

prepared by a forester or a resource manager (e.g. division of forestry, private or industrial) as part of the application. An application fee in an amount to be determined by the board of county commissioners shall accompany and be a part of the application. The following conditions, as applicable, shall be addressed as part of and attachments to the agricultural land clearing application:

i. If an ST or ACSC-ST overlay is attached to the zoning of the property, an ST **DEVELOPMENT** permit has been issued by the County Manager or his designee. The ST or ACSC-ST permit review shall be in accordance with Collier County Land **DEVELOPMENT** Code Chapter 2, section 2.03.07 and may be simultaneously reviewed with the agricultural clearing permit application.

ii. The application, including generalized vegetation inventory and clearing plan as outlined in section 10.02.06 C.2.a. and site visit (if required) confirm that the proposed use is consistent with the requirement of the zoning district as a bona fide **AGRICULTURAL USE** and the **APPLICANT** has been informed of the rezoning restriction which granting the permit shall place on his property.

iii. The **APPLICANT** has obtained and produced a copy of the South Florida Water Management District (SFWMD) consumptive water use permit or exemption, if required by SFWMD.

iv. The **APPLICANT** has obtained and produced a copy of the South Florida Water Management District surface water management permit or exemption, if required by SFWMD.

v. The **APPLICANT** has obtained and produced a copy of the United States Army Corps of Engineers (ACOE) permit or exemption, if required by the ACOE.

vi. The **APPLICANT** has submitted data relating to wetland impacts and protected wildlife species habitat subject to Collier County growth management plan, conservation and coastal management element policies 6.2.9, 6.2.10 and objective 7.3 and associated policies and Collier County Land

DEVELOPMENT Code section 3.04.00. This data will be required only when the county's on-site inspection indicates that there are potential or actual impacts to **WETLANDS** and to protected federally and state listed wildlife habitat.

vii. The property owner, or **AUTHORIZED AGENT**, has filed an executed agreement with the County Manager or his designee, stating that within two years from the date on which the agricultural clearing permit is approved by the County Manager or his designee, the owner/agent will put the property into a bona fide **AGRICULTURAL USE** and pursue such activity in a manner conducive to the successful harvesting of its expected crops or products. The owner/agent may elect to allow the subject property to lie fallow after completing the bona fide **AGRICULTURAL USE**, for the remainder of the ten-year period required by viii. below. If the clearing is expected to occur over a period greater than two years, this will be stated on the application and may be addressed as a condition on the agricultural clearing permit if determined by staff to be appropriate.

viii. The property owner, or **AUTHORIZED AGENT**, has filed an executed agreement with the County Manager or his designee stating that the owner/agent is aware that the Collier County Board of County Commissioners will not rezone the property described in the agricultural clearing permit for a period of ten years from the date of approval of the agricultural clearing permit by the County Manager or his designee, unless for any such conversions in less than ten years, the converted land shall be restored with **NATIVE VEGETATION** to the degree required by this Code.

b. Determination of completeness.

i. After receipt of an application for an agricultural clearing permit, County Manager or his designee shall determine whether the application submitted is complete. All applicable conditions specified in paragraph a. above must be addressed in order to obtain a determination of completeness. If the application is not complete, the County Manager or

his designee shall notify the **APPLICANT** in writing of the deficiencies. No further steps to process the application shall be taken until all of the deficiencies in the application have been met. In addition, a determination of completeness or a modified determination of completeness may be made in accordance with the following:

ii. Where the **APPLICANT** submits, as part of the application for an agricultural clearing permit, a copy of the completed application for a SFWMD consumptive use permit or exemption, or a SFWMD surface water management permit or exemption, or an ACOE permit or exemption, a modified determination of completeness may be issued providing that said permits or exemptions are not necessary for further County review and providing that all other deficiencies in the application have been addressed.

c. Criteria for review of application. Review of the application for an agricultural clearing permit shall commence upon the determination of completeness or modified determination of completeness. The following criteria shall be utilized by staff in reviewing an application for issuance of an agricultural clearing permit:

i. An on-site inspection has been made by staff, if indicated.

ii. Environmental impacts, including **WETLANDS** and protected wildlife species habitat(s) shall have been addressed in accordance with the requirements of the Collier County growth management plan and the Land **DEVELOPMENT** Code, as may be amended from time to time.

iii. Additional data and or information required by the County to address environmental impacts shall be submitted by the **APPLICANT**.

d. Issuance of permit. After an application for an agricultural clearing permit has been reviewed in accordance with paragraph c. above, the County Manager or his designee shall grant the permit, grant with conditions or deny the

permit, in writing. Where the agricultural clearing permit is denied, the letter shall state the reason(s) for said denial.

e. *Renewal of agricultural clearing permit.* An approved agricultural clearing permit is valid for five years and may be automatically renewed for five-year periods providing that a notification in writing is forwarded to the County Manager or his designee at least 30 but no more than 180 days prior to the expiration of the existing permit and providing that the property has been actively engaged in a bona fide agricultural activity. Such notification shall state that the **APPLICANT** is in compliance with any and all conditions and/or stipulations of the permit. A violation of permit conditions shall [be] cause to void the agricultural clearing permit. **APPLICANTS** failing to provide notification as specified herein shall be required to submit a new application for an agricultural clearing permit.

f. *Exemptions for agricultural clearing permit.*

i. An agricultural clearing permit is not required for operations having obtained a permit under Ordinance No. 76-42 and which can demonstrate that an approved bona fide agricultural activity was in existence within two years of the permit issuance date, or for operations which can demonstrate that a bona fide agricultural activity was in existence before the effective date of Ordinance No. 76-42. Such demonstrations for exemptions may include agricultural classification records from the property appraiser's office; dated aerial photographs; occupational license for agricultural operation; or other information which positively establishes the commencement date and the particular location of the agricultural operation.

ii. Upon issuance of an agricultural clearing [permit] or as exempted above, activities necessary for the ongoing bona fide **AGRICULTURAL USE** and maintenance shall be exempted from obtaining additional agricultural clearing permits for that **PARCEL** providing that the intent, use and scope of said activities remain in accordance with the ongoing agricultural clearing permit or exemption. Ongoing bona fide agricultural activities that qualify for this exemption as described in this section may include

but are not limited to clearing for, around or in dikes, ditches, canals, reservoirs, swales, pump stations, or pens; removal of new growth, such as shrubs or trees, from areas previously permitted or exempted from this section; fire line maintenance; approved wildlife food plots; or other activities similar in nature to the foregoing. Fences, **BUILDINGS** and **STRUCTURES** requiring a **BUILDING** permit shall be exempt from an agricultural clearing permit but must obtain a vegetation removal permit.

iii. No agricultural clearing permit shall be required for protected vegetation that is dead, dying or damaged beyond saving due to natural causes also known as acts of God provided that:

(a) The County Manager or his designee is notified in writing within two business days prior to such removal and the county makes no objection within said two business days;

(b) The tree is not a specimen tree;

(c) The vegetation is not within an area required to be preserved as a result of a required preservation, mitigation or restoration program;

(d) The **PARCEL** is currently engaged in bona fide agriculture, as defined by this Code.

(e) No agricultural clearing permit shall be required for the removal of any vegetation planted by a farmer or rancher which was not planted as a result of a zoning regulation or a required mitigation or restoration program.

2. **LAND CLEARING NOTICE.** No later than 60 days prior vegetation removal as part of agricultural operations that fall within the scope of sections 163.3162(4) or 823.14(6), Florida Statutes, the property owner shall provide notice to the environmental services director that the removal will occur. Said notice shall include the following information:

a. a legal description of the land cleared, or such other description as is sufficient to document the specific location of the cleared land;

- b. the date on which land clearing will begin;
- c. the date on which land clearing is expected to be completed;
- d. a vegetation inventory identifying the acreage of existing **NATIVE VEGETATION** on site prior to any site clearing; and
- e. a signed agreement acknowledging the 25-year prohibition on the creation of **TDR CREDITS** from land cleared for agricultural operations after June 19, 2002, as set forth in section 2.03.07; and
- f. if the land is outside the RLSA, a signed agreement acknowledging that, if the land being cleared for agricultural operations is converted to a non-**AGRICULTURAL USES** within 25 years after the clearing occurs, the property shall become subject to the requirements of Sections 3.05.07, as provided in Section 3.05.02.

E. ENFORCEMENT AND PENALTIES.

1. FINES.

a. The failure of a property owner or any other person to obtain an approved permit as required in this section shall constitute a misdemeanor and each protected living, woody plant, constituting protective vegetation, removed in violation of this Code shall constitute a separate and distinct offense and upon conviction shall be punished by a fine not to exceed \$500.00 per violation or by imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment. In addition to or in lieu of the penalties provided by general law for violation of ordinances, the board of county commissioners may bring injunctive action to enjoin the removal of vegetation in violation of this Code.

b. The failure of a property owner or any other person, who obtains an agricultural clearing permit or provides notice of agricultural clearing pursuant to Section 10.02.06 D., to put the subject premises into a bona fide **AGRICULTURAL USE** shall constitute a misdemeanor and each protected living, woody plant, constituting protective vegetation, removed in violation of this Code shall constitute a separate and distinct offense and upon conviction shall be punished by a fine not to exceed \$500.00 per violation or by imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment. In addition to or in lieu of the penalties provided by general law for violation of ordinances, the board of county commissioners may bring injunctive action

to enjoin the removal of vegetation in violation of this Code.

2. RESTORATION STANDARDS. If an alleged violation of this Code has occurred and upon agreement between the County Manager or his designee and the violator, or if they cannot agree, then, upon conviction by the court or the code enforcement board, in addition to any fine imposed, a restoration plan shall be ordered in accordance with the following standards:

a. The restoration plan shall include the following minimum planting standards:

i. In the successful replacement of trees illegally removed, replacement trees shall be of sufficient size and quantity to replace the dbh inches removed. Dbh is defined for the purposes of this ordinance as diameter of the tree, measured at a height of 4.5 feet above natural **GRADE**.

ii. Each replacement tree shall be Florida grade No. 1 or better as graded by the Florida department of agriculture and consumer service.

iii. All replacement trees shall be nursery grown, containerized and be a minimum of 14 feet in height with a seven foot crown spread and have a minimum dbh of three inches.

iv. Replacement trees shall have a guarantee of 80 percent survivability for a period of no less than three years. A maintenance provision of no less than three years must be provided in the restoration plan to control invasion of **EXOTIC VEGETATION** (those species defined as **EXOTIC VEGETATION** by the Collier County Land **DEVELOPMENT** Code).

v. It shall be at the discretion of the County Manager or his designee to allow for any deviation from the above specified ratio.

b. In the event that identification of the species of trees is impossible for any reason on the property where protected trees were unlawfully removed, it shall be presumed that the removed trees were of a similar species mix as those found on **ADJACENT** properties.

c. The understory vegetation shall be restored to the area from which protected trees were unlawfully removed. The selection of plants shall be based on the characteristics of the Florida Land Use, Covers and Form Classifications System (FLUCCS) code. Shrubs, ground cover, and grasses

shall be restored as delineated in the FLUCCS code. The species utilized shall be with relative proportions characteristic of those in the FLUCCS code. The exact number and type of species required may also be based upon the existing indigenous vegetation on the **ADJACENT** property at the discretion of the County Manager or his designee.

d. If the unlawful removal of trees has caused any change in hydrology, ground elevations or surface water flows, then the hydrology, ground elevation or surface water flows shall be restored to pre-violation conditions.

e. In the event of impending **DEVELOPMENT** on property where protected trees were unlawfully removed, the restoration plan shall indicate the location of the replacement stock consistent with any approved plans for subsequent **DEVELOPMENT**. For the purposes of this ordinance, impending **DEVELOPMENT** shall mean that a developer has made application for a **DEVELOPMENT ORDER** or has applied for a **BUILDING** permit.

f. The County Manager or his designee may, at his discretion, allow the replacement stock to be planted off-site where impending **DEVELOPMENT** displaces areas to be restored. In such situations, off-site plantings shall be on lands under the control of a public land and/or agency. The off-site location shall be subject to the approval of the County Manager or his designee.

g. The donation of land and/or of funds under the control of a public agency may be made if none of the above are viable alternatives. This donation of land and/or funds shall be equal to or greater than the total sum it would cost to restore the area in which the violation occurred. (Preservation of different contiguous habitats is to be encouraged.)

3. CORRECTIVE MEASURES FOR ENVIRONMENTAL VIOLATIONS.

a. MITIGATION

i. The person(s) responsible for violations of the environmental sections of the Land **DEVELOPMENT** Code shall be notified according to section 8.08.00 and shall have 30 days to prepare a mitigation plan that is acceptable to the county to resolve the violation. The mitigation plan shall be submitted to **DEVELOPMENT** services staff for review and

comment. Once the plan is accepted by **DEVELOPMENT** services, the responsible party shall have 15 days to complete the mitigation unless other arrangements are specified and agreed upon in the mitigation plan.

ii. Mitigation shall restore the area disturbed unless the responsible party demonstrates that off-site mitigation will successfully offset the impacts being mitigated for. Off-site mitigation shall be on lands under the control of a public agency, or identified for public acquisition, or on lands protected from future **DEVELOPMENT**. Ratios for off-site mitigation shall be as follows: two to one for uplands and three to one for **WETLANDS**.

iii. The selection of plants to be used shall be based on the characteristics of the Florida Land Use, Covers and Forms Classification System (FLUCCS) code. The exact number and type of species required may vary depending on the existing indigenous vegetation found at the site.

iv. If only trees were removed and the understory vegetation was not disturbed, then replacement of the dbh (**DIAMETER AT BREAST HEIGHT**) in inches removed shall be required.

v. If the violation has caused any change in hydrology, ground elevations or surface water flows, then the hydrology, ground elevation or surface water flows shall be restored to pre-violation conditions.

vi. If the violation consists of clearing of residential, single-family (RSF), village residential (VR) or estates (E) or other non agricultural, non commercially zoned land in which single-family **LOTS** have been subdivided for single-family use only, and one acre or less of land is being cleared by the property owners themselves in advance of issuance of **BUILDING** permit, the County Manager or his designee may, in lieu of restoration or donation, impose a penalty fee in the amount equal to double the cost of a typical **BUILDING** permit.

b. REQUIREMENTS FOR A MITIGATION PLAN.

i. A copy of the deed, contract for sale or agreement for sale or a notarized statement of

ownership clearly demonstrating ownership and control of the subject **LOT** or **PARCEL** of land, or permission from the landowner to mitigate on his or her site shall be provided.

ii. The mitigation plan shall be prepared by a person who meets or exceeds the credentials specified in section 10.02.02 A.3.

iii. The plan shall designate the person's name, address and telephone number that prepared the plan.

iv. A north arrow, scale, and date shall be required on the plan.

v. Existing vegetation areas shall be shown.

vi. The proposed planting areas shall be clearly defined.

vii. The plan shall denote the number and location of each plant to be planted, or for the case of ground covers, show them in groupings. Large mitigation areas may be designated by a more simplified method.

viii. All plants proposed shall be denoted by genus, species, and the common name.

ix. The plan shall identify what is **ADJACENT** to the mitigation areas, i.e. existing forest (provide type), farm, natural **BUFFER** area, lake, etc.

c. **SITE-SPECIFIC REVIEW CRITERIA.**

i. All plants used for mitigation shall be native Florida species.

ii. All plants used for mitigation shall be from a legal source and be graded Florida No. 1 or better, as graded by the Florida Department of Agriculture and Consumer Services' Grades and Standards for Nursery Plants (Charles S. Bush, 1973, Part 1 and 2). All plants not listed in Grades and Standards for Nursery Plants shall conform to a Florida No. 1 as to: (1) health and vitality, (2) condition of foliage, (3) root system, (4) freedom from pest or mechanical damage, (5) heavily branched and densely foliated according to the accepted normal shapes of the species or sport. Trees shall be a minimum of 14 feet

tall at the time of planting and shall have a minimum dbh (**DIAMETER AT BREAST HEIGHT**) of three inches.

iii. The plants proposed for planting must be temperature tolerant to the areas they are to be planted in. The South Florida Water Management District's Xeriscape Plant Guide II shall be used in determining the temperature tolerances of the plants.

iv. The existing soil types shall be identified. Plants proposed for planting shall be compatible with the soil type. The 1954 or the 1992 soil survey of Collier County shall be used to determine if the plants proposed for planting are compatible with the existing or proposed soil types.

v. The source and method of providing water to the plants shall be indicated on the plan and subject to review and approval.

vi. A program to control **PROHIBITED EXOTIC VEGETATION** (section 3.05.07) in the mitigation area shall be required.

d. COUNTY REVIEW OF MITIGATION PLAN

i. **DEVELOPMENT** services will review the plan based on, but not limited to, the preceding requirements within 15 days. Additional relevant information may be required when requested.

ii. Should the county reject the mitigation plan, the reasons will be provided so the **APPLICANT** can correct the plan and resubmit for county review.

e. MONITORING AND REPLANTING.

i. A monitoring program shall be required that would determine the survivability by species of the plants used in the mitigation effort. A minimum of five reports will be submitted. Reports shall be due at one-year intervals.

ii. Eighty percent survival by species shall be required for a five-year period unless other

arrangements are specified and agreed upon in the mitigation plan. Replanting shall be required each year if the mortality exceeds 20 percent of the total number of each species in the mitigation plan.

iii. The soil and hydrological conditions for some mitigation areas may favor some of the plants and preclude others. Should the county and/or consultant find that over time, some of the species planted simply don't adjust, the mitigation plan shall be reevaluated by both the consultant and the county, and a revised plan will be instituted. This condition shall not apply to all mitigation areas and each case will be evaluated individually, based on the supported [supporting] data submitted by the mitigator.

f. DONATION OF LAND OR FUNDS. The donation of land and/or funds to a public agency may be made if none of the above are viable alternatives. This donation of land and/or funds shall be equal to or greater than the total sum it would cost to mitigate for the violation according to sections . 10.02.06 E.3.a. including consulting fees for design, and monitoring, installation costs, vegetation costs, earth moving costs, irrigation costs, replanting and exotic removal.

4. Appeal from enforcement. Any person who feels aggrieved by the application of this section, may file, within 30 days after said grievance, a petition with the County Manager or his designee, to have the case reviewed by the Collier County Board of County Commissioners.

5. Suspension of permit requirement. The board of county commissioners may, by emergency resolution, suspend the permit requirement for vegetation removal in the aftermath of a natural disaster, such as a hurricane, when the following conditions are met and contained in the resolution:

a. The suspension is for a defined period of time not to exceed 30 days or as otherwise set by the board of county commissioners.

b. The vegetation removal is necessitated by disaster related damage.

c. The suspension is not applicable to vegetation within habitats containing listed species (as regulated in section 3.04.00).

F. Wellfield **CONDITIONAL USE** permit and standards

1. *Petition.*

a. Owners/operators of a proposed regulated **DEVELOPMENT** for which a wellfield **CONDITIONAL USE** permit will be required to locate the proposed regulated **DEVELOPMENT** within any zone, may petition the board for a wellfield **CONDITIONAL USE** permit exempting the **DEVELOPMENT** from the prohibitions set forth in section 3.06.12 hereof, as provided in this section.

b. Owners/operators shall submit the application for wellfield **CONDITIONAL USE** permit to the county manager on forms prepared by the department.

2. *Criteria.*

a. The owner/operator shall demonstrate by the preponderance of substantial competent evidence that:

i. The **DEVELOPMENT** has or can satisfy all requirements for a certificate to operate;

ii. Special or unusual circumstances exist which are peculiar to the particular **DEVELOPMENT** which are different than any other regulated **DEVELOPMENT**;

iii. Adequate technology exists which will isolate the **DEVELOPMENT** from the surficial and intermediate **AQUIFER** systems; or

iv. Site-specific hydrogeologic data provides reasonable assurances that the existing water quality in surficial and intermediate **AQUIFER** systems will not be degraded as a result of the **DEVELOPMENT**.

3. *Conditions of wellfield **CONDITIONAL USE** permit.*

a. In granting the wellfield **CONDITIONAL USE** permit, the board may prescribe any additional conditions and safeguards which it deems necessary to protect the existing well(s), future identified well(s) or future potable water supply resources.

b. The wellfield **CONDITIONAL USE** permit shall incorporate a certificate to operate, which must be renewed or transferred in the same manner as any other certificate to operate as provided in section 10.04.01 B. hereof.

4. *Prohibited wellfield **CONDITIONAL USE** permits.*

a. No wellfield **CONDITIONAL USE** permit may be construed or otherwise interpreted to legalize a regulated **DEVELOPMENT** existing on the effective date of this section [November 13, 1991], which is not in compliance with applicable local, state or federal law or regulations. No wellfield **CONDITIONAL USE** permit or other approval under this section shall be knowingly granted to an existing regulated **DEVELOPMENT** which is not in compliance with all other applicable local, state or federal law or regulations.

5. *Administrative review of wellfield **CONDITIONAL USE** permit petition.*

a. The county manager shall review the petition for wellfield **CONDITIONAL USE** permit for compliance with sections 3.06.12 and 3.06.13 of this division in the same procedural manner as for a certificate to operate.

b. If the petition is found not to be in compliance, the county manager shall advise the owner/operator of the noted deficiencies or required information by certified mail return receipt requested to the address listed in the petition.

c. Upon a determination by the county manager that the petition is in compliance, or upon receipt of written notice from the petitioner that the petition should be processed as is, the county manager shall render a written recommendation for approval, approval with conditions, or denial of the wellfield **CONDITIONAL USE** permit.

6. *Approval by the board.*

a. Wellfield **CONDITIONAL USE** permits which authorize **DEVELOPMENT** prohibited in the wellfield risk management special treatment protection overlay zones, are subject to careful review and shall include public notice and hearing as set forth in section 10.04.11 A. hereof.

b. All petitions for wellfield **CONDITIONAL USE** permits shall be heard by the board as provided in section 10.04.11 A. hereof.

7. Wellfield *CONDITIONAL USE* permit for public or quasipublic DEVELOPMENT.

a. The board, after public hearing, may find that certain existing or proposed public or quasipublic regulated **DEVELOPMENT** is exempted from compliance with this section and may issue a wellfield **CONDITIONAL USE** permit upon finding that:

i. The public benefit to be realized by the proposed or existing regulated **DEVELOPMENT** outweighs the purpose of this section; and

ii. The proposed or existing regulated **DEVELOPMENT** cannot, for economic or scientific reasons, be relocated elsewhere.

b. The scope of any wellfield **CONDITIONAL USE** permit granted under this section shall be narrow to avoid derogation of the purpose of this section and the board may impose special conditions of approval to ensure implementation of the intent of the same.

c. Petitions shall be processed, approved, approved with conditions or denied as any other wellfield **CONDITIONAL USE** as provided in section 10.02.06 F. hereof.

G. Temporary Use Permit Requirements and Issuance.

1. *Purpose and intent.* Based upon the nature of some uses, their impact on **ADJACENT** uses, their **COMPATIBILITY** with surrounding properties, and the length of time a use is intended to function, there is an identified need to allow certain temporary uses within a **DEVELOPMENT** site, and to provide for other types of temporary uses such as special events, sales and promotions. It is the intent of this section to classify temporary uses and to provide for their permitting.

2. *General.* The County Manager or his designee, may grant a temporary use permit for requests that demonstrate compliance with the intent of this section and Chapter 5 of the Code. Approvals for such requests shall be based upon, but not limited to, the **APPLICANT'S** description of the temporary use, the intended duration of the use, hours of operation and the impacts of the proposed temporary use on **ADJACENT** properties. All applications for a temporary use permit shall include a conceptual site plan or a

site **DEVELOPMENT PLAN** (SDP) as provided for within this section. The appropriate required plan and temporary use permit application shall be submitted and approved prior to or simultaneously with the submission of a **BUILDING** permit application, if required.

3. Film Permit

- a. *Permit required.* A permit shall be required for the following activities taking place, in conjunction with commercial motion picture, film, television, video or still photography production: the use of set scenery, temporary **STRUCTURES** or other apparatus, special effects, or closure of public **STREETS** or accessways. This Code shall not apply to bona fide newspaper, press association, newsreel or television news media personnel, nor to properties that have been zoned to allow motion picture/television filming as a permitted use.
- b. *Application for permit; contents.* Any person, firm, corporation, association or governmental entity desiring to obtain a permit shall apply to the County Manager or his designee; and said application shall include but not be limited to the following.
 - i. Name, address (including local address) and telephone number of **APPLICANT**.
 - ii. Proof of comprehensive general liability insurance coverage in the amount of at least \$1,000,000.00 combined single limit, with Collier County named as an additional insured. The **APPLICANT** shall provide to the County Manager or his designee a certificate of insurance evidencing that said insurance is in effect and certifying that Collier County be given 30 days' notice prior to the expiration or cancellation of the policy.
 - iii. Special effects to be utilized, especially incendiary or explosive devices, with proof of not less than \$5,000,000.00 comprehensive general liability insurance combined single limit with Collier County listed as additional insured. In addition, the application shall list the person in charge (pyrotechnician) of such special effects, together with his qualifications and license from the applicable federal and/or state agencies, and authorization from the local fire district permitting the event.
 - iv. Locations, dates and hours of filming.

- v. The following information is required by the County Manager or his designee, unless waived:
- a) A conceptual plan indicating the location of film events and parking facilities provided.
 - b) Plans for construction or utilization of **STRUCTURES** on subject site(s).
 - c) Number, type and location of sanitation facilities to be provided. Plans for disposal of refuse and debris, and restoration of the site(s) to its original condition.
 - d) A description of any lighting facilities that would be necessary and/or the need to disconnect any public lighting.
 - e) A description of any use which may encroach into environmentally sensitive areas.
 - f) Approximate number and type of vehicles and/or equipment to be used and any special parking requirements. The number of personnel to be on location with the production.
 - g) Necessity for closures of public **STREETS** or **SIDEWALKS** and for what duration and location.
 - h) An indication of any utilization of aircraft/fixed-wing, helicopter, or balloons at the subject site(s).
 - i) List of county personnel or equipment requested, and an agreement to pay for extraordinary services provided by Collier County.
 - j) Provisions for traffic control, fire safety and security precautions.
 - k) If located on private property, not under the county's ownership or control, a written notarized agreement from the property owner to allow the filming to occur on his property.
 - l) Additional information requested to assist Collier County in obtaining future film production.

- c. *Insurance requirements.* The **APPLICANT** shall maintain in force at all times during the permit period, a comprehensive general liability policy with limits other than those described in sections 10.02.06 G.3.b.ii. and b.iii. above of this Code as determined by the risk management director upon a review of the particular circumstances involved. Said **APPLICANT** shall provide to the County Manager or his designee a certificate of insurance as evidenced that said insurance is in existence and certifying that Collier County is a named insured, and that Collier County be given 30 days' notice prior to the expiration or cancellation of the policy. Any additional insurance requirements for filming on private property will be at the discretion of the affected property owner.
- d. *Indemnification.* The **APPLICANT** shall be required to indemnify and hold harmless Collier County, its officers, agents and employees from and against all claims, suits, actions, damages, liabilities, expenditures or causes of action arising out of or occurring during the activities of **APPLICANT** under a permit issued hereupon in the form and manner provided by the County Manager or his designee.
- e. *Permit fee.* No permit fee shall be required. Any additional license or user fees which have been established for county-owned land or facilities shall be in effect.
- f. *Issuance of permit.* Upon presentation of the completed application, proof of insurance, payment of permit fee, surety bond or cash payment in lieu of the bond and review by the County Manager or his designee, the permit may be issued. If the County Manager or his designee determines that the use of public or private property could affect the public's use of the property, or have potential **ADVERSE IMPACTS** on surrounding properties, then he may require that the permit application be scheduled for a public hearing before the board of county commissioners. The special circumstances could include, but are not limited to, closure of a public **STREET** or accessway; use of special effects, including incendiary or explosive devices; a large production crew or crowd control; and increased liability insurance required. The notice for the public hearing shall be advertised in a newspaper of general circulation in the county at least one time 15 days prior to the hearing.
- g. *Suspension of permit.* Failure to comply with the terms and conditions of the temporary use permit once issued shall be grounds for immediate suspension of the permitted activity until

such time as the noncompliance is remedied. The suspension shall be initially communicated verbally, followed by a written suspension order; and continued failure to comply with the terms and conditions of the permit may result in revocation of the permit.

- h. *Costs for extraordinary services.* The county shall recover direct costs for extraordinary services rendered in connection with a production. Such costs shall include, but not limited to, charges for personnel and/or equipment committed in support of the production which are outside the normal scope of government services. Based on the information contained in the permit application, an estimate of these costs will be provided to the **APPLICANT** prior to issuance of this permit. The county may require prepayment of all or a portion of these estimated costs prior to issuance of the permit. At the conclusion of the production, actual costs below or in excess of the estimates will be refunded by the county or paid by the **APPLICANT**, respectively.
- i. *Surety bond.* A surety bond in an amount to be determined by Collier County and issued by a company authorized to issue bonds in Florida or cash payment in lieu of the bond may be required by the County Manager or his designee to provide for cleanup and/or restoration of the subject site(s).

4. *Temporary sports events, religious events, and community events.*

- a. In the case of sports events, religious events, community events, or other similar events sponsored by profit, nonprofit, charitable, civil, or membership organizations the County Manager or his designee may grant nonrenewable permits of up to two weeks' duration, such that during any calendar year the sum total of all permits for such events does not exceed 28 days. Temporary permits may be allowed for an additional period of up to four weeks when approved by the board of county commissioners. Such special approval shall be subject to stipulations or additional constraints deemed necessary and appropriate to the request. Such stipulations or constraints deemed necessary by the board of county commissioners shall be noted as conditions to the issuance of said permits; and the permittee shall be required to **SIGN** a notarized agreement to said stipulations or constraints.
- b. Temporary permits may, in support of the use being permitted, include the placement of **SIGNS**, merchandise, **STRUCTURES**

and equipment, and a **MOBILE HOME** as an office, but not for residency. If the temporary use is not discontinued upon expiration of the permit, it shall be deemed a violation of the Land **DEVELOPMENT** Code and shall be subject to the penalties therein.

- c. Temporary permits in this category shall be restricted to those zoning districts in which the use would normally be permitted, unless otherwise approved by the board of county commissioners via a public petition request.
- d. The County Manager or his designee shall accept without fee, temporary use permit applications for sports events, religious events, community events, or other similar events, upon presentation of documentation that the sponsor of the event is a bona fide nonprofit organization and the event is intended to benefit the community at large, a specific group of individuals, or the bona fide nonprofit organization. Two such events per calendar year per organization are eligible for this exemption.

H. Coastal Construction **SETBACK LINE** Permits.

The following activities seaward of the coastal construction **SETBACK LINE** shall not require a hearing by the board of county commissioners, but shall require a coastal construction **SETBACK LINE** permit. Such permit shall be reviewed and approved administratively by site **DEVELOPMENT** review environmental staff. The appropriate fee as set by county resolution shall be submitted with permit application.

- 1. Construction of a **DUNE** walkover when a Florida Department of Environmental Protection (FDEP) permit has been obtained and the following criteria have been met.
 - a. A maximum width of six feet.
 - b. A minimum separation of 200 feet between walkovers when two or more walkovers are proposed on a single **PARCEL**.
- 2. Creation, restoration, re-vegetation or repair of the **DUNE** or other natural area seaward of the CCSL on an individual **PARCEL** of land, when a Florida Department of Environmental Protection (FDEP) permit has been obtained and the following criteria have been met.
 - a. Sand used must be compatible in color and grain size to existing sand subject to FDEP requirements.

- b. Plants utilized shall be 100 percent native coastal species.
- c. Restoration plans shall be designed by an individual with expertise in the area of environmental sciences, natural resource management or landscape architecture. Academic credentials shall be a bachelors or higher degree. Professional experience may be substituted for academic credentials on a year for year basis, provided at least two years professional experience are in the State of Florida.

3. Penalty and civil remedies.

- c. *Penalty for a violation of section 9.04.06* . Notwithstanding the penalties set forth elsewhere in this Code, the following violations of section 9.04.06 H., which occur during sea turtle nesting season:
 - i. Setting up of any **STRUCTURES** , prior to daily sea turtle monitoring, 2) failing to remove all **STRUCTURES** from the **BEACH** by 9:30 p.m., or 3) failing to have lights, so required, turned off by 9:00 pm., are subject to the following penalties:

First violation: Up to \$1,000.00 fine.

Second violation: \$2,500.00 fine.

Third or more violation: \$5,000.00 fine.

- ii. **BEACH** front property owners who leave **BEACH** furniture unattended on the **BEACH** between 9:30 pm and the time of the next day's sea turtle monitoring, are subject to the following penalties:

First violation: Written notice of ordinance violation.

Second violation: Up to \$1,000.00 fine.

Third violation: \$2,500.00 fine.

More than three violations: \$5,000.00 fine.

I. Vehicle on the **BEACH** Regulations

- 1. Unlawful to drive on sand **DUNES** or **BEACH** or to disturb sand **DUNE**.

It shall be unlawful:

- a. To operate or cause to be operated a hand-, animal-, or engine-driven wheel, track or other vehicle or implement on, over or across any part of the sand **DUNES**, hill or ridge nearest the gulf, or the vegetation growing thereon or seaward thereof, or to operate or drive such a vehicle on the area seaward thereof, commonly referred to as "the **BEACH**" within Collier County, Florida.
- b. To **ALTER** or cause to be altered any sand **DUNE** or the vegetation growing thereon or seaward thereof; make any excavation, remove any material, trees, grass or other vegetation or otherwise **ALTER** existing ground elevations or condition of such **DUNE** without first securing a permit as provided for in this Code.

2. Exceptions; permit.

All permits to allow operation of vehicles on county **BEACHES** shall expire on April 30, of each year, to coincide with the beginning of sea turtle nesting season. During sea turtle nesting season, May 1 through October 31, of each year, all permits shall be subject to section 10.02.06 I.3 below.

- a. Sheriff, city, state and federal police, emergency services, and the Florida Fish and Wildlife Conservation Commission vehicles operated or authorized by officers of these departments operating under orders in the normal course of their duties shall be exempt from the provisions of this division.
- b. Vehicles which must travel on the **BEACHES** in connection with environmental maintenance, conservation, environmental work, and/or for purposes allowed by Collier County Ordinance No. 89-16, providing that the vehicle(s) associated with the permitted uses of Collier County Ordinance No. 89-16 remain stationary, except to **ACCESS** and egress the **BEACH**, shall be exempt from the provisions of this division if a permit has been obtained from the environmental services department director or his designee, and said [permit] is prominently displayed on the windshield of such vehicle and kept with the vehicle and available for inspection. The procedure for obtaining such a permit shall be by application to the environmental services department director in writing stating the reason or reasons why it is necessary for such vehicle or vehicles to be operated on the **BEACHES** in connection with an environmental maintenance, conservation, environmental purpose and/or for purposes allowed by Collier County Ordinance No. 89-

16, taking into consideration the vehicular use restriction previously stated as a criterion for an exception, and permit for such vehicle or vehicles shall be issued by the environmental services department director if the environmental services department director is satisfied that a lawful and proper environmental maintenance, conservation, environmental purpose and/or purpose as described above and allowed by Collier County Ordinance No. 89-16 will be served thereby.

- c. Baby buggies (perambulators), toy vehicles, toy wagons, wheelchairs or similar devices to aid disabled or non-ambulatory persons shall be exempt from the provisions of this division.
- d. Vehicle-on-the-**BEACH** permits issued in conjunction with special or annual **BEACH** events, in conjunction with permanent concession facilities, or for other routine functions associated with permitted uses of commercial **HOTEL** property. Vehicles which are used in conjunction with functions on the **BEACH**, are exempt from the provisions of this division if a vehicle-on the-**BEACH** permit has been granted by the environmental services director or his designee. All permits issued are subject to the following conditions and limitations:
 - i. The use of vehicles shall be limited to set-up and removal of equipment for the permitted function.
 - ii. Said permits shall be prominently displayed on the vehicle and kept with the vehicle and available for inspection.
 - iii. The types of vehicles permitted for this use may include ATVs, non-motorized handcarts or dollies, and small utility wagons, which may be pulled behind the ATVs.
 - iv. All vehicles shall be equipped with large pneumatic tires having a maximum ground-to-tire pressure of ten PSI (pounds per square inch), as established by the Standard PSI Formula. Calculations for tire pressure using the standard formula shall be included with each permit application.
 - v. Permits shall only be issued for ATVs when environmental services department staff has determined that: 1) evidence has been provided that there is a need to move equipment, which, due to the excessive weight and distance of equal to or greater than 200 feet, would be prohibitive in nature to move with, push carts or dollies; or 2) a limited designated work area has been established at the foot of the **DUNE** walkover for loading and

unloading and the ATV use is restricted to that limited identified area.

- vi. When not in use all vehicles shall be stored off the **BEACH**.
- vii. During sea turtle nesting season, the following shall apply: 1) no vehicle may be used on the **BEACH** until after completion of daily sea turtle 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; 2) there shall be no use of vehicles for set up of chairs or **HOTEL** or commercial **BEACH** equipment, etc. until after the **BEACH** has been monitored; 3) one ingress/egress corridor onto and over the **BEACH**, perpendicular to the **SHORELINE** from the owner's property, shall be designated by the Collier County Environmental Services Department (ESD); additional corridors may be approved when appropriate and necessary as determined by the ESD; a staging area may be approved for large events as determined by the ESD and 4) except for designated corridors, all motorized vehicles shall be operated below the mean high water line (MHW), as generally evidenced by the previous high tide mark. If at anytime ESD determines that the designated corridor may cause **ADVERSE IMPACTS** to the **BEACH**, nesting sea turtles, or the ability of hatchlings to traverse the **BEACH** to the water, an alternative corridor shall be designated. If no alternative is available, as determined by the ESD, the vehicle-on-the-**BEACH** permit may be suspended for the remaining period of the sea turtle season.
- vii. These vehicles may not be used for transportation of people or equipment throughout the day. The permit shall designate a limited time for equipment set up and for the removal of the equipment at the end of the day.
- e. Permit for construction (excluding **BEACH** renourishment and maintenance activities).

Prior to beginning construction in proximity to a sand **DUNE** for any purpose whatsoever, including conservation, a temporary protective fence shall be installed a minimum of ten feet landward of the **DUNE**. It shall be unlawful to cause or allow construction and related activity seaward of such fence. Each permit for work shall clearly indicate the provisions of this Code and the protective measures to be taken and shall be subject to the provisions of section 10.02.06 I.3.

f. **BEACH** raking and mechanical **BEACH** cleaning.

- i. **BEACH** raking and mechanical **BEACH** cleaning shall be prohibited on undeveloped coastal barriers unless a state permit is obtained.
- ii. **BEACH** raking and mechanical **BEACH** cleaning must comply with the provisions of section 10.02.06 I. of this Chapter.
- iii. **BEACH** raking and mechanical **BEACH** cleaning shall not interfere with sea turtle nesting, shall preserve or replace any **NATIVE VEGETATION** on the site, and shall maintain the natural existing **BEACH** profile and minimize interference with the natural **BEACH** dynamics and function.
- iv. **BEACH** raking and mechanical cleaning shall not occur below MHW on the wet sand area of **BEACH** which is covered by high tide and which remains wet during low tide. **BEACH** raking and mechanical **BEACH** cleaning shall not operate or drive within 15 feet of **DUNE** vegetation and endangered plant and animal communities, including sea turtle nests. Surface grooming equipment that does not penetrate the sand may operate or drive to within ten feet of **DUNE** vegetation and endangered plant and animal communities, including sea turtle nests.
- v. **BEACH** raking and mechanical **BEACH** cleaning devices shall not disturb or penetrate **BEACH** sediments by more than the minimum depth necessary, not to exceed two inches, in order to avoid a potential increase in the rate of erosion.
- vi. Vehicles with greater than ten psi ground to tire pressure, shall not be used to conduct **BEACH** raking. Vehicles with less than ten psi ground to tire pressures, in conjunction with the attachment of a screen, harrow drag or other similar device used for smoothing may be used to conduct **BEACH** raking upon approval of the ESD or designee.
- vii. Mechanical **BEACH** cleaning involving sand screening or a combination of raking and screening shall only be conducted on an "as needed" basis as determined by the public utilities engineering department and the environmental services department. Necessity will include when large accumulations of dead and dying sea-life or other debris remains concentrated on the wrack-line for a minimum of two tidal cycles following a storm event, red tide or other materials which represent a hazard to public health.

- g. Vehicles associated with **BEACH** nourishment and inlet maintenance.
 - i. Heavy equipment used in conjunction with **BEACH** nourishment, inlet maintenance, to accomplish FDEP permit requirements, or other unusual circumstance as determined by the CDES administrator, which cannot meet the standard PSI, will require compaction mitigation. Mitigation shall be accomplished by tilling to a depth of 36 inches or other FDEP approved methods of decreasing compaction. **BEACH** tilling shall be accomplished prior to April 15 following construction and for the next two years should compaction evaluations exceed state requirements.
 - ii. Utilization of equipment for the removal of scarps, as required by FDEP, shall be limited to an ingress/egress corridor and a zone parallel to the MHW. Scarp removal during sea turtle season shall have prior FDEP approval and coordinated through the FDEP, FWCC, CCESD and the person possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit for the area.
 - iii. No tilling of the **BEACHES** shall occur during sea turtle nesting season.

3. Operation of vehicles on the **BEACH** during marine turtle nesting season.

The operation of motorized vehicles, including but not limited to self-propelled, wheeled, tracked, or belted conveyances, is prohibited on coastal **BEACHES** above mean high water during sea turtle nesting season, May 1 to October 31, of each year, except for purposes of law enforcement, emergency, or conservation of sea turtles, unless such vehicles have a valid permit issued pursuant to this division. Permits issued pursuant to this division 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.

- a. All vehicle use on the **BEACH** during sea turtle nesting season, May 1 to October 31, of each year must not begin 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.

4. Penalties.

Notwithstanding the penalties set forth elsewhere in this Code, violations of this division are subject to the following penalties:

- a. Violations of section 10.02.06 I.2.f above which do not occur during sea turtle nesting season, i.e., occur outside of sea turtle nesting season, are subject to up to a \$500.00 fine per violation.
- b. Minor infractions of section 10.02.06 I.2.f above which occur during sea turtle nesting season are subject to up to a \$500.00 fine per violation. Minor infractions are defined as any activity that will not cause immediate harm to sea turtles or their nesting activity; and include, but are not limited to, the following: 1) use of an unpermitted vehicle; 2) vehicles being operated: b a) without permit being available for inspection; or b) with improper tire pressure.
- c. Major infractions of section 10.02.06 I.2.f above which occur during sea turtle nesting season, are subject to the following penalties. Major infractions are defined as any activity that may cause immediate harm to sea turtles or their nesting activities; and include, but are not limited to, the following: 1) use of a vehicle prior to daily sea turtle monitoring, 2) use of a vehicle after 9:30 pm, or 3) use of a vehicle outside of a designated corridor.

First violation: \$1000.00 fine and a suspension of permitted activities, including but not limited to: **BEACH** raking or mechanical cleaning activities, for 70 days or the balance of sea turtle nesting season, whichever is less.

Second violation: \$2,500.00 fine and a suspension of permitted activities, including but not limited to: **BEACH** raking or mechanical cleaning activities, for 70 days or the balance of sea turtle nesting season, whichever is less.

Third or more violation: \$5,000.00 fine and a suspension of permitted activities, including but not limited to: **BEACH** raking or mechanical cleaning activities, for 70 days or the balance of sea turtle nesting season, whichever is less.

- d. Violations of section 10.02.06 I., which do not occur during sea turtle nesting season, i.e., occur outside of sea turtle nesting season, are subject to up to a \$500.00 fine per violation.
- e. Violations of sections 10.02.06 I. which occur during sea turtle

nesting season are subject to the following penalties:

Minor infractions are subject to up to a \$500.00 fine per violation. Minor infractions are defined as any activity that will not cause an immediate harm to sea turtles or their nesting activity; and include, but are not limited to, the following: 1) use of an unpermitted vehicle; 2) vehicles being operated: a) with permit not available for inspection; or b) with improper tire pressure.

10.02.07 Submittal Requirements for Certificates of Public Facility Adequacy

No **BUILDING** or land **ALTERATION** permit or certificate of occupancy shall be issued except in accordance with the Collier County Adequate Public Facilities Ordinance, Ord. No. 90-24 (Chapters 3, 6 and 10 of this Code) and Rule 9J-5.0055, F.A.C.

Regulatory program: review of **DEVELOPMENT** to ensure adequate public facilities are available, including the Transportation **CONCURRENCY** Management System.

A. *General.* In order to ensure that adequate potable water, sanitary sewer, **SOLID WASTE**, drainage, park and road public facilities are available concurrent with when the impacts of **DEVELOPMENT** occur on each public facility, Collier County shall establish the following **DEVELOPMENT** review procedures to ensure that no **DEVELOPMENT ORDERS** subject to **CONCURRENCY** regulation are issued unless adequate public facilities are available to serve the proposed **DEVELOPMENT**.

B. *Exemptions.* The following **DEVELOPMENT ORDERS** and **DEVELOPMENT** shall be exempt from the terms of this section:

1. All valid, unexpired final **DEVELOPMENT** of regional impact (DRI) **DEVELOPMENT ORDERS** which were issued prior to adoption of the Collier County Growth Management Plan on January 10, 1989, except where:

a. **DEVELOPMENT** conditions or stipulations applicable to **CONCURRENCY**, or the provision of adequate public facilities concurrent with the impacts of **DEVELOPMENT**, exist in the DRI **DEVELOPMENT ORDER**;

b. Substantial deviations are sought for a DRI **DEVELOPMENT ORDER**, and then, this section shall apply only to those portions of the **DEVELOPMENT** for which the deviation is sought;

c. The county can demonstrate pursuant to F.S. § 380.06, that substantial changes in the conditions underlying the approval of the **DEVELOPMENT ORDER** have occurred or the **DEVELOPMENT ORDER** was based on substantially inaccurate information provided by the developer or that the application of this section to the **DEVELOPMENT ORDER** is clearly established to be essential to the public health, safety and welfare; or

d. The new requirements would not so change or **ALTER** a **DRI DEVELOPMENT ORDER** that they would materially or substantially affect the developer's ability to complete the **DEVELOPMENT** authorized by the **DRI DEVELOPMENT ORDER**.

2. Construction of public facilities that are consistent with the Collier County Growth Management Plan.

3. Temporary construction and **DEVELOPMENT** permits and any subsequent renewals not to exceed a cumulative period of one year.

4. **DEVELOPMENT ORDERS** permitting replacement, reconstruction or repair of existing **DEVELOPMENT** consistent with all elements of the growth management plan.

5. Temporary use permits and any subsequent renewals not to exceed a cumulative period of one year.

6. **DEVELOPMENTS** that claim vested status from the Growth Management Plan adopted January 10, 1989 and its implementing regulations, and properly obtains, a determination of vested rights for a certificate of public facility adequacy in accordance with the provisions of this section, as follows:

a. *Application.* An application for determination of vested rights for a certificate of public facility adequacy shall be submitted in the form established by the Community **DEVELOPMENT** and Environmental Services Division Administrator. An application fee in an amount to be determined by the Board of County Commissioners shall accompany and be part of the application. The application shall, at a minimum, include:

i. Name, address, and telephone number of the owner and authorized **APPLICANT** if other than the owner;

ii. **STREET** address, legal description, and acreage of the property; and

iii. All factual information and knowledge reasonably available to the owner and **APPLICANT** to address the criteria established in subsection 10.02.07 B.6.g. of this Code.

b. *Determination of completeness.* After receipt of an application for determination of vested rights for a certificate of public facility adequacy, the Community **DEVELOPMENT** and Environmental Services Division Administrator shall determine whether the application submitted is complete. If he determines that the application is not complete, the Community **DEVELOPMENT** and Environmental Services Division Administrator shall notify the **APPLICANT** in writing of the deficiencies. The Community **DEVELOPMENT** and Environmental Services Division Administrator shall take no further steps to process the application until the deficiencies have been remedied.

c. *Review and determination or recommendation by Community **DEVELOPMENT** and Environmental Services Division Administrator and the County Attorney.* After receipt of a completed application for determination of vested rights for a certificate of public facility adequacy, the Community **DEVELOPMENT** and Environmental Services Division Administrator and the County Attorney shall review and evaluate the application in light of all of the criteria in section 10.02.07 B.6.g. Based on the review and evaluation, the Community **DEVELOPMENT** and Environmental Services Division Administrator and the County Attorney shall prepare a written recommendation to the hearing officer that the application should be denied, granted or granted with conditions by the hearing officer. Such recommendation shall include findings of fact for each of the criteria established in section 10.02.07 B.6.g. to the extent that information is represented or obtained or inclusion feasible or applicable. If the Community **DEVELOPMENT** and Environmental Services Division Administrator and the County Attorney agree based on the review and evaluation that the application for determination of vested rights for a

certificate of public facility adequacy so clearly should be granted or granted with conditions, then they may enter into a written stipulated determination of vested rights for a certificate of public facility adequacy with the owner, in lieu of the written recommendation to the hearing officer and the provisions in sections 10.02.07 B.6.d., 10.02.07 B.6.e. and 10.02.07 B.6.f. however, any such stipulated determination shall be in writing, signed by the Community **DEVELOPMENT** and Environmental Services Division Administrator, the County Attorney and the owner, and shall include findings of fact based on the criteria established in section 10.02.07 B.6.g., conclusions of law for such criteria, and the determination granting or granting with conditions, in whole or in part, the vested rights for adequate public facilities.

d. *Review and determination of vested rights determination for a certificate of public facility adequacy by hearing officer.* Upon receipt by the hearing officer of the application for determination of vested rights for a certificate of public facility adequacy and the written recommendation of the Community **DEVELOPMENT** and Environmental Services Division Administrator and the County Attorney, the hearing officer shall hold a public hearing on the application. At the hearing, the hearing officer shall take evidence and sworn testimony in regard to the criteria set forth in section 10.02.07 B.6.g. of this Code, and shall follow the rules of procedure set forth in F.S. § 120.57(1)(b), 4, 6, 7, and 8; F.S. § 120.58(1)(a),(d) and (f); and F.S. § 120.58(1)(b), only to the extent that the hearing officer is empowered to swear witnesses and take testimony under oath. The hearing officer shall follow the procedures established for administrative hearings in Rules 60Q-2.009, 2.017, 2.020, 2.022, 2.023, 2.024, 2.025, 2.027, and 2.031, F.A.C. except as expressly set forth herein. The parties before the hearing officer shall include the county, the owner or **APPLICANT**, and the public. Testimony shall be limited to the matters directly relating to the standards set forth in section 10.02.07 B.6.g. of this Code. The County Attorney shall represent the county, shall attend the public hearing, and shall offer such evidence as is relevant to the proceedings. The owner of the property and its **AUTHORIZED AGENTS**, may offer such evidence at the public hearing as is relevant to the proceedings and criteria. The order of presentation before the hearing officer at the public hearing shall be as follows:
1) the county's summary of the application, written

recommendation, witnesses and other evidence; 2) owner or **APPLICANT** witnesses and evidence; 3) public witnesses and evidence; 4) county rebuttal, if any; and 5) **APPLICANT** rebuttal, if any.

e. Issuance of vested rights determination for a certificate of public facility adequacy by hearing officer. Within 15 working days after the completion of the public hearing under section 10.02.07 B.6.g. of this Code the hearing officer shall consider the application for determination of vested rights for a certificate of public facility adequacy, the recommendation of the Community **DEVELOPMENT** and Environmental Services Division Administrator and the County Attorney, and the evidence and testimony presented at the public hearing, in light of all of the criteria set forth in section 10.02.07 B.6.g. of this Code, and shall deny, grant, or grant with conditions the application for determination of vested rights for a certificate of public facility adequacy for the property or properties at issue. The determination shall be in writing and shall include findings of fact for each of the applicable criteria established in section 10.02.07 B.6.g. of this Code, conclusions of law for each of such criteria, and a determination denying, granting, or granting with conditions, in whole or in part, the vested rights for adequate public facilities.

f. Appeal to the Board of County Commissioners. Within 30 days after issuance of the hearing officer's written determination of vested rights for a certificate of public facility adequacy, the County Attorney, the Community **DEVELOPMENT** and Environmental Services Division Administrator, or the owner or its authorized attorney or agent, may appeal the determination of vested rights for a certificate of public facility adequacy of the hearing officer to the Board of County Commissioners. A fee for the application and processing of an owner-initiated 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 owner or its **AUTHORIZED AGENT**. The Board of County Commissioners shall adopt the hearing officer's determination of vested rights for a certificate of public facility adequacy, with or without modifications or conditions, or reject the hearing officer's determination of vested rights for a certificate of public facility adequacy. The Board of County Commissioners shall not be authorized to modify or reject the hearing officer's determination of vested

rights for a certificate of public facility adequacy unless the Board of County Commissioners finds that the hearing officer's determination is not supported by substantial competent evidence in the record of the hearing officer's public hearing or that the hearing officer's determination of vested rights for a certificate of public facility adequacy is contrary to the criteria established in section 10.02.07 B.6.g. of this Code.

g. *Criteria for vested rights.* This section is intended to strictly adhere to and implement existing case law as it relates to the doctrine of vested rights and equitable estoppel as applied to a local government exercising its authority and powers in zoning, the provision of adequate public facilities concurrent with **DEVELOPMENT (CONCURRENCY)**, and related matters. It is the express intent of Collier County to require application of the provisions of this section to as much **DEVELOPMENT** and property in the unincorporated areas of the county as is legally possible without violating the legally vested rights which the owner may have obtained in accordance with Florida common law and statutory law, particularly F.S. § 163.3167(8). The criteria herein provided shall be considered in rendering a vested rights determination under this subsection. It is intended that each case be decided on a case-by-case factual analysis. An owner shall be entitled to a positive determination of vested rights for a certificate of public facility adequacy only if he demonstrates by substantial competent evidence that he is entitled to complete his **DEVELOPMENT** without regard to the otherwise applicable provisions of this section based on the provisions of F.S. § 163.3167(8), or all three of the following requirements of the three-part test under Florida common law: 1) upon some act or omission of the county, 2) a property owner relying in good faith, 3) has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired.

h. *Limitation on determination of vested rights for a certificate of public facility adequacy.* A determination of vested rights for a certificate of public facility adequacy which grants an application for determination of vested rights for a certificate of public facility adequacy shall expire and be null and void unless construction is commenced pursuant to a final **DEVELOPMENT ORDER**, final **SUBDIVISION** plat, or

final site **DEVELOPMENT PLAN**, within two years after the issuance of the determination of vested rights for a certificate of public facility adequacy under section 10.02.07 B.6.g. or unless substantial permanent **BUILDINGS** have been, or are being constructed or installed pursuant to a valid, unexpired, final **DEVELOPMENT ORDER** of Collier County within two years after issuance of the determination of vested rights for a certificate of public facility adequacy under section 10.02.07 B.6.g., and such **DEVELOPMENT** pursuant to a final **DEVELOPMENT ORDER**, final **SUBDIVISION** plat, final site **DEVELOPMENT PLAN**, final **SUBDIVISION** master plan, or planned unit **DEVELOPMENT** master plan is continuing in good faith. The aforementioned two-year time limitation on the determination of vested rights for a certificate of public facility adequacy shall be stayed during any time periods within which commencement of construction pursuant to a final **DEVELOPMENT ORDER**, final **SUBDIVISION** plat, or final site **DEVELOPMENT PLAN** is prohibited or deferred by the county solely as a result of lack of adequate public facilities to serve the property, pursuant to this section.

C. *Certificate of public facility adequacy.*

1. *General.*

a. A certificate of public facility adequacy shall be issued concurrently with the approval of the next to occur **FINAL LOCAL DEVELOPMENT ORDER**. At the time a certificate of public facility adequacy is issued, fifty percent of the estimated transportation impact fees must be paid into the applicable trust fund pursuant to 10.02.07 C.1.e., and such funds will be immediately available for appropriation to implement capital road facility improvements. Impact fees for all other Category "A" capital improvements will be paid at the time of issuance of **BUILDING** permits at the rate then currently applicable.

b. *Annual Traffic/PUD Monitoring Report.* On [the effective date of this section's amendment], all PUDs which are less than 90 percent built-out, must annually submit a report detailing their progress toward build-out of the **DEVELOPMENT**. The traffic report must be submitted as part of the annual PUD monitoring report on the anniversary date of the PUD approval by the Board per section 10.02.12

LDC. The written report must be submitted to, and be in, a format established by the Transportation Administrator and must indicate any revised estimates to the initial build-out schedule and any resulting effect on traffic impact projections, along with any progress towards completing any developer contribution requirements. Traffic/PUD Monitoring Reports which are more than ninety (90) days past due will result in the suspension of **FINAL LOCAL DEVELOPMENT ORDER** issuance for the PUD pending receipt of the Report.

c. Where the proposed **DEVELOPMENT** has been issued final **SUBDIVISION** plat approval or final site **DEVELOPMENT PLAN** approval prior to the effective date of this section, i.e., on or about November 3, 1993, a certificate of public facility adequacy shall be obtained prior to approval of the next **DEVELOPMENT ORDER** required for the proposed **DEVELOPMENT**.

d. Estimated transportation impact fees for a **DEVELOPMENT** shall be paid into the applicable impact fee trust fund in the amount estimated to be due upon issuance of the **FINAL LOCAL DEVELOPMENT ORDER(s)** for the **DEVELOPMENT** upon or prior to issuance of a certificate of public facility adequacy for the **DEVELOPMENT**.

DEVELOPMENTS that have paid estimated impact fees for all Category "A" facilities prior to the [effective date of this section's amendment], and which elect to come under the provisions of this section may make payment of estimated impact fees into the applicable transportation impact fee trust fund such that previously paid estimates may be applied as a credit towards the impact fees calculated and due as a prerequisite to the issuance of the **FINAL LOCAL DEVELOPMENT ORDER(s)** for the **DEVELOPMENT**. If the developer does not elect to come under the provisions of this division, impact fees paid into the impact fee escrow trust fund prior to [the effective date of this section's amendment] shall be refundable upon written request to the Community **DEVELOPMENT** and Environmental Services Division Administrator accompanied by the surrender of the original certificate of public facility adequacy obtained prior to issuance of **FINAL LOCAL DEVELOPMENT ORDER(S)** for the **DEVELOPMENT**. Fees paid into applicable impact fee trust accounts as a prerequisite to the issuance of **FINAL LOCAL DEVELOPMENT ORDER(s)** prior to the [effective date of this section's amendment] in accordance with the

applicable consolidated impact fee ordinances shall be refundable pursuant to the provisions of such ordinances upon written request to the Finance Director, Clerk of Courts.

e. Assessment and application of transportation impact fees and surrender of certificate of public facility adequacy. Within 90 days of notification by facsimile that an application for a **FINAL LOCAL DEVELOPMENT ORDER** has been approved and a certificate issued, an **APPLICANT** may pick up the certificate upon payment of one-half (50 percent) of the estimated transportation impact fees due. Such estimates shall be based on the currently approved transportation impact fee rate schedule. If the certificate is not picked up within 90 days and the applicable estimated transportation impact fees paid, the application will be deemed denied and the **APPLICANT** must reenter the application process from the beginning. Transportation impact fees for residential **DEVELOPMENT** will be estimated using the fee based on the mid-range housing size, unless the residential use qualifies as **AFFORDABLE HOUSING**. **AFFORDABLE HOUSING** estimated transportation impact fees shall be based on the income limitations for **AFFORDABLE HOUSING** in force at the time of a certificate of public facility adequacy application. Additionally, previously vested **DEVELOPMENTS** may, pursuant to section 10.02.07 C.1. elect to have escrowed fees applied against the one-half (50 percent) of estimated transportation impact fees. Payment of these fees vests the **DEVELOPMENT** entitlements for which the certificate of public facility adequacy certificate applies on a continuous basis unless relinquished pursuant to the requirements of this section prior to the end of the third year after the initial impact fee payment. The initial 50 percent impact fee payment is non-refundable after payment and receipt of the certificate of public facility adequacy certificate.

Not later than 90 days prior to the expiration of the three year period for such certificates, the county shall notify the certificate holder via registered mail of the remaining balance due for the estimated transportation impact fees up to 50 percent, based on level of **BUILDING** permits already issued. The balance of the impact fees due will be calculated at the rate schedule then currently applicable. The developer may elect to pay the balance of the estimated transportation impact fees for the entitlements for which the certificate applies or modify the certificate to a lesser entitlement and

calculate the balance of the transportation impact fees on the revised entitlements. The certificate of public facility adequacy shall be modified to include only the entitlements for which the estimated transportation impact fees are paid. The expiration date for the remaining, up to 50 percent, balance of the estimated transportation impact fees due from a previously vested **DEVELOPMENT** that opts into the revised **CONCURRENCY** certificate process as provided in section 10.02.07 C.1. of this Code, will relate back to the date of issuance of the original certificates. Once the balance of the estimated transportation impact fees are paid, those estimated fees are non-refundable. However, the certificate of public facility adequacy runs continuously with the land in perpetuity after all estimated transportation impact fees have been paid. As **BUILDING** permits are drawn down on the entitlements, the estimated transportation impact fees already paid shall be debited at the rate of the impact fees in effect at the time of utilization. If the estimated transportation impact fee account becomes depleted, the developer shall pay the currently applicable transportation impact fee for each **BUILDING** permit in full prior to its issuance. In the event that upon build-out of the **DEVELOPMENT** estimated transportation impact fees are still unspent, the remaining balance of such estimated fees may be transferred to another approved project within the same, or **ADJACENT**, transportation impact fee district, provided any vested entitlements associated with the unspent and transferred transportation impact fees are relinquished and the certificate of public facility adequacy is modified to delete those entitlements.

2. *Rules of general applicability for certificate of public facility adequacy.* Certificates of public adequacy issued for roads under section 10.02.07 C.1. of this Code subsequent to the [effective date of this section's amendment] will run in perpetuity provided provisions of subsection 10.02.07 C.1.e. of this Code are met and that annual mid-year monitoring reports are filed which comply with section 10.02.07 C.1. of this Code and all developer requirements established during zoning or as part of a developer contribution agreement are completed or are being constructed consistent with the current **DEVELOPMENT** infrastructure improvement construction commitment schedule.

a. *Timing.* An application for a certificate of public facility adequacy may only be submitted as part of an application for

a **FINAL LOCAL DEVELOPMENT ORDER** subject to section 10.02.07 C.1. of this Code.

b. *Impact Fees.* A complete application for a certificate of public facility adequacy will include the calculation of the total amount of transportation impact fees estimated to be due by the **APPLICANT** on the **DEVELOPMENT** for which a **FINAL LOCAL DEVELOPMENT ORDER** application has been submitted. Impact fee calculations will be reviewed and the amount estimated to be paid pursuant to section 10.02.07 C.1.e. of this Code finally determined by the impact fee coordinator. One-half (50 percent) of the estimated payment will be due at the time of notification of approval of the **FINAL LOCAL DEVELOPMENT ORDER** and will be deposited into the applicable impact fee trust fund and will be immediately available for appropriation by the Board of County Commissioners for transportation capital improvements. Final calculation of impact fees due will be based on the intensity of **DEVELOPMENT** actually permitted for construction and the impact fee schedule in effect at the time of the issuance of **BUILDING** permit(s); such that additional impact fees may be due prior to issuance of the **BUILDING** permit(s). The balance of transportation impact fees shall be due as provided for in section 10.02.07 C.1 of this Code.

c. *Consolidated application.* A **FINAL LOCAL DEVELOPMENT ORDER** shall receive final approval only to the extent to which the proposed **DEVELOPMENT** receives a certificate of public facility adequacy. The application for a certificate of public facility adequacy may only be submitted with an application for **FINAL LOCAL DEVELOPMENT ORDER** approval, where appropriate under this section. An application for a certificate of public facility adequacy will receive final approval and a certificate will be issued concurrently with approval of a **FINAL LOCAL DEVELOPMENT ORDER** as set forth in section 10.02.07 C. 1.e. of this Code.

d. *Assignability and transferability.* An approved certificate of public facility adequacy shall run with the land associated with the corresponding **DEVELOPMENT** approval, and shall be assignable within the corresponding land of the approved **DEVELOPMENT**, and shall not be assignable or transferable to other **DEVELOPMENT**, except as may otherwise be provided for under an approved

DEVELOPMENT AGREEMENT. This provision does not preclude the re-allocation of capacity between **LOTS** or **PARCELS** comprising the land that is the subject of the same consolidated application for **DEVELOPMENT** approval so long as the original certificate is surrendered along with a written request to re-allocate no more than that certificate's previously approved capacity in a re-issued certificate.

e. *Expiration.* A certificate of public facility adequacy for "Category A" facilities, except roads, shall expire three years from the date of its approval except to the extent that **BUILDING** permits have been issued for the proposed **DEVELOPMENT** for which the certificate is approved or a final **SUBDIVISION** plat has been approved and recorded, and the proposed **DEVELOPMENT** is then completed pursuant to the terms of the Collier County **BUILDING** Code or as provided in section 10.02.07 C.1. of this Code, refund of impact fees, except for certificates issued pursuant to section 10.02.07 C.1. of this Code, will be subject to the provisions of the consolidated impact fee trust fund ordinance. The expiration date of a re-issued certificate re-allocating capacity to different **LOTS** or **PARCELS** in the same **DEVELOPMENT** will relate back to, and be calculated from, the original certificate's date of issuance.

i. For large **DEVELOPMENTS** as indicated below, a five year certificate of public facility adequacy for "Category A" facilities, except roads, may be obtained provided the developer enters into an enforceable **DEVELOPMENT AGREEMENT** with the county. **DEVELOPMENTS** comprised of more than 500 residential **DWELLING UNITS**, or a phased increment of **DEVELOPMENT** comprised of more than 150 residential **DWELLING UNITS**, or a commercial/industrial **DEVELOPMENT** of more than 100,000 square feet of gross leasable area is considered to be a large **DEVELOPMENT**. A certificate of public facility adequacy for a large **DEVELOPMENT** shall expire five years from the date of its approval except to the extent that **BUILDING** permits have been issued for the proposed **DEVELOPMENT** for which the certificate is approved, and the proposed **DEVELOPMENT** is then completed pursuant to the terms of the Collier County **BUILDING** Code.

f. *Effect.* Issuance of a certificate of public facility adequacy shall demonstrate proof of adequate public facilities to serve the **DEVELOPMENT** approved in the **DEVELOPMENT ORDER**, subject to the conditions in the **DEVELOPMENT ORDER**. A subsequent application for **DEVELOPMENT** approval for **DEVELOPMENT** approved in a **DEVELOPMENT ORDER** for which a certificate of public facility adequacy has been approved shall be determined to have adequate public facilities as long as the certificate of public facility adequacy is valid and unexpired. When a certificate of public facility adequacy expires, any subsequent application for **DEVELOPMENT** approval shall require a new certificate of public facility adequacy to be issued pursuant to the terms of this section prior to approval of any subsequent **DEVELOPMENT ORDER** for the proposed **DEVELOPMENT**. Application for approval of a certificate of public facility adequacy for subsequent or continuing **DEVELOPMENT** once a certificate has expired shall be based on public facility availability at the time of the new application. Under no circumstances shall a certificate of public facility adequacy be automatically renewed.

3. *Effect of DEVELOPMENT AGREEMENT in conjunction with a certificate of public facility adequacy.* Upon approval by the Board of County Commissioners, any **APPLICANT** shall enter into an enforceable **DEVELOPMENT AGREEMENT** with Collier County pursuant to the provisions of F.S. §§ 163.3220 -- 163.3242 or other agreement acceptable to the Board of County Commissioners, in conjunction with the approval of a **DEVELOPMENT ORDER** and/or a certificate of public facility adequacy. The effect of the **DEVELOPMENT AGREEMENT** shall be to bind the parties pursuant to the terms and conditions of the **DEVELOPMENT AGREEMENT** and the certificate of public facility adequacy in order to insure that adequate public facilities are available to serve the proposed **DEVELOPMENT** concurrent with when the impacts of the **DEVELOPMENT** occur on the public facilities.

4. *Procedure for review of application.*

a. *Submission of applications and fees.* The application for a certificate of public facility adequacy for road facilities only shall be submitted in duplicate to the Community **DEVELOPMENT** and Environmental Services Division Administrator. Such applications shall be submitted at the filing for the next **FINAL LOCAL DEVELOPMENT ORDER** as specifically provided for under section 10.02.07 C.1. All

other applications for a certificate (i.e., except for road facilities) shall be submitted at **BUILDING** permit along with final payment for any impact fees owed, including any road impact fees. Application fees in an amount to be determined by the board of county commissioners shall accompany and be part of the applications.

b. *Application contents.* The form and contents for the application for public facility adequacy, except for the road component, shall be established by the Community **DEVELOPMENT** and Environmental Services Division Administrator. In all cases, the **APPLICANT** shall provide a facsimile number at which communications and notifications from the county to the **APPLICANT** may be sent. The form and contents for the application for public facility adequacy for the roadway component shall be established by the Transportation Services Division Administrator. Complete applications in their entirety are necessary to allow proper and adequate review by both the Community **DEVELOPMENT** and Environmental Services Division and the Transportation Services Division. The form and contents for applications shall be published and made available to the general public.

c. *Determination of completeness and review.* Upon receipt of an application for certificate of public facility adequacy by the Community **DEVELOPMENT** and Environmental Services Division for road facilities, all copies of the application will be time and date stamped. One copy will be forwarded to the Transportation Services Division for processing no later than the next business day. After receipt of the application for certificate of public facility adequacy, the Community **DEVELOPMENT** and Environmental Services Division Administrator and Transportation Services Division Administrator shall determine whether its respective application is complete within five business days. If it is determined that any component of the application is not complete, written notice via facsimile shall be provided to the **APPLICANT** specifying the deficiencies. The Community **DEVELOPMENT** and Environmental Services Division Administrator and Transportation Services Division Administrator shall take no further action on the application unless the deficiencies are remedied. The **APPLICANT** shall provide the additional information within 60 days or the application will be considered withdrawn and the application fee is forfeited. Within 20 business days after any application

for a certificate except for road facilities is received and the application is determined to be complete, the Community **DEVELOPMENT** and Environmental Services Division Administrator shall review and grant, or deny each public facility component except for roads in the application pursuant to the standards established in section 10.02.07 C.5. of this Code. The Transportation Services Administrator shall review and grant, or deny a certificate of public facility adequacy for roads within 20 business days after the application is determined to be complete, subject to the approval of the final **DEVELOPMENT ORDER**.

d. *Appeal of public facilities determination.* Within 30 days after issuance of the determination of the Community **DEVELOPMENT** and Environmental Services Division Administrator and/or the Transportation Services Division Administrator on the application for a certificate of public facility adequacy, the **APPLICANT** may appeal the determination of to the Collier County Board of County Commissioners. A fee for the application and processing on 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** for a third party evaluation. The third party shall be an outside consultant who has been previously approved by the county for the purpose of providing independent review and recommendations on public facility adequacy determinations. The Board of County Commissioners shall hold a hearing on the appeal and shall consider the determination of the Community **DEVELOPMENT** and Environmental Services Division Administrator and the Transportation Services Division Administrator, independent third party testimony and public testimony in light of all the criteria set forth in section 10.02.07 C.5. The Board of County Commissioners shall adopt the Community **DEVELOPMENT** and Environmental Services Division Administrator's and the Transportation Services Division Administrator's determination on the application for a certificate of public facility adequacy with or without modifications or conditions, or reject the Community **DEVELOPMENT** and Environmental Services Division Administrator's and the Transportation Services Division Administrator's determination. The Board of County Commissioners shall not be authorized to modify or reject the Community **DEVELOPMENT** and Environmental Services Division Administrator's and the Transportation

Services Division Administrator's determination unless the Board of County Commissioners finds that the determination is not supported by substantial competent evidence or that the Community **DEVELOPMENT** and Environmental Services Division Administrator's and the Transportation Services Division Administrator's determination is contrary to the criteria established in section 10.02.07 C.5. of this code. The decision of the Board of County Commissioners shall include findings of fact for each of the criteria.

e. *Approval of certificate; payment for, and cancellation of certificates.* Upon notification by facsimile by the Community **DEVELOPMENT** and Environmental Services Division Administrator or his designee and the Transportation Services Division Administrator or his designee, that an application for a certificate of public facility adequacy for road facilities has been approved, one-half (50 percent) of the estimated transportation impact fees shall be paid. If the **APPLICANT** does not pick up the certificate and pay all applicable transportation impact fees within 90 days of notification by facsimile, the certificate will be voided. In such a case, the **APPLICANT** shall then be required to apply for issuance of a new certificate. All Collier County impact fees are due and payable at **BUILDING** permit issuance based on the applicable rate **STRUCTURE** at that time.

f. *Traffic Capacity Reservation* for all or part of the proposed **DEVELOPMENT** may be approved and secured at application pending approval of the final sub-division plat, site **DEVELOPMENT PLAN** or **BUILDING** permit upon acceptance of the TIS by the Transportation Administrator as part of a complete *Application Request (AR)* deemed sufficient for review for the proposed **DEVELOPMENT** by the CDES Division. The Transportation Administrator will notify the **APPLICANT** of any traffic capacity reservation via facsimile per section 10.02.07 C.4.c. Traffic capacity reservations will be awarded to the **DEVELOPMENT** upon: approval of the COA and final **DEVELOPMENT ORDER** per section 10.02.07 C.4.e. payment of road impact fees in accordance with section 10.02.07 C.4.e.; and Proportionate Share Payment, if applicable, in accordance with section 6.02.01. Traffic capacity reservations approved under this section will expire in one (1) year, from TIS approval and determination of available capacity, unless the **FINAL LOCAL DEVELOPMENT ORDER** for the **DEVELOPMENT**

is approved, or the Board approves an extension to the one (1) year time period.

g. *Proportionate Share Payments.* Proportionate share payments may be used to mitigate the impacts of a **DEVELOPMENT** on a deficient roadway link by more than a de minimis amount within a Transportation **CONCURRENCY** Management Area in which 85% of the north-south lane miles and 85% of the east-west lane miles are operating at or above the adopted LOS standards consistent with Policies 5.8 and 5.9 of the Comprehensive Plan Transportation Element. 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 of the Transportation Element. Any impact to a hurricane evacuation route operating below the adopted LOS within a TCMA shall require a proportionate share payment provided the remaining LOS requirements of the TCMA are maintained. Proportionate share payments under this section are determined subsequent to a finding of **CONCURRENCY** for a proposed project within a TCMA and do not influence the **CONCURRENCY** determination process. **DEVELOPMENT** of an individual single family residence will not be required to contribute or make a proportionate share payment under this section.

i. The proportionate share of the cost of improvements of such deficient roadways is calculated according to the following formula:

Project trips impacting deficient link/SV increase x
cost = proportionate share

1. Project trips = cumulative number of the trips from the proposed **DEVELOPMENT** expected to reach the roadway during the peak hour from the complete buildout of a stage or phase being approved.

2. SV increase = the change in peak hour maximum service volume of the roadway resulting from construction of the improvement necessary to maintain the adopted **LEVEL OF SERVICE**.

3. Cost = cost of construction, at the time of developer payment, of an improvement necessary to maintain the adopted **LEVEL OF SERVICE**. Construction cost includes all improvement associated costs, including engineering design, **RIGHT-OF-WAY** acquisition, planning, engineering, inspection, and other associated physical **DEVELOPMENT** costs directly required and associated with the construction of the improvement.

ii. The cost for a deficient roadway link shall be established using a typical "lane mile cost" of adding lanes to a roadway having a similar area type/facility type as determined by the Collier County Transportation Administrator.

5. *Standards for review of application.* The following standards shall be used in the determination of whether to grant or deny a certificate of public facility adequacy. Before issuance of a certificate of public facility adequacy, the application shall fulfill the standards for each public facility component (potable water, sanitary sewer, **SOLID WASTE**, drainage, parks and roads).

a. *Potable water facilities.*

i. The potable water component shall be granted if any of the following conditions are met:

(a) The required public facilities are in place at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat or **BUILDING** permit is issued.

(b) The required public facilities are under construction at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat or **BUILDING** permit is issued.

(c) The required public facilities are guaranteed in an enforceable **DEVELOPMENT AGREEMENT** that includes the provisions of section 10.02.07 above of this Code.

b. *Sanitary sewer facilities.*

i. The sanitary sewer component shall be granted if any of the following conditions are met:

(a) The required public facilities are in place at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat or **BUILDING** permit is issued.

(b) The required public facilities are under construction at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat or **BUILDING** permit is issued.

(c) The required public facilities are guaranteed in an enforceable **DEVELOPMENT AGREEMENT** that includes the provisions of sections (a) and (b).

c. **SOLID WASTE facilities.**

i. The **SOLID WASTE** component shall be granted if any of the following conditions are met:

(a) The required public facilities are in place at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat or **BUILDING** permit is issued.

(b) The required public facilities are under construction at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat or **BUILDING** permit is issued.

(c) The required public facilities are guaranteed in an enforceable **DEVELOPMENT AGREEMENT** that includes the provisions of subsections (a) and (b) above.

d. **DRAINAGE FACILITIES.** The drainage component shall be granted if the proposed **DEVELOPMENT** has a drainage and water management plan that has been approved by the Environmental Services Division that meets the LOS for capital **DRAINAGE FACILITIES** defined in section 6.02.01 D. of this Code.

e. *Park and recreation facilities.*

i. The parks and recreation component shall be granted if any of the following conditions are met:

(a) The required public facilities are in place at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat or **BUILDING** permit is issued.

(b) The required public facilities are under construction at the time a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat or **BUILDING** permit is issued.

(c) The required public facilities are the subject of a binding contract executed for the construction of those public facilities, which provides for the commencement of actual construction within one year of issuance of a final site **DEVELOPMENT PLAN**, final **SUBDIVISION** plat or a **BUILDING** permit.

(d) The required public facilities are guaranteed in an enforceable **DEVELOPMENT AGREEMENT** that includes the provisions of sections (a), (b), and (c) above

f. *Road facilities.* The road component shall be considered based upon whether the proposed **DEVELOPMENT** is outside a designated ASI or within a designated ASI.

i. *Road facilities.* The road component shall be considered based upon whether sufficient roadway and intersections capacity is available based on the findings of the Transportation Impact Statement (TIS), which shall be based upon the provisions of sections 3.02.02 H. and 6.02.02 K.

ii. **DEVELOPMENT** within designated area of significant influence (ASI). 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 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 degrade the LOS of the deficient road segment.

10.02.08 Submittal Requirements for Amendments to the Official Zoning and LDC

A. *Purpose and intent.* This zoning code and the official zoning atlas may, from time to time, be amended, supplemented, changed or repealed. Procedures shall be as follows:

B. *Initiation of proposals for amendment.* A zoning atlas amendment may be proposed by:

1. Board of county commissioners.
2. Planning commission.
3. Board of zoning appeals.
4. Any other department or agency of the county.
5. Any person other than those listed in 1-4 above; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which he does not own. The name of the owner shall appear in each application.

All proposals for zoning amendments shall be considered first by the planning commission in the manner herein set out.

All proposals for zoning amendments shall be submitted in writing to the office of the County Manager or his designee accompanied by all pertinent information required by this zoning code and which may be required by the planning commission for proper consideration of the matter, along with payment of such fees and charges as have been established by the board of county commissioners. No application for zoning amendment shall be

heard by the planning commission until such fees and charges have been paid.

C. Amendments

Amendments to this Code may be made not more than two times during any calendar year as scheduled by the county manager, except:

1. Any amendments to the **ACCESS** Management Plan maps (Appendix V) may be made more often than twice during the calendar year if related to, and if submitted and reviewed in conjunction with submittal and review of, the following types of **DEVELOPMENT ORDERS**: Rezoning, PUD amendment, **DEVELOPMENT** of Regional Impact (DRI) approval, DRI amendment, **CONDITIONAL USE**, Site **DEVELOPMENT PLAN** (SDP) approval, SDP amendment, **SUBDIVISION** approval (including plats, plans, and amendments), construction approval for infrastructure (including water, sewer, grading, paving), and **BUILDING** Permit (for single family **DWELLING** only).
2. Amendments to the Code (See section 10.02.10 A. below for requirements).

The procedure for amendment to this Code shall be as provided in section 10.03.05. This Code may only be amended in such a way as to preserve the consistency of the Code with the growth management plan.

10.02.09 Submittal Requirements for Text Amendments to the LDC

Amendments to this Code may be made not more than two times during any calendar year as scheduled by the county manager, except:

- A. Amendments to this Code may be made more often than twice during the calendar year if the Collier County Board of County Commissioners, by at least a super-majority vote, directs that additional amendments be made for specific purposes.

10.02.10 Submittal Requirements for Amendments to **DEVELOPMENT ORDERS [RESERVED]**

10.02.11. Submittal of Streetlight Plans.

- A. *Streetlights*. All **STREET** lighting plans shall be prepared by an electrical engineer.

10.02.12 **BUILDING** or Land **ALTERATION** Permits

A. **BUILDING** or land **ALTERATION** permit and certificate of occupancy compliance process.

1. *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.

2. *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.

3. *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.

a. 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.

b. 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.

4. *Adequate public facilities required.* No **BUILDING** or land **ALTERATION** permit or certificate of occupancy shall be issued except in accordance with the Collier County Adequate Public Facilities Ordinance, Ord. No. 90-24 (chapters 3, 6 and 10 of this Code) and Rule 9J-5.0055, F.A.C.

5. *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 of this Code; removal of **EXOTIC VEGETATION** shall be exempted upon receipt of a vegetation removal permit for exotics pursuant to Chapter 3 and this Chapter 10.

a. 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).

6. *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.

a. 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.

b. 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.

c. 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**.

10.02.13 Planned unit **DEVELOPMENT** (PUD) procedures.

A. *Application and PUD master plan submission requirements.* Applications for amendments to, or rezoning to PUD shall be in the form of a PUD master plan of **DEVELOPMENT** and a PUD document. The plan shall have been designed by an urban planner who possesses the education and experience to qualify for full membership in the American Institute of Certified Planners; and/or a landscape architect who possesses the education and experience to qualify for full membership in the American Society of Landscape Architects, together with either a practicing civil engineer licensed by the State of Florida, or a practicing architect licensed by the State of Florida, and shall be comprised, at a minimum, of the following elements:

1. *PUD master plan.* The PUD master plan shall include the following information to graphically illustrate the **DEVELOPMENT** strategy: The Community Character Plan For Collier County, Florida (April 2001) should be referenced as a guide for **DEVELOPMENT** and redevelopment in the PUD district:
 - a. The title of the project and name of the developer;
 - b. Scale, date, north arrow;
 - c. Boundaries of the subject property, all existing **STREETS** and pedestrian systems within the site, watercourses, **EASEMENTS**, land uses and zoning districts of **ABUTTING** property including book and page numbers of platted **PARCELS**, section lines, and other important physical features within and adjoining the proposed **DEVELOPMENT**;
 - d. Identification of all proposed tracts or increments illustrating boundaries within the PUD such as, but not limited to:

residential; office and retail; commercial; industrial; institutional; conservation/preservation; lakes and/or other water management facilities; **COMMON OPEN SPACE**; types of **BUFFERS** with a cross-section for any **BUFFER** which deviates from that which is otherwise required by the land **DEVELOPMENT** code; the location and function of all areas proposed for dedication or to be reserved for community and/or public use; and areas proposed for recreational uses including golf courses and related facilities, and provisions for ownership, operation, and maintenance. All non-residential tract dimensions and boundaries shall be illustrated on the master plan;

- e. Identification of all proposed and permitted land uses pursuant to section 2.03.06 of this Code within each tract or increment describing: acreage; proposed number of **DWELLING UNITS**; proposed **DENSITY** and percentage of the total **DEVELOPMENT** represented by each type of use; or in the case of commercial, industrial, institutional or office, the acreage and maximum gross leaseable floor area and an outline of the proposed **BUILDING** footprint and an indication of the proposed **BUILDING** height for each **STRUCTURE** within the individual tracts or increments. Descriptions of the relationship of the proposed land uses to each other within the PUD and to land uses **ABUTTING**/surrounding the project;
- f. The location and size (as appropriate) of all existing drainage, water, sewer, and other utility provisions;
- g. The location of all proposed major internal thoroughfares and pedestrian accessways, including interconnecting roadways within the PUD as well as with **ABUTTING** uses;
- h. Typical cross sections of all major, collector, and local **STREETS**, public or private, within the PUD;
- i. The location of proposed and existing roads, **RIGHTS-OF-WAY**, and pedestrian systems within 1,500 feet of the proposed PUD;
- j. The overall acreage and proposed **GROSS DENSITY** for the PUD;
- k. Information on previous and recent uses of land;
- l. Proposed vehicular ingress and egress points;
- m. Any other relevant information determined to be necessary by

the planning services department director.

2. *PUD document.* The **APPLICANT** shall submit data supporting and describing the application for rezoning to PUD in the form of a PUD document. The PUD document shall be submitted in both an electronic version and printed version in a format as established by the County Manager or his designee. The submittals shall conform to the most recent standardized format established by the planning services department director. The PUD document shall contain the following information unless determined by the director to be unnecessary to describe the **DEVELOPMENT** strategy:
 - a. Title page to include name of project;
 - b. Index/table of contents;
 - c. List of exhibits;
 - d. Statement of compliance with all elements of the growth management plan;
 - e. General location map drawn to scale, illustrating north point and relationship of the site to such external facilities as highways, shopping areas, cultural complexes and the like;
 - f. Property ownership and general description of site (including statement of unified ownership);
 - g. Description of project **DEVELOPMENT**;
 - h. Boundary survey (no more than six months old) and legal description;
 - i. Proposed and permitted land uses within each tract or increment;
 - j. Dimensional standards for each type of land use proposed within the PUD. Dimensional standards shall be based upon an established zoning district that most closely resembles the **DEVELOPMENT** strategy, particularly the type, **DENSITY** and intensity, of each proposed land use. All proposed variations or deviations from dimensional standards of the most similar zoning district shall be clearly identified. No deviations from the fire code will be permitted, except as otherwise allowed by that code;

- k. The proposed timing for location of, and sequence of phasing or incremental **DEVELOPMENT** within the PUD;
- l. The proposed location of all roads and pedestrian systems, with typical cross sections, which will be constructed to serve the PUD;
- m. Habitats and their boundaries identified on an aerial photograph of the site. Habitat identification will be consistent with the Florida Department of Transportation Florida Land Use Cover and Forms Classification System and shall be depicted on an aerial photograph having a scale of one inch equal to at least 200 feet when available from the county, otherwise, a scale of at least one inch equal to 400 feet is acceptable. Information obtained by ground-truthing surveys shall have precedence over information presented through photographic evidence. Habitat, plant and animal species protection plans as required by Chapter 3 shall apply;
- n. Environmental impact analysis pursuant to applicable provisions of section 10.02.02;
- o. Information about existing vegetative cover and soil conditions in sufficient detail to indicate suitability for proposed **STRUCTURES** and uses;
- p. The location and nature of all existing public facilities, such as schools, parks and **FIRE STATIONS** that will service the PUD;
- q. A plan for the provision of all needed utilities to serve the PUD; including (as appropriate) water supply, sanitary sewer collection and treatment system, stormwater collection and management system, pursuant to related county regulations and ordinances;
- r. Traffic impact analysis;
- s. Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the PUD and any of its common areas or facilities;
- t. **DEVELOPMENT** commitments for all infrastructure and related matters;
- u. When determined necessary to adequately assess the **COMPATIBILITY** of proposed uses to existing or other

proposed uses, relationship to **OPEN SPACE**, recreation facilities, or traffic impacts, or to assess requests for reductions in dimensional standards, the planning services department director may request schematic architectural drawings (floor plans, elevations, perspectives) for all proposed **STRUCTURES** and improvements, as appropriate;

- v. Deviations to sections of the land **DEVELOPMENT** code other than to dimensional standards related to **BUILDING** placement such as **YARD** requirements, **LOT** area requirements, **BUILDING** height and the like, shall be identified in the PUD document by citing the specific section number of the regulation and indicating the proposed modification to such regulation.

- 3. *Deviations from master plan elements.* The planning services department director may exempt a petition from certain required elements for the PUD master plan pursuant to section 10.02.12 of this Code when the petition contains conditions, which demonstrate that the element may be waived without a detrimental effect on the health, safety and welfare of the community. All exemptions shall be noted within the PUD submittal and provided the board of county commissioners.

B. *Procedures for planned unit **DEVELOPMENT** zoning.* Petitions for rezoning to PUD in accordance with section 10.02.12 shall be submitted and processed as for a rezoning amendment generally pursuant to section 10.02.12 and in accordance with the following special procedures:

- 1. *Preapplication conference.* Prior to the submission of a formal application for rezoning to PUD, the **APPLICANT** shall confer with the planning services department director and other county staff, agencies, and officials involved in the review and processing of such applications and related materials. The **APPLICANT** is further encouraged to submit a tentative land use sketch plan for review at the conference, and to obtain information on any projected plans or programs relative to possible applicable federal or state requirements or other matters that may affect the proposed PUD. This preapplication conference should address, but not be limited to, such matters as:
 - a. The suitability of the area for the type and pattern of **DEVELOPMENT** proposed in relation to physical characteristics of the land, surrounding areas, traffic and **ACCESS**, drainage, sewer, water, and other utilities.
 - b. Adequacy of evidence of unified control and suitability of any

proposed agreements, contract, or other instruments, or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense. Findings and recommendations of this type shall be made only after consultation with the county attorney.

- c. Conformity of the proposed PUD with the goals, objectives and policies of the growth management plan.
 - d. The internal and external **COMPATIBILITY** of proposed uses, which conditions may include restrictions on location of improvements, restrictions on design, and **BUFFERING** and screening requirements.
 - e. The adequacy of **USABLE OPEN SPACE** areas in existence and as proposed to serve the **DEVELOPMENT**.
 - f. The timing or sequence of **DEVELOPMENT** for the purpose of assuring the adequacy of available improvements and facilities, both public and private.
 - g. The ability of the subject property and of surrounding areas to accommodate expansion.
 - h. Conformity with PUD regulations, or as to desirable modifications of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.
2. *Prehearing conference.* Prehearing conferences may be held between the **APPLICANT** and/or his representatives and officials or representatives of the county prior to advertisement of the hearing date. The purpose of such prehearing conferences shall be to assist in bringing the application for rezoning to PUD as nearly as possible into conformity with the intent of these or other applicable regulations, and/or to define specifically any justifiable variations from the application of such regulations.
 3. *Staff review and recommendation.* Based upon evaluation of the factors set forth above, the county staff shall prepare a report containing their review findings, and a recommendation of approval or denial.

4. *Hearing before the planning commission.* Public notice shall be given and a public hearing held before the planning commission on the application for rezoning to PUD. Both the notice and the hearing shall identify the application, by name and application number, proposed PUD master plan of **DEVELOPMENT**, and required statements as they may have been amended as a result of the prehearing conference conducted pursuant to section 10.02.12.
5. *Planning commission recommendation.* The planning commission shall make written findings as required in section 10.02.08 and as otherwise required in this section and shall recommend to the board of county commissioners either approval of the PUD rezoning as proposed; approval with conditions or modifications; or denial. In support of its recommendation, the planning commission shall make findings as to the PUD master plan's compliance with the following criteria in addition to the findings in section 10.02.08.
 - a. The suitability of the area for the type and pattern of **DEVELOPMENT** proposed in relation to physical characteristics of the land, surrounding areas, traffic and **ACCESS**, drainage, sewer, water, and other utilities.
 - b. Adequacy of evidence of unified control and suitability of agreements, contract, or other instruments, or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense. Findings and recommendations of this type shall be made only after consultation with the county attorney.
 - c. Conformity of the proposed PUD with the goals, objectives and policies of the growth management plan.
 - d. The internal and external **COMPATIBILITY** of proposed uses, which conditions may include restrictions on location of improvements, restrictions on design, and **BUFFERING** and screening requirements.
 - e. The adequacy of **USABLE OPEN SPACE** areas in existence and as proposed to serve the **DEVELOPMENT**.
 - f. The timing or sequence of **DEVELOPMENT** for the purpose of assuring the adequacy of available improvements and facilities, both public and private.

- g. The ability of the subject property and of surrounding areas to accommodate expansion.
 - h. Conformity with PUD regulations, or as to desirable modifications of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.
6. *Action by board of county commissioners.* Unless the application is withdrawn by the **APPLICANT** or deemed "closed" pursuant to section 2.03.06 of this Code, the board of county commissioners shall, upon receipt of the planning commission's recommendation, advertise and hold a public hearing on the application. The notice and hearing shall be on the application, PUD master plan of **DEVELOPMENT** and PUD document, as recommended by the planning commission to the board of county commissioners. The board of county commissioners shall either grant the proposed rezoning to PUD; approve with conditions or modifications; or deny the application for PUD rezoning.

C. *Effect of planned unit **DEVELOPMENT** zoning.* If approved by the county board of commissioners, the master plan for **DEVELOPMENT**, the PUD document and all other information and materials formally submitted with the petition shall be considered and adopted as an amendment to the zoning code and shall become the standards for **DEVELOPMENT** for the subject PUD. Thenceforth, the **DEVELOPMENT** in the area delineated as the PUD district on the official zoning atlas shall proceed only in accordance with the adopted **DEVELOPMENT** regulations and the PUD master plan for said PUD district, except that approval and adoption of a PUD ordinance or PUD master plan does not act to authorize or vest the location, design, capacity, or routing of traffic for any **ACCESS** point depicted on, or described in, such ordinance or plan.

Before **DEVELOPMENT** of any type may proceed, all agreements, conditions of approval, and contracts required, but not approved at the time of amending action, shall be approved by appropriate officers or agencies of the county. Issuance of a final **DEVELOPMENT ORDER** within any tract or increment within the PUD shall first require compliance with all sections of the Collier County **SUBDIVISION** regulations (Chapter 10) and/or the site **DEVELOPMENT PLAN** regulations (section 10.02.03) as appropriate.

D. *Time limits for approved PUDs.* For purposes of this section, the word "sunset" or "sunsetting" shall be the term used to describe a PUD which has, through a determination made by the planning services department

director, not met the time frames and **DEVELOPMENT** criteria outlined in section 10.02.12 of this Code as applicable. For all PUDs, the owner entity shall submit to the planning services department director a status report on the progress of **DEVELOPMENT** annually from the date of the PUD approval by the board of county commissioners. The purpose of the report will be to evaluate whether or not the project has commenced in earnest in accordance with the following criteria:

1. *For PUDs approved prior to October 24, 2001 the landowner(s) shall:*

- a. Obtain approval for improvements plans or a **DEVELOPMENT ORDER** for all infrastructure improvements to include utilities, roads and similar improvements required by the approved PUD master Plan or other **DEVELOPMENT ORDERS** for at least 15 percent of the gross land area of the PUD site every five years from the date of approval by the board of county commissioners; and
- b. Receive **FINAL LOCAL DEVELOPMENT ORDERS** for at least 15 percent of the total number of approved **DWELLING UNITS** in the PUD, or in the case of PUDs consisting of nonresidential uses, 30 percent of the total approved gross leasable floor area within the PUD every six years from the date of approval by the board of county commissioners.
- c. Any PUD approved before October 24, 2001 that receives subsequent amendment approval shall be subject to the **DEVELOPMENT** criteria and time limits established for those PUDs approved on or after October 24, 2001 as outlined in section 10.02.12 of this Code.

2. *For PUDs approved on or after October 24, 2001 the land owner shall:*

- a. For residential portions of PUDs, initiate physical **DEVELOPMENT** of infrastructure improvements, including **ACCESS** roads, internal roads, sewer and water utilities and any other related infrastructure, that supports a minimum of 15 percent of the designated residential area or areas of the PUD by the third anniversary date of the PUD approval. An additional 15 percent of such infrastructure shall be completed every year thereafter until PUD buildout; and
- b. For the nonresidential portions of PUDs and commercial and industrial PUDs the owner entity shall initiate physical

DEVELOPMENT of a minimum of 15 percent of authorized floor area when approved on the basis of a defined amount of floor space, by the third anniversary date of the PUD approval. In the event the floor area is not the defining intensity measure, then 25 percent of the land area to include some representative portion of the **BUILDING** space shall be constructed by the third anniversary of the PUD approval date. The same amount of **DEVELOPMENT** shall be required every year thereafter up to an amount representing 75 percent of authorized buildable area and floor area. Thereafter the PUD shall be exempt from these sunset provisions.

- c. If in the event of a moratorium or other action of government that prevents the approval of any final **DEVELOPMENT ORDER** the duration of the suspension of the approval shall not be counted towards the three-year sunset provision.
3. Infrastructure improvements as required above shall be located on site and shall constitute infrastructure that makes possible vertical construction consistent with the permitted land uses. Acceleration lanes, entry road **ACCESS** and the like do not count towards meeting the required levels of infrastructure improvements as required above.
4. *PUD sunseting.* Prior to or any time after the planning services department director determines that a PUD has sunsetted, then the property owner shall initiate one of the following:
 - a. Request for a PUD extension; or
 - b. Request for PUD amendment.
5. *Board of county commissioners action on PUDs which have sunsetted.* Upon review and consideration of the appropriate application, or the status report provided by the property owner and any supplemental information that may be provided, the board of county commissioners shall elect one of the following:
 - a. To extend the current PUD approval for a maximum period of two years; at the end of which time, the property owner shall again submit to the procedure as defined herein, however no further **DEVELOPMENT ORDER** applications shall be processed by the county until the PUD is officially extended.
 - b. Approve or deny an application for a PUD amendment. The existing PUD shall remain in effect until subsequent action by

the board of county commissioners on the submitted amendment to the PUD, however no further **DEVELOPMENT ORDER** applications shall be processed by the county until the PUD is officially amended.

- c. Require the owner to submit an amended PUD. The existing PUD shall remain in effect until subsequent action by the board of county commissioners on the submitted amendment to the PUD, however no further **DEVELOPMENT ORDER** applications shall be processed by the county until the PUD is officially amended.
 - i. If the owner fails to submit an amended application to the PUD within six months of the action of the board of county commissioners to require such a submittal, or the board denies the request to amend the PUD, then the board of county commissioners may initiate proceedings to rezone the unimproved portions of the original PUD to an appropriate zoning classification consistent with the future land use element of the growth management plan.
6. *PUD time limit extensions.* Extensions of the time limits for a PUD may be approved by the board of county commissioners. An approved PUD may be extended as follows:
- a. Maximum extension: There shall be a maximum of two extensions. The first may be granted for a maximum of two years from the date of original approval. The second extension, may be granted for an additional two years from the date of expiration of the first extension.
 - b. Approval of an extension shall be based on the following:
 - i. The PUD and the master plan is consistent with the current growth management plan including, but not limited to, **DENSITY**, intensity and **CONCURRENCY** requirements;
 - ii. The approved **DEVELOPMENT** has not become incompatible with existing and proposed uses in the surrounding area as the result of **DEVELOPMENT** approvals issued subsequent to the original approval of the PUD zoning; and
 - iii. approved **DEVELOPMENT** will not, by itself or in conjunction with other **DEVELOPMENT**, place an

unreasonable burden on essential public facilities.

- c. An extension request shall consist of the following:
 - i. A completed application form provided to the property owner by the county; and
 - ii. A copy of the original PUD approval ordinance; and
 - iii. A written statement describing how the criteria listed in subsection 10.02.12 of this Code have been met; and
 - iv. A fee paid in accordance with the county fee resolution.
 - v. Any other information the County Manager or his designee deems necessary to process and evaluate the request.
 - d. No more than two extensions may be granted for any **DEVELOPMENT** original approval date.
 - e. Any PUD developer who has not commenced **DEVELOPMENT** pursuant to the sunset provisions set forth in section 10.02.12 of this Code within ten years of the original PUD approval date shall submit a new rezoning application.
7. *Retention of existing PUD status.* Once a PUD has sunsetted the land shall retain its existing PUD zoning status, however applications for additional **DEVELOPMENT ORDERS** shall not be processed until one of the following occurs:
- a. The board of county commissioners approves a request for extension of PUD zoning status.
 - b. The board of county commissioners approves an amendment to the existing PUD.

Should the planning services department director determine that **DEVELOPMENT** has commenced in earnest, then the land shall retain its existing PUD approval and shall not be subject to additional review and consideration of new **DEVELOPMENT** standards or use modification pursuant to the provisions for time limits for approved PUDs.

In the case of **DEVELOPMENTS** of regional impact, PUD time limit restrictions shall be superseded by the phasing plan and/or time

limits contained within the application for **DEVELOPMENT** approval and approved as part of a **DEVELOPMENT ORDER** in conformance with F.S. § 380.06.

E. *Changes and amendments.*

1. *Substantial/insubstantial changes.* Any substantial change(s) to an approved PUD master plan shall require the review and recommendation of the planning commission and approval by the board of county commissioners prior to implementation. Any insubstantial change(s) to an approved PUD master plan shall require approval by the planning commission. For the purpose of this section, a substantial change shall be deemed to exist where:
 - a. There is a proposed change in the boundary of the PUD; or
 - b. There is a proposed increase in the total number of **DWELLING UNITS** or intensity of land use or height of **BUILDINGS** within the **DEVELOPMENT**;
 - c. There is a proposed decrease in preservation, conservation, recreation or **OPEN SPACE** areas within the **DEVELOPMENT** not to exceed five percent of the total acreage previously designated as such, or five acres in area;
 - d. There is a proposed increase in the size of areas used for nonresidential uses, to include institutional, commercial and industrial land uses (excluding preservation, conservation or **OPEN SPACES**), or a proposed relocation of nonresidential land uses;
 - e. There is a substantial increase in the impacts of the **DEVELOPMENT** which may include, but are not limited to, increases in traffic generation; changes in traffic circulation; or impacts on other public facilities;
 - f. The change will result in land use activities that generate a higher level of vehicular traffic based upon the Trip Generation Manual published by the Institute of Transportation Engineers;
 - g. The change will result in a requirement for increased stormwater retention, or will otherwise increase stormwater discharges;
 - h. The change will bring about a relationship to an **ABUTTING** land use that would be incompatible with an **ADJACENT** land use;

- i. Any modification to the PUD master plan or PUD document or amendment to a PUD ordinance which is inconsistent with the future land use element or other element of the growth management plan or which modification would increase the **DENSITY** or intensity of the permitted land uses;
- j. The proposed change is to a PUD district designated as a **DEVELOPMENT** of regional impact (DRI) and approved pursuant to F.S. § 380.06, where such change requires a determination and public hearing by Collier County pursuant to F.S. § 380.06(19). Any change that meets the criterion of F.S. § 380.06(19)(e)2, and any changes to a DRI/PUD master plan that clearly do not create a substantial deviation shall be reviewed and approved by Collier County under this section 10.02.12 of this Code; or
- k. Any modification to the PUD master plan or PUD document or amendment to a PUD ordinance which impact(s) any consideration deemed to be a substantial modification as described under this section 10.02.12.

2. *Procedure for substantial/insubstantial change determination.*

- a. The **APPLICANT** shall provide the planning services department director documentation which adequately describes the proposed changes along with the appropriate review fee prior to review by the planning commission. The PUD master plan map shall show all data normally required for submittal of a PUD master plan unless it is otherwise determined not to be necessary, describing the proposed changes in: land use; **DENSITIES**; infrastructure; **OPEN SPACE**, preservation or conservation areas; area of **BUILDING** square footage proposed for nonresidential **DEVELOPMENT**; change in potential intensity of land use and related automobile trip movements, and relationships to **ABUTTING** land uses. In addition, the **APPLICANT**, for evaluation of PUD master plan revisions, shall provide a detailed written narrative describing all of the change(s) and the reasons for the request. Upon receipt of the amended PUD master plan, the planning services department director shall review said plan against criteria established within section 10.02.12 E.1 above and may forward the plan to any other agency, division or authority deemed necessary for review and comment.

3. *Substantial changes procedures.* Changes, as identified in section

10.02.12 E.1, shall be considered substantial changes to the approved PUD master plan, and the **APPLICANT** shall be required to submit and process a new application complete with pertinent supporting data, as set forth in sections 10.02.12 A. and B.

4. *Insubstantial changes procedures.* Any insubstantial change(s) to an approved PUD master plan based upon an evaluation of subsection 10.02.12 E.1 shall require the review and approval of the planning commission based on the findings and criteria used for original applications as an action taken at a regularly scheduled meeting.
5. *Language changes.* Language changes to a previously approved PUD document shall require the same procedure as for amending the official zoning atlas.
6. *Minor changes not otherwise provided for.* It shall be understood that, while a PUD is required to describe and provide for infrastructure, intended land use types, approximate acreages of internal **DEVELOPMENT** tracts, and **COMPATIBILITY** with **ADJACENT** land uses, minor changes may become necessary during the **SUBDIVISION** or site **DEVELOPMENT PLAN** review processes.
7. **EDUCATIONAL and ANCILLARY PLANTS exception.** When a PUD is amended for the sole purpose of adding an educational and/or **ANCILLARY PLANT**, that PUD will not be subject to the review process outlined in section 10.02.12 E. The review conducted will be limited to the impacts that the educational or **ANCILLARY PLANT** will have on the surrounding uses.
8. The County Manager or his designee shall also be authorized to allow minor changes to the PUD master plan during its **SUBDIVISION** improvements plan or site **DEVELOPMENT PLAN** process to accommodate topography, vegetation and other site conditions not identified or accounted for during its original submittal and review and when said changes have been determined to be compatible with **ADJACENT** land uses, have no impacts external to the site, existing or proposed, and is otherwise consistent with the provisions of this code and the growth management plan. Such changes shall include:
 - a. Internal realignment of **RIGHTS-OF-WAY**, including a relocation of **ACCESS** points to the PUD itself; where no water management facility, conservation/preservation areas, or required **EASEMENTS** are affected or otherwise provided for.

- b. Relocation of **BUILDING** envelopes when there is no encroachment upon required conservation or preservation areas.
- c. Relocation of swimming pools, clubhouses, or other recreation facilities when such relocation will not affect **ADJACENT** properties or land uses.
- d. Relocation or reconfiguration of lakes, ponds, or other water facilities subject to the submittal of revised water management plans, or approval of the environmental advisory board where applicable.

Minor changes of the type described above shall nevertheless be reviewed by appropriate staff to ensure that said changes are otherwise in compliance with all county ordinances and regulations prior to the planning services department director's consideration for approval.

F. *Monitoring requirements.* In order to ensure and verify that approved project **DENSITIES** or intensities of land will not be exceeded and that **DEVELOPMENT** commitments will be fulfilled, annual monitoring reports must be submitted by the owner(s) of a PUD to the County Manager or his designee. The monitoring report must be prepared in a County approved format to include an affidavit executed by the property owner(s) attesting that the information contained in the monitoring report is factually correct and complete, submitted annually, on each anniversary of the date said PUD was approved by the board until the PUD is completely constructed and all commitments in the PUD document/master plan are met (built out). The monitoring report must provide the following information:

1. Name of project.
2. Name of owner.
3. Number of units, by residential type; square footage and acreage of recreation facilities, commercial and other permitted uses; infrastructure and/or other uses which are complete and approved or for which a valid permit has been issued, but which have not been completed and any on-site or off-site commitments completed and approved as of the due date of the monitoring report.
4. Up-to-date PUD master plan showing infrastructure, projects/**DEVELOPMENTS**, plats, **PARCELS** and other pertinent information, including on-site or off-site commitments.

5. Traffic counts for all **ACCESS** points to the **ADJACENT** roadway network.
6. Copies of all required monitoring reports completed in past year (i.e., traffic, wellfield, etc.).
7. Up-to-date PUD document which includes all approved amendments as of the date of the monitoring report.
8. Status of commitments in PUD document, including projected completion dates if then established.
9. Other information as may be required by County Manager or his designee.
10. Affidavit form drafted and supplied by Collier County to be executed by the owner(s) of the PUD.

Change of ownership. A change in ownership shall not absolve the original owner of the requirement to file an annual monitoring report. Transferring responsibility for filing the annual monitoring report to an entity other than the original owner may be demonstrated in the form of an executed agreement between the original owner and the new entity which when filed with the planning services department director shall automatically transfer responsibility for filing the annual monitoring report.

G. *Violations.* Violation of this section shall be enforced as provided in section 8.08.00.

H. *Interpretations of PUD documents.* The planning services department director shall be authorized to interpret the PUD document and PUD master plan.

I. *Applicability.* All applications for either a PUD rezoning or an amendment to an existing PUD document or PUD master plan submitted after January 8, 2003, shall comply with the amended procedures set forth in section 2.02.12 of this Code. All PUDs existing and future, shall comply with the sunset provisions established pursuant to section 2.02.12 D. of this Code.

1. All applications for a PUD rezoning or an amendment to an existing PUD document or PUD master plan whether submitted before or after [the effective date of this ordinance], shall comply with the processing time procedures set forth in this section of the Code.

10.02.14 Landscape Plans

A. *Landscape plan required.* Prior to the issuance of any preliminary **SUBDIVISION** plat, final site **DEVELOPMENT PLAN**, or **BUILDING** permit, an **APPLICANT** whose **DEVELOPMENT** is covered by the requirements of this section must submit a landscape plan to the County Manager or his designee. The landscape plan must bear the seal of a Landscape Architect registered in the State of Florida. The landscaping required for single-family, two family, and **MOBILE HOME DWELLING UNITS** must be shown on the **BUILDING** permit plot plan. This plan is not required to bear the seal of a landscape architect.

The landscape plan must be drawn to a suitable scale, include dimensions, north arrow, date, title, project owner's name, delineate the existing and proposed parking, **VEHICULAR USE AREAS, BUILDINGS, ACCESS** points, and roadways, show all utility lines or **EASEMENTS**, and show the location of existing and proposed planting areas and vegetation communities and designate them by species name. The code-required landscaping must be highlighted or indicated on the plan to differentiate from the **APPLICANT'S** provided landscaping that is in addition to that required by this Code. Design creativity is encouraged so long as it meets the intent of this Code. The plan must show the location of permanent vegetation protection devices, such as barricades, curbing, and tree wells. The plan must also include a plant legend indicating graphic plant symbol, botanical and common name, quantity, height, spread, spacing, native status, drought tolerance rating (as defined by "Xeriscape Plan Guide II" published by South Florida Water Management District, West Palm **BEACH, FL**) and type of mulch. The plan must show tree and palm staking details per accepted industry practices and standards. In addition, a tabulation of the code-required landscaping indicating the calculations necessary to insure compliance with this Code must also appear. A certificate of occupancy must not be issued until approval of the landscaping plan and installation of plants and materials consistent with that approved plan has been completed and inspected by the County.

1. *Public* **EDUCATIONAL FACILITIES** and Plant, **ANCILLARY PLANT, and AUXILLARY FACILITY.**

ESSENTIAL SERVICES including Collier County Public Schools (CCPS) / public Educational and **ANCILLARY PLANTS**, and other public facility projects developed jointly with CCPS may demonstrate that the intent of this division can be effectively accomplished without meeting specific **DEVELOPMENT** standards. The **APPLICANT** must request an administrative review of the alternative design, as outlined in paragraph (a) below. The deviations are limited to quantity of plant material and the School district must demonstrate that the deviation is necessary as a result of an educational program or joint use of the school site with another public facility or use.

a. *Procedure.*

In addition to the base submittal requirements, **APPLICANTS** shall clearly label the plan submitted as an "Alternative Landscape Code Plan". This plan shall reference the deviations on the plan. An **APPLICANT** must submit a narrative description identifying the code **DEVELOPMENT** standards required by this section which will be addressed through the alternative approach. The County Manager or his designee will administratively review submittal documents for consistency with the intent of this division. If the plan is approved through this provision, the approved deviations must be specifically noted and the basis of the approval must be stated within the site **DEVELOPMENT PLAN** approval letter. Deviations approved will be applicable only to the specific design and plan reviewed. Modifications of an approved design will void the deviation request and require resubmittal to planning services staff for re-evaluation of the request in the context of the amended design and plan.

b. *Exemption*

An administrative deviation is not required for specific standards relating to placement of plant materials if the intent of the Code can nonetheless be carried out without meeting these standards. The intent of the division can be demonstrated by detailing a specific health, safety, or welfare concern as defined by SREF or as may be unique to a specific site or educational program that would override the need to provide plant materials. A copy of SREF, as may be amended, is available in the records room in the Community **DEVELOPMENT** and Environmental Services Division **BUILDING**.

B. *Irrigation plan required.* Prior to the issuance of any **SUBDIVISION** plat or final site **DEVELOPMENT PLAN**, an **APPLICANT** whose **DEVELOPMENT** is subject to the requirements of this section shall submit a separate irrigation plan to the County Manager or his designee. The plan shall be prepared by persons qualified to prepare irrigation plans, such as an irrigation designer or landscape architect.

The irrigation plan shall be drawn at the same scale as the landscape plan to: show existing vegetation to remain; delineate existing and proposed **BUILDINGS** and other site improvements, parking spaces, aisles, and **DRIVEWAYS**; indicate main, valve, and pump locations, pipe sizes and specifications; show controller locations and specifications; show backflow preventer and rain-sensing devices and include a typical sprinkler zone plan indicating type, specifications and spacing, and coverage. If drip irrigation or soaker hoses are proposed, their layout shall be shown.

Irrigation systems shall be designed to avoid impacts with existing vegetation. Field changes may be made to avoid disturbance of such vegetation, such as line routing, sprinkler head placement, and spray direction adjustments.

C. *Existing plant communities.* Existing plant communities and ecosystems shall be maintained in a natural state and shall not be required to be irrigated. Native plant areas that are supplements to an existing plant community or newly installed by the **APPLICANT** shall be irrigated on a temporary basis only during the period of establishment from a temporary irrigation system, water truck, or by hand watering with a hose.

10.03.00 NOTICE REQUIREMENTS

10.03.01 **Generally** *[Reserved]*

10.03.02 **Posting SIGNS Required** *[Reserved]*

10.03.03 **Mailed Notice Requirements** *[Reserved]*

10.03.04 **Published Notice Requirements** *[Reserved]*

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**

A. *Notice and public hearing where proposed amendment would not change zoning classification of land.* Ordinances or resolutions initiated by the board of county commissioners or its designee which do not actually change the official zoning atlas (the zoning designation applicable to a piece of property) but do affect the use of land, including, but not limited to, land **DEVELOPMENT** regulations as defined in F.S. § 163.3202, regardless of the percentage of the total land area of the county actually affected, shall be enacted or amended pursuant to the following public notice and hearing requirements by the planning commission and the board of county commissioners:

1. The planning commission shall hold one advertised public hearing on the proposed ordinance or resolution. No request for establishment or amendment of a regulation that affects the use of land may be considered by the planning commission until such time as notice of a public hearing on the proposed amendment has been given to the citizens of Collier County by publication of a notice of the hearing in a newspaper of general circulation in the county, at least 15 days in advance of the public hearing.

2. The board of county commissioners shall hold at least one advertised public hearings on the proposed ordinance or resolution.

The regular enactment procedure for such ordinance or resolution shall be as follows: The board of county commissioners at any regular or special meeting may enact or amend the ordinance or resolution if notice of intent to same is given at least 10 days prior to said meeting by publication in a newspaper of general circulation in the county. A copy of such notice shall be kept available for public inspection during regular business hours of the office of clerk to the board of county commissioners. The notice of proposed enactment shall state the date, time and place of the meeting, the title of the proposed ordinance or resolution, and the place or places within the county where such proposed ordinance or resolution may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance or resolution.

B. *Notice and public hearing where proposed amendment would change zoning classification of land and for **CONDITIONAL USES** and variances.* In the case of an application for the rezoning of land, to include rezonings, **CONDITIONAL USES** and variances initiated by other than the board of county commissioners or amendments to planned unit **DEVELOPMENTS**, such provisions shall be enacted or amended pursuant to the following public notice and hearing requirements by the planning commission and the board of county commissioners. Rezoning, **CONDITIONAL USE** and variance petitions initiated by the board of county commissioners or its agencies for county owned land shall be subject to these provisions.

1. A **SIGN** shall be posted at least 15 days prior to the date of the public hearing by the planning commission. The **SIGN** to be posted shall contain substantially the following language and the **SIGN'S** copy shall utilize the total area of the **SIGN**:

PUBLIC HEARING TO REZONE THIS PROPERTY:

FROM _____ TO _____

TO PERMIT: _____

DATE: _____

TIME: _____

(or where applicable the following:)

PUBLIC HEARING REQUESTING
CONDITIONAL USE (VARIANCE) APPROVAL

(both to contain the following information:)

TO PERMIT: (Sufficiently clear to describe the project)

DATE: _____

TIME: _____

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

The area of the **SIGNS** shall be as follows:

a. For properties less than one acre in size, the **SIGN** shall measure at least one and one-half square feet in area.

b. For properties one acre or more in size, the **SIGN** shall measure at least 32 square feet in area.

2. In the case of **SIGNS** located on properties less than one acre in size, a **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. Where the property for which approval is sought is landlocked or for some other reason the **SIGNS** cannot be posted directly on the subject property, then the **SIGN** or **SIGNS** shall be erected along the nearest **STREET RIGHT-OF-WAY**, with an attached notation indicating generally the distance and direction to the subject property.

3. In the case of **SIGNS** located on properties one acre or more in size, the **APPLICANT** shall be responsible for erecting the required **SIGN(S)**. A **SIGN** shall be erected in full view of the public on each **STREET** upon which the subject property has **FRONTAGE**. Where the subject property is landlocked, or for some other reason the **SIGNS** cannot be posted directly on the property, then the **SIGN** or **SIGNS** 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 planning commission, whichever has

jurisdiction. The **SIGNS** 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 written notification by the planning services department director from the **APPLICANT** requesting to withdraw the petition or requesting its indefinite continuance.

4. The planning commission shall hold one advertised public hearing. Notice of the time and place of the public hearing by the planning commission shall be sent at least 15 days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.

5. Notice of the time and place of the public hearing by the planning commission shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the public hearing. Where applicable, the notice shall clearly describe the proposed land uses, applicable **DEVELOPMENT** standards, intensity or **DENSITY** in terms of total floor area of commercial or industrial space and **DWELLING UNITS** per acre for residential projects, and a description of the institutional or recreational uses when part of the **DEVELOPMENT** strategy. The advertisement shall also include a location map that identifies the approximate geographic location of the subject property.

6. For subject properties located within the urban designated area of the future land use element of the growth management plan, notice of the time and place of the public hearing by the planning commission shall be sent by the county twice. The first notice shall be sent no less than 30 days after the receipt of a sufficient application by the planning services department. The second notice shall be sent at least 15 days in advance of the hearing. Both notices shall be sent by mail to all owners of property within 500 feet of the property lines of the land for which an approval is sought; provided, however, that where the land for which the approval is sought is part of, or **ADJACENT** to, land owned by the same person, the 500 foot distance shall be measured from the boundaries of the entire ownership or PUD, except that notice need not be mailed to any property owner located more than one-half mile (2,640 feet) from the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.

7. For subject properties located within areas of the future land use element of the growth management plan that are not designated urban, all of the foregoing notice requirements apply, except that written notification must be sent to all property owners within 1,000 linear feet of the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have formally requested the county to be notified.

8. 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 at least 15 days prior to the public hearing.

9. The clerk to the board of county commissioners shall notify by mail each real property owner whose land is subject to rezoning, or PUD amendment, and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution. Such notice shall be given at least 15 days prior to the date set for the public hearing, and a copy of such notices shall be kept available for public inspection during the regular business hours of the clerk to the board of county commissioners.

10. The board of county commissioners shall hold one advertised public hearing on the proposed ordinance or resolution and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.

*C. Notice and public hearing where proposed amendment initiated by the board of county commissioners would change the zoning map designation of a **PARCEL** or **PARCELS** of land involving less than ten contiguous acres of land. In cases in which the proposed comprehensive rezoning action, including but not limited to those provided for in the Zoning Reevaluation Ordinance (90-23) [Code ch. 106, art. II], initiated by the board of county commissioners or its designee involves less than ten contiguous acres of land [such provisions] shall be enacted or amended pursuant to the following public notice and hearing requirements by the planning commission and the board of county commissioners.*

1. The planning commission shall hold one advertised public hearing. Notice of the time and place of the public hearing by the planning commission shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the date of the public hearing. Notice of the time and place of the public hearing by the planning commission shall be sent at least 15

days in advance of the hearing, by mail, to the owner of the properties whose land will be rezoned by enactment of the ordinance or resolution, whose address is known by reference to the latest ad valorem tax records.

2. A notice advising of the hearing by the board of county commissioners to consider rezoning properties shall be sent by mail [to] each real property owner whose land will be redesignated by enactment of the ordinance or resolution and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution as it affects the property owner and shall set a time and place for the public hearing on such ordinance or resolution. Such notice shall be given at least 30 days prior to the date set for the public hearing. Additionally, 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 ten days prior to the public hearing. A copy of such notice shall be kept available for public inspection during regular business hours of the office of the clerk of the board of county commissioners. The notice of the proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

3. The board of county commissioners shall hold one advertised public hearing on the proposed ordinance or resolution and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.

*D. Notice and public hearing requirements where proposed amendment initiated by the board of county commissioners would change the zoning map designation of a **PARCEL** or **PARCELS** involving ten contiguous acres or more of land in the county or would change the actual list of permitted, conditional, or prohibited uses of land within a zoning category.* Ordinances or resolutions initiated by the board of county commissioners which propose to change to the zoning map designation of a **PARCEL** or **PARCELS** of land involving ten acres or more of land, or which changes the actual list of permitted, conditional or prohibited uses of land within a zoning category shall be enacted or amended pursuant to the following minimum public notice and hearing requirements:

1. The planning commission shall hold at least one advertised public hearing unless the planning commission elects by a majority decision to hear such ordinance or resolution to be heard at two

public hearings before the planning commission. If there is only one hearing required before the planning commission, that hearing shall be held after 5:00 p.m. on a weekday, and if there are two hearings required before the planning commission, then at least one of the required hearings shall be held after 5:00 p.m. on a weekday, and in which case the first hearing shall be held approximately seven days after the day that the first advertisement is published. The second hearing will be held approximately two weeks after the first hearing and shall be advertised approximately five days prior to the public hearing. The day, time and place of a second public hearing shall be announced at the first public hearing.

2. The required advertisements for the planning commission public hearings shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to F.S. ch. 50, not one of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least five days per week unless the only newspaper in the community is published less than five days per week. The advertisement shall be in the following form:

NOTICE OF ZONING CHANGE

The (name of local government unit) proposes to rezone the land within the area shown in the map in this advertisement.

A public hearing on the rezoning will be held on (date and time) at (meeting place).

3. The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major **STREET** names as a means of identification of the area.

4. The board of county commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. At least one hearing shall be held after 5:00 p.m. on a weekday, unless the board of county commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least seven days after the day that

the first advertisement is published. The second hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing.

5. The required advertisements shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to F.S. ch. 50, not one of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least five days a week unless the only newspaper in the community is published less than five days a week. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The (name of local government unit) proposes to adopt the following by ordinance or resolution.

A public hearing on the ordinance or resolution will be held on (date and time) at (meeting place).

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area within the local government covered by the proposed ordinance or resolution. The map shall include major **STREET** names as a means of identification of the general area.

6. In lieu of publishing the advertisement set out in this paragraph, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution.

E. *Public participation requirements for rezonings, PUD amendments, **CONDITIONAL USES**, variances or parking exemptions.*

1. **APPLICANTS** requesting a rezoning, PUD amendment, or **CONDITIONAL USE** approval must conduct at least one

Neighborhood Informational Meeting ("NIM") after initial staff review and comment on the application and before the Public Hearing is scheduled with the Planning Commission. The appropriate number of staff reviews of the application returned before the NIM can be held will be at the discretion of the County Manager or his designee, only in cases where one or two pending reviews are unnecessarily hindering the **APPLICANT** from presenting the proposal to the public. Written notice of the meeting shall be sent to all property owners who are required to receive legal notification from the county pursuant to section 10.02.12 C. Notification shall also be sent to property owners, **CONDOMINIUM** and civic associations whose members are impacted by the proposed land use changes and who have formally requested the county to be notified. A list of such organizations must be provided and maintained by the county, but the **APPLICANT** must bear the responsibility of insuring that all parties are notified. A copy of the list of all parties noticed as required above, and the date, time, and location of the meeting, must be furnished to the planning services department and the office of the board of county commissioners no less than ten days prior to the scheduled date of the neighborhood informational meeting. The **APPLICANT** must make arrangements for the location of the meeting. The location must be reasonably convenient to those property owners who are required to receive notice and the facilities must be of sufficient size to accommodate expected attendance. The **APPLICANT** must further cause a display advertisement, one-fourth page, in type no smaller than 12 point and must not be placed in that portion of the newspaper where legal notices and classified advertisements appear stating the purpose, location, time of the meeting and legible site location map of the property for which the zoning change is being requested. The advertisement is to be placed within a newspaper of general circulation in the county at least seven days prior to, but no sooner than five days before, the neighborhood informational meeting. The Collier County staff planner assigned to attend the pre-application meeting, or designee, must also attend the neighborhood informational meeting and shall serve as the facilitator of the meeting, however, the **APPLICANT** is expected to make a presentation of how it intends to develop the subject property. The **APPLICANT** is required to audio or video tape the proceedings of the meeting and to provide a copy of same to the planning services department.

2. As a result of mandated meetings with the public, any commitments made by the **APPLICANT** shall be reduced to writing and made a part of the record of the proceedings provided to the planning services department. These written commitments will be

made a part of the staff report to the county's appropriate review and approval bodies and made a part of the consideration for inclusion in the conditions of approval of any applicable **DEVELOPMENT ORDER**.

3. Any **APPLICANT** requesting variance approval or parking exemption approval must provide documentation to the planning services department indicating that property owners within 150 feet of the subject site have been advised of the extent and nature of the variance or parking exemption requested within 30 days of receipt of a letter indicating that the application is sufficient.

4. Where it has been determined that there is a property owner, functioning **CONDOMINIUM** or civic association which has made formal request of the county to be so notified, then the **APPLICANT** must provide written documentation to the planning services department indicating that such property owner or organization has also been notified concerning the extent and nature of the variance or parking exemption requested. The **APPLICANT** must provide a written account of the result of such notice and shall submit any and all written communications to the planning services department. A list of property owners, homeowner or **CONDOMINIUM** associations notified and any other written communications must be submitted to the planning services department at least two weeks prior to the scheduled date of the first advertised public hearing.

F. Planning commission hearing and report to the board of county commissioners.

1. *Time limits.* Hearings by the planning commission on applications for rezoning of land may be held at least 24 times a year. For applications not involving the rezoning of land, but which involve amendments to these zoning regulations, the planning commission shall hold its public hearings twice per calendar year, except amendments to these zoning regulations may be made more often than twice during the calendar year if the additional amendment cycle receives the approval of a super-majority vote of the board of county commissioners. Unless a longer time is mutually agreed upon by the planning commissioners, the planning commission shall file its recommendations for either type of amendment with the board of county commissioners within 45 days after the public hearing before the planning commission has been closed.

2. *Presentation of evidence.* The staff report on the application for rezoning shall be presented prior to the close of the public hearing on the application. The **APPLICANT** shall be afforded the opportunity, prior to the close of the public hearing, to respond to any contentions presented by any testimony or other evidence presented during the public hearing, and to respond to the staff report, after receipt of which the hearing shall be concluded, unless the hearing is continued and the matter referred back to staff for further consideration of such matters as the planning commission may direct.

G. *Nature of requirements of planning commission report.* When pertaining to the rezoning of land, the report and recommendations of the planning commission to the board of county commissioners required in 10.02.12 D. shall show that the planning commission has studied and considered the proposed change in relation to the following, when applicable:

1. Whether the proposed change will be consistent with the goals, objectives, and policies and future land use map and the elements of the growth management plan.
2. The existing land use pattern.
3. The possible creation of an isolated district unrelated to **ADJACENT** and nearby districts.
4. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
5. Whether changed or changing conditions make the passage of the proposed amendment necessary.
6. Whether the proposed change will adversely influence living conditions in the neighborhood.
7. Whether the proposed change will create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses, because of peak volumes or projected types of vehicular traffic, including activity during construction phases of the **DEVELOPMENT**, or otherwise affect public safety.
8. Whether the proposed change will create a drainage problem.
9. Whether the proposed change will seriously reduce light and

2. Petition for a rezone at such time as all required existing community and public facilities and services have been provided at the private expense of the petitioner; or
 3. Post a surety in lieu of completed improvements to guarantee that all of the required community and public facilities and services will be provided; or
 4. Facilities for parks and schools through land dedication or fee in lieu of such dedication; or
 5. Other method acceptable to board of county commissioners.
- I. *Other proposed amendments.* When pertaining to other proposed amendments of these zoning regulations, the planning commission shall consider and study:

1. The need and justification for the change;
2. The relationship of the proposed amendment to the purposes and objectives of the county's growth management plan, with appropriate consideration as to whether the proposed change will further the purposes of these zoning regulations and other county codes, regulations, and actions designed to implement the growth management plan.

J. *Restrictions, stipulations and safeguards.* The planning commission may recommend that a petition to amend, supplement or establish a zoning district be approved subject to stipulations, including, but not limited to limiting the use of the property to certain uses provided for in the requested zoning district. The governing body, after receiving the recommendation from the planning commission on a request to amend, supplement or establish a zoning district, may grant or deny such amendment or supplement and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the growth management plan.

Restrictions, stipulations and safeguards attached to an amendment, supplement, or establishment of a zoning district may include, but are not limited to those necessary to protect **ADJACENT** or nearby landowners from any deleterious effects from the full impact of any permitted uses, limitations more restrictive than those generally applying to the district regarding **DENSITY**, height, connection to central water and sewer systems and stipulations requiring that **DEVELOPMENT** take place in accordance with a specific site plan. The maximum **DENSITY** permissible or permitted in a zoning district within the urban designated area shall not exceed the **DENSITY** permissible under the **DENSITY** rating system. The

board of county commissioners shall be required to condition and limit the **DENSITY** of a zoning district to a **DENSITY** not to exceed the maximum **DENSITY** permissible under the **DENSITY** rating system. The governing body may also stipulate that the **DEVELOPMENT** take place within a given period of time after which time public hearings will be initiated and the district returned to the original designation or such other district as determined appropriate by the governing body in accordance with the growth management plan and sections 10.02.12 D. and 10.02.08 L. Any restrictions, stipulations and safeguards attached to an amendment or rezoning including those identified in section 10.02.08 H. may be indicated on the official zoning atlas in a manner deemed by the county to be appropriate and informative to the public. In cases where stipulations, restrictions or safeguards are attached, all representations of the owner or his agents at public hearings shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. All conditions, restrictions, stipulations and safeguards which are a condition to the granting of the change in zoning district shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief. All costs, including reasonable attorney's fees shall be awarded to the governmental unit if it prevails in such suit.

1. Dedication of public facilities and **DEVELOPMENT** of prescribed amenities.

Public facility dedication. The board of county commissioners may, as a condition of approval and adoption of the rezoning required that suitable areas for **STREETS**, public **RIGHTS-OF-WAY**, schools, parks, and other public facilities be set aside, improved, and/or dedicated for public use. Where impact fees are levied for one or more such public facilities, the market value of the land set aside for the public purpose shall be credited towards impact fees to the extent authorized by the County's Consolidated Impact Fee Ordinance. Said credit shall be based on a negotiated amount not greater than the market value of the set aside land prior to the rezoning action, as determined by an accredited appraiser from a list approved by Collier County. Said appraisal shall be submitted to the county attorney's office and the real property office within 90 days of the date of approval of the rezone, or as otherwise extended in writing by Collier County, so as to establish the amount of any impact fee credits resulting from said dedication. Failure to provide said appraisal within this 90-day time frame shall automatically authorize the county to determine the market value of the property. Impact fee credits shall only be effective after recordation of the conveyance document conveying the dedicated property to Collier County. Where the term Collier County is used in this section, it shall be construed to include the Collier County

Water and Sewer District or other agency or dependant district of Collier County Government.

Land set aside and/or to be improved as committed as part of the rezoning approval shall be deeded or dedicated to Collier County within 90 days of receipt of notification by the county that the property is needed for certain pending public improvements or as otherwise approved by the board of county commissioners during the rezoning approval process. In any case, however, the county shall take title to the set aside property, at the latest, by a date certain established during, and condition on, the approval of the rezoning action. At no cost to the county, the land set aside and/or to be improved shall be made free and clear of all liens, encumbrances and improvements, at the developer's sole expense, except as otherwise approved by the board. Failure to deed the land or complete the dedication within the 90 day appropriate time frame noted above may result in a recommendation to the board of for consideration of rezoning the subject **PARCEL** from its current zoning district to an appropriate zoning district and may in a violation of this Code pursuant to section 8.08.00.

Should the dedication of land also include agreed upon improvements, said improvements shall be completed and accepted by Collier County Board of Commissioners at the **DEVELOPMENT** phase which has infrastructure improvements available to the **PARCEL** of land upon which said improvements are to be made, or at a specified time provided for within the ordinance approving the rezone.

K. *Status of planning commission report and recommendations.* The report and recommendations of the planning commission required by section 10.02.08 D. through H. shall be advisory only and not be binding upon the board of county commissioners.

L. *Board of county commissioners: action on planning commission report.*

1. Upon receipt of the planning commission's report and recommendations, the board of county commissioners shall hold a second public hearing with notice to be given pursuant to the provisions of general law. The reports and recommendations of the staff and the planning commission on the application shall be presented prior to the close of the public hearing on the application. The **APPLICANT** shall have the right, prior to the close of the public hearing, to respond to any contentions presented by any testimony or other evidence presented during the public hearing.

2. In the case of all proposed changes or amendments, such changes or amendments shall not be adopted except by the

affirmative vote of four members of the board of county commissioners.

M. *Failure of board of county commissioners to act.* If a planning commission recommendation is not legislatively decided within 90 days of the date of closing of the public hearing by the board of county commissioners, the application upon which the report and recommendation is based shall be deemed to have been denied, provided that board of county commissioners may refer the application to the planning commission for further study.

N. *Limitations on the rezoning of property.*

1. No change in the zoning classification of property shall be considered which involves less than 40,000 square feet of area and 200 feet of **STREET FRONTAGE** except: where the proposal for rezoning of property involves an extension of an existing or similar **ADJACENT** district boundary; within the broader land use classification of "C" districts, "RSF" districts, "RMF" districts, wherein such rezone is compatible with, or provides appropriate transition from, **ADJACENT** districts of higher **DENSITY** or intensity. However, the requirement of 200 feet of **STREET FRONTAGE** shall not apply to rezone petitions that provide 80 percent or more **AFFORDABLE HOUSING** units.

2. Whenever the board of county commissioners has denied an application for the rezoning of property, the planning commission shall not thereafter:

a. Consider any further application for the same rezoning of any part or all of the same property for a period of 12 months from the date of such action;

b. Consider an application for any other kind of rezoning of any part or all of the same property for a period of six months from the date of such action.

3. Except as otherwise provided within section 10.02.12 D. all zoning approvals for which a final **DEVELOPMENT ORDER** has not been granted within the fifth year of the date of its approval shall be evaluated to determine if the zoning classification for the property should be changed to a lower, or more suitable classification.

During the fifth year after the date of the zoning approval by the board of county commissioners and during every fifth year thereafter, the County Manager or his designee shall prepare a

report on the status of the rezoned property. The purpose of the report will be to evaluate what procedural steps have been taken to develop the property under its current zoning classification.

Should the County Manager or his designee determine that **DEVELOPMENT** has commenced, then the land shall retain its existing zoning classification and shall not be subject to additional review and classification change.

Should the County Manager or his designee determine that **DEVELOPMENT** has not commenced, then upon review and consideration of the report and any supplemental information that may be provided, the board of county commissioners shall elect one of the following:

a. To extend the current zoning classification on the property for a maximum period of five years; at the end of which time, the property shall again be evaluated under the procedures as defined herein.

b. Direct the appropriate county staff to begin rezoning procedures for said property. The existing zoning classification of the property shall remain in effect until subsequent action by the board on the property.

In the case of **DEVELOPMENTS** of regional impact, time limit restrictions shall be superseded by the phasing plan and/or time limits contained within the application for **DEVELOPMENT** approval and approved as part of a **DEVELOPMENT ORDER** in conformance with F.S. § 380.06.

O. *Applications for rezones to a specific use.* The **APPLICANT** for any rezoning application may, at his or her option, propose a specific use or ranges of uses permitted under the zoning classification for which application has been made. As a condition of approval of such proposal, the **DEVELOPMENT** of the property which was the subject of the rezoning application shall be restricted to the approved use or range of uses. Any proposed addition to the approved use or range of uses shall require resubmittal of a rezoning application for the subject property.

P. *Waiver of time limits.* The time limits of (N) above may be waived by three affirmative votes of the board of county commissioners when such action is deemed necessary to prevent injustice or to facilitate the proper **DEVELOPMENT** of Collier County.

Q. *Site DEVELOPMENT PLAN time limits.* Approved final site **DEVELOPMENT PLANS** (SDPs) only remain valid and in force for two years from the date of approval unless construction has commenced as

specified in section 10.02.03 of this Code. If no **DEVELOPMENT**, i.e., actual construction, has commenced within two years, measured from the date of such site **DEVELOPMENT PLAN** approval, 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 by the provisions of section 10.02.03 of this Code.

R. *Rezoning application processing time.* An application for a rezoning, amendment or change will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a rezoning, amendment or change will be considered "closed" when the petitioner withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the rezoning, amendment or change, for a period of six months. An application deemed "closed" will not receive further processing and shall be withdrawn. An application "closed" through inactivity shall be deemed withdrawn. The planning services department will notify the **APPLICANT** of closure, however, failure to notify by the county shall not eliminate the "closed" status of a petition. An application deemed "closed" may be re-opened by submission of a new application, repayment of all application fees and the grant of a determination of "sufficiency". Further review of the request will be subject to the then current code.

1. *Applicability.* All applications for a rezoning whether submitted before or after June 26, 2003, shall comply with the processing time procedures set forth in this section of this Code.

10.04.00 REVIEW AND ACTION ON APPLICATIONS FOR DEVELOPMENT ORDERS AND PETITIONS FOR AMENDMENTS TO THE OFFICIAL ZONING MAP, THE LDC, OR THE GMP

The procedures generally set out in the chart below (illustration 10.04.00) are more fully described in detail in sections 10.04.02 - 10.04.04.

PROCEDURES FLOW CHART

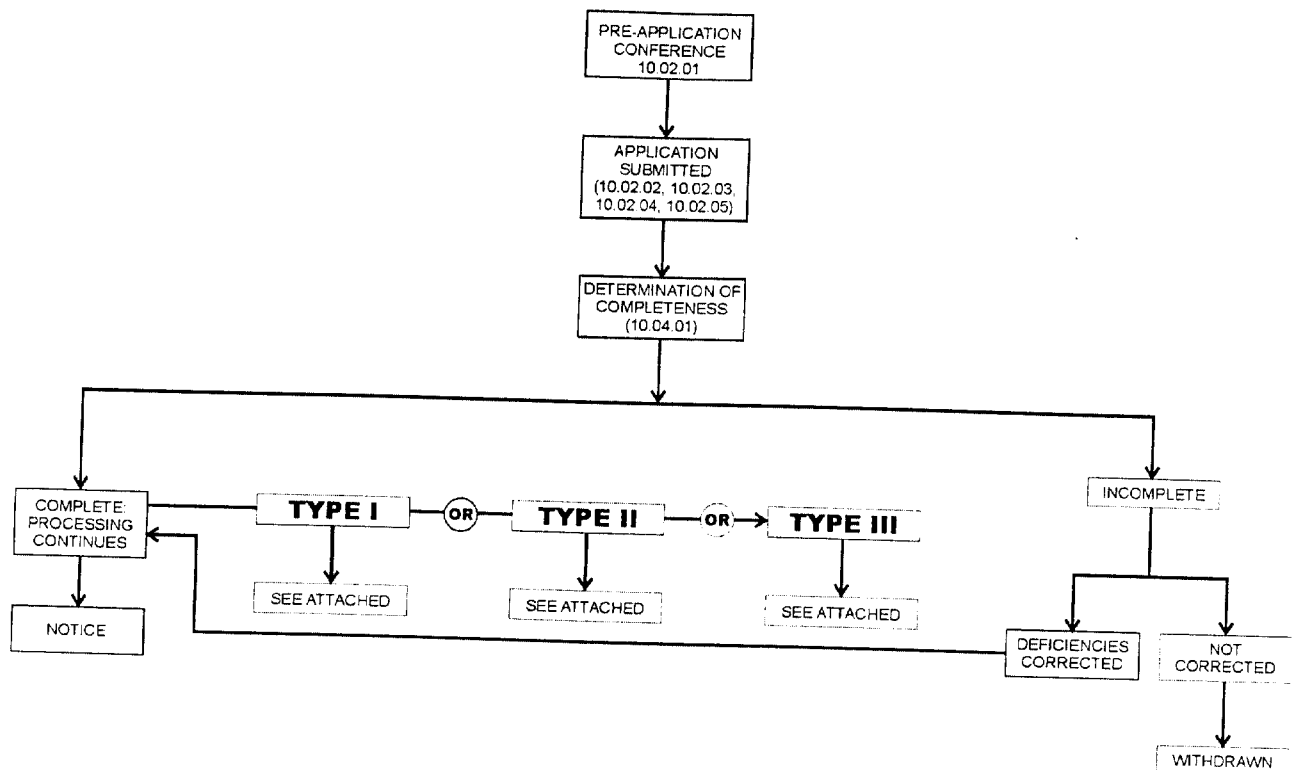


Illustration 10.04.00

10.04.01 Determination of Completeness

A. Generally [RESERVED]

B. Approval of regulated DEVELOPMENT and certificates to operate for wellfield operations.

1. Approval of regulated **DEVELOPMENT** by **DEVELOPMENT** services of new or substantially modified regulated **DEVELOPMENT**.

a. Standards.

i. All new and substantially modified **DEVELOPMENT** requiring site plan approval pursuant to the Collier County Land **DEVELOPMENT** Code as adopted, or pursuant to Collier County Ordinance No. 82-2, and as may be superseded by the Collier County Unified Land **DEVELOPMENT** Code, requiring a certificate of occupancy, or otherwise regulated under this section,

shall be reviewed by the County Manager or his designee at the time of preliminary or other initial site plan approval required by such ordinance, for compliance with the standards of this section and in the same manner as a certificate to operate.

ii. Approval for operation and use of **DEVELOPMENT** regulated pursuant to this section, which **DEVELOPMENT** requires compliance with specific standards as set forth in section 3.06.12 hereof or requires a certificate to operate (but not a certificate to operate which is incorporated into a wellfield **CONDITIONAL USE** permit), shall be included in and made a part of the letter of approval issued by the County Manager or his designee.

iii. A certificate to operate which has been issued pursuant to subsection (ii) above hereof, shall be renewed by the department not later than the one-year anniversary of issuance of the **DEVELOPMENT** service's letter of approval as provided in section 10.04.01 B.2. hereof.

2. *Certificates to operate.*

a. *Standards.*

i. *Expiration.*

(a) Each certificate to operate shall be valid for no more than one year after the date of issuance and shall automatically expire on the first anniversary date of issuance. The permit will remain valid and in full force during the term of permit provided that the owner/operator remains in compliance with the terms and conditions of the certificate to operate. Revocation and revision of a certificate to operate is authorized pursuant to section 10.04.08 A. of this chapter.

ii. *Renewals.*

(a) Applications for renewal of certificates to operate shall be filed with the department at least 60 days prior to expiration and shall not be automatic.

(b) The application for renewal shall be reviewed by the department for consistency with the applicable standards of this section.

(c) Applications for renewal shall provide the following:

(i) All documents and documentation required for the regulated **DEVELOPMENT** pursuant to section 3.06.12, as may have been amended on the date of application for renewal;

(ii) Evidence of compliance with the applicable standards of section 3.06.12 during the term of the certificate to operate; and

(iii) The application shall include the appropriate fees as provided in section 10.01.04 hereof.

b. *Prohibited approvals of regulated **DEVELOPMENT** and certificates to operate.*

i. No final approval for regulated **DEVELOPMENT** or certificate to operate shall be construed or otherwise interpreted to legalize a regulated **DEVELOPMENT** existing on the effective date of this section [November 13, 1991], which is not in compliance with other applicable local, state or federal law or regulations. No certificate to operate or other approval under this section shall be knowingly granted to an existing regulated **DEVELOPMENT** which is not in compliance with all other applicable local, state or federal law or regulations.

3. *Inspections.*

a. By accepting the certificate to operate and as a condition of the same, and by accepting a letter of approval which approval is based upon compliance with this section, the owner/operator grants express permission for the county, through an **AUTHORIZED AGENT**, to make inspections of the regulated **DEVELOPMENT** at reasonable times to determine compliance with this section.

b. **AUTHORIZED AGENTS** of the county are hereby authorized and empowered and shall be permitted at reasonable hours and after reasonable notice to inspect the premises of the regulated **DEVELOPMENT** to ensure compliance herewith.

c. Refusal to allow inspection under this section shall be sufficient grounds for consideration of revocation of the

certificate to operate or letter of approval which approval is based upon compliance with this section.

d. In the event a person who has common authority over regulated **DEVELOPMENT** impedes or otherwise refuses a lawful inspection by an **AUTHORIZED AGENT** of the county, the inspection shall be rescheduled and notice shall be mailed by United States certified mail to the address and person shown on the certificate to operate or the letter of approval. Failure of such person to permit the rescheduled inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative search warrant for the purpose of inspection, surveying or examining said premises or facilities.

e. In the event the premises of the regulated **DEVELOPMENT**, its **BUILDING** or **STRUCTURE** appears to be vacant or abandoned and the property owner cannot be readily contacted in order to obtain consent for inspection, an **AUTHORIZED AGENT** of the county may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection therefore [thereof].

f. **AUTHORIZED AGENTS** of the county shall be provided with official identification and shall exhibit this identification prior to any inspection.

g. It shall be the duty of all law enforcement officers to assist in making inspection once such assistance is requested by an **AUTHORIZED AGENT** of the county.

4. *Transfers.*

a. Within 30 days of the sale or legal transfer of a regulated **DEVELOPMENT**, the owner/operator of a regulated **DEVELOPMENT**, for which a certificate to operate or a wellfield **CONDITIONAL USE** permit has been granted, shall provide written notice to the department of the sale or other legal transfer. Within the same time period, the new property owner shall apply to the department by letter for transfer of the certificate to operate or wellfield **CONDITIONAL USE** permit and agree to be bound by the terms of the certificate to operate or wellfield **CONDITIONAL USE** permit unless same may be modified as provided herein.

5. *Administrative review.* Certificates to operate shall be processed and reviewed, and shall be administratively approved, approved with conditions, or denied by the county manager as provided in this section. Application for certificate to operate shall be made on a form prepared by the county manager.

a. *Completeness review.*

i. Within 30 days of receipt of a completed application, the county manager shall review the application for compliance with the standards of sections 3.06.12 and 3.06.13 hereof.

ii. If the application is found not to be in compliance, the county manager shall advise the owner/operator of the noted deficiencies or required information by certified mail return receipt requested to the address listed in the application.

iii. Within 30 days of the owner's/operator's receipt of the county's notice, the owner/operator shall:

(a) Provide the requested information or provide written notice to the county manager of its intent to either furnish the requested information; or

(b) Provide written notice to the county manager of its intent to have the application processed "as is" with the information it then contains.

b. *Substantive review.*

i. Upon a determination by the county manager that the application is complete, or upon receipt of written notice from the from the [sic] owner/operator that the application should be processed as is, the county manager shall issue a determination of completeness and provide a copy to the owner/operator by regular U.S. mail.

ii. Within 30 days of issuance of a determination of completeness, the county manager shall render a written evaluation of the application in accordance with the standards of sections 3.06.12 and 3.06.13 hereof and render a notice of intent to issue or deny the application, a copy of which shall be sent to the owner/operator by regular U.S. mail.

iii. The owner/operator may appeal an adverse notice of intent to the board as provided in section 10.04.11, hereof.

iv. The certificate to operate will be issued or denied by the department within 15 days of issuance of the notice of intent, unless an appeal is taken as provided in section (iii) above,

c. *Extension of administrative review and withdrawal [of] application.*

i. The county manager may, in his sole discretion, extend the time frame for administrative review set forth in section 10.04.01 B.5.a. and section 10.04.01 B.5.b. hereof for the purposes of requesting and receiving additional information necessary to complete the substantive review of the application.

ii. If the owner/operator does not provide the information requested by the county manager or advise the county that the application is to be processed "as is" within 45 days of such request, the application shall be considered withdrawal [withdrawn] and fees paid shall be surrendered.

iii. The owner/operator may voluntarily withdraw the application at any time prior to the issuance of the county manager's notice of intent by submitting a written notice to the county manager stating its intent to withdraw.

6. *Containment and cleanup, option for county to initiate containment and cleanup, reimbursement by owner/operator.*

a. In the event of a discharge or an accidental release of any **HAZARDOUS PRODUCT, HAZARDOUS WASTE** from a regulated **DEVELOPMENT** or contaminant from a sanitary hazard regulated under this section, the owner/operator shall immediately upon discovery of the discharge or accidental release, contain the **HAZARDOUS PRODUCT, HAZARDOUS WASTE** or contaminant, and shall initiate cleanup in accordance with approved contingency plans and applicable law.

b. Failure of the owner/operator to contain the discharge or accidental release or the failure of the owner/operator to initiate cleanup of the site within 48 hours of discovery or within a shorter amount of time as may be necessary to protect the public health, safety and welfare, may result in the county initiating appropriate containment of the discharge or accidental release and/or cleanup of the site in accordance with applicable law.

c. In the event the county elects to exercise the option to contain the discharge or accidental release and/or clean up the site, the county shall first provide written notice of this intent to the owner/operator stating how the owner/operator has failed to comply with this section and providing a

reasonable period of time within which the owner/operator shall perform the necessary containment of the discharge or accidental release and/or initiate cleanup in accordance with applicable law or the approved contingency plan.

d. By accepting a certificate to operate or a wellfield **CONDITIONAL USE** permit, and as a condition of the same, and by accepting a letter of approval, which approval is based upon compliance with this section, the owner/operator agrees that the reasonable costs expended by the county to contain the discharge or accidental release and/or clean up the site shall be recoverable from the owner/operator.

7. Administrative procedures

a. *Promulgation of administrative procedures.* The county manager shall promulgate and bring for adoption by the board, administrative procedures to implement this section within one year of the effective date of this section [November 13, 1991].

8. Violations, penalties and remedies

a. *Violations.* It shall be a violation of this section to fail to obtain any permit required herein or without a permit, or other appropriate authorization as may be required herein, to conduct, commence or maintain any use or activity prohibited or regulated by this section. Each violation shall constitute a separate offense.

b. *Penalties.* Violations of this section may be referred by the county manager to the county's code enforcement board for enforcement action in accordance with F.S. ch. 162, and Collier County Ordinance No. 88-89, and as may be amended.

c. *Remedies.* Nothing herein shall preclude the county from seeking all other remedies available under general law, including without limitation: [sic]

To County:	The County Manager Collier County Government Center 3301 East Tamiami Trail Naples, Florida 33962
To APPLICANT /Petitioner:	APPLICANT /petitioner at the address listed in the application.

9. Liberal construction and severability.

a. *Liberal construction.* The provisions of this section shall be liberally construed to effectively carry out its purposes in the interest of public health, safety, welfare and convenience.

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

APPENDIX A. WELLFIELD PROTECTION ZONE MAPS

Illustrating the Locations of Wellfield Risk Management Special Treatment Overlay Zones Established by the "Three-Dimensional Simulation of Wellfield Protection Areas in Collier County, Florida" (Voorhees and Mades, 1989)

Initial reference to "appendix A" can be found in section 3.06.03 B.

The pages that comprise appendix A, as attached, are Xerox copies of portions of United States Geological Survey quadrangle maps on which the boundaries of the wellfield risk management zones are plotted. The wellfields are arranged in the order of mention in section 3.06.02 F.6.j.

Explanation of maps:

1. Due to the location of some wellfields relative to map boundaries, there may be multiple plates required to illustrate the particular wellfield.
2. Major roads are noted on the maps as initial points of reference.
3. Zone W-1 is the land area encompassed by the innermost closed line around each wellfield.
4. Zone W-2 is the land area situated between the innermost closed line around each wellfield and the next closest closed line around the wellfield.
5. Zone W-3 is the land area situated between the closed line surrounding W-2, as defined above, and the third closed line from the wellfield.
6. Zone W-4 is the land area situated between the outermost, closed line surrounding the wellfield and the next **ADJACENT** closed line that defines the outermost boundary of W-3.

INDEX TO APPENDIX A

This index includes the name of the wellfield and the United States Geological Survey quadrangle map(s) on which the wellfield is located.

EVERGLADES CITY WELLFIELD
Ochopee, Florida

FLORIDA CITIES (AVATAR) WELLFIELD
Belle Meade NW, Florida

NORTH NAPLES UTILITIES (QUAIL CREEK) WELLFIELD
Corkscrew SW, Florida

EAST GOLDEN GATE WELLFIELD
Plate 1--Corkscrew SE, Florida
Plate 2--Belle Meade NE, Florida

COASTAL RIDGE (GOODLETTE ROAD) WELLFIELD
Naples North, Florida

COLLIER COUNTY UTILITIES WELLFIELD
Plate 1--Corkscrew SW, Florida
Plate 2--Belle Meade NW, Florida
Plate 3--Corkscrew SE, Florida
Plate 4--Belle Meade NE, Florida

GLADES WELLFIELD
Plate 1--Naples North, Florida
Plate 2--Belle Meade NW, Florida

IMMOKALEE WATER AND SEWER DISTRICT WELLFIELDS
Immokalee, Florida

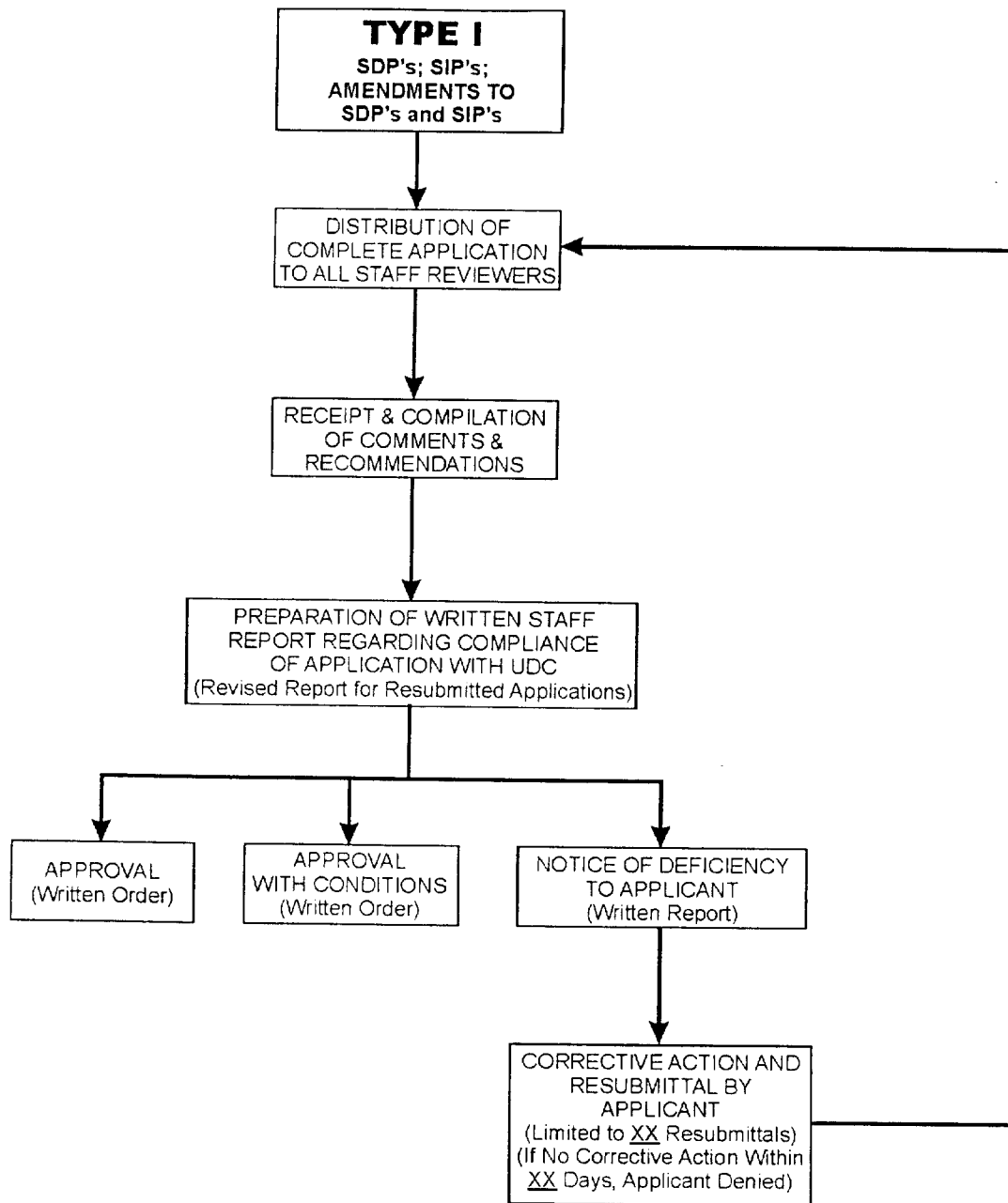
PELICAN BAY WELLFIELD
Plate 1--Bonita Springs, Florida
Plate 2--Corkscrew SW, Florida

PORT OF THE ISLANDS WELLFIELD
Weavers Station, Florida

10.04.02 Applications Subject to Type I Review

The following applications are subject to Type I review: SDP's; SIP's; and Amendments to both SDP's and SIP's.

For a graphic depiction of the review procedure, please see Illustration 10.04.02 A. below.



NOTE: WRITTEN ORDERS SHOULD INCLUDE NOTICE TO APPLICANTS THAT THEY PROCEED AT THEIR OWN RISK UNTIL THE APPEALS PERIOD ENDS.

Illustration 10.04.02 A.

10.04.03 Applications Subject to Type II Review

The following applications are subject to Type II review: Final Plats; **CONDITIONAL USE** Permits; Rezoning; LDC Text Amendments; GMP Amendments; and small-scale **DEVELOPMENT** Amendments.

For a graphic depiction of the review procedure, please see Illustration 10.04.03 A.

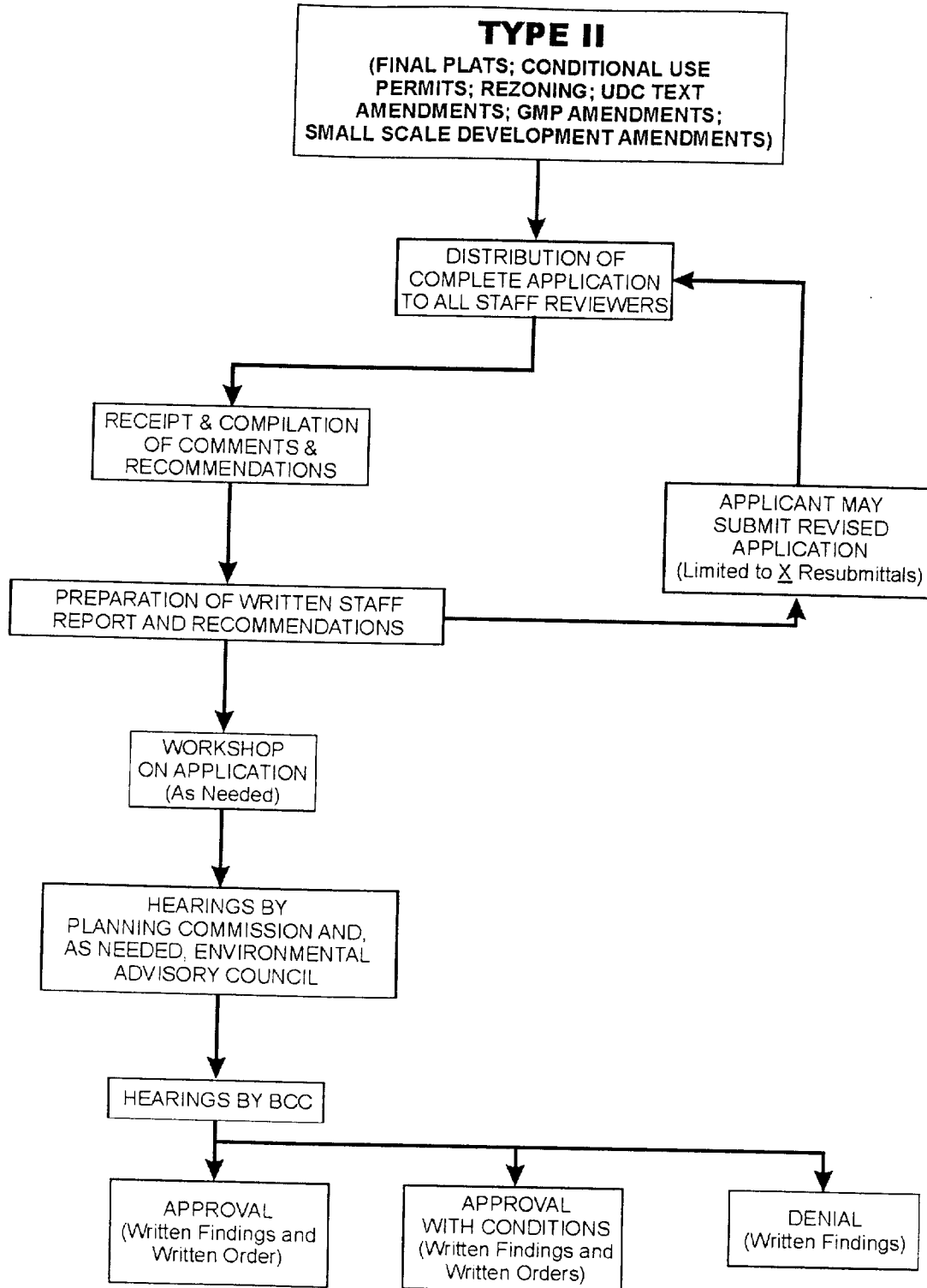


Illustration 10.04.03 A.

10.04.04 Applications Subject to Type III Review

The following applications are subject to Type III review: Variances; Administrative Appeals; Certificates of Appropriateness; **CONDITIONAL USES**; **NONCONFORMING** Use Amendments; Vested Rights; **FLOOD** Variances; Parking Agreements; and Preliminary Plats.

For a graphic depiction of the review procedure, please see Illustration 10.04.04 A.

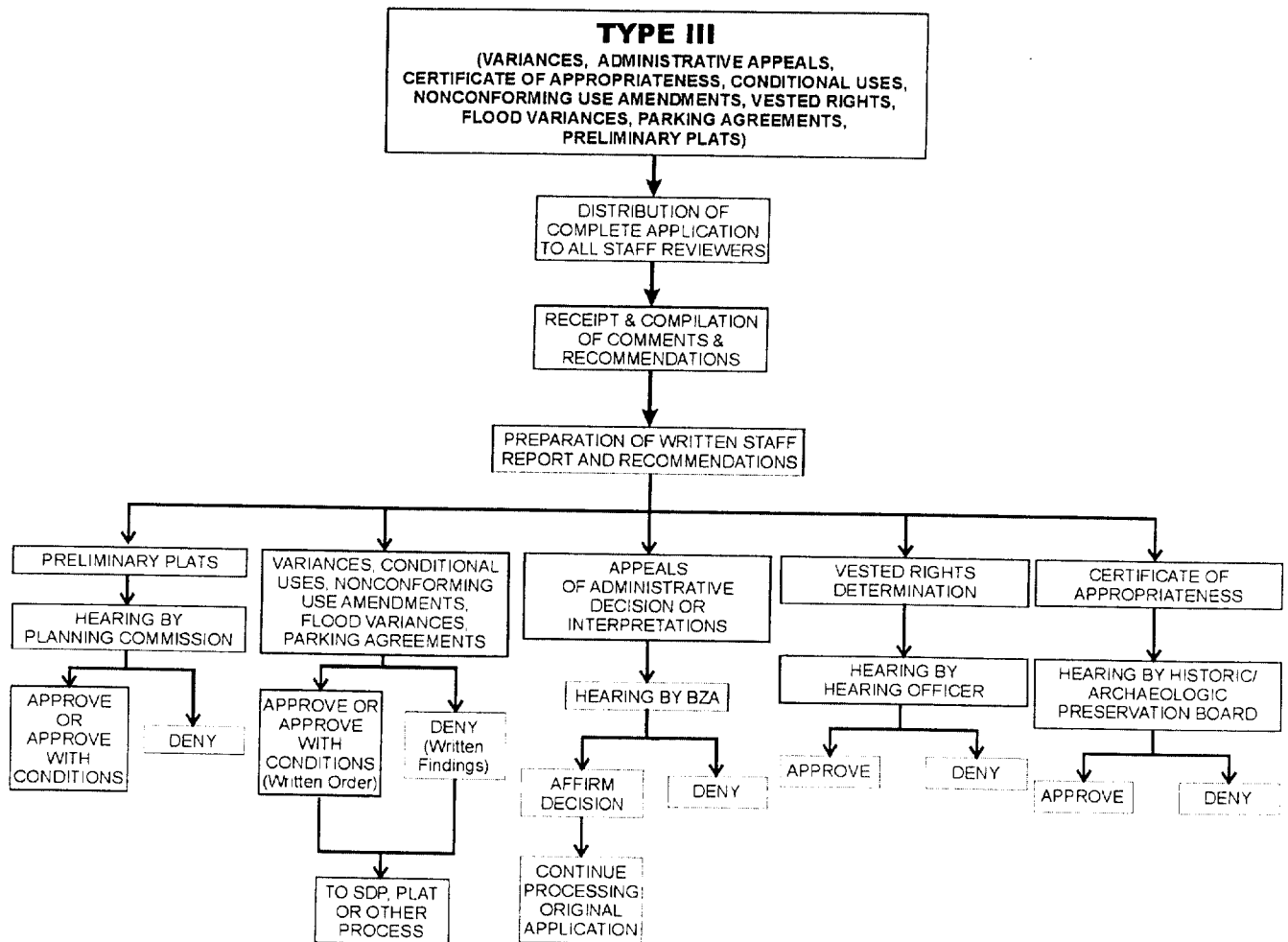


Illustration 10.04.04 A.

10.04.05 Procedures for Review and Approval of Type I Applications

For specific procedures pertaining to each application, please see Illustration 10.04.02 A. and the various sections in this chapter pertaining to that application.

10.04.06 Procedures for Review and Approval of Type II Applications

For specific procedures pertaining to each application, please see Illustration 10.04.03 A. and the various sections in this chapter pertaining to that application.

10.04.07 Procedures for Review and Approval of Type III Applications

For specific procedures pertaining to each application, please see Illustration 10.04.04 A. and the various sections in this chapter pertaining to that application.

10.04.08 Modifications to Pending Applications

A. Modification of regulated **DEVELOPMENT**, revision or revocation of a certificate to operate, or a wellfield **CONDITIONAL USE** permit.

1. *Modification of regulated **DEVELOPMENT** and Notification.*

a. The owner/operator shall notify the county manager in writing prior to any expansion, **ALTERATION** or modification of a regulated **DEVELOPMENT** for which:

i. A certificate to operate or a wellfield **CONDITIONAL USE** permit has been issued; or

ii. A wellfield exemption has been legislatively provided.

b. Expansion, **ALTERATION** or modification shall include, without limitation:

i. An increase in square footage, production or storage capacity;

ii. Increased quantities of a **HAZARDOUS PRODUCT** or **HAZARDOUS WASTE** or changes in the type or nature of a regulated **DEVELOPMENT**; and

iii. Any other proposed change to the regulated **DEVELOPMENT** which may require a change, modification or **ALTERATION** of the approved containment system, the maintenance procedures for the system, or in the approved contingency plan.

c. *County approval of modification.*

i. The expansion, modification or **ALTERATION** of a regulated **DEVELOPMENT** shall require prior county approval. Failure to obtain such approval as provided herein shall result in the county commencing revocation or revision proceedings of the certificate to operate, the wellfield **CONDITIONAL USE** permit or the wellfield exemption for a regulated **DEVELOPMENT**, if in the opinion of the county, such change substantially or materially modifies, **ALTERS** or affects:

(a) The conditions under which the certificate to operate, or the wellfield **CONDITIONAL USE** permit was granted; or

(b) The conditions under which the **DEVELOPMENT** qualifies for a wellfield exemption.

ii. The county shall notify the owner/operator in writing, within 60 days of receipt of the notice of change, of the county's intent to revoke or revise the authorization and the grounds therefore as provided in section 10.04.08 A.2.c. hereof.

2. *Revocation or revision of certificate to operate, wellfield **CONDITIONAL USE** permit or wellfield exemption.*

a. *Notice of intent to revoke.*

i. No wellfield exemption, wellfield **CONDITIONAL USE** permit, or certificate to operate for a regulated **DEVELOPMENT** shall become vested.

ii. The county may revoke any wellfield exemption, wellfield **CONDITIONAL USE** permit, [or] certificate to operate after first issuing a written notice of intent to revoke to the owner/operator which states that the owner/operator:

(a) Has failed or refused to comply with any of the provisions of this section;

(b) Has submitted false or inaccurate information in the application or petition which information reasonably induced the county to issue the certificate to operate, or approve the wellfield **CONDITIONAL USE** permit;

(c) Has failed to submit reports or other information required under section 3.06.12 as a condition of a certificate to operate, or wellfield **CONDITIONAL USE** permit;

(d) Has refused lawful inspection as required by this section as a condition of a certificate to operate or wellfield **CONDITIONAL USE** permit; or

(e) Has **ALTERED**, modified or expanded a regulated **DEVELOPMENT** as provided in this section.

b. *Notice of intent to revise.*

i. No wellfield exemption, wellfield **CONDITIONAL USE** permit, or certificate to operate for a regulated **DEVELOPMENT** shall be vested.

ii. The county may revise any wellfield exemption, wellfield **CONDITIONAL USE** permit or certificate to operate granted or issued after first issuing written notice of intent to revise which complies with section 10.04.08 A.2.a.ii. and further states that the owner/operator:

(a) Has been [sic] unlawfully modified, **ALTERED** or expanded a regulated **DEVELOPMENT** as provided in this section;

(b) Has been identified by the county as responsible for, in whole or in part, for a discharge or accidental release of **HAZARDOUS PRODUCTS** or **HAZARDOUS WASTES** or other contaminant associated with the regulated **DEVELOPMENT**; or

(c) The contingency plans and/or remedial action initiated and performed by or on behalf of the owner/operator were not approved by the county or applicable state or federal agencies and are deemed by the same to be inadequate for the regulated **DEVELOPMENT**.

c. *Factual basis for revocation or revision.*

i. *Initiation of review.* After being informed of or discovery of an unauthorized discharge or accidental release of a **HAZARDOUS PRODUCT**, **HAZARDOUS WASTE** or contaminant, the county shall review the certificate to operate, the wellfield **CONDITIONAL USE** permit, or wellfield exemption for the regulated **DEVELOPMENT**(s) associated with the discharge or accidental release.

ii. *Action by county.* In the event the county determines that the owner/operator has failed to comply with the terms of the certificate to operate, the wellfield **CONDITIONAL USE** permit or the wellfield exemption, the county may elect to issue a notice of intent to revoke or revise such authorization to operate subject to the provisions of this section.

iii. *Criteria.*

In consideration of whether to revoke or revise a certificate to operate or a wellfield **CONDITIONAL USE** permit, the board shall consider:

- A. The intentional nature or degree of negligence, if any, associated with the discharge or accidental release;
- B. The extent to which containment or cleanup of the contaminant or **HAZARDOUS PRODUCT** or **HAZARDOUS WASTE** or its components is possible;
- C. The nature, number and frequency of previous discharges or accidental releases attributable to the regulated **DEVELOPMENT**;
- D. The potential degree of harm to the groundwater and surrounding public potable water supply wells as a result of the discharge or accidental release; and
- E. The owner/operator's actions in responding to this and previous discharges or accidental releases.

iv. *Contents of notice of intent.*

(a) To initiate revocation or revision under this section, the county shall first issue a notice of intent to revoke or revise which shall, in addition to the applicable standards of sections 10.04.08 A.2.c. and 10.04.08 A.2.b. hereof contain the following information:

- A. The name and address of the owner/operator; and
- B. A description of the regulated **DEVELOPMENT** which is the subject of the proposed revocation or revision; and
- C. The approximate or, if available, actual location of the discharge or accidental release, if any; and
- D. A concise explanation and specific reasons for the proposed revocation or revision; and
- E. The statements that:

"Failure to file a petition with the county manager within 20 days after the date upon which the Permittee receives written Notice of the Intent to Revoke or Revise shall render the proposed revocation or revision final and in full force and effect."

"Failure of the Owner/Operator to file a petition in opposition to the Notice of Intent to Revise or the Notice of Intent to Revoke as provided in Article 10 [section 10.04.11 A.] of this Ordinance, shall render the proposed revocation or revision final and in full force and effect."

(b) Failure of the owner/operator to file a petition in opposition to the notice of intent to revise or the notice of intent to revoke as provided in section 10.04.11 A. of this section shall render the proposed revocation or revision final and in full force and effect.

(c) Nothing in this section shall preclude or be deemed a condition precedent to the county seeking a temporary or permanent injunction.

10.04.09 Request for Continuance of Public Hearing [RESERVED]

10.04.10 Withdrawal of Pending Applications [RESERVED]

10.04.11 Public Hearings

A. Appeals and public hearings for wellfields.

1. *Public hearings.*

a. Public hearings shall be required for:

- i. The issuance of a wellfield **CONDITIONAL USE** permit;
- ii. An appeal from an adverse administrative determination on issuance of a certificate to operate filed with the county manager within 30 days of issuance of the administrative determination; and
- iii. County-initiated revocation or revision of a certificate to operate, a wellfield **CONDITIONAL USE** permit or wellfield exemption.

b. Standards for Public hearings :

- i. Appeals from adverse administrative determinations, applications for wellfield **CONDITIONAL USE** permits and county-initiated revocation or revision proceedings shall be considered for approval, approval with conditions or denial by the board as a public hearing matter and shall be scheduled for public hearing in the same

manner as an application for zoning atlas amendment and in accordance with Collier County Ordinance No. 82-2, and as may be amended or superseded, and when effective, the Collier County Unified Land **DEVELOPMENT** Code.

2. *Notice of public hearing.*

a. *Notice to the public.*

i. Public notice shall be given in the same manner as for any ordinance affecting the use of land as set forth in F.S. § 125.01, and as required for an application for zoning atlas amendment as required in section 3.06.05 hereof and in accordance with Collier County Ordinance No. 82-2, and as may be amended or superseded, and when effective, the Collier County Unified Land **DEVELOPMENT** Code.

ii. The unintentional failure of the owner/operator seeking approval of a wellfield **CONDITIONAL USE** permit or appealing an adverse administrative determination, to notify the contiguous property owner(s) or other persons shall not be grounds for a continuance of the hearing, nor in any way affect any action taken at such hearing.

b. *Notice to owner/operator.*

i. Notice of public hearing arising from county-initiated revocation or revision proceedings shall be served upon the owner/operator by certified return receipt mail no less than 15 days prior to the hearing.

ii. The notice shall contain the following information:

(a) Name and address of the owner/operator; and

(b) A description of the regulated **DEVELOPMENT**; and

(c) Specific citations to the section(s) applicable of the LDC alleged to be the basis of the proposed revocation or revision; and

(d) The time, place and date of hearing; and

(e) The following statements:

(i) "Failure to attend may result in an Order being issued which may be adverse to your interest."

(ii) "All parties shall be given the opportunity to present witnesses and evidence in support of their position and to cross examine witnesses."

(iii) "Pursuant to Section 286.0105, Florida Statutes, notice is hereby given that appeals from any decision of the County Commission with respect to any matter considered at the public hearing, will require a record of the proceedings and may require that a verbatim record of the proceedings be made."

(f) The name and signature of the county manager.

3. *Decisions by the board.*

a. At all public hearings, the board shall hear and consider all facts material to the application, petition or appeal and shall thereafter issue a decision based upon the greater weight of substantial competent evidence.

b. The board may affirm, reverse or modify the action or proposed action of the county manager.

c. In all cases the board shall render a decision within 14 working days from the date on which the hearing is concluded which shall be the final administrative action on behalf of the county.

d. Any person who is a party to the proceeding before the board may apply to a court of competent jurisdiction for review in accordance with applicable Florida Rules of Civil Procedure and Florida law.

e. There shall be no administrative review on behalf of the county other than that review specifically provided in this section.

10.04.12 Denial of Application *[RESERVED]*

10.05.00 AMENDMENTS TO DEVELOPMENT ORDERS *[RESERVED]*

10.05.01 Generally *[RESERVED]*

10.05.02 Major Amendment *[RESERVED]*

10.05.03 Minor Amendment *[RESERVED]*

10.06.00 APPEALS *[RESERVED]*

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

A. **SIGN** Violations

1. *General.* No **SIGN** shall hereafter be erected, placed, **ALTERED** or moved unless in conformity with this Code. All **SIGNS** located within Collier County shall comply with the following requirements:

a. The issuance of a **SIGN** permit pursuant to the requirements of this Code shall not permit the construction or maintenance of a **SIGN** or **STRUCTURE** in violation of an existing county, state or federal law or regulation.

b. All **SIGNS** for which a permit is required shall be subject to inspections by the county administrator or his designee. The county administrator, or his designee, is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Code are being adhered to. Such entrance shall be made during business hours, unless an emergency exists. The county administrator, or his designee, may order the removal of any **SIGN** that is not in compliance with the provisions of this Code, is improperly maintained, or which would constitute a hazard to the public health, safety, and welfare.

c. The County Manager or his designee, or his designee shall be charged with interpretation and enforcement of this Code.

2. *Enforcement procedures.* Whenever, by the provisions of this Code, the performance of an act is required or the performance of an act is prohibited, a failure to comply with such provisions shall constitute a violation of this Code.

a. The owner, tenant, and/or occupant of any land or **STRUCTURE**, or part thereof, and an architect, builder, contractor agent, or other person who knowingly participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this Code may be held responsible for the violation and be subject to the penalties and remedies provided herein.

b. Where any **SIGN** or part thereof violates this Code, the compliance service manager or his designee, may institute any appropriate action or proceedings to prevent, restrain,

correct, or abate a violation of this Code, as provided by law, including prosecution before the Collier County Code Enforcement Board against the owner, agent, lessee, or other persons maintaining the **SIGN**, or owner, or lessee of the land where the **SIGN** is located.

c. If a **SIGN** is in such condition as to be in danger of falling, or is a menace to the safety of persons or property, or found to be an immediate and serious danger to the public because of its unsafe condition, the provisions of section 2301.6 of the Standard **BUILDING** Code, as adopted by Collier County shall govern.

d. Code enforcement shall immediately remove all violative **SIGNS** located in or upon public **RIGHTS-OF-WAY** or public property.

e. *Penalties.* If any person, firm or corporation, whether public or private, or other entity fails or refuses to obey or comply with or violates any of the provisions of this Code, such person, firm, corporation, or other entity, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days in the county jail, or both, in the discretion of the court. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation or noncompliance shall be considered as a separate offense.

Nothing herein contained shall prevent or restrict the county from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

Further, nothing in this section shall be construed to prohibit the county from prosecuting any violation of this Code by means of a code enforcement board established pursuant to the subsidiary of F.S. ch. 162.

10.07.01 Responsibility for Enforcement [RESERVED]

10.07.02 Complaints and Investigations [RESERVED]

10.01.01 Notification of Violation [RESERVED]

10.08.00 CONDITIONAL USES procedures.

A. *General.* A **CONDITIONAL USE** is a use that would not be appropriate generally or without restriction throughout a particular zoning district or

classification, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or the general welfare. Such uses may be permissible in zoning district as a **CONDITIONAL USE** if specific provision for such **CONDITIONAL USE** is made in this zoning code. All petitions for **CONDITIONAL USES** shall be considered first by the planning commission in the manner herein set out. Decisions regarding **CONDITIONAL USES** shall be quasijudicial in nature.

B. *Written petition.* A written petition for **CONDITIONAL USE** shall be submitted to the County Manager or his designee indicating the basis in this zoning code under which the **CONDITIONAL USE** is sought and stating the grounds upon which it is requested, with particular reference to the types of findings which the board of zoning appeals must make under section 10.08.00 D. below. The petition should include material necessary to demonstrate that the grant of **CONDITIONAL USE** will be in harmony with the general intent and purpose of this zoning code, will be consistent with the growth management plan, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material shall include, but is not limited to, the following, where applicable:

1. Conceptual site **DEVELOPMENT PLANS** at an appropriate scale showing the proposed placement of **STRUCTURES** on the property, provisions for ingress and egress, off-**STREET** parking and off-**STREET** loading areas, refuse and service areas, and required **YARDS** and other **OPEN SPACES**. The conceptual site **DEVELOPMENT PLAN** shall not be in lieu of, nor eliminate the need for, a site **DEVELOPMENT PLAN** under section 10.02.03, as applicable.
2. Plans showing proposed locations for utilities.
3. Plans for screening and **BUFFERING** with reference as to type, dimensions, and character.
4. Proposed landscaping and provisions for trees protected by county regulations.
5. Proposed **SIGNS** and lighting, including type, dimensions, and character.
6. **DEVELOPMENTS** shall identify, protect, conserve, and appropriately use native vegetative communities and wildlife habitat. Habitats and their boundaries shall be identified on a current aerial photograph of the property at a scale of at least one inch equals 400 feet. Habitat identification shall be consistent with the Florida Department of Transportation Land Use Cover and Forms Classification System and

shall be depicted on the aerial photograph. Information obtained by ground-truthing surveys shall take precedence over photographic evidence.

7. Where this zoning code places additional requirements on specific **CONDITIONAL USES**, the petitioner shall demonstrate that such requirements are met.

Where the rezoning of land, as well as grant of **CONDITIONAL USE**, is requested simultaneously for the same **PARCEL** of land, both said petitions may be processed concurrently in accordance with the procedures set forth in section 10.02.08 and this section.

C. *Notice and public hearing.* Notice and public hearing by the planning commission and the board of zoning appeals shall be as provided for under section 10.03.05 B., such that the provisions applicable to the board of county commissioners shall apply to the board of zoning appeals. All testimony given shall be under oath and the action by the planning commission and the board of zoning appeals shall be quasi-judicial in nature. Additionally, the requirements of section 10.02.05 E. must be met.

D. *Findings.* Before any **CONDITIONAL USE** shall be recommended for approval to the board of zoning appeals, the planning commission shall make a finding that the granting of the **CONDITIONAL USE** will not adversely affect the public interest and that the specific requirements governing the individual **CONDITIONAL USE**, if any, have been met by the petitioner and that, further, satisfactory provision and arrangement has been made concerning the following matters, where applicable:

1. Consistency with this Code and growth management plan.
2. Ingress and egress to property and proposed **STRUCTURES** thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and **ACCESS** in case of fire or catastrophe.
3. The effect the **CONDITIONAL USE** would have on neighboring properties in relation to noise, glare, economic or odor effects.
4. **COMPATIBILITY** with **ADJACENT** properties and other property in the district.

E. *Conditions and safeguards.* In recommending approval of any **CONDITIONAL USE**, the planning commission may also recommend appropriate conditions and safeguards in conformity with this zoning code. Violation of such conditions and safeguards, which are made a part of the terms

under which the **CONDITIONAL USE** is granted, shall be deemed a violation of this zoning code.

1. Any **CONDITIONAL USE** shall expire three years from the date of grant, if by that date the use for which the **CONDITIONAL USE** was granted has not been commenced.

2. Any **CONDITIONAL USE** shall expire one year following the discontinuance of the use for which the **CONDITIONAL USE** was granted unless the site was improved and/or **STRUCTURES** built for the specific uses approved by a **CONDITIONAL USE** and which cannot be converted to a use permitted by the underlying zoning designation of the site.

3. The board of zoning appeals may grant a maximum of one one-year extension of an approved **CONDITIONAL USE** upon written request of the petitioner.

4. *Public facility dedication.* The board of county commissioners may, as a condition of approval of the **CONDITIONAL USE**, require that suitable areas for **STREETS**, public **RIGHTS-OF-WAY**, schools, parks, and other public facilities be set aside, improved, and/or dedicated for public use. Where impact fees are levied for certain public facilities, the market value of the land set aside for the public purpose shall be credited towards impact fees. Said credit shall be based on a negotiated amount no greater than the market value of the set aside land prior to the approval of the **CONDITIONAL USE**, as determined by an accredited appraiser from a list approved by Collier County. Said appraisal shall be submitted to the county attorney's office and the real property office within 90 days of the date of approval of the **CONDITIONAL USE**, or as otherwise extended in writing by Collier County, so as to establish the amount of any impact fee credits resulting from said dedication. Failure to provide said appraisal within this time frame shall authorize the county to determine the market value of the property. Impact fee credits shall only be effective after recordation of the document conveying the dedicated property to Collier County. Where the term Collier County is used in this section, it shall be construed to include the Collier County Water and Sewer District or other agency or dependent district of Collier County Government.

Land set aside and/or to be improved as committed as part of the **CONDITIONAL USE** approval shall be deeded or dedicated to Collier County within 90 days of receipt of notification by the county that the property is needed for certain pending public improvements or as otherwise approved by the board of county commissioners during the **CONDITIONAL USE** process. In any case, however, the county shall take title to set aside property, at the latest, by a date certain established during, and conditioned on, the approval of the **CONDITIONAL USE**.

The land set aside and/or to be improved shall be made free and clear of all liens, encumbrances and improvements, at the developer's sole expense, except as otherwise approved by the board. Failure to complete the dedication within the appropriate time frame noted above may result in a recommendation to the board of reconsideration of approved **CONDITIONAL USE** and may result in a violation of this code pursuant to section 8.08.00.

Should said dedication of land also include agreed upon improvements, said improvements shall be completed and accepted by the Collier County Board of Commissioners at the **DEVELOPMENT** phase which has infrastructure improvements available to the **PARCEL** of land upon which said improvements are to be made, or at a specified time provided for within the resolution approving the **CONDITIONAL USE**.

F. *Denial.* If the planning commission shall recommend denial of a **CONDITIONAL USE**, it shall state fully in its record its reason for doing so. Such reasons shall take into account the factors stated in section 10.08.00 D. above or such of them as may be applicable to the action of denial and the particular regulations relating to the specific **CONDITIONAL USE** requested, if any.

G. *Status of planning commission report and recommendations.* The report and recommendations of the planning commission required above shall be advisory only and shall not be binding upon the board of zoning appeals.

H. *Board of zoning appeals action on planning commission report.* Upon receipt of the planning commission's report and recommendations, the board of zoning appeals shall approve, by resolution, or deny a petition for a **CONDITIONAL USE**. The approval of a **CONDITIONAL USE** petition shall require four affirmative votes of said board.

I. **CONDITIONAL USES for school or religious purposes.** A use which has been approved as part of a preliminary **SUBDIVISION** plat (formerly **SUBDIVISION** master plan) or a planned unit **DEVELOPMENT** for schools, religious or eleemosynary uses shall be exempt from the provisions of this section. Such uses must comply with the provisions of division 3.3, site **DEVELOPMENT PLAN** approval, as applicable, and all other zoning requirements.

J. *Changes and amendments.* The County Manager or his designee may approve minor changes in the location, siting, or height of **BUILDINGS, STRUCTURES**, and improvements authorized by the **CONDITIONAL USE**.

Additional uses or expansion of permitted uses not shown on the conceptual site **DEVELOPMENT PLAN** or otherwise specifically provided for in the **CONDITIONAL USE** application shall require submission, review and approval of

a new **CONDITIONAL USE** application.

K. **CONDITIONAL USE application processing time.** An application for a **CONDITIONAL USE** will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a **CONDITIONAL USE** will be considered "closed" when the petitioner withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the **CONDITIONAL USE**, for a period of six months. An application deemed "closed" will not receive further processing and shall be withdrawn and an application "closed" through inactivity shall be deemed withdrawn. The planning services department will notify the **APPLICANT** of closure, however, failure to notify by the county shall not eliminate the "closed" status of a petition. An application deemed "closed" may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of "sufficiency". Further review of the request will be subject to the then current code.

1. *Applicability.* All applications for **CONDITIONAL USE** whether submitted before or after June 26, 2003, shall comply with the processing time procedures set forth in section 10.08.00 K. above.

APPENDIX A
STANDARD LEGAL DOCUMENTS FOR BONDING OF REQUIRED
IMPROVEMENTS

The following specimen forms are to be used as a guide to preparation of bonding instruments which will be submitted to the BCC for guaranteeing the completion of required improvements with respect to this code. Adherence to the forms will assure an expeditious review by the development services department and the Collier County attorney's office. Deviation in substance or form from the suggested specimen forms may result in a substantial delay or disapproval of the bonding provisions for required improvements by the development services department or the county attorney's office. These specimen forms may be revised from time to time by resolution of the BCC.

IRREVOCABLE STANDBY LETTER OF CREDIT NO. _____
(insert issuer's identifying number)

ISSUER: (insert full name and street address of Issuer) (hereinafter "Issuer").

PLACE OF EXPIRY: At Issuer's counters.

DATE OF EXPIRY: This Credit shall be valid until (insert date of first anniversary of date of issue), and shall thereafter be automatically renewed for successive one-year periods on the anniversary of its issue unless at least sixty (60) days prior to any such anniversary date, the Issuer notifies the Beneficiary in writing by registered mail that the Issuer elects not to so renew this Credit.

APPLICANT: (insert full name of person or entity) (hereinafter "Applicant") (insert Applicant's current business address).

BENEFICIARY: The Board of County Commissioners, Collier County, Florida (hereinafter "Beneficiary") c/o Office of the County Attorney, Collier County Courthouse Complex, Naples, Florida.

AMOUNT: \$ (insert dollar amount) (U.S.) up to an aggregate thereof.

CREDIT AVAILABLE WITH: Issuer.

BY: Payment against documents detailed herein and Beneficiary's drafts at sight drawn on the Issuer.

DOCUMENTS REQUIRED: AVAILABLE BY BENEFICIARY'S DRAFT(S) AT SIGHT DRAWN ON THE ISSUER AND ACCOMPANIED BY BENEFICIARY'S STATEMENT PURPORTEDLY SIGNED BY THE COUNTY MANAGER, CERTIFYING THAT: "(insert name of Applicant) has failed to construct and/or maintain the improvements associated with that certain plat of a subdivision known as (insert name of subdivision) or a final inspection satisfactory to Collier County has not been performed prior to the date of expiry, and satisfactory alternative performance security has not been provided to and formally accepted by the Beneficiary."

DRAFT(S) DRAWN UNDER THIS LETTER OF CREDIT MUST BE MARKED: "Drawn under (insert name of Issuer) Credit No. (insert Issuer's number identifying this Letter of Credit), dated (insert original date of issue.)" The original Letter of Credit and all amendments, if any, must be presented for proper endorsement.

This Letter of Credit sets forth in full the terms of the Issuer's undertaking and such undertaking shall not in any way be modified, amended, or amplified by reference to any document, instrument, or agreement referenced to herein or in which this Letter of Credit relates, and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement.

Issuer hereby engages with Beneficiary that draft(s) drawn under and in compliance with the terms of this Credit will be duly honored by Issuer if presented within the validity of this Credit.

This Credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision) International Chamber of Commerce Publication No. 400.

(Name of Issuer)

By: _____
(insert title of corporate officer--
must be signed by President, Vice President
or Chief Executive Officer)

PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS: that

(NAME OF OWNER)
(ADDRESS OF OWNER)

(hereinafter referred to as "Owner") and

(NAME OF SURETY)
(ADDRESS OF SURETY)

(hereinafter referred to as "Surety") are held and firmly bound unto Collier County, Florida, (hereinafter referred to as "County") in the total aggregate sum of _____ Dollars (\$_____) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. Owner and Surety are used for singular or plural, as the context requires.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Owner has submitted for approval by the Board a certain subdivision plat named _____ and that certain subdivision shall include specific improvements which are required by Collier County Ordinances and Resolutions (hereinafter "Land Development Regulations"). This obligation of the Surety shall commence on the date this Bond is executed and shall continue until the date of final acceptance by the Board of County Commissioners of the specific improvements described in the Land Development Regulations (hereinafter the "Guaranty Period").

NOW, THEREFORE, if the Owner shall well, truly and faithfully perform its obligations and duties in accordance with the Land Development Regulations during the guaranty period established by the County, and the Owner shall satisfy all claims and demands incurred and shall fully indemnify and save harmless the County from and against all costs and damages which it may suffer by reason of Owner's failure to do so, and shall reimburse and repay the County all outlay and expense which the County may incur in making good any default, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety, for value received hereby, stipulates and agrees that no change, extension of time, alteration, addition or deletion to the proposed specific improvements shall in any way affect its obligation on this Bond, and it does hereby waive notice of any such change, extension of time, alteration, addition or deletion to the proposed specific improvements.

PROVIDED FURTHER, that it is expressly agreed that the Bond shall be deemed amended automatically and immediately, without formal and separate amendments hereto, so as to bind the Owner and the Surety to the full and faithful performance in accordance with the Land Development Regulations. The term "Amendment," wherever used in this Bond, and whether referring to this Bond, or other documents shall include any alteration, addition or modification of any character whatsoever.

IN WITNESS WHEREOF, the parties hereto have caused this PERFORMANCE BOND to be executed this _____ day of _____.

(Owner's witness and signature block)
(Surety's witness and signature block)
(notary and acknowledgment for both Owner and Surety required)

**CONSTRUCTION, MAINTENANCE AND ESCROW AGREEMENT FOR
SUBDIVISION IMPROVEMENTS**

THIS AGREEMENT entered into this _____ day of _____, 20 _____ by (description of entity) (hereinafter "Developer"), THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, (hereinafter "The Board") and _____ (hereinafter "Lender").

RECITALS:

A. Developer has, simultaneously with the delivery of this Agreement, applied for the approval by the Board of a certain plat of a subdivision to be known as: _____.

B. The subdivision will include certain improvements which are required by Collier County ordinances, as set forth in a site construction cost estimate ("Estimate") prepared by _____, a copy of which is attached hereto and incorporated herein as Exhibit 1. For purposes of this Agreement, the "Required Improvements" are limited to those described in the Estimate.

C. Sections 10.02.05 (C) and 10.02.04 of the Collier County Subdivision Code Division of the Unified Land Development Code requires the Developer to provide appropriate guarantees for the construction and maintenance of the Required Improvements.

D. Lender has entered into a construction loan agreement with Developer dated _____ (the "Construction Loan") to fund the cost of the Required Improvements.

E. Developer and the Board have acknowledged that the amount Developer is required to guarantee pursuant to this Agreement is \$_____, and this amount represents 110% of the Developer's engineer's estimate of the construction costs for the Required Improvements.

NOW, THEREFORE, in consideration of the foregoing premises and mutual covenants hereinafter set forth, Developer, the Board and the Lender do hereby covenant and agree as follows:

1. Developer will cause the water, sewer, roads, drainage and like facilities, the Required Improvements, to be constructed pursuant to specifications that have been approved by the County Manager or his designee within _____ months from the date of approval of said subdivision plat.
2. Developer hereby authorizes Lender to hold \$_____ from the Construction Loan, in escrow, pursuant to the terms of this Agreement.
3. Lender agrees to hold in escrow \$_____ from the Construction Loan, to be disbursed only pursuant to this Agreement. Lender acknowledges that this Agreement shall not constitute a draw against the Construction Loan fund, but that only such funds as are actually disbursed, whether pursuant to this Agreement or a provision of the Construction Loan, shall accrue interest.
4. The escrowed funds shall be released to the Developer only upon written approval of the County Manager or his designee who shall approve the release of the funds on deposit not more than once a month to the Developer, in amounts due for work done to date based on the percentage completion of the work multiplied by the respective work costs less ten percent (10%); and further, that upon completion of the work, the County Manager or his designee shall approve the release of any remainder of escrowed funds except to the extent of \$_____ which shall remain in escrow as a Developer guaranty of maintenance of the Required Improvements for a minimum period of one (1) year pursuant to Paragraph 10 of the Agreement.

However, in the event that Developer shall fail to comply with the requirements of this Agreement, then the Lender agrees to pay to the County immediately upon demand the balance of the funds held in escrow by the Lender, as of the date of the demand, provided that upon payment of such balance to the County, the County will have executed and delivered to the Lender in exchange for such funds a statement to be signed by the County Manager or his designee to the effect that:

(a) Developer for more than sixty (60) days after written notification of such failure has failed to comply with the requirements of this agreement;

(b) The County, or its authorized agent, will complete the work called for under the terms of the above-mentioned contract or will complete such portion of such work as the County, in its sole discretion shall deem necessary in the public interest to the extent of the funds then held in escrow;

(c) The escrow funds drawn down by the County shall be used for construction of the Required Improvements, engineering, legal and contingent costs and expenses, and to offset any damages, either direct or consequential, which the County may sustain on account of the failure of the Developer to carry out and execute the above-mentioned development work; and

(d) The County will promptly repay to the Lender any portion of the funds drawn down and not expended in completion of the said development work.

5. Written notice to the Lender by the County specifying what amounts are to be paid to the Developer shall constitute authorization by the County to the Lender for release of the specified funds to the Developer. Payment by the Lender to the Developer of the amounts specified in a letter of authorization by the County to the Lender shall constitute a release by the County and Developer of the Lender for the funds disbursed in accordance with the letter of authorization from the County.

6. The Required Improvements shall not be considered complete until a statement of substantial completion by Developer's engineer along with the final project records have been furnished to be reviewed and approved by the County Manager or his designee for compliance with the Collier County Subdivision Regulations.

7. The County Manager or his designee shall, within sixty (60) days of receipt of the statement of substantial completion, either: a) notify the Developer in writing of his preliminary approval of the improvements; or b) notify the Developer in writing of his refusal to approve the improvements, therewith specifying those conditions which the Developer must fulfill in order to obtain the Director of the Required Improvements. However, in no event shall the County Manager or his designee refuse preliminary approval of the improvements if they are in fact constructed and submitted for approval in accordance with the requirements of this Agreement.

8. Should the funds held in escrow be insufficient to complete the Required Improvements, the Board, after duly considering the public interest, may at its option complete the Required Improvements and resort to any and all legal remedies against the Developer.

9. Nothing in this Agreement shall make the Lender liable for any funds other than those placed in deposit by the Developer in accordance with the foregoing provision; provided, that the Lender does not release any monies to the Developer or to any other person except as stated in this Escrow Agreement.

10. The Developer shall maintain all Required Improvement for one year after preliminary approval by the County Manager or his designee. After the one year maintenance period by the Developer and upon submission of a written request for inspection, the County Manager or his designee shall inspect the Required Improvements and, if found to be still in compliance with the Code as reflected by final approval by the Board, the Lender's responsibility to the Board under this Agreement is terminated. The Developer's responsibility for maintenance of the Required Improvements shall continue unless or until the Board accepts maintenance responsibility for and by the County.

11. All of the terms, covenants and conditions herein contained are and shall be binding upon the respective successors and assigns of the Developer.

IN WITNESS WHEREOF, the Board and the Developer have caused this Agreement to be executed by their duly authorized representatives this _____ day of _____, 20 _____.

SIGNED, SEALED AND DELIVERED IN
THE PRESENCE OF:

[Developer Name]

By: _____

Printed or Typed Name

Printed or Typed Name

Printed or Typed Name

[Lender]

By: _____

Printed or Typed Name

Printed or Typed Name

Printed or Typed Name

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
COLLIER COUNTY, FLORIDA

DWIGHT E. BROCK, CLERK

Deputy Clerk

By: _____
Chairman

Approved as to form and legal sufficiency:

County Attorney

**CONSTRUCTION AND MAINTENANCE AGREEMENT FOR SUBDIVISION
IMPROVEMENTS**

THIS CONSTRUCTION AND MAINTENANCE AGREEMENT FOR SUBDIVISION IMPROVEMENTS entered into this _____ day of _____, 20 _____ between _____ hereinafter referred to as "Developer," and the Board of County Commissioners of Collier County, Florida, hereinafter referred to as the "Board.

RECITALS:

A. Developer has, simultaneously with the delivery of this Agreement, applied for the approval by the Board of a certain plat of a subdivision to be known as:

B. Chapters 4 and 10 of the Collier County Land Development Code requires the Developer to post appropriate guarantees for the construction of the improvements required by said subdivision regulations, said guarantees to be incorporated in a bonded agreement for the construction of the required improvements.

NOW, THEREFORE, in consideration of the foregoing premises and mutual covenants hereinafter set forth, Developer and the Board do hereby covenant and agree as follows:

1. Developer will cause to be constructed:

within _____ months from the date of approval said subdivision plat, said improvements hereinafter referred to as the required improvements.

2. Developer herewith tenders its subdivision performance security (attached hereto as Exhibit "A" and by reference made a part hereof) in the amount of \$_____ which amount represents 10% of the total contract cost to complete construction plus 100% of the estimate cost of to complete the required improvements at the date of this Agreement.

3. In the event of default by the Developer or failure of the Developer to complete such improvements within the time required by the Land Development Code, Collier County, may call upon the subdivision performance security to insure satisfactory completion of the required improvements.

4. The required improvements shall not be considered complete until a statement of substantial completion by Developer's engineer along with the final project records have been furnished to be reviewed and approved by the County Manager or his designee for compliance with the Collier County Land Development Code.

5. The County Manager or his designee shall, within sixty (60) days of receipt of the statement of substantial completion, either: a) notify the Developer in writing of his preliminary approval of the improvements; or b) notify the Developer in writing of his refusal to approve improvements, therewith specifying those conditions which the Developer must fulfill in order to obtain the County Manager's approval of the improvements. However, in no event shall the County Manager or his designee refuse preliminary approval of the improvements if they are in fact constructed and submitted for approval in accordance with the requirements of this Agreement.

6. The Developer shall maintain all required improvements for a minimum period of one year after preliminary approval by the County Manager or his designee. After the one year maintenance period by the Developer has terminated, the Developer shall petition the County Manager or his designee to inspect the required improvements. The County Manager or his designee shall inspect the improvements and, if found to be still in compliance with the Collier County Land Development Code as reflected by final approval by the Board, the Board shall release the remaining 10% of the subdivision performance security. The Developer's responsibility for maintenance of the required improvements shall continue unless or until the Board accepts maintenance responsibility for and by the County.

7. Six (6) months after the execution of this Agreement and once within every six (6) months thereafter the Developer may request the County Manager or his designee to reduce the dollar amount of the subdivision performance security on the basis of work complete. Each request for a reduction in the dollar amount of the subdivision performance security shall be accompanied by a statement of substantial completion by the Developer's engineer together with the project records necessary for review by the County Manager or his designee. The County Manager or his designee may grant the request for a reduction in the amount of the subdivision performance security for the improvements completed as of the date of the request.

8. In the event the Developer shall fail or neglect to fulfill its obligations under this Agreement, upon certification of such failure, the County Manager or his designee may call upon the subdivision performance security to secure satisfactory completion, repair and maintenance of the required improvements. The Board shall have the right to construct and maintain, or cause to be constructed or maintained, pursuant to public advertisement and receipt and acceptance of bids, the improvements required herein. The Developer, as principal under the subdivision performance security, shall be liable to pay and to indemnify the Board, upon completion of such construction, the final total cost to the Board thereof, including, but not limited to, engineering, legal and contingent costs, together with any damages, either direct or consequential, which the Board may sustain on account of the failure of the Developer to fulfill all of the provisions of this Agreement.

9. All of the terms, covenants and conditions herein contained are and shall be binding upon the Developer and the respective successors and assigns of the Developer.

IN WITNESS WHEREOF, the Board and the Developer have caused this Agreement to be executed by their duly authorized representatives this _____ day of _____, 20____.

SIGNED, SEALED AND DELIVERED IN
THE PRESENCE OF:

[Developer Name]

By: _____

Printed or Typed Name

_____ Printed or Typed Name

Printed or Typed Name

[Lender]

By: _____

Printed or Typed Name

Printed or Typed Name

Printed or Typed Name

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
COLLIER COUNTY, FLORIDA

DWIGHT E. BROCK, CLERK

Deputy Clerk

By: _____
Chairman

Approved as to form and legal sufficiency:

County Attorney

CONSTRUCTION AND MAINTENANCE AGREEMENT FOR SUBDIVISION
IMPROVEMENTS OF COMMUNITY DEVELOPMENT DISTRICTS

THIS CONSTRUCTION AND MAINTENANCE AGREEMENT FOR SUBDIVISION IMPROVEMENTS OF COMMUNITY DEVELOPMENT DISTRICTS (this "Agreement") is entered into this _____ day of _____, 20 _____ by and among _____, an independent special district and body politic of the State of Florida (the "District"), _____ (the "Developer") and the BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA (the "Board").

RECITALS:

- A. Simultaneously herewith, the Developer has applied for Board approval of that certain plat of the subdivision to be known as _____ (the "Plat").
- B. Chapters 4 and 10 of the Collier County Land Development Code (the "Code") requires the District and the Developer to provide certain guarantees to the Board in connection with the construction of the improvements required by the Plat.
- C. The District and the Developer desire to provide the required guarantees to the Board hereby.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants hereinafter set forth, the District, the Developer and the Board do hereby covenant and agree as follows:

OPERATIVE PROVISIONS:

- 1. *Required Improvements.* The District will cause to be constructed:

(collectively, the "Required Improvements"). Subject to Paragraph 3 hereof, the Required Improvements will be constructed within thirty-six (36) months from the date that the Board approves the Plat.

- 2. *Security for Required Improvements.* A construction fund (the "Construction Fund") has been established by resolution of the District adopted on _____, 19/20 (circle one) _____ (the "Bond Resolution") from which the cost of construction of the Required Improvements shall be paid. The Construction Fund shall be held in the custody of a bond trustee (the "Trustee"). Proceeds of bonds authorized to be issued by the District pursuant to the Bond Resolution shall be deposited, at a minimum, in the Construction Fund as follows: \$ _____ for costs of the Required Improvements (the "Construction Amount") and \$ _____ representing ten percent (10%) of the Construction Amount (the "Reserve Amount"). The Reserve Amount shall be retained as a reserve in the Construction Fund pursuant to Paragraph 5 hereof. In addition to the foregoing, proceeds of the Bonds shall be deposited with the Trustee to be held as capitalized interest and which, together with interest earned on the Bond proceeds deposited in the Construction Fund, shall be sufficient to pay interest on the Bonds during the (_____) month period following the issuance thereof. In addition, proceeds of the Bonds shall be deposited with the Trustee in the Debt Service Reserve Account established by the Bond Resolution in an amount sufficient to pay approximately (_____) months of debt service on the Bonds. There shall be sufficient monies in the construction fund to construct the required improvements and all other improvements authorized by the Bond Resolution, as well as to fund the Reserve Amount.

3. *Construction of Required Improvements.*

(a) Annexed hereto and made a part hereof as Exhibit A is a Construction Schedule relating to the Required Improvements (the "Construction Schedule"). The District shall commence construction of the Required Improvements within (_____) days following written construction approval to the District from the Development Services Department and the issuance, sale and delivery of the Bonds (the "Commencement Period"). The District will pursue construction of the Required Improvements to substantial completion within (_____) months following the end of the Commencement Period (the "Construction Period").

(b) In the event the District fails to: (i) commence construction of the Required Improvements within the Commencement Period; or (ii) substantially complete construction of the Required Improvements prior to the expiration of the Construction Period, upon written notice to Developer by the Board, Developer shall immediately become responsible for the construction of the Required Improvements. The obligation to construct the Required Improvements within the Construction Period shall be a joint obligation of both the District and the Developer.

4. *County Manager or his designee's Preliminary Acceptance of Required Improvements.* The Development services Director shall not consider the Required Improvements complete until a statement of completion by the District's or Developer's consulting engineers, together with the final project records related thereto, have been furnished for review and approval to the County Manager or his designee of Collier County, Florida (the "Director") for compliance with the Code. Within sixty (60) days of receipt of the statement of completion from the District, the Director shall either (a) notify the District or Developer, in writing, of its preliminary acceptance of the Required Improvements; or (b) notify the District or Developer, in writing, of his refusal to preliminarily accept the Required Improvements, therewith specifying those conditions that the District or Developer must fulfill in order to obtain the County Manager or his designee's Preliminary Acceptance of the Required Improvements. In no event shall the Board refuse Preliminary Acceptance of the Required Improvements if they are constructed and submitted for approval in accordance with the requirements of this Agreement.

5. *Maintenance and Reserve Amount.* The District or Developer, as the case may be, shall maintain all Required Improvements for a minimum of one year after preliminary approval by the County Manager or his designee. After the one year maintenance period by the District or Developer and upon submission of a written request for inspection, the County Manager or his designee shall inspect the Required Improvements and, if found to be still in compliance with the Code shall recommend approval to the Board. The District or Developer's responsibility for maintenance of the Required Improvements shall continue unless or until the Board accepts maintenance responsibility for the County. Sums equal to the Reserve Amount shall be maintained by the Trustee on deposit in the Construction Fund until the final approval of the Required Improvements. The Board shall reflect its acknowledgment of such finding by notifying the District, in writing, of its final approval of the Required Improvements. Upon receipt of notice of such final approval, the District shall no longer be required under this Agreement to maintain the Reserve Amount on deposit in the Construction Fund. In the event that during the inspection the Director finds that all or some portion of the Required Improvements are not in compliance with the Code, the Director shall promptly specify, in writing, to the District those deficiencies that must be corrected in order to bring the Required Improvements into compliance with the Code. The District shall apply the Reserve Amount to payment of the cost of correcting such deficiencies. In the event the District fails to pursue such corrective action, the Developer shall bring the Required Improvements into compliance with the Code. Upon correction of the specified deficiencies and written notice thereof, the Director shall gain inspect the Required Improvements and, if found to be in compliance with the Code, shall submit such findings to the Board for its final approval thereof.

6. *Plat Recordation.* The parties acknowledge that this Agreement is a "Construction and Maintenance Agreement of Subdivision Improvements" within the meaning of, and meeting the requirements established by, section 10.02.04 of the Code. The parties acknowledge and agree that following the Board's approval of the Plat:

a. The Developer shall not be entitled to record the Plat until the Board receives:

(1) Written notice from the Trustee that sums at least equal to the Construction Amount and Reserve Amount are on deposit in the Construction Fund (the "Trustee Notice");

(2) Written notice from District and the Trustee that:

(a) The project for which bond proceeds have been received by District includes the Required Improvements;

(b) Such Bond proceeds are sufficient to finance the Required Improvements as well as all other improvements to be financed by the Bonds (collectively "the Project") and to fund the Reserve Amount. The Trustee's representation that funds are sufficient to finance the Project for which Bond proceeds have been received as well as to fund the Reserve Amount is based upon the District Engineer's estimation of construction costs which is attached hereto and incorporated herein; and

(c) The Project cannot be amended or changed without the consent of the Board (the "Project Notice").

(3) A representation and warranty from the District that all governmental permits to enable the District to commence construction of the Required Improvements have been obtained ("Permit Warranty"); and

b. Upon receipt by [of] the Board of the Trustee Notice, Project Notice and the Permit Warranty, Developer shall be entitled to record the Plat without further condition, other than payment of any related recording fees established by applicable law and the execution of the Plat by all required parties.

7. *Liability.* The County shall have no liability whatsoever to the bond holders. Neither the enforcement of the terms of this Agreement by the County nor the failure to enforce such terms shall create any liability whatsoever to the bond holders, the District, or the Developer. Any disclosure document prepared by the District or Developer in the offering of such Bonds shall provide a statement as described above relating to the lack of liability of the County.

8. *Miscellaneous.* All of the terms, covenants and conditions herein contained are, and shall be, binding upon the respective successors and assigns of the District, Developer and Board. By execution below, the Trustee shall evidence its acknowledgment of and assent to the matters addressed herein. Any notice, demand, request or instrument authorized or required to be given or made hereby shall be deemed to have been given or made when sent by certified mail, return receipt requested, to the appropriate party at their address set forth below:

To the District:

To the Developer:

To the Board:

c/o County Manager
Collier County Government Center
3301 East Tamiami Trail
Naples, FL 33962

With a Copy to:

Collier County Attorney
Collier County Government Center
3301 East Tamiami Trail
Naples, FL 33962

To the Trustee:

IN WITNESS WHEREOF, the District, the Developer and the Board have caused this Agreement to be executed by their duly authorized representatives as of this _____ day of _____ 20____.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

DISTRICT:

ATTEST:

District Secretary

By: _____
Its: _____

Witness

DEVELOPER:

Witness

DEVELOPER:

By: _____
Its: _____

ATTEST:

DWIGHT E. BROCK, Clerk

BOARD:

BOARD OF COUNTY COMMISSIONERS OF
COLLIER COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

Approved as to form and legal sufficiency:

County Attorney

Acknowledged and assented to:

_____ as Trustee under the within-mentioned
Bond Resolution

By: _____
Its: _____
Date: _____

CONSTRUCTION AND MAINTENANCE AGREEMENT FOR SUBDIVISION IMPROVEMENTS
PRIOR TO RECORDING OF PLAT

THIS CONSTRUCTION AND MAINTENANCE AGREEMENT FOR SUBDIVISION IMPROVEMENTS PRIOR TO RECORDING OF PLAT AGREEMENT entered into this _____ day of _____, 20 _____ between _____ hereinafter referred to as "Developer," and the Board of County Commissioners of Collier County, Florida, hereinafter referred to as the "Board."

RECITALS:

1. Developer has, simultaneously with the delivery of this Agreement, applied for the approval by the Board of a certain plat of a subdivision to be known as:

2. Chapters 4 and 10 of the Collier County Land Development Code allows the Developer to construct the improvements required by said subdivision regulations prior to recording the final plat.

NOW, THEREFORE, in consideration of the foregoing premises and mutual covenants hereinafter set forth, Developer and the Board do hereby covenant and agree as follows:

1. Developer will cause to be constructed:
within _____ months from the date of approval of said subdivision plat, said improvements hereinafter referred to as the required improvements.
2. Developer herewith agrees to construct said improvements prior to recording said subdivision plat and the Board of County Commissioners shall not approve the plat for recording until said improvements have been completed.
3. Upon completion of said improvements, the Developer shall tender its subdivision performance security in the amount of \$ _____ which represents ten percent of the total contract cost to complete construction. Upon receipt of said subdivision performance security by the County Manager or his designee, the Developer may request the Board of County Commissioners to approve the subdivision plat for recording and grant preliminary approval of said plat.
4. The required improvements shall not be considered complete until a statement of substantial completion by Developer's engineer along with the final project records have been furnished to be reviewed and approved by the County Manager or his designee for compliance with the Collier County Land Development Code.
5. The County Manager or his designee shall, within sixty (60) days of receipt of the statement of substantial completion, either: a) notify the Developer in writing of his preliminary approval of the improvements; or b) notify the Developer in writing of his refusal to approve the improvements, therewith specifying those conditions which the developer must fulfill in order to obtain the Director's approval of the improvements. However, in no event shall the County Manager or his designee refuse preliminary approval of the improvements if they are in fact constructed and submitted for approval in accordance with the requirements of this Agreement.
6. The Developer shall maintain all required improvements for a minimum period of one year after preliminary approval by the County Manager or his designee. After the one year maintenance period by the Developer has terminated, the Developer shall petition the County Manager or his designee to inspect the required improvements. The County Manager or his designee or his designee shall inspect the improvements and, if found to be still in compliance with the Collier County Land Development Code as reflected by final approval by the Board, the

Board shall release the ten percent subdivision performance security. The Developer's responsibility for maintenance of the required improvements shall continue unless or until the Board accepts maintenance responsibility for the County.

7. In the event the Developer shall fail or neglect to fulfill its obligation under this Agreement, upon certification of such failure, the County Administrator may call upon the subdivision performance security to secure satisfactory completion, repair and maintenance of the required improvements. The Board shall have the right to construct and maintain, or cause to be constructed and maintained, pursuant to public advertisement and receipt of acceptance of bids, the improvements required herein. The Developer, as principal under the subdivision performance security, shall be liable to pay and to indemnify the Board, upon completion of such construction, the final total cost to the Board thereof, including, but not limited to, engineering, legal and contingent costs, together with any damages, either direct or consequential, which the Board may sustain on account of the failure of the Developer to fulfill all of the provisions of this Agreement.

8. All of the terms, covenants and conditions herein contained are and shall be binding upon the Developer and the respective successors and assigns of the developer.

IN WITNESS WHEREOF, the Board and the Developer have caused this Agreement to be executed by their duly authorized representatives this _____ day of _____, 20 _____

Witnesses to _____ (Developer Name) _____ : _____ (entity)
Developer

By: _____
(printed name and title)

Witnesses to _____ (Lender Name) _____ : _____ (entity)
Lender

By: _____
(printed name and title)

ATTEST:
DWIGHT E. BROCK, CLERK

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF
COLLIER COUNTY, FLORIDA
By: _____
Chairman

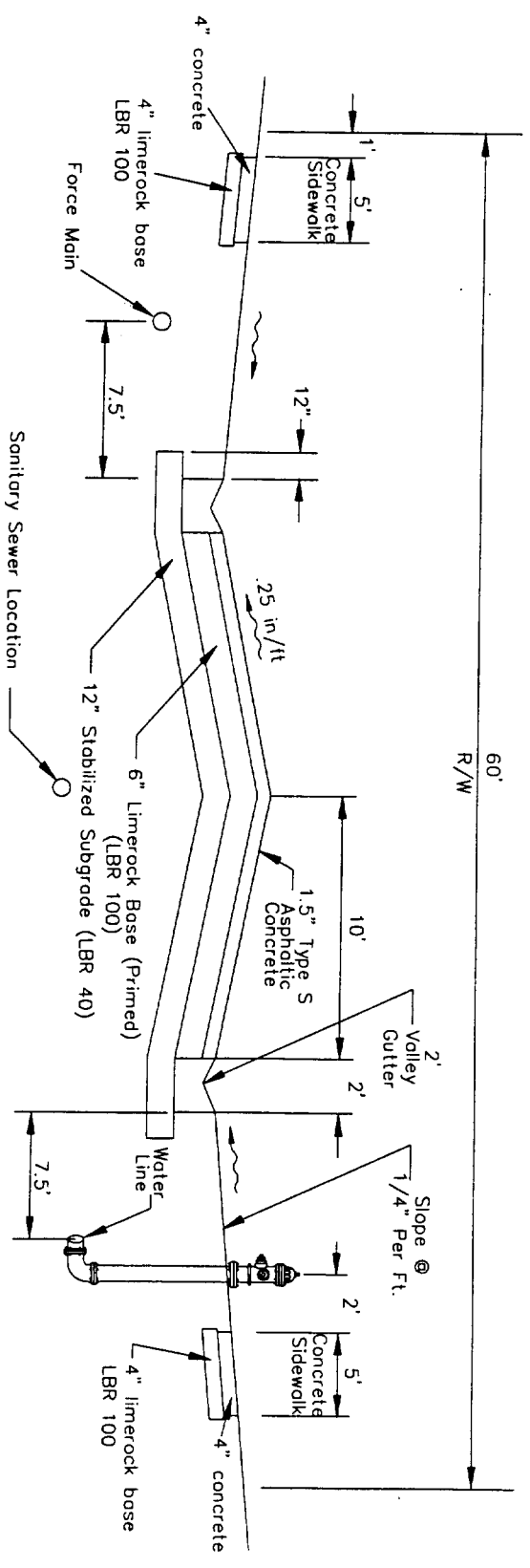
Approved as to form and legal sufficiency:

County Attorney

**APPENDIX B
TYPICAL STREET SECTIONS AND RIGHT-OF-WAY DESIGN STANDARDS**

Cul-De-Sac	B-2
Local Street	B-3
Commercial/Industrial	B-4
Minor Collector	B-5
Major Collector	B-6

COLLIER COUNTY LAND DEVELOPMENT CODE



- Notes:
- Asphaltic concrete shall be Type S or equal as approved by the county development engineer.

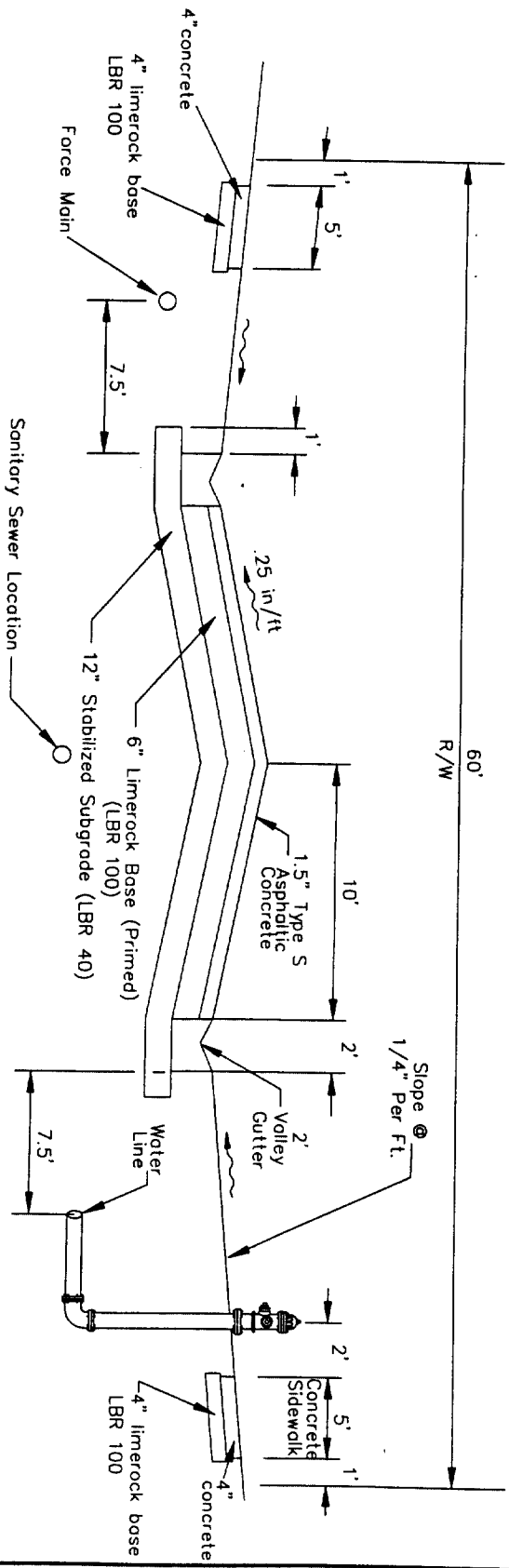
Cul-De-Sac

Supp. No. 5

DATE	BY	REVISIONS	PROJECT
7/03	JP	Per Land Dev. Code Review	Collier County Development Services Department
7/03	JP		Collier County Subdivision Typical Roadway Section

Not to scale	
Date: 7/03	
FILE: LDCB4.DWG	

APPENDIX B-TYPICAL STREET SECTIONS

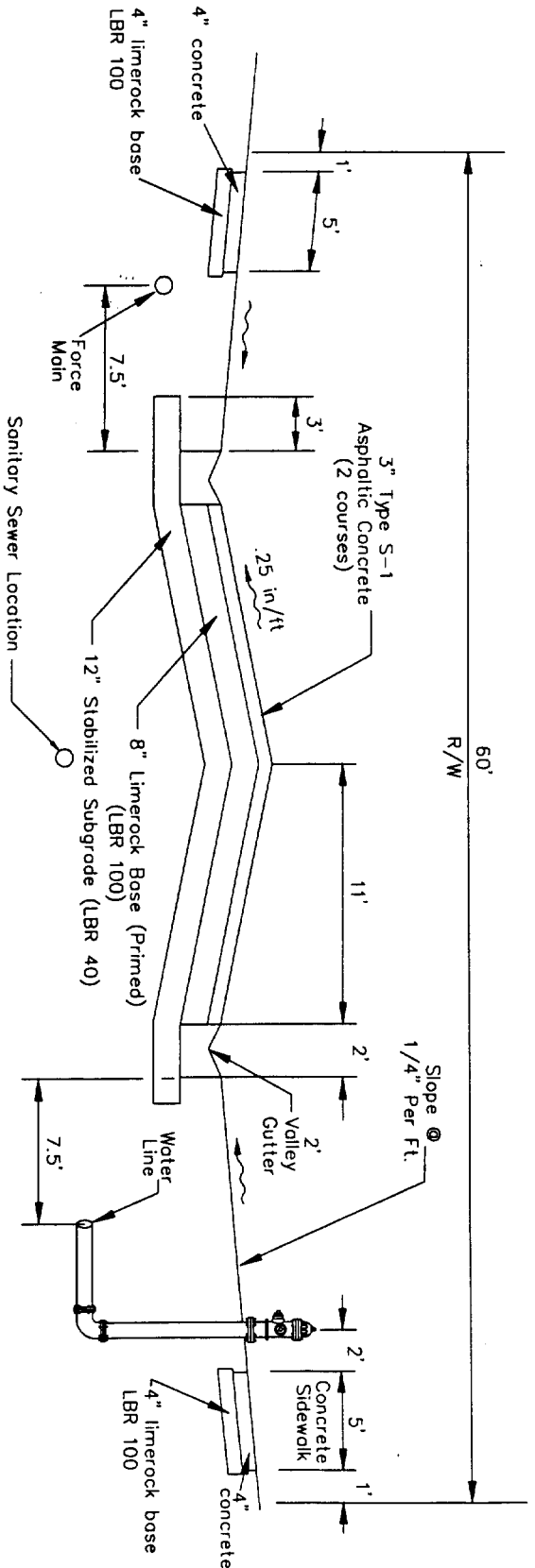


- Notes:
- Asphaltic concrete shall be Type S or equal as approved by the county development engineer.

Local Street

DATE		REVISIONS		Per Land Use Code Review	Collier County Development Services Department	Collier County Subdivision Typical Roadway Section	Not to scale
NO.	BY	DESCRIPTION	DATE				
4/96	CD						Date: 7/03
4/99	BB						FILE: LCD85.DWG
4/03	JC						

COLLIER COUNTY LAND DEVELOPMENT CODE



COMMERCIAL/INDUSTRIAL

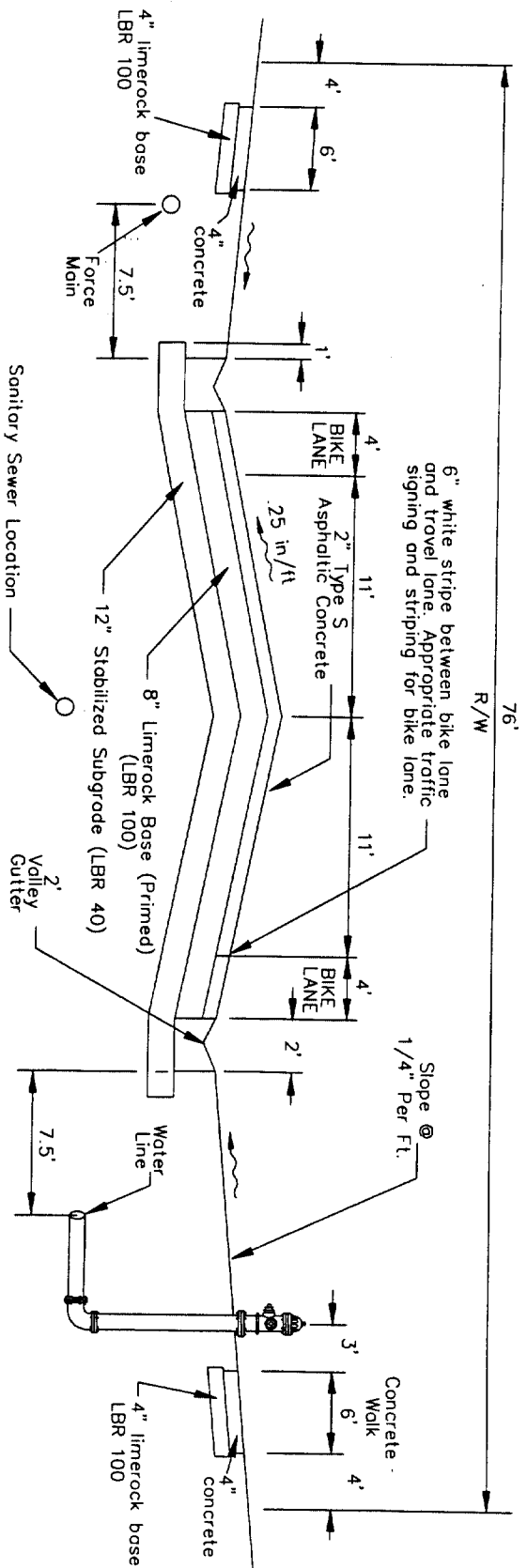
- Notes:
- 1) Asphaltic concrete shall be type S or equal as approved by the county development engineer.
 - 2) If roadway is divided, lanes shall be 14' and the minimum right of way shall be expanded proportional for the width of the median and the expanded lane width.
 - 3) Center line design curve radius shall be in accordance with the F.D.O.T. manual of uniform minimum standards for design (section III).
 - 4) Major & minor collectors require 8' sidewalk on both sides.

REVISIONS		DATE	
BY	DATE	BY	DATE
BB	4/99	BB	4/99
AK	4/03	AK	4/03

Collier County Development Services Department	Collier County Subdivision Typical Roadway Section
---	---

Not to scale Date: 7/03 FILE: LDCB6.DWG

APPENDIX B-TYPICAL STREET SECTIONS



- Notes:
 1). Asphaltic concrete shall be Type S or equal as approved by the county development engineer.

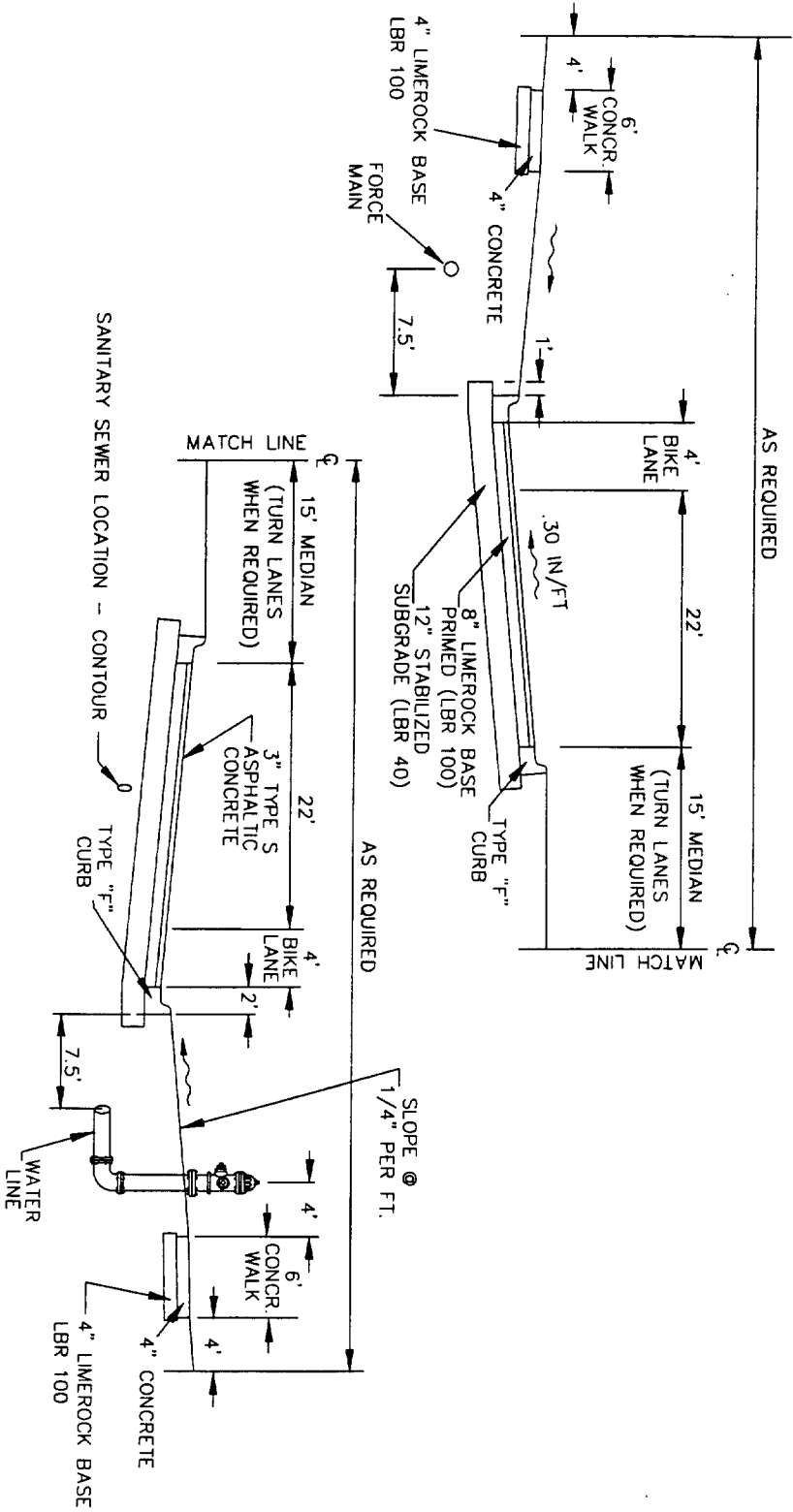
Minor Collector

DATE		REVISIONS	DESCRIPTION
4/98	CU		Per Land Use Code Review
7/99	BB		
4/03	JC		

Collier County Development Services Department	Collier County Subdivision Typical Roadway Section
--	--

Not to scale
Date: 7/03
FILE: LDCB7.DWG

COLLIER COUNTY LAND DEVELOPMENT CODE



- Notes:
 1) Asphaltic concrete shall be Type S or equal as approved by the county development engineer.

Major Collector and Arterials

DATE	BY	REVISIONS	RESPONSE	COLLIER COUNTY DEVELOPMENT SERVICES DEPARTMENT	COLLIER COUNTY SUBDIVISION TYPICAL ROADWAY SECTION	NOT TO SCALE
4/98	CD		Per Land Dev. Code Review	Collier County Development Services Department	Collier County Subdivision Typical Roadway Section	Date: 7/03 FILE: LDCB8.DWG
4/98	BS					
4/00	JC					
4/03	JC					

APPENDIX C - FINAL SUBDIVISION PLAT, REQUIRED CERTIFICATIONS AND SUGGESTED TEXT AND FORMATS FOR OTHER REQUIRED INFORMATION

(SEE LDC section 10.02.04 for applicable, specific provisions)

The following text and format are intended as a guide for preparers of those platting materials required to be submitted to reviewing authorities, including the project review services department, utilities division, county health department, county attorney and the BCC. Adherence to this format and text will substantially expedite review. Substantial deviation in substance or form from the suggested text and format may result in delay or disapproval of the submitted plat.

SURVEYOR'S CERTIFICATE

State of Florida)	
)	SS
County of Collier)	

The undersigned hereby certifies that this plat was prepared by me or under my supervision and that the depicted survey data complies with all of the requirements of Chapter 177, Part I, Florida Statutes. Permanent reference monuments will be set prior to the recording of this plat and permanent control points and lot corners will be set prior to final acceptance of required improvements.

(Signature) _____	
(Printed Name) _____	
Florida Professional Land Surveyor No. _____	
Date _____	

COUNTY COMMISSION APPROVAL

State of Florida)	
)	SS
County of Collier)	

This plat approved for recording in a regular open meeting by the Board of County Commissioners of Collier County, Florida, this _____ day of

_____, 20 _____, A.D., provided that the plat is filed in the office of the Clerk of the Circuit Court of Collier County, Florida.

_____ _____, Clerk	_____ Chairman, Board of County Commissioners Collier County, Florida
-----------------------	--

FILING RECORD

I hereby certify that this plat has been examined by me and that it complies in form with the requirements, of Chapter 177, Florida Statutes. I further certify that said plat was filed for record at _____ (a.m. or p.m.) this _____ day of _____, 20 _____, A.D. and duly recorded in Plat Book Page(s) _____, inclusive, of the Public Records of Collier County, Florida.

_____	_____, Clerk
_____	By: _____

ENGINEERING REVIEW SERVICES

This Plat approved by the Engineering Review Services Section of the Community Development Division of Collier County, Florida this _____ day of _____, 20 _____; A.D

_____ Engineering Review Services Director Collier County, Florida	_____
--	-------

COUNTY ATTORNEY

This Plat approved by the Collier County Attorney this _____ day of _____, 20 _____, A.D.

_____ Collier County Attorney	_____
-------------------------------------	-------

DEDICATIONS

State of Florida)	
)	SS
County of Collier)	

KNOW ALL MEN BY THESE PRESENTS that _____ (owner(s)), the owner of lands described hereon, have caused this plat entitled _____ (name of subdivision) to be made and do hereby:

- A. Dedicate to Collier County or the public:
 - 1. The rights-of-way for depicted streets, roads, or ingress & egress easements as shown hereon for the purpose of access, ingress & egress and any other purposes shown.
 - 2. Any tracts or easements intended to be conveyed to the public for such purposes as they may be required, i.e., canal rights-of-way/easements, drainage or stormwater management easements, etc.

- B. To Collier County Water-Sewer District or any other applicable entity: i.e., Immokalee Water-Sewer District, etc.:
 - 1. all water and sewer utility facilities constructed within this platted area, upon acceptance of the improvements required by the applicable land development regulations.
 - 2. To Collier County Water-Sewer District (or any other applicable entity: i.e., Immokalee Water-Sewer District, etc.) indicated.

- C. Dedicate to the insert appropriate entity name(s) home/property/lot owners' association, or to any other lawfully existing entity, which must have the power or authority to perform the obligation to maintain being dedicated, along with the responsibility for such maintenance:
 - 1. Private road rights-of-way,
 - 2. Drainage or stormwater management easements,
 - 3. Landscape buffer easements,
 - 4. Lake maintenance easements,

5. Access easements,
6. Or any other similar easement or tract intended to be dedicated for a set purpose(s)

Such tracts or easements must be dedicated to a homeowner's association or to any other lawfully existing entity which has or would have at the time of final plat recording the power or authority to perform the obligation to maintain, along with the responsibility for such maintenance.

- D. A non-exclusive public utility easement (P.U.E.) to all licensed or franchised public or private utilities as shown on this plat for public utility purposes, including construction, installation, maintenance, and operation of their respective facilities, including cable television services, provided that such uses be subject to, and not inconsistent with, the use by the Collier County Water-Sewer District. In the event a cable company damages the facilities of another public utility it will be solely responsible for said damages.
- E. Reserve to the state appropriate owner entity(s) name(s):
 1. any tracts intended for "Future Development," or being retained for other stated, specific purposes.

BE SURE TO PROVIDE A SEPARATE ACKNOWLEDGMENT FOR EACH OWNER

WITNESSES:	BY: _____
------------	-----------

ACKNOWLEDGMENT

All dedications and consents are to be executed and acknowledged in accordance with the applicable sections of Chapters 689 and 692 of the Florida Statutes.

WAIVER AND RELEASE NOTE:

On _____, of 20 _____ the owner(s) executing the Dedication, as the holders of record title or other specified interests, expressly waived and released the County from any claims of vested rights and equitable estoppel pertaining to the issuance of a Certificate of Public Facility Adequacy in accordance with Collier County.

PLEASE NOTE: AT THE APPLICANT'S DISCRETION, MORTGAGEE'S CONSENTS AND ACKNOWLEDGMENTS IN SUBSTANTIALLY THE FOLLOWING FORM MAY BE PROVIDED AS A SEPARATE INSTRUMENT AS SET FORTH IN § 177.081(2), F.S., ADDITIONAL RECORDING FEES MAY BE REQUIRED IF SUCH SEPARATE CONSENTS ARE PROVIDED.

MORTGAGEE'S CONSENT

STATE OF FLORIDA)
)
COUNTY OF COLLIER)

_____ (mortgagee), authorized to transact business in the State of Florida, hereby certifies that it is the holder of a mortgage upon the herein described property as recorded on O.R. Book _____, Page _____ of the Public Records of Collier County, and does hereby join in and consent to the dedication of the property by the owner, and agrees that its mortgage shall be subordinated to the dedications shown hereon.

	NAME
	TITLE

All dedications and consents are to be executed and acknowledged in accordance with the applicable sections of Chapters 689 and 692 of the Florida Statutes.

BE SURE TO PROVIDE A SEPARATE ACKNOWLEDGMENT FOR EACH MORTGAGE

APPENDIX D
AIRPORT ZONING*

* **Editors Note:** Appendices I through IV have been designated as "Appendix D, Airport Zoning" at the discretion of the editor.

Appendix I. [Airport Zoning Maps]

Appendix II. Naples Airport Noise Zone Map

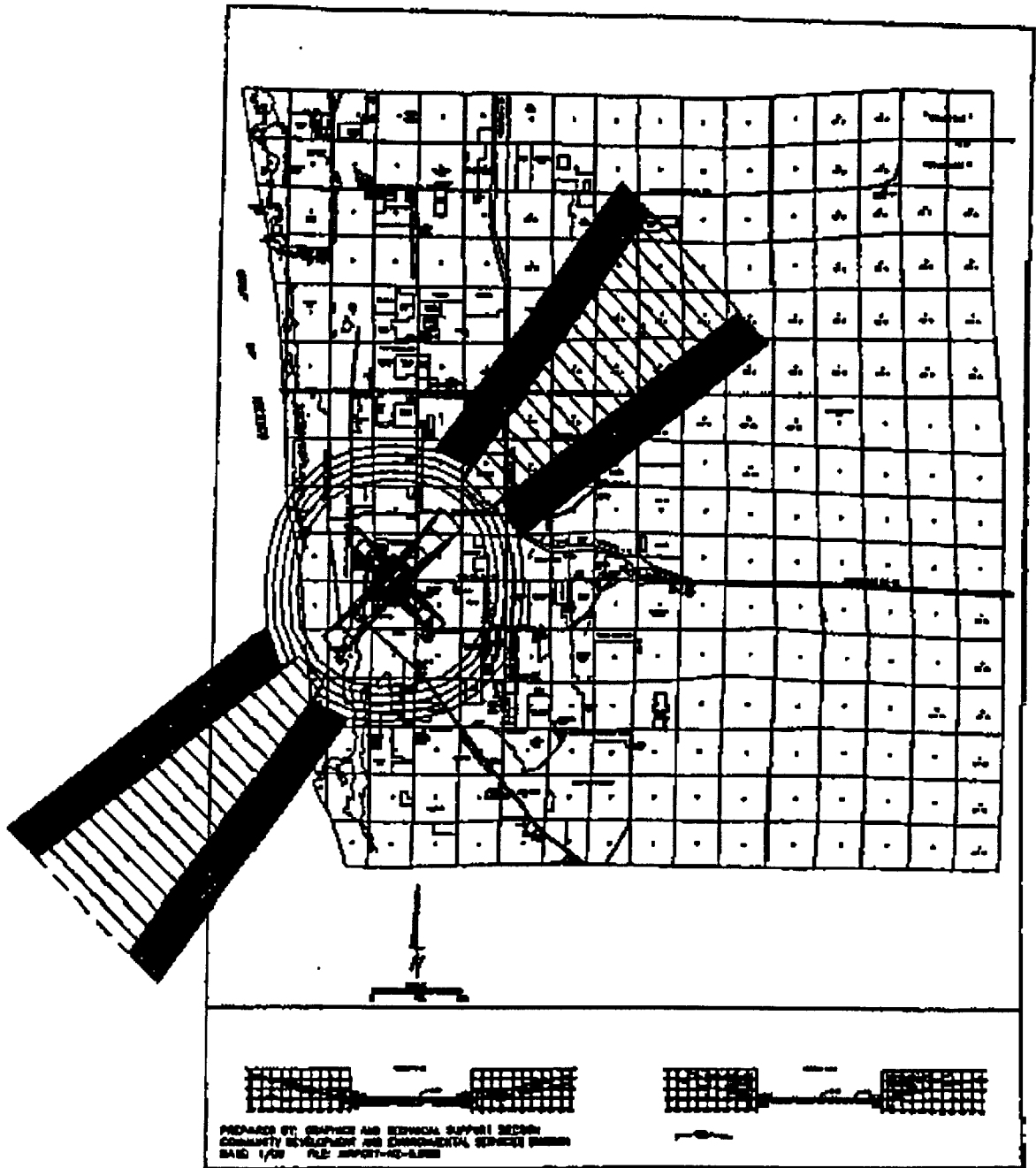
**Appendix III. Activities and/or Land Uses Guidance Chart with
Soundproofing Requirements**

Appendix IV. Required Sound Transmission Class Ratings

APPENDIX I.

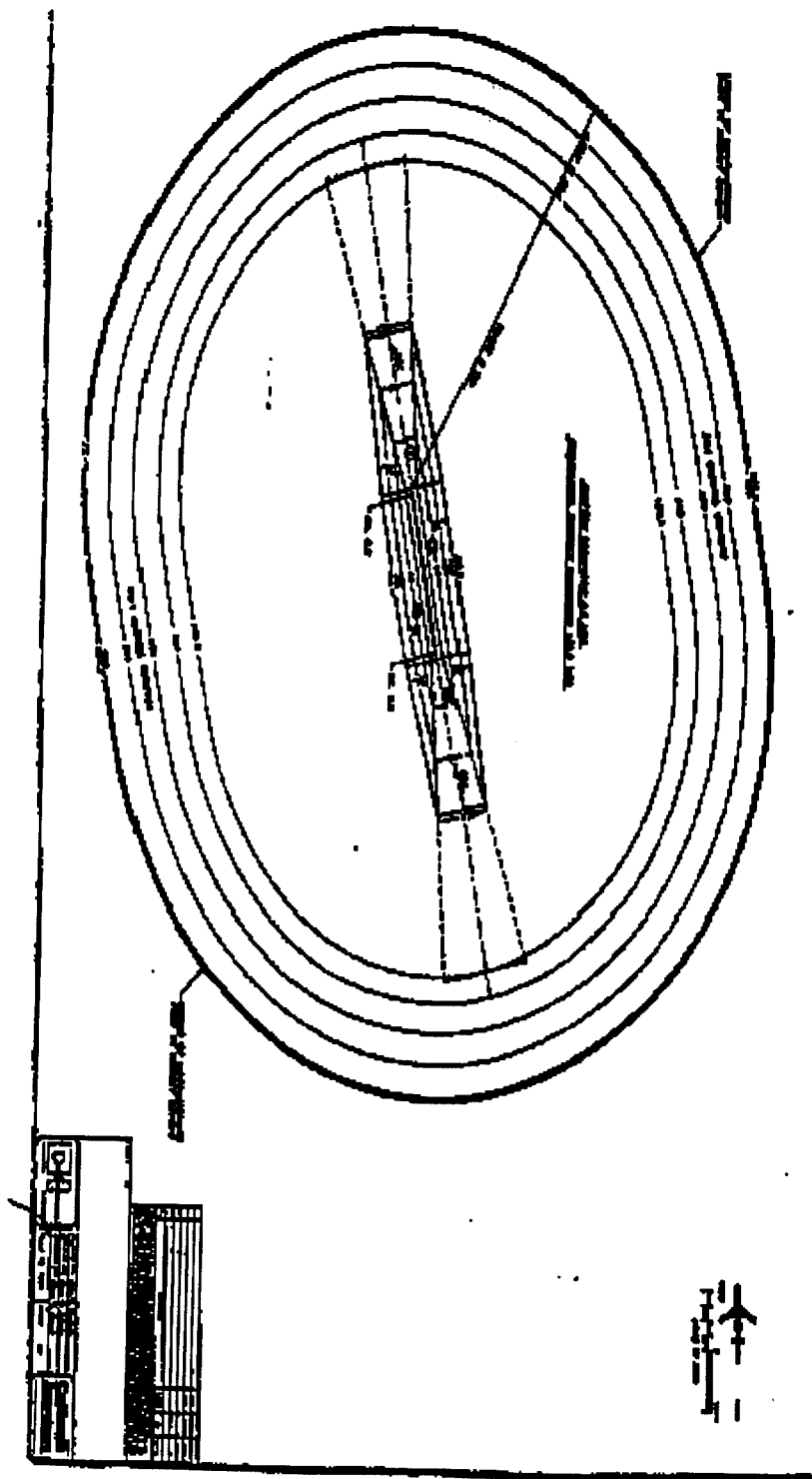
[AIRPORT ZONING MAPS]

Appendix I. [Airport Zoning Maps]



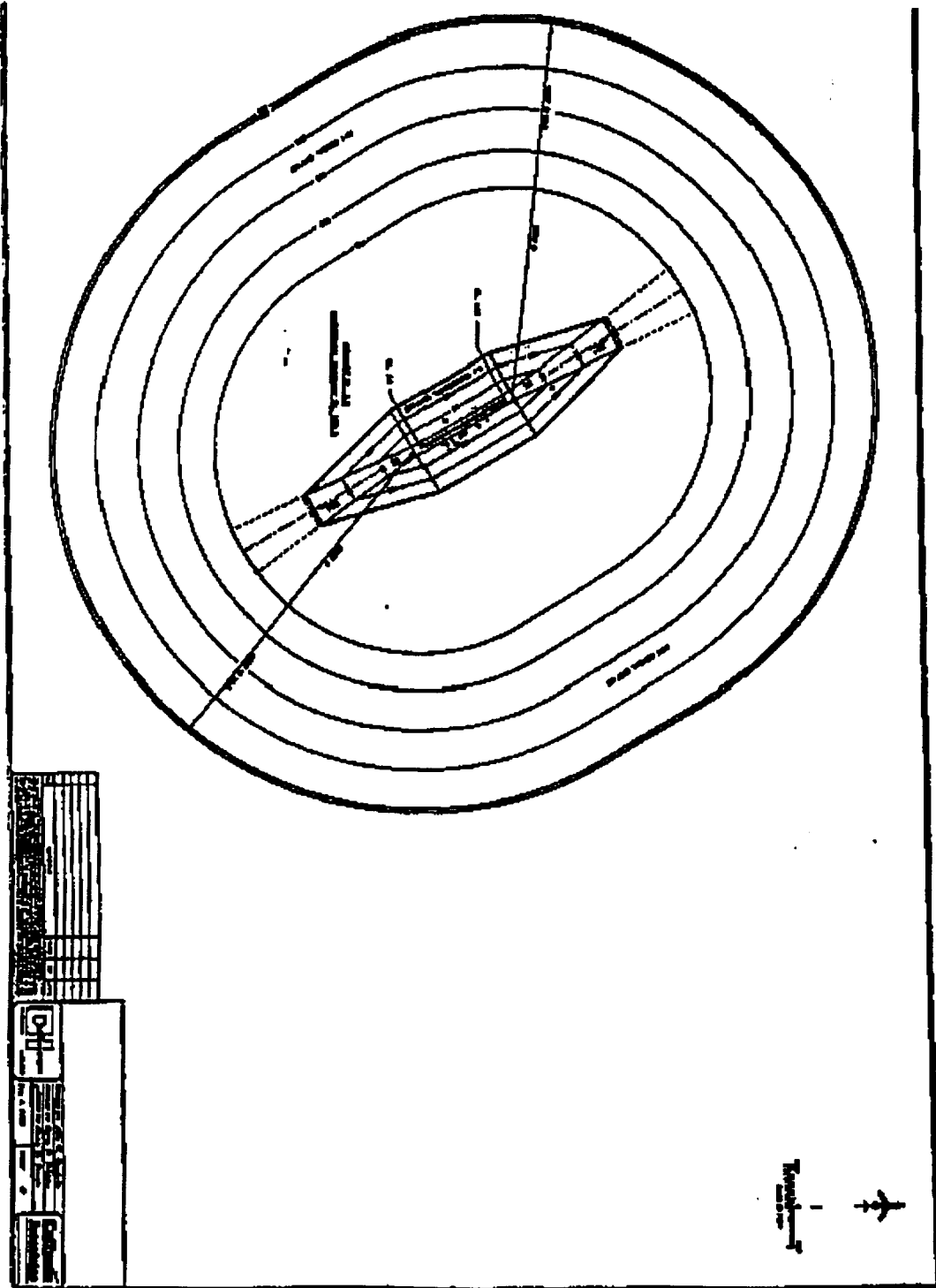
ZONING MAP A. NAPLES MUNICIPAL AIRPORT NOISE ZONE MAP
(SEE SECTION 4.02.06 (N))

ZONING MAP B. MARCO ISLAND [EXECUTIVE] AIRPORT
(SEE SECTION 4.02.06 (N))



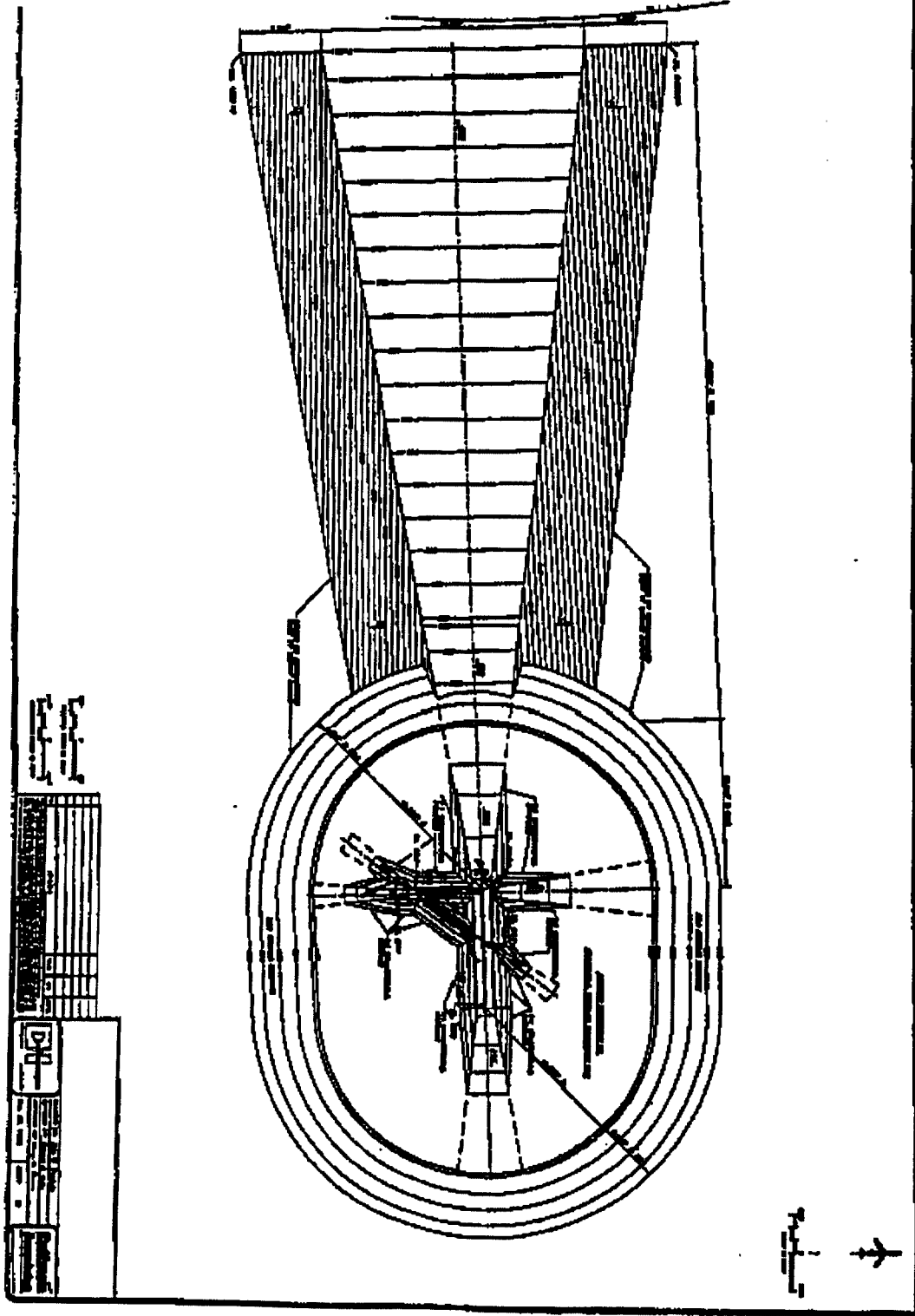
ZONING MAP C. EVERGLADES AIRPORT
(SEE SECTION 4.02.06 (N))

ZONING MAP C. EVERGLADES AIRPORT



ZONING MAP D. IMMOKALEE AIRPORT
(SEE SECTION 4.02.06 (N))

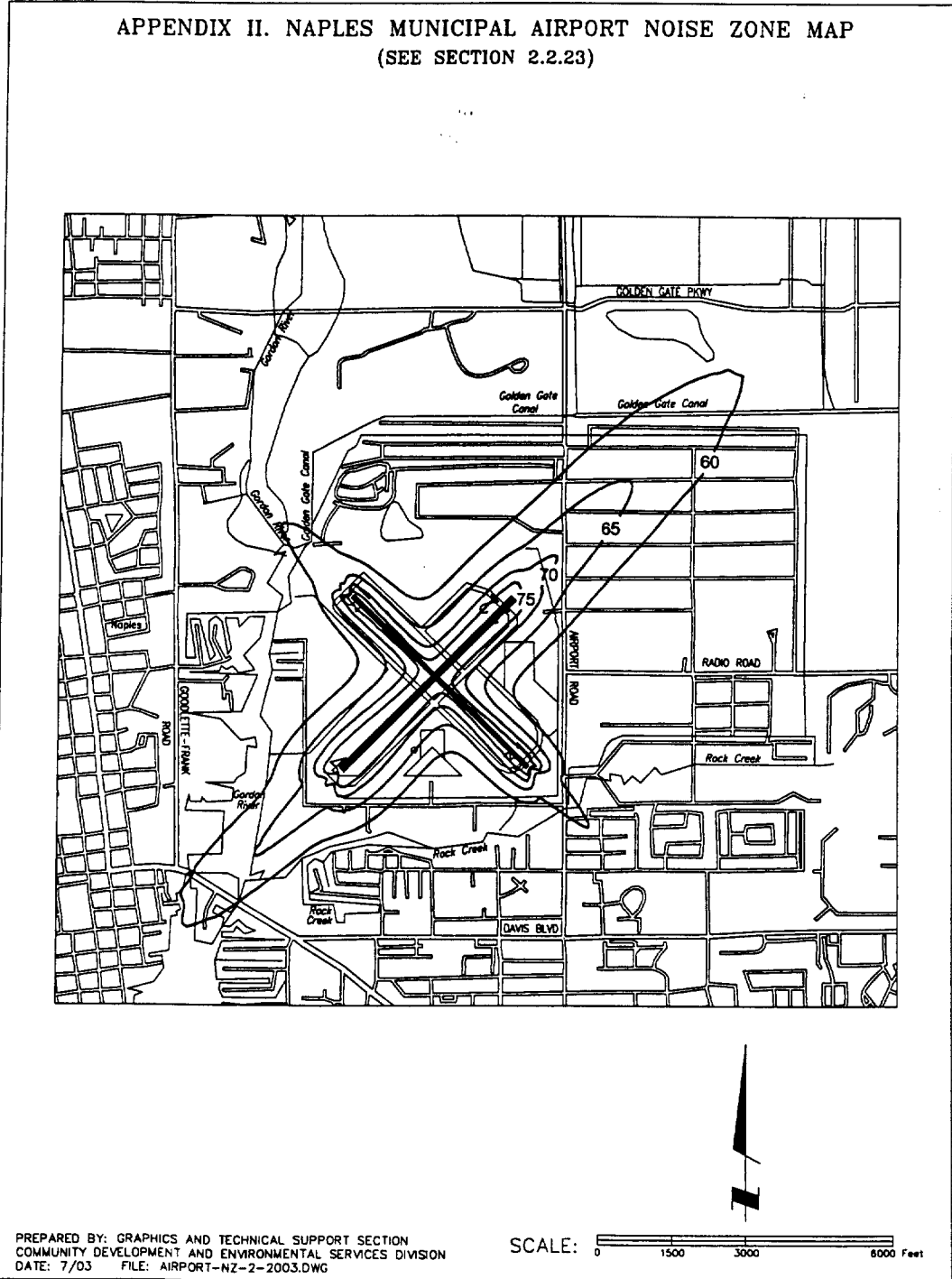
ZONING MAP D. IMMOKALEE AIRPORT



**APPENDIX II. NAPLES MUNICIPAL AIRPORT NOISE ZONE MAP
(SEE SECTION 4.02.06 (N))**

APPENDIX D-AIRPORT ZONING

App. D, App. II



NAPLES MUNICIPAL AIRPORT NOISE ZONE MAP

APPENDIX III.

**ACTIVITIES AND/OR LAND USES GUIDANCE CHART WITH
SOUNDPROOFING REQUIREMENTS**

(SEE SECTION 4.02.06 (N))

Land Use Noise Zones

	A 75 Ldn	B 75-70 Ldn	C 70-65 Ldn	D 65-60 Ldn
RESIDENTIAL				
Single--Units detached	NR	SLR-30	SLR-25	SLR-25
Townhouses--Attached				
Duplex				
Mobile homes	NR	SLR-30	SLR-25	SLR-25
Multifamily	NR	SLR-30	SLR-25	SLR-25
Motels--Residential	NR	SLR-30	SLR-25	SLR-25
Motels--Tourist	NR	SLR-30	SLR-25	SLR-25
Other residential	NR	SLR-30	SLR-25	SLR-25

NR	Not recommended, the land use is not compatible within the identified noise zone. However, if the applicant chooses to develop within the identified noise zone, a sound level reduction (SLR) of 35 must be incorporated into the design and construction of the structure.
SLR	Sound level reduction.

35, 30, or 25	The land use is generally compatible, however, a sound level reduction (SLR) of 35, 30 or 25 must be incorporated into the design and construction of the structure.
Permitted	No sound level requirement required.

Note: This table is a general guide. The responsibility for determining the acceptability and permissible land uses remains with the authority of the BCC. All other land uses not specified above shall be permitted in the noise zones pursuant to the applicable zoning district and shall not be required to meet SLR requirements.

APPENDIX IV.

REQUIRED SOUND TRANSMISSION CLASS RATINGS

(SEE SECTION 4.02.06 (N))

403.2. Compliance with the aircraft sound isolation performance standards shall be established by certification from a registered professional architect or engineer that when constructed in accordance with the approved plans and with quality workmanship, the building shall achieve the specified interior noise levels, or by the use of assemblies having the Sound Transmission Class ratings specified in Table 403.2.

TABLE 403.2. MINIMUM SOUND TRANSMISSION OF ASSEMBLIES

% Openings	Noise Reduction	Exterior Walls and Roofs	Exterior Doors, Windows and Sloped Glazing
1--25%	35 Ldn 30 Ldn 25 Ldn	50 45 39	42 37 28
26--70%	35 Ldn 30 Ldn 25 Ldn	55 50 45	45 41 37

Standard for Sound Control/1988

**Source: Southern Building Code Congress International, Inc., SBCCI Standard
for Sound Control SSTD 8-87, Copyright 1987**

APPENDIX E

ACCESS MANAGEMENT PLAN MAPS

EXPLANATION OF LEGEND AND NOTATIONS ON ACCESS MANAGEMENT PLAN MAPS:

Existing buildings and structures - Generally represents the shape, size and location of structures (primarily nonresidential) existing at the time of adoption of the map. Some uses are identified for geographic reference (e.g., banks) and others because of high traffic generation (e.g., convenience stores, shopping centers).

Existing ingress/egress - Indicates an existing drive or driveway into a project at the time of adoption of the map.

Approved ingress/egress, unbuilt - Indicates a drive, driveway or roadway approved by an existing development order (PUD, planned unit development or SDP, site development plan) but not constructed at the time of adoption of the map.

New ingress/egress - Indicates desired location of future access points. Future development orders could only be approved if access points comply with these locations.

Monitor for future modification/removal - Indicates an existing or approved but unbuilt access point, at the time of adoption of the map, which is to be monitored (review and analyze accidents reports, traffic volumes, and operating conditions within close proximity to the site) for possible modification or removal. Usually this symbol is accompanied by the potential change identified in parentheses, e.g., "(possible removal)." Access points may be modified thru median modification (e.g., change median opening from full to directional, etc.) and/or at the access point itself. Median modification may occur independent of site development activity. Modification or removal of the access point itself may occur at time of site redevelopment, significant site alteration, or change in use.

Existing medians - Depicts location and shape of existing restrictive medians (grass or concrete median, not painted median) at the time of adoption of the map. Median dimensions are representative - no field measurements were performed.

Sidewalk - Indicates existing paved sidewalk at the time of adoption of the map.

Possible traffic light - Indicates the possible location of a traffic light at some time in the future.

Future closure of median opening - Indicates the planned or approved closure of an existing median opening due to scheduled roadway improvements.

Possible closure of median opening - Indicates the possible closure of an existing median opening.

Future modification of median opening - Indicates the planned or approved modification of an existing median opening, e.g. change from full opening to directional.

Possible modification of median opening - Indicates the possible modification of an existing median opening.

Shares access encouraged - Indicates desire for one access point to serve two or more parcels of land. Staff would encourage/request this at time of development order review. Adjacent parcels under same ownership may be limited to a single access point onto the major roadway.

Interconnect encouraged - Indicates where an interconnection between properties appears appropriate. Staff would encourage/request this at time of development order review.

Potential interconnect - Indicates general location where an interconnection between properties appears appropriate and where one of the two parcels is already developed. Staff may encourage/request this at time of development order review of the undeveloped parcel and at time of redevelopment or significant use change for the existing developed parcel.

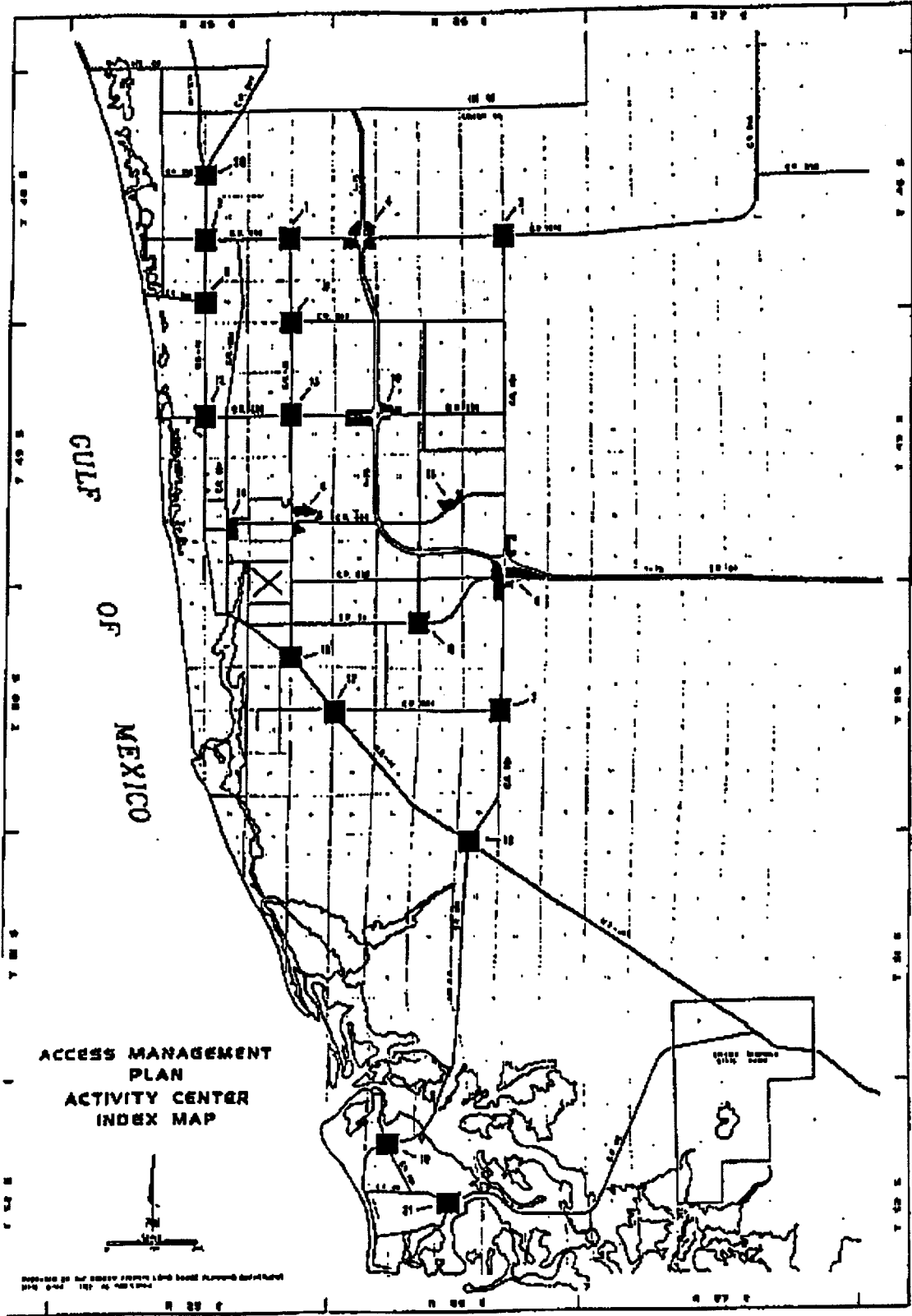
No direct access to _____ (name of road) - Indicates a parcel cannot obtain access from the specified roadway resulting in access being obtained through interconnection with an adjacent property and/or from some other street.

No direct access to _____ (name of road) unless a shared access point - Indicates a parcel cannot obtain access from the specified roadway - resulting in access being obtained through interconnection with an adjacent property and/or from some other street - unless the access is shared with an adjacent property.

Future removal, future right-in, right-out, etc. - Indicates a planned or approved change to an access point due to scheduled roadway improvements (e.g., planned future 4-laning will include median modification such that an access point changes from full to directional) or due to an approved development order for different land use which existing access point removed or modified.

Possible removal, possible right-in, right-out, etc. - Indicates a possible

change to an access point due to future median modifications not yet planned or as a result of monitoring the access point.

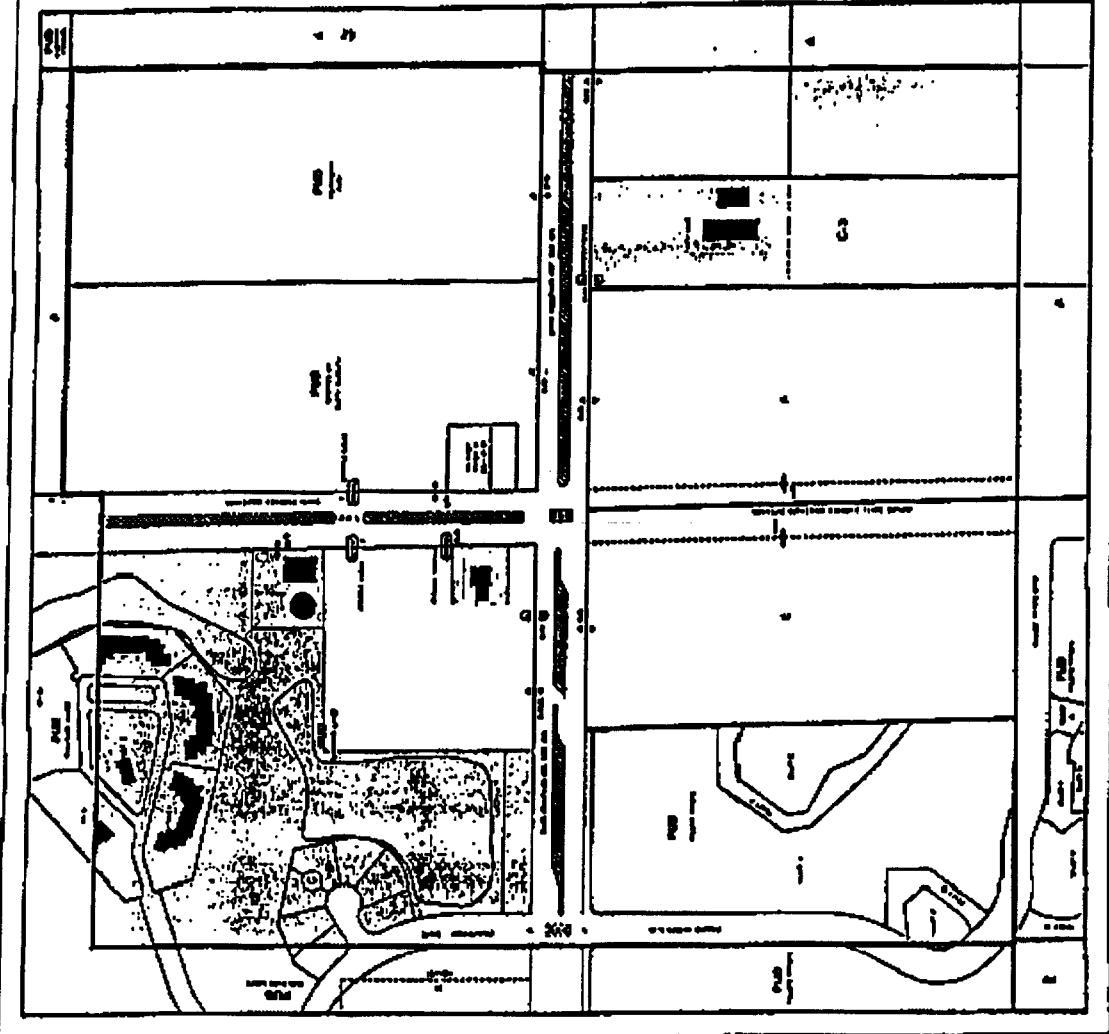


ACCESS MANAGEMENT PLAN
 NORTH WASHINGTON AFB - NORTH QUARTERS QUARTERS
 SECURITY ZONES

DATE: 10/15/03
 BY: [Signature]

LEGEND

- ACTIVITY CONTROL ELEMENT
- SECURITY ZONE
- SECURITY ZONE NO. 1
- SECURITY ZONE NO. 2
- SECURITY ZONE NO. 3
- SECURITY ZONE NO. 4
- SECURITY ZONE NO. 5
- SECURITY ZONE NO. 6
- SECURITY ZONE NO. 7
- SECURITY ZONE NO. 8
- SECURITY ZONE NO. 9
- SECURITY ZONE NO. 10
- SECURITY ZONE NO. 11
- SECURITY ZONE NO. 12
- SECURITY ZONE NO. 13
- SECURITY ZONE NO. 14
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- SECURITY ZONE NO. 38
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- SECURITY ZONE NO. 40
- SECURITY ZONE NO. 41
- SECURITY ZONE NO. 42
- SECURITY ZONE NO. 43
- SECURITY ZONE NO. 44
- SECURITY ZONE NO. 45
- SECURITY ZONE NO. 46
- SECURITY ZONE NO. 47
- SECURITY ZONE NO. 48
- SECURITY ZONE NO. 49
- SECURITY ZONE NO. 50

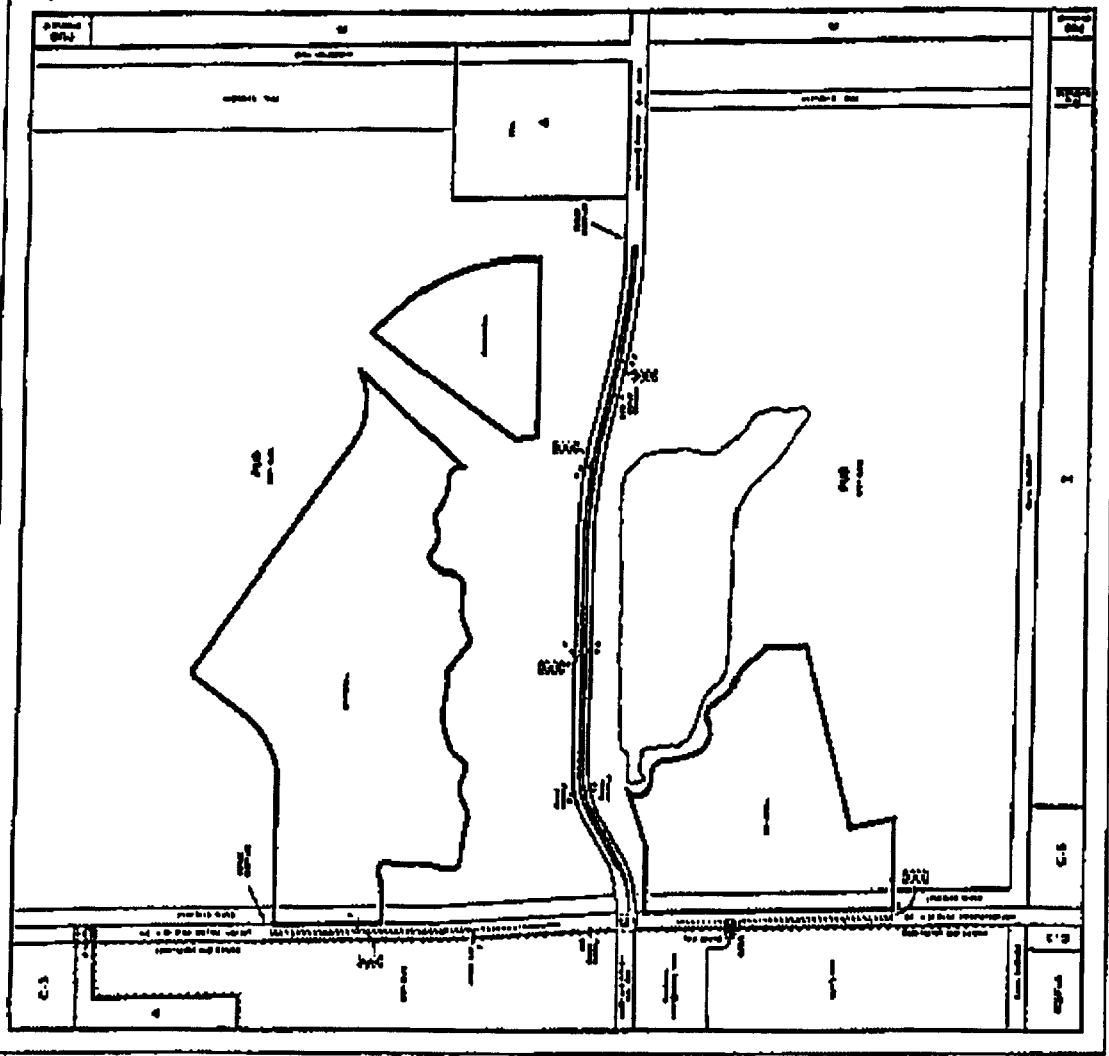


SCALE: 1" = 100'
 NORTH

ACCESS MANAGEMENT PLAN

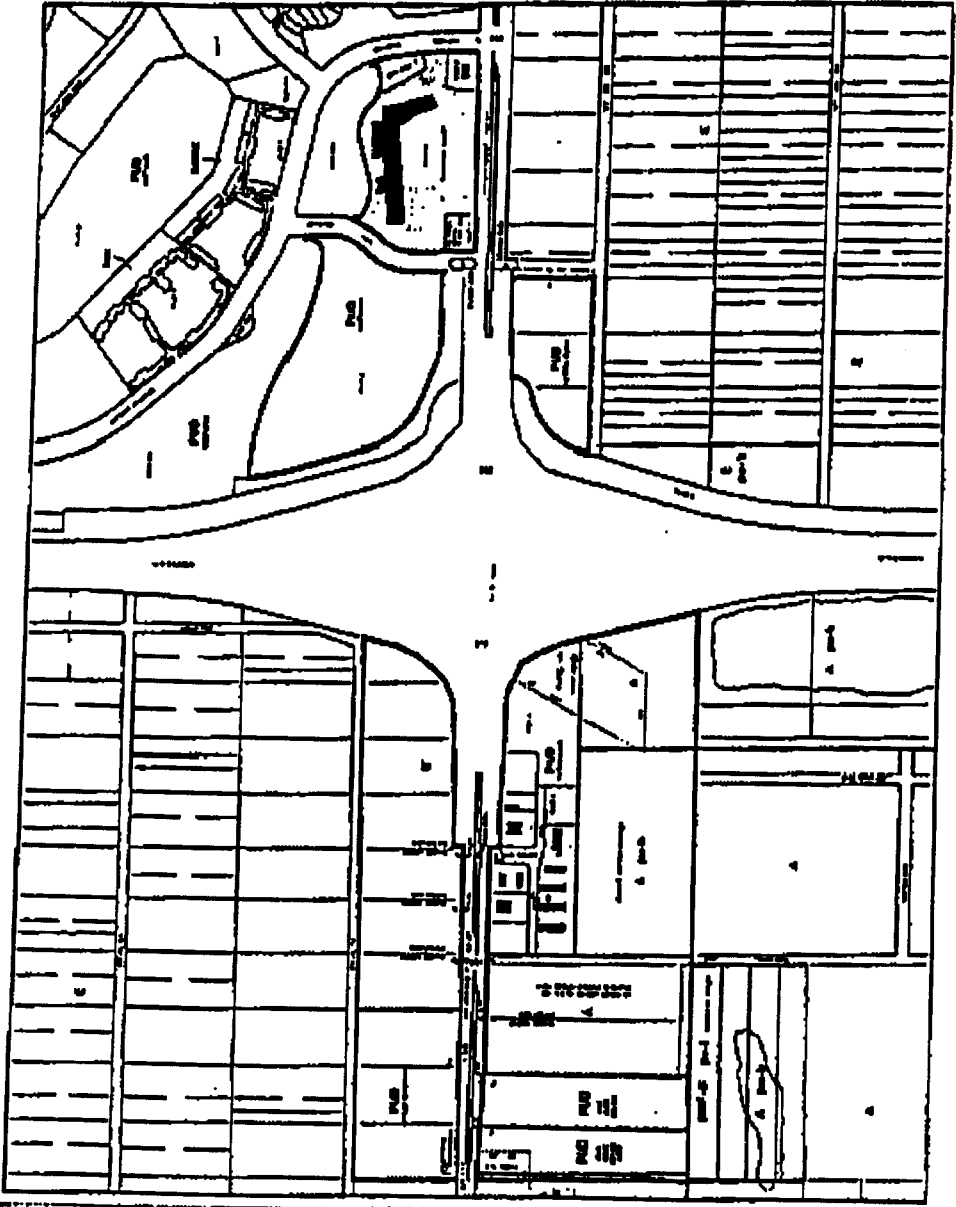
Approved by the Board of Directors on 12/15/2010
 Prepared by: [Name]
 Date: 12/15/2010

LEGEND	
[Symbol]	ACTIVITY CENTER BOUNDARY
[Symbol]	EXISTING ROAD
[Symbol]	PROPOSED ROAD
[Symbol]	EXISTING SIDEWALK
[Symbol]	PROPOSED SIDEWALK
[Symbol]	EXISTING DRIVEWAY
[Symbol]	PROPOSED DRIVEWAY
[Symbol]	EXISTING UTILITY
[Symbol]	PROPOSED UTILITY
[Symbol]	EXISTING LIGHT
[Symbol]	PROPOSED LIGHT
[Symbol]	EXISTING SIGN
[Symbol]	PROPOSED SIGN
[Symbol]	EXISTING FENCE
[Symbol]	PROPOSED FENCE
[Symbol]	EXISTING CURB
[Symbol]	PROPOSED CURB
[Symbol]	EXISTING LANDSCAPE
[Symbol]	PROPOSED LANDSCAPE
[Symbol]	EXISTING TREE
[Symbol]	PROPOSED TREE
[Symbol]	EXISTING BIKEWAY
[Symbol]	PROPOSED BIKEWAY
[Symbol]	EXISTING TRAIL
[Symbol]	PROPOSED TRAIL
[Symbol]	EXISTING PATH
[Symbol]	PROPOSED PATH
[Symbol]	EXISTING STAIR
[Symbol]	PROPOSED STAIR
[Symbol]	EXISTING RAMP
[Symbol]	PROPOSED RAMP
[Symbol]	EXISTING ELEVATOR
[Symbol]	PROPOSED ELEVATOR
[Symbol]	EXISTING ESCALATOR
[Symbol]	PROPOSED ESCALATOR
[Symbol]	EXISTING ACCESSIBLE ROUTE
[Symbol]	PROPOSED ACCESSIBLE ROUTE
[Symbol]	EXISTING ACCESSIBLE PARKING
[Symbol]	PROPOSED ACCESSIBLE PARKING
[Symbol]	EXISTING ACCESSIBLE TRANSIT STOP
[Symbol]	PROPOSED ACCESSIBLE TRANSIT STOP



ACCESS MANAGEMENT PLAN

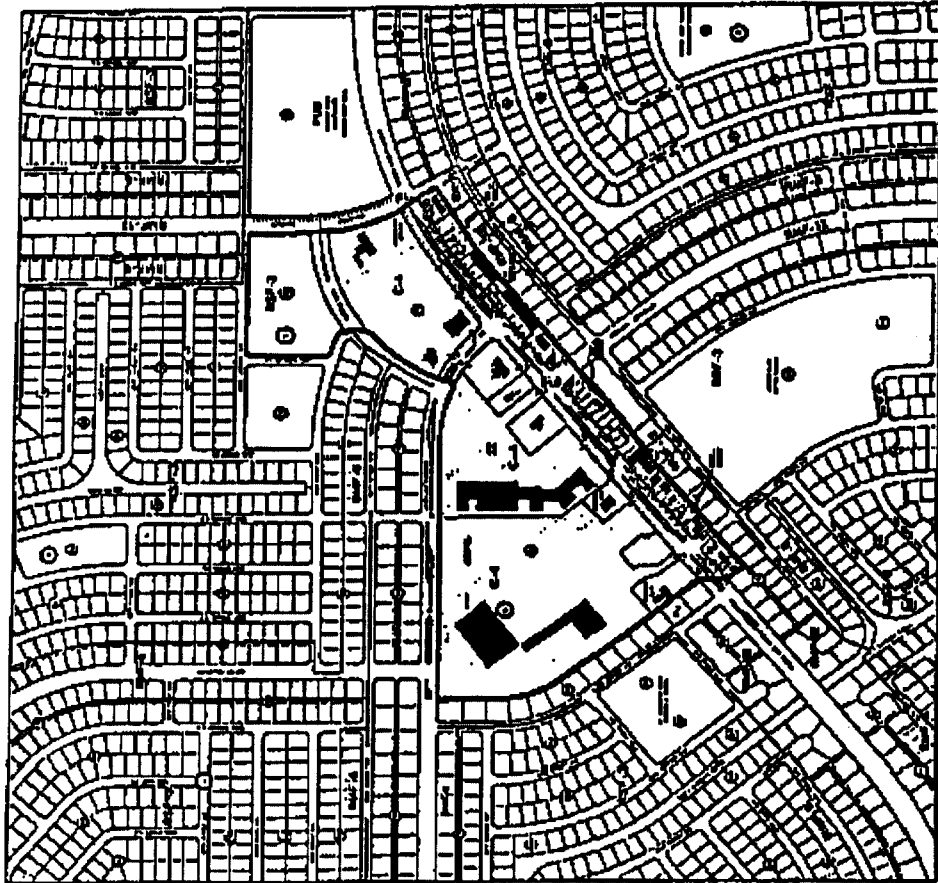
PLAC UNDER OR ON THE INTERCHANGE IN
APPROXIMATE LOCATION



LEGEND	
[Symbol]	Interchange
[Symbol]	Building Footprint
[Symbol]	Access Management Zone
[Symbol]	Right-of-Way
[Symbol]	Proposed Road
[Symbol]	Existing Road
[Symbol]	Utility Line
[Symbol]	Water Line
[Symbol]	Storm Drain
[Symbol]	Other

ACCESS MANAGEMENT PLAN

CHERRY GATE PARKWAY EA 044 - CHERRY GATE SUBDIVISION
 CHERRY GATE
 DATE: 08/11/04



LEGEND

	ACCESS POINT BOUNDARY
	EXISTING ACCESS
	PROPOSED ACCESS
	EXISTING DRIVEWAY
	PROPOSED DRIVEWAY
	EXISTING RIGHT-OF-WAY
	PROPOSED RIGHT-OF-WAY
	EXISTING EASEMENT
	PROPOSED EASEMENT
	EXISTING UTILITY
	PROPOSED UTILITY
	EXISTING STRUCTURE
	PROPOSED STRUCTURE
	EXISTING LOT
	PROPOSED LOT
	EXISTING RIGHT-OF-WAY
	PROPOSED RIGHT-OF-WAY
	EXISTING EASEMENT
	PROPOSED EASEMENT
	EXISTING UTILITY
	PROPOSED UTILITY
	EXISTING STRUCTURE
	PROPOSED STRUCTURE
	EXISTING LOT
	PROPOSED LOT



DATE: 08/11/04
 DRAWN BY: [Name]

APPENDIX F
LIST OF COLLIER COUNTY PUD ORDINANCES--June 26, 2003

PUD Name	Ord. No
AIRPORT PLAZA	95-68
ANGILERE	96-56; 97-16
APRIL CIRCLE	89-76 (Windsong Apts.)
ARBOR LAKE CLUB	90-37
ARBOR TRACE	82-50 (Was Hawks Nest)
ARETE/NAPLES NATIONAL GOLF	90-83; 92-36
ARLINGTON LAKES	00-67
ARROWHEAD	91-44 Rpld.; 02-40
ASHLEYS SERVICE STATION	90-108 Rpld.; 97-76
ASTRON PLAZA	90-69; 96-49
AUDUBON COUNTRY CLUB	82-48; 87-77; 91-53; 96-1
BAILEY LANE	89-14 (Coco Bay); Rpld. 95-37; 00-78
BAILEY EXECUTIVE PARK	87-92; 92-23 (Now Wilson Professional Center)
BAY FOREST	81-7; 88-91
BEACHWAY	90-45 Rpld. Now Collier Tract 21, 99-97
BEAR CREEK OF NAPLES	92-20
BEAR'S PAW	83-42
BEMBRIDGE	98-86
BERKSHIRE LAKES	83-46; 85-35; 85-75; 86-21; 87-82; 87-83; 91-45; 98-5; 98-54
BOTANTICAL GARDENS	03-29
BOYNE SOUTH	99-25
BREEZEWOOD	89-95; 97-41 Rpld.; 99-88

BRENTWOOD	90-36 Rpld.; 97-47; 99-89
BRETTONE PARK	87-15; 88-67; 89-10; 98-112; 00-9; 01-32 (Embassy Woods/Glen Eagle)
BRIARWOOD	76-22; 89-36; 95-33
BRIDAL PATH	75-10 (Now Foxfire)
BRIDGET LAKE	86-90; 91-66
BRITTANY BAY APARTMENTS	00-77
BYRNWOOD PRESERVE	00-73
BUCKS RUN	Was Mauriel PUD; 99-79 Rpld.; 01-67
CALI INDUSTRIES CONDO/MOTEL	85-36; 87-8; 89-82 (Now I-75/Alligator Alley)
CAMBRIDGE SQUARE	98-89
CARILLION	91-111
CARLTON LAKES	88-56; 92-48; 94-60 Rpld.; 95-35 Rpld.; 99-75
CASA DEL SOL GOLF/CNTRY. CLUB	89-70 Rpld.; 98-14 (Now Naples Forest Cntry. Club); 99-31
CASTLEWOOD @ IMPERIAL	01-16
CAY LAGOON	92-37
CEDAR HAMMOCK GOLF & COUNTRY CLUB	98-115
CHAMPION LAKES R.V. RESORT	00-21; 01-1
CHARLEE ESTATES	03-05
CHESHIRE ARMS	84-53

CITRUS GARDENS	86-33; 89-25 (Lakeside)
CITY GATE COMMERCE PARK	88-93
CLESEN	98-10
CLUB ESTATES	97-69 Rpld.; 99-31
COCOHATCHEE BAY	00-88
COCOHATCHEE RIVER TRUST	88-30
COLLEGEWOOD	95-65
COLLIER BLVD. MIXED USE COMMERCE CENTER	01-10
COLLIER DEVELOPMENT	86-77
COLLIER HEALTH CENTER	88-40
COLLIER TRACT 21	99-97 (Was Beachway PUD)
COLLIER TRACT 22	91-21 (Collier's Reserve)
COLLIER VILLAGE	87-6; 90-18
COMMONS PROFESSIONAL PARK	80-42
COVENTRY	93-18 (Days Inn)
COURTHOUSE SHADOWS	85-11; 92-8
CREEKSIDE COMMERCE PARK	97-51
CRESCENT LAKES ESTATES	81-65; 86-26
CRESTWOOD	90-7
CRICKET LAKES	80-28
CROWN POINTE	87-31; 89-31; 90-59
CRYSTAL LAKE	84-73; 90-1; 94-61
CYPRESS GLEN	87-18; 92-83 Rpld.; 02-37

CYPRESS GREEN APARTMENTS	87-3
CYPRESS HEAD/CRYSTAL LAKE	81-80; 84-73
CYPRESS WOODS GOLF & CNTRY. CLUB	97-36
DAVENPORT	87-75
DA VINCI ESTATES IN OLDE CYRESS	00-11 Rpld.; 01-36
DAYS INN	78-57; 78-85; 86-12 (Coventry Square)
DEVOE PONTIAC	97-14
DONOVAN CENTER	90-84 Rpld.; 97-73
DOVE POINTE	86-62; 91-64
DUNES	98-24 Rpld.; 00-74
DYNABEL	93-21 Rpld.; 99-41 (There is an error in the repeal section of this ordinance that has not been corrected.)
EAGLE CREEK CNTRY. CLUB	81-4; 82-53; 85-8; 85-52; 85-5; 88-10; 91-113; 96-79
EAST GATEWAY	03-11
E. NAPLES COMMUNITY PARK	84-70; 98-4
E. TOLL PLAZA R.V. RESORT	85-57; 88-38
E. TRAIL R.V. PARK	91-91 Rpld.; (Now Habitat Place); 00-35
EASTRIDGE	84-72; 89-13 (Now Plantation)
EBOLI	97-23
EDISON VILLAGE	00-83
EMERALD/BRIDGET LAKES	82-36; 82-89; 91-66; 91-92; 91-99

FALLING WATERS	89-44; 93-42; 95-36
FALLING WATERS BEACH RESORT	98-33 Rpld. (Was Woodfield Lakes), 01-68
FALLS OF NAPLES, LTD.	82-62; 91-109 (Pine Ridge Crossings); 02-67
FIDDLERS CREEK	84-42; 96-42; 96-74; 98-13; 98-38; 00-84
FIDDLERS CREEK CDD#2	02-61
FIRST ASSEMBLY OF GOD	93-57 Rpld.; 96-58 Rpld.; 96-86 (United Methodist Church 951); 99-59
FIRST BAPTIST CHURCH	96-2 Rpld.; 99-78
FLORIDA POWER/LIGHT	82-73
FLOW WAY CDD	02-09
FORD MOTOR CO.	84-8; 84-54; 98-9
FOREST GLEN OF NAPLES	98-39 Rpld.; (Was Naples Golf Estates) 99-69
FOREST LAKES HOMES	76-50
FOUNDER'S PLAZA	96-5 Rpld.; 98-40; 02-68
FOUNTAIN PARK	99-5
FOXFIRE	75-10; 80-10; 81-68; 84-49; 84-50; 85-24; 88-68; 93-31
GADALETA	88-50 Rpld.; 89-84; 97-7; 98-28; 03-26 (Now North Naples Research/Technology PUD)
GALLMAN OLDS DEALER	86-6

GARDEN LAKE APRTMTS	89-9
GARDEN WALK VILLAGE	96-4
GATEWAY	85-29
GERMAIN AUTO FACILITY	90-50
GLEN EDEN PARK	99-3
G.G. HEALTH PARK	92-82 Rpld.; 00-15 (Now GG Commercial Park); 00-41
G.G. COMMERCIAL PARK	00-15; 00-41 (Was GG Health Park)
GOLDEN GATE VILLAS	84-40 (Meadowood Club)
GOLDEN POND	98-35
GOODLAND GATEWAY	01-30
GOODLETTE CORNERS	02-08
GRANADA SHOPPES	98-91 Rpld.; 01-17
GREEK ORTHODOX CHURCH	90-72
GREEN BOULEVARD	83-51; 85-23
GREEN HERON	82-40; 84-21; 95-30 (Sapphire Lakes)
GREEN TREE CENTER	81-58; 84-33
GREY OAKS/HALSTATT	90-47; 90-48; 96-82; 97-45 Rpld.; 98-94 Rpld.; 00-46
HABITAT PLACE	00-35 (Was East Trail R.V. Park)
HAMILTON HARBOR	99-68 (Part of Sabal Bay 86-77)
HAMMOCK PARK OF COMMERCE	00-79

HARVEST FOR HUMANITY	99-80
HAWAIIAN VILLAGE	81-22; 81-34
HAWKS NEST	82-50; 89-91 (Arbor Trace)
HAWKS RIDGE	89-94
H.D. DEVELOPMENT	03-30
HENDERSON CREEK	02-15
HENDERSON CREEK VILLAGE	80-90; 81-66
HERON LAKES	83-47; 90-79
HERITAGE	88-74; 91-73
HIBISCUS VILLAGE	00-76; 02-46
HIDEAWAY BEACH	79-68; 80-81; 84-67; 89-29; 90-106; 92-11; 95-59
HUNTINGTON	94-38
HUNTINGTON WOODS	82-22; 86-2 (Americana Lutheran Church)
IBIS COVE	99-21
IMMOKALEE RD. CENTER	93-26
IMPERIAL LAKES	82-81
IMPERIAL WEST	82-80; 87-58
INDIGO LAKES	99-71 Rpld.; (Was Wyndam Park, Rpld. 99-9), 01-53
I-75/ALLIGATOR ALLEY	85-36; 87-8; 89-82 (Was Cali Industries motel/hotel)
I-75/COLLIER BLVD. COMMERCIAL CENTER	00-89
ISLAND PINES GARDENS	88-94; 97-38; 97-72
ISLAND WALK	97-6; 98-58
JACARANDA CENTER	97-4
JAEGER	85-30

KENSINGTON PARK	92-25 Rpld.; 98-8
KENSINGTON PLACE	87-72
KELLER ENTRY LEVEL	80-35
KINGS LAKE	80-83; 82-52; 84-12
KREHLING/WYN DEMERE	75-34; 82-120
LA FONTANA	93-9
LAGO VERDE	84-81
LAKE AVALON	83-36 Rpld.; 91-87; 96-13 (Sudgen Park)
LAKESWOOD	76-51
LANDS END PRESERVE	94-43 Rpld. (Barefoot Bay); 03-05
LAUREN OAKS	86-70; 92-47 (Now Lauren Pines)
LAUREL WOOD	94-63
LAWMETKA PLAZA	90-26 Rpld.; 99-4 Rpld.; 02-51
LEAWOOD LAKES IV	91-9; 94-11; 95-77
LELY BAREFOOT BEACH	77-48; 81-76; 85-21, 85-83; 87-53; 88-63; 01-35
LELY BAREFOOT BCH. CONDO.	85-22; 87-52
LELY COUNTRY CLUB	76-41; 77-60; 84-85; 86-86
LELY LAKES	93-32; Rpld. by 98-85
LELY LAKES GOLF RESORT	98-85
LELY PALMS OF NAPLES	82-25; 97-5
LELY RESEARCH/DEVELOP. PARK	86-18
LELY, A RESORT COMMUNITY	85-17; 91-29; 92-15; 92-38
LELY SQUARE	85-66

LITTLE HICKORY BAY CONDO.	79-65
LIVINGSTON LAKES	99-18
LIVINGSTON RD. CNTRY. CLUB	90-49; 92-31 Rpld.; (Now Mediterra) 99-41; 00-12
LIVINGSTON VILLAGE	03-23
LOCH LOUISE	84-90; 86-3; 87-30 (Now W. Crown Pointe)
LOCH RIDGE	86-79 (Kingswood Garden); 00-38
LONE OAK	86-11; 87-76; 89-30 (Walden Oak)
LONGSHORE LAKE	87-54; 90-93; 93-3
MADEIRA	00-80
MAGNOLIA POND	98-49
MALIBU LAKE	99-49
MAPLEWOOD	93-84
MARCO SHORES	81-6; 84-42; 85-56; 88-48; 89-34; 91-6; 92-90; 94-41; 96-74; 98-13; 00-84
MARKER LAKE VILLAS	97-37
MAURIEL	99-1 Rpld.; (Now Bucks Run) 99-79
MEADOWBROOKS	00-55
MEADOW BROOK ESTATES	91-5
MEDITERRA	99-41 Rpld.; CDD 99-67; 00-36 Rpld.; 01-38; 01-61
MICELI	84-71; 92-62
MIRALIA	96-12
MIRASOL	01-20

MISSION CHURCH	00-50
MISSION HILLS	03-03
MISSION SQUARE	02-64
MIR MAR	98-72
MOCAKE	92-4 Rpld.; (Now Malibu Lake) 99-49
MONTEREY/WO ODBRIDGE	90-28
MOON LAKE	88-55
MOORINGS PARK/ESTATES	79-19; 79-99; 80-31; 82-90; 83-1; 02-12
MYRTLE COVE ACRES/MYRTLE WOODS	81-23
NAPLES BATH/TENNIS CLUB	Res. 73-22; 74-47; 75-48; 81-61
NAPLES FOREST CNTRY. CLUB	89-70 Rpld.; 98-14 Rpld.; (Was Casa Del Sol); 99-31; 03-33; (Name changed to Naples Lakes County Club PUD
NAPLES GATEWAY	85-29; 97-49 Rpld.; 00-14
NAPLES GOLF ESTATES	88-83; 98-39 (Now Forest Glen of Naples)
NAPLES HERITAGE GOLF & CNTY. CLUB	95-74
NAPLES JAYCEES	75-25
NAPLES LAKE	86-80; 88-55 (Now Moon Lake)
NAPLES LAKE COUNTY CLUB	03-33 (Was Naples Forest County Club)
NAPLES NATIONAL GOLF CLUB/ARETE	92-36

SHADOW WOOD	82-49 (Was Wing South)
SHAMROCK COUNTRY CLUB	88-10; 82-53
SHERRWOOD PARK	80-38
SHOPPES at SANTA BARBARA	89-62; 98-22
SIERRA MEADOWS	94-64 Rpld.; 99-91
SILVER LAKES	90-40; 91-90
SLEEPY HOLLOW	88-25 (The Crossings)
SOUTHERN PROPERTIES	82-60 (Springwood)
SOUTHAMPTON AT NAPLES	88-53; 91-56; 92-24 (Stonebridge)
SOUTPOINTE YACHT CLUB	88-82
SOUTHWEST PROFESSIONAL PARK	89-74
SOUTHWOODS	92-78; 97-70 (Now Pelican Lake)
ST. JOHN CATHOLIC CHURCH	90-73 Rpld.; 00-02
ST. PETERS CATHOLIC CHURCH	90-4
STERLING OAKS	92-79; 93-6; 98-27 (Cypress Head)
STILES CORPORATION	86-58 Rpld.; 87-42; 88-54; 89-7; 97-74
SUMMER GLEN APARTMENTS	91-7
SUMMER WIND	85-79; 88-24 (Was Woodside Apts.)
SUMMERWOOD	81-91; 89-83 (Timberlake); 99-61
SUNGATE CENTER	92-93; 95-42

SUNSHINE VILLAGE	93-92
SURREY PLACE CONVALESCNET CENTER	88-85 Rpld.; 98-60 Rpld.; 98-67
SUTHERLAND CENTER	84-65; 96-61 (Naples Plaza)
SWAMP BUGGY DAYS	84-26
TAMIAMI PROFESSIONAL CENTER	98-90; 99-48
TARPON COVE	95-76
TERRAFINA	01-70
300 ACRE GOODLETTE ROAD	95-8 Rpld; 96-80
TIMBER RIDGE	94-23
TIMBERWOOD	85-62; 88-21 (Was Oxford Village)
TOLL GATE COMMERCIAL CENTER	84-6; 90-54; 90-92; 92-10; 93-1
TOLL PLAZA R.V. PARK	84-32 (Naples R.V. Resort)
TREE TOPS/BRUCE MUMM	79-48; 80-18; 80-91
TUSCANY RESERVE CDD	02-42
TUSCANY RESERVE PUD	03-28 (Was Ronto Livingston)
TWELVE LAKES	87-4 Rpld.; 98-50 (Islesworth); 03-20
TWIN EAGLES GOLF/CNTRY. CLUB	97-29; 98-17; 03-20
TWO LAKES PLAZA	00-63
UNITED METHODIST	93-57; 96-58 (Now 1st Assembly Ministries Education/Rehab. Campus)
U.S. 41	97-46

NAPLES PARK	78-57; 78-85
NAPLES R&D PARK AT LELY	86-18; (88-84; Reso. 98-15 Rpld.)
NAPLES RESERVE GOLF CLUB	99-42
NEOPOLITAN PARK	90-6
NICAEA ACADEMY	00-52
NORTHBROOK PLAZA	91-67 Rpld.; 98-59 (Ord. 98-34 adopted by BCC but never was sent to Sec. of State)
NORTH NAPLES MEDICAL PARK	90-77; 95-45
NORTH NAPLES RESEARCH/TEC HNOLOGY (Was Gadaleta PUD)	03-26
NORTH PORT BAY	00-5
NORTHSIDE MEDICAL PLAZA	00-40
NORTH SHORE LAKE VILLAS	95-64
OAK GROVE	98-71
OLDE CYPRESS	99-27 (Was Woodlands); 99- 92 Rpld.; 00-37; 00-53
ORANGE BLOSSOM GARDENS	85-5; 92-75
ORANGE TREE	87-13; 91-43 (Was Golden Gate City)
OSPREY'S LANDING	89-92; 91-18; 92- 81 (Was Pelican Lake)
OUTDOOR RESORTS OF NAPLES	00-49

OXFORD VILLAGE	85-62; 88-21 (Now Timberwood)
PARADISE POINTE R.V. RESORT	89-1; 95-53
PARK CENTRAL NORTH	01-48
PARKLANDS	85-46; 93-43
PARK SHORE (2 & 5)	74-29; 76-18; 76-55; 78-29; 82-98; 85-44; 86-24; 87-89; 88-49
PARKWAY CENTER	94-35; 95-10
PARKWAY PLACE	95-14
PARKWAY PROMENADE	95-63
PATTISON	80-62; 91-86 (Now Victoria Falls)
PAVILION LAKE	87-41 (Pavilion Club)
PAVILION SHOPS	82-24; 84-51
PELICAN BAY	88-18; 80-61; 80-109; 81-16; 81-50; 82-96; 83-4; 83-48; 86-42; 87-1; 88-62; 89-35; 90-66; 93-63; 97-78
PELICAN LAKES/OSPREY'S LANDING	89-92; 91-18; 92-81 (Southwoods)
PELICAN MARSH	95-4; 97-79; 98-11; 99-33 Rpld.; 99-90 Rpld.; 02-71
PELICAN STRAND	97-24; 97-75 (Regency Village); 02-57
PINE AIR LAKES	85-67; 92-1; 94-25; CDD 01-44
PINEBROOK LAKE/DOYLE HOPKINS	80-56
PINE RIDGE CENTER	87-9 Rpld.; 98-31 Rpld.; 01-8

PINE RIDGE CENTER WEST	88-87 Rpld.; 95-48 Rpld.; 98-32 Rpld.; 01-9
PINE RIDGE COMMONS	99-94
PINE RIDGE CORNERS	98-61
PINE RIDGE MEDICAL CENTER	95-52 (Sanders Retail Center)
PINE WOODS	76-40
PINE VIEW	00-45
PIPER BLVD. MEDICAL CENTER	95-47 (Rpld. by 98-82 and adopted new PUD)
PLANTATION	84-72; 89-13 (Was Eastridge)
PLAZA 21/NORTH PARK CENTER	90-44; 92-5
POINT MARCO	81-25; 81-98; 90- 42; 91-42; 92-28; 94-46
PRC & M a/k/a PALM ROYALE CEMETERY	99-96
PRICE	90-57
PRINCESS PARK	84-34; 90-53 (King Richard's)
PROGANY COMMERCE CENTER	97-28
QUAIL CREEK COUNTRY CLUB	79-80; 80-29
QUAIL II	81-90; 82-68; 83- 52; 89-71; 92-41 (Quail Creek Village)
QUAIL WEST	90-56; 93-44; 96- 32
RADIO SQUARE	91-95; 97-4
RAGGE	01-7
RANDALL BLVD. CENTER	86-25

REGENCY AUTOHAUS	86-19
REGENCY VILLAGE	85-61 (Pelican Strand)
REGENT PARK	85-45
RELATED GROUP	96-24
RETREAT/BENTLEY VILLAGE	79-82; 82-97; 84-25; 86-27; 90-91; 97-71
RICHLAND	90-39; 96-3; 97-27 Rpld.; 02-07; 03-13
RIGAS	99-57 Rpld.; 00-39
RIVER REACH	85-71
RIVERBEND	81-28
RIVIERA COLONY GOLF EST.	78-58
ROBERTS ESTATES	92-7
RONTO LIVINGSTON	00-4 Rpld.; DO-01 Res. 00-26; 03-28 (Name changed to Tuscany Reserve)
ROYALWOOD GOLF/CNTRY. CLUB	87-71; 93-4; 96-72
SABAL BAY	86-77; See 99-68
SABAL LAKE	82-41; 86-23; 94-32; 97-78
SADDLEBROOK VILLAGE	91-55 Rpld.; 98-16
SALVATION ARMY	90-107 Rpld.; 01-65
SANDERS PINES	88-5
SANDERS RETAIL CENTER	91-30 (Now Pine Ridge Medical Center)
SANDPIPER VILLAGE	01-15 Rpld.; 02-02
SAND RIDGE	89-28; 89-64
SAN MARINO	00-10
SAXON MANOR ISLES	94-21

V.F.W. POST 8089	75-29
VANDERBILT PINES	96-73 Rpld.; 98-52 (Now Vanderbilt Country Club)
VANDERBILT TRUST 1989	99-70
VANDERBILT VILLAS	87-57; 88-27
VENETIAN PLAZA	99-30
VETERANS PARK	96-33; 97-80; 01- 22
VETERAN'S PARK MEDICAL	96-33; 01-23 (Name change, was Veteran's Park Common)
VICTORIA FALLS	80-62; 91-86 Rpld.; 99-83
VICTORIA LANDINGS CONDO.	92-58
VILLAGE PLACE	82-82; 92-51; 97- 20 Rpld; 00-1
VINCENTIAN	85-27 Rpld.; 91- 88; Res. 98-24; 99-37
VINEYARDS	85-15; 86-63; 87- 44; 90-78; 91-75; 95-62
WALGREEN	98-84 Rpld.; 99-5
WALNUT LAKES	01-70 Rpld.; 03-06
WARREN BROTHERS	76-54
WATERGLADES	82-51 (Villages at Emerald Bay)
WATERFORD ESTATES	91-31
WEST CROWN POINTE	87-30; 88-32; 90- 59 (Loch Louise)
WESTPORT COMMERCE CENTER	94-56
WESTVIEW PLAZA	83-45

WHIPPOORWILL LAKES	00-16
WHIPPOORWILL PINES	00-17
WHIPPOORWILL WOODS	98-64
WHISTLER'S COVE	97-1
WHITE LAKES INDUSTRIAL PARK	93-1 Rpld.; (Now White Lake Corporate Park) 01-59
WIGGINS BAY	82-121
WIGGANS PASS ROAD	97-46
WIGGINS LAKE	87-94
WILDERNESS COUNTRY CLUB	Reso. 73-24; 76-17; 77-7; 77-22; 96-43 99-74
WILDWOOD ESTATES	81-27
WILLOUGHBY GARDENS	81-67 (Mirage)
WILLOW PARK	98-51
WILSHIRE LAKES	90-70; 93-34 Rpld.; 95-5
WILSON BLVD. CENTER	00-72
WILSON PROFESSIONAL CENTER	92-23; 98-21 (Bailey Executive Park)
WINDING CYPRESS	99-93 Rpld.; 02-35 and DO-02-2/Res. 02-203; 02-48
WINDSONG	88-6; 93-74; 98-73
WINDSTAR/FISHERMAN'S COVE	80-95; 81-40; 82-54; 93-23
WINTERPARK	83-32; 85-76; 86-87; 86-88
WINTERPARK NORTH	85-77
WITTENBURG	96-44 (Victoria Landings)
WITTENBURG ESTATES	99-20 Rpld.; 00-7

WOODBIDGE	85-25 (Now Monterey)
WOODFIELD LAKES	84-11; 88-86; 92-76 Rpld.; 98-33 (Now Falling Waters Beach Resort)
WOODLANDS	86-75; 96-64; 99-27 (Olde Cypress)
WOODSIDE APARTMENTS	85-79, 88-24 (Summerwind)
WOODSIDE LANES	88-31
WORLD TENNIS CENTER	82-1, 82-75; 87-93
WYNDEMERE	75-34; 79-81; 81-29; 82-120; 84-66; 87-86; 98-66
WYNDHAM PARK	99-9 Rpld.; Now Indigo Lakes 99-71
YOUTH HAVEN	81-43; 89-12
ZURICH LAKE VILLAS	97-34 Rpld.; Now Malibu Lake 99-49

APPENDIX G

ANNUAL BEACH EVENT STANDARD PERMIT CONDITIONS

ANNUAL BEACH EVENT STANDARD PERMIT CONDITIONS

1. *Security:* Property Owner is responsible for ensuring that adequate security is provided for each Beach Event.
2. *Traffic Safety:* Authorization from the Collier County Sheriffs office may be required for certain Beach Events. Property Owner is responsible for consulting the Collier County Sheriffs Office to determine whether separate authorization for a particular event is required.
3. *Use of Electrical Apparatus:* Need to speak with Building Department.
4. *Signage:* Use of signs shall be subject to the provisions of the Collier County Land Development Code.
5. *Noise:* All music shall be subject to the terms and conditions of Property Owner's Music Permit, which permit may be obtained from Collier County on an annual basis.
6. *Restrooms:* Existing restroom facilities must be adequate, or additional portable faculties made available and not located on the beach.
7. *Vehicles On Beach:* Use of vehicles shall be subject to provision of the Collier County Land Development Code section 10.02.06 I.
8. *Public Access:* Beach Events shall be conducted in a manner that does not interfere with the public's ability to traverse that portion of the beach owned by the State of Florida.
9. No structures may be set, placed, or stored on, or within ten feet of, any beach dune.
10. Annual beach events which occur during Sea Turtle Nesting Season (May 1st through October 31st of each year) are also subject to the following regulations:
 - A. All required Florida Department of Environmental Protection (FDEP) Field Permits, shall be obtained and a copy furnished to Collier County prior to the time of the scheduled event as set forth in section 5.04.06.

- B. Consistent with section 10.02.06 I, no structure set up, or beach raking, or mechanical cleaning activity for any particular Beach Event shall not commence until after 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 has been completed.
- C. Prior to all scheduled beach events, every beach event permit holder is required to rope off (or otherwise identify with a physical barrier) an area with no less than a 15-foot radius around each sea turtle nest that has been identified and marked on a beach, unless a greater distance is required by an applicable State permit.
- D. Use of vehicles on the beach is prohibited, except as may be permitted under section 10.02.06 I.
- E. Consistent with section 10.02.06 I all materials placed on the beach for the purpose of conducting permitted Beach Events must be: 1) removed from the beach by no later than 9:30 p.m. the date of the event; and 2) no structures may be set, placed, or stored on, or within ten feet of any beach dune, except that materials may remain in an identified staging area until 10:00 p.m. The location and size of all staging areas will be as identified in the annual beach events permit.
- F. All lights that are visible from the beach and cast a shadow thereon shall be turned off by no later than 9:00 p.m. of the date of the event.
- G. Identification of sea turtle nests on the beach may cause the Beach Event to be relocated from its planned location or to have additional reasonable limitations placed on the event pursuant to the recommendation of Collier County staff in order to protect the identified sea turtle nests in this permit; except that county staff may relocate a staging area as provided for in standard condition 10.E., as part of its daily sea turtle monitoring.
- H. Pole lighting, and any other object or structure designed to penetrate the beach surface by more than three (3) inches shall be subject to the approval of the FDEP and Collier County.
- I. A copy of all notices required by any permit or these regulations must also be provided by the permit holder to Collier County Natural Resources Department.

Note: When a State permit is more restrictive than the LDC requirements, the State requirements shall supersede, and the County shall enforce these requirements.

APPENDIX H - LDC/UDC COMPARATIVE TABLES

The tables contained in this Appendix provide a detailed cross-reference between the sections of the LDC in effect prior to the August 30, 2004, effective date, and the LDC sections thereafter in effect on that date. The documents are broken down into Articles, which was the format of the LDC prior to the August 30, 2004, effective date. The LDC has been revised into a Chapter format as of the August 30th, 2004 date. The contents of this Appendix are as follows:

Article 1 - General Provisions

Article 2 - Zoning

Article 3 - Development Requirements

Article 4 - Impact Fees

Article 5 - Decision-Making and Administrative Bodies

Article 6 - Definitions

ARTICLE 1 - GENERAL PROVISIONS

LDC Division	LDC Section	LDC Sub-section	UDC Chapter	UDC Section	Other Notes
1.1			Chapter 1	1.01.00 – Title	
1.2.			Chapter 1	1.02.00 – Authority	
1.3.			Chapter 1	1.05.00 – Findings, Purpose and Intent	
1.4.			Chapter 1	1.05.00 – Findings, Purpose and Intent	
1.5.			Chapter 1	1.04.01 - Generally	
	1.5.1.		Chapter 1	1.04.05 – Relationship to GMP	
	1.5.2.		Chapter 1	1.04.03 – Exceptions	
	1.5.3.		Chapter 1	1.04.02 – Applicability to...	
	1.5.4.		Chapter 1	1.04.02 – Applicability to...	
	1.5.5.				Relocated to Code of Laws & Ord..
	1.5.6.		Chapter 1	1.04.01 – Generally	
	1.5.7.				Relocated to Code of Laws & Ord..
1.6.					Revised in Supp. 17 (Ord. 03-55)
	1.6.1.		Chapter 1	1.06.01 – Responsibility for...	
	§§1.6.2. – 1.6.6.			10.02.02 - Submittal Requirements for All Applications	

	1.6.7.		Chapter 1	1.06.02 – Rules for Interpretations...	
	1.6.8.		Chapter 1	1.06.03 – Interpretations Not...	
	1.6.9.		Chapter 1	1.06.02 – Rules for Interpretations...	
	1.6.10.		Chapter 1	1.06.40 – Continuity of Zoning	
1.7.			Chapter 9	9.02.00 - Development with Vested Rights- [Reserved]	This Division is no longer legally effective and therefore is not being carried forward, but the section is reserved for future amendment
1.8.			Chapter 9	9.03.00 - Nonconformities	§ 1.8.2. was revised in Supp. 16 (Ord. 03-27) and Supp. 17 (Ord. 03-55)
1.9.			Chapter 8	8.08.00 - Code Enforcement Board	
1.10. Fees					This Division relocated to the County Administrative Code
1.11. – 1.17.					These "Reserved" divisions were not required for inclusion in the UDC

1.18.			Chapter 1	1.07.00 – Laws Adopted by Reference	Revised in Supp. 16 (Ord. 03-27)
1.19.			Chapter 10	10.02.08 - 11	
1.20. & 1.21.					These Divisions are replaced by Section Five in the 2004 adopting Ordinance.
1.22.					This Division is replaced by Section Four in the 2004 adopting Ordinance.
1.23					This Division is replaced by Section Seven in the 2004 adopting Ordinance.

ARTICLE 2- ZONING

LDC Division	LDC Section	LDC Sub-section	UDC Chapter	UDC Section	Other Notes
2.1. – General	2.1.1.				This section is not needed and is not included in the UDC.
	2.1.2.		Chapter 2	2.01.01 – Purpose	
	2.1.3.				This section is not needed and is not included in the UDC.
	ss. 2.1.4. – 2.1.7.		Chapter 2	2.02.01 – Establishment of Official Zoning Atlas	
	ss. 2.1.8. & 2.1.9.		Chapter 2	2.02.01 – Official Zoning Atlas	
	ss. 2.1.10. – 2.1.12.		Chapter 1	1.04.01 – Generally	
	2.1.13.		Chapter 1	1.04.04 C Reduction	
	2.1.14.		Chapter 2	2.02.02 – District...	
	2.1.15.		Chapter 2	2.02.03 – Prohibited Uses	
	2.1.16.		Chapter 2	2.02.02 – District...	
	2.1.17.		Chapter 1	1.04.02 – Applicability...	
	2.1.18.		Chapter 1	1.04.02. D....	
Div. 2.2.	2.2.1.		Chapter 2	2.03.05. & 2.04.03 – Table of Uses	
	2.2.2.		Chapter 2	2.03.05 – Open Space Zoning Districts	Revised in Supp. 16 (Ord. 03-27) & Supp. 18 (Ord. 04-08)

	2.2.2 ½		Chapter 2	2.03.08 - Eastern Lands/ Rural Fringe Zoning Districts	New zoning district
	ss. 2.2.3. – 2.2.10.		Chapter 2	2.03.01 – Residential Zoning Districts	Revised in Supp. 16 (Ord. 03-27) and in Supp. 18 (Ord. 04-08)
	2.2.11.		Chapter 2	2.03.02. F-TTRVC District	
		2.2.11.4.13.	Chapter 4	4.06.06 - Special Buffer Requirements...	
	ss. 2.2.12. – 2.2.15 ½		Chapter 2	2.03.02 – Commercial Zoning Districts	Revised in Supp. 18 (Ord. 04-08)
	ss. 2.2.16 & 2.2.16 ½		Chapter 2	2.03.03 – Industrial Zoning Districts	Sec. 2.2.16. revised in Supp. 17 (Ord. 03-55) and in Supp. 18 (Ord. 04-08)
	2.2.17.		Chapter 2	2.03.05 – Open Space Zoning Districts	Revised in Supp. 18 (Ord. 04-08)
	ss. 2.2.18. & 2.2.19.		Chapter 2	2.03.04 – Civic and Institutional Zoning	Revised in Supp. 18 (Ord. 04-08)
		Sub-section 2.2.18.4.6.	Chapter 4 4.05.05 – Parking Variation in the P District		
	2.2.20.		Chapter 2	2.03.06 – PUD Districts	Revised in Supp 18 (Ord. 04-08)
	ss. 2.2.21. – 2.2.29.		Chapter 2	2.03.07 – Overlay Zoning Districts 2.2.27. in Chapter 4 4.08.00	§ 2.2.27. created by Supp. 16 (Ord. 03-27), revised in Supp. 18 (Ord. 04-08)

	ss. 2.2.30. (NRPA) & 2.2.31. (NBMO)			NRPA-2.03.08 C ; NBMO - 2.03.08 D	Revised in Supp. 18 (Ord. 04-08)
	ss. 2.2.32. - 2.2.35.		Chapter 2	2.03.07 - Overlay...	§§ 2.2.32. & 2.2.33. revised in Supp. 16 (Ord. 03-27) §§ 2.2.33. & 2.2.34. revised in Supp. 17 (Ord. 03-55)
	2.2.37.				This section has expired and is no longer needed or included in the UDC.
	2.2.38.			New district § 2.03.07	Revised in Supp. 18 (Ord. 04-08)
2.3.	2.3.1.				This section is not needed and is therefore not included in the UDC.
	ss. 2.3.2. & 2.3.3.		Chapter 4	4.05.01 - Generally	
	ss. 2.3.4. - 2.3.12.		Chapter 4	4.05.04 - Parking Space Requirements	Sec. 2.3.5. revised in Supp. 18 (Ord. 04-08)
	2.3.13.		Chapter 1	1.04.04 C	
	ss. 2.3.14. & 2.3.15.				These were reserved sections and are not included in the UDC.

	2.3.16.		Chapter 4	4.05.09 – Stacking Lane Requirements	Revised in Supp. 16 (Ord. 03-27)
		2.3.16.1.	Chapter 4	4.05.08 Bicycle Parking...	
	ss. 2.3.17. – 2.3.21.		Chapter 4	4.05.06 – Loading Space Requirements	§ 2.3.19. revised in Supp. 16 (Ord. 03-27). § 2.3.21. revised in Supp. 18 (Ord. 04-08)
	2.3.22.		Chapter 4	4.05.07 – Handicapped Parking...	
	ss. 2.3.23. & 2.3.24.				These were reserved sections and are not included in the UDC.
2.4.	2.4.1.				This section is not needed and is therefore not included in the UDC.
	2.4.2.		Chapter 4	4.06.01 – Generally	
	2.4.3.	<i>Note: ss. 2.4.3.4. - 2.4.3.7. in Chapter 4 (4.06.05)</i>	Chapter 10	Administrative procedures Chapter.	§ 2.4.3.6. revised in Supp. 16 (Ord. 03-27) § 2.4.3. revised in Supp. 17 (Ord. 03-55)
	2.4.4.		Chapter 4	4.06.05 – General Landscape Requirements	§. 2.4.4. revised in Supp. 17 (Ord. 03-55)
		Sub-section 2.4.4.16.	Chapter 4	4.06.01 – Generally	

	2.4.5.		Chapter 4	4.06.03 – Landscaping Requirements for Vehicular...	§ 2.4.5. revised in Supp. 17 (Ord. 03-55)
	2.4.6.		Chapter 4	4.06.05 – General Landscape Requirements	§ 2.4.6.5. revised in Supp. 16 (Ord. 03-27) §§ 2.4.6.6. & 2.4.6.7. revised in Supp. 17 (Ord. 03-55)
	2.4.7.		Chapter 4	4.06.01 - Generally and 4.06.02 – Buffer Requirements	§§ 2.4.7.2., 2.4.7.3. & 2.4.7.5. revised in Supp 17 (Ord. 03-55). §§ 2.4.7.2. and 2.4.7.5. revised in Supp. 18 (Ord. 04-08)
2.5.	2.5.1.				This section is not needed and is not included in the UDC.
	ss. 2.5.2. – 2.5.4.		Chapter 5	5.06.01 – Generally	§ 2.5.5. revised in Supp. 17 (Ord. 03-55) and in Supp. 18 (Ord. 04-08)
	2.5.5		Chapter 5	5.06.04 Permitted	
	ss. 2.5.6. & 2.5.7.	§ 2.5.7. revised in Supp. 17 (Ord. 03-55)	Chapter 5	5.06.03 – Prohibited Signs	§§ 2.5.6.22. & 2.5.7.30. revised in Supp. 16 (Ord. 03-27)

	2.5.8.		Chapter 5	5.06.04	
	ss. 2.5.9. & 2.5.10.		Chapter 9	9.03.00 – Nonconformities	
	2.5.11.		Chapter 9	9.04.00 – Variances	
	s 2.5.12. & 2.5.13.		Chapter 10	10.02.06 - Submittal Requirements for Permits	
2.6.	2.6.1.		Chapter 4	4.04.01 – Generally	
	2.6.2.		Chapter 4	4.02.03 – Specific Standards ...	
	ss. 2.6.3. – 2.6.4.		Chapter 4	4.02.01 – Dimensional Standards for Principal Uses in Base Zoning Districts	§ 2.6.4. revised in Supp. 16 (Ord. 03-27); § 2.6.3. revised in Supp. 18 (Ord. 04-08)
		2.6.2.4.	Chapter 5	5.03.01 – Canopy Tents	
		2.6.4.3.	Chapter 9	9.04.00 – Variances	
		2.6.4.4.	Chapter 4	4.02.01 – Dimensional St.	
	ss 2.6.5. & 2.6.6.		Chapter 4	4.04.01 – Generally	
	2.6.7.	2.6.7.1.	Chapter 2	2.01.00 A	
		2.6.7.2.	Chapter 2	2.01.00 B	
		2.6.7.3.	Chapter 2	2.01.00 C	
		2.6.7.4.	Chapter 2	2.03.07 L	
	2.6.8.		Chapter 1	1.04.01 – Generally	
	2.6.9.		Chapter 2	2.01.03 - Essential Services & 2.04.03 – Table of Uses	
	2.6.10.		Chapter 5	5.05.01 – Businesses...	
	2.6.11.		Chapter 5	5.03.02 – Fences & Walls	

	2.6.12.		Chapter 2	2.01.00 E	
	2.6.13.		Chapter 2	2.01.02	
	2.6.14.		Chapter 2 Chapter 4 (CONT'D.) Chapter 5	2.04.00 - Permissible, Accessory, 4.02.01 - Dimensional Standards & 5.03.03 - Guesthouses	
	2.6.15.		Chapter 5	5.03.04 – Dumpsters	Revised in Supp. 16 (Ord. 03-27)
	2.6.16.		Chapter 5	5.03.05 – Caretaker ...	
	2.6.17.		Chapter 2	2.01.00 F	
	2.6.18.		Chapter 2	2.01.00 G	
	2.6.19.		Chapter 10	10.02.06 A	
	2.6.20.		Chapter 5	5.02.00 – Home Occupations	
	2.6.21.		Chapter 5	5.03.06 – Dock Facilities	Revised in Supp.18 (Ord. 04-08)
		2.6.21.2.7.	Chapter 3	3.05.00 – Vegetation...	
	2.6.22.		Chapter 5	5.05.02 – Marinas	
	2.6.23.		Chapter 2	2.03.01 J	
	2.6.24.		Chapter 5	5.04.02 – Interim...	
	2.6.25.		Chapters 2 and 5	2.04.00 5.05.03	
	2.6.26.		Chapter 5	5.05.04 – Group Housing	
	2.6.27.		Chapter 4	4.02.02 – Dimensional Standards	
	2.6.28.		Chapter 5	5.05.05 – Automobile...	
			Chapter 9	9.04.07 –	

		2.6.28.4.		Specific Reqts.	
	2.6.29.		Chapter 5	5.05.06 – Private Airports	
	2.6.30.		Chapter 2	2.03.06 & 2.04.00	
	2.6.31.				Relocated to Code of Laws & Ord.
	2.6.32.		Chapter 4	4.02.01 – Dimensional Standards	
	2.6.33.		Throughout Chapter 5 – see below	Temporary Use Process in 10.02.06 G	
		Sub-section 2.6.33.3.	Chapter 5	5.03.05 – Caretaker... & 5.04.03 – Temporary Uses...	Revised in Supplement 16 (Ord. 03-27)
		Sub-section 2.6.33.4.	Chapter 5	5.04.04 – Model Homes...	
		Sub-sections 2.6.33.6. – 2.6.33.9.	Chapter 5	5.04.05 – Temporary Events	
		Sub-section 2.6.33.10.	Chapter 5	5.06.06 - Sign Standards for Specific Situations	Added in Supplement 18 (Ordinance 04-08)
	2.6.34. (see also Appx. G)		Chapter 5	5.04.06 - Annual Beach Events Permit	
	2.6.35.		Chapter 5	5.05.09 – Communication Towers	Revised in Supp. 18 (Ord. 04-08)
	2.6.36.		Chapter 5	5.05.07 – Townhouse...	
	2.6.37.		Chapter 4	4.01.02 - Kitchens in Dwelling Units	Revised in Supp. 18 (Ord. 04-08)
	2.6.39. TDRs		Chapter 2	2.03.07 - Overlay Zoning Districts	Added in Supp. 18 (Ord. 04-08).

	2.6.40. Density Blending		Chapter 2	2.05.02 - Density Blending	Added in Supp. 18 (Ord. 04-08)
2.7.					Portions revised in Supp.16 (Ord. 03-27)
	2.7.1.				This section is not needed and is not included in the UDC.
	2.7.2.		Chapter 10	10.02.08 - Submittal Requirements...	Revised in Supp.17 (Ord. 03-55)
	2.7.3.		Chapter 10	10.02.12 - PUD Procedures	Revised in Supp. 17 (Ord. 03-55) and § 2.7.3.5. revised in Supp. 18 (Ord. 04-08)
	2.7.4.		Chapter 10	10.08.00 - Conditional Use Procedures	Sec. 2.7.4.9. revised in Supplement 18 (Ordinance 04-08)
	2.7.5.		Chapter 9	9.04.00 – Variances	
	2.7.6.		Chapter 10	10.02.06 - Submittal...	
	2.7.7.		Chapter 2	2.06.00 – AHDB	Revised in Supp.17 (Ord. 03-55)
2.8.		2.8.3.3.2.	Chapter 5	All in § 5.05.08 – Architectural Standards, EXCEPT 4.06.02 C	Portions of Div. 2.8. were carried over into Div. 2.4. by Supp. 17 (Ord. 03-55)

ARTICLE 3- DEVELOPMENT REQUIREMENTS

LDC Division	LDC Section	LDC Sub-section	UDC Chapter	UDC Section	Other Notes
3.1. General	3.1.1. Overview		None		This section was not required or included in the UDC
	3.1.2. Fees		None		This section was not required or included in the UDC
3.2. Subdivisions	3.2.1. Title and Citation		None		This section was not required or included in the UDC
	3.2.2. Purpose		Chapter 4	4.03.01	
	3.2.3. Applicability		Chapter 1	1.04.01	Revised in Supp. 18 (Ord. 04-08)
	3.2.4. Exemptions		Chapter 1 & Chapter 10	1.04.03 – Exceptions 10.02.02 B	
		3.2.4.10. 1.to 4., Rural Area Subdivision		10.02.02 B 10.	3.2.4.10. was not required or included in the UDC
		3.2.4.11. 1.to 4., Chokoloskee Island Subdivision		10.02.02 B 11.	3.2.4.11. was not required or included in the UDC
	3.2.5. General Requirements	3.2.5.1.	Chapter 1	1.04.01	
		3.2.5.2.	Chapter 1	1.04.01	
		3.2.5.3.	Chapter 4	4.03.02	
		3.2.5.4.	Chapter 10	10.02.06 A.2.	

	3.2.6. Sub-division review procs		Chapter 10	10.02.05 C	Revised in Supp. 18 (Ord. 04-08)
	3.2.7. Preliminary subdivision plat		Chapter 10	10.02.04 - Submittal Requirements for Plats	Revised/made optional in Supp. 18 (Ord. 04-08)
	3.2.8. Improvement Plans		Chapter 4 Chapter 6	4.03.02, 4.04.01, 4.06.00 6.03.00 & 6.04.00	Revised in Supp. 16 (Ord. 03-27) & Supp. 18 (Ord.04-08)
		3.2.8.1. – 3.2.8.2.	Chapter 10	10.02.05-	
		3.2.8.3.1. & 3.2.8.3.2.	Chapter 10	10.02.05 -	
		3.2.8.3.4.	Chapter 4	4.06.01	
		3.2.8.3.5.	Chapter 10	10.02.05	
		3.2.8.3.6.	Chapter 4	4.06.04	
		3.2.8.3.7. – 3.2.8.3.10.	Chapter 10	10.02.05	
		3.2.8.3.11. & 3.2.8.3.12.	Chapter 10	10.02.05	
		3.2.8.3.13.	Chapter 4	4.06.01	
		3.2.8.3.14.	Chapter 2	2.01.04	
		3.2.8.3.15. & 3.2.8.3.16.	Chapter 10	10.02.05	
		3.2.8.3.17.	Chapter 6	6.06.02	
		3.2.8.3.18.	Chapter 10 & Chapter 4	10.02.05 E.3(n) and 4.06.01 C	
		3.2.8.3.19. and 21	Chapter 10	10.02.05 E.3	
		3.2.8.3.20 and 22.	Chapter 6	6.06.03 & 6.06.05	
		3.2.8.3.23.	Chapter 6	6.01.00 -	
		3.2.8.3.24.	Chapter 6	6.01.01 A	
		3.2.8.3.25.	Chapter 6	6.04.01	
		3.2.8.3.26.	Chapter 6	6.05.01	

	3.2.8.4.	3.2.8.4.1. - 13., except 3.2.8.4.11.	Chapter 6	6.05.02	Relocated into Construction Stds. Manual, except as noted.
		3.2.8.4.14.	Chapter 6	6.06.02 D.	NOTE:3.2.8.4.14. revised in Supp. 16 (03-27).
		3.2.8.4.15.	Chapter 6	6.01.03	
		3.2.8.4.16.; <i>Streets</i>			Construction Standards Manual Revised in Supp. 17 (03-55).
		3.2.8.4.17.	Chapters 6 and 10	6.06.03 - Streetlights & 10.02.12 A	
		3.2.8.4.18.	Chapter 10	10.02.05 E.3.(r)	
		3.2.8.4.19.	Chapter 6	6.01.01	
		3.2.8.4.20. - 3.2.8.4.22.; except 3.2.8.4.22, paragraph 11	None Chapter 10	 10.02.05 E.4	Construction Standards Manual
		3.2.8.4.23.	Chapter 6	6.04.01	
		3.2.8.4.24.	Chapter 6	6.04.02	
		3.2.8.4.25.	Chapter 4	4.06.05 E.3	
		3.2.8.4.26.	Chapter 4	4.06.05 E.4	
	3.2.9. Final subdivision plat		Chapter 10	10.02.04	Revised in Supp. 18 (Ord. 04-08)
3.3. Site Development Plans			Chapter 10 10.02.03 - Submittal Requirements for SDP's		Revised in Supps. 16 (Ords. 03-27), Supp. 17 (03-55), and 18 (04-08)

	3.3.1.				This section not required or included in the UDC
3.4. Explosives					Relocated to Code of Laws & Ord.; Ch 55, Art. I., ss. 55-1 - 55-18
3.5. Excavation	3.5.1. - 15.; except 3.5.11.; Littoral Shelf Planting Area		Chapter 3	3.05.10	Relocated to Code of Laws & Ord.; ss. 22-10 - 22-119 NOTE: Revised in Supp. 16 (Ord. 03-27) and Supp. 18 (Ord. 04-08)
3.6. Well Construction					Relocated to Code of Laws & Ord.; ss. 90-1 - 90-8.
3.7. Soil Erosion Control	3.7.1.				This section was not required or included in the UDC
	3.7.2.				This section was not required or included in the UDC
	3.7.3.		Chapter 10	10.02.02	
3.8. Environmental Impact Statements					Revised in Supp. 18 (Ord. 04-08)
	3.8.1.				This section was not required or included in the UDC
	3.8.2. - 3.8.11.		Chapter 10	10.02.02	

3.9. Vegetation Removal					Revised in Supp. 18 (Ord. 04-08)
	3.9.1.				This section was not required or included in the UDC
	3.9.2.		Chapter 3	3.05.02 Exemptions	
	3.9.3.		Chapter 3	3.05.02 Exemptions	
	3.9.4. –3.9.7		Chapter 3	3.05.07 Preservation Standards	Div. 3.9 Section numbering was greatly revised in Cycle 3, 2003
	3.9.5. (prior to Cycle 3, 2003, then re-numbered to 3.9.8. 3.9.5.5. (3.9.4. after Cycle 3, 2003)		Chapter 3	3.05.04 – Vegetation removal . . . thru 3.05.07 3.05.07	Revised in Supp. 16 (Ord. 03-27)
	3.9.8.	3.9.8.1.	Chapter 3	03.05.04	
		3.9.8.2.	Chapter 3	03.05.05	
		3.9.8.3.	Chapter 3	03.05.06	
		3.9.8.4.			This section was not required or included in the UDC
	3.9.9.		Chapter 3	3.05.08 - Requirement for Removal...	
	3.9.10. (3.9.6. prior to Cycle 3, 2003)		Chapter 10	10.02.06 C - Submittal Requirements for Permits	
		3.9.10.2.	Chapter 10	10.02.06 D	

	3.9.11.; numbered ss. 3.9.6.8. and 3.9.6.9. prior to 3rd Cycle, 2003.	ss. 3.9.12. & 13, were created in Cycle 3 & are in Ch.10	Chapter 10	10.02.06 E - Submittal Requirements for Permits	
3.10. Sea Turtle Protection	3.10.1.				This section was not required or included in the UDC
	3.10.2. - 3.10.5.		Chapter 3	3.04.02 - Species...	
	3.10.6.		Chapter 3	3.04.02 B.6	
	3.10.7.		Chapter 3	3.04.02	
	3.10.8. (reserved)				This section was not required or included in the UDC
	3.10.9.		Chapter 10	10.02.06. C	
	3.10.10.				This section was not required or included in the UDC
3.11. Endangered, Threatened or...			Chapter 3	3.04.00 - Protection of Endangered, Threatened...	Revised in Supp. 18 (Ord. 04-08)
		3.11.3.2. & 3.11.3.3.			Deleted in Cycle 3, 2003
		3.11.3.4.	Chapter 3	3.04.02 - Species Specific...	
3.12. Coastal Zone Management	3.12.1. & 3.12.4.				These sections were not required or included in the UDC
	3.12.2.		Chapter 3	3.03.01 - Purpose	
	3.12.3.		Chapter 3	3.03.02 - Applicability	

	3.12.5.		Chapter 3	3.03.02 - Applicability	
		3.12.5.1.	Chapter 10	Cross-referenced in 3.03.04	Revised in Supp. 18 (Ord. 04-08)
		3.12.5.2.	Chapter 10		Revised in Supp. 18 (Ord. 04-08)
		3.12.5.3.	Chapter 3	3.03.05 - Sea Level Rise	
		3.12.5.4.	Chapter 3	3.03.06 - Native Vegetation...	
	3.12.6.		Chapter 3	3.03.07 - Undeveloped Coastal Barriers	
	3.12.8.		Chapter 3	3.03.07 - Undeveloped Coastal Barriers	
	3.12.7. & 3.12.9.				These sections were not required or included in the UDC
3.13. Coastal Construction Setback	3.13.1				This section was not required or included in the UDC.
	3.13.2. - 3.13.7.		Chapter 9	9.04.06 - Specific Requirements for Variance	Variances and Administrative procedures chapter
	3.13.8 & 3.13.9		Chapter 10	10.02.06 A - Submittal Requirements for Permits	3.13.8. revised in Supp. 18 (Ord. 04-13)
3.14. Vehicle on the Beach Regulations			Chapter 10	10.02.06 I.	Revised in Supp. 16 (Ord. 03-27)

3.15. Adequate Public Facilities					Revised in Supp. 18 (Ord. 04-08)
	3.15.1.				This section was not required or included in the UDC
	3.15.2.		Chapter 6	6.02.01	
	3.15.3.		Chapter 6	6.02.01 D	
	3.15.4.; reserved				This section was not included in the UDC
	3.15.5 & 3.15.6.		Chapter 6	6.02.01 - Generally & 6.02.02 - Management .	
	3.15.7.		Chapter 10	10.02.07	
3.16 Groundwater Protection	3.16.1	3.16.1.1. – 3.16.1.3.			These sub- sections were not required or included in the UDC
		3.16.1.4. & 3.16.1.5.	Chapter 3	3.06.01 - Purpose and Intent	
	3.16.2.	3.16.2.1. & 3.16.2.1.1.	Chapter 3	3.06.01 - Purpose and Intent	
		3.16.2.1.2.	Chapter 3	Throughout Ch. 3	
		3.16.2.1.3.	Chapter 3	3.06.04 - Groundwater Protection	
		3.16.2.2. & 3.16.2.3.	Chapter 3	3.06.05 - Annual Review of Zones	
		3.16.2.4.	Chapter 3	3.06.06 - 3.06.08	

		3.16.2.5.	Chapter 3	3.06.09 - Protection of Future Wellfields	
		3.16.2.6.	Chapter 3	3.06.10 - Effects of...	
	3.16.3.		Chapter 3	3.06.11 - Exempted Development	
	3.16.4.		Chapter 3	3.06.12 - Regulated Development	
	3.16.5.		Chapter 3	3.06.13 - Countywide Groundwater	
	3.16.6.		Chapter 10	10.04.01 (B) - Determination of Completeness	
	3.16.7.		Chapter 10	10.02.06 (F) - Submittal Requirements for Permits	
	3.16.8.		Chapter 10	10.04.08 - Modifications to Pending Applications	
	3.16.9.		Chapter 10	10.02.02 (E) - Submittal Requirements for All...	
	3.16.10.		Chapter 10	10.04.11 - Public Hearings	
	3.16.11.		Chapter 3	3.06.09 - Protection of Future Wellfields	
	3.16.12.	3.16.12.1	Chapter 1	1.08.00	
		3.16.12.2	Chapter 1	1.03.02	
	3.16.13. – 3.16.17.		Chapter 10	10.01.04 – Deter. of Completeness	Administrative procedures chapter

3.17. Post-Disaster Recovery & Re- construction Management					Relocated to Code of Laws Ord.; ss. 38-1 38-12.
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ARTICLE 4 – IMPACT FEES

LDC Division	LDC Section	LDC Sub-section	UDC Chapter	UDC Section	Other Notes
4.1. – 4.7.					These provisions are located in Chapter 74 of the Code of Laws & Ordinances, and therefore, are not required to be, and are not, located in the UDC.

ARTICLE 5 – DECISION-MAKING AND ADMINISTRATIVE BODIES

LDC Division	LDC Section	LDC Sub-section	UDC Chapter	UDC Section	Other Notes
5.1. Board of County Commissioners			Chapter 8	8.02.00 - BOCC	
5.2. Planning Commission			Chapter 8	8.03.00 – CCPC	
5.3. Board of Zoning Appeals			Chapter 8	8.04.00 – BZA	
5.4. Building Board of Adjustment and Appeals			Chapter 8	8.05.00 – BOAA	Revised in Supp. 16 (Ord. 03-27)
5.5. & 5.6.; 5.8. ; & 5.10. – 5.12. Reserved					These Divisions were not required or included in the UDC
5.7. County Manager	5.7.1.				This Section was not required or included in the UDC

	5.7.2.	5.7.2.1.			This Section was not required or included in the UDC, except for 5.7.2.1., relocated to Sec. 2-78 (a) (4), of the Code of Laws & Ords.
5.9. CD&ES Division			Chapter 8	8.09.00 – CD&ES	
5.13. Environmental Advisory Council			Chapter 8	8.06.00 – EAC	
5.14. Historical/ Archaeological Preservation Board			Chapter 8	8.07.00 – HAPB	

ARTICLE 6 - DEFINITIONS

LDC Division	LDC Section	LDC Sub-section	UDC Chapter	UDC Section	Other Notes
6.1. Rules of Construction			Chapter 1	1.03.00 Rules of Construction	
6.2. Abbreviations			Chapter 1	1.08.00. A.	Revised in Supp. 18 (Ord. 04-08)
6.3. Definitions			Chapter 1	1.08.00. B.	Revised in all three Supps. (16, 17, and 18).

STATE OF FLORIDA)

COUNTY OF COLLIER)

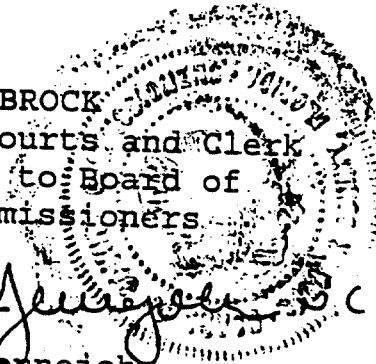
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2004-41

Which was adopted by the Board of County Commissioners on the 22nd day of June 2004, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 24th day of June, 2004.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



Ann Jennejohn

By: Ann Jennejohn,
Deputy Clerk