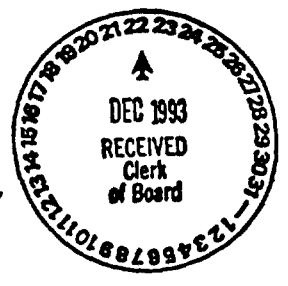


ORDINANCE 93-89

FILED
93 DEC 17 PM 1:57
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

AN ORDINANCE AMENDING ORDINANCE 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE, ARTICLE ONE, GENERAL PROVISIONS; ARTICLE TWO, ZONING; ARTICLE THREE, DEVELOPMENT REQUIREMENTS; ARTICLE FIVE, DECISION-MAKING AND ADMINISTRATIVE BODIES; AND ARTICLE SIX, DEFINITIONS; MORE PARTICULARLY PROVIDING FOR SECTION ONE, RECITALS; PROVIDING FOR SECTION TWO, FINDINGS OF FACT; PROVIDING FOR SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE; PROVIDING FOR SECTION FOUR, CONFLICT AND SEVERABILITY; 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 second amendment to the Land Development Code, Ordinance, 91-102, in this calendar year; and

Whereas, on March 23, 1993 the Board of County Commissioners adopted Resolution 93-124 establishing local requirements and procedures for amending the LDC; and

Whereas, all requirements of Resolution 93-124 have been met; and

Whereas, on April 6, 1993 the Board of County Commissioners adopted Resolution 93-144 limiting the subject matter of amendments and establishing deadlines for the first LDC amendment cycle of the 1993 calendar year; and

Whereas, the Collier County Planning Commission in a manner prescribed by law did hold a public workshop on October 14, 1993 and advertised public hearings on October 21, 1993, October 27, 1993, and December 9, 1993 concerning these amendments to the LDC; and

Whereas, the Board of County Commissioners in a manner prescribed by law did hold advertised public hearings on November 17, 1993 and December 9, 1993 and did take action concerning these amendments to the LDC; and

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

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

SECTION 1: RECITALS

The foregoing recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION 2: FINDINGS OF FACT

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

1. Collier County, pursuant to Sec. 163.3161, et seq., 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 and was amended on October 14, 1992, effective October 30, 1992.

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 3: 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 4: 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 5: 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 9th day of December,
1993.

DATE:

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST: *DWIGHT E. BROCK*
DWIGHT E. BROCK

BY: *Burt L. Saunders*
BURT L. SAUNDERS, CHAIRMAN

M. L. Nebelsiek
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Martcha L. Nebelsiek
MARTHA L. NEBELSIEK
ASSISTANT COUNTY ATTORNEY

This ordinance filed with the
Secretary of State's Office the
17th day of Dec., 1993
and acknowledgement of that
filing received this 22nd day
of Dec., 1993
By: *James Chernis*
Deputy Clerk

EXHIBIT A

BOOK 064 PAGE 226

SEC. 1.7.9

LIMITATION ON DETERMINATION OF VESTED RIGHTS. A Determination of Vested Rights which grants an application for determination of vested rights shall expire and be null and void unless ~~either 1)~~ construction is commenced pursuant to a final development order, final subdivision plat, or final site development plan, within two (2) years after the issuance of the determination of vested rights under this Division, or, ~~2) where~~ unless substantial permanent buildings have been, or are being constructed or installed pursuant to a valid, unexpired, final development order of Collier County within two (2) years after issuance of the determination of vested rights under this Division, In either case, and such development, ~~whether~~ pursuant to a final development order, final subdivision plat, or final site development plan ~~is continuing~~ shall continue in good faith until project completion. Failure to obtain a building permit within two (2) years after the issuance of the determination of vested rights under this Division shall render said vested rights to expire and become null and void. The aforementioned two (2) year time limitation on the determination of vested rights shall be stayed during any time periods within which commencement of construction pursuant to a final development order, final subdivision plat, or final site development plan is prohibited or deferred by the County solely as a result of lack of adequate public facilities to serve the property, pursuant to this Code.

Delete stricken language; add underlined language.

1.8.10 NON-CONFORMING STRUCTURES.

Where a structure lawfully exists lawfully under this at the effective date of its the adoption of this Ordinance or relevant amendment that could not be built under this Code by reason of restrictions on lot area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

[Faint, mostly illegible text, possibly containing a list of provisions.]

Delete stricken language; add underlined language.

1.8.10.2 should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than fifty percent of its actual replacement cost at time of destruction, as determined by a cost-estimate submitted to the Site Development Review Services Director, it shall not be reconstructed except in conformity with provisions of this Zoning Code.

~~Notwithstanding the foregoing restrictions as to reconstruction, any residential structure or structures in any residential zone district may be rebuilt after destruction to the prior extent, height and density of units per acre regardless of the percentage of destruction. In the event of such rebuilding, all setbacks and other applicable district requirements shall be met unless a variance therefore is obtained from the Board of Zoning Appeals. For the purpose of this Division, a hotel, motel, or boatal shall be considered to be a residential structure.~~

1.8.10.4 Non-conforming residential structures, which for the purpose of this section shall mean detached single family dwellings, duplexes or mobile homes in existence at the effective date of this Zoning Code or its relevant amendment and in continuous residential use thereafter, may be altered, expanded, or replaced upon recommendation of the Collier County Planning Commission and approval of the Board of Zoning Appeals by Resolution.

Notwithstanding the foregoing restrictions as to reconstruction, any residential structure or structures in any residential zone district may be rebuilt after destruction to the prior extent, height and density of units per acre regardless of the percentage of destruction. In the event of such rebuilding, all setbacks and other applicable district requirements shall be met unless a variance therefore is obtained from the Board of Zoning Appeals. For the purpose of this Division, a hotel, motel, or boatal shall be considered to be a residential structure.

Since the size and nature of the alteration, expansion or replacement of such non-conforming structures may vary widely, a site plan, and if applicable, preliminary building plans indicating the proposed alteration, expansion or replacement shall be presented with each petition. Prior to granting such alteration, expansion or replacement of a non-conforming single family dwelling, duplex or mobile home, the Planning Commission and the Board of County Commissioners shall consider and base its approval on the following standards and criteria:

Delete stricken language; add underlined language.

1.8.11.1. Issuance and Re-issuance of Building Permits when Multiple Mobile Homes are Located on a Single Parcel of Land.

Where specific zoning districts permit mobile home development and said lands have been substantially developed prior to the effective date of this Code with multiple mobile homes under singular ownership without an approved site development plan, as required by Div. 3.3 of this Code, no further building permits for the placement or re-placement of mobile homes may be obtained except as defined below.

1.8.11.1.1 Mobile Home Replacement. Prior to issuance of any building permit for replacement of a mobile home, the property owner or authorized agent shall provide the Site Development Review Director or his designee, with three copies of a scaled drawing of the subject parcel which indicates:

1. Proof of Building Permit issuance for structure being replaced.

2. The location of the structure to be replaced and its relationship to adjacent mobile homes and parcel boundaries.

1.8.11.1.2. Additional Mobile Homes. Prior to issuance of a building permit for any additional mobile home(s), the applicant or authorized agent shall obtain a Site Development Plan, consistent with Division 3.3 of the Land Development Code. As part of the SDP application, building permit numbers of all existing mobile homes shall be submitted.

1.8.11.1.3 In no case shall the issuance or re-issuance of building permits cause the density of the subject parcel to exceed that provided in the density rating system of the Growth Management Plan or the Immokalee Future Land Use Map, except as may be provided in Sec. 1.8.10.4 of this Code.

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SEC. 1.8.13 REPAIRS AND MAINTENANCE.

On any non-conforming structure or portion of a structure and on any structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding twenty (20) percent of the current assessed valuation of the structure (or of the non-conforming portion of the structure if a non-conforming portion of a structure is involved), provided that the cubic content of the structure existing at the date it becomes non-conforming shall not be increased, except subject further to the exception provided at Sec. 1.8.10, herein.

Delete stricken language; add underlined language.

DIV. 1.9 **ENFORCEMENT.**

SEC. 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.

SEC. 1.9.2 **VIOLATION.**

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

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, 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.

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.

SEC. 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 or his designee.

Before a violation of any of the provisions of this Code is prosecuted before the Code Enforcement board, written notice by Registered or Certified mail, return receipt requested, shall be serviced by the County Manager or his designee according to the requirements of Ordinance No. 92-80, as may amended from time to time.

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 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.

- 1.9.8.5 Withholding the issuance of any Construction Plan approval, Building Permit, Certificate of Occupancy, or inspection by the County;
- 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, including corrective measures pursuant to Sec. 3.9.6.9. Re

Delete stricken language; add underlined language.

Replacement trees shall be of sufficient size and quantity to replace the DBH 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; and

1.9.8.7 Recovery of attorneys' fees, expert witness fees, and costs, including those on appeal, incurred by the County for in-house County Attorneys and staff experts and for outside legal counsel experts.

SEC. 1.9.9 NOTICE AND APPEAL.

All administrative decisions concerning the issuance, revocation, suspension, or stop work order, or other remedy pertaining to Building Permits, Certificates of Occupancy, Development Orders, Development Permits, or Development Approvals, whatsoever, shall be stated in official written notice sent by registered mail to the permit applicant. Decisions of the County Manager may be appealed to the Board of County Commissioners.

SEC. 1.9.10 PROSECUTION UNDER PREVIOUS REGULATIONS.

Any prosecution arising from a violation of any prior code, ordinance, or regulation of Collier County superseded by this Code, which prosecution was pending at the effective date of this Code, or any prosecution which may be begun within one (1) year after the effective date of this Code, in consequence of any violation of any prior Code, ordinance, or regulation superseded hereby, which violation was committed prior to the effective date of this Code, shall be tried and determined exactly as if such prior code, ordinance, or regulation had not been superseded.

SEC. 1.9.11 APPEAL OF ADMINISTRATIVE DECISION.

Appeal of any administrative decision of the County Manager or his designee not remedied by Sec. 1.9.9 herein shall be in accordance with the procedure set forth in Sec. 1.6.6 for appeal of written interpretations and shall be reviewed by the Board of Zoning Appeals.

Delete ~~stricken~~ language; add underlined language.

SEC. 2.1.15 PROHIBITED USES AND STRUCTURES.

1. Any use or structure not specifically permitted in a zoning district as a permitted use, conditional use or use allowed by reasonable implication shall be prohibited in such zoning district. Roadside sales shall be prohibited in all zoning districts unless a temporary use permit and appropriate licenses have been obtained.
2. The storage, display, or sale of any items, services, materials, or products whether finished or unfinished, processed or natural, within public right-of-ways shall be prohibited.
3. The storage, display, or sale of any items, services, materials, or products whether finished or unfinished, processed or natural other than from within, or as part of the normal operation of a permanent structure authorized by the Collier County Land Development Code shall only be allowed in accordance with Sec. 2.6.33.

Delete stricken language; add underlined language.

SEC. 2.2.2 Rural Agriculture District (A).

2.2.2.2 Uses Accessory to Permitted Uses.

3. Retail sales of fresh, unprocessed agricultural products; grown primarily on the property and further subject to a review of traffic circulation, parking, and safety concerns pursuant to the submission of a Site Improvement Plan as provided for in Section 3.3.5.1.

Delete stricken language; add underlined language.

SEC. 2.2.2 Rural Agriculture District (A).

2.2.2.2 Uses Accessory to Permitted Uses.

9. Use of A a mobile home as a residence or trailer used in conjunction connection with bona fide the rural agricultural district activities 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, subject to the following: 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 right-of-way 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.

a. The applicant shall submit a completed application to the Site Development Review Director, or his designee, for approval of a temporary use permit to utilize a mobile home as a residence in conjunction with a bona fide commercial agricultural activity as described in Sec. 2.2.2.2.1 (2.1). Included with this application shall be a conceptual plot plan of the subject property depicting the location of the proposed mobile home; the distance of the proposed mobile home to all property lines and existing or proposed structures; and, the location, acreage breakdown, type and any intended phasing plan for the bona fide agricultural activity.

b. The receipt of any and all local, state, and federal permits required for the agricultural use and/or to place the mobile home on the subject site including, but not limited to, an agricultural clearing permit, building permit(s), ST permits, and the like.

c. The use of the mobile home shall be permitted on a temporary basis only, not to exceed the duration of the bona fide commercial agricultural activity for which the mobile home is an accessory use. The initial temporary use permit may be issued for a maximum of three (3) years, and may, upon submission of a written request accompanied by the applicable fee, be renewed annually thereafter provided that there is continuing operation of the bona fide commercial agricultural activities.

Delete stricken language; add underlined language.

d. The applicant utilizing, for the bona fide commercial agricultural activity, a tract of land a minimum of five (5) acres in size. Any property lying within public road rights-of-way shall not be included in the minimum acreage calculations.

e. A mobile home, for which a temporary use permit in conjunction with a bona fide commercial agricultural activity is requested, shall not be located closer than one hundred feet (100') from any county highway right-of-way 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.

Delete stricken language; add underlined language.

SEC. 2.2.2 Rural Agriculture District (A).

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.

~~i-~~ Portable Asphaltic Concrete Batch Plants, subject to the following conditions:

- ~~a-~~ The Plant is located on a parcel of land of at least eighty ~~(80)~~ acres in size;
- ~~b-~~ The Plant is no greater than sixty feet ~~(60')~~ in height and any material storage silos accessory to the Plant are no greater than ninety feet ~~(90')~~ in height;
- ~~c-~~ The earth mining facility used by the Plant shall maintain a minimum yard of at least five Hundred feet ~~(500')~~ from any property line;
- ~~d-~~ All petroleum related products used at the Plant are stored above ground, in a diked impervious cell, to safeguard against vertical and horizontal ground contamination;
- ~~e-~~ The majority of the raw materials used at the Plant come from the excavation on-site;
- ~~f-~~ The Plant receives an approved conditional use permit prior to its operation;
- ~~g-~~ The Plant receives a County commercial excavation permit prior to its excavation;
- ~~h-~~ The duration of the Plant's operation does not exceed the expiration date of an excavation permit or any other required permit, whichever occurs first;
- ~~i-~~ The hours of operation of the Plant shall be limited to insure compatibility with and protection of surrounding land uses;
- ~~j-~~ The Plant receives approval for a site development plan, pursuant to the requirements of Div. 3-3, and
- ~~k-~~ The Plant complies with all State and Federal standards of performance for portable Asphaltic Concrete Batch Plants.

154. Veterinary Clinic.

165. Group care facilities ...

176. Golf Courses ...

187. Oil and gas field ...

198. Sports instructional ...

209. Sporting and recreational ...

210. Retail plant nurseries...

221. Asphaltic and Concrete Batch Making Plants independent of any aggregate mining process subject to the following conditions:

- a. Asphaltic or concrete batch making plants may be permitted within the area designated Agricultural rural and use on the Future Land Use Map of to the Future

Delete stricken language; add underlined language.

Land Use Element of the Growth Management Plan and shall not be permitted through this conditional use process as on agriculturally zoned property but otherwise located within the area designated Urban Mixed Use subdistrict on the Future Land Use Element of the Future Land Use Map of the Growth Management Plan.

292. Cultural, Educational, or recreational ...

Delete stricken language; add underlined language.

2.2.3.4.3 Minimum Yard Requirements.

1. Front Yard. Seventy-five feet (75').
2. Side Yard. Thirty feet (30'), except for legal non-conforming lots of record, which are non-conforming due to inadequate lot width, in which case it shall be computed at the rate of ten percent (10%) of the width of the lot, not to exceed a maximum requirement of thirty feet (30').
3. Rear Yard. Seventy-five feet (75').

Delete stricken language; add underlined language.

2.2.5.4.3 Minimum Yard Requirements.

4. For undeveloped residential single family tracts in projects of at least fifteen (15) acres in size, the RSF-3 minimum yard requirements shall apply.

Delete stricken language; add underlined language.

2.2.6.2.1 Permitted Uses:

1. Multiple-family dwellings.
2. Townhouses, subject to the provisions of Section 2.6.36.
3. Duplexes.
4. Single-family dwelling units for existing non-conforming lots subject to the RSF-6 dimensional standards.
5. Family Care Facilities, subject to Sec. 2.6.26.

Delete stricken language; add underlined language.

LDC page 2-20

2.2.6.4.3 Minimum Yard Requirements. Thirty feet (30') with one foot (1') of additional setback yard for each one foot (1') of height over thirty-five feet (35')- as measured from each exterior wall or wing of a structure.

LDC page 2-22

2.2.7.4.3 Minimum Yard Requirements. Thirty-five feet (35') plus one foot (1') for each foot over fifty feet (50') in height- as measured from each exterior wall or wing of a structure.

LDC page 2-24

2.2.8.4.3 Minimum Yard Requirements. Fifty-five percent (55%) of the building height as measured from each exterior wall or wing of a structure with a minimum of twenty feet (20').

Delete stricken language; add underlined language.

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 or MHRP prior to ~~October 14, 1974~~ November 13, 1991, 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.

2.2.10.6.5 OFF-SITE EMERGENCY SHELTERS.

An owner may, subject to the approval of the Board of County Commissioners, provide a cash contribution in lieu of on-site shelter facilities in an amount equivalent to the estimated cost of providing said on-site shelter. The Collier County Emergency Management Director shall make an estimate of the cost of on-site shelter improvements and this shall serve as a guide in determining the cash contribution value in lieu of construction. Should there be any disagreement as to the value of said required shelter improvements the applicant may elect to pay the costs of obtaining an independent appraisal who shall be retained by the Emergency Management Director. The independent appraisal value shall then determine the value of the cash-in-lieu of payment. Said moneys shall be placed in a special account and shall only be spent for capital improvements for shelter facilities that will benefit the area from which the cash-in-lieu of originated.

Delete stricken language; add underlined language.

SEC. 2.2.12 COMMERCIAL PROFESSIONAL DISTRICT (C-1) AND COMMERCIAL PROFESSIONAL/TRANSITIONAL DISTRICT (C-1/T).

2.2.12.2.1 Permitted Uses:

5. Group Care Facilities (Category I and II); Care Units, except for homeless shelters; and Nursing Homes, subject to Sec. 2.6.26.

2.2.12.3

Conditional Uses. The following uses are permissible as conditional uses in the Commercial Professional/Transitional District (C-1, C-1/T), subject to the standards and procedures established in Div. 2.7.4.

5. Homeless shelters, as defined by this Code.

~~5-6.~~ <language remains as is>

~~6-7.~~ <language remains as is>

~~7-8.~~ <language remains as is>

~~8-9.~~ <language remains as is>

~~9-10.~~ <language remains as is>

11. Soup kitchens, as defined by this Code.

Delete stricken language; add underlined language.

2.2.12.2.1 Permitted Uses.

15. Any other commercial use of ~~or~~ professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business, and are purely associated with activities conducted in an office.

Delete stricken language; add underlined language.

SEC. 2.2.13 COMMERCIAL CONVENIENCE DISTRICT (C-2).

2.2.13.2.1 Permitted Uses.

9. Group Care Facilities (Category I and II); Care Units, except for homeless shelters; and Nursing Homes, subject to Sec. 2.6.26.

~~9-10.~~ <language remains as is>

~~10-11.~~ <language remains as is>

~~11-12.~~ <language remains as is>

~~12-13.~~ <language remains as is>

~~13-14.~~ <language remains as is>

~~14-15.~~ <language remains as is>

~~15-16.~~ <language remains as is>

~~16-17.~~ <language remains as is>

2.2.13.3 Conditional Uses. The following uses are permissible as conditional uses in the Commercial Convenience District (C-2), subject to the standards and procedures established in Div. 2.7.4.

1. Homeless shelters, as defined by this Code.

~~1-2.~~ <language remains as is>

3. Soup kitchens, as defined by this Code.

Delete stricken language; add underlined language.

2.2.13.2.1 Permitted Uses.

16. Any other convenience commercial use which is comparable in nature with the foregoing uses- including buildings for retail, service and office purposes consistent with the permitted uses and purpose and intent statement of the district.

Delete stricken language; add underlined language.

SEC. 2.2.14

COMMERCIAL INTERMEDIATE DISTRICT (C-3).

2.2.14.2.1

Permitted Uses:

8. Group Care Facilities (Category I and II); Care Centers, except for homeless shelters; and Nursing Homes, subject to Sec. 2.6.26.

- ~~8-9.~~ <language remains as is>
- ~~9-10.~~ <language remains as is>
- ~~10-11.~~ <language remains as is>
- ~~11-12.~~ <language remains as is>
- ~~12-13.~~ <language remains as is>
- ~~13-14.~~ <language remains as is>
- ~~14-15.~~ <language remains as is>
- ~~15-16.~~ <language remains as is>
- ~~16-17.~~ <language remains as is>
- ~~17-18.~~ <language remains as is>
- ~~18-19.~~ <language remains as is>
- ~~19-20.~~ <language remains as is>
- ~~20-21.~~ <language remains as is>
- ~~21-22.~~ <language remains as is>
- ~~22-23.~~ <language remains as is>
- ~~23-24.~~ <language remains as is>
- ~~24-25.~~ <language remains as is>
- ~~25-26.~~ <language remains as is>

2.2.14.3

Conditional Uses. The following uses are permissible as conditional uses in the Commercial Intermediate District (C-3), subject to the standards and procedures established in Div. 2.7.4.

3. Homeless shelters, as defined by this Code.

- ~~3-4.~~ <language remains as is>
- ~~4-5.~~ <language remains as is>
- ~~5-6.~~ <language remains as is>
- ~~6-7.~~ <language remains as is>
- ~~7-8.~~ <language remains as is>
- ~~8-9.~~ <language remains as is>

10. Soup kitchens, as defined by this Code.

- ~~9-11.~~ <language remains as is>
- ~~10-12.~~ <language remains as is>

Delete stricken language; add underlined language.

2.2.14.2.1 Permitted Uses.

25. Any other general commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and purpose and intent statement of the district.

Delete stricken language; add underlined language.

2.2.14.2.2 Uses Accessory to Permitted Uses.

1. Uses and structures that are necessary ACCESSORY and incidental to the uses permitted as of right in the C-3 District.

Delete stricken language; add underlined language.

2.2.15.2.1 Permitted Uses:

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

Delete stricken language; add underlined language.

SEC. 2.2.15 COMMERCIAL INTERMEDIATE DISTRICT (C-4).

2.2.15.2.1 Permitted Uses:

- 13. Group Care Facilities (Category I and II); Care Units, including homeless shelters; and Nursing Homes, subject to Sec. 2.6.26.
- ~~13-14.~~ <language remains as is>
- ~~14-15.~~ <language remains as is>
- ~~15-16.~~ <language remains as is>
- ~~16-17.~~ <language remains as is>
- ~~17-18.~~ <language remains as is>
- ~~18-19.~~ <language remains as is>
- ~~19-20.~~ <language remains as is>
- ~~20-21.~~ <language remains as is>
- ~~21-22.~~ <language remains as is>
- ~~22-23.~~ <language remains as is>
- 24. Soup kitchens, as defined by this Code.
- ~~23-25.~~ <language remains as is>
- ~~24-26.~~ <language remains as is>

2.2.15.3

Conditional Uses. 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.

- 9. Homeless shelters, as defined by this Code.
- ~~9-10.~~ <language remains as is>
- ~~10-11.~~ Soup kitchens, as defined by this Code.
- ~~11-12.~~ <language remains as is>
- ~~12-13.~~ <language remains as is>
- ~~13-14.~~ <language remains as is>
- ~~14-15.~~ <language remains as is>
- 16. Soup kitchens, as defined by this Code.

Delete stricken language; add underlined language.

2.2.15.2.1 Permitted Uses.

24. Any other general commercial use which is comparable in nature with the foregoing uses- including buildings for retail, service and office purposes consistent with the permitted uses and intent and purpose statement of the district.

Delete stricken language; add underlined language.

2.2.15.2.2 Uses Accessory to Permitted Uses for C-4 Lands.

1. Uses and structures that are necessary ACCESSORY and incidental to the uses permitted as of right in the C-4 District.

Delete stricken language; add underlined language.

2.2.154.2.1 Permitted Uses.

20. Any other heavy commercial use which is comparable in nature with the foregoing uses- including buildings for retail, service and office purposes consistent with the permitted uses and intent and purpose statement of the district.

Delete stricken language; add underlined language.

2.2.154.2.2 Uses Accessory to Permitted Uses.

1. Uses and structures that are necessary ACCESSORY and incidental to the uses permitted as right in the C-5 District.

Delete stricken language; add underlined language.

2.2.15 1/2.3

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

- 7. Homeless shelters, as defined by this Code.
- ~~7-8.~~ <language remains as is>
- ~~8-9.~~ <language remains as is>
- ~~9-10.~~ <language remains as is>
- ~~10-11.~~ Soup kitchens, as defined by this Code.
- ~~11-12.~~ <language remains as is>
- ~~12-13.~~ <language remains as is>
- 13. Soup kitchens, as defined by this Code.
- ~~13-14.~~ <language remains as is>

Delete stricken language; add underlined language.

2.2.16.2.1 Permitted Uses:

39. Any other use which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the district.

Delete stricken language; add underlined language.

LDC page 2-55

2.2.16.4.1 Minimum Lot Area. Ten thousand ~~(10,000)~~ Twenty thousand (20,000)
square feet.

Delete stricken language; add underlined language.

2.2.20.3.1 Maximum Residential Densities.

1. Maximum residential density permissible for the overall PUD shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Growth Management Plan. The overall maximum residential density permissible or permitted in a PUD shall be calculated by dividing the total number of dwelling units by the total of gross acreage of the proposed PUD excluding the acreage of the commercial and industrial tracts or increments. The maximum density permissible or permitted in a PUD shall not exceed the density permissible under the Density Rating System.

2. Density on a site specific basis may recognize the principals of clustering development where density may exceed the number of units per acre otherwise allowed over the entirety of the PUD, except as further provided for mixed use PUD's. The density on a parcel specific basis may be the maximum density achievable after application of the development standards that have been approved for the PUD, relative to each building parcel. Generally, clustered development will consist of two or more principal buildings, and the entire parcel specific development shall utilize all of the elements of a common architectural theme. Yard and spacing relationships between buildings may vary from the more traditional practice.

- 2-3. The Board of County Commissioners may lessen density or intensity of development when it has been determined that development to the maximum density or intensity permissible in Sec. 2.2.20.3.1.1 would:
 - a. Create inconvenient or unsafe access to the PUD, or
 - b. Create traffic congestion in the streets which adjoin or lead to the PUD, or
 - c. Place a burden on parks, recreational areas, schools, and other facilities which serve or are proposed to serve the PUD, or
 - d. Be in conflict with the intent or provisions of the Growth Management Plan, or
 - e. Create a threat to property or incur abnormal public expense in areas subject to natural hazards, or
 - f. Be incompatible or inconsistent with surrounding neighborhoods or areas, or
 - g. Otherwise be inappropriate.

Delete stricken language; add underlined language.

2.2.24.3.2 Development Standards and Regulations for ACSC-ST. All development orders issued within the ACSC-ST Area shall comply with or be more restrictive than Chapter ~~27F-3~~ 28-25, Florida Administrative Code, as amended, "Boundary and Regulations for the Big Cypress Area of Critical State Concern," as set forth below:

Delete stricken language; add underlined language.

2.3.4.12.4 SECONDARY PARKING FROM ALLEY ACCESS

For any non-residential development which abutts an alley, a maximum of ten (10) parking spaces, not to exceed thirty (30) percent of the required parking for the proposed use, may be accessed solely from the alley. Said parking spaces shall be clearly marked and arranged in such a manner so that each parking space meets the minimum size required in Section 2.3.4.12.2 of this Code. Additionally, these spaces shall be arranged in a manner which allows for full compliance with any required landscaped buffer requirement. These spaces shall be for the exclusive use of employees and service vehicles and shall be clearly designated as such by appropriate signage.

Delete stricken language; add underlined language.

or signal, or be of a size, location, movement, content, color, or illumination which may be reasonably confused with or construed as, or conceal, a traffic control device.

- 2.5.6.14 Signs, commonly referred to as snipe signs, made of any material whatsoever and attached in any way to a utility pole, tree, fence post, stake, stick or any other object located or situated on public or private property, except as otherwise expressly allowed by, or exempted from this Code.
- 2.5.6.15 Wind signs (except where permitted as part of Section 2.5.8.2, Temporary Signs).
- 2.5.6.16 Signs on vehicles or boats, either attached to or painted on the vehicles or boats of any type, which are conspicuously parked in close proximity to the right-of-way and are obviously parked in such a way to advertise any business to the passing motorist or pedestrian. Any sign which is located adjacent to a County right-of-way within the unincorporated areas of the County, which sign was erected, operated or maintained without the permit required by Sec. 2.5.12 having been issued by the Community Development Services Administrator or his designee shall be removed as provided in Section 2.5.7. Such signs shall include but are not limited to structural signs, free-standing signs, signs attached or affixed to structures or other objects.
- 2.5.6.17 Any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:
- 2.5.6.17.1 is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors, and
- 2.5.6.17.2 taken as a whole, lacks serious literary, artistic, political, or scientific value.
- 2.5.6.18 Any sign which:
- 2.5.6.18.1 Emits audible sound, vapor, smoke, or gaseous matter.
- 2.5.6.18.2 Obstructs, conceals, hides, or otherwise obscures from view any official traffic or government sign, signal, or device.
- 2.5.6.18.3 Employs motion, have visible moving parts, or gives the illusion of motion (excluding time and temperature signs).
- 2.5.6.18.4 Is erected or maintained so as to obstruct any fire fighting equipment, window, door, or opening uses as a means of ingress or egress for fire escape purposes including any opening required for proper light and ventilation.

Delete stricken language; add underlined language.

2.5.6.19 No-sign shall be placed or permitted as a principal use on any property, in any zoning district except as follows: U-Plc Signs, political signs, or signs approved by temporary permit pursuant to the time limitations set forth herein.

2.5.6.20 Tethered inflatable signs.

SEC. 2.5.7 TERMINATION OF PROHIBITED SIGNS. Within six months of enactment of Ordinance 90-114 (January 4, 1991), or as otherwise provided within Sec. 2.5.9, all signs expressly prohibited by Sec. 2.5.6, and their supporting structures, shall be removed within thirty (30) days of the end of the amortization period, 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 (\$100.00) dollars or more, and which have been legally permitted, shall be treated as nonconforming signs and removed pursuant to Sec. 2.5.9.3.

SEC. 2.5.8 PERMITTED SIGNS. The following signs are permitted, upon issuance of a building permit and subject to the restrictions below:

2.5.8.1 On-Premises Signs. On-premises pole signs, ground signs, projecting signs, wall signs, and mansard signs shall be allowed in all nonresidentially zoned districts subject to the restrictions below:

2.5.8.1.1 Pole or Ground Signs. Single occupancy parcels, shopping centers, office complexes, or industrial parks having frontage of one hundred fifty feet (150") or more on a public street, shall be permitted one (1) pole, or two (2) ground signs. In addition, multiple occupancy parcels such as shopping centers, office complexes, or industrial parks containing twenty five thousand (25,000) square feet or more of gross leasable floor area will be permitted one (1) directory sign with a maximum size of two hundred fifty (250) square feet for a single entrance on each public street.

1. Maximum allowable sign area - one hundred (100) square feet for each pole or ground signs, or a maximum combined area of one hundred twenty (120) square feet for two (2) ground signs, except for approved directory signs.
2. Setbacks - fifteen feet (15) from any property line, public or private right of way, or easement, with the exception of directory signs which may be located within the medians of private streets or easements, provided their location presents no visual obstructions, or traffic hazards to motorists or pedestrians.
3. Maximum allowable height - twenty five feet (25). Height shall be measured from the lowest center line grade of the nearest public or private right of way or easement to the uppermost portion of the sign structure.

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;

1. Each sign is not more than twelve (12) square feet in area with a single faced display area only. Double faced signs shall not be permitted.
4. The applicant must have submit with the permit application notarized written permission from the property where the off-site sign is located.

Delete stricken language; add underlined language.

SEC. 2.6.4 EXCEPTIONS TO REQUIRED YARDS.

2.6.4.3 MINOR IMPROVEMENTS TO LEGAL NON-CONFORMING STRUCTURES LOCATED WITHIN A RESIDENTIAL ZONING DISTRICT.

2.6.4.4.1 Where a structure was lawfully permitted within a residential zoning district under a previous Code, and where said structure is considered non-conforming under the current Land Development Code due to changes in the required side or rear yards, the Site Development Review Director may administratively approve a variance for an amount equal to or less than the existing side and/or rear yard encroachment. Canopies, window sills or other projections as provided for within Sec. 2.6.4.1 shall not be used in the calculation of existing side and/or rear yard encroachments.

2.6.4.4.2 Procedure. The applicant shall follow the same procedures as provided within Sec. 2.6.4.2.2, except that in addition the applicant shall submit a detailed conceptual site plan drawn to scale depicting all existing structures and the proposed addition, as well as the distance between the property lines and the existing and proposed structures. Additionally, the applicant shall provide proof that the encroaching structure was legally constructed. Such proof shall include at a minimum, evidence that a building permit was issued for the encroaching structure, or, where such evidence cannot be provided, documentation from the Property Appraiser's Office of the date the structure was placed on the tax rolls.

2.6.4.3-34 Waterfront Yards.

2.6.4-3.4.1 <language remains as is>

2.6.4.4.2 <language remains as is>

2.6.4.4.3 <language remains as is>

2.6.4.4.4 <language remains as is>

Delete stricken language; add underlined language.

2.6.7.1 Parking and Storage of Vehicles Without Current License Plates.

2.6.7.1.1 Vehicles or trailers of any type without that are not immediately operable, or used for the purpose for which they were manufactured without mechanical or electrical repairs or the replacement of parts; or do not meet the Florida Safety Code; or do not have current valid license plates; and; or do not meeting the definition of major recreational equipment as defined within the Code, shall not be parked or stored on any residentially zoned or designated property, including the E-Estates District, other than in a completely enclosed building.

Delete stricken language; add underlined language.

2.6.7.2 Parking, Storage or Use of Major Recreational Equipment.

2.6.7.2.1 No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residentially zoned lot, residential districts, or any location not approved for such use. In districts permitting single-family homes or mobile homes, major recreational equipment may be parked or stored only in a rear yard ~~(on corner and through lots, the rear yard shall be considered the rear of the residence),~~ or in a completely enclosed building, or in a carport, or on davits or cradles adjacent to waterways on residentially zoned property; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading, and/or cleaning prior to or after a trip. For the purpose of this section the rear yard for a corner shall be considered to be that portion of the lot opposite the street with the least frontage. For through lots the rear yard shall be considered to be that portion of the lot lying between the rear elevation (by design) of the residence and the street.

Delete stricken language; add underlined language.

2.6.7.2.2 The following exceptions may be granted by the Site Development Services Review Director:

1. Such major recreational equipment may be parked upon the premises of the resident for a period not exceeding seven (7) days for the purpose of loading, unloading, repairing and/or cleaning prior to or after a trip. The permit for such period shall be affixed to the vehicle in a conspicuous place on the street side thereof. No more than two consecutive permits may be issued and the maximum number of permits issued during one calendar year shall be restricted to four (4).
2. Non-Resident: Such car, trailer, bus or motor home, when used for transportation of visitors to this County to visit friends or members of the visitors family residing in this County may be parked upon the premises of the visited family for a period not exceeding ten ~~(10)~~ seven (7) days. This does not allow for living, sleeping, or housekeeping purposed. No more than two consecutive permits may be issued and the maximum number of permits issued during one calendar year shall be restricted to four (4).

2.6.7.3 Parking of Commercial Vehicles or Commercial Equipment In Residential Areas.

2.6.7.3.1 It shall be unlawful to park a commercial vehicle or commercial equipment on any lot in a residential zoning district unless one of the following conditions exists:

1. The vehicle is engaged in a construction service operation on the site where it is parked. The vehicle must be removed as soon as the construction of service activity has been completed.
2. The vehicle is parked in a garage, carport, or fully enclosed structure and cannot be seen from the street serving the lot.
3. The vehicle is parked in the rear of the main structure and is enclosed within a vegetative screening which conceals the vehicle from the view of neighbors.
4. Automobiles, passenger type vans, and pickup trucks having a rated load capacity of one (1) ton or less shall be exempted from this Section unless otherwise prohibited by a Special Parking Overlay District.

2.6.7.4 Restricted Parking "RP" Overlay District: Restricting the Parking of Commercial and Major Recreational Equipment.

2.6.7.4.1 Purpose and Intent. It is the intent and purpose of the Restricted Parking Overlay District (RP) to allow residents within a subdivision in Collier County to prescribe stricter regulations governing the parking of commercial and/or major recreational

2.6.7.4.3 Procedure for Establishing District. Upon petition to the Board of County Commissioners, signed by a minimum of one hundred (100) property owners or fifty percent (50%) of the property owners, whichever is the lesser, in the proposed district, platted subdivision, or a voting precinct comprising a homogeneous zoning area, the Board of County Commissioners may revise the boundaries of the district and enact an implementing ordinance to become effective upon approval by a majority of the qualified electors residing within the district voting in the next general election held specifically for the implementing ordinance. The election permits a choice by the elector if in favor of or opposed to the regulations adopted by the implementing ordinance.

2.6.7.5 Restricted Parking Overlay District for Marco Island. It is the intent and purpose of this subsection to allow residents within a subdivision in Collier County to prescribe stricter regulations governing the parking of commercial and/or major recreational equipment than is provided under the minimum requirements set forth in this Zoning Ordinance.

The purpose of these regulations is to maintain the appearance and quality of the residential use in the manner in which it was originally platted, to reduce congestion, prevent overcrowding and the blocking of views and the free flow of air currents, and to maintain the lasting values and amenities of the neighborhood.

2.6.7.5.1 Zoning Classification. This district shall apply as an overlay district for areas or portions of areas which are zoned for residential uses on Marco Island and shall be known as the Restricted Parking Overlay District, designated on the Official Zoning Atlas by the symbol "RP" in conjunction with the basic residential symbol.

1. No recreational equipment shall be kept or parked on premises zoned for residential purposes within the County nor on public rights-of-way of said zoned districts except when parked entirely within the confines of a garage, carport, or fully enclosed structure and cannot be seen from any abutting property or public way provided, however, that such vehicles may be parked anywhere on residential premises for a period not to exceed twenty four (24) hours during loading and unloading.

a. exceptions may be granted by the Site Development Review Services Director where the following conditions are satisfied:

i. Such recreational equipment may be parked upon the premises of the resident for a period not exceeding seven (7) days for the purpose of loading, unloading, repairing and/or cleaning prior to or after a trip. The permit for such period shall be affixed to the vehicle in a conspicuous place on the street side thereof. No more than two

Delete stricken language; add underlined language.

consecutive permits can be issued. A maximum number of permits allowed for a calendar year shall be restricted to four (4).

ii. Non-Resident: Such recreational equipment including but not limited to, trailers, buses or motor homes, when used for transportation of visitors to this County to visit friends or members of the visitors family residing in this County may be parked upon the premises of the visited family for a period not exceeding ten (10) days. This does not allow for living, sleeping, or housekeeping purposes. No more than two consecutive permits can be issued. A maximum number of permits allowed for a calendar year shall be restricted to four (4).

2. Boats and Boat Trailers: No boat or boat trailer shall be parked or stored on premises zoned for residential use or on public rights-of-way of said zoned districts, except when parked or stored entirely within the confines of a garage, carport or fully enclosed or shielded structure and cannot be seen from any abutting property or public way, Except where the following conditions occur:

a. A boat trailer may be parked on the owner's premises in the open, or on a temporary basis not to exceed either (8) hours for the purpose of loading and/or cleaning and unloading prior to or after an outing.

3. Boats: Boats may be stored on premises zoned for residential use only in one of the following methods:

a. Boats may be stored in the confine of a garage or fully enclosed opaque structure:

b. Boats may be berthed at approved docks, piers or by use of mooring whips, standoffs or by a similar structure/device on navigable waterways/canals;

c. Boats may be stored on davits, lifts, elevators or a similar device adjacent to navigable waterways/canals;

d. Boats may be stored on cradles consisting of a framework of bars or rods when said cradle is used in conjunction with the davit, lift, elevator or a similar device adjacent to navigable waterways/canals.

4. Hotel and Motel Parking Provisions: Hotels and motels are considered as business-like enterprises; therefore, recreational vehicles, trucks, trailer, buses and/or other commercial industrial vehicles, listed herein of bona fide residents thereof, transients or otherwise may be parked on

Delete stricken language; add underlined language.

the premises of such facilities. Such vehicles shall not be parked in streets, alleys or other rights-of-way within the residential district.

5. General Exceptions: The provisions of this Section shall not apply to vehicles parked on the premises of churches, clinics, schools, private clubs, golf courses, utilities, hotels and motels and parks and recreational areas, while the persons transported thereby are attending or participating in activities or being treated or served thereat, nor to buses, trucks or trailers parked, at any time, in a space prepared or designated therefore on said premises, if such vehicles are used or operated by or for the operation of the places or institutions designated, except that such vehicles cannot be used for residential occupancy.

SEC. 2.6.8 MOVING OF BUILDINGS OR STRUCTURES.

No building or structure shall be moved from one lot to another lot, or moved to another location on the same lot, unless such building or structure shall thereafter conform to all of the applicable provisions of this Zoning Code and to all other applicable regulations of Collier County.

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, safety service facilities, and other similar facilities.

Delete stricken language; add underlined language.

SEC. 2.6.9 ESSENTIAL SERVICES.

Essential services are hereby defined as services designated and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction, and governmental facilities. 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, as defined by this Code, shall be permitted uses in commercial, and industrial, agricultural, recreational and estate zoned districts. Furthermore, the following governmental facilities shall be permitted uses in the agricultural and estate zoned districts: non-residential not-for-profit child care, non-residential education facilities, libraries, museums, park and recreational service facilities.

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, agricultural and estate zoned districts except as otherwise specified by Sec. 2.6.9.1, public water supply acquisition, withdrawal, or extraction facilities, safety service facilities, and other similar facilities.

2.6.10.1 Sale of Alcoholic Beverages. The Site Development Review Director, or his designee, may authorize the sale of alcoholic beverages for consumption on premises subject to compliance with all zoning restrictions and the following locational criteria: The sale of alcoholic beverages for consumption on premises will not be permitted at any location until such location has been approved by the Development Services Director. ~~Prior to action by the Development Services Director for recommending a location for sale of alcoholic beverages for consumption on premises at any location, he shall find that the following requirements have been met:~~

Delete stricken language; add underlined language.

SEC. 2.6.33 TEMPORARY USE PERMITS

2.6.33.1 Purpose and Intent. Based upon the nature of some uses, their compatibility with surrounding properties, and the length of time a use is intended to function, there is an identified need to allow certain temporary uses on within a development site within zoning districts that would not otherwise provide for that use, and to provide for other types of temporary uses such as special community events, sales and promotions. It is the intent of this Section to classify temporary uses and to provide for their permitting.

2.6.33.2 General. The Development services director Site Development Review Director, or his designee, may grant a temporary use permit for requests that demonstrate compliance with the intent of sec. 2.6.33. approvals for such requests shall be based upon, but not limited to, the applicant's description of the temporary use, the intended duration of the use, hours of operation, and the impacts of the proposed temporary use on adjacent properties, as well as a All requests for a temporary use permit shall submit a Conceptual or Site Development Plan (SDP) in accordance with Div. 3.3, if determined necessary, which as provided for within this section. The appropriate required plan and temporary use permit application shall be submitted and approved prior to the submission of a building permit application and shall demonstrate, where applicable, that provisions will be made to adequately address the following:

1. Traffic circulation and safety within the site;
2. Minimum parking requirements for the temporary use as defined within Div. 2.3, Off-street Parking and Loading;
3. Screening, buffering, and landscaping of the temporary use to reduce potential impacts on adjacent properties;
4. Lighting;
5. Sanitary facilities;
6. Fire protection;
7. Environmental impacts;
8. Stormwater management;
9. Any other requirements determined to be necessary for the public health and safety.

~~2.6.33.3~~ Conceptual Plan Required. ~~All requests for a temporary use permit shall submit a detailed conceptual plan of the site improvements, which shall be in a form approved by the Development Services Director prior to the issuance of the temporary use permit. The conceptual plan and the temporary use permit shall be submitted and approved prior to the submission of a building permit application for the proposed model structure.~~

2.6.33.43 Temporary Construction and Development Permits. During the construction of any development for which a preliminary or final

Delete stricken language; add underlined language.

development order has been granted, the developer may request a temporary use permit for the below listed activities to provide for storage, construction and administrative activities on the development site. The temporary use permit shall be granted initially for a period not to exceed twenty-four (24) months in length and may be renewed annually based on demonstration of need. A request for renewal shall be submitted to the Site Development Review Director in writing thirty (30) days prior to the expiration of the temporary use permit. Temporary construction and development permits shall be allowed for the following uses:

1. Temporary offices to be used for construction, and administrative and sales functions within the development.
2. Temporary offices to be used for sales functions, including sales offices, allowing for the sale, resale, marketing of dwellings, structures, or property within the development in which it is located, or adjacent developments under the same control.
3. On-site storage of equipment and construction materials for use on the development site only.
4. On-site mobile home used as a temporary office or storage facility for persons engaged in the development of the site.
5. On-site mobile radio and television equipment and antennae.
6. On-site mobile home for the use of a watchman or caretaker only.
7. On-site temporary use of structures and equipment for the building of road, public utilities, and government projects.
8. Off-site temporary parking on property contiguous to the subject development with the written authorization of the property owner.
9. Other on-site uses similar to the foregoing uses and determined to meet the intent of Sec. 2.6.33.2.

Proposed temporary structures identified above and intended to be located either within a development for which Final SDP approval has not been granted or within a platted tract of an approved development prior to resubdivision as required by the provisions of Div. 3.2, require the submission and approval of a Site Development Plan in accordance with Div. 3.3. In the case of projects requiring platting pursuant to Div. 3.2, a Preliminary Subdivision Plat shall be submitted and approved prior to the granting of Final Site Development Plan approval. All other temporary uses permitted within Sec. 2.6.33.3 require the submission of a conceptual plan which demonstrates that provisions will be made to address the requirements of Sec. 2.6.33.2.

2.6.33.54 Model Homes and Model Sales Centers offices. Model homes and model sales office shall be allowed in all zoning districts by the issuance of a temporary use permit for a model home or a model sales office ~~subject to the following:~~

2.6.33.54.1 Model sales offices shall be of a temporary nature and located in the a development under construction. Temporary Model sales offices shall not be used for the offices of builders.

Delete stricken language; add underlined language.

contractors, developers, or similar activities. A temporary use permit issued for a model sales office shall be issued initially for a period of twenty-four (24) months and shall allow for the sale, resale and marketing of dwellings within the development in which it is located under construction, or adjacent developments under the same control. Extensions beyond the initial two (2) year period may be granted in accordance with Sec. 2-6.33-5.8.

2-6.33-5-2

Model homes and model sales centers shall be of a temporary nature and may or may not be located within a development under construction and shall only be permitted for dwellings that have not been previously occupied as a residence, allowed in any residential zoning district or residential component of a PUD by the issuance of a temporary use permit and subject to the following: A temporary use permit issued for a model home shall be issued initially for a period of twenty-four (24) months. Activities within model homes shall be restricted primarily to the sale and marketing of the model, or products similar to the model. A model home shall not include offices for builders, contractors, developers, or similar activities. Extensions beyond the initial two (2) year period may be granted in accordance with Sec. 2-6.33-5.8.

1. Model homes shall only be permitted for dwellings which have not been previously used as a residence.
2. A model home or model sales center is not intended to allow the full scope of real estate activities and shall be restricted primarily to the sale and marketing of the model, or products similar to the model. A model home shall not include offices for builders, contractors, developers, or similar activities.
3. Model homes may be "wet" or "dry". Model homes permitted as "dry" models shall be limited to a conditional certificate of occupancy allowing the use of the structure as a model only provided all required infrastructure is in place to service the unit. Model homes permitted as "wet models" shall not be occupied until such time as all required infrastructure is available to service the unit and a permanent certificate of occupancy has been issued.
4. A temporary use permit for a model home or model sales center shall be issued initially for a period of twenty-four months. Extensions beyond the initial two (2) year permit may be granted in accordance with Sec. 2-6.33.4.3.
5. Temporary use permits for model homes or model sales centers to be located within a proposed single family development prior to final plat approval may be requested by the applicant and require submission and approval of a Preliminary Subdivision Plat pursuant to Div. 3.2 and a Site Development Plan pursuant to Div. 3.3, subject to the following:
 - a) A maximum of five models shall be permitted within an approved development prior to final plat approval as permitted above.

Delete stricken language; add underlined language.

- b) The applicant shall provide documentation that all required utilities will be available to the subject site, and, where required, shall depict such utilities in detail on the Site development Plan.
- c) The parcels on which the models are located must abut a privately owned and maintained road, temporary in nature or permanently constructed to Collier County roadway standards.
- d) The boundaries depicted on the Preliminary Subdivision Plat shall be depicted on the Site Development Plan in order to ensure compliance with the applicable developments standards in effect on the subject property.
- e) Final lot grading and drainage conveyance shall be in conformance with the master grading plan for the project as depicted on the Preliminary Subdivision Plat submittal documents.

6. All other temporary use requests for model homes shall require the submission of a conceptual plan which demonstrates that provisions will be made to adequately address the requirements of Sec. 2.6.33.2.

~~2.6.33.5.4.3~~ Model homes may be "wet" or "dry" and may be constructed prior to recording of the final plat pursuant to the provisions of Div. 3-2. Model homes permitted as "dry" models shall be limited to a conditional certificate of occupancy allowing the use of the structure as a model only. Model homes permitted as "wet models" shall not be occupied until such time as a permanent certificate of occupancy has been issued.

~~2.6.33.5.4~~ Model homes, or model sales offices constructed prior to record platting shall provide metes and bounds legal descriptions conforming to the proposed plat configurations, and sufficient for the purposes of building permit issuance.

~~2.6.33.5.5~~ Model homes permitted as "dry" models shall be limited to a conditional certificate of occupancy allowing the use of the structure as a model only. Model homes permitted as "wet models" shall not be occupied until such time as a permanent certificate of occupancy has been issued.

~~2.6.33.5.6~~ Model homes and model sales offices shall conform with all requirements of the zoning district in which they are located including but not limited to, yards, square footage, and heights.

~~2.6.33.5.7~~ Model homes may be served by an approved temporary utility system intended for future connection to a central system. Interior fire protection facilities shall be provided in accordance with NFPA requirements unless a permanent water system with fire protection capabilities is available and in service.

~~2.6.33.4.2~~ <RESERVED>

2.6.33.54.81 Extension of a temporary use permit issued for a model home or model sales center office may be granted for a maximum of three

Delete stricken language; add underlined language.

(3) years and shall require public notice and a hearing by the planning commission. A request for an extension and scheduling on the Planning Commission agenda shall be made prior to expiration of the initial temporary use permit issued for the a model home or model sales ~~center~~ office. Only one (1) such extension shall be granted and any additional requests for an extension shall be granted only in accordance with Sec. 2.6.33.54.105. Notice of public hearing shall be prominently posted on the property for which the extension is sought. Notice of 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 public hearing. Notice of the time and place of the public hearing shall be sent at least fifteen (15) days in advance of the hearing by mail to all owners of property within three hundred feet (300') of the subject property. the Planning Commission's action shall be based upon consideration of the following factors:

1. The number of existing model homes or model sales ~~centers~~ offices within the immediate area of the extension request.
2. The classification of the right-of-way~~sl~~ upon which the model home or model sales ~~center~~ office fronts.
3. The character and make-up of the area surrounding the model home or model sales ~~center~~ office.
4. The potential effect of the model home or model sales ~~center~~ office on adjacent and surrounding properties.
5. The existence of complaints relating to the use of the model home or model sales ~~center~~ office which is the subject of the extension request.

2.6.33.54.94 <language remains the same>

2.6.33.54.105 Extensions of temporary use permits for model homes or model sales centers office permits in excess of three (3) years shall require submittal and approval of a Conditional Use Permit in accordance with Sec. 2.7.4.

2.6.33.5 Reserved

2.6.33.6 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 Commissioner shall be noted

Delete stricken language; add underlined language.

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 sales permits may, in support of the use being permitted, include the placement of one sign, a maximum of thirty-two square feet, or two such signs for properties containing more than one street frontage, as well as merchandise, temporary structures and equipment and mobile homes as an office, but not for residency. All temporary structures and equipment, merchandise, or placement and parking of vehicles in conjunction with the temporary sale shall conform to the minimum yard requirements of the district in which it is located. If the temporary use is not discontinued upon expiration of the permit, it shall be deemed a violation of the Land Development Ordinance Code and shall be subject to the penalties therein.
3. Temporary sales permits may be issued to the owner(s) of a commercial establishment, or to the tenant(s) operating within a commercial establishment with the approval of the property owner or property manager, provided said tenant provides documentation of a current annual lease with the property owner. Uses permitted by an approved temporary sales permit shall be operated by the property owner or tenant(s), except as provided for in sections 2.6.33.6.5 and 2.6.33.6.6, below.
- ~~3-4.~~ Temporary sales permits shall be restricted to those zoning districts in which the sale of the items would normally be permitted. Further, the sales activity permitted by the temporary use permit shall be related to the principal commercial activities in operation on the subject property except as provided for in Section 2.6.33.6.5 and 2.6.33.6.6, below. Further ~~the~~ issuance of a temporary use 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 in conjunction with the temporary sale do not shall conform to the minimum yard requirements of the district in which it is located.
5. The Site Development Review Director, or his designee, may issue temporary use permits for satellite locations subject to the applicable restrictions set forth in this Section, provided the applicant currently operates a business from a permanent approved commercial location within Collier County. Additionally, the purpose of the temporary sale shall be the same as the principal purpose of the existing commercial business of the applicant.

Delete stricken language; add underlined language.

6. The Site Development Review Director may, in determining a specific benefit to the public, grant a temporary use permit to facilitate the sale of an item or items not generally available within a specific Planning Community, subject to the applicable restrictions set forth in this Section.

4-7. Prior to the issuance of a temporary sales permit, a complete application, along with a conceptual site plan shall be submitted to the Site Development Review Director, or his designee. The conceptual plan, when reviewed in conjunction with the application, shall be of the appropriate scale and detail to adequately describe and define:

(a) Vehicular and pedestrian traffic safety measures.

(b) Additional parking requirements. A maximum of ten percent (10%) of the parking required by Div. 2.3 of this code may be occupied or otherwise rendered unusable by the placement of temporary structures, equipment, signs and merchandise. The minimum required number of handicapped parking spaces pursuant to Div. 2.3 shall remain available for usage.

(c) Limited activity hours.

(d) Watchmen, fencing, lighting.

(e) Fire protection measures.

(f) Sanitary facilities.

(g) If required, a faithful performance bond to guarantee compliance with the conditions of the permit.

8. In making such approval, the zoning Director Site Development Review Director, or his designee, may stipulate the following requirements, or restrictions 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 other similar temporary sales to be held at private homes sales, churches and other places of worship, community centers, other non-profit residentially zoned institutions the zoning Director Site Development Review Director, or his designee, 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, limited to a maximum of two signs, no greater than four (4) square feet each. 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

Delete stricken language; add underlined language.

considered a violation of the Land Development Zoning Code and shall be subject to the penalties herein.

2.6.33.7

Temporary Seasonal Sales. A non-renewable five (5) week permit may be issued for seasonal and holiday related temporary sales subject to the following restrictions.

1. Temporary use permits for seasonal sales may be issued for the following season/holiday related items:
 - a) Christmas trees.
 - b) Fireworks (subject to the issuance of an approved permit by the jurisdictional fire district).
 - c) Pumpkins
- 2) Temporary use permits for seasonal sales may be issued on improved or unimproved properties provided the applicant submits a conceptual site plan which demonstrates that provisions will be made to adequately address the following:
 - (a) Vehicular and pedestrian traffic safety measures.
 - (b) Adequate on-site, or additional off-site parking areas for unimproved properties. A maximum of ten percent (10%) of the parking required by Div. 2.3 of this code may be occupied or otherwise rendered unusable by the placement of temporary structures, equipment, signs and merchandise. The minimum required number of handicapped parking spaces pursuant to Div. 2.3 shall remain available for usage.
 - (c) Limited activity hours.
 - (d) Watchmen, fencing, lighting.
 - (e) Fire protection measures.
 - (f) Sanitary facilities.
3. The applicant shall provide a notarized letter from the property owner or the property manager granting permission to utilize the subject property for the Temporary Seasonal Sale.
4. Temporary use permits for seasonal/holiday sales may, in support of the use being permitted, include the placement of one sign, a maximum of thirty-two square feet, or two such signs for properties containing more than one street frontage, as well as merchandise, temporary structures and equipment. If the temporary use is not discontinued upon expiration of the permit, it shall be deemed a violation of the Land Development Code and shall be subject to the penalties therein.

2.6.33.7g Motion Picture/Television Production Permit:

2.6.33.7g.1 <language remains the same>

2.6.33.7g.2 <language remains the same>

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- 2.6.33.78.3 <language remains the same>
2.6.33.78.4 <language remains the same>
2.6.33.78.5 <language remains the same>
2.6.33.78.6 <language remains the same>
2.6.33.78.7 <language remains the same>
2.6.33.78.8 <language remains the same>
2.6.33.78.9 <language remains the same>

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

2.6.33.9.1 In the case of sports events, religious events, community events, or other similar events sponsored by profit, non-profit, charitable, civil, or membership organizations the Community Site Development Review Director Services Administrator, or his designee, may grant non-renewable permits of up to two (2) 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.

2.6.33.9.2 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 this Zoning Ordinance Code and shall be subject to the penalties contained therein.

2.6.33.9.3 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.

2.7.2.3.2 Notice and Public Hearing Where Proposed Amendment Would Change Zoning Classification of Land.

5. Notice of the time and place of the public hearing by the Planning Commission shall be sent at least fifteen (15) days in advance of the hearing by mail to all owners of property within three hundred feet (300') of the property lines of the land for which rezoning or a Planned Unit Development (PUD) amendment is sought; provided, however, that where the land for which the rezoning or PUD amendment is sought is part of, or adjacent to, land owned by the same person, the three hundred foot (300') distance shall be measured from the boundaries of the entire ownership or PUD, except that notice need not be mailed to any property owner located more than one-half mile (2,640 feet) from the land or PUD for which rezoning or PUD amendment is sought. For the purpose of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County.

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

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2.7.3.1.1 PUD Master Plan. The PUD Master Plan shall include the following graphically portrayed information: unless determined to be unnecessary to graphically illustrate the development strategy:

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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+ unless determined to be unnecessary to describe the development strategy:

Delete stricken language; add underlined language.

2.7.3.4 Time Limits for Approved PUD Master Plans. In the event that a PUD Master Plan is given approval, and the landowner(s) shall:

Should the Development Services Director determine that the development has not commenced in earnest, then upon review and consideration of the report provided by the owner and any supplemental information that may be provided, the Board of County Commissioners shall elect one of the following:

Delete stricken language; add underlined language.

2.7.3.5.1 Substantial/Insubstantial Changes.

2.7.3.5.1.9 Any modification to the PUD Master Plan or PUD document or amendment to a PUD Ordinance which is inconsistent with the Future Land Use Element or other element of the Growth Management Plan or which modification would increase the density or intensity of the permitted land uses; or

2.7.3.5.1.11 Any modification to the PUD Master Plan or PUD document or amendment to a PUD Ordinance which impact(s) any consideration deemed to be a substantial modification as described under Sec. 2.7.3.5.1.1 through 2.7.3.5.1.9; or

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2.7.3.6

Monitoring Requirements. In order to ensure and verify that approved project densities or intensities of land will not be exceeded and that development commitments will be fulfilled, annual monitoring reports shall be submitted by the developer/owner or authorized agent of a PUD to the Development Services Director. The monitoring report shall be submitted annually, on each anniversary of the date said PUD was approved by the Board until the PUD is completely constructed and all commitments in the PUD Document/Master Plan are met. The monitoring report shall provide the following information:

1. Name of project;
- ~~2.~~ ~~Reasons petition number;~~
- ~~3-2.~~ Name of owner, developer;
- ~~4.~~ General description of project activities over past 12 months;
- ~~5-3.~~ Number of units, by residential type; square footage and acreage of recreation facilities, commercial and other permitted uses; infrastructure and/or other uses which are complete or for which a valid permit has been issued, but which have not been completed;
- ~~6-4.~~ Up-to-date PUD Master Plan showing infrastructure, projects/developments, plats parcels and other pertinent information.
- ~~7-5.~~ Traffic counts for all access points to the major highway network.
- ~~8-6.~~ Copies of all required monitoring reports completed in past year (i.e., Traffic, Well Field, etc.).
- ~~9-7.~~ Up-to-date PUD Document which includes all approved amendments.
- ~~10-8.~~ Status of commitments in PUD Document.
- ~~11-2.~~ Other information as may be required by the Development Services Director.

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

Delete stricken language; add underlined language.

2.7.5.1

Purpose: In specific cases, variance from the terms of this Zoning Code may be granted where said variance ~~as~~ will not be contrary to the public interest and where, owing to special conditions peculiar to the property, a literal enforcement of the Zoning Code would result in unnecessary and undue hardship. A variance from the terms of this Zoning Code may be granted based on the requirements of this Section.

Delete stricken language; add underlined language.

SEC. 2.7.6 BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY COMPLIANCE PROCESS.

1. Zoning Action on Building Permits. The Site Development Review Services Director shall be responsible for determining whether applications for building permits, as required by the Collier County Building Code, are in accord with the requirements of this Zoning Code and the Land Development Code, and no building permit shall be issued without written approval that plans submitted conform to applicable zoning regulations, and other land development regulations. No building or structure shall be erected, moved, added to, or altered, utilized or allowed to exist without a permit, first obtaining the authorization of the required building permit(s) inspections and certificate(s) of occupancy as required by the Collier County Building Code and no building permit application shall be approved by the Site Development Review Services Director for the erection, moving, addition to, or alteration of any building or structure except in conformity with the provisions of this Zoning Code and the Land Development Code unless he shall receive a written order from the Board of Zoning Appeals in the form of an administrative review of the interpretation or variance as provided by this Code or unless he shall receive a written order from a court or tribunal or competent jurisdiction.

2. Application for Building Permit. All applications for building permits shall, in addition to containing the information required by the Building Official, be accompanied by plot and construction plans drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of buildings already existing, if any; the size and location on the lot of the building or buildings to be erected, or altered, or allowed to exist; the existing use of each building or buildings or parts thereof; the number of families the building is designed to accommodate; the location and number of required off-street parking and off-street loading spaces; approximate location of trees protected by County regulations; and such other information with regard to the lot and existing/proposed structures as provide for the enforcement of this Land Development Code. In the case of application of a building permit on property adjacent to the Gulf of Mexico, a survey, certified by a land surveyor or engineer licensed in the State of Florida, and not older than thirty(30) days shall be submitted. If there is a storm event or active erosion on a specific parcel of land for which a building permit is requested, which the Site Development Review Services Director determines may affect the density of the property, a more recent survey may be required. Where ownership or property lines are in doubt, the Site Development Review Services Director may require the submission of a survey, certified by a land surveyor or engineer licensed in the State of Florida. Property stakes shall be in place at the commencement of construction.

Delete stricken language; add underlined language.

3: Construction and Use to be as Provided in Applications:
Status of Permit Issued in Error. Building permits or certificates of occupancy issued on the basis of plans and specifications approved by the Site Development Review Services Director authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction different from that authorized shall be deemed a violation of this Land Development Code.

- a. Statements made by the applicant on the building permit application shall be deemed official statements. Approval of the application by the Site Development Review Services Director shall, in no way, exempt the applicant from strict observance of applicable provisions of this Land Development Code and all other applicable regulations, ordinances, codes, and laws.
- b. A building permit issued in error shall not confer any rights or privileges to the

Delete stricken language; add underlined language.

applicant to proceed to or continue with construction, and the County shall have the power to revoke such permit until said error is corrected.

4. Adequate Public Facilities Required. No building permit or certificate of occupancy shall be issued except in accordance with the Collier County Adequate Public Facilities Ordinance, Ord. No. 90-24 (Div. 3.15 of this Code) and Rule 9J-5.0055, F.A.C.

5. Improvement of Property Prohibited Prior to Issuance of Building Permit. No site work, removal of protected vegetation, grading, improvement of property or construction of any type may be commenced prior to the issuance of a building permit where the development proposed requires a building permit under this Land Development Code or other applicable County regulations. Removal of exotic vegetation shall be exempted upon receipt of a vegetation removal permit for exotics pursuant to Div. 3.9.

SEC. 2.7.7 AFFORDABLE HOUSING DENSITY BONUS.

2.7.7.1 General Provisions.

2.7.7.1.1 Title and Citation. This 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".

2.7.7.1.2 Authority. The Board of County Commissioners has the authority to adopt this Code pursuant to Art. VIII, Sec. 1(f), Fla. Const., Sec. 125.01 et seq., Fla. Stat., Sec. 163.3161 et seq., Fla. Stat., Rule 9J-5, F.A.C., the Growth Management Plan, the Stipulated Settlement Agreement in DOAH Case No. 89-1299 GM, and each of the authorities, findings, conclusions and provisions set forth or referenced in this Section.

2.7.7.1.3 Applicability. This Section shall apply to all development in the total unincorporated area of Collier County.

2.7.7.1.4 Purpose and Intent. Sec. 2.7.7 is intended to implement and be consistent with the Growth Management Plan, Sec. 163.3161 et seq., Fla. Stat., Rule 9J-5, F.A.C., and the Stipulated Settlement Agreement in DOAH Case No. 89-1299 GM, by providing for moderate, low and very low income housing through the use of density bonuses which allow an increase in the number of residential dwelling units per acre allowed on property proposed for development, thereby decreasing the per unit cost of land and development.

This objective is accomplished by implementing an "AHDB" Program which consists of an "AHDB" Rating System and an "AHDB" Monitoring Program. The purpose of the "AHDB" Rating System is to provide increased residential densities to developers who guarantee that a portion of their housing development will be affordable by households of moderate, low or very low income, thus expanding housing opportunities for moderate, low and very low income

Delete stricken language; add underlined language.

SEC. 2.7.6 BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY COMPLIANCE PROCESS.

6. Zoning and Land Use Approval Required Prior to or Simultaneously with Issuance of Building Permit or Occupancy of Land and Space.

A zoning certificate, attesting to compliance with all aspects of the zoning provisions of the Land Development Code, shall be required prior to obtaining a building permit or to occupying any space of land or buildings or for the conduct of a business in all zoning district. The following Zoning Certificate review procedure shall provide for the issuance of a Zoning Certificate.

- a. For the purposes of determining compliance with the zoning provisions of the Land Development code, an approval of a Site Development Plan pursuant to Div. 3.3, herein, authorizes the issuance of a Zoning Certificate. Said Zoning Certificate shall constitute a statement of compliance with all applicable provisions of the Land Development Code, including the uses of the building space upon which applicable off-street parking and loading requirements were based, however, issuance of a Zoning Certificate shall not exempt any person from full compliance with any applicable provision of the Land Development Code.
- b. In subdivided buildings each space for which a use is proposed requires a Zoning Certificate for that particular space, independent of any approval conferred upon the building and the land pursuant to Div. 3.3 and of a Zoning Certificate issued for the building and the land, shall be required.
- c. A Zoning Certificate shall be required for any use of land or buildings located in residential zoning districts, which involve the conduct of a commercial or other non-residentially allowed uses of land or buildings.

- 3.2.4.8 Lot Line Adjustment. An adjustment of a lot line between contiguous lots which are under separate ownership shall be exempt from this Division if all of the following conditions are met in a written request to the Development Services Director:
- 3.2.4.8.1 It is demonstrated that the request is to correct an engineering or surveying error in a recorded plat or is to permit an insubstantial boundary change between adjacent parcels, such insubstantial change shall not exceed the creation of two (2) lots from three (3) platted lots; and
- 3.2.4.8.2 Both landowners whose lot lines are being adjusted provide written consent to the lot line adjustment; and
- 3.2.4.8.3 Instrument(s) evidencing the lot line adjustment shall be filed in the official records of Collier County, Florida, upon approval, and shall indicate that the result of the lot line adjustment will meet the standards of, and conforms to, the requirements of this Code, including the dimensional requirements of the zoning district and subdivision in which the lots are located. However, in cases of an existing nonconforming lot, the adjustment shall not increase the nonconformity of the lot; and
- 3.2.4.8.4 It is demonstrated that the lot line adjustment will not affect the development rights or permitted density or intensity of use of the affected lots by providing the opportunity to create a new lot(s) for resale or development.

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3.2.4.9

Prior Subdivision. All division of land occurring prior to the effective date of this Code and conforming to the purposes of this Division, shall be exempt from this Division; provided, however, that any property so divided which is resubdivided or further divided on or after January 10, 1989, shall not be exempt from this Division. For agricultural/residential subdivisions within the rural area of Collier County as defined herein refer to Section 3.2.4.11.

Delete stricken language; add underlined language.

3.2.4.11 Rural Area Subdivisions. The purpose of this Section is to recognize the unique attributes of areas identified as "Rural" in the Future Land Use Element of the Collier County Growth Management Plan for residential and agricultural uses defined in Div. 6.3. Through the provisions of this Section, practices that are compatible with the character and natural functions of the rural area are best promoted by the alternatives provided to the "Urban" improvements set forth in Division 3.2 generally.

3.2.4.11.1 Exemption from Platting and Subdivision Regulations. The division of property meeting the definition of rural subdivision shall not require the subdivider to record a final plat nor comply with the subdivision regulations provided in Division 3.2. The subdivider and purchaser of the property shall comply with the regulations provided in Section 3.2.4.11. The division of property not meeting the definition of rural subdivision is required to comply with all requirements of Division 3.2.

3.2.4.11.2 Deeds and Other Conveyances. All deeds and other conveyances for properties meeting the definition of rural subdivision shall include in ten-point type the following statement: "NO GOVERNMENTAL AGENCY, INCLUDING COLLIER COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED.

3.2.4.11.3 Building Permits for Rural Subdivisions. Prior to the issuance of a building permit for any property in the Rural Area, which by definition in Div. 6.3 is deemed to be a rural subdivision, the owner of the property applying for the building permit must provide verification that he or she has an existing means of access to the property and the existing means of access to such property must be improved to the standards established by this subsection. Said access may be:

- a) naturally cleared accessway a minimum of 24 feet in width, or
- b) dustless surface a minimum of 24 feet in width, or
- c) asphalt paved road a minimum of 24 feet in width, or
- d) limerock surface a minimum of 24 feet in width.

3.2.4.11.4 Access Agreement. The owner of property applying for a building permit shall execute a release and waiver agreement which shall be executed and recorded at the applicant's expense in the official records of Collier County. The release and waiver agreement shall be in a form approved by the County Attorney or his designee, and shall include, at a minimum, the following provisions and a copy of the recorded agreement submitted with the property owner's building permit application:

Delete stricken language; add underlined language.

- a) Identification of the property by legal description and tax parcel folio number;
- b) Description of the means of access to the subject property and the physical condition of that access;
- c) A statement recognizing that the access rights are personal rights between the grantor and grantee and the County's approval of the use of the accessway in no way implies that the use is permitted.
- d) A statement confirming that the maintenance and upkeep of such means of access shall be the perpetual responsibility of the individual(s) or other entity holding rights to such means of access;
- e) A statement confirming that any development order issued by Collier County proposing utilization of such means of access shall contain a specific disclaimer from Collier County relating to the County's obligation for the present or future maintenance or upkeep of such means of access;
- f) A statement of release holding Collier County harmless in perpetuity for maintenance of such means of access;
- g) Description of the extent and specifications for improvements to the means of access being requested by the applicant;
- h) Description of the utilities, including, for example, water, sewer, telephone, electricity, which shall service the property as required by Collier County Ordinance 89-06, known as the Collier County Standard Housing Code, or its successor in function;
- i) A statement of the applicant's intent to arrange for, have installed and pay for provision of such utilities as are required by law;
- j) A statement of release holding Collier County harmless in perpetuity for maintenance of such utilities;
- k) An acknowledgment that the Department of Community Affairs (DCA) may review and appeal any development order issued by Collier County within the Big Cypress Area of Critical State Concern. Also, confirmation that the applicant will execute, prior to issuance of any development order by Collier County, a statement of understanding of the DCA review requirements in the form approved by the DCA;

Delete stricken language; add underlined language.

- 1) A statement that permits from all state and federal agencies have been obtained or applied for, including copies of said permit applications. The responsibility to determine if such permits are necessary is solely the responsibility of the applicant.

Delete stricken language; add underlined language.

3.2.6.3.6 Model Sales Centers, Model Homes, Review and Determination. As provided for within Sec. 2.6.33, Temporary Use Permits. -Following approval of the Final Subdivision Plat and construction documents in a project where permission to construct prior to recording of the final plat is granted to the applicant, building permits for model homes may be issued to the applicant only, provided:

- 1r When permission to construct prior to recording of the final plat has been granted in a subdivision with private rights-of-way or rights-of-way to be dedicated to the public upon recordation of the final subdivision plat, a Collier County model home building permit approved in accordance with all standard building permit procedures shall be issued and a certificate of occupancy issued for each model home provided all of the following additional stipulations are complied with:
 - a- A site development plan prepared in compliance with Div. 3-3 shall be submitted and approved for each model home parcel prior to submission of a model home building permit application. The boundary on the site development plan must conform with the configuration and boundaries of the approved Final Subdivision Plat.
 - b- The parcels on which the model homes are located must abut a privately owned and maintained road, temporary in nature or permanently constructed to Collier County roadway design standards.
 - c- No more than five (5) model home permits per subdivision phase shall be issued to the applicant in this manner, and
 - d- All zoning conditions and regulations must be followed (See Sec. 2.6.33), or
- 2r The proposed lot(s) has frontage on an already platted publicly owned and maintained road and all infra-structure to support construction of structures is in place. No more than five (5) model home permits per subdivision phase shall be issued in this manner. All zoning conditions and regulations must be followed and the provisions of Sec. 3.2.6.3.6.1 must be complied with.

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3.2.6.4 Construction of Required Improvements.

3.2.6.4.10 Failure to Complete Unrecorded Subdivision. Where an applicant has elected to construct, install, and complete the required improvements prior to recordation of the final subdivision plat and fails to complete such improvements within the time limitations of this Division, all approvals for the subdivision shall be null and void. No reference shall be made to the preliminary subdivision plat or the final subdivision plat with respect to the sale of lots or issuance of building permits, unless and until the preliminary and final subdivision plats have been resubmitted with all of the supplementary documents and material, and all approvals required in this Division have been granted. Under these circumstances, the applicant shall be required to compensate the County through the payment of new review and inspection fees, as ~~through~~ though the development were being submitted for its initial review and approval.

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3.2.6.5.3

Procedures for Acceptance of Required Improvements. The applicant shall submit the following data, certifications, inspections and documents for review and approval by the Site Development Review Services Director prior to the Board of County Commissioners denying, granting, or granting with conditions preliminary acceptance of any completed required improvements and prior to authorizing the Site Development Review Services Director to issue any building permits for structures to be constructed within a subdivision or development, where the developer has chosen to construct the improvements prior to recording of the plat.

Delete stricken language; add underlined language.

3.2.7.1 Preliminary Subdivision Plat Submission Requirements.

3.2.7.1.21 An environmental impact statement pursuant to Div. 8.3 of this Code, except that the applicant may request an administrative waiver of this provision where it is apparent that no environmental degradation will result from the development of the land or where a prior environmental impact assessment was prepared for the same area of land within five (5) years from the date of submission of the preliminary subdivision plat.

3.2.8.2 Improvement Plans Submission Requirements.

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 or where the water management system will utilize wetlands for water management, the Applicant shall initially provide with the submission the SFWMD Construction Permit Submittal. Prior to approval the applicant shall provide the staff report and early work permit or construction permit.

Delete stricken language; add underlined language.

~~3.2.8.3.4~~

~~Buffer Areas - Subdivisions or developments shall be buffered for the protection of property owners from surrounding land uses as required per Division 2.4, which shall be shown and designated on the plat as a tract or easement. All landscape buffer areas shall be required, designed and constructed in compliance with Div. 2.4. These landscape buffer areas shall not be located on any public or private right-of-way. The ability to locate buffers within a platted or recorded easement shall be determined pursuant to the provisions of Division 2.4. Buffers adjacent to protected/preserve areas shall conform to the requirements established by the agency requiring such buffer. If acceptable to the initiating agency, such buffers may be included within the boundaries of development parcels or lots, which shall be shown and designated on the plat as a tract or easement.~~

3.2.8.3.4

Buffer Areas. Subdivisions or developments shall be buffered for the protection of property owners from surrounding land uses as required pursuant to Div. 2.4. Buffers shall be installed during construction as follows and in accordance with Div. 2.4:

- a) To separate residential developments from commercial, community use, industrial and public use developments and adjacent expressways, arterials and railroad rights-of-way, except where such expressway, arterial, or railroad right-of-way abuts a golf course.
- b) To separate commercial, community use, industrial and public use developments from residential developments.
- c) To separate subdivisions of residential property that do not result in the submittal of a Site Development Plan pursuant to the provisions of Division 3.3 from other residential properties.

Separation shall be created with a landscape buffer strip which is designed and constructed in compliance with the provisions of Division 2.4. Such buffer strip(s) shall be shown and designated on the final plat as a tract or easement and shall not be located within any public or private right-of-way. The ability to locate buffer(s) within a platted or recorded easement shall be determined pursuant to the provisions of Division 2.4. Buffers adjacent to protected/preserve areas shall conform to the requirements established by the agency requiring such buffer.

Delete stricken language; add underlined language.

3.2.8.3 Required Improvements.

3.2.8.3.9 Elevation, Land Filling, Excavation and Demolition. The elevation of all building sites and public or private roadways included within a subdivision or development for which a use other than conservation or recreation is proposed shall be not less than five and one-half feet (5½') NGVD when completed, or to such minimum elevations above the established NGVD datum as adopted by the Board of County Commissioners, FEMA/FIRM, or the South Florida Water Management District criteria. All lawful regulations with reference to bulkhead lines, salt barrier lines, and other appropriate regulations regarding land filling, conservation, excavations, demolition, and related regulations shall be observed during the construction of any improvements within Collier County.

Delete stricken language; add underlined language.

3.2.8.3 Required Improvements.

3.2.8.3.20 Street Lighting. Street lights shall be designed and installed utilizing the guidelines of the IES standards for each street intersection, at required intervals along each street not to exceed 400 feet (400') and at the end of each cul-de-sac, and may be required at intervals along each street. Such lights may be required on interior streets, alleys, boundary streets, access paths, and the like.

Wherever, in the opinion of the Site Development Review Services Director, based on an engineer's determination, a dangerous condition is created by sharp curves, irregularities in street alignment, or other similar circumstances, additional lights may be required. Street lights and mounting poles shall be wired for underground service. All conduits and casing to be placed under the roadway required for the lights must be installed during each construction phase prior to roadway subbase completion. Street lights shall be designed and installed in either of two (2) ways:

1. Where street lights are to be installed on private streets, the developer, through an electrical engineer registered in the State of Florida, shall design and install the street lighting system subject to the approval of the Development Services Director. Upon completion of the street light lights, they shall be owned, operated and maintained by the property owners' association, a condominium association, cooperative association, or other similar entity, or the public utility furnishing the electric service.

Delete stricken language; add underlined language.

3.2.8.4.7 Easements.

4. Improvement Plans. The improvement plans for required improvements which will be constructed within an existing easement must illustrate the existing easement and existing facilities, and the proposed easement and the proposed facilities. Copies of the improvement plans shall be provided by the applicant to the holder of the easement(s) simultaneously with its submission to the County.

The review and approval of improvement plans does not authorize the construction of required improvements which are inconsistent with existing easement(s) of record.

Delete stricken language; add underlined language.

3.2.8.4.9 Median Strips and Entranceways.

2. Subdivision or Land Development Entranceways. Subdivision or development entranceways consisting of habitable or unhabitable structures, walls, fences, gates, rock piles or the like are not permitted within the median strip of a publicly dedicated right-of-way. Decorative entranceways may be constructed upon property adjacent to a right-of-way in compliance with the this Code and shall be placed so as to not interfere with any cross-corner or stopping sight distance or constitute a traffic hazard. Any improvements within private rights-of-way shall not be placed over any underground improvements without the prior written consent of the intended owner of the improvements. Upon completion of the entranceway, all improvements shall be maintained by the property owner's association, condominium association, cooperative association, or other similar entity.

Delete stricken language; add underlined language.

3.2.8.4 Design Requirements.

3.2.8.4.21 Utility Casings. All casings to be installed within the roadway section of a project shall be located at a depth at least six inches (6") below the bottom elevation of the roadway stabilized based course. All casings providing water service shall extend to the intersection of the right-of-way line and the lot line. Unless approved by the Development Services Director pursuant to Sec. 3.2.7.2, all casings required for the complete service of underground utilities to the subdivision shall be installed during the construction phase of the project. Any casing which must be placed after completion of the roadway stabilization and paving shall have its method of installation approved by the Development Services Director.

Delete stricken language; add underlined language.

final subdivision plat and improvement plans approval. The installation of underground utilities or relocating existing facilities as prescribed by this Division shall be in conformance with the respective utility's rules and regulations.

3.2.8.4.20 Utility Installation. After the clearing, grubbing, and grading has been completed within six inches (6") of final sub-grade of the roadway for a street, all underground work for the water mains, sanitary sewers, storm sewers, gas mains, telephone, electrical power conduits and appurtenances and any other utility shall be installed across the width of the street to the sidewalk area, or provisions shall be made so that the roadway or right-of-way will not be disturbed by future utility installations. All underground improvements so installed for the purpose of future service connections shall be properly capped and backfilled.

3.2.8.4.21 Utility Casings. All casings to be installed within the roadway section of a project shall be located at a depth at least six inches (6") below the bottom elevation of the roadway stabilized base course. Unless approved by the Development Services Director pursuant to Sec. 3.2.7.2, all casings required for the complete service of underground utilities to the subdivision shall be installed during the construction phase of the project. Any casing which must be placed after completion of the roadway stabilization and paving shall have its method of installation approved by the Development Services Director.

3.2.8.4.22 Water Management.

1. Scope. A complete storm water management system shall be provided for all areas within the subdivision or development, including lots, streets and alleys. The system design shall meet the applicable provisions of the current Collier County Codes and Ordinances, South Florida Water Management District rules and regulations pursuant to Chapter 373, Florida Statutes and Chapter 17-40 and Title 40E, Florida Administrative Code, and any other affected state and Federal agencies' rules and regulations in effect at the time of preliminary subdivision plat submission.

Where stormwater runoff from outside the subdivision or development historically passes on, passes over or through areas of the subdivision or development, such runoff shall be included in the stormwater system design. The system shall be designed for long life, low cost maintenance by normal methods and provide for optimal on-site detention of stormwater runoff and ground water recharge in accordance with applicable county and SFWMD regulations.

Water management areas shall be required to be maintained in perpetuity according to the approved plans. Water management areas not maintained shall be corrected according to approved plans within thirty (30) days.

Delete stricken language; add underlined language.

3.2.8.4 Design Requirements.

3.2.8.4.22 Water Management.

9. Underground Drainage. Where drainage plans provide for, or it is so directed by the Site Development Review Services Director, the collection of storm water in underground pipes, inlets and other appurtenances for conveyance to an intermediate or ultimate outfall, the following minimum design criteria shall be observed:
 - a. The minimum pipe used within a publicly maintained the storm water collection system shall be fifteen inches (15") in diameter.

Delete stricken language; add underlined language.

3.2.9.2.5 Survey Data.

12. All final plats presented for approval shall clearly indicate the finished elevation above NGVD of the roads, the average finished elevation above NGVD of the lots or homesites, and the minimum base flood elevation above NGVD as required.

Delete stricken language; add underlined language.

SEC. 3.3.3 APPLICABILITY. All development, with the exception of a single lot or parcel proposing a single family detached unit or a duplex unit, shall be subject to site development plan review and approval. A preliminary site development plan, when required, shall be reviewed and approved prior to the submittal of a final site development plan. All development except as otherwise provided is subject to the provisions of this Division. The provisions of this Division shall not apply to the following land use activities and represent the sole exceptions therefrom:

- i) Single family detached and two family housing structure(s) on a lot(s) of record except as otherwise provided at Section 2.6.27 (Cluster Development).
- ii) Underground construction; utilities, communications and similar underground construction type activities.
- iii) Accessory and ancillary facilities for a golf course such as restrooms, irrigation systems, pump houses where a preliminary work authorization has been entered into with the County.
- iv) Construction trailers and storage of equipment and materials following issuance of a building permit for the use for which said activities are a function of, except as otherwise provided at Section 2.6.33.
- v) Model Homes and Sales Centers, except as otherwise provided at Section 2.6.33.
- vi) Project entryway signs, walls, gates and guard houses.

While the above land use activities shall be exempt from the provisions of Division 3.3, these land use activities are subject to all other provisions of the Land Development Code such as but not limited to landscaping, tree removal, development standards and the submission requirements attendant to obtaining a temporary use permit and building permits.

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3.3.5.4

Preliminary Site Development Plan Application Requirements. A pre-application meeting shall be conducted with Community Development Services staff, except where a petitioner waives said meeting and notes such in their submittal package, by the Development Services Director to determine all applicable submittal requirements which shall include the following, if applicable:

Delete stricken language; add underlined language.

~~3.3.5.6~~ Site Improvement Plan Review. Submittal of a site plan may be reviewed under the Site Improvement Plan (SIP) review process if the development proposal meets all of the following conditions:

~~3.3.5.6.1~~ The project involves a site which is currently improved with principal structures, parking facilities, water and sewer services, and defined ingress/egress.

~~3.3.5.6.2~~ The proposed use will not require an expansion of the existing impervious areas or otherwise affect on-site surface water management facilities as may be documented by waiver letters from the South Florida Water Management District or Collier County where applicable.

~~3.3.5.6.3~~ Written documentation from appropriate agencies acknowledging that water and sewer services are available at the site and are adequate to serve the proposed use.

~~3.3.5.7~~ Site Improvement Plan Submittal and Review. A Site Improvement Plan (SIP) shall be prepared on a 24"x36" sheet drawn to scale and setting forth the following information:

1. The project title, property owner, address and telephone number.
2. Legal description, scale, and north arrow.
3. Zoning designation of the subject site and adjacent sites and the proposed use of the subject site.
4. Location, configuration and dimensions of all building and lot improvements.
5. Location and configuration of parking and loading areas, and the directional movement of internal vehicle traffic.
6. Location and dimension of access point(s) to the site.
7. Parking summary in matrix form, indicating the required and provided parking for each existing and proposed use.
8. Location and configuration of handicapped parking facilities and building accessibility features.
9. Location, dimension and configuration of existing water management facilities.
10. Location of trash enclosures
11. Location of existing and proposed landscaping with specification as to size, quantity and type of vegetation.
12. Any additional relevant information as may be required by the Site Development Review Director.

Delete stricken language; add underlined language.

SEC. 3.3.6 SITE DEVELOPMENT PLAN STANDARDS. The Development Services Director Site Development Review Director shall review and consider all site improvement plans and preliminary and final site development plans.

Delete stricken language; add underlined language.

- 3.3.6.7 Water management master plan on the property, considering its effect on adjacent and nearby properties and the consequences of such water management master plan on overall County capacities. Water management areas shall be required to be maintained in perpetuity according to the approved plans. Water management areas not maintained shall be corrected according to approved plans within 30 days.
- 3.3.6.8 Adequacy of utility service, considering hook-in location and availability and capacity for the uses projected.
- 3.3.6.9 Such other standards as may be imposed by this Code, the Growth Management Plan or other applicable regulations for the particular use or activity proposed.
- 3.3.6.10 Signage proposed for the project shall be in conformity with Collier County Sign Code, Division 2.5, and shall not be reviewed and approved as part of the site development plan process.

SEC. 3.3.7 AMENDMENTS.

3.3.7.1 Any proposed change or amendment to a previously approved site development plan shall be subject to review and approval by the Development Services Director. Upon submittal of a plan clearly illustrating the proposed change, the Development Services Director shall determine whether or not it constitutes a substantial change. In the event a substantial change is identified, both the preliminary (if required) and the final site development plan shall be amended to reflect the change and shall follow the same review procedure as set forth for a new site development plan application (refer to Sec. 3.3.5 and 3.3.6). A substantial change shall be defined as:

3.3.7.1.1 Any change which substantially affects existing transportation circulation, parking or building arrangements, drainage, landscaping, buffering, identified preservation/conservation areas and other site development plan considerations; or

3.3.7.1.2 Any other change the Development Services Director may determine as significantly altering the general layout, configuration and arrangement of the project.

3.3.7.2 In the event the Development Services Director determines the change to be less than substantial, both the preliminary, if required, and final site development plan shall be amended to reflect the change, but shall not be required to follow the review procedure as set forth for a new site development plan.

SEC. 3.3.8. SITE DEVELOPMENT PLAN TIME LIMITS. Approved Final Site Development Plans shall remain in force for two (2) years. If no development (actual construction) has commenced within two (2) years, the Site Development Plan shall expire. One (1) one-year extension may be granted for good cause shown upon written

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3.5.4 EXEMPTIONS

3.5.4.7.3 A building permit for the single family home must be issued prior to the County issuing a letter of exemption.

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3.5.5.2.1

Issuance of Private and Development Excavation Permits. The Site Development Review Services Director may administratively approve and issue Private and Development Excavation Permits where all of the applicable standards of this division have been met and a development order in the form of a final subdivision plat and improvement plans pursuant to Div. 3.2 or a final site development plan pursuant to Div. 3.3 has been issued for the property where the Development or Private excavation is to occur, or a final local development order has been issued for Private excavations occurring on property zoned for single family use. When, in the opinion of the Site Development Review Director, the standards have not been met, the application shall be submitted to the Environmental Advisory Board for recommendation with ultimate approval or denial required of the Board.

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3.5.5.4 Excavation Permit Criteria. Approval by the Site Development Review Services Director and the Board shall be granted only upon competent and substantial evidence submitted by the Applicant, that:

3.5.5.4.5 The excavation does not conflict with the Growth Management Plan or land development regulations adopted pursuant thereto, nor does it conflict with existing zoning regulations. The applicant shall provide written statements to this effect from the Growth Planning Director and Planning Services Manager prior to the issuance of the permit. Special criteria and approval procedures may be necessary for projects within the Big Cypress Area of Critical State Concern.

Delete stricken language; add underlined language.

SEC. 3.5.6 APPLICATION REQUIREMENTS FOR EXCAVATION PERMITS.

3.5.6.3 If trees are to be removed as a result of the excavating operation, a Tree Vegetation Removal Permit shall be obtained from the Site Development Review Services Director before work shall commence.

Delete stricken language; add underlined language.

SEC. 3.5.7 CONSTRUCTION REQUIREMENTS FOR THE CONSTRUCTION OF EXCAVATIONS.

All requirements of the South Florida Water Management District, Permit Information Volume IV along with the following requirements, shall apply to all excavations.

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3.5.7.2 Side Slopes

3.5.7.2.4 Exceptions to the side slope requirements that may be justified by such alternatives as artificial slope protection or vertical bulkheads shall be approved in advance by the Site Development Review Services Director, where justification shall be documented in a design analysis prepared by a Professional Engineer registered in the State of Florida.

Delete stricken language; add underlined language.

3.5.7.2 Side Slopes

3.5.7.2.5 Ten percent (10%) of the finished lake banks shall be planted with natural native aquatic vegetation on a littoral shelf located three (3) feet vertically, with two-thirds (2/3) below and one-third (1/3) above the control elevation, except for dry detention, dry retention ponds, wet swales and ditches used only for conveyance of surface water.

Littoral planting zones should be adjacent to and waterward of control structures when possible. The following criteria shall be minimum standards in the creation of the littoral zone:

1. Eighty percent (80%) vegetative coverage of the planted littoral shelf is required over a three year period to ensure establishment. Beyond three years the littoral shelf shall be maintained as functional component of the lake system. The function shall be defined as mimicking a natural system to improve water quality, biologically cleanse run-off prior to discharge into water, buffer against shoreline erosion, naturally control exotics and/or to mimic other natural functions such as the utilization by wildlife.
2. The littoral zone shall be planted with at least three different species of native, nursery grown or otherwise legally obtained vegetation tolerant of the different zones within the littoral shelf where no single species shall account for greater than fifty percent of coverage. Copies of receipts for vegetation purchase shall be provided upon request by the Site Development Review Director.
3. All Collier County listed prohibited exotics shall be removed as they occur manually or with U.S. Environmental Protection Agency approved herbicides. Cattails shall be removed manually or with U.S. Environmental Protection Agency approved herbicides when they exceed ten percent coverage.
4. At the time of planting: minimum tree height shall be eight feet; minimum shrub height shall be twenty-four inches; minimum herbaceous height shall be twelve inches. The height requirement may be administratively waived where the required height of tree, shrub or herbaceous plants are not available.
5. An annual monitoring report shall be forwarded to Compliance Services Environmental staff, until such time as criteria set forth in Sec. 3.5.7.2.5(1) have been satisfied.

In order to ensure a minimum eighty percent coverage of littoral zone planting areas, a performance guarantee pursuant to the provisions of Sec. 3.5.10 will be required upon completion and acceptance of each excavation permitted by the County. The value of the guarantee shall be based on a cost estimate to replace the original installed littoral zone plants. The guarantee must be submitted and approved by the Board of County Commissioners prior

to preliminary acceptance of the permitted excavation(s) and shall be held for a period of a minimum of one year to permit the plantings to become established within the lake. The guarantee may only be released by the County upon the completion of a final inspection which confirms that at least eighty percent coverage has been obtained.

SEC. 3.5.7 CONSTRUCTION REQUIREMENTS FOR THE CONSTRUCTION OF EXCAVATIONS.

~~3.5.7.8~~ Non-Water Management System Lakes. Non-water management system lakes of a surface area of one (1) acre or less, may be rip-rapped along their entire shoreline under the following conditions:

- a. Side slopes shall be at a minimum ratio of 2:1.
- b. The required littoral zone may be created at a water management lake in the system, but at least ten percent (10%) of the required littoral areas shall be created at the lake discharge facility.
- c. Rip-rapping must extend down to the slope breakpoint required by Sec. 3.5.7.2, LDC.
- d. The lake shall have protective barriers to prevent vehicular access where necessary.
- e. The lake shall meet all of the design requirements of Sec. 3.5., LDC.

Delete stricken language; add underlined language.

3.5.7 CONSTRUCTION REQUIREMENTS FOR THE CONSTRUCTION OF EXCAVATIONS.

3.5.7.2 Amendments to Approved Excavations: Substantial changes to any approved excavation permit must be submitted to Project Plan Review for review and approval, with such approval granted in writing prior to commencement of any proposed change. Failure to comply with the permit requirements shall be cause for the Development Services Director to issue "Stop Work" orders on all excavation related activities taking place or planned for the subject property. Insubstantial changes shall not require prior written approval and shall include reductions in surface area not affecting water management design quantities, criteria or the minimum standards of this Division and reductions in permitted quantities of material to be removed. A written description of proposed insubstantial change, including an illustrated as-built as per the excavation permit, to any approved excavation shall be submitted in writing to Project Plan Review and to the Development Compliance Department .

3.5.10 PERFORMANCE GUARANTEE REQUIREMENTS.

3.5.10.1 Upon approval of any commercial or development excavation permit, but prior to the issuance thereof, the Applicant shall, after notification that the permit has been approved, execute an Excavation Performance Security Agreement stating that the applicant he will comply with the provisions of this division and the permit. Governmental entities shall be exempt from this requirements except for independent special-purpose government such as a Community Development District (CDD). Excavation Performance Security shall be required of an independent special-purpose government in accordance with Sec. 3.5.10.1.3. ~~This~~ The Excavation Performance Security Agreement shall be guaranteed by one of the following two three methods:

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3.5.10.1.3 The Excavation Performance Security for an independent special-purpose government such as a Community Development District (CDD) shall be in the following form:

1. Funds held by the bond trustee for a Community Development District which are designated for excavation improvements. The CDD shall enter into an Excavation Performance Security Agreement with the County in a form acceptable to the County Attorney. The Excavation Performance Security Agreement shall provide that a) all permits required for the construction of the excavations(s) shall be obtained by the CDD prior to excavation permit issuance by Collier County, b) the Project as defined in the CDD's bond documents must include the excavation improvements and cannot be amended or changed without the consent of the County, and c) the Developer shall be required to complete the excavation improvements should the CDD fail to complete same.

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DIV. 3.6 WELL CONSTRUCTION.

SEC. 3.6.1 TITLE AND CITATION.

This division shall be known and may be cited as the "Collier County Well Construction Code".

SEC. 3.6.2 PURPOSE.

The Board does hereby make the following findings: That it is necessary and in the public interest to regulate the location, construction, alteration, repair, equipment, maintenance, and plugging of wells in Collier County and is in the interest of the public health, safety and welfare. It is therefore the purpose of this division to bring about public awareness of proper well construction methods and to initiate and enforce regulation relating to well construction. Regulation of well construction is necessary because improperly constructed, repaired, or abandoned wells, test holes, or hydraulic elevator shafts have the capacity to create hazards to the health, welfare and safety of the citizens of Collier County and to pollute or otherwise adversely affect the quality of water resources in Collier County.

3.6.3 APPLICABILITY.

This division shall apply to and be enforced in all areas of Collier County.

SEC. 3.6.4 REGULATION OF WELLS.

3.6.4.1 Scope. The regulations in this section relate to the permitting requirements applicable to the construction, repair or abandonment of wells. All wells must be permitted prior to construction, repair or abandonment and must be constructed, repaired or abandoned by a licensed water well contractor. This does not relieve the applicant from obtaining permits from the South Florida Water Management District which may be required under Chapter 40E-2 (Consumptive Use), Chapter 40E-4 (Surface Water Management), Chapter 40E-20 (General Water Use Permits) or Chapter 40E-40 (General Surface Water Management Permits), Florida Administrative Code, as may be amended from time to time.

3.6.4.2 Permits Required.

3.6.4.2.1 Unless expressly exempt in subsection 3.6.4.3, a permit must be obtained from the County prior to the construction, repair or abandonment of any well, test hole, or hydraulic elevator shaft within Collier County. Any well drilled without a permit shall be plugged by the contractor at the contractor's expense.

3.6.4.2.2 A well construction permit must be obtained prior to the construction of any gang well, regardless of the size or depth of the individual wells comprising such gang well, for the purpose of procuring or obtaining water other than for temporary dewatering.

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LDC page 3-100-A

3.6.4.2.3 No test hole shall be converted to a water well until a well
construction permit is obtained. an appropriate permit
modification is made and fees paid.

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3.6.4.2.4 No monitoring or observation well shall be converted to a production well until a well construction permit or modification thereof is obtained for each production well.

3.6.4.3 Exemptions. The following wells are exempt from the requirements of Secs. 3.6.4.5 and 3.6.4.6. This exemption does not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use), Chapter 40E-4 (Surface Water Management), Chapter 40E-20 (General Water Use Permits) or Chapter 40E-40 (General Surface Water Management Permits), Florida Administrative Code, from the South Florida Water Management District.

3.6.4.3.1 No well in existence on the effective date of this division shall be required to conform to the provisions of Secs. 3.6.4 or 3.6.5 or any rules or regulations adopted pursuant hereto. However, any well now or hereafter abandoned or repaired as defined pursuant to this division and any applicable rules or regulations with respect to abandonment of wells, and any well which is determined by the County to be a hazard to the ground water resources must comply with the provisions of this division and applicable rules and regulations within a reasonable time after notification of such determination has been given.

~~3.6.4.3.2~~ Nothing in this division shall prevent a person who has not obtained a water well contractor's license from constructing a well that is two (2) inches or less in diameter, or on his own property, intended for use only in a single family house which is his residence, or intended for use only for farming purposes on his own farm, and when the waters to be produced are not intended for use by the public or any residence other than his own. ~~Such person shall comply with all rules and regulations as to the construction of wells adopted under this division.~~

3.6.4.3.3.2 Wells used for the temporary dewatering of subsurface formations for mining, quarrying, or construction purposes. Sand Point Wells driven or jetted for the temporary dewatering of subsurface formations for construction purposes.

3.6.4.4 Exceptions and Variances. An exception or variance effecting the permit requirements of this division shall occur when:

3.6.4.4.1 The County finds that compliance with all the requirements of Sec. 3.6.4 may result in an undue hardship for the construction, repair or abandonment of certain wells.

3.6.4.4.2 Any affected person may request an exemption from any or all of these rules for an individual well by making written request to the County Manager or his designee which must include those specific requirements for which an exemption is requested, any alternate or substitute methods or conditions considered appropriate, and reasons why the exemption is considered necessary.

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11. The anticipated starting date.
 12. The South Florida Water Management District water use permit or the water use application number, if applicable.
 13. A well completion report and log for any hole which becomes a water well.
 14. A single permit shall be issued for all test holes located on one site.
 15. Likewise a single permit shall be issued for all monitoring wells located on one site.
- 3.6.4.5.3 The application must be signed by the owner or his authorized agent, if applicable, and a license water well contractor. An owner may delegate to an agent authority to apply for and receive permit application providing the agent supplies a notarized letter of authorization from the owner.
- 3.6.4.5.4 The fee required pursuant to Sec. 3.6.4.6 shall be submitted with the permit application.
- 3.6.4.6 Permit Application and Reinspection Fee. The Board of County Commissioners shall establish, by Resolution, a schedule of fees and charges for matters pertaining to this division and allied matters. It is the intent of these regulations that the County shall not be required to bear any part of the cost of applications made under this division. The schedule of fees and charges shall be posted in the office of the Building Department and the Resolution establishing such fees shall be on file with the clerk to the Board. The charges listed may be changed by resolution of the Board of County Commissioners and are not subject to the procedure for amendment of this division.
- 3.6.4.7 Conditions for Issuance of Permits.
- 3.6.4.7.1 In order to obtain a permit under this division, an applicant must:
1. Submit a permit application as specified in Sec. 3.6.4.5.
 2. The permit application fee shall accompany the original application according to the fee schedule provided for in Sec. 3.6.4.6.
 3. Submit proof of a State of Florida, water well contractor license issued by the South Florida Water Management District, in force, and any subsequent county contractor license, must be provided by the applicant at the time of application for a well construction permit.

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- 3.6.4.7.2 A State of Florida contractor license is ~~not~~ required for test holes, test borings, foundation holes or hydraulic elevator shafts. ~~If however,~~ A specialty license is required by the County, and proof of licensure must be provided by the applicant with submittal of the permit application.
- 3.6.4.7.3 If the applicant is the landowner, evidence of Contractor's name and proof of license issued by the South Florida Water Management District and/or Collier County, in force, must be provided to the County prior to any work commencing on the permitted well.

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- 3.6.4.7.4 An applicant must certify that:
1. the proposed well will comply with the construction criteria set forth in Sec. 3.6.4.
 2. The applicant or owner has obtained a South Florida Water Management District water use permit under Chapters 40E-2 or 40E-20, Florida Administrative Code, if applicable.
 3. The proposed well will not otherwise adversely affect the water resources.
- 3.6.4.7.5 The application must be complete and meet all the requirements of this division.
- 3.6.4.7.6 Upon issuance of a permit, the County may impose such special conditions thereon as may be necessary to protect the purpose and intent of this division.
- 3.6.4.8 Duration of Permits. Each permit shall be valid for a period of ~~nine (9)~~ six (6) months. In the event construction, repair, or abandonment is not completed within that time, the County may extend the time limit an additional three (3) months upon written request by the permittee, provided that the conditions of the original permit application have not changed.
- 3.6.4.9 Suspension and Revocation of Permits. The County may suspend or revoke a permit to construct, repair or abandon a well by written notice to the permittee under any of the following circumstances:
- 3.6.4.9.1 Material misstatement or misrepresentation in the application for a permit;
 - 3.6.4.9.2 Failure to comply with the provisions set forth in the permit;
 - 3.6.4.9.3 Disregard or violation of any provisions of these rules and regulations; or
 - 3.6.4.9.4 Unforeseen circumstances which may create a danger to the water resources or the public health, safety or welfare if the well is constructed as permitted.
- 3.6.4.10 Well Completion Report.
- 3.6.4.10.1 Well completion reports are required for the construction, repair or abandonment of all wells regardless of whether a permit application is required under Sec. 3.6.4.5. Well completion reports shall be filed with the County within thirty (30) days of the completion of work.
 - 3.6.4.10.2 The water well contractor shall keep or cause to be kept by a registered driller in his employ an accurate log of all construction, repair or abandonment activities at the site of

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3.6.4.10.4 The County may also require that samples be taken during construction and furnished to the County with the completion report. If samples are required, the County shall provide containers and instructions.

3.6.4.11 Emergency Authorization.

3.6.4.11.1 Emergency permits may be issued by the County when one of the following conditions exist that justify the issuance:

1. An existing well supplying a particular use has failed and must be immediately replaced;
2. The health, safety, or general welfare of the people of the County would be jeopardized without such authorization;
3. Emergency authorization is needed to immediately mitigate or resolve potentially hazardous degradation of water resources; or
4. A serious set of unforeseen, and unforeseeable circumstances exists which creates the emergency.

3.6.4.11.2 Emergency permits shall ~~may~~ be applied for in writing and issued in writing verbally. Mere carelessness or lack of planning on the part of the applicant, contractor or driller will not constitute sufficient cause for the issuance of an emergency permit.

3.6.4.11.3 The applicant for an emergency permit shall submit the an application stating the need for the emergency permit and the required fee in accordance with Sec. 3.6.4.5 and any other requested information within ~~twenty-four hours~~ 2 working days after making emergency verbal application for an emergency permit.

3.6.4.11.4 Secs. 3.6.4.10 and 3.6.5 shall apply to all construction performed under an emergency permit, except for those conditions that may be specifically waived by the County upon written request by the applicant.

3.6.4.12 Inspection.

3.6.4.12.1 The County is authorized to inspect any well or abandoned well, including those wells permitted under Sec. 3.6.5 within its jurisdiction, as it deems necessary to insure conformity with applicable standards. Such inspection may include but not be limited to using geophysical logging, water level measurements, or other methods. Duly authorized representatives of the County may, upon proper identification and at reasonable times, enter upon and shall be given access to any premises for the purpose of such inspection.

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- 3.6.4.12.3 A site inspection may be conducted by an authorized representative of the County prior to issuing a permit for construction, repair, or abandonment of any well test hole, foundation hole, or hydraulic elevator shaft.
- 3.6.4.12.4 The County shall be notified by the contractor at least 24 hours in advance of the commencement of well construction, repair, or abandonment for all wells. A County representative may be on site to observe the grouting and other construction activities. If the County is properly notified and representative is not at the site at the appointed time, the grouting construction activity may be accomplished in his their absence. All work shall be performed in compliance with the current Collier County Noise Control Ordinances (Ord. No. 90-17 and Ord. No. 91-56) as may be amended from time to time.
- 3.6.4.12.5 If, upon basis of an inspection, the County finds any well is an abandoned well, the well shall be plugged at the owner's expense in accordance with the methods of abandonment as set forth in Sec. 3.6.5.

3.6.4.12.6 Re-inspection fees shall be charged for additional site visitations resulting from construction deficiencies and/or failure of the contractor to notify the inspector of a change in a construction schedule.

SEC. 3.6.5 CONSTRUCTION, REPAIR AND ABANDONMENT STANDARDS.

- 3.6.5.1 Scope. The regulations in this section relate to the standards and criteria for the construction, repair and abandonment of wells. All wells within the County unless specifically exempted under Sec. 3.6.4.3 must comply with these standards regardless of whether a permit is required under Sec. 3.6.4.
- 3.6.5.2 Construction methods. Wells must be so constructed, cased, grouted, plugged, capped, or sealed as to prevent uncontrolled surface flow, uncontrolled movement of water from one aquifer or zone to another, contamination of ground water or surface water resources, or other adverse impacts. The following shall apply to all construction, repair, or abandonment of wells in Collier County, except for:
- 3.6.5.2.1 Public water supply wells which shall be constructed, repaired or abandoned in accordance with Chapter ~~17-22~~, 17-555, Florida Administrative Code.
- 3.6.5.2.2 Injection wells which have received a permit under Chapter 17-28, Florida Administrative Code, provided the applicable standards of construction are met under Chapter 17-28, Florida Administrative Code.
- 3.6.5.3 Location. Wells shall be located so as not to pose a threat of contamination to the water resource and shall be located within

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TABLE 2

MINIMUM DIMENSIONS AND WEIGHTS FOR
BLACK OR GALVANIZED STEEL CASING OR
LINER PIPE SET INTO PLACE WITHOUT DRIVING

nominal size (in.)	outside diameter (in.)	wall thickness (in.)	plain end weight (lbs/ft)
2	2.375	0.154	3.65
3	3.500	0.125	4.51
3.5	4.000	0.134	5.53
4	4.500	0.142	6.61
5	5.500	0.154	8.79
5.5	6.000	0.164	10.22
6	6.625	0.185	12.72
8	8.625	0.188	16.90

- 3.6.5.4.5 Black or galvanized steel casing or liner pipe set into place without driving, with an outside diameter less than 3.500 inches shall have a wall thickness of not less than 0.125 inches. Black or galvanized steel casing or liner pipe with a nominal size between 8 and 16 inches shall have a wall thickness of not less than 0.250 inches. Steel casing or liner pipe with a nominal size of 16 inches or more shall have a wall thickness of not less than 0.375 inches.
- 3.6.5.4.6 Stainless steel pipe used for casing or liner pipe shall be Schedule ~~40~~ 10-S of the American National Standards Institute (ANSI B 36.19-1976), or stronger classification.
- 3.6.5.4.7 Polyvinyl Chloride (PVC) pipe may be used for well casing or liner pipe. Any PVC pipe used to construct a water well shall have been marked by the manufacturer, under a method specified by the National Sanitation Foundation, Ann Arbor, Michigan, as suitable for use in well construction. Any PVC pipe larger than 4.5 inches outside diameter used for well construction or repair shall have a working pressure rating of not less than 200 p.s.i. at 73 degrees Fahrenheit or shall be ASA Schedule 40. Other nonmetallic pipe may be approved by the County.
- 3.6.5.4.8 Steel well casing and liner pipe may be joined in a watertight manner by threaded couplings or electrical welding methods. PVC pipe shall be joined by solvent bonded or threaded couplings or other approved method which shall meet the strength requirements of casing as specified in Sec. 3.6.5.4.6.
- 3.6.5.4.9 Nonmetallic and stainless steel well casing or liner pipe shall not be installed or seated by driving unless prior approval is obtained from the County.

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above the zone of lost circulation and the annulus shall be bridged at that point by sand and other approved material introduced through the pipe. Grouting or sealing of the annular space shall be completed using the pipe or other approved methods. A tremie pipe, or other approved method may also be used to complete grouting when the total volume of grout to be replaced implaced exceeds that which can be safely replaced implaced in one continuous operation. Wells shall be grouted by pumping cement or bentonite grout through the casing or through a tremie pipe outside the casing only after the annular space is flushed clean of debris.

Grouting under gravity pressure will not be allowed. The minimal minimum set time for grouting of casing shall be 12 hours before drilling operations may continue. Bentonite grout may be used only on domestic, irrigation, water source or ground source heat pump installations or well abandonments with a nominal casing diameter of four (4) inches or less. Use of Bentonite grout shall not be allowed on public supply wells, wells in delineated areas, where artesian flow occurs or in any identified contamination sites. Bentonite grout shall be capped with neat cement in the upper three (3) feet of the annular space to prevent damage to the Bentonite seal.

- 3.6.5.6.2 All wells must have an annular space equal to or greater than two inches for grouting.
- 3.6.5.6.3 Wells constructed in unconsolidated formations by any method which creates an annular space shall be grouted no more than ten (10) feet above the top of the screen to land surface.
- 3.6.5.6.4 All other wells shall be grouted from the bottom of the casing to land surface.
- 3.6.5.6.5 Grouting and sealing of water wells shall be accomplished by the practices and methods recommended by section A1-8.4 of AWWA A100-66, AWWA Standard for Deep Wells, American Water Works Association, Inc., or other methods approved by the County.
- 3.6.5.6.6 Galvanized steel casing shall be grouted by using bentonite grout or some other acceptable material without the addition of cement.
- 3.6.5.6.7 Wells constructed by methods which require driven well casing are exempt from Sec. 3.6.5.6.2 and 3.6.5.6.3, provided all of the following conditions are met:
 - 1. Casing shall be driven from land surface to its final depth in a borehole smaller in diameter than nominal outside diameter of the casing used, or be driven from land surface to its final depth ahead of the drill bit;
 - 2. A drive shoe is used;:

Delete stricken language; add underlined language.

- 3.6.5.6.9 Permanent Well Seals. Wells located on ground subject to flooding shall be properly sealed to prevent the movement of contaminants and surface water into the well. The upper end of the well casing shall include a watertight seal with any ~~and~~ and all vent vents shall be above the 100-year flood level. Pumping equipment and any necessary pipe or electrical connections shall be so installed as to prevent inadvertent introduction of contaminants into the well. Plumbing equipment and any necessary piping or electrical connections installed within the casing shall be installed through a well seal. An unobstructed inspection port equipped with a temporary removable plug shall be provided and accessible at the wellhead for wells four (4) inches or greater in diameter.
- 3.6.5.7 Explosives. The use of explosives in well construction or development is prohibited unless specifically approved pursuant to Sec. 3.6.4.4.
- 3.6.5.8 Flowing wells. If the well flows at land surface, each well shall be provided with a valve pursuant to Section 373.206, Florida Statutes.
- 3.6.5.9 Abandoned Well and Test Hole Plugging.
- 3.6.5.9.1 Any well which was not constructed in accordance with the standards of Sec. 3.6.5 and fails to be corrected upon written notice in accordance with Sec. 3.6.4.12.2 shall be deemed an abandoned well.
- 3.6.5.9.2 Any well which is an abandoned artisan well under Section 373.203(3), Florida Statutes, or its successor, shall be plugged in accordance with Sec. 3.6.5.9.3 below.
- 3.6.5.9.3 All abandoned wells shall be plugged by filling them from bottom to top with neat cement grout or other approved method materials within a time specified by the County, unless otherwise provided in writing by the County. The plugging shall be to restore or improve the hydrologic conditions which existed before the well was constructed. The work shall be accomplished by a licensed water well contractor.
- 3.6.5.9.4 A request to abandon a well shall be submitted on the application form provided by the County.
- 3.6.5.9.5 Test holes for the purpose of obtaining data for engineering studies, seismographic, geophysical or geological exploration or prospecting for minerals but not for the purpose of either producing or disposing of water shall be plugged by filling them from bottom to top with a neat cement grout or other approved grouting material immediately upon completion of tests. The Contractor shall be responsible for the proper plugging of such test holes.

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SEC. 3.6.6 CONTRACTOR LICENSING AND EQUIPMENT REGISTRATION.

CHAPTER 17-20, 17-531, Florida Administrative Code, or its successor, which requires the licensing of water well contractors and registration of drilling equipment, is adopted by reference and made part of this division. Any hereafter required County water well contractor license must be obtained by the water well contractor prior to request for a well construction permit or commencement of well construction. Although persons engaged in the installation of elevator shafts, foundation holes, and/or test borings may or may not have a license issued by the South Florida Water Management District, any County License required under a County ordinance must be obtained by

Delete stricken language; add underlined language.

SEC. 3.8.9 EXEMPTIONS.

3.8.9.1 Single family or duplex use on a single lot or parcel. Exemption shall not apply to any parcel with a ST or ACSC-ST overlay unless otherwise exempted by Section 2.2.24.8 of this Code.

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SEC. 3.9.3 APPLICABILITY: UNLAWFUL TO REMOVE VEGETATION.

It shall be unlawful for any individual, firm, association, joint partnership, estate, trust, syndicate, fiduciary corporation group, or unit of Federal, State, County, or municipal government to remove or cause to be removed vegetation, or alter mangrove trees without first obtaining a vegetation removal permit from the Development Services Director except as hereinafter exempted. Selective trimming of mangrove trees, and alteration of mangrove trees by duly constituted communication, water, sewerage, electrical, or other utility companies; engineers or surveyors working under contract with these agencies when the mangrove alteration is done as a necessary governmental function, does not require a permit. This does not include trimming to provide a better view for upland property owners to enjoy coastal waters or trimming in excess of that necessary to maintain or install communication, water, electrical, or sewerage services. All mangrove debris except leaf and twig material which inadvertently falls into the water shall be disposed in uplands in an appropriate manner.

SEC. 3.9.4 APPLICATION REQUIREMENTS.

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3.9.4.2.2 A site plan which includes:

1. Property dimensions.
2. Location of existing infrastructure and alterations.
3. Location of proposed structures, infrastructure and alterations.
4. The location and species of all protected vegetation. Large stands of a single species, such as cypress heads, may be indicated as a group with an approximate number or area.
5. Specific identification of all specimen trees.
6. Designation of all protected vegetation proposed for removal.
7. Location and details of protective barricading of the vegetation to be retained.
8. Description of any proposed alteration of mangroves.
9. Description of any proposed maintenance trimming of mangroves.

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SEC. 3.9.5 VEGETATION REMOVAL, PROTECTION AND PRESERVATION STANDARDS.

3.9.5.1 Vegetation Protection.

- 3.9.5.1.5 2. Applicant's representative required. The applicant for a vegetation removal permit shall, at the time of application, designate representative(s):
- a. Who shall be responsible for the installation and the maintenance of all tree protection barriers.
 - b. Who shall be responsible for supervising the removal of all existing vegetation permitted to be removed or altered.

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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) fourteen calendar days of removal.

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.

~~3.9.5.2.8 The proposed mangrove alteration has a Florida Department of Environmental Protection permit or meets the permitting standards in Florida Administrative Code 17-321.030, 17-321.050, 17-321.100, 17-321.801, 17-321-802, or 17-321.803 as may be amended.~~

3.9.5.3 Management Plan Required.

For all individual areas of mangrove trees and areas of preserved plant communities larger than one half (1/2) acre in area, the owner shall submit, for the approval of the Development Services Director, a narrative management plan indicating the manner in which the owner will preserve the native plant communities. The narrative shall include:

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SEC. 3.9.6 REVIEW PROCEDURES

3.9.6.1 Issuance of Permit. Based on the information contained in the application and obtained from the on-site inspection, the Development Services Director, and for mangrove alteration permits the Natural Resources Director may approve or deny an application. An approved vegetation removal permit is valid for a period not to exceed one hundred eighty(180) days except for mangrove alteration. Mangrove alteration permits shall be valid for a period of five (5) years from date of issuance, or date of issuance by the Florida Department of Environmental Protection. An extension requested prior to expiration of the original permit may be granted for good cause shown upon written application to the Development Services Director and for mangrove alteration permits the County Manager or his designee. The Development Services Director and for mangrove alteration permits the County Manager or his designee may attach conditions to the permit relative to the methods of designating and protecting vegetation not proposed for removal. A violation of these conditions shall cause to void the vegetation removal permit.

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3.9.6.4.2

Except for lots on undeveloped coastal barrier islands, and any project proposing to alter mangrove trees, a vegetation removal permit for clearing one (1) acre or less of land is not required for the removal of protected vegetation, other than a specimen tree on a parcel of land zoned residential, 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:

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3.9.6.4.7 Mangrove alteration projects that are exempted from Florida Department of Environmental Protection Permit requirements by Florida Administrative Code 17-321.060 are exempt from preservation standards for the mangrove trees.

3.9.6.4.8 The Collier County Planning Commission may grant a variance to the provisions of this section if compliance with the mangrove tree preservation standards of this division would impose a unique and unnecessary hardship on the owner or any other person in control of affected property. Relief shall be granted only upon demonstration by the landowner or affected party that such hardship is peculiar to the affected property and not self imposed, and that the grant of a variance will be consistent with the intent of this division and the Growth Management plan.

- D) If the unlawful removal of trees has caused any change in hydrology, ground elevations or surface water flows, then the hydrology, ground elevation or surface water flows shall be restored to pre-violation conditions.
- E) In the event of impending development on property where protected trees were unlawfully removed, the restoration plan shall indicate the location of the replacement stock consistent with any approved plans for subsequent development. For the purposes of this Ordinance, impending development shall mean that a developer has made application for a development order or has applied for a building permit.
- F) The Site Development Review 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 Site Development Review 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).

3.9.6.9 Corrective Measures for Environmental Violations.

1. The person(s) responsible for violations of the environmental sections of the Land Development Code shall be notified according to Section 1.9.5 and shall have thirty (30) days to prepare a mitigation plan that is acceptable to the County to resolve the violation. The mitigation plan shall be submitted to Development Services staff for review and comment. Once the plan is accepted by Development Services, the responsible party shall have fifteen (15) days to complete the mitigation unless other arrangements are specified and agreed upon in the mitigation plan.
2. Mitigation shall restore the area disturbed unless the responsible party demonstrates that off-site mitigation will successfully offset the impacts being mitigated for. Off-site mitigation shall be on lands under the control of a public agency, or identified for public acquisition, or on lands protected from future development. Ratios for off-site mitigation shall be as follows: 2:1 for uplands and 3:1 for wetlands.

3. The selection of plants to be used shall be based on the characteristics of the Florida Land Use, Covers and Forms Classifications System (FLUCCS) Code. The exact number and type of species required may vary depending on the existing indigenous vegetation found at the site.
4. If only trees were removed and the understory vegetation was not disturbed, then replacement of the DBH (diameter at breast height) in inches removed shall be required. For example, if one 10" DBH tree was removed, then a minimum of 10 one inch diameter trees 6' tall shall be required to mitigate.
5. If the violation has caused any change in hydrology, ground elevations or surface water flows, then the hydrology, ground elevation or surface water flows shall be restored to pre-violation conditions.

3.9.6.9.1 Requirements for a mitigation plan

1. A copy of the deed, contract for sale or agreement for sale or a notarized statement of ownership clearly demonstrating ownership and control of the subject lot or parcel of land, or permission from the landowner to mitigate on his or her site shall be provided.
2. The mitigation plan shall be prepared by a person who meets or exceeds the credentials specified in Section 3.8.4.
3. The plan shall designate the persons name, address and telephone number that prepared the plan.
4. A north arrow, scale, and date shall be required on the plan.
5. Existing vegetation areas shall be shown.
6. The proposed planting areas shall be clearly defined.
7. The plan shall denote the number and location of each plant to be planted, or for the case of ground-covers, show them in groupings. Large mitigation areas may be designated by a more simplified method.
8. All plants proposed shall be denoted by genus, species, and the common name.
9. The plan shall identify what is adjacent to the mitigation areas, i.e. existing forest (provide type), farm, natural buffer area, lake, etc.

Delete stricken language; add underlined language.

3.9.6.9.2 Site Specific Review Criteria.

1. All plants used for mitigation shall be native Florida species.
2. All plants used for mitigation shall be from a legal source and be graded Florida #1 or better, as graded by the Florida Dept. of Agriculture and Consumer Services' "Grades and Standards for Nursery Plants (Charles S. Bush, 1973, Part 1 & 2".) All plants not listed in "Grades and Standards for Nursery Plants", shall conform to a Florida #1 as to: (1) health and vitality, (2) condition of foliage, (3) root system, (4) freedom from pest or mechanical damage, (5) heavily branched and densely foliated according to the accepted normal shapes of the species or sport. Trees shall be a minimum of six feet tall at the time of planting and shall have a minimum caliper of one inch at a height of one foot above the base of the tree.
3. The plants proposed for planting must be temperature tolerant to the areas they are to be planted in. The South Florida Water Management District's Xeriscape Plan Guide II shall be used in determining the temperature tolerances of the plants.
4. The existing soil types shall be identified. Plants proposed for planting shall be compatible with the soil type. The 1954 or or the 1992 Soil Survey of Collier County shall be used to determine if the plants proposed for planting are compatible with the existing or proposed soil types.
5. The source and method of providing water to the plants shall be indicated on the plan and subject to review and approval.
6. A program to control prohibited exotic vegetation (Section 3.9.6.4.1) in the mitigation area shall be required.

3.9.6.9.3 County review of Mitigation Plan.

1. Development Services will review the plan based on, but not limited to, the preceding requirements within 15 days. Additional relevant information may be required when requested.

2. Should the County reject the mitigation plan, the reasons will be provided so the applicant can correct the plan and re-submit for county review.

3.9.6.9.4 Monitoring & Replanting

1. A monitoring program shall be required that would determine the survivability by species of the plants used in the mitigation effort. A minimum of five reports will be submitted. Reports shall be due at one year intervals.
2. Eighty percent survival by species shall be required for a five year period unless other arrangements are specified and agreed upon in the mitigation plan. Replanting shall be required each year if the mortality exceeds 20 percent of the total number of each species in the mitigation plan.
3. The soil and hydrological conditions for some mitigation areas may favor some of the plants and preclude others. Should the County and/or consultant find that over time, some of the species planted simply don't adjust, the mitigation plan shall be re-evaluated by both the consultant and the County, and a revised plan will be instituted. This condition shall not apply to all mitigation areas and each case will be evaluated individually, based on the supported data submitted by the mitigator.

3.9.6.9.5 Donation of Land or Funds

The donation of land and/or funds to a public agency may be made if none of the above are viable alternatives. This donation of land and/or funds shall be equal to or greater than the total sum it would cost to mitigate for the violation according to Sections 3.9.6.9 - 3.9.6.9.4 including consulting fees for design, and monitoring, installation costs, vegetation costs, earth moving costs, irrigation costs, replanting and exotic removal.

SEC. 3.9.7 APPEAL FROM ENFORCEMENT.

Any person who feels aggrieved by the application of this division, may file, within thirty (30) days after said grievance, a petition with the Site Development Review Services Director, to have the case reviewed by the Collier County Board of County Commissioners.

Delete stricken language; add underlined language.

SEC. 3.9.8 **SUSPENSION OF PERMIT REQUIREMENT.**

The Board of County Commissioners may, by emergency resolution, suspend the permit requirement for vegetation removal in the aftermath of a natural disaster, such as a hurricane, when the following conditions are met and contained in the resolution:

- 3.9.8.1 The suspension is for a defined period of time not to exceed thirty (30) days or as otherwise set by the Board of County Commissioners.
- 3.9.8.2 The vegetation removal is necessitated by disaster related damage.
- 3.9.8.3 The suspension is not applicable to vegetation within habitats containing listed species (as regulated in Division 3.11).
- 3.9.8.4 The vegetation to be removed is not a specimen tree.

FRC

Delete stricken language; add underlined language.

Sec. 3.10.9 PERMITS AND FEES.

- 3.10.9.1 Construction in a Sea Turtle Nesting Area Permit. During the nesting season, the fee for a construction permit within 100 feet of the nesting zone of a beach where sea turtles nest or may nest shall be \$50.00 shall require a permit from the Site Development Review Director or his designee. The Site Development Review Services Director shall inform the applicant about sea turtle crawls and nesting. It shall be the responsibility of the applicant to ensure that all persons working on the permitted construction are similarly informed. All other required state and federal permits shall be obtained prior to a Construction in Sea Turtle Nesting Area Permit being issued.

Delete stricken language; add underlined language.

3.10.9.3

Nest Relocation. If the Site Development Review Director Natural Resources Director or his or her designee finds that it is necessary for a nest to be relocated away from a construction area, then only the Site Development Review Director Natural Resources Director or his or her designee or an individual possessing a Turtle Handling Permit shall move the nest. Where if the Site Development Review Director Natural Resources Director or his/her designee who possesses a Florida Marine Turtle permit moves a sea turtle nest the cost to the landowner shall be \$100.00 to the landowner the fee established by resolution of the Board of County Commissioners. A nest that is more than 12 hours old shall not be relocated under any circumstances.

Delete stricken language; add underlined language.

1. Bridges and causeways to or on undeveloped coastal barrier islands;
2. paved roads;
3. commercial marinas;
4. shore hardening structures.

3.12.6.3 Filling and Excavation. Filling and excavation are prohibited on undeveloped coastal barriers except as follows:

1. When part of a dune or beach restoration program as permitted by governmental agencies having jurisdiction.
2. When part of a Wastewater treatment system as permitted by governmental agencies having jurisdiction.
3. When part of a Public Development Plan as permitted by governmental agencies having jurisdiction.

SEC. 3.12.7 PERMITS REQUIRED. No applicable County permit shall be issued by the Community Development Administrator or his designee, for any development project which impacts wetlands and/or waters of the coastal zone, until the appropriate state and/or federal permit(s) have been issued, including, for example, permits from U.S. Army Corps of Engineers, Florida Department of Environmental Regulation Protection, and South Florida Water Management District, and provided to the Collier eCounty Project Plan Review Environmental staff.

SEC. 3.12.8 UNDEVELOPED COASTAL BARRIERS. In addition to the regulations contained in Sec. 3.12.5, the following standards shall apply to any proposed structure or site alteration within all undeveloped coastal barriers.

3.12.8.1 Density. The County shall not approve any plan of development of an undeveloped coastal barrier which would exceed a density of one structure per five acres of fastland, except for legal nonconforming lots of record, either individually or in combination with adjacent developments.

3.12.8.2 Prohibitions. The following land development activities shall be prohibited:

1. Bridges and causeways to or on undeveloped coastal barrier islands;
2. paved roads;
3. commercial marinas;
4. shore and hardening structures.

3.12.8.3 Filling and Excavation. Filling and excavation are prohibited on undeveloped coastal barriers except as follows:

Delete stricken language; add underlined language.

3.13.7.2 Any modification, maintenance, or repair, to any existing structure within limits of the existing foundation or footprint, which does not require, involve, or include any additions to, or ~~repair or modifications of, the existing foundation of that~~ structure, excluding seawalls and any additions or enclosure added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure.

Delete stricken language; add underlined language.

Div. 3.14 VEHICLE ON THE BEACH REGULATIONS:

SEC. 3.14.3 EXCEPTIONS: EXEMPTION CERTIFICATE PERMIT. All exemption certificates ~~permits~~ to allow operation of vehicles on County beaches shall expire on April 30th, of each year, to coincide with the beginning of sea turtle nesting season. During sea turtle nesting season, May 1st through October 31st, of each year, all exemption certificates ~~permits~~ shall be subject to Sec. 3.14.6 of this Division.

3.14.3.2 Vehicles which must travel on the beaches in connection with environmental maintenance, conservation, environmental work, and/or for purposes allowed by Collier County Ordinance No. 89-16, providing that the vehicle(s) associated with the permitted uses of Collier County Ordinance No. 89-16 remain stationary, except to access and egress the beach, shall be exempt from the provisions of this division if an Exemption Certificate a permit has been obtained from the Site Development Review Services Director of Collier County, Florida, or his designee, and said Exemption Certificate is prominently displayed on the windshield of such vehicle and kept with the vehicle and available for inspection. The procedure for obtaining such an Exemption Certificate a permit shall be by application to the Site Development Review Services Director in writing stating the reason or reasons why it is necessary for such vehicle or vehicles to be operated on the beaches in connection with an environmental maintenance, conservation, environmental purpose and/or for purposes allowed by Collier County Ordinance No. 89-16, taking into consideration the vehicular use restriction previously stated as a criterion for an exception, and Exemption Certificate permit for such vehicle or vehicles shall be issued by the Site Development Review Services Director if the Site Development Review Services Director is satisfied that a lawful and proper maintenance, conservation, environmental purpose and/or purpose as described above and allowed by Collier County Ordinance No. 89-16 will be served thereby.

Delete stricken language; add underlined language.

LDC page 3-147

3.14.5 BEACH RAKING AND MECHANICAL BEACH CLEANING.

3.14.5.1 Beach raking and mechanical beach cleaning shall be prohibited on undeveloped coastal barriers unless a state permit is required.

LDC Page C-4

Appendix C - Final Subdivision Plat Required Certifications:

UTILITIES DIVISION ~~ENGINEERING-DIRECTOR~~

This Plat approved by the Collier County Utilities Division Engineering Director
this ____ day of _____, 19____,
A.D.

~~Engineering Director Utilities Division
Utilities Administrator~~

Delete stricken language; add underlined language.

LDC Page C-4

Appendix C - Final Subdivision Plat Required Certifications:

PROJECT PLAN REVIEW DEVELOPMENT SERVICES DIRECTOR

This Plat approved by the Site Development Review Department of Collier County, Florida ~~Development Services Director~~ this ____ day of _____, 19__, A.D.

~~Development Services Director~~
Project Plan Review Manager
Collier County Engineer

Delete stricken language; add underlined language.

LDC Page C-4

Appendix C - Final Subdivision Plat Required Certifications:

COUNTY PUBLIC HEALTH UNIT ~~DIRECTOR OF ENVIRONMENTAL ENGINEERING~~

This Plat approved by the Collier County Public Health Department Unit this ____ day of _____, 19__, A.D. with connection to approved central water and sewerage system; and no individual potable water wells or individual sewage systems are permitted.

Director of Environmental Engineering.

Delete stricken language; add underlined language.

DIV. 6.3 DEFINITIONS.

Accessory Use or Structure: A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same premises. On the same premises with respect to accessory use and structure shall be construed to mean on the same lot or on a contiguous lot in the same ownership and zoning district. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory building, except as provided in Div. 2.6, Supplemental District Regulations. The facility serving malt, vinous, or alcoholic beverages shall be deemed an accessory use for a motel, hotel, boathel, private club, country club, yacht club, restaurant, bowling alley, or golf club provided all other applicable requirements of State law and County regulations are met.

Uses accessory to residential uses may include coin activated apparatus or machinery that is exclusively available to persons residing within the structure or complex, requires limited support commodities usually provided by the resident, requires no employees, has been determined by the Site Development Review Director to meet the intent and purpose of accessory, and shall be subject to approval pursuant to Div. 3.3 and 2.4 of the Collier County Land Development Code.

Abandoned Well: means a well the use of which has been permanently discontinued or which is in such a state of disrepair that it cannot be used for its intended purpose or for observation purposes as provided in Chapter 373, Florida Statutes.

Carnival: Any temporary special event, whether private or commercial, characterized by such activities as menageries, a circus, sideshow performances, mechanical rides and attractions, animal exhibits, games of skill or chance, freak shows and similar novelty shows not otherwise prohibited by State law, and open to the public generally for an admission or participation fee. Carnivals may have ancillary food and drink dispensing facilities.

Commercial Vehicle: Any vehicle that has rated load capacity of more than one (1) ton used in conjunction with a commercial or business activity, including, but not limited to the following, step vans, cubed vans, box vans and flat bed type trucks. (SEE SEC. 2.6.7)

Conceptual Site Plan: A graphic depiction drawn to scale intended to description the following improvements: parking; ingress/egress points; structures, whether temporary or permanent; existing and/or proposed landscaping; fences, barricades and other temporary or permanent traffic safety measures and any other item(s) deemed necessary to facilitate an expedited review and approval of a temporary use permit. A conceptual plan does not require design by an engineer, architect or landscape architect.

Development Services Director: as used herein shall mean the Site Development Review Director, and any successor in function.

Drinking Establishment: An establishment deriving fifty-one percent (51%) or more of its gross revenue from the sale and on-premise consumption of alcoholic beverages. Drinking establishments may include bars, cocktail lounges, taverns and other similar establishments.

Delete stricken language; add underlined language.

DIV. 6.3 DEFINITIONS

DSD: as used herein shall mean the Development Services Director, now known as the Site Development Review Director, and any successor in function. [SEE DIV. 3.5]

Eating Establishment: An establishment deriving fifty-one percent (51%) or more of its gross revenue from the retail sale of food and non-alcoholic beverages for on-premise or immediate consumption. Eating establishments may include drive-through restaurants, fast-food restaurants, sit-down restaurants, walk-up restaurants, and take-out prepared food stores as defined by this Code.

Exhibition: Any temporary special event which is open to the public, generally for an admission or participation fee and involves any of the following: the display or demonstration of merchandise or products not generally for sale; the demonstration or display of mechanical apparatus, artworks, and the like; a demonstration or presentation by an individual or group which may or may not involve the use of animals and similar types of temporary special events. Exhibitions may have ancillary food and drink dispensing facilities.

Festival, Outdoor: Any temporary special event to which the public is invited or admitted for a charge or free of cost and which provides as its main attraction the following: live or amplified music; or, the on-site preparation and dispensing of food and drink.

Grout: A mixture of water, Portland cement (American Concrete Institute type I, II or type III, or any other types of cement approved by the County), and other additives listed under Section 4-0 (21) or other additives approved by the County. Grout composition shall not exceed six (6) gallons of water per cubic foot of cement. (SEE DIV. 3.6)

Government Facilities: local, state and federally owned or leased and operated government facilities that provide government services, including primary civic or public institutional uses.

Growth Management Director: as used herein shall mean the Long Range Planning Director or his designee and any successor in function. [SEE DIV. 3.15]

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 or 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.

Mobile Units: or mobile food outlet is a food service whereby the merchant transports food products to multiple construction or improved sites which contain potential customers.

Nightclub: A commercial eating or drinking establishment where a dance floor and music is provided. The term nightclub may include a bar, restaurant, cocktail lounge, cabaret, or similar establishment.

Delete stricken language; add underlined language.

DIV. 6.3 DEFINITIONS

Preserve Area: A parcel containing an archaeological site, or native habitat, either wetland or upland or threatened or endangered species, which shall be preserved in its natural state in perpetuity, with no alteration, save the removal of exotics. [SEE DIV. 3.2, 3.3 and 3.9]

Restaurant, Sit-down: A restaurant where food is ordered from a menu normally while seated at a table, and where table service is provided. Cafeterias are deemed sit-down restaurants for the purpose of this Land Development Code.

Restaurant, Walk-up: A fast-food facility with one (1) or more walk-up windows. This type of facility has no indoor seating or drive-through windows, but may have outdoor seating.

Rest Home: See Nursing Home.

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.

Resultant Peak Particle Velocity: A measurement of the speed of oscillation of the particles of a medium when a shock wave travels through the medium. The Resultant Peak Particle Velocity shall be calculated as the vector sum of the peak particle velocity in three (3) mutually perpendicular planes of motion at any one (1) instant in time. [SEE DIV. 3.4]

Retail, Accessory: A use that is clearly incidental to and customarily found in connection with a permitted industrial use.

Right-of-Way: A strip of land, public or private, occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, storm drainage way, water main, sanitary or storm sewer main, or for similar special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way, whether public or private, hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. [SEE DIV. 3.2]

Roadside Sales: ~~the sale or display of perishable or non-perishable merchandise for sale from any fixed or non-fixed location, upon unimproved or improved property.~~

Rowhouse: See Dwelling, Rowhouse.

Runway Clear Zone: A trapezoidal area underneath the inner edge of any runway approach surface where that surface is fifty feet (50') or less above the runway end elevation. The Runway Clear Zone begins at the end of each primary surface, and is centered upon the extended runway centerline.

Delete stricken language; add underlined language.

Rural Area: For the purposes of subdivision is the Agricultural/Residential Subdistrict of the Agricultural/Rural - Mixed Use District of the Agricultural/Rural Land Use Designation of the Future Land Use Element of the Collier County Comprehensive Plan, which is also illustrated on the Future Land Use Map, both as may be amended.

Safety Service Facility: Services that provide protection to County residents and visitors for their health, safety, and welfare such as law enforcement, emergency medical, fire safety, traffic safety, emergency shelters, public safety training facilities, or emergency heliport facilities.

Setback Line: A line marking the minimum open space distance between a right-of-way line, property line, bulkhead line, shoreline, access easement line or other defined location and the beginning point of a required yard or the buildable area, as this Land Development Code may require in the particular case. Setback lines may be measured from the legal boundary of a lot and are exclusive of easements with the exception of easements that comprise a road right-of-way.

Sign, Double Faced: A sign having two (2) display surfaces, not necessarily displaying the same copy, which are usually parallel and back-to-back and not more than twenty-four inches (24)" apart. Double-faced signs shall be measured by only one (1) side if both sides are advertising the same business, commodity, or service. (SEE DIV. 2.5)

Sign, Wind: Any sign or display including, but not limited to flags, balloons, banners, 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, insignia or pennants of any religious, educational, national, state, or political subdivision. (SEE DIV. 2.5)

Site Improvement Plan. A Site Improvement Plan (SIP) is intended to be a graphic depiction of existing conditions and proposed improvements for a site and shall be used as an alternative to a Site Development Plan when a previously developed site is required to be brought up to current Zoning Code requirements. Typical Zoning Code deficiencies that may be corrected using the Site Improvement Plan process include, but are not limited to, parking, landscaping, and handicapped access, where said improvements do not require the addition of impervious area or water management facilities. An SIP does not require design by an engineer, architect or landscape architect. (SEE DIV 3.3)

Soup Kitchen: Shall mean a facility involved in the regular serving of prepared food for on-premise consumption, at no cost to the persons served. The term soup kitchen shall be applied to a singular use within a building or facility, or in conjunction with other activities or services provided.

Temporary Use: A prospective use intended for a limited duration. Temporary Uses require a permit pursuant to the conditions set forth in Sec. 2.6.33 of this Code and may include the placement of signage, merchandise, temporary structures and equipment.

Well: means a bored, drilled, or driven shaft, or dug surface dimension.

Delete stricken language; add underlined language.

DIV. 6.3 DEFINITIONS

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 frontage 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 except this dimension may not be less than fifteen (15') feet exclusive of any right-of-way, or right-of-way easement in the "E" Estates District and the full depth front yard shall be located along the shorter lot line along the street.

Yard Rear: The required open space extending across the entire width of the rear yard between the inside lines of the side yards and except in corner lots is generally that lot line most opposite the right-of-way line.

When dealing with irregularly shaped lots where a typical rear lot line cannot readily be defined the Site Development Review Director will determine the rear lot line for the purposes of establishing yard requirements.

In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured so that the yard established is a strip of the minimum width required by zoning district regulations with its inner edge parallel to the rear lot line.

Yard, Spncial: A yard other than a yard one adjacent to a public right-of-way street required to performing the same functions as a side or rear yard, but adjacent to a lot line and so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. (See "Front Yard," "Side Yard," "Rear Yard," or Section 2.6.4).

The Site Review Development Director, or his designee, shall determine which lot line is front, side or rear for purposes of determining yard requirements.

Delete stricken language; add underlined language.

DIV. 6.3

Building Height of: The vertical distance from the first finished floor to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. Where minimum floor elevations in flood prone areas have been established by law or permit requirements, the building height shall be measured from such required minimum floor elevations. (See Sec. 2.6.3, "Exclusions from Height Limits" and "Off-Street Parking Within a Building".) Required minimum floor elevations shall be in conformance with the Collier County Building Construction Administrative Code (Ordinance No. 91-56, Section 103.2.1.d, as amended) and, if necessary, FDEP requirements for minimum habitable first floor structural support.

Rural subdivision: The division of a parcel of land within the rural area as defined herein, whether improved or unimproved, into two (2) or more contiguous parcels of land each of which is five(5) acres or greater, and not including any change in a public street, rights-of-way or access easement. The following prior or future divisions of land shall constitute the subdivision of rural lands:

- a) Lots or parcels within the rural area that are a lot(s) of record as defined herein and identified on the Tax Roll as of December 31, 1993 or valid contracts for deeds as of the same date, provided they have a private easement reserved or recorded in the Public Records or a public or private right-of-way that has access to an easement as of December 31, 1993 or
- b) Lots or parcels five(5) acres or greater that are created after December 31, 1993 that gain access through the grant of a private access easement or private right-of-way.

Any other past or future divisions of land within the rural area and other areas of Collier County not meeting the above definition shall not qualify as rural subdivisions. See Section 3.2.4.11 for rural subdivision regulations.

Delete stricken language; add underlined language.

DIV. 6.3 DEFINITIONS

Alter or alteration: means to cut, remove, defoliate, or otherwise destroy mangroves, but shall not mean selective trimming of mangroves as defined in Rule 17-321.020(12), F.A.C.

Approved local pollution control programs: refers to local government environmental regulatory programs which have entered into a General Operating Agreement with the Department which recognizes the program as meeting the eligibility criteria provided in Section 403.182, F.S.

Biological integrity: the similar and uninterrupted ability of an individual, trimmed mangrove plant to continue to live, to grow, to produce leaves, flowers, and propagules, to provide wildlife habitat functions, and to contribute to marine productivity, as compared to an untrimmed mangrove plant of the same species and size.

"cbh" (circumference at breast height): the circumference of the trunk, limb, or stem material measured at the point or points of the tree located 4 1/2 feet from where the tree emerges from the substrate. In the case of multi-trunked trees, the cbh is measured by the sum of circumferences of each trunk at the point or points located 4 1/2 feet from where the tree emerges from the substrate.

"dbh" (diameter at breast height): the diameter of the trunk, limb, or stem material measured at the point or points of the tree located 4 1/2 feet from where the tree emerges from the substrate. In the case of multi-trunked trees, the dbh is measured by the sum of diameters of each trunk at the point or points located 4 1/2 feet from where the tree emerges from the substrate.

Established pattern of regular maintenance: for the purposes of Sec. 3.9.3, two or more events of trimming or pruning to approximately the same configuration where reasonable efforts have been made to maintain the configuration and the mangroves continue to live, grow, and produce leaves, flowers, and propagules.

Freeze damaged mangroves: mangroves that have suffered freeze damage but still have living material within the plant and that retain evidence of life.

Freeze killed mangroves: mangroves that following six months after the last winter freeze, fail to exhibit any visible signs of growth consisting of leaf or stem buds.

Jurisdictional waters: those surface waters and wetlands to their landward extent within the Department of Environmental Protection's wetland resource jurisdiction, pursuant to Rule 17-312.030, F.A.C., and Rule 17-301.200 or 17-301.400, F.A.C.

Pneumatophore: the aerial root structure typically associated with *Avicennia germinans* (black mangrove) rising vertically from the spreading underground roots.

Prop roots or stilt roots: for purposes of SEC. 3.9.3, the non-leaf producing structures which descend from the trunk and limbs of *Rhizophora mangle* (red mangrove).

Delete stricken language; add underlined language.

DIV. 6.3 DEFINITIONS

Selective trimming: for purposes of SEC. 3.9.3, trimming which does not eliminate the biological integrity of the individual mangrove plant. Deposition of material which results from selective trimming activities, other than leaf and twig material that inadvertently falls into waters of the state, shall be regulated as filling which requires a wetland resource permit pursuant to Rule 17-312, F.A.C. Selective trimming does not include altering mangroves through the use of chemical defoliants. Selective trimming on state-owned lands shall be subject to the prior requisite approval by the Board of Trustees of the Internal Improvement Trust Fund. Trimming other than as provided in Paragraphs (a) through (e) below will be presumed to eliminate the biological integrity of individual mangrove plants and will be regulated as alteration pursuant to Rules 17-321.040 and 17-321.050, F.A.C.:

(a) trimming must be conducted only during the months of October, November, December, January, February or March. The configuration attained by selective trimming may be maintained each year following the initial selective trimming during October, November, December, January, February or March;

(b) no limb may be cut which has a circumference greater than or equal to three inches, or a diameter greater than or equal to one inch, at the point of connection to the main trunk, trunks, or branches or any tree;

(c) no limbs may be cut from the upper half of the height of the mangrove;

(d) no tree seven feet in height and under may be cut;

(e) roots, including prop roots and pneumatophores, may not be disturbed.

Substrate: the soils, sediments, shell or rock in which the mangroves are growing.

Delete stricken language; add underlined language.

STATE OF FLORIDA)
COUNTY OF COLLIER)

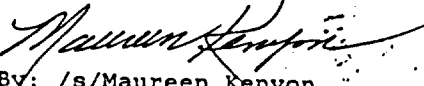
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

Ordinance No. 93-89

which was adopted by the Board of County Commissioners on the 9th day of December, 1993, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 14th day of December, 1993.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


By: /s/Maureen Kenyon
Deputy Clerk