

AN ORDINANCE AMENDING ORDINANCE NUMBER 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY BY AMENDING SECTION 7.27, (PUD) PLANNED UNIT DEVELOPMENT DISTRICT, AMENDING SUBSECTION 7.27 j. CHANGES AND AMENDMENTS, BY PROVIDING DEFINITIONS FOR SUBSTANTIAL CHANGES AND AMENDMENTS, BY PROVIDING A REVIEW PROCEDURE FOR CHANGES; BY PROVIDING PROCEDURES FOR PUD DOCUMENT AMENDMENTS; BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Collier County, Florida, acknowledges that changes or amendments to a Planned Unit Development are required from time to time due to market demand or market strategies; and

WHEREAS, the Board of County Commissioners has previously established criteria defining a minor change or amendment to a Planned Unit Development pursuant to Subsection 7.27j. of Ordinance Number 82-2, as amended, the Collier County Zoning Ordinance; and

WHEREAS, the current criteria are recognized as being overly restrictive and contrary to the flexibility of design intended for Planned Unit Developments, and;

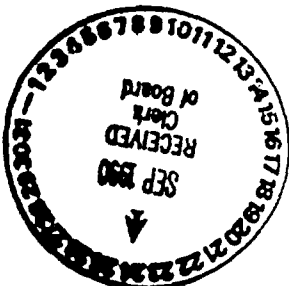
WHEREAS, a more reasonable and efficient way of assessing requested changes within an approved Planned Unit Development is required;

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

SECTION ONE: AMENDMENTS TO SECTION 7.27 OF COLLIER COUNTY ZONING ORDINANCE NO. 82-2, AS AMENDED.

Section 7.27, (PUD) Planned Unit Development District, Subsection 7.27 j., Changes and Amendments, of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended to read as follows:

~~j. - Changes and Amendments: --- The Board of County Commissioners, upon recommendation by the Planning Commission, may approve minor changes in the location, siting or height of buildings, structures, and improvements authorized by the adopted master plan of development for a designated PUD District, provided that such modifications do not:~~



BOOK

39 PAGE 379

- 1)---Increase-the-number-of-structures--the-number of-dwelling-units--or-densities-as-specified by-the-adopted-master-plan-
- 2)---Change-any-perimeter-boundary-of-the-planned unit-development-
- 3)---Rearrange-any-lot--block--building-tract--or common-open-space-or-common-facility-as-shown on-the-adopted-master-plan-
- 4)---Change-any-use-as-shown-on-the-adopted-master plan-
- 5)---Change-location-or-amounts-of-land-devoted-to specified-land-uses-on-the-adopted-master plan-

Changes-1)-through-5)-above-shall-be considered-major-changes-to-the-Master-Plan and-shall-require-the-same-procedure-as-for actual-PUD-zoning-before-they-can-be-approved by-the-Board---Language-changes-not-involving 1)-through-5)-above-shall-require-the-same procedure-as-for-amending-the-Zoning Ordinance-

j. Changes and Amendments:

- 1) Approval Required: Any substantial change(s) to an approved P.U.D. Master Plan shall require the review and recommendation of the Planning Commission and approval by the Board of County Commissioners prior to implementation. For the purpose of this Section, a substantial change shall be deemed to exist where:
 - (i) There is a proposed change in the boundary of the Planned Unit Development, or;
 - (ii) There is a proposed increase in the total number of dwelling units or intensity of land use or height of buildings within the development, or;
 - (iii) There is a proposed decrease in preservation, conservation, recreation, or open space areas within the development, not to exceed five (5) percent and five (5) acres in the project area of the subject change or;
 - (iv) There is a proposed increase in the size of areas used for non-residential uses, to include institutional, commercial and industrial land uses (excluding preservation, conservation or open spaces), or a proposed relocation of non-residential land uses, or;
 - (v) There is a substantial increase in the impacts of the development which may include, but are not limited to increases in traffic generation; changes in traffic circulation, or;

- (vi) The change will result in land use activities that generate a higher level of vehicular traffic based upon the Trip Generation Manual published by the Institute of Transportation Engineers, or;
 - (vii) The change will result in a requirement for increased storm water retention, or will otherwise increase storm water discharges, or;
 - (viii) The change will bring about a relationship to an abutting land use that would be incompatible with an adjacent land use.
 - (ix) Any modification to the P.U.D. Master Plan which is inconsistent with the Future Land Use Element of the Growth Management Plan and which modification would increase the density or intensity of the permitted land uses.
 - (x) Any change or modification to the P.U.D. Master Plan which impact(s) any consideration deemed to be a substantial modification as described under Section 1.1 (i) thru (x).
- 2) Approval Not Required: Any insubstantial change(s) to an approved P.U.D. Master Plan based upon an evaluation of Subsection 1.1(i) through (x) shall require the review and approval of the Planning Commission, as an action taken at a regularly scheduled meeting. Should the Planning Commission agree that said change is insubstantial, it's approval is final and authorizes said changes to be made.
- 3)(i) Procedure For Substantial/Insubstantial Change Determination: The applicant shall provide, to the County Manager, or his designee, documentation which adequately describes the proposed changes along with the appropriate review fee to be applied following the decision ruling said change to be insubstantial but prior to the approval of the Collier County Planning Commission. The Master Plan Map shall show all data normally required for submittal of a P.U.D. Master Plan unless it is otherwise determined not to be necessary, describing the proposed changes in: land use; densities; infrastructure; open space, preservation or conservation areas; area of building square footage proposed for non-residential development; change in potential intensity of land use and related automobile trip movements, and relationships to abutting land uses. In addition, the applicant for evaluation of P.U.D. Master Plan revisions shall provide a detailed written narrative describing the change(s) and the reason for the request. Upon receipt of the amended Plan, the County Manager, or his

designee, shall review said Plan against criteria established within Subsections 7.27 j.1) (i) thru (x) above and may forward the Plan to any other agency, division or authority deemed necessary for review and comment.

(ii) Upon completion of the review, the County Manager, or his designee, shall provide a written determination to the applicant, or his legal representative, confirming that the proposed change(s) do or do not constitute a substantial change to the approved P.U.D. Master Plan based upon the evaluation of the criteria described in Subsections 7.27 j.1)(i) through (ix).

(iii) Changes, as identified in Subsection 7.27 j.1)(i) through (ix) above, shall be considered substantial changes to the approved P.U.D. Master Plan and shall be required to submit a zoning application complete with pertinent supporting data, as set forth in Section 7.27.

(iv) Any determination made by the County Manager or his designee may be appealed to the County Board of Commissioners.

4) Language changes to a previously approved Planned Unit Development document shall require the same procedure as for amending the Zoning Ordinance or other land development regulations.

SECTION TWO: CONFLICT AND SEVERABILITY

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

SECTION 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 11th day of September,
1990.

ATTEST:
JAMES C. GILES, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: [Signature]
JAMES C. GILES, Clerk

BY: *[Signature]*
MAX A. HASSE, JR., CHAIRMAN

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

[Signature]
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

ZO-90-4 ZONING ORDINANCE AMENDMENTS
nb/2711

This ordinance filed with the
Secretary of State's Office the
19th day of Sept, 1990
and acknowledgement of that
filing received this 24th day
of Sept, 1990
BY *[Signature]*
Deputy Clerk

STATE OF FLORIDA)
COUNTY OF COLLIER)

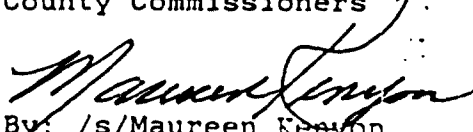
I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 90-68

which was adopted by the Board of County Commissioners on
the 11th day of September, 1990, during Regular Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 17th
day of September, 1990.

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


By: /s/Maureen Kenyon
Deputy Clerk