reallocation within the Bayshore/Gateway Triangle

Redevelopment Overlay. The County Manager or designee will track the Bonus **Density** Pool balance as the units are used. These bonus **density** units may be allocated between the BMUD and GTMUD overlays, and shall only be allocated through a public hearing approval process.

To qualify for up to 12 **dwelling units** per acre, projects shall comply with the following criteria. This **density** of up to 12 **dwelling units** per acre is only applicable until the bonus **density** pool has been depleted.

- * * * * *
4. The project shall comply with the standards for mixed use **development** set forth in LDC section 4.02.16 C.8.

* * * * *

SUBSECTION 3.TT. AMENDMENTS TO 10.03.05 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS BEFORE THE BCC, THE PLANNING COMMISSION, THE BOARD OF ZONING APPEALS, THE EAC, AND THE HISTORIC PRESERVATION BOARD

Section 10.03.05 Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, The EAC, and the Historic Preservation Board, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.03.05 Required Methods of Providing Public Notice ~~Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, The EAC, and the Historic Preservation Board~~

~~A. Notice and public hearing where proposed amendment would not change zoning classification of land.~~ Ordinances or resolutions initiated by the Board of County Commissioners or its designee which do not actually change the official zoning atlas (the zoning designation applicable to a piece of property) but do affect the use of land, including, but not limited to, land development regulations as defined in F.S. § 163.3202, regardless of the percentage of the total land area of the County actually affected, shall be enacted or amended pursuant to the following public notice and hearing requirements by the Planning Commission and the Board of County Commissioners:

- ~~1. The Planning Commission shall hold 1 advertised public hearing on the proposed ordinance or resolution. No request for establishment or amendment of a regulation that affects the use of land may be considered by the Planning Commission until such time as notice of a public hearing on the proposed amendment has been given to the citizens of Collier County by publication of a notice of the hearing in a newspaper of general circulation in the county, at least 15 days in advance of the public hearing.~~
- ~~2. The Board of County Commissioners shall hold at least 1 advertised public hearings on the proposed ordinance or resolution. The regular enactment procedure for such ordinance or resolution shall be as follows: The Board of County Commissioners at any regular or special meeting may enact or amend~~

~~the ordinance or resolution if notice of intent to same is given at least 10 days prior to said meeting by publication in a newspaper of general circulation in the county. A copy of such notice shall be kept available for public inspection during regular business hours of the Office of Clerk to the Board of County Commissioners. The notice of proposed enactment shall state the date, time and place of the meeting, the title of the proposed ordinance or resolution, and the place or places within the County where such proposed ordinance or resolution may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance or resolution.~~

~~B. Notice and public hearing where proposed amendment would change zoning classification of land and for conditional uses and variances, for planned unit development (PUD) rezoning extensions, conditional use extensions and for small-scale or other site-specific comprehensive plan amendments. In the case of a small-scale or other site-specific comprehensive plan amendment, an application for extension of PUD zoning status or the rezoning of land, to include re-zonings, 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 as applicable. Small-scale or other site-specific comprehensive plan amendments, PUD extensions, rezoning, conditional uses, conditional use extensions and variance petitions initiated by the Board of County Commissioners or its agencies for County owned land shall be subject to these provisions.~~

~~1. Applications for a PUD extension and a conditional use extension, whether initiated by the applicant or the BCC, shall only be heard by the BCC pursuant to the notice and advertising requirements set forth in sections 10.03.05 B.10. and 11. of this Code.~~

~~2. In the case of PUD extensions pursuant to sections 10.02.13 D.4., 10.02.13 D.5.a. and 10.02.13 D.6. of this Code, and conditional use extensions, a sign shall be posted at least 15 days prior to the date of the hearing before the BCC and shall conform to the applicable sign requirements listed below.~~

~~a. The sign advising of the PUD extension or conditional use extension hearing shall be in substantially the following format:~~

~~PUBLIC HEARING FOR A PLANNED UNIT DEVELOPMENT (PUD)
and/or CONDITIONAL USE EXTENSION~~

~~TO PERMIT: _____ (set forth alternatives going to the BCC)~~

~~DATE: _____~~

~~TIME: _____~~

~~b. THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM,
COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER
BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES, FLORIDA, 34112.~~

~~3. In the case of small-scale or other site-specific comprehensive plan amendments, a sign must be posted at least 15 days prior to the date of both transmittal and adoption hearings, as applicable, before the Planning Commission.~~

~~a. The sign advising of the comprehensive plan amendment hearing shall be in substantially the following format:~~

~~PUBLIC HEARING FOR SMALL-SCALE OR OTHER SITE-SPECIFIC
AMENDMENT TO THE COMPREHENSIVE PLAN~~

~~TO PERMIT: _____ (sufficiently clear to describe the
amendment)~~

DATE: _____

TIME: _____

- ~~b. THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES, FLORIDA, 34112.~~
4. For all other petitions noted in paragraph B. above, 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 contain substantially the following language and the sign's copy shall utilize the total area of the sign:
- a. PUBLIC HEARING TO REZONE THIS PROPERTY:
FROM _____ TO _____
TO PERMIT: _____
DATE: _____
TIME: _____
(or where applicable the following:)
- ~~b. PUBLIC HEARING REQUESTING CONDITIONAL USE (VARIANCE) APPROVAL
(both to contain the following information:)
TO PERMIT: (Sufficiently clear to describe the project)
DATE: _____
TIME: _____~~
- ~~c. ALL OF THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES, FLORIDA, 34112.~~
5. For all petitions, the area of the signs shall be as follows:
- a. For properties less than 1 acre in size, the sign shall measure at least 1 and ½ square feet in area.
- b. For properties 1 acre or more in size, the sign shall measure at least 32 square feet in area.
6. For all petitions, in the case of signs located on properties less than 1 acre in size, a sign shall be erected by the County Manager or his designee in full view of the public on each street side of the subject property. Where the property for which approval is sought is landlocked or for some other reason the signs cannot be posted directly on the subject 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.
7. For all petitions, in the case of signs located on properties 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 1 sign on each external boundary which fronts upon a street, however, in the case of external boundaries along a street with greater frontages than 1,320 linear feet, signs shall be placed equidistant from one another with a maximum spacing of 1,000 linear feet, except that in no case shall the number of signs along an exterior boundary fronting on a street exceed 4 signs. The applicant shall provide evidence to the County Manager or designee that the sign(s) were erected by furnishing photographs of the sign(s) showing the date of their erection at least ten days prior to the scheduled public hearing

- by the 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 County Manager or designee from the applicant requesting to withdraw the petition or requesting its indefinite continuance.
8. ~~For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, the Planning Commission shall hold 1 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.~~
 9. ~~For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, 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 1 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.~~
 10. ~~For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, for subject properties located within the urban designated area of the future land use element of the growth management plan, notice of the time and place of the public hearing by the Planning Commission shall be sent by the County at least 15 days in advance of the hearing. This notice shall be sent by mail to all owners of property within 500 feet of the property lines of the land for which an approval is sought; provided, however, that where the land for which the approval is sought is part of, or **adjacent** to, land owned by the same person, the 500-foot distance shall be measured from the boundaries of the entire ownership or PUD, except that notices need not be mailed to any property owner located more than ½ mile (2,640 feet) from 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 made a formal request of the County to be notified.~~
 11. ~~For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, 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 1,000 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.~~
 12. ~~For small-scale and other site-specific comprehensive plan amendments, the Planning Commission (local planning agency) shall hold advertised public hearing(s) on the proposed ordinance or resolution, as applicable, pursuant to requirements of Chapter 163, Florida Statutes.~~
 13. ~~For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, 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 1 time at least 15 days prior to the public hearing.~~

14. ~~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.~~
 15. ~~For small scale and other site-specific comprehensive plan amendments, the Board of County Commissioners shall hold advertised public hearing(s) on the proposed ordinance or resolution, as applicable, pursuant to requirements of Chapter 163, Florida Statutes.~~
 16. ~~For all other petitions, the Board of County Commissioners shall hold 1 advertised public hearing on the proposed ordinance or resolution and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.~~
- C. ~~Development of Regional Impact (DRI) Procedures~~
1. ~~Purpose. The purpose of this section is to set forth the requirements for the establishment of DRIs, the amendment of DRI **development orders** and the abandonment of DRIs.~~
 2. ~~Notice of Planning Commission Hearing.~~
 - a. ~~Signage. The signage requirements advertising Collier County Planning Commission hearings shall be as set forth in subsections 10.03.05 B.3. through B.5. of this Code. The required sign shall be in substantially the following format:
PUBLIC HEARING REQUESTING DEVELOPMENT OF REGIONAL IMPACT APPROVAL/AMENDMENT OF A DRI **DEVELOPMENT ORDER**/ABANDONMENT OF DRI STATUS (select applicable option)
TO PERMIT: (Sufficiently clear to describe the project)
DATE: _____
TIME: _____
TO BE HELD IN THE BCC MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMiami TRAIL, NAPLES, FLORIDA, 34112.~~
 - b. ~~Notice to Property Owners. The individual notice to property owners for the Collier County Planning Commission hearing shall be as set forth in subsections 10.03.05 B.6., 10.03.05 B.8., and 10.03.05 B.9. of this Code.~~
 - c. ~~Newspaper advertisement. The requirements for the newspaper advertisement of the Collier County Planning Commission hearing shall be as set forth in subsection 10.03.05 B.7. of this Code.~~
 3. ~~Planning Commission Hearing. The Planning Commission shall hold 1 advertised public hearing on the proposed establishment of the DRI, amendment of DRI **development order** or abandonment of DRI **development order**, as the case may be.~~
 4. ~~Notice of BCC Hearing.~~
 - a. ~~Notice to Property Owners. The individual notice to property owners shall be as set forth in subsection 10.03.05 B.11. of this Code.~~
 - b. ~~Newspaper advertisement. The requirements for the newspaper advertisements of the BCC hearing shall be as set forth in subsection 10.03.05 B.10. of this Code and subsection 380.06 (11), Florida Statutes, as may be amended.~~
 5. ~~BCC Hearing. The BCC shall hold 1 advertised public hearing on the proposed establishment of the DRI, amendment of DRI **development order**, or abandonment of DRI **development order**, as the case may be. Upon conclusion~~

~~of the hearing, the BCC may immediately adopt the resolution approving the establishment of the DRI, amendment of DRI **development order**, or abandonment of DRI **development order**, as the case may be.~~

~~6. Statutory Requirements. All statutory requirements as set forth in subsections 380.06(9) through (12), 380.06 (19) and 380.06 (26), Florida Statutes, as may be amended, together with the implementing regulations applicable to DRIs set forth in the Florida Administrative Code shall apply.~~

~~D. Notice and public hearing where proposed amendment initiated by the Board of County Commissioners would change the zoning map designation of a **parcel** or **parcels** of land involving less than ten contiguous acres of land. In cases in which the proposed comprehensive rezoning action, including but not limited to those provided for in the Zoning Reevaluation Ordinance (90-23) [Code ch. 106, art. II], initiated by the Board of County Commissioners or its designee involves less than 10 contiguous acres of land [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.~~

~~1. The Planning Commission shall hold 1 advertised public hearing. 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 1 time at least 15 days prior to the date of the 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 properties whose land will be rezoned by enactment of the ordinance or resolution, whose address is known by reference to the latest ad valorem tax records.~~

~~2. A notice advising of the hearing by the Board of County Commissioners to consider rezoning properties shall be sent by mail [to] each real property owner whose land will be redesignated by enactment of the ordinance or resolution 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 as it affects the property owner and shall set a time and place for the public hearing on such ordinance or resolution. Such notice shall be given at least 30 days prior to the date set for the public hearing. Additionally, 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 ten days prior to the public hearing. A copy of such notice shall be kept available for public inspection during regular business hours of the office of the Clerk of the Board of County Commissioners. The notice of the proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.~~

~~3. The Board of County Commissioners shall hold 1 advertised public hearing on the proposed ordinance or resolution and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.~~

~~E. Notice and public hearing requirements where proposed amendment initiated by the Board of County Commissioners would change the zoning map designation of a **parcel** or **parcels** involving ten contiguous acres or more of land in the county or would change the actual list of permitted, conditional, or prohibited uses of land within a zoning category. Ordinances or resolutions initiated by the Board of County Commissioners which propose to change to the zoning map designation of a **parcel** or **parcels** of land involving ten acres or more of land, or which changes the actual list of permitted,~~

~~conditional or prohibited uses of land within a zoning category shall be enacted or amended pursuant to the following minimum public notice and hearing requirements:~~

- ~~1. The Planning Commission shall hold at least 1 advertised public hearing unless the Planning Commission elects by a majority decision to hear such ordinance or resolution to be heard at 2 public hearings before the Planning Commission. If there is only 1 hearing required before the Planning Commission, that hearing shall be held after 5:00 p.m. on a weekday, and if there are 2 hearings required before the Planning Commission, then at least 1 of the required hearings shall be held after 5:00 p.m. on a weekday, and in which case the first hearing shall be held approximately 7 days after the day that the first advertisement is published. The second hearing will be held approximately 2 weeks after the first hearing and shall be advertised approximately 5 days prior to the public hearing. The day, time and place of a second public hearing shall be announced at the first public hearing.~~
- ~~2. The required advertisements for the Planning Commission public hearings shall be no less than ¼ page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the County and of general interest and readership in the community pursuant to F.S. ch. 50, not 1 of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days per week unless the only newspaper in the community is published less than 5 days per week. The advertisement shall be in the following form:~~

~~NOTICE OF ZONING CHANGE~~

~~The (name of local government unit) proposes to rezone the land within the area shown in the map in this advertisement.~~

~~A public hearing on the rezoning will be held on (date and time) at (meeting place).~~

- ~~3. The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the area.~~
- ~~4. The Board of County Commissioners shall hold 2 advertised public hearings on the proposed ordinance or resolution. At least 1 hearing shall be held after 5:00 p.m. on a weekday, unless the Board of County Commissioners, by a majority plus 1 vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.~~
- ~~5. The required advertisements shall be no less than 2 columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the County and of general interest and readership in the community pursuant to F.S. ch. 50, not 1 of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in substantially the following form:~~

~~NOTICE OF (TYPE OF) CHANGE~~

~~The (name of local government unit) proposes to adopt the following by ordinance or resolution.~~

~~A public hearing on the ordinance or resolution will be held on (date and time) at (meeting place).~~

~~Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area within the local government covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the general area.~~

~~6. In lieu of publishing the advertisement set out in this paragraph, the Board of County Commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution.~~

~~F. Public participation requirements for small scale or other site-specific comprehensive plan amendments, rezoning, PUD amendments, conditional uses, Mixed Use Projects (MUPs), variances and parking exemptions.~~

~~1. Applicants requesting a small scale or other site-specific comprehensive plan amendment, rezoning, PUD amendment, mixed use project approval or conditional use approval must conduct at least 1 Neighborhood Information Meeting ("NIM") after initial staff review and comment on the application have been provided, or after notification of application sufficiency for a small scale or other site-specific comprehensive plan amendment, and before the Public Hearing with the Planning Commission or Board of County Commissioners acting as the Board of Zoning Appeals.~~

~~a. For a small-scale amendment, the NIM is required prior to the CCPC adoption hearing. For other site-specific comprehensive plan amendments, the NIM is required prior to the Planning Commission transmittal hearing. A second NIM for a site-specific comprehensive plan amendment, to be held prior to the Planning Commission adoption hearing, will only be required if, as determined by staff, a substantial change has occurred to the proposed amendment subsequent to the Board of County Commissioners transmittal hearing.~~

~~b. In the case of a Mixed Use Project application, after initial staff review and comment on the application have been provided, a NIM shall be conducted prior to the first public hearing.~~

~~c. For all other applications, the appropriate number of staff reviews of the application returned before the NIM can be held will be at the discretion of the County Manager or his designee, only in cases where 1 or 2 pending reviews are unnecessarily hindering the applicant from presenting the proposal to the public.~~

~~2. Written notice of the meeting shall be sent to all property owners who are required to receive legal notification from the County pursuant to subsection 10.03.05 B.10. or 11. Written notice of the meeting shall be sent to all property owners within 500 feet of the property lines of the land for which the amendment to zoning is sought. The 500-foot distance shall be measured from the boundaries of the entire ownership or PUD. For properties located within areas of the future land use element of the growth management plan that are not designated urban, the foregoing notice requirements apply, except that written notification must be sent to all property owners within 1,000 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. The applicant shall provide written notice of the Neighborhood Information meeting (NIM) to property owners, condominium and civic associations whose members may be impacted by the proposed land use changes and who have formally requested the county to be notified.~~

- ~~a. A list of such organizations must be provided and maintained by the County, but the applicant must bear the responsibility of insuring that all parties are notified. A copy of the list of all parties noticed as required above, and the date, time, and location of the meeting, must be furnished to the County Manager or designee and the office of the Board of County Commissioners no less than ten days prior to the scheduled date of the neighborhood information meeting.~~
- ~~b. The applicant must make arrangements for the location of the meeting. The location must be reasonably convenient to those property owners who are required to receive notice and the facilities must be of sufficient size to accommodate expected attendance. The applicant must further cause a display advertisement, ¼ page, in type no smaller than 12 point, and must not be placed in that portion of the newspaper where legal notices and classified advertisements appear, stating the purpose, location, time of the meeting and legible site location map of the property for which the zoning change is being requested. The advertisement is to be placed within a newspaper of general circulation in the County at least 7 days prior to, but not later than 5 days before, the neighborhood information meeting (NIM). The Collier County staff planner assigned to attend the pre-application meeting, or designee, must also attend the neighborhood informational meeting and shall serve as the facilitator of the meeting; however, the applicant is expected to make a presentation of how it intends to develop the subject property. The applicant is required to audio or video tape the proceedings of the meeting and to provide a copy of same to the County Manager or designee.~~
- ~~c. 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 Zoning and Land Development Review department. These written commitments will be made a part of the staff report to the county's appropriate review and approval bodies and made a part of the consideration for inclusion in the conditions of approval of any applicable **development order**.~~
- ~~d. In cases where the applicant's petition activity extends beyond one year from the date that the last Neighborhood Information Meeting (NIM) was held, a second NIM will be conducted with adherence to all notification and advertising required for the initial meeting. This requirement does not apply to site specific comprehensive plan amendments.~~
3. Any applicant requesting variance approval or parking exemption approval must provide documentation to the Community Planning Coordinator indicating that property owners within 150 feet of the subject site have been advised of the extent and nature of the variance or parking exemption requested within 30 days of receipt of a letter indicating that the application is sufficient.
4. Where it has been determined that there is a property owner, functioning condominium or civic association which has made formal request of the County to be so notified, then the applicant must provide written documentation to the Community Planning Coordinator indicating that such property owner or organization has also been notified concerning the extent and nature of the

~~variance or parking exemption requested. A list of property owners, homeowner or condominium associations notified and any other written communications must be submitted to the Community Planning Coordinator at least 2 weeks prior to the scheduled date of the first advertised public hearing. The applicant must provide a written account of the result of such notice and shall submit any and all written communications to the Community Planning Coordinator.~~

~~G. Notice and public hearing requirements where proposed resolution by the Board of County Commissioners would approve a mixed use project (MUP) located in a mixed use district overlay. In cases in which the applicant requests approval of a mixed use project (MUP) under the provisions of a mixed use district overlay, with or without requested allocation of bonus density units, where applicable, the mixed use project shall be considered for approval pursuant to the following public notice and hearing requirements by the Board of County Commissioners.~~

~~1. 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 advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the date of the public hearing.~~

~~2. The Board of County Commissioners shall hold 1 advertised public hearing on the petition to approve a mixed use project for property located in a mixed use district overlay. The public hearing shall be held at least 15 days after the day that an advertisement is published in a newspaper of general paid circulation in the County and of general interest and readership in the community.~~

~~3. Applicants requesting a MUP approval must conduct at least 1 Neighborhood Informational Meeting (NIM) (in conjunction with the overlay area advisory board, where such advisory board exists) after initial staff review and comment on the application and before the public hearing by the Planning Commission. Written notice of the meeting shall be sent by the applicant to all property owners who are required to receive legal notification from the County pursuant to sections 10.03.05 B.8. and 10.03.05 B.9. A Collier County staff planner, or designee, must also attend the neighborhood informational meeting; however, the applicant is required to make the presentation on the development plan of the subject property.~~

~~4. The applicant shall further cause a display advertisement, ¼ page, in type no smaller than 12 point; which shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The ad shall be published no later than 7 days prior to the date of the neighborhood informational meeting. The ad shall state the purpose, location, and time of meeting, and shall display a legible site location map of the property for which the mixed use project approval is being requested.~~

~~5. The applicant shall post the subject property with an outdoor sign at least 10 days prior to the date of the public hearing before the Planning Commission. The sign to be posted shall contain substantially the following language and the sign's copy shall utilize the total area of the sign:~~

~~a. PUBLIC HEARING REQUESTING APPROVAL OF A MIXED USE PROJECT~~

~~TO PERMIT: (Name of Project) (Number of acres)~~

~~DATE:~~

~~TIME:~~

~~ALL OF THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES, FL 34112.~~

~~6. The area of the sign shall be as provided in section 10.03.05 B.3.d. of the Code.~~

~~7. Criteria for Mixed Use Project Approval:~~

~~The following criteria must be met in order to gain approval for mixed use projects developed in accordance with provisions of a mixed use overlay.~~

- ~~a. No less than 60 percent of all commercial uses within a mixed use project shall provide retail, office and personal service uses to serve the needs of the subject project and surrounding residential neighborhoods.~~
- ~~b. No more than 25 percent of the residential units within a mixed use project shall be on gated roadways. Residential uses shall be constructed concurrent with, or prior to the construction of commercial uses so as to insure actual development of a mixed use project.~~
- ~~c. Mixed use projects shall connect to local streets, adjoining neighborhoods and **adjacent** developments, regardless of land use types. A grid pattern is usually the basis for the transportation network. Whatever the pattern of the vehicular network, internal interconnections between uses and external connections between adjoining neighborhoods and land uses shall be provided for pedestrian, bicycle and other modes of alternate transportation.~~
- ~~d. The commercial component of a mixed use project may be located internal to the project or along the boundary; if externally located, internal access roads and service access shall be provided so as not to promote strip commercial development along external collector and arterial roadways.~~
- ~~e. Parking **lots** shall be dispersed throughout the project. No one parking **lot** shall provide more than 40 percent of the required offstreet parking. Parking garages shall have no restrictions on percentage of required parking that may be accommodated; however, commercial uses only shall be permitted on the ground floor. This requirement shall not apply to individual **parcels** less than 5 acres in size.~~
- ~~f. At least 30 percent of the gross area of mixed use projects shall be devoted to useable open space, as defined in section 4.02.01B. of the Code. This requirement shall not apply to individual **parcels** less than 5 [~~

~~H. Planning commission hearing and report to the Board of County Commissioners.~~

- ~~1. *Time limits.* Hearings by the Planning Commission on applications for rezoning of land may be held at least 24 times a year. For applications not involving the rezoning of land, but which involve amendments to these zoning regulations, the Planning Commission shall hold its public hearings twice per calendar year, except amendments to these zoning regulations may be made more often than twice during the calendar year if the additional amendment cycle receives the approval of a super-majority vote of the Board of County Commissioners. Unless a longer time is mutually agreed upon by the Planning Commissioners, the Planning Commission shall file its recommendations for either type of amendment with the Board of County Commissioners within 45 days after the public hearing before the Planning Commission has been closed.~~
- ~~2. *Presentation of evidence.* The staff report on the application for rezoning shall be presented prior to the close of the public hearing on the application. The applicant shall be afforded the opportunity, prior to the close of the public hearing, to respond to any contentions presented by any testimony or other evidence presented during the public hearing, and to respond to the staff report, after receipt of which the hearing shall be concluded, unless the hearing is continued and the matter referred back to staff for further consideration of such matters as the Planning Commission may direct.~~

- ~~I. *Nature of requirements of Planning Commission report.* When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the Board of County Commissioners required in 10.02.12 D. shall show that the Planning Commission has studied and considered the proposed change in relation to the following, when applicable:~~
- ~~1. Whether the proposed change will be consistent with the goals, objectives, and policies and future land use map and the elements of the growth management plan.~~
 - ~~2. The existing land use pattern.~~
 - ~~3. The possible creation of an isolated district unrelated to **adjacent** and nearby districts.~~
 - ~~4. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.~~
 - ~~5. Whether changed or changing conditions make the passage of the proposed amendment necessary.~~
 - ~~6. Whether the proposed change will adversely influence living conditions in the neighborhood.~~
 - ~~7. Whether the proposed change will create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses, because of peak volumes or projected types of vehicular traffic, including activity during construction phases of the development, or otherwise affect public safety.~~
 - ~~8. Whether the proposed change will create a drainage problem.~~
 - ~~9. Whether the proposed change will seriously reduce light and air to **adjacent** areas.~~
 - ~~10. Whether the proposed change will adversely affect property values in the **adjacent** area.~~
 - ~~11. Whether the proposed change will be a deterrent to the improvement or development of **adjacent** property in accordance with existing regulations.~~
 - ~~12. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.~~
 - ~~13. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.~~
 - ~~14. Whether the change suggested is out of scale with the needs of the neighborhood or the county.~~
 - ~~15. Whether it is impossible to find other adequate sites in the county for the proposed use in districts already permitting such use.~~
 - ~~16. The physical characteristics of the property and the degree of site alteration which would be required to make the property usable for any of the range of potential uses under the proposed zoning classification.~~
 - ~~17. The impact of development on the availability of adequate public facilities and services consistent with the levels of service adopted in the Collier County growth management plan and as defined and implemented through the Collier County Adequate Public Facilities Ordinance [Code ch. 106, art. II], as amended.~~
 - ~~18. Such other factors, standards, or criteria that the Board of County Commissioners shall deem important in the protection of the public health, safety, and welfare.~~
- ~~J. *Adequate public facilities.* The petitioner may provide all required existing community and public facilities and services for the requested rezone needs in any one of the following manners:~~

- ~~1. Petition for a rezone at such time as all required adequate existing community and public facilities and services have been provided at public expense according to the capital improvement program; or~~
 - ~~2. Petition for a rezone at such time as all required existing community and public facilities and services have been provided at the private expense of the petitioner; or~~
 - ~~3. Post a surety in lieu of completed improvements to guarantee that all of the required community and public facilities and services will be provided; or~~
 - ~~4. Facilities for parks and schools through land dedication or fee in lieu of such dedication; or~~
 - ~~5. Other method acceptable to Board of County Commissioners.~~
- ~~K. *Other proposed amendments.* When pertaining to other proposed amendments of these zoning regulations, the Planning Commission shall consider and study:~~
- ~~1. The need and justification for the change;~~
 - ~~2. The relationship of the proposed amendment to the purposes and objectives of the county's growth management plan, with appropriate consideration as to whether the proposed change will further the purposes of these zoning regulations and other County codes, regulations, and actions designed to implement the growth management plan.~~
- ~~L. *Restrictions, stipulations and safeguards.* The Planning Commission may recommend that a petition to amend, supplement or establish a zoning district be approved subject to stipulations, including, but not limited to limiting the use of the property to certain uses provided for in the requested zoning district. The governing body, after receiving the recommendation from the Planning Commission on a request to amend, supplement or establish a zoning district, may grant or deny such amendment or supplement and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the growth management plan.~~
- ~~1. Restrictions, stipulations and safeguards attached to an amendment, supplement, or establishment of a zoning district may include, but are not limited to those necessary to protect **adjacent** or nearby landowners from any deleterious effects from the full impact of any permitted uses, limitations more restrictive than those generally applying to the district regarding density, height, connection to central water and sewer systems and stipulations requiring that development take place in accordance with a specific site plan. The maximum density permissible or permitted in a zoning district within the urban designated area shall not exceed the density permissible under the density rating system. The Board of County Commissioners shall be required to condition and limit the density of a zoning district to a density not to exceed the maximum density permissible under the density rating system. The governing body may also stipulate that the development take place within a given period of time after which time public hearings will be initiated and the district returned to the original designation or such other district as determined appropriate by the governing body in accordance with the growth management plan and sections 10.02.12 D. and 10.02.08 L. Any restrictions, stipulations and safeguards attached to an amendment or rezoning including those identified in section 10.02.08 H. may be indicated on the official zoning atlas in a manner deemed by the county to be appropriate and informative to the public. In cases where stipulations, restrictions or safeguards are attached, all representations of the owner or his agents at public hearings shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. All conditions, restrictions, stipulations and safeguards which are a condition to the granting of the change in zoning district~~

shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. All costs, including reasonable attorney's fees shall be awarded to the governmental unit if it prevails in such suit.

2. ~~Dedication of public facilities and development of prescribed amenities.~~

a. ~~*Public facility dedication.* The Board of County Commissioners may, as a condition of approval and adoption of the rezoning required that suitable areas for streets, public rights-of-way, schools, parks, and other public facilities be set aside, improved, and/or dedicated for public use. Where impact fees are levied for 1 or more such public facilities, the market value of the land set aside for the public purpose shall be credited towards impact fees to the extent authorized by the County's Consolidated Impact Fee Ordinance. Said credit shall be based on a negotiated amount not greater than the market value of the set aside land prior to the rezoning action, as determined by an accredited appraiser from a list approved by Collier County. Said appraisal shall be submitted to the county attorney's office and the real property office within 90 days of the date of approval of the rezone, or as otherwise extended in writing by Collier County, so as to establish the amount of any impact fee credits resulting from said dedication. Failure to provide said appraisal within this 90-day time frame shall automatically authorize the county to determine the market value of the property. Impact fee credits shall only be effective after recordation of the conveyance document conveying the dedicated property to Collier County. Where the term Collier County is used in this section, it shall be construed to include the Collier County Water and Sewer District or other agency or dependant district of Collier County Government.~~

b. ~~Land set aside and/or to be improved as committed as part of the rezoning approval shall be deeded or dedicated to Collier County within 90 days of receipt of notification by the county that the property is needed for certain pending public improvements or as otherwise approved by the Board of County Commissioners during the rezoning approval process. In any case, however, the county shall take title to the set aside property, at the latest, by a date certain established during, and condition on, the approval of the rezoning action. At no cost to the county, the land set aside and/or to be improved shall be made free and clear of all liens, encumbrances and improvements, at the developer's sole expense, except as otherwise approved by the board. Failure to deed the land or complete the dedication within the 90 day appropriate time frame noted above may result in a recommendation to the board of for consideration of rezoning the subject **parcel** from its current zoning district to an appropriate zoning district and may in a violation of this Code pursuant to section 8.08.00~~

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

M. ~~*Status of Planning Commission report and recommendations.* The report and recommendations of the Planning Commission required by section 10.02.08 D. through H. shall be advisory only and not be binding upon the Board of County Commissioners.~~

N. ~~Board of county commissioners: action on Planning Commission report.~~

- ~~1. Upon receipt of the Planning Commission's report and recommendations, the Board of County Commissioners shall hold a second public hearing with notice to be given pursuant to the provisions of general law. The reports and recommendations of the staff and the Planning Commission on the application shall be presented prior to the close of the public hearing on the application. The applicant shall have the right, prior to the close of the public hearing, to respond to any contentions presented by any testimony or other evidence presented during the public hearing.~~
 - ~~2. In the case of all proposed changes or amendments, such changes or amendments shall not be adopted except by the affirmative vote of 4 members of the Board of County Commissioners.~~
- ~~O. Failure of Board of County Commissioners to act. If a Planning Commission recommendation is not legislatively decided within 90 days of the date of closing of the public hearing by the Board of County Commissioners, the application upon which the report and recommendation is based shall be deemed to have been denied, provided that Board of County Commissioners may refer the application to the Planning Commission for further study.~~
- ~~P. Limitations on the rezoning of property.~~
- ~~1. No change in the zoning classification of property shall be considered which involves less than 40,000 square feet of area and 200 feet of street frontage except: where the proposal for rezoning of property involves an extension of an existing or similar **adjacent** district boundary; within the broader land use classification of "C" districts, "RSF" districts, "RMF" districts, wherein such rezone is compatible with, or provides appropriate transition from, **adjacent** districts of higher density or intensity. However, the requirement of 200 feet of street frontage shall not apply to rezone petitions that provide 80 percent or more affordable housing units.~~
 - ~~2. Whenever the Board of County Commissioners has denied an application for the rezoning of property, the Planning Commission shall not thereafter:

 - ~~a. Consider any further application for the same rezoning of any part or all of the same property for a period of 12 months from the date of such action;~~
 - ~~b. Consider an application for any other kind of rezoning of any part or all of the same property for a period of 6 months from the date of such action.~~~~
 - ~~3. Except as otherwise provided within section 10.02.12 D, all zoning approvals for which a final **development order** has not been granted within the fifth 5 year of the date of its approval shall be evaluated to determine if the zoning classification for the property should be changed to a lower, or more suitable classification.~~
- ~~During the fifth year after the date of the zoning approval by the Board of County Commissioners and during every fifth year thereafter, the County Manager or his designee shall prepare a report on the status of the rezoned property. The purpose of the report will be to evaluate what procedural steps have been taken to develop the property under its current zoning classification.~~
- ~~Should the County Manager or his designee determine that development has commenced, then the land shall retain its existing zoning classification and shall not be subject to additional review and classification change.~~
- ~~Should the County Manager or his designee determine that development has not commenced, then upon review and consideration of the report and any supplemental information that may be provided, the Board of County Commissioners shall elect one of the following:~~
- ~~a. To extend the current zoning classification on the property for a maximum period of 5 years; at the end of which time, the property shall again be evaluated under the procedures as defined herein.~~

- b. ~~Direct the appropriate county staff to begin rezoning procedures for said property. The existing zoning classification of the property shall remain in effect until subsequent action by the board on the property.~~
~~In the case of developments of regional impact, time limit restrictions shall be superseded by the phasing plan and/or time limits contained within the application for development approval and approved as part of a **development order** in conformance with F.S. § 380.06.~~
- Q. ~~Applications for rezones to a specific use. The applicant for any rezoning application may, at his or her option, propose a specific use or ranges of uses permitted under the zoning classification for which application has been made. As a condition of approval of such proposal, the **development** of the property which was the subject of the rezoning application shall be restricted to the approved use or range of uses. Any proposed addition to the approved use or range of uses shall require resubmittal of a rezoning application for the subject property.~~
- R. ~~Waiver of time limits. The time limits of (N) above may be waived by 3 affirmative votes of the Board of County Commissioners when such action is deemed necessary to prevent injustice or to facilitate the proper development of Collier County.~~
- S. ~~Site development plan time limits. Approved final site development plans (SDPs) only remain valid and in force for 3 years from the date of approval unless construction has commenced as specified in section 10.02.03 of this Code. If no development, i.e., actual construction, has commenced within 3 years, measured from the date of such site development plan approval, the site development plan approval term expires and the SDP, is of no force or effect; however, 1 amendment to the SDP may be approved prior to the expiration date, which would allow the SDP as amended to remain valid for 3 years measured from the date of approval of the amendment so long as the proposed amendment complies with the requirements of the then-existing code. Once construction has commenced, the approval term will be determined by the provisions of section 10.02.03 of this Code.~~
- T. ~~Rezoning application processing time. An application for a rezoning, amendment or change will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a rezoning, amendment or change will be considered "closed" when the petitioner withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the rezoning, amendment or change, for a period of 6 months. An application deemed "closed" will not receive further processing and shall be withdrawn. An application "closed" through inactivity shall be deemed withdrawn. The County Manager or designee will notify the applicant of closure, however, failure to notify by the county shall not eliminate the "closed" status of a petition. An application deemed "closed" may be re-opened by submission of a new application, repayment of all application fees and the grant of a determination of "sufficiency". Further review of the request will be subject to the then current code.~~
1. ~~Applicability. All applications for a rezoning whether submitted before or after June 26, 2003, shall comply with the processing time procedures set forth in this section of this Code.~~

This section shall establish the required methods of providing public notice. Chapter 8 of the Administrative Code shall establish the public notice procedures for land use petitions.

- A. Neighborhood Information Meetings (NIM) shall be held prior to the first public hearing and noticed as follows:

1. Mailed Notice shall be sent prior to the NIM and shall be pursuant to LDC section 10.03.05 B.
2. Newspaper Advertisement prior to the NIM.

B. Mailed Notice.

1. Mailed Notice shall be sent to property owners in the notification area as follows:
 - a. For areas in the urban designated area of the future land use element of the Growth Management Plan notices shall be sent to all property owners within 500 feet of the property lines of the subject property.
 - b. For all other areas, notices shall be sent to all property owners within 1,000 feet of the property lines of the subject property.
 - c. Notices shall also be sent to property owners and 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 must be provided and maintained by the county, but the **applicant** must bear the responsibility of insuring that all parties are notified.
2. 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. Unless required by F.S. §125.66 (4), the mailed notice is a courtesy only and is not jurisdictional. Accordingly, provided a good faith attempt for mailed notice is made, failure to mail or to timely mail the notice or failure of an affected property owner to receive mailed notice will not constitute a defect in notice or bar the public hearing as scheduled.

C. Newspaper Advertisement.

1. In accordance with F.S. §125.66.

D. Posting of Signage. Where required, signs shall be posted 15 days prior to the first advertised public hearing pursuant to the Administrative Code.

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SUBSECTION 3.UU. ADDING SECTION 10.03.06 PUBLIC NOTICE AND REQUIRED HEARINGS FOR LAND USE PETITIONS

Adding Section 10.03.06 Public Notice and Required Hearings for Land Use Petitions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby added to read as follows:

10.03.06 Public Notice and Required Hearings for Land Use Petitions

This section shall establish the requirements for public hearings and public notices. This section shall be read in conjunction with LDC section 10.03.05 and Chapter 8 of the Administrative Code, which further establishes the public notice procedures for land use petitions.

A. Ordinance or resolution that is initiated by County or a private entity which does not change the zoning atlas or actual list of uses in a zoning category but does affect the use of land, including, but not limited to, land development code regulations as defined in F.S. § 163.3202, regardless of the percentage of the land affected. This is commonly referred to as a LDC amendment.

1. The following advertised public hearings are required:

a. One Planning Commission hearing.

b. One BCC hearing.

2. The following notice procedures are required:

a. Newspaper Advertisement prior to each advertised public hearing in accordance with F.S. §125.66.

B. Ordinance or resolution for a rezoning, a PUD amendment, or a **conditional use**. For minor **conditional use** notice requirements see 10.03.06 C, below and for County initiated rezonings, see 10.03.06 K.:

1. The following advertised public hearings are required:

a. One Planning Commission hearing.

b. One BCC hearing.

2. The following notice procedures are required:

a. A NIM. See LDC section 10.03.05 A.

b. Mailed Notice prior to the first advertised public hearing.

c. Newspaper Advertisement prior to each advertised public hearing in accordance with F.S. §125.66.

d. Posting of a sign prior to the first advertised public hearing.

e. For a rezoning or a PUD amendment the County shall notify by mail each owner within the area covered by the ordinance or resolution of the time, place, and location of the public hearing before the BCC.

C. Ordinance or resolution for a minor **conditional use**.

1. The following advertised public hearings are required:

a. One Hearing Examiner hearing. If not heard by the Hearing Examiner, then pursuant to 10.03.06 B.

2. The following notice procedures are required:

a. A NIM. See LDC section 10.03.05 A.

b. Mailed Notice prior to the advertised public hearing.

c. Newspaper Advertisement prior to the advertised public hearing.

e. Posting of a sign prior to the advertised public hearing.

D. Ordinance or resolution for a PUD extension, **conditional use** extension, or **conditional use** re-review:

1. The following advertised public hearings are required:

a. One BZA or Hearing Examiner hearing.

2. The following notice procedures are required:

a. Mailed Notice prior to the advertised public hearing.

b. Newspaper Advertisement prior to the advertised public hearing.

c. Posting of a sign prior to the advertised public hearing. Signage is not required for a **conditional use** re-review.

E. Ordinance or resolution for comprehensive plan amendments:

1. The following advertised public hearings are required:

a. One or more Planning Commission hearings pursuant to F.S. Chapter 163.

b. One or more BCC hearings pursuant to F.S. Chapter 163.

2. The following notice procedures are required:

a. Small scale amendments:

i. A NIM, which shall be held after the first set of staff review comments have been issued and prior to the Planning Commission hearing.

ii. Mailed Notice prior to the advertised Planning Commission hearing.

iii. Newspaper Advertisement prior to each advertised public hearing.

iv. Posting of a sign prior to the advertised Planning Commission hearing.

v. Mailed Notice shall be sent to each real property owner within the area covered by the proposed plan amendment prior to the advertised BCC public hearing.

b. Regular scale amendments:

i. A NIM, which shall be held after the first set of staff review comments have been issued and prior to the Planning Commission adoption hearing for a site specific amendment.

ii. Mailed Notice prior to the advertised Planning Commission hearing for a site specific amendment.

iii. Newspaper Advertisement prior to each advertised public hearing.

iv. Posting of a sign prior to the advertised Planning Commission hearing for a site specific amendment.

v. Mailed Notice shall be sent to each real property owner within the area covered by the proposed plan amendment prior to the advertised BCC public hearing.

F. Ordinance or resolution for a variance or a sign variance:

1. The following advertised public hearings are required:

a. One Planning Commission or Hearing Examiner hearing.

b. If heard by the Planning Commission, one BZA hearing.

2. The following notice procedures are required:

a. Mailed Notice shall be sent to property owners within 150 feet of the area covered by the ordinance or resolution prior to the first advertised public hearing.

b. Newspaper Advertisement prior to each advertised public hearing.

c. Posting of a sign prior to the first advertised public hearing.

G. Ordinance or resolution for a parking exemption, pursuant to LDC section 4.05.02:

1. The following advertised public hearing is required:

a. One BZA or Hearing Examiner hearing.

2. The following notice procedures are required:

a. A NIM. See LDC section 10.03.05 A.

b. Mailed Notice shall be sent to property owners within 150 feet of the subject site prior to the advertised public hearing.

c. Newspaper Advertisement prior to the advertised public hearing.

H. Ordinance or resolution for a PUD Insubstantial Change (PDI) or Boat **Dock Facility** Extension, Boathouse Establishment, or Boat Dock Canopy Deviation:

1. The following advertised public hearings are required:

a. One Planning Commission or Hearing Examiner hearing.

2. The following notice procedures are required:

a. Mailed Notice prior to the advertised public hearing.

b. Newspaper Advertisement prior to the advertised public hearing.

c. Posting of a sign prior to the advertised public hearing.

I. Ordinance or resolution for the establishment, amendment to or abandonment of a **Development** of Regional Impact (DRI):

1. The following advertised public hearings are required:

a. One Planning Commission hearing.

b. One BCC hearing.

2. The following notice procedures are required:

a. In accordance with F.S. §380.06 and the Florida Administrative Code.

J. Ordinance or resolution that is initiated by the BCC and will change the zoning map designation of less than 10 contiguous acres of land. This is commonly referred to as a rezone.

1. The following advertised public hearings are required:

a. One Planning Commission hearing.

b. One BCC hearing.

2. The following notice procedures are required:

a. Mailed Notice prior to the first advertised public hearing.

b. Newspaper Advertisement prior to each advertised public hearing. The advertisement for the Planning Commission hearing shall include a project location map.

- c. Posting of a sign prior to the first advertised public hearing.
- d. The County shall notify by mail each owner within the area covered by the ordinance or resolution of the time, place, and location of the public hearings before the BCC.

K. Ordinance or resolution that is initiated by the BCC and will change the zoning map designation of more than 10 contiguous acres of land or more or an ordinance or resolution that will change the actual list of permitted, conditional, or prohibited uses of land within a zoning category. This is commonly referred to as a rezone or LDC amendment:

1. The following advertised public hearings are required:

- a. At least one Planning Commission hearing. The Planning Commission may elect by a majority decision to hear such ordinance or resolution at two public hearings. If there is only one Planning Commission hearing, the hearing shall be held after 5:00 p.m. on a weekday, and if there are two Planning Commission hearings, then at least one of the hearings shall be held after 5:00 p.m. on a weekday.
- b. At least two BCC hearings. At least one hearing shall be held after 5:00 p.m. on a weekday, unless the BCC by a majority vote plus one vote elects to conduct that hearing at another time of day.

2. The following notice procedures are required:

- a. Newspaper Advertisement prior to Planning Commission hearing including a project location map.
 - i. The first Planning Commission hearing shall be held approximately seven days after the day that the first advertisement is published. The second hearing will be held approximately two weeks after the first hearing and shall be advertised approximately five days prior to the public hearing. The day, time, and place of a second public hearing shall be announced at the first public hearing.
- b. Newspaper Advertisement prior to the BCC hearings in accordance with F.S § 125.66 (4) including a project location map.
 - i. In lieu of the newspaper advertisement, the BCC may mail a written notice to property owners within the area covered by the ordinance or resolution. The notice shall include the time, place and location of both the public hearings before the BCC.
 - ii. The first BCC hearing shall be held at least seven days after the first advertisement is published. The second hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing.

L. Ordinance or resolution for a Stewardship Sending Area (SSA) and SSA amendments:

1. The following advertised public hearings are required:

a. One BCC hearing.

2. The following notice procedures are required:

a. Newspaper Advertisement prior to the advertised public hearing pursuant to LDC section 4.08.06 E.1.

M. Ordinance or resolution for a Stewardship Receiving Area (SRA) and SRA amendments:

1. The following advertised public hearings are required, except for minor amendments per LDC section 4.08.07:

a. One EAC hearing, if required, pursuant to LDC section 4.08.07 F.

b. One Planning Commission hearing pursuant to LDC section 4.08.07.

c. One BCC hearing pursuant to LDC section 4.08.07.

2. The following notice procedures are required:

a. An optional NIM. See LDC section 10.03.05 A.

b. Newspaper Advertisement prior to each advertised public hearing pursuant to LDC section 4.08.06 F.

N. Ordinance or resolution for a mixed use project (MUP) located in the mixed use district overlay which seeks to utilize the Bonus **Density** Pool or request deviations exceeding administrative approval, pursuant to LDC section 10.02.15:

1. The following advertised public hearings are required:

a. One Planning Commission hearing.

b. One BCC hearing.

2. The following notice procedures are required.

a. A NIM. See LDC section 10.03.05 A.

b. Mailed Notice prior to the first advertised public hearing.

c. Newspaper Advertisement prior to each advertised public hearing.

d. Posting of a sign prior to the first advertised public hearing.

O. Affirmation or approval of a Zoning Verification Letter that allows a new use that is comparable, compatible, and consistent within a PUD.

1. The following advertised public hearings are required:

- a. One BCC or Hearing Examiner hearing.
 - 2. The following notice procedures are required:
 - a. Newspaper Advertisement prior to the advertised public hearing in accordance with F.S. §125.66.
- P. Official Interpretations, pursuant to LDC section 1.06.00.
- 1. The following notice procedures are required for the interpretation of county wide application of the Growth Management Plan, Land Development Code and the **building** code:
 - a. Newspaper Advertisement.
 - 2. The following notice procedures are required for the interpretation affecting a specific **parcel** of land.
 - a. Notification of affected property owner. Where a site specific official interpretation has been requested by a party other than the property owner, the County shall notify the property owner that an official interpretation has been requested.
 - b. For site specific official interpretations, Mailed Notice shall be sent to property owners within 300 feet of the property lines of the land for which the interpretation is requested.
 - c. Newspaper Advertisement.
- Q. Appeal of an Official Interpretation, pursuant to LDC section 1.06.00.
- 1. The following advertised public hearings are required:
 - a. One BZA or Hearing Examiner hearing.
 - 2. The following notice procedures are required:
 - a. Newspaper Advertisement prior to the advertised public hearing in accordance with F.S. § 125.66.
- R. Site Plan with Deviations for Redevelopment, pursuant to LDC section 10.02.03 F.
- 1. The following advertised public hearings are required:
 - a. One Planning Commission or Hearing Examiner hearing.
 - b. If heard by the Planning Commission, one BZA hearing.
 - 2. The following notice procedures are required:

- a. Newspaper Advertisement prior to the advertised public hearing in accordance with F.S. § 125.66.
- b. Mailed Notice prior to the advertised public hearing.

S. Post Take Plan, pursuant to LDC section 9.03.07 D.

- 1. The following notice procedures are required:
 - a. Mailed Notice. Additional Mailed Notice details are established in LDC 9.03.07 D.3.b.
 - b. If a Planning Commission or Hearing Examiner hearing is required, a Newspaper Advertisement.
- 2. The following advertised public hearings may be required:
 - a. If a written objection is received, one Planning Commission or Hearing Examiner hearing.

T. Minor Change to a PUD to remove affordable housing contributions, pursuant to LDC section 10.02.13 E.3.c.

- 1. The following notice procedures are required:
 - a. Mailed Notice.
- 2. The following advertised public hearings may be required:
 - a. If a written objection is received, one BCC or Hearing Examiner hearing.

U. Automobile Service Station Waiver pursuant to 5.05.05, Alcohol Beverage Distance Waiver pursuant to 5.05.01, and Nonconforming Use Change pursuant to 9.03.02 D.

- 1. The following advertised public hearings are required:
 - a. One BZA or Hearing Examiner hearing.
- 2. The following notice procedures are required:
 - a. Newspaper Advertisement prior to the advertised public hearing.

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SUBSECTION 3.VV. AMENDMENTS TO 10.08.00 CONDITIONAL USES PROCEDURES

Section 10.08.00 Conditional Uses Procedures, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.08.00 Conditional Uses Procedures

A. General. A **conditional use** is a use that would not be appropriate generally or without restriction throughout a particular zoning district or classification, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or the general welfare. Such uses may be permissible in a zoning district as a **conditional use** if specific provision for such **conditional use** is made in the LDC. ~~this Zoning Code~~. All petitions for **conditional uses** shall be considered first by the Planning Commission in the manner herein set out. Decisions regarding **conditional uses** shall be quasi-judicial in nature.

B. Applicability. **Conditional use** approval is required before the construction or establishment of a **conditional use**.

C. Application. The Administrative Code shall establish the submittal requirements for a **conditional use** application.

1. **Conditional use** application processing time. An application for a **conditional use** will be considered "open," when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a **conditional use** will be considered "closed" when the **applicant** withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the **conditional use**, for a period of 6 months. An application deemed "closed" will not receive further processing and shall be withdrawn and an application "closed" through inactivity shall be deemed withdrawn. The Planning and Zoning Department will notify the **applicant** of closure by certified mail, return receipt requested; however, failure to notify by the County shall not eliminate the "closed" status of a petition. An application deemed "closed" may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of "sufficiency." Further review of the request will be subject to the then current LDC.

~~B. *Written petition.* A written petition for **conditional use** shall be submitted to the County Manager or his designee indicating the basis in this Zoning Code under which the conditional use is sought and stating the grounds upon which it is requested, with particular reference to the types of findings which the Board of Zoning Appeals must make under section 10.08.00 D. below. The petition should include material necessary to demonstrate that the grant of conditional use will be in harmony with the general intent and purpose of this Zoning Code, will be consistent with the growth management plan, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material shall include, but is not limited to, the following, where applicable:~~

~~1. Conceptual site development plans at an appropriate scale showing the proposed placement of structures on the property, provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas, and required yards and other open spaces. The conceptual site development~~

~~plan shall not be in lieu of, nor eliminate the need for, a site development plan under section 10.02.03, as applicable.~~

- ~~2. Plans showing proposed locations for utilities.~~
- ~~3. Plans for screening and buffering with reference as to type, dimensions, and character.~~
- ~~4. Proposed landscaping and provisions for trees protected by county regulations.~~
- ~~5. Proposed signs and lighting, including type, dimensions, and character.~~
- ~~6. Developments shall identify, protect, conserve, and appropriately use native vegetative communities and wildlife habitat. Habitats and their boundaries shall be identified on a current aerial photograph of the property at a scale of at least 1 inch equals 400 feet. Habitat identification shall be consistent with the Florida Department of Transportation Land Use Cover and Forms Classification System and shall be depicted on the aerial photograph. Information obtained by ground-truthing surveys shall take precedence over photographic evidence.~~
- ~~7. Where this Zoning Code places additional requirements on specific conditional uses, the petitioner shall demonstrate that such requirements are met. Where the rezoning of land, as well as grant of conditional use, is requested simultaneously for the same **parcel** of land, both said petitions may be processed concurrently in accordance with the procedures set forth in section 10.02.08 and this section.~~

~~C. Notice and public hearing. Notice and public hearing by the Planning Commission and the Board of Zoning Appeals shall be as provided for under section 10.03.05 B., 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 Zoning Appeals shall be quasi-judicial in nature. Additionally, the requirements of section 10.02.05 E. must be met.~~

~~D. Findings. Before any **conditional use** shall be recommended for approval to the Board of Zoning Appeals, Ithe Planning Commission shall make a recommendation of approval, approval with conditions, or denial of the **conditional use** to the Board of Zoning Appeals. The Planning Commission's recommendation of approval or approval with conditions shall finding that the granting of the **conditional use** will not adversely affect the public interest and that the any specific requirements governing the individual pertaining to the **conditional use**, if any, have been met by the petitioner, and that, ~~f~~Further, that satisfactory provision and arrangement has been made concerning for the following matters, where applicable:~~

1. Consistency with the LDC ~~this Code~~ and Growth Management Plan.
2. Ingress and egress to property and proposed **structures** thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and **access** in case of fire or catastrophe.
3. The effect the **conditional use** would have on neighboring properties in relation to noise, glare, economic or odor effects.
4. **Compatibility** with **adjacent** properties and other property in the district.

~~E. Planning Commission actions. Conditions and safeguards.~~

1. Conditions and safeguards. In recommending approval of ~~any~~a **conditional use**, the Planning Commission may also recommend appropriate conditions and safeguards in conformity with the LDC, this Zoning Code. Violation of such conditions and safeguards, which are made a part of the terms under which the **conditional use** is granted, shall be deemed a violation of the LDC, this Zoning Code.
 2. Denial by the Planning Commission. If the Planning Commission shall recommend denial of a **conditional use**, it shall state fully in its record its reason for doing so. Such reasons shall take into account the factors stated in section 10.08.00 D. above or those factors that may be applicable to the action of denial and the particular regulations relating to the specific **conditional use** requested, if any.
 3. Status of Planning Commission report and recommendations. The report and recommendations of the Planning Commission required above shall be advisory only and shall not be binding upon the Board of Zoning Appeals.
- F. Consideration by the Board of Zoning Appeals. Upon receipt of the Planning Commission's report and recommendations, the Board of Zoning Appeals shall make a finding that the granting of the **conditional use** will not adversely affect the public and any specific requirements pertaining to the **conditional use** have been met by the petitioner. Further, that satisfactory provision and arrangement has been made for the matters identified in LDC section 10.08.00 D were applicable.
1. The Board of Zoning Appeals shall approve, by resolution, or deny a petition for a **conditional use**. The approval of a **conditional use** petition shall require 4 affirmative votes of the Board of Zoning Appeals.
 2. If the Board of Zoning Appeals denies the **conditional use**, it shall state fully in its record its reason for doing so. Such reasons shall take into account the factors stated in section 10.08.00 D. above or those factors that may be applicable to the action of denial and the particular regulations relating to the specific **conditional use** requested, if any.
- G. Expiration and re-review.
1. Any **A conditional use** shall expire 5 years from the date of approval, of grant, if by that date the use for which the **conditional use** was granted has not been commenced.
 2. Any **A conditional use** shall expire 1 year following the discontinuance of the use for which the **conditional use** was granted unless the site was improved and/or **structures** built for the specific uses approved by a **conditional use** and which cannot be converted to a use permitted by the underlying zoning designation of the site.
 3. The Board of Zoning Appeals may grant one 2-year extension of an approved **conditional use** upon written request of the petitioner.
 4. If a **conditional use** permit is approved with stipulations or conditions, a re-review of the permit, stipulations, or conditions shall take place in accordance

with the resolution approving the **conditional use** permit or by request of the applicant.

H. Public facility dedication.

~~1. 4. Public facility dedication.~~ The Board of County Commissioners may, as a condition of approval of the **conditional use**, require that suitable areas for **streets**, public **rights-of-way**, schools, parks, and other public facilities be set aside, improved, and/or dedicated for public use. Where impact fees are levied for certain public facilities, the market value of the land set aside for the public purpose shall be credited towards impact fees. Said credit shall be based on a negotiated amount no greater than the market value of the set aside land prior to the approval of the **conditional use**, as determined by an accredited appraiser from a list approved by Collier County. Said appraisal shall be submitted to the County Attorney's Office and the real property office within 90 days of the date of approval of the **conditional use**, or as otherwise extended in writing by Collier County, so as to establish the amount of any impact fee credits resulting from said dedication. Failure to provide said appraisal within this time frame shall authorize the County to determine the market value of the property. Impact fee credits shall only be effective after recordation of the document conveying the dedicated property to Collier County. Where the term Collier County is used in this section, it shall be construed to include the Collier County Water and Sewer District or other agency or dependent district of Collier County Government.

2. Land set aside and/or to be improved as committed as part of the **conditional use** approval shall be deeded or dedicated to Collier County within 90 days of receipt of notification by the county that the property is needed for certain pending public improvements or as otherwise approved by the Board of County Commissioners during the **conditional use** process. In any case, however, the County shall take title to set aside property, at the latest, by a date certain established during, and conditioned on, the approval of the **conditional use**.

3. The land set aside and/or to be improved shall be made free and clear of all liens, encumbrances and improvements, at the developer's sole expense, except as otherwise approved by the Board. Failure to complete the dedication within the appropriate time frame noted above may result in a recommendation to the Board of reconsideration of approved **conditional use** and may result in a violation of the LDC this Code pursuant to section 8.08.00.

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

~~F. Denial. If the Planning Commission shall recommend denial of a conditional use, it shall state fully in its record its reason for doing so. Such reasons shall take into account the factors stated in section 10.08.00 D. above or such of them as may be applicable to the action of denial and the particular regulations relating to the specific conditional use requested, if any.~~

~~G. Status of Planning Commission report and recommendations. The report and recommendations of the Planning Commission required above shall be advisory only and shall not be binding upon the Board of Zoning Appeals.~~

~~H. Board of zoning appeals action on Planning Commission report. Upon receipt of the Planning Commission's report and recommendations, the Board of Zoning Appeals shall approve, by resolution, or deny a petition for a conditional use. The approval of a conditional use petition shall require 4 affirmative votes of said board.~~

I. **Conditional uses** for school or religious purposes. A use which has been approved as part of a preliminary **subdivision** plat (formerly subdivision master plan) or a planned unit **development** for schools, religious or eleemosynary uses shall be exempt from the provisions of this section. Such uses must comply with the provisions of section 10.02.03, site **development plan** approval, as applicable, and all other zoning requirements.

J. Changes and amendments. The County Manager or his designee may approve minor changes in the location, siting, or height of **buildings, structures**, and improvements authorized by the **conditional use**. Additional uses or expansion of permitted uses not shown on the conceptual site **development plan** or otherwise specifically provided for in the **conditional use** application shall require the submission, review, and approval of a new **conditional use** application.

~~K. **Conditional use** application processing time. An application for a **conditional use** will be considered "open", when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a **conditional use** will be considered "closed" when the petitioner withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the **conditional use**, for a period of 6 months. An application deemed "closed" will not receive further processing and shall be withdrawn and an application "closed" through inactivity shall be deemed withdrawn. The planning services department will notify the **applicant** of closure by certified mail, return receipt requested; however, failure to notify by the County shall not eliminate the "closed" status of a petition. An application deemed "closed" may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of "sufficiency". Further review of the request will be subject to the then current code.~~

~~1. Applicability. All applications for conditional use whether submitted before or after June 26, 2003, shall comply with the processing time procedures set forth in section 10.08.00 K. above.~~

~~L. **Conditional uses** for school or religious purposes. A use which has been approved as part of a preliminary subdivision plat (formerly subdivision master plan) or a planned unit development for schools, religious or eleemosynary uses shall be exempt from the provisions of this section. Such uses must comply with the provisions of section 10.02.03, site development plan approval, as applicable, and all other zoning requirements.~~

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SECTION FOUR: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding Section 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, with the exception of the explanatory footnotes which are informational only and not intended to be codified. The sections of the Ordinance may be renumbered or re-lettered 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 Florida Department of State, Tallahassee, Florida.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 24TH day of September, 2013.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By:_____

By:_____

, Deputy Clerk

GEORGIA A. HILLER, ESQ., Chair

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

04-CMD-01077/1050 (9/16/13)