

ORDINANCE NO. 16 – 27

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 ONE – GENERAL PROVISIONS, INCLUDING SECTION 1.08.02 DEFINITIONS; CHAPTER TWO – ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.01 AGRICULTURAL DISTRICTS, SECTION 2.03.02 RESIDENTIAL ZONING DISTRICTS, SECTION 2.03.03 COMMERCIAL ZONING DISTRICTS, SECTION 2.03.06 PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 2.03.07 OVERLAY ZONING DISTRICTS, SECTION 2.03.08 RURAL FRINGE ZONING DISTRICTS; CHAPTER THREE – RESOURCE PROTECTION, INCLUDING SECTION 3.02.10 STANDARDS FOR SUBDIVISION PLATS, SECTION 3.05.04 VEGETATION REMOVAL AND PROTECTION STANDARDS, SECTION 3.05.07 PRESERVATION STANDARDS, SECTION 3.05.10 LITTORAL SHELF PLANTING AREA (LSPA); CHAPTER FOUR – SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.02.33 SPECIFIC DESIGN STANDARDS FOR THE IMMOKALEE-MOBILE HOME PARK OVERLAY SUBDISTRICT, SECTION 4.06.02 BUFFER REQUIREMENTS, SECTION 4.06.05 GENERAL LANDSCAPING REQUIREMENTS; CHAPTER FIVE – SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.03.06 DOCK FACILITIES, SECTION 5.04.05 TEMPORARY EVENTS, ADDING SECTION 5.05.14 PUBLIC SCHOOLS, SECTION 5.06.00 SIGN REGULATIONS AND STANDARDS BY LAND USE CLASSIFICATION; CHAPTER SIX – INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS, INCLUDING SECTION 6.02.06 POTABLE WATER FACILITY LEVEL OF SERVICE REQUIREMENTS, SECTION 6.02.07 SANITARY SEWER FACILITY LEVEL OF SERVICE REQUIREMENTS; CHAPTER NINE – VARIATIONS FROM CODE REQUIREMENTS, INCLUDING SECTION 9.04.04 SPECIFIC REQUIREMENTS FOR MINOR AFTER-THE-FACT ENCROACHMENT; CHAPTER TEN – APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING SECTION 10.02.03 REQUIREMENTS FOR SITE DEVELOPMENT, SITE IMPROVEMENT PLANS AND AMENDMENTS THEREOF, SECTION 10.02.05 CONSTRUCTION, APPROVAL, AND ACCEPTANCE OF REQUIRED IMPROVEMENTS; 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 second amendment cycle for the calendar year 2015; 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 advertised public hearings on July 12, 2016 and September 13, 2016, 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

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SUBSECTION 3.A. AMENDMENTS TO SECTION 1.08.02 DEFINITIONS

Section 1.08.02 Definitions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

1.08.02 Definitions

* * * * *

~~Construction sign: A sign erected at a building site that displays the name of the project and identifies the owner, architect, engineer, general contractor, financial institutions or other firms involved with the design or construction of the project.~~

* * * * *

~~Ground sign: A sign, 8 ft. in height or lower which is independent of support from any building, that is mounted on freestanding poles or other supports, and shall include a pole cover that is between 50 percent and 100 percent of the overall sign width.~~

* * * * *

~~Pennant: A piece of fabric or material which tapers to a point or swallow tail, which is attached to a string or wire, either singularly or in series.~~

* * * * *

~~Pole sign: A sign, 8 or more ft. in height which is independent of support from any building, that is mounted on freestanding poles or other supports, and shall include a pole cover that is between 50 percent and 100 percent of the overall sign width.~~

* * * * *

~~Project identification sign: A directional sign which provides identification or recognition of a development only, individual tenants or outparcels are not permitted to use this type of signage.~~

* * * * *

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

* * * * *

B. **Estate District (E).** The purpose and intent of the estates district (E) is to provide lands for low **density residential development** in a semi-rural to rural environment, with limited agricultural activities. In addition to low **density residential development** with limited agricultural activities, the E district is also designed to accommodate as **conditional uses, development** that provides services for and is compatible with the low **density residential, semi-rural and rural character** of the E district. The E district corresponds to and implements the estates land use designation on the future land use map of the Collier County GMP, although, in limited instances, it may occur outside of the estates land use designation. The maximum **density** permissible in the E district shall be consistent with and not exceed the **density** permissible or permitted under the estates district of the future land use element of the Collier County GMP as provided under the Golden Gate Master Plan.

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 estates district (E).

a. *Permitted uses.*

* * * * *

4. ~~Schools, public, including~~ **"Educational plants," as an essential service.**

* * * * *

c. **Conditional uses.** For Estates zoning within the Golden Gate Estates subdivision, the Golden Gate Area Master Plan in the GMP restricts the location of **conditional uses**. The following uses are permissible as **conditional uses** in the estates district (E), subject to the standards and procedures established in LDC section 10.08.00:

* * * * *

11. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply.

* * * * *

SUBSECTION 3.C. AMENDMENTS TO SECTION 2.03.02 RESIDENTIAL ZONING DISTRICT

Section 2.03.02 Residential Zoning District, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.02 Residential Zoning District

A. Residential Single-Family Districts (RSF-1; RSF-2; RSF-3; RSF-4; RSF-5; RSF-6). The purpose and intent of the residential single-family districts (RSF) is to provide lands primarily for single-family residences. These districts are intended to be single-family residential areas of low density. The nature of the use of property is the same in all of these districts. Variation among the RSF-1, RSF-2, RSF-3, RSF-4, RSF-5 and RSF-6 districts is in requirements for **density**, **lot** area, **lot** width, **yards**, height, **floor area**, **lot coverage**, parking, landscaping and **signs**. Certain **structures** and uses designed to serve the immediate needs of the single-family residential **development** in the RSF districts such as governmental, educational, religious, and noncommercial recreational uses are permitted as **conditional uses** as long as they preserve, and are compatible with the single-family residential character of the RSF district[s]. The RSF districts correspond to and implement the urban mixed use land use designation on the future land use map of the Collier County GMP. The maximum **density** permissible in the residential single-family (RSF) districts and the urban mixed use land use designation shall be guided, in part, by the **density** rating system contained in the future land use element of the Collier County GMP. The maximum **density** permissible or permitted in the RSF district shall not exceed the **density** permissible under the **density** rating system, except as permitted by policies contained in 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 residential single-family districts (RSF).

a. *Permitted uses.*

* * * * *

3. ~~Schools, public.~~ This includes “Educational plants;” and public schools with an agreement with Collier County, as described in LDC section 5.05.14; however, any high school located in this

district is subject to a **compatibility review** as described in LDC section 10.02.03.

* * * * *

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the residential **single-family** districts (RSF), subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

11. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply; however, any high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.

* * * * *

B. Residential Multi-Family-6 District (RMF-6). The purpose and intent of the residential multi-family-6 district (RMF-6) is to provide for single-family, two-family and multi-family residences having a low profile silhouette, surrounded by **open space**, being so situated that it is located in close proximity to public and commercial services and has direct or convenient **access** to collector and **arterial roads** on the county major road network. The RMF-6 district corresponds to and implements the urban mixed use land use designation on the future land use map of the Collier County GMP. The maximum **density** permissible in the RMF-6 district and the urban mixed use land use designation shall be guided, in part, by the **density** rating system contained in the future land use element of the Collier County GMP. The maximum **density** permissible or permitted in the RMF-6 district shall not exceed the **density** permissible under the **density** rating system, except as permitted by policies contained in 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 RMF-6 district.

a. *Permitted uses.*

* * * * *

5. **Educational plants** and public schools with an agreement with Collier County, as described in LDC section 5.05.14; however, any high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.

* * * * *

- c. **Conditional uses.** The following uses are permissible as **conditional uses** in the RMF-6 district, subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

10. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply; however, any high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.

* * * * *

C. Residential Multi-Family-12 District (RMF-12). The purpose and intent of the residential multi-family 12 district (RMF-12) is to provide lands for multiple-family residences having a mid-rise profile, generally surrounded by lower **structures** and **open space**, located in close proximity to public and commercial services, with direct or convenient **access** to **collector** and **arterial roads** on the county major road network. Governmental, social, and institutional land uses that serve the immediate needs of the multi-family residences are permitted as **conditional uses** as long as they preserve and are compatible with the mid-rise multiple-family character of the district. The RMF-12 district corresponds to and implements the urban mixed use land use designation on the future land use map of the Collier County GMP. The maximum **density** permissible in the RMF-12 district and the urban mixed use land use designation shall be guided, in part, by the **density** rating system contained in the future land use element of the Collier County GMP. The maximum **density** permissible or permitted in the RMF-12 district shall not exceed the density permissible under the **density** rating system, except as permitted by policies contained in 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 residential multi-family-12 district (RMF-12).

- a. *Permitted uses.*

* * * * *

6. **Educational plants** and public schools with an agreement with Collier County, as described in LDC section 5.05.14; however, any high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.

* * * * *

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the residential multiple-family-12 district (RMF-12), subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

8. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply; however, any high school located in this district is subject to a **compatibility review** as described in LDC 10.02.03.

* * * * *

D. Residential Multi-Family-16 District (RMF-16). The purpose and intent of the residential multi-family-16 district (RMF-16) is to provide lands for medium to high **density** multiple-family residences, generally surrounded by **open space**, located in close proximity to public and commercial services, with direct or convenient **access** to **arterial** and **collector roads** on the county major road network. Governmental, social, and institutional land uses that serve the immediate needs of the multiple-family residences are permitted as **conditional uses** as long as they preserve and are compatible with the medium to high **density** multi-family character of the district. The RMF-16 district corresponds to and implements the urban mixed use land use designation on the future land use map of the Collier County GMP. The maximum **density** permissible in the RMF-16 district and the urban mixed use land use designation shall be guided, in part, by the **density** rating system contained in the future land use element of the Collier County GMP. The maximum **density** permissible or permitted in the RMF-16 district shall not exceed the **density** permissible under the **density** rating system, except as permitted by policies contained in 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 residential multi-family-16 district (RMF-16).

a. *Permitted uses.*

* * * * *

4. **Educational plants** and public schools with an agreement with Collier County, as described in LDC section 5.05.14; however, any

high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.

* * * * *

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the residential multiple-family-16 district (RMF-16), subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

8. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply; however, any high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.

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F. Village Residential District (VR). The purpose and intent of the village residential district (VR) is to provide lands where a mixture of residential uses may exist. Additionally, uses are located and designed to maintain a village residential character which is generally low profile, relatively small **building** footprints as is the current appearance of Goodland and Copeland. The VR district corresponds to and implements the mixed residential land use designation on the Immokalee future land use map of the Collier County GMP. It is intended for application in those urban areas outside of the coastal urban area designated on the future land use map of the Collier County GMP, though there is some existing VR zoning in the coastal urban area. The maximum **density** permissible in the VR district and the urban mixed use land use designation shall be guided, in part, by the **density** rating system contained in the future land use element of the Collier County GMP. The maximum **density** permissible or permitted in the VR district shall not exceed the **density** permissible under the **density** rating system, except as permitted by policies contained in the future land use element, or as designated on the Immokalee future land use map of the GMP.

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 village residential district (VR).

a. *Permitted uses.*

* * * * *

6. Educational plants and public schools with an agreement with Collier County, as described in LDC section 5.05.14; however, any high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.

* * * * *

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the village residential district (VR), subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

11. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply; however, any high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.

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G. Mobile Home District (MH). The purpose and intent of the **mobile home** district (MH) is to provide land for **mobile homes** and modular built homes, as defined in this Land Development Code, that are consistent and compatible with surrounding land uses. The MH District corresponds to and implements the urban mixed-use land use designation on the future land-use map of the Collier County GMP. The maximum **density** permissible in the **MH** district and the urban mixed use land use designation shall be guided, in part, by the **density** rating system contained in the future land use element of the Collier County GMP. The maximum **density** permissible or permitted in the MH district shall not exceed the **density** permissible under the **density** rating system, except as permitted by policies contained in the future land use element, or as identified in the Immokalee future land use map of the GMP.

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 mobile home district (MH).

a. *Permitted uses.*

* * * * *

5. Educational plants and public schools with an agreement with Collier County, as described in LDC section 5.05.14; however, any

high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.

* * * * *

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the **mobile home** district (MH), subject to the standards and procedures established in LDC section 10.08.00.

* * * * *

7. **Educational plants** and public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply; however, any high school located in this district is subject to a **compatibility review** as described in LDC section 10.02.03.

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SUBSECTION 3.D. AMENDMENTS TO SECTION 2.03.03 COMMERCIAL ZONING DISTRICTS

Section 2.03.03 Commercial Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.03 - Commercial Zoning Districts

A. Commercial Professional and General Office District (C-1). The purpose and intent of the commercial professional and general office district C-1 is to allow a concentration of office type **buildings** and land uses that are most compatible with, and located near, residential areas. Most C-1 commercial, professional, and general office districts are contiguous to, or when within a PUD, will be placed in close proximity to residential areas, and, therefore, serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial

uses shall be made an integral part of an office **building** as opposed to the singular use of a **building**. Housing may also be a component of this district as provided for through **conditional use** approval.

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

a. *Permitted uses.*

*	*	*	*	*	*	*	*	*	*	*	*	
			17.	Educational plants								
				<u>and public schools subject to LDC section</u>								
				<u>5.05.14.</u>								
*	*	*	*	*	*	*	*	*	*	*	*	

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

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are

permissible by right, or as **accessory** or **conditional uses** within the C-2 commercial convenience district.

a. *Permitted uses.*

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25. **Educational plants**- and public schools subject to LDC section 5.05.14.
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C. Commercial Intermediate District (C-3). The purpose and intent of the commercial intermediate district (C-3) is to provide for a wider variety of goods and services intended for areas expected to receive a higher degree of automobile traffic. The type and variety of goods and services are those that provide an opportunity for comparison shopping, have a trade area consisting of several neighborhoods, and are preferably located at the intersection of two-arterial level **streets**. Most activity centers meet this standard. This district is also intended to allow all of the uses permitted in the C-1 and C-2 zoning districts typically aggregated in planned **shopping centers**. This district is not intended to permit wholesaling type of uses, or land uses that have associated with them the need for outdoor storage of equipment and merchandise. A mixed-use project containing a residential component is permitted in this district subject to the criteria established herein. The C-3 district is permitted in accordance with the **locational criteria** for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum **density** permissible in the C-3 district and the urban mixed use land use designation shall be guided, in part, by the **density** rating system contained in the future land use element of the Collier County GMP. The maximum **density** permissible or permitted in the C-3 district shall not exceed the **density** permissible under the **density** rating system.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as **accessory** or **conditional uses** within the commercial intermediate district (C-3).

a. *Permitted uses.*

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31. **Educational plants**- and public schools subject to LDC section 5.05.14.
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D. General Commercial District (C-4). The general commercial district (C-4) is intended to provide for those types of land uses that attract large segments of the population at the same time by virtue of scale, coupled with the type of activity. The purpose and intent of the C-4 district is to provide the opportunity for the most diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions, at a larger scale than the C-1 through C-3 districts. As such, all of the uses permitted in the C-1 through C-3 districts are also permitted in the C-4 district. The outside storage of merchandise and equipment is prohibited, except to the extent that it is associated with the commercial activity conducted on-site such as, but not limited to, automobile sales, marine vessels, and the renting and leasing of equipment. Activity centers are suitable locations for the uses permitted by the C-4 district because most activity centers are located at the intersection of **arterial** roads. Therefore the uses in the C-4 district can most be sustained by the transportation network of major roads. The C-4 district is permitted in accordance with the **locational criteria** for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum **density** permissible or permitted in a district shall not exceed the **density** permissible under the density rating system.

1. The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as **accessory** or **conditional uses** within the general commercial district (C-4).

a. *Permitted uses.*

* * * * *

49. **Educational plants**- and public schools subject to LDC section 5.05.14.

* * * * *

E. Heavy Commercial District (C-5). In addition to the uses provided in the C-4 zoning district, the heavy commercial district (C-5) allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct of the business. The C-5 district permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction associated equipment and supplies within an

enclosed **structure** or have showrooms displaying the **building** material for which they specialize. Outdoor storage **yards** are permitted with the requirement that such **yards** are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the **locational criteria** for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as **accessory** or **conditional uses** within the heavy commercial district (C-5).

a. *Permitted uses*

- * * * * *
- 57. **Educational plants** ~~and public schools~~ subject to LDC section 5.05.14.
- * * * * *
- 154. Reupholstery and furniture repair (7641).
- 155. Roofing, siding and sheet metal work contractors (1761).
- 156. Secretarial and court reporting services (7338).
- 157. Security and commodity brokers, dealer, exchanges and services (6211—6289).
- 158. Security systems services (7382).
- 159. Shoe repair shops and shoeshine parlors (7251).
- 160. Social services, individual and family (8322—8399, except homeless shelters and soup kitchens).
- 161. Special trade contractors, not elsewhere classified (1799).
- 162. Structural steel erection contractors (1791).
- 163. Surveying services (8713).
- 164. Tax return preparation services (7291).
- 165. Taxicabs (4121).
- 166. Telegraph and other message communications (4822) including communications towers up to specified height, subject to LDC section 5.05.09.
- 167. Telephone communications (4812 and 4813) including communications towers up to specified height, subject to LDC section 5.05.09.

- 168. Theatrical producers and miscellaneous theatrical services, indoor (7922—7929, including bands, orchestras and entertainers; except motion picture).
- 169. Tour operators (4725).
- 170. Travel agencies (4724).
- 171. Truck rental and leasing, without drivers (7513).
- 172. United State Postal Service (4311, except major distribution center).
- ~~173. Reupholstery and furniture repair (7641).~~
- 173. Utility trailer and recreational vehicle rental (7519).
- ~~174~~174. Veterinary services (0741 & 0742, excluding outside kenneling).
- ~~175~~175. Videotape rental (7841).
- ~~176~~176. Vocational schools (8243—8299).
- ~~177~~177. Wallpaper stores (5231).
- ~~178~~178. Watch, clock and jewelry repair (7631).
- ~~179~~179. Water well drilling (1781).
- ~~180~~180. Welding repair (7692).
- ~~181~~181. Any use which was permissible under the prior General Retail Commercial (GRC) zoning district, as identified by Zoning Ordinance adopted October 8, 1974, and which was lawfully existing prior to the adoption of this Code.
- ~~182~~182. Any other commercial use or professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business and are purely associated with activities conducted in an office.
- ~~183~~183. Any other commercial or professional use which is comparable in nature with the (C-1) list of permitted uses and consistent with the purpose and intent statement of the district as determined by the board of zoning appeals pursuant to LDC section 10.08.00.

* * * * *

SUBSECTION 3.E. AMENDMENTS TO SECTION 2.03.06 PLANNED UNIT DEVELOPMENT DISTRICT

Section 2.03.06 Planned Unit Development District, 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 District

* * * * *

B. The PUD process is intended to accomplish the following:

* * * * *

- 3. Encourage patterns of ~~lad~~ land use that support economical provisions of infrastructure, resulting in smaller networks of utilities and **streets** with consequent lower construction and future maintenance costs.

* * * * *

SUBSECTION 3.F. AMENDMENTS TO SECTION 2.03.07 OVERLAY ZONING DISTRICT

Section 2.03.07 Overlay Zoning District, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.07 Overlay Zoning District

* * * * *

G. Immokalee Urban Overlay District. To create the Immokalee Urban Overlay District with distinct subdistricts for the purpose of establishing **development** criteria suitable for the unique land use needs of the Immokalee Community. The boundaries of the Immokalee Urban Overlay District are delineated on the maps below.

* * * * *

- 5. Main Street ~~;-Overlay Subdistrict~~. Special conditions for the properties identified in the Immokalee Area Master Plan; referenced on Map 7; and further identified by the designation "MSOSD" on the applicable official Collier County Zoning Atlas Maps. The purpose of this designation is to encourage **development** and redevelopment by enhancing and beautifying the downtown Main **Street** area through flexible design and **development** standards.

* * * * *

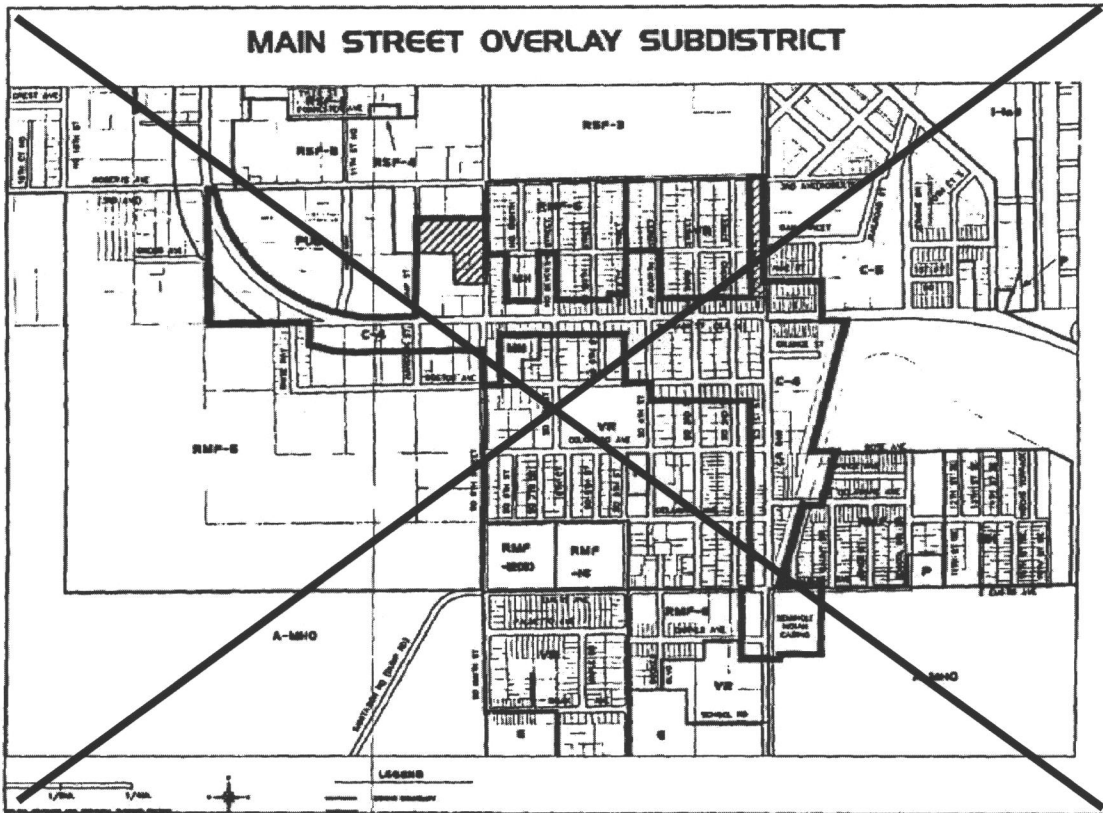
c. Prohibited uses. All uses prohibited within the underlying residential and commercial zoning districts contained within this Subdistrict, and the following uses, shall be prohibited on properties with frontage on Main Street in between First Street and Ninth Street in the Main Street Overlay Subdistrict:

1. ~~Automobile parking (7521) on all properties having frontage on Main Street, North First Street, South First Street and North 9th Street within the Main Street Overlay Subdistrict.~~
2. ~~Automotive dealers (5511, 5521, 5531 installation, 5551, 5561, 5571, 5599) on all properties having frontage on Main Street, North First Street, South First Street and North 9th Street within the Main Street Overlay Subdistrict.~~
3. **Facility with fuel pumps.** ~~Gasoline service stations (5541) on all properties having frontage on Main Street and gasoline service stations (5541 with services and repairs as described in section 5.05.05) are on all properties having frontage on North First Street and South First Street within the Main Street Overlay Subdistrict.~~
4. ~~Primary uses such as convenience stores and grocery stores are prohibited from servicing and repairing vehicles in conjunction with the sale of gasoline, on all properties having frontage on Main Street, North First Street, South First Street and North 9th Street within the Main Street Overlay Subdistrict.~~
5. ~~Automotive repair, services, parking (7514, 7515, 7521) and carwashes (7542) on all properties having frontage on Main Street, North First Street, South First Street and North 9th Street within the Main Street Overlay Subdistrict.~~
6. ~~Radio and television repair shops (7622 automotive) is prohibited on all properties having frontage on Main Street, North First Street, South First Street and North 9th Street within the Main Street Overlay Subdistrict.~~
7. ~~Outdoor storage yards and outdoor storage are prohibited within any front, side or rear yard on all properties within the Main Street Overlay Subdistrict.~~

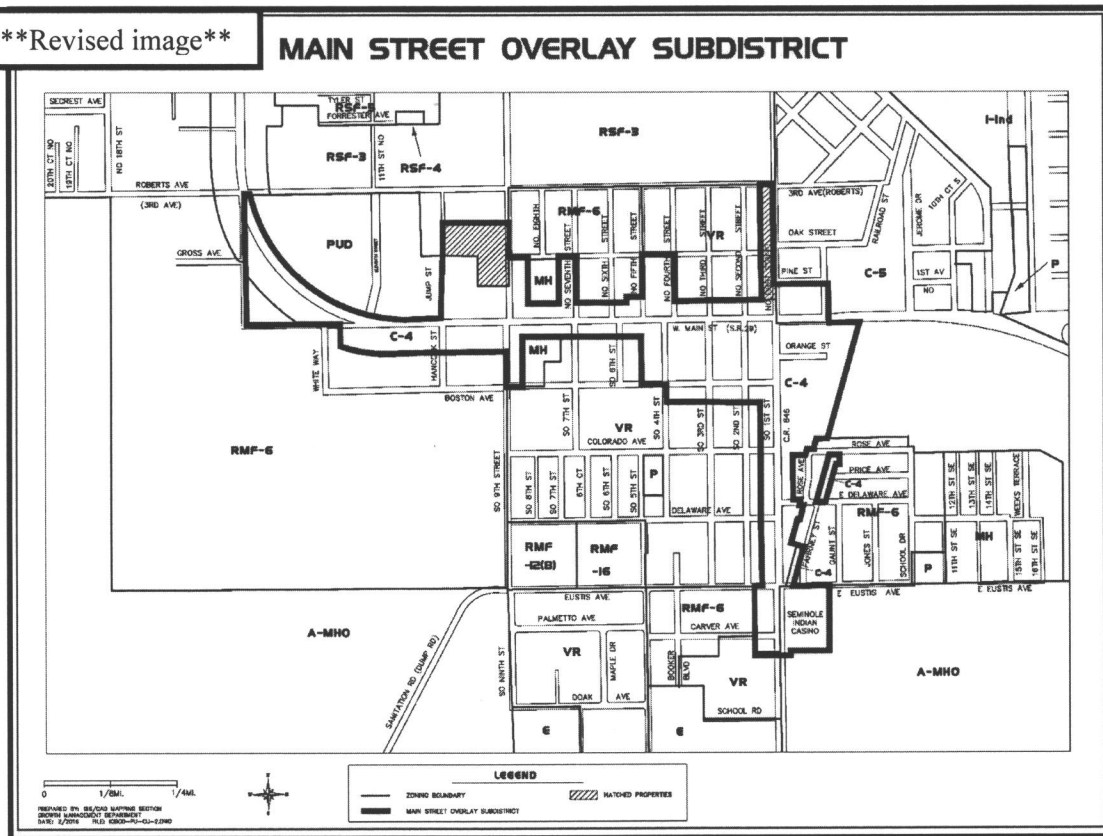
8. ~~Drive-through areas shall be prohibited on all properties having frontage on Main Street, North First Street, South First Street and North 9th Street within the Main Street Overlay Subdistrict.~~
 9. Warehousing (4225).
 10. Communication **towers**, as defined in section 5.05.09 of this Code, except as otherwise permitted in this Subdistrict.
 11. Any other heavy commercial use which is comparable in nature with the forgoing uses and is deemed inconsistent with the intent of this Subdistrict shall be prohibited.
- d. **Accessory uses.**
1. Uses and structures that are accessory and incidental to the permitted uses as of right in the underlying zoning districts contained within this subdistrict and are not otherwise prohibited by this subdistrict.
 2. Communication towers, as defined in section 5.05.09 subject to the following:
 - i. Such tower is an essential service use as defined by subsection 2.01.03 A.4.; and
 - ii. Such tower may not exceed a height of 75 feet above grade including any antennas attached thereto.
- e. **Conditional uses.**
1. **Conditional uses** of the underlying zoning districts contained within the subdistrict, subject to the standards and procedures established in section 10.08.00 and as set forth below:
 - i. Local and suburban passenger transportation (4131, 4173) located upon commercially zoned properties within the Main **Street** Overlay Subdistrict.
 - ii. Communication towers, as defined in section 5.05.09 of this Code for essential service uses as defined by subsection 2.01.03 A.4 that exceed a height of 75 feet above grade including any antennas attached thereto.
 - iii. The following **conditional uses** may be permitted only on properties with **frontage** on North First **Street**, South First **Street**, and North Ninth **Street** within the Main **Street** Overlay Subdistrict:

- a. Automobile parking (7521).
- b. Automotive dealers (5511, 5521, 5531 installation, 5551, 5561, 5571, 5599).
- c. **Facility with fuel pumps.**
- d. Automotive repair, services, parking (7514, 7515, 7521) and carwashes (7542).
- e. Radio and television repair shops (7622 automotive).
- f. Outdoor storage yards and outdoor storage.
- g. Drive-through areas.
- h. Warehousing (4225).
- i. Communication **towers**, as defined in LDC section 5.05.09, except as otherwise permitted in this Subdistrict.
- j. Any other heavy commercial use which is comparable in nature with the foregoing uses and is deemed consistent with the intent of this Subdistrict.

* * * * *



****Revised image****



Map 7 - Main Street Overlay Subdistrict

6. **Nonconforming Mobile Home Site Park** Overlay Subdistrict. Establishment of special conditions for these properties which by virtue of actions preceding the adoption of Ordinance No. 91-102, on October 30, 1991, were deemed to be **nonconforming** as a result of inconsistencies with the Land Development Code, and are located within the Immokalee Urban Boundary as depicted on the Immokalee Area Master Plan.
- a. Purpose and intent. The purpose of these provisions is to recognize that there are **nonconforming mobile homes** on properties ~~parks~~ in the Immokalee Urban Area and to establish a process to provide property owners an official record acknowledging the permitted use of the property and render existing mobile homes, and other structures, as lawful. ~~to provide incentives to upgrade these parks while requiring the elimination of substandard units, and to allow park owners to take advantage of alternative development standards in order to cause some upgrading of conditions that would normally be required of conforming mobile home parks.~~ Travel trailers, regardless of the square footage, are not permitted as a permanent habitable structure. Travel trailers, regardless of the square footage, are not permitted as a permanent habitable structure and may not seek relief under this section. Properties that cannot meet the requirements may pursue an agreement with the Board of County Commissioners to establish compliance with this LDC section 2.03.07 G.6.
- b. Application requirements. Property owners shall file an application as provided for in the Administrative Code, Chapter 4, Section 1.3.a – Immokalee Nonconforming Mobile Home Sites - Existing Conditions Site Improvement Plan and shall only be subject to the criteria, requirements, and process expressly stated in the Administrative Code and this LDC section.
- c. Criteria for review. The following criteria shall apply to the existing conditions site improvement plan approval process and shall be reviewed by the County Manager or designee.
- i. Minimum separation requirements shall be consistent with State Fire Marshal Rule 69A-42.0041 Fire Separation Requirements.

- ii. The District Fire Official shall provide written confirmation that either an existing fire hydrant or a supplemental apparatus, provided by the Fire District, is adequate for fire protection.
- iii. National Fire Codes, 501A-11, Chapter 6, 6.1.1 Site Plan (6.1.1 through 6.1.2).
- d. **Density.** Once the existing conditions site improvement plan is approved, owners may replace mobile home units with an approved building permit at sites shown on the site plan. Replacement units may be larger than the removed unit, so long as the minimum separation standards established in LDC section 2.03.06 G.6.c.i are met.
 - i. Where properties currently exceed the **density** allowed for by the zoning district, the approved existing conditions site improvement plan shall establish the maximum **density** on the property which shall not exceed the **density** of the property as depicted on the Property Appraiser aerial maps dated before February 2016. All lots and units shall be consistent with the approved existing conditions site improvement plan.
 - ii. Where the zoning district allows for additional **density**, new **mobile home** units may be added and shall be identified on the site plan. New **mobile homes** shall be subject to the dimensional standards established in LDC section 4.02.33.
- ~~b. Required site improvement plan application. The property owners of all nonconforming mobile home developments/parks that were in existence before November 13, 1991, i.e., that predate Ordinance No. 91-102, the land development code, shall be required to submit a site improvement plan (SIP) meeting the standards set forth below by January 9, 2003 or thereafter within the time frame set forth in an order of the Code Enforcement Board finding a violation of this section, or by the date set forth in a Compliance or Settlement Agreement entered into between Collier County and a property owner acknowledging such a violation and also establishing the date by which such violation will be cured through the SIP submittal process set forth below.~~
- ~~c. The site improvement plan (SIP) master plan shall illustrate the way existing buildings are laid out and the infrastructure (i.e. utilities, streets, drainage, landscaping, parking and the like) to serve those buildings. The~~

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

~~d. For the specific requirements concerning the SIP submission referenced in b. and c. above, see Section 10.02.05 F. of this Code.~~

* * * * *

SUBSECTION 3.G. AMENDMENTS TO SECTION 2.03.08 RURAL FRINGE ZONING DISTRICTS

Section 2.03.08 Rural Fringe Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.08 Rural Fringe Zoning Districts

* * * * *

A. Rural Fringe Mixed-Use District (**RFMU District**).

* * * * *

4. **RFMU sending lands.** **RFMU sending lands** are those lands that have the highest degree of environmental value and sensitivity and generally include significant **wetlands**, uplands, and habitat for listed species. **RFMU sending lands** are the principal target for preservation and conservation. **Density** may be transferred from **RFMU sending lands** as provided in LDC section 2.03.07 D.4.c. All NRPA's within the **RFMU district** are also **RFMU sending lands**. With the exception of specific provisions applicable only to NBMO **neutral lands**, the following standards shall apply within all **RFMU sending lands**:

a. Allowable uses where **TDR credits** have not been severed.

* * * * *

(2) **Accessory uses.** **Accessory uses** and **structures** that are accessory and incidental to uses permitted as of right in LDC section 2.03.08 ~~(A)(2)(a)(1)~~ A.4.a.1 above.

* * * * *

C. North Belle Meade Overlay District (NBMO).

* * * * *

2. General location. The NBMO District is surrounded by Golden Gate Estates to the north, east, and west and I-75 to the south. This NBMO comprises some 24 sections of land (approximately 15,550 acres) located entirely within the **RFMU District** (LDC section 2.03.08 A.). The boundaries of the NBMO District are outlined in Illustration 2.03.08 ~~D-2.A~~ C.2.a below and on the North Belle Meade Overlay Map in the Future Land Use Element of the GMP.

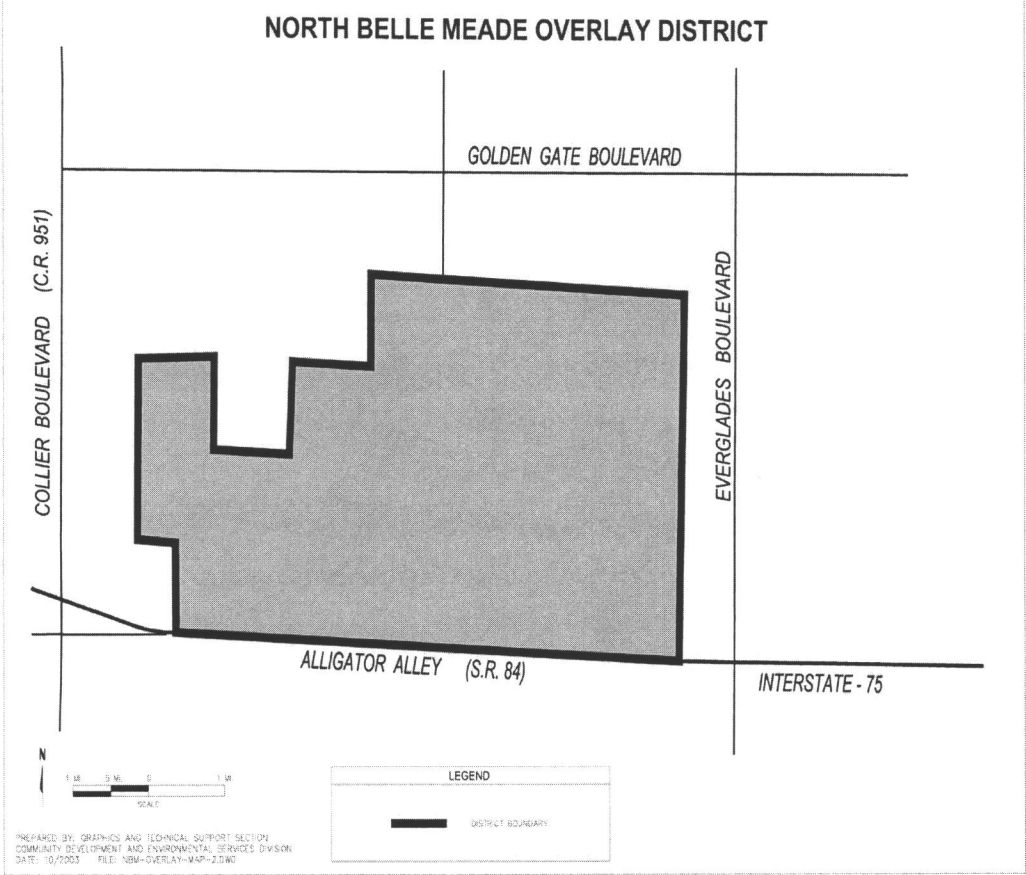


Illustration 2.03.08 ~~D-2.A~~ C.2.a

3. Applicability:

- a. NBMO receiving lands. Permitted, conditional, and **accessory uses** within NBMO Receiving Lands shall be as set forth in LDC section 2.03.08 (A)(2) A.2, except as provided in LDC section 2.03.08 ~~(D)(5)~~C.5.a. All other provisions of this Code that implement the Future Land Use Element, Conservation and Coastal Management Element, or Public Facilities Element, including but not limited to Chapters 3, 4 and 10, shall only be applicable to **development** in NBMO Receiving Lands to the extent specifically stated in this section. However, all **development** within NBMO Receiving Lands shall comply with all non-environmental review procedures for site **development** plans and platting as set forth in this Code.
- b. NBMO **neutral lands**. Except as otherwise specifically provided in LDC section 2.03.08 ~~D.4~~ C.4, and section 2.03.08 ~~D5.b~~ C.5.b, all **development** within NBMO **neutral lands** shall be consistent with LDC section 2.03.08 A.3.
- c. NBMO sending lands. Except as otherwise specifically provided in LDC section 2.03.08 ~~D.4~~ C.4, all **development** with NBMO Sending Lands shall be consistent with LDC section 2.03.08 A.4.

* * * * *

SUBSECTION 3.H. 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. 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.I. AMENDMENTS TO SECTION 3.05.04 VEGETATION REMOVAL AND PROTECTION STANDARDS

Section 3.05.04 Vegetation Removal and Protection Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.05.04 Vegetation Removal and Protection Standards

* * * * *

G. Protective barriers shall be installed and maintained for the period of time beginning with the commencement of any phase of land clearing or **building** operations, and ending with the completion of that phase of the construction work on the site, unless otherwise approved to be removed by the County ~~Manger~~ Manager or designee. All protective barriers shall be installed pursuant to LDC sections 3.05.04 and 4.06.05 E. ~~the Tree Protection Manual for Builders and Developers, Division of Forestry, State of Florida~~ or other methods approved by the County Manager or designee. ~~All protective barriers shall be installed pursuant to the Tree Protection Manual for Builders and Developers, Division of Forestry, State of Florida or other methods approved by the County Manager or designee. Signage shall be placed around the preserve areas to identify and protect the preserve during construction. The boundary of the Preserve shall be posted with appropriate signage denoting the area as a Preserve. Sign(s) should note that the posted area is a protected area. The signs shall be no closer than ten feet from residential property lines; be limited to a maximum height of four feet and a maximum size of two square feet; and otherwise comply with section 5.06.00. Maximum sign spacing shall be 300 feet.~~

H. Signage shall be placed around the preserve to identify and protect the preserve in accordance with the following standards:

a. Signs identifying preserves shall be posted prior to preliminary acceptance for each phase of Final Subdivision Plat (PPL) pursuant to LDC section 10.02.04, or first certificate of occupancy for Site Development Plans, Site Improvement Plans and amendments thereof pursuant to LDC section 10.02.03, whichever is applicable.

- b. Signs identifying preserves shall be placed at the boundary of the preserve, except where a preserve **abuts** another preserve.
- c. There shall be at least one preserve sign posted every 300 feet, with a minimum of two signs per preserve. However, where a preserve **abuts** a lake maintenance **easement**, there shall be at least one preserve sign posted every 1,000 feet, with a minimum of one sign per lake.
- d. Signs identifying preserves shall be a maximum height of four feet and a maximum size of two square feet and otherwise comply with LDC section 5.06.00. Lettering for signs shall be a minimum of two inches in height and the sign copy shall be clearly legible from the edge of preserve as determined by the County Manager or designee.

H-I. The **applicant** for a vegetation removal permit shall, at the time of application, designate representative(s), who shall be responsible for the installation and the maintenance of all tree protection barriers, and for supervising the removal of all existing vegetation permitted to be removed or altered.

* * * * *

SUBSECTION 3.J. AMENDMENTS TO SECTION 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

* * * * *

H. Preserve standards.

1. Design standards.

a. Identification. **Native vegetation** that is required to be preserved or mitigated pursuant to 3.05.07 A. through F. shall be set-aside in a Preserve and shall be identified in the following manner:

- i. The Preserve shall be labeled as "Preserve" on all site plans.
- ii. If the **development** is a PUD, the Preserve shall be identified on the PUD Master Plan, if possible. If this is not possible, a minimum of 75% of the preserves shall be set-aside on the PUD Master

Plan with the remaining 25% identified at the time of the next **development order** submittal.

iii. The Preserve shall be identified at the time of the first submittal for a development order submittal that requires the approval of a site plan or conceptual site plan.

* * * * *

g. Preserve management plans. Criteria i, ii, vii and viii below are required for all preserves whether a management plan for the preserve is required or not. Preserve Management Plans shall be required for all properties with 5 acres or more of preserve or where listed species are utilizing the preserve or where the preserve contains habitat which requires management for fire (such as Pine Flatwoods, Palmetto Prairie or Scrub). The Preserve Management Plan shall identify actions that must be taken to ensure that the preserved areas will maintain natural diversity and function as proposed. A Preserve Management Plan shall include the following elements:

* * * * *

vii. Protection During Construction and Signage After Construction. The Preserve Management Plan shall address protective measures during construction and signage ~~during~~ and after construction that are consistent with LDC section 3.05.04.

* * * * *

SUBSECTION 3.K. AMENDMENTS TO SECTION 3.05.10 LITTORAL SHELF PLANTING AREA (LSPA)

Section 3.05.10 Littoral Shelf Planting Area (LSPA), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.05.10 - Littoral Shelf Planting Area (LSPA)

* * * * *

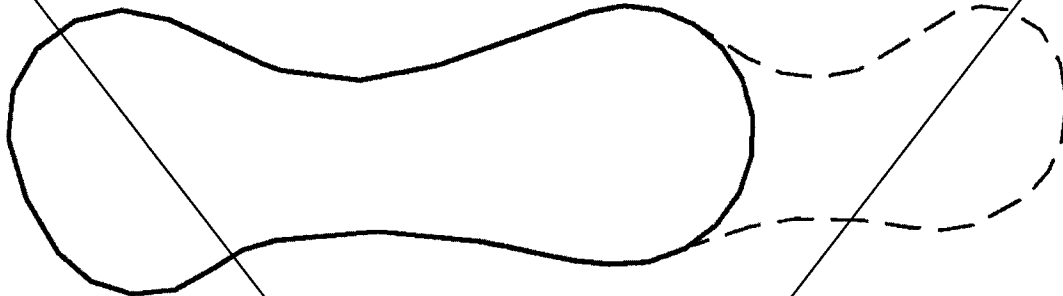
C. *Application to existing lakes.* All previously approved projects requiring littoral plantings shall meet the operational requirements set out in LDC section 3.05.10 B. above.

* * * * *

2. For amendments to approved excavations where the proposed amendments will modify the previously approved lake **shoreline** or increase the previously approved lake area, signage of the planted littoral areas shall be required subject to LDC section 3.05.10 A.6.
 - a. For amendments that modify less than 20 percent of the previously approved **shoreline** but increase the previously approved lake area, only the additional portion of the lake shall be used to calculate the additional LSPA area using the percentage requirements of LDC section 3.05.10 A.1. (See ~~f~~Figure 4 3.05.10 below). This additional LSPA shall conform to the design requirements of LDC section 3.05.10 A.
 - b. For amendments that modify 20 percent or more of the previously approved **shoreline**, the total lake area shall be used to calculate the LSPA area using the percentage requirements of LDC section 3.05.10 A.1. (See ~~f~~ Figure 4 3.05.10 below). The LSPA shall conform to the design requirements of LDC section 3.05.10 A.

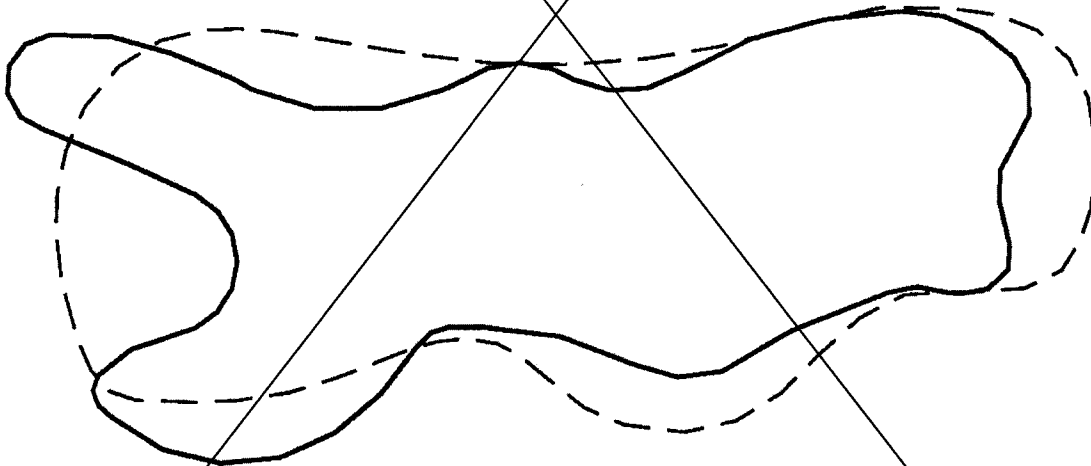
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Figure 3.5.11.3.2



———— existing lake
----- lake addition

For amendments that modify the existing lake area by adding an addition, only the new portion of the lake shall be used to calculate the LSPA area using the percentage requirements of 3.5.11.1.1.

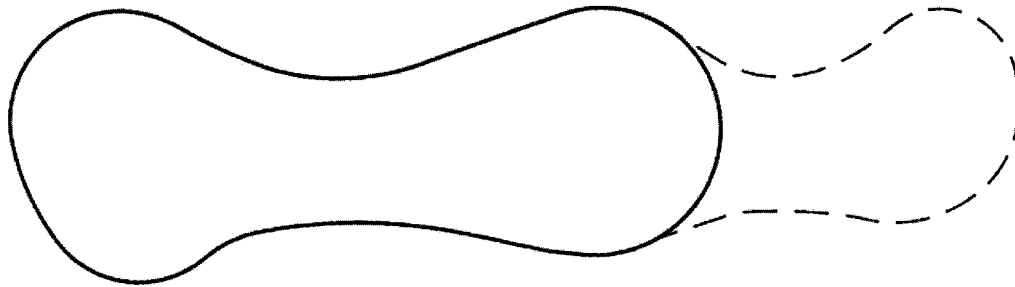


———— existing shoreline
----- modified lake shoreline

For amendments that modify the existing shoreline by greater than 20 percent, the total lake area shall be used to calculate the LSPA area using the percentage requirements of 3.5.11.1.1.

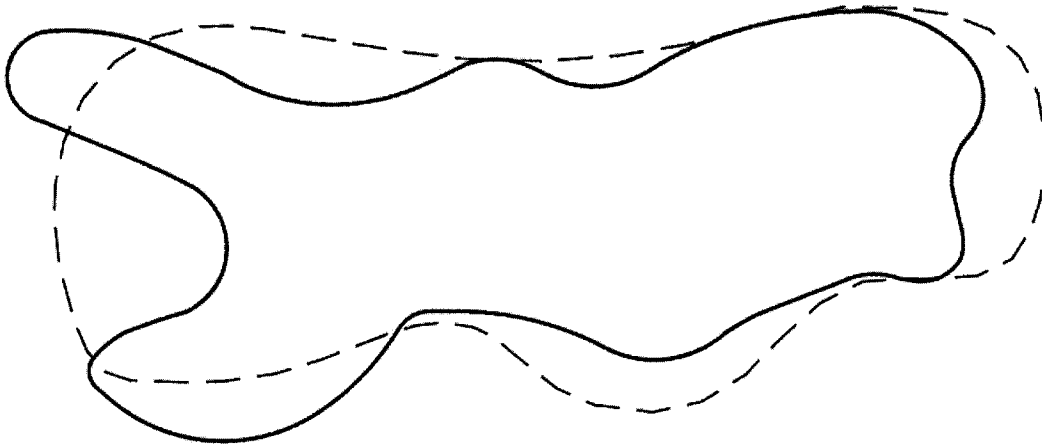
PREPARED BY: OFFICE OF GRAPHICS AND TECHNICAL SUPPORT
COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION
DATE: 5/2004 FILE: LDC-2004-4.DWG

****Revised image****



————— existing lake
- - - - - lake addition

For amendments that modify the existing lake area by adding an addition, only the new portion of the lake shall be used to calculate the LSPA area using the percentage requirements of LDC Section 3.05.10.A.1



————— existing shoreline
- - - - - modified lake shoreline

For amendments that modify the existing shoreline by greater than 20 percent, the total lake area shall be used to calculate the LSPA area using the percentage requirements of LDC Section 3.05.10.A.1

PREPARED BY: GIS/CAD MAPPING SECTION
GROWTH MANAGEMENT DEPARTMENT
DATE: 12/2015 FILE: LDC-2004-48.DWG

Figure 3.05.10 – Modified Littoral Shelf Planting Area

* * * * *

SUBSECTION 3.L.

AMENDMENTS TO SECTION 4.02.33 SPECIFIC DESIGN STANDARDS FOR THE IMMOKALEE—MOBILE HOME PARK OVERLAY SUBDISTRICT

Section 4.02.33 Specific Design Standards for the Immokalee—Mobile Home Park Overlay Subdistrict, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.33 - Specific Design Standards for New Mobile Home Lots in the Immokalee Urban Overlay Subdistrict—~~Mobile Home Park Overlay Subdistrict~~

The purpose of this section is to provide relief from the dimensional standards established in LDC section 4.02.01 for new **mobile home lots** approved through an existing conditions site improvement plan or amendments thereof within the Nonconforming Mobile Home Site Overlay Subdistrict, as established in LDC section 2.03.07 G.6. This section shall not apply to the replacement of **mobile home** units identified on **lots** established by an existing conditions site improvement plan.

A. Dimensional standards.

Table 15. Dimensional standards for the Nonconforming Mobile Home Site Park Overlay Subdistrict

Design Standard	
Minimum lot requirements	
Single-wide units	2,400 square feet
Double-wide units	3,500 square feet
Minimum lot width	
Single-wide units	35 feet
Double wide units	45 feet
Minimum setback requirements	
Interior roads	
Front yard	10 feet
Side yard	5 feet
Rear yard	8 feet
Public road frontages	20 feet
Minimum <u>space separation</u> between structures for cluster development or zero lot line development	10 feet
Minimum floor area for replacement units	320 square feet

~~B. Where a public water line is available, a hydrant will be required to serve the park. Should water line pressure be inadequate, arrangements shall be made to seek approval of the Immokalee Fire Department to confirm that supplemental fire apparatus is adequate for fire protection.~~

~~C.B.~~ A dumpster or enclosure for individual containers is required in accordance with section 5.03.04. of this LDC. No dumpster shall be located closer than fifteen (15) feet from any public **street**.

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

* * * * *

SUBSECTION 3.M. AMENDMENTS TO SECTION 4.06.02 BUFFER REQUIREMENTS

Section 4.06.02 Buffer Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.06.02 - Buffer Requirements

* * * * *

C. Types of **buffers**. Within a required **buffer** strip, the following types of **buffers** shall be used based on the matrix in Table 2.4. (See Figure 4.06.02.C-1)

* * * * *

4. *Type D Buffer*: A **landscape buffer** shall be required adjacent to any road **right-of-way** external to the **development** project and **adjacent** to any primary **access** roads internal to a commercial **development**. Said **landscape buffer** shall be consistent with the provisions of the Collier County Streetscape Master Plan, which is incorporated by reference herein. The minimum width of the perimeter **landscape buffer** shall vary according to the ultimate width of the

abutting right-of-way. Where the ultimate width of the **right-of-way** is zero to 99 feet, the corresponding **landscape buffer** shall measure at least ten feet in width. Where the ultimate width of the **right-of-way** is 100 or more feet, the corresponding **landscape buffer** shall measure at least 15 feet in width. **Developments** of 15 acres or more and **developments** within an activity center shall provide a perimeter **landscape buffer** of at least 20 feet in width regardless of the width of the **right-of-way**. Activity center **right-of-way buffer** width requirements shall not be applicable to roadways internal to the **development**.

* * * * *

b. A continuous 3 gallon double row hedge spaced 3 feet on center of at least 24 inches in height at the time of planting and attaining a minimum of 30 inches in height in one year shall be required in the **landscape buffer** where vehicular areas are **adjacent** to the road **right-of-way**, pursuant to LDC section 4.06.05 ~~G.4~~ D.4.

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SUBSECTION 3.N. AMENDMENTS TO SECTION 4.06.05 GENERAL LANDSCAPING REQUIREMENTS

Section 4.06.05 General Landscaping Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.06.05 General Landscaping Requirements

* * * * *

I. Location requirements for signage **adjacent** to landscape buffer.

1. Signage located within/**adjacent** to **landscape buffer** area. All trees and shrubs located within **landscape buffer** shall be located so as not to block the view of signage as shown in Figure 4.06.05 H: I.1 below, Signage **adjacent** to **landscape buffer**. Sign locations shall be shown on the landscape plan and 100 square feet of landscaping shall be provided as required by LDC section ~~5.06.04~~ 5.06.04 F.

* * * * *

N. Water management areas.

1. Natural and manmade bodies of water including retention areas for all **developments** subject to LDC sections 5.05.08, 4.06.02 D, and 3.05.10.

- a. Configuration of water management areas. The shape of a manmade body of water, including retention and detention areas, must be designed to appear natural with curvilinear edges. ~~See "Body of Water Shapes" Figure Y in subsection 4.06.02-D.~~ An alternative design may be approved as a part of the design of the **building**, if the design of the water management area is related to the architectural design of the **building**.

* * * * *

SUBSECTION 3.O. AMENDMENTS TO SECTION 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

* * * * *

J. *Protection of seagrass beds.* Seagrass or seagrass beds within 200 feet of any proposed **docks, dock facilities, or boathouses** shall be protected through the following standards:

* * * * *

- 3. Where a continuous bed of seagrasses exists off the **shore** of the property and **adjacent** to the property, the **applicant** shall be allowed to build a **dock** across the seagrass beds, or a **docking** facility within 10 feet of seagrass beds. Such **docking** facilities shall comply with the following conditions:

- a. The **dock** shall be at a height of at least ~~3.5~~ 2.2 feet **NGVD NAVD**.

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SUBSECTION 3.P. AMENDMENTS TO SECTION 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. This section establishes the location and **development** standards for special events, including temporary market events, sales and promotional events, and sports, religious, and community events.
1. Standards applicable to all special events.
- a. Sanitary facilities shall be provided for the duration of the event. Proof of consent by business management shall be provided if permanent business restrooms are to be used.
 - b. Safe ingress and egress shall be provided to the site, including emergency **access** measures.
 - c. A maximum of 25 percent of the **vehicular use area** may be occupied or otherwise rendered unusable by the placement of temporary **structures**, equipment, and merchandise associated with the special event, unless equivalent additional off-site parking is provided.
 - d. The minimum required number of handicapped parking spaces for the site pursuant to LDC section 4.05.07 shall not be used for the special event.
 - e. In support of the special event, temporary **structures**, equipment, merchandise, and signage may be placed on the site subject to the approval of a site diagram depicting the locations of **principal structures**, parking, temporary **structures**, and signage.
 - i. Temporary signage shall be subject to the restrictions set forth in LDC section 5.04.06.
 - ii. All temporary **structures**, equipment, merchandise, or placement and parking of vehicles in conjunction with the special event shall be located in a parking lot or **open space** at least 10 feet from the property line and shall be removed at the conclusion of each event.
 - iii. A **building** permit may be required for the erection of temporary tents or **structures**.
 - f. See Collier County Code of Laws Sections 118-102 and 118-131 to 118-155, or successor sections, for additional standards related to **solid waste** and recycling collection.
 - g. No sales, advertising, or other activity related to the special event shall be permitted in the public **right-of-way** in accordance with Collier County Code of Laws Section 26-1, or successor sections.

h. Application. The Administrative Code shall establish the procedural requirements for special events.

2. Temporary Market Events. A temporary use permit is required for temporary market events to allow for the temporary sale of retail products which may not normally be available in non-residential zoning districts. Temporary market events shall be defined as a single- or multi-vendor event where vendors sell goods or personal services directly to the public, such as, but not limited to: farmers markets, art fairs, and craft fairs.

a. Location. Temporary market events are allowed on improved or unimproved non-residential properties. For temporary events on Collier County Property, see LDC section 5.04.05 D.

b. The **applicant** shall provide a letter from the property owner or property manager granting permission to utilize the subject property for the temporary market event during the requested time period.

4-3. 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 temporary use permit for sales or promotional events.~~

~~c. In support of the proposed temporary sale or event, temporary signs, merchandise, **structures**, and equipment may be placed subject to approval of a site plan depicting same.~~

~~i. Temporary signage shall be subject to the restrictions set forth in section 5.04.06~~

~~ii. All temporary **structures** and equipment, merchandise, or placement and parking of vehicles in conjunction with the temporary sale, shall conform to the minimum yard requirements of the zoning district in which it is located.~~

~~iii. A building permit may be required for the erection of temporary **structures**.~~

- d-b. Temporary use permits for sales may be issued to the owner(s) of a commercial establishment, or to the tenant(s) operating within a commercial establishment with the approval of the property owner or property manager, provided said tenant provides documentation of a current annual lease with the property owner. Uses permitted by an approved temporary sales permit shall be operated by the property owner or tenant(s), except as provided for in LDC sections 5.04.05 A.4-g. 3.e. and 5.04.05 A.4-h. 3.f. below.
 - e-c. Temporary use permits for sales shall be restricted to those zoning districts in which the sale of the items would normally be permitted. Further, the sales activity permitted by the temporary use permit shall be related to the principal commercial activities in operation on the subject property, except as provided for in LDC subsections 5.04.05 A.4-g. 3.e. and 5.04.05 A.4-h. 3.f. below.
 - f-d. Special event temporary use permits for Sales and Promotional Events shall not be issued for ~~undeveloped~~ unimproved properties, with exception to pre-construction ground breaking events with a valid **development order**.
 - g-e. The County Manager or designee may issue temporary use permits for satellite locations subject to the applicable restrictions set forth in this section, provided the **applicant** currently operates a business from a permanent, approved commercial location within the County. Additionally, the purpose of the temporary sale shall be the same as the principal purpose of the existing commercial business of the **applicant**.
 - h-f. The County Manager or designee may, in determining a specific benefit to the public, grant a temporary use permit to facilitate the sale of an item or items not generally available within a specific planning community, subject to the applicable restrictions set forth in this section.
- 2.4. Sports, religious, and community events.
- a. A temporary use permit is required for sports, religious, community, or other similar events sponsored by profit, nonprofit, charitable, civil, or membership organizations, on lands not specifically developed and approved for such activities on a regular basis. ~~The County Manager or designee may grant a nonrenewable temporary use permit of up to 14 days duration for such events.~~

- b. Temporary use permits of this type may, in support of the use being permitted, include ~~the placement of temporary signs, merchandise, structures and equipment,~~ and a **mobile home** as an office, but not for residency.
 - i. ~~Temporary signage shall be subject to the restrictions set forth in section 5.04.06~~
 - ii. ~~A building permit may be required for the placement and/or erection of temporary structures.~~
 - c. Temporary use permits in this category shall be restricted to those zoning districts in which the use would ~~normally be permitted~~ be compatible, unless otherwise approved by the Board of County Commissioners via a public petition request.
 - d. The County Manager or designee shall accept, without fee, temporary use permit applications for sports, religious, community, or other similar events, upon presentation of documentation that the sponsor of the event is a bona fide nonprofit organization and the event is intended to benefit the community at large or a specific group of individuals. Two such events per calendar year per organization are eligible for this permit.
3. ~~Special Event time limits.~~
- a. ~~The County Manager or designee may grant nonrenewable temporary use permits of up to 14 days duration, such that during any calendar year the sum total duration of all permits for such events for that location does not exceed 28 days.~~
 - b. ~~For multiple occupancy parcels with 10 or more tenants the total duration of all such permits shall not exceed 42 days per calendar year.~~
 - c. ~~Temporary use permits for special events may be extended up to an additional 4 weeks when approved by the Board of County Commissioners. Such approval may be subject to stipulations and additional constraints which shall be noted as conditions of the permit and the permittee will be required to sign a notarized agreement to abide by such conditions.~~
- B. Temporary seasonal sales. A ~~nonrenewable 5 week~~ temporary use permit may be issued for seasonal and holiday related temporary sales subject to the following restrictions.

1. Temporary use permits for seasonal sales may be issued only for the following seasonal/holiday related items:
 - a. Christmas trees.
 - b. Fireworks, as allowed by F.S. Chapter 791 and subject to the issuance of an approved permit by the jurisdictional fire district.
 - c. Pumpkins.
 2. Temporary use permits for seasonal sales may be issued on improved or unimproved properties.
 3. The **applicant** shall provide a ~~notarized~~ letter from the property owner or property manager granting permission to utilize the subject property for the temporary seasonal sales.
 4. ~~Temporary use permits for seasonal and/or holiday sales may, in support of the use being permitted, include the placement of signs, merchandise, temporary structures, and equipment.~~
 - a. ~~Temporary signage is subject to the restrictions set forth in subsection 5.04.06 A & B.~~
 - b. ~~A building permit may be required for the erection of temporary structures.~~
- C. Garage sales. A permit is required for garage sales. ~~In the case of garage sales,~~ lawn sales, and other similar temporary sales to be held at private homes, **churches** and other places of worship, community centers, or other nonprofit residentially zoned institutions, ~~the County Manager or designee may issue one 2-day permit for such events during each 6-month period.~~
- D. Temporary events on Collier County property.
1. A Board approved agreement shall be required for temporary events on all Collier County parks, facilities, and other property. A temporary use permit shall not be required.
 2. Signage for temporary events on Collier County property shall comply with LDC section 5.04.06 Temporary Signs.
 3. The **applicant** shall coordinate with emergency medical services, fire districts, and Collier County Sheriff's offices to determine the appropriate level of coverage required for the event.
- E. Temporary Uses, not elsewhere classified. At the direction of the BCC, the County may, from time to time, be called upon to allow certain uses for specific periods of time. After public hearing, the County Manager or designee may issue a Temporary Use Permit

upon receipt of satisfactory evidence that all stipulations and/or requirements have been satisfied.

F. Temporary event time limits.

1. Table 5.04.05 F.1. – Temporary Event Time Limits

<u>Temporary event type</u>	<u>Maximum number of event days allowed for each permit</u>	<u>Maximum number of event days allowed per calendar year per location</u>
<u>Temporary market events</u>	<u>13</u>	<u>52¹</u>
<u>Sales and promotional events</u>	<u>14</u>	<u>28^{2,3}</u>
<u>Sports, religious, and community events</u>	<u>14</u>	<u>28^{2,3}</u>
<u>Temporary seasonal sales</u>	<u>35</u>	<u>105</u>
<u>Garage sales</u>	<u>2⁴</u>	<u>4</u>
<u>Temporary events on Collier County property</u>	<u>As approved in accordance with LDC section 5.04.05 D.</u>	
<u>Temporary uses not elsewhere classified</u>	<u>As approved in accordance with LDC section 5.04.05 E.</u>	
<p>¹ <u>Maximum consecutive event days shall not exceed two event days at any one location.</u></p> <p>² <u>Extension. Temporary use permits for sales and promotional events and sports, religious, and community events may be extended up to an additional four weeks when approved by the Board of County Commissioners at a regularly scheduled public meeting. Such approval may be subject to stipulations and additional constraints which shall be noted as conditions of the permit and the permittee will be required to sign a notarized agreement to abide by such conditions.</u></p> <p>³ <u>For multiple occupancy parcels with ten or more tenants the total duration of all such events shall not exceed 42 event days per calendar year.</u></p> <p>⁴ <u>The County Manager or designee may issue one 2 day permit for such events during each 6 month period.</u></p>		

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SUBSECTION 3.Q. ADDING SECTION 5.05.14 PUBLIC SCHOOLS

Section 5.05.14 Public Schools, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby added as follows:

5.05.14 Public Schools

- A. Purpose and intent. This section is intended to provide for **compatibility** of public schools in Estates, residential, and commercial zoning districts. In particular, this section seeks to ensure that impacts to traffic circulation, vehicle stacking, and vehicular and pedestrian **access** to the site are reviewed by the County and impacts are mitigated. All applications for public schools submitted as of [effective date of Ord.] shall be considered in the manner described by this section.
- B. All public schools shall meet the standards in LDC sections 5.05.14 C, D, and E below, unless an agreement is established between the operator of the public school and the Board of County Commissioners that addresses, at a minimum, the issues established in F.S. §§ 163.31777 and 1013.33.
- C. Requirements where no agreement is established between the operator of the public school and the Board of County Commissioners:
1. Public schools located within the Estates or residential zoning districts shall be subject to **conditional use** approval and this section.
 2. Public schools located within a commercial zoning district that construct a new **building(s)** or occupy an existing **building(s)**, or there is an expansion to the school which results in greater than a 5 percent increase in student capacity shall comply with this section.
- D. Traffic circulation standards for all application types:
1. Vehicles trips dedicated to the public school shall not queue or have an impact on existing through-lanes on the **adjacent** roadways and shall be addressed in accordance with TIS guidelines and procedures.
 2. Pedestrian **access** shall be provided from the public school to external **pathways**.
- E. Application requirements.
1. A SDP, SDPA, SDPI, or a SIP shall be submitted pursuant to LDC section 10.02.03 and shall demonstrate the following:
 - a. The location of all drop-off and pick-up and sites, such as those for vehicles and buses.
 - b. The location of on-site stacking lanes that serve drop-off and pick-up sites.
 - c. The location of new or existing turn lanes.

- d. The location of all internal pedestrian connections and the location of pedestrian access points to exterior pathways.
 - e. Any additional information requested by the County Manager or designee regarding traffic impacts.
2. A TIS, in accordance with the TIS guidelines and procedures, shall demonstrate the following:
- a. The trip distribution percentages and number of trips, and trip assignments of where vehicles and buses will enter and exit the site.
 - b. Any additional information requested by the County Manager or designee regarding traffic impacts.
- F. Educational facilities, as defined in LDC section 1.08.02, shall be exempt from this section.

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SUBSECTION 3.R. AMENDMENTS TO SECTION 5.06.00 SIGN REGULATIONS AND STANDARDS BY LAND USE CLASSIFICATION

Section 5.06.00 Sign Regulations and Standards by Land Use Classification, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.06.00 Sign Regulations and Standards by Land Use Classification

- A. Definitions. The definitions of the following terms shall apply to the requirements of the Land Development Code, in particular this section 5.06.00, to be known as the "Collier County Sign Code."

* * * * *

~~*Ground sign:* A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.~~

Ground sign: A sign, 8 ft. in height or lower which is independent of support from any building, that is mounted on freestanding poles or other supports, and shall include a pole cover that is between 50 percent and 100 percent of the overall sign width.

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Project identification sign: A directional sign which provides identification or recognition of a **development** only; individual tenants or **outparcels** are not permitted to use this type of signage.

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SUBSECTION 3.S. AMENDMENTS TO SECTION 6.02.06 POTABLE WATER FACILITY LEVEL OF SERVICE REQUIREMENTS

Section 6.02.06 Potable Water Facility Level of Service Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.02.06 Potable Water Facility Level of Service Requirements

- A. See Policy 1.5 D, the Capital Improvement Element of the Growth Management Plan, or successor section, for the **level of service** standards for potable water facilities. ~~The LOS for capital potable water facilities varies between public water systems and private water systems.~~
 - 1. ~~For the Collier County Water and Sewer District, the LOS is 185 gallons per capita per day (GPCD).~~
 - 2. ~~For the Goodland Water District, the LOS is 163 GPCD.~~
 - 3. ~~For the City of Naples unincorporated service area, the LOS is 163 GPCD.~~
 - 4. ~~For the Everglades City unincorporated service area, the LOS is 163 GPCD.~~
 - 5. ~~For independent districts and private potable water systems, the LOS is the potable water flow design standards as identified in Policy 1.3.1 3.1 of the Potable Water Sub-Element of the GMP, except that approved private wells are exempt from these LOS requirements.~~
- B. The ~~D~~determination of public facility adequacy for potable water facilities shall be based on the following: LDC section 10.02.07 F.1.
 - 1. ~~The required public facilities are in place at the time a final site **development plan**, final **subdivision** plat, or **building** permit is issued.~~
 - 2. ~~The required public facilities are under construction at the time a final site **development plan**, final **subdivision** plat, or **building** permit is issued.~~

~~3. The required public facilities are guaranteed in an enforceable **development agreement** that includes the provisions of subsections 6.02.06 B.1. and 6.02.06 B.2. of the LDC.~~

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SUBSECTION 3.T. AMENDMENTS TO SECTION 6.02.07 SANITARY SEWER FACILITY LEVEL OF SERVICE REQUIREMENTS

Section 6.02.07 Sanitary Sewer Facility Level of Service Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.02.07 - Sanitary Sewer Wastewater Treatment Facility Level of Service Requirements

- A. ~~See Policy 1.5 E, the Capital Improvement Element of the Growth Management Plan, or successor section, for the **level of service** standards for sanitary sewer – **wastewater treatment facilities**. The LOS for capital sanitary sewer facilities varies between public sanitary sewer systems and private sanitary sewer systems. The LOS for the North Sewer Area The LOS for capital sanitary sewer facilities varies between is 145 GPCD. The LOS for the South Sewer Area is 100 GPCD. The LOS for the Southeast Sewer Service Area is 120 GPCD. The LOS for the Northeast Sewer Service Area is 120 GPCD. The LOS for the City of Naples unincorporated sewer service area is 121 GPCD.~~
- B. ~~The LOS for independent districts and private sanitary sewer systems is the sewage flow design standards identified in Policy 2.1 of the Sanitary Sewer Sub-Element the GMP, as required by the State of Florida. Approved private septic systems are exempt from these LOS requirements.~~
- C. ~~The determination of public facility adequacy for sanitary sewer wastewater treatment facilities shall be based on the following: LDC section 10.02.07 F.2.~~
 - 1. ~~The required public facilities are in place at the time a final site **development plan**, final **subdivision plat**, or **building** permit is issued.~~
 - 2. ~~The required public facilities are under construction at the time a final site **development plan**, final **subdivision plat**, or **building** permit is issued.~~
 - 3. ~~The required public facilities are guaranteed in an enforceable **development agreement** that includes the provisions of subsections 6.02.07 C.1. and 6.02.07 C2.~~

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SUBSECTION 3.U. AMENDMENTS TO SECTION 9.04.04 SPECIFIC REQUIREMENTS FOR MINOR AFTER-THE-FACT ENCROACHMENT

Section 9.04.04 Specific Requirements for Minor After-the-Fact Encroachment, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

9.04.04 Specific Requirements for Minor After-the-Fact Encroachment

Minor after-the-fact **yard** encroachments for **structures**, including **principal** and **accessory structures**, may be approved administratively by the County Manager or designee. Exceptions to required **yards** as provided for within LDC section 4.02.01.D shall not be used in the calculations of existing **yard** encroachments.

- A. For both residential and non-residential **structures** the County Manager or designee may administratively approve minor after-the-fact **yard** encroachments of up to five (5) percent of the required **yard**, not to exceed a maximum of six (6) inches when:
 - 1. ~~A~~ a **building** permit has been issued and ~~is under review~~, but for which a certificate of occupancy has not been granted. The encroachment applies to the yard requirement in effect as of the date the building permit was issued.
 - 2. ~~A building permit and certificate of occupancy or a final development order has been granted.~~

- B. For both residential and non-residential **structures**, the County Manager or designee may administratively approve minor after-the-fact **yard** encroachments of up to ten (10) percent of the required **yard** with a maximum of two (2) feet when
 - 1. ~~A~~ a **building** permit and certificate of occupancy ~~or a final development order~~ has been granted. The encroachment applies to the yard requirement in effect as of the date the building permit was issued.
 - 2. ~~The encroachment applies to the yard requirement which was in effect as of the date on which the certificate or occupancy or final development order was issued.~~

- C. For property supporting a single-family home, two-family home, **duplex**, **mobile home** or modular home, the County Manager or designee may administratively approve encroachments of up to twenty-five (25) percent of the required **yard** in effect as of the date of the ~~final development order~~ building permit when one of the following conditions exists:-
1. In the presence of mitigating circumstances, where the encroachment does not result from error or action on the part of the property owner and a building permit has been issued.
 2. ~~Structures for which a final development order has been issued.~~
 - 3-2. ~~When~~ Where no **building** permit record can be produced and the following criteria ~~must be~~ are met:
 - a. An after-the-fact **building** permit for the **structure**, or portion of the **structure**, is issued prior to the application approval of for the administrative variance, ~~prior to the application for the administrative variance.~~ The administrative variance will only be approved once all inspections have been completed, ~~and the certificate of occupancy will be issued only in cases where an administrative variance has been approved.~~ The certificate of occupancy shall be placed on hold until the administrative variance is approved.
 - b. The encroaching **structure**, or portion of the **structure**, was constructed prior to the purchase of the subject property by the current owner.
 - c. Evidence is presented showing that the encroaching **structure**, or portion of the **structure**, was constructed at least two (2) years prior to the date of application for the administrative variance. This evidence may be in the form of a survey, property card, or dated aerial photograph clearly showing the encroachment.
 - d. The encroaching **structure** is either an addition of living area to a **principal structure**, or an **accessory structure** of at least two hundred (200) square feet in area.
 - e. The encroachment presents no safety hazard and has no adverse effect on the public welfare.
- 4-D. Where a **structure** was lawfully permitted within a residential zoning district under a previous code, and where said **structure** is considered **nonconforming**

under the current Land Development Code, due to changes in the required **yards**, the County Manager or designee may administratively approve a variance for an amount equal to or less than the existing **yard** encroachment.

~~D-E.~~ Under no circumstances shall any administrative variance be approved which would allow a reduction of the separation between **structures** to less than ten (10) feet.

~~E-F.~~ Administrative variances approved pursuant to the above do not run with the land in perpetuity and remain subject to the provisions of this section regarding **nonconforming structures**.

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SUBSECTION 3.V. AMENDMENTS TO SECTION 10.02.03 REQUIREMENTS FOR SITE DEVELOPMENT, SITE IMPROVEMENT PLANS AND AMENDMENTS THEREOF

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

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

* * * * *

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

* * * * *

2. Site **development plan** insubstantial changes (SDPI). The County Manager or 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:

* * * * *

g. The change does not include the addition of any **accessory structure** that generates additional traffic as determined by the Transportation Planning Director, impacts water management as determined by the Engineering Services 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 designee.~~

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

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SUBSECTION 3.W. AMENDMENTS TO SECTION 10.02.05 CONSTRUCTION, APPROVAL, AND ACCEPTANCE OF REQUIRED IMPROVEMENTS

Section 10.02.05 Construction, Approval, and Acceptance of Required Improvements, 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

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

~~1. Pre application meeting requirements. Prior to making an application to submit an SIP, the property owner and/or agent is required to have a pre-application meeting with Collier County planning staff. Coordinating this process will be the responsibility of the assigned planner who will establish a date for the meeting and will advise other review staff to attend the meeting. The owner of the property or agent representing the owner shall bring to the meeting a survey plot plan showing the location of all buildings and structures, and preferably a draft plan showing the proposed layout of buildings and infrastructure improvements. The applicant shall consult with the Immokalee Fire Department and the Immokalee Sewer and Water District prior to the pre-application meeting. Within 90 days after the pre-application meeting, the owner/agent shall submit the SIP application and supporting documents. Failure to submit a formal SIP shall cause~~

~~a citation to be issued to the property which may culminate in the requirement to remove all buildings and structures as provided above unless otherwise prohibited by state law.~~

~~2. SIP submission requirements, preparation standards and notes.~~

~~a. An application for an SIP on a form prepared by Collier County shall be signed by the owner or agent of the property owner in the form of an affidavit as indicated on the application form.~~

~~b. A survey plan showing all buildings and structures, their uses and the actual size of the structures.~~

~~c. A site improvement plan showing the proposed location of all buildings, and all required infrastructure, drawn to scale on a 24" x 36" sheet(s) illustrating the following information:~~

~~i. Park name, address and phone number of agent preparing the plan and address and phone number of the property owner.~~

~~ii. Folio number(s) of property and total site area.~~

~~iii. Zoning designation and land use on subject and adjacent property.~~

~~iv. North arrow, scale and date.~~

~~v. Landscaping, proposed and existing.~~

~~vi. Parking spaces.~~

~~vii. Setbacks and space between building measurements.~~

~~viii. Location and arrangement of ingress/egress points.~~

~~ix. Type of surface of all access roadways leading to the park and within the park.~~

~~x. Location of all structures in the park (units, office, accessory building, etc.)~~

~~xi. Location of dumpster or trash container enclosure.~~

~~xii. Location and height of walls and/or fences.~~

~~xiii. Where applicable, dimensions of lots, width of internal streets and design cross-section of streets and drainage improvements.~~

~~d. Plans do not have to be signed and sealed by a professional engineer, however, plans must be prepared by a person having knowledge of drafting skills and basic engineering construction standards which may include a paraprofessional associated with a professional engineering, architectural, landscape architectural firm or licensed contractor.~~

- ~~e. Prior to approval of the SIP the county building inspector will identify all mobile homes not meeting minimum housing code standards and minimum floor area requirements for mobile homes as defined in this Code. These mobile home units that cannot be rehabilitated shall be removed within 12 months of the approval of the SIP unless prohibited by law and shall be so indicated on the SIP.~~
 - ~~f. Mobile home units meeting the housing code and as defined in this Code may replace the units removed, provided the replacement units do not exceed the maximum number of units allowed on the original SIP.~~
 - ~~g. The number of units approved on the SIP will be allowed to remain, except for those identified substandard units which must be removed in accordance with the timeframes referred to in section 10.02.05 F.2.e. above, so long as the requirements of the approved SIP are implemented and a building permit has been obtained for each unit.~~
 - ~~h. A right-of-way permit shall be required, subject to subsection 10.02.03 B.1.j.~~
- ~~3. Landscaping: Landscape improvements shall be shown on the SIP, either separately or collectively on the same sheet as the site plan. Existing trees may be credited pursuant to section 4.06.04 D. of this Code.~~
- ~~a. The plan shall be prepared by a landscape architect, landscape designer or landscape contractor or paraprofessional associated with such a firm and having knowledge of Florida plant material and planting requirements. Landscape plans do not need to be signed and sealed when prepared by a licensed landscape architect.~~
 - ~~b. Landscaping requirements are as follows:
 - ~~i. A ten-foot wide landscape buffer, with 1 single hedgerow and trees spaced 30 feet on center along property lines abutting a right-of-way.~~
 - ~~ii. Trees spaced 50 feet on center along internal boundary lines.~~
 - ~~iii. Permitted trees include live oak, sycamore, red maple, and sweet gum. Under electrical transmission lines, simpson stopper, magnolia, east Palatka holly, and daheon holly trees are permitted.~~
 - ~~iv. Fixed irrigation systems which shall include 2 irrigation bubblers per tree.~~~~

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

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

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

Project Implementation Timeline	# of Phases	Phase Timelines
18 months	1	18 months
30 months	2	18 months—First Phase 30 months—Second Phase
42 months	3	18 months—First Phase 30 months—Second Phase 42 months—Third Phase
54 months	4	18 months—First Phase 30 months—Second Phase 42 months—Third Phase 54 months—Fourth Phase

b. ~~Building permits must be obtained for each unit when relocated and replaced within an approved park, otherwise the code enforcement action will proceed except as otherwise provided pursuant to section 10.02.05 F.2.e.~~

* * * * *

SECTION FOUR: CONFLICT AND SEVERABILITY

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the LDC or GMP shall prevail. In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court

of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

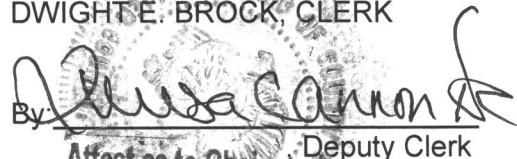
The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION SIX: EFFECTIVE DATE

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 13th day of September, 2016.

ATTEST:
DWIGHT E. BROCK, CLERK

By: 
Deputy Clerk

Attest as to Chairman's signature only

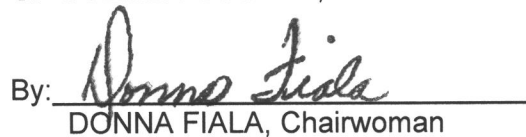
Approved as to form and legality:

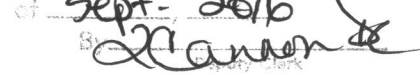


Scott A. Stone
Assistant County Attorney

04-CMD-01077/1733 (8/5/16)

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: 
DONNA FIALA, Chairwoman

This ordinance filed with the Secretary of State's Office the 16th day of Sept-, 2016 and acknowledgement of that filing received this 16th day of Sept-, 2016
By: 
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 19, 2016

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Ms. Teresa Cannon, BMR Senior Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 16-27, which was filed in this office on September 16, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb