

AN ORDINANCE AMENDING ORDINANCE 82-2, AS AMENDED BY COLLIER COUNTY ORDINANCE NO. 89-18, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREAS OF COLLIER COUNTY BY AMENDING SECTION 10, ADMINISTRATION AND ENFORCEMENT, SUBSECTION 10.5, SITE DEVELOPMENT PLAN REVIEW AND APPROVAL, BY MAKING MINOR CHANGES TO SUBSECTION 10.5 b., APPLICABILITY, BY ADDING A NEW SUBSECTION 10.5 c., WAIVER, TO PROVIDE FOR THE WAIVER OF CERTAIN SUBMISSION REQUIREMENTS AND DEVELOPMENT STANDARDS; BY RENUMBERING FORMER SUBSECTION 10.5 c., DEFINITIONS, TO SUBSECTION 10.5d., BY ADDING CERTAIN DEFINITIONS THERETO AND BY MAKING MINOR ADDITIONS AND DELETIONS; BY RENUMBERING FORMER SUBSECTION 10.5 d., PROCEDURES, TO SUBSECTION 10.5 e., BY ADDING PROVISIONS FOR MINOR SITE DEVELOPMENT PLAN AND MAJOR SITE DEVELOPMENT PLAN (PHASED AND NON-PHASED) REVIEWS, BY ADDING AND DELETING CERTAIN REQUIREMENTS FOR PRELIMINARY AND FINAL SITE DEVELOPMENT APPLICATIONS, AND BY RENUMBERING SEVERAL PARAGRAPHS CONTAINED WITHIN THIS SUBSECTION; BY RENUMBERING FORMER SUBSECTION 10.5 e., STANDARDS, TO SUBSECTION 10.5 f., BY REQUIRING THAT THE SIGNAGE OF PROJECTS SUBJECT TO REVIEW UNDER THIS SUBSECTION CONFORM TO THE COLLIER COUNTY SIGN ORDINANCE, AND BY MAKING OTHER MINOR CHANGES; BY RENUMBERING FORMER SUBSECTION 10.5 f., AMENDMENTS, TO SUBSECTION 10.5 g., BY AMENDING THE DEFINITIONS OF THE TERM SUBSTANTIAL CHANGE, AND BY MAKING OTHER MINOR CHANGES; BY RENUMBERING FORMER SUBSECTION 10.5 g., VIOLATIONS, TO SUBSECTION 10.5 h., PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 DEPARTMENT OF STATE
 TALLAHASSEE, FLORIDA

WHEREAS, the Legislature of the State of Florida in Chapter 125, Florida Statutes, has conferred on Collier County the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, on March 28, 1989, the Board of County Commissioners of Collier County adopted substantial amendments (Ordinance No. 89-18) to Subsection 10.5, Site Development Plan Review and Approval, of Section 10, Administration and Enforcement, of Collier County Ordinance No. 82-2; and

WHEREAS, there is an identified need to further enhance the administration of, and increase efficiency in the site development plan review process by adding a one-step plan review, allow for certain exemptions to agricultural development plans and, provide for the review and approval of phased development projects; and

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WHEREAS, the Community Development Services Division, petitioned the Board of County Commissioners of Collier County, Florida, to amend Subsection 10.5, Site Development Plan Review and Approval, of Section 10, Administration and Enforcement, of Ordinance 82-2, the Comprehensive Zoning Regulations of Collier County;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: AMENDMENTS TO SUBSECTION 10.5 OF SECTION 10 OF COLLIER COUNTY ORDINANCE NO. 82-2, AS AMENDED BY COLLIER COUNTY ORDINANCE NO. 89-18.

Subsection 10.5, Site Development Plan Review and Approval, of Section 10, Administration and Enforcement, of Collier County Ordinance No. 82-2 is hereby amended to read as follows:

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 (hereinafter referred to as SDP) review and approval. A Preliminary SDP (when required) shall be reviewed and approved prior to the submittal of a Final SDP.

c. Waiver: Due to its location or minimal impact on surrounding properties, standard development review criteria as described in Subsection 10.5 e. 4) and 10.5 e. 5) may be waived in part or in full by the County Manager, or his designee for agriculturally related development as identified in the Collier County, Florida, Comprehensive Zoning Regulations, Ordinance No. 82-2, Subsections 7.8 (A-1 Agricultural District) and 7.9 (A-2 Rural Agricultural District), Permitted Principal and Accessory Uses and Structures and located within any area designated Agricultural on the Future Land Use Map of the Collier County Growth Management Plan and the Collier County Zoning Ordinance.

Waiver of development review criteria as identified within Subsections 10.5 e. 4), and 10.5 e. 5), shall be requested by the applicant or applicant's representative

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prior to actual submission of a Site Development Plan and shall be accompanied with a sketch or conceptual plan of the proposed development which will identify the total acreage of the site, contiguous property under the ownership of the applicant, proposed and existing uses on the site, number of users of the facility and traffic circulation which will be used to determine potential impact on adjacent properties.

c- d. 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.

3) Major Site Development Plan Review - A plan submission involving a two-step review process which requires the review and approval of a Preliminary SDP prior to the submission of a Final SDP.

4) Minor Site Development Plan Review - A plan submission involving a one-step review process. A Site Development Plan may be reviewed under the Minor SDP review process if the plan submittal meets the following conditions:

- (a) The Project does not require a South Florida Water Management District permit and/or modification to an existing permit unless pre-approved and submitted with the SDP application.
- (b) Central sewer and water are available at the property line or the ability to use well and septic tank systems exists.
- (c) Approval for encroachment into any easement(s) is submitted with any SDP application. Where an encroachment on or into an easement over the lands for which the SDP has been submitted clearly appears to be consistent with all existing easements affected, the requirement for approval from the easement holder(s) may be waived. Any such waiver shall not be construed as legal advice nor does it mean that any applicant or owner is otherwise relieved of the necessity or obligation to comply with or be subject to any law or rights of third parties, including easement rights held by Collier County, relative to the encroachment.
- (d) No standpipe or sprinkler system required.
- (e) No areas on site with existing ST overlay.

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(f) If no Environmental Impact Statement is required or an Environmental Impact Statement has been previously waived.

(g) SDP is for entire site with no phasing of infrastructure and required site improvements.

3) 5) Preliminary Site Development Plan - A set of proposed plans, together with narrative information and data that illustrates and describes how the proposed project addresses zoning, planning and site design considerations.

4) 6) 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 (when required) and Final SDP.

~~dr g. Procedures: The SBP procedure consists of two phases. The first phase is the Preliminary Site Development Plan review followed by Final Site Development Plan review. A mandatory pre-application meeting shall be conducted by the County Manager, or his designee, to determine the type review process of all SDP proposals. Submittal of an SDP shall conform to one of the following review procedures:~~

~~1) Preliminary SBP 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:~~

1) Minor SDP Review: Submittal of an SDP under the Minor Review process shall be in conformance with Subsection 10.5 e. 5) - Final SDP Applications together with the following Preliminary SDP application requirements:

(a) Subsections 10.5 e. 4): (a); (b)(1); (b)(2); (b)(3); (b)(4); (b)(5); (b)(6) (b) through (f); (b)(7); (b)(8) (b), (f), (h), (k), (l), and (m); (d), (e), (f), and (g).

2) Major SDP Review (Non-Phased): Submittal of an SDP for a project in which all site related improvements will be completed for the entire property shall conform to the following Preliminary and Final SDP application requirements:

(a) Preliminary SDP Application Requirements, Subsection 10.5 e. 4).

(b) Final SDP Application Requirements, Subsection 10.5 e. 5), for the phase requesting Final Approval.

3) Major SDP Review (Phased): A modified Two-Step Preliminary and Final SDP application process may be utilized for a project to be developed in phases in conformance with Subsection 10.5 e. 4), for Preliminary SDP application as amended below for the entire property and

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Subsection 10.5 e. 5), for the Final SDP application for each separate phase of the project depicted on the Preliminary SDP approval:

(a) Preliminary SDP Application Requirements, Subsection 10.5 e. 4), and the following additional information for the site plan proposed pursuant to Subsection 10.5 e. 4)(b):

{#} (1) Site plan must show phasing of development for infrastructure and structures such that each phase can be designed and constructed to stand on its own and be subsequently interconnected with other phases on the property.

{##} (2) Provide Master Water Management Plan and design calculations which depict the water management system for the entire property. The system shall be designed to meet the phasing plan proposed.

{###} (3) Provide a Utilities Master Plan with design calculations which depict the size and general location of the water distribution and sewage collection and transmission system for the entire property. The system shall be designed to meet the phasing plan proposed.

(b) Final SDP Application Requirements, Subsection 10.5 e. 5).

±} 4) Preliminary SDP Applications+ Requirements
- 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) A copy of the deed, contract for sale or agreement for sale or a notarized statement of ownership clearly demonstrating ownership and control of the subject lot or parcel of land.

(c) (b) 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

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and telephone number of the property owner.

- ~~{2}~~ ~~Reference-to-the-appropriate-zoning district-or-PUB,as-well-as,any-previous SDP(s)-relating-to-the-subject-lot-or parcel~~
- (2) Zoning designation and land uses on the subject and adjacent properties.
- ~~{3}~~ ~~Reference-to-the-zoning-and-existing-land use-of-all-properties-adjacent-to-the project~~
- (3) North arrow, scale and date.
- ~~{5}~~ (4) Vicinity map clearly identifying the location of the project and its relationship to the surrounding community.
- ~~{6}~~ (5) A narrative statement on the plan identifying provisions of ownership and maintenance of all common areas, open space, private streets and easements.
- ~~{7}~~ (6) A site summary in chart form which shall include the following:
- ~~{i}~~ (a) Total site acreage.
 - ~~{ii}~~ (b) Total square footage of building footprint and its percentage of the total site area.
 - ~~{iii}~~ (c) 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}~~ (d) 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}~~ (e) For residential projects - total number of units, units per acre, and a unit breakdown by square footage and number of bedrooms.
 - ~~{ii}~~ (f) 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}~~ (7) A parking summary in matrix form which shall include:
- ~~{i}~~ (a) Type of use.
 - ~~{ii}~~ (b) Total square footage per use.

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{III} (c) Required parking ratio.

{IV} (d) Number of spaces required per use.

{V} (e) Number of spaces provided per use.

{VI} (f) Total number of required and provided spaces including regular, handicapped and reserved spaces.

{10} (8) Illustrative information consisting of the following shall be drawn to scale and accurately depicted on the site plan shall be as follows unless waived at the re-application meeting:

{I} (a) 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} (b) 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 sides of all streets which border the project.

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

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

{V} (e) Location and configuration of all parking and loading areas, and their-relationship-to-the-proposed building-arrangement.

{VI} (f) 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} (g) Directional movement of internal vehicular traffic and its separation from pedestrian traffic.

{VIII} (h) 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} (i) 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} (j) Location and general configuration of such natural features as preservation/ conservation areas, ~~significant-vegetation~~, water bodies, and wetlands.

{XI} (k) 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} (l) Location of all hand-capped parking spaces, ~~in-relationship-to~~ the-proposed-building-and-parking-area arrangement.

{XIII} (m) 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} (n) Location and heights of all proposed walls or fences.

{XVI} (o) 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} (v) Landscape areas adjacent to all vehicular drives, interior property lines and all parking areas.

{XVII} (p) Any additional relevant information~~s~~ as may be required by the County Manager, or his designee.

{d} (c) Landscape calculations in chart form which shall include the following:

(1) Landscape Requirements adjacent to vehicular rights-of-ways pursuant to Section 8.30, Subsection e.1).

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(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.

~~f)~~ (d) A-tree-survey-shall-be-provided identifying-the-location-and-type-of-all existing-trees-on-the-project-site. A generalized vegetation inventory of the site shall be required to the extent necessary, as determined at the mandatory pre-application meeting, indicating the approximate location, densities and species of the following:

(1) Upland, wetland and estuarine vegetation including exotic vegetation prohibited by Collier County Ordinance No. 89-57.

(2) Any type vegetation identified for preservation.

(e) Projects containing the following shall provide a survey identifying species and locations on a current aerial photograph (1" = 100' or larger scale) or be superimposed on the site plan:

(1) Plants specified in an applicable PUD or petitioners agreement to remain in place or to be transplanted to other locations on site.

(2) Specimen trees designated by the Board of County Commissioners.

(3) State or Federal rare, threatened or endangered plant species.

(4) Existing trees that may be credited toward project landscaping.

(f) Building-Elevations Heights of proposed structures on site.

~~{i}~~ 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 may be

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~~provided required-that-clearly-depicts the-project-limits- at the same scale as the plan delineating the project boundaries.~~

- (h) Bonus-Survey Density Bonus: In the event a residential or commercial bonus is requested, as provided for in the Growth Management Plan, an engineered-a certified survey that clearly illustrates the location and relationship of the project to the appropriate activity center and the related activity band shall be required.

*† (5) Final SDP Applications: The project illustrated on the Final SDP shall be in substantial compliance with the approved Preliminary SDP when such review is required. 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.
- (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

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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:

- (1) Landscape summary in matrix form which shall include:

- {I} (a) Graphic symbol to indicate each type of plant material.

- {II} (b) Botanical name.

- {III} (c) Common name.

- {IV} (d) Total number of each type of plant material.

- {V} (e) Height and spread of each type of plant material.

- {VI} (f) Spacing of each type of plant material.

- (2) Illustrative information consisting of the following shall be accurately depicted on the landscape plan:

- {I} (a) 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~~

- (b) The location and dimensions of all proposed landscaped areas with appropriate graphic symbols including existing trees that are being credited

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toward project landscaping.

~~{III} Location-of-all-native
vegetation-to-be-preserved~~

~~{IV} Dimensions-of-all-proposed
planting-areas~~

{V} (c) Location and configura-
tion of all special or textured paving
areas.

~~{VI} (d) Provisions for site
irrigation, and-maintenance~~

~~{VII} The-size-and-location-of
existing-trees,-and-the-location-of
all-areas-to-be-landscaped~~

~~{VIII} (e) Any additional
revelant 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 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 as may
have been specified during the a
Preliminary SDP process review
prepared in conformance with
Collier County Ordinance No.
88-76, as amended.
- (3) Improvements for roadway, traffic
circulation, ingress and egress
egress, parking and other
transportation needs required
and/or as may have been specified
during the Preliminary SDP
process review prepared in
conformance with Collier County
Ordinance No. 76-06, as amended.
- (4) Improvements for water management
as needed and/or as may have been
specified during the Preliminary
SDP process review pursuant to
South Florida Water Management
District Rules, Chapter 40E-4,
40E-40 and 40E-41, Florida
Administrative Code.

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- (5) All necessary standard and special details associated with (d) (2) through (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} (a) Existing features, such as, water courses, drainage ditches, lakes, marshes.
 - {II} (b) 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} (c) Benchmark locations and elevation (NGVD).
 - {9} Recent-aerial-photo,-at-same-scale-as-plan,-if-available,-with delineated-project-boundaries.
 - {10} (9) Site clearing plan.
- (e) All necessary permits or applications, permit approvals requiring County approval and other appurtenant permitting and construction related items including but not limited to: the following shall be submitted and approved with the SDP, except as noted below:
 - (1) Department of Environmental Regulation Water and Sewer Facilities Construction Permit Application.
 - (2) Excavation Permit Application.
 - (3) Department of Transportation Utilities Construction Application and/or in State Rights-of-Way construction permits.
 - (4) Collier County Rights-of-Way Permit, at the time of building permit approval.
 - (5) Blasting Permit, prior to commencement of any blasting operation.
 - {6} Tree-Removal-Permit.

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- {7} (6) South Florida Water Management District permit, if required, or, Collier County general permit for Water Management, prior to SDP approval.
- {8} (7) Interim wastewater and/or water treatment plant construction or interim septic system and/or private well permits, prior to building permit approval.
- {9} (8) Any additional State and Federal permits which may be required, prior to commencement of construction.
- {10} (9) Any specific agreements specified between the Petitioner and the County during the Preliminary SDP process, prior to SDP approval.
- {11} (10) All other pertinent data, computations, plans, reports, etc., necessary for the proper design and construction of the project submitted for consideration.
- {12} (11) 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 for the phase requesting approval.

e- f. 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 eCounty.
- 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,

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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.
- 10) Signage proposed for the project shall be in conformity with Collier County Sign Ordinance No. 89-60 and shall not be reviewed and approved as part of the SDP process.

f- g. Amendments: Any proposed change or amendment to either-a-Preliminary-or-Final a previously approved SDP shall be subject to review and approval by the County Manager, or his designee.

Upon submittal of a plan clearly illustrating the proposed change, the County Manager, or his designee, shall determine whether or not it constitutes a substantial change. In the event a substantial change is identified, both the Preliminary (if required) and the 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 e. and 10.5 f. above). A substantial change shall be defined as:

- ~~1) A change in the project boundaries; or~~
- 1) Any change which substantially affects existing transportation circulation, parking or building arrangements, drainage, landscaping, buffering and other SDP considerations; 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~~

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~~4) --- A decrease in preservation, conservation, open-space or recreational facilities within the project; or~~

5) 2) 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 (if required) 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. h. 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: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, district and independent provision, and such holding shall not affect the validity of the remaining portion.


SECTION THREE: EFFECTIVE DATE

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 27th day of March, 1990.

ATTEST:
JAMES C. GILES, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA


By: Marjorie M. Student, J.C.

BY: *Max A. Hassel*
MAX A. HASSE, JR., CHAIRMAN

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 30th day of March, 1990 and acknowledgement of that filing received this 3rd day of April, 1990.
James Chesone
Deputy Clerk

Words struck-through are deleted; words underlined are added.

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. 90-25

which was adopted by the Board of County Commissioners on the 27th day of March, 1990, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 29th day of March, 1990.

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


By: /s/Maureen Kenyon
Deputy Clerk

