



AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING ARTICLE 1, GENERAL PROVISIONS, DIVISION 1.9. ENFORCEMENT; ARTICLE 2, ZONING, DIVISION 2.2. ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, DIVISION 2.3, OFF-STREET PARKING AND LOADING, DIVISION 2.4. LANDSCAPING AND BUFFERING, DIVISION 2.6 SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 2.8. ARCHITECTURAL AND SITE DESIGN GUIDELINES AND STANDARDS; ARTICLE 3, DIVISION 3.2. SUBDIVISIONS, DIVISION 3.3. SITE DEVELOPMENT PLANS, DIVISION 3.9. VEGETATION REMOVAL, PROTECTION AND PRESERVATION, DIVISION 3.15. ADEQUATE PUBLIC FACILITIES; ARTICLE 5, DECISION MAKING AND ADMINISTRATIVE BODIES, DIVISION 5.8. GROWTH MANAGEMENT DEPARTMENT, DIVISION 5.9. COMMUNITY DEVELOPMENT SERVICES DEPARTMENT, DIVISION 5.10. DEVELOPMENT SERVICES DEPARTMENT, DIVISION 5.11. GROWTH PLANNING DEPARTMENT, DIVISION 5.12. HOUSING AND URBAN IMPROVEMENT DEPARTMENT; ARTICLE 6, DIVISION 6.3. DEFINITIONS, INCLUDING, BUT NOT LIMITED TO DEFINITIONS OF COMMERCIAL EQUIPMENT AND COMMERCIAL VEHICLE AND DEFINITIONS RELATED TO ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES; APPENDIX B TYPICAL STREET SECTIONS INCLUDING REVISIONS TO TYPICAL CROSS SECTIONS FOR LOCAL STREETS, MINOR COLLECTORS, AND DELETION OF THE CUL-DE-SAC TYPICAL CROSS SECTION; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND SECTION SIX, BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code, which has been subsequently amended; on October 13, 1991; and

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

WHEREAS, this is the second amendment to the Land Development Code, Ordinance 91-102, in this calendar year; and

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

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

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WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold advertised public hearings on October 16, 1996 and October 30, 1996, and did take action concerning these amendments to the LDC; and

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

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE: RECITALS

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

SECTION TWO: 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 Regulations 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 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. Sec. 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 or portion thereof shall be consistent with such Comprehensive Plan or element or portion thereof.

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8. Pursuant to Sec. 163.3194(3)(a), Fla. Stat., a development order or land development regulation shall be consistent with the Comprehensive Plan if the land uses, 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 may be amended twice annually.

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 the 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 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 Development Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., and through these amendments to the Code.

**SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE
SUBSECTION 3.A: AMENDMENTS TO ENFORCEMENT DIVISION**

Division 1.9, Enforcement of Ordinance 91-102, as amended, the Collier County Land

Development Code, is hereby amended to read as follows:

DIVISION 1.9. ENFORCEMENT

Sec. 1.9.1. General.

The provisions of this code shall be enforced by (1) the Collier County code enforcement board pursuant to the authority granted by F.S. §162.01 et seq., (2) by the board of county commissioners through its authority to enjoin and restrain any person violating the code, or (3) by Collier County through the prosecution of violations in the name of the State of Florida pursuant to the authority granted by F.S. §125.69. The county manager shall have the right to

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inspect those lands, waters, or structures affected by this code and to issue citations for violations.

1.9.1.1. The term "county manager" as used in this code shall mean the county manager or his designee.

Sec. 1.9.2. Violation.

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

Sec. 1.9.3. Complaints regarding violations.

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

Sec. 1.9.4. Liability.

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

Sec. 1.9.5. Procedures upon discovery of violations.

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

The written notice shall state the action the county manager intends to take, if the violation is not corrected, ~~and shall advise that the county manager's order may be appealed to the county manager or his designee.~~

Before a violation of any of the provisions of this code is prosecuted before the code enforcement board, written notice by registered or certified mail, return receipt requested, shall be serviced by the county manager or his designee according to the requirements of Ordinance No. 92-80, as may be amended from time to time.

If the violation is of a nature that it can be corrected by an official zoning atlas amendment or through the granting of a variance, the county administrator is authorized to suspend enforcement actions pending the outcome of such proceedings; provided that the person(s) responsible for the violation file the appropriate application forms for official zoning atlas amendment or variance hearing with the county manager within ten calendar days of the receipt of notice of violation. If the outcome of an official zoning atlas amendment request or variance request does not remedy the violation, the person(s) responsible for the violation shall have 15 calendar days to correct the violation, unless granted an extension by the county manager as set forth above.

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

Sec. 1.9.6. Criminal penalties and remedies.

A person who violates any of the provisions of this code, or fails to comply with any of its requirements, or fails to abide by and obey all orders and resolutions promulgated as herein provided, shall be subject to prosecution in the name of the state in the same manner as misdemeanors are prosecuted, pursuant to the terms of F.S. §125.69, as amended, and shall be subject to all criminal penalties authorized by the State of Florida for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment.

Each calendar day that any violation continues after receipt of a written notice of such violation shall constitute a separate violation and a separate offense for purpose of the penalties and remedies specified herein.

In addition to the penalties and remedies above, the county manager may institute any appropriate actions or proceedings to prevent, restrain, correct, or abate a violation of this code, as provided by law.

Sec. 1.9.7. Civil penalties and remedies.

1.9.7.1. *Cease and desist orders.* The county manager is authorized to issue cease and desist orders in the form of written official notices sent by registered mail to the person(s) responsible for the violation.

1.9.7.2. *Revocation of building permits, certificates of occupancy, or other development orders, permits or approvals.* The county manager may revoke any building permit, certificate of occupancy, development order, development permit, or development approval, whatsoever, in those cases where an administrative determination has been duly made that, relevant to the provisions and requirements of this code, false statements or misrepresentations existed as to material fact(s) in the application or plans upon which the permit or approval was based.

1.9.7.3. *Suspension of building permits, certificates of occupancy, or other development orders, permits or approvals.* The county manager may, to the extent permitted by law, suspend any building permit, certificate of occupancy, development order, development permit, or development approvals whatsoever, where an administrative determination has been duly made that, relevant to the provisions and requirements of this code, an error or omission on either the part of the applicant or government agency existed in the issuance of the permit or approval. A valid permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.

1.9.7.4. *Stop work order.* For any violation of the provisions of this code which constitutes a threat to life or to public or private property, the county manager shall have the authority to issue a stop work order in the form of a written official notice given to the owner of the subject property or to his agent or to the person doing the work where such a violation has been committed or exists. Upon notice from the county administrator that any

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action or work is occurring contrary to the provisions of this code, and it constitutes a threat to life or to public or private property, such action or work shall immediately be stopped. The notice shall state the conditions under which the action or work may be resumed. Where any emergency exists, oral notice given by the county administrator shall be sufficient.

Sec. 1.9.8. Other remedies.

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

- 1.9.8.1. Injunctive relief to enjoin and restrain any person from violating the provisions of the code and recovery of damages for such violation;
- 1.9.8.2. Prosecution by the state attorney's office as provided by F.S. §125.69, as amended;
- 1.9.8.3. Prosecution before the Collier County code enforcement board;
- 1.9.8.4. Revocation of any permit or changing the conditions of any permit;
- 1.9.8.5. Withholding the issuance of any construction plan approval, building permit, certificate of occupancy, or inspection by the county;
- 1.9.8.6. Requiring replacement by the property owner of any vegetation removed in violation of the land alteration and landscaping regulations or in violation of any permit issued under the code, including corrective measures pursuant to section 3.9.6.9. Replacement trees shall be of sufficient size and quantity to replace the dbh inches removed. At the time of planting, a replacement tree shall have a minimum caliper of 1½ inches and a minimum height of seven to eight feet; and
- 1.9.8.7. Recovery of attorneys' fees, expert witness fees, and costs, including those on appeal, incurred by the county for in-house county attorneys and staff experts and for outside legal counsel experts.

Sec. 1.9.9. Notice and appeal.

All administrative decisions concerning the issuance, revocation, suspension, or stop work order, or other remedy pertaining to building permits, certificates of occupancy, development orders, development permits, or development approvals, whatsoever, shall be stated in official written notice sent by registered mail to the permit applicant. Decisions of the county manager may be appealed to the board of county commissioners, board of zoning appeals, code enforcement board, or building board of adjustments and appeals as may be applicable.

Sec. 1.9.10. Prosecution under previous regulations.

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

~~Sec. 1.9.11. Appeal of administrative decision.~~

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~~Appeal of any administrative decision of the county manager or his designee not remedied by section 1.9.9 herein shall be in accordance with the procedure set forth in section 1.6.6 for appeal of written interpretations and shall be reviewed by the board of zoning appeals.~~

SUBSECTION 3.B: AMENDMENTS TO ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES AND DIMENSIONAL STANDARDS DIVISION

Division 2.2., Zoning Districts, Permitted Uses, Conditional Uses, Dimensional Standards, of Ordinance 91-102, as amended, the Collier County Land Development Code is hereby amended to read as follows:

Division 2.2 Zoning Districts, Permitted Uses, Conditional Uses, Dimensional Standards

Sec. 2.2.12. Commercial professional district (C-1) and commercial professional transitional district (C-1/T).

2.2.12.3. *Conditional uses*. The following uses are permissible as conditional uses in the commercial professional/transitional district (C-1, C-1/T, subject to the standards and procedures established in division 2.7.4.

11. Soup kitchens, as defined by this code.

12. Veterinarian's Office (0742), excluding outdoor kenneling.

2.2.12.6.3. *Traffic Generation*. The proposed use must not generate in excess of five percent of level of service C peak hour volume design capacity on abutting streets that provide access to the property.

2.2.12.6.4. *Architectural and Site Design Standards*. All commercial buildings and projects shall be subject to the provisions of division 2.8.

Sec. 2.2.13. Commercial convenience district (C-2).

2.2.13.1. *Purpose and intent*. The purpose and intent of the commercial convenience district (C-2) is to provide lands where commercial establishments may be located to provide the small scale shopping and personal needs of the surrounding residential land uses within convenient travel distance. It is intended that the ~~CG~~ -2 district implements the Collier County growth management plan within those areas designated agricultural/rural; estates neighborhood center district of the Golden Gate Master Plan; the neighborhood center district of the Immokalee Master Plan; and the urban mixed use district of the future land use element permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan. The maximum density permissible in the commercial convenience district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County growth management plan. The maximum density permissible or

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permitted in a district shall not exceed the density permissible under the density rating system.

2.2.13.2. *Permitted uses.* The following uses, as defined with a number from otherwise provided for within this section, are permitted as of the Standard Industrial Classification Manual (1987), or as right, or as uses accessory to permitted uses in the C-2 commercial convenience district.

2.2.13.2.1. *Permitted uses.*

1. All permitted uses and all conditional uses except increased height and mixed residential and commercial uses of the C-1 commercial professional district and the C-1/T commercial professional/transitional district.
2. Apparel and Accessory Stores (groups 5611-5699)
3. Business service (groups 7311, 7313, 7322-7338, 7361-~~7379~~, ~~7371-7376~~, ~~7378~~, ~~7379~~, 7384).
- ~~4.2.~~ Care Takers Residence, subject to section 2.6.10.
- ~~4.~~ ~~Drugstores and proprietary stores (5912).~~
5. Eating places (5812 except contract feeding, dinner theaters, food service (institutional), industrial feeding).
6. Electrical repair shops (7622 radio, television, stereo and video recorder repair only, 7629 except aircraft, business and office machines, large appliances such as refrigerators and washing machines).
7. Food stores (groups 5411 except supermarkets, 5421-5499).
8. Gasoline service stations (5541 subject to section 2.6.28).
- ~~9.8.~~ General Merchandise Stores (5311-5399)
- ~~10.9.~~ Group care facilities (Category I and II, except for homeless shelters); care units, except for homeless shelters; and nursing homes, subject to section 2.6.26.
- ~~10-11.~~ Hardware stores (5251).
- ~~11~~ 12. Health services (groups 8011-8049, 8082).
13. Home Furniture, Furnishing and Equipment Stores (groups 5713-5719, 5731-5736)
14. Libraries (8231)
15. Miscellaneous Repair Services (7629-7631)
16. Miscellaneous Retail Services (5912-5961)
17. Museums and Art Galleries (8412).
18. Paint, glass and wallpaper stores (5231)

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~~19.42.~~ Personal services groups (~~7212, 7215, 7221-7231-~~7251, 7291).

~~20.43.~~ Security and commodity brokers, dealer, exchanges and services (groups 6211-6289).

~~21.44.~~ United States Postal Service (4311 except major distribution center).

~~22.45.~~ Veterinary services (0742 excluding outside kenneling).

~~23.46.~~ Videotape rental (7841).

~~24.47.~~ Any other convenience commercial use which is comparable in nature with the foregoing uses including building for retail, service and office purposes consistent with the permitted uses and purpose and intent statement of the district.

~~2.2.13.7.~~ Architectural and Site Design Standards. All commercial buildings and projects shall be subject to the provisions of Division 2.8.

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~~2.2.15.8.~~ Architectural and Site Design Standards. All commercial buildings and projects shall be subject to the provisions of Division 2.8.

~~2.2.15 1/2. 9.~~ Architectural and Site Design Standards. All commercial buildings and projects shall be subject to the provisions of Division 2.8.

~~2.2.16 1/2. 2. 9.~~ Architectural and Site Design Standards. All commercial buildings and projects shall be subject to the provisions of Division 2.8.

Sec. 2.2.24 Special treatment overlay district (ST); special regulations for areas of environmental sensitivity and lands and structures of historical and/or archaeological significance and the Big Cypress Area of Critical State Concern.

2.2.24.2.3. Establishment of ACSC-ST overlay district. In accordance with F.S. §380.05, and chapter 73-131 Laws of Florida, the administrative commission instituted regulations for the Big Cypress Area of Critical State Concern (ACSC). The purpose of these regulations is to conserve and protect the natural, environmental and economic resources of the Big Cypress area. Furthermore, these regulations are to provide a land and water management system that will preserve water quality, provide for the optimum utilization of the limited water resources of the area, facilitate orderly and well-planned development, and protect the health, safety and welfare of residents of the state. Chapter 28.25 of the Florida Administrative Code establishes criteria for site alteration, drainage, transportation facilities and structure installation. These regulations are implemented through the land development regulations as set forth in section 2.2.24.3.2. an overlay zoning classification to be known as Area of Critical State Concern/~~Sensitive~~Special Treatment overlay shall be designated on the official zoning atlas with symbol ACSC-ST.

2.2.24.11. Transfer of development rights. An owner of land located within areas designated as Urban on the Future Land Use Map, including agriculturally zoned properties, which may or may not be identified with the ST overlay, designated

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as ~~ST~~ may elect to transfer some or all of the residential development rights from one parcel of his ~~ST~~ land to ~~non-ST~~ another parcel, as an alternative to the development of the ~~ST~~ sending lands. The lands to which the development rights are to be transferred shall be referred to as receiving lands and those lands from which development rights are transferred shall be referred to as sending lands property, as provided herein and shall be located within the Urban designated areas of the County, in conformity with the ST regulations.

- 2.2.24.11.1. The development rights shall be considered as interests in real property and be transferred in portions or as a total as provided in this section. Once used, the residential development rights shall not be used again and the residential development rights of the subject-~~ST~~ lands providing them shall be considered severed forever.
- 2.2.24.11.2. The transfer of development rights to be used for ~~non-ST~~ land shall be from ~~ST~~ designated land to ~~non-ST~~ land and shall be subject to all of the requirements of the basic zoning district to which they are transferred unless specifically approved otherwise as provided by law.
- 2.2.24.11.3. The minimum area of ~~ST~~ land eligible for the transfer of development rights shall be equal to the minimum lot size for the sending zone. For the purposes of this section, legal non-conforming lots of record may be eligible to transfer density, with the minimum area of the receiving land equal to the area of the legal non-conforming lot of record, 0.5 acres of land, excluding submerged land.
- 2.2.24.11.4. Upon the approval of the transfer of residential development rights for an ~~ST~~ land by a super majority vote of the Board of County Commissioners, the property owner of the ~~ST~~ sending land shall dedicate in fee simple the land to the county or a state or federal agency; however, the lands may be dedicated in fee simple to a private, not-for-profit conservation or environmental organization in accordance with F.S. § 704.06, as amended, with the approval of the Board of County Commissioners.
- 2.2.24.11.5. The maximum number of residential units which may be requested from ~~ST~~ land to ~~non-ST~~ land shall be compiled on the basis of the permitted density pursuant to the underlying zoning category of the ~~ST~~ sending land.
- 2.2.24.11.6. Maximum number of residential units which eligible ~~non-ST~~ lands may receive.
1. ~~Non-ST~~ Lands in all residential zoning districts and residential components of Planned Unit Development RMF-6, RMF-12, RMF-16, and RT zoning districts are eligible to receive residential development units provided that the maximum number of residential units which may be transferred to the ~~non-ST~~ receiving land does not exceed 10 percent of the maximum number of residential units permitted under the receiving property's basic zoning of the RMF-6 and RMF-12 district, or ten percent of the maximum number of residential units permitted under the basic zoning of the RMF-16 and RT district as the case may be. For the purpose of determining the number of residential units which ~~non-ST~~ a parcel of land is capable of receiving, the following formula shall apply:

RSF-1 through RSF-5 districts, up to and including 5 units per acre;

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Units per base density x 10% = .1 to .5 units per acre

RMF-6 district, up to and including six units per acre:

6 units x 10% = .6 units per acre

RMF-12 district, seven to and including 12 units per acre:

12 units x 10% = 1.20 units per acre

RMF-16 district:

16 units x 5% = .80 units per acre

RT district:

16 units x 5% = .80 units per acre

26 units x 5% = 1.30 units per acre

PUD district:

Residential tract units x 5% = permitted units per acre

2. For the purpose of calculating the final fractional residential unit of the total number of residential units eligible for transfer to an non-ST property eligible parcel of land, the following shall apply: Any fractional residential unit shall be converted upward if one-half or more of a whole unit, or downward if less than one-half of a whole unit, to the nearest whole unit value.

2.2.24.12.

Procedure for obtaining transfer of residential development rights. Any owner of ~~ST~~-eligible land may apply for a transfer of development rights either separately or concurrently with rezoning, zoning ordinance amendments, preliminary subdivision plat or development plan. Prior to the approval of any transfer of development rights or the issuance of any building permits in connection with the use of any transfer of development rights, the petitioner shall submit the following information and data, as applicable to the petition, to the development services director for his review and subsequent action by the Board of County Commissioners.

1. Name and address of ~~ST~~ property owner of sending land.
2. Name and address of ~~non-ST~~ property owner of receiving land.
3. Legal description of ~~ST~~-sending land from which transfer of residential development rights is petitioned.
4. Survey of ~~ST~~-property sending land from which transfer of residential development rights is requested.
5. Legal description ~~on non-ST~~ of receiving land which receives the transfer of residential development rights.
6. Survey of the ~~non-ST~~ land which receives the transfer of residential development rights.

Words ~~struck through~~ are deleted; words underlined are added.

7. Three copies of an executed deed of transfer of ownership of the ~~ST~~ sending property to the county or a state or federal agency; however, the lands may be dedicated in fee simple to a private, not-for-profit conservation or environmental organization in accordance with F.S. § 704.06, as amended, with the approval of the Board of County Commissioners in a form approved by the county attorney.
8. The ~~ST~~ owner of the sending land shall provide a guarantee, agreeable to and approved by ordinance of the board of county commissioners, that the ~~ST~~ sending land will be utilized only for the purposes of increasing public recreational and/or educational opportunities, creation of linkages between public or private open space, protection of critical habitat/ecosystems, or other public purpose as specified in the ordinance of adoption, forever retained in its natural condition and will never be developed in any manner whatsoever by anyone. ~~For the purpose of this requirement, natural conditions shall include minor nature related improvements such as nature paths, boardwalks, outdoor educational learning areas, and removal of exotic vegetation.~~ Such a guarantee shall be recorded with the clerk of the circuit court of Collier County, Florida as a recorded restriction of the use of such land and shall be binding to all present and subsequent owners, heirs, or assigns of such property. Such restrictions may not be amended, deleted, or otherwise altered, except by a majority vote of the Board of County Commissioners.

2.2.24.13. *Time limitations on Board of County Commissioner's approval of transfer of residential development rights or authorization to proceed with the processing of a building construction permit.* The Board of County Commissioners' approval of a transfer of residential development rights or the ~~development services~~ planing services director's authorization to proceed with the processing of a building or construction permit shall be valid so long as such approval is permitted by law. The failure to act on the part of the petitioner to exercise the transfer of residential development rights or obtain and exercise an authorized building or construction permit within the time period provided by law shall automatically terminate such approval and the county shall be held harmless from any damages arising out of the petitioner's failure to act.

2.2.24.14. *Sequential use of residential units approved for transfer by the Board of County Commissioners.* Upon the issuance of any permit for the construction of residential unit(s) upon a ~~non-ST~~ the receiving land, the first residential units built thereon shall be considered to be the residential units approved for transfer by the Board of County Commissioners ~~for transfer,~~ and the succeeding residential units constructed shall be considered the residential units permitted under the basic zoning district regulations.

~~2.2.24.15. *Appeal of decision or interpretations of development services director.* Any person aggrieved by decision or interpretation made by the development services director in the enforcement of this section may appeal such grievance as provided in section 1.6.6.~~

SUBSECTION 3.C: AMENDMENTS TO OFF-STREET PARKING AND LOADING DIVISION.

Words ~~struck through~~ are deleted; words underlined are added.

Division 2.3, Off-Street Parking and Loading, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 2.3 OFF-STREET PARKING AND LOADING

- 2.3.10. Developers of commercial projects located within commercial zoning districts, business park districts, or a commercial component of a PUD zoning district, which require a minimum of 80 parking spaces, providing paved off-street surface parking in excess of 120% of the requirements of this code shall request a variance in accordance with Section 2.7.5. The developer shall be required to provide double the landscaping required in interior vehicular use areas, landscaping as required by section 2.4.5.2 for those projects requesting such a variance required by this code to provide in excess of 200 spaces.

SUBSECTION 3.D: AMENDMENTS TO LANDSCAPING AND BUFFERING.

Division 2.4, Landscaping and Buffering, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows, including the addition of Figure 1, Sight Distance Triangles and Figure 2, Signage Adjacent to Landscape Buffer:

DIVISION 2.4 LANDSCAPING AND BUFFERING

Sec. 2.4.1. Title and citation.

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

Sec. 2.4.2. Purpose and intent.

The purpose and intent of the landscape code is to:

- a) promote the health, safety, and welfare of residents of Collier County by establishing minimum uniform standards for the installation and maintenance of landscaping;
- b) ~~to~~ improve the aesthetic appearance of commercial, industrial, and residential developments through the requirement of minimum landscaping in ways that harmonize the natural and built environment;
- c) ~~to~~ promote preservation and planting of native plants and plant communities;
- d) ~~to~~ provide physical and psychological benefits to persons through landscaping by reducing noise and glare; ~~and by~~
- e) screening and buffering the harsher visual aspects of urban development;
- f) ~~to~~ improve environmental quality by reducing and reversing air, noise, heat, and chemical pollution through the preservation of canopy trees and the creation of shade and microclimate;
- g) ~~to~~ reduce heat gain in or on buildings or paved areas through the filtering capacity of trees and vegetation; and
- h) ~~to~~ promote water conservation by encouraging the use of native and drought-tolerant vegetation and properly zoned irrigation system through xeriscape.

Sec. 2.4.3. Procedures.

Words ~~struck through~~ are deleted; words underlined are added.

2.4.3.1.

Landscape plan required. Prior to the issuance of any preliminary subdivision plat, final site development plan, or building permit, an applicant whose development is covered by the requirements of this section shall submit a landscape plan to the ~~development planning~~ services director. The landscape plan shall be prepared by and bear the seal of a Landscape Architect registered in the State of Florida, ~~or otherwise be prepared by persons authorized to prepare landscape plans or drawings for submittal to government entities as outlined in F.S. ch. 481, pt. II (F.S. § 481.201 et seq.) (Landscape Architecture).~~ The landscaping required for single-family, two-family, and mobile home dwelling units shall be shown on the building permit plot plan. This plan is not required to be prepared by and bear the seal of a landscape architect.

The landscape plan shall be drawn to a suitable scale, include dimensions, north arrow, date, title, project owner's name, delineate the existing and proposed parking, vehicular use areas, buildings, access points, and roadways, show all utility lines or easements, and show the location of existing and proposed planting areas and vegetation communities and designate them by species name. The code-required landscaping shall be highlighted or indicated on the plan to differentiate from the applicant's provided landscaping that is in addition to that required by this code. Design creativity is encouraged so long as it meets the intent of this code. The plan shall show the location of permanent vegetation protection devices, such as barricades, curbing, and tree wells. The plan shall also include a chart indicating graphic plant symbol, botanical and common name, quantity, height, spread, spacing, native status, drought tolerance rating (as defined by "Xeriscape Plan Guide II" published by South Florida Water Management District, West Palm Beach, FL) and type of mulch. The plan shall show tree and palm staking details per accepted industry practices and standards. In addition, a tabulation of the code-required landscaping indicating the calculations necessary to insure compliance with this code shall also appear. ~~No use required under this section to provide landscaping shall receive a~~ certificate of occupancy shall not be issued until without specific approval of such the landscaping plan and its installation of plants and materials consistent with that approved plan has been completed and inspected by the County.

2.4.3.2.

Irrigation plan required. Prior to the issuance of any preliminary subdivision plat or final site development plan, an applicant whose development is subject to the requirements of this section shall submit a separate irrigation plan to the ~~development planning~~ services director. The plan shall be prepared by persons qualified to prepare irrigation plans, such as an irrigation designer or landscape architect.

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

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

Words ~~struck through~~ are deleted; words underlined are added.

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

2.4.3.4. *Cultivated landscapes.* Cultivated landscape areas shall be provided with an automatic irrigation system to improve the survivability of the required landscaping. Sprinkler heads irrigating lawns or other high water demand areas shall be ~~circuited zoned~~ so that they are on a separately one or ones from those irrigating trees, shrubbery, ground cover, flowers, or other reduced water requirement areas. Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering "high water" requirement areas at different frequencies and duration than "low water" requirement areas. Landscaping shall be watered on an as-needed basis only.

Irrigation systems shall be designed for the zoning of high and low water use areas, and heads shall be designed for 100 percent head-to-head coverage or the equivalent for porous pipe systems unless specified by the manufacturer. These requirements may be adjusted for retention areas. The irrigation system shall be designed and installed in accordance with the Florida Irrigation Society, Standards and Specifications for Turf and Landscape Irrigation Systems (as amended). Irrigation systems utilizing well water shall be designed and maintained in a manner which eliminates staining of the building, walks, walls, and other site improvements. All systems shall be designed to eliminate the application of water to impervious areas. Irrigation systems, other than drip or soaker hose systems, shall be operated between the hours of midnight and 10:00 a.m., unless the operation of multiple zones requires additional time. South Florida Water Management District (SFWMD) or other utility company water use restrictions shall supersede these requirements. There are no operational requirements for irrigation systems utilizing effluent.

~~Affordable housing projects shall be exempt from the irrigation requirements of this division. This exemption shall not apply to the requirements for rain sensing devices if irrigation is installed voluntarily by the applicant.~~

All new residential, commercial, and industrial developments shall be irrigated by the use of an automatic irrigation system with controller set to apply water in a manner consistent with this division. Moisture detection devices shall be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices shall be installed in compliance with this division.

2.4.3.5. *Installation.* Prior to the issuance of any certificate of occupancy for a use required to provide landscaping and irrigation in accordance with this section, all required landscaping and irrigation shall be installed and in place as set out in the plans approved under subsections 2.4.3.1 and 2.4.3.2. All plant materials must be installed in accordance with accepted landscape practices in the area and meet the plant material standards contained in Section 2.4.4. Plant materials shall be installed in soil conditions that are conducive to the proper growth of the plant material.

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Limerock located within planting areas shall be removed and replaced with native or growing quality soil before planting. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead power lines, lighting, circulation, etc.). Trees shall not be placed where they interfere with site drainage, subsurface utilities, or overhead utility lines, or where they shall require frequent pruning in order to avoid interferences with overhead power lines. Trees shall not be planted in areas that retain excessive quantities of water or will require excessive amounts of fill placed over the root system that will affect the health of the tree species. Required landscaping shall not be placed within easements without written approval from all entities claiming an interest under said easement.

All required landscaping shall be installed in accordance with plans approved under section[s] 2.4.3.1 and 2.4.3.2. Landscaping within a subdivision development shall be guaranteed by a subdivision completion bond in accordance with division 3.2 governing the final platting of subdivision.

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

In instances where an act of God or conditions outside the control of the applicant have prevented immediate installation, the ~~development planning~~ services director, if furnished with a statement which includes good and sufficient evidence that states that the required plantings will be installed when conditions permit, may issue a temporary certificate of occupancy. If the required plantings are not installed when conditions permit, then the county may revoke the certificate of occupancy.

2.4.3.6. *Pruning.* Vegetation required by this code shall only be pruned to promote healthy, uniform, natural growth of the vegetation except where necessary to promote health, safety, and welfare and shall be in accordance with "Pruning Standards (Revised 1988)" of the National Arborist Association. ~~Trees and shrubs~~ shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. ~~Pruning shall not interfere with the design intent of the original installation.~~ Severely pruned trees shall be replaced by the owner. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead power lines, lighting, circulation, ~~etc.~~ sidewalks, buildings, and similar conflicts).

2.4.3.7. *Maintenance.* The owner shall be responsible for the continued maintenance and upkeep of all required landscaping so as to present a healthy plant in a condition representative of the species. Tree and Palm staking shall be removed between 6 and 12 months after installation. All landscapes shall be kept free of refuse, debris, disease, pests, and weeds and shall be fertilized and irrigated to maintain plants in a healthy condition. Special maintenance requirements necessary to preserve the landscape architect's design intent shall be noted on the planting plan. Ongoing maintenance to prohibit the establishment of prohibited exotic species is required. Any plant materials of whatsoever type or kind required by these regulations shall be replaced within 30 days of their demise and/or removal. ~~Compliance services~~ Code Enforcement will inspect areas affected by this code and issue citations for violations. If the required corrective action is not taken within the time allowed, the county

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may use any available means of enforcement to secure compliance. These shall include, but not be limited to the following:

1. Prosecution before the Collier County Code Enforcement Board;
2. Prosecution by the State Attorney's Office as provided by Florida Statutes;
3. Withholding of any permit, construction plan approval, certificate of occupancy, or inspection by the county;
4. Placing a lien on the property, to include all administrative, legal, material and installation costs.

Sec. 2.4.4. Plant material standards and installation standards.

2.4.4.1. *Quality.* Plant materials used to meet the requirements of this section shall meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, part I and part II, Department of Agricultural, State of Florida (as amended). Root ball sizes on all transplanted plant materials shall also meet state standards.

At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements shall be native Southern Floridian species, as determined by accepted valid scientific reference. For sites that are north and east of U.S. Highway 41, at least 35 percent of the shrubs used to fulfill these requirements shall be native Floridian species, as determined by accepted valid scientific reference. "Native Trees and Shrubs for Collier County List" is available for reference. For proposed land development projects on coastal shorelines and/or undeveloped and developed coastal barrier islands, all required landscaping shall be 100 percent native Southern Floridian species.

In addition, for all sites, at least 75 percent of the trees and shrubs used to fulfill these requirements shall be drought-tolerant species as listed in the Xeriscape Plant Guide and Native Trees and Trees for South Florida (IFAS). Reference to be used in the native determination may include, but not be limited to:

Long, R.W., and O. Lakela, 1976. A Flora of Tropical Florida.

Small, J.K., 1933. A Manual of the Southeastern Flora.

Wunderlin, R. P., 1982. Guide to the Vascular Plants of Central Florida.

Where xeric plants are to be utilized, use the South Florida Water Management District, Xeriscape Plant Guide (as amended) as a reference.

~~For proposed land development projects on shorelines and/or undeveloped and developed coastal barriers all required landscaping shall be 100 percent native Southern Floridian species.~~

2.4.4.2. *Trees and Palms.* All required new individual trees, shall be species having an average mature spread or crown of greater than 20 feet in the Collier County area and having trunk(s) which can be maintained in a clean condition over five feet of clear wood. Trees adjacent to walkways, bike paths and right-of-ways shall be maintained in a clean condition over 8 feet of clear wood. Trees having an average mature spread or crown less

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than 20 feet may be substituted by grouping the same so as to create the equivalent of 20-foot crown spread. ~~Clustering of three or more palms shall equal one canopy tree. Palms may be utilized as part of a landscaping plan. palms shall not be utilized in fulfilling more than 30 percent of the requirements of this division. The development services director may approve utilizing more than 30 percent of palms on the site, if the existing site has significant amounts of palms to be retained or relocated on site.~~ For code-required trees, at least 50 percent of the trees at the time of installation shall be a minimum of ten feet in height, have a 1 3/4-inch caliper (at 12 inches above the ground) and a four-foot spread. The remaining code-required trees, at the time of installation, shall be at least eight feet in height, have a 1 1/2-inch caliper (at 12 inches above the ground) and a three-foot spread. ~~A minimum of 70 percent of the required trees shall be canopy trees.~~

A grouping of three (3) palm trees will be the equivalent of one (1) tree. Exceptions will be made for Roystonea spp. and Phoenix spp. (not including rochelenii) which shall count one (1) palm for one (1) tree. Palms may be substituted for up to 30% of required trees. Palms must have a minimum of ten (10') feet of clear trunk at planting.

All new trees, including palms, shall be of a species having an average mature height of 15 feet or greater.

- 2.4.4.3. Tree Species Mix. When more than ten (10) trees are required to be planted to meet the requirements of this Code, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted are indicated below.

REQUIRED SPECIES MIX

<u>REQUIRED NUMBER OF TREES</u>	<u>MINIMUM NUMBER OF SPECIES</u>
<u>11 - 20</u>	<u>2</u>
<u>21 - 30</u>	<u>3</u>
<u>31 - 40</u>	<u>4</u>
<u>41+</u>	<u>5</u>

- 2.4.4.34. Shrubs and hedges. Shrubs shall be a minimum of 24 inches in height above the adjacent pavement surface required to be buffered and/or screened when measured at time of planting, grown in a three-gallon container, and be spaced 18 to 36 inches on center. They shall be at least 36 inches in height within 12 months of time of planting and shall be maintained at a height of no less than 36 inches above the adjacent pavement required to be buffered and/or screened in perpetuity, except for visibility at intersections and where pedestrian access is provided. Hedges, where required, shall be planted in double staggered rows and maintained so as to form a continuous, unbroken, solid visual screen within a minimum of one year after time of planting. Where buffering and/or screening is required, shrubs shall be planted and maintained at a height as specified in section 2.4.7.4 of this code, except where street visibility is required. Double staggered rows of hedges shall be required only in type D buffers.

- 2.4.4.45. Ground covers. Ground cover shall be installed in a manner which presents a finished appearance and complete coverage. Stone, gravel, or

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any artificial ground cover shall not be utilized for more than 20 percent of the landscaped area. Use of native ground covers is encouraged.

- 2.4.4.56. *Organic mulch requirements.* A two-inch minimum layer after watering-in of organic mulch shall be placed and maintained around all newly installed trees, shrubs, and ground cover plantings. Each tree shall have a ring of organic mulch no less than 12 inches beyond its trunk in all directions. No more than 25 percent by volume of the mulch used on a site may be cypress mulch.
- 2.4.4.67. *Lawn grass.* Grassed areas shall be planted with species normally grown in permanent lawns common to the Collier County area. Grassed areas may be sodded, plugged, sprigged, or seeded provided solid sod shall be used in swales or other areas subject to erosion and provided further, in areas where other than solid sod or grass seed is used, nursegrass seed shall be sown for immediate ground coverage until permanent coverage is achieved. The use of drought-tolerant species is advised.
- 2.4.4.78. *Site-specific plant material.* Trees and other vegetation shall be planted in soil and climatic conditions which are appropriate for their growth habits. The ~~development~~ planning services director shall review and approve land plans based on the following criteria. Required plants used in the landscape design shall be:
- 2.4.4.78.1. Appropriate to the conditions in which they are to be planted (including drought, salt and cold tolerance).
- 2.4.4.78.2. Have noninvasive growth habits.
- 2.4.4.78.3. Encourage low maintenance.
- 2.4.4.78.4. Be otherwise consistent with the intent of this division.
- 2.4.4.9. *Non code trees.* The following plant species may be planted but shall not count towards required code trees:
- 2.4.4.9.1. *Eucalyptus spp. (eucalyptus).*
- 2.4.4.9.2 *Grevillea robusta (silk oak).*
- 2.4.4.10. *Control species.* The following plant species shall not be planted within 500 feet of conservation easements and retained natural vegetation areas:
- 2.4.4.10.1 *Broussonetia papyrifera (paper mulberry).*
- 2.4.4.10.2 *Wedelia trilobata - (wedelia).*
- 2.4.4.811. *Prohibited species.* The following plant species ~~are prohibited~~ shall not be planted:
- 2.4.4.8.1. *Broussonetia papyrifera (paper mulberry).*
- 2.4.4.8.2. *Any member of the family Casuarinaceae (Australian pine).*
- 2.4.4.811.31. *Enterolobium cyclocarpum (car tree).*
- 2.4.4.8.4. *Melaleuca spp. (pauk).*

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- 2.4.4.811.52. Melia azedarach (Chinaberry tree).
- ~~2.4.4.8.6.~~ ~~Schinus terebinthifolius~~ (Brazilian pepper).
- ~~2.4.4.8.7.~~ ~~Rhodomyrtus tomentosus~~ (downy rosemyrtle).
- 2.4.4.811.83. Bischofia javanica (bishopwood).
- 2.4.4.811.94. Scavola frutescens (Australian inkberry).
- ~~2.4.4.8.10.~~ ~~Syzygium cumini~~ (Java plum).
- ~~2.4.4.8.11.~~ ~~Mimosa pigra~~ (catclaw mimosa).
- ~~2.4.4.8.12.~~ ~~Acacia auriculiformis~~ (earleaf acacia).
- 2.4.4.811.135. Dalbergia sissoo (Indian rosewood).
- ~~2.4.4.8.14.~~ ~~Eucalyptus spp.~~ (eucalyptus).
- ~~2.4.4.8.15.~~ ~~Grevillea robusta~~ (silk oak).
- 2.4.4.11.6. Sapium sebiferum (Chinese tallow tree).
- 2.4.4.11.7. Ardisia elliptica (shoe button ardisia).

This list shall be subject to revision as exotic plant species are determined to be noxious, invasive, cause environmental degradation to native habitats, or to be detrimental to human health, safety, or the public welfare.

- 2.4.4.912. *Prohibited exotic species.* In addition to the prohibitions outlined in section 2.4.4.811, the following species or seeds thereof shall not be grown, offered for sale, or transported inter-county or intra-county.

- 2.4.4.912.1. Melaleuca spp. (punk tree).
- 2.4.4.912.2. Schinus terebinthifolius (Brazilian pepper).
- 2.4.4.912.3. Any member of the family Casuarinaceae (Australian pine).
- 2.4.4.912.4. Rhodomyrtus tomentosus (downy rosemyrtle).
- 2.4.4.12.5. Dioscorea bulbifera (air potato).
- 2.4.4.12.6. Colubrina asiatica (lather leaf).
- 2.4.4.12.7. Lygodium spp. (climbing fern).
- 2.4.4.12.8. Syzygium cumini (Java plum).
- 2.4.4.12.9. Mimosa pigra (catclaw mimosa).
- 2.4.4.12.10. Acacia auriculiformis (earleaf acacia).
- 2.4.4.12.11. Albizia lebbek (Women's tongue).
- 2.4.4.12.12. Ficus microcarpa (laurel fig).

- 2.4.4.1013. *Existing plant material.* In meeting the requirements of landscaping, the ~~development~~ planning services director may permit the use of healthy native plant material existing on-site. In so doing, the ~~development~~ planning services director may adjust the application of the standards of these regulations to allow credit for such existing plant material, provided, he may not permit the reduction of required percentages of a landscaped area or reduction in numbers of trees or shrubs required, unless otherwise allowed pursuant to section 2.4.4.11. Removal of vegetation is subject to the vegetation removal, protection, and preservation section (division 3.9).

Words ~~struck through~~ are deleted; words underlined are added.

All new development shall retain existing native vegetation to the maximum extent possible. Existing native vegetation shall be retained unless stormwater management design, necessary grade changes, required infrastructure or approved construction footprints necessitate its removal. The need to remove existing vegetation shall be demonstrated by the applicant as a part of the site/construction plan review process. Areas of retained vegetation shall be preserved in their entirety with all trees, understory, and ground covers left intact and undisturbed provided that prohibited exotic plant materials as defined herein are to be removed.

During construction, all reasonable steps necessary to prevent the destruction or damaging of existing vegetation shall be taken. No excess soil, additional fill, equipment, liquids, or construction debris shall be placed within the dripline of any vegetation that is required to be preserved, or that will be credited towards the required landscaping.

Protective barriers shall be installed and maintained beyond the dripline of all retained vegetation unless site improvements prohibit installation of barriers beyond the dripline, and shall remain in place for the duration of the construction process phase.

2.4.4.14. *Tree preservation credits.* Existing trees may be credited towards meeting the minimum tree planting requirements according to the formula in table 2.4.4. Fractional measurements shall be attributed to the next lowest category.

TABLE 2.4.4. CALCULATION OF TREE PRESERVATION CREDITS

Existing Crown Spread of Preserved Trees	or	Diameter of Tree at 4.5 Feet Above Natural Grade	=	Number of Tree Credits
50 feet or greater	or	26 inches or greater	=	6 $\frac{1}{2}$
40 to 49 feet	or	20 to 25 inches	=	5 $\frac{1}{2}$
30 to 39 feet	or	13 to 19 inches	=	4 $\frac{1}{2}$
20 to 29 feet	or	8 to 12 inches	=	3 $\frac{1}{2}$ *
10 to 19 feet	or	2 to 7 inches	=	2 $\frac{1}{2}$ *
Less than 10 feet	or	1 1/2 to 2 inches	=	1*

*Credited against equivalent required tree only.

2.4.4.15. *Trees excluded from preservation credit.* No credit shall be given for preserved trees which:

- 2.4.4.15.1. Are not located within the areas of the property for which trees are required by the code;
- 2.4.4.15.2. Are located in required natural preservation areas indicated on an approved master land use plan, site development plan or plat;
- 2.4.4.15.3. Are required to be preserved by federal, state or local law, such as mangroves;
- 2.4.4.15.4. Are not properly protected from damage during the construction process, as provided in section 2.4.4.10;
- 2.4.4.15.5. Are prohibited species identified in section 2.4.4.8;
- 2.4.4.15.6. Are dead, dying, diseased, or infested with harmful insects;

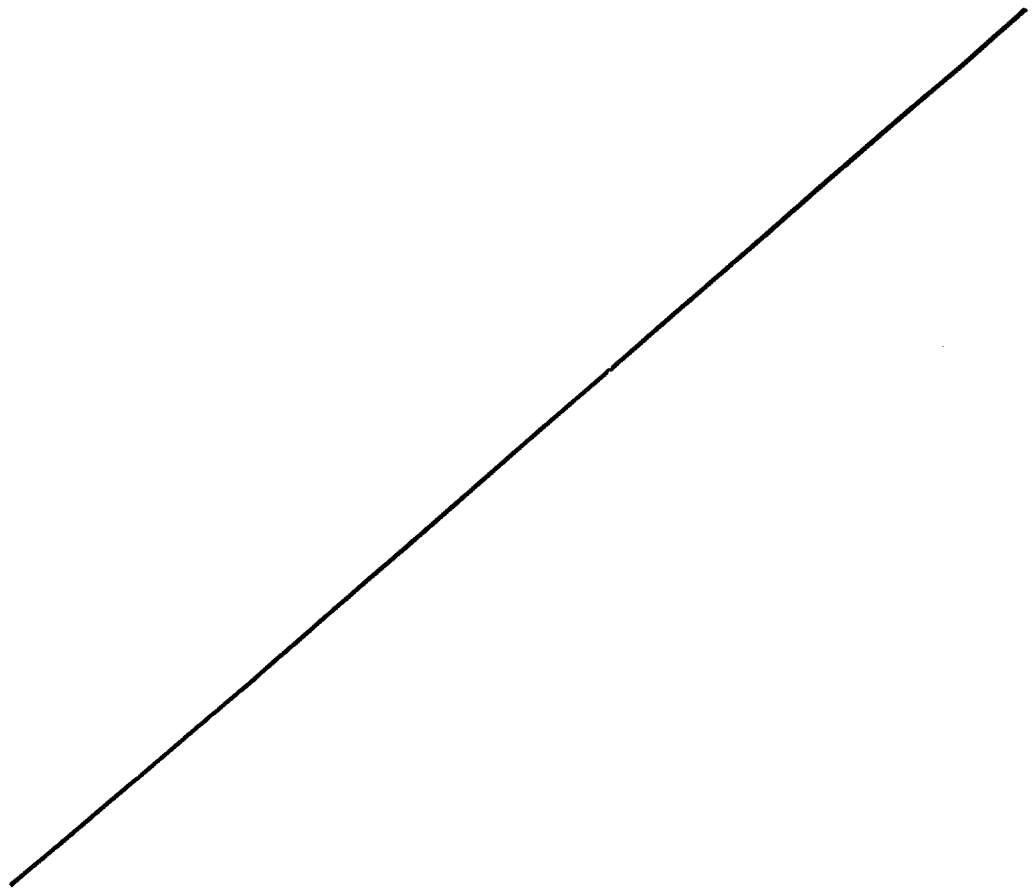
Words ~~struck through~~ are deleted; words underlined are added.

2.4.4.1215.7. Are located in recreation tracts, golf courses or similar subareas within planned developments which are not intended to be developed for residential, commercial or industrial use (unless abutting said use, and the required buffer width is dedicated on the plat as a landscape buffer easement); or

2.4.4.1215.8. Are not located within the boundaries of the parcel.

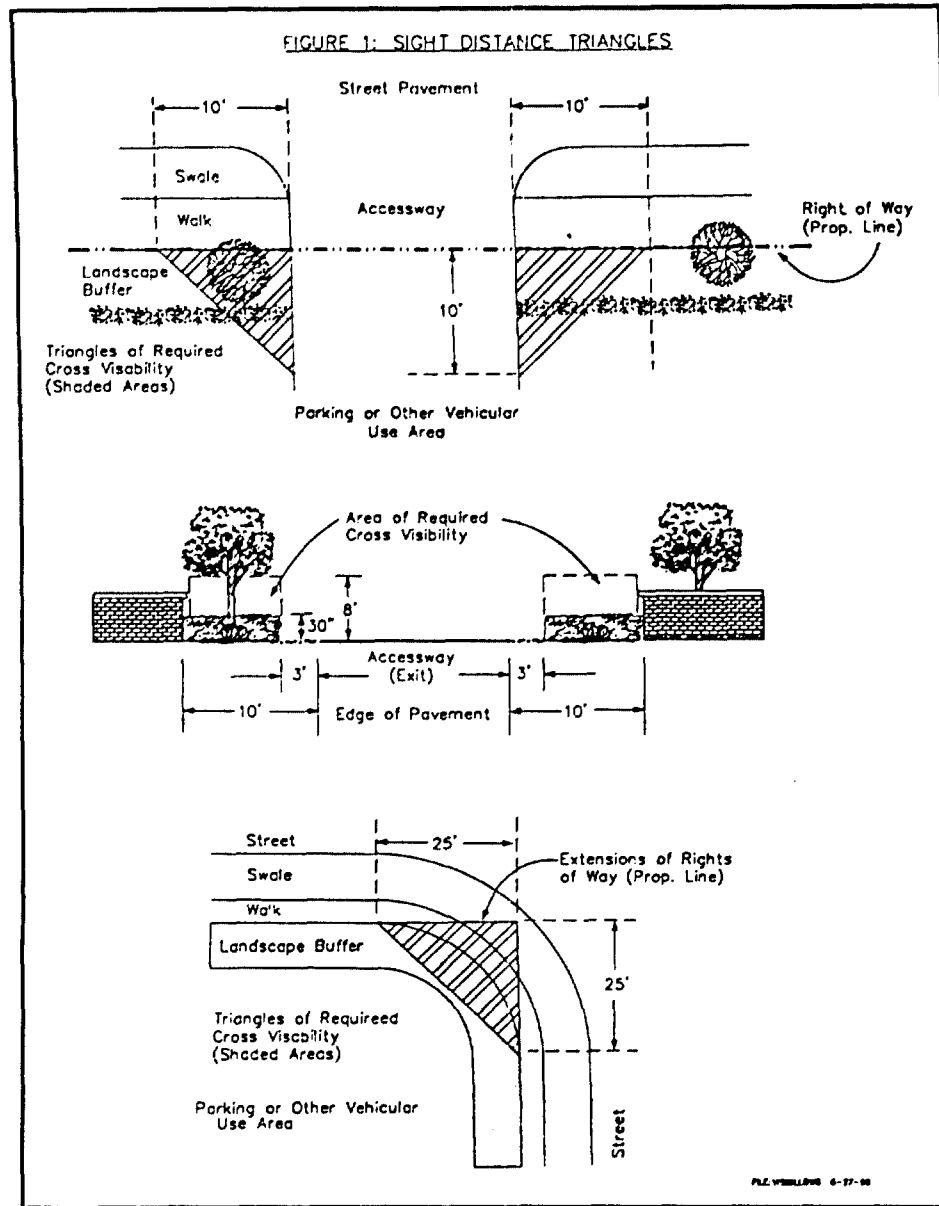
2.4.4.1316. *Safe sight distance triangles at intersection and access points. (Refer to Figure 1, Sight Distance Triangles)* Where an accessway intersects a right-of-way or when a property abuts the intersection of two or more rights-of-way, a minimum safe sight distance triangular area shall be established. Within this area, vegetation shall be planted and maintained in a way that provides unobstructed visibility at a level between 30 inches and eight feet above the crown of the adjacent roadway. Landscaping shall be located in accordance with the roadside recovery area provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways (DOT Green Book) where appropriate.

Where an accessway enters a right-of-way, two safe distance triangles shall be created diagonally across from each other on both sides of the accessway. Two sides of the triangle shall extend ten feet each way from the point of intersection from the edge of pavement and the right-of-way line. The third side of the triangle shall be a line connecting the ends of the other two sides.



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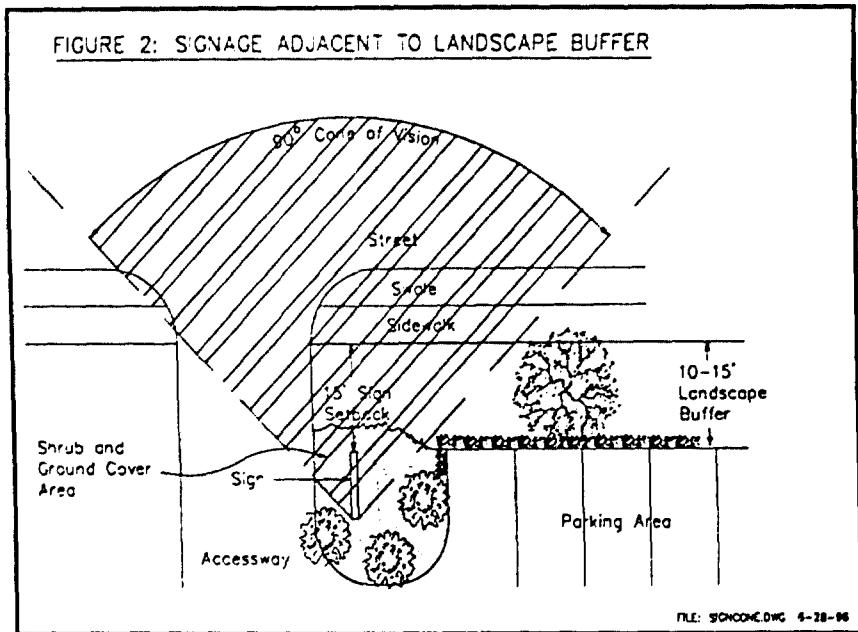
Where a property abuts the intersection of two rights-of-way, a safe distance triangle shall be created. Two sides of the triangle shall extend 25 feet along the abutting right-of-way lines, measured from the point of intersection. The third side of the triangle shall be a line connecting the ends of the other two sides.



2.4.4.17.

Signage located within/adjacent to Landscape Buffer Area. All trees and shrubs located within landscape buffer shall be located so as not to block view of signage as shown in Figure 2, Signage Adjacent to Landscape Buffer. Where specimen trees exist, the signage setback location may be administratively reduced per the requirements of Division 2.5. Code required plantings shall progress in height away from the street.

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2.4.4.1418.

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

Sec. 2.4.5. Minimum landscaping required for vehicular use areas.

2.4.5.1

Applicability. The provisions of this section shall apply to all new off-street parking or other vehicular use areas. Existing landscaping which does not comply with the provisions of this code shall be brought into conformity to the maximum extent possible when: the vehicular use area is altered or expanded except for restriping of lots/drives, the building square footage is changed, or the structure has been vacant for a period of 90 days or more and a request for an occupational license to resume business is made. These provisions shall apply to all developments with the exception of single-family, two-family, ~~and~~ mobile home dwelling units, and dwellings on individually platted lots. Any appeal from an administrative determination relating to these regulations shall be to the board of zoning appeals or equivalent. Prior to issuing occupancy permits for new construction, implementation and completion of landscaping requirements in off-street vehicular facilities shall be required. Where a conflict exists between the strict application of this division and the requirements for the number of off-street parking spaces or area of off-street loading facilities, the requirements of this division shall apply.

2.4.5.2.

Landscaping required in interior of vehicular use areas. At least ten percent of the amount of vehicular use area on-site shall be devoted to interior landscaping areas. The width of all curbing shall be excluded from the required landscaped areas. All interior landscaped areas not

Words ~~struck through~~ are deleted; words underlined are added.

dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, shrubs or other landscape treatment. One tree shall be provided for every 250 square feet of required interior landscaped area. Interior landscaped areas shall be a minimum of five feet in width and 150 square feet in area. The amount of required interior landscape area provided shall be shown on all preliminary and final landscape plans.

All rows of parking spaces shall contain no more than ten parking spaces uninterrupted by a required landscaped island which shall measure inside the curb not less than eight feet in width and at least eight feet in length and at least 100 square feet in area. At least one tree shall be planted in each island. These islands shall not be used as retention areas or as swales. Landscape islands for compact car parking areas shall be at least seven feet in width and at least 100 square feet in area. These tree requirements shall be met with existing native trees whenever such trees are located within the parking area and may be feasibly incorporated into the landscaping. Where existing trees are retained in landscape islands, the amount of parking spaces in that row may be increased to 15. ~~In no instance shall~~ A parking stall be no farther than 50 feet from a tree, measured to the tree trunk. Interior landscaping areas shall serve to divide and break up the expanse of paving at strategic points and to provide adequate shading of the paved area. Perimeter landscaping shall not be credited toward interior landscaping.

Interior landscaping areas shall be provided within the interior of all vehicular use areas. Landscaped areas, wall structures, and walks shall require protection from vehicular encroachment through appropriate wheel stops or curbs or other structures.

Interior landscaping areas shall meet the requirements of division 2.4.3.5, 2.4.3.6, and 2.4.3.7. Alternative designs may be approved that achieve equivalent results subject to approval by the development planning services director.

2.4.5.3. *Vehicular overhang of landscape areas.* The front of a vehicle may overhang any landscaped area a maximum of two feet, provided the landscaped area is protected by motor vehicle wheel stops or curbing. Two feet of such landscaped area or walkway may be part of the required depth of each abutting parking spaces. Walkways shall be a minimum of five feet in width if a vehicle is to overhang the walkway.

2.4.5.4. *Green space required in shopping centers and freestanding retail establishments with a floor area greater than 40,000 square feet.* An area that is at least seven percent of the size of the vehicular use areas shall be developed as green space within the front yard(s) or courtyards of shopping centers and retail establishments and shall be in addition to the building perimeter planting area requirements. The courtyards shall only be located in areas that are likely to be used by pedestrians visiting the shopping center and retail establishment. The seven percent green space area shall be in addition to other landscaping requirements of this division, ~~and~~ may be used to meet the open space requirements (section 2.6.3.2), and shall be labeled "Green Space" on all subdivision and site plans. The interior landscape requirements of these projects shall be reduced to an amount equal to five percent of the vehicular use area on site. Green space shall be considered areas designed for environmental, scenic or noncommercial recreation purposes and shall be pedestrian-friendly and aesthetically appealing. Green space may only include the following:

Words ~~struck through~~ are deleted; words underlined are added.

lawns, mulch, decorative plantings, nonprohibited exotic trees, walkways within the interior of the green space area not used for shopping, fountains, manmade watercourses (but not water retention areas), wooded areas, park benches, site lighting, sculptures, gazebos, and any other similar items that the development planning services director deems appropriate. Green space shall include: walkways within the interior of the green space area not used for shopping, a minimum of one foot of park bench per 1,000 square feet of building area, and a minimum of one tree for each 250 square feet of green space area. The green space area shall use existing trees where possible and landscaping credits will be allowed as governed by table 2.4.4. The green space areas shall be located in areas that are in close proximity to the retail shopping area. Benches may also be located in interior landscaped areas and 75 percent of benches may be located adjacent to the building envelope along paths, walkways and within arcades or malls.

Sec. 2.4.6. Minimum Landscaping requirements.

Landscaping for all new development, including single-family, two-family, multifamily and mobile home dwelling units, shall include, at a minimum, the number of trees set forth below. Areas dedicated as preserves and conservation areas shall not be counted to meet the requirements of this section. Existing trees and other minimum code required landscaping may be credited to meet these requirements pursuant to subsection 2.4.4.11. Trees shall meet the requirements of section 2.4.4.2. Existing residential development that does not meet the minimum landscaping requirements of this code shall be required to install the required landscaping before a certificate of occupancy is granted for any improvements to the property.

2.4.6.1. *Residential (~~non-multifamily~~) developments.* One canopy tree per 3,000 square feet of lot area, or two canopy trees per lot, whichever is greater, with the maximum number required: 15 trees per lot.

2.4.6.2. ~~*Industrial and commercial developments.* One canopy tree per 5,000 square feet of lot area, or one canopy tree per lot, whichever is greater.~~

Multifamily developments. One canopy tree per 2,000 square feet of pervious site area excluding preserves. This is in addition to other requirements.

2.4.6.23. *Industrial and commercial developments.* One canopy tree per 3,000 square feet of pervious site area, or one canopy tree per lot, whichever is greater.

2.4.6.24. *Littoral zone planting.* All developments that create lake areas shall provide littoral zone plantings of emergent, aquatic vegetation in accordance with ~~South Florida Water Management District (SFWMD) regulations.~~ Section 3.5.7.2.5.

2.4.6.45. *Building perimeter plantings.* All shopping center, retail, office, apartments, condominiums, clubhouses and similar uses shall provide building perimeter plantings in the amount of ~~ten~~ 100 square feet per 1,000 square feet of proposed building gross ground level floor area. These planting areas shall be located adjacent to the building and shall consist of landscape areas, raised planters or planter boxes that are a minimum of 5 feet wide. Water management areas shall not be a part of this 5 foot planting area.

Sec. 2.4.7 Minimum landscape buffering and screening between uses.

Words ~~struck through~~ are deleted; words underlined are added.

2.4.7.1.

Purpose and intent. The purpose and intent of establishing landscape buffering and screening is to:

- a) reduce the potential incompatibility of adjacent land uses;
- b) conserve natural resources and maintain open space;
- c) protect established residential neighborhoods, and enhance community identity; ~~In addition, the purpose and intent of this code is to~~
- d) improve the aesthetic appearance of commercial, industrial, and residential developments through the requirement of minimum landscaping in ways that harmonize the natural and built environment;
- e) promote preservation and planting of native plants and plant communities;
- f) provide physical and psychological benefits to persons through landscaping by reducing noise and glare; ~~and by~~
- g) ~~screening~~ and ~~buffering~~ the harsher visual aspects of urban development;
- h) improve environmental quality by reducing and reversing air, noise, heat, and chemical pollution through the preservation of canopy trees and the creation of shade and microclimate;
- i) reduce heat gain in or on buildings or paved areas through the filtering capacity of trees and vegetation; ~~and~~
- j) promote water conservation by encouraging the use of native and drought-tolerant vegetation and properly zoned irrigation systems through xeriscape.

In order to minimize negative effects between adjacent land uses, this division promotes the use of landscape buffers and screens to eliminate or minimize potential nuisances such as dirt, litter, noise, lights, unsightly buildings and structures, and off-street parking and loading areas. Additionally, buffers and screens provide spacing and landscaping to reduce potentially adverse impacts of noise, odor, or lighting. Buffering refers to a strip of land separating adjacent land uses, whereas screening refers to fences, walls, berms, trees, shrubs, or a combination of these screening devices on the buffer strip.

2.4.7.2.

Applicability. The buffering and screening shown in table ~~2-5-2.4~~ shall be required under this section and shall apply to all new development. Existing landscaping which does not comply with the provisions of this section shall be brought into conformity to the maximum extent possible when: the vehicular use area is altered or expanded except for restriping of lots/drives, the building square footage is changed, or there has been a discontinuance of use for a period of 90 consecutive days or more and a request for an occupational license to resume business is made.

Where a property adjacent to the proposed use is: (1) undeveloped, (2) undeveloped but permitted without the required buffering and screening required pursuant to this code, or (3) developed without the buffering and screening required pursuant to this code, the proposed use shall be required to install the more opaque buffer as provided for in table 2.4. Where property adjacent to the proposed use has provided the more opaque buffer as provided for in table 2.4, the proposed use shall install a type A buffer.

Where the incorporation of existing native vegetation in landscape buffers is determined as being equivalent to or in excess of the intent of this code.

Words ~~struck through~~ are deleted; words underlined are added.

the ~~development planning~~ services director may waive the planting requirements of this section.

Buffering and landscaping between similar residential land uses may be incorporated into the yards of individual lots or tracts without the mandatory creation of separate tracts. If buffering and landscaping is to be located on a lot, it shall be shown as an easement for buffering and landscaping.

The buffering and screening provisions of this code shall be applicable at the time of planned unit development (PUD), preliminary subdivision plat (PSP), or site development plan (SDP) review, with the installation of the buffering and screening required pursuant to section 2.4.3.5. Where a more intensive land use is developed contiguous to a property within a similar zoning district, the ~~development planning~~ services director may require buffering and screening the same as for the higher intensity uses between those uses.

Landscape buffering and screening standards within any planned unit development shall conform to the minimum buffering and screening standards of the zoning district to which it most closely resembles. The ~~development planning~~ services director may approve alternative landscape buffering and screening standards when such alternative standards have been determined by use of professionally acceptable standards to be equivalent to or in excess of the intent of this code.

2.4.7.3.

Standards. Unless otherwise noted, all standards outlined in section 2.4.4 shall apply. Trees and shrubs shall be installed at the height specified in section 2.4.4.2.

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

1. Water management systems shall not exceed 50 percent of the square footage of any required side, rear, or front yard landscape buffer.
2. Water management systems shall not exceed, at any location within the required side, rear, or front yard landscape buffer, 70 percent of the required buffer width. A minimum 5 foot wide 10:1 level planting area shall be maintained where trees and hedges are required.
3. Exceptions to these standards may be granted on a case-by-case basis, evaluated on the following criteria:
 - a. Water management systems, in the form of dry retention, may utilize an area greater than 50 percent of the buffer when existing native vegetation is retained at natural grade.
 - b. For lots of record 10,000 square feet or less in size, water management areas may utilize an area greater than 50 percent of the required side and rear yard buffers. A level planting area of at least three feet in width shall be provided in these buffers.

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4. Sidewalks and other impervious areas shall not occupy any part of a required Alternative A, B, C, or D type buffer, except when:
 - a. Driveways and sidewalks are constructed perpendicular to the buffer and ~~providing~~ provide direct access to the parcel ~~shall be permitted~~.
 - b. Parallel meandering sidewalks occupy the buffer and its width is increased by the equivalent sidewalk width.
 - c. A required 15-20 foot wide buffer is reduced to a minimum of 10 feet wide and is increased by the 5-10 foot equivalent width elsewhere along that buffer.

2.4.7.4.

Types of buffers. Within a required buffer strip, the following alternative shall be used based on the matrix in table 2.4.

Alternative A: Ten-foot-wide landscape buffer with trees spaced no more than 30 feet on center.

Alternative B: Fifteen-foot-wide, 80 percent opaque within one year landscape buffer six feet in height, which may include a wall, fence, hedge, berm or combination thereof, including trees spaced no more than 25 feet on center. When planting a hedge, it shall be a minimum of 10 gallon plants 5 feet in height, 3 feet in spread and spaced a minimum 4 feet on center at planting.

Alternative C: Twenty-foot-wide, opaque within one year, landscape buffer with a six-foot wall, fence, hedge, or berm, or combination thereof and two staggered rows of trees spaced no more than 30 feet on center.

Alternative D: A landscape buffer shall be required adjacent to any road right-of-way, external to the development project. The minimum width of the perimeter landscape buffer shall vary according to the ultimate width of the abutting right-of-way. Where the ultimate width of the right-of-way is zero to 99 feet, the corresponding landscape buffer shall measure at least ten feet in width. Where the ultimate width of the right-of-way is 100 or more feet, the corresponding landscape buffer shall measure at least 15 feet in width. Developments of 15 acres or more and developments within an activity center shall provide a perimeter landscape buffer of at least 20 feet in width regardless of the width of the right-of-way. Activity center right-of-way buffer requirements shall not be applicable to roadways internal to the development.

Trees shall be spaced no more than 30 feet on center in the landscape buffer abutting a right-of-way.

A hedge of at least 24 inches in height at the time of planting and attaining a minimum of 3 feet height within one year shall be required in the landscape buffer where vehicular areas are adjacent to the road right-of-way, pursuant to section 2.4.4.3.

The remaining area of the landscape buffer shall consist of existing native vegetation, grass, ground cover, or other landscape treatment. Landscaping within a right-of-way shall not be applied to meet the provisions of this code. Every effort should be made to retain and incorporate the existing native vegetation in these areas.

Words ~~struck through~~ are deleted; words underlined are added.

TABLE 2.4 TABLE OF BUFFER REQUIREMENTS BY LAND USE CLASSIFICATIONS

Subject Property's District/Use	Adjacent Properties District												
	1	2	3	4	5	6	7	8	9	10	11	12	13
1. Agriculture (A ¹)	-	B	B	B	B	B	A	A	A	A	D	<u>A</u>	-
2. Residential (E, RSF) single-family	A	A	B	B	B	B	B	C	B	*	D	<u>B</u>	-
3. Residential (RMF-6, RMF-12, RMF-16) multifamily	A	B	A	B	A	B	B	B	B	*	D	<u>B</u>	-
4. Residential tourist (RT)	A	B	A	A	B	B	A	B	B	*	D	<u>B</u>	-
5. Village residential (VR)	A	A	B	B	A	B	B	B	B	*	D	<u>B</u>	-
6. Mobile home (MH)	A	B	B	B	B	A	B	B	B	*	D	<u>B</u>	<u>B</u>
7. Commercial ³ (C-1, C-1/T, C-2, C-3, C-4, C-5); Business Park (BP)	A	B	B	B	B	B	A	A	A	*	D	<u>B</u>	<u>B</u>
8. Industrial ² (I)	A	C	B	B	B	B	A	A ²	A	*	D	<u>B</u>	<u>B</u>
9. Public use (P), community facility (CF), Golf Course Clubhouse	A	B	B	B	B	B	A	A	A	*	D	<u>B</u>	-
10. Planned unit development (PUD)	*	*	*	*	*	*	*	*	*	*	D	*	*
11. Vehicular rights-of-way	D	D	D	D	D	D	D	D	D	D	D	<u>B</u>	-
12. Golf course maintenance building	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>
13. Golf course	-	-	-	-	-	-	-	-	-	-	-	<u>B</u>	-

The letter listed under "Adjacent Properties District" shall be the landscape buffer and screening alternative required. The "-" symbol shall represent that no buffer is required. The PUD district buffer, due to a variety of differing land uses, is indicated by the "*" symbol, and shall be based on the landscape buffer and screening of the district or use with the most similar types, densities and intensities of use. Where a conflict exists between the buffering requirements and the yard requirements of this code, the yard requirements of the subject zoning district shall apply.

¹Buffering in agriculture (A) districts shall be applicable at the time of site development plan (SDP) submittal.

²Industrial (I) zoned property, where abutting industrial (I) zoned property, shall be required to install a minimum five-foot-wide type A landscape buffer adjacent to the side and rear property lines. This area shall not be used for water management. In addition, trees may be reduced to 50 feet on center along rear and side perimeter buffers only. This reduction in buffer width shall not apply to buffers adjacent to vehicular rights-of-way or nonindustrial zoned property.

³Buffer areas between commercial outparcels located within a shopping center may be a shared 10' wide. This does not apply to right-of-way buffers.

SUBSECTION 3.E: AMENDMENTS TO THE SUPPLEMENTAL DISTRICT REGULATIONS DIVISION

Division 2.6, Supplemental District Regulations, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

Words ~~struck through~~ are deleted; words underlined are added.

Division 2.6 Supplemental District Regulations

2.6.2.2. ACCESSORY STRUCTURES ON WATERFRONT LOTS AND GOLF COURSE LOTS

Setbacks

	Front	Rear	Side	Structure to Structure(if detached)
4. Swimming pool and/or screen enclosure (one and two-family)	SPS	10 feet*	SPS	N

*20 feet where swimming pool decks exceed 4 feet in height above top of seawall or top of bank.

12. Attached Screen Porch	SPS	10 feet*	SPS	SPS
---------------------------	-----	----------	-----	-----

*20 feet where floor or deck of porch exceeds 4 feet in height above top of seawall or top of bank.

2.6.7. Parking and Storage of Certain Vehicles.

2.6.7.3. *Parking of commercial vehicles or commercial equipment in residential areas.*

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

(1) The vehicle and/or equipment is engaged in a construction or service operation on the site where it is parked. The vehicle or equipment must be removed as soon as the construction or service activity has been completed.

(2) The vehicle and/or equipment is parked in a garage, ~~carport~~, or fully enclosed structure or carport which is structurally or vegetatively screened and cannot be seen from adjacent properties or the street serving the lot.

(3) The vehicle is parked in the rear of the main structure and is enclosed within a vegetative screening which conceals the vehicle from the view of neighbors.

(4) Automobiles; passenger type vans; and pickup trucks, having a rated load capacity of one ton or less - all of which do not exceed 7.5 feet in height, nor 7.0 feet in width, nor 25 feet in length shall be exempted from this section unless otherwise prohibited by a special parking overlay district.

(5) Exempted from this section is small commercial equipment such as ladders and pipes which cannot be contained in the vehicle. Said equipment shall be limited to one ladder or one unit of pipe which does not exceed twelve (12) inches in diameter per commercial vehicle. Said equipment shall be secured atop the vehicle and shall not extend beyond the length, height or width of the vehicle.

Words ~~struck through~~ are deleted; words underlined are added.

SUBSECTION 3.F: ADDITION OF ARCHITECTURAL AND SITE DESIGN
STANDARDS AND GUIDELINES

Article 2, Zoning, of Ordinance No. 91-102, as amended, the Collier County Land

Development Code, is hereby amended to add Division 2.8. to read as follows:

DIVISION 2.8. ARCHITECTURAL AND SITE DESIGN STANDARDS AND
GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS

2.8.1. Purpose and Intent. The purpose of these standards and guidelines is to supplement existing development criteria with specific criteria that apply to the design of commercial buildings and projects. Commercial development depends on high visibility from major public streets. In turn, their design of building(s) and site determines much of the image and attractiveness of the streetscapes and character of a community. Massive and/or generic developments that do not contribute to, or integrate with, the community in a positive manner can be detrimental to a community's image, and sense of place. The goal is to create and maintain a positive ambiance and strong community image and identity by providing for architectural and site design treatments which will enhance the visual appearance of commercial development in Collier County, while still providing for design flexibility. These standards are intended to enhance the quality of life in Collier County.

The prominent styles of architecture in Collier County include: a blend of Spanish Mediterranean with barrel tile roofs, stucco facades, arches and wood accent members used as typical details; Florida Cracker style, which includes metal roofs and covered porches; and Bermuda/Island Regency which includes white tile roofs with stucco facades and quoins used as typical details. While no particular style of architecture is prohibited herein, the above referenced individual styles, and the interpretation or blending of characteristics associated with these styles are encouraged.

These standards and guidelines incorporate a basic level of architectural design with site design features which incorporate safe and convenient vehicular use areas and pedestrian ways, and landscape, lighting and signage treatments intended to result in a comprehensive plan for building design and site development consistent with the goals, policies and objectives of the Collier County Growth Management Plan and the purpose and intent of this code. These regulations are intended to promote the use of Crime Prevention Through Environmental Design (C.P.T.E.D.) principals including: visibility - visibility for law enforcement and other people in the area; natural surveillance - placing areas of activity where they can be seen by law enforcement and the public; and , defensible space - designing areas which people will take as their own and not be willing to relinquish this space other undesirable activities.

2.8.2. Applicability. Provisions of this division are applicable in all commercial zoning districts, commercial components of PUD districts and DRIs, and business park districts as provided below:

Words ~~struck through~~ are deleted; words underlined are added.

- 2.8.2.1 Renovations and Redevelopment: In the case of additions or renovations to, or redevelopment of, an existing building or project, where the cost of such addition, renovation, or redevelopment exceeds fifty (50) percent of the value of the existing structure(s), or twenty (20) percent of the square footage of the existing structures, the provisions of this division shall apply.
- 2.8.2.2. Discontinuance: The provisions of section 1.8.3.3. of this code do not apply to the provisions of section 2.8. which require structural alterations and are superseded by the following. Where the use of a structure ceases for any reason, except where governmental action impedes access to the premises, for a period of more than three hundred and sixty-five consecutive days, the provisions of this code which may require structural alterations shall be adhered to prior to re-occupancy of the structure. With respect to vehicular use and required landscape areas, the provisions of this section shall apply where the use of a structure ceases for any reason, except where governmental action impedes access to the premises, for a period of more than one hundred and eighty consecutive days.
- 2.8.2.3. Required Site Development or Improvement Plan. Compliance with the standards set forth in this division shall be demonstrated by submittal of architectural drawings and a site development plan or site improvement plan in accordance with division 3.3 of this code.
- 2.8.2.4. Illustrations: Illustrations provided in division 2.8. are intended to provide a graphic example of a specific provision or provisions set forth herein. Variations from these illustrations which nonetheless adhere to the provisions of this division, are encouraged.
- 2.8.3. Architectural and site design standards and guidelines for commercial buildings and projects with a gross building area of twenty-thousand (20,000) square feet or larger. Compliance with the standards set forth in this section shall be demonstrated by submittal of architectural drawings and a site development plan in accordance with division 3.3 of this code.
- 2.8.3.1. Off street parking design. As provided for in division 2.3, and subject to the following provisions:
- 2.8.3.1.2. Purpose and Intent. Commercial buildings and projects, including their outparcels shall be designed to provide safe, convenient, and efficient access for pedestrians and vehicles. Parking shall be designed in a consistent and coordinated manner for the entire site. The parking area shall be integrated and designed so as to enhance the visual appearance of the community.
- 2.8.3.1.3. Design Standards. Parking, utilizing the same degree of angle, shall be developed throughout the site to provide efficient and safe traffic and pedestrian circulation. A single bay of parking provided along the perimeter of the site may vary in design in order to maximize the number of spaces provided on-site. The mixture of one-way and two-way parking aisles, or different degrees of angled parking within any parking area is prohibited, except as noted above, or where individual parking areas are physically separated from one another by a continuous landscape buffer, a minimum five (5) feet in width with limited access (See Illustrations 1 & 2 below).

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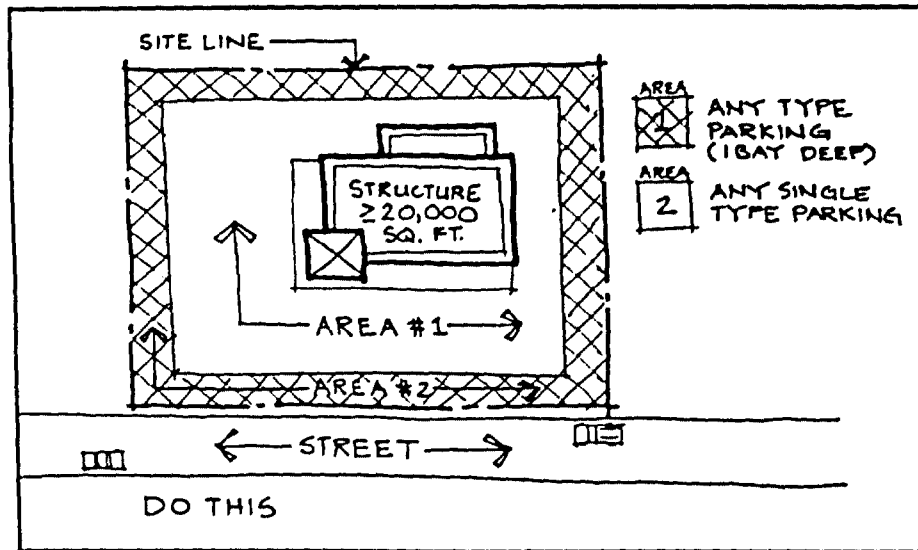


Illustration 1

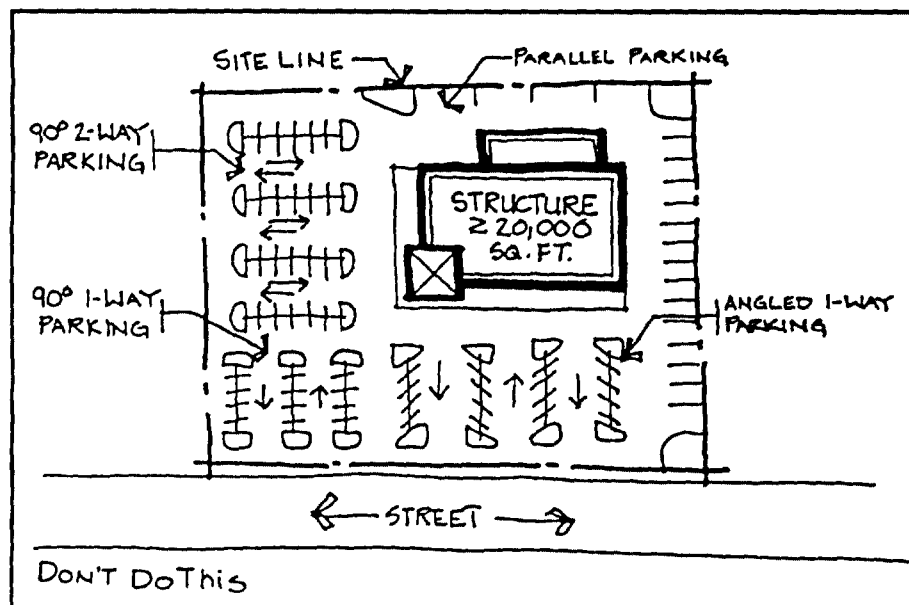


Illustration 2

2.8.3.1.4. Parking for Single Use Projects. Single use projects shall be designed to adhere to the following standards:

- a) Interior lots. No more than fifty (50) percent of the off-street parking for the entire commercial building or project shall be located between any primary facade of the commercial building or project and the abutting street or navigable waterway, or where no parking is provided between a primary facade and an abutting right-of-way or navigable waterway, then the minimum set back from the right-of-way shall be a minimum of forty (40) feet. (see Illustration 3 below).

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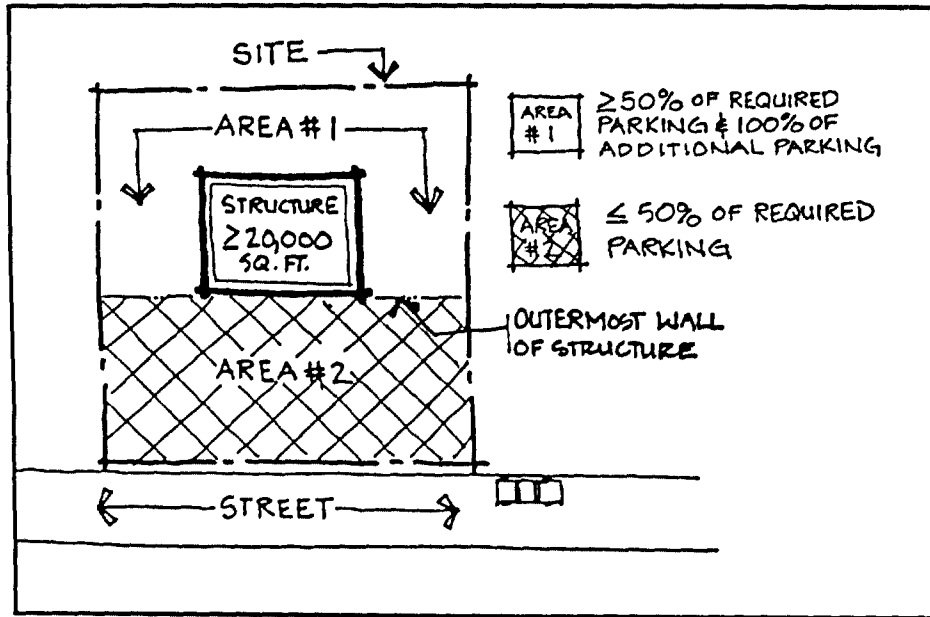


Illustration 3

b) Corner lots. No more than eighty (80) percent of the off-street parking for the entire commercial building or project shall be located between any primary facade of the commercial building or project and the abutting street or navigable waterway area, with no single side to contain more than sixty-five (65) percent of the required parking, or where no parking is provided between a primary facade and an abutting right-of-way or navigable waterway, then the minimum set back from the right-of-way shall be a minimum of forty (40) feet. (See Illustration 4 below).

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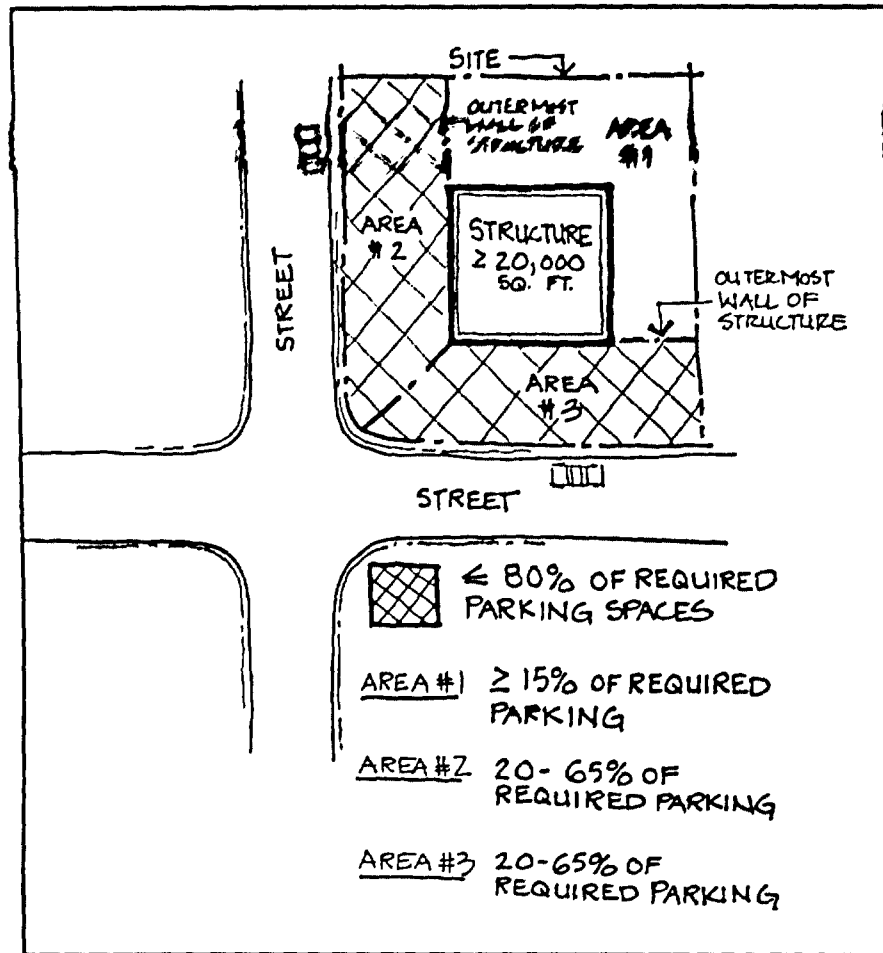


Illustration 4

2.8.3.1.5. Parking Structure Standards: A minimum of sixty (60) percent of any primary facade of a parking structure or covered parking facility shall incorporate two of the following (see Illustration 5 below for examples):

- a) transparent windows, with clear or lightly-tinted glass, where pedestrian oriented businesses are located along the facade of the parking structure;
- b) display windows;
- c) decorative metal grille-work or similar detailing which provides texture and partially and/or fully covers the parking structure opening(s);

Words ~~struck through~~ are deleted; words underlined are added.

- d) art or architectural treatment such as sculpture, mosaic, glass block, opaque art glass, relief work, or similar features; or,
- e) vertical trellis or other landscaping or pedestrian plaza area.

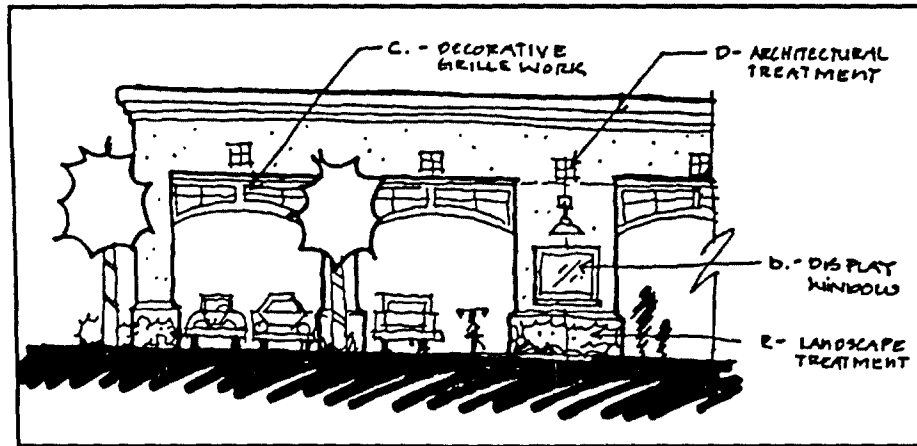


Illustration 5

2.8.3.2. Lighting

2.8.3.2.1 Purpose and Intent. Commercial buildings and projects, including their outparcels shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community.

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

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

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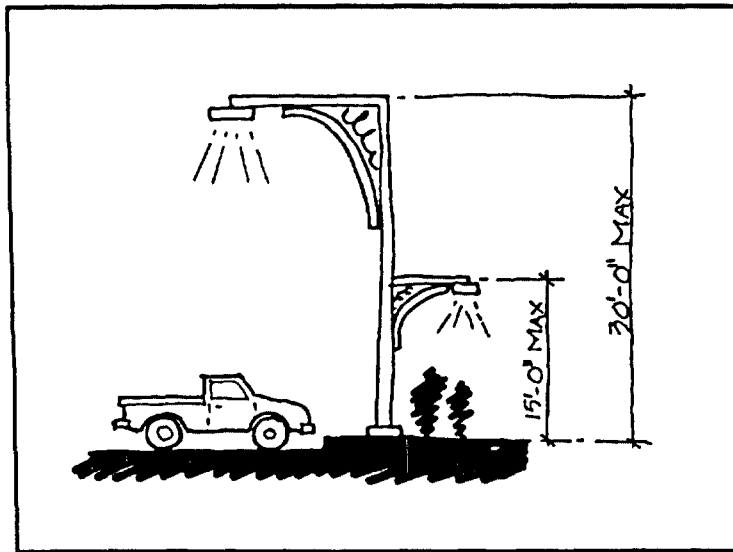


Illustration 6

- 2.8.3.2.4. Design standards. Lighting shall be used to accent key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project through style, material or color.
- 2.8.3.3.. Loading, storage, mechanical equipment, solid waste disposal facilities and other service function areas.
- 2.8.3.3.1. Purpose and Intent. To diminish, in a safe manner, the visual impacts of service functions that may detract or have a negative impact on the streetscape, landscape and/or the overall community image.
- 2.8.3.3.2. Buffering and screening standards. In accordance with the provisions of division 2.6. of this code, loading areas or docks, outdoor storage, trash collection, mechanical equipment, trash compaction, truck parking, recycling, roof top equipment and other service function areas shall be fully screened and out of view from adjacent properties at ground view level when located along primary facades or within view of residentially zoned properties.
- 2.8.3.3.3. Materials and design standards. Screening material and design shall be consistent with design treatments of the primary facades of the commercial building or project and the landscape plan.
- 2.8.3.3.4. Drive-through window standards. Drive-through windows and lanes shall be designed to adhere to the following standards:
1. Drive-through windows shall not be placed between the right-of-way of a primary collector or arterial roadway and the associated building, unless the vegetation required for a Type "B" landscape buffer is installed within the buffer width required for the project and maintained along the entire length of the drive-through lane between the drive-through lane and the adjacent right-of-way. As an alternative to the vegetative buffer referenced above, a permanent covered porte-cochere type structure, other than awning/canvas type structure(s), may be installed extending the width of the drive-through

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and covering the service window(s). Such structure shall be integrated structurally and architecturally into the design of the building.

2. Only a single drive-through lane is permitted unless associated with a free standing restaurant under fifteen hundred (1,500) square feet which may utilize double drive-through lanes. Where double drive-through lanes are provided, an area located between the drive-through lane and the building, averaging five (5) feet in width and equal to a minimum of twenty (20) percent of the aggregate linear footage of the building envelope shall be landscaped with trees, palms, shrubs and groundcovers, excluding grass.

2.8.3.4. Pedestrian Walkways

2.8.3.4.1. Purpose and intent. To provide safe opportunities for alternative modes of transportation by connecting with existing and future pedestrian and bicycle pathways within the county and to provide safe passage from the public right-of-way to the commercial building or project, and between alternative modes of transportation.

2.8.3.4.2. Pedestrian access standards. Pedestrian ways, linkages and paths shall be provided from the building entry(s) to surrounding streets, external sidewalks, and outparcels. Pedestrian ways shall be designed to provide access between parking areas and the building entrance(s) in a coordinated and safe manner. Pedestrian ways may be incorporated within a required landscape perimeter buffer, provided said buffer is not less than ten (10) feet in width on average. Shared pedestrian walkways are encouraged between adjacent commercial projects.

2.8.3.4.3. Minimum ratios. Pedestrian ways shall be provided at a minimum ratio of one for each public vehicular entrance to a project, excluding ingress and egress points intended primarily for service, delivery or employee vehicles.

2.8.3.4.4. Minimum dimensions. Pedestrian walkways shall be a minimum of five (5) feet wide.

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

2.8.3.4.6. Pedestrian crosswalks at building perimeter. Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.

2.8.3.4.7. Shade. Pedestrian walkways shall provide intermittent shaded areas when the walkway exceeds one-hundred (100) linear feet in length at a ratio of one hundred (100) square feet of shaded area per every one-hundred (100) linear feet of walkway.

2.8.3.5. Building Design.

2.8.3.5.1. Purpose and intent. To maintain and enhance the attractiveness of the streetscape and the existing architectural design of the community. Buildings shall have architectural features and patterns that provide visual interest from the perspective of the pedestrian; reduce massing aesthetic; recognize local character, and be site responsive. Facades shall be designed to reduce the

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mass/scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the community's identity and character through the use of detail and scale. Articulation is accomplished by varying the buildings mass in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian (see Illustration 7 below).

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

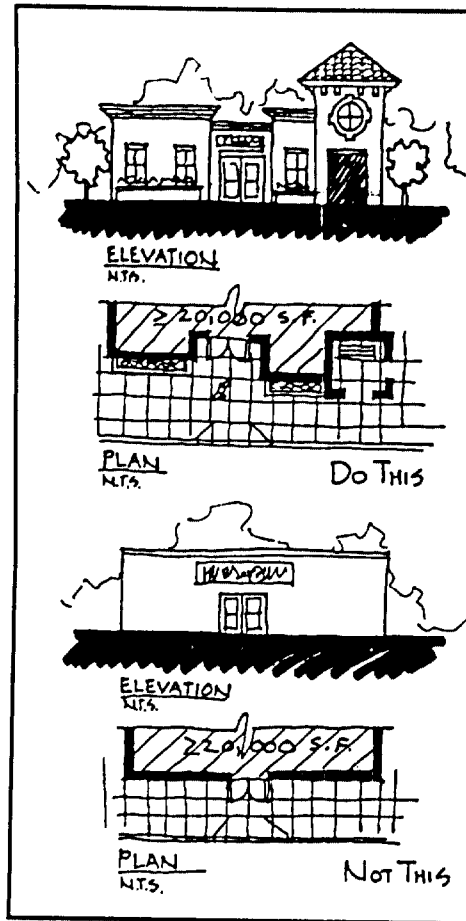


Illustration 7

2.8.3.5.2. Building Orientation Standards. Facades/elevations that are adjacent to an arterial or collector street, or a navigable waterway, shall have either windows along no less than fifty (50) percent of their horizontal length or a primary customer entrance along said facades. Additional entrances and windows facing additional abutting public streets, navigable waterways, or adjacent buildings are encouraged. Buildings shall be oriented to maximize pedestrian access, use and view of any adjacent navigable water bodies.

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2.8.3.5.3. Facade/Wall Height Transition. New developments that are located within three-hundred (300) feet of an existing building, and are more than twice the height of any existing building within three-hundred (300) feet shall provide transitional massing elements to transition between the existing buildings of lower height within three-hundred (300) feet, and the proposed development. The transitional massing element can be no more than one hundred (100) percent taller than the average height of the adjacent buildings (see Illustration 8 below).

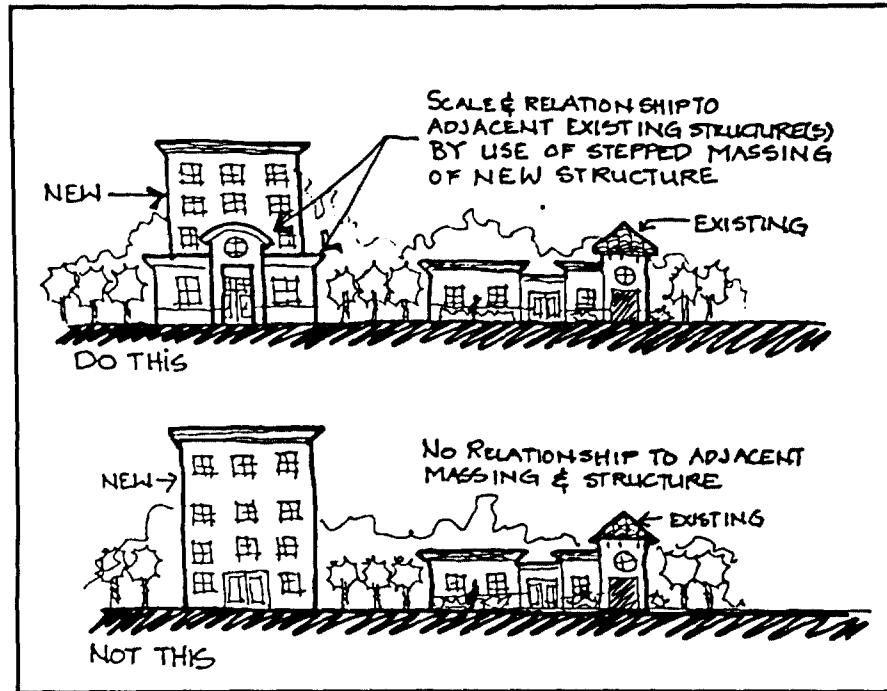


Illustration 8

2.8.3.5.4. Facade standard. All primary facades of a building shall be designed with consistent architectural style, detail and trim features. In the case of outparcel buildings, all exterior facades shall adhere to the requirements of this division with respect to architectural design treatments for primary facades.

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

- 1.) No horizontal length or uninterrupted curve of a building facade shall exceed one-hundred (100) linear feet. For arcaded facades, no horizontal length or uninterrupted curve of the arcaded facade shall exceed one-hundred and twenty (120) feet, but varied lengths are desirable. Projections and recesses shall have a minimum depth of three (3) feet with twenty-five (25) percent of these having a varied length with a minimum differential of one (1) foot (See Illustration 9 below).

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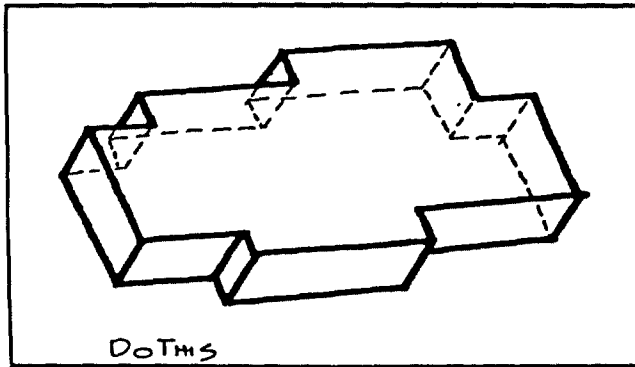


Illustration 9

2.) Exterior wall planes shall not constitute more than sixty (60) percent of each affected ground floor facade. The wall plane shall be measured at one (1) foot off the exterior wall surface on each side of the wall.

3.) Primary facades on the ground floor shall have features along a minimum of fifty (50) percent of their horizontal length per affected side. These features include, but are not limited to: arcades, a minimum of eight (8) feet clear in width; display windows; entry areas; or other such design elements. Awnings are excluded from this calculation unless associated with windows/doors and are in increments of ten (10) feet in length or less.

2.8.3.5.6. Project standards. Both single and multi-use buildings and projects shall also be required to provide a minimum of three of the following building design treatments (see Illustrations 10 and 11 below):

- a) Canopies or porticos, integrated with the buildings massing and style;
- b) Overhangs;
- c) Arcades, minimum of eight (8) feet clear in width;
- d) Sculptured artwork;
- e) Raised cornice parapets over doors;
- f) Peaked roof forms;
- g) Arches;
- h) Display windows;
- i) Ornamental and structural architectural details, other than cornices; which are integrated into the building structure and overall design;
- j) Clock or bell towers; or,
- k) Any other treatment which, in the opinion of the Planning Services Director, meets the intent of this section;

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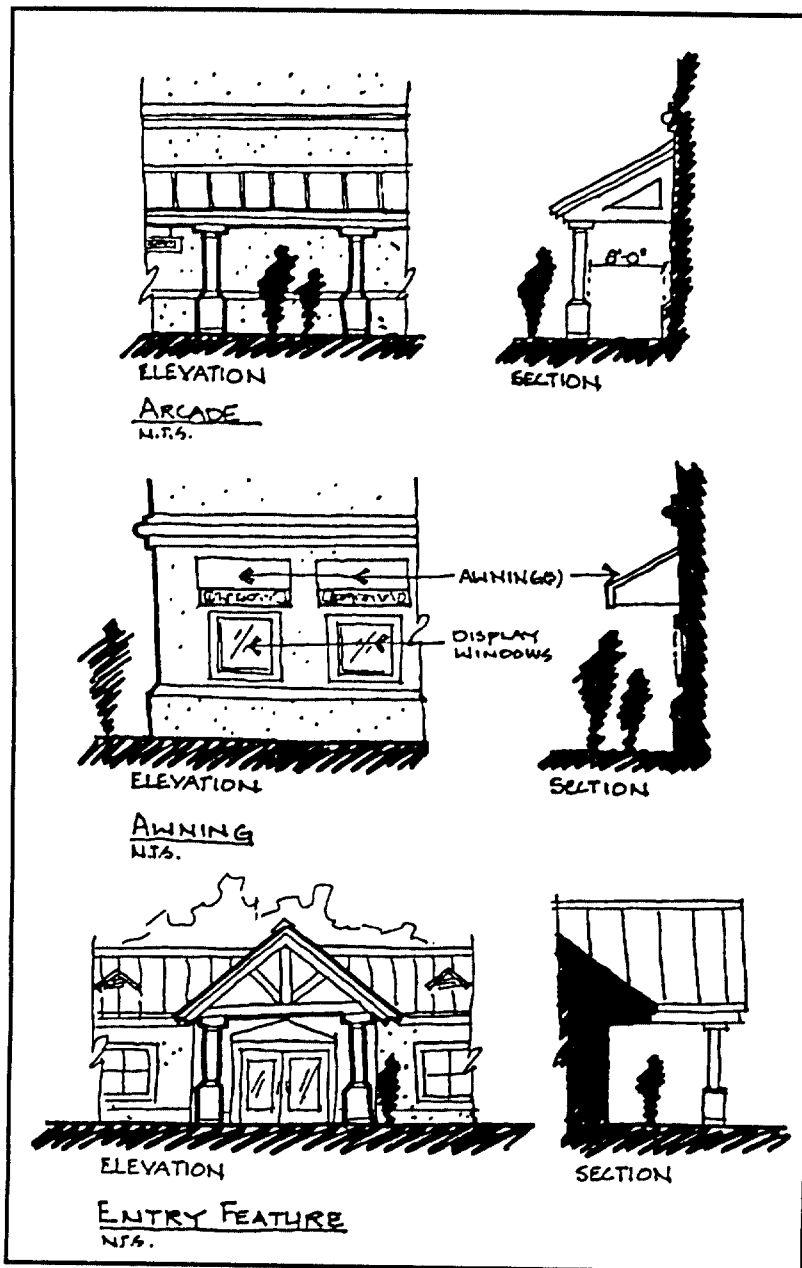


Illustration 10

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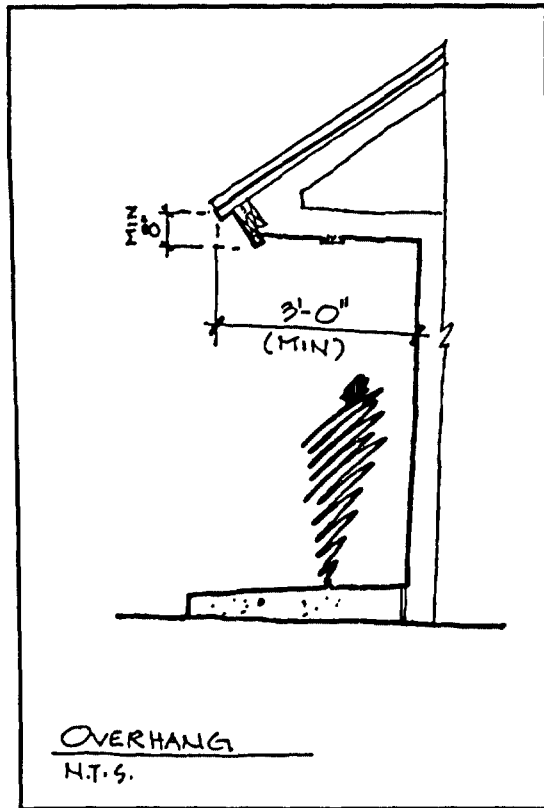


Illustration 11

and one of the following site design elements:

- a) Decorative landscape planters or planting areas, a minimum of five (5) feet wide, and areas for shaded seating consisting of a minimum of one-hundred (100) square feet;
- b) Integration of specialty pavers, or stamped concrete along the building's walkway. Said treatment shall constitute a minimum of sixty (60) percent of walkway area; or,
- c) Water elements, a minimum of one-hundred and fifty (150) square feet in area.

2.8.3.5.7. Detail Features

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

2.8.3.5.7.2. Blank wall areas. Blank wall areas shall not exceed ten (10) feet in vertical direction nor twenty (20) feet in horizontal direction of any facade. Control and expansion joints within this area shall constitute blank wall area unless used as a decorative pattern and spaced at intervals of six (6) feet or less. Relief and reveal work depth must be a minimum of one half (1/2) inch (see Illustration 12 below).

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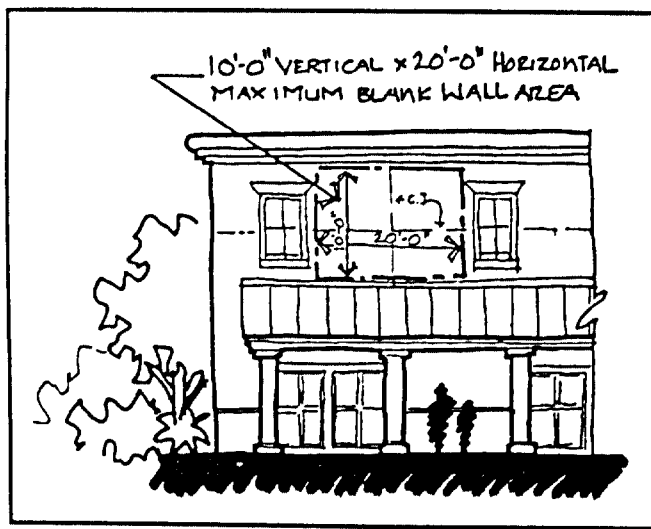


Illustration 12

2.8.3.5.7.3. Repeating Facade Treatments. Building facades shall include a repeating pattern and shall include no less than three of the design elements listed below. At least one of these design elements shall repeat horizontally. All design elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

1. Color change;
2. Texture change;
3. Material module change;
4. Expression of architectural or structural bays, through a change in plane of no less than twelve (12) inches in width, such as a reveal, an offset, or a projecting rib (see Illustration 13 below.);

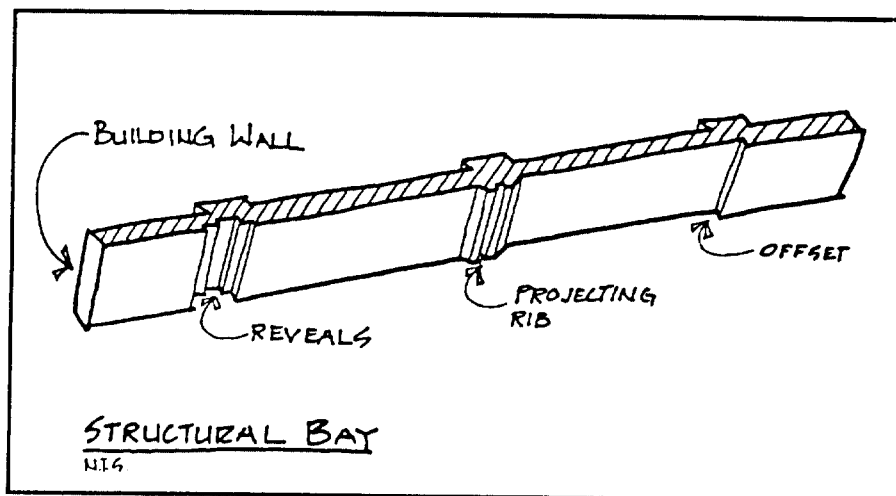


Illustration 13

5. Architectural banding;
6. Building setbacks or projections, a minimum of three (3) feet in width on upper level(s); or.
7. Pattern change

2.8.3.5.8. Additional Facade Design Treatments For Multiple Use Buildings.

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2.8.3.5.8.1 Purpose and Intent. The presence of buildings with multiple tenants creates variety, breaks up large expanses of uninterrupted facades, and expands the range of the site's activities. Windows and window displays of such stores shall be used to contribute to the visual interest of exterior facades. The standards in this section are directed toward those situations where more than one retailer, with separate exterior customer entrances, are located within the principal building.

2.8.3.5.8.2. First Floor Primary Facade Treatments.

2.8.3.5.8.2.1. The first floor of the primary facades of such multi-use buildings shall, at a minimum, utilize windows between the heights of three (3) feet and eight (8) feet above the walkway grade for no less than fifty (50) percent of the horizontal length of the building facade.

2.8.3.5.8.2.2. Windows shall be recessed, a minimum of one-half (1/2) inch, and shall include visually prominent sills, shutters, stucco reliefs, or other such forms of framing.

2.8.3.5.9. Outparcels.

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

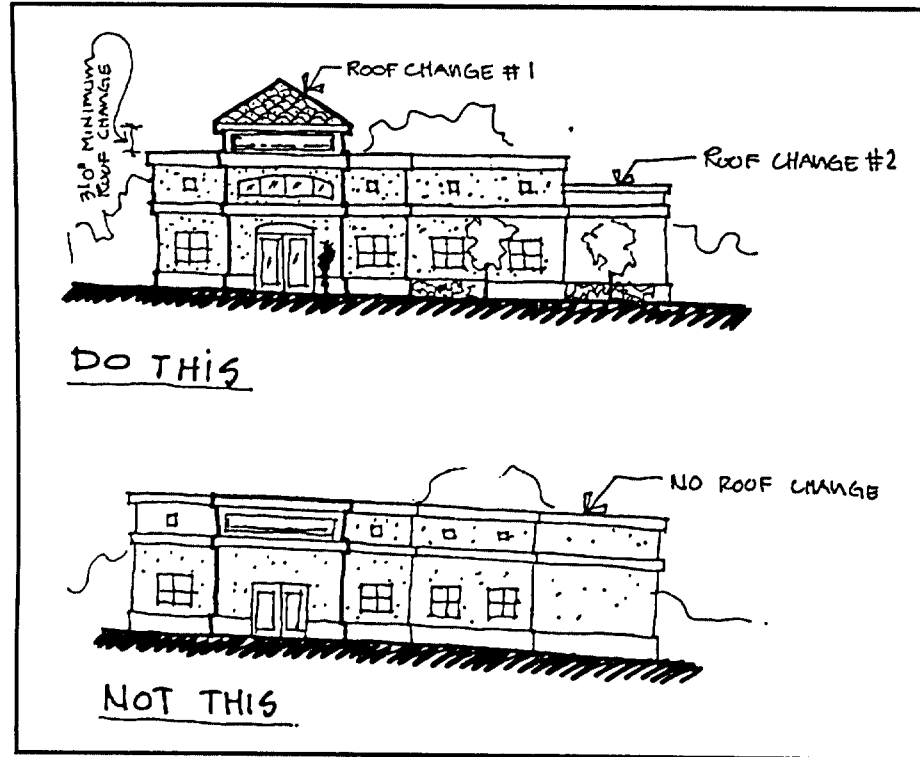
2.8.3.5.9.2. Outparcel design: All exterior facades of an outparcel structure shall be considered primary facades and shall employ architectural, site, and landscaping design elements which are integrated with and common to those used on the primary structure on site. These common design elements shall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

2.8.3.5.10. Roof Treatments.

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

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2.8.3.5.10.2. Roof edge and parapet treatment. At a minimum of two locations, the roof edge and/or parapet shall have a vertical change from the dominant roof condition, a minimum of three (3) feet. At least one such change shall be located on a primary facade adjacent to a collector or arterial right-of-way (see Illustration 14 below).



2.8.3.5.10.3. Roofs shall meet at least two of the following requirements:

- 1) Parapets shall be used to conceal roof top equipment and flat roofs;
- 2) Where overhanging eaves are used, overhangs shall be no less than three (3) feet beyond the supporting walls with a minimum fascia of eight (8) inches;
- 3) Three or more roof slope planes per primary facade (see Illustration 15 below);

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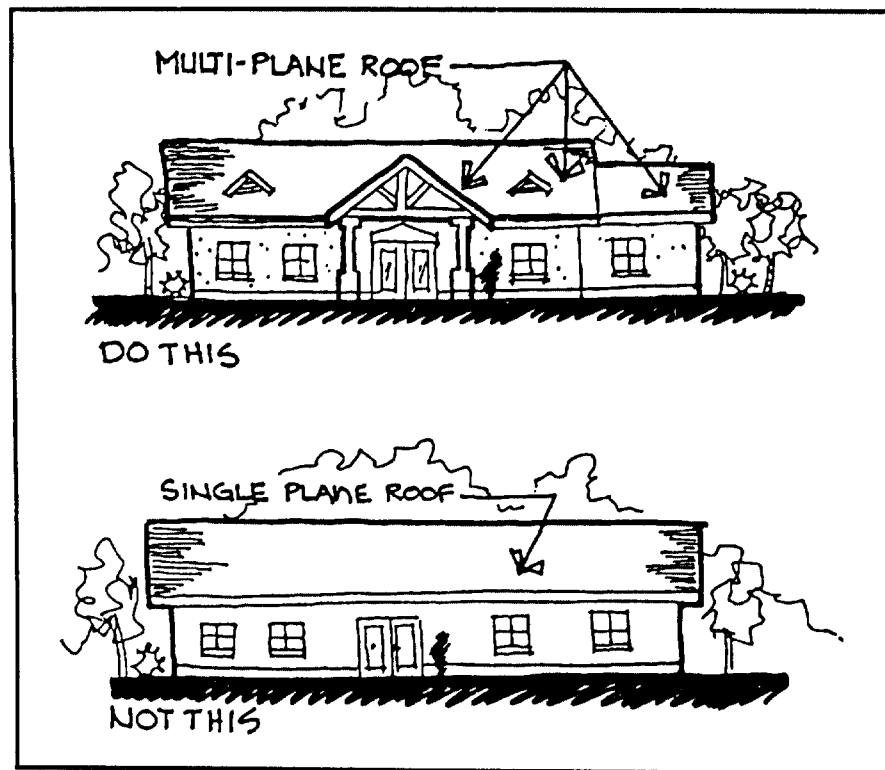


Illustration 15

- 4) Sloping roofs, which do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or an average slope equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
- 5) Three-dimensional cornice treatment which shall be a minimum of twelve (12) inches in height with a minimum of three reliefs; or
- 6) Additional vertical roof changes with a minimum change in elevation of two (2) feet.

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

- 1) Asphalt shingles, except laminated, three-hundred-twenty (320) pound, thirty (30) year architectural grade asphalt shingles or better;
- 2) Mansard roofs and canopies without a minimum vertical distance of eight (8) feet and at an angle not less than twenty-five (25) degrees, and not greater than seventy (70) degrees;
- 3) Roofs utilizing less than or equal to a two (2) to twelve (12) pitch unless utilizing full parapet coverage; and
- 4) Back-lit awnings used as a mansard or canopy roof.

2.8.3.5.11. Entryways/Customer Entrance Treatments.

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

2.8.3.5.11.2. Entryways/Customer Entrance Standards. These standards identify appropriate entry features.

2.8.3.5.11.2.1 Single Use Buildings. Single use buildings shall have clearly defined, highly visible customer entrances which shall include the following:

a) An outdoor patio area adjacent to the customer entrance, a minimum of two hundred (200) square feet in area which incorporates the following:

- 1) benches or other seating components;
- 2) decorative landscape planters or wing walls which incorporate landscaped areas; and
- 3) structural or vegetative shading.

2.8.3.5.11.2.2. Multiple use buildings and projects. Multi-use structures shall include the following :

1) Anchor tenants shall provide clearly defined, highly visible customer entrances.

2) A provision for intermittent shaded outdoor community space at a minimum of one (1) percent of the total gross floor area of the building or commercial project. Said community space shall be located off or adjacent to the circulation path of the complex or main structure and shall incorporate benches or other seating components.

2.8.3.5.12. Materials and Color.

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

2.8.3.5.12.2. Exterior Building Materials standards.

2.8.3.5.12.2.1. Predominant exterior building materials shall include, but are not limited to:

- 1) Stucco;
- 2) Brick;
- 3) Tinted, textured, other than smooth or ribbed, concrete masonry units; or
- 4) Stone, excluding an ashlar or rubble construction look.

2.8.3.5.12.2.2. Predominant exterior building material that are prohibited include:

- 1) Plastic siding;
- 2) Corrugated or reflective metal panels;
- 3) Tile;
- 4) Smooth or rib faced concrete block; and
- 5) Applied stone in an ashlar or rubble look.

2.8.3.5.12.3. Predominant Exterior Color(s).

2.8.3.5.12.3.1 The use of black or fluorescent colors is prohibited as the predominant exterior building color(s).

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2.8.3.5.12.4. Building Trim Color(s).

2.8.3.5.12.4.1. Building trim and accent areas may feature any color(s), limited to ten (10) percent of the affected facade segment, with a maximum trim height of twenty four (24) inches total for its shortest distance.

2.8.3.5.12.4.2. Neon or neon type tubing shall be permitted provided for in sections 2.5.6.21, and 2.5.6.22. of this Code. ^{smaller} An approved lighting plan consistent with the provisions of section 2.5.8.1.5.2. of this code shall be provided.

2.8.3.6. Signage:

2.8.3.6.1. Purpose and intent: Signs are intended to be designed to complement rather than detract from the visual impact of a commercial development by utilizing design elements consistent with those employed in the structure's architecture and by minimizing conflicts with on-site landscaping areas and vehicular use areas.

2.8.3.6.2. Development standards: In addition to the provisions set forth in division 2.5., of this code, the following standards shall apply.

2.8.3.6.2.1. Unified Sign Plan: Where multiple on-premise signs are proposed for a single site or project, or in the case of a shopping center or multi-use building, a unified signage plan shall be employed. An application for Site Development or Site Improvement Plan approval shall be accompanied by a graphic and narrative representation of the unified signage plan to be utilized on the site. The unified sign plan may be amended and resubmitted for approval to reflect style changes or changing tenant needs. Design elements which shall be addressed in both graphic and narrative form include:

- a) Adherence with the provisions of division 2.5. of this code;
- b) colors;
- c) construction materials and method;
- d) architectural design;
- e) illumination method;
- f) copy style;
- g) sign type(s) and location(s); and,
- g) in the case of multi-use buildings, and parcels with multiple structures on site, including outparcels, the unified sign plan shall indicate conformance with the following:

- 1) No wall sign shall exceed eighty (80) percent of the width of the unit(s) occupied by a business with a minimum of ten (10) percent clear area on each outer edge of the unit(s);
- 2) All wall signs for multi-use buildings shall be located at a consistent location on the building facade, except that anchor tenants may vary from this locational requirement in scale with the anchor's larger primary facade dimensions. All signs shall adhere to the dimensions provided for in the unified signage plan; and
- 3) Pole signs shall provide a pole cover with architectural design features, including colors and/or materials common to those used in the design of the building the sign is accessory to. A minimum one-hundred (100) square foot planting area shall be provided around the base of any ground or pole sign, consistent with the provisions of division 2.5. of this code (see Illustration 16 below).

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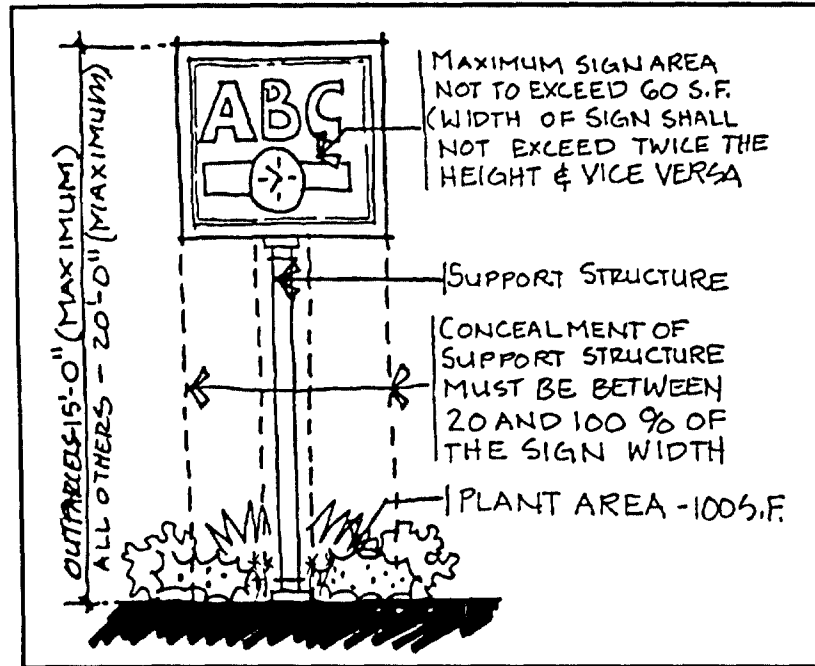


Illustration 16

2.8.3.6.2.2. Outparcels: In addition to the above requirements, unified sign plans for outparcels, regardless of the size of the outparcel, shall be limited to the following:

- a) a wall sign for any facade adjacent to a public right-of-way and a wall sign for any facade facing the main commercial center, not to exceed a maximum of two wall signs for any single use; and,
- b) a single ground or pole sign not to exceed sixty (60) square feet. Pole signs shall be limited to fifteen (15) feet in height.

2.8.3.6.2.3. Building Permit Requests. Requests for building permits for permanent on-premise signs shall adhere to the unified signage plan, which shall be kept on file in the community development and environmental services division. Requests to permit a new sign, or to relocate, replace or structurally alter an existing sign shall be accompanied by a unified sign plan for the building or project the sign is accessory to. Existing permitted signs may remain in place; however, all future requests for permits, whether for a new sign, or relocation, alteration, or replacement of an existing sign, shall adhere to the unified sign plan for the property.

2.8.3.7. Landscaping In addition to the requirements of section 2.4., "Landscaping and Buffering" the following requirements shall apply.

2.8.3.7.1. Purpose and intent: To provide enhanced landscaping within the vehicular and pedestrian use areas of large commercial buildings and projects. Such landscaping is intended to enhance the visual experience of the motoring and pedestrian public, commonly referred to as the "streetscape", while adhering to the purpose and intent set forth in division 2.4. of this code. Landscaping should be used to enhance and complement the site design and building architecture.

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2.8.3.7.2. Landscaping. The following requirements, with the exception of building perimeter plantings, shall be counted toward the required greenspace and open space requirements of division 2.4. of this code

1. At time of planting, trees in vehicular use areas shall be a minimum of twelve (12) to fourteen (14) feet height with a six (6) foot spread and a two and one-half (2 1/2") inch caliper and shall have a clear trunk area to a height of seven (7) feet.
2. The first row of landscape islands located closest to the building front and sides shall be landscaped with trees, palms, shrubs and groundcovers and shall have a clear trunk area to a height of seven (7) feet (see Illustration 17 below).

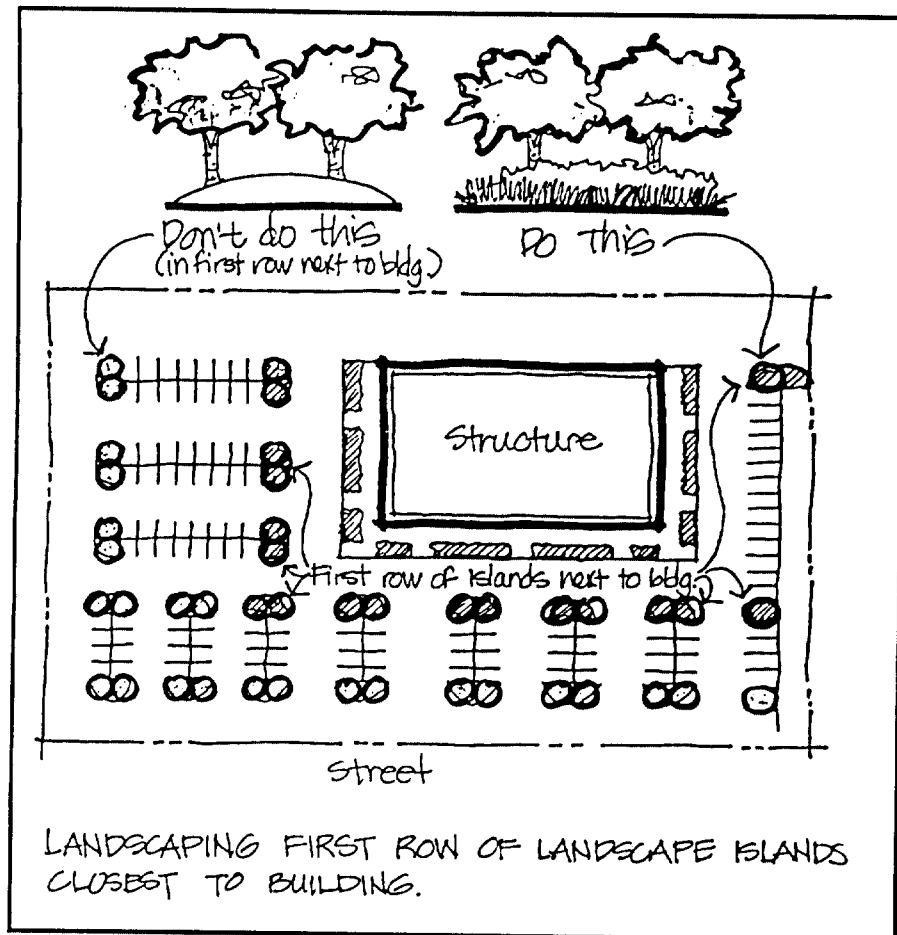


Illustration 17

3. Tree and lighting locations shall be designed so as not to conflict with one another (see Illustration 18 below).

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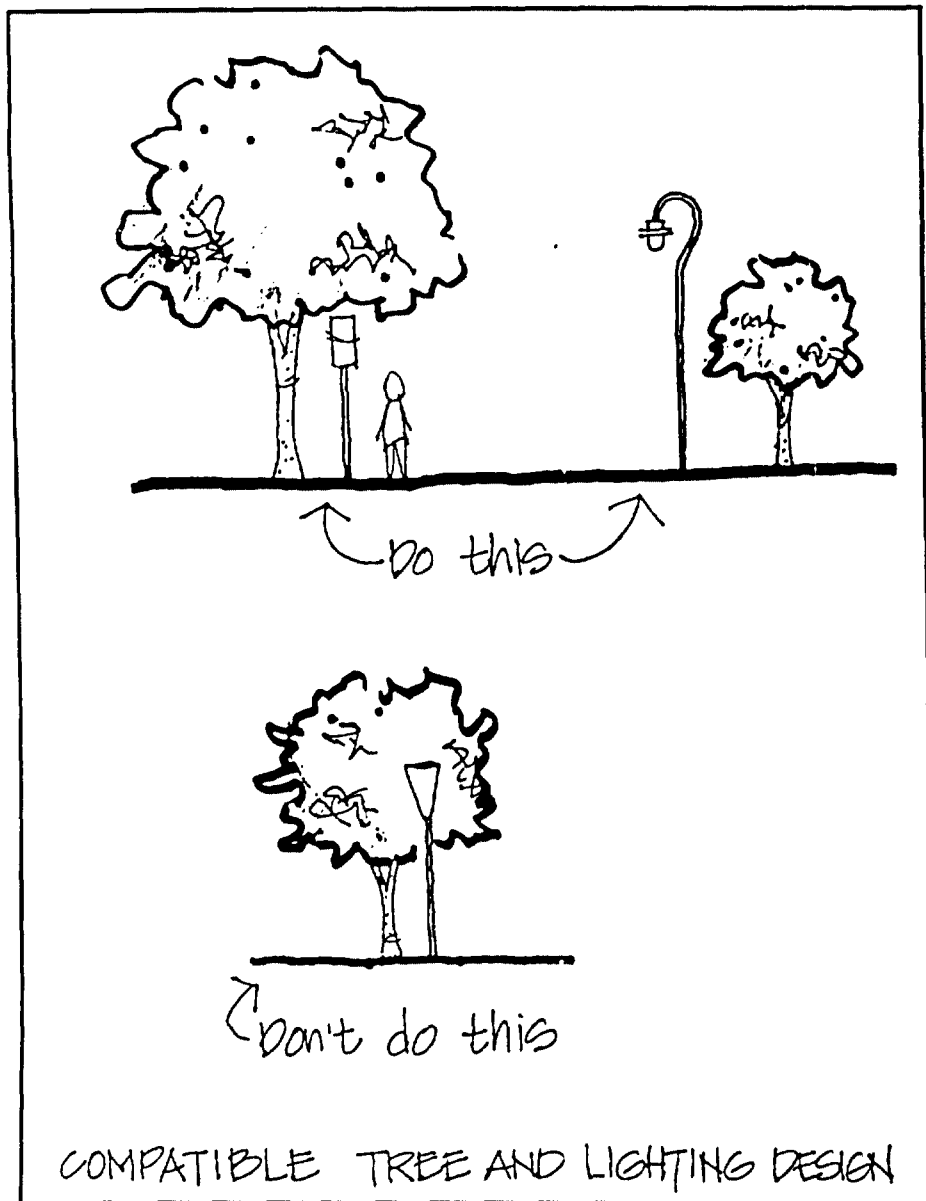


Illustration 18

2.8.3.7.3. Locational Requirements for Building Perimeter Plantings as Required by Section 2.4.6.5. of this code:

1. Perimeter landscape plantings shall be located adjacent to the primary building facade, including building entrance areas, plazas, and courtyards. These areas shall be landscaped with any combination of trees, palms, shrubs and ground covers (see Illustrations 19 and 20 below).

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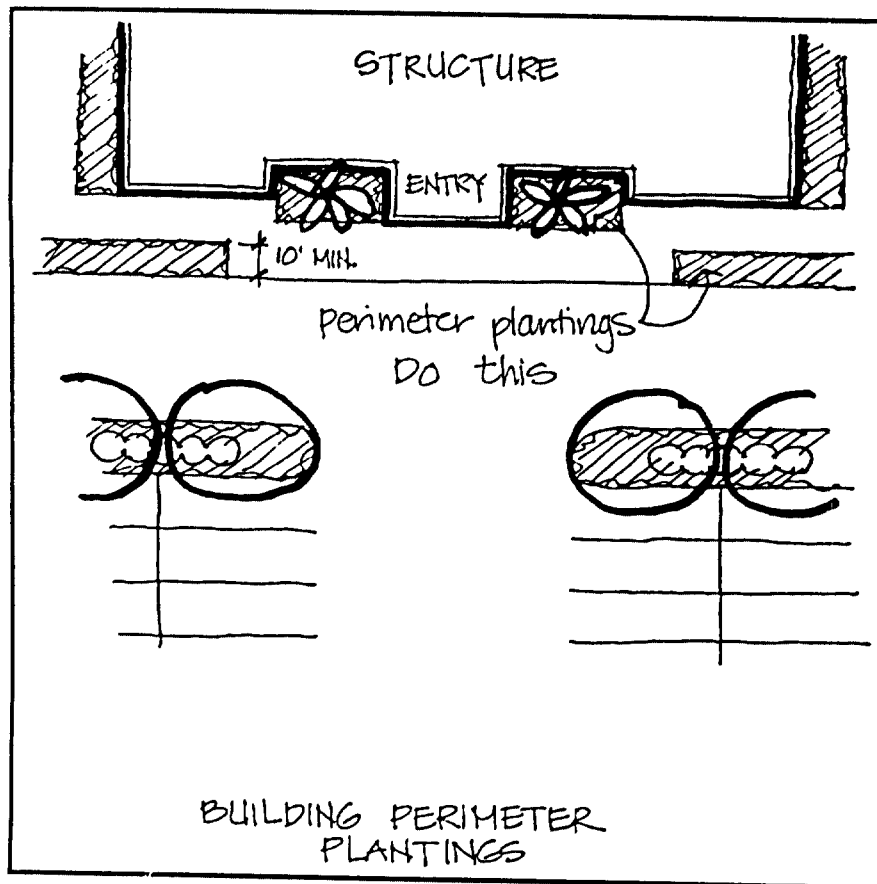


Illustration 19

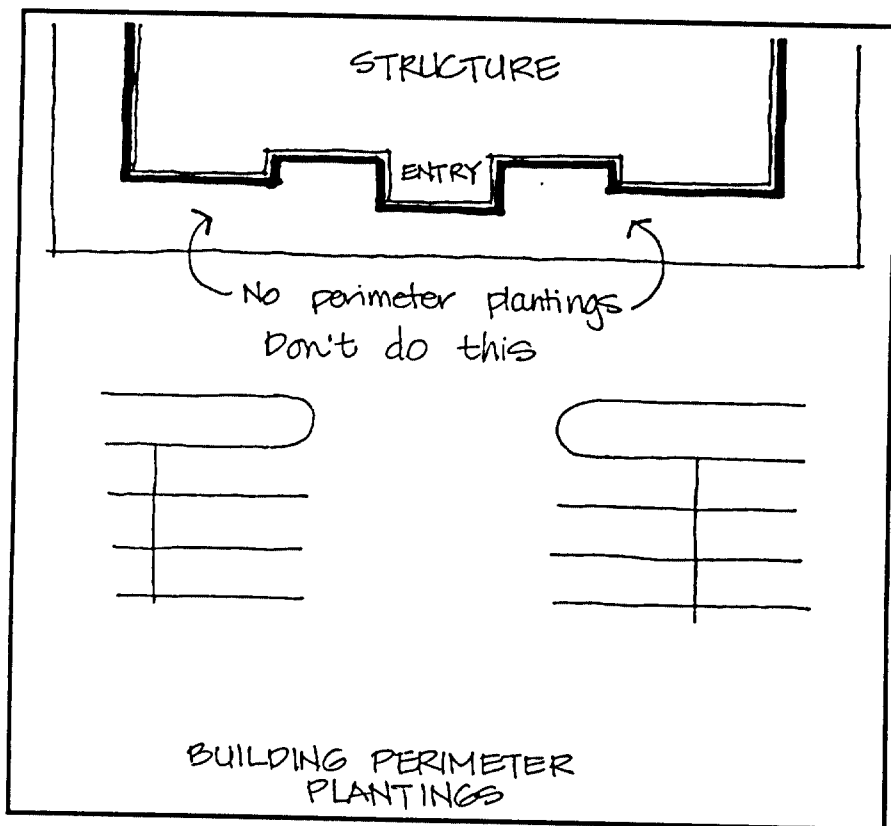


Illustration 20

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2. Building perimeters shall include plantings at a ratio of one-hundred (100) square feet of planters per one-thousand (1,000) square feet of building ground floor area. Planters shall either be raised or at ground level and be a minimum of ten (10) feet wide. Seating courtyards, eating areas and plazas may be incorporated within them (see Illustration 21 below).

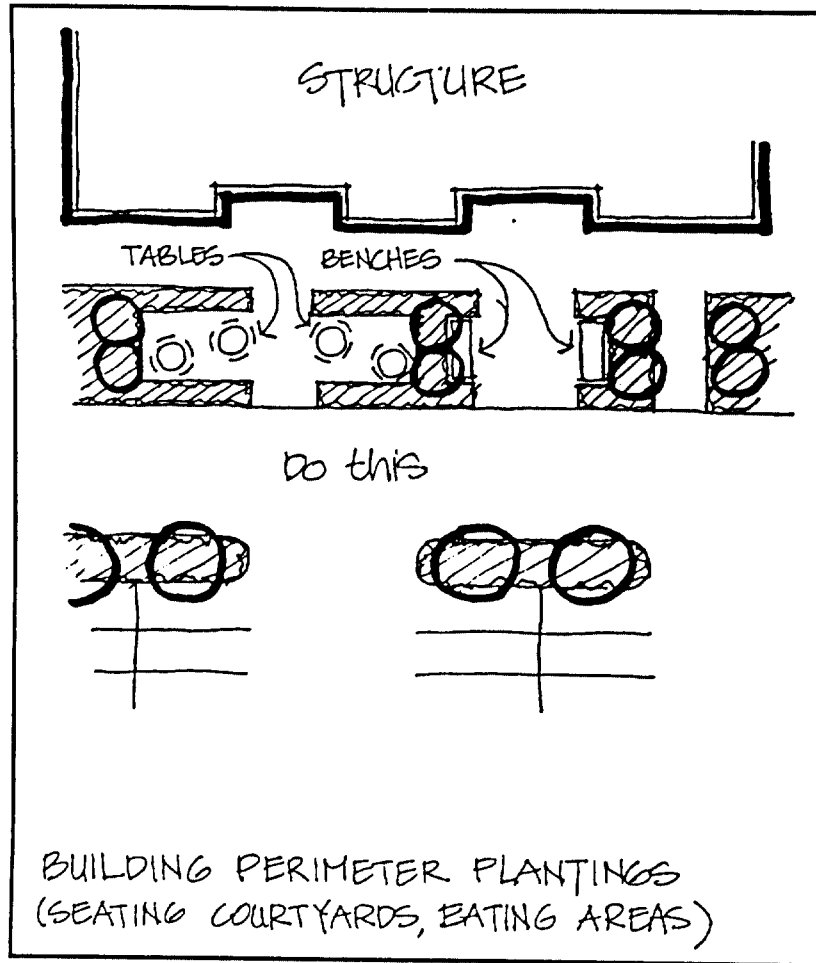


Illustration 21

2.8.3.7.4. Natural and Manmade Bodies of Water Including Retention Areas:

The shape of a manmade body of water, including wet retention areas, shall be designed to appear natural by having off-sets in the edge alignment that are a minimum of ten (10) feet and spaced fifty (50) feet apart. All bodies of water, including wet retention areas, exceeding 20,000 square feet in area, which are located adjacent to a public right-of-way, shall be incorporated into the overall design of the project in at least one of the following ways (see Illustration 22 below).

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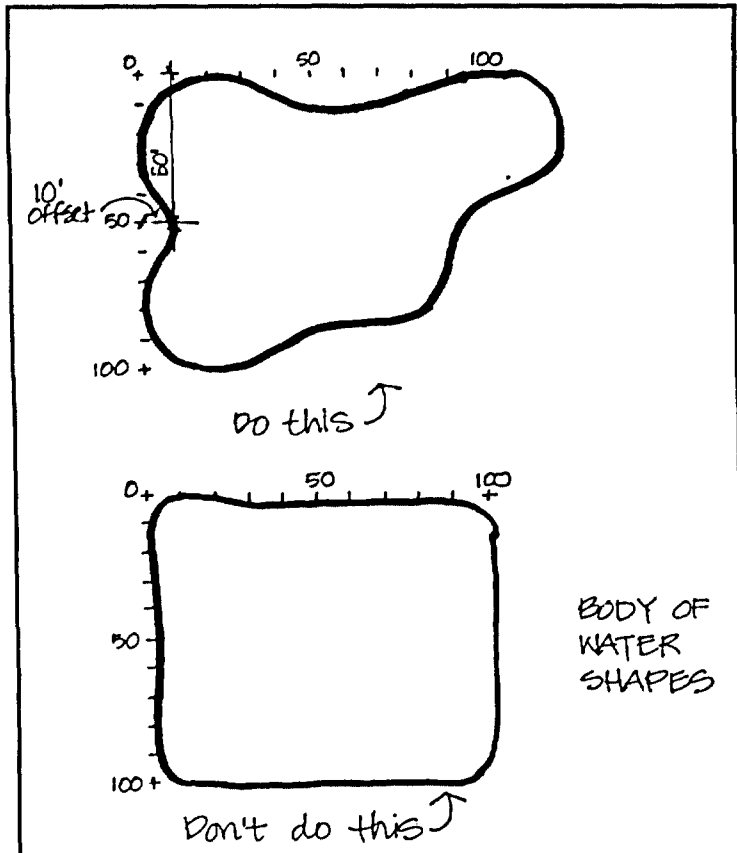


Illustration 22

1. Provide a five (5) foot wide walkway with trees an average of fifty (50) feet on center and shaded benches a minimum of six feet (6') in length or picnic tables with one located every one-hundred-fifty (150') feet.
2. Provide a public access pier with covered structure and seating.
3. Provide an intermittent shaded plaza/courtyard, a minimum of two hundred (200) square feet in area, with benches and/or picnic tables adjacent to the water body.

2.8.4. Architectural and site design standards and guidelines for commercial buildings and projects under twenty thousand (20,000) square feet in size.

2.8.4.1 Lighting

2.8.4.1.1 Purpose and Intent. Commercial buildings and projects, including their outparcels shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community.

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

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2.8.4.1.3. Fixture height standards. Lighting fixtures shall be a maximum of thirty (30) feet in height within the parking lot and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas (see Illustration 23 below).

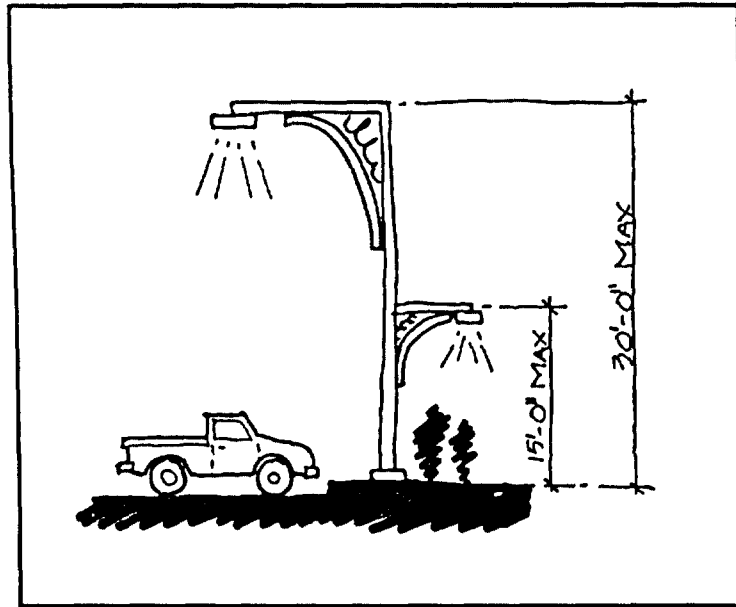


Illustration 23

2.8.4.1.4. Design standards. Lighting shall be used to accent key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project through style, material or color.

2.8.4.2.. Loading, storage, mechanical equipment, solid waste disposal facilities and other service function areas.

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

2.8.4.2.2. Buffering and screening standards. In accordance with the provisions of division 2.6. of this code, loading areas or docks, outdoor storage, trash collection, mechanical equipment, trash compaction, truck parking, recycling, roof top equipment and other service function areas shall be fully screened and out of view from adjacent properties at ground view level when located along primary facades or within view of residentially zoned properties.

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

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

1. Drive-through windows shall not be placed between the right-of-way of a primary collector or arterial roadway and the associated building, unless the vegetation required for a Type "B" landscape buffer is installed within the

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buffer width required for the project and maintained along the entire length of the drive-through lane between the drive through lane and the adjacent right-of-way. As an alternative to the vegetative buffer referenced above, a permanent covered porte-cochere type structure, other than awning/canvas type structure(s), may be installed, extending the width of the drive-through and covering the service window(s). Such structure shall be integrated structurally and architecturally into the design of the building.

2. Only a single drive-through lane is permitted unless associated with a free standing restaurant under fifteen hundred (1,500) square feet which may utilize double drive-through lanes. Where double drive-through lanes are provided, an area located between the drive-through lane and the building, averaging five (5) feet in width and equal to a minimum of twenty (20) percent of the aggregate linear footage of the building envelope shall be landscaped with trees, palms, shrubs and groundcovers, excluding grass.

2.8.4.3. Pedestrian Walkways

2.8.4.3.1. Purpose and intent. To provide safe opportunities for alternative modes of transportation by connecting with existing and future pedestrian and bicycle pathways within the county and to provide safe passage from the public right-of-way to the commercial building or project, and between alternative modes of transportation.

2.8.4.3.2. Pedestrian access standards. Pedestrian ways, linkages and paths shall be provided from the building entry(s) to surrounding streets, external sidewalks, and outparcels. Pedestrian ways shall be designed to provide access between parking areas and the building entrance(s) in a coordinated and safe manner. Pedestrian ways may be incorporated within a required landscape perimeter buffer, provided said buffer is not less than ten (10) feet in width on average. Shared pedestrian walkways are encouraged between adjacent commercial projects.

2.8.4.3.3. Minimum ratios. Pedestrian ways shall be provided at a minimum ratio of one for each public vehicular entrance to a project, excluding ingress and egress points intended primarily for service, delivery or employee vehicles.

2.8.4.3.4. Minimum dimensions. Pedestrian walkways shall be a minimum of five (5) feet wide.

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

2.8.4.3.6. Pedestrian crosswalks at building perimeter. Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.

2.8.4.3.7. Shade. Pedestrian walkways shall provide intermittent shaded areas when the walkway exceeds one-hundred (100) linear feet in length at a ratio of one hundred (100) square feet of shaded area per every one-hundred (100) linear feet of walkway.

2.8.4.4. Building Design.

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2.8.4.4.1. Purpose and intent. To maintain and enhance the attractiveness of the streetscape and the existing architectural design of the community. Buildings shall have architectural features and patterns that provide visual interest from the perspective of the pedestrian; reduce massing aesthetic; recognize local character; and be site responsive. Facades shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the community's identity and character through the use of detail and scale. Articulation is accomplished by varying the buildings mass in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian (see Illustration 24 below).

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

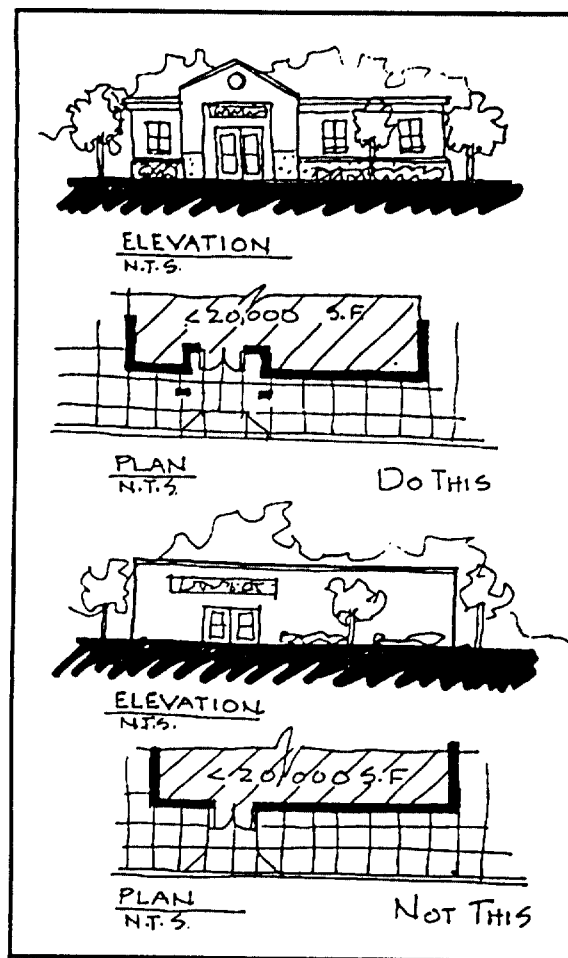


Illustration 24

2.8.4.4.2. Building Orientation Standards. At least two primary facades on buildings between 5,000 square feet and 19,999 square feet in gross building area shall have either windows along no less than thirty-three (33) percent of their horizontal length or a primary customer entrance along said facades. For

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buildings less than 5,000 square feet in area, the windows and primary customer entrance may be located along a single primary facade, provided the window and customer entrance areas are equal to the horizontal length of that facade, and in aggregate, are equal to no less than twenty-five (25) percent of the combined horizontal length of the two longest primary facades. Entrances and windows on additional primary facades are encouraged. Buildings shall be oriented to maximize pedestrian access, use and view of any adjacent navigable water bodies.

2.8.4.4.3. Facade/Wall Height Transition. New developments that are located within three hundred (300) feet of an existing building, and are more than twice the height of any existing building within three-hundred (300) feet shall provide transitional massing elements to transition between the existing buildings of lower height within three-hundred (300) feet, and the proposed development. The transitional massing element can be no more than one-hundred (100) percent taller than the average height of the adjacent buildings (see Illustration 25 below).

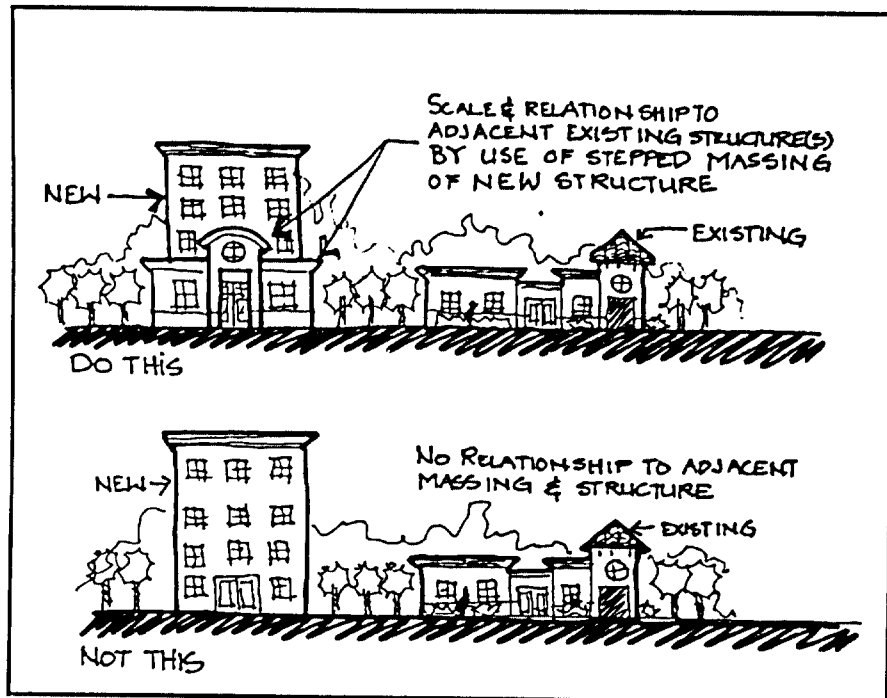


Illustration 25

2.8.4.4.4. Facade standards. All primary facades of a building shall be designed with consistent architectural style and detail and trim features. In the case of outparcel buildings, all exterior facades shall adhere to the requirements of this division with respect to architectural design treatments for primary facades.

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

- 1.) No horizontal length, or uninterrupted curve, of the ground floor of any primary facade, for buildings between 10,000 and 19,999 square feet in gross building area, shall exceed fifty (50) feet, with the maximum being eighty (80) feet for arcades, but varied lengths are desirable. For buildings under 10,000 square feet, no horizontal length, or uninterrupted curve, of any primary facade shall exceed thirty-five (35)

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feet, with the maximum being sixty (60) feet for arcades, but varied lengths are desirable. Projections and recesses shall have a minimum depth of eight (8) inches and a minimum width of twenty-four (24) inches. All buildings shall provide a minimum of one offset per public street or navigable waterway.

2.) For buildings between 5,000 square feet and 19,999 square feet in gross building area, exterior wall planes shall not constitute more than fifty (50) percent of each affected ground floor facade over thirty (30) feet. The wall plane shall be measured at one (1) foot off the exterior wall surface on each side of the wall.

3.) Primary facades on the ground floor for buildings between 5,000 square feet and 19,999 square feet in gross building area shall have arcades a minimum of six (6) feet clear in width, display windows, entry areas, or other such features along no less than thirty-three (33) percent of the horizontal length for each primary facade. Awnings are excluded from this calculation unless associated with windows/doors in increments less than ten (10) feet.

2.8.4.4.6. Project standards. Both single and multi-use buildings and projects shall also be required to provide a minimum of three (3) of the following building design treatments (see Illustration 26 below):

- a) Canopies or porticos, integrated with the building's massing and style;
- b) Overhangs;
- c) Arcades, a minimum of six (6) feet clear in width;
- d) Sculptured artwork;
- e) Raised cornice parapets over doors;
- f) Peaked roof forms;
- g) Arches;
- h) Display windows;
- i) Ornamental and structural architectural details, other than cornices; which are integrated into the building structure and overall design;
- j) Clock or bell towers; or,
- k) Any other treatment which, in the opinion of the planning services director, meets the intent of this section;

and one of the following site design elements:

- a) Decorative landscape planters or planting areas, a minimum of five (5) feet wide, and areas for shaded seating consisting of a minimum of one-hundred (100) square feet;
- b) Integration of specialty pavers, or stamped concrete along the buildings walkway. Said treatment shall constitute a minimum of sixty (60) percent of walkway area; or,
- c) Water element(s), a minimum of one-hundred and fifty (150) square feet in area;

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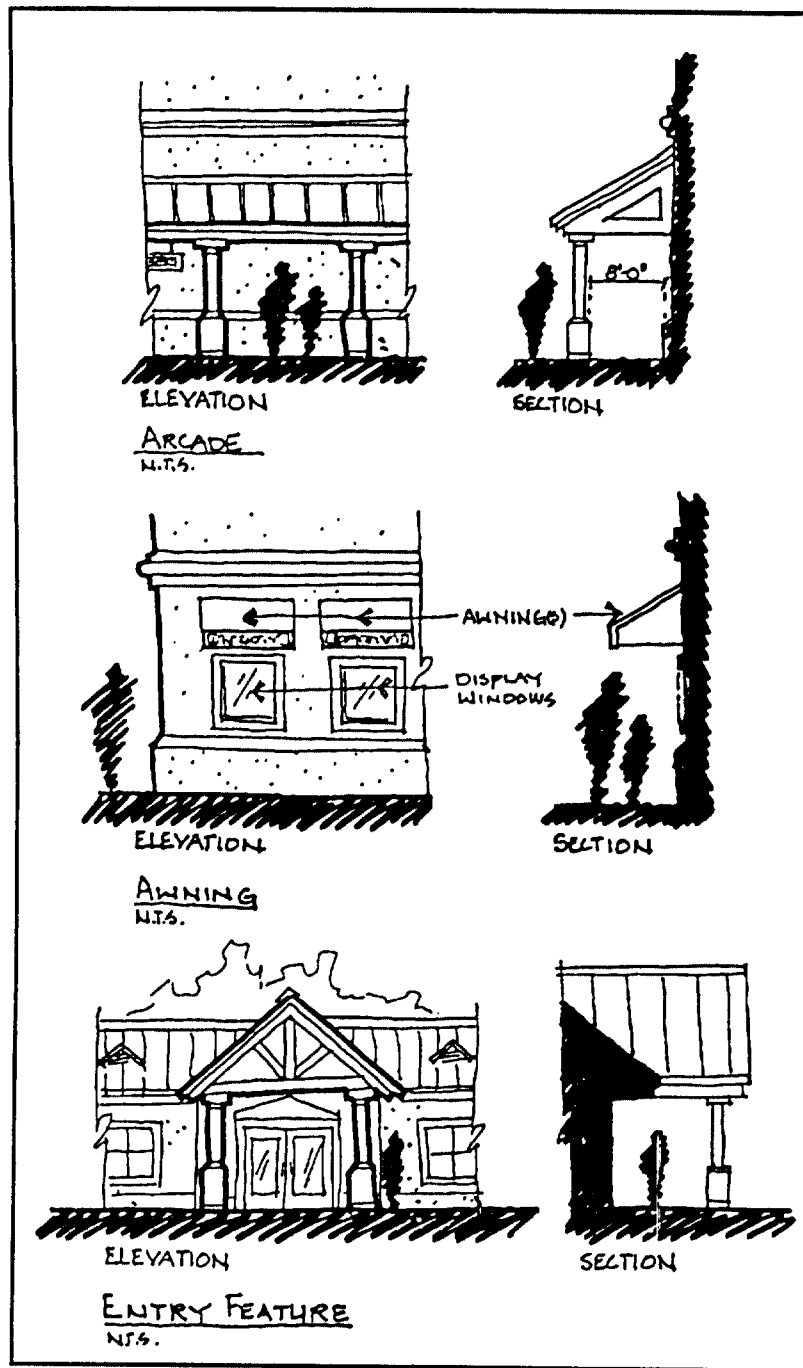


Illustration 26

2.8.4.4.7. Detail Features

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

2.8.4.4.7.2. Blank wall areas. Blank wall areas shall not exceed ten (10) feet in vertical direction nor twenty (20) feet in horizontal direction of any facade. Control and

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expansion joints within this area shall constitute blank wall area unless used as a decorative pattern and spaced at intervals of six (6) feet or less. Relief and reveal work depth must be a minimum of one half (1/2) inch (see Illustration 27 below).

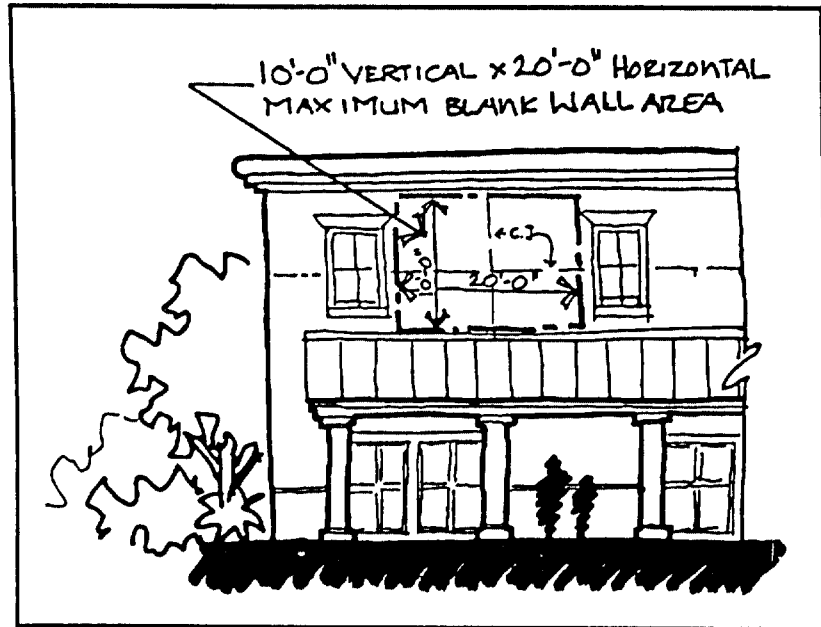


Illustration 27

2.8.4.4.7.3. Repeating Facade Treatments. Building facades shall include a repeating pattern and shall include no less than two of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than twenty-five (25) feet, either horizontally or vertically.

1. Color change;
2. Texture change;
3. Material module change;
4. Expression of architectural or structural bays, through a change in plane of no less than twelve (12) inches in width, such as a reveal, an offset, or a projecting rib (see Illustration 28 below.);

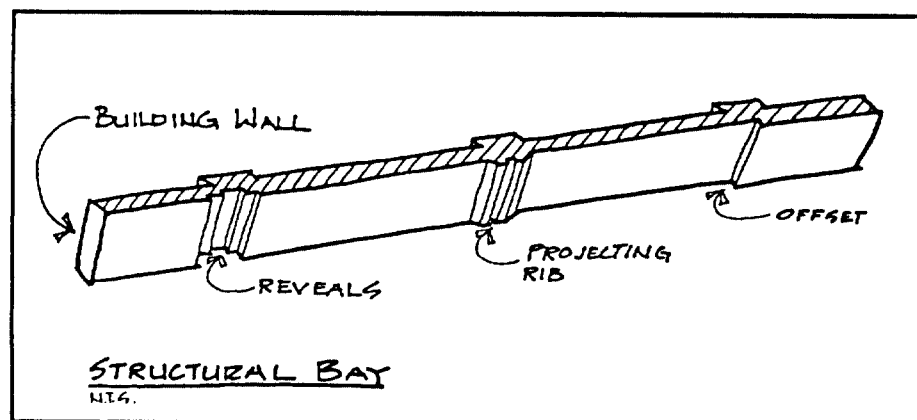


Illustration 28

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5. Architectural banding;
6. Building setbacks or projections, a minimum of three (3) feet in width, on upper level(s); or,
7. Pattern change

2.8.4.4.8. Outparcels.

2.8.4.4.8.1. Purpose and intent. To provide unified architectural design and site planning between outparcels and the main structure on site in order to enhance the visual experience for the vehicular and pedestrian public, and to provide for safe and convenient vehicular and pedestrian access and movement within the site.

2.8.4.4.8.2. Outparcel design: All exterior facades of an outparcel building shall be considered primary facades and shall employ architectural, site, and landscaping design elements which are integrated with and common to those used on the primary structure on site. These common design elements shall include colors and materials associated with the main structure. When the use of common wall, side by side development occurs, continuity of facades and consolidated parking for several businesses on one parking lot may be used. Outparcels that are adjacent to each other are encouraged provide for vehicular connection between parking lots and provide for pedestrian interconnection. Outparcels shall be designed and integrated with the main project.

2.8.4.4.9. Roof Treatments.

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

2.8.4.4.9.2. Roof edge and parapet treatment. At a minimum of two locations, the roof edge and/or parapet shall have a vertical change from the dominant roof condition, a minimum of three (3) feet. At least one such change shall be located on a primary facade adjacent to a collector or arterial right-of-way (see Illustration 29 below).

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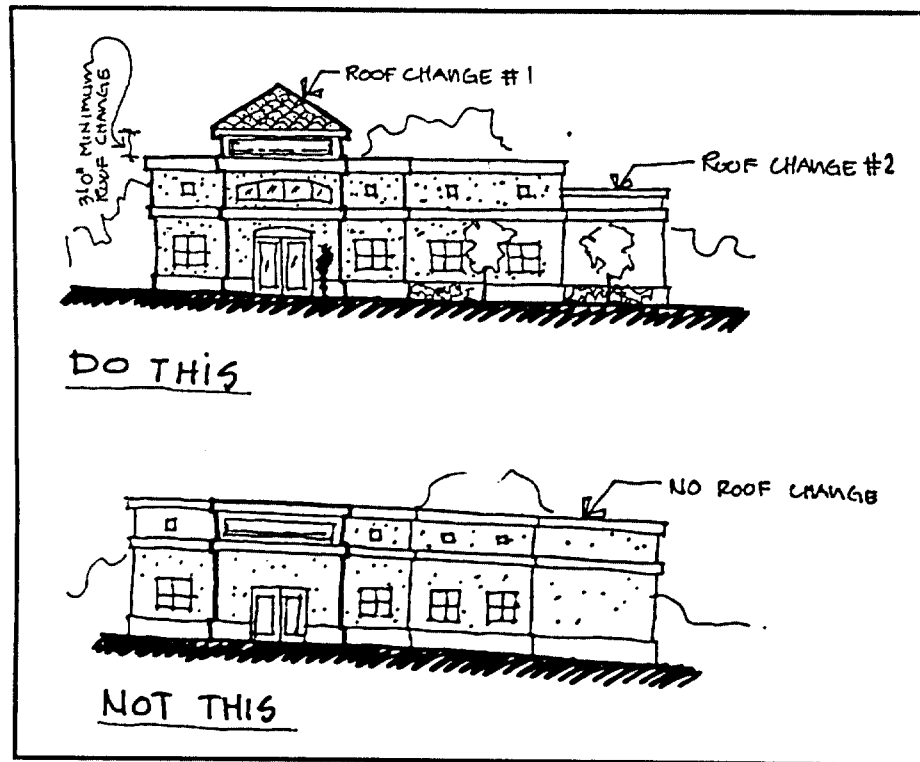


Illustration 29

2.8.4.4.9.3. Roofs shall meet at least two of the following requirements:

- 1) Parapets shall be used to conceal roof top equipment and flat roofs;
- 2) Where overhanging eaves are used, overhangs shall be no less than three (3) feet beyond the supporting walls with a minimum fascia of five (5) inches;
- 3) Three or more roof slope planes per primary facade (see Illustration 30 below);

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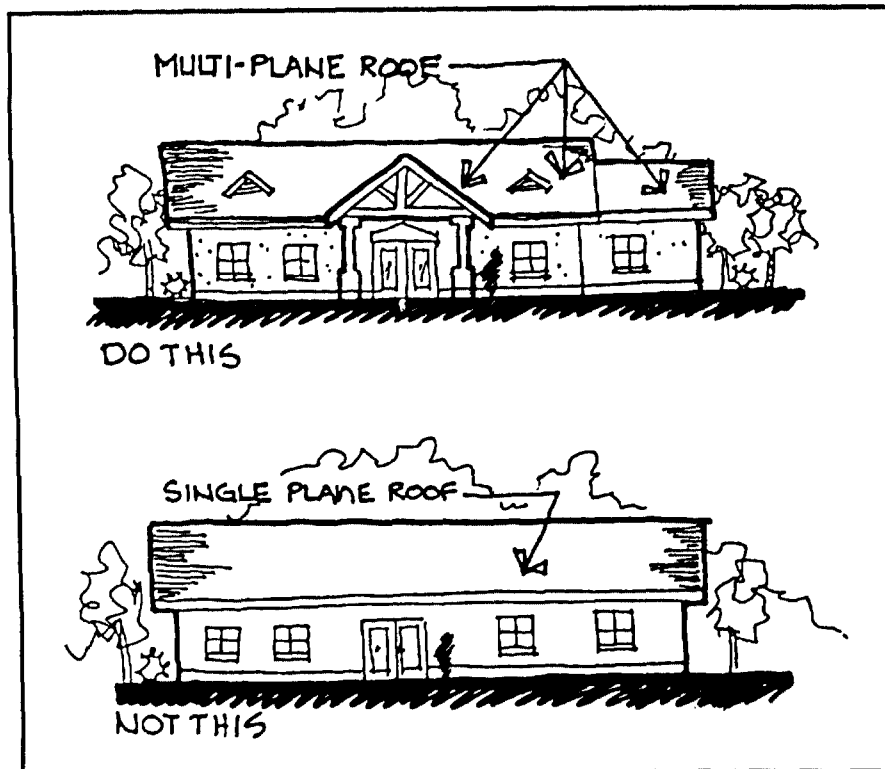


Illustration 30

- 4) Sloping roofs, which do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or an average slope equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
- 5) Three-dimensional cornice treatment which shall be a minimum of ten (10) inches in height with a minimum of three reliefs; or
- 6) Additional vertical roof changes with a minimum change in elevation of two feet.

2.8.4.4.9.4., Prohibited roof types and materials. The following types of materials are prohibited:

- 1) Asphalt shingles, except laminated, three-hundred-twenty (320) pound, thirty (30) year architectural grade asphalt shingles or better;
- 2) Mansard roofs and canopies without a minimum vertical distance of six (6) feet and at an angle not less than twenty-five (25) degrees, and not greater than seventy (70) degrees;
- 3) Roofs utilizing less than or equal to a two (2) to twelve (12) pitch unless utilizing full parapet coverage; and
- 4) Back-lit awnings used as a mansard or canopy roof.

2.8.4.4.10. Entryways/ Customer Entrance Treatments.

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

2.8.4.4.10.2. Entryways/Customer Entrance Standards. These standards identify appropriate entry features.

2.8.4.4.10.2.1 Single Use Buildings. Single occupancy use buildings between 10,000 square feet and 19,999 square feet in area shall have clearly defined, highly visible customer entrances which shall include the following:

- a) An outdoor patio area adjacent to the customer entrance, a minimum of fifty (50) square feet in area and which incorporates two of the following:
- 1) benches or other seating components;
 - 2) decorative landscape planters or wing walls which incorporate landscaped areas; and
 - 3) structural or vegetative shading.

2.8.4.4.10.2.2. Multiple Use Buildings and Projects. Multi-use structures between 10,000 square feet and 19,999 square feet in area shall include the following :

- 1) Anchor tenants shall provide clearly defined, highly visible customer entrances.
- 2) A provision for intermittent shaded outdoor community space at a minimum of one (1) percent of the total gross floor area of the building or commercial project. Said community space shall be located off or adjacent to the circulation path of the complex or main structure and shall incorporate benches or other seating components.

2.8.4.4.11. Miscellaneous Structures.

2.8.4.4.11.1. Outside Play Structures. Outside play structures shall not exceed fifty (50) percent of coverage along the affected facade. No portion of any play structure located between the front building line and any adjacent right-of-way shall exceed a height of twelve (12) feet as measured from existing ground elevation. In all other cases, no portion of any play structure shall exceed a maximum height of sixteen (16) feet as measured from existing ground elevation. Play structures shall be limited to earthtone colors, with a maximum of three color variations.

2.8.4.5. Materials and Color.

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

2.8.4.5.2. Exterior Building Materials standards.

2.8.4.5.2.1. Predominant exterior building materials shall include, but are not limited to:

- 1) Stucco;
- 2) Brick;
- 3) Tinted, textured, other than smooth or ribbed, concrete masonry units; or
- 4) Stone, excluding an ashlar or rubble construction look.

2.8.4.5.2.2. Predominant exterior building material that are prohibited include:

Words ~~struck through~~ are deleted; words underlined are added.

- 1) Plastic siding;
- 2) Corrugated or reflective metal panels;
- 3) Tile;
- 4) Smooth or rib faced concrete block; and
- 5) Applied stone in an ashlar or rubble look.

2.8.4.5.2.3. Predominant Exterior Color(s).

2.8.4.5.2.3.1 The use of black or fluorescent colors is prohibited as the predominant building color(s).

2.8.4.5.2.4. Building Trim Color(s).

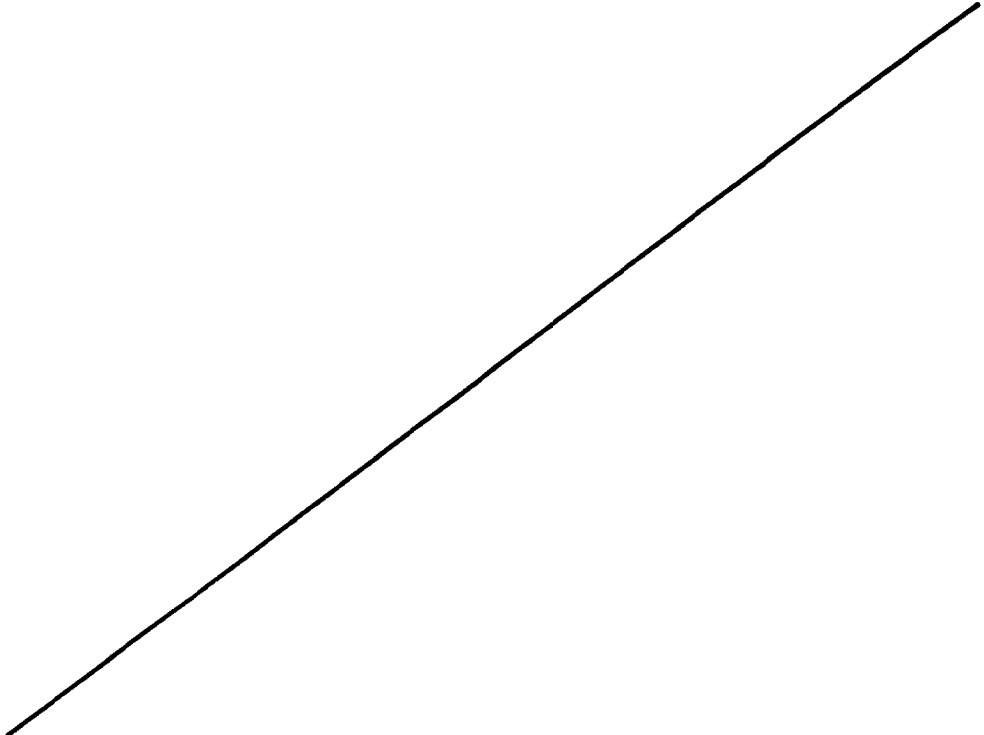
2.8.4.5.2.4.1. Building trim and accent areas may feature any color(s), limited to ten (10) percent of the affected facade segment, with a maximum trim height of twenty four (24) inches total for its shortest distance.

2.8.4.5.2.4.2. Neon or neon type tubing shall be permitted provided for in sections 2.5.6.21, and 2.5.6.22. of this code. An approved lighting plan consistent with the provisions of section 2.5.8.1.5.2. of this code shall be provided.

2.8.4.6. Signage: The provisions of section 2.8.3.6. shall also apply to commercial buildings and projects with less than 20,000 square feet of building area.

2.8.4.7. Natural and Manmade Bodies of Water (Including Retention Areas):

2.8.4.7.1. The shape of a manmade body of water, including wet retention areas, shall be designed to appear natural by having off-sets in the edge alignment that are a minimum of ten (10) feet and spaced fifty (50) feet apart. Natural and manmade bodies of water, including wet retention areas, exceeding 20,000 square feet in area, which are located adjacent to a public right-of-way, shall be incorporated into the overall design of the project in at least one of the following ways (see Illustration 31 below):



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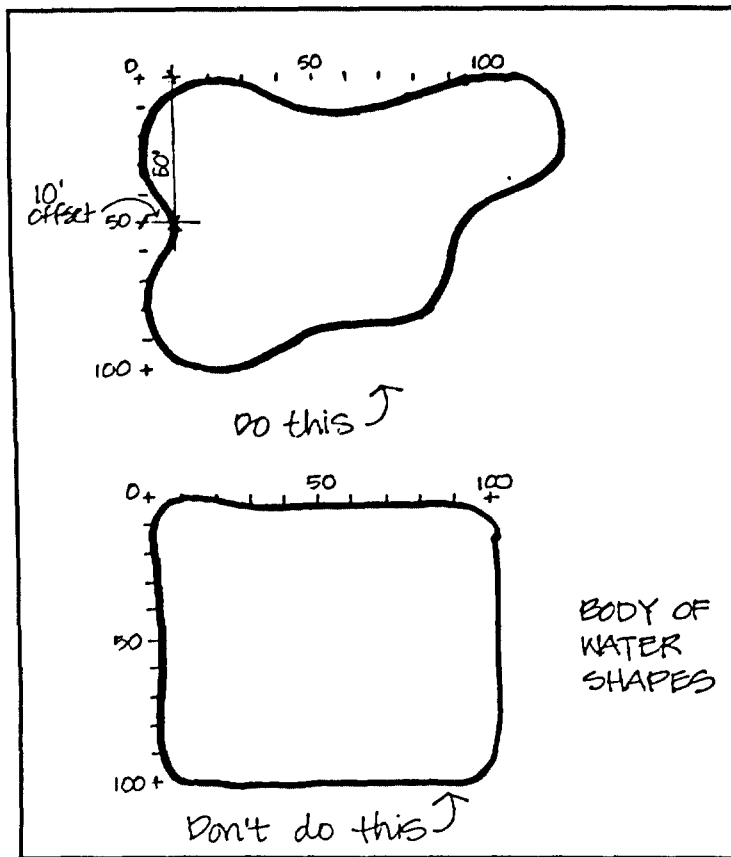


Illustration 31

1. Providing a minimum five (5) foot wide walkway with trees an average of fifty (50) feet on center and shaded minimum of six (6) foot long benches or picnic tables every one-hundred-fifty (150) linear feet.
2. Providing a public access pier with covered structure and seating.
3. Providing a plaza/courtyard, two-hundred (200) square feet minimum, with shaded benches and/or picnic tables adjacent to the water body.

2.8.5 Exceptions and Interpretations.

2.8.5.1. *Exceptions:* Exceptions to the provisions of this code may be granted by the board of county commissioners in the form of a PUD zoning district where it can be demonstrated that such exceptions are necessary to allow for innovative design which, while varying from one or more of the provisions of this division, nonetheless are deemed to meet the overall purpose and intent set forth herein. In the case of individual commercial buildings or projects, where site specific factors may impact the ability to meet these standards, variance from one or more of the provisions of this division may be requested pursuant to the procedures set forth in section 2.7.5. of this code.

2.8.5.2. *Interpretations.* During the course of review of an SDP or SIP, as the case may be, should an applicant and staff be unable to concur on the application of a specific provision or provisions of this division, the community development and environmental services administrator shall be authorized to make a final determination. The community development and environmental services administrator shall render his finding in writing within fifteen (15) days of

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receipt of a written request from the applicant. The applicant may appeal the determination of the community development and environmental services administrator to the board of zoning appeals, pursuant to the procedures set forth in section 1.6.6.

SUBSECTION 3.G: AMENDMENTS TO SUBDIVISION DIVISION

Division 3.2, Subdivisions, of Ordinance No. 91-102, as amended, the Collier County

Land Development Code, is hereby amended to read as follows:

Division 3.2 Subdivisions

- 3.2.4.11.3 *Building permits for rural subdivisions.* Prior to the issuance of a building permit for any property in the rural area, which by definition in division 6.3 is deemed to be a rural subdivision, the owner of the property applying for the building permit must provide verification that he or she has an existing means of access to the property and the existing means of access to such property must be improved to the standards established by this subsection. Said access may be:
- (a) Naturally cleared accessway a minimum of 24 feet in width; or
 - (b) Dustless surface a minimum of ~~24~~ 20 feet in width; or
 - (c) Asphalt paved road a minimum of ~~24~~ 20 feet in width; or
 - (d) Limerock surface a minimum of ~~24~~ 20 feet in width.
- 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~~ 18 feet in width; or
 - c. Limerock surface a minimum of 20 feet in width.
- 3.2.8.3.1. *Access to public roads.* The street system of a subdivision approved pursuant to this division shall be connected to a public road, which is state or county maintained, with adequate capacity as defined by the growth management plan to accept the traffic volumes generated by the proposed development. Unless topography, or compliance with the County's Access Management Policy (Resolution 92-422), or LDC Section 3.2.8.4.1 prohibits it, the number of access points to public roads shall ensure that there are no more than four-thousand (4000) average daily trips (ADT) per access point (existing or future). The total number of access points required by this section shall be six. Proposed developments accessing public roads shall be subject to the requirements of the Collier County Adequate Public Facilities Ordinance. The connection of any property to a public or private road shall be carried out in conformance with Collier County Ordinance No. 82-91, as amended.

Words ~~struck through~~ are deleted; words underlined are added.

3.2.8.3.2.

Alleys. Alleys may be provided in industrial, ~~and commercial and residential subdivisions, when they are determined necessary because of prior contiguous development.~~ Otherwise, the provision of alleys is optional. Alleys may be for one-way or two-way traffic. Alleys shall be for one-way traffic only ~~and~~ shall have the appropriate directional and instruction signage installed. Alleys shall ~~only~~ be utilized for secondary access. ~~traffic circulation flow to or from any property to be developed for deliveries, solid waste collection, employee parking and the like.~~

3.2.8.3.4.

Buffer areas. Subdivisions or developments shall be buffered for the protection of property owners from surrounding land uses as required pursuant to division 2.4. Buffers shall not inhibit pedestrian circulation between adjacent commercial land uses. Buffers shall be installed during construction as follows and in accordance with division 2.4:

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

3.2.8.3.17.

Sidewalks/~~bikepaths,~~ bike lanes and bike paths. Sidewalks, ~~bikepaths~~lanes and bike paths shall be provided for public and private roadways in conformance with the following criteria:

1. Bike lanes shall be provided on both sides of any street classified higher than a local street (i.e., collector, arterial).
2. Sidewalks, 6 feet in width, shall be provided on both sides of collector and arterial streets. Both sides of any local street longer than 1,000 feet in length or when the local street connects two local streets (or streets of a higher classification).
3. Sidewalks, 5 feet in width, shall be provided on both sides of local streets.
3. ~~One side of all other local streets.~~
4. ~~One side of any cul-de-sac longer than 300 feet in length.~~
5. ~~Sidewalks shall not be required on culs-de-sac shorter than 300 feet in length.~~
64. All sidewalks, bike paths and bikepaths/lanes along public and private roadways shall be constructed in accordance with design specifications identified in section 3.2.8.4.14 of this code.
75. Alternative designs for sidewalks, bike lanes, ~~and or~~ bike paths in developments with public or private roadways may be provided, subject to approval by the ~~development services director.~~ Community Development and Environmental Services Division Administrator and may utilize, but not be limited to, the following analysis:

Words ~~struck through~~ are deleted; words underlined are added.

- a. A design that matches the land use density and intensity of the development along the street or cul-de-sac.
- b. A design that matches the expected traffic volumes on the street or cul-de-sac.
- c. Design that does not create a safety hazard caused by vehicles parked across the sidewalk or directing pedestrians or cyclists into high traffic areas.
- d. Design that does not encourage additional landscape area due to clearing for the installation, aesthetic softening or additional hardscape, additional softening of unnatural linear concrete strips, or similar features.
- e. Design that matches the expected demographics of the development, including but not limited to considerations such as expected amount of school age children and active adults.
- f. Design that matches reduced speed streets and culs-de-sac.
- g. Design that matches expected amount of utilization by joggers, walkers and cyclists.
- h. Design that matches the character of the development i.e., golf course/country club community, affordable housing, private gated communities, etc.
- i. Criteria pursuant to the provisions of section 3.2.7.2.

86. Developments fronting on existing roads shall be required to provide its[their] fair share portional cost of the sidewalks/bikepaths along the frontage of the development in conformance with the county's bikeway program. Developments that provide an internal bikepath system which connects with existing public bicycle paths may be exempt from this requirement by the county's transportation services division if the alternative system functionally operates equal to the standards of the county's bikeways, interconnects with the existing or proposed county bikeway system and will be perpetually open to the public.

~~9. Eight foot wide bicycle paths may be provided in lieu of a sidewalk, if not located within the right of way clear zone required in the traffic safety guidelines established by FDOT.~~

~~10. All residential projects having public or private roadways located within a 1.5 mile radius from the center of an activity center comprised of commercial, office, service or recreational activity shall provide its fair share portional cost of the sidewalks and bikepaths from the development to the activity center in conformance with the county's bikeways program, subject to approval by the Collier County transportation services department.~~

117. Developments providing interconnections to existing and future developments pursuant to the density rating system section of the Collier County growth management plan's future land use element, shall include sufficient right-of-way to accommodate the roadway,

Words ~~struck through~~ are deleted; words underlined are added.

sidewalks, ~~and/or bikepaths~~lanes, or bikepaths. Bikepaths, bike lanes and sidewalks shall be constructed concurrently with the roadway interconnection.

3.2.8.3.21.

~~Traffic signals-control devices.~~ Traffic signals-control devices shall be provided by the developer when ~~one or more traffic warrants as specified in the Manual on Uniform Traffic Control Devices are satisfied, and an~~ engineering study indicates ~~signalization~~ traffic control is justified at any ~~arterial, major collector, or minor collector~~ street intersections within the subdivision or development or where the additional traffic flow results from the proposed subdivision or development on to any collector or arterial street. Traffic control devices are subject to County approval.

If more than one development or subdivision is involved, each shall be required to make a pro rata contribution for the installation cost of the ~~traffic signals-control devices.~~ traffic signals-control devices. The cost of all required ~~traffic signals-control devices~~ shall be included in the amount of subdivision performance security furnished for the required improvements.

3.2.8.4.1.

Access. Access to lots within a subdivision shall be designed to accomplish access to the lots by use of local streets. Access to residential lots shall be in accordance with Ordinance [No.] 82-91 [superseded by ordinance found in Code ch. 110, art. II], the county right-of-way handbook, but shall be no less than 30 feet from intersecting right-of-way lines on local to local street intersections; 100 feet for local to minor collector intersections; and 180 feet from intersecting right-of-way lines on all other streets of higher classifications. Local or minor collector street connections to major collectors shall be a minimum of 400 feet apart (See Figure 1 below).

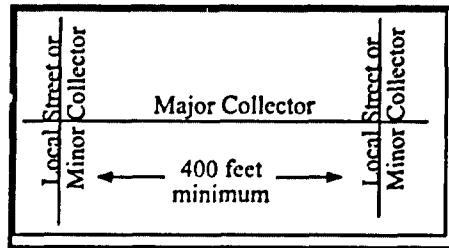


Figure 1

Local or minor collector street connections to arterial streets shall be a minimum of 660 feet apart (See Figure 2 below). ~~or arterial streets shall be a minimum of 660 feet apart~~

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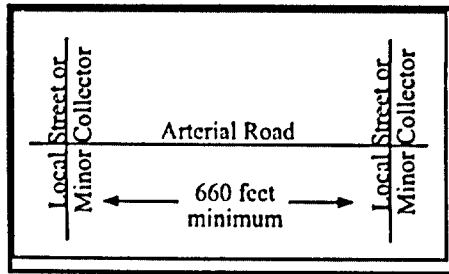


Figure 2

Local or minor collector street connections to arterial streets may be 330 feet apart if the street connection provides for right turns only (See Figure 3 below), and

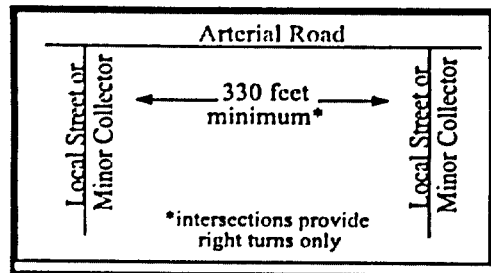


Figure 3

Mmajor collector street connections to arterial streets shall be a minimum of 1,320 feet apart. Where residential or non-residential access is desired along a major collector or arterial street, it ~~may~~ shall be provided by means of a marginal access road. The first point of access to the marginal access road from an intersection of collector streets and/or arterial streets shall be a minimum of 330 feet from intersecting right-of-way lines. Intermittent access points to the marginal access road shall be a minimum of 660 feet apart. Access points to marginal access roads shall be provided with appropriate turn lanes, signalization or other necessary traffic control measures. When double-frontage lots are created adjacent to a collector or arterial street and a local street, they shall front on the local street, which shall provide access to said lot. Access to the lot shall not be provided by means of the major collector or arterial street. In such cases, the lot shall be buffered as required herein. Access management regulations as required by the Growth Management Act, when implemented, shall supersede this section where applicable. Where access locations are not consistent with the County's Access Management policy, a separate access capacity analysis shall be required to identify capacity impacts and appropriate mitigation.

~~All lots or parcels created within a subdivision, whether residential or non-residential, must have direct frontage on a public or private right-of-way. However, in the case of commercial or industrial subdivisions which contain or include parcels that are separated by common parking area or other common area, sometimes referred to as "outparcels," "anchor store parcels," or "fee simple footprint parcels," or an integrated phased development as defined in article 6, access shall be created through an internal access provision documented on the final subdivision plat. Internal access provisions shown on the final subdivision plat shall include by way of example, but not be limited to, cross-covenants, cross-easements, dedicated access tracts, or the like.~~

Words ~~struck through~~ are deleted; words underlined are added.

and shall clearly and specifically identify the dominant and servient estates involved, and the scope and duration of such internal access provision. This provision shall be acceptable to the Community Development and Environmental Services Division Administrator ~~development services director~~ and the county attorney and satisfy the zoning requirements for the zoning district in which the subdivision is located.

3.2.8.4.2.

Alleys. Industrial, commercial and residential Alleys along the rear lot lines shall have an alley easement at least 24 feet wide containing a vehicular pavement width of at least 10 feet. ~~be paved 20 feet wide in a minimum 25 foot right of way for commercial and industrial use.~~

~~Alleys must have appropriate radii for the intended use, with a minimum centerline radius of 40 feet.~~

The alley edge of pavement-radius shall be a minimum of 15 feet, and shall be designed for the appropriate design vehicle.

~~Alley grades shall not exceed five percent or be less than 0.3 percent. Alley intersections shall be avoided and dead end alleys are prohibited.~~

All alleys created shall be owned and maintained by a property owners' association or other similar entity and shall be so dedicated on the final plat.

3.2.8.4.3.

Blocks. The length, width and shape of blocks shall be determined with due regard to:

1. Zoning requirements as to lot size and dimensions.
2. Need for convenient access, circulation, control and safety of vehicular and pedestrian traffic.
3. Limitations and opportunities of topography, including all natural and preserved features identified.

~~Block lengths shall not exceed 1,320 feet between intersecting streets except where special topographical conditions exist. However, Where special topographical conditions exist, block lengths greater than 660 feet greater lengths may be approved by the development services director~~ Community Development and Environmental Services Division Administrator pursuant to section 3.2.7.2. Traffic calming devices, as approved in the Neighborhood Traffic Management Program, shall be provided in block lengths greater than 660 feet. Recommended spacing of traffic calming devices is 400 feet or greater based on site geometry that discourages operating speed greater than the posted speed limit.

~~In blocks 900 feet in length or over, crosswalks not less than ten feet wide may be required between streets where essential to provide circulation or access to schools, playgrounds, shopping centers, and other community facilities.~~

3.2.8.4.4.

Bridges. Bridges shall be designed in accordance with current Florida department of transportation practices or appropriate specifications by the applicant's structural engineer and may be required to include provisions for utility installations and will require sidewalks on both sides of the bridge. The bridge shall be designed by a Florida

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professional engineer and is subject to the approval of the Community Development and Environmental Services Division Administrator ~~development services director~~ and those other agencies having jurisdiction over the proposed facilities. Generally, bridges shall be designed as reinforced concrete, however, other low maintenance materials may be used upon request and approval, when supported by a design report prepared by the developer's professional engineer which provides particular assurance relative to the integrity of the materials to be utilized.

At a minimum, the width of all bridges shall be required to incorporate a clear roadway width equaling the travel lane width plus two feet to the curb and six-foot sidewalks; however, variations may be considered pursuant to section 3.2.7.2. Bridge width shall vary with the classification of the roadway section to be carried. All bridge structures shall be designed for H-20 loading, incorporating adequate corrosion and erosion protection.

3.2.8.4.5.

Buffers. Landscape buffers, when required by this code, division 2.4, or other county regulation shall be in addition to the required right-of-way width and shall be designated as a separate buffer tract or easement on the final subdivision plat. The minimum buffer width shall be in conformance with division 2.4. In no case shall the required buffer be constructed to reduce cross-corner or stopping sight distances, or safe pedestrian passage. All buffer tracts or easements shall be owned and maintained by a property owners' association or other similar entity and shall be so dedicated on the final subdivision plat.

3.2.8.4.16.

Streets. The street layout of all subdivisions or developments shall be coordinated with the street systems of the surrounding areas. Adjacent properties shall be provided with local street interconnections unless topography, other natural features or other ordinances/regulations do not allow or require said connections. All arterial or ~~major~~ collector streets shall be planned to conform to the Collier County comprehensive plan. Collector and arterial streets within a development shall not have individual residential driveway connections. Their location and right-of-way cross section must be reviewed and approved by the county transportation services division during the preliminary subdivision plat review process. All subdivisions shall provide rights-of-way in conformance with the comprehensive plan and the right-of-way cross section contained in appendix B. All streets shall be designed and constructed to provide for optimum vehicular and pedestrian safety, long service life and low cost of maintenance.

1. *Street access.* Every subdivision or development shall have legal and adequate access to a street dedicated for public use and which has been accepted for maintenance by or dedicated to the State of Florida or Collier County, as described in LDC, Section 3.2.8.3.1. When a subdivision or development does not immediately adjoin such a street, the applicant shall provide access to the development from a dedicated street in accordance with these regulations and provide legal documentation that access is available to the project site. All lots within a subdivision or development shall be provided legal access to a street dedicated for public use. ~~All lots must front on a right-of-way.~~

2. *Adjoining or proposed adjoining street systems.* The arrangement of streets in subdivisions or developments may be required to make provision for the continuation of existing or proposed collector or

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arterial streets to and from adjoining properties, whether developed or undeveloped, and for their proper projection to ensure a coordinated and integrated street system per requirements of the growth management plan, this code or other ordinances and regulations. Where a subdivision or development abuts an existing or proposed public arterial or collector street, buffering shall be required per division 2.4.

3. ~~Local streets. Local streets shall be so arranged that their use by through traffic will be discouraged.~~ Use of local streets by cut through traffic shall be discouraged, using methods (like traffic calming) that do not compromise connectivity or reduce the number of access points to the subdivision.

4. *Traffic analysis.* If the proposed land development or subdivision will generate traffic volumes in excess of 1,000 ADT (average daily trips) or ~~150-100~~ vehicles per hour, peak hour/peak season, whichever is more restrictive, then a traffic analysis, prepared by a professional engineer, shall be provided by the developer.

The analysis shall show the impact on the proposed internal streets of the subdivision or development and existing externally affected streets. The analysis shall be used to determine the street classification, width and number of traffic lanes internal to the development and any requirements for off-site (external) improvements on the existing street system per the Collier County growth management plan.

5. *Street right-of-way width.* The minimum right-of-way widths to be utilized shall be as follows and, where applicable, shall be clarified by the cross sections contained in appendix B. and will be directly related to traffic volume as indicated in the definition of each street continued herein and where applicable clarified by the cross sections contained in appendix B. Private street right-of-way widths and design may be determined on a case-by-case basis in accordance with section 3.2.7.2.

<i>Street Type</i>	<i>(feet)</i>	<i>R/W Width* Lane Width lanes</i>	<i>Number of (feet)</i>
<i>All Streets</i>			
Cul-de-sac	50 <u>60</u>	2	10
Local	60	2	12 <u>10</u>
Minor collector	80 <u>60</u>	2	12 <u>11</u>
Minor collector (divided)	As required for median and turn lanes	2	12 <u>11</u>
Major collector (minor) or	135 <u>minimum</u>	4	12 <u>11</u>
Minor Arterial*	<u>As required for median and turn lanes</u>		

Note: Any rural cross sections approved may require expanded right-of-way widths for additional shoulder and swale facilities. Design to be approved on a case-by-case basis.

~~*This is a minimum acceptable standard. All proposed right of way cross sections meeting or exceeding this category must be reviewed and approved by the transportation services division. If an alley is utilized, the right-of-way width may be reduced upon approval of the Community Development and Environmental Services Administrator.~~

Words ~~struck through~~ are deleted; words underlined are added.

6. *Dead-end streets.* Dead-end streets shall be prohibited except when designed as a cul-de-sac. When a street is designed to be extended when the adjacent property is developed, a temporary cul-de-sac and right-of-way shall be designed. Culs-de-sac in excess of 1,000 feet shall not be permitted unless existing topographical conditions or other natural features preclude a street layout to avoid longer culs-de-sac. When conflicts occur between the design standards of this division and Collier County Ordinance [No.] 86-54, the County Fire Protection Code, or its successor ordinance [see Code ch. 58, art. III], the standards of this division shall take precedence.

Culs-de-sac shall have a minimum 40-foot pavement radius (to back of valley gutter) and 50-foot right-of-way radius. If islands are to be installed within a cul-de-sac, they shall have a minimum 45-foot outside edge of pavement and an inside edge of pavement radius of no greater than 25 feet (See Figure 4 below).

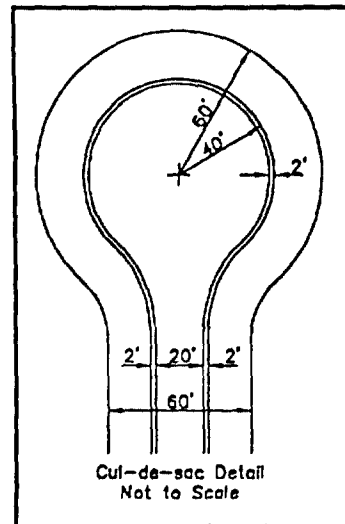


Figure 4

7. *Curbs/valley gutter.* All streets shall be provided with valley gutter or curbs to provide for drainage. Curbs shall be required at street intersections and for those areas requiring additional vehicular protection. All required intersection curbs shall extend ten feet beyond the radius.

8. *Intersection radii.* Street intersections shall be provided with a minimum of a ~~30~~25-foot radius (~~face of curb~~ edge of pavement) for local or cul-de-sac streets and 40-foot radius for collector, arterial and commercial/industrial streets. If two local or cul-de-sac streets intersect at less than 90 degrees, a radius of greater than 30 feet may be required. Intersection right-of-way lines shall be provided with no less than a 25-foot radius, or as approved by the Community Development and Environmental Services Administrator.

All intersections shall be provided with ramps where sidewalks are required.

Words ~~struck through~~ are deleted; words underlined are added.

9. *Intersections and street jogs.* Wherever feasible, streets shall be arranged so as to intersect at right angles. Two streets shall not intersect at an angle less than 60 degrees. When an intersection occurs on a curve, it should be made radially at the point of intersection, with a minimum 75-foot tangent measured from intersecting centerlines. All local cross streets or stop streets should provide a minimum 50-foot tangent measured from intersecting centerline. Any proposed deviation to the tangent requirements must be supported by design calculations submitted by the applicant's professional engineer. The calculations must be based on the roadway speed limit and the Florida department of transportation "Green Book" standards for degree of curvature. Streets classified higher than local shall be provided with appropriately larger tangents, supported by design calculations.

Street jogs, at intersections, shall be prohibited. In no case shall intersections be located closer than 100 feet apart, as measured between closest right-of-way lines. The use of the 100-foot intersection separation criteria shall be used only when a traffic impact analysis indicated that neither intersection will require either turn lanes or signalization.

Intersections of more than two streets shall be ~~prohibited~~ subject to the approval of the Community Development and Environmental Services Administrator.

10. *Reverse curves.* Tangents shall be provided for all streets, between reverse curves, according to the following, unless otherwise approved by the Community Development and Environmental Services Division Administrator ~~development services director~~ pursuant to section 3.2.7.2.

<i>Street Classification</i>	<i>Tangent (Minimum) (feet)</i>
Cul-de-sac	25
Local	50
Minor collector/commercial/industrial	75
All other streets	100

3.2.8.4.18 *Traffic Control Devices.* The design and installation of traffic control devices shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices.

SUBSECTION 3.H: AMENDMENTS TO SITE DEVELOPMENT PLANS DIVISION

Division 3.3, Site Development Plans, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

Division 3.3 Site Development Plans

Sec. 3.3.2. **Purpose.** The intent of this division is to ensure compliance with the appropriate land development regulations prior to the issuance of a

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building permit. This division is further intended to ensure that the proposed development complies with fundamental planning and design principles such as: consistency with the county's growth management plan; the layout and arrangement of buildings and open spaces; the configuration of the traffic circulation system, including driveways, traffic calming devices, parking areas and emergency access; the availability and capacity of drainage and utility facilities; and, overall compatibility with adjacent development within the jurisdiction of Collier County and consideration of natural resources and proposed impacts thereon.

3.3.5.1. *Minor site development plan review.* Submittal of a site development plan under the minor review process shall be in conformance with section 3.3.5.5, final site development plan applications, together with the following preliminary site development plan application requirements: sections 3.3.5.4.1, 3.3.5.4.2.1-3.3.5.4.2.5, 3.3.5.4.2.6.b-f, 3.3.5.4.2.7. a-f, 3.3.5.4.2.8.b, f, h, 3.3.5.4.2.8.k-m, 3.3.5.4.3-3.3.5.4.6. A site development plan may be reviewed under the minor SDP review process if the plan submittal meets the following conditions:

3.3.5.1.8. Commercial buildings and projects having a gross building area of less than 20,000 square feet, subject to the provisions of Division 2.8, and consistent with all other provisions set forth in this Section.

3.3.5.4.2. *Site development plan.* A site development plan prepared on a maximum size sheet measuring 24 inches by 36 inches drawn to scale and setting forth the following information:

1. The project title and the name, address and phone number of the firm or agent preparing the plans and the name, address and telephone number of the property owner.
2. Zoning designation and land uses on the subject and adjacent properties.
3. ~~North arrow, scale and date.~~
4. Vicinity map clearly identifying the location of the development and its relationship to the surrounding community.
5. A narrative statement on the plan identifying provisions of ownership and maintenance of all common areas, open space, private streets and easements.
6. A site summary in chart form which shall include the following:
 - a. Total site acreage.
 - b. Total square footage of impervious area (including all parking areas, drive-aisles, and internal streets) and its percentage of the total site area.
 - c. Total square footage of impervious area (including all parking areas, driveways, loading areas, drive-aisles, and internal streets) and its percentage of the total site area.
 - d. Total square footage of landscape area/open space and its percentage of the total site area.

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- e. For residential projects, total number of units, units per acre, and a unit breakdown by square footage and number of bedrooms.
 - f. For nonresidential projects, total building footage, and a square footage breakdown by use (i.e., office, retail, storage, etc.) and its percentage of the total building.
7. A parking summary in matrix form which shall include:
- a. Type of use.
 - b. Total square footage per use.
 - c. Required parking ratio.
 - d. Number of spaces required per use.
 - e. Number of spaces provided per use.
 - f. Total number of required and provided spaces including regular, handicapped and reserved spaces.
8. Illustrative information accurately depicted on the site development plan shall be as follows unless waived at the preapplication meeting:
- a. A boundary survey, prepared by a professional surveyor showing the location and dimensions of all property lines, existing streets or roads, easements, rights-of-way, and areas dedicated to the public.
 - b. Name, alignment and existing/proposed right-of-way of all streets which border the development (including raised islands, striping, right/left turn lanes, median cuts and nearby intersections), ~~and~~ the location of all existing driveways or access points on the opposite sides of all streets which border the development, and the location of all traffic calming devices.
9. For projects subject to the provisions of Division 2.8., five (5) sets of architectural drawings, signed and sealed by a licensed architect, registered in the State of Florida, shall be submitted with the Preliminary (or Minor) SDP application, depicting the following:
- a. ¼ inch scaled elevation for all sides of the building;
 - b. ¾ inch scaled elevation from top of roof to grade depicting typical elevation with details and materials noted, and rendered to show materials and color scheme;
 - c. 1/8 inch site sections showing relationship to adjacent structures;
and
 - d. a unified sign plan as required Division 2.8.

Representations made thereon shall become conditions of approval. Architectural drawings submitted in conjunction with a building permit shall be consistent with the architectural drawing submitted and approved for the SDP or SIP.

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3.3.5.5.1.

SDP. A detailed site development plan prepared on a maximum size sheet measuring 24 inches by 36 inches, drawn to scale and setting forth all required on-site and off-site improvements and provisions to include the following:

1. Complete legal description including boundary survey.
2. Lot dimensions, acreage.
3. All building and structures, location, size, height and proposed use.
4. Yard setbacks and distances between structures.
5. Walls and fences including location and heights.
6. Off-street parking; location, parking layout dimensions, on-site traffic circulation, traffic calming devices, and landscaping, including all handicap parking and access provisions.
7. Access for pedestrian, vehicular and service. Points of ingress and egress
8. The proposed location, size and height of all traffic control signs. For other development signage see division 2.5.
9. Loading location, dimensions and number of loading spaces.
10. Lighting location, heights and design of all street and parking lot light fixtures.
11. Street dedication and improvements, including traffic calming devices.

3.3.5.5.5.

Infrastructure improvement plans. Detailed on-site and off-site infrastructure improvement plans and construction documents prepared in conformance with the design standards of division 3.2 and any current county ordinances, regulations, policies and procedures which consists of, but are not limited to, the following items:

1. A cover sheet setting forth the development name, applicant name, name of engineering firm, and vicinity map.
2. Improvements for water and sewer service as needed or as may have been specified during a preliminary site development plan review prepared in conformance with Collier County Ordinance No. 88-76 as amended.
3. Improvements for roadway, traffic circulation, ingress and egress, ~~parking and other transportation needs, including traffic calming devices~~, required or as may have been specified during the preliminary site development plan review, prepared in conformance with section 3.2.8.4 subdivision design requirements (for purposes of this requirement, all references in section 3.2.8.4 to "subdivision" should be read to mean development, where applicable and appropriate).

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- 3.3.6.3. The ingress and egress to the proposed development and its proposed improvements, vehicular and pedestrian safety, separation of vehicular traffic from pedestrian and other traffic, traffic flow and control, traffic calming devices, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe or other emergency.

SUBSECTION 3.1: AMENDMENTS TO VEGETATION REMOVAL, PROTECTION AND PRESERVATION DIVISION

Division 3.9, Vegetation Removal, Protection and Preservation, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

3.9.5 Vegetation removal, protection and preservation standards.

3.9.5.5.2. All new developments shall retain existing native vegetation to the maximum extent possible, especially where said native vegetation exists within required buffer areas. ~~Existing viable native vegetation shall be retained~~ Where the required minimum retained vegetation percentage has been met pursuant to sections 3.9.5.5.3 and 3.9.5.5.4 additional native vegetation shall be retained unless necessary grade changes, required infrastructure, stormwater management system design or approved construction footprints necessitate its removal. The need to remove additional existing native trees shall be demonstrated by the applicant as part of the vegetation removal review process. When required to be removed, existing viable native trees shall be transplanted into site landscaping unless the applicant can demonstrate that transplanting is not feasible or appropriate. Retained areas of vegetation shall be preserved in their entirety with all trees, understory, and ground covers left intact and undisturbed, except for prohibited exotic species removal, enhancement with native plant material and pruning and maintenance.

3.9.5.5.4. All other types of new development not referenced in section 3.9.5.5.3 above, including but not limited to 1) residential or mixed use developments under the thresholds set forth in section 3.9.5.5.3; 2) commercial development; and 3) industrial development shall be required to preserve an appropriate portion of the native vegetation on the site as determined through the county development review process. For new development under five (5) acres, a minimum of ten percent of the native vegetation on-site (by area), shall be retained, including the understory and ground cover. For new development five (5) acres or greater, a minimum of fifteen percent of the native vegetation on-site (by area), shall be retained, including the understory and ground cover. Preservation of different contiguous habitats is to be encouraged. When several native plant communities exist on-site the development plans will reasonably attempt to preserve examples of all of them, if possible. However, this policy shall not be interpreted to allow development in wetlands, should wetlands alone constitute more than the portion of the site required to be preserved. Exceptions, by means of mitigation in the form of increased landscape requirements, shall be granted for parcels which cannot reasonably accommodate both the preservation area and the proposed activity. Where native preservation requirements are not accommodated, the landscape plan shall re-create a native plant community in all three strata (ground covers, shrubs and trees), utilizing larger plant materials so as to more quickly re-create the lost mature vegetation. Such revegetation

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shall apply the standards of Section 2.4.4, and include a quantity of plantings matching the amount of required preserved native vegetation that was removed. The following minimum sizes shall apply: 1 gallon ground covers; 5 gallon shrubs ; fourteen to sixteen foot high trees with a seven to eight foot crown spread and a diameter of 3 to 4 inches at 4.5 feet above natural grade . Previously cleared parcels, void of native vegetation, shall be exempt from this requirement.

SUBSECTION 3.J: AMENDMENTS TO ADEQUATE PUBLIC FACILITIES DIVISION

Division 3.15, Adequate Public Facilities, of Ordinance No 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 3.15 ADEQUATE PUBLIC FACILITIES*

Sec. 3.15.4 Definitions.

- 3.15.4.1. *Annual update and inventory report* or AUIR means the county report on public facilities described in section 3.15.7.2.
- 3.15.4.2. *Application for development approval* means an application submitted to Collier County requesting the approval of a development order.
- 3.15.4.3. *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.
- 3.15.4.4. *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.
- 3.15.4.5. *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.
- 3.15.4.6. *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.
- 3.15.4.7. *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.
- 3.15.4.8. *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.
- 3.15.4.9. *Comprehensive plan* means a plan that meets the requirements of F.S. §§163.3177 and 163.3178, and shall mean the Collier County Growth Management Plan, where referenced in this division.

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- 3.15.4.~~1011~~. *Deficient road segment* means the following:
- 3.15.4.~~1011~~.1. A county or state road segment on the major road network system that either:
- 3.15.4.~~1011~~.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
- 3.15.4.~~1011~~.1.2. Has an adopted LOS "D" peak season, peak hour, that has operated below LOS "D" peak season, peak hour, for two years or more based on the AUIR; or
- 3.15.4.~~1011~~.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
- 3.15.4.~~1011~~.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.
- 3.15.4.~~1011~~.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:
- 3.15.4.~~1011~~.2.1. Any capital road improvement currently in place;
- 3.15.4.~~1011~~.2.2. Any capital road improvement that is under construction;
- 3.15.4.~~1011~~.2.3. Any capital road improvement guaranteed in an enforceable development agreement that includes the provisions in subsections 3.15.4.10.2.1 and 3.15.4.10.2.2.;
- 3.15.4.~~1011~~.2.4. The actual construction of the required capital improvement is included and is scheduled to commence in or before the third year of the state's five-year work program and the county's current five-year capital improvement schedule adopted as part of the growth management plan; and
- 3.15.4.~~1011~~.2.5. The board of county commissioners has made an express finding, after a public hearing, that the current five-year capital improvement schedule is based on a realistic, financially feasible program of funding from existing revenue sources.
- 3.15.4.~~1112~~. *Developer* means any person, including a governmental agency, undertaking any development as defined in this division.
- 3.15.4.~~1213~~. *Development agreement* has the meaning contemplated in F.S. §163.3220 ct. seq.
- 3.15.4.~~1314~~. *Development* has the meaning given it in F.S. §380.04.
- 3.15.4.~~1415~~. *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,

Words ~~struck through~~ are deleted; words underlined are added.

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 division.

- 3.15.4.~~15~~16. *Final development order* means a final local development order or a final DRI development order.
- 3.15.4.~~16~~17. *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 F.S. §380.06, notice of which is recorded pursuant to F.S. §380.06(15)(f).
- 3.15.4.~~17~~18. *Final local development order* means any valid, unexpired building permit or mobile home tie-down permit issued by the county.
- ~~2.15.4.18.~~ ~~*Growth management chief*~~ means ~~the growth management chief or his designee.~~
- 3.15.4.19. *Growth management plan* or GMP means the most recently adopted and effective comprehensive plan of Collier County, as amended from time to time.
- 3.15.4.20. *Land development regulations* mean ordinances enacted by Collier County pursuant to F.S. §163/3161 et. seq. , 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.
- 3.15.4.21. *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.
- 3.15.4.21.1. *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.
- 3.15.4.22. *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 division

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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, three-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, No. 74-50, as amended and Ordinance No. 90-10 which are incorporated herein by reference.

3.15.4.23. *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 ~~\$122.00~~ \$179.00 of capital investment per capita (at current cost) for recreational facilities.

3.15.4.24. *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 percent for nonresidential 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 percent adjustment). For private potable water systems, the LOS is as follows, except that approved private wells are exempt from these LOS requirements:

<i>Type of Establishment</i>	<i>Gallons Per Day (GPD)</i>
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 office (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	

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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
<i>Type of Establishment</i>	<i>Gallons Per Day (GPD)</i>
Service stations (per water closet and per urinal)	250
Shopping centers without food or laundry (per square foot of floor space)	0.1
Stadiums, race tracks, ball parks (per seat)	5
Stores per square foot of floor space	0.1
Theaters	
(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 hook-up (per trailer space)	75
(b) Travel trailer (overnight), with water and seer 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) one bedroom and 600 square feet or less heated or cooled area	150

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dwelling unit) one bedroom and 600 square feet or less heated or cooled area	
Two bedrooms and 601-1,000 square feet heated or cooled area	300
Three bedrooms and 1,001-2,000 square feet heated or cooled area	450
Four or more bedrooms and more than 2,000 square feet heated or cooled area	600
(b) Other (per occupant)	75

3.15.4.25.

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:

<i>Road</i>	<i>Segment</i>
Airport Road	Pine Ridge Road to Golden Gate Parkway
Golden Gate Pkwy	Airport Rd. to Santa Barbara Blvd.
Goodlette-Frank Rd.	Pine Ridge Rd. to Golden Gate Parkway
Goodlette-Frank Rd.	Golden Gate Parkway to U.S. 41
Pine Ridge Road	Airport Road to I-75
<u>Vanderbilt Beach Rd.</u>	<u>U.S. 41 to Gulfshore Drive</u>

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 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:

<i>Road</i>	<i>Rural Area</i>	<i>Existing Urbanized Area</i>	<i>Transitioning Urbanized Area</i>
I-75	<u>BC</u>	<u>ED</u>	<u>ED</u>
US41	C	D	C
SR-84	C	D	C
SR-951	-	D	C
SR-29	<u>ED</u>	-	-
SR-82	<u>ED</u>	-	-

3.15.4.26.

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 percent for nonresidential 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:

<i>Type of Establishment</i>	<i>Gallons Per Day (GPD)</i>
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Words ~~struck through~~ are deleted; words underlined are added.

Barber and beauty shop (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

<i>Type of Establishment</i>	<i>Gallons Per Day (GPD)</i>
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Dentist office	
(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) Ordinance restaurant 9per 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 5 seat)	
Stores (without food service)	
(a) Private toilets, for employees only (per employee)	20
(b) Public toilets (per square foot of 0.1 floor space)	
Theaters	
(a) Indoor, auditoriums (per seat)	5
(b) Outdoor, drive-ins (per space)	10
Trailer/mobile home park (per trailer 200 space)	
Travel trailer/recreational vehicle park	
(a) Travel trailer (overnight),	50

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without water and sewer hookup (per trailer space)	
(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
<i>Type of Establishment</i>	<i>Gallons Per Day (GPD)</i>
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

3.15.4.27. *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 years of landfill lined cell disposal capacity at present fill rates and ten years of landfill raw land capacity at present fill rates.*

3.15.4.28. *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 other, and maneuvering either 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 100th highest hourly traffic volumes during a calendar year for the various types of roads defined by Special Report 209, "Highway Capacity Manual," Transportation Research Board, National Research Council, Washington, D.C., 1985, or subsequent revisions thereto.*

3.15.4.29. *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 100th highest hourly traffic volumes during a calendar year for the various types of roads defined by Special Report 209, "Highway*

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Capacity Manual." Transportation Research Board, National Research Council, Washington, D.C., 1985, or subsequent revisions thereto.

- 3.15.4.29.1. *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 100th highest hourly traffic volumes during a calendar year for the various types of roads defined by Special Report 209, "Highway Capacity Manual", Transportation Research Board, National Research Council, Washington, D.C. 1985, or subsequent revisions thereto.
- 3.15.4.30. *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.
- 3.15.4.31. *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.
- 3.15.4.32. *Person* means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity, and its designated agents, successors or assigns.
- 3.15.4.33. *Potentially deficient road segment* means the following:
- 3.15.4.33.1. 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 operated at its adopted LOS, or whose adopted LOS is LOS "D" peak season, peak hours, and has operated at LOS "E" peak season, peak hour, for two 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 years before it shall become a deficient road segment.
- 3.15.4.33.2. 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.
- 3.15.4.33.3. 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:
- 3.15.4.33.3.1. Any capital road improvement currently in place;
- 3.15.4.33.3.2. Any capital road improvement that is under construction;
- 3.15.4.33.3.3. Any capital road improvement guaranteed in an enforceable development agreement that includes the provisions in subsections 3.15.4.33.3.1 and 3.15.4.33.3.2;

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- 3.15.4.33.3.4. 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-year work program and the county's current five-year capital improvement schedule adopted as part of the growth management plan; and
- 3.15.4.33.3.5. The board of county commissioners has made an express finding, after a public hearing, that the current five-year capital improvement schedule is based on a realistic, financially feasible program of funding from existing revenue sources.
- 3.15.4.34. *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.

Sec. 3.15.5 Rules of construction.

In the construction of this division, 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 provisions would make such construction internally inconsistent or inconsistent with other provisions of this division.

- 3.15.5.1. *Generally.* All provisions, terms, phrases and expressions contained in this division 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 division, 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 division 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 division imposes greater restrictions upon the subject matter than a general provision imposed by the growth management plan or another provision of this division, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

- 3.15.5.2. *Text.* In case of any difference of meaning or implication between the text of this division and any figure, the text shall control.
- 3.15.5.3. *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.
- 3.15.5.4. *Day.* The word "day" shall mean a calendar day, unless "business" day is indicated.
- 3.15.5.5. *Delegation of authority.* Whenever a provision appears requiring a division administrator, the head of a department ~~of~~ or some other county officer or employee to do some act or perform some duty, it is to be construed to authorized the division administrator, 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.

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- 3.15.5.6. *Gender.* Words importing the masculine gender shall be construed to include the feminine and neuter.
- 3.15.5.7. *Month.* The word "month" shall mean a calendar month.
- 3.15.5.8. *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.
- 3.15.5.9. *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.
- 3.15.5.10. *Shall, may.* The word "shall" is mandatory; "may" is permissive.
- 3.15.5.11. *Tense.* Words used in the past or present tense include the future as well as the past or present.
- 3.15.5.12. *Week.* The word "week" shall mean seven calendar days.
- 3.15.5.13. *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.
- 3.15.5.14. *Year.* The word "year" shall mean a calendar year, unless a fiscal year is indicated or 365 days is indicated.

Sec. 3.15.7 Management and monitoring program.

- 3.15.7.1. *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.
- 3.15.7.2. *Annual update and inventory report on public facilities (AUIR).* On or about August 1 of each year, the ~~growth management chief~~ Community Development and Environmental Services Division Administrator 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-year capital improvement schedule for each of the five succeeding years, and ten succeeding years.

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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 (BEBR) 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 division during the next year.

3.15.7.2.1

Annual determination of adequate "Category A" public facilities (concurrency). On or about August 1 of each year, the ~~growth management chief~~ Community Development and Environmental Services Division Administrator 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.

3.15.7.3

Recommendations on the annual CIE update and annual budget. Based upon the AUIR analysis, the ~~growth management chief~~ Community Development and Environmental Services Division Administrator 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.

3.15.7.4

Establishment of area of significant influence (ASI) for roads.

3.15.7.4.1

Establishment of area(s) of significant influence (ASI). If the finding of the AUI analysis identify additional road improvement projects needed to

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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~~ Community Development and Environmental Services Division Administrator, in conjunction with the MPO chief and transportation services ~~administrator~~ department director 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 years of the five-year schedule of capital improvements in the CIE up date and amendment purposed 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 3.15.7.4.2. of this division 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.

3.15.7.4.2. *Standards in establishing area of significant influence (ASI).*

3.15.7.4.2.1. *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 manmade 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.

3.15.7.4.2.2. *Standards in determining area of significant influence (ASI).* The ~~growth management chief~~ Community Development and Environmental Services Division Administrator in conjunction with the MPO chief and transportation services ~~administrator~~ department director 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~~ Community Development and Environmental Services Division Administrator MPO chief and transportation services ~~administrator~~ department director in developing these proposed ASI's:

<i>Type of Roadway Facility</i>	<i>Scope of ASI</i>
Principal Arterial	Three miles on each side of affected segment and three miles affected segment.
from each end of	

<i>Type of Roadway Facility</i>	<i>Scope of ASI</i>
Minor Arterial	Two miles on each side of affected segment and two miles for each end of affected segment.

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Minor Arterial	Two miles on each side of affected segment and two miles for each end of affected segment.
Collector	One mile on each side of affected segment and one mile from each end of affected segment.
Rural Minor Collector	One mile on each side of affected segment and one mile from each end of affected segment.
Limited Access Facility	One mile from each side of the affected segment and three (3) miles from any access point and each segment end.

3.15.7.4.2.3.

Determining annual residual capacity trips. The ~~growth management chief~~ Community Development and Environmental Services Division Administrator in conjunction with the MPO chief and transportation services ~~administrator~~ department director 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 100 percent of the potentially deficient road segment's remaining capacity, measured in peak hour, peak season trips. Thirty percent of the potentially deficient road segment's remaining capacity shall be reserved for only those land uses which generate one peak hour trip per day or less, based on the most recent ITE Trip Generation Rate Manual.

3.15.7.4.3.

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~~ Community Development and Environmental Services Division Administrator the board of county commissioners, by October 1 of each year, shall hold a public hearing noticed pursuant to the requirements of F.S. §125.66(5), 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 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.

3.15.7.4.4.

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~~ Community Development and Environmental Service Division and the office of the

Words ~~struck through~~ are deleted; words underlined are added.

- 3.15.7.4.5. *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 year, unless otherwise dissolved.
- 3.15.7.4.6. *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 year.
- 3.15.7.4.7. *Dissolution of area of significant influence ASI.* If the additional needed road improvements identified in the AUIR are added to the CIE 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. 3.15.8. **Regulatory program: review of development to ensure adequate public facilities are available.**
- 3.15.8.1. *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.
- 3.15.8.2. *Exemptions.* The following development orders and development shall be exempt from the terms of this division:
- 3.15.8.2.1. 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:
- 3.15.8.2.1.1. 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;
- 3.15.8.2.1.2. Substantial deviations are sought for a DRI development order, and then, this division shall apply only to those portions of the development for which the deviation is sought;
- 3.15.8.2.1.3. An overriding concern for public health, safety, or welfare exists;
- 3.15.8.2.1.4. The county can demonstrate pursuant to F.S. §380.06, that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the application of this division to the development order is clearly established to be essential to the public health, safety and welfare; or
- 3.15.8.2.1.5. 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.
- 3.15.8.2.2. Construction of public facilities that are consistent with the Collier County Growth Management Plan.

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- 3.15.8.2.3. Any development orders determined by the ~~growth management chief~~ Community Development and Environmental Services Division Administrator not to impact public facilities as evaluated against the standards contained in this division.
- 3.15.8.2.4. Original temporary construction and development permits and any subsequent renewals not to exceed a cumulative period of one year.
- 3.15.8.2.5. Development orders permitting replacement, reconstruction or repair of existing development consistent with all elements of the growth management plan.
- 3.15.8.2.6. Original temporary use permits and any subsequent renewals not to exceed a cumulative period of one year.
- 3.15.8.2.7. 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 3.15.8.2.8.
- 3.15.8.2.7.1. *Application.* An application for determination of vested rights for APF shall be submitted in the form established by the ~~growth management chief~~ Community Development and Environmental Services Division Administrator. An application fee in an amount to be determined by the board of county commissioners shall accompany and be part of the application. The application shall, at a minimum, include:
- 3.15.8.2.7.1.1. Name, address, and telephone number of the owner and authorized applicant if other than the owner;
- 3.15.8.2.7.1.2. Street address, legal description, and acreage of the property; and
- 3.15.8.2.7.1.3. All factual information and knowledge reasonably available to the owner and applicant to address the criteria established in section 3.15.8.2.7.7.
- 3.15.8.2.7.2. *Determination of completeness.* After receipt of an application for determination of vested rights for APF, the ~~growth management chief~~ Community Development and Environmental Services Division Administrator shall determine whether the application submitted is complete. If he determines that the application is not complete, the ~~growth management chief~~ Community Development and Environmental Services Division Administrator shall notify the applicant in writing of the deficiencies. The ~~growth management chief~~ Community Development and Environmental Services Division Administrator shall take no further steps to process the application until the deficiencies have been remedied.
- 3.15.8.2.7.3. *Review and determination or recommendation by* Community Development and Environmental Services Division Administrator *and the county attorney.* After receipt of a completed application for determination of vested rights for APF, the ~~growth management chief~~ Community Development and Environmental Services Division Administrator and the county attorney shall review and evaluate the application in light of all of the criteria in section 3.15.8.2.7.7. Based on the review and evaluation, the ~~growth management chief~~ Community Development and Environmental Services Division Administrator and the county attorney shall prepare a written recommendation to the hearing officer that the application should be denied, granted or granted with

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conditions by the hearing officer. Such recommendation shall include findings of fact for each of the criteria established in section 3.15.8.2.7.7. to the extent that information is presented or obtained or inclusion feasible or applicable. If the ~~growth management chief~~ Community Development and Environmental Services Division Administrator and the county attorney agree based on the review and evaluation that the application for determination of vested rights for APF so clearly should be granted or granted with conditions, then they may enter into a written stipulated determination of vested rights for APF with the owner, in lieu of the written recommendation to the hearing officer and the provisions in sections 3.15.8.2.7.4, 3.15.8.2.7.5. and 3.15.8.2.7.6. However, any such stipulated determination shall be in writing, signed by the ~~growth management chief~~ Community Development and Environmental Services Division Administrator the county attorney and the owner, and shall include findings of fact based on the criteria established in section 3.15.8.2.7.7., 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.

3.15.8.2.7.4

Review and Determination of Vested Rights Determination for APF by hearing officer. Upon receipt by the Hearing Officer of the Application for Determination of Vested Rights for APF and the written recommendation of the ~~Growth Management Chief~~ Community Development and Environmental Services Division Administrator and the County Attorney, the Hearing Officer shall hold a public hearing on the application. At the hearing, the Hearing Officer shall take evidence and sworn testimony in regard to the criteria set forth in Section 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.

3.15.8.2.7.5.

Issuance of vested rights determination for APF 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 APF, the recommendation of the ~~Growth Management Chief~~ Community Development and Environmental Services Division Administrator and the County Attorney, and the evidence and testimony presented at the public hearing, in light of all of the criteria set forth in Section 8.2.7.7, and shall deny, grant, or grant with conditions the Application for Determination of Vested Rights for APF for the property or properties at issue. The determination shall be in writing and shall include findings of fact for each

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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.

3.15.8.2.7.6

Appeal to the board of county commissioners. Within thirty (30) days after issuance of the Hearing Officer's written determination of vested rights for APF, the County Attorney, the ~~Growth Management Chief Community Development and Environmental Services Division Administrator~~, or the owner or its authorized attorney or agent, may appeal the determination of vested rights for APF 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 APF, with or without modifications or conditions, or reject the Hearing Officer's determination of vested rights for APF. The Board of County Commissioners shall not be authorized to modify or reject the Hearing Officer's determination of vested rights for APF 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.

3.15.8.2.7.7.

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.

3.15.8.2.7.8.

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

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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.

3.15.8.3. *Certificate of Public Facility Adequacy.*

3.15.8.3.1. General.

3.15.8.3.1.1. 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.

3.15.8.3.1.2. 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.

3.15.8.3.1.3. 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.

3.15.8.3.1.4. 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~~ Community Development and Environmental Services Division Administrator accompanied by the surrender of the original Certificate of

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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.

- 3.15.8.3.2. *Rules of general applicability for certificate of public facility adequacy.*
- 3.15.8.3.2.1. *Timing.* An Application for a Certificate of Public Facility Adequacy may be submitted at any time, subject to Section 8.3.1.1.
- 3.15.8.3.2.2. *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.
- 3.15.8.3.2.3. *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.
- 3.15.8.3.2.4. *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:
- 3.15.8.3.2.4.1. 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:
- 3.15.8.3.2.4.1.1. 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
- 3.15.8.3.2.4.1.2. 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
- 3.15.8.3.2.4.1.3. 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.
- 3.15.8.3.2.4.2. 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

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threshold for each land use component identified in Section 8.3.2.4.1 that is proposed for the mixed use development.

3.15.8.3.2.5.

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.

3.15.8.3.2.6.

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~~ Community Development and Environmental Services Division Administrator 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.

3.15.8.3.3.

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.

3.15.8.3.4.

Procedure for Review of Application.

3.15.8.3.4.1.

Submission of application and fee. An Application for a Certificate of Public Facility Adequacy shall be submitted to the ~~Growth Management Chief~~ Community Development and Environmental Services Division Administrator. An application shall be submitted at the filing of the earliest or next to occur of final subdivision plat, final site development

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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.

- 3.15.8.3.4.2. *Application contents.* The form and contents for the Application for Public Facility Adequacy shall be established by the ~~Growth Management Chief Community Development and Environmental Services Division Administrator~~ and shall be published and made available to the general public.
- 3.15.8.3.4.3. *Determination of completeness and review.* After receipt of an Application for Certificate of Public Facility Adequacy, the ~~Growth Management Chief Community Development and Environmental Services Division Administrator~~ 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 Community Development and Environmental Services Division Administrator~~ 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 Community Development and Environmental Services Division Administrator~~ shall review and grant, or deny each public facility component in the application pursuant to the standards established in Section 8.3.5.
- 3.15.8.3.4.4. *Appeal to Public Facilities Determination Appeal Committee.* Within thirty (30) days after issuance of the determination of the ~~Growth Management Chief Community Development and Environmental Services Division Administrator~~ on the Application for a Certificate of Public Facility Adequacy, the applicant may appeal the determination of the ~~Growth Management Chief Community Development and Environmental Services Division Administrator~~ 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 Community Development and Environmental Services Division Administrator~~ 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 Community Development and Environmental Services Division Administrator'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 Community Development and Environmental Services Division Administrator's~~ determination. The Public Facilities Determination Appeal Committee shall not be authorized to modify or reject the ~~Growth Management Chief's Community Development and Environmental Services Division Administrator'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 Community Development and Environmental Services Division Administrator'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.

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- 3.15.8.3.4.4.1. *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.
- 3.15.8.3.4.5. *Cancellation of certificates.* Upon notification by the ~~Growth Management Chief~~ Community Development and Environmental Services Division Administrator 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.
- 3.15.8.3.5. *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).
- 3.15.8.3.5.1. *Potable water facilities.* 3.5.1.1 The Potable Water component shall be granted if any of the following conditions are met:
- 3.15.8.3.5.1.1. The Potable Water component shall be granted if any of the following conditions are met:
- 3.15.8.3.5.1.1.1. The required Public Facilities are in place at the time a building permit is issued.
- 3.15.8.3.5.1.1.2. The required Public Facilities are under construction at the time a building permit is issued.
- 3.15.8.3.5.1.1.3. 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.
- 3.15.8.3.5.2. *Sanitary Sewer Facilities.*
- 3.15.8.3.5.2.1. The Sanitary Sewer component shall be granted if any of the following conditions are met:
- 3.15.8.3.5.2.1.1. The required Public Facilities are in place at the time a building permit is issued.
- 3.15.8.3.5.2.1.2. The required Public Facilities are under construction at the time a building permit is issued.

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- 3.15.8.3.5.2.1.3. 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.
- 3.15.8.3.5.3. *Solid Waste Facilities.*
- 3.15.8.3.5.3.1. The solid waste component shall be granted if any of the following conditions are met:
- 3.15.8.3.5.3.1.1. The required Public Facilities are in place at the time a building permit is issued.
- 3.15.8.3.5.3.1.2. The required Public Facilities are under construction at the time a building permit is issued.
- 3.15.8.3.5.3.1.3. 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.
- 3.15.8.3.5.4. *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.
- 3.15.8.3.5.5. *Park and Recreation Facilities.*
- 3.15.8.3.5.5.1. The Parks and Recreation component shall be granted if any of the following conditions are met:
- 3.15.8.3.5.5.1.1. The required Public Facilities are in place at the time a building permit is issued.
- 3.15.8.3.5.5.1.2. The required Public Facilities are under construction at the time a building permit is issued.
- 3.15.8.3.5.5.1.3. 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.
- 3.15.8.3.5.5.1.4. 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.
- 3.15.8.3.5.6. *Road Facilities.* The Road component shall be considered based upon whether the proposed development is outside a designated ASI or within a designated ASI.
- 3.15.8.3.5.6.1. *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.
- 3.15.8.3.5.6.2. *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

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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.

SUBSECTION 3.K: AMENDMENTS, TO GROWTH MANAGEMENT DEPARTMENT DIVISION

Division 5.8, Growth Management Department, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby deleted in its entirety as follows:

~~DIVISION 5.8. GROWTH MANAGEMENT DEPARTMENT~~

~~Sec. 5.8.1. Creation and appointment of the growth management director.~~

~~The growth management director shall be the agency head of the growth management department and shall be appointed by and serve at the pleasure of the county manager.~~

~~Sec. 5.8.2. Jurisdiction, authority and duties.~~

~~In addition to the jurisdiction, authority and duties which may be conferred upon the growth management director by other provisions of the county Code of Collier County, or the county manager, the growth management director shall have the following jurisdiction, authorities and duties:~~

- ~~5.8.2.1. To undertake the current and long range comprehensive planning responsibilities of the county under F.S. ch. 163, as amended, including all planning for land use, public facilities, and environmental resources.~~
- ~~5.8.2.2. To review biannually the Collier County growth management plan and the land development regulations and recommend amendments to the planning commission and board of county commissioners.~~
- ~~5.8.2.3. To review biannually the capital improvement element, capital improvement program and capital improvement schedule and recommend amendments or updates to the planning commission and the board of county commissioners.~~
- ~~5.8.2.4. To administer, manage, monitor and implement the adequate public facilities (concurrency) regulations and the concurrency management program and system.~~
- ~~5.8.2.5. To coordinate other local, regional and state planning and permitting processes affecting development in Collier County and to serve as liaison to such local, regional, and state planning agencies having jurisdiction over development in Collier County.~~
- ~~5.8.2.6. To provide the community development services administrator with reports, recommendations or other assistance with respect to matters assigned by the community development services administrator to the growth management director.~~

Words ~~struck through~~ are deleted; words underlined are added.

SUBSECTION 3.L: AMENDMENTS TO COMMUNITY DEVELOPMENT SERVICES DIVISION

Division 5.9, Community Development Services Division, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

DIVISION 5.9. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION

Sec. 5.9.1. Creation and appointment of the community development and environmental services administrator.

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

Sec. 5.9.2. Jurisdiction, authority and duties.

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

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

5.9.2.2. To administer and manage the development Planning services, Pollution Control, Natural Resources, Building Review and Permitting, Code Enforcement ~~growth-planning-growth-management~~ and housing and urban improvement departments, and oversee the preparation of the budget for each.

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

SUBSECTION 3.M: AMENDMENTS TO DEVELOPMENT SERVICES DEPARTMENT DIVISION

Division 5.10, Development Services Department, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby deleted in its entirety as follows:

~~DIVISION 5.10. DEVELOPMENT SERVICES DEPARTMENT~~

~~Sec. 5.10.1. Development services director.~~

Words ~~struck through~~ are deleted; words underlined are added.

- ~~5.10.1.1.~~ ~~Creation and appointment.~~ ~~The development services director shall be the agency head of the development services department and shall be appointed by and serve at the pleasure of the county manager.~~
- ~~5.10.1.2.~~ ~~Jurisdiction, authority and duties.~~ ~~In addition to the jurisdiction, authority and duties which may be conferred upon the development service director by other provisions of the county Code of Collier County, or the county manager, the development services director shall have the following jurisdiction, authority and duties:~~
- ~~5.10.1.2.1.~~ ~~To provide the board of county commissioners, the planning commission, the board of zoning appeals, the building board of adjustments and appeals, the code enforcement board, and the contractors' licensing board with reports and recommendations with respect to matters before such bodies as directed by the board of county commissioners or the county manager, and to serve as staff in the review of applications for development approval, the issuance of preapplication conference letters, the determination of the sufficiency of all public hearings, and the publication of notice of hearings.~~
 - ~~5.10.1.2.2.~~ ~~To provide the community development services administrator with reports, recommendations or other assistance with respect to matters assigned by the community development services administrator to the development services director.~~
 - ~~5.10.1.2.3.~~ ~~To accept, review and render interpretations to the text of the code and to the boundaries of the official zoning atlas.~~
 - ~~5.10.1.2.4.~~ ~~To administer the provisions and procedures of this code as appropriate, and to delegate such duties to appropriate sections in the interests of efficiency, expertise and service.~~
 - ~~5.10.1.2.5.~~ ~~To administer and manage the customer services, planning services, project review services, and compliance services sections, and oversee the preparation of the budget for each.~~
- ~~Sec. 5.10.2.~~ ~~Customer services section manager.~~
- ~~5.10.2.1.~~ ~~Creation and appointment.~~ ~~The customer services section manager shall be the administrative and functional head of the customer services section and shall be appointed by and serve at the pleasure of the county manager.~~
- ~~5.10.2.2.~~ ~~Jurisdiction, authority and duties.~~ ~~In addition to the jurisdiction, authority and duties which may be conferred on the customer service section manager by other provisions of the county Code of Collier County, the county manager, or the development services director, the customer services section shall have the following jurisdiction, authority and duties:~~
- ~~5.10.2.2.1.~~ ~~To accept and issue all county final local development orders and associated permits in accordance with the procedures, requirements and standards of this code.~~
 - ~~5.10.2.2.2.~~ ~~To be responsible for all archival and long range active files and records of the development services department.~~

Words ~~struck through~~ are deleted; words underlined are added.

- ~~5.10.2.2.3.~~ To be responsible for management of the Immokalee Branch, which serves as an annex to the central facility in Naples.
- ~~5.10.2.2.4.~~ To collect application, development order, and permit fees in accordance with this code and regulations adopted hereunder.
- ~~5.10.2.2.5.~~ To administer and manage the customer services section, including supervision of staff and preparation of section budget.
- ~~Sec. 5.10.3.~~ Planning services section manager.
- ~~5.10.3.1.~~ Creation and appointment. The planning services section manager shall be the section head of the planning services section of the development services department and shall be appointed and serve at the pleasure of the county manager.
- ~~5.10.3.2.~~ Jurisdiction, authority and duties. In addition to the jurisdiction, authority and duties which may be conferred on the planning services section manager by other provisions of the county Code of Collier County, the county manager, or the development services director, the planning services section manager shall have the following jurisdiction, authority and duties:
- ~~5.10.3.2.1.~~ To provide processing and review of all rezonings, zoning variances, flood variances, alcohol variances, conditional uses and boat dock extension, fair and circus permit, nonconforming use alterations, planned unit development amendments, temporary use permit and code amendments.
- ~~5.10.3.2.2.~~ To provide review of preliminary subdivision plats.
- ~~5.10.3.2.3.~~ To provide review of preliminary site development plan.
- ~~5.10.3.2.4.~~ To provide processing of all developments of regional impact (DRIs), DRI development orders and DRI development order amendments.
- ~~5.10.3.2.5.~~ To be responsible for the coordination of specific projects through the review and approval process.
- ~~5.10.3.2.6.~~ To assist the board of county commissioners and the planning commission in the review of applications for amendments to the text of the Collier County land development code and the official zoning atlas.
- ~~5.10.3.2.7.~~ To review annually the Collier land development code and official zoning atlas and recommend amendments to the same to the planning commission and board of county commissioners.
- ~~5.10.3.2.8.~~ To maintain the official zoning atlas and to make an annual presentation of the official zoning atlas to the board of county commissioners for certification.
- ~~5.10.3.2.9.~~ To administer and manage the planning services section, provide technical guidance, supervise staff, and prepare the section budget.
- ~~5.10.4.~~ Project review services section manager.

Words ~~struck through~~ are deleted; words underlined are added.

- ~~5.10.4.1. Creation and appointment. The project review services section manager shall be the section head of the project review services section of the development services department and shall be appointed and serve at the pleasure of the county manager.~~
- ~~5.10.4.2. Jurisdiction, authority and duties. In addition to the jurisdiction, authority and duties which may be conferred on the project review services section manager by other provisions of the county Code of Collier County, the county manager, or the development services director, the project review services section manager shall have the following jurisdiction, authority and duties:~~
- ~~5.10.4.2.1. To provide final review and approval of all improvement plans (subdivision construction documents) as prescribed in these regulations.~~
- ~~5.10.4.2.2. To provide final site development plan review.~~
- ~~5.10.4.2.3. To provide minor site development plan review.~~
- ~~5.10.4.2.4. To provide final review for all multiple family, residential, commercial, institutional, industrial, and other nonresidential building plans.~~
- ~~5.10.4.2.5. To provide final review of right of way, blasting and excavation permits.~~
- ~~5.10.4.2.6. To provide review of final subdivision plats.~~
- ~~5.10.4.2.7. To provide processing and review of all coastal construction control line variances.~~
- ~~5.10.4.2.8. To provide review of all tree removal plans.~~
- ~~5.10.4.2.9. To provide review of all sea turtle permits.~~
- ~~5.10.4.2.10. To provide review of all vehicle on the beach permits.~~
- ~~5.10.4.2.11. To administer and manage all environmental review functions.~~
- ~~5.10.4.2.12. To provide the development services director with interpretations to the text of the subdivision code.~~
- ~~5.10.4.2.13. To administer and manage the final subdivision improvements and utilities facilities acceptance and conveyance procedures.~~
- ~~5.10.4.2.14. To provide full technical support to the planning services section on all preliminary site development plans; minor site development plans; preliminary subdivision plats; zoning and planned unit development related applications; variances to subdivision engineering and environmental issues; and other matters presented in this code.~~
- ~~5.10.4.2.15. To administer and manage the section, provide technical guidance and staff supervision, and prepare the budget.~~
- ~~5.10.4.2.16. To administer and process all requests for waiver and release from the concurrency management process.~~
- ~~Sec. 5.10.5. Compliance services section manager.~~

Words ~~struck through~~ are deleted; words underlined are added.

- ~~5.10.5.1. Creation and appointment. The compliance services section manager shall be the section head of the compliance service section of the development service department and shall be appointed and serve at the pleasure of the county manager.~~
- ~~5.10.5.2. Jurisdiction, authority and duties. In addition to the jurisdiction, authority and duties which may be conferred on the compliance services section manager by other provisions of the county Code of Collier County, the county manager, or the development services director, the compliance services section manager shall have the following jurisdiction, authority and duties:~~
- ~~5.10.5.2.1. To issue and revoke certificates of occupancy in accordance with the procedures of these regulations.~~
- ~~5.10.5.2.2. To enforce the provisions of this code.~~
- ~~5.10.5.2.3. To administer and operate the contractor's licensing program.~~
- ~~5.10.5.2.4. To oversee the minimum housing code inspection program.~~
- ~~5.10.5.2.5. To provide permitted construction inspections for structural, electrical, mechanical, site engineering, zoning, engineering, and other technical codes.~~
- ~~5.10.5.2.6. To conduct code enforcement and licensing investigations.~~
- ~~5.10.5.2.7. To ensure that certain capital public facilities and projects are built according to plans and codes and to the contracted level of quality and within the time allowed.~~
- ~~5.10.5.2.8. To manage and administer the compliance services section, provide technical assistance and staff supervision, and prepare the section budget.~~

**SUBSECTION 3.N: AMENDMENTS TO GROWTH PLANNING DEPARTMENT
DIVISION**

Division 5.11, Growth Planing Department, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby deleted in its entirety as follows:

~~DIVISION 5.11. GROWTH PLANNING DEPARTMENT*~~

~~Sec. 5.11.1. Growth planning director.~~

- ~~5.11.1.1. Creation and appointment. The growth planning director shall be the department head of the growth planning department and shall be appointed by and serve at the pleasure of the county manager.~~
- ~~5.11.1.2. Jurisdiction, authority and duties. In addition to the jurisdiction, authority and duties which may be conferred upon the growth planning director by other provisions of the county Code of Collier County, or the county manager, the growth planning director shall have the following jurisdiction, authority and duties:~~

Words ~~struck through~~ are deleted; words underlined are added.

- ~~5.11.1.2.1.~~ To assist the board of county commissioners and planning commission in the review of applications for amendments to the text of the Collier County growth management plan.
- ~~5.11.1.2.2.~~ To assist the board of county commissioners and planning commission in the review of applications for amendments to the future land use map of the Collier County growth management plan.
- ~~5.11.1.2.3.~~ To accept, review and render interpretations to the text of the Collier County growth management plan and to the boundaries of the future land use map.
- ~~5.11.1.2.4.~~ To undertake long range comprehensive planning responsibilities and special studies including sector planning.
- ~~5.11.1.2.5.~~ To review biannually the Collier County growth Management plan and the land development code and recommend amendments to the text to the planning commission and the board of county commissioners.
- ~~5.11.1.2.6.~~ To review biannually the future land use map of the Collier County growth management plan and make recommendations for amendments to the planning commission and the board of county commissioners.
- ~~5.11.1.2.7.~~ To maintain the future land use map of the Collier County growth management plan.
- ~~5.11.1.2.8.~~ To update annually and maintain land use, demographic, and economic data.
- ~~5.11.1.2.9.~~ To provide permanent and seasonal population estimates and projections for the county.
- ~~5.11.1.2.10.~~ To prepare and present the planning commission and the board of county commissioners implementation programs, studies, regulations, and the like required by the growth management plan.
- ~~5.11.1.2.11.~~ To coordinate with other departments and divisions of the county government in order to implement the growth management plan.
- ~~5.11.1.2.12.~~ To provide intergovernmental coordination with federal, state, regional, municipal, and county governments and agencies.
- ~~5.11.1.2.13.~~ To administer, manage, monitor and implement the zoning reevaluation ordinance and program.
- ~~5.11.1.2.14.~~ To provide the community development services administrator with reports, recommendations or other assistance with respect to the matters assigned by the community development services administrator to the growth planning director.

**SUBSECTION 3.0: AMENDMENTS TO HOUSING AND URBAN IMPROVEMENTS
DEPARTMENT DIVISION**

Division 5.12, Housing and Urban Improvement Department, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby deleted in its entirety as follows:

Words ~~struck through~~ are deleted; words underlined are added.

DIVISION 5.12. HOUSING AND URBAN IMPROVEMENT DEPARTMENT*

Sec. 5.12.1. Housing and urban improvement director.

- 5.12.1.1.** ~~Creation and appointment.~~ The housing and urban improvement director shall be the department head of the housing and urban improvement department and shall be appointed by and serve at the pleasure of the county manager.
- 5.12.1.2.** ~~Jurisdiction, authority and duties.~~ In addition to the jurisdiction, authority and duties which may be conferred upon the housing and urban improvement director by other provisions of the county Code of Collier County, the housing and urban improvement director shall have the following jurisdiction, authority and duties:
- 5.12.1.2.1.** To serve as staff to the board of county commissioners and planning commission in review of applications for affordable housing density bonus.
- 5.12.1.2.2.** To administer, manage, monitor and implement the affordable housing density bonus regulations and associated programs.
- 5.12.1.2.3.** To administer programs for affordable housing, moderate, low and very low income households, and other affordable housing incentive programs.
- 5.12.1.2.4.** To provide the community development services administrator with reports, recommendations or other assistance with respect to the matters assigned by the community development services administrator to the housing and urban improvement director.

SUBSECTION 3.P: AMENDMENTS TO DEFINITIONS SECTION

Division 6.3, Definitions, of Ordinance No. 91-102, as amended, the Collier County

Land Development Code, is hereby amended to read as follows:

Division 6.3 Definitions

Anchor Tenant: An anchor tenant, also known as a lead tenant, is tenant of a commercial establishment which generally occupies a larger square footage than the majority of commercial tenants within a multi-occupancy structure. Anchor tenants tend to be those tenants, within a multi-use structure, with whom the center may be identified, or which may generate higher volumes of traffic. A multi-occupancy structure may have one or more anchor tenants.

~~Commercial equipment: Any equipment commonly used in a commercial business, i.e., contractors' equipment, earth moving machinery, utility trailers, and devices used for the transportation of equipment, materials or merchandise. (See section 2.6.7.)~~

Words ~~struck through~~ are deleted; words underlined are added.

Commercial vehicle: Any vehicle used in conjunction with a commercial or business activity, including, but not limited to the following: ~~step vans, cubed vans, box vans and flatbed type trucks.~~ (See section 2.6.7.)

Facade: The exterior walls of a building visible to the public, which may or may not include a portion of the roof, and includes architectural design treatments, entryways, windows and the like.

Metallic materials or colors: Materials or colors having the characteristic appearance or suggestion of metal.

Muted Earthtone Colors: Colors and color variations with subdued intensity, predominant in the natural landscape of the earth, including variations of green, blue, brown and yellow.

Navigable waterway: Any salt or brackish body of water, whether natural or manmade, which is tidal in nature, and is wide enough, deep enough, or free enough from obstructions to be traveled on by vessels and is connected to another navigable waterway. For the purposes of division 2.8 of this code, the term navigable waterway shall not be construed to include waterways which function primarily as drainage canals. _

Predominant exterior building color: Any exterior building color constituting thirty (30) percent or more of coverage of a building facade.

Predominant exterior building material: Any exterior building material constituting thirty (30) percent or more of coverage of a building facade.

Primary arterial or collector street: For the purposes of division 2.8 of this code, this term shall mean those streets adjacent to a commercial building or project which is classified as an arterial or collector street in the Collier County Growth Management Plan, and which provides vehicular ingress and egress to the building or project, excluding ingress and egress intended primarily for delivery, service or employee parking.

Primary facade: Any facade of a building which is adjacent to a navigable waterway, public or private street, or vehicular use area, excluding those vehicular use areas primarily intended for service vehicles or employee parking.

SUBSECTION 3.Q: AMENDMENTS TO APPENDIX B, TYPICAL STREET SECTIONS

Appendix B, Typical Street Sections, of Ordinance No. 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

LDCB:3	Appendix B- Typical Street Sections
	Cul de sac _____ B-2
	Local street B-32
	Commercial/industrial B-43
	Minor collector B-54
	Major collector B-65

SECTION FOUR: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other Ordinance of Collier County and other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or

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unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION SIX: EFFECTIVE DATE

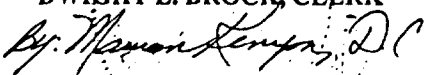
This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 30 day of October, 1996.

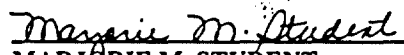
**BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA**

BY: 
JOHN C. NORRIS, CHAIRMAN

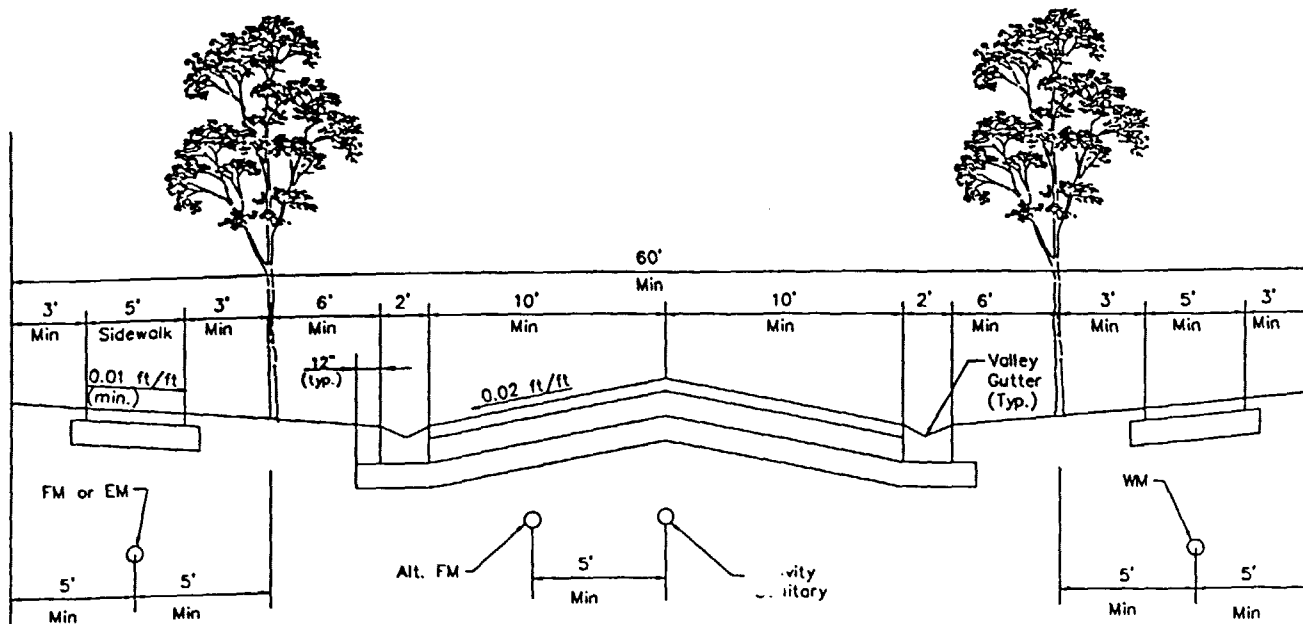
**ATTEST:
DWIGHT E. BROCK, CLERK**



APPROVED AS TO FORM AND LEGAL SUFFICIENCY


**MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY
RM/bk/16609**

Words ~~struck through~~ are deleted; words underlined are added.



Notes:

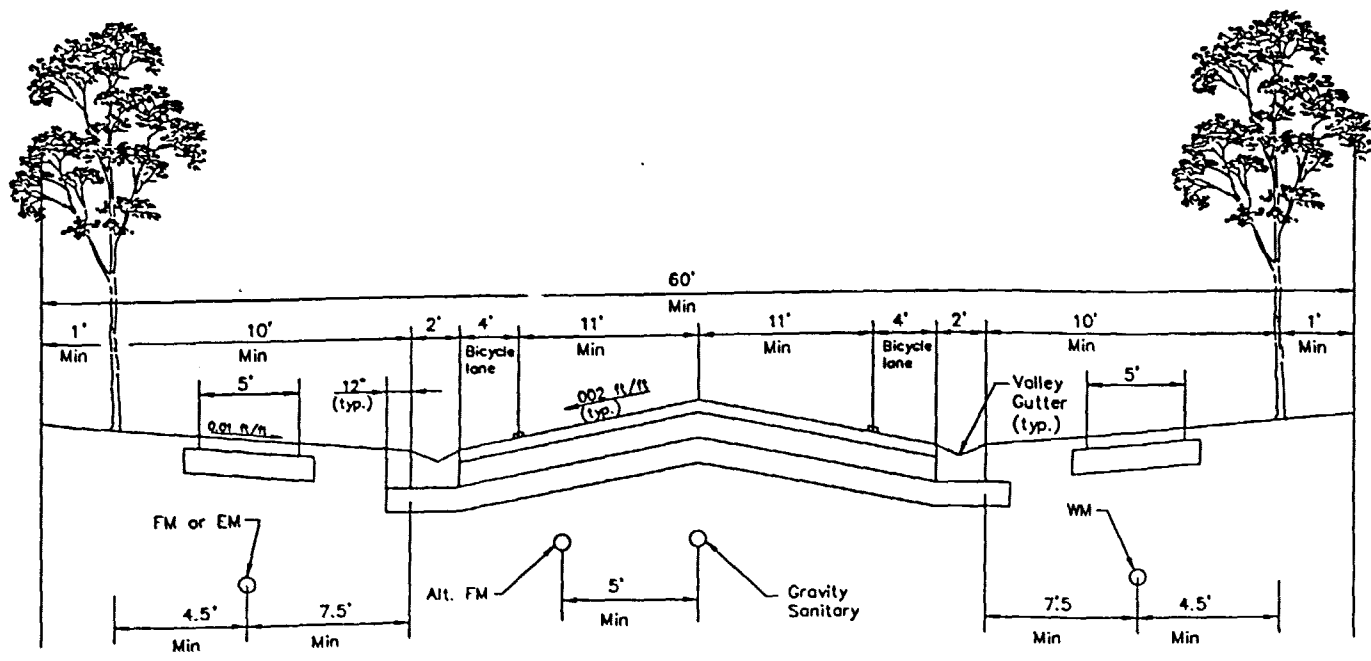
- 1) All dimensions are minimums. Dimensions do not add up to total Right-of-Way.
- 2) Sidewalk section to consist of 4" concrete with 12" compacted subgrade or 1" Type III asphalt (6' wide), 4" Limerock, 12" stabilized subgrade.
- 3) Pavement section to consist of 1 1/2" Type S-III asphalt, 6" Limerock, 12" stabilized subgrade.
- 4) All signing and pavement marking in accordance with "Manual on Uniform Traffic Control Devices (MUTCD)."
- 5) Trees shown are optional but shown for placement purposes only.

LOCAL STREET (or cul-de-sac)

REVISIONS			
NO.	DATE	BY	DESCRIPTION

TYPICAL SECTION
LOCAL ROAD

COLLIER COUNTY LAND
DEVELOPMENT CODE



Notes:

- 1) All dimensions are minimums. Dimensions do not add up to total Right-of-Way.
- 2) Sidewalk section to consist of 4" concrete with 12" compacted subgrade or 1" Type III asphalt (6' wide), 4" Limerock, 12" stabilized subgrade.
- 3) Pavement section to consist of 1 1/2" Type S-III asphalt, 6" Limerock, 12" stabilized subgrade.
- 4) All signing and pavement marking in accordance with "Manual on Uniform Traffic Control Devices (MUTCD)."
- 5) Tree shown are optional but shown for placement purposes only.

MINOR COLLECTOR

REVISIONS	
NO.	DESCRIPTION

TYPICAL SECTION
MINOR COLLECTOR ROAD

COLLIER COUNTY LAND
DEVELOPMENT CODE
FILE: TREE2

STATE OF FLORIDA)
COUNTY OF COLLIER)

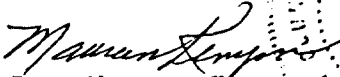
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth
Judicial Circuit, Collier County, Florida, do hereby certify that the
foregoing is a true copy of:

ORDINANCE NO. 96-66

Which was adopted by the Board of County Commissioners on the 30th day
of October, 1996, during Special Session.

WITNESS my hand and the official seal of the Board of County
Commissioners of Collier County, Florida, this 7th day of November,
1996.

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


By: Maureen Kenyon
Deputy Clerk

