

5. *Non-commercial DEVELOPMENT:* Non-commercial use applications shall demonstrate that the intent of this section can be effectively accomplished without meeting the specific **DEVELOPMENT** standards of this section. Designs which are responsive to the context and proposed use and demonstrate a well considered design theme may request an administrative review of the alternative approach and design. In addition to the base submittal requirements, **APPLICANTS** shall clearly label the plan submitted as an "Alternative Architectural Design Standards Plan" and shall reference the requested deviations on the plan and shall submit a descriptive narrative which specifically identifies the code **DEVELOPMENT** standards required by this section which is/are being proposed to be addressed through the alternative approach. Supplemental submittal and narrative descriptions must be provided which supports the **APPLICANT'S** submission. The County Manager or his designee will administratively review submittal documents for consistency with the intent of this section and if the plan is approved through this provision, shall specifically note the approved deviations and the basis of the approval within the site **DEVELOPMENT** plan approval letter. Deviations approved shall be applicable only to the specific design and plan reviewed. Modifications of an approved design shall void the administrative approval of the deviation and require resubmittal of the deviation request to planning services staff for re-evaluation of the request in the context of the amended design and plan.

C. Architectural and site design standards and guidelines for commercial **BUILDINGS** and projects with a gross **BUILDING** area of 20,000 square feet or larger.

Compliance with the standards set forth in this section shall be demonstrated by submittal of architectural drawings and a site **DEVELOPMENT** plan in accordance with section 10.02.03 of this Code.

1. *Off street parking design.* As provided for in section 4.05.00, and subject to the following provisions:

a. *Purpose and intent.* Commercial **BUILDINGS** and projects, including their outparcels shall be designed to provide safe, convenient, and efficient **ACCESS** for pedestrians and vehicles. Parking shall be designed in a consistent and coordinated manner for the entire site. The parking area shall be integrated and designed so as to enhance the visual appearance of the community.

b. *Design standards.* Parking, utilizing the same degree of angle,

shall be developed throughout the site to provide efficient and safe traffic and pedestrian circulation. A single bay of parking provided along the perimeter of the site may vary in design in order to maximize the number of spaces provided on-site. The mixture of one-way and two-way parking aisles, or different degrees of angled parking within any parking area is prohibited, except as noted above, or where individual parking areas are physically separated from one another by a continuous **LANDSCAPE BUFFER**, a minimum five feet in width with limited **ACCESS**. **LANDSCAPE BUFFERS** for these locations shall use landscape material other than grass for separation of parking areas (See Illustrations 5.05.08 C.1 and 5.05.08 C.2 below).

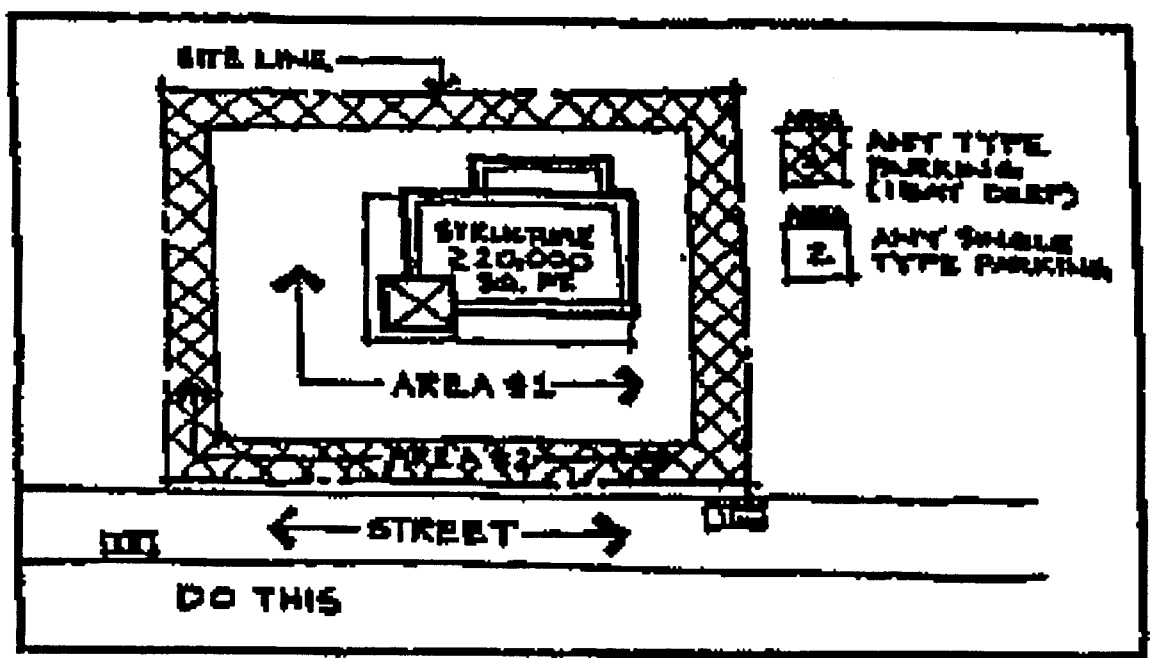


Illustration 5.05.08 C.1

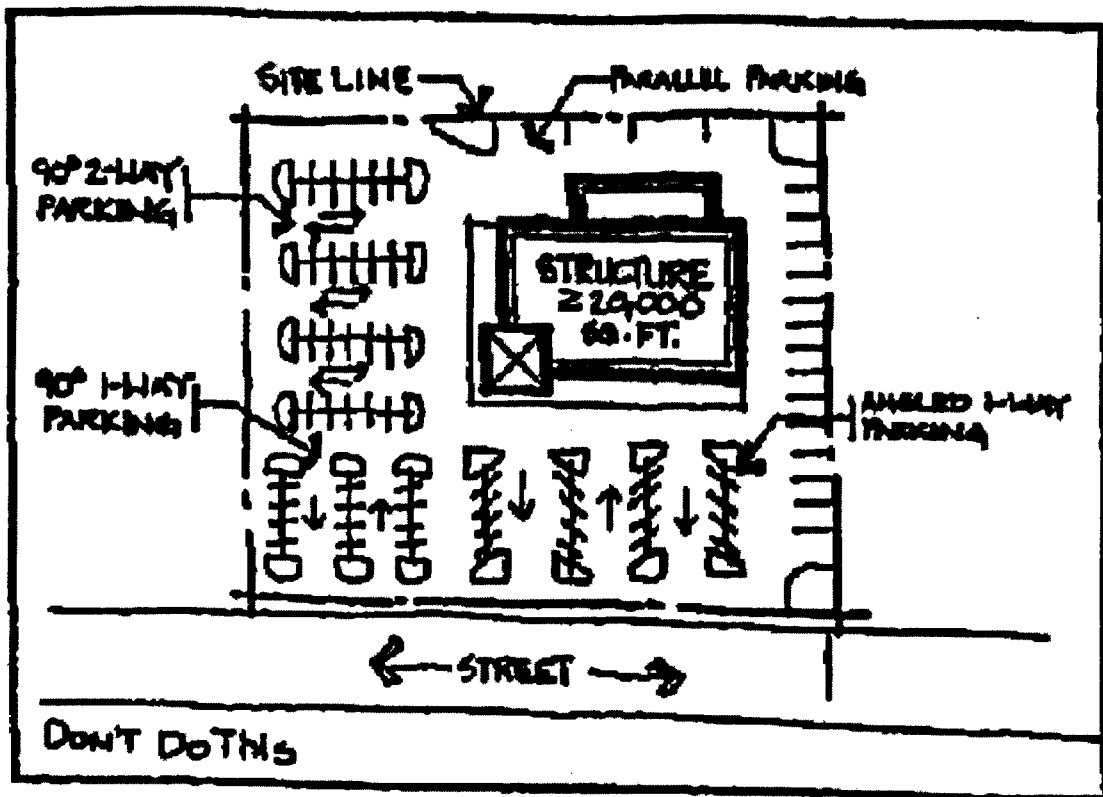


Illustration 5.05.08 C.2

- i. *Maximum parking:* Parking in excess by 20 percent of the minimum parking requirements shall provide additional landscaping as described in section 4.05.04 of this Code.
- c. *Parking for projects.* Projects shall be designed to adhere to the following standards:
  - i. *Interior lots.* No more than 50 percent of the off-street parking for the entire commercial **BUILDING** or project shall be located between any primary facade of the commercial **BUILDING** or project and the **ABUTTING** street or navigable waterway. (See Illustration 5.05.08 C.3 below).

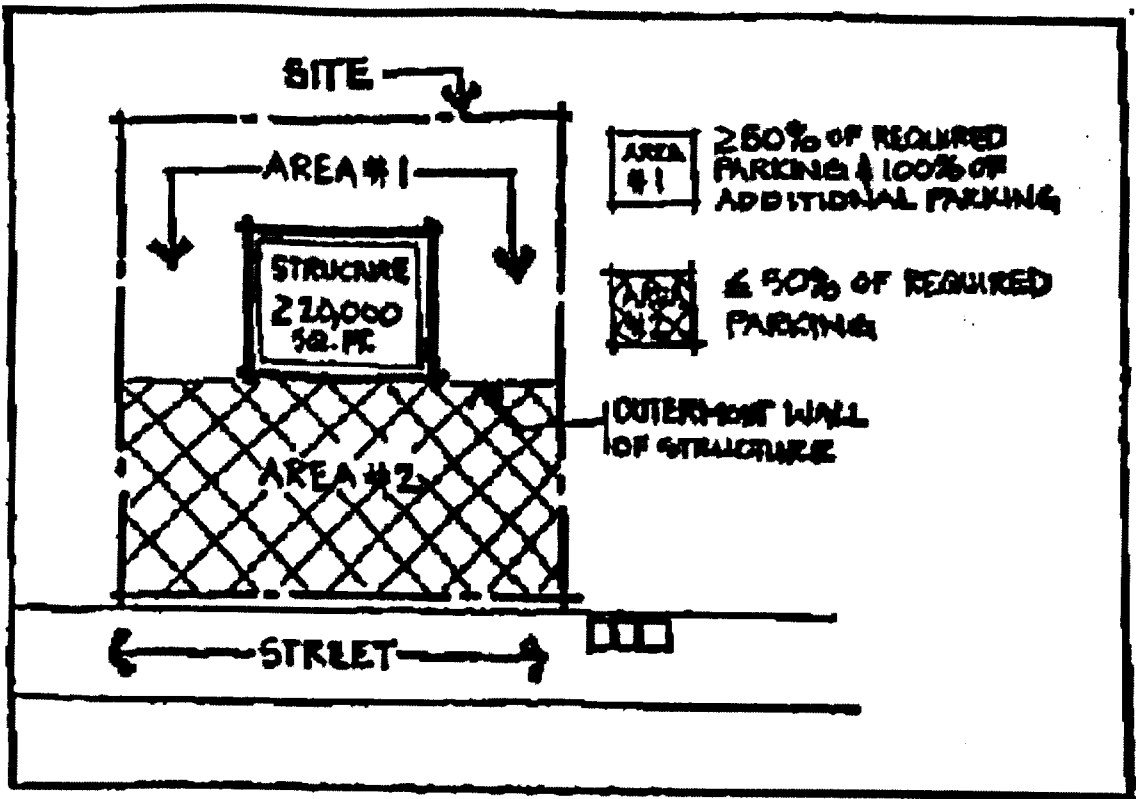


Illustration 5.05.08 C.3

- ii. *Corner lots.* No more than 80 percent of the off-street parking for the entire commercial **BUILDING** or project shall be located between any primary facade of the commercial **BUILDING** or project and the **ABUTTING** street or navigable waterway area, with no single side to contain more than 65 percent of the required parking. (See Illustration 5.05.08 C.4 below).



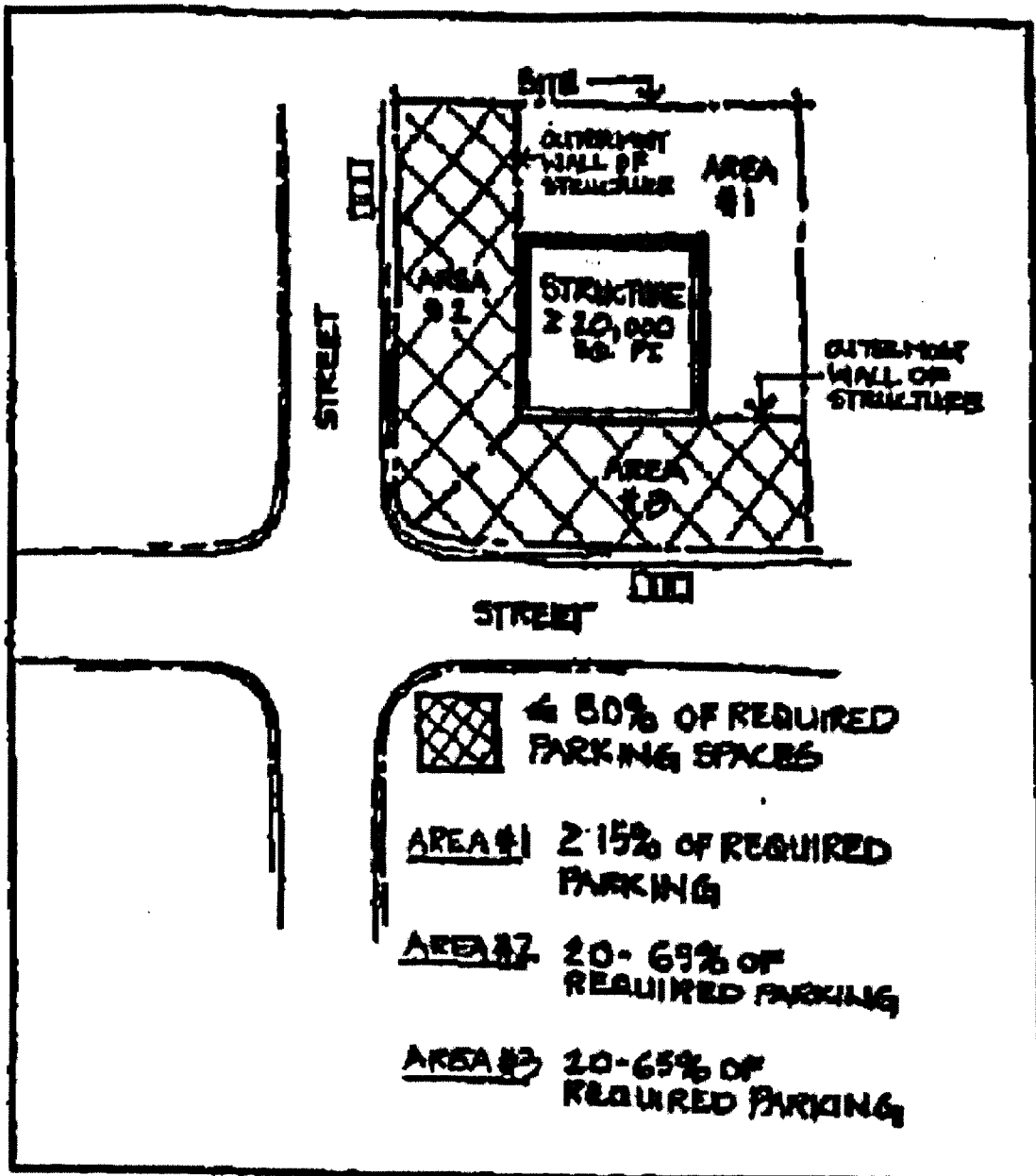


Illustration 5.05.08 C.4

d. *Parking structure standards:* a minimum of 60 percent of any primary facade of a parking structure or covered parking facility shall incorporate two of the following (see Illustration 5.05.08 C.5 below for examples):

- i. transparent windows, with clear or lightly-tinted glass, where pedestrian oriented businesses are located along the facade of the parking structure;

- ii. display windows;
- iii. decorative metal grille-work or similar detailing which provides texture and partially and/or fully covers the parking structure opening(s);
- iv. art or architectural treatment such as sculpture, mosaic, glass block, opaque art glass, relief work, or similar features; or,
- v. vertical trellis or other landscaping or pedestrian plaza area.

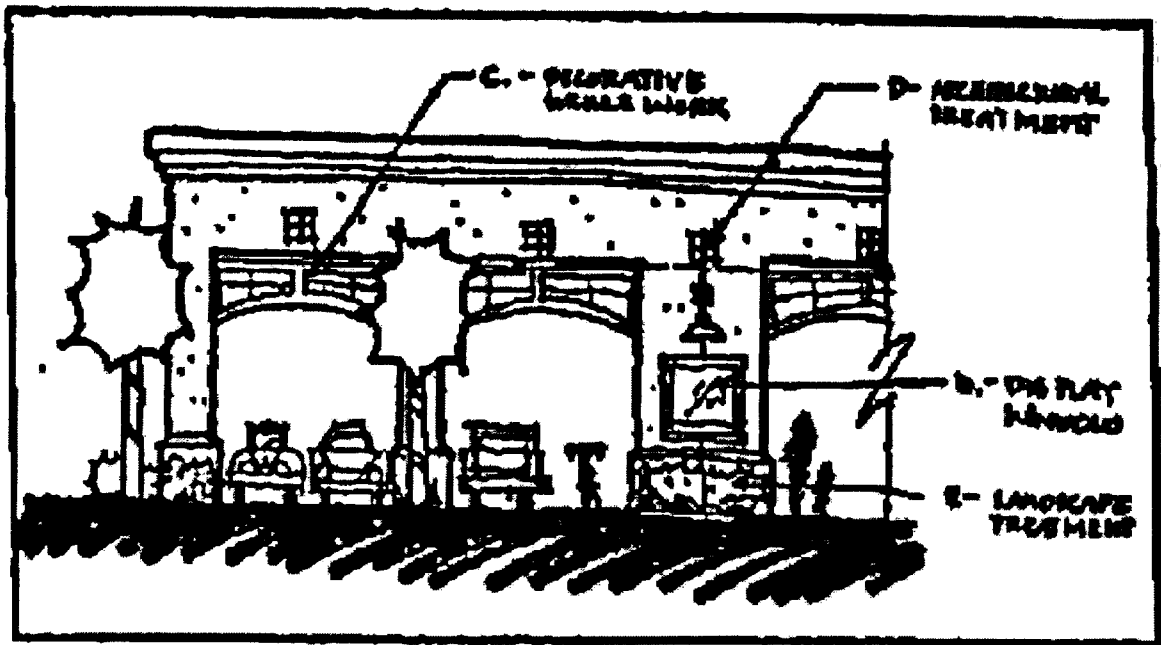


Illustration 5.05.08 C.5

## 2. Lighting.

a. *Purpose and intent.* Commercial **BUILDINGS** and projects, including their outparcels shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or blends into the landscape.

b. *Shielding standards.* Lighting shall be designed so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on **ADJACENT** streets and all **ADJACENT** properties.

c. *Fixture height standards.* Lighting fixtures shall be a maximum of 30 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas (see Illustration 5.05.08 C.6 below).

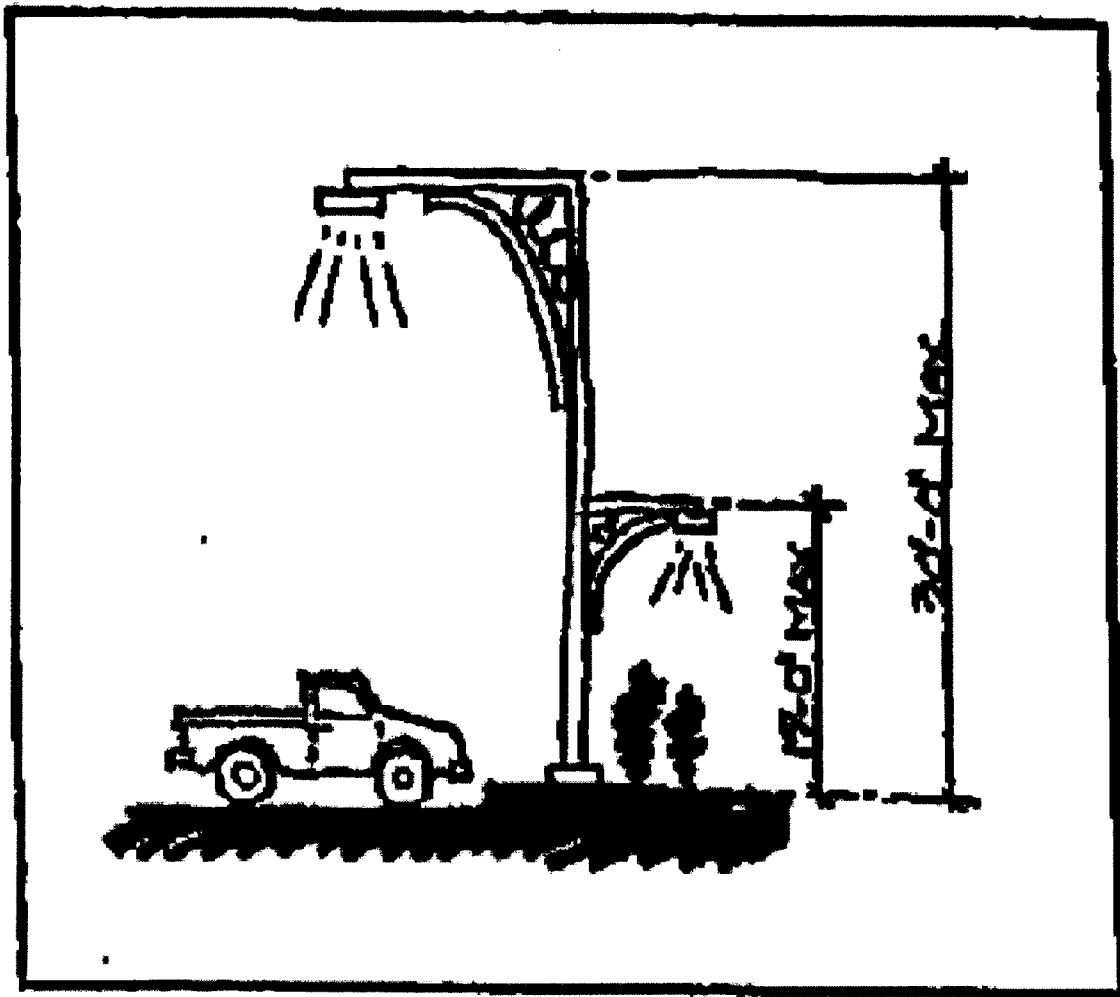


Illustration 5.05.08 C.6

d. *Design standards.* Lighting shall be used to provide safety while accenting key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This

can be accomplished through style, material or color (excluding florescent, primary and/or secondary colors) or be designed to blend into the landscape through the use of dark colors such as bronze. Mill finish is not permitted.

3. *Service Function Areas (SFA) including but not limited to loading, storage, mechanical equipment, and solid waste disposal.*

a. *Purpose and intent.* To diminish, in a safe manner, the visual impacts of service functions that may detract or have a negative impact on the streetscape, landscape and/or the overall community image.

b. ***BUFFERING and screening standards.*** In accordance with the provisions of Chapter 4 of this Code, loading areas or docks, outdoor storage, trash collection, mechanical equipment, trash compaction, vehicular storage excluding new and used cars, recycling, roof top equipment and other service function areas shall be fully screened and out of view from **ADJACENT** properties at ground view level and in view of roadway corridors.

c. *Materials and design standards.* Screening material and design shall be consistent with design treatment of the primary facades of the commercial **BUILDING** or project and the landscape plan.

d. *Drive-through window standards.* Drive-through windows and lanes shall be designed to adhere to the following standards:

i. Drive-through windows shall not be placed between the right-of-way of a primary collector or **ARTERIAL ROADWAY** and the associated **BUILDING**, unless the vegetation required by a Type "B" **LANDSCAPE BUFFER** is installed within the **BUFFER** width required for the project and maintained along the entire length of the drive-through lane between the drive-through lane and the **ADJACENT** right-of-way. As an alternative to the vegetative **BUFFER** referenced above, a permanent covered porte-cochere type structure, other than awning/canvass type structure(s), may be installed extending the width of the drive-through and covering the service window(s). Such structure shall be integrated structurally and architecturally into the design of the **BUILDING**.

ii. Only a single drive-through facility is permitted.

4. *Pedestrian walkways.*

- a. *Purpose and intent.* To provide safe opportunities for alternative modes of transportation by connecting with existing and future pedestrian and bicycle pathways within the county and to provide safe passage from the public right-of-way to the **BUILDING** or project, which includes the area between and including the parking areas and the **BUILDING** perimeter, and between alternative modes of transportation.
- b. *Pedestrian access standards.* Pedestrian ways, linkages and paths shall be provided from the **BUILDING** entry(s) to surrounding streets, external sidewalks, outparcels and parking areas. Pedestrian ways shall be designed to provide **ACCESS** between parking areas and the **BUILDING** entrance(s) in a coordinated and safe manner through the incorporation of walkways, sidewalks and crosswalks. Pedestrian ways may be incorporated within a required landscape perimeter **BUFFER**, provided said **BUFFER** is consistent with the exceptions outlined in Chapter 4 of this code. Shared pedestrian walkways are encouraged between **ADJACENT** commercial projects.
- c. *Minimum ratios.* Pedestrian ways shall be provided at a minimum ratio of one for each public vehicular entrance to a project, excluding ingress and egress points intended primarily for service, delivery or employee vehicles.
- d. *Minimum dimensions.* Pedestrian walkways shall be a minimum of five feet wide.
- e. *Materials.* Pedestrian walkways shall be consistent with the provisions of section 4.5 of the Americans with Disabilities Act (ADA), Accessibility Guidelines. Materials may include specialty pavers, concrete, colored concrete or stamped pattern concrete.
- f. *Pedestrian crosswalks at **BUILDING** perimeter.* **BUILDING** perimeter crosswalks shall be designed and coordinated to move people safely to and from **BUILDINGS** and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.
- g. *Shade.* Pedestrian walkways shall provide intermittent shaded areas when the walkway exceeds 100 linear feet in length at a minimum ratio of 100 square feet of shaded area per every 100 linear feet of walkway. Shade structures may be natural, manmade or a combination of both.

5. **BUILDING** design.

a. *Purpose and intent.* To maintain and enhance the attractiveness of the streetscape and the existing architectural design of the community. **BUILDINGS** shall have architectural features and patterns that provide visual interest from the perspective of the pedestrian; reduce massing aesthetic; recognize local character, and be site responsive. Facades shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the community's identity and character through the use of detail and scale. Articulation is accomplished by varying the **BUILDING'S** mass in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian (see Illustration 5.05.08 C.7 below).

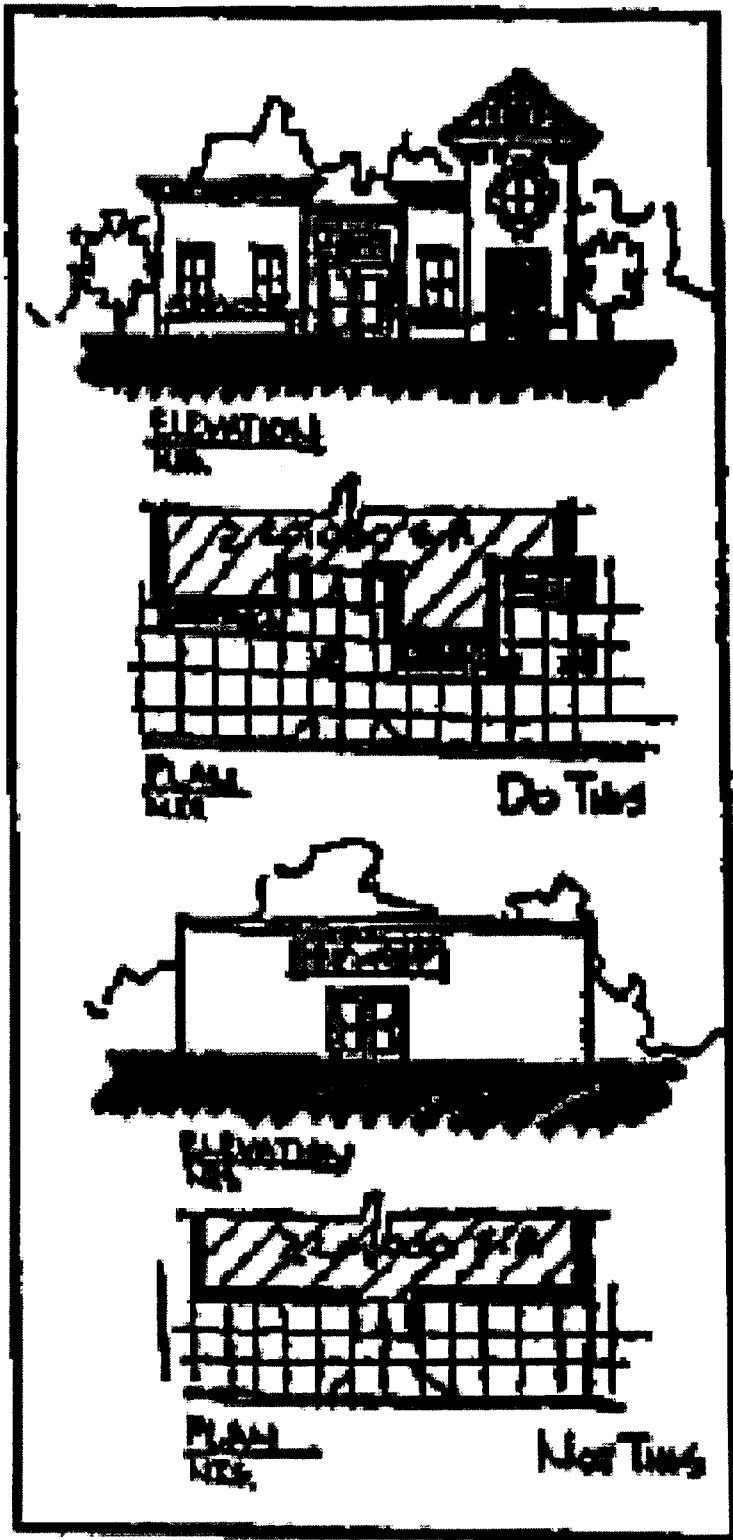


Illustration 5.05.08 C.7

Corner lots at an intersection of two or more arterial or **COLLECTOR ROADS** shall be designed with additional architectural embellishments, such as corner towers, or other such design features, to emphasize their location as gateways and transition points within the community.

b. **BUILDING orientation standards.** Facades/elevations that are **ADJACENT** to an **ARTERIAL** or **COLLECTOR STREET**, or a navigable waterway, shall have two of the following design features;

- i. Windows at a minimum of 40 percent of the affected facade;
- ii. Projected covered public entry with a minimum of 25 percent of the wall space devoted to windows:
- iii. Covered walkway (excluding canvas type) unless provided with six (6) inch columns or better attached to the **BUILDING** at a minimum of eight feet wide with a 60 percent minimum coverage for the affected facade.

c. **Facade/wall height transition.** New **DEVELOPMENTS** that are located within 300 feet of an existing **BUILDING**, and are more than twice the height of any existing **BUILDING** within 300 feet shall provide transitional massing elements to transition between the existing **BUILDINGS** of lower height within 300 feet, and the proposed **DEVELOPMENT**. The transitional massing element can be no more than 100 percent taller than the average height of the **ADJACENT BUILDINGS** (see Illustration 5.05.08 C.8 below).



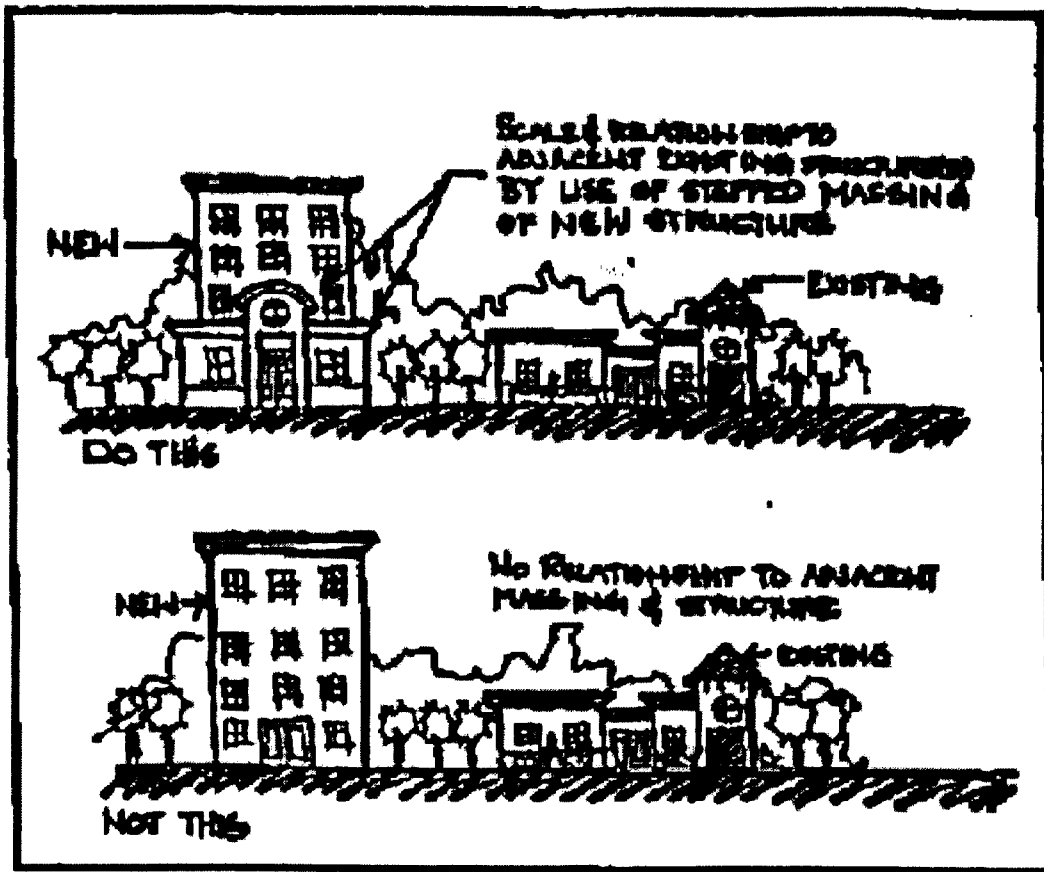


Illustration 5.05.08 C.8

d. *Facade standard.* All primary facades of a **BUILDING** shall be designed with consistent architectural style, detail and trim features. Facades attached to a primary facade shall incorporate features of the primary facade for a minimum of 33 percent of the overall wall length measured from the attached primary facade. In the case of outparcel **BUILDINGS**, all exterior facades shall adhere to the requirements of this division with respect to architectural design treatments for primary facades.

- i. *Window standards:* Windows shall not appear to be false or applied.
- ii. *Awning standards:* These standards apply to awnings associated with and attached to a **BUILDING/structure**. (See Illustration 5.05.08 C.9)

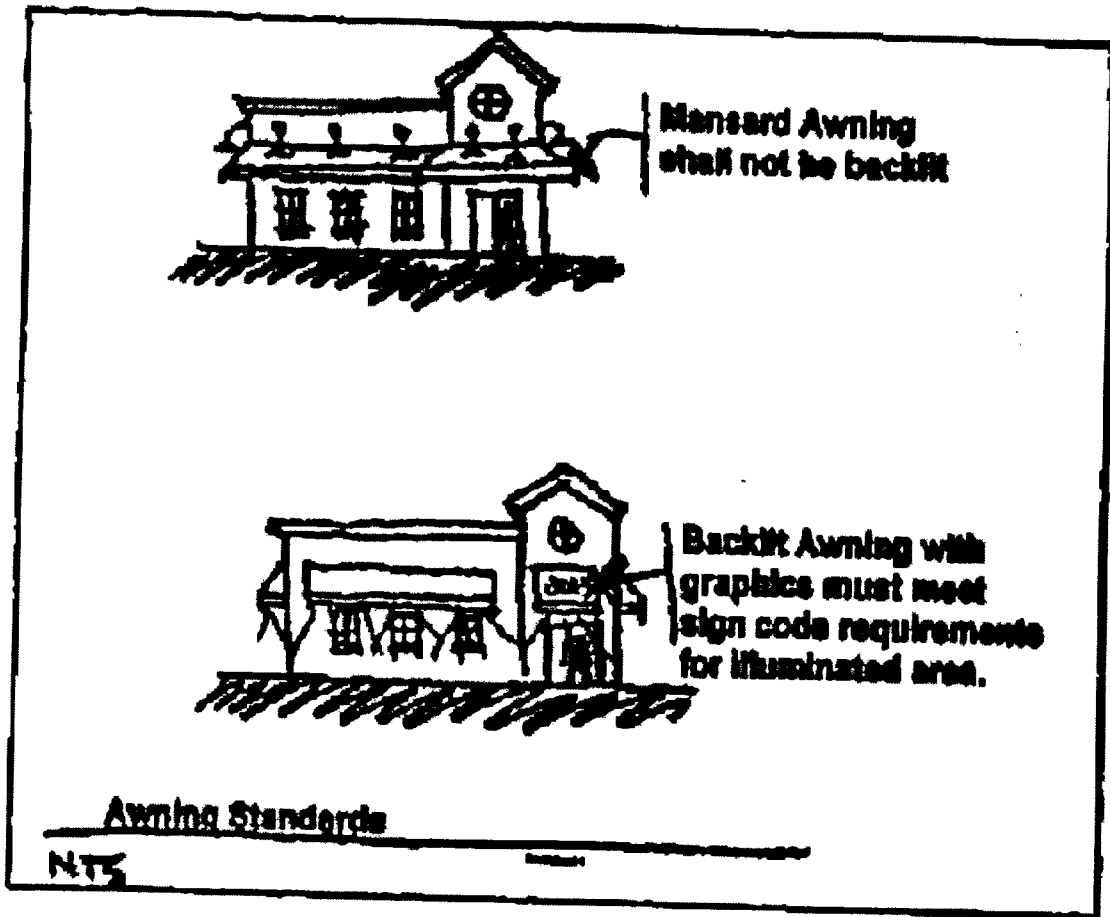


Illustration 5.05.08 C.9

Mansard awnings which are awnings that are more than 90 percent of a facade or those that connect two facades shall adhere to all roof standards of this section of this Code.

All other awnings which are awnings that constitute less than 90 percent of a facade and which do not provide a connection between facades shall adhere to the following standards:

- a) Awnings may be backlit provided the illuminated portion of the awning with graphics does not exceed the size limitations and standards of this Code.

Automobile sales parking lot awnings: Shade awnings may be erected in automobile sales parking lots subject to the following requirements and standards:

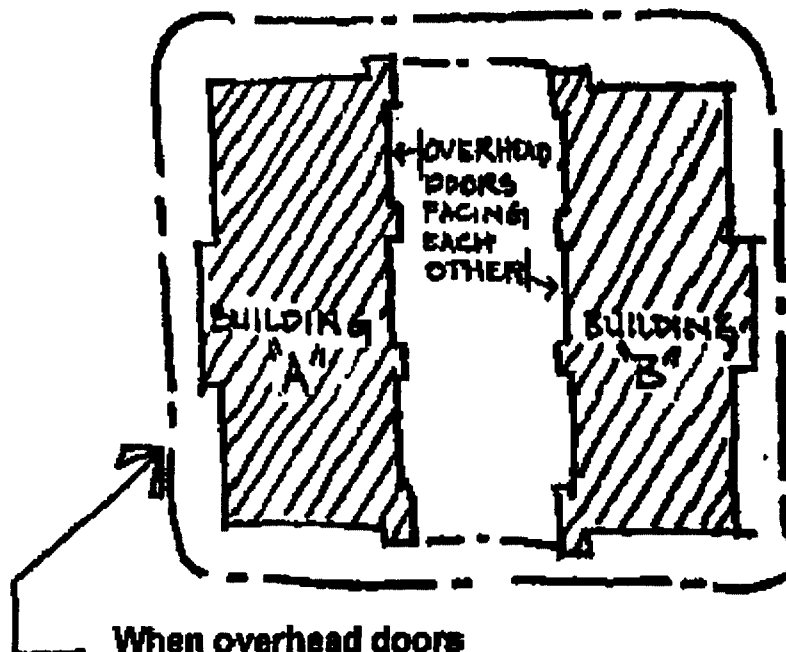
a) No shade awning structure shall be constructed within 75 feet of any public or private street.

b) No one shade awning structure may exceed an area sufficient to provide cover for more than 20 automobiles.

c) The minimum separation between shade awning structures shall be 100 feet.

d) Multi-colored shade awning structures are prohibited and the use of black, gray, florescent, primary and/or secondary colors is prohibited. Earth-tone colors are encouraged.

iii. *Overhead doors:* Overhead doors facing one another may be treated as interior space provided that the **BUILDINGS** meet all other requirements of this section 5.05.08. (See Illustration 5.05.08 C.10 below)



**When overhead doors  
face each other they may  
be treated as one building**

**Overhead Door Diagram**

Illustration 5.05.08 C.10

e. *Massing standards.* Exterior facades shall be designed to employ the following design treatments on the ground floor:

i. No horizontal length or uninterrupted curve of a **BUILDING** facade shall exceed 100 linear feet. For arcaded facades, no horizontal length or uninterrupted curve of the arcaded facade shall exceed 120 feet, but varied lengths are desirable. Projections and recesses shall have a minimum depth of three feet with 25 percent of these having a varied length with a minimum differential of one foot (See Illustration 5.05.08 C.11 below).

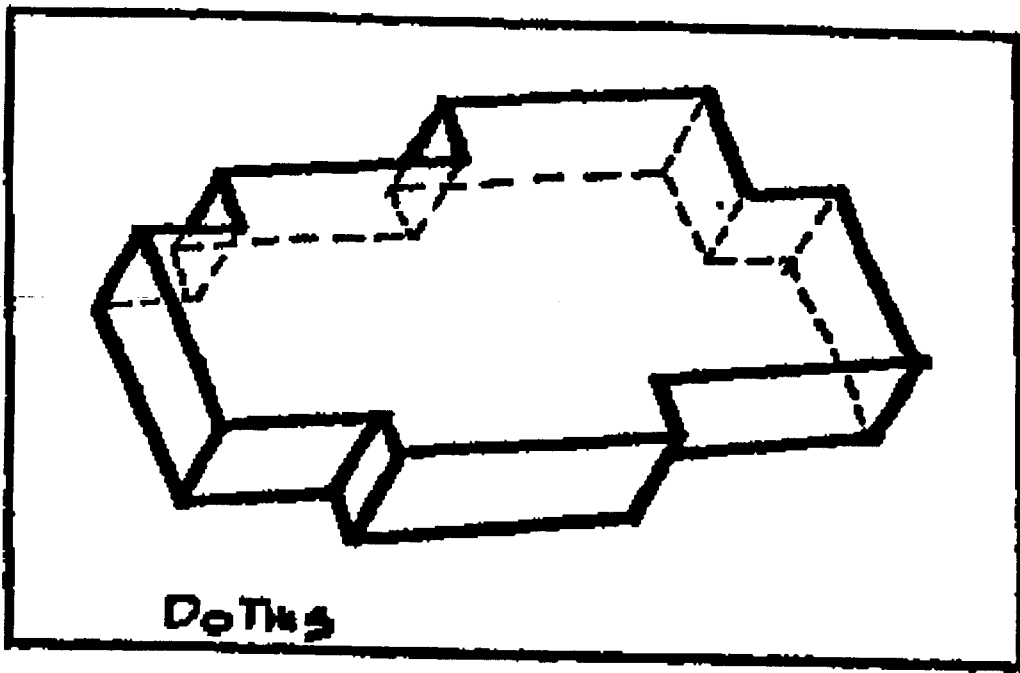


Illustration 5.05.08 C.11

ii. Exterior wall planes shall not constitute more than 60 percent of each affected ground floor facade. The wall plane shall be measured at one foot off the exterior wall surface on each side of the wall.

iii. Primary facades on the ground floor shall have features along a minimum of 50 percent of their horizontal length per affected side. These features include, but are not limited to: arcades, a minimum of six feet clear in width;

display windows; entry areas; or other such design elements. Awnings are included in this calculation at 1.5 times the window width when associated with windows/doors and are in increments of 20 feet in length or less.

f. *Project standards.* Both single and multi-use **BUILDINGS** and projects shall also be required to provide a minimum of four of the following **BUILDING** design treatments (see Illustrations 5.05.08 C.12 and 13 below):

- i. Canopies or portico, integrated with the **BUILDINGS** massing and style;
- ii. Overhangs, minimum of three feet;
- iii. Arcades, minimum of eight feet clear in width;
- iv. Sculptured artwork;
- v. Raised cornice or **BUILDING** banding with a minimum of two reliefs;
- vi. Peaked roof forms;
- vii. Arches;
- viii. Display windows;
- ix. Ornamental and structural architectural details, other than cornices; which are integrated into the **BUILDING** structure and overall design;
- x. Clock bell towers or other such roof treatment (i.e. dormers, belvederes, cupolas);
- xi. Projected and covered entry, five foot minimum;
- xii. Emphasized **BUILDING** base, minimum of three feet high and minimum projection from the wall of two inches;
- xiii. Additional roof articulation above the minimum standards, (see roof section);
- xiv. Metal or tile roof as the dominant roof material; or
- xv. Any other treatment which, in the opinion of the

County Manager or his designee, meets the intent of this section:

and one of the following site design elements:

- i. Decorative landscape planters or planting areas, a minimum of five feet wide, and areas for shaded seating consisting of a minimum of 100 square feet;
- ii. Integration of specialty pavers, or stamped concrete along the **BUILDING'S** walkway. Said treatment shall constitute a minimum of 60 percent of walkway area; or,
- iii. Water elements, a minimum of 150 square feet in area; or
- iv. Two accent or specimen trees (above the minimum landscape Code requirements) along the front facade with a minimum height of 18 feet at planting.

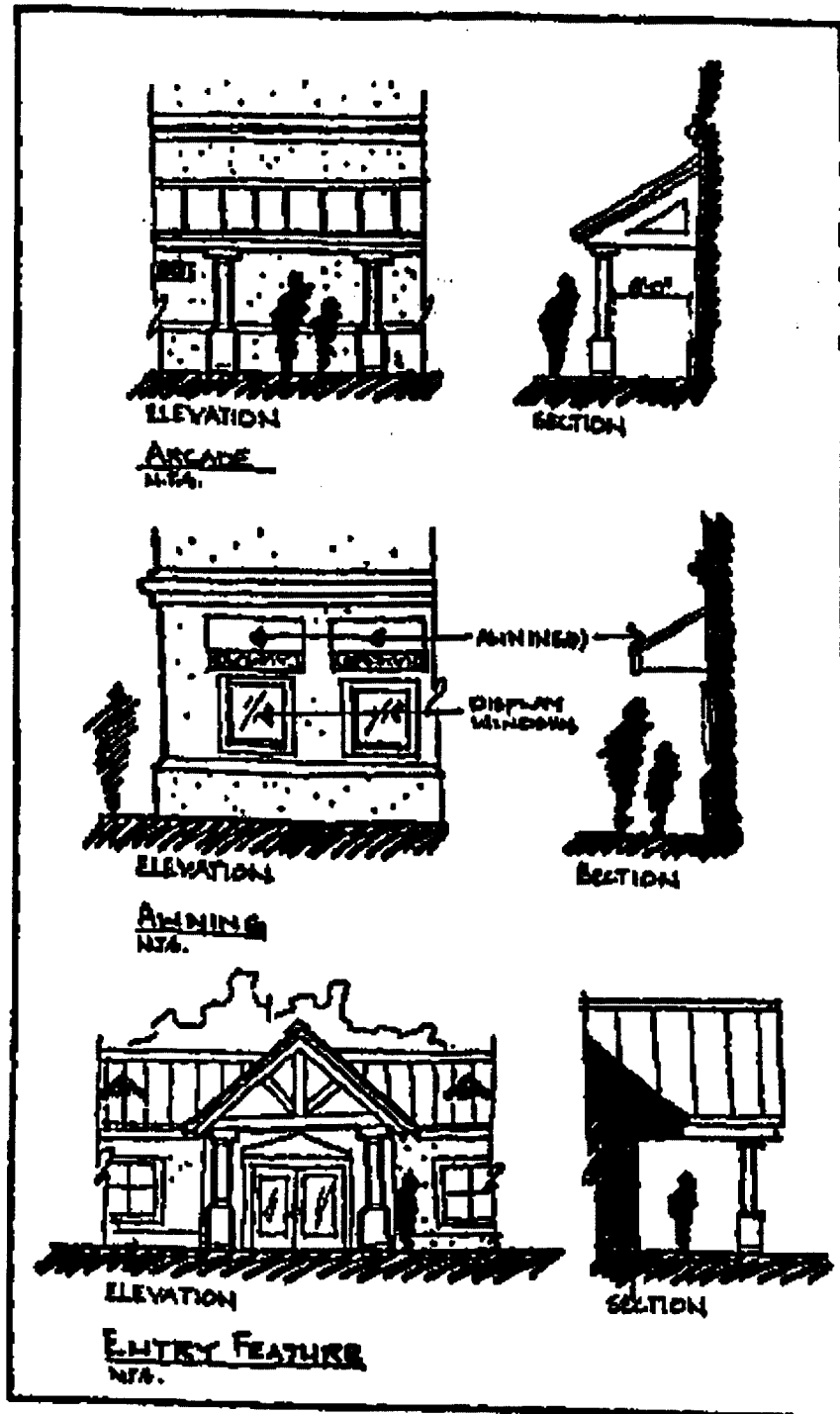


Illustration 5.05.08 C.12

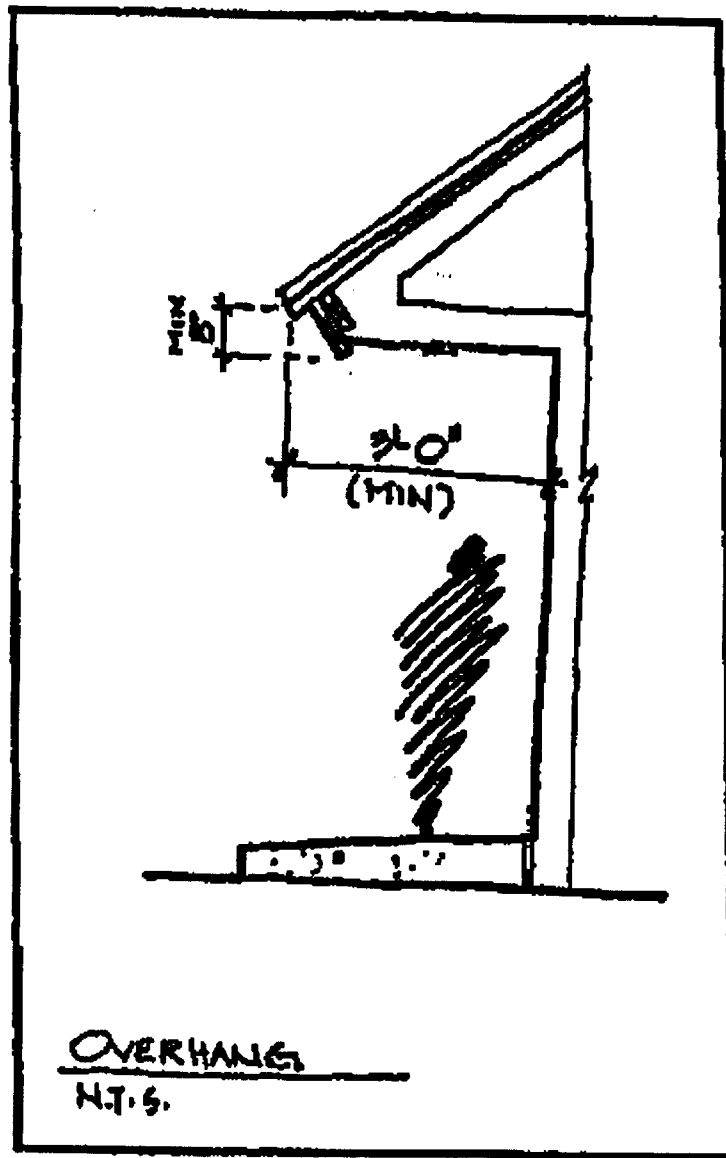


Illustration 5.05.08 C.13

g. *Detail Features*

i. *Purpose and intent.* The design elements in the following standards shall be integral parts of the **BUILDING's** exterior facade and shall be integrated into the overall architectural style. These elements shall not consist solely of applied graphics, or paint.

ii. *Blank wall areas.* Blank wall areas shall not exceed ten feet in vertical direction nor 20 feet in the horizontal direction



of any primary facade. For facades connected to a primary facade this shall apply to a minimum of 33 percent of the attached facade measured from the connection point. Control and expansion joints within this area shall constitute blank wall area unless used as a decorative pattern and spaced at intervals of six feet or less. Relief and reveal work depth must be a minimum of one-half inch (see Illustration 5.05.08 C.14 below). Blank wall area may utilize landscaping to assist in reducing the blank wall area. Landscaping shall not be in lieu of architectural treatment. (See Illustration 5.05.08 C.15 below).



Illustration 5.05.08 C.14

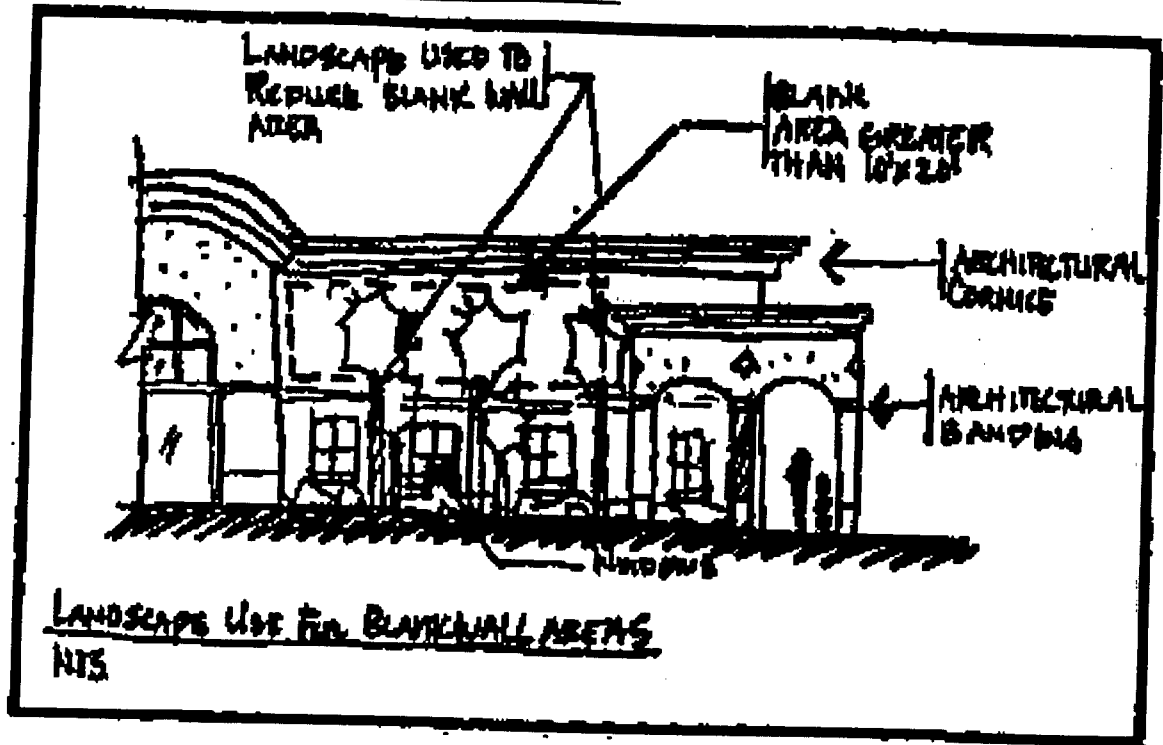


Illustration 5.05.08 C.15

iii. *Repeating facade treatments.* **BUILDING** facades shall include a repeating pattern and shall include no less than three of the design elements listed below. At least one of these design elements shall repeat horizontally. All design elements shall repeat at intervals of no more than 50 feet, horizontally and a maximum of 15 feet vertically.

- a) Color change;
- b) Texture change;
- c) Material module change;
- d) Expression of architectural or structural bays, through a change in plane of no less than 12 inches in width, such as a reveal, an offset, or a projecting rib (see Illustration 5.05.08 C.16 below);

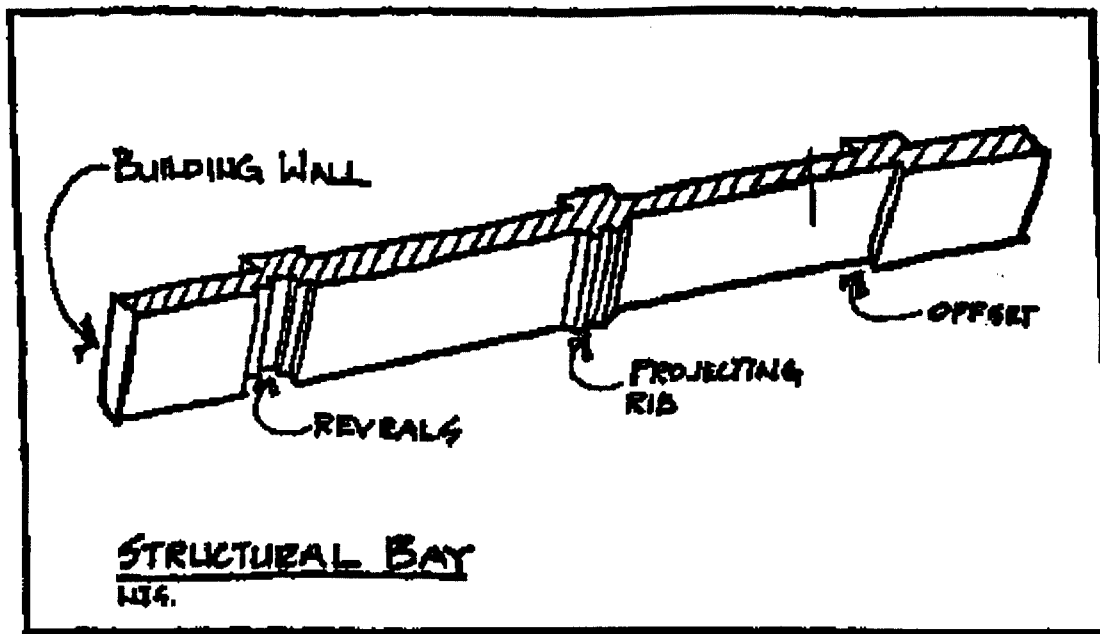


Illustration 5.05.08 C.16

- e) Architectural banding;
  - f) **BUILDING** setbacks or projections, a minimum of three feet in width on upper level(s) or,
  - g) Pattern change
- h. *Additional facade design treatments for multiple use BUILDINGS.*
- i. *Purpose and intent.* The presence of **BUILDINGS** with multiple tenants creates variety, breaks up large expanses of uninterrupted facades, and expands the range of the site's activities. Windows and window displays of such stores shall be used to contribute to the visual interest of exterior facades. The standards in this section are directed toward those situations where more than one retailer, with separate exterior customer entrances, are located within the principal **BUILDING**.
  - ii. *First floor primary facade treatments.*
    - a) The first floor of the primary facades shall, at a minimum, utilize windows between the heights of three feet and eight feet above the walkway grade for

no less than 30 percent of the horizontal length of the **BUILDING** facade.

b) Windows shall be recessed, a minimum of one-half inch, and shall include visually prominent sills, shutters, stucco reliefs, or other such forms of framing.

i. *Outparcels.*

i. *Purpose and intent.* To provide unified architectural design and site planning between outparcel structures and the main structure on the site in order to enhance the visual impact of the structures and to provide for safe and convenient vehicular and pedestrian **ACCESS** and movement within the site.

ii. *Outparcel design:* All exterior facades of an outparcel structure shall be considered primary facades and shall employ architectural, site, and landscaping design elements which are integrated with and common to those used on the primary structure on site. These common design elements shall include colors and materials associated with the main structure. When the use of common wall, side by side **DEVELOPMENT** occurs, continuity of facades and consolidated parking for several businesses on one parking lot may be used. Outparcel structures that are **ADJACENT** to each other shall provide for vehicular connection between their respective parking lots and provide for interconnection of pedestrian walkways.

j. *Roof treatments.*

i. *Purpose and intent.* Variations in roof lines shall be used to add interest to, and reduce the massing of **BUILDINGS**. Roof features shall be in scale with the **BUILDING**'s mass and complement the character of adjoining and/or **ADJACENT BUILDINGS** and neighborhoods. Roofing material should be constructed of durable high quality material in order to enhance the appearance and attractiveness of the community. The following standards identify appropriate roof treatments and features.

ii. *Roof edge and parapet treatment.* At a minimum of two locations, the roof edge and/or parapet shall have a vertical change from the dominant roof condition, a minimum of

three feet. At least one such change shall be located on a primary facade **ADJACENT** to a collector or arterial right-of-way (see Illustration 5.05.08 C.17 below). One additional roof change must be provided for every 25,000 square foot increment over 50,000 square feet of ground floor space.

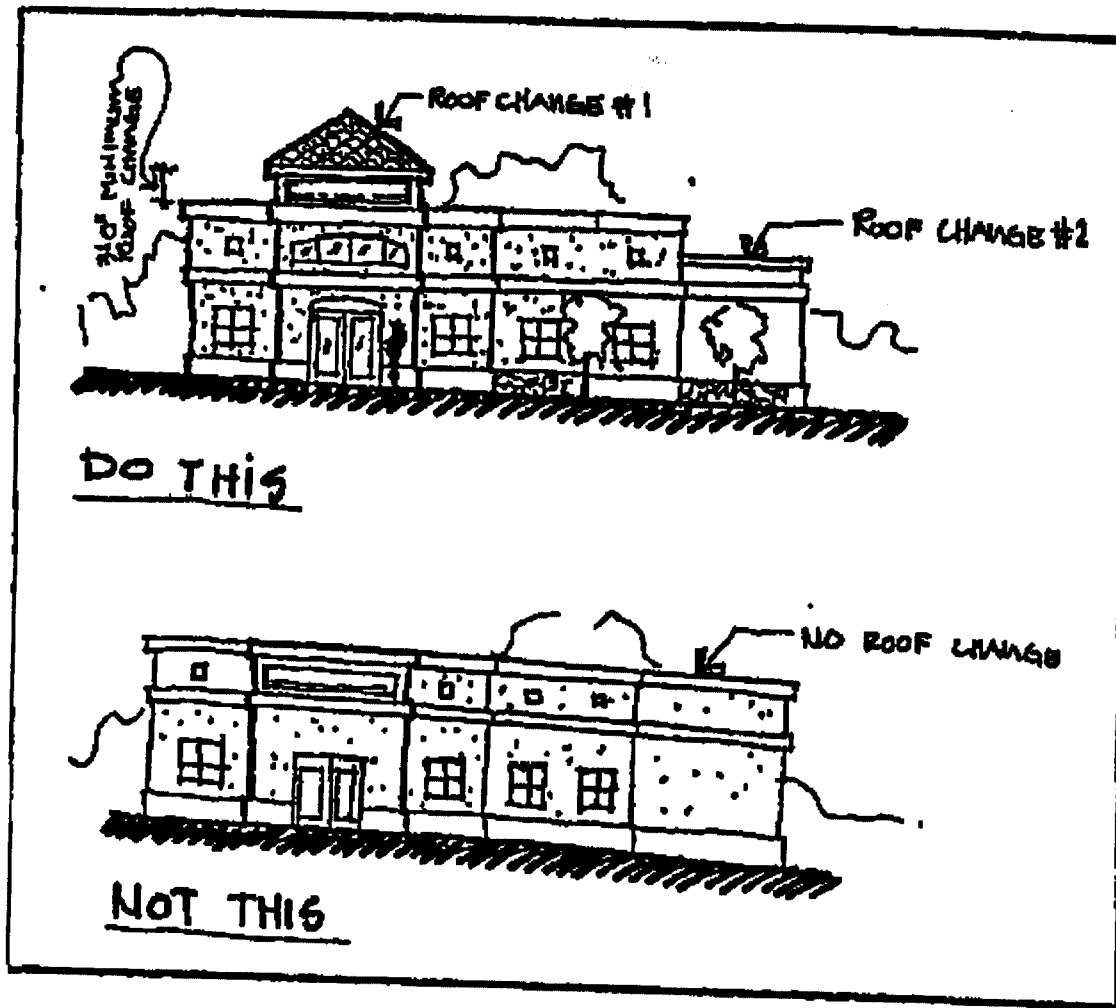


Illustration 5.05.08 C.17

iii. Roofs shall meet the following requirements: (See Illustration 5.05.08 C.18 below)

a) Parapets shall be used to conceal roof top equipment and flat roofs;

b) Where overhanging eaves are used, overhangs shall be no less than two feet beyond the supporting walls. Where overhangs are less than two

feet they shall be provided with a band or cornice, a minimum of eight inches under the soffit at the wall.

c) Facia shall be a minimum of eight inches:

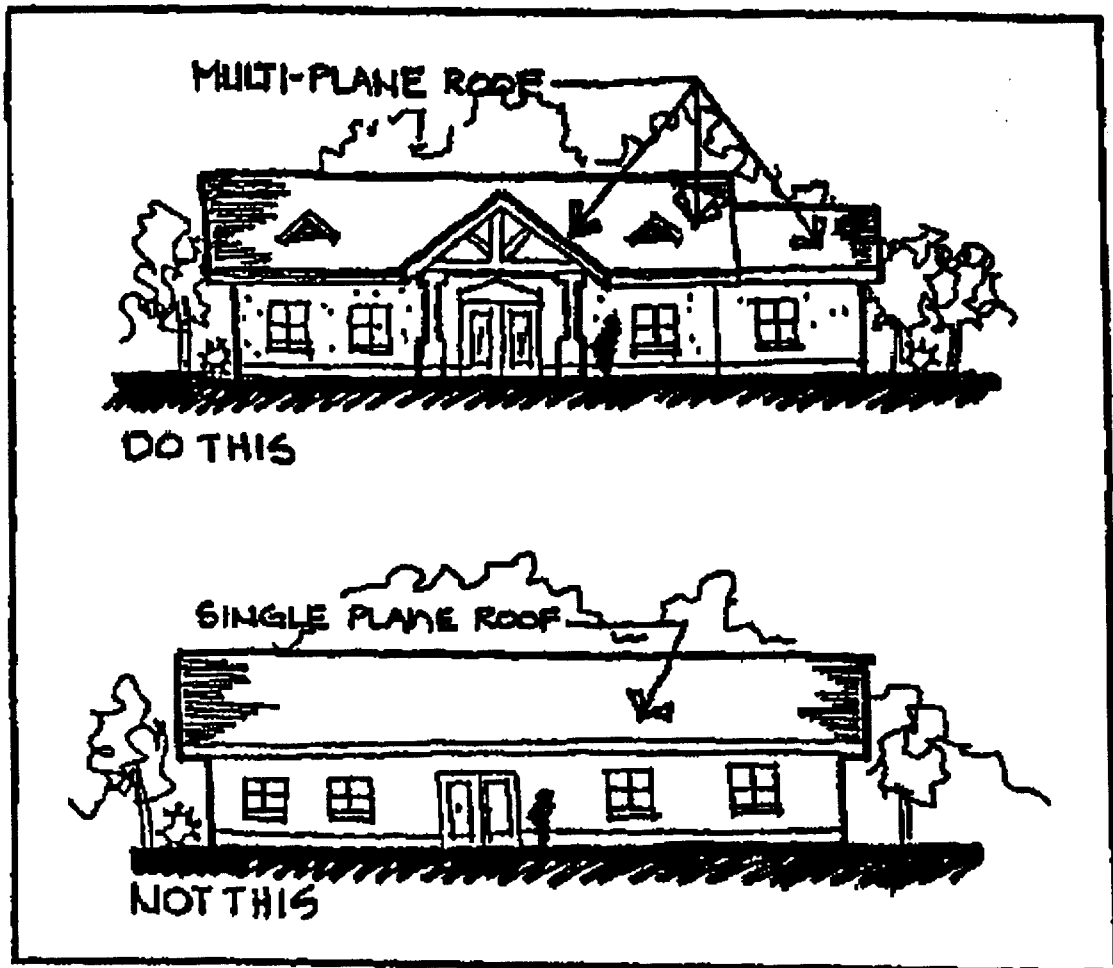


Illustration 5.05.08 C.18

d) Tile or metal as the dominant roof material.

iv. *Prohibited roof types and materials.* The following types of materials are prohibited:

a) Asphalt shingles, except laminated, 320 pound, 30 year architectural grade asphalt shingles or better;

b) Mansard roofs and canopies without a

minimum vertical distance of eight feet and at an angle not less than 25 degrees, and not greater than 70 degrees;

c) Roofs utilizing less than or equal to a two to 12 pitch unless utilizing full parapet coverage; and

d) Back-lit awnings used as a mansard or canopy roof.

k. *Entryways/customer entrance treatments.*

i. *Purpose and intent.* Entryway design elements and variations are intended to give protection from the sun and adverse weather conditions. These elements are to be integrated into a comprehensive design style for the project.

ii. *Entryways/customer entrance standards.* These standards identify appropriate entry features.

a) *Single use BUILDINGS.* Single use **BUILDINGS** shall have clearly defined, highly visible customer entrances which shall include the following:

(i) An outdoor patio area **ADJACENT** to the customer entrance, a minimum of 200 square feet in area which incorporates the following:

(1) benches or other seating components;

(2) decorative landscape planters or wing walls which incorporate landscaped areas; and

(3) structural or vegetative shading.

(4) front entry shall be set back from the drive a minimum distance of 15 feet.

b) *Multiple use BUILDINGS and projects.* Multi-use structures shall include the following:

(i) **ANCHOR TENANTS** shall provide clearly defined, highly visible customer

entrances.

(ii) A provision for intermittent shaded outdoor community space at a minimum of one percent of the total gross floor area of the **BUILDING** or commercial project. Said community space shall be located off or **ADJACENT** to the circulation path of the complex or main structure and shall incorporate benches or other seating components.

(iii) A front entry shall be set back from the drive a minimum of 15 feet.

I. *Materials and color.*

i. *Purpose and intent.* Exterior **BUILDING** colors and materials contribute significantly to the visual impact of a **BUILDING** on the community. They shall be well-designed and integrated into a comprehensive design style for the project.

ii. *Exterior **BUILDING** materials standards.*

a) Predominant exterior **BUILDING** materials shall include, but are not limited to:

(i) Stucco;

(ii) Brick;

(iii) Tinted, textured, other than smooth or ribbed, concrete masonry units; or

(iv) Stone, excluding an ashlar or rubble construction look.

b) Predominant exterior **BUILDING** materials that are prohibited include:

(i) Plastic siding;

(ii) Corrugated or reflective metal panels;

(iii) Tile;



- (iv) Smooth or rib faced concrete block; and
- (v) Applied stone in an ashlar or rubble look.

c) Automotive and other special type service **BUILDINGS** may utilize prefabricated metal **BUILDINGS** under the following conditions:

- (i) Metal **BUILDINGS** are more than 250 feet from any right-of-way;
- (ii) Metal **BUILDINGS** are located directly behind the main showroom/sales center so as not to be a dominant facade along the street;
- (iii) No more than 20 percent of the **BUILDING** can be situated beyond the main auto sales center and showroom.

iii. *Predominant exterior color(s).*

a) The use of black, gray, fluorescent, primary and/or secondary colors is prohibited as the predominant exterior **BUILDING** or roof color(s). Earth-tone colors are encouraged.

iv. ***BUILDING** trim color(s).*

a) **BUILDING** trim and accent areas may feature any color(s), limited to ten percent of the affected facade segment, with a maximum trim height of 24 inches total for its shortest distance.

b) Neon or neon type tubing shall be permitted as provided for in section 5.06.03 of this Code. An approved lighting plan consistent with the provisions of section 5.06.04 of this Code shall be provided.

## 6. *Signage.*

D. Architectural and site design standards and guidelines for commercial **BUILDINGS** and projects under 20,000 square feet in size.

1. *Lighting.*

a. *Purpose and intent.* Commercial **BUILDINGS** and projects, including their outparcels shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or should be designed to blends into the surrounding landscape.

b. *Shielding standards.* Lighting shall be designed so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on **ADJACENT** streets and all **ADJACENT** properties.

c. *Fixture height standards.* Lighting fixtures shall be a minimum of 30 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas (see Illustration 5.05.08 D.1 below).

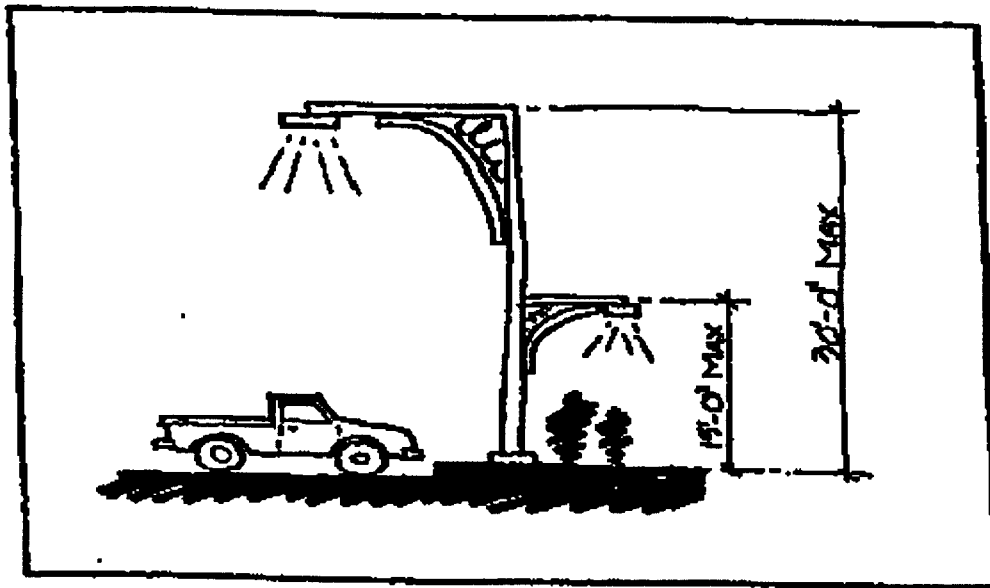


Illustration 5.05.08 D.1

d. *Design standards.* Lighting shall be used to provide safety while accent key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project through style, material or color (excluding florescent and primary/secondary

colors) and shall be designed to blend into the landscape through the use of dark colors. Mill finish is not permitted.

2. *Service Function Areas (SFA) including but not limited to loading, storage, mechanical equipment, and solid waste disposal.*

a. *Purpose and intent.* To diminish, in a safe manner, the visual impacts of service functions that may distract or have a negative impact on the streetscape, landscape and/or the overall community image.

b. *BUFFERing and screening standards.* In accordance with the provisions of Chapter 4 of this Code, loading areas or docks, outdoor storage, trash collection, mechanical equipment trash compaction, vehicular storage, recycling, roof-top equipment and other service function areas shall be fully screened and out of view from **ADJACENT** properties at ground view level and in view of roadway corridors.

c. *Materials and design standards.* Screening material and design shall be consistent with design treatments of the primary facades of the commercial **BUILDING** or project and the landscape plan.

d. *Drive-through window standards.* Drive-through windows and lanes shall be designed to adhere to the following standards;

i. Drive-through windows shall not be placed between the right-of-way of a primary collector or **ARTERIAL ROADWAY** and the associated **BUILDING**, unless the vegetation required for a Type "B" **LANDSCAPE BUFFER** is installed within the **BUFFER** width required for the project and maintained along the entire length of the drive-through lane between the drive through lane and the **ADJACENT** right-of-way. As an alternative to the vegetative **BUFFER** referenced above, a permanent covered porte-cochere type structure, other than awning/canvas type structure(s), may be installed, extending the width of the drive-through and covering the service window(s). Such structure shall be integrated structurally and architecturally into the design of the **BUILDING**.

ii. Only a single drive-through facility is permitted.

3. *Pedestrian walkways.*

a. *Purpose and intent.* To provide safe opportunities for alternative

modes of transportation by connecting with existing and future pedestrian and bicycle pathways within the county and to provide safe passage from the public right-of-way to the commercial **BUILDING** or project, and between alternative modes of transportation.

b. *Pedestrian access standards.* Pedestrian ways, linkages and paths shall be provided from the **BUILDING** entry(s) to surrounding streets, external sidewalks, and outparcels. Pedestrian ways shall be designed to provide **ACCESS** between parking areas and the **BUILDING** entrance(s) in a coordinated and safe manner. Pedestrian ways may be incorporated within a required landscape perimeter **BUFFER**, provided said **BUFFER** is not less than ten feet in width on average. Shared pedestrian walkways are encouraged between **ADJACENT** commercial projects.

c. *Minimum ratios.* Pedestrian ways shall be provided at a minimum ratio of one for each parcel.

d. *Minimum dimensions.* Pedestrian walkways shall be a minimum of five feet wide.

e. *Materials.* Pedestrian walkways shall be consistent with the provisions of section 4.5 of the Americans with Disabilities Act (ADA) Accessibility Guidelines. Materials may include specialty pavers, concrete, colored concrete or stamped pattern concrete.

f. *Pedestrian crosswalks at **BUILDING** perimeter.* **BUILDING** perimeter crosswalks shall be designed and coordinated to move people safely to and from **BUILDINGS** and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.

g. Shade pedestrian walkways shall provide intermittent shaded areas when the walkway exceeds 100 linear feet in length at a minimum ratio of 100 square feet of shaded area per every 100 linear feet of walkway. Shade structures may be natural, manmade or a combination of both.

#### 4. **BUILDING** design.

a. *Purpose and intent.* To maintain and enhance the attractiveness of the streetscape and the existing architectural design of the community. **BUILDINGS** shall have architectural features and patterns that provide visual interest from the perspective of the pedestrian; reduce massing aesthetic; recognize local character;

and be site responsive. Facades shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the community's identity and character through the use of detail and scale. Articulation is accomplished by varying the **BUILDINGS** mass in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian (see Illustration 5.05.08 D.2 below).

Corner lots at an intersection of two or more arterials or major **COLLECTOR ROADS** shall be designed to emphasize their location. **BUILDINGS** and structures on corner lots shall be designed with additional architectural embellishments such as corner towers, or other such design features, to emphasize their location as gateways and transition points within the community.

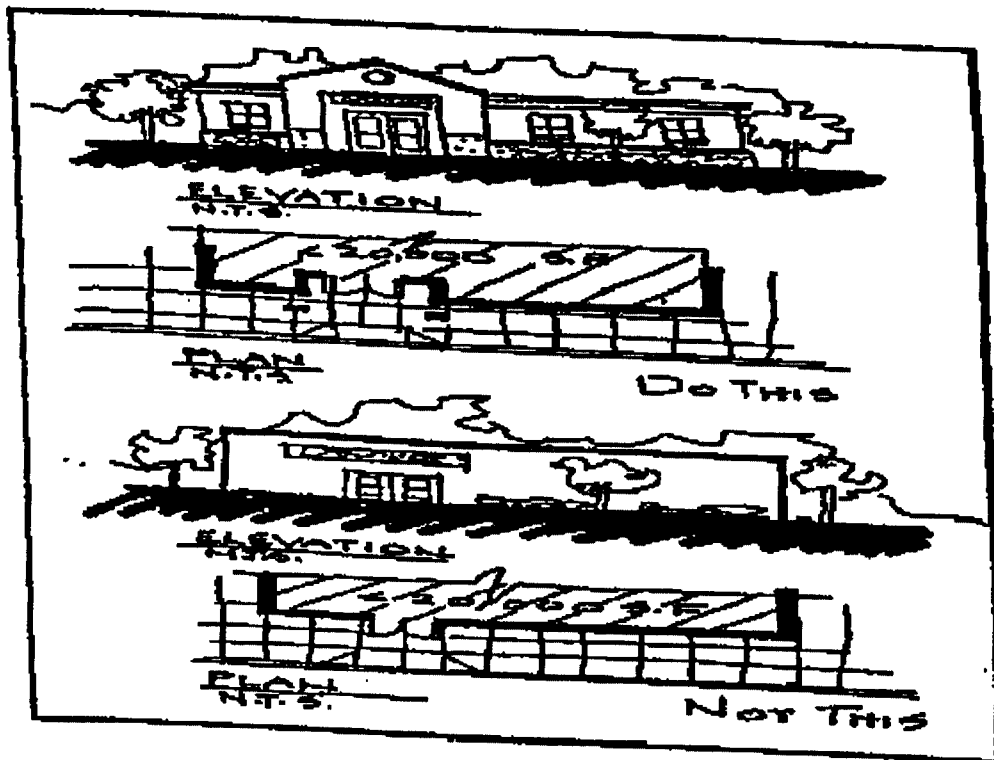


Illustration 5.05.08 D.2

b. **BUILDING orientation standards.** **BUILDING** facades facing a public street between 5,000 square feet and 19,999 square feet in gross **BUILDING** area shall have two of the following:

i. Windows at a minimum of 33 percent of the affected facade.

ii. Covered public entry with a minimum of 20 percent of the wall space devoted to windows.

iii. Covered walkway (excluding canvas type) unless provided with six inch columns or better attached to the **BUILDING** at a minimum of six feet wide with a 50 percent minimum coverage for the affected facade.

For **BUILDINGS** less than 5,000 square feet in area, facades facing a public street shall have one of the following:

i. Windows at a minimum of 25 percent of the affected facade.

ii. Covered public entry with a minimum of 20 percent of the wall space devoted to windows.

c. *Facade/wall height transition.* New **DEVELOPMENTS** that are located within 300 feet of an existing **BUILDING**, and are more than twice the height of any existing **BUILDING** within 300 feet shall provide transitional massing elements to transition between the existing **BUILDINGS** of lower height within 300 feet, and the proposed **DEVELOPMENT**. The transitional massing element can be no more than 100 percent taller than the average height of the **ADJACENT BUILDINGS** (see Illustration 5.05.08 D.3 below).

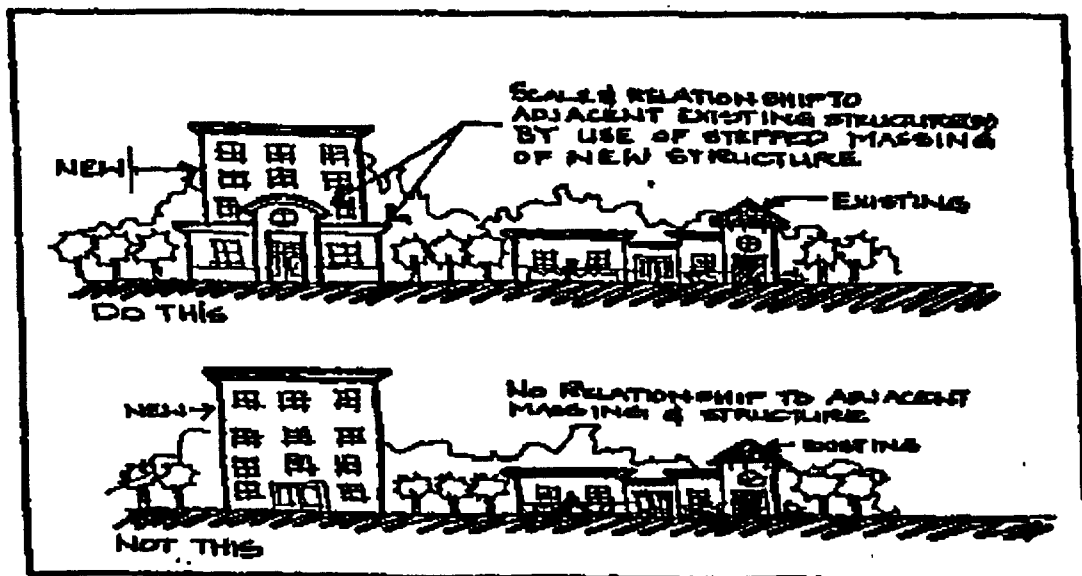


Illustration 5.05.08 D.3

d. *Facade standards.* All primary facades of a **BUILDING** shall be designed with consistent architectural style and detail and trim features.

Facades attached to a primary facade shall incorporate features of the primary facade for a minimum of 33 percent of the overall wall length measured from the attached primary facade. In the case of outparcel **BUILDINGS**, all exterior facades shall adhere to the requirements of this division with respect to architectural design treatments for primary facades.

e. *Massing standards.* Exterior facades shall be designed to employ the following design treatments:

(1) No horizontal length, or uninterrupted curve, of the ground floor of any primary facade, for **BUILDINGS** between 10,000 and 19,999 square feet in gross **BUILDING** area, shall exceed 50 feet, with the maximum being 80 feet for arcades. Projections and recesses shall have a minimum depth of two feet and a minimum total width of 20 percent of the facade with varied lengths. For **BUILDINGS** under 10,000 square feet, no horizontal length, or uninterrupted curve, of any primary facade shall exceed 35 feet, with the maximum being 60 feet for arcades. Projections and recesses shall have a minimum depth of one foot and a minimum total width of 20 percent of the facade with varied lengths. All **BUILDINGS** shall provide a minimum of one offset per public street or navigable waterway.

(2) For **BUILDINGS** between 10,000 square feet and 19,999 square feet in gross **BUILDING** area, exterior wall planes shall not constitute more than 50 percent of each affected ground floor facade over 30 feet. The wall plane shall be measured at one foot off the exterior wall surface on each side of the wall.

(3) Primary facades on the ground floor for **BUILDINGS** between 5,000 square feet and 19,999 square feet in gross **BUILDING** area shall have arcades a minimum of six feet clear in width, display windows, entry areas, or other such features along no less than 33 percent of the horizontal length for each primary facade. Awnings are included in this calculation at 1.5 times the window width when associated with windows/doors in increments less than ten feet.

i. *Window standards:* Windows shall not be false or applied.

ii. *Awning Standards:* These standards apply to awnings associated and attached to a **BUILDING**/structure). (see Illustration 5.05.08 C.9 in this Chapter)

Mansard awnings which are awnings that are more than 90 percent of a facade or those that connect two facades shall adhere to all roof standards of this section of this Code.

Other awnings which are awnings that constitute less than 90 percent of a facade and which do not provide a connection between facades shall adhere to the following standards:

a) Awnings may be backlit provided the illuminated portion of the awning with graphics does not exceed the size limitations and standards of this Code.

b) Automobile sales parking lot awnings: Shade awnings may be erected in automobile sales parking lots subject to the following requirements and standards:

i) No shade awning structure shall be constructed within 75 feet of any public or private street.

ii) No one shade awning structure may exceed an area sufficient to provide cover for more than 20 automobiles.

iii) The minimum separation between awning shade structures shall be 100 feet.

iv) Multi-colored shade awning structures are prohibited and the use of black, gray, florescent, primary and/or secondary colors is prohibited. Earth-tone colors are encouraged.

iii. *Overhead doors:* Overhead doors facing one another may be treated as interior space provide[d] that the **BUILDINGS** meet all other requirements of this section of the Code. (See Illustration 5.05.08 C.10 in this Chapter)

f. *Project standards.* Both single and multi-use **BUILDINGS** and projects shall also be required to provide a minimum of four of the



following **BUILDING** design treatments (see Illustration 5.05.08 D.4 below).

- i. Canopies or porticos, integrated with the **BUILDING**'s massing and style;
- ii. Overhangs, a minimum of three feet;
- iii. Arcades, a minimum of six feet clear in width;
- iv. Sculptured artwork;
- v. Raised cornice or **BUILDING** banding with a minimum of two reliefs;
- vi. Peaked roof forms;
- vii. Arches;
- viii. Display windows;
- ix. Ornamental and structural architectural details, other than cornices; which are integrated into the **BUILDING** structure and overall design;
- x. Clock bell towers or other such roof treatment (i.e. dormers, belvederes, cupolas);
- xi. Projected entry.
- xii. Emphasized **BUILDING** base, a minimum of three feet high and a minimum projection from the wall of two inches.
- xiii. Additional roof articulation above the minimum standards; or
- xiv. Any other treatment which, in the opinion of the County Manager or his designee, meets the intent of this section;

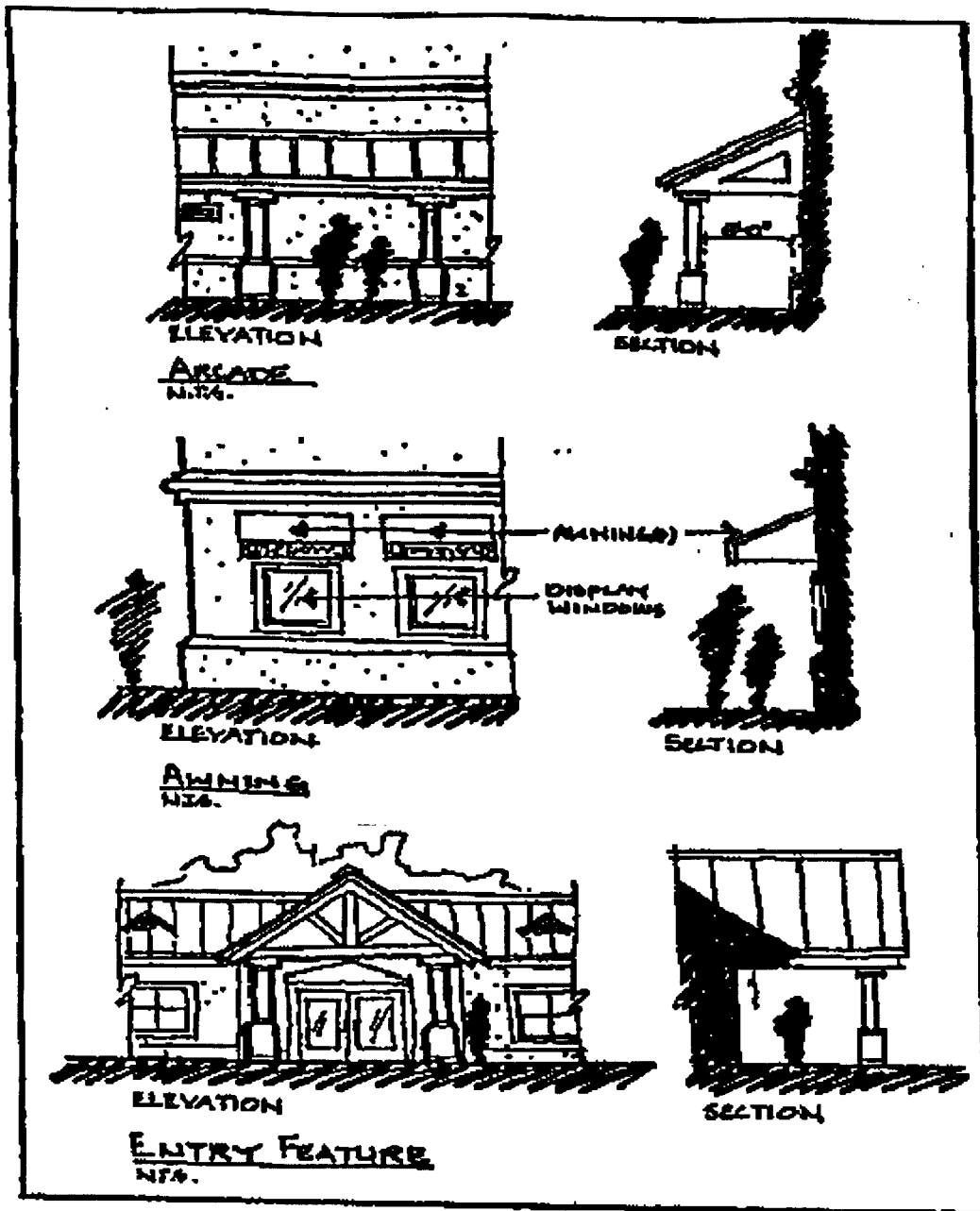


Illustration 5.05.08 D.4

and one of the following site design elements:

- i. Decorative landscape planters or planting areas, a minimum of five feet wide, and areas for shaded seating consisting of a minimum of 100 square feet;

- ii. Integration of specialty pavers, or stamped concrete along the **BUILDINGS** walkway. Said treatment shall constitute a minimum of 60 percent of walkway area;
- iii. Water element(s), a minimum of 150 square feet in area; or
- iv. Two accent or specimen trees (above the minimum landscape requirements of the Code) along the front facade with a minimum height of 18 feet at planting.

g. *Detail features.*

i. *Purpose and intent.* The design elements in the following standards shall be integral parts of the **BUILDING's** exterior facade and shall be integrated into the overall architectural style. These elements shall not consist solely of applied graphics, or paint.

ii. *Blank wall areas.* Blank wall areas shall not exceed ten feet in the vertical direction nor 20 feet in the horizontal direction of any primary facade. For facades connected to a primary facade this shall apply to a minimum of 33 percent of the attached facade and measured for the connection (control and expansion joints within this area shall constitute blank wall area unless used as a decorative pattern and spaced at intervals of six feet or less. Relief and reveal work depth must be a minimum of one-half inch (see Illustration 5.05.08 D.5 below). Blank wall area may utilize landscaping to assist in reducing the blank wall area, but the landscaping shall not be in lieu of architectural treatment. (See Illustration 5.05.08 C.15 in this Chapter)

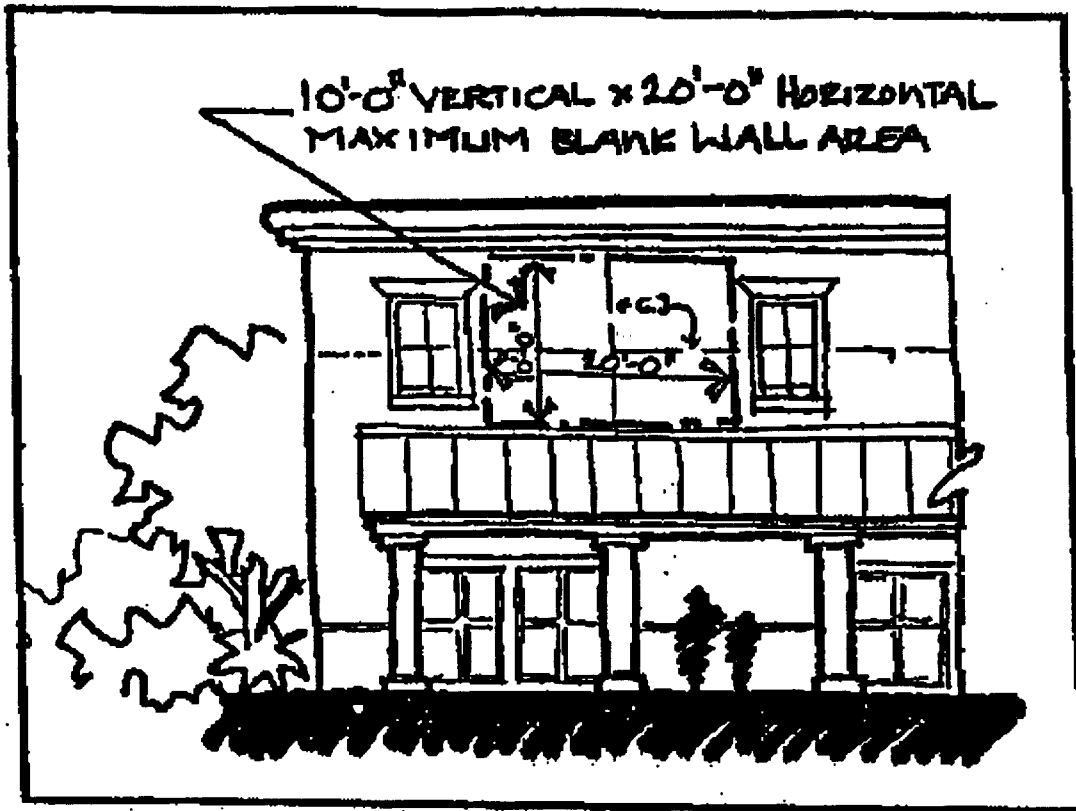


Illustration 5.05.08 D.5

iii. *Repeating FACADE treatments.* **BUILDING FACADES** shall include a repeating pattern and shall include no less than three of the design elements listed below. At least one of these design elements shall repeat horizontally. All design elements shall repeat at intervals of no more than 25 feet, horizontally and a maximum of 15 feet vertically.

- a) Color change;
- b) Texture change;
- c) Material module change;
- d) Expression of architectural or structural bays, through a change in plane of no less than 12 inches in width, such as a reveal, an offset, or a projecting rib (see Illustration 5.05.08 D.6 below.):

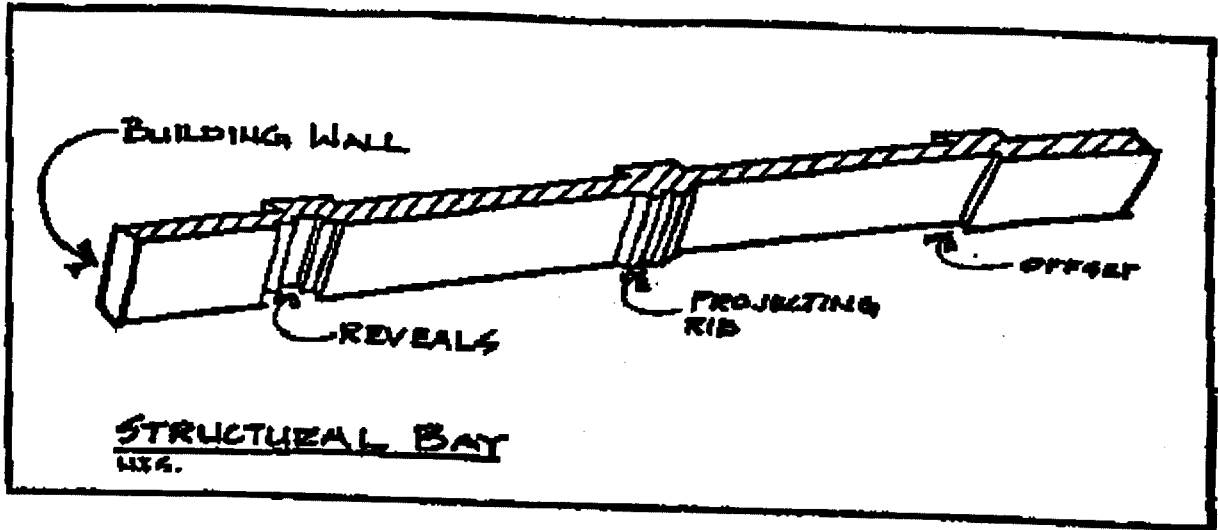


Illustration 5.05.08 D.6

- e) Architectural banding;
- f) **BUILDING SETBACKS** or projections, a minimum of three feet in width, on upper level(s); or,
- g) Pattern change.

h. **OUTPARCELS.**

i. *Purpose and intent.* To provide unified architectural design and site planning between **OUTPARCELS** and the main **STRUCTURE** on site in order to enhance the visual experience for the vehicular and pedestrian public, and to provide for safe and convenient vehicular and pedestrian **ACCESS** and movement within the site.

ii. *OUTPARCEL design.* All exterior **FACADES** of an **OUTPARCEL BUILDING** shall be considered primary **FACADES** and shall employ architectural, site, and landscaping design elements which are integrated with and common to those used on the primary **STRUCTURE** on site. These common design elements shall include colors and materials associated with the main **STRUCTURE**. When the use of common wall, side by side **DEVELOPMENT** occurs, continuity of **FACADES** and consolidated parking for several businesses on one parking **LOT** may be used. **OUTPARCELS** that are **ADJACENT** to each other are

encouraged provide for vehicular connection between parking **LOTS** and provide for pedestrian interconnection. **OUTPARCELS** shall be designed and integrated with the main project.

i. *Roof treatments.*

i. *Purpose and intent.* Variations in roof lines shall be used to add interest to, and reduce the massing of **BUILDINGS**. Roof features shall be in scale with the **BUILDING'S** mass and complement the character of adjoining and/or **ADJACENT BUILDINGS** and neighborhoods. Roofing material should be constructed of durable high quality material in order to enhance the appearance and attractiveness of the community. The following standards identify appropriate roof treatments and features.

ii. *Roof edge and parapet treatment.* At a minimum of two locations, the roof edge and/or parapet shall have a vertical change from the dominant roof condition, a minimum of two feet. At least one such change shall be located on a primary **FACADE ADJACENT** to a collector or arterial **RIGHT-OF-WAY** (see Illustration 5.05.08 D.7 below).

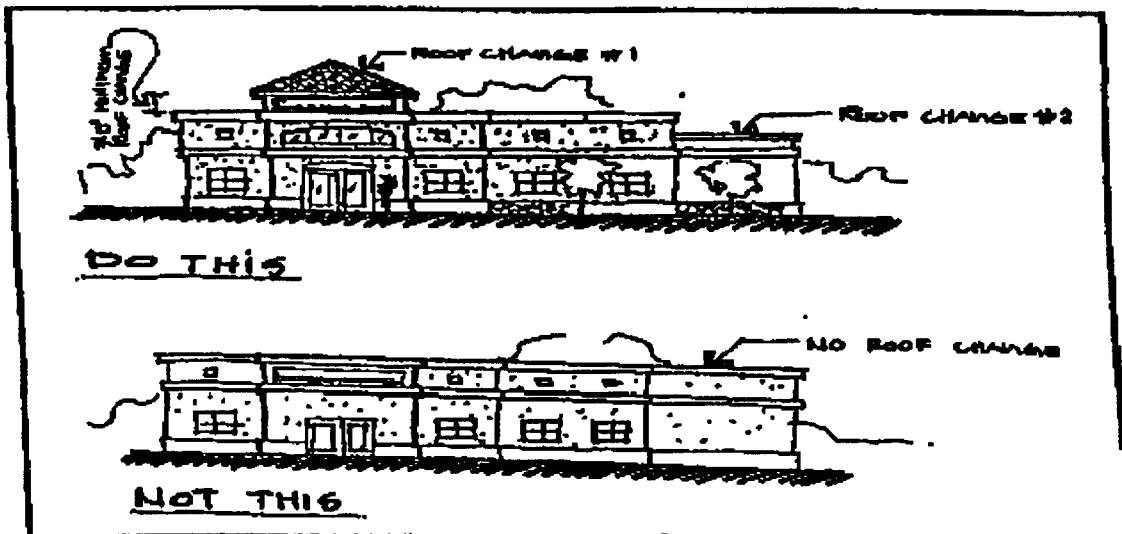


Illustration 5.05.08 D.7

iii. Roofs shall meet the following requirements:

a) Parapets shall be used to conceal roof top equipment and flat roofs;

b) Where overhanging eaves are used, overhangs shall be no less than two feet beyond the supporting walls. Where overhangs are less than two feet they shall be provided with a band or cornice, a minimum of eight inches, under the soffit at the wall.

c) Facia shall be a minimum of eight inches. (see Illustration 5.05.08 D.8 below);

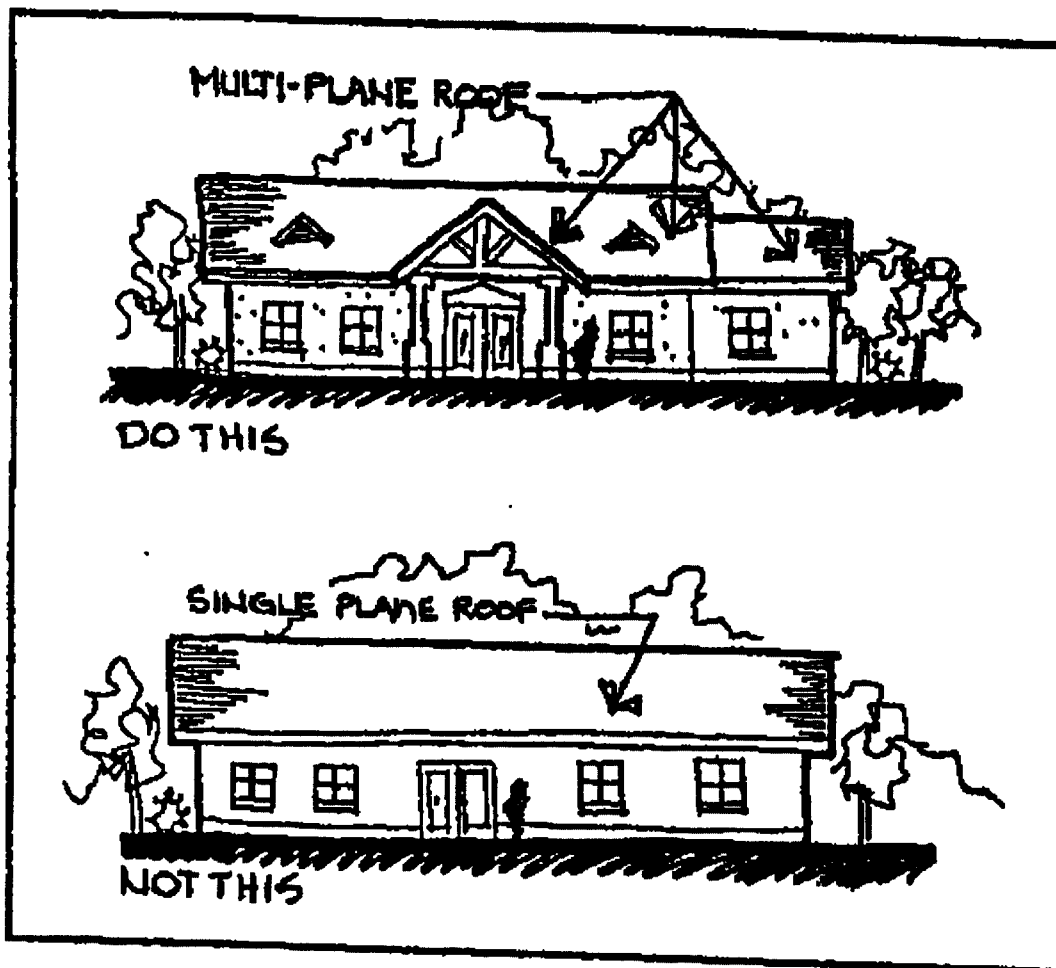


Illustration 5.05.08 D.8

d) Tile or metal roof as the dominant roof material.

iv. *Prohibited roof types and materials.* The following types of materials are prohibited:

- a) Asphalt shingles, except laminated, 320 pound, 30 year architectural **GRADE** asphalt shingles or better;
- b) Mansard roofs and canopies without a minimum vertical distance of six feet and at an angle not less than 25 degrees, and not greater than 70 degrees;
- c) Roofs utilizing less than or equal to a two to 12 pitch unless utilizing full parapet coverage; and
- d) Back-lit awnings used as a mansard or canopy roof.

j. *Entryways/customer entrance treatments.*

i. *Purpose and intent.* Entryway design elements and variations are intended to give protection from the sun and adverse weather conditions. These elements are to be integrated into a comprehensive design style for the project.

ii. *Entryways/customer entrance standards.* These standards identify appropriate entry features.

a) *Single use BUILDINGS.* Single occupancy use **BUILDINGS** between 10,000 square feet and 19,999 square feet in area shall have clearly defined, highly visible customer entrances which shall include the following:

An outdoor patio area **ADJACENT** to the customer entrance, a minimum of 50 square feet in area and which incorporates two of the following:

- (1) benches or other seating components;
- (2) A provision for intermittent shaded outdoor community space at a minimum of one percent of the total gross floor area of the **BUILDING** or commercial project. Said community space shall be located off or **ADJACENT** to the circulation path of the



complex or main **STRUCTURE** and shall incorporate benches or other seating components.

Front entry shall be set back from the drive a minimum of 15 feet.

k. *Miscellaneous **STRUCTURES**.*

i. *Outside play **STRUCTURES**.* Outside play **STRUCTURES** shall not exceed 50 percent of coverage along the affected **FACADE**. No portion of any play **STRUCTURE** located between the front **BUILDING** line and any **ADJACENT RIGHT-OF-WAY** shall exceed a height of 12 feet as measured from existing ground elevation. In all other cases, no portion of any play **STRUCTURE** shall exceed a maximum height of 16 feet as measured from existing ground elevation. Play **STRUCTURES** shall be limited to earthtone colors, with a maximum of three color variations.

5. *Materials and color.*

a. *Purpose and intent.* Exterior **BUILDING** colors and materials contribute significantly to the visual impact of a **BUILDING** on the community. They shall be well-designed and integrated into a comprehensive design style for the project.

b. *Exterior **BUILDING** materials standards.*

i. Predominant exterior **BUILDING** materials shall include, but are not limited to:

- a) Stucco;
- b) Brick;
- c) Tinted, textured, other than smooth or ribbed, concrete masonry units; or
- d) Stone, excluding an ashlar or rubble construction look.

ii. Predominant exterior **BUILDING** material that are prohibited include:

- a) Plastic siding, unless associated with Florida

cracker style and utilizes trim with a minimum of six inches for its length;

- b) Corrugated or reflective metal panels;
- c) Tile;
- d) Smooth or rib faced concrete block; and
- e) Applied stone in an ashlar or rubble look.

iii. Automotive and other special type service **BUILDINGS** may utilize prefabricated metal **BUILDINGS** under the following conditions.

- a) Metal **BUILDINGS** are more than 250 feet from any **RIGHT-OF-WAY**;
- b) Metal **BUILDINGS** are located directly behind the main showroom/sales center so as not to be a dominant **FACADE** along the **STREET**;
- c) No more than 20 percent of the **BUILDING** can be beyond the main auto sales center and showroom.

iv. *Predominant exterior color(s).*

- a) The use of black, gray, fluorescent, primary and/or secondary colors is prohibited as the predominant exterior **BUILDING** or roof color(s). Earth-tone colors are encouraged.

v. ***BUILDING** trim color(s).*

- a) **BUILDING** trim and accent areas may feature any color(s), limited to ten percent of the affected **FACADE** segment, with a maximum trim height of 24 inches total for its shortest distance.
- b) Neon or neon type tubing shall be permitted as provided for in section 5.06.03 of this Code. An approved lighting plan consistent with the provisions of section 5.06.04 of this Code shall be provided.

6. *Signage.* The provisions of this section shall also apply to

commercial **BUILDINGS** and projects with less than 20,000 square feet of **BUILDING** area.

7. *Natural and manmade bodies of water (including retention areas exceeding 12 feet in width).*

a. The shape of a manmade body of water, including wet and dry retention areas, shall be designed to appear natural by having offsets in the edge alignment that are a minimum of ten feet and spaced 50 feet apart. Natural and manmade bodies of water, including wet and dry retention areas, exceeding 20,000 square feet in area, and which are located **ADJACENT** to a public **RIGHT-OF-WAY**, shall be incorporate[d] into the overall design of the project at least two of the following items (see Illustration 5.05.08 D.9 below):

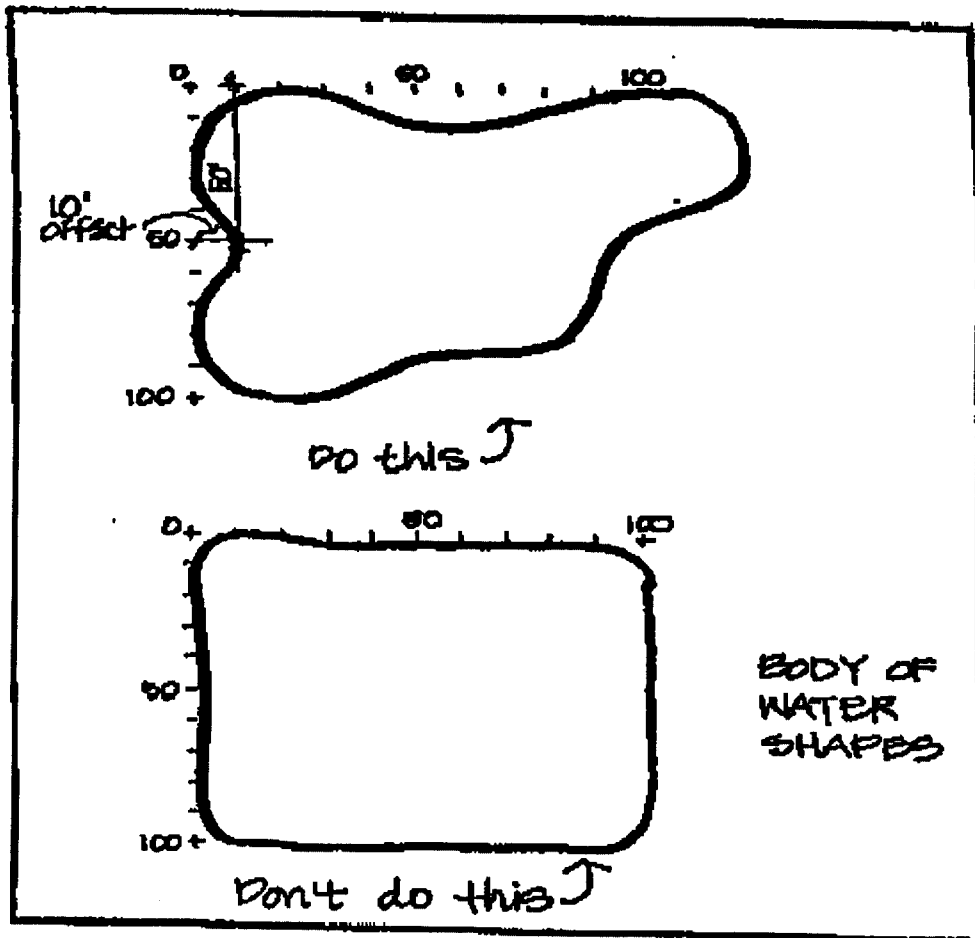


Illustration 5.05.08 D.9

- i. A minimum of five-foot wide walkway with trees an average of 50 feet on center and shaded minimum of six-foot long benches or picnic tables every 150 linear feet.
- ii. A public **ACCESS** pier with covered **STRUCTURE** and seating.
- iii. A plaza/court**YARD**, 200 square feet minimum, with shaded benches and/or picnic tables **ADJACENT** to the water body.
- iv. Permanent fountain **STRUCTURE**.

#### E. Exceptions and interpretations

1. *Exceptions.* Exceptions to the provisions of this Code may be granted by the board of county commissioners in the form of a PUD zoning district where it can be demonstrated that such exceptions are necessary to allow for innovative design which, while varying from one or more of the provisions of this division, nonetheless are deemed to meet the overall purpose and intent set forth herein. In the case of individual commercial **BUILDINGS** or projects, where site specific factors may impact the ability to meet these standards, variance from one or more of the provisions of this division may be requested pursuant to the procedures set forth in section 9.04.00 of this Code.

2. *Interpretations.* During the course of review of an SDP or SIP, 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 division, the County Manager or his designee shall be authorized to make a final determination. The County Manager or his designee shall render his finding in writing within 15 days of receipt of a written request from the **APPLICANT**. The **APPLICANT** may appeal the determination of the County Manager or his designee to the board of zoning appeals, pursuant to the procedures set forth in section 10.02.02.

#### 5.05.09 **Communications TOWERS**

B. Purpose and intent. This section applies to specified communication **TOWERS** that support any antenna designed to receive or transmit electromagnetic energy, such as, but not limited to, telephone, television, radio, or microwave transmissions. This section sets standards for construction and facilities siting; and is intended to minimize, where applicable, adverse visual impacts of **TOWERS** and antennas through careful design, siting, and vegetation screening; to avoid potential damage to **ADJACENT** properties from **TOWER** failure;

to maximize the use of specified new communication **TOWERS** and, thereby, to minimize the need to construct new **TOWERS**; to maximize the shared use of specified **TOWER** sites to minimize the need for additional **TOWER** sites; to lessen impacts new ground mounted **TOWERS** could have on migratory and other species of birds; to prevent unnecessary habitat fragmentation and/or disturbance in siting and designing new **TOWERS**; and to consider the concerns of the Collier Mosquito Control District as to low flying mosquito control aircraft safety.

C. Definitions unique to communications **TOWERS**, section 5.05.09

1. As used herein "*antenna*" does not include (a) wire antennas or (b) "receive only" dishes that have an outside diameter of less than forty (40) inches.
2. *Effective radius* means a radius of six (6) miles from the respective **TOWER** unless a lesser radius is approved.
3. *Lesser effective radius* means an approved radius of less than six (6) miles.
4. "*Unavailable to the APPLICANT*" means a **TOWER** that cannot accommodate the **APPLICANT'S** proposed antenna or a site that cannot accommodate the **APPLICANT'S TOWER**, antenna, and related facilities.
5. "*Unavailable*" means that no additional **TOWER** or site capacity is available to anyone.

C. Migratory Birds and other Wildlife Considerations.

1. *Ground Mounted TOWERS*. Except to the extent not feasible for the respective new ground mounted **TOWER's** intended purpose(s), each new ground mounted **TOWER** that will exceed a height of seventy-five (75) feet (above ground), exclusive of antennas, but will not exceed a height of one hundred and ninety-nine (199) feet above natural **GRADE**, exclusive of antennas, should not be guyed. If the **APPLICANT** proposes that a new ground mounted **TOWER** within this height range be guyed, the **APPLICANT** shall have the burden of proving the necessity of guying the **TOWER**.
2. *Bird Diverter Devices*. Each new ground mounted guyed **TOWER** installed after the effective date of this Ordinance, greater than seventy-five (75) feet in height above natural **GRADE**, exclusive of antennas, shall have installed and maintained bird diverter devices on each guy wire (to reduce injuries to flying birds).
3. *Habitat Loss*. In addition to the requirements in Chapters 4 and 10, **TOWERS** and other on-site facilities shall be designed, sited, and

constructed to minimize habitat loss within the **TOWER** footprint. At such sites, road **ACCESS** and fencing, to the extent feasible, shall be utilized to minimize on-site and **ADJACENT** habitat fragmentation and/or disturbances.

4. *Security Lighting.* When feasible, security lighting to protect on-ground facilities/equipment shall be down-shielded to try to keep such light within the outermost geographic boundaries of the **TOWER'S** footprint.

*D. Shared use of TOWERS.* A **TOWER** with a height in excess of 185 feet above natural **GRADE** shall not be approved, unless the **APPLICANT** demonstrates that no old or approved **TOWER** within the effective radius can accommodate the **APPLICANT'S** proposed antenna and ancillary equipment. **TOWERS** owned by or leased to any government are exempt from these shared use provisions, except as to sharing with other governments.

1. For the purpose of discovering availability for use of **TOWERS** within the effective radius, the **APPLICANT** shall contact the owner of all old and approved **TOWERS**, within the effective radius, that can possibly accommodate the needs of the **APPLICANT**. The county manager or designee may preapprove the minimum allowable height to determine which **TOWERS** may be available for use by the **APPLICANT**. A list of all owners contacted, the date of each contact, the form and content of each contact, and all responses shall be a part of the **CONDITIONAL USE** application. As an accommodation to **APPLICANTS**, the county manager or designee shall retain all shared use plans, records of past responses, and a list of old and approved **TOWERS**. If the owner of an old **TOWER** does not respond to the **APPLICANT'S** inquiry within a reasonable time, generally thirty (30) days or less, or the owner of an old **TOWER** will not rent space to the **APPLICANT** at a reasonable rental for a reasonable time period, such old **TOWER** shall be deemed unavailable to that **APPLICANT**. If the old **TOWER** is a **NONCONFORMING STRUCTURE**, additional antennas may be installed thereon in accordance with an approved shared use plan, provided however, no structural **ALTERATIONS** may be made to the **TOWER**, and the height of the **TOWER** inclusive of its antennas may not be increased.
2. *Lesser effective radius.* If the **APPLICANT** asserts that the effective radius for the intended use is less than six (6) miles, the **APPLICANT** shall provide evidence that the asserted lesser effective radius is based on physical and/or electrical characteristics. Based on the evidence submitted by the **APPLICANT**, the County Manager or designee may establish a

lesser effective radius. If a radius can be increased by signal amplification or other means, such means must be considered in determining the lesser effective radius. The antenna manufacturer's specifications shall be conclusive, unless the **APPLICANT** can prove they are incorrect in the specific case.

3. If an approved **TOWER** within the **APPLICANT'S** approved effective radius may have capacity available for the antenna proposed by the **APPLICANT**, the application for a new **TOWER** shall not be complete without the following information regarding each such possibly available approved **TOWER**. Such information shall also be provided for old **TOWERS** to the extent it can be obtained.
  - a. Identification of the site of each possibly available **TOWER** by coordinates, **STREET** address or legal description, existing uses, and **TOWER** height.
  - b. Whether shared use by the **APPLICANT** of the **TOWER** is prohibited (or is not feasible) for any reason.
  - c. If it has been determined that the **TOWER** owner will allow structural changes, whether the **TOWER** can accommodate the proposed antenna if reasonable structural changes are made. If so, the **APPLICANT** shall specify what structural changes would be required and an approximation of the costs of such changes. If the costs of the required changes are financially impracticable, such **TOWER** shall be deemed unavailable to the **APPLICANT**.
4. The **APPLICANT** shall contact the owner of each possibly available approved **TOWER** to request the needed information. To enable the **TOWER** owner to respond, the **APPLICANT** shall provide the following information regarding the **APPLICANT'S** proposed antenna and equipment:
  - a. All output frequencies of transmitter.
  - b. Type of modulation, polarization of radiation, and proposed use of antenna.
  - c. Manufacturer, type, manufacturer's model number, a diagram of the antenna's radiation pattern, and the manufacturer's specifications.
  - d. Power input to antenna and gain of antenna in decibels with respect to an isotopic radiator.
  - e. Range in feet of maximum and minimum height of antenna above base of **TOWER**.
  - f. A list of necessary ancillary equipment and description of the type of transmission cable to be used.

- g. Any other pertinent information needed to enable the owner to respond in full to the inquiry.
- E. *Shared use of **TOWER** sites.* A **TOWER** with a height in excess of 185 feet above natural **GRADE** shall not be approved on a new **TOWER** site unless the **APPLICANT** demonstrates that the proposed **TOWER**, antennas, and **ACCESSORY STRUCTURES OR USES** cannot be located on any conforming old site or approved site situated within the effective radius. Sites owned by any government or leased to any government are exempt from these shared use provisions except to other governments.
1. Except as to each old site or approved site determined by the County Manager or designee, or in a shared use plan to be unavailable to the **APPLICANT**, the **APPLICANT** shall contact the **OWNER** of all other conforming old sites and approved **TOWER** sites, within the effective radius, containing sufficient land area to possibly accommodate the needs of the **APPLICANT**.
  2. For each such possibly available **TOWER** site, the application for a new **TOWER** site shall not be complete without the following information:
    - a. Identification of the proposed new **TOWER** site by coordinates, **STREET** address or legal description, area, existing uses, topography, and significant natural features.
    - b. Evidence that no old and no approved **TOWER** site within the effective radius can accommodate the **APPLICANT'S** needs.
    - c. If the owner of an old **TOWER** site does not respond to the **APPLICANT'S** simple letter of interest inquiry within thirty (30) days, or the **OWNER** of an old **TOWER** site will not rent land to accommodate the **APPLICANT'S** needs for a reasonable period of time at reasonable rentals, such old **TOWER** site shall be deemed unavailable to the **APPLICANT**.
    - d. The **APPLICANT** is not required to supply this information to owners of conforming old sites unless the old site appears to be available to the **APPLICANT** by a shared use plan or the site's **OWNER** has responded positively to the **APPLICANT'S** initial letter of inquiry. To enable the site owner to respond, the **APPLICANT** shall provide the site owner (and the owner of any **TOWER** on the site) with the dimensional characteristics and other relevant data about the **TOWER**, and a report from a professional engineer licensed in the State of Florida, or other qualified expert, documenting the following:
      - e. **TOWER** height and design, including technical, engineering, and other pertinent factors governing the intended uses and



selection of the proposed design. An elevation and a cross section of the **TOWER STRUCTURE** shall be included.

f. Total anticipated capacity of the **TOWER**, including number and types of antennas and needed transmission lines, **ACCESSORY USE** needs including specification of all required ancillary equipment, and required **BUILDING** and parking space to accommodate same.

g. Evidence of structural integrity of the proposed **TOWER** as required by the **BUILDING** official and, for metal **TOWERS**, a statement promising full compliance with the then latest edition of the standards published by the Electronic Industries Association (currently EIA/TIA 222-E), or its successor functional equivalent, as may be amended for local application.

3. If the site owner, or owner of a **TOWER** on the respective site, asserts that the site cannot accommodate the **APPLICANT'S** needs, the respective **OWNER** shall specify in meaningful detail reasons why the site cannot accommodate the **APPLICANT**. To the extent information is current and correct in the respective **TOWER** site's approved shared use plan, the site owner or **TOWER** owner can refer the **APPLICANT** to the respective shared use plan. If the shared use plan is not then up-to-date, the plan shall be brought up-to-date immediately by the owner and the written reply to the **APPLICANT** shall specify to what extent the shared use plan is incorrect, incomplete, or otherwise not up-to-date.
  4. No provision in a shared use plan, land lease, mortgage, option to purchase, lease-option, contract for deed, or other controlling document shall provide, or have the effect, that the site is exclusive to one (1) **TOWER**, unless there is good reason for such restriction, other than the prevention of competition or a desire or inclination not to cooperate in good faith. If the site size is physically and electrically compatible with the installation on-site of any other **TOWER**, no such document shall prevent other **TOWERS**, except for reasons approved by the County Manager or designee. An unapproved document provision of **TOWER** exclusivity shall be grounds to disapprove an application for **TOWER** site approval.
- F. *Required sharing.* Each new **TOWER** in excess of 185 feet in height (shared use **TOWER**), except **TOWERS** that are approved to be perpetually unavailable, shall be designed to structurally accommodate the maximum amount of additional antenna capacity reasonably practicable. Although it is not required that a new **TOWER** be constructed at additional expense to accommodate antennas owned by others, no new **TOWER** shall be designed to accommodate only the **TOWER** owner's proposed antennas when, without additional

expense, antenna space for other owners can be made available on the **TOWER**.

1. *Shared use plans.* Each shared use plan shall be in a standard format that has been approved by the County Manager or designee. Each shared use plan shall specify in detail to what extent there exists **TOWER** and/or site capacity to accommodate additional antennas and/or additional **TOWERS**, ancillary equipment, and **ACCESSORY USES**. Available antenna capacity on a **TOWER** shall be stated in detailed clearly understandable terms, and may be stated in equivalent flat plate area and total additional available transmission line capacity. The **TOWER** owner (as to **TOWER** shared use plans) and the landowner (as to site shared use plans) shall update its respective approved shared use plans by promptly filing pertinent update information with the County Manager or designee. **OWNERS** of old **TOWERS** and/or old sites may file shared use plans in accord with this section.
2. *Reservation of capacity.* If an **APPLICANT** for a shared use **TOWER** does not plan to install all of its proposed antennas during initial construction of the **TOWER**, the **APPLICANT** must specify the planned schedule of installing such later added antennas as part of the shared use plan. An **APPLICANT** cannot indefinitely prevent the use of unused available antenna space on a **TOWER** by reserving to itself such space. No available space can be reserved for the owner or anyone else, unless approved in the shared use plan. If an antenna is not installed by the scheduled deadline, the reserved space shall automatically be rendered available for use by others, unless the shared use plan has, by the deadline, been amended with the approval of the County Manager or designee. Deadlines may be extended even if the **TOWER** is a **NONCONFORMING STRUCTURE**. If space has been reserved in a shared use plan for future additional antenna use by the **TOWER** owner and it becomes clear that such space will not be utilized by the owner, the shared use plan shall be amended promptly to reflect the availability of such space.
3. *Reservation of site capacity.* The policy stated above applies also to additional **TOWER** space on an approved **TOWER** site to prevent indefinite reservation of available site space.
4. *Height bonus for sharing.* Notwithstanding anything to the contrary in any County ordinance, any existing conforming or **NONCONFORMING TOWER** may be permitted a one-time increase in height, provided:
  - a. Any such increase in height does not exceed thirty (30) feet or twenty (20) percent of the height of the existing **TOWER**, whichever is less;

- b. The cost of such increase in height does not exceed fifty (50) percent of the actual replacement cost of the **TOWER** at the time of the application;
  - c. A shared use plan covering the **TOWER** with the increased height is first approved by the County Manager or designee;
  - d. The increase in height does not cause the proposed **TOWER** to exceed any required maximum height requirement for **TOWERS** or make a legally conforming **TOWER** become **NONCONFORMING**;
  - e. Substantiated proof that such proposed antenna(s) may not be placed on the existing **TOWER** by relocating or adjusting existing antennas and equipment shall be submitted by an appropriate professional engineer certified to practice in the State of Florida; and
  - f. A site **DEVELOPMENT PLAN** shall be submitted for review and approval if an increase in **TOWER** height requires placement of, or addition to, an antenna equipment **BUILDING** or support **BUILDING**.
5. *Filing shared use plans.* Each approved shared use plan shall be filed and recorded in the Office of the Collier County Clerk of Court prior to any site **DEVELOPMENT PLAN** approval. A copy of the initial shared use plan shall be filed with, and approved by, the County Manager or designee prior to **CONDITIONAL USE** approval.
  6. *Shared use plans for old **TOWERS** and old **TOWER** sites.* Initial shared use plans and amendments for old **TOWERS** require approval of the County Manager or designee. Initial shared use plans and amendments for old **TOWER** sites require approval of the BCC, except where an amendment reduces site and/or antenna capacity.
  7. Transmitting and receiving equipment serving similar kinds of uses shall, to the extent reasonable and commercially practicable, be placed on a shared use **TOWER** in such a manner that any of the users in a group can operate approximately equal to other users in the group utilizing substantially similar equipment.
  8. Once a shared use plan for a **TOWER** is approved, additional antennas may be added to that **TOWER** in accordance with the approved shared use plan without additional **CONDITIONAL USE** approval even if the **TOWER** is then a **NONCONFORMING STRUCTURE**. The shared use plan shall be immediately updated to reflect each such change. Likewise, once a new shared use plan for a **TOWER** site is approved, additional **TOWERS** and **ACCESSORY BUILDINGS** and uses may be added to that site in accordance with the plan without additional **CONDITIONAL USE**

approval, even if the site is then **NONCONFORMING**. The shared use plan shall be immediately updated to reflect each change.

9. For each **TOWER** with a height in excess of 185 feet that is approved, the **TOWER OWNER** shall be required, as a condition of approval, to file an approved shared use plan, except when a government **TOWER** is approved to be perpetually unavailable. To the extent that there is capacity for other antennas on the **TOWER**, the plan shall commit the **TOWER OWNER** and all successor owners to allow shared use of the **TOWER** in accordance with the shared use plan for antennas of others at reasonable rates. The initial proposed rates (or a range of reasonable rates) shall be specified in the shared use plan, and shall be amended each time the rates are changed. When antenna space on a **TOWER** is rented to others, each rental agreement shall be filed with the shared use plan. Any agreement that purports to reserve antenna space for future use must be approved by the County Manager or designee.
10. For each new shared use **TOWER** site that is approved, the **OWNER** shall be required, as a condition of approval, to file an approved shared use plan, except as to a government site that is approved to be perpetually unavailable. If there is land available on the site to accommodate additional **TOWERS** and **ACCESSORY** facilities, the plan shall commit the landowner and successor owners to accommodate such additional facilities on the site at reasonable rents (or a range of reasonable rents) which shall be specified in the shared use plan. When land is rented for facilities on the site, the rental agreement shall be filed with the shared use plan. Any agreement that purports to reserve land for future use of a **TOWER** and other facility space must be approved by the County Manager or designee.
11. Each new **TOWER** owner or site owner, as the case may be, shall agree, as a condition of approval, to respond, in writing, in a comprehensive manner within thirty (30 days) to each request for information from a potential shared use **APPLICANT**. Government owners need to reply only to requests from another government. To the extent that correct and up-to-date information is contained in an approved shared use plan, the owner may refer the **APPLICANT** to the shared use plan for the information. If the shared use plan is incorrect, incomplete, or otherwise not up-to-date, the respective owner shall, in the response, specify, in detail, such information, and shall immediately bring the shared use plan up-to-date.
12. The **TOWER** owner or site owner, as the case may be, shall, as a condition of approval, negotiate in good faith for shared use of **TOWER** space and/or site space by **APPLICANTS** in accordance with its shared use plan.

13. All conditions of approval regarding a **TOWER** shall run with the ownership of the **TOWER** and be binding on all subsequent owners of the **TOWER**. All conditions of approval regarding an approved **TOWER** site shall run with the land and be binding on all subsequent owners of the **TOWER** site.

**G. DEVELOPMENT standards for communication TOWERS.**

1. Except to the extent that amateur radio **TOWERS**, and ground-mounted antennas with a height not to exceed twenty (20) feet, are exempted by subsection 5.05.09 herein, no new **TOWER** of any height shall be permitted in the RSF-1 through RSF-6, RMF-6, VR, MH, TTRVC, and E zoning districts. However, notwithstanding other provisions of this section, including the separation requirements of subsection 5.05.09(F)(7) below, **TOWERS** may be allowed to any height as a **CONDITIONAL USE** in the E zoning district only on sites approved for a specified **ESSENTIAL SERVICE** listed in subsection 5.05.09((F)(3) below. There shall be no exception to this subsection except for **CONDITIONAL USE** applications by a government for a governmental use.
2. **Permitted ground-mounted TOWERS. TOWERS** not exceeding the stated maximum heights are a permitted use, subject to other applicable provisions of this section, including separate requirements and shared use provisions. **TOWERS** that exceed those specified maximum heights require a variance in accordance with section 9.04.00.
  - a. All commercial and industrial zoning districts and urban designated area agricultural zoning districts: Any **TOWER** up to seventy-five (75) feet in height is a permitted use, provided the base of such **TOWER** is separated a minimum distance of seventy-five (75) feet from the nearest boundary with any **PARCEL** of land zoned RSF-1 through RSF-6, RMF-6, E, RMF-12, RMF-16, RT, VR, MH, TTRVC, or PUD permitting six (6) residential **DWELLING UNITS** or less. Any **TOWER** that exceeds seventy-five (75) feet in height, up to a height of 185 feet, is a lawful use, only if permitted or otherwise provided in the respective zoning district, and the base of such **TOWER** is separated from the nearest boundary of any **PARCEL** of land zoned RSF-1 through RSF-6, RMF-6, E, RMF-12, RMF-16, RT, VR, MH, TTRVC, or PUD zoning of six (6) residential **DWELLING UNITS** or less, by a minimum distance in feet determined by multiplying the height of the **TOWER** (in feet) by a factor of two and one-half (2.5). (The minimum separation distance is two and one-half (2 ½) times the height of the **TOWER**.) **TOWERS** which do not meet the separation requirement may apply for a variance in accordance with section 9.04.00.

b. Agricultural zoning districts within the rural designated area: **TOWERS** shall not exceed 250 feet in height.

c. All agricultural zoning districts: No **TOWER** that exceeds 250 feet in height exclusive, of any antenna affixed thereto, shall be allowed on any site comprising less than ten (10) acres under common ownership or control, except such **TOWERS** can be approved as a **CONDITIONAL USE** on sites of less than ten (10) acres if the **APPLICANT** cannot, with economic feasibility, acquire title to, or control of, a suitable **TOWER** site of at least ten (10) acres in the required geographic vicinity of the proposed **TOWER** site.

3. **ESSENTIAL SERVICES--Specified CONDITIONAL USES.** Except in the RSF-1 through RSF-6, and RMF-6 zoning districts, **TOWERS** may be allowed to any height as a **CONDITIONAL USE** on sites approved for a **CONDITIONAL USE ESSENTIAL SERVICE** for any of the following **CONDITIONAL USES**: safety service facilities including, but not necessarily limited to, **FIRE STATIONS**, sheriff's substation or facility, emergency medical services facility, and all other similar uses where a communications **TOWER** could be considered an **ACCESSORY** or logically associated use with the safety service **CONDITIONAL USE** on the site. In addition, communications **TOWERS** can be approved as a **CONDITIONAL USE** for a stand-alone **ESSENTIAL SERVICE** facility, provided the **TOWER** is to be owned by, or to be leased to, a governmental entity, and the primary uses of the **TOWER** are for governmental purposes.
4. New **TOWERS** shall be installed only on rooftops in the RMF-12, RMF-16, and RT zoning districts, except amateur radio **TOWERS** with a height not to exceed seventy-five (75) feet above the natural **GRADE**, and ground-mounted antennas with a height not to exceed twenty (20) feet above the natural **GRADE**, are permitted within these zoning districts.
5. Ground-mounted **MONOPOLE COMMUNICATION TOWERS** up to 150 feet in height above the natural **GRADE**, including antennas affixed thereto, may be allowed as a **CONDITIONAL USE** within these zoning districts. The height of each **MONOPOLE COMMUNICATION TOWER** shall be limited to the height necessary for its use at its location.
6. Rooftop **TOWERS, ANTENNA STRUCTURES**, and antennas.
  - a. Rooftop **TOWERS, ANTENNA STRUCTURES**, and antennas are allowed in all zoning districts except the RSF-1 through RSF-6, RMF-6, and E zoning districts.

- b. Rooftop **TOWERS, ANTENNA STRUCTURES**, and antennas are, as specified, subject to the following:
- i. Permitted uses. Rooftop **ANTENNA STRUCTURES** and antennas are a permitted use up to a height of twenty (20) feet above the maximum roofline, provided the height of the maximum roofline is twenty (20) feet or more above the average natural **GRADE**. If the maximum roofline is less than twenty (20) feet above the average natural **GRADE**, an **ANTENNA STRUCTURE** and/or antenna is a permitted use up to a height that equals the distance from the average natural **GRADE** to the maximum roofline. For example, if the distance from the average natural **GRADE** to the maximum point of the roofline is fifteen (15) feet, an **ANTENNA STRUCTURE** and/or antenna is a permitted use up to a height of fifteen (15) feet above the maximum roofline. Any **ANTENNA STRUCTURE, TOWER**, or antenna that exceeds its permitted use height, as provided herein, shall require **CONDITIONAL USE** approval, and the maximum allowable height of the **STRUCTURE, TOWER**, and all antennas shall be determined in each specific case. Distance from RSF-1 through RSF-6, and RMF-6 zoning districts shall be a major consideration in determining the allowable height of rooftop facilities.
  - ii. **TOWERS** and **ANTENNA STRUCTURES** shall be set back from the closest outer edge of the roof a distance of not less than ten (10) percent of the rooftop length and width, but not less than five (5) feet, if the antenna can function at the resulting location.
  - iii. **ANTENNA STRUCTURES** and dish type antennas shall be painted to make them unobtrusive.
  - iv. Except for antennas that cannot be seen from **STREET** level, such as panel antennas on parapet walls, antennas shall not extend out beyond the vertical plane of any exterior wall.
  - v. Where technically feasible, dish type antennas shall be constructed of open mesh design.
  - vi. Where feasible, the design elements of the **BUILDING** (i.e., parapet wall, screen enclosures, other mechanical equipment) shall be used to screen the communications **TOWER, STRUCTURE**, and antennas.
  - vii. The **BUILDING** and roof shall be capable of supporting the roof-mounted antenna, **STRUCTURE**, and **TOWER**.
  - viii. No rooftop shall be considered a **TOWER** site. This section does not require any sharing of any rooftop, rooftop **TOWER**, or **ANTENNA STRUCTURE**.
7. With the exception of rooftop **TOWERS** and **TOWERS** on

**ESSENTIAL SERVICES** sites, each new communication **TOWER** shall meet the following separation requirements:

- a. Each new **TOWER** that exceeds 185 feet in height shall be located not less than two and one-half (2.5) times the height of the **TOWER** from all RSF-1 through RSF-6, and RMF-6 zoning districts, including PUDs where the **ADJACENT** use(s) is/are, or comparable to, the RSF-1 through RSF-6 and RMF-6 zoning districts. If a part of a PUD is not developed, and it is inconclusive whether the part of a PUD area within such minimum separation distance from the proposed **TOWER** site may be developed with a **DENSITY** of six (6) units per acre or less, it shall be presumed that the PUD area nearest to the proposed site will be developed at the lowest **DENSITY** possible under the respective PUD.
  - b. In addition, each such new **TOWER** that exceeds a height of seventy-five (75) feet, excluding antennas, shall be separated from all boundaries of surrounding property zoned RMF-12, RMF-16, E, RT, VR, MH, TTRVC, H, and the residential areas of PUDs with existing or planned **DENSITIES** greater than six (6) units per acre by not less than the total height of the **TOWER** including its antennas; and from all other surrounding property boundaries by a distance not less than one-half (1/2) the height of the **TOWER** and its antennas, or the **TOWER'S** certified collapse area, whichever distance is greater.
8. All owners of approved **TOWERS** are jointly and severally liable and responsible for any damage caused to off-site property as a result of a collapse of any **TOWER** owned by them.
  9. Placement of more than one (1) **TOWER** on a land site is preferred and encouraged, and may be permitted, provided, however, that all **SETBACKS**, design, and landscape requirements are met as to each **TOWER**. **STRUCTURES** may be located as close to each other as technically feasible, provided **TOWER** failure characteristics of the **TOWERS** on the site will not likely result in multiple **TOWER** failures in the event that one (1) **TOWER** fails, or will not otherwise present an unacceptable risk to any other **TOWER** on the site. It shall be the policy of the County to make suitable County-owned land available for **TOWERS** and ancillary facilities at reasonable rents.
  10. Any **ACCESSORY BUILDINGS** or **STRUCTURES** shall meet the minimum **YARD** requirements for the respective zoning district. **ACCESSORY USES** shall not include offices, long-term vehicle storage, outdoor storage, broadcast studios except for temporary emergency purposes, or other **STRUCTURES** and/or uses that are not needed to send or receive transmissions, and in no event shall



such uses exceed twenty-five (25) percent of the **FLOOR AREA** used for transmission or reception equipment and functions. Transmission equipment shall be automated, to the greatest extent economically feasible, to reduce traffic and congestion. Where the site **ABUTS**, or has **ACCESS** to, a **COLLECTOR STREET**, **ACCESS** for motor vehicles shall be limited to the **COLLECTOR STREET**. All equipment shall comply with the then applicable noise standards.

11. For new commercial **TOWERS** exceeding 185 feet in height, a minimum of two (2) parking spaces shall be provided on each site. An additional parking space for each two (2) employees shall be provided at facilities which require on-site personnel. Facilities which do not require on-site personnel may utilize impervious parking.
12. All new **TOWER** bases, guy anchors, outdoor equipment, **ACCESSORY BUILDINGS**, and **ACCESSORY STRUCTURES** shall be fenced. This provision does not apply to amateur radio **TOWERS**, or to ground-mounted antennas that do not exceed twenty (20) feet above **GRADE**.
13. **TOWER lighting**. **TOWERS** and antennas with a height greater than 150 feet shall be required to have red beacon or dual mode lights, unless exempted, in writing, by the Collier County Mosquito Control District. Such lights shall meet the then existing Federal Aviation Administration ("FAA") technical standards. No other **TOWERS** or antennas shall be artificially lighted, except as required by the FAA, the Federal Communications Commission, or other applicable laws, ordinances, or regulations. If the FAA rules require lighting, then the **APPLICANT** shall comply with such rules.  
*New TOWERS Exceeding 199 Feet.* Each new **TOWER** that will have a height in excess of one hundred and ninety-nine (199) feet above ground, exclusive of antennas, and such **TOWER** shall be lighted no more than is otherwise required by state and/or federal law, rule, or regulation. Unless otherwise then required by law, rule or regulation, only white strobe lights shall be used at night, unless otherwise required by the FAA, in which case red strobe-type lights shall be used. Such lights shall not exceed the minimum number, minimum intensity, and minimum light flashes per interval of time (requiring the longest allowable duration between light flashes) required by state or federal law, rule, or regulation. Solid red (or pulsating red) warning lights shall not be used at night.
14. Effective January 1, 1992, all guyed **TOWERS**, including old **TOWERS**, exceeding 185 feet in height shall be inspected every two (2) years. Such self-supporting **TOWERS** shall be inspected

every four (4) years. Each inspection shall be by a qualified professional engineer or other qualified professional inspector, and any inspector-recommended repairs and/or maintenance should be completed without unnecessary delay. At a minimum, each inspection shall include the following:

- a. **TOWER STRUCTURE:** Including bolts, loose or damaged members, and **SIGNS** of unusual stress or vibration.
  - b. Guy wires and fittings: Check for age, strength, rust, wear, general condition, and any other **SIGNS** of possible failure.
  - c. Guy anchors and foundations: Assess for cracks in concrete, **SIGNS** of corrosion, erosion, movement, secure hardware, and general site condition.
  - d. Condition of antennas, transmission lines, lighting, painting, insulators, fencing, grounding, and elevator, if any.
  - e. For guyed **TOWERS:** **TOWER** vertical alignment and guy wire tension (both required tension and present tension).
15. A copy of each inspection report shall be filed with the County Manager not later than December 1 of the respective inspection year. If the report recommends that repairs or maintenance are required, a letter shall be submitted to the County Manager to verify that such repairs and/or maintenance have been completed. The County shall have no responsibility under this section regarding such repairs and/or maintenance.
  16. Any **TOWER** that is voluntarily not used for communications for a period of one (1) year shall be removed at the **TOWER** owner's expense. If a **TOWER** is not removed within three (3) months after one (1) year of such voluntary non-use, the County may obtain authorization, from a court of competent jurisdiction, to remove the **TOWER** and **ACCESSORY** items, and, after removal, shall place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the **TOWER** and **ACCESSORY** items, plus court costs and attorney's fees.
  17. For all ground-mounted guyed **TOWERS** in excess of seventy-five (75) feet in height, the site shall be of a size and shape sufficient to provide the minimum **YARD** requirements of that zoning district between each guy anchor and all property lines.
  18. All new metal **TOWERS**, including rooftop **TOWERS**, except amateur radio **TOWERS**, shall comply with the standards of the then latest edition published by the Electric Industries Association (currently EIA/TIA 222-E) or the publication's successor functional equivalent, unless amended for local application by resolution of the BCC. Each new amateur radio **TOWER** with a height of seventy-five (75) feet or less shall require a **BUILDING** permit

specifying the exact location and the height of the **TOWER** exclusive of antennas. Each new ground-mounted dish type antenna that does not exceed a height of twenty (20) feet shall require a **BUILDING** permit.

19. Within the proposed **TOWER'S EFFECTIVE RADIUS**, information that specifies the **TOWER'S** physical location, in respect to public parks, designated **HISTORIC BUILDINGS** or districts, areas of critical concern, and **CONSERVATION** areas, shall be submitted as part of the **CONDITIONAL USE** application. This shall also apply to site plan applications and/or permit applications for rooftop installations that do not require **CONDITIONAL USE** approval.
20. No communication **TOWER** shall be located on any land or water if such location thereon creates, or has the potential to create, harm to the site as a source of biological productivity, as indispensable components of various hydrologic regimes, or as irreplaceable and critical habitat for native species of flora or fauna.
21. Any existing **NATIVE VEGETATION** on the site shall be preserved and used to meet the minimum landscape requirements as required by section 4.06.00. The site plan shall show existing significant vegetation to be removed and vegetation to be replanted to replace that lost. **NATIVE VEGETATION** may constitute part or all of the required **BUFFER** area if its opacity exceeds eighty (80) percent.
22. As to communications **TOWERS** and antennas, including rooftop **TOWERS**, **ANTENNA STRUCTURES**, and antennas, the height provisions of this section supersede all other height limitations specified in this Code.

#### *H. Alligator **ALLEY** communication **TOWERS**.*

1. Notwithstanding other provisions of section 5.05.09, and irrespective of the zoning classification(s) of the underlying fee at each respective **TOWER** site, two (2) new communication **TOWERS** shall be permitted at locations and heights herein specified within the I-75 **RIGHT-OF-WAY** east of the toll booth (Alligator **ALLEY**). Two (2) of the four (4) **TOWERS** shall be constructed to replace two (2) existing Florida Department of Transportation **TOWERS**. The four (4) new telecommunication **TOWER** sites shall be located approximately at:
  - a. Mile marker 52.2. The height of the **TOWER** shall not exceed 250 feet, including antennas;
  - b. Mile marker 92.6 (Everglades Blvd). The height shall not exceed 250 feet, including antennas;
  - c. The site of an existing FDOT **TOWER** located on State Road 29. The height shall not exceed 310 feet, including antennas;

- d. The site of an existing FDOT **TOWER** located at mile marker 63.2 at the I-75 Rest Area. It will replace an existing **TOWER** located on the north side of I-75 at mile marker 63.3. The height shall not exceed 280 feet, including antennas.
- e. Each **TOWER** shall be constructed with a capacity to provide for a minimum of four (4) to eight (8) co-users, including Florida Department of Transportation ("FDOT"), the U.S. Fish and Wildlife Service ("FWS"), the National Park Service ("NPS"), the Department of Forestry ("DOF"), and County agencies, where practical.
2. Each **TOWER** shall be constructed in accordance with the standards and requirements of section 5.05.09 and other applicable sections of this Code, except as expressly provided otherwise in this section.
  3. **Minimum YARD requirements.** There shall be no minimum **YARD** requirement for these **TOWERS** at these locations because each **TOWER** and all ancillary facilities must be contained within the I-75 **RIGHT-OF-WAY**, and each proposed **TOWER** must maintain a separation distance from all **ADJACENT** residential property lines equal to one-half (1/2) of the **TOWER'S** height or equal to a Florida professional engineer's certified collapse area (fall zone), whichever is greater, or a clear zone is maintained on adjoining property by a use **EASEMENT** applicable to such adjoining property **OWNER**. No habitable residential or non-residential **STRUCTURE**, including offices, shall be allowed within any certified collapse area (fall zone) for any of these **TOWERS**.
  4. **ACCESS.** Physical **ACCESS** to each **TOWER** site shall be as approved by FDOT.
  5. **Parking.** Sufficient unpaved area shall be provided on, or **ADJACENT** to, each **TOWER** site to accommodate temporary parking for one (1) vehicle for servicing or maintaining the communication **TOWER**.
  6. **LANDSCAPE BUFFER.** A **LANDSCAPE BUFFER** no less than ten (10) feet wide with trees planted twenty-five (25) feet on center shall be developed and maintained around the perimeter of each **TOWER** site and other related equipment, **STRUCTURES**, and **BUILDINGS**. This **BUFFER** shall encompass all **STRUCTURES** including the **TOWER** base. At least one (1) row of **NATIVE VEGETATION** shall be planted within the **BUFFER** to form a continuous hedge of at least three (3) feet in height at planting. The **BUFFER** must be maintained in good condition. This **LANDSCAPE BUFFER** may be waived by the County Manager or designee where the **BUFFER** is not practical due to public safety concerns.

7. A site **DEVELOPMENT PLAN** and construction plans shall be submitted to the County Manager or designee for review and approval prior to any construction of any such **TOWER**. No changes, additions, or **ALTERATIONS** may be made to any approved site **DEVELOPMENT PLAN** or construction plans for any such **TOWER** without County approval.
8. **TOWER lighting**. In addition to the requirements for **TOWER** lights specified in section 5.05.09 of this Code, **TOWERS** located in the Big Cypress Preserve and the Florida Panther National Wildlife Preserve shall be lighted in accordance with the USFWS guidance system requirements for **TOWER** lighting.
9. Notwithstanding any other provision in this Code, and notwithstanding the underlying zoning of the respective **TOWER** site, subject to the following, the communication **TOWERS** and **ACCESSORY** facilities ("facilities") listed above, and all such future facilities, are lawful uses, if located within the confines of the I-75 **RIGHT-OF-WAY** east of the Alligator **ALLEY** toll booth to the eastern boundary of Collier County.
10. The **TOWER** and related facilities shall be subject to **CONDITIONAL USE** approval whenever the **TOWER** is to exceed a height of twenty (20) feet. **TOWERS** that are to be twenty (20) feet or less in height require only **BUILDING** permit approval from the County.
  - a. As all such facilities must be located within the I-75 **RIGHT-OF-WAY**, the facilities must be subject to approval from the owner of that **RIGHT-OF-WAY**, including such conditions as may be required by that owner. The owner of said **RIGHT-OF-WAY** is the State of Florida, by and through the Florida Department of Transportation.
  - b. The facilities must be owned by, or leased to, a governmental entity. The primary uses of the facilities shall be governmental uses. Private uses of the facilities, if any, shall always be incidental and subordinate to the governmental uses.
  - c. Notwithstanding any other provision in section 5.05.09, the facilities shall be subject to the **TOWER** sharing requirements of section 5.05.09 if the **TOWER** is to exceed a height of 120 feet, unless the **TOWER** is a **MONOPOLE**. If the **TOWER** is to be used only for governmental uses, the **TOWER** need be shared only with other governmental entities. If the **TOWER** is to be occupied by an antenna under control of a non-governmental occupant of the **TOWER** and is to be used for any non-governmental use(s), the **TOWER** sharing requirements that apply to non-government occupants shall be adhered to as a prerequisite to occupancy of the **TOWER**.

- I. WIRELESS EMERGENCY TELEPHONE SERVICE. Notwithstanding any other provisions of this section 5.05.09, the following provisions shall apply to communications **TOWERS** that provide wireless emergency telephone service.
  1. These facilities are **ESSENTIAL SERVICES**.
  2. Each **APPLICANT** for these permits is required to clearly inform County staff by means of an emboldened "notice" in a cover letter or on the first page of the permit application, substantially as follows: *This Application is subject to the expedited timelines specified in Chapter 365.172, Florida Statutes.*
  3. **APPLICANTS** for these permits need not provide staff with evidence that a proposed wireless communications facility complies with federal regulations, but staff may require from such **APPLICANT** proof of proper FCC licensure, and staff may request the FCC to provide information as to the provider's compliance with federal regulations to the extent then authorized by federal law. The County has no permitting jurisdiction with regard to wireless communications facilities located (or to be located) on property owned by the State of Florida, including State-owned **RIGHTS-OF-WAY**.
  4. **CO-LOCATED FACILITIES**. Provided the then existing zoning applicable to the proposed site allows E911 facilities without a need to rezone, a need to obtain **CONDITIONAL USE** approval, or any other required process (such as, for example, having an agreement amended), the County shall grant or deny a properly completed application requesting co-location of E911 Service, or co-location for wireless telephone service, not later than forty-five (45) business days after the date that a properly completed application is initially submitted to staff in accordance with all applicable permit application requirements in this section 5.05.09. Co-location of such facilities on a then existing above-ground **TOWER** or other above-ground **STRUCTURE** shall not be subject to the land **DEVELOPMENT** regulations pursuant to Section 163.3202, Florida Statutes, *provided* the height of the then existing **TOWER** or **STRUCTURE** is not thereby increased. Co-location of such antenna, or co-location of related equipment, shall be subject to applicable **BUILDING** regulations, and with all then existing permits or agreements applicable to that **TOWER** or to the underlying property. Nothing herein, including the forty-five (45) business days timeline, shall relieve the permit holder for, or owner of, the then existing **TOWER** or **STRUCTURE** from complying with

applicable permit requirements, or applicable agreement(s), or with applicable land **DEVELOPMENT** regulation (including aesthetic requirement), or compliance with any other then applicable law(s).

5. **NEW TOWERS OR ANTENNAS.** Pursuant to Section 365.172, Florida Statutes, the County shall grant or deny an application requesting location of a new wireless telephone service **TOWER**, or for location of antenna(s) for wireless telephone service, not later than ninety (90) business days after the date that an application that fully complies with the requirements of this section 5.05.09 is submitted, provided the then existing zoning applicable to the proposed site allows the E911 facilities without need to rezone, the need to apply for **CONDITIONAL USE** approval, or other required procedures. Provided further that nothing herein shall affect permit compliance of such facilities with applicable federal regulations, applicable zoning and/or land **DEVELOPMENT** regulations (including aesthetic requirements), or with applicable **BUILDING** regulations.
6. **SUFFICIENCY NOTICE.** Within twenty (20) business days of receiving the permit application for any facility listed above in paragraphs (4) and (5) above, staff shall in writing notify the permit **APPLICANT** whether the application is, or is not, properly completed. If such permit application is not properly completed, staff shall with specificity notify the **APPLICANT** of any and all deficiencies, which if cured will thereby render the application being properly completed. Staff should also notify the **APPLICANT** whether the applicable zoning classification allows the applied-for use(s) without rezoning, without **CONDITIONAL USE** approval, or without any other related ancillary approval process or permission.
7. **DEFAULT APPROVAL.**
  - a. An application for E911 service, co-location of wireless telephone service, or new location for wireless telephone service or antennae shall be deemed to have been automatically granted provided that:
    - i. Such service or facility is allowed in the applicable zoning district without a rezone, without the need to apply for a **CONDITIONAL USE**, or without the need to apply for some other permit;

ii. the County fails to either grant or deny the applied-for permit within the time frames set forth in paragraphs (4) and (5) above, as applicable; and

iii. the **APPLICANT** has not agreed to an extension of time, as provided in paragraph (8) below.

b. However, the applied-for permit shall not be deemed granted if final action requires action by the BCC, but such action is prevented due to emergency conditions beyond the County's control. In such instance, the time for final action on the application shall be extended until the next regularly scheduled meeting of the BCC. The permit shall be deemed to be granted if the BCC fails to take final action at that time.

8. **WAIVER.** Extensions of the above-described applicable timelines (deadlines) shall not be effective except to the extent voluntarily agreed to by the permit **APPLICANT**. Narrow exception: a one-time timeline waiver may be required if there then exists an emergency that directly affects the administration of all of the County's communications **TOWER** permitting activities which had been formally declared by the County, by the State of Florida, or by the federal government.

#### **5.05.10 Travel Trailer and RECREATIONAL VEHICLE Park Design Standards**

A. The following amount of land or water shall be set aside and developed for recreational purposes within the TTRVC park.

1. 200 square feet for each travel trailer and park model **LOT** or campsite for the first 100 **LOTS** or spaces;

2. 150 square feet for each **LOT** or designated space in excess of 100 **LOTS** or spaces; and

3. One-half (1/2) of the water surface within the park may be credited toward the required recreation area, except that at least fifty (50) percent of the required recreation area shall be land area.

B. 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 infra**STRUCTURE** as provided in the **SUBDIVISION** regulations, section 4.03.00. 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**.

C. Required facilities for campsites and TTRV **LOTS**.

1. 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.
2. Potable water supply as approved by the County Manager or designee pursuant to section 4.03.00.
3. 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.
4. 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.
5. One (1) parking space per campsite or TTRV **LOT**.
6. Unless every travel trailer site has a sanitary waste outlet, a central pump-out station shall be provided.
7. TTRV vehicles including park model, travel trailers, may be permanently located on a **LOT**; however, no permanent residency is allowed. 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.
8. 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. 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.

10. **ACCESSORY USES.**

- a. Enclosed utility/storage area shall be of the same siding material and architectural style as that of the associated **RECREATIONAL VEHICLES**, not to exceed an area of sixty (60) square feet.
- b. Any utility/storage area shall be located **ADJACENT** to its associated **RECREATIONAL VEHICLE** and made a continuous part of a screened-in porch where such a porch is attached to the vehicle as herein provided. Where utility/storage areas are made a continuous part of a screened-in porch, the area of the utility/storage area may not exceed 25 percent of the area of the screened-in porch or 120 square feet, whichever lesser. The County Manager or his designee may administratively approve an exception to **ACCESSORY STRUCTURE** size limitation where such exception is necessary to allow for accessibility, in accordance with the specifications set forth in Section 4 of the Americans with Disabilities Act (ADA), to accommodate a physically handicapped individual.
- c. For **RECREATIONAL VEHICLES** fixed by a permanent anchoring system, a screened-in porch elevated or at ground level with a solid roof **STRUCTURE**, architecturally compatible with its associated **RECREATIONAL VEHICLE**, not to exceed an area equal to the area of the **RECREATIONAL VEHICLE** to which it is attached. Said screened-in porch shall provide for any site utility/storage space requirements as herein provided and shall not contain any other interior walls. All such screened

enclosures must be permitted and constructed according to this Code and applicable **BUILDING** codes. Exterior walls may be enclosed with screen, glass or vinyl windows, except that the storage area shall be enclosed with the same material as the principal unit.

- d. Campgrounds containing 100 spaces or more shall be permitted a convenience commercial facility no greater than 15,000 square feet in total land area. This facility shall provide for the exclusive sale of convenience items to park patrons only, and shall present no visible evidence of their commercial character, including signage and lighting, from any public or private **STREET** or **RIGHT-OF-WAY** external to the park.

11. **CONDITIONAL USES - CAMPING CABINS** subject to the following standards:

- a. One **CAMPING CABIN** per approved **TTRVC LOT**.
- b. The maximum number of **CAMPING CABIN LOTS** in any one **TTRVC** park shall be ten percent of the total number of approved **TTRVC LOTS**, not to exceed a total number of twenty (20) **CAMPING CABIN LOTS**.
- c. Maximum floor area of 220 square feet.
- d. No internal water or cooking facilities.
- e. **CAMPING CABINS** may not be designed as a permanent residence, however, tiedowns or other safety devices may be used in order to provide security against high winds.
- f. **CAMPING CABINS** must be constructed of natural wood materials such as logs, redwood, cedar, or cypress in order that it may blend harmoniously into the natural landscape character normally found in a **TTRVC** or campground setting.
- g. The general **DEVELOPMENT** standards required for the **TTRVC** park shall be applicable to the **CAMPING CABIN LOTS**.
- h. All materials and construction must be in accordance with the Collier County **BUILDING** code and the requirements of the Standard **BUILDING** Code (SBC).
- i. At least one room of the **CAMPING CABIN** must have a minimum of 150 square feet of floor area.
- j. If **CAMPING CABINS** are to be located in a **FLOOD** hazard zone as delineated on the most recent **FLOOD INSURANCE RATE MAPS**, all requirements of Section 3.02.00 of this LDC must be met.

- k. A party shall be allowed a maximum length of stay of two (2) weeks in a **CAMPING CABIN**.

#### 5.05.11 Carwashes **ABUTTING Residential Zoning Districts**

- A. Carwashes designed to serve vehicles exceeding a capacity rating of one ton shall not be allowed.
- B. Minimum **YARDS**.
  - 1. **FRONT YARD SETBACK**: fifty (50) feet.
  - 2. Side **YARD SETBACK**: forty (40) feet.
  - 3. Rear **YARD SETBACK**: forty (40) feet.
- C. A carwash shall not be located on a **LOT** with less than 150 feet of **FRONTAGE** on a dedicated **STREET** or highway.
- D. Minimum **LOT** size is 18,000 square feet.
- E. If a carwash **ABUTS** a residential district, a masonry or equivalent wall constructed with a decorative finish, six (6) feet in height shall be erected along the **LOT LINE** opposite the residential district and the **LOT LINES** perpendicular to the **LOT LINES** opposite the residential district for a distance not less than fifteen (15) feet. The wall shall be located within a landscaped **BUFFER** as specified in section 4.06.00. All walls shall be protected by a barrier to prevent vehicles from contacting them.
- F. The **BUILDING** shall maintain a consistent architectural theme along each **BUILDING FACADE**.
- G. A carwash shall be subject to Ordinance No. 90-17, Collier County Noise Control Ordinance [Code ch. 54, art. IV].
- H. The washing and polishing operations for all car washing facilities, including self-service car washing facilities, shall be enclosed on at least two sides and shall be covered by a roof. Vacuuming facilities may be located outside the **BUILDING**, but may not be located in any required **YARD** area.
- I. Carwashes **ABUTTING** residential districts shall be closed from 10:00 p.m. to 7:00 a.m.

#### 5.06.00 **SIGNS**

##### 5.06.01 **Generally**

Increased numbers and sizes of **SIGNS**, as well as certain types of lighting distract the attention of motorists and pedestrians, and interfere with traffic safety. The indiscriminate erection of **SIGNS** degrades the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermines the economic value of tourism, visitation and permanent economic growth.

A. Purpose and intent.

It is the intent and purpose of this **SIGN** code, and it shall be interpreted, to implement the goals, policies and objectives of the growth management plan, and to promote the health, safety, convenience, aesthetics, and general welfare of the community by controlling **SIGNS** which are intended to communicate to the public and to authorize the use of **SIGNS** which are:

1. Compatible with their surroundings.
2. Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.
3. Appropriate to the type of activity to which they pertain.
4. Are large enough to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property and small enough to satisfy the needs for regulation.
5. Reflective of the identity and creativity of the individual occupants.

**5.06.02 SIGNS Exempt from These Regulations**

In addition to those **SIGNS** identified elsewhere in this Code, the following **SIGNS** are exempt from the permit requirements of this Code, and shall be permitted in all districts subject to the limitations set forth below:

- A. **SIGNS** required to be maintained or posted by law or governmental order, rule, or regulation.
- B. On-premises directional **SIGNS**, not exceeding six square feet in area and four feet in height, intended to facilitate the movement of pedestrians and vehicles within the site upon which such **SIGNS** are posted. On-premises directional **SIGNS** shall be limited to two at each vehicle **ACCESS** point and a maximum of four internal to the **DEVELOPMENT**. Internal **SIGNS** are not intended to be readily visible from the road. Directional **SIGNS** are also subject to restrictions of section 5.06.06 (C)(10) of this Code.
- C. One identification **SIGN**, professional nameplate, or occupational **SIGN** for each professional office, or business establishment not to exceed two

square feet in **SIGN** area and placed flush against a **BUILDING** face or mailbox side, and denoting only the name of the occupant and, at the occupant's election, the occupant's profession or specialty and/or the **STREET** address of the premise.

D. Memorial plaques, cornerstones, historical tablets, and similar types of commemorative **SIGNS** when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

E. "No Trespassing," "No Dumping," or other prohibitory or safety type **SIGNS**, provided each **SIGN** does not exceed three square feet in size.

F. One ground or wall "For Sale," "For Rent," or similar **SIGN** per **STREET FRONTAGE** for each **PARCEL**, or **LOT** less than ten acres in size.

G. One on-premises **SIGN** for model homes, approved in conjunction with a temporary use permit in any zoning district.

H. One on-premises open house **SIGN** not to exceed four square feet in size. Such **SIGN** shall not be located within ten feet of any property line, **RIGHT-OF-WAY** or **ACCESS EASEMENT**.

I. Bulletin boards and identification **SIGNS** for public, charitable, educational or religious institutions located on the premises of said institutions and not exceeding 12 square feet in size.

J. **SIGNS** located on fences or walls surrounding athletic fields, or within sports arenas, stadiums and the like, not to exceed 32 square feet in size, per **SIGN**. **SIGNS** shall be oriented along the fence or wall to face the field(s) or playing area, and away from any **ADJACENT** public or private roads.

K. Traffic control and safety **SIGNS** or other municipal, county, state or federal **SIGNS**, legal notices, railroad crossing **SIGNS**, danger **SIGNS** and such temporary emergency **SIGNS** when erected by an appropriate authority.

L. Window merchandise displays which are changed on a regular basis, meaning no less frequently than every 30 days.

M. Non-electrical, non-illuminated and non-reflective window **SIGNS** not exceeding 25 percent of each window area.

N. **SIGNS** located at the entrance drive of residences located upon 2.25-acre **LOTS** or greater, displaying the name and address of the resident

and not exceeding four square feet in area.

O. Flags, or insignias of governmental, religious, charitable, fraternal or other nonprofit organizations when displayed on property owned by or leased to said organization. Non-commercial flags that will be flown on a flagpole that does not exceed 15 feet in height above finished **GRADE** or extend more than ten feet from any **BUILDING** they are attached to, are allowable if the number of flags displayed does not exceed those described in this section and the flagpoles do not require a certified design or be sealed by a Florida registered engineer as described in this section 5.06.02.

P. Advertising and identifying **SIGNS** located on taxicabs, buses, trailers, trucks, or vehicle bumpers, provided such **SIGN** does not violate section 5.06.03 of this Code.

Q. Religious displays that do not constitute advertising.

R. Painting, repainting or cleaning without modifying the existing **SIGN** copy or design of an advertising **STRUCTURE**, or changes which are determined by the County Manager or his designee to be less than a **SUBSTANTIAL IMPROVEMENT**.

S. Copy changes for **SHOPPING CENTERS**, theaters, billboards or marquees that have routine changes of copy, or are specifically designed for changes of copy.

T. One ground or wall **SIGN** may be used as a construction **SIGN** by the general contractor of the **DEVELOPMENT**, within each **FRONT YARD** for each **PARCEL** less than ten acres in size.

U. Temporary **SIGNS** in conjunction with an approved temporary use permit.

V. One **SIGN** indicating only the business's or establishment's operational status at that time may be installed and illuminated inside that business or establishment, provided said **SIGN** (1) does not exceed 2.25 square feet in total size, (2) has a cabinet enclosed on all sides, (except for **SIGNS** illuminated with gas filled tubing aka "neon") and (3) includes a front panel that is clear or translucent (except for **SIGNS** illuminated with gas filled tubing aka "neon"). The only allowable illumination source(s) for said **SIGN** is: incandescent, fluorescent, halogen lamp, Light Emitting Diode, fiber optic light or gas filled tubing (aka "neon"). The illumination source must not flash, fade, or increase in brightness, or change color. Nothing in this provision is to be construed to allow a **SIGN** that would otherwise be prohibited by this Code.

### 5.06.03 Prohibited SIGNS

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any **SIGN** not expressly authorized by, or exempted from this Code. The following **SIGNS** are expressly prohibited:

- A. **SIGNS** which are in violation of the **BUILDING** code or electrical code adopted by Collier County.
- B. Abandoned **SIGNS**.
- C. Animated or activated **SIGNS**, except special purpose time and temperature **SIGNS** and barber pole **SIGNS** complying with section 5.06.06 C.9.b.
- D. Flashing **SIGNS** or electronic reader boards.
- E. Rotating **SIGNS** or displays, except barber pole **SIGNS** complying with section 5.06.06 C.9.b.
- F. Illuminated **SIGNS** in any residentially zoned or used district, except residential identification **SIGNS**, residential nameplates, and **STREET SIGNS** that are illuminated by soft or muted light. Nonresidential uses within residentially used or zoned districts by **CONDITIONAL USE**, PUD ordinance, or as otherwise provided for within the land **DEVELOPMENT** code, shall be allowed the use of illuminated **SIGNS**, subject to the approval of the community services administrator or his designee.
- G. **SIGNS** located upon, within, or otherwise encroaching upon county or public **RIGHTS-OF-WAY**, except as may be permitted under the provisions of Ordinance [No.] 82-91, as amended, and those erected by a governmental agency or required to be erected by a governmental agency.
- H. Billboards.
- I. Strip lighted **SIGNS**.
- J. Neon type **SIGNS**, except non-exposed neon **SIGNS** covered with an opaque or translucent shield which will prevent radiation of direct light, within all commercial and industrial districts.
- K. Roof **SIGNS**.
- L. Portable **SIGNS**.



M. **SIGNS** which resemble any official **SIGN** or marker erected by any governmental agency, or which by reason of position, shade or color, would conflict with the proper function of any traffic **SIGN** or signal, or be of a size, location, movement, content, color, or illumination which may be reasonably confused with or construed as, or conceal, a traffic control device.

**State Law References:** Display of unauthorized traffic **SIGNS**, signals or markings, F.S. § 316.077.

N. **SIGNS**, commonly referred to as snipe **SIGNS**, made of any material whatsoever and attached in any way to a utility pole, tree, fence post, stake, stick or any other object located or situated on public or private property, except as otherwise expressly allowed by, or exempted from this Code.

O. Wind **SIGNS** (except where permitted as part of this section of this Code).

P. Any **SIGN** which is located **ADJACENT** to a county **RIGHT-OF-WAY** within the unincorporated areas of the county which **SIGN** was erected, operated or maintained without the permit required by section 10.02.06 having been issued by the County Manager or his designee shall be removed as provided in this section 5.06.03. Such **SIGNS** shall include but are not limited to structural **SIGNS**, freestanding **SIGNS**, [and] **SIGNS** attached or affixed to **STRUCTURES** or other objects.

Q. Any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

1. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and

2. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

R. Beacon lights.

S. Any **SIGN** which emits audible sound, vapor, smoke, or gaseous matter.

T. Any **SIGN** which obstructs, conceals, hides, or otherwise obscures from view any official traffic or government **SIGN**, signal, or device.

U. Any **SIGN** which employs motion, has visible moving parts, or gives

the illusion of motion (excluding time and temperature **SIGNS**).

V. Any **SIGN** which is erected or maintained so as to obstruct any firefighting equipment, window, door, or opening used as a means of ingress or egress for fire escape purposes including any opening required for proper light and ventilation.

W. Any **SIGN** which constitutes a traffic hazard, or detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing or distracting the vision of drivers or pedestrians.

X. **SIGNS** mounted on a vehicle, be it the roof, hood, trunk, bed, and so on, where said **SIGN** is intended to attract or may distract the attention of motorists for the purpose of advertising a business, product, service, or the like, whether or not said vehicle is parked, or driven, excluding emergency vehicles, taxi cabs, and delivery vehicles, where a roof mounted **SIGN** does not exceed two square feet. This section shall not apply to magnetic type **SIGNS** affixed to or **SIGNS** painted on a vehicle, provided said vehicle is used in the course of operation of a business, and which are not otherwise prohibited by this Code. It shall be considered unlawful to park a vehicle and/or trailer with **SIGNS** painted, mounted or affixed, on site or sites other than that at which the firm, product, or service advertised on such **SIGNS** is offered.

Y. Any **SIGN** which uses flashing or revolving lights, or contains the words "Stop," "Look," "Danger," or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular traffic.

Z. Any **SIGN** which advertises or publicizes an activity not conducted on the premises upon which the **SIGN** is maintained, except as otherwise provided for within this Code.

AA. No **SIGN** shall be placed or permitted as a **PRINCIPAL USE** on any property, in any zoning district except as follows: U-Pic **SIGNS**, political **SIGNS** or **SIGNS** approved by temporary permit pursuant to the time limitations set forth herein.

BB. Inflatable **SIGNS**.

CC. **ACCENT LIGHTING** as defined in this Code.

DD. Illuminated **SIGNS**, neon or otherwise, installed inside businesses and intended to be seen from the outside. **SIGNS** that comply with the

provisions of section 5.06.02 (V) of this Code are exempt from this section.

EE. All **SIGNS** expressly prohibited by this section and their supporting **STRUCTURES**, shall be removed within 30 days of notification that the **SIGN** is prohibited by the Collier County Code Enforcement Director, or his designee, or, within 30 days of the end of the amortization period contained in section 9.03.03 D. or, in the alternative, shall be **ALTERED** so that they no longer violate this section. Billboards with an original cost of \$100.00 or more, and which have been legally permitted, shall be treated as **NONCONFORMING SIGNS** and removed pursuant to section 9.03.03 D.

#### 5.06.04 Permitted **SIGNS**

A. **SIGNS** within residential zoned districts and as applicable to residential designated portions of PUD zoned properties.

1. **DEVELOPMENT standards.**

a. *Maximum allowable height.* All **SIGNS** within residential zoned districts and as applicable to residential designated portions of PUD zoned properties are limited to a maximum height of eight feet, or as provided within this Code. Height shall be measured from the lowest centerline **GRADE** of the nearest public or private R.O.W. or **EASEMENT** to the uppermost portion of the **SIGN STRUCTURE**.

b. *Minimum SETBACK.* All **SIGNS** within residential zoned districts and as applicable to residentially designated portions of PUD zoned properties shall not be located closer than ten feet from the property line, unless otherwise noted below or as provided for in section 1.04.04 C. as determined by the county for safety and operation.

2. *Real estate SIGNS.* The following **SIGNS** classified as real estate **SIGNS** shall be permitted in residential districts subject to the following:

a. One ground **SIGN** with a maximum height of six feet or wall "For Sale," For Rent," or similar **SIGN**, with a maximum of four square feet in size, per **STREET FRONTAGE** for each **PARCEL**, or **LOT** less than one acre in size. Said **SIGN** shall be located no closer than ten feet from any **ADJACENT** residentially used property and may be placed up to the property line **ABUTTING** a **RIGHT-OF-WAY**, provided it is a minimum of ten feet from the

edge of pavement. (No **BUILDING** permit required.)

b. One ground **SIGN** with a maximum height of eight feet or wall "For Sale," "For Rent," or similar **SIGN**, with a maximum of 12 square feet in size, per **STREET FRONTAGE** for each **PARCEL**, or **LOT** one to ten acres in size. (No **BUILDING** permit required.)

c. One pole **SIGN** with a maximum height of 15 feet or wall "For Sale," "For Rent," or similar **SIGN**, with a maximum of 64 square feet in size, per **STREET FRONTAGE** for each **PARCEL** or **LOT** in excess of ten acres in size.

d. Real estate **SIGNS** shall not be located closer than ten feet from any property line. In the case of undeveloped **PARCELS** where the existing vegetation may not allow the location of the **SIGN** ten feet from the property line, the County Manager or his designee may allow a reduction in the amount of the required **SETBACK** however, in no case shall said **SIGN** be located closer than five feet from any property line unless authorized by the board of zoning appeals through the variance process.

e. Real estate **SIGNS** shall be removed when an applicable temporary use permit has expired, or within seven days of any of the following conditions: ownership has changed; the property is no longer for sale; rent or lease; or, the model home is no longer being used as a model home.

f. A **SIGN** advertising that a property has been sold or leased shall not be displayed for more than 14 days after it is erected.

3. *Model home SIGNS.* One on-premises **SIGN** for model homes, approved in conjunction with a temporary use permit in any zoning district not to exceed 32 square feet. Model home **SIGN** copy shall be limited to the model name, builder's name, name and address, phone number, price, logo, and model home. Model home **SIGNS** shall not be illuminated in any manner. (No **BUILDING** permit required.)

4. *Construction SIGNS.* All supports for such **SIGNS** shall be securely built, constructed, and erected and shall be located on the site under construction, subject to the following:

a. One ground **SIGN** with a maximum height of six feet or wall **SIGN**, with a maximum of four square feet in size, may be used as a construction **SIGN** by the general contractor of the **DEVELOPMENT** or as a permit board, within each **FRONT YARD** for each **PARCEL** less than one acre in size. (No **BUILDING** permit

required.)

b. One ground **SIGN** with a maximum height of eight feet or wall **SIGN**, with a maximum of 12 square feet in size, may be used as a construction **SIGN** by the general contractor of the **DEVELOPMENT** or as a permit board, within each **FRONT YARD** for each **PARCEL** one to ten acres in size. (No **BUILDING** permit required.)

c. One pole **SIGN** with a maximum height of 15 feet or wall **SIGN**, with a maximum of 64 square feet in size, may be used as a construction **SIGN** by the general contractor of the **DEVELOPMENT** or as a permit board, within each **FRONT YARD** for each **PARCEL** in excess of ten acres in size.

d. One ground or wall **SIGN**, with a maximum of four square feet in size, may be used as a construction **SIGN** by each contractor, lending institution, or other similar company involved with the **DEVELOPMENT**, regardless of **PARCEL** size. (No **BUILDING** permit required.)

5. *Residential directional or identification **SIGNS**.* Directional or identification **SIGNS** no greater than four square feet in size, and located internal to the **SUBDIVISION** or **DEVELOPMENT** may be allowed subject to the approval of the County Manager or his designee, or his designee. Such **SIGNS** shall only be used to identify the location or direction of approved uses such as models or model sales centers, club house, recreational areas, etc. These **SIGNS** may be clustered together to constitute a **SIGN** with a maximum area of 24 square feet and a maximum height of eight feet. Such clustered **SIGNS** shall require a **BUILDING** permit. For signage to be located along the Golden Gate Parkway see section 2.03.07.

6. *On-premises **SIGNS** within residential districts.* Two ground **SIGNS** with a maximum height of eight feet or wall residential entrance or gate **SIGNS** may be located at each entrance to a multi-family, single-family, **MOBILE HOME** or **RECREATIONAL VEHICLE** park subject to the following requirements:

a. Such **SIGNS** shall contain only the name of the **SUBDIVISION**, the insignia or motto of the **DEVELOPMENT** and shall not contain promotional or sales material. Said **SIGNS** shall maintain a ten-foot **SETBACK** from any property line unless placed on a fence or wall subject to the restriction set forth in section 5.03.02. Furthermore, bridge **SIGNS** located on private bridges directly leading to private communities shall not be considered off-

premise **SIGNS**. Bridge **SIGNS** complying with the requirements of section 5.06.04 may be substituted for ground or wall **SIGNS** in residential districts.

b. The ground or wall **SIGNS** shall not exceed a combined area of 64 square feet, and shall not exceed the height or length of the wall or gate upon which it is located.

c. Logos without any verbal content and similar architectural features less than ten square feet in area not containing any letters or numbers shall not be considered **SIGNS** and shall be allowed throughout the **DEVELOPMENT**. However, should such architectural embellishments be located closer than ten feet to any **SIGN**, then it should be considered an integral part of the **SIGN** and shall be subject to the restrictions of this section.

**7. *CONDITIONAL USES within the residential and agricultural districts.***

a. **CONDITIONAL USES** within the residential district are permitted one wall **SIGN** with a maximum of 32 square feet. Corner **LOTS** are permitted two such wall **SIGNS**.

b. **CONDITIONAL USES** within the agricultural district in the urban area, residential and estates districts with a **STREET FRONTAGE** of 150 feet or more and a land area of 43,560 square feet or larger are permitted a ground **SIGN** with a maximum height of eight feet and a maximum area of 32 square feet.

c. Bulletin boards and identification **SIGNS** for public, charitable, educational or religious institutions located on the premises of said institutions and not exceeding 12 square feet in size. (No **BUILDING** permit required.)

d. The board of county commissioners may approve additional signage as may be deemed appropriate during the **CONDITIONAL USE** approval process.

**B. *SIGNS within non-residential districts:***

1. *Design criteria and unified **SIGN** plan.* Where multiple on-premise **SIGNS** are proposed for a single site or project, or in the case of a **SHOPPING CENTER** or multi-use **BUILDING**, a unified **SIGN** plan shall be employed. An application for site **DEVELOPMENT** or site improvement plan approval shall be accompanied by a graphic and narrative representation of the unified **SIGN** plan to be utilized on the

site. The unified **SIGN** plan must be applied for by the property owner, or his or her **AUTHORIZED AGENT**. The unified **SIGN** plan may be amended and resubmitted for approval to reflect style changes or changing tenant needs. Design elements which shall be addressed in both graphic and narrative form include:

- a. Colors;
- b. Construction materials and method;
- c. Architectural design;
- d. Illumination method;
- e. Copy style;
- f. **SIGN** type(s) and location(s); and, conformance with the following:
  - g. No wall **SIGN** shall exceed 80 percent of the width of the unit(s) or the **BUILDING** occupied by a business with a minimum of ten percent clear area on each outer edge of the unit(s) or the **BUILDING**;
  - h. All wall **SIGNS** for multi-use **BUILDINGS** shall be located at a consistent location on the **BUILDING FACADE**, except that **ANCHOR TENANTS** may vary from this locational requirement in scale with the anchor's tenant's larger primary **FACADE** dimensions. All **SIGNS** shall adhere to the dimensions provided for in the unified **SIGN** plan; and
  - i. Pole **SIGNS** shall provide a pole cover no less than 50 percent of the width of the **SIGN**, with architectural design features including colors and/or materials common to those used in the design of the **BUILDING** the **SIGN** is accessory to. A minimum 100 square foot planting area shall be provided around the base of any ground or pole **SIGN**, consistent with the provisions of this section of this Code.
  - j. The **SIGN** shall not be in the shape of a logo and the logo shall not protrude from the **SIGN**.
  - k. The use of fluorescent colors is prohibited.
  - l. **OUTPARCELS**. In addition to the above requirements, **SIGNS** for **OUTPARCELS**, regardless of the size of the **OUTPARCEL**,

shall be limited to the following:

i. In addition to any wall **SIGNS** permitted by this Code, **OUTPARCELS** may be allowed one additional sixty square foot wall **SIGN** facing the **SHOPPING CENTER** if the additional **SIGN** is not oriented towards any public **RIGHT-OF-WAY**. In no case shall the number of wall **SIGNS** for an **OUTPARCEL** exceed two **SIGNS**; and,

ii. A single ground **SIGN** for **OUTPARCELS** having a **FRONTAGE** of 150 feet or more, not to exceed 60 square feet. Ground **SIGNS** shall be limited to eight feet in height.

#### 5.06.05 DEVELOPMENT Standards for SIGNS

##### A. DEVELOPMENT standards.

1. Maximum allowable height. All pole or ground **SIGNS** within nonresidential zoned districts and as applicable to nonresidential designated portions of PUD zoned properties are limited to a maximum height of 15 feet when located along an **ARTERIAL** or **COLLECTOR ROADWAY** and 12 feet for all other roads, except as provided in this Code for pole or ground **SIGNS** for **AUTOMOBILE SERVICE STATIONS** and **OUTPARCELS** which are limited to a maximum height of eight feet; the maximum height for directory **SIGNS** is limited to 20 feet. Height shall be measured from the lowest centerline **GRADE** of the nearest public or private R.O.W. or **EASEMENT** to the uppermost portion of the **SIGN STRUCTURE**.

2. Minimum **SETBACK**. All pole or ground **SIGNS** within nonresidential zoned districts and as applicable to nonresidential designated portions of PUD zoned properties shall not be located closer than ten feet from the property line. Directory **SIGNS** shall not be closer than 15 feet from the property line, unless otherwise noted below or as provided for in section 1.04.04 C.

3. Maximum allowable **SIGN** area: 80 square feet for pole or ground **SIGNS** located along an arterial or **COLLECTOR ROADWAY** and 60 square feet for all other roads, 60 square feet for **OUTPARCELS** and **AUTOMOBILE SERVICE STATIONS** and 150 square feet for directory **SIGNS**.

4. The location of all permanent pole, ground and directory **SIGNS** shall be shown on the landscape plans as required by section 4.06.05.

5. The maximum size limitation shall apply to each **STRUCTURE**. Pole or ground **SIGNS** may be placed back to back or in V-type



construction with not more than one display on each facing for a maximum of two display areas for each V-type **SIGN**, and such **SIGN STRUCTURE** shall be considered as one **SIGN**.

6. Spot or floodlights shall be permitted only where such spot or floodlight is non-revolving and said light shines only on the owner's premises or **SIGNS** and away from any **RIGHT-OF-WAY**.

#### 5.06.06 **SIGN Standards for Specific Situations**

A. *Real estate **SIGNS***: As defined, shall be permitted in non-residential districts subject to the following:

1. One ground **SIGN** with a maximum height of ten feet or wall **SIGN** with a maximum area of twelve square feet in size per **STREET FRONTAGE** for each **PARCEL**, or **LOT** less than one acre in size. (No **BUILDING** permit required.)

2. One ground **SIGN** with a maximum height of ten feet or wall **SIGN** with a maximum 32 square feet in size, per **STREET FRONTAGE** for each **PARCEL**, or **LOT** one to ten acres in size. (No **BUILDING** permit required.)

3. One ground **SIGN** with a maximum height of 15 feet or wall **SIGN** with a maximum of 64 square feet in size, per **STREET FRONTAGE** for each **PARCEL** or **LOT** in excess of ten acres in size. A **BUILDING** permit is required.

4. Real estate **SIGNS** shall not be located closer than ten feet from any property line. In the case of undeveloped **PARCELS** where the existing vegetation may not allow the location of the **SIGN** ten feet from the property line, the County Manager or his designee may allow a reduction in the amount of the required **SETBACK** however, in no case shall said **SIGN** be located closer than five feet from any property line unless authorized by the board of zoning appeals through the variance process.

5. Real estate **SIGNS** shall be removed when an applicable temporary use permit has expired, or within seven days of any of the following conditions: ownership has changed; or, the property is no longer for sale, rent or lease.

6. A **SIGN** advertising that a property has been sold or leased shall not be displayed for more than 14 days after it is erected.

B. *Construction **SIGNS***. All supports for such **SIGNS** shall be securely

built, constructed, and erected and shall be located on the site under construction and no closer than ten feet from any property line, and subject to the following:

1. One ground **SIGN** with a maximum height of ten feet or wall **SIGN**, with a maximum of 12 square feet, may be used as a construction **SIGN** by the general contractor of the **DEVELOPMENT** or as a permit board, within each **FRONT YARD** for each **PARCEL** less than one acre in size. (No **BUILDING** permit required.)

2. One ground **SIGN** with a maximum height of ten feet or wall **SIGN**, with a maximum of 32 square feet in size, may be used as a construction **SIGN** by the general contractor of the **DEVELOPMENT** or as a permit board, within each **FRONT YARD** for each **PARCEL** one to ten acres in size. (No **BUILDING** permit required.)

3. One pole **SIGN** with a maximum height of 15 feet or wall **SIGN**, with a maximum of 64 square feet in size, may be used as a construction **SIGN** by the general contractor of the **DEVELOPMENT** or as a permit board, within each **FRONT YARD** for each **PARCEL** in excess of 10 acres in size.

4. One ground or wall **SIGN**, with a maximum of 4 square feet in size, may be used as a construction **SIGN** by each contractor, lending institution, or other similar company involved with the **DEVELOPMENT**, regardless of **PARCEL** size. (No **BUILDING** permit required).

5. All construction **SIGNS** must be removed prior to the issuance of a certificate of occupancy.

C. *On-premise SIGNS.* On-premise pole **SIGNS**, ground **SIGNS**, projecting **SIGNS**, wall **SIGNS**, and mansard **SIGNS** shall be allowed in all nonresidentially zoned districts subject to the restrictions below:

1. *Pole or ground SIGNS.* Single-occupancy **PARCELS**, **SHOPPING CENTERS**, office complexes, business parks, or industrial parks having **FRONTAGE** of 150 feet or more on a public **STREET**, or combined public **STREET FRONTAGE** of 220 linear feet or more for corner **LOTS**, shall be permitted one pole or ground **SIGN**. Additional pole or ground **SIGNS** may be permitted provided that there is a minimum of a 1,000-foot separation between such **SIGNS**, and all **SETBACK** requirements are met. In no case shall the number of pole or ground **SIGNS** exceed two per **STREET FRONTAGE**. In addition, multiple-occupancy **PARCELS** such as **SHOPPING CENTERS**, office complexes, business parks, or industrial parks containing 25,000

square feet or more of gross leasable floor area, and eight or more independent businesses will be permitted one directory **SIGN** for a single entrance on each public **STREET**. When a directory **SIGN** is proposed then pole or ground **SIGNS** shall be limited to the name and logo of the complex and shall not contain name of any tenant. The directory **SIGN** shall contain a minimum of four and a maximum of eight tenant names. The name of businesses located on **OUTPARCELS** shall not appear of directory **SIGNS**.

a. *Ground **SIGNS** for smaller **LOTS**.* Single-occupancy **PARCELS, SHOPPING CENTERS**, office complexes, business parks, and industrial parks may be issued a **SIGN** permit for one ground **SIGN** provided that the following minimum requirements are met, as applicable:

i. For those **LOTS** or **PARCELS** with public road **FRONTAGE** of no less than 100 feet, but up to 149.9 feet, or a combined public **STREET FRONTAGE** of no less than 150 feet but less than 219.9 feet for corner **LOTS** or **PARCELS**:

a) No portion of the ground **SIGN** may be located closer than 10 feet from any property line;

b) a planting area of no less than 100 square feet shall be provided around the base of the ground **SIGN**;

c) the ground **SIGN'S** architectural design, construction, and color shall include features common to those used in the design of the **BUILDING** where the corresponding business requesting the **SIGN** is accessory to;

d) the ground **SIGN** may be double-sided but cannot be placed in a V-shape, and must display identical copy on both faces;

e) any illumination of the **SIGN** must be non-revolving and shine away from any right-of-way, and shall require an electrical permit.

f) the **STREET** address for the business(es) shall be displayed in numerals at least 8 inches high on all faces of the **SIGN** and must be located so as to not be covered by landscaping or other impediments; and

g) no other free-standing **SIGNS** will be allowed on the same **LOT** or **PARCEL**.

ii. In addition, for those **LOTS** or **PARCELS** with **FRONTAGE** of 121 to 149.9 feet, or a combined public **STREET FRONTAGE** of no less than 150 feet for corner **LOTS** or **PARCELS** but less than 219.9 feet:

a) the ground **SIGN** shall be limited to 8 feet in height, as measured from the lowest centerline **GRADE** of the nearest public road to the uppermost portion of the **SIGN STRUCTURE** regardless of the roadway classification; and

b) the maximum allowable **SIGN** area is 32 square feet

iii. In addition, for those **LOTS** or **PARCELS** with **FRONTAGE** of 100 to 120.9 feet:

a) the ground **SIGN** shall be limited to 6 feet in height, as measured from the lowest centerline **GRADE** of the nearest public road to the uppermost portion of the **SIGN STRUCTURE** regardless of the roadway classification; and

b) the maximum allowable **SIGN** area is 16 square feet.

b. The minimum **SETBACK** requirement may be administratively reduced by a maximum of ten feet by the County Manager or his designee upon submission of the administrative variance fee and a written request. However in no case shall the required **SETBACK** be reduced to less than five feet. The County Manager or his designee's decision to reduce the required **SETBACK** shall be based on the following:

i. Where it can be demonstrated that within the **ADJACENT RIGHT-OF-WAY** the area between the property line and the edge of pavement is excessively wide and that the actual paved area is unlikely to be widened to the extent that reduction in the required **SETBACK** will result in the **SIGN** being any closer than 30 feet to the edge of pavement;

ii. Where due to the existing site conditions and improvements, it can be demonstrated that adherence to the required minimum required **SETBACK** will have a deleterious effect on the safety of users of the site from the perspective of vehicular parking and vehicular and pedestrian ingress and egress;

iii. Where due to the nature and location of existing landscape features and/or specimen trees, it would be prudent to allow for a reduction in the required **SETBACK** so as to most appropriately locate the **SIGN STRUCTURE**; or

iv. The extent of the reduction is the minimum amount necessary to provide relief from the applicable conditions cited above.

2. *Wall, mansard, canopy or awning SIGNS.* One wall, mansard, canopy or awning **SIGN** shall be permitted for each single-occupancy **PARCEL**, or for each establishment in a multiple-occupancy **PARCEL**. End units within **SHOPPING CENTERS**, or single occupancy **PARCELS** where there is double **FRONTAGE** on a public **RIGHT-OF-WAY**, shall be allowed two **SIGNS**, but such **SIGNS** shall not be placed on one wall. Retail businesses with a floor area of larger than 25,000 square feet and a front wall length of more than 200 linear feet, are allowed three wall **SIGNS**; however, the combined area of those **SIGNS** shall not exceed the maximum allowable display area for **SIGNS** by this Code.

a. The maximum allowable display area for **SIGNS** shall not be more than 20 percent of the total square footage of the visual **FACADE** of the **BUILDING** to which the **SIGN** will be attached and shall not, in any case, exceed 150 square feet for **BUILDINGS** or units up to 24,999 square feet, 200 square feet for **BUILDINGS** or units between 25,000 and 59,999 square feet and 250 square feet for **BUILDINGS** over 60,000 square feet in area.

3. *Projecting SIGNS.* Projecting **SIGNS** may be substituted for wall or mansard **SIGNS** provided that the display area of the projecting **SIGN** shall not exceed 60 square feet of display area.

a. Projecting **SIGNS** shall not project more than four feet from the **BUILDING** wall to which it is attached.

b. Projecting **SIGNS** shall not extend above the roofline of the **BUILDING** to which it is attached.

c. Projecting **SIGNS** shall not project into the public **RIGHT-OF-WAY**.

d. Projecting **SIGNS** which project over any pedestrian way shall be elevated to a minimum height of eight feet above such pedestrian way.

4. **Under-canopy SIGNS**. In addition to any other **SIGN** allowed by this Code, one under-canopy **SIGN** shall be allowed for each establishment in a **SHOPPING CENTER**. This **SIGN** shall not exceed six square feet in area and shall be a minimum of eight feet above finished **GRADE**. Under canopy **SIGNS** do not require a **BUILDING** permit unless the **SIGN** is equipped with an electrical component.

5. Signage for **AUTOMOBILE SERVICE STATIONS**. The following are the only **SIGNS** allowed in **AUTOMOBILE SERVICE STATIONS** and convenience stores with gas pumps.

a. **Window SIGNS**: As allowed in section 5.06.03 of this Code.

b. An illuminated corporate logo with a maximum area of 12 square feet shall be allowed on a canopy face which is **ADJACENT** to a dedicated **STREET** or highway. Otherwise, **ACCENT LIGHTING**, back lighting and accent striping are prohibited on canopy **STRUCTURES**.

c. One ground **SIGN** shall be permitted for each site and shall be placed within a 200 square foot landscaped area. Height is limited so that the top edge of the **SIGN** face is less than eight feet above **GRADE**. Maximum permitted area 60 square feet.

d. Signage, logos, advertising and information are prohibited above gas pumps.

e. **Wall SIGNS**: As allowed in paragraph 2. above of this Code.

f. **SIGNS**: As allowed in section 5.06.03 of this Code.

6. **SIGNS within planned unit DEVELOPMENTS (PUDs)**. Pursuant to the purpose and intent of this division, creative, flexible and uniform comprehensive **SIGN** plans providing for size, location, type, and common architectural design standards, are encouraged within all PUD zoning districts, and specifically required for PUDs containing in a commercial component. **SIGN** classes and sizes for planned unit **DEVELOPMENTS** should be the same as the standards found within this Code for the zoning district the **DEVELOPMENT** most closely

resembles, unless such planned unit **DEVELOPMENTS** have comprehensive **SIGN** standards contained in the PUD document.

7. *Flags.* Residential properties that have been issued a certificate of occupancy may display up to three non-commercial flags. Three non-commercial flags may be displayed at the entrance of a commercial, office, industrial or residential **DEVELOPMENT**. Where these **DEVELOPMENTS** have multiple entrances, any entrance may have up to three flags each, provided: the **DEVELOPMENT** is at least ten acres in size, any entrance with flags is providing ingress/egress only off a roadway that is designated a collector or arterial in the traffic element of the growth management plan, and all entrances with flags are at least 300 feet apart. Four additional flags may be displayed within a **DEVELOPMENT** provided the flags are not visible to motorists along any **FRONTAGE** roadways. The four internally displayed flags may be increased by up to eight additional flags for maximum total of 12 flags with the amount of the proposed increase to be determined by the County Manager or his designee, provided: all proposed flags would not be visible to motorists along any **FRONTAGE** roadways and the County Manager or his designee determines that the display of the extra flags is essential to the theme and design of the **DEVELOPMENT**.

a. All flagpoles with a height in excess of 15 feet above finished **GRADE** or that extend more than ten feet from any **BUILDING** that they are attached to shall be subject to the **BUILDING** permit process. As a condition of permitting, the flagpole foundation or attachment shall be designed by a Florida registered engineer on a signed and sealed drawing showing construction details and maximum flag area that is supportable. Certified designing and sealing shall not be required where flagpoles are located at a distance exceeding their height plus five feet from all **STRUCTURES** (except those designed solely for storage), property boundaries, utility lines and poles, and pedestrian/vehicular accessways and roadways open to the general public or the residents of that community.

b. On single-family or **DUPLEX LOTS** flagpoles shall not exceed 30 feet in height above finished **GRADE**. For all other residential zoned **PARCELS**, flagpoles shall not exceed 35 feet in height from the finished **GRADE** or extend more than 20 feet from any **BUILDING** to which they are attached. In the estates, agricultural or conservation districts flagpoles shall not exceed 35 feet in height above finished **GRADE**. In all other zoning districts, flagpoles shall not exceed 50 feet in height from the finished **GRADE**, nor extend more than 20 feet from any **BUILDING** to

which they are attached, nor shall the width of the flag exceed 30 percent of the length of the pole to which it is attached.

c. All flags in all zoning districts shall have a minimum five foot **SETBACK** from all property lines.

8. **Temporary SIGNS.** The erection of any temporary **SIGN** shall require permitting as established within section 10.02.06 G. unless otherwise indicated herein. **APPLICANTS** for temporary **SIGN** permits shall pay the minimum fee established for said permit. Temporary **SIGNS** shall be allowed subject to the restrictions imposed by this section and other relevant parts of this Code.

a. **Political SIGNS.** Political campaign **SIGNS** and posters shall be permitted subject to the following requirements:

i. Prior to the erection, installing, placing, or displaying of a political **SIGN** a bulk temporary permit shall be obtained. The permit number shall appear on every **SIGN** or on the pole supporting the **SIGN**. The fee for said bulk permit shall be as adopted by resolution by the board of county commissioners. A cash bond in the amount of \$500.00 shall be posted with the Collier County Community **DEVELOPMENT** and Environmental Services Division to insure adequate clean up and removal of all political **SIGNS** installed under the said permit. This bond is not intended to replace the **APPLICANT'S** responsibility to remove all political **SIGNS** installed under the said permit. The Collier County Community **DEVELOPMENT** and Environmental Services Division shall return such bond to the permittee if all **SIGNS** for the candidate or the issue for which the permit was issued are removed within seven days after the election. In the case of noncompliance with the requirements of this Code the bond will be forfeited.

ii. Political campaign **SIGNS** or posters within residentially zoned or used property shall not exceed four square feet in size, and shall not be located closer than five feet to any property line. Political **SIGNS** placed within residential districts shall require written permission from the



property owner.

iii. Political campaign **SIGNS** or posters will be permitted in all other zoning districts within a maximum copy area of 32 square feet per **SIGN**, and shall be located no closer than ten feet to any property line. The number of such **SIGNS** shall be limited to one **SIGN** for each **LOT** or **PARCEL** per bulk permit issued for each candidate or issue.

iv. All supports shall be securely built, constructed and erected to conform with the requirements of this Code.

v. The maximum height of any political campaign **SIGN** or poster, except those that may be affixed to a wall, shall be limited to eight feet.

vi. Political **SIGNS** shall be erected not more than 45 calendar days prior to an election or political event, and shall be removed within seven calendar days after the election, event, or after the campaign issue has been decided.

b. *Grand opening SIGNS.* An occupant may display an on-site grand opening **SIGN** not exceeding 32 square feet. The banner **SIGN** shall be anchored and may be displayed on-site for a period not exceeding 14 days within the first three months that the occupant is open for business.

c. *Special events SIGNS.* A special events **SIGN** not exceeding 32 square feet in size may be displayed to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, or any public, charitable, educational event. Such **SIGN** shall be located no closer than ten feet to any property line. Such **SIGNS** shall require a **BUILDING** permit. Special event **SIGNS** shall be erected not more than 15 calendar days prior to the advertised event and shall be removed within seven calendar days after the event has taken place.

d. *"Coming soon SIGNS."* A temporary use permit may be granted, at the discretion of the County Manager or his designee, for a "coming soon" **SIGN** located within a non-residential district. This **SIGN** must not exceed 32 square feet and the temporary use permit number must be placed at the base of the **SIGN** not less than one-half inch from the bottom. The **SIGN** must not be displayed for a period of more than six months from the issuance of a **BUILDING** permit or until the issuance of a permanent **SIGN**, whichever occurs first. The non-refundable fees for this temporary

use permit will be calculated by the board of county commissioners and are subject to change.

A “coming soon” **SIGN** is defined as a ground **SIGN** used to inform the public of the entry of a new business within a six-month time period. However, this **SIGN** may not be located within any public **RIGHT-OF-WAY** or **EASEMENT**.

9. *Special purpose **SIGNS** (on-site)*. Due to the unique and varied nature of the following uses, additional **SIGNS** may be required to provide the desired **LEVEL OF SERVICE** to the public. Special purpose **SIGNS** shall be permitted as follows:

a. *Time and temperature **SIGNS***. One time and temperature **SIGN** having a surface area not exceeding 12 square feet shall be permitted at each industrial, commercial or other non-residentially zoned property. Such **SIGNS** may be affixed to the **STRUCTURE** of a pole or ground **SIGN**. Such **SIGN** shall require a **BUILDING** permit.

b. *Barber Pole **SIGNS***. All traditional size (not more than 54 inches in height and not more than 6 inches in diameter) and style barber poles which contain any illuminated moving or rotating part may be permitted as a lawful **SIGN** if the following and all other applicable requirements are met:

- i. The barber pole **SIGN** is attached to the exterior wall of an establishment providing the services of a licensed barber;
- ii. Each such establishment (barbershop, salon, etc.) is limited to only one barber pole **SIGN**;
- iii. No barber pole **SIGN** may move or rotate except when the establishment is open and providing the services of a licensed barber; and
- iv. All barber pole **SIGNS** that illuminate, whether or not they rotate, otherwise comply with sec. 5.06.06 C.13. for illuminated **SIGNS**.

10. *Commercial, business park and industrial directional or identification **SIGNS***. Directional or identification **SIGNS** no greater than six square feet in size, four feet in height, and located internal to the **SUBDIVISION** or **DEVELOPMENT** and with a minimum **SETBACK** of ten feet, may be allowed subject to the approval of the County Manager or his designee, or his designee. Such **SIGN** shall

only be used to identify the location or direction of approved uses such as sales centers, information centers, or the individual components of the **DEVELOPMENT**. Directional or identification **SIGNS** maintaining a common architectural theme may be combined into a single **SIGN** not to exceed six feet in height and 64 square feet in area. Such **SIGNS** shall require a **BUILDING** permit. For signage to be located along the Golden Gate Parkway, see sections 2.04.03, 2.03.05 and 2.03.07 and the Golden Gate Master Plan. Logos shall not occupy more than 20 percent of the directional **SIGN** area when the said **SIGN** is more than six square feet in area. Directional **SIGNS** are also subject to restrictions of section 5.06.02 of this Code.

11. *On-premise **SIGNS** within agricultural districts in the rural agricultural area designated on the future land use map of the growth management plan.* On-premises **SIGNS** shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and subject to the following restrictions:

a. One pole or ground **SIGN** identifying the farm organization, located at the entrance or gate of each **STREET FRONTAGE**, and only for permitted **AGRICULTURAL USES**. The maximum allowable **SIGN** area for each pole or ground **SIGN** shall not exceed 100 square feet with a maximum height of 20 feet, and shall be located a minimum of 15 feet from any property lines, public or private **RIGHT-OF-WAY** or **EASEMENT**.

i. On premise **SIGNS** within agricultural zoned districts in the urban area shall comply with the requirements of section 5.06.04 A. of the Land **DEVELOPMENT** Code.

b. *Seasonal farm **SIGNS** (on-site).* One temporary ground **SIGN**, with a maximum height of ten feet, and located a minimum of ten feet from any property line, public or private **RIGHT-OF-WAY** or **EASEMENT**, identifying the farm, farm organization, entrance, or gate not exceeding 32 square feet in area. This **SIGN** shall be used to identify temporary agricultural offices so as to expedite the exportation of crops to various parts of the county. Such **SIGNS** shall be permitted for a period not to exceed 30 days and may be issued only twice in any calendar year. Such **SIGNS** shall require a **BUILDING** permit.

c. *U-Pic **SIGNS**.* One U-Pic **SIGN** located at the entrance on each **STREET FRONTAGE**. The maximum allowable **SIGN** area for each U-Pic **SIGN** shall not exceed 32 square feet in area and a maximum height of ten feet, and shall be located a minimum of ten

feet from any property line, public or private **RIGHT-OF-WAY** or **EASEMENT**.

d. *Wall, mansard canopy or awning **SIGNS** within agricultural districts.* Wall, mansard, canopy or awning **SIGNS** shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and subject to the following restrictions:

i. One wall or mansard, canopy or awning **SIGN** shall be permitted for each **PRINCIPAL USE STRUCTURE** on the **PARCEL**. Corner **PARCELS** or double-**FRONTAGE PARCELS** shall be allowed one **SIGN** per **STREET FRONTAGE**, but such **SIGNS** shall not be combined for the purpose of placing the combined area on one wall. The maximum allowable display area for any **SIGN** shall not be more than 20 percent of the total square footage of the wall to which it is affixed, and shall not in any case exceed 250 square feet in area per **SIGN**.

12. *Off-premises directional **SIGNS**.* Off-premises directional **SIGNS** are permitted subject to review and approval of the design and location of such **SIGNS** by the County Manager or his designee, or his designee, if the following requirements are met:

a. Off-premises directional **SIGNS** shall only be permitted in nonresidentially zoned, or agricultural districts.

b. No more than two one-sided or one double-sided off-premise directional **SIGNS** shall be permitted, identifying the location and nature of a **BUILDING, STRUCTURE**, or use which is not visible from the **ARTERIAL ROADWAY** serving such **BUILDING, STRUCTURE**, or uses, provided:

i. Each **SIGN** is not more than 12 square feet in area.

ii. The **SIGN** is not more than eight feet in height above the lowest center **GRADE** of the **ARTERIAL ROADWAY**.

iii. The **SIGN** is located no closer than ten feet to any property line.

iv. The **APPLICANT** must submit with the permit application notarized, written permission from the property owner where the off-site **SIGN** is located.

v. The **SIGN** shall only be located within 1,000 feet of the intersection of the **ARTERIAL ROADWAY** serving the **BUILDING, STRUCTURE**, or use.

c. Off-premises directional **SIGNS** shall not be located closer than 50 feet from a residentially zoned district.

d. Off-premises directional **SIGNS** shall not be located closer than 100 feet from another off-premises directional **SIGN**.

13. *Illuminated SIGNS*. All illuminated **SIGNS** shall have electrical components, connections, and installations that conform to the National Electrical Code, and all other applicable federal, state, and local codes and regulations. Further, lighted **SIGNS** shall: be shielded in such a manner as to produce no glare, hazard or nuisance to motorists or occupants of **ADJACENT** properties; nor be reflective or phosphorescent; have a steady nonfluctuating or nonundulating light source.

**CHAPTER 6**  
**INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE**  
**PUBLIC FACILITIES REQUIREMENTS**

- 6.01.00 GENERALLY**
  - 6.01.01 Utilities Required to be Installed Underground**
  - 6.01.02 Easements**
  - 6.01.03 Soils**
  - 6.01.04 Removal of Exotic Plants Required**
- 6.02.00 ADEQUATE PUBLIC FACILITIES REQUIREMENTS**
  - 6.02.01 Generally**
  - 6.02.02 Management and Monitoring Program**
  - 6.02.03 Transportation Level Of Service Requirements**
  - 6.02.04 Drainage Facility Level Of Service Requirements**
  - 6.02.05 Drainage Facility Level Of Service Requirements**
  - 6.02.06 Potable Water Facility Level Of Service Requirements**
  - 6.02.07 Sanitary Sewer Facility Level Of Service Requirements**
  - 6.02.08 Solid Waste Facility Level Of Service Requirements**
- 6.03.00 WASTEWATER SYSTEMS AND IMPROVEMENTS STANDARD**
  - 6.03.01 Central Sewage System Requirements**
  - 6.03.02 Individual Sewage System Requirements**
- 6.04.00 POTABLE WATER SYSTEMS AND IMPROVEMENTS STANDARDS**
  - 6.04.01 Central Water System Requirements**
  - 6.04.02 Individual Water System Requirements**
  - 6.04.03 Fire Hydrants**
- 6.05.00 WATER MANAGEMENT SYSTEMS AND DRAINAGE IMPROVEMENTS STANDARDS**
  - 6.05.01 Stormwater Management System Requirements**
  - 6.05.02 Seawalls and Bulkheads**
- 6.06.00 TRANSPORTATION SYSTEM STANDARDS**
  - 6.06.01 Street System Requirements**
  - 6.06.02 Sidewalks and Bike Lane Requirements**

- 6.06.03 Streetlights**
- 6.06.04 Bridges**
- 6.06.05 Clear Sight Distance**

## CHAPTER 6 – INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS

### 6.01.00 GENERALLY

#### 6.01.01 Utilities Required to be Installed Underground

All permanent utilities, including franchised utilities, power and light, telephone, water, sewer, cable television, wiring to streetlights, and gas shall be installed underground. This section shall apply to all cables, conduits, or wires within **SUBDIVISIONS** or **DEVELOPMENTS** forming part of an electrical distribution system, including service lines to individual properties and main distribution feeder electrical lines delivering power to local distribution systems. However, agricultural land, industrial land, commercial sites, and residential **LOTS** larger than two (2) acres may be exempted from this requirement by the County Manager or designee if costs for the utilities to be placed underground are demonstrated to be unreasonably prohibitive. This section does not apply to wires, conduits, or associated apparatus and supporting **STRUCTURES** whose exclusive function is for the transmission or distribution of electrical energy between **DEVELOPMENTS** or **SUBDIVISIONS**, generating stations, substations and transmission lines of other utility systems, or along the perimeter line of **SUBDIVISIONS** or **DEVELOPMENTS**. Appurtenances such as transformer boxes, pedestal mounted terminal boxes, meter cabinets, service terminals, telephone splice closures, pedestal type telephone terminals, or other similar "on the ground" facilities normally used with and as a part of the underground distribution system may be placed above ground but shall be located so as not to constitute a traffic hazard. **EASEMENTS** shall be coordinated with the appropriate public utility providers with verification to the County Manager or designee before final **SUBDIVISION** plat and improvement plans approval. The installation of underground utilities or relocating existing facilities as prescribed by this section shall be in conformance with the respective utility's rules and regulations.

#### A. Utility Casings

**SUBDIVISIONS** or **DEVELOPMENTS** providing water services shall install no less than four-inch conduits to each alternate **LOT** on the opposite side of the **STREET** from the main distribution line for each **STREET** prior to the completion of roadway construction or as required by applicable utility. Additionally, all casings for irrigation facilities, **STREET** lighting and other utility services such as electric, telephone, cable television, and the like shall be placed under all proposed **STREETS** prior to the completion of the stabilized subgrade.



## 6.01.02 EASEMENTS

If applicable, **EASEMENTS** shall be provided along **LOT LINES** or along the alignment of the improvements requiring **EASEMENTS** in accordance with all design requirements so as to provide for proper **ACCESS** to, and construction and maintenance of, the improvements. All such **EASEMENTS** shall be properly identified on the preliminary **SUBDIVISION** plat and dedicated on the final **SUBDIVISION** plat.

### A. Utility **EASEMENTS**.

1. Utility **EASEMENTS** no less than ten (10) feet wide, unless otherwise approved by the County Manager or designee pursuant to Chapter 10, shall be provided to accommodate all required utilities to, across, or along **LOTS** and, where possible, shall be centered on **LOT LINES** with convenient **ACCESS** for maintenance. Utility **EASEMENTS** and drainage **EASEMENTS** shall not be combined without prior approval of the County Manager or designee; drainage **EASEMENTS** shall take precedence and be so noted on the final **SUBDIVISION** plat.
2. All utility **EASEMENTS** for water and sewer facilities that will be conveyed to the Collier County Water-Sewer District shall be separately identified and dedicated on the final **SUBDIVISION** plat as "County Utility **EASEMENT**" (C.U.E.) and shall be a minimum of fifteen (15) feet wide unless otherwise approved by the utility division. Except when crossing other **EASEMENTS**, such **EASEMENTS** shall not be inconsistent with other existing utility **EASEMENTS**, or later subjected to uses inconsistent with the use of the **EASEMENT** area for utility purposes unless otherwise approved by the County Manager or designee pursuant to the conditions in Chapter 10.

### B. Drainage **EASEMENTS**.

1. Drainage **EASEMENTS** shall be provided to accommodate open **DRAINAGE FACILITIES** at a width no less than a total of ten (10) feet. The actual size of the **EASEMENT** in excess of the ten (10) foot minimum shall be determined based on the hydraulic design of the **FLOWWAY** and the use of bank stabilization approved by the County Manager or designee or minimum side slopes at a four to one (4:1) ratio, without stabilization.
2. Where underground drainage **STRUCTURES** are installed, the **EASEMENT** width shall be sized to accommodate construction, maintenance, and replacement of said **STRUCTURES**. In no case shall said **EASEMENT** be less than fifteen (15) feet in width, unless otherwise approved by the County Manager or designee pursuant to Chapter 10.

3. When a **SUBDIVISION** or **DEVELOPMENT** includes or requires **ACCESS** across canals, watercourses, water bodies, streams, drainageways, channels, naturally occurring **WETLANDS** (that are to be preserved), or the like, a drainage **EASEMENT** and adjoining maintenance/**ACCESS EASEMENT** shall be provided which conforms substantially to the lines of such watercourses unless otherwise approved by the County Manager or designee pursuant to Chapter 10. Maintenance and **ACCESS EASEMENTS** for the **SUBDIVISION'S** or **DEVELOPMENT'S** approved water management system shall be created and sized in compliance with the rules and regulations of the South Florida Water Management District (SFWMD), as amended. For canals or waterways, maintenance/**ACCESS EASEMENTS** shall be provided in accordance with requirements of the entity with responsibility for maintenance/**ACCESS**. Drainage **EASEMENTS** shall be created to provide for the flow of surface waters from contributory areas.

C. Protected/preserve area and **EASEMENTS**.

A nonexclusive **EASEMENT** or tract in favor of the County, without any maintenance obligation, shall be provided for all "protected/preserve" areas required to be designated on the preliminary and final **SUBDIVISION** plats. Any buildable **LOT** or **PARCEL** subject to or **ABUTTING** a protected/preserve area required to be designated on the preliminary and final **SUBDIVISION** plats shall have a minimum twenty-five (25) foot **SETBACK** from the boundary of such protected/preserve area in which no principle **STRUCTURE** may be constructed. Further, the preliminary and final **SUBDIVISION** plats shall require that no **ALTERATION**, including **ACCESSORY STRUCTURES**, fill placement, grading, plant **ALTERATION** or removal, or similar activity shall be permitted within such **SETBACK** area without the prior written consent of the County Manager or designee; provided, in no event shall these activities be permitted in such **SETBACK** area within ten (10) feet of the protected/preserve area boundary, unless the above **SETBACKS** are accomplished through **BUFFERING** pursuant to section 4.06.00.

**6.01.03 Soils**

The construction plans for the **SUBDIVISION** or **DEVELOPMENT** shall show the location and results of test borings of the subsurface condition of the tract to be developed. If the soil investigations reveal that the area contains hardpan, other nonpervious soils, peat, muck, or other unstable materials, the County Manager or designee shall require that adequate precautionary measures be included in the design and construction of the improvements to ensure that proper drainage and **DEVELOPMENT** of the area can be accomplished, in a manner which will prevent premature deterioration of the improvements.

#### 6.01.04 **Removal of Exotic Plants Required**

All prohibited exotic plants, as defined in section 3.05.00, shall be removed during each phase of construction from **DEVELOPMENT** areas, **OPEN SPACE** areas, and preserve areas pursuant to section 3.05.00. Following site **DEVELOPMENT**, a maintenance program shall be implemented to prevent reinvasion of the site by prohibited exotic species. This plan shall describe control techniques and inspection intervals, and shall be filed with, and approved by, the County Manager or designee prior to approval of the improvement plans and final **SUBDIVISION** plat. Flexibility, in the form of area tradeoffs or mitigation, may be allowed in the determination of areas within **DEVELOPMENTS** to be preserved.

### 6.02.00 **ADEQUATE PUBLIC FACILITIES REQUIREMENTS**

#### 6.02.01 **Generally**

- A. This section is intended to implement and be consistent with the GMP, § 163.3161 et. seq., F.S., and the Florida Administrative Code, by ensuring that all **DEVELOPMENT** in the County is served by adequate public facilities. This objective is accomplished by the following:
1. Establishing a management and monitoring system to evaluate and coordinate the timing and provision of the necessary public facilities to serve **DEVELOPMENT**.
  2. Establishing a regulatory program that ensures that each public facility is available to serve **DEVELOPMENT** concurrent with the impacts of **DEVELOPMENT** on the public facilities.
  3. No approval of the final **SUBDIVISION** plat, improvement plans, or authorization to proceed with construction activities in compliance with the same shall require the County to issue a **DEVELOPMENT ORDER** or **BUILDING** permit if it can be shown that issuance of said **DEVELOPMENT ORDER** or **BUILDING** permit will result in a reduction in the **LEVEL OF SERVICE** for any public facility below the **LEVEL OF SERVICE** established in the GMP, or if issuance of said **DEVELOPMENT ORDER** or **BUILDING** permit is inconsistent with the GMP. Anything in this section to the contrary notwithstanding, all **SUBDIVISION** and **DEVELOPMENT** shall comply with the Collier County requirements for adequate public facilities.
- B. Procedures for determinations of vested rights for adequate public facilities are set forth in Chapter 10.
- C. Procedures for applications for certificates of public facility adequacy are set forth in Chapter 10.
- D. For the purposes of this section only, the following terms are defined as follows:
1. *Capital* **DRAINAGE FACILITIES** means the planning of, engineering for, acquisition of land for, or the construction of

- drainage and water management facilities necessary for proposed **DEVELOPMENT** to meet the (LOS) for **DRAINAGE FACILITIES**.
2. *Capital road facilities or capital road improvement* means and will include transportation planning for, engineering of, **RIGHT-OF-WAY** acquisition for, and construction of any project eligible for inclusion as a road project in the road component of the (CIE) of the GMP or the Five-Year FDOT Work Program.
  3. *Capital potable water facilities* mean the planning of, engineering for, acquisition of land for or construction of potable water facilities necessary to meet the LOS for potable water facilities.
  4. *Capital sanitary sewer facilities* mean the planning of, engineering for, acquisition of land for, or construction of sanitary sewer facilities necessary to meet the LOS for sanitary sewer facilities.
  5. *Capital **SOLID WASTE** facilities* mean the planning of, engineering for, acquisition of land for, or construction of **SOLID WASTE** facilities necessary to meet the LOS for **SOLID WASTE** facilities.
  6. *Comprehensive plan* means a plan that meets the requirement of §§163.3177 and 163.3178, F.S., and shall mean the GMP, where referenced in this section.
  7. *Constrained facilities* are those road facilities which have been so designated by action of the BCC upon the recommendation of the County Manger or designee once it has been determined that the road facility will not be expanded by two or more through lanes due to physical, environmental, or policy constraints,
  8. *Physical constraints* exist when intensive land use **DEVELOPMENT** is immediately **ADJACENT** to existing through lanes making road facility expansion cost prohibitive, or when a road facility has reached the maximum through lane standards acceptable the to the county. For county maintained facilities, the maximum through lane standard for a road facility will be no greater than six through lanes with allowances for auxiliary or service lanes as deemed operationally necessary. For state maintained facilities, the maximum through lane standard will be as designated by the FDOT.
  9. *Environmental and policy constraints* exist when decisions are made not to expand a road facility based on environmental, historical, archeological, aesthetic or social impact considerations. Policy constraints are artificial barriers to road facility expansions based on environmental or political realities within a community. Unlike physical constraints, however, these barriers to road facility expansion can change over time, as needs and community goals change.

10. *Deficient road segment* means a county or state road segment on the major road network system that is operating below its adopted (LOS) standard as determined by roadway service volumes calculated by the County Manager or designee.
11. *Transportation **CONCURRENCY** Management System* means a “real time” **CONCURRENCY** system that tracks and allocates the available roadway capacity on a continuous basis with quarterly status reports to the Board. Trips generated from proposed **DEVELOPMENTS** will be added to the trips approved to date and the existing background traffic counts to determine if there is available capacity for each new **DEVELOPMENT** to be approved, in whole or part, as proposed **DEVELOPMENT PLANS** are submitted.
12. *Proportionate share payment* means a payment by a developer to Collier County to be used to enhance roadway operations, mass transit operations or other non-automotive transportation alternatives.

#### 6.02.02 Management and Monitoring Program

##### A. Generally.

In order to implement the mandate of the GMP to ensure that adequate potable water, sanitary sewer, **SOLID WASTE**, drainage, park, and road public facilities are available to accommodate **DEVELOPMENT** in the County concurrent with the impacts of **DEVELOPMENT** on such public facilities, the BCC establishes, pursuant to the terms of this section: (1) a management and monitoring program that evaluates the conditions of public facilities to ensure they are being adequately planned for and funded to maintain the LOS for each public facility, and (2) a regulatory program that ensures that each public facility is available to serve **DEVELOPMENT ORDERS** which are subject to the provisions of this section.

##### B. Annual update and inventory report on public facilities.

The County Manager or designee shall complete an annual update and inventory report on public facilities (AUIR). The AUIR shall include an analysis of the existing conditions of all capital potable water, capital sanitary sewer, capital **SOLID WASTE**, capital drainage, capital park, and capital road public facilities; summarize the available capacity of these capital improvements (public facilities) based on their LOS; forecast the capacity of existing and planned public facilities identified in the five (5) year capital improvement schedule for each of the five (5) succeeding years, and ten (10) succeeding years for **SOLID WASTE** landfill capacity; and identify new projects needed to maintain or restore adopted LOS. The forecasts shall be based on the most recently updated schedule of capital improvements and Capital Improvements Plan (CIP) or Master Plan for

each public facility. The AUIR shall be based on the most recent University of Florida bureau of economic and business research (BEBR), or BEBR influenced Water and Sewer Master Plan, population projections, updated public facility inventories, updated unit costs and revenue projections, and analysis of the most recent County traffic data. The findings of the AUIR shall form the basis for the preparation of the next annual update and amendment to the CIE, the determination of any area of significant influence (ASI), and the review and issuance of **DEVELOPMENT ORDERS** subject to the provisions of this section during the next year.

C. Annual determination of adequate "Category A" public facilities (**CONCURRENCY**).

The County Manager or designee will annually present the AUIR to the BCC, identifying deficiencies or potential deficiencies in potable water, sewer, solid waste, drainage, parks, and roads public facilities and remedial action options including, but not limited to, the following:

1. Establishment of an ASI;
2. Public facility project additions to the financially feasible CIE;
3. Establish interim **DEVELOPMENT** controls in affected service areas pending:
  - a. Lowering of LOS via GMP amendment;
  - b. Inclusion of necessary public facility projects in the next adopted annual budget and next annual CIE update and amendment;
  - c. Approval of new or increased revenue sources for needed public facility projects by the BCC, the state legislature, or the County voters; or
  - d. Private **DEVELOPMENT** improvements guaranteed by an enforceable **DEVELOPMENT AGREEMENT**.

D. The findings of the AUIR, once approved by the BCC, will form the basis for the preparation of the next annual update and amendment of the CIE and the annual determination of deficient or constrained "Category A" facilities. The AUIR will identify additional projects and funding for inclusion in the Schedule of Capital Improvements and the Costs and Revenues Schedule of the CIE needed to maintain or restore adopted LOS for all "Category A" facilities for the next five (5) years. The BCC shall provide direction to update and amend the CIE to include projects and revenues (within the first or second years for roads) needed to maintain or restore adopted LOS. Said direction shall constitute a finding of concurrent "Category A" facilities, except roads, for the review and issuance of **DEVELOPMENT ORDERS** subject to the provisions of this section until the presentation of the

next AUIR, except for any ASI designated areas or other areas subject to interim **DEVELOPMENT** controls. In addition to identifying needed capacity expansion projects and revenues for inclusion in the next CIE update, the road facilities component of the AUIR will include an audit and update of the capacity balances in the Transportation **CONCURRENCY** Management System database. The update shall factor in all such **DEVELOPMENT** approvals since the previous AUIR that generate trips along each road segment and the effect of capacity expansion projects included in the financially feasible Schedule of Capital Improvements of the CIE. The AUIR shall be the annual baseline of an ongoing, real-time **CONCURRENCY** determination for roads.

E. Recommendations on the annual CIE update and annual budget.

Based upon the prior calendar year's AUIR analysis and BCC direction, the County Manger or designee shall recommend to the Planning Commission and the BCC an annual update and amendment to the CIE as part of the annual GMP amendment cycle. The recommendation will include the proposed financially feasible public facilities Schedule of Capital Improvements needed to maintain or restore adopted LOS standards as well as recommendations for the annual budget, projects, and suggested funding sources.

F. Designation of deficient and constrained roadway segments.

Deficient roadway segments may be designated as constrained whenever they meet the terms set forth in subsections 6.02.01 D.7. of the LDC.

G. Regulation of growth along roadway segments designated constrained.

Roadway segments once designated as constrained are subject to the growth restrictions set forth below which are intended to ensure that further LOS degradation does not occur. Except as provided for below in Transportation **CONCURRENCY** Exemption Areas (TCEA) and Transportation **CONCURRENCY** Management Areas (TCMA), deficient constrained roadway segments are subject to growth restrictions on **DEVELOPMENT** that will not allow for approval of a **FINAL LOCAL DEVELOPMENT ORDER** resulting in an increase in peak hour traffic volume above the adopted LOS standard.

H. Regulation of growth along deficient roadway segment(s).

Except as provided for below in Transportation **CONCURRENCY** Exemption Areas (TCEA) and Transportation **CONCURRENCY** Management Areas (TCMA), no trips shall be allotted under a Certificate of Public Facility Adequacy for **DEVELOPMENT** that directly **ACCESSES** and generates more than a de minimis impact (de minimis impact is defined as traffic impact of one (1) percent or less of the peak hour service volume) on the deficient roadway segment(s) or for which the significance

test in (N) below indicates that the **DEVELOPMENT** will generate more than a de minimis impact on the deficient roadway segment(s).

J. *Transportation **CONCURRENCY** Exemption Area Designated.* Pursuant to Policy 5.5 of the Future Land Use Element of the GMP, the South U.S. 41 Transportation **CONCURRENCY** Exception Area (TCEA) is designated. **DEVELOPMENT** located within the South U.S. 41 TCEA (Map TR-4) shall be exempt from transportation **CONCURRENCY** requirements, so long as impacts to the transportation system are mitigated using the procedures below.

1. Any proposed **DEVELOPMENT** within the **CONCURRENCY** exception area that would reduce the LOS on Florida Intrastate Highway System (FIHS) roadways within the County by more than 5% of the capacity at the adopted LOS standard must meet the transportation **CONCURRENCY** requirements specified in Rule 9J-5.0055(3)(c)1-7, F.A.C.
2. Any proposed **DEVELOPMENT** within the **CONCURRENCY** exception area that would reduce the LOS on FIHS roadways within the County by less than 5% of the capacity at the adopted LOS standard and meets the requirements identified below in (3) below are exempt from the transportation requirements of 9J-5.0055(3)(c)1-7, F.A.C.
3. Commercial **DEVELOPMENTS** within the South U.S. 41 TCEA that choose to obtain an exception from **CONCURRENCY** requirements for transportation will provide certification from the Transportation Division that at least four (4) of the following Transportation Demand Management (TDM) strategies will be utilized:
  - a. Preferential parking for carpools and vanpools that is expected to increase the average vehicle occupancy for work trips generated by the **DEVELOPMENT**
  - b. Parking charge that is expected to increase the average vehicle occupancy for work trips generated by the **DEVELOPMENT** and/or increase transit ridership.
  - c. Cash subsidy that is expected to increase the average vehicle occupancy for work trips generated by the **DEVELOPMENT** and/or increase transit ridership.
  - d. Flexible work schedules that are expected to reduce peak hour automobile work trips generated by the **DEVELOPMENT**
  - e. Compressed work week that would be expected to reduce vehicle miles of travel and peak hour work trips generated by the **DEVELOPMENT**



- f. Telecommuting that would reduce the vehicle miles of travel and peak hour work trips generated by the **DEVELOPMENT**
- g. Transit subsidy that would reduce auto trips generated by the **DEVELOPMENT** and increase transit ridership.
- h. Bicycle and pedestrian facilities or that would be expected to reduce vehicle miles of travel and automobile work trips generated by the **DEVELOPMENT**
- i. Including residential units as a portion of a commercial project that would reduce vehicle miles of travel.

4. Residential **DEVELOPMENTS** within the South U.S. 41 TCEA that choose to obtain an exception from **CONCURRENCY** requirements for transportation shall obtain certification that at least three (3) of the following Transportation Demand Management (TDM) strategies will be utilized:

- a. Including neighborhood commercial uses within a residential project.
- b. Providing transit shelters within the **DEVELOPMENT** (must be coordinated with Collier County Transit).
- c. Providing bicycle and pedestrian facilities, with connections to **ADJACENT** commercial properties.
- d. Including **AFFORDABLE HOUSING** (minimum of 25% of the units) within the **DEVELOPMENT**.
- e. Vehicular **ACCESS** to **ADJACENT** commercial properties with shared commercial and residential parking.

**DEVELOPMENTS** within the South U.S. 41 TCEA that do not provide certification shall meet all **CONCURRENCY** requirements. Whether or not a **CONCURRENCY** exception is requested, **DEVELOPMENT APPLICANTS** must submit a Traffic Impact Statement and are subject to a **CONCURRENCY** review for the purpose of reserving capacity for those trips associated with the **DEVELOPMENT** and maintaining accurate accounts of the remaining capacity on the roadway network. **CONCURRENCY** analysis will be conducted utilizing the significance tests contained in section 6.02.02 N. below.

An **APPLICANT** seeking an exception from **CONCURRENCY** requirements for transportation through the certification mentioned above shall submit an application to the Transportation Division Administrator on forms provided by the Division. Binding commitments to utilize any of the above techniques relied upon to obtain certification shall be required as a condition of **DEVELOPMENT** approval.

K. *Transportation **CONCURRENCY** Management Areas Designated.* Pursuant to Transportation element Policy 5.7 of the GMP, the following Transportation **CONCURRENCY** Management Areas are designated:

- 1 Northwest TCMA - This area is bounded by the Collier - Lee County Line on the north side; the west side of the 1-75 **RIGHT-OF-WAY** on the east side; Pine Ridge Road on the south side; and, the Gulf of Mexico on the west side (Map TR-5).
2. East Central TCMA - This area is bounded by Pine Ridge Road on the north side; Collier Boulevard on the east side; Davis Boulevard on the south side; and, Livingston Road (extended) on the west side (Map TR-6) with the exception of I-75 which is not included in the **CONCURRENCY** analysis.

L. ***CONCURRENCY** Standard for TCMA.* To maintain **CONCURRENCY**, each TCMA shall maintain 85% of its north-south lane miles and 85% of its east-west lane miles at or above the LOS standards described in Policies 1.3 and 1.4 of the GMP Transportation element. If any Traffic Impact Statement (TIS) for a proposed **DEVELOPMENT** indicates that fewer than 85% of the lane miles in a TCMA are achieving the LOS standards indicated above, the proposed **DEVELOPMENT** shall not be permitted where such condition occurs unless modification of the **DEVELOPMENT** is made sufficient to maintain the LOS standard for the TCMA, or the facilities required to maintain the TCMA LOS standard are committed utilizing the standards for committed improvements in Policy 1.5.3 of the Capital Improvement Element of the GMP.

M. Proportionate share payments for impacts to constrained or deficient roadways in a TCMA. Should the TIS for a proposed **DEVELOPMENT** reflect that it will impact either a constrained roadway link and/or a deficient roadway link by more than a de minimis amount (more than 1% of the maximum service volume at the adopted LOS), yet continue to maintain the established percentage of lanes miles indicated in paragraph (L) above, a proportionate share payment pursuant to Rule 9J-5.0055(9), F.A.C. shall be required as follows:

1. Proportionate share payments shall be calculated using the formula established in section 10.02.07 C.4.g. The facility cost for a constrained roadway link shall be established using a typical "lane mile cost" as determined by the Collier County Transportation Administrator of adding lanes to a similar area/facility type as the constrained facility.
2. Proportionate share payments shall be utilized by Collier County to add trip capacity and enhance traffic operations that increase capacity within the impacted TCMA and/or to enhance mass transit or other non-automotive transportation alternatives that reduce vehicle trips within the Transportation **CONCURRENCY** Management Area.

3. However, no impact will be de minimis if it exceeds the adopted level-of-service standard of any affected designated hurricane evacuation routes within a TCMA. Hurricane routes in Collier County are shown on Map TR7. Any impact to a hurricane evacuation route within a TCMA shall require a proportionate share payment provided the remaining LOS requirements of the TCMA are maintained.
4. Proportionate share payments under this section are determined subsequent to a **CONCURRENCY** determination for a proposed **DEVELOPMENT** within a TCMA and do not influence the **CONCURRENCY** determination process.
5. In order to be exempt from link specific **CONCURRENCY**, new commercial **DEVELOPMENT** or redevelopment within Collier County's designated Transportation **CONCURRENCY** Management Areas (TCMAs) shall utilize at least two (2) of the following Transportation Demand Management (TDM) strategies, as may be applicable:
  - a. Preferential parking for carpools and vanpools that is expected to increase the average vehicle occupancy for work trips generated by the **DEVELOPMENT**
  - b. Parking charge that is expected to increase the average vehicle occupancy for work trips generated by the **DEVELOPMENT** and/or increase transit ridership.
  - c. Cash subsidy that is expected to increase the average vehicle occupancy for work trips generated by the **DEVELOPMENT** and/or increase transit ridership.
  - d. Flexible work schedules that are expected to reduce peak hour automobile work trips generated by the **DEVELOPMENT**.
  - e. Compressed workweek that would be expected to reduce vehicle miles of travel and peak hour work trips generated by the **DEVELOPMENT**.
  - f. Telecommuting that would reduce the vehicle miles of travel and peak hour work trips generated by the **DEVELOPMENT**.
  - g. Transit subsidy that would reduce auto trips generated by the **DEVELOPMENT** and increase transit ridership.

- h. Bicycle and pedestrian facilities that would be expected to reduce vehicle miles of travel and automobile work trips generated by the **DEVELOPMENT**.
- i. Including residential units as a portion of a commercial project that would reduce vehicle miles of travel.
- j. Providing transit shelters within the **DEVELOPMENT** (must be coordinated with Collier County Transit).

In order to be exempt from link specific **CONCURRENCY**, new residential **DEVELOPMENT** or redevelopment within Collier County's designated Transportation **CONCURRENCY** Management Areas (TCMAs) shall utilize at least two (2) of the following Transportation Demand Management (TDM) strategies, as may be applicable:

- a. Including neighborhood commercial uses within a residential project.
- b. Providing transit shelters within the **DEVELOPMENT** (must be coordinated with Collier County Transit).
- c. Providing bicycle and pedestrian facilities, with connections to **ADJACENT** commercial properties.
- d. Including **AFFORDABLE HOUSING** (minimum of 25% of the units) within the **DEVELOPMENT**.
- e. Vehicular **ACCESS** to **ADJACENT** commercial properties.

#### N. Significance Test.

Impact for traffic impact analysis purposes for a proposed **DEVELOPMENT** project will be considered significant:

1. On those roadway segments directly **ACCESSED** by the project where project traffic is equal to or greater than three (3) percent of the adopted LOS standard service volume;
2. For those roadway segments immediately **ADJACENT** to segments which are directly **ACCESSED** by the project where project traffic is greater than or equal to three (3) percent of the adopted LOS standard service volume; or
3. For all other **ADJACENT** segments where the project traffic is greater than five (5) percent of the adopted LOS standard service volume.

Once traffic from a **DEVELOPMENT** has been shown to be less than significant on any segment using the above standards, the **DEVELOPMENT'S** impact is not required to be analyzed further on any additional segments.

4. This significance test is applicable to projects inside and outside TCEAs and TCMAs.

O. Establishment of an ASI for deficient road segments.

If the findings of the AUIR analysis identify additional road improvement projects that would be needed in order to maintain a segment or road facility's adopted LOS, and such projects are not included in the proposed annual CIE road component update adopted by the BCC, then the County Manager or designee, may propose to establish one or more ASI for any such deficient road segment.

P. Standards in establishing an ASI.

The boundaries for an ASI shall include the limits of the roadway segment(s) that are deficient as recommended by the County Manager or designee.

1. After receipt of the proposed boundaries of a potential ASI, the BCC shall hold public hearings noticed pursuant to the requirements of Chapter 10 of the LDC. After final consideration of the proposal and public comment, the BCC may approve the designation of an ASI (including a map of the impacted roadway segments), with or without modifications, or determine that competent substantial evidence has been introduced into the record to show that the road segment is not deficient and find that the establishment of an ASI is not necessary to ensure that **DEVELOPMENT ORDERS** are served by adequate road public facilities. The approved ASI(s) will become effective upon adoption by the BCC.
2. A map showing the deficient roadway segments(s) within each ASI established by the BCC shall be kept in the community development and environmental services division and the office of the clerk to the BCC for review and inspection by the public during normal business hours.
3. Once the boundaries of an ASI are approved by the BCC, they are valid for one (1) year, unless dissolved by the BCC or modified in a subsequent AUIR update.
4. No **FINAL LOCAL DEVELOPMENT ORDER** for **DEVELOPMENT** directly **ACCESSING** deficient roadway segments may be approved if it would add more than a de minimis number of vehicle trips (i.e., an impact greater than one (1) percent of the peak hour service volume) to a deficient roadway segment designated as an ASI. **DEVELOPMENT** of a **SINGLE-FAMILY** home on an existing

**LOT**, tract, or **PARCEL** of land will be considered to be de minimis **DEVELOPMENT** regardless of the number of actual trips that would be generated.

**6.02.03 Transportation LEVEL OF SERVICE Requirements**

- A. If the proposed land **DEVELOPMENT** or **SUBDIVISION** will generate traffic volumes in excess of 1,000 **AVERAGE DAILY TRIPS (ADT)** or 100 vehicles per hour, peak hour/peak season, whichever is more restrictive, then a traffic analysis, prepared by a professional engineer, shall be provided by the **APPLICANT**.
- B. The analysis shall show the impact on the proposed internal **STREETS** of the **SUBDIVISION** or **DEVELOPMENT** and existing externally affected **STREETS**. The analysis shall be used to determine the **STREET** classification, width and number of traffic lanes internal to the **DEVELOPMENT**, and any requirements for off-site (external) improvements on the existing **STREET** system per the GMP.
- C. **LEVEL OF SERVICE** calculations for road facilities means calculations for peak hour traffic on a roadway segment for maximum service volumes at the adopted LOS. Peak hour is calculated as the 100<sup>th</sup> highest hour based on a ten (10) month period (omitting February and March), which is generally equivalent to the 250<sup>th</sup> highest hour for a twelve (12) month period. For design of roadway capacity projects, the 30<sup>th</sup> highest hour for a twelve (12) month period at **LOS "D"** will be utilized.
- D. In assessing the capacity of a County road segment, a state road segment or TCMA for the purpose of determining whether it is operating below the adopted LOS, or would be based on the traffic impacts identified in an approved TIS submitted as part of an application for a final local **DEVELOPMENTS** order, the County shall consider:
  1. Current roadway facilities including, but not limited to, number of lanes, provision of turn lanes, operation of intersections, and number of signals.
  2. Capital road improvements under construction, or for which the construction contract has been let.
  3. Any improvements that are guaranteed in an enforceable **DEVELOPMENT AGREEMENT** in which the improvements are completed or under construction, or for which the construction contract has been let, before the impacts from the **DEVELOPMENT** or phased **DEVELOPMENT** accrue to the roadway system.
  4. Construction of the required capital improvement is included in the first or second year of either the Florida DOT five (5) year work program or the first or second year of the Collier County Schedule

of Capital Improvements adopted as part of the Annual Update and Amendment of the Capital Improvements Element (CIE) and Collier County Annual Budget that follows approval of the AUIR.

5. The BCC has made an express finding, after a public hearing, that the current five (5) year capital improvement schedule is based on a realistic, financially feasible program of funding from existing revenue sources.
  6. The **FINAL LOCAL DEVELOPMENT ORDER** is for a project located within a TCEA or TCMA designated in the GMP which meet the applicable requirements of Policies 5.5 through 5.9 of the Transportation Element.
  7. The necessary facilities are the subject of a binding commitment with the developer to contribute fair share funding as provided for in Policy 5.9 of the Transportation Element, if applicable, or to construct the needed facilities.
- E. Potentially deficient road segments.
1. A County or State road segment shall be considered potentially deficient when located on the major road network system whose adopted LOS standard is LOS "C" or LOS "D," peak season, peak hour, that is presently operated at its adopted LOS, or whose adopted LOS is LOS "D" peak season, peak hour, and has operated at LOS "E" peak season, peak hour, for two (2) years or less, based on the AUIR.
  2. A potentially deficient road segment which has an adopted LOS "D" peak season, peak hour, may operate at LOS "E," peak season, peak hour, for two (2) years before it shall become a deficient road segment.
  3. A County or State road segment shall be considered potentially deficient when located on the major road network system whose adopted LOS standard is "E," peak season, peak hour, that is presently operating at LOS "E" peak season, peak hour, based on the AUIR.
  4. In determining the capacity of a County road segment or a State road segment for the purpose of determining whether it is a potentially deficient road segment, the County shall consider:
    - e. Any capital road improvement currently in place.
    - f. Any capital road improvement that is under construction.
    - g. Any capital road improvement guaranteed in an enforceable **DEVELOPMENT AGREEMENT** that includes the provisions in subsections 6.02.03 E.1. and 6.02.03 E.3.

- h. The actual construction of the required capital road improvement is included and is scheduled to commence in or before the third year of the State's five (5) year work program and the County's current five (5) year capital improvement schedule adopted as part of the GMP.
    - i. The BCC has made an express finding, after a public hearing, that the current five (5) year capital improvement schedule is based on a realistic, financially feasible program of funding from existing revenue sources.
- F. The LOS for capital road facilities on the major road network system are as set forth in Policy 1.1.5 of the CIE and Policy 1.4 of the Transportation Element of the GMP.
- G. Determination of public facility adequacy for the road component shall be based upon whether the proposed **DEVELOPMENT** is outside a designated ASI or within a designated ASI.
  - 1. For **DEVELOPMENT** outside a designated ASI, or where no ASI exists, the road component shall be granted.
  - 2. For **DEVELOPMENT** within a designated ASI covering a potentially deficient road segment, the road component shall be approved, subject to available capacity, if it is demonstrated that the proposed **DEVELOPMENT** will not make the potentially deficient road segment within the ASI a deficient road segment. In the instance where the proposed **DEVELOPMENT** will create a deficient road segment, a certificate of public facility adequacy for the road component shall be approved only for that portion of the **DEVELOPMENT** that does not create the deficient road segment. For **DEVELOPMENT** within a designated ASI covering a deficient road segment, the road component shall be approved only for that portion of the **DEVELOPMENT** that does not increase the net trips on the deficient road segment and does not further de**GRADE** the LOS of the deficient road segment.

**6.02.04 DRAINAGE FACILITY LEVEL OF SERVICE Requirements**

- A. The LOS for capital **DRAINAGE FACILITIES** varies among new or existing capital **DRAINAGE FACILITIES** owned or operated by a local government or other public entity, existing capital **DRAINAGE FACILITIES** owned or operated by private persons, and new capital **DRAINAGE FACILITIES** owned or operated by private persons.
  - 1. For those capital **DRAINAGE FACILITIES** (publicly or privately owned) that are in existence on the effective date of this section and for those new capital **DRAINAGE FACILITIES** owned or operated by a local government or other public entity, the LOS is the existing LOS as identified (by design storm return frequency event) in the Collier County Water Management Master Plan.



2. For new capital **DRAINAGE FACILITIES** owned or operated by private persons, the LOS is identified in the GMP.
- B. Determination of public facility adequacy for **DRAINAGE FACILITIES** shall be granted if the proposed **DEVELOPMENT** has a drainage and water management plan that has been approved by the County Manager of designee as meeting the LOS for Capital **DRAINAGE FACILITIES**.

**6.02.05 Park and Recreation Facility LEVEL OF SERVICE Requirements**

- A. The LOS for capital park and recreation facilities means 2.9412 acres per 1,000 persons for regional park land; 1.2882 acres per 1,000 persons for community park land; and \$240.00 of capital investment per capita (at current cost) for recreational facilities.
- B. Determination of public facility adequacy for park and recreation facilities shall be based on the following:
1. The required public facilities are in place at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat, or **BUILDING** permit is issued.
  2. The required public facilities are under construction at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat, or **BUILDING** permit is issued.
  3. The required public facilities are the subject of a binding contract executed for the construction of those public facilities that provides for the commencement of actual construction within one (1) year of issuance of a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat, or **BUILDING** permit.
  4. The required public facilities are guaranteed in an enforceable **DEVELOPMENT AGREEMENT** that includes the provisions of subsections 6.02.05 B.1., 6.02.05 B.2., and 6.02.05 B.3.

**6.02.06 Potable Water Facility LEVEL OF SERVICE Requirements**

- A. The LOS for capital potable water facilities varies between public water systems and private water systems.
1. For the Collier County Water and Sewer District, the LOS is 185 gallons per capita per day (GPCD).
  2. For the Goodland Water District, the LOS is 163 GPCD.
  3. For the City of Naples unincorporated service area, the LOS is 163 GPCD.
  4. For the Everglades City unincorporated service area, the LOS is 163 GPCD.
  5. For independent districts and private potable water systems, the LOS is the sewage flow design standards as identified in Policy

1.3.1 of the Potable Water Sub-Element of the GMP, except that approved private wells are exempt from these LOS requirements.

- B. Determination of public facility adequacy for potable water facilities shall be based on the following:
  - 1. The required public facilities are in place at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat, or **BUILDING** permit is issued.
  - 2. The required public facilities are under construction at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat, or **BUILDING** permit is issued.
  - 3. The required public facilities are guaranteed in an enforceable **DEVELOPMENT AGREEMENT** that includes the provisions of subsections 6.02.06 B.1. and 6.02.06 B.2. of the LDC.

**6.02.07 Sanitary Sewer Facility LEVEL OF SERVICE Requirements**

- A. The LOS for capital sanitary sewer facilities varies between public sanitary sewer systems and private sanitary sewer systems. The LOS for the North Sewer Area is 145 GPCD. The LOS for the South Sewer Area is 100 GPCD. The LOS for the City of Naples unincorporated sewer service area is 121 GPCD.
- B. The LOS for independent districts and private sanitary sewer systems is the sewage flow design standards identified in Policy 1.2.1 of the Sanitary Sewer Sub-Element of the GMP, as required by the State of Florida. Approved private septic systems are exempt from these LOS requirements.
- C. The determination of public facility adequacy for sanitary sewer facilities shall be based on the following:
  - 1. The required public facilities are in place at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat, or **BUILDING** permit is issued.
  - 2. The required public facilities are under construction at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION PLAT**, or **BUILDING** permit is issued.
  - 3. The required public facilities are guaranteed in an enforceable **DEVELOPMENT AGREEMENT** that includes the provisions of subsections 6.02.07 C.1. and 6.02.07 C.2.

**6.02.08 SOLID WASTE Facility LEVEL OF SERVICE Requirements**

- A. The LOS for capital **SOLID WASTE DISPOSAL FACILITIES** is two (2) years of constructed lined cell capacity at the average disposal rate for the previous five (5) years, and ten (10) years of permittable landfill capacity at the average disposal rate for the previous five (5) years.

- B. The determination of public facility adequacy for **SOLID WASTE DISPOSAL FACILITIES** shall be based on the following:
1. The required public facilities are in place at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat, or **BUILDING** permit is issued.
  2. The required public facilities are under construction at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat, or **BUILDING** permit is issued.
  3. The required public facilities are guaranteed in an enforceable **DEVELOPMENT AGREEMENT** that includes the provisions of subsections 1. and 2 above.

#### **6.03.00 WASTEWATER SYSTEMS AND IMPROVEMENTS STANDARDS**

##### **6.03.01 CENTRAL SEWAGE SYSTEM Requirements**

A complete central sewer system and interim **WASTEWATER** treatment facility, if required, shall be designed and constructed to provide service to all **LOTS** and **PARCELS** within the **SUBDIVISION** or **DEVELOPMENT**. The system shall be designed, constructed, owned, operated, and maintained pursuant to the requirements of the Utilities Standards and Procedures Ordinance, Ordinance No. 88-76, as amended, or to specifications of the applicable service provider.

##### **6.03.02 INDIVIDUAL SEWAGE SYSTEM Requirements**

Except as otherwise approved by the County Manager or designee pursuant to Chapter 10, no **SUBDIVISION** or **DEVELOPMENT** shall be constructed utilizing **INDIVIDUAL SEWAGE** disposal **SYSTEMS** for each **LOT** or **PARCEL**. Any exemption from this requirement shall be designed in conformance with Florida Administrative Code, and shall be approved in writing by the County Manager or designee and the BCC. Such exemption shall comply with the provisions of the GMP, and shall be approved by the County Manager or designee.

#### **6.04.00 POTABLE WATER SYSTEMS AND IMPROVEMENTS STANDARDS**

##### **6.04.01 Central Water System Requirements**

A complete central water system and interim water supply and treatment facility, if required, shall be designed and constructed to provide service to all of the **LOTS** and **PARCELS** within the **SUBDIVISION** or **DEVELOPMENT**. Any such system shall be designed, constructed, owned, operated, and maintained pursuant to the requirements of Construction Standards Manual.

##### **6.04.02 Individual Water System Requirements**

Where authorized in compliance with the GMP, an individual water system shall be designed in conformance with the Florida Administrative Code, and shall require the prior written approval of the County Manager or

designee and the BCC. Any such exemption shall be in compliance with the provisions of the GMP.

#### 6.04.03 Fire Hydrants

- A. All hydrants shall be connected to water systems having sufficient storage or emergency pumping facilities to provide for the minimum fire flows to be maintained for at least four (4) hours or the current recommendation of the Fire Suppression Rating of the Insurance Services Office, whichever is greater. Hydrants shall be placed on common **LOT LINES** within the approved **RIGHT-OF-WAY**, unless otherwise approved by the County Manager or designee pursuant to Chapter 10.
- B. Hydrants shall be installed and placed in a manner complying with the requirements set forth in the latest edition of NFPA No. 24 entitled, "Standard for the Installation of Private Fire Service Mains and Their Appurtenances," published by the National Fire Protection Association. Hydrants to be installed within subdivided **LOTS** for fire protection purposes shall be evaluated during the site **DEVELOPMENT PLAN** review process as required in Chapter 10. Those installations shall be in compliance with the standards set forth in the latest edition of NFPA 1141 entitled, "Standard for Fire Protection in Planned **BUILDING** Groups."
1. *Residential land **DEVELOPMENT**.* In one (1) and two (2) family land **DEVELOPMENTS** with not more than ten (10) **DWELLING UNITS** per acre, fire hydrants shall be spaced not greater than 500 feet apart and not more than 250 feet from the center of any **LOT** in the **SUBDIVISION** and shall be connected to mains no less than six (6) inches in diameter. The system shall provide capacity for water flows of at least 500 gallons per minute or greater, as required by the Fire Suppression Rating Schedule of the Insurance Services Office, in addition to maximum day domestic requirements at residual pressures of not less than twenty (20) pounds per square inch, unless otherwise required by the applicable fire code.
  2. *Commercial, industrial, and multifamily **DEVELOPMENTS**.* Fire hydrants located in these areas shall be connected to water mains no less than eight (8) inches in diameter. In no case shall the spacing of hydrants be greater than 500 feet apart and not more than 250 feet from the center of any **LOT** in the **SUBDIVISION**. Hydrant spacing and size shall be capable of providing water flows adequate to meet the requirements of the Fire Suppression Rating Schedule of the Insurance Services Office. In no case shall the flow be less than 750 gallons per minute with the residual pressure of twenty (20) pounds per square inch at the most remote point of discharge.

3. Fire hydrants shall be provided at no cost to the County in all **SUBDIVISIONS** and **DEVELOPMENTS**. In all cases, fire hydrants shall be provided and spaced in the manner prescribed by the design requirements of this section.

#### 6.05.00 **WATER MANAGEMENT SYSTEMS AND DRAINAGE IMPROVEMENTS STANDARDS**

##### 6.05.01 **Stormwater Management System Requirements**

A complete stormwater management system shall be provided for all areas within the **SUBDIVISION** or **DEVELOPMENT**, including **LOTS**, **STREETS**, and **ALLEYS**.

- A. The system design shall meet the applicable provisions of the current County codes and ordinances, SFWMD rules and regulations pursuant to Florida Statutes, and the Florida Administrative Code, and any other affected state and federal agencies' rules and regulations in effect at the time of preliminary **SUBDIVISION** plat submission.
- B. Where stormwater runoff from outside the **SUBDIVISION** or **DEVELOPMENT** historically passes on, over, or through areas of the **SUBDIVISION** or **DEVELOPMENT**, such runoff shall be included in the stormwater system design. The system shall be designed for long life, low cost maintenance by normal methods and provide for optimal on-site detention of stormwater runoff and groundwater recharge in accordance with applicable County and SFWMD regulations.
- C. Any **STRUCTURE** with an outside wall which is closer than ten (10) feet from a side property line shall install properly sized (minimum twenty-four [24]-square inch cross-section) gutters and downspouts to direct stormwater away from neighboring properties and toward front and/or rear swales or retention/detention areas.
- D. In-ground percolation type retention systems such as rock trenches, exfiltration trenches or beds, infiltrator type systems, gallery type systems, etc., shall not be used to achieve water quality retention for residential **SUBDIVISIONS**. Rear **YARD** open retention systems shall likewise not be designed to achieve water quality retention on projects submitted after January 1, 2002. All retention systems for projects designed after January 1, 2002, shall be on common property owned and maintained by a homeowners' association or similar entity.
- E. Any canal which forms a part of the public water management system shall be dedicated for care and maintenance per the requirements of the governmental agency which has jurisdiction. Canals located entirely within the **SUBDIVISION** and which do not form a part of the public water management system shall be dedicated to the public, without the responsibility for maintenance, as a drainage **EASEMENT**. A maintenance **EASEMENT**, of a size acceptable to the County Manager or designee or other governmental agency with maintenance responsibility, shall be provided **ADJACENT** to the established

drainage **EASEMENT**, or the drainage **EASEMENT** created must be of a size suitable for the proposed canal and its maintenance.

#### 6.05.02 **Seawalls and BULKHEADS**

- A. When authorized, the water side of the concrete seawall cap shall be constructed landward of the property boundary and shall be in accordance with the seawall construction regulations, Collier County Ordinance No. 85-2 [Code ch. 22, art. IX], as amended.
- B. The **APPLICANT** shall obtain the requisite approval(s) and permit(s) from the Florida Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers ("COE"), where such approvals are necessary, prior to commencement of construction. A copy of such approval(s) and/or permit(s) must be filed with the County Manager or designee upon receipt.
- C. The construction of seawalls or **BULKHEADS**, in association with water management system lake construction under jurisdiction of SFWMD, shall be in compliance with SFWMD criteria.

### 6.06.00 **TRANSPORTATION SYSTEM STANDARDS**

#### 6.06.01 **STREET System Requirements**

- A. The arrangement, character, and location of all **STREETS** shall conform to the GMP and shall be considered in their relation to existing and proposed **STREETS**, topographical conditions, public convenience, safety, and in their appropriate relation to the proposed uses of the land to be served by such **STREETS**.
- B. The **STREET** layout of all **SUBDIVISIONS** or **DEVELOPMENTS** shall be coordinated with the **STREET** systems of the surrounding areas. **ADJACENT** properties shall be provided with local **STREET** interconnections unless topography, other natural features, or other ordinances/regulations do not allow or require said connections. All **ARTERIAL** or **COLLECTOR STREETS** shall be planned to conform to the GMP. **COLLECTOR** and **ARTERIAL STREETS** within a **DEVELOPMENT** shall not have individual residential **DRIVEWAY** connections. Their location and **RIGHT-OF-WAY** cross-section must be reviewed and approved by the County Manager or designee during the preliminary **SUBDIVISION** plat review process. All **SUBDIVISIONS** shall provide **RIGHT-OF-WAY** in conformance with the GMP and the **RIGHT-OF-WAY** cross-section contained in Appendix B. All **STREETS** shall be designed and constructed to provide for optimum vehicular and pedestrian safety, long service life, and low cost of maintenance.
- C. Every **SUBDIVISION** or **DEVELOPMENT** shall have legal and adequate **ACCESS** to a **STREET** dedicated for public use and which has been accepted for maintenance by or dedicated to the State of Florida or the County, as described in Chapter 10. When a

**SUBDIVISION** or **DEVELOPMENT** does not immediately adjoin such a **STREET**, the **APPLICANT** shall provide **ACCESS** to the **DEVELOPMENT** from a dedicated **STREET** in accordance with these regulations and provide legal documentation that **ACCESS** is available to the project site. All **LOTS** within a **SUBDIVISION** or **DEVELOPMENT** shall be provided legal **ACCESS** to a **STREET** dedicated for public use.

- D. The arrangement of **STREETS** in **SUBDIVISIONS** or **DEVELOPMENTS** may be required to make provision for the continuation of existing or proposed **COLLECTOR** or **ARTERIAL STREETS** to and from adjoining properties, whether developed or undeveloped, and for their proper projection to ensure a coordinated and integrated **STREET** system per requirements of the GMP, this LDC, or other ordinances and regulations. Where a **SUBDIVISION** or **DEVELOPMENT ABUTS** an existing or proposed public **ARTERIAL** or **COLLECTOR STREET**, **BUFFERING** shall be required per Chapter 4.
- E. Rural type roadway cross-sections shall only be considered for permitting on a case-by-case basis. The design of a rural cross-section and its required **RIGHT-OF-WAY** width shall be based on the drainage characteristics of the required swale section and the relationship of the maximum stormwater flow line to the bottom of the subbase course of the roadway. A detailed design report documenting these considerations shall be submitted for review and approval by the County Manager or designee prior to the approval of a rural roadway cross-section.
- F. All public and private **STREETS** requiring a design capacity which exceeds the roadway cross-sections established herein for a minor **COLLECTOR** shall be coordinated by the County Manager or designee prior to the approval of the project's improvement plans and **FINAL SUBDIVISION PLAT**.
- G. Use of local **STREETS** by cut-through traffic shall be discouraged, using methods (like traffic calming) that do not compromise connectivity or reduce the number of **ACCESS** points to the **SUBDIVISION**.
- H. As applicable, the installation of turn lanes, storage lanes, deceleration lanes, parallel service lanes, or any other traffic control improvements necessary to provide safe internal movements or ingress and egress from the **SUBDIVISION** or **DEVELOPMENT** to any existing or proposed **STREET** or highway shall be required.
- I. **ALLEYS** may be provided in industrial, commercial, and residential **SUBDIVISIONS**. **ALLEYS** may be for one-way or two-way traffic. **ALLEYS** for one-way traffic only shall have the appropriate directional and instruction signage installed. **ALLEYS** shall be utilized for secondary **ACCESS** unless otherwise provided in this LDC.

1. Industrial, commercial, and residential **ALLEYS** along the rear **LOT LINES** shall have an **ALLEY EASEMENT** at least twenty-four (24) feet wide containing a vehicular pavement width of at least ten (10) feet.
  2. The **ALLEY** edge of pavement-radius shall be a minimum of fifteen (15) feet and shall be designed for the appropriate design vehicle.
  3. **ALLEY GRADES** shall not exceed five (5) percent or be less than 0.3 percent.
  4. All **ALLEYS** created shall be owned and maintained by a property owners' association or other similar entity and shall be so dedicated on the final plat.
- J. Dead-end **STREETS** shall be prohibited except when designed as a **CUL-DE-SAC**. When a **STREET** is designed to be extended when the **ADJACENT** property is developed, a temporary **CUL-DE-SAC** and **RIGHT-OF-WAY** shall be designed. **CUL-DE-SACS** in excess of 1,000 feet shall not be permitted unless existing topographical conditions or other natural features preclude a **STREET** layout to avoid longer **CUL-DE-SACS**. When conflicts occur between the design standards of this section and Ordinance No. 86-54, the County Fire Protection Code, or its successor ordinance [see Code ch. 58, art. III], the standards of this section shall take precedence.
- K. Where a **SUBDIVISION** or **DEVELOPMENT ABUTS** or contains existing limited **ACCESS** highway, freeway, or **ARTERIAL STREET**, and if **ACCESS** is desired to adjoining property other than **STREET** connections, a marginal **ACCESS STREET** to afford separation of through and local traffic may be required by the County Manager or designee.
- L. Half or partial **STREETS** shall not be permitted except where essential to the reasonable **DEVELOPMENT** of a property in conformance with the circulation plan, the GMP, or the LDC, and, where, in addition, dedication of the remaining part of the required **STREET RIGHT-OF-WAY** is provided. Whenever a property to be developed borders on an existing half or partial **STREET**, the other part of the **STREET** shall be required to be dedicated and constructed within such property. A proposed **DEVELOPMENT** or **SUBDIVISION** that adjoins or includes an existing **STREET** which does not conform to the minimum **RIGHT-OF-WAY** requirements of these regulations shall provide for the dedication of additional **RIGHT-OF-WAY** along either one (1) or both sides of said **STREET** so that the minimum **RIGHT-OF-WAY** requirements of these regulations shall be established.
- M. Limited **ACCESS** strips controlling **ACCESS** to **STREETS** on **ADJACENT PARCELS** shall be prohibited except where approved by the County Manager or designee pursuant to Chapter 10.



- N. Where a **SUBDIVISION** or **DEVELOPMENT** includes or requires **ACCESS** across canals, watercourses, lakes, streams, waterways, channels, or the like, bridges or culverts shall be provided to implement the proposed **STREET** system.
- O. The minimum **RIGHT-OF-WAY** widths to be utilized shall be as follows and, where applicable, shall be clarified by the cross-sections contained in Appendix B, and will be directly related to traffic volume as indicated in the definition of each **STREET** continued herein and, where applicable, clarified by the cross-sections contained in Appendix B. private **STREET RIGHT-OF-WAY** widths and design may be determined on a case-by-case basis in accordance with Chapter 10.

<b>STREET Type</b> All <b>STREETS</b>	Feet	R/W Lane lanes	Width* Width	Number of feet
<b>CUL-DE-SAC</b>	60	2		10
Local	60	2		10
Minor collector	80	2		11--12
Minor collector (divided)	80--100	2		11--12
Major collector or minor arterial*	As determined for median and turn lanes	4		11--12

Note: Any rural cross-sections approved may require expanded **RIGHT-OF-WAY** widths for additional shoulder and swale facilities. Design to be approved on a case-by-case basis.

\*If an **ALLEY** is utilized, the **RIGHT-OF-WAY** width may be reduced upon approval of the transportation services administrator.

P. Landscaping and **BUFFERS**:

1. All existing and future public and private **RIGHT-OF-WAY** that are designed parallel to each other or to the boundary of a **SUBDIVISION** or **DEVELOPMENT**, with no **BUILDING LOTS** separating them from other **RIGHT-OF-WAY** or the project boundary, shall be separated by a **LANDSCAPE BUFFER**, pursuant to section 4.06.00. The **BUFFER** area in these cases shall be separately designated on the **FINAL SUBDIVISION PLAT** as a tract or **EASEMENT** and shall be dedicated on the **FINAL SUBDIVISION PLAT** cover sheet to the appropriate property owners' association or like entity for operation, maintenance, and upkeep purposes.
2. All **RIGHT-OF-WAY** and **EASEMENTS** for **STREETS**, avenues, roads, drives, and the like shall be planted with trees, grass, or other suitable vegetation on both sides in accordance with the specifications, limitations, procedures, types, and intervals set forth

in the appropriate County regulations and requirements, including, but not limited to, section 4.06.00 and the **RIGHT-OF-WAY** Construction Handbook, Ordinance No. 82-91, as amended [superseded by ordinance found in Code ch. 110, art.II]. All unpaved areas within **RIGHT-OF-WAY** shall be stabilized by seed or sodding of cultivated grass species suitable to the area. The sodding of a one (1) foot-wide strip along the back of curb or edge of pavement shall be mandatory for all roadway construction. The flow line of all swale sections approved for use by the County Manager or designee shall also be sodded as required for erosion control.

3. Median strips which are part of the publicly dedicated or deeded **RIGHT-OF-WAY** shall not be utilized for any purpose other than by the County or a public utility. When an **APPLICANT** desires to beautify a public median strip in a **SUBDIVISION**, the **APPLICANT** may do so in accordance with the guidelines established in section 4.06.00 of this LDC to allow placing of grass, shrubs, and trees in general within the median strip under a **RIGHT-OF-WAY** permit after submission and approval of landscaping plans. Selection of landscaping within the public or private median shall be based on accepted traffic safety standards and the prevention of interference with maintenance requirements of utilities within a median. Upon completion of the median improvements, the landscaping shall be maintained by a property owners' association, a **CONDOMINIUM** association, cooperative association, or other like or similar entity.
4. **SUBDIVISION** or **DEVELOPMENT** entranceways consisting of habitable or uninhabitable **STRUCTURES**, walls, fences, gates, rock piles, or the like are not permitted within the median strip of a publicly dedicated **RIGHT-OF-WAY**. Decorative entranceways may be constructed upon property **ADJACENT** to a **RIGHT-OF-WAY** in compliance with this LDC and shall be placed so as to not interfere with any cross-corner or stopping sight distance or constitute a traffic hazard. Any improvements within private **RIGHT-OF-WAY** shall not be placed over any underground improvements without the prior written consent of the owner of the improvements. Upon completion of the entranceway, all improvements shall be maintained by the property owners' association, **CONDOMINIUM** association, cooperative association, or other similar entity.
5. **LANDSCAPE BUFFERS**, when required by section 4.06.00 or other County regulation, shall be in addition to the required **RIGHT-OF-WAY** width and shall be designated as a separate **BUFFER** tract or **EASEMENT** on the final **SUBDIVISION** plat. The minimum **BUFFER** width shall be in conformance with section 4.06.00. In no case shall the required **BUFFER** be constructed to reduce cross-corner or stopping sight distances, or safe pedestrian passage. All

**BUFFER** tracts or **EASEMENTS** shall be owned and maintained by a property owners' association or other similar entity and shall be so dedicated on the final **SUBDIVISION** plat.

Q. **STREET** names.

1. **STREET** name markers and traffic control devices shall be provided by the developer at intersections and locations designated by the County Manager or designee for all affected **STREETS**, whether the **STREETS** are existing or proposed. Such markers and traffic control devices shall be installed and constructed by the **APPLICANT** to the **APPLICANT'S** engineer's specifications approved by the County Manager or designee for private **STREETS** or in conformance with standards and recommendations set forth in the latest edition of the U.S.D.O.T.F.H.W.A. Manual on Uniform Traffic Control Devices for public **STREETS**. The County Manager or designee shall accept alternative specifications on public **STREET** signage where an acceptable maintenance agreement has been provided. Alternate specifications for private **STREET** signage where a property owners' association or other entity has maintenance responsibility shall be approved by the County Manager or designee.
  2. Proposed **STREETS** which are in alignment with other existing and named **STREETS** shall bear the same name of the existing **STREET**. All **STREET** names shall have a suffix (i.e., **STREET**, avenue, boulevard, drive, place, court, etc.) and in no case, except as indicated in the preceding sentence, shall the name of the proposed **STREET** duplicate or be phonetically similar to an existing **STREET** name regardless of the use of the suffix.
  3. All **STREET** names shall be subject to approval by the County Manager or designee during the preliminary **SUBDIVISION** plat approval process.
- R. Pavement painting and striping and/or appropriate reflective edge of public roadway markings shall be provided by the developer as required by the U.S.D.O.T.F.H.W.A. Manual on Uniform Traffic Control Devices. Where concrete valley gutters border the edge of pavement and for private roadways, this requirement may be waived by the County Manager or designee.
- S. Traffic control devices shall be provided by the developer when the engineering study indicates traffic control is justified at any **STREET** intersection within the **SUBDIVISION** or **DEVELOPMENT** or where the additional traffic flow results from the proposed **SUBDIVISION** or **DEVELOPMENT** onto any **COLLECTOR** or **ARTERIAL STREET**. Traffic control devices are subject to County approval. If more than one (1) **DEVELOPMENT** or **SUBDIVISION** is involved, each shall be required to make a pro rata contribution for the installation cost of the

traffic control devices. The cost of all required traffic control devices shall be included in the amount of **SUBDIVISION** performance security furnished for the required improvements.

**6.06.02 SIDEWALKS and BIKE LANE Requirements**

A. The developer must construct **SIDEWALKS** and **BIKE LANES**, where applicable, as described below, unless otherwise exempted from the **SUBDIVISION** regulations of this LDC. **SIDEWALKS** and **BIKE LANES**, where applicable, must be constructed contiguous to public and private roadways, which are **ADJACENT** to and internal to the site, in conformance with the following criteria:

1. **BIKE LANES** must be provided on both sides of **COLLECTOR** and **ARTERIAL STREETS**.
2. **SIDEWALKS** six (6) feet in width must be provided on both sides of **COLLECTOR** and **ARTERIAL STREETS**.
3. **SIDEWALKS** five (5) feet in width must be provided on both sides of local **STREETS**.
4. For multi-family site **DEVELOPMENT** and site improvement projects, districts RT, RMF-6, RMF-12, and RMF-16 and all multi-family residential components of PUD districts; **SIDEWALKS**, five feet in width, must be provided on both sides of local **STREETS** with a dedicated public **RIGHT-OF-WAY** or roadway **EASEMENT**. Where there is no public **RIGHT-OF-WAY** or roadway **EASEMENT**, **SIDEWALKS** must connect on-site residential **BUILDING(s)** to a **SIDEWALK** within a public roadway or, if no **SIDEWALK** exists, to the **RIGHT-OF-WAY** line in accordance with Code standards contained herein. Should a two-directional shared use path be utilized, the minimum paved width must be ten feet.
5. All **SIDEWALKS** and **BIKE LANES** along public and private roadways must be constructed in accordance with design specifications identified in section 4.03.05 and section 5.05.08 of this LDC.
6. All bicycle lanes must have signage and be marked in accordance with the latest edition of the U.S.D.O.T.F.H.W.A. Manual on Uniform Traffic Control Devices.

B. **DEVELOPMENTS** providing interconnections to existing and future **DEVELOPMENTS** pursuant to the **DENSITY** rating system section of the GMP must include sufficient **RIGHT-OF-WAY** to accommodate the roadway, **SIDEWALKS** and **BIKE LANES**, where required. **BIKE LANES** and **SIDEWALKS** must be constructed concurrently with the roadway interconnection.

C. Where planned **RIGHT-OF-WAY** improvements by the County Transportation Division scheduled in the capital improvements program (CIP) would cause the removal of any **SIDEWALKS** or **BIKE**

**LANES**, the developer, in lieu of construction of the required **SIDEWALKS** and **BIKE LANES**, must provide funds for the cost of **SIDEWALK** and **BIKE LANE** construction as defined by the Schedule of **DEVELOPMENT** of Review and **BUILDING** Permit Fees into a **PATHWAY** fund approved by the County Manger or designee, for future construction of required **SIDEWALKS** and **BIKE LANES**, by the County. The time frame for this funding option is two years from the date of issuance of the first **BUILDING** permit to the date that the road construction is required to be bid.

D. **SIDEWALK** Construction/Materials. All **SIDEWALKS** shall be constructed of Portland cement concrete, or paver brick in conformance with the standard **RIGHT-OF-WAY** cross sections contained in appendix B in locations illustrated on an approved site **DEVELOPMENT PLAN**.

1. Concrete **SIDEWALKS** shall be four-inch-thick, Portland cement concrete with a 28-day compressive strength of 3,000 psi. Expansion joints shall be one-half-inch preformed bituminous conforming to the latest edition of ASTM. Contraction joints shall be saw-cut joints with longitudinal spacing equal to the width of the walk. The saw cut depth shall equal or exceed one-fourth the concrete thickness. All workmanship materials, methods of placement, curing, forms, foundation, finishing, etc. shall be in conformance to the latest edition of FDOT Standard Specifications for Road and Bridge Construction, section 522. Paver brick, **SIDEWALKS**, or paver brick accents in **SIDEWALKS** must be installed over a four inch thick, compacted limerock base.

2. All **BIKE LANES** shall be designed, constructed, and signed in accordance with the most current "Florida Bicycle Facilities Design Standards and Guidelines" requirements

### 6.06.03 Streetlights

A. Streetlights shall be designed and installed utilizing the guidelines of the IES standards for each **STREET** intersection, at required intervals along each **STREET** not to exceed 400 feet and at the end of each **CUL-DE-SAC**, and may be required at intervals along each **STREET**. Such lights may be required on interior **STREETS**, **ALLEYS**, boundary **STREETS**, **ACCESS** paths, and the like. The standards for this **STREET** lighting are: (per IESNA RP-8-00):

1. A minimum of 1.4 foot candles at the center of each internal project intersection is required.
2. A minimum of 1.4 foot candles along internal roadways is recommended but not required.

- B. At the entry/exit of any **SUBDIVISION** located on a County **COLLECTOR** or **ARTERIAL STREET**, the following standards shall apply:
  - 1. At the points where the edges of pavement of the entrance road meet the **RIGHT-OF-WAY** line, the illumination level shall be a minimum of 2.0 foot candles.
  - 2. At the centerline of the entrance road and a minimum of **RIGHT-OF-WAY** line, the illumination level shall be a minimum of 3.5 foot candles.
- C. All light levels shall be measured at a minimum of approximately four (4) feet above the pavement on a moonless night.
- D. Wherever, in the opinion of the County Manager or designee, based on an engineer's determination, a dangerous condition is created by sharp curves, irregularities in **STREET** alignment, or other similar circumstances, additional lights may be required. Streetlights and mounting poles shall be wired for underground service. All conduits and casing to be placed under the roadway required for the lights must be installed during each construction phase prior to roadway subbase completion. Streetlights shall be designed and installed in either of two (2) ways:
  - 1. Where streetlights are to be installed on **PRIVATE STREETS**, the developer, through an electrical engineer registered in the State of Florida, shall design and install the **STREET** lighting system subject to the approval of the County Manager or designee. Upon completion of the streetlights, they shall be owned, operated, and maintained by the property owners' association, a **CONDOMINIUM** association, cooperative association, or other similar entity, or the public utility furnishing the electric service.
  - 2. Where the streetlights are to be installed on **PUBLIC STREETS**, the developer may elect to initiate a municipal services benefit or taxing unit in coordination with the County Manager or designee in order to provide **STREET** lighting. If the municipal services benefit or taxing unit is approved by the BCC, the County Manager or designee shall authorize the public utility to design, install, and maintain the **STREET** lighting system at no cost to the County's general fund. If no municipal services benefit or taxing unit is created for public **STREETS**, the provision of this section shall govern the design, construction, and maintenance of streetlights.

#### 6.06.04 **Bridges**

- A. Bridges shall be designed in accordance with current Florida Department of Transportation practices or appropriate specifications by the **APPLICANT'S** structural engineer and may be required to include provisions for utility installations and will require **SIDEWALKS** on both

sides of the bridge. The bridge shall be designed by a Florida professional engineer and is subject to the approval of the County Manager or designee and those other agencies having jurisdiction over the proposed facilities. Generally, bridges shall be designed as reinforced concrete, however, other low maintenance materials may be used upon request and approval, when supported by a design report prepared by the **APPLICANT'S** professional engineer which provides particular assurance relative to the integrity of the materials to be utilized.

- B. At a minimum, the width of all bridges shall be required to incorporate a clear roadway width equaling the travel lane width plus two (2) feet to the curb and six (6) foot **SIDEWALKS**; however, variations may be considered pursuant to Chapter 10. Bridge width shall vary with the classification of the roadway section to be carried. All bridge **STRUCTURES** shall be designed for H-20 loading, incorporating adequate corrosion and erosion protection.

#### 6.06.05 Clear Sight Distance

- A. Where an accessway intersects a **RIGHT-OF-WAY** or when a property **ABUTS** the intersection of two (2) or more **RIGHT-OF-WAY**, a minimum safe sight distance triangular area shall be established. Any vegetation within this area shall be planted and maintained in a way that provides unobstructed visibility at a level between thirty (30) inches and eight (8) feet above the crown of the **ADJACENT** roadway. Landscaping shall be located in accordance with the roadside recovery area provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of **STREETS** and Highways (DOT Green Book) where appropriate. Posts for illuminating fixtures, traffic control, and **STREET** name **SIGNS** shall also be permitted, so long as the **SIGN** or equipment is not within the prescribed clear space.
- B. Where an accessway enters a **RIGHT-OF-WAY**, two (2) safe distance triangles shall be created diagonally across from each other on both sides of the accessway. Two (2) sides of the triangle shall extend ten (10) feet each way from the point of intersection from the edge of pavement and the **RIGHT-OF-WAY** line. The third side of the triangle shall be a line connecting the ends of the other two (2) sides.
- C. Where a property **ABUTS** the intersection of two (2) **RIGHT-OF-WAY**, a safe distance triangle shall be created. Two (2) sides of the triangle shall extend thirty (30) feet along the **ABUTTING RIGHT-OF-WAY** lines, measured from the point of intersection. The third side of the triangle shall be a line connecting the ends of the other two (2) sides.

- D. The developer shall comply with all of the provisions of the applicable landscape requirements and section 4.06.00 at the time of **SUBDIVISION** or **DEVELOPMENT** approval or when applicable.
- E. On a corner **LOT** in all zoning districts, no fence, wall, hedge, planting, or **STUCTURE** shall be erected, planted, or allowed to grow in such a manner as to obstruct vision between a height of thirty (30) inches and eight (8) feet above the centerline **GRADES** of the intersecting **STREETS** in the area bounded by the **RIGHT-OF-WAY** lines of such corner **LOTS** and a line joining points along said **RIGHT-OF-WAY** lines twenty-five (25) feet from the point of intersection. Parking is prohibited in this area. Trees are permitted, so long as the foliage is cut away and maintained within the thirty (30)-inch and eight (8)-foot clearance requirement. Posts for illuminating fixtures, traffic control, fences and **STREET** name **SIGNS** are permitted, so long as the **SIGN** or equipment is not within the prescribed clear space and the fence does not visually impede the clear sight of the intersection.



**CHAPTER 7 – [RESERVED]**

## **CHAPTER 8**

### **DECISION-MAKING AND ADMINISTRATIVE BODIES**

#### **8.01.00 GENERALLY**

#### **8.02.00 BOARD OF COUNTY COMMISSIONERS**

##### **8.02.01 Powers and Duties**

#### **8.03.00 PLANNING COMMISSION**

##### **8.03.01 Establishment; Powers and Duties**

##### **8.03.02 Membership**

##### **8.03.03 Quorum and Voting**

##### **8.03.04 Rules of Procedure**

##### **8.03.05 Compensation**

##### **8.03.06 Meetings**

##### **8.03.07 Staff**

#### **8.04.00 BOARD OF ZONING APPEALS**

##### **8.04.01 Establishment; Powers and Duties**

##### **8.04.02 Membership**

##### **8.04.03 Quorum and Voting**

##### **8.04.04 Rules of Procedure**

##### **8.04.05 Compensation**

##### **8.04.06 Meetings**

#### **8.05.00 BUILDING BOARD OF ADJUSTMENTS AND APPEALS**

##### **8.05.01 Establishment and Purpose**

##### **8.05.02 Powers and Duties**

##### **8.05.03 Membership**

##### **8.05.04 Quorum**

##### **8.05.05 Rules of Procedure**

#### **8.06.00 ENVIRONMENTAL ADVISORY COUNCIL**

##### **8.06.01 Establishment**

##### **8.06.02 Purpose**

##### **8.06.03 Powers and Duties**

##### **8.06.04 Membership**

- 8.06.05 Quorum and Voting**
- 8.06.06 Rules of Procedure**
- 8.06.07 Compensation**
- 8.06.08 Meetings**
- 8.06.09 Evaluation of the EAC**
- 8.07.00 HISTORIC/ARCHAEOLOGIC PRESERVATION BOARD**
  - 8.07.01 Establishment**
  - 8.07.02 Powers and Duties**
  - 8.07.03 Membership**
  - 8.07.04 Compensation**
  - 8.07.05 Meetings**
- 8.08.00 CODE ENFORCEMENT BOARD**
- 8.09.00 COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION**
  - 8.09.01 Creation and Appointment of the Community Development and Environmental Services Administrator**
  - 8.09.02 Jurisdiction, Authority and Duties**

## CHAPTER 8 – DECISION-MAKING AND ADMINISTRATIVE BODIES

### 8.01.00 GENERALLY

[Reserved]

### 8.02.00 BOARD OF COUNTY COMMISSIONERS.

#### 8.02.01 Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the Board of County Commissioners (BCC) shall have the following powers and duties:

- A. To initiate, hear, consider, and adopt amendments to the text of the Collier County Growth Management Plan (GMP) or the Unified Development Code (LDC);
- B. To initiate, hear, consider and adopt amendments to the future land use map of the Collier County GMP or the official zoning atlas of the LDC;
- C. To designate and appoint hearing officers to make decisions as the BCC may deem appropriate;
- D. To act to ensure compliance with **DEVELOPMENT ORDERS** or permits as approved and issued;
- E. To establish reasonable fees to be paid by **APPLICANTS** to recoup the County's expenses and other costs, and to reimburse the County for the administrative time and effort spent in accepting, processing, reviewing, or enforcing **DEVELOPMENT ORDERS, DEVELOPMENT** permits, or any other **DEVELOPMENT** approvals or applications; and
- F. To take such other action not delegated to the Planning Commission, the Board of Zoning Appeals, the Building Board of Adjustments and Appeals, or the heads of County departments, County divisions and County sections as the BCC may deem desirable and necessary to implement the provisions of the Collier County GMP, the LDC, and any other legitimate governmental interest.

### 8.03.00 PLANNING COMMISSION.

#### 8.03.01 Establishment; Powers and Duties

There is hereby established a Planning Commission, which shall have the following powers and duties:

- A. To serve as the local planning agency (LPA), and land **DEVELOPMENT** regulation commission as required by §§ 163.3174 and 163.3194, F.S.;

- B. To prepare, or cause to be prepared, the Collier County GMP, or element or portion thereof, and to submit to the BCC an annual report recommending amendments to such plan, element, or portion thereof;
- C. To prepare, or cause to be prepared, the ILDC to implement the Collier County GMP, and to submit to the BCC an annual report recommending amendments to the LDC;
- D. To initiate, hear, consider, and make recommendations to the BCC on applications for amendment to the text of the Collier County GMP and the LDC;
- E. To initiate, review, hear, and make recommendations to the BCC on applications for amendment to the future land use map of the Collier County GMP or the official zoning atlas of the LDC;
- F. To hear, consider, and make recommendations to the BCC on applications for **CONDITIONAL USE** permits;
- G. To make its special knowledge and expertise available upon reasonable written request and authorization of the BCC to any official, department, board, commission, or agency of the County, state, or federal governments;
- H. To recommend to the BCC additional or amended rules of procedure not inconsistent with this section to govern the Planning Commission's proceedings;
- I. To perform those functions, powers and duties of the Planning Commission as set forth in chapter 67-1246, Laws of Florida, incorporated herein and by reference made a part hereof, as said chapter has been or may be amended; and
- J. To consider and take final action regarding preliminary **SUBDIVISION** plats processed pursuant to the provisions of section 4.03.00.

### 8.03.02 Membership

#### A. *Qualifications.*

- 1. Members of the Planning Commission shall be permanent residents and qualified electors of Collier County.
- 2. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to **APPLICANTS** who have experience or who have shown interest in the area of planning, zoning, and related fields. Further consideration in the appointment of Planning Commission members shall be made so as to provide the Planning Commission with the needed technical, professional, business, and/or administrative expertise to accomplish the duties and functions of the Planning Commission as set forth in this LDC.

3. The appointment of all members to the Planning Commission shall be by resolution of the BCC. In the event that any member is no longer a qualified elector or is convicted of a felony or an offense involving moral turpitude while in office, the BCC shall terminate the appointment of such person as a member of the Planning Commission.
  4. A representative of the school district, appointed by the school board, shall serve as a non-voting member of the Planning Commission unless the BCC grants voting status to the school district representative. The school district member of the Planning Commission shall attend those Planning Commission meetings at which GMP amendments and rezoning that would, if approved, increase **RESIDENTIAL DENSITY** of the property that is the subject of the application being considered.
- B. *Appointment.* The Planning Commission shall be composed of nine (9) members to be appointed by the BCC. All reappointments to the Planning Commission shall be made so as to achieve the following geographical distribution of membership:
1. One member: County Commission District No. 4.
  2. Two members: County Commission District No. 1.
  3. Two members: County Commission District No. 2.
  4. Two members: County Commission District No. 3.
  5. Two members: County Commission District No. 5 (one from Immokalee).
  6. One member: Appointed by the school district.
- C. *Term.* Each appointment or reappointment shall be for a term of four (4) years. Each appointment and reappointment shall be made so that the terms of any two (2) members from a single commission district shall not expire in the same year.
- D. *Reappointment.* A member may be reappointed by the BCC for only one (1) successive term, unless there are no other qualified **APPLICANTS** for the member's position. Appointments to fill any vacancy on the Planning Commission shall be for the remainder of the unexpired term of office.
- E. *Removal from office.*
1. Any member of the Planning Commission may be removed from office by a four-fifths vote of the BCC, but such member shall be entitled to a public hearing and reconsideration of the vote if he so requests in writing within thirty (30) days of the date on which the vote is taken.

2. If any member of the Planning Commission fails to attend two (2) consecutive Planning Commission meetings without cause, the Planning Commission shall declare the member's office vacant and the vacancy shall be filled by the BCC.

F. *Officers.* The membership of the Planning Commission shall elect a chairman and vice-chairman from among the members. Officers' terms shall be for one (1) year, with eligibility for reelection.

#### **8.03.03 Quorum and Voting**

The presence of five (5) or more members shall constitute a quorum of the Planning Commission necessary to take action and transact business. In addition, a simple majority vote of at least five (5) members present and voting shall be necessary in order to forward a formal recommendation of approval, approval with conditions, denial, or other recommendation to the BCC.

#### **8.03.04 Rules of Procedure**

- A. The Planning Commission shall, by a majority vote of the entire membership, adopt rules of procedure for the transaction of business, and shall keep a record of meetings, resolutions, findings, and determinations. The Planning Commission may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.
- B. The Planning Commission may, from time to time, adopt and amend bylaws and rules of procedure not inconsistent with the provisions of these regulations. Such proposed rules of procedure shall be considered as if they were amendments to this LDC.

#### **8.03.05 Compensation**

The members of the Planning Commission shall serve without compensation, but may be reimbursed for such travel, mileage, and/or per diem expenses as may be authorized by the BCC.

#### **8.03.06 Meetings**

- A. In order to provide convenience and promote public participation, meetings of the Planning Commission shall be held in the Immokalee area when matters pending before the Planning Commission are of sufficient concern to the Immokalee area to warrant such a meeting. The Planning Commission shall, by majority vote, make such determination at one (1) of its regularly scheduled meetings well enough in advance to allow sufficient time to advertise such Immokalee meeting. All other meetings shall be held at the Collier County Government Center, Naples, Florida, unless otherwise specified by the Planning Commission or the BCC.
- B. All meetings and hearings of the Planning Commission shall be open to the public.

### 8.03.07 Staff

The community **DEVELOPMENT** services division shall be the professional staff of the planning commission.

## 8.04.00 BOARD OF ZONING APPEALS

### 8.04.01 Establishment; Powers and Duties

There is hereby established a Board of Zoning Appeals "BZA", which shall have the following powers and duties:

- A. To hear, review, and approve, approve with conditions, or deny zoning variances, **CONDITIONAL USES**, **NONCONFORMING** use amendments, **FLOOD** variances, and off-**STREET** parking and shared parking agreements in accordance with the terms of these regulations;
- B. To hear, review, and approve, approve with conditions, or deny appeals from interpretations made by the County Manager or designee pertaining to the Collier County GMP, the future land use map, the LDC, or the official zoning atlas by the County Manager or designee;
- C. To make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, or commission of the County.
- D. To recommend to the BCC additional or amended rules of procedure not inconsistent with the LDC to govern the BZA's proceedings; and
- E. To perform those functions, powers and duties of the BZA as set forth in chapter 67-1246, Laws of Florida, incorporated herein and by reference made a part hereof, as said chapter has been or may be amended.

### 8.04.02 Membership

- A. *Qualifications.* Members of the BZA shall be qualified electors in Collier County and residents of the County for two (2) years prior to appointment. In the event that any member is no longer a qualified elector or is convicted of a felony or an offense involving moral turpitude while in office, the BCC shall terminate the appointment of such person as a member of the BZA.
- B. *Appointment.* The BCC may appoint a Board or Boards of Zoning Appeals for its planning area or areas, or may act as such Board or Boards of Zoning Appeals itself. Boards of Zoning Appeals shall have not less than five (5) nor more than ten (10) members. Not more than two (2) members of a BZA may be members of the Planning Commission.
- C. *Terms.* Terms of office of members of the BZA shall be for not less than two (2) nor more than four (4) years, and not more than a minority of such members' terms shall expire in any one (1) year.



- D. *Removal.* Any member of a BZA may be removed from office for just cause by four-fifths vote of the full membership of the BCC, but such member shall be entitled to a public hearing if he so requests in writing within thirty (30) days of the date upon which the vote is taken.
- E. *Vacancy.* Wherever a vacancy occurs on a BZA which reduces the membership of the BZA below five (5) members, the BCC shall fill such vacancy for the remainder of the term, within thirty (30) days after the vacancy occurs. No meetings of a BZA shall be held when the membership is less than five (5) members.
- F. *Officers.* Boards of Zoning Appeals shall elect a chairman and vice-chairman from among the members, and may create and fill such other offices as are determined to be necessary. Terms of all offices shall be for one (1) year, with eligibility for reelection.

**8.04.03 Quorum and Voting**

No meeting of the BZA shall be called to order, nor may any business be transacted by the BZA, without a quorum consisting of at least three (3) members of the BZA being present. All actions shall require a simple majority of the members of the BZA then present and voting, except for **CONDITIONAL USES**, which require four (4) affirmative votes.

**8.04.04 Rules of Procedure**

- A. Boards of Zoning Appeals shall adopt rules for the transaction of business, and shall keep a record of resolutions, transactions, findings, and determinations. Boards of Zoning Appeals may provide for transcription of such hearings and proceedings, or portion of hearings and proceedings, as may be deemed necessary. All such records shall be public records.
- B. Boards of Zoning Appeals may, subject to the approval of the BCC and within the financial limitations set by appropriations made or other funds available, employ such experts, technicians, and staff as may be deemed proper, pay their salaries, and make such other expenditures as are necessary to conduct the work of the BZA and effectuate its purposes.
- C. The BCC is hereby authorized and empowered to make such appropriations as it may see fit for the conduct of the work of the BZA. The BCC is authorized and empowered to establish a schedule of fees, charges, and expenses, and a collection procedure therefor.
- D. The BZA may, from time to time, adopt and amend bylaws and rules of procedure not inconsistent with the provisions of these regulations. Such proposed rules of procedure shall be considered as if they were amendments to this LDC.

**8.04.05 Compensation**

Members of the BZA may receive such travel and other expenses while on official business for the BZA as are made available by the BCC for these purposes.

#### **8.04.06 Meetings**

- A. Meetings of the BZA shall be held as needed to dispose of matters properly before the BZA and may be called by the chairman or in writing by three (3) members of the BZA.
- B. The location of meetings shall be in County offices in Naples, Florida. If a matter is postponed due to lack of a quorum, the chairman shall continue the meeting as a special meeting to be held within seven (7) days thereafter. In case of delays caused by other reasons, the hearing shall be rescheduled to the next BZA meeting. The secretary shall notify all members of the date of the continued hearing and also shall notify all parties.
- C. All meetings and hearings of the BZA shall be open to the public.

### **8.05.00 BUILDING BOARD OF ADJUSTMENTS AND APPEALS**

#### **8.05.01 Establishment and Purpose**

- A. There is hereby established a Building Board of Adjustments and Appeals ("Building Board").
- B. The purpose of the Building Board is to provide a decision-making body through which an owner of a **BUILDING** or **STRUCTURE**, or his duly **AUTHORIZED AGENT**, may appeal the rejections or refusal of the building official to approve the mode or manner of construction proposed to be followed, or materials to be used, in the erection or **ALTERATION** of that **BUILDING** or **STRUCTURE**, or when it is claimed that the provisions of the Florida Building Code and Florida Fire Prevention Code, as listed in Chapter One, do not apply, or that an equally good or more desirable form of construction can be employed in a specific case, or when it is claimed that the true intent and meaning of such codes, or any of the regulations thereunder, have been misconstrued or wrongly interpreted by the building official.

#### **8.05.02 Powers and Duties**

The Building Board shall have the following powers and duties:

- A. To review and approve, with or without modifications or conditions, or deny an appeal from a decision of the building official with regard to a variance from the mode or manner of construction proposed to be followed, or materials to be used, in the erection or **ALTERATION** of a **BUILDING** or **STRUCTURE**, or when it is claimed that the provisions of the Florida Building Code and Florida Fire Prevention Code, as listed in Chapter One, do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of such building

- codes and technical codes or any of the regulations thereunder, have been misconstrued or wrongly interpreted by the building official;
- B. To accept appeals and render decisions pursuant to interlocal agreements between the County and independent fire districts which have entered into such agreements;
  - C. To recommend to the BCC additional or amended rules of procedure not inconsistent with this LDC to govern the Building Board's proceedings; and
  - D. To make its special knowledge and expertise available upon reasonable written request and authorization of the BCC to any official, department, board, commission, or agency of the County, state, or federal governments.

#### **8.05.03 Membership**

- A. *Qualifications.* The Building Board shall be composed of five (5) regular members appointed by the BCC. The Collier County Fire Marshall's Association may recommend for consideration by the BCC those two (2) members, one (1) of whom would be an architect or engineer, and one (1) of whom must be a fire protection specialist. The Building Board shall consist of members engaged in the following occupations who, by reason of education, experience, and knowledge, are deemed to be competent to sit in judgment on matters concerning the Florida Building Code and Florida Fire Prevention Code, as listed in Chapter One:
  - 1. One (1) state-licensed architect or one structural engineer;
  - 2. One (1) class A general contractor;
  - 3. One (1) state-certified fire protective equipment contractor or state-certified firefighter with the rank of lieutenant or higher, or state certified fire safety inspector with the rank of lieutenant or higher;
  - 4. One (1) licensed electrical contractor; and
  - 5. One(1) licensed plumbing or mechanical contractor.
- B. *Term.* The members shall serve for a term of four (4) years, except for initial appointees who shall serve as follows: two (2) for a term of one (1) year; two (2) for a term of two (2) years; one (1) for a term of three (3) years.

#### **8.05.04 Quorum**

Three (3) members of the Building Board shall constitute a quorum. In varying the application of any provision of the Florida Building Code and Florida Fire Prevention Code, or in modifying an order of the building official or the public safety administrator, an affirmative vote of not less than three (3) Building Board members shall be required.

**8.05.05 Rules of Procedure**

- A. The Building Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of the Collier County Building Code.
- B. The building official shall act as secretary of the Building Board and shall make a detailed record of all its proceedings, which shall include, but shall not be limited to, all **APPEAL** decisions, the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

**8.06.00 ENVIRONMENTAL ADVISORY COUNCIL**

**8.06.01 Establishment**

There is hereby established an Environmental Advisory Council ("ECA") which. The EAC obtains its jurisdiction, powers, and limits of authority from the BCC, and pursuant to this LDC, shall act in an advisory capacity to the BCC in matters dealing with the regulation, control, management, use, or exploitation of any or all natural resources of or within the County, and the review and evaluation of specific zoning and **DEVELOPMENT** petitions and their impact on those resources.

**8.06.02 Purpose**

The EAC will function to:

- A. Advise on the preservation, conservation, protection, management, and beneficial use of the physical and biological natural resources (atmospheric, terrestrial, aquatic, and hydrologic) of the County in regard to the safety, health, and general well-being of the public;
- B. Advise and assist the County staff and the BCC toward developing the purpose, intent, and criteria of all County ordinances, policies, programs, and other initiatives dealing with natural resources;
- C. Provide written and oral reports directly to the BCC regarding recommendations on matters dealing with the protection of natural resources; and
- D. Review and recommend stipulations addressing the preservation, conservation, protection, management, and beneficial use of the County's physical and biological natural resources (atmospheric, terrestrial, aquatic, and hydrologic) for petitions and/or plans for selected **DEVELOPMENT ORDERS**, including, but not limited to, rezones, **DEVELOPMENTS** of regional impact, provisional uses, **SUBDIVISION** master plans, and planned unit **DEVELOPMENT** amendments that are directed to the EAC by County staff, the BCC, or the provisions of this LDC.

**8.06.03 Powers and Duties**

The powers and duties of the EAC are as follows:

- A. Identify, study, evaluate, and provide technical recommendations to the BCC on programs necessary for the conservation, management, and protection of air, land, and water resources and **ENVIRONMENTAL QUALITY** in the County;
- B. Advise the BCC in establishing goals and objectives for the County's environmental conservation and management programs;
- C. Advise the BCC in developing and revising, as appropriate, local rules, ordinances, regulations, programs, and other initiatives addressing the use, conservation, and preservation of the County's natural resources;
- D. Advise the BCC in the implementation and **DEVELOPMENT** of the GMP regarding environmental and natural resource issues;
- E. Advise the BCC in identifying and recommending solutions to existing and future environmental issues;
- F. Serve as the technical advisory committee to advise and assist the County in the activities involved in the **DEVELOPMENT** and implementation of the County environmental resources management program as stated in the Collier County GMP;
- G. Implement the water policy pursuant to this LDC;
- H. Provide an opportunity for public comment on environmental issues, ordinances, and programs;
- I. Implement the provisions of the Conservation and Coastal Management Element of the Collier County GMP during the review process for **DEVELOPMENT** petitions and/or plans;
- J. Participate in the review and recommendation process for excavations over 500,000 cubic yards,;
- K. Assist in the implementation of any new programs, ordinances, and/or policies adopted by the BCC which deal with the conservation, management, and protection of air, land, water, and natural resources and **ENVIRONMENTAL QUALITY** in the County;
- L. Provide an appellate forum and process to hear disputes between County staff and **APPLICANTS** concerning land **DEVELOPMENT** projects and recommend proposed stipulations for project approval or grounds for project denial for BCC consideration;
- M. Function as an **ENVIRONMENTAL IMPACT STATEMENT (EIS)** review board pursuant to Chapter 10; and
- N. All preliminary **SUBDIVISION** plat and/or site **DEVELOPMENT PLAN** submissions for **DEVELOPMENT** or site **ALTERATION** on a **SHORELINE** and/or undeveloped coastal barrier shall be reviewed and a recommendation shall be made for approval, approval with conditions or denial by the EAC.

1. An **APPLICANT** aggrieved by action of the EAC may appeal to the BZA. Said appeal shall be in accordance with the procedure and standards of section 10.02.02 for appeal of written interpretations.

#### 8.06.04 Membership

- A. *Appointment.* Nine (9) members of the EAC shall be appointed by, and serve at the pleasure of, the BCC. Appointment to the EAC shall be by resolution of the BCC and shall set forth the date of appointment and the term of office. Each appointment or reappointment shall be for a term of four (4) years. Terms shall be staggered so that no more than a minority of such members' appointments will expire in any one (1) year.
- B. *Vacancies.* Vacancies on the EAC shall be publicized in a publication of general circulation within the County, and vacancy notices shall be posted in the County libraries and County courthouse.
- C. *Qualifications.* Members shall be permanent residents and electors of the County and should be reputable and active in community service. The primary consideration in appointing EAC members shall be to provide the BCC with technical expertise and other viewpoints that are necessary to effectively accomplish the EAC's purpose. In appointing members, the BCC should consider a membership guideline of six (6) technical members and three (3) non-technical members. Technical members shall demonstrate evidence of expertise in one (1) or more of the following areas related to environmental protection and natural resources management: air quality, biology (including any of the subdisciplines such as botany, ecology, zoology, etc.), coastal processes, estuarine processes, **HAZARDOUS WASTE**, hydrogeology, hydrology, hydraulics, land use law, land use planning, pollution control, **SOLID WASTE**, stormwater management, water resources, wildlife management, or other representative area deemed appropriate by the BCC.
- D. *Removal.* Any member of the EAC may be removed from office by a majority vote of the BCC.
- E. *Officers.* The officers of the EAC shall be a chairman and a vice-chairman. Officers' terms shall be for one (1) year, with eligibility for reelection. The chairman and vice-chairman shall be elected by a majority vote at the organizational meeting and thereafter at the first regular meeting of the EAC in October of each year. The chairman shall preside at all meetings of the EAC. The vice-chairman shall perform the duties of the chairman in the absence or incapacity of the chairman. In case of removal, resignation, or death of the chairman, the vice-chairman shall perform such duties as are imposed on the chairman until such time as the EAC shall elect a new chairman. Should the offices of chairman and or vice-chairman become vacant,

the EAC shall elect a successor from its membership at the next regular meeting. Such election shall be for the unexpired term of said office.

**8.06.05 Quorum and Voting**

A simple majority of the appointed members of the EAC shall constitute a quorum for the purpose of conducting business. An affirmative vote of five (5) or more members shall be necessary in order to take official action, regardless of whether five (5) or more members of the EAC are present at a meeting.

**8.06.06 Rules of Procedure**

A. The EAC shall, by majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings, and determinations.

B. The following standing subcommittees comprised solely of the EAC's membership shall exist to advance the duties and responsibilities of the EAC:

1. Growth management. The EAC may establish other subcommittees comprised solely of its membership to facilitate its functions. Meetings of the subcommittees shall conform to the same public notice requirements as that of the EAC.

**8.06.07 Compensation**

Members of the EAC shall serve without compensation, but shall be entitled to receive reimbursement for expenses reasonably incurred in the performance of their duties upon prior approval of the BCC.

**8.06.08 Meetings**

Regular meetings of the EAC shall be held on the first Wednesday of each month at 9:00 a.m. or otherwise as determined by the County Manger or designee, in the BCC's meeting room, third floor, **BUILDING "F,"** Collier County Government Complex, Naples, Florida. Special meetings of the EAC may be called by the chairman or by a majority of the membership.

**8.06.09 Evaluation of the EAC**

The EAC shall be reviewed for major accomplishments and whether it is serving the purpose for which it was created once every four (4) years commencing with 2003 in accordance with the procedures contained in Collier County Ordinance No. 86-41, as amended.

**8.07.00 HISTORIC/ARCHAEOLOGIC PRESERVATION BOARD**

**8.07.01 Establishment**

There is hereby created a Historic/Archaeological Preservation Board ("Preservation Board,") which shall serve as an advisory board to the BCC for Collier County, Florida. The Preservation Board is vested with the

power, authority, and jurisdiction to designate, regulate, and administer historical and archaeological resources in the County, as set forth by this LDC, under the direct jurisdiction and control of the BCC.

#### **8.07.02 Powers and Duties**

The Preservation Board shall have the following powers and duties:

- A. To propose rules and procedures to implement the provisions of this section to the BCC;
- B. To create a map delineating the areas of archaeological and historical significance which shall be subject to approval, by resolution, of the BCC. This map shall be known as "The map of Areas of Historical Archaeological Probability" and shall be completed within one (1) year from the date of the first meeting of the Preservation Board;
- C. Maintain and update the map of Areas of Historical Archaeological Probability at intervals not to exceed five (5) years. All subsequent changes to the map shall be subject to approval by the BCC;
- D. To designate specific sites, **STRUCTURES**, districts, **BUILDINGS**, and properties as historically and or archaeologically significant in accordance with section 2.03.07 E.;
- E. To seek assistance and advice on technical related matters requiring professional expertise;
- F. To maintain a master file of sites, districts, **STRUCTURES**, **BUILDINGS**, and properties designated as historically significant; and maintain a separate master file of sites designated as archaeologically significant;
- G. To prepare and recommend to the BCC financial and technical incentive programs to further historic and archaeological preservation;
- H. To increase the awareness of historic and archaeological preservation and its community benefits by promoting public education programs;
- I. To apply for, in the name of the County only, grant assistance from state, federal, or private sources for the purpose of furthering historic and archaeological preservation subject to approval of the BCC;
- J. To review the appropriateness of applying for the designation as a certified local government (36 C.F.R. §61 (2001)) on behalf of the County;
- K. Upon the County's designation as a certified local government, to review and make recommendations concerning National Register of Historic Places nomination proposals to the Florida review board;
- L. To identify criteria for determining the potential location of historical archaeological sites which shall be used by project review services during site inspection;



- M. To design an application for the certificate of appropriateness;
- N. To issue certificates of appropriateness based on criteria outlined in the U.S. Secretary of the Interior's "Standards for Rehabilitation" 36 C.F.R. §67 (2001), as amended, and incorporated by reference herein;
- O. To design an application for an historical archaeological survey and assessment waiver request;
- P. Review appeals for historical archaeological survey and assessment waiver requests denied by the County Manger or designee;
- Q. To design an application for designation of specific sites, districts, **STRUCTURES, BUILDINGS,** and properties as historically archaeologically significant; and
- R. To perform any other function or duty assigned by the BCC.

### 8.07.03 Membership

- A. *Appointments.* The Preservation Board shall consist of seven (7) members appointed by the BCC. Each member of the Preservation Board shall hold office only so long as he or she is a resident of Collier County, Florida. Appointments shall be made by resolution of the BCC on the basis of a potential member's involvement in community issues, integrity, experience, and interest in the field of historical and archaeological preservation.
- B. *Qualifications.* The BCC shall appoint one (1) member from each of the following categories:
  - 1. History;
  - 2. Archaeology;
  - 3. Real estate, land **DEVELOPMENT**, or finance;
  - 4. Architecture, engineering, **BUILDING** construction, and landscape architecture; and
  - 5. Law or urban planning.

The two (2) remaining positions shall be filled by citizens at large.
- C. *Term.* All appointments shall be made for three (3) years. A Preservation Board member shall be eligible for reappointment, but shall be limited to two (2) consecutive terms.
- D. *Officers.* The members of the Preservation Board shall elect a chairman and a vice-chairman for a one (1) year term each. The chairman shall preside at all meetings and shall have the right to vote. The vice-chairman shall preside in the absence of the chairman. The chairman and vice-chairman may be reelected for an additional one (1) year term each, but may not serve for more than two (2) consecutive years.

- E. *Removal.* Prior to the expiration of his or her term, a member of the Preservation Board may be removed from office by a majority vote of the BCC. A member of the Preservation Board shall be automatically removed if he is absent from two (2) consecutive meetings without a satisfactory excuse or, in the alternative, if he is absent from more than one-fourth of the meetings in a given fiscal year, provided that the Preservation Board has met at least eight (8) times in the given fiscal year. Members shall be deemed absent from a meeting when they are not present during at least seventy-five (75) percent of the meeting.
- F. *Vacancy.* The BCC shall fill the vacancy by appointment.

**8.07.04 Compensation**

Members of the Preservation Board shall serve without compensation.

**8.07.05 Meetings**

- A. The Preservation Board shall meet at least once per month, at a date and time to be decided by the Preservation Board, unless there is no business pending before the Preservation Board. Regardless of the lack of pending business, the Preservation Board shall meet at least four (4) times during any calendar year.
- B. All meetings of the Preservation Board shall be open to the public.
- C. A public record of the Preservation Board's minutes and resolutions shall be maintained and made available for inspection by the public.
- D. The Preservation Board's meeting agenda shall be published the Sunday prior to the scheduled meeting in a newspaper of general paid circulation in the County and of general interest and readership in the community. The ad may be placed where other legal notices appear.

**8.08.00 CODE ENFORCEMENT BOARD**

A. General.

The provisions of this Code shall be enforced by (1) the Collier County Code Enforcement Board pursuant to the authority granted by F.S. § 162.01 et seq., (2) by the board of county commissioners through its authority to enjoin and restrain any person violating the Code, or (3) by Collier County through the prosecution of violations in the name of the State of Florida pursuant to the authority granted by F.S. § 125.69. The county manager shall have the right to inspect those lands, waters, or **STRUCTURES** affected by this Code and to issue citations for violations.

- 1. The term "county manager" as used in this Code shall mean the county manager or his designee.

B. Violation.

Whenever, by the provisions of this Code, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use or **DEVELOPMENT** of any land or water, or on the erection of a **STRUCTURE**, a failure to comply with such provisions shall constitute a violation of this Code.

C. Complaints regarding violations.

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a complaint. Such complaint stating fully the causes and basis thereof shall be filed with the county manager. The county manager, or his designee, shall record properly such complaint, investigate, and take action thereon as provided by this Code. He shall maintain as a public record, in his office, the disposition made of the complaint.

D. Liability.

Any owner, tenant, or occupant of any land or **STRUCTURE**, or part thereof, and any architect, engineer, builder, contractor, or any other agent, or other person, firm, or corporation, either individually or through its agents, employees, or independent contractor, who violates the provisions of this Code, or who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code, shall be held responsible for the violation and be subject to the penalties and remedies provided herein or as otherwise provided by statute or ordinance.

E. Procedures upon discovery of violations.

1. Upon the determination that any provision of this Code is being violated, the county manager or his designee, before prosecuting said violations before the code enforcement board, shall send a written notice by registered or by certified mail return receipt requested or by hand delivery to the person(s) responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the county manager's discretion.
2. The written notice shall state the action the county manager intends to take, if the violation is not corrected.
3. Before a violation of any of the provisions of this Code is prosecuted before the code enforcement board, written notice by registered or certified mail, return receipt requested, shall be serviced by the

county manager or his designee according to the requirements of Ordinance No. 92-80, as may be amended from time to time [Code ch. 2, art. VIII, div. 11].

4. If the violation is of a nature that it can be corrected by an official zoning atlas amendment or through the granting of a variance, the county administrator is authorized to suspend enforcement actions pending the outcome of such proceedings; provided that the person(s) responsible for the violation file the appropriate application forms for official zoning atlas amendment or variance hearing with the county manager within ten calendar days of the receipt of notice of violation. If the outcome of an official zoning atlas amendment request or variance request does not remedy the violation, the person(s) responsible for the violation shall have 15 calendar days to correct the violation, unless granted an extension by the county manager as set forth above.
5. In cases where delay would seriously threaten the effective enforcement of this Code or pose a danger to the public health, safety, or general welfare, the county manager may seek enforcement without prior written notice by invoking any of the remedies contained in this Code or otherwise provided by law.

F. Criminal penalties and remedies.

1. A person who violates any of the provisions of this Code, or fails to comply with any of its requirements, or fails to abide by and obey all orders and resolutions promulgated as herein provided, shall be subject to prosecution in the name of the state in the same manner as misdemeanors are prosecuted, pursuant to the terms of F.S. § 125.69, as amended, and shall be subject to all criminal penalties authorized by the State of Florida for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment.
2. Each calendar day that any violation continues after receipt of a written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.
3. In addition to the penalties and remedies above, the county manager may institute any appropriate actions or proceedings to prevent, restrain, correct, or abate a violation of this Code, as provided by law.

G. Civil penalties and remedies.

1. *Cease and desist orders.* The county manager is authorized to issue cease and desist orders in the form of written official notices sent by registered mail to the person(s) responsible for the violation.
2. *Revocation of **BUILDING** permits, certificates of occupancy, or other **DEVELOPMENT ORDERS**, permits or approvals.* The county manager may revoke any **BUILDING** permit, certificate of occupancy, **DEVELOPMENT ORDER**, **DEVELOPMENT** permit, or **DEVELOPMENT** approval, whatsoever, in those cases where an administrative determination has been duly made that, relevant to the provisions and requirements of this Code, false statements or misrepresentations existed as to material fact(s) in the application or plans upon which the permit or approval was based.
3. *Suspension of **BUILDING** permits, certificates of occupancy, or other **DEVELOPMENT ORDERS**, permits or approvals.* The county manager may, to the extent permitted by law, suspend any **BUILDING** permit, certificate of occupancy, **DEVELOPMENT ORDER**, **DEVELOPMENT** permit, or **DEVELOPMENT** approvals whatsoever, where an administrative determination has been duly made that, relevant to the provisions and requirements of this Code, an error or omission on either the part of the **APPLICANT** or government agency existed in the issuance of the permit or approval. A valid permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.
4. *Stop work order.* For any violation of the provisions of this Code which constitutes a threat to life or to public or private property, the county manager shall have the authority to issue a stop work order in the form of a written official notice given to the owner of the subject property or to his agent or to the person doing the work where such a violation has been committed or exists. Upon notice from the county administrator that any action or work is occurring contrary to the provisions of this Code, and it constitutes a threat to life or to public or private property, such action or work shall immediately be stopped. The notice shall state the conditions under which the action or work may be resumed. Where any emergency exists, oral notice given by the county administrator shall be sufficient.

H. Other remedies.

The county manager or the board of county commissioners may have recourse to such other remedies in law and equity as may be necessary to ensure compliance with the provisions of the Code, including the following:

1. Injunctive relief to enjoin and restrain any person from violating the provisions of the Code and recovery of damages for such violation;
2. Prosecution by the state attorney's office as provided by F.S. § 125.69, as amended;
3. Prosecution before the Collier County Code Enforcement Board;
4. Revocation of any permit or changing the conditions of any permit;
5. Withholding the issuance of any construction plan approval, **BUILDING** permit, certificate of occupancy, or inspection by the county;
6. Requiring replacement by the property owner of any vegetation removed in violation of the land **ALTERATION** and landscaping regulations or in violation of any permit issued under the Code, including corrective measures pursuant to section 10.02.06 C. Replacement trees shall be of sufficient size and quantity to replace the dbh (**DIAMETER AT BREAST HEIGHT**) of inches removed. At the time of planting, a replacement tree shall have a minimum dbh of three inches and a minimum height of 14 feet and a seven-foot crown; and
7. Recovery of attorneys' fees, expert witness fees, and costs, including those on appeal, incurred by the county for in-house county attorneys and staff experts and for outside legal counsel experts.

I. Notice and appeal.

All administrative decisions authorized by this Code for a pending violation of the Code concerning a stop work order, or the issuance, revocation, or suspension of **BUILDING** permits, certificates of occupancy, **DEVELOPMENT ORDERS**, **DEVELOPMENT** permits, or **DEVELOPMENT** approvals, whatsoever, shall be reduced to writing and sent by registered mail, return receipt requested, to the official holder of the affected **DEVELOPMENT** approval or permit **APPLICANT**. Administrative decisions of the county manager, or authorized official, may not be appealed to the board of county commissioners, board of zoning appeals, code enforcement board, or **BUILDING** board of adjustments and appeals, except as may be otherwise authorized by this Code or by

other regulation adopted by reference as a part of this Code.

J. Prosecution under previous regulations.

Any prosecution arising from a violation of any prior code, ordinance, or regulation of Collier County superseded by this Code, which prosecution was pending at the effective date of this Code, or any prosecution which may be begun within one year after the effective date of this Code, in consequence of any violation of any prior code, ordinance, or regulation superseded hereby, which violation was committed prior to the effective date of this Code, shall be tried and determined exactly as if such prior code, ordinance, or regulation had not been superseded.

**8.09.00 COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION**

**8.09.01 Creation and Appointment of the Community Development and Environmental Services Administrator**

The community development and environmental services administrator shall be the agency head of the community development and environmental services division and shall be appointed by and serve at the pleasure of the county manager.

**8.09.02 Jurisdiction, Authority and Duties**

In addition to the jurisdiction, authority and duties which may be conferred upon the community development and environmental services administrator by other provisions of the county Code of Collier County or the county manager, the community development and environmental services administrator shall have the following jurisdiction, authority and duties:

A. To provide the board of county commissioners, the Development Services Advisory Committee, planning commission, the board of zoning appeals, the building board of adjustments and appeals, the code enforcement board, and the contractors' licensing board, with reports and recommendations with respect to matters before such bodies as directed by the board of county commissioners or the county manager.

B. To administer and manage the Planning Services, Pollution Control, Natural Resources, Building Review and Permitting, Code Enforcement and housing and urban improvement departments, and oversee the preparation of the budget for each.

C. For the purposes of this code the phrases Development Services Director, Growth Management Director, Code Compliance Director, Growth Planning Director and Planning Services Director, shall mean the Community Development and Environmental Services Administrator, or his designee.

## **CHAPTER 9**

### **VARIATIONS FROM CODE REQUIREMENTS**

#### **9.01.00 GENERALLY**

#### **9.02.00 DEVELOPMENT WITH VESTED RIGHTS**

**9.02.01 Purpose**

**9.02.02 Criteria required for a determination of vested rights**

**9.02.03 Procedure for a determination of vested rights**

#### **9.03.00 NONCONFORMITIES**

**9.03.01 Generally**

**9.03.02 Requirements for continuation of nonconformities**

**9.03.03 Types of nonconformities**

#### **9.04.00 VARIANCES**

**9.04.01 Generally**

**9.04.02 Types of variances authorized**

**9.04.03 Criteria for variances**

**9.04.04 Specific requirements for Minor After-the-fact Yard Encroachments**

**9.04.05 Specific requirements for variances to flood hazard protection requirements**

**9.04.06 Specific Requirements for Variance to the Coastal Construction Setback Line**

**9.04.07 Specific Requirements for Waiver of Automobile Service Station Distance Requirements**



## CHAPTER 9 – VARIATIONS FROM CODE REQUIREMENTS

### 9.01.00 GENERALLY

This chapter is intended to provide mechanisms for obtaining relief from the provisions of the LDC where it is necessary to vary from the requirements of the LDC. Variation from the regulations in the LDC may result from the following circumstances: **DEVELOPMENT** that is vested for the use or design standards that apply to the property; **DEVELOPMENT** that is **NONCONFORMING**; or **DEVELOPMENT** that is granted approval to vary from one or more regulations by the Board of Zoning Appeals. Each of these circumstances is described in this chapter.

### 9.02.00 DEVELOPMENT WITH VESTED RIGHTS

[Reserved]

### 9.03.00 NONCONFORMITIES

#### 9.03.01 Generally

##### A. Intent

Within the zoning districts established by the LDC or amendments that may later be adopted, there may exist **LOTS**, **STRUCTURES**, uses of land, water and **STRUCTURES**, and characteristics of use which were lawful before the LDC was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of LDC or future amendments. It is the intent of this section to permit these **NONCONFORMITIES** to continue until they are voluntarily renovated or removed as required by the LDC, but not to encourage their survival. It is further the intent of the LDC that the **NONCONFORMITIES** shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other **STRUCTURES** or uses prohibited elsewhere in the same district.

##### B. Declaration

**NONCONFORMING** uses are declared by this section to be incompatible with permitted uses in the districts involved. A **NONCONFORMING** use of a **STRUCTURE**, a **NONCONFORMING** use of land or water, or a **NONCONFORMING** use of **STRUCTURE**, land or water in combination shall not be extended or enlarged after the effective date of the LDC or relevant amendment thereto by attachment on a **STRUCTURE** or premises of additional **SIGNS** intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved, except as provided for within section 9.03.03 B.4.

##### C. Vested projects

To avoid undue hardship, nothing in the LDC shall be deemed to require a change in the plans, construction, or designated use of a **BUILDING** or property on which a **BUILDING** permit had been applied for prior to the effective date of adoption of relevant amendment of the LDC. In addition, nothing in the LDC shall be deemed to require a change in the plans, construction, or designated use of any property for which a **DEVELOPMENT PLAN** was lawfully required and approved prior to the effective date of adoption of relevant amendment of the LDC, provided that such plan shall expire two (2) years from the date of said approval, or one (1) year from the date of adoption of the LDC, whichever shall first occur, if no actual construction has been commenced; and thereafter, all **DEVELOPMENT** shall be in accordance with the zoning regulations then in effect. Any such approved plat or plan may be amended by approval of the BCC, provided the degree of nonconformity with the LDC shall not be increased.

D. Casual, temporary, or illegal use

The casual, temporary, or illegal use of land or **STRUCTURES**, or land and **STRUCTURES** in combination, shall not be sufficient to establish the existence of a **NONCONFORMING** use or to create rights in the continuance of such use.

E. Uses under **CONDITIONAL USE** provisions not **NONCONFORMING** uses

All uses lawfully existing on the effective date of the LDC which are permitted as a **CONDITIONAL USE** in a district under the terms of the LDC shall not be deemed a **NONCONFORMING** use in such district, but shall without further action be deemed to have a **CONDITIONAL USE** permit.

F. Change to conforming use requires future conformity with district regulations

Where a **STRUCTURE**, or **STRUCTURE** and premises in combination, in or on which a **NONCONFORMING** use is replaced by a permitted use shall thereafter conform to the regulations for the district in which the **STRUCTURE** is located, and [sic] the **NONCONFORMING** use shall not thereafter be resumed nor shall any other **NONCONFORMING** use be permitted.

G. **NONCONFORMITIES** not involving the use of a **PRINCIPAL STRUCTURE**

**NONCONFORMITIES** not involving the use of a **PRINCIPAL STRUCTURE**, including, but not limited to, open storage, **BUILDING** supplies, vehicles, **MOBILE HOMES**, trailers, equipment and machinery storage, junkyard, commercial animal **YARDS** and the like, shall be discontinued within one (1) year of the effective date of the LDC or relevant amendment of the LDC.

#### H. Safety of **NONCONFORMITIES**

1. If a **NONCONFORMING STRUCTURE** or portion of a **STRUCTURE**, or any **STRUCTURE** containing a **NONCONFORMING** use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the duly authorized official of Collier County to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
2. If a **NONCONFORMING STRUCTURE** or portion of a **STRUCTURE**, or any **STRUCTURE** containing a **NONCONFORMING** use, becomes physically unsafe or unlawful for reasons other than this lack of repairs or maintenance, nothing contained herein shall be deemed to prevent the strengthening or restoring to a safe condition of such **BUILDING** or part thereof declared to be unsafe by the authorized official of Collier County charged with the public safety; provided, however, that where such unsafeness or unlawfulness is the result of damage from destruction, the percentage of damage limitations set out in section 9.03.02 F.3., as the case may be, shall apply.

#### 9.03.02 Requirements for Continuation of **NONCONFORMITIES**

Where, at the effective date of adoption or relevant amendment of the LDC, lawful use of lands or waters exists which would not be permitted under the LDC, the use may be continued, so long as it remains otherwise lawful, provided:

##### A. Enlargement, increase, intensification, alteration

No such **NONCONFORMING** use shall be enlarged, intensified, increased, or extended to occupy a greater area of land, **STRUCTURE**, or water than was occupied at the effective date of adoption or relevant amendment of the LDC, except a single-family, **DUPLEX**, or **MOBILE HOME** use as provided for within section 9.03.03 B.4.

##### B. Extension of use in **BUILDING** manifestly designed for such use

Any **NONCONFORMING** use may be extended throughout any parts of a **BUILDING** which were manifestly arranged or designed for such use at the effective date of adoption or relevant amendment of the LDC. Any **NONCONFORMING** use which occupied a portion of a **BUILDING** not originally designed or intended for such use shall not be extended to any other part of the **BUILDING**. No **NONCONFORMING** use shall be extended to occupy any land outside the **BUILDING**, nor any additional **BUILDING** on the same **LOT** or **PARCEL**, not used for such **NONCONFORMING** use at the effective date of adoption or relevant amendment of the LDC.

##### C. Change in tenancy or ownership

There may be a change in tenancy, ownership, or management of a **NONCONFORMING** use provided there is no change in the nature or character of such **NONCONFORMING** use.

D. Change in use.

If no structural alterations are made, any **NONCONFORMING** use of a **STRUCTURE**, or of a **STRUCTURE** and premises in combination may be changed to another **NONCONFORMING** use of the same character, or to a more restricted **NONCONFORMING** use, provided the board of zoning appeals, upon application to the County Manager or designee, shall find after public notice and hearing that the proposed use is equally or more appropriate to the district than the existing **NONCONFORMING** use and that the relation of the **STRUCTURE** to surrounding properties is such that adverse effect on occupants and neighboring properties will not be greater than if the existing **NONCONFORMING** use is continued. In permitting such change, the board of zoning appeals may require appropriate conditions and safeguards in accordance with the intent and purpose of the LDC.

E. Movement

No such **NONCONFORMING** use shall be moved in whole or in part to any portion of the **LOT** or **PARCEL** other than that occupied by such use at the effective date of adoption or relevant amendment of the LDC.

F. Discontinuance or destruction

1. If any such **NONCONFORMING** use ceases for any reason (except where governmental action impedes **ACCESS** to the premises) for a period of more than 180 consecutive days, any subsequent use of land shall conform to the regulations specified by the LDC for the district in which such land is located.
2. Notwithstanding the above definitions of discontinuance relative to a **NONCONFORMING** use of land or water or **STRUCTURE**, where the use of land, water or a **STRUCTURE** has ceased for a period of more than ninety (90) consecutive days, and where such property or use is deficient in the required amount of paved, striped parking, including parking and **ACCESS** to the **STRUCTURE** for the disabled; water management facilities; landscaping; and other site improvements as required in Chapter Four of the LDC, prior to the recommencement of any use of land, water or **STRUCTURE**, said deficiencies as may apply shall be remedied, to the greatest extent possible given the physical constraints on the property, via the appropriate administrative processes found in Chapter Ten, or as otherwise required by the LDC.
3. When **NONCONFORMING** use status applies to a major **STRUCTURE** or **STRUCTURES**, or to a major **STRUCTURE** or **STRUCTURES** and premises in combination, removal or

destruction of the **STRUCTURE** or **STRUCTURE** shall eliminate the **NONCONFORMING** status of the land. "Destruction" of the **STRUCTURE** for purposes of this subsection is hereby defined as damage to the extent of more than fifty (50) percent of the replacement cost at the time of the destruction. Upon removal or destruction as set out in this section, the use of land and **STRUCTURES** shall therefore conform to the regulations for the district in which such land is located.

G. Repairs and maintenance

On any **NONCONFORMING STRUCTURE** or portion of a **STRUCTURE** and on any **STRUCTURE** containing a **NONCONFORMING** use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding twenty (20) percent of the current assessed valuation of the **STRUCTURE** (or of the **NONCONFORMING** portion of the **STRUCTURE** if a **NONCONFORMING** portion of a **STRUCTURE** is involved), provided that the cubic content of the **STRUCTURE** existing at the date it becomes **NONCONFORMING** shall not be increased except subject further to the exception provided at section 9.03.03 B., herein.

H. **SUBDIVISION** or structural additions

No land in **NONCONFORMING** use shall be subdivided, nor shall any **STRUCTURES** be added on such land except for the purposes and in a manner conforming to the regulations for the district in which such land is located; provided, however, that **SUBDIVISION** may be made which does not increase the degree of nonconformity of the use.

9.03.03 **Types of NONCONFORMITIES**

A. **NONCONFORMING LOTS OF RECORD**

In any district, any permitted or permissible **STRUCTURE** may be erected, expanded, or **ALTERED** on any **LOT OF RECORD** at the effective date of adoption or relevant amendment to the LDC.

1. The minimum **YARD** requirements in any residential district except RMF-6 and E estates) shall be as for the most similar district to which such **LOT OF RECORD** most closely conforms in area, width and permitted use, except that when possible the greater of any **YARD** requirement in either district shall apply, and except when specifically provided for in the district regulations.
2. The minimum side **YARD** requirement in any commercial or industrial district shall be equal to the height of the proposed **PRINCIPAL STRUCTURE**, or the minimum side **YARD** requirement in the district, whichever is lesser.

3. **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 fifteen (15) percent of the depth of the **LOT**, as measured from edge of the **RIGHT-OF-WAY**.
4. 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** of not more than six (6) feet; no **BUILDING** thereafter erected shall project beyond the average line so established.
5. 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 **NONCONFORMING 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 can not be split or subdivided except as may then be allowed by this code.

## B. **NONCONFORMING STRUCTURES**

Where a **STRUCTURE** lawfully exists at the effective date of the adoption of this ordinance or relevant amendment that could not be built under the LDC by reason of restrictions on **LOT** area, **LOT COVERAGE**, height, **YARDS**, location on the **LOT**, or requirements other than use concerning the **STRUCTURE**, such **STRUCTURE** may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such **NONCONFORMING STRUCTURE** may be enlarged or **ALTERED** in a way which increases its nonconformity, but any

**STRUCTURE** or portion thereof may be **ALTERED** to decrease its nonconformity; provided, however, that the alteration, expansion, or replacement of **NONCONFORMING SINGLE-FAMILY DWELLINGS, DUPLEXES** or **MOBILE HOMES** shall be permitted in accordance with section 9.03.03 B.4.

2. Should such **NONCONFORMING STRUCTURE** or **NONCONFORMING** portion of a **STRUCTURE** be destroyed by any means to an extent of more than fifty (50) percent of its actual replacement cost at time of destruction, as determined by a cost estimate submitted to the site **DEVELOPMENT** review director, it shall not be reconstructed except in conformity with provisions of the LDC.

a. **DOCKS** and **BOATHOUSES** are not subject to the provisions of Section (B)(2) above. **DOCKS** and **BOATHOUSES** must be reconstructed to conform to the Code only if the reconstruction of the **DOCK** or **BOATHOUSE** will expand or **ALTER** the original **NONCONFORMING** facility with regard to deck area, protrusion, **SETBACKS**, or the addition of any covered **STRUCTURE**, regardless of the percentage of destruction or repairs performed. The determination of legal **NONCONFORMING** status will be established by presentation of a signed, sealed survey, a copy of the Property Appraiser's record, or other dated photography or documentation showing that the facility existed in its present location and configuration prior to 1990. Any expansion of the facility, no matter how insignificant will void legal **NONCONFORMING** status and require strict compliance to the Code.

3. Should such **STRUCTURE** be moved for any reason for any distance whatever, other than as a result of governmental action, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

4. **NONCONFORMING** residential **STRUCTURES**, which for the purpose of this section shall mean detached **SINGLE-FAMILY DWELLINGS, DUPLEXES** or **MOBILE HOMES** in existence at the effective date of this zoning Code or its relevant amendment and in continuous residential use thereafter, may be **ALTERED**, expanded, or replaced upon recommendation of the Collier County Planning Commission and approval of the Board of Zoning Appeals by resolution.

5. Notwithstanding the foregoing restrictions as to reconstruction, any residential **STRUCTURE** or **STRUCTURES** in any residential zone district may be rebuilt after destruction to the prior extent,

height and **DENSITY** of units per acre regardless of the percentage of destruction, subject to compliance with the applicable **BUILDING** code requirements in effect at the time of redevelopment. In the event of such rebuilding, all **SETBACKS** and other applicable district requirements shall be met unless a **VARIANCE** therefore is obtained from the Board of Zoning Appeals. For the purpose of this section, a **HOTEL, MOTEL, or BOATEL** shall be considered to be a residential **STRUCTURE**. Since the size and nature of the alteration, expansion or replacement of such **NONCONFORMING STRUCTURES** may vary widely, a site plan, and if applicable, preliminary **BUILDING** plans indicating the proposed alteration, expansion or replacement shall be presented with each petition. Prior to granting such alteration, expansion or replacement of a **NONCONFORMING SINGLE-FAMILY DWELLING, DUPLEX or MOBILE HOME**, the Planning Commission and the BCC shall consider and base its approval on the following standards and criteria:

- a. The alteration, expansion, or replacement will not increase the **DENSITY** of the **PARCEL** or **LOT** on which the **NONCONFORMING SINGLE-FAMILY DWELLING, DUPLEX, or MOBILE HOME** is located;
- b. The alteration, expansion, or replacement will not exceed the **BUILDING HEIGHT** requirements of the district most closely associated with the subject **NONCONFORMING** use;
- c. The alteration, expansion, or replacement will not further encroach upon any **NONCONFORMING SETBACK**;
- d. The alteration, expansion, or replacement will not decrease or further decrease the existing parking areas for the **STRUCTURE**;
- e. The alteration, expansion, or replacement will not damage the character or quality of the neighborhood in which it is located or hinder the proper future **DEVELOPMENT** of the surrounding properties; and
- f. Such alteration, expansion, or replacement will not present a threat to the health, safety, or welfare of the community or its residents.

C. Requirements for improvements or additions to **NONCONFORMING MOBILE HOMES**

1. Improvements or additions to **NONCONFORMING MOBILE HOMES** containing conforming uses, in the A agriculture district only, shall be permitted if the addition or improvement complies fully with the **SETBACK** and other applicable regulations.



2. Issuance and reissuance of **BUILDING** permits when **MULTIPLE MOBILE HOMES** are located on a single **PARCEL** of land: Where specific zoning districts permit **MOBILE HOME DEVELOPMENT** and said lands have been substantially developed prior to the effective date of the LDC with multiple **MOBILE HOMES** under singular ownership without an approved site **DEVELOPMENT PLAN**, as required by Chapter Ten of the LDC, no further **BUILDING** permits for the placement or replacement of **MOBILE HOMES** may be obtained except as defined below.
3. Prior to issuance of any **BUILDING** permit for replacement of a **MOBILE HOME**, the property owner or **AUTHORIZED AGENT** shall provide the County Manger or designee, or his designee, with three copies of a scaled drawing of the subject **PARCEL** which indicates:
  - a. Proof of **BUILDING** permit issuance for **STRUCTURE** being replaced.
  - b. The location of the **STRUCTURE** to be replaced and its relationship to **ADJACENT MOBILE HOMES** and **PARCEL** boundaries.
4. Prior to issuance of a **BUILDING** permit for any additional **MOBILE HOME(S)**, the **APPLICANT** or **AUTHORIZED AGENT** shall obtain a **SITE DEVELOPMENT PLAN**, consistent with Chapter 10 of the LDC. As part of the SDP application, **BUILDING** permit numbers of all existing **MOBILE HOMES** shall be submitted.
5. In no case shall the issuance or reissuance of **BUILDING** permits cause the **DENSITY** of the subject **PARCEL** to exceed that provided in the **DENSITY** rating system of the GMP or the Immokalee future land use map, except as may be provided in section 9.03.03 B.4. of the LDC.

#### D. NONCONFORMING SIGNS

Existing **SIGNS** not expressly prohibited by this Code and not conforming to its provisions shall be regarded as **NONCONFORMING SIGNS**.

1. The following **SIGNS**, and **SIGN STRUCTURES** shall be removed or made to conform to this Code within 90 days from the effective date thereof.
  - a. **SIGNS** made of paper, cloth or other nondurable materials.
  - b. All temporary **SIGNS**.
  - c. Those **SIGNS** described in sections 5.06.02 G., 5.06.02 M., 5.06.02 N., 5.06.02 Q. and 5.06.02 R.

d. All **NONCONFORMING** on-premises **SIGNS**, and **SIGN STRUCTURES** having an original cost or value of \$100.00 or more, and originally built prior to January 1st, 1991, which do not conform to the requirements of the 1991 Code and all illuminated and/or animated **SIGNS**, neon or otherwise, installed inside commercial establishments and intended to be seen from the outside may be maintained until February 1st, 2003, at which date all such **SIGNS** must be made to comply with the requirements of this Code or removed, except as provided below:

2. **NONCONFORMING** off-premises **SIGNS**. All **NONCONFORMING** off-premises **SIGNS**, and **SIGN STRUCTURES** having an original cost or value of \$100.00 or more may be maintained for the longer of the following periods:

- a. Two years from the date upon which the **SIGN** became **NONCONFORMING** under this ordinance.
- b. A period of three to seven years from the effective date of this ordinance, according to the amortization table below.

<b>SIGN Cost/Value</b>	<b>Permitted Years from Effective Date of this Amendment</b>
\$100.00 to \$1,000.00	3
\$1,001.00 to \$3,000.00	4
\$3,001.00 to \$10,000.00	5
More than \$10,000.00	7

c. Any owner of an off-premises **SIGN** who requests an amortization period longer than two years shall, within one year from the date of enactment of these regulations, register the **SIGN** with the code enforcement director, or his designee. The following information shall be provided at the time of registration; the cost or value, whichever is greater, of the **SIGN**; the date of erection; or the cost or value and date of the most recent renovation; a photograph of the **SIGN** or **SIGNS** and their supporting **STRUCTURE**, not less than five inches by seven

inches in size; and a written agreement to remove the **SIGN** at or before the expiration of the amortization period applicable to the **SIGN**. The off-premise **SIGN** owner's signature shall be witnessed before a notary public on all requests for extended amortizations. A registration fee of \$50.00 shall be paid at the time of registration.

### 3. Continuation of **NONCONFORMING SIGNS**

Subject to the limitations imposed by section 9.03.03 D. above, a **NONCONFORMING SIGN** may be continued and shall be maintained in good condition for the duration of amortization period as required by this Code, but shall not be:

- a. Structurally or mechanically extended or altered to further the nonconformity, except in cases where it has been determined that there exists imminent danger to the public safety.
  - b. Repaired or rebuilt when destroyed or damaged to the extent of 50 percent or more of its replacement value, except in conformity with this Code.
  - c. A **NONCONFORMING** permanent on-premises or off-premises **SIGN** shall not be replaced by another **NONCONFORMING SIGN**. All **NONCONFORMING SIGNS** shall be brought into full compliance as part of any future change requiring a **BUILDING** permit. A permit for routine maintenance or non-structural repairs shall be exempt from the requirements of this subsection provided the cost of such repairs does not exceed 50 percent of the replacement cost of the **SIGN**. Substitution or interchange of letters, on **NONCONFORMING SIGNS** shall be permitted through the period of nonconformity established by this Code.
  - d. Continued in use when any land use to which the **SIGN** pertains has ceased for a period of 90 consecutive days, or has otherwise changed.
5. **NONCONFORMING** status shall not be afforded to any **SIGN** erected without the required permit issued by the county, state, or any federal agency either before or after the enactment of this Code, or to any pre-existing **SIGNS** which have been illegally installed, constructed, placed or maintained.

## 9.04.00 **VARIANCES**

### 9.04.01 **Generally**

#### A. Purpose

In specific cases, variance from the terms of the LDC may be granted where said variance will not be contrary to the public interest, safety, or welfare and where owing to special conditions peculiar to the property, a diminution of a regulation is found to have no measurable impact on the public interest, safety or welfare; or a literal enforcement of the LDC would result in unnecessary and undue hardship, or practical difficulty to the owner of the property and would otherwise deny the property owner a level of utilization of his/her property that is consistent with the **DEVELOPMENT** pattern in the neighborhood and clearly has no adverse effect on the community at large or neighboring property owners.

#### B. Historic Places

Variances may be issued for the reconstruction, rehabilitation or restoration of **STRUCTURES** listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

### 9.04.02 Types of variances authorized

A variance is authorized for any dimensional **DEVELOPMENT** standard, including the following: height, area, and size of **STRUCTURE**; height of fence; size of **YARDS** and **OPEN SPACES**; dimensional aspects of landscaping and **BUFFERING** requirements; size, height, maximum number of, and minimum **SETBACK** for **SIGNS**; and minimum requirements for off-**STREET** parking facilities.

#### A. Variances for **SIGNS**

The board of zoning appeals based upon the evidence given in public hearing; and the findings of the planning commission should determine to the maximum extent possible if the granting of the variance will diminish or otherwise have a detrimental effect on the public interest, safety or welfare. A variance from the terms of this zoning code may be granted based on the requirements of this section 9.04.00 or where it can be demonstrated that a **SIGN** has significant historic or community significance, and pursuant to the criteria and procedures set forth in this section 9.04.00. In granting any variance, the board of zoning appeals may prescribe the following:

1. Appropriate conditions and safeguards in conformity with this Code or other applicable county ordinances. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code.
2. A reasonable time limit within which the action for which the variance required shall be begun or completed or both.

### 9.04.03 Criteria for variances

- A. There are special conditions and circumstances existing which are peculiar to the location, size, and characteristics of the land, **STRUCTURE**, or **BUILDING** involved.
- B. There are special conditions and circumstances which do not result from the action of the **APPLICANT**, such as pre-existing conditions relative to the property which is the subject of the variance request.
- C. A literal interpretation of the provisions of the LDC work unnecessary and undue hardship on the **APPLICANT** or create practical difficulties on the **APPLICANT**.
- D. The variance, if granted, will be the minimum variance that will make possible the reasonable use of the land, **BUILDING**, or **STRUCTURE** and which promote standards of health, safety, or welfare.
- E. Granting the variance requested will not confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, **BUILDINGS**, or **STRUCTURES** in the same zoning district.
- F. Granting the variance will be in harmony with the intent and purpose of the LDC, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- G. There are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation, such as natural preserves, lakes, golf course, etc.
- H. Granting the variance will be consistent with the GMP.

**9.04.04 Specific Requirements for Minor After-the-fact YARD Encroachments**

Minor after-the-fact **YARD** encroachments may be approved administratively by the County Manager or designee. For the purposes of this subsection, minor **YARD** encroachments shall be divided into three (3) classifications:

- A. **STRUCTURES** for which a **BUILDING** permit has been issued and is under review, but for which a certificate of occupancy has not been granted. The County Manager or designee may administratively approve minor after-the-fact **YARD** encroachments of up to five (5) percent of the required **YARD**, not to exceed a maximum of six (6) inches. For **SINGLE-FAMILY, MOBILE/MODULAR HOMES, DUPLEX**, and two-family **DWELLING UNITS** only, in the presence of mitigating circumstances, where the encroachment does not result from error or action on the part of the **APPLICANT**, the County Manager or designee may administratively approve encroachments of up to twenty-five (25) percent of the required **YARD**.
- B. **STRUCTURES** for which a **BUILDING** permit and certificate of occupancy or a **FINAL DEVELOPMENT ORDER** has been granted. The County Manager or designee may administratively approve minor after-the-fact **YARD** encroachments of up to ten (10) percent of the

required **YARD** which requirement was in effect as of the date on which the certificate of occupancy or **FINAL DEVELOPMENT ORDER** was issued, not to exceed a maximum of two (2) feet. For **SINGLE-FAMILY, MOBILE/MODULAR HOME, DUPLEX, and two-family DWELLING UNITS** only, the County Manager or designee may administratively approve minor after-the-fact **YARD** encroachments of up to twenty-five (25) percent of the required **YARD** which requirement was in effect as of the date on which the certificate of occupancy or **FINAL DEVELOPMENT ORDER** was issued.

- C. **SINGLE-FAMILY, DUPLEX, and two-family DWELLING UNITS** only for which no **BUILDING** permit record can be produced. Provided that all of the following criteria are met, the County Manager or designee may administratively approve minor after-the-fact encroachments of up to twenty-five (25) percent of the required **YARD**, provided that:
1. The encroaching **STRUCTURE**, or portion of the **STRUCTURE**, was constructed prior to the purchase of the subject property by the current owner.
  2. Evidence is presented showing that the encroaching **STRUCTURE**, or portion of the **STRUCTURE**, was constructed at least two (2) years prior to the date of application for the administrative variance. This evidence may be in the form of a survey, property card, or dated aerial photograph clearly showing the encroachment.
  3. The encroaching **STRUCTURE** is either an addition of living area to a **PRINCIPAL STRUCTURE**, or an **ACCESSORY STRUCTURE** of at least 200 square feet in area.
  4. The encroachment presents no safety hazard and has no adverse affect on the public welfare.
  5. An after-the-fact **BUILDING** permit for the **STRUCTURE**, or portion of the **STRUCTURE**, is issued prior to the application for the administrative variance. The administrative variance will only be approved once all inspections have been completed, and the certificate of occupancy will be issued once the administrative variance has been approved.
- D. Under no circumstances shall any administrative variance be approved which would allow a reduction of the separation between **STRUCTURES** to less than ten (10) feet. Administrative variances approved pursuant to the above do not run with the land in perpetuity and remain subject to the provisions of this section regarding **NONCONFORMING STRUCTURES**.

#### 9.04.05 Specific Requirements for Variances to FLOOD Hazard Protection Requirements

- A. General requirements

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the **FLOOD** hazard, to afford relief.
2. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause.
  - b. A determination that failure to grant the variance would result in exceptional hardship to the **APPLICANT**.
  - c. A determination that the granting of a variance will not result in increased **FLOOD** heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. In passing upon a variance, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of the LDC; and the following criteria:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to **FLOODING** or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to **FLOOD** damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;
  - f. The availability of alternative locations, not subject to **FLOODING** or erosion damage, for the proposed use;
  - g. The **COMPATIBILITY** of the proposed use with existing and anticipated **DEVELOPMENT**.
  - h. The relationship of the proposed use to the GMP and **FLOOD PLAIN** management program for the area;
  - i. The safety of **ACCESS** to the property in times of **FLOOD** for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the **FLOOD** waters and the effects of wave action, if applicable, expected at the site;
  - k. The costs of providing governmental services during and after **FLOOD** conditions, including maintenance and repair of

public utilities and facilities such as sewer, gas, electrical, water systems, **STREETS**, and bridges, and;

- l. Variances shall not be issued within any designated **FLOODWAY** if any increase in **FLOOD** levels during the **BASE FLOOD** discharge would result.
- m. Variances may be issued by a community for new construction and **SUBSTANTIAL IMPROVEMENTS** and for other **DEVELOPMENT** necessary for the conduct of a functionally dependent use provided that the criteria of (a) through (l) of this section are met.
- n. Generally, variances may be issued for new construction and **SUBSTANTIAL IMPROVEMENTS** to be erected on a **LOT** of one-half (1/2) acre or less in size contiguous to and surrounded by **LOTS** with existing **STRUCTURES** constructed below the **BASE FLOOD** level, providing items (a) through (l) have been fully considered.

**9.04.06 Specific Requirements for Variance to the Coastal Construction SETBACK LINE**

- A. The coastal construction **SETBACK LINE** shall be that coastal construction **SETBACK LINE** established by the DEP of the State of Florida pursuant to F.S. § 161.053 and recorded in Coastal **SETBACK LINE** Book 1, pages 1 through 12 inclusive, recorded October 31, 1974, as Clerk's Instrument No. 365665 of the public records of Collier County, Florida.
- B. **SETBACK LINES** established under this LDC shall be reviewed upon petition of affected riparian upland owners. The BCC of Collier County shall decide, after due public notice and hearing, whether a change in the **SETBACK LINE** is justified, and shall notify the petitioner in writing. The present **SETBACK LINES** are presumed to be correct, and no change in **SETBACK LINES** are presumed to be correct, and no change in **SETBACK LINES** shall be made except upon an affirmative showing by petitioner that any construction line established hereunder is a minimum of 150 feet landward of the **MEAN HIGH-WATER LINE** or seventy-five (75) feet landward of the vegetation line whichever is greater; and that considering ground elevations in relation to historical storm and hurricane tides, predicted maximum wave uprush, **BEACH** and offshore ground contours, the vegetation line, erosion trends, the **DUNE** or bluff line, if any exist, and existing upland **DEVELOPMENT**, that the general public health and welfare are preserved, upland properties protected, and **BEACH** and sand **DUNE** erosion controlled.
- C. It shall be unlawful for any person, firm, corporation, or agency, public or private, to construct, reconstruct, or change existing **STRUCTURES**,



make any excavation, remove any **BEACH** material or otherwise **ALTER** existing ground elevations, drive any vehicle on, over or across any sand **DUNE**, or damage or cause to be damaged any sand **DUNE**, or the vegetation growing thereon and/or seaward of said **DUNE**, seaward of the coastal construction **SETBACK LINE**, except as hereinafter provided.

- D. If in the immediate contiguous or **ADJACENT** area a "number of existing **STRUCTURES**" have established a reasonably continuous and uniform construction line closer to the **LINE OF MEAN HIGH WATER** than the line as herein established, and if said existing **STRUCTURES** have not been unduly affected by erosion, a proposed **STRUCTURE** may be permitted along such line if such proposed **STRUCTURE** is also approved by the BCC.
- E. The BCC may authorize the construction of pipelines or piers extending outward from the **SHORELINE**, unless it determines that the construction of such projects would cause erosion of the **BEACH** in the area of such **STRUCTURES**.
- F. Certain activities that may temporarily **ALTER** ground elevations such as artificial **BEACH** nourishment projects, excavation or maintenance dredging of inlet channels may be permitted seaward of the coastal construction **SETBACK LINE** if said activity is in compliance with the Collier County GMP and receives Federal and State agency approvals. Until such time as the fee schedule can be amended, the fee shall be \$400.00 for these **BEACH** Nourishment permits.
- G. Procedures for obtaining variance
  - 1. A written petition requesting a variance from the established **SETBACK LINE** shall be filed with the board of county commissioners or their designee. The petition shall set forth:
    - a. A description of petitioner's property to include the information requested on a current Collier County request for a coastal construction **SETBACK LINE** variance form;
    - b. A description of the established **SETBACK LINE** and the line which petitioner wishes to be varied;
    - c. The justification upon which the petitioner relies for the granting of the variance, to include compliance with the Collier County growth management plan, conservation and coastal management element.
  - 2. *Notice and public hearing for coastal construction **SETBACK LINE** variances.* An application for coastal construction **SETBACK LINE** (CCSL) variance shall be considered by the board of county

commissioners pursuant to the following public notice and hearing requirements.

- a. The **APPLICANT** shall post a **SIGN** at least 45 days prior to the date of the public hearing by the board of county commissioners. The **SIGN** shall contain substantially the following language and the **SIGN** copy shall utilize the total area of the **SIGN**:

PUBLIC HEARING REQUESTING  
CCSL VARIANCE APPROVAL (both to contain the following information:)

TO PERMIT: (Sufficiently clear to describe the type of variance requested).

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

TO BE HELD IN BOARD OF COUNTY COMMISSIONERS  
MEETING ROOM, COLLIER COUNTY GOVERNMENT  
CENTER.

- b. The area of a property **SIGN** shall be as follows:
  - i. For a property less than one acre in size, the **SIGN** shall measure at least one and one-half square feet in area.
  - ii. For a property one acre or more in size, the **SIGN** shall measure at least 32 square feet in area.
- c. In the case of a **SIGN** located on a property less than one acre in size, such **SIGN** shall be erected by the County Manager or his designee in full view of the public on each **STREET** side of the subject property and on the side of the property visible from the **BEACH**. Where the property for which approval is sought is landlocked or for some other reason a **SIGN** cannot be posted directly on the subject property, then the **SIGN** shall be erected along the nearest **STREET RIGHT-OF-WAY**, with an attached notation indicating generally the distance and direction to the subject property.
- d. In the case of **SIGN(S)** located on a property one acre or more in size, the **APPLICANT** shall be responsible for erecting the required **SIGN(S)**. The **SIGN(S)** shall be erected in full view of

the public on each **STREET** upon which the subject property has **FRONTAGE** and on the side of the property visible from the **BEACH**. Where the subject property is landlocked, or for some other reason the **SIGN(S)** cannot be posted directly on the property, then the **SIGN(S)** shall be erected along the nearest **STREET RIGHT-OF-WAY**, with an attached notation indicating generally the distance and direction to the subject property. There shall be at least one **SIGN** on each external boundary which fronts upon a **STREET**, however, in the case of external boundaries along a **STREET** with greater **FRONTAGES** than 1,320 linear feet, **SIGNS** shall be placed equidistant from one another with a maximum spacing of 1,000 linear feet, except that in no case shall the number of **SIGNS** along an exterior boundary fronting on a **STREET** exceed four **SIGNS**. The **APPLICANT** shall provide evidence to the planning services department that the **SIGN(S)** were erected by furnishing photographs of the **SIGN(S)** showing the date of their erection at least ten days prior to the scheduled public hearing by the board of county commissioners. The **SIGN(S)** shall remain in place until the date of either of the following occurrences: 1. Final action is taken by the board of county commissioners or 2. The receipt of a written request by the planning services department director from the **APPLICANT** to either withdraw or continue the petition indefinitely.

- e. Notice of the time and place of the public hearing by the board of county commissioners shall be advertised in a newspaper of general circulation in the county at least one time and at least 15 days prior to the public hearing. Where applicable, the notice shall clearly describe the proposed variance. The advertisement shall also include a location map that identifies the approximate geographic location of the subject property.
  - f. The board of county commissioners shall hold one advertised public hearing on the proposed variance and may, upon the conclusion of the hearing, immediately adopt the resolution approving the variance
3. The board of county commissioners shall notify petitioner in writing of its decision within 15 days of the public hearing.
  4. Any person aggrieved by a decision of the board of county commissioners granting or denying a variance may apply to the circuit court of the circuit in which the property is located for judicial relief within 30 days after rendition of the decision by the board of county commissioners. Review in the circuit court shall be by

petition for a writ of certiorari and shall be governed by the Florida Appellate Rules.

#### H. Exemptions.

Exemptions shall be reviewed administratively for compliance with applicable county codes, and shall not be heard by the board of county commissioners. Exemptions to this section 9.04.06 shall include:

1. The removal of any plant defined as **EXOTIC VEGETATION** by county code.
2. Any modification, maintenance, or repair, to any existing **STRUCTURE** within limits of the existing foundation or footprint, which does not require, involve, or include any additions to, or repair or modifications of, the existing foundation of that **STRUCTURE**, except those modifications required by code, excluding additions or enclosure added, constructed, or installed below the first **DWELLING** floor or lowest deck of the existing **STRUCTURE**.
3. Any **STRUCTURES**, that: 1) do not constitute fixed **STRUCTURE(S)**, 2) do not require a **BUILDING** permit, 3) weigh less than 100 pounds, and 4) upon review by the County Manager or his designee or his designees, is determined to not present an actual or potential threat to the **BEACH** and the **DUNE** system and **ADJACENT** properties are exempt from the variance requirements of this division. This exemption shall not be effective during sea turtle nesting season (May 1--October 31) unless the **STRUCTURES** are removed daily from the **BEACH** prior to 9:30 p.m. and are not moved onto, or placed on, the **BEACH** before completion of monitoring conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit (daily sea turtle monitoring), or unless the **BEACH** furniture is being actively used or attended during the period of time from 9:30 pm until the next day's monitoring. Exemptions allowed under this provision are not intended to authorize any violation of F.S. § 370.12, or any of the provisions of the Endangered Species Act of 1973, as it may be amended.

#### 9.04.07 Specific Requirements for Waiver of **AUTOMOBILE SERVICE STATION** Distance Requirements.

- A. *Waiver of distance requirements.* The BZA may, by resolution, grant a waiver of part or all of the minimum separation requirements set forth in section 5.05.05. if it is demonstrated by the **APPLICANT** and determined by the BZA that the site proposed for **DEVELOPMENT** of

an **AUTOMOBILE SERVICE STATION** is separated from another **AUTOMOBILE SERVICE STATION** by natural or man-made boundaries, **STRUCTURES** or other features which offset or limit the necessity for such minimum distance requirements. The BZA decision to waive part or all of the distance requirements shall be based upon the following factors:

1. Whether or not the nature and type of natural or manmade boundary, **STRUCTURE**, or other feature lying between the proposed establishment and an existing **AUTOMOBILE SERVICE STATION** is determined by the board to lessen the impact of the proposed service station. Such boundary, **STRUCTURE** or other feature may include, but not be limited to, lakes, marshes, nondevelopable **WETLANDS**, designated preserve areas, canals and a minimum of a four-lane arterial or collector **RIGHT-OF-WAY**.

2. Whether or not the **AUTOMOBILE SERVICE STATION** is only engaged in the servicing of automobiles during regular, daytime business hours, or if in addition to or in lieu of servicing, the station sells food, gasoline and other convenience items during daytime, nighttime, or on a 24-hour basis.

3. Whether or not the service station is located within a **SHOPPING CENTER** primarily accessed by a **DRIVEWAY**, or if it fronts on and is accessed directly from a platted road **RIGHT-OF-WAY**.

4. Whether or not the granting of the distance waiver will have an adverse impact on **ADJACENT** land uses, especially residential land uses.

B. *Waiver request submittal requirements.* The request for an **AUTOMOBILE SERVICE STATION** waiver shall be based on the submittal of the required application, a site plan, and a written market study analysis which justifies a need for the additional **AUTOMOBILE SERVICE STATION** in the desired location. The site plan shall indicate the following:

1. The dimensions of the subject property.

2. All vehicular points of ingress and egress.

3. Compliance with all requirements of this Code including the location of the **STRUCTURES** on site, landscaping, off-**STREET** parking, site circulation, architectural design guidelines, and signage.

4. All proposed **BUFFER** areas.
  5. The site plan shall also indicate the layout and type of land uses surrounding the subject property within 500 feet. The site plan shall show the layout of the road on which the proposed station fronts or to which **ACCESS** is provided, including the type of road, the number of lanes, and the location of intersections and turn lanes, median locations and median widths, for a 500 foot distance from the subject parcel.
- C. *Additional conditions.* The BZA shall have the right to add additional conditions or requirements to its approval of a distance waiver request in order to insure **COMPATIBILITY** of the **AUTOMOBILE SERVICE STATION** with the surrounding area and the goals and objectives of the GMP.

**CHAPTER 10**  
**APPLICATION, REVIEW, AND DECISION-MAKING**  
**PROCEDURES**

**10.01.00 GENERALLY**

- 10.01.01 Purpose and Intent**
- 10.01.02 Development Orders Required**
- 10.01.03 Applicability and Exemptions**
  - A. Generally**
  - B. Exemptions**
- 10.01.04 Fees Required**

**10.02.00 APPLICATION REQUIREMENTS**

- 10.02.01 Pre-application Conference Required**
- 10.02.02 Submittal Requirements for All Applications**
- 10.02.03 Submittal Requirements for Site Development Plans**
  - A. Conceptual or preliminary site development plan requirements**
  - B. Final Site Development Plan requirements**
- 10.02.04 Submittal Requirements for Plats**
  - A. Preliminary plat requirements**
  - B. Final plat requirements**
- 10.02.05 Submittal Requirements for Improvements Plans**
- 10.02.06 Submittal Requirements for Permits**
  - A. Generally**
- 10.02.07 Submittal Requirements for Certificates of Public Facility Adequacy**
- 10.02.08 Submittal Requirements for Amendments to the Official Zoning and LDC**
- 10.02.09 Submittal Requirements for Text Amendments to the the LDC**
- 10.02.10 Submittal Requirements for Amendments to Development Orders**
- 10.02.11 Submittal of Streetlight Plans**
- 10.02.12 Building or Land Alteration Permits**

- 10.02.13 Planned Unit Development (PUD) Procedures
- 10.02.14 Landscape Plans
- 10.03.00 NOTICE REQUIREMENTS
  - 10.03.01 Generally
  - 10.03.02 Posting Signs Required
  - 10.03.03 Mailed Notice Requirements
  - 10.03.04 Published Notice Requirements
  - 10.03.05 Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, The EAC, and the Historic Preservation Board
- 10.04.00 REVIEW AND ACTION ON APPLICATIONS FOR DEVELOPMENT ORDERS AND PETITIONS FOR AMENDMENTS TO THE OFFICIAL ZONING MAP, THE UDC, OR THE GMP
  - 10.04.01 Determination of Completeness
  - 10.04.02 Applications Subject to Type I Review
  - 10.04.03 Applications Subject to Type II Review
  - 10.04.04 Applications Subject to Type III Review
  - 10.04.05 Procedures for Review and Approval of Type I Applications
  - 10.04.06 Procedures for Review and Approval of Type II Applications
  - 10.04.07 Procedures for Review and Approval of Type III Applications
  - 10.04.08 Modifications to Pending Applications
  - 10.04.09 Request for Continuance of Public Hearing
  - 10.04.10 Withdrawal of Pending Applications
  - 10.04.11 Public Hearings
  - 10.04.12 Denial of Application
- 10.05.00 AMENDMENTS TO DEVELOPMENT ORDERS
  - 10.05.01 Generally
  - 10.05.02 Major Amendment
  - 10.05.03 Minor Amendment
- 10.06.00 APPEALS
  - 10.06.01 Applicability
  - 10.06.02 Stay of Proceedings
  - 10.06.03 Time for Applications
  - 10.06.04 Final Action on Appeals



**10.06.05 Judicial Review**

**10.07.00 ENFORCEMENT**

**10.07.01 Responsibility for Enforcement**

**10.07.02 Complaints and Investigations**

**10.07.03 Notification of Violation**

**10.08.00 CONDITIONAL USES PROCEDURES**

## CHAPTER 10 – APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES

### 10.01.00 GENERALLY

10.01.01 Purpose and Intent *[RESERVED]*

10.01.02 DEVELOPMENT ORDERS Required *[RESERVED]*

10.01.03 Applicability and Exemptions *[RESERVED]*

A. Generally

B. Exemptions

10.01.04 Fees Required

A. Fees and administrative surcharge for wellfield permits.

1. *Fees.*

a. The board shall establish, by resolution, an application fee for certificates to operate and wellfield **CONDITIONAL USE** permits to cover the cost of the county's administration and implementation regulations and prohibitions of this section.

b. It is the intent of this section that the cost of implementation be borne wholly by the regulated **DEVELOPMENT**.

2. *Administrative surcharge.*

a. The board may, by resolution, impose a surcharge on:

i. Revisions and modifications of certificates to operate and wellfield **CONDITIONAL USE** permits; and

ii. Appeals from adverse administrative determination.

b. The surcharge shall include a fee for the purpose of administering this section including, without limitations, professional staff time in processing and revising the application, petition or appeal and reasonable costs. It is the intent of this section that such costs are wholly borne by the regulated **DEVELOPMENT**.

3. *Fee schedule.* The fee schedule for applications for certificates of operate, petitions for wellfield **CONDITIONAL USE** permits, appeals from adverse administrative determinations, and revisions and modifications to any of the same, shall be posted in the office of the county manager, the department and shall be on file with the clerk to the board.

10.02.00 APPLICATION REQUIREMENTS

10.02.01 Pre-application Conference Required

A. SUBDIVISION review procedures

1. *Preapplication conference.* Prior to formal filing of a preliminary **SUBDIVISION** plat, an **APPLICANT** shall confer with the County Manager or his designee to obtain information and guidance. The purpose of such a conference is to permit the **APPLICANT** and the County Manager or his designee to review informally a proposed **DEVELOPMENT** and determine the most efficient method of **DEVELOPMENT** review before substantial commitments of time and money are made in the preparation and submission of the preliminary **SUBDIVISION** plat, improvement plans, final **SUBDIVISION** plat, and related documents.

a. *Preapplication.* A written preapplication shall be submitted to the County Manager or his designee at any time prior to the review of a proposed preliminary **SUBDIVISION** plat. The written application shall contain the following:

i. *Written statement.* Ten copies, unless otherwise specified by the County Manager or his designee, of a written statement generally describing the condition of the property and the proposed **DEVELOPMENT** of the entire **SUBDIVISION**. This statement shall include but is not necessarily limited to data on existing covenants or restrictions, location of utility facilities and public facilities, general soil characteristics, and other information describing the **SUBDIVISION** proposed, such as number of **PARCELS, LOTS**, or tracts; typical **LOT** or other **PARCEL** configuration; water retention areas; public areas; anticipated utility sources; zoning classifications; and any other information needed for preparation and review of the preliminary **SUBDIVISION** plat.

ii. *Plan.* Ten copies, unless otherwise specified by the County Manager or his designee, of a plan including the following: a location plan showing the location of the land to be subdivided; approximate acreage; natural features such as native habitat identified by vegetative cover and depicted in aerial imagery; low or swampy areas; water bodies, streams, lakes,

canals or the like; identification of **ADJACENT** lands; a brief description of the land to be subdivided; name, telephone number and address of owner and developer and its representatives; date; north point; **STREET**; general **LOT** and **BLOCK** layout; layout of all adjoining **STREETS**; zoning classification of the property proposed for **SUBDIVISION** and **ADJACENT** properties; location of existing improvements; and any other significant features.

iii. *Aerial photograph with overlay.* Current aerial photograph of not less than one to 200 scale, with clear film overlay with proposed **SUBDIVISION** configuration superimposed upon it. In the rural, less populated areas of the county, a minimum scale of one to 400 will be acceptable, upon request to the **DEVELOPMENT** service director, if the one to 200 scale is not readily available.

b. *Issues of discussion.* Issues that shall be discussed at the preapplication conference shall include but are not limited to the following:

i. *Proposed DEVELOPMENT.* The **APPLICANT** should describe the general nature of the proposed **DEVELOPMENT**, including, if applicable, proposed land uses and their **DENSITIES**; proposed placement of **BUILDINGS**, **STRUCTURES**, and other improvements; character and location of **COMMON OPEN SPACE** or treatment of public uses; preservation of natural features; protection of environmentally sensitive areas; proposed off-**STREET** parking and internal traffic circulation; and total ground coverage of paved areas and **STRUCTURES**.

ii. *Review procedures.* The County Manager or his designee shall identify procedural review requirements for the proposed **DEVELOPMENT** and applicable review requirements and standards in terms of this section that apply to the review of the proposed **DEVELOPMENT**. This should include identifying which decision-making body or bodies will review the application and the approximate length of the **DEVELOPMENT** review procedure.

iii. *Referral agencies.* The County Manager or his designee will make a good faith effort to identify the federal, state and local agencies that may be required

to review the proposed **DEVELOPMENT**, and if possible identify for the **APPLICANT** the name and title of persons at these agencies to contact about review procedures, and generally describe the information which will be needed to satisfy the concerns of the relevant federal, state and local agencies.

iv. *Application contents.* In conformance with the requirements of this section, the County Manager or his designee shall establish the contents of the preliminary **SUBDIVISION** plat required to be submitted for the proposed **DEVELOPMENT**. This shall include descriptions of the types of reports and drawings required, the general form which the preliminary **SUBDIVISION** plat shall take, and the information which shall be contained within the preliminary **SUBDIVISION** plat and supporting documentation.

v. *Application copies and fees.* The County Manager or his designee shall identify the number of copies of the preliminary **SUBDIVISION** plat application that are required to be submitted for the proposed **DEVELOPMENT**, along with the amount of the fees needed to defray the cost of processing the application.

c. *Summary.* At the conclusion of the preapplication conference, the **APPLICANT** shall be presented with a written summary or checklist of the meeting by the County Manager or his designee.

## 10.02.02 Submittal Requirements for All Applications

### A. ENVIRONMENTAL IMPACT STATEMENTS

#### 1. PURPOSE.

a. The purpose of this section is to provide a method to objectively evaluate the impact of a proposed **DEVELOPMENT**, site **ALTERATION**, or project upon the resources and **ENVIRONMENTAL QUALITY** of the project area and the community and to insure that planning and zoning decisions are made with a complete understanding of the impact of such decisions upon the environment, to encourage projects and **DEVELOPMENTS** that will:

i. Protect, conserve and enhance, but not degrade, the **ENVIRONMENTAL QUALITY** and resources of

the particular project or **DEVELOPMENT** site, the general area and the greater community.

ii. Minimize the future reduction in property values likely to result, or be caused by improperly designed and executed projects and **DEVELOPMENTS**.

iii. Reduce the necessity for expenditure of public funds in the future for rehabilitating the **ENVIRONMENTAL QUALITY** of areas of environmental sensitivity.

b. Further, it is the purpose of this section to attain the widest range of beneficial uses of the environment without degradation of environmental advantages and risk to public health, safety, welfare and other undesirable consequences.

c. It is also the purpose of this section to optimize a balance between population and resource use to permit high standards of living and a wide sharing of resources and amenities among all citizens and residents of and visitors to Collier County during the present and future generations.

## 2. APPLICABILITY; **ENVIRONMENTAL IMPACT STATEMENT (EIS)** REQUIRED.

Without first obtaining approval of an EIS, or exemption pursuant to section 10.02.02 A.7., as required by this Code it shall be unlawful and no **BUILDING** permit, **CONDITIONAL USE**, zoning change, **SUBDIVISION** or **CONDOMINIUM** plat or unplatted **SUBDIVISION** approval or other county permit or approval of or for **DEVELOPMENT** or site **ALTERATION** shall be issued to cause the **DEVELOPMENT** of or site **ALTERATION** of:

a. Any site with a ST or ACSC-ST overlay.

b. All sites seaward of the coastal management boundary that are 2.5 or more acres.

c. All sites landward of the coastal management boundary that are ten or more acres.

d. Sites where a prior EIS was prepared and approved for the same area of land and where the following exist:

i. Greater impacts to preserve areas or changes in location to preserve areas are proposed;

ii. Greater impacts to jurisdictional **WETLANDS** or listed species habitats are proposed;

iii. New listed species have been identified on site; or

iv. A previous EIS is more than 5 years old.

e. Any other **DEVELOPMENT** or site **ALTERATION** which in the opinion of the County Manager or his designee, would have substantial impact upon **ENVIRONMENTAL QUALITY** and which is not specifically exempted in this Code. In determining whether such a project would have substantial environmental impact the County Manager or his designee shall base his decision on the terms and conditions described in this Code and on the project's consistency with the growth management plan.

f. When required by section 3.04.01 of this Code, plant and animal species surveys shall be conducted regardless of whether an EIS or resubmitted EIS is required by this section.

3. **SUBMISSION AND REVIEW OF EIS.** A completed EIS, in written and digital format, shall be submitted to County Manager or his designee for approval, denial or approval with modifications. No **DEVELOPMENT** or site **ALTERATION** will be started without this approval and permits required by law. Failure to provide full and complete information shall be grounds for denial of the application. The author(s) of the EIS shall provide evidence, by academic credentials or experience, of his/her expertise in the area of environmental sciences or natural resource management. Academic credentials shall be a bachelor's or higher degree in one of the biological sciences. Experience shall reflect at least three years, two years of which shall be in the State of Florida, of ecological or biological professional experience if substituting for academic credentials.

#### 4. INFORMATION REQUIRED FOR APPLICATION.

##### a. **APPLICANT INFORMATION.**

i. Responsible person who wrote the EIS and his/her education and job related environmental experience.

ii. Owner(s)/agent(s) name, address, phone number & e-mail address.

##### b. **MAPPING AND SUPPORT GRAPHICS.**

i. General location map.

ii. Native habitats and their boundaries identified on an aerial photograph of the site extending at least 200 feet outside the **PARCEL** boundary. This does not mean the **APPLICANT** is required to go on to adjoining properties. Habitat identification consistent with the Florida Department of Transportation Florida Land Use Cover and Forms Classification System

(FLUCFCS) shall be depicted on an aerial photograph having a scale of one inch equal to at least 200 feet when available from the County. Other scale aeriels may be used where appropriate for the size of the project, provided the photograph and overlays are legible at the scale provided. A legend for each of the FLUCFCS categories found on-site shall be included on the aerial.

iii. Topographic map, and existing drainage patterns if applicable. Where possible, elevations within each of FLUCFCS categories shall be provided.

iv. Soils map at scale consistent with that used for the Florida Department of Transportation Florida Land Use Cover and Forms Classification System determinations.

v. Proposed drainage plan indicating basic flow patterns, outfall and off-site drainage.

vi. **DEVELOPMENT PLAN** including phasing program, service area of existing and proposed public facilities, and existing and proposed transportation network in the impact area.

vii. Site plan showing preserves on-site, and how they align with preserves on adjoining and neighboring properties. Include on the plan locations of proposed and existing **DEVELOPMENT**, roads, and areas for stormwater retention, as shown on approved master plans for these sites, as well as public owned conservation lands, conservation acquisition areas, major **FLOWWAYS** and potential wildlife corridors.

viii. For properties in the RLSA or **RFMU DISTRICTS**, a site plan showing the location of the site, and land use designations and overlays as identified in the Growth Management Plan.

c. **PROJECT DESCRIPTION AND GMP CONSISTENCY DETERMINATION.**

i. Provide an overall description of the project with respect to environmental and water management issues.

ii. Explain how the project is consistent with each of the Objectives and Policies in the Conservation and



Coastal Management Element of the Growth Management Plan, where applicable.

d. **NATIVE VEGETATION PRESERVATION.**

i. Identify the acreage and community type of all upland and wetland habitats found on the project site, according to the Florida Land Use Cover and Forms Classification System (FLUCFCS). Provide a description of each of the FLUCFCS categories identified on-site by vegetation type (species), vegetation composition (canopy, midstory and ground cover) and vegetation dominance (dominant, common and occasional).

ii. Explain how the project meets or exceeds the **NATIVE VEGETATION** preservation requirement in Goal 6 of the Conservation and Coastal Management Element of the Growth Management Plan, and Chapters 4 and 10 of the Land **DEVELOPMENT** Code. Provide an exhibit illustrating such. Include calculations identifying the acreage for preservation and impact, per FLUCFCS category.

iii. For sites already cleared and in **AGRICULTURAL USE**, provide documentation that the **PARCEL(s)** are in compliance with the 25 year rezone limitation in Policy 6.1.5 of the Conservation and Coastal Management Element of the Growth Management Plan and Chapters 4 and 10 of the Land **DEVELOPMENT** Code. For sites cleared prior to January 2003, provide documentation that the **PARCEL(s)** are in compliance with the 10 year rezone limitation previously identified in the Growth Management Plan and Land **DEVELOPMENT** Code.

iv. Have preserves or acreage requirements for preservation previously been identified for the site during previous **DEVELOPMENT ORDER** approvals? If so, identify the location and acreage of these preserves, and provide an explanation if they are different from what is proposed.

v. For properties with Special Treatment "ST" overlays, show the ST overlay on the **DEVELOPMENT PLAN** and provided an explanation as to why these areas are being impacted or preserved.

e. **WETLANDS.**

i. Define the number of acres of Collier County jurisdictional **WETLANDS** (pursuant to Policy 6.2.1 and 6.2.2 of the Conservation and Coastal Management Element of the Growth Management Plan) according to the Florida Land Use Cover and Forms Classification System (FLUCFCS). Include a description of each of the FLUCFCS categories identified on-site by vegetation type (species), vegetation composition (canopy, midstory and ground cover) and vegetation dominance (dominant, common and occasional). Wetland determinations are required to be verified by the South Florida Water Management District or Florida Department of Environmental Protection, prior to submission to the County.

ii. Determine seasonal and historic high water levels utilizing lichen lines or other biological indicators. Indicate how the project design improves/affects predevelopment hydroperiods. Provide a narrative addressing the anticipated control elevation(s) for the site.

iii. Indicate the proposed percent of defined **WETLANDS** to be impacted and the effects of proposed impacts on the functions of these **WETLANDS**. Provide an exhibit showing the location of **WETLANDS** to be impacted and those to be preserved on-site. Describe how impacts to **WETLANDS** have been minimized.

iv. Indicate how the project design compensates for wetland impacts pursuant to the Policies and Objectives in Goal 6 of the Conservation and Coastal Management Element of the Growth Management Plan. For sites in the **RFMU DISTRICT**, provide an assessment, based on the South Florida Water Management District's Uniform Mitigation Assessment Method, that has been accepted by either the South Florida Water Management District or the Florida Department of Environmental Protection. For sites outside the **RFMU DISTRICT**, and where higher quality **WETLANDS** are being retained on-site, provide justification based on the Uniform Mitigation Assessment Method.

f. SURFACE AND GROUND WATER MANAGEMENT.

i. Provide an overall description of the proposed water management system explaining how it works, the basis of design, historical drainage flows, off-site flows coming in to the system and how they will be incorporated in the system or passed around the system, positive outfall availability, Wet Season Water Table and Dry Season Water Table, and how they were determined, and any other pertinent information pertaining to the control of storm and ground water.

ii. Provide an analysis of potential water quality impacts of the project by evaluating water quality loadings expected from the project (post **DEVELOPMENT** conditions considering the proposed land uses and stormwater management controls) compared with water quality loadings of the project area as it exists in its pre-**DEVELOPMENT** conditions. This analysis is required for projects impacting five (5) or more acres of **WETLANDS**. The analysis shall be performed using methodologies approved by Federal and State water quality agencies.

iii. Identify any Wellfield Risk Management Special Treatment Overlay Zones (WRM-ST) within the project area and provide an analysis for how the project design avoids the most intensive land uses within the most sensitive WRM-STs.

g. LISTED SPECIES.

i. Provide a plant and animal species survey to include at a minimum, listed species known to inhabit biological communities similar to those existing on-site, and conducted in accordance with the guidelines of the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service. State actual survey times and dates, and provide a map showing the location(s) of species of special status identified on-site.

ii. Identify all listed species that are known to inhabit biological communities similar to those existing on the site or that have been directly observed on the site.

iii. Indicate how the project design minimizes impacts to species of special status.

iv. Provide habitat management plans for each of the listed species known to occur on the property. For sites with bald eagle nests and/or nest protection zones, bald eagle management plans are required, copies of which shall be included as exhibits attached to the PUD documents, where applicable.

v. Where applicable, include correspondence received from the Florida Fish and Wildlife Conservation Commission (FFWCC) and the U.S. Fish and Wildlife Service (USFWS), with regards to the project. Explain how the concerns of these agencies have been met.

h. OTHER.

i. For multi-slip **DOCKING** facilities with ten slips or more, and for all **MARINA** facilities, show how the project is consistent with the **MARINA** Siting and other criteria in the Manatee Protection Plan. ii.

Include the results of any environmental assessments and/or audits of the property. If applicable, provide a narrative of the cost and measures needed to clean up the site.

iii. For sites located in the Big Cypress Area of Critical State Concern-Special Treatment (ACSC-ST) overlay district, show how the project is consistent with the **DEVELOPMENT** standards and regulations established for the ACSC-ST.

iv. Soil sampling or ground water monitoring reports and programs shall be required for sites that occupy old farm fields, old golf courses or for which there is a reasonable basis for believing that there has been previous contamination on site. The amount of sampling and testing shall be determined by the Environmental Services staff along with the Pollution Control Department and the Florida Department of Environmental Protection.

v. Provide documentation from the Florida Master Site File, Florida Department of State and any printed historic archaeological surveys that have been conducted on the project area. Locate any known historic or archaeological sites and their relationships to the proposed project design. Demonstrate how the project design preserves the historic/archaeological integrity of the site.

5. **ADDITIONAL DATA.** The County Manager or his designee may require additional data or information necessary in order to make a thorough and complete evaluation of the EIS and project.

6. **RELATION BETWEEN EIS AND DEVELOPMENT OF REGIONAL IMPACT (DRI).** In any instance where the proposed project requires both an EIS and a DRI, their data may be embodied in one report provided such report includes all the required information on both the EIS and DRI.

7. **EXEMPTIONS.**

a. Single-family or **DUPLEX** uses. Single-family or **DUPLEX** use on a single **LOT** or **PARCEL**. Exemption shall not apply to any **PARCEL** with a ST or ACSC-ST overlay, unless otherwise exempted by section 2.03.07 D. of this Code.

b. **AGRICULTURAL USES.** **AGRICULTURAL USES** that fall within the scope of sections 163.3214(4) or 823.14(6), Florida Statutes, provided that the subject property will not be converted to a nonagricultural **USE** or considered for any type of rezoning petition for a period of twenty-five years after the **AGRICULTURAL USES** commence and provided that the subject property does not fall within an ACSC or ST zoning overlay.

c. Non-sensitive Areas. Any area or **PARCEL** of land which is not, in the opinion of the County Manager or his designee, an **AREA OF ENVIRONMENTAL SENSITIVITY**, subject to the criteria set forth below, provided that the subject property does not fall within an ACSC or ST zoning overlay:

i. The subject property has already been **ALTERED** through past usage, prior to the adoption of this Code, in such a manner that the proposed use will not further degrade the **ENVIRONMENTAL QUALITY** of the site or the surrounding areas which might be affected by the proposed use.

ii. The major flora and fauna features have been **ALTERED** or removed to such an extent as to preclude their reasonable regeneration or useful ecological purpose. An example would be in the case of an industrial park or a commercial **DEVELOPMENT** where most of the flora and fauna were removed prior to the passage of this Code.

iii. The surface and/or natural drainage or recharge capacity of the project site has been paved or channeled, or otherwise **ALTERED** or improved prior to the adoption of this Code, and will not be further

degraded as a result of the proposed use or **DEVELOPMENT**.

iv. The use and/or **DEVELOPMENT** of the subject property will definitely improve and correct ecological deficiencies which resulted from use and/or **DEVELOPMENT** which took place prior to the passage of this Code. An example would be where the developer proposes to reforest the area, provide additional **OPEN SPACE**, replace natural drainage for channeled drainage, and/or reduce **DENSITY**.

v. The use or **DEVELOPMENT** will utilize existing **BUILDINGS** and **STRUCTURES** and will not require any major **ALTERATION** or modification of the existing land forms, drainage, or flora and fauna elements of the property.

d. All lands lying within all incorporated municipalities in Collier County.

e. All NBMO Receiving Lands.

8. **FEES**. In order to implement, maintain and enforce this Code, the cost upon submission of the **ENVIRONMENTAL IMPACT STATEMENT** shall be as established by resolution. Until this fee has been paid in full no action of any type shall be taken.

#### 9. **APPEALS**.

a. Any person aggrieved by the decision of the County Manager or his designee regarding any section of this Code may file a written request for appeal, not later than ten days after said decision, with the environmental advisory board or their successor organization.

b. The environmental advisory board will notify the aggrieved person and the County Manager or his designee of the date, time and place that such appeal shall be heard; such notification will be given 21 days prior to the hearing unless all parties waive this requirement.

c. The appeal will be heard by the environmental advisory board within 60 days of the submission of the appeal.

d. Ten days prior to the hearing the aggrieved person shall submit to the environmental advisory board and to the County Manager or his designee copies of the data and information he intends to use in his appeal.

e. Upon conclusion of the hearing the environmental advisory board will submit to the board of county commissioners their facts, findings and recommendations.

f. The board of county commissioners, in regular session, will make the final decision to affirm, overrule or modify the decision of the County Manager or his designee in light of the recommendations of the environmental advisory board

## B. **SUBDIVISION** Exemptions

Before any property or **DEVELOPMENT** proposed to be exempted from the terms of this section may be considered for exemption, a written request for exemption shall be submitted to the County Manager or his designee. After a determination of completeness, the County Manager or his designee shall approve, approve with conditions or disapprove the request for exemption based on the terms of the applicable exemptions. To the extent indicated, the following shall be exempt from the applicability of this section.

1. *Active **AGRICULTURAL USES**.* Agriculturally related **DEVELOPMENT** as identified in the permitted and **ACCESSORY USES** allowed in the rural agricultural district A and located within any area designated as agricultural on the future land use map of the Collier County growth management plan and the Collier County official zoning atlas, except **SINGLE-FAMILY DWELLINGS** and farm labor housing subject to sections 2.04.00 and 5.05.03, shall be exempt from the requirements and procedures for preliminary **SUBDIVISION** plats and improvements plans; provided, however, nothing contained herein shall exempt such active **AGRICULTURAL USES** from the requirements and procedures for final **SUBDIVISION** plats, and where required **SUBDIVISION** improvements are contemplated, the posting of **SUBDIVISION** performance security.

2. *Minor **SUBDIVISIONS** for single-family detached and **DUPLEX** residential **DEVELOPMENT**.* A minor **SUBDIVISION**, as defined in article 6, for single-family detached and **DUPLEX** residential **DEVELOPMENT** shall be exempt from the requirements and procedures for preliminary **SUBDIVISION** plats; provided, however, nothing contained herein shall exempt such minor **SUBDIVISION** from the requirements and procedures for improvement plans and final **SUBDIVISION** plats, and where required **SUBDIVISION** improvements are contemplated, the posting of **SUBDIVISION** performance security. No **BUILDING** permits shall be issued prior to recordation of the final **SUBDIVISION** plat.

3. *Minor **SUBDIVISIONS** for multifamily residential and nonresidential **DEVELOPMENT**.* A minor **SUBDIVISION**, as defined in article 6, for multiple-family residential **DEVELOPMENT** and all nonresidential **DEVELOPMENT** shall be exempt from the requirements and procedures for preliminary **SUBDIVISION** plats

and improvement plans; provided, however, nothing contained herein shall exempt such minor **SUBDIVISION** from the requirements and procedures for design requirements for **ACCESS** under the Collier County Construction Standards Manual, water management plans under the Collier County Construction Standards Manual, final **SUBDIVISION** plats under sections 10.02.04 and 10.02.05, and site **DEVELOPMENT PLANS** under section 10.02.03, and where required **SUBDIVISION** improvements are contemplated, the posting of **SUBDIVISION** performance security. No **BUILDING** permits shall be issued prior to recordation of the final **SUBDIVISION** plat.

4. *Integrated phased DEVELOPMENTS.* An integrated phased **DEVELOPMENT**, as defined in section 1.08.00 and which has been previously approved in accordance with section 10.02.04 A.5., shall be exempt from the requirements, standards and procedures for preliminary **SUBDIVISION** plats (section 10.02.04) and improvement plans (section 10.02.05 E.); provided, however, nothing contained herein shall exempt such integrated phased **DEVELOPMENT** from the requirements and procedures for design requirements for **ACCESS** according to the Collier County Construction Standards Manual, water management plans according to the Collier County Construction Standards Manual, final **SUBDIVISION** plats and **SUBDIVISION** performance security under sections 10.02.04 and 10.02.05, and major site **DEVELOPMENT PLANS** under section 10.02.03. No **BUILDING** permits shall be issued prior to recordation of the final **SUBDIVISION** plat. These provisions shall not require that the interior **ACCESS** within an integrated phased **DEVELOPMENT** be different from the conditions in section 10.02.03 applicable to site **DEVELOPMENT PLANS**.

5. *Cemeteries.* The division of land into cemetery **LOTS** or **PARCELS** shall be exempt from the requirements and procedures for preliminary **SUBDIVISION** plats and improvement plans; provided, however, nothing contained herein shall exempt such division of land into cemetery **LOTS** or **PARCELS** from the requirements and procedures for final **SUBDIVISION** plats and, where required **SUBDIVISION** improvements are contemplated, the posting of **SUBDIVISION** performance security; and provided, further, that such division of land into cemetery **LOTS** or **PARCELS** shall be subject to and comply with the requirements and procedures for site **DEVELOPMENT PLANS** under section 10.02.03, and shall obtain site **DEVELOPMENT PLAN** approval for the entire property proposed for such division of land into cemetery **LOTS** or **PARCELS**.



6. *Eminent domain or operation of law.* The division of land which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court, shall be exempt from this section; if and only if the County Manager or his designee and the county attorney are given timely written notice of any such pending action and given the opportunity to signify that the county be joined as a party in interest in such proceeding for the purpose of raising the issue of whether or not such action would circumvent or otherwise avoid the purposes or provisions of this section, i.e., the **SUBDIVISION** regulations, prior to the entry of any court order; and, if and only if an appropriate pleading is not filed on behalf of the county within 20 days after receipt of such notice. However, if a pleading is filed on behalf of the county within 20 days after receipt of such notice, such division of land created by the court shall not be exempt from this section.

7. *Oil, gas, and mineral rights.* The division of land which creates an interest or interests in oil, gas, or minerals which are now or hereafter severed from the surface ownership of real property shall be exempt from this section.

8. **LOT LINE adjustment/reconfiguration.** An adjustment of a **LOT LINE** between contiguous **LOTS** or **PARCELS** which may be platted or unplatted and which are under separate ownership or the same ownership shall be exempt from this section if all of the following conditions are met in a written request to the engineering review director:

a. It is demonstrated that the request is to correct an engineering or surveying error in a recorded plat or is to permit an insubstantial boundary change between **ADJACENT PARCELS**;

b. Both landowners whose **LOT LINES** are being adjusted provide written consent to the **LOT LINE** adjustment;

c. Instrument(s) evidencing the **LOT LINE** adjustment shall be filed in the official records of Collier County, Florida, upon approval, and shall indicate that the result of the **LOT LINE** adjustment will meet the standards of, and conforms to, the requirements of this code, including the dimensional requirements of the zoning district and the **SUBDIVISION** in which the **LOTS** are located. However, in cases of an existing **NONCONFORMING LOT OF RECORD**, the adjustment shall not increase the nonconformity of the **LOT**; and

d. It is demonstrated that the **LOT LINE** adjustment will not affect the **DEVELOPMENT** rights or permitted **DENSITY** or intensity of use of the affected **LOTS** by providing the

opportunity to create a new **LOT(s)** for resale or **DEVELOPMENT**.

9. *Prior **SUBDIVISION***. All division of land occurring prior to the effective date of this Code and conforming to the purposes of this section shall be exempt from this section; provided, however, that any property so divided which is resubdivided or further divided on or after January 10, 1989, shall not be exempt from this section. For agricultural/residential **SUBDIVISIONS** within the rural area of Collier County as defined herein, refer to section 10.02.02 B.; Also see "**LOT OF RECORD**" in section 1.08.00.

10. Rural area **SUBDIVISION** requirements.

a. *Deeds and other conveyances*. All deeds and other conveyances for properties shall include in ten-point type the following statement: "NO GOVERNMENTAL AGENCY, INCLUDING COLLIER COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, **STREETS, EASEMENTS OR RIGHTS-OF-WAY** PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED."

b. ***BUILDING** permits for rural **SUBDIVISIONS***. **BUILDING** permits will not be issued until the final plat is recorded.

c. ***ACCESS** agreement*. The owner of property applying for a **BUILDING** permit shall execute a release and waiver agreement which shall be executed and recorded at the **APPLICANT'S** expense in the official records of Collier County. The release and waiver agreement shall be in a form approved by the county attorney or his designee, and shall include, at a minimum, the following provisions and a copy of the recorded agreement submitted with the property owner's **BUILDING** permit application:

i. Identification of the property by legal description and tax **PARCEL** folio number;

ii. Description of the means of **ACCESS** to the subject property and the physical condition of that **ACCESS**;

iii. A statement recognizing that the **ACCESS** rights are personal rights between the grantor and grantee and the county's approval of the use of the accessway in no way implies that the use is permitted;

iv. A statement confirming that the maintenance and upkeep of such means of **ACCESS** shall be the

perpetual responsibility of the individual(s) or other entity holding rights to such means of **ACCESS**;

v. A statement confirming that any **DEVELOPMENT ORDER** issued by Collier County proposing utilization of such means of **ACCESS** shall contain a specific disclaimer from Collier County relating to the county's obligation for the present or future maintenance or upkeep of such means of **ACCESS**;

vi. A statement of release holding Collier County harmless in perpetuity for maintenance of such means of **ACCESS**;

vii. Description of the extent and specifications for improvements to the means of **ACCESS** being proposed by the **APPLICANT**;

viii. Description of the utilities, including, for example, water, sewer, telephone, electricity, which shall service the property as required by Collier County Ordinance [No.] 89-06 [Code ch. 22, art. VII], known as the Collier County Standard Housing Code, or its successor in function;

ix. A statement of the **APPLICANT'S** intent to arrange for, have installed and pay for provision of such utilities as are required by law;

x. A statement of release holding Collier County harmless in perpetuity for maintenance of such utilities;

xi. An acknowledgment that the department of community affairs (DCA) may review and appeal any **DEVELOPMENT ORDER** issued by Collier County within the Big Cypress Area of Critical State Concern. Also, confirmation that the **APPLICANT** will execute, prior to issuance of any **DEVELOPMENT ORDER** by Collier County, a statement of understanding of the DCA review requirements in the form approved by the DCA; and

xii. A statement that permits from all state and federal agencies have been obtained or applied for, including copies of said applications. The responsibility to determine if such permits are necessary is solely the responsibility of the **APPLICANT**.

11. Chokoloskee Island **SUBDIVISION** requirements.

a. *Deeds and other conveyances.* All deeds and other conveyances for properties hereafter on Chokoloskee Island shall include in bold-faced type the following statement: "NO GOVERNMENTAL AGENCY, INCLUDING COLLIER COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, **STREETS, EASEMENTS OR RIGHTS-OF-WAY** PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED." Failure to include this information in a deed shall not affect the conveyance of property.

b. ***BUILDING** permits for Chokoloskee Island.* Prior to the issuance of a **BUILDING** permit for any property on Chokoloskee Island, the owner of the property applying for the **BUILDING** permit must provide verification that he or she has an existing means of **ACCESS** to the property and the existing means of **ACCESS** to such property must be improved to the standards established by this subsection. Said **ACCESS** may be:

- i. Dustless surface a minimum of 20 feet in width;
- ii. Asphalt paved road a minimum of 18 feet in width;  
or
- iii. Limerock surface a minimum of 20 feet in width.

c. ***ACCESS** agreement.* The owner of property applying for a **BUILDING** permit shall execute a release and waiver agreement which shall be executed and recorded at the **APPLICANT'S** expense in the official records of Collier County. The release and waiver agreement shall be in a form approved by the county attorney or his designee, and shall include, at a minimum, the following provisions and a copy of the recorded agreement submitted with the property owner's **BUILDING** permit application:

- i. Identification of the property by legal description and tax **PARCEL** folio number;
- ii. Description of the means of **ACCESS** to the subject property and the physical condition of that **ACCESS**;
- iii. A statement recognizing that the **ACCESS** rights are personal rights between the grantor and grantee and the county's approval of the use of the accessway in no way implies that the use is permitted.
- iv. A statement confirming that the maintenance and upkeep of such means of **ACCESS** shall be the

perpetual responsibility of the individual(s) or other entity holding rights to such means of **ACCESS**;

v. A statement confirming that any **DEVELOPMENT ORDER** issued by Collier County proposing utilization of such means of **ACCESS** shall contain a specific disclaimer from Collier County relating to the county's obligation for the present or future maintenance or upkeep of such means of **ACCESS**;

vi. A statement of release holding Collier County harmless in perpetuity for maintenance of such means of **ACCESS**;

vii. Description of the extent and specifications for improvements to the means of **ACCESS** being proposed by the **APPLICANT**;

viii. Description of the utilities, including, for example, water, sewer, telephone, electricity, which shall service the property as required by Collier County Ordinance No. 89-06, known as the Collier County Standard Housing Code, or its successor in function;

ix. A statement of the **APPLICANT'S** intent to arrange for, have installed and pay for provision of such utilities as are required by law;

x. A statement of release holding Collier County harmless in perpetuity for maintenance of such utilities;

xi. A statement that permits from all state and federal agencies have been obtained or applied for, including copies of said permits applications. The responsibility to determine if such permits are necessary is solely the responsibility of the **APPLICANT**.

d. *Golden Gate Estates LOT divisions.* When a five acre **PARCEL** in Golden Gate Estates is subdivided into two **LOTS**, where one of the **LOTS** is not on the existing **RIGHT-OF-WAY**, the owner may create an **ACCESS EASEMENT** to and through the **PARCEL** which is not on the **RIGHT-OF-WAY**. The **EASEMENT** must be at least 20 feet in width, and extend at least 150 feet into the otherwise landlocked **LOT**. The **EASEMENT** shall provide for **ACCESS** to the **LOT**, and satisfy the **FRONTAGE** requirement.

C. Soil erosion and sediment control plan required.

For new and existing **DEVELOPMENT** and construction approved pursuant to the provisions of sections 10.02.03, 10.02.04 and 10.02.05, a

soil erosion and sediment control plan shall be prepared and submitted for approval with the required construction documents for each proposed project as prescribed by objective 5.4 and policies 5.4.1 through 5.4.4 of the conservation and coastal management element of the Collier County growth management plan. Each plan shall be prepared in accordance with the following standards:

1. The Florida **DEVELOPMENT** Manual: A Guide to Sound Land and Water Management, department of environmental regulation, State of Florida, June 1988, chapter 6: Stormwater and Erosion and Sediment Control Best Management Practices for Developing Areas, Guidelines for Using Erosion and Sediment Control Practices ES BMP 1.01--1.67, pp. 6-301 through 6-500.
2. Turbidity values surrounding discharge from projects shall not violate water quality criteria contained in 17-302.510(r) F.A.C.
3. Any irrigation system utilized to implement an erosion control plan shall be designed and installed pursuant to: USDA SCS Field Office Technical Guide, section IV, codes 441, 442, 449 and all subsequent supplements thereto.

D. *Review by environmental advisory board.* All preliminary **SUBDIVISION** plat and/or site **DEVELOPMENT PLAN** submissions for **DEVELOPMENT** or site **ALTERATION** on a **SHORELINE** and/or undeveloped coastal barrier shall be reviewed and a recommendation shall be made for approval, approval with conditions or denial by the environmental advisory board. If the **APPLICANT** chooses not to utilize the optional preliminary **SUBDIVISION** plat process, the review and approval will occur at the time of either the final plat and construction plans or the final plat.

E. Restrictions on issuance of approved site plans and certificates of occupancy.

1. *Prohibitions.*

- a. No site plan or other **DEVELOPMENT** permit shall be issued or renewed and no certificate of occupancy issued by the Collier County **BUILDING** department for any regulated **DEVELOPMENT** which would allow **DEVELOPMENT**, construction or change of use in violation of the standards of this section.
- b. Site plans, other final **DEVELOPMENT** permits or certificates of occupancy issued in violation of the prohibition of this section are deemed to be invalid, and shall not confirm or vest any **DEVELOPMENT** right or property

interest on the owner/operator or regulated  
**DEVELOPMENT.**

F. Requests for Interpretations

1. Initiation.

An interpretation may be requested by any affected person, resident, developer, land owner, government agency or department, or any person having a contractual interest in land in Collier County.

2. Procedures.

- a. *Submission of request for interpretation.* Requests for interpretation must be submitted to the County Manager or his designee or chief **BUILDING** official ("officials") in a form established by him. Each request must identify the specific land **DEVELOPMENT** code or **BUILDING** code citation to be interpreted. Each request for interpretation must be accompanied by the appropriate fee as set forth in the fee resolution adopted by the board of county commissioners. Under no circumstances may the request for interpretation contain more than three issues or questions. It must not contain a single question with more than three sub-issues or questions. If it is determined by the appropriate official that the request for interpretation contains more than three issues, the **APPLICANT** will be required to submit a separate request accompanied by the applicable fees.
- b. *Determination of completeness.* After receipt of a request for interpretation, the appropriate official must determine whether the request is complete. If the appropriate official determines that the request is not complete, he must serve a written notice on the **APPLICANT** specifying the deficiencies. The appropriate official will take no further action on the request for interpretation until the deficiencies are remedied.
  - i. *Notification of affected property owner.* Where a site specific interpretation has been requested by a party other than the affected property owner, Collier County shall notify the property owner that an interpretation has been requested concerning their property.
- c. *Rendering of interpretation.* After the request for interpretation has been determined complete, the County Manager or his designee or chief **BUILDING** official, whichever is applicable, shall review and evaluate the request in light of the growth management plan, the future land use map, the Code and/or the

official zoning atlas, and **BUILDING** code related matters, whichever is applicable, and render an interpretation. The County Manager or his designee and the chief **BUILDING** official may consult with the county attorney and other county departments before rendering an interpretation. Prior to the release to the **APPLICANT** of any interpretation, the interpretation shall be reviewed by the county attorney for legal form and sufficiency. Interpretations made pursuant to this section shall be rendered within 45 days of issuance of a determination of completeness made pursuant to section 10.02.02 F.2.b. above.

3. Form.

The interpretation shall be in writing and shall be sent to the **APPLICANT** by certified mail return receipt requested.

4. Official record.

The County Manager or his designee shall maintain an official record of all interpretations rendered by either the County Manager or his designee or chief **BUILDING** official, which shall be available for public inspection during normal business hours.

- a. *Notice of interpretation.* The County Manager or his designee shall provide public notification upon the issuance of an interpretation. For general interpretations of the **BUILDING** code, Growth Management Plan or Land **DEVELOPMENT** Code, notice of the interpretation and appeal time-frame shall be advertised in a newspaper of general circulation in the County. For interpretations affecting a specific **PARCEL** of land, notice of the interpretation and appeal time-frame shall be advertised in a newspaper of general circulation, and mail notice of the interpretation shall be sent to all property owners within 300 feet of the property lines of the land for which the interpretation is effective.
- b. *Effective time limits of an interpretation.* An interpretation rendered by the County Manager or his designee or the **BUILDING** official, as the case may be, shall remain in effect until the appropriate Code section is amended to clarify the applicable provision or provisions which warranted the interpretation, or until such time as the interpretation is adopted, modified, or rejected as a result of an appeal to the board of zoning appeals and/or the **BUILDING** board of adjustments and appeals, by the **APPLICANT** or other individual or entity



identified in section 10.02.02 F.1. above. From the time the interpretation is rendered and the time the appropriate Code section is amended, or in the case of an appeal, until such time as the board of zoning appeals and/or **BUILDING** board of adjustments and appeals has rendered its finding, no further request for interpretation regarding the same issue shall be permitted.

5. Appeal to board of zoning appeals or **BUILDING** board of adjustments and appeals.

Within 30 days after receipt by the **APPLICANT** or affected property owner of a written interpretation sent by certified mail return receipt requested by the County Manager or his designee or chief **BUILDING** official, or within 30 days of publication of public notice of interpretation, the **APPLICANT**, affected property owner, or aggrieved or adversely affected party may appeal the interpretation to the **BUILDING** board of adjustments and appeals for matters relating to **BUILDING** and technical codes as shown in section 1.07.00 or to the board of zoning appeals for all other matters in this Code. For the purposes of this section, an affected property owner is defined as an owner of property located within 300 feet of the property lines of the land for which the interpretation is effective. An aggrieved or affected party is defined as any person or group of persons which will suffer an adverse effect to an interest protected or furthered by the Collier County Growth Management Plan, Land **DEVELOPMENT** Code, or **BUILDING** Code(s). The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons.

A request for appeal shall be filed in writing. Such request shall state the basis for the appeal and shall include any pertinent information, exhibits and other backup information in support of the appeal. A fee for the application and processing of an appeal shall be established at a rate set by the board of county commissioners from time to time and shall be charged to and paid by the **APPLICANT**. The board of zoning appeals or the **BUILDING** board of adjustments and appeals, whichever is applicable, shall hold an advertised public hearing on the appeal and shall consider the interpretation of the County Manager or his designee or chief **BUILDING** official, whichever is applicable, and public testimony in light of the growth management plan, the future land use map, the Code or the official zoning atlas, or **BUILDING** code related matters, whichever is applicable. The board of zoning appeals or the **BUILDING** board of adjustments and appeals, whichever is applicable, shall adopt the County Manager or his designee's or chief

**BUILDING** official's interpretation, whichever is applicable, with or without modifications or conditions, or reject his interpretation. The board of zoning appeals or the **BUILDING** board of adjustments and appeals, whichever is applicable, shall not be authorized to modify or reject the County Manager or his designee's or chief **BUILDING** official's interpretation unless such board finds that the determination is not supported by substantial competent evidence or that the interpretation is contrary to the growth management plan, the future land use map, the Code or the official zoning atlas, or **BUILDING** code, whichever is applicable.

### 10.02.03 Submittal Requirements for Site **DEVELOPMENT PLANS**

#### A. Generally

##### 1. Purpose.

The intent of this section is to ensure compliance with the appropriate land **DEVELOPMENT** regulations prior to the issuance of a **BUILDING** permit. This section is further intended to ensure that the proposed **DEVELOPMENT** complies with fundamental planning and design principles such as: consistency with the county's growth management plan; the layout, arrangement of **BUILDINGS**, architectural design and **OPEN SPACES**; the configuration of the traffic circulation system, including **DRIVEWAYS**, traffic calming devices, parking areas and emergency **ACCESS**; the availability and capacity of drainage and utility facilities; and, overall **COMPATIBILITY** with **ADJACENT DEVELOPMENT** within the jurisdiction of Collier County and consideration of natural resources and proposed impacts thereon.

##### 2. Applicability.

All **DEVELOPMENT**, except as otherwise provided herein, is subject to the provisions of this section. The provisions of this section shall not apply to the following land use activities and represents the sole exceptions therefrom:

- a. Single-family detached and two-family housing **STRUCTURE(S)** on a **LOT(S)** of record except as otherwise provided at section 4.02.02 (**CLUSTER DEVELOPMENT**).
- b. Underground construction; utilities, communications and similar underground construction type activities.
- c. Accessory and ancillary facilities for a golf course such as restrooms, irrigation systems, pump-houses where a preliminary work authorization has been entered into with the county except where a site **ALTERATION** permit is required by this Code.

d. Construction trailers and storage of equipment and materials following issuance of a **BUILDING** permit for the use to which said activities are a function of, except as otherwise provided by section 5.04.03 E. Model homes and sales centers, except as otherwise provided by section 5.04.04.

f. Project entryway **SIGNS**, walls, gates and guardhouses.

g. **NEIGHBORHOOD PARKS**, subject to the approval of a conceptual site plan, depicting, on a 24" by 36" sheet, all site clearing; improvements, including fences and walls, playground equipment, walkways, picnic areas, and play areas; and minimum Code landscaping (irrigation will not be required). For the purposes of review fees only, this plan shall be treated as a conceptual site **DEVELOPMENT PLAN**, and the applicable review fee shall apply.

**Minimum LANDSCAPE BUFFERING.** Under certain circumstances with **NEIGHBORHOOD PARKS**, there may be underlying health, safety and welfare concerns that necessitate deviation from the **BUFFERING** required in section 4.06.02. The County Manager or his designee will determine, on a case-by-case basis, whether such deviation is necessary. This determination will be made upon a request for determination from the **APPLICANT**, which must include all reasons that would justify the deviation. The County Manager or his designee will use factors including, but not limited to, the following when making a determination for deviation:

- a. The geographic location of the **NEIGHBORHOOD PARK**;
- b. The effects that a lack of **BUFFERING** will have on neighboring uses; and
- c. The need to ensure that the public safety is maintained by providing law enforcement and other policing entities clear view of the activities occurring on the park premises.

While the above land use activities shall be exempt from the provisions of section 10.02.03, these land use activities are subject to all other provisions of the Land **DEVELOPMENT** Code such as but not limited to landscaping (with the exception of g., as listed above), tree removal, **DEVELOPMENT** standards and the submission requirements attendant to obtaining temporary use and **BUILDING** permits.

### 3. Exemptions.

Due to its location or minimal impact on surrounding properties and probable minimal impacts under the site **DEVELOPMENT PLAN** review standard contained in section 10.02.03 A.4., standard

application requirements as described in section 10.02.03 A., may be waived in part or in full by the County Manager or his designee for agriculturally related **DEVELOPMENT** as identified in the permitted and **ACCESSORY USES** section of the rural agricultural zoning district; however, a site improvement plan as required by section 10.02.03 B. addressing the application requirements deemed necessary by the County Manager or his designee shall be submitted to the planning department for review and approval.

a. **SCHOOL BOARD REVIEW** ("SBR") *application contents.* The SBR application submittal will be in accordance with section 10.02.03 of the Code, but will be accorded an expedited process as outlined in the Manual for County Consistency and Site Plan Reviews of **EDUCATIONAL FACILITIES** and **ANCILLARY PLANTS**, as may be amended by agreement between the Board of County Commissioners and the Collier County School Board. This document is available in the Records Room of the Community **DEVELOPMENT** and Environmental Services **BUILDING**.

b. The expedited site plan for **SCHOOL BOARD REVIEW**, as referenced in section 10.02.03 A.3.a. of the Land **DEVELOPMENT** Code, will consist of the following areas of review:

i. Collier County Utilities Standards and Procedures, Ordinance No. 01-57, as may be amended. In accordance with this Ordinance, the following requirements must be met:

(a) That portion of the water and/or **WASTEWATER** system that lies in the public **RIGHTS-OF-WAY** or in County utility **EASEMENTS** ("CUE") shall be conveyed to the Collier County Water/Sewer District prior to the issuance of the certificate of occupancy.

(b) All water and **WASTEWATER** systems shall be built in accordance with the Collier County Utility Technical Standards Manual in effect at the time a SBR Letter of Compliance is requested.

(c) Chapters 3 and 10 of the code designed to protect local government water supply wellfields from land uses that may pollute shall apply.

(d) Off-site improvements shall be in accordance with the current update of the Water and **WASTEWATER** Master Plan and must include any agreement necessary to assign the responsibility for the cost of upsizing said water and/or **WASTEWATER** facilities.

(e) The School District shall be responsible for all materials and/or real property required for the water and/or **WASTEWATER** system. Any expansions and/or renovations to existing school facilities shall require a review by the Collier County Engineering Services Department to determine the need for a change in meter sizing and additional grease traps.

(f) South Florida Water Management District (SFWMD) permits shall be submitted prior to the issuance of an SBR approval.

ii. **COMPATIBILITY REVIEW.** The County will conduct a **COMPATIBILITY REVIEW** that will take into account the Architectural and Site Design Standards contained within *Section 5.05.08* of the LDC in effect at the time a SBR Letter of Compliance is requested and that pertain to issues of **COMPATIBILITY** with surrounding uses, complementary patterns of **DEVELOPMENT** and mitigation of negative impacts, limited to **COMPATIBILITY** issues, external **SIDEWALKS** and **PATHWAY** connections, lighting, dumpster location and screening and orientation of **BUILDINGS** and ancillary facilities. In addition, The Utility Billing and Customer Service ("UBCS") Department shall ascertain that there is ample space for the trash dumpster(s) or compactor(s) and for the trash collection franchisee to maneuver trucks in and out of the space allowed for the dumpster(s) or compactor(s). With the exception of high school facilities, this **COMPATIBILITY REVIEW** will be a courtesy review. For high school facilities, this will be a formal review process and is subject to the appeal process set forth in this section 10.02.03 (A) (3) (c). of the code in the event that the County denies the

application based on non-compliance with the items listed in this paragraph.

iii. *Landscaping and **BUFFERING***. Chapter 4.06.00 of the code in effect at the time a SBR Letter of Compliance is requested shall apply. The County Planning Staff will recommend an amendment to the code allowing administrative deviations from the landscaping and **BUFFERING** standards for **ESSENTIAL SERVICES** such as Educational and **ANCILLARY PLANTS**. Specifically, the County will recommend flexibility in the regulations for projects where there will be joint use by the County Department of Parks and Recreation and the School District. In the event that the BCC approves the recommended amendment, administrative deviations may be granted provided the School District can demonstrate that the intent of this section can be effectively accomplished without meeting the specific **DEVELOPMENT** standards. The reasons for deviations are set forth in this Chapter 10 of the code, but the deviation shall be in the format required by Section 5.05.08 of the code.

iv. Environmental regulations for compliance with the Collier County GMP Conservation and Coastal Management Element in effect at the time a SBR Letter of Compliance is requested shall apply as follows:

(a) On a site by site basis, County Staff will determine the necessity for an **ENVIRONMENTAL IMPACT STATEMENT** ("EIS") to be submitted.

(b) The final SFWMD Environmental Resource Permit and all other agency permits for **WETLANDS** must be submitted prior to a determination that the SBR application is sufficient for review.

(c) Submission of Protected Species Surveys and, if needed, wildlife management plans in accordance with the code and the GMP in effect at the time of the issuance of the SBR Letter of Compliance along with United States

Fish and Wildlife Service ("USFWS") and the Florida Fish and Wildlife Conservation Commission ("FFWCC") agency permits.

(d) A site clearing plan must be submitted that shows the **NATIVE VEGETATION** areas to be preserved and identifies the upland/**WETLANDS** preserve or protected species preserves.

(e) The GMP requires schools to provide a set percentage for **NATIVE VEGETATION** preservation in the Rural Fringe and the Rural Lands. The School Board must comply with the set percentages of **NATIVE VEGETATION** preservation.

(f) An **EXOTIC VEGETATION** Removal and Maintenance Plan must be submitted and approved prior to final SBR approval. All **EXOTIC VEGETATION** shall be removed from the site of an Educational and **ANCILLARY PLANT** prior to the issuance of a Certificate of Occupancy.

(g) All environmental documentation must be submitted prior to a sufficiency determination on a SBR application. Failure to submit the required documentation will result in a determination of insufficiency and the formal review process will not commence until such documentation is received and the application is deemed sufficient for review.

v. All State Fire Code regulations as they relate to the site plan and in effect at the time that a SBR Letter of Compliance is requested shall apply. The School District shall submit all **BUILDING** information necessary to determine site requirements including, but not limited to, fire flow requirements and fire sprinkler requirements.

vi. Collier County Stormwater Management Policies as follows:

(a) A Drainage Plan, signed and sealed by a Florida Professional Engineer must be submitted along with design calculations in order to determine the proposed **DEVELOPMENT'S** effect on County maintained **DRAINAGE FACILITIES**.

(b) SFWMD permits must be submitted prior to a determination that the SBR application is sufficient for review.

(c) **EASEMENTS** for drainage improvements and **ACCESS** to them must be submitted prior to SBR approval. When necessary, the School Board will supply additional drainage **EASEMENT** area when necessitated by increased capacity to accommodate the proposed **DEVELOPMENT**.

(d) If any dedications of **EASEMENTS** for drainage, maintenance, and/or **ACCESS** are required, all necessary documentation to record the **EASEMENT(s)** shall be provided to the County prior to approval of the SBR. Prior to the County's issuance of the Certificate of Occupancy, such **EASEMENTS** shall be approved by the BCC and officially recorded.

vii. Public **EDUCATIONAL PLANTS** and **ANCILLARY PLANTS** are deemed to be essential public services and as such are subject to a Capital Improvement Element ("CIE") review for a public facility adequacy analysis.

viii. Minimum **YARD SETBACK** requirements shall be 50 feet from all property lines for **PRINCIPAL STRUCTURES** and 25 feet from all property lines for any **ACCESSORY STRUCTURES** including portable classrooms.

ix. *Off-Site Impacts.* In accordance with Section 6 of the Interlocal Agreement for Public School Facility Planning, the School District and the County will jointly determine the need for, and timing of, on-site and off-site infrastructure improvements in conjunction with the determination of the consistency



of the site location with the GMP and the code, and will enter into a written agreement at the preapplication stage, as to the timing and location, and the entity or entities responsible for the cost, construction, operation and maintenance of the required improvements. In reaching a determination regarding responsibility for improvements, the parties will be guided as follows:

(a) The School District shall be responsible for off-site improvements that are determined to be necessary to mitigate the off-site impacts of the **EDUCATIONAL PLANT** or **ANCILLARY PLANT**. The improvements shall be constructed by the School Board at the School District's expense, unless the School District requests otherwise in writing and the County determines and agrees otherwise in writing. The School District shall not be required to pay more than its proportionate share of the cost of the off-site improvements necessitated by the **EDUCATIONAL PLANT** or **ANCILLARY PLANT**. Off-site improvements include, but are not necessarily limited to, the widening of **ADJACENT** roadways and the infrastructure relevant to same when necessitated to accommodate buses (if needed); construction of required deceleration turn lane(s) at ingress(es) and egress(es) points and at any intersections within the immediate vicinity of the school site which are adversely impacted as a direct result of the same; and any other improvements determined to be necessary by Collier County Transportation Services Division and the Public Utilities Division.

(b) *Turn Lanes*. The School District will be responsible for turn lane improvements **ADJACENT** to and/or in the vicinity of a site, including the cost and construction of same. Necessary turn lane improvement(s) determined by Collier County Transportation Staff shall be in place prior to issuance of the first permanent certificate of occupancy. When said turn lane improvement(s), whether left turn lane(s) or right turn lane(s), are determined to

be necessary, **RIGHT-OF-WAY** and/or compensating **RIGHT-OF-WAY** shall be provided in conjunction with said improvement(s), as determined by Collier County Transportation Staff. All turn lane design criteria used shall be in accordance with the minimum standards as adopted by the Florida Department of Transportation ("FDOT") Design Standards as required by Chapter 316, Florida Statutes, as may be amended. The turn lane queue length determinations shall be in accordance with the criteria/calculations of Chapter 17 within the Highway Capacity Manual. In conducting the aforementioned criteria/calculations the length of school buses must be considered to adequately address the turn lane queue length determinations.

(c) **SIDEWALKS**. As part of the SBR process, the School Board and the County will develop a **SIDEWALK** plan which delineates the **SIDEWALKS** that are necessary in and around the project to establish the most direct connection to an existing network of **SIDEWALKS**. The School Board shall collect funds through school impact fees to provide for the **DEVELOPMENT** of these **SIDEWALKS** as delineated in the **SIDEWALK** plan. The School Board shall provide funds from these impact fees to the County. The County will be responsible for the timing, cost, construction, and maintenance of such **SIDEWALKS**.

(d) The School District shall be responsible for the costs of any and all traffic signal(s) constructed due to and/or as a result of the impacts from an **EDUCATIONAL PLANT** or **ANCILLARY PLANT**, when it is determined to be warranted and approved by Collier County Transportation Staff. When warranted, upon the completion of the installation, inspection, burn-in period, and final approval/acceptance of the traffic signal(s), the traffic signal(s) will be turned over to the County, and will then be operated and maintained by the County Transportation and Operations Department.

Any negotiations relevant to “fair share” payment(s), or reimbursement(s), from any and all other neighboring property owner(s), that directly benefit from the installation of the traffic signal(s) will be determined based upon percentage of usage and impact.

(e) All traffic control devices and design criteria used shall be in accordance with the minimum standards and any amendments thereto as adopted by the FDOT, as required by Chapter 316, Florida Statutes.

(f) All traffic speed limit postings shall be in accordance with the minimum standards and any amendments thereto as adopted by the FDOT, and the Speed Zoning Manual as adopted by the FDOT and as required by Chapter 316, Florida Statutes.

(g) The design of all transportation related improvements shall comply with the minimum standards and any amendments thereto as adopted by the FDOT, and as required by Chapter 316, Florida Statutes.

(h) Any off-site improvements to be constructed by the School District, even though not required by the County, shall be subject to review by the Collier County Transportation Staff prior to construction to assure compliance with County regulations.

(i) In the event the School District proposes to expand an existing school site, Collier County Transportation Staff shall make its recommendations as to improvements required to mitigate the off-site transportation impacts, but only as they related to such expansion.

c. **SCHOOL BOARD REVIEW** (“SBR”) process. The SBR for School Board projects shall be reviewed under the following expedited process:

i. The SBR application will be reviewed only as to the criteria set forth in section 10.02.03 A.3.a.

ii. The SBR application submittal must be in accordance with *section 10.02.03* of the code, but only as to those submittal requirements which are consistent with the review criteria set out in section 10.02.03 A.3.

iii. The parties will develop a checklist that defines the items to be submitted for a SBR review application.

iv. Prior to commencing construction or site preparation, the School District shall request a pre-application meeting with the County. The County will schedule a pre-application meeting with the School District within three (3) weeks of a request being submitted to the County.

(a) The County will review the **DEVELOPMENT** proposal for compliance with the Letter of Consistency.

(b) The parties will discuss and enter into a written agreement as to the timing and location and the entity or entities responsible for the cost, construction, operation and maintenance of the required off-site improvements. Any requirement that the BCC approve this written agreement at a public hearing is not a prerequisite to the School Board's ability to proceed with any County review that may be required by the code or the interlocal agreement.

v. At least 120 days before commencing construction or site preparation, the School Board shall submit the SBR plan for the proposed **EDUCATIONAL PLANT** or **ANCILLARY PLANT** to the County for SBR approval.

(a) The County will have 14 days to determine whether the submittal is complete and sufficient. If the application package is not

sufficient for review, the County will request additional information from the School District.

(b) Once the application package is sufficient, the County shall have 90 days to complete the review and issue a Letter of Compliance. The 90 days may be extended upon agreement of the County and the School District. Once an affirmative decision has been rendered, the School District may obtain **BUILDING** permits and commence construction.

(c) Failure by the County to issue a Letter of Compliance within 90 days after determining the application package is sufficient for review shall be considered an approval. However, if within the 90 days the County denies the application based on non-compliance with the relevant standards of the code, the SBR shall be considered denied and the School District is authorized to pursue an appeal.

vi. *Letter of Compliance.* After the expedited review and the County's determination of compliance with the terms of the Code and the interlocal agreement, the County Manager or his designee, or his designee, shall issue a Letter of Compliance, which shall evidence the County's approval of the SBR. In the event that there is disagreement as to the School District's compliance with any site plan requirement set forth in this section, the County Manager or his designee shall, at the request of the School District Superintendent's designee, provide the County's determination and the basis of it in writing to the Superintendent's designee. Absent further successful negotiation on the issues, the School District shall be authorized to appeal the decision of the County Manager or his designee as described in the Appeals process below.

vii. The parties agree that the School District shall not request reviews and that County review is not requested or required for the following:

(a) The placement of temporary or portable classroom facilities; or

(b) Proposed renovation or construction on existing school sites, with the exception of construction that:

(i) changes the primary use of a facility;

(ii) includes a stadium;

(iii) results in a greater than five percent increase in K-12 student capacity; or

(iv) encroaches upon the established **SETBACKS** as set forth in this Agreement.

viii. Should the School Board place temporary or portable classrooms on a site, the School Board will supply additional data to the Fire Code Office for review pursuant to Rule 4A-58, Florida Administrative Code. In addition, the School Board will supply the Public Utilities Division with additional data on temporary and portable classroom facilities relative to **CONCURRENCY** issues related to water and sewer capacity and to the proper sizing of water meters and grease traps. No other reviews will be required for temporary or portable classroom facilities.

ix. *SBR and **CONSISTENCY REVIEW** Fees.* The County will develop a review fee for the processing of the SBR and **CONSISTENCY REVIEW** applications submitted by the School Board. The School Board will pay standard County review fees for all other related project review services.

x. *Appeals.* In the event that the County denies the application based on non-compliance with relevant standards of the code and the interlocal, or in the event that the Superintendent's designee and the County Manager or his designee disagree regarding the interpretation of the code provisions, the School District may request an appeal to the BCC. However, appeals regarding issues pertaining to the Fire Code will be made to the Board of Appeals and Adjustments under the established procedures for this Board.

(a) The request for appeal shall be filed in writing with the County Manager or his designee and must state the basis for the appeal accompanied by any pertinent information, exhibits and other backup information in support of the appeal.

(b) The BCC shall hold an advertised public hearing on the appeal and must consider the decision of the County Manager or his designee, the position of the School District and public testimony. If the BCC upholds the decision of the County Manager or his designee, the School District will then be authorized to pursue any legally available action or remedy to resolve this matter. If the BCC supports the position of the School District, the BCC will direct the County Manager or his designee, or his designee, to issue a Letter of Compliance that is consistent with the findings and conclusions made by the BCC at the appeal hearing.

d. **CONSISTENCY REVIEW.** The following process will be followed with respect to future **EDUCATIONAL PLANT** and **ANCILLARY PLANT** sites, prior to acquisition, for both the determination of consistency with the Collier County GMP **LOCATIONAL CRITERIA** and whether the Plant is a permitted use, **CONDITIONAL USE**, or prohibited use in the zoning district on the site. Consistency with all other Elements of the GMP will be reviewed during the aforementioned SBR process.

i. The **CONSISTENCY REVIEW** will be conducted as follows:

(a) Prior to the purchase of a site for an Educational or **ANCILLARY PLANT**, the school district will request a pre-application meeting with the County.

(b) The County will schedule a pre-application meeting with the School District within three (3) weeks of a request being submitted to the County.

(c) The County will review the proposed site for consistency with the FLUE, GGAMP, IAMP, as well as the LDC and fundamental planning and design principles including **COMPATIBILITY** with surrounding uses, complimentary pattern of **DEVELOPMENT**, landscaping and **BUFFERING** concerns, stormwater management, configuration of the traffic circulation systems, consideration of natural resources and mitigation of on-site and off-site negative impacts. The County will provide a consistency determination based only on the **LOCATIONAL CRITERIA** of the FLUE and whether the Plant is a permitted use, **CONDITIONAL USE** or prohibited use in the zoning district on the site. Consistency with all other Elements of the GMP will be determined during the SBR Review process. The following additional information will be submitted to determine major issues that may affect site feasibility:

(i) Land Use. A general location map showing surrounding **DEVELOPMENT** with the property outlined, a recent aerial of the site showing boundaries, source and date and a map and summary table of existing land uses and zoning within a radius of 300 feet from the boundaries of the subject property.

(ii) Future Land Use Designation. A map of the subject property designating each use, such as elementary, middle, or high school and whether such use includes a stadium, with acreage tables for each land use designation.

(iii) Environmental. A recent aerial and summary table of native habitats and soils occurring on the site; a table of Federal and State listed plant and animal species known to occur on the site and/or known to inhabit biological communities similar to the site.



(iv) Growth Management. Identification of any Area of Critical State Concern and **DEVELOPMENT** of Regional Impact.

(v) Timing and Impact of **DEVELOPMENT**. Indication of whether the proposed site is intended for inclusion in the School Board's capital plan projection and if so, identification of the year.

(vi) Public Facilities and Transportation. The School Board will indicate the proposed existing **LEVEL OF SERVICE** Standards (LOS) and the School Board's provider and method of treatment for potable water and sanitary sewer services, Arterial and **COLLECTOR ROADS**, drainage and **SOLID WASTE** facilities. Where applicable, service availability letters will also be provided. The School Board will provide a map detailing the location of existing services and public utilities that will served the proposed site.

(vii) The School Board will identify any **FLOOD** zone, wellfield, traffic congestion boundary, coastal management boundary and high noise contours which relate to the proposed site.

(d) Within 45 days of the submission of the information outlined in Section 10.02.03 A.3.d. i.(c) of this Code, the County will provide written comments and recommendations to the School District along with a determination of the site's consistency with the GMP **LOCATIONAL CRITERIA** and LDC zoning districts. Necessary on-site and off-site improvements will be identified for these sites and the parties responsible for these improvements to the extent this can be

determined during this locational **CONSISTENCY REVIEW**.

(e) Letter of Consistency. After the County review, the County Manager or his designee, or his designee, shall issue a Letter of Consistency for the GMP **LOCATIONAL CRITERIA** and whether the Plant is a permitted use, **CONDITIONAL USE** or prohibited use in the zoning district on the site, which shall evidence the County's determination of consistency as required by Section 1013.33(11) Florida Statutes.

(f) After the County has determined that the site is consistent with the GMP **LOCATIONAL CRITERIA** and LDC zoning districts, the School District shall have up to one year to acquire the site. Once the site is acquired, the site shall be deemed to remain consistent regardless of later changes to either the GMP or LDC.

(g) After the School District acquires the site and provides the necessary documentation for the County to initiate an amendment to the GMP, the County and School District will enter into a written agreement as part of the pre-application process detailed in section 10.02.03 A.3.c.iv.(6) of the code, as to the timing and location, and the entity or entities responsible for construction, operation and maintenance of the required improvements.

#### 4. Site **DEVELOPMENT** and site improvement plan standards.

The County Manager or his designee shall review and consider all site improvement and site **DEVELOPMENT PLANS** in accordance with the following standards:

- a. Statements regarding ownership and control of the property and the **DEVELOPMENT** as well as sufficiency of conditions regarding ownership and control, use and permanent maintenance of **COMMON OPEN SPACE**, common facilities, conservation/preservation areas, or common lands to ensure the preservation of such lands and facilities will not become a future liability of the county.

b. **DEVELOPMENT** compliance with all appropriate zoning regulations and the growth management plan. The ingress and egress to the proposed **DEVELOPMENT** and its improvements, vehicular and pedestrian safety, separation of vehicular traffic from pedestrian and other traffic, traffic flow and control, traffic calming devices, provision of services and servicing of utilities and refuse collection, and **ACCESS** in the case of fire or catastrophe, or other emergency.

Notwithstanding the requirement to comply with the foregoing provisions, the depiction on a PUD master plan or description of **ACCESS** or location of **ACCESS** points in a PUD ordinance, does not authorize or vest **ACCESS** to the major road system. The location, design, capacity, or routing of traffic for any specific **ACCESS** point will be determined by, and must comply with, the regulations for site **DEVELOPMENT** in effect at the time of site **DEVELOPMENT PLAN** approval.

c. The location and relationship of parking and loading facilities to thoroughfares and internal traffic patterns within the proposed **DEVELOPMENT**, considering vehicular and pedestrian safety, traffic flow and control, **ACCESS** in case of fire or catastrophe, screening and landscaping.

d. Adequacy of recreational facilities and **OPEN SPACES** considering the size, location, and **DEVELOPMENT** of these areas with regard to adequacy, effect on **ADJACENT** and nearby properties as well as uses within the proposed **DEVELOPMENT**, and the relationship to community-wide **OPEN SPACES** and recreation facilities.

e. Adequacy of the proposed landscape screens and **BUFFERS** considering preservation of the **DEVELOPMENT'S** internal land uses as well as **COMPATIBILITY** with **ADJACENT** land uses.

f. Water management master plan on the property, considering its effect on **ADJACENT** and nearby properties and the consequences of such water management master plan on overall county capacities. Water management areas shall be required to be maintained in perpetuity according to the approved plans. Water management areas not maintained shall be corrected according to approved plans within 30 days. The engineer of record, prior to final acceptance, shall provide documentation from the stormwater maintenance entity; indicating that said entity has been provided information on how the stormwater

systems functions and indicating responsibility for maintenance of the system.

g. Adequacy of utility service, considering hook-in location and availability and capacity for the uses projected.

h. Signage proposed for the project in conformity with section 5.06.00, and a unified **SIGN** permit shall be applied for with the submittal packet for the site **DEVELOPMENT** or site improvement plan.

i. Architectural design of the **BUILDING** for all commercial **DEVELOPMENTS** located in any commercial zoning district.

j. Such other standards as may be imposed by this Code, the growth management plan or other applicable regulations for the particular use or activity proposed.

5. Conceptual site **DEVELOPMENT PLAN** review and approval.

At the request of the **APPLICANT** and subject to the applicable fee set forth in the schedule of fees, planning services department will complete a conceptual review and issue a written summary of issues of concern and conceptual approval. This conceptual approval shall not mean that the project has received final approval, it shall only indicate that the project is in substantial compliance with the requirements of the Code and may be approved subject to further review, changes and modifications.

B. Final Site **DEVELOPMENT PLAN** procedure and requirements

A pre-application meeting shall be conducted by the County Manager or his designee, or his/her designee, prior to the submission of any site **DEVELOPMENT** or site improvement plan for review. This meeting may be waived by the County Manager or his designee upon the request of the **APPLICANT**

1. *Site **DEVELOPMENT PLAN** submittal packet:* The site **DEVELOPMENT** submittal packet shall include the following, if applicable:

a. *Ownership:* A copy of the recorded deed, contract for sale or agreement for sale, or a notarized statement of ownership clearly demonstrating ownership and control of the subject **LOT** or **PARCEL** of land. The **APPLICANT** shall also present a notarized letter of authorization from the property owner(s) designating the **APPLICANT** as the agent acting on behalf of the owner(s).

b. *Site **DEVELOPMENT PLAN**.* A site **DEVELOPMENT PLAN** and a coversheet prepared on a maximum size sheet measuring 24 inches by 36 inches drawn to scale.

i. The following information shall be set forth on the coversheet:

(a) The project title and the name, address and phone number of the firm or agent preparing the plans and the name, address and telephone number of the property owner.

(b) Zoning designation of the subject property. In the event that the property is zoned PUD (Planned Unit **DEVELOPMENT**), the name of the PUD and the number of the ordinance approving the rezone to PUD.

(c) Vicinity map clearly identifying the location of the **DEVELOPMENT** and its relationship to the surrounding community.

(d) A legal description and the property appraiser's property identification number(s)/folio number(s) for the subject property or properties.

ii. The following information shall be set forth on the site **DEVELOPMENT PLAN** and/or on a separate data sheet used exclusively for that purpose.

(a) A narrative statement on the plan identifying the provisions of ownership and maintenance of all common areas, **OPEN SPACE**, private **STREETS** and **EASEMENTS**.

(b) A site summary in chart form which shall include the following information, with **DEVELOPMENT** and dimensional standards based on the provisions of the land **DEVELOPMENT** code and where applicable the PUD ordinance:

(i) Total site acreage.

(ii) Total square footage of **IMPERVIOUS AREA** (including all parking areas, drive-aisles, and internal **STREETS**) and its percentage of the total site area.

(iii) Total square footage of landscape area/**OPEN SPACE** and its percentage of the total site area.

(iv) For residential projects, total number of units, units per acre, and a

unit breakdown by square footage and number of bedrooms, as well as minimum/maximum (as applicable) floor area required and floor area proposed.

(v) For nonresidential projects, total **BUILDING** footage and a square footage breakdown by use (i.e., office, retail, storage, etc.) and its percentage of the total **BUILDING**; for **HOTELS** and **MOTELS**, the minimum/maximum (as applicable) floor area, or proposed **FLOOR AREA RATIO**, required, and floor areas.

(vi) All required and provided **SETBACKS** and separations between **BUILDINGS** and **STRUCTURES** in matrix form.

(vii) Maximum zoned **BUILDING** height allowed and actual **BUILDING** height as defined in Section 1.08.00.

(viii) Zoning and land use of the subject property and **ADJACENT** properties, including properties **ABUTTING** an **ADJACENT RIGHT-OF-WAY** or **RIGHT-OF-WAY EASEMENT**.

(ix) North arrow, scale, and date.

(c) A parking summary in matrix form which shall include:

(i) Type of use.

(ii) Total square footage broken down by use.

(iii) Required parking ratio, number of standard spaces required by use, and number provided.

(iv) Number of **LOADING SPACES** required and provided (if applicable).

(v) Number of spaces provided by use.

(d) The following information must be included in the SDP packet:

(i) Information in the Standard **BUILDING** Code, type of construction,

number of stories, total square footage under roof, occupancy/use and fire sprinkler intentions of all proposed **STRUCTURES** so that a needed fire flow may be determined.

(ii) A fire hydrant flow test report from the applicable fire district for the closest hydrant(s) to the project so that the available fire flow may be determined.

(e) Illustrative information accurately depicted shall be as follows unless waived at the pre-application meeting:

(i) A boundary survey, prepared by a professional surveyor, showing the location and dimensions of all property lines, existing **STREETS** or roads, **EASEMENTS, RIGHTS-OF-WAY**, and areas dedicated to the public. This survey shall be accompanied either by an attorney's opinion title, or by a sworn statement from the property owner(s) stating that he or she has provided sufficient information to the surveyor to allow the accurate depiction of the above information on the survey.

(ii) Name, alignment and existing/proposed **RIGHTS-OF-WAY** of all **STREETS** which border the **DEVELOPMENT** (including raised islands, striping, right/left turn lanes, median cuts and nearby intersections), the location of all existing **DRIVEWAYS** or **ACCESS** points on the opposite sides of all **STREETS** which border the **DEVELOPMENT**, and the location of all traffic calming devices.

(iii) Location and configuration of all **DEVELOPMENT** ingress and egress points.

(iv) Location and arrangement of all proposed **BUILDINGS** (including existing **BUILDINGS** that are to remain).

- (v) Location and configuration of all parking and loading areas.
- (vi) Name, alignment and existing/proposed **RIGHT-OF-WAY** of all internal **STREETS** and **ALLEYS**.
- (vii) Directional movement of internal vehicular traffic and its separation from pedestrian traffic.
- (viii) Location and configuration of recreational facilities (including related **BUILDINGS**, golf course areas, tennis courts, pools, etc.).
- (ix) Location and general configuration of all water and drainage retention/detention areas as well as all existing and proposed **EASEMENTS**, and water and sewer lines intended to serve the **DEVELOPMENT**.
- (x) Location and general configuration of such natural features as preservation/conservation areas, water bodies, and **WETLANDS**.
- (xi) Location of emergency **ACCESS** lanes, fire hydrants and fire lanes.
- (xii) Location of all handicapped parking spaces.
- (xiii) Location of trash enclosures.
- (xiv) Location and heights of proposed walls or fences.
- (xv) Accurate dimensions which include the following:
  - 1. All **BUILDING SETBACKS**.
  - 2. Distance between **BUILDINGS** and **ACCESSORY STRUCTURES**.
  - 3. Width of all internal **STREETS**.
  - 4. All parking areas and drive-aisles.
  - 5. Landscape areas **ADJACENT** to all vehicular drives, interior property lines and all parking areas.



(xvi) Traffic circulation, signing and marking plan, to include outside and inside radii for all turn movements using a common pivot point for both radii at each location.

(xvii) Any additional relevant information as may be required by the County Manager or his designee.

(xviii) Off-site **ACCESS**, roadway elevation, **BUILDING** and other physical features a minimum of 200 feet from the property unless otherwise determined necessary or feasible by the planning services or transportation planning director.

(f) For projects subject to the provisions of Section 5.05.08, architectural drawings, signed and sealed by a licensed architect, registered in the state of Florida.

(i) Scaled elevation for all sides of the **BUILDING**;

(ii) Scaled wall section from top of roof to **GRADE** depicting typical elevation with details and materials noted, and rendered to show materials and color scheme with paint chips and roof color samples;

(iii) Site sections showing the relationship to **ADJACENT STRUCTURES**; and

(iv) A unified **SIGN** plan as required Section 5.05.08. Representations made on the site **DEVELOPMENT PLAN** shall become conditions of approval. **BUILDING** plans and architectural drawings submitted in conjunction with an application for any **BUILDING** permits shall be consistent with the **BUILDING** plans and architectural drawings submitted and approved for the SDP or SIP.

iii. *Digital requirements for site **DEVELOPMENT PLANS**.* A site **DEVELOPMENT PLAN** shall also be

digitally created on one or more CDROM disks. All data shall be delivered in the North American Datum 1983/1990 (NAD83/90) State Plane coordinate system, Florida East Projection, in United States Survey Feet units; as established by a Florida Professional Surveyor & Mapper in accordance with Chapters 177 and 472 of the Florida Statutes. All information shall meet Minimum Technical Standards as established in Chapter 61G17 of the Florida Administrative Code. Files shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. **RIGHT-OF-WAY** - ROW, centerlines - CL, edge-of-pavement - EOP, etc.)

c. *Landscaping plan.* A landscape plan which shall contain the following:

i. *Landscape summary.* A landscape summary in matrix form which shall include:

- (a) Graphic symbol to indicate each type of plant material.
- (b) Botanical name.
- (c) Common name.
- (d) Total number of each type of plant material.
- (e) Height and spread of each type of plant material.
- (f) Spacing of each type of plant material.

ii. *Illustrative information.* Illustrative information consisting of the following shall be accurately depicted on the landscape plan:

- (a) The location, configuration and arrangement of all proposed **BUILDINGS**, internal **STREETS** and parking areas as reflected on the site plan.
- (b) The location and dimensions of all proposed landscaped areas with appropriate graphic symbols including existing trees that are being credited toward the **DEVELOPMENT'S** landscaping requirements.
- (c) Location and configuration of all special or textured paving areas.

(d) Provisions for site irrigation.

(e) Any additional relevant information as may be required by the County Manager or his designee.

d. *Vegetation inventory*: A generalized vegetation inventory of the property shall be required to the extent necessary, as determined at the pre-application meeting, indicating the approximate location, **DENSITIES** and species of the following:

i. Upland, wetland and estuarine vegetation including **PROHIBITED EXOTIC VEGETATION**, mapped using FLUCCS terminology.

ii. Any type of vegetation identified for preservation.

iii. Projects containing the following shall provide a survey of identifying species and locations on a current aerial photograph at a scale of one inch equals 200 feet or larger or superimposed on the site plan:

(a) Plants specified to remain in place or to be transplanted to other locations on the property as specified in the applicable **DEVELOPMENT ORDER**.

(b) Specimen trees designated by the board of county commissioners, pursuant to section 10.02.06 D.1.f.iii.(b).

(c) State or federal rare, threatened or endangered plant species surveyed according to accepted Florida Game and Freshwater Fish Commission or U.S. Fish and Wildlife methods.

(d) Existing trees that may be credited toward the **DEVELOPMENT'S** landscaping requirements.

iv. For proposed site **ALTERATION(S)** within the **COASTAL ZONE** as depicted on the future land use map, in addition to the foregoing requirements, the vegetation inventory shall depict the categories of impact in accordance with sections 3.03.03-3.03.04.

e. *Aerial photo*. A recent aerial photo shall be provided at the same scale as the plan delineating the **DEVELOPMENT** boundaries, unless waived at the pre-application meeting.

- f. **DENSITY bonus.** In the event a residential bonus is requested, as provided for in the growth management plan, a certified survey that clearly illustrates the location and relationship of the **DEVELOPMENT** to the appropriate activity center and the related activity band shall be required.
- g. **BUILDING plans.** Plans showing proposed **BUILDING** footprints, spatial relationship to one another when there are multiple **BUILDINGS** and **BUILDING** heights.
- h. *Soil erosion and sediment control plan.* A soil erosion and sediment control plan pursuant to section 10.02.02 above.
- i. *Infrastructure improvements plans.* Detailed on-site and off-site infrastructure improvement plans and construction documents prepared in conformance with the design standards of Sections 10.02.04 and 10.02.05 and any current county ordinances, regulations, policies and procedures which consist of, but are not limited to, the following items:
- i. A cover sheet setting forth the **DEVELOPMENT** name, **APPLICANT** name, name of engineering firm, and vicinity map.
  - ii. Improvements for water and sewer service as needed or as may have been specified during a preliminary site **DEVELOPMENT PLAN** review prepared in conformance with Collier County Ordinance No. 88-76, as amended.
  - iii. Improvements for roadway, motor vehicle and non-motorized circulation, ingress and egress, parking and other transportation needs, including traffic calming devices, required or as may have been specified during the preliminary site **DEVELOPMENT PLAN** review, prepared in conformance with the Collier County Construction Standards Manual **SUBDIVISION** design requirements (for purposes of this requirement, all references in the Collier County Construction Standards Manual to "**SUBDIVISION**" should be read to mean **DEVELOPMENT**, where applicable and appropriate).
  - iv. Non-motorized circulation is defined as movement by persons on foot, bicycle or other human-powered device. Non-motorized circulation depicting **SIDEWALKS** and bicycle facilities consistent with sections . 5.05.08 A.5.

v. The absence of obstructions in the public **RIGHT-OF-WAY** shall be demonstrated, including provisions for safe and convenient **STREET** crossing. **SIDEWALKS** and bike paths at intersections shall continue to the edge of curb as depicted by Illustrations 1 and 2.

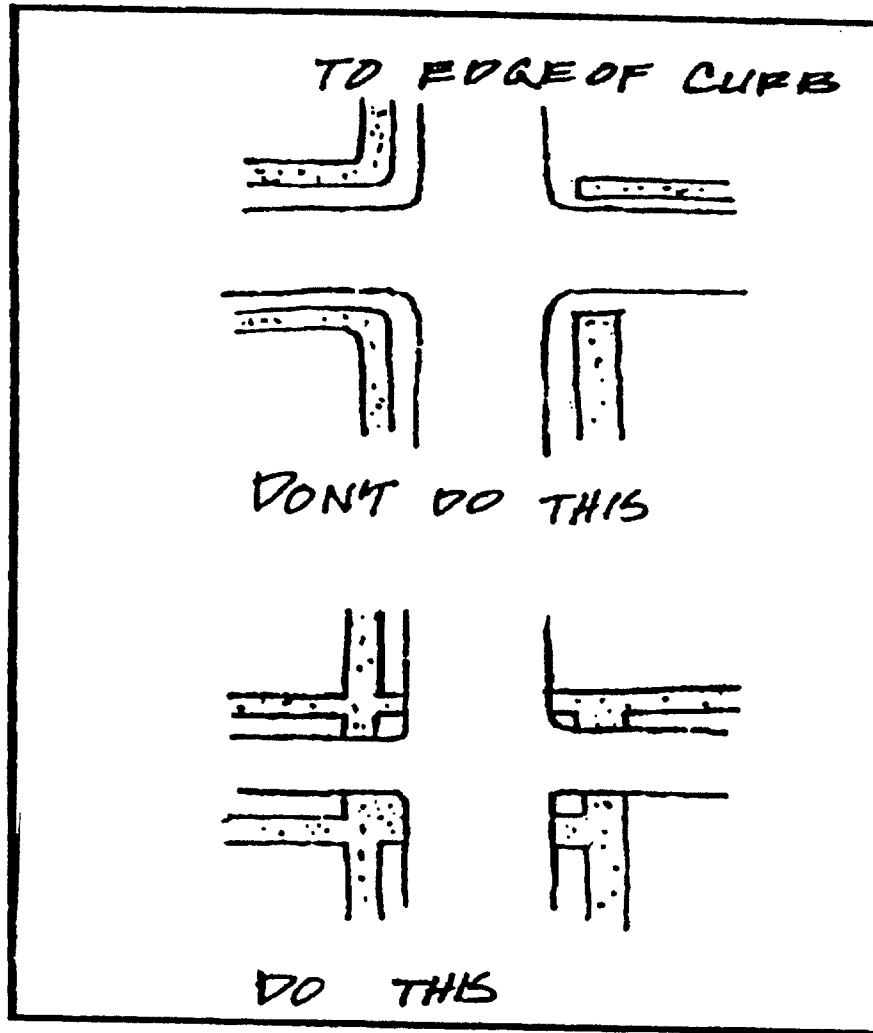


Illustration 1

vi. Two curb ramps shall be provided for **SIDEWALKS** and bike paths at each **STREET** corner of an intersection. Curb ramps shall be a minimum of 36 inches in width and shall not rise at a ratio greater

than as outlined by the Florida accessibility code for **BUILDING** construction.

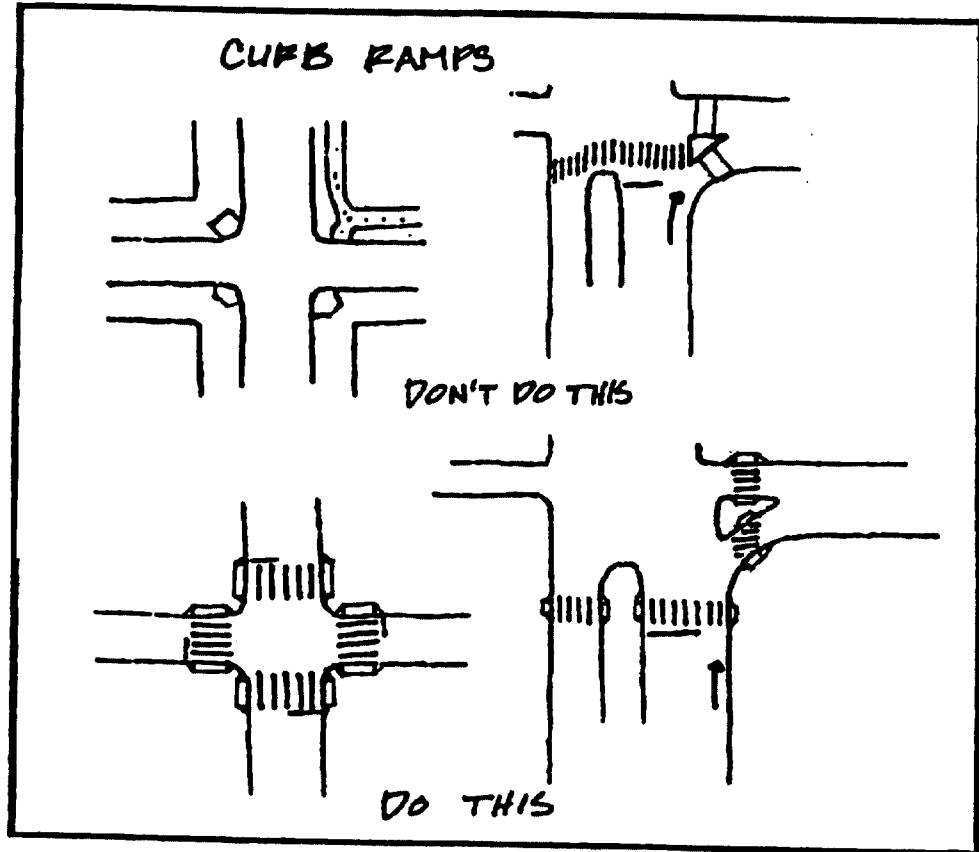


Illustration 2

Crosswalks shall be required at any intersection where the distance to the nearest crosswalk is greater than 1,000 feet.

vii. Improvements for water management purposes as needed or as may have been specified during the preliminary site **DEVELOPMENT PLAN** review, prepared in conformance with section the Collier County Construction Standards Manual **SUBDIVISION** design requirements (for purposes of this requirement, all references in section the Collier County Construction Standards Manual to "**SUBDIVISION**" should be read to mean

**DEVELOPMENT**, where applicable and appropriate), and pursuant to South Florida Water Management District rules, chapter 40E-4, 40E-40 and 40E-41, Florida Administrative Code.

viii. All necessary standard and special details associated with paragraphs (iii) - (vi) above.

ix. Written technical specifications for all infrastructure improvements to be performed.

x. Engineering design computations and reports for water, sewer, roads and water management facilities, as required by federal, state and local laws and regulations.

xi. Topographical map of the property which shall include the following:

(a) Existing features, such as, watercourses, drainage ditches, lakes, marshes.

(b) Existing contours or representative ground elevations at spot locations and a minimum of 50 feet beyond the property line.

(c) Benchmark locations and elevations (NGVD).

xii. Site clearing plan and method of vegetation disposal.

xiii. **SIDEWALKS** and **BIKE LANES**. For all projects required to be developed through the site **DEVELOPMENT PLAN** (SDP) process, the developer must construct **SIDEWALKS** and **BIKE LANES** where applicable, as described below.

Applicability: For all districts, **SIDEWALKS** and **BIKE LANES** must be constructed contiguous to public and private roadways which are **ADJACENT** to and/or internal to the site, in conformance with the criteria described below:

(a) **SIDEWALKS**, six feet in width must be provided on both sides of collector and **ARTERIAL STREETS**.

(b) **SIDEWALKS**, five feet in width, must be provided on both sides of local **STREETS**.

(c) **BIKE LANES** must be provided on both sides of collector and **ARTERIAL STREETS**.

(d) For multi-family site **DEVELOPMENT** and site improvement projects, districts RT, RMF-6, RMF-12, and RMF-16 and all multi-family residential components of PUD districts; **SIDEWALKS**, five feet in width, must be provided on both sides of local **STREETS** with a dedicated public **RIGHT-OF-WAY** or roadway **EASEMENT**. Where there is no public **RIGHT-OF-WAY** or roadway **EASEMENT**, **SIDEWALKS** must connect on-site residential **BUILDING(s)** to a **SIDEWALK** within a public roadway or, if no **SIDEWALK** exists, to the **RIGHT-OF-WAY** line in accordance with Code standards contained herein. Should a two-directional shared use path be utilized, the minimum paved width must be ten feet.

(e) All **SIDEWALKS** and **BIKE LANES** along public and private roadways must be constructed in accordance with design specifications identified in the Collier County Construction Standards Manual and Section 5.05.08 of this Code.

(f) **DEVELOPMENTS** providing interconnections to existing and future **DEVELOPMENTS** pursuant to the **DENSITY** rating system section of the Collier County growth management plan future land use element, must include sufficient **RIGHT-OF-WAY** to accommodate the roadway, **SIDEWALKS**, and **BIKE LANES**, where required. **BIKE LANES** and **SIDEWALKS** must be constructed concurrently with the roadway interconnection.

(g) Where planned **RIGHT-OF-WAY** improvements by the county transportation division scheduled in the county's capital improvements program (CIP) would cause the removal of any **SIDEWALKS** or **BIKE LANES**, the developer, in lieu of construction of the required **SIDEWALKS** and **BIKE LANES**, must provide funds for the cost of **SIDEWALK** and **BIKE LANE** construction as defined by the schedule of **DEVELOPMENT** review and **BUILDING** permit fees and deposit the same into a **PATHWAY** fund, for future construction



of required **SIDEWALKS** and **BIKE LANES**, by the county. The time frame for this funding option is two years from the date of issuance of the first **BUILDING** permit to the date that the road construction is required to be bid.

xiv. *Completion of site **DEVELOPMENT PLANS**.* Upon completion of the infrastructure improvements associated with a site **DEVELOPMENT PLAN**, and prior to the issuance of a certificate of occupancy, the engineer shall provide a completion certificate as to the improvements, together [with] all applicable items referenced in section 10.02.05 C.3. of this Code. Upon a satisfactory inspection of the improvements, a certificate of occupancy may then be issued.

xv. ***SIDEWALK parking**.* 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.

j. *Permits.* All necessary permits and necessary applications requiring county approval and other permitting and construction related items, including but not limited to the following, shall be submitted and approved with the site **DEVELOPMENT PLAN**:

i. Florida Department of Environmental Protection water and sewer facilities construction permit application.

ii. Excavation permit application.

iii. Florida Department of Transportation utilities construction application and/or **RIGHTS-OF-WAY** construction permits.

iv. Collier County **RIGHT-OF-WAY** permit, if required, prior to or at site **DEVELOPMENT PLAN** approval.

v. Blasting permit prior to commencement of any blasting operation.

vi. South Florida Water Management District permit, if required, or, Collier County general permit for water management prior to site **DEVELOPMENT PLAN** approval.

vii. Interim **WASTEWATER** and/or water treatment plant construction or interim septic system and/or private well permits prior to **BUILDING** permit approval.

viii. Any additional state and federal permits which may be required prior to commencement of construction, addressing the impacts on jurisdictional **WETLANDS** and habitat involving protected species.

ix. All other pertinent data, computations, plans, reports, and the like necessary for the proper design and construction of the **DEVELOPMENT** that may be submitted.

x. All necessary performance securities required by Collier County ordinances in effect at the time of construction.

## 2. Site improvement plan review.

Submittal of a site plan may be reviewed under the site improvement plan (SIP) review process if the **DEVELOPMENT** proposal meets all of the following conditions:

a. The project involves a site which is currently improved with **PRINCIPAL STRUCTURES**, parking facilities, water and sewer services, and defined ingress/egress.

b. The proposed use will not require an expansion of the existing **IMPERVIOUS AREAS** to [a] degree which would require engineering review or otherwise affect on-site surface water management facilities as may be documented by waiver letters from the South Florida Water Management District or Collier County where applicable.

c. Written documentation from appropriate agencies acknowledging that water and sewer services are available at the site and are adequate to serve the proposed use.

d. Site improvement plan submittal and review. A site improvement plan (SIP) shall be prepared on a 24-inch by 36-inch sheet drawn to scale and setting forth the following information:

i. The project title, property owner, address and telephone number.

ii. Legal description, scale, and north arrow.

iii. Zoning designation of the subject site and **ADJACENT** sites and the proposed use of the subject site.

- iv. Location, configuration and dimensions of all **BUILDING** and **LOT** improvements.
- v. Location and configuration of parking and loading areas, and the directional movement of internal vehicle traffic.
- vi. Location and dimension of **ACCESS** point(s) to the site.
- vii. Parking summary in matrix form, indicating the required and provided parking for each existing and proposed use.
- viii. Location and configuration of handicapped parking facilities and **BUILDING** accessibility features.
- ix. Location, dimension and configuration of existing water management facilities.
- x. Location of trash enclosures.
- xi. Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation.
- xii. All required and provided **SETBACKS** and separations between **STRUCTURES** in matrix form.
- xiii. Any additional relevant information as may be required by the County Manager or his designee.

e. *Site improvement plan completion.* Upon completion of the required improvements associated with a site improvement plan, and prior to the issuance of a certificate of occupancy, the engineer shall provide a completion certificate as to the improvements, together with all applicable items referenced in section 10.02.05 C.3. of this Code. Upon a satisfactory inspection of the improvements, a certificate of occupancy may then be issued.

f. *Performance securities for site DEVELOPMENT PLANS.* In the case of multi-family the **DEVELOPMENTS** with individually owned units which are served by **SUBDIVISION** type improvements, i.e. **DRIVEWAYS** which function as **ACCESS** roads and drainage improvements, the developer shall be required to post a performance security in a form as outlined in section 10.02.04 B.3.e. of this Code. Calculations for the amount of the security shall be determined as outlined in this Chapter of this Code. The performance security shall be accepted by the county prior to the issuance of the first certificate of occupancy for the site **DEVELOPMENT PLAN**. Upon a satisfactory final inspection

of the improvements, which shall be no later than 24 months from approval of the site **DEVELOPMENT PLAN**, the performance security shall be returned to the developer. One year extensions may be granted by the engineering review director.

### 3. Amendments and insubstantial changes.

Any proposed change or amendment to a previously approved site **DEVELOPMENT PLAN** shall be subject to review and approval by the County Manager or his designee. Upon submittal of a plan clearly illustrating the proposed change, the County Manager or his designee shall determine whether or not it constitutes a substantial change. In the event the County Manager or his designee determines the change is substantial, the **APPLICANT** shall be required to follow the review procedures set forth for a new site **DEVELOPMENT PLAN**. A substantial change, requiring a site **DEVELOPMENT PLAN** amendment, shall be defined as any change which substantially affects existing transportation circulation, parking or **BUILDING** arrangements, drainage, landscaping, **BUFFERING**, identified preservation/conservation areas and other site **DEVELOPMENT PLAN** considerations. The County Manager or his designee shall evaluate the proposed change in relation to the following criteria; for purposes of this section, the insubstantial change procedure shall be acceptable where the following conditions exist with respect to the propose change:

- a. There is no South Florida Water Management District permit, or letter of modification, needed for the work and there is no major impact on water management as determined by the engineering director.
- b. There is no new **ACCESS** proposed from any public **STREET** however minimal **RIGHT-OF-WAY** work may be permitted as determined by the transportation planning director.
- c. There is no addition to existing **BUILDINGS** (air-conditioned space) proposed however a maximum area of 300 square feet of non-air-conditioned space used for storage, or to house equipment, will be permitted.
- d. There is no proposed change in **BUILDING** footprint or relocation of any **BUILDING** on site beyond that needed to accommodate storage areas as described in number 3 above.

e. The change does not result in an impact on, or reconfiguration of, preserve areas as determined by the environmental services director.

f. The change does not result in a need for additional environmental data regarding protected species as determined by the environmental services director.

g. The change does not include the addition of any **ACCESSORY STRUCTURE** that generates additional traffic as determined by the transportation planning director, impacts water management as determined by the engineering director, or contains air-conditioned space.

h. The change does not trigger the requirements of Section 5.05.08 as determined by the County Manager or his designee.

i. There are no revisions to the existing landscape plan that would **ALTER** or impact the site **DEVELOPMENT PLAN** (as opposed to only the landscape plan) as determined by the landscape architect.

4. Site **DEVELOPMENT PLAN** time limits for review, approval and construction.

a. Site **DEVELOPMENT PLANS** (SDPs), once accepted for review, will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **APPLICANT**. If a response is not received within this time, the application for site **DEVELOPMENT PLAN** review will be considered withdrawn and cancelled. Further review of the project will require a new application subject to the then current code.

b. Approved site **DEVELOPMENT PLANS** (SDPs) only remain valid and in force for two years from the date of their approval unless construction has commenced, as follows. If actual construction has not commenced within two years, measured by the date of the SDP approval letter, the site **DEVELOPMENT PLAN** approval term expires and the SDP is of no force or effect; however, one amendment to the SDP may be approved prior to the expiration date, which would allow the SDP, as amended, to remain valid for two years measured from the date of approval of the amendment so long as the proposed amendment complies with the requirements of the then existing code. Once construction has commenced, the approval term will be determined as follows:

c. The construction of infrastructure improvements approved by an SDP shall be completed, and the engineer's completion certificate provided to the engineering services director, within 18 months of the pre-construction conference, i.e., commencement of construction. A single, six-month extension to complete construction may be granted for good cause shown if a written request is submitted to, and approved by, the engineering services director prior to expiration of the then effective approval term. Thereafter, once the SDP approval term expires the SDP is of no force or effect.

#### 5. Violations.

No **BUILDING** permit or certificate of occupancy shall be issued except in compliance with the approved site **DEVELOPMENT PLAN**. Violation of the terms identified in the approved site **DEVELOPMENT PLAN** shall constitute a violation of this Code.

#### 6. Electronic data requirements.

After the final site **DEVELOPMENT PLAN** has been approved by the County Manager or his designee for compliance with this Code as provided in this section, the **APPLICANT'S** professional engineer shall also submit digitally created construction/site plan documents, one disk (CDROM) of the master plan file, including, where applicable, **EASEMENTS**, water/**WASTEWATER** facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. **RIGHT-OF-WAY--ROW**, centerlines--**CL**, edge-of-pavement--**EOP**, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (**PARCELS**, **LOTS**, and requisite annotation) shall be drawn on a unique information layer, with all linework pertaining to the property feature located on that layer. Example: **PARCELS**--All lines that form the **PARCEL** boundary will be located on one **PARCEL** layer. Annotations pertaining to property information shall be on a unique layer. Example: **LOT** dimensions--**Lottxt** layer.

### 10.02.04 Submittal Requirements for Plats

#### A. Preliminary **SUBDIVISION** plat requirements

1. Procedures for preliminary **SUBDIVISION** plat.

a. *Optional.* The preliminary **SUBDIVISION** plat process is not mandatory, but an option that may be exercised by the **APPLICANT** upon the effective date of this ordinance. All preliminary **SUBDIVISION** plats that were approved prior to the effective date of this ordinance are not optional and must proceed in accordance with the procedures outlined for a preliminary **SUBDIVISION** plat. Also, nothing in this section will be construed to affect the mandatory nature of a final **SUBDIVISION** plat.

b. *Initiation.* In order to initiate an application for a preliminary **SUBDIVISION** plat, the **APPLICANT** shall prepare and submit to the County Manager or his designee a preliminary **SUBDIVISION** plat which meets the requirements contained in this section.

c. *Review and determination of approval, approval with conditions, or denial by County Manager or his designee.* After receipt of a completed preliminary **SUBDIVISION** plat, the County Manager or his designee shall review and evaluate the preliminary **SUBDIVISION** plat in conformance with the preliminary **SUBDIVISION** plat requirements established in this section. Based on the review and evaluation, the County Manager or his designee shall approve, approve with conditions, or deny the preliminary **SUBDIVISION** plat. The decision to approve with conditions, or deny the preliminary **SUBDIVISION** plat may be appealed to the board of county commissioners pursuant to the provisions of section 10.02.02 of this Code. If the County Manager or his designee should deny or place conditions on the preliminary **SUBDIVISION** plat, he shall state in writing reasons for such denial or conditions, and shall cite the applicable code or regulatory basis for the conditions or denial. Said determination may be appealed to the county board of commissioners.

2. *Preliminary **SUBDIVISION** plat submission requirements.* The preliminary **SUBDIVISION** plat process is optional. The optional nature of this process will in no way affect the submission requirements enumerated below. In other words, if an **APPLICANT** chooses this option, the **APPLICANT** must follow all of the submission requirements. The mandatory nature of the final **SUBDIVISION** plat process is likewise not affected by the optional nature of the preliminary **SUBDIVISION** plat submission process.

A preliminary **SUBDIVISION** plat application shall be submitted for the entire property to be subdivided in the form established by the County Manager or his designee and shall, at a minimum, include ten copies of the preliminary **SUBDIVISION** plat unless otherwise specified by the County Manager or his designee. The preliminary **SUBDIVISION** plat shall be prepared by the **APPLICANT'S** engineer and surveyor. Land planners, landscape architects, architects, and other technical and professional persons may assist in the preparation of the preliminary **SUBDIVISION** plat. The preliminary **SUBDIVISION** plat shall be coordinated with the major utility suppliers and public facility providers applicable to the **DEVELOPMENT**. Provisions shall be made for placement of all utilities underground, where possible. Exceptions for overhead installations may be considered upon submission of sound justification documenting the need for such installation. The preliminary **SUBDIVISION** plat shall include or provide, at a minimum, the following information and materials:

a. A preliminary **SUBDIVISION** plat shall consist of a series of mapped information sheets on only standard size 24-inch by 36-inch sheets to include, but not be limited to, the following:

- i. Cover map sheet;
- ii. Boundary and topographic survey;
- iii. Preliminary **SUBDIVISION** plat with **RIGHT-OF-WAY** and **LOT** configurations;
- iv. Natural features and vegetative cover map; for proposed site **ALTERATION(S)** within the **COASTAL ZONE**, vegetative cover map shall also comply with section 3.03.02 B.;
- v. Master utilities and water management (drainage) plans;
- vi. Aerial map; and
- vii. Standard **RIGHT-OF-WAY** cross-sections and appropriate design details.

The above mapped information may be combined on one or more maps if determined appropriate by the County Manager or his designee.

b. Name of **SUBDIVISION** or identifying title which shall not duplicate or closely approximate the name of any other **SUBDIVISION** in the incorporated or unincorporated area of Collier County.



- c. A vicinity plan showing the location of the tract in reference to other areas of the county.
- d. North arrow, graphic scale and date.
- e. Name, address and telephone number of the developer, along with the name and address of the registered engineer and registered surveyor responsible for the plat and supporting data.
- f. The location and names of **ADJACENT SUBDIVISIONS**, if any, and plat book and page reference.
- g. The tract boundary with bearings and distances along with written description and location relative to section corners.
- h. Topographical conditions on the tract including all the existing watercourses, drainage ditches and bodies of water, marshes, **WETLANDS**, possible archaeological sites and other significant features.
- i. All existing **STREETS** and **ALLEYS** of record on or **ADJACENT** to the tract including name, **RIGHT-OF-WAY** width, **STREET** or pavement width and established centerline elevation. Existing **STREETS** shall be dimensioned to the tract boundary.
- j. All existing property lines, **EASEMENTS** and **RIGHTS-OF-WAY** of record, their purpose, and their effect on the property to be subdivided.
- k. The location and width of all proposed **STREETS**, **ALLEYS**, **RIGHTS-OF-WAY**, **EASEMENTS** and their purpose along with the proposed layout of the **LOTS** and **BLOCKS**. Proposed **STREET** names shall be identified on all public or private thorough-fares. Typical **RIGHT-OF-WAY** and pavement cross sections shall be graphically illustrated on the preliminary **SUBDIVISION** plat, showing the location of **SIDEWALKS**, bikepaths and utilities. If not previously determined during the rezoning process, it shall be determined whether the **STREETS** are to be public or private.
- l. The incorporation and compatible **DEVELOPMENT** of present and future **STREETS** as shown on the traffic circulation element of the Collier County growth management plan, when such present or future **STREETS** are affected by the proposed **SUBDIVISION**.
- m. **ACCESS** points to collector and **ARTERIAL STREETS** showing their compliance to the requirements established by

this section or a zoning action previously approved by the board of county commissioners.

n. Ground elevations based on the NGVD. However, information pursuant to 10.02.04 A.2.h. may suffice for this information requirement where spot elevations have been provided in sufficient number and distribution on a boundary survey map.

o. All existing drainage district facilities and their ultimate **RIGHT-OF-WAY** requirements as they affect the property to be subdivided.

p. Generalized statement of subsurface conditions on the property, location and results of tests made to ascertain subsurface soil conditions and groundwater depth.

q. Zoning classification of the tract and all contiguous properties, and, if applicable, a reference to the planned unit **DEVELOPMENT** or zoning ordinance, by project name and ordinance number, shall be shown.

r. Utilities such as telephone, power, water, sewer, gas, and the like, on or **ADJACENT** to the tract including existing or proposed water and sewage treatment plants. The preliminary **SUBDIVISION** plat shall contain a statement that all utility services shall be available and have been coordinated with all required utilities. Evidence of such utility availability shall be provided in writing from each utility proposed to service the **SUBDIVISION**.

s. Sites proposed for parks, recreational areas, and school sites or the like in accordance with any existing ordinances requiring such a dedication.

t. Typical **LOT** configurations shall be illustrated and the minimum area of the **LOTS** required by the approved zoning classification shall be referenced by note. Such illustrations shall show a typical **DWELLING UNIT** meeting required **SETBACKS** for a typical **LOT**. **SETBACKS** required by the approved zoning classification shall be provided verbatim on the plan in matrix form. Where more than one type of **DWELLING UNIT** (e.g., single-family detached, single-family attached, **ZERO LOT LINE**) is planned, **LOTS** must be linked to the type, or types, of unit which they are intended to accommodate. **LOT** areas and **LOT** dimensions may be shown on a legend as opposed to notation on each **LOT**.

u. An **ENVIRONMENTAL IMPACT STATEMENT** pursuant to section 10.02.02 of this Code, except that the **APPLICANT** may request an administrative waiver of this

provision where it is apparent that no environmental degradation will result from the **DEVELOPMENT** of the land or where a prior environmental impact assessment was prepared for the same area of land within five years from the date of submission of the preliminary **SUBDIVISION** plat.

v. Locations of all **WETLANDS**, archaeological sites, endangered or threatened species, on the **PARCEL**. The following natural feature map shall be provided, as required, based on the nature of the property in question:

i. A map of all wetland area locations as delineated by all agencies having jurisdiction over such **WETLANDS**.

ii. A map of all archaeological site locations as delineated by a professional archaeologist, a regulatory agency or a state-recognized archaeological group.

iii. A map of all locations of other natural features as required by [the] County Manager or his designee or any other regulatory agency having jurisdiction over such features.

iv. A map of all locations of colonies, burrows and nest trees of all endangered, threatened, or species of special concern. Such map shall be based upon delineation criteria of the appropriate governmental or regulatory agencies for such species.

w. The location of **BUFFERED** areas required by section 4.06.01 shall be illustrated and dimensioned if appropriate at this time.

x. A **SUBDIVISION** that generates 1,000 ADT (**AVERAGE DAILY TRIPS**) or 150 vehicles per hour, peak hour/peak season shall submit a traffic impact analysis. The traffic impact analysis shall be prepared by an engineer and shall be used to determine the number of lanes and capacity of the **STREET** system proposed or affected by the **DEVELOPMENT**, based on ultimate permitted **DEVELOPMENT**.

y. A master water management plan outlining the existing and proposed surface watercourses and their principal tributary **DRAINAGE FACILITIES** needed for proper drainage, water management and **DEVELOPMENT** of the **SUBDIVISION**. The master water management plan for projects that are 40 acres or less shall consist of a plan and report with preliminary design calculations indicating the

method of drainage, existing water elevations, recurring high water elevations, the proposed design water elevations, drainage **STRUCTURES**, canals, ditches, delineated **WETLANDS**, and any other pertinent information pertaining to the control of storm and ground water. For projects that are greater than 40 acres, a South Florida Water Management District conceptual permit submittal or staff report with plan, or above equivalent, shall be required. The master water management plan and data submitted shall be consistent with the "content of application" submissions required by the South Florida Water Management District (see Rule 40E, F.A.C., as amended). In cases where modifications or improvements are not planned for existing major watercourses and their principal tributary **DRAINAGE FACILITIES**, this requirement may be accomplished by so indicating on the preliminary **SUBDIVISION** plat.

3. *Conditions.* The County Manager or his designee has the authority to approve requests for substitutions to the design standards contained in the Collier County Construction Standards Manual provided those requests are based on generally accepted, sound and safe, professional engineering principles and practices. Requests for substitutions shall be made in writing and shall provide clear and convincing documentation and citations to professional engineering studies, reports or other generally accepted professional engineering sources to substantiate the substitution requested.

4. *Effect and limitation of approval of preliminary **SUBDIVISION** plat.*

a. *Precondition for improvement plans and final **SUBDIVISION** plat.* Only after approval of the preliminary **SUBDIVISION** plat shall the **APPLICANT** be entitled to submit to the county the improvement plans and final **SUBDIVISION** plat as required by this section. No improvement plans or final **SUBDIVISION** plat shall be accepted for review unless the preliminary **SUBDIVISION** plat has been approved and remains valid and in effect.

b. *No vested rights.* It is hereby expressly declared that the intent of this section is to create no vested rights in the **APPLICANT** or owner of property which obtains approval of a preliminary **SUBDIVISION** plat, and the county shall not be estopped to subsequently deny approval of the improvement plans and final **SUBDIVISION** plat based on changes in federal, state or local laws or regulations, or upon any other facts or circumstances subsequently arising or considered which would adversely affect the feasibility or desirability of

the preliminary **SUBDIVISION** plat, nor shall the county be estopped to deny any rezoning in which a preliminary **SUBDIVISION** plat is submitted in support of such rezoning.

c. *Time limitations.* Refer to the provisions of 10.02.05 A.

d. *Relationship to site DEVELOPMENT PLANS.* Anything contained elsewhere in this Code to the contrary notwithstanding, no major final or minor site **DEVELOPMENT PLAN** may be accepted for concurrent review with a preliminary **SUBDIVISION** plat, however approval shall be withheld until the preliminary **SUBDIVISION** plat is approved except where no preliminary **SUBDIVISION** plat is required under a minor **SUBDIVISION**. Further, no final site **DEVELOPMENT PLAN** (whether minor or final) shall be approved prior to approval of the final plat by the board of commissioners, however, no **BUILDING** permit will be issued until the plat is recorded, except for **DEVELOPMENT** amenities such as club houses, swimming pools, guard houses and the like, upon approval of the plat by the board of county commissioners and pursuant to submission of a site **DEVELOPMENT PLAN**, or a temporary use permit as may be permitted by 5.04.04 of this Code.

e. *Relationship to zoning and planned unit DEVELOPMENTS.* Anything contained elsewhere in this Code to the contrary notwithstanding, no preliminary **SUBDIVISION** plat shall be approved prior to final approval of the zoning or planned unit **DEVELOPMENT** for the proposed **SUBDIVISION**; provided, however, the zoning or planned unit **DEVELOPMENT** application and the preliminary **SUBDIVISION** plat may be processed concurrently at the written request of the **APPLICANT** to the County Manager or his designee.

f. *Approval of improvement plans and final SUBDIVISION plat required prior to DEVELOPMENT.* Anything contained elsewhere in this Code to the contrary notwithstanding, no **DEVELOPMENT** shall be allowed pursuant to a preliminary **SUBDIVISION** plat prior to the approval of improvement plans and final **SUBDIVISION** plat submitted for the same or portion thereof. Authorization to commence any **DEVELOPMENT** prior to the completion of the provisions set forth herein in sections 10.02.05 E. and 10.02.04 B.3. shall be the subject of a preliminary work authorization as set forth herein. A preliminary work authorization whose form and legal sufficiency shall be approved by the county attorney shall be submitted in the form established by the county

attorney and shall be a legally binding agreement between the **APPLICANT** and the county.

5. *Integrated phased DEVELOPMENTS.* A preliminary **SUBDIVISION** plat application shall be submitted in accordance with this section for any integrated phased **DEVELOPMENT**, unless the integrated phased **DEVELOPMENT** is within an area which has been previously approved as part of a preliminary **SUBDIVISION** plat and the final **SUBDIVISION** plat thereof has been recorded. Any individual phase of an integrated phased **DEVELOPMENT** shall be reviewed in accordance with section 10.02.02 B.4.

6. *Resubdivision.* A preliminary **SUBDIVISION** plat (PSP) application shall be submitted in accordance with this section for the provision of required improvements for any resubdivision, unless the resubdivision is of a **LOT, PARCEL**, tract or a like unit of land which completely complies with all of the following criteria:

a. The **LOT, PARCEL**, tract or a like unit of land was previously approved as part of a preliminary **SUBDIVISION** plat application granted in accordance with the provisions of this section for a principal property and is zoned for single-family use in accordance with the provisions of Chapter 2.

b. The final **SUBDIVISION** plat and improvement plans for the principal property's primary **SUBDIVISION** required improvements, of which such property is a part thereof, have been reviewed and approved, the final plat recorded and preliminary acceptance granted for all required improvements in accordance with sections 10.01.04 and 10.02.05, 10.02.05 E., and 10.02.04 B. 3.

c. No separate **ENVIRONMENTAL IMPACT STATEMENT** (EIS) or supplement, amendment or update pursuant to section 10.02.04 A.1.u. to an existing EIS for the property to be resubdivided shall be required.

d. No endangered, threatened or listed species protection issues pursuant to the provisions of section 3.04.01 are present within the property which is the subject of the resubdivision.

e. No additional substitutions from those granted for the principal property's PSP of the design standards contained in section 3.2.8.4 for the required improvements within the resubdivision pursuant to the provisions of section 10.02.04 A.3. are required.

f. No portion(s) of the principal project's water management system are required to be constructed within the property subject to resubdivision.

g. No greater than 50 single-family **LOTS** are created by the resubdivision of the subject property.

Resubdivisions which comply with the provisions of items (a) through (g) shall be exempt from the requirements, standards and procedures for preliminary **SUBDIVISION** plats (this section) but shall comply with all of the other provisions of section 10.02.04 and 10.02.05 concerning improvement plans, final **SUBDIVISION** plats and those **SUBDIVISION** review procedures contained in sections 10.02.05 A. through 10.02.05 C. inclusive.

B. Final plat requirements

1. *Protected/preserve area and EASEMENTS.* A nonexclusive **EASEMENT** or tract in favor of Collier County, without any maintenance obligation, shall be provided for all "protected/preserve" areas required to be designated on the preliminary and final **SUBDIVISION** plats or only on the final **SUBDIVISION** plat if the **APPLICANT** chooses not to submit the optional preliminary **SUBDIVISION** plat. Any buildable **LOT** or **PARCEL** subject to or **ABUTTING** a protected/preserve area required to be designated on the preliminary and final **SUBDIVISION** plats, or only on the final **SUBDIVISION** plat if the **APPLICANT** chooses not to submit the optional preliminary **SUBDIVISION** plat, shall have a minimum 25-foot **SETBACK** from the boundary of such protected/preserve area in which no principle **STRUCTURE** may be constructed. Further, the preliminary and final **SUBDIVISION** plats, or only on the final **SUBDIVISION** plat if the **APPLICANT** chooses not to submit the optional preliminary **SUBDIVISION** plat, shall require that no **ALTERATION**, including **ACCESSORY STRUCTURES**, fill placement, grading, plant alteration or removal, or similar activity shall be permitted within such **SETBACK** area without the prior written consent of the County Manager or his designee; provided, in no event shall these activities be permitted in such **SETBACK** area within ten feet of the protected/preserve area boundary. Additional regulations regarding preserve **SETBACKS** and **BUFFERS** are located in Chapters 4 and 10, and shall be applicable for all preserves, regardless if they are platted or simply identified by recorded conservation **EASEMENT**.

The boundaries of all required **EASEMENTS** shall be dimensioned on the final **SUBDIVISION** plat. Required protected/preserve areas shall be identified as separate tracts or **EASEMENTS** having **ACCESS** to them from a platted **RIGHT-OF-WAY**. No individual residential or commercial **LOT** or **PARCEL** lines may project into

them when platted as a tract. If the protected/preserve area is determined to be jurisdictional in nature, verification must be provided which documents the approval of the boundary limits from the appropriate local, state or federal agencies having jurisdiction and when applicable pursuant to the requirements and provisions of the growth management plan. All required **EASEMENTS** or tracts for protected/preserve areas shall be dedicated and also establish the permitted uses for said **EASEMENT(s)** and/or tracts on the final **SUBDIVISION** plat to Collier County without the responsibility for maintenance and/or to a property owners' association or similar entity with maintenance responsibilities. An **APPLICANT** who wishes to set aside, dedicate or grant additional protected preserve areas not otherwise required to be designated on the preliminary **SUBDIVISION** plat and final **SUBDIVISION** plats, or only on the final **SUBDIVISION** plat if the **APPLICANT** chooses not to submit the optional preliminary **SUBDIVISION** plat, may do so by grant or dedication without being bound by the provisions of this section.

2. *Improvement plans.* The improvement plans for required improvements which will be constructed within an existing **EASEMENT** must illustrate the existing **EASEMENT** and existing facilities, and the proposed **EASEMENT** and the proposed facilities. Copies of the improvement plans shall be provided by the **APPLICANT** to the holder of the **EASEMENT(s)** simultaneously with its submission to the county.

The review and approval of improvement plans does not authorize the construction of required improvements which are inconsistent with existing **EASEMENT(s)** of record.

3. *General requirements for final **SUBDIVISION** plats*

a. Ten prints of the final **SUBDIVISION** plat shall be submitted along with the improvement plans. No final **SUBDIVISION** plat shall be approved unless the improvement plans shall have been reviewed and accepted by the County Manager or his designee.

b. The final **SUBDIVISION** plat shall conform to the approved preliminary **SUBDIVISION** plat, if the **APPLICANT** chose to submit a preliminary **SUBDIVISION** plat, pursuant to section 10.02.05 A.5.. The final **SUBDIVISION** plat shall constitute only that portion of the approved preliminary **SUBDIVISION** plat, if applicable, which the **APPLICANT** proposes to construct within a finite period not to exceed 18 months. The improvements required by this section which



apply to the final **SUBDIVISION** plat shall be completed within 18 months from the date of approval of the final plat unless prior to the 18-month construction period, a written request for an extension in time not exceeding one year is applied for and approved by the **DEVELOPMENT** services administrator or his designee. The **APPLICANT** shall enter into a construction and maintenance agreement with the county, in a form acceptable to the county attorney, which establishes the terms and conditions for the construction and maintenance of the improvements required during the 18-month construction period (unless a written extension request is approved by the County Manager or his designee prior to the expiration of the 18-month construction period), whether the final plat is approved only or approved and recorded with the posting of a **SUBDIVISION** performance security. This agreement shall be submitted with the final plat for review and approval and executed by all parties at the time of final plat approval per section c. below.

c. At the time of submission of the final **SUBDIVISION** plat, the **APPLICANT** shall submit a statement indicating whether the required improvements are to be constructed prior to the recording of the final **SUBDIVISION** plat or after recording under **SUBDIVISION** performance security posted with the county as provided for in this section. When the required improvements are to be completed after recording under guarantees as provided in this section, the final **SUBDIVISION** plat upon submittal shall be accompanied by the following:

d. An opinion of probable construction cost prepared by the **APPLICANT'S** professional engineer, or the actual contractor's bid, which includes the cost of all required improvements.

e. **SUBDIVISION** performance security, as further described herein, in an amount equal to 110 percent of the sum of construction costs for all on-site and off-site required improvements based on the **APPLICANT'S** professional engineer's opinion or contract bid price. Where improvements are to be constructed by a general-purpose government such as a county or municipality, a local school district, or state agency, no **SUBDIVISION** performance security shall be required. **SUBDIVISION** performance security shall be required of an independent special-purpose government such as a community **DEVELOPMENT** district (CDD). The **SUBDIVISION** performance security shall be in one of the following forms:

- (1) Cash deposit agreement with the county.
- (2) Irrevocable standby letter of credit.
- (3) Surety bond.
- (4) Escrow agreement with the first mortgagee of the entire final **SUBDIVISION** plat.

(5) Funds held by the bond trustee for a community **DEVELOPMENT** district which are designated for **SUBDIVISION** improvements. The CDD shall enter into a construction and maintenance agreement with the county in a form acceptable to the county attorney. The construction and maintenance agreement shall provide that (a) all permits required for the construction of the required **SUBDIVISION** improvements shall be obtained by the CDD prior to recording of the plat, (b) the project as defined in the CDD's bond documents must include the required **SUBDIVISION** improvements and cannot be amended or changed without the consent of the county, and (c) the developer shall be required to complete the required improvements should the CDD fail to complete same.

f. After the final **SUBDIVISION** plat has been approved by the County Manager or his designee for compliance with this Code as provided in this section, the **APPLICANT** shall resubmit five certified sets of the previously approved improvement plans along with approved copies of all required county, state and federal construction permits. The **APPLICANT'S** professional engineer shall also submit a digitally created construction/site plan documents, one disk (CDROM) of the master plan file, including, where applicable, **EASEMENTS**, water/**WASTEWATER** facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. **RIGHT-OF-WAY--ROW**, centerlines--CL, edge-of-pavement--EOP, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (**PARCELS**, **LOTS**, and requisite annotation) shall be drawn on a unique information layer, with all linework pertaining to

the property feature located on that layer. Example: **PARCELS**--All lines that form the **PARCEL** boundary will be located on one **PARCEL** layer. Annotations pertaining to property information shall be on a unique layer. Example: **LOT** dimensions--Lottxt layer. All construction permits required from local, state and federal agencies must be submitted to the County Manager or his designee prior to commencing **DEVELOPMENT** within any phase of a project requiring such permits.

g. Approval of the final **SUBDIVISION** plat shall not constitute acceptance of the dedicated facilities or areas. Acceptance of any such dedicated facilities or areas and responsibility for their maintenance shall be by separate resolution of the board of county commissioners.

h. All conveyance instruments shall be in a form approved by the county attorney prior to their submission to the board of commissioners for acceptance. If requested by the County Manager or his designee, the grantee shall provide, at no cost to the county, a title opinion, or certificate in a form promulgated by the Florida insurance commissioner, which is in conformance with the county's procedures for acquiring real property interests. No conveyance instrument shall be recorded prior to recordation of the final **SUBDIVISION** plat and formal acceptance of the conveyance by the board of commissioners.

4. *Final **SUBDIVISION** plat submission requirements.* The final plat shall be drawn on only standard size 24-inch by 36-inch sheets of mylar or other approved material in conformance with F.S. ch. 177. The final plat shall be prepared by a land surveyor currently registered in the State of Florida and is to be clearly and legibly drawn with black permanent drawing ink or a photographic silver emulsion mylar to a scale of not smaller than one inch equals 100 feet. The final plat shall be prepared in accordance with the provisions of F.S. ch. 177, as amended, and shall conform, at a minimum, to the following requirements:

a. *Name of **SUBDIVISION**.* The plat shall have a title or name acceptable to the County Manager or his designee. When the plat is a new **SUBDIVISION**, the name of the **SUBDIVISION** shall not duplicate or be phonetically similar to the name of any existing **SUBDIVISION**. When the plat is an additional unit or section by the same developer or successor in title to a recorded **SUBDIVISION**, it shall carry the same name as the existing **SUBDIVISION** and as necessary a sequential numeric or alphabetic symbol to denote and identify the new plat from the original plat. If the

name of the **SUBDIVISION** is not consistent with the name utilized for any zoning action for the subject property, a general note shall be added to the plat cover sheet which identifies the zoning action name and ordinance number which approved such action.

b. *Title.* The plat shall have a title printed in bold legible letters on each sheet containing the name of the **SUBDIVISION**. The subtitle shall include the name of the county and state; the section, township and range as applicable or if in a land grant, so stated; and if the plat is a replat, amendment or addition to an existing **SUBDIVISION**, it shall include the words "section," "unit," "replat," "amendment," or the like.

c. *Description.* There shall be lettered or printed upon the plat a full and detailed description of the land embraced in the plat. The description shall show the section, township and range in which the lands are situated or if a land grant, so stated, and shall be so complete that from it without reference to the map the starting point can be determined and the boundaries identified.

d. *Index.* The plat shall contain a sheet index on page 1, showing the entire **SUBDIVISION** on the sheet indexing the area shown on each succeeding sheet and each sheet shall contain an index delineating that portion of the **SUBDIVISION** shown on that sheet in relation to the entire **SUBDIVISION**. When more than one sheet shall be used to accurately portray the lands subdivided, each sheet shall show the particular number of that sheet and the total number of sheets included as well as clearly labeled match lines to each sheet.

e. *Survey data.* The final plat shall comply with F.S. ch. 177, and shall show the length of all arcs together with central angles, radii, chord bearing, chord length and points of curvature. Sufficient survey data shall be shown to positively describe the boundary of each **LOT, BLOCK, RIGHT-OF-WAY, EASEMENT**, required conservation or preserve area and all other like or similar areas shown on the plat or within the boundary of the plat as shown in the description. The survey data contained on the plat shall also include:

i. The scale, both stated and graphically illustrated, on each graphic sheet.

ii. A north arrow shall be drawn on each sheet that shows the geometric layout and the configuration of

the property to be platted. The north direction shall be at the top or left margin of the map where practicable.

iii. The points of beginning and the commencement shall be boldly shown for any metes and bounds description.

iv. All intersecting **STREET RIGHT-OF-WAY** lines shall be joined by a curve with a minimum radius of 25 feet.

v. All adjoining property shall be identified by a **SUBDIVISION** title, plat book and page or if unplatted, the land shall be so designated.

vi. Permanent reference monuments shall be shown in the manner prescribed by F.S. ch. 177, as amended, and shall be installed prior to recording of the final plat.

vii. There shall be reserved a space in the upper right hand corner of each sheet for the words "Plat Book \_\_\_\_\_" and "Page \_\_\_\_\_" with the minimum letter size of one-fourth inch. On the line directly below, a space for "Sheet \_\_\_\_\_ of \_\_\_\_\_."

viii. The map shall mathematically close and when practical shall be tied to all section, township and range lines occurring within the **SUBDIVISION** by distance and bearing where applicable.

ix. The cover sheet or first page of the plat shall show a location plan, showing the **SUBDIVISION'S** location in reference to other areas of the county.

x. The minimum size for any letter or numeral shall be one-tenth inch.

xi. All line and curve tables are to be shown on the same sheet as the graphic drawing they relate to. When possible, dimensions shall be shown directly on the map.

xii. 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 homesites, and the minimum **BASE FLOOD ELEVATION** above NGVD as required.

f. **LOT and BLOCK identification.** Each **LOT**, **BLOCK**, or other like or similar **PARCEL**, however described, shall be numbered or lettered. All **LOTS** shall be numbered or lettered by progressive numbers or letters individually

throughout the **SUBDIVISION** or progressively numbered or lettered in each **BLOCK**, not necessarily starting with the number "1" or letter "A." **PARCELS** and **BLOCKS** in each incremental plat shall be numbered or lettered consecutively throughout a **SUBDIVISION**. All **PARCELS** which constitute a protected/preserve area shall be labeled as an **EASEMENT** or tract. All protected/preserve area **EASEMENTS** or tracts shall be dedicated on the final **SUBDIVISION** plat to Collier County without the responsibility for maintenance and to a property owners' association or similar entity with maintenance responsibilities pursuant to section the Collier County Construction Standards Manual.

g. **STREET names**. The plat shall contain the name of each **STREET** shown on the plat in conformance with the design requirements of this section.

h. **OUTPARCELS**. All interior excepted **PARCELS** shall be clearly indicated and labeled "Not a Part of this Plat."

i. **RIGHTS-OF-WAY and EASEMENTS**. All **RIGHT-OF-WAY** and **EASEMENT** widths and dimensions shall be shown on the plat. All **LOTS** must have **FRONTAGE** on a public or private **RIGHT-OF-WAY** in conformance with the design requirements of this section.

j. *Restrictions, reservations and restrictive covenants*. Restrictions pertaining to the type and use of water supply, type and use of sanitary facilities; use, responsibility of maintenance and benefits of water or water management areas, canals, preserve and conservation areas, and other **OPEN SPACES**; odd-shaped and substandard **PARCELS**; restrictions controlling **BUILDING** lines; establishment and maintenance of **BUFFER** strips and walls; and restrictions of similar nature shall require the establishment of restrictive covenants and the existence of such covenants shall be noted on the plat by reference to official record book and page numbers in the public records of Collier County. Documents pertaining to restrictive covenants shall be submitted with the final plat.

k. *Private STREETS and related facilities*. All **STREETS** and their related facilities designed to serve more than one property owner shall be dedicated to the public use; however private **STREETS** shall be permitted within property under single ownership or control of a property owners' association a **CONDOMINIUM** or cooperative association or other like or similar entity. Where private **STREETS** are permitted,

ownership and maintenance association documents shall be submitted with the final plat and the dedication contained on the plat shall clearly dedicate the roads and maintenance responsibility to the association without responsibility to the county or any other public agency. The **RIGHTS-OF-WAY** and related facilities shall be identified as tracts for roads and other purposes under specific ownership. All private **STREETS** shall be constructed in the same manner as public **STREETS** and the submission of improvement plans with required information shall apply equally to private **STREETS** pursuant to the Collier County Construction Standards Manual.

i. *Certification and approvals.* The plat shall contain, except as otherwise allowed below, on the first page (unless otherwise approved by the engineering services director and office of the county attorney prior to submittal) the following certifications and approvals, acknowledged if required by law, all being in substantially the form set forth in appendix C to this Code. The geometric layout and configuration of the property to be platted shall not be shown on the page(s) containing the certifications, approvals and other textual data associated with the plat when practical.

i. *Dedications.* The purpose of all dedicated or reserved areas shown on the plat shall be defined in the dedication on the plat. All areas dedicated for use by the residents of the **SUBDIVISION** shall be so designated and all areas dedicated for public use, such as parks, **RIGHTS-OF-WAY**, **EASEMENTS** for drainage and conservation purposes and any other area, however designated, shall be dedicated by the owner of the land at the time the plat is recorded. Such dedication and the responsibility for their maintenance shall require a separate acceptance by resolution of the board of county commissioners. No dedications items shall be included in the general note for the plat.

ii. *Mortgagee's consent and approval.* Identification of all mortgages and appropriate recording information together with all mortgagees' consents and approvals of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged in the same manner as deeds are required to be witnessed and acknowledged. In

case the mortgagee is a corporation, the consent and approval shall be signed on behalf of the corporation by the president, vice-president or chief executive officer. At the **APPLICANT'S** option, mortgagee's consents do not have to be included on the plat to be recorded, so long as they are provided as fully executed and acknowledged separate instruments along with the plat submittal.

iii. *Certification of surveyor.* The plat shall contain the signature, registration number and official seal of the land surveyor, certifying that the plat was prepared under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all of the requirements of F.S. ch. 177, part I, as amended. The certification shall also state that permanent reference monuments, "P.R.M.," have been set in compliance with F.S. ch. 177, part I, as amended, and this section, and that P.C.P.s and **LOT** corners will be set under the direction and supervision of the surveyor prior to final acceptance of required improvements. Upon installation of the P.C.P.s, the surveyor must submit to the County Manager or his designee written certification that the installation work has been properly completed. When required improvements have been completed prior to the recording of a plat, the certification shall state the P.C.P.s and **LOT** corners have been set in compliance with the laws of the State of Florida and ordinances of Collier County. When plats are recorded and improvements are to be accomplished under performance security posted as provided for by this section, the required improvements and performance guarantee shall include P.C.P.s

iv. *Signature block for board of county commissioners and clerk of circuit court.* The plat shall contain the approval and signature block for the board of county commissioners and the acknowledgement and signature block of the clerk of circuit court.

v. *Signature block for county attorney.* The plat shall contain the approval and signature block for the county attorney.

vi. *Evidence of title.* A title certification or opinion of title complying with § 177.041, F.S., must be submitted with the plat. The evidence of title provided must state or describe: (1) that the lands as described



and shown on the plat are in the name, and record title is held by the person, persons or organization executing the dedication, (2) that all taxes due and payable at the time of final plat recording have been paid on said lands, (3) all mortgages on the land and indicate the official record book and page number of each mortgage. The evidence of title may, at the **APPLICANT'S** discretion, be included on the first page of the plat, so long as the information required by section 177.041, F.S., and this paragraph is clearly stated, an effective date is provided, and the statement is properly signed.

vii. *Instrument prepared by.* The name, **STREET** and mailing address of the natural person who prepared the plat shall be shown on each sheet. The name and address shall be in statement form consisting of the words, "This instrument was prepared by (name), (address)."

m. *Location.* The name of the section, township, range, and if applicable city, town, village, county and state in which the land being platted is situated shall appear under the name of the plat on each sheet. If the **SUBDIVISION** platted is a resubdivision of a part or the whole of a previously recorded **SUBDIVISION**, the fact of its being a resubdivision shall be stated as a subtitle following the name of the **SUBDIVISION** wherever it appears on the plat.

n. *Surveyor's seal.* The surveyor of record shall **SIGN** and seal copies of the plat submitted for approval.

o. *Basis of bearings.* The basis of bearings must be clearly stated, i.e., whether to "True North," "Grid North" as established by the NOS, "Assumed North," etc., and must be based on a well-defined line.

p. *Existing or recorded **STREETS**.* The plat shall show the name, location and width of all existing or recorded **STREETS** intersecting or contiguous to the boundary of the plat, accurately tied to the boundary of the plat by bearings and distances.

#### 10.02.05 Submittal Requirements for Improvements Plans

A. Procedures for improvement plans and final **SUBDIVISION** plat.

1. *Initiation.* Within two years after the date of written approval or approval with conditions of the preliminary **SUBDIVISION** plat, the

**APPLICANT** shall prepare and submit to the County Manager or his designee the improvement plans and final **SUBDIVISION** plat for at least the first phase of the proposed **SUBDIVISION**. Each subsequent phase shall be submitted within two years after the date of written approval of the final **SUBDIVISION** plat for the immediately preceding phase of the proposed **SUBDIVISION**. Two two-year extensions to submit the improvement plans and final **SUBDIVISION** plat shall be granted for good cause shown upon written application submitted to the County Manager or his designee prior to expiration of the preceding approval. When extending the preliminary **SUBDIVISION** plat approval, the County Manager or his designee shall require the approval to be modified to bring the project into compliance with any new provisions of section 10.02.04 and 10.02.05 of this Code in effect at the time of the extension request.

2. *Review, determination and recommendation by County Manager or his designee.* After receipt of completed improvement plans and final **SUBDIVISION** plat, the County Manager or his designee shall review and evaluate the improvement plans in light of section 10.02.05 E., including the general requirements established in section 10.02.05 E.1., the improvement plans submission requirements established in section 10.02.05 B.2., the required improvements established in section 10.02.05 E.3., and the design requirements established in section 10.02.05 E.4., and shall review and evaluate the final **SUBDIVISION** plat in light of the final **SUBDIVISION** plat requirements established in section 10.02.04 B.3. Based on the review and evaluation, the County Manager or his designee shall approve, approve with conditions, or deny the improvement plans. If the improvement plans are denied, then the final **SUBDIVISION** plat shall not be submitted to the board of county commissioners unless and until the improvement plans have been approved or approved with conditions by the County Manager or his designee. If the improvement plans are approved or approved with conditions, the County Manager or his designee shall recommend that the board of county commissioners consent to, consent with conditions or deny the final **SUBDIVISION** plat. The determinations regarding the improvement plans and the recommendation regarding the final **SUBDIVISION** plat shall be in writing. If the County Manager or his designee denies or places conditions on the improvement plans or recommends denial or conditions on the final **SUBDIVISION** plat, he shall state reasons for such denial or conditions, or recommendation of denial or conditions and shall cite the applicable code or regulatory basis for the conditions of denial.

3. *Consent to final **SUBDIVISION** plat by board of county commissioners.* Within 30 days after approval or approval with

conditions of the improvement plans, the County Manager or his designee shall submit his recommendation to the board of county commissioners to consent to, consent to with conditions, or deny the final **SUBDIVISION** plat. After receipt by the board of county commissioners of the County Manager or his designee's recommendation, the board of county commissioners shall place the final **SUBDIVISION** plat on the consent agenda for its next available regularly scheduled meeting. If all members of the board of county commissioners consent to the recommendation of the County Manager or his designee, then the recommendation of the County Manager or his designee on the final **SUBDIVISION** plat shall remain on the consent agenda and the final **SUBDIVISION** plat shall be approved therewith. If any member of the board of county commissioners objects to the recommendation of the County Manager or his designee or otherwise requests discussion on the recommendation, then the recommendation shall be taken off the consent agenda and may be discussed or scheduled for a subsequent hearing date. After due notice of the hearing to the **APPLICANT**, the board of county commissioners shall hold a hearing on the final **SUBDIVISION** plat. At the hearing, the board of county commissioners shall consider the County Manager or his designee's recommendation and shall take evidence and testimony in regard to the final **SUBDIVISION** plat requirements set forth in section 10.02.04 B.3. The board of county commissioners shall approve, approve with conditions, or deny the final **SUBDIVISION** plat. If the board of county commissioners denies or places conditions on the final **SUBDIVISION** plat, it shall state reasons for such denial or conditions.

4. *Recordation of final **SUBDIVISION** plat.*

a. *General.* No **BUILDING** permits for habitable **STRUCTURES** shall be issued prior to approval by the board of county commissioners and recordation of the final **SUBDIVISION** plat.

b. *Posting of **SUBDIVISION** performance security.* Approval of the final **SUBDIVISION** plat shall not entitle the final **SUBDIVISION** plat to be recorded unless the required improvements have been completed by or for the **APPLICANT** and accepted by the county, or the required **SUBDIVISION** performance security for the construction of the required improvements, both on-site and off-site, has been posted by the **APPLICANT**, in a format approved by the county attorney, and approved and accepted by the board of county commissioners or the County Manager or his designee, or his designee, on behalf of the board. Once the form of a **SUBDIVISION** performance security has been

approved and accepted alternate securities, in a format approved by the county attorney, may be approved by the community **DEVELOPMENT** and environmental administrator, or his designee, on behalf of the board.

c. *Recordation procedure.* After approval of the final **SUBDIVISION** plat by the board of county commissioners, but prior to the County Manager or his designee's recording of the final **SUBDIVISION** plat with the clerk of the circuit court, all of the following shall occur:

i. The **APPLICANT** shall obtain all of the signatures on the original plat cover sheet(s) that are associated with the **APPLICANT'S** obligations or that are otherwise required (together with any separate opinion of title or title certification, and any separate mortgagee's consent(s)).

ii. The **APPLICANT** shall submit the original final **SUBDIVISION** plat, and any separate consents, or opinions or certifications of title, to the County Manager or his designee after obtaining the signatures required above. The County Manager or his designee shall obtain all county related signatures required on the final **SUBDIVISION** plat.

iii. Simultaneously with the submission of the fully executed final **SUBDIVISION** plat to the County Manager or his designee, the **APPLICANT** shall also submit in accordance with F.S. § 177.041, at no expense to the county, either a title opinion from a licensed attorney authorized to practice in the State of Florida complying with the standards for such opinions as they may be promulgated from time to time, or a title certification, as well as any required documents supporting such title information, and any such related documents as may be required by the office of the county attorney.

The effective date of the title information must be no more than 30 days prior to the submission of the final **SUBDIVISION** plat to the County Manager or his designee and must contain all of the following:

(a) A legal description of at least the lands being platted;

(b) A statement that the attorney is licensed to practice in the State of Florida and that the

attorney has examined title to the subject real property, if a title opinion is being provided;

(c) Identification of the exact name of any person who is the record owner of the subject real property and a specific citation to the official records book and page, where each record legal owner obtained title to the subject real property. The title information shall have attached thereto a copy of said instrument(s) of conveyance; and

(d) Identification of liens, encumbrances, **EASEMENTS**, or matters shown or that should be shown as exclusions to coverage on a title insurance policy. As may be applicable, the title information shall include in a neatly bound fashion, and make citation to the recording information of, all referenced liens, encumbrances, **EASEMENTS**, or exclusions. The title information shall have attached thereto a copy of any such instruments.

iv. *Payment of recording and copy fees.* The recording and copy fees specified in this section must be verified as correct and paid by the **APPLICANT**. Upon verification and payment, the County Manager or his designee shall record the final **SUBDIVISION** plat with the clerk of the circuit court in the official records of Collier County, Florida, and then proceed to produce three copies and one mylar of the recorded final **SUBDIVISION** plat and accompanying documents which are required for the clerk of the circuit court.

v. *Recording of other documents.* If any dedications, grants, conveyances, **EASEMENTS**, consents (including mortgagee consents), reservations, covenants, or other like instruments are to be recorded simultaneously with the final **SUBDIVISION** plat, appropriate fees and original documentation must be provided to the County Manager or his designee for processing and recording by the clerk of court prior to, or simultaneously with, the recording of the final **SUBDIVISION** plat.

vi. *Additional copies.* If the **APPLICANT** or its professional surveyor or engineer of record wishes to obtain additional copies or mylars of the recorded

document(s) at the time of recording, arrangements shall be made through the engineering services director and coordinated with the transportation services division prior to recording and payment of fees.

vii. *Completion of improvements.* The required improvements shall be completed prior to recordation of the final **SUBDIVISION** plat unless the **APPLICANT** shall file with the county a **SUBDIVISION** performance security in a manner and form prescribed in this section to assure the installation of the required improvements.

viii. *Supporting "gap" title information.* Within 60 days of recordation of the final **SUBDIVISION** plat in the official records of Collier County, Florida, the **APPLICANT**, at no expense to the county, shall submit to the County Manager or his designee final supporting "gap" title information in order to induce the Collier County board of county commissioners to conduct final acceptance of the **SUBDIVISION** improvements as required by this section. The final supporting title information must meet all of the requirements of 3.c., above, except as to effective date. Receipt and approval of the "gap" title information is a condition precedent to acceptance of **SUBDIVISION** improvements.

The effective date of the supporting "gap" title information must be through the date of recordation of the final **SUBDIVISION** plat and must, at a minimum, cover the "gap" between the time the effective date of the information required by 3.c., above when submitted and the date and time of recording of the final plat, and additionally such title information must identify and provide copies of any recorded documentation of the holders of any estates, liens, encumbrances or **EASEMENTS** not properly included or joined in the dedication or consents on the final **SUBDIVISION** plat. The supporting "gap" title information must have attached thereto a copy of any required instruments not previously provided in connection with submittals for the final plat's recording.

ix. After approval for recording by the board, but prior to recordation of the final **SUBDIVISION** plat, the

**DEVELOPMENT** services administrator may approve of minor or insubstantial changes to the final plat.

5. *Relationship and amendments to preliminary **SUBDIVISION** plat.* The improvement plans and final **SUBDIVISION** plat shall be consistent with the preliminary **SUBDIVISION** plat, if the **APPLICANT** chose to submit a preliminary **SUBDIVISION** plat. Any amendment to the approved preliminary **SUBDIVISION** plat desired by the **APPLICANT** shall be reviewed and determined to be acceptable by the County Manager or his designee prior to the processing of the improvement plans and final **SUBDIVISION** plat. The County Manager or his designee shall have the authority to approve amendments to the approved preliminary **SUBDIVISION** plat provided those amendments are based on generally accepted, sound, professional engineering principles and practices in the state. Requests for amendments shall be in writing in the form of an amended preliminary **SUBDIVISION** plat and shall provide clear and convincing documentation and citations to professional engineering studies, reports or other generally accepted professional engineering services in the state to substantiate the amendment requested.

6. *Model sales centers, model homes, review and determination.* As provided for within section 5.04.04, Temporary use permits.

B. Construction of required improvements.

1. *Construction specifications.* Construction specifications shall be those prescribed in the design requirements of this section, those prescribed by the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, as amended, where applicable as approved by the County Manager or his designee, and those contained in the approved technical specifications prepared by the **APPLICANT'S** professional engineer for each **SUBDIVISION** or **DEVELOPMENT** which may amend or supersede FDOT standards on a project by project basis.

2. *Administration of construction.* After approval of the final **SUBDIVISION** plat and improvement plans, and upon posting of the **SUBDIVISION** performance security when required, the **APPLICANT** shall construct the required improvements subject to obtaining and submitting to the County Manager or his designee all required federal, state and local **DEVELOPMENT ORDERS** and permits. The County Manager or his designee shall be notified in writing at least 48 hours in advance of the date of commencement of such construction. Construction shall be performed under the general direction and observation of, and shall at all times be subject to, review by the County Manager or his designee; however, this in no way shall relieve the **APPLICANT** of the

responsibility for final compliance with the approved improvement plans and all of the requirements of this section. Final certification of the construction of the required improvements from the **APPLICANT'S** professional engineer shall be filed with the County Manager or his designee. Construction observation is required to observe that the required improvements have been installed in compliance with the approved improvement plans.

3. *Observation of construction.* The **APPLICANT** shall have the professional engineer or engineer's representative make periodic site visits at intervals appropriate to the various stages of required improvement construction to observe the contractor's compliance with the approved plans and specifications. At the time of preliminary acceptance, the **APPLICANT'S** professional engineer shall submit a completion certificate for those required improvements completed. The completion certificate shall be based on information provided by the project surveyor and the engineer's own observations. The completion certificate shall not be based on "information provided by the contractor". Any discrepancy shall be resolved to the satisfaction of the engineering services director prior to preliminary acceptance of the improvements.

4. *Construction schedule.* Upon approval by the County Manager or his designee of the improvement plans and prior to the commencement of construction of the required improvements, a preconstruction meeting shall be conducted. The preconstruction meeting shall be conducted by the owner and attended by representatives of the county, utility companies, the **APPLICANT'S** professional engineer of record, the contractor and the developer. At the preconstruction meeting, a schedule of construction and copies of all applicable state and federal permits shall be provided to the County Manager or his designee. At least 48 hours' written notice shall be provided for scheduling the preconstruction meeting with the County Manager or his designee. Should any construction commence on a project prior to the preconstruction meeting, the County Manager or his designee shall have the right to require partial or full exposure of all completed work for observation, inspection and verification that it was installed in accordance with the approved improvement plans. All required improvements constructed in proposed roadway areas shall be completed in accordance with the approved improvement plans prior to proceeding with the stabilization of the roadway subgrade. Installation of improvements which would complicate corrective work on the required improvements shall be considered in scheduling all adjoining or related phases of the construction. The County Manager or his designee shall be notified within 24 hours, with written follow-up, of any problems and conflicts with the actual construction of required improvements as compared to the



completion of the required improvements in substantial compliance with the approved improvement plans.

All segments of the underground utility and water management facilities that lie beneath the pavement shall be completed, tested, and found to be in conformance with the approved improvement plans prior to the installation of pavement. All provisions associated with any water and sewer facilities construction shall be in compliance with the requirements of Collier County Ordinance [No.] 88-76 [Code ch. 134, art. III], as amended, and all other applicable federal, state and local regulations and laws.

5. *Construction inspections by the engineering services director.* Upon approval of the improvement plans by the engineering services director, the **APPLICANTS'** professional engineer of record shall be provided with a list of standard inspections which require the presence of the engineering services director. Notification of all required inspections shall be contained in the approval letter for the **DEVELOPMENT**. Based on the scheduling and progress of construction, the **APPLICANT** shall be responsible to notify the engineering services director prior to the time these inspections are required. At least 48 hours' notice shall be provided to the engineering services director to allow scheduling of an inspection. Verbal confirmation of inspection time or a request for rescheduling will be made by the engineering services director on each notification made.

All required inspections as noted in the Collier County Utilities Standards and Procedures Ordinance No. 97-17, section 9.4.2 shall require notice to the engineering services director. Also, the engineering services director shall be notified at the following stages of construction: Prior to any paving or concrete work associated with roads or **SIDEWALKS**.

From time to time, the engineering services director shall inspect the progress of construction. Should special inspections be required they shall be coordinated through the **APPLICANT**.

The foregoing notwithstanding, routine spot inspections by the engineering services director may be carried out without notice on all construction to ensure compliance with the approved improvement plans. During the on-site inspection process, if the engineering services director finds construction in progress which does not comply with the procedures, policies and requirements contained in this section or the approved improvement plans, he shall have the full authority to issue a stop work order for the portion of the work not in compliance. If a stop work order is issued, it shall remain in full effect with respect to the defective work until

such time as the documented discrepancies have been corrected to the full satisfaction of the engineering services director.

6. *Design modification.* Deviations from the approved improvement plans due to field related conditions or circumstances shall be submitted via the **APPLICANT** and approved by the County Manager or his designee. Initial contact with the County Manager or his designee may be by verbal contact whereby a County Manager or his designee's field representative may recommend approval to the DSD based on a field inspection of the deviation and based on its equivalency to the approved design. However, if required by the County Manager or his designee, a detailed written description of the proposed deviations or requested design modifications, the reasons for the deviations or modification, and revised improvement plans shall be submitted to the County Manager or his designee for approval. The County Manager or his designee may require written approval for specific deviations or modifications to be issued by him before construction of those items may commence.

7. *Measurements and tests.* After construction, the **APPLICANT'S** professional engineer of record shall submit a report to the County Manager or his designee which documents the dates of inspection, all measurements, field tests, laboratory tests and observations required to be performed during the construction.

8. *Expiration.* All required improvements associated with the construction and maintenance agreement shall be completed within 18 months from the date of recording of the final **SUBDIVISION** plat, or, if construction of required improvements is undertaken prior to recording the final **SUBDIVISION** plat, within 18 months from the date of approval of the final **SUBDIVISION** plat by the board of county commissioners. If improvements are not completed within the prescribed time period and a **SUBDIVISION** performance security has been submitted, the engineering review director may recommend to the board that it draw upon the **SUBDIVISION** performance security or otherwise cause the **SUBDIVISION** performance security to be used to complete the construction, repair, and maintenance of the required improvements. All of the required improvements shall receive final acceptance by the board of county commissioners within 36 months from the date of the original board approval. The developer may request a one-time, one-year extension to receive final acceptance of the improvements.

9. *County completion of required improvements.* When a final **SUBDIVISION** plat has been recorded and the **APPLICANT** fails to complete, repair, or maintain the required improvements as required by this section, the board of county commissioners may

authorize and undertake completion, repair, and maintenance of the required improvements under the **SUBDIVISION** performance security provided by the **APPLICANT**. If no sale of **LOTS** or issuance of **BUILDING** permits has occurred, the board of county commissioners may declare all approvals for the **SUBDIVISION** and all documents for the **SUBDIVISION** to be null and void; provided, any vacations of plat shall be in accordance with F.S. ch. 177. In such case, the board of county commissioners shall direct the County Manager or his designee to call upon the **SUBDIVISION** performance security to secure satisfactory completion, repair, and maintenance of the required improvements, to make his best efforts to restore the property to its predevelopment condition, or to otherwise take action to mitigate the consequences of the failure to complete, repair, or maintain the required improvements. Upon the completion of the required improvements, the County Manager or his designee shall report to the board of county commissioners and the board shall accept by resolution the dedication and maintenance responsibility as indicated on the final **SUBDIVISION** plat. In such case, the remaining **SUBDIVISION** performance security posted by the **APPLICANT** shall be retained for the warranty period between preliminary and final acceptance in lieu of the required maintenance agreement and **SUBDIVISION** performance security to provide funds for any repairs, maintenance, and defects occurring during this warranty period.

10. *Failure to complete unrecorded **SUBDIVISION**.* Where an **APPLICANT** has elected to construct, install, and complete the required improvements prior to recordation of the final **SUBDIVISION** plat and fails to complete such improvements within the time limitations of this section, all approvals for the **SUBDIVISION** shall be null and void. No reference shall be made to the preliminary **SUBDIVISION** plat or the final **SUBDIVISION** plat with respect to the sale of **LOTS** or issuance of **BUILDING** permits, unless and until the preliminary and final **SUBDIVISION** plats have been resubmitted with all of the supplementary documents and material, and all approvals required in this section have been granted. Under these circumstances, the **APPLICANT** shall be required to compensate the county through the payment of new review and inspection fees, as though the **DEVELOPMENT** were being submitted for its initial review and approval.

C. Completion, approval and acceptance of required improvements

1. *General.* The required improvements constructed under the policies, procedures, guidelines, and requirements established in this section shall be approved and accepted by the board of county commissioners as prescribed in this section. All applicable completed water and sewer facilities shall simultaneously be

conveyed to Collier County, or to Collier County Water-Sewer District or its dependent water-sewer districts, where appropriate, or the appropriate water-sewer district in conformance with the provisions of Collier County Ordinance No. 88-76 [Code ch. 134, art. III], as amended. All roadway improvements intended to be turned over to Collier County for operation and maintenance shall provide a checklist for public road acceptance, along with all required information, prior to any such acceptance. This section describes the policies, procedures and data required to obtain approval and acceptance of all required improvements constructed.

2. *Acceptance of required improvements.* Upon completion of all required improvements contained in the approved improvement plans, the required improvements shall be preliminarily approved by the county administrator or his designee. All water and sewer facilities approved and accepted in this fashion and required to be maintained by Collier County shall be conveyed to the county pursuant to the provisions set forth in Collier County Ordinance No. 88-76 [Code ch. 134, art. III], as amended. A maintenance agreement and the posting of **SUBDIVISION** performance security for the maintenance of the required improvements shall be required prior to the preliminary approval of the completed required improvements.

3. *Procedures for acceptance of required improvements.* The **APPLICANT** shall submit the following data, certifications, inspections and documents for review and approval by the site **DEVELOPMENT** review director prior to the county administrator, or his designee denying, granting, or granting with conditions preliminary approval of any completed required improvements and prior to authorizing the site **DEVELOPMENT** review director to issue any **BUILDING** permits, except as provided for in section 10.02.04 A.4.d. of this Code, for **STRUCTURES** to be constructed within a **SUBDIVISION** or **DEVELOPMENT**, where the developer has chosen to construct the improvements prior to recording of the plat.

a. *Maintenance agreement and **SUBDIVISION** performance security.* The **APPLICANT** shall execute a maintenance agreement guaranteeing the required improvements against defect in workmanship and material for the period beginning upon preliminary acceptance of all completed required improvements by the board of county commissioners and ending upon final acceptance of the required improvements. The maintenance agreement shall be submitted to the County Manager or his designee along with the completion certificate, **DEVELOPMENT** records and **SUBDIVISION** performance security for maintenance of the required

improvements in an amount equal to ten percent of the cost of required improvements. The **SUBDIVISION** performance security shall be in a form established by the County Manager or his designee from time to time and as shown in appendix A. The maintenance agreement and security shall be approved by the county attorney prior to acceptance by the board of county commissioners.

b. *Acceptance of dedication and maintenance of improvements.* The dedication of public spaces, parks, **RIGHTS-OF-WAY, EASEMENTS**, or required improvements shall not constitute an acceptance of the dedication by the county. The acceptance of the dedication shall be indicated by a resolution adopted by the board of county commissioners indicating that the **APPLICANT** has attested that all required improvements meet or exceed the standards established by this section. Such resolution shall be prepared by the County Manager or his designee after all of the procedures and requirements for preliminary acceptance of the required improvements have been met to the satisfaction of the County Manager or his designee.

c. *Completion certificate, record improvement plans and supportive documents.* The required improvements shall not be considered complete until a statement of substantial completion by the **APPLICANT'S** professional engineer of record along with the final **DEVELOPMENT** records have been furnished to, reviewed and approved by the County Manager or his designee for compliance with this section. The **APPLICANT'S** professional engineer of record shall also furnish one set of record improvement plans on a mylar or other similar acceptable material, with a minimum of two mil thickness, and two sets of certified prints acceptable to the County Manager or his designee, showing the original design in comparison to the actual finished work. The mylars shall be labeled as record drawings on each sheet prior to printing of the required sets of prints. The **APPLICANT'S** professional engineer shall also submit digitally created construction/site plan documents, one disk (CDROM) of the master plan file, including, where applicable, **EASEMENTS**, water/**WASTEWATER** facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files

shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. **RIGHT-OF-WAY--ROW**, centerlines--CL, edge-of-pavement--EOP, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (**PARCELS**, **LOTS**, and requisite annotation) shall be drawn on a unique information layer, with all linework pertaining to the property feature located on that layer. Example: **PARCELS**--All lines that form the **PARCEL** boundary will be located on one **PARCEL** layer. Annotations pertaining to property information shall be on a unique layer. Example: **LOT** dimensions--Lottxt layer. In addition, a copy of applicable measurements, tests and reports made on the work and material during the progress of construction must be furnished. The record construction data shall be certified by the **APPLICANT'S** professional engineer and professional land surveyor and shall include but not be limited to the following items which have been obtained through surveys performed on the completed required improvements:

- i. Roadway centerline elevations at all intersections and at a minimum at all points of vertical intersection (PVI) along the roadway.
- ii. Invert and inlet elevations of all water management **STRUCTURES**, including catchbasins, all junction boxes, headwalls, inlets, and the like.
- iii. All record drawing data for water and sewer facilities pursuant to the provisions of section 10.4 of the Collier County Utilities Standards and Procedures Ordinance No. 97-17, as amended.
- iv. Centerline inverts on all open swales at high and low points and at 100-foot stations along centerline.
- v. The following data shall be submitted in report form for the acceptance of **STREETS**, roadways, **ALLEYS** or the like for maintenance purposes:
  - (a) Name of **SUBDIVISION**, **BLOCK**, plat book and page of recording.
  - (b) Name of each **STREET** proposed to be accepted for maintenance purposes.
  - (c) The beginning and ending point for each **STREET** proposed to be accepted.
  - (d) The centerline length of for [sic] each **STREET** proposed to be accepted.

(e) The number of lanes for each **STREET** proposed to be accepted.

d. *Final release of lien from contractor(s).* The **APPLICANT** shall provide to the county a copy of the final release of lien from any utility/roadway contractor(s).

4. *Recordation of final **SUBDIVISION** plat required.* If the final **SUBDIVISION** plat has not been previously recorded in conformance with the required review and approval process established in this section, the original approved final **SUBDIVISION** plat, with all required signatures, other than those from Collier County, shall be submitted for recordation at the time of preliminary acceptance of required improvements.

5. *Inspections.* Preliminary and final inspections of all required improvements satisfactory to the county shall be required. Preliminary inspection of the completed required improvements shall be required prior to any conveyance to or acceptance by the board of county commissioners of any required improvements and the granting of preliminary acceptance. During preliminary inspection, the required improvements will be checked for compliance with the approved improvement plans. In addition, revisions or deviations from the approved improvement plans shall be identified and explained in writing by the **APPLICANT'S** professional engineer of record. All required improvements shall be in full compliance with the approved improvement plans and record improvement plans prior to submission to the board.

The final inspection shall be conducted no earlier than one year after preliminary approval of the required improvements by the county administrator or his designee. During final inspection the required improvements will be examined for any defect in materials and workmanship and for physical and operational compliance with the record improvement plans. See paragraph (7) below regarding the procedure required to obtain final acceptance of the required improvements.

6. *Preliminary approval.* Upon satisfactory completion of the required improvements, as evidenced by the compliance with paragraphs (1) through (5) of this section, the County Manager or his designee shall, if in agreement, certify that the **APPLICANT** has complied with all of the provisions of this section. Upon such recommendation from the County Manager or his designee, the county administrator or his designee shall preliminarily approve the required improvements, establish the responsibilities for maintenance of the completed improvements through the execution with the **APPLICANT** of a maintenance agreement and the posting of a **SUBDIVISION** performance security for maintenance of

required improvements in an amount equal to ten percent of the sum of the construction costs for all on-site and off-site required improvements based on the **APPLICANT's** engineer's opinion of probable construction costs or contract bid price and grant preliminary approval of the completed required improvements. The date of this action shall designate the commencement of the required maintenance period pursuant to paragraph (3) of this section. Until preliminary approval is granted, final certificates of occupancy shall not be issued by the County Manager or his designee.

7. *Final approval and acceptance.* The **APPLICANT** shall petition the County Manager or his designee to finally approve the improvements. Upon expiration of the minimum one-year maintenance period and after satisfactory completion of all final inspections, the board shall adopt a resolution giving final approval of the final improvements, acknowledging the dedication(s) of the final **SUBDIVISION** plat and establishing county responsibility for maintenance of the required improvements if it is the board's desire to accept and maintain the facilities. The board has no obligation to accept maintenance responsibilities for any facilities dedicated to public use, pursuant to F.S. § 177.081. The County Manager or his designee shall notify the **APPLICANT** in writing that final approval of the required improvements and applicable acceptance of the facilities has been granted, notify all affected county agencies of their final maintenance responsibilities, and instruct the clerk of the court to return the remaining maintenance security held by the county.

8. *Conditional final acceptance.* At the discretion of the engineering review director, a developer may apply for a conditional final acceptance. The conditional final acceptance may occur when the required **SUBDIVISION** improvements, with the exception of the final lift of asphalt, and in certain cases, portions of the **SIDEWALK(S)** have received a satisfactory final inspection. The developer shall provide a performance security in the amount of 150 percent of the estimated cost of the remaining improvements. Additionally, the developer shall provide a letter to the engineering review director, which confirms the developer's intent to complete all of the remaining improvements within a 12-month time period. Additional one-year extensions may be approved by the engineering review director.

D. Vacation and annulment of **SUBDIVISION** plats. Vacation and annulment of a **SUBDIVISION** plat shall be in accordance with F.S. § 177.101, as amended.

E. Improvement Plan Requirements



1. *General requirements.* Improvement plans for all of the improvements required by this section shall be prepared, signed, and sealed by the **APPLICANT'S** professional engineer. A minimum of five sets of improvement plans shall be submitted to the County Manager or his designee and shall include, but not be limited to, construction drawings, written technical specifications, the professional engineer's opinion of probable cost to construct the required improvements, design computations, all necessary supportive documentation, and any other information set forth in this section. The improvement plans and other required submissions shall be so complete that from them a thorough review and analysis may be made. The improvement plans shall be transmitted under one cover for the following improvements, where applicable:

- a. **STREETS**, paving, grading, and water management (drainage);
- b. Bridges;
- c. Water and sewerage systems, including, where applicable, water reuse/irrigation pumping, storage and transmission/distribution systems; and
- d. **STREET** lighting, landscaping within public **RIGHTS-OF-WAY**, parks, recreational areas and parking areas. Plans for streetlights shall bear the approval of the requisite utility authorities involved. If the **STREET** lighting system is to be privately owned and maintained by a property owners' association or similar entity, it shall be designed by the **APPLICANT'S** engineer.

2. *Improvement plans submission requirements.* The improvement plans shall be prepared on 24-inch by 36-inch sheets and well as being digitally created on one or more CDROM disks. All data shall be delivered in the North American Datum 1983/1990 (NAD83/90) State Plane coordinate system, Florida East Projection, in United States Survey Feet units; as established by a Florida Professional Surveyor & Mapper in accordance with Chapters 177 and 472 of the Florida Statutes. All information shall meet Minimum Technical Standards as established in Chapter 61G17 of the Florida Administrative Code. Files shall be in a Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. **RIGHT-OF-WAY** - ROW, centerlines - CL, edge-of-pavement - EOP, etc.)

- a. A cover sheet, including a location plan.
- b. Improvement plans, design reports and specifications detailing/showing complete configurations of all required

improvements including, but not limited to, all water, sewer, roads, water management systems, and all appurtenant facilities, public or private. The complete calculations used to design these facilities shall be included with the improvement plans. If the **DEVELOPMENT** is intended to be in phases, each phase boundary shall be clearly delineated.

c. A detailed water management plan in accordance with the master water management plan approved in the preliminary **SUBDIVISION** plat, if the **APPLICANT** chose to submit a preliminary **SUBDIVISION** plat, showing the complete water management system including, but not limited to, closed drainage areas, design high water, recurring high water, acreage, a complete **LOT** grading plan with final grading elevations, surface runoff flow patterns, and companion drainage **EASEMENTS** consistent with the final **SUBDIVISION** plat pursuant to section 10.02.04 B.3. to be utilized by the **APPLICANT**, his successors or assigns during the **BUILDING** permitting and site improvement process for all **LOTS** consistent with the Collier County **BUILDING** Code, and the **COMPATIBILITY** of drainage of surface waters into **ADJACENT** or larger water management systems. If the **APPLICANT** chooses not to submit a preliminary **SUBDIVISION** plat, the information requested must still be included on the final **SUBDIVISION** plat. The complete calculations used to design the system shall be provided for projects 40 acres or less. For projects greater than 40 acres or where the water management system will utilize **WETLANDS** for water management, the **APPLICANT** shall initially provide with the submission the SFWMD construction permit submittal. Prior to approval the **APPLICANT** shall provide the staff report and early work permit or construction permit.

d. Typical design sections (e.g., roadway cross sections) and summary of quantities and sizes of required improvements.

e. Construction details showing compliance with applicable federal, state and local standards.

f. Plan and profile sheets, showing roads, water, sewer, conflict crossings, drainage and other unique situations.

g. A clearing plan for those areas where improvements are to be constructed, with a maximum limit of ten feet beyond any approved **RIGHTS-OF-WAY** line or five feet beyond any **EASEMENT** line, unless otherwise approved by the County Manager or his designee pursuant to section 10.02.04 A.3.

- h. Benchmark, based on NOAA datum (NGVD).
- i. Soil analysis, showing the locations and results of test borings of the subsurface condition of the tract to be developed.
- j. The improvement plans and attachments shall address special conditions pertaining to the **SUBDIVISION** in note form on the improvement plans, including statements indicating:
  - i. Required compliance with special conditions of this section.
  - ii. Where applicable, required compliance with federal, state and local standards as currently adopted.
  - iii. Source of water and sewer service.
  - iv. Required installation of subsurface construction such as water lines, sewer lines, public utilities and storm drainage prior to compaction of subgrade and roadway construction.
- k. Detailed written technical specifications for all improvements required shall be submitted in a separate bound document, signed, and sealed by **APPLICANT'S** professional engineer.
- l. All **DEVELOPMENT ORDERS**, **DEVELOPMENT** permits and construction permits (i.e., **DEVELOPMENT ORDERS** or permits issued by local, state or federal agencies) which require approval or signature by a county official, with the appropriate number of copies, shall be submitted with the improvement plans.
- m. Detailed hydraulic design calculations utilized to design the water and sewer facilities regulated by the county and water management facilities for the **SUBDIVISION** or **DEVELOPMENT**.
- n. The final **SUBDIVISION** plat, prepared in conformance with the approved preliminary **SUBDIVISION** plat, if the **APPLICANT** chose to submit a preliminary **SUBDIVISION** plat, and the final **SUBDIVISION** plat requirements contained in section 10.02.04 B.3., pursuant to the provisions of section 10.02.05 A.2..
- o. Status of all other required permits including copies of information and data submitted to the appropriate permitting agencies.

p. Factual information and data relating to previous zoning actions affecting the project site.

q. A soil erosion and sediment control plan pursuant to this chapter.

r. Upon re-submittal of construction plans and plats, the engineer shall identify all revisions to the construction plans by lettering or numbering; the surveyor shall identify all revisions to the plat by highlighting the current revisions. The **APPLICANT** shall also provide a written response to the county's comments, responding to each comment individually.

3. *Required improvements.* The following improvements in this section are required in conjunction with the **SUBDIVISION** and **DEVELOPMENT** of any and all property pursuant to section 10.02.03 within the unincorporated areas of Collier County. The required improvements shall be completed prior to recordation of the final **SUBDIVISION** plat unless the **APPLICANT** shall file with the county a **SUBDIVISION** performance security in one of the forms prescribed in this section to assure the installation of the required improvements. Any required improvements shall be designed and constructed in accordance with the design requirements and specifications of the entity having responsibility for approval, including all federal, state, and local agencies. Where approval of a final **SUBDIVISION** plat and improvement plans will lead to the **LEVEL OF SERVICE** for any public facility being reduced below the level established by the growth management plan for Collier County, the county shall deny approval to proceed with **DEVELOPMENT** until the requirements of the Collier County Adequate Public Facilities Ordinance [Code ch. 106, art. III] or its successor in function are met.

a. **ACCESS** to public roads. The **STREET** system of a **SUBDIVISION** approved pursuant to this section shall be connected to a public road, which is state or county maintained, with adequate capacity as defined by the growth management plan to accept the traffic volumes generated by the proposed **DEVELOPMENT**. Unless topography, or a compliance with the county's **ACCESS** Control Policy (Resolution No. 01-247) as may be amended, or the Collier County Construction Standards Manual prohibits it, the number of **ACCESS** points to public roads shall ensure that there are no more than 4,000 **AVERAGE DAILY TRIPS** (ADT) per **ACCESS** point (existing or future). The maximum number of **ACCESS** points required by this section shall be six. Proposed **DEVELOPMENTS** accessing public roads shall be subject to the requirements of the Collier County

Adequate Public Facilities Ordinance. The connection of any property to a public or private road shall be carried out in conformance with Collier County Ordinance No. 82-91, as amended.

b. **ALLEYS**. **ALLEYS** may be provided in industrial, commercial and residential **SUBDIVISIONS**. **ALLEYS** may be for one-way or two-way traffic. **ALLEYS** for one-way traffic only shall have the appropriate directional and instruction signage installed. **ALLEYS** shall be utilized for secondary **ACCESS** unless otherwise provided in this Code.

c. *Bridges and culverts*. Where a **SUBDIVISION** or **DEVELOPMENT** includes or requires **ACCESS** across canals, watercourses, lakes, streams, waterways, channels, or the like, bridges or culverts shall be provided to implement the proposed **STREET** system. The bridge or culvert design shall be prepared by a professional engineer.

d. *Canals*. Any canal which forms a part of the public water management system shall be dedicated for care and maintenance per the requirements of the governmental agency which has jurisdiction. Canals located entirely within the **SUBDIVISION** and which do not form a part of the public water management system shall be dedicated to the public, without the responsibility for maintenance, as a drainage **EASEMENT**. A maintenance **EASEMENT**, of a size acceptable to the County Manager or his designee or other governmental agency with maintenance responsibility, shall be provided **ADJACENT** to the established drainage **EASEMENT**, or the drainage **EASEMENT** created must be of a size suitable for the proposed canal and its maintenance.

e. *Drainage (water management)*. An adequate water management system, including necessary open swales, ditches, storm sewers, drain inlets, manholes, headwalls, endwalls, culverts, bridges, retention basins, water level control **STRUCTURES** and other appurtenances shall be required in all **SUBDIVISIONS** or **DEVELOPMENTS** for the management of surface water and groundwater. The water management system shall provide for stormwaters affecting the **SUBDIVISION** or **DEVELOPMENT** and shall be in compliance with applicable federal, state and local design regulations and specifications.

f. **EASEMENTS**. If applicable, **EASEMENTS** shall be provided along **LOT LINES** or along the alignment of the improvements requiring **EASEMENTS** in accordance with all

design requirements so as to provide for proper **ACCESS** to, and construction and maintenance of, the improvements. All such **EASEMENTS** shall be properly identified on the preliminary **SUBDIVISION** plat, if the **APPLICANT** chooses to submit the optional preliminary **SUBDIVISION** plat, and dedicated on the final **SUBDIVISION** plat. If the preliminary **SUBDIVISION** plat is not submitted, then the **EASEMENTS** need to be identified and dedicated on the final **SUBDIVISION** plat.

g. *Elevation, land filling, excavation and demolition.* The elevation of all **BUILDING** sites and public or private roadways included within a **SUBDIVISION** or **DEVELOPMENT** for which a use other than conservation or recreation is proposed shall be not less than 5 1/2 feet NGVD when completed, or to such minimum elevations above the established NGVD datum as adopted by the board of county commissioners, FEMA/FIRM, or South Florida Water Management District criteria. All lawful regulations with reference to **BULKHEAD LINES**, salt[water] barrier lines, and other appropriate regulations regarding land filling, conservation, excavations, demolition, and related regulations shall be observed during the construction of any improvements within Collier County.

h. *Fire hydrants.* Fire hydrants shall be provided at no cost to the county in all **SUBDIVISIONS** and **DEVELOPMENTS**. In all cases, fire hydrants shall be provided and spaced in the manner prescribed by the design requirements of this section.

i. *Monuments and control points.* Permanent monuments and control points shall be set as prescribed by F.S. ch. 177, as amended. Details pertaining to their type and location shall be in full compliance with the provisions set forth by these regulations and those prescribed by F.S. ch. 177, as amended.

j. *Parks, protected areas, preservation areas, conservation areas, recreational areas, and school sites.*

i. *Parks, protected areas, preservation areas, conservation areas.* Parks, protected areas, preservation areas and conservation areas shall be dedicated and/or conveyed in accordance with applicable mandatory dedication requirements and regulations of federal, state and local agencies.

ii. *Recreational areas.* Recreational areas shall be dedicated and/or conveyed in accordance with

applicable mandatory dedication and/or conveyance requirements and regulations of federal, state and local agencies.

iii. *School sites.* School sites shall be dedicated and/or conveyed in accordance with applicable mandatory dedication and/or conveyance requirements and regulations of federal, state and local agencies.

k. *Plantings, trees, and grass.* All **RIGHTS-OF-WAY** and **EASEMENTS** for **STREETS**, avenues, roads, drives, and the like shall be planted with trees, grass or other suitable vegetation on both sides in accordance with the specifications, limitations, procedures, types and intervals set forth in the appropriate county regulations and requirements, including but not limited to Chapter 4 and the **RIGHT-OF-WAY** Construction Handbook, Collier County Ordinance No. 82-91, as amended [superseded by ordinance found in Code ch. 110, art. II]. All unpaved areas within **RIGHTS-OF-WAY** shall be stabilized by seed or sodding of cultivated grass species suitable to the area. The sodding of a one-foot-wide strip along the back of curb or edge of pavement shall be mandatory for all roadway construction. The flow line of all swale sections approved for use by the County Manager or his designee shall also be sodded as required for erosion control.

l. *Sanitary sewer system.* A complete sewage collection and transmission system and interim sewage treatment and disposal facilities, if required, shall be provided by the **APPLICANT**, for all **SUBDIVISIONS** and other types of **DEVELOPMENT**. All facilities shall be designed in accordance with federal, state and local requirements. When required, the sewage collection and transmission facilities shall be conveyed to Collier County, or the Collier County Water-Sewer District or other dependent district where appropriate, upon completion of construction pursuant to County Ordinance [No.] 88-76 [Code ch. 134, art. III], as amended.

If county central sewer facilities are not available to connect with, the sewage collection and transmission facilities conveyed to the county shall be leased to the **APPLICANT** of the interim sewage treatment facilities, with operation and maintenance responsibilities, until the county's central sewer facilities are available for connections. All sewer facilities shall be maintained and operated at no cost to the county, in a manner equal to the operation and maintenance standards

for sewage collection and transmission facilities and sewage treatment facilities maintained by Collier County or the Collier County Water-Sewer District, until connection to the county's central facilities is made. Any interim sewage treatment facilities owned, operated and maintained by the **APPLICANT**, or their successors and assigns, shall be abandoned in accordance with an agreement entered into between the county or the Collier County Water-Sewer District and the **APPLICANT** prior to the approval of improvement plans pursuant to this section and to the requirements of Collier County Ordinance [No.] 88-76 [Code ch. 134, art. III], as amended.

In the event individual sewage facilities designed in accordance with chapter 10D-6, F.A.C., i.e., septic systems, are allowed under required state and local regulations on an interim basis, the developer shall construct a "dry" sewage collection and transmission system for future connection to the county's central sewer facilities, when available to serve the **SUBDIVISION** or **DEVELOPMENT**. Any such "dry" sewer facilities shall be designed and constructed in accordance with the requirements of the County Ordinance [No.] 88-76, as amended. Operation and maintenance responsibilities for the "dry" facilities shall be specified pursuant to a lease agreement with Collier County or where applicable the Collier County Water-Sewer District. When county central sewer facilities are available to connect the "dry" system, connection shall be completed within 90 days from approval of improvement plans for those facilities by the county utilities division. The terms and conditions controlling the connection shall be contained in an agreement between Collier County, or the Collier County Water-Sewer District where appropriate, and the **APPLICANT** which must be entered into prior to the approval of the improvement plans. Upon connection to the county's central sewer facilities, all **INDIVIDUAL SEWAGE SYSTEMS** shall be abandoned in the manner required by federal, state and local regulations

On-site sewage disposal systems may be utilized if permitted by the Collier County growth management plan and where the conditions of F.A.C. 10D-6 can be satisfied. In the event the **LOTS** are sized such that 10D-6 does not require central sewer or water, or if the **LOTS** are sized such that only central water and no sewer is required, construction of a "dry system" will not be required unless Collier County can confirm future service within five years.



All sewage collection and transmission systems, and treatment and disposal facilities shall be designed by the **APPLICANT'S** engineer.

m. **SHORELINE and waterway ALTERATIONS and additions.** All requests for the construction of seawalls, **BULKHEADS, SHORELINE** and waterway alterations and additions shall be submitted to the County Manager or his designee. After review by the County Manager or his designee the proposed facility or alteration shall be approved, approved with conditions or denied. The use of vertical seawalls as a method of protecting **SHORELINES** and lands **ADJACENT** to waterways shall be discouraged except for **DEVELOPMENT** lakes, and **APPLICANTS** shall be encouraged to utilize alternate methods of accomplishing **SHORELINE** protection and waterway facilities installation. Whenever possible, all proposed construction of seawalls, **BULKHEADS, SHORELINE** and waterway **ALTERATIONS** and additions shall be designed to afford the maximum protection to the environment of the area. Any state or federal permits required for construction must be submitted to the County Manager or his designee prior to the commencement of construction.

n. **STREETS and ACCESS improvements.**

i. All **SUBDIVISION STREETS, ACCESS** improvements and related facilities, whether public or private, required to serve the proposed **DEVELOPMENT** shall be constructed by the **APPLICANT**. The design and construction of all **SUBDIVISION STREETS, ACCESS** improvements and related facilities shall be in conformance with the design requirements, regulations and standards established in this section and shall include but not be limited to the pavement **STRUCTURE**, drainage, **SIDEWALKS** and traffic control/safety devices.

ii. The arrangement, character and location of all **STREETS** shall conform to the Collier County growth management plan and shall be considered in their relation to existing and proposed **STREETS**, topographical conditions, public convenience, safety and in their appropriate relation to the proposed uses of the land to be served by such **STREETS**

(a) Rural type roadway cross sections shall only be considered for permitting on a case-by-case basis. The design of a rural cross section

and its required **RIGHT-OF-WAY** width shall be based on the drainage characteristics of the required swale section and the relationship of the maximum stormwater flow line to the bottom of the subbase course of the roadway. A detailed design report documenting these considerations shall be submitted for review and approval by the County Manager or his designee prior to the approval of a rural roadway cross section.

(b) All existing and future public and private **RIGHTS-OF-WAY** that are designed parallel to each other or to the boundary of a **SUBDIVISION** or **DEVELOPMENT**, with no **BUILDING LOTS** separating them from other **RIGHTS-OF-WAY** or the project boundary, shall be separated by a **LANDSCAPE BUFFER**, pursuant to Chapter 4. The **BUFFER** area in these cases shall be separately designated on the final **SUBDIVISION** plat as a tract or **EASEMENT** and shall be dedicated on the final **SUBDIVISION** plat cover sheet to the appropriate property owners' association or like entity for operation, maintenance and upkeep purposes.

(c) All public and private **STREETS** requiring a design capacity which exceeds the roadway cross sections established herein for a minor collector shall be coordinated by the County Manager or his designee with and reviewed and approved by the transportation services division prior to the approval of the project's improvement plans and final **SUBDIVISION** plat by the County Manager or his designee.

iii. As applicable, the installation of turn lanes, storage lanes, deceleration lanes, parallel service lanes or any other traffic control improvements necessary to provide safe internal movements or ingress and egress from the **SUBDIVISION** or **DEVELOPMENT** to any existing or proposed **STREET** or highway shall be required.

(a) If applicable, review and written approval by the Florida Department of Transportation of the **SUBDIVISION** or **DEVELOPMENT** traffic

systems for ingress or egress to state-maintained roads shall be necessary prior to approval of any final **SUBDIVISION** plat and improvement plans by the County Manager or his designee.

o. **STREET** names, markers and traffic control devices. **STREET** name markers and traffic control devices shall be provided by the developer at intersections and locations designated by the Transportation Administrator or his designee for all affected **STREETS**, whether the **STREETS** are existing or proposed. Such markers and traffic control devices shall be installed and constructed by the **APPLICANT** to the **APPLICANT'S** engineer's specifications approved by the County Manager or his designee for private **STREETS** or in conformance with standards and recommendations set forth in the latest edition of the U.S.D.O.T.F.H.W.A. Manual on Uniform Traffic Control Devices for public **STREETS**. The Transportation Administrator or his designee shall accept alternative specifications on public **STREETS** signage where an acceptable maintenance agreement has been provided. Alternate specifications for private **STREET** signage where a property owners' association or other entity has maintenance responsibility shall be approved by the Transportation Administrator or his designee.

Proposed **STREETS** which are in alignment with other existing and named **STREETS** shall bear the same name of the existing **STREET**. All **STREET** names shall have a suffix (i.e., **STREET**, avenue, boulevard, drive, place, court, etc.) and in no case, except as indicated in the preceding sentence, shall the name of the proposed **STREET** duplicate or be phonetically similar to [an] existing **STREET** name regardless of the use of the suffix.

All **STREET** names shall be subject to approval by the CDES Operations Director or his designee during the preliminary **SUBDIVISION** plat approval process or on the final **SUBDIVISION** plat or the final plat and construction plans if the **APPLICANT** chooses not to submit the optional preliminary **SUBDIVISION** plat.

Pavement painting and striping and/or appropriate reflective edge of public roadway markings shall be provided by the developer as required by the U.S.D.O.T.F.H.W.A. Manual on Uniform Traffic Control Devices. Where concrete valley

gutters border the edge of pavement and for private roadways, this requirement may be waived by the Transportation Administrator or his designee.

p. *Traffic control devices.* Traffic control devices shall be provided by the developer when engineering study indicates traffic control is justified at any **STREET** intersection within the **SUBDIVISION** or **DEVELOPMENT** or where the additional traffic flow results from the proposed **SUBDIVISION** or **DEVELOPMENT** on to any collector or **ARTERIAL STREET**. Traffic control devices are subject to county approval.

If more than one **DEVELOPMENT** or **SUBDIVISION** is involved, each shall be required to make a pro rata contribution for the installation cost of the traffic control devices. The cost of all required traffic control devices shall be included in the amount of **SUBDIVISION** performance security furnished for the required improvements.

#### 4. *Design requirements for Water Management.*

a. *Plans and specifications.* As a precondition for approval of improvement plans, the developer shall deliver to the County Manager or his designee complete plans and specifications in report form prepared by a registered professional engineer licensed to practice in the State of Florida, which shall include, but may not be limited to, the following:

i. A topographic map of the land **DEVELOPMENT** related to NGVD with sufficient spot elevations to accurately delineate the site topography, prepared by a professional surveyor.

ii. A drainage map of the entire basins within which the **DEVELOPMENT** or **SUBDIVISION** lies. This map may be combined with the above topographic data in a manner acceptable to the County Manager or his designee. All ridges lying within the basins and the area of the basins stated in acres, of all the existing and proposed drainage areas shall be shown and related to corresponding points of flow concentration.

iii. Flow paths shall be indicated throughout including final outfalls from the **DEVELOPMENT** and basins, existing water elevations, all connected and isolated **WETLANDS**, recurring high water elevations, proposed design water elevations, and other related hydrologic data.

iv. Drainage data, assumed criteria and hydraulic calculations, consistent with the criteria and design method established by the South Florida Water Management District.

v. Plans showing proposed design features and typical sections of canals, swales and all other open channels, storm sewers, all drainage **STRUCTURES**, roads and curbs, and other proposed **DEVELOPMENT** construction.

vi. Plans and profiles of all proposed roads. Where proposed roads intersect existing roads, elevations and other pertinent details shall be shown for existing roads.

vii. Where additional ditches, canals or other watercourses are required to accommodate contributory surface waters, sufficient **RIGHT-OF-WAY** shall be provided by the developer or subdivider to accommodate these and future needs.

viii. For projects which require a construction permit to be issued by the South Florida Water Management District, approval of improvement plans and the final **SUBDIVISION** plat shall not be granted by the County Manager or his designee until a copy of the permit or an acceptable "early work" permit is submitted to the County Manager or his designee.

ix. The master drainage plan shall include the drainage plans and details for all **LOTS**. The master drainage plan shall show proposed finished **GRADE** elevations at all **LOT** corners and breaks in **GRADE**. The engineer shall state on the water management calculations the basis for wet season water table selection.

The engineer of record prior to final acceptance, shall provide documentation from the stormwater maintenance entity that it has been provided information on how the stormwater system works and their responsibility to maintain the system.

#### **10.02.06 Submittal Requirements for Permits**

##### **A. Generally**

Any permit submitted to the County must meet the requirements for that particular permit, as more specifically stated below.

1. Relation to state and federal statutes.

a. *Required state and/or federal permits.* Where proposed use or **DEVELOPMENT** requires state or federal **DEVELOPMENT ORDERS** or permits prior to use or **DEVELOPMENT**, such **DEVELOPMENT ORDERS** or permits must be secured from state or federal agencies prior to commencement of any construction and/or **DEVELOPMENT**, including any changes in land configuration and land preparation.

b. *DEVELOPMENT of regional impact.* Where a proposed use or **DEVELOPMENT** is a **DEVELOPMENT** of regional impact (DRI), it shall meet all of the requirements of F.S. ch. 380, as amended, prior to the issuance of any required county **DEVELOPMENT ORDERS** or permits and commencement of construction or **DEVELOPMENT**. Submission of the application for **DEVELOPMENT** approval (ADA) for a DRI shall be simultaneous with the submission of any rezoning and/or **CONDITIONAL USE** application or other land use related petition required by this Code to allow for concurrent reviews and public hearings before both the planning commission and the BCC of the ADA and rezone and/or **CONDITIONAL USE** applications. The DRI and rezone and/or **CONDITIONAL USE** shall be approved prior to the issuance of any required county **DEVELOPMENT ORDERS** or permits and commencement of construction or **DEVELOPMENT**.

2. No approval of the final **SUBDIVISION** plat, improvement plans or authorization to proceed with construction activities in compliance with the same shall require Collier County to issue a **DEVELOPMENT ORDER** or **BUILDING** permit if (1) it can be shown that issuance of said **DEVELOPMENT ORDER** or **BUILDING** permit will result in a reduction in the **LEVEL OF SERVICE** for any public facility below the **LEVEL OF SERVICE** established in the Collier County growth management plan, or (2) if issuance of said **DEVELOPMENT ORDER** or [or] **BUILDING** permit is inconsistent with the growth management plan. Anything in this division to the contrary notwithstanding, all **SUBDIVISION** and **DEVELOPMENT** shall comply with the Collier County Adequate Public Facilities Ordinance [Code ch. 106, art. III] and the growth management plan.

**B. BUILDING** Permits

1. **BUILDING** or land **ALTERATION** permit and certificate of occupancy compliance process.

a. *Zoning action on **BUILDING** or land **ALTERATION** permits.* The County Manager or his designee shall be responsible for determining whether applications for **BUILDING** or land **ALTERATION** permits, as required by the Collier County **BUILDING** code or this Code are in accord with the requirements of this Code, and no **BUILDING** or land **ALTERATION** permit shall be issued without written approval that plans submitted conform to applicable zoning regulations, and other land **DEVELOPMENT** regulations. For purposes of this section a land **ALTERATION** permit shall mean any written authorization to **ALTER** land and for which a **BUILDING** permit may not be required. Examples include but are not limited to clearing and excavation permits, site **DEVELOPMENT PLAN** approvals, agricultural clearing permits, and blasting permits. No **BUILDING** or **STRUCTURE** shall be erected, moved, added to, **ALTERED**, utilized or allowed to exist and/or no land **ALTERATION** shall be permitted without first obtaining the authorization of the required permit(s), inspections and certificate(s) of occupancy as required by the Collier County **BUILDING** code or this Code and no **BUILDING** or land **ALTERATION** permit application shall be approved by the County Manager or his designee for the erection, moving, addition to, or **ALTERATION** of any **BUILDING**, **STRUCTURE**, or land except in conformity with the provisions of this Code unless he shall receive a written order from the board of zoning appeals in the form of an administrative review of the interpretation, or variances as provided by this Code, or unless he shall receive a written order from a court or tribunal of competent jurisdiction.

b. *Application for **BUILDING** or land **ALTERATION** permit.* All applications for **BUILDING** or land **ALTERATION** permits shall, in addition to containing the information required by the **BUILDING** official, be accompanied by all required plans and drawings drawn to scale, showing the actual shape and dimensions of the **LOT** to be built upon; the sizes and locations on the **LOT** of **BUILDINGS** already existing, if any; the size and location on the **LOT** of the **BUILDING** or **BUILDINGS** to be erected, **ALTERED** or allowed to exist; the existing use of each **BUILDING** or **BUILDINGS** or parts thereof; the number of families the

**BUILDING** is designed to accommodate; the location and number of required off-**STREET** parking and off-**STREET LOADING SPACES**; approximate location of trees protected by county regulations; changes in **GRADE**, including details of **BERMS**; and such other information with regard to the **LOT** and existing/proposed **STRUCTURES** as provided for the enforcement of this Land **DEVELOPMENT** Code. In the case of application for a **BUILDING** or land **ALTERATION** permit on property **ADJACENT** to the Gulf of Mexico, a survey, certified by a land surveyor or an engineer licensed in the State of Florida, and not older than 30 days shall be submitted. If there is a storm event or active erosion on a specific **PARCEL** of land for which a **BUILDING** or land **ALTERATION** permit is requested, which the County Manager or his designee determines may effect the **DENSITY** or other use relationship of the property, a more recent survey may be required. Where ownership or property lines are in doubt, the County Manager or his designee may require the submission of a survey, certified by a land surveyor or engineer licensed in the State of Florida. Property stakes shall be in place at the commencement of construction.

c. *Construction and use to be as provided in applications; status of permit issued in error.* **BUILDING** or land **ALTERATION** permits or certificates of occupancy issued on the basis of plans and specifications approved by the County Manager or his designee authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. **BUILDING** use arrangement, or construction different from that authorized shall be deemed a violation of this Land **DEVELOPMENT** Code.

i. Statements made by the **APPLICANT** on the **BUILDING** or land **ALTERATION** permit application shall be deemed official statements. Approval of the application by the County Manager or his designee shall, in no way, exempt the **APPLICANT** from strict observance of applicable provisions of this Land **DEVELOPMENT** Code and all other applicable regulations, ordinances, codes, and laws.

ii. A **BUILDING** or land **ALTERATION** permit issued in error shall not confer any rights or privileges to the **APPLICANT** to proceed to or continue with construction, and the county shall have the power to revoke such permit until said error is corrected.



d. *Improvement of property prohibited prior to issuance of **BUILDING** permit.* No site work, removal of protected vegetation, grading, improvement of property or construction of any type may be commenced prior to the issuance of a **BUILDING** permit where the **DEVELOPMENT** proposed requires a **BUILDING** permit under this Land **DEVELOPMENT** Code or other applicable county regulations. Exceptions to this requirement may be granted by the County Manager or his designee for an approved **SUBDIVISION** or site **DEVELOPMENT PLAN** to provide for distribution of fill excavated on-site or to permit construction of an approved water management system, to minimize stockpiles and hauling off-site or to protect the public health, safety and welfare where clearing, grading and filling plans have been submitted and approved meeting the warrants of section 4.06.04 A. of this Code; removal of **EXOTIC VEGETATION** shall be exempted upon receipt of a vegetation removal permit for exotics pursuant to Chapters 4 and 10.

i. In the event the improvement of property, construction of any type, repairs or remodeling of any type that requires a **BUILDING** permit has been completed, all required inspection(s) and certificate(s) of occupancy must be obtained within 60 days after the issuance of after the fact permit(s).

e. *Zoning and land use approval required prior to or simultaneously with issuance of **BUILDING** or land **ALTERATION** permit or occupancy of land and space.* A zoning certificate, attesting to compliance with all aspects of the zoning provisions of the Land **DEVELOPMENT** Code, shall be required prior to obtaining a **BUILDING** or land **ALTERATION** permit or to occupying any space of land or **BUILDINGS** or for the conduct of a business in all zoning districts. The following zoning certificate review procedure shall provide for the issuance of a zoning certificate.

i. For the purposes of determining compliance with the zoning provisions of the Land **DEVELOPMENT** Code, an approval of a site **DEVELOPMENT PLAN** pursuant to section 10.02.03 herein, authorizes the issuance of a zoning certificate. Said zoning certificate shall constitute a statement of compliance with all applicable provisions of the Land **DEVELOPMENT** Code, including the uses of the **BUILDING** space upon which applicable off-**STREET** parking and loading requirements were based,

however, issuance of a zoning certificate shall not exempt any person from full compliance with any applicable provision of the Land **DEVELOPMENT** Code.

ii. In subdivided **BUILDINGS** each space for which a use is proposed requires a zoning certificate for that particular space, independent of any approval conferred upon the **BUILDING** and the land pursuant to section 10.02.03 and of a zoning certificate issued for the **BUILDING** and the land, shall be required.

iii. A zoning certificate shall be required for any use of land or **BUILDINGS** located in residential zoning districts, which involve the conduct of a commercial or other nonresidentially allowed uses of land or **BUILDINGS**.

## 2. **BUILDING** Permit applications for **SIGNS**.

a. *General.* Any person wishing to erect, place, rebuild, reconstruct, relocate, **ALTER**, or change the **SIGN** copy (see section 5.06.04 for exceptions) of any **SIGN** shall apply for and receive a **BUILDING** permit in accordance with Resolution No. 91-642, prior to the commencement of any work. A **BUILDING** permit will be issued by the community **DEVELOPMENT** services administrator, or his designee, provided that all permit requirements of the Code and all other applicable provisions of Collier County's ordinances and regulations have been met.

b. *Permit fees.* A **BUILDING** permit fee shall be collected pursuant to the fee schedule set forth by resolution.

c. *Form.* Every application for a **BUILDING** permit shall be in writing upon forms to be furnished by the County Manager or his designee, or his designee.

d. *Application contents.* In order to obtain a permit to erect, place, rebuild, reconstruct, relocate, **ALTER** or change the **SIGN** copy of any **SIGN** under the provision of this Code, an **APPLICANT** shall submit to the **BUILDING** official a **BUILDING** permit application which shall set forth in writing a complete description of the proposed **SIGN** including:

i. The name, address and telephone number of the:  
(a) owner and lessee of the **SIGN** and (b) **SIGN** contractor or erector of the **SIGN**.

ii. The legal description and the **STREET** address of the property upon which the **SIGN** is to be erected.

- iii. The dimensions of the **SIGN** including height.
  - iv. The copy to be placed on the face of the **SIGN**.
  - v. Other information required in the permit application forms provided by the County Manager or his designee, or his designee; including two copies of the site plan, elevation drawings of the proposed **SIGN** and identification of the type, height, area and location of all existing pole **SIGNS**, ground **SIGNS** and directory **SIGNS** on the subject **PARCEL**.
  - vi. Two blueprints or ink drawings, certified by a Florida registered engineer or a Florida registered architect, of the plans and specifications and method of construction and attachment to the **BUILDING** or the ground for all pole **SIGNS** and all projecting **SIGNS**; and any ground **SIGN** over 32 square feet.
  - vii. Wall **SIGNS**, or any separate part thereof, which is to be affixed to a wall shall be fastened flush with the surface with fasteners which shall have the capacity to carry the full load of the **SIGN** or separate part thereof under wind load conditions of the approved Collier County **BUILDING** Code Ordinance [Code § 22-106 et seq.], **FLOOD** Ordinance [Code ch. 62. art. II], and the Coastal **BUILDING** Zone Ordinance [Code ch. 22, art. VIII]. Any such **SIGN** or separate part thereof which is not mounted flush with the surface and which weighs more than 20 pounds shall have a Florida registered engineer design the mounting or fastening system and depict the system on signed and sealed drawings which shall accompany the permit application.
  - viii. If the **SIGN** or **SIGN** copy is to be illuminated or electronically operated, the technical means by which this is to be accomplished.
  - ix. The permit number shall be displayed or affixed at the bottom of the **SIGN** face and shall have the same life expectancy as the **SIGN**. Such permit number shall be clearly legible to a person standing five feet in front of the base of the **SIGN** and in no case shall the permit number be less than one-half inch in size.
- e. *Expiration of permit.* **BUILDING** permits shall expire and become null and void if the work authorized by such permit is not commenced and inspected within six months from the date of issuance of the permit.

f. *Adherence to the unified **SIGN** plan:* Requests for **BUILDING** permits for permanent on-premise **SIGNS** shall adhere to the unified **SIGN** plan, which shall be kept on file in the community **DEVELOPMENT** and environmental services division. Requests to permit a new **SIGN**, or to relocate, replace or structurally **ALTER** an existing **SIGN** shall be accompanied by a unified **SIGN** plan for the **BUILDING** or project the **SIGN** is accessory to. Existing permitted **SIGNS** may remain in place; however, all future requests for permits, whether for a new **SIGN**, or relocation, **ALTERATION**, or replacement of an existing **SIGN**, shall adhere to the unified **SIGN** plan for the property.

C. **Vegetation Removal permit requirements**

1. *OTHER PERMITS REQUIRED.* No vegetation removal permit or final **DEVELOPMENT ORDER** authorizing site clearing or site improvements shall be issued by the County Manager or his designee until all applicable federal and state, and County approvals as designated by the County Manager or his designee have been obtained. These approvals may include, but are not limited to:

- a. **BUILDING** permits. (Except in accordance with section 4.06.04 A. of this Code.)
- b. Special treatment (ST) **DEVELOPMENT** permits.
- c. U.S. Army Corps of Engineers permits or exemptions.
- d. Florida Department of Environmental Protection permits or exemptions.
- e. U.S. Fish and Wildlife Service permits or exemptions.
- f. Florida Fish and Wildlife Conservation Commission permits or exemptions.
- g. South Florida Water Management District permits or exemptions.
- h. Other applicable agency reviews or permits or exemptions.
- i. Other county approvals.

2. *APPLICATION CONTENTS.* Application for a vegetation removal permit shall be submitted to the County Manager or his

designee in writing on a form provided by the planning services department. The application shall include the following information:

- a. A generalized vegetation inventory which includes:
  - i. *Generalized vegetation inventory superimposed on a current aerial.* A generalized vegetation inventory shall show the approximate location and extent of vegetation on the site. The inventory shall be based upon the most current available information. The inventory shall be in the form of an aerial or a field survey, and may be accompanied by photographs or videotapes illustrating typical areas of vegetation referenced to positions on the aerial or survey, but shall clearly indicate habitat types and protected vegetation, and may be accompanied by photographs or videotapes illustrating typical areas of vegetation referenced to positions on the aerial or survey. The generalized vegetation inventory shall be prepared in some manner which clearly illustrates the relationships between the areas of vegetation and the proposed site improvements.
  - ii. *Generalized written assessment and evaluation.* The generalized vegetation inventory shall be accompanied by a brief written assessment of the plant communities which have been identified on the site. The assessment shall include an evaluation of character and quality of the plant communities identified, including their rarity, viability, and such other physical characteristics and factors that may affect their preservation. The inventory assessment and evaluation shall be prepared by a person knowledgeable in the identification and evaluation of vegetative resources, such as a forester, biologist, ecologist, horticulturist, landscape architect, or certified nurseryman.
  - iii. *Reasonable additional information.* The County Manager or his designee may require that the application include such additional information which is reasonable and necessary for adequate administration of this section.
- b. A site plan which includes:

- i. Property dimensions.
  - ii. Location of existing infrastructure and **ALTERATIONS**.
  - iii. Location of proposed **STRUCTURES**, infrastructure and **ALTERATIONS**.
  - iv. The location and species of all protected vegetation. Large stands of a single species, such as cypress heads, may be indicated as a group with an approximate number or area.
  - v. Designation of all protected vegetation proposed for removal.
  - vi. Location and details of protective barricading of the vegetation to be retained.
  - vii. Description of any proposed **ALTERATION** of mangroves.
  - viii. Description of any proposed maintenance trimming of mangroves.
- c. An executed statement which includes:
- i. Name, address, and phone of property owner.
  - ii. Name, address, and phone of **AUTHORIZED AGENT** and on-site representative.
  - iii. Proof of ownership.
  - iv. Legal description.
  - v. Reason for proposed removal.
  - vi. Method to distinguish vegetation to be removed from vegetation to be preserved and method of removal. It should be noted that the root system of the vegetation shall also be protected.
  - vii. Signature of property owner or copy of a specific contract signed by property owner.

### 3. REVIEW PROCEDURES.

a. *Issuance of permit.* Based on the information contained in the application and obtained from the on-site inspection, the County Manager or his designee, may approve or deny an application. An approved vegetation removal permit is valid for a period not to exceed 180 days. Mangrove **ALTERATION** permits shall be valid for a period of five years from date of issuance, or date of issuance by the Florida Department of Environmental Protection. An extension requested prior to expiration of the original permit may be granted for good cause shown upon written application to the County Manager or his designee. The County Manager or his designee may attach conditions to the permit relative to the methods of designating and protecting vegetation not proposed for removal. A violation of these conditions shall constitute cause to void the vegetation removal permit.

b. *Denial of permit.* In the event an application is denied by the County Manager or his designee, the reason(s) shall be noted on the application and returned promptly.

c. *Permit fees.* All vegetation removal and agricultural clearing permit applications requiring review and approval shall be charged a review fee as established by resolution of the Board of County Commissioners.

### 4. VEGETATION REMOVAL PERMIT EXCEPTIONS.

a. Except for **LOTS** on undeveloped coastal barrier islands, and any project proposing to **ALTER** mangrove trees, a vegetation removal permit for clearing one 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, single-family (RSF), village residential (VR), agriculture (A) or estates (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:

i. A **BUILDING** permit has been issued for the permitted **PRINCIPAL STRUCTURE** (the **BUILDING** permit serves as the clearing permit), or

ii. 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.

b. A vegetation removal permit is not required for the 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 his designee as part of the final **DEVELOPMENT ORDER**.

c. A vegetation removal permit is not required for the 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.

d. A vegetation removal permit is not required for the 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 feet in width.

e. A vegetation removal permit is not required for the removal of protected vegetation prior to **BUILDING** permit issuance if the conditions set forth in section 4.06.04 have been met.

f. A vegetation removal permit is not required for the hand 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.

#### D. AGRICULTURAL LAND CLEARING

1. **LAND CLEARING PERMIT.** A permit for clearing of agriculturally zoned land for **AGRICULTURAL USES** that do not fall within the scope of sections 163.3162(4) or 823.14(6), Florida Statutes, shall be required for all agricultural operations except as exempted by 6 below.

a. *Application.* An application for an agricultural clearing permit shall be submitted in the form established by the County Manager or his designee. Silviculture operations, as defined by this Code, shall require a management plan