

ORDINANCE 94- 27



AN ORDINANCE AMENDING ORDINANCE 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE, ARTICLE TWO, ZONING; ARTICLE THREE, DEVELOPMENT REQUIREMENTS; 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; PROVIDING FOR SECTION FOUR, INCORPORATION INTO THE LAND DEVELOPMENT CODE OF COLLIER COUNTY ORDINANCE 91-103, THE GROUNDWATER PROTECTION ORDINANCE; PROVIDING FOR SECTION FIVE, AMENDMENT OF ZONING MAPS AND OFFICIAL ZONING ATLAS TO CONFORM TO SECTIONS 2.6.7.4.2, 2.6.7.5, 2.6.7.5.1 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SECTION SIX, CONFLICT AND SEVERABILITY; PROVIDING FOR SECTION SEVEN, EFFECTIVE DATE.

May 26 3 31 PM '94

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

Whereas, this is the first amendment to the Land Development Code, Ordinance, 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, the Collier County Planning Commission in a manner prescribed by law did hold advertised public hearings on March 17, 1994, and April 7, 1994 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 May 4, 1994 and May 18, 1994 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:

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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, July 6, 1992 and December 17, 1993.

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 Appendix A, attached hereto and incorporated by reference herein.

SECTION 4: INCORPORATION OF COLLIER COUNTY ORDINANCE 91-103

Collier County Ordinance 91-103, The Groundwater Protection Ordinance, attached hereto as Appendix B, is hereby incorporated into the Land Development Code as Division 3.16.

SECTION 5: ADOPTION OF AMENDED ZONING ATLAS MAPS

Zoning Atlas Maps numbers MB1A, MB1B, MB2B, MB2A, MB2C, MB3A, MB3B, MB4A, MB4C, MB4B, MB4D, MB5A, MB5B, MB5C, MB5D, MB5E, MB6B, MB6C, MB6D, MB6E, MB7B, MB6F, MB7C, MB7D, MB7E, MB8B, MB8C, MB8D, MB8E, MB9B, MB9C, MB9D, MB9E, MB10E, and MB10D attached hereto as Appendix C and incorporated by reference herein are amended and

hereby adopted and made a part of the Collier County Land Development Code in accordance with Sections 2.6.7.4.2, 2.6.7.5 and 2.6.7.5.1, LDC.

SECTION 6: 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 7: 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 18 day of May, 1994.

DATE:

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:

DWIGHT E. BROOK, Clerk

BY:

Timothy J. Constantine
TIMOTHY J. CONSTANTINE,
CHAIRMAN

By: Marjorie M. Student
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

This ordinance filed with the
Secretary of State's Office the
20th day of May, 1994
and acknowledgement of that
filing received this 18th day
of June, 1994
By: James Chesario
Deputy Clerk

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APPENDIX A

BOOK 066 PAGE 66

ORIGIN: STAFF
AUTHOR: DONALD W. ARNOLD
DEPARTMENT: SITE DEVELOPMENT REVIEW
LDC PAGE: 1-41
LDC SECTION: 1.22.2 CODIFICATION
CHANGE: Revise AFPO ordinance number and add citation for
Groundwater Protection Ordinance.
REASON: General update and incorporation by reference.
AMENDMENT:

SEC. 1.22.2 CODIFICATION. The following ordinances and laws are not repealed or replaced by the provisions of this Code, but rather are codified by, and included in, the provisions of this Code:

<u>Subject</u>	<u>Ordinance</u>
Adequate Public Facilities	90-24 91-82, as amended
Affordable Housing Density Bonus	90-89
<u>Ground Water Protection</u>	91-103

ORIGIN: Staff
AUTHOR: Donald W. Arnold, AICP
DEPARTMENT: Site Development Review
LDC PAGE: 2-8, 2-9
LDC SECTION: 2.2.2.2.1
CHANGE: Modify Permitted Uses of Agricultural Zoning District to restrict specific uses.

REASON: BCC direction to review permitted uses in the Agricultural Zoning District per Public Petition.

FISCAL IMPACT: None.
RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

2.2.2.2.1. Permitted Uses:

1. Single-family dwelling.
2. Agricultural activities, including, but not limited to: crop raising; dairying; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; beekeeping; poultry and egg production; milk production; livestock raising; and animal breeding, raising, training, stabling or kenneling, and aquaculture for native species subject to State of Florida Game and Freshwater Fish Commission permits.
3. Wholesale reptile breeding and raising (non-venomous), subject to the following standards:
 - a. minimum 10 acre parcel size.
 - b. any roofed structure used for the shelter and/or feeding of such reptiles shall be located a minimum of 100 feet from any lot line.
- 3-4. Wildlife management, plant and wildlife conservancies, wildlife refuges and sanctuaries.
- 4-5. Conservation uses.
- 5-6. Oil and gas exploration subject to State drilling permits and Collier County Site Development Plan review procedures.
- 6-7. Family Care Facilities, subject to Sec. 2.6.26.
- 7-8. Communications Towers up to specified height, subject to Sec. 2.6.35.

ORIGIN: Staff
AUTHOR: Donald W. Arnold, AICP
DEPARTMENT: Site Development Review
LDC PAGE: 2-10
LDC SECTION: 2.2.2.3

CHANGE: Modify Conditional Uses of Agricultural Zoning District to restrict specific uses.

REASON: BCC direction to review permitted uses in the Agricultural Zoning District.

FISCAL IMPACT: None.
RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

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.

1. Extraction or earthmining, and related processing and production not incidental to the agricultural development of the property.
2. Sawmills
3. Zoo, aquarium, aviary, botanical garden, or other similar uses.
4. Hunting cabins.
5. Aquaculture for non-native or exotic species, subject to State of Florida Game and Fresh Water Fish Commission permits.
6. Wholesale reptile breeding or raising (venomous).
- ~~6-7.~~ Churches and other places of worship.
- ~~7-8.~~ Private landing strips for general aviation, subject to any relevant State and Federal regulations.

ORIGIN: Staff
AUTHOR: Ken Pineau
DEPARTMENT: Emergency Management/Emergency Services
LDC PAGE: 2-29
LDC SECTION: 2.2.10.6

CHANGE: Modify hurricane shelter requirements

REASON: All mobile homes are extremely vulnerable to hurricane force winds. Evacuations will be ordered for all mobile home dwellers in all categories of storms. Residents living out of storm surge areas are equally as vulnerable to wind and should provide for their safety by either on-site sheltering or off-site mitigation. An off-site mitigation option should be considered, especially for those located in flood zones. Although residents would be relatively safe in an on-site shelter constructed in accordance with Sections 2.2.10.6.1 to 2.2.10.6.4, automobiles, if left on-site, would be destroyed. It is also possible that the shelter could be isolated by flood conditions until waters subside. This would prohibit fire suppression and emergency medical support from reaching the shelterees.

FISCAL IMPACT: None.
RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

2.2.10.6 Requirements and Standards For Hurricane Shelters:
All new, or existing mobile home subdivisions in the process of expanding, which are twenty-six (26) units or larger in size and are located in Category 1, 2, and 3 hurricane vulnerability zones as specified in the current National Oceanographic and Atmospheric Administration Storm Surge Model, known as Sea, Lake and Overland Surges from Hurricanes (SLOSH) shall be required to provide emergency shelters on-site or provide funding to enhance existing public shelters off-site.

ORIGIN: Staff
AUTHOR: Ken Pineau
DEPARTMENT: Emergency Management/Emergency Services
LDC PAGE: 2-30
LDC SECTION: 2.2.10.6.5

CHANGE: Provide revised mitigation standards for shelters

REASON: The cost of off-site mitigation, currently written as 2.2.10.6.5 is excessive. No prudent developer would consent to matching the cost of off-site mitigation to constructing a shelter on-site. I think that the methodology used in Developments of Regional Impact would be appropriate for mobile home developments even though mobile home residents would require evacuation at a much higher rate than condo or conventional single family home owners.

FISCAL IMPACT: None for Collier County.
Unknown for private sector.

RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

2.2.10.6.5 A mobile home park developer or 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 shelters. The cash contribution will be computed by the following formula:

$$a \times b \times c \times d = \text{Cash Contribution}$$

Where:

a: per capita rate

b: occupancy rate of each mobile home or unit

c: total number of lots in subdivision
(including existing and proposed)

d: average population rate occupancy subdivision
during June through November.

Example: \$800 x 1.75 x 60 units x 50% = \$42,000

(Note: amendment continued on following page.)

2.10.6.5 continued

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 lieu of construction. Should there be any disagreement as to the value of said required shelter improvement 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 monies shall be placed in a special account managed by the Emergency Management Director, and shall only be spent Expenditures will only be made for capital improvements (window/door protection, generators, etc.) for American Red Cross designated shelter facilities that will benefit the area for which the cash-in-lieu of on-site sheltering originated. To the maximum extent possible, shelter enhancements will be made at facilities within 8 road miles of proposed park or subdivision expansion.

ORIGIN: Staff
AUTHOR: Martha L. Nebelsiek, Assistant County Attorney
DEPARTMENT: County Attorney
LDC PAGE: 2-39
LDC SECTION: 2.2.13.2

CHANGE: Regulations governing amusement areas at fast food restaurants.

REASON: Commissioner request.

FISCAL IMPACT: None to Collier County.
RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

- 2.2.13.2.2 2. Where play areas are constructed as an accessory use to a permitted use, the following conditions shall apply:
- a. a minimum five foot, six inch high reinforced fence shall be installed on all sides of the play area which are not open to the principal structure;
 - b. ingress to and egress from the play area shall be made only from the principal structure, however an emergency exit from the play area shall be provided which does not empty into the principal structure;
 - c. the play equipment shall be set back a minimum distance of five (5) feet from the required fence and from the principal structure.

ORIGIN: Staff
AUTHOR: Philip J. Scheff
DEPARTMENT: Site Development Review

CHANGE: Delete homeless shelters from permitted uses in C-1 through C-4 zoning districts and list homeless shelters as conditional use. Retain homeless shelters as permitted uses with specific development criteria in C-5 zoning district.

REASON: BCC Direction to review homeless shelters as permitted vs. conditional uses in all commercial zoning districts.

FISCAL IMPACT: None.
RELATED CODES OR REGULATIONS: None.

LDC Page: 2-36

LDC Section: 2.2.12.2.1 C-1/C-1/T Zoning District

PROPOSED AMENDMENT:

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

LDC Page: 2-39

LDC Section: 2.2.13.2.1 C-2 Zoning District

PROPOSED AMENDMENT:

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

Reason: BCC direction.

LDC Page: 2-42

LDC Section: 2.2.14.2.1 C-3 Zoning District

PROPOSED AMENDMENT:

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

REASON: Correct redundancy in LDC.

LDC Page: 2-42

LDC Section: 2.2.14.2.1

PROPOSED AMENDMENT:

2.2.14.2.1 9. ~~Group Housing, excluding Family Care Facilities, subject to Sec. 2.6.26.~~

LDC Page: 2-46

LDC Section: 2.2.15.2.1 C-4 Zoning District

PROPOSED AMENDMENT:

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

LDC Page: 2-46

LDC Section: 2.2.15.2.1

PROPOSED AMENDMENT:

2.2.15.2.1 23. Social Services (groups 8322-8399, ~~except for homeless shelters and soup kitchens~~).

Reason: To correct internal inconsistency.

LDC Page: 2-46

LDC Section: 2.2.15.2.1.24 C-4 Zoning District

PROPOSED AMENDMENT:

2.2.15.2.1 ~~24. Soup kitchens, as defined by this Code.~~

Reason: To correct internal inconsistency.

ORIGIN: Staff
AUTHOR: Donald W. Arnold
DEPARTMENT: Site Development Review Department
LDC PAGE: page 2-55
LDC SECTION: Section 2.2.16.3
CHANGE: Add homeless shelters and soup kitchens to
industrial zoning district as conditional use.
Board Direction
REASON:
FISCAL IMPACT: None.
RELATED CODES: None.

2.2.16.3 Conditional Uses.

21. Homeless shelters, as defined by this Code.
22. Soup Kitchens, as defined by this Code.

ORIGIN: Staff
AUTHOR: Ronald F. Nino, AICP
DEPARTMENT: Site Development Review
LDC PAGE: 2-116
LDC SECTION: 2.3.14

CHANGE: Add parking requirement for athletic fields.

REASON: Currently the parking section of the Land Development Code does not provide any parking requirement for an athletic field. Consequently, when the most recent County Park site development plan was submitted for review and approval we were required to approve whatever was proposed for parking on that plan for the athletic field. Based on definitive parking requirements for other activities proposed at this same County park thirty spaces of the proposed parking lot can be attributed to the athletic field. It now appears that this may be deficient. Professional organizations engaged in the dissemination of parking statistics were unable to provide information for parking demand generated by a typical athletic field at a County park facility as opposed to a professional sports stadium. Staff of the County Parks Division advise that the various County parks with athletic fields have parking lots where they estimate 30 to 50 spaces are unique to the athletic field. It is also reported that there are many occasions when parking lots are inadequate and consequently users are required to park in unauthorized places. Given this indeterminate condition the best we can do is to estimate the amount of parking generated by a typical soccer or baseball playing event. A soccer team usually has a roster of 18 players. Because we know that most soccer playing is by youths it is logical to assume that they will be transported to the field by an adult who will remain at the field for the duration of the soccer match. Based on this it is possible that a soccer match could generate a need for 36 parking spaces without any consideration for coaches and spectators. Given this potential scenario it would appear that an athletic field when used for a soccer match could generate a parking demand for at least 40 spaces assuming coaches are not the parents of one or more soccer

(Note: amendment continued on following page.)

LDC SECTION: 2.3.14 continued

players. Additionally, there is the problem of overlap where another team arrives to the playing field prior to the completion of the current playing activity.

The recommended standard of 40 spaces does not therefore appear to be excessive when compared to the parking that a soccer match between two youth teams could potentially generate.

This consideration is important because we want to avoid any condition whereby the use of facilities at a County park do not encourage off-street parking within the public rights-of-way.

FISCAL IMPACT: None.

RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

Athletic Fields

Forty (40) spaces for each athletic field (baseball, slow pitch, soccer, etc.). The Community Development Services Administrator, or his designee, may administratively reduce this requirement where the applicant can demonstrate a reduced need for the required parking due to the type of athletic facility or where shared parking may be provided on adjacent public property. Grassed parking may be permitted for not more than 50% of the provided parking.

ORIGIN: Staff
AUTHOR: Joseph F. Delate, R.L.A., A.S.L.A.
DEPARTMENT: Current Planning, Development Services
LDC PAGE: 2-127
LDC SECTION: 2.4.3.5

CHANGE: Delete landscape bond requirements.

REASON: Landscape survivability may be insured through normal Code Enforcement activity.

FISCAL IMPACT: The initial savings in staff time will exceed \$12,000 per year. The savings to developers and property owners will exceed \$100,000.

RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

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

(Note: amendment continued on following page.)

LDC SECTION: 2.4.3.5 continued

responsible for all legal fees and associated costs incurred by Collier County in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.

All required landscaping shall be maintained in a healthy condition in perpetuity as per the approved building and site plans. Code compliance may investigate deficiencies in approved landscaping and institute corrective action to insure compliance with this Code.

ORIGIN: Staff
AUTHOR: John Wilver
DEPARTMENT: Current Planning, Development Services
LDC PAGE: 2-143
LDC SECTION: 2.5.6

CHANGE: Add regulations dealing with prohibited accent lighting.

REASON: BCC direction.

FISCAL IMPACT: None.
RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

2.5.6.21 Accent lighting as defined in this code, outlining doors and windows, or attached to columns and vertical corners of structures.

2.5.6.22 Accent lighting on walls of commercial buildings that abut residentially zoned parcels.

ORIGIN: Staff
AUTHOR: John Wilver
DEPARTMENT: Current Planning, Development Services
LDC PAGE: 2-145
LDC SECTION: 2.5.8

CHANGE: Add requirements for permitting accent lighting.

REASON: BCC direction.

FISCAL IMPACT: None.

RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

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

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

2.5.8.1.5.2 Accent Lighting. In addition to any other sign allowed by this Code, accent lighting may be allowed subject to the following requirements.

1. No more than two (2) tubes or strands of continuous accent lighting will be allowed per wall of a structure.
2. Accent lighting cannot exceed one and one-half inch (1 1/2") in diameter per tube or strand.
3. Accent lighting must have the approval of the Community Development Services Administrator or his designee except as prohibited in Section 2.5.6 of this Code. Installation of accent lighting shall require a building permit.
4. Accent lighting must comply with the Collier County current Electrical Code and must be installed by a licensed electrical sign contractor to an approved electrical source.

ORIGIN: Staff
AUTHOR: Donald W. Arnold, AICP
DEPARTMENT: Site Development Review
LDC PAGE: 2-169
LDC SECTION: 2.6.11

CHANGE: Add criteria under which property owners may install fences without presenting the finished side to the adjoining property.

REASON: BCC direction upon hearing of public petition

FISCAL IMPACT: No additional fiscal impacts beyond the normal base level funding for the Department are required to implement the proposed changes. Cost of fence construction may be reduced to some property owners where unfinished side may be presented to the neighboring property owner.

RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENTS:

2.6.11.5 General.

2.6.11.5.6 Fences and walls shall be constructed to present the finished side of the fence or wall to the adjoining lot or any abutting right-of-way. Where due to the presence of an existing fence or wall or continuous landscape hedge on the adjoining parcel, this provision may be administratively waived where said request has been requested in writing.

ORIGIN: Staff
AUTHOR: Bob Mulhere
DEPARTMENT: Current Planning, Development Services
LDC PAGE: 2-189, 2-190
LDC SECTION: 2.6.33.3

CHANGE: Revise language regarding process and submittal requirements for temporary construction permits.

REASON: During the last LDC amendment cycle, changes were made to this section in order to allow an applicant to request a Temporary Use Permit, under certain conditions, after approval of a Preliminary Subdivision Plat, Preliminary SDP, or both, as the case may be. The actual adopted language was conflicting in various places within this subsection regarding minimum requirements and approvals necessary to submit for and receive approval of Temporary Use Permits for Development and Construction related activities.

FISCAL IMPACT: None.
RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

2.6.33.3 Temporary Construction and Development Permits.
During the construction of any development for which at least a preliminary or final development order has been granted as required below, the developer may request a temporary use permit for the below listed activities. 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 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.

LDC SECTION: 2.6.33.3 continued

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 a Preliminary Subdivision Plat, in the case of single family projects, or a Preliminary Site Development Plan for all other projects 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 conceptual site plan which addresses any or all of the above referenced considerations identified in a pre-application meeting. 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 in addition to the Preliminary Site Development Plan referenced above. approved prior to the granting of Final Site Development Plan approval. All other temporary uses and structures 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.

ORIGIN: BCC

AUTHOR: Bob Mulhere, Acting Current Planning Mgr.

DEPARTMENT: Site Development Review Department.

LDC PAGE: 3-4,3-5

CHANGE: Provision of an exemption from the requirements of Division 3.2 for Chokoloskee Island.

REASON: Chokoloskee island has been recognized as a unique urban enclave. One which has an existing and unique prevailing development pattern, and which, for the most part has existing infrastructure in place adequate to support the prevailing development pattern. While the existing infrastructure and prevailing development pattern function well in support of the population of Chokoloskee, it would be extremely difficult, and would likely cause undue hardship on the property owners thereon, to require them to comply with the subdivision requirements in effect for the typical urban areas of Collier County.

FISCAL IMPACT: None.

RELATED CODES OR REGULATIONS: LDC Article 2, Zoning.

Sec. 3.2.4 EXEMPTIONS

3.2.4.12 Chokoloskee Island Subdivision. The purpose of this Section is to recognize the unique attributes of the area identified as Chokoloskee Island in the Future Land Use Element of the Collier County Growth Management Plan. The prevailing development pattern on Chokoloskee Island was established prior to the adoption of County subdivision regulations and infrastructure necessary to support this development pattern is in place. Through the provisions of this Section, practices that are compatible with the character of the Chokoloskee Island area are best promoted by the alternatives provided to the "Urban" improvements set forth in Division 3.2 generally.

3.2.4.12.1 Exemption from Platting and Subdivision Regulations. The division of property on Chokoloskee Island 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 3.2.4.12. The division of property not on Chokoloskee Island is required to comply with all requirements to Division 3.2. All parcels of land existing on Chokoloskee Island as of October 30, 1991, and identified in the Property Appraiser's official records, which do not conform to the minimum lot area and lot width

requirements of the overlying zoning district shall be considered conforming lots. Any subdivision of land on Chokoloskee Island occurring after October 30, 1991, shall comply with the minimum lot area and width requirements for the overlying zoning district in effect at the time the land is subdivided. In any case, except as described above, the minimum applicable development standards set forth in the Land Development Code shall apply, unless a variance therefrom is obtained.

3.2.4.12.2 Deeds and Other Conveyances. All deeds and other conveyances for properties hereafter on Chokoloskee Island 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." Failure to include this information in a deed shall not affect the conveyance of property.

3.2.4.12.3 Building Permits for Chokoloskee Island. Prior to the issuance of a building permit for any property on Chokoloskee Island, the owner of the property applying for the building permit must provide verification that he or she has an existing means of access to the property and the existing means of access to such property must be improved to the standards established by this subsection. Said access may be:

- a) dustless surface a minimum of 20 feet in width, or
- b) asphalt paved road a minimum of 20 feet in width, or
- c) limerock surface a minimum of 20 feet in width.

3.2.4.12.4 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:

- 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 proposed 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) 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.

ORIGIN: Staff
AUTHOR: Dick Clark
DEPARTMENT: Community Development Division
LDC PAGE: 3-123
LDC SECTION: 3.9.3.1

CHANGE: Provide for Miccosukee Indians to cut cypress trees.

REASON: To conform LDC to 581.187, F.S.

FISCAL IMPACT: None.
RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

3.9.3.1 Except that in accordance with Section 581.187, F.S., vegetation removal permits shall not be required for members of either the Seminole Tribe of Florida or the Miccosukee Tribe of Florida Indians, subject to the following conditions. Said permit exemption shall be for the sole purpose of harvesting select vegetation, including but not limited to palm fronds and cypress, for use in chickee hut construction, or for cultural or religious purposes, and tribal member identification and written permission from the property owner must be in possession at the time of vegetation removal. This exemption shall not apply to general land clearing, or to agricultural land clearing, including silviculture.

USE INSERT

ORIGIN: Staff
AUTHOR: Stan Litsinger
DEPARTMENT: Long Range Planning
LDC PAGE: 3-148
LDC SECTION: DIV. 3.15

CHANGE: Modify Adequate Public Facilities Ordinance

REASON: Per settlement agreement with DCA

FISCAL IMPACT: None.
RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

COLLIER COUNTY
ADEQUATE PUBLIC FACILITIES ORDINANCE
ORDINANCE NO. 93- 82

AN ORDINANCE TO BE KNOWN AS THE COLLIER COUNTY ADEQUATE PUBLIC FACILITIES ORDINANCE, PROVIDING FOR FINDINGS; PROVIDING FOR SHORT TITLE, AUTHORITY AND APPLICABILITY; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING FOR THE GENERAL REQUIREMENT THAT ADEQUATE PUBLIC FACILITIES BE AVAILABLE FOR DEVELOPMENT; PROVIDING FOR MANAGEMENT AND MONITORING PROGRAM, ANNUAL INVENTORY UPDATE REPORT, ANNUAL CIE AND AMENDMENT, ANNUAL BUDGET; PROVIDING FOR THE REGULATORY PROGRAM TO ENSURE ADEQUATE PUBLIC FACILITIES ARE AVAILABLE; PROVIDING FOR LIBERAL CONSTRUCTION, SEVERABILITY, AND PENALTIES; PROVIDING FOR EFFECT OF PRIOR REFERENCES TO PREVIOUS ADEQUATE PUBLIC FACILITIES ORDINANCE; PROVIDING FOR THE REPEAL OF ORDINANCE 90-24, AS AMENDED, THE PREVIOUS ADEQUATE PUBLIC FACILITIES ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

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

SEC.1. FINDINGS

1.1 Collier County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter "the Act"), is required to prepare and adopt a Comprehensive Plan; and

1.2 As part of that Comprehensive Plan, the County is required to prepare and adopt a Capital Improvement Element (CIE) which covers at least a five (5) year period and is designed to consider the need for and location of public facilities; and

1.3 The CIE is required to:

1.3.1 establish a level of service to determine the adequacy of public facilities; and

1.3.2 based upon the established level of service, estimate public facility needs both to correct existing deficiencies and accommodate needs projected by new growth and development; and

1.3.3 based on public facility needs, project costs to provide the necessary public facilities and find realistic revenue sources to fund the public facilities; and

1.4 The Comprehensive Plan with the CIE is designed to ensure that adequate public facilities are available concurrent with the impact of development; and

1.5 After adoption of the Comprehensive Plan, the Act mandates that Collier County adopt Land Development Regulations that implement the Comprehensive Plan; and

1.6 Section 163.3177(10)(h), Florida Statutes, provides that public facilities and services needed to support development must be available concurrent with the impacts of such development; and

1.7 Section 163.3202(2)(g), Florida Statutes, also provides that not later than one (1) year after its due date established by the State land planning agency's rule for submission of local Comprehensive Plans, a local government shall not issue a development order or permit which results in a reduction in the level of service for the affected public facilities below the level of service provided in the Comprehensive Plan and CIE; and

1.8 Rule 9J-5.0055, Florida Administrative Code (F.A.C.) requires that a concurrency management system must be implemented after adoption of a Comprehensive Plan with its CIE to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development; and

1.9 On January 10, 1989, Collier County adopted the Collier County Growth Management Plan including a CIE pursuant to the requirements of Section 163.3161 et. seq., Florida Statutes; and

1.10 In March 1990, Collier County adopted its Adequate Public Facilities Ordinance (Ordinance No. 90-24) which implemented the Concurrency Management System of the Growth Management Plan; and

1.11 In September 1990, certain provisions of the Adequate Public Facilities Ordinance regarding the implementation of concurrency were challenged pursuant to Section 163.3213, Florida Statutes; and

1.12 On November 26, 1990, the Department of Community Affairs held a preliminary hearing pursuant to Section 163.3213(4), Florida Statutes, to determine whether or not the challenged portions of the Adequate Public Facilities Ordinance were consistent with the CIE of the Growth Management Plan; and

1.13 On December 6, 1990, the Department of Community Affairs issued its Final Order determining that certain provisions of the Adequate Public Facilities Ordinance were inconsistent with the CIE of the Growth Management Plan; and

1.14 On February 6, 1991, the Department of Community Affairs and others petitioned the Division of Administrative Hearings on the issue of consistency of certain provisions of the Adequate Public Facilities Ordinance with the CIE of the Growth Management Plan pursuant to Section 163.3213(5)(b), Florida Statutes; and

1.15 An administrative hearing was conducted in Collier County between July 22 and July 26, 1991, wherein the Division of Administrative Hearings Hearing Officer heard testimony and received evidence concerning the issue of the consistency of the Adequate Public Facilities Ordinance with the CIE of the Growth Management Plan; and

1.16 On August 27, 1992, the Hearing Officer issued a final order finding certain of the challenged portions of the Adequate Public Facilities Ordinance inconsistent with the CIE of the Growth Management Plan and recommending the imposition of substantial sanctions upon Collier County as a result pursuant to Section 163.3213(6), Florida Statutes; and

1.17 On March 16, 1993, the Board of County Commissioners of Collier County entered into a Stipulated Settlement Agreement with the Department of Community Affairs and the other parties to the Adequate Public Facilities Ordinance challenge in which it was agreed that Collier County would amend the Concurrency Management System of the CIE pursuant to Rule 9J-5.0055, F.A.C., and later amend certain portions of the Adequate Public Facilities Ordinance causing it to become consistent with the Concurrency Management System amendments to the CIE; and

1.18 On April 13, 1993, the Administration Commission issued its Final Order Number AC-93-036, approving the Stipulated Settlement Agreement and directing Collier County to adopt the remedial amendments to the Concurrency Management System of the CIE and amendments to the Adequate Public Facilities Ordinance (Ord. No. 90-24).

1.19 On July 27, 1993, the Board of County Commissioners of Collier County did take action in the manner prescribed by law, did hold public hearings concerning the adoption of the remedial plan amendment and did adopt such amendment as Ordinance No. 93-41; and

1.20 The Collier County Planning Commission and the Board of County Commissioners find that this Ordinance is consistent with and furthers the Collier County Growth Management Plan; and

1.21 It is the intent of the Board of County Commissioners of Collier County to implement the "concurrency requirements" of the Collier County Growth Management Plan, Section 163.3177(10)(h) and 163.3202(2)(g), Florida Statutes, and Rule 9J-5, F.A.C.

SEC. 2. SHORT TITLE, AUTHORITY AND APPLICABILITY.

2.1 Short Title. This Ordinance shall be known and may be cited as the "Collier County Adequate Public Facilities Ordinance."

2.2 Authority. The Board of County Commissioners of Collier County has the authority to adopt this Ordinance pursuant to Article VIII, Section 1(f), Fla. Const., Section 125.01 et. seq., Florida Statutes, Section 163.3161 et. seq., Florida Statutes, Section 163.3161(8), Florida Statutes, Sections 163.3177(10)(h) and 163.3202(2)(g), Florida Statutes, and Rule 9J-5, F.A.C.

2.3 Applicability. This Ordinance shall apply to all development in the total unincorporated area of Collier County, and to all public facilities owned by Collier County in the incorporated or unincorporated areas of Collier County, and to all privately-owned public facilities where the level of service has been established by the County.

SEC. 3. INTENT AND PURPOSE

3.1 Intent. This Ordinance is intended to implement and be consistent with the Collier County Growth Management Plan, Section 163.3161 et. seq., Florida Statutes, and Rule 9J-5, F.A.C., by ensuring that all development in Collier County be served by adequate public facilities.

3.2 Purpose. This objective is accomplished by (1) establishing a management and monitoring system to evaluate and coordinate the timing and provision of the necessary public facilities to service development, and (2) by establishing a regulatory program that ensures that each public facility is available to serve development concurrent with when the impacts of development occur on the public facilities.

3.3 Minimum Requirements. The provisions of this Ordinance in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this Ordinance.

SEC. 4 DEFINITIONS.

4.1 Annual Update and Inventory Report or AUIR means the County report on public facilities described in Section 7.2.

4.2 Application for Development Approval means an application submitted to Collier County requesting the approval of a development order.

4.3 Capital Drainage Facilities mean the planning of, engineering for, acquisition of land for, or the construction of drainage and water management facilities necessary for proposed development to meet the LOS for drainage facilities.

4.4 Capital Park Facilities mean the planning of, engineering for, acquisition of land for, or construction of buildings and park equipment necessary to meet the LOS for park facilities.

4.5 Capital Road Facilities or Capital Road Improvement shall include transportation planning for, right-of-way acquisition for, engineering for, and construction of any project eligible for

inclusion as a road project in the road component of the CIE of the Collier County Growth Management Plan or the Five Year Florida Department of Transportation Plan.

4.6 Capital Potable Water Facilities mean the planning of, engineering for, acquisition of land for, or construction of potable water facilities necessary to meet the LOS for potable water facilities.

4.7 Capital Sanitary Sewer Facilities mean the planning of, engineering for, acquisition of land for, or construction of sanitary sewer facilities necessary to meet the LOS for sanitary sewer facilities.

4.8 Capital Solid Waste Facilities mean the planning of, engineering for, acquisition of land for, or construction of solid waste facilities necessary to meet the LOS for solid waste facilities.

4.9 Comprehensive Plan means a plan that meets the requirements of Sections 163.3177 and 163.3178, Florida Statutes, and shall mean the Collier County Growth Management Plan, where referenced in this Ordinance.

4.10 Deficient Road Segment means the following:

4.10.1 A County or State road segment on the Major Road Network System that either:

4.10.1.1 has an adopted LOS "C" peak season, peak hour, that has operated below LOS "C" peak season, peak hour, based on the Annual Update and Inventory Report ("AUIR"); or.

4.10.1.2 has an adopted LOS "D" peak season, peak hour, that has operated below LOS "D" peak season, peak hour, for two (2) years or more based on the AUIR; or

4.10.1.3 has an adopted LOS "D" peak season, peak hour, that is operating below LOS "E", peak season, peak hour, based on the AUIR; or

4.10.1.4 has an adopted LOS "E" peak season, peak hour, that is operating worse than LOS "E" peak season, peak hour, based on the AUIR.

4.10.2 In determining the capacity of a County road segment or a State road segment for the purpose of determining whether it is a deficient road segment, the County shall consider:

4.10.2.1 any Capital Road Improvement currently in place;

4.10.2.2 any Capital Road Improvement that is under construction;

4.10.2.3 any Capital Road Improvement guaranteed in an enforceable development agreement that includes the provisions in subsections 4.10.2.1 and 4.10.2.2;

4.10.2.4 the actual construction of the required Capital Road Improvement is included and is scheduled to commence in or before the third year of the State's Five (5) Year Work Program and the County's current five (5) year Capital Improvement Schedule adopted as part of the Growth Management Plan; and

4.10.2.5 the Board of County Commissioners has made an express finding, after a public hearing, that the current five (5) year Capital Improvement Schedule is based on a realistic, financially feasible program of funding from existing revenue sources.

4.11 Developer means any person, including a governmental agency, undertaking any development as defined in this Ordinance.

4.12 Development Agreement has the meaning contemplated in Section 163.3220 et seq., Florida Statutes.

4.13 Development has the meaning given it in Section 380.04, Florida Statutes.

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

4.15 Final Development Order means a final local development order or a final DRI development order.

4.16 Final DRI Development Order means a development order, as amended from time to time, adopted by the Board of County Commissioners of Collier County and approved by the State pursuant to Section 380.06, Florida Statutes, notice of which is recorded pursuant to Section 380.06(15)(f), Florida Statutes.

4.17 Final Local Development Order means any valid, unexpired building permit or mobile home tie-down permit issued by the County.

4.18 Growth Management Chief means the Growth Management Chief or his designee.

4.19 Growth Management Plan or GMP means the most recently adopted and effective Comprehensive Plan of Collier County, as amended from time to time.

4.20 Land Development Regulations mean Ordinances enacted by Collier County pursuant to Section 163.3161 et seq., Florida Statutes, for the regulation of development, and includes any zoning, subdivision, impact fee, building construction, or sign regulations, or any other regulations controlling the development of land.

4.21 Level of Service (LOS) means an indicator of the extent or degree of service provided by, or proposed to be provided by a public facility based on and related to the operational characteristics of the public facility, as adopted in the Collier County Growth Management Plan. LOS shall indicate the capacity per unit of demand for each public facility.

4.21.1 Level of Service Calculations for Roads mean calculations that are performed annually following the end of the calendar year by comparing average annual daily traffic counts to the annual average daily traffic service volume look-up tables in the Traffic Circulation Element. These tables are calculated to express the annual average daily traffic volumes based upon the 100th highest volume hour of the year, or peak season, peak hour. Annual average daily traffic (AADT) is generally calculated as the average of a daily 24-hour two-way volume, counted in each of the four seasons of the year. On some low volume roads, a single annual count may be taken and factored to the annual average daily traffic volume using a monthly or quarterly factor.

4.22 LOS for Capital Drainage Facilities varies among 1) new or existing capital drainage facilities owned or operated by a local government or other public entity, 2) existing capital drainage facilities owned or operated by private persons, and 3) new capital drainage facilities owned or operated by private persons. For those capital drainage facilities (publicly or privately owned) that are in existence on the effective date of this Ordinance and for those new capital drainage facilities owned or operated by a local government or other public entity, the LOS is the existing LOS as identified (by design storm return frequency event) in the Collier County Water Management Master Plan. For new capital drainage facilities owned or operated by private persons, the LOS is identified in the Drainage Sub-Element and Capital Improvement Element Policy 1.1.5.A.3 (present requirements are a 25-year, 3-day storm event) and is based on those standards and requirements for renewal and approval of drainage and stormwater management plans established in the Collier County Water Management Policy Ordinance, Ordinance No. 74-50, as amended, and Ordinance No. 90-10 which are incorporated herein by reference.

4.23 LOS for Capital Park Facilities means 2.9412 acres per 1,000 persons for regional park land; 1.2882 acres per/1,000 persons for community park land; and \$122 of capital investment per capita (at current cost) for recreational facilities.

4.24 LOS for Capital Potable Water Facilities varies between public water systems and private water systems. For public water systems, the LOS is 135 gallons per capita per day (gpcd), plus 21% for non-residential development (except in the Marco Water and Sewer District), making the LOS 163 gpcd. The LOS in the Marco Water and Sewer District is 200 gpcd (with no 21% adjustment). For private potable water systems, the LOS is as follows, except that approved private wells are exempt from these LOS requirements:

<u>Type of Establishment</u>	<u>Gallons Per Day (GPD)</u>
Airports	
(a) per passenger	5
(b) add per employee	20
Barber and beauty shops (per chair)	100
Bowling alleys (toilet wastes only per lane)	100
Country Club	
(a) per resident member	100
(b) per member present	25
(c) per employee	20
Dentist Offices	
(a) per wet chair	200
(b) per non-wet chair	50
Doctors offices (per doctor)	250
Factories, exclusive of industrial wastes (gallons per person per shift)	
(a) no showers provided	20
(b) showers provided	35
Food Service Operations	
(a) ordinary restaurant (per seat)	50
(b) 24 hour restaurant (per seat)	75
(c) single service articles only (per person)	25
(d) bar and cocktail lounge (per person)	30
(e) drive-in restaurant (per car space)	50
(f) carry out only	
1. per 100 square feet of floor space	50
2. add per employee	20
(g) Institutions (per meal)	5
Hotels and motels	
(a) regular (per room)	150
(b) resort hotels, camps, cottages (per person)	75
(c) add for establishments with self service laundry facilities (per machine)	400
Office building (per employee per 8 hour shift)	20
Service stations (per water closet and per urinal)	250
Shopping centers without food or laundry (per square foot of floor space)	0.1

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<u>Type of Establishment</u>	<u>Gallons Per Day (GPD)</u>
Stadiums, race tracks, ball parks (per seat)	5
Stores per square foot of floor space	0.1
Theatres	
(a) indoor, auditoriums (per seat)	5
(b) outdoor, drive-ins (per space)	10
Trailer/Mobile Home Park (per trailer space)	200
Travel trailer/recreational vehicle park	
(a) Travel trailer (overnight), without water and sewer hookup (per trailer space)	75
(b) Travel trailer (overnight), with water and sewer hook-ups (per trailer space)	100
Swimming and bathing facilities, public (per person)	10
Churches (per seat)	3
Hospitals (per bed)	200
Nursing, rest homes (per bed)	100
Parks, public picnic	
(a) with toilets only (per person)	5
(b) with bathhouse, showers and toilets (per person)	10
Public institutions other than schools and hospitals (per person)	100
Schools (per student)	
(a) day-type	15
(b) add for showers	5
(c) add for cafeteria	5
(d) add for day school workers	15
(e) boarding-type	75
Work/Construction camps	
Semi-permanent (per worker)	50
Residences	
(a) Single or multiple family (per dwelling unit)	
1 bedroom and 600 square feet or less heated or cooled area	150
2 bedrooms and 601 - 1000 square feet heated or cooled area	300
3 bedrooms and 1001 - 2000 square feet heated or cooled area	450
4 or more bedrooms and more than 2000 square feet heated or cooled area	600
(b) Other (per occupant)	75

4.25 LOS for Capital Road Facilities on the Major Road
Network System varies depending on the type of road, and is based on a defined peak season, peak hour. The LOS on the following County roads is LOS "E" peak season, peak hour:

<u>Road</u>	<u>Segment</u>
Airport Road	Pine Ridge Road to Golden Gate Parkway
Golden Gate Parkway	Airport Road to Santa Barbara Boulevard
Goodlette-Frank Road	Pine Ridge Road to Golden Gate Parkway
Goodlette-Frank Road	Golden Gate Parkway to U.S. 41
Pine Ridge Road	Airport Road to I-75.

On all other County roads on the Major Road Network System, the LOS is "D" peak season, peak hour; however such a County road segment may operate at LOS "E," peak season, peak hour, for a period not to exceed two (2) fiscal years so as to provide Collier County time to make the Capital Road Improvements needed to restore the road to LOS "D" peak season, peak hour, or better.

The LOS on State and Federal roads shall be as follows based on peak season, peak hour:

Road	Rural Area	Existing Urbanized Area	Transitioning Urbanized Area
I-75	B	C	C
US 41	C	D	C
SR-84	C	D	C
SR-951	-	D	C
SR-29	C	-	-
SR-82	C	-	-

4.26 LOS for Capital Sanitary Sewer Facilities varies between public sanitary sewer systems and private sanitary sewer systems. The LOS for public sanitary sewer systems is 100 gallons per capita per day (gpcd), plus 21% for non-residential development, making the LOS 121 gpcd.

The LOS for private sanitary sewer systems is as required by the State of Florida in Chapter 10-D-6, F.A.C. These standards vary according to the type of land use. They are as follows, except that approved private septic systems are exempt from these LOS requirements:

Type of Establishment	Gallons Per Day (GPD)
Airports	
(a) per passenger	5
(b) add per employee	20
Barber and beauty shops (per chair)	100
Bowling alleys (toilet wastes only per lane)	100
Country Club	
(a) per resident member	100
(b) per member present	25
(c) per employee	20
Dentist Offices	
(a) per wet chair	200
(b) per non-wet chair	50
Doctors offices (per doctor)	250
Factories, exclusive of industrial wastes (gallons per person per shift)	
(a) no showers provided	20
(b) showers provided	35
Food Service Operations	
(a) ordinary restaurant (per seat)	50
(b) 24 hour restaurant (per seat)	75
(c) single service articles only (per person)	25
(d) bar and cocktail lounge (per person)	30
(e) drive-in restaurant (per car space)	50
(f) carry out only	
1. per 100 square feet of floor space	50
2. add per employee	20
Hotels and motels	
(a) regular (per room)	100
(b) resort hotels, camps, cottages (per person)	75
(c) add for establishments with self service laundry facilities (per machine)	400
Office building (per worker)	20
Service stations (per bay)	500
Shopping centers without food or laundry (per square foot of floor space)	0.1
Stadiums, race tracks, ball parks (per seat)	5
Stores (without food service)	
(a) private toilets, for employees only (per employee)	20
(b) public toilets (per square foot of floor space)	0.1
Theatres	
(a) indoor, auditoriums (per seat)	5
(b) outdoor, drive-ins (per space)	10
Trailer/Mobile Home Park (per trailer space)	200
Travel trailer/recreational vehicle park	
(a) Travel trailer (overnight), without water and	

<u>Type of Establishment</u>	<u>Gallons Per Day (GPD)</u>
sewer hookup (per trailer space)	50
(b) Travel trailer (overnight), with water and sewer hook-ups (per trailer space)	100
Swimming and bathing facilities, public (per person)	10
Churches (per seat)	3
Hospitals (per bed)	200
Nursing, rest homes (per person)	100
Parks, public picnic	
(a) with toilets only (per person)	5
(b) with bathhouse, showers and toilets (per person)	10
Public institutions other than schools and hospitals (per person)	100
Schools (per student)	
(a) day-type	15
(b) add for showers	5
(c) add for cafeteria	5
(d) add for day school workers	15
(e) boarding-type	75
Work/Construction camps	
Semi-permanent (per worker)	50
Residences	
(a) single family (per bedroom)	150
(b) apartment (per bedroom)	150
(c) mobile home not in a trailer park (per bedroom)	150
(d) other (per occupant)	75

4.27 LOS for Capital Solid Waste Facilities requires sufficient capital solid waste facilities to dispose of 1.39 tons of solid waste per capita per year. In addition, the LOS requires two (2) years of landfill lined cell disposal capacity at present fill rates and ten (10) years of landfill raw land capacity at present fill rates.

4.28 LOS "C" peak season, peak hour is in the range of stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. The selection of speed is affected by the presence of others, and maneuvering within the traffic stream requires substantial vigilance on the part of the user. The general level of comfort and convenience declines noticeably at this level. LOS "C" peak season, peak hour, is based on the one hundredth (100th) highest hourly traffic volumes during a calendar year for the various types of Roads defined by Special Report 202, "Highway Capacity Manual," Transportation Research Board, National Research Council, Washington, D.C., 1985, or subsequent revisions thereto.

4.29 LOS "D" peak season, peak hour represents a high-density, but stable, flow. Speed and freedom to maneuver are severely restricted, and the driver or pedestrian experiences a generally poor level of comfort and convenience. Small increases in traffic flow will generally cause operational problems at this level. LOS "D" peak season, peak hour, is based on the one hundredth (100th) highest hourly traffic volumes during a calendar year for the various types of Roads defined by Special Report 202, "Highway Capacity Manual," Transportation Research Board, National Research Council, Washington, D.C., 1985, or subsequent revisions thereto.

4.29.1 LOS "E" peak season, peak hour represents operating conditions at or near capacity. All speeds are significantly reduced. Freedom to maneuver is difficult. Comfort and convenience is extremely poor, and motorist frustration is generally high. LOS "E" peak season, peak hour, is based on the one hundredth (100th) highest hourly traffic volumes during a calendar year for the various types of Roads defined by Special Report 202, "Highway Capacity Manual," Transportation Research Board, National Research Council, Washington, D.C., 1985, or subsequent revisions thereto.

4.30 Peak season, peak hour is considered to be the 100th highest volume hour of the year, and is the basic time reference used to calculate levels of service using the definitions and methodologies of the 1985 Highway Capacity Manual (or its current edition). For planning and concurrency applications, peak season, peak hour conditions are converted to annual average daily traffic (AADT) level of service maximum volumes and are presented in a series of look-up tables adopted in the Traffic Circulation Element of the Growth Management Plan.

4.31 Major Road Network System means all arterial and collector roads within the total unincorporated Collier County. The Major Road Network System is depicted in the Traffic Circulation Element of the Collier County Growth Management Plan.

4.32 Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity, and its designated agents, successors or assigns.

4.33 Potentially Deficient Road Segment means the following:

4.33.1 A County or State road segment on the Major Road Network System whose adopted LOS standard is LOS "C" or LOS "D", peak season, peak hour, that is presently operating at its adopted LOS, or whose adopted LOS is LOS "D" peak season, peak hour, and has operated at LOS "E" peak season, peak hour, for two (2) years or less, based on the AUIR. A potentially deficient road segment which has an adopted LOS "D" peak season, peak hour, may operate at LOS "E", peak season, peak hour, for two (2) years before it shall become a deficient road segment;

4.33.2 A County or State road segment on the Major Road Network System whose adopted LOS standard is "E", peak season, peak hour, that is presently operating at LOS "E" peak season, peak hour, based on the AUIR.

4.33.3 In determining the capacity of a County road segment or a State road segment for the purpose of determining whether it is a potentially deficient road segment, the County shall consider:

4.33.3.1 any Capital Road Improvement currently in place;

4.33.3.2 any Capital Road Improvement that is under construction;

4.33.3.3 any Capital Road Improvement guaranteed in an enforceable development agreement that includes the provisions in Subsections 4.33.3.1 and 4.33.3.2;

4.33.3.4 the actual construction of the required Capital Road Improvement is included and is scheduled to commence in or before the third year of the State's Five (5) Year Work Program and the County's current five (5) year Capital Improvement Schedule adopted as part of the Growth Management Plan; and

4.33.3.5 the Board of County Commissioners has made an express finding, after a public hearing, that the current five (5) year Capital Improvement Schedule is based on a realistic, financially feasible program of funding from existing revenue sources.

4.34 Public Facilities mean capital drainage facilities, capital park facilities, capital potable water facilities, capital road facilities, capital sanitary sewer facilities, and capital solid waste facilities.

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SEC. 5 RULES OF CONSTRUCTION.

In the construction of this Ordinance, the rules set out in this section shall be observed unless such construction is inconsistent with the manifest intent of the Collier County Board of County Commissioners. The rules of construction and definitions set forth herein shall not be applied to any provisions which expressly exclude such construction, or where the subject matter, content or context of such provision would make such construction internally inconsistent or inconsistent with other provisions of this Ordinance.

5.1 Generally. All provisions, terms, phrases and expressions contained in this Ordinance shall be liberally construed in order that the true intent and meaning of the Collier County Board of County Commissioners may be fully carried out. Terms used in this Ordinance, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this State for the same terms.

In the interpretation and application of any provision of this Ordinance it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Ordinance imposes greater restrictions upon the subject matter than a general provision imposed by the Growth Management Plan or another provision of this Ordinance, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

5.2 Text. In case of any difference of meaning or implication between the text of this Ordinance and any figure, the text shall control.

5.3 Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is Saturday, Sunday or legal holiday, that day shall be excluded.

5.4 Day. The word "day" shall mean a calendar day, unless "business" day is indicated.

5.5 Delegation of Authority. Whenever a provision appears requiring the head of a department or some other County officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or some other County officer or employee to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

5.6 Gender. Words importing the masculine gender shall be construed to include the feminine and neuter.

5.7 Month. The word "month" shall mean a calendar month.

5.8 Non-technical and Technical Words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

5.9 Number. A word importing the singular number only, may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.

5.10 Shall. May. The word "shall" is mandatory; "may" is permissive.

5.11 Tense. Words used in the past or present tense include the future as well as the past or present.

5.12 Week. The word "week" shall mean seven (7) calendar days.

5.13 Written or In Writing. The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures whether by printing or other form or method of writing.

5.14 Year. The word "year" shall mean a calendar year, unless a fiscal year is indicated or 365 calendar days is indicated.

SEC. 6. ESTABLISHMENT OF MANAGEMENT AND MONITORING PROGRAM AND REGULATORY PROGRAM: THE ANNUAL UPDATE AND INVENTORY REPORT (AUIR), CIE AMENDMENTS, AND ANNUAL BUDGET.

In order to implement the mandate of the Collier County Growth Management Plan to ensure that adequate potable water, sanitary sewer, solid waste, drainage, park and road public facilities are available to accommodate development in Collier County concurrent with when the impacts of development occur on such public facilities, the Board of County Commissioners establishes, pursuant to the terms of this Ordinance, (1) a management and monitoring program that evaluates the conditions of public facilities to ensure they are being adequately planned for and funded to maintain the LOS for each public facility, and (2) a regulatory program that ensures that each public facility is available to serve development concurrent with the impacts of that development prior to issuance of development orders which are subject to the provisions of this Ordinance.

SEC. 7. MANAGEMENT AND MONITORING PROGRAM.

7.1 General. In order to ensure that adequate Potable Water, Sanitary Sewer, Solid Waste, Drainage, Park and Road Public Facilities are available concurrent with when the impacts of development occur on such Public Facilities, the County shall establish the following management and monitoring practices. Their purpose is to evaluate and coordinate the timing, provision, and funding of Potable Water, Sanitary Sewer, Solid Waste, Drainage, Park and Road Public Facilities (1) to ensure adequate planning and funding to maintain the LOS for the Public Facilities, and (2) to evaluate the capacity of the Public Facilities for use in the regulatory program to ensure that no development orders subject to concurrency regulation are issued unless adequate public facilities are available to serve the development concurrent with when the impacts of that development occur.

7.2 Annual Update and Inventory Report on Public Facilities (AUIR). On or about August 1 of each year, the Growth Management Chief shall complete an Annual Update and Inventory Report on Public Facilities (hereinafter "AUIR"). The AUIR shall determine the existing conditions of all Capital Potable Water, Capital Sanitary Sewer, Capital Solid Waste, Capital Drainage, Capital Park, and Capital Road Public Facilities, determine and summarize the available capacity of these Capital Improvements (Public Facilities) based on their LOS, forecast the capacity of existing and planned public facilities identified in the Five (5) Year Capital Improvement Schedule for each of the five (5) succeeding years, and ten (10) succeeding years, and identify new projects needed to maintain adopted LOS. The forecasts shall be based on the most recently updated Schedule of Capital Improvements (Public Facilities) for each Public Facility. The AUIR shall be based on the most recent Bureau of Economic and Business Research (BEER) high-range population projections, updated Public Facility inventories, updated unit costs and revenue projections, and analysis of the most recent traffic count data.

The findings of the AUIR shall form the basis for the preparation of the Annual Update and Amendment to the CIE, any projects to be included in the County's Annual Budget, the determination of any Area of Significant Influence (ASI) and the review of and issuance of development orders subject to the provisions of this Ordinance during the next year.

7.2.1 Annual Determination of Adequate "Category A" Public Facilities (Concurrency). On or about August 1 of each year, the Growth Management Chief will present the AUIR report to the Board of County Commissioners identifying deficiencies or potential deficiencies in "Category A" Public Facilities and remedial action options including but not limited to the following:

1. Establishment of Areas of Significant Influence (ASI's);
2. Public Facility project additions to the CIE;
3. Deferral of development order issuance in affected areas pending:
 - a. Lowering of LOS via Growth Management Plan Amendment;
 - b. Inclusion of necessary public facility projects in the adopted Annual Budget and Annual CIE Update and Amendment;
 - c. Approval of new or increased revenue sources for needed Public Facility projects by the Board of County Commissioners, the State Legislature or the County voters.

7.3 Recommendations on the Annual CIE Update and Annual Budget. Based upon the AUIR analysis, the Growth Management Chief shall propose to the Collier County Planning Commission and the Board of County Commissioners on or about October 1 of each year, the Annual Update and Amendment to the CIE as part of the Annual Growth Management Plan Amendment cycle transmittal public hearings. It will include the Public Facilities needed to maintain LOS as directed by the Board of County Commissioners upon presentation of the AUIR. The Annual Budget, which is to be adopted by October 1 of each year shall also include projects and funding as directed by the Board upon presentation of the AUIR.

7.4 Establishment of Area of Significant Influence (ASI) for Roads.

7.4.1 Establishment of Area(s) of Significant Influence (ASI). If the findings of the AUIR analysis identify additional road improvement projects needed to maintain adopted LOS, they may be included in the road component of the proposed Annual CIE Update and Amendment at the discretion of the Board. Based upon Board direction on inclusion of additional road projects, the Growth Management Chief, in conjunction with the MPO Chief and Transportation Services Administrator, may propose and identify one or more Areas of Significant Influence (ASI) around any deficient or potentially deficient road segment (except where such potentially deficient road segment is projected not to exceed its adopted LOS within the first three (3) years of the five (5) year Schedule of Capital Improvements in the CIE Update and Amendment proposed for transmittal on or about October 1, and the estimated Annual Residual Capacity Trips that would be allocated to those applicants for Certificates of Public Facility Adequacy within the ASI encompassing such potentially deficient road segment during the next year does not exceed the remaining trip capacity). The boundaries of any ASI shall be established pursuant to the standards in Subsection 7.4.2 of this Ordinance along with the annual Residual Capacity Trips covering potentially deficient road segments for each ASI by September 1 of each year. No Residual Capacity Trips shall be allotted for development in an ASI encompassing a deficient road segment.

7.4.2 Standards in Establishing Area of Significant Influence (ASI).

7.4.2.1 General. The boundaries for an ASI shall be based upon an "envelope" that surrounds major road segments. In general, the ASI surrounding a road segment will radiate out from the

segment a distance of one to three miles, depending upon natural or man-made features, roadway facility type. Additionally, there may be an overlap of ASI's due to the effect of adjacent land uses upon a roadway segment or segments.

7.4.2.2 Standards In Determining Area of Significant Influence (ASI). The Growth Management Chief in conjunction with the MPO Chief and Transportation Services Administrator shall examine traffic movement patterns and shall then prepare a map(s) that details the location of the proposed ASI(s). Such map(s) shall then be presented to the Board of County Commissioners at a regularly scheduled meeting for its review.

The following standards shall guide the Growth Management Chief, MPO Chief and Transportation Services Administrator in developing these proposed ASI's:

Type of Roadway Facility
Principal Arterial

Scope of ASI

Three (3) miles on each side of affected segment and three (3) miles from each end of affected segment.

Minor Arterial

Two (2) miles on each side of affected segment and two (2) miles from each end of affected segment.

Collector

One (1) mile on each side of affected segment and one (1) mile from each end of affected segment.

Rural Minor Collector

One (1) mile on each side of affected segment and one (1) mile from each end of affected segment.

Limited Access Facility

One (1) mile from each side of the affected segment and three (3) miles from any access point and each segment end.

7.4.2.3 Determining Annual Residual Capacity Trips. The Growth Management Chief in conjunction with the MPO Chief and Transportation Services Administrator shall complete a detailed conditions analysis of the deficient or potentially deficient road segment within each proposed ASI boundary prior to proposing the boundaries of the ASI. The analysis shall take into consideration characteristics of the road segment (such as traffic control, signal spacing, timing, and phasing) using procedures documented in the 1985 Highway Capacity Manual (or its current edition). The Annual Residual Capacity Trips for the proposed ASI covering the potentially deficient road segment shall be based upon up to one hundred percent (100%) of the potentially deficient road segment's remaining capacity, measured in peak hour, peak season trips. Thirty percent (30%) of the potentially deficient road segment's remaining capacity shall be reserved for only those land uses which generate one (1) peak hour trip per day or less, based on the most recent ITE Trip Generation Rate Manual.

7.4.3 Review and Approval by Board of County Commissioners. After receipt of the proposed boundaries of a potential ASI and the proposed Residual Capacity Trips of the ASI from the Growth Management Chief, the Board of County Commissioners, by October 1 of each year, shall hold a public hearing noticed pursuant to the requirements of Section 125.66(5), Florida Statutes, and after consideration of the proposal and public comment, approve the boundaries (including a map of the boundaries) and the Annual Residual Capacity Trips of the ASI, with or without modifications, or determine that competent substantial evidence has been placed on the record to show that the road segment is not potentially deficient and determine that the establishment of an ASI is not necessary to ensure that development orders are served by adequate road public facilities. The approved boundaries and Annual Residual Capacity Trip Allotments for

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each ASI will become effective on October 1 of each year if additional road improvements are not added to the Capital Improvement Element at that time.

7.4.4 Map of Areas of Significant Influence (ASI). A Map showing the boundaries of each ASI established by the Board of County Commissioners shall be kept in the Office of the Growth Management Chief and the Office of the Clerk to the Board of County Commissioners for review and inspection by the public during normal business hours.

7.4.5 Duration of Established Area of Significant Influence (ASI). Once the boundaries of an ASI are approved by the Board of County Commissioners, they are valid for one (1) year, unless otherwise dissolved.

7.4.6 Duration of Residual Capacity Trips. Once the Road Facility Residual Capacity Trips are approved by the Board of County Commissioners, they are valid for one (1) year.

7.4.7 Dissolution of Area of Significant Influence (ASI). If the additional needed road improvements identified in the AUIR are added to the CIZ or funds are available for, and committed for construction of, the needed road improvements to eliminate the classification of a road as a deficient or potentially deficient road segment, then the Area of Significant Influence (ASI) established for that deficient or potentially deficient road segment shall be dissolved in the same manner in which it was established.

SEC. 8 REGULATORY PROGRAM: REVIEW OF DEVELOPMENT TO ENSURE ADEQUATE PUBLIC FACILITIES ARE AVAILABLE.

8.1 General. In order to ensure that adequate Potable Water, Sanitary Sewer, Solid Waste, Drainage, Park and Road Public Facilities are available concurrent with when the impacts of development occur on each Public Facility, Collier County shall establish the following development review procedures to ensure that no development orders subject to concurrency regulation are issued unless adequate Public Facilities are available to serve the proposed development.

8.2 Exemptions. The following development orders and development shall be exempt from the terms of this Ordinance:

8.2.1 All valid, unexpired final Development of Regional Impact (DRI) development orders which were issued prior to adoption of the Collier County Growth Management Plan on January 10, 1989, except where:

8.2.1.1 Development conditions or stipulations applicable to concurrency, or the provision of adequate public facilities concurrent with the impacts of development, exist in the DRI development order;

8.2.1.2 Substantial deviations are sought for a DRI development order, and then, this Ordinance shall apply only to those portions of the development for which the deviation is sought;

8.2.1.3 An overriding concern for public health, safety, or welfare exists;

8.2.1.4 The County can demonstrate pursuant to Section 380.06, Florida Statutes, that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the application of this Ordinance to the development order is clearly established to be essential to the public health, safety and welfare; or

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8.2.1.5 The new requirements would not so change or alter a DRI development order that they would materially or substantially affect the developer's ability to complete the development authorized by the DRI development order.

8.2.2 Construction of Public Facilities that are consistent with the Collier County Growth Management Plan.

8.2.3 Any development orders determined by the Growth Management Chief not to impact Public Facilities as evaluated against the standards contained in this Ordinance.

8.2.4 Original temporary construction and development permits and any subsequent renewals not to exceed a cumulative period of one (1) year.

8.2.5 Development orders permitting replacement, reconstruction or repair of existing development consistent with all elements of the Growth Management Plan.

8.2.6 Original temporary use permits and any subsequent renewals not to exceed a cumulative period of one (1) year.

8.2.7 Any development order or development whose current owner is entitled to receive, and who properly obtains, a Determination of Vested Rights for Adequate Public Facilities ("APF") in accordance with the provisions of this Section 8.2.8.

8.2.7.1 Application. An application for Determination of Vested Rights for APF shall be submitted in the form established by the Growth Management Chief. An application fee in an amount to be determined by the Board of County Commissioners shall accompany and be part of the application. The application shall, at a minimum, include:

8.2.7.1.1 Name, address, and telephone number of the owner and authorized applicant if other than the owner;

8.2.7.1.2 Street address, legal description, and acreage of the property; and

8.2.7.1.3 All factual information and knowledge reasonably available to the owner and applicant to address the criteria established in Section 8.2.7.7.

8.2.7.2 Determination of Completeness. After receipt of an Application for Determination of Vested Rights for APF, the Growth Management Chief shall determine whether the application submitted is complete. If he determines that the application is not complete, the Growth Management Chief shall notify the applicant in writing of the deficiencies. The Growth Management Chief shall take no further steps to process the application until the deficiencies have been remedied.

8.2.7.3 Review and Determination or Recommendation by Growth Management Chief and County Attorney. After receipt of a completed Application for Determination of Vested Rights for APF, the Growth Management Chief and the County Attorney shall review and evaluate the application in light of all of the criteria in Section 8.2.7.7. Based on the review and evaluation, the Growth Management Chief and the County Attorney shall prepare a written recommendation to the Hearing Officer that the application should be denied, granted or granted with conditions by the Hearing Officer. Such recommendation shall include findings of fact for each of the criteria established in Section 8.2.7.7 to the extent that information is presented or obtained or inclusion is feasible or applicable. If the Growth Management Chief and the County Attorney agree based on the review and evaluation that the Application for Determination of Vested Rights for APF so clearly should be granted or granted with conditions, then they may enter into a written Stipulated

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Determination of Vested Rights for APP with the owner, in lieu of the written recommendation to the Hearing Officer and the provisions in sections 8.2.7.4, 8.2.7.5 and 8.2.7.6. However, any such Stipulated Determination shall be in writing, signed by the Growth Management Chief, the County Attorney and the owner, and shall include findings of fact based on the criteria established in Section 8.2.7.7, conclusions of law for such criteria, and the determination granting or granting with conditions, in whole or in part, the vested rights for adequate public facilities.

8.2.7.4 Review and Determination of Vested Rights Determination for APP by Hearing Officer. Upon receipt by the Hearing Officer of the Application for Determination of Vested Rights for APP and the written recommendation of the Growth Management Chief and the County Attorney, the Hearing Officer shall hold a public hearing on the application. At the hearing, the Hearing Officer shall take evidence and sworn testimony in regard to the criteria set forth in Section 8.2.7.7, and shall follow the rules of procedure set forth in Section 120.57(1)(b), 4, 6, 7, and 8. Florida Statutes, and Section 120.58(1)(a), (d) and (f), Florida Statutes, and Section 120.58(1)(b), Florida Statutes, only to the extent that the Hearing Officer is empowered to swear witnesses and take testimony under oath. The Hearing Officer shall follow the procedures established for administrative hearings in Rules 60Q-2.009, 2.017, 2.020, 2.022, 2.023, 2.024, 2.025, 2.027, and 2.031, Florida Administrative Code except as expressly set forth herein. The parties before the Hearing Officer shall include the County, the owner or applicant, and the public. Testimony shall be limited to the matters directly relating to the standards set forth in Section 8.2.7.7. The County Attorney shall represent the County, shall attend the public hearing, and shall offer such evidence as is relevant to the proceedings. The owner of the property and its authorized agents, may offer such evidence at the public hearing as is relevant to the proceedings and criteria. The order of presentation before the Hearing Officer at the public hearing shall be as follows: 1) the County's summary of the application, written recommendation, witnesses and other evidence; 2) owner or applicant witnesses and evidence; 3) public witnesses and evidence; 4) County rebuttal, if any; and 5) applicant rebuttal, if any.

8.2.7.5 Issuance of Vested Rights Determination for APP by Hearing Officer. Within fifteen (15) working days after the completion of the public hearing under Section 8.2.7.4, the Hearing Officer shall consider the Application for Determination of Vested Rights for APP, the recommendation of the Growth Management Chief and the County Attorney, and the evidence and testimony presented at the public hearing, in light of all of the criteria set forth in Section 8.2.7.7, and shall deny, grant, or grant with conditions the Application for Determination of Vested Rights for APP for the property or properties at issue. The determination shall be in writing and shall include findings of fact for each of the applicable criteria established in Section 8.2.7.7, conclusions of law for each of such criteria, and a determination denying, granting, or granting with conditions, in whole or in part, the vested rights for adequate public facilities.

8.2.7.6 Appeal to the Board of County Commissioners. Within thirty (30) days after issuance of the Hearing Officer's written determination of vested rights for APP, the County Attorney, the Growth Management Chief, or the owner or its authorized attorney or agent, may appeal the determination of vested rights for APP of the Hearing Officer to the Board of County Commissioners. A fee for the application and processing of an owner-initiated appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the owner or its authorized agent. The Board of County Commissioners shall adopt the Hearing Officer's determination of vested rights for APP, with or without modifications or conditions, or reject the Hearing Officer's determination of vested rights for APP. The Board of County Commissioners shall not be authorized to modify or reject the Hearing Officer's determination of vested rights for APP unless the Board of

County Commissioners finds that the Hearing Officer's determination is not supported by substantial competent evidence in the record of the Hearing Officer's public hearing or that the Hearing Officer's determination of vested rights for APF is contrary to the criteria established in Section 8.2.7.7.

8.2.7.7 Criteria for Vested Rights. This section is intended to strictly adhere to and implement existing case law and statutory law as they relate to the doctrine of vested rights and equitable estoppel as applied to a local government exercising its authority and powers in zoning, the provision of adequate public facilities concurrent with development (concurrency), and related matters. It is the express intent of Collier County to require application of the provisions of this Ordinance to as much development and property in the unincorporated areas of the County as is legally possible without violating the legally vested rights which the owner may have obtained in accordance with Florida common law and statutory law, particularly Section 163.3167(8), Florida Statutes. The criteria herein provided shall be considered in rendering a vested rights determination under this section. It is intended that each case be decided on a case by case factual analysis. An owner shall be entitled to a positive determination of vested rights for APF only if he demonstrates by substantial competent evidence that he is entitled to complete his development without regard to the otherwise applicable provisions of this Ordinance based on the provisions of Section 163.3167(8), Florida Statutes, or all three of the following requirements of the three-part test under Florida common law:

1) Upon some act or omission of the County, 2) a property owner relying in good faith, 3) has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired.

8.2.7.8 Limitation on Determination of Vested Rights for APF. A Determination of Vested Rights for APF which grants an application for determination of vested rights for APF shall expire and be null and void unless construction is commenced pursuant to a final development order, final subdivision plat, or final site development plan, within two (2) years after the issuance of the determination of vested rights for APF under this Section 8.2.7, or unless substantial permanent buildings have been, or are being constructed or installed pursuant to a valid, unexpired, final development order of Collier County within two (2) years after issuance of the determination of vested rights for APF under this Section 8.2.7., and such development pursuant to a final development order, final subdivision plat, final site development plan, final subdivision master plan, or planned unit development master plan is continuing in good faith. The aforementioned two (2) year time limitation on the determination of vested rights for APF 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 Ordinance.

8.3 Certificate of Public Facility Adequacy.

8.3.1 General.

8.3.1.1 A valid, unexpired Certificate of Public Facility Adequacy shall be obtained at the filing for the earliest or next to occur of final subdivision plat, final site development plan or building permit, provided however, any development orders except a final local development order may be approved or issued provided they are expressly conditioned on the issuance of a Certificate of Public Facility Adequacy prior to building permit approval and provided the owner and applicant proceed at their own risk and expressly waive and release the County in writing from any and all future claims of vested rights and equitable estoppel resulting from such conditional approval or actions relying thereon.

8.3.1.2 At the applicant's request, the County shall review and approve, or deny, an Application for a Certificate of Public Facility Adequacy prior to the consideration of an Application for Development Approval for any development order needed for a proposed development prior to receipt of a final subdivision plat approval, final site development plan approval, or building permit approval.

8.3.1.3 Where the proposed development has been issued final subdivision plat approval or final site development plan approval prior to the effective date of this Ordinance, a Certificate of Public Facility Adequacy shall be obtained prior to approval of the next development order required for the proposed development.

8.3.1.4 All applicable impact fees and system development fees for a development shall be paid into the Impact Fee Escrow Trust Fund in the amount estimated to be due upon issuance of the building permit(s) for the development upon or prior to issuance of a Certificate of Public Facility Adequacy for the development, except in the instance of a simultaneous application for a building permit(s) and a Certificate of Public Facility Adequacy in which case(s) all applicable impact fees and system development fees will be paid directly into the appropriate impact fee fund at the time the building permit(s) and Certificate are picked up by the applicant. The payment of the estimated impact and system development fees into the Impact Fee Escrow Trust Fund shall be applied as a credit towards the impact and system development fees calculated and due upon issuance of the building permit(s) for the development. Impact and system development fees paid into the Impact Fee Escrow Trust Fund shall be refundable upon written request to the Growth Management Chief accompanied by the surrender of the original Certificate of Public Facility Adequacy obtained prior to issuance of building permit(s) for the development. Fees paid upon issuance of building permit(s) in accordance with the applicable impact fee or system development fee ordinances shall be refundable pursuant to the provisions of such ordinances upon written request to the Finance Director, Clerk of Courts.

8.3.2 Rules of General Applicability for Certificate of Public Facility Adequacy.

8.3.2.1 Timing. An Application for a Certificate of Public Facility Adequacy may be submitted at any time, subject to Section 8.3.1.1.

8.3.2.2 Consolidated Application. A building permit, final subdivision plat or final site development plan shall receive final approval only to the extent to which the proposed development receives a Certificate of Public Facility Adequacy. The Application for a Certificate of Public Facility Adequacy may be submitted with an Application for Development Approval, where appropriate under this Ordinance.

8.3.2.3 Assignability and Transferability. A Certificate of Public Facility Adequacy shall run with the land, shall be assignable within a proposed development, and shall not be assignable or transferable to other development.

8.3.2.4 Expiration. A Certificate of Public Facility Adequacy shall expire three (3) years from the date of its approval except to the extent that building permits have been issued for the proposed development for which the Certificate is approved, and the proposed development is then completed pursuant to the terms of the Collier County Building Code, provided:

8.3.2.4.1 For development comprised of more than five hundred (500) residential dwelling units, or for a phased increment of development comprised of more than one hundred and fifty (150) residential dwelling units, or for a commercial/industrial development of more than 100,000 square feet of gross leasable area, a

Certificate of Public Facility Adequacy shall expire five (5) years from the date of its approval except to the extent that building permits have been issued for the proposed development for which the Certificate is approved, and the proposed development is then completed pursuant to the terms of the Collier County Building Code, provided the certificate holder:

8.3.2.4.1.1 Obtains approval of its Final Subdivision Plat and Final Site Development Plan, whichever is applicable, within twelve (12) months from the date of issuance of the Certificate of Public Facility Adequacy; and

8.3.2.4.1.2 Commences construction of the infrastructure for the Final Subdivision Plat and Final Site Development Plan, whichever is applicable, within twenty-four (24) months from the date of issuance of the Certificate of Public Facility Adequacy; and

8.3.2.4.1.3 Completes the construction of the infrastructure for the Final Subdivision Plat and Final Site Development Plan, whichever is applicable, and records the Final Subdivision Plat in the public records of Collier County, if applicable, within thirty-six (36) months from the date of issuance of the Certificate of Public Facility Adequacy.

8.3.2.4.2 For purposes of determining the expiration of a Certificate of Public Facility Adequacy for a mixed use development, the size of the mixed use development shall be determined by aggregating the percentage of the threshold for each land use component identified in Section 8.3.2.4.1 that is proposed for the mixed use development.

8.3.2.5 Effect. Issuance of a Certificate of Public Facility Adequacy shall demonstrate proof of adequate public facilities to serve the development approved in the development order, subject to the conditions in the development order. A subsequent Application for Development Approval for development approved in a development order for which a Certificate of Public Facility Adequacy has been approved shall be determined to have adequate public facilities as long as the Certificate of Public Facility Adequacy is valid and unexpired. When a Certificate of Public Facility Adequacy expires, any subsequent Application for Development Approval shall require a new Certificate of Public Facility Adequacy to be issued pursuant to the terms of this section prior to approval of any subsequent development order for the proposed development.

8.3.2.6 Anything in this Ordinance to the contrary notwithstanding, all Certificates of Public Facility Adequacy approved or issued from the date that the Growth Management Chief presents the proposed ASI boundary maps to the Board of County Commissioners, as provided by Section 7.4.2.3, through the date that the boundaries and the Annual Residual Capacity Trip Allotments for each ASI are approved by the Board shall be expressly conditioned upon any and all restrictions, limitations, provisions, boundaries and allotments adopted by the Board of County Commissioners pursuant to Section 7.4.3.

8.3.3 Effect of Development Agreement in Conjunction with a Certificate of Public Facility Adequacy. Upon approval by the Board of County Commissioners, any applicant may enter into a Development Agreement with Collier County pursuant to the provisions of Section 163.3220-3242, Florida Statutes, in conjunction with the approval of a development order and/or a Certificate of Public Facility Adequacy. The effect of the Development Agreement shall be to bind the parties pursuant to the terms and conditions of the Development Agreement and the Certificate of Public Facility Adequacy in order to insure that adequate public facilities are available to serve the proposed development concurrent with when the impacts of the development occur on the public facilities. Development Agreements may address conditional development order approvals and conditions for

renewal of the Certificate of Public Facility Adequacy beyond five (5) years, however, the duration of any Certificate of Public Facility Adequacy shall not exceed five (5) years. Development Agreements may also provide for private provision of public facilities or for a joint endeavor between the private sector and Collier County to provide public facilities. Any public facility in the Five (5) Year Schedule of Capital Improvements in the CIE on which such a Certificate of Adequate Public Facilities is made in conjunction with the approval of a development order and a Development Agreement shall not be delayed, deferred, or removed from the Five (5) Year Schedule of Improvements in the CIE.

8.3.4 Procedure for Review of Application.

8.3.4.1 Submission of Application and Fee. An Application for a Certificate of Public Facility Adequacy shall be submitted to the Growth Management Chief. An application shall be submitted at the filing of the earliest or next to occur of final subdivision plat, final site development plan, or building permit. An application fee in an amount to be determined by the Board of County Commissioners shall accompany and be part of the application.

8.3.4.2 Application Contents. The form and contents for the Application for Public Facility Adequacy shall be established by the Growth Management Chief and shall be published and made available to the general public.

8.3.4.3 Determination of Completeness and Review. After receipt of an Application for Certificate of Public Facility Adequacy, the Growth Management Chief shall determine whether it is complete within three (3) business days. If it is determined that the application is not complete, written notice shall be served on the applicant specifying the deficiencies. The Growth Management Chief shall take no further action on the application unless the deficiencies are remedied. Within five (5) business days after the application is determined to be complete, the Growth Management Chief shall review and grant, or deny each public facility component in the application pursuant to the standards established in Section 8.3.5.

8.3.4.4 Appeal to Public Facilities Determination Appeal Committee. Within thirty (30) days after issuance of the determination of the Growth Management Chief on the Application for a Certificate of Public Facility Adequacy, the applicant may appeal the determination of the Growth Management Chief on the Application for a Certificate of Public Facility Adequacy to the Public Facilities Determination Appeal Committee. A fee for the application and processing of an appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the applicant. The Public Facilities Determination Appeal Committee shall hold a hearing on the appeal and shall consider the determination of the Growth Management Chief and public testimony in light of all the criteria set forth in Section 8.3.5 of this Ordinance. The Public Facilities Determination Appeal Committee shall adopt the Growth Management Chief's determination on the Application for a Certificate of Public Facility Adequacy with or without modifications or conditions, or reject the Growth Management Chief's determination. The Public Facilities Determination Appeal Committee shall not be authorized to modify or reject the Growth Management Chief's determination unless the Public Facilities Determination Appeal Committee finds that the determination is not supported by substantial competent evidence or that the Growth Management Chief's determination is contrary to the criteria established in Section 8.3.5 of this Ordinance. The decision of the Public Facilities Determination Appeal Committee shall include findings of fact for each of the criteria.

8.3.4.4.1 Composition of Public Facilities Determination Appeal Committee. The Public Facilities Determination Appeal Committee shall be comprised of three (3) members: the Office of Capital Projects Management Director, or his designee; Metropolitan

Planning Organization (MPO) Coordinator, or his designee; and the Project Review Services Manager, or his designee.

8.3.4.5 Cancellation of Certificates. Upon notification by the Growth Management Chief, or his designee, that an application for a Certificate of Public Facility Adequacy has been approved and a Certificate issued, the applicant shall have thirty (30) calendar days to pick up the Certificate and pay all applicable impact and system development fees. If the applicant fails to pick up the Certificate and pay the appropriate fees within twenty (20) calendar days of notification of approval, a second notification of pending cancellation of the Certificate will be sent to the applicant by certified mail. If the applicant does not pick up the Certificate and pay all applicable fees within ten (10) calendar days of notification by certified mail, the Certificate will be voided. In such a case, the applicant shall then be required to apply for issuance of a new Certificate. Certificates issued simultaneously with building permits shall be voided if the applicant fails to pick up the building permit and fails to pay all applicable fees within the time period during which such building permit(s) remain(s) valid.

8.3.5 Standards for Review of Application. The following standards shall be used in the determination of whether to grant or deny a Certificate of Public Facility Adequacy. Before issuance of a Certificate of Public Facility Adequacy, the application shall fulfill the standards for each Public Facility component (Potable Water, Sanitary Sewer, Solid Waste, Drainage, Parks and Roads).

8.3.5.1 Potable Water Facilities.

8.3.5.1.1 The Potable Water component shall be granted if any of the following conditions are met:

8.3.5.1.1.1 The required Public Facilities are in place at the time a building permit is issued.

8.3.5.1.1.2 The required Public Facilities are under construction at the time a building permit is issued.

8.3.5.1.1.3 The required Public Facilities are guaranteed in an enforceable development agreement that includes the provisions of Subsections 8.3.5.1.1.1 and 8.3.5.1.1.2.

8.3.5.2 Sanitary Sewer Facilities.

8.3.5.2.1 The Sanitary Sewer component shall be granted if any of the following conditions are met:

8.3.5.2.1.1 The required Public Facilities are in place at the time a building permit is issued.

8.3.5.2.1.2 The required Public Facilities are under construction at the time a building permit is issued.

8.3.5.2.1.3 The required Public Facilities are guaranteed in an enforceable development agreement that includes the provisions of Subsections 8.3.5.2.1.1 and 8.3.5.2.1.2.

8.3.5.3 Solid Waste Facilities.

8.3.5.3.1 The solid waste component shall be granted if any of the following conditions are met:

8.3.5.3.1.1 The required Public Facilities are in place at the time a building permit is issued.

8.3.5.3.1.2 The required Public Facilities are under construction at the time a building permit is issued.

8.3.5.3.1.3 The required Public Facilities are guaranteed in an enforceable development that includes the provisions of Subsections 8.3.5.3.1.1 and 8.3.5.3.1.2.

8.3.5.4 Drainage Facilities. The Drainage component shall be granted if the proposed development has a drainage and water management plan that has been approved by the Environmental Services Division that meets the LOS for Capital Drainage Facilities defined in Subsection 4.22.

8.3.5.5 Park and Recreation Facilities.

8.3.5.5.1 The Parks and Recreation component shall be granted if any of the following conditions are met:

8.3.5.5.1.1 The required Public Facilities are in place at the time a building permit is issued.

8.3.5.5.1.2 The required Public Facilities are under construction at the time a building permit is issued.

8.3.5.5.1.3 The required Public Facilities are the subject of a binding contract executed for the construction of those Public Facilities which provides for commencement of actual construction within one year of issuance of a building permit.

8.3.5.5.1.4 The required Public Facilities are guaranteed in an enforceable development agreement that includes the provisions of Subsections 8.3.5.5.1.1, 8.3.5.5.1.2 and 8.3.5.5.1.3.

8.3.5.6 Road Facilities. The Road component shall be considered based upon whether the proposed development is outside a designated ASI or within a designated ASI.

8.3.5.6.1 Development Outside Designated Area of Significant Influence (ASI) or Where No ASI Exists. For development outside a designated ASI, or where no ASI exists, the Road component shall be granted.

8.3.5.6.2 Development Within Designated Area of Significant Influence (ASI). For development within a designated ASI covering a potentially deficient road segment, the Road component shall be approved, subject to available capacity, if it is demonstrated the proposed development will not make the potentially deficient road segment within the ASI a deficient road segment. In the instance where the proposed development will create a deficient road segment, a Certificate of Public Facility Adequacy for the road component shall be approved only for that portion of the development that does not create the deficient road segment. For development within a designated ASI covering a deficient road segment, the road component shall be approved only for that portion of the development that does not increase the net trips on the deficient road segment and does not further degrade the LOS of the deficient road segment.

SEC. 9 LIBERAL CONSTRUCTION, SEVERABILITY, AND PENALTY PROVISION.

9.1 The provisions of this Ordinance shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety, welfare and convenience.

9.2 If any section, phrase, sentence or portion of this Ordinance is for any reason 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 effect the validity of the remaining portion.

9.3 A violation of this Ordinance shall be a misdemeanor punishable according to law; however, in addition to or in lieu of any criminal prosecution, Collier County shall have the power to sue in civil court to enforce the provisions of this Ordinance.

SEC. 10. EFFECT OF PRIOR REFERENCES TO PREVIOUS ADEQUATE PUBLIC FACILITIES ORDINANCE.

All references in any documents whatsoever to the previous Adequate Public Facilities Ordinance (Ordinance 90-24, as amended), superceded and repealed hereby, shall constitute a reference to this Ordinance.

SEC. 11. REPEAL OF PREVIOUS ADEQUATE PUBLIC FACILITIES ORDINANCE.

Ordinance Number 90-24, as amended, known as the Adequate Public Facilities Ordinance, adopted on March 21, 1990, by the Board of County Commissioners of Collier County is hereby repealed; provided however, as set forth in Section 10 above, any references to such prior Ordinance shall be deemed a reference to this Ordinance.

SEC. 12 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 3rd day of November, 1993.

ATTEST,
Dwight Brock, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: Burt L. Saunders
BURT L. SAUNDERS
CHAIRMAN

Approved as to form and
legal sufficiency:

Margie M. Student
Margie M. Student
Assistant County Attorney

BOOK 066 PAGE 115

ORIGIN: Staff
AUTHOR: John Wilver
DEPARTMENT: Current Planning, Development Services
LDC PAGE: 6-4
LDC SECTION: 6.3

CHANGE: Add definition of accent lighting.

REASON: Currently no definition in code; regulations for
accent lighting directed by BCC.

FISCAL IMPACT: None.
RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

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

Origin: BCC Direction
Author: Philip Scheff
Department: Site Development Plan Review
LDC Page: 6-26
LDC Section: Division 6.3, Definitions
Change: Modify definition of homeless shelter

Reason: BCC direction

PROPOSED AMENDMENT:

Homeless Shelter: A type of facility which provides a living environment for people who lack a permanent residence, including such 24 hour supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. This type of facility shall have a programmatic component that refers clients with the primary problems of the homeless, including, but not limited to, drugs and alcohol abuse, and mental illnesses, to the appropriate agency for treatment.

ORIGIN: Staff
AUTHOR: Donald W. Arnold, AICP
DEPARTMENT: Site Development Review
LDC PAGE: 6-64
LDC SECTION: Division 6.3 Definitions

CHANGE: Add language to definition of Yard, Front

REASON: Underlined paragraphs were not submitted during last LDC amendment cycle when the definition of front yard was amended. Commissioner direction to address setbacks from access easements.

FISCAL IMPACT: None.
RELATED CODES OR REGULATIONS: None.

PROPOSED AMENDMENT:

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 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 that 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.

In the case of through lots, unless the prevailing front yard pattern on the adjoining lots indicate otherwise, a full depth front yard shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Development Services Director may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

NOTE: amendment continued on next page

LDC Division 6.3 continued:

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

However, in the Golden Gate Estates Subdivision, unimproved perimeter and bisecting access easements, or improved access easements serving three or fewer lots of record, shall not constitute a front yard for the purpose of establishing building setback lines.

Where lots in residential districts comprising forty percent (40%) or more of the frontage on one (1) side of a street between intersecting streets are developed with structures having an average front yard with a variation of not more than six feet (6'), no building thereafter erected shall project beyond the average line so established. This provision applies in all residential zoning districts and to all residentially designated areas.

Appendix B

BOOK 066 PAGE 120



COLLIER COUNTY GROUND WATER
PROTECTION ORDINANCE

ORDINANCE NO. 91- 103

11-6-91

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA PROVIDING FOR PROTECTION OF EXISTING AND FUTURE WELLFIELDS AND PROTECTION OF EXISTING AND FUTURE GROUND WATER RESOURCES THROUGH CREATION OF WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES WITHIN WHICH SPECIFIC DEVELOPMENT WILL BE PROHIBITED OR REGULATED; PROVIDING FOR CREATION OF GROUND WATER PROTECTION ZONE; PROVIDING FOR INCLUSION IN LAND DEVELOPMENT CODE AND ZONING ATLAS; PROVIDING TITLE AND CITATION, LEGISLATIVE AUTHORITY AND FINDINGS OF FACT; PROVIDING FOR APPLICABILITY; PROVIDING TECHNICAL FINDINGS OF FACT; PROVIDING IDENTIFICATION OF PROTECTED PUBLIC WATER SUPPLY WELLFIELDS; PROVIDING FOR CREATING, MAPPING, DESCRIPTION AND BASIS OF WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES; PROVIDING FOR REGULATED DEVELOPMENT INCLUDING STANDARDS FOR EXISTING AND FUTURE OPERATION, FACILITIES AND LAND USES; PROVIDING FOR WELLFIELD EXEMPTIONS FROM COMPLIANCE WITH IDENTIFIED PROHIBITION OR REGULATION; PROVIDING FOR WELLFIELD CONDITIONAL USES; PROVIDING FOR APPROVAL OF REGULATED DEVELOPMENT AND CERTIFICATES TO OPERATE AND PROHIBITED APPROVALS OF REGULATED DEVELOPMENT AND CERTIFICATES TO OPERATE; PROVIDING MINIMUM STANDARDS FOR GROUND WATER QUALITY; PROVIDING FOR MODIFICATION OF REGULATED DEVELOPMENT; REVISION OR REVOCATION OF CERTIFICATE TO OPERATE, WELLFIELD CONDITIONAL USE PERMIT, OR WELLFIELD EXEMPTION; PROVIDING FOR RESTRICTIONS ON ISSUANCE OF APPROVED SITE PLANS AND CERTIFICATES OF OCCUPANCY; PROVIDING FOR PUBLIC HEARINGS AND APPEALS; PROVIDING FOR FUTURE WELLS AND WELLFIELDS; PROVIDING FOR ADMINISTRATIVE FEES AND SURCHARGE; PROVIDING FOR ADMINISTRATIVE PROCEDURES/PROMULGATION; PROVIDING FOR VIOLATIONS, PENALTIES AND REMEDIES/ENFORCEMENT; PROVIDING FOR NOTICES; PROVIDING DEFINITIONS AND RULES OF CONSTRUCTION; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Part II of Chapter 163, Florida Statutes, establishes the local Comprehensive Planning and Land Development Regulations Act, providing Collier County with the authority and responsibility to comprehensively plan for future development and resource protection through land development regulations; and

WHEREAS, existing County public water supply wellfields draw water from the Water Table Aquifer and Lower Tamiami Aquifer of the Surficial Aquifer System; and

WHEREAS, the protection of wellfields and potable water resources mandated by law and provided for by the Collier County Comprehensive Plan will be implemented through the adoption of land use prohibitions, regulations and criteria deemed necessary to ensure the quality and quantity of present and future public potable water supplies; and

WHEREAS, specific land uses and activities may contribute to the degradation of ground water quality; and

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SECRETARY OF STATE

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WHEREAS, specific land uses and activities may contribute to the degradation of ground water quality; and

WHEREAS, the risk of contamination of ground water and existing and future wellfields in Collier County will be reduced by regulating the development, land use, and activity within Collier County and ensuring that state ground water quality standards are implemented.

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

ARTICLE I. INCLUSION IN COLLIER COUNTY LAND DEVELOPMENT CODE.

It is the intention of the Board of County Commissioners of Collier County, Florida, that this Ordinance is a land use ordinance to be implemented and enforced as adopted.

It is the further intention of the Board of County Commissioners of Collier County, Florida, that the provisions of this Ordinance shall become and be made a part of the Collier County Unified Land Development Code, when adopted; and that Sections of this Ordinance may be renumbered or relabeled to accomplish such intention and that the word "ordinance" may be changed to "division", "article" or other appropriate designation.

SECTION 1.1 TITLE AND CITATION.

This Ordinance shall be known as, the "Collier County Ground Water Protection Ordinance" and may be cited and referred to herein as the "Ground Water Protection Ordinance" or the "Ordinance".

SECTION 1.2 LEGISLATIVE AUTHORITY.

The Board of County Commissioners of Collier County, Florida, has the authority to adopt this Ground Water Protection Ordinance pursuant to Article VIII, Sec.1(f), Florida Constitution; Section 125.01, et seq., Florida Statutes; Section 163.3177, Florida Statutes; Section 163.3202, Florida Statutes; Rule 9J-5.013, Florida Administrative Code; and other such authorities and provisions as in the statutory and common law of the State of Florida.

SECTION 1.3 FINDINGS OF FACT.

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

SEC.1.3.1 Pursuant to Section 163.3202, Florida Statutes, Collier County is required to adopt a wellfield protection ordinance which implements and is consistent with the elements of its adopted Comprehensive Plan, which Comprehensive Plan was adopted by Collier County on January 10, 1989, as the Collier County Growth Management Plan.

SEC.1.3.2 Pursuant to Section 163.3202, Florida Statutes, Collier County is required to adopt a wellfield protection ordinance to protect the existing and future public potable water supply wells.

SEC.1.3.3 Pursuant to Rule 9J-5.013, Florida Administrative Code, Collier County is required to protect water quality by restricting activities known to adversely affect the quality and quantity of identified water sources including cones of influence, water recharge areas, and water wells.

SEC.1.3.4 Pursuant to Goal 3 of the Conservation and Coastal Management Element of the Collier County Growth Management Plan, and specifically Objectives 3.2, 3.3, 3.4, thereunder, Collier County is required to protect the County's groundwater resources to ensure the highest water quality practicable.

SEC.1.3.5 Pursuant to Goal 1 of the Natural Ground Water Aquifer Recharge Sub-Element of the Public Facilities Element of the Collier County Growth Management Plan and specifically Objective 1.2, thereunder, Collier County, is required to adopt a local ground water protection ordinance to protect existing and future potable wellfields from existing and future land use and surface activities.

SEC.1.3.6 Pursuant to Goal 1 of the Natural Ground Water Aquifer Recharge Sub-Element of the Public Facilities Element of the Collier County Growth Management Plan and specifically Objectives 1.1, 1.2, 1.3, 1.4, and 1.5, thereunder, Collier County is required to identify and protect natural ground water aquifer recharge areas from activities that could degrade and/or contaminate the quality of ground water, and to identify and map ground water recharge areas most sensitive to contamination from land development and other surface activities.

SEC.1.3.7 Pursuant to Goal 2 of the Natural Ground Water Aquifer Recharge Sub-Element of the Public Utilities Element of the Collier County Growth Management Plan and specifically Objective 2.1, thereunder, Collier County, in order to protect the natural ground water aquifer recharge areas from activities that unacceptably alter the ground water recharge, is required to develop local criteria for ensuring that land development activities do not unacceptably alter the timing or reduce the amount of ground water recharge.

SEC.1.3.8 Collier County has developed a three (3) dimensional regional computer model from which capture zones around selected existing wellfields in the unincorporated area and incorporated areas of Collier County have been identified and mapped together with areas of natural ground water recharge, recognizing that geographic Collier County is a natural aquifer recharge area, for the Surficial Aquifer System.

SEC.1.3.9 The public water supply wellfields, identified within this Ordinance, are collectively the primary source of potable water in Collier County and have been computer modelled in order to identify and map Wellfield Risk Management Special Treatment Overlay Zones around each wellfield together with areas of natural ground water recharge.

SEC.1.3.10 The Surficial Aquifer System is the existing principal source of potable water in Collier County; however, the Intermediate and Floridan Aquifer Systems, which presently serve as a lesser source of potable water, are deemed to be an important future source of Collier County's potable water supply.

SEC. 1.3.11 That there is sufficient technical data available to question the integrity of the Tamiami semi-confining beds throughout Collier County as providing adequate protection for the Lower Tamiami Aquifer from contaminants generated by land use activities.

SEC.1.3.12 There is sufficient technical data to indicate that all of geographical Collier County serves as a natural aquifer recharge area to the Water Table Aquifer, and that, on a regional basis, approximately eighty percent of the recharge to the Lower Tamiami Aquifer occurs from the Water Table Aquifer.

SEC.1.3.13 Protection of the ground water quality in the Water Table Aquifer and Lower Tamiami Aquifer will be enhanced and furthered by the prohibition and regulation of identified land uses or development.

SEC. 1.3.14 It is deemed to be necessary and in the best interest of public health, safety and welfare of the citizens of Collier County to adopt regulations pertaining to land uses and development within defined areas around Public Water Supply Wells, and to establish County wide ground water protection criteria for the County's existing and future potable ground water resources in the Surficial, Intermediate and Floridan Aquifer Systems.

SEC. 1.3.15 It is the intent of the Board of County Commissioners of Collier County, Florida, to effectuate and directly advance these requirements and findings for the public health, safety and welfare, and for the reasons set forth herein.

SEC. 1.3.16 It is the intent of the Board of County Commissioners of Collier County, Florida, to implement the Collier County Growth Management Plan through the adoption of this Ground Water Protection Ordinance.

SECTION 1.4 PURPOSE.

The purpose of this Ground Water Protection Ordinance is to establish standards, regulations and procedures for the review and approval of existing and proposed development within mapped wellfield protection zones in the unincorporated area and the incorporated areas of Collier County, Florida.

The standards and regulations of this Ordinance shall be implemented to protect existing and future wellfields, protect natural aquifer system recharge areas, protect County wide ground water resources and to protect the public health and resources through regulation and establishment of standards for development involving the use, storage, generation, handling and disposal of quantities of Hazardous Products and Hazardous Waste in excess of identified quantities, disposal of sewage and effluent, stormwater management, earthmining, petroleum exploration, solid waste and other related aspects of land use and development.

SECTION 1.5 INTENT.

It is the intent of the Board of County Commissioners of Collier County, Florida that this Ordinance implement and be consistent with the Collier County Growth Management Plan. Implementation will provide for the long term protection of the County's ground water resource, and through the management of those land uses and developments within Wellfield Management Special Treatment Overlay Zones and County wide Ground Water Protection Zones, insure shorter term protection. This Ordinance is intended to be consistent with principles of property rights, as balanced with the health, safety and welfare of the general public.

ARTICLE 2 APPLICABILITY.

This Ordinance shall apply to and be enforced in the unincorporated area and in the incorporated areas of Collier County to the extent authorized by Article VIII, Section 1(f), the Florida Constitution. No development shall be undertaken which is inconsistent with this Ordinance.

SECTION 2.1 WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES AND GROUND WATER PROTECTION ZONE.

SEC.2.1.1 INTRODUCTION.

In order to protect Collier County's potable ground water resources, this Ordinance establishes County wide ground water protection standards, implemented through a County wide Ground Water Protection Zone, and a series of Wellfield Risk Management Special Treatment Overlay Zones around identified public water supply wellfields. These Special Treatment Overlay Zones and Ground Water Protection Zone form the basis of land use management prohibitions and regulations to reduce or eliminate the potential for ground water contamination from specified land uses and activities.

SEC.2.1.2 WELLFIELD PROTECTION.

SEC.2.1.2.1 TECHNICAL FINDINGS OF FACT.

Technical findings of fact that support the establishment of Wellfield Risk Management Special Treatment Overlay Zones and the designation of wellfields protected under this Ordinance include:

SEC.2.1.2.1.1 The Surficial Aquifer System in Collier County is composed of the Water Table Aquifer and the Lower Tamiami Aquifer, which are generally separated by semi-confining beds.

SEC.2.1.2.1.2 The primary regional source of leakance recharge to the Lower Tamiami Aquifer is the overlying Water Table Aquifer.

SEC.2.1.2.1.3 The semi-confining beds vary in thickness from 0 feet to approximately 50 feet, and the semi-confining beds exhibit varying degrees of vertical leakance.

SEC.2.1.2.1.4 The vertical leakance between the Water Table Aquifer and the Lower Tamiami Aquifer, through the semi-confining beds, varies throughout geographical Collier County, and due to pumpage, is generally greater in the vicinity of wellfields.

SEC.2.1.2.1.5 The semi-confining beds between the Water Table Aquifer and the Lower Tamiami Aquifer may provide for attenuation of some contaminants of the groundwater; however, presently there is insufficient data to conclude that these semi-confining beds will adequately protect the ground water quality within the Lower Tamiami Aquifer from surface contamination throughout geographical Collier County.

SEC.2.1.2.1.6 The Three-Dimensional Simulation of Wellfield Protection Areas in Collier County, Florida, prepared by Voorhees and Mades, 1989, finds that, on a regional basis, approximately 80 percent of the recharge to the Lower Tamiami Aquifer is from the overlying Water Table Aquifer.

SEC.2.1.2.1.7 The following wellfields withdraw ground water from the Water Table Aquifer:

- A. The Everglades City Wellfield;
- B. The Florida Cities (Avatar) Wellfield; and
- C. The North Naples Utilities (Quail Creek) Wellfield.

SEC.2.1.2.1.8 The following wellfields withdraw ground water from the Lower Tamiami Aquifer:

- A. The East Golden Gate Wellfield;
- B. The Coastal Ridge (Goodlette Road) Wellfield;
- C. The Collier County Utilities Wellfield;
- D. The Glades Wellfield;
- E. The Airport Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields;
- F. The Carson Road Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields; and
- G. The Pelican Bay Wellfield.

SEC.2.1.2.1.9 The Port of the Islands Wellfield withdraws ground water from the Intermediate Aquifer System.

SEC.2.1.2.1.10 The Main Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields withdraws ground water from the Lower Tamiami and the Sandstone Aquifers.

SEC.2.1.2.1.11 Available data indicate that:

A. The Water Table Aquifer is unconfined across all of geographic Collier County, and receives its recharge directly from infiltration from the land surface.

B. The Tamiami confining beds, where present, act in a semi-confining manner (Missimer and Associates, 1990).

C. In some areas of Collier County, the semi-confining beds are absent (Knapp et al., 1986, Figure 19).

D. The stratigraphic zone containing the semi-confining beds varies from a thickness of 0 feet to approximately 50 feet within County (Knapp et al., 1986).

E. In some areas of Collier County where regional data indicate a thick section of semi-confining beds (Knapp et al., 1986), local information shows a substantially thinner section of the same (e.g., Missimer and Associates, 1990; and Alamo/Saxema, 1990).

F. Well completion reports citing well completion depths for (i) private potable water supply wells, (ii) public water supply wellfields, and (iii) consumptive water use permits indicate that more than 80 percent of persons in geographical Collier County derive their potable water from the Water Table and Lower Tamiami aquifers (SFWMD and Department files).

G. Hydrograph data from South Florida Water Management District ("SFWMD") monitoring wells completed in the Water Table Aquifer and in the Lower Tamiami Aquifer indicate that in some areas of Collier County, there is essentially unrestricted hydraulic connection between the two aquifers (e.g., Wells C-976 and C-977, United States Geological Survey Data Reports Well Years 1988-1989) or only partially restricted hydraulic connections (e.g., Wells C-953 and C-951, Id).

SEC.2.1.2.1.12 SFWMD technical assistance information includes a finding that "[d]ue to the leaky nature of the Tamiami confining beds...there is presently not enough data to conclude that these confining beds could protect the aquifer from surface contamination. Therefore, land use decisions should be geared towards restricting hazardous chemicals or industries from the immediate areas where the Lower Tamiami is being used as a source of drinking water supply." (Water Resources Data and Related Technical Information to Assist Local Government Planning in Collier County, SFWMD, 1987, p. Co-C-5).

SEC.2.1.2.1.13 The risk of contamination of ground water and existing and future wellfields in geographical Collier County will be reduced by regulating the development, land use, and activity within Collier County and ensuring that state ground water quality standards are implemented.

SEC.2.1.2.2 PROTECTED PUBLIC WATER SUPPLY WELLFIELDS.

The following public water supply wellfields permitted by the South Florida Water Management District for potable water to withdraw a minimum of 100,000 average gallons per day ("GPD") are identified as protected wellfields around which specific land use and activity ("Regulated Development") shall be regulated under this Ordinance:

SEC.2.1.2.2.1 Withdrawing from the Water Table Aquifer:

- A. The Everglades City Wellfield;
- B. The Florida Cities (Avatar) Wellfield; and
- C. The North Naples Utilities (Quail Creek) Wellfield.

SEC.2.1.2.2.2 Withdrawing from the Lower Tamiami Aquifer:

- A. The East Golden Gate Wellfield;
- B. The Coastal Ridge (Goodlette Road) Wellfield;
- C. The Collier County Utilities Wellfield;
- D. The Glades Wellfield;
- E. The Pelican Bay Wellfield;
- F. The Airport Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields; and
- G. The Carson Road Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields.

SEC.2.1.2.2.3 Withdrawing from the Surficial & Intermediate Aquifer Systems:

- A. The Main Water Treatment Plant Wellfield of the Immokalee Water & Sewer District wellfields.

SEC. 2.1.2.3 CREATION AND MAPPING OF WELLFIELD MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES.

There are hereby created Wellfield Risk Management Special Treatment Overlay Zones around each existing public water supply wellfield permitted by the South Florida Water Management District, to withdraw a minimum of 100,000 average gallons per day or more and identified as a protected wellfield in Sec.2.1.2.2, hereof. These Wellfield Risk Management Special Treatment Overlay Zones are generally depicted on Wellfield Protection Zone Maps and are made a part hereof as "Appendix A".

Wellfield Risk Management Special Treatment Overlay Zones shall be supplemental to existing and future zoning and land use regulations and shall not be deemed to permit or authorize any use or activity not otherwise permitted in the underlying zoning district or allowable in the underlying future land use designation.

SEC. 2.1.2.4 DESCRIPTION AND BASIS OF WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES.

Wellfield Risk Management Special Treatment Overlay Zones are derived from the three-dimensional computer modelled analysis of ground water flow and solute transport in the fresh water aquifer system of Collier County, as prepared and presented in a study commissioned by Collier County and known as the "Three-Dimensional Simulation of Wellfield Protection Areas in Collier County, Florida" (Voorhees and Mades, 1989), (the "Three-Dimensional Wellfield Study").

"For Collier County, these three-dimensional aspects are the exception rather than the rule. Coastal Ridge was the only well field in the study which exhibited such marked three-dimensional flow conditions. All other wellfields failed to exhibit such marked vertical migration. However, the use of the three-dimensional modeling, even for wellfields which fail to exhibit such significant vertical migration, generates pathlines, travel times, and capture zones which include the effects of vertical leakage. Not accounting for this vertical leakage would create misleading results regarding pathlines and travel times. For all wellfields, the assumption of concentric circular travel time contours is not appropriate. This is a result of regional gradients, interference from neighboring wells and boundary conditions such as canals, as well as vertical leakage to the producing zones." (Three-Dimensional Simulation of Wellfield Protection Areas in Collier County, Florida, Voorhees and Mades, 1989, p. 92).

The Three-Dimensional Wellfield Study uses a twenty year planning horizon capture zone around the ten wellfields selected for the modelling study. This time frame is predicated on the anticipated Year 2005 pumpage rate for each production well in the study. The twenty year capture zone was selected to correspond to the twenty year planning period to evaluate public facilities as provided in Chapter 163, Florida Statutes.

The maximum areal extent of the Wellfield Risk Management Special Treatment Overlay Zones is defined by a closed contour around each wellfield, which represents the twenty (20) year planning horizon capture zone. "The capture zone is the plan view area from where all water migrates laterally to a well during the planning horizon." (Voorhees and Mades, 1989). Partial planning horizon capture zones for five (5), ten (10) and twenty-five (25) percent of the twenty year planning horizon capture zone approximate the one (1) year, two (2) year, and five (5) year particle travel times, respectively. Each partial planning horizon capture zone was mapped to illustrate the expected area around the wellfield within which a particular capture zone occurs, at the seventy-five (75) percent confidence level. (Id.). These partial planning horizon capture zones correspond to Wellfield Risk Management Special Treatment Overlay Zones W-1, W-2, W-3 and W-4 for the twenty year planning horizon.

SEC.2.1.2.4.1 WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE W-1 ("ZONE W-1"):

The land area between an identified wellfield and the five percent ground water capture zone, approximating the one year Wellfield Risk Management Special Treatment Overlay Zone boundary as shown on the Wellfield Risk Management Special Treatment Overlay Zone Map, Appendix A, which area shall be protected from the discharge or accidental release of contaminants from a sanitary hazard or other contaminant source, including the discharge or accidental release of Hazardous Products and Hazardous Wastes.

SEC.2.1.2.4.2 WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE W-2 ("ZONE W-2"):

The land area between ZONE W-1 and the ten percent ground water capture zone, approximating the two year Wellfield Risk Management Special Treatment Overlay Zone boundary as shown on the Wellfield Risk Management Special Treatment Overlay Zone Map, Appendix A, which area shall be protected from the discharge or accidental release of contaminants, including from a sanitary hazard or other contaminant source and the discharge or accidental release of Hazardous Products and Hazardous Wastes.

SEC.2.1.2.4.3 WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE W-3 ("ZONE W-3"):

The land area between ZONE W-2 and the twenty-five percent ground water capture zone, approximating the five year Wellfield Risk Management Special Treatment Overlay Zone boundary as shown on the Wellfield Risk Management Special Treatment Overlay Zone Map, Appendix A, which area may be protected from the discharge or accidental release of specific contaminants, including the discharge or accidental release of Hazardous Products and Hazardous Wastes.

SEC.2.1.2.4.4 WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE W-4 ("ZONE W-4"):

The land area between ZONE W-3 and the 100 percent ground water capture zone for the twenty year planning limit, which is the twenty year Wellfield Risk Management Special Treatment Overlay Zone boundary as shown on the Wellfield Risk Management Special Treatment Overlay Zone Map, Appendix A, which area may be protected from the discharge or accidental release of specific contaminants, including the discharge or accidental release of Hazardous Products and Hazardous Wastes.

SEC.2.1.3 GROUND WATER PROTECTION.

SEC.2.1.3.1 CREATION AND MAPPING OF GROUND WATER PROTECTION ZONES.

There are hereby created Ground Water Protection Special Treatment Overlay Zones as generally depicted on the Wellfield Risk Management Special Treatment Overlay Zone Maps, Appendix A. These

Ground Water Protection Special Treatment Overlay Zones reflect Wellfield Risk Management Zones W-1, W-2, W-3 and W-4; areas of high natural aquifer recharge in Collier County ("ST-NAR"); and the natural recharge areas of geographical Collier County that require minimum ground water protection and within which future public water supply wells may be located ("GWP".)

Wellfield Risk Management Special Treatment Overlay Zones, High Natural Aquifer Recharge Special Treatment Zone (ST-NAR) Ground Water Protection Special Treatment Overlay Zones shall be supplemental to existing and future zoning and land use regulations and shall not be deemed to permit or authorize any use or activity not otherwise permitted in the underlying zoning district or allowable in the underlying future land use designation.

The High Natural Aquifer Recharge Special Overlay Zones (ST-NAR) and the Ground Water Protection Zones (GWP) are based upon:

SEC.2.1.3.1.1 Those portions of geographical Collier County, Florida, to be identified as areas of high natural aquifer recharge to the Surficial and Intermediate Aquifer Systems ("ST-NAR"); and

SEC.2.1.3.1.2 The susceptibility of the Surficial and Intermediate Aquifer Systems in geographical Collier County to contamination resulting from surficial activities and the need for protection of the ground water resource as a future public water supply ("GWP").

SEC.2.1.3.2 DESCRIPTION OF GROUND WATER PROTECTION SPECIAL TREATMENT OVERLAY ZONES.

SEC.2.1.3.2.1 HIGH NATURAL AQUIFER RECHARGE AREAS ("ST-NAR"):

These areas have not yet been defined. The prohibitions and regulations for this Special Treatment Overlay Zone shall be based upon the determination and designation of those portions of geographical Collier County that naturally function as high natural recharge areas to the Surficial and Intermediate Aquifer Systems. Upon identification of ST-NAR areas, Articles 2, 3, 4 and other applicable sections hereof, shall be amended to include the ST-NAR Special Treatment Overlay Zone where appropriate.

SEC.2.1.3.2.2 GROUND WATER PROTECTION AREA ("GWP"):

All of geographical Collier County provides natural aquifer recharge to the Water Table Aquifer and the potential for natural aquifer recharge to the unconfined or semi-confined portions of the Lower Tamiami and Sandstone Aquifers. Natural aquifer recharge from the Water Table Aquifer constitutes approximately eighty percent of the recharge to the Lower Tamiami Aquifer on a regional basis. That area of geographical Collier County excluding W-1, W-2, W-3, W-4 and ST-NAR, shall be provided with a minimum level of ground water protection and shall be designated as GWP.

SECTION 2.2 ZONING ATLAS.

The Wellfield Risk Management Special Treatment Overlay Zones and the High Natural Aquifer Recharge Special Treatment Overlay Zones shall be mapped as provided herein and shall be shown on the Official Zoning Atlas of Collier County and the municipalities within the geographical boundaries of Collier County.

SECTION 2.3 ANNUAL REVIEW OF ZONES.

The Wellfield Risk Management Special Treatment Overlay Zone Maps, Appendix A, shall be reviewed by the Board on an annual basis or more often as may be determined by the County Manager in his discretion upon the occurrence of:

SEC.2.3.1 Changes in technical knowledge concerning the understanding of ground water hydraulics as applied to

the hydrogeology of applicable aquifer systems in Collier County;

- SEC.2.3.2 Changes in the permitted withdrawals from the identified wellfield(s);
- SEC.2.3.3 Reconfiguration of identified wellfields;
- SEC.2.3.4 The designation of new wellfield(s) as protected under this Ordinance; and
- SEC.2.3.5 Availability of any other technical or scientific information relative to the aquifer systems in Collier County.

SECTION 2.4 APPLICATION OF ZONES.

SEC.2.4.1 REGULATED WELLFIELDS.

The following Wellfield Risk Management Special Treatment Overlay Zones, as defined in Section 2.1, and criteria specified in Article 4 shall be applied to the following wellfields:

- SEC.2.4.1.1 East Golden Gate Wellfield.
- SEC.2.4.1.2 Coastal Ridge Wellfield.
- SEC.2.4.1.3 Collier County Utilities Wellfield.
- SEC.2.4.1.4 Everglades City Wellfield.
- SEC.2.4.1.5 Florida Cities (Avatar) Wellfield.
- SEC.2.4.1.6 The Glades Wellfield.
- SEC.2.4.1.7 Immokalee Water and Sewer Wellfields drilled into the Lower Tamiami Aquifers and Sandstone Aquifers.
- SEC.2.4.1.8 North Naples Utilities (Quail Creek) Wellfield.
- SEC.2.4.1.9 Pelican Bay Wellfield.
- SEC.2.4.2 UNREGULATED WELLFIELDS.

Wellfield Risk Management Special Treatment Overlay Zones as defined in Section 2.1 and the criteria specified in Article 4, shall not be applied to:

- SEC.2.4.2.1 Port of the Islands Wellfield
- SEC.2.4.3 DETERMINATION OF LOCATION WITHIN WELLFIELD RISK MANAGEMENT ZONES.

In determining the location of Regulated Development within the Wellfield Risk Management Zones, the following rules shall apply:

SEC.2.4.3.1 Regulated Development located wholly within a single Wellfield Risk Management Zone, as reflected on the Wellfield Risk Management Special Treatment Overlay Zone Map(s), shall be governed by the restrictions applicable to that Zone.

SEC.2.4.3.2 Where a boundary between two adjacent Wellfield Risk Management Zones, as reflected on the Wellfield Risk Management Special Treatment Overlay Map(s), passes through the structure of a Regulated Development, the entire structure and Regulated Development shall be considered to be in the more restrictive Zone.

SEC.2.4.3.3 Where the site of a Regulated Development lies within two or more Wellfield Risk Management Zones, as reflected on the Wellfield Risk Management Special Treatment Overlay Map(s), and the structural or activity portion of the site may be confined to one of the Zones, then each portion of the Regulated Development shall be governed by the restrictions applicable to the applicable Overlay Zone in which the portion is located so long as the Owner/Operator provides reasonable assurances that a discharge or accidental release will be prohibited from entering the more restrictive Zone.

SEC.2.5 PROTECTION OF FUTURE WELLFIELDS.

Wellfield Risk Management Zones shall be established around those future public water supply wellfields with SFWMD permitted withdrawals of a minimum of 100,000 gallons per day from the Surficial Aquifer System.

Future public water supply wellfields with SFWMD permitted withdrawals of a minimum of 100,000 gallons per day from the Intermediated Aquifer System shall be evaluated on a case-by-case basis to determine the applicability of Wellfield Risk Management Zone delineation.

Wellfield Risk Management Zones shall not be established for those future public water supply wellfields with SFWMD permitted withdrawals of a minimum of 100,000 gallons per day from the Floridan Aquifer System.

All Regulated Development within the Wellfield Risk Management Zones of the future public water supply wellfields shall comply with the regulations and standards of construction of Article 4 and Article 5 hereof which incorporates by reference the State's Ground Water standards of non-degradation and enhancement of ground water.

SECTION 2.6 EFFECT OF SETBACKS AND BUFFERS FROM SANITARY HAZARDS AS PROMULGATED AND ADOPTED IN THE FLORIDA ADMINISTRATIVE CODE.

Chapter 17, Florida Administrative Code, establishes minimum setbacks and buffers between the placement of identified sanitary hazards and public potable water supply wells. The location of the following Regulated Development and associated activity shall be subject to the minimum setback and buffer requirements as promulgated and adopted by the Florida Department of Environmental Regulation and incorporated herein by reference. For reference purposes only, the applicable setbacks from potable water wells on the effective date of this Ordinance are as follows:

SEC.2.6.1 Domestic Wastewater Treatment Plant outfall, as regulated under Rule 17-600.510, Florida Administrative Code, shall discharge not less than 500 feet from an approved, but not yet constructed potable water intake.

SEC.2.6.2 Application of sludge, as regulated under Rules 17-7.540(4), (5), (7), 17-7.570, and 17-7.580, Florida Administrative Code, shall be no closer than 500 feet from a shallow public water supply well as defined in Rule 17-7.020(46), Florida Administrative Code.

SEC.2.6.3 The edge of the wetted area used for the application and reuse of reclaimed water, as regulated under Rule 17-610.471, Florida Administrative Code, shall be no closer than 75 feet from an existing or HRS approved potable water supply well; and reclaimed water transmission facilities shall be no closer than 75 feet from a potable water supply well.

SEC.2.6.4 The edge of the pond, basin or trench embankment used for a rapid rate land application system, as regulated under Rule 17-610.521, Florida Administrative Code, shall be no closer than 500 feet from an existing or HRS approved potable water supply well, or 200 feet if conditions specified in the cited Rule are met.

SEC.2.6.5 The edge of a reuse absorption field, as regulated under Rule 17-610.571, Florida Administrative Code, shall be no closer than 500 feet from an existing or HRS approved potable water supply well, or 200 feet if conditions specified in the cited Rule are met.

SEC.2.6.6 The edge of the wetted area used for effluent disposal by overland flow, as regulated under Rule 17-610.621, Florida Administrative Code, shall be no closer than 100 feet from an existing or HRS approved potable water supply well; and a reclaimed wastewater transmission facility, as regulated under Rule 17-610.621, Florida Administrative Code, shall be no closer than 100 feet from a public water supply well.

SEC.2.6.7 Domestic Wastewater Residuals land application, as regulated under Rule 17-640.700(4) or Rule 17-640.800(1), Florida Administrative Code, shall be no closer than 500 feet from any shallow public water supply well.

SEC.2.6.8 Dairy farms, regulated under Rule 17-670.520, Florida Administrative Code, shall maintain the 300 feet separation between storage and treatment or high-intensity areas and a drinking water supply well; and shall maintain a separation of 200 feet between land application of wastewater and a drinking water supply well. The land application of Egg Wash Wastewater, as regulated under 17-670.600(3), Florida Administrative Code, shall be no closer than 200 feet from a drinking water supply well.

SEC.2.6.9 Disposal of solid waste, as regulated under Rule 17-701.040(2), Florida Administrative Code, is prohibited within 500 feet of an existing or approved shallow water supply well unless the disposal meets the standards of Rule 17-701.040, Florida Administrative Code.

SEC.2.6.10 Any other applicable setback and buffer from a drinking water supply well required by state or federal regulations shall be applicable to any new or substantially modified Regulated Development after the effective date of this Ordinance.

ARTICLE 3 EXEMPTED DEVELOPMENT.

The following legally existing and future development is deemed by the Board to be exempt from the prohibitions, regulations and standards of construction established by this Ordinance as set forth below. These exemptions shall not be construed or otherwise interpreted to exempt that development prohibited or regulated in Article 4 hereof.

SECTION 3.1 WELLFIELD EXEMPTION.

A Wellfield Exemption for a particular development shall not automatically expire so long as the development meets the criteria of this Section. An exemption for a particular development shall be subject to revision or revocation as provided in Section 8.2 hereof.

SEC.3.1.1 WELLFIELD EXEMPTION FOR CONTINUOUS TRANSIT.

The transportation of any Hazardous Product or Hazardous Waste shall be exempt from the provisions of this Ordinance provided that the transporting motor vehicle is in continuous transit. This exemption shall not be construed to prohibit the delivery of a Hazardous Product or the temporary stop of such motor vehicle for such period of time as is necessary for refueling, emergency repairs and driver comfort.

SEC.3.1.2 WELLFIELD EXEMPTION FOR VEHICULAR FUEL AND LUBRICANT USE.

The use of any petroleum product solely as a fuel in a

vehicle's fuel tank or as a lubricant in a vehicle shall exempt the vehicle from the provisions of this Ordinance.

**SEC.3.1.3 WELLFIELD EXEMPTION FOR THE USE OF NITRATES
CONTAINED IN FERTILIZERS.**

The use of fertilizers containing nitrates shall be generally exempt from this Ordinance.

SEC.3.1.4 WELLFIELD EXEMPTION FOR CONSTRUCTION ACTIVITIES.

The activities of constructing, repairing or maintaining any facility or of facility improvement shall be exempt from the provisions of this Ordinance provided that all contractors, subcontractors, laborers, material men and their employees or agents, when using, handling, storing, producing, transporting or disposing of Hazardous Products or Hazardous Wastes continuously use industry standard Best Management Practices to ensure that Hazardous Products, Hazardous Wastes or other contaminants are not discharged or accidentally released.

**SEC.3.1.5 WELLFIELD EXEMPTION FOR APPLICATION OF PESTICIDES,
HERBICIDES, FUNGICIDES AND RODENTICIDES**

Application of pesticides, herbicides, fungicides and rodenticides in any non-residential pest control and aquatic weed control activity shall not be required to obtain a Certificate to Operate under this Ordinance provided that:

SEC.3.1.5.1 The application of pesticides, herbicides, fungicides and rodenticides is in strict accordance with the federal requirements set forth in 7 U.S.C. §§136-136Y and as indicated on the containers in which the substance is sold or stored; and

SEC.3.1.5.2 The use of pesticides, herbicides, fungicides and rodenticides is in strict accordance with the requirements of Chapters 482 and 487, Florida Statutes, and Chapters 5E-2 and 5E-9, Florida Administrative Code as each may, from time to time, be amended.

**SEC.3.1.6 WELLFIELD EXEMPTION FOR EMERGENCY GENERATORS ACCESSORY
TO PUBLIC UTILITIES OR SERVING A SAFETY PURPOSE.**

Emergency generators that are accessory to a public utility and which will provide emergency electrical power to ensure a continuous supply of a public benefit; including without limitation, a public potable water supply, natural gas, sewer service, and telephone service; shall not be required to obtain a Certificate to Operate so long as the State mandated setbacks and buffers as may be set forth in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof are met and maintained.

Emergency generators that are accessory to essential services, such as elevators in condominiums, hospitals and other publicly accessed places, and which are connected to fuel storage tanks of less than 110 gallons shall be exempt from regulation under this Ordinance.

SEC.3.1.7 WELLFIELD EXEMPTION FOR RETAIL SALES ACTIVITY.

Retail sales establishments that store and handle for resale, Hazardous Products in the substance's original and unopened individual containers of not more than five gallons or fifty pounds, shall not be required to obtain a Certificate to Operate.

SEC.3.1.8. WELLFIELD EXEMPTION FOR ELECTRIC POWER TRANSFORMERS USED
IN CONJUNCTION WITH PUBLIC ELECTRICAL UTILITIES.

Electrical power transformers that are necessary equipment to the operation of electric power utilities which deliver essential electric service of a public benefit, including both distribution and substation power transformers, shall not be required to obtain a Certificate to Operate so long as the state mandated setbacks and buffers as may be set forth in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof are met and maintained.

SECTION 3.2 INSPECTIONS.

SEC.3.2.1 REASONABLE NOTICE.

The continued Wellfield Exemption status of a Regulated Development shall be dependent upon compliance with the criteria of Section 3.1 and this Section. In order to ensure compliance with the criteria of Section 3.1, the County may inspect the premises of the Regulated Development at reasonable times and after reasonable notice and consent of the Owner/Operator.

SEC.3.2.2 INSPECTION WARRANTS.

Where consent has been withheld, the County may obtain an Inspection Warrant in the same manner as provided for in Section 403.091, Florida Statutes.

SEC.3.2.3 IDENTIFICATION.

Agents of the County shall be provided with official identification and shall exhibit this identification prior to any inspection.

ARTICLE 4 REGULATED DEVELOPMENT.

Unless otherwise exempted from compliance with this Ground Water Protection Ordinance as provided in:

(i) Article 2 (Regulated Development is within Wellfield Risk Management Special Treatment Overlay Zones of a regulated wellfield); or

(ii) Article 3 (Regulated Development is legislatively exempted); or

(iii) Article 7 (a Wellfield Conditional Use Permit has been issued for the Regulated Development); it shall be unlawful to substantially modify, replace or maintain an existing Regulated Development, or to commence the operation or construction of the following Regulated Development in violation of the standards set forth in this Article.

All existing Regulated Development, unless otherwise expressly provided herein, shall have been constructed and permitted in accordance with applicable local, state and federal law and regulations. All existing Regulated Development meeting this criteria are deemed to be legal non-conforming Regulated Development which shall, within one year of the effective date of this Ordinance, come into compliance with the standards for existing Regulated Development as provided in this Article.

All existing Regulated Development not constructed and permitted in accordance with applicable local, state and federal law and regulations, are deemed to be illegal non-conforming Regulated Development and shall within one year of the effective date of this Ordinance, come into compliance with the standards for future Regulated Development as provided in this Article.

SECTION 4.1 SOLID WASTE FACILITIES.

SEC.4.1.1 EXISTING SOLID WASTE DISPOSAL FACILITIES.

SEC.4.1.1.1 STANDARDS.

SEC.4.1.1.1.1 All existing solid waste disposal facilities shall have met the applicable State mandated setbacks and buffers as adopted in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof.

SEC.4.1.1.1.2 In ZONES W-1 and W-2, the Owner/Operator of an existing lawful non-conforming solid waste disposal facility shall:

A. Monitor discharges to ground water as provided under Rule 17-701.050(6), Florida Administrative Code; and

B. Comply with the operating criteria established under Rule 17-701.050(6), Florida Administrative Code; and

C. Submit to the Department copies of all ground water monitoring reports and other operational reports as may be required by FDER on a quarterly basis or as submission may otherwise be required by FDER.

SEC.4.1.1.1.3 In ZONES W-3, W-4 AND GWP, existing solid waste disposal facilities are not regulated under this Ordinance.

SEC.4.1.2 FUTURE SOLID WASTE DISPOSAL FACILITIES.

SEC.4.1.2.1 STANDARDS.

SEC.4.1.2.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, future solid waste disposal facilities are prohibited in the absence of a Wellfield Conditional Use Permit.

SEC.4.1.3 EXISTING SOLID WASTE TRANSFER STATIONS.

SEC.4.1.3.1 STANDARDS.

SEC.4.1.3.1.1 In ZONES W-1, W-2, W-3 and W-4, the continued operation of a lawful non-conforming solid waste transfer station shall be allowed after the effective date of this Ordinance upon the Owner/Operator of such facility obtaining a Certificate to Operate from the Department which shall include the following conditions:

A. Compliance with the operating criteria established under Rule 17-701.801, Florida Administrative Code; and

B. The Owner/Operator shall submit copies of all ground water monitoring reports and other operational reports as may be required by FDER on a quarterly basis or as may otherwise be required by FDER; and

C. The Owner/Operator shall report any discharge or accidental release of contaminants to the Department within 24 hours of discovery.

SEC.4.1.3.1.2 In GWP, existing solid waste transfer stations are not regulated under this Ordinance.

SEC.4.1.4 FUTURE SOLID WASTE TRANSFER STATIONS.

SEC.4.1.4.1 STANDARDS.

SEC.4.1.4.1.1 In ZONES W-1, W-2 and W-3, future solid waste transfer stations are prohibited in the absence of a Wellfield Conditional Use Permit.

SEC.4.1.4.1.2 In ZONES W-4 and GWP, future solid waste transfer stations shall operate pursuant to a Certificate to Operate issued by the Department subject to compliance with the following criteria:

A. Compliance with the operating criteria established under Rule 17-701.801, Florida Administrative Code; and

B. The Owner/Operator shall submit copies of all ground water monitoring reports and other operational reports as may be required by FDER on a quarterly basis or as may otherwise be required by FDER; and

C. The Owner/Operator shall report any discharge or accidental release of contaminants to the Department within 24 hours of discovery.

SEC.4.1.5 EXISTING AND FUTURE SOLID WASTE STANDARD CONTAINERS AND SOLID WASTE BULK CONTAINERS.

SEC.4.1.5.1 STANDARDS.

SEC.4.1.5.1.1 In ZONES W-1 and W-2, all solid waste standard containers shall be constructed of a leak proof and non-absorbent material, with handles, provided with a closely fitting watertight cover.

SEC.4.1.5.1.2 In ZONES W-3, W-4 and GWP, solid waste standard containers are not regulated under the Ground Water Protection Ordinance.

SEC.4.1.5.1.3 In ZONES W-1, W-2, W-3, W-4 and GWP, all solid waste bulk containers shall be constructed of a leak proof and non-absorbent material, and fitted with a rain proof lid or cover.

SEC.4.1.6 FUTURE SOLID WASTE STORAGE, COLLECTION AND RECYCLING FACILITIES.

SEC.4.1.6.1 STANDARDS.

SEC.4.1.6.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, storage, collection and recycling facilities, that do not handle Hazardous Products or Hazardous Wastes, are not regulated under this Ordinance.

SEC.4.1.6.1.2 In ZONES W-1, W-2 and W-3, future solid waste storage, collection and recycling facilities that will handle Hazardous Products and Hazardous Wastes shall be prohibited in the absence of a Wellfield Conditional Use Permit.

SEC.4.1.6.1.3 In ZONES W-4 and GWP, future solid waste storage, collection and recycling facilities are not regulated under this Ordinance.

SEC.4.1.7 DISPOSAL OF HAZARDOUS WASTE.

SEC.4.1.7.1 In ZONES W-1, W-2, W-3, W-4 and GWP, the disposal of any Hazardous Waste or constituent thereof in an existing or future landfill or other land disposal system is prohibited.

SECTION 4.2 HAZARDOUS PRODUCTS AND HAZARDOUS WASTES.

SEC. 4.2.1 EXISTING AND FUTURE NON-RESIDENTIAL USE, HANDLING, STORAGE, GENERATION, TRANSPORT OR PROCESSING OF HAZARDOUS PRODUCTS.

SEC.4.2.1.1 STANDARDS.

SEC.4.2.1.1.1 In ZONES W-1, W-2, AND W-3, future non-residential development and the continued operation or use of existing non-residential development, which at any point in time, uses, handles, stores, generates, transports or processes Hazardous Products that are

not: (i) gaseous at 105 Degrees Fahrenheit and ambient pressure; (ii) in quantities that exceed 250 gallons for liquids or 1,000 pounds for solids, shall be allowed pursuant to the Owner/Operator of such development obtaining a Certificate to Operate issued by the Department. The Certificate to Operate shall incorporate the following conditions:

A. Existing non-residential Regulated Development shall implement a detailed containment plan, approved by the County Manager and providing for:

1. Containment of the Hazardous Product(s) which will provide for absorption of not less than an equivalent volume of the Hazardous Product(s), or provide for secondary containment with a volume of at least 110 percent of the largest container; or other comparable method to manage discharges or accidental releases and prevent contact with the land or waters constituting or connected to Waters of the State as defined in Chapter 403, Florida Statutes.

2. Liquid Hazardous Products in tanks with a capacity of greater than 250 gallons must be stored in secondary containment with a volume of at least 110 percent of the largest container, plus the displacement of that and any other tank(s) within the containment area. Rain water may not exceed 10 percent of the volume in the secondary containment area at any time.

B. Future non-residential Regulated Development, shall implement a detailed containment plan, approved by the County Manager in accord with the standards set forth in subsection A hereof with the exception that the future Regulated Development shall provide for both the containment and absorption of Hazardous Products.

C. Existing and Future non-residential Regulated Development shall comply with the following conditions:

1. Hazardous Products must be removed from the secondary containment within 24 hours of the discharge or accidental release.

2. Submittal to the Department of a fire plan approved by the local fire district.

3. Upon discovery of any discharge or accidental release, implementation of a detailed contingency plan approved by the County Manager which shall describe the following:

- a. Actions to be taken by the Owner/Operator in the event of a discharge, or accidental release of a Hazardous Product under this Section, which shall include:

- 1) First response steps to control and prohibit the discharge or accidental release of the Hazardous Product;

- 2) Remedial actions consistent with applicable state and federal laws; and

- 3) Proper disposal of the Hazardous Product.

- b. Emergency telephone numbers of:

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- 1) Local and state response units; and
- 2) Owner/Operator's designated emergency response personnel.

c. Compliance with the applicable State and Federal regulations.

d. The Department shall provide forms for reporting of discharges or accidental releases.

4. The facility shall report, to the Department, discharges or accidental releases exceeding 50 gallons including: date, time, product discharged or released, control measures used, quantity of product discharged or released, and disposition of recovered waste; within 48 hours of the discharge or accidental release.

5. Annual inspections as provided in Section 6.3 hereof.

SEC.4.2.1.1.2 In ZONE GWP all future and existing non-residential development involving the use, handling, storage, generation, transport or processing of Hazardous Product below the thresholds stated in SEC.4.2.1.1.3 hereof, and all future and existing non-residential development in ZONES W-4 and GWP involving the generation or storage of Hazardous Waste at or above the thresholds state in SEC.4.2.1.1.1 hereof, shall not be required to obtain a Certificate to Operate, but shall comply with the following:

A. No Hazardous Product shall be discharged or released to any stormwater treatment system.

B. No Hazardous Product shall be discharged or released to any on-site sewage disposal system not permitted for industrial or manufacturing use.

C. No Hazardous Product shall be discharged or released to any wastewater treatment system not permitted for industrial waste.

D. No Hazardous Product shall be discharged or released to the surface of the land or into any water constituting or connecting to Waters of the State as defined in Chapter 403, Florida Statutes.

E. All Hazardous Product shall be retained on-site until use.

F. All Hazardous Product shall be stored in rainproof and leak proof containers.

G. Discharges or accidental release of Hazardous Product exceeding 50 gallons shall be reported to the Department within 48 hours of discovery. The report shall indicate the date, time, product discharged or released, control measures used, quantity of product discharged or released, and disposition of recovered product.

SEC.4.2.2 EXISTING AND FUTURE RESIDENTIAL USE, HANDLING, STORAGE, GENERATION, TRANSPORT OR PROCESSING OF HAZARDOUS PRODUCTS.

SEC.4.2.2.1 STANDARDS.

SEC.4.2.2.1.1 The existing and future residential use, handling, storage, generation, transport or processing of Hazardous Products is not regulated under this Ordinance.

SEC.4.2.3 EXISTING AND FUTURE NON-RESIDENTIAL GENERATION OR STORAGE OF HAZARDOUS WASTE.

SEC.4.2.3.1 STANDARDS.

SEC.4.2.3.1.1 In ZONES W-1, W-2, AND W-3, future non-residential facilities and the continued operation or use of existing non-residential facilities which generate or store Hazardous Wastes which accumulate more than 220 pounds per month or 110 gallons at any point in time, shall be allowed pursuant to the Owner/Operator obtaining a Certificate to Operate. The Certificate to Operate shall incorporate the following conditions:

A. Existing non-residential Regulated Development shall implement a detailed containment plan, approved by the County Manager and providing for:

1. Containment of the Hazardous Waste(s) which will provide for absorption of not less than an equivalent volume of the Hazardous Waste(s), or provide for secondary containment with a volume of at least 110 percent of the largest container; or other comparable method to manage discharges or accidental releases and prevent contact with the land or waters constituting or connected to Waters of the State as defined in Chapter 403, Florida Statutes.

2. Liquid Hazardous Wastes in tanks with a capacity of greater than 250 gallons must be stored in secondary containment with a volume of at least 110 percent of the largest container, plus the displacement of that and any other tank(s) within the containment area. Rain water may not exceed 10 percent of the volume in the secondary containment area at any time.

B. Future non-residential Regulated Development, shall implement a detailed containment plan, approved by the County Manager in accordance with the standards set forth in subsection A hereof with the exception that the future Regulated Development shall provide for both the containment and absorption of Hazardous Wastes.

C. Existing and Future non-residential Regulated Development shall comply with the following conditions:

1. Hazardous Wastes must be removed from the secondary containment within 24 hours of the discharge or accidental release.

2. Submittal to the Department of a fire plan approved by the local fire district.

3. Upon discovery of any discharge or accidental release, implementation of a detailed Contingency Plan approved by the County Manager which shall describe the following:

- a. Actions to be taken by the Owner/Operator in the event of a discharge, or accidental release of a Hazardous Waste under this Section, which shall include:

- 1) First response steps to control and prohibit the discharge or accidental release of the Hazardous Waste;

2) Remedial actions consistent with applicable state and federal laws; and

3) Proper disposal of the Hazardous Waste.

b. Emergency telephone numbers of:

1) Local and state response units; and

2) Owner/Operator's designated emergency response personnel.

c. Compliance with the applicable State and Federal regulations.

d. The Department shall provide forms for reporting of discharges or accidental releases.

4. The facility shall report, to the Department, discharges or accidental releases exceeding 50 gallons including; date, time, waste discharged or released, control measures used, quantity of waste discharged or released, and disposition of waste product; within 48 hours of the discharge or accidental release.

5. Annual inspections as provided in Section 6.3 hereof.

SEC.4.2.3.1.2 In ZONES W-1, W-2 and W-3 all future and existing non-residential development involving the generation or storage of Hazardous Waste below the thresholds stated in SEC.4.2.5.1.1 hereof, and all existing non-residential development in ZONES W-4 and GWP involving the generation or storage of Hazardous Waste at or above the thresholds state in SEC.4.2.5.1.1 hereof, shall not be required to obtain a Certificate to Operate, but shall comply with the following:

A. No Hazardous Waste shall be discharged or released to any stormwater treatment system.

B. No Hazardous Waste shall be discharged or released to any on-site sewage disposal system not permitted for industrial or manufacturing use.

C. No Hazardous Waste shall be discharged or released to any wastewater treatment system not permitted for industrial waste.

D. No Hazardous Waste shall be discharged or released to the surface of the land of into any water constituting or connecting to Waters of the State as defined in Chapter 403, Florida Statutes.

E. All Hazardous Waste shall be retained on-site until disposed of in accordance with applicable law.

F. All Hazardous Waste shall be stored in rainproof and leak proof containers.

G. Discharges or accidental release of Hazardous Waste exceeding 50 gallons shall be reported to the Department within 48 hours of discovery. The report shall indicate the date, time, waste discharged or released, control measures used, quantity of waste discharged or released, and disposition of recovered waste.

SEC.4.2.4

EXISTING AND FUTURE RESIDENTIAL GENERATION OR STORAGE OF HAZARDOUS WASTES.

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SEC.4.2.4.1 STANDARDS.

SEC.4.2.4.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, residential generation and storage of Hazardous Waste is not regulated under this Ordinance.

SECTION 4.3 WASTEWATER TREATMENT PLANTS AND EFFLUENT LAND DISPOSAL SYSTEMS.

SEC.4.3.1 EXISTING AND FUTURE DOMESTIC WASTEWATER TREATMENT PLANTS.

SEC.4.3.1.1 STANDARDS.

SEC.4.3.1.1.1 All future and existing Domestic Wastewater Treatment Plants shall have been constructed and permitted in accordance with applicable State law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof.

SEC.4.3.1.1.2 In ZONE W-1, all future Domestic Wastewater Treatment Plants are prohibited. The continued operation of all existing legal non-conforming Domestic Wastewater Treatment Plants shall be allowed to continue pursuant to the Owner/Operator obtaining a Certificate to Operate. The Certificate to Operate shall incorporate the following conditions:

A. All applicable sampling requirements of Rule 17-601.500(5), Florida Administrative Code pertaining to monitoring of influent and effluent; and

B. All applicable ground water monitoring requirements of Rule 17-601.700, Florida Administrative Code pertaining to ground water monitoring, and provide the Department with copies of all monitoring reports submitted to FDER; and

C. The applicable influent/effluent and ground water monitoring reporting requirements of Rule 17-601.300(3), Florida Administrative Code, and provide the Department with copies of all monitoring reports submitted to FDER; and

SEC.4.3.1.1.3 In ZONES W-2, W-3, W-4 and GWP, future Domestic Wastewater Treatment Plants and the continued operation of all existing legal non-conforming Domestic Wastewater Treatment Plants permitted for over 100,000 GPD, shall be allowed pursuant to the Owner/Operator demonstrating compliance with and incorporating the following conditions:

A. All applicable ground water monitoring requirements of Rule 17-601.700, Florida Administrative Code pertaining to ground water monitoring; and

B. On a quarterly basis, the Owner/Operator shall provide the Department with copies of all current monitoring reports submitted to FDER.

SEC.4.3.2 EXISTING LAND DISPOSAL SYSTEMS FOR DOMESTIC WASTEWATER TREATMENT PLANT EFFLUENT.

SEC.4.3.2.1 STANDARDS.

SEC.4.3.2.1.1 All existing land disposal systems for application of Domestic Wastewater Treatment Plant effluent shall have been constructed and permitted in accordance with applicable State law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and as incorporated by reference in Section 2.6 hereof.

SEC.4.3.2.1.2 In ZONE W-1, the continued operation of all land disposal systems for the application of Domestic Wastewater Treatment Plant effluent shall be allowed pursuant to the Owner/Operator obtaining a Certificate to Operate. The Certificate to Operate shall incorporate the following conditions:

A. All applicable sampling requirements of Rule 17-601.500(5), Florida Administrative Code pertaining to monitoring of wastewater effluent; and

B. All applicable surface water and ground water monitoring as required by FDER pursuant to Rule 17-601.700(4), Florida Administrative Code; and

C. Reporting of wastewater effluent sampling data and surface water and/or ground water monitoring data to the Department on a quarterly basis.

D. The wastewater treatment and high level disinfection standards identified in Rule 17-610.460, Florida Administrative Code shall be implemented for effluent land disposal systems designed to accommodate a loading rate of 2,500 gallons per acre per day.

SEC.4.3.3 FUTURE LAND DISPOSAL SYSTEMS FOR DOMESTIC WASTEWATER TREATMENT PLANT EFFLUENT.

SEC.4.3.3.1 STANDARDS.

SEC.4.3.3.1.1 All future land disposal systems for application of Domestic Wastewater Treatment Plant effluent shall be constructed and permitted in accordance with applicable State law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and as incorporated by reference in Section 2.6 hereof.

SEC.4.3.3.1.2 In ZONE W-1, future land disposal systems for the application of Domestic Wastewater Treatment Plant effluent shall operate pursuant to a Certificate to Operate incorporating the following conditions:

A. All applicable sampling requirements of Rule 17-601.500(5), Florida Administrative Code pertaining to monitoring of wastewater effluent; and

B. All applicable surface water and ground water monitoring as required by FDER pursuant to Rule 17-601.700(4), Florida Administrative Code; and

C. Reporting of wastewater effluent sampling data and surface water and/or ground water monitoring data to the Department on a quarterly basis.

D. The wastewater treatment and high level disinfection standards identified in Rule 17-610.460, Florida Administrative Code shall be implemented for effluent land disposal systems designed to accommodate a loading rate of 2,500 gallons per acre per day..

SEC.4.3.4 FUTURE INDUSTRIAL WASTEWATER TREATMENT PLANTS OR FACILITIES REQUIRED TO OBTAIN AN INDUSTRIAL WASTEWATER PERMIT.

SEC.4.3.4.1 STANDARDS.

SEC.4.3.4.1.1 All future industrial wastewater treatment plants shall be constructed and permitted in accordance with applicable State law and regulations.

SEC.4.3.4.1.2 In ZONES W-1, W-2, W-3, W-4 and GWP, future industrial wastewater plants and facilities subject to pretreatment standards or effluent limits for Toxic Pollutants as promulgated in 40 CFR Part 401.15, shall be permitted pursuant to a Certificate to Operate incorporating the conditions set forth in Subsection 4.3.4.1.3 below.

SEC.4.3.4.1.3 In ZONES W-1, W-2, W-3, W-4 and GWP, future industrial wastewater plants and facilities subject to effluent limits for Conventional or other pollutants as promulgated in 40 CFR Part 401.16, shall be permitted pursuant to a Certificate to Operate incorporating the following conditions:

A. The Owner/Operator shall establish an industrial pretreatment program in accordance with the applicable categorical pretreatment standards for the specific industry as developed by the Industrial Technology Division of The United States Environmental Protection Agency Office of Water Regulations and Standards at 40 CFR Part 135; and

B. Provide copies of all current ground water monitoring reports and influent/effluent sampling data to the Department on a quarterly basis.

SEC.4.3.4.1.4 In ZONE W-1 any discharge from an industrial wastewater treatment plant shall meet the high level disinfection standards set forth in Section 4.3 hereof.

SECTION 4.4 COLLECTION AND TRANSMISSION SYSTEMS.

SEC.4.4.1 EXISTING AND FUTURE COLLECTION AND TRANSMISSION SYSTEMS.

SEC.4.4.1.1 STANDARDS.

SEC.4.4.1.1.1 All future and existing domestic and industrial Collection and Transmission Systems shall have been constructed and permitted in accordance with applicable County, State and Federal law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof.

SEC.4.4.1.1.2 All existing and future collection and transmission systems located within ZONE 1 shall be inspected by the Owner/Operator at six (6) months intervals, and any deficiency from applicable design standards shall be brought into compliance within thirty (30) days of inspection.

SECTION 4.5 DOMESTIC RESIDUAL DISPOSAL SITES.

SEC.4.5.1 EXISTING AND FUTURE DOMESTIC RESIDUAL DISPOSAL SITES.

SEC.4.5.1.1 STANDARDS.

SEC.4.5.1.1.1 All existing legal non-conforming and future Domestic Residual Disposal Sites shall have been constructed and permitted in accordance with Collier County Ordinance No. 87-79, as may be amended or superseded, and all applicable State and Federal law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof.

SEC.4.5.1.1.2 Existing domestic disposal sites not meeting the criteria for a legal non-conforming use, shall within one year of the effective date of this Ordinance, come into compliance with the standards set forth in this Subsection.

SEC.4.5.1.1.3 In Zone W-1, land application of Class A Domestic Residuals shall be permitted in accordance with the standards of SEC.4.5.1.1.5 hereof.

SEC.4.5.1.1.4 In ZONE W-1, land application of Class B and Class C Domestic Residuals is prohibited in the absence of a Wellfield Conditional Use Permit.

SEC.4.5.1.1.5. In ZONES W-1, W-2, and W-3, land application of Domestic Residuals shall comply with the following criteria:

A. Metal concentrations of Cadmium, Copper, Lead, Nickel and Zinc shall not exceed the thresholds set forth in Rule 17-640, Florida Administrative Code, as may be amended. For reference purposes only, the applicable metal concentrations for these metals at the effective date of this Ordinance are as follows:

<u>METALS</u>	<u>MG/KG DRY WEIGHT</u>
CADMIUM	30
COPPER	900
LEAD	1,000
NICKEL	100
ZINC	1,800

B. The total rate of Domestic Residuals applied to land shall not exceed the nitrogen uptake of the vegetation upon which the residuals are being applied, and shall be consistent with Collier County Ordinance No. 87-79, as may be amended or superseded, and Chapter 17-640, Florida Administrative Code and 40 CFR Parts 256 and 257, and as may be superseded.

C. If Domestic Residuals are applied to a site that is receiving reclaimed water, the nitrogen uptake calculation shall include the combined effect of nitrogen loading from both Domestic Residuals and Reclaimed Water applied to the site as provided in Rule 17-640, Florida Administrative Code.

SEC. 4.5.1.1.6 Minimum frequency of ground water monitoring criteria is as follows:

<u>ZONES</u>	<u>MONITORING/REPORTING FREQUENCY</u>
W-1	QUARTERLY
W-2	SEMI-ANNUALLY
W-3	SEMI-ANNUALLY
W-4	SITE SPECIFIC PER RESIDUAL DISPOSAL PERMIT CONDITIONS
GWP	SITE SPECIFIC PER RESIDUAL DISPOSAL PERMIT CONDITIONS

SECTION 4.6 ON-SITE SEWAGE DISPOSAL SYSTEMS

SEC.4.6.1 EXISTING ON-SITE SEWAGE DISPOSAL SYSTEMS

SEC.4.6.1.1 STANDARDS.

SEC.4.6.1.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, existing on-site sewage disposal systems are not regulated under this Ordinance.

SEC.4.6.1.1.2 Existing on-site sewage disposal systems as defined in Rule 10D-6.042, Florida Administrative Code serving existing residential structures located in Zones W-1, W-2, W-3, W-4 and GWP are not regulated under this Ordinance.

SEC.4.6.1.1.3 At such times as any repairs are required to existing non-conforming disposal systems located within 200 feet of a public

water supply well, the disposal system shall be upgraded to standards as specified for "future on-site disposal systems" in Sec.4.6.2, hereof, or shall be relocated outside of a radius of 200 feet from the well.

SEC.4.6.1.1.4 On-site sewage disposal systems requiring a Certificate of Operate under Section 4.2 hereof and serving existing industrial uses located on ZONES W-1, W-2, or W-3, shall be allowed to continue pursuant to a Certificate to Operate from the Department, incorporating the following conditions:

A. Reporting by the industrial user of all hazardous products stored or used at the subject location;

B. Implementation of a groundwater monitoring system on the site, designed by a professional engineer or professional geologist licensed in the State of Florida, with monitoring required on a semi-annual schedule for any Hazardous Wastes that are used or stored on the industrial site, and reporting of monitoring data to the Department; and

C. Certification by a professional engineer that the on-site sewage disposal system meets construction and operating standards as contained in the most current version of Rule 10D-6.056, Florida Administrative Code as may be amended.

SEC.4.6.2. FUTURE ON-SITE SEWAGE DISPOSAL SYSTEMS.

SEC.4.6.2.1. STANDARDS.

SEC.4.6.2.1.1. In ZONE W-1, future on-site disposal systems requiring a soil absorption or infiltration area greater than 1,000 square feet shall be constructed to minimum standards contained in Rule 10D-6.056, Florida Administrative Code, as may be amended, and the following criteria:

A. Wastewater shall be distributed onto the infiltration surface by means of an automatic dosing device (pump or siphon) and a low-pressure lateral distribution system shall be designed as outlined in the U.S. Environmental Protection Agency Design Manual On-site Wastewater Treatment and Disposal Systems (EPA 625/1-80-012).

B. The design of the on-site disposal of the on-site system shall be certified by a registered engineer, licensed in the State of Florida, to be capable of providing a vertical separation of at least 24 inches between the bottom of the stone fill in the drainfield (infiltration surface) and the wet seasonal high water table when the disposal system is operating at design flow.

SECTION 4.7 CONCENTRATED ANIMAL FEEDING OPERATIONS, HIGH INTENSITY USE AREAS, DAIRY FARM STORAGE AND TREATMENT FACILITIES, AND LAND APPLICATION OF EGG WASH WASTEWATER.

SEC.4.7.1 EXISTING AND FUTURE CONCENTRATED ANIMAL FEEDING OPERATIONS, HIGH INTENSITY USE AREAS, DAIRY FARM STORAGE AND TREATMENT FACILITIES, AND LAND APPLICATION OF EGG WASH WASTEWATER.

SEC.4.7.1.1 STANDARDS.

SEC.4.7.1.1.1 All existing and future concentrated animal feeding operations, high intensity use areas, dairy farm storage and treatment facilities, and land application of Egg Wash Wastewater shall be constructed and permitted in accordance with applicable State and Federal law and regulations, and comply with the State mandated setbacks and buffers as adopted in the Florida Administrative Code and incorporated by reference in Section 2.6 hereof.

SEC.4.7.1.1.2 In the event FDER requires an industrial wastewater permit for any of the activities regulated pursuant to Rule 17-670.400, Florida Administrative Code, the development shall comply with the criteria of Sec.4.3.6 hereof.

SECTION 4.8 STORMWATER MANAGEMENT SYSTEMS.

SEC.4.8.1 EXISTING STORMWATER MANAGEMENT SYSTEMS.

SEC.4.8.1.1 STANDARDS.

SEC.4.8.1.1.1 All existing stormwater management systems in place and operational at the time this Ordinance becomes effective shall be allowed to continue operation without any additional regulation under this Ordinance.

SEC.4.8.2 FUTURE STORMWATER MANAGEMENT SYSTEMS.

SEC.4.8.2.1 STANDARDS.

SEC.4.8.2.1.1 All future stormwater management systems shall be constructed and permitted in accordance with applicable State and South Florida Water Management District law and regulations, and comply with the State or South Florida Water Management District mandated setbacks and buffers as adopted in the Florida Administrative Code, South Florida Water Management District Basis of Review for Stormwater Management Systems and as incorporated by reference in Section 2.6 hereof.

SECTION 4.9 WELL CONSTRUCTION AND SUBSURFACE EXPLORATION.

SEC.4.9.1 EXISTING WELLS AND SUBSURFACE EXPLORATION.

SEC.4.9.1.1 STANDARDS.

SEC.4.9.1.1.1 In ZONES W-1, W-2, W-3, W-4 and GWP, all existing wells, which may be deemed to be abandoned within the meaning of Chapter 373, Part III, Florida Statutes as implemented in Part II of Rule 40E-3, Florida Administrative Code, shall be plugged and grouted in accordance with those provisions.

SEC.4.9.1.1.2 In ZONES W-1, W-2, W-3, W-4 and GWP, all permitted wells, temporarily inactive or standby wells, shall be fitted with a well seal meeting the criteria of Part II of Rule 40E-3, Florida Administrative Code or blind flange within six (6) months of the effective date of this Ordinance.

SEC.4.9.1.1.3 In ZONES W-1, W-2, W-3, W-4 and GWP, all other unpermitted, inactive wells that do not meet construction standards specified in Collier County Ordinance No. 88-99, and as may be amended, shall be plugged and grouted within one (1) year of the effective date of this Ordinance.

SEC.4.9.1.1.4. In ZONES W-1, W-2, W-3, W-4 and GWP, existing monitoring wells that require a Well Construction permit under Collier County Ordinance No. 88-99, and as may be amended, shall be secured with a locking cap/seal within six (6) months of the effective date of this Ordinance.

State as defined in Chapter 403, Florida Statutes. Secondary containment shall meet the following criteria:

a. Containment structures open to rainfall or otherwise subject to infiltration by water, shall be designed to detain at least 150% of the total volume of the discharge or release; and

b. Containment structures which are impermeable to rainfall or infiltration by water, shall be designed to detain 110% of the total volume of the discharge or release.

2. Emergency collection devices that have or will be employed to ensure that any discharge or accidental release of the petroleum, petroleum product, drilling fluids, or formation waters do not discharge to an on-site or off-site stormwater management system; wetland; or surface waters or ground waters of the State; and

3. The maintenance that will be provided for the primary and secondary containment systems and emergency collection devices to ensure that any discharge or accidental release is contained on-site for proper disposal in accordance with applicable State and Federal law.

B. Upon discovery of a discharge or accidental release to a pervious surface, implementation of a Department approved or detailed contingency plan which describes:

1. Actions to be taken by the Owner/Operator in the event of a discharge, accidental release, or failure in any containment or emergency collection system required under this Section, which shall include:

a. First response steps to control and prohibit the discharge or accidental release of the petroleum product, petroleum, drilling fluid, or formation water;

b. Remedial actions consistent with applicable state and federal laws; and

c. Proper disposal of the petroleum product.

2. Emergency telephone numbers of:

a. Local and state response units; and

b. Owner/Operator's designated emergency response personnel.

3. Compliance with the applicable State and Federal regulations.

SEC.4.11.1.1.3 In ZONES W-3, W-4 and GWP, the operation and use of future and existing petroleum exploration and production facilities are not regulated under this Ordinance, except as provided in SEC.4.11.1.1.4 and SEC.4.11.1.1.5 hereof.

SEC.4.11.1.1.4 In ZONES W-1, W-2, W-3 and W-4, the siting of future petroleum exploration and production facilities is prohibited in the absence of a Wellfield Conditional Use Permit.

SEC.4.11.1.1.5 In ZONE GWP, future petroleum product exploration shall be prohibited from directional drilling through any potable water aquifer within the vertical projection of the map boundaries of the Wellfield Risk Management Special Treatment Overlay Zones.

ARTICLE 5 COUNTY WIDE GROUND WATER PROTECTION STANDARDS.

SECTION 5.1 GROUND WATER QUALITY STANDARDS.

SEC.5.1.1 GROUND WATER CLASSIFICATION AND CRITERIA.

The Board of County Commissioners of Collier County, Florida adopts by reference, and shall, to the extent permitted by general law and interpretations of Courts of competent jurisdiction, be authorized concurrently with FDER to enforce within geographical Collier County, Florida, Part IV of Rule 17-3, Florida Administrative Code, as may be amended on the effective date of the Ground Water Protection Ordinance, including all Rules referenced therein.

SECTION 5.2 GROUND WATER QUANTITY STANDARDS.

SEC.5.2.1 RECHARGE OF AQUIFERS.

SEC.5.2.1.1 STANDARDS.

SEC.5.2.1.1.1 The Board of County Commissioners of Collier County, Florida finds that the criteria and standards for ensuring recharge to the Surficial Aquifer System as set forth in the South Florida Water Management District's Basis of Review for Stormwater Management Systems is adequate to address aquifer recharge at this time. This finding does not preclude the Department from developing additional criteria and standards at a future time.

SEC.5.2.1.1.2 In ZONES W-1, W-2, W-3, W-4 and GWP, all new or substantially modified development for which site plan approval is required under the Collier County Unified Land Development Code, shall ensure compliance with all applicable design criteria for recharge to the Surficial Aquifer System as set forth in the South Florida Water Management District's Basis of Review for Stormwater Management Systems.

SECTION 5.3 INSPECTIONS.

SEC.5.3.1 REASONABLE NOTICE.

To ensure compliance with the criteria of this Article and Article 4 hereof, the County may inspect the premises of a non-certificated but Regulated Development, reasonably believed to be a source of potential ground water contamination, at reasonable times and after reasonable notice and consent of the Owner/Operator.

SEC.5.3.2 INSPECTION WARRANTS.

Where consent has been withheld, the County may apply for and obtain an Inspection Warrant in the same manner as provided for in Section 403.091, Florida Statutes.

SEC.5.3.3 IDENTIFICATION.

Agents of the County shall be provided with official identification and shall exhibit this identification prior to any inspection.

SECTION 5.4 GENERAL PROHIBITIONS.

Discharges to sinkholes or other karst related features with a direct hydrologic connection to the Surficial or Intermediate Aquifer Systems shall be prohibited. This prohibition shall not be

interpreted or implemented to preclude aquifer recharge or other well injection authorized under Section 4.10 hereof.

ARTICLE 6 APPROVAL OF REGULATED DEVELOPMENT AND CERTIFICATES TO OPERATE.

SECTION 6.1 APPROVAL OF REGULATED DEVELOPMENT BY DEVELOPMENT SERVICES OF NEW OR SUBSTANTIALLY MODIFIED REGULATED DEVELOPMENT.

SEC.6.1.1 STANDARDS.

SEC.6.1.1.1 All new and substantially modified development requiring site plan approval pursuant to the Collier County Land Development Code as adopted, or pursuant to Collier County Ordinance No. 82-2, and as may be superseded by the Collier County Unified Land Development Code, requiring a Certificate of Occupancy, or otherwise regulated under this Ordinance, shall be reviewed by the Development Services Director at the time of preliminary or other initial site plan approval required by such Ordinance, for compliance with the standards of this Ordinance and in the same manner as a Certificate to Operate.

SEC.6.1.1.2 Approval for operation and use of development regulated pursuant to this Ordinance, which development requires compliance with specific standards as set forth in Article 4 hereof or requires a Certificate to Operate (but not a Certificate to Operate which is incorporated into a Wellfield Conditional Use Permit), shall be included in and made a part of the Letter of Approval issued by the Development Services Director.

SEC.6.1.1.3 A Certificate to Operate which has been issued pursuant to Sec.6.1.1.2 hereof, shall be renewed by the Department not later than the one (1) year anniversary of issuance of the Development Service's Letter of Approval as provided in Section 6.2 hereof.

SECTION 6.2 CERTIFICATES TO OPERATE.

SEC.6.2.1 STANDARDS.

SEC.6.2.1.1 EXPIRATION.

SEC.6.2.1.1.1 Each Certificate to Operate shall be valid for no more than one (1) year after the date of issuance and shall automatically expire on the first anniversary date of issuance. The permit will remain valid and in full force during the term of permit provided that the Owner/Operator remains in compliance with the terms and conditions of the Certificate to Operate. Revocation and revision of a Certificate to Operate is authorized pursuant to Section 8.2 of this Ordinance.

SEC.6.2.1.2 RENEWALS.

SEC.6.2.1.2.1 Applications for renewal of Certificates to Operate shall be filed with the Department at least 60 days prior to expiration and shall not be automatic.

SEC.6.2.1.2.2 The application for renewal shall be reviewed by the Department for consistency with the applicable standards of this Ordinance.

SEC.6.2.1.2.3 Applications for renewal shall provide the following:

A. All documents and documentation required for the regulated development pursuant to Article 4, as may have been amended on the date of application for renewal; and

B. Evidence of compliance with the applicable standards of Article 4 during the term of the Certificate to Operate; and

C. The Application shall include the appropriate fees as provided in Article 13 hereof.

SEC.6.2.2 PROHIBITED APPROVALS OF REGULATED DEVELOPMENT AND CERTIFICATES TO OPERATE.

SEC.6.2.2.1 No final approval for Regulated Development or Certificate to Operate shall be construed or otherwise interpreted to legalize a Regulated Development existing on the effective date of this Ordinance, which is not in compliance with other applicable local, state or federal law or regulations. No Certificate to Operate or other approval under this Ordinance shall be knowingly granted to an existing Regulated Development which is not in compliance with all other applicable local, state or federal law or regulations.

SECTION 6.3 INSPECTIONS.

SEC.6.3.1 By accepting the Certificate to Operate and as a condition of the same, and by accepting a Letter of Approval which approval is based upon compliance with this Ordinance, the Owner/Operator grants express permission for the County, through an authorized agent, to make inspections of the regulated development at reasonable times to determine compliance with this Ordinance.

SEC.6.3.2 Authorized agents of the County are hereby authorized and empowered and shall be permitted at reasonable hours and after reasonable notice to inspect the premises of the regulated development to ensure compliance herewith.

SEC.6.3.3 Refusal to allow inspection under this Section shall be sufficient grounds for consideration of revocation of the Certificate to Operate or Letter of Approval which approval is based upon compliance with this Ordinance.

SEC.6.3.4 In the event a person who has common authority over regulated development impedes or otherwise refuses a lawful inspection by an authorized agent of the County, the inspection shall be rescheduled and notice shall be mailed by United States certified mail to the address and person shown on the Certificate to Operate or the Letter of Approval. Failure of such person to permit the rescheduled inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue an Administrative Search Warrant for the purpose of inspection, surveying or examining said premises or facilities.

SEC.6.3.5 In the event the premises of the Regulated Development, its building or structure appears to be vacant or abandoned and the property owner cannot be readily contacted in order to obtain consent for inspection, an authorized agent of the County may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection therefore.

SEC.6.3.6 Authorized agents of the County shall be provided with official identification and shall exhibit this identification prior to any inspection.

SEC.6.3.7 It shall be the duty of all law enforcement officers to assist in making inspection once such assistance is requested by an authorized agent of the County.

SECTION 6.4 TRANSFERS.

SEC.6.4.1 Within thirty (30) days of the sale or legal transfer of a Regulated Development, the Owner/Operator of a Regulated Development, for which a Certificate to Operate or a Wellfield Conditional Use Permit has been granted, shall provide written notice

to the Department of the sale or other legal transfer. Within the same time period, the new property owner shall apply to the Department by letter for transfer of the Certificate to Operate or Wellfield Conditional Use Permit and agree to be bound by the terms of the Certificate to Operate or Wellfield Conditional Use Permit unless same may be modified as provided herein.

SECTION 6.5 ADMINISTRATIVE REVIEW.

Certificates to Operate shall be processed and reviewed, and shall be administratively approved, approved with conditions, or denied by the County Manager as provided in this Section. Application for Certificate to Operate shall be made on a form prepared by the County Manager.

SEC.6.5.1. COMPLETENESS REVIEW.

SEC.6.5.1.1 Within 30 days of receipt of a completed application, the County Manager shall review the application for compliance with the standards of Articles 4 and 5 hereof.

SEC.6.5.1.2 If the Application is found not to be in compliance, the County Manager shall advise the Owner/Operator of the noted deficiencies or required information by certified mail return receipt requested to the address listed in the application.

SEC.6.5.1.3 Within thirty (30) days of the Owner's/Operator's receipt of the County's Notice, the Owner/Operator shall:

A. Provide the requested information or provide written notice to the County Manager of its intent to either furnish the requested information; or

B. Provide written notice to the County Manager of its intent to have the application processed "as is" with the information it then contains.

SEC.6.5.2 SUBSTANTIVE REVIEW.

SEC.6.5.2.1 Upon a determination by the County Manager that the application is complete, or upon receipt of written notice from the Owner/Operator that the Application should be processed as is, the County Manager shall issue a determination of completeness and provide a copy to the Owner/Operator by regular U. S. Mail.

SEC.6.5.2.2 Within thirty (30) days of issuance of a determination of completeness, the County Manager shall render a written evaluation of the application in accordance with the standards of Articles 4 and 5 hereof and render a Notice of Intent to issue or deny the application, a copy of which shall be sent to the Owner/Operator by regular U.S. Mail.

SEC.6.5.2.3 The Owner/Operator may appeal an adverse Notice of Intent to the Board as provided in Article 10, hereof.

SEC.6.5.2.4 The Certificate to Operate will be issued or denied by the Department within fifteen (15) days of issuance of the Notice of Intent, unless an appeal is taken as provided in Sec.6.5.2.3, hereof.

SEC.6.5.3 EXTENSION OF ADMINISTRATIVE REVIEW AND WITHDRAWAL APPLICATION.

SEC.6.5.3.1 The County Manager may, in his sole discretion, extend the time frame for administrative review set forth in Sec.6.5.1 and Sec.6.5.2 hereof for the purposes of requesting and receiving additional information necessary to complete the substantive review of the application.

SEC.6.5.3.2 If the Owner/Operator does not provide the information requested by the County Manager or advise the County that the

application is to be processed "as is" within 45 days of such request, the application shall be considered withdrawal and fees paid shall be surrendered.

SEC.6.5.3.3 The Owner/Operator may voluntarily withdraw the application at any time prior to the issuance of the County Manager's Notice of Intent by submitting a written notice to the County Manger stating its intent to withdraw.

SECTION 6.6 CONTAINMENT AND CLEANUP, OPTION FOR COUNTY TO INITIATE CONTAINMENT AND CLEANUP, REIMBURSEMENT BY OWNER/OPERATOR.

SEC.6.6.1 In the event of a discharge or an accidental release of any Hazardous Product, Hazardous Waste from a Regulated Development or Contaminant from a sanitary hazard regulated under this Ordinance, the Owner/Operator shall immediately upon discovery of the discharge or accidental release, contain the Hazardous Product, Hazardous Waste or Contaminant, and shall initiate cleanup in accordance with approved contingency plans and applicable law.

SEC.6.6.2 Failure of the Owner/Operator to contain the discharge or accidental release or the failure of the Owner/Operator to initiate cleanup of the site within 48 hours of discovery or within a shorter amount of time as may be necessary to protect the public health, safety and welfare, may result in the County initiating appropriate containment of the discharge or accidental release and/or cleanup of the site in accordance with applicable law.

SEC.6.6.3 In the event the County elects to exercise the option to contain the discharge or accidental release and/or cleanup the site, the County shall first provide written notice of this intent to the Owner/Operator stating how the Owner/Operator has failed to comply with this Section and providing a reasonable period of time within which the Owner/Operator shall perform the necessary containment of the discharge or accidental release and/or initiate cleanup in accordance with applicable law or the approved contingency plan.

SEC.6.6.4 By accepting a Certificate to Operate or a Wellfield Conditional Use Permit, and as a condition of the same, and by accepting a Letter of Approval, which approval is based upon compliance with this Ordinance, the Owner/Operator agrees that the reasonable costs expended by the County to contain the discharge or accidental release and/or cleanup the site shall be recoverable from the Owner/Operator.

ARTICLE 7 WELLFIELD CONDITIONAL USE PERMIT.

SECTION 7.1 WELLFIELD CONDITIONAL USE PERMIT STANDARDS.

SEC.7.1.1 PETITION.

SEC.7.1.1.1 Owners/Operators of a proposed Regulated Development for which a Wellfield Conditional Use Permit will be required to locate the proposed Regulated Development within any ZONE, may petition the Board for a Wellfield Conditional Use Permit exempting the development from the prohibitions set forth in Article 4 hereof, as provided in this Section.

SEC.7.1.1.2 Owners/Operators shall submit the application for Wellfield Conditional Use Permit to the County Manager on forms prepared by the Department.

SEC.7.1.2 CRITERIA.

SEC.7.1.2.1 The Owner/Operator shall demonstrate by the preponderance of substantial competent evidence that:

SEC.7.1.2.1.1 The development has or can satisfy all requirements for a Certificate to Operate; and

SEC.7.1.2.1.2 Special or unusual circumstances exist which are peculiar to the particular development which are different than any other regulated development; or

SEC.7.1.2.1.3 Adequate technology exists which will isolate the development from the Surficial and Intermediate Aquifer Systems; or

SEC.7.1.2.1.4 Site-specific hydrogeologic data provides reasonable assurances that the existing water quality in Surficial and Intermediate Aquifer Systems will not be degraded as a result of the development.

SEC.7.1.3 CONDITIONS OF WELLFIELD CONDITIONAL USE PERMIT.

SEC.7.1.3.1 In granting the Wellfield Conditional Use Permit, the Board may prescribe any additional conditions and safeguards which it deems necessary to protect the existing well(s), future identified well(s) or future potable water supply resources.

SEC.7.1.3.2 The Wellfield Conditional Use Permit shall incorporate a Certificate to Operate, which must be renewed or transferred in the same manner as any other Certificate to Operate as provided in Article 6 hereof.

SEC.7.1.4 PROHIBITED WELLFIELD CONDITIONAL USE PERMITS.

SEC.7.1.4.1 No Wellfield Conditional Use Permit may be construed or otherwise interpreted to legalize a Regulated Development existing on the effective date of this Ordinance, which is not in compliance with applicable local, state or federal law or regulations. No Wellfield Conditional Use Permit or other approval under this Ordinance shall be knowingly granted to an existing Regulated Development which is not in compliance with all other applicable local, state or federal law or regulations.

SEC.7.1.5 ADMINISTRATIVE REVIEW OF WELLFIELD CONDITIONAL USE PERMIT PETITION.

SEC.7.1.5.1 The County Manager shall review the Petition for Wellfield Conditional Use Permit for compliance with Articles 4 and 5 of the Ground Water Protection Ordinance in the same procedural manner as for a Certificate to Operate.

SEC.7.1.5.2 If the Petition is found not to be in compliance, the County Manager shall advise the Owner/Operator of the noted deficiencies or required information by certified mail return receipt requested to the address listed in the Petition.

SEC.7.1.5.3 Upon a determination by the County Manager that the Petition is in compliance, or upon receipt of written notice from the Petitioner that the Petition should be processed as is, the County Manager shall render a written recommendation for approval, approval with conditions, or denial of the Wellfield Conditional Use Permit.

SEC.7.1.6 APPROVAL BY THE BOARD.

SEC.7.1.6.1 Wellfield Conditional Use Permits which authorize development prohibited in the Wellfield Risk Management Special Treatment Protection Overlay Zones, are subject to careful review and shall include public notice and hearing as set forth in Article 10 hereof.

SEC.7.1.6.2 All Petitions for Wellfield Conditional Use Permits shall be heard by the Board as provided in Article 10 hereof.

SECTION 7.2 WELLFIELD CONDITIONAL USE PERMIT FOR PUBLIC OR QUASI-PUBLIC DEVELOPMENT.

SEC.7.2.1 The Board, after public hearing, may find that certain existing or proposed public or quasi-public regulated development is

exempted from compliance with this Ordinance and may issue a Wellfield Conditional Use Permit upon finding that:

SEC.7.2.1.1 The public benefit to be realized by the proposed or existing regulated development outweighs the purpose of this Ordinance; and

SEC.7.2.1.2 The proposed or existing regulated development cannot, for economic or scientific reasons, be relocated elsewhere.

SEC.7.2.2 The scope of any Wellfield Conditional Use Permit granted under this Section shall be narrow to avoid derogation of the purpose of this Ordinance and the Board may impose special conditions of approval to ensure implementation of the intent of the same.

SEC.7.2.3 Petitions shall be processed, approved, approved with conditions or denied as any other Wellfield Conditional Use as provided in Section 7.1 hereof.

ARTICLE 8 MODIFICATION OF REGULATED DEVELOPMENT, REVISION OR REVOCATION OF A CERTIFICATE TO OPERATE, OR A WELLFIELD CONDITIONAL USE PERMIT.

SECTION 8.1 MODIFICATION OF REGULATED DEVELOPMENT.

SEC.8.1.1 NOTIFICATION.

SEC.8.1.1.1 The Owner/Operator shall notify the County Manager in writing prior to any expansion, alteration or modification of a Regulated Development for which:

SEC.8.1.1.1.1. a Certificate to Operate or a Wellfield Conditional Use Permit has been issued; or

SEC.8.1.1.1.2. a Wellfield Exemption has been legislatively provided.

SEC.8.1.1.2 Expansion, alteration or modification shall include, without limitation:

SEC.8.1.1.2.1 an increase in square footage, production or storage capacity;

SEC.8.1.1.2.2 increased quantities of a Hazardous Product or Hazardous Waste or changes in the type or nature of a Regulated Development; and

SEC.8.1.1.2.3 any other proposed change to the Regulated Development which may require a change, modification or alteration of the approved containment system, the maintenance procedures for the system, or in the approved contingency plan.

SEC.8.1.2 COUNTY APPROVAL OF MODIFICATION.

SEC.8.1.2.1 The expansion, modification or alteration of a Regulated Development shall require prior County approval. Failure to obtain such approval as provided herein shall result in the County commencing revocation or revision proceedings of the Certificate to Operate, the Wellfield Conditional Use Permit or the Wellfield Exemption for a Regulated Development, if in the opinion of the County, such change substantially or materially modifies, alters or affects:

SEC.8.1.2.1.1 The conditions under which the Certificate to Operate, or the Wellfield Conditional Use Permit was granted; or

SEC.8.1.2.1.2 The conditions under which the Regulated Development qualifies for a Wellfield Exemption.

SEC.8.1.2.2 The County shall notify the Owner/Operator in writing, within 60 days of receipt of the notice of change, of the County's

intent to revoke or revise the authorization and the grounds therefore as provided in Sec.8.2.3 hereof.

SECTION 8.2 REVOCATION OR REVISION OF CERTIFICATE TO OPERATE, WELLFIELD CONDITIONAL USE PERMIT OR WELLFIELD EXEMPTION.

SEC.8.2.1 NOTICE OF INTENT TO REVOKE.

SEC.8.2.1.1 No Wellfield Exemption, Wellfield Conditional Use Permit, or Certificate to Operate for a Regulated Development shall become vested.

SEC.8.2.1.2 The County may revoke any Wellfield Exemption, Wellfield Conditional Use Permit, Certificate to Operate after first issuing a Written Notice of Intent to Revoke to the Owner/Operator which states that the Owner/Operator:

SEC.8.2.1.2.1 Has failed or refused to comply with any of the provisions of the Ground Water Protection Ordinance; or

SEC.8.2.1.2.2 Has submitted false or inaccurate information in the Application or Petition which information reasonably induced the County to issue the Certificate to Operate, or approve the Wellfield Conditional Use Permit; or

SEC.8.2.1.2.3 Has failed to submit reports or other information required under Article 4 as a condition of a Certificate to Operate, or Wellfield Conditional Use Permit; or

SEC.8.2.1.2.4 Has refused lawful inspection under required by this Ordinance as a conditions of a Certificate to Operate or Wellfield Conditional Use Permit; or

SEC.8.2.1.2.5 Has altered, modified or expanded a Regulated Development as provided in this Article.

SEC.8.2.2 NOTICE OF INTENT TO REVISE.

SEC.8.2.2.1 No Wellfield Exemption, Wellfield Conditional Use Permit, or Certificate to Operate for a Regulated Development shall be vested.

SEC.8.2.2.2 The County may revise any Wellfield Exemption, Wellfield Conditional Use Permit or Certificate to Operate granted or issued after first issuing written Notice of Intent to Revise which complies with Sec.8.2.1.2 and further states that the Owner/Operator:

SEC.8.2.2.2.1 Has been unlawfully modified, altered or expanded a Regulated Development as provided in this Article; or

SEC.8.2.2.2.2 Has been identified by the County as responsible for, in whole or in part, for a discharge or accidental release of Hazardous Products or Hazardous Wastes or other Contaminant associated with the Regulated Development; or

SEC.8.2.2.2.3 The contingency plans and/or remedial action initiated and performed by or on behalf of the Owner/Operator were not approved by the County or applicable State or Federal agencies and are deemed by the same to be inadequate for the Regulated Development.

SEC.8.2.3 FACTUAL BASIS FOR REVOCATION OR REVISION.

SEC.8.2.3.1 After being informed of or discovery of an unauthorized discharge or accidental release of a Hazardous Product, Hazardous Waste or Contaminant, the County shall review the Certificate to Operate, the Wellfield Conditional Use Permit, or Wellfield Exemption for the Regulated Development(s) associated with the discharge or accidental release.

SEC.8.2.3.2 In the event the County determines that the Owner/Operator has failed to comply with the terms of the Certificate to Operate, the Wellfield Conditional Use Permit or the Wellfield Exemption, the County may elect to issue a Notice of Intent to Revoke or Revise such authorization to operate subject to the provisions of this Section.

SEC.8.2.3.3 CRITERIA.

SEC.8.2.3.3.1 In consideration of whether to revoke or revise a Certificate to Operate or a Wellfield Conditional Use Permit, the Board shall consider:

- A. The intentional nature or degree of negligence, if any, associated with the discharge or accidental release;
- B. The extent to which containment or clean up of the Contaminant or Hazardous Product or Hazardous Waste or its components is possible;
- C. The nature, number and frequency of previous discharges or accidental releases attributable to the Regulated Development; and
- D. The potential degree of harm to the ground water and surrounding public potable water supply wells as a result of the discharge or accidental release.
- E. The Owner/Operator's actions in responding to this and previous discharges or accidental releases.

SEC.8.2.3.4 NOTICE OF INTENT.

SEC.8.2.3.4.1 To initiate revocation or revision under this section, the County shall first issue a Notice of Intent to Revoke or Revise which shall, in addition to the applicable standards of Sections 8.2.1 and 8.2.2, hereof contain the following information:

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

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

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

SEC.8.2.3.4.2 Failure of the Owner/Operator to file a petition in opposition to the Notice of Intent to Revise or the Notice of Intent to Revoke as provided in Article 10 of this Ordinance, shall render the proposed revocation or revision final and in full force and effect.

SEC.8.2.3.4.3 Nothing in this Section shall preclude or be deemed a condition precedent to the County seeking a temporary or permanent injunction.

ARTICLE 9 RESTRICTIONS ON ISSUANCE OF APPROVED SITE PLANS
AND CERTIFICATES OF OCCUPANCY.

SECTION 9.1 PROHIBITIONS.

SEC.9.1.1 No Site Plan or other development permit shall be issued or renewed and no Certificate of Occupancy issued by the Collier County Building Department for any Regulated Development which would allow development, construction or change of use in violation of the standards of this Ordinance.

SEC.9.1.2 Site Plans, other final development permits or Certificates of Occupancy issued in violation of the prohibition of this Section are deemed to be invalid, and shall not confirm or vest any development right or property interest on the Owner/Operator or Regulated Development.

ARTICLE 10. APPEALS AND PUBLIC HEARINGS.

SECTION 10.1 PUBLIC HEARINGS.

SEC.10.1.1 Public Hearings shall be required for:

SEC.10.1.1.1 The issuance of a Wellfield Conditional Use Permit;

SEC.10.1.1.2 An appeal from an adverse Administrative Determination on issuance of a Certificate to Operate filed with the County Manager within thirty (30) days of issuance of the Administrative Determination; and

SEC.10.1.1.3 County initiated revocation or revision of a Certificate to Operate, a Wellfield Conditional Use Permit or Wellfield Exemption.

SEC.10.1.2 Public Hearings shall be subject to the following standards:

SEC.10.1.2.1 Appeals from adverse Administrative Determinations; Applications for Wellfield Conditional Use Permits and County initiated revocation or revision proceeding shall be considered for approval, approval with conditions or denial by the Board as a Public Hearing matter and shall be scheduled for Public Hearing in the same manner as an Application for Zoning Atlas Amendment and in accordance with Collier County Ordinance No. 82-2, and as may be amended or superseded, and when effective, the Collier County Unified Land Development Code.

SECTION 10.2 NOTICE OF PUBLIC HEARING.

SEC.10.2.1. NOTICE TO THE PUBLIC.

SEC.10.2.1.1 Public Notice shall be given in the same manner as for any ordinance affecting the use of land as set forth in Section 125.01, Florida Statutes (1990), and as required for an Application for Zoning Atlas Amendment as required in Section 2.2 hereof and in accordance with Collier County Ordinance No. 82-2, and as may be amended or superseded, and when effective, the Collier County Unified Land Development Code.

SEC.10.2.1.2 The unintentional failure of the Owner/Operator seeking approval of a Wellfield Conditional Use Permit or appealing an adverse Administrative Determination, to notify the contiguous property owner(s) or other persons shall not be grounds for a continuance of the hearing, nor in any way affect any action taken at such hearing.

SEC.10.2.2 NOTICE TO OWNER/OPERATOR.

SEC.10.2.2.1 Notice of Public Hearing arising from County initiated revocation or revision proceedings shall be served upon the Owner/Operator by certified return receipt mail no less than 15 days prior to the hearing.

SEC.10.2.2.2 The Notice shall contain the following information:

SEC.10.2.2.2.1 name and address of the Owner/Operator; and

SEC.10.2.2.2.2 a description of the Regulated Development; and

SEC.10.2.2.2.3 specific citations to the Section(s) of this Ordinance, alleged to be the basis of the proposed revocation or revision; and

SEC.10.2.2.2.4 the time, place and date of hearing; and

SEC.10.2.2.2.5 the following statements:

- A. "Failure to attend may result in an Order being issued which may be adverse to your interest.";
- B. "All parties shall be given the opportunity to present witnesses and evidence in support of their position and to cross-examine witnesses.";
- C. "Pursuant to Section 286.0105, Florida Statutes, notice is hereby given that appeals from any decision of the County Commission with respect to any matter considered at the public hearing, will require a record of the proceedings and may require that a verbatim record of the proceedings be made."

SEC.10.2.2.2.6 The name and signature of the County Manager.

SECTION 10.3 DECISIONS BY THE BOARD.

SEC.10.3.1 At all public hearings, the Board shall hear and consider all facts material to the Application, Petition or appeal and shall thereafter issue a decision based upon the greater weight of substantial competent evidence.

SEC.10.3.2 The Board may affirm, reverse or modify the action or proposed action of the County Manager.

SEC.10.3.3 In all cases the Board shall render a decision within 14 working days from the date on which the hearing is concluded which shall be the final administrative action on behalf of the County.

SEC.10.3.4 Any person who is a party to the proceeding before the Board may apply to a court of competent jurisdiction for review in accordance with applicable Florida Rules of Civil Procedure and Florida law.

SEC.10.3.5 There shall be no administrative review on behalf of the County other than that review specifically provided in this Ordinance.

ARTICLE 11 FUTURE WELLS AND WELLFIELDS.

SECTION 11.1 MAPPING.

SEC.11.1.1 The location and identification of future public potable water supply wells and wellfields shall require:

SEC.11.1.1.1 Amendment to zoning maps as provided in Article 2 to show the application of the Wellfield Risk Management Special Treatment Overlay Zones; and

SEC.11.1.1.2 Amendment to the Wellfield Risk Management Special Treatment Overlay Zone Maps appended hereto as Appendix A.

SEC.11.1.2 The Wellfield Risk Management Special Treatment Zones shall become applicable and enforceable under Article 4 of this Ordinance upon filing of the amending ordinance with the Secretary of State or later as may otherwise be provided by the Board.

SECTION 11.2 LOCATION.

SEC.11.2.1 Future protected public potable water supply wells shall be located in accordance with Rule 17-555.312, Florida Administrative Code as may be amended.

SEC.11.2.2 The following guidelines should be considered in the siting of future protected potable water supply wells and wellfields:

SEC.11.2.2.1 Future protected wells and wellfields should not be located within any area designated by the Future Land Use Map of the Collier County Comprehensive Plan for industrial use or uses.

SEC.11.2.2.2 Future protected wells and wellfields should be located to minimize impacts on environmentally sensitive areas.

SEC.11.2.2.3 Future protected wells and wellfields for which an Application for Water Use or Consumptive Use Permit under Part II, Chapter 376, Florida Statutes, is pending at the time this Ordinance is adopted, shall not be subject to these locational guidelines.

ARTICLE 12 DEFINITIONS AND RULES OF CONSTRUCTION.

SECTION 12.1 DEFINITIONS.

SEC.12.1.1 It is the intention of the Board of County Commissioners of Collier County, Florida, and it is hereby provided that the following definitions be incorporated and be made a part of the Definition Section of the Collier County Land Development Code; and that these sections may be renamed, renumbered or relettered to accomplish that intention:

"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.

"ADMINISTRATIVE DETERMINATION" means any final written determination required to be issued by the County Manager in this Ordinance which will become effective without Board approval.

"BOARD" means the Board of County Commissioners of Collier County, Florida.

"CERTIFICATE TO OPERATE" is the legal authorization, to engage in or conduct any operation, modification, or expansion of any regulated development within a Wellfield Risk Management Special Treatment Overlay Zone.

"CLASS 'A' RESIDUALS" means Domestic Residuals which have been stabilized by a Process to Further Reduce Pathogens, as listed within 40 CFR Part 257.

"CLASS 'B' RESIDUALS" means Domestic Residuals which have been stabilized by a Process to Significantly Reduce Pathogens, as listed within 40 CFR Part 257.

"CLASS 'C' RESIDUALS" means Domestic Residuals that have been stabilized using conventional engineering design criteria that do not necessarily meet the minimum standards for 40 CFR Part 257. Domestic wastewater residual disposal requires FDER approval.

"COLLECTION/TRANSMISSION SYSTEMS" means sewers, pipelines, conduits, pumping stations, force mains and all other facilities used for collection and transmission of wastewater from individual service connections to facilities intended for the purpose of providing treatment prior to release to the environment.

"CONTAMINANT" means any physical, chemical, biological, or radiological substance or matter in water, which is harmful to plant, animal or human life.

"COUNTY" means the County of Collier, Florida.

"COUNTY MANAGER" means a County Manager, his designee or any other authorized County agency designated by the Collier County Board of County Commissioners as the authority charged with the administration and enforcement of this Ordinance.

"CONVENTIONAL POLLUTANTS" means (1) biochemical demand [BOD]; (2) total suspended solids, non-filterable [TSS]; (3) Ph; (4) fecal coliform; and (5) oil and grease.

"DEPARTMENT" means the Collier County Pollution Control Department, charged by the Board of County Commissioners with the responsibility of administering and enforcing this Ordinance.

"DISCHARGE" means, but is not limited to, any spilling, leaking, seeping, pouring, emitting, or dumping of any Contaminant which occurs and which affects lands and the surface, waters and, ground waters of the state not regulated by Sections 376.011-376.21, Florida Statutes.

"DOMESTIC RESIDUAL" means a solid waste which is generated by any Domestic Wastewater Treatment Plant, septic tank, grease trap or related operation, or any other such waste having similar characteristics. Domestic Residuals may be solid, liquid, or semi-solid waste and this includes "processed domestic residual" as defined in Collier County Ordinance No. 87-79, and as may be amended, but does not include the treated effluent from a wastewater treatment plant.

"DOMESTIC WASTEWATER" means wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage. Where wastewater from sources other than typical domestic sources (e.g. industrial sources) is combined and treated with wastes from domestic sources, the determination of whether or not the wastewater treatment plant is designated as "domestic" shall be made by the Department considering

any or all of the following: sludge classification (currently in "reserved" status); whether wastewater have been pre-treated or contain constituents within 50-150%, by concentration of typical domestic wastewater, and whether the permittee, when not required provide more stringent or otherwise specific levels or treatment can provide assurance of facility compliance with Domestic Wastewater Treatment contained in Rule 17.600 F.A.C.

"DOMESTIC WASTEWATER PLANT" means the structures, equipment and solids control processes necessary to treat domestic wastes.

"DOMESTIC WASTEWATER RESIDUAL" means the solid, semisolid, or liquid residue removed during the treatment of municipal wastewater. Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant.

"EGG WASH WASTEWATER" means wastewater generated as a result of cleaning, sorting and preserving eggs.

"EXISTING" means a facility, building or any contiguous structure(s), or activity for which construction began prior to adoption of this Ordinance including excavations or other operations that may not consist of structures or buildings.

"FDER" means the Florida Department of Environmental Regulation.

"FLORIDAN AQUIFER SYSTEM" means the Floridan Aquifer System in Collier County extends downward from the interbedded dolomitic and biogenic micritic carbonates of the upper Tampa Suwannee Limestone/Avon Park Limestone/Ocala Group.

"GROUND WATER" means any water which may be drawn from the ground.

"GROUND WATER PROTECTION ZONE" means that geographic area of Collier County, Florida identified as a source of recharge of water to the Surficial Aquifer System and does not include Zones W-1, W-2, W-3, and W-4.

"HAZARDOUS PRODUCT" means any product which is liquid or solid below 105°F and ambient pressure and is a "Hazardous Chemical" as defined in Chapter 29, Code of Federal Regulations, Part 1910.1200 and material being held for recycling that would be hazardous waste if released.

"HAZARDOUS WASTE" means any waste which is a liquid or solid below 105°F ambient pressure and is defined as a "Hazardous Waste" in 40 CFR Part 261.3.

"HIGH INTENSITY USE AREA" means all areas of concentrated animal density generally associated with milking barns, feedlots, holding pens, travel lanes and contiguous milk herd pasture where the permanent vegetative cover is equal to or less than 80 percent, under average annual worst-case conditions, as determined by the USDA Soil Conservative Service methods.

"HRS" means the Florida Department of Health and Rehabilitative Services.

"INDUSTRIAL FACILITIES" means those facilities that produce, treat or dispose of waste water not otherwise defined as Domestic Wastewater, including the runoff and leachate from areas that receive pollutants associated with the industrial or commercial storage, handling or processing.

"INDUSTRIAL WASTEWATER" means wastewater not otherwise defined as Domestic Wastewater, including the runoff and leachate from areas that receive pollutants associated with industrial or commercial storage, handling or processing.

"INTERMEDIATE AQUIFER SYSTEM" means the Intermediate Aquifer System in Collier County extends downward from the sandy, clayey dolomite silt zone within the top of the Hawthorne Group/Formation to the interbedded dolomitic and biogenic micritic carbonates of the upper Tampa Formation or lower Hawthorne Group/Formation, where the boundary is defined on the basis of geophysical, lithological, hydrological and geochemical signature.

"LAND APPLICATION" means the reuse of reclaimed water or the utilization or disposal of effluent or sludge on, above, or into the surface of the ground through spray irrigation, land spreading, or other methods.

"LETTER OF APPROVAL" means the written approval of a site development plan from the Development Services Director which shall incorporate the review of a regulated development for compliance with this Ordinance.

"MINING" means the extraction of earth products for sale or transport off-site including the removal of associated material such as overburden.

"MONITORING WELL" means a strategically located well from which ground water levels are measured and samples are withdrawn for water quality analysis.

"ON-SITE" means on the same or geographically contiguous property which may be divided by a public or private right-of-way.

"ON-SITE SEWAGE DISPOSAL SYSTEM", also referred to as system - any domestic sewage treatment and disposal facility, including standard subsurface systems, graywater systems, laundry wastewater systems, alternative systems or experimental systems, installed or proposed to be installed on land of the owner or on other land to which the owner or owners have the legal right to install a system.

"OTHER POLLUTANTS" means substances not listed as Toxic Pollutants of Conventional Pollutants and include without limitation, ammonia; chemical oxygen demand [COD], fluoride, iron, nitrogen, phosphorus and surfactant.

"OWNER/OPERATOR" means any person owning and operating a Regulated Development where these parties are the same, and means both the person owning the Regulated Development and the person operating the Regulated Development where these parties are not the same.

"PERSON" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, municipality, commission, political subdivision of the State of Florida or State of Florida.

"PETROLEUM PRODUCT FACILITY" means any facility which processes, stores, handles or transports petroleum product, but shall exclude transport of petroleum product by motor vehicle.

"PETROLEUM PRODUCT" means any commodity made from oil or gas and includes refined crude oil, crud tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, condensate, gasoline, waste oil, kerosene, benzene, wash oil, blended gasoline, lubricating oil, blends or mixtures of

oil with one or more liquid products or byproducts derived from oil or gas, whether hereinabove enumerated or not.

"PUBLIC UTILITY" means any privately-owned, municipally-owned, County-owned, special district-owned, or State-owned system providing water or wastewater service to the public which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily for at least sixty (60) days of the year.

"RECLAIMED WATER" means water that has received at least secondary treatment and is reused after flowing out of any wastewater treatment plant or other works used for treating, stabilizing, or holding wastes.

"RELEASE" means any spilling, leaking, pumping, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any regulated substance or other contaminant.

"REGULATED DEVELOPMENT" OR "WELLFIELD REGULATED DEVELOPMENT" means the land uses and activities identified in this Ordinance as potential sources of ground water contamination or sanitary hazards in Collier County, Florida.

"SITE" means the area within an installation's property boundary where effluent are released or applied to the ground water.

"SLUDGE" means a solid waste, pollution control residual which is generated by any industrial or Domestic Wastewater Treatment Plant, air pollution control facility, septic tank, grease trap, portable toilet or related operation, or any other such waste having similar characteristics. Sludge may be solid, liquid, or semisolid waste, but does not include the treated effluent from a wastewater treatment plant.

"SOLID WASTE" includes garbage, refuse, yard trash, clean debris, white goods, special waste, ashes, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

"SOLID WASTE DISPOSAL FACILITY" means a facility designed and utilized for the disposal of sludge from wastewater treatment works, water supply treatment plants, or air pollution control facilities or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

"SOLID WASTE TRANSFER STATION" means a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. It does not include green boxes, compactor units, permanent dumpsters, recycling collection stations and other containers from which such wastes are transported to a landfill or other solid waste management facility.

"SOLID WASTE BULK CONTAINER" means any watertight, portable non-absorbent container equipped with a watertight lid or cover and approved by the Board which is used to store two (2) or more cubic yards of solid waste emptied by mechanical means.

"SOLID WASTE STORAGE, COLLECTION AND RECYCLING STATION" means a site the purpose of which is to collect and segregate those materials designated by the County by resolution establishing a County program for recycling.

"SOLID WASTE STANDARD CONTAINER" means a watertight container made of non-absorbent material provided with closely fitting water tight cover, with handles and of thirty-two (32) gallons or less gross capacity, or a sealed plastic bag of adequate strength to contain the waste materials therein. This definition shall not preclude the use of large containers for purpose of automated or semi-automated services.

"SFWMD" means the South Florida Water Management District.

"SUBSURFACE EXPLORATION" means the drilling, coring, digging, boring, blasting or other excavation of material below the surface of the land.

"SURFACE WATER MANAGEMENT SYSTEM" means the collection of facilities, improvements, or natural systems whereby surface waters are collected, controlled, conveyed, impounded, or obstructed. The term includes stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and works as defined in subsections 373.403(1)-(5), F.S.

"SURFICIAL AQUIFER SYSTEM" means the Surficial Aquifer System in Collier County includes the unconfined shallow water table aquifer and the deeper, semi-confined lower Tamiami Aquifer. The Surficial Aquifer System extends from the land surface to a depth defined by the sandy, clayey dolomite silt defined on as the basis of geophysical, lithological, hydrological and geochemical signatures within the top of the Hawthorn Group/Formation.

"TOXIC POLLUTANTS" means those pollutants listed in 40 CFR Part 401.15.

"WASTEWATER" means the combination of liquid and water-carried pollutants from residences, commercial buildings, industrial plants, and institutions together with any groundwater, surface runoff or leachate that may be present. [17-600.200]

"WATER QUALITY STANDARDS" means standards comprised of designated most beneficial uses (classification of waters), the numerical and narrative criteria applied to the specific water use or classification, the Florida anti-degradation policy, and the moderating provisions contained in Chapters 17-3 and 17-4, F.A.C.

"WATER RESOURCE RELATED WELL" means any well, the purpose of which is to augment or improve the water quality of the receiving ground waters through aquifer storage or artificial recharge of ground water.

"WELL" means a bored, drilled, or driven shaft, or dug well which has a depth greater than the diameter of the largest surface dimension.

"WELL CASING" means a metallic or non-metallic pipe installed in a borehole to prevent caving, provide structural strength, seal-off zones of poor water quality, or prevent the interchange of waters between aquifers.

"WELLFIELD" shall mean an area of land which contains one or more than one well for obtaining water.

"WELL CONSTRUCTION" means all parts and acts necessary to obtain ground water by wells, including the location and excavation, but excluding the installation of pumps and pumping equipment.

"WELLFIELD CONDITIONAL USE" means any use of land which may be conditionally allowed in a particular Wellfield Risk Management Special Treatment Overlay Zone, see Article 7 of this Ordinance.

"WELLFIELD EXEMPTION" means authorization for specific Regulated Development to operate without a Certificate to Operate and for which compliance with the standards of Article 4 of this Ordinance are not required, but conformance with the other terms and conditions of this Ordinance shall be required.

"WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE" means a specific zone or zones as defined on Wellfield Risk Management Special treatment Overlay Zone Maps, delineated by specific time travel contours, identified for special treatment and based on the rate of movement of ground waters in the vicinity of public water supply wells with a specified pumping rate.

"WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONE MAPS" shall mean a series of maps, aerials, and/or mylar or other material showing the location on the ground of the outer limits of the Wellfield Management Zone(s) for present and future public notable water supply wells and wellfields permitted for the withdrawal of one hundred thousand gallons per day or more of ground water.

"EPA" or "USEPA" means the United States Environmental Protection Agency.

SECTION 12.2 RULES OF CONSTRUCTION. For the purposes of administration and enforcement of this Ordinance, unless otherwise stated in this Ordinance, the following rules of construction shall apply to the text of this Ordinance:

A. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

B. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

C. Words used in the present tense shall include the future; and words used in the singular manner shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

D. Unless the context clearly indicates to the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by a conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
2. "Or" indicates that the connected items, conditions, provisions or events may apply singularly and in any combination.
3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly, but not in combination.

ARTICLE 13 FEES AND ADMINISTRATIVE SURCHARGE.

SECTION 13.1 FEES.

SEC.13.1.1 The Board shall establish, by resolution, an application fee for Certificates to Operate and Wellfield Conditional Use Permits to cover the cost of the County's administration and implementation regulations and prohibitions of this Ordinance.

SEC.13.1.2 It is the intent of this Ordinance that the cost of implementation be borne wholly by the Regulated Development.

SECTION 13.2 ADMINISTRATIVE SURCHARGE.

SEC.13.2.1 The Board may, by resolution, impose a surcharge on:

SEC.13.2.1.1 revisions and modifications of Certificates to Operate and Wellfield Conditional Use Permits; and

SEC.13.2.1.2 appeals from adverse Administrative Determinations.

SEC.13.2.2 The surcharge shall include a fee for the purpose of administering this Ordinance including, without limitations, professional staff time in processing and revising the application, petition or appeal and reasonable costs. It is the intent of this Ordinance that such costs are wholly borne by the Regulated Development.

SECTION 13.3 FEE SCHEDULE.

The fee schedule for applications for Certificates of Operate, petitions for Wellfield Conditional Use Permits, appeals from adverse Administrative Determinations, and revisions and modifications to any of the same, shall be posted in the Office of the County Manager, the Department and shall be on file with the Clerk to the Board.

ARTICLE 14 ADMINISTRATIVE PROCEDURES.

SECTION 14.1 PROMULGATION OF ADMINISTRATIVE PROCEDURES.

The County Manager shall promulgate and bring for adoption by the Board, Administrative Procedures to implement this Ordinance within one year of the effective date of this Ordinance.

ARTICLE 15 VIOLATIONS, PENALTIES AND REMEDIES.

SECTION 15.1 VIOLATIONS.

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

SECTION 15.2 PENALTIES

Violations of this Ordinance may be referred by the County Manager to the County's Code Enforcement Board for enforcement action in accordance with Chapter 162, Florida Statutes, and Collier County Ordinance No. 88-89, and as may be amended.

SECTION 15.3 REMEDIES.

Nothing herein shall preclude the County from seeking all other remedies available under general law, including without limitation:

To County:

The County Manager
Collier County Government Center
3301 East Tamiami Trail
Naples, Florida 33962

To Applicant/Petitioner:

Applicant/Petitioner
at the Address listed in
the Application.

ARTICLE 17 LIBERAL CONSTRUCTION AND SEVERABILITY.

SECTION 17.1 LIBERAL CONSTRUCTION.

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

SECTION 17.2 CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phase or portion of the 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.

ARTICLE 18 EFFECTIVE DATE.

This Ordinance shall become effective on 1991 and after receipt of notice that it has been filed with the Secretary of State of the State of Florida.

PASSED AND DULY ADOPTED this 6th day of November, 1991.

ATTEST:
JAMES C. GILES, Clerk

[Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: *[Signature]*
PATRICIA ANNE GOODNIGHT
Chairman

Approved as to form and
legal sufficiency:

[Signature]
David C. Weigel
Assistant County Attorney

This ordinance filed with the
Secretary of State, Office the
15th day of Nov, 1991
and acknowledged of that
filing received this 15th day
of Nov 1991

By: *[Signature]*
Deputy Clerk

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APPENDIX A

WELLFIELD PROTECTION ZONE MAPS Illustrating the Locations of WELLFIELD RISK MANAGEMENT SPECIAL TREATMENT OVERLAY ZONES Established by the "THREE DIMENSIONAL SIMULATION OF WELLFIELD PROTECTION AREAS IN COLLIER COUNTY, FLORIDA" (Voorhees and Mades, 1989)

Initial reference to "Appendix A" can be found in SEC. 2.1.2.3, on page 7 of this Ordinance.

The pages that comprise Appendix A, as attached, are xerox copies of portions of United States Geological Survey Quadrangle Maps on which the boundaries of the Wellfield Risk Management Zones are plotted. The wellfields are arranged in the order of mention in SEC. 2.1.2.1.6., on page 5 of this Ordinance.

EXPLANATION OF MAPS:

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

INDEX TO APPENDIX A

This index includes the name of the wellfield and the United States Geological Survey Quadrangle Map(s) on which the wellfield is located

EVERGLADES CITY WELLFIELD
Ochopee, Florida

FLORIDA CITIES (AVATAR) WELLFIELD
Belle Meade NW, Florida

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

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

COASTAL RIDGE (GOODLETTE ROAD) WELLFIELD
Naples North, Florida

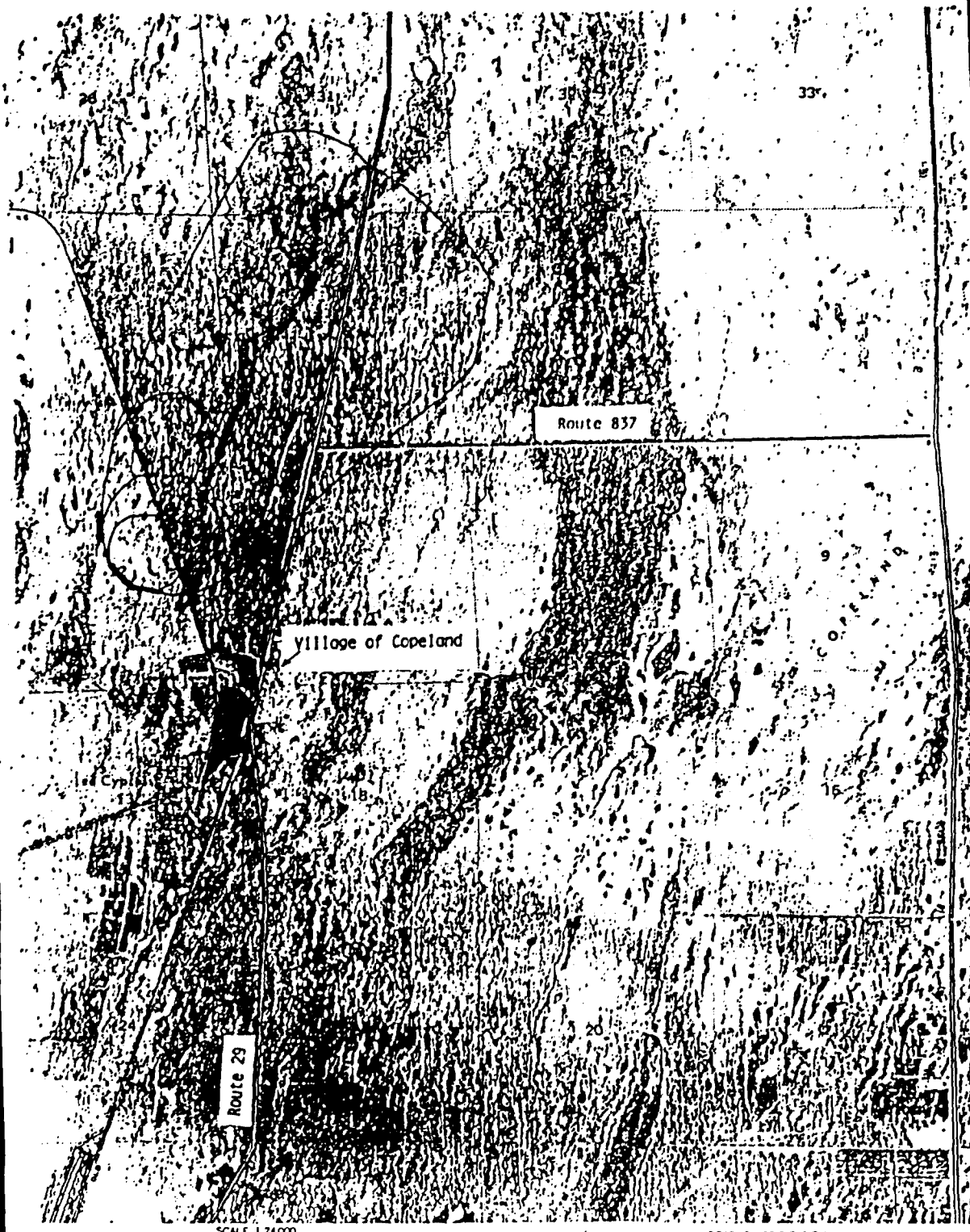
COLLIER COUNTY UTILITIES WELLFIELD
Plate 1 -- Corkscrew SW, Florida
Plate 2 -- Belle Meade NW, Florida
Plate 3 -- Corkscrew SE, Florida
Plate 4 -- Belle Meade NE, Florida

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

IMMOKALEE WATER AND SEWER DISTRICT WELLFIELDS
Immokalee, Florida

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

PORT OF THE ISLANDS WELLFIELD
Weavers Station, Florida



SCALE 1:24,000

CONTOUR INTERVAL 5 FEET
 CONTOURS OMITTED IN WETLANDS AND LOW GRASS AREAS
 NATIONAL GEOLOGIC VERTICAL DATUM OF 1979

BOOK 066 PAGE 171

ROAD CLASSIFICATION

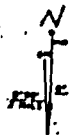
Primary highway, hard surface _____
 Light duty road, hard or improved surface _____
 Secondary highway, hard surface _____
 Unimproved road _____
 Trail _____
 Interstate Route _____
 U S Route _____
 State Route _____

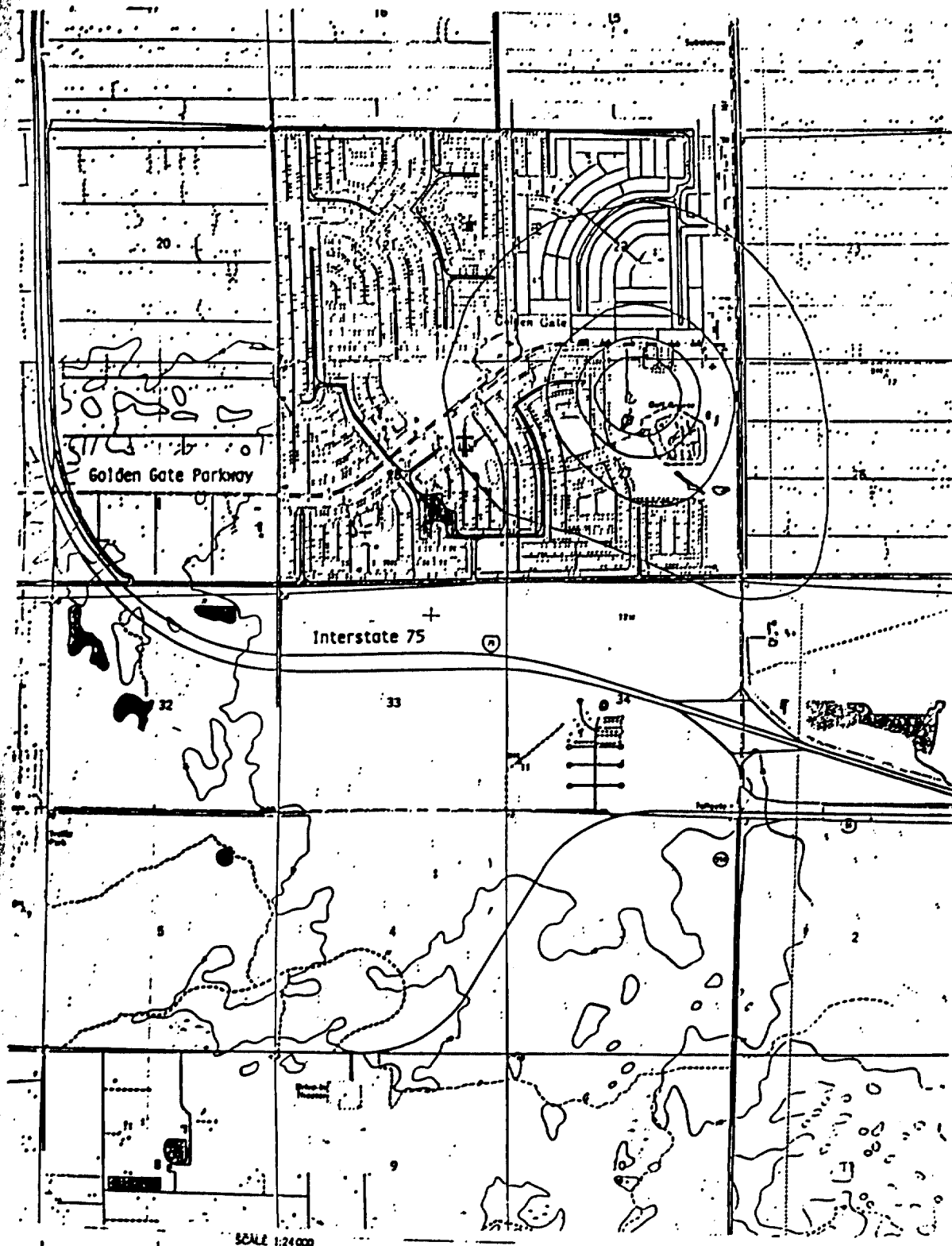
OCHOPEE, FLA.
 N2552.9-W8115.7.5

1972

ANSI Z39.48-1968 SERIES Y0470

EVERGLADES CITY





SCALE 1:24,000

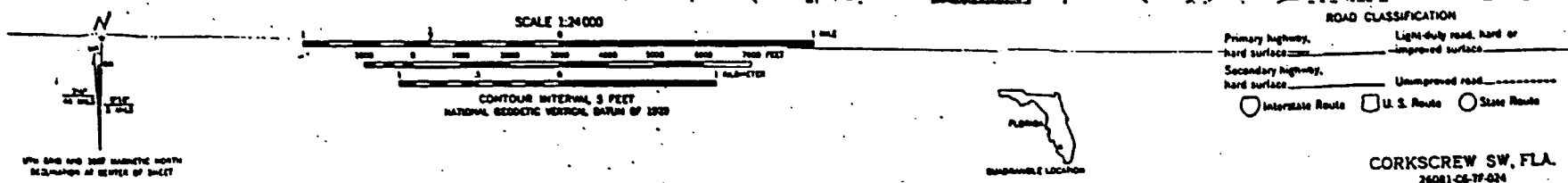
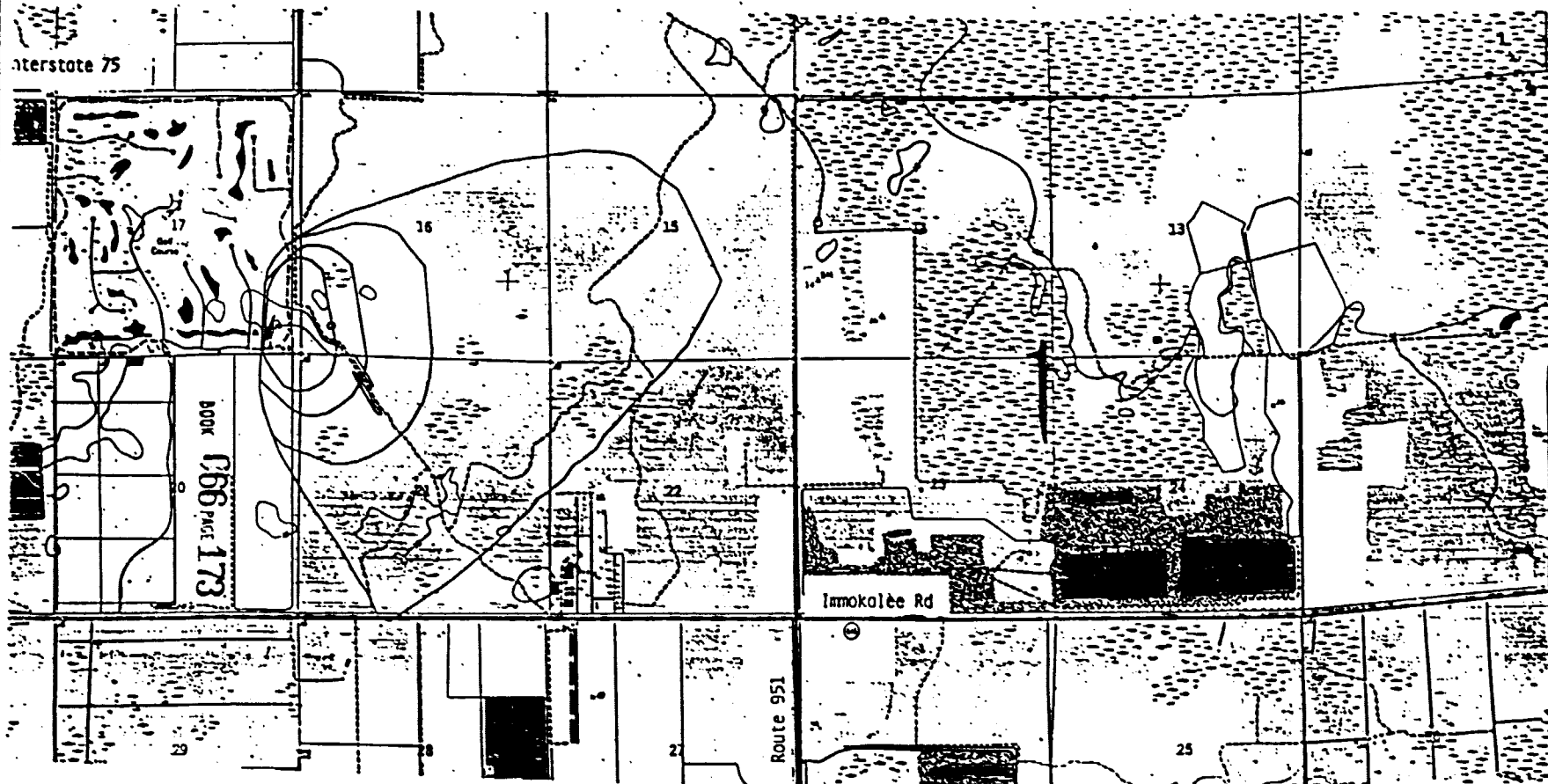
CONTOUR INTERVAL 5 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

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ROAD CLASSIFICATION
 Primary highway, hard surface
 Secondary highway, hard surface
 Light duty road, hard surface
 Improved surface
 Unimproved road
 Interstate Route
 U.S. Route
 State Route

FLORIDA CITIES

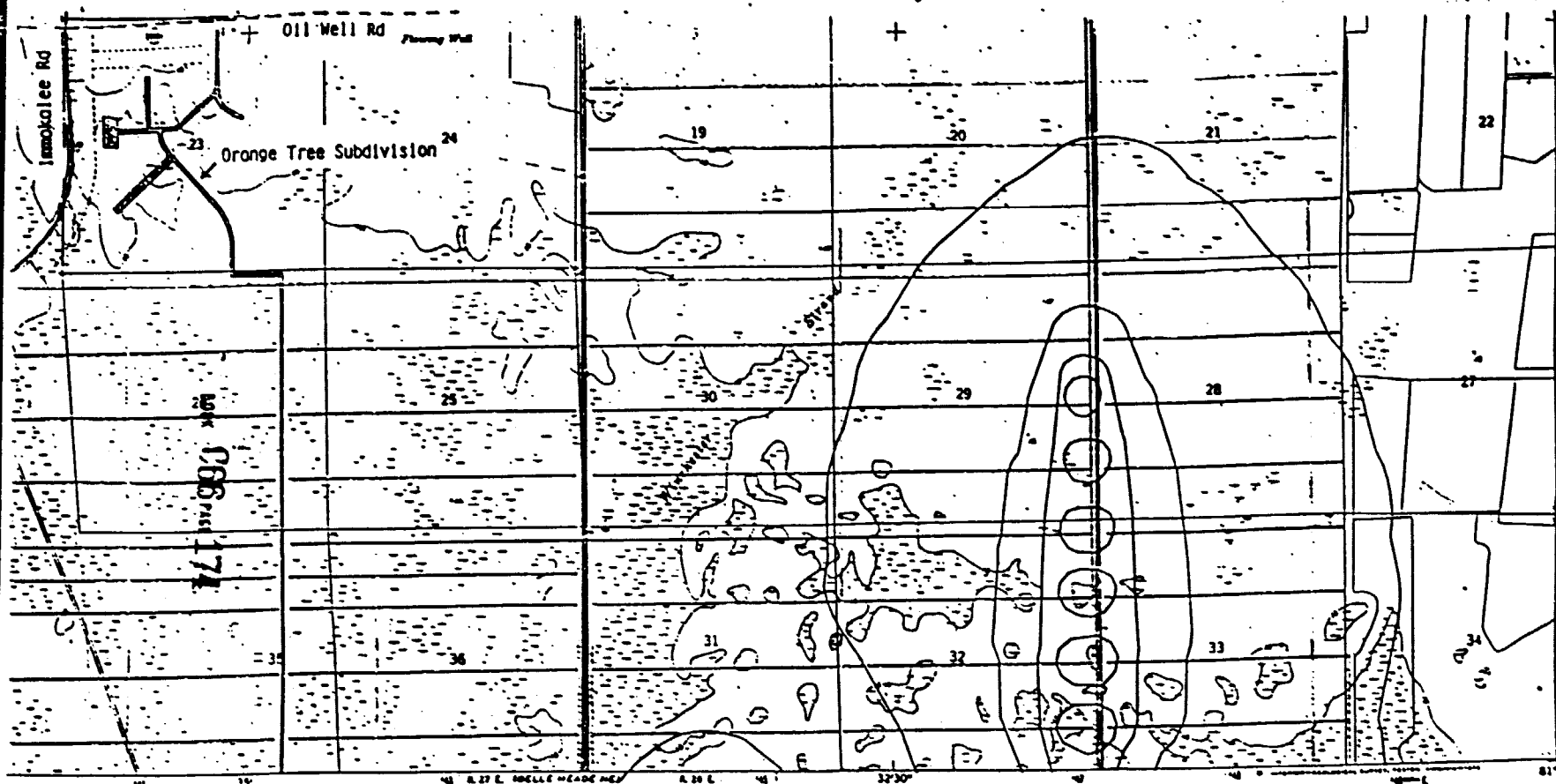
BELLE MEADE NW, FLA.
 26081-86-17-024



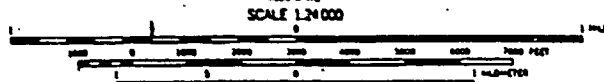
NORTH NAPLES

CORKSCREW SW, FLA.
26081-05-77-024

1958
PHOTOREVISED 1967
DMA 4636 I SW - SERIES 7042



UTM GRID AND 1983 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 5 FEET
DATA IS MEAN SEA LEVEL

THIS MAP COMPLEYS WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY
DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



Study Area Location

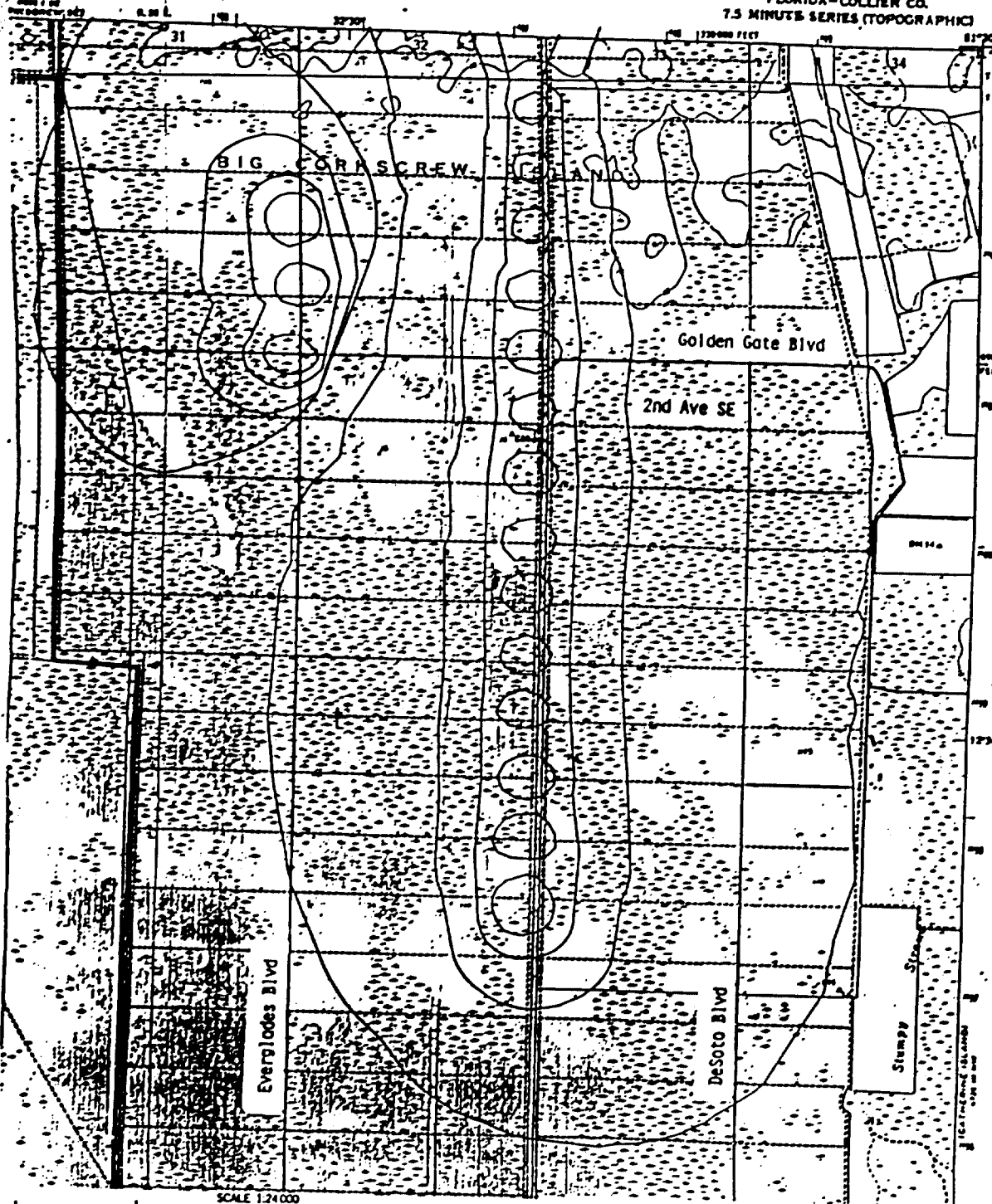
ROAD CLASSIFICATION
Medium-duty ——— Light-duty ———
Unimproved dirt ———
○ State Route

CORKSCREW SE, FLA.
N2613—W8130/7.3

1958
PHOTOGRAPHED 1973
AND 1974 1 SE-SERIES 7043

EAST GOLDEN GATE
(Plate 1)

BELLE MEADE NE QUADRANGLE
FLORIDA-COLLIER CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

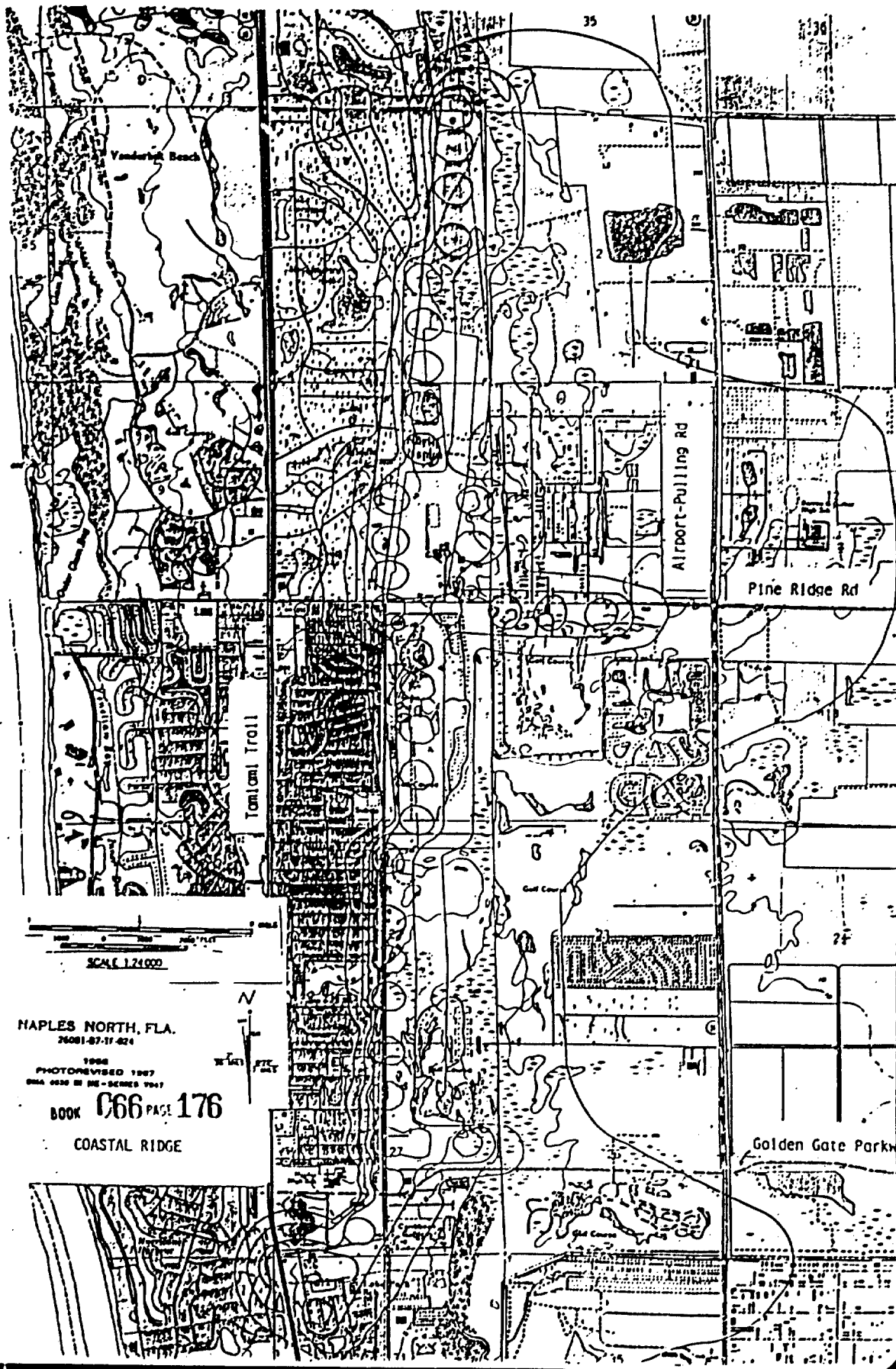


SCALE 1:24,000
CONTINUOUS INTERVAL 5 FEET
ORIGINAL GEODETIC VERTICAL DATUM OF 1929
ROAD CLASSIFICATION
Heavy-duty Light duty
Unimproved dirt
State Route



EAST GOLDEN GATE
(Plate 2)

BELLE MEADE NE, FLA.
26081-00-17-024
1958
PHOTO REVISED 1973
DMA 0030 N NE-SERIES 1949

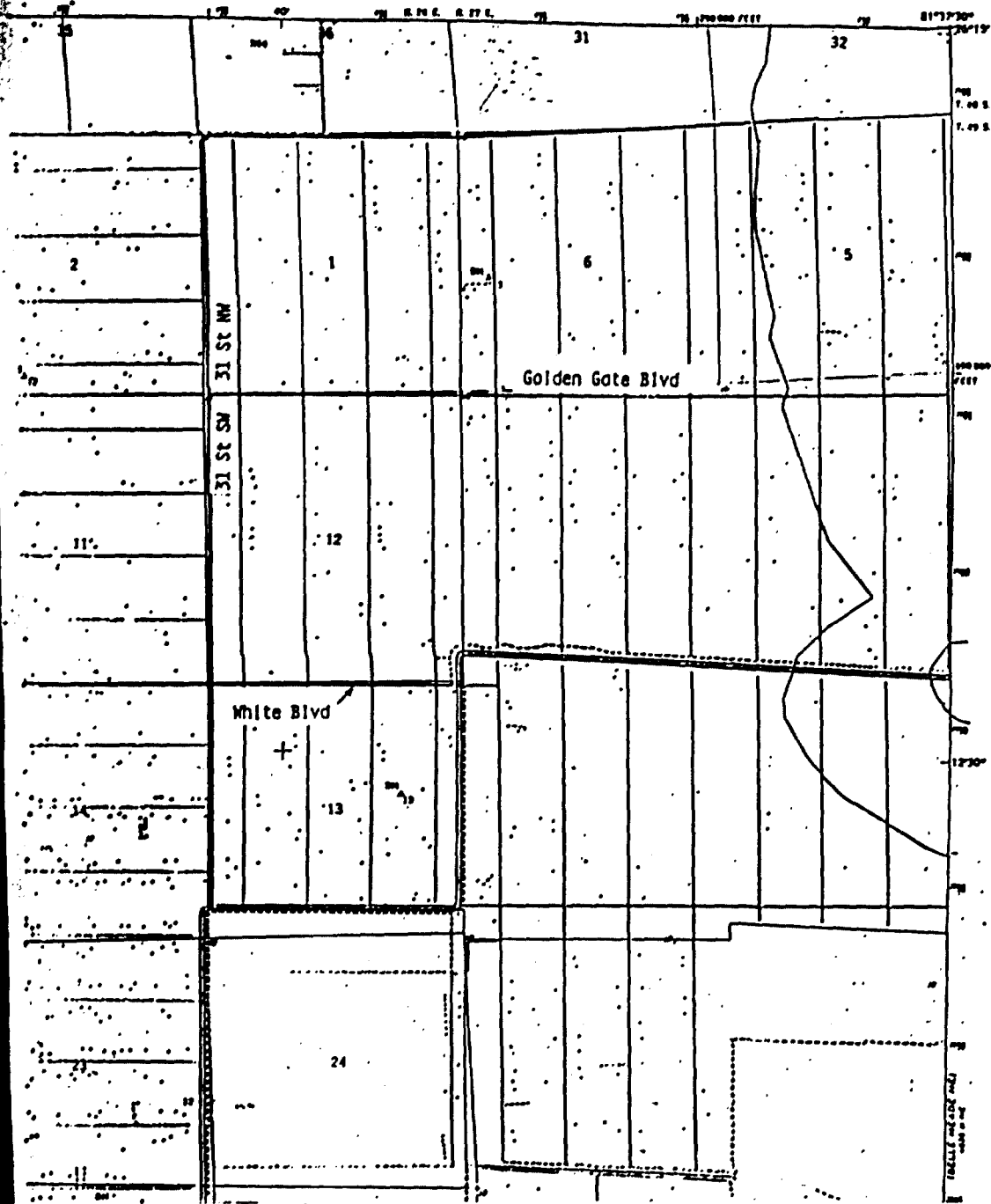


NAPLES NORTH, FLA.
26081-87-11-021

1966
PHOTOREVISED 1967
DMA 6030 IN DE - SERIES 7947

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COASTAL RIDGE



BOOK 666 PAGE 178

SCALE 1:24,000



CONTOUR INTERVAL 5 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929



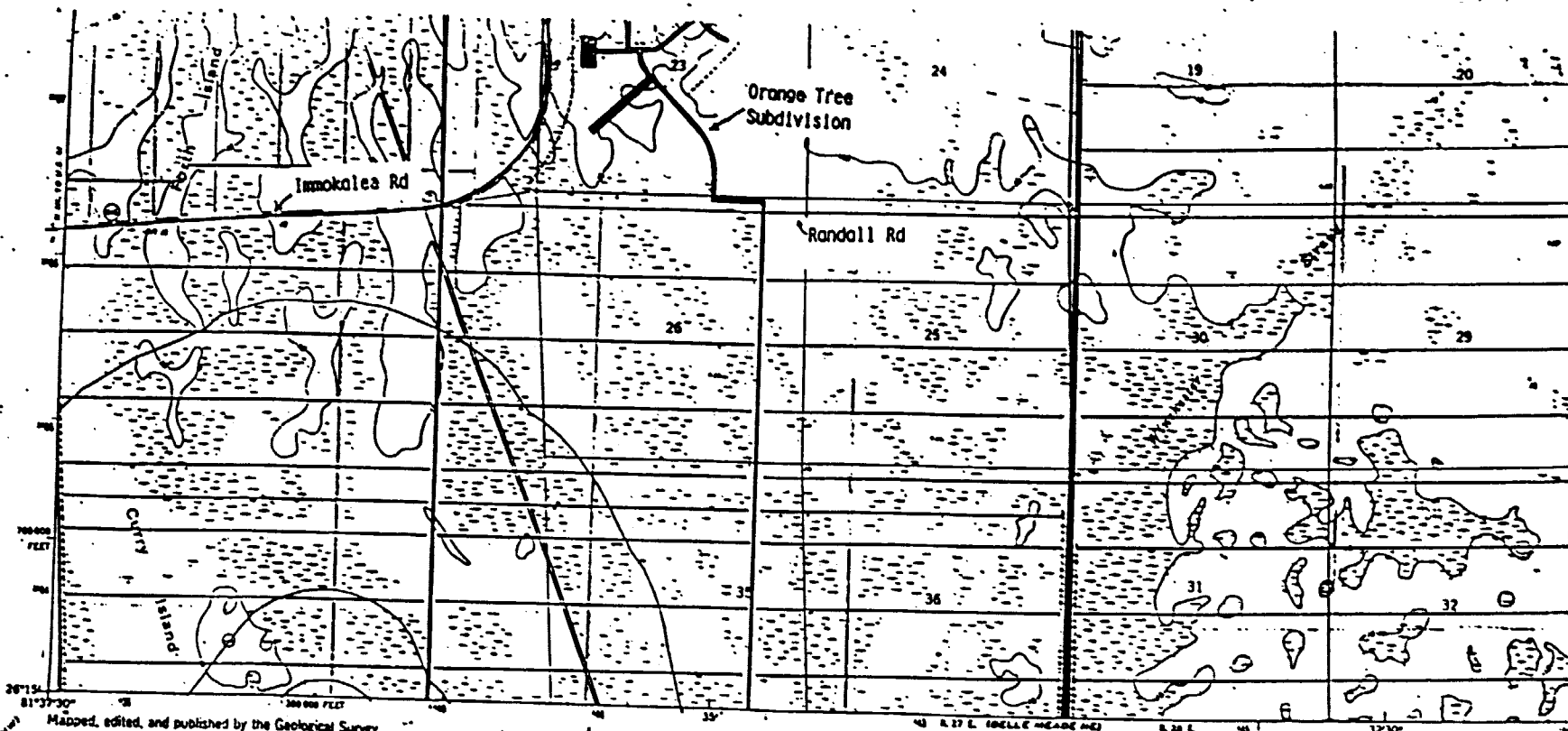
ROAD CLASSIFICATION

Primary highway, hard surface	Light duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
Interstate Route	U. S. Route
	State Route

BELLE MEADE NW, FLA.
26081-86-17-024

1966
PHOTOGRAPHED 1967
DRA. 0330 R HW-SERIES 7047

COLLIER COUNTY UTILITIES
(Plate 2)



Maped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Culture and drainage in part compiled from aerial photographs
taken 1951-1952. Topography by plane-table surveys 1958

Polynomial projection. 1927 North American datum
12,000-foot grid based on Florida coordinate system, and zone
1000-meter Universal Transverse Mercator grid band, zone 17,
shown in blue

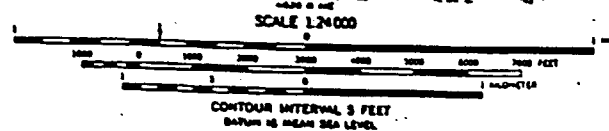
Certain land lines unsurveyed in T. 47 S.-R. 27 E. and
T. 48 S.-R. 27 E.

Dashed land lines established by private survey

Revisions shown in purple compiled from aerial photographs
taken 1973. This information not field checked

BOOK C66 PAGE 179

1973 and 1975 magnetic north
declination at center of sheet



CONTOUR INTERVAL 5 FEET
BATHY IS MEAN SEA LEVEL

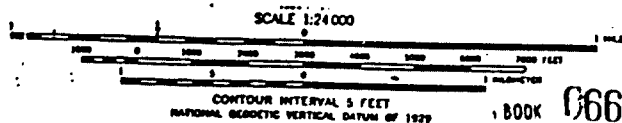
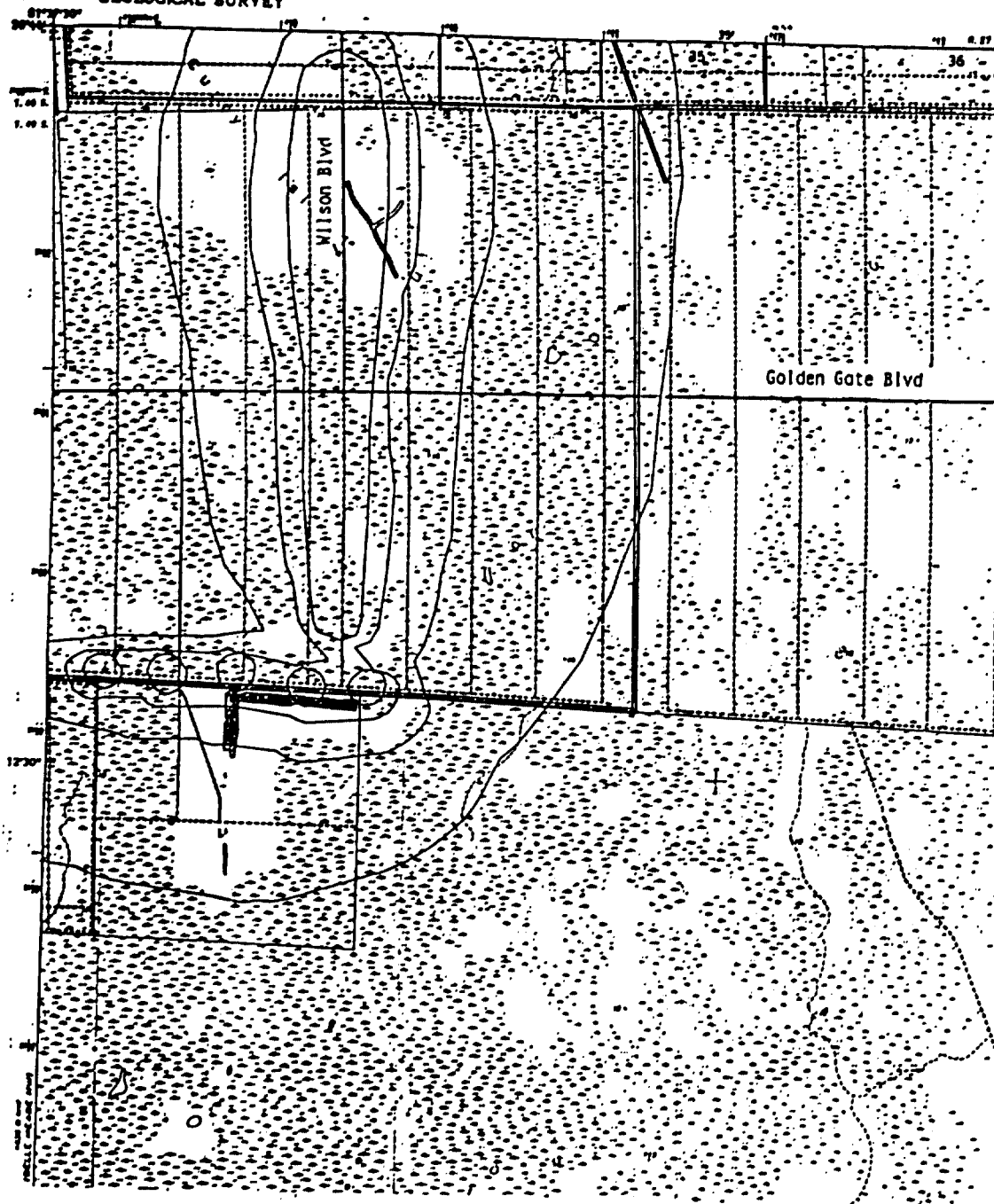
THIS MAP COMPLES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY
DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22082
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

CORKSCREW SE, FLA
H2613-WB130/7.3

1958
PHOTOREVISED 1973
AMS 4634 I SE-SERIES 7047

COLLIER COUNTY UTILITIES
(Plate 3)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



BOOK 066 PAGE 180

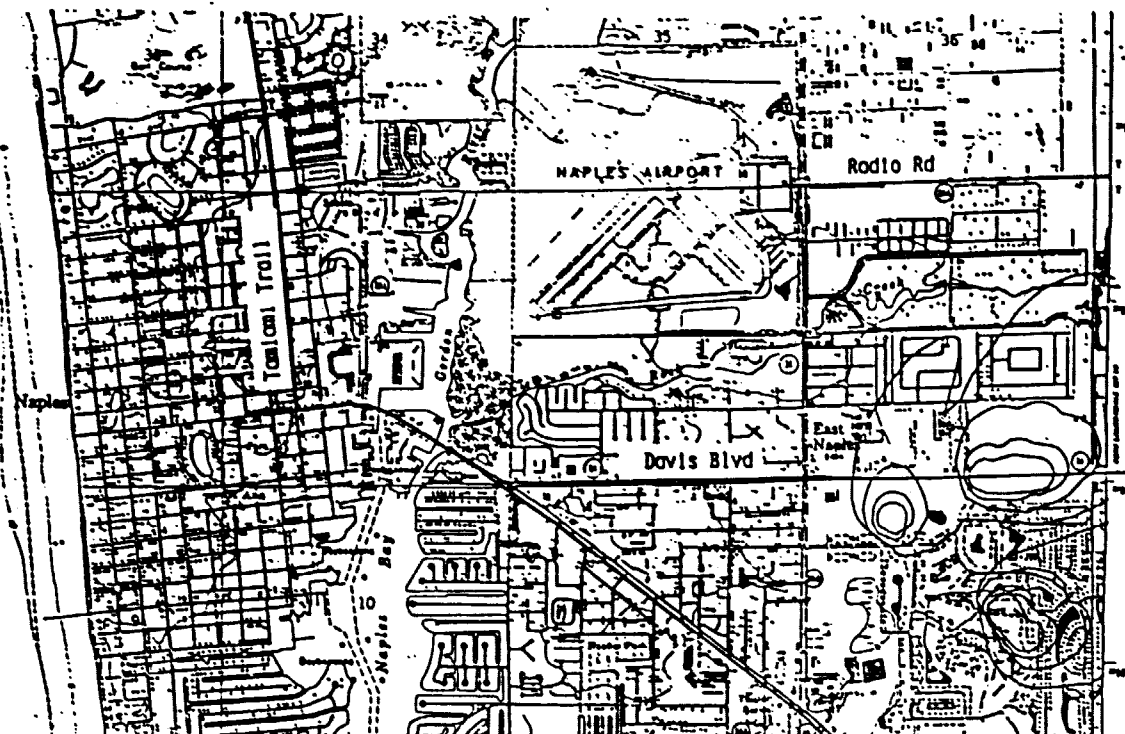
ROAD CLASSIFICATION
Heavy-duty _____ Light-duty _____
Unimproved dirt _____
State Route ○

BELLE MEADE NE, FLA.
26081-05-17-024

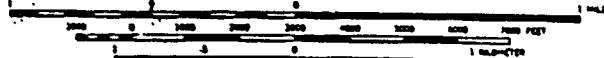
1958
PHOTOREPRODUCED 1973
DMA 0436 N NE-SERIES 1047

COLLIER COUNTY UTILITIES
(Plate 4)

BOOK 666 PAGE 181



SCALE 1:24,000



CONTOUR INTERVAL 5 FEET
 INTERIOR BATHYMETRIC SURFACE OF 1929
 DEPTH CURVES AND SOUNDINGS IN FEET—BASED ON MEAN LOWER LOW WATER
 THE RELATIONSHIP BETWEEN THE TWO SURFACES IS VARIABLE
 SHORELINE SURFACE REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
 THE HIGH SHORE OF THIS IS APPROXIMATELY 2 FEET



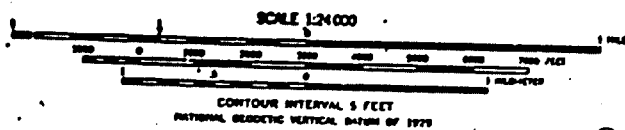
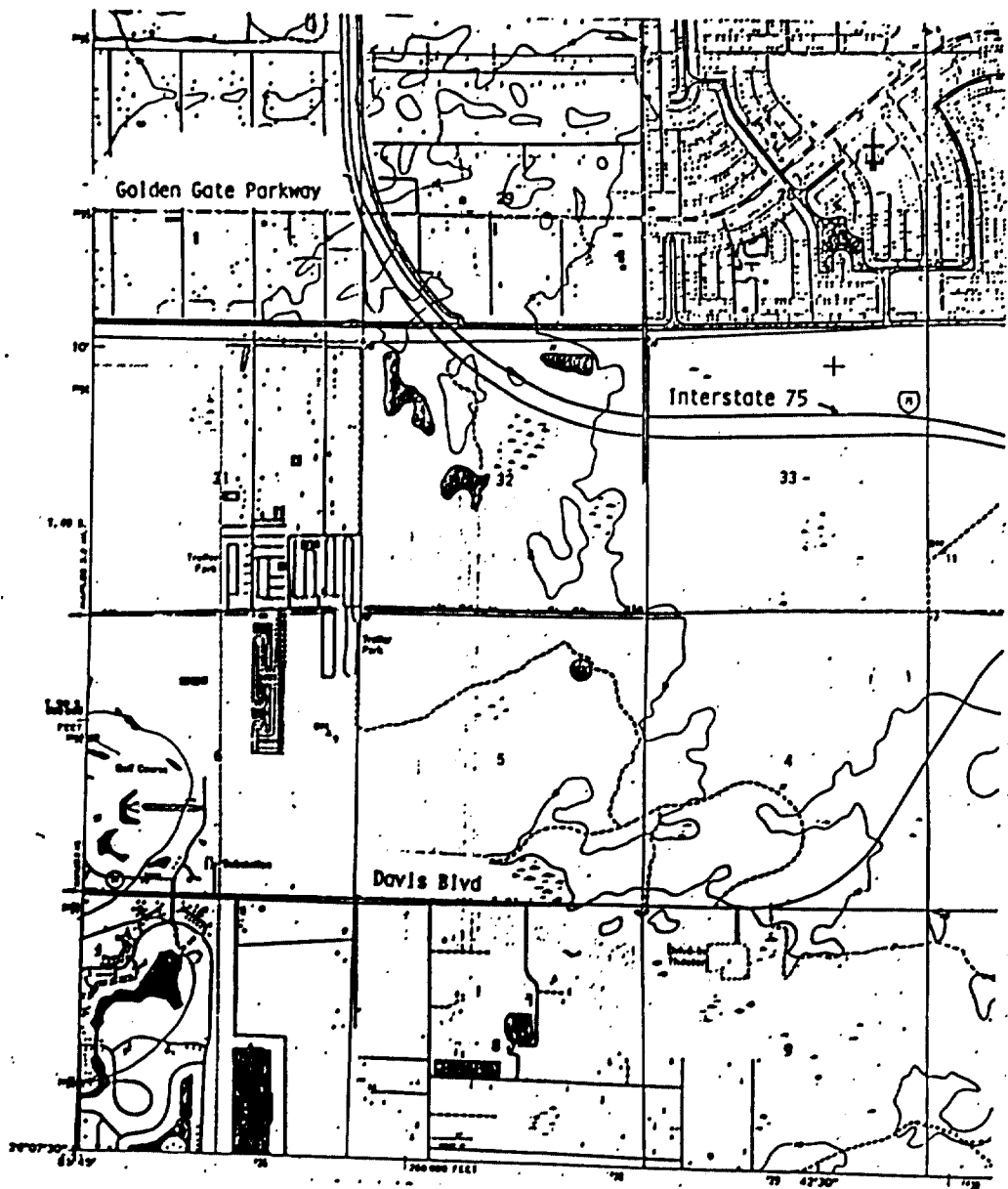
ROAD CLASSIFICATION
 Heavy-duty ——— Light-duty ———
 Medium-duty ——— Unimproved dirt ———
 U.S. Route State Route

NAPLES NORTH, FLA.
 26081-87-77-024

1958
 PHOTOGRAPHED 1967
 DATA 6636 IN NC-SERIES 79-07

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY
 DENVER, COLORADO 80225 OR RESTON, VIRGINIA 22092
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

GLADES
 (Plate 1)



ROAD CLASSIFICATION

Primary Highway... Light-duty road, hard or
hard surface... Improved surface

Secondary Highway... Unimproved road...
hard surface

○ Interstate Route □ U. S. Route ○ State Route

BOOK 666 PAGE 182

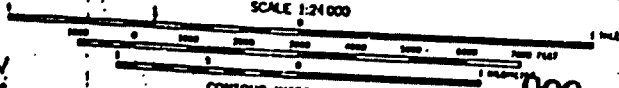
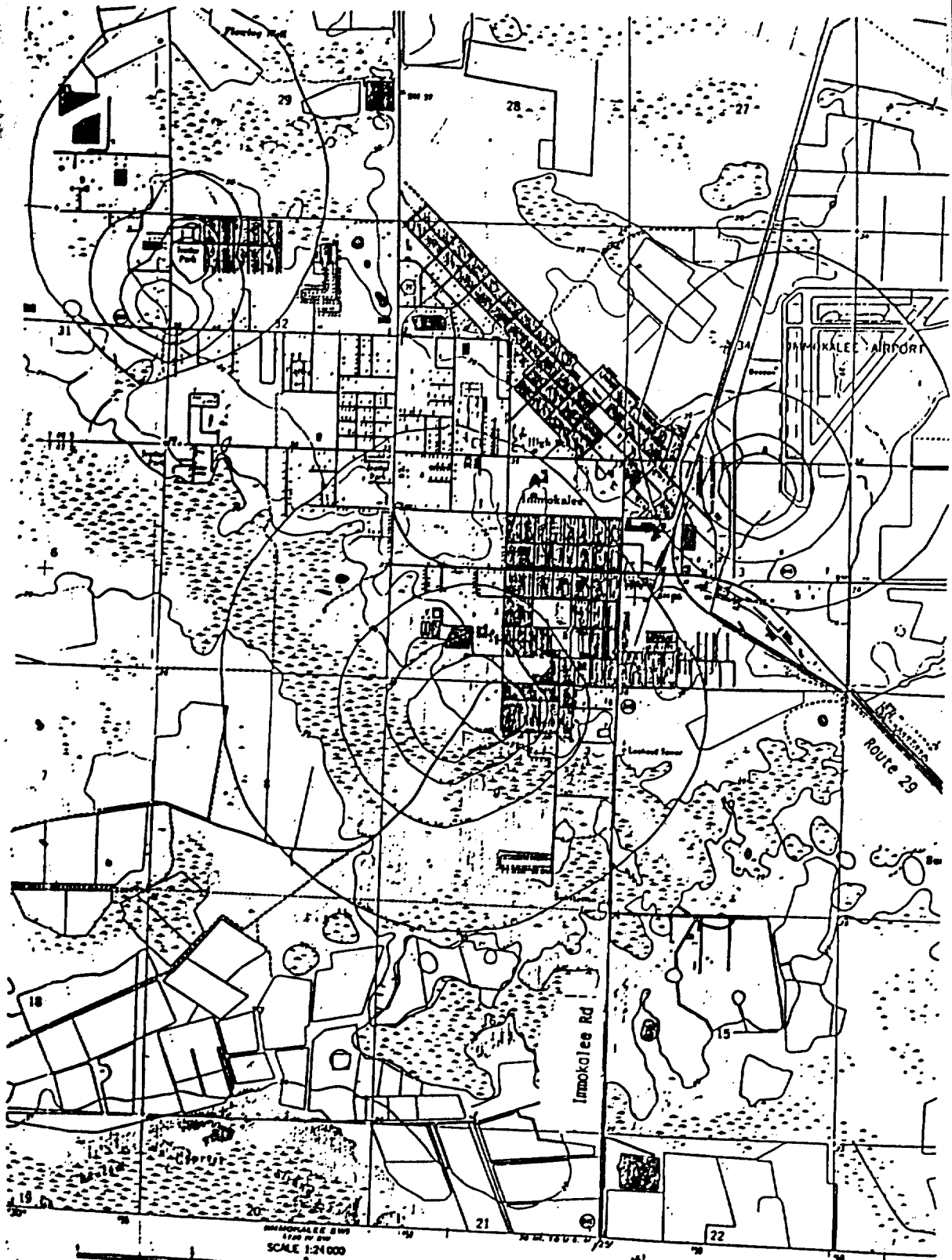
BELLE MEADE NW, FL
25081-06-17-024

THIS MAP COMPLEYS WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY
DENVER, COLORADO 80225 OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

1966
PHOTOREVISED 1967
DMA 4000 B NW-SERIES 1967



GLADES
(Plate 2)



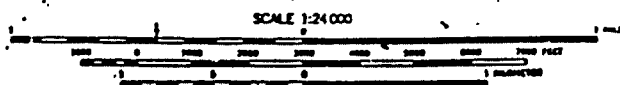
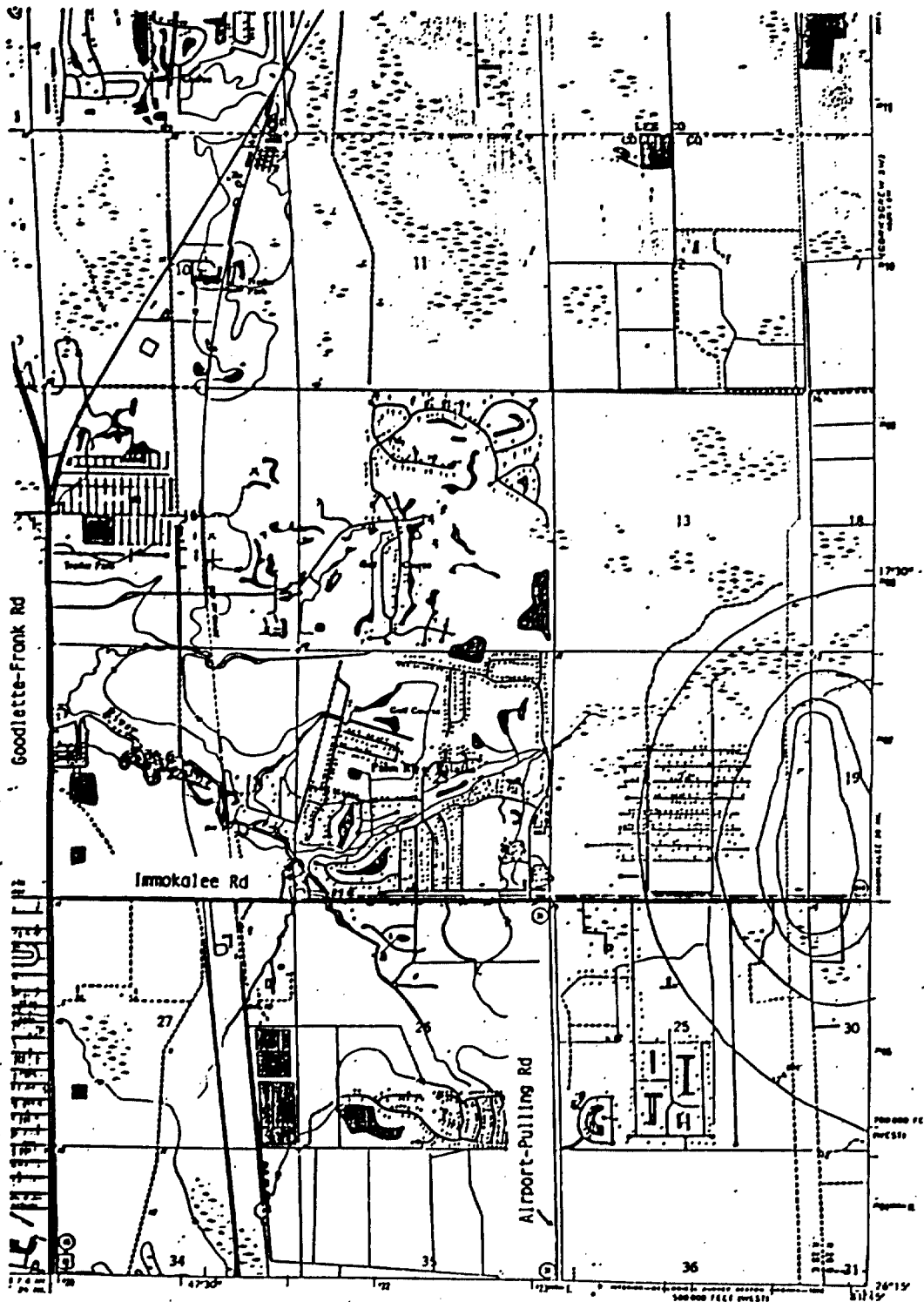
CONTOUR INTERVAL 5 FEET
 BATHYMETRIC VERTICAL DATUM OF 1929

BOOK 066 PAGE 183

ROAD CLASSIFICATION
 Heavy-duty ——— Light-duty ———
 Medium-duty ——— Unimproved dirt ———
 State Route

IMMOKALEE WATER AND SEWER

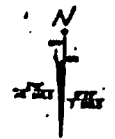
IMMOKALEE, FLA.
 SHEET NO. 183



CONTOUR INTERVAL 5 FEET
 DEPTH CURVES AND SOUNDINGS IN FEET—BASED ON MEAN LOWER LOW WATER
 THE RELATIONSHIP BETWEEN THE TWO SURFACES IS UNKNOWN
 SHORELINE DOTTED REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
 THE MEAN SURFACE OF THIS IS APPROXIMATELY 3 FEET

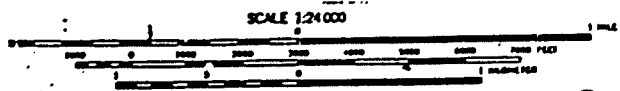
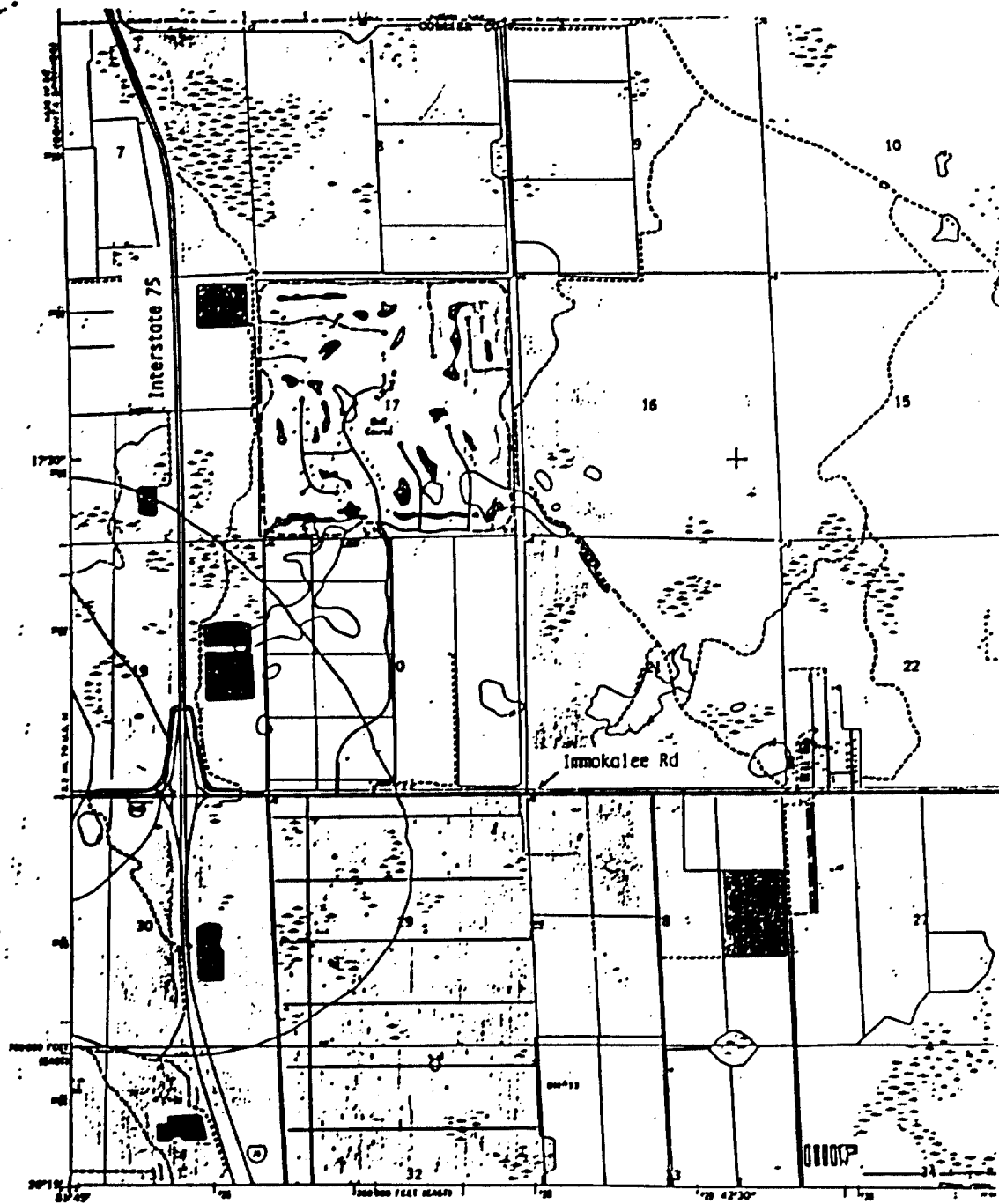
BOOK 66 PAGE 184

ROAD CLASSIFICATION
 Primary highway, hard surface
 Secondary highway, hard surface
 Light-duty road, hard or improved surface
 Unimproved road
☐ Interstate Route ☐ U. S. Route ☐ State Route



PELICAN BAY
 (Plate 1)

BONITA SPRINGS, FLA.
 26081-47-17-624
 1968
 PHOTOGRAPHED 1967
 DATA 4000 IN 50-SEMI 1967



CONTOUR INTERVAL 5 FEET
 (ORIGINAL BENCHMARK VERTICAL DATUM OF 1929)

BOOK 066 PAGE 185

ROAD CLASSIFICATION

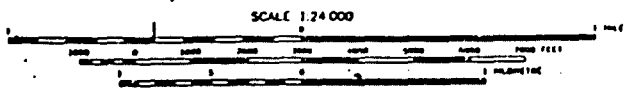
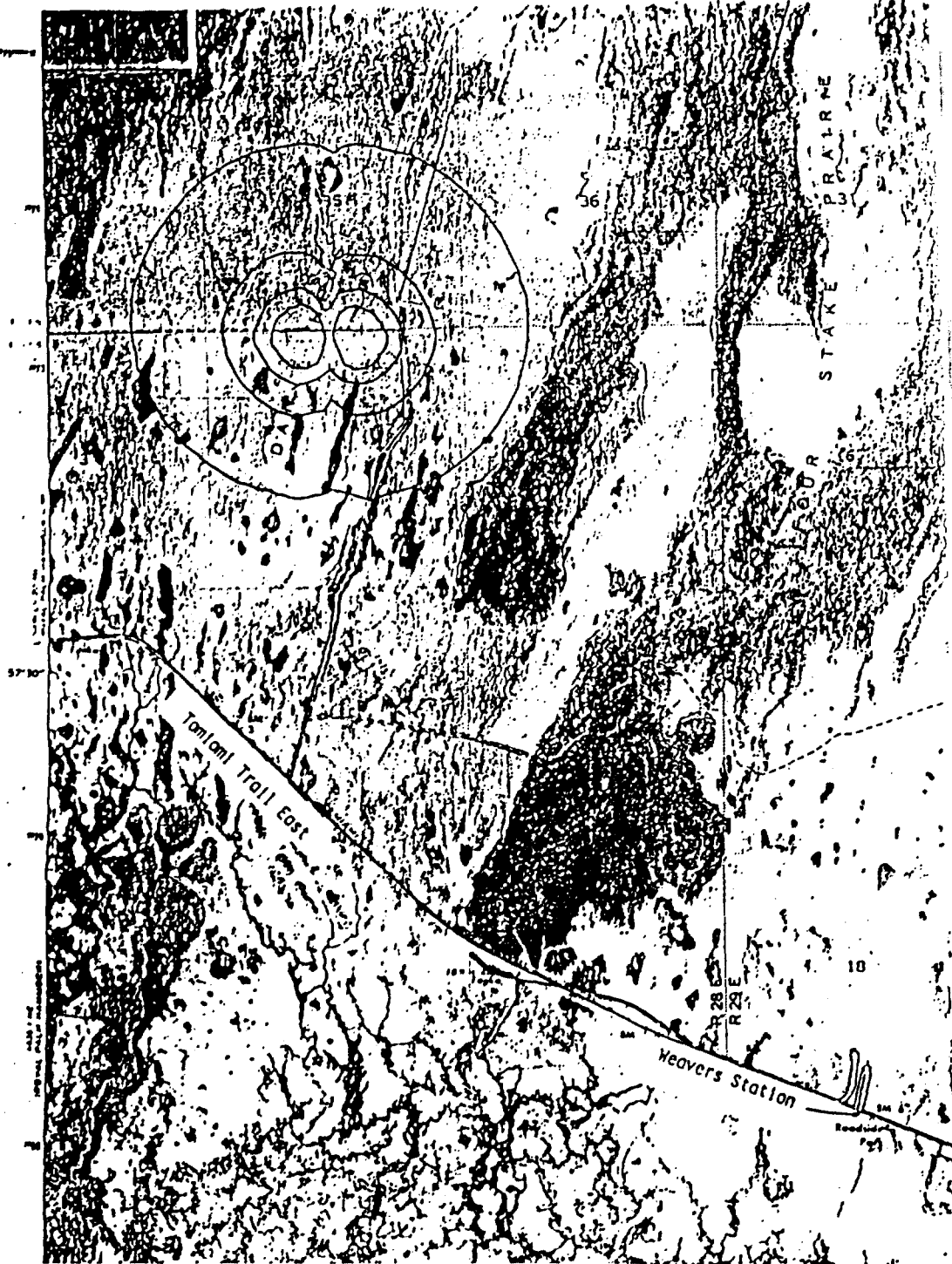
Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road

☐ Interstate Route ☐ U. S. Route ☐ State Route

CORKSCREW SW, FLA.
 26081-64-17-024

1960
 PHOTOGRAPHED 1967
 Data 0030 1 00 - SERIES 1967

PELICAN BAY
 (Plate 7)



N
 1:24,000
 CONTOUR INTERVAL 5 FEET
 CONTOURS OMITTED IN WETLANDS AND LOW GRASS AREAS
 NATIONAL GEODETIC VERTICAL DATUM OF 1979
 SOUNDINGS IN FEET—DATUM IS MEAN LOW WATER
 THE MEAN RANGE OF TIDE IS APPROXIMATELY 2.0 FEET

BOOK C66 PAGE 186

ROAD CLASSIFICATION
 Primary highway, hard surface ————
 Secondary highway, hard surface ————
 Light duty road, hard or improved surface ————
 Unimproved road ————
 Trail ————
 Interstate Route ☐ U.S. Route ☐ State Route ☐

WEAVERS STATION
 25081 M 004 024

1972

PORT OF THE ISLES

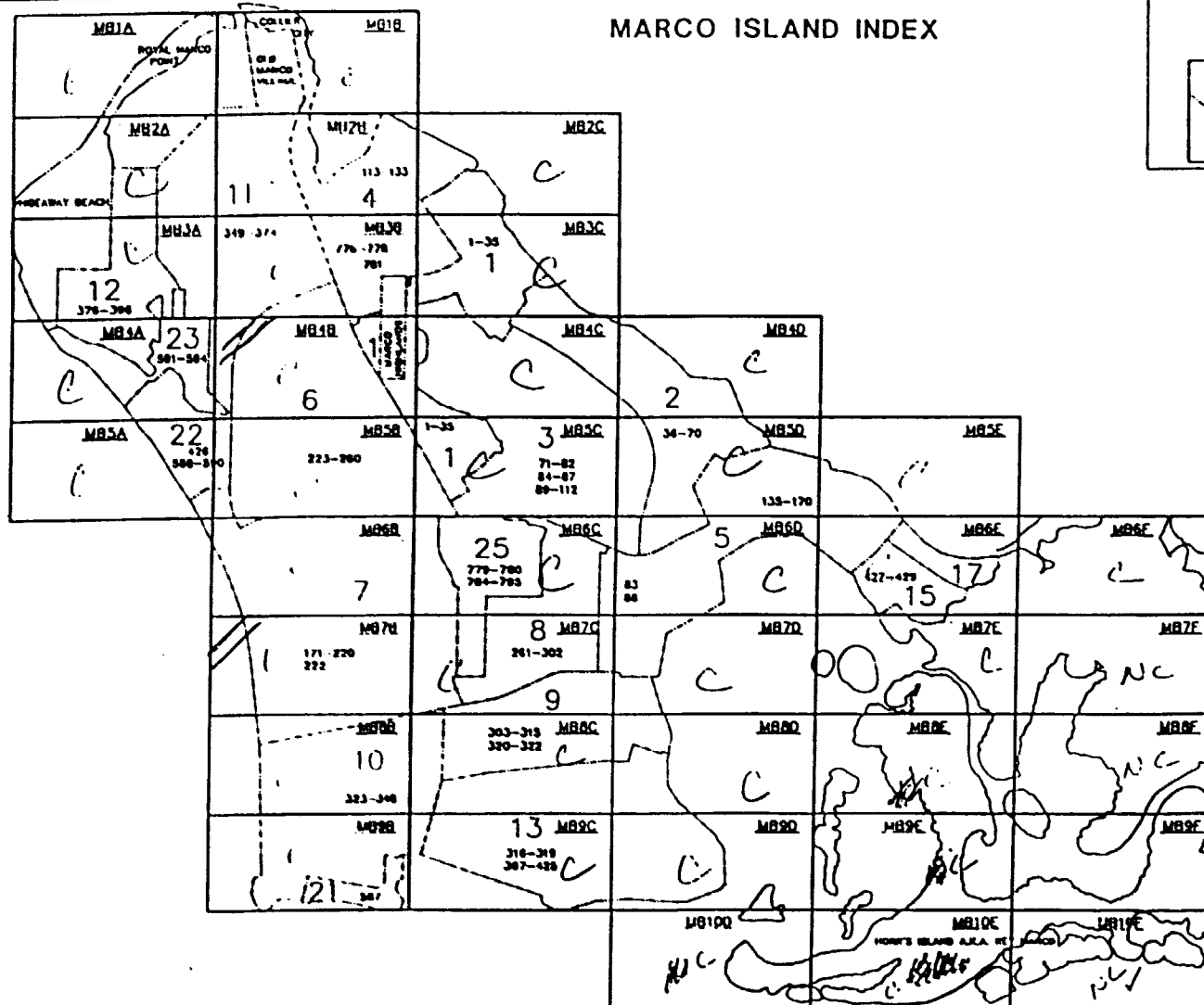
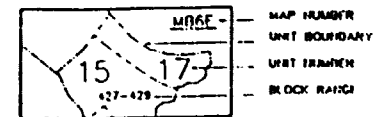
8066 0725 IV NW-SF JLS 79470

Appendix C

BOOK C66 PAGE 187

MARCO ISLAND INDEX

EXAMPLE

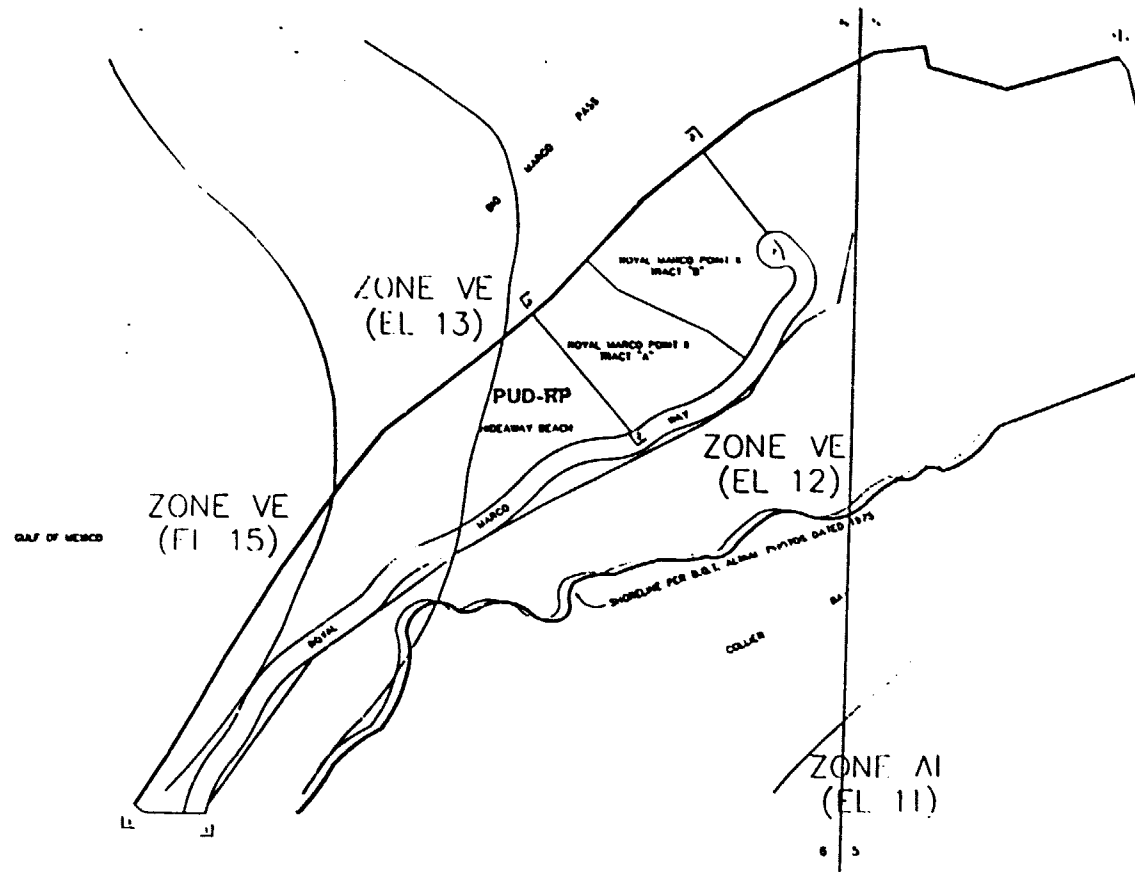


BOOK 066 PAGE 188



COLLIER COUNTY, FLORIDA
 COMMUNITY DEVELOPMENT DIVISION
 TOWNSHIP 22S RANGE 23E & 24E
 MAP NUMBER
 MARCO ISLAND

BOOK 66 PAGE 189



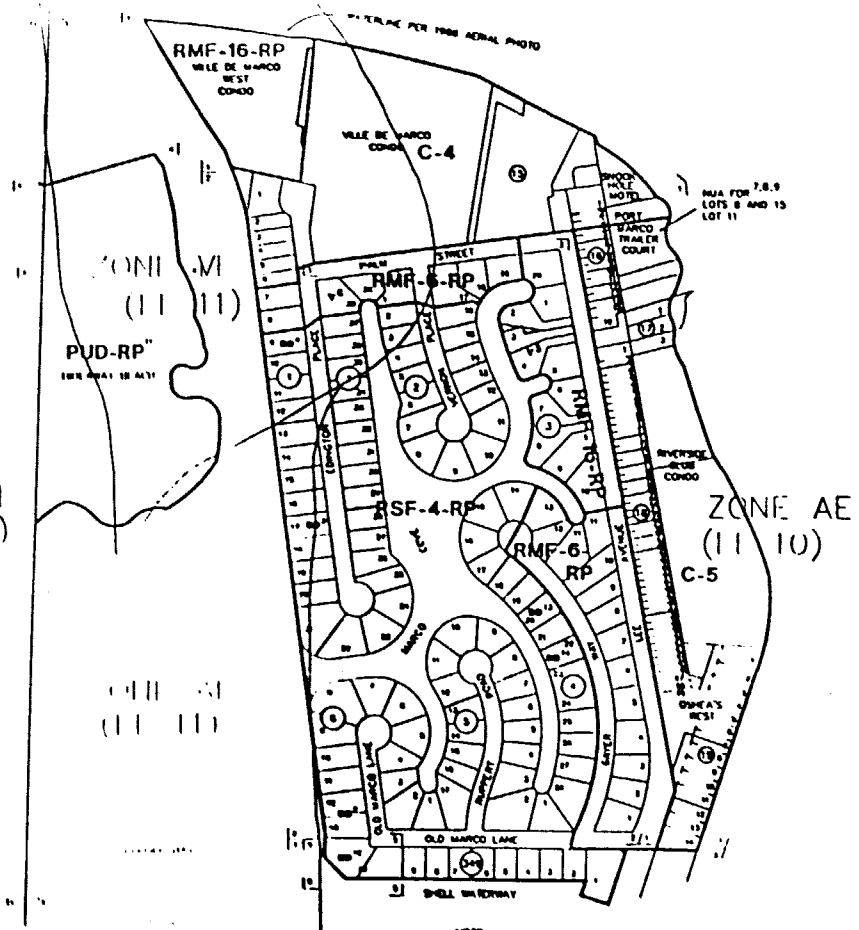
SUBDIVISION INDEX	
1	2
3	4
5	6
7	8
9	10
11	12
13	14
15	16
17	18
19	20
21	22
23	24
25	26
27	28
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51	52
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63	64
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67	68
69	70
71	72
73	74
75	76
77	78
79	80
81	82
83	84
85	86
87	88
89	90
91	92
93	94
95	96
97	98
99	100

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN THE PUBLIC RECORDS OF THE COUNTY OF COLLIER, FLORIDA, ON AUGUST 1, 1982.

BY _____

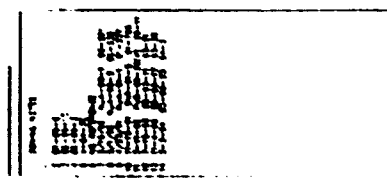
CLERK

COLLIER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DIVISION	
MAP 375 RMC 266 SEC(S) 6	MAP NUMBER
SCALE	DATE



BOOK 066 PAGE 190

Symbol	Description
(Symbol)	Zone Boundary
(Symbol)	Lot Boundary
(Symbol)	Water
(Symbol)	Highway
(Symbol)	Other

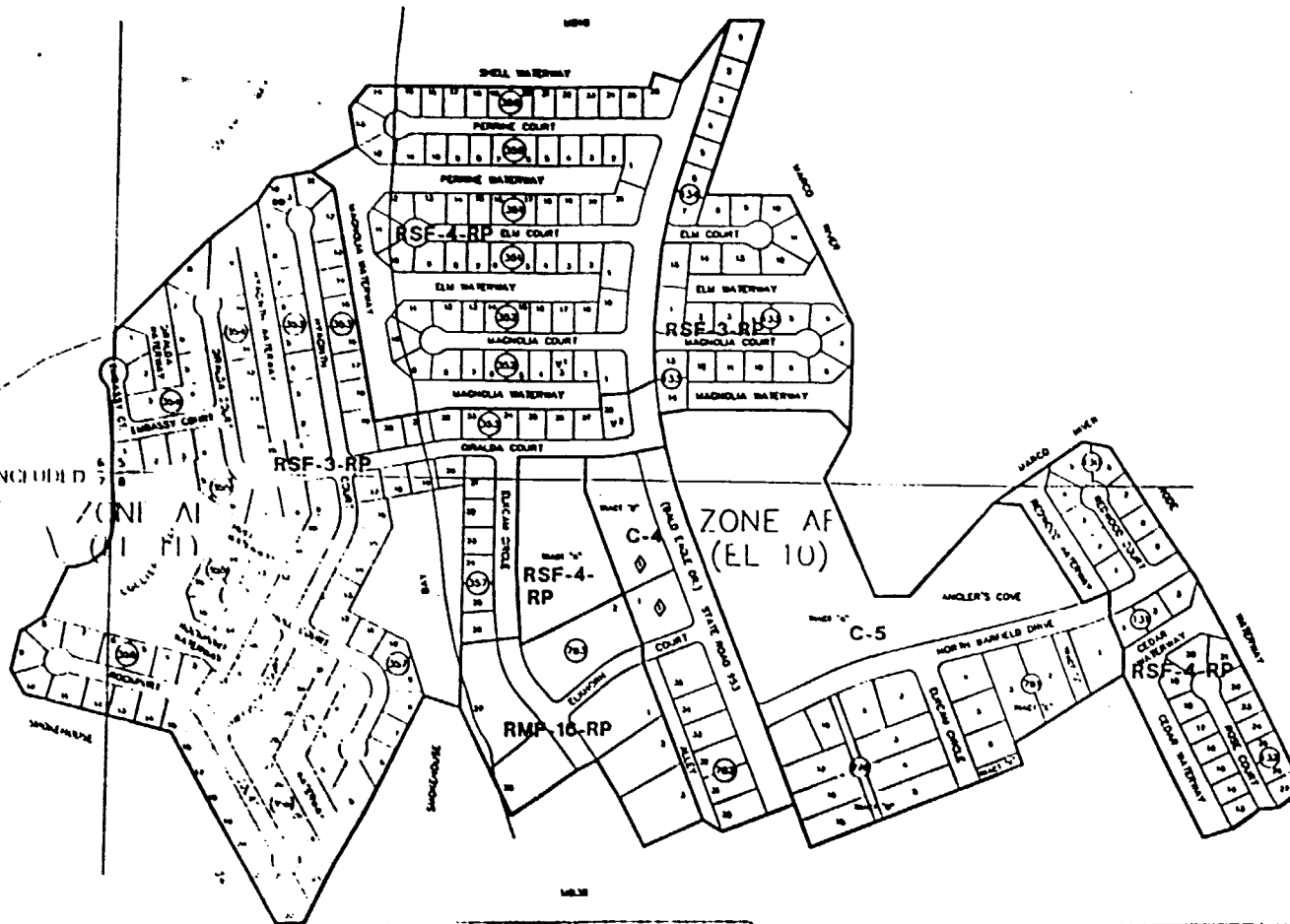


BEFORE TO LEGALITY THAT THIS IS A PAGE OF THE OFFICIAL JUDICIAL RECORDS OF THE STATE OF FLORIDA, AND THAT THE SAME ARE NOT TO BE USED FOR ANY OTHER PURPOSE THAN THAT FOR WHICH THEY WERE ISSUED.

FLOOD INSURANCE RATE MAP INFORMATION	
COMMUNITY NAME: 19887 PAPER NUMBER: 19887 AND 2	
PROGRAM: 19887 AND 2	
FLOOD ZONE: ALL	
COLLIER COUNTY, FLORIDA	
TWP 32S. RGE. 20E. SEC(S) 5 AND 1/2	
DATE:	MAP NUMBER:

1 BOOK 068 PAGE 191

NOT INCLUDED
IN PLAT



SUBDIVISION NO. 1	
1	2
3	4
5	6
7	8
9	10
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69	70
71	72
73	74
75	76
77	78
79	80
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83	84
85	86
87	88
89	90
91	92
93	94
95	96
97	98
99	100

FLOOD INSURANCE RATE MAP AND DIMENSION	
COMMUNITY NUMBER 12067 PANEL NUMBER 003 F	
PROGRAMME REGULAR ANNUAL FLOOD INSURANCE RATES	
FLOOD ZONE: ALL AS SHOWN ON MAP	
COLLIER COUNTY, FLORIDA	
COMMUNITY INFORMATION DIVISION	
TWP 52S WING 4E SEC(S) 5, 6, 7, 8	
SCALE 1" = 100'	
MAP NUMBER MB201	

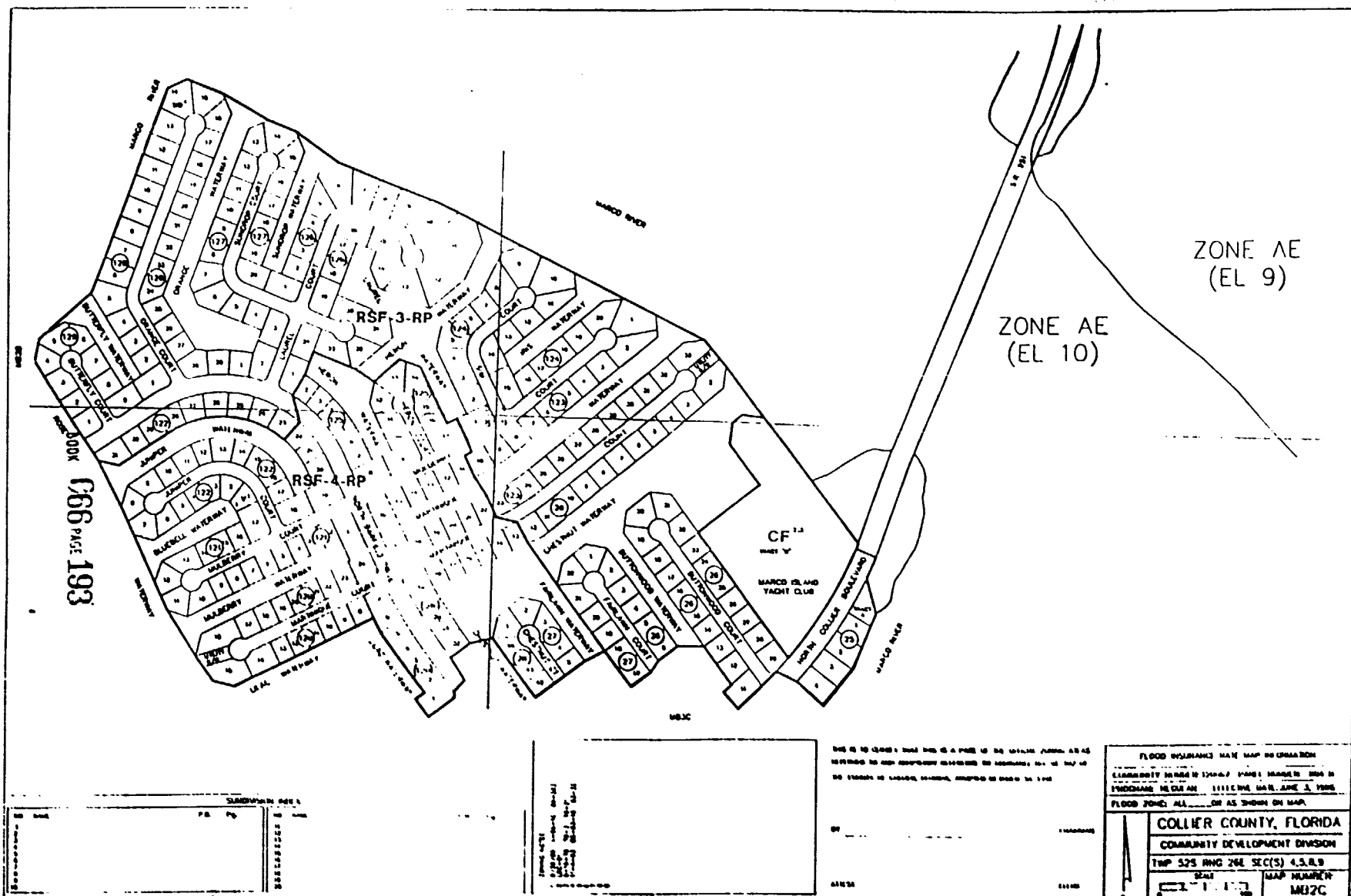
THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT, AS FAR AS REFERRED TO AND AS SHOWN HEREIN, AND THAT THE SAME IS IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF FLORIDA, APPROVED OCTOBER 24, 1908.

BY _____

ATTEST _____

CHARTERED

LISTED



ZONE VE
(EL 12)

ZONE VI
(EL 15)

BOOK 66 PAGE 196

ZONE VE
(EL 15)

ZONE AE
(EL 11)

ZONE AE
(EL 12)

CON-ST

TRACT "A" PUBLIC BEACH

RSF-4-RP

RSF-3-RP

Q 100 10 17

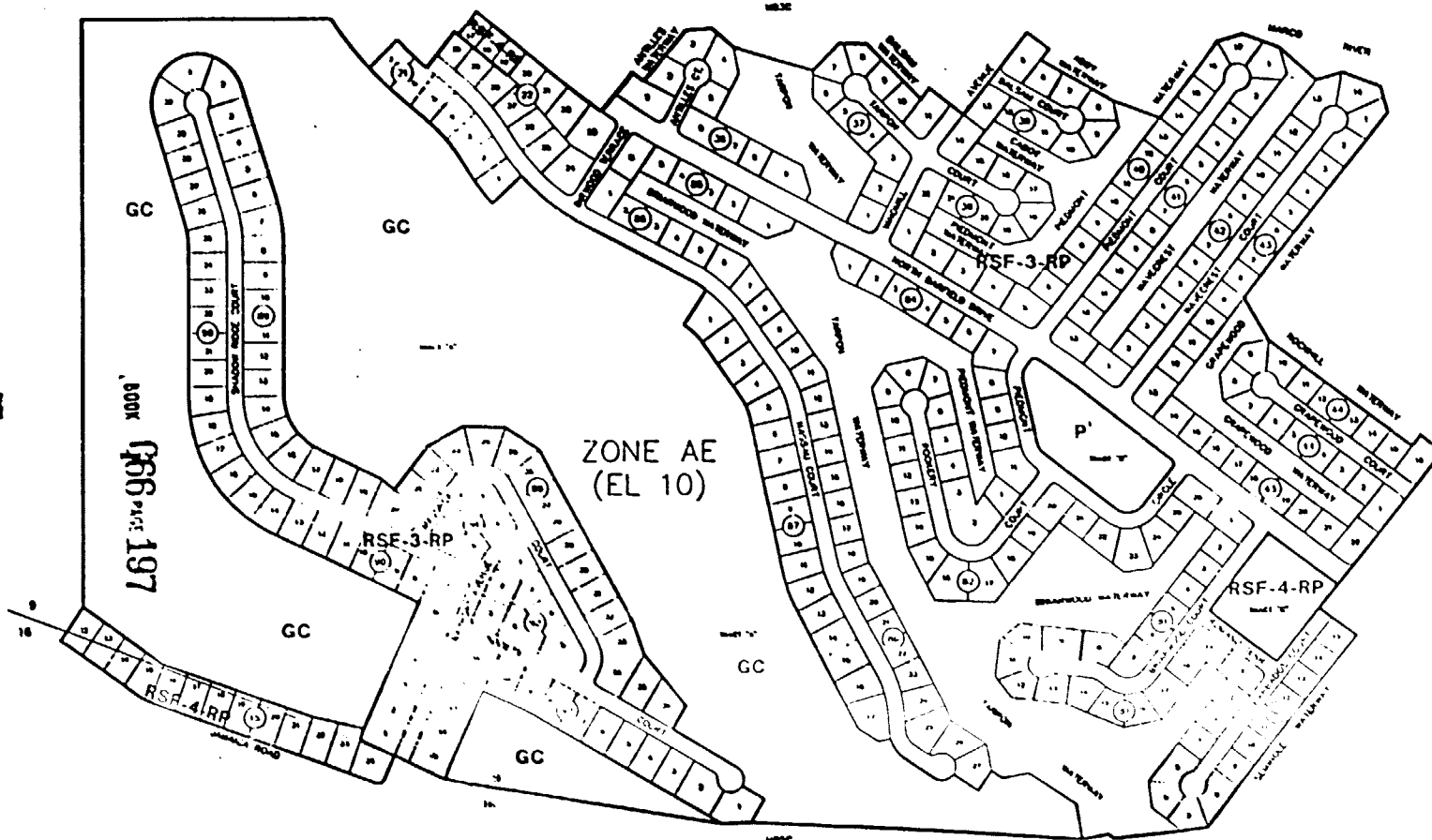
DATE	1966
BY	66-196
REVISION	1

DATE	1966
BY	66-196
REVISION	1

THIS IS TO CERTIFY THAT THIS IS PAGE 196 OF THE MAPS SHOWING AREAS
REFLECTED IN AND ADAPTED BY REFERENCE TO ORDINANCE NO. 62-2 OF
THE COUNCIL OF COLIER COUNTY, FLORIDA, APPROVED JANUARY 1, 1966

DATE 1966

FLOOD INSURANCE RATE MAP INFORMATION	
COMMUNITY NUMBER 12000, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	
FLOOD ZONE: ALL AREAS SHOWN ON MAP	
COLLIER COUNTY, FLORIDA	
EXAMINED BY THE DEPARTMENT OF COMMERCE	
DATE	7.8.17.18
MAP NUMBER	1111A



BOOK 1966 PAGE 197

ZONE AE
(EL 10)

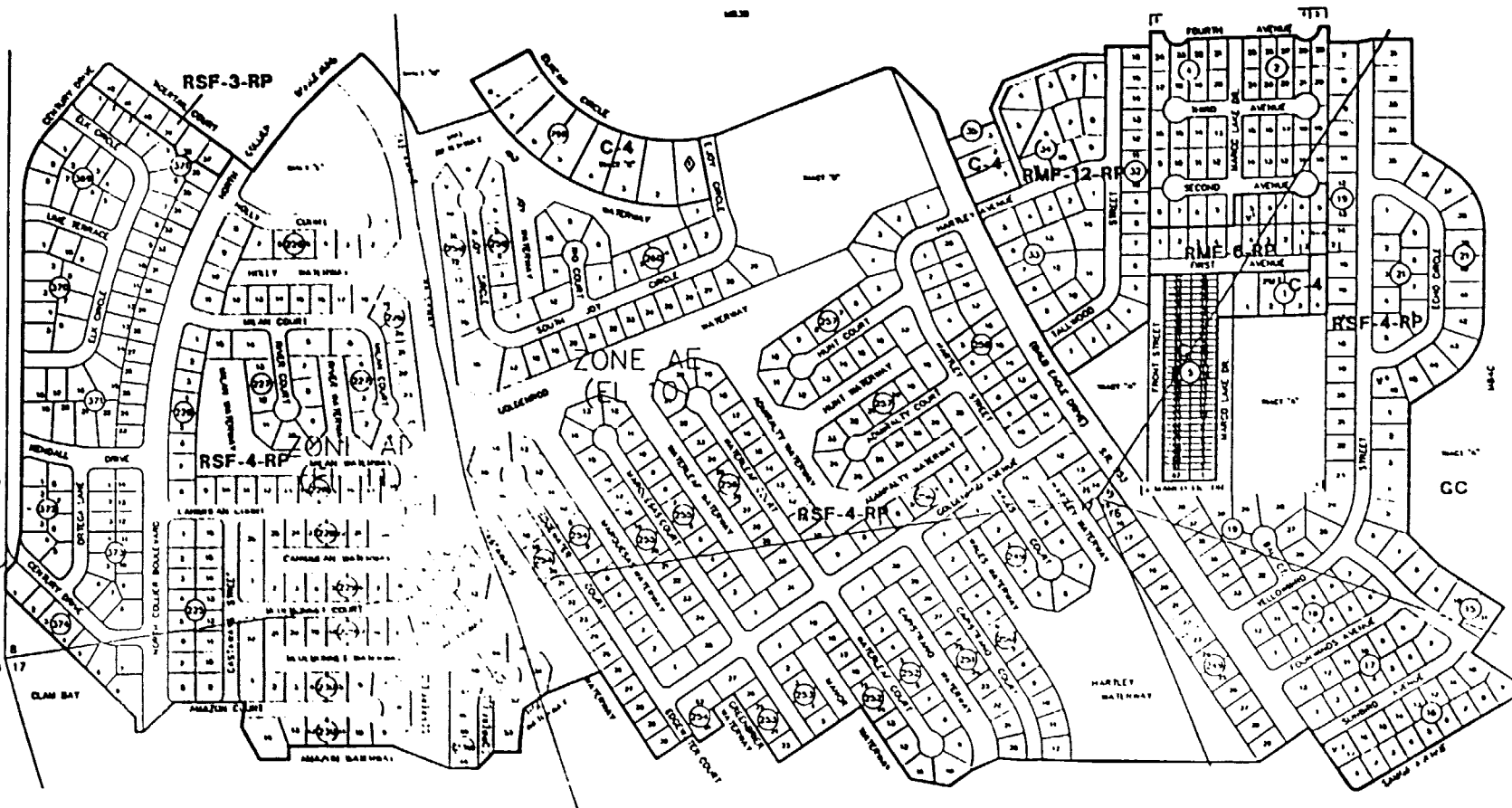
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200
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THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE FLOOD INSURANCE RATE MAP OF THE COUNTY OF COLLIER, FLORIDA, AS REQUIRED BY THE FLOOD INSURANCE ACT OF 1968.

FLOOD INSURANCE RATE MAP OF COLLIER COUNTY, FLORIDA	
COMMUNITY NUMBER 120007	PARCEL NUMBER 000000
PROGRAM NUMBER 000000	EFFECTIVE DATE 0000-00-00
FLOOD ZONE: ALL AREAS ARE SHOWN ON MAP	
COLLIER COUNTY, FLORIDA	
CERTIFICATE OF AUTHORITY NUMBER 000000	
TWP 32S	RANGE 14E
SECTION 00	MAP NUMBER 000000
DATE 0000-00-00	BY 000000

Age	Sex	Height	Weight	Body Mass Index
1	Male	1.70	70	24.2
2	Female	1.60	55	21.5
3	Male	1.80	85	26.7
4	Female	1.55	45	18.8
5	Male	1.75	75	24.7
6	Female	1.65	60	22.0
7	Male	1.85	90	26.2
8	Female	1.50	40	17.8
9	Male	1.70	70	24.2
10	Female	1.60	55	21.5



4834

[illegible]

FLUOR INSURANCE NAME MAY BE UPGRADED

COMMUNITY NUMBER 071629 PAGE 1 NUMBER OF THIS GROUP
MATCHING IN FILE AND 1111. THE DATE AUGUST 3 1963
FILED JUNE 11 1964 AS SUMMER 1963 MAP

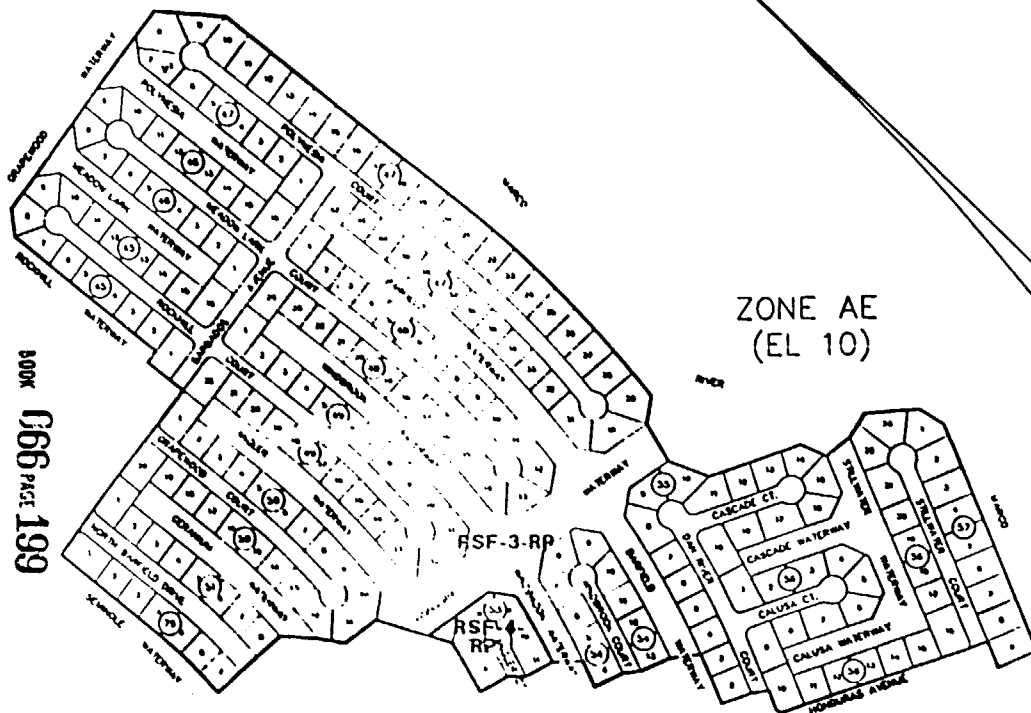
COLLIER COUNTY, FLORIDA

CONFIDENTIAL

100-525 MM. 201 52(2) 8,9,10,17

SC 40	MAP NUMBER:
-------	-------------

CONFIDENTIAL MB4B

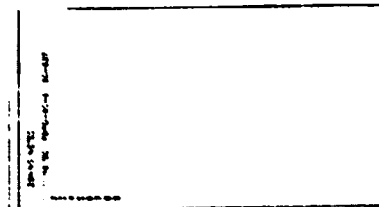


ZONE AE
(EL 9)

ZONE AE
(EL 10)

BOOK 666 PAGE 199

Symbol	Description
	Flood Zone AE (10)
	Flood Zone AE (9)
	Flood Zone AE (8)
	Flood Zone AE (7)
	Flood Zone AE (6)
	Flood Zone AE (5)
	Flood Zone AE (4)
	Flood Zone AE (3)
	Flood Zone AE (2)
	Flood Zone AE (1)



THIS IS TO CERTIFY THAT THIS IS A PART OF THE FLOOD INSURANCE RATE MAP AS APPROVED BY THE BOARD OF DIRECTORS OF THE COUNTY OF COLLEGE, FLORIDA, ADOPTED BETWEEN 22, 1995

DATE: 10/1/95
BY: [Signature]
TITLE: [Signature]

FLOOD INSURANCE RATE MAP INFORMATION	
COMMUNITY NUMBER: 120067	PANEL NUMBER: 804 B
PROGRAM: REGULAR	EFFECTIVE DATE: JUNE 1, 1996
FLOOD ZONE: AE (10) ON A5 SHOWN ON MAP	
COLLIER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DIVISION	
1000 2000 3000 4000 5000	MAP NUMBER: M13415

[illegible]

RMF-18-
RP

ZONE AB
(EL 10)

Page 100

[illegible]

100

11/23/2011 11:23 AM

FLOOD INSURANCE RATE MAP INFORMATION

COMMUNITY NUMBER: 170057 PAGE: 1 NAME: DAVID

FORWARDED BY AIR RECEIVED DATE: JUNE 3, 1968

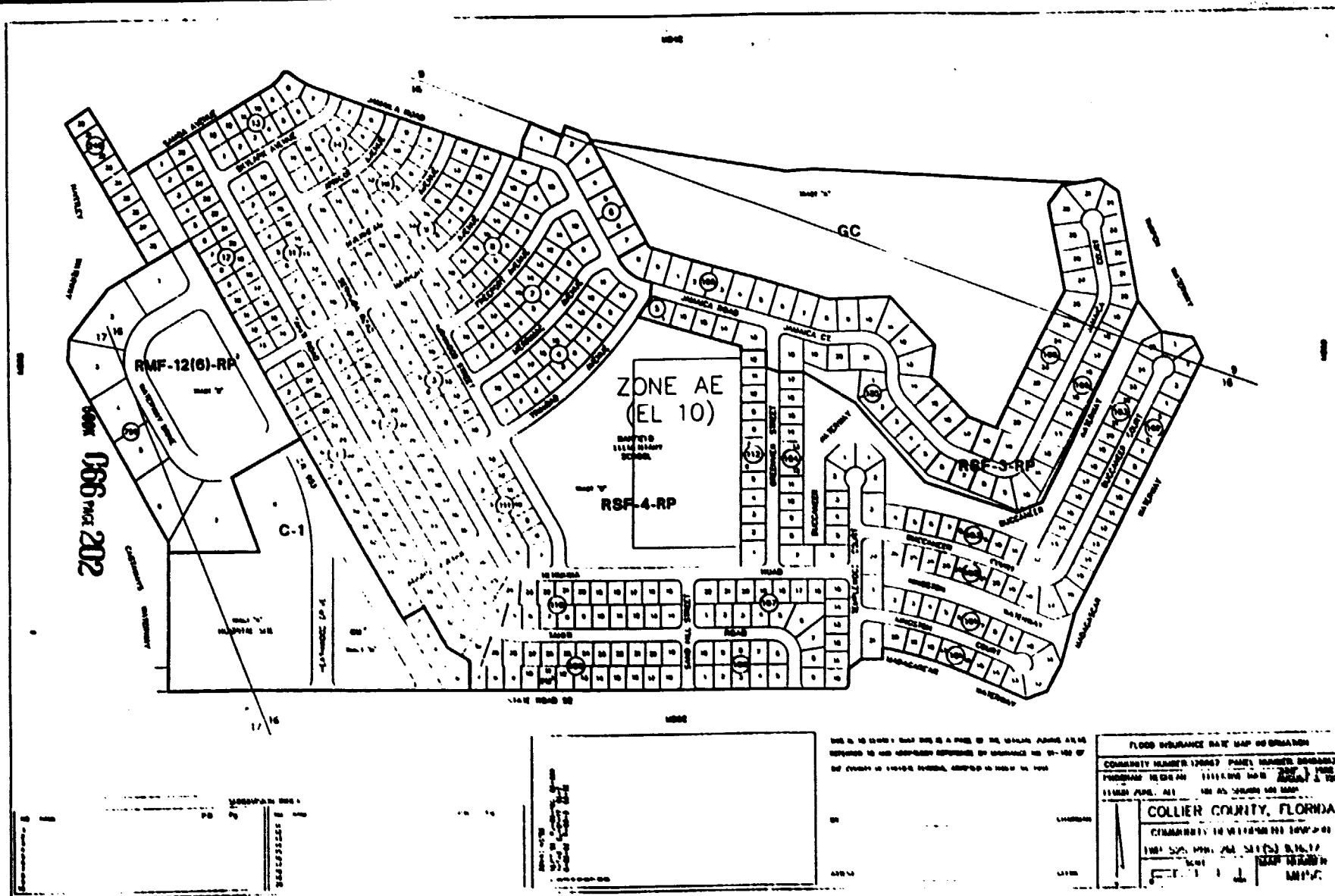
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

COLLIER COUNTY, FLORIDA

COMMUNITY DEVELOPMENT DIVISION

100 375 1000 200 SEC(S) 10.17

DATE: 11/11/68



ZONE AF
(EL 10)

BOOK PAGE 203

RSF-4-RP

RSF-3-RE

FLOOD INSURANCE MAP NO. 1342 OF LOUISIANA

COMMUNITY NUMBER: 12000 / PAGE: 10000
 PENDING: 10000 / 10000 / 10000 / 10000
 10000 / 10000 / 10000 / 10000

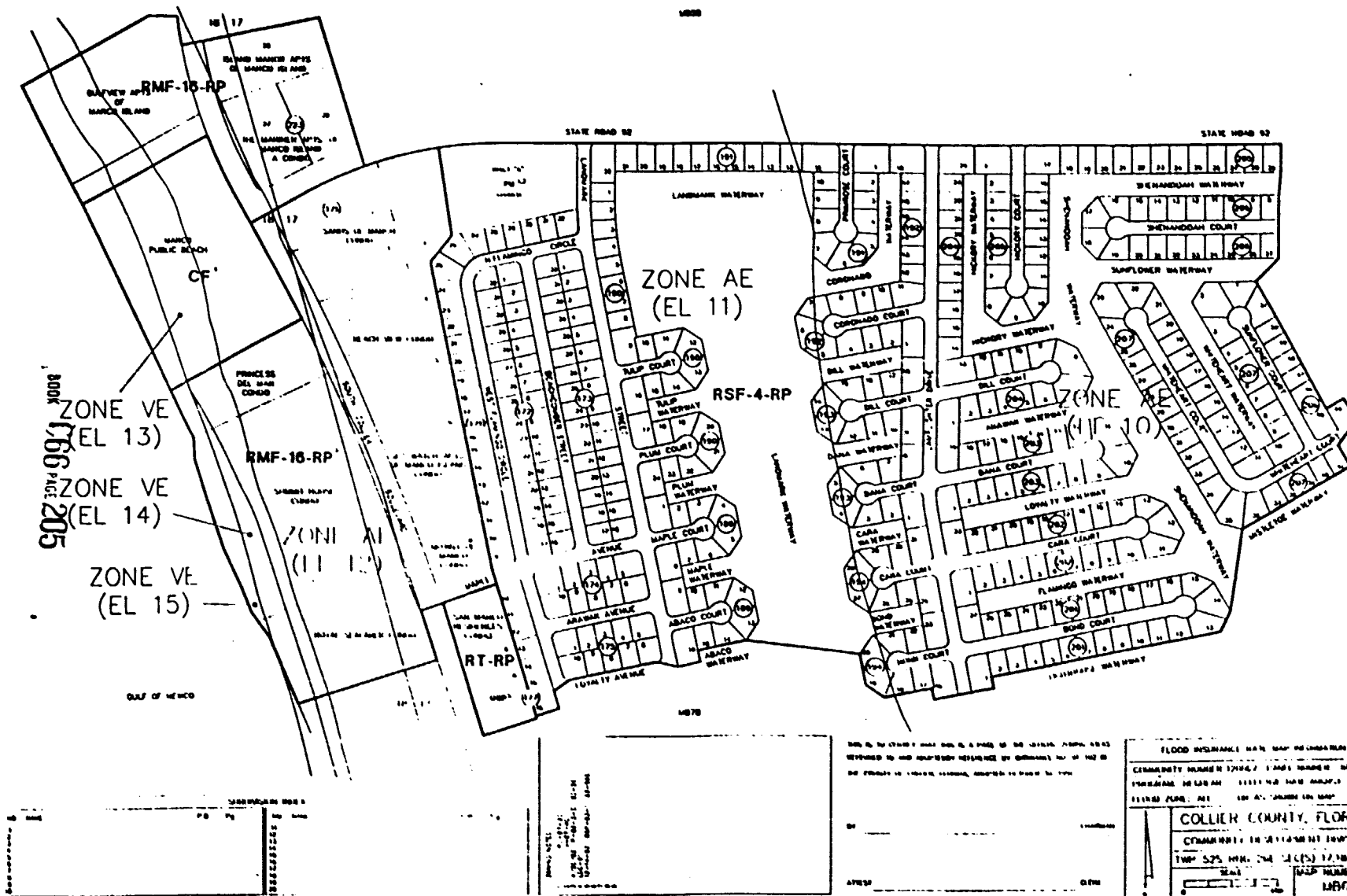
COLLIER COUNTY, FLORIDA

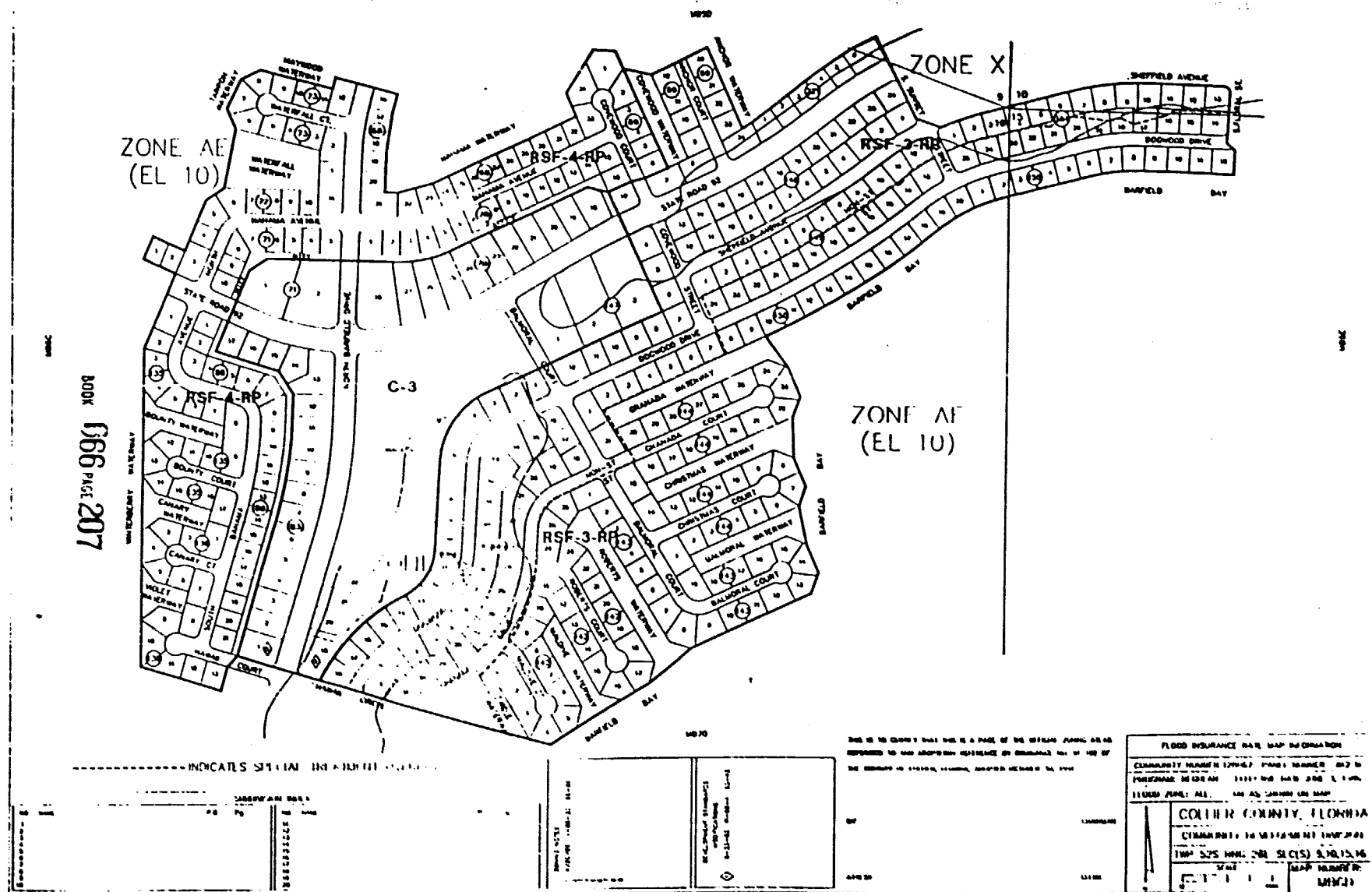
COMMUNITY IN VICTIM'S LIVES

TWP 525 MWG 26E SEC(5) 9,10,11

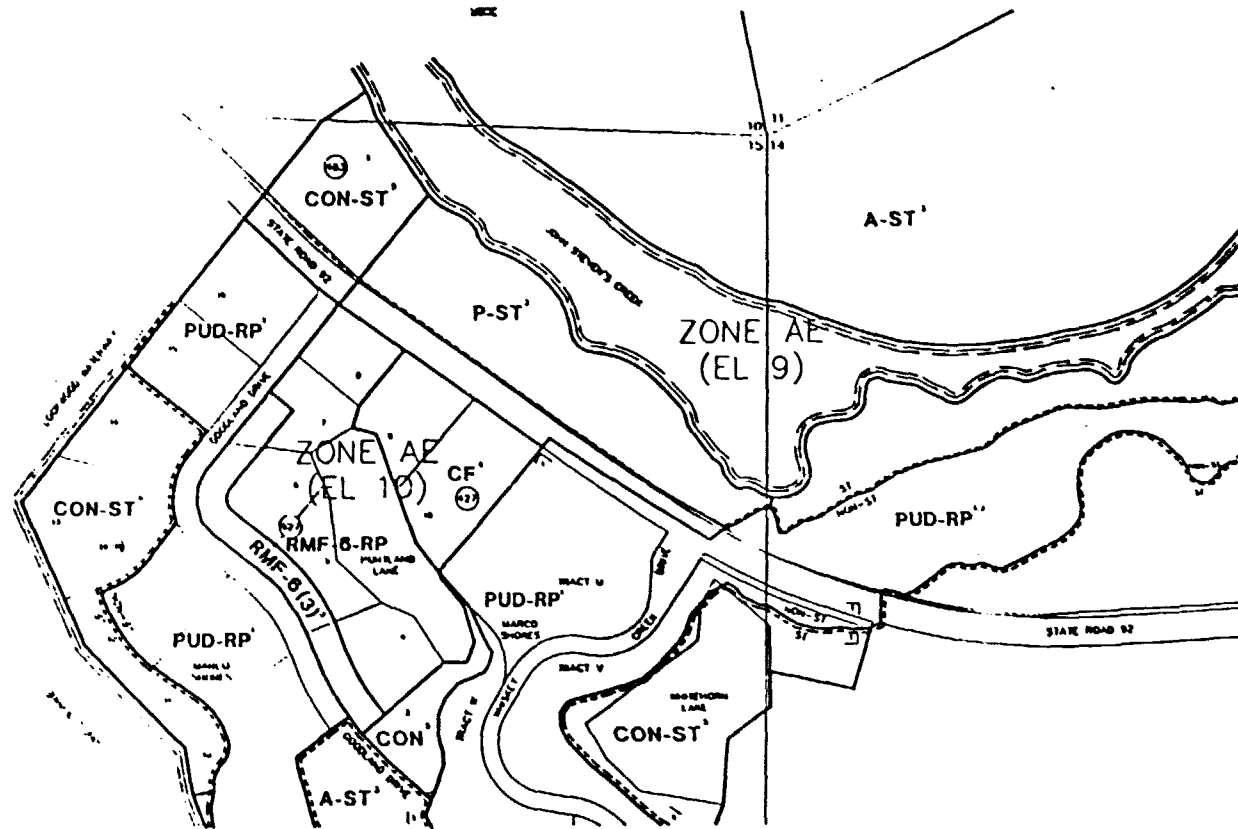
SEAT	SLAP NUMBER

MRSD



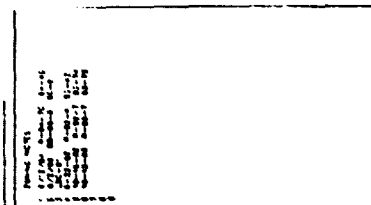


BOOK 066 PAGE 208



-----INDICATES SPECIAL BOUNDARY-----

SAMPLING POINTS			
NO	NAME	P. 1	P. 2
1	POINT 1	1	2
2	POINT 2	3	4
3	POINT 3	5	6
4	POINT 4	7	8
5	POINT 5	9	10
6	POINT 6	11	12
7	POINT 7	13	14
8	POINT 8	15	16
9	POINT 9	17	18
10	POINT 10	19	20



THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE ORIGINAL PLANNING AREA AS REFERRED TO AND CORRECTED BY RESOLUTION NO. 11 102 OF THE BOARD OF COUNTY COMMISSIONERS, COLLEGE COUNTY, FLORIDA, ADOPTED JANUARY 24, 1984.

BY _____

ATTEST _____

FLOOD INSURANCE RATE MAP INFORMATION	
COMMUNITY NUMBER 120007	PANEL NUMBER 025 E
FLOODING: 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20	
FLOOD ZONE: ALL UNLESS SHOWN ON MAP	
COLLIER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DIVISION	
TRP 525 RING 20E SECS 10, 11, 14, 15	
SCALE	MAP NUMBER
1" = 1 MILE	1000

ZONE VE
(EL 14)

ZONE VE
(EL 13)

ZONE VE
(EL 12)

ZONE VE
(EL 15)

RT-RP

ZONE A
(EL 12)

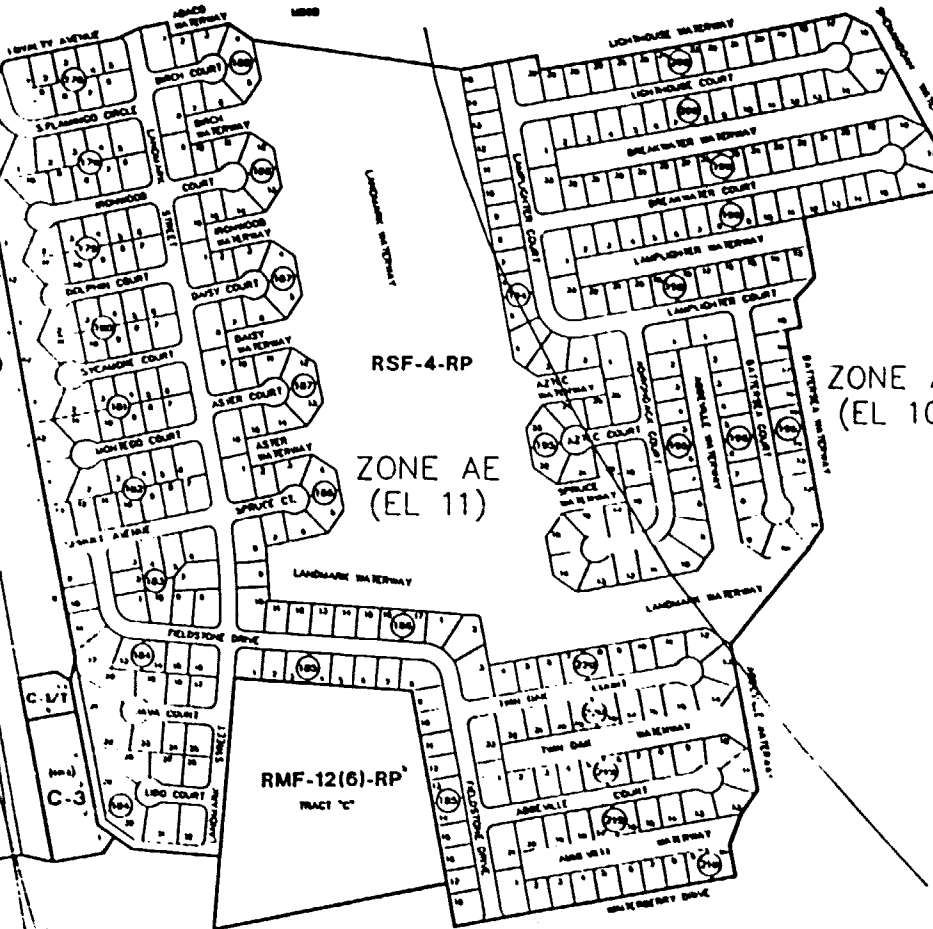
RT-RP

RSF-4-RP

ZONE AE
(EL 11)

ZONE AE
(EL 10)

RMF-12(6)-RP
TRACT "C"



THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL FLOOD ZONE MAP
REFERRED TO AND MAPS HERETOBY REFERENCE BY DISTRICT NO. 17 OF
THE DISTRICT OF FLORIDA, APPROVED BY BOARD OF THE STATE

FLOOD INSURANCE RATE MAP INFORMATION

COMMUNITY NUMBER 1270007 PANEL NUMBER 0021
FLOODING HEIGHTS 1000, 1000, 1000, 1000, 1000
FLOOD ZONE: ALL UNLESS SHOWN ON MAP

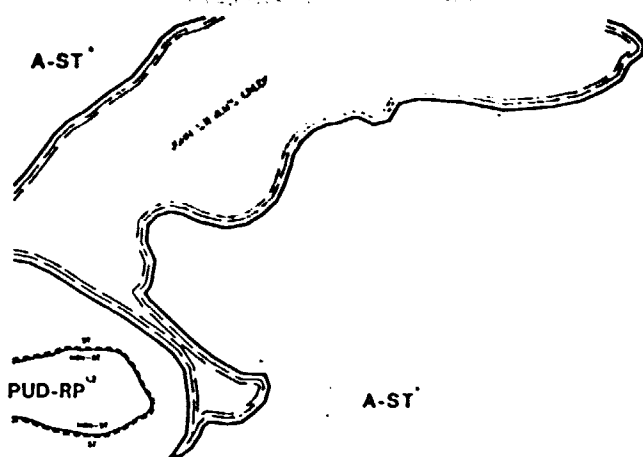
COLLIER COUNTY, FLORIDA

COMMUNITY IN WITHIN 1000' OF

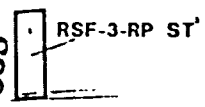
TRP 575 HWS: 24 SECT: 17, 18

MAP TO SHOW

11/1/71



BOOK 166 PAGE 210

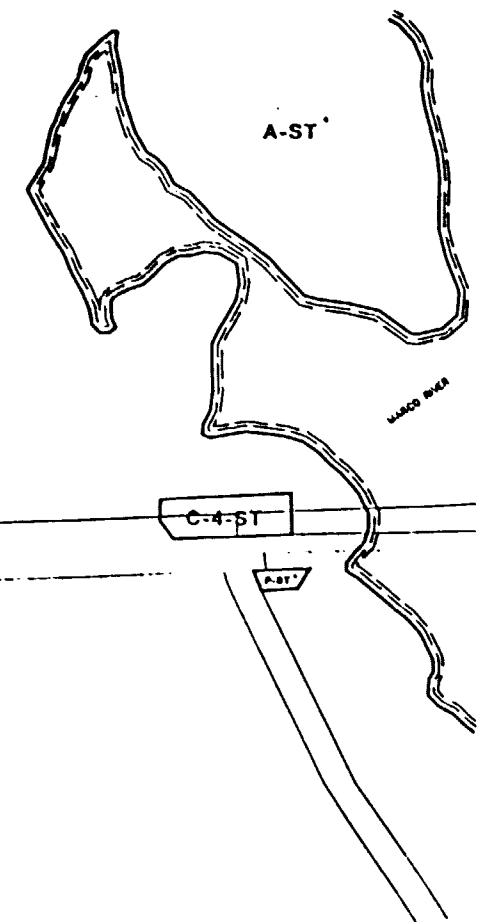


ZONE AE
(EL 9)

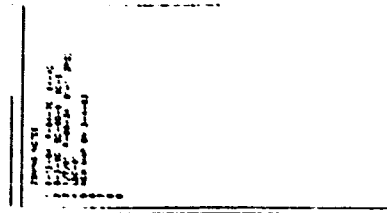
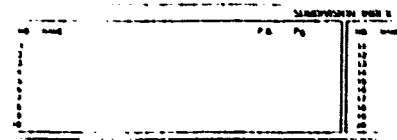
SECTION 14
SECTION 13

FLOOD HAZARD BOUNDARY LINE

ZONE AE
(EL 10)



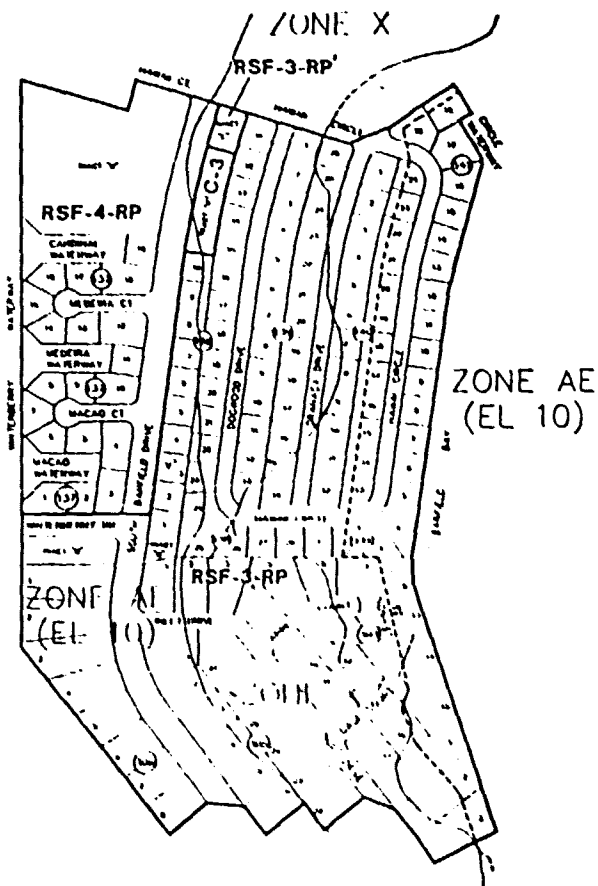
----- INDICATES SPECIAL TREATMENT OVERLAY



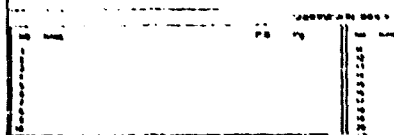
THIS IS THE LATEST DATE MAP IS A PART OF THE OFFICIAL PLANNING AND
REFERS TO THE MAPS AND REFERENCE BY COUNTY, NO. 11 100 OF
THE COUNTY OF FLORIDA, SHOWING THE MAP OF THE
DATE

FLOOD INSURANCE MAP INFORMATION	
COMMUNITY NUMBER 12067	PAGE 1
FLOODING IN 1981	
FLOOD ZONE: ALL	
COLLIER COUNTY, FLORIDA	
COMMUNITY 14	
TWP 32S RING 20E SECT(S) 13 & 14	
SCALE	MAP NUMBER

BOOK 606 PAGE 212



-----INDICATES SPECIAL FLOOD HAZARD AREA-----

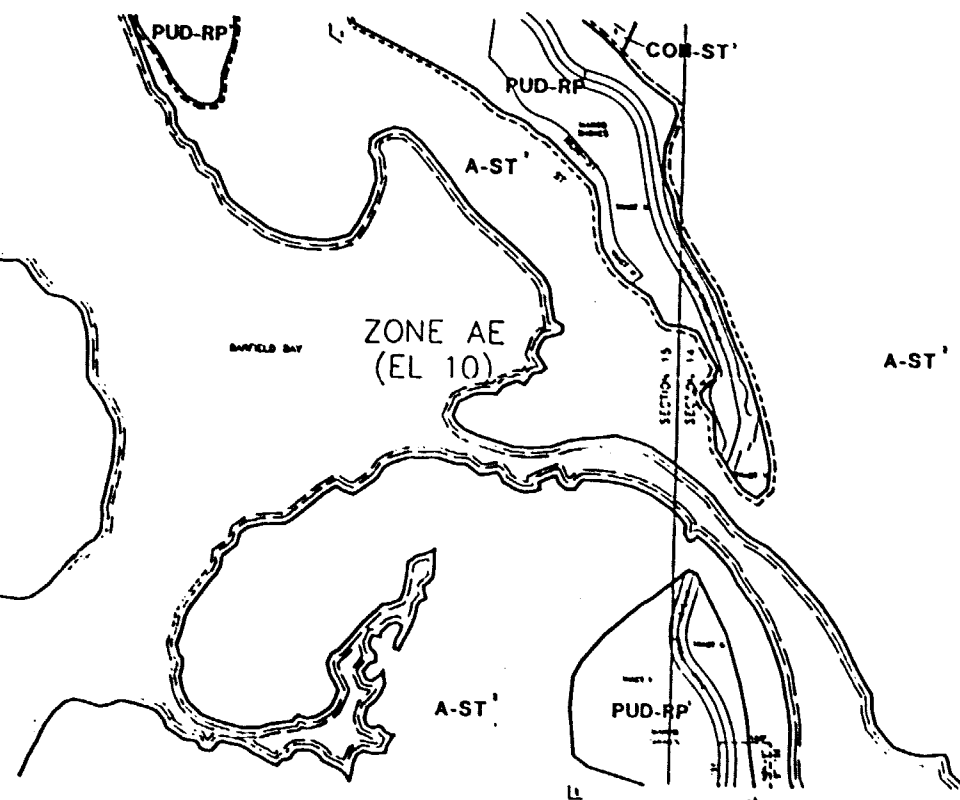
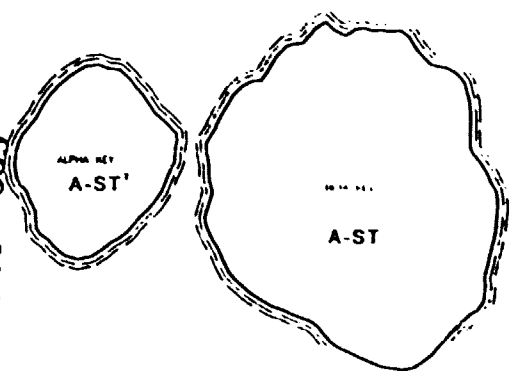


Map of the City of...

THIS IS TO CERTIFY THAT THE CITY OF... HAS BEEN DETERMINED TO BE A FLOOD HAZARD AREA... AND THAT THE CITY OF... HAS BEEN DETERMINED TO BE A FLOOD HAZARD AREA...

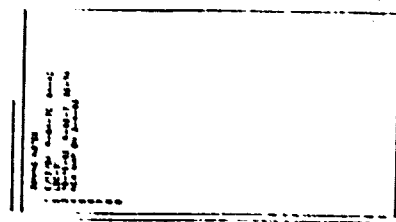
FLOOD INSURANCE MAP	
COMMUNITY NUMBER	0021
DATE OF MAP	1975
COLLIER COUNTY, FLORIDA	
COMMUNITY FLOOD INSURANCE MAP	
DATE OF MAP	1975
DATE OF MAP	1975

BOOK 166 PAGE 213



----- INDICATES SPECIAL INSURANCE AREA

SYMBOLS	
ALPHA KEY	A-ST
BETA KEY	A-ST



THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO THE COUNTY ENGINEER FOR RECORD IN 1968.

FLOOD INSURANCE RATE MAP INFORMATION	
COMMUNITY NUMBER 124007	PANEL NUMBER 1051
FLOODING IN 1968 AS SHOWN ON MAP, MAPS 1 & 10	
FLOOD ZONE ALL AS SHOWN ON MAP	
COLLIER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DEPARTMENT	
TWP 32S 34E SEC(S) 14 & 15	MAP NUMBER 1051/1

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(11 11)

UNCL AL
(EL 10)

ZONE X

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3				12	
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 OF THE NAMES OF THE PERSONS WHOSE NAMES ARE LISTED IN THE ATTACHED LIST

FLOOD INSURANCE RATE MAP INFORMATION

COMMUNITY NUMBER 10867 PAGE NUMBER 021

POLYLINE METHOD NO. 00000 AND DATE ADAPTED 1976

FLOOD ZONE ALL UNADJUSTED LOW MAP.

COLLIER COUNTY, FLORIDA

COMMUNITY ID NUMBER 10867

FWP 525 HMC 35E SEC(5) N.17.20.21

MAP NUMBER R. 100 W. 100

ZONE AL
(EL 10)

ZONE AE
(EL 10)

ZONE AE
(EL 11)

-----INDICATES SPECIAL TRAINING OVERHEAD

THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL RECORDS AND IS
RETURNED TO THE APPROPRIATE AGENCY BY SIGNATURE NO. 94-100 OF
THE CLERK OF THE COURT, TO BE USED, RETURNED WITHIN 10 DAYS.

FLOOD INSURANCE RATE MAP INFORMATION

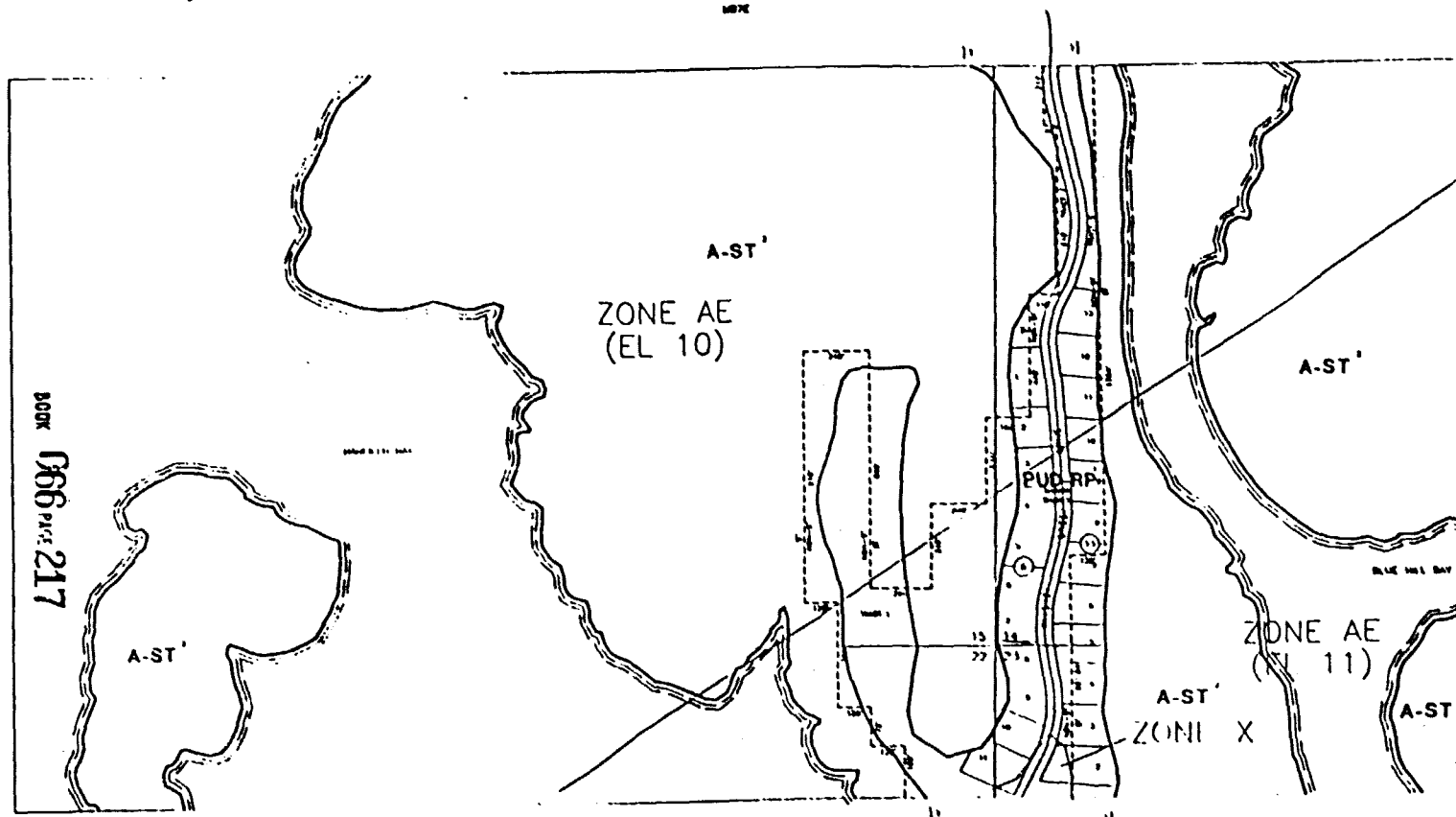
COMMUNITY NUMBER R 120000 PAGE 1 NUMBER 002
INDICATE NEEDS AND INTERESTS: AHEAD OF 1900
11000 1000 ALL... IN AS SHOWN ON MAP.

COLLIER COUNTY, FLORIDA

RECEIVED THE BUREAU OF INVESTIGATION

1WP 525 HMM; 26E 5(C)S) H. 21	
26E 5(C)S) H. 21	1WP 525 HMM; 26E 5(C)S) H. 21

[Handwritten musical notation]



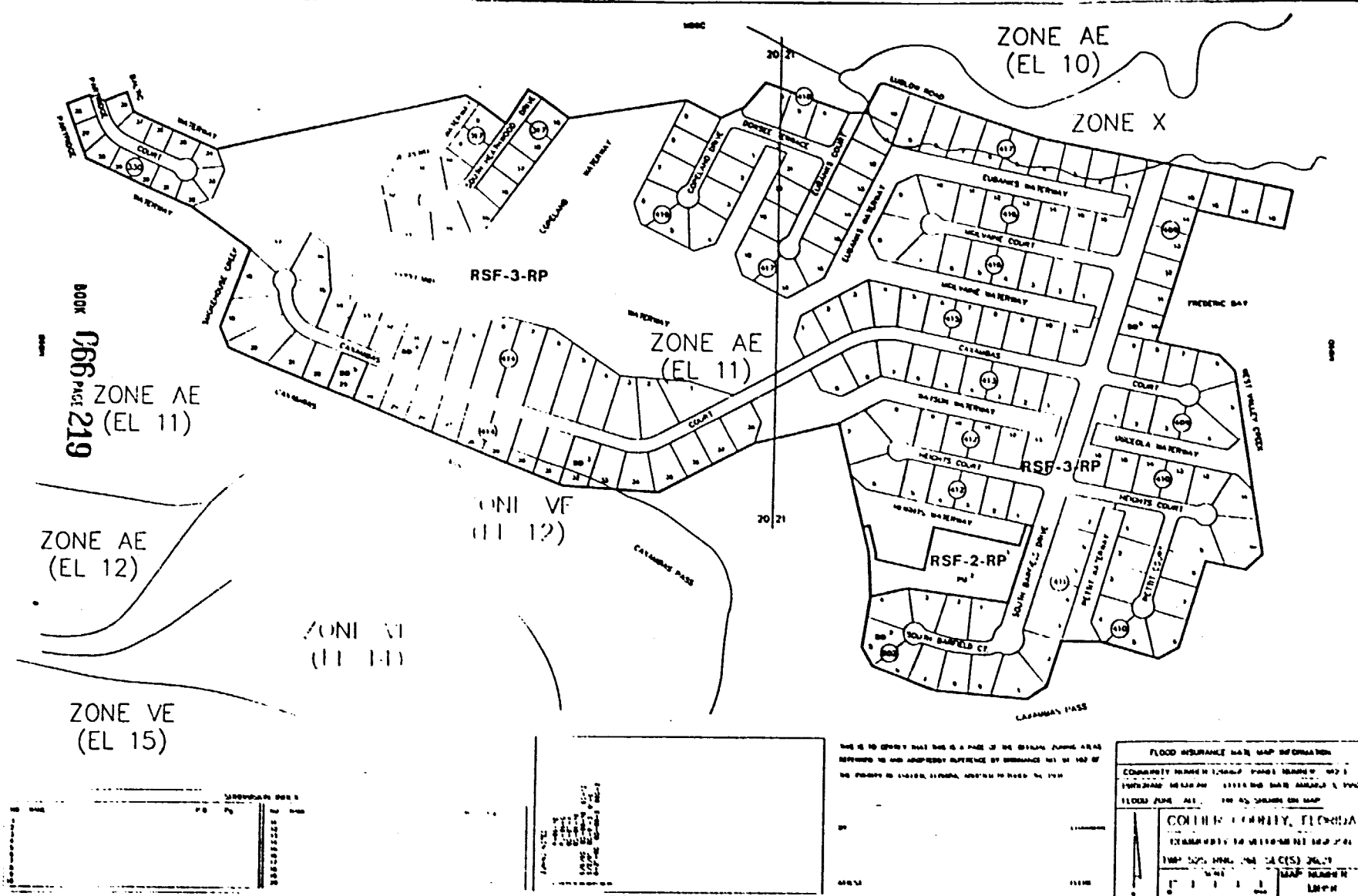
INDICATES SPECIAL TREATMENT AREA

Symbol	Description
1	100 Year Flood
2	50 Year Flood
3	25 Year Flood
4	10 Year Flood
5	5 Year Flood
6	2 Year Flood
7	1 Year Flood
8	0.5 Year Flood
9	0.2 Year Flood
10	0.1 Year Flood

THIS IS THE LATEST FLOOD MAP FOR THE AREA. IT IS THE ONLY FLOOD MAP THAT IS CURRENTLY IN EFFECT. IT IS THE ONLY FLOOD MAP THAT IS CURRENTLY IN EFFECT. IT IS THE ONLY FLOOD MAP THAT IS CURRENTLY IN EFFECT.

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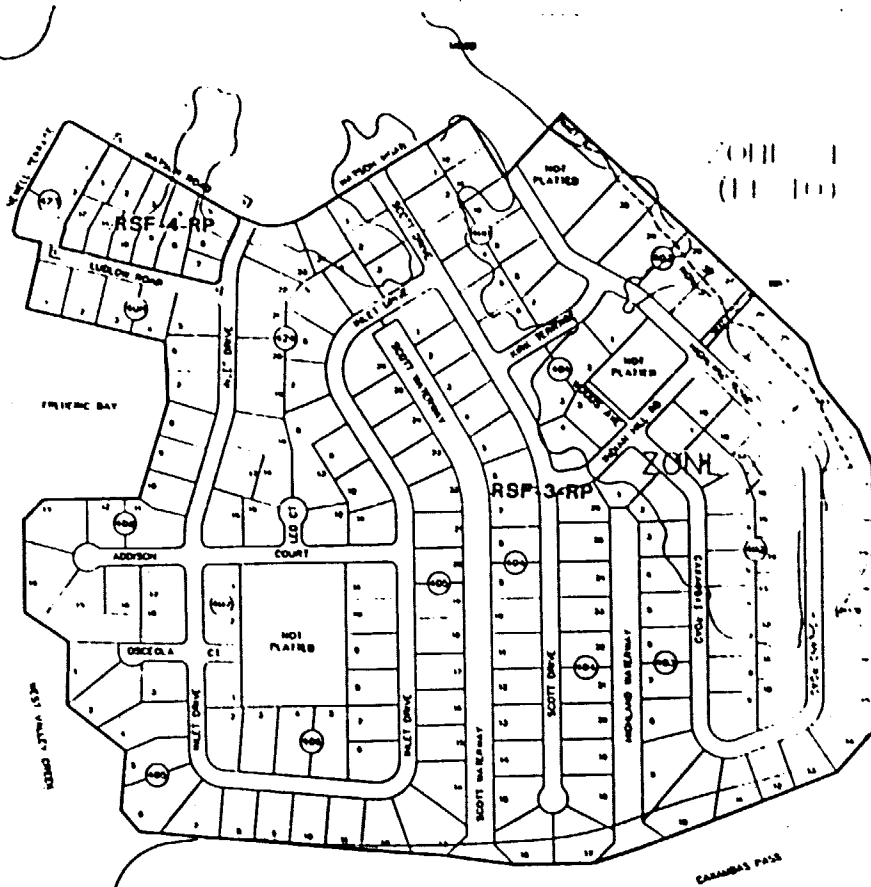
FLOOD INSURANCE RATE MAP INFORMATION	
CITY/TOWN/VILLAGE	COLLIER COUNTY, FLORIDA
SECTION	SECTION 14, 15, 22, 23
TOWNSHIP	TOWNSHIP 25S
RANGE	RANGE 26E
DATE	DATE 1/1/81
MAP NUMBER	MAP NUMBER 1



ZONE X

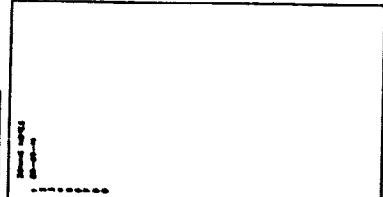
BOOK 066 PAGE 220

ZONE AE
(EL 11)



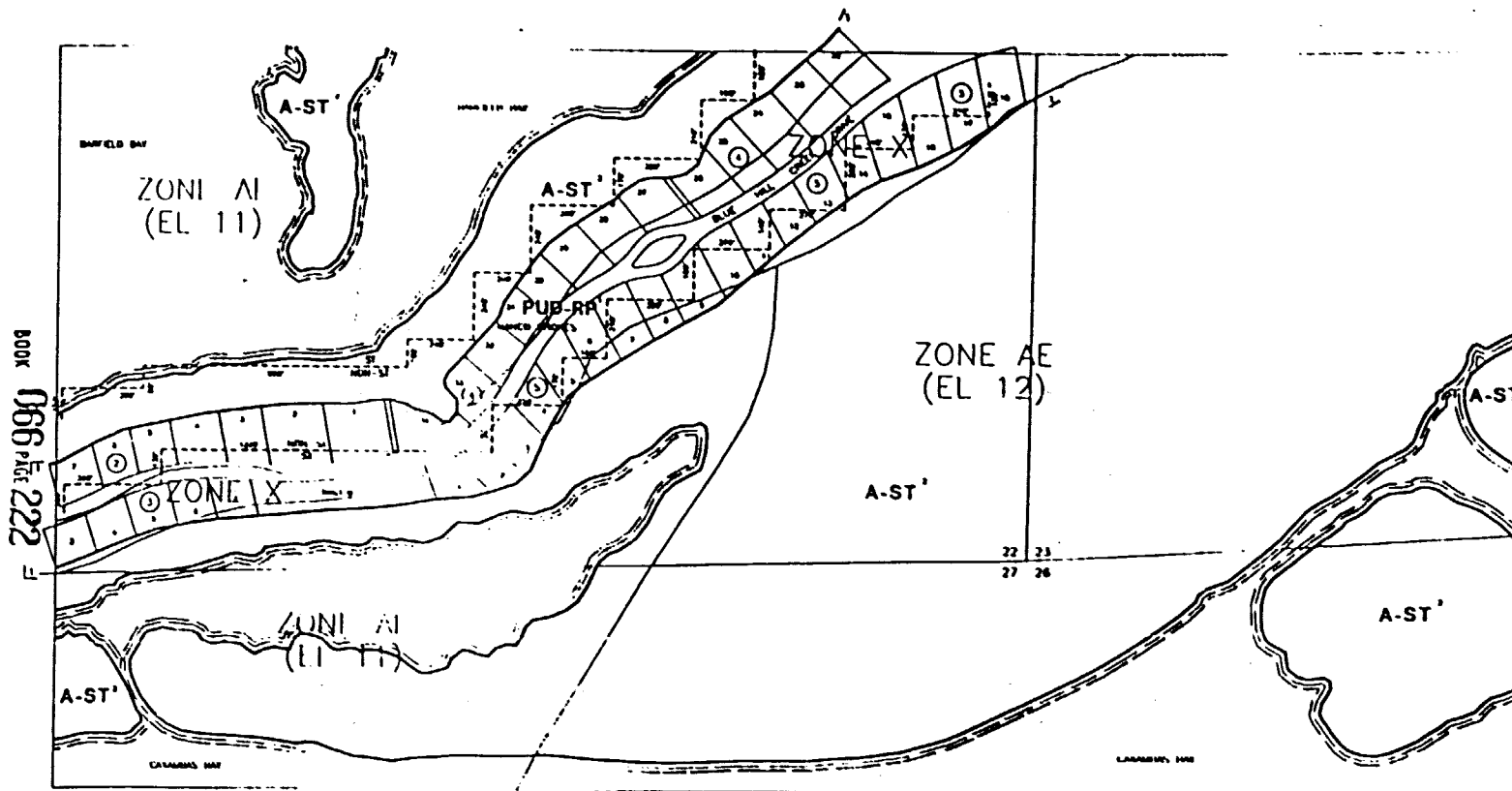
-----INDICATE SPECIAL TREATMENT OVERLAY

SUBDIVISION INDEX			
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THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS KEPT IN THE OFFICE OF THE CLERK OF THE COUNTY OF COCKER, FLORIDA, AND THAT IT IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS KEPT IN THE OFFICE OF THE CLERK OF THE COUNTY OF COCKER, FLORIDA, AND THAT IT IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS KEPT IN THE OFFICE OF THE CLERK OF THE COUNTY OF COCKER, FLORIDA.

PLAT MAP INFORMATION	
LIBRARY NO. 1234567	PANEL NUMBER 012 E
PROGRAMME REGULAR	EFFECTIVE DATE AUGUST 1, 1967
LITIGATION: ALL ARE AS SHOWN ON MAP.	
COCKER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DIVISION	
TWP 52S RING 26E SEC(S) 21	
SCALE	MAP NUMBER MB90



BOOK 066 PAGE 222

NO.	DATE	REMARKS
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THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE ORIGINAL PLANS, MAPS, OR SPECIFICATIONS FOR THE PROJECT, AND THAT IT IS A TRUE AND CORRECT COPY OF THE SAME AS SUBMITTED TO THE AGENCY FOR RECORDATION.

THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE ORIGINAL PLANS, MAPS, OR SPECIFICATIONS FOR THE PROJECT, AND THAT IT IS A TRUE AND CORRECT COPY OF THE SAME AS SUBMITTED TO THE AGENCY FOR RECORDATION.

FLOOD INSURANCE MAP MAP INFORMATION	
COMMUNITY NUMBER 170007	PAGE NUMBER 205.1
PROFESSIONAL NUMBER 11111	DATE 11/11/11
TWP 32S R9E SEC 26E	
COLLIER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DIVISION	
MAP NUMBER	11111

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-----INDICATES SPECIAL INFORMATION

PAGE NO.		PAGE NO.	
NO.	NAME	P.S.	Pg.
1	WILLIAM J. WILSON, JR.	IN	1-10
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THIS IS THE LASTY PAGE OF A PAGE OF THE OFFICE JOURNAL
REPORTED BY THE REPORTER REPORTED BY OFFICIAL NO 51-102 OF
THE OFFICE OF THE JOURNAL REPORTED BY OFFICIAL NO 1001

FLOOD INSURANCE RATE MAP INFORMATION

COMMUNITY NUMBER 12067 PANEL NUMBER 0021

PROGRAMME FIELD NO. 1111CING LAIN ARRIAS & VOS

FLOOD ZONE: ALL UN AS SHOWN ON MAP.

COLLIER COUNTY, FLORIDA

COMMUNITY IN WITHIN ENVIRONMENT

TWP 52S. RANG. 24E SEC(S) 21, 22, 27, 28

MAP NUMBER
MILLIEN

STATE OF FLORIDA)

COUNTY OF COLLIER)

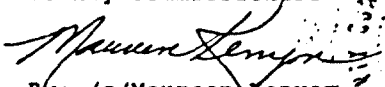
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

Ordinance No. 94-27

which was adopted by the Board of County Commissioners on the 18th day of May, 1994, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 24th day of May, 1994.

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


By: /s/Maureen Kenyon
Deputy Clerk

