



ORDINANCE NO. 04- 41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, RECODIFYING THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY SUPERCEDING ORDINANCE NUMBER 91-102, AS AMENDED; PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, RECODIFICATION OF THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY BY CREATING THE FOLLOWING: CHAPTER 1 - GENERAL PROVISIONS, INCLUDING SEC. 1.01.00 TITLE, SEC. 1.02.00 AUTHORITY, SEC. 1.03.00 RULES OF CONSTRUCTION, SEC. 1.04.00 APPLICABILITY, SEC. 1.05.00 FINDINGS, PURPOSE AND INTENT, SEC. 1.06.00 RULES OF INTERPRETATION, SEC. 1.07.00 LAWS ADOPTED BY REFERENCE, SEC. 1.08.00 DEFINITIONS; CHAPTER 2 - ZONING DISTRICTS AND USES, INCLUDING SEC. 2.01.00 GENERALLY, SEC. 2.02.00 ESTABLISHMENT OF ZONING DISTRICTS, SEC. 2.03.00 ZONING DISTRICTS, SEC. 2.04.00 PERMISSIBLE, CONDITIONAL, AND ACCESSORY USES IN ZONING DISTRICTS, SEC. 2.05.00 DENSITY STANDARDS, SEC. 2.06.00 AFFORDABLE HOUSING DENSITY BONUS, SEC. 2.07.00 TABLE OF SETBACKS FOR BASE ZONING DISTRICTS; CHAPTER 3 - RESOURCE PROTECTION, INCLUDING SEC. 3.01.00 GENERALLY, SEC. 3.02.00 FLOODPLAIN PROTECTION, SEC. 3.03.00 COASTAL ZONE MANAGEMENT, SEC. 3.04.00 PROTECTION OF ENDANGERED, THREATENED, OR LISTED SPECIES, SEC. 3.05.00 VEGETATION REMOVAL, PROTECTION, AND PRESERVATION, SEC. 3.06.00 WELLFIELD AND GROUNDWATER PROTECTION; CHAPTER 4 - SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SEC. 4.01.00 GENERALLY, SEC. 4.02.00 SITE DESIGN STANDARDS, SEC. 4.03.00 SUBDIVISION DESIGN AND LAYOUT, SEC. 4.04.00 TRANSPORTATION SYSTEM STANDARDS, SEC. 4.05.00 OFF-STREET PARKING AND LOADING, SEC. 4.06.00 LANDSCAPING, BUFFERING, AND VEGETATION RETENTION, SEC. 4.07.00 DESIGN STANDARDS FOR PLANNED UNIT DEVELOPMENTS, SEC. 4.08.00 RURAL LANDS STEWARDSHIP AREA ZONING OVERLAY DISTRICT STANDARDS AND PROCEDURES, LIST OF TABLES IN CHAPTER 4; CHAPTER 5 - SUPPLEMENTAL STANDARDS, INCLUDING SEC. 5.01.00 GENERALLY, SEC. 5.02.00 HOME OCCUPATIONS, SEC. 5.03.00 ACCESSORY USES AND STRUCTURES, SEC. 5.04.00 TEMPORARY USES AND STRUCTURES, SEC. 5.05.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES, SEC. 5.06.00 SIGNS, INCLUDING AN AMENDMENT TO SEC. 5.06.06 POLITICAL SIGNS; CHAPTER 6 - INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS, INCLUDING SEC. 6.01.00 GENERALLY, SEC. 6.02.00 ADEQUATE PUBLIC FACILITIES REQUIREMENTS, SEC. 6.03.00 WASTEWATER SYSTEMS AND IMPROVEMENTS STANDARD, SEC. 6.04.00 POTABLE WATER SYSTEMS AND IMPROVEMENTS STANDARDS, SEC. 6.05.00 WATER MANAGEMENT SYSTEMS AND DRAINAGE IMPROVEMENT STANDARDS, SEC. 6.06.00 TRANSPORTATION SYSTEM STANDARDS; CHAPTER 7 - RESERVED; CHAPTER 8 - DECISION-MAKING AND ADMINISTRATIVE BODIES, INCLUDING SEC. 8.01.00 GENERALLY, SEC. 8.02.00 BOARD OF COUNTY COMMISSIONERS, SEC. 8.03.00 PLANNING COMMISSION, SEC. 8.04.00 BOARD OF ZONING APPEALS, SEC. 8.05.00 BUILDING BOARD OF ADJUSTMENTS AND APPEALS, SEC. 8.06.00 ENVIRONMENTAL ADVISORY COUNCIL, SEC. 8.07.00 HISTORIC/ARCHAEOLOGICAL PRESERVATION BOARD, SEC. 8.08.00 CODE ENFORCEMENT BOARD; SEC. 8.09.00 COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION; CHAPTER 9 - VARIATIONS FROM CODE REQUIREMENTS, INCLUDING SEC. 9.01.00 GENERALLY, SEC.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2004 JUN 29 AM 10:59

FILED

9.02.00 DEVELOPMENT WITH VESTED RIGHTS, SEC. 9.03.00 NONCONFORMITIES, SEC. 9.04.00 VARIANCES; CHAPTER 10 - APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING SEC. 10.01.00 GENERALLY, SEC. 10.02.00 APPLICATION REQUIREMENTS, SEC. 10.03.00 NOTICE REQUIREMENTS, SEC. 10.04.00 REVIEW AND ACTION ON APPLICATIONS FOR DEVELOPMENT ORDERS AND PETITIONS FOR AMENDMENTS TO THE OFFICIAL ZONING MAP, THE LDC, OR THE GMP, SEC. 10.05.00 AMENDMENTS TO DEVELOPMENT ORDERS, SEC. 10.06.00 APPEALS, SEC. 10.07.00 ENFORCEMENT, SEC. 10.08.00 CONDITIONAL USES PROCEDURES, AND APPENDICES A THROUGH H, INCLUDING A NEW APPENDIX "H" OF CROSS-REFERENCES BETWEEN THE LDC AND UDC; SECTION FOUR, REPEALER; SECTION FIVE, CONFLICT AND SEVERABILITY; SECTION SIX, PUBLICATION AS THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SEVEN, EFFECTIVE DATES.

RECITALS

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners (Board) adopted Ordinance No. 91-102, the Collier County Land Development Code (LDC), which became effective on November 13, 1991, and which has been subsequently amended by numerous ordinances comprising eighteen (18) supplements; and

WHEREAS, the Board has directed that the LDC be revised to update and simplify its format, and use; and

WHEREAS, the Collier County Planning Commission, acting in part in its capacity as the Local Planning Agency pursuant to § 163.3194 (2), F.S., in a manner prescribed by law, did hold an advertised public hearing on May 6, 2004, which was continued for a hearing on May 20, 2004, which was continued for a separately advertised final consideration and vote on June 17, 2004, and did take affirmative action concerning these revisions to the LDC, including finding that the provisions of the proposed recodification of the LDC implement and are consistent with the adopted Growth Management Plan of Collier County; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold an advertised public hearing on May 11, 2004, which was continued for a hearing on May 25, 2004, which was continued for a separately advertised final adoption hearing on June 22, 2004, and did take affirmative action concerning these revisions to the LDC; and

WHEREAS, the revisions to, and recodification of, the LDC does not substantively alter in any way the prior existing LDC text and the substantive provisions of this Ordinance 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 (3), F.S.1; and

WHEREAS, on March 18, 1997, the Board of County Commissioners 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, all other applicable substantive and procedural requirements of the law have been met for the adoption of this ordinance and Land Development Code.

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

1. Collier County, pursuant to Sec. 163.3161, *et seq.*, F.S., the Florida Local Government Comprehensive Planning and Land Development Regulations Act (hereinafter the "Act"), is required to prepare and adopt a Growth Management Plan also referred to as a Comprehensive Plan.
2. After adoption of the Comprehensive Plan, the Act and in particular Sec. 163.3202(1), F.S., mandates that Collier County adopt land development regulations that are consistent with, and implement, the adopted comprehensive plan.
3. Sec. 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 as required by the Act.
4. Sec. 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 development 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. Sec. 163.3202(3), F.S., states that the Act shall be construed to encourage the use of innovative land development regulations, including transfer of development rights, planned unit development, and impact fees.
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 Sec. 163.3161, *et seq.*, F.S., and Rule 9J-5, F.A.C.
7. Sec. 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, as adopted.

8. Pursuant to Sec. 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, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.

9. Pursuant to Section 163.3194(3)(b) F.S., 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 original Collier County Land Development Code, which became effective on November 13, 1991.

11. The Board finds that the Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and 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; prevent the overcrowding of land and avoid the undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage schools, parks, recreational facilities, housing, and other requirements and services, conserve, develop, utilize, and protect natural resources within the jurisdiction of Collier County; and protect human, environmental, social, and economic resources; and 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, F.S., and Chapter 163, F.S., and through these revisions to, and recodification of, the LDC.

SECTION THREE: ADOPTION OF RECODIFICATION TO THE LAND DEVELOPMENT CODE.

The attached Exhibit "A," being the revised and recodified text of the existing Land Development Code and corresponding appendices, is hereby adopted by the Board of County Commissioners as the Land Development Code of Collier County, Florida, as required by § 163.3202 (1) & (3), F.S., and is incorporated by reference as if fully set forth herein as a part of this adopting Ordinance.

SECTION FOUR: REPEALER.

The Land Development Code set out herein supercedes and repeals any and all resolutions and ordinances in conflict herewith, specifically including Ordinance No. 91-102, as amended, except that the legal effect of Section 1.22.1 as specifically set forth in the existing Land Development Code on the date this Ordinance becomes effective will remain unchanged as to the ordinances referenced therein being repealed. Furthermore, all ordinances pertaining to approved Planned Unit Developments (PUDs), and all changes to the Official Zoning Atlas, lawfully approved prior to this Ordinance becoming effective, will remain in effect and not be repealed by, or be affected by, the adoption of this Ordinance.

SECTION FIVE: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or of any other statute, code, local resolution, regulation or other applicable federal, state, or local law, the more stringent standard, limitation, or requirement shall govern or prevail to the extent of the conflict, except that in the event that any provisions of the adopted, re-codified LDC should result in the unintended consequence of an unresolved conflict with the provisions of the previously adopted LDC, as amended, the prior provisions will be considered to apply. Determinations regarding such unresolved cases will be made administratively within ten (10) business days of being presented in writing to the Zoning & Land Development Review Director by a five (5) member panel with extensive knowledge of, and significant experience working with, the LDC, three (3) of whom will be County employees and two (2) of whom will not, all to be appointed by the Administrator of the Community Development & Environmental Services Division. If not thereby resolved, the case and all supporting documentation, may be immediately appealed to, and finally decided by, the Collier County Planning Commission, and if not thereby resolved, may then be judicially determined in any manner consistent with the applicable law.

It is the legislative intent of the Board of County Commissioners in adopting this Ordinance and LDC that all provisions hereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the unincorporated portion of Collier County. Should any portion or provision of this Ordinance or LDC be held to be unconstitutional or invalid by a court or tribunal of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion or provision and such holding shall not be construed as affecting the validity of any of the remaining portions or provisions.

SECTION SIX: PUBLICATION AS THE COLLIER COUNTY LAND DEVELOPMENT CODE.

The provisions of this Ordinance as set forth in Exhibit A, being adopted and enacted as the Official Land Development Code of Collier County, Florida, shall be so published. The provisions of Exhibit A of this Ordinance may be corrected as to any misspellings, formatting, or numbering errors; and may be renumbered or relettered, and the word "ordinance" may be changed to "section," "chapter," or any other appropriate word, as part of the publishing process, so long as the substance and intent of the adopted provisions is not altered in any way.

SECTION SEVEN: EFFECTIVE DATE.

This Ordinance shall become effective, after filing with the Department of State, at 12:01 AM on September 27th, 2004

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 22nd day of June, 2004.

ATTEST:
DWIGHT E. BROCK, CLERK

By: *Dwight E. Brock* O.C.

Deputy Clerk

Approved as to form and legal sufficiency:

Patrick G. White

Patrick G. White
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: *Donna Fiala*
DONNA FIALA, CHAIRMAN

This ordinance filed with the
Secretary of State's Office the
20 day of June, 2004
and acknowledgement of that
filing received this 20 day
of July, 2004.

By: *Miss George* O.C.
Deputy Clerk



COLLIER COUNTY UNIFIED LAND DEVELOPMENT CODE TABLE OF CONTENTS

CHAPTER I GENERAL PROVISIONS

- 1.01.00 TITLE
- 1.02.00 AUTHORITY
- 1.03.00 RULES OF CONSTRUCTION
 - 1.03.01 Generally
 - 1.03.02 Meaning of Text and Graphics
 - 1.03.03 Determination of Time
 - 1.03.04 Delegation of authority
- 1.04.00 APPLICABILITY
 - 1.04.01 Generally
 - 1.04.02 Applicability to Previously Established Time Limits
 - 1.04.03 Exceptions
 - 1.04.04 Reduction of Required Site Design Requirements
 - 1.04.05 Relationship to Growth Management Plan
- 1.05.00 FINDINGS, PURPOSE, AND INTENT
 - 1.05.01 Purpose and Intent
- 1.06.00 RULES OF INTERPRETATION
 - 1.06.01 Responsibility for Interpretations
 - 1.06.02 Rules for Interpretation of Boundaries
 - 1.06.03 Interpretations Not Covered by §1.06.02
 - 1.06.04 Continuity of Zoning
- 1.07.00 LAWS ADOPTED BY REFERENCE
- 1.08.00 DEFINITIONS
 - 1.08.01 Abbreviations
 - 1.08.02 Definitions

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2004 JUN 28 AM 10:59

FILED

CHAPTER 1- GENERAL PROVISIONS

1.01.00 TITLE

This Code shall be known as the "Collier County Land Development Code" and may be cited and referred to herein as the "LDC." Citation to provisions contained in this LDC shall be referenced as "Section _____, ."

1.02.00 AUTHORITY

The Board of County Commissioners of Collier County has the authority to prepare, adopt, and enforce this LDC pursuant to article VIII, § 1(f), Fla. Const., § 125.01 *et seq.* F.S., § 163.3161 *et seq.* F.S., § 163.3201 F.S., § 163.3202 F.S., Chapter 9J-5, F.A.C., and such other authorities, and provisions established in statutory or common law.

1.03.00 RULES OF CONSTRUCTION

1.03.01 Generally

- A. In construction and interpretation of the language of these regulations, the rules established in this Chapter shall be observed unless such construction would be inconsistent with the manifest intent of the BCC as expressed in the Collier County GMP.
- B. The rules of construction and definitions established herein shall not be applied to any express provisions excluding such construction, or where the subject matter or context of such section is repugnant thereto. These rules of construction apply to this LDC and to any laws, codes and rules adopted by reference that do not have specific rules of construction. If any law, code or rule, now or hereafter, adopted herein by reference has specific rules of construction, those rules of construction shall supersede the rules of construction contained in this Chapter to the extent of any inconsistency or conflict with this Chapter.
- C. All provisions, terms, phrases and expressions contained in these regulations shall be liberally construed in order that the true intent and meaning of the BCC may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this State for the same terms.
- D. In the interpretation and application of any provision of these regulations, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision of these regulations, the GMP, or any other law or regulation in effect in Collier County, Florida, imposes greater restrictions upon the subject matter than any other provision of these regulations, the GMP, or any other law or regulation in effect in Collier County, Florida, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
- E. In all circumstances, the provisions of these regulations shall be interpreted and construed to be consistent with the GMP. Where any

provision(s) of these regulations are determined to be in conflict with the GMP, the GMP shall control.

1.03.02 Meaning of Text and Graphics

- A. The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures whether by printing or other form or method of writing.
- B. In case of any difference of meaning or implication between the text of this LDC and any figure, the text shall control.
- C. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
- D. Words importing the masculine gender shall be construed to include the feminine and neuter.
- E. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- F. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.
- G. Words used in the past or present tense include the future as well as the past or present.
- H. Unless the context clearly indicates to the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by a conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singularly and in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singularly, but not in combination.

1.03.03 Determination of Time

- A. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.
- B. The word "day" shall mean a calendar day.

- C. The word month shall mean thirty (30) calendar days, unless a calendar month is indicated.
- D. The word "week" shall be construed to mean seven (7) calendar days.
- E. The word "year" shall mean 365 calendar days, unless a fiscal year is indicated, or unless a calendar year is indicated.

1.03.04 Delegation of Authority.

The authority and responsibility for implementation of the provisions of this LDC are assigned to the County Manager or designee. Responsibility for individual provisions, regulations, or sections of the LDC may be designated, delegated, and assigned to other named individuals on an annual basis by the County Manager.

1.04.00 APPLICABILITY

1.04.01 Generally

- A. The provisions of this LDC shall apply to all land, property and **DEVELOPMENT** in the total unincorporated area of Collier County except as expressly and specifically provided otherwise in this LDC. No **DEVELOPMENT** shall be undertaken without prior authorization pursuant to this LDC. Specifically, no **BUILDING, STRUCTURE**, land or water shall hereafter be developed, or occupied, and no **BUILDING, STRUCTURE**, or part thereof shall be erected, reconstructed, moved, located, or structurally **ALTERED** except in conformity with the regulations set forth herein and for the zoning district in which it is located.
- B. The regulations established in this LDC and within each zoning district shall be minimum or maximum limitations, as the case may be, and shall apply uniformly to each class or kind of **STRUCTURE**, use, land or water, except where specific provision is made in this LDC.
- C. This LDC shall apply to all division of land and all **SUBDIVISIONS** in the total unincorporated area of Collier County, except to the extent as expressly provided herein. It shall be unlawful for any person to create a **SUBDIVISION** of, or to subdivide, or to otherwise divide, any land in the total unincorporated area of Collier County, except in strict conformance with the provisions of this LDC and any applicable provisions of the Collier County Growth Management Plan (GMP).

1.04.02 Applicability to Previously Established Time Limits

- A. Any time limits on any **DEVELOPMENT ORDERS** approved prior to the adoption of this LDC shall continue to run and shall not be enlarged, expanded or stayed by the adoption of this LDC.
- B. This subsection shall not apply to final subdivision plats approved prior to February 17, 1976.

- C. Any time limits on any **NONCONFORMING SIGNS** shall continue to run and shall not be enlarged, expanded or stayed by the adoption of this LDC.

1.04.03 **Exceptions**

- A. Previously issued building permits. The provisions of this LDC and any amendments hereto shall not affect the validity of any lawfully issued and effective building permit issued prior to the effective date of this LDC if:
 - 1. The **DEVELOPMENT** activity authorized by the permit has commenced prior to the effective date of this LDC or any amendment hereto, or will commence after the effective date of this LDC but prior to the permit's expiration or termination; and
 - 2. The **DEVELOPMENT** activity continues without interruption in good faith until development is complete. If the building permit expires, any further development shall be in conformance with the requirements of this LDC or any amendment hereto.
- B. Certain previously approved **DEVELOPMENT ORDERS**. The provisions of this LDC shall not affect the types, densities and intensities of land uses or the **YARD** or landscape **BUFFER** width requirements of any (1) final subdivision plat and final improvement plan, (2) final site development plan, or (3) phased site development plan that has been approved for at least one final site development plan, provided each such **DEVELOPMENT ORDER** was lawfully issued prior to the effective date of this LDC and remains effective according to the time limits and provisions established by this LDC.

1.04.04 **Reduction of Required Site Design Requirements**

- A. No part of a required **YARD**, required **OPEN SPACE**, required off-street parking space, or required off-street **LOADING SPACE**, provided in connection with one **BUILDING, STRUCTURE**, or use shall be included as meeting the requirements for any other, **STRUCTURE**, or use, except where specific provision is made in this LDC.
- B. No **LOT**, even though it may consist of one or more **ADJACENT LOTS** of record, or **YARD** existing at the effective date of this LDC shall thereafter be reduced in size, dimension, or area below the minimum requirements set forth herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, purchase and the like. **YARDS, LOT** area, and **LOT** dimensions reduced in this manner, may be reduced by the same amount involved in the dedication, condemnation, purchase or similar method of acquisition, but shall not result in a front **YARD** less than ten (10) feet in depth. **LOTS** or **YARDS** created after the effective date of

this LDC shall meet at least the minimum requirements established herein.

- C. Required off-street parking according to the requirements of this LDC shall not be reduced in area or changed to any other use unless the permitted or permissible use that it serves is discontinued or modified, or equivalent required off-street parking is provided meeting the requirements of this LDC.

1.04.05 Relationship to Growth Management Plan

The adoption of this LDC is consistent with, compatible with and furthers the goals, policies, objectives, land uses, and densities or intensities contained and required in the GMP , and it implements and directly advances the goals, policies and objectives of the GMP. The Board of County Commissioners of Collier County hereby declares and affirmatively states that in the event that any land development regulation, this LDC, or any provision hereof or amendment hereto is not consistent with the adopted Collier County GMP, as amended, the provisions of the Collier County GMP, as amended, shall govern any action taken with regard to an application for a **DEVELOPMENT ORDER** or other activity. Furthermore, any land development regulation, this LDC, or any provision hereof or amendment hereto shall be interpreted, construed and implemented in such a manner which will make it most consistent with the Collier County GMP, as amended.

1.05.00 FINDINGS, PURPOSE, AND INTENT

1.05.01 Purpose and Intent

- A. It is the purpose of the Board of County Commissioners of Collier County to establish the standards, regulations and procedures for review and approval of all proposed **DEVELOPMENT** of property in unincorporated Collier County, and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the GMP.
- B. In order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive **DEVELOPMENT** of the unincorporated areas of Collier County, it is the intent of this LDC that the **DEVELOPMENT** process in Collier County be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed **DEVELOPMENT**, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Collier County.
- C. The Board of County Commissioners deems it to be in the best public interest for all property and development to be conceived, designed,

built, and used in accordance with good planning and design practices and the minimum standards set forth in this LDC.

- D. It is the intent and purpose of this LDC to establish and adopt comprehensive zoning regulations governing the use of land and water in the unincorporated areas of Collier County, Florida. These regulations are based on a comprehensive plan for future **DEVELOPMENT**, and are enacted to protect, promote, and improve the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the residents of the County.
- E. This LDC intends to accomplish and to provide for efficiency and economy in the process of future **DEVELOPMENT** and redevelopment; appropriate use of land; preservation, protection, conservation, and **DEVELOPMENT** of the natural resources of land, water and air; convenience in circulation of traffic for the transport of people, goods, and commodities; protection of persons and property in **FLOODWAYS** and **FLOODPLAINS**; healthful and convenient distribution of population; adequate and continuously maintained public facilities and utilities; promotion of amenities, both public and private, to maintain and improve the quality of life for all residents; and **DEVELOPMENT** consistent with the GMP.
- F. In order to ensure that all **DEVELOPMENT** in unincorporated Collier County is consistent with the Collier County GMP, it is necessary and proper to establish a series of zoning districts to ensure that each permitted, **ACCESSORY** and conditional use is compatible with surrounding land uses, served by adequate public facilities, and sensitive to natural and coastal resources. Each zoning district has its own purpose and establishes permitted uses, uses **ACCESSORY** to permitted uses, conditional uses, dimensional standards and other land use, **DENSITY** and intensity regulations and references, **SIGN** regulations, off-street parking and loading regulations, landscaping regulations, and other regulations that control the use of land in each zoning district. All **DEVELOPMENT** within each zoning district shall be consistent with the purposes and regulations stated for that zoning district in Chapter 2.

1.06.00 RULES OF INTERPRETATION

1.06.01 Responsibility for Interpretations

- A. The County Manager or designee shall have the authority to make all interpretations of the text of this LDC, the boundaries of zoning districts on the official zoning atlas, and to make all interpretations of the text of the GMP and the boundaries of land use districts on the future land use map.

- B. The County Manager or designee shall have the authority to make all interpretations of the text of this LDC on matters related to the Building Code, building permit requirements, building construction administrative code or building permits.
- C. During the course of review of a **DEVELOPMENT ORDER** or permit, as the case may be, should an **APPLICANT** and staff be unable to concur on the application of a specific provision or provisions of this LDC, the County Manager or designee shall be authorized to make a final determination. The procedures for issuance of a determination are provided in Chapter 10.

1.06.02 Rules for Interpretation of Boundaries

Interpretations regarding boundaries of land use districts on the future land use map or boundaries of zoning districts on the official zoning atlas shall be made in accordance with the provisions of this section.

- A. District regulations extend to all portions of districts surrounded by boundaries. Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the future land use map or the official zoning atlas indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line.
- B. Where uncertainty exists as to the boundaries of land use districts as shown on the future land use map or boundaries of zoning districts as shown on the official zoning atlas, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of dedicated **STREETS**, highways, **ALLEYS**, or **RIGHTS-OF-WAY** shall be construed as following such centerline as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a **LOT** or **PARCEL**, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any **LOT** or **PARCEL**. In case of a **STREET** vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated **STREET** is divided other than at the center, in which case the boundary shall be construed as moving with the ownership.
 - 2. Boundaries indicated as approximately following **LOT LINES**, public property lines, and the like shall be construed as following such lines; provided, however, that where such boundaries are **ADJACENT** to a dedicated **STREET**, **ALLEY**, highway, or **RIGHT-OF-WAY** and the zoning status of the **STREET**, highway, **ALLEY**, or **RIGHT-OF-WAY** and is not indicated, the boundaries shall be construed as running to the middle of the **STREET**, highway, **ALLEY**, or **RIGHT-OF-WAY**. In the event of **STREET** vacation, interpretation shall be as provided in section 1.06.02 (B)(1).

3. Boundaries indicated as approximately following city or county limits shall be construed as following such city or county limits.
4. Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks.
5. Boundaries indicated as following **MEAN HIGH-WATER LINES** or centerlines of streams, canals, lakes, or other bodies of water shall be construed as following such **MEAN HIGH-WATER LINES** or centerlines. In case of a change in the **MEAN HIGH-WATER LINE**, or of the course or extent of bodies of water, the boundaries shall be construed as moving with the change, except where such moving would change the zoning status of a **LOT** or **PARCEL**; and in such case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any **LOT** or **PARCEL**.
6. Boundaries indicated as entering any body of water but not continuing to intersect with other zoning boundaries or with the limits of jurisdiction of Collier County shall be construed as extending in the direction in which they enter the body of water to intersection with other zoning boundaries or with the limits of County jurisdiction.
7. Boundaries indicated as following physical features other than those listed above shall be construed as following such physical features, except where variation of actual location from mapped location would change the zoning status of a **LOT** or **PARCEL**, and in such manner as to avoid changing the zoning status of any **LOT** or **PARCEL**.
8. Boundaries indicated as parallel to or extensions of features indicated in sections 1.06.02(B)(1) through 1.06.02(B)(7) shall be construed as being parallel to or extensions of such feature.
9. Distances not specifically indicated on the official zoning atlas shall be determined by the scale of the map on the page of the atlas showing the property in question.
10. Where a district boundary divides a **LOT OF RECORD** at the time the boundary was established, and where the division makes impractical the reasonable use of the **LOT**, the extension of the regulations for the front **LOT** may be permitted as a conditional use for not to exceed 50 feet beyond the district line into the remaining portion of the **LOT**.

1.06.03 Interpretations Not Covered by §1.06.02

In cases not covered by section 1.06.02, or where the property or **STREET** layout existing on the ground is at variance with that shown on the official zoning atlas, the interpretation of the future land use map or the official zoning atlas shall be in accordance with the purpose and intent of the GMP and this LDC.

1.06.04 Continuity of Zoning

In the event any unincorporated territory within Collier County shall hereafter become incorporated, any and all zoning regulations which may be in effect in such territory and administered by the County shall remain in full force and effect and shall continue to be administered and enforced by the County under this LDC until such time as municipal zoning within such territory shall be adopted and take effect.

1.07.00 LAWS ADOPTED BY REFERENCE

The following Collier County ordinances and laws, as amended or superseded, are hereby incorporated into this LDC by reference as if fully set forth and recited herein. Repeal or amendment of these ordinances, or adoption of successor ordinances, shall not be subject to procedures otherwise required for adoption of amendments to this LDC, except as otherwise required by general law.

Subject	Ordinance Number
Building Construction Administrative Code	2002-01 [Code of Laws Ch. 22, Art. II]
Florida Building Code 2001, including the following technical codes:	2002-01 [Code of Laws §§ 22-106, 22-107]
▪ Plumbing	
▪ Mechanical	
▪ Fuel Gas	
Plumbing Code	[Code §§ 22-106, 22-108]
Mechanical Code	[Code §§ 22-106, 22-109]
Gas Code	[Code §§ 22-106, 22-110]
Swimming Pool Code	[Code ch. 22, art. IV, div. 3]
The National Electrical Code NFPA 70 1999	[Code ch. 22, art. IV, div. 2]
Florida Fire Prevention Code	
▪ Chapter 4A-60, F.A.C.	2002-49 [Code of Laws Ch. 58, Art. II]
▪ National Fire Protection Association (NFPA) 1 with modification by Ch. 4A-60.003 F.A.C.	
▪ National Fire Protection Association (NFPA) 101 with modification by Ch. 4A-60.004 F.A.C.	
▪ Publications added to NFPA 1 and NFPA 101 by 4A-60.005	
▪ Local Amendments Ord. # 2002-49	
Coastal Building Zone (Wind)	87-20 [Code ch. 22, art. IX] 2002-1
Utility Standards	88-76 [Code ch. 134, art. III]

	89-23
	89-32
	2001-57
Public Right-of-Way Standards	82-91 [Code ch. 110, art. II] 89-2693-64
Seawall Construction	85-2 [Code ch. 22, art. IX] 85-26 86-5
Water Policy	74-50 [Code ch. 90, art. II] 90-10 2001-27
Collier County Streetscape Master Plan (CCSMP)	97-25

1.08.00 DEFINITIONS

1.08.01 Abbreviations

AASHTO	American Association of State Highway and Transportation Officials
ACSC	Big Cypress Area of Critical State Concern
ADT	Average Daily Trips
AHDB	Affordable Housing Density Bonus
ALF	Assisted Living Facility
ASTM	American Society for Testing and Materials
AUIR	Annual Update and Inventory Report
BOA	Collier County Building Board of Adjustments and Appeals
BCC	Collier County Board of County Commissioners
BZA	Collier County Board of Zoning Appeals
CFR	Code of Federal Register
CSP	Conceptual Site Plan
DBH	Diameter at Breast Height
DEP	Department of Environmental Protection
DO	Development Order
DRI	Development of Regional Impact
EAC	Collier County Environmental Advisory Council
EIS	Environmental Impact Statement
FAC	Florida Administrative Code
FAR	Floor Area Ratio
FBC	Florida Building Code
FAR	Floor Area Ratio
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map

FIS	Flood insurance study
FLDO	Final Local Development Order
F.S./Fla. Stat.	Florida Statutes
FSP	Final Subdivision Plat
GMP	Collier County Growth Management Plan
HVAC	Heating, Ventilation, & Air Conditioning
LDC	Collier County Land Development Code
LOS	Level of Service
NBMO	North Belle Meade Overlay
NGVD	National Geodetic Vertical Datum
NOAA	National Oceanic and Atmospheric Administration
NRPA	Natural Resource Protection Area
PC	Planning Commission
PSP	Preliminary Subdivision Plat
PUD	Planned Unit Development
RFMU	Rural Fringe Mixed-Use
RLSA	Rural Lands Stewardship Area
ROW	Right-of-way
SBR	School Board Review
SDP	Site Development Plan
SIP	Site Improvement Plan
SFWMD	South Florida Water Management District
SLOSH	Sea, Lake, and Overland Surge from Hurricane
TDR	Transfer of Development Rights

1.08.02 Definitions

Abut or abutting: To share a common property line or boundary at any one point.

Accent lighting: Strands or tubes of lighting that outline a structure, or to maintain a common architectural theme to attract attention to any business, service, or other related functions.

Access: The means or place of ingress and egress, by pedestrian or vehicle, to a lot or parcel.

Access waterways: A waterway which is developed or constructed in conjunction with the division of real property for the purpose of providing access by water to lots within a subdivision. (See Chapters 4 and 10).

Accessory use or structure: A use or structure located on the same lot or parcel and incidental and subordinate to the principal use or structure.

Adjacent (applicable to School Board Review issues only): Lying near or adjoining [see also *Abutting property* or *adjacent property*].

Adjacent: To share a common property line or boundary, or to be separated by a public right-of-way, easement, or water body.

Adult day care center: A facility that provides temporary care on a daily basis for adults, whether for compensation or not, and without overnight accommodations.

Adverse Impacts: Impacts generated by land alteration or land use, whether permanent or temporary, which, as a result of an environment or hydrological impact analyses, are likely to or have been shown to have a negative impact on any of the following: listed species and their habitat; natural reservations and other areas of protected native vegetation; wetlands; surface or groundwater; natural waterbodies; air quality, and historic or archeological resources identified by Collier County or the State of Florida.

Aeronautics: Means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities, and air instruction.

Agricultural products: Those goods primarily resulting from farming activities. Such agricultural products require little or no processing after the production or harvest stage in order to ready the product for sale, including, but not limited to, produce, fruits, trees, shrubs, ornamental plants, honey, and nuts.

Agricultural uses: Activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland, pastureland, orchards, vineyards, nurseries, ornamental horticulture areas, groves, confined feeding operations, specialty farms, and silviculture areas.

Airport: Any area of land or water designed and set aside for the landing and taking off of aircraft. The term may include facilities for refueling, repair, handling, and storage of aircraft or facilities for passengers and freight.

Airport hazard: Any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 C.F.R. §§77.21, 77.23, 77.25, 77.28, and 77.29, and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing, or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft.

Alley: A public or approved private way which affords only a secondary means of access to abutting properties and which is not intended for general traffic circulation. See Figure 1.

Alter: Any change to one or more external features or dimensions of a building or structure; any change to supporting members or bearing walls of a building or structure; any change to lot area or dimensions; and any moving of a building or structure. Any

change to the shape, area, or dimensions of required landscaped areas, designated open spaces, parking lots and vehicle use areas, or accessory uses or structures.

Anchor tenant: The tenant of a multiple-occupancy commercial structure, which generally occupies a larger square footage than the majority of commercial tenants. Anchor tenants tend to be those tenants, within a multi-use structure, with whom the center may be identified, or which may generate higher volumes of traffic. A multi-occupancy structure may have one (1) or more anchor tenants.

Ancillary plant: The building, site and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program which may lawfully be used as authorized by the Florida Statutes and approved by the Collier County School Board.

Antenna structure: A base, stand, or other method of stabilizing an antenna, but the primary purpose is other than raising the height of an antenna.

Applicant: The owner of record of property, or his authorized agent, making an application or other submission to Collier County for approval of development.

Aquaculture: The cultivation of marine or aquatic species (fresh or salt water) under either natural or artificial conditions.

Aquifer: A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells and springs.

Area of environmental sensitivity: An area where environmental quality may be highly susceptible to degradation and where alteration may cause predictable losses of natural resources.

Area of special flood hazard: The area/land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated on the Flood Insurance Rate Map.

Arterial road or street: A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road. See Figure 1.

Assisted living facility: Any building(s), section of a building, distinct part of a building, residence, private home, boarding home, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, housing, food service, and one (1) or more personal services for four (4) or more adults, not related to the owner or administrator by blood or marriage, who require such services and to provide limited nursing services, when

specifically licensed to do so pursuant to § 400.407, F.S. A facility offering personal services or limited nursing services for fewer than four (4) adults is within the meaning of this definition if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment that regularly provides such services.

Authorized agent: Any person authorized in writing by the owner of record to act on the behalf of the owner of record of a particular parcel of land.

Automobile service station: any commercial or industrial facility wherein the retail sale of gasoline is conducted. Where the sale of gasoline is provided only as a "secondary function," such as a retail establishment (i.e. - grocery store or warehouse) that provides gasoline for its customers/members as an incidental service, the structures and site related to the fuel facility will be considered an automobile service station.

Auxiliary facility: The spaces located at educational plants which are not designed for student occupation stations.

Average daily trips: A weighted average of the number of vehicle trips or trip ends per unit of independent variable (e.g. trip ends per occupied dwelling unit or employee) using a site's driveway(s). The weighted average rate is calculated by summing all trips or trip ends and all independent trip variable units where paired data are available, and then dividing the sum of the trip ends by the sum of the independent variable units.

Base flood elevation: A flood elevation having a one percent chance of being equaled or exceeded in any given year.

Beach: The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

Berm: A mound of earth to provide screening or buffering between uses.

Bike lane: A portion of a roadway which has been designed, constructed, and designated by signing and pavement markings in accordance with the most current "Florida Bicycle Facilities Design Standards and Guidelines" requirements.

Block: A parcel or parcels of land bounded by public streets (other than alleys), public land, a water body, or physical barrier. Also, the land fronting a street between intersecting streets. See Figure 2.

Boatel: A facility offering transient lodging accommodations normally on a daily rate for boat travelers. These accommodations include wet boat slips, where guests may or may not sleep on their boat.

Boathouse: A building or structure used for the storage of boats, watercraft, or equipment that is accessory to boats or watercraft.

Bonus Credit: A unit representing the right to increase the density or intensity of development within a Rural Village to an extent equal to that achieved through TDR Credits, up to the minimum required density. [sec. 2.03.08 A.2.b.(3)(b)]

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundations system.

Buffer (also, landscape buffer): Land or a combination of land and vegetation for the separation of one (1) use from another and the alleviation of adverse effects of one (1) use to another.

Building: Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animal, chattel, or property of any kind.

Building, Actual height of: The vertical distance from the average centerline elevation of the adjacent roadways to the highest structure or appurtenances without the exclusions of section 4.02.01.

Building, Zoned height of: The vertical distance from the first finished floor to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. Existing grade shall not be altered to gain building height. Where minimum floor elevations have been established by law or permit requirements, the building height shall be measured from such required minimum floor elevations. (See section 4.02.01, Exclusions from height limits, and off-street parking within a building.) Required minimum floor elevations shall be in conformance with the Collier County Administrative Construction Code (see County adopted FBC Section 104.2.1.2. *Additional Requirements*, 8., as set forth in Code of Laws § 22-26) and, if necessary, FDEP requirements for minimum habitable first-floor structural support. Rooftop recreational space and accessory facilities are also exempted from the limitations established for measuring the height of buildings. See Figure 3.

Bulkhead: A retainer wall or structure designed to prevent erosion of land by water action.

Bulkhead line: A fixed line established in or along the Gulf of Mexico, a river, watercourse, or other body of water, in order to fix and establish the distance from the shoreline within which filling may be permitted and bulkheads constructed.

Cabana: An accessory structure providing shelter for recreational use with or without toilet facilities, not to be used for living quarters.

Camping cabin: A wooden structure designed as a detached, temporary living unit for recreation or vacation purposes.

Care unit: A residential treatment facility, whether or not for compensation, where persons under care receive food, lodging and some form of on-site therapeutic care on a daily basis. Care may involve psychiatric, psychological, medical, and physiological therapies, behavior modification, and other such services. This type of facility shall contain fifteen (15) or more persons under care, plus resident supervisors as required by the FAC, and shall permit all of the list of uses as permitted by group care facilities (category I and category II), (i.e., assisted living facilities; foster care facilities; facilities for: aged persons, developmentally disabled persons (as defined in the FAC), physically disabled or handicapped persons (as defined in the FAC); crisis and attention care; displaced adult care; homeless shelters; mental and emotional health care; offender halfway houses; spouse abuse care; substance abuse care; and youth shelters).

Child care center: An establishment which provides, whether for compensation or not, temporary care, protection, guidance, and supervision of a child, on a daily or other regular basis, excluding overnight accommodations. This definition includes such terms as day nurseries, day care service, day care agency, nursery school, or play school. The term does not include summer camps or family day care homes.

Church: A building or group of buildings and/or structures providing a place of assembly for worship, ceremonies, or rituals pertaining to a particular system of beliefs.

Civic and institutional buildings: Structures developed for and/or used by established organizations or foundations dedicated to public service or cultural activities including, but not limited to, the arts, education, government and religion.

Cluster: Concentrating or grouping buildings more closely than in conventional arrangements, locating such buildings on a limited portion of a development site, in order to allow for open space or preservation of natural features.

Cluster Development: A design technique allowed within residential zoning districts or where residential development is an allowable use. This form of development employs a more compact arrangement of dwelling units by allowing for, or requiring as the case may be, reductions in the standard or typical lot size and yard requirements of the applicable zoning district, in order to: increase common open space; reduce the overall development area; reduce alterations and impacts to natural resources on the site; to preserve additional native vegetation and habitat areas; and, to reduce the cost of providing services, including but not limited to central sewer and water.

Coastal high hazard areas: The evacuation zone for a Category 1 hurricane as may be established in the regional hurricane evacuation study applicable to the local government.

Coastal zone: Refers to all land and territorial waters west of SLOSH zone 1 line (approximately U.S. 41, for most of the county), including water and submerged lands of oceanic water bodies or estuarine water bodies; shorelines adjacent to oceanic waters or estuaries; coastal barriers; living marine resources; marine wetlands; water-dependent facilities or water-related facilities on oceanic or estuarine waters; or public access facilities to oceanic beaches or estuarine shorelines; and all lands adjacent to such occurrences where development activities would impact the integrity or quality of the above.

Collector road or street: A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads. See Figure 1.

Compatibility: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Compatibility review: A review pursuant to the Architectural and Site Design Standards contained within section 5.05.08 of the Land Development Code (LDC) in effect at the time SBR Letters of Compliance are requested and that pertains to issues of compatibility with surrounding uses, complimentary patterns of development and mitigation of negative impacts. The Compatibility Review will be limited to compatibility issues, external sidewalks and pathway connections, lighting, dumpster location and screening, and orientation of buildings and ancillary facilities.

Concurrency: The public facilities and services necessary to maintain the adopted level of service standards are available when the impacts of development occur.

CON District: Lands that are generally depicted on the Future Land Use Map, and more specifically depicted on the Official Zoning Atlas, as Conservation. [sec. 2.03.05]

Conditional use: A use that, due to special circumstances, is not permissible in a zoning district, but may be appropriate if controlled as to number, area, location, or relation to the neighborhood.

Condominium: That form of ownership of real property which is created pursuant to the provisions of F.S. Ch. 718, under which units or improvements are subject to ownership by one (1) or more owners, and there is appurtenant to each unit as part thereof an undivided share in common elements.

Conservation uses: Activities or conditions within land areas designated for the purpose of conserving or protecting natural resources or environmental quality, including areas

designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, commercially or recreationally valuable fish and shellfish, or protection of vegetative communities or wildlife habitats.

Consistency Review: A review process whereby the County will determine prior to the School Board's acquisition of property whether such property is consistent with the locational criteria of the Growth Management Plan's Future Land Use Element and Map, Golden Gate Area Master Plan and Immokalee Area Master Plan, and whether the plant or facility is a permitted use, conditional use or prohibited use in the zoning district on the site, pursuant to the 2003 Interlocal Agreement.

Cul-de-sac: A street terminated at the end by a vehicular turnaround. See Figure 1.

Density Blending: The distribution of the gross density or intensity allowable on a parcel or parcels throughout those parcels.

Density, residential: The number of residential dwelling units permitted per gross acre of land allowed under the Comprehensive Plan's Density Rating System subject to limitations of the corresponding zoning district determined by dividing the development's total number of dwelling units by the total area of residential land within the legally described boundaries of the residential development's lot(s) or parcel(s). Total residential land area does not include existing platted land area for vehicular rights-of-way, whether public or private, nor land within a planned unit development district that is to be used for commercial or industrial uses, except where allowed by the GMP. Total residential land area may include land submerged beneath an existing freshwater body (e.g., ponds or lakes) so long as evidence of fee ownership of the submerged lands is provided at the time of development application, but may not include land submerged beneath tidal water bodies, nor lands considered to be marine wetlands. For purposes of calculating density the total number of dwelling units may be rounded up to the next whole number if the dwelling unit total yields a fraction of a unit .5 or greater.

Development: The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three (3) or more parcels. The following activities or uses shall be taken for the purposes of this Code to involve "development":

- a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- c. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in § 161.021, F.S.

- d. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- e. Demolition of a structure.
- f. Clearing of land as an adjunct of construction.
- g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

Development agreement: An agreement regarding the development of property that complies with the requirements of the Florida Local Government Development Agreement Act, §163.3220-.3243, F.S.

Development order: Any order, permit, determination, or action granting, denying, or granting with conditions an application for any final local development order, building permit, temporary use permit, temporary construction and development permit, sign permit, well permit, spot survey, electrical permit, plumbing permit, occupational license, boat dock permit, HVAC permit, septic tank permit, right-of-way permit, blasting permit, excavation permit, construction approval for infrastructure (including water, sewer, grading, and paving), approved development of regional impact (DRI), zoning ordinance amendment, comprehensive plan amendment, flood variance, coastal construction control line variance, vegetation removal permits, agricultural clearing permits, site development plan approval, subdivision approval (including plats, plans, variances, and amendments), rezoning, PUD amendment, conditional use (provisional use), variance, or any other official action of Collier County having the effect of permitting development as defined in this Code.

Development plan: A graphic representation along with supportive information and data depicting the intended development.

Diameter at breast height: The diameter of the trunk, limb, or stem material measured at the point or points of the tree located 4¹/₂ feet from where the tree emerges from the substrate. In the case of multi-trunked trees, the DBH is measured by the sum of diameters of each trunk at the point or points located 4¹/₂ feet from where the tree emerges from the substrate. See Figure 4.

Dock: Any structure constructed in or over a waterway for the primary purpose of mooring a boat or other watercraft.

Dock facility: Includes walkways, piers, and pilings associated with the dock.

Drainage facilities (also called stormwater management facilities): Man-made structures designed to collect, convey, hold, divert, or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

Driveway: A vehicle access provided between a street and a parking space, parking lot, garage, or other parking area. See Figure 1.

Dune: A mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and extending inland to the landward toe of the dune, which intercepts the 100-year storm surge.

Duplex: A freestanding building, which contains only two (2) dwelling units.

Dwelling (also called dwelling unit): Any building, or part thereof, constituting a separate, independent housekeeping establishment for no more than one (1) family, and physically separated from any other rooms or housekeeping establishments which may be in the same structure. A dwelling unit contains sleeping facilities, sanitary facilities, and a kitchen.

Dwelling, multi-family: A group of three (3) or more dwelling units within a single building.

Dwelling, single-family or one-family: A building that contains only one (1) dwelling unit.

Easement: An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

Educational Facilities: The buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by the Collier County School Board.

Educational Plant: The educational facilities, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant.

Environmental quality: The character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural, and social sciences, the arts and technology, and the quantitative guidelines of federal, state, and county governments.

Environmental Impact Statement (EIS): A document or documents that provide an objective evaluation of the impacts of a proposed development or other alteration of the existing natural conditions on the natural resources, environmental quality, and listed species.

Essential Services: Those services and facilities, including utilities, safety services, and other government services, necessary to promote and protect public health, safety and welfare, including but not limited to the following: police; fire, emergency medical, public park and public library facilities; and all services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers that have been approved and authorized according to laws

having appropriate jurisdiction, and governmental facilities.

Exploration, oil and gas: Activities and facilities involved in the search for and subsequent production testing and field delineation of discovered petroleum and natural gas resources as defined by or used in the context of Florida Statutes and Administrative Code, which may include geophysical exploration activities and surveys, construction of temporary access roads and pads, exploratory drilling and the in-field separation and removal of test production. (See Oil extraction and related processing)

Facade: That portion of any exterior elevation of a building extending from finished grade to the top of the parapet wall or eaves, extending the entire width of the building elevation, and exposed to public view.

Family care facility: A residential facility designed to be occupied by not more than six (6) persons under care, plus supervisors as required by subsection 10A-5.019, FAC, and constituting a single dwelling unit (i.e., adult congregate living facility for: aged persons; developmentally disabled persons; physically disabled or handicapped persons; mentally ill persons; and persons recovering from alcohol and/or drug abuse. Foster care facilities are also included, but not the uses listed under group care facility (category II). This use shall be applicable to single-family dwelling units and mobile homes.

Family day care home: Shall have the meaning provided in the Florida Statutes.

Final local development order: Any valid, unexpired building permit issued by the county.

Fire station: The building(s) and site of a government establishment primarily engaged in firefighting, used to house fire trucks and other emergency vehicles, firefighting equipment and apparatus, firefighters, and support/administrative staff.

Fire station services, ancillary: Fire protection activities imperative to carry out the purposes of a government establishment primarily engaged in firefighting, such as fire training camps, but which is not required to be located at a fire station for that fire station to serve its function. However, services designed to repair any firefighting equipment is not an ancillary fire station service.

Flood: A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation determination: A determination by the County Manager or designee of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood insurance rate map (FIRM): An official map of Collier County, Florida, on which

the County Manager or designee has delineated both the special hazard areas and the risk premium zone applicable to the community.

Flood insurance study (FIS): The official report provided in which the Federal Emergency Management Agency (FEMA) has provided flood profiles, as well as the Flood Insurance Rate Maps and the water surface elevation of the base flood.

Flood plain: Area inundated during a 100-year flood event or identified by the National Flood Insurance Program as an A Zone or V Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

Flood prone area: Any land area susceptible to being inundated by water from any source (see definition of "flood").

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor area: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two (2) buildings, excluding attic areas with a headroom of less than seven (7) feet, enclosed or unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, parking structures, and crawl space where the ceiling is not more than an average of forty-eight (48) inches above the general finished grade level of the adjacent portion of the lot, except as may be otherwise indicated in relation to particular districts and uses.

Floor area ratio (FAR): A means of measurement of the intensity of building development on a site. A floor area ratio is the relationship between the gross floor area on a site and the gross land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and dividing that figure by the gross land area. See Figure 5.

Flowway: A natural or manmade swath of land, varying in width and length, providing for the conveyance of water, primarily sheet flow, during seasonally wet periods, generally from north to south, and providing beneficial wildlife habitat and aquifer recharge.

Frontage: The side of a lot or parcel abutting a street. Where a lot abuts two (2) or more streets, frontage is defined as the side of a lot where the main building entrance is located. See figure 2.

Grade: A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the

area between the building and the lot line or between the building and a point 6ft (1829 mm) from the building, whichever is closer to the building.

Greenbelt: A required buffer and open space area surrounding a Rural Village. [sec. 2.03.08 (A)(2)(b)(6)]

Group care facility: A type of facility, which provides a living environment for seven (7) to fourteen (14) persons under care who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

- a. **Category I:** A group care facility designed to accommodate seven (7) to fourteen (14) persons under care, plus resident supervisors as required by Florida Administrative Code (i.e., adult congregate living facilities for aged persons; developmentally disabled persons (as defined in Florida Statutes; physically disabled or handicapped persons, as defined in Florida Statutes; mentally ill persons (as defined in Florida Statutes; and persons recovering from alcohol and/or drug abuse. Foster care facilities are also included.
- b. **Category II:** A group care facility designed to accommodate seven (7) to fourteen (14) persons under care, plus resident supervisors as required by Florida Administrative Code. This type of facility offers a higher level of personal and therapeutic care than a category I facility (i.e., crisis and attention care, displaced adult care, homeless shelters, mental and emotional health care, offender halfway houses, spouse abuse care, substance abuse care, and youth shelters).

Group housing: Housing structures designed to meet the special needs (such as housing, health, and socialization) of certain segments of the population, such as youth, the elderly, or the developmentally disabled. Group housing refers to the following types of structures: family care facilities, group care facilities (category I and category II), care units, and nursing homes.

Group housing unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment and physically separated from any other rooms or group housing units, which may be in the same structure, with or without complete kitchen facilities, and containing sleeping facilities and sanitary facilities. A group housing unit is applicable to the following types of structures: family care facilities, group care facilities (category I and category II), care units, nursing homes, and assisted living and continuing care facilities.

Guest House or Cottage: An accessory dwelling structure which is attached to or detached from, a principal dwelling located on the same residential parcel and which an accessory dwelling serves as an ancillary use providing living quarters for the occupants of the principal dwelling, their temporary guests or their domestic employees and which

may contain kitchen facilities. Guesthouses or cottages are not permitted in development that is receiving an AHDB. (See section[s] 5.03.03 and 2.05.02)

Guest Quarters/Guest Suites: An attached or detached room or suite, which could be used as a temporary sleeping accommodation, which is integrated as part of the principal use of the property and may contain running water as long as it is not configured or of a size that may accommodate a kitchen.

Hazardous product or waste: Solid waste or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

Hospital: A building or group of buildings having facilities for overnight care of one (1) or more human patients, providing medical, surgical, and skilled nursing services to inpatients; services include primary and/or urgent care treatment for injuries, disease, illness, or traumas; may include incidental and subordinate facilities, such as laboratories, outpatient services, training facilities, central service facilities, or staff facilities.

Hotel (also motel): A building or group of buildings offering transient lodging accommodations normally on a daily rate to the general public, with or without accessory uses, such as restaurants, meeting rooms, or recreational facilities.

Housing, Affordable: One or more residential dwelling units with a monthly rent or monthly mortgage payment, including property taxes and insurance, not in excess of 1/12 of 30 percent of an amount which represents 50 percent or less (for very low income), 50 percent to 80 percent (for low income), or 80 percent to 100 percent (for moderate income) of the median adjusted gross annual income for the household as published annually by the U.S. Department of Housing and Urban Development within the Naples Metropolitan Statistical Area (MSA). (See section 2.05.02) The term affordable housing includes workforce housing which is limited to owner occupied housing with a monthly mortgage payment, including property taxes and insurance, not in excess of 1/12 of 30 percent of an amount which represents 50 percent to 100 percent of the median adjusted gross annual income for the household as published annually by the U.S. Department of Housing and Urban Development within the Naples Metropolitan Statistical Area (MSA). (See section 2.05.02)

Impervious (also impervious surface or impervious area): Any material that prevents or impedes the percolation or absorption of water into the ground. See Figure 6.

Industrial uses: Activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

Kitchen, Primary: A room in a principal dwelling which is used, designed and intended for the preparation and cooking of food, often where meals are also eaten.

Kitchen, Secondary: A kitchen, accessory in function to the primary kitchen, located within and only accessible through the principal dwelling unit.

Level of service: An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

Loading space: An area for the temporary parking of a commercial vehicle for pick-up or delivery, loading or unloading of merchandise or goods.

Locational Criteria: The land use categories established in the Growth Management Plan's Future Land Use Element and Map, Golden Gate Area Master Plan and Immokalee Area Master Plan.

Lot: A single area or parcel of land established by plat or by metes and bounds.

Lot coverage: The part or percentage of the lot occupied by principal and accessory buildings and structures. See Figure 7.

Lot line: The boundary of a lot; the legally defined limits of a lot. See Figure 2.

Lot of record: A lot of record is (1) a lot which is part of a subdivision recorded in the public records of Collier County, Florida; or (2) a lot, parcel, or the least fractional unit of land or water under common ownership which has limited fixed boundaries, described by metes and bounds or other specific legal description, the description of which has been so recorded in the public records of Collier County, Florida, on or before the effective date of this LDC; or (3) a lot, parcel, or the least fractional unit of land or water under common ownership which has limited fixed boundaries, for which an agreement for deed was executed prior to October 14, 1974, if within the Coastal Area planning district, and January 5, 1982, if presently within or previously within the Immokalee Area planning district prior to May 1, 1979.

Marina: A boating facility, chiefly for recreational boating, located on navigable water frontage, and providing all or any combination of the following: boat slips or dockage, dry boat storage, small boat hauling or launching facilities, marine fuel and lubricants, marine supplies, bait and fishing equipment, restaurants, boat and boat motor sales, and rentals. Does not include dredge, barge, or other work-dockage or service, boat construction or reconstruction, or boat sales lot.

Mean high-water line: The intersection of the tidal plane of mean high water with the shore as established by the Florida Coastal Mapping Act of 1974, Chapter 74-56, Laws of Florida.

Mobile home: A structure, transportable in one or more sections, which is eight (8) body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Mobile home park: A parcel of land under single or unified ownership, which is designed and used for long-term placement of manufactured homes for non-transient residential use; may include accessory services and facilities for the residents of the manufactured home park.

Monopole communications tower: A commercial vertical single tubular self-supporting tower for nonparabolic antennas with small effective radii.

Motel: see hotel

Natural Reservation: The term natural reservation refers to large areas set aside for natural resource protection, conservation and preservation and includes: only Natural Resource Protection Areas (NRPAs); and, lands designated Conservation on the Collier County Future Land Use Map, including but not limited to, Everglades National Park, Big Cypress National Preserve, Florida Panther National Wildlife Refuge, Fakahatchee Strand State Preserve, Collier-Seminole State Park, Rookery Bay National Estuarine Research Reserve, Delnor-Wiggins Pass State Recreation Area, and the National Audubon Society's Corkscrew Swamp Sanctuary.

Natural Waterbody: A naturally occurring lake, pond, lagoon, river, stream, creek, or the like, or the Gulf of Mexico and any tidal waters of the gulf including bays, bayous, inlets, canals, or channels.

Neighborhood Center: A centrally located area within a neighborhood of a Rural Village that may include small-scale service retail and office uses and shall include a public park, square, or green.

Neutral Lands: Lands located within the RFMU District that are generally depicted located on the Future Land Use Map, and more specifically depicted on the Official Zoning Atlas, as Neutral Lands. [sec. 2.03.08 (A)(3)]

Nonconforming: Refers to uses, buildings, lots, or structures that are in existence at the time of adoption of this Code or any Amendment(s), which were in compliance with applicable laws at the time of establishment or construction, but which do not comply with regulations and requirements of this LDC.

Nonconforming lot of record: When two or more adjacent legal nonconforming lots of record are either combined under a single folio or parcel number for taxing purposes by the property appraiser's office or combined as a single parcel by recording the previously separate non-conforming lots into one legal description, neither or both of

these actions will prohibit the owner or future owners from subsequently splitting the parcel into two or more folio or parcel numbers for tax purposes, or severing the parcels into their former legal descriptions as legal non-conforming lots of record according to the original legal description(s) at the time the property was recognized as legal nonconforming. Prior to any two or more adjacent, legal non-conforming lots being combined for development a legally binding document must be recorded to reflect a single parcel with a unified legal description. Once such a document has been recorded to amend the legal description and a development permit has been approved by the County for development as that unified parcel, the property cannot be split or subdivided except as may then be allowed by this code.

North Belle Meade Overlay (NBMO): Lands located within the RFMU District that are generally depicted on the Future Land Use Map, and more specifically depicted on the Official Zoning Atlas, as the North Belle Meade Overlay. [sec. 2.03.08 (D)]

Oil and gas exploration: Activities and facilities involved in the search for and subsequent production testing and field delineation of discovered petroleum and natural gas resources as defined by or used in the context of Florida Statutes and Administrative Code, which may include geophysical exploration activities and surveys, construction of temporary access roads and pads, exploratory drilling and the in-field separation and removal of test production. (See Oil extraction and related processing)

Oil and gas field development and production: Activities and facilities involved in developing petroleum and natural gas resources following successful exploration as defined by or in the context of Florida Statutes and Administrative Code, which may include the construction of all-weather access roads and pads, development drilling, installation of crude oil pipelines, flowlines and gathering lines, in-field separation and temporary housing facilities for personnel requisite to the operation of these facilities and activities. (See Oil extraction and related processing)

Oil extraction and related processing: Oil and gas exploration, drilling, and production operations and shall not be deemed to be industrial land uses and shall continue to be regulated by all applicable federal, state, and local laws. Oil extraction and related processing includes oil and gas exploration and oil and gas field development and production as defined above.

Open space: Areas that are not occupied by buildings, impervious parking areas, streets, driveways or loading areas which may be equipped or developed with amenities designed to encourage the use and enjoyment of the space either privately or by the general public. Examples of open space include: areas of preserved indigenous native vegetation; areas replanted with vegetation after construction; lawns, landscaped areas and greenways; outdoor recreational facilities; and, plazas, atriums, courtyards and other similar public spaces.

Open Space, Common: Those areas within or related to a development, not in individually owned lots designed and intended to be accessible to, and for the common use or enjoyment of, the residents of the development, or the general public.

Open Space, Usable: Active or passive recreation areas such as playgrounds, tennis courts, golf courses, beach frontage, waterways, lagoons, floodplains, nature trails and other similar open spaces. Usable Open space areas shall also include those portions of areas set aside for preservation of native vegetation or landscaped areas, which are accessible to and usable by residents of the development, or the general public. Open water area beyond the perimeter of the site, street rights-of-way, driveways, off-street parking areas, and off-street loading areas shall not be counted in determining usable open space.

Outparcel: A site for a freestanding building or buildings, which is generally related to an original (parent) development tract is adjacent to a roadway that interrupts the frontage of another lot and is intended or withheld by the developer for development separately from the majority of the original development.

Parcel: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Park, neighborhood: A public park, owned and maintained by Collier County which is intended to serve the needs of the local community and: is located within the E (Estates) zoning district, or any residential zoning district or residential component of a planned unit development; is comprised of no more that five acres of land; access to which is provided through non-vehicular means, with no on-site parking facilities; and provides only basic park facilities and amenities such as, but not limited to, sidewalks, non-air-conditioned shelters, bike racks, drinking fountains and playground equipment.

Pathway: A defined corridor for the primary use of non-motorized travel.

Principal building, structure, or use: The main or primary use on a lot or parcel, or the building in which the main or primary use is housed or carried out.

Recreational vehicle: A vehicular-type portable structure without permanent foundation which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailer, truck campers, camping trailers, and self-propelled motor homes.

Restaurant: A building or part of a building where food is offered for sale or sold to the public primarily for immediate consumption.

RFMU District: Rural Fringe Mixed Use District. The area generally depicted on the Future Land Use Map and specifically depicted on the Official Zoning Atlas as the Rural

Fringe Mixed Use District, which is generally a transition between the Urban and Estates Designated lands and the Urban and Agricultural/Rural and Conservation designated lands farther to the east. [sec. 2.03.08 (A)]

RFMU Receiving Lands: Lands located within the RFMU District that are generally depicted on the Future Land Use Map, and more specifically depicted on the Official Zoning Atlas, as Receiving Lands. [sec. 2.03.08 (A)(2)]

RFMU Sending Lands: Lands located within the RFMU District that are generally depicted on the Future Land Use Map, and more specifically depicted on the Official Zoning Atlas, as Sending Lands. [sec. 2.03.08 (A)(4)]

Right-of-way (ROW): Land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.

Rural Village: A form of development within RFMU Receiving Lands that includes the following mixture uses: residential housing types; institutional uses; commercial uses; and, recreational uses and comprised of several neighborhoods designed in a compact nature such that a majority of residential development within comfortable walking distance to the Neighborhood Centers. [sec. 2.03.08 (A)(2)(b)]

School Board Review (SBR): The site development plan review process for School Board projects as outlined in the 2003 Interlocal Agreement.

Setback or setback line: A line marking the minimum distance between a right-of-way line, property line, bulkhead line, shoreline, seawall, mean high water mark, access easement line, or other defined location and the beginning point of the buildable area. See Figure 2.

Sewage system, central: A system for the collection and disposal of wastewater, including pipes, pumps, tanks, treatment plants, and other appurtenances which comprise the system.

Sewage system, individual: A system designed to serve one (1) unit (as defined in the health code used by Collier County) comprised of pipes, tanks, and a subsurface absorption field, or other approved treatment device, for handling and disposing of wastewater.

Shopping center: A building or group of buildings planned, developed, owned, and managed as a commercial unit, with joint parking and other support facilities.

Shoreline or shore: The interface of land and water and, as used in the coastal management element requirements, is limited to oceanic and estuarine interfaces.

Sidewalk: That portion of a right-of-way or cross or crosswalk, paved or otherwise surfaced, intended for pedestrian use and also bicycle use. (See Chapters 4 and 10)

Sign: Any structure, device, vehicle, advertisement, advertising device or visual representation intended to advertise, identify, or communicate information to attract the attention of the public for any purpose and without prejudice to the generality of the foregoing, and includes any symbols, letters, figures, illustrations, or forms painted or otherwise affixed to attract the attention of the public for any purpose and also any structure or device the primary purpose of which is to border, illuminate, animate or project a visual representation. However, this definition does not include official notices issued by any court or public office, or officer in the performance of a public or official duty, and traffic control signs. For the purpose of removal, signs also include all sign structures.

Solid waste: Garbage, refuse, yard trash, clean debris, white goods, special waste, ashes, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid waste bulk container: Any watertight, portable nonabsorbent container equipped with a watertight lid or cover, which is used to store two (2) or more cubic yards of solid waste emptied by mechanical means.

Solid waste disposal facility: A facility designed and utilized for the disposal of sludge from wastewater treatment works, water supply treatment plants, or air pollution control facilities or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid waste standard container: A watertight container made of nonabsorbent material provided with a closely fitting watertight cover, with handles and of thirty-two (32) gallons or less gross capacity, or a sealed plastic bag of adequate strength to contain the waste materials therein.

Solid waste transfer station: A structure used to store or hold solid waste for transport to a processing or disposal facility. It does not include green boxes, compactor units, permanent dumpsters, recycling collection stations, and other containers from which such wastes are transported to a landfill or other solid waste management facility.

State Requirements for Educational Facilities ("SREF"): The Florida Department of Education State Requirements for Educational Facilities, effective 1999, as amended.

Story: That portion of a building included between a floor which is calculated as part of the building's habitable floor area and the floor or roof next above it.

Street: A public or approved private thoroughfare, including the right-of-way, which affords the principal means of access to abutting property. The term street includes lanes, ways, places, drives, boulevards, roads, avenues, or other means of access,

regardless of the descriptive term used.

Structure: Anything constructed or erected which requires a fixed location on the ground, or in the ground, or attached to something having a fixed location on or in the ground, including buildings, towers, smokestacks, utility poles, and overhead transmission lines. Fences and walls, gates or posts are not intended to be structures.

Subdivision: The division of land, whether improved or unimproved, into three (3) or more contiguous lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land any of which do not equal or exceed ten (10) acres, for the purpose, whether immediate or future, of transfer of ownership or development; or any division of land if the extension of an existing street or the establishment of a new street is involved to provide access to the land. The term includes resubdivision, the division of land into three (3) or more horizontal condominium parcels or horizontal cooperative parcels, and the division or development of residential or nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, map, plat, horizontal condominium parcels, horizontal cooperative parcels, or other recorded instrument, and, when appropriate to the context, means the process of subdividing or to the lands or areas subdivided.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement, this term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of a historic structure.

TDR Credit: A unit representing the right to increase the density or intensity of development on a parcel, obtained through a Transfer of Development Rights. [sec. 2.03.07]

Tower: A structure for the primary purpose to raise the height of an antenna.

Townhouse: A group of three (3) or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and no unit is located above another.

Tract: An area of land, public or private, occupied or intended to be occupied, by or for a lawful purpose, including a street, crosswalk, railroad, electric transmission line, oil or

gas pipeline, storm drainageway, water main, sanitary or storm sewer main, canal, landscape buffer, or for similar use. The term "tract," when used for land platting purposes, means an area separate and distinct from platted lots or parcels and not included within the dimensions or areas of such lots or parcels. Unless otherwise expressly stated, the dedication of a tract on a plat reflects an intention of the dedicator(s) to dedicate such tract as a fee simple interest in land, subject to any easement(s) stated on the plat or otherwise of record.

Transfer of Development Rights: The transfer of development rights from one parcel to another parcel in a manner that allows an increase in the density or intensity of development on the receiving property with a corresponding decrease in the remaining development rights on the sending property.

Vegetation, Category I Invasive Exotic: Invasive exotic vegetation that is altering native vegetation communities by displacing native plant species, changing the structure or ecological functions of native plant communities, or hybridizing with native species. A list of these exotics can be found in the

Vegetation, Category II Invasive Exotic: Invasive exotic vegetation that has increased in abundance or frequency but have not yet altered native plant communities by displacing native plant species, changing the structure or ecological functions of native plant communities, or hybridizing with native species.

Vegetation, Exotic: A plant species introduced to Florida, purposefully or accidentally from a natural range outside of Florida. The terms Exotic vegetation and Nonnative vegetation are interchangeable. Exotic vegetation includes Naturalized Vegetation, and Category I and Category II Invasive Exotics.

Vegetation, Native: Native vegetation means native southern Floridian species as determined by accepted valid scientific references identified in section 4.06.05 C. Where this code refers to, or requires retention of, existing native vegetation, the term native vegetation is further defined as a vegetative community having 75% or less canopy coverage of melaleuca or other invasive exotic plant species.

Vegetation, Naturalized: Exotic vegetation that sustains itself outside cultivation, but is not prohibited exotic vegetation.

Vegetation, Prohibited Exotic: Category I or Category II Invasive Exotic Vegetation limited to those enumerated in section 3.05.08 of this Code.

Vehicular use area: An area used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

Village Center: A distinct area within a Rural Village that serves as the primary location for commercial uses, including retail and office, and of civic, and government uses.

Wastewater: The combination of liquid and water-carried pollutants from residences, commercial buildings, industrial plants, and institutions together with any groundwater, surface runoff, or leachate that may be present.

Wetlands: Wetlands as set forth in Section 373.019 Florida Statutes. The terms "Wetlands" and "Jurisdictional Wetlands," as used in this Code, shall be synonymous.

Wetland Function: A quantitative and qualitative measure of the degree to which a jurisdictional wetland provides hydrologic and habitat or other benefits for listed species, measured using the Unified Wetland Mitigation Assessment Method, F.A.C. Chapter 62-345.

Yard: An open space that is unoccupied and unobstructed and that lies between a principal or accessory building or buildings and the nearest lot line. As used in this definition, "unobstructed" means a structure or portion of a structure from thirty (30) inches above the ground level upward, and does not include permissible fences and walls.

Yard, front: The required open space extending across the entire width of the lot between the front building line and street right-of-way line. Where double-frontage lots exist, the required front yard shall be provided on both streets except as otherwise provided for herein.

Where corner lots of record existed prior to the date of adoption of Collier County Ordinance No. 82-2 [January 5, 1982], which lots do not meet minimum lot width or area requirements established in this Code, only one full depth front yard shall be required. In all zoning districts, the full depth front yard requirement shall apply to the front yard which has the shorter or shortest street frontage. In all zoning districts, except the E (estates) zoning district, the setback requirement for the remaining front yard(s) may be reduced to 50 percent of the full front yard setback requirement for that district, exclusive of any road right-of-way or road right-of-way easement. For setbacks for E (estates) zoning, see Section 2.03.01.

1996 Interlocal Agreement: the Interlocal Agreement between the Collier County School Board and Collier County as recorded in Official Record Book 2207, Pages 1729 *et seq.*, which bears an effective date of June 25, 1996.

2003 Interlocal Agreement: the Interlocal Agreement between the Collier County School Board and Collier County as recorded in Official Record Book 3228, Page 2989 *et seq.*, which bears an effective date of February 28, 2003.

Zero lot line: The location of a building on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

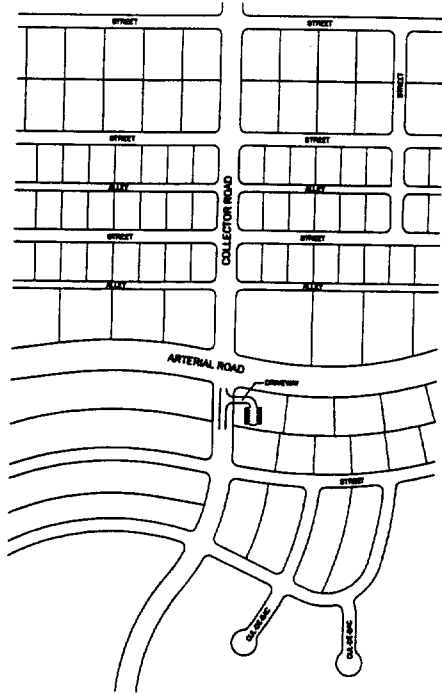


Figure 1

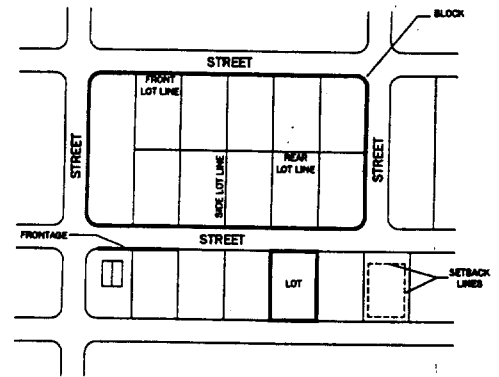


Figure 2

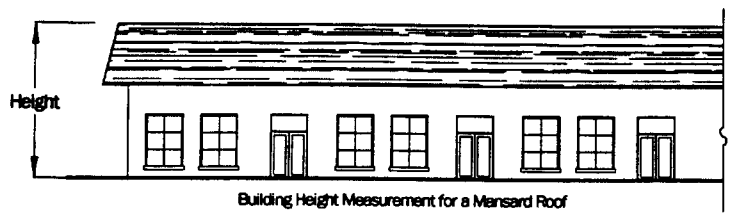
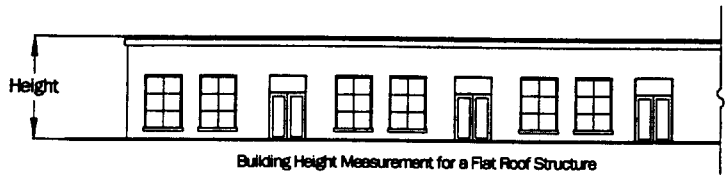


Figure 3

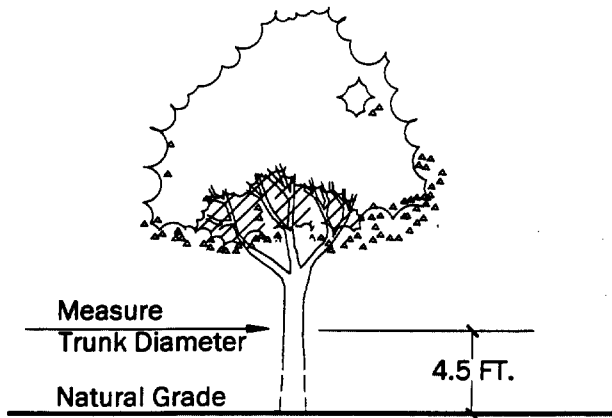


Figure 4

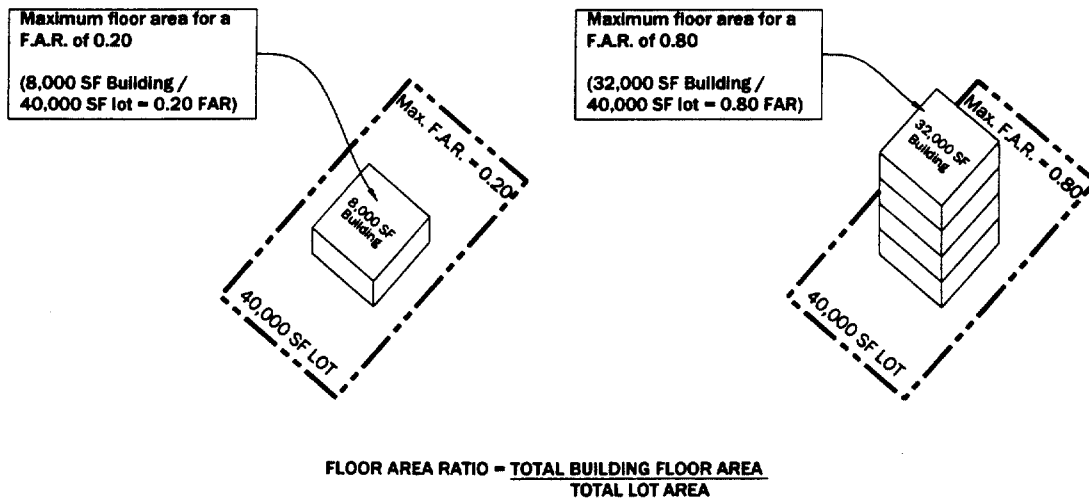
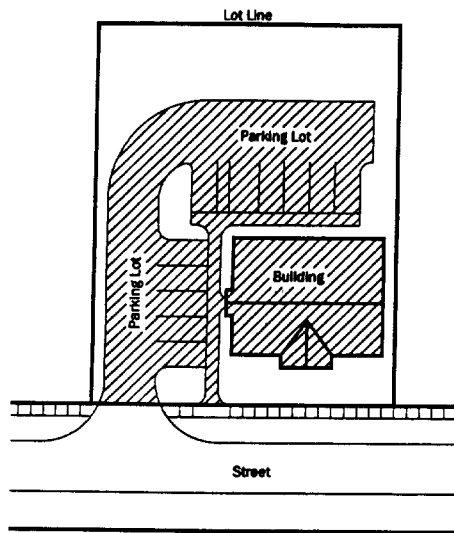
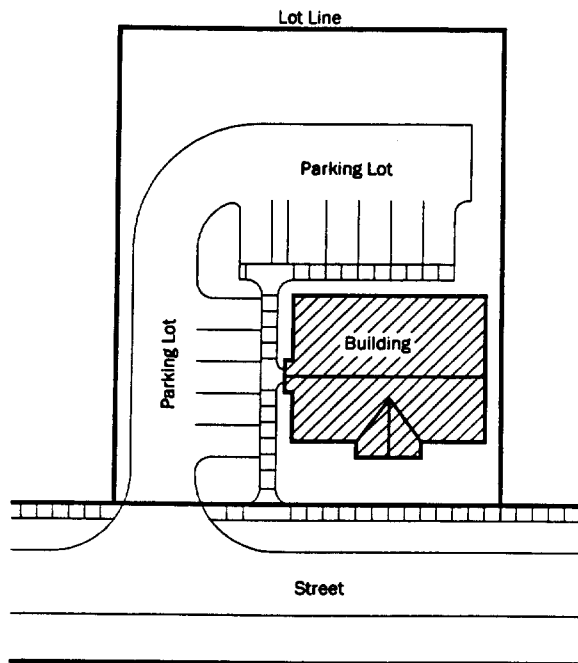


Figure 5



Impervious surface ratio = Total area of buildings, parking lots, sidewalks and other impervious surfaces divided by the lot area.

Figure 6



Lot Coverage = Area of principal and accessory buildings divided by the area of the lot.

Figure 7

CHAPTER 2

ZONING DISTRICTS AND USES

- 2.01.00 GENERALLY**
 - 2.01.01 Purpose**
 - 2.01.02 Miscellaneous Structures**
 - 2.01.03 Essential Services**
 - 2.01.04 Polling Places**
- 2.02.00 ESTABLISHMENT OF ZONING DISTRICTS**
 - 2.02.01 Establishment of Official Zoning Atlas**
 - 2.02.02 District Nomenclature**
 - 2.02.03 Prohibited Uses**
 - 2.02.04 Continuation of Provisional Uses**
- 2.03.00 ZONING DISTRICTS**
 - 2.03.01 Residential Zoning Districts**
 - 2.03.02 Commercial Zoning Districts**
 - 2.03.03 Industrial Zoning Districts**
 - 2.03.04 Civic and Institutional Zoning Districts**
 - 2.03.05 Open Space Zoning Districts**
 - 2.03.06 Planned Unit Development Districts**
 - 2.03.07 Overlay Zoning Districts**
 - 2.03.08 Eastern Lands/Rural Fringe Zoning Districts**
- 2.04.00 PERMISSIBLE, CONDITIONAL, AND ACCESSORY USES IN ZONING DISTRICTS**
 - 2.04.01 Rules for Interpretation of Uses**
 - 2.04.02 Effects of Approvals Under the Zoning Reevaluation Ordinance**
 - 2.04.03 Table of Land Uses in Each Zoning District**
- 2.05.00 DENSITY STANDARDS**
 - 2.05.01 Density Standards and Housing Types**
 - 2.05.02 Density Blending**
- 2.06.00 AFFORDABLE HOUSING DENSITY BONUS**

2.06.01 Generally

2.06.02 Purpose and Intent

2.06.03 AHDB Rating System

2.07.00 TABLE OF SETBACKS FOR BASE ZONING DISTRICTS

CHAPTER 2 – ZONING DISTRICTS AND USES

2.01.00 GENERALLY

- A. Parking and storage of vehicles without current license plates. Vehicles or trailers of any type that are not immediately operable, or used for the purpose for which they were manufactured without mechanical or electrical repairs or the replacement of parts; or do not meet the Florida Safety Code; or do not have current valid license plates; or do not meet the definition of recreational equipment as defined within this Code, shall not be parked or stored on any residentially zoned or designated property, including the E estates district, other than in a completely enclosed **BUILDING**. For the purpose of this section a license plate shall not be considered valid unless it is both affixed to a vehicle or trailer in a fashion authorized by Florida law and is registered to the vehicle or trailer upon which it is displayed.
- B. Parking, storage or use of major recreational equipment. No recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residentially zoned **LOT**, residential districts, or any location not approved for such use. In districts permitting single-family homes or **MOBILE HOMES**, major recreational equipment may be parked or stored only in a rear **YARD**, or in a completely enclosed **BUILDING**, or in a carport, or on davits or cradles **ADJACENT** to waterways on residentially zoned property; provided, however, that such equipment may be parked anywhere on residential premises, other than on county rights-of-way or **RIGHT-OF-WAY EASEMENTS** for a period not to exceed six hours within a time period of seven days for loading and unloading, and/or cleaning prior to or after a trip. For the purpose of this section the rear **YARD** for a corner **LOT** shall be considered to be that portion of the **LOT** opposite the **STREET** with the least **FRONTAGE**. For through **LOTS** the rear **YARD** shall be considered to be that portion of the **LOT** lying between the rear elevation (by design) of the residence and the **STREET**.

The following exceptions may be granted by the county manager or designee:

1. Such recreational equipment may be parked upon the premises of the resident for a period not exceeding seven days for the purpose of repairing and/or cleaning prior to or after a trip. A temporary use permit must be obtained to authorize this activity. The permit for such period shall be affixed to the vehicle in a conspicuous place on the **STREET** side thereof. No more than two consecutive permits may be issued and the maximum number of permits issued during one calendar year shall be restricted to four.

2. Nonresident: Such car, trailer, bus or motor home, when used for transportation of visitors to this county to visit friends or member of the visitor's family residing in this county may be parked upon the premises of the visited family for a period not exceeding seven days. A temporary use permit must be obtained to authorize this activity. The permit for such period shall be affixed to the vehicle in a conspicuous place or on the **STREET** side thereof. This does not allow for living, sleeping, or housekeeping purposes. No more than two consecutive permits may be issued and the maximum number of permits issued during one calendar year shall be restricted to four.

C. Parking of commercial vehicles or commercial equipment in residential areas. It shall be unlawful to park a commercial vehicle or commercial equipment on any **LOT** in a residential zoning district unless one of the following conditions exists:

1. The vehicle and/or equipment is engaged in a construction or service operation on the site where it is parked. The vehicle or equipment must be removed as soon as the construction or service activity has been completed.

2. The vehicle and/or equipment is parked in a garage or fully enclosed **STRUCTURE** or carport which is structurally or vegetatively screened and cannot be seen from **ADJACENT** properties or the **STREET** serving the **LOT**.

3. The vehicle is parked in the rear of the main **STRUCTURE** and is enclosed within a vegetative screening which conceals the vehicle from the view of neighbors.

4. Automobiles; passenger type vans; and pickup trucks having a rated load capacity of one ton or less - all of which do not exceed 7.5 feet in height, nor 7.0 feet in width, nor 25 feet in length shall be exempted from this section unless otherwise prohibited by a special parking overlay district created pursuant to Section 2.03.07 L.

5. Exempted from this section are small commercial equipment such as ladders and pipes that cannot be contained in the vehicle. Said equipment shall be limited to one ladder or one unit of pipe which does not exceed 12 inches in diameter per commercial vehicle. Said equipment shall be secured atop the vehicle and shall not extend beyond the length, height or width of the vehicle.

D. Boats or other floating equipment used as **DWELLING UNITS**. Boats or other floating equipment being used as **DWELLING UNITS** or as commercial establishments may not anchor or tie up in waters under the

jurisdiction of the county for longer than 48 hours, except at facilities located in zoning districts permitting such use and at facilities within such districts designated for such use and meeting county and state health standards for such use.

- E. **CONDOMINIUMS.** This Code shall be construed and applied with reference to the nature of the use of such property without regard to the form of ownership. Condominium forms of ownership shall be subject to this Code as is any other form of ownership. **CONDOMINIUMS** of any kind, type or use shall comply with the provisions of F.S. ch. 718, as amended, known as the "Condominium Act."
- F. Deed restrictions. This Code shall not be affected by any deed restrictions or restrictive covenants recorded with any deed, plat or other legal documents. No person or agency, in the capacity of enforcing and administering this Code, shall be responsible for enforcing any deed restrictions.

2.01.01 Purpose

It is the intent and purpose of this Chapter to establish and adopt zoning districts to govern the use of land and water in the unincorporated areas of Collier County, Florida.

2.01.02 Miscellaneous STRUCTURES

School bus shelters, bicycle racks, bus stop benches, telephone booths, mailboxes, newspaper boxes, and delivery boxes shall be permitted in any district. No advertising **SIGN** shall be permitted on any such **STRUCTURE**. Locations and **SETBACKS** of school bus shelters shall be approved by the school board of Collier County. Mail, newspaper, and other delivery boxes shall be placed in accordance with U. S. Postal Service regulations. All such **STRUCTURES** shall be exempt from district **SETBACKS**.

2.01.03 ESSENTIAL SERVICES

ESSENTIAL SERVICES are hereby defined as services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction, and government facilities. **ESSENTIAL SERVICES** are allowed in any zoning district subject to the following conditions:

- A. The following uses shall be deemed permitted uses in all zoning districts, except **CON DISTRICTS, RFMU SENDING LANDS, NRPAS, HSAS, AND FSAS**:
 - 1. Water lines and sewer lines;
 - 2. Natural gas lines, except those associated with **OIL EXTRACTION AND RELATED PROCESSING** operations as defined in this code and regulated under applicable federal and state law;

3. Telephone lines, telephone switching stations, and cable television lines;
4. Communication **TOWERS**, limited to those providing wireless emergency telephone service, subject to all applicable provisions section 5.05.09 of this Code;
5. Electrical transmission and distribution lines, substations, and emergency power **STRUCTURES**;
6. Sewage lift stations and water pumping stations;
7. **ESSENTIAL SERVICE** wells (including extraction facilities and requisite ancillary facilities); and
8. Any other wells which have been or will be permitted by the South Florida Water Management District or the Florida Department of Environmental Protection either prior to or subsequent to the effective date of this ordinance, or if the respective well and/or well related facility is otherwise required to be installed or constructed by law. If any proposed well is a Collier County owned well under the permitting jurisdiction of a Florida agency, staff, early in the County's well permit application process, shall post **SIGN(s)** at the County's proposed well site(s) and shall provide written notice that the county has applied for a required well permit to property owners within 300 feet of the property lines of the **LOTS** or **PARCELS** of land on which the applied-for well is being sought by the County, including, if applicable, the times and places of the permitting agency's scheduled public hearings.

B. PERMITTED ESSENTIAL SERVICES IN CON DISTRICTS, RFMU SENDING LANDS, NRPAS, HSAS, AND FSAS.

1. Within **CON DISTRICTS**, Sending Lands in the **RFMU DISTRICT**, **NRPAs**, and within designated Habitat Stewardship Areas (HSA) and Flow way Stewardship Areas (FSA) within the RLSA overlay district subject to the limitations set forth in section 4.08.08 (C), the following **ESSENTIAL SERVICES** are permitted:
 - a. Private wells and septic tanks;
 - b. Utility lines, except sewer lines;
 - c. Sewer lines and lift stations, only if located within already cleared portions of existing rights-of-way or **EASEMENTS**, and necessary to serve a publicly owned or privately owned central

sewer system providing service to urban areas and/or the Rural Transition Water and Sewer District; and,

d. Water pumping stations necessary to serve a publicly owned or privately owned central water system providing service to urban areas and/or the Rural Transition Water and Sewer District.

C. ADDITIONAL PERMITTED ESSENTIAL SERVICES IN COMMERCIAL AND INDUSTRIALLY ZONED DISTRICTS. In commercial and industrially zoned districts, in addition to the **ESSENTIAL SERVICES** identified above in section 2.01.03 A., governmental facilities, as defined by this Code, including law enforcement, fire, emergency medical services and facilities, public park and public library services and facilities, shall be considered a permitted essential service.

D. ADDITIONAL PERMITTED ESSENTIAL SERVICES IN THE AGRICULTURAL AND ESTATE ZONED DISTRICTS. In the agricultural and estate zoned districts, in addition to the **ESSENTIAL SERVICES** identified above in section 2.01.03 A., the following governmental services and facilities shall be considered permitted **ESSENTIAL SERVICES**: nonresidential not-for-profit child care, nonresidential education facilities, libraries, museums, **NEIGHBORHOOD PARKS**, and recreational service facilities.

E. ADDITIONAL PERMITTED ESSENTIAL SERVICES IN THE AGRICULTURAL ZONED DISTRICT. In the agricultural zoned district, in addition to the **ESSENTIAL SERVICES** identified above in section 2.01.03 A., safety services, and other government services, necessary to promote and protect public health, safety and welfare are permitted **ESSENTIAL SERVICES**, limited to the following: law enforcement, fire, and emergency medical services.

F. ADDITIONAL PERMITTED ESSENTIAL SERVICES IN RESIDENTIALLY ZONED DISTRICTS. In residentially zoned districts, in addition to the **ESSENTIAL SERVICES** identified above in section 2.01.03 A., **NEIGHBORHOOD PARKS** shall be considered a permitted essential service.

G. CONDITIONAL USES. The following uses require approval pursuant to section 10.08.00 **CONDITIONAL USES**:

1. **CONDITIONAL ESSENTIAL SERVICES IN EVERY ZONING DISTRICT EXCLUDING THE RFMU DISTRICT SENDING LANDS, CON DISTRICTS, NRPAS, AND RLSA DESIGNATED HSAS AND FSAS.** In every zoning district, unless otherwise identified as permitted uses, and excluding **RFMU DISTRICT** Sending Lands, **CON DISTRICTS**, and **NRPAs**, the following uses shall be allowed as **CONDITIONAL USES**:

- a. Electric or gas generating plants;
- b. Effluent tanks;
- c. Major re-pump stations sewage treatment plants, including percolation ponds, and water aeration or treatment plants,
- d. **HOSPITALS** and hospices; and
- e. Government facilities, including where not identified as a permitted use in this section, safety service facilities such as including law enforcement, fire, emergency medical services.

2. **CONDITIONAL ESSENTIAL SERVICES IN RFMU SENDING LANDS, NRPAS, CON DISTRICTS, AND RLSA DESIGNATED HSAS AND FSAS.** Within **RFMU DISTRICT** Sending Lands, **NRPAs, CON DISTRICTS**, and the **RFLA** designated **HSAs** and **FSAs** subject to the limitations set forth in section 4.08.08 (C)(2), in addition to the **ESSENTIAL SERVICES** identified as allowed **CONDITIONAL USES** in section 2.01.03 (G)(1) above, the following additional **ESSENTIAL SERVICES** are allowed as **CONDITIONAL USES**:

- a. Sewer lines and lift stations necessary to serve a publicly owned or privately owned central sewer system providing service to urban areas and/or the Rural Transition Water and Sewer District, when not located within already cleared portions of existing rights-of-way or **EASEMENTS**;
- b. Safety Services limited to law enforcement, fire, and emergency medical services.

3. **ADDITIONAL CONDITIONAL USES IN RESIDENTIAL, AND ESTATE ZONED DISTRICTS, AND IN RFMU RECEIVING AND NEUTRAL LANDS.** In residential, agricultural, and estate zoned districts and in **RFMU Receiving and NEUTRAL LANDS**, in addition to those **ESSENTIAL SERVICES** identified as **CONDITIONAL USES** in section 2.01.03 G.1. above, the following **ESSENTIAL SERVICES** shall also be allowed as **CONDITIONAL USES**:

- a. Regional parks and community parks;
- b. Public parks and public library facilities;
- c. Safety service facilities;

d. Other similar facilities, except as otherwise specified herein.

4. CONDITIONAL USES THAT INCLUDE THE INSTALLATION OF STRUCTURES:

a. Where **STRUCTURES** are involved other than **STRUCTURES** supporting lines or cables, such **STRUCTURES** shall comply with the regulations for the district in which they are located, or as may be required on an approved site **DEVELOPMENT** plan under section 10.02.03. In addition, the **STRUCTURES** shall conform insofar as possible to the character of the district in which they are located as to **DEVELOPMENT** standards, as well as architecture and landscaping, with utilization of screening and **BUFFERING** to ensure compatible with the surrounding and nearby existing and future uses.

b. Within the **RFMU DISTRICT** Sending Lands, NRPAs, Conservation Districts, and the **RLSA HSAs** and **FSAs**, **STRUCTURES** supporting the conditional use shall be located so as to minimize any impacts on **NATIVE VEGETATION** and on wildlife and wildlife habitat.

c. **ESSENTIAL SERVICES** shall not be deemed to include the erection of **STRUCTURES** for commercial activities such as sales or the collection of bills in districts from which such activities would otherwise be barred. Unstaffed billing services, which are **ACCESSORY USES** to the normal operations of the essential service, may be permitted.

2.01.04 Polling Places

Any residential **DEVELOPMENT** or **SUBDIVISION** which will have a clubhouse, community recreation/public **BUILDING**/public room or similar common facility, shall be required to provide polling places in said community recreation/public **BUILDING**/public room if a polling place is determined to be necessary by the supervisor of elections. **ACCESS** to the polling place shall be provided to all individuals arriving to vote or work at the polling place during official voting hours, including the time required to establish the polling place, tabulate and post the voting results.

2.02.00 ESTABLISHMENT OF ZONING DISTRICTS

2.02.01 Establishment of Official Zoning Atlas

A. The location and boundaries of the zoning districts established in this LDC shall be set forth and shown on the Official Zoning Atlas of Collier County, which is incorporated by reference into this LDC as if fully described and

set forth herein. The district symbol or symbols as set forth in this LDC shall be used to designate each district on the Official Zoning Atlas.

- B. Each page of the Official Zoning Atlas shall be identified by the signature of the chairman of the BCC and attested by the clerk of the circuit court, and shall bear the seal of Collier County under the following words: "This is to certify that this is page _____ of the Official Zoning Atlas referred to and adopted by reference by Ordinance No. _____ of the County of Collier, Florida, adopted _____, 20_____."
- C. A copy of the Official Zoning Atlas shall be located at all times for inspection by the general public during regular business hours in the Office of the County Manager or his designee and the clerk to the BCC.
- D. No changes of any nature shall be made in the Official Zoning Atlas or any matter shown thereon, or in the zoning districts or regulations contained herein, except in conformity with the procedures established in this LDC and consistent with the Collier County GMP. Any unauthorized change of whatever kind by any person shall be considered a violation of this LDC.
- E. If, pursuant to the terms of this LDC and the applicable Laws of Florida, amendments are made to the districts, boundaries, or other matters portrayed on the Official Zoning Atlas Official Zoning Atlas, such amendments shall be entered on the Official Zoning Atlas by the County Manager or designee within twenty (20) days after amendment. Failure to so enter any such amendments within twenty (20) days shall not affect the validity of any such amendments. However, no amendment to this LDC which involves a matter portrayed on the Official Zoning Atlas shall become effective until such change and entry has been made on the Official Zoning Atlas in the manner herein established. Each amended page of the Official Zoning Atlas shall contain an entry which reads as follows: "On _____, 20_____, by Ordinance No. _____, the following amendments were made to the Official Zoning Atlas: (include brief description of nature of amendment)," which entry shall be attested by the clerk of the circuit court.
- F. Regardless of the existence of purported copies of the Official Zoning Atlas or other parts of this LDC, which from time to time may be made or published, the Official Zoning Atlas located in the office of the clerk shall be the final authority as to the current zoning of all land and water in unincorporated Collier County; and the LDC located in the office of the clerk to the BCC shall be the final authority as to the various zoning districts and regulations herein established.
- G. If the Official Zoning Atlas, or any page or portion thereof, becomes damaged, lost, destroyed, or difficult to interpret by reason of the nature or number of changes, the BCC may, by ordinance, adopt a new Official Zoning Atlas, or any page or pages thereof, which shall supersede the prior Official Zoning Atlas or page or pages thereof. The new Official Zoning Atlas, or page or pages thereof, may correct drafting or other errors or omissions in the prior Official Zoning Atlas, or page or pages thereof, but

no such correction shall have the effect of amending the original Official Zoning Atlas, or page or pages thereof.

1. If, in the process of adopting a replacement Official Zoning Atlas, or any page or pages thereof, district boundaries are changed or **ALTERED**, then action in regard to such change of district boundaries shall be taken only in the form of an amendment to this LDC.
 2. The Official Zoning Atlas, or portion thereof, shall be authenticated as the original, with wording to the following effect: "This is to certify that this Official Zoning Atlas (or page or pages thereof) by Ordinance No. _____ dated _____, 20_____, replaced the Official Zoning Atlas (or page or pages thereof) adopted _____, 20_____, as part of Ordinance No. _____ of the County of Collier, Florida."
 3. Unless the prior Official Zoning Atlas has been lost, or has been totally destroyed, the prior Official Zoning Atlas or any significant parts thereof remaining shall be preserved as a public record, together with all available records pertaining to its adoption or amendment.
- H. All zoning maps or atlases, or remaining portions thereof, which have had the force and effect of official zoning maps or atlases for Collier County prior to the effective date of adoption of this zoning code shall be retained as a public record as a guide to the zoning status of lands and waters prior to such date. Upon the date of adoption of this zoning code, the immediately prior official zoning atlas of that date shall be microfilmed and such filmed record retained permanently in a place separate from the original prior official zoning atlas.

2.02.02 District Nomenclature

- A. Where the phrases "agricultural districts," "zoned agricultural," "agriculturally zoned," "agricultural zoning," "rural zoning" or phraseology of similar intent, are used in this LDC, the phrases shall be construed to include: A and E.
- B. Where the phrases "all residential districts," "residential districts," "zoned residentially," "residentially zoned," or phraseology of similar intent are used in this LDC, the phrases shall be construed to include the following districts: RSF-1, RSF-2, RSF-3, RSF-4, RSF-5, RSF-6, RMF-6, RMF-12, RMF-16, RT, VR, and MH, and residential components in PUDs
- C. Where the phrases "commercial districts," "zoned commercially," "commercially zoned," "commercial zoning," or phraseology of similar intent, are used in this LDC, the phrases shall be constructed to include: C-1, C-2, C-3, C-4, C-5, TTRVC, and commercial components in PUDs.
- D. Where the phrases "industrial districts," "zoned industrially," "industrially zoned," "industrial zoning," or phraseology of similar intent, are used in this LDC, the phrases shall be construed to include: I and industrial components in PUDs.

2.02.03 Prohibited Uses

Any use or **STRUCTURE** not specifically identified in a zoning district as a permitted use, **CONDITIONAL USE**, or **ACCESSORY USE** shall be prohibited in such zoning district.

2.02.04 Continuation of Provisional Uses

Any provisional use, including all stipulations and requirements thereto, approved by the BCC prior to the effective date of this LDC and valid and effective immediately prior to the effective date of this LDC shall be treated under this LDC as follows:

- A. If such provisional use is provided for as a **CONDITIONAL USE** in the zoning district in which it is located under this LDC, then it shall be permitted as a **CONDITIONAL USE** under this LDC.
- B. If such provisional use is not provided for as a **CONDITIONAL USE** or permitted use in the zoning district in which it is located under this LDC, then it shall be a legal **NONCONFORMING** use under this LDC.

2.03.00 ZONING DISTRICTS

In order to carry out and implement the Collier County GMP and the purposes of this LDC, the following zoning districts, district purposes, and applicable symbols are hereby established:

2.03.01 Residential Zoning Districts

A. Rural Agricultural District "A".

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

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 estate 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 or as provided under the Golden Gate Master Plan.

1. Minimum **YARD** Requirements.

See the Table in Chapter 2.07.00 for the general requirements. The following are exceptions to those requirements:

a. Conforming Corner **LOTS**.

Conforming corner **LOTS**, in which only one full depth **SETBACK** shall be required along the shorter **LOT LINE** along the **STREET**. The **SETBACK** along the longer **LOT LINE** may be reduced to 37.5 feet, so long as no **RIGHT-OF-WAY** or **RIGHT-OF-WAY** easement is included within the reduced **FRONT YARD**. (See Exhibit A)

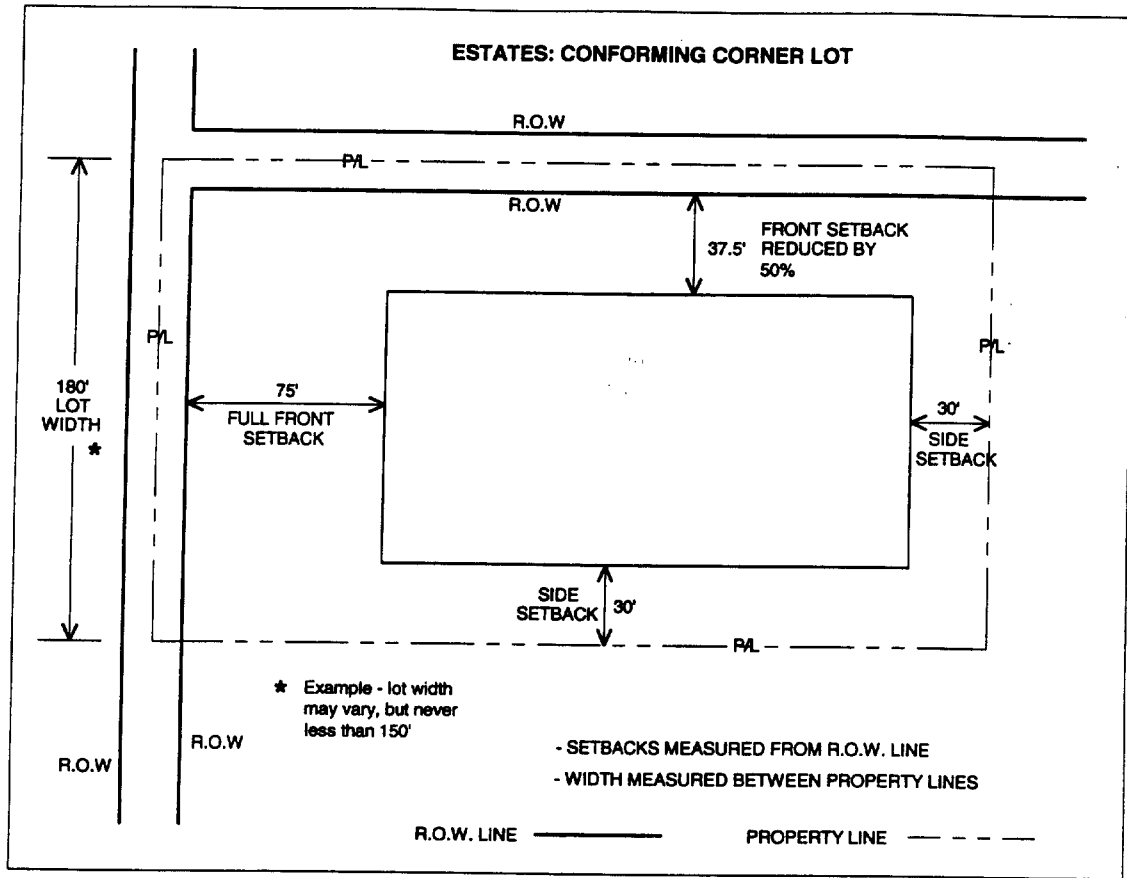


Exhibit A

b. NONCONFORMING Corner LOTS.

NONCONFORMING corner **LOTS** of record, in which only one full depth **SETBACK** shall be required along the shorter **LOT LINE** along the **STREET**. The **SETBACK** along the longer **LOT LINE** may be reduced to 15 feet, so long as no **RIGHT-OF-WAY** or **RIGHT-OF-WAY** easement is included within the reduced **FRONT YARD**. (See Exhibit B)

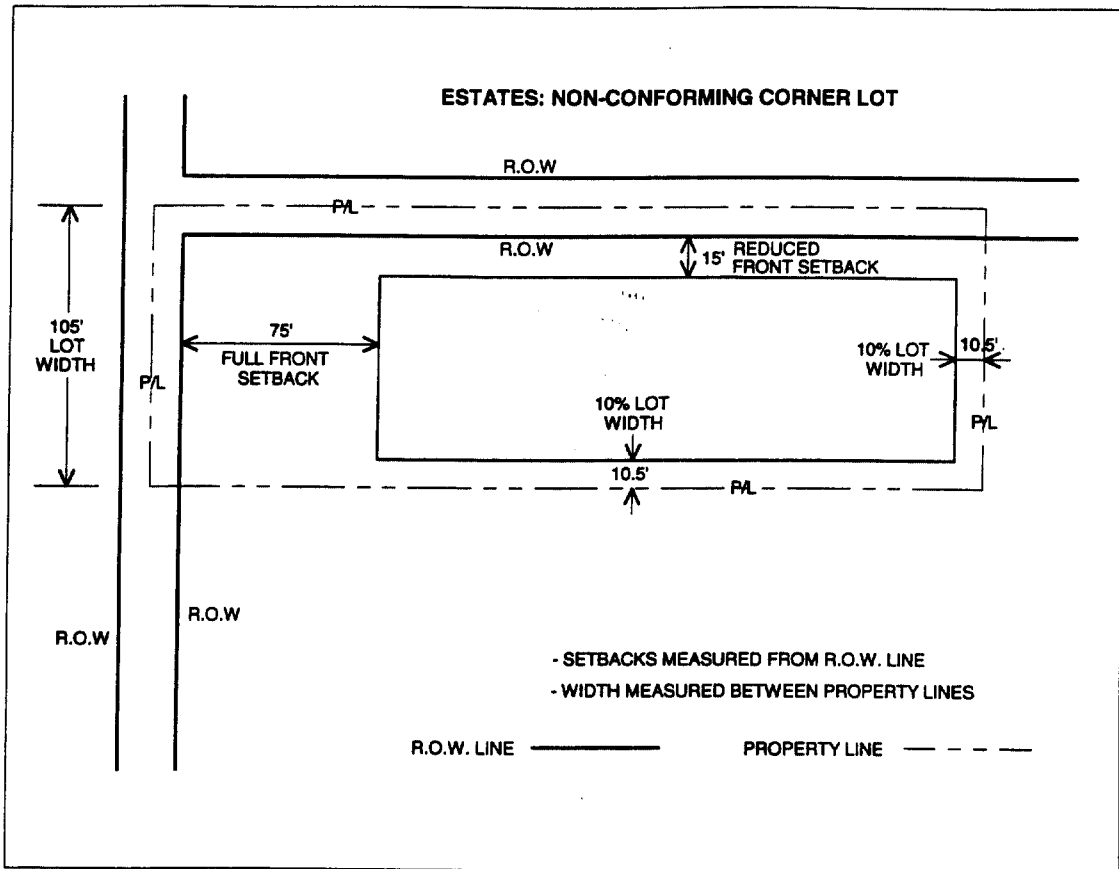


Exhibit B

NONCONFORMING through **LOTS**, i.e. double **FRONTAGE** **LOTS**, legal **NONCONFORMING** **LOTS** of record with double road **FRONTAGE**, which are **NONCONFORMING** due to inadequate **LOT** depth, in which case, the **FRONT YARD** along the local road portion shall be computed at the rate of 15 percent of the depth of the **LOT**, as measured from edge of the **RIGHT-OF-WAY**.

The **NONCONFORMING** through **LOT** utilizing the reduced **FRONTAGE** shall establish the **LOT FRONTAGE** along the local road only. **FRONTAGE** along a collector or arterial roadway to serve such **LOTS** is prohibited. **FRONT YARDS** along the local road shall be developed with **STRUCTURES** having an average **FRONT YARD** with a variation of not more than six feet; no **BUILDING** thereafter erected shall project beyond the average line so established.

- C. 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-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.

D. Residential Multiple-Family-6 District "RMF-6".

The purpose and intent of the residential multiple-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.

E. Residential Multiple-Family-12 District "RMF-12".

The purpose and intent of the residential multiple-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 multiple-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.

F. Residential Multiple-Family-16 District "RMF-16".

The purpose and intent of the residential multiple-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** multiple-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.

G. Residential Tourist District "RT".

The purpose and intent of the residential tourist district "RT" is to provide lands for tourist accommodations and support facilities, and multiple-family uses. The RT district corresponds with and implements the urban mixed use district and the activity center district in the urban designated area on the future land use map of the Collier County GMP.

H. 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, with 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.

I. MOBILE HOME District "MH".

The purpose and intent of the **MOBILE HOME** district "MH" is to provide lands for **MOBILE HOMES** and modular built homes as defined in this Land **DEVELOPMENT** LDC, that ensure that they 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.

J. Prohibited animals in residential districts.

The following animals are to be considered farm animals and are not permitted to be kept in residential districts except as provided for in zoning district regulations: turkeys, chickens, ducks, geese, pigs, horses, cows, goats, hogs, and the like.

2.03.02 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 intended 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.

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.

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.

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.

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.

F. Travel trailer-**RECREATIONAL VEHICLE** campground district (TTRVC)

1. *Purpose and intent.* The provisions of this district are intended to apply to trailer **LOTS** for travel trailers, park model travel trailers and **RECREATIONAL VEHICLES**, not exceeding 480 square feet in gross **FLOOR AREA**. Such trailer **LOTS** are intended to accommodate travel trailers, model travel trailers, pickup coaches, motor homes, and other

vehicular accommodations which are suitable for temporary habitation, used for travel, vacation, and recreational purposes. Campsites are intended to accommodate temporary residency while camping, vacationing or recreating. TTRVC vehicles may be permanently located on a **LOT**; however, no person or persons may occupy said vehicles as permanent places of residence.

2. *Plan approval requirements.* Layout plans for a TTRVC park shall be submitted to the County Manager or his designee and construction shall be in accordance with approved plans and specifications and further subject to the provisions of site **DEVELOPMENT** plans in section 10.02.03. Such plans shall meet the requirements of this district and shall show, at a minimum, those items identified herein.
3. *Required internal park **STREET** system.* All **LOTS**/spaces within a TTRVC park shall have direct access from an internal **STREET**. All internal **STREETS** within the district shall provide safe and convenient access to a public **STREET**. The **RIGHT-OF-WAY** widths, paving widths, and other construction standards, including gradient and alignment of all internal **STREETS** and drainage shall be subject to the standards for **DEVELOPMENT** of supporting infrastructure as provided in the **SUBDIVISION** regulations, in Chapter 10. For the purpose of this subsection, internal **STREETS** shall refer to **STREETS**, including necessary **RIGHT-OF-WAY** or easement, located within the confines of the project legal description and providing no access to other land **PARCELS**.
4. *Required facilities for campsites and TTRV **LOTS**.*
 - a. Sanitary facilities, including flush toilets, and showers within 300 feet walking distance from every campsite **LOT** and as approved by the Collier County health department, or in the event of a private on-site system connection to a county system subject to county ordinances. Lighting shall be provided in sanitary facilities at all times and the facilities shall be accessible to park residents at all times.
 - b. Potable water supply as approved by the Collier County health department and/or the director of **DEVELOPMENT** services pursuant to Chapter 10.
 - c. A trash container such as a dumpster shall be located in areas easily accessible and not obstructed by campsites, **LOTS** or other TTRVC **LOTS** or parking areas.
 - d. An enclosed space shall be open at all times wherein a portable fire extinguisher in operable condition and first aid equipment is available, and a telephone is available for public use.

- e. One parking space per campsite or TTRV LOT.
5. *Sanitary waste disposal.* Unless every travel trailer site has a sanitary waste outlet, a central pump-out station shall be provided.
6. *Off-STREET parking.* As required in section 4.05.00.
7. *Permanent location of TTRV vehicles.* TTRV vehicles including park model, travel trailers, may be permanently located on a LOT; however, no permanent residency is allowed.
8. *Compliance.* Where travel trailer/park model LOTS are being sold to individuals, the developer/owner of the LOTS shall include in the title transfer document a covenant attesting to the fact that the LOT cannot be used as a place of permanent occupancy. All TTRVC parks which commenced construction after the effective date of this district shall comply with all requirements of this district except as further provided herein. No TTRVC park in existence on the effective date of this district shall be **ALTERED** so as to provide a lesser degree of conformity with the provisions of this district than existed on the effective date of this district. Land already zoned TTRVC which does not meet the acreage requirements may be developed; however, the **DEVELOPMENT** shall conform with all other regulations of this district.

Every proprietor, manager, homeowners' association, or **CONDOMINIUM** association of a TTRV park shall maintain a register of tenants or occupants, noting the duration of the rental arrangement or length of occupancy for owner/occupied sites with respect to one or more travel trailers or park models. Said register shall be made available upon demand to the county manager. In the event of owner/occupied LOTS within the TTRVC district, said owner is responsible for registering his or her arrival and departure from their recreation residence with the manager of the TTRVC park. Failure to register will hold the owner responsible for penalties as herein provided. Failure of park owner/manager to provide said register, duly describing the persons who have occupied a travel trailer or park model trailer, and the duration of their occupancy, shall be guilty of a misdemeanor and subject to the penalties provided by this Code. Any proprietor or manager who maintains a falsified register to allow persons to occupy a travel trailer or park model trailer on a permanent basis shall be similarly guilty of a misdemeanor and subject to penalties as provided in this Code.

9. *FLOOD program requirements.* All travel trailers, park model travel trailers, **RECREATIONAL VEHICLES** and accessory **STRUCTURES**

shall comply with the current Collier County **FLOOD** Damage Prevention Ordinance [Code ch. 62, art. II] if permanently attached to the ground or utility facilities.

10. *Anchoring/sewer, water and electrical connections.* Park model travel trailers, when positioned on a **LOT** in this district, must be anchored in accordance with the standards set forth in the MH district and TTRVC district and other applicable regulations, and be connected to a public or private water and sewer system. Additionally, such units must obtain electrical service directly from the electric utility authorized to provide such service in Collier County.
11. **BUILDING permit.** A **BUILDING** permit shall be required for any permitted use prior to water, sewer or electric connection.
12. **SIGNS.** As required in section 5.06.00.

2.03.03 Industrial Zoning Districts

A. Industrial District "I".

The purpose and intent of the industrial district "I" is to provide lands for manufacturing, processing, storage and warehousing, wholesaling, and distribution. Service and commercial activities that are related to manufacturing, processing, storage and warehousing, wholesaling, and distribution activities, as well as commercial uses relating to automotive repair and heavy equipment sales and repair, are also permissible in the I district. The I district corresponds to and implements the industrial land use designation on the future land use map of the Collier County GMP.

B. Business Park District "BP".

The purpose and intent of the business park district "BP" is to provide a mix of **INDUSTRIAL USES**, corporate headquarters offices and business/professional offices which complement each other and provide convenience services for the employees within the district; and to attract businesses that create high value-added jobs. It is intended that the BP district be designed in an attractive park-like environment, with low structural **DENSITY** and large landscaped areas provided for both the functional use of **BUFFERING** and enjoyment by the employees of the BP district. The BP district is permitted by the urban mixed use, urban commercial, and urban-industrial districts of the future land use element of the Collier County GMP.

2.03.04 Civic and Institutional Zoning Districts

A. Public Use District "P".

The purpose and intent of public use district "P" is to accommodate only local, state, and federally owned or leased and operated government facilities that provide essential public services. The P district is intended to facilitate the

coordination of urban services and land uses while minimizing the potential disruption of the uses of nearby properties.

B. Community Facility District "CF".

The purpose and intent of "CF" district is to implement the GMP by permitting nonresidential land uses as generally identified in the urban designation of the future land use element. These uses can be characterized as public facilities, institutional uses, **OPEN SPACE** uses, recreational uses, water-related or dependent uses, and other such uses generally serving the community at large. The dimensional standards are intended to ensure **COMPATIBILITY** with existing or future nearby residential **DEVELOPMENT**. The CF district is limited to properties within the urban mixed use land use designation as identified on the future land use map.

2.03.05 OPEN SPACE Zoning District

A. Golf Course District "GC".

The purpose and intent of "GC" district is to provide lands for golf courses and normal **ACCESSORY USES** to golf courses, including certain uses of a commercial nature. The GC district shall be in accordance with the urban mixed use district and the agricultural rural district of the future land use element of the Collier County GMP.

B. Conservation District "CON".

The purpose and intent of the conservation district "CON" is to conserve, protect, and maintain vital natural resource lands within unincorporated Collier County that are owned primarily by the public. All native habitats possess ecological and physical characteristics that justify attempts to maintain these important natural resources. Barrier Islands, coastal bays, **WETLANDS**, and habitat for listed species deserve particular attention because of their ecological value and their sensitivity to perturbation. All proposals for **DEVELOPMENT** in the CON District must be subject to rigorous review to ensure that the impacts of the **DEVELOPMENT** do not destroy or unacceptably degrade the inherent functional values. The CON district includes such public lands as Everglades National Park, Big Cypress National Preserve, Florida Panther National Wildlife Refuge, portions of the Big Cypress Area of Critical State Concern, Fakahatchee Strand State Preserve, Collier-Seminole State Park, Rookery Bay National Estuarine Sanctuary Research Reserve, Delnor-Wiggins State Park, and the National Audubon's Corkscrew Swamp Sanctuary (privately owned), and C.R.E.W. It is the intent of the CON district to require review of all **DEVELOPMENT** proposed within the CON district to ensure that the inherent value of the County's natural resources is not destroyed or unacceptably **ALTERED**. The CON district corresponds to and implements the conservation land use designation on the future land use map of the Collier County GMP.

1. **ALLOWABLE USES.** The following uses are allowed in the CON District.

a. **USES PERMITTED AS OF RIGHT.**

(1) On privately held land only, single family **DWELLING UNITS**, and **MOBILE HOMES** where the **MOBILE HOME Zoning Overlay** exists.

(2) On publicly and privately held lands only, dormitories, **DUPLEXES** and other types of housing, as may be incidental to, and in support of, **CONSERVATION USES**.

(3) Passive parks, and other passive recreational uses, including, but not limited to:

(a) **OPEN SPACE** and recreational uses;

(b) biking, hiking, canoeing, and nature trails;

(c) equestrian paths; and

(d) nature preserves and wildlife sanctuaries.

(4) Habitat preservation and **CONSERVATION USES**.

(5) Family and Group Care Facilities.

(6) Sporting and Recreational camps incidental to **CONSERVATION USES** on public lands; or, on privately held lands,

(7) **AGRICULTURAL USES** that fall within the scope of Sections 163.3162(4) and 823.14(6) Florida Statutes.

(8) **OIL AND GAS EXPLORATION** subject to state drilling permits and Collier County non-environmental site **DEVELOPMENT** plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits

for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the **APPLICANT** shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62-30.005(2)(a)(1) through (12), F.A.C.

(9) The following **ESSENTIAL SERVICES**:

(a) Private wells and septic tanks necessary to serve uses identified in 1 through 8 above.

(b). Utility lines necessary to serve uses identified in 1 through 8 above, with the exception of sewer lines.

(c) Sewer lines and lift stations if all of the following criteria are satisfied:

i. Such sewer lines or lift stations shall not be located in any NRPA Lands in the **CON DISTRICT**;

ii. Such sewer lines or lift stations shall be located with already cleared portions of existing rights-or-way or **EASEMENTS**; and

iii. Such sewer lines or lift stations are necessary to serve a central sewer system that provides service to Urban Areas or to the Rural Transition Water and Sewer District.

(d) Water pumping stations necessary to service a central water system providing service to Urban Areas and/or the Rural Transition Water and Sewer District.

b. **USES ACCESSORY TO PERMITTED USES.** Uses and **STRUCTURES** that are accessory and incidental to uses permitted as of right in the **CON DISTRICT**.

c. **CONDITIONAL USES.** The following uses are permitted as **CONDITIONAL USES** in the CON, subject to the standards and procedures established in section 10.08.00 and further subject to: 1) submission of a plan for **DEVELOPMENT** as part of the required **EIS** that demonstrates that **WETLANDS**, listed species and their habitat are adequately protected; and 2) conditions which may be imposed by the Board of County Commissioners, as deemed appropriate, to limit the size, location, and access to the conditional use.

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

(2) Those **ESSENTIAL SERVICES** set forth in section 2.01.03 G.2.

(3) Commercial uses accessory to permitted uses A.3, A.4, and A.7 above, such as retail sales of produce accessory to farming, or a **RESTAURANT** accessory to a park or preserve, so long as limitations are imposed to

ensure that the commercial use functions as a subordinate use.

(4) Staff housing in conjunction with safety service facilities and **ESSENTIAL SERVICES**.

2. DESIGN CRITERIA.

a. **DIMENSIONAL STANDARDS.** The following dimensional standards shall apply to all permitted and **ACCESSORY USES** in the **CONSERVATION DISTRICT (CON)**.

(1) *Minimum LOT area.* Each dwelling unit, other than for staff housing and sporting and recreational camps, must be physically situated on a minimum five acre **PARCEL** except within the Big Cypress National Preserve, where each dwelling unit must be physically situated on a minimum 3 acre **PARCEL**, except for those legal **NONCONFORMING LOTS** or **PARCELS** in existence as of June 22, 2002, of less than five acres outside of the Big Cypress National Preserve and of less than 3 acres within the Big Cypress National Preserve.

(2) *Minimum LOT width.* One hundred fifty feet.

(3) *Minimum YARD requirements.*

(a) **FRONT YARD.** 50 feet.

(b) **Side YARD.** 50 feet.

(c) **Rear YARD.** 50 feet.

(4) *Maximum height.* Thirty-five feet.

b. **MAXIMUM DENSITY AND INTENSITY.**

(1) **Single family dwellings and MOBILE HOMES**

(a) One dwelling unit for each five gross acres or one dwelling unit for each legal, **NONCONFORMING LOT** or **PARCEL** in existence as of June 22, 2002 of less than five acres, except within the Big Cypress National Preserve.

(b) Within the Big Cypress National Preserve, one dwelling unit per 3 gross acres, or one dwelling unit per legal, **NONCONFORMING LOT** or **PARCEL** in existence as of June 22, 2002 of less than 3 acres.

(2) Family Care Facilities: 1 unit per 5 acres.

(3) Group Care Facilities and other Care Housing Facilities: maximum **FLOOR AREA** ratio not to exceed 0.45.

(4) Sporting and Recreational Camps: 1 lodging unit per 5 gross acres, which may be achieved through **CLUSTERING**.

(5) Staff housing: 1 lodging unit per 5 gross acres, which may be achieved through **CLUSTERING**.

c. **OFF-STREET PARKING**. As required in Chapter 4 of the Code.

d. **LANDSCAPING**. As required in Chapters 4 and 10 of the Code.

e. **SIGNS**. As required in section 5.06.00 of the Code.

2.03.06 Planned Unit DEVELOPMENT Districts

A. Purpose and intent

The purpose and intent of establishing the planned unit **DEVELOPMENT** district (PUD) is to provide procedures and standards to encourage mixed use planned **DEVELOPMENT S** that may be situated at appropriate locations, or planned **DEVELOPMENT S** that may or may not be mixed use in the urban fringe areas, all in accordance with the planning and **DEVELOPMENT** objectives of the county under the LDC and the GMP. It is further the purpose and intent of these PUD regulations to encourage ingenuity, innovation and imagination in the planning, design, and **DEVELOPMENT** or redevelopment of relatively large tracts of land under unified ownership or control. PUDs produced in compliance with the terms and provisions of this LDC and the GMP may depart from the strict application of **SETBACK**, height, and minimum **LOT** requirements of conventional zoning districts while maintaining minimum standards by which flexibility may be accomplished, and while protecting the public interest, in order to:

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

1. Provide a creative approach to improve the quality of the built environment of contiguous tracts of land which will encourage **DEVELOPMENT** of infill **PARCELS** of contiguous tracts of land in certain circumstances.
 2. Create a more desirable environment providing for consistency and visual harmony than would be possible through strict application of the minimum requirements of this LDC.
 3. Encourage patterns of land use that support economical provisions of infrastructure, resulting in smaller networks of utilities and **STREETS** with consequent lower construction and future maintenance costs.
 4. Evaluate the impact of a particular PUD on the present and projected population, economy, land use pattern, tax base, **STREET** system, and public facility network(s) of the county relative to the various costs and benefits associated with such **DEVELOPMENT**.
 5. Assure that the **DEVELOPMENT** employs techniques featuring amenities and excellence in the form of variations in siting, mixed land uses and/or varied **DWELLING** types, as well as adaptation to and conservation of the topography and other natural characteristics of the land involved. Exceptions to variations in siting, mixed land uses and/or varied **DWELLING** types may be granted on PUD infill **DEVELOPMENT**.
- C. PUD districts shall hereafter be established by amendment of the official zoning atlas according to the procedures established in Chapter 10. The purpose and intent of establishing and identifying the following classifications is to identify a relationship between a proposed PUD and the other zoning districts within this LDC. The goal is to relate the purpose and intent of the PUD zoning district and the uses permitted within a PUD to defined zoning districts within this LDC and to establish appropriate uses and performance standards within this PUD, which are similar to those allowed by the most similar district(s). PUDs shall hereafter be defined by the following districts and shall be referenced as such within the PUD document as follows:
1. *Residential planned unit **DEVELOPMENT** district.* This district is intended to further the general purpose of a planned unit **DEVELOPMENT** district set forth above as it relates to residential areas. The **PRINCIPAL USE** of any residential planned unit **DEVELOPMENT** is for human habitation in permanent and/or seasonal year-round **DWELLING UNITS**. The RPUD district shall be construed to include the following zoning districts: RSF-1, RSF-2, RSF-3, RSF-4, RSF-5, RSF-6, RMF-6, RMF-12, RMF-16, RT, VR, AND MH.
 2. *Community facilities planned unit **DEVELOPMENT** district.* This district is intended to accommodate public facilities, institutional uses, **OPEN SPACE** uses, recreational uses, water-related or dependent uses, and

other governmental, religious and community service activities which complement and are necessary to serve other zoning districts.

3. *Commercial planned unit **DEVELOPMENT** district.* This district shall be construed to include the following districts: C-1, C-2, C-3, C-4, C-5 and TTRVC. **ACCESSORY USES** which may be permitted in the commercial planned unit **DEVELOPMENT** district include permanent and/or seasonal human habitation in multiple-family **BUILDINGS** and **TOWNHOUSES**, transient housing in **HOTEL** or **MOTEL** rooms, health care facilities, and other limited institutional uses.
4. *Industrial planned unit **DEVELOPMENT** district.* This district is intended to accommodate industrial **DEVELOPMENT**. The **PRINCIPAL USE** of any industrial planned unit **DEVELOPMENT** is the manufacture of goods, materials and the storage and wholesale distribution of such goods or materials.
5. ***AIRPORT** operations planned unit **DEVELOPMENT** district (AOPUD).* This district is intended to accommodate and regulate those lands on which public **AIRPORTS** and ancillary facilities are to be located.
6. *Mixed use planned unit **DEVELOPMENT** district (MPUD).* This district is intended to accommodate a planned unit **DEVELOPMENT** with more than one type of PUD district. The PUD document shall define the mixture of PUD districts as set forth in this section.
7. *Research and technology park planned unit **DEVELOPMENT** district.* This district is intended to accommodate a planned unit **DEVELOPMENT** with a mixture of targeted industry uses – aviation/aerospace, health technology industry, information technology industry, and light, low environmental impact manufacturing industry and non-**INDUSTRIAL USES**, in accordance with the design requirements of section 4.07.05 of this LDC and the GMP research and technology park subdistrict.
 - a. *Type A* – Research and technology park in the urban-mixed use district of the GMP.
 - b. *Type B* – Research and technology park in the urban commercial district of the GMP.
 - c. *Type C* – Research and technology park in the urban industrial district of the GMP.
 - d. At a minimum, 60 percent of the total park net acreage shall be devoted to target industry uses as defined below in section 2.03.06(D) of this LDC, use regulations table.
 - e. Non-target industries, as defined below in section 2.03.06(D) of this LDC, use regulations table, and **WORKFORCE HOUSING**, shall be permitted to include up to twenty (20) percent of the total park net acreage.

D. The following are permissible uses in the Research and Technology Park PUD:

Identified use	Special Notes Or Regulation	RTPPUD
Accessory uses and structures	4.07.02 and 5.03.00	P
Accounting 8721, 7521,7231,7241		NT
Administrative offices		P (2)
Aircraft & Parts 3721-3728		T
Aviation/Aerospace Industries		T
ATM (automatic teller machine)		P
Automobile service station	5.05.05	NT
Banks and financial establishments Group I 6011 - 6062 Group II 6081 - 6173		NT NT
Bar or cocktail lounge		-
Barber Shops 7241		NT
Beauty Shops 7231		NT
Boats: Boat ramps and dockage (not marinas) Boat rental Boat repair and service Boat sales	5.03.06	NT - NT
Broadcast studio, commercial radio and television		T
Business services 7311 – 7352, 7359-7389		NT
Cable and other pay television services 4841		T
Call Center and Customer Support Activities		T
Car wash		NT
CD-ROM development		T
Clothing stores, general		NT
Communication groups 4812-4841		T
Communication towers: 75 feet or less in height More than 75 feet in height	5.05.09	P CU
Computer and data processing		T

Identified use	Special Notes Or Regulation	RTPPUD
services, Computer related services, not elsewhere classified		
Consumption on premises		NT
Convenience food and beverage store		NT
Day care center, adult & child services		P/NT
Data and Information processing		T
Development testing and related manufacturing		T
Drive-through facility for any Permitted use		P
Drugs, Medicine 2833-2836		T
Drugstore, pharmacy 5912		NT
Dwelling unit: Single-family, duplex Two-family attached Townhouse, multiple-family building		P P P
Educational, scientific and research organizations		T
Engineering 0781, 8711-8713, 8748		NT
Export based laboratory research or testing activities		T
Fences, walls	5.03.02	P
Food and beverage service, limited		NT
Food stores 5411-5499		NT
Gasoline dispensing system, special		NT
General Merchandise 5331-5399		NT
General Contractors 1521-1542		NT
Gift and souvenir shop		NT
Hardware store 5251		NT
Health care facilities: 8011 - 8049 8051 - 8099		NT NT
Health Technologies		T
Heliport or helistop		P
Hobby, toy and game shops		NT
Hotel/motel: 7011, 7021, 7041		NT

Identified use	Special Notes Or Regulation	RTPPUD
Housing units for employees only	5.05.03	P
Insurance companies 6311-6399, 6411		NT
Information Technologies		T
Laboratories 5047, 5048, 5049, 8071, 8731, 8734		T
Laundry or dry cleaning		NT
Legal Offices 8111		NT
MANUFACTURING OF:		
1. Electronics 3612-3699		T
2. Measuring, analyzing & Controlling instruments, 3812 – 3873		T
3. Novelties, jewelry, toys and signs		NT
Management 8741-8743, 8748		NT
Medical Laboratory 8071,8072, 8092, 8093		T
Membership Organization 8611-8699		NT
Motion picture production studio 7812-7819		NT
Multimedia activities		T
Parks		P
Parking lot: Accessory Garage, public parking		P P
Personal services 7211-7299		NT
Pharmacy		NT
Photo finishing laboratory		T
Photographic Studios 7221		NT
Physical Fitness 7991		NT
Play Ground		P
Printing and publishing 2752		T
Production facilities and operations/technology based		T
Professional Office		NT
Research, development laboratories & Technology Parks: 8071, 8731, 8734	See Note (3)	P

Identified use	Special Notes Or Regulation	RTPPUD
All others		P
Residential Development including care units, family care facilities and group care facilities		P
Residential accessory uses		NT
Restaurant, fast food		NT
Restaurants 5812-5813		NT
Schools: Commercial 8243-8299		NT
Security & Commodity Brokers 6211-6289		NT
Self-service fuel pumps		NT
Signs in accordance with 5.06.00	5.06.00	P
Storage: Indoor only.		P
Studios		NT
Telephone communications 4813		T
Travel Agency 4724		NT

Legend: (-) not permitted, (P) permitted, (CU) conditional use (T) target industry [RTPPUD only], (NT) non-target industry [RTPPUD only]

Notes:

(1) subject to limitations for commercial uses set forth in section 2.03.02(C) of this LDC.

(2) accessory uses only

(3) Subject to ordinance 02-24 (GMP amendment).

E. The following are permissible commercial uses in PUDs:

Major Category	Specific Uses:
a. Groups 6021-6029	Commercial banks – drive-through facilities are prohibited
b. Group 6531	Real estate agents and managers for property within PUD only
c. Group 5251	Hardware store only – 2,500 sq. ft. maximum floor area
d. Group 5331	Variety stores – 2,500 sq. ft. maximum floor area
e. Group 5339	Miscellaneous general merchandise stores, except catalog showrooms – 2,500 sq. ft. maximum floor area
f. Group 5411	Grocery stores, except frozen food and freezer plants 10,000 sq. ft. maximum floor area
g. Group 5421	Fish, meat, and seafood markets only

h. Group 5431	Fruit and vegetable markets
i. Group 5461	Retail bakeries
j. Group 5499	Health food store only – 2,500 sq. ft. maximum floor area
k. Group 5541	Gasoline service stations, except truck stops
l. Groups 5611-5661	Apparel and accessory stores – 2,500 sq. ft. maximum floor area
m. Group 5735	Record and prerecorded tape stores
n. Group 5812	Eating places, except caterers and industrial and institutional food service establishments, dinner theaters, drive-in restaurants and restaurants with drive-through facilities
o. Group 5921	Liquor stores
p. Group 5947	Gift, novelty, and souvenir shops
q. Group 5949	Sewing, needlework, and piece goods stores
r. Group 5992	Florists
s. Group 7212	Agents for laundries and drycleaners only
t. Group 7215	Coin-operated laundries and dry cleaning
u. Group 7219	Diaper service, and garment alteration and repair shops only
v. Group 7231	Beauty shops, except beauty schools and cosmetology schools
w. Group 7241	Barber shops, except barber colleges
x. Group 7299	Depilatory salon, electrolysis, massage parlor, shopping service for individuals, and tanning salons only
y. Group 7349	Housekeeping and maid service only
z. Group 7841	Video tape rental
aa. Group 7991	Physical fitness facilities
bb. Groups 8011-8021	Offices and/or clinics of physicians, and offices an/or clinics of dentists
cc. Group 8041	Offices and clinics of chiropractors

F. Special requirements for public school facilities within a planned unit DEVELOPMENT .

1. Permitted facilities.

ANCILLARY PLANTS and **EDUCATIONAL PLANTS** are both permitted in a planned unit **DEVELOPMENT** district; however, any high school located in this district is subject to a **COMPATIBILITY REVIEW** as described in section 10.02.03 of the code.

2. YARD Requirements for public schools.

- a. For **PRINCIPAL STRUCTURES**: 50 feet from all property lines.
- b. For **ACCESSORY STRUCTURES**: 25 feet from all property lines.

2.03.07. Overlay Zoning Districts

A. Corridor Management Overlay "CMO"

- 1. The purpose of the "CMO" district is to supplement existing zoning regulations for properties bordering Golden Gate Parkway west of Santa Barbara Boulevard and Goodlette-Frank Road south of Pine Ridge Road. The CMO district will implement the urban design concepts developed in the corridor management study for Goodlette-Frank Road and Golden Gate Parkway. These regulations recognize that two (2) separate jurisdictions govern land uses in these corridors and are designed to develop greater consistency in design standards between Collier County and the City of Naples.
- 2. These regulations apply to all properties **ADJACENT** to the rights-of-way of Goodlette-Frank Road from U.S. 41 to Pine Ridge Road and Golden Gate Parkway from U.S. 41 to Santa Barbara Boulevard as measured perpendicular from the **ABUTTING RIGHT-OF-WAY** for a distance of 330 feet. Except as provided in this regulation, all other use, dimensional, and **DEVELOPMENT** requirements shall be as required in the underlying zoning categories.

B. MOBILE HOME Overlay "MHO"

The "MHO" district is intended to apply to those agricultural areas where a mixture of housing types is found to be appropriate within the district. It is intended that **MOBILE HOMES** allowed under this section shall be erected only in the Rural Agricultural district and only when the requirements and procedures of this section are met.

C. AIRPORT Overlay "APO"

The purpose and intent of the "APO" district is to provide both airspace protection and land use **COMPATIBILITY** in relation to the normal operation of public-use **AIRPORTS** located within the County, including the Naples Municipal **AIRPORT**, Everglades City Airpark, Marco Island Executive **AIRPORT**, Immokalee Regional **AIRPORT**, and all existing and future public-use **AIRPORTS** and heliports in the County. The purpose and intent of these regulations shall be as follows:

- 1. To attempt to promote maximum safety of aircraft arriving at and departing from all public-use **AIRPORTS** located within the County;
 - a. To attempt to promote maximum safety of residents and property within areas surrounding public-use **AIRPORTS** located within the County;

- b. To attempt to promote full utility of the public-use **AIRPORTS** within the County;
- c. To provide **DEVELOPMENT** standards for land uses within prescribed noise zones associated with the normal operation of public-use County **AIRPORTS**;
- d. To provide **BUILDING** height standards for use within the approach, transitional, horizontal, and conical zones so as to encourage and promote proper **DEVELOPMENT** beneath such areas;
- e. To provide administrative and enforcement procedures for the efficient and uniform regulation of all **DEVELOPMENT** proposals within such areas; and
- f. That in addition to the regulations applicable to land zoned, as indicated in the Official Zoning Atlas, the following regulations are additionally applicable to lands in the County in the vicinity of the Naples Municipal, Everglades, Marco Island, and Immokalee **AIRPORTS** as indicated on the **AIRPORT** zoning maps of the County. Lands lying within various zones as indicated on the **AIRPORT** zoning maps are subject to the additional regulations set out in this section.

D. Special Treatment Overlay "ST"

- 1. Within the County there are certain areas, which because of their unique assemblages of flora and/or fauna, their aesthetic appeal, historical or archaeological significance, rarity in the County, or their contribution to their own and **ADJACENT** ecosystems, make them worthy of special regulations. Such regulations are directed toward the conservation, protection, and preservation of ecological and recreational values for the greatest benefit to the people of the County. Such areas include, but are not necessarily limited to, mangrove and freshwater swamps, barrier islands, hardwood hammocks, xeric scrubs, coastal **BEACHES**, estuaries, cypress domes, natural drainage ways, **AQUIFER** recharge areas, and lands and **STRUCTURES** of historical and archaeological significance. The purpose of the "ST" district is to assure the preservation and maintenance of these environmental and cultural resources and to encourage the preservation of the intricate ecological relationships within the systems, and at the same time, permit those types of **DEVELOPMENT** which will hold changes to levels determined acceptable by the BCC after public hearing.
- 2. An overlay zoning district classification to be known as the ST special treatment overlay district, and to be designated on the Official Zoning Atlas by the symbol "ST" together with the symbol of the basic zoning district which it overlays, is hereby established. This overlay district classification will be used for those lands of environmental sensitivity

and historical and archaeological significance where the essential ecological or cultural value of the land is not adequately protected under the basic zoning district regulations established by this LDC. The placement or removal of this the ST district shall be governed by the procedure for amending the LDC and this Official Zoning Atlas as prescribed in Chapter 10. All land within the ST overlay district shall be designated as environmentally sensitive.

3. For purposes of identifying land from which the residential **DEVELOPMENT** rights have been transferred, such lands shall be designated on the Official Zoning Atlas by affixing the letter "P" for preservation to the symbol "ST," thusly "P-ST." Such designation shall be placed on the land after the BCC has accepted the deed and/or guarantee to said property.

4. Transfer of **DEVELOPMENT** Rights (TDR)

a. Purpose, Intent and Applicability.

i. **PURPOSE.**

The primary purpose of the TDR process is to establish an equitable method of protecting and conserving lands determined to have significant environmental value, including large connected wetland systems and significant areas of habitat for listed species; and

To provide a viable mechanism for property owners of such environmentally valuable lands to recoup lost value and **DEVELOPMENT** potential which may be associated with the application of environmental preservations standards to such lands.

ii. **INTENT.** These TDR provisions are intended to accomplish the above stated purpose through an economically viable process of transferring **DEVELOPMENT** rights from less suitable non-RFMU sending areas and **RFMU SENDING LANDS** to more suitable non-RFMU receiving areas and **RFMU RECEIVING LANDS.**

iii. **APPLICABILITY.** These TDR provisions shall be applicable to those areas specifically identified in (b), (c) and (d) below. These TDR provisions shall not be applicable to the any transfer of **DEVELOPMENT** rights within the RLSA District.

b. **TRANSFER OF DEVELOPMENT RIGHTS FROM URBAN AREAS TO URBAN AREAS.** An owner of land located within areas designated as urban on the Future Land Use Map, including agriculturally zoned

properties, which may or may not be identified with the ST overlay, may elect to transfer some or all of the residential **DEVELOPMENT** rights from one **PARCEL** of land to another **PARCEL**, as an alternative to the **DEVELOPMENT** of the sending lands. The lands to which the **DEVELOPMENT** rights are to be transferred shall be referred to as receiving lands and those lands from which **DEVELOPMENT** rights are transferred shall be referred to as sending lands, as provided herein and shall be located within the urban designated areas of the county.

i. The **DEVELOPMENT** rights shall be considered as interests in real property and be transferred in portions or as a total as provided in this section. Once used, the residential **DEVELOPMENT** rights shall not be used again and the residential **DEVELOPMENT** rights of the subject lands providing them shall be considered severed forever.

ii. The transfer of **DEVELOPMENT** rights to be used shall be subject to all of the requirements of the basic zoning district to which they are transferred unless specifically approved otherwise as provided by law.

iii. The minimum area of land eligible for the transfer of **DEVELOPMENT** rights shall be equal to the minimum **LOT** size for the sending zone. For the purposes of this section, legal non-conforming **LOTS** of record may be eligible to transfer **DENSITY**, with the minimum area of the receiving land equal to the area of the legal non-conforming **LOT OF RECORD**, excluding submerged land.

iv. Upon the approval of the transfer of residential **DEVELOPMENT** rights by a super majority vote of the board of county commissioners, the property owner of the sending land shall dedicate in fee simple the land to the county or a state or federal agency; however, the lands may be dedicated in fee simple to a private, not-for-profit conservation or environmental organization in accordance with F.S. § 704.06, as amended, with the approval of the board of county commissioners.

v. The maximum number of residential units which may be requested for transfer shall be compiled on the basis of the permitted **DENSITY** pursuant to the underlying zoning category of the sending land.

vi. Maximum number of residential units which eligible lands may receive.

a) Lands in all residential zoning districts and residential components of planned unit **DEVELOPMENT** zoning districts are eligible to receive residential **DEVELOPMENT** units provided that the maximum number of residential units which may be transferred to the receiving land does not exceed ten percent of the maximum number of residential units permitted under the receiving property's basic zoning district. For the purpose of determining the number of residential units which a **PARCEL** of land is capable of receiving, the following formulas shall apply:

- i) RSF-1 through RSF-5 districts, up to and including five units per acre:
Units per base **DENSITY** X 10% = .1 to .5 units per acre
- ii) RMF-6 district, up to and including six units per acre:
6 units X 10% = 0.6 units per acre
- iii) RMF-12 district, seven to and including 12 units per acre:
12 units X 10% = 1.20 units per acre
- iv) RMF-16 district:
16 units X 5% = 0.80 units per acre
- v) RT district:
16 units X 5% = 0.80 units per acre
26 units X 5% = 1.30 units per acre
- vi) PUD district:
Residential tract units X 5% = permitted units per acre

b) For the purpose of calculating the final fractional residential unit of the total number of residential units eligible for transfer to an eligible **PARCEL** of land, the following shall apply: Any fractional residential unit shall be converted upward if one-half or more of a whole unit, or downward if less than one-half of a whole unit, to the nearest whole unit value.

vii. **PROCEDURE FOR OBTAINING TRANSFER OF RESIDENTIAL DEVELOPMENT RIGHTS.** Any owner of eligible land may apply for a transfer of **DEVELOPMENT** rights either

separately or concurrently with rezoning, zoning ordinance amendments, preliminary **SUBDIVISION** plat or **DEVELOPMENT** plan. Prior to the approval of any transfer of **DEVELOPMENT** rights or the issuance of any **BUILDING** permits in connection with the use of any transfer of **DEVELOPMENT** rights, the petitioner shall submit the following information and data, as applicable to the petition, to the **DEVELOPMENT** services director for his review and subsequent action by the board of county commissioners

- a) Name and address of property owner of sending land.
- b) Name and address of property owner of receiving land.
- c) Legal description of sending land from which transfer of residential **DEVELOPMENT** rights is petitioned.
- d) Survey of sending land from which transfer of residential **DEVELOPMENT** rights is requested.
- e) Legal description of receiving land which receives the transfer of residential **DEVELOPMENT** rights.
- f) Survey of the land which receives the transfer of residential **DEVELOPMENT** rights.
- g) Three copies of an executed deed of transfer of ownership of the sending property to the county or a state or federal agency; however, the lands may be dedicated in fee simple to a private, not-for-profit conservation or environmental organization in accordance with F.S. § 704.06, as amended, with the approval of the board of county commissioners in a form approved by the county attorney.
- h) The owner of the sending land shall provide a guarantee, agreeable to and approved by ordinance of the board of county commissioners, that the sending land will be utilized only for the purposes of increasing public recreational and/or educational opportunities, creation of linkages between public or private **OPEN SPACE**, protection of critical habitat/ecosystems, or other public purpose as specified in the ordinance of adoption. Such a guarantee shall be recorded with the clerk of the circuit court of Collier County, Florida as a recorded restriction of the use of such land and shall be binding upon all present

and subsequent owners, heirs, or assigns of such property. Such restrictions may not be amended, deleted, or otherwise altered, except by a majority vote of the BCC.

viii. **TIME LIMITATIONS ON BOARD OF COUNTY COMMISSIONERS' APPROVAL OF TRANSFER OF RESIDENTIAL DEVELOPMENT RIGHTS OR AUTHORIZATION TO PROCEED WITH THE PROCESSING OF A BUILDING CONSTRUCTION PERMIT.** The board of county commissioners' approval of a transfer of residential **DEVELOPMENT** rights or the County Manager or his designee authorization to proceed with the processing of a **BUILDING** or construction permit shall be valid so long as such approval is permitted by law. The failure to act on the part of the petitioner to exercise the transfer of residential **DEVELOPMENT** rights or obtain and exercise an authorized **BUILDING** or construction permit within the time period provided by law shall automatically terminate such approval and the county shall be held harmless for any damages arising out of the petitioner's failure to act.

ix. **SEQUENTIAL USE OF RESIDENTIAL UNITS APPROVED FOR TRANSFER BY THE BOARD OF COUNTY COMMISSIONERS.** Upon the issuance of any permit for the construction of residential unit(s) upon the receiving land, the first residential units built thereon shall be considered to be the residential units approved for transfer by the board of county commissioners, and the succeeding residential units constructed shall be considered the residential units permitted under the basic zoning district regulations.

c. **TDR CREDITS From RFMU SENDING LANDS:** General Provisions

i. **CREATION OF TDR CREDITS.**

a) **TDR CREDITS** are generated from **RFMU SENDING LANDS** at a rate of 1 **TDR CREDIT** per 5 acres of RFMU Sending Land or, for those legal non-conforming **LOTS** or **PARCELS** of less than 5 acres that were in existence as of June 22, 1999, at a rate of 1 **TDR CREDIT** per legal non-conforming **LOT** or **PARCEL**.

b) For **LOTS** and **PARCELS** 5 acres or larger, the number of **TDR CREDITS** generated shall be calculated using the following formula:

of acres x 0.2 = # of **TDR CREDITS** generated.

Where the number of **TDR CREDITS** thus calculated is a fractional number, the number of **TDR CREDITS** created shall be rounded to the nearest 1/100th.

ii. **RECEIPT OF TDR CREDITS FROM RFMU SENDING LANDS.** **TDR CREDITS** from **RFMU SENDING LANDS** may be transferred into Urban Areas, the Urban Residential Fringe, and **RFMU RECEIVING LANDS**, as provided in Sections 2.03.07.(4)(d) and (e) below.

iii. **PROHIBITION ON TRANSFER OF FRACTIONAL TDRS.** While fractional **TDR CREDITS** may be created, as provided in (i) above, **TDR CREDITS** may only be transferred from **RFMU SENDING LANDS** in increments of whole, not fractional, **DWELLING UNITS**. Consequently, fractional **TDR CREDITS** must be aggregated to form whole units, before they can be utilized to increase **DENSITY** in either non-**RFMU** Receiving Areas or **RFMU RECEIVING LANDS**.

iv. **PROHIBITION ON TRANSFER OF DEVELOPMENT RIGHTS.**

a) **TDR CREDITS** shall not be transferred from **RFMU SENDING LANDS** where a conservation easement or other similar **DEVELOPMENT** restriction prohibits the residential **DEVELOPMENT** of such property.

b) **TDR CREDITS** shall not be transferred from **RFMU SENDING LANDS** that were cleared for agricultural operations after June 19, 2002, for a period of twenty-five (25) years after such clearing occurs.

d. **TRANSFER OF DEVELOPMENT RIGHTS FROM RFMU SENDING LANDS TO NON-RFMU RECEIVING AREAS.**

i. **TRANSFERS TO URBAN AREAS.**

a) Maximum **DENSITY** increase. In order to encourage residential in-fill in urban areas of existing **DEVELOPMENT** outside of the Coastal High Hazard Area, a maximum of 3 residential **DWELLING UNITS** per gross acre may be requested through a rezone petition for projects qualifying under this residential infill provisions of

the Future Land Use Element **DENSITY** Rating System, subject to the applicable provisions of Chapters 2 and 9 of this Code, and the following conditions:

- i) The project is 20 acres or less in size;
- ii) At time of **DEVELOPMENT** , the project will be served by central public water and sewer;
- iii) The property in question has no common site **DEVELOPMENT** plan in common with **ADJACENT** property;
- iv) There is no common ownership with any **ADJACENT PARCELS**; and
- v) The **PARCEL** in question was not created to take advantage of the in-fill **RESIDENTIAL DENSITY** bonus and was created prior to the adoption of this provision in the Growth Management Plan on January 10, 1989.
- vi) Of the maximum 3 additional units, one (1) dwelling unit per acre shall be transferred from **RFMU SENDING LANDS** at Site Plan or Plat Approval.

b) **DEVELOPMENT** s which meet the residential infill conditions i) through v) above may increase the base **DENSITY** administratively through a Site **DEVELOPMENT** Plan or Plat approval by a maximum of one dwelling unit per acre by transferring that additional **DENSITY** from **RFMU DISTRICT** Sending Lands.

ii. **TRANSFERS TO THE URBAN RESIDENTIAL FRINGE.** **TDR CREDITS** may be transferred from **RFMU SENDING LANDS** located within one mile of the Urban Boundary into lands designated Urban Residential Fringe at a rate of 1.0 **DWELLING UNITS** per acre, allowing for a **DENSITY** increase from the existing allowable base **DENSITY** of 1.5 **DWELLING UNITS** per acre to 2.5 dwelling unit per gross acre.

e. **TRANSFERS FROM RFMU SENDING LANDS TO RFMU RECEIVING LANDS.**

i. MAXIMUM DENSITY ON RFMU RECEIVING LANDS WHEN TDR CREDITS ARE TRANSFERRED FROM RFMU SENDING LANDS.

a) The base **RESIDENTIAL DENSITY** allowable shall be as provided in sections 2.03.08 A.2.a.(2)(a) and 2.03.08 A.2.b.(3)(a).

b) The **DENSITY** achievable through the transfer of **TDR CREDITS** into **RFMU RECEIVING LANDS** shall be as provided for in section 2.03.08 (A)(2)(a)(2)(b)(i) outside of **RURAL VILLAGES** and sections 2.03.08 (A)(2)(b)(3)(b) and 2.03.08 (A)(2)(b)(3)(c)(i) inside of **RURAL VILLAGES**.

ii. **REMAINDER USES AFTER TDR CREDITS ARE TRANSFERRED FROM RFMU SENDING LANDS.** Where **DEVELOPMENT** rights have been transferred from **RFMU DISTRICT** Sending Lands, such lands may be retained in private ownership and may be used as set forth in section 2.03.08 A.4.b.

f. PROCEDURES APPLICABLE TO THE TRANSFER OF TDR CREDITS FROM RFMU SENDING LANDS.

i. **GENERAL.** The transfer of **TDR CREDITS** from **RFMU SENDING LANDS** does not require the approval of the County. However, those **DEVELOPMENT** s that utilize such **TDR CREDITS** are subject to all applicable permitting and approval requirements of this Code, including but not limited to those applicable to site **DEVELOPMENT** plans, plat approvals, PUDs, and DRIs.

ii. **COUNTY-MAINTAINED CENTRAL TDR REGISTRY.** In order to facilitate the County's monitoring and regulation of the TDR Program, the County shall serve as the central registry of all **TDR CREDIT** purchases, sales, and transfers, as well as a central listing of **TDR CREDITS** available for sale and purchasers seeking **TDR CREDITS**. No **TDR CREDIT** generated from **RFMU SENDING LANDS** may be utilized to increase **DENSITY** in any area unless the following procedures are complied with in full.

a) **TDR CREDITS** shall not be used to increase **DENSITY** in either non-RFMU Receiving Areas or **RFMU RECEIVING LANDS** until severed from **RFMU SENDING LANDS**. **TDR CREDITS** shall be deemed to be severed

from **RFMU SENDING LANDS** at such time as a **TDR CREDIT** Certificate is obtained from the County and recorded. **TDR CREDIT** Certificates shall be issued only by the County and upon submission of the following:

i) a legal description of the property from which the **RFMU TDR CREDITS** originated, including the total acreage;

ii) a title search, or other evidence, establishing that prior to the severance of the **TDR CREDITS** from the **RFMU SENDING LANDS**, such Sending Lands were not subject to a conservation restriction or other **DEVELOPMENT** restriction that prohibited residential **DEVELOPMENT** ;

iii) a legal instrument, prepared in accord with the form provided by the County, that limits the allowable uses on the property after the severance of **TDR CREDITS** as set forth in section 2.03.08 A.4.b.; and

iv) a statement identifying the price, or value of other remuneration, paid to the owner of the **RFMU SENDING LANDS** from which the **TDR CREDITS** were generated and that the value of any such remuneration is at least \$25,000 per **TDR CREDIT**, unless such owner retains ownership of the **TDR CREDITS** after they are severed, unless the **RFMU** or non-**RFMU RECEIVING LANDS** on which the **TDR CREDITS** will be utilized and the **RFMU SENDING LANDS** from which the **TDR CREDITS** were generated are owned by the same persons or entities or affiliated persons or entities; and

v) a statement attesting that the **TDR CREDITS** are not being severed from **RFMU SENDING LANDS** in violation of section 2.03.07 (D)(4)(c)(iv)(b) of this Code.

b) A PUD or DRI utilizing **TDR CREDITS** may be conditionally approved, but no subsequent application for site **DEVELOPMENT** plan or **SUBDIVISION** plat within the PUD or DRI shall be approved, until the developer submits the following:

i) documentation that the developer has acquired all **TDR CREDITS** needed for that portion

of the **DEVELOPMENT** that is the subject of the site **DEVELOPMENT** plan or **SUBDIVISION** plat; and

ii) a TDR transaction fee sufficient to defray the expenses of the County in administering the Central TDR Registry.

c) The developer shall provide documentation of the acquisition of full ownership and control of all **TDR CREDITS** needed for the **DEVELOPMENT** and of recordation of the **TDR CREDIT** Certificates for all such **TDR CREDITS** prior to the approval of any site **DEVELOPMENT** plan, **SUBDIVISION** plat, or other final local **DEVELOPMENT** order, other than a PUD or DRI.

d) Each **TDR CREDIT** shall have an individual and distinct tracking number, which shall be identified on the TDR Certificate that reflects the severance of the **TDR CREDIT** from RFMU Sending Land. The County TDR Registry shall maintain a record of all **TDR CREDITS**, to include a designation of those that have been expended.

g. **PROPORTIONAL UTILIZATION OF TDR CREDITS.** Upon the issuance of approval of a site **DEVELOPMENT** plan or **SUBDIVISION** plat that is part of a PUD or DRI, **TDR CREDITS** shall be deemed to be expended at a rate proportional to percentage of the PUD or DRI's approved gross **DENSITY** that is derived through **TDR CREDITS**. All PUDs and DRIs utilizing **TDR CREDITS** shall require that the rate of **TDR CREDIT** consumption be reported through the monitoring provisions of sections 10.02.12 and 10.02.07 (C)(1)(b) of this Code.

5. In accordance with § 380.05, F.S. and chapter 73-131 Laws of Florida, the administrative commission instituted regulations for the Big Cypress Area of Critical State Concern "ACSC". The purpose of these regulations is to conserve and protect the natural, environmental, and economic resources of the Big Cypress area. Furthermore, these regulations are to provide a land and water management system that will preserve water quality, provide for the optimum utilization of the limited water resources of the area, facilitate orderly and well-planned **DEVELOPMENT**, and protect the health, safety and welfare of residents of the state. The Florida Administrative Code establishes criteria for site alteration, drainage, transportation facilities and **STRUCTURE** installation. These regulations are implemented through the land **DEVELOPMENT** regulations as set forth in section 4.02.14. An overlay zoning classification to be known as Area of Critical State Concern/Special Treatment Overlay shall be designated on the Official Zoning Atlas with symbol ACSC-ST.

E. Historical and Archaeological Sites "H"

It is the intent of these regulations to recognize the importance and significance of the County's historical and archaeological heritage. To that end, it is the county's intent to protect, preserve, and perpetuate the County's historic and archaeological sites, districts, **STRUCTURES, BUILDINGS**, and properties. Further, the BCC, finds that these regulations are necessary to protect the public interest, to halt illicit digging or excavation activities which could result in the destruction of prehistoric and historic archaeological sites, and to regulate the use of land in a manner which affords the maximum protection to historical and archaeological sites, districts, **STRUCTURES, BUILDINGS**, and properties consistent with individual property rights. It is not the intent of this LDC to deny anyone the use of his property, but rather to regulate the use of such property in a manner which will ensure, to the greatest degree possible, that historic and archaeological sites, districts, **STRUCTURES, BUILDINGS**, and properties are protected from damage, destruction, relocations, or exportations. Areas for consideration for inclusion in areas of historical/archaeological probability shall have one (1) or more of the following characteristics:

1. The area is associated with distinctive elements of the cultural, social, ethnic, political, economic, scientific, religious, prehistoric, or architectural history that have contributed to the pattern of history in the community, the County, the State of Florida, or the nation; or
2. The area is associated with the lives of persons significant in history; or
3. The area embodies the distinctive characteristics of a type, period, method, or materials of construction that possess high artistic value, quality of design craftsmanship, or that represent an individual architect or builder's prominence or contribution to the **DEVELOPMENT** of the County, the State of Florida, or the nation; or
4. The area was the location of historic or prehistoric activities including, but not limited to, habitation, religious, ceremonial, burial, or fortification during a particular period of time, which may maintain a sufficient degree of environmental integrity to reflect a significant aspect of the relationship of the site's original occupants to the environment; or
5. The area is historic or prehistoric site which has been severely disturbed but which may still allow useful and representative data to be recovered; or
6. The area has yielded or is likely to yield information on local history or prehistory; or
7. The area derives its primary significance from architectural or artistic distinction of historical importance; or
8. The area is the birthplace or grave of historical figure or is a cemetery which derives its primary significance from graves of persons of

importance, from age, from distinctive design features, or from association with historic events; or

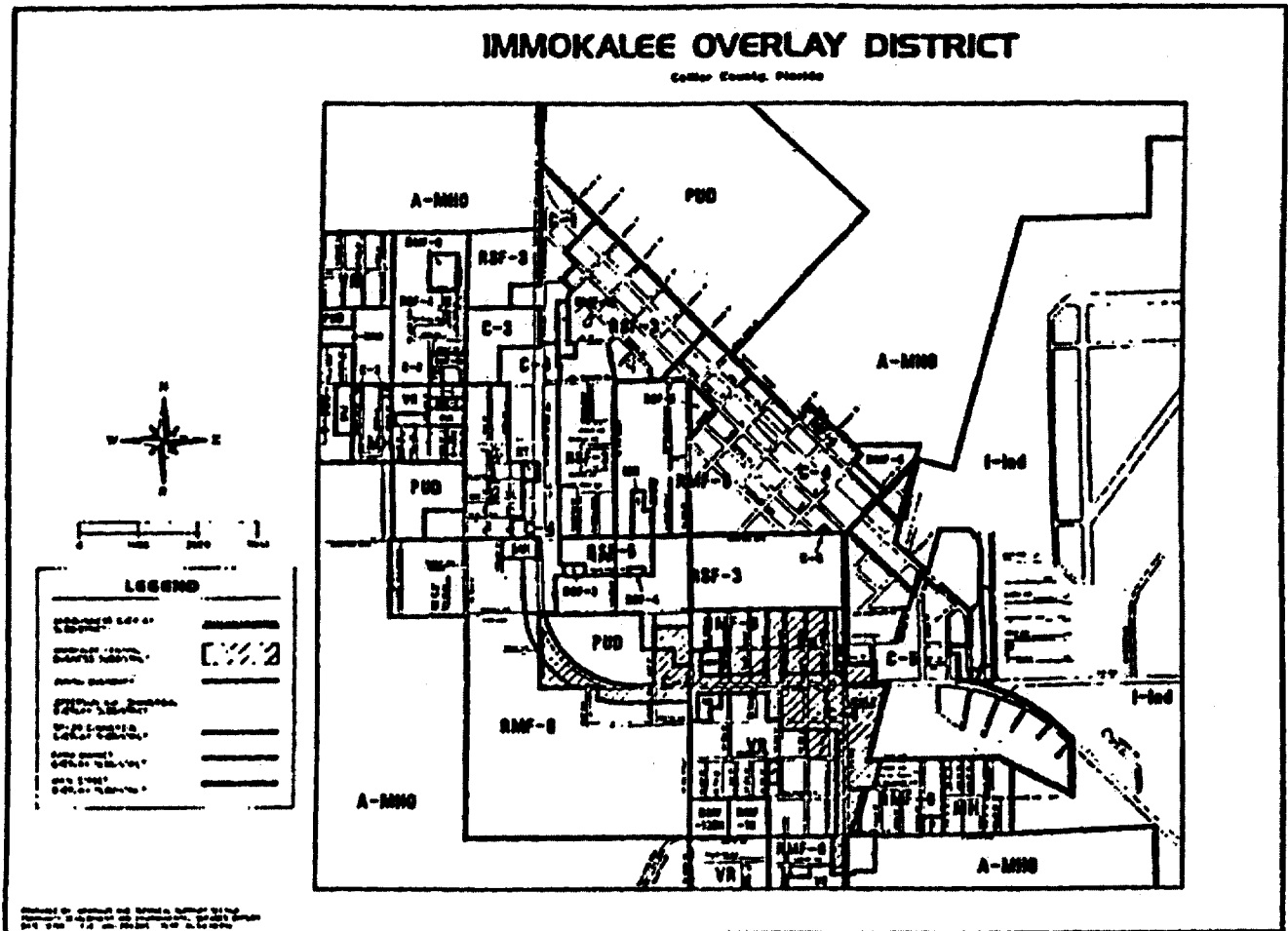
9. The area is the site of a **BUILDING** or **STRUCTURE** removed from its original location which is significant for its architectural value, or is the sole surviving **STRUCTURE** associated with historic period, person, or event; or
10. The area is a property primarily commemorative in intent, where design, age, tradition, or symbolic value has invested it with its own historical significance; or
11. The area is an area containing known archaeological sites that have not been assessed for significance but are likely to conform to the criteria for historical/archaeological significance or areas where there is a high likelihood that unrecorded sites of potential historical/archaeological significance are present based on prehistoric settlement patterns and existing topographic features; or
12. The area is included in the National Register of Historic Places.

F. Golden Gate Parkway Professional Office Commercial Overlay
"GGPPOCO"

1. The provisions of the "GGPPOCO" district are intended to provide Golden Gate City with a viable professional office commercial district. The professional office commercial district has two (2) purposes. (1), to serve as a bonafide entry way into Golden Gate City. (2), to provide a community focal point and sense of place. The uses permitted within this district are generally low intensity, office **DEVELOPMENT** which minimize vehicular traffic, provide suitable landscaping, control ingress and egress, and ensure **COMPATIBILITY** with **ABUTTING** residential districts.
2. These regulations apply to properties north and south of Golden Gate Parkway, starting at Santa Barbara Boulevard and extending eastward to 52nd Terrace S.W. in Golden Gate City as measured perpendicularly from the **ABUTTING RIGHT-OF-WAY** for a distance of approximately 3,600 feet more or less and consisting of approximately 20.84 acres. These properties are identified on Map two (2) of the Golden Gate Area Master Plan. Except as provided in this regulation, all other use, dimensional, and **DEVELOPMENT** requirements shall be as required in the underlying zoning categories.

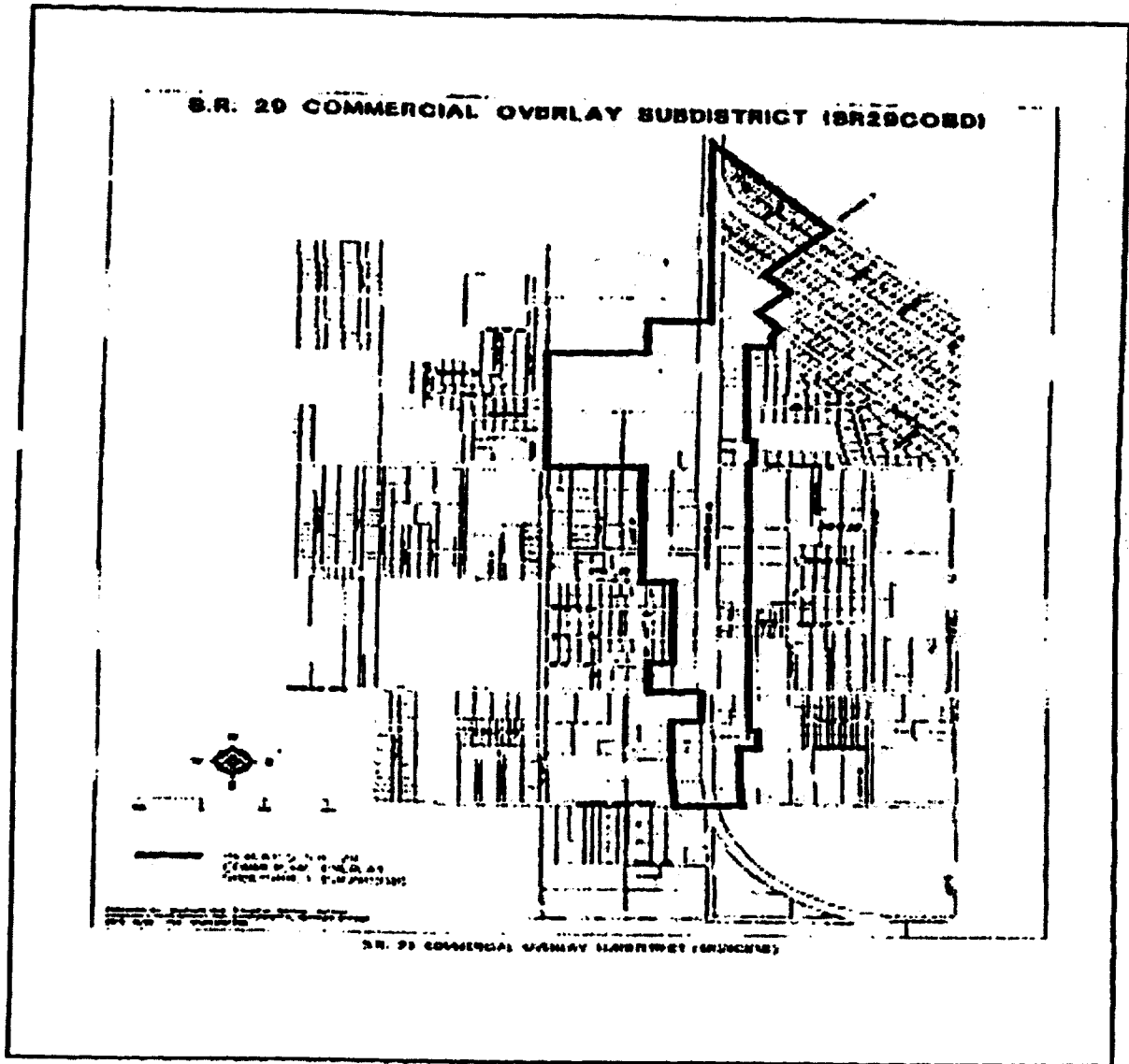
G. Immokalee Overlay.

To create the Immokalee 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 Overlay District are delineated on Map 1 below.



Immokalee overlay district - Map 1

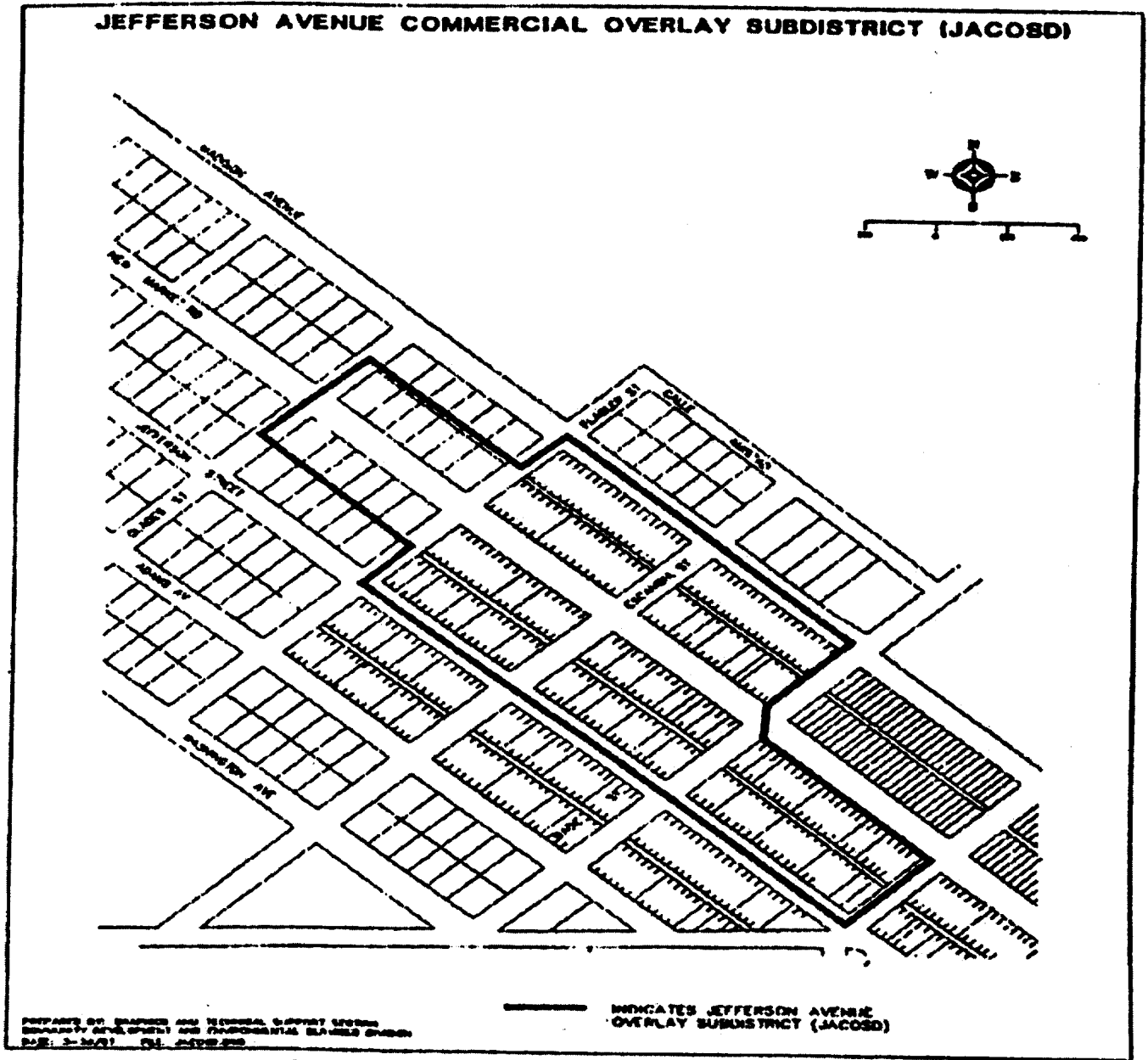
1. *State Road 29 Commercial Overlay Subdistrict:* Special conditions for the properties **ABUTTING** SR-29, as identified in the Immokalee Area Master Plan; referenced on Map 2; and further identified by the designation "SR29COSD" on the applicable official Collier County Zoning Atlas Maps. The purpose of this designation is to provide for retail, office, transient lodging facilities, and highway commercial uses that serve the needs of the traveling public. These commercial uses must be located on a major arterial or **COLLECTOR ROADWAY**. The provisions of this subdistrict are intended to provide an increased commercial depth along SR-29 with **DEVELOPMENT** standards that will ensure coordinated **ACCESS** and appropriate landscaping and **BUFFERING** compatible with nearby residential properties.



Immokalee overlay district - Map 2

2. *Jefferson Avenue Commercial Overlay Subdistrict:* Special conditions for the properties **ABUTTING** Jefferson Avenue as identified in the Immokalee Area Master Plan; referenced on Map 3; and further identified by the designation "JACOSD" on the applicable official Collier County Zoning Atlas Maps. The purpose of this designation is to provide for retail, office, transient lodging facilities and highway commercial uses that serve the needs of the traveling public. These commercial uses must be located on a major arterial or **COLLECTOR**

ROADWAY. The provisions of this subdistrict are intended to provide an increased commercial opportunity along Jefferson Avenue with **DEVELOPMENT** standards that will ensure coordinated **ACCESS** and appropriate landscaping and **BUFFERING** to be compatible with nearby residential properties.

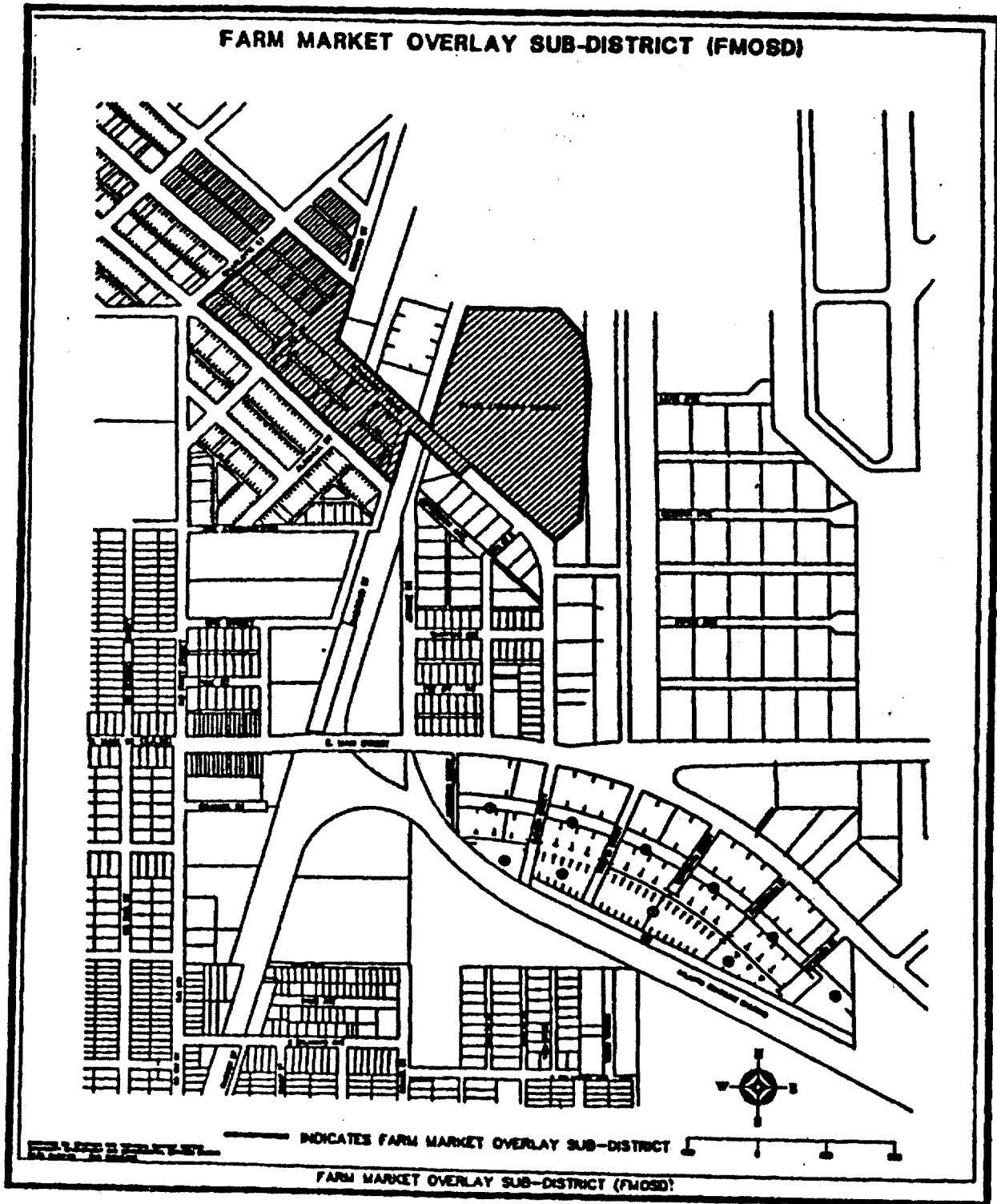


Jefferson Avenue Commercial Overlay - Map 3

3. *Farm Market Overlay Subdistrict:* Special conditions for the properties identified on Map 4; and further identified by the designation "FMOSD"

on the applicable official Collier County Zoning Atlas Maps. The purpose of this designation is to provide for wholesale and retail uses, outdoor **AGRICULTURAL PRODUCT** displays and sales areas, truck parking, and packing houses and associated uses. The provisions of this subdistrict are intended to provide retail and wholesale opportunities for agricultural businesses as well as provide truck parking for agricultural sales but not within roadways and rights-of-way. The **DEVELOPMENT** standards contained herein have been designed to enhance and encourage **DEVELOPMENT** and redevelopment.

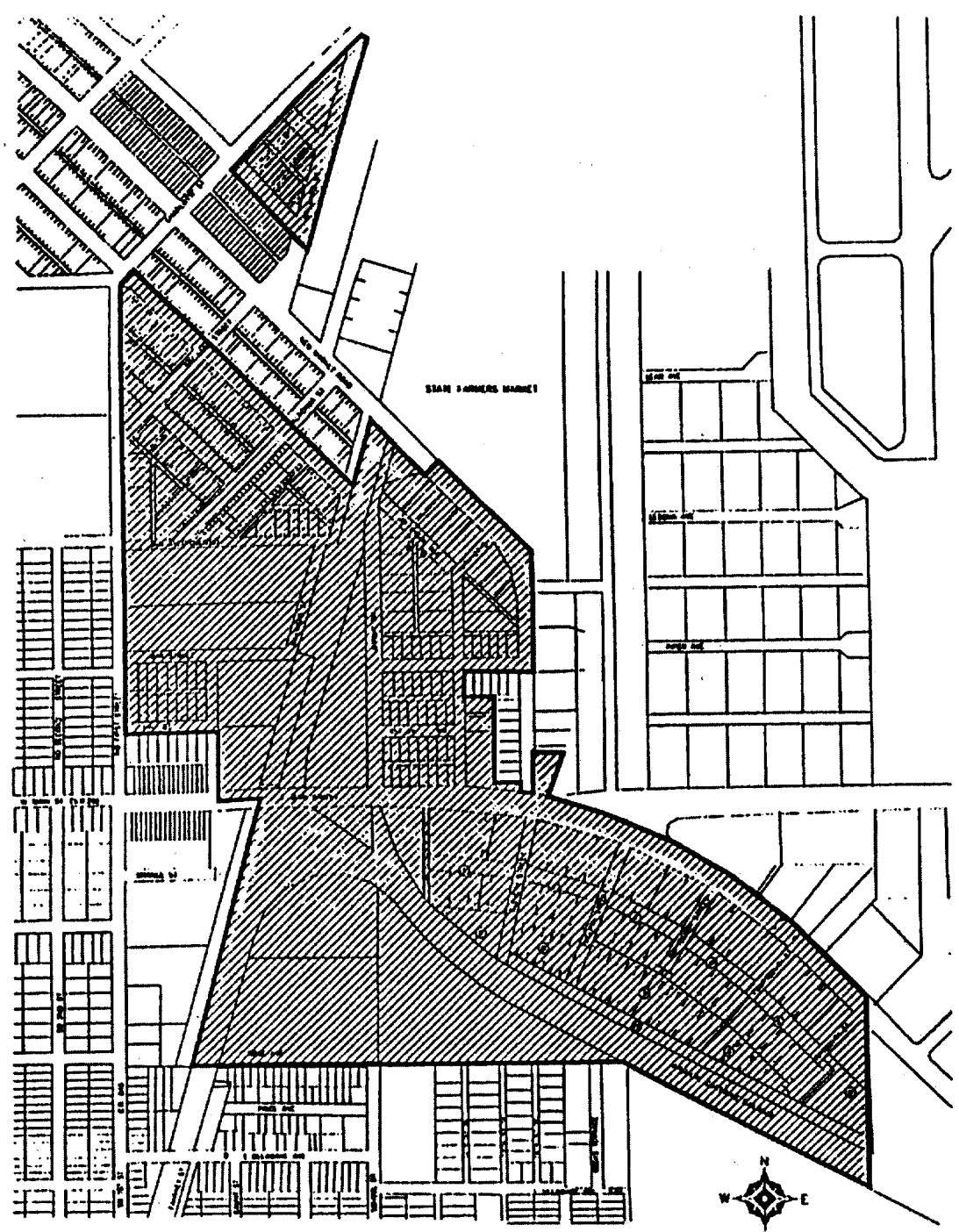
Map 4



Farm Market Overlay Sub-District - Map 4

4. *Agribusiness Overlay Subdistrict.* Special conditions for the properties identified on Map 5; and further identified by the designation "AOSD" on the applicable official Collier County Zoning Atlas Maps. The purpose of this designation is to provide for wholesale uses and agricultural packing houses and associated uses. The provisions of this subdistrict are intended to provide additional lands for agricultural related businesses and expansion opportunities for existing agribusiness. The **DEVELOPMENT** standards contained herein have been designed to permit consistent land uses within the AOSD boundary.

AGRIBUSINESS OVERLAY SUB-DISTRICT (AOSD)



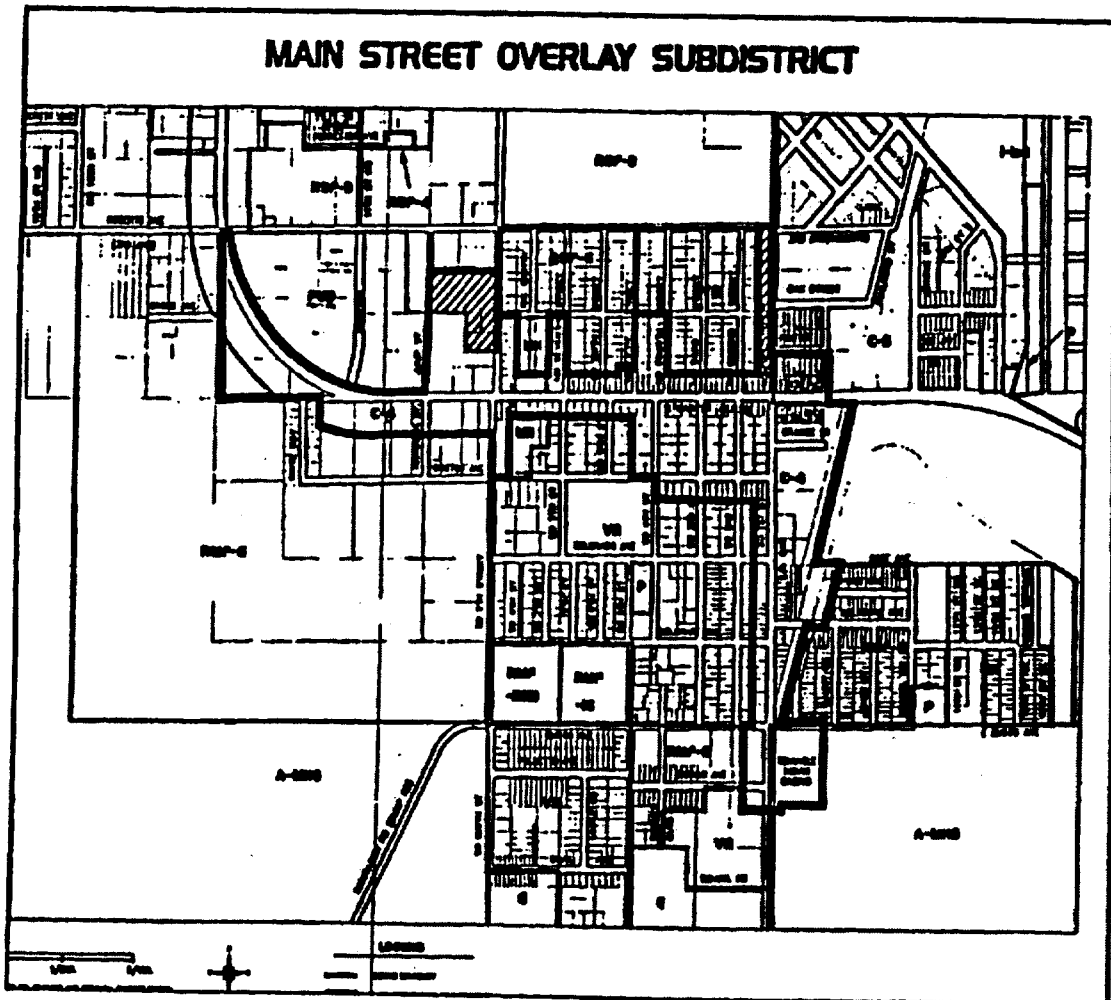
STAR FARMERS MARKET

INDICATES AGRIBUSINESS OVERLAY SUB-DISTRICT

ISSUED BY THE OFFICE OF THE CITY CLERK
CITY OF LOS ANGELES, CALIFORNIA, 90012
DATE: 1-22-18, PAGE 000000

AGRIBUSINESS OVERLAY SUB-DISTRICT (AOSD)

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.



Map 7 Main **STREET** Overlay Subdistrict

6. **NONCONFORMING MOBILE HOME PARK Overlay Subdistrict.** The purpose of these provisions is to recognize that there are **NONCONFORMING MOBILE HOME PARKS** in the Immokalee Urban Area, 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**.

H. Santa Barbara Commercial Overlay District "SBCO".

Special conditions for properties **ABUTTING** the east side of Santa Barbara Boulevard, as referenced in the Santa Barbara Commercial Subdistrict Map (Map 7) of the Golden Gate Area Master Plan. This is referenced as figure 2.03.07 H. below.

MAP 7
 SANTA BARBARA COMMERCIAL SUBDISTRICT
 COLLIER COUNTY, FLORIDA

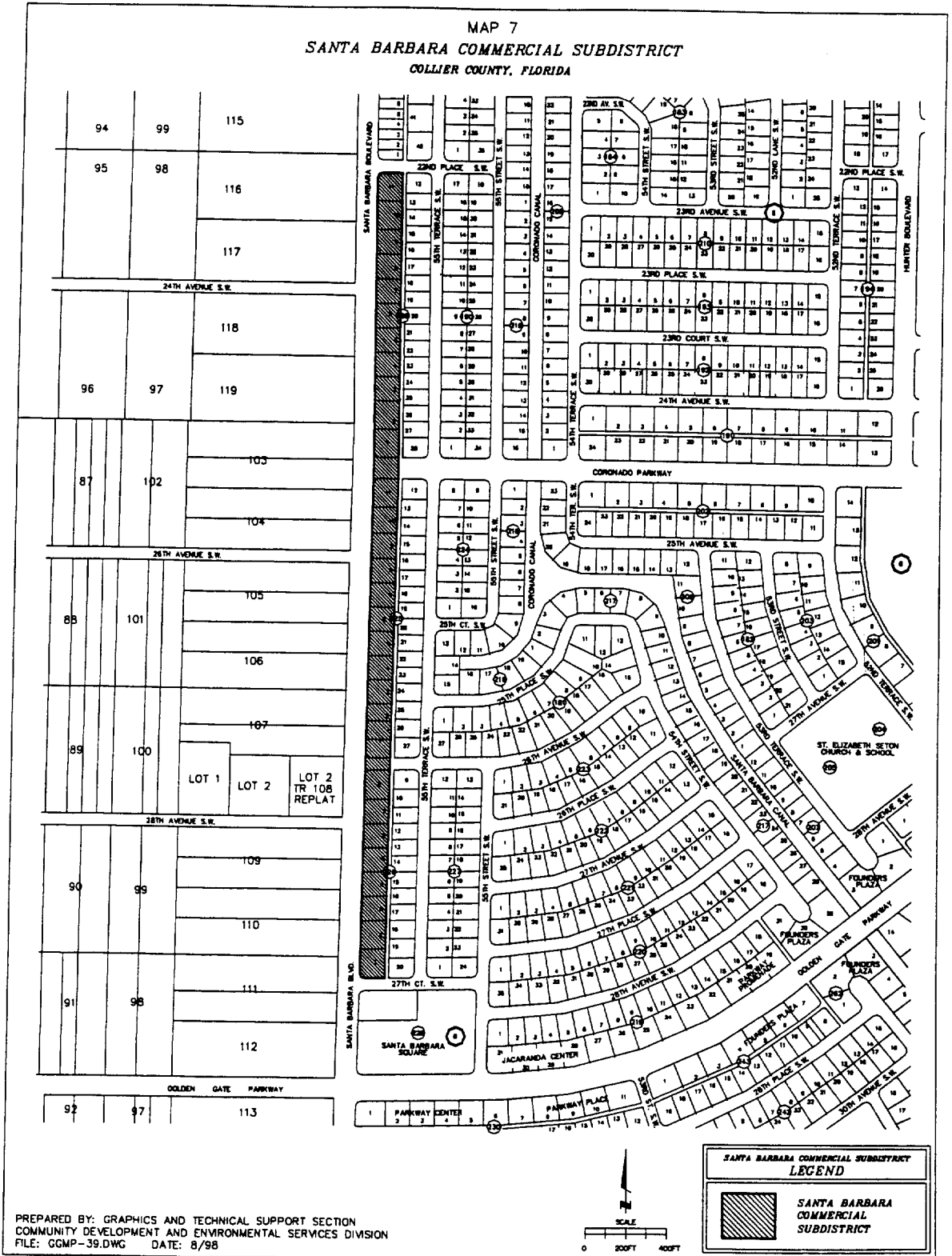


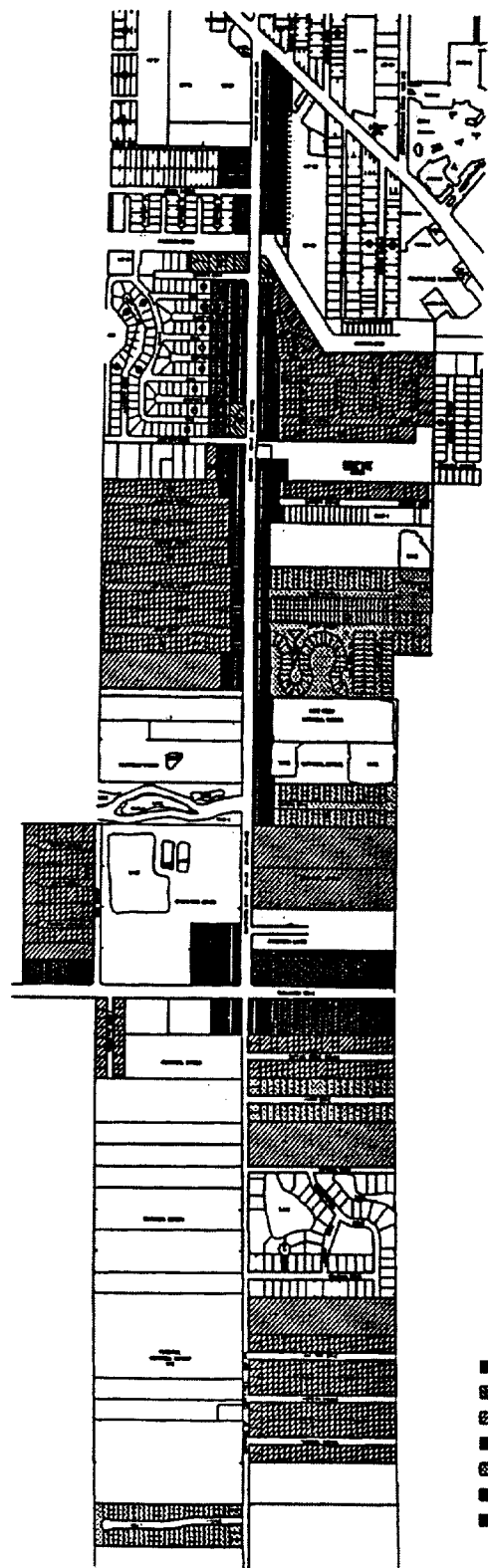
Figure 2.03.07 H.

1. The purpose and intent of this district is to provide Golden Gate City with additional opportunities for small scale commercial **DEVELOPMENT** to serve the surrounding neighborhoods and those traveling nearby. This district is intended to: contain low intensity uses which generate/attract relatively low traffic volumes; be appropriately landscaped and **BUFFERED** to protect nearby residential areas; be architecturally designed so as to be compatible with nearby residential areas; and limit **ACCESS** to promote public safety and lessen interruptions to traffic flow on Santa Barbara Boulevard.
2. Aggregation of **LOTS** is strongly encouraged so as to allow greater flexibility in site design and ease in compliance with parking requirements and other **DEVELOPMENT** standards.
3. In order to reduce the potential conflicts that may result from residential and commercial uses being located in this district, existing residential uses, other than owner-occupied **DWELLINGS**, are required to cease to exist within a specified time period. This does not require the removal of the residential **STRUCTURES** if they can be, and are, converted to uses permitted in this district.
4. These regulations apply to properties **ABUTTING** the east side of Santa Barbara Boulevard, lying north of 27th Court S.W. and south of 22nd Place S.W., all in Golden Gate City, and consisting of approximately eleven (11) acres. These properties are identified on Map 7 of the Golden Gate Area Master Plan. Except as provided in this regulation, all other use, dimensional, and **DEVELOPMENT** requirements shall be as required or allowed in the underlying zoning categories.
5. **SIDEWALKS**. Projects shall provide **SIDEWALKS** so as to encourage pedestrian and bicycle traffic. **ADJACENT** projects shall coordinate the location and intersection of **SIDEWALKS**.

I. Bayshore Drive Mixed Use Overlay District

Special conditions for the properties **ADJACENT** to Bayshore Drive as referenced on BMUD Map 1; and further identified by the designation "BMUD" on the applicable official Collier County Zoning Atlas Map or map series.

BAYSHORE DRIVE
 MUD USE OVERLAY DISTRICT



LEGEND

- [Symbol] [Symbol] [Symbol]
- [Symbol] [Symbol] [Symbol]
- [Symbol] [Symbol] [Symbol]
- [Symbol] [Symbol] [Symbol]
- [Symbol] [Symbol] [Symbol]
- [Symbol] [Symbol] [Symbol]
- [Symbol] [Symbol] [Symbol]
- [Symbol] [Symbol] [Symbol]

PREPARED BY: GRADUATE AND TECHNICAL SUPPORT SECTION
 COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION
 DATE: 4-2003 FILE: BAYSHORE-PD-A-2003

1. The purpose and intent of this district is to encourage revitalization along the Bayshore Drive corridor by providing opportunities for small-scale mixed use **DEVELOPMENT**. This district is intended to: revitalize the commercial and residential **DEVELOPMENT** along this corridor; enhance the waterfront; encourage on-**STREET** parking and shared parking facilities and provide appropriate landscaping and **BUFFERING** between the various types of uses; and protect and enhance the nearby single-family residential units. The types of uses permitted are low intensity retail, office, personal service and residential uses.
2. These regulations shall apply to the Bayshore Drive Mixed Use Overlay district as identified on BMUD Map 1 and further identified by the designation "BMUD" on the applicable official Collier County Zoning Atlas Maps. Except as provided in this section of the LDC, all other uses, dimensional and **DEVELOPMENT** requirements shall be as required in the applicable underlying zoning category.
3. Garages and **DRIVEWAYS**.
 - a. The rear **SETBACK** may be reduced to ten feet if a front-access garage is constructed on the rear of the residence.
 - b. The maximum width of garage doors is 16 feet.
 - c. Only one **DRIVEWAY** is allowed per 50 linear feet of front property line. The maximum width of the **DRIVEWAY** at the **RIGHT-OF-WAY** line is 18 feet.
 - d. Other than the permitted **DRIVEWAY**, the **FRONT YARD** may not be paved or otherwise used to accommodate parking.
 - e. Garages must be recessed a minimum of three feet behind the front **FACADE** of the primary residence.
 - f. No carports are permitted.
 - g. The distance from the back of the **SIDEWALK** to the garage door must be at least 23 feet to allow room to park a vehicle on the **DRIVEWAY** without parking over the **SIDEWALK**. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.
4. *Neighborhood Commercial Subdistrict*. The purpose and intent of this subdistrict is to encourage a mix of low intensity commercial uses and

residential uses. **DEVELOPMENTS** will be small-scale and pedestrian-oriented.

5. *Waterfront Subdistrict.* The purpose of this subdistrict is to allow maximum use of the waterfront for entertainment while enhancing the area for use by the general public. **DEVELOPMENT** standards for the district are the same as those set forth for the Neighborhood Commercial subdistrict, unless set forth below. **DEVELOPMENT** in this subdistrict is encouraged to be a mix of **RESTAURANT** and retail uses while allowing for limited **MARINA** uses.
6. *Residential Subdistrict 1 (R1).* The purpose of this subdistrict is to encourage the **DEVELOPMENT** of multifamily residences as a transitional use between commercial and single-family **DEVELOPMENT**. The multifamily **BUILDINGS** shall be compatible with the **BUILDING** patterns and **FACADE** articulation of traditional neighborhood design. The intent is to create a row of residential units with uniform **FRONT YARD SETBACKS** and **ACCESS** to the **STREET**.
7. *Residential subdistrict 2 (R2).* The purpose of this subdistrict is to encourage the **DEVELOPMENT** of multi-family residences as transitional uses between commercial and single-family **DEVELOPMENT**. The multi-family **BUILDINGS** shall be compatible with the **BUILDING** patterns and **FACADE** articulation of traditional neighborhood design.
8. *Residential Subdistrict 3 (R3).* The purpose of this district is to allow the **DEVELOPMENT** of **MOBILE HOME**, modular home, **TOWNHOUSES** and single-family residences. All new **DEVELOPMENT** in this subdistrict shall be compatible with the **BUILDING** patterns and façade articulation of traditional neighborhood design. The intent is to create a row of residential units with consistent **FRONT YARD** set backs and access to the **STREET**.

a. Minimum **LOT** width:

Single-family: 40 feet.

Modular homes: 40 feet.

TOWNHOUSES: 25 feet.

MOBILE HOMES: 40 feet.

b. ***YARD requirements.*** The following **YARD** requirements are in relation to the platted property boundaries.

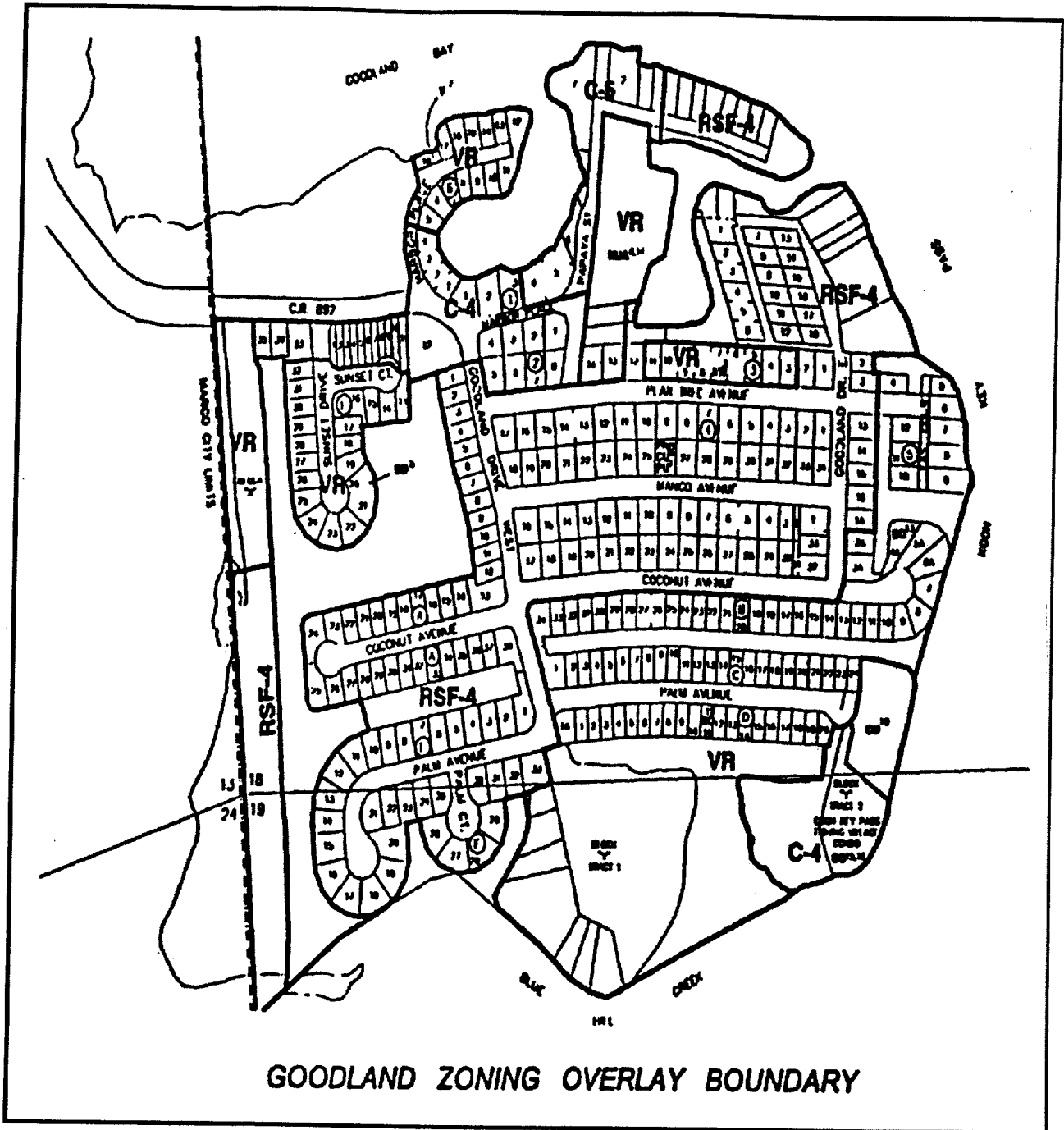
	Front Yard At	Min. Side Yard	Min. Rear Yard
--	---------------	----------------	----------------

One (Single) Family Dwelling Units	10 feet	5 feet	8 feet
Modular Dwelling Units	10 feet	5 feet	8 feet
Townhouse	10 feet	0 feet when ABUTTING another townhouse, if not then 5 feet.	8 feet
Mobile Homes	10 feet	5 feet	8 feet

9. *Residential Neighborhood Commercial Subdistrict "RNC"*. The purpose and intent of this subdistrict is to allow limited home occupational businesses.

J. Goodland Zoning Overlay "GZO"

To create design guidelines and **DEVELOPMENT** standards that will assure the orderly and appropriate **DEVELOPMENT** in the unincorporated area generally known as Goodland. The Goodland Zoning Overlay district (GZO) is intended to provide regulation and direction under which the growth and **DEVELOPMENT** of Goodland can occur with assurance that the tropical fishing village and small town environment of Goodland is protected and preserved, and that **DEVELOPMENT** and/or redevelopment reflect the unique residential and commercial characteristics of the community. The boundaries of the Goodland Zoning Overlay district are delineated on Map 1 below.



GOODLAND ZONING OVERLAY BOUNDARY

GZO - Map 1

1. *Permitted uses.* The following uses are permitted as of right in this subdistrict:

Reserved.

2. **CONDITIONAL USES.** The following uses are permitted as **CONDITIONAL USES** in this subdistrict:

a. Clam nursery, subject to the following restrictions:

1) A "clam nursery" is defined as the growing of clams on a "raceway" or "flow-through saltwater system" on the shore of a **LOT** until the clam reaches a size of approximately one-half inch.

2) For the purposes of this section, a "raceway" or "flow-through salt water system" is defined as a piece of plywood or similar material fashioned as a table-like flow through system designed to facilitate the growth of clams.

3) At no time may a nursery owner operate a raceway or raceways that exceed a total of 800 square feet of surface area.

4) The nursery must meet the requirements of a "minimal impact **AQUACULTURE** facility" as defined by the Department of Agriculture.

5) The nursery must not be operated on a vacant **LOT**, unless both of the following requirements are met:

i. The vacant **LOT** is owned by the same individual who owns a **LOT** with a residence or habitable **STRUCTURE** immediately **ADJACENT** to the vacant **LOT**; and

ii. The vacant **LOT** must not be leased to another individual for purposes of operating a clam farm within the RSF-4 and VR zoning districts.

6) At no time will a nursery owner be allowed to feed the clams, as the clams will be sustained from nutrients occurring naturally in the water.

7) Only the property owner or individual in control of the property will be allowed to operate a raceway on the shore off his property within the VR and RSF-4 zoning districts. In other words, a landowner must not lease his property to another individual to use for purposes of operating a clam nursery.

8) Any pump or filtration system used in conjunction with the nursery must meet all applicable County noise ordinances and must not be more obtrusive than the average system used for a non-commercial pool or shrimp tank

3. *Parking/storage of major recreational equipment, personal vehicles, and certain commercial vehicles.*

a. Within the VR and RSF-4 zoning districts, except for specifically designated travel trailer **SUBDIVISIONS**, boats, trailers, **RECREATIONAL VEHICLES** and other recreational equipment may be stored in any **YARD** subject to the following conditions.

1) Recreational equipment must not be used for living, sleeping, or housekeeping purposes when parked or stored.

2) **RECREATIONAL VEHICLES** or equipment must not exceed 35 feet in length.

3) **RECREATIONAL VEHICLES** or equipment must not be parked, stored or encroach in any county **RIGHT-OF-WAY** easement.

4) **RECREATIONAL VEHICLES** or equipment that exceed 35 feet in length will be subject to the provisions of section 5.03.06 of this Code.

b. Personal vehicles may be parked in drainage swales in the VR and RSF-4 zoning districts subject to the following conditions.

1) No vehicle shall block or impede traffic.

c. Commercial vehicles 35 feet in length or less will be allowed to park at the owner's home and in the drainage swale subject to the following conditions:

1) No vehicle shall block or impede traffic;

2) Drainage must not be blocked or impeded in any way as a result of the parking in the swales;

3) Parking will only be permitted in **DRIVEWAYS** and not in **YARD** areas; and

4) No more than two commercial vehicles may be parked at one residence/site, unless one or more of the vehicles is engaged in a construction or service operation on the residence/site where it is parked. The vehicle engaged in this service must be removed as soon as the construction or service is completed. For purposes of this subsection only, a commercial vehicle is defined as a van, pickup truck, or passenger car used for commercial purposes and licensed by the Department of Transportation. A vehicle is not considered a commercial vehicle merely by the display of a business name or other insignia. No other commercial vehicle, such as dump trucks, cement trucks, forklifts or other equipment used in the construction industry will be allowed to park at a residence or site overnight unless specifically approved by the County Manager or his designee.

4. Storage Sheds.

PARCELS located off of Bayshore Drive are allowed to retain any sheds that were constructed prior to the effective date of the Code. Storage sheds for fishing and boat equipment on the boat **DOCK PARCELS** off of Bayshore Drive constructed after the effective date of the Code are permissible if they comply with the following requirements:

- a. The appropriate **BUILDING** permit must be obtained.
- b. Bayshore drive **SETBACK**: ten feet.
- c. Waterfront **SETBACK**: ten feet.
- d. Side **YARD SETBACK**: 0 feet.
- e. Maximum size of shed: 144 square feet.

5. **SIGN requirements.** All **SIGNS** existing as of the effective date of this ordinance in Goodland are exempt from the requirements of the Collier County **SIGN** ordinance (section 5.06.00) for five years from the effective date of this ordinance or until the **SIGN** is destroyed, whichever comes first. Any **SIGNS** constructed after the effective date of the ordinance must strictly comply with section 5.06.00. **SIGN** maintenance is limited to painting existing **SIGNS**. All other maintenance or repairs will void the exemption and require the owner to construct a **SIGN** that strictly adheres to section 5.06.00 in the event that the owner wishes to have a **SIGN**.

K. Activity Center #9 Overlay.

The purpose of this designation is to create an enhanced entryway into the Naples urban area through appropriate, unified design elements and

standards; the implementation of which will result in an attractive, positive image as outlined in the vision statement of the Activity Center #9 Interchange Master Plan. These regulations apply to the following properties within Activity Center #9 as identified in the Interchange Master Plan Land Use Map:

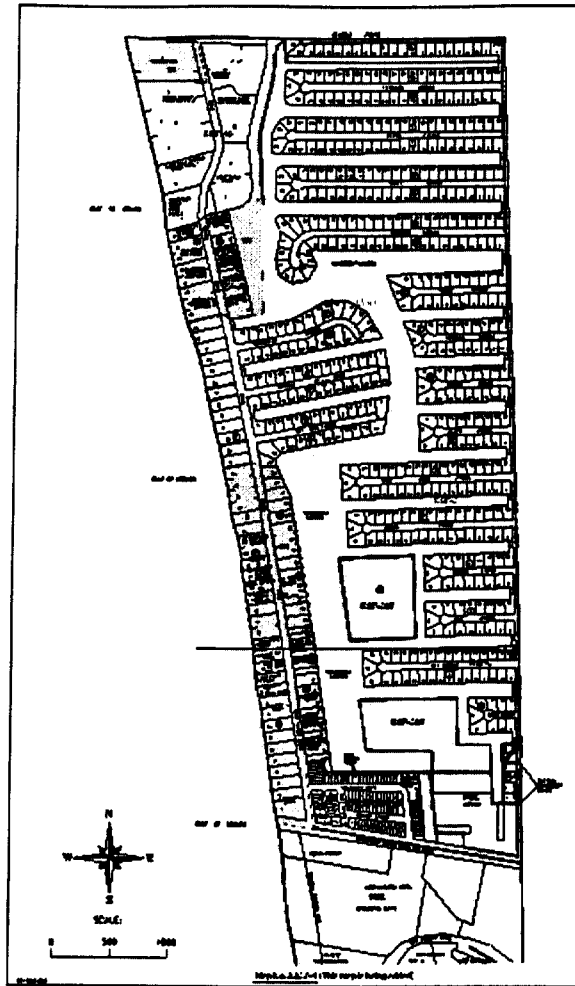
1. All **BUILDINGS** and projects that are subject to the requirements of section 5.05.08 of this LDC.
2. Nonresidential land uses **ABUTTING** any public **STREET** except industrial **BUILDINGS** internal to industrial PUD zoned project, that are located no less than 200 feet from the public **STREET**.

L. Vanderbilt Beach Residential Tourist Overlay Zoning District (VBRTO)

1. *Purpose and intent.* The purpose and intent of this district is to encourage **DEVELOPMENT** and re**DEVELOPMENT** of the Vanderbilt Beach area to be sensitive to the scale, **COMPATIBILITY** and sense of place that exists in the Vanderbilt Beach area. This district is intended to: establish **DEVELOPMENT** standards which will protect view corridors, light and air movements between the Gulf of Mexico and the Vanderbilt Lagoon and prevent the creation of a canyon-like effect on each side of the narrow Gulfshore Drive.

2. *Applicability.* These regulations shall apply to the Vanderbilt Beach Residential Tourist Overlay District as identified on VBRTO Map VBRTO-1 and further identified by the designation "VBRTO" on the applicable official Collier County zoning atlas maps. Except as provided in this section of the code, all other uses, dimensional and **DEVELOPMENT** requirements shall be as required or allowed in the applicable underlying zoning district.

3. *Geographic boundaries:* The boundaries of the Vanderbilt Beach Residential Tourist Overlay District are delineated on Map VBRTO-1 below.



VBRTO-1

4. *Figures.* The figures (1-4) used in this section are solely intended to provide a graphic example of conditions that will protect view corridors, light and air movements between the Gulf of Mexico and the Vanderbilt Lagoon and not as requirements for the style of specific projects. Variations from these figures, which nonetheless adhere to the provisions of this section, are permitted. The *Community Character Plan For Collier County, Florida* (April 2001) should be referenced as a guide for future **DEVELOPMENT** and re**DEVELOPMENT** in the overlay district.

5. **DEVELOPMENT** criteria. The following standards shall apply to all uses in this overlay district.

- a. *Permitted uses.*
 - i. **HOTELS and MOTELS.**
 - ii. Multiple-family dwellings.

- iii. Family care facilities, subject to section 5.05.04.
 - iv. Timeshare facilities.
- b. *Uses accessory to permitted uses.*
- i. Uses and **STRUCTURES** that are accessory and incidental to the uses permitted as of right in the Vanderbilt Beach Residential Tourist Overlay District (VBRTO).
 - ii. Shops, personal service establishments, eating or drinking establishments, dancing and staged entertainment facilities, and meeting rooms and auditoriums where such uses are an integral part of a **HOTEL** or a **MOTEL** and to be used by the patrons of the **HOTEL/MOTEL**.
 - iii. Private **DOCKS** and **BOATHOUSES**, subject to sections 5.03.06 and 5.05.02.
 - iv. Recreational facilities that serve as an integral part of the permitted use designated on a site **DEVELOPMENT** plan or preliminary **SUBDIVISION** plat that has been previously reviewed and approved which may include, but are not limited to: golf course clubhouse, community center **BUILDING** and tennis facilities, parks, playgrounds and playfields.
- c. **CONDITIONAL USES.** The following uses are permitted as **CONDITIONAL USES** in the Vanderbilt Beach Residential Tourist Overlay District (VBRTO), subject to the standards and procedures established in section 10.08.00:
- i. **CHURCHES** and other places of worship.
 - ii. **MARINAS**, subject to section 5.05.02.
 - iii. Noncommercial boat launching facilities, subject to the applicable review criteria set forth in section 5.03.06.
 - iv. Group care facilities (category I and II); care units; nursing homes; assisted living facilities pursuant to § 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. 4-193 F.A.C.; all subject to section 5.05.04.
 - v. Private clubs.

vi. Yacht clubs.

6. *Dimensional standards.* The following dimensional standards shall apply to all **PERMITTED, ACCESSORY, AND CONDITIONAL USES** in the Vanderbilt Beach Residential Tourist Overlay District (VBRTO).

a. *Minimum LOT area.* One contiguous acre, not bisected by a public **RIGHT-OF-WAY**.

b. *Minimum LOT width.* 150 feet.

c. *Minimum YARD requirements.*

i. **FRONT YARD:** one-half the **BUILDING** height with a minimum of 30 feet.

ii. **Side YARDS:** one-half the **BUILDING** height with a minimum of 15 feet.

iii. **Rear YARD:** one-half the **BUILDING** height with a minimum of 30 feet.

d. *Maximum height:* 75 feet. The height of the **BUILDING** will be measured according to the standards in section 1.08.00 of the Code: **BUILDING, ACTUAL HEIGHT OF** and **BUILDING, ZONED HEIGHT OF**.

e. *Maximum DENSITY permitted.* A maximum of 26 units per acre for **HOTELS** and **MOTELS**, and 16 units per acre for timeshares, multifamily, family care facilities.

f. *Distance between STRUCTURES.* The minimum horizontal distance separation between any two **PRINCIPAL BUILDINGS** on the same **PARCEL** of land may not be less than a distance equal to 15 feet or one-half of the sum of their heights, whichever is greater. For **ACCESSORY BUILDINGS AND STRUCTURES** dimensional criteria, see section 4.02.01.

g. *FLOOR AREA requirements.*

i. Three hundred (300) square foot minimum with a five hundred (500) square foot maximum for **HOTELS** and **MOTELS**, except that twenty percent (20%) of the total units may exceed the maximum.

ii. Timeshare/multifamily minimum area: efficiency (450 square feet), one bedroom (600 square feet), and two or more bedrooms (750 square feet).

h. *Maximum LOT area coverage.* (Reserved.)

7. *Preservation of view corridors, light and air movements between the Gulf of Mexico and the Vanderbilt Lagoon.*

a. Figures 1 – 4, while not requirements, depict desired **BUILDING** relationships and view plane/angle of vision examples. Figures used in this section are solely intended to provide a graphic example of conditions that will protect view corridors, light and air movements between the Gulf of Mexico and the Vanderbilt Lagoon and not as requirements for the style of specific projects. Variations from these figures, which nonetheless adhere to the provisions of this section, are permitted.

8. *Off-STREET parking and off-STREET loading.* As required in Chapter 4 of this code.

9. *Landscaping requirements.* As required in Chapter 4 of this code.

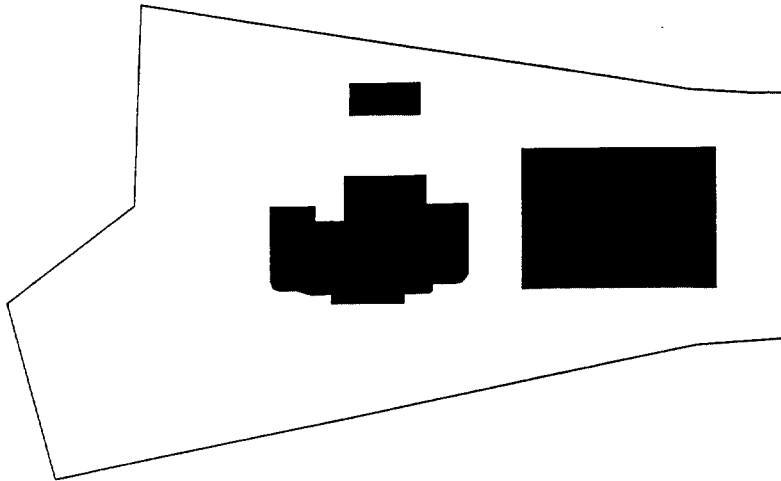
10. **SIGNS.** As required in section 5.06.00 of this code.

11. *Coastal Construction Setback Lines (CCSL).* As required in Chapter 10 of this code.

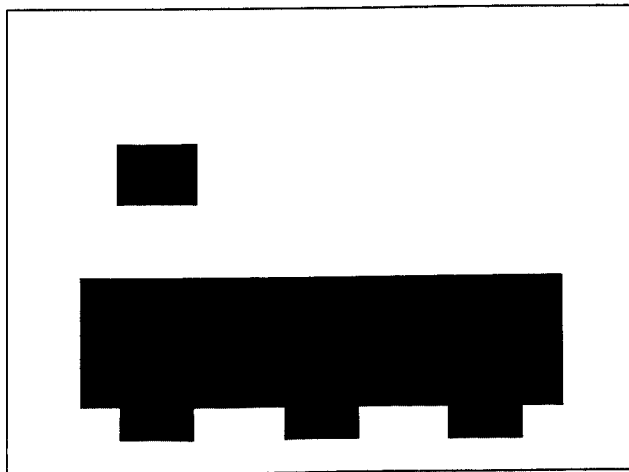
12. *Post-Disaster Recovery And Reconstruction Management.* As required in the Code of Laws of Collier County.

13. *Vested Rights.* All projects within the Overlay District for which completed applications for rezoning, conditional use, variance, **SUBDIVISION**, site **DEVELOPMENT** plan or plat approval were filed with or approved by Collier County Prior to the adoption date of the moratorium January 9, 2002, and subsequent amendments to LDC (moratorium provisions have expired), shall be subject to the zoning regulations for this Residential Tourist Zoning District in effect at the time the application was deemed to be complete or at the time the application was approved and or not subject to the Vanderbilt Beach Residential Tourist Zoning Overlay regulations. For purposes of this provision, the term “completed application” shall mean any application which has been deemed sufficient by planning services staff and has been assigned an application request number.

LOT AREA COVERAGE &
OPEN SPACE RELATIONSHIPS



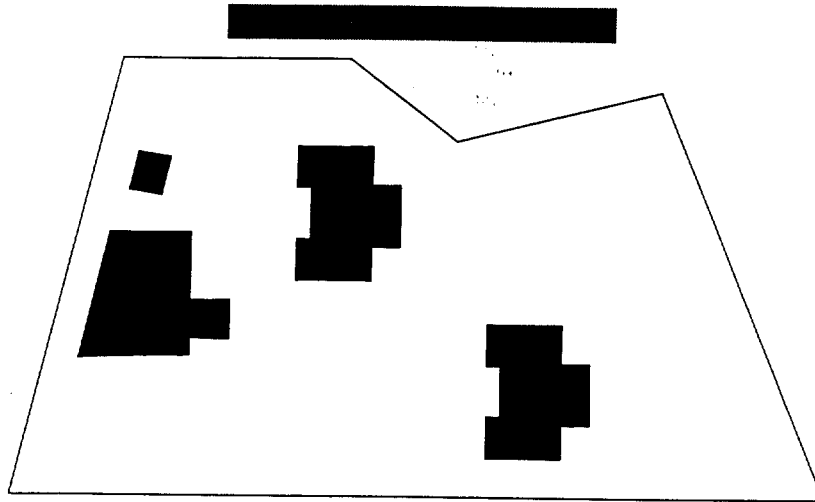
DESIRABLE



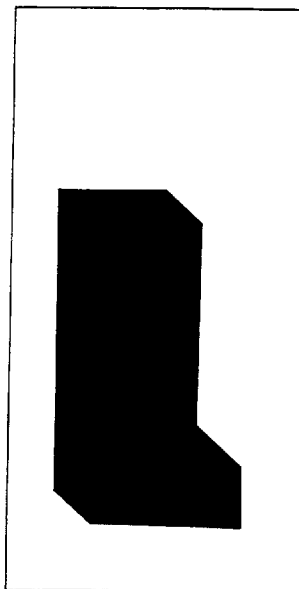
UNDESIRABLE

FIGURE - 1

LOT AREA COVERAGE &
OPEN SPACE RELATIONSHIPS

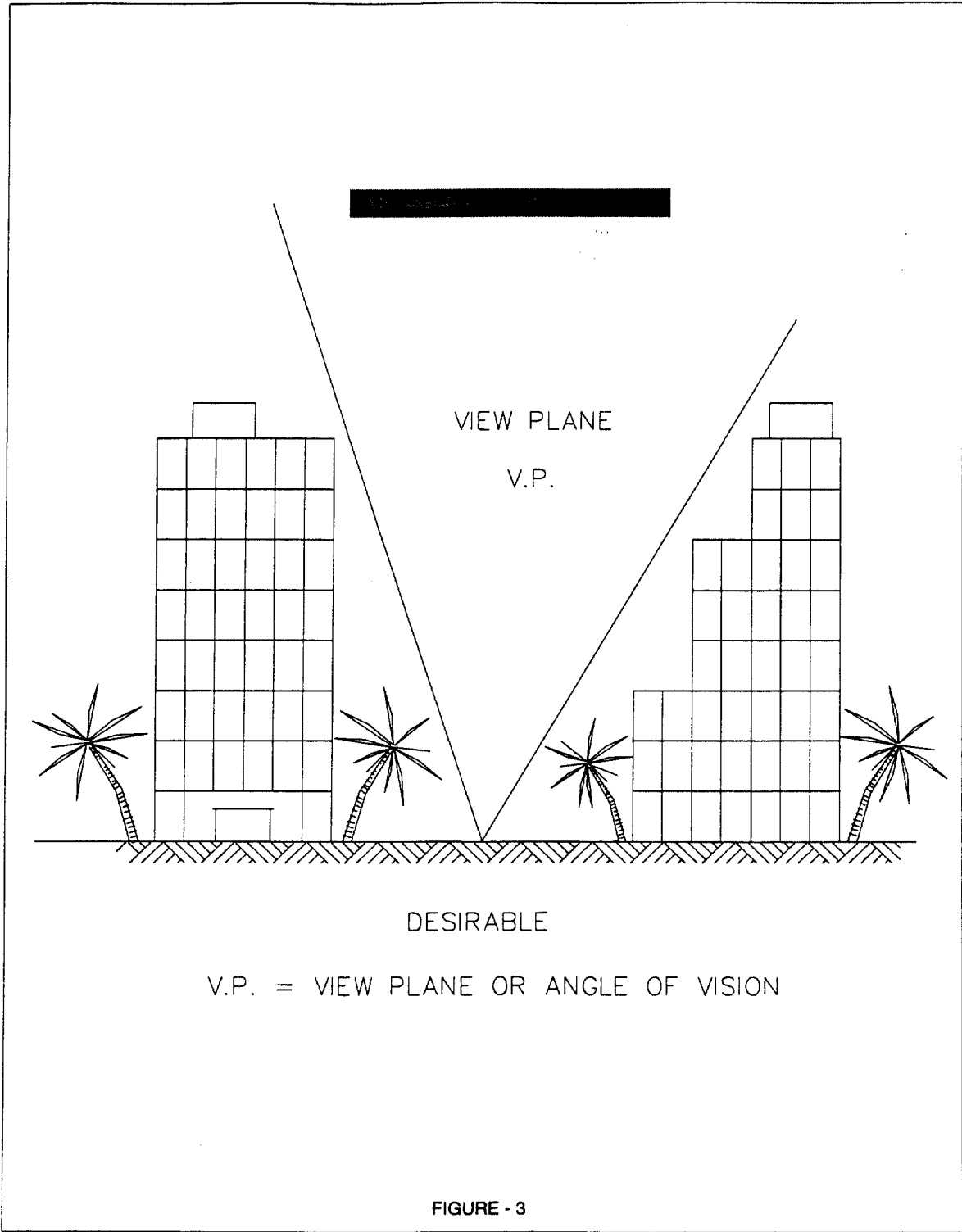


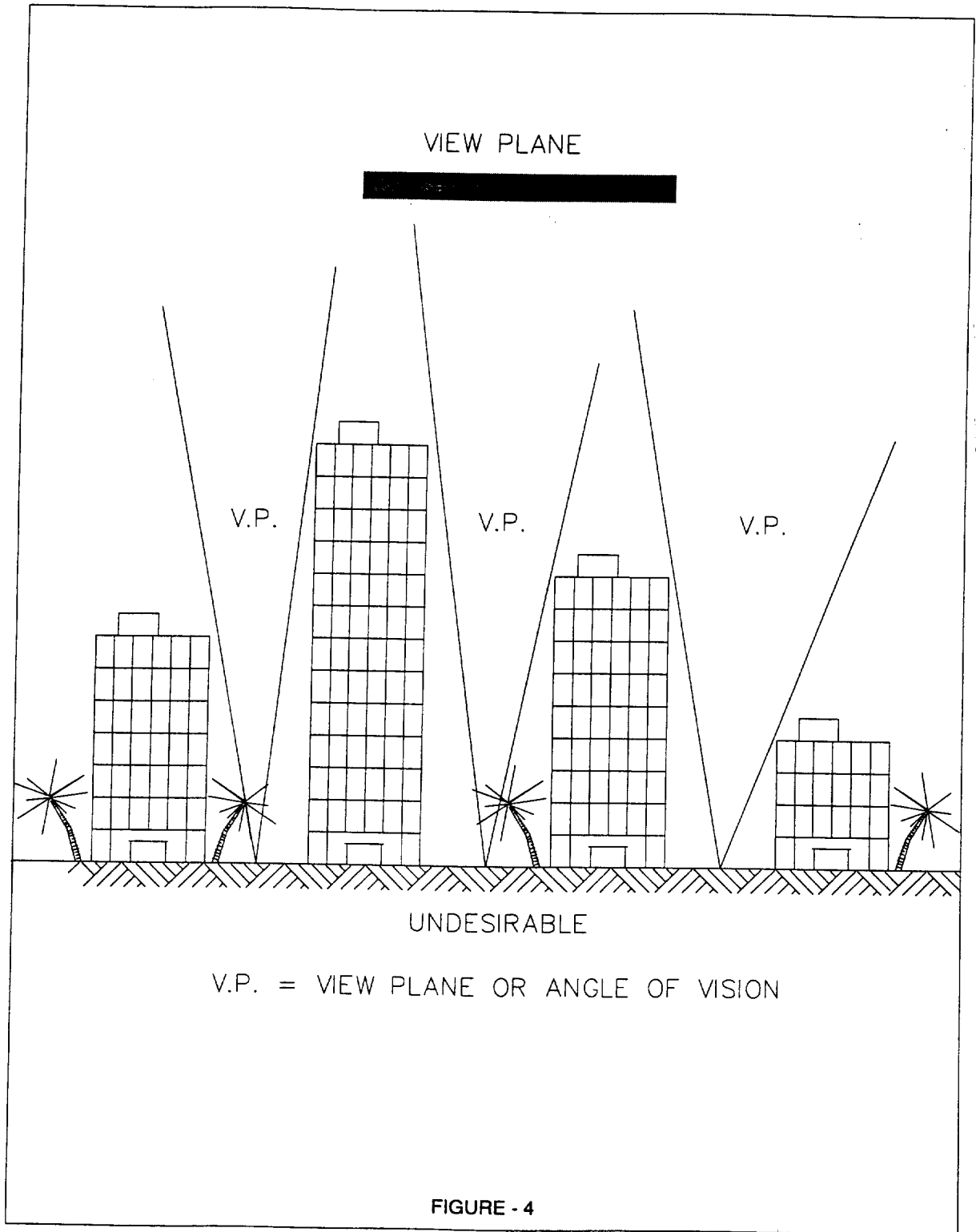
DESIRABLE



UNDESIRABLE

FIGURE - 2





L. Restricted parking (RP) overlay district: restricting the parking of

commercial and major recreational equipment.

1. *Purpose and intent.* It is the intent and purpose of the restricted parking overlay district (RP) to allow residents within a **SUBDIVISION** in Collier County to prescribe stricter regulations governing the parking of commercial and/or major recreational equipment than is provided under the minimum requirements set forth in this zoning code. This district is intended to apply as an overlay district for areas or portions of areas which are zoned for residential uses. The purpose of this section is to maintain the appearance and quality of the residential use in the manner in which it was originally platted, to reduce congestion, prevent overcrowding and the blocking of views and the free flow of air currents, and to maintain the lasting values and amenities of the neighborhood.
2. *Establishment of zoning classification.* A zoning overlay district, to be known as the restricted parking overlay district, and to be designated on the official zoning atlas by the symbol "RP" in conjunction with the basic residential symbol, is hereby established.
3. *Procedure for establishing district.* Upon petition to the board of county commissioners, signed by a minimum of 100 property owners or 50 percent of the property owners, whichever is the lesser, in the proposed district, platted **SUBDIVISION**, or a voting precinct comprising a homogeneous zoning area, the board of county commissioners may revise the boundaries of the district and enact an implementing ordinance to become effective upon approval by a majority of the qualified electors residing within the district voting in the next general election held specifically for the implementing ordinance. The election permits a choice by the elector if in favor of or opposed to the regulations adopted by the implementing ordinance.

2.03.08 Eastern Lands/Rural Fringe Zoning Districts

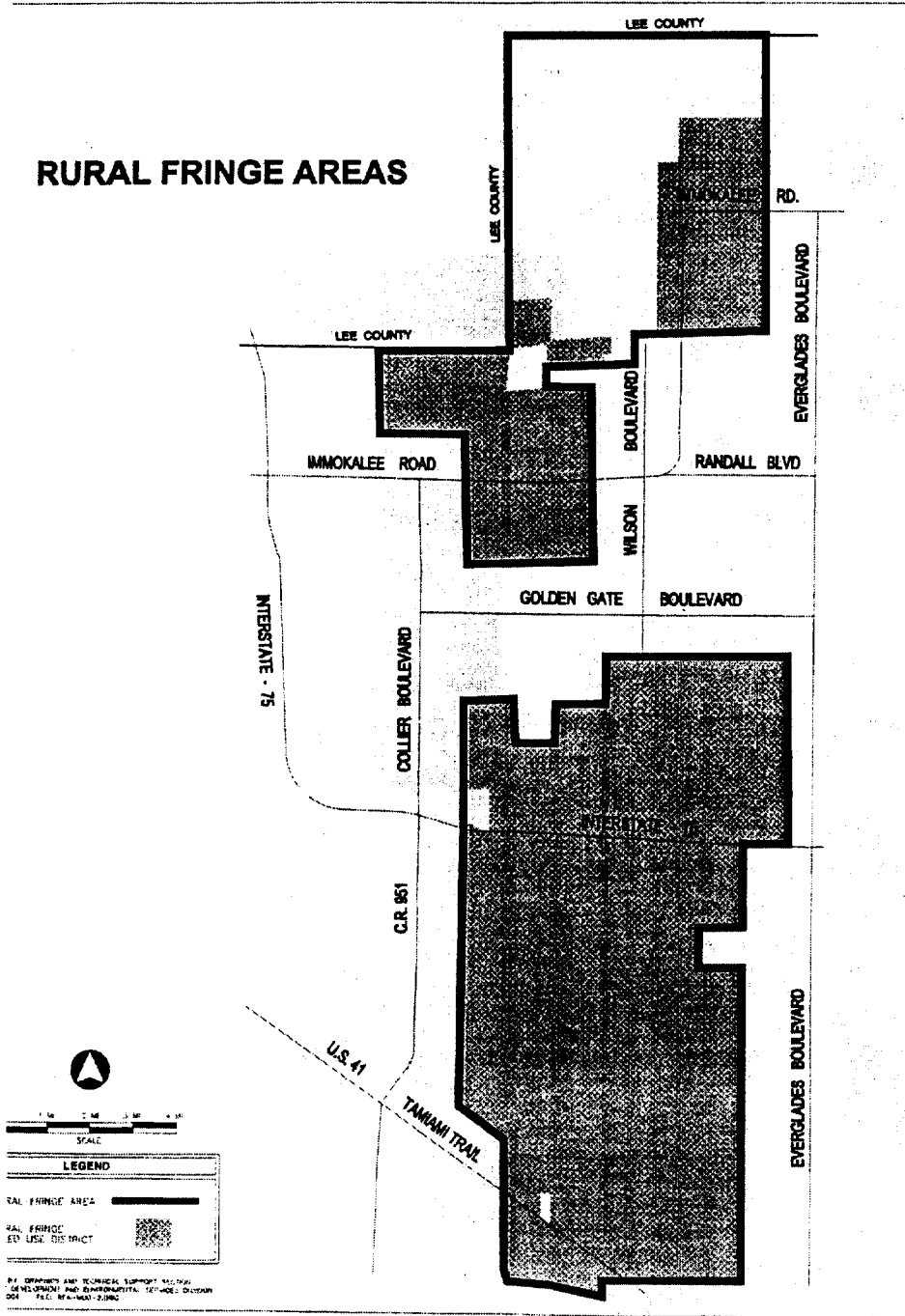
A. Rural Fringe Mixed-Use District (RFMU DISTRICT)

1. **PURPOSE AND SCOPE.** The purpose and intent of the **RFMU DISTRICT** is to provide a transition between the Urban and Estates Designated lands and between the Urban and Agricultural/Rural and Conservation designated lands farther to the east. The **RFMU DISTRICT** employs a balanced approach, including both regulations and incentives, to protect natural resources and private property rights, providing for large areas of **OPEN SPACE**, and allowing, in designated areas, appropriate types, **DENSITY** and intensity of **DEVELOPMENT**. The **RFMU DISTRICT** allows for a mixture of urban and rural levels of service, including limited extension of central water and sewer, schools, recreational facilities, commercial uses and **ESSENTIAL SERVICES**

deemed necessary to serve the residents of the **RFMU DISTRICT**. The innovative planning and **DEVELOPMENT** techniques which are required and/or encouraged within the **RFMU DISTRICT** were developed to preserve existing natural resources, including habitat for listed species, to retain a rural, pastoral, or park-like appearance from the major public rights-of-way, and to protect private property rights.

a. **ESTABLISHMENT OF RFMU ZONING OVERLAY DISTRICT.** In order to implement the RFMU designation in the future land use element (FLUE) of the GMP, the **RFMU DISTRICT**, to be designated as "RFMUO" on the Official Zoning Atlas, is hereby established. The lands included in the **RFMU DISTRICT** and to which this section 2.03.08 apply are depicted by the following map:

RURAL FRINGE AREAS





 SCALE
LEGEND
 RURAL FRINGE AREA 
 RURAL FRINGE DEVELOPMENT DISTRICT 
BY: DEPARTMENTS AND TECHNICAL SUPPORT SECTION
 DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION
 DATE: 04-11-2006

b. **EXEMPTIONS.** The requirements of this section shall not apply to, affect or limit the continuation of existing uses. Existing uses shall include those uses for which all required permits were issued prior to June 19, 2002, and projects for which a Conditional use or Rezone petition has been approved by the County prior to June 19, 2002, or land use petitions for which a completed application has been submitted prior to June 19, 2002. The continuation of existing uses shall include expansions of those uses if such expansions are consistent with or clearly ancillary to the existing uses. Hereafter, such previously approved **DEVELOPMENT**s shall be deemed to be consistent with the Plan's Goals, Objectives and Policies and for the **RFMU DISTRICT**, and they may be built out in accordance with their previously approved plans. Changes to these previous approvals shall also be deemed consistent with the Plan's Goals, Policies and Objectives for the **RFMU DISTRICT** as long as they do not result in an increase in **DEVELOPMENT DENSITY** or intensity.

c. **ORDINANCE SUPERCEDED.** Ordinance Number 98-17 is hereby expressly superceded. Any **DEVELOPMENT** in the area formerly subject to that ordinance shall henceforth conform to the provisions of this Section and all other provisions of this Code that are applicable to **DEVELOPMENT** within the **RFMU DISTRICT**.

2. **RFMU RECEIVING LANDS.** **RFMU RECEIVING LANDS** are those lands within the **RFMU DISTRICT** that have been identified as being most appropriate for **DEVELOPMENT** and to which residential **DEVELOPMENT** units may be transferred from **RFMU SENDING LANDS**. Based on the evaluation of available data, **RFMU RECEIVING LANDS** have a lesser degree of environmental or listed species habitat value than **RFMU SENDING LANDS** and generally have been disturbed through **DEVELOPMENT** or previous or existing agricultural operations. Various incentives are employed to direct **DEVELOPMENT** into **RFMU RECEIVING LANDS** and away from **RFMU SENDING LANDS**, thereby maximizing **NATIVE VEGETATION** and habitat preservation and restoration. Such incentives include, but are not limited to: the TDR process; **CLUSTERED DEVELOPMENT**; **DENSITY** bonus incentives; and, provisions for central sewer and water. Within **RFMU RECEIVING LANDS**, the following standards shall apply, except as noted in section 2.03.08 A.1. above, or as more specifically provided in an applicable PUD.

a. **OUTSIDE RURAL VILLAGES**

(1) **NBMO Exemption.** Except as specifically provided herein **NBMO Receiving Lands** are only subject to the provisions of section 2.03.08 D.

(2) Maximum **DENSITY**.

(a) Base **DENSITY**. The base **RESIDENTIAL DENSITY** allowable within **RFMU RECEIVING LANDS**, exclusive of the applicable **DENSITY BLENDING** provisions set forth in section 2.05.02, is one (1) unit per five (5) gross acres (0.2 **DWELLING UNITS** per acre) or, for those legal **NONCONFORMING LOTS** or **PARCELS** in existence as of June 22, 1999, one (1) unit per **LOT** or **PARCEL**.

(b) Additional **DENSITY**

i. **TDRS**. Outside of **RURAL VILLAGES**, the maximum **DENSITY** achievable in **RFMU RECEIVING LANDS** through the TDR process is one (1) dwelling unit per acre.

a) **CLUSTERING** Required. Where the transfer of **DEVELOPMENT** rights is employed to increase **RESIDENTIAL DENSITY** within **RFMU RECEIVING LANDS**, such residential **DEVELOPMENT** shall be **CLUSTERED** in accordance with the following provisions:

i) Central water and sewer shall be extended to the project. Where County sewer or water services may not be available concurrent with **DEVELOPMENT** in **RFMU RECEIVING LANDS**, interim private water and sewer facilities may be approved.

ii) The maximum **LOT** size allowable for a single-family detached dwelling unit is one acre.

iii) The **CLUSTERED DEVELOPMENT** shall be located on the site so as to provide to the greatest degree practicable: protection for listed species habitat; preservation of the highest quality **NATIVE VEGETATION**; connectivity to **ADJACENT NATURAL RESERVATIONS** or preservation areas on **ADJACENT DEVELOPMENT** s; and, creation, maintenance or enhancement of wildlife corridors.

b) Minimum Project Size. The minimum project size required in order to receive transferred **DWELLING UNITS** is 40 contiguous acres.

c) Emergency Preparedness. In order to reduce the likelihood of threat to life and property from a

tropical storm or hurricane event any **DEVELOPMENT** approved under the provisions of this section shall demonstrate that adequate emergency preparedness and disaster prevention measures have been taken by, at a minimum:

i) Designing community facilities, schools, or other public **BUILDINGS** to serve as storm shelters if located outside of areas that may experience inundation during a Category 1 or worse storm event. While the need to utilize such shelters will be determined on a case-by-case basis, areas which are susceptible to inundation during such storm events are identified on the Sea, Lake, and Overland Surge from Hurricane (SLOSH) Map for Collier County.

ii) Evaluating impacts on evacuation routes, if any, and working with the Collier County Emergency Management staff to develop an Emergency Preparedness Plan to include provisions for storm shelter space, a plan for emergency evacuation, and other provisions that may be deemed appropriate and necessary to mitigate against a potential disaster.

iii) Working with the Florida Division of Forestry, Collier County Emergency Management staff, and the managers of any **ADJACENT** or nearby public lands, to develop a Wildfire Prevention and Mitigation Plan that will reduce the likelihood of threat to life and property from wildfires. This plan shall address, at a minimum: project structural design; the use of materials and location of **STRUCTURES** so as to reduce wildfire threat; firebreaks and **BUFFERS**; water features; and, the rationale for prescribed burning on **ADJACENT** or nearby lands.

ii. Additional **DENSITY**. Once the maximum **DENSITY** is achieved through the use of TDRs, additional **DENSITY** may be achieved as follows:

a) A **DENSITY** bonus of 0.1 unit per acre shall be allowed for the preservation of additional **NATIVE VEGETATION** as set forth in Section 3.05.07 E. 1. of the Code.

b) A **DENSITY** bonus of 0.1 units per acre shall be allowed for projects that incorporate those additional **WETLANDS** mitigation measures set forth in Section 3.05.07 F. 4. b. of the Code.

(3) Allowable Uses

(a) Uses Permitted as of Right. The following uses are permitted as of right, or as **USES ACCESSORY TO PERMITTED USES**:

i. Agricultural activities, including, but not limited to: Crop raising; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; beekeeping; poultry and egg production; milk production; livestock raising, and **AQUACULTURE** for native species subject to the State of Florida Game and Freshwater Fish Commission permits. Owning, maintaining or operating any facility or part thereof for the following purposes is prohibited:

a) Fighting or baiting any animal by the owner of such facility or any other person or entity.

b) Raising any animal or animals intended to be ultimately used or used for fighting or baiting purposes.

c) For purposes of this subsection, the term baiting is defined as set forth in § 828.122(2)(a), F.S., as it may be amended from time to time.

ii. Single-family residential **DWELLING UNITS**, including **MOBILE HOMES** where a **MOBILE HOME Zoning Overlay** exists.

iii. Multi-family residential **STRUCTURES**, if **CLUSTERING** is employed.

iv. **RURAL VILLAGES**, subject to the provisions set forth under section 2.03.08 A.2.b. below.

v. Dormitories, **DUPLEXES** and other types of staff housing, as may be incidental to, and in support of, **CONSERVATION USES**.

vi. Family Care Facilities: 1 unit per 5 acres and subject to section 5.05.04 of this Code.

vii. Staff housing as may be incidental to, and in support of, safety service facilities and **ESSENTIAL SERVICES**.

viii. Farm labor housing limited to 10 acres in any single location:

a) Single family/**DUPLEX/MOBILE HOME**: 11 **DWELLING UNITS** per acre; and

b) Multifamily/dormitory: 22 **DWELLING UNITS/beds** per acre.

ix. Sporting and Recreational camps not to exceed 1 cabin/lodging unit per 5 gross acres.

x. Those **ESSENTIAL SERVICES** identified as permitted uses in section 2.01.03 (A) and in accordance with the provisions, conditions and limitations set forth therein.

xi. Golf courses or driving ranges, subject to the following standards:

a) The minimum **DENSITY** shall be as follows:

i) For golf course projects utilizing **DENSITY BLENDING** Provisions set forth in the **DENSITY** Rating System of the FLUE: one (1) dwelling unit per five (5) gross acres.

ii) For golf course projects not utilizing **DENSITY BLENDING** Provisions, including freestanding golf courses: the minimum **DENSITY** shall be one (1) dwelling unit per five (5) gross acres, and one additional dwelling unit per five (5) gross acres for the land area utilized as part of the golf course, including the clubhouse area, rough, fairways, greens, and lakes, but excluding any area dedicated as conservation, which is non-irrigated and retained in a natural state. The additional required **DENSITY** for such golf course **DEVELOPMENT** shall be achieved by acquiring TDRs from Sending Lands.

b) Golf courses shall be designed, constructed, and managed in accordance with Audubon International's Gold Signature Program. The project shall demonstrate that the Principles for Resource Management required by the Gold Signature Program (Site Specific Assessment, Habitat Sensitivity, Native and Naturalized Plants and Natural Landscaping, Water Conservation, Waste Management, Energy Conservation & Renewable Energy Sources, Transportation, Greenspace and Corridors, Agriculture, and

BUILDING Design) have been incorporated into the golf course's design and operational procedures.

c) In order to prevent the contamination of soil, surface water and ground water by the materials stored and handled by golf course maintenance operations, golf courses shall comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995.

d) To protect ground and surface water quality from fertilizer and pesticide usage, golf courses shall demonstrate the following management practices:

i) The use of slow release nitrogen sources;

ii) The use of soil and plant tissue analysis to adjust timing and amount of fertilization applications;

iii) The use of an integrated pest management program using both biological and chemical agents to control various pests;

iv) The coordination of pesticide applications with the timing and application of irrigation water; and

v) The use of the procedure contained in IFAS Circular 1011, *Managing Pesticides for Golf Course Maintenance and Water Quality Protection*, May 1991 (revised 1995) to select pesticides that will have a minimum adverse impact on water quality.

e) To ensure water conservation, golf courses shall incorporate the following in their design and operation:

i) Irrigation systems shall be designed to use weather station information and moisture-sensing systems to determine the optimum amount of irrigation water needed considering soil moisture and evapotranspiration rates.

ii) Golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies to the extent that a sufficient amount of such water is available and the piping or other conveyance necessary for delivery

of such water exists at a location **ABUTTING** the golf course property boundary or within 50 feet of such boundary and accessible via existing rights of way or **EASEMENTS**;

iii) Native plants shall be used exclusively except for special purpose areas such as golf greens, fairways, and **BUILDING** sites. Within these excepted areas, landscaping plans shall require that at least 75% of the trees and 50% of the shrubs be freeze-tolerant native Floridian species. At least 75% of the required native trees and shrubs shall also be drought tolerant species.

f) Stormwater management ponds shall be designed to mimic the functions of natural systems: by establishing **SHORELINES** that are sinuous in configuration in order to provide increased length and diversity of the littoral zone. A Littoral shelf shall be established to provide a feeding area for water dependent avian species. The combined length of vertical and rip-rapped walls shall be limited to 25% of the **SHORELINE**. Credits to the site preservation area requirements, on an acre-to-acre basis, shall be given for littoral shelves that exceed these littoral shelf area requirements.

g) Site preservation and **NATIVE VEGETATION** retention requirements shall be those set forth in section 4.06.00 of this Code.

xii. Public and private schools, subject to the following criteria:

a) Site area and school size shall be subject to the General **EDUCATIONAL FACILITIES** Report submitted annually by the Collier County School Board to the Board of County Commissioners.

b) The Site must comply with the **STATE REQUIREMENTS FOR EDUCATIONAL FACILITIES** adopted by the State Board of Education.

c) The site shall be subject to all applicable State or Federal regulations.

xiii. **OIL AND GAS EXPLORATION**, subject to state drilling permits and Collier County non-environmental

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

(b) **ACCESSORY USES.**

i. **ACCESSORY USES** as set forth in section 2.03.01 of this Code.

ii. **ACCESSORY USES** and **STRUCTURES** that are accessory and incidental to uses permitted as of right in the **RFMU DISTRICT**.

iii. Recreational facilities that serve as an integral part of a residential **DEVELOPMENT** and have been designated, reviewed, and approved on a site **DEVELOPMENT** plan or preliminary **SUBDIVISION** plat for that **DEVELOPMENT**. Recreational facilities may include, but are not limited to clubhouse, community center **BUILDING**, tennis facilities, playgrounds and playfields.

(c) **CONDITIONAL USES.** The following uses are permissible as **CONDITIONAL USES** subject to the

standards and procedures established in section 10.08.00.

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

ii. Group care facilities and other care housing facilities, other than family care facilities, subject to a maximum **FLOOR AREA** ratio of 0.45.

iii. Zoos, aquariums, and botanical gardens, and similar uses.

iv. Facilities for the collection, transfer, processing, and reduction of **SOLID WASTE**.

v. Community facilities, such as, places of worship, childcare facilities, cemeteries, and social and fraternal organizations.

vi. Travel trailer recreation vehicle parks, subject to the following criteria:

a) the site is **ADJACENT** to an existing travel trailer **RECREATIONAL VEHICLE** site; and

b) the site is no greater than 100% of the size of the existing **ADJACENT** park site.

vii. Those **ESSENTIAL SERVICES** identified in sections 2.01.03 (G)(1) and (G)(3).

viii. In **RFMU RECEIVING LANDS** other than those within the NBMO, asphalt and concrete batch-making plants.

ix. In **RFMU RECEIVING LANDS** other than those within the NBMO, earth mining and extraction.

(4) Design Standards

(a) **DEVELOPMENT** Not Utilizing **CLUSTERING**:

i. Minimum **LOT** area: 5 Acres.

ii. Minimum **LOT** width: 165 Feet.

iii. Minimum **YARD** requirements:

a) **FRONT YARD**: 50 feet

b) **Side YARD**: 30 feet

c) **Rear YARD**: 50 feet

d) **NONCONFORMING LOTS** in existence as of June 22, 1999:

i) **FRONT YARD**: 40 feet.

ii) **Side YARD**: 10 percent of **LOT** width, not to exceed 20 feet on each side.

iii) **Rear YARD**: 50 feet.

(b) **CLUSTERED DEVELOPMENT**:

i. **LOT** areas and widths:

a) single-family

i) Minimum **LOT** area: 4,500 square feet.

ii) Maximum **LOT** area: One Acre.

- iii) Minimum **LOT** width: Interior **LOTS** 40 feet.
- iv. Maximum **LOT** width: 150 feet.
- b) multi-family
 - i) Minimum **LOT** area: One Acre.
 - ii) Maximum **LOT** area: None.
 - iii) Minimum **LOT** width: 150 feet.
 - iv) Maximum **LOT** width: None.

ii. Minimum **YARD** requirements

a) single-family. Each single-family **LOT** or **PARCEL** minimum **YARD** requirement shall be established within an approved PUD, or shall comply with the following standards:

i) Front: 20 feet (Note **FRONT YARD** Set back may be reduced to 10 feet where parking for the unit is accessed via a rear ally.

ii) Side: 6 feet

iii) Rear: 15 feet

iv) Accessory: Per section 4.02.01.

b) multi-family. For each multi-family **LOT** or **PARCEL** minimum **YARD** shall be established within an approved PUD, or shall comply with the following standards:

i) **SETBACK** from Arterial or Collector roadway(s): no multi-family dwelling may be located closer than 200 feet to a roadway classified or defined as an arterial roadway or 100 feet from any roadway classified or defined as a collector roadway.

ii) Front: 30 feet.

iii) Rear: 30 feet.

iv) Side **YARD**/separation between any multi-family **BUILDINGS**: One-half of the **BUILDING** height or 15 feet, whichever is greater.

v) Accessory: Per section 4.02.01.

iii. Height limitations

a) **PRINCIPAL STRUCTURES**

i) Single Family: 35 feet.

ii) Multi-family: Five Stories not to exceed 60 feet.

iii) Other **STRUCTURES**: 35 feet except for golf course/community clubhouses, which may be 50 feet in height.

b) **ACCESSORY STRUCTURES**. 20 feet, except for screen enclosures, which may be the same height as the **PRINCIPAL STRUCTURE**.

iv. Minimum floor space

a) Single Family: 800 square feet

b) Multi-family:

i) Efficiency: 450 Square feet

ii) One Bedroom: 600 square feet

iii) Two or More Bedrooms: 800 square feet

(c) Parking. As required in Chapter 4 of this Code.

(d) Landscaping. As required in Chapter 4 of this Code.

(e) **SIGNS**. As required in section 5.06.00 of this Code.

(5) **NATIVE VEGETATION** Retention. As required in section 4.06.00 of this Code.

(6) **USABLE OPEN SPACE**.

(a) Projects of 40 or more acres in size shall provide a minimum of 70% **USABLE OPEN SPACE**.

(b) **USABLE OPEN SPACE** includes active or passive recreation areas such as parks, playgrounds, golf courses, waterways, lakes, nature trails, and other similar **OPEN SPACES**. **USABLE OPEN SPACE** shall also include areas set aside for conservation or preservation of **NATIVE VEGETATION** and landscape areas.

(c) Open water beyond the perimeter of the site, **STREET RIGHT-OF-WAY**, except where dedicated or donated for public uses, **DRIVEWAYS**, off-**STREET** parking and loading areas, shall not be counted towards required **USABLE OPEN SPACE**.

b. **RURAL VILLAGES**. **RURAL VILLAGES**, including **RURAL VILLAGES** within the NBMO, may be approved within the boundaries of **RFMU RECEIVING LANDS**, subject to the following:

(1) Allowable Uses:

(a) All permitted uses identified in section 2.03.08 (A)(2)(a)(3)(a), when specifically identified in, and approved as part of, a **RURAL VILLAGE PUD**.

(b) **CONDITIONAL USES** 1 through 5, and 7 identified in section 2.03.08 (A)(2)(a)(3)(c), when specifically identified in, and approved as part of a **RURAL VILLAGE PUD**.

(c) All permitted and **ACCESSORY USES** listed in the C-4 General Commercial District, section 2.03.02 (E), subject to the design guidelines and **DEVELOPMENT** standards set forth in this Section.

(d) Research and Technology Parks, with a minimum size of 19 acres and a maximum size of 4% of the total **RURAL VILLAGE** acreage, subject to the design guidelines and **DEVELOPMENT** standards set forth herein, the applicable standards contained in section 2.03.06 C.7. Research and technology park planned unit **DEVELOPMENT** district guidelines and **DEVELOPMENT** standards, and further subject to the following:

i. Research and Technology Parks shall be permitted to include up to 20% of the total acreage for non-target industry uses of the type identified in paragraph (3) below; and, up to 20% of the total acreage for **WORKFORCE HOUSING**, except as provided in paragraph (7) below. At a minimum, 60% of the total park acreage must be devoted to target industry uses identified in paragraph (2) below. The specific percentage and mix of each category of use shall be determined at the time of **RURAL VILLAGE PUD** rezoning.

ii. The target industries identified by the Economic **DEVELOPMENT** Council of Collier County are aviation/aerospace industry, health technology industry and information technology industry, and include the following uses: software **DEVELOPMENT** and programming; internet technologies and electronic commerce; multimedia activities and CD-ROM **DEVELOPMENT**; data and information processing; call center and customer support activities; professional services that are export based such as laboratory research or testing activities; light manufacturing in the high tech target sectors of aviation/aerospace and health and information technologies; office uses in connection with on-site research; **DEVELOPMENT** testing and related manufacturing; general administrative offices of a research and **DEVELOPMENT** firm; educational, scientific and research organizations; production facilities and operations.

iii. Non-target industry uses may include **HOTELS** at a **DENSITY** consistent with the provisions in section 2.03.02 and those uses in the C-1 through C-3 Zoning Districts that provide support services to the target industries such as general office, banks, fitness centers, personal and professional services, medical, financial and convenience sales and services, computer related businesses and services, employee training, technical conferencing, day care centers, **RESTAURANTS** and corporate and government offices.

iv. The **RURAL VILLAGE PUD** shall include standards for the **DEVELOPMENT** of individual

BUILDING PARCELS within the park and general standards shall be adopted for pedestrian and vehicular interconnections, **BUFFERING**, landscaping, **OPEN SPACES**, signage, lighting, screening of outdoor storage, parking and access management, all to be consistent with and compatible to the other uses within the village.

v. The Research and Technology Park must be **ADJACENT** to, and have direct access via an existing or developer constructed local road to an arterial or collector roadway. The portion of the local roadway intended to provide access to the Research and Technology Park shall not be within a residential neighborhood and does not service a predominately residential area.

vi. The Research and Technology Park shall be compatible with surrounding land uses. Accordingly, it shall be separated from any residentially zoned or designated land within the **RURAL VILLAGE** by a minimum Type "C" landscape **BUFFER**, as set forth in section 4.06.00 of this Code.

vii. Whenever **WORKFORCE HOUSING** is provided, it shall be fully integrated with other compatible uses in the park through mixed-use **BUILDINGS** and/or through pedestrian and vehicular interconnections.

viii. **BUILDING** permits for non-target industry uses identified in paragraph (3) above shall not be issued prior to issuance of the first **BUILDING** permit for a target industry use.

(e) Any other use deemed by the Board of County Commissioner to be appropriate and compatible within a **RURAL VILLAGE**.

(2) Mix of Neighborhood Types. **RURAL VILLAGES** shall be comprised of several neighborhoods designed in a compact nature such that a majority of residential **DEVELOPMENT** is within one-quarter mile of a **NEIGHBORHOOD CENTER**. **NEIGHBORHOOD CENTERS** may include small-scale service retail and office uses, and shall include a public park, square, or green. **VILLAGE CENTERS** shall be designed to serve the retail, office, civic, government uses and service needs of the

residents of the **RURAL VILLAGE**. The **VILLAGE CENTER** shall be the primary location for commercial uses. **RURAL VILLAGES** shall be surrounded by a green belt in order to protect the character of the rural landscape and to provide separation between **RURAL VILLAGES** and the low **DENSITY** rural **DEVELOPMENT, AGRICULTURAL USES,** and conservation lands that may surround the **RURAL VILLAGE**. **RURAL VILLAGES** shall be designed to include the following: a mixture of residential housing types; institutional and/or commercial uses; and recreational uses, all of which shall be sufficient to serve the residents of the **RURAL VILLAGE** and the surrounding lands. In addition, except as specifically provided otherwise for **RURAL VILLAGES** within the NBMO, the following criteria and conditions shall apply to all **RURAL VILLAGES**.

(a) Allocation of Land Uses. Specific allocations for land uses including residential, commercial and other non-residential uses within **RURAL VILLAGES**, shall include, but are not limited to:

i. A mixture of housing types, including attached and/or detached single family, as well as multi-family shall be provided within a **RURAL VILLAGE**. A minimum of 0.2 units per acre in a **RURAL VILLAGE** shall be **AFFORDABLE HOUSING**, of which at least 0.1 units per acre shall be **WORKFORCE HOUSING**. The **RURAL VILLAGE** shall be designed so as to disperse the Affordable and **WORKFORCE HOUSING** units throughout the Village rather than concentrate them in a single location.

ii. A mixture of recreational uses, including parks and village greens.

iii. Civic, community, and other institutional uses.

iv. A mixture of **LOT** sizes, with a design that includes more compact **DEVELOPMENT** and attached **DWELLING UNITS** within **NEIGHBORHOOD CENTERS** and the **VILLAGE CENTER**, and reduced net densities and increasingly larger **LOT** sizes for detached residential dwellings generally occurring as **DEVELOPMENT** extends outward from the **VILLAGE CENTER**.

v. A mixture of retail, office, and services uses.

vi. If requested by the Collier County School Board during the PUD and/or DRI review process, school sites shall be provided and shall be located to serve a maximum number of residential **DWELLING UNITS** within walking distance to the schools, subject to the following criteria:

a) Schools shall be located within or **ADJACENT** to the **VILLAGE CENTER**;

b) A credit toward any applicable school impacts fees shall be provided based upon an independent evaluation/appraisal of the value of the land and/or improvements provided by the developer; and

c) Schools shall be located in order to minimize busing of students and to co-locate schools with public facilities and civic **STRUCTURES** such as parks, libraries, community centers, public squares, greens and civic areas.

vii. Within the NBM Overlay, elementary schools shall be accessed by local **STREETS**, pedestrian and bicycle facilities, and shall be allowed in and **ADJACENT** to the **RURAL VILLAGE CENTER**, provided such local **STREETS** provide adequate access as needed by the School Board.

(b) Acreage Limitations.

i. **RURAL VILLAGES** shall be a minimum of 300 acres and a maximum of 1,500 acres, exclusive of the required green belt, with exception that the maximum size of a **RURAL VILLAGE** within those **RFMU RECEIVING LANDS** south of the Belle Meade NRPA shall not exceed 2,500 acres.

ii. **NEIGHBORHOOD CENTER** - 0.5% of the total **RURAL VILLAGE** acreage, not to exceed 10 acres, within each **NEIGHBORHOOD CENTER**.

iii. **NEIGHBORHOOD CENTER** Commercial – Not to exceed 40% of the **NEIGHBORHOOD CENTER**

acreage and 8,500 square feet of gross leasable **FLOOR AREA** per acre.

iv. **VILLAGE CENTER** - Not to exceed 10% of the total **RURAL VILLAGE** acreage.

v. **VILLAGE CENTER** commercial - Not to exceed 30% of the **VILLAGE CENTER** acreage and 10,000 square feet of gross leasable **FLOOR AREA** per acre.

vi. Research and Technology Parks limited to a minimum size of 19 acres and a maximum size of 4% of the total **RURAL VILLAGE** acreage.

vii. Civic Uses and Public Parks - Minimum of 15% of the total **RURAL VILLAGE** acreage.

(3) **DENSITY**. A **RURAL VILLAGE** shall have a minimum **DENSITY** of 2.0 units per gross acre and a maximum **DENSITY** of 3.0 units per acre, except that the minimum **DENSITY** with a NBMO **RURAL VILLAGE** shall be 1.5 units per gross acre. Those densities shall be achieved as follows:

(a) **Base DENSITY**. A base **DENSITY** of 0.2 **DWELLING UNITS** per acre (1.0 **DWELLING UNITS** per five acres) for lands within the **RURAL VILLAGE**, and the land area designated as a **GREENBELT** surrounding the **RURAL VILLAGE**, is granted by right for allocation within the designated **RURAL VILLAGE**.

(b) **Minimum DENSITY**. For each **TDR CREDIT** for use in a **RURAL VILLAGE**, one **BONUS CREDIT** shall be granted, up to the minimum gross **DENSITY** of 2.0 units per acre outside of the NBMO and 1.5 units per acre within the NBMO.

(c) **Maximum DENSITY**. A developer may achieve a **DENSITY** exceeding the minimum required **DENSITY**, up to a maximum of 3.0 units per acre, through the following means:

i. **TDR CREDITS**;

ii. An additional **DENSITY** bonus 0.3 units per acre for the additional preservation of **NATIVE VEGETATION** as set forth in Chapter 4;

iii. An additional **DENSITY** bonus of 0.3 units per acre for additional **WETLANDS** mitigation as set forth in Chapter 4; and/or

iv. An additional **DENSITY** bonus of 0.5 units per acre for each Affordable or **WORKFORCE HOUSING** unit.

(4) Other Design Standards

(a) Transportation System Design.

i. The **RURAL VILLAGE** shall be designed with a formal **STREET** layout, using primarily a grid design and incorporating village greens, squares and civic uses as focal points.

ii. Each **RURAL VILLAGE** shall be served by a binary road system that is accessible by the public and shall not be gated. The road system within the **RURAL VILLAGE** shall be designed to meet County standards and shall be dedicated to the public.

iii. A **RURAL VILLAGE** shall not be split by an arterial roadway.

iv. Interconnection between the **RURAL VILLAGE** and **ADJACENT DEVELOPMENT** s shall be required.

v. Neighborhoods, **NEIGHBORHOOD CENTERS**, and the **VILLAGE CENTER** shall be connected through local and collector **STREETS** and shall incorporate traffic calming techniques as may be appropriate to discourage high-speed traffic.

vi. Public transit and school bus stops shall be co-located, where practicable.

vii. Pedestrian paths and bikeways shall be designed so as to provide access and interconnectivity.

(b) Location Restrictions and Standards.

i. In locating both schools and housing units within the **RURAL VILLAGE**, consideration shall be given to minimizing busing needs within the community.

ii. A **RURAL VILLAGE** shall not be located any closer than 3.0 miles from another **RURAL VILLAGE**.

iii. No more than one **RURAL VILLAGE** may be located in each of the distinct **RFMU DISTRICT** Receiving Areas depicted on the FLUM and on the Official Collier County Zoning Atlas maps.

iv. A **RURAL VILLAGE** shall have direct access to a roadway classified by Collier County as an arterial or collector roadway. Alternatively, access to the **RURAL VILLAGE** may be via a new collector roadway directly accessing an existing arterial, the cost of which shall be borne entirely by the developer.

v. A **RURAL VILLAGE** shall be located where other public infrastructure, such as potable water and sewer facilities, already exist or are planned.

(c) Size Limitations. **RURAL VILLAGES** shall be a minimum of 300 acres and a maximum of 1,500 acres, except within **RFMU RECEIVING LANDS** south of the Belle Meade NRPA where the maximum size may not exceed 2,500 acres. This required **RURAL VILLAGE** size is exclusive of the required **GREENBELT** area set forth in section 2.03.08 (A)(2)(b)(6).

(d) Additional Village Design Criteria: **RURAL VILLAGES** shall be designed in accordance with the following provisions:

i. **RURAL VILLAGES** shall be developed in a progressive urban to rural continuum with the greatest **DENSITY**, intensity and diversity occurring within the **VILLAGE CENTER**, to the least **DENSITY**, intensity and diversity occurring within the edge of the neighborhoods approaching the **GREENBELT**.

ii. **RURAL VILLAGES** may include "Special Districts" in addition to the **VILLAGE CENTER**, **NEIGHBORHOOD CENTER** and Neighborhoods, to accommodate uses that may require use specific design standards not otherwise provided for herein. Such Special Districts, their proposed uses, and

applicable design standards shall be identified as part of the **RURAL VILLAGE PUD** rezone process.

iii. The **RURAL VILLAGE PUD** Master Plan shall designate the location of the **VILLAGE CENTER** and each Neighborhood, **NEIGHBORHOOD CENTER** and as may be applicable, Special Districts. **RURAL VILLAGES** shall include a **VILLAGE CENTER** and a minimum of two distinct neighborhoods, with defined **NEIGHBORHOOD CENTERS**.

iv. A mixture of allowable uses is encouraged to occur within **BUILDINGS** in the **VILLAGE CENTER** and **NEIGHBORHOOD CENTERS**.

v. Transient lodging is permitted at up to 26 guest units per acre calculated on the acreage of the **PARCEL** occupied by the transient lodging and its ancillary facilities, if such **PARCEL** includes multiple uses.

vi. **BUILDING** heights may vary within the **VILLAGE CENTER** and **NEIGHBORHOOD CENTERS**, but shall not exceed 5 stories not exceeding 65 feet within the **VILLAGE CENTER**, or 4 stories no exceeding 55 feet within the **NEIGHBORHOOD CENTER**, and 3 stories not to exceed 40 feet within 200 feet of the **GREENBELT**. The height exclusions set forth in section 4.02.01 of this Code apply within a **RURAL VILLAGE**. The height exclusion set forth in section 4.02.01 applies in the **VILLAGE CENTER** only, except that:

a) section 4.02.01 requiring 300 square feet of green spaces for each parking space for which the height waiver is granted shall not apply; however,

b) For each parking space for which the height waiver is granted, an equal amount of square footage of **OPEN SPACE** shall be provided in excess of the minimum set forth in section 2.03.08 (A)(2)(b)(7).

vii. The minimum **LOT** area shall be 1,000 SF; however, within neighborhoods, especially approaching the edge of the Village and the

surrounding green belt, less compact larger **LOT** residential **DEVELOPMENT** may occur.

viii. Within the **VILLAGE CENTER** and **NEIGHBORHOOD CENTERS**, individual **BLOCK** perimeters shall not exceed 2,500 linear feet.

ix. Within the **VILLAGE CENTER** and **NEIGHBORHOOD CENTERS** required **YARDS** shall be as follows:

a) Front **SETBACKS** - 0 to 10 feet from the **RIGHT-OF-WAY** line

b) Side **SETBACKS** - 0 feet

c) Rear **SETBACKS** - 0 feet

x. Within neighborhoods outside of a Neighborhood or **VILLAGE CENTER** required **YARDS** may vary but shall be designed so as to provide for adequate light, opens space and movement of air, and shall consider the design objective of the urban to rural continuum with the greatest **DENSITY**, intensity and diversity occurring within the **VILLAGE CENTER**, to the least **DENSITY**, intensity and diversity occurring within the edge of the neighborhoods approaching the **GREENBELT**.

xi. Within the **VILLAGE CENTER** and **NEIGHBORHOOD CENTERS** overhead encroachments such as awnings, balconies, arcades and the like, must maintain a clear distance of 9 feet above the **SIDEWALK** and 15 feet above the **STREET**.

xii. Seating for outdoor dining shall be permitted to encroach the public **SIDEWALKS** and shall leave a minimum 6-foot clear pedestrian way between the outdoor dining and the streetscape planting area.

xiii. Civic or Institutional Buildings shall be subject to the specific standards of this subsection that regulate building height, building placement, building use, parking, and signage except as deviations are deemed appropriate by the Collier County planning staff with

respect to the creation of focal points, vistas, and significant community landmarks. Specific design standards shall be provided in the **RURAL VILLAGE** PUD document.

xiv. Architectural Standards: Buildings within the **VILLAGE CENTER** shall be made compatible through similar massing, volume, **FRONTAGE**, scale and architectural features. The PUD document shall adhere to the provisions of section 5.05.08 of this Code; however, deviations may be requested where such deviations are shown to further these **RURAL VILLAGE** design standards.

xv. Required vehicular parking and loading amounts and design criteria:

a) The amount of required parking shall be demonstrated through a shared parking analysis submitted with an SRA designation application. Parking shall be determined utilizing the modal splits and parking demands for various uses recognized by ITE, ULI or other sources or studies. The analysis shall demonstrate the number of parking spaces available to more than one use or function, recognizing the required parking will vary depending on the multiple functions or uses in close proximity which are unlikely to require the spaces at the same time.

b) On-site parking areas shall be organized into a series of small bays delineated by landscape islands of varied sized. A maximum spacing between landscape islands shall be 10 spaces. Landscape islands and tree diamonds shall have a minimum of one canopy tree.

c) Parking **LOTS** shall be accessed from **ALLEYS**, service lanes or secondary **STREETS**.

d) Any or all of the above parking requirements may be further reduced if a shared parking plan is submitted as part of a **RURAL VILLAGE** PUD or subsequent site **DEVELOPMENT** plan application. The shared parking plan shall demonstrate that the reduced parking is warranted as a result of the

following: shared building and/or **BLOCK** use(s) where parking demands for certain uses are low when other demands are higher; a concentration of residential **DWELLING UNITS** located within 600 feet of non-residential uses; the existence of transit for use by residents and visitors.

xvi. Landscaping minimums within the **VILLAGE CENTER** or within **NEIGHBORHOOD CENTERS** shall be met by:

a) Providing landscaping within parking **LOTS** as described, and by providing a streetscape area between the **SIDEWALK** and curb at a minimum of 5 Ft. in width;

b) Planting **STREET** trees every 40 Ft. O.C. The **STREET** tree pattern may be interrupted by architectural elements such as arcades and columns.

c) Plantings areas, raised planters, or planter boxes in the front of and **ADJACENT** to the buildings, where such planting areas do not interfere with pedestrian access and mobility.

d) Providing for additional public use landscape areas at intervals within the streetscape, on identified **PARCELS** with **BLOCKS**, or as part of public greens, squares, parks or civic uses.

xvii. **SIGNS:** The PUD document shall adhere to the provisions of section 5.06.00 of this Code; however, deviations may be requested where such deviations are shown to further these **RURAL VILLAGE** design standards by providing for pedestrian scale signage standards with **NEIGHBORHOOD CENTERS** or the **VILLAGE CENTER**.

(5) **NATIVE VEGETATION.** **NATIVE VEGETATION** shall be preserved as set forth in section 4.06.04.

(6) **GREENBELT.** Except within the NBMO **RURAL VILLAGE**, a **GREENBELT** averaging a minimum of 500 feet in width, but not less than 300 feet in width, shall be required at the perimeter of the **RURAL VILLAGE**. The **GREENBELT** is required to ensure a

permanently undeveloped edge surrounding the **RURAL VILLAGE**, thereby discouraging sprawl. **GREENBELTS** shall conform to the following:

(a) **GREENBELTS** may only be designated on **RFMU RECEIVING LANDS**.

(b) The allowable **RESIDENTIAL DENSITY** shall be shifted from the designated **GREENBELT** to the **RURAL VILLAGE**.

(c) The **GREENBELT** may be concentrated to a greater degree in areas where it is necessary to protect listed species habitat, including **WETLANDS** and uplands, provide for a **BUFFER** from **ADJACENT NATURAL RESERVATIONS**, or provide for wellfield or **AQUIFER** protection. However, at no location shall the **GREENBELT** be less than 300 feet in width.

(d) Golf courses and existing agriculture operations are permitted within the **GREENBELT**, subject to the vegetation retention standards set forth in section 4.06.04. However, golf course turf areas shall only be located within 100 feet of the **GREENBELT** boundaries (interior and exterior boundary); further, these turf areas shall only be located in previously cleared or disturbed areas.

(7) **OPEN SPACE**: Within the **RURAL VILLAGE**, a minimum of 70% of **OPEN SPACE** shall be provided, inclusive of the **GREENBELT**.

(8) **Process for Approval of a RURAL VILLAGE**. Applications for approval shall be submitted in the form of a **Planned Unit DEVELOPMENT (PUD)** rezone utilizing the standard form(s) developed by Collier County, and subject to the Fees established for a PUD rezone application. Where applicable, the **RURAL VILLAGE PUD** application will be submitted in conjunction with a **DEVELOPMENT** of Regional Impact (DRI) application as provided for in Chapter 380 of Florida Statutes, or in conjunction with any other Florida provisions of law that may supercede the DRI process. The **APPLICANT** shall notify the owner(s) of subsurface mineral rights to the property within the boundaries of the proposed **RURAL VILLAGE** prior to approval of the PUD. The Application for **RURAL VILLAGE PUD** approval shall demonstrate general compliance with the provisions of section

2.03.06 and shall include the following additional submittal requirements:

(a) EIS. An **ENVIRONMENTAL IMPACT STATEMENT** for the **RURAL VILLAGE** and surrounding **GREENBELT** area shall be submitted in accordance with the requirements of Chapter 10 of this Code.

(b) Demonstration of Fiscal Neutrality. An analysis that demonstrates that the **RURAL VILLAGE** will be fiscally neutral to county taxpayers outside of the **RURAL VILLAGE**. This analysis shall evaluate the demand and impacts on levels of service for public facilities and the cost of such facilities and services necessary to serve the **RURAL VILLAGE**. In addition, this evaluation shall identify projected revenue sources for services and any capital improvements that may be necessary to support the **RURAL VILLAGE**. In conclusion, this analysis shall indicate what provisions and/or commitments will be to ensure that the provision of necessary facilities and services will be fiscally neutral to County taxpayers outside of the **RURAL VILLAGE**. At a minimum, the analysis shall consider the following:

i. Stormwater/**DRAINAGE FACILITIES**;

ii. Potable water provisions and facilities;

iii. Reuse or "Grey" water provisions for irrigation;

iv. Central sewer provisions and facilities;

v. Law enforcement facilities;

vi. School facilities;

vii. Roads, transit, bicycle and pedestrian facilities and **PATHWAYS**;

a) **SOLID WASTE** facilities.

b) **DEVELOPMENT** phasing and funding mechanisms to address any impacts to **LEVEL OF SERVICE** in accordance with the County's adopted

CONCURRENCY management program to ensure that there will be no degradation to the adopted **LEVEL OF SERVICE** for public facilities and infrastructure identified in (1) through (7) above.

3. NEUTRAL LANDS. **NEUTRAL LANDS** have been identified for limited semi-rural residential **DEVELOPMENT**. Available data indicates that **NEUTRAL LANDS** have a higher ratio of **NATIVE VEGETATION**, and thus higher habitat values, than lands designated as **RFMU RECEIVING LANDS**, but these values do not approach those of **RFMU SENDING LANDS**. Therefore, these lands are appropriate for limited **DEVELOPMENT**, if such **DEVELOPMENT** is directed away from existing **NATIVE VEGETATION** and habitat. Within **NEUTRAL LANDS**, the following standards shall apply:

a. **ALLOWABLE USES.** The following uses are permitted as of right:

(1) Uses Permitted as of Right.

(a) Agricultural activities, including, but not limited to: Crop raising, horticulture, fruit and nut production, forestry, groves, nurseries, ranching, beekeeping, poultry and egg production, milk production, livestock raising, and **AQUACULTURE** for native species subject to the State of Florida Fish and Wildlife Conservation Commission. Owning, maintaining or operating any facility or part thereof for the following purposes is prohibited:

i. Fighting or baiting any animal by the owner of such facility or any other person or entity.

ii. Raising any animal or animals intended to be ultimately used or used for fighting or baiting purposes.

iii. For purposes of this subsection, the term baiting is defined as set forth in § 828.122(2)(a), F.S., as it may be amended from time to time.

(b) Single-family residential **DWELLING UNITS**, including **MOBILE HOMES** where a **MOBILE HOME** Zoning Overlay exists.

(c) Dormitories, **DUPLEXES** and other types of staff housing, as may be incidental to, and in support of, **CONSERVATION USES**.

(d) **GROUP HOUSING** uses subject to the following **DENSITY/intensity** limitations:

(e) Family Care Facilities: 1 unit per 5 acres;

(f) Group Care Facilities and other Care Housing Facilities: Maximum **FLOOR AREA RATIO (FAR)** not to exceed 0.45.

(g) Staff housing as may be incidental to, and in support of, safety service facilities and **ESSENTIAL SERVICES**.

(h) Farm labor housing limited to 10 acres in any single location:

i. Single family/**DUPLEX/MOBILE HOME**: 11 **DWELLING UNITS** per acre;

ii. Multifamily/dormitory: 22 **DWELLING UNITS/beds** per acre.

(i) Sporting and Recreational camps, not to exceed 1 cabin/lodging unit per 5 gross acres.

(j) Those **ESSENTIAL SERVICES** identified in section 2.01.03 (A).

(k) Golf courses or driving ranges, subject to the following standards:

i. Golf courses shall be designed, constructed, and managed in accordance with Audubon International's Gold Signature Program.

ii. In order to prevent the contamination of soil, surface water and ground water by the materials stored and handled by golf course maintenance operations, golf courses shall comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995.

iii. To protect ground and surface water quality from fertilizer and pesticide usage, golf courses shall demonstrate the following management practices:

- a) The use of slow release nitrogen sources;
- b) The use of soil and plant tissue analysis to adjust timing and amount of fertilization applications;
- c) The use of an integrated pest management program using both biological and chemical agents to control various pests;
- d) The coordination of pesticide applications with the timing and application of irrigation water;
- e) The use of the procedure contained in IFAS Circular 1011, *Managing Pesticides for Golf Course Maintenance and Water Quality Protection*, May 1991 (revised 1995) to select pesticides that will have a minimum adverse impact on water quality.

iv. To ensure water conservation, golf courses shall incorporate the following in their design and operation:

- a) Irrigation systems shall be designed to use weather station information and moisture-sensing systems to determine the optimum amount of irrigation water needed considering soil moisture and evapotranspiration rates.
- b) As available, golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies.
- c) Native plants shall be used exclusively except for special purpose areas such as golf greens, fairways, and **BUILDING** sites. Within these excepted areas, landscaping plans shall require that at least 75% of the trees and 50% of the shrubs be freeze-tolerant native Floridian species. At least 75% of the required native trees and shrubs shall also be drought tolerant species.

v. Stormwater management ponds shall be designed to mimic the functions of natural systems: by establishing **SHORELINES** that are sinuous in

configuration in order to provide increased length and diversity of the littoral zone. A Littoral shelf shall be established to provide a feeding area for water dependent avian species. The combined length of vertical and rip-rapped walls shall be limited to 25% of the **SHORELINE**. Credits to the site preservation area requirements, on an acre- to- acre basis, shall be given for littoral shelves that exceed these littoral shelf area requirements.

vi. Site preservation and **NATIVE VEGETATION** retention requirements shall be the same as those set forth in the **RFMU DISTRICT** criteria. Site preservation areas are intended to provide habitat functions and shall meet minimum dimensions as set forth in the LDC. These standards shall be established within one year.

(l) Public and private schools, subject to the following criteria:

i. Site area and school size shall be subject to the General **EDUCATIONAL FACILITIES** Report submitted annually by the Collier County School Board to the Board of County Commissioners.

ii. The Site must comply with the **STATE REQUIREMENTS FOR EDUCATIONAL FACILITIES** adopted by the State Board of Education.

iii. The site shall be subject to all applicable State or Federal regulations.

(m)**OIL AND GAS EXPLORATION**, subject to state drilling permits and Collier County non-environmental site **DEVELOPMENT** plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be

considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the **APPLICANT** shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62-30.005(2)(a)(1) through (12), F.A.C.

(2) **ACCESSORY USES.** The following uses are permitted as accessory to uses permitted as of right or to approved **CONDITIONAL USES**:

(a) **ACCESSORY USES** and **STRUCTURES** that are accessory and incidental to uses permitted as of right in section 2.03.08 (A)(3)(a)(1) above.

(b) Recreational facilities that serve as an integral part of a residential **DEVELOPMENT** and have been designated, reviewed, and approved on a site **DEVELOPMENT** plan or preliminary **SUBDIVISION** plat for that **DEVELOPMENT**. Recreational facilities may include, but are not limited to clubhouse, community center **BUILDING**, tennis facilities, playgrounds and playfields.

(3) **CONDITIONAL USES.** The following uses are permissible as **CONDITIONAL USES** subject to the standards and procedures established in section 10.08.00.

(a) Zoo, aquarium, botanical garden, or other similar uses.

(b) Community facilities, such as, places of worship, childcare facilities, cemeteries, social and fraternal organizations.

(c) Sports instructional schools and camps.

(d) Those **ESSENTIAL SERVICES** identified in sections 2.01.03 (G)(1) and (G)(3).

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

(f) Earth mining and extraction and related processing.

b. **DENSITY**

(1) Maximum Gross **DENSITY**. The maximum gross **DENSITY** in **NEUTRAL LANDS** shall not exceed one **DWELLING UNIT** per five gross acres (0.2 **DWELLING UNITS** per acre), except that the maximum gross **DENSITY** for those legal **NONCONFORMING LOTS** or **PARCELS** in existence as of June 22, 1999, shall be one dwelling unit per **LOT** or **PARCEL**.

(2) Residential **CLUSTERING**. **CLUSTERING** of residential **DEVELOPMENT** is allowed and encouraged. Where **CLUSTERED DEVELOPMENT** is employed, it shall be in accordance with the following provisions:

(a) If within the boundaries of the Rural Transition Water and Sewer District, and consistent with the provisions of the Potable Water and Sanitary Sewer Sub-elements of this Plan, central water and sewer shall be extended to the project. Where County sewer or water services may not be available concurrent with **DEVELOPMENT** in **NEUTRAL LANDS**, interim private water and sewer facilities may be approved.

(b) The **CLUSTERED DEVELOPMENT** shall be located on the site so as to provide to the greatest degree practicable:

i. protection for listed species habitat;

ii. preservation of the highest quality **NATIVE VEGETATION**;

iii. connectivity to **ADJACENT NATURAL RESERVATIONS** or preservation areas on **ADJACENT DEVELOPMENT** s; and

iv. creation, maintenance or enhancement of wildlife corridors.

(c) The minimum project size shall be at least 40 acres.

c. **DIMENSIONAL AND DESIGN STANDARDS.** Dimensional and Design Standards set forth in section 4.02.01 of this Code shall apply to all **DEVELOPMENT** in **NEUTRAL LANDS**, except for **DEVELOPMENT** utilizing the residential **CLUSTERING** provisions in section 2.03.08 (A)(3)(b)(2) above. In the case of such **CLUSTERED DEVELOPMENT**, the following dimensional standards shall apply to all permitted housing **STRUCTURE** types, accessory, and **CONDITIONAL USES**:

(1) **DEVELOPMENT** that is Not Clustered:

(a) Minimum **LOT** area: 5 Acres.

(b) Minimum **LOT** width: 165 Feet.

(c) Minimum **YARD** Requirements:

i. **FRONT YARD**: 50 feet

ii. Side **YARD**: 30 feet

iii. Rear **YARD**: 50 feet

iv. **NONCONFORMING LOTS** in existence as of June 22, 1999:

a) **FRONT YARD**: 40 feet.

b) Side **YARD**: 10 percent of **LOT** width, not to exceed 20 feet on each side.

c) Rear **YARD**: 50 feet.

(2) **DEVELOPMENT** that is Clustered.

(a) Minimum **LOT** area: 4,500 square feet.

(b) Maximum **LOT** area: One Acre.

(c) Minimum **LOT** width: Interior **LOTS** 40 feet.

(d) Maximum **LOT** width: 150 feet.

(3) Height Limitations.

(a) Principal: 35 feet

(b) Accessory: 20 feet, except for screen enclosures, which may be the same height as the **PRINCIPAL STRUCTURE**.

(c) Golf course/community clubhouses: 50 feet

(4) **FLOOR AREA**. The minimum **FLOOR AREA** for each dwelling unit shall be 800 square feet.

(5) Parking. As required in Chapter 4.

(6) Landscaping. As required in Chapter 4.

(7) **SIGNS**: As required in section 5.06.00.

d. **NATIVE VEGETATION RETENTION**. **NATIVE VEGETATION** shall be preserved as set forth in Chapter 4.

e. **USABLE OPEN SPACE.**

(1) Projects of 40 acres or more in size shall provide a minimum of 70% **USABLE OPEN SPACE**.

(2) **USABLE OPEN SPACE** includes active or passive recreation areas such as parks, playgrounds, golf courses, waterways, lakes, nature trails, and other similar **OPEN SPACES**. **USABLE OPEN SPACE** shall also include areas set aside for conservation or preservation of **NATIVE VEGETATION** and landscape areas.

(3) Open water beyond the perimeter of the site, **STREET RIGHT-OF-WAY**, except where dedicated or donated for public uses, **DRIVEWAYS**, off-**STREET** parking and loading areas, shall not be counted towards required **USABLE OPEN SPACE**.

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 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**

(1) **Uses Permitted as of Right**

(a) **AGRICULTURAL USES** consistent with Sections 163.3162 and 823.14(6) Florida Statutes (Florida Right to Farm Act).

(b) Detached single-family **DWELLING UNITS**, including **MOBILE HOMES** where the **MOBILE HOME Zoning Overlay** exists,

(c) Habitat preservation and **CONSERVATION USES**.

(d) Passive parks and other passive recreational uses.

(e) Sporting and Recreational camps, within which the lodging component shall not exceed 1 unit per 5 gross acres.

(f) Those **ESSENTIAL SERVICES** identified in section 2.01.03 (B).

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

(2) **ACCESSORY USES. ACCESSORY USES** and **STRUCTURES** that are accessory and incidental to uses permitted as of right in section 2.03.08 (A)(2)(a)(1) above.

(3) **CONDITIONAL USES.**

(a) Those **ESSENTIAL SERVICES** identified in section 2.01.03 G.2.

(b) Public facilities, including **SOLID WASTE** and resource recovery facilities, and public vehicle and equipment storage and repair facilities, shall be permitted within Section 25, Township 49S, Range 26E, on lands **ADJACENT** to the existing County landfill. This shall not be interpreted to allow for the expansion of the landfill into Section 25 for the purpose of **SOLID WASTE** disposal.

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

(d) Commercial uses accessory to permitted uses 1.a, 1.c. and 1.d above, such as retail sales of produce accessory to farming, or a **RESTAURANT** accessory to a park or preserve, so long as restrictions or limitations are imposed to insure the commercial use functions as an accessory, subordinate use.

b. USES ALLOWED WHERE TDR CREDITS HAVE BEEN SEVERED

(1) Uses Permitted as of Right

(a) **AGRICULTURAL USES** consistent with Sections 163.3162 and 823.14(6) Florida Statutes (Florida Right to Farm Act), including water management facilities, to the extent and intensity that such operations exist at the date of any transfer of **DEVELOPMENT** rights.

(b) Cattle grazing on unimproved pasture where no clearing is required;

(c) Detached single-family **DWELLING UNITS**, including **MOBILE HOMES** where the **MOBILE HOME** Zoning Overlay exists, at a maximum **DENSITY** of one dwelling unit per 40 acres. In order to retain these **DEVELOPMENT** rights after any transfer, up to one dwelling must be retained (not transferred) per 40 acres.

(d) One detached dwelling unit, including **MOBILE HOMES** where the **MOBILE HOME** Zoning Overlay exists, per **LOT** or **PARCEL** in existence as of June 22, 1999, that is less than 40 acres. In order to retain these **DEVELOPMENT** rights after any transfer, up to one dwelling must be retained (not transferred) per each **LOT** or **PARCEL**. For the purposes of this provision, a **LOT** or **PARCEL** shall be deemed to have been in existence as of June 22, 1999, upon a showing of any of the following:

i. the **LOT** or **PARCEL** is part of a **SUBDIVISION** that was recorded in the public records of the County on or before June 22, 1999;

ii. a description of the **LOT** or **PARCEL**, by metes and bounds or other specific legal description, was recorded in the public records of the County on or before June 22, 1999; or

iii. an agreement for deed for the **LOT** or **PARCEL**, which includes description of the **LOT** or **PARCEL** by limited fixed boundary, was executed on or before June 22, 1999.

(e) Habitat preservation and **CONSERVATION USES**.

(f) Passive parks and passive recreational uses.

(g) Those **ESSENTIAL SERVICES** identified in section 2.01.03 B.

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

(2) **CONDITIONAL USES**

(a) Those Essential Uses identified in section 2.01.03 G.2.

(b) Oil and gas field **DEVELOPMENT** and production, subject to state field **DEVELOPMENT** permits and Collier County non-environmental site **DEVELOPMENT** plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule

62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the **APPLICANT** shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62-30.005(2)(a)(1) through (12), F.A.C.

(c) Conditional use approval criteria: In addition to the criteria set forth in section 10.08.00 of this Code, the following additional criteria shall apply to the approval of **CONDITIONAL USES** within **RFMU SENDING LANDS**:

i. The **APPLICANT** shall submit a plan for **DEVELOPMENT** that demonstrates that **WETLANDS**, listed species and their habitat are adequately protected as specified in Chapters 3, 4 and 10.

ii. Conditions may be imposed, as deemed appropriate, to limit the size, location, and access to the conditional use.

c. DENSITY.

(1) 1.0 **DWELLING UNITS** per 40 gross acres; or

(2) 1.0 dwelling unit per **NONCONFORMING LOT** or **PARCEL** in existence as of June 22, 1999. For the purpose of this provision, a **LOT** or **PARCEL** which is deemed to have been in existence on or before June 22, 1999 is:

(a) a **LOT** or **PARCEL** which is part of a **SUBDIVISION** recorded in the public records of Collier County, Florida;

(b) a **LOT** or **PARCEL** which has limited fixed boundaries, described by metes and bounds or other specific legal description, the description of which has

been recorded in the public records of Collier County Florida on or before June 22, 1999; or

(c) a **LOT** or **PARCEL** which has limited fixed boundaries and for which an agreement for deed was executed prior to June 22, 1999.

- d. **NATIVE VEGETATION RETENTION.** As required in Chapter 4.
- e. **OTHER DIMENSIONAL DESIGN STANDARDS.** Dimensional standards set forth in section 4.02.01 of this Code shall apply to all **DEVELOPMENT** in Sending designated lands of the **RFMU DISTRICT**, except as follows:

- (1) **LOT Area and Width.**
 - (a) Minimum **LOT** Area: 40 acres.
 - (b) Minimum **LOT** Width: 300 Feet.
- (2) **Parking.** As required in Chapter 4.
- (3) **Landscaping.** As required in Chapter 4.
- (4) **SIGNS.** As required in section 5.06.00.

5. **SPECIFIC VEGETATION STANDARDS FOR THE RFMU DISTRICT.** For these specific standards, please refer to section 3.05.07 C. through 3.05.07 E. of this code.

C. NATURAL RESOURCE PROTECTION AREA OVERLAY DISTRICT (NRPA)

1. **PURPOSE AND INTENT.** The purpose and intent of the Natural Resource Protection Area Overlay District (NRPA) is to: protect endangered or potentially endangered species by directing incompatible land uses away their habitats; to identify large, connected, intact, and relatively unfragmented habitats, which may be important for these listed species; and to support State and Federal agencies' efforts to protect endangered or potentially endangered species and their habitats. NRPAs may include major wetland systems and regional flow-ways. These lands generally should be the focus of any federal, state, County, or private acquisition efforts. Accordingly, allowable land uses, vegetation preservation standards, **DEVELOPMENT** standards, and listed species protection criteria within NRPAs set forth herein are more restrictive than would otherwise be permitted in the underlying zoning district and shall

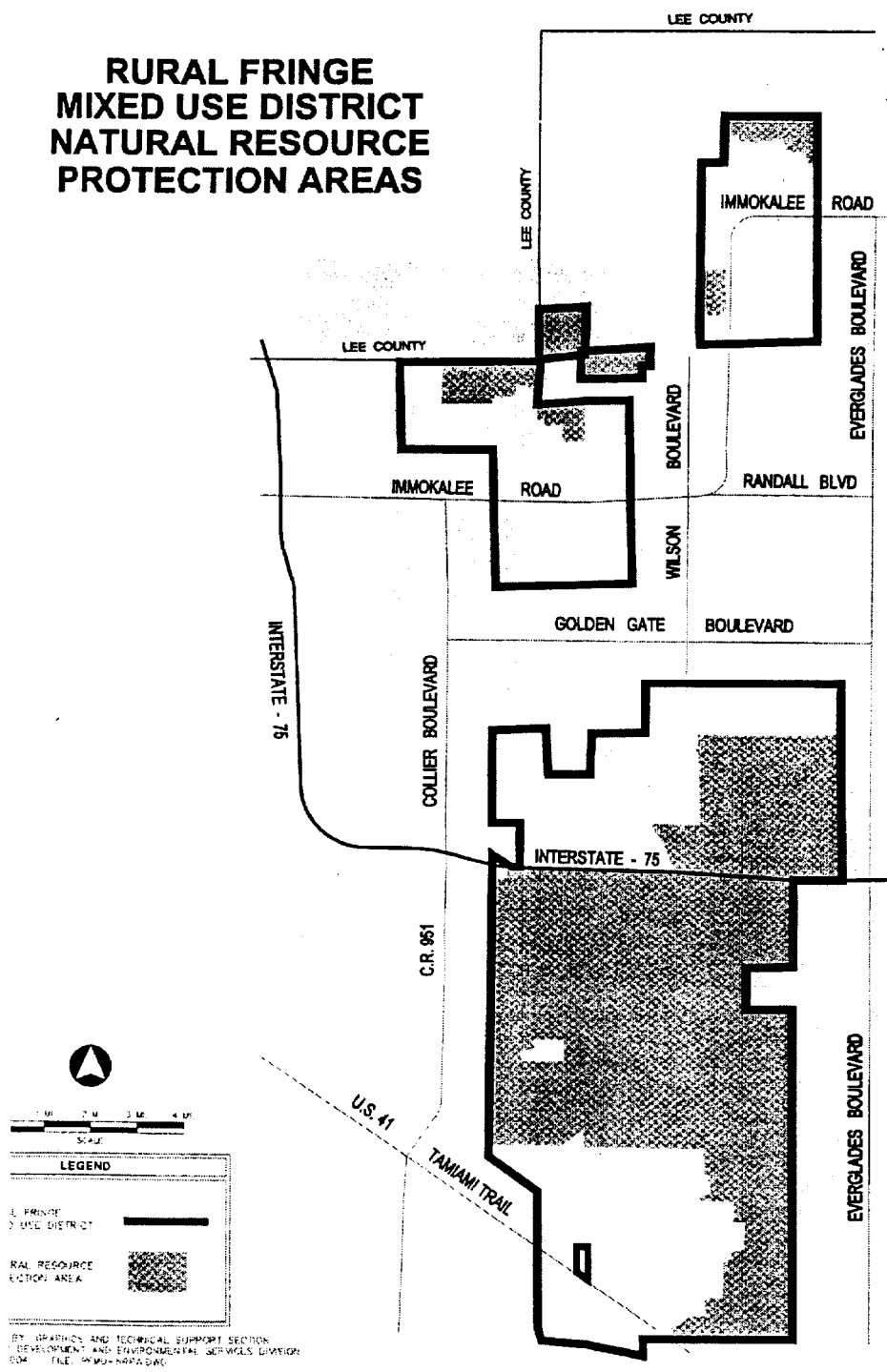
to be applicable in addition to any standards that apply in the underlying zoning district.

a. **NRPA OVERLAY AREAS.** NRPA's are located in the following areas:

- (1) Clam Bay Conservation Area (within Pelican Bay Planned Unit **DEVELOPMENT**);
- (2) CREW (Corkscrew Regional Ecosystem Watershed);
- (3) North Belle Meade;
- (4) South Belle Meade;
- (5) South Golden Gate Estates.

The NRPA lands within the Rural Fringe Mixed Use District to which the Section 2.03.08 C. regulations apply (i.e. - numbers 3 and 4 above) are depicted by the following map:

**RURAL FRINGE
MIXED USE DISTRICT
NATURAL RESOURCE
PROTECTION AREAS**



b. NRPAS DESIGNATED AS RFMU SENDING LANDS WITHIN THE RFMU DISTRICT. NRPAs located in the RFMU DISTRICT are

identified as **RFMU SENDING LANDS** and are further subject to the provisions, conditions and standards set forth in section 2.03.08 (A)(4). Private property owners within these NRPA's may transfer residential **DEVELOPMENT** rights from these important environmentally sensitive lands to other identified "receiving" lands pursuant to the specific provisions set forth in section 2.01.03 of this Code.

c. **DEVELOPMENT STANDARDS. DEVELOPMENT** within a NRPA shall adhere to the following standards:

(1) Vegetation Retention and Site Preservation – **NATIVE VEGETATION** retention shall be as required in Chapter 4.

(2) Permitted and **CONDITIONAL USES** for all lands within a NRPA that are zoned CON and for those lands within any NRPA that are publicly owned shall be as set forth in sections 2.03.05 (B)(1)(a), (b) and (c), respectively.

(3) For privately owned lands within a NRPA within the **RFMU DISTRICT**, permitted and **CONDITIONAL USES** shall be those as set forth in the **RFMU DISTRICT** Sending Lands (section 2.03.08 A.4.).

(4) For privately owned lands within a NRPA and designated Estates, permitted and **CONDITIONAL USES** shall be those as set forth in the Estates Designation within the Golden Gate Area Master Plan. As these privately owned Estates Designated lands are acquired for conservation purposes, the Comprehensive Plan and will be amended to change the Designation to Conservation and the property will be rezoned to the **CON DISTRICT**.

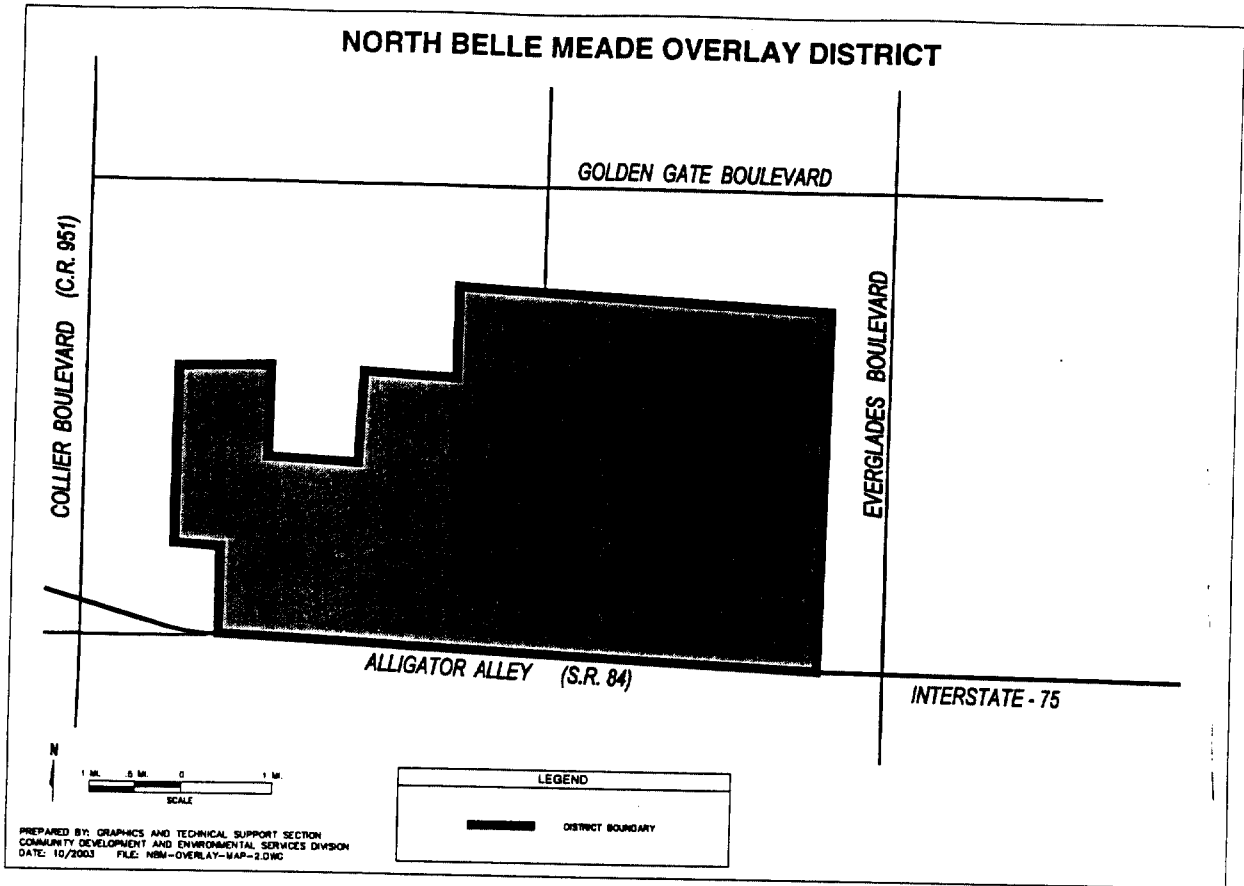
(5) There are approximately 15 sections of privately owned land within a NRPA that are not designated Sending and are not located within the **RFMU DISTRICT**. Eight (8) of these sections, known as the "hole-in-the-doughnut," are located within the South Golden Gate Estates NRPA and surrounded by platted Estates **LOTS**, almost all of which have been acquired by the State under the Florida Forever program as part of the Picayune Strand State Forest. The remaining seven (7) sections are within an approved mitigation bank located north and west of Corkscrew Swamp Sanctuary. As these privately owned Agricultural/Rural Designated lands are acquired for conservation purposes, the Plan will be amended to change the Designation to **CON DISTRICT**. Until such time as the designation on these lands is change to **CON DISTRICT**,

permitted and **CONDITIONAL USES** for these privately owned lands shall be those set forth in underlying zoning district

D. NORTH BELLE MEADE OVERLAY DISTRICT (NBMO)

1. PURPOSE AND INTENT. The **NORTH BELLE MEADE OVERLAY (NBMO)** is unique to the **RFMU DISTRICT** because it is surrounded by areas that are vested for **DEVELOPMENT** on three sides. Because this area is largely undeveloped and includes substantial vegetated areas, the NBMO can and does provide valuable habitat for wildlife, including endangered species. The NBMO is intended to achieve a balance of both preservation and opportunities for future **DEVELOPMENT** that takes into account resource protection and the relationship between this area and the Estates developing around the NBMO.

2. GENERAL LOCATION. The NBMO area 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 and approximately 15,550 acres and is located entirely within the **RFMU DISTRICT** (section 2.03.08 A.).



3. APPLICABILITY:

a. **NBMO RECEIVING LANDS.** Permitted, conditional, and **ACCESSORY USES** within NBMO Receiving Lands shall be as set forth in section 2.03.08 (A)(2), except as provided in section 2.03.08 (D)(5). 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 section 2.03.08 D.4. and section 2.03.08 D.5.b., all **DEVELOPMENT** within NBMO **NEUTRAL LANDS** shall be consistent with section 2.03.08 A.3.

c. NBMO SENDING LANDS. Except as otherwise specifically provided in section 2.03.08 D.4., all **DEVELOPMENT** with NBMO Sending Lands shall be consistent with section 2.03.08 A.4.

4. GENERAL PLANNING AND DESIGN CONSIDERATIONS:

a. **TRANSPORTATION.** As a condition for the approval of the residential component of any **SUBDIVISION** plat, site **DEVELOPMENT** plan, PUD, or DRI within Sections 21, 28, or 27 of the NBMO, the following transportation related improvements and planning and design elements shall be addressed and provision made for their completion.

(1) An extension of Wilson Boulevard shall be provided, including ROW dedication and construction to County collector road standards, through Section 33, Range 27 East, extending to the south to Interstate 75 via an interchange or service road for residential **DEVELOPMENT** should it commence in Sections 21, 28 and 27. The portion of Wilson Boulevard that traverses through NBMO Sending Lands shall be designed with aquatic species crossings and small terrestrial animal crossings.

(2) As an alternative to (1) above, a haul road along an extension of Wilson Boulevard shall be improved to standards sufficient, in the opinion of County transportation staff, to safely serve earth-mining activities with a connection through Sections 32 and 31 to Landfill Road.

(3) Lands required for the extension of Wilson Boulevard will be dedicated to Collier County at the time of rezoning. The **RIGHT-OF-WAY** shall be of a sufficient size to accommodate collector road requirements.

(4) All new roads and road improvements, other than the Wilson Boulevard extension and the haul road referenced in 2 above, shall:

(a) be routed so as to avoid traversing publicly owned natural preserves, publicly owned parks, publicly owned recreation areas, areas identified as environmentally sensitive wildlife habitat, wildlife corridors, and greenways unless there is no feasible and prudent alternative; and

(b) be designed with aquatic species crossings, small terrestrial animal crossings, and large terrestrial animal crossings pursuant to Florida Fish and Wildlife Conservation Commission criteria.

b. **BUFFERING.** The western 1/4 of Sections 22 and 27 shall be **BUFFERED** from the NBMO NRPA to the east by a **BUFFER** preservation that includes all of the eastern 1/2 of the western 1/4 of Sections 22 and 27. This **BUFFER** shall consist of lake excavation areas between the Wilson Boulevard extension road **RIGHT-OF-WAY** and the NRPA.

c. **GREENWAY.** A Greenway that follows natural **FLOWWAYS**, as contemplated in the Community Character Plan prepared by Dover Kohl, shall be created within NBMO Sending Lands. As a condition to the creation of **TDR CREDITS** from NBMO Sending Lands that constitute natural **FLOWWAYS**, such lands shall be dedicated to a public or private entity for use as part of the Greenway.

5. ADDITIONAL SPECIFIC AREA PROVISIONS

a. RECEIVING LANDS

(1) DENSITY.

(a) The base **DENSITY** in **RFMU RECEIVING LANDS**, outside of a **RURAL VILLAGE** is one dwelling unit per five (5) gross acres.

(b) This **DENSITY** may be increased, through **TDR CREDITS**, up to a maximum of 1 dwelling unit per gross acre.

(c) Once a **DENSITY** of 1 dwelling unit per gross acre is achieved through **TDR CREDITS**, additional may be achieved as follows:

i. 0.1 dwelling unit per acre for each acre of **NATIVE VEGETATION** preserved on-site;

ii. 0.1 dwelling unit per acre for each acre of **WETLANDS** having a functionality value, as assessed using the South Florida Water Management District's Unified **WETLANDS** Mitigation Assessment Method, of 0.65 or greater that are preserved on-site; and/or

iii. 0.1 dwelling unit per acre for each acre of NBMO Sending Land that is within either a NRPA or a **BUFFER** area adjoining a NRPA that is dedicated to a public or private entity for conservation use.

(2) The earth mining operation and asphalt plant uses that currently exist within NBMO Receiving Lands may continue and may expand as follows:

(a) Until June 19, 2004, or such other date as the GMP is amended to provide, such uses may expand only into the western half of Section 21 and shall not generate truck traffic beyond average historic levels.

(b) Such mining operations and an asphalt plant may expand on Sections 21 and 28 and the western quarters of 22 and 27 as a permitted use if either of the following occur by June 19, 2004, or such other date as the GMP is amended to provide:

i. an alignment has been selected, funding has been determined, and an accelerated construction schedule established by the BCC and the mine operator, for an east-west connector roadway between County Road 951 and the Wilson Boulevard extension; or

ii. the mine operator commits to construct a private haul road by June 19, 2006, or such other date as the GMP is amended to provide, without the use of any public funds.

(c) If the conditions for expansion set forth in b above are not satisfied, any mining operations or asphalt plant in these areas, other than continued operations on the western half of Section 21 at historic levels, shall be permitted only as a conditional use.

(3) A **GREENBELT** is not required for any **DEVELOPMENT** in NBMO Receiving Lands, whether inside or outside of a **RURAL VILLAGE**.

(4) **NBMO RURAL VILLAGE**. A **NBMO RURAL VILLAGE** shall adhere to the provisions for **RURAL VILLAGE** set forth in section 2.03.08 (A)(2)(b), except as follows:

(a) **DENSITY**. An **NBMO RURAL VILLAGE** shall have a minimum gross **DENSITY** of 1.5 **DWELLING UNITS** per acre and a maximum gross **DENSITY** of three (3) **DWELLING UNITS** per acre.

i. The minimum required **DENSITY** shall be achieved through TDR and **BONUS CREDITS**, as provided in section 2.03.08 (A)(2)(b)(3)(C).

ii. Once the minimum required **DENSITY** is achieved, additional **DENSITY** may be achieved, up to the maximum of three (3) **DWELLING UNITS** per gross acre through any one or combination of the following:

a) **TDR CREDITS**;

b) 0.3 dwelling unit per acre for each acre of **NATIVE VEGETATION** preserved on-site;

c) 0.3 dwelling unit per acre for each acre of **WETLANDS** having a functionality value, as assessed using the South Florida Water Management District's Unified **WETLANDS** Mitigation Assessment Method, of 0.65 or greater that are preserved on-site; and/or

d) 0.3 dwelling unit per acre for each acre of NBMO Sending Land that is within either a NRPA or a **BUFFER** area adjoining a NRPA that is dedicated to a public or private entity for conservation use.

(b) **SIDEWALKS** shall be required on both sides of the **STREETS**.

(c) Interconnected **BIKE LANES** shall be provided on all collector and arterial roadways.

(d) Schools shall be located within a NBMO **RURAL VILLAGE** whenever possible, in order to minimize bussing of students. Furthermore, whenever possible, schools shall be co-located with other public facilities and civic **STRUCTURES**, such as parks, libraries, community centers, public squares, greens, and civic areas.

(e) Elementary schools shall be accessible by local **STREETS** and pedestrian and bicycle facilities and shall be located in or **ADJACENT** to the **RURAL VILLAGE CENTER**, provided that local **STREETS** provide access adequate to meets the needs of the School Board.

b. **NEUTRAL LANDS.** **NEUTRAL LANDS** shall be governed by the standards set forth in section 2.03.08 (A)(3), with the exception that, in those **NEUTRAL LANDS** located in Section 24, Township 49 South, Range 26 East, a minimum of 70% of the **NATIVE VEGETATION** present shall be preserved.

2.03.09 Districts Under Moratorium

[RESERVED]

2.04.00 PERMISSIBLE, CONDITIONAL, AND ACCESSORY USES IN ZONING DISTRICTS

2.04.01 Rules for Interpretation of Uses

In any zoning district, where the list of permitted and **CONDITIONAL USES** contains the phrase "any other use which is comparable in nature with the foregoing uses and is consistent with the permitted uses and purpose and intent statement of the district" or any similar phrase which provides for a use which is not clearly defined or described in the list of permitted and **CONDITIONAL USES**, which requires the discretion of the County Manager or designee as to whether or not it is permitted in the district, then the determination of whether or not that use is permitted in the district shall be made through the process outlined in section 1.06.00, interpretations, of this LDC.

2.04.02 Effect of Approvals Under the Zoning Reevaluation Ordinance

Any use or **STRUCTURE** that has been granted a **COMPATIBILITY** exception, an exemption, or vested rights pursuant to the Collier County Zoning Reevaluation Ordinance, Ordinance No. 90-23 (1990), shall be a permitted use in the zoning district in which it is located to the extent of its approved maximum **DENSITY** or intensity of use and to the extent that it remains effective. Such use or **STRUCTURE** shall nevertheless comply with all other requirements and regulations of the LDC.

2.04.03 Table of Land Uses in Each Zoning District

The following tables identify the uses that are permissible by right in each zoning district and the uses that are allowable as **CONDITIONAL** or **ACCESSORY USES**.

Table 1. Permissible Land Uses in Each Zoning District

Land Use Type or Category	SIC Code	Zoning Districts																																	
		GC	A	E	RSF	RMF-6	RMF-12	RMF-16	RT	VR	MH	RV	C-1	C-2	C-3	C-4	C-5	I	BP	CON	UB	CF	PP	MO	MSO	SB	MDUO	WS	RS-1	RS-2	RS-3				
Accounting Services	8721																						P												
Administrative Service Facilities																																			
Adult Day Care Facilities & Centers	8322																																		
Agricultural Activities																																			
Agricultural Outdoor Sales																																			
Agricultural Services	0741, 0742, 0752-0783																																		
Agricultural Services	0711, 0721, 0722-0724, 0762, 0782, 0783																																		
Agricultural Services	0723																																		
Aircraft and Parts	3721-3728																																		
Airport - General Aviation																																			
Amusement & Recreation Services	7911, 7991																																		
Amusement & Recreation Services	7999 tourist guides only																																		
Ancillary Plants																																			

Land Use Type or Category ¹	SIC Code	Golf Course - GC	Rural Agricultural - A	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer - Recreational Vehicle Camper/RV - TRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial - I	Business Park BP	Conservation - CON	Public Use - P	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Baysshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)			
Apparel & Other Finished Products	2311-2399																																		
Apparel & Accessory Stores	5611-5699													P	P	P	P																		
Appraisers														P	P	P	P																		
Architectural, Engineering, Surveying Services	0781, 8711-8713													P	P	P	P					P													
Assisted Living Facilities														P	P	P	P																		
Attorney Offices & Legal Services	8111													P	P	P	P					P													
Auctioneering Service, Auction Rooms and Houses	7389, 5999																P																		
Auto and Home Supply Store	5531														P	P	P																		
Automobile Parking	7521													P	P	P																			
Automotive Repair, Services, and Parking	7514, 7515, 7521, 7542															E	P																		
Automotive Repair, Services, and Parking	7513-7549																P																		
Automotive Services															P	P	P																		
Automotive Dealers and Gasoline Service Stations	5511, 5531, 5541, 5571, 5599															E	P																		
Barber Shops or Colleges	7241																																		

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category	SIC Code	Golf Course - GC	Rural Agricultural - RA	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer, Recreational Vehicle, Campground - TRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial - I	Business Park - BP	Conservation - CON	Public Use - PU	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)			
Beauty Shops or Schools	7231																																		
Biking Trails																																			
Bowling Centers	7933																																		
Building Construction	1521-1542																																		
Building Materials	5211-5261																																		
Building Materials, Hardware, Garden Supplies	5231 - 5261																																		
Business Associations	8621																																		
Business Repair Service																																			
Business Services	7311, 7313, 7322-7331, 7338, 7361, 7371, 7372, 7374-7446, 7379																																		
Business Services	7311, 7313, 7322-7338, 7384																																		
Business Services	7311-7313, 7322-7338, 7361-7379, 7384, 7389																																		

<p>P = permitted E = permitted with certain exceptions Blank cell = prohibited (also see table of conditional and accessory uses)</p>	Land Use Type or Category	SIC Code																																								
	Business Services	7311-7352, 7359, 7361-7397, 7389																																								
	Business Services	7311-7353, 7359																																								
	Business Services	7312, 7313, 7319, 7334-7336, 7342-7389																																								
	Business Services	7311																																								
	Business Services	7312, 7313, 7319, 7331, 7334-7336, 7342, 7349, 7352, 7361, 7363, 7371-7384, 7389																																								
	Business Services	7311, 7313, 7322-7331, 7335-7338, 7361, 7371, 7374-7376, 7379																																								
	Business/Office Machines																																									
	Canoe Rental																																									
	Canoeing Trails																																									
	Care Units																																									
	Carnashes	7542																																								
	Category II Group Care																																									

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category	SIC Code	Golf Course - GC	Rural Agricultural - A	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer - Recreational Vehicle Campground - TTRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial	Business Park - BP	Conservation - CON	Public Use - P	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)						
Facilities																																						
Child Care - Not for Profit																																						
Child Day Care Services	8351																																					
Churches & Places of Worship																																						
Civic and Cultural Facilities																																						
Collection/Transfer Sites																																						
Commercial Printing	2752																																					
Communications	4812-4841																																					
Communications	4812-4899																																					
Communications Towers																																						
Construction																																						
Construction - Heavy																																						
Construction - Special Trade Contractors	1711-1793, 1796, 1799																																					
Construction - Special Trade Contractors	1711-1799																																					
Continuing Care Retirement Communities																																						
Depository Institutions	6011-6099																																					
Depository Institutions	6011, 6019, 6081, 6082																																					

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category ¹	SIC Code	Golf Course - GC	Rural Agricultural - A	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer, Recreational Vehicle Campground - TRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial	Business Park - BP	Conservation - CON	Public Use	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)		
Depository Institutions	6021-6062, 6091, 6099, 6111-6163																																	
Depository Institutions	6021-6062																																	
Drinking Establishments and Places	5813																																	
Drug Stores	5912																																	
Drugs and Medicine	2833-2836																																	
Duplexes						P	P																											
Dwelling Units																																		
Eating Establishments and Places	5812																																	
Educational Plants																																		
Educational Services	8211-8231																																	
Educational Services	8243-8249																																	

¹ Any high school located in this district is subject to a COMPATIBILITY REVIEW as described in Chapter 10 of the LDC.
² Any high school located in this district is subject to a COMPATIBILITY REVIEW as described in Chapter 10 of the LDC.
³ Any high school located in this district is subject to a COMPATIBILITY REVIEW as described in Chapter 10 of the LDC.
⁴ Any high school located in this district is subject to a COMPATIBILITY REVIEW as described in Chapter 10 of the LDC.
⁵ Any high school located in this district is subject to a COMPATIBILITY REVIEW as described in Chapter 10 of the LDC.

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category ¹	SIC Code	Golf Course - GC	Rural Agricultural - A	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer - Recreational Vehicle Campground - TRVC	Commercial Professional and General Office ² - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial	Business Park - BP	Conservation - CON	Public Use - P	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)				
Educational Services	8221-8299																																			
Educational Services	8211-8244, 8299																																			
Electronic Equipment & Other Electrical Equipment	3612-3699																																			
Engineering, Accounting, Management and Related Services	8711-8748															P																				
Engineering, Accounting, Management and Related Services	8711-8713																																			
Equestrian Paths																																				
Essential Services ⁶																																				
Excavation																																				
Fabricated Metal Products	3411-3479, 3419-3499																																			
Fairgrounds																																				
Family Care Facilities																																				
Fishing Piers																																				
Fishing/Hunting/Trapping	0912-1919																																			

⁶ For requirements pertaining to ESSENTIAL SERVICES, see 2.01.03

Land Use Type or Category ¹	SIC Code	Land Use Type or Category																			
		Golf Course - GC	Rural Agricultural - RA	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer/Recreational Vehicle Campground - TRVC	Commercial Professional and General Office - C-1								
		Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial	Business Park - BP	Conservation - CON	Public Use	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)	
Fixture Manufacturing																					
Food Manufacturing	2034, 2038, 2053, 2064, 2066, 2068, 2096, 2098, 2099																				
Food Products	2011-2099																				
Food Stores	5411, 5421-5499																				
Food Stores	5411-5499	P																			
Fraternal Organizations																					
Funeral Services and Crematories	7261																				
Furniture & Fixtures Manufacturing	2511-2599																				
Gasoline Services Stations	5541, 5511-5599																				
General Contractors	1521-5261	P	P	P	P																
General Merchandise Stores	5311-5399	P	P	P																	
Glass and Glazing Work	1793			P	P																
Golf Courses																					
Government Offices/Buildings	9111-9222, 9224-9229, 9311, 9411-9451, 9511-9532, 9611-9661																				

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category ¹	SIC Code																																					
Group Care Facilities																																						
Gunsmith Shop	7699																																					
Hardware Stores	5251																																					
Health Food Stores																																						
Health Services	8011-8049																																					
Health Services	8011-8049, 8082																																					
Health Services	8051-8059, 8062-8069, 8071, 8072, 8092-8099																																					
Heavy Construction	1611-1629																																					
Hiking Trails																																						
Home Furniture, Furnishings,	5713-5719, 5731-5736																																					
Equipment Store	5712-5736																																					
Home Furniture, Furnishings,																																						
Equipment Store																																						
Home Supply Store	5531																																					
Hotels and Motels	7011, 7021, 7041																																					
Hotels and Motels	7011																																					
Houseboat Rental	7999																																					
Individual & Family Social Services																																						

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category ¹	SIC Code	Golf Course - GC	Rural Agricultural - RA	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer - Recreational Vehicle Campground - TTRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial - I	Business Park - BP	Conservation - CON	Public Use - P	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)				
Industrial Inorganic Chemicals	2812-2819																																			
Industrial, Commercial, Computer, Machinery and Equipment	3511-3599																																			
Insurance Agencies, Brokers, Carriers	6311-6399, 6411													P	P	P	P	P																		
Insurance Agencies, Brokers, Carriers	6311-6361, 6411																																			
Insurance agents, brokers, and service, including Title Insurance	6361 and 6411																																			
Investment/Holding Offices	6712-6799																																			
Job Training & Vocational Services	8331																																			
Justice, Public Order & Safety	9221, 9222, 9229																																			
Labor Unions	8631																																			
Lakes Operations	7999																																			
Large Appliance Repair Service	7623													P	P	P	P	P																		
Leather Products	3131, 3199													P	P	P	P	P																		
Libraries	8231													P	P	P	P	P																		
Local and Suburban Transit	4111-4121																																			

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category	SIC Code	Golf Course - GC	Rural Agricultural - A	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer - Recreational Vehicle Campground - TTRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial - I	Business Park - BP	Conservation - CON	Public Use - P	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)					
Miscellaneous Retail Services	5912-5963																																				
Miscellaneous Retail Services	5912-5963, 5992-5999																																				
Miscellaneous Retail Services	5912, 5932-5949, 5942-5961, 5992-5999																																				
Mobile Home Dealers	5271																																				
Mobile Homes																																					
Modular Built Homes																																					
Motion Picture Production	7812-7819																																				
Motion Picture Theaters	7832																																				
Motor Freight Transportation and Warehousing	4225																																				
Motor Homes																																					
Multi-Family Dwellings																																					
Museums and Art Galleries	8412																																				
Nature Preserves																																					
Nature Trails																																					
Non-Depository Credit	6141-6163																																				
Non-Depository Credit Institutions	6111-6163																																				
Non-Depository Institutions	6011-6163																																				

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category	SIC Code	Golf Course - GC	Rural Agricultural - A	Estate - E	Residential Single Family - RSE1 - RSE6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer - Recreational Vehicle Campground - TRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial	Business Park - BP	Conservation - CON	Public Use	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)			
Non-Depository Institutions	6011, 6019, 6081, 6082																																		
Nursing Homes	6021-6062, 6091, 6099, 6111-6163																																		
Office Machine Repair Service	8051, 8052, 8249																																		
Oil & Gas Exploration	7629-7631																																		
Open Space																																			
Outdoor Storage Yard																																			
Paint, Glass, Wallpaper Stores	5231																																		
Paper and Allied Products	2621-2679																																		
Park Model Travel Trailers																																			
Park Service Facilities																																			
Parking Facilities																																			
Parking Services																																			
Parks, Public or Private																																			
Parochial Schools - Public or Private	8211																																		
Party Fishing Boats Rental	7999																																		

7 subject to state drilling permits and Collier County site DEVELOPMENT plan review procedures.

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category	SIC Code	Golf Course - GC	Rural Agricultural - A	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer - Recreational Vehicle Campground - TRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial	Business Park - BP	Conservation - CON	Public Use - P	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)				
Personal Services	7291																																			
Personal Services	7212-7215, 7221-7251, 7291																																			
Personal Services	7212, 7215, 7221-7251													P																						
Personal Services	7212, 7291																																			
Personal Services	7211, 7212, 7215, 7216, 7291, 7299 ^e														P																					
Personal Services	7215, 7217, 7219, 7261, 7291-7299															P																				
Personal Services	7211-7219																																			
Personal Services	7215-7231, 7241																																			
Personal Services	7221, 7291																																			
Photographic Goods	3812-3873																																			
Photographic Studios	7221													P	P	P	P																			
Physical Fitness Facilities	7991																																			
Physical Fitness Facilities																																				
Physical Fitness Facilities																																				
Pickup Coaches																																				
Plant and Wildlife																																				

^e Group 7299 limited to babysitting bureaus, clothing and costume rental, dating service, deplatory salons, diet workshops, dress suit rental, electrolysis, genealogical investigation service, and hair removal.

Land Use Type or Category	SIC Code	Golf Course - GC	Rural Agricultural	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer - Recreational Vehicle Campground - TRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial - I	Business Park - BP	Conservation - CON	Public Use	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)				
Conservancies	2821, 2834																																			
Plastic Materials & Synthetics																																				
Play Areas and Playgrounds																																				
Pleasure Boat Rental																																				
Printing and Publishing	2711, 2712																																			
Printing and Publishing Industries	2711-2796																																			
Professional Offices	6712-6799, 6411, 96311-6399, 6531, 6541, 6552, 6553, 8111																																			
Professional Organizations	8631																																			
Public Administration	9111-9199, 9229, 9311, 9411-9451, 9511-9532, 9611-9661																																			
Public Service Facilities - Essential																																				
Railroad Transportation	4011, 4013													P	P																					
Real Estate	6531-6541																																			

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category	SIC Code	Golf Course - GC	Rural Agricultural - A	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer - Recreational Vehicle Campground - TRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial - I	Business Park - BP	Conservation - CON	Public Use	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)							
Real Estate	6521-6541																																						
Real Estate	6512																																						
Real Estate	6512-6514, 6519, 6531-6553																																						
Real Estate Brokers and Appraisers	6531																																						
Real Estate Offices	6531, 6541, 6552, 6553																																						
Recreational Service Facilities																																							
Recreational Services - Indoor	7911-7941, 7991-7993, 7999																																						
Recreational Uses																																							
Recreational Vehicles																																							
Rehabilitative Centers	8093																																						
Repair shops and related services, not elsewhere classified	7699 ⁹																																						
Research Centers	8093																																						
Research Services	8732																																						

⁹ Antique repair and restoration, except furniture and automotive only, bicycle repair shops only, rod and reel repair.

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category	SIC Code	Golf Course - GC	Rural Agricultural - RA	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer - Recreational Vehicle Campground - TTRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial - I	Business Park - BP	Conservation - CON	Public Use - P	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)				
Concrete Products	3255-3273, 3275, 3281																																			
Storage																																				
Synthetic Materials	2834																																			
Testing Services																																				
Textile Mill Products	2211-2221, 2241-2259, 2273-289, 2287, 2298																																			
Timeshare Facilities																																				
Title abstract offices	6541																																			
Tow-in Parking Lots	7514, 7515, 7521																																			
Townhouses																																				
Transportation by Air	4512-4581																																			
Transportation Equipment	3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799																																			
Transportation Services	4724-4783, 4789																																			
Travel Agencies	4724																																			
Travel Trailers	5561																																			
Two-Family Dwelling																																				

P = permitted
 E = permitted with certain exceptions
 Blank cell = prohibited (also see table of conditional and accessory uses)

Land Use Type or Category ¹³	SIC Code	Golf Course - GC	Rural Agricultural - A	Estate - E	Residential Single Family - RSF1 - RSF6	Residential Multiple Family-6 - RMF-6	Residential Multiple Family-12 - RMF-12	Residential Multiple Family-16 - RMF-16	Residential Tourist - RT	Village Residential - VR	Mobile Home - MH	Travel Trailer - Recreational Vehicle Campground - TTRVC	Commercial Professional and General Office - C-1	Commercial Convenience - C-2	Commercial Intermediate - C-3	General Commercial - C-4	Heavy Commercial - C-5	Industrial - I	Business Park - BP	Interpolation - COI	Public Use - P	Community Facility - CF	Golden Glades Parkway Professional Office Commercial	Farm Market Overlay (Immokalee)	Agribusiness Overlay (Immokalee)	Main Street Overlay (Immokalee)	Santa Barbara Commercial Overlay	Bayshore Drive Mixed Use Overlay	Waterfront Subdistrict	Residential Subdistrict (R-1)	Residential Subdistrict 2 (R-2)	Residential Subdistrict 3 (R-3)				
United States Postal Service ¹⁴	4311																																			
Veterinarian's Office ¹⁵	0742																																			
Veterinarian's Office	0752																																			
Videotape Rental ¹⁵	7841																																			
Vocational Rehabilitation Services	8331																																			
Welding Repair	7692																																			
Wholesale Trade	5148																																			
Wholesale Trade - Durable Goods	5021, 5031, 5043-5049, 5063-5078, 5091, 5092, 5094-5099																																			
Wholesale Trade - Nondurable Goods	5111-5159, 5181, 5182, 5191																																			
Wildlife Conservancies	9512																																			
Wildlife Management	0971																																			
Wildlife Refuge/Sanctuary	0971																																			

¹³ Excludes major distribution center.
¹⁴ Excludes outdoor kenneling.
¹⁵ Limited to 1,800 square feet of gross FLOOR AREA.

Wildlife Sanctuaries Watches/Clocks	<p>P = permitted E = permitted with certain exceptions Blank cell = prohibited (also see table of conditional and accessory uses)</p>
3812-3873	SIC Code
	Golf Course - GC
	Rural Agricultural - A
	Entire - E
	Residential Single Family - RSF1 - RSF6
	Residential Multiple Family-6 - RMF-6
	Residential Multiple Family-12 - RMF-12
	Residential Multiple Family-16 - RMF-16
	Residential Tourist - RT
	Village Residential - VR
	Mobile Home - MH
	Travel Trailer - Recreational Vehicle Campground - TRVC
	Commercial Professional and General Office - C-1
	Commercial Convenience - C-2
	Commercial Intermediate - C-3
	General Commercial - C-4
	Heavy Commercial - C-5
	Industrial
	Business Park - BP
	Conservation - CON
	Public Use
	Community Facility - CF
	Golden Glades Parkway Professional Office Commercial
	Farm Market Overlay (Immokalee)
	Agribusiness Overlay (Immokalee)
	Main Street Overlay (Immokalee)
	Santa Barbara Commercial Overlay
	Bayshore Drive Mixed Use Overlay
	Waterfront Subdistrict
	Residential Subdistrict (R-1)
	Residential Subdistrict 2 (R-2)
	Residential Subdistrict 3 (R-3)

Table 2. Lands Uses that May be Allowable in Each Zoning District as Accessory Uses or Conditional Uses.

C = conditional use
 A = accessory use

AGRESSOR AND ACCESSORY USES	SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO										
Administrative or service building																		A																												
Adult day care	8322		C	C	C	C	C	C	C	C	C																																			
Agricultural: animal & livestock breeding, exotic aquaculture, aviary, dairy or poultry plant, egg production, exotic animals, ranching, or wholesale reptile breeding			C																																											
Agricultural	0741, 0742, 0752- 0783																																													
Agricultural services																																														
Amusement & recreation services	7911																																													
Amusement & recreation services	7911- 7941, 7991- 7993, 7997																																													
Amusement & recreation services	7948, 7992, 7996, 7999																																													

C = conditional use
 A = accessory use

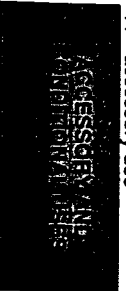
	SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO			
Ancillary plants			C	C							C	C	C	C	C			C	C	C						C	C												
Animal control																																							
Aquariums	8422		C																																				
Archery ranges	7999																										C												
Assisted living facilities			C	C	C	C	C	C	C	C	C	C	C	C	C	C																							
Auctioneering Services, auction rooms and houses	7389, 5999																																						
Automotive dealers and gasoline service stations	5521, 5551, 5561, 5599																					C	C																
Automotive rental/leasing	7513, 7519																					C																	
Beach chair, bicycle, boat or moped rentals																					C																		
Bed & breakfast facilities	7011																																						
Boathouses																																							
Boat ramps																																							
Boat yards																C																							
Botanical garden	8422		C																																				
Bottle clubs	5813																					C	C																

C = conditional use
 A = accessory use

	SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO				
Camping cabins																																								
Care Units		C	C	C	C	C	C	C	C	C	C	C	C	C	C																									
Caretaker's residence Category II group care facilities				A	C	C	C	C	C	C									A	A	A	A	A	A	A															
Cemeteries			C																																					
Chemical products	2812- 2899																											C												
Child day care	8651			A	C	C	C	C	C	C	C	C	C	C	C									C	C															
Churches & places of worship	8661			C	C	C	C	C	C	C	C	C	C	C	C																									
Civic & cultural facilities				C	C																																			
Clam nurseries																																								
Cluster development									C	C	C	C	C	C	C																									
Cocktail lounges	5813		C																																					
Collection/transfer sites				C																																				
Commercial uses																																								
Communications	4812- 4841																																							
Communication towers			C																																					

¹⁸ For restrictions/conditions on clam nurseries in the Goodland Overlay District, see 2.03.07.

C = conditional use
 A = accessory use



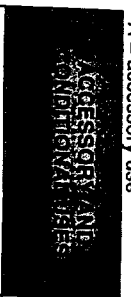
	SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO		
Community centers		A																																				
Community theaters	7922																				C																	
Concrete or asphalt plants			C																																			
Continuing care/retirement centers																																						
Convenience stores	5411																																					
Dancing establishments & staged entertainment																																						
Depository institutions	6011-6099																																					
Detention facilities																																						
Docks			A																																			
Drinking establishments	5813																																					

C = conditional use
 A = accessory use

	SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO				
Driving ranges			C																																					
Earthmining			C ¹⁷	M																						C	A / C													
Eating establishments	5812													A																										
Education services	8211-8222																			C																				
Education facilities; public & private schools	8211-8231		C		C	C	C	C	C	C	C	C	C	C	C	C																								
Electric generating plants																																								
Electric, gas, & sanitary services	4911-4971																							C																
Excavation			A ¹⁸																																					
Extraction related processing and production			C ¹⁷		C																																			
Fabricated metal products	3482-3489																							C																

¹⁷ not incidental to agricultural DEVELOPMENT of the property.
¹⁸ Subject to the following criteria: (a) the activity is clearly incidental to the agricultural DEVELOPMENT of the property;
 (b) the affected area is within a surface water management system for agricultural use as permitted by the South Florida Water Management District;
 (c) the amount of excavated material removed from the site cannot exceed 4,000 cubic yards. Amounts in excess of 4,000 cubic yards shall require conditional use approval for earthmining, pursuant to the procedures and conditions set forth in section 10.08.00.

C = conditional use
 A = accessory use



	SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO	
Farm labor housing	5153-5159		A																																		
Farm product raw materials																																					
Field crops	0912-1919			A																																	
Fishing/hunting/trapping	2011, 2048																																				
Food products																																					
Food service																																					
Food stores (over 5,000 s.t.)	5411-5499																																				
Fraternal lodges, private club, or social clubs			C	C																																	
Fuel dealers	5983-5989																																				
Fuel facilities																																					
Funeral services & crematories	7261																																				
Gas generating plants																																					
Gift shops	5947	C																																			
Golf club house			A																																		
Golf course		C																																			

C = conditional use
 A = accessory use

	SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO			
Golf driving range		A	C																																				
Group care units			C	C	C	C	C	C	C	C	C	C	C	C																									
Guesthouses			A	A	A	A	A	A	A	A																													
Health services	8011																																						
Homeless shelters	8322																																						
Hospitals	8062-8069																																						
Hotels and motels	7011, 7021																																						
Hunting cabins			C																																				
Incinerators																																							
Jails																																							
Justice, public order & safety	9211-9224																																						
Kennels & kenneling	0742, 0752		C																																				
Kiosks																																							
Leather tanning & finishing	3111																																						
Livestock				A																																			
Local and suburban transit	4111-4121																																						
Local and suburban transit	4131-4173																																						

C = conditional use
 A = accessory use

	SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO					
Lumber and wood products	2411- 2421, 2429																																								
Maintenance areas															A																										
Major maintenance facilities																																									
Marina	4493, 4499													C																											
Mental health facilities																																									
Merchandise – outdoor sales																																									
Miniature golf course	7999																																								
Mixed residential and commercial																																									
Model homes and model sales centers																																									
Motion picture theaters	7832																																								
Motion picture theaters	7833																																								
Motor freight transportation and warehousing	4212, 4213- 4225, 4226																																								
Motor freight transportation and warehousing	4225, 4226																																								
Noncommercial boat launching ramps																																									

C = conditional use
 A = accessory use

	SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO			
Nursery - retail	5261		C																																				
Nursing and personal care facilities	8062																	C																					
Nursing homes			C	C	C	C	C	C	C	C	C	C	C	C	C																								
Oil and gas extraction	1321, 1382																						C																
Oil & gas field development and production			C ¹⁹																					C ¹⁹															
Outdoor display																																							
Packaginghouse			A																																				
Paper and allied products	2611																																						
Personal services	7291																																						
Petroleum refining and related	2911-2999													A									C																
Pistol or rifle range																									C														
Play areas and playgrounds																																							
Poultry raising (small)				A																																			
Primary metal industries	3312-3399																																						
Private boathouse and docks			A		A	A	A	A	A	A	A	A	A	A	A	A																							
Private clubs																																							

¹⁹ subject to state field development permits

C = conditional use
 A = accessory use

ACCESSORY AND CONDITIONAL USES		SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO		
Private landing strips				C																																			
Pro shops (large)			C																																				
Pro shops (small)			A																																				
Recreational facilities			A	A / C	A	M	M	M	M	M	M	M	A	A	A	A / C	C																						
Recreational services																																							
Refuse systems	4953																																						
Rehabilitative centers	8093																																						
Repair or storage areas																																							
Residential uses																																							
Resource recovery plant																																							
Restaurant (small) or snack shop	5812	A																																					
Restaurant (large)	5812	C																																					
Retail shops or sales				A																																			
Rubber and misc. Plastic products	3061-3089														A									C		A													
Sanitary landfills																																							
Sawmills				C																																			

C = conditional use
 A = accessory use

AGENCY OF THE DISTRICT OF COLUMBIA		SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO			
Schools, public or private					C	C	C	C	C	C	C	C	C	C																										
Schools, private				C	C																																			
Schools, vocational	8243-8299																																							
Service facilities																																								
Slaughtering plants	2011																																							
Social association or clubs	8641			C	A																																			
Social services	8322-8399																																							
Soup kitchens																																								
Sports instructional camps or schools				C																																				
Staged entertainment facility															A																									
	3211, 3221, 3229, 3231, 3241, 3274, 3291-3299																																							
Stone, clay, glass and concrete products																																								
Swimming pools - public																																								
Storage, enclosed																																								

C = conditional use
 A = accessory use

ACCESSORY/IMP. CONDITIONAL USES		SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	RMF-6	RMF-12	RMF-16	RT	VR	MH	TTRVC	C-1	C-2	C-3	C-4	C-5	I	BP	CON	P	CF	FMO	ABO	MSO	BDMU	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	GZO			
Tennis facilities		2231, 2261- 2269, 2295, 2296																									C													
Textile mill products		2296																						C																
Transfer stations		4212																						C																
Veterinarian's office		0741- 0742		C																																				
Wholesale trade – durable goods		5015, 5051, 5052, 5093																							C															
Wholesale trade – nondurable goods		5162, 5169, 5171, 5172, 5191																							C															
Yacht club		7997													C																									
Zoo				C																																				

¹ The overlay districts are not included in this table where they are design-oriented and do not change the underlying uses. Overlay districts, whether listed herein or not, allow the uses in the underlying zoning district. Those overlay districts listed in this table also allow the specifically listed uses.

Residential Neighborhood Commercial is not included, as it deals with home occupations. Also permissible in the C-1 zoning district is any other commercial use or professional service which is comparable in nature with the listed 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.

2.05.00 DENSITY STANDARDS

2.05.01 DENSITY Standards and Housing Types

A. Where residential uses are allowable, the following **DENSITY** standards and housing type criteria shall apply.

Housing Type:	Single-family	Duplex	Townhouse	Multifamily	Mobile Home	Cluster	Guest House	Caretaker Units (number allowed)	Timeshare	Recreational vehicles ²⁰	Density (units per gross acre)
GC								Two			
A	✓				S		✓				1/5 acres
E	✓						✓				1/2¼ acres
RSF-1	✓					✓	✓				1/g.a.
RSF-2	✓					✓	✓				2/g.a.
RSF-3	✓					✓	✓				3/g.a.
RSF-4	✓					✓	✓				4/g.a.
RSF-5	✓					✓	✓				5/g.a.
RSF-6	✓					✓	✓				6/g.a.
RMF-6	✓	✓	✓			✓	✓				DRS up to 6/g.a.
RMF-12	S	✓	✓								DRS up to 12/g.a.
RMF-16			✓	✓							DRS up to 16/g.a.
RT ²				✓					✓		16/acre within activity center
			✓	✓					✓		DRS up to 16/g.a.
VR	✓				✓	✓					DRS up to 7.26/g.a.
		✓				✓					DRS up to 8.71/g.a.
				✓		✓					DRS up to 14.52/g.a.
MH ³					✓			One		✓	DRS up to 7.26/g.a.
TTRVC								One		✓	12/acre
C-1								One			
C-2								One			
C-3								One			
C-4								One			
C-5								One			
I								One			
BP								One			
CON	✓										1/5 acres
BMUD	S			S							1/3 acres Big Cypress
R-1	✓	✓	✓	✓							12/acre
R-2	✓	✓	✓	✓							
GZO	Per underlying zoning district										
VB-RT			✓	✓					✓		

Legend: S = permitted subject to supplemental standards
g.a. = gross acre

²⁰ RECREATIONAL VEHICLES include travel trailers, park models, pickup coaches, and motor homes

DSF = density rating system

¹ **RECREATIONAL VEHICLES** include travel trailers, park models, pickup coaches, and motor homes.

² In the MH district, modular homes are allowable.

³ A maximum of twenty-six (26) units per acre for **HOTELS** and **MOTELS**, and sixteen (16) units per acre for timeshares and multifamily uses when located within an activity center or if the RT zoning was in existence at the time of adoption of this LDC. For properties located outside an activity center or if the RT zoning was not in existence at the time of adoption of this LDC, **DENSITY** shall be determined through application of the **DENSITY** rating system, up to a maximum of sixteen (16) units per acre. The calculation of **DENSITY** shall be based on the land area defined by a **LOT(s)** of record.

B. Acreage associated with historical/archaeological resources preserved within the boundaries of a project shall be included in calculating the project's permitted **DENSITY**.

2.05.02 DENSITY BLENDING

A. **PURPOSE.** In order to encourage unified plans of **DEVELOPMENT** and to preserve **WETLANDS**, wildlife habitat, and other natural features that exist within properties that straddle the Future Land Use Urban Mixed Use and Rural Fringe Mixed Use Districts that were in existence and either owned or under contract for purchase by the **APPLICANT** as of June 19, 2002, or the Urban and Rural Designation as provided for in the Immokalee Area Master Plan, the allowable gross **DENSITY** in aggregate (and intensity in the case of those lands identified as eligible in the Immokalee Area Master Plan) may be distributed throughout the project, regardless of whether or not the **DENSITY** or intensity allowable for a portion of the project exceeds that which is otherwise permitted by the Future Land Use Element or Immokalee Area Master Plan as the case may be, subject to the conditions and limitations set forth in section 2.05.02 (B) below.

B. **CONDITIONS AND LIMITATIONS.**

1. **PROPERTIES STRADDLING RFMU RECEIVING OR NEUTRAL LANDS.** **DENSITY BLENDING** between properties straddling either the Urban Residential Subdistrict or Urban Residential Fringe Subdistrict and either Neutral or Receiving Lands within the **RFMU DISTRICT** is permitted, subject to all of the following conditions and limitations:

a. The project straddles either the Urban Residential Sub-District or Urban Residential Fringe Sub-District and either the **RFMU DISTRICT** Neutral or Receiving Lands.

b. The project in aggregate is at least 80 acres in size.

- c. At least 25% of the project is located within the Urban Mixed Use District.
- d. The entire project is located within the Collier County Sewer and Water District Boundaries and will utilize central water and sewer to serve the project unless interim provisions for sewer and water are authorized by Collier County.
- e. The project is currently zoned or will be rezoned to a PUD.
- f. **DENSITY** to be shifted to the **RFMU DISTRICT** from the Urban Residential Sub-District is to be located on impacted lands, or the **DEVELOPMENT** on the site is to be located so as to preserve and protect the highest quality **NATIVE VEGETATION** and/or habitat on-site and to maximize the connectivity of such **NATIVE VEGETATION** and/or habitat with **ADJACENT** preservation and/or habitat areas.
- g. The entire project shall meet the applicable preservation standards of the **RFMU DISTRICT** as set forth in Chapter 4. These preservation requirements shall be calculated based upon, and apply to, the total project area.

2. PROPERTIES STRADDLING RFMU SENDING LANDS. DENSITY BLENDING between properties straddling the Urban Residential Fringe Subdistrict and Sending Lands in the **RFMU DISTRICT** is permitted subject to all of the following conditions and limitations:

- a. The project straddles the Urban Residential Fringe Sub-District and the **RFMU DISTRICT** Sending Lands.
- b. The project in aggregate is at least 400 acres.
- c. At least 25% of the project is located within the Urban Residential Fringe Sub-District.
- d. The project must extend central water and sewer (from the urban designated portion of the project) to serve the entire project, unless alternative interim sewer and water provisions are authorized by Collier County; and
- e. The Project is currently zoned or will be zoned PUD.
- f. The **DENSITY** to be shifted to the **RFMU DISTRICT** Sending Lands shall be located on impacted or disturbed lands, or shall be

located so as to preserve and protect the highest quality **NATIVE VEGETATION** and/or habitat with **ADJACENT** preservation and/or habitat areas.

- g. **NATIVE VEGETATION** shall be preserved as follows:
 - i. As identified in Chapter 4 in those portions of the Project to be located in the Urban Residential Fringe Subdistrict.
 - ii. In those portions of the Project to be located in the **RFMU DISTRICT** Sending Lands, the **NATIVE VEGETATION** preservation requirement shall be 90% of the **NATIVE VEGETATION**, not to exceed 60% of the area of the Project designated as **RFMU DISTRICT** Sending Lands.
 - iii. Where wetland areas are impacted through the **DEVELOPMENT** process, but resulting **WETLANDS** functions, including functions relating to habitat and **FLOWWAYS**, are enhanced, such wetland areas shall be credited toward satisfaction of the **NATIVE VEGETATION** preservation requirements and shall not be considered impacted. These wetland areas may be used for water storage provided that the water discharged in these areas is pre-treated.
- h. Permitted uses for **DENSITY BLENDING** under this provision include residential **DEVELOPMENT** and associated amenities, including golf courses meeting the criteria for golf courses within the Neutral area. This provision is not intended to eliminate any uses permitted within the applicable underlying zoning district(s).

3. **PROPERTIES STRADDLING THE IMMOKALEE URBAN AREA AND THE RLSA DISTRICT.** **DENSITY** and Intensity Blending between properties straddling the Immokalee Urban Area and the RLSA District shall be permitted, subject to all of the following conditions and limitations:

- a. The project in aggregate must be a minimum of 200 acres in size.
- b. The lands from which **DENSITY** and/or blending are shifted must be within the Immokalee Urban Area must be designated Recreational/Tourist District.

c. The lands within the Immokalee Urban Area from which **DENSITY** and/or intensity are shifted must have a FLUCCS Code designation of Group 1 or Group 2 and an Index Value of greater than 1.2, both as indicated on the Natural Resource Index.

d. **DENSITY** and/or intensity may only be shifted from the lands within the Immokalee Urban Area containing the Index Value (as measured above), on an acre per acre basis, to lands within an SRA having an Index Value of 1.2 or less.

e. Lands from which the **DENSITY** and/or intensity has been shifted, shall be placed in a conservation **EASEMENT** in perpetuity.

2.06.00 AFFORDABLE HOUSING DENSITY Bonus

2.06.01 Generally

A. Within most of the coastal urban designated areas identified on the future land use map of the Collier County GMP, a base **DENSITY** of four (4) residential **DWELLING UNITS** per gross acre is permitted. However, the base **DENSITY** may be adjusted depending on the characteristics of the **DEVELOPMENT**. One characteristic of a housing **DEVELOPMENT** which would allow the addition of **DENSITY** bonuses in order to increase the **DENSITY** over the base **DENSITY** is the provision of **AFFORDABLE HOUSING** in the **DEVELOPMENT**. The provision of **AFFORDABLE HOUSING** units may add up to eight (8) **DWELLING UNITS** per gross acre to the base **DENSITY** of four (4) residential **DWELLING UNITS** per gross acre, for a total of twelve (12) residential **DWELLING UNITS** per gross acre, plus any other **DENSITY** bonuses available, and minus any **DENSITY** reduction for traffic congestion area required, pursuant to the Collier County GMP. The total eligible **DENSITY** must not exceed a total of sixteen (16) **DWELLING UNITS** per gross acre, except as allowed through use of transfer of **DEVELOPMENT** rights, as provided for in the growth management plan. The program to accomplish this increase to provide **AFFORDABLE HOUSING** is called the **AFFORDABLE HOUSING DENSITY Bonus (ADHB)** program.

Within most of the Immokalee Urban area, as identified on the Immokalee area master plan future land use map of the growth management plan, base densities are four or six or eight residential **DWELLING UNITS** per gross acre. However, the base **DENSITY** may be adjusted depending on the characteristics of the **DEVELOPMENT**. One characteristic of a housing **DEVELOPMENT** that would allow the addition of **DENSITY** bonuses is the provision of **AFFORDABLE HOUSING** in the **DEVELOPMENT**. The provision of **AFFORDABLE HOUSING** units may add up to eight **DWELLING UNITS** per gross acre to the base **DENSITY** of four, six or eight residential **DWELLING UNITS** per gross acre, for a total of twelve, fourteen or sixteen

residential **DWELLING UNITS** per gross acre, plus any other **DENSITY** bonuses available. The total eligible **DENSITY** must not exceed a total of 16 **DWELLING UNITS** per gross acre.

Within the Rural Lands Stewardship Area Overlay of the Agricultural/Rural area, as identified on the future land use map of the growth management plan, towns, villages, hamlets and compact rural **DEVELOPMENT**s are allowed at a **DENSITY** range of one-half to four **DWELLING UNITS** per gross acre. The allowed **DENSITY** may be adjusted depending on the characteristics of the **DEVELOPMENT**. One characteristic of a housing **DEVELOPMENT** that would allow the addition of **DENSITY** bonuses is the provision of **AFFORDABLE HOUSING** in the **DEVELOPMENT**. The provision of **AFFORDABLE HOUSING** units may add up to eight **DWELLING UNITS** per gross acre to the allowed **DENSITY** of one-half to four **DWELLING UNITS** per gross acre, for a total of eight and one-half to twelve and one-half residential **DWELLING UNITS** per gross acre, plus any other **DENSITY** bonuses available.

B. In order to qualify for the AHDB for a **DEVELOPMENT**, the developer must apply for and obtain the AHDB from the County for a **DEVELOPMENT** in accordance with this section, especially in accordance with the provisions of the AHDB program, including the AHDB rating system, the AHDB monitoring program, and the limitations on the AHDB.

1. *Preapplication conference.* Prior to submitting an application for AHDB, a preapplication conference may be scheduled with the County Manager or his designee. If the proposed **DEVELOPMENT** is to include **AFFORDABLE HOUSING**, the housing and urban improvement director must participate in the preapplication conference. The preapplication conference provides an opportunity to familiarize the **APPLICANT** with the AHDB program and provides an opportunity for the county staff to obtain a clear understanding of the proposed **DEVELOPMENT**. The AHDB rating system, the AHDB monitoring program, the limitations, criteria, procedures, standard conditions, standard forms, and other information will be discussed and made available to the **APPLICANT**. Depending on the type of **DEVELOPMENT** proposed, the application may be combined with an application for a planned unit **DEVELOPMENT** (PUD), a rezone, or a Stewardship Receiving Area.

2. *Application.* An application for AHDB for a **DEVELOPMENT** must be submitted to the County Manager or his designee in the form established by the County Manager or his designee. One additional copy of the application as otherwise required must be

provided for the housing and urban improvement director. The application must, at a minimum, include:

a. Zoning districts proposed by the **APPLICANT** on the property and acreage of each;

b. The total number of residential **DWELLING UNITS** in the proposed **DEVELOPMENT**, categorized by number of bedrooms and whether the unit is to be rented or owner-occupied;

c. The total number of AHDB units requested, categorized by number of bedrooms and whether the unit is to be rented or owner-occupied;

d. Total number of **AFFORDABLE HOUSING** units proposed in the **DEVELOPMENT** categorized by level of income, number of bedrooms, and rental units and owner-occupied units:

i. Moderate income households (one bedroom, two bedrooms, or three bedrooms or more).

ii. Low income households (one bedroom, two bedrooms, or three bedrooms or more).

iii. Very low income households (one bedroom, two bedrooms, or three bedrooms or more).

iv. Total **AFFORDABLE HOUSING** units (one bedroom, two bedrooms, or three bedrooms or more).

e. Gross **DENSITY** of the proposed **DEVELOPMENT**;

f. Whether the AHDB is requested in conjunction with an application for a planned unit **DEVELOPMENT** (PUD), an application for rezoning, or an application for a Stewardship Receiving Area; and

g. Any other information which would reasonably be needed to address the request for AHDB for the **DEVELOPMENT** pursuant to the requirements set forth in this section.

3. *Determination of completeness.* After receipt of an application for AHDB, the housing and urban improvement director shall

determine whether the application submitted is complete. If he determines that the application is not complete, the housing and urban improvement director shall notify the **APPLICANT** in writing of the deficiencies. The housing and urban improvement director shall take no further steps to process the application until the deficiencies have been remedied.

4. *Review and recommendation by the housing and urban improvement director.* After receipt of a completed application for AHDB, the housing and urban improvement director must review and evaluate the application in light of the AHDB rating system, the AHDB monitoring program and the requirements of this division. The housing and urban improvement director must coordinate with the **DEVELOPMENT** services director to schedule the AHDB application with the companion application for rezoning, planned unit **DEVELOPMENT** or stewardship receiving area, and must recommend to the planning commission and the board of county commissioners to deny, grant, or grant with conditions, the AHDB application. The recommendation of the housing and urban improvement director must include a report in support of his recommendation.

5. *Review and recommendation by the planning commission.* Upon receipt by the planning commission of the application for AHDB and the written recommendation and report of the housing and urban improvement director, the planning commission must schedule and hold a properly advertised and duly noticed public hearing on the application. If the application has been submitted in conjunction with an application for a PUD, then the hearing must be consolidated and made a part of the public hearing on the application for the PUD before the planning commission, and the planning commission must consider the application for AHDB in conjunction with the application for the PUD. If the application has been submitted in conjunction with an application for a rezoning, then the hearing must be consolidated and made a part of the public hearing on the application for rezoning before the planning commission, and the planning commission must consider the application for AHDB in conjunction with the application for rezoning. If the application has been submitted in conjunction with an application for a stewardship receiving area, then the hearing must be consolidated and made a part of the public hearing on the application for stewardship receiving area before the planning commission, and the planning commission must consider the application for AHDB in conjunction with the application for stewardship receiving area. After the close of the public hearing, the planning commission must review and evaluate the application

in light of the requirements of this division and the requirements for a rezoning, PUD rezoning, or stewardship receiving area, as applicable, and must recommend to the board of county commissioners that the application be denied, granted or granted with conditions.

6. *Review and determination by board of county commissioners.* Upon receipt by the board of county commissioners of the application for AHDB and the written recommendation and report of the housing and urban improvement director and recommendation of the planning commission, the board of county commissioners must schedule and hold a properly advertised and duly noticed public hearing on the application. If the application has been submitted in conjunction with an application for a planned unit **DEVELOPMENT** (PUD), then the hearing must be consolidated and made a part of the public hearing on the application for the planned unit **DEVELOPMENT** (PUD) before the board of county commissioners, and the board of county commissioners must consider the application for AHDB in conjunction with the application for the planned unit **DEVELOPMENT** (PUD). If the application has been submitted in conjunction with an application for a rezoning, then the hearing must be consolidated and made a part of the public hearing on the application for rezoning before the board of county commissioners, and the board of county commissioners must consider the application for AHDB in conjunction with the application for rezoning. If the application has been submitted in conjunction with an application for a stewardship receiving area, then the hearing must be consolidated and made a part of the public hearing on the application for stewardship receiving area before the board of county commissioners, and the board of county commissioners must consider the application for AHDB in conjunction with the application for stewardship receiving area. After the close of the public hearing, the board of county commissioners must review and evaluate the application in light of the requirements of this division and the requirements for a rezoning, and must deny, grant, or grant with conditions, the application in accordance with the AHDB rating system and the AHDB monitoring program.

C. The procedures to request approval of a **DENSITY** bonus are described in Chapter 10 of this LDC, along with requirements for the developer's agreement to ensure compliance.

2.06.02. Purpose and Intent

A. Section 2.06.00 is intended to implement and be consistent with the GMP, § 163.3161 *et seq.* F.S, Rule 9J-5, F.A.C., and the Stipulated

Settlement Agreement in DOAH Case No. 89-1299 GM, by providing for moderate, low, and very low income housing through the use of **DENSITY** bonuses which allow an increase in the number of residential **DWELLING UNITS** per acre allowed on property proposed for **DEVELOPMENT**, thereby decreasing the per unit cost of land and **DEVELOPMENT**.

B. This objective is accomplished by implementing an AHDB program which consists of an AHDB rating system and an AHDB monitoring program. The purpose of the AHDB rating system is to provide increased residential densities to developers who guarantee that a portion of their housing **DEVELOPMENT** will be affordable by households of moderate, low, or very low income, thus expanding housing opportunities for moderate, low, and very low income households throughout the County. The purpose of the AHDB monitoring program is to provide assurance that the program is properly implemented, monitored, and enforced, and that useful information on **AFFORDABLE HOUSING** may be collected.

2.06.03 AHDB Rating System

A. The AHDB rating system shall be used to determine the amount of the AHDB which may be granted for a **DEVELOPMENT**, based on household income level, number of bedrooms per **AFFORDABLE HOUSING** unit, type of **AFFORDABLE HOUSING** units (owner-occupied or rental, single-family or multi-family, and percentage of **AFFORDABLE HOUSING** units in the **DEVELOPMENT**. To use the AHDB rating system, Tables A and B, below, shall be used. Tables A and B shall be reviewed and updated, if necessary, on an annual basis by the BCC or its designee.

1. First, choose the household income level (moderate, low, or very low) of the **AFFORDABLE HOUSING** unit(s) proposed in the **DEVELOPMENT**, and the type of **AFFORDABLE HOUSING** units (owner-occupied or rental, single-family or multi-family, where applicable) to be provided, as shown in Table A. Then, referring again to Table A, choose the number of bedrooms proposed for the **AFFORDABLE HOUSING** unit(s). An AHDB rating based on the household income level and the number of bedrooms is shown in Table A.

Table A.

	Number of Bedrooms/Unit		
Level of Household Income	Efficiency and 1	2	3 or More

Moderate (only owner-occupied, single-family)	0	1*	1*
Low (owner-occupied or rental, single-family or multi-family)	2	3	4
Very low (owner-occupied or rental, single-family or multi-family)	3	4	5

*For cluster housing **DEVELOPMENT** s in the urban coastal fringe, add one (1) **DENSITY** bonus to obtain two (2).

- After the AHDB rating has been determined in Table A, locate it in Table B, and determine the percentage of that type of **AFFORDABLE HOUSING** unit proposed in the **DEVELOPMENT** compared to the total number of **DWELLING UNITS** in the **DEVELOPMENT**. From this determination, Table B will indicate the maximum number of residential **DWELLING UNITS** per gross acre that may be added to the base **DENSITY**. These additional residential **DWELLING UNITS** per gross acre are the maximum AHDB available to that **DEVELOPMENT**. **DEVELOPMENTS**, with percentages of **AFFORDABLE HOUSING** units which fall in between the percentages shown on Table B shall receive an AHDB equal to the lower of the two (2) percentages it lies between, plus one-tenth (1/10) of a residential **DWELLING UNIT** per gross acre for each additional percentage of **AFFORDABLE HOUSING** rental units in the **DEVELOPMENT**. For example, a **DEVELOPMENT** which has twenty-four (24) percent of its total residential **DWELLING UNITS** as **AFFORDABLE HOUSING** units, and which has an AHDB rating of "4" will receive an AHDB of 4.4 residential **DWELLING UNITS** per gross acre for the **DEVELOPMENT**.

Table B. (Additional available **DWELLING UNITS** per gross acre)

AHDB Rating	% of Affordable Housing Units			
	10%	20%	30%	40%
1	0	0	1	2
2	0	1	2	3
3	2	3	4	5
4	3	4	5	7
5	4	5	7	8

- Where more than one (1) type of **AFFORDABLE HOUSING** unit (based on level of income and number of bedrooms shown in Table A) is proposed for a **DEVELOPMENT**, the AHDB for each type shall be calculated separately in Table B. After the AHDB calculations for each type of **AFFORDABLE HOUSING** unit have been completed in Table B, the AHDB for each type of unit shall be

added to those for the other type(s) to determine the maximum AHDB available for the **DEVELOPMENT**. In no event shall the AHDB exceed eight (8) **DWELLING UNITS** per gross acre.

- B. The AHDB shall be available to a **DEVELOPMENT** only to the extent that it otherwise complies and is consistent with the **GMP** and the land **DEVELOPMENT** regulations, including the procedures, requirements, conditions, and criteria for "PUDs" and rezonings, where applicable.
- C. The minimum number of **AFFORDABLE HOUSING** units that shall be provided in a **DEVELOPMENT** pursuant to this section shall be ten (10) **AFFORDABLE HOUSING** units.

2.07.00 Table of Setbacks for Base Zoning Districts.

Zoning District	Minimum Front Yard (feet)	Minimum Side Yard (feet)		Minimum Rear Yard (feet)		Public School Requirements
		Waterfront	Non-waterfront	Waterfront	Non-waterfront	
GC	None	None		None		
A	50	30		50		X
E	75	30		75		X
RSF-1	50	30		50		X
RSF-2	40	20		30		X
RSF-3	30	10	7.5	25		X
RSF-4	25	10	7.5	25		X
RSF-5	25	10	7.5	20		X
RSF-6	25	10	7.5	20		X
RMF-6	S.F. 25	NA	7.5	20		X
	Duplex 25	NA	10	20		
	3 + units 30	NA	15	20		
RMF-12	30	A		30		X
RMF-16	B	A		B		X
RT	B	A		B		X
VR	S.F. /MH 20	10	5	20		X
	Duplex 35	15	15	30		
	M.F. 35	15	15	30		
MH ¹	25	10	7.5	10		X
TTRVC ²	30	10	5	Waterfront 10	Non-waterfront 8	

¹ MH District - additional **YARD** requirements: side **YARD SETBACK** from a public road that is external to the boundary of the park = 50 ft.; the minimum **SETBACK** on any side from the exterior boundary of the park = 15ft.

² TTRVC District - additional **YARD** requirements: **SETBACK** from exterior boundary of park = 50 ft.; **SETBACK** from an external **STREET** = 50 ft.; **SETBACK** from an internal **STREET** = 25 ft.; **SETBACK** from any building or other **STRUCTURE** = 10 ft.

Zoning District	Minimum Front Yard (feet)	Minimum Side Yard (feet)		Minimum Rear Yard (feet)		Public School Requirements
		Residential	Non-residential	Residential	Non-residential	
C-1	25	25	15	25	15	X
C-2	25	25	15	25	15	X
C-3 ³	C	25	A	25	A	X
C-4 ⁴	D	25	A	25	A	X
C-5 ⁴	25	25	15	25	A	X
I ⁴	25	50	E	50	15	X
BP	50	50	10	50	25	
CON	50	50		50		
P	F	F		F		X
CF	25	Residential 25	Non-residential 15	Residential 25	Non-residential 15	X
Overlay Districts	See table of special design requirements applicable to overlay districts.					

A = 50% of the building height, but not less than 15 feet.

B = 50% of the building height, but not less than 30 feet.

C = 50% of the building height, but not less than 25 feet.

D = 50% of the building height, but not less than 25 feet. **STRUCTURES** 50 feet or more in height = 25 feet plus one additional foot of **SETBACK** for each foot of building height over 50 feet.

E = the total of all side **YARD SETBACKS** shall equal 20% of the **LOT** width, with a maximum of 50 feet. No side **YARD** shall be less than 10 feet. Alternative dimensions may be possible when approved through a unified plan of **DEVELOPMENT** involving one or more **LOTS** under common ownership where the **YARD** requirements are met for the unified site but not necessarily for each **PARCEL** within the unified site.

F = the **YARD** requirements shall be equal to the most restrictive adjoining district.

X = for **PRINCIPAL STRUCTURES**: 50 feet from all property lines; for accessory **STRUCTURES**: 25 feet from all property lines.

³ C-3 District - minimum **SETBACK** on any side that is waterfront = 25 ft.; **SETBACK** for **MARINAS** = none.

⁴ C-4 and C-5 Districts - minimum **SETBACK** on any side that is waterfront = 25 ft.; **SETBACK** for **MARINAS** = none; **SETBACK** on any side **ADJACENT** to a railroad **RIGHT-OF-WAY** = none

CHAPTER 3

RESOURCE PROTECTION

- 3.01.00 GENERALLY**
- 3.02.00 FLOODPLAIN PROTECTION**
 - 3.02.01 Findings of Fact**
 - 3.02.02 Purpose**
 - 3.02.03 Applicability**
 - 3.02.04 Exemptions**
 - 3.02.05 Basis for Establishing the Areas of Special Flood Hazard**
 - 3.02.06 General Standards for Flood Hazard Reduction**
 - 3.02.07 Specific Standards for Construction Within Coastal High Hazard Areas**
 - 3.02.08 Regulations Within the Floodways**
 - 3.02.09 Regulations for Mobile Homes and Recreational Vehicles**
 - 3.02.10 Standards for Subdivision Plats**
- 3.03.00 COASTAL ZONE MANAGEMENT**
 - 3.03.01 Generally**
 - 3.03.02 Applicability**
 - 3.03.03 Priority for Location of Structures, Development, or Site Alterations**
 - 3.03.04 Procedures**
 - 3.03.05 Sea Level Rise**
 - 3.03.06 Native Vegetation Retention on Coastal Barriers**
 - 3.03.07 Undeveloped Coastal Barriers**
- 3.04.00 PROTECTION OF ENDANGERED, THREATENED, OR LISTED SPECIES**
 - 3.04.01 Generally**
 - 3.04.02 Species Specific Requirements**
 - 3.04.03 Penalties for Violation: Resort to Other Remedies**
- 3.05.00 VEGETATION REMOVAL, PROTECTION, AND PRESERVATION**
 - 3.05.01 Generally**

- 3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation**
- 3.05.03 Procedures**
- 3.05.04 Vegetation Removal and Protection Standards**
- 3.05.05 Criteria for Removal of Protected Vegetation**
- 3.05.06 Management Plan Required**
- 3.05.07 Preservation Standards**
- 3.05.08 Requirement for Removal of Prohibited Exotic Vegetation**
- 3.05.09 Designation of Specimen Tree**
- 3.05.10 Littoral Shelf Planting Area (LSPA)**
- 3.06.00 WELLFIELD AND GROUNDWATER PROTECTION**
 - 3.06.01 Purpose and Intent**
 - 3.06.02 Protected Public Water Supply Wellfields**
 - 3.06.03 Description and Basis of Wellfield Risk Management Special Treatment Overlay Zones**
 - 3.06.04 Groundwater Protection**
 - 3.06.05 Annual Review of Zones**
 - 3.06.06 Regulated Wellfields**
 - 3.06.07 Unregulated Wellfields**
 - 3.06.08 Determination of Location Within Wellfield Risk Management Zones**
 - 3.06.09 Protection of Future Wellfields**
 - 3.06.10 Effect of Setbacks and Buffers from Sanitary Hazards as Promulgated and Adopted in the Florida Administrative Code**
 - 3.06.11 Exempted Development**
 - 3.06.12 Regulated Development**
 - 3.06.13 Countywide Groundwater Protection Standards**

CHAPTER 3 – RESOURCE PROTECTION

3.01.00 GENERALLY [Reserved]

3.02.00 FLOODPLAIN PROTECTION

3.02.01 Findings of Fact

- A. The **FLOOD** hazard areas of the County are subject to periodic inundation, which could result in loss of life, property damage, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for **FLOOD** protection and relief, and impairment of the tax base, all of which could adversely affect the public health, safety, and general welfare.
- B. These **FLOOD** losses are caused by the cumulative effect of obstructions in **FLOOD PLAINS** causing increases in **FLOOD** heights and velocities, and by the occupancy in **FLOOD** hazard areas by **STRUCTURES** vulnerable to **FLOODS** or hazardous to the lands which are inadequately elevated, floodproofed, or otherwise inadequately protected from **FLOOD** damages.

3.02.02 Purpose

It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to **FLOOD** conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly and environmentally unsound **FLOOD** control projects;
- C. To minimize the need for rescue and relief efforts associated with **FLOODING** and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, **STREETS**, and bridges located in **AREAS OF SPECIAL FLOOD HAZARD**;
- F. To help maintain a stable tax base by providing for the sound use and **DEVELOPMENT** of **FLOOD PRONE AREAS** in such a manner as to minimize future **FLOOD** blight areas;
- G. To ensure, to the greatest degree possible, that potential home buyers are notified that property is in an **AREA OF SPECIAL FLOOD HAZARD**; and
- H. To ensure that those who occupy the **AREAS OF SPECIAL FLOOD HAZARD** assume responsibilities for their actions.

3.02.03 Applicability

This section shall apply to all **AREAS OF SPECIAL FLOOD HAZARD** in the unincorporated area of the County, and identified by the Federal

Insurance Administration in its **FLOOD INSURANCE RATE MAP (FIRM)**, dated June 3, 1986, and any revisions thereto.

3.02.04 Exemptions

MOBILE HOMES to be placed in an existing **MOBILE HOME PARK** shall be exempt from the requirements of this section, provided such **MOBILE HOME PARK** is not expanded or undergoes **SUBSTANTIAL IMPROVEMENT** as defined herein.

3.02.05 Basis for Establishing the AREAS OF SPECIAL FLOOD HAZARD

The **AREAS OF SPECIAL FLOOD HAZARD**, are identified by the Federal Insurance Administration, in a scientific and engineering report entitled "The **FLOOD INSURANCE STUDY**" for the County's unincorporated area, dated June 3, 1986, with accompanying FIRM, dated June 3, 1986.,. The **FLOOD INSURANCE STUDY** and accompanying FIRM shall be on file and be open for public inspection in the office of the Clerk to the BCC located in Building "F", Collier County Courthouse, 3301 Tamiami Trail, East, Naples, Florida 33962.

3.02.06 General Standards for FLOOD Hazard Reduction

In all **AREAS OF SPECIAL FLOOD HAZARDS**, the following provisions are required:

- A. All **NEW CONSTRUCTION** and **SUBSTANTIAL IMPROVEMENTS** shall be anchored to prevent flotation, collapse, or lateral movement of the **STRUCTURE**.
- B. **NEW CONSTRUCTION** and **SUBSTANTIAL IMPROVEMENTS** in the A Zones may be built on unconstrained, but compacted, fill, if in compliance with the Collier County Building Code Ordinance. No significant water is permitted to flow from the subject premises onto **ABUTTING** properties or into adjoining waters which are not County—approved drainage system(s).
- C. Residential Construction — new construction or **SUBSTANTIAL IMPROVEMENT** of any residential **STRUCTURE** shall have the **LOWEST FLOOR** elevated to or above the **BASE FLOOD ELEVATION**.
- D. Non—residential Construction — new construction and **SUBSTANTIAL IMPROVEMENTS** of non—residential **STRUCTURES** shall have the **LOWEST FLOOR** (including basement) elevated to or above the **BASE FLOOD** level or, together with the attendant utility and sanitary facilities, be designed so that, below the **BASE FLOOD** level, the **STRUCTURE** is essentially waterproofed with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Floodproofing is prohibited in the velocity (V) zones. The property owners shall provide a certification by a registered professional engineer or registered professional architect that the design standards of this section are satisfied.

- E. All new construction and **SUBSTANTIAL IMPROVEMENTS** shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of **FLOODING**.
- F. All new construction or **SUBSTANTIAL IMPROVEMENTS** shall be constructed by methods and practices that will minimize **FLOOD** damage.
- G. Openings - all new construction and **SUBSTANTIAL IMPROVEMENTS** with fully enclosed areas below the **LOWEST FLOOR** that are subject to **FLOODING** shall be designed to automatically equalize hydrostatic **FLOOD** forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to **FLOODING** shall be provided. The bottom of all openings shall be no higher than one (1) foot above the level of the floor they are to service. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- H. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- I. New and replacement sanitary **SEWAGE SYSTEMS** shall be designed to minimize or eliminate inflow of flood waters into the systems and discharges from the systems into **FLOOD** waters.
- J. On—site waste disposal systems (including septic tanks) shall be designed and/or located to minimize or eliminate impairment to, or contamination from, them during **FLOODING**.
- K. Emergency generators for standpipe systems, in accordance with the requirements of the Collier County Building Code or other applicable County Ordinances, must be located above the **BASE FLOOD ELEVATION** level, and all fuel tanks for said generators must be waterproofed and vented above the **BASE FLOOD ELEVATION** level.
- L. Electrical transformer and/or switching vaults, pad-mounted transformers, pad-mounted switches, and related facilities shall be permitted as independent units below the minimum **FLOOD** elevation level. Such **STRUCTURES** may be located within or outside a **BUILDING**, and are not required to be waterproofed or constructed with **BREAKAWAY WALLS**, provided registered professional engineer or registered professional architect certifies that they will not adversely affect the structural integrity of the **BUILDING** in which they are located or any part thereof.
- M. All meter enclosures for self-contained electric kilowatt-hour meters serving **BUILDINGS** shall be located above the **BASE FLOOD**

ELEVATION. If complying with this regulation results in a vertical distance from finished **GRADE** to the center of the meter or meters of more than six (6) feet, the meter enclosure shall be located on the outside of an exterior wall with an unobstructed and ready **ACCESS** from an open exterior stairway. When it is necessary to use a stairway for **ACCESS** to a meter, the vertical distance from the tread of the stairway to the center of the meter shall be four (4) to six (6) feet. The meter shall be placed in a position that will not obstruct stairway traffic. On multi-unit **BUILDINGS**, meters and meter Enclosures will be allowed within the **BUILDING**, provided they are above the **BASE FLOOD ELEVATION** and located in meter rooms.

3.02.07 Specific Standards for Construction Within **COASTAL HIGH HAZARD AREAS**

A. **COASTAL HIGH HAZARD AREAS** within the **AREAS OF SPECIAL FLOOD HAZARD** have special **FLOOD** hazards associated with high velocity waters from tidal surge and hurricane wave wash. Therefore, the following provisions shall apply:

1. All new construction and **SUBSTANTIAL IMPROVEMENTS** in the **COASTAL HIGH HAZARD AREA** shall be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the **LOWEST FLOOR** (excluding the pilings or columns) is elevated to or above the **BASE FLOOD** level; and the pile or column foundation and **STRUCTURE** attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all **BUILDING** components. Wind and water loading values shall each have a one (1) percent chance of being equaled or exceeded in any given year (100—year mean recurrence interval). A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions this paragraph.
2. All new construction and **SUBSTANTIAL IMPROVEMENTS** within the **COASTAL HIGH HAZARD AREA** shall have the space below the **LOWEST FLOOR** either free of obstruction or constructed with non-supporting **BREAKAWAY WALLS**, open wood lattice—work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the **BUILDING** or supporting foundation system. For the purposes of this section, a **BREAKAWAY WALL** shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20), pounds per square foot. Use of **BREAKAWAY WALLS** which exceed a design safe loading

resistance of twenty (20) pounds per square foot (either by design or when so required by local or State Codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

- a. **BREAKAWAY WALL** collapse shall result from a water load less than that which could occur during the **BASE FLOOD**; and
 - b. The elevated portion of the **BUILDING** and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind on **BUILDING** components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have one (1) percent chance of being equaled or exceeded in any given year (100—year mean recurrence interval). Such enclosed space shall be usable solely for parking of vehicles, **BUILDING ACCESS**, or storage.
3. All swimming pools within the **COASTAL HIGH HAZARD AREA** shall be anchored to a pile or column foundation to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on the pool. Exception: above-ground pools, for the private use of one- or two-family **DWELLINGS** that are constructed with a vinyl liner as the main component.
 4. It is prohibited to use fill for structural support of **BUILDINGS** within the **COASTAL HIGH HAZARD AREA**. It is prohibited to **ALTER** sand **DUNES** and mangrove stands, within the **COASTAL HIGH HAZARD AREA**, if the County Manager or designee determines that such **ALTERATION** would increase potential **FLOOD** damage.

3.02.08 Regulations Within the **FLOODWAYS**

- A. When **FLOODWAYS** are designated within **AREAS OF SPECIAL FLOOD HAZARD**, additional criteria shall be met. Since the **FLOODWAY** is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provision shall apply:
 1. Encroachments, including fill, new construction, **SUBSTANTIAL IMPROVEMENTS** and other **DEVELOPMENTS**, are prohibited, unless the property owner provides a certification by a professional registered engineer demonstrating that such encroachments shall not result in a significant increase in **FLOOD** levels during occurrence of the **BASE FLOOD** discharge.

3.02.09 Regulations for **MOBILE HOMES** and **RECREATIONAL VEHICLES**

- A. No **MOBILE HOME** shall be placed in a **FLOODWAY** or **COASTAL HIGH HAZARD AREA**, except in an existing **MOBILE HOME PARK** or existing **MOBILE HOME SUBDIVISION**.
- B. All **MOBILE HOMES** placed, or **SUBSTANTIALLY IMPROVED**, on individual **LOTS** or **PARCELS**, in expansions to existing **MOBILE HOME PARKS** or **SUBDIVISIONS**, must meet all the requirements for new construction, including elevation and anchoring.
- C. All **MOBILE HOMES** to be placed, or **SUBSTANTIALLY IMPROVED**, in an existing **MOBILE HOME PARK** or **SUBDIVISION** must be elevated on a permanent foundation such that the **LOWEST FLOOR** of the **MOBILE HOME** is at or above the **BASE FLOOD ELEVATION**, and securely anchored to an adequately anchored foundation system in accordance with the provisions of this LDC. This paragraph applies to:
 - 1. **MOBILE HOMES** to be placed, or **SUBSTANTIALLY IMPROVED**, in an existing **MOBILE HOME PARK** or **SUBDIVISION**.
 - 2. **MOBILE HOMES** to be placed, or **SUBSTANTIALLY IMPROVED**, in an existing **MOBILE HOME PARK** or **SUBDIVISION**, except where the repair, reconstruction, or improvement of the **STREETS**, utilities, and pads equals or exceeds fifty (50) percent of the value of the **STREETS**, utilities, and pads before the repair, reconstruction, or improvement has commenced. Existing **MOBILE HOMES** that are **SUBSTANTIALLY IMPROVED** will require reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above **GRADE**, or have their **LOWEST FLOOR** at or above the **BASE FLOOD ELEVATION**, if this allows for use of a lower foundation.
 - 3. **MOBILE HOMES** in existing **MOBILE HOME PARKS** or **SUBDIVISIONS** shall be elevated thirty-six (36) inches above finished **GRADE** on reinforced piers when the repair, reconstruction, or improvement of the **STREETS**, utilities, and pads equals or exceeds fifty (50) percent of the value of the **STREETS**, utilities, and pads before the repair, reconstruction, or improvement has commenced.
- D. All **MOBILE HOME PARKS** or **SUBDIVISIONS** must develop, and have approved by the County Manager or designee, a plan for evacuating the residents of existing **MOBILE HOME PARKS** or **SUBDIVISIONS**.
- E. All **RECREATIONAL VEHICLES** placed on sites within Zones AI-30, AH, and AE on the community's FIRM shall either:
 - 1. Be on the site for fewer than 180 consecutive days;
 - 2. Be fully licensed and ready for highway use; or

3. Meet the permit requirements of this section, and the elevation and anchoring requirements for **"MOBILE HOMES"** in accordance with this section.
- F. A **RECREATIONAL VEHICLE** is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

3.02.10 Standards for SUBDIVISION Plats

- A. All **SUBDIVISION** plats shall be consistent with the need to minimize **FLOOD** damage.
- B. All **SUBDIVISION** plats shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize **FLOOD** damage.
- C. All **SUBDIVISION** plats shall have adequate drainage provided to reduce exposure to **FLOOD** hazards.
- D. **BASE FLOOD ELEVATION** data shall be shown on the Master Subdivision Plan.
- E. All final plats presented for approval shall clearly indicate the finished elevation above NGVD of the roads, the average finished elevation above NGVD of the **LOTS** or homesite, and the minimum **BASE FLOOD ELEVATION** above NGVD as required in this section.

3.03.00 COASTAL ZONE MANAGEMENT

3.03.01 Purpose

The purpose of this section is to manage and conserve the habitats, species, natural **SHORELINE**, and **DUNE** systems in the County's **COASTAL ZONE**, as defined in the Collier County GMP and herein, through the identification, protection, **CONSERVATION**, and appropriate use of native vegetative communities and wildlife habitats.

3.03.02 Applicability

- A. New and existing **DEVELOPMENT** in the **COASTAL ZONE** shall be in compliance with the goals, objectives, and policies of the **CONSERVATION** and Coastal Management Element (CCME) of the Collier County GMP and with this LDC until the formal adoption by the County of all land **DEVELOPMENT** regulations, ordinances, policies, and programs which implement the **COASTAL ZONE** Management Plan-1991, as adopted by the BCC, and as prescribed by the **CONSERVATION** and Coastal Management Element of the Collier County GMP.
- B. In addition to these **COASTAL ZONE** regulations, all land **DEVELOPMENT** activities on **SHORELINES**, and/or undeveloped and developed coastal barriers, shall comply with the County's environmental land **DEVELOPMENT** regulations, including, but not limited to: section 2.03.07(D)(1), Special Treatment Overlay district (ST); procedural requirements in Chapter 10; section 3.05.00,

Vegetation Removal, Protection and Preservation; section 3.04.03, sea turtle Protection; section 3.04.00, Endangered, Threatened or Listed Species Protection; Chapter 10, Coastal Construction **SETBACK LINE** variance; and as required by Vehicle on the **BEACH** Regulations in the County Code of Ordinances.

3.03.03 Priority for Location of STRUCTURES, DEVELOPMENT, or Site Alterations

- A. Any proposed **STRUCTURE** or site alteration on a **SHORELINE** shall be located within the boundaries of the subject **PARCEL** with the most impacted coastal habitats existing on the subject **PARCEL** receiving the highest priority for siting of the proposed **STRUCTURE** or site alteration. The following categories of impacts, 1 through 7, shall be used to determine the priority for location of **DEVELOPMENT** or site alteration:
1. Areas presently developed.
 2. Disturbed uplands.
 3. Disturbed freshwater **WETLANDS**.
 4. Disturbed brackish water and marine **WETLANDS**.
 5. Viable unaltered uplands.
 6. Viable unaltered freshwater **WETLANDS**.
 7. Viable unaltered brackish water and marine **WETLANDS**.
- B. If "1. Areas presently developed" exists on the subject **PARCEL**, it shall be the preferred site for the proposed **STRUCTURE** or site alteration. If "1" is not present, and "2. Disturbed uplands" exists on the subject **PARCEL**, "2" shall be the preferred site for **DEVELOPMENT** or site alteration. This siting process shall continue in the same manner through "7," until a specific area is identified as an appropriate location for the proposed **STRUCTURE** or site alteration on the subject **PARCEL**.
- C. In the event that the proposed **DEVELOPMENT** or site alteration requires a larger area than is available in the highest category of impacted habitat, then any adjoining land in the next highest category of impacted habitat shall, in addition, be allocated for location of the proposed **DEVELOPMENT** or site alteration. Where there is a mixture of categories of impacted habitat, and it is not possible to follow the priorities noted above, the proposed **DEVELOPMENT** or site alteration shall be planned to maximize the use of land for **DEVELOPMENT** in the highest ranked categories and to minimize the use of land in the lowest ranked categories. The burden of proof shall be on the **APPLICANT** to establish that a higher ranked category of impacted habitat is not feasible for siting the proposed **DEVELOPMENT** or site alteration.

3.03.04 Procedures

Proposed **DEVELOPMENT** shall be shown on preliminary or final plats or on site **DEVELOPMENT PLANS**. Requirements for plats, site **DEVELOPMENT PLANS**, and review are described in Chapter 10.

3.03.05 Sea Level Rise

An analysis shall be required demonstrating the impact of a six (6) inch rise in sea level above NGVD for **DEVELOPMENT** projects on a **SHORELINE**. This requirement shall be met by inclusion of this analysis in an **ENVIRONMENTAL IMPACT STATEMENT (EIS)**. This requirement shall be waived when an EIS is not required. This analysis shall demonstrate that the **DEVELOPMENT** will remain fully functional for its intended use after a six (6) inch rise in sea level. In the event that the **APPLICANT** cannot meet this requirement, a list shall be provided by the **APPLICANT** of the changes necessary in order for the **DEVELOPMENT** to meet the standard.

3.03.06 NATIVE VEGETATION Retention on Coastal Barriers

NATIVE VEGETATION retention or revegetation shall be in compliance with the requirements of section 3.05.00, and shall incorporate, at a minimum, the preservation and revegetation standards as follows:

- A. **NATIVE VEGETATION** shall be preserved to the maximum extent possible. To the extent that **NATIVE VEGETATION** cannot be retained on-site, and the remaining **NATIVE VEGETATION** can be supplemented without degrading or damaging its natural function, then the existing **NATIVE VEGETATION** shall be supplemented with compatible vegetation on-site.
- B. All **BEACH**front land **DEVELOPMENT** projects shall be required to revegetate the **DUNE** where the **DUNE** is devoid of coastal **DUNE** vegetation.
- C. All land **DEVELOPMENT** projects shall provide 100 percent native Southern Floridian species within their required landscaping and **BUFFERING** standards as established within section 4.06.00.
- D. Appropriate coastal **DUNE** or strand vegetation shall be required as the only stabilizing medium in any coastal barrier **DUNE** or strand vegetation restoration program.

3.03.07 Undeveloped Coastal Barriers

In addition to the regulations contained in section 3.03.02, the following standards shall apply to any proposed **STRUCTURE** or site alteration within all undeveloped coastal barriers:

- A. The County shall not approve any plan of **DEVELOPMENT** of an undeveloped coastal barrier which would exceed a **DENSITY** of one (1) **STRUCTURE** per five (5) acres of fastland, except for legal **NONCONFORMING LOTS OF RECORD**, either individually or in combination with **ADJACENT DEVELOPMENTS**.
- B. The following land **DEVELOPMENT** activities shall be prohibited:
 - 1. Bridges and causeways to or on undeveloped coastal barrier islands;
 - 2. Paved roads;
 - 3. Commercial **MARINAS**; and
 - 4. **SHORE**-hardening **STRUCTURES**.

- C. Filling and excavation are prohibited on undeveloped coastal barriers, except as follows:
 - 1. When part of a **DUNE** or **BEACH** restoration program, as permitted by governmental agencies having jurisdiction.
 - 2. When part of a **WASTEWATER** treatment system, as permitted by governmental agencies having jurisdiction.
 - 3. When part of a public **DEVELOPMENT PLAN**, as permitted by governmental agencies having jurisdiction.

3.04.00 PROTECTION OF ENDANGERED, THREATENED, OR LISTED SPECIES

3.04.01 Generally

- A. The purpose of this section is to protect species in the County, by including measures for protection and/or relocation of endangered, threatened, or species of special concern listed by:
 - 1. Florida Fish and Wildlife Conservation Commission (FFWCC) as endangered, threatened, or species of special concern.
 - 2. United States Fish and Wildlife Service (USFWS) as endangered or threatened.
 - 3. Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES).
- B. Applicability and Exemptions
 - 1. General Applicability: Except as provided in 2. below, all new **DEVELOPMENT** shall be directed away from listed species and their habitats by complying with the guidelines and standards set forth in this section.
 - 2. Exemptions: The following are exempt from the provisions of this Section:
 - a. agricultural operations that fall within the scope of sections 163.3162(4) or 823.14(6), Florida Statutes;
 - b. all **DEVELOPMENT** within the RLSA District, except as specifically provided in section 4.08.00; and
 - c. all **DEVELOPMENT** within the NBMO, except as specifically provided in section 2.03.08.

C. EIS AND MANAGEMENT PLANS

- 1. Exemption. Single-family **LOTS** that are not part of a previously approved **SUBDIVISION** or SDP shall not be required to prepare an EIS or a management plan.

2 EIS. An EIS is required as set forth in section 10.02.02. The County shall notify the FFWCC and USFWS of the existence of any listed species that may be discovered.

3. Management Plans.

a. General Requirements. A wildlife management plan shall be required for all projects where the wildlife survey indicates listed species are utilizing the site. These plans shall describe how the project directs incompatible land uses away from listed species and their habitats and shall incorporate proper techniques to protect listed species and their habitat from the negative impacts of proposed **DEVELOPMENT**.

b. References. The following references shall be used, as appropriate, to prepare the required management plans;

i. South Florida Multi-Species Recovery Plan, USFWS, 1999.

ii. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.

iii. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale **DEVELOPMENT** in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.

iv. Ecology and **DEVELOPMENT**-Related Habitat Requirements of the Florida Scrub Jay (*Aphelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.

D. PROTECTIVE MEASURES. All **DEVELOPMENTS** subject to this section shall adhere to the following:

1. General

a. In those areas where **CLUSTERING** is permitted, all **DEVELOPMENTS** shall be **CLUSTERED** to discourage impacts to listed species habitats.

b. **OPEN SPACE** and vegetation preservation requirements shall be used to establish **BUFFER** areas between wildlife habitat areas and areas dominated by human activities.

- c. Provisions such as fencing, walls, or other obstructions shall be provided to minimize **DEVELOPMENT** impacts to the wildlife and to facilitate and encourage wildlife to use wildlife corridors.
 - d. Appropriate roadway crossings, underpasses, and signage shall be used where roads must cross wildlife corridors.
 - e. When listed species are directly observed on site or indicated by evidence, such as denning, foraging or other indications, priority shall be given to preserving the habitat of that listed species, as provided in section 4.06.04.
 - f. Management Plans shall contain a monitoring program for **DEVELOPMENTS** greater than 10 acres.
 - g. Letters of technical assistance from the FFWCC and recommendations from the USFWS shall be deemed to be consistent with the GMP.
- E. Single-family platted **LOTS**, seven and one-half (7 ½) acres or less in size, shall be exempt from the requirements set forth in section 3.04.02 B., when these **LOTS** are not a part of a previous **DEVELOPMENT** which has been required to comply with section 3.04.02 B. However, gopher tortoises shall be protected pursuant to this section.

3.04.02 Species Specific Requirements

On property where the wildlife survey establishes that listed species are utilizing the site or where the site is capable of supporting listed species and such listed species can be anticipated to potentially occupy the site, the County shall, consistent with the GMP, consider and utilize recommendations and letters of technical assistance from the Florida Fish and Wildlife Conservation Commission and recommendations from the U.S. Fish and Wildlife Service in issuing **DEVELOPMENT ORDERS**. It is recognized that these agency recommendations, on a case by case basis, may change the requirements contained herein and any such change shall be deemed to be consistent with this Code. The following specific species management and protection plans shall be applicable, in addition to those required by other provision in this section 3.04.00:

A. Gopher Tortoise (*Gopherus polyphemus*)

- 1. All gopher tortoises, their habitats, and the associated commensals are hereby protected.
- 2. It is expressly prohibited to take, which means to harass, harm, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct, any gopher tortoise, and to **ALTER**, destroy,

- or degrade the functions and values of their natural habitat, unless otherwise provided for in this section.
3. All gopher tortoise burrows are protected, and it is prohibited to intentionally destroy or take any such burrow by any means, unless otherwise provided for in this section.
 4. Personnel authorized by the FFWCC or the County may house and relocate tortoises, as necessary and provided for in this section.
 5. When gopher tortoises are identified on-site, a protection and/or management plan or off-site relocation plan shall be submitted to the County Manager or designee for review and approval.
 6. The protection and/or management plan shall include, but not be limited to, the following items:
 - a. A current gopher tortoise survey, which shall be field-verified by planning services staff.
 - b. A proposal for either maintaining the population in place or relocating it.
 - c. A site plan identifying the boundaries of the gopher tortoise preserve.
 - d. The method of relocation, if necessary.
 - e. The proposed supplemental plantings, if needed.
 - f. Detail of the gopher tortoise preserve fencing.
 - g. An annual maintenance plan describing exotic removal and vegetation management.
 - h. Identification of persons responsible for the initial and annual protection and/or management of the tortoises and the preserve area. Suitable gopher tortoise habitat shall be designated on the site plan at the time of the first **DEVELOPMENT ORDER** submittal. Suitable habitat preserved on site shall be credited to the preservation requirement as specified in section 3.05.00 of this LDC.
 6. Suitable habitat shall be defined as having the following characteristics:
 - a. The presence of well-drained, sandy soils, which allow easy burrowing for gopher tortoises.
 - b. Appropriate herbaceous ground cover (if not present, supplemental food sources shall be planted).
 - c. Generally open canopy and sparse shrub cover, which allow sufficient sunlight to reach the ground.
 - d. Typically, includes the presence of an existing gopher tortoise population.

7. Off-site relocation plans shall be permitted to meet all or part of the on-site gopher tortoise habitat preservation requirements under the following circumstances:
 - a. Where suitable habitat does not exist on-site;
 - b. Where a property owner meets the minimum on-site **NATIVE VEGETATION** preservation requirements of this LDC with jurisdictional **WETLANDS**, and cannot provide appropriate habitat for gopher tortoises as described above; or
 - c. Where scientific data has been presented to the County Manager or designee, and an environmental professional opinion is rendered that the requirement to provide the required on-site gopher tortoise habitat preservation area will not be conducive to the long-term health of the on-site population of tortoises.
8. If an off-site relocation plan is authorized under one (1) or more of the above conditions, approval of such a plan and associated State permit, shall be obtained from the FFWCC. Where appropriate, a combination of on-site preservation and off-site relocation may be considered.
9. When relocating tortoises on-site, the **DENSITY** shall be reviewed on a case-by-case basis, and no more than five (5) tortoises per acre will be considered a suitable **DENSITY**.
10. When identifying the **NATIVE VEGETATION** preservation requirement of section 3.05.00. of this LDC for **PARCELS** containing gopher tortoises, priority shall be given to protecting the largest, most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off-site **ADJACENT** gopher tortoises' preserves. All gopher tortoise preserves shall be platted with protective covenants, as required by this section and section 10.02.04 of this LDC or, if the project is not platted, shall provide such language on the approved site **DEVELOPMENT PLAN**. It shall be a priority to preserve scrub habitat, when it exists on-site, for its rare unique qualities and for being one of the most endangered habitats in the County, regardless of whether gopher tortoises are relocated off-site.
11. Gopher tortoises shall be removed from all active and inactive burrows located within the area of construction prior to any site improvement, in accordance with the protection/management plan approved by County Manager or designee.
12. Exemptions. Single family platted **LOTS**, seven and one-half acres or less in size, shall be exempt from the requirements set forth in subsections 5 through 11 above, when these **LOTS** are not a part of a previous **DEVELOPMENT** which has been required to comply

with subsections 5 through 11. However, gopher tortoises shall be protected pursuant to 1-4 above.

B. Sea Turtle Protection

1. The purpose of this section is to protect the threatened and endangered sea turtles that nest along the **BEACHES** of the County, by safeguarding sea turtle hatchlings from sources of artificial light, and adult and hatchling sea turtles from injury or harassment. The County shall adhere to state and federal guidelines for the protection of sea turtles.
2. The requirements of this section apply when **DEVELOPMENT** or lighting associated with **DEVELOPMENT** is located within three hundred (300) feet of mean high water; when parking **LOTS**, **DUNE** walkovers, or other outdoor lighting is proposed; and when reflective surfaces that will be illuminated by outdoor lighting will be visible from the **BEACH**.
 - a. Outdoor lighting shall be held to the minimum necessary for security and safety. Floodlights and landscape or **ACCENT LIGHTING** shall be prohibited.
 - b. All lighting, including wall-mounted fixtures, pole lighting, lights on balconies, and any other type of lighting not specifically referenced by this section, shall be of low intensity, and shall be fitted with hoods or positioned so that the light sources, or any reflective surfaces illuminated by such sources, shall not be visible from the **BEACH**.
 - c. Low profile luminaries shall be used in parking **LOTS**, and such lighting shall be fitted with hoods or positioned so that the light sources, or any reflective surfaces illuminated by such sources, shall not be visible from the **BEACH**.
 - d. **DUNE** crosswalks shall utilize low profile shielded luminaries directed and positioned so that light sources, or any reflective surfaces illuminated by such sources shall not be visible from the **BEACH**. **DUNE** crossover lighting shall be limited to the area landward of the primary **DUNE**.
 - e. If high intensity lighting is necessary, low pressure sodium vapor luminaries shall be used and fitted with a hood or positioned so that the light sources, or any reflective surfaces illuminated by such sources, shall not be visible from the **BEACH**.
 - f. Plates of tinted glass are required for windows that are visible from the **BEACH**. The tinted glass shall be any window or glazing that has an industry-approved light transmittance value of forty-five (45) percent or less. Such transmittance shall be limited to the visible spectrum (400 to 700 nanometers), and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.

- g. Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Light sources, or any reflective surfaces illuminated by such sources, shall not be visible from the **BEACH**.
3. For existing **DEVELOPMENT**, existing **STRUCTURES** with any light sources, or reflective surfaces illuminated by such sources, that are visible from the **BEACH**, shall be in compliance with the following:
 - a. All lights shall be turned off after 9:00 p.m. between May 1 and October 31 of each year, or fitted with a hood or positioned so that the light sources, or any reflective surfaces illuminated by such sources, shall not be visible from the **BEACH**.
 - b. Lights illuminating **DUNE** crosswalks shall be turned off after 9:00 p.m. between May 1 and October 31 of each year, and must be modified to conform to the requirements for new **DEVELOPMENT** in accordance with section 3.04.03(B) of this section.
 - c. Security and emergency exit lighting shall follow the same requirements stated in section 3.04.03(C)(1) of this section. If high intensity lighting is necessary, low pressure sodium vapor luminaries shall be used and fitted with a hood, or positioned so that the light sources, or any reflective surfaces illuminated by such sources, shall not be visible from the **BEACH**.
 - d. At least one (1) of the following measures shall be taken, where applicable, to reduce or eliminate the negative effects of interior light emanating from doors or windows within the line of sight of the **BEACH**, where lights currently illuminate the **BEACH**:
 - i. In windows facing the Gulf of Mexico, and all inlet **SHORELINES** of these **BEACHES**, tinted window treatments are required for windows that are visible from the **BEACH** so that indoor lights do not illuminate the **BEACH**. The tinted glass shall be any window or glazing that has an industry-approved light transmittance value of forty-five (45) percent or less. Such transmittance shall be limited to the visible spectrum (400 to 700 nanometers), and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.
 - ii. Rearrange lamps and other movable fixtures away from windows.
 - iii. Use window treatments, including, but not limited to, blinds and curtains, to shield interior lights from the **BEACH**.
 - iv. Turn off unnecessary lights.
 4. All publicly owned lighting with light sources that are visible from the **BEACH**, or that illuminate reflective surfaces that are visible from the **BEACH**, shall be turned off after 9:00 p.m. between May 1 and

October 31 of each year, or shall be fitted with a hood, or positioned so that the light sources, or any reflective surfaces illuminated by such sources, are not visible from the **BEACH**.

5. It shall be unlawful, during the nesting season, to construct any **STRUCTURE**, add any fill, mechanically clean any **BEACH**, or **GRADE** any dirt within 100 feet of the nesting zone of a **BEACH** where sea turtles nest or may nest, without obtaining a construction in sea turtle nesting area permit from the County Manager or designee.
 - a. If sea turtle nesting occurs within 100 **YARDS** of the construction, measured parallel to the **SHORELINE** during permitted construction activities, the nest area shall be flagged by the permittee and the County Manager or designee informed prior to 9:00 a.m. of that morning.
 - b. Depending on nest location, in relation to intensive construction activities, the County Manager or designee may require that the nest(s) be relocated by the **APPLICANT**.
 - c. Construction activities shall not interfere with sea turtle nesting, shall preserve or replace any **NATIVE VEGETATION** on the site, shall maintain the natural existing **BEACH** profile, and minimize interference with the natural **BEACH** dynamics and function.
 - d. Construction or repair of any **STRUCTURE**, including, but not limited to, **DUNE** walkovers, seawalls, or other revetments, sandbags, groins, or jetties, shall not be permitted during sea turtle nesting season on any County **BEACHES**.
6. It shall be unlawful for any person to kill, molest, or cause direct or indirect injury to any species of sea turtle in Collier County or within its jurisdictional waters. It shall be unlawful to collect or possess any part of a sea turtle.

C. Florida Scrub Jay. Habitat preservation for the Florida scrub jay (*Aphelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. The required management plan shall also provide for a maintenance program and specify an appropriate fire or mechanical protocols to maintain the natural scrub community. The plan shall also outline a public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999.

D. Bald Eagle. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nesting season.

These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999.

E. Red-cockaded woodpecker. For the red-cockaded woodpecker (*Picoides borealis*), the required habitat protection plan shall outline measures to avoid **ADVERSE IMPACTS** to active clusters and to minimize impacts to foraging habitat. Where adverse effects can not be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999.

F. Florida black bear. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.

G. Panther. For projects located in Priority I and Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be **BUFFERED** from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses). Golf courses within the **RFMU DISTRICT** shall be designed and managed using standards found in that district. The management plans shall identify appropriate lighting controls for these permitted uses and shall address the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetative communities and provide browse for white-tailed deer. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, and with the provisions set forth in this section.

H. West Indian Manatee. The management and protection plans for the West Indian Manatee are set forth in section 5.05.02.

3.04.03 Penalties for Violation: Resort to Other Remedies

Violation of the provisions of this section or failure to comply with any of its requirements shall constitute a misdemeanor. Any person or firm who violates this section or fails to comply with any of its requirements shall upon conviction thereof be fined, or imprisoned, or both, as provided by law. Each day such violation continues shall be considered a separate offense. Each taking of a gopher tortoise shall constitute a separate violation. It is not the intent to include tortoises that may be accidentally injured or killed during an approved relocation procedure that is done by a qualified consultant, in accordance with their protection/management plan. Any

other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. The county, in addition to the criminal sanctions contained herein, may take any other appropriate legal action, including but not limited to injunctive action, to enforce the provisions of this section.

3.05.00 VEGETATION REMOVAL, PROTECTION, AND PRESERVATION

3.05.01 Generally

- A. The purpose of this section is the protection of vegetation within the County by regulating its removal; to assist in the control of **FLOODING**, soil erosion, dust, heat, air pollution, and noise; and to maintain property, aesthetic, and health values within the County; to limit the use of irrigation water in **OPEN SPACE** areas by promoting the preservation of existing plant communities; to limit the removal of existing viable vegetation in advance of the approval of land **DEVELOPMENT PLANS**; and to limit the removal of existing viable vegetation when no landscape plan has been prepared for the site. It is not the intent of this section to restrict the mowing of nonprotected vegetation in order to meet the requirements of other sections of this LDC.
- B. It shall be unlawful for any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or unit of federal, state, County, or municipal government to remove, or otherwise destroy, vegetation, which includes placing of additional fill, without first obtaining a vegetation removal or vegetation removal and fill permit from the County Manager or designee, except as hereinafter exempted.

3.05.02 Exemptions from Requirements for Vegetation Protection and Preservation

- A. **NBMO EXEMPTION.** **DEVELOPMENT** in NBMO Receiving Lands are exempt from the provisions of this section.
- B. **SEMINOLE AND MICCOSUKEE TRIBE EXCEPTION.** In accordance with § 581.187, F.S., vegetation removal permits shall not be required for members of either the Seminole Tribe of Florida or the Miccosukee Tribe of Florida Indians, subject to the following conditions. Said permit exemption shall be for the sole purpose of harvesting select vegetation, including, but not limited to, palm fronds and cypress, for use in chickee hut construction, or for cultural or religious purposes. Tribal member identification and written permission from the property owner must be in possession at the time of vegetation removal. This exemption shall not apply to general land clearing, or to agricultural land clearing, including silviculture.
- C. **AGRICULTURAL EXEMPTION.** Agricultural operations that fall within the scope of sections 163.3162(4) and 823.14(6), Florida Statutes, are

exempt from the provisions of section 3.05.00, provided that any new clearing of land for agriculture outside of the RLSA District shall not be converted to non-agricultural **DEVELOPMENT** for 25 years, unless the applicable provisions set forth in section 3.05.00 are adhered to at the time of the conversion. The percentage of **NATIVE VEGETATION** preserved shall be calculated on the amount of vegetation occurring at the time of the agricultural clearing, and if found to be deficient, a native plant community shall be restored to re-create a native plant community in all three strata (ground covers, shrubs and trees), utilizing larger plant materials so as to more quickly re-create the lost mature vegetation.

D. **PRE-EXISTING USES.** Exemptions from the requirements of section 3.05.00 shall not apply to, affect or limit the continuation of uses within the RFMUD which existed existing prior to June 19, 2002.

1. Such existing uses shall include: those uses for which all required permits were issued prior to June 19 2002; or projects for which a **CONDITIONAL USE** or Rezone petition has been approved by the County prior to June 19, 2002; or, land use petitions for which a completed application has been submitted and which have been determined to be vested from the requirements of the Final Order prior to June 19, 2002. The continuation of existing uses shall include expansions of those uses if such expansions are consistent with or clearly ancillary to the existing uses.

2. Such previously approved **DEVELOPMENTS** shall be deemed to be consistent with the GMP Goals, Policies and Objectives for the **RFMU DISTRICT**, and they may be built out in accordance with their previously approved plans. Changes to these previous approvals shall also be deemed to be consistent with the GMP Goals, Objectives and Policies for the **RFMU DISTRICT** as long as they do not result in an increase in **DEVELOPMENT** density or intensity.

E. **EXEMPT MANGROVE ALTERATION PROJECTS.** Mangrove alteration projects that are exempted from Florida Department of Environmental Protection permit requirements by Florida Administrative Code 17-321.060 are exempt from preservation standards for the mangrove trees, unless they are a part of a preserve. This exemption shall not apply to mangrove alterations or removal in any preserve or in any area where the mangroves have been retained in satisfaction of section 3.05.07. The Collier County Environmental Advisory Council (EAC) may grant a variance to the provisions of this section if compliance with the mangrove tree preservation standards of this Division would impose a unique and unnecessary hardship on the owner or any other person in control of affected property. Mangrove

trimming or removal for a view shall not be considered a hardship. Relief shall be granted only upon demonstration by the landowner or affected party that such hardship is peculiar to the affected property and not self-imposed, and that the grant of a variance will be consistent with the intent of this division and the growth management plan.

- F. Except for **LOTS** on undeveloped coastal barrier islands, and any project proposing to **ALTER** mangrove trees, a vegetation removal permit for clearing one (1) acre or less of land is not required for the removal of protected vegetation, other than a specimen tree on a **PARCEL** of land zoned residential, RSF, VR, A or E, or other nonagricultural, non-sending lands, non-NRPA, noncommercial zoning districts in which single-family **LOTS** have been subdivided for single-family use only, where the following conditions have been met:
1. A building permit has been issued for the permitted **PRINCIPAL STRUCTURE** (the building permit serves as the clearing permit);
or
 2. The permitted **PRINCIPAL STRUCTURE** has been constructed, and the property owner or **AUTHORIZED AGENT** is conducting the removal, and the total area that will be cleared on site does not exceed one acre.
- G. A vegetation removal permit is not required for the following situations:
1. Removal of protected vegetation other than a specimen tree, when a site plan and vegetation protection plans have been reviewed and approved by the County Manager or designee as part of the final **DEVELOPMENT ORDER**.
 2. Removal of protected vegetation from the property of a Florida licensed tree farm/nursery, where such vegetation is intended for sale in the ordinary course of the licensee's business and was planted for the described purpose.
 3. Removal of protected vegetation, other than a specimen tree, by a Florida licensed land surveyor in the performance of his/her duties, provided such removal is for individual trees within a swath that is less than three (3) feet in width.
 4. Removal of protected vegetation prior to building permit issuance if the conditions set forth in section 4.06.04 A.1.
 5. Removal of **PROHIBITED EXOTIC VEGETATION**. Mechanical clearing of **PROHIBITED EXOTIC VEGETATION** shall require a vegetation removal permit. Mechanical clearing is defined as clearing that would impact or disturb the soil or sub-soil layers or disturb the root systems of plants below the ground.

3.05.03 Procedures

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

3.05.04 Vegetation Removal and Protection Standards

- A. During construction, all reasonable steps necessary to prevent the destruction or damaging of vegetation shall be taken, including the installation of protective barriers. Vegetation destroyed or receiving major damage must be replaced by vegetation of equal environmental value, as specified by the County Manager or designee, before occupancy or use, unless approval for their removal has been granted under permit.
- B. During construction, unless otherwise authorized by a vegetation removal permit, no excess soil, additional fill, equipment, liquids, or construction debris shall be placed within the dripline of any vegetation that is required to be preserved in its present location.
- C. Unless otherwise authorized by a vegetation removal permit, no attachments or wires, other than those of a protective or nondamaging nature, shall be attached to any vegetation during construction.
- D. Unless otherwise authorized by a vegetation removal permit, no soil is to be removed from within the drip line of any vegetation that is to remain in its original location.
- E. Areas to be preserved shall be protected during land alteration and construction activities by placing a continuous barrier around the perimeter of the area of vegetation to be preserved. This barrier shall be highly visible and constructed of wood stakes set a maximum of ten (10) feet apart, at a height range of two (2) to four (4) feet, all covered continuously with brightly colored, all-weather mesh material or equal type barrier method. An equivalent method may be substituted with the approval of the County Manager or designee.
- F. When the retention of single trees is required by this LDC, a protective barrier, similar to that required in section 3.05.04 E., shall be placed around the tree at a distance from the trunk of six (6) feet or beyond the drip line, whichever is greater, or as otherwise approved by the County Manager or designee.
- 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 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. 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.

3.05.05 **Criteria for Removal of Protected Vegetation**

The County Manager or designee may approve an application for vegetation removal permit if it is determined that reasonable efforts have been undertaken in the layout and design of the proposed **DEVELOPMENT** to preserve existing vegetation and to otherwise enhance the aesthetic appearance of the **DEVELOPMENT** by the incorporation of existing vegetation in the design process. Relocation or replacement of vegetation may be required as a condition to the issuance of an approval in accordance with the criteria set forth in this section. In addition, a vegetation removal permit may be issued under the following conditions:

- A. Protected vegetation is a safety hazard to pedestrian or vehicular traffic, public services, utilities, or to an existing **STRUCTURE**.
- B. Diseased or otherwise unhealthy vegetation, as determined by standard horticultural practices, and, if required, a site inspection by the County Manager or designee.
- C. A **FINAL LOCAL DEVELOPMENT ORDER** has been issued which requires removal of the protected vegetation.
- D. Compliance with other codes and/or ordinances may involve protected vegetation removal.
- E. Replacement of non-**NATIVE VEGETATION** shall be with **NATIVE VEGETATION** and shall be subject to the approval of the County Manager or designee. Replacement vegetation shall comply with the standards of section 4.06.05 and shall include the following minimum sizes: one gallon ground cover; seven (7) gallon shrubs; fourteen (14) foot high trees with seven foot crown spread and dbh (**DIAMETER AT BREAST HEIGHT**) of three inches. Replacement **NATIVE VEGETATION** shall be planted within fourteen (14) calendar days of removal.
- F. On a **PARCEL** of land zoned RSF, VR, E, or other nonagricultural, noncommercial zoning district in which single-family **LOTS** have been subdivided for single-family use only, a vegetation removal permit may be issued for any permitted **ACCESSORY USE** to that zoning.
- G. The proposed mangrove alteration has a DEP permit, or meets the permitting standards in the Florida Administrative Code. However, mangrove removal or trimming shall be prohibited in all preserves or areas used to fulfill the **NATIVE VEGETATION** preservation requirements.

- H. Removal of vegetation for approved mitigation bank sites (as defined by the Florida Administrative Code); state or federally endorsed environmental preservation, enhancement, or restoration projects; or fire breaks approved by the State of Florida, Division of Forestry, shall be permitted. Vegetation removal permits issued under these criteria are valid for the period of time authorized by such agency permits.
- I. **VEGETATION RELOCATION PLAN.** If vegetation relocation is proposed by the **APPLICANT** prior to site **DEVELOPMENT PLAN**, construction plan or other final approvals, a vegetation relocation permit (vegetation removal permit) may be issued by the County Manager or his designee provided that it can be demonstrated that early transplantation will enhance the survival of the relocated vegetation. The vegetation relocation plan shall document methods of relocation, timing of relocation, watering provisions, maintenance and other information as required by the County Manager or his designee.
- J. **LANDSCAPE PLANT REMOVAL OR REPLACEMENT.** The removal or replacement of approved landscaping shall be done in accordance with the regulations that guide the landscape plans reviews and approvals in section 4.06.00. A vegetation removal permit will not be issued for the removal or replacement of landscape plants. That approval must be obtained through an amendment process to the landscape plan or as otherwise authorized by permit by the Collier County Landscape Architect.

3.05.06 Management Plan Required

For all individual areas of mangrove trees and areas of preserved plant communities larger than one-half (1/2) acre in area, the owner shall submit, for the approval of the County Manager or designee, a narrative management plan indicating the manner in which the owner will preserve the native plant communities. The narrative shall include:

- A. Whether the existing vegetation is to be preserved in the existing species composition.
- B. The manner in which the composition of existing plant material is to be preserved (hand removal of invasive species, prescribed burning, etc.), if applicable.
- C. The maintenance schedule for the removal of invasive species.
- D. The maintenance schedule for the removal of debris.
- E. Other information that may be required by the County Manager or his designee that is reasonable and necessary to determine if the management plan meets the requirements of this LDC.
- F. The County Manager or designee may conduct an on-site inspection to determine if the proposed vegetation removal meets the criteria in section 3.05.05 and conforms to the preservation standards in section 3.05.07 below.

3.05.07 Preservation Standards

All **DEVELOPMENT** not specifically exempted by this ordinance shall incorporate, at a minimum, the preservation standards contained within this section.

A. GENERAL STANDARDS AND CRITERIA.

1. The preservation of **NATIVE VEGETATION** shall include canopy, under-story and ground cover emphasizing the largest contiguous area possible, except as otherwise provided in section 3.05.07 H.1.e.
2. Areas that fulfill the **NATIVE VEGETATION** retention standards and criteria of this Section shall be set aside as preserve areas, subject to the requirements of section 3.05.07 H. Single family residences are exempt from the requirements of section 3.05.07 H.
3. Preserve areas shall be selected in such manner as to preserve the following, in descending order of priority, except to the extent that preservation is made mandatory in sections 3.05.07 F.3. and 3.05.07 G.3.c.:
 - a. Onsite **WETLANDS** having an assessed functionality of 0.65 or greater;
 - b. Areas known to be utilized by listed species or that serve as corridors for the movement of wildlife;
 - c. Any upland habitat that serves as a **BUFFER** to a wetland area,
 - d. Listed plant and animal species habitats,
 - e. Xeric Scrub,
 - f. **DUNE** and Strand, Hardwood Hammocks,
 - g. Dry Prairie, Pine Flatwoods, and
 - h. All other upland habitats.
 - i. Existing **NATIVE VEGETATION** located contiguous to a **NATURAL RESERVATION**.
4. Preservation areas shall be interconnected within the site and to adjoining off-site preservation areas or wildlife corridors.

5. To the greatest extent possible, **NATIVE VEGETATION**, in quantities and types set forth in section 4.06.00, shall be incorporated into landscape designs in order to promote the preservation of native plant communities and to encourage water conservation.

B. SPECIFIC STANDARDS APPLICABLE OUTSIDE THE RFMU AND RLSA DISTRICTS. Outside the RFMU and RLSA Districts, **NATIVE VEGETATION** shall be preserved on-site through the application of the following preservation and vegetation retention standards and criteria, unless the **DEVELOPMENT** occurs within the ACSC where the ACSC standards referenced in the Future Land Use Element shall apply. This Section shall not apply to **SINGLE-FAMILY DWELLING UNITS** situated on individual **LOTS** or **PARCELS**.

1. REQUIRED PRESERVATION

DEVELOPMENT Type	Coastal High Hazard Area	Non-Coastal High Hazard Area
Residential and Mixed Use DEVELOPMENT	Less than 2.5 acres 10%	Less than 5 acres 10%
	Equal to or greater than 2.5 acres 25%	Equal to or greater than 5 acres and less than 20 acres. 15%
		Equal to or greater than 20 acres 25%
Golf Course	35%	35%
Commercial and Industrial DEVELOPMENT and all other non-specified DEVELOPMENT types	Less than 5 acres. 10%	Less than 5 acres. 10%
	Equal to or greater than 5 acres. 15%	Equal to or greater than 5 acres. 15%
Industrial DEVELOPMENT (Rural-Industrial District only)	50%, not to exceed 25% of the project site.	50%, not to exceed 25% of the project site.

2. **EXCEPTIONS.** An exception from the vegetation retention standards above shall be granted in the following circumstances:

- a. where the **PARCEL** was legally cleared of **NATIVE VEGETATION** prior to January 1989;
- b. where the **PARCEL** cannot reasonably accommodate both the application of the **NATIVE VEGETATION** retention standards and the proposed uses allowed under this Code, subject to the criteria set forth in section 3.05.07 (H)(1)(e).

C. SPECIFIC STANDARDS FOR THE RFMU DISTRICT. For Lands within the **RFMU DISTRICT**, **NATIVE VEGETATION** shall be preserved through the application of the following preservation and vegetation retention standards and criteria, in addition to the generally applicable standards and criteria set forth in 3.05.07 A. above:

1. RFMU RECEIVING LANDS OUTSIDE THE NBMO.

- a. A minimum of 40% of the **NATIVE VEGETATION** present, not to exceed 25% of the total site area shall be preserved.
 - i. Off-site preservation shall be allowed at a ratio of 1:1 if such off-site preservation is located within **RFMU SENDING LANDS**.
 - ii. Off-site preservation shall be allowed at a ratio of 1.5:1 if such off-site preservation is located outside of Sending Lands.
 - iii. Like for like preservation shall be required for Tropical Hardwood and Oak Hammock vegetative communities.
- b. Where schools and other public facilities are co-located on a site, the **NATIVE VEGETATION** retention requirement shall be 30% of the **NATIVE VEGETATION** present, not to exceed 25% of the site.

2. NEUTRAL LANDS.

- a. In **NEUTRAL LANDS**, a minimum of 60% of the **NATIVE VEGETATION** present, not to exceed 45% of the total site area shall be preserved.
- b. Exceptions.

- i. In those **NEUTRAL LANDS** located in Section 24, Township 49 South, Range 26 East, in the NBMO, **NATIVE VEGETATION** shall be preserved as set forth in section 2.03.08 D.5.b.
- ii. Where schools and other public facilities are co-located on a site, the **NATIVE VEGETATION** retention requirement shall be 30% of the **NATIVE VEGETATION** present, not to exceed 25% of the site.

3. **RFMU SENDING LANDS.**

- a. In **RFMU SENDING LANDS** that are not within a NRPA, 80% of the **NATIVE VEGETATION** present on site shall be preserved, or as otherwise permitted under the Density Blending provisions of section 2.05.02. Off-site preservation shall be allowed in satisfaction of up to 25% of the site preservation or vegetative retention requirement, at a ratio of 3:1, if such off-site preservation is located within or contiguous to Sending Lands.
- b. In **RFMU SENDING LANDS** that are within a NRPA, 90% of the **NATIVE VEGETATION** present shall be preserved or such other amount as may be permitted under the Density Blending provisions of section 2.05.02. Off-site preservation shall not be credited toward satisfaction of any of the vegetative retention requirement applicable in such NRPA's.

4. **GENERAL EXCEPTIONS.**

- a. **Non-conforming, Pre-existing PARCELS.** In order to ensure reasonable use and to protect the private property rights of owners of smaller **PARCELS** of land within the **RFMU DISTRICT**, including **NONCONFORMING LOTS OF RECORD** which existed on or before June 22, 1999, for **LOTS, PARCELS** or fractional units of land or water equal to or less than five (5) acres in size, **NATIVE VEGETATION** clearing shall be allowed, at 20% or 25,000 square feet of the **LOT** or **PARCEL** or fractional unit, whichever is greater, exclusive of any clearing necessary to provide for a 15-foot wide **ACCESS** drive up to 660 feet in length. For **LOTS** and **PARCELS** greater than 5 acres but less than 10 acres, up to 20% of the **PARCEL** may be cleared. This allowance shall not be considered a maximum clearing allowance where other provisions of this Plan allow for greater clearing

amounts. These clearing limitations shall not prohibit the clearing of brush or under-story vegetation within 200 feet of **STRUCTURES** in order to minimize wildfire fuel sources.

- b. **Specific County-owned Land.** On County-owned land located in Section 25, Township 26 E, Range 49 S (+/-360 acres), the **NATIVE VEGETATION** retention and site preservation requirements may be reduced to 50% if the permitted uses are restricted to the portions of the property that are contiguous to the existing land fill operations; exotic removal will be required on the entire +/- 360 acres.
- c. **Discretionary Exception for Essential Public Services.** The County Manager or his designee may grant written exemptions to the above preservation requirements on agriculturally zoned property for essential public services (as defined in section 2.01.03), where it can be demonstrated that the preservation requirements and the Essential Public Services cannot both be reasonably accommodated on the site and it is in the best interest of the general public to allow a reduction in all or part from the requirements for preservation of existing **NATIVE VEGETATION**.

D. SPECIFIC STANDARDS FOR RLSA DISTRICT. For lands within the RLSA District, **NATIVE VEGETATION** shall be preserved pursuant to the RLSA District Regulations set forth in section 4.08.00 of this Code.

E. DENSITY BONUS INCENTIVES. Density Bonus Incentives shall be granted to encourage preservation.

- 1. **OUTSIDE RURAL VILLAGES.** In **RFMU RECEIVING LANDS** not designated as a **RURAL VILLAGE**, a density bonus of 0.1 **DWELLING UNIT** per acre shall be granted for each acre of **NATIVE VEGETATION** preserved on-site that exceeds the requirements set forth in section 3.05.07 C., once a density of 1 unit per acre is achieved through the use of **TDR CREDITS**.
- 2. **INSIDE RURAL VILLAGES.** In **RFMU RECEIVING LANDS** designated as a **RURAL VILLAGE**, a density bonus of 0.3 **DWELLING UNITS** per acre shall be granted for each acre of **NATIVE VEGETATION** preserved on-site that exceeds the requirements set forth in section 3.05.07 C., once a density of 2 units per acre is achieved through the use of **TDR** and **BONUS CREDITS**.

F. WETLAND PRESERVATION AND CONSERVATION.

1. **PURPOSE.** The following standards are intended to protect and conserve Collier County's valuable **WETLANDS** and their natural functions, including marine **WETLANDS**. These standards apply to all of Collier County, except for lands within the RLSA District. RLSA District lands are regulated in section 4.08.00. **WETLANDS** shall be protected as follows, with total site preservation not to exceed those amounts of vegetation retention set forth in section 3.05.07 (C), unless otherwise required.
2. **URBAN LANDS.** In the case of **WETLANDS** located within the Urban designated areas of the County, the County will rely on the jurisdictional determinations made by the applicable state or federal agency in accordance with the following provisions:
 - a. Where permits issued by such jurisdictional agencies allow for impacts to **WETLANDS** within this designated area and require mitigation for such impacts, this shall be deemed to meet the objective of protection and conservation of **WETLANDS** and the natural functions of **WETLANDS** within this area.
 - b. The County shall require the appropriate jurisdictional permit prior to the issuance of a **FINAL LOCAL DEVELOPMENT ORDER** permitting site improvements, except in the case of any single-family residence that is not part of an approved **DEVELOPMENT** or platted **SUBDIVISION**.
 - c. Within the Immokalee Urban Designated Area, there exists high quality wetland system connected to the Lake Trafford/Camp Keais system. These **WETLANDS** require greater protection measures and therefore the wetland protection standards set forth in 3.05.07 (F)(3) below shall apply in this area.
3. **RFMU DISTRICT.** Direct impacts of **DEVELOPMENT** within **WETLANDS** shall be limited by directing such impacts away from high quality **WETLANDS**. This shall be accomplished by adherence to the vegetation retention requirements of section 3.05.07 (C) above and the following standards:
 - a. In order to assess the values and functions of **WETLANDS** at the time of project review, **APPLICANTS** shall rate the functionality of **WETLANDS** using the Unified Wetland Mitigation Assessment Method set forth in F.A.C. 62-345. For projects that have already been issued an Environmental Resource Permit by the state, the County will accept **WETLANDS** functionality assessments that are based upon the

South Florida Water Management District's Wetland Rapid Assessment Procedures (WRAP), as described in Technical Publication Reg 001 (September 1997, as update August 1999). The **APPLICANT** shall submit to County staff these respective assessments and the scores accepted by either the South Florida Water Management District or Florida Department of Environmental Protection.

- b. **WETLANDS** documented as being utilized by listed species or serving as corridors for the movement of wildlife shall be preserved on site, regardless of whether the preservation of these **WETLANDS** exceeds the acreage required in section 3.05.07 (B).
- c. Existing wetland **FLOWWAYS** through the project shall be maintained, regardless of whether the preservation of these **FLOWWAYS** exceeds the acreage required in section 3.05.07 (C).
- d. Drawdowns or diversion of the ground water table shall not adversely change the hydroperiod of preserved **WETLANDS** on or offsite. Detention and control elevations shall be set to protect surrounding **WETLANDS** and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2.4, 6.11 and 6.12 of SFWMD's Basis of Review, January 2001.
- e. Single family residences shall follow the requirements contained within Section 3.05.07 (F)(5).
- f. Preserved **WETLANDS** shall be **BUFFERED** from other land uses as follows:
 - i. A minimum 50-foot vegetated upland **BUFFER ADJACENT** to a natural water body.
 - ii. For other **WETLANDS** a minimum 25-foot vegetated upland **BUFFER ADJACENT** to the wetland.
 - iii. A structural **BUFFER** may be used in conjunction with a vegetative **BUFFER** that would reduce the vegetative **BUFFER** width by 50%. A structural **BUFFER** shall be required **ADJACENT** to **WETLANDS** where direct impacts are allowed. A structural **BUFFER** may consist of a stem-wall, **BERM**, or vegetative hedge with suitable fencing.

- iv. The **BUFFER** shall be measured landward from the approved jurisdictional line.
- v. The **BUFFER** zone shall consist of preserved **NATIVE VEGETATION**. Where **NATIVE VEGETATION** does not exist, **NATIVE VEGETATION** compatible with the existing soils and expected hydrologic conditions shall be planted.
- vi. The **BUFFER** shall be maintained free of Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council.
- vii. The following land uses are considered to be compatible with **WETLAND FUNCTIONS** and are allowed within the **BUFFER**:
 - (1) Passive recreational areas, boardwalks and recreational shelters;
 - (2) Pervious nature trails;
 - (3) Water management **STRUCTURES**;
 - (4) Mitigation areas;
 - (5) Any other conservation and related **OPEN SPACE** activity or use which is comparable in nature with the foregoing uses.

4. **MITIGATION**. Mitigation shall be required for direct impacts to **WETLANDS** in order to result in no net loss of **WETLAND FUNCTIONS**, in adherence with the following requirements and conditions:

a. **Mitigation Requirements:**

- i. Loss of storage or conveyance volume resulting from direct impacts to **WETLANDS** shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or **ADJACENT** to the impacted wetland.
- ii. Prior to issuance of any final **DEVELOPMENT ORDER** that authorizes site alteration, the **APPLICANT** shall demonstrate compliance with a and b above. If agency permits have not

provided mitigation consistent with this Section, Collier County will require mitigation exceeding that of the jurisdictional agencies.

- iii. Mitigation requirements for single-family **LOTS** shall be determined by the State and Federal agencies during their permitting process, pursuant to the requirements of Section (5) below.
- b. Mitigation Incentives: A density bonus of 10% of the maximum allowable **RESIDENTIAL DENSITY**, a 20% reduction in the required **OPEN SPACE** acreage, a 10% reduction in the required **NATIVE VEGETATION**, or a 50% reduction in required littoral zone requirements may be granted for projects that do any of the following:
 - i. Increase wetland habitat through recreation or restoration of **WETLAND FUNCTIONS**, of the same type found on-site, on an amount of off-site acres within the Rural Fringe Mixed Use District Sending Lands, equal to, or greater than 50% of the on-site **NATIVE VEGETATION** preservation acreage required, or 20% of the overall project size, whichever is greater;
 - ii. Create, enhance or restore wading bird habitat to be located near wood stork, and/or other wading bird colonies, in an amount that is equal to, or greater than 50% of the on-site **NATIVE VEGETATION** preservation acreage required, or 20% of the overall project size, whichever is greater; or
 - iii. Create, enhance or restore habitat for other listed species, in a location and amount mutually agreeable to the **APPLICANT** and Collier County after consultation with the applicable jurisdictional agencies.
 - c. EIS Provisions. When mitigation is proposed, the EIS shall demonstrate that there is no net loss in **WETLAND FUNCTIONS** as prescribed above.
 - d. **EXOTIC VEGETATION** Removal. **EXOTIC VEGETATION** removal shall not constitute mitigation.
5. **ESTATES, RURAL-SETTLEMENT AREAS, AND ACSC.** In the case of lands located within Estates Designated Area, the Rural Settlement Area, and the ACSC, the County shall rely on the wetland jurisdictional determinations and permit requirements

issued by the applicable jurisdictional agency, in accordance with the following:

- a. For single-family residences within Southern Golden Gate Estates or within the Big Cypress Area of Critical State Concern, the County shall require the appropriate federal and state wetland-related permits before Collier County issues a building permit.
- b. Outside of Southern Golden Gate Estates and the Area of Critical State Concern, Collier County shall inform **APPLICANTS** for individual single-family building permits that federal and state wetland permits may be required prior to construction. The County shall also notify the applicable federal and state agencies of single family building permits applications in these areas.

6. **RLSA DISTRICT.** Within the RLSA District, **WETLANDS** shall be preserved pursuant to section 4.08.00.

7. **SUBMERGED MARINE HABITATS.** The County shall protect and conserve submerged marine habitats as provided in section 5.03.06 I.

G. NATURAL RESERVATION PROTECTION AND CONSERVATION.

1. PURPOSE AND APPLICABILITY

- a. The purpose of this Section is to protect **NATURAL RESERVATIONS** from the impact of surrounding **DEVELOPMENT**. For the purpose of this section, **NATURAL RESERVATIONS** shall include only NRPA's and designated Conservation Lands on the Future Land Use Map.
- b. For the purposes of this Section, **DEVELOPMENT** shall include all projects **SINGLE-FAMILY DWELLING UNITS** situated on individual **LOTS** or **PARCELS**.

2. **REVIEW PROCESS.** All requests for **DEVELOPMENT** contiguous to **NATURAL RESERVATIONS** shall be reviewed as part of the County's **DEVELOPMENT** review process.

3. **RFMU DISTRICT REQUIREMENTS.** The following criteria shall apply within the **RFMU DISTRICT** only.

a. **OPEN SPACE.** **OPEN SPACE** shall be required to provide a **BUFFER** between the project and the **NATURAL RESERVATION**.

i. **OPEN SPACE** allowed between the project's non-**OPEN SPACE** uses and the boundary of the **NATURAL RESERVATION** may include natural preserves, natural or man-made lakes, golf courses, recreational areas, required **YARD** set-back areas, and other natural or man-made **OPEN SPACE** requirements.

ii. The following **OPEN SPACE** uses are considered acceptable uses contiguous to the **NATURAL RESERVATION** boundary:

(a) preservation areas;

(b) golf course roughs maintained in a natural state;

(c) stormwater management areas;

(d) pervious nature trails and hiking trails limited to use by nonmotorized vehicles.

b. **OPEN SPACES AS BUFFERS.**

i. The uses in paragraph (a)(ii) above are encouraged to be located as to provide a **BUFFER** between the **NATURAL RESERVATION** and more intensive **OPEN SPACE** uses, including playgrounds, tennis courts, golf courses (excluding roughs maintained in a natural state), and other recreational uses and **YARDS** for individual **LOTS** or **PARCELS**, or **OPEN SPACE** uses that are **IMPERVIOUS** in nature. These more intensive **OPEN SPACE** uses may not be located closer than 300 feet to the boundary of the **NATURAL RESERVATION**.

ii. In addition, where woodstork (*Mycteria americana*) rookeries, bald eagle (*Haliaeetus leucocephalus*) nests, and wading bird roosts are found in the **ADJACENT NATURAL RESERVATION**, the **OPEN SPACE** uses identified in (a) - (c) below are considered acceptable for placement within a **BUFFER** as specified below:

(a) Woodstork (*Mycteria americana*) rookeries, bald eagle (*Haliaeetus leucocephalus*) nests – 1,500 feet;

(b) Wading bird roost – 300 feet;

(c) These **BUFFER** distances shall only apply to the identified entity within the **NATURAL RESERVATIONS**.

iii. These requirements shall be modified on a case by case basis, if such modifications are based upon the review and recommendations from the USFWS and the FFWCC. Any such changes shall be deemed consistent with the Growth Management Plan.

c. **CONTIGUOUS NATIVE VEGETATION.** Existing **NATIVE VEGETATION** that is located contiguous to the **NATURAL RESERVATION** shall be preserved as part of the preservation requirements specified in Section 3.05.07.

d. **WILDLIFE CORRIDORS.** Where wildlife corridors exist for listed species, provision shall be made to accommodate the movement of the listed species through the project to the **NATURAL RESERVATION**. The County shall consider the recommendations from the USFWS.

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 **DEVELOPMENT ORDER** submittal.

b. **MINIMUM DIMENSIONS.** The minimum width of the preserve shall be:

- i. twenty feet, for property less than ten acres.
 - ii. an average of thirty feet in width but not less than twenty feet in width, for property equal to ten acres and less than twenty acres.
 - iii. an average of fifty feet in width but not less than twenty feet for property of twenty acres and greater.
- c. **PROTECTION OF WETLAND HYDROPERIODS.** Drawdowns or diversion of the ground water table shall not adversely change the hydroperiod of preserved **WETLANDS** on or offsite. Detention and control elevations shall be set to protect surrounding **WETLANDS** and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2.4, 6.11 and 6.12 of SFWMD's Basis of Review, January 2001.
- d. **PROTECTIVE COVENANTS.** Preserve areas shall be identified as separate tracts or **EASEMENTS**, with **ACCESS** to them from a platted **RIGHT-OF-WAY**. No individual residential or commercial **LOT, PARCEL** lines, or other **EASEMENTS** such as utility or **ACCESS EASEMENTS**, may project into a Preserve. All required **EASEMENTS** or tracts for preserves shall be dedicated to the County without placing on the County the responsibility for maintenance or to a property owners' association or similar entity with maintenance responsibilities. The protective covenants for the tract or **EASEMENT** shall establish the permitted uses for said **EASEMENT(s)** and/or tracts on the final **SUBDIVISION** plat. A nonexclusive **EASEMENT** or tract in favor of the County, without any maintenance obligation, shall be provided for all preserves on the preliminary and final **SUBDIVISION** plats and all final **DEVELOPMENT ORDER** site plans. The boundaries of all preserve **EASEMENTS** shall be dimensioned on the final **SUBDIVISION** plat.
- e. **CREATED PRESERVES.** Created Preserves shall be allowed for **PARCELS** that cannot reasonably accommodate both the required on-site preserve area and the proposed activity.
- i. **Applicability.** Criteria for allowing created preserves include:
 - (a) Where site elevations or conditions requires placement of

fill thereby harming or reducing the survivability of the **NATIVE VEGETATION** in its existing locations;

- (b) Where the existing vegetation required by this policy is located where proposed site improvements are to be located and such improvements cannot be relocated as to protect the existing **NATIVE VEGETATION**;
- (c) Where native preservation requirements cannot be accommodated, the landscape plan shall re-create a native plant community in all three strata (ground covers, shrubs and trees), utilizing larger plant materials so as to more quickly re-create the lost mature vegetation. These areas shall be identified as created preserves.
- (d) When a State or Federal permit requires creation of native habitat on site. The created preserve acreage may fulfill all or part of the **NATIVE VEGETATION** requirement when preserves are planted with all three strata; using the criteria set forth in Created Preserves. This exception may be granted, regardless of the size of the project.
- (e) When small isolated areas (of less than ½ acre in size) of **NATIVE VEGETATION** exist on site. In cases where retention of **NATIVE VEGETATION** results in small isolated areas of ½ acre or less, preserves may be planted with all three strata; using the criteria set forth in Created Preserves and shall be created **ADJACENT** existing **NATIVE VEGETATION** areas on site or contiguous to preserves on **ADJACENT** properties. This exception may be granted, regardless of the size of the project.
- (f) When an **ACCESS** point to a project cannot be relocated. To comply with obligatory health and safety mandates such as road alignments required by the State, preserves may be impacted and created elsewhere on site.

ii. Required Planting Criteria:

- (a) Where created preserves are approved, the landscape plan shall re-create a native plant community in all three strata (ground cover, shrubs and trees), utilizing larger plant materials so as to more quickly re-create the lost mature vegetation. Such re-vegetation shall apply the

standards of section 4.06.05 C. of this Code, and include the following minimum sizes: one gallon ground cover; seven (7) gallon shrubs; fourteen (14) foot high trees with a seven foot crown spread and a dbh (**DIAMETER AT BREAST HEIGHT**) of three inches. The spacing of the plants shall be as follows: twenty to thirty foot on center for trees with a small canopy (less than 30 ft mature spread) and forty foot on center for trees with a large canopy (greater than 30 ft mature spread), five foot on center for shrubs and three foot on center for ground covers. Plant material shall be planted in a manner that mimics a natural plant community and shall not be maintained as landscaping. Minimum sizes for plant material may be reduced for scrub and other xeric habitats where smaller size plant material are better suited for re-establishment of the native plant community.

- (b) Approved created preserves may be used to recreate:
 - (1) not more than one acre of the required preserves if the property has less than twenty acres of existing **NATIVE VEGETATION**.
 - (2) not more than two acres of the required preserves if the property has equal to or greater than twenty acres and less than eighty acres of existing **NATIVE VEGETATION**.
 - (3) not more than 10% of the required preserves if the property has equal to or greater than eighty acres of existing **NATIVE VEGETATION**.
- (c) The minimum dimensions shall apply as set forth in 3.05.07 H.1.b.
- (d) All perimeter landscaping areas that are requested to be approved to fulfill the **NATIVE VEGETATION** preserve requirements shall be labeled as preserves and shall comply with all preserve **SETBACKS**.

f. **ALLOWABLE SUPPLEMENTAL PLANTINGS.** Supplemental native plantings in all three strata may be added to preserve areas where the removal of non-native and/or nuisance vegetation creates open areas with little or no **NATIVE VEGETATION** coverage. Plant material in these restoration areas shall meet the following minimum size criteria: one gallon

ground covers, three gallon shrubs and six foot high trees. Plant material shall be planted in a manner that mimics a natural plant community and shall not be maintained as landscaping. Minimum sizes for plant material may be reduced for scrub and other xeric habitats where smaller size plants material are better suited for re-establishment of the native plant community.

- g. **PRESERVE MANAGEMENT PLANS.** The Preserve Management Plan shall identify actions that must be taken to ensure that the preserved areas will function as proposed. A Preserve Management Plan shall include the following elements:
- i. **General Maintenance.** Preserves shall be maintained in their natural state and must be kept free of refuse and debris.
 - ii. **EXOTIC VEGETATION Removal, Non-NATIVE VEGETATION, and Nuisance or Invasive Plant Control.** **EXOTIC VEGETATION** removal and maintenance plans shall require that Category I Exotics be removed from all preserves. All exotics within the first 75 feet of the outer edge of every preserve shall be physically removed, or the tree cut down to **GRADE** and the stump treated. Exotics within the interior of the preserve may be approved to be treated in place if it is determined that physical removal might cause more damage to the **NATIVE VEGETATION** in the preserve. When **PROHIBITED EXOTIC VEGETATION** is removed, but the base of the vegetation remains, the base shall be treated with an U.S. Environmental Protection Agency approved herbicide and a visual tracer dye shall be applied. Control of exotics shall be implemented on a yearly basis or more frequently when required, and shall describe specific techniques to prevent reinvasion by **PROHIBITED EXOTIC VEGETATION** of the site in perpetuity. **Non-NATIVE VEGETATION** and nuisance or invasive plants shall be removed from all Preserves.
 - iii. **Designation of a Preserve Manager.** A Preserve Manager shall be identified as the responsible party to ensure that the Preserve Management Plan is being complied with. The individual's name, address and phone number shall be listed on the Preserve Management Plan. The same information shall be provided regarding the developer. Both parties will be responsible until such time that the homeowners association takes over the management of the preserve. At that time, the homeowners association shall amend the plan

to provide the homeowner association information and information regarding the person hired by the association to manage the preserve. The homeowner's association and the preserve manager shall be responsible for annual maintenance of the preserve, in perpetuity. At a minimum, the Preserve Manager shall have the same qualifications as are required for the author of an EIS, as set forth in section 10.02.02 A.3.

iv. **Wildlife Habitat Management.** Where habitats must be managed with regards to the species utilizing them, Wildlife Habitat Management strategies may be required to provide for specialized treatment of the preserve. Where protected species are identified, management strategies shall be developed and implemented in accordance with section 3.04.00. Where site conditions require prescribed burns, a fire management plan will be developed and implemented.

v. **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 section 3.05.04.

h. **ALLOWABLE USES WITHIN PRESERVE AREAS.** Passive recreational uses such as pervious nature trails or boardwalks are allowed within the preserve areas, as long as any clearing required to facilitate these uses does not impact the minimum required vegetation. For the purpose of this section, passive recreational uses are those uses that would allow limited **ACCESS** to the preserve in a manner that will not cause any negative impacts to the preserve, such as pervious **PATHWAYS**, benches and educational **SIGNS**. Fences may be utilized outside of the preserves to provide protection in the preserves in accordance with the protected species section 3.04.01 D.1.c. Fences and walls are not permitted within the preserve area.

2. INSPECTIONS AND MAINTENANCE

a. **INSPECTIONS SHALL BE REQUIRED FOR ALL PRESERVES.** The preserve areas shall be completed and approved by inspections conducted in accordance with the following schedule:

- i. Prior to preliminary acceptance of the phase of the required **SUBDIVISION** improvements;
 - ii. Within the associated phase of the final site **DEVELOPMENT PLAN** prior to the issuance of a certificate of occupancy.
 - iii. As required with golf courses, prior to the issuance of a certificate of occupancy for the first permitted **STRUCTURE** associated with the golf course facility;
 - iv. Eighty percent vegetative coverage, of the created preserves and supplemental plantings in preserves, is required within a two-year period following the initial planting and shall be maintained in perpetuity. Native plants that recruit on their own within the preserve will be counted towards this coverage requirement.
- b. **ANNUAL MAINTENANCE.** Annual maintenance shall be required according to the Preserve Management Plan

3. REQUIRED SETBACKS TO PRESERVES

- a. All **PRINCIPAL STRUCTURES** shall have a minimum 25-foot **SETBACK** from the boundary of any preserve. **ACCESSORY STRUCTURES** and all other site alterations shall have a minimum 10- foot **SETBACK** from the boundary of any preserve. There shall be no site alterations within the first 10 feet **ADJACENT** to any preserve unless it can be demonstrated that it will not adversely impact the integrity of that preserve. (i.e.. Fill may be approved to be placed within 10 feet of the upland preserve but may not be approved to be placed within 10 feet of a wetland preserve, unless it can be demonstrated that it will not negatively impact that wetland.
- b. Additional preserve **BUFFERS** shall be applied to **WETLANDS** pursuant to section 3.05.07 F.3.f.

4. EXEMPTIONS

- a. Single family residences are subject only to the applicable vegetation retention standards found in 3.05.07.
- b. Applications for **DEVELOPMENT ORDERS** authorizing site improvements, such as an SDP or FSP and, on a case by case basis, a PSP, that are submitted and deemed sufficient prior to

June 19, 2003 are not required to comply with the provisions of this section 3.05.07 H., which were adopted on or after June 19, 2003.

3.05.08 Requirement for Removal of PROHIBITED EXOTIC VEGETATION

PROHIBITED EXOTIC VEGETATION specifically includes the following:

- Earleaf acacia (*Acacia auriculiformis*)
- Australian pine (*Casuarina* spp.)
- Melaleuca (*Melaleuca* spp.)
- Catclaw mimose (*Minosa pigra*)
- Downy rosemyrtle (*Rhodomyrtus tomentosa*)
- Brazilian pepper (*Schinus terebinthifolius*)
- Java plum (*Syzygium cumini*)
- Women's tongue (*Albizia lebbek*)
- Climbing fern (*Lygodium* spp.)
- Air potato (*Dioscorea bulbifera*)
- Lather leaf (*Colubrina asiatica*)
- Carrotwood (*Cupaniopsis anacardioides*)

A. GENERAL

1. **PROHIBITED EXOTIC VEGETATION** removal and methods of removal shall be conducted in accordance with the specific provisions of each local **DEVELOPMENT ORDER**.
2. **NATIVE VEGETATION** shall be protected during the process of removing **PROHIBITED EXOTIC VEGETATION**, in accord with the provisions of section 3.05.04.
3. **PROHIBITED EXOTIC VEGETATION** shall be removed from the following locations, and within the following timeframes:
 - a. From all **RIGHTS-OF-WAY**, common area tracts not proposed for **DEVELOPMENT**, and **EASEMENTS** prior to preliminary

acceptance of each phase of the required **SUBDIVISION** improvements.

- b. From each phase of a site **DEVELOPMENT PLAN** prior to the issuance of the certificate of occupancy for that phase.
 - c. From all golf course fairways, roughs, and **ADJACENT OPEN SPACE**/natural preserve areas prior to the issuance of a certificate of occupancy for the first permitted **STRUCTURE** associated with the golf course facility.
 - d. From property proposing any enlargement of existing interior floor space, paved parking area, or substantial site improvement prior to the issuance of a certificate of occupancy.
4. In the case of the discontinuance of use or occupation of land or water or **STRUCTURE** for a period of 90 consecutive days or more, property owners shall, prior to subsequent use of such land or water or **STRUCTURE**, conform to the regulations specified by this section.
 5. Verification of **PROHIBITED EXOTIC VEGETATION** removal shall be performed by the **DEVELOPMENT** services director's field representative.
 6. Herbicides utilized in the removal of **PROHIBITED EXOTIC VEGETATION** shall have been approved by the U.S. Environmental Protection Agency. When **PROHIBITED EXOTIC VEGETATION** is removed, but the base of the vegetation remains, the base shall be treated with an U.S. Environmental Protection Agency approved herbicide and a visual tracer dye shall be applied.

B. EXOTIC VEGETATION MAINTENANCE PLAN. A maintenance plan shall be submitted to the **DEVELOPMENT** services director for review on sites which require **PROHIBITED EXOTIC VEGETATION** removal prior to the issuance of the local **DEVELOPMENT ORDER**. This maintenance plan shall describe specific techniques to prevent reinvasion by **PROHIBITED EXOTIC VEGETATION** of the site in perpetuity. This maintenance plan shall be implemented on a yearly basis at a minimum. Issuance of the local **DEVELOPMENT ORDER** shall be contingent upon approval of the maintenance plan. Noncompliance with this plan shall constitute violation of this section. The **DEVELOPMENT** services director's field representative shall inspect sites periodically after issuance of the certificate of occupancy, or other final acceptance, for compliance with this section.

C. APPLICABILITY TO NEW STRUCTURES AND TO ADDITIONS ON SINGLE-FAMILY AND TWO-FAMILY LOTS. In addition to the other requirements of this section, the **APPLICANT** shall be required to remove all **PROHIBITED EXOTIC VEGETATION** before a certificate of occupancy is granted on any new principal or **ACCESSORY STRUCTURE** and any additions to the square footage of the principal or **ACCESSORY STRUCTURES** on **SINGLE-FAMILY** or two-family **LOTS**. The removal of **PROHIBITED EXOTIC VEGETATION** shall be required in perpetuity. Upon issuance of a vegetation removal permit, **PROHIBITED EXOTIC VEGETATION** may be removed from **LOTS** which are zoned residential single-family (RSF), estates (E), village residential (VR), and **MOBILE HOME (MH)**, prior to issuance of a **BUILDING** permit.

3.05.09 Designation of Specimen Tree

By resolution of the BCC, a plant may be designated a specimen tree because of its historical significance, rarity in the County, age, or extraordinary size.

3.05.10 Littoral Shelf Planting Area (LSPA)

The purpose and intent of a littoral shelf planting area (LSPA) is to establish a planted area within an excavated lake serving as a wet detention pond as part of a stormwater management system that will support wetland plants, improves the water quality within the lake and provides habitat for a variety of aquatic species including wading birds and other waterfowl. Contained within such a lake, this area will typically function as a freshwater marsh. Accordingly, the following requirements have been established in order for the LSPA to be designed and maintained to accomplish this stated purpose and function.

A. DESIGN REQUIREMENTS

1. **AREA REQUIREMENTS.** The total area of the LSPA shall be calculated as a percentage of the total area of the lake at control elevation. Area requirements vary within the County and are as follows:

a. Rural Fringe Mixed Use District – 30 percent. This requirement may be reduced subject to the incentives identified in section 3.05.07 F.4.b.;

b. All other areas – 7 percent.

2. *Location criteria.* Unless otherwise allowed for, the LSPA shall be concentrated in one location of the lake(s), preferably **ADJACENT** to a preserve area, in order to maximize its habitat value and minimize maintenance efforts. Multiple locations for meeting the LSPA area requirement within a single lake shall be allowed as

long as a single LSPA is no smaller than 1,000 square feet. Whenever possible, the LSPA should be located away from residential **LOTS** in order to avoid maintenance and aesthetic conflicts with residential users, and the LSPA shall be located **ADJACENT** to control **STRUCTURES** or pipe outlets or inlets in order to maximize water quality benefits. However, the LSPA shall be located no closer than 20 feet from any discharge **STRUCTURE** or pipe intake so as to not impede flow. If the LSPA is located around a discharge **STRUCTURE**, the 20-foot **SETBACK** shall extend waterward of the discharge **STRUCTURE** to a point in the center of the lake. For interconnected lake systems, the total required area of the LSPA for all lakes may be configured within a single lake and at one location.

3. *Shelf elevation.* The design elevation(s) of the LSPA shall be determined based on the ability of the LSPA to function as a marsh community and on the ability of selected plants to tolerate the expected range of water level fluctuations. Generally, marsh communities in this area have a hydroperiod of between six and ten months. Wet seasonal water levels range from 12 to 24 inches above ground elevation. Dry seasonal water levels are six inches below ground elevation for an average year and 46 inches below ground elevation for a one in ten year drought. The design of the shelf may deviate from these reference values if site-specific data and information is presented that supports the proposed elevations.
4. *Shelf configuration.* The LSPA shall be designed so that the slope of the shelf is as flat as possible. An undulating bottom allowing for shallow pooling during the dry season is encouraged. Shelves may be terraced to provide for varying elevations for different plant species. The area requirements specified in 3.05.10 A.1 shall only be satisfied by those areas planted on a shelf that has an average slope of 8:1 or flatter. Shelves having undulating bottoms and terraced configurations shall be deemed to meet the slope requirements if the average slope across the shelf is 8:1 or flatter.
5. *Plant selection and specifications.* Plants shall be selected based on the expected **FLOODING** durations and maximum water depths for which the selected plants can survive. The LSPA shall be initially planted with at least three different species of native, nursery grown or otherwise legally obtained vegetation. No species shall constitute more than 50 percent of coverage, and at least one species shall be herbaceous. Spacing shall be no more than: 20 feet for trees; five feet for shrubs; and 36 inches on center for herbaceous plants. At the time of planting, minimum size shall be: three gallon (minimum four feet high) for trees; one gallon for

shrubs and 12 inches for herbaceous plants. Clustering of plants shall be allowed to provide for scattered open areas as long as the open areas do not constitute more than 20 percent of the required shelf area and the elevations of the open areas are at least a foot deeper than the surrounding planted area.

6. *Posted area.* The boundary of the LSPA shall be posted with appropriate signage denoting the area as a LSPA. **SIGN(s)** should note that the posted area is a Littoral Shelf Planting Area and contain specific instructions to ensure that the planted area will not be subjected to herbicidal treatments or other activities that will kill the vegetation. 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 5.06.03. A minimum of two **SIGNS** shall be provided to mark the extent of the LSPA. Maximum **SIGN** spacing shall be 150 feet.
7. *Required information.* The planting plan for the LSPA shall provide the following information:
 - a. Calculation table showing the required area (square feet) for the LSPA and its percentage of the total area at control elevation (NGVD);
 - b. Control elevation (NGVD) and dry season water table (NVGD);
 - c. Maximum water depth (feet) and estimated number of months of **FLOODING** for the range of planted elevations within the LSPA;
 - d. A plant list to include the appropriate range of elevations for each specified plant species, spacing requirements, and plant size;
 - e. Planting locations of selected plants.

B. *Operational requirements:* Littoral shelf planting areas shall be maintained according to the following requirements:

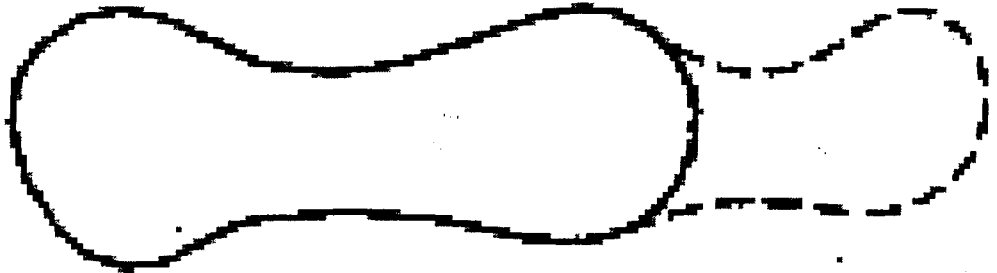
1. Eighty percent vegetative coverage of the LSPA is required within a two-year period following the initial planting and shall be maintained in perpetuity. Native plants that recruit within the LSPA will be counted towards this coverage requirement except as required per section 3.05.10 B.2 below. The LSPA must be kept free of refuse and debris.

2. Prohibited exotics and nuisance species shall be removed as they occur, manually or with U.S. Environmental Protection Agency approved herbicides. Prohibited exotics are those species as listed in this section 3.05.08. For the purpose of this section, nuisance species include those species listed as Class I and Class II Prohibited Aquatic Plants specified in Chapter 62C-52.011, Florida Administrative Code. Cattails shall be removed manually or with U.S. Environmental Protection Agency approved herbicides when they exceed ten percent coverage of the required LSPA area.
- C. *Application to existing lakes.* All previously approved projects shall meet the operational requirements required in section 3.05.10.B. above.
1. Projects approved and constructed according to previous standards may have to meet the new standards if the littoral shelves are no longer functioning, subject to the following criteria:
 - a. The amount of planted area shall be the same as that required in the original approval;
 - b. The property owner shall assess the existing slopes and elevations in order to determine the appropriate location of the plantings subject to the criteria found in section 3.05.10 A.3. The planted area shall be consolidated as much as possible subject to the criteria found in 3.05.10 A.2.
 - c. Subject to the assessment described in b., the existing planting slopes should be as flat as possible but the 8:1 requirement of section 3.05.10 A.4 shall not be required.
 - d. Plant selection and specifications shall conform to section 3.05.10 A.5;
 - e. Signage of the planted littoral areas shall be required subject to section 3.05.10 A.6.
 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 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 3.05.10 A.1. (See figure 1 below) This additional LSPA shall conform to the design requirements of 3.05.10 A.

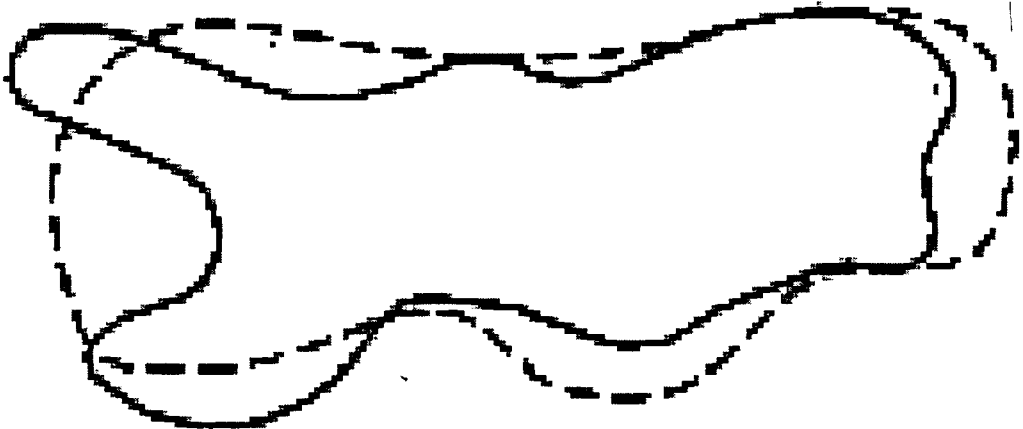
- b. For amendments that modify 20 percent or more of the previously approved **SHORELINE**, the total lake area shall be used to calculate the LSPA area using the percentage requirements of 3.05.10 A.1. (See figure1 below) The LSPA shall conform to the design requirements of 3.05.10 A.

Figure 3.5.11.3.2



————— existing lab area
- - - - - lab addition

For amendments that modify the existing lab area by adding an addition, only the new portion of the lab shall be used to calculate the LPA area using the percentage requirements of 3.5.11.1.



————— existing lab area
- - - - - modified lab area

For amendments that modify the existing lab area by greater than 20 percent, the total lab area shall be used to calculate the LPA area using the percentage requirements of 3.5.11.1.

Figure 1

D. **EXEMPTIONS.** Lake excavations activities which are lawfully permitted and used for **AQUACULTURE** shall be exempt from the LSPA requirements. Lake excavation activities subject to the Resource Extraction Reclamation Act (Ch. 378, Part IV, Fla. Stat.) shall be exempt from the LSPA requirements but shall otherwise be required to follow the mine reclamation requirements required in the Code of Laws of Collier County. Exempted lake excavations that are modified to allow the lake to function as a wet detention pond as part of a stormwater management system shall no longer be exempted from this section and shall meet the standards contained herein at the time of modification.

3.06.00 GROUNDWATER PROTECTION

3.06.01 Purpose and Intent

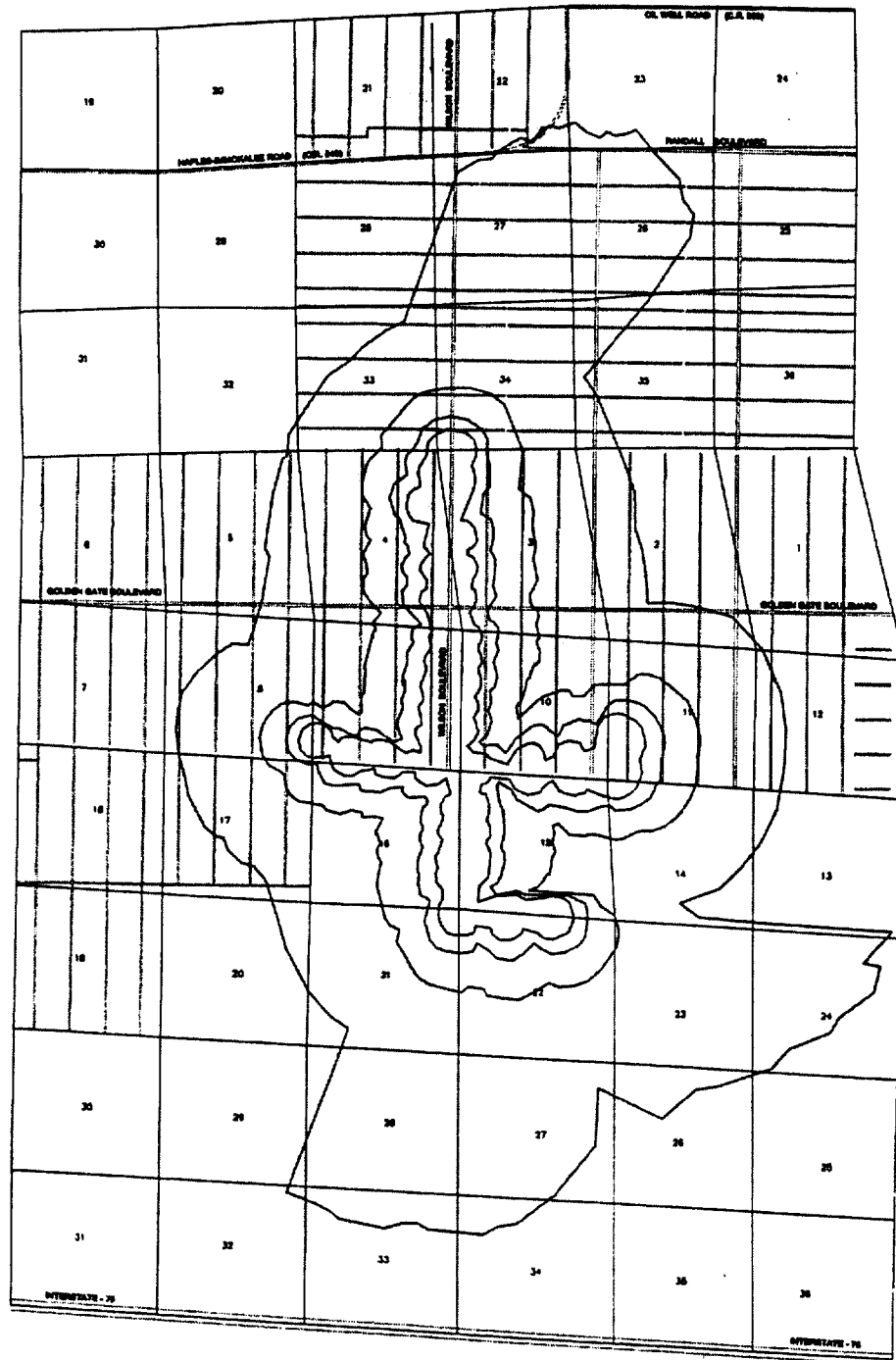
- A. The purpose of this section is to establish standards, regulations, and procedures for the review and approval of existing and proposed **DEVELOPMENT** within mapped wellfield protection zones in the unincorporated area and the incorporated areas of the County. The standards and regulations of this section shall be implemented to protect existing and future wellfields, protect natural **AQUIFER** system recharge areas, protect Countywide groundwater resources, and to protect the public health and resources through regulation and establishment of standards for **DEVELOPMENT** involving the use, storage, generation, handling, and disposal of quantities of **HAZARDOUS PRODUCTS** and **HAZARDOUS WASTE** in excess of identified quantities, disposal of sewage and effluent, stormwater management, earthmining, petroleum exploration, **SOLID WASTE**, and other related aspects of land use and **DEVELOPMENT**.
- B. It is the intent of the BCC that this section implement and be consistent with the Collier County GMP. Implementation will provide for the long-term protection of the County's groundwater resource, and through the management of those land uses and **DEVELOPMENTS** within wellfield management special treatment overlay zones and Countywide groundwater protection zones, ensure short-term protection. This section is intended to be consistent with principles of property rights, as balanced with the health, safety, and welfare of the general public.
- C. In order to protect the County's potable groundwater resources, this section establishes Countywide groundwater protection standards, implemented through a Countywide groundwater protection zone, and a series of wellfield risk management special treatment overlay zones around identified public water supply wellfields. These special treatment overlay zones and groundwater protection zone form the basis of land use management prohibitions and regulations to reduce or eliminate the potential for groundwater contamination from specified land uses and activities.

3.06.02 Protected Public Water Supply Wellfields

- A. The public water supply wellfields, identified in section 3.06.06 and permitted by the SFWMD for potable water to withdraw a minimum of 100,000 average gallons per day (GPD), are identified as protected wellfields, around which specific land use and activity (regulated **DEVELOPMENT**) shall be regulated under this section.
- B. There are hereby created wellfield risk management special treatment overlay zones around each existing public water supply wellfield permitted by the SFWMD, to withdraw a minimum of 100,000 average gallons per day or more. These wellfield risk management special treatment overlay zones are generally depicted on wellfield protection zone maps and are made a part hereof as Illustration 3.06.02 A. Wellfield risk management special treatment overlay zones shall be supplemental to existing and future zoning and land use regulations, and shall not be deemed to permit or authorize any use or activity not otherwise permitted in the underlying zoning district or allowable in the underlying future land use designation.

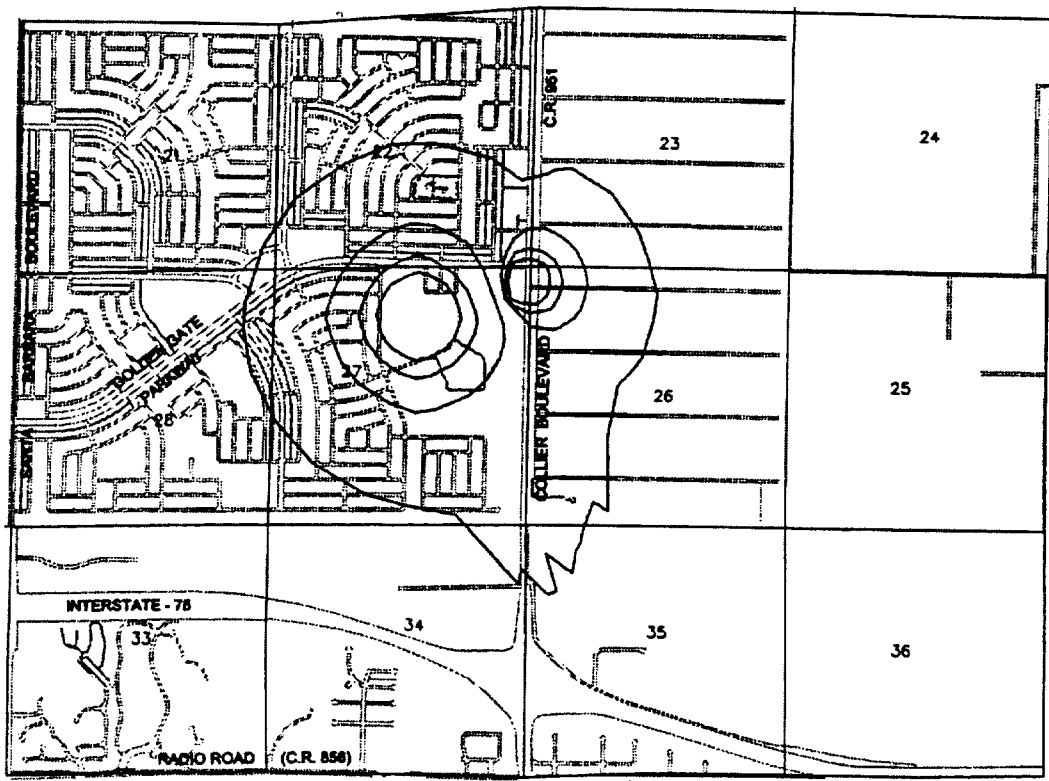
Illustration 3.06.02 A.

COLLIER COUNTY UTILITIES WELLFIELD



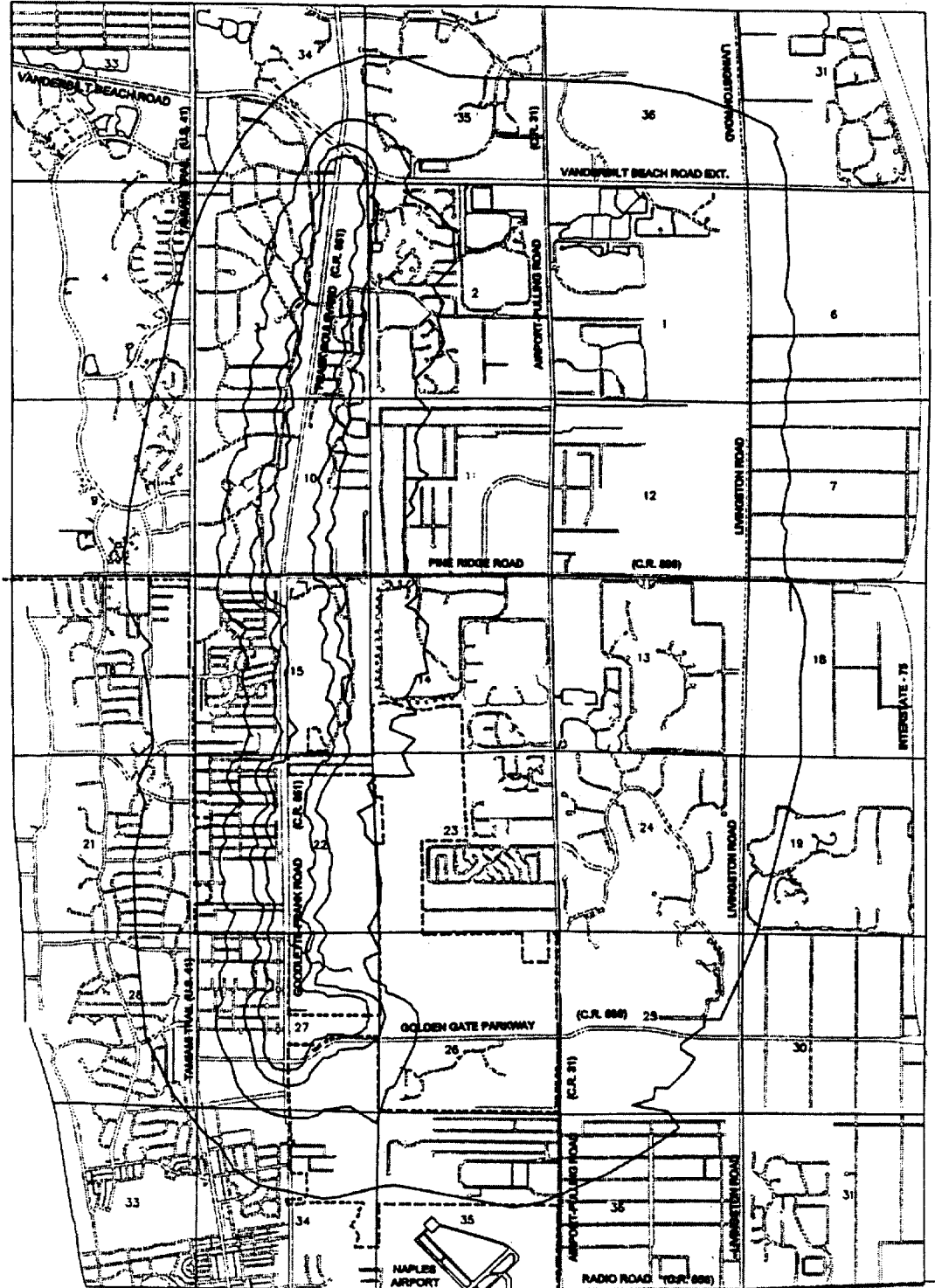
(Replaces map entitled Collier County Utilites)

FLORIDA GOVERNMENTAL UTILITY AUTHORITY GOLDEN GATE WATER TREATMENT PLANT WELLFIELD



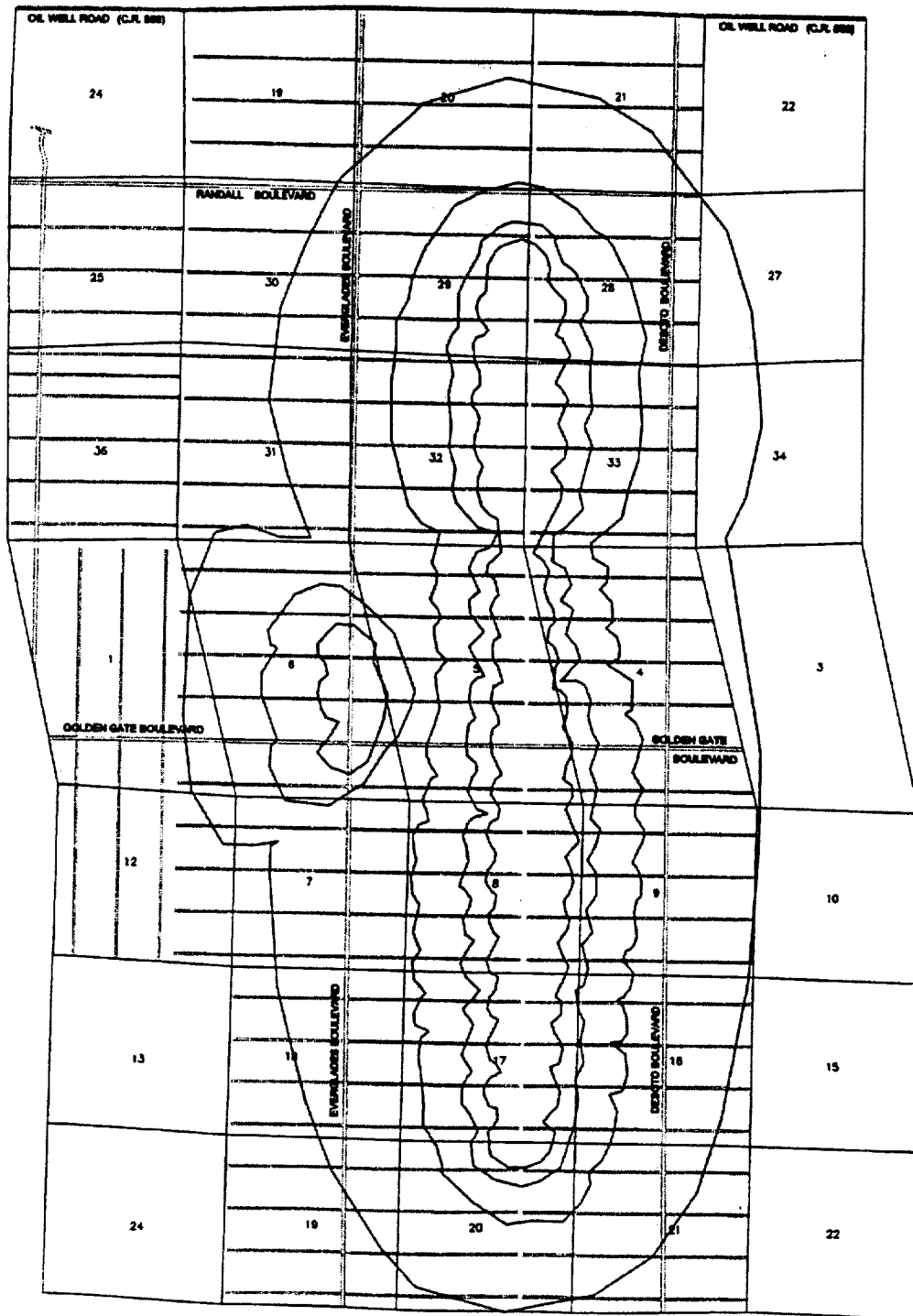
(Replaces untitled map of Florida Cities (Avatar) Wellfield)

COASTAL RIDGE WELLFIELD



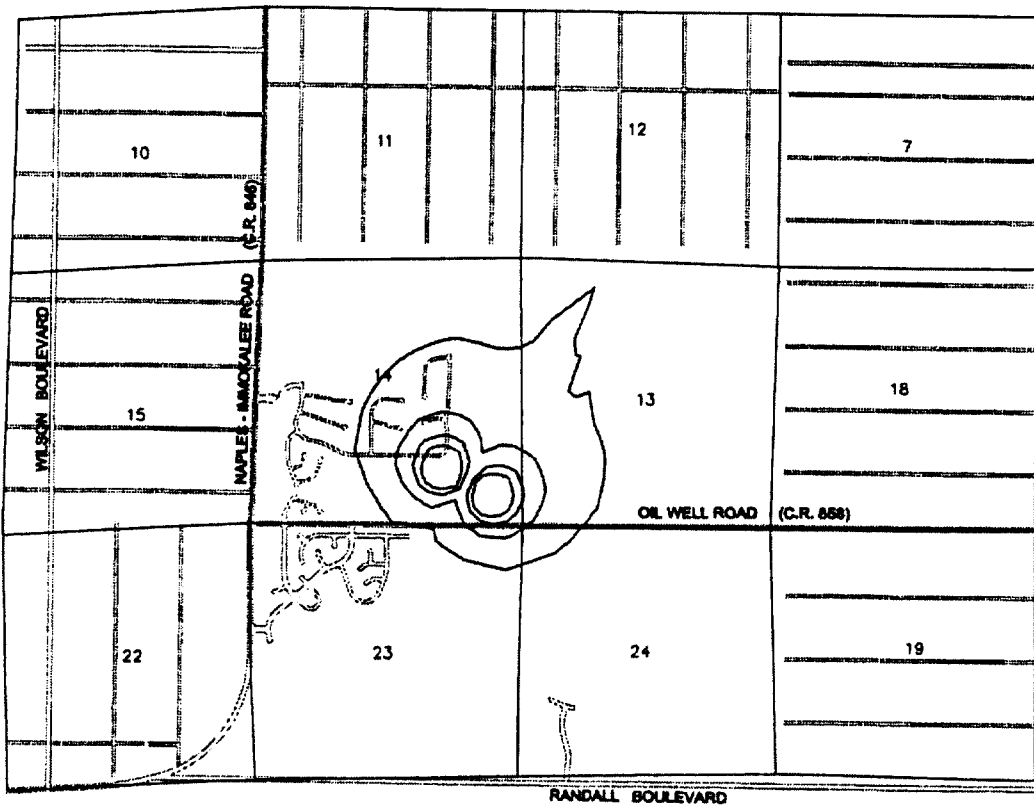
(Replaces map entitled Coastal Ridge)

EAST GOLDEN GATE WELLFIELD



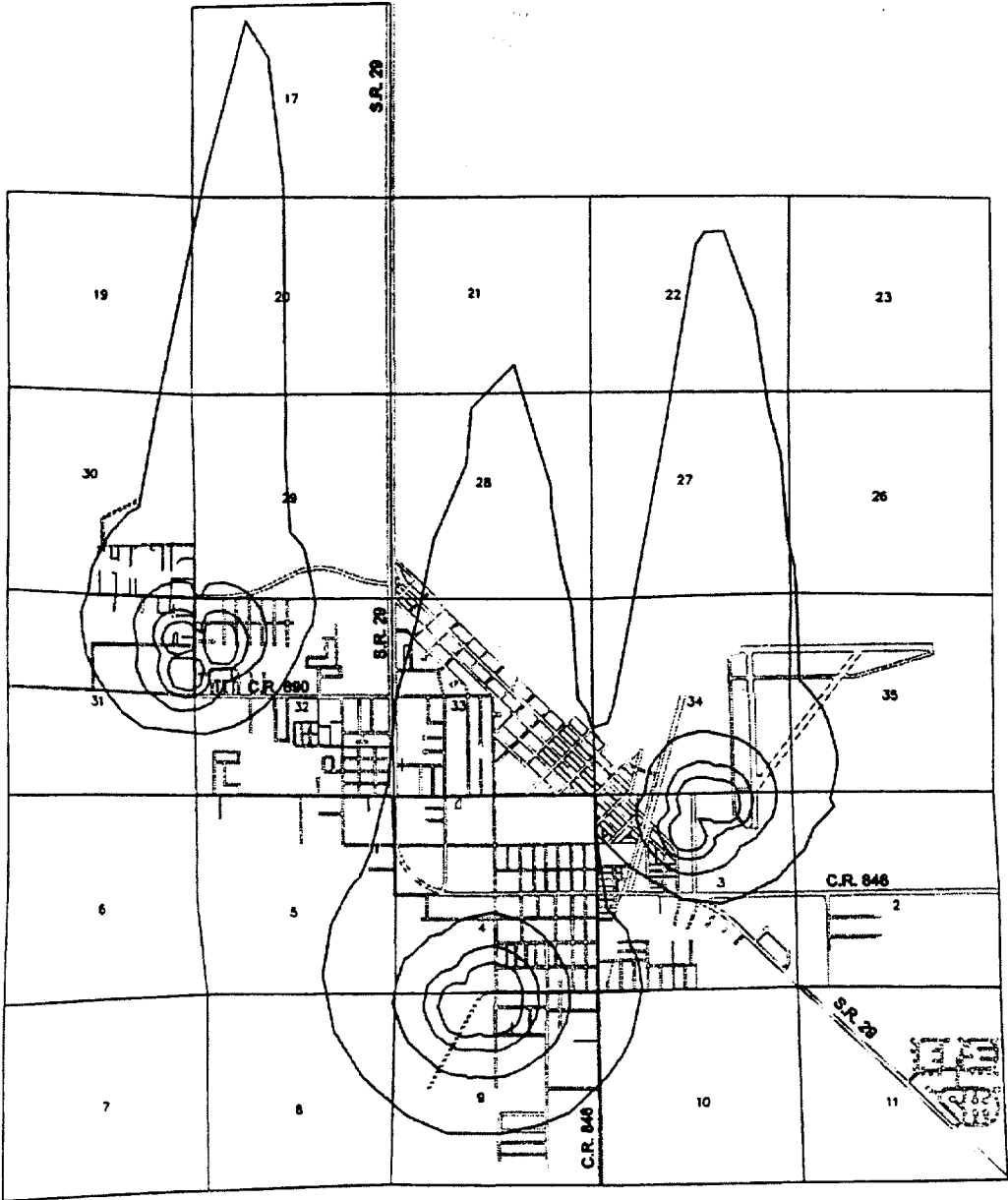
(Replaces map entitled East Golden Gate Wellfield)

ORANGE TREE WELLFIELD



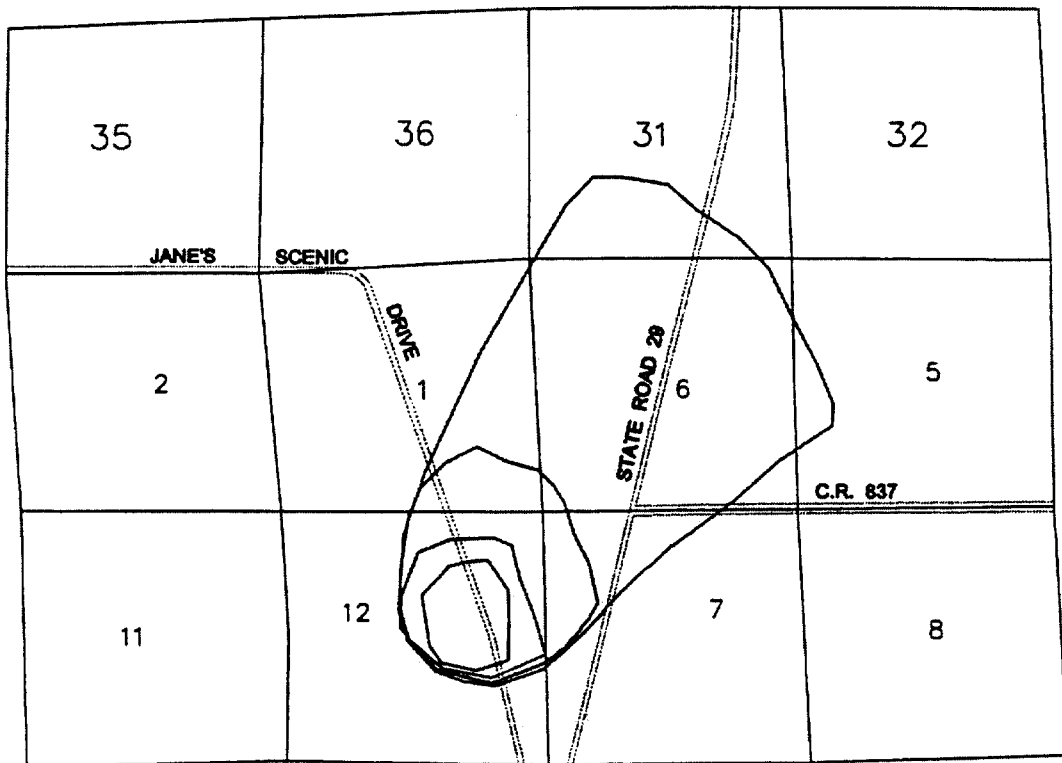
(New map)

IMMOKALEE WATER AND SEWER DISTRICT WELLFIELDS



(Replaces untitled map of Immokalee Wellfields)

EVERGLADES CITY WELLFIELD



(Replaces untitled map of Everglades City Wellfield)

3.06.03 Description and Basis of Wellfield Risk Management Special Treatment Overlay Zones

Wellfield risk management special treatment overlay zones are derived from the three-dimensional computer-modeled analysis of groundwater flow and solute transport in the County's freshwater **AQUIFER** system, as prepared and presented in a study commissioned by the County and known as the "Three-Dimensional Simulation of Wellfield Protection Areas in Collier County, Florida" (Voorhees and Mades, 1989) (the three-dimensional wellfield study).

- A. *Wellfield risk management special treatment overlay zone W-1 (zone W-1)*. The land area between an identified wellfield and the five (5) percent groundwater capture zone, approximating the one (1) year wellfield risk management special treatment overlay zone boundary, as shown on the wellfield risk management special treatment overlay zone map, Illustration 3.06.02 A, which area shall be protected from the **DISCHARGE** or accidental release of contaminants from a sanitary hazard or other contaminant source, including the **DISCHARGE** or accidental release of **HAZARDOUS PRODUCTS** and **HAZARDOUS WASTES**.
- B. *Wellfield risk management special treatment overlay zone W-2 (zone W-2)*. The land area between zone W-1 and the ten (10) percent groundwater capture zone, approximating the two (2) year wellfield risk management special treatment overlay zone boundary, as shown on the wellfield risk management special treatment overlay zone map, Illustration 3.06.02 A, which area shall be protected from the discharge or accidental release of contaminants, including from a sanitary hazard or other contaminant source and the discharge or accidental release of **HAZARDOUS PRODUCTS** and **HAZARDOUS WASTES**.
- C. *Wellfield risk management special treatment overlay zone W-3 (zone W-3)*. The land area between zone W-2 and the twenty-five (25) percent groundwater capture zone, approximating the five (5) year wellfield risk management special treatment overlay zone boundary, as shown on the wellfield risk management special treatment overlay zone map, Illustration 3.06.02 A, which area may be protected from the discharge or accidental release of specific contaminants, including the discharge or accidental release of **HAZARDOUS PRODUCTS** and **HAZARDOUS WASTES**.
- D. *Wellfield risk management special treatment overlay zone W-4 (zone W-4)*. The land area between zone W-3 and the 100 percent groundwater capture zone for the twenty (20) year planning limit, which is the twenty (20) year wellfield risk management special treatment overlay zone boundary, as shown on the wellfield risk management special treatment overlay zone map, Illustration 3.06.02 A, which area may be protected from the discharge or accidental release of specific

contaminants, including the discharge or accidental release of **HAZARDOUS PRODUCTS** and **HAZARDOUS WASTES**.

3.06.04 Groundwater Protection

- A. There are hereby created groundwater protection special treatment overlay zones, as generally depicted on the wellfield risk management special treatment overlay zone maps, Illustration 3.06.02 A. These groundwater protection special treatment overlay zones reflect wellfield risk management zones W-1, W-2, W-3, and W-4; areas of high natural **AQUIFER** recharge in the County (ST-NAR), and the natural recharge areas of the County that require minimum groundwater protection and within which future public water supply wells may be located (GWP).
- B. Wellfield risk management special treatment overlay zones, high natural **AQUIFER** recharge special treatment zones (ST-NAR), and groundwater protection special treatment overlay zones shall be supplemental to existing and future zoning and land use regulations, and shall not be deemed to permit or authorize any use or activity not otherwise permitted in the underlying zoning district or allowable in the underlying future land use designation.
- C. The high natural **AQUIFER** recharge special overlay zones (ST-NAR) and the groundwater protection zones (GWP) are based upon:
 - 1. Those portions of the County identified as areas of high natural **AQUIFER** recharge to the surficial and intermediate **AQUIFER** systems (ST-NAR).
 - 2. The susceptibility of the surficial and intermediate **AQUIFER** systems in the County to contamination resulting from surficial activities and the need for protection of the groundwater resource as a future public water supply (GWP).
- D. *High natural aquifer recharge areas (ST-NAR)*. These areas have not yet been defined. The prohibitions and regulations for this special treatment overlay zone shall be based upon the determination and designation of those portions of the County that naturally function as high natural recharge areas to the surficial and intermediate **AQUIFER** systems. Upon identification of ST-NAR areas, pursuant to these regulations, shall be amended to include the ST-NAR special treatment overlay zone where appropriate.
- E. *Groundwater protection area (GWP)*. All of the County provides natural **AQUIFER** recharge to the water table **AQUIFER**, and the potential for natural **AQUIFER** recharge to the unconfined or semi-confined portions of the Lower Tamiami and Sandstone **AQUIFERS**. Natural **AQUIFER** recharge from the water table **AQUIFER** constitutes approximately eighty (80) percent of the recharge to the Lower Tamiami **AQUIFER** on a regional basis. That area of the County, excluding W-1, W-2, W-3, W-4, and ST-NAR, shall be provided with a minimum level of groundwater protection and shall be designated as GWP.

3.06.05 Annual Review of Zones

The wellfield risk management special treatment overlay zone maps, Illustration 3.06.02 A, shall be reviewed by the BCC on an annual basis, or more often as may be determined by the County Manager or designee in his discretion upon the occurrence of:

- A. Changes in technical knowledge concerning the understanding of groundwater hydraulics, as applied to the hydrogeology of applicable **AQUIFER** systems in the County.
- B. Changes in the permitted withdrawals from the identified wellfield(s).
- C. Reconfiguration of identified wellfields.
- D. The designation of new wellfield(s) as protected under this section.
- E. Availability of any other technical or scientific information relative to the **AQUIFER** systems in the County.

3.06.06 Regulated Wellfields

The following wellfield risk management special treatment overlay zones, as defined in section 3.06.03, and criteria specified herein shall be applied to the following wellfields:

- A. East Golden Gate Wellfield.
- B. Coastal Ridge (Goodlette Road) Wellfield.
- C. Collier County Utilities Wellfield.
- D. Everglades City Wellfield.
- E. Florida Governmental Utility Authority Golden Gate Water Treatment Plant Wellfield.
- F. The Orange Tree Wellfield.
- G. Immokalee Water and Sewer District wellfields drilled into the Lower Tamiami **AQUIFERS** and Sandstone **AQUIFERS**.

3.06.07 Unregulated Wellfields

Wellfield risk management special treatment overlay zones, as defined in section 3.06.03 and the criteria specified in 3.06.12, shall not be applied to Port of the Islands Wellfield.

3.06.08 Determination of Location Within Wellfield Risk Management Zones

In determining the location of regulated **DEVELOPMENT** within the wellfield risk management zones, the following rules shall apply:

- A. Regulated **DEVELOPMENT** located wholly within a single wellfield risk management zone, as reflected on the wellfield risk management special treatment overlay zone map(s), shall be governed by the restrictions applicable to that zone.
- B. Where a boundary between two (2) **ADJACENT** wellfield risk management zones, as reflected on the wellfield risk management special treatment overlay map(s), passes through the **STRUCTURE** of a regulated **DEVELOPMENT**, the entire **STRUCTURE** and regulated **DEVELOPMENT** shall be considered to be in the more restrictive zone.

- C. Where the site of a regulated **DEVELOPMENT** lies within two (2) or more wellfield risk management zones, as reflected on the wellfield risk management special treatment overlay map(s), and the structural or activity portion of the site may be confined to one (1) of the zones, then each portion of the regulated **DEVELOPMENT** shall be governed by the restrictions applicable to the applicable overlay zone in which the portion is located, so long as the owner and/or operator provides reasonable assurances that a discharge or accidental release will be prohibited from entering the more restrictive zone.

3.06.09 Protection of Future Wellfields

- A. Wellfield risk management zones shall be established around those future public water supply wellfields with SFWMD permitted withdrawals of a minimum of 100,000 gallons per day from the surficial **AQUIFER** system.
- B. Future public water supply wellfields with SFWMD permitted withdrawals of a minimum of 100,000 gallons per day from the intermediate **AQUIFER** system shall be evaluated on a case-by-case basis to determine the applicability of wellfield risk management zone delineation.
- C. Wellfield risk management zones shall not be established for those future public water supply wellfields with SFWMD permitted withdrawals of a minimum of 100,000 gallons per day from the Floridan **AQUIFER** system.
- D. All regulated **DEVELOPMENT** within the wellfield risk management zones of the future public water supply wellfields shall comply with the regulations and standards of construction of section 3.06.12 and section 3.06.13 hereof, which incorporate, by reference, the state's groundwater standards of nondegradation and enhancement of groundwater.

3.06.10 Effect of SETBACKS and BUFFERS from Sanitary Hazards as Promulgated and Adopted in the Florida Administrative Code

The Florida Administrative Code, establishes minimum **SETBACKS** and **BUFFERS** between the placement of identified sanitary hazards and public potable water supply wells. The location of the following regulated **DEVELOPMENT** and associated activity shall be subject to the minimum **SETBACK** and **BUFFER** requirements as promulgated and adopted by the DEP, and incorporated herein by reference. For reference purposes only, the applicable **SETBACKS** from potable water wells on the effective date of this section [November 18, 1991] are as follows:

- A. Domestic **WASTEWATER** treatment plant outfall, as regulated under the Florida Administrative Code, shall discharge not less than five 500 feet from an approved, but not yet constructed, potable water intake.

- B. Application of sludge, as regulated under the Florida Administrative Code, shall be no closer than 500 feet from a shallow public water supply well, as defined in the Florida Administrative Code.
- C. The edge of the wetted area used for the application and reuse of reclaimed water, as regulated under the Florida Administrative Code, shall be no closer than seventy-five (75) feet from an existing or HRS-approved potable water supply well; and reclaimed water transmission facilities shall be no closer than seventy-five (75) feet from a potable water supply well.
- D. The edge of the pond, basin, or trench embankment used for a rapid rate land application system, as regulated under the Florida Administrative Code, shall be no closer than 500 feet from an existing or HRS-approved potable water supply well, or 200 feet if conditions specified in the cited rule are met.
- E. The edge of a reuse absorption field, as regulated under the Florida Administrative Code, shall be no closer than 500 feet from an existing or HRS-approved potable water supply well, or 200 feet if conditions specified in the cited rule are met.
- F. The edge of the wetted area used for effluent disposal by overland flow, as regulated under the Florida Administrative Code, shall be no closer than 100 feet from an existing or HRS-approved potable water supply well; and a reclaimed **WASTEWATER** transmission facility, as regulated under the Florida Administrative Code, shall be no closer than 100 feet from a public water supply well.
- G. Domestic **WASTEWATER** residuals land application, as regulated under the Florida Administrative Code, shall be no closer than 500 feet from any shallow public water supply well.
- H. Dairy farms, regulated under the Florida Administrative Code, shall maintain a 300 feet separation between storage and treatment or high intensity areas and a drinking water supply well; and shall maintain a separation of 200 feet between land application of **WASTEWATER** and a drinking water supply well. The land application of egg wash **WASTEWATER**, as regulated under the Florida Administrative Code, shall be no closer than 200 feet from a drinking water supply well.
- I. Disposal of **SOLID WASTE**, as regulated under the Florida Administrative Code, is prohibited within 500 feet of an existing or approved shallow water supply well, unless the disposal meets the standards of the Florida Administrative Code.
- J. Any other applicable **SETBACK** and **BUFFER** from a drinking water supply well required by state or federal regulations shall be applicable to any new or substantially modified regulated **DEVELOPMENT** after the effective date of this section [November 18, 1991].

3.06.11 Exempted DEVELOPMENT

The following legally existing and future **DEVELOPMENT** is deemed by the BCC to be exempt from the prohibitions, regulations, and standards of construction established by this section as set forth below. These exemptions shall not be construed, or otherwise interpreted to, exempt that **DEVELOPMENT** prohibited or regulated in section 3.06.12 hereof.

A. *Wellfield exemption.* A wellfield exemption for a particular **DEVELOPMENT** shall not automatically expire so long as the **DEVELOPMENT** meets the criteria of this section. An exemption for a particular **DEVELOPMENT** shall be subject to revision or revocation, pursuant to the procedures in Chapter 10.

1. The transportation of any **HAZARDOUS PRODUCT** or **HAZARDOUS WASTE** shall be exempt from the provisions of this section, provided that the transporting motor vehicle is in continuous transit. This exemption shall not be construed to prohibit the delivery of a **HAZARDOUS PRODUCT** or the temporary stop of such motor vehicle for such period of time as is necessary for refueling, emergency repairs, and driver comfort.
2. The use of any petroleum product solely as a fuel in a vehicle's fuel tank or as a lubricant in a vehicle shall exempt the vehicle from the provisions of this section.
3. The use of fertilizers containing nitrates shall be generally exempt from this section.
4. The activities of constructing, repairing, or maintaining any facility or of facility improvement shall be exempt from the provisions of this section, provided that all contractors, subcontractors, laborers, materialmen, and their employees or agents, when using, handling, storing, producing, transporting, or disposing of **HAZARDOUS PRODUCTS** or **HAZARDOUS WASTES**, continuously use industry standard best management practices to ensure that **HAZARDOUS PRODUCTS**, **HAZARDOUS WASTES**, or other contaminants are not discharged or accidentally released.
5. Application of pesticides, herbicides, fungicides, and rodenticides in any nonresidential pest control and aquatic weed control activity shall not be required to obtain a certificate to operate under this section provided that:
 - a. The application of pesticides, herbicides, fungicides, and rodenticides is in strict accordance with federal requirements , and as indicated on the containers in which the substance is sold or stored.
 - b. The use of pesticides, herbicides, fungicides, and rodenticides is in strict accordance with the requirements of the Florida Administrative Code .
6. Emergency generators that are accessory to a public utility, and which will provide emergency electrical power to ensure a continuous supply of a public benefit, including, without limitation, a public potable water supply, natural gas, sewer service, and

telephone service, shall not be required to obtain a certificate to operate, so long as the state-mandated **SETBACKS** and **BUFFERS** as may be set forth in the Florida Administrative Code, and incorporated by reference in section 3.06.10 hereof, are met and maintained. Emergency generators that are accessory to **ESSENTIAL SERVICES**, such as elevators in **CONDOMINIUMS**, **HOSPITALS**, and other publicly accessed places, and which are connected to fuel storage tanks of less than 110 gallons, shall be exempt from regulation under this section.

7. Retail sales establishments that store, and handle for resale, **HAZARDOUS PRODUCTS** in the substance's original and unopened individual containers, of not more than five (5) gallons or fifty (50) pounds, shall not be required to obtain a certificate to operate.
 8. Electrical power transformers that are necessary equipment to the operation of electric power utilities, which deliver essential electric service of a public benefit, including both distribution and substation power transformers, shall not be required to obtain a certificate to operate, so long as the state-mandated **SETBACKS** and **BUFFERS** as may be set forth in the Florida Administrative Code, and incorporated by reference in section 3.06.10 hereof, are met and maintained.
- B. The continued wellfield exemption status of a regulated **DEVELOPMENT** shall be dependent upon compliance with the criteria of section 3.06.11(A) and this section. In order to ensure compliance with the criteria of section 3.06.11(A), the County may inspect the premises of the regulated **DEVELOPMENT** at reasonable times and after reasonable notice and consent of the owner and/or operator. Where consent has been withheld, the County may obtain an inspection warrant in the same manner as provided for in §403.091, F.S. Agents of the County shall be provided with official identification, and shall exhibit this identification prior to any inspection.

3.06.12 Regulated **DEVELOPMENT**

A. *Generally.*

1. Unless otherwise exempted from compliance with this section, it shall be unlawful to substantially modify, replace, or maintain an existing regulated **DEVELOPMENT**, or to commence the operation or construction of the following regulated **DEVELOPMENT** in violation of the standards set forth in this section.
2. All existing regulated **DEVELOPMENT**, unless otherwise expressly provided herein, shall have been constructed and permitted in accordance with applicable local, state, and federal law and regulations. All existing regulated **DEVELOPMENT** meeting these criteria is deemed to be legal **NONCONFORMING** regulated **DEVELOPMENT** which shall, within one (1) year of the effective date of this section [November 18, 1991], come into compliance

with the standards for existing regulated **DEVELOPMENT** as provided in this section.

3. All existing regulated **DEVELOPMENT** not constructed and permitted in accordance with applicable local, state, and federal law and regulations, is deemed to be illegal **NONCONFORMING** regulated **DEVELOPMENT** and shall, within one (1) year of the effective date of this section [November 18, 1991], come into compliance with the standards for future regulated **DEVELOPMENT** as provided in this section.

B. Existing *SOLID WASTE DISPOSAL FACILITIES*.

1. All existing **SOLID WASTE DISPOSAL FACILITIES** shall have met the applicable state-mandated **SETBACKS** and **BUFFERS** as adopted in the Florida Administrative Code and incorporated by reference in 3.06.10 hereof.
2. In zones W-1 and W-2, the **OWNER** and/or operator of an existing lawful **NONCONFORMING SOLID WASTE DISPOSAL FACILITY** shall:
 - a. Monitor discharges to groundwater as provided under the Florida Administrative Code.
 - b. Comply with the operating criteria established under the Florida Administrative Code.
 - c. Submit to the County copies of all groundwater monitoring reports and other operational reports, as may be required by the DEP on a quarterly basis, or as submission may otherwise be required by the DEP.
3. In zones W-3, W-4, and GWP, existing **SOLID WASTE DISPOSAL FACILITIES** are not regulated under this section.

C. Future *SOLID WASTE DISPOSAL FACILITIES*. In zones W-1, W-2, W-3, and W-4, future **SOLID WASTE DISPOSAL FACILITIES** are prohibited. In the GWP zone, future **SOLID WASTE DISPOSAL FACILITIES** are prohibited in the absence of a wellfield **CONDITIONAL USE** permit.

D. Existing *SOLID WASTE TRANSFER STATIONS*.

1. In zones W-1, W-2, W-3, and W-4, the continued operation of a lawful **NONCONFORMING SOLID WASTE TRANSFER STATION** shall be allowed after the effective date of this section [November 18, 1991] upon the owner and/or operator of such facility obtaining a certificate to operate from the County, which shall include the following conditions:
 - a. Compliance with the operating criteria established under the Florida Administrative Code.
 - b. The owner and/or operator shall submit copies of all groundwater monitoring reports and other operational reports, as may be required by the DEP on a quarterly basis, or as may otherwise be required by the DEP.

- c. The owner and/or operator shall report any discharge or accidental release of contaminants to the County within twenty-four (24) hours of discovery.
 - 2. In the GWP zone, existing **SOLID WASTE TRANSFER STATIONS** are not regulated under this section.
- E. **Future SOLID WASTE TRANSFER STATIONS.**
 - 1. In zones W-1, W-2, and W-3, future **SOLID WASTE TRANSFER STATIONS** are prohibited.
 - 2. In zones W-4 and GWP, future **SOLID WASTE TRANSFER STATIONS** shall operate pursuant to a certificate to operate issued by the County, subject to compliance with the following criteria:
 - a. Compliance with the operating criteria established under the Florida Administrative Code.
 - b. The owner and/or operator shall submit copies of all groundwater monitoring reports and other operational reports, as may be required by the DEP on a quarterly basis, or as may otherwise be required by the DEP.
 - c. The owner and/or operator shall report any discharge or accidental release of contaminants to the County within twenty-four (24) hours of discovery.
- F. **Existing and future SOLID WASTE STANDARD CONTAINERS and SOLID WASTE BULK CONTAINERS.**
 - 1. In zones W-1 and W-2, all **SOLID WASTE STANDARD CONTAINERS** shall be constructed of a leakproof and nonabsorbent material, with handles, provided with a closely fitting watertight cover.
 - 2. In zones W-3, W-4, and GWP, **SOLID WASTE STANDARD CONTAINERS** are not regulated under this section.
 - 3. In zones W-1, W-2, W-3, W-4, and GWP, all **SOLID WASTE BULK CONTAINERS** shall be constructed of a leakproof and nonabsorbent material, and fitted with a rainproof lid or cover.
- G. **Future SOLID WASTE storage, collection, and recycling facilities.**
 - 1. In zones W-1, W-2, W-3, W-4, and GWP, storage, collection, and recycling facilities, that do not handle **HAZARDOUS PRODUCTS** or **HAZARDOUS WASTES**, are not regulated under this section.
 - 2. In zones W-1, W-2, and W-3, future **SOLID WASTE** storage, collection, and recycling facilities that will handle **HAZARDOUS PRODUCTS** and **HAZARDOUS WASTES** shall be prohibited.
 - 3. In zones W-4 and GWP, future **SOLID WASTE** storage, collection, and recycling facilities are not regulated under this section.
- H. **Disposal of hazardous waste.** In zones W-1, W-2, W-3, W-4, and GWP, the disposal of any hazardous waste, or constituent thereof, in an existing or future landfill or other land disposal system is prohibited.
- I. **Existing and future nonresidential use, handling, storage, generation, transport, or processing of HAZARDOUS PRODUCTS.**

1. In zones W-1, W-2, and W-3, future nonresidential **DEVELOPMENT** and the continued operation or use of existing nonresidential **DEVELOPMENT**, which, at any point in time, uses, handles, stores, generates, transports, or processes **HAZARDOUS PRODUCTS** that are not gaseous at 105 degrees Fahrenheit and ambient pressure, and are not in quantities that exceed 250 gallons for liquids or 1,000 pounds for solids, shall be allowed pursuant to the owner and/or operator of such **DEVELOPMENT** obtaining a certificate to operate issued by the County. The certificate to operate shall incorporate the following conditions:
 - a. Existing nonresidential regulated **DEVELOPMENT** shall implement a detailed containment plan, approved by the county manager, and providing for containment of the **HAZARDOUS PRODUCT(S)** which will provide for absorption of not less than an equivalent volume of the **HAZARDOUS PRODUCT(S)**, or provide for secondary containment with a volume of at least 110 percent of the largest container; or other comparable method to manage discharges or accidental releases and prevent contact with the land or waters constituting or connected to waters of the state as defined in Chapter 403, *F.S.* Liquid **HAZARDOUS PRODUCTS** in tanks with a capacity of greater than 250 gallons must be stored in secondary containment with a volume of at least 110 percent of the largest container, plus the displacement of that and any other tank(s) within the containment area. Rainwater may not exceed ten (10) percent of the volume in the secondary containment area at any time.
 - b. Future nonresidential regulated **DEVELOPMENT** shall implement a detailed containment plan, approved by the County Manager or designee, in accordance with the standards set forth in subsection (1)(a) hereof, with the exception that the future regulated **DEVELOPMENT** shall provide for both the containment and absorption of **HAZARDOUS PRODUCTS**.
 - c. **HAZARDOUS PRODUCTS** must be removed from the secondary containment within twenty-four (24) hours of the discharge or accidental release.
 - d. Submittal to the County of a fire plan approved by the local fire district.
 - e. Upon discovery of any discharge or accidental release, implementation of a detailed contingency plan, approved by the county manager, which shall describe the actions to be taken by the owner and/or operator in the event of a discharge or accidental release of a **HAZARDOUS PRODUCT** under this section,. Actions shall include first response steps to control and prohibit the discharge or accidental release of the **HAZARDOUS PRODUCT**; remedial actions consistent with

- applicable state and federal laws; and proper disposal of the **HAZARDOUS PRODUCT**. Emergency telephone numbers shall be provided for local and state response units, and the owner and/or operator's designated emergency response personnel. The plan shall demonstrate compliance with the applicable state and federal regulations. The County shall provide forms for reporting of discharges or accidental releases.
- f. The owner and/or operator of the facility shall report, to the County, discharges or accidental releases exceeding fifty (50) gallons including: date, time, product discharged or released, control measures used, quantity of product discharged or released, and disposition of recovered waste, within forty-eight (48) hours of the discharge or accidental release.
 - g. Annual inspections.
2. In zone GWP, all future and existing nonresidential **DEVELOPMENT** involving the use, handling, storage, generation, transport, or processing of **HAZARDOUS PRODUCT** below the thresholds stated in section 3.06.12(l)(1), and all future and existing nonresidential **DEVELOPMENT** in zones W-4 and GWP involving the generation or storage of hazardous waste at or above the thresholds stated in section 3.06.12(l)(2) hereof, shall not be required to obtain a certificate to operate, but shall comply with the following:
- a. No **HAZARDOUS PRODUCT** shall be discharged or released to any stormwater treatment system.
 - b. No **HAZARDOUS PRODUCT** shall be discharged or released to any on-site sewage disposal system not permitted for industrial or manufacturing use.
 - c. No **HAZARDOUS PRODUCT** shall be discharged or released to any **WASTEWATER** treatment system not permitted for industrial waste.
 - d. No **HAZARDOUS PRODUCT** shall be discharged or released to the surface of the land or into any water constituting or connecting to waters of the state defined in Chapter 403, F.S.
 - e. All **HAZARDOUS PRODUCTS** shall be retained on-site until use.
 - f. All **HAZARDOUS PRODUCTS** shall be stored in rainproof and leakproof containers.
 - g. discharges or accidental release of **HAZARDOUS PRODUCT** exceeding fifty (50) gallons shall be reported to the County within forty-eight (48) hours of discovery. The report shall indicate the date, time, product discharged or released, control measures used, quantity of product discharged or released, and disposition of recovered product.
- J. *Existing and future residential use, handling, storage, generation, transport, or processing of **HAZARDOUS PRODUCTS**.* The existing

and future residential use, handling, storage, generation, transport, or processing of **HAZARDOUS PRODUCTS** is not regulated under this section.

K. *Existing and future nonresidential generation or storage of hazardous waste.* In zones W-1, W-2, and W-3, future nonresidential facilities, and the continued operation or use of existing nonresidential facilities, that generate or store **HAZARDOUS WASTES**, which accumulate more than 220 pounds per month or 110 gallons at any point in time, shall be allowed pursuant to the owner and/or operator obtaining a certificate to operate. The certificate to operate shall incorporate the following conditions:

1. Existing nonresidential regulated **DEVELOPMENT** shall implement a detailed containment plan, approved by the County Manager or designee, and providing for containment of the hazardous waste(s), which will provide for absorption of not less than an equivalent volume of the hazardous waste(s), or provide for secondary containment with a volume of at least 110 percent of the largest container; or other comparable method to manage discharges or accidental releases, and prevent contact with the land or waters constituting or connected to waters of the state as defined in Chapter 403, *F.S.* Liquid **HAZARDOUS WASTES** in tanks with a capacity of greater than 250 gallons must be stored in secondary containment with a volume of at least 110 percent of the largest container, plus the displacement of that and any other tank(s) within the containment area. Rainwater may not exceed ten (10) percent of the volume in the secondary containment area at any time.
2. Future nonresidential regulated **DEVELOPMENT** shall implement a detailed containment plan, approved by the County Manager or designee, in accordance with the standards set forth in subsection (1) hereof, with the exception that the future regulated **DEVELOPMENT** shall provide for both the containment and absorption of **HAZARDOUS WASTES**.
3. Existing and future nonresidential regulated **DEVELOPMENT** shall comply with the following conditions:
 - a. **HAZARDOUS WASTES** must be removed from the secondary containment within twenty-four (24) hours of the discharge or accidental release.
 - b. Submittal to the County of a fire plan approved by the local fire district.
 - c. Upon discovery of any discharge or accidental release, implementation of a detailed contingency plan, approved by the county manager, which shall describe actions to be taken by the owner and/or operator in the event of a discharge or accidental release of a hazardous waste under this section. Actions shall include first response steps to control and prohibit the discharge

or accidental release of the hazardous waste; remedial actions consistent with applicable state and federal laws; and proper disposal of the hazardous waste. Emergency telephone numbers shall be provided for local and state response units, and the owner and/or operator's designated emergency response personnel. The plan shall demonstrate compliance with the applicable state and federal regulations. The County shall provide forms for reporting of discharges or accidental releases.

- d. The owner and/or operator of the facility shall report, to the County, discharges or accidental releases exceeding fifty (50) gallons including: date, time, waste discharged or released, control measures used, quantity of waste discharged or released, and disposition of waste product, within forty-eight (48) hours of the discharge or accidental release.
 - e. Annual inspections.
4. In zones W-1, W-2, and W-3, all future and existing nonresidential **DEVELOPMENT** involving the generation or storage of hazardous waste below the thresholds stated herein , and all existing nonresidential **DEVELOPMENT** in zones W-4 and GWP involving the generation or storage of hazardous waste at or above the thresholds stated herein , shall not be required to obtain a certificate to operate, but shall comply with the following:
- a. No hazardous waste shall be discharged or released to any stormwater treatment system.
 - b. No hazardous waste shall be discharged or released to any on-site sewage disposal system not permitted for industrial or manufacturing use.
 - c. No hazardous waste shall be discharged or released to any **WASTEWATER** treatment system not permitted for industrial waste.
 - d. No hazardous waste shall be discharged or released to the surface of the land or into any water constituting or connecting to waters of the state as defined in Chapter 403, *F.S.*
 - e. All hazardous waste shall be retained on-site until disposed of in accordance with applicable law.
 - f. All hazardous waste shall be stored in rainproof and leakproof containers.
 - g. discharges or accidental release of hazardous waste exceeding fifty (50) gallons shall be reported to the County within forty-eight (48) hours of discovery. The report shall indicate the date, time, waste discharged or released, control measures used, quantity of waste discharged or released, and disposition of recovered waste.
- L. *Existing and future residential generation or storage of **HAZARDOUS WASTES**.* In zones W-1, W-2, W-3, W-4, and GWP, residential

generation and storage of hazardous waste are not regulated under this section.

M. *Existing and future domestic **WASTEWATER** treatment plants.*

1. All future and existing domestic **WASTEWATER** treatment plants shall have been constructed and permitted in accordance with applicable state law and regulations, and comply with the state-mandated **SETBACKS** and **BUFFERS** as adopted in the Florida Administrative Code and incorporated by reference in section 3.06.11.
2. In zone W-1, all future domestic **WASTEWATER** treatment plants are prohibited. The continued operation of all existing legal **NONCONFORMING** domestic **WASTEWATER** treatment plants shall be allowed to continue pursuant to the owner and/or operator obtaining a certificate to operate. The certificate to operate shall incorporate the following conditions:
 - a. All applicable sampling requirements of the Florida Administrative Code, pertaining to monitoring of influent and effluent.
 - b. All applicable groundwater monitoring requirements of the Florida Administrative Code, pertaining to groundwater monitoring, and provide the County with copies of all monitoring reports submitted to the DEP.
 - c. The applicable influent and/ or effluent and groundwater monitoring reporting requirements of the Florida Administrative Code, and provide the County with copies of all monitoring reports submitted to the DEP.
3. In zones W-2, W-3, W-4, and GWP, future domestic **WASTEWATER** treatment plants and the continued operation of all existing legal **NONCONFORMING** domestic **WASTEWATER** treatment plants permitted for over 100,000 gpd, shall be allowed pursuant to the owner and/or operator demonstrating compliance with and incorporating the following conditions:
 - a. All applicable groundwater monitoring requirements of the Florida Administrative Code, pertaining to groundwater monitoring.
 - b. On a quarterly basis, the owner and/or operator shall provide the County with copies of all current monitoring reports submitted to the DEP.

N. *Existing land disposal systems for domestic **WASTEWATER** treatment plant effluent.*

1. All existing land disposal systems for application of domestic **WASTEWATER** treatment plant effluent shall have been constructed and permitted in accordance with applicable state law and regulations, and comply with the state-mandated **SETBACKS** and **BUFFERS** as adopted in the Florida Administrative Code and as incorporated by reference in section 3.06.10.

2. In zone W-1, the continued operation of all land disposal systems for the application of domestic **WASTEWATER** treatment plant effluent shall be allowed pursuant to the owner and/or operator obtaining a certificate to operate. The certificate to operate shall incorporate the following conditions:
 - a. All applicable sampling requirements of the Florida Administrative Code, pertaining to monitoring of **WASTEWATER** effluent.
 - b. All applicable surface water and groundwater monitoring as required by the DEP pursuant to the Florida Administrative Code.
 - c. Reporting of **WASTEWATER** effluent sampling data and surface water and/or groundwater monitoring data to the County on a quarterly basis.
 - d. The **WASTEWATER** treatment and high level disinfection standards identified in the Florida Administrative Code, shall be implemented for effluent land disposal systems designed to accommodate a loading rate of 2,500 gallons per acre per day.
- O. Future land disposal systems for domestic **WASTEWATER** treatment plant effluent*
1. All future land disposal systems for application of domestic **WASTEWATER** treatment plant effluent shall be constructed and permitted in accordance with applicable state law and regulations, and comply with the state-mandated **SETBACKS** and **BUFFERS** as adopted in the Florida Administrative Code and as incorporated by reference in section 3.06.10; and must meet the high level disinfection standards as found in federal requirements.
 2. In zone W-1, future land disposal systems for the application of domestic **WASTEWATER** treatment plant effluent shall operate pursuant to a certificate to operate incorporating the following conditions:
 - a. All applicable sampling requirements of the Florida Administrative Code, pertaining to monitoring of **WASTEWATER** effluent.
 - b. All applicable surface water and groundwater monitoring as required by the DEP pursuant to the Florida Administrative Code.
 - c. Reporting of **WASTEWATER** effluent sampling data and surface water and/or groundwater monitoring data to the County on a quarterly basis.
 - d. The **WASTEWATER** treatment and high level disinfection standards identified in the Florida Administrative Code, shall be implemented for effluent land disposal systems designed to accommodate a loading rate of 2,500 gallons per acre per day.
- P. Future industrial **WASTEWATER** treatment plants or facilities required to obtain an industrial **WASTEWATER** permit.*

1. All future industrial **WASTEWATER** treatment plants shall be constructed and permitted in accordance with applicable state law and regulations.
 2. In zones W-1, W-2, W-3, W-4, and GWP, future industrial **WASTEWATER** plants and facilities subject to pretreatment standards or effluent limits for toxic pollutants, as promulgated in federal requirements, shall be permitted pursuant to a certificate to operate incorporating the conditions set forth in subsection 3.06.12(P)(3) below.
 3. In zones W-1, W-2, W-3, W-4, and GWP, future industrial **WASTEWATER** plants and facilities subject to effluent limits for conventional or other pollutants, as promulgated in federal requirements, shall be permitted pursuant to a certificate to operate incorporating the following conditions:
 - a. The owner and/or operator shall establish an industrial pretreatment program in accordance with the applicable categorical pretreatment standards for the specific industry as developed by the Industrial Technology Division of the United States Environmental Protection Agency Office of Water Regulations and Standards.
 - b. Provision of copies of all current groundwater monitoring reports and influent and/or effluent sampling data to the County on a quarterly basis.
 4. In zone W-1, any discharge from an industrial **WASTEWATER** treatment plant shall meet the high level disinfection standards set forth herein .
- Q. *Existing and future collection and transmission systems.*
1. All future and existing domestic and industrial collection and transmission systems shall have been constructed and permitted in accordance with applicable County, state, and federal law and regulations, and comply with the state-mandated **SETBACKS** and **BUFFERS** as adopted in the Florida Administrative Code and incorporated by reference in section 3.06.10 hereof.
 2. All existing and future collection and transmission systems located within zone W-1 shall be inspected by the owner and/or operator at six (6) month intervals, and any deficiency from applicable design standards shall be brought into compliance within thirty (30) days of inspection.
- R. *Existing and future domestic residual disposal sites.*
1. All existing legal **NONCONFORMING** and future domestic residual disposal sites shall have been constructed and permitted in accordance with County Ordinance No. 87-79 [Code ch. 54, art. V], as may be amended or superseded, and all applicable state and federal law and regulations, and comply with the state-mandated **SETBACKS** and **BUFFERS** as adopted in the Florida

Administrative Code and incorporated by reference in section 3.06.10.

2. Existing domestic disposal sites not meeting the criteria for a legal **NONCONFORMING** use, shall within one year of the effective date of this section [November 18, 1991], come into compliance with the standards set forth in this section.
3. In zone W-1, land application of class A domestic residuals shall be permitted in accordance with the standards of section 3.06.12(R)(5) below.
4. In zone W-1, land application of class B and class C domestic residuals is prohibited in the absence of a wellfield **CONDITIONAL USE** permit.
5. In zones W-1, W-2, and W-3, land application of domestic residual shall comply with the following criteria:
 - a. Metal concentrations shall not exceed the thresholds set forth in the Florida Administrative Code.
 - b. The total rate of domestic residuals applied to land shall not exceed the nitrogen uptake of the vegetation upon which the residuals are being applied, and shall be consistent with County Ordinance No. 87-79 [Code ch. 54, art. V], as may be amended or superseded, and the Florida Administrative Code.
 - c. If domestic residuals are applied to a site that is receiving reclaimed water, the nitrogen uptake calculation shall include the combined effect of nitrogen loading from both domestic residuals and reclaimed water applied to the site, as provided in the Florida Administrative Code.
 - d. Land application of domestic residuals is prohibited in the absence of a wellfield **CONDITIONAL USE** permit.
6. Minimum frequency of groundwater monitoring criteria is as follows:

Zones	Monitoring/Reporting Frequency
W-1	Quarterly
W-2	Semiannually
W-3	Semiannually
W-4	Site specific per residual disposal permit conditions
GWP	Site specific per residual disposal permit conditions

S. *Existing on-site sewage disposal systems*

1. In zones W-1, W-2, W-3, W-4, and GWP, existing on-site sewage disposal systems are not regulated under this section.
2. Existing on-site sewage disposal systems, as defined in the Florida Administrative Code, serving existing residential **STRUCTURES** located in zones W-1, W-2, W-3, W-4, and GWP, are not regulated under this section.

3. At such times as any repairs are required to existing **NONCONFORMING** disposal systems located within 200 feet of a public water supply well, the disposal system shall be upgraded to standards as specified for future on-site disposal systems in section 3.06.12(T) hereof, or shall be relocated outside of a radius of 200 feet from the well.
 4. On-site sewage disposal systems requiring a certificate of [to] operate under section 3.06.12(T), and serving existing **INDUSTRIAL USES** located on zones W-1, W-2, or W-3, shall be allowed to continue pursuant to a certificate to operate from the County, incorporating the following conditions:
 - a. Reporting by the industrial user of all **HAZARDOUS PRODUCTS** stored or used at the subject location.
 - b. Implementation of a groundwater monitoring system on the site, designed by a professional engineer or professional geologist licensed in the State of Florida, with monitoring required on a semiannual schedule for any **HAZARDOUS WASTES** that are used or stored on the industrial site, and reporting of monitoring data to the County.
 - c. Certification by a registered professional engineer that the on-site sewage disposal system meets construction and operating standards as contained in the Florida Administrative Code.
- T. *Future on-site sewage disposal systems*
1. In zone W-1, future on-site disposal systems requiring a soil absorption or infiltration area greater than 1,000 square feet shall be constructed to minimum standards contained in the Florida Administrative Code, as may be amended, and the following criteria:
 - a. **WASTEWATER** shall be distributed onto the infiltration surface by means of an automatic dosing device (pump or siphon), and a low pressure lateral distribution system shall be designed as outlined in the U.S. Environmental Protection Agency Design Manual for On-Site **WASTEWATER** Treatment and Disposal Systems.
 - b. The design of the on-site disposal of the on-site system shall be certified by a registered professional engineer, licensed in the State of Florida, to be capable of providing a vertical separation of at least twenty-four (24) inches between the bottom of the stone fill in the drainfield (infiltration surface) and the wet seasonal high water table when the disposal system is operating at design flow.
- U. *Existing and future concentrated animal feeding operations, high intensity use areas, dairy farm storage and treatment facilities, and land application of egg wash WASTEWATER*
1. All existing and future concentrated animal feeding operations, high intensity use areas, dairy farm storage and treatment facilities,