

ORDINANCE NO. 92- 73

SECRET

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ORDINANCE AMENDING ORDINANCE NO. 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE ADOPTING VARIOUS SUBSTANTIVE CHANGES AND OMISSIONS AND CORRECTING TYPOGRAPHICAL ERRORS IN ARTICLES ONE, TWO, THREE, FOUR, FIVE AND SIX OF SAID ORDINANCE AND MORE PARTICULARLY PROVIDING FOR SECTION ONE FINDINGS; PROVIDING FOR SECTION TWO AMENDMENTS TO ARTICLE ONE GENERAL PROVISIONS RELATING TO DIVISION 1.5 APPLICABILITY, DIVISION 1.7 VESTED RIGHTS, DIVISION 1.8 NONCONFORMITIES, DIVISION 1.9 ENFORCEMENT, DIVISION 1.10 FEES, AND DIVISION 1.22 REPEALER; AMENDMENTS TO ARTICLE TWO ZONING RELATING TO DIVISION 2.1 GENERAL, DIVISION 2.2 ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, DIVISION 2.3 OFF-STREET PARKING AND LOADING, DIVISION 2.4 LANDSCAPING AND BUFFERING, DIVISION 2.5 SIGNS, DIVISION 2.6 SUPPLEMENTAL DISTRICT REGULATIONS, AND DIVISION 2.7 ZONING ADMINISTRATION AND PROCEDURES; AMENDMENTS TO ARTICLE THREE DEVELOPMENT REQUIREMENTS RELATING TO DIVISION 3.2 SUBDIVISIONS, DIVISION 3.3 SITE DEVELOPMENT PLANS, DIVISION 3.9 VEGETATION REMOVAL, PROTECTION AND PRESERVATION, DIVISION 3.11 ENDANGERED, THREATENED OR LISTED SPECIES PROTECTION, DIVISION 3.14 VEHICLE ON THE BEACH REGULATIONS, AND DIVISION 3.15 ADEQUATE PUBLIC FACILITIES; AMENDMENTS TO ARTICLE FOUR IMPACT FEES BY ADDING DIVISION 4.6 EMERGENCY MEDICAL SERVICES SYSTEM IMPACT FEES AND BY ADDING DIVISION 4.7 EDUCATIONAL FACILITIES SYSTEM IMPACT FEES; AMENDMENTS TO ARTICLE FIVE DECISION-MAKING AND ADMINISTRATIVE BODIES, RELATING TO DIVISION 5.2 PLANNING COMMISSION, DIVISION 5.3 BOARD OF ZONING APPEALS, DIVISION 5.14 HISTORIC/ARCHAEOLOGICAL PRESERVATION BOARD, AND BY REMOVING FROM DIVISION 5.5 PROVISIONS RELATING TO CODE ENFORCEMENT BOARD AND BY REMOVING FROM DIVISION 5.6 PROVISIONS RELATING TO BUILDING CONTRACTORS' LICENSING BOARD; AND AMENDMENTS TO ARTICLE SIX, RELATING TO DIVISION 6.1 RULES OF CONSTRUCTION AND DIVISION 6.3 DEFINITIONS; PROVIDING FOR SECTION THREE, ADOPTION OF AMENDED ZONING ATLAS MAPS; PROVIDING FOR SECTION FOUR, CONFLICT AND SEVERABILITY AND PROVIDING FOR SECTION FIVE, EFFECTIVE DATE.

Whereas, the Land Development Code may not be amended more than two times in each calendar year pursuant to Section 1.19.1, LDC; and

Whereas, this is the first amendment to the Land Development Code, Ordinance No. 91-102, in this calendar year; and

Whereas, certain substantive changes to the LDC are necessary for its implementation and to maintain consistency with the Collier County Growth Management Plan; and

Whereas, various typographical errors and omissions have been identified in the Land Development Code since the Code became effective in November 1991; and

Whereas, the Collier County Planning Commission held a public workshop on May 7, 1992 to provide for and encourage public participation; and

Whereas, the Collier County Planning Commission in a manner prescribed by law did hold a public hearing on May 21, 1992 concerning these amendments to the Land Development Code; and

Whereas, the Board of County Commissioners did take action in the manner prescribed by law and did hold public hearings on July 22, 1992; August 5, 1992; August 19, 1992; September 2, 1992; September 16, 1992 and October 14, 1992 concerning these amendments to the Land Development Code; and

Whereas, all applicable substantive and procedural requirements of law have been met.

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

SECTION ONE: FINDINGS

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

1. Collier County, pursuant to Sec. 163.3161, et. seq., Fla. Stat., the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter the "Act"), is required to prepare and adopt a Comprehensive Plan.

2. After Adoption of the Comprehensive Plan, the Act, and in particular Sec. 163.3202(1), Fla. Stat., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted Comprehensive Plan.

3. Sec. 163.3201, Fla. Stat., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted Comprehensive Plan as required by the Act.

4. Sec. 163.3194(1)(b), Fla. Stat., requires that all land development regulations enacted or amended by Collier County shall be consistent with the adopted Comprehensive Plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted Comprehensive Plan, or element or portion thereof, shall be amended so as to be consistent.

5. Sec. 163.3202(3), Fla. Stat., states that the Act shall be construed to encourage the use of innovative land development regulations.

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (Hereinafter the "Growth Management Plan" or "GMP") as its Comprehensive Plan pursuant to the requirements of Sec. 1634.3161 et. seq., Fla. Stat., and Rule 9J-5, F.A.C.

7. Section 163.3194(1)(a), Fla. Stat., mandates that after a Comprehensive Plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such Comprehensive Plan or element shall be consistent with such Comprehensive Plan or element as adopted.

8. Pursuant to Sec. 163.3194(3)(a), Fla. Stat., a development order or land development regulations shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.

9. Section 163.3194(3)(b), Fla. Stat., requires that a development approved or undertaken by a local government shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and other

aspects of development are compatible with and further the objectives, policies, land uses, densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991.

11. Collier County finds that the Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County and it is intended that this Land Development Code preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare of Collier County; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; conserve, develop, utilize, and protect natural resources within the jurisdiction of Collier County; and to protect human, environmental, social, and economic

resources; and maintain, through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

12. It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance with the provisions of the Collier County Growth Management Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., and through these amendments to the Code.

SECTION TWO: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

The Collier County Land Development Code is hereby amended as shown on the side sheets which comprise Exhibit A, attached hereto and incorporated by reference herein.

SECTION THREE: ADOPTION OF AMENDED ZONING ATLAS MAPS

Zoning Atlas Maps numbers 462728, 462930, 6836n, 6836s, 6908s, 6928s, 6930s, 6932n, 6932s, 6933n, 6933s, 6934s, 472728, 7722 through 7727, 472930, 7902s, 7903n, 7905n, 7909n, 7909s, 791011, 8510n, 8510s, 8515s, 8527n, 872930, 873132, 9511n, 9511s, 9512s, 9514s, 9522s, 9631s, 482728, 482930, 492728, 492930, 1612s, 3911n, 3911s, 3923n, MB7F, 512728 and 52532730 attached hereto in Exhibit A and incorporated by reference herein, are amended and made a part of the Collier County Land Development Code.

SECTION FOUR: CONFLICT AND SEVERABILITY.

If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent

provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 14th day of October, 1992.

DATE: 10/14/92

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: Michael J. Volpe
MICHAEL J. VOLPE, CHAIRMAN

ATTEST:
JAMES C. GILES, CLERK

James C. Giles

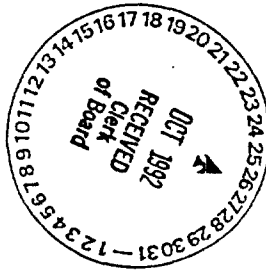
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Martha N. Howell
MARTHA N. HOWELL
ASSISTANT COUNTY ATTORNEY

This ordinance filed with the
Secretary of State's Office the
21st day of Oct, 1992
and acknowledgement of that
filing received this 21st day
of Oct, 1992
By Louise Cheronis
Deputy Clerk

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OCT 21 10 17 AM '92
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

EXHIBIT A



DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
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BOOK 056 PAGE 08

SEC. 1.5.5 REGULATING NOISE CONSTRUCTION ACTIVITY.

Any construction activities and site preparation activities including but not limited to land clearing and grading, excavation and vegetation removal, authorized or permitted pursuant to the provisions of this Code shall occur only during the following hours: 6:30 A.M. to 7:00 P.M., Monday through Saturday. No construction activity or site preparation activity is permitted on Sundays or on the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

Any person desiring to engage in the aforementioned activities beyond the stated hours of limitation, based upon cases of urgent necessity or upon the interests of public health, safety and welfare may apply in writing to the County Manager or his designee for an emergency construction permit. Such application shall state all facts and circumstances demonstrating the need for such permit. Such permits, if granted, shall be limited to fifteen days, but may be renewed for additional periods if the emergency or need therefor continues. Requests for renewals of said permit shall be made in writing prior to the expiration of permits previously issued pursuant to this Section. In the issuance of such permits, the County Manager or his designee shall weigh all facts and circumstances presented and shall determine whether the reasons given for the urgent necessity are valid and reasonable, whether the public health, safety and welfare will be protected or better served by granting the permit requested and whether, should the permit not be granted, the manner and amount of loss or inconvenience to the applicant imposes a significant hardship. Upon an affirmative finding of the foregoing considerations, the County Manager or his designee is authorized to issue the noise permit. Notice of said permit application shall be given to all property owners adjacent to the subject site.

Delete stricken language; add underlined language.

During such periods of emergency activities and during the normal construction or site preparation hours of 6:30 A.M. to 7:00 P.M., the noise levels generated by construction or site preparation activities shall not exceed those permitted under the Collier County Noise Control Ordinance or its successor in function.

1.5.5.1 **Exceptions:**

Construction activities or site preparation activities performed by the County, state or federal governments are exempt from this provision provided that Section Six:E of the Collier County Noise Control Ordinance or its successor in function is complied with.

Delete stricken language; add underlined language.

LDC pg. 1-7

SEC. 1.5.6 PERMITTED USES AND STRUCTURES.

No building or structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, other than specifically permitted by the provisions of each zoning district in this Code, unless otherwise provided.

Delete stricken language, add underlined language.

LDC pg. 1-7

SEC. 1.5.7

PROVISION OF WATER, SEWER AND REUSE IRRIGATION
WATER WITHIN THE COLLIER COUNTY WATER-SEWER
DISTRICT: APPLICABILITY TO SPECIAL PURPOSE
INDEPENDENT GOVERNMENTS.

The Collier County Water-Sewer District is a dependent special district created by the Florida Legislature. Its governing body is ex-officio the Board of County Commissioners. The Collier County Water-Sewer District has been charged by the Legislature with the overall responsibility for the provision of water and sewer services within the boundaries of the Collier County Water-Sewer District, which are more particularly described in Chapter 88-499, Laws of Florida.

This legislative charge is consistent with the goals and policies of the State Comprehensive Plan and the Collier County Growth Management Plan in that a regional utility system like that operated by the Collier County Water-Sewer District (1) fulfills the goal of assuring the ability of an adequate supply of water among competing uses by requiring development to be compatible with existing local and regional water supplies, (2) fulfills the goals of protecting the County's substantial investments in regional public utility facilities by maximizing the use of such existing public facilities, (3) fulfills the goal of economic and efficient provision of quality public services which eliminates needless duplication of public facilities and instead employs the use of regional facilities as opposed to multiple or smaller scale and less efficient local, public or private utility facilities.

The provision and treatment of water, sewer and reuse irrigation water within the Collier County Water-Sewer District as a matter of local land development policy and regulation shall be provided by Collier County Water-Sewer District facilities in conformance with this Code and all other applicable County ordinances, regulations and policies relative to the provision of such utility facilities and services.

Delete stricken language; add underlined language.

LDC pg. 1-7 Sec. 1.5.7 (cont'd)

The provisions of this Code and all other applicable ordinances, regulations and policies of the County shall be construed as applicable planning and permitting laws, rules, regulations, and policies which control development of lands within the Collier County Water-Sewer District to be services by a special-purpose government such as a community development district.

Delete stricken language; add underlined language.

LDC pg. 1-8

1.6.3.3

Rendering of Interpretation. After the Request for Interpretation has been determined complete, the Development Services Director or Growth Planning Director, whichever is applicable, shall review and evaluate the request in light of the Growth Management Plan, the Future Land use Map, the Code and/or the Official Zoning Atlas, whichever is applicable, and render an interpretation. The Development Services Director and the Growth Planning Director may consult with the County Attorney and any other County departments before rendering the interpretation. Prior to the release to the applicant of any interpretation, the interpretation shall be reviewed by the County Attorney for legal form and sufficiency. Interpretations made pursuant to this Section shall be rendered within forty-five (45) days of issuance of a Determination of Completeness made pursuant to Sec. 1.6.3.2.

Delete stricken language; add underlined language.

LDC pg. 1-14

SEC. 1.7.10

PUBLIC NOTICE. Due public notice for vested rights hearings held pursuant to Div. 1.7, shall be given. For purposes of this Section due public notice shall mean at least fifteen (15) days notice of the time, place and subject matter of such hearing published one (1) time in a newspaper of general circulation in the area. Notice of the submission of an application for Vested Rights Determination and, when applicable, of public hearings held pursuant to this Division shall be prominently posted by the applicant on the property for which the Vested Rights Determination is sought and shall be sent at the applicant's expense to property owners within 300 feet of the property lines of the subject property within fifteen (15) days of the date of receipt by the County of a completed application. Said notice shall briefly state the time and place of the hearing, the nature of the matter to be discussed and that written comments may be filed with the County Attorney.

Delete stricken language; add underlined language.

LDC pg. 1-14

~~Section 1.7.11~~ PUBLIC PARTICIPATION. Affected parties may submit written comments and pertinent factual information and data to the County Attorney. Said comments and pertinent factual information and data shall be reviewed by the County Attorney or his designee and when applicable shall be submitted to the Hearing Officer as an attachment to the County Attorney's and Development Services Director's recommendation to the Hearing Officer. Such written comments and pertinent factual information and data shall be submitted within thirty (30) days of the public notice specified in Section 1.7.10 above.

Delete stricken language; add underlined language.

1.8.1.3

Vested Projects. To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of a building or property on which a building permit had been applied for prior to the effective date of adoption of relevant amendment of this Code.

In addition, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any property for which a Development Plan was lawfully required and approved prior to the effective date of adoption of relevant amendment of this Code, provided that such plan shall expire two (2) years from the date of said approval, or one (1) year from the date of adoption of this Code, whichever shall first occur, if prior to no actual construction has been commenced; and thereafter, all development shall be in accordance with the zoning regulations then in effect.

Delete stricken language, add underlined language.

1.8.2 NON-CONFORMING LOTS OF RECORD

In any district any permitted or permissible structure may be erected, expanded, or altered on any lot of record at the effective date of adoption or relevant amendment to this code.

A. The minimum-width-and minimum yard requirements in any residential district (Except RMF-6 and E-Estates) shall be as for the most similar district to which such lot of record most closely conforms in area, width and permitted use, except that when possible the greater of any yard requirement in either district shall apply, and except when specifically provided for in the district regulations.

B. The minimum side yard requirement in any commercial or industrial district shall be equal to the height of the proposed principal structure, or the minimum side yard requirement in the district, whichever is lesser.

Delete stricken language; add underlined language.

LDC page 1-20

1.9.1 GENERAL.

The provisions of this Code shall be enforced by (1) the Collier County Code Enforcement Board pursuant to the authority granted by Sec. 162.01 et. seq., Fla. stat., (2) by the Board of County Commissioners through its authority to enjoin and restrain any person violating the Code, or (3) by Collier County through the prosecution of violations in the name of the State of Florida pursuant to the authority granted by Sec. 125.69, Fla. Stat. The County Manager shall have the right to inspect those lands, waters, or structures affected by this Code and to issue citations for violations.

1.9.1.1 The term County Manager as used in this Code shall mean the County Manager or his designee.

Delete stricken language; add underlined language.

LDC page 1-20

SEC. 1.9.3 COMPLAINTS REGARDING VIOLATIONS.

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

Delete stricken language, add underlined language.

LDC page 1-20

SEC. 1.9.4 **LIABILITY.**

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

Delete stricken language; add underlined language.

1.9.5.

PROCEDURES UPON DISCOVERY OF VIOLATIONS:

Upon the determination that any provision of this Code is being violated, the County Manager or his designee, before prosecuting said violations before the Code Enforcement Board, shall send a written notice by registered or by certified mail return receipt requested or by hand delivery to the person(S.) responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the County Manager's discretion.

The written notice shall state the action the County Manager intends to take, if the violation is not corrected, and shall advise that the County Manager's order may be appealed to the County Manager rather than his designee.

~~Upon receipt of the notice of violation, the person(s) responsible or liable for the violation shall have fifteen (15) calendar days to correct the violation. The County Manager may grant one ten (10) calendar day extension if, in the County Manager's judgment, substantial progress toward correction of the violation is evident and additional time is necessary.~~

Before a violation of any of the provisions of this Code is prosecuted before the Code Enforcement Board, written notice by Registered or Certified mail, return receipt requested, shall be served by the County Manager or his designee according to the requirements of Ordinance No. 92-

If the violation is of a nature that it can be corrected by an Official Zoning Atlas amendment or through the granting of a variance, the County Administrator is authorized to suspend enforcement actions pending the outcome of such proceedings; provided that the person(s) responsible for the violation file the appropriate application forms for Official Zoning Atlas amendment or variance hearing with the County Manager within ten (10) calendar days of the receipt of notice of violation. If the outcome of an Official Zoning Atlas amendment request or variance request does

Delete stricken language, add underlined language.

pg. 1-21 Sec. 1.9.5 (cont'd)

not remedy the violation, the person(s) responsible for the violation shall have fifteen (15) calendar days to correct the violation, unless granted an extension by the County Manager as set forth above.

In cases where delay would seriously threaten the effective enforcement of this Code or pose a danger to the public health, safety, or general welfare, the County Manager may seek enforcement without prior written notice by invoking any of the remedies contained in this Code or otherwise provided by law.

Delete stricken language, add underlined language.

LDC pg. 1-22

1.9.8 Other Remedies.

1.9.8.6 Requiring replacement by the property owner of any vegetation removed in violation of the land alteration and landscaping regulations or in violation of any permit issued under the Code. Replacement trees shall be of sufficient size and quantity to replace the DBM inches removed. At the time of planting, a replacement tree shall have a minimum caliper of one and one half (1-1/2) inches and a minimum height of seven to eight (7-8) feet. ~~Vegetation planted in accordance with this requirement shall be replaced if it dies any time within one (1) year after planting; and . . .~~

Delete the stricken language, add the underlined language.

LDC pg. 1-24

SEC. 1.10.3

The appropriate fees, costs, and other charges specified in the schedule of fees, costs and other charges shall be submitted with, and paid at the time of, initial application submission or other initial document submission except as otherwise specified in this Code or the schedule of fees, costs, and other charges. The applicant, or if no applicant, the person requesting the County service, document, or other item, shall be responsible for the payment of all fees, costs and other charges identified in the schedule of fees, costs and other charges. The fees, costs and other charges specified in the schedule of fees and costs and other charges shall be twice the amount listed for petitions or requests applied for or approval after-the-fact, with the exception of minor after-the-fact yard encroachment requests. Until the applicable fee, costs and other charges have been paid in full, no action or activity of any type or kind shall be taken on an application, petition, or request. ~~Applications, petitions, or requests initiated officially by Collier County by its duly authorized agents and officers are exempt from payment of the fees, costs, and charges required herein.~~ The provisions contained in this section shall not apply to any impact fee ordinance.

Delete stricken language, add underlined language.

LDC pg. 1-37

Amend Division 1.22, Repealer, as follows:

<u>Subject</u>	<u>Ordinance Number</u>
Code-Enforcement-Board	88-897-as-amended.
Contractor's-Licensing-Board	98-1057-as-amended7-is-repealed to-the-extent-that-it-is inconsistent-with-the provisions-of-this-Code7 provided7-however7-that-any provisions-of-98-105-not included-in-the-provisions-of this-Code-are-retained-and shall-remain-in-full-force-and effect.
Zoning	82-2, as amended (including the official zoning atlas adopted thereunder), except that no Planned Unit Development (PUD) Ordinance valid and effective immediately prior to the effective date of this Code shall be repealed by the adoption of this Code; and provided that Section 10.6, Temporary-Use-Permits7-of Ordinance-82-27-is-repealed-to the-extent-that-it-is inconsistent-with-the provisions-of-this-Code7 provided7-however7-that-any subsections-of-Section-10.6-of Ordinance-82-2-not-included-in this-Code-are-retained-and shall-remain-in-full-force-and effect.
<u>Communications Towers</u>	<u>91-84, as amended.</u>

Delete stricken language; add underlined language.

LDC pg. 2-4

2.1.13

REDUCTION OF LOT AREA PROHIBITED. No lot, even though it may consist of one or more adjacent lots of record or yard existing at the effective date of this Zoning Code shall thereafter be reduced in size, dimension, or area below the minimum requirements set forth herein, except by reason of a portion being acquired for public use in any manner including dedication, condemnation, purchase and the like. Yards, lot area, and lot dimensions reduced in this manner may be reduced by the same amount involved in the dedication, condemnation, purchase or similar method of acquisition, but shall not result in a front yard less than ten feet (10') in depth. Lots or yards created after the effective date of this Zoning Code shall meet at least minimum requirements established herein.

Delete the stricken language, add the underlined language.

2.2.1.2.1 Permitted Uses.

1. Golf Courses.

2.2.1.2.2 Uses Accessory to Permitted Uses.

1. Uses and structures that are accessory and incidental to uses permitted as of right in the GC District.
2. Recreational facilities that serve as an integral part of the permitted use, including, but not limited to, club house, community center building, practice driving range, shuffleboard courts, swimming pools and tennis facilities, snack shops and rest rooms.
3. Pro shops with equipment sales up to 1,000 square feet in size; restaurants with a seating capacity of 150 seats or less and shall serve patrons no later than 10:00 p.m.
34. A maximum of two (2) residential dwelling units for use by golf course employees in conjunction with the operation of the golf course.

2.2.1.3

Conditional Uses. The following uses are permissible as conditional uses in the GC District, subject to the standards and provisions established in Division 2.7.4.

1. Commercial establishments oriented to the permitted uses of the District including gift shops; pro shops with equipment sales in excess of 1,000 square feet; restaurants with seating capacity of greater than 150 seats; cocktail lounges, and similar uses, exclusively primarily intended to serve patrons of the golf course.

Delete the stricken language, add the underlined language.

2.2.1.4.3

Minimum Yard Requirement. ~~for any yard abutting residentially designated property, the minimum yard shall be fifty feet (50') with landscaping and buffering as required for the district or use with the most similar types, densities and intensities of use.~~ A fifty foot (50') yard setback requirement together with landscaping and buffering pursuant to Section 2.4.7.4, buffer type "B", shall be provided adjacent to any residential district which is contiguous to the area of the golf course upon which is located the clubhouse and all related activities to the clubhouse, and adjacent to all maintenance buildings locations. The length of the buffer shall be of a sufficient distance to block the view of recreational activities, parking and any activities relative to any other buildings, structures or outside activities from contiguous residences.

Delete stricken language; add underlined language.

2.2.2.2.1

Permitted Uses:

1. Single-family dwelling.
2. Agricultural activities, including, but not limited to: crop raising; dairying; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; beekeeping; poultry and egg production; milk production; livestock raising; and animal breeding, raising, training, stabling or kenneling, and aquaculture for native species subject to State of Florida Game and Freshwater Fish Commission permits.
3. Wildlife management, plant and wildlife conservancies, wildlife refuges and sanctuaries.
- ~~4.~~ Wholesale-plant-nurseries.
- 4.5 Conservation uses.
- 5.6 Oil and gas exploration subject to State drilling permits and Collier County Site Development Plan review procedures.
- ~~6.7~~ Family Care Facilities, subject to Sec. 2.6.26.

NOTE: This section must be renumbered accordingly.

Delete stricken language; add underlined language.

LDC page 2-8

2.2.2.2.1 Permitted Uses:

8. Communications Towers up to specified height,
subject to Sec. 2.6.35.

NOTE: Section will have to be renumbered accordingly.

Delete stricken language, add underlined language.

LDC page 2-8

2.2.2.2.2 Uses Accessory to Permitted Uses.

3. Retail sales of ~~fresh-fruit, and-produce~~ agricultural products grown primarily on the property and further subject to a review of traffic circulation and safety concerns.

Delete stricken language, add underlined language.

LDC page 2-8

2.2.2.2.2 Uses Accessory to Permitted Uses.

4. Packing house or similar agricultural processing of farm products produced on the property subject to the following restrictions:
 - a. Agricultural packing, processing or similar facilities shall be located on a major or minor arterial street, or shall have access to an arterial street by a public street that does not abut ~~or is not located within any~~ properties zoned RSF-1, RSF-2, RSF-3, RSF-4, RSF-5, RSF-6, RMF-6, RMF-12, RMF-16, RT, VR, MH, TTRVC and PUD or residentially uses.

Delete stricken language; add underlined language.

2.2.2.2.2 Uses Accessory to Permitted Uses.

8. Use of a mobile home as a temporary residence while a permanent single family dwelling is being constructed, subject to the following:

~~e-d.~~ The mobile home must be removed at the termination of the permitted period.

~~d. A mobile home or trailer, used in connection with the rural agricultural district uses is permitted on a temporary basis only, not to exceed the duration of the rural agricultural use of land for commercial purposes for which the mobile home is a permitted accessory use for three (3) years. Said mobile home use is renewable annually thereafter providing that a permit for such temporary use is obtained from the Director, upon a showing that said agricultural use of land for commercial purposes is a continuing use and further providing that the applicant is utilizing, for such agricultural use a tract of five (5) acres or more, except that part lying in public road rights-of-way. Such mobile homes or trailers shall not be located closer than one hundred feet (100') from any County highway line, two hundred feet (200') from any State highway right-of-way, or five hundred feet (500') from any Federal highway right-of-way line.~~

9. A mobile home or trailer, used in connection with the rural agricultural district uses is permitted on a temporary basis only, not to exceed the duration of the rural agricultural use of land for commercial purposes for which the mobile home is a permitted accessory use for three (3) years. Said mobile home use is renewable annually thereafter providing that a permit for such temporary use is obtained from the Director, upon a showing that said agricultural use of land for commercial purposes is a continuing use and further providing that the applicant is utilizing, for such agricultural use a tract of five (5) acres or more, except that part lying in public road rights-of-way. Such mobile homes or trailers shall not be located closer than

Delete stricken language; add underlined language.

one hundred feet (100") from any County highway line, two hundred feet (200') from any State highway right-of-way, or five hundred feet (500') from any Federal highway right-of-way line.

10.9 Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or subdivision master plan for that development. Recreational facilities may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

Delete stricken language; add underlined language.

LDC page 2-10

2.2.2.3 Conditional Uses. The following uses are permitted as conditional uses in the Rural Agricultural District (A), subject to the standards and procedures established in Div. 2.7.4.

12. Communication towers above specified height, subject to Sec. 2.6.35.

NOTE: Section will have to be renumbered accordingly.

Delete stricken language, add underlined language.

LDC Page 2-10

2.2.2.3 Conditional Uses.

17. Golf Courses and/or Golf Driving Ranges.

Delete the stricken language, add the underlined language.

LDC pg. 2-10

2.2.2.3 Conditional Uses.

21. Retail plant nurseries subject to the following conditions:

- a. Retail sales shall be limited to the sale of plants, decorative products such as mulch or stone, fertilizers, pesticides, and other products and tools accessory to or required for the planting or maintenance of said plants.
- b. The sale of large power equipment such as lawn mowers, tractors, and the like shall not be permitted in association with a retail plant nursery in the Rural Agricultural district.

NOTE: This section will need to be appropriately renumbered.

Delete stricken language; add underlined language.

2.2.2.3 Conditional Uses

21. Asphaltic Batch Making Plants independent of any aggregate mining process subject to the following conditions:
- a. Asphaltic batch making plants may be permitted within the area designated Agricultural rural land use on the Future Land Use Map to the Future Land Use element of the Growth Management Plan and shall not be permitted through this conditional use process as property zoned agricultural but otherwise located with the area designated Urban Mixed Use subdistrict on the Future Land Use Map to the Future Land Use element of the Growth Management Plan.
 - b. The minimum site area shall not be less than ten (10) acres.
 - c. The Site shall gain its principal access from a street designated collector or higher classification of road as designated by the Future Traffic circulation Element of the Growth Management Plan.
 - d. Raw materials storage, plant location and general operations around the plant shall not be located or conducted within one hundred (100) feet of any exterior boundary.
 - e. The height of raw material storage facilities shall not exceed a height of fifty (50) feet.
 - f. Hours of operation shall be limited to two hours before sunrise to sunset.

Delete stricken language; add underlined language.

- g. The minimum setback from the principal road frontage shall be one hundred fifty (150) feet for operational facilities and seventy-five (75) feet for supporting administrative offices and associated parking.
- h. An earthen berm achieving a vertical height of eight (8) feet or equivalent vegetative screen with eighty percent (80 %) opacity one year after issuance of certificate of occupancy shall be constructed or created around the entire perimeter of the property.
- i. Compliance with all applicable ordinances of Collier County particularly the Wellfield Protection Ordinance No. 91-103 and the Noise Ordinance No. 90-17.
- j. The plant shall not be located:
 - 1) within the Greenline Area of Concern for the Florida State Park System as established by the Department of Natural Resources (DNR).
 - 2) within the Area of Critical State Concern as depicted on the Future Land Use Map.
 - 3) within 1,000 feet of a natural reservation.
 - 4) within any County, State or Federal jurisdictional wetland area.

Delete stricken language; add underlined language.

LDC Page 2-10

2.2.2.3 Conditional Uses

21. Cultural, Educational, or Recreational Facilities and their related modes of transporting participants, viewers or patrons where applicable, subject to all applicable federal, state and local permits.

NOTE: This section will have to be renumbered accordingly.

Delete stricken language; add underlined language.

LDC page 2-10

2.2.2.3 Conditional Uses.

10. ~~Child care centers, and Adult day care centers.~~

LDC page 2-12

2.2.3.3 Conditional Uses.

3. ~~Child care centers, and Adult day care centers.~~

LDC page 2-14

2.2.4.3 Conditional Uses.

4. ~~Child care centers, and Adult day care centers.~~

LDC page 2-17

2.2.5.3 Conditional Uses.

3. ~~Child care centers, and Adult day care centers.~~

Delete stricken language, add underlined language.

LDC pg. 2-12

DIV. 2.2

Modify section as follows:

SEC. 2.2.3 ESTATES DISTRICT (E).

2.2.3.3. Conditional Uses. The following uses are permissible as conditional uses in the Estates District (E), subject to the standards and procedures established in Div. 2.7.4:

1. Churches and other places of worship.
2. Social and fraternal organizations.
3. Child care centers.
4. Schools, Public and Private.
5. Group Care facilities (Category I and-II); Care Units; and Nursing Homes subject to Sec. 2.6.26.
6. Category II Group Care Facilities and Care Units (subject to Sec. 2.6.26) only when the tenancy of the person or persons under care would not:
 - a. constitute a direct threat to the health or safety of other individuals;
 - b. result in substantial physical damage to the property of others; or
 - c. result in the housing of individuals who are engaged in the current, illegal use of or addiction to a controlled substance, as defined in Section 802 of Title 21, U.S. Code.

LDC pg. 2-14

DIV. 2.2

Modify section as follows:

SEC. 2.2.4. RESIDENTIAL SINGLE FAMILY DISTRICTS (RSF).

2.2.4.3 Conditional Uses. The following uses are permissible as conditional uses in the residential single family districts (RSF), subject to the standards and procedures established in Div. 2.7.4.

1. Non-commercial boat launching facilities, and multiple dock facility.
2. Churches and houses of worship.
3. Schools, Public and Private.
4. Child care centers.
5. Cluster housing, subject to Sec. 2.6.27.
6. Golf courses.
7. Group Care Facilities (Category I and-II); Care Units; and Nursing Homes; subject to Sec. 2.6.26.
8. Category II Group Care Facilities and Care Units (subject to Sec. 2.6.26) only when the tenancy of the person or persons under care would not:
 - a. constitute a direct threat to the health of safety of other individuals;
 - b. result in substantial physical damage to the property of others; or
 - c. result in the housing of individuals who are engaged in the current, illegal use of or addiction to a controlled substance, as defined in Section 802 of Title 21, U.S. Code.

LDC pg. 2-14

2.2.4.3 Conditional Uses

5. Cluster housing development to include one and two family structures, subject to Section 2.6.27.

Delete stricken language; add underlined language.

LDC pg. 2-14

2.2.4.3 Conditional Uses.

8. Recreational facilities intended to serve an existing and/or developing residential community as represented by all of the properties/lots/parcels included in an approved Preliminary Subdivision Plat, or Site Development Plan. The use of said recreational facilities shall be limited to the owners of property or occupants of residential dwelling units and their guests within the area of approved Preliminary Subdivision Plat, or Site Development Plan.

Delete stricken language; add underlined language.

LDC pg. 2-16 thru 2-18

SEC. 2.2.5 RESIDENTIAL MULTI-FAMILY-6 DISTRICT (RMF-6).

2.2.5.1 Purpose and Intent. The purpose and intent of the Residential Multiple Family-6 District (RMF-6) is to provide for existing-zoned-lands-for single family, two-family and multi-family residences having a low profile silhouette, surrounded by open space, being so situated that it is located in close proximity to public and commercial services and has direct or convenient access to collector and arterial roads on the County major road network.

~~Under the previous Collier County Zoning Code, the RMF-6 district provided for an additional district to distinguish density levels for the RMF districts. Under this Code, it is determined to be in the best interest of the citizens of Collier County to no longer make that distinction. To eliminate the RMF-6 district, however, would result in a number of nonconformities and cause hardship. Therefore, it is intended that existing RMF-6 zoned lands be allowed to remain as conforming uses, but that no further lands be zoned to RMF-6 after the effective date of this Code.~~

The RMF-6 District corresponds to and implements the Urban Mixed Use land use designation on the Future Land Use Map of the Collier County Growth Management Plan. The maximum density permissible in the RMF-6 District and the Urban Mixed Use land use designation shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Growth Management Plan. The maximum density permissible or permitted in this district shall not exceed the density permissible under the Density Rating System.

2.2.5.2 Permitted Uses. The following uses are permitted as or right, or as uses accessory to permitted uses, in the RMF-6 district.

Delete the stricken language, add the underlined language.

LDC pgs. 2-16 thru 2-18 (cont'd)

2.2.5.2.1 Permitted Uses:

1. Single-family dwellings.
2. Duplexes, Two-Family Dwellings
3. Multiple family dwellings, Townhouses except as provided by Sec. 2.6.36.
4. Family Care Facilities, subject to Sec. 2.6.26

2.2.5.2.2. Uses Accessory to Permitted Uses:

1. Uses and structures that are accessory and incidental to uses permitted as of right in the RMF-6 district.
2. Private boat houses and docks, subject to Sec. 2.6.21.
3. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or subdivision master plan for that development. Recreation facilities may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields..

2.2.5.3 Conditional Uses: The following uses are permissible as conditional uses in the RMF-6 district, subject to the standards and procedures established in Div. 2.7.4:

1. Churches and houses of worship.
2. Schools, Public and Private.
3. Child care centers.
4. Civic and cultural facilities.
5. Recreational facilities not accessory to principal use.
6. Group care facilities (Category I and II); Care Units; Nursing Homes; subject to Sec. 2.6.26.
7. Non-commercial boat launching facilities.
8. Cluster Housing Development, subject to Sec. 2.6.27.

2.2.5.4 Dimensional Standards. The following dimensional standards shall apply to all permitted multi-family accessory, and conditional uses in the RMF-6 district.

2.2.5.4.1 Minimum Lot Area: 7,260-square-fee-for-each-dwelling unit.

Delete the stricken language, add the underlined language.

LDC pgs. 2-16 thru 2-18

Single Family, duplex and two-family dwellings:
7,260 square feet per dwelling unit.

Multiple family and townhouse: One (1) acre.

2.2.5.4.2 Minimum Lot Width: 100 feet.

2.2.5.4.3 Minimum Yard Requirements:

1. Front Yard: Thirty-five (35) feet.
2. Side Yard: Fifteen (15) feet.
3. Rear Yard: Thirty (30) feet.

2.2.5.4.4 Maximum Height of Structures:

1. Principal Structures: Three (3) habitable stories.
2. Accessory Structures: 15'.

2.2.5.4.5 Maximum Density: Actual maximum density shall be determined through application of the Density Rating System established in the Collier County Growth Management Plan, not to exceed six (6) dwelling units per gross acre.

2.2.5.4.6 Distance Between Structures: The distance between any two (2) principal structures on the same parcel shall be ~~thirty-feet-(30')~~ fifteen feet (15'), or a distance equal to one-half (1/2) the sum of their heights, whichever is greater except as otherwise provided at Sec. 2.6.27. For accessory structure yards, see Sec. 2.6.2.

2.2.5.4.7 Development Standards for Non-Conforming Lots of Record: The following development standards for non-conforming lots of record in the RMF-6 district shall be the exclusive exception to development standards in the RMF-6 district available to such lots. No other variance, waiver, exemption or other exception to the RMF-6 district development standards for lot area or density shall be permitted except as otherwise provided.

1. Single family and two family dwellings, in conformance with the development standards of the RSF-6 district.

Delete the stricken language, add the underlined language.

LDC pg. 2-16 thru 2-18

2. Multi-family dwellings, in conformance with the development standards of the RSF-6 district; except non-conforming lots ~~or of record~~ require 6,500 square feet for each dwelling unit as the minimum lot area; and further providing that when calculating the density on these non-conforming lots, a fractional unit of .50 or greater of a unit shall entitle the applicant to an additional unit.

- 2.2.5.4.8 Minimum Floor Area: 750 square feet.
- 2.2.5.4.9 Minimum Off-Street Parking: As required in Div. 2.3.
- 2.2.5.4.10 Landscaping: As required in Div. 2.4.
- 2.2.5.4.11 Signs: As required in Div. 2.5.

Delete the stricken language, add the underlined language.

LDC pg. 2-18

2.2.6.2.1 Permitted Uses.

2. Townhouses, subject to the provisions of Sec. 2.6.36.

LDC Page 2-19

2.2.6.2.3 Conditional Uses.

- ~~6. Cluster-housing, subject to Sec. 2.6.27.~~

LDC Page 2-20

2.2.7.2.1 Permitted Uses.

2. Townhouses, subject to the provision of Sec. 2.6.36.

LDC Page 2-21

2.2.7.3 Conditional Uses.

- ~~6. Cluster-housing, subject to Sec. 2.6.27.~~

NOTE: Renumbering of section will be required as appropriate.

Delete stricken language; add underlined language.

LDC page 2-19

2.2.6.3 Conditional Uses.

1. Child care centers, and Adult day care centers.

LDC page 2-20

2.2.7.3 Conditional Uses.

1. Child care centers, and Adult day care centers.

LDC page 2-24

2.2.9.3 Conditional Uses.

2. Child care centers, and Adult day care centers.

LDC page 2-26

2.2.10.3 Conditional Uses.

1. Child care centers, and Adult day care centers.

Delete stricken language, add underlined language.

LDC page 2-19

Revise Section 2.2.6.4.6 so that the Section reads as follows:

2.2.6.4.6 Distance Between Structures: The distance between any two (2) principal structures on the same parcel shall be fifteen feet (15'), or a distance equal to one-half (1/2) the sum of their heights, whichever is greater, except as otherwise provided for projects developed pursuant to the provisions of Sec. 2.6.27. For accessory structure yards, see Sec. 2.6.2.

Delete stricken language, add underlined language.

LDC page 2-21

2.2.7.4.6 Distance Between Structures: The distance between any two (2) principal structures on the same parcel shall be thirty feet (30'), or a distance equal to one half (1/2) the sum of their heights, whichever is greater, except as otherwise provided for projects developed pursuant to the provisions of Section 2.6.27. For accessory structure yards, see Sec. 2.6.2.

Delete stricken language, add underlined language.

LDC pg. 2-21

2.2.8.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses in the Residential Tourist District (RT).

2.2.8.2.1 Permitted Uses:

1. Hotels and Motels
2. Multiple Family Dwellings
3. Family Care Facilities, subject to Sec. 2.6.26.
4. Townhouses subject to Sec. 2.6.36.

Delete stricken language; add underlined language.

LDC pg. 2-24

2.2.9.3 Conditional Uses.

2. Recreational facilities intended to serve an existing and/or developing residential community as represented by all of the properties/lots/parcels included in an approved Preliminary Subdivision Plat, PUD or Site Development Plan. The use of said recreational facilities shall be limited to the owners of property or occupants of residential dwelling units and their guests within the area of approved Preliminary Subdivision Plat, or Site Development Plan.

Delete stricken language; add underlined language.

LDC page 2-26

2.2.10.2.1 Permitted Uses:

1. Mobile Homes
2. Family care Facilities, subject to Sec. 2.6.26.
3. Recreational Vehicles (R.V.) as defined in the TTRVC District for those areas zoned MHTT prior to October 14, 1974, in accordance with an approved Master Development Plan designating specific areas for R.V. spaces. The Development standards of the TTRVC District (excluding lot size and area) shall apply to the placement and uses of land in said R.V. areas.

Delete stricken language; add underlined language.

LDC pg. 2-26

2.2.10.3 Conditional Uses.

5. Recreational facilities intended to serve an existing and/or developing residential community as represented by all of the properties/lots/parcels included in an approved Preliminary Subdivision Plat, PUD or Site Development Plan. The use of said recreational facilities shall be limited to the owners of property or occupants of residential dwelling units and their guests within the area of approved Preliminary Subdivision Plat, or Site Development Plan.

Delete stricken language; add underlined language.

LDC page 2-26

2.2.10.4.3.4

Yard Exceptions: Any non-conforming, platted MH lot of record or non-conforming MH lot located within a mobile home rental park which was in existence before the effective date of this code shall be subject to the following standards:

Minimum Yard Requirements:

Front Yard: Fifteen (15) feet

Side Yard: Five (5) feet or zero (0) feet, where carports are connected at a corner lot line. where a zero (0) yard is utilized, a minimum yard of ten (10) feet must be utilized for the opposite yard.

Rear Yard: Eight (8) feet.

Delete stricken language; add underlined language.

LDC page 2-26

2.2.10.4.4 Maximum Height. Thirty feet (30').
~~2.2.10.4.4.1 Permitted-Uses. Thirty-feet-(30').~~
2.2.10.4.4.2+1 Uses Accessory To Permitted Uses. Twenty (20)
feet.

Delete stricken language; add underlined language.

LDC page 2-28

2.2.11 TTRVC District

2.2.11.1 Purpose and Intent. The provisions of this district are intended to apply to trailer lots for travel trailers, park model travel trailers and recreational vehicles, not exceeding 480 square feet in gross floor area. Such trailer lots are intended to accommodate travel trailers, park model travel trailers, pick-up coaches, motor homes, and other vehicular accommodations which are suitable for temporary habitation, used for travel, vacation, and recreational purposes. Campsites are intended to accommodate temporary residency while camping, vacationing or recreating. TTRVC vehicles may be permanently located on a lot; however, no person or persons may occupy said vehicles as permanent places of residence. ~~The maximum density permissible in the Travel-Trailer-Recreational Vehicle-Campground-District within the Urban-Mixed Use-land-use-designation shall be guided, in part, by the Density-Rating-System contained in the Future-Land-Use-Element of the Collier-County Growth-Management-Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating-System. The maximum permitted density permissible in the TTRVC-District within the Agricultural-Rural-District of the Future-Land-use Element shall be one unit per five acres.~~

2.2.11.4.6 Maximum Density. ~~Actual maximum density shall be determined through application of the Density Rating-System established in the Collier-County Growth-Management-Plan not to exceed twelve~~ Twelve (12) units for each acre.

Delete stricken language; add underlined language.

2.2.11.2.2 Uses Accessory To Permitted Uses.

4. Accessory uses and structures customarily associated with travel trailer recreational vehicle lots including:

(1) . . .

(2) A screened-in porch elevated or at ground level with a solid roof structure, architecturally compatible with its associated recreation vehicle, not to exceed an area equal to the area of the recreation vehicle to which it is attached. Said screened-in porch shall provide for any site utility/storage space requirements as herein provided and shall not contain any other interior walls. All such screened enclosures must be permitted and constructed according to this Code and applicable Building Codes. No heating, air conditioning or heater systems or parts of systems including ducts or grills may be constructed or contained in such screened-in porch. Exterior walls may be enclosed with vinyl windows, except that the storage area may be enclosed with the same material as the principal unit. Vinyl windows are required to extend from the underside of the roof framing to the finish floor elevation. Kick plates are not permitted to extend higher than eighteen inches (18") above the finish floor. Kick plates must be part of the screen enclosure assembly.

Delete stricken language; add underlined language.

2.2.11.4.15 Compliance. Where travel trailer/park model lots are being sold to individuals, the developer/owner of the lots shall include in the title transfer document a covenant attesting to the fact that the lot cannot be used as a place of permanent occupancy. All TTRVC parks which commenced construction after the effective date of this district shall comply with all requirements of this district except as further provided herein. No TTRVC park ~~that-exists in existence~~ on the effective date of this district shall be altered so as to provide a lesser degree of conformity with the provisions of this district than existed on the effective date of this district. Land already zoned TTRVC which does not meet the acreage requirements may be developed; however, the development shall conform with all other regulations of this district.

Every proprietor, manager, homeowners association, or condominium association, of a TTRV park shall maintain a register of tenants or occupants, noting the duration of the rental arrangement or length of occupancy for owner/occupied sites with respect to one (1) or more travel trailers or park models. Said register shall be made available upon demand to the County Manager. In the event of owner/occupied lots within the TTRVC district, said owner is responsible for registering his or her arrival and departure from their recreation residence with the manager of the TTRVC park. Failure to register will hold the owner responsible for penalties as herein provided. Failure of park owner/manager to provide said register, duly describing the persons who have occupied a travel trailer or park model trailer, and the duration of their occupancy, shall be guilty of a misdemeanor and subject to the penalties provided by this Code.

Any proprietor or manager who maintains a falsified register to allow persons to occupy a travel trailer or park model trailer ~~within-the-TTRVC facility-under-their-supervision-and-control-for-a period-of-time-in-excess-of-seven-(7)-months~~ on a permanent basis shall be similarly guilty of a misdemeanor and subject to penalties as provided in this Code.

Delete stricken language; add underlined language.

LDC page 2-33

2.2.11.4.16

Flood Plain-Elevations Program Requirements.

All travel trailers, park model travel trailers, recreational vehicles and accessory structures shall ~~meet-flood-plain-elevation~~ comply with the current Collier County Flood Damage Prevention Ordinance if permanently attached to the ground or utility facilities.

Delete stricken language; add underlined language.

LDC page 2-33

2.2.12 ~~Commercial-Professional/Transitional-District~~
~~(C-1/T)~~ Commercial Professional District (C-1) and
Commercial Professional/Transitional District
(C-1/T).

2.2.12.1 Purpose and Intent. ~~The-provisions-of-this~~
~~District-are-intended-to-apply-to-areas-located~~
~~adjacent-to-highways-and-arterial-roads.~~ The C-1
Commercial Professional/Transitional District is
intended to permit those uses which minimize
pedestrian and vehicular traffic. The provisions
of the C-1 District are intended to apply to areas
located adjacent to highways and arterial roads.
Landscaping, controlled ingress and egress, and
other restrictions are intended to minimize
frequent ingress and egress to the highway from
abutting uses. The C-1 District is designed to be
compatible with all residential uses as well as
residential uses located along arterials.

This The C-1/T Commercial Professional/Transitional
District is also intended to apply to those areas
that are transitional, located between areas of
higher and lower intensity development that are no
longer appropriate for residential development.
The uses in this district are intended as an
alternative to retail and meet the intent of the
C-1/T Commercial Professional/Transitional
District. Those areas identified as (C-1/T) shall
be further noted on the zoning atlas. ~~as-C-1/T.~~

~~This-district~~ The Commercial Professional District
and the Commercial Professional/Transitional
District are consistent with the locational
criteria for commercial and the goals, objectives
and policies as identified in the Future Land Use
Element of the Collier County Growth Management
Plan. The maximum density permissible in the
Commercial Professional District and the Commercial
Professional/Transitional District and in the Urban
Mixed Use land use designation shall be guided, in
part, by the Density Rating System contained in the
Future Land Use Element of the Collier County
Growth Management Plan. The maximum density
permissible or permitted in a district shall not
exceed the density permissible under the Density
Rating System.

Delete stricken language; add underlined language.

LDC pg. 2-33

2.2.12.1 (new paragraph)

The C1/T Zoning District, where utilized to meet the intent of the Commercial Under Criteria provisions of the Future Land Use Element of the Comprehensive Growth Management Plan, shall only be applied one time to serve as transitional use and will not be permitted to expand adjacent to other C1/T zoning. The only exception is the expansion of C1/T zoning that was approved pursuant to the Zoning Re-evaluation Program.

Delete the stricken language, add the underlined language.

LDC page 2-34

2.2.12.2.1 Permitted Uses.

7. Individual and Family Social Services (8322 activity centers, elderly or handicapped; adult day care centers; and day care centers, adult and handicapped only.)

NOTE: This section will have to be renumbered accordingly.

Delete stricken language, add underlined language.

LDC page 2-34, 35, 36

- 2.2.12.2 Permitted Uses. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this Section, are permitted as of right, or as uses accessory to permitted uses in the C-1 Commercial Professional District and the C-1/T Commercial Professional/Transitional District.
- 2.2.12.3 Conditional Uses (item "f")
- f. The number of residential dwelling units shall be controlled by the dimensional standards of the C-1, C-1/T District, together with the specific requirement that in no instance shall the residential uses exceed fifty percent (50%) of the gross floor area of the building or the density permitted under the Growth Management Plan.
- 2.2.12.6.3 Traffic Generation. The proposed use must not generate in excess of ten five (5%) percent (±10%) of the average-daily-traffic level of service C peak hour volume design capacity on abutting streets that provide access to the project.

Delete stricken language; add underlined language.

LDC page 2-37

2.2.13 COMMERCIAL CONVENIENCE DISTRICT (C-2).

2.2.13.2.1 Permitted Uses.

1. All permitted uses and all conditional uses except increased height and mixed residential and commercial uses of the C-1 Commercial Professional District and the C-1/T Commercial Professional/Transitional District.

Delete stricken language; add underlined language.

LDC page 2-38

Add the underlined language to the Dimensional Standards provision in each of the following zoning districts.

- 2.2.12.4 Dimensional Standards. The following dimensional standards shall apply in the C-1, C-1/T District. Where specific development criteria and standards also exist in the Golden Gate Master Plan, Immokalee Master Plan or the Future Land Use Element of the Collier County Growth Management Plan, they shall supersede any less stringent requirement or place additional requirements on development.
- 2.2.14.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Commercial Intermediae District (C-3). Where specific development criteria and standards also exist in the Golden Gate Master Plan, Immokalee Master Plan or the Future Land Use Element of the Collier County Growth Management Plan, they shall supersede any less stringent requirement or place additional requirements on development.
- 2.2.15.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory and conditional uses in the General Commercial District (C-4). Where specific development criteria and standards also exist in the Golden Gate Master Plan, Immokalee Master Plan or in the Future Land Use Element of the Collier County Growth Management Plan, they shall supersede any less stringent requirement or place additional requirements on development.
- 2.2.15 1/2.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory and conditional uses in the Heavy Commercial District (C-5). Where specific development criteria and standards also exist in the Golden Gate Master Plan, Immokalee Master Plan or in the Future Land Use Element of the Collier County Growth Management Plan, they shall supersede any less stringent requirement or place additional requirements on development.

Delete stricken language; add underlined language.

LDC page 2-37

2.2.13.2.1 Permitted Uses.

2. Caretaker's residence, subject to Section
2.6.10

Delete the stricken language, add the underlined language.

LDC Page 2-37

2.2.13.2.1

Permitted Uses.

7. Gasoline Service Stations (5541 subject to ~~section-2+6+29~~ Section 2.6.28)

Delete stricken language; add underlined language.

LDC page 2-39

2.2.14.2.1 Permitted Uses.

5. Eating and-Drinking Places (groups 5812 - only), 5813-except-contract-feeding, food service-(institutional), dinner-theaters, industrial-feeding, bottle-clubs, cabarets, cocktail-lounges-and-night-clubs All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of Sec. 2.6.10).

Delete stricken language; add underlined language.

LDC page 2-40

2.2.14.2.1 Permitted Uses.

17. Personal Services (groups 7211, 7212, 7215, 7216
non-industrial dry cleaning only, 7221-7251, 7291)

Delete the stricken language, add the underlined language.

LDC page 2-40

2.2.14.2.1 Permitted Uses:

11. Marinas (4493).
23. Any use which was permissible under the prior GRC zoning district and which was lawfully existing prior to the adoption of this Code.

NOTE: This section will have to be renumbered accordingly.

Delete the stricken language, add the underlined language.

LDC pages 2-40

Add new conditional uses to the C-3 Commercial Intermediate District.

- 2.2.14.3
1. Amusements and Recreation Services (groups 7911, 7922 community theaters only, 7933, 7991, 7993, 7999 boat rental, miniature golf course, bicycle and moped rental, rental of beach chairs and accessories only).
 5. Motion Picture Theaters, Except Drive-In (7832).
 7. Permitted use with less than seven hundred (700) square feet gross floor area in the principal structure.

NOTE: Renumbering as appropriate will be required.

Delete stricken language, add underlined language.

LDC Page 2-40

2.2.14.3 Conditional Uses.

2. Drinking Places (5813 excluding bottle clubs. All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of Sec. 2.6.10).

Note: This section will have to be appropriately renumbered.

Delete the stricken language, add the underlined language.

LDC page 2-40

2.2.14.3 Conditional Uses.

5. Social Services (8322-8399)

NOTE: This section will have to be renumbered accordingly.

Delete stricken language, add underlined language.

LDC page 2-41

2.2.14.4.3. Minimum Yard Requirements.

5. Waterfront. Twenty five feet (25'), except none for marinas.

Delete stricken language, add underlined language.

LDC pg. 2-41

2.2.14.4.5 Minimum Floor Area of Principle Structure. One
~~thousand-(1,000)~~ seven hundred (700) square feet
gross floor area for each building on the ground
floor.

Delete stricken language, add underlined language.

LDC page 2-42

2.2.15.2.1 Permitted Uses.

3. Amusements and Recreation Services-Indoor (7911-7941, 7991-7993, 7997) Outdoor - (7999 including only fishing piers and lakes operation, houseboat rental, pleasure boat rental, operation of party fishing boats, canoe rental only).

Delete stricken language; add underlined language.

2.2.15.2.1 Permitted Uses

5. Automotive Repair, Services, and Parking (groups 7514, 7515, 7521) and Carwashes (group 7542), provided that Carwashes abutting residential zoning districts shall be subject to the following criteria:

(1) Carwashes designed to serve vehicles exceeding a capacity rating of one (1) ton shall not be allowed.

(2) Minimum yards:

(a) Front Yard Setback - Fifty Feet (50')

(b) Side Yard Setback - Forty Feet (40')

(c) Rear Yard Setback - Forty Feet (40')

(3) Minimum Frontage. A carwash shall not be located on a lot with less than one hundred and fifty feet (150') of frontage on a dedicated street or highway.

(4) Lot Size. Minimum eighteen thousand (18,000) square feet.

(5) Fence Requirements. If a carwash abuts a residential district, a masonry or equivalent wall constructed with a decorative finish, six feet (6') in height shall be erected along the lot line opposite the residential district and the lot lines perpendicular to the lot lines opposite the residential district for a distance not less than fifteen feet (15'). The wall shall be located within a landscaped buffer as specified in Section 2.4.7. All walls shall be protected by a barrier to prevent vehicles from contacting them.

(6) Architecture. The building shall maintain a consistent architectural theme along each building facade.

Delete the stricken language, add the underlined language.

LDC pg. 2-42 Section 2.2.15.2.1 (cont'd)

(7) Noise. A carwash shall be subject to Ordinance No. 90-17, "Collier County Noise Control Ordinance".

(8) Washing and Polishing. The washing and polishing operations for all car washing facilities, including self-service car washing facilities, shall be enclosed on at least two sides and shall be covered by a roof. Vacuuming facilities may be located outside the building, but may not be located in any required yard area.

(9) Hours of Operation. Carwashes abutting residential districts shall be closed from 10:00 p.m. to 7:00 a.m.

Delete the stricken language, add the underlined language.

LDC page 2-42

Add the following use to the C-4 District:

2.2.15.2.1 Permitted Principal Uses

8. Commercial Printing (2752, excluding newspapers)

NOTE: This section will have to be renumbered accordingly.

Delete stricken language, add underlined language.

LDC page 2-42

2.2.15.2.1 Permitted Uses.

8. Communications (groups 4812-4841 except ~~principle-transmission-towers~~) including communications towers up to specified height, subject to Sec. 2.6.35.

Delete stricken language; add underlined language.

LDC page 2-42

2.2.15.2.1 Permitted Uses.

2. Eating and Drinking Establishments (5812, 5813 excluding bottle clubs. All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of Sec. 2.6.10)

NOTE: This section will have to be renumbered accordingly.

Delete stricken language; add underlined language.

LDC page 2-42

2.2.15.2.1 Permitted Uses.

12. Hospitals (groups 8062-8069)

NOTE: This section will have to be renumbered accordingly.

Delete stricken language; add underlined language.

LDC page 2-43

2.2.15.2.1 Permitted Uses.

19. Social Services (groups 8322-8399)

NOTE: This section will have to renumbered accordingly.

Delete stricken language, add underlined language.

LDC page 2-43

2.2.15.3 Conditional Uses.

6. Bottle Clubs (All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of Sec. 2.6.10)

NOTE: The section will have to be renumbered accordingly.

Delete stricken language; add underlined language.

LDC page 2-43

2.2.15.3 Conditional Uses for C-4. The following uses are permitted as conditional uses in the General Commercial District (C-4), subject to the standards and procedures established in Div. 2.7.4.

12. Communication towers above specified height, subject to Sec. 2.6.35.

Delete stricken language; add underlined language.

2.2.15.3

Conditional Uses.

13. Permitted use with less than seven hundred (700) square feet of gross floor area in the principal structure.

Delete stricken language, add underlined language.

LDC pg. 2-44

2.2.15.4.5

Minimum Floor Area. ~~One thousand-(1,000)~~
Seven hundred (700) square feet gross floor
area for each building on the ground
floor.

Delete stricken language, add underlined language.

2.2.15\2.1 Permitted Uses

4. Automotive Repair, Services and Parking (Groups 7513 - 7549), provided that carwashes abutting residential zoning districts shall be subject to the following criteria:
 - (1) Carwash designed to serve vehicles exceeding a capacity rating of one (1) ton) shall not be allowed.
 - (2) Minimum yards:
 - (a) Front Yard Setback - Fifty Feet (50')
 - (b) Side Yard Setback - Forty Feet (40')
 - (c) Rear Yard Setback - Forty Feet (40')
 - (3) Minimum Frontage. A carwash shall not be located on a lot with less than one hundred and fifty feet (150') of frontage on a dedicated street or highway.
 - (4) Lot Size. Minimum eighteen thousand (18,000) square feet..
 - (5) Fence Requirements. If a carwash abuts a residential district, a masonry or equivalent wall constructed with a decorative finish, six feet (6') in height shall be erected along the lot line opposite the residential district and the lot lines perpendicular to the lot lines opposite the residential district for a distance not less than fifteen feet (15'). The wall shall be located within a landscaped buffer as specified in Section 2.4.7. All walls shall be protected by a barrier to prevent vehicles from contacting them.
 - (6) Architecture. The building shall maintain a consistent architectural theme along each building facade.
 - (7) Noise. A carwash shall be subject to Ordinance No. 90-17, "Collier County Noise Control Ordinance".

Delete stricken language, add underlined language.

- (8) Washing and Polishing. The washing and polishing operations for all car washing facilities, including self-service car washing facilities, shall be enclosed on at least two sides and shall be covered by a roof. Vacuuming facilities may be located outside the building, but may not be located in any required yard area.
- (9) Hours of Operation. Carwashes abutting residential districts shall be closed from 10:00 p.m. to 7:00 a.m.

Delete stricken language, add underlined language.

LDC page 2-45

2.2.15 1/2.2.2 Permitted Uses.

5. Detached Caretaker's Residence

NOTE: This section will have to be renumbered accordingly.

Delete stricken language; add underlined language.

LDC page 2-45

2.2.15 1/2.3

Conditional Uses for C-4 C-5. The following uses are permissible as conditional uses in the Heavy Commercial District (C-5), subject to the standards and procedures established in Div. 2.7.4.

Delete stricken language; add underlined language.

LDC Page 2-46

2.2.15 1/2.3

Conditional Uses.

3. Bottle Clubs (All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of Sec. 2.6.10).

NOTE: The numbers in this section will have to be renumbered to accomodate this change.

Delete the stricken language, add the underlined language.

LDC page 2-46

2.2.15 1/2.3

Conditional Uses for C-4. The following uses are permissible as conditional uses in the Heavy Commercial District (C-5), subject to the standards and procedures established in Div. 2.7.4.

4. Communications (groups 4812-4841 with principle-transmission-towers) with communications towers that exceed specified height, subject to Sec. 2.6.35.

Delete stricken language; add underlined language.

2.2.15 1/2.3

Conditional Uses.

12. Permitted uses with less than ~~1,000~~ seven hundred (700) square feet gross floor area in the principal structure.

Delete stricken language, add underlined language.

LDC page 2-46

2.2.15 1/2.3

Conditional Uses.

14. Transfer Stations (4212 local refuse collection and transportation only).

Delete stricken language; add underlined language.

LDC 2-47

2.2.15 1/2.4.5.

Minimum Floor Area. ~~One-thousand-(1,000)~~
Seven hundred (700) square gross floor area
for each building on the ground
floor.

Delete stricken language, add underlined language.

LDC page 2-48

2.2.16.2.1 Permitted Uses:

1. Agricultural Services (groups 0711, except that chemical treatment of soil for crops, fertilizer application for crops and lime spreading for crops shall be a minimum of five hundred feet (500') from a residential zoning district, 0721, except that aerial dusting and spraying, disease control for crops, spraying crops, dusting crops, and insect control for crops (with or without fertilizing) shall be a minimum of five hundred feet (500') from a residential zoning district, 0722-0724, 0761, 0782, 0783.

Delete stricken language, add underlined language.

LDC page 2-48

2.2.16.2.1 Permitted Uses

5. Business Services (groups 7312, 7313, 7319, 7334-7336, 7342-7389, including auction rooms (5999), subject to parking and landscaping for retail use).

Delete the stricken language, add the underlined language.

LDC page 2-48

2.2.16.2.1 Permitted Uses:

6. Communications (groups 4812-4899, ~~excluding primary-communications-towers~~) including communications towers up to specified heights, subject to Sec. 2.6.35.

Delete stricken language; add underlined language.

LDC page 2-48

2.2.16.2.1 Permitted Uses

11. Engineering, Accounting, Research,
Management and Related Services (groups
8711-8734 8748).

NOTE: This section will have to be renumbered accordingly.

Delete the stricken language, add the underlined language.

LDC page 2-49

2.2.16.2.1 Permitted Uses.

38. Wholesale Trade-Nondurable Goods (groups 5111-5159, 5181, 5182, ~~5191~~ except that wholesale distribution of chemicals, fertilizers, insecticides, and pesticides shall be a minimum of 500 feet from a residential zoning district, 5192-5199).

Delete stricken language; add underlined language.

LDC page 2-49

2.2.16.3 Conditional Uses.

1. Adult Day Care Centers (8322)
 - a. Shall not be located within five hundred feet (500') of the nearest property line of land uses encompassing wholesale storage of gasoline, liquified petroleum, gas, oil, or other flammable liquids or gases.
 - b. Shall not be located on the same street customarily utilized by construction truck traffic from asphalt plants and excavation quarries.
 - c. Shall have a minimum lot area of twenty thousand (20,000) square feet and a minimum lot width of one hundred feet (100').
 - d. Shall provide a minimum usable open space of not less than thirty percent (30%) of the total square footage of the lot area.

NOTE: This section will have to be renumbered accordingly.

Delete stricken language, add underlined language.

LDC pg. 2-50

2.2.16.3 Conditional Uses.

3. Communications (groups 4812-4899, including communications towers that exceed specified heights subject to all requirements of Sec. 2.6.35.).

Delete stricken language, add underlined language.

LDC page 2-50

- 2.2.16.3 7. Motor Freight Transportation and Warehousing
(group 4226, oil and gas storage, and
petroleum and chemical bulk stations)-, but
not located within five hundred feet (500') of
a residential zoning district).

Delete the stricken language, add the underlined language.

LDC page 2-51

- 2.2.16.3
- 11. Refuse Systems (4953).
 - ~~12.~~ ~~11-~~ Transportation by Air (4581 Airport flying fields).
 - ~~13.~~ ~~12~~ Transportation Services (4789 stockyards).
 - ~~14.~~ ~~12.~~ Wholesale Trade-Durable Goods (groups 5015, 5051, 5052, 5093). Wholesale Trade-Nondurable Goods (groups 5162, 5169, 5171, 5172, 5191).

NOTE: This section will have to be renumbered accordingly.

Delete the stricken language, add the underlined language.

LDC PG. 2-51

2.2.16.4

Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Industrial District (I). Where specific development criteria and standards also exist in the Golden Gate Master Plan, Immokalee Master Plan or in the Future Land Use Element of the Collier County Growth Management Plan, they shall supersede any less stringent requirement or place additional requirements on development.

Delete stricken language; add underlined language.

LDC pg. 2-51

2.2.16.4.3 Minimum Yard Requirements.

1. Front Yard. Fifty feet (50').
2. Side Yard. ~~Twenty-feet-(20')~~ The sum total of the side yards shall be twenty percent (20%) of the lot width, not to exceed a maximum of fifty feet (50'). This yard requirement may be apportioned between the side yards in any manner, except that one (1) side yard may not be less than ten feet (10') unless the structure is constructed at the side property line.
3. Rear Yard. ~~Thirty-five-feet-(35')~~ Fifteen feet (15').
4. Waterfront. Twenty five (25').
5. Railroad R.O.W. No setback is required from a railroad easement, or right-of-way.
6. Yard abutting residential parcel. Fifty feet (50').

Delete stricken language, add underlined language.

LDC page 2-51

2.2.16 INDUSTRIAL DISTRICT (I).

2.2.16.4.9 Lighting. Lighting shall be located so that no light is aimed directly toward a property designated residential if lighting is located within two hundred feet (200') of residential property.

Delete stricken language; add underlined language.

LDC page 2-53

2.2.18.1 (fourth paragraph)

Government owned properties rented or leased to non-governmental agencies entities for purposes not related to providing governmental services or support functions to a primary civic or public institutional use shall not be zoned for the Public Use District, but rather, shall be zoned or rezoned according to the use types or the use characteristics which predominate.

Delete stricken language; add underlined language.

LDC pg. 2-58

2.2.20.2.4 Minimum Area Required. The minimum area required for a Planned Unit Development District (PUD) shall be ten (10) contiguous acres except when located within an Activity Center or within the Urban Fringe Areas as designated on the Future Land Use Map of the Growth Management Plan where no minimum acreage requirements must be met. For in fill parcels as defined in Article 6 and the Growth Management Plan, the minimum area required for a Planned Unit Development District (PUD) shall be two (2) contiguous acres. For purposes of the Planned Unit Development District only, the term "contiguous" shall include properties separated by either an intervening planned or developed public street right-of-way; provided, however, no portion of such separated properties shall be less than five (5) acres.

Delete stricken language; add underlined language.

LDC page 2-76

2.2.23.4.4 Sound Level Requirements (SLR) for Buildings or Structures.

4. Approval of Types of Construction.

1. The Development Services Director, or his designee, may approve any types-of construction that complies with the SLR requirements of the Activities and/or Land Use Guidance Chart (Appendix III). The SLR requirements specified in Appendix III of this Amendment shall be achieved by the use of assemblies having the South Transmission Class Ratings specified in Table 403.2, "Minimum Sound Transmission of Assemblies", of the Southern Building Code Congress International, Inc., Standard for Sound Control, SSTD 8-87, incorporated herein and adopted by reference as Appendix IV.

Delete stricken language, add underlined language.

LDC pg.2-78

SEC. 2.2.24 SPECIAL TREATMENT OVERLAY DISTRICT (ST): SPECIAL REGULATIONS FOR AREAS OF ENVIRONMENTAL SENSITIVITY AND LANDS AND STRUCTURES OF HISTORICAL AND/OR ARCHAEOLOGICAL SIGNIFICANCE AND THE BIG CYPRESS AREA OF CRITICAL STATE CONCERN.

2.2.24.2.3 Establishment of ACSC-ST Overlay District. In accordance with Sec. 380.05, Florida Statutes and Chapter 73-131 Laws of Florida, the Administrative Commission instituted regulations for the Big Cypress Area of Critical State Concern (ACSC). The purpose of these regulations is to conserve and protect the natural, environmental and economic resources of the Big Cypress Area. Furthermore, these regulations are to provide a land and water management system that will preserve water quality, provide for the optimum utilization of the limited water resources of the area, facilitate orderly and well planned development, and protect the health, safety and welfare of residents of the State. Chapter ~~27F-3~~ 28-25 of the Florida Administrative Code establishes criteria for site alteration, drainage, transportation facilities and structure installation. These regulations are implemented through the Land Development Regulations as set forth in Sec. 2.2.24.3.2. An overlay zoning classification to be known as Area of Critical State Concern/Sensitive Treatment Overlay shall be designated on the Official Zoning Atlas with symbol ACSC-ST.

Delete the stricken language, add the underlined language.

LDC pg. 2-79

2.2.24.3.2 Development Standards and Regulations for ACSC-ST.

1. Site Alteration.

- a. Site alteration shall be limited to 10% of the total site size, and installation of non-permeable surfaces shall not exceed 50% of any such area. However, a minimum of 2,500 square feet may be altered on any permitted site.
- b. For land zoned agriculture that is engaged in or is proposing bona fide agriculture use(s), site alteration percentage limits may be adjusted for site alteration activities designed for conservation and/or environmental purposes as set forth in an Environmental Impact Statement approved by the Board of County Commissioners. Such site alteration activities include: (i) prescribed fires and associated firebreaks as approved by the Florida Department of Forestry; (ii) removal and control of listed exotic plant species; (iii) native habitat restoration, typical of the immediate vicinity; (iv) enhancement of foraging habitat for wildlife species with native, naturally, and locally occurring plant species; (v) restoration of historical hydroperiods; and (vi) other activities designed for conservation and environmental purposes reviewed on a case by case basis.
- b+c. Any non-permeable surface greater than 20,000 square feet shall provide for release of surface run off, collected or uncollected, in a manner approximating the natural surface water flow regime of the area.
- c+d. Soils exposed during site alteration shall be stabilized and retention ponds or performance equivalent structures or systems maintained in order to retain run off and siltation on the construction site. Restoration of vegetation to site alteration areas shall be substantially completed within 180 days following completion of a development. Revegetation shall be accomplished with pre existing species except that undesirable exotic species shall not be replanted or propagated. Exotic species are listed below.

Delete stricken language, add underlined language.

Australian Pine	(<u>Casuarina spp.</u>)
Bishopwood	(<u>Bischofia javanica</u>)
Brazilian Pepper	(<u>Shinus terebinthifolius</u>)
Melaleuca	(<u>Melaleuca spp.</u>)
Downy Rosemyrtle	(<u>Rhodomyrtus tomentosa</u>)
Earleaf Acacia	(<u>Acacia auriculiformis</u>)
Catclaw Mimosa	(<u>Mimosa pigra</u>)
Java Plum	(<u>Syzygium cumini</u>)

d-e. No mangrove trees or salt marsh grasses shall be destroyed or otherwise altered. Plants specifically protected by this regulation include: All wetland plants listed by the Florida Department of Environmental Regulation in Chapter 17-301, Florida Administrative Code, as amended.

e-f. Fill areas and related dredge or borrow ponds shall be aligned substantially in the direction of local surface water flows and shall be separated from other fill areas and ponds by unaltered areas of vegetation of comparable size. Dredge or borrow ponds shall provide for the release of storm waters as sheet flow from the downstream end into unaltered areas of vegetation. Access roads to and between fill areas shall provide for the passage of water in a manner approximating the natural flow regime and designed to accommodate the 50 year storm. Fill areas and related ponds shall not substantially retain or divert the tidal flow in or to a slough or strand or significantly impede tidal action in any portion of the estuarine zone.

f-g. Man made lakes, ponds or other containment works shall be constructed with a maximum slope of 30 degrees to a depth of six feet (6') of water. When mineral extraction is completed in new quarrying lakes, shoreline sloping, planting of littoral shelves with nursery grown aquatic vegetation, restoration or revegetation of the property, and disposal of spoils or tailings shall be completed before abandonment of the site. Existing quarrying lakes are exempt from this provision, except that whenever any person carries out an activity defined in Sec. 380.04, Fla. Stat., as amended, as development or applies for a development permit as defined in Sec. 380.031, Fla. Stat., as amended, to develop any

Delete stricken language, add underlined language.

LDC pg. 2-79 Sec. 2.2.24.3.2 (cont'd)

existing quarrying lake area, these regulations shall apply.

g-h. Finger canals shall not be constructed in the ACSC-ST Area.

Delete stricken language, add underlined language.

BOOK C56 PAGE 120

LDC page 2-81, 82

2.2.24.4 Port of the Islands, Copeland, and Plantation Island Mobile Homesites.

Port of the Islands, Copeland, and Plantation Island Mobile Homesites are ~~is-a-~~ developments located within the Urban Designated Area, but ~~is~~ are also located totally within the Big Cypress Area of Critical State Concern. A portion of Port of the Islands was determined "vested" by the State of Florida, thus exempting it from the requirements of Chapter 380, Florida Statutes. There is an existing Development Agreement between Port of the Islands, Inc., and the State of Florida Department of Community Affairs dated July 2, 1985, which regulates land uses at Port of the Islands. Development within Port of the Islands shall be regulated by the Development Agreement and the residential density and commercial intensities shall not exceed that permitted under zoning at time of adoption of the Collier County Growth Management Plan.

Development within the Urban Designated Areas of Copeland and Plantation Island Mobile Homesites shall be subject to review and administrative approval by the Development Services Director or his/her designee for compliance with Area of Critical State Concern regulations. Development will not be required to go through the process of filing a petition for site alteration or site development plan approval, pursuant to Section 2.2.24.7. This does not exempt site development plans required in Section 3.3.3 of the Code.

Delete stricken language, add underlined language.

2.2.24.8

Exceptions. Where land has an "ST" designation and the proposed alteration or development area contains twenty (20) acres or less in gross area, and where no transfer of development rights are involved, the Development Services Director may approve a Site Alteration Plan or a Site Development Plan. Prior to such approval, the Development Services Director shall make a finding that the following conditions exist:

1. The proposed site alteration or site development plan will not require any modification, with the exception of exotic vegetation removal, of the topography, drainage, flora, or fauna on the site.
2. Single family principal structure where the proposed site alteration or site development plan will not require any significant modification, -with-the-exception-of-exotic vegetation removal- of topography, drainage, flora, or fauna on the site. Significant modification shall mean greater than ten (10) percent of the site.
3. No pollutants will be discharged from the area that will degrade the air, water or soil below the levels existing at the time of application.

All other site alteration or site developed ~~development~~ plan approvals of ~~over-twenty-(20)~~ acres any size shall be as required in Secs. 2.2.24.4, 2.2.24.5, and 2.2.24.6.

Delete stricken language, add underlined language.

2.2.25.1

It is the intent of these regulations to recognize the importance and significance of Collier County's historical and archaeological heritage. To that end, it is the County's intent to protect, preserve, and perpetuate Collier County's historic and archaeological sites, districts, structures, buildings, and properties.

Further the Board of County Commissioners of Collier County, Florida finds that these regulations are necessary to protect the public interest, to halt illicit digging or excavation activities which could result in the destruction of prehistoric and historic archaeological sites, and to regulate the use of land in a manner which affords the maximum protection to historical and archaeological sites, districts, structures, buildings and properties consistent with individual property rights. It is not the intent of this Code to deny anyone the use of his property, but rather to regulate the use of such property in a manner which will ensure, to the greatest degree possible, that historic and archaeological sites, districts, structures, buildings and properties are protected from damage, destruction, relocations, or exportations.

Delete stricken language; add underlined language.

LDC pg. 2-94

2.2.25.5.2

The designation of specific sites, structures, buildings, districts, and properties may be initiated by the Preservation Board or by the property owner. ~~All designations shall be subject to approval by the Board of County Commissioners.~~ Upon consideration of the Preservation Board's report, findings, and recommendations, and upon consideration of the criteria and guidelines set forth in Section 2.2.25.5.1, the Board of County Commissioners shall approve, by resolution, or deny a petition for Historic Designation. The application shall be in a form provided by the Community Development Services Division. The Property owners of record whose land is under consideration for designation initiated by the Preservation Board shall be provided two notices by certified mail return receipt requested, at least thirty (30) days but no more than forty-five (45) days prior to any hearing regarding the Historic Designation by the Preservation Board or the Board of County Commissioners. The first notice shall provide all pertinent information regarding the designation and the Preservation Board's scheduled meeting date to consider the site. The second notice shall indicate when the Board of County Commissioners will consider official designation of the site. Notice of Public Hearing shall be advertised in a newspaper of general circulation fifteen (15) days prior to the Public Hearing for the Board of County Commissioners. Each designation site, district, structure, property or building shall have a date file maintained by the Preservation Board. The file shall contain at a minimum: site location; the historical, cultural, or archaeological significance of the site; and the specific criteria from this Section qualifying the site. An official listing of all sites and properties throughout Collier County and its communities, including information, maps, documents and photographic evidence collected to evaluate or substantiate the designation of a particular site, structure, building, property or a district shall be maintained at the Collier County Museum. The Collier County Museum shall coordinate preservation and/or restoration efforts for any Historical/Archaeological designated building, structure, site, property, or district that is donated to or acquired by Collier County for public use.

Delete stricken language; add underlined language.

LDC page 2-107

2.3.5.3.3 The shared parking spaces shall not be separated from the buildings or uses they are designed to serve by a roadway designated as a collector or arterial in the ~~Transportation~~ Traffic Circulation Element of the Growth Management Plan.

Delete the stricken language, add the underlined language.

2.3.12

OFF-STREET PARKING: RESERVATION. Where the developer believes that the parking spaces required for a specific project are excessive, that developer may request a ~~variance-through-the-normal variance-procedures.~~ reservation of the parking spaces that are deemed excessive. An application to reserve off-street parking shall be processed through the normal variance procedures, but shall not be subject to the variance review standards listed in Sec. 2.7.5.6 of this code. If the variance parking reservation is approved by the Board of Zoning Appeals after review and recommendation by the Planning Commission, the developer shall reserve an area that is sufficient in size to provide this parking, in case the parking is needed in the future. The developer shall provide additional landscaping ~~for (trees and shrubs), only,~~ and tThis increased landscaping shall be the same percentage increase over the normal required landscaping that the parking spaces were approved to be reduced by, and further provided:

Delete the stricken language, add the underlined language.

LDC page 2-112

2.3.14 OFF STREET PARKING AND STACKING: REQUIRED AMOUNTS:

Amend the Child Care parking standards:

Child Care/Day Nursery/Kindergarten/ <u>Adult Day Care Centers</u>	Two-(2) <u>One (1)</u> per employee of the largest workshift plus <u>one (1) space</u> <u>for every ten (10) children. In</u> <u>addition, adequate drop-off and pickup</u> <u>areas shall be provided.</u>
--	--

Add Coin-Operated Laundromat standards to follow Church/House of
Worship/Temple/Synagogue:

<u>Coin-Operated (Laundry, self-service) machines.</u>	<u>One (1) per each two (2) washing</u>
--	---

To correct typographical errors:

Convenience Store/ One Delicatessen/Take Out	(1) per 200 square feet plus one (1) for each two seats provided for food Prepared Food Store patrons plus stacking for five (5) vehicles for each automatic car wash lane.
---	---

Marina, Boatel	One (1) per 2 wet boat slips excluding those used for charter boats plus one (1) per 5 dry boat storage spaces. . . Uses not receiving credit from parking provided for boat slips or day dry storage spaces shall provide parking at the normal rate for those uses as required within this Code.
----------------	---

Delete the stricken language, add the underlined language.

LDC page 2-120

2.3.20.2.2 A parking lot servicing any building or entrance pathway to a building shall have a number of level parking spaces, as set forth in the following table, identified by above-grade signs, as provided in Sec. 2.3.20.3.4, as being reserved for physically handicapped disabled persons:

<u>REQUIRED-NUMBER-OF TOTAL SPACES IN LOT</u>	<u>REQUIRED NUMBER OF RESERVED SPACES</u>
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

LDC page 121 (cont'd)

101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total

Delete the stricken language, add the underlined language.

LDC page 2-122

- 2.3.21.2.3 Change in Existing Use: A change of any use shall be exempt from the minimum parking requirements as set forth in Sec. 2.3.14 up to an intensity level of one (1) parking space per one hundred (100) square feet. A change of use to an intensity of greater than one (1) parking space per one hundred (100) square feet shall require parking at fifty percent (50%) of the minimum requirement as set forth under Sec. 2.3.14. No change in use shall allow for a reduction of the current number of parking spaces provided.
- 2.3.21.2.4 Uses in New Buildings: Any use in a building constructed after the effective date of this Code will be required to provide parking at sixty-seven percent (67%) of the minimum requirement as set forth in Sec. ~~----- (8-23)~~ 2.3.14.

Delete the stricken language, add the underlined language.

LDC pg. 2-126

2.4.3.5 (Second paragraph only)

All required landscaping shall be installed in accordance with plans approved under Sec. 2.4.3.1 - 2.4.3.2. ~~A Surety bond in the form of an irrevocable letter of credit, performance bond or cash in the substance and form acceptable to the Collier County Attorney shall be tendered by the applicant at fifty (50) percent of the installed value of the landscape required by this Code. The surety bond shall be held by the County and shall be subject to release twelve (12) months from the date of issuance of a Certificate of Occupancy, upon re-inspection for compliance by Compliance Services.~~ Landscaping within a Subdivision Development shall be guaranteed by a Subdivision Completion Bond in accordance with Div. 3.2 governing the final platting of a Subdivision. All other landscaping shall, before a Certificate of Occupancy (C.O.) or final inspection is approved (except as otherwise authorized by the Development Services Director), be guaranteed by: (a) a cash deposit or cashier's check; or, (b) a performance bond; or, (c) an irrevocable Letter of Credit. Letters of Credit shall be documented on forms to be provided by Collier County. The performance guarantee shall be in an amount not less than fifty (50) percent of the installed value of the landscaping required by this Code. The performance guarantee shall be executed by a person or entity with a legal or financial interest in the property and shall remain in effect until twelve (12) months from the date of issuance of a Certificate of Occupancy, upon successful completion of a reinspection of the landscaping by Compliance Services. An estimated opinion of probable cost shall accompany all performance guarantees. Governmental entities shall be exempt from the requirement for performance guarantees. Should the County find it necessary to utilize the performance guarantee to undertake any corrective work on the required landscaping, the Permittee shall be financially responsible for all legal fees and associated costs incurred by Collier County in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.

Delete stricken language; add underlined language.

LDC Pg. 2-127

2.4.4.1 Quality. (2nd paragraph only)

At least seventy-five (75) percent of the trees and fifty (50) percent of the shrubs used to fulfill these requirements shall be native Southern Floridian species, as determined by accepted valid scientific reference. For sites that are north and east of U.S. Highway 41, at least thirty-five (35) percent of the shrubs used to fulfill these requirements shall be native Floridian species, as determined by accepted valid scientific reference. In addition, for all sites, at least seventy-five (75) percent of the trees and shrubs used to fulfill these requirements shall be drought tolerant species as listed in the Xeriscape Plant Guide and Native Trees and Trees For South Florida (IFAS). References to be used in the native determination may include, but not be limited to:

Delete stricken language, add underlined language.

LDC pg. 2-129

Revise section 2.4.4.8, LDC, as follows prohibiting the following plant species:

2.4.4.8 Prohibited Species. The following plant species are prohibited.

* * *

2.4.4.8.13 Dalbergia sissoo (Indian Rosewood)
2.4.4.8.14 Eucalyptus spp. (Eucalyptus)
2.4.4.8.15 Grevillea robusta (Silk Oak)

This list shall be subject to revision as exotic plant species...

Delete the stricken language, add the underlined language.

2.4.4.14

Landscape Berms. All perimeter landscape berms, over two (2) feet in height, shall meet or exceed the minimum standards as set forth herein. All grassed berms shall have side slopes no greater than four to one (4:1). Berms planted with groundcover and landscaping shall have side slopes no greater than three to one (3:1). The toe of the slope shall be setback a minimum of five (5) feet from the edge of all right-of-way and property lines. Existing native vegetation shall be incorporated into the berms with all slopes fully stabilized and landscaped with trees, shrubs, and groundcover. Landscape berms shall not be placed within easements without written approval from all entities claiming an interest under said easement.

Delete stricken language, add underlined language.

LDC pg. 2-132

2.4.5.2

Landscaping Required in Interior of Vehicular Use Areas. At least ten (10) percent of the amount of vehicular use area on site shall be devoted to interior landscaping areas. The width of all curbing shall be excluded from the required landscaped areas. All interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, groundcover, shrubs or other landscape treatment. One tree shall be provided for every one ~~two~~ hundred fifty ~~(150)~~ (250) square feet of required interior landscaped area. Interior landscaped areas shall be a minimum of five (5) feet in width and one hundred fifty (150) square feet in area. The amount of required interior landscape area provided shall be shown on all preliminary and final landscape plans.

Delete the stricken language, add the underlined language.

2.4.5.4

Green Space Required in Shopping Centers and Freestanding Retail Establishments with a Floor Area Greater than 40,000 Square Feet. An additional area that is at least two ~~seven~~ percent ~~(2%)~~ (7%) of the size of the vehicular use areas, shall be developed as green space within the front yard(s) or courtyards of shopping centers and retail establishments and shall be in addition to the building perimeter planting area requirements. The courtyards shall only be located in areas that are likely to be used by pedestrians visiting the shopping center and retail establishment. The two ~~seven~~ percent ~~(2%)~~ (7%) green space area shall be in addition to other landscaping requirements of this division, and may be used to meet the open space requirements (Sec. 2.6.3.2), and shall be labeled "Green Space" on all subdivision and site plans. The interior landscape requirements of these projects shall be reduced to an amount equal to five percent (5%) of the vehicular use area on site. Green space shall be considered areas designed for environmental, scenic or non-commercial recreation purposes and shall be pedestrian-friendly and aesthetically appealing. Green space may only include the following: lawns, mulch, decorative plantings, non-prohibited exotic trees, walkways within the interior of the green space area not used for shopping, fountains man-made water courses (but not water retention areas), wooded areas, park benches, site lighting, sculptures, gazebos, and any other similar items that the Development Services Director deems appropriate. Green space shall include: walkways within the interior of the green space area not used for shopping, a minimum of one (1) foot of park bench per 1,000 square feet of building area, and a minimum of one (1) tree for each ~~150~~ two hundred fifty (250) square feet of green space area. The green space area shall use existing trees where possible and landscaping credits will be allowed as governed by Table 2.4.4. The green space areas shall be located in areas that are in close proximity to the retail shopping area. Benches may also be located in interior landscaped areas and seventy-five (75) percent of benches may be located adjacent to the building envelope along paths, walkways and within arcades or malls.

Delete stricken language, add underlined language.

LDC page 2-133

2.4.6.1 Residential (non-multi-family) developments: One
(1) canopy tree per three thousand (3,000) square
feet of lot area, or two (2) canopy trees per lot,
whichever is greater, with the maximum number
required: fifteen (15) trees per lot.

Delete stricken language, add underlined language.

2.4.7.1

Purpose and Intent. The purpose and intent of establishing landscape buffering and screening is to reduce the potential incompatibility of adjacent land uses, conserve natural resources and maintain open space, protect established residential neighborhoods, and enhance community identity. In addition, the purpose and intent of this Code is to improve the aesthetic appearance of commercial, industrial, and residential developments through the requirement of minimum landscaping in ways that harmonize the natural and built environment; to promote preservation and planting of native plants and plant communities to provide physical and psychological benefits to persons through landscaping by reducing noise and glare, and by screening and buffering the harsher visual aspects of urban development; to improve environmental quality by reducing and reversing air, noise, heat, and chemical pollution through the preservation of canopy trees and the creation of shade and microclimate; to reduce heat gain in or on buildings or paved areas through the filtering capacity of trees and vegetation; and to promote water conservation by encouraging the use of native and drought tolerant vegetation and properly zoned irrigation systems through xeriscape. In order to minimize negative effects between adjacent land uses, this dDivision promotes the use of landscape buffers and screens to eliminate or minimize potential nuisances such as dirt, litter, noise, lights, unsightly buildings and structures, and off-street parking and loading areas. Additionally, buffers and screens provide spacing and landscaping to reduce potentially adverse impacts of noise, odor, or lighting. Buffering refers to a strip of land separating adjacent land uses, whereas screening refers to fences, walls, berms, trees, shrubs, or a combination of these screening devices on the buffer strip.

Delete the stricken language, add the underlined language.

LDC page 2-134

Amend Sec. 2.4.7.2, 1st paragraph.

2.4.7.2 Applicability. The buffering and screening shown on Table 2.5 shall be required under this section and shall apply to all new development, and to development that changes building square footage or expands vehicular use areas, to the greatest extent possible. ~~These provisions shall apply to the previous existing areas as well as to the new areas.~~ Existing landscaping which does not comply with the provisions of this section shall be brought into conformity to the maximum extent possible when: the vehicular use area is altered or expanded except for restriping of lots/drives, the building square footage is changed, or there has been a discontinuance of use for a period of ninety (90) consecutive days or more and a request for an occupational license to resume business is made.

Delete the stricken language, add the underlined language.

LDC page 2-134

2.4.7.2 (fifth paragraph only)

The buffering and screening provisions of this Code shall be applicable at the time of Planned Unit Development (PUD), Preliminary Subdivision Plat (PSP) or site Development Plan (SDP) review, with the installation of the buffering and screening required pursuant to 2.4.3.5. Where a more intensive land use is developed contiguous to a property within a similar zoning district, the Development Services Director may require buffering and screening the same as for the higher intensity uses between those uses.

Delete the stricken language, add the underlined language.

LDC pg. 2-134

Amendment to Section 2.4.7.2, Applicability, sixth paragraph.

2.4.7.2 (Sixth paragraph only)

Landscape buffering and screening standards within any Planned Unit Development shall conform to the minimum buffering and screening standards of the zoning district to which it most closely resembles. The Development Services Director may approve alternate landscape buffering and screening standards when such alternative standards have been determined by use of professionally acceptable standards to be equivalent to or in excess of the intent of this Code. ~~Where a Conditional Use is developed contiguous to a property within a similar zoning district, the Development Services Director may require the more intensive land use to install buffering and screening between those uses. The buffering shall be based on the district or use with the most similar types, densities, and intensities of use, pursuant to Table 2.4.~~

Delete stricken language, add underlined language.

Section 2.4.7.3 (New 2nd paragraph)

2.4.7.3 Water management systems, which shall include retention and detention areas, swales, and subsurface installations, shall be permitted within a required buffer provided they are consistent with accepted engineering and landscaping practice and the following criteria:

1. Water management systems shall not exceed fifty percent (50%) of the square footage of any required side, rear, or front yard landscape buffer.
2. Water management systems shall not exceed, at any location within the required side, rear, or front yard landscape buffer, seventy percent (70%) of the required buffer width.
3. Exceptions to these standards may be granted on a case by case basis, evaluated on the following criteria:
 - a. Water management systems, in the form of dry retention, may utilize an area greater than fifty percent (50%) of the buffer when existing native vegetation is retained at natural grade.
 - b. For lots of record 10,000 s.f. or less in size, water management areas may utilize an area greater than fifty percent (50%) of the required side and rear yard buffers. A level planting area of at least three (3) feet in width shall be provided in these buffers.

Sidewalks and other impervious areas shall not occupy any part of a required "Alternative A, B, C, or D" type buffer. Driveways and sidewalks constructed perpendicular to the buffer and providing direct access to the parcel shall be permitted.

Delete stricken language, add underlined language.

LDC page 2-136

Amendment to LDC Section 2.4.7.4, Table 2.4, Table of Buffer Requirements By Land Use Classifications.

(Column #)	7	8
2.4.7.4	8. Industrial (I) A ²	A ²

Instruction: delete A² from Column 7 and add to Column 8 which will adjust the footnote "2" so that it appears under the correct column.)

Delete the stricken language, add the underlined language.

LDC pg. 2-136

Table 2.4

9. Public Use (P) ~~and~~
Community Facility (CF)

NOTE: Community Facility (CF) Zoning District was inadvertently left out of the Landscape Buffering Table. Staff requests that this district be included in the table with the same standards as the Public Use (P) district.

Delete stricken language, add underlined language.

LDC page 2-136

Revise Table 2.4, "Table of Buffer Requirements By Land Use Classifications", footnote 2, as follows:

~~2 Industrial (I)-zoned property, 20,000-square-foot-or-less-in area, shall have a minimum five (5)-foot-landscape-buffer-along the-side-and-rear-property-lines. This-buffer-shall-not-be-used for-water-management. This-reduction-in-buffer-width-shall-not apply-to-buffers-adjacent-to-right-of-way-or-non-industrial-zoned property.~~

2 Industrial (I) zoned property, where abutting Industrial (I) zoned property, shall be required to install a minimum five foot (5') wide Type A landscape buffer adjacent to the side and rear property lines. This area shall not be used for water management. This reduction in buffer width shall not apply to buffers adjacent to vehicular rights-of-way or non-industrial zoned property.

Delete stricken language; add underlined language.

LDC page 2-139

2.5.5.12

Flags or insignias of governmental, religious, charitable, fraternal or other non-profit organizations. City, county, state or country flags that will be flown on a flag pole that does not exceed fifteen (15) feet in height above finish grade or extend more than ten (10) feet from any building they are attached to, are allowable if the number of flags displayed does not exceed those described in Sec. 2.5.8.1.7 ~~6-01A(7)~~ and the flag poles do not require a certified designing and or ~~be sealed~~ by a Florida registered engineer as described in sections 2.5.8.1.7 ~~6-01A(7)~~.

Delete stricken language, add underlined language.

LDC page 2-141

2.5.6.15 Wind Signs (except where permitted as part of
Section 2.5.8.2, Temporary Signs).

Delete stricken language, add underlined language.

LDC page 2-142

2.5.7 TERMINATION OF PROHIBITED SIGNS. Within six months of ~~the date of enactment of this Code~~ enactment of Ordinance 90-114 (January 4, 1991), or as otherwise expressly provided within Sec. 2.5.9, all signs expressly prohibited by Sec. 2.5.6, and their supporting structures, shall be removed, or, in the alternative, shall be altered so that they no longer violate Sec. 2.5.6. Billboards with an original cost of one hundred dollars (\$100.00) or more, and which have been legally permitted, shall be treated as nonconforming signs and removed pursuant to Sec. 2.5.9.3.

Delete stricken language; add underlined language.

LDC page 2-143

2.5.8.1.3 ~~Wall, or Mansard, Canopy or Awning Signs.~~ One (1) ~~wall, or mansard, canopy or awning~~ sign shall be permitted for each single occupancy parcel, or for each establishment in a multiple occupancy parcel. Corner units within multiple occupancy parcels, or double frontage single occupancy parcels shall be allowed two signs, but such signs shall not be combined for the purpose of placing the combined area on one wall.

Delete stricken language, add underlined language.

2.5.8.1.5 ~~Marquee, Canopy or Awning Signs. In addition to any other sign which is allowed by this Ordinance, one (1) marquee, canopy, or awning sign shall be allowed for each single occupancy parcel, or for each establishment in a multiple occupancy parcel.~~

~~1. Signs located on a marquee, canopy, or awning shall be affixed flat to the surface, shall contain letters not greater than six inches (6") in height, shall not exceed twenty feet (20') in length, and shall not rise in vertical dimension above the marquee, canopy, or awning.~~

~~2. In addition to any other sign allowed by this Code one (1) under canopy sign shall be allowed for each single occupancy parcel, or for each establishment in a multiple occupancy parcel. The sign shall not exceed six (6) square feet in area and shall be a minimum of eight (8') feet above finish grade.~~

Under Canopy Sign. In addition to any other sign allowed by this Code one (1) under canopy sign shall be allowed for each establishment in a shopping center. This sign shall not exceed six (6) square feet in area and shall be a minimum of eight (8') feet above finished grade.

Delete stricken language, add underlined language.

LDC page 2-145

2.5.8.2.2 Construction Signs. One (1) temporary on-site construction sign may be permitted for each parcel, identifying the name of the development, company and general contractor, and other pertinent similar information which shall be removed at the time a certificate of occupancy is issued for the building or structure, or when seventy percent (70%) of a residential development is constructed and shall not exceed the following size restrictions:

1. Residential, industrial, commercial and institutional developments within all zoning districts, over 10 acres in size: A temporary sign not to exceed sixty (60) square feet at each street frontage.
2. Temporary construction signs shall be located not closer than thirty fifteen feet (3015') to any property line.

Delete stricken language, add underlined language.

LDC page 2-146

2.5.8.2.6 Real Estate Signs. One (1) temporary on-site ground or wall "For Sale", "For Rent, or similar sign within each front Yard for each parcel or lot in excess of ten (10) acres in size, may be erected subject to the following:

1. Residential, industrial, commercial and institutional developments within all zoning districts.
2. A maximum of sixty (60) square feet in size within each front yard.
3. Real estate signs shall not be located closer than thirty fifteen (~~30~~15') feet from any property line.
4. Real estate signs up to sixty (60) square feet are allowed for model homes subject to the other requirements of this subsection.
5. Real estate signs shall be removed when ownership has changed, the property is no longer for sale, rent or lease, or the model home is no longer being used as a model home.

A sign advertising that a property has been sold or leased shall not be displayed for more than thirty (30) days after it is erected.

Delete stricken language, add underlined language.

LDC page 2-147

2.5.8.3.4 Residential Directional or Identification Signs.
Directional or identification signs no greater than four (4) square feet in size, and located internal to the subdivision or developments may be allowed subject to the approval of the Community Development Services Administrator, or his designee. Such signs shall only be used to identify the location, or direction of approved uses such as models or model sales centers, sales six (6') feet in height, and twenty four (24) square feet in area. Such signs shall require a building permit. For signage to be located along the Golden Gate Parkway, see Division 2.2, Sections 2.2.21.1 and 2.2.21.6.2.

Delete stricken language, add underlined language.

LDC page 2-147

2.5.8.3.5 Commercial and Industrial Directional or Identification Signs. Directional or identification signs no greater than six (6) square feet in size, and located internal to the subdivision, may be allowed subject to the approval of the Community Development Services Administrator, or his designee. Such signs shall only be used to identify the location, or direction of approved uses such as sales centers, information centers, or the individual components of the development. Directional or identification signs maintaining a common architectural theme may be combined into a single sign not to exceed six (6) feet in height, and sixty (60) square feet in area. Such signs shall require a building permit. For signage to be located along the Golden Gate Parkway, see Division 2.2, Sections 2.2.21.1 and 2.2.21.6.2 and the Golden Gate Master Plan.

Delete stricken language, add underlined language.

LDC page 2-148

2.5.8.6 Wall, or Mansard, Canopy or Awning signs Within Agricultural Districts. Wall, or mansard, canopy or awning signs shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County Zoning Ordinance only, and subject to the following restrictions:

Delete stricken language, add underlined language.

LDC page 2-148

2.5.8.6.1 One wall or mansard, canopy or awning sign shall be permitted for each principal use structure on the parcel. Corner parcels or double frontage parcels shall be allowed one (1) sign per street frontage, but such signs shall not be combined for the purpose of placing the combined area on one wall.

Delete stricken language, add underlined language.

LDC pg. 2-148

2.5.8.7.2

No more than two (2) off-premise directional signs shall be permitted, identifying the location and nature of a building, structure, or use which is not visible from the arterial roadway serving such building, structure, or uses, provided; ~~that each such sign is not more than four (4) square feet in area, and eight (8) feet in height.~~

1. Each sign is not more than twelve (12) square feet in area.
2. The sign is not more than eight (8) feet in height above the lowest center grade of the arterial roadway.
3. The sign is located no closer than fifteen (15) feet to any property line.
4. The applicant must have written permission from the property where the off-site sign is located.
5. The sign shall only be located within one thousand (1000) feet of the intersection of the arterial roadway and the roadway serving the building, structure, or use.

Delete stricken language, add underlined language.

LDC page 2-151

2.5.12.1

General. Any person wishing to erect, place, rebuild, reconstruct, relocate, alter or change the sign copy (see Sec. 4-002.5.5 for exceptions) of any sign shall apply for and receive a building permit in accordance with Resolution 88-24191-642, prior to the commencement of any work. A building permit will be issued by the Community Development Services Administrator, or his designee, provided that all permit requirements of the Code and all other applicable provisions of Collier County's ordinances and regulations have been met.

Delete stricken language, add underlined language.

LDC page 2-151

Amendment to correct typographical errors, as follows:

2.5.12.4 Application Contents. In order to obtain a permit to erect, place, rebuild, reconstruct, relocate, alter or change the sign copy of any sign under the provision of this Code, an application shall submit to the building official a building permit application which shall set forth in writing a complete description of the proposed sign including:

Delete stricken language, add underlined language.

2.5.13.2.2

~~Where any sign or part thereof violates this code, the Community Development Services Administrator, or his designee, shall give to the owner, agent, lessee or others persons maintaining the sign, or the owner or lessee of the land upon which the sign is located, written notice by registered or certified return receipt mail specifying the nature of the violation, ordering the cessation thereof, and requiring either the removal of the sign or the carrying out of remedial work. Such notice shall be in the following form:~~

~~YOU ARE HEREBY NOTIFIED THAT THE FOLLOWING VIOLATIONS OF THE COLLIER COUNTY SIGN CODE HAVE BEEN DISCOVERED. YOU HAVE THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, TO CORRECT ALL ABOVE NOTED VIOLATIONS. ONCE CORRECTED, YOU SHALL CALL THE COMPLIANCE SERVICES SECTION AND ARRANGE FOR AN INSPECTION OF THE PARCEL. IF YOU BELIEVE THAT AN ERROR HAS BEEN MADE, YOU MAY FILE A NOTICE OF INTENT TO APPEAL WITH THE COMMUNITY DEVELOPMENT SERVICES DIVISION, WITHIN FIFTEEN (15) DAYS OF RECEIPT OF THIS NOTICE. PLEASE BE ADVISED THAT COLLIER COUNTY MAY REMOVE THE OFFENDING SIGN AT THE EXPIRATION OF THE THIRTY (30) DAY PERIOD IF THE VIOLATIONS HAVE NOT BEEN CORRECTED. ALL COSTS FOR SUCH REMOVAL, SHALL BE CHARGED TO THE OWNER, AGENT OR LESSEE OF THE SIGN OR THE OWNER OF THE PROPERTY UPON WHICH THE SIGN IS LOCATED.~~

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.

Delete stricken language, add underlined language.

LDC page 2-153 (cont'd)

2.5.13.2.3 (Note: this section remains unchanged.)

~~2.5.13.2.4~~ In addition to the penalties and remedies above, the Compliance Services 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.

Note: This section will have to be renumbered accordingly.

Delete stricken language, add underlined language.

2.6.1 VISIBILITY AT INTERSECTIONS IN ALL ZONING DISTRICTS.

On a corner lot in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, planted, or allowed to grow in such a manner as to obstruct vision between a height of ~~three-feet-(3')~~ thirty inches (30") and eight feet (8') above the centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots and a line joining points along said street right-of-way lines ~~forty-feet-(40')~~ twenty-five feet (25') from the point of intersection. Parking is prohibited in this area. Trees are permitted, so long as the foliage is cut away and maintained within the ~~three feet-(3')~~ thirty inch (30") and eight foot (8') clearance requirement. Posts for illuminating fixtures, traffic control, fences and street name signs are permitted, so long as the sign or equipment is not within the prescribed clear space and the fence does not visually impede the clear sight of the intersection. (See Sec. 2.4.4.13)

Delete the stricken language, add the underlined language.

LDC pg. 2-155

Insert new first paragraph:

Sec. 2.6.2 Accessory Buildings and Structures

2.6.2.1 Location of Accessory Buildings and Structures

For the purposes of this Section, in order to determine yard requirements, the term "accessory structure" shall include detached and attached accessory use structures or buildings notwithstanding the attachment of such structure or building containing the accessory use to the principal use structure or building.

Accessory buildings and structures must be constructed simultaneously with or following the construction of the principal structure and shall conform with the following setbacks and building separations:

Delete stricken language; add underlined language.

LDC page 2-157

2.6.2.2

Accessory Structures **
On Waterfront Lots and Golf Course Lots

- | | | | | | |
|-----|---|------------|--------------------|----------------|--------------------------------------|
| 8. | Boat Houses and Boat Shelters (Private) | SPS N/A | 7.5' or <u>15'</u> | 10' | (See Section 2.6.21.5) |
| 9. | Utility Buildings | SPS | SPS | SPS <u>10'</u> | 10' |
| 11. | Davits, Hoists and Lifts | N/A | N/A | 7.5' or 15' | <u>SPS</u>
(See Section 2.6.21.5) |
| 14. | Docks, Decks and Mooring Pilings | N/A | N/A | 7.5' or 15' | |
| | | <u>N/A</u> | | <u>N/A</u> | |

NOTE: Only those line items listed are to be amended. The absence of a line item does not indicate its deletion.

Delete stricken language; add underlined language.

LDC pg. 2-158

2.6.2.3 Limitations as to Size of Accessory Buildings and Structures

Accessory buildings shall not occupy an area greater than (5%) of the total lot area in all residential zoning districts, or occupy an area greater than forty percent (40%) of any building envelope (i.e., area of lot remaining for building purposes after accounting for required setbacks), whichever is the lesser, provided the total maximum coverage provision of this Ordinance for all principal and accessory buildings is not exceeded. Nothing herein contained shall serve to prevent the construction of an accessory building containing an area of less than 500 square feet provided all yard and building spacing requirements can be met.

Delete stricken language, add underlined language.

LDC Page 2-158

2.6.4.1.9 Except as otherwise provided by this Land Development Code, when lots on both sides of an undeveloped recorded lot contain a residential structure whose front yard setback is less than is now required, the average of the setbacks of the two contiguous developed lots shall serve to establish the minimum front yard requirement for the vacant lot.

Delete stricken language; add underlined language.

LDC Page 2-161

Amend existing language to the following:

2.6.7.1.1 Automotive ~~V~~ehicles or trailers of any type without current license plates, where-required by--law, and not meeting the definition of major recreational equipment as defined within this Code, shall not be parked or stored on any residentially zoned or designated property, including the E-Estates District, other than in a completely enclosed buildings.

Delete stricken language, add underlined language.

SEC. 2.6.9 ESSENTIAL SERVICES.

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

2.6.9.1 Permitted Uses. The following uses shall be deemed permitted uses in any zoning district: water lines, sewer lines, gas lines, telephone lines, telephone switching stations, cable television, electrical transmission and distribution lines, substations, emergency power structures, sewage lift stations, water pumping stations, individual private wells and septic tanks, and similar installations necessary for the performance of these services. Furthermore, governmental facilities shall be permitted uses in commercial, industrial, agricultural, recreational and estate zoned districts.

2.6.9.2 Conditional Uses. The following-uses shall be deemed conditional uses in any zoning district: electric or gas generating plants, effluent tanks, major re-pump stations, sewage treatment plants, including percolation ponds, hospitals, hospices, water aeration or treatment plants, governmental facilities in residential areas, public water supply acquisition withdrawal, or extraction facilities, communication-towers, safety service facilities, and other similar facilities.

Delete stricken language, add underlined language.

LDC pg. 2-166

2.6.11.3

Agricultural Districts. For the purposes of this section, agricultural districts shall include: A-Agricultural; E-Estates; and CON-Conservation Districts. Fences and walls within agricultural districts shall be exempt from height and type of construction ~~except that agriculturally zoned property less than five (5) acres in size and located within urban designated areas on the Future Land Use Map of the Growth Management Plan shall be subject to the same fencing provisions as for residential districts.~~

Delete stricken language, add underlined language.

LDC pages 2-178, 179

2.6.26.1.2. 4. Separation Requirements

b. A new Group Care Facility shall be required to be located greater than a radius of 500 five-hundred feet (500') from any other existing Group Care Facility (applicable to the A, Estates, and RSF 1-56 zoning districts).

2.6.26.2 Care Unit: A Care Unit shall be governed by the development standards identified in the zoning district assigned to the property and the following standards:

2.6.26.2.3 Parking Required: Two (2) parking spaces per five (5) beds. (Minimum requirement: two (2) parking spaces).

2.6.26.2.4 Special Setback Requirements: No structure shall be erected within twenty feet (20') of any abutting lot or parcel which is zoned residential, nor within twenty-five feet (25') of a road right-of-way.

2.6.26.2.5 Landscaping Requirements: As required in Div. 2.4.

Delete the stricken language, add the underlined language.

LDC pg. 2-179

2.6.27 CLUSTER HOUSING DEVELOPMENT ~~(ZERO-LOT-LINES)~~.

2.6.27.1 Purpose and intent. The purpose of cluster housing development is to provide for a unique and innovative alternative to the conventional residential development in the RSF 1 thru 6, RMF 6 and VR Districts by creating a more varied, efficient, attractive, and economical residential development containing a more usable pattern of open space. It is intended to implement the Growth Management Plan by, among other things, encouraging compact urban growth, and discouraging urban sprawl, and encouraging the conservation of environmental resources.

2.6.27.2 Applicability. This section shall apply to all parcels of land under single ownership within the RSF 1 thru 6, RMF 6, VR and PUD a zoning districts which permits cluster housing development, by ~~conditional-use~~

2.6.27.3 Conditional Use Required Application. ~~A conditional use approval shall be required for cluster housing development in the appropriate zoning district.~~ The conditional use application for cluster housing development shall be supplemented with a conditional use conceptual plan which shall at a minimum depict the following:

1. The overall development plan of the site showing: individual lots and their square footage; setback and yard relationships; buildings and their square footage; rights-of-way; parking areas; amounts and location of common open space intended for recreation or public use; and natural features such as but not limited to, stream beds, significant strands of trees and wetlands. The development plan shall, in addition, state and acknowledge that all regulations and requirements of the zoning district in which the proposed cluster housing development is located, except as modified by the application of this section to the development plan, have been complied with.

2. A description of the means by which the common open space will be maintained.

Delete the stricken language, add the underlined language.

3. The availability and provision of central water and sewage facilities to service the site.

4. Additional information as may be required by the Development Services Director to insure compatibility of the proposed cluster housing development with the regulations and intent of this section.

2.6.27.4 Clustering Standards. Conditional uses approved for cluster housing development may reduce the lot area, lot width, and yard requirements within a zoning district subject to the criteria enumerated in this section. The lot area, lot width, coverage, and yard regulations of the residential zoning district in which the cluster housing development is located shall be used as the basis for all computations of allowed reductions. ~~For these zoning districts permitting cluster housing by conditional use but not having established minimum lot areas, lot widths, or yard regulations typical of single-family or two-family attached dwellings, the RSP-6 District, dimensional standards shall apply.~~ The following reductions ~~or increases~~ in lot area, lot width, coverage and yard regulations of the underlying zoning district shall be permissible pursuant to the grant of a conditional use for cluster housing development.

2.6.27.4.1 Maximum Density. The maximum allowable gross density in any cluster housing development shall not exceed the maximum allowable gross density of the residential zoning district in which the cluster housing development is located.

~~2.6.27.2~~
2.6.27.4.2 Minimum Lot Area. The minimum lot area in any cluster housing development may be reduced to no less than three thousand (3000) square feet for each single family dwelling unit. ~~residential development of cluster housing upon a single parcel or tract of land, rather than upon conventional lots, shall provide a minimum of three thousand (3,000) square feet of open space for each dwelling unit exclusive of any common open space required by this section.~~

Delete the stricken language, add the underlined language.

2.6.27.4.3 Minimum Lot Width. The minimum lot width in any cluster housing development may be reduced to no less than forty feet (40'), except in the case of lots on cul-de-sacs where the minimum frontage may be reduced to twenty feet (20').

~~2.6.27.4.4 Minimum Lot Coverage. The maximum allowable lot coverage in any cluster housing may be increased to no more than sixty percent (60%).~~

2.6.27.4.54 Minimum Yards. The minimum front, side and rear yards may be reduced as follows: by up to twenty percent (20%) of the minimum yard requirements for the specific zoning district in which the cluster housing is located. When shown and approved on the conditional use conceptual plan, a zero lot line concept may be utilized for single family detached dwelling units, or in the case of single family attached dwelling units, a common wall concept may be employed. In either case, the remaining yard shall be equal to the sum of the required side yards. Zero lot line cluster housing shall in addition, conform to the following:

1. The zero lot line portion of the dwelling unit shall be void of doors or windows.

2. The adjacent property shall contain, at a minimum, a three foot (3') access easement for maintenance purposes.

3. Roof overhang shall be prohibited over adjacent property lines.

4. The minimum front yard requirements shall be the same as for the zoning district in which the cluster housing is located.

5. In no case shall the separation between principal buildings and structures be less than twelve feet (12').

Front Yard: Twenty (20) feet for homes with front entry garages, 10 feet for homes with side entry garages.

Side Yard: Zero (0) feet or a minimum of five (5) feet on either side except that where the zero (0)

Delete the stricken language, add the underlined language.

feet yard option is utilized the remaining side shall be ten (10) feet.

Rear Yard: Ten (10) feet for principal structures, three (3) feet for accessory structures.

In addition the following requirements apply to zero lot line single family detached housing projects:

1. The zero lot line portion of the dwelling unit shall be void of doors or windows where such wall is contiguous to an adjoining lot line.

2. Where the nature of the construction of a residence has provided for zero (0) side yard, footings and roof overhang encroachments may be permitted onto the adjoining lot. A roof drainage system shall be put in place to prevent roof drainage from falling onto the abutting property adjacent the walls of the residence with the zero (0) side yard tolerance. Furthermore, provision shall be made for a three (3) foot easement on the abutting property, shall be recorded running with the land with the residence enjoying the zero (0) lot side yard, for maintenance purposes.

3. Roof overhangs shall be prohibited over adjacent property lines unless a recorded restrictive covenant creating the requisite easement interest for encroachment, maintenance and repair of the building overhang is an element of the project.

~~2-6-27-4-65~~
~~2.6.27.4.5~~

Common Open Space.

1. All deductions in the minimum lot area, lot width and yard requirements below that which would otherwise be required within the district in which the cluster housing development is located shall be required to provide an equal amount of common open space within the same phase and general area of each cluster of homes in the development unless said cluster development is part of a planned unit development where the open space requirements of this code have been satisfied.

Delete the stricken language, add the underlined language.

2. Common open space shall be reserved for recreational uses.

3. Any commercial uses recreational facility subject to membership, registration, fees, or aimed at attracting outside users, shall not be counted as open space.

4. The sale, lease, or other disposition of common open space shall be prohibited except to a non profit corporation or homeowners association ~~or other similar entity~~ established under the laws of Florida to administer and maintain the facilities subject to a deed restriction acceptable to the County to limit the use of said property to common open space. Provisions shall be included to assure the continued maintenance of the common open space area.

5. Access rights to common open space for all residents within the cluster development shall be guaranteed.

6. Land utilized for common open space shall be restricted to common open space in perpetuity by appropriate legal instruments satisfactory to Collier County. Such instrument shall be binding upon the owner, developer, his successors, and assigns, and shall constitute a covenant running with the land, and be in recordable form.

2.6.27.4.6

Additional Reduction to Development Standards for Common Architectural Theme Projects

Additional Reduction to the development standards provided at Sections 2.6.27.4.2, 2.6.27.4.3, 2.6.27.4.4 and 2.6.27.4.5 may be approved by the Collier County Planning Commission for projects defined as Common Architectural Theme Projects. In determining whether or not a project qualifies as a Common Architectural Theme Project the Board of Commissioners shall determine that all of the following design features are incorporated into the project:

1. The architectural style of all of the dwelling units/structures shall be similar in design and in the use of materials and color.

Delete the stricken language, add the underlined language.

LDC pg. 1-179 Section 2.6.27 (cont'd)

2. The residential project shall have a signature entranceway which serves to identify the development as having a common architectural theme. The entranceway design and improvement elements shall include some or all of the following: the use of landscape materials, gated structure, water features, sculpture and ornamental pavement surfaces.

3. Street materials, signage, lighting shall be complementary and the same throughout the project's accessways.

Delete the stricken language, add the underlined language.

2.6.28.17 General Uses and Services. In addition to the retail dispensing of automobile fuels and oil, only the following services may be render and sales made except as indicated:

* * *

2. Sales, mounting, balancing and repair of tires and wheel alignments, but not recapping or regrooving of wheels tires;

* * *

5. Washing and polishing of automobiles and sale of automobile washing and polishing materials, but this only allows auto detailing as an accessory use but this provision does not allow car washes except in those zoning districts where a car wash is a permitted use; and such car washes shall be subject to criteria specified in the zoning district.

* * *

16. Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames or body parts, steam ~~clearing~~ cleaning, painting, welding, storage of automobiles (except as expressly permitted in Item 17 below), commercial garage as an accessory use, or other work involving undue noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in such stations. An automobile service station is not a facility for the sale of automobile vehicles, a repair garage, a body shop, an auto-detailing-shop, or a truck stop.

* * *

18. Convenience grocery stores selling motor fuel must conform with all provisions of Section 2-6-29 2.6.28.

Delete stricken language; add underlined language.

LDC pg. 2-184

SEC. 2.6.30 PROVISIONS OF POLLING PLACES. At the time the Board of County Commissioners approves a zoning request to Planned Unit Development (PUD) or any other residential development involving a project of more than one hundred (100) dwelling units at the time the Board of County Commissioners approves an amendment, any residential project within-said-PUD which will have a community recreation/public building/public room or similar common facility, shall be required to provide polling places in said community recreation/public building/public room if a polling place is determined to be necessary by the Board of County Commissioners. The Board shall consider the recommendation of the Supervisor of Elections in reaching such determination. ~~This requirement shall apply to all residential projects within a PUD, single-family, multi-family and mobile home developments.~~

If the a residential PUD or a residential project within-the-PUD is a "private" development with a restricted and/or monitored entrance which limits access to residents of that development, their guests and necessary maintenance workers, a polling place may be required by the Board to be provided in any community recreation/public building/public room or similar facility, however, the controlling entity of that private development may limit the use of the polling places to the residents of that "private" development.

This commitment shall be guaranteed through the following mechanism:

An agreement recorded in the official records of the Clerk of the Circuit Court of Collier County, which shall be binding upon any and all successors in interest that acquire ownership of such commons areas including, but not limited to, condominium associations, homeowners associations, or tenants associations. This agreement shall provide for said community recreation/public building/public room or similar common facility to be used for a polling place if determined to be necessary by the Supervisor of Elections. The commitment also shall be included within the PUD document.

Delete the stricken language, add the underlined language.

LDC pg. 2-184 Section 2.6.30 (cont'd)

The Supervisor of Elections is responsible for arranging use of said community recreation/public building/public room or other common facility for a polling place with the entity who controls said common facility prior to the election.

Delete the stricken language, add the underlined language.

2.6.33.1

Purpose and Intent. Based upon the nature of some uses, their impact on adjacent uses, and 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 on the a development site within zoning districts that would not otherwise provide for the use of-the-development-site, and to provide for other types of temporary uses such as community events, sales and promotions. It is the intent of this section to classify temporary uses and to provide for their permitting, administration and control.

Delete stricken language, add underlined language.

LDC pg. 2-187

2.6.33.4

Temporary Construction and Development Permits.

1. Temporary offices to be used for construction and administrative and sales functions within the development.

Delete stricken language; add underlined language.

2.2.33.6

Temporary Sales:

1) In the case of temporary sales, such as grand openings, going out of business sales, special promotional sales, or other similar uses (exclusive of garage sales, lawn sales and similar private home sales), the Community Development Services Administrator, or his designee, may grant non-renewable 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 twenty-eight (28) days. Temporary Permits may be allowed for up to an additional four (4) 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. In the case of Christmas tree or other similar seasonal sales, the Community Development Services Administrator, or his designee, may grant a non-renewable five week permit.

2) Temporary permits may, in support of the use being permitted, include the placement of signs, merchandise, structures and equipment, and mobile homes 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 Zoning Ordinance and shall be subject to the penalties therein.

3) Temporary sales permits shall be restricted to those zoning districts in which the sale of the items would normally be permitted. Further, the issuance of a temporary sales permit shall not be issued for undeveloped properties that do not possess appropriate methods of ingress and egress, contain improved and adequate parking facilities, lighting, landscaping and buffering, and whose structures, merchandise, or placement and parking of vehicles used in conjunction with the temporary sale do not conform to the minimum yard requirements of the district in which it is located.

In making such approval, the Zoning Director may

Delete stricken language, add underlined language.

stipulate the following requirements as he deems appropriate in the case:

- (a) Traffic safety measures.
- (b) Additional parking requirements.
- (c) Limited activity hours.
- (d) Watchmen, fencing, lighting.
- (e) Sanitary facilities.
- (f) A faithful performance bond to guarantee compliance with the conditions of the permit.

Garage Sales: In the case of garage sales, lawn sales and similar private home sales, the Zoning Director may issue a two (2) day permit for such events during each six (6) month period. Such permit may include the use of temporary signs located on the property where the sale is being held. No signs shall be placed in any public rights-of-way. If the temporary use is not discontinued upon expiration of the permit, it shall be a violation of the Zoning Code and shall be subject to the penalties herein.

Delete stricken language, add underlined language.

2.6.33.7 Motion Picture/Television Production Permit:

2.6.33.7.1 Permit Required: No person, firm, corporation or association shall take still or moving pictures on private property or property owned by or under the control of Collier County without first having obtained a permit. A permit shall be required for the following: the use of set scenery, temporary structures, lighting equipment or other apparatus, special effects, or closure of public streets or access ways. 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.

2.6.33.7.2 Application for Permit: Contents. Any person, firm, corporation, association or governmental entity desiring to obtain a permit shall apply to the Zoning Director; and said application shall include but not be limited to the following:

1. Name, address (including local address) and telephone number of applicant.
2. Proof of comprehensive general liability insurance coverage in the amount of at least one million dollars (\$1,000,000.00) combined single limit, with Collier County named as an additional insured.
3. Special effects to be utilized, especially incendiary or explosive devices, with proof of not less than five million dollars (\$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 licenser by the applicable federal and/or state agencies, and authorization from the local fire district permitting the event.
4. Locations, dates and hours of filming scene to be filmed.

Delete stricken language; add underlined language.

5. A description and sketch plan indicating the location of film events and parking facilities provided.
6. Plans for construction or utilization of structures on subject site(s).
7. 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.
8. Provide a description of any lighting facilities that would be necessary and/or the need to disconnect any public lighting.
9. Describe any use which may encroach into environmentally sensitive areas.
10. 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.
11. Necessity for closures of public streets or sidewalks and for what duration and location.
12. Indicate any utilization of aircraft/ fixed-wing, helicopter, or balloons at the subject site(s).
13. List of County personnel or equipment requested, and an agreement to pay for extraordinary services provided by Collier County.
14. Provisions for traffic control, fire safety and security precautions.
15. If located on private property, not under the County's ownership or control, a written notarized agreement will be required from the property owner to allow the filming to occur on his property.

2.6.33.7.3 Insurance Requirements. The applicant shall, as a prerequisite to the issuance of a permit, maintain in force at all times during the permit period a comprehensive general liability policy with limits other than those described in (b) & (c) above as

Delete stricken language; add underlined language.

recommended by the director of the Risk Management Division upon a review of the particular circumstances involved and determined by the Board of County Commissioners. Said applicant, as a prerequisite to the issuance of a permit, shall provide to the Zoning Director a certificate of insurance evidencing that said insurance is in existence and certifying that Collier County is a named insured and that Collier County be given thirty (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.

2.6.33.7.4 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 Zoning Director.

2.6.33.7.5 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.

2.6.33.7.6 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 Zoning Director, the permit may be issued. If the Zoning Director 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 access way; 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 (1) time fifteen (15) days prior to the hearing.

Delete stricken language; add underlined language.

- 2.6.33.7.7 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 non-compliance is remedied. The suspension shall be initially communicated orally, 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.
- 2.6.33.7.8 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.
- 2.6.33.7.9 Surety Bond. A surety bond in the amount to be determined by Collier County will be required by a company authorized to issue bonds in Florida or cash payment in lieu of the bond to provide for clean-up and/or restoration of the subject site(s).

Delete stricken language; add underlined language.

LDC pg. 2-187

2.6.33.8 Temporary Sports Events, Religious Events, and Community Events:

2.6.33.8.1 In the case of sports events, religious events, community events, or other similar events sponsored by non-profit, charitable, civil, or membership organizations the Community Development Services Administrator, or his designee, may grant non-renewable 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 twenty-eight (28) days. Temporary permits may be allowed for an additional period of up to four (4) 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.

2.6.33.8.2 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 Zoning Ordinance and shall be subject to the penalties therein.

2.6.33.8.3 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.

Delete stricken language, add underlined language.

SEC. 2.6.35 COMMUNICATION TOWERS.

2.6.35.1 Purpose and Intent. This section applies to specified communication towers that support any antenna designed to receive or transmit electromagnetic energy, such as but not limited to telephone, television, radio or microwave transmissions. This section sets standards for construction and facilities siting: is to minimize where applicable adverse visual impacts of towers and antennas through careful design, siting and vegetation screening; to avoid potential damage to adjacent properties from tower failure; to maximize the use of specified new communication towers and thereby to minimize need to construct new towers; to maximize the shared use of specified tower sites to minimize the need for additional tower sites; and to consider the concerns of the Collier County Mosquito Control District as to aircraft safety.

2.6.35.1.1 Subject to general law, provisions in deed restrictions and private restrictive covenants supersede this section to the extent they are more restrictive.

2.6.35.2 Definitions. As used herein "antenna" does not include wire antennas. A "tower" is a structure for the primary purpose to raise the height of an antenna. An "antenna structure" is a base, stand, or other method of stabilizing an antenna but the primary purpose is other than raising the height of an antenna. "Effective radius" means a radius of 6 miles from the respective tower unless a lesser radius is approved. "Lesser effective radius" means an approved radius of less than 6 miles. "Zoning district" includes areas within Planned Unit Developments (PUD) that have density requirements similar to those specified in this section. "All", "any", and "each" means exempt and non-exempt towers, structures, and owners unless the context clearly indicates otherwise, but does not include old towers or old sites except in subsection 2.6.35.6.13 related to inspections. An "old" tower or site means a tower or site that was approved prior to the effective date of Ordinance No. 91-84. A "new" tower or site means a tower or site that requires approval under this section. An "approved" tower or site is a tower or site that was approved under Ordinance No. 91-84 or is

Delete stricken language, add underlined language.

approved under this section. "Owner" refers to a sole owner or any co-owner. "Rent" means to rent, lease, or otherwise provide tower or site space. "Monopole communications tower" means a commercial vertical single tubular self supporting tower for non parabolic antennas with small effective radii. "Unavailable to the applicant" means a tower that cannot accommodate the applicant's proposed antenna or a site that cannot accommodate the applicant's tower, antenna, and related facilities. "Unavailable" means that no additional tower or site capacity is available to anyone. "County Manager" includes designees of the County Manager. The singular includes the plural and vice versa unless the context clearly indicates otherwise. "Government" means the United States government and any agency thereof, the State of Florida and any agency thereof, any municipal corporation and any agency thereof, Collier County and any agency thereof, and any District. Except as to monopole communications towers, and structures and antennas that are limited to twenty (20) feet or less in height without conditional use approval, heights of towers and structures specified herein are exclusive of any antennas affixed thereto and are exclusive of the respective ground elevation.

2.6.35.3

Shared Use of Towers. A tower with a height in excess of 185 feet above natural grade shall not be approved in Collier County unless the applicant demonstrates that no old or approved tower of equal or greater height (or of lesser height) within the effective radius can accommodate the applicant's proposed antenna and ancillary equipment. Towers owned by or leased to any government are exempt from these shared use provisions except as to sharing with other governments.

2.6.35.3.1

For the purpose of discovering availability for use of towers within the effective radius, the applicant shall contact the owner of all old and approved towers, within the effective radius, of a height equal to or greater than the height of the proposed tower, or a tower of lesser height, that can possibly accommodate the needs of the applicant. The County Manager may pre-approve the minimum allowable height to determine which towers may be available for use by the applicant. A list of all owners contacted, the date of each contact, the form and content of each contact, and all responses shall be a part of the conditional use application. As an accommodation to applicants, the County Manager shall retain all shared use

Delete stricken language, add underlined language.

plans, records of past responses and a list of old and approved towers. If the owner of an old tower does not respond to applicant's inquiry within a reasonable time, generally 30 days or less, or the owner of an old tower will not rent space to the applicant at a reasonable rental for a reasonable time period, such old tower shall be deemed unavailable to that applicant. If the old tower is a non-conforming structure, additional antennas may be installed thereon in accordance with an approved shared use plan, provided however, no structural alterations may be made to the tower, and the height of the tower inclusive of its antennas may not be increased.

2.6.35.3.2

Lesser Effective Radius. If the applicant asserts that the effective radius for the intended use is less than 6 miles, the applicant shall provide evidence that the asserted lesser effective radius is based on physical and/or electrical characteristics. Based on the evidence submitted by the applicant, the County Manager may establish a lesser effective radius. If a radius can be increased by signal amplification or other means, such means must be considered in determining the lesser effective radius. The antenna manufacturer's specifications shall be conclusive unless the applicant can prove they are incorrect in the specific case.

2.6.35.3.3

If an approved tower within the applicant's approved effective radius may have capacity available for the antenna proposed by the applicant, the application for a new tower shall not be complete without the following information regarding each such possibly available approved tower. Such information shall also be provided for old towers to the extent it can be obtained.

1. Identification of the site of each possibly available tower by coordinates, street address or legal description, existing uses, and tower height.
2. Whether shared use by the applicant of the tower is prohibited (or is not feasible) for any reason.
3. If it has been determined that the tower owner will allow structural changes, whether a tower can accommodate the proposed antenna if reasonable structural changes are made. If so, the applicant shall specify what structural changes would be required and an

Delete stricken language, add underlined language.

approximation of the costs of such changes. If the costs of the required changes are financially impracticable, such tower shall be deemed unavailable to the applicant.

2.6.35.3.4

The applicant shall contact the owner of each possibly available approved tower to request the needed information. To enable the tower owner to respond, the applicant shall provide the following information regarding applicant's proposed antenna and equipment:

1. All output frequencies of transmitter.
2. Type of modulation, polarization of radiation, and proposed use of antenna.
3. Manufacturer, type, manufacturer's model number, a diagram of the antenna's radiation pattern, and the manufacturer's specifications.
4. Power input to antenna and gain of antenna in decibels with respect to an isotopic radiator.
5. Range in feet of maximum and minimum height of antenna above base of tower.
6. A list of necessary ancillary equipment and description of type of transmission cable to be used.
7. Any other pertinent information needed to enable the owner to respond in full to the inquiry.

2.6.35.4

Shared Use of Tower Sites. A tower with a height in excess of 185 feet above natural grade shall not be approved in Collier County on a new tower site unless the applicant demonstrates that the proposed tower, antennas and accessory structures or uses cannot be located on any conforming old site or approved site situated within the effective radius. Sites owned by any government or leased to any government are exempt from these shared use provisions except to other governments.

2.6.35.4.1

Except as to each old site or approved site determined by the County Manager or in a shared use plan to be unavailable to the applicant, the applicant shall contact the owner of all other conforming old sites and approved tower sites within the effective radius, containing sufficient

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land area to possibly accommodate the needs of the applicant.

2.6.35.4.2

For each such possibly available tower site the application for a new tower site shall not be complete without the following information:

1. Identification of the proposed new tower site by coordinates, street address or legal description, area, existing uses, topography, and significant natural features.
2. Evidence that no old and no approved tower site within the effective radius can accommodate the applicant's needs.
3. If the owner of an old tower site does not respond to applicant's simple letter of interest inquiry within 30 days, or the owner of an old tower site will not rent land to accommodate applicants needs for a reasonable period of time at reasonable rentals, such old tower site shall be deemed unavailable to the applicant.

2.6.35.4.3

The applicant is not required to supply this information to owners of conforming old sites unless the old site appears to be available to the applicant by a shared use plan or the site's owner has responded positively to the applicant's initial letter of inquiry. To enable the site owner to respond, the applicant shall provide the site owner (and the owner of any tower on the site) with the dimensional characteristics and other relevant data about the tower, and a report from a professional engineer licensed in the State of Florida, or other qualified expert, documenting the following:

1. Tower height and design, including technical, engineering and other pertinent factors governing the intended uses and selection of the proposed design. An elevation and a cross-section of the tower structure shall be included.
2. Total anticipated capacity of the tower, including number and types of antennas and needed transmission lines, accessory use needs including specification of all required ancillary equipment, and required building and parking space to accommodate same.
3. Evidence of structural integrity of the proposed tower as required by the Building

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Official and, for metal towers, a statement promising full compliance with the then latest edition of the standards published by the Electronic Industries Association (currently EIA/TIA 222-E), or its successor functional equivalent, as may be amended for local application.

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

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2.6.35.5.1

Shared Use Plans. Each shared use plan shall be in a standard format that has been approved by the County Manager. Each shared use plan shall specify in detail to what extent there exists tower and/or site capacity to accommodate additional antennas and/or additional towers, ancillary equipment and accessory uses. Available antenna capacity on a tower shall be stated in detailed clearly understandable terms, and may be stated in equivalent flat plate area and total additional available transmission line capacity. The tower owner (as to tower shared use plans) and the land owner (as to site shared use plans) shall update its respective approved shared use plan by promptly filing pertinent update information with the County Manager. Owners of old towers and/or old sites may file shared use plans in accord with this section.

1. Reservation of Capacity. If an applicant for a shared use tower does not plan to install all of its proposed antennas during initial construction of the tower, the applicant must specify the planned schedule of installing such later added antennas as part of the shared use plan. An applicant cannot indefinitely prevent the use of unused available antenna space on a tower by reserving to itself such unused space. No available space can be reserved for the owner or anyone else unless approved in the shared use plan. If an antenna is not installed by the scheduled deadline, the reserved space shall automatically be rendered available for use by others unless the shared use plan has by the deadline been amended with the approval of the County Manager. Deadlines may be extended even if the tower is a non-conforming structure. If space has been reserved in a shared use plan for future additional antenna use by the tower owner and it becomes clear that such space will not be utilized by the owner, the shared use plan shall be amended promptly to reflect the availability of such space.
2. Reservation of Site Capacity. The policy stated above applies also to additional tower space on an approved tower site to prevent indefinite reservation of available site space.
3. Protection of Non-Conformity. As an incentive to promote the filing of shared use plans, old

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towers, whether or not conforming and new towers and/or tower sites that are conforming at the date of approval of the initial shared use plan and/or any amendment thereto may proceed in accord with the approved plan irrespective of the fact that the tower and/or tower site is then non-conforming. The intent of this provision is to grandfather towers and/or new tower sites against a non-conforming status to the extent that future capacity, including accessory structures, is provided for in the shared use plan. If the initial shared use plan or amendment to a shared use plan requires approval of the Board of County Commissioners and it appears that the site is threatened to become non-conforming for the intended use, the pending non-conformity will be a material element in deciding whether to approve or deny the application for the shared use plan or amendment.

Notwithstanding anything to the contrary in any Collier County Ordinance, any then non-conforming tower that is destroyed by any means to an extent of more than fifty (50) percent of its actual replacement cost at the time of destruction, as determined by a cost estimate submitted to the Zoning Director, shall not be reconstructed or repaired without conditional use approval.

Notwithstanding anything to the contrary in any Collier County Ordinance, including any provision of Division 1.8 of the Land Development Code, a non-conforming tower and/or accessory structures may be voluntarily reconstructed in any zoning district at its site subject to the conditional use procedures of the Land Development Code provided such reconstruction complies with Section 1.8.3.1. The extended useful life of the tower and/or accessory structures that will result from reconstruction shall not be construed to be an enlargement, intensification, increase or extension of the non-conforming use. After non-conforming facilities and/or accessory structures are reconstructed under conditional use authorization, such facilities and/or accessory structures shall be deemed to have a conditional use permit under Section 1.8.8 of the Land Development Code.

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4. Filing Shared Use Plans. Each approved shared use plan shall be filed and recorded in the office of the Collier County Clerk of Courts prior to any site development plan approval. A copy of the initial shared use plan shall be filed with and approved by the County Manager prior to conditional use approval.
5. Shared Use Plans for Old towers and Old Tower Sites. Initial shared use plans and amendments for old towers require approval of the County Manager. Initial shared use plans and amendments for old tower sites require approval of the Board of County Commissioners, except where an amendment reduces site and/or antenna capacity.

- 2.6.35.5.2 Transmitting and receiving equipment serving similar kinds of uses shall, to the extent reasonable and commercially practicable, be placed on a shared use tower in such a manner that any of the users in a group can operate approximately equal to other users in the group utilizing substantially similar equipment.
- 2.6.35.5.3 Once a shared use plan for a tower is approved, additional antennas may be added to that tower in accord with the approved shared use plan without additional conditional use approval even if the tower is then a non-conforming structure. The shared use plan shall be immediately updated to reflect each such change. Likewise, once a new shared use plan for a tower site is approved, additional towers and accessory buildings and uses may be added to that site in accord with the plan without additional conditional use approval even if the site is then non-conforming. The shared use plan shall be immediately up-dated to reflect each change.
- 2.6.35.5.4 For each tower with a height in excess of 185 feet that is approved, the tower owner shall be required, as a condition of approval, to file an approved shared use plan except when a government tower is approved to be perpetually unavailable. To the extent that there is capacity for other antennas on the tower, the plan shall commit the tower owner and all successor owners to allow shared use of the tower in accord with the shared use plan for antennas of others at reasonable rates. The initial proposed rates (or a range of reasonable rates) shall be specified in the shared use plan and shall be amended each time the rates

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are changed. When antenna space on a tower is rented to others, each rental agreement shall be filed with the shared use plan. Any agreement that purports to reserve antenna space for future use must be approved by the County Manager.

2.6.35.5.5

For each new shared use tower site that is approved, the owner shall be required, as a condition of approval, to file an approved shared use plan except as to a government site that is approved to be perpetually unavailable. If there is land available on the site to accommodate additional towers and accessory facilities the plan shall commit the land owner and successor owners to accommodate such additional facilities on the site at reasonable rents. To the extent practicable, the proposed rents (or a range of reasonable rents) shall be specified in the shared use plan. When land is rented for facilities on the site, the rental agreement shall be filed with the shared use plan. Any agreement that purports to reserve land for future use of tower and other facility space must be approved by the County Manager.

2.6.35.5.6

Each new tower owner or site owner, as the case may be, shall agree as a condition of approval to respond in writing in a comprehensive manner within 30 days to each request for information from a potential shared use applicant. Government owners need to reply only to requests from another government. To the extent that correct and up-to-date information is contained in an approved shared use plan, the owner may refer the applicant to the shared use plan for the information. If the shared use plan is incorrect, incomplete, or otherwise not up-to-date, the respective owner shall in the response specify in detail such information and shall immediately bring the shared use plan up-to-date.

2.6.35.5.7

The tower owner or site owner, as the case may be, shall as a condition of approval negotiate in good faith for shared use of tower space and/or site space by applicants in accord with its shared use plan.

2.6.35.5.8

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

2.6.35.6

Development Standards for Communication Towers.

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2.6.35.6.1

Except to the extent that amateur radio towers, and ground mounted antennas with a height not to exceed twenty (20) feet, are exempted by subsection 2.6.35.6.25 herein, no new tower of any height shall be permitted in the RSF-1 thru RSF-6, RMF-6, and E-Estate zoning districts. However, notwithstanding other provisions of this section, including the separation requirements of subsection 2.6.35.6.6 below, towers may be allowed to any height as a conditional use in the E-Estate zoning district only on sites approved for a specified essential service listed in subsection 2.6.35.6.3, below. There shall be no variances to this subsection except for variance applications by a government for a governmental use.

2.6.35.6.2

Permitted Ground Mounted Towers. Towers not exceeding the stated maximum heights are a permitted use subject to other applicable provisions of this section, including separate requirements and shared use provisions. Towers that exceed these specified maximum heights require conditional use approval.

1. All commercial and industrial zoning districts. Any tower up to seventy-five (75) feet in height is a permitted use. Any tower that exceeds seventy-five (75) feet in height up to a height of two hundred (200) feet is a permitted use only if the base of such tower is separated from the nearest boundary of any parcel of land zoned RSF-1 thru RSF-6, RMF-6, E, RMF-12, RMF-16, RT, VR, MH, TTRVC, or PUD zoning of six (6) residential dwelling units or less, by a minimum distance in feet determined by multiplying the height of the tower (in feet) by a factor of 2.5. (The minimum separation distance is two and one-half times the height of the tower). Towers which do not meet the separation requirement may apply for a variance in accordance with Section 2.7.5 or a conditional use in accordance with Section 2.7.4.
2. Agricultural zoning districts within the Urban designated area. Towers not exceeding two hundred (200) feet.
3. Agricultural zoning districts within the Rural designated area. Towers not exceeding two hundred and eighty (280) feet.
4. All agricultural zoning districts. No tower

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shall be allowed on any site comprising less than twenty (20) acres under common ownership or control except on conditional use sites, where towers can be approved as a conditional use on sites of less than 20 acres.

2.6.35.6.3 Essential Services - Specified Conditional Uses. Except in the RSF-1 through RSF-6, and RMF-6 zoning districts, towers may be allowed to any height as a conditional use on sites approved for a conditional use - essential service for any of the following conditional uses: safety service facilities including, but not necessarily limited to, fire stations, sheriff's sub-station or facility, emergency medical services facility, and all other similar uses where a communications tower could be considered an accessory or logically associated use with the safety service conditional use on the site.

2.6.35.6.4 New towers shall be installed only on rooftops in the RMF-12, RMF-16, RT, VR, MH and TTRVC zoning districts. Except, however, that ground mounted monopole communication towers up to 150 feet in height above the natural grade, including antennas affixed thereto, may be allowed as a conditional use within these zoning districts. The height of each monopole communication tower shall be limited to the height necessary for its use at its location.

2.6.35.6.5 Rooftop towers, antenna structures and antennas.

1. Rooftop towers, antenna structures and antennas are allowed in all zoning districts except the RSF-1 thru RSF-6, RMF-6, and E-Estate zoning districts.
2. Rooftop towers, antenna structures and antennas are, as specified, subject to the following:
 - a. Permitted Uses. Rooftop antenna structures and antennas are a permitted use up to a height of 20 feet above the maximum roofline provided the height of the maximum roofline is 20 feet or more above the average natural grade. If the maximum roofline is less than 20 feet above the average natural grade, an antenna structure or antenna is a permitted use up to a height that equals the distance from the average natural grade to the maximum roofline. For

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example, if the distance from the average natural grade to the maximum point of the roofline is 15 feet, an antenna structure and/or antenna is a permitted use up to a height of 15 feet above the maximum roofline. Any antenna structure, tower or antenna that exceeds its permitted use height as provided herein shall require conditional use approval and the maximum allowable height of the structure, tower, and all antennas shall be determined in each specific case. Distance from RSF-1 thru RSF-6, and RMF-6 zoning districts shall be a major consideration in determining the allowable height of rooftop facilities.

- b. Towers and antenna structures shall be set back from the closest outer edge of the roof a distance not less than ten (10) percent of the rooftop length and width, but not less than 5 feet, if the antenna can function at the resulting location.
- c. Antenna structures and dish type antennas shall be painted to make them unobtrusive.
- d. Except for antennas that cannot be seen from street level, such as panel antennas on parapet walls, antennas shall not extend out beyond the vertical plane of any exterior wall.
- e. Where technically feasible dish type antennas shall be constructed of open mesh design.
- f. Where feasible, the design elements of the building (i.e., parapet wall, screen enclosures, other mechanical equipment) shall be used to screen the communications tower, structure, and antennas.
- g. The building and roof shall be capable of supporting the roof mounted antenna, structure and tower.
- h. No rooftop shall be considered a tower site. This section does not require any sharing of any rooftop, rooftop tower or antenna structure.

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- 2.6.35.6.6 With the exception of rooftop towers and towers on essential services-conditional use sites, each new communication tower exceeding 185 feet in height shall be located at least 1,000 feet from RSF-1 thru RSF-6, and RMF-6 zoning districts including Planned Unit Developments where predominant use is consistent with RSF-1 thru RSF-6 and RMF-6 zoning districts. If a part of a PUD is not developed and it is inconclusive whether the part of a PUD area within 1,000 feet of the proposed tower site may be developed with a density of 6 units per acre or less, it shall be presumed that the PUD area nearest to the proposed site will be developed at the lowest density possible under the respective PUD.
- 2.6.35.6.7 All owners of approved towers are jointly and severally liable and responsible for any damage caused to off-site property as a result of a collapse of any tower owned by them.
- 2.6.35.6.8 Placement of more than one tower on a land site is preferred and encouraged, and may be permitted provided, however, that all setbacks, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible provided tower failure characteristics of the towers on the site will not likely result in multiple tower failures in the event that one tower fails, or will not otherwise present an unacceptable risk to any other tower on the site. It shall be the policy of the County to make suitable County owned land available for towers and ancillary facilities at reasonable rents.
- 2.6.35.6.9 Any accessory buildings or structures shall meet the minimum yard requirements for the respective zoning district. Accessory uses shall not include offices, long-term vehicle storage, outdoor storage, broadcast studios except for temporary emergency purposes, other structures or uses that are not needed to send or receive transmissions, and in no event shall such uses exceed 25 percent of the floor area used for transmission or reception equipment and functions. Transmission equipment shall be automated to the greatest extent economically feasible to reduce traffic and congestion. Where the site abuts or has access to a collector street, access for motor vehicles shall be limited to the collector street. All equipment shall comply with then applicable noise standards.

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- 2.6.35.6.10 For new commercial towers exceeding 185 feet in height, a minimum of two parking spaces shall be provided on each site; an additional parking space for each two employees shall be provided at facilities which require on-site personnel. Facilities which do not require on-site personnel may utilize impervious parking.
- 2.6.35.6.11 All new tower bases, guy anchors, outdoor equipment, accessory buildings and accessory structures shall be fenced. This provision does not apply to amateur radio towers, or to ground mounted antennas that do not exceed 20 feet above grade.
- 2.6.35.6.12 No tower shall be artificially lighted except as required by the Federal Aviation Administration, the Federal Communications Commission, or other applicable laws, ordinances or regulations.
- 2.6.35.6.13 Effective January 1, 1992, all guyed towers, including old towers, exceeding 185 feet in height shall be inspected every two (2) years. Such self supporting towers shall be inspected every four (4) years. Each inspection shall be by a qualified professional engineer or other qualified professional inspector, and any inspector recommended repairs and/or maintenance should be completed without unnecessary delay. At a minimum each inspection shall include the following:
1. Tower Structure - including bolts, loose or damaged members, signs of unusual stress or vibration.
 2. Guy Wires and Fittings - check for age, strength, rust, wear, general condition and any other signs of possible failure.
 3. Guy Anchors and Foundations - assess for cracks in concrete, signs of corrosion, erosion, movement, secure hardware, and general site condition.
 4. Condition of antennas, transmission lines, lighting, painting, insulators, fencing, grounding, and elevator, if any.
 5. For guyed towers: Tower vertical alignment and guy wire tension - (both required tension and present tension).
- 2.6.35.6.14 A copy of each inspection report shall be filed with the County Manager not later than December 1st

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of the respective inspection year. If the report recommends that repairs or maintenance are required, a letter shall be submitted to the County Manager to verify that such repairs and/or maintenance have been completed. The County shall have no responsibility under this section regarding such repairs and/or maintenance.

- 2.6.35.6.15 Any tower that is voluntarily not used for communications for a period of one year shall be removed at the tower owner's expense. If a tower is not removed within three (3) months after one year of such voluntary non-use, the County may obtain authorization to remove the tower and accessory items from a court of competent jurisdiction, and after removal shall place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower and accessory items, plus court costs and attorney fees.
- 2.6.35.6.16 For all ground mounted guyed towers in excess of 75 feet in height, the site shall be of a size and shape sufficient to provide the minimum yard requirements of that zoning district between each guy anchor and all property lines.
- 2.6.35.6.17 All new communication towers shall require a site plan in accordance with Division 3.3 as part of the building permit application. Additional towers, tower sites, buildings and accessory facilities necessary on-site shall require an amendment to the approved site plan. The following are exempt from Division 3.3:
1. Ground mounted amateur radio towers that do not exceed a height of 75 feet excluding antennas;
 2. Monopole towers that do not exceed a height of 75 feet including antennas; or
 3. Ground mounted antennas that do not exceed a height of twenty (20) feet above natural grade.
- 2.6.35.6.18 All new metal towers including rooftop towers, except amateur radio towers, shall comply with the standards of the then latest edition published by the Electric Industries Association (currently EIA/TIA 222-E) or the publication's successor functional equivalent unless amended for local application by resolution of the Board of County Commissioners. Each new amateur radio tower with a

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height of 75 feet or less shall require a building permit specifying the exact location and the height of the tower exclusive of antennas. Each new ground mounted dish type antenna that does not exceed a height of twenty (20) feet shall require a building permit.

- 2.6.35.6.19 Within the proposed tower's effective radius, information that specifies the tower's physical location in respect to public parks, designated historic buildings or districts, areas of critical concern, and conservation areas, shall be submitted as part of the conditional use application. This shall also apply to site plan applications and/or permit applications for rooftop installations that do not require conditional use approval.
- 2.6.35.6.20 No communication tower shall be located on any land or water if such location thereon creates or has the potential to create harm to the site as a source of biological productivity, as indispensable components of various hydrologic regimes, or as irreplaceable and critical habitat for native species of flora or fauna.
- 2.6.35.6.21 A landscaped buffer area no less than 10 feet wide shall be developed around the perimeter of each new tower that requires security fencing. This buffer shall encompass all new structures including the tower base. At least one row of native vegetation shall be planted within the buffer to form a continuous hedge at least three feet in height at planting. This hedge shall also be planted around any ground level guy anchors. The buffer must be maintained in good condition.
- 2.6.35.6.22 Native vegetation on the site shall be preserved to the greatest practical extent. The site plan shall show existing significant vegetation to be removed and vegetation to be replanted to replace that lost. Native vegetation may constitute part or all of the required buffer area if its opacity exceeds eighty percent (80%).
- 2.6.35.6.23 All new towers (including amateur radio towers) and all antennas affixed thereto shall be in compliance with Section 2.2.23. There shall be no variances to this provision.
- 2.6.35.6.24 For all new towers, a statement from the applicant or an official document that specifies that the tower and its antennas will comply with all applicable regulations of the Federal Communications Commission shall be filed with the

Delete stricken language, add underlined language.

County Manager.

- 2.6.35.6.25 New towers and antennas affixed thereto, new roof mounted towers, structures and antennas, and new accessory structures are exempt from conditional use approval:
1. To the extent exempted by federal law or regulation, or Florida law or regulation, at the time of the application.
 2. Ground mounted amateur radio towers that do not exceed a height of seventy-five (75) feet above natural grade, exclusive of all antennas.
 3. Stations in the amateur radio service licensed by the Federal Communications Commission.
 4. Ground mounted antennas that do not exceed a height of twenty (20) feet above natural grade, including dish type antennas.
 5. Rooftop antennas, antenna structure and towers that do not exceed the applicable permitted use height specified in subsection 2.6.35.6.5.1.a. herein.
- 2.6.35.6.26 All new non-ionizing electromagnetic radiation (NIER) sources shall comply with the then current applicable standards adopted by the Federal Government. The County shall not be required by this section to enforce such standards.
- 2.6.35.6.27 A copy of each application for a tower in excess of two hundred (200) feet in height shall be supplied by the applicant to the Collier County Mosquito Control District or its successor in function.
- 2.6.35.6.28 As to communications towers and antennas, including rooftop towers, antenna structures and antennas, the height provisions of this section supersede all other height limitations specified in County Ordinance 91-102.
- 2.6.35.6.29 Willful, knowing failure of any owner to comply with any of the provisions herein shall be a violation of this section and shall be subject to general penalty provisions of Ordinance 91-102, and shall be grounds for revocation of conditional use approval.

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LDC pg. 2-189

2.6.36 Townhouse Development

Townhouse development as defined in this Code when authorized in the RMF and RT zoning district either as a permitted or conditionally permitted use shall be designed to meet the following minimum standards:

2.6.36.1 Minimum Area Per Dwelling Unit: Twenty-five hundred (2500) square feet.

2.6.36.2 Minimum Lot Width: Thirty (30) feet.

2.6.36.3 Minimum Yard Requirements:

1. Front Yard: 20 feet for homes with front entry garages. 10 feet for homes with side entry garages.
2. Side Yard: Zero feet or a minimum of 10 feet for principal structures or one-half the height of the sum of the walls facing one another whichever is the greater.
3. Rear Yard: Twenty (20) feet for principal structures and ten (10) feet for accessory structures
4. Nothing herein contained shall serve to set aside the minimum lot area and frontage required for a multi-family structure in each RMF zoning district in which Townhouses are permitted.

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LDC page 2-189

SEC. 2.6.37

KITCHENS IN DWELLING UNITS. A dwelling unit containing less than two thousand five hundred (2,500) square feet of living area shall be limited to one (1) primary kitchen. A dwelling unit containing two thousand five hundred (2,500) square feet of living area, or greater, may have a second primary kitchen provided all rooms are internally accessible.

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2.7.2.5

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 Sec. 2.7.2.4 shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where 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. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.~~
54. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
65. Whether changed or changing conditions make the passage of the proposed amendment necessary.
76. Whether the proposed change will adversely influence living conditions in the neighborhood.
87. 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.

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99. Whether the proposed change will create a drainage problem.
109. Whether the proposed change will seriously reduce light and air to adjacent areas.
110. Whether the proposed change will adversely affect property values in adjacent areas.
111. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.
112. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
113. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.
114. Whether the change suggested is out of scale with the needs of the neighborhood or the County.
115. Whether it is impossible to find other adequate sites in the County for the proposed use in districts already permitting such use.
- ~~117. -- Review and recommendations of the conceptual Site Development Plan as required in accordance with Div. 3.37 or the PUB Master Plan and Document as required in Sec. 2.7.3.~~
116. The physical characteristics of the property and the degree of site alteration which would be required to make the property usable for any of the range of potential uses under the proposed zoning classification.
117. The impact of development on the availability of adequate public facilities and services consistent with the levels of service adopted in the Collier County Growth Management Plan and as defined and implemented through the Collier County Adequate Public Facilities Ordinance, as amended.

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LDC pg. 2-195 Sec. 2.7.2.5 (cont'd)

2018. Such other factors, standards, or criteria
that the Board of County Commissioners shall
deem important in the protection of the public
health, safety, and welfare.

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BOOK 056 PAGE 210

LDC page 2-201

2.7.3.1.2 Supporting Data. Data supporting and describing the application for rezoning to PUD in the form of a PUD Document which shall consist of the following:

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BOOK 056 PAGE 211

LDC page 2-204

2.7.3.2.3 Staff Review and Recommendation. Based upon its evaluation of the factors set forth above, the appropriate County staff shall prepare a report containing their review findings, and a recommendation of approval or denial. ~~In addition, the staff shall prepare a PUB Document which shall contain recommended dimensional standards, and other development conditions which should be imposed upon the proposed PUB Master Plan.~~

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LDC pg. 2-207

2.7.3.5.1 Substantial/Insubstantial Changes. (Item 10)

The proposed change is to a Planned Unit Development district designated as a Development of Regional Impact (DRI) and approved pursuant to Sec. 380.06, Florida Statutes, where such change requires a determination and public hearing by Collier County pursuant to Sec. 380.06(19), F.S. Any change that meets the criterion of Sec. 380.06(19)(e)2., F.S., 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 Sec. 2.7.3.5.4 or Sec. 2.7.3.5.6 of this Code.

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LDC page 2-209, 210

2.7.4.1

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, ~~property~~ or the general welfare. Such uses may be permissible in a ~~E~~zoning ~~D~~istrict 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 quasi-judicial in nature.

Delete stricken language; add underlined language.

BOOK 056 PAGE 214

2.7.4.2

Written Petition. A written petition for conditional use shall be submitted to the Development Services Director 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 ~~Sec. 2.7.4.5~~ Sec. 2.7.4.4. 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 may include, but is not limited to, the following, where applicable:

Delete stricken language, add underlined language.

LDC page 2-210

2.7.4.3 Notice and Public Hearing. Notice and public hearing by the Planning Commission and the Board-of County-Commissioners Board of Zoning Appeals shall be as provided for under subsection 2.7.2.3.2 All testimony given shall be under oath and the action by the Board of County Commissioners shall be ~~quasi-judicial~~ quasi-judicial in nature.

Delete stricken language; add underlined language.

LDC page 2-211

2.7.4.5 Conditions and Safeguards.

2.7.4.5.1 Any conditional use shall expire one (1) year from the date of grant, if by that date the use for which the conditional use was granted has not been commenced.

2.7.4.5.2 and-a Any conditional use shall expire one (1) year following the discontinuance of the use for which the conditional use was granted, ~~-if-the-use-has-not then-been-commenced~~

Delete stricken language; add underlined language.

LDC page 2-211

2.7.4.5.3 Conditions and Safeguards. (paragraph 3 only)

The Board of Zoning Appeals may grant a maximum of three (3) one year extensions of an approved conditional use ~~extend a conditional use a maximum of three (3) times for up to one (1) year each time~~ upon written request of the petitioner. ~~This~~ Each extension must be requested and approved prior to the expiration of the original conditional use.

Delete the stricken language, add the underlined language.

LDC page 2-211

2.7.4.6 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 ~~Sec. 2.7.4.5~~ Sec. 2.7.4.4 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.

Delete stricken language, add underlined language.

LDC page 2-211

2.7.4.8

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 Ordinance Resolution, or deny a petition for conditional use. The approval of a conditional use petition shall require four affirmative votes of said Board.

Delete stricken language, add underlined language.

LDC pages 2-215 thru 227

Modify references to the Affordable Housing Density Bonus program.

2.7.7.1.1 Title and Citation. The Sec. 2.7.7 shall be known and may be cited as the "Collier County Affordable Housing Density Bonus Regulations." "Affordable Housing Density Bonus" shall in this section be referred to as "AHDB".

NOTE: This will require global modification to all references to "Affordable Housing Density Bonus" in Section 2.7.7.

Delete stricken language; add underlined language.

Zoning Atlas Map Amendments

<u>MAP #</u>	<u>REVISION</u>
462728	Change A-MH designations to A-MHO
462930	Remove IND designation after I at the Airport property; map should only show "I" for industrial land Change A-MH designations to A-MHO
6836n	Change A-MH designations to A-MHO
6836s	Change A-MH designations to A-MHO
6908s	Change A-MH designations to A-MHO
6928s	Change A-MH designations to A-MHO
6930s	Change A-MH designations to A-MHO
6932n	Change A-MH designations to A-MHO
6932s	Change A-MH designations to A-MHO
6933n	Change A-MH designations to A-MHO
6933s	Change A-MH designations to A-MHO
6934s	Remove IND designation after I at the Airport property; map should only show "I" for industrial land Change A-MH designations to A-MHO
472728	Change A-MH designations to A-MHO
7722 to 7727	Change A-MH designations to A-MHO
472930	Change A-MH designations to A-MHO
7902s	Remove IND designation after I at the Airport property; map should only show "I" for industrial land Change A-MH designations to A-MHO
7903n	Remove IND designation after I at the Airport property; map should only show "I" for industrial land
7905n	Change A-MH designations to A-MHO

Delete stricken language; add underlined language.

Map Amendments
Continued

- 7909n Change A-MH designations to A-MHO
- 7909s Change A-MH designations to A-MHO
- 791011 Change A-MH designations to A-MHO
- 8510n Remove IND designation after I; map should only show "I" for industrial zoned land
- 8510s Remove IND designation after I; map should only show "I" for industrial zoned land
- 8515s Remove IND designation after I; map should only show "I" for industrial zoned land. Also, a dash should be added between C2 to show C-2 on the map.
- 8527n Remove IND designation after I; map should only show "I" for industrial zoned land.
- 872930 Add MHO symbol after A designation to read A-MHO.
- 873132 Add MHO symbol after A designation to read A-MHO
- 9511n Remove IND designation after I; map should only show "I" for industrial zoned land.
- 9511s Remove IND designation after I; map should only show "I" for industrial zoned land.
- 9512s Remove zone line between RSF-3 area and Barron Collier High School or indicate the zoning district on Barron Collier High property.
- 9514s Delete PUD zoning line at East boundary of Section 14 and replace with RMF-16 for that area next to Lot 117 and Woodside.
- 9522s Change IL designation to I.
- 9631s Revise zoning map to indicate proper zoning district where current zoning map reflects PU-6 (Endless Summer MHP) to MH.
- 482728 Add MHO symbol after A designation to read A-MHO for Agricultural areas with exception of N.E. corner of Section 9, which should remain as A.
- 482930 Add MHO symbol after A designation to read A-MHO for sections west of SR 29 and A-MHO-ACSC/ST for sections east of SR 29.

Delete stricken language; add underlined language.

- 492728 Change A-MH designations to A-MHO
- 492930 Change A-MH designations to A-MHO
- 1612s Remove MHS designations and replace with MH.
- 3911n No zoning district specified on map. Revise to indicate appropriate zoning district.
- 3911s No zoning district specified on map. Revise to indicate appropriate zoning district.
- 3923n No zoning district specified on map. Revise to indicate appropriate zoning district.
- MB7F No zoning district specified on map. Revise to indicate appropriate zoning district.
- 512728 Adjust CON-ACSC/ST boundary as indicated on revised map.
- 52532730 Adjust CON-ACSC/ST boundaries as indicated on revised map.

Delete stricken language; add underlined language.

Add Section 3.2.4.10 Resubdivisions:

3.2.4.10 Resubdivisions. The resubdivision of a lot or parcel on a recorded subdivision plat shall be exempt from the requirements and procedures for preliminary and final subdivision plats and improvement plans provided all of the following criteria are complied with:

- a) The lot or parcel is zoned Estates.
- b) The lot or parcel size is less than 10 acres.
- c) The lot or parcel is only to be split once to form no more than two (2) single family parcels.
- d) Access to each parcel to be created must have direct frontage on an existing public right-of-way.
- e) No subdivision improvements are required.
- f) The lot or parcel is not located within the area of critical State concern as established pursuant to Section 380.055(3), Florida Statutes.

If the above criteria are complied with, then the resubdivision of such lot or parcel shall not occur until the provisions of Section 3.2.4.8, Lot Line Adjustment are complied with. No building permit shall be issued for the lot or parcel to be resubdivided until all of the provisions of Section 3.2.4.8 have been addressed. A copy of the recorded affidavit pursuant to Section 3.2.4.8 must be provided to the Development Services Director immediately after recording is completed. The Director shall then prepare a Resolution for the Board of County Commissioners adoption which will acknowledge the resubdivision and order the Clerk of the Courts to make proper notation of this action upon the original subdivision plat which illustrates the subject lot or parcel.

Delete stricken language, add underlined language.

LDC Page 3-22

Amend and supplement the language currently existing:

3.2.7.3.6 Approval of Improvement Plans and Final Subdivision Plat Required Prior to Development. Anything contained elsewhere in this Code to the contrary notwithstanding, no development shall be allowed pursuant to a preliminary subdivision plat prior to the approval of improvement plans and final subdivision plat submitted for the same or portion thereof. ~~without the written approval of the Development Services Director.~~ Authorization to commence any development prior to completion of the provisions set forth herein in Sections 3.2.8 and 3.2.9 shall be the subject of a Preliminary Work Authorization as set forth herein. A Preliminary Work Authorization whose form and legal sufficiency shall be approved by the County Attorney shall be submitted in the form established by the County Attorney and shall be a legally binding agreement between the Applicant and the County.

Delete stricken language, add underlined language.

3.2.7.5

Resubdivision A Preliminary Subdivision Plat(PSP) application shall be submitted in accordance with Sec. 3.2.7 for the provision of required improvements for any Resubdivision as defined in Article 6, unless the Resubdivision is of a lot, parcel, tract or a like unit of land which completely complies with all of the following criteria:

a) The lot, parcel, tract or a like unit of land was previously approved as part of a Preliminary Subdivision Plat application granted in accordance with the provisions of Sec. 3.2.7 for a principal property and is zoned for single family use in accordance with the provisions of Article 2.

b) The Final Subdivision Plat and Improvement Plans for the principal property's primary subdivision Required Improvements, of which such property is a part thereof, have been reviewed and approved, the Final Plat recorded and Preliminary Acceptance granted for all Required Improvements in accordance with Sections 3.2.6, 3.2.8 and 3.2.9.

c) No separate Environmental Impact Statement(EIS) or supplement, amendment or update pursuant to Sec. 3.2.7.1.21 to an existing EIS for the property to be resubdivided shall be required.

d) No endangered, threatened or listed species protection issues pursuant to the provisions of Div. 3.11 are present within the property which is the subject of the Resubdivision.

e) No additional substitutions from those granted for the principal property's PSP of the Design Standards contained in Sec. 3.2.8.4 for the Required Improvements within the Resubdivision pursuant to the provisions of Sec. 3.2.7.2 are required.

f) No portion(s) of the principal project's water management system are required to be constructed within the property subject to Resubdivision.

Delete stricken language, add underlined language.

LDC pg. 3-22 Section 3.2.7.5 cont'd

g) No greater than fifty (50) single family lots are created by the Resubdivision of the subject property.

Resubdivisions which comply with the provisions of items a) through g) shall be exempt from the requirements, standards and procedures for Preliminary Subdivision Plats (Sec. 3.2.7) but shall comply with all of the other provisions of Div. 3.2 concerning Improvement Plans, Final Subdivision Plats and those Subdivision Review Procedures contained in Sections 3.2.6.3 through 3.2.6.6 inclusive.

Delete stricken language, add underlined language.

LDC pg. 3-23

3.2.8.2.3

A detailed water management plan in accordance with the master water management plan approved in the preliminary subdivision plat showing the complete water management system including, but not limited to, closed drainage areas, design high water, recurring high water, acreage, a complete lot grading plan with final grading elevations, surface runoff flow patterns, and companion drainage easements consistent with the final subdivision plat pursuant to Section 3.2.9 to be utilized by the Applicant, his successors or assigns during the building permitting and site improvement process for all lots consistent with the Collier County Building Code, and the compatibility of drainage of surface waters into adjacent or larger water management systems. The complete calculations used to design the system shall be provided for projects 40 acres or less. For projects greater than 40 acres the Applicant shall initially provide with the submission the SFWMD Construction Permit Submittal. Prior to approval the Applicant shall provide the staff report and early work permit or construction permit.

Delete the stricken language, add the underlined language.

3.2.9.1 General Requirements

3.2.9.1.5

Subdivision performance security, as further described herein, in an amount equal to one hundred and ten percent (110%) of the sum of construction cost for all on-site and off-site required improvements based on the applicant's professional engineer's opinion or contract bid price. Where improvements are to be constructed by a general-purpose government such as a county or municipality, a local school district, or state agency, no subdivision performance security shall be required. Subdivision performance security shall be required of an independent special-purpose government such as a Community Development District (CDD). The subdivision performance security shall be in one of the following forms:

1. Cash Deposit Agreement with the County
2. Irrevocable Standby Letter of Credit
3. Surety Bond
4. Escrow Agreement with the First Mortgagee of the entire final subdivision plat
5. Funds held by the bond trustee for a Community Development District which are designated for subdivision improvements. The CDD shall enter into a Construction and Maintenance Agreement with the County in a form acceptable to the County Attorney. The Construction and Maintenance Agreement shall provide that
 - a) all permits required for the construction of the required subdivision improvements shall be obtained by the CDD prior to recording of the plat,
 - b) the Project as defined in the CDD's bond documents must include the required subdivision improvements and cannot be amended or changed without the consent of the County, and
 - c) the developer shall be required to complete the required improvements should the CDD fail to complete same.

Delete the stricken language, add the underlined language.

LDC pages 3-60, 61

3.3.5.2.2 Final site development plan application
requirements, Sec. 3.3.5.5~~7~~, ~~for the phase~~
~~requesting final site development plan approval.~~

3.3.5.3.2 Final site development plan application
requirements, Sec. 3.3.5.5~~7~~, for the phase
requesting final site development plan approval.

Delete stricken language, add underlined language.

LDC pg. 3-85

3.5.4.5.1

Excavations incidental to Agriculture Surface Water Management and Water Use facilities as included in existing South Florida Water Management District Permits. All excavated materials must remain on lands under same ownership. Any transportation of materials over public roads is subject to appropriate transportation impact fees.

Delete stricken language; add underlined language.

LDC pg. 3-92

3.5.7.2 Side Slopes.

3.5.7.2.3 In the event that property where a Commercial ~~or~~ Exempt Agricultural Excavation was previously excavated is rezoned/developed for uses other than agriculture, the excavation shall be modified to the standards for development excavations in accordance with the requirements of Section 3.5.7.2 proper, or other criteria as may be more stringent.

Delete stricken language; add underlined language.

Section 3.8.9 Exemptions

- 3.8.9.1.1 Bona fide agricultural uses where an Agricultural Clearing Permit or exemption has been issued in accordance with Sec. 3.9.6.5 herein, provided that the subject property will not be converted to a non-agricultural use or considered for any type of rezoning petition for a period of ten (10) years after the agricultural uses commence and provided that the subject property does not fall within an ACSC or ST zoning overlay.
- 3.8.9.1.2 Such agricultural use shall be conducted in a manner which meets all state and local regulations, including the use of herbicides, pesticides, and fertilizer application.
- 3.8.9.1.3 Bona fide agricultural uses shall be the same as those defined in Sec. 2.2.2.2.1, LDC, Permitted Uses, item 2., as may be amended from time to time.

Delete stricken language, add underlined language.

LDC page 3-124

3.9.5.2.1 Protected vegetation is a safety hazard to pedestrian or vehicular traffic, public services, utilities, or to an existing structure, and has been requested to be removed by a public-law enforcement agency or utility.

Delete stricken language; add underlined language.

BOOK 056 PAGE 235

LDC pg. 3-124

3.9.5.2 Criteria for Removal of Protected Vegetation.

3.9.5.2.6 Protected vegetation proposed for removal is non-native. Replacement of non-native vegetation shall be with native vegetation of comparable caliper and area and shall be subject to the approval of the Development Services Director or his/her designee. In the event that comparable caliper or diameter at breast heights (dbh) vegetation is not available, smaller dbh trees that total the requisite caliper may be substituted. Under no circumstances will a tree or shrub less than the minimum size requirement for landscaping be accepted. Replacement native vegetation shall be planted within fourteen (14) calendar days of removal.

Delete the stricken language, add the underlined language.

LDC pg. 3-124

Add a new subsection as follows:

3.9.5.2.7 On a parcel of land zoned Residential Single Family (RSF), Village Residential (VR), Estates (E) or other non-agricultural, non-commercial zoning district in which single family lots have been subdivided for single family use only, a vegetation removal permit may be issued for any permitted accessory use to that zoning.

Delete stricken language; add underlined language.

3.9.6.4.2 Except for lots on undeveloped coastal barrier islands, a vegetation removal permit for clearing one (1) acre or less of land is not required for the removal of protected vegetation, other than a specimen tree on a parcel of land zoned Residential Single Family (RSF), Village Residential (VR), or Estates (E), or other non-agricultural, non-commercial zoning districts in which single family lots have been subdivided for single family use only, where the following conditions have been met:

- 1) A building permit has been issued for the permitted principal structure (the building permit serves as the clearing permit), or
- 2) The permitted principal structure has been constructed, and the property owner or authorized agent is conducting the removal.

Delete stricken language, add underlined language.

3.9.6.5 Agricultural Land Clearing. A permit for clearing agriculturally zoned land for bona fide agricultural use, as defined by this Code, shall be required for all agricultural operations except as exempted by Sec. 3.9.6.5.6 of this Code.

3.9.6.5.1 Application: An application for an Agricultural Clearing Permit shall be submitted in the form established by the Development Services Director. Silviculture operations, as defined by this Code, shall require a management plan 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:

- 1) If an ST or ACSC-ST overlay is attached to the zoning of the property, an ST development permit has been issued by the Development Services Director. The ST or ACSC-ST permit review shall be in accordance with Collier County Land Development Code Division 2.2, Section 2.2.24 and may be simultaneously reviewed with the Agricultural Clearing Permit application.
- 2) The application, including generalized vegetation inventory and clearing plan as outlined in Sections 3.9.4.2.1, 3.9.4.2.2 and 3.9.4.2.3, and the site visit where 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.
- 3) 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.

Delete stricken language, add underlined language.

LDC pg. 3-128 (cont'd)

4) 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.

5) 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.

6) 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 Division 3.11. 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.

57) The property owner, or authorized agent, has filed an executed agreement with the Development Services Director, stating that within two (2) years from the date on which the notice-of commencement- ~~Agricultural Clearing Permit~~ is approved by the Development Services Director, 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 (10) year period required by Sec. 3.9.6.5~~(6)~~(8). 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.

68) The property owner, or authorized agent, has filed an executed agreement with the Development Services Director stating that the owner/agent is aware that the Collier County Board of County Commissioners will not rezone the property described in the notice-of-commencement- ~~Agricultural Clearing Permit~~ for a period of ten

Delete stricken language, add underlined language.

LDC pg. 3-128 (cont'd)

(10) years from the date of approval of the notice of-commencement-(Agricultural Clearing Permit) by the Development Services Director, unless for any such conversions in less than ten (10) year, the converted land shall be restored with native vegetation to the degree required by this code.

3.9.6.5.2

Determination of Completeness. After receipt of an application for an Agricultural Clearing Permit, the Development Services Director or his designee shall determine whether the application submitted is complete. All applicable conditions specified in Section 3.9.6.5.1 must be addressed in order to obtain a Determination of Completeness. If the application is not complete, the Development Services Director 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.

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, for a SFWMD surface water management permit or exemption, or for an ACOE permit or exemption, as applicable, 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.

A Determination of Completeness or a Modified Determination of Completeness shall be made, in writing, within ten (10) business days of receipt of the completed application.

3.9.6.5.3

Criteria for Review of Application. Review of the application for an Agricultural Clearing Permit shall commence upon issuance of the Determination of Completeness or Modified Determination of Completeness and shall be completed within twenty business days from the date of issuance to the applicant of a Determination of Completeness or a Modified Determination of Completeness except where additional data and or information is required to address environmental impacts. Where such

Delete stricken language, add underlined language.

additional data and or information is required, staff shall have ten business days to complete review of the application after receipt of said additional data and or information from the applicant.

The following criteria shall be utilized by staff in reviewing an application for issuance of an Agricultural Clearing Permit:

1. A Determination of Completeness or a Modified Determination of Completeness has been issued to the applicant.
2. An on-site inspection has been made by staff, if indicated.
3. 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.

Additional data and or information required by the County to address environmental impacts shall be submitted by the applicant upon written request by staff. Such request shall be sent by certified mail, return receipt requested. Such additional data and or information shall be submitted to the County by the applicant within the twenty day review period specified in Sec. 3.9.6.5.3 above or the application for an Agricultural Clearing Permit shall be denied unless the applicant has petitioned the County in writing for an extension of time.

3.9.6.5.4

Issuance of Permit. After an application for an Agricultural Clearing Permit has been reviewed in accordance with Sec. 3.9.6.5.3, the Development Services Director or his designee shall grant the permit, grant with conditions or deny the permit, in writing within ten (10) business days of receiving a completed application for an Agricultural Clearing Permit. For purposes of this Section, an application for an Agricultural Clearing Permit shall not be complete until all

Delete stricken language, add underlined language.

applicable conditions specified in Sec. 3.9.6.5.1 are addressed and attached to the application, including applicable permits or exemptions from the SFWMD or ACOE. Where the Agricultural Clearing Permit is denied, the letter shall state the reason(s) for said denial.

3.9.6.5.5

Renewal of Agricultural Clearing Permit. An approved Agricultural Clearing Permit is valid for five (5) years and may be automatically renewed for five (5) year periods providing that a notification in writing is forwarded to the Development Services Director at least thirty (30) but no more than one hundred eighty (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 in accordance with the requirements of Sec. 3.9.6.5.1 of this Code.

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 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.

3.9.6.5.6

Exemptions.

1. 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.

Delete stricken language, add underlined language.

2. Upon issuance of an Agricultural Clearing 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; fireline 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.
3. 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 providing that:
 - a. The Development Services Director is notified in writing within two (2) business days prior to such removal and the County makes no objection within said two (2) 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.
4. 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.

Delete stricken language, add underlined language.

LDC page 3-129

3.9.6.6 Requirement for Removal of Prohibited Exotic Vegetation.

3.9.6.6.4.1 Herbicides utilized in the removal of prohibited exotic vegetation shall have been approved by the U.S. Environmental Protection Agency.

3.9.6.6.4.2 When prohibited exotic vegetation is removed, but the base of the vegetation remains, the base shall be treated with an U.S. Environmental Protection Agency approved herbicide and a visual tracer dye shall be applied.

Delete stricken language; add underlined language.

LDC page 3-129

3.9.6.6.6 In addition to the other requirements of this Division, the applicant shall be required to remove on single family and two-family lots for all new principal dwelling units, all prohibited exotic vegetation before a Certificate of Occupancy is granted. ~~This prohibited exotic vegetation is required to be continually removed for perpetuity~~ The removal of prohibited exotic vegetation shall be required in perpetuity. Upon issuance of a Vegetation Removal Permit, prohibited exotic vegetation may be removed from lots which are zoned Residential Single Family (RSF), Estates (E), Village-Residential (VR), and Mobile Home (MH), prior to issuance of a building permit.

Delete stricken language; add underlined language.

3.9.6.8 Penalty.

- 1) The failure of a property owner or any other person to obtain an approved agricultural clearing permit as required in Sec. 3.9.6.4.3 shall constitute a misdemeanor and each acre-of ~~land from which protected vegetation is removed~~ 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 sixty (60) days, or by both such fine and imprisonment. ~~In imposing sentencing the Court may, in mitigation, consider the successful replacement of vegetation illegally removed and the degree of restoration of the water retention and drainage characteristics of the land to its original state.~~

- 2) The failure of a property owner or any other person to put the subject premises into a bona fide agricultural use as required in Sec. 3.9.6.5(5) shall constitute a misdemeanor for each acre-of-land-for which the agricultural clearing permit was approved by the Development Services Director and each acre-of-land 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 acre~~ per violation or by imprisonment in the County jail not to exceed sixty (60) days, or by both such fine and imprisonment. ~~In imposing sentencing the Court may, in mitigation, consider the successful replacement of vegetative communities illegally removed and the degree of restoration of the water retention and drainage characteristics of the land to its original state.~~ 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.

Delete stricken language; add underlined language.

- 3) Any person violating any provisions of this Code or the conditions of a permit issued hereunder, and not specifically covered in subsection (1) and subsection (2) of 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/-acre per violation or by imprisonment in the County jail not to exceed sixty (60) days, or by both such fine and imprisonment. ~~In imposing sentencing the Court may, in mitigation, consider the successful replacement of vegetative communities illegally removed and the degree of restoration of the water retention and drainage characteristics of the land to its original state. Each protected living, woody plant removed shall be a separate offense.~~ 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.

Delete stricken language; add underlined language.

4) Restoration Standards.

If an alleged violation of this Code has occurred and upon agreement between the Development Services Director 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:

- 1) 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.
- 2) Each replacement tree shall be Florida Grade #1 as graded by the Florida Department of Agriculture and Consumer Service.
- 3) All replacement trees shall be nursery grown, containerized and at a minimum be 7-8 feet in height, have a minimum caliper of 1-1 1/2 inches at twelve inches (12") above natural grade.
- 4) Replacement trees shall have a guarantee of eighty percent (80%) survivability for a period of no less than three (3) years. A maintenance provision of no less than three (3) 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).

Delete stricken language; add underlined language.

- 5) It shall be at the discretion of the Development Services Director 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 Forms Classifications System (FLUCCS) Code. Shrubs, groundcover, 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 Development Services Director.
- 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.

Delete stricken language; add underlined language.

- F) The Development Services Director 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 Development Services Director.
- 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).

Delete stricken language; add underlined language.

LDC page 3-134

3.11.3 NEW AND EXISTING DEVELOPMENT. For new and existing development and construction pursuant to Division 3.2 and 3.3 and the building code of Collier County, until permanent guidelines and standards are adopted by Collier County, the following shall apply as interim guidelines or standards for the protection of endangered, threatened or species of special concern or status as prescribed by Policy-7-3-3 Goal 7 and associated objectives and policies, as amended, of the Conservation and Coastal Management Element of the Collier County Growth Management Plan:

3.11.3.4 All such protection plans shall be subject to review and approval by the Project Review Services Section Department of the Development Services Department Division. The County may consider and utilize recommendations and letters of Technical Assistance of the Florida Game and Freshwater Fish Commission, and recommendations and guidelines of the USFWS, in issuing development orders on property containing wildlife species of special status.

Delete stricken language; add underlined language.

LDC pg. 3-135

Sec. 3.12.3 NEW AND EXISTING DEVELOPMENT. New and existing development shall be in compliance with the goals, objectives, and policies of the Conservation and Coastal Management Element of the Collier County Growth Management Plan until the formal adoption by Collier County of the land development regulations, ordinances, policies and programs which implement the Coastal Zone Management Plan-1991, as adopted by the Board of County Commissioners and as prescribed by Policies 1.3.2, 2.5.1, 2.5.3, 6.1.2, 11.6.1, 11.6.2, 11.6.3, 11.6.4 of the Conservation and Coastal Management Element of the Collier County Growth Management Plan.

Delete stricken language; add underlined language.

Sec. 3.13.7 Exemptions:

3.13.7.3 Any structure(s) such as beach umbrellas and beach furniture, chairs, tents, that shall be removed daily from the beach and that do not constitute fixed structure(s), that may or may not do not require a building permit, weigh less than one hundred (100) pounds and that upon review by the Director and/or his/her designee is/are determined not to present an actual or potential threat to the beach and to the dune system and adjacent properties. This exemption shall not be effective during Sea Turtle Nesting Season (May 1- October 31) unless the structures are removed daily from the beach.

3.13.7.4 EXEMPTION PROCEDURE

Exemptions to Section 3.13.4 shall be evidenced by an Exemption Certificate obtained from the Development Services Director. An Exemption Certificate application shall be filed with the Development Services Director stating the reason(s) that an Exemption should be granted. An Exemption Certificate shall be issued by the Development Services Director approving, approving with conditions or be denied. Prior to the Development Services Director rendering a decision, the Notice of the Exemption Certificate application shall be advertised in a local newspaper once per week for two consecutive weeks. In the event that any person is aggrieved by the Notification or by the Development Services Director's decision, a written request for appeal not later than ten (10) days after said Notice or decision is rendered may be made to have the exemption request reviewed by the Environmental Advisory Board (EAB) or its successor organization. The EAB shall render a final decision to affirm, overrule or modify the decision of the Development Services Director.

Delete stricken language, add underlined language.

LDC pg. 3-151

3.15.4.3.4 Procedure for Review of Application

1. Submission of Application and Fee
An application for a Certificate of Public Facility Adequacy shall be submitted to the Growth Management Director. An application shall be submitted at the filing of the earliest or next to occur of final subdivision plat, final site development plan, or building permit. An application fee in an amount to be determined by the Board of County Commissioners shall accompany and be part of the application. ~~except that no application fee shall be required for an Application of Public Facility Adequacy submitted in conjunction with an application for a final subdivision plat, a final site development plan, or a building permit.~~

Delete stricken language; add underlined language.

LDC page 4-6

Adding page 4-6 and Div.4.6 providing reference for the Emergency Medical Service System Impact Fee.

DIV.4.6 EMERGENCY MEDICAL SERVICE SYSTEM IMPACT FEE.

Provision for "emergency medical service system impact fee" in Collier County are contained in Collier County Ordinance 92- , as may be amended from time to time, and should be referenced therein.

Delete stricken language; add underlined language.

LDC page 4-7

Adding page 4-7 and Div.4.7 providing reference for Educational Facilities System Impact Fee.

DIV.4.7

EDUCATIONAL FACILITIES SYSTEM IMPACT FEE.

Provision for the "educational facilities system impact fee" in Collier County are contained in Collier County Ordinance 92-_____, as may be amended from time to time, and should be referenced therein.

Delete stricken language; add underlined language.

LDC pg. 5-5

SEC. 5.2.8 LOCATION OF MEETINGS.

In order to provide convenience and promote public participation, ~~at least one (1) of every four (4)~~ meetings of the Planning Commission shall be held in the Immokalee area when matters pending before the Planning Commission are of sufficient concern to the Immokalee area to warrant such a meeting. The Planning Commission shall, by majority vote, make such determination at at one of its regularly scheduled meetings well enough in advance to allow sufficient time to advertise such Immokalee meeting. ~~but only when matters pending before the Planning Commission concern or address Immokalee area planning and considerations.~~ All other meetings shall be held at the Collier County Government Center, Naples, Florida, unless otherwise specified by the Planning Commission or Board of County Commissioners.

Delete stricken language, add underlined language.

LDC pg. 5-5

5.2.11 APPEALS

As to any land development petition or application upon which the Planning Commission takes final action, an aggrieved petitioner or applicant may appeal such final action to the Board of County Commissioners. The Board of County Commissioners may affirm, affirm with conditions, reverse or reverse with conditions the action of the Planning Commission. Such appeal shall be filed with the Development Services Director within thirty (30) days of the date of the final action by the Planning Commission and shall be noticed for hearing with the Board of County Commissioners, as applicable, in the same manner as the petition or application was noticed for hearing with the Planning Commission. The cost of notice shall be borne by the petitioner or applicant.

Delete stricken language, add underlined language.

LDC pg. 5-6

SEC. 5.3.2 POWERS AND DUTIES.

5.3.2.1 To hear, review and approve, approve with conditions, or deny zoning variances, conditional uses, non-conforming use amendments, flood variances and off-street parking and shared parking agreements ~~to~~ in accordance with the terms of these regulations.

Delete stricken language; add underlined language.

LDC page 5-6

5.3.2.2 To hear, review and approve with conditions, or deny appeals from administrative decisions or interpretations of the Growth Management Plan, the Future Land Use Map, the Land Development Code, or the Official Zoning Atlas by the Development Services Director or the Growth Planning Director or their designees.

Delete stricken language, add underlined language.

LDC pages 5-13 thru 5-15

Delete provisions for Code Enforcement Board and Reserve Div.
5.5.

DIV. 5.5 RESERVED CODE-ENFORCEMENT-BOARD

5.5.1 ESTABLISHMENT-AND-PURPOSE

~~There is hereby established a Collier County Code Enforcement Board in accordance with the provisions of Section 162.01 et seq., Florida Statutes (1986).~~

5.5.2 POWERS-AND-DUTIES

~~The Code Enforcement Board shall have the following powers and duties:~~

- ~~5.5.2.1 -- To hold hearings and to make findings of fact and conclusions of law as are necessary to enforce the provisions of the Growth Management Plan, Land Development Code, the occupational license, fire, building, electrical plumbing, animal control, and all other technical codes of Collier County except traffic violations.~~
- ~~5.5.2.2 To adopt rules of procedure for the conduct of hearings.~~
- ~~5.5.2.3 To issue subpoenas compelling the presence of persons at Code Enforcement Board hearings. Subpoenas may be served by the Collier County Sheriff's Department.~~
- ~~5.5.2.4 To issue subpoenas compelling the provision of evidence at Code Enforcement Board hearings.~~
- ~~5.5.2.5 To take testimony under oath.~~
- ~~5.5.2.6 To issue orders having the force of law commanding whatever steps are necessary to achieve compliance with the County's technical codes.~~
- ~~5.5.2.7 To levy fines not to exceed two hundred and fifty dollars (\$250.00) for each day a violation continues past a date set for compliance in a Board order.~~

5.5.3 BOARD-MEMBERSHIP

Delete stricken language; add underlined language.

- 5r5r3r1 Qualifications--Members-of-the-Code-Enforcement Board-shall-be-qualified-electors-in-Collier County--In-the-event-that-any-member-is-no-longer a-qualified-elector-or-is-convicted-of-a-felony-or an-offense-involving-moral-turpitude-while-in office--the-Board-of-County-Commissioners-shall terminate-the-appointment-of-such-persons-as-a member-of-the-Code-Enforcement-Board--The membership-of-the-Code-Enforcement-Board-shall--to the-maximum-extent-possible--include-an-architect, a-businessman--an-engineer--a-general-contractor--a subcontractor--and-a-realtor.
- 5r5r3r2 Appointment--The-Code-Enforcement-Board-shall-be composed-of-seven-(7)-members--Members-of-the-Code Enforcement-Board-shall-be-appointed-by-the-Board of-County-Commissioners.
- 5r5r3r3 Terms--All-members-shall-serve-a-term-of-three-(3) years--All-members-serving-on-the-Code-Enforcement Board-on-the-effective-date-of-the-Band-Development Regulations-shall-complete-their-terms-according-to their-prior-appointments.
- 5r5r3r4 Compensation--Members-shall-serve-without compensation-but-may-be-reimbursed-for-such-travel, mileage-and-per-diem-expenses-as-may-be-authorized by-the-Board-of-County-Commissioners.
- 5r5r3r5 Removal--Any-member-who-fails-to-attend-two-(2)-of three-(3)-successive-meetings-without-cause-and without-prior-approval-of-the-Chairman-shall automatically-forfeit-his-appointment--and-the Board-of-County-Commissioners-shall-promptly-fill such-vacancy.
- 886r-5r5r4 OFFICERS
- 5r5r4r1 At-an-annual-organizational-meeting--the-members-of the-Code-Enforcement-Board-shall-elect-one-(1)-of their-members-as-Chairman-and-one-(1)-as Vice-Chairman--In-the-absence-of-the-Chairman--the Vice-Chairman-shall-act-as-Chairman-and-shall-have all-powers-of-the-Chairman--The-Chairman-shall serve-a-term-of-one-(1)-year--No-member-shall serve-as-Chairman-for-more-than-two-(2)-consecutive terms.
- 5r5r4r2 The-Chairman-shall-administer-oaths--shall-be-in charge-of-all-proceedings-before-the-Code Enforcement-Board--and-shall-take-such-action-as shall-be-necessary-to-preserve-order-and-the integrity-of-all-proceedings-before-the-Code Enforcement-Board.

Delete stricken language; add underlined language.

5r5r4r9

Secretary---The-Code-Enforcement-Board-shall appoint-a-Secretary---The-Secretary-shall-keep minutes-of-all-proceedings-of-the-Code-Enforcement Board,--which-minutes-shall-be-a-summary-of-all proceedings-before-the-Board,--attested-to-by-the Secretary,--and-which-shall-include-the-vote-of-each member-upon-every-question,--The-minutes-shall-be approved-by-a-majority-of-the-members-of-the-Board voting,--In-addition,--the-Secretary-shall-maintain all-records-of-the-Board,--meetings,--hearings-and proceedings,--the-correspondence-of-the-Board,--and-a mailing-list-of-persons-wishing-to-receive-notices of-meetings,--agendas-or-minutes-and-who-have-paid an-annual-fee-set-by-the-Board-of-County Commissioners-to-cover-copying-and-mailing-costs.

888r-5r5r5

STAFF---

The-Community-Development-Services-Division-shall be-the-professional-staff-of-the-Code-Enforcement Board.

888r-5r5r6

QUORUM-AND-NECESSARY-VOTE

No-meeting-of-the-Code-Enforcement-Board-shall-be called-to-order,--nor-may-any-business-be-transacted by-the-Code-Enforcement-Board,--without-a-quorum consisting-of-at-least-four-(4)-members-of-the Board-being-present,--At-least-four-(4)-members-of the-Code-Enforcement-Board-must-vote-in-order-for an-action-to-be-official.

888r-5r5r7

MEETINGS

5r5r7r1

Regular-meetings-of-the-Code-Enforcement-Board shall-be-held-no-less-frequently-than-once-every two-(2)-months,--Special-meetings-may-be-called-by the-Chairman-of-the-Code-Enforcement-Board,--or-in writing-by-four-(4)-members-of-the-Board.

5r5r7r2

The-location-of-meetings-shall-be-at-the-County offices-at-Naples.

5r5r7r3

Hearings-of-the-Code-Enforcement-Board-may-be called-by-the-Chairman-at-the-request-of-the-Code Compliance-Supervisor,--or-by-written-notice-signed by-at-least-three-(3)-members-of-the-Code Enforcement-Board.

888r-5r5r8

OPERATING-PROCEDURES

5r5r8r1

All-cases-brought-before-the-Code-Compliance Supervisor,--the-Licensing-and-Enforcement

Delete stricken language; add underlined language.

~~Supervisor, or the Building Official,~~

5-5-8-2

~~All meetings and hearings of the Code Enforcement Board shall be open to the public.~~

5-5-8-3

~~Public hearings shall be set for a time certain---~~

Delete stricken language; add underlined language.

LDC pages 5-16 thru 5-21

Delete Provisions for Building Contractors' Licensing Board and reserve Div. 5.6.

DIV. 5.6 RESERVED BUILDING CONTRACTORS' LICENSING BOARD

§§ 5-6-1 CREATION AND APPOINTMENT

~~There is hereby established a Building Contractors' Licensing Board.~~

§§ 5-6-2 POWERS AND DUTIES

~~The Building Contractors' Licensing Board shall have the following powers and duties:~~

~~5-6-2-1 Upon reference by the Contractor Licensing Supervisor, determine the qualifications of applicants for the various categories of Contractors' Certificates of Competency as measured by standards stated in this division.~~

~~5-6-2-2 Hold hearings to determine if a Certificate of Competency of any contractor, master or journeyman should be disciplined under this division.~~

~~5-6-2-3 Direct a complaint to be filed for prosecution of a contractor or other person for the violation of this division.~~

§§ 5-6-3 BOARD MEMBERSHIP

~~5-6-3-1 Qualifications The Contractors' Licensing Board shall be composed of nine (9) members who shall be appointed by the Board of County Commissioners. The Board of County Commissioners may also appoint alternate members as it deems appropriate. The nine (9) members of the Contractors' Licensing Board shall consist of a licensed architect, a licensed general contractor, a licensed engineer, a licensed electrical contractor, a licensed plumbing contractor, a licensed mechanical contractor, a licensed roofing contractor, a licensed residential or building contractor, and a licensed representative from one of the other trades or professions requiring a competency as provided in this division. This section is merely directory, and failure to have a member of each of these trades shall not be grounds for voiding any action of the board.~~

Delete stricken language; add underlined language.

5r6r3r2-----~~Terms of Office~~--Terms of office for each member of the Contractors¹-Licensing Board shall be two (2) years;--Each member shall hold office under his successor has been appointed and has assumed his duties on the Board.

5r6r3r3-----~~Removal~~--A member of the Contractors¹-Licensing Board may be removed from office for any cause by a majority vote of the Board of County Commissioners.

5r6r3r4-----~~Vacancy~~--Any vacancy occurring during the unexpired term of office of any member of the Contractors¹-Licensing Board shall be filled by the Board of County Commissioners.

5r6r3r5-----~~Officers~~--The Contractors¹-Licensing Board shall elect a chairman and vice chairman from its membership.

5r6r3r6-----~~Secretary and staff~~--The Contractor Licensing Supervisor shall act as secretary to the Contractors¹-Licensing Board, and the Community Development Services Division shall be the professional staff of the Contractors¹-Licensing Board.

~~BBE-5r6r4-----QUORUM, NECESSARY VOTE AND MEETINGS~~--

-----The Contractors¹-Licensing Board shall hold not less than four (4) quarterly meetings;--Regular meetings shall be called by the chairman of the board, and in his absence by the vice chairman, or in his absence the board shall elect a temporary chairman;--Five (5) members shall constitute a quorum for any meeting; and a majority vote of those present shall be required to make any decision.

~~BBE-5r6r5-----ISSUANCE OF COMPETENCY CARD~~--

-----When the Contractors¹-Licensing Board shall have determined that an applicant is qualified for a particular type of Certificate of Competency, the Competency Card shall be issued by the Contractor Licensing Supervisor.

~~BBE-5r6r6-----APPEAL OF A DECISION OF THE CONTRACTORS¹-LICENSING BOARD~~--

5r6r6r1-----Any person aggrieved by an adverse decision of the Contractors¹-Licensing Board may appeal such decision to the Board of County Commissioners in writing, with attached verbatim record, supportive

Delete stricken language; add underlined language.

~~data, and a fee of twenty-five dollars (\$25.00) to defray the administrative cost of the appeal within fifteen (15) days after such aggrieved decision is rendered and reduced to writing by the Contractors' Licensing Board.~~

~~5.6.6.2-----The Board of County Commissioners shall determine a date when such appeal shall be considered and notify the Contractors' Licensing Board, the appellant and the affected building contractor by return receipt requested mail.~~

~~5.6.6.3-----The hearing by the Board of County Commissioners shall be based solely upon the record made before the Contractors' Licensing Board.~~

~~5.6.6.4-----The failure of a licensed contractor or complainant to appeal a decision of the Contractors' Licensing Board within fifteen (15) days after such decision is rendered shall make such decision final.~~

~~BEG. 5.6.7-----MISCONDUCT BY A CONTRACTOR~~

~~-----The following actions by a licensed contractor shall constitute misconduct:~~

~~5.6.7.1-----Combining or conspiring with an unapproved contractor by allowing one's certificate of competency to be used by an unlicensed contractor to evade the provisions of this division. When a licensed contractor acts as the qualifying agent for any firm without first making application under this division to present said firm, such act shall constitute prima facie evidence of a violation of the provisions of this division.~~

~~5.6.7.2-----Contract to do any work outside of the scope of his competency as listed on his competency card and as defined in this article or as restricted by the Contractors' Licensing Board.~~

~~5.6.7.3-----Abandon without legal excuse a construction project or operation in which he is engaged or under contract as a contractor.~~

~~5.6.7.4-----Divert funds or property received for the execution of a specific contract project or operation or divert funds earmarked for a specific purpose to any other use whatsoever.~~

~~5.6.7.5-----Depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative.~~

Delete stricken language; add underlined language.

- 5r6r7r6-----Disregard-or-violate,-in-the-performance-of-his contracting-business,-any-of-the-building,-safety,- health,-insurance-or-workmen's-compensation-laws-of the-State-of-Florida-or-ordinances-of-this-County.
- 5r6r7r7-----Falsify-or-misrepresent-any-material-fact-in-his application-and-supporting-papers-for-the-purpose of-obtaining-a-certificate-of-competency-under-this division.
- 5r6r7r8-----Fail-to-fulfill-his-contractual-obligation-through inability-to-pay-all-creditors-for-material furnished-or-work-or-services-performed-in-the operation-of-his-business-for-which-he-is-licensed hereunder.
- 5r6r7r9-----Aid-or-abet-an-unlicensed-person-to-evade-the provisions-of-this-division-or-allow-his-license-to be-used-by-an-unlicensed-person,-or-to-act-as-an agent,-partner-or-associate-of-an-unlicensed-person with-the-intent-to-evade-the-provisions-of-this division.
- 5r6r7r10-----Do-any-fraudulent-act-as-a-contractor-by-which another-is-substantially-injured.
- 5r6r7r11-----Fail-to-make-good-faulty-workmanship-obviously performed-or-faulty-materials-obviously-installed in-evasion-of-performance-of-the-contract-or specifications-agreed-upon-under-the-terms-of-the contract.
- 5r6r7r12-----Failure-to-maintain-at-all-times,-with-an-insurance company-authorized-to-do-business-in-the-State-of Florida,-the-limits-of-liability-insurance-required by-any-other-applicable-law-or-authority-having jurisdiction,-but-not-less-than-one-hundred thousand-dollars-(\$100,000.00)-per-person,-one hundred-thousand-dollars-(\$100,000.00)-per occurrence,-and-twenty-five-thousand-dollars (\$25,000.00)-property-damage.
- 5r6r7r13-----Failure-to-file-certificates,-signed-by-the qualified-agent-of-the-insurer,-with-the-secretary of-the-Contractors'-licensing-Board-showing-the type-of-policy-issued,-the-policy-number,-the-name of-the-insurer,-the-effective-date-of-the-policy,- an-agreement-by-the-insurer-to-give-thirty-(30) days'-written-notice-by-mail-to-the-secretary-of the-Contractors'-licensing-Board-of-the-intent-to cancel-the-policy,-Upon-verification-of cancellation-of-insurance,-the-secretary-of-the Contractors'-licensing-Board-shall-suspend-the

Delete stricken language; add underlined language.

certificate-of-competency-and-report-the-matter-to
the-Contractors'-Licensing-Board

- 5+6+7+14-----Failure-to-accept-certified-mail-directed-to-the
contractor-by-the-Contractors'-Licensing-Board
- 5+6+7+15-----Failure-to-maintain-a-current-mailing-address
- 5+6+7+16-----Failure-to-appear-in-person-or-through-a-duly
authorized-representative-at-any-scheduled-hearing
on-a-complaint-filed-against-the-contractor
- 5+6+7+17-----Conviction-of-a-felony-relating-to-contracting
- 5+6+7+18-----Incompetence-or-negligence-in-conducting-work-which
is-in-violation-of-existing-codes
- 5+6+7+19-----Taking-a-qualifying-exam-for-another
- 5+6+7+20-----Engaging-in-business-during-a-period-of-suspension

~~888~~-5+6+8-----DISCIPLINARY PROCEEDINGS

5+6+8+1-----Upon-its-own-motion, the-Contractors'-Licensing
Board-may-initiate-disciplinary-proceedings-against
a-licensed-contractor.

5+6+8+2-----Any-person-who-believes-that-a-contractor-holding-a
certificate-of-competency-has-violated-Sec-5+6+7
of-this-article-may-file-a-sworn-complaint-with-the
secretary-to-the-Contractors'-Licensing-Board-on-a
form-provided-by-the-secretary-with-a-fee-of-fifty
dollars-(\$50.00)-to-defray-the-administration-costs
of-the-complaint.--The-complaining-party-shall
state-with-particularity-which-portion-of-this
article-has-been-violated-by-the-contractor.--The
complaint-form-shall-be-substantially-as-issued-by
the-Contractor-Licensing-Supervisor.--Upon-receipt
of-a-charge-of-misconduct-by-the-Contractors'-
Licensing-Board-or-a-private-party, the-building
director-or-his-designee-shall-send, by-certified
mail, return-receipt-requested, a-letter-to-the
licensed-contractor-at-his-last-known-address, as
shown-by-the-records-of-the-Contractors'-Licensing
Board, indicating:

5+6+8+2+1-----The-name-of-complainant

5+6+8+2+2-----The-time-of-commission-of-the-alleged-offense

5+6+8+2+3-----The-section-of-this-article-alleged-to-be-violated

Delete stricken language; add underlined language.

- 5r6r8r2r4-----~~The date, time and place at which the qualified contractor is to appear before the Contractors' Licensing Board for disposition of the complaint. The date scheduled shall be not sooner than twenty (20) days from the mailing date of the certified letter.~~
- 5r6r8r3-----~~An administrative hearing shall be held concerning the complaint and it shall be open to the public. The hearing itself shall be governed by the following rules:~~
- 5r6r8r3r1-----~~The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.~~
- 5r6r8r3r1r1-----~~Any party may have a court reporter present at the hearing at his own expense.~~
- 5r6r8r3r1r2-----~~Neither Collier County nor the Contractors' Licensing Board shall be responsible for any failure of recording equipment during the conduct of the hearing.~~
- 5r6r8r3r2-----~~The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any evidence shall be admitted if the board finds it to be competent and reliable, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.~~
- 5r6r8r3r3-----~~Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses or any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called him to testify, and to rebut any evidence against him.~~
- 5r6r8r4-----~~The Contractors' Licensing Board shall render a decision upon the complaint within five (5) working days after the close of the hearing. At the time of decision, the Contractors' Licensing Board shall~~

Delete stricken language; add underlined language.

state-its-findings-of-fact, conclusions-of-law, and the specific disposition of the complaint. The findings, conclusions and disposition shall be in substantially the following form:

-----Name of Complainant:-----
-----Name of Contractor:-----
-----Date of Hearing:-----
-----Sections of Ordinance-----alleged to be violated.
-----Findings of Fact.
-----Contractor has violated the following sections of Ordinance-----
-----The Contractor has not violated the following sections of Ordinance-----
-----Disposition.
-----1. Suspension-----
-----2. Revocation-----
-----Duration-----
-----ANY PARTY MAY APPEAL THIS DECISION WITHIN 15 DAYS AT ITS RENDITION.
-----and the secretary to the Board shall, within five (5) working days after the disposition of the complaint, issue a copy of the findings to the licensed contractor and to the complainant by certified mail.
576785-----When disposing of a complaint, the Contractors' Licensing Board may revoke a contractor's certificate of competency, suspend a contractor's certificate of competency, impose any lesser penalty, or make a finding that there is no cause of punitive action. The Board is entitled to take no other disciplinary action.
576786-----Any disciplinary action taken by the Contractors' Licensing Board shall operate from the day the decision is rendered. The decision shall be considered rendered after a majority vote by the Contractors' Licensing Board in favor of such action, and after such decision is reduced to writing.

Delete stricken language; add underlined language.

~~880-569-----PENALTIES FOR VIOLATION~~

~~5691-----Any person or firm who violates this division or fails to comply with any of its requirements shall be punished as provided by law. Each day such violation continues shall be considered a separate offense.~~

~~5692-----The Board of County Commissioners may take any lawful action, including, but not limited to, resort to equitable action as is necessary to prevent or to remedy any violation of this division.~~

Delete stricken language; add underlined language.

LDC pg. 6-1

SEC. 6.1.1

GENERALLY. In construction and interpretation of the language of these regulations, the rules established in this division shall be observed unless such construction would be inconsistent with the manifest intent of the Board of County Commissioners as expressed in the Collier County Growth Management Plan, or an element or portion thereof, adopted pursuant to Chapters 163 and 186, Florida Statutes (1986) and Rules 9J-5 and 9J-24, F.A.C. The rules of construction and definitions established herein shall not be applied to any express provisions excluding such construction, or where the subject matter or context of such section is repugnant thereto. These rules of construction apply to this Land Development Code and to any laws, codes and rules adopted by reference that do not have specific rules of construction. If any law, code or rule, now or hereafter, adopted herein by reference has specific rules of construction, those rules of construction shall supercede the rules of construction contained in this Division to the extent of any inconsistency or conflict with this Division.

Delete stricken language, add underlined language.

LDC pg. 6-4

DIV. 6.3 DEFINITIONS.

Abutting Property or Adjacent Property: Properties having a boundary line or a portion of a boundary line in common with no intervening public street, easement (excluding utilities) or right-of-way. [See DIV. 3.2] For purposes of the Planned Unit Development District only, the terms "contiguous", "abutting property" or "adjacent property" shall include properties separated by either an intervening planned or developed public street right-of-way; provided, however, no portion of such separated properties shall be less than five (5) acres as set forth in Sec. 2.2.20.2.4.

Delete stricken language; add underlined language.

LDC page 6-5

Amend, Div. 6.3, Definitions, by adding:

Adult Day Care Center: Any building or buildings or other place, whether operated for profit or not, which undertakes through its ownership or management to provide for a part of the twenty-four (24) hour day, basic services to three (3) or more adults not related to the owner/operator by blood or marriage, who require such services.

Delete stricken language, add underlined language.

LDC pg. 6-6

Agricultural Products: For the purposes of this code, agricultural products are those products primarily resulting from permitted agricultural activities in Section 2.2.2 of this Code. Such agricultural products require little or no processing after the production or harvest stage in order to ready the product for sale, including but not limited to produce, fruits, trees, shrubs, ornamental plants, honey, and nuts.

Delete the stricken language, add the underlined language.

LDC page 6-4

Canopy (Vegetation): All woody plants with a trunk four inches (4") or greater in diameter at breast height (4.5 feet above natural grade) and is usually the top stratum.

Environmental Impact Statement: A document required as per Div. 3.8.

Ground Story: All vegetation not defined as canopy or midstory.

Habitat: A place where an animal or plant normally lives, often characterized by a dominant plant form or physical characteristic.

Jurisdictional Wetlands: See Wetlands.

Listed or Protected Species: Any plant or animal species that is currently listed as Endangered, Threatened or Species of Special Concern on a State of Florida or Federal government protected species list.

Midstory (Vegetation): All woody plants with a trunk or stem dbh between one inch (1") and four inches (4") and a height greater than three feet (3') and is usually a subcanopy.

Natural Resources: Collier County's various biological, physical, geological and hydrological components of the environment.

Native Vegetation: Native Southern Floridian species as determined by accepted valid scientific references. [SEE SEC. 2.4.4]

Special Treatment Zoning: Overlay district providing for special regulations for areas of environmental sensitivity, and lands and structures of historical and/or archaeological significance.

Vegetation Map: Map indicating upland, wetland and estuarine vegetation, including exotic vegetation prohibited by Div. 3.9, mapped using Florida Land Use and Cover Classification System (FLUCCS) terminology.

Wetlands: A natural resource defined per Collier County Growth Management - Conservation and Coastal Management Element Policy 6.2.9.

Delete the stricken language, add the underlined language.

STAFF SIDE SHEET
10/14/92

LDC pg. 6-10

DIV. 6.3

Modify Definitions as follows:

Care Unit: A residential treatment facility, other than a nursing home, where, for compensation, (if applicable), persons under care receive food, lodging and some form of on-site therapeutic care on a daily basis. This type of care may involve psychiatric, psychological, medical, physiological therapies, behavior modification and other such services. This type of facility shall contain fifteen (15) or more residents, persons under care, plus resident supervisors as required by Subsection 10A-5.019, Florida Administrative Code, and shall permit all of the list of uses as permitted by Group Care Facilities (Category I and Category II (i.e., adult congregate living facilities, foster care facilities, facilities for: aged persons, the developmentally disabled persons (as defined in Section 393.063(11), Florida Statutes, as amended), physically disabled or handicapped persons (as defined in Section 760.22(7)(a), Florida Statutes, as amended); crisis and attention care; displaced adult care; homeless shelters; mental and emotional health care; offender halfway houses; spouse abuse care; substance abuse care; and youth shelters]). [SEE SEC. 2.6.26.]

Words Underlined are Added; Words Struck-Through are Deleted.

LDC 6-12

Cluster Development: A design technique allowed within one and two family residential districts by conditional use. This form of development employs more compact arrangement of dwelling units by allowing for reductions in the standard lot requirements of the applicable zoning district, with the difference between the reduced lot size and the standard lot requirements being placed in common open space. [SEE SEC. 2.6.27]

Delete stricken language; add underlined language.

Div. 6.3

Construction Activity: Any assembly, erection, substantial repair, alteration, or similar action, for or on any public or private right of way, structures, utilities or similar property.

Site Preparation: Any clearing and grading, excavation and vegetation removal activity for which a permit is required.

Delete stricken language; add underlined language.

LDC page 6-16

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

Delete stricken language; add underlined language.

Div. 6.3

Dwelling, Multiple-Family: A group of three or more dwelling units within a single conventional building, attached side by side, or one above another, or both, and wherein each dwelling unit may be individually owned or leased, but the land on which the building is located initially on land which is under common or single ownership.

For purposes of determining whether a lot is in multiple-family dwelling use, the following considerations shall apply:

- a. Multiple-family dwelling uses may involve dwelling units intended to be rented and maintained under central ownership and management, or cooperative apartments, condominiums, and the like, and may include the fee ownership of land beneath each dwelling unit following development from a common base of ownership.
- b. ~~Where an undivided lot contains more than one building and the buildings are not so located that lots and yards conforming to requirements for single or multiple family dwellings in the district could be provided, the lot shall be considered to be in multiple family dwelling use if there are three (3) or more dwelling units on the lot, even though the individual buildings may each contain less than three (3) dwelling units.~~
- c. ~~b.~~ Guest houses and servants' quarters shall not be considered as dwelling units in the computation of Subsection a b above.
- d. ~~c.~~ any multiple-family dwelling in which dwelling units are available for rental for periods of less than one week shall be considered a tourist home, a motel, motor hotel, or hotel, as the case may be, and shall only be permitted in districts where specifically designated.
- e. ~~d.~~ For the purpose of this Land Development Code, Time Share Estate Facilities shall be considered as intended primarily for transient occupancy and shall only be permitted in districts where specifically designated.

Delete stricken language; add underlined language.

DIV. 6.3

Revise Definition for Dwelling Unit:

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for no more than one (1) family, ~~for-owner-occupancy, or-for-rental-or-lease on-a-weekly, monthly, or longer-basis,~~ and physically separated from any other rooms or dwelling units which may be in the same structure. A dwelling unit must contain sleeping and sanitary facilities and ~~only one- (1)~~ a primary kitchen.

Add new definition:

Primary Kitchen: A food preparation area which contains a kitchen sink and a range or oven, freestanding or built-in.

Delete stricken language; add underlined language.

STAFF SIDE SHEET
10/14/92

LDC pg. 6-20

DIV. 6.3

Modify Definitions as follows:

~~Family--Care--Facility:---A--residential--facility--designed--to--be occupied--by--not--more--than--six--(6)--residents,--plus--supervisors,--and constitutes--a--single--dwelling--unit--(i.e.,--adult--congregate--living facilities,--foster--care--facilities,--and--the--developmentally disabled,--but--not--uses--listed--under--Group---Care--Facility (Category)---This--use--shall--be--applicable--to--single--family dwelling--units--and--mobile--homes,---[SEE--SEE--2.6.26]~~

Family Care Facility: A residential facility designed to be occupied by not more than six (6) persons under care, plus supervisors as required by Subsection 10A-5.019, Florida Administrative Code, and constituting a single dwelling unit (i.e., adult congregate living facility for: aged persons (as defined in Section 400.618(3), Florida Statutes, as amended); developmentally disabled persons (as defined in Subsection 393.063(11), Florida Statutes, as amended); physically disabled or handicapped persons (as defined in Subsection 760.22(7)(a), Florida Statutes, as amended); mentally ill persons (as defined in Subsection 394.455(3), Florida Statutes, as amended); and persons recovering from alcohol and/or drug abuse. Foster care facilities are also included, but not the uses listed under Group Care Facility (Category II). This use shall be applicable to single-family dwelling units and mobile homes. [SEE SEC. 2.6.26].

Family Care Facilities in residential single family districts shall not be made available to an individual: 1) whose tenancy would constitute a direct threat to the health or safety of other individuals; 2) whose tenancy would result in substantial physical damage to the property of others; or 3) who is engaged in the current, illegal use of or addiction to a controlled substance, as defined in Section 802 of Title 21, U.S. Code.

Words Underlined are Added; Words ~~Struck-Through~~ are Deleted.

LDC page 6-21

Amendment to Division 6.3, Definitions, adding the following:

Final Site Development Plan: A set of detailed, engineered plans, together with specific information that illustrates and describes how the proposed project will be implemented.

Delete stricken language; add underlined language.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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STAFF SIDE SHEET
10/14/92



LDC pg. 6-23

DIV. 6.3

Modify Definitions as follows:

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

- a. **Category I:** A Group Care Facility designed to accommodate seven (7) to fourteen (14) cared-for-residents; persons under care, plus resident supervisors as required by Subsection 10A-5.019, Florida Administrative Code (i.e., adult congregate living facilities; for: aged persons (as defined in Subsection 400.618(3), Florida Statutes, as amended); developmentally disabled persons (as defined in Subsection 393.063(11), Florida Statutes; physically disabled or handicapped persons, as defined in Subsection 760.22(7)(a), Florida Statutes, as amended); mentally ill persons (as defined in Subsection 394.455(3), Florida Statutes, as amended; and persons recovering from alcohol and/or drug abuse. f Foster care facilities are also included.
- b. **Category II:** A Group Care Facility designed to accommodate seven (7) to fourteen (14) cared-for-residents; persons under care, plus resident supervisors as required by Subsection 10A-5.019, Florida Administrative Code. This type of facility offers a higher level of personal and therapeutic care than a Category I facility (i.e., crisis and attention care, displaced adult care, homeless shelters, mental and emotional health care, offender halfway houses, spouse abuse care, substance abuse care, and youth shelters).
[SEE SEC. 2.6.26.]

Category I Group Care Facilities in residential single family districts shall not be made available to an individual: 1) whose tenancy would constitute a direct threat to the health or safety of other individuals; 2) whose tenancy would result in substantial physical damage to the property of others; or 3) who is engaged in the current, illegal use of or addiction to a controlled substance, as defined in Section 802 of Title 21, U.S. Code.

Words Underlined are Added; Words ~~Struck-Through~~ are Deleted.

LDC page 6-23

Amend the LDC Definitions section, Division 6.3, as follows:

Growth Management Director ~~or-GMP~~: The Growth Management Director or his designee. [SEE DIV. 3.15]

Delete stricken language, add underlined language.

LDC page 6-27

kenneling: An establishment licensed to operate a facility housing dogs, cats, or other household pets ~~ef~~ or the keeping of more than three (3) dogs, six (6) months or older, on premises used for residential purposes, or the keeping of more than two (2) dogs on property used for industrial or commercial security purposes.

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

Delete stricken language; add underlined language.

LDC pg. 6-36

Maintenance of Protected Vegetation: The practice of pruning trees, shrubs and woody groundcover to maintain and promote uniform, natural growth, representative of the species. Severe pruning in order to permanently maintain growth at a reduced height or spread will not be considered uniform natural growth.

Delete the stricken language, add the underlined language.

Div. 6.3

Add new definition:

Major Recreational Equipment: Vehicles or equipment primarily designed as temporary living quarters for recreational, camping, or travel use, or used in the pursuit of other recreational activities such as boating or fishing, or vehicles and equipment designed or modified expressly for competition and operated primarily on a track or course. Said vehicles or equipment must be maintained in an operational condition.

Delete stricken language, add underlined language.

LDC page 6-40

Amendment to Collier County Land Development Code, Div. 6.3,
Definitions, correcting the following reference:

Multi-Family Housing: See Multiple-Family
Dwelling, Multiple-Family.

Delete stricken language, add underlined language.

LDC pg. 6-47

Replatted Parent Parcel: The resubdivision of a recorded parcel of land through a replat, to divide the original platted parcel into multiple parcels of land.

Delete the stricken language, add the underlined language.

LDC page 6-46

Amend the LDC, Div. 6.3, by adding the following definition:

Resubdivision: A change or amendment to an approved, recorded subdivision plat if such change (a) affects any street layout shown on such plat, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot.

Delete stricken language; add underlined language.

LDC page 6-54

Amendment to Div. 6.3, Definitions, revising definitions of Wind Sign, as follows:

Sign, Wind: Any sign or display including, but not limited to flags, banners, balloons, streamers and rotating devices, fastened in such a manner to move upon being subject to pressure by wind or breeze, but shall not include official flags, emblems, insignias or pennants of any religious, educational, national, state, or political subdivision. [SEE DIV. 2.5]

Delete stricken language, add underlined language.

LDC Page 6-54

Silviculture: The practice of producing a tree crop and managing a parcel of land utilizing a Management Plan for continued crop of trees, which practice may include but shall not be limited to leaving at least ten (10) large seed trees per acre cleared, replanting with seedlings, copicing especially in the case of cypress and/or artificial or natural seeding. Clearing for the conversion to another use, such as conversion to row crops or clearing for development, even when the tree resource is utilized is not considered silviculture.

Delete the stricken language, add the underlined language.

LDC Pg. 6-60

Variance:

A relaxation of the terms of this Land Development Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Land Development Code would result in unnecessary and undue hardship on the land. A variance is authorized only for height, area, and size of structure or size of yards and open spaces, landscaping, signs, and off-street vehicular facilities and parking. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the land use district or classification.

Delete stricken language, add underlined language.

LDC pg. 6-62

Revise paragraph #4 within definition of front yard.

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

Where corner lots of record existed prior to the date of adoption of Collier County Ordinance No. 82-2, which lots do not meet minimum front yard requirements established in this Code, 1) only one (1) full depth front yard shall be required, 2) all other front yards shall be not less than fifty percent (50%) of the otherwise required front yard depth, and the full depth front yard shall be located along the shorter lot line along the street.

In case of through lots, unless the prevailing front yard pattern on the adjoining lots indicate otherwise, a full depth front yard shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Development Services Director may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

Depth of a required front yard shall be measured so that the yard established is a strip of the minimum width required by the district regulations with its inner edge parallel to the front lot line. In the case of irregularly shaped lots, including cul-de-sacs the depth may be measure at right angles to a straight line joining the foremost points of the side lot line, provided the depth at any point is never less than the minimum yard-requirement length of a standard parking space as established within Sec. 2.3.4 of this Code. . . .

Delete stricken language; add underlined language.

LDC page 6-62, 6-63

Yard, Side: The required open space extending along each side lot line between the rear lines of the required front yard and the rear lot line, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the rear line of the front yard.

~~Where lots of record existed prior to the effective date of Collier County Ordinance No. 82-2 (1982), which lots do not meet the minimum side yard width requirements established in this Code, then for such lots, and only for such lots, the minimum side yards shall be not less than ten percent (10%) of the average lot width, provided no side yard shall be less than five feet (5'). In the case of through lots, side yards shall extend from the rear lines of required front yards. In the case of corner lots, yards remaining after front yards have been established on both frontages shall be considered side yards.~~

Delete stricken language; add underlined language.

LDC pg. B-4

Appendix B - Typical Street Sections and Right-of-way Design Standards, Revisions to Commercial/Industrial Section:

Add revised Section on following page which addresses acceptable alternatives to the minimum County standards agreed to by the Transportation Services Administrator and the Project Review Services Manager.

Delete stricken language, add underlined language.