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ORDINANCE 89- 18

AN ORDINANCE AMENDING ORDINANCE 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY AMENDING SUBSECTION 10.5, DEVELOPMENT PLAN APPROVAL, BY CHANGING THE TITLE AND BY ADDING PARAGRAPHS OF INTENT, APPLICABILITY, DEFINITIONS, PROCEDURES, STANDARDS, AMENDMENTS, AND VIOLATIONS BY REPEALING PREVIOUS SUBSECTION 10.5, DEVELOPMENT PLAN APPROVAL; BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

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CLERK OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

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

SECTION ONE:

Section 10, Subsection 10.5, Development Plan Approval, of Ordinance No. 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended to read as follows:

10.5-Development-Plan-Approval:

- a- Procedure:--Whereby the terms of this Zoning Ordinance, approval of a Development Plan is required or whereby approval is requested by the developer prior to the issuance of a building permit, such Development Plan shall be submitted to the Zoning Director. He may circulate the Development Plan for comment and criticism to any County official, department, or advisory board which may have a responsibility for some aspect of the Development Plan.
- b- Contents:--The Development Plan required to be submitted under Section 10.5(a) above and by the requirements of this Zoning Ordinance shall include the following elements, unless the Zoning Director determines that one or more of said elements does not apply to the particular development.
 - 1) Statements of ownership and control of the proposed development.
 - 2) Statement describing, in detail, the character and intended use of the development.
 - 3) General location map, showing relation of the site for which Development Plan approval is sought to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project, and the like.
 - 4) A Development Plan containing the title of the project and the names of the project planner and developer, date, and north arrow, and based on an exact survey of the property drawn to a scale of sufficient size to show boundaries of the project, any existing

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~~streets, buildings and structures, access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic, off-street parking and off-street loading areas, recreation facilities locations, all screens and buffers, refuse collection areas, and access to utilities and points of utilities hookups.~~

- 5) ~~Fabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to the various permitted uses, ground coverage by structures, and impervious surface coverage.~~
- 6) ~~Fabulations showing the derivation of numbers of off-street parking and off-street loading spaces shown in Subparagraph --4) above, and total project density in dwelling units per gross acre.~~
- 7) ~~If common facilities (such as recreation areas or structures, private streets, common open space, etc.) are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners associations, surety arrangements, or other legal instruments providing adequate guarantees to the County that such common facilities will not become a future liability for the County.~~
- 8) ~~Storm drainage and sanitary sewage plans.~~
- 9) ~~Architectural definitions for types of buildings in the development, exact number of dwelling units, sizes and types, together with typical floor plans of each type.~~
- 10) ~~Plans for signs, if any.~~
- 11) ~~Landscaping plan, including types, sizes and locations of vegetation and decorative shrubbery, and showing the provisions for irrigation and maintenance. Location on the site of all existing trees protected by County regulations shall be shown.~~
- 12) ~~Plans for recreation facilities, if any, including buildings for such use.~~
- 13) ~~Such additional data, maps, plans, surveys or statements as may be required for the particular use or activity involved.~~
- 14) ~~Such additional data as the applicant may believe is pertinent to the Development Plan.~~

~~Items 3), 4), 8) and 9) above shall be prepared by a registered surveyor, engineer, architect or practicing urban planner as may be appropriate to the particular item.~~

e. ~~zoning Director Action: In reaching a decision as~~

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~~to whether the Development Plan, as submitted, shall be approved or approved with changes, or in reaching a decision not to approve the plan, the zoning Director shall follow the procedure set out in Section 10-5-a and b, above and shall be guided in his decision and the exercise of discretion to approve, approve with conditions, or to deny by the following standards:~~

- 1) ~~Sufficiency of Statements on ownership and control of the development and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities, or common lands to insure preservation of such lands and facilities will not become a future liability for the County.~~
- 2) ~~Density and/or Purpose of the proposed development with particular attention to its relationship to adjacent and nearby properties and the effect thereon and relationship to the County's Comprehensive Plan.~~
- 3) ~~Ingress and Egress to the development and the proposed structures thereon, with particular reference to automotive and pedestrian safety, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe or emergency.~~
- 4) ~~Location and Relationship of Off-Street Parking and Off-Street Loading Facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.~~
- 5) ~~Sufficiency of Proposed Screens and Buffers to preserve internal and external harmony and compatibility with use inside and outside the proposed development.~~
- 6) ~~Manner of Drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall County capacities.~~
- 7) ~~Utilities, with reference to hook-in locations and availability and capacity for the uses projected.~~
- 8) ~~Recreation Facilities and Open Spaces, with attention to the size, location, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community wide open spaces and recreation facilities.~~
- 9) ~~General Development Arrangement, Amenities and Convenience, with particular reference to~~

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~~insuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial depreciation of property values.~~

- ~~10) Such other standards as may be imposed by this zoning ordinance for the particular use or activity involved.~~
- d. ~~Effect of Development Plan Approval:--Upon approval of a Development Plan, no building permit or certificate of occupancy shall be issued except in strict conformity with the approved Development Plan.--Violation of the terms of the approved Development Plan is a violation of this zoning ordinance.~~
- e. ~~Changes and Amendments:--Any change in an approved Development Plan requires a review as for a new request (see Paragraphs 5.a through 5.d above).~~

10.5 Site Development Plan Review and Approval:

- a. Intent: The intent of this section is to ensure compliance with the appropriate zoning regulations prior to the issuance of a building permit. This section is further intended to ensure that the proposed project complies with fundamental planning and design principles such as: Consistency with the County's Growth Management Plan; the layout and arrangement of buildings and open spaces; the configuration of the circulation system, including driveways, parking areas and emergency access; the availability and capacity of drainage and utility facilities; and, overall compatibility with adjacent development within jurisdiction of Collier County.
- b. Applicability: All development with the exception of a single lot or parcel proposing a single family detached unit or a duplex unit, shall be subject to Preliminary and Final Site Development Plan (here in after referred to as SDP) review and approval. A Preliminary SDP shall be reviewed and approved prior to the submittal of Final SDP.
- c. Definitions:
- 1) Development - for the purpose of this Section (10.5) shall be defined as and include Multi-Family Residential, Commercial, Institutional and Industrial projects. Projects which do not affect existing circulation, parking building arrangements, drainage, landscaping, buffering and other SDP considerations, or, may be subject to Subdivision Regulations, shall be exempt from this section.
 - 2) Final Site Development Plan - A set of detailed, engineered plans, together with specific narrative information that illustrates and describes how the proposed project will be implemented.

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- 3) Preliminary Site Development Plan - A set of plans, together with narrative information and data that illustrates and describes how the proposed project addresses zoning, planning and site design considerations.
 - 4) Site Development Plan - A graphic representation, together with supportive information and data that clearly depicts the proposed project on a particular lot or parcel of land. A Site Development Plan is further defined for the purpose of this section as including the Preliminary and Final SDP.
- d. Procedures: The SDP review procedure consists of two phases. The first is the Preliminary Site Development Plan review followed by Final Site Development Plan review.
- 1) Preliminary SDP Applications: A pre-application meeting shall be conducted by the County Manager, or his designee, to determine all applicable submittal requirements which may include the following:
 - (a) A Project Narrative shall be provided that describes the character and intended use of the proposed project. It shall also describe the various planning and design concepts used in developing the project, the provision of on-site amenities, such as, recreational facilities, open space or special landscape treatments.
 - (b) A copy of the deed, contract for sale or agreement for sale clearly demonstrating ownership and control of the subject lot or parcel of land.
 - (c) A site plan prepared on a maximum size sheet measuring 24" x 36" drawn to scale and setting forth the following information:
 - (1) The project title and the name, address and phone number of the firm or agent preparing the plans and the name, address and telephone number of the property owner.
 - (2) Reference to the appropriate zoning district or PUD, as well as, any previous SDP(s) relating to the subject lot or parcel.
 - (3) Reference to the zoning and existing land use of all properties adjacent to the project.
 - (4) North arrow, scale and date.
 - (5) Vicinity map clearly identifying the location of the project and its relationship to the surrounding community.

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- (6) A narrative statement identifying provisions of ownership and maintenance of all common areas, open space, private streets and easements.
- (7) A site summary in chart form which shall include the following:
- (I) Total site acreage.
 - (II) Total square footage of building footprint and its percentage of the total site area.
 - (III) Total square footage of impervious area (including all parking areas, driveways, loading areas, drive-aisles, and internal streets) and its percentage of the total site area.
 - (IV) Total square footage of landscape area/open space and its percentage of the total site area.
- (8) A project summary in chart form which shall include:
- (I) For residential projects - total number of units, units per acre, and a unit breakdown by square footage and number of bedrooms.
 - (II) For non-residential projects - total building square footage, and a square footage breakdown by use (i.e. office, retail, storage, etc.) and its percentage of the total building.
- (9) A parking summary in matrix form which shall include:
- (I) Type of use.
 - (II) Total square footage per use.
 - (III) Required parking ratio.
 - (IV) Number of spaces required per use.
 - (V) Number of spaces provided per use.
 - (VI) Total number of required and provided spaces including regular, handicapped and reserved spaces.

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(10) Illustrative information consisting of the following shall be drawn to scale and accurately depicted on the site plan:

(I) A boundary survey, prepared by a Licensed Land Surveyor or Engineer in the State of Florida, showing the location and dimensions of all property lines, existing streets or roads, easements, rights-of-way, and areas dedicated to the public.

(II) Name, alignment and existing/proposed right-of-way of all streets which border the project (including raised islands, striping, right/left turn lanes, median cuts and nearby intersections), and the location of all existing driveways or access points on the opposite side of all streets which border the project.

(III) Location and configuration of all project ingress and egress points.

(IV) Location and arrangement of all proposed buildings (including existing buildings that are to remain).

(V) Location and configuration of all parking and loading areas and their relationship to the proposed building arrangement.

(VI) Name, alignment and existing/proposed right-of-way of all internal streets and/or alleys within the project and their relationship to the proposed building and parking area arrangement.

(VII) Directional movement of internal vehicular traffic and its separation from pedestrian traffic.

(VIII) Location and configuration of recreational facilities (including related buildings, golf course areas, tennis courts, pools, etc.) and their relationship to the proposed building and parking area arrangement.

(IX) Location and general

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configuration of all water and/or drainage retention/detention areas, as well as, all existing and proposed easements, water and sewer lines intended to serve the project.

(X) Location and general configuration of such natural features as preservation/conservation areas, significant vegetation, water bodies, and wetlands.

(XI) Location of emergency access lanes within the project which includes the location of fire hydrants and fire lanes and their relationship to the proposed building arrangement.

(XII) Location of all handicapped parking spaces in relationship to the proposed building and parking area arrangement.

(XIII) Location of trash enclosures and their relationship to the proposed building arrangement as well as accessibility for collection vehicles.

(XIV) Location of all proposed ground or monument signs.

(XV) Location and heights of all proposed walls or fences.

(XVI) Accurate dimensions which include the following:

(i) All building setbacks.

(ii) Distance between buildings and accessory structures.

(iii) Width of all internal streets.

(iv) All parking areas and drive aisles.

(v) Ground or monument sign setback.

(vi) Landscape areas adjacent to all vehicular drives, interior property lines and all parking areas.

(XVII) Any additional informational as may be required by the County Manager, or his designee.

(d) Landscape calculations in chart form

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which shall include the following:

- (1) Landscape Requirements adjacent to vehicular rights-of-ways pursuant to Section 8.30, Subsection e.1).
 - (2) Landscape Requirements adjacent to interior property lines pursuant to Section 8.30, Subsection e.2).
 - (3) Landscape Requirements for the project interior pursuant to Section 8.30, Subsection e.3).
 - (4) Native species requirement pursuant to Section 8.30, Subsection a.
- (e) A tree survey shall be provided identifying the location and type of all existing trees on the project site.
- (f) Building Elevations
- (1) The following shall be clearly delineated on the building elevations:
 - (I) Building height dimensions.
 - (II) Elevation and dimensions of all proposed ground or monument signs.
 - (III) Any additional information as may be required by the County Manager or his designee.
- (g) A recent aerial photo shall be provided that clearly depicts the project limits.
- (h) Bonus Survey
In the event a residential or commercial bonus is requested, as provided for in the Growth Management Plan, an engineered survey that clearly illustrates the location and relationship of the project to the appropriate activity center and the related activity band shall be required.
- 2) Final SDP Applications: The project illustrated on the Final SDP shall be in substantial compliance with the approved Preliminary SDP. The following information shall be required for all Final SDP Applications as may be applicable:
- (a) A detailed site-plan prepared on a maximum size sheet measuring 24" x 36", drawn to scale and setting forth all required on-site and off-site improvements and provisions to include the following:
 - (1) Complete legal description including Boundary Survey.

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- (2) Lot dimensions, acreage.
 - (3) All building and structures, location, size, height and proposed use.
 - (4) Yard setbacks and distances between structures.
 - (5) Walls and fences including location and heights.
 - (6) Off street parking; location, parking layout dimensions, on site traffic circulation, and landscaping.
 - (7) Access for pedestrian, vehicular and service. Points of ingress and egress.
 - (8) The proposed location, size and height of all signs.
 - (9) Loading: location, dimensions and number of loading spaces.
 - (10) Lighting: location, heights and design of all street and/or parking lot light fixtures.
 - (11) Street dedication and improvements.
 - (12) Drainage and grading plan for the site which shows the proposed finished floor elevations, drainage flow and any required water management features.
 - (13) Solid waste disposal facilities.
 - (14) Existing and proposed easements including, but not limited to ingress/egress, Water Management and Public/County Utilities.
 - (15) Buffer areas.
 - (16) Environmentally sensitive preserve areas.
 - (17) The location and configuration of septic systems, with required open area, or interim wastewater treatment facility, if required.
 - (18) The location of potable water wells, if existing or proposed.
 - (19) Water and sewer system connection points and configurations on-site.
- (b) A landscape plan which shall contain the following:

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- (1) Landscape summary in matrix form which shall include:
 - (I) Graphic symbol to indicate each type of plant material.
 - (II) Botanical name.
 - (III) Common name.
 - (IV) Total number of each type of plant material.
 - (V) Height and spread of each type of plant material.
 - (VI) Spacing of each type of plant material.
- (2) Illustrative information consisting of the following shall be accurately depicted on the landscape plan:
 - (I) The location, configuration and arrangement of all proposed buildings, internal streets and parking areas as reflected on the site plan.
 - (II) Location of all proposed plant material with appropriate graphic symbol.
 - (III) Location of all native vegetation to be preserved.
 - (IV) Dimensions of all proposed planting areas.
 - (V) Location and configuration of all special or textured paving areas.
 - (VI) Provisions for site irrigation and maintenance.
 - (VII) The size and location of existing trees, and the location of all areas to be landscaped.
 - (VIII) Any additional information as may be required by the County Manager, or his designee.
- (c) Architectural plans showing building footprint, configuration and building heights.
- (d) Detailed on-site and off-site infrastructure improvement construction documents prepared in conformance with current County ordinances, regulations, policies and procedures which consists

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of, but are not limited to, the following items:

- (1) A cover sheet setting forth the project name, applicant name and name of engineering firm and vicinity map.
- (2) Improvements for water and sewer service as needed and/or specified during the Preliminary SDP process prepared in conformance with Collier County Ordinance No. 88-76, as amended.
- (3) Improvements for roadway, traffic circulation, ingress and egress, parking and other transportation needs required and/or specified during the Preliminary SDP process prepared in conformance with Collier County Ordinance No. 76-06, as amended.
- (4) Improvements for water management as needed and/or specified during the Preliminary SDP process pursuant to South Florida Water Management District Rules, Chapter 40E-4, 40E-40 and 40E-41, Florida Administrative Code.
- (5) All necessary standard and special details associated with (c) (2) thru (4) above.
- (6) Written technical specifications for all infrastructure improvements to be performed.
- (7) Engineering design computations and reports for water, sewer, roads and water management facilities, as required by County, State and Federal Laws and Regulations.
- (8) Topographical map of site which shall include the following:
 - (I) Existing features, such as, water courses, drainage ditches, lakes, marshes.
 - (II) Existing ground elevations at spot locations and minimum of 50 feet beyond property line. Contours at intervals of one foot unless a topographic grid is provided.
 - (III) A description of vegetative cover.
 - (IV) Benchmark locations and elevation (NGVD).

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(9) Recent aerial photo, at same scale as plan, if available, with delineated project boundaries.

(10) Site clearing plan.

(e) All necessary permit applications, permit approvals and other appertinate items including but not limited to:

(1) Department of Environmental Regulation Water and Sewer Facilities Construction Permit.

(2) Excavation Permit.

(3) Department of Transportation Utilities Construction in State Rights-of-Way permit.

(4) Collier County Rights-of-Way Permit.

(5) Blasting Permit.

(6) Tree Removal Permit.

(7) South Florida Water Management District permit, if required, or, Collier County general permit for Water Management.

(8) Interim wastewater and/or water treatment plant construction or interim septic system and/or private well permits.

(9) Any additional State and Federal permits which may be required.

(10) Any specific agreements specified between the Petitioner and the County during the Preliminary SDP process.

(11) All other pertinent data, computations, plans, reports, etc., necessary for the proper design and construction of the project submitted for consideration.

(12) All necessary securities required by Collier County ordinances in effect at the time of construction.

NOTE: The Petitioner shall submit evidence that all necessary land development related permits have been issued prior to the commencement of construction.

e. Standards: The County Manager, or his designee, shall review and consider all Preliminary and Final SDP's. In reaching a decision to approve, approve with conditions, or to disapprove, the County Manager or his designee, shall evaluate the

Preliminary and Final SDP's by the following standards:

- 1) Statements regarding ownership and control of the project as well as sufficiency of conditions regarding ownership and control, use and permanent maintenance of common open space, common facilities, or common lands to ensure preservation of such lands and facilities will not become a future liability of the county.
 - 2) Project compliance with all appropriate zoning regulations.
 - 3) The ingress and egress to the proposed project and its proposed improvements, vehicular and pedestrian safety, separation of vehicular traffic from pedestrian and other traffic, traffic flow and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe or other emergency.
 - 4) The location and relationship of parking and loading facilities to thoroughfares and internal traffic patterns within the proposed project, considering vehicular and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
 - 5) Adequacy of recreation facilities and open spaces considering the size, location, and development of these areas with regard to adequacy, effect on the privacy of adjacent and nearby properties as well as uses within the proposed project, and the relationship to community-wide open spaces and recreation facilities.
 - 6) Adequacy of the proposed landscape screens and buffers considering preservation of the project's internal as well as compatibility with adjacent land uses.
 - 7) Drainage Master Plan on the property, considering its effect on adjacent and nearby properties and the consequences of such drainage Master Plan on overall county capacities.
 - 8) Adequacy of utility service, considering hook-in location and availability and capacity for the uses projected.
 - 9) Such other standards as may be imposed by this Zoning Ordinance, the Growth Management Plan or other applicable ordinances for the particular use or activity proposed.
- f. Amendments: Any proposed change or amendment to either a Preliminary or Final SDP shall be subject to review and approval by the County Manager, or his designee.

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Upon submittal of a plan clearly illustrating the proposed change, together with a written narrative describing and justifying the change, the County Manager, or his designee, shall determine whether or not it constitutes a substantial change. In the event a substantial change is identified, both the Preliminary and Final SDP shall be amended to reflect the change and shall follow the same review procedure as set forth for a new SDP application (refer to paragraphs 10.5 d and 10.5 e above). A substantial change shall be defined as:

- 1) A change in the project boundaries; or
- 2) An increase in the total number of residential units or densities with the project; or
- 3) An increase in size, or square footage of non-residential uses, (excluding open space, conservation or preservation areas) or a relocation of non-residential uses; or
- 4) A decrease in preservation, conservation, open space or recreational facilities within the project; or
- 5) Any other change the County Manager, or his designee, may determine as significantly altering the general layout, configuration and arrangement of the project.

In the event the County Manager, or his designee, determines the change to be less than substantial, both the Preliminary and Final SDP shall be amended to reflect the change, but shall not be required to follow the review procedure as set forth for a new SDP.

- g. Violations: No building permit or Certificate of Occupancy shall be issued except in compliance with the approved Final SDP. Violation of the terms identified in the approved Final SDP shall constitute a violation of this Zoning Ordinance.

SECTION TWO:

Section 10, Subsection 10.5, Development Plan Approval, of Ordinance No. 82-2, the Zoning Ordinance of Collier County, Florida is hereby repealed in its entirety.

SECTION THREE:

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

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this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, district and independent provision, and such holding shall not affect the validity of the remaining portion.

SECTION FOUR:

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of county Commissioners of Collier County, Florida this 28th day of March, 1989.

DATE: March 28, 1989

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:
JAMES C. GILES, CLERK

BY: Burt L. Saunders
BURT L. SAUNDERS, CHAIRMAN

By: Marjorie M. Student, D.C.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

This ordinance filed with the Secretary of State's Office the 10th day of April, 1989 and acknowledgement of that filing received this 10th day of April, 1989

By: James Chesnut
Deputy Clerk

SITE DEVELOPMENT PLAN
ZONING ORDINANCE

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STATE OF FLORIDA)

COUNTY OF COLLIER)

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

Ordinance No. 89-18

which was adopted by the Board of County Commissioners on the 28th day of March, 1989, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 3rd day of April, 1989.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: /s/Maureen Kenyon
Deputy Clerk

