

ORDINANCE NO. 99- 6



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, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: ARTICLE 2, ZONING, DIVISION 2.2. ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, DIVISION 2.3. OFF-STREET PARKING AND LOADING; DIVISION 2.6. SUPPLEMENTAL DISTRICT REGULATIONS; DIVISION 2.7. ZONING ADMINISTRATION AND PROCEDURES; DIVISION 2.8. ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS; ARTICLE 3, DIVISION 3.2, SUBDIVISIONS; DIVISION 3.3. SITE DEVELOPMENT PLANS; DIVISION 3.15. ADEQUATE PUBLIC FACILITIES; ARTICLE 5, DECISION MAKING AND ADMINISTRATIVE BODIES, DIVISION 5.2, PLANNING COMMISSION, DIVISION 5.13. ENVIRONMENTAL ADVISORY BOARD; ARTICLE 6, DIVISION 6.3. DEFINITIONS, INCLUDING, BUT NOT LIMITED TO THE DEFINITIONS OF ZERO LOT LINE HOUSING, FRONT YARD, AND DUPLEX; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

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

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

WHEREAS, this is the first amendment to the LDC, Ordinance 91-102, in this calendar year; and

WHEREAS, on March 18, 1997, the Board of County Commissioners adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold advertised public hearings on December 2, 1998 and January 27, 1999, 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.

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 are 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 Comprehensive 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 ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, 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. 2.2.2. Rural agricultural district (A).**

**2.2.2.2.1. Permitted uses.**

- 2. Agricultural activities, including, but not limited to: crop raising; horticulture; fruit and nut production; forestry; groves; nurseries; ranching beekeeping; poultry and egg production; milk production; livestock raising, ~~and~~ and aquaculture for native species subject to State of Florida game and freshwater fish commission permits. The following permitted uses shall only be allowed on parcels 20 acres in size or greater: dairying, ranching, animal breeding, raising, training, stabling or kenneling. This is not to preclude an individual property owner from the keeping of fowl or poultry, not to exceed 25 in total number, and the keeping of horses and livestock (except for hogs) not to exceed two such animals for each acre, and with no open feedlots, for personal use and not in association with a commercial agricultural activity on parcels less than 20 acres in size.
- 3. Wholesale reptile breeding and raising (non-venomous), subject to the following standards:
  - a. Minimum ~~ten~~ twenty acre parcel size;
  - b. Any roofed structure used for the shelter and/or feeding of such reptiles shall be located a minimum of 100 feet from any lot line.

**2.2.2.3. Conditional uses.** The following uses are permitted as conditional uses in the rural agricultural district (A), subject to the standards and procedures established in division 2.7.4.

6. Wholesale reptile breeding or raising (venomous) subject to the following standards:
  - a. Minimum 20 acre parcel size.
  - b. Any roofed structure used for the shelter and/or feeding of such reptiles shall be located a minimum of 100 feet from any lot line.
24. Dairying, ranching, livestock raising, poultry and egg production, milk production, livestock raising, animal breeding, raising, training, stabling or kenneling on parcels less than 20 acres in size. This is not to preclude an individual property owner from the keeping of fowl or poultry, not to exceed 25 in total number, and the keeping of horses and livestock (except for hogs) not to exceed two such animals for each acre, and with no open feedlots, for personal use and not in association with a commercial agricultural activity on parcels less than 20 acres in size.

2.2.2.4. *Dimensional standards.* The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the rural agricultural district (A).

2.2.2.4.5. *Maximum height.* ~~30~~ 35 feet, except as provided in section 2.6.3.

**Sec. 2.2.4. Residential single-family districts (RSF).**

2.2.4.1. *Purpose and intent.* The purpose and intent of the residential single-family districts (RSF) is to provide lands primarily for single-family residences. These districts are intended to be single-family residential areas of low density. The nature of the use of property is the same in all of these districts. Variation among the RSF-1, RSF-2, RSF-3, RSF-4, RSF-5 and RSF-6 districts is in requirements for density, lot area, lot width, yards, height, floor area, lot coverage, parking, landscaping and signs. Certain structures and uses designed to serve the immediate needs of the single-family residential development in the RSF districts such as governmental, educational, religious, and noncommercial recreational uses are permitted as conditional uses as long as they preserve, and are compatible with the single-family residential character of the RSF district[s]. The RSF districts correspond to and implement the urban mixed use land use designation on the future land use map of the Collier County growth management plan. The maximum density permissible in the residential-single family districts 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 permitted in a district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.

2.2.4.4.1. *Maximum density.*

1. RSF-1: One unit for each gross acre .
2. RSF-2: Two units for each gross acre .
3. RSF-3: Three units for each gross acre .
4. RSF-4: Four units for each gross acre .
5. RSF-5: Five units for each gross acre .
6. RSF-6: Six units for each gross acre .

Actual maximum density shall be determined through the application of the density rating system established in the Collier County growth management plan, or applicable policies contained in the future land use element of the plan, not to exceed the above specified density for each district.

2.2.4.4.5. *Maximum height.*

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

1. *Principal structures.* 35 feet.
2. *Accessory structures.* 20 feet except for screen enclosure structures which may be the same height as the principal structure.

**Sec. 2.2.5. Residential multiple-family – 6 district (RMF-6).**

2.2.5.1. *Purpose and intent.* The purpose and intent of the residential multiple-family-6 district (RMF-6) is to provide for single-family, two-family and multifamily residences having a low profile silhouette, surrounded by open space, being so situated that it is located in close proximity to public and commercial services and has direct or convenient access to collector and arterial roads on the county major road network.

The RMF-6 district corresponds to and implements the urban mixed use land use designation on the future land use map of the Collier County growth management plan. The maximum density permissible in the RMF-6 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County growth management plan. The maximum density permissible or permitted in this district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.

2.2.5.4. *Dimensional standards:* The following dimensional standards shall apply to all permitted housing structure types, accessory, and conditional uses in the RMF-6 district.

2.2.5.4.1. *Minimum lot area:*  
 Single-Family:6,500 square feet except as provided at Section 2.2.5.4.7. and 2.6.27.  
Duplex: 12,000 square feet except as provided at Section 2.6.27  
 Two-Family: ~~12,000~~ 6,000 square feet per dwelling unit except as provided at Section 2.6.27  
 Three or more Dwelling Unit Structures: 5,500 square feet per dwelling unit except as herein further provided.

2.2.5.4.2. *Minimum Lot Width:*  
 Single-Family: 60 feet  
Duplex: 80 feet  
 Two Family: 80 feet combined lot width.  
 Three or more Dwelling Unit Structures: 100 feet

2.2.5.4.3. *Minimum Yard Requirements (except as further provided at Section 2.6.27.)*

The following minimum yard requirements are in relation to platted boundaries:

	Front Yard	<del>Required</del> <u>Side</u> Yard	Rear Yard
One (Single) Family - Dwelling Units	25'	7 ½'	20'
<u>Duplex Dwelling Units</u>	25'	10'	20'
Two Unit/Family Dwelling Units	25'	10'*	20'
Three or More Family Dwelling Units	30'	15'*	20'

\* Where fee simple lots are created for each dwelling unit side yards are measured from the outside wall of the principal structure.

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

2.2.5.4.4. *Maximum height of structures.*

1. *Principal structures.* Three habitable floors.
2. *Accessory structures.* 15 feet except for screen enclosure structures which may be the same height as the principal structure but in no event greater than 35 feet.

2.2.5.4.5. *Maximum density.* Actual maximum density shall be determined through application of the density rating system established in the Collier County growth management plan, or applicable policies contained in the future land use element, not to exceed six dwelling units per gross acre.

2.2.5.4.7. *Development Standards for Non-Conforming Lots of Record:*

Nothing herein contained shall prohibit the use of a platted lot of record for a single family detached dwelling unit, irrespective of its dimensional and area measurements. Combinations of platted lots of record are otherwise permitted to achieve the minimum dimensional and area requirements for each housing structure type as described in the foregoing sections, except that the number of dwelling units that may be constructed on any lot of record (the original platted lot) shall be determined by dividing the area of the lot by 6,500 square feet that being the minimum lot area for each dwelling unit and further providing that when calculating the density on these non-conforming lots, a fraction of 0.50 or greater of a unit shall entitle the applicant to an additional unit.

**Section 2.2.6 Residential multiple-family-12 district (RMF-12).**

2.2.6.1. *Purpose and intent.* The purpose and intent of the residential multiple family – 12 district (RMF-12) is to provide lands for multiple-family residences having a mid-rise profile, generally surrounded by lower structures and open space, located in close proximity to public and commercial services, with direct or convenient access to collector and arterial roads on the county major road network. Governmental, social, and institutional land uses that serve the immediate needs of the multiple-family residences are permitted as conditional uses as long as they preserve and are compatible with the mid-rise multiple-family character of the district. The RMF-12 district corresponds to and implements the urban mixed use land use designation on the future land use map of the Collier County growth management plan. The maximum density permissible in the RMF-12 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 permitted in the RMF-12 district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.

2.2.6.4.5. *Maximum density.* Actual maximum density shall be determined through application of the density rating system established in the Collier County growth management plan, or applicable policies contained in the future land use element, not to exceed 12 units for each gross acre.

**Section 2.2.7 Residential multiple-family-16 district (RMF-16).**

2.2.7.1. *Purpose and intent.* The purpose and intent of the residential multiple-family-16 district (RMF-16) is to provide lands for medium to high density multiple-family residences, generally surrounded by open space, located in close proximity to public and commercial services, with direct or convenient access to arterial and collector roads on the county major road network. Governmental, social, and institutional land uses that serve the immediate

needs of the multiple-family residences are permitted as conditional uses as long as they preserve and are compatible with the medium to high density multiple-family character of the district. The RMF-16 district corresponds to and implements the urban mixed use land use designation on the future land use map of the Collier County growth management plan. The maximum density permissible in the RMF-16 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 permitted in the RMF-16 a district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.

- 2.2.7.4.5. *Maximum density.* Actual maximum density shall be determined through application of the density rating system established in the Collier County growth management plan, or applicable policies contained in the future land use element, not to exceed 16 dwelling units for each gross acre.

**Section 2.2.9 Village residential district (VR).**

- 2.2.9.1. *Purpose and intent.* The purpose and intent of the village residential district (VR) is to provide lands where a mixture of residential uses may exist. Additionally, uses are located and designed to maintain the village residential character of the VR district. The VR district corresponds to and implements the mixed residential land use designation on the Immokalee future land use map of the Collier County growth management plan. It is intended for application in those urban areas outside of the coastal urban area designated on the future land use map of the Collier County growth management plan, though there is some existing VR zoning in the coastal urban area. The maximum density permissible in the village residential 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 permitted in the VR a district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element, or as designated on the Immokalee future land use map of the growth management plan.
- 2.2.9.4. *Dimensional standards.* The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the village residential district (VR).

	<i>Single-Family Dwelling and Mobile Home</i>	<i>Duplex</i>	<i>Multiple-Family Dwelling</i>	<i>Accessory Uses</i>	<i>Conditional Uses</i>
5. Maximum density.	<u>7.26 units/gross</u>	<u>8.71 units/gross</u>	<u>14.52 units/gross</u>	N/A	N/A

As Actual maximum density shall be determined through the application of by the density rating system, or applicable policies contained in the future land use element, or the Immokalee future land use map established in the Collier County growth management plan, not to exceed the above specified density for each use. 16 units for each acre.

**Section 2.2.10 Mobile home district (MH).**

- 2.2.10.1. *Purpose and intent.* The purpose and intent of the mobile home district (MH) is to provide lands for mobile homes that ensure they are consistent and compatible with surrounding land uses. The MH district corresponds to and implements the urban mixed use land use designation on the future land use map of the Collier County growth management plan. The maximum density permissible in the mobile home 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 permitted in the MH a district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element, or as identified in the Immokalee future land use map of the growth management plan.

- 2.2.10.4.5. *Maximum density.* Maximum density shall be determined through application of the density rating system established by the Collier County growth management plan, or applicable policies contained in the future land use element, not to exceed 7.26 units per gross acre (1 unit per 6,000 square feet of land area) - except as provided for legal non-conforming lots of record in Section 2.2.10.4.1.

### **Section 2.2.13. Commercial Convenience District (C-2).**

#### **2.2.13.2.1. *Permitted uses.***

~~4. Caretaker's residence, subject to section 2.6.10.~~

- ~~54.~~ Eating places (5812 except contract feeding, dinner theaters, food service (institutional), industrial feeding).
- ~~65.~~ Food stores (groups 5411 except supermarkets, 5421--5499).
- ~~76.~~ Gasoline service stations (5541 subject to section 2.6.28).
- ~~87.~~ General merchandise stores (5311--5399).
- ~~98.~~ Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. 4-193 F.A.C.; all subject to section 2.6.26.
- ~~109.~~ Hardware stores (5251).
- ~~110.~~ Health services (groups 8011--8049, 8082).
- ~~1211.~~ Home furniture, furnishing and equipment stores (groups 5713--5719, 5731--5736).
- ~~1312.~~ Libraries (8231).
- ~~1413.~~ Miscellaneous repair services, except aircraft, business and office machines, large appliances, and white goods such as refrigerators and washing machines (7629--7631).
- ~~1514.~~ Miscellaneous retail services (5912, 5942--5961).
- ~~1615.~~ Museums and art galleries (8412).
- ~~1716.~~ Paint, glass and wallpaper stores (5231).
- ~~1817.~~ Personal services (groups 7212, 7215, 7221--7251, 7291).
- ~~1918.~~ Security and commodity brokers, dealer, exchanges and services (groups 6211--6289).
- ~~2019.~~ United States Postal Service (4311 except major distribution center).
- ~~2120.~~ Veterinary services (0742 excluding outside kenneling).



~~2221.~~ Videotape rental (7841).

~~2322.~~ Any other convenience commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and purpose and intent statement of the district.

2.2.13.2.2. *Uses accessory to permitted uses.*

3. Caretaker's residence, subject to section 2.6.16.

#### **Section 2.2.14. Commercial intermediate district (C-3).**

2.2.14.2.1. *Permitted uses.*

1. Unless otherwise provided for in this section, all permitted uses of the C-2 commercial convenience district.
2. Apparel and accessory stores (groups 5611--5699).
3. Auto and home supply stores (5531).
4. Automotive services (7549).
- ~~4.~~ 5. Business services (groups 7311, 7313, 7322--7338, 7361--7379, 7384, 7389 except auctioneering service, field warehousing, bottle labeling, packaging and labeling, salvaging of damaged merchandise, scrap steel cutting and slitting).
- ~~5-6.~~ Eating places (5812 only). All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to locational requirements of section 2.6.10.
- ~~6-7.~~ Food stores (groups 5411--5499).
- ~~7-8.~~ General merchandise stores (groups 5311--5399).
- ~~8-9.~~ Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. 4-193 F.A.C.; all subject to section 2.6.26.
- ~~9-10.~~ [Reserved.]
- ~~10-11.~~ Home furniture, furnishing, and equipment stores (groups 5712--5736).
- ~~11-12.~~ Libraries (8231).
- ~~12-13.~~ Marinas (4493), subject to section 2.6.22.
- ~~13-14.~~ Membership organizations (8611--8699).
- ~~14-15.~~ Miscellaneous repair services (groups 7629--7631).
- ~~15-16.~~ Miscellaneous retail (groups 5912--5963 except pawnshops and building materials, 5992--5999).
- ~~16-17.~~ Museums and art galleries (8412).
- ~~17-18.~~ Nondepository credit institutions (groups 6111--6163).

- ~~18-19.~~ 19. Paint, glass and wallpaper stores (5231).
- ~~19-20.~~ 20. Personal services (groups 7211, 7212, 7215, 7216 nonindustrial dry cleaning only, 7221--7251, 7291).
- ~~20-21.~~ 21. Public administration (groups 9111--9199, 9229, 9311, 9411--9451, 9511--9532, 9611--9661).
- ~~21-22.~~ 22. Retail nurseries, lawn and garden supply stores (5261).
- ~~22-23.~~ 23. Veterinary services (groups 0742, 0752 excluding outside kenneling).
- ~~23-24.~~ 24. Videotape rental (7841).
- ~~24-25.~~ 25. United States Postal Service (4311 except major distribution centers).
- ~~25-26.~~ 26. Any use which was permissible under the prior GRC zoning district and which was lawfully existing prior to the adoption of this code.
- ~~26-27.~~ 27. Any other general commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and purpose and intent statement of the district.

#### **Section 2.2.20 Planned unit development district (PUD).**

2.2.20.1 *Purpose and intent.* The purpose and intent of establishing the planned unit development district (PUD) is to provide procedures and standards to encourage mixed use planned developments that may be instituted at appropriate locations, or planned developments that may or may not be mixed use in the urban fringe areas, all in accordance with the planning and development objectives of the county under the code and the growth management plan. It is further the purpose and intent of these PUD regulations to encourage ingenuity, innovation and imagination in the planning, design, and development or redevelopment of relatively large tracts of land under unified ownership or control. PUDs produced in compliance with the terms and provisions of this code and the growth management plan may depart from the strict application of setback, height, and minimum lot requirements of conventional zoning districts while maintaining minimum standards by which flexibility may be accomplished, and while protecting the public interest, so that:

1. A more creative approach may be taken to the development of contiguous tracts of land and to encourage development of infill parcels of contiguous tracts of land in certain circumstances.
2. A more desirable environment may be accomplished than would be possible through strict application of the minimum requirements of this zoning code.
3. Land may be used more efficiently, resulting in smaller networks of utilities and streets with consequent lower construction and future maintenance costs.
4. The impact of a particular PUD on the present and projected population, economy, land use pattern, tax base, street system, and public facility network(s) of the county may be carefully evaluated relative to the various costs and benefits that may be associated with such development.

5. The development employs techniques featuring amenities and excellence in the form of variations in siting, mixed land uses and/or varied dwelling types, as well as adaptation to and conservation of the topography and other natural characteristics of the land involved. Exceptions to variations in siting, mixed land uses and/or varied dwelling types may be granted on PUD infill development.

The maximum density permissible in the PUD 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 permitted in a PUD a district shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element. Anything to the contrary notwithstanding, all PUD development shall be consistent with the Collier County growth management plan.

2.2.20.3.1.1 *Maximum residential densities.*

1. Maximum residential density permissible for the overall PUD shall be guided, in part, by the density rating system contained in the future land use element of the growth management plan. The overall maximum residential density permissible or permitted in a PUD shall be calculated by dividing the total number of dwelling units by the total of gross acreage of the proposed PUD excluding the acreage of the areas designated for commercial, industrial, or other land use having an established equivalent residential density in this Land Development Code. The maximum density permissible or permitted in a PUD shall not exceed the density permissible under the density rating system, or applicable policies contained in the future land use element.

2.2.20.3.2 *Multifamily entry level rental housing areas.*

2. *Maximum density.* The maximum residential density permissible shall be guided, in part, by the density rating system contained in the future land use element of the growth management plan. The maximum density permissible or permitted shall not exceed the density permissible under the density rating system, except as permitted by policies contained in the future land use element.

**Sec. 2.2.23 Airport overlay district (APO): special regulations for specified areas in and around the airports in Collier County.**

- 2.2.23.3.3. *Variances.* Any person desiring to erect or increase the height of any structure or use his property not in accordance with the regulations prescribed in this ordinance may apply to the board of zoning appeals for a variance from such regulations pursuant to section 2.7.5. subject to subsection 333.03(1)(c), Florida Statutes, and subject to each interlocal agreement entered into by the County pursuant to subsection 333.03(1)(b)(1), Florida Statutes.

**SUBSECTION 3.B: AMENDMENTS TO OFF-STREET PARKING AND LOADING**

Division 2.3., Off-Street Parking and Loading, of Ordinance 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**

**Sec. 2.3.16. Off-street parking and stacking; required amounts.**

2.3.16.1. Bicycle parking for non-residential developments.

1. Provisions for the safe and secure parking of bicycles shall be furnished at a ratio of five percent of the requirements for motor vehicles as set forth in Sec. 2.2.16. but not to exceed a ratio of 10% of the required number of parking spaces. A minimum of two bicycle parking spaces shall be provided.
2. A bicycle parking facility suited to a single bicycle ("parking space") shall be of a stand-alone inverted-U design measuring a minimum of 36 inches high and 18 inches wide [of 1½ inch Schedule 40 pipe, ASTM F 1083] bent in one piece ("bike rack") mounted securely to the ground [by a 3/8 inch thick steel base plate, ASTM A 36] so as to secure the bicycle frame and both wheels.
3. Each parking space shall have a minimum of three feet of clearance on all sides of the bike rack.
4. Bicycle spaces shall be paved, lighted and located no greater than 100 feet from the main building entrance.
5. Extraordinary bicycle parking designs which depart from the bike rack standard but are consist with the development's design theme shall be considered by the County architect. Bike racks which function without securing the bicycle frame, require the use of a bicycle kick stand, or which may be freely reoriented are not allowable.
6. Substitutions of up to five percent of the parking required by section 2.3.16. are allowable by providing additional bicycle parking on a five-to-one basis.

### **SUBSECTION 3.D: Amendments to Supplemental Regulations Division**

Division 2.6., Supplemental District Regulations, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

### **DIVISION 2.6. SUPPLEMENTAL DISTRICT REGULATIONS**

#### **Sec. 2.6.7. Parking and storage of certain vehicles.**

##### **2.6.7.2. *Parking, storage or use of major recreational equipment.***

2.6.7.2.1. No recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residentially zoned lot, residential districts, or any location not approved for such use. In districts permitting single-family homes or mobile homes, major recreational equipment may be parked or stored only in a rear yard, or in a completely enclosed building, or in a carport, or on davits or cradles adjacent to waterways on residentially zoned property; provided, however, that such equipment may be parked anywhere on residential premises, other than on county rights-of-way or right-of-way easements for a period not to exceed 24 6 hours during within a time period of seven (7) days for loading and unloading, and/or cleaning prior to or after a trip. For the purpose of this section the rear yard for a corner lot shall be considered to be that portion of the lot opposite the street with the least frontage. For through lots the rear yard shall be considered to be that portion of the lot lying between the rear elevation (by design) of the residence and the street.

2.6.7.2.2. The following exceptions may be granted by the site development review director:

1. Such recreational equipment may be parked upon the premises of the resident for a period not exceeding seven days for the purpose of loading, unloading, repairing and/or cleaning prior to or after a trip. A

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

temporary use permit must be obtained to authorize this activity. The permit for such period shall be affixed to the vehicle in a conspicuous place on the street side thereof. No more than two consecutive permits may be issued and the maximum number of permits issued during one calendar year shall be restricted to four.

2. Nonresident: Such car, trailer, bus or motor home, when used for transportation of visitors to this county to visit friends or member of the visitor's family residing in this County may be parked upon the premises of the visited family for a period not exceeding seven days. A temporary use permit must be obtained to authorize this activity. The permit for such period shall be affixed to the vehicle in a conspicuous place or on the street side thereof. This does not allow for living, sleeping, or housekeeping purposes. No more than two consecutive permits may be issued and the maximum number of permits issued during one calendar year shall be restricted to four.

### **SUBSECTION 3.D: AMENDMENTS TO ZONING ADMINISTRATION AND PROCEDURES DIVISION**

Division 2.7., Zoning Administration and Procedures, of Ordinance 91-102, as amended, the Collier County Land Development code, is hereby amended to read as follows:

#### **DIVISION 2.7. ZONING ADMINISTRATION AND PROCEDURES**

##### **Sec. 2.7.3. Planned Unit Development (PUD) procedures.**

###### **Sec. 2.7.3.5.2.**

- ~~2. Upon completion of the review, the development services director shall provide a written determination to the applicant, or his legal representative, confirming that the proposed change(s) do or do not constitute a substantial change to the approved PUD master plan based upon the evaluation of the criteria described in section 2.7.3.5.1. Any such determination made by the development services director may be appealed to the board of county commissioners.~~

### **SUBSECTION 3.E: AMENDMENTS TO ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS DIVISION.**

Division 2.8., Architectural and Site Design Standards and Guidelines for Commercial Buildings and Projects, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

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

##### **Sec. 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, and industrial zoned areas fronting on arterial or collector roads as described by the transportation circulation element of the growth management plan,~~ as provided below:

- 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

50 percent of the value of the existing structure(s), or 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 365 consecutive days, the provisions of this code which may require structural alterations shall be adhered to prior to reoccupancy 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 180 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.

**Sec. 2.8.3. Architectural and site design standards and guidelines for commercial buildings and projects with a gross building area of 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 feet in width with limited access. Landscape buffers for these locations shall use landscape material other than grass for separation of parking areas (See Illustrations 1 and 2 below).

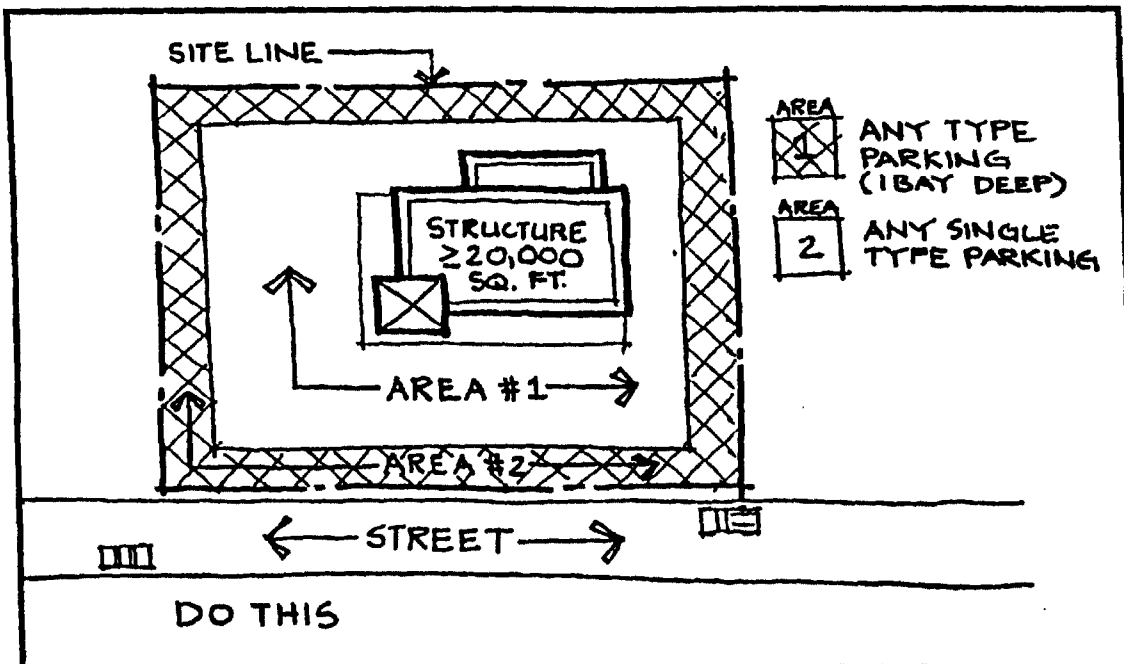


Illustration 1

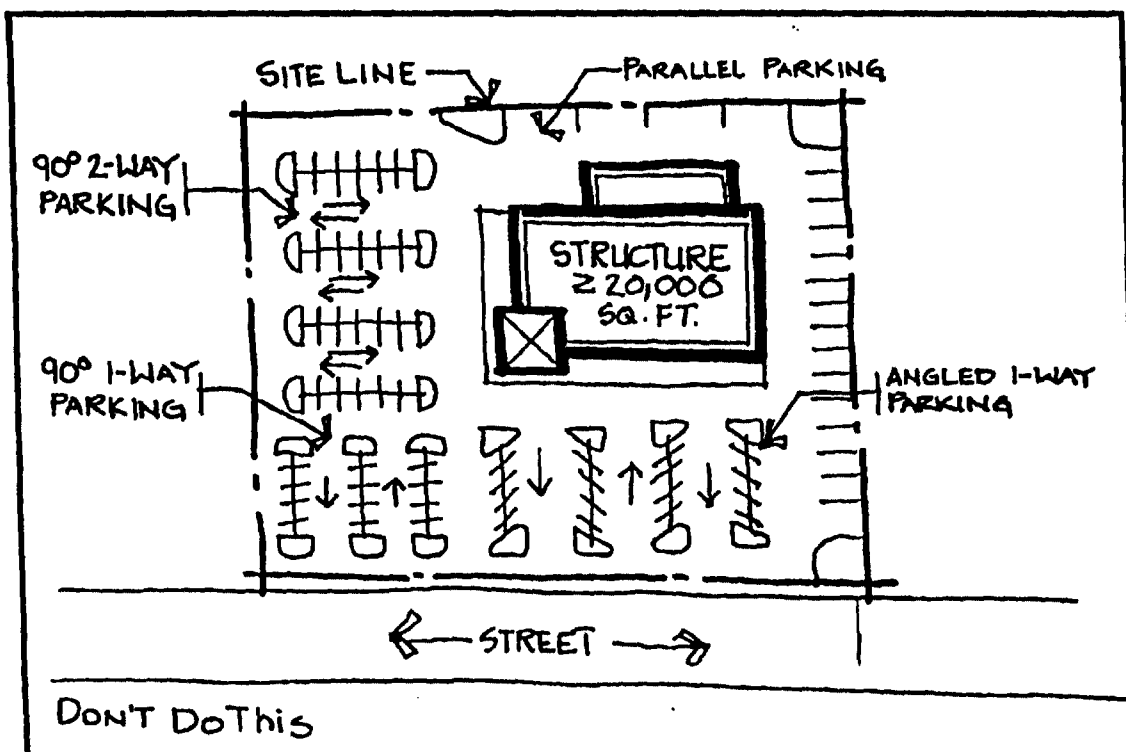


Illustration 2

2.8.3.1.3.1. Maximum Parking: Parking in excess by 20 percent of the minimum parking requirements shall provide additional landscaping as described in section 2.3.10. of this code.

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 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 40 feet. (See Illustration 3 below).

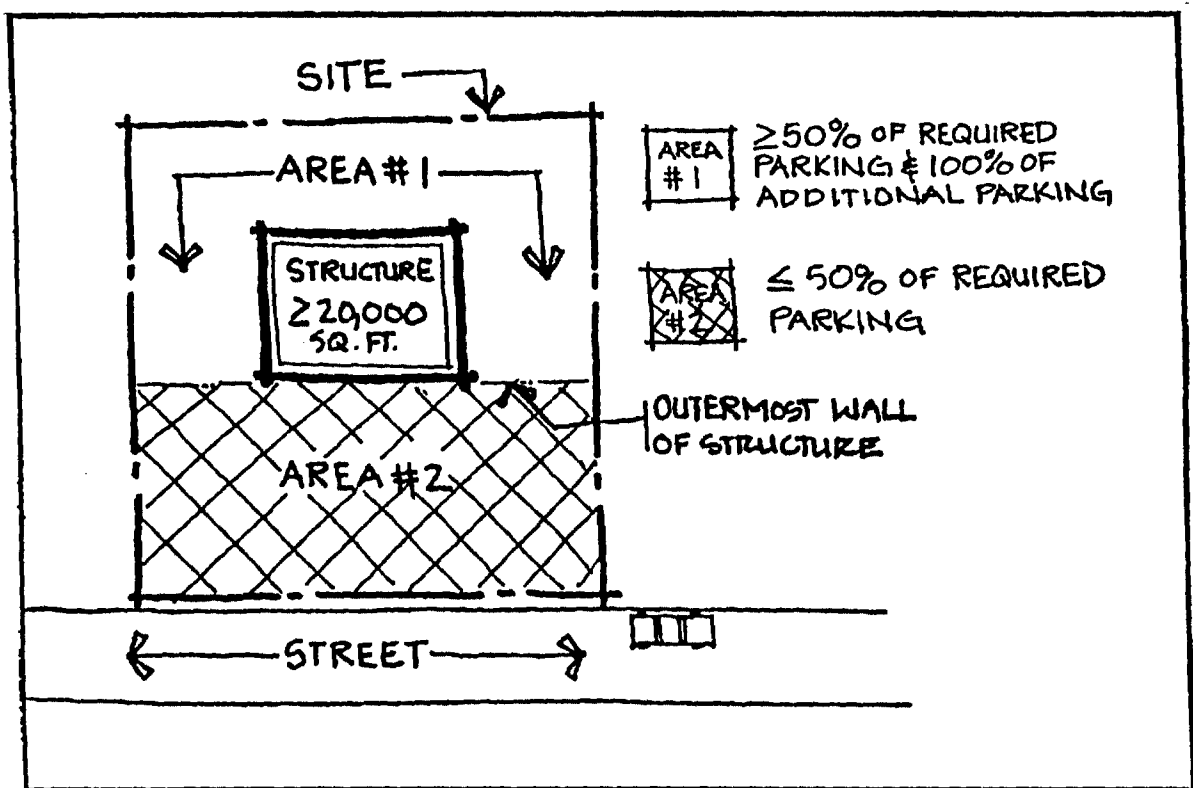


Illustration 3

- (b) *Corner lots.* No more than 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 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 40 feet.~~ (See illustration 4 below).



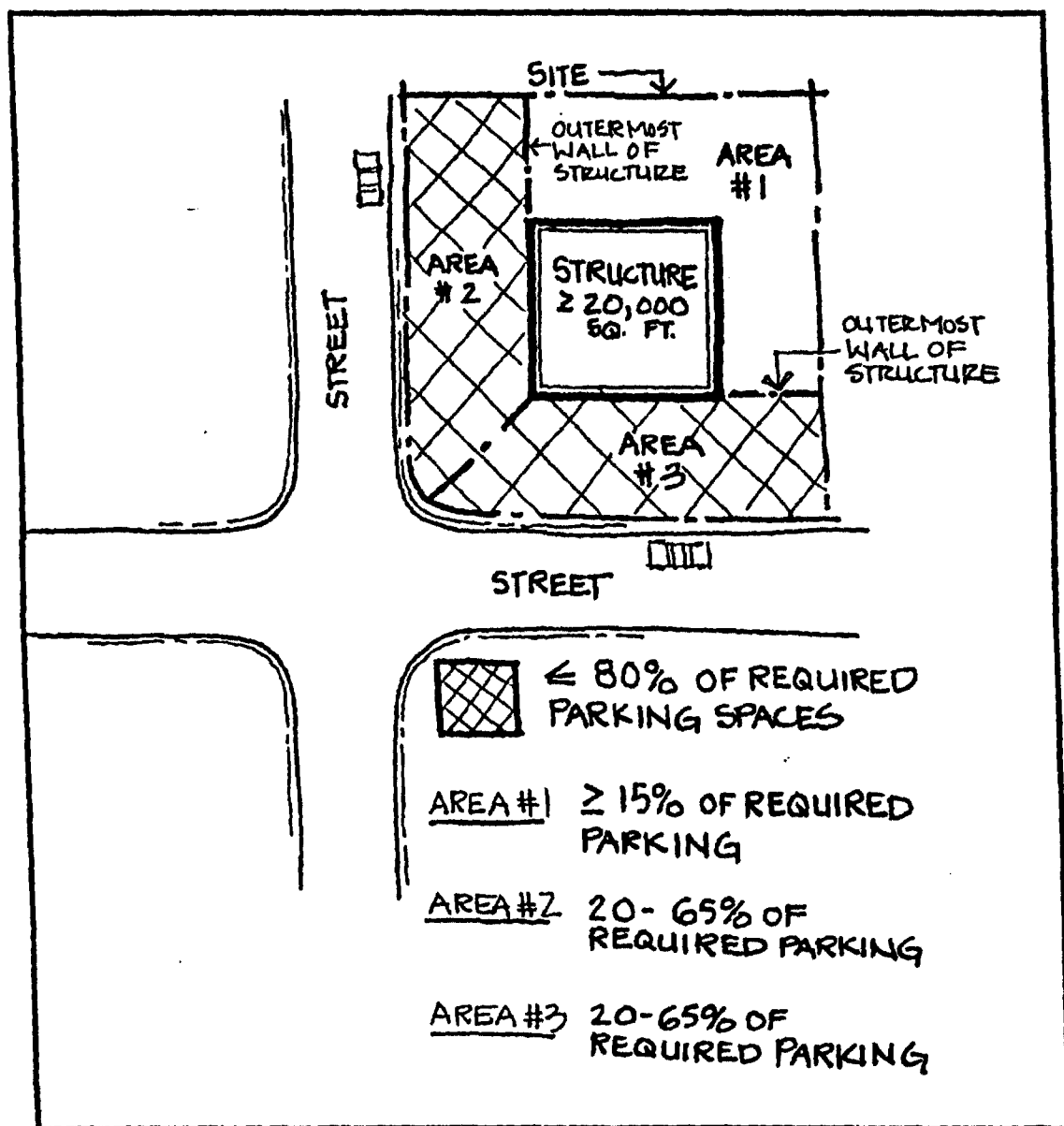


Illustration 4

2.8.3.1.5.

*Parking structure standards:* a minimum of 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);
- (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.

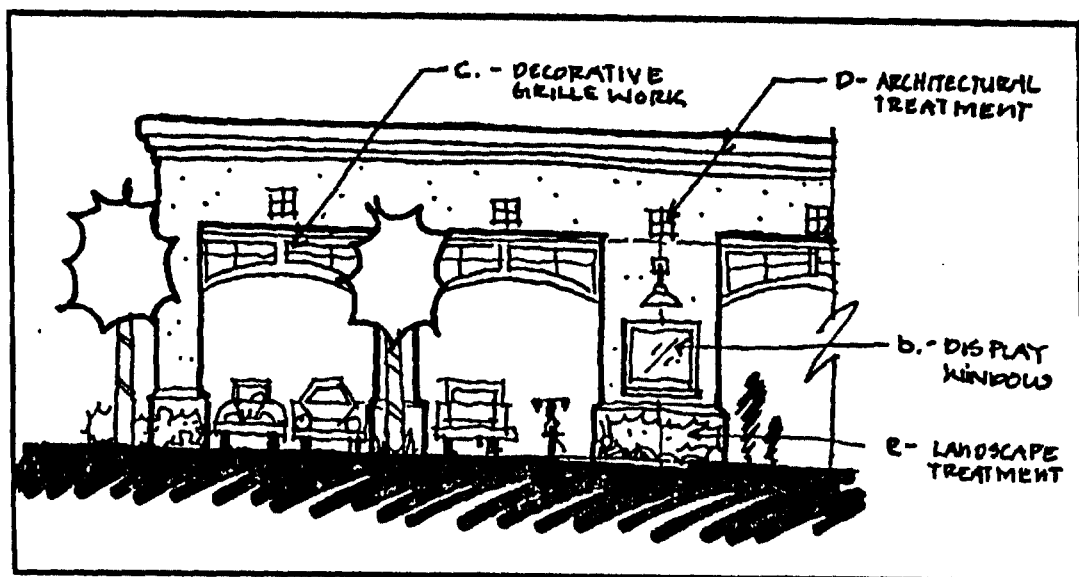


Illustration 5

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 and/or blends into the landscape.

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 30 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas (see Illustration 6 below).

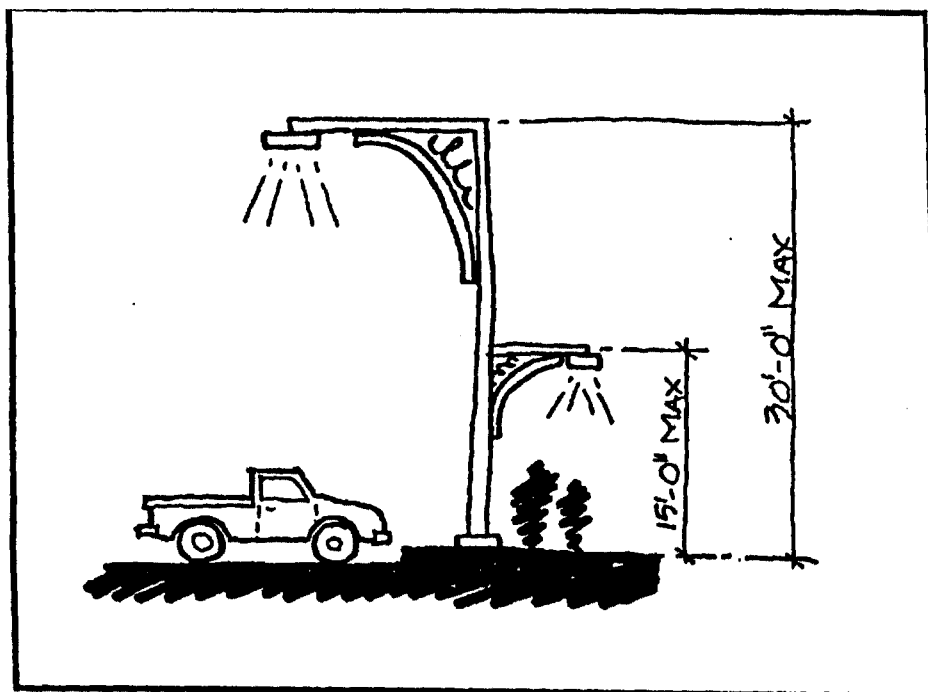


Illustration 6

2.8.3.2.4. *Design standards.* Lighting shall be used to provide safety while accenting 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.~~ This can be accomplished through style, material or color

(excluding florescent, primary and/or secondary colors) or be designed to blend into the landscape through the use of dark colors such as bronze. Mill finish is not permitted.

2.8.3.3. ~~Loading, storage, mechanical equipment, solid waste disposal facilities and other service function areas.~~ Service Function Areas (SFA) including but not limited to loading, storage, mechanical equipment, and solid waste disposal.

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~~ vehicular storage excluding new and used cars, 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~~ and in view of roadway corridors.

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

2.8.3.3.3.1. *Fencing standards:* Chain link and wood fencing are prohibited forward of the primary facade and must be a minimum of one hundred (100) feet from a public right-of-way. Chain link and wood fencing facing a public right-of-way shall provide at a minimum an irrigated hedge directly in front of the fence on the side of the right-of-way. Plant material shall be a minimum of three gallon and planted three feet on center at time of installation. This plant material shall be maintained at a minimum of three quarter the height of the fencing. (See Illustration 6.1).

Fencing forward of the primary facade is permitted under the following conditions:

- 1) Fencing does not exceed four feet in height.
- 2) The fencing provides either an open view at a minimum of twenty five percent of its length or provides variation in its height for a minimum of fifteen percent of its length with a deviation of at least twelve (12) inches.
- 3) The fence style must complement building style through material, color and/or design.

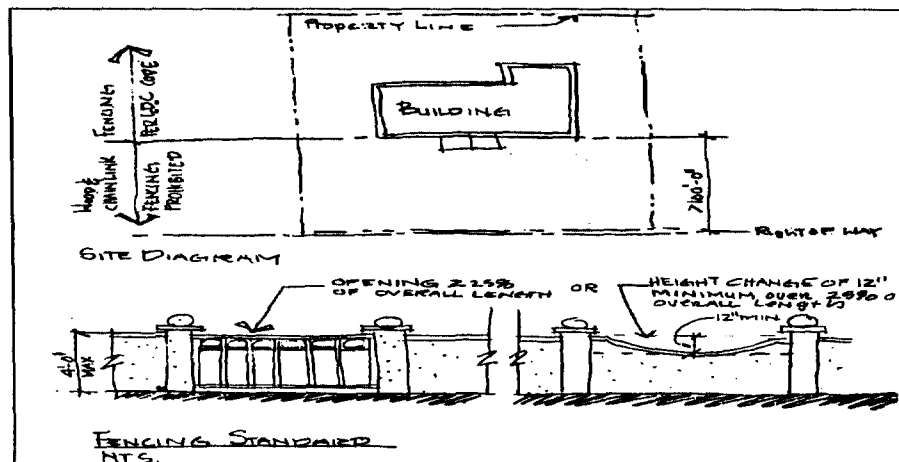


Illustration 6.1

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 by 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/canvass 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 facility is permitted, ~~unless associated with a free standing restaurant under 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 feet in width and equal to a minimum of 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 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 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 100 linear feet in length at a minimum ratio of 100 square feet of shaded area per every 100 linear feet of walkway. Shade structures may be natural, manmade or a combination of both.
- 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 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 building's 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 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.

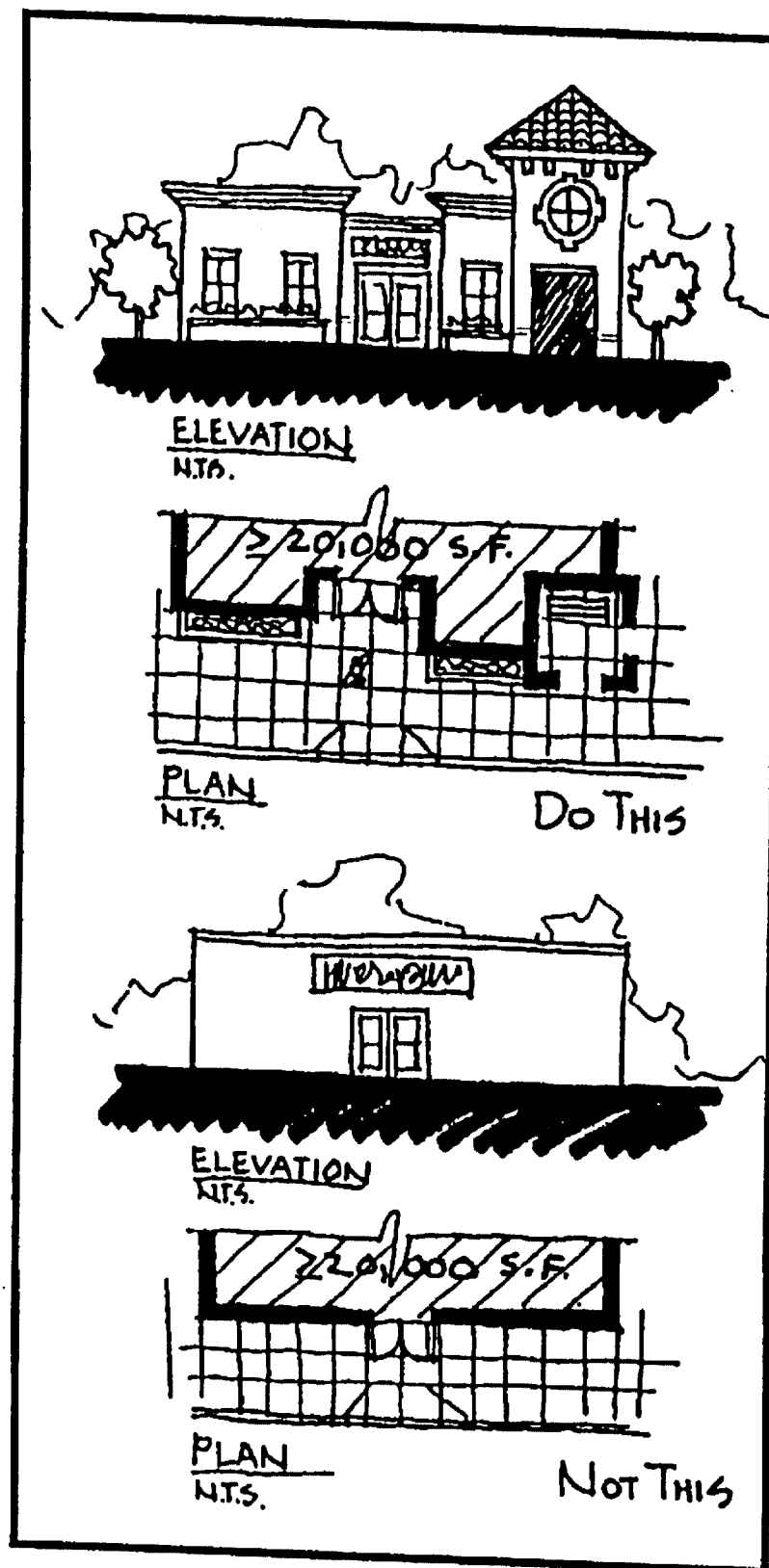


Illustration 7

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 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 two (2) of the following design features:

1. Windows at a minimum of 40 percent of the affected facade:
2. Projected covered public entry with a minimum of 25 percent of the wall space devoted to windows:

3. Covered walkway (excluding canvas type) unless provided with six (6) inch columns or better attached to the building at a minimum of eight feet wide with a 60% minimum coverage for the affected facade.

2.8.3.5.3.

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

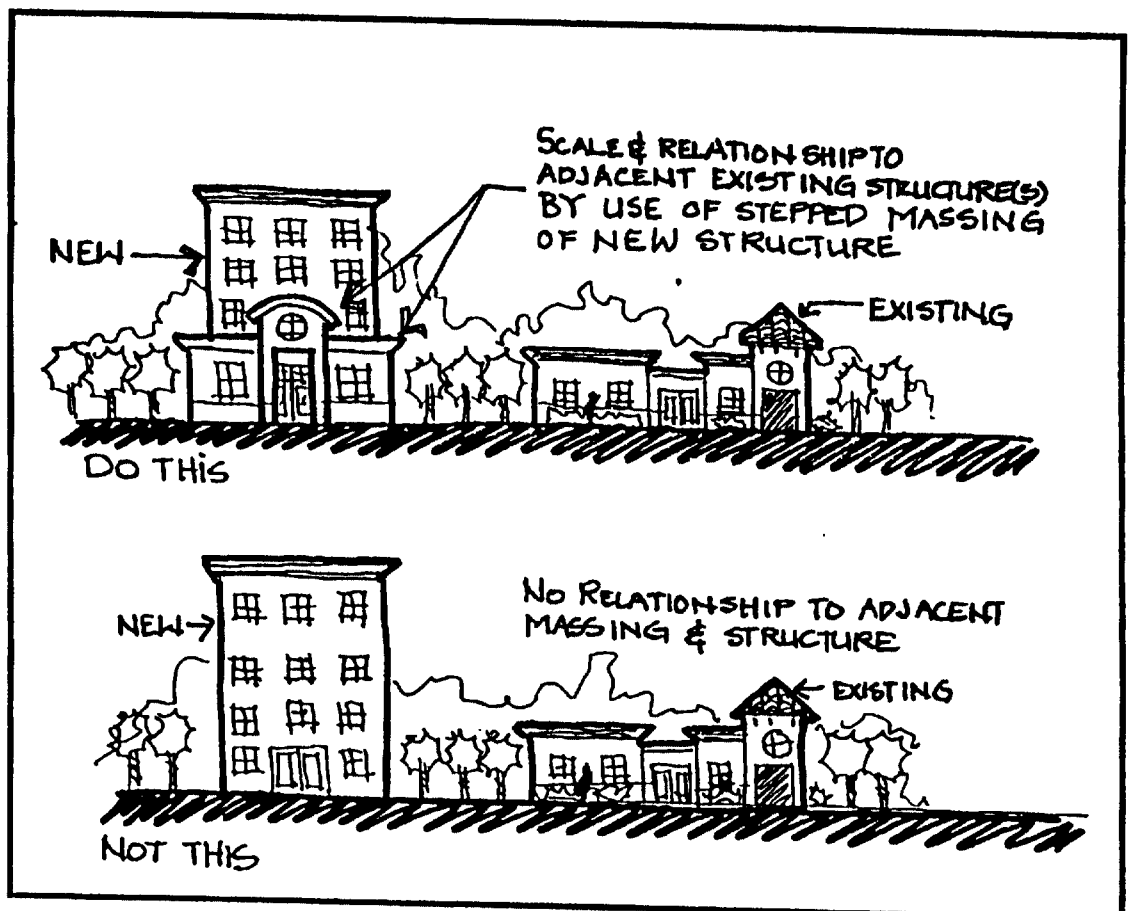


Illustration 8

2.8.3.5.4.

*Facade standard.* All primary facades of a building shall be designed with consistent architectural style, detail and trim features. Facades attached to a primary facade shall incorporate features of the primary facade for a minimum of 33 percent of the overall wall length measured from the attached primary facade. 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.

2.8.3.5.4.1.

Window standards: Windows shall not appear to be false or applied.

2.8.3.5.4.2.

Awning Standards: These standards apply to awnings associated with and attached to a building/structure. (See Illustration 8.1)

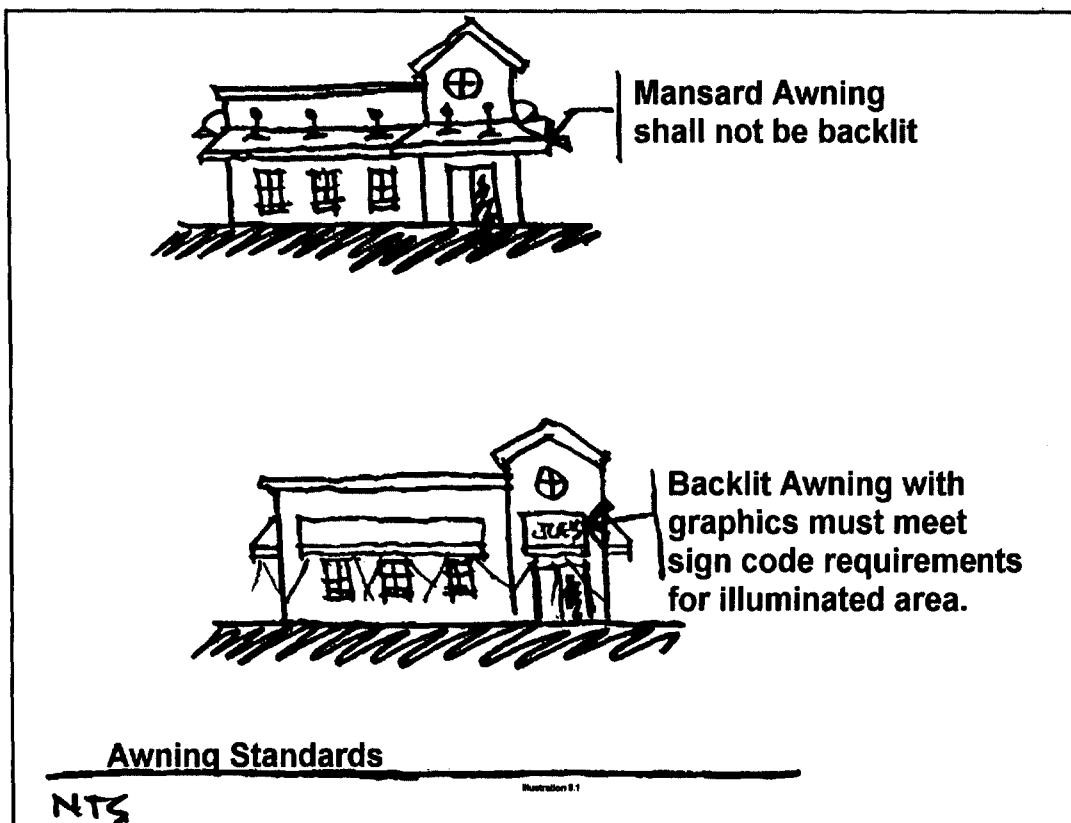


Illustration 8.1

Mansard awnings which are awnings that are more than 90% of a facade or those that connect two facades shall adhere to all roof standards of section 2.8 of this code.

All other awnings which are awnings that constitute less than 90% of a facade and which do not provide a connection between facades shall adhere to the following standards:

a) Awnings may be backlit provided the illuminated portion of the awning with graphics does not exceed the size limitations and standards of this code.

Automobile sales parking lot awnings: Shade awnings may be erected in automobile sales parking lots subject to the following requirements and standards:

a) No shade awning structure shall be constructed within seventy-five (75) feet of any public or private street.

b) No one shade awning structure may exceed an area sufficient to provide cover for more than twenty (20) automobiles.

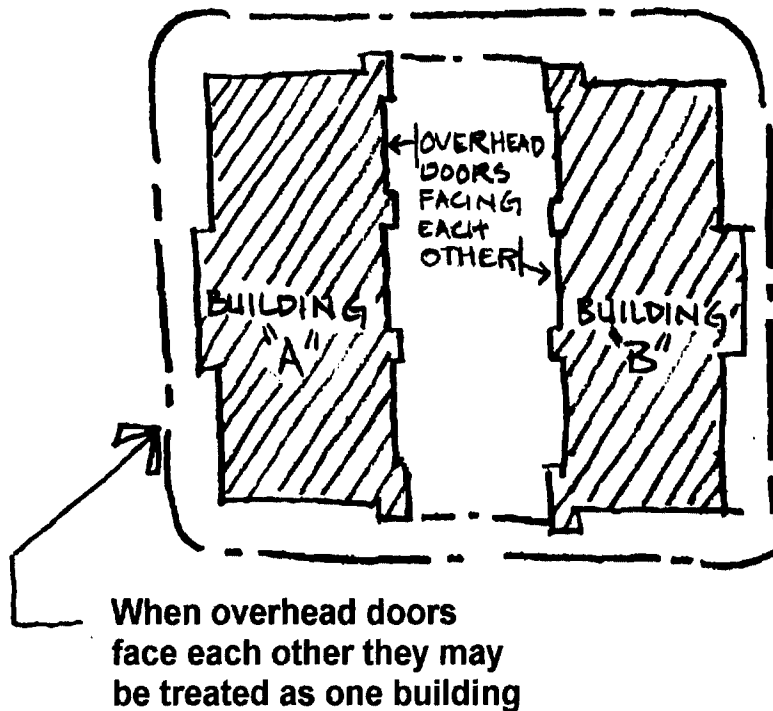
c) The minimum separation between shade awning structures shall be one hundred (100) feet.

d) Multi-colored shade awning structures are prohibited and the use of black, gray, florescent, primary and/or secondary colors is prohibited. Earth-tone colors are encouraged.

#### 2.8.3.5.4.3.

Overhead doors: Overhead doors facing one another may be treated as interior space provided that the buildings meet all other requirements of section 2.8 of this code. (See Illustration 8.2)





Overhead Door Diagram

Illustration 8.2

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

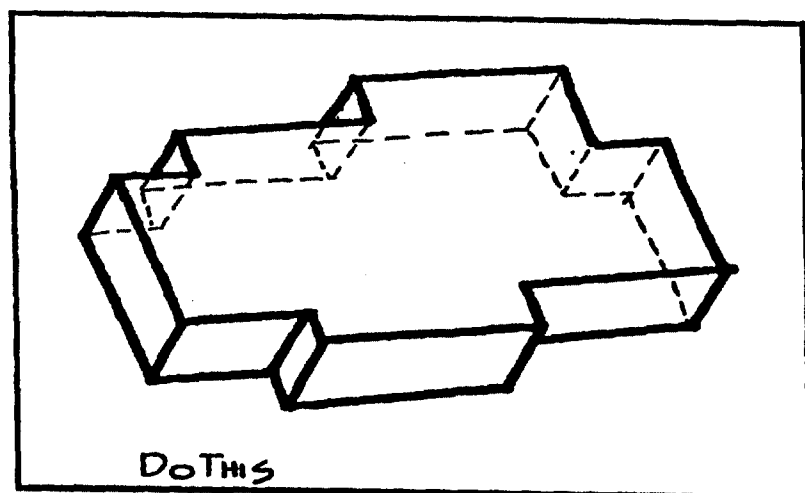


Illustration 9

- (2) Exterior wall planes shall not constitute more than 60 percent of each affected ground floor facade. The wall plane shall be measured at one 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 50 percent of their horizontal length per affected side. These features include, but are not limited to: arcades, a minimum of ~~eight~~ six (6) feet clear in width; display windows; entry areas; or other such design elements. Awnings

are ~~excluded~~ included from in this calculation at 1.5 times the window width ~~unless~~ when associated with windows/ doors and are in increments of ~~ten~~ twenty (20) 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~~ four of the following building design treatments (see Illustrations 10 and 11 below):

- (a) Canopies or portico, integrated with the buildings massing and style;
- (b) Overhangs, minimum of three feet;
- (c) Arcades, minimum of eight feet clear in width;
- (d) Sculptured artwork;
- (e) Raised cornice ~~parapets over doors~~ or building banding with a minimum of two reliefs;
- (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 other such roof treatment (i.e. dormers, belvederes, cupolas);
- (k) Projected and covered entry, five foot minimum;
- (l) Emphasized building base, minimum of three feet high and minimum projection from the wall of two inches;
- (m) Additional roof articulation above the minimum standards. (see roof section);
- (n) Metal or tile roof as the dominant roof material; or
- (o) 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 feet wide, and areas for shaded seating consisting of a minimum of 100 square feet;
- (b) Integration of specialty pavers, or stamped concrete along the building's walkway. Said treatment shall constitute a minimum of 60 percent of walkway area; or,
- (c) Water elements, a minimum of 150 square feet in area; or

- (d) Two accent or specimen trees (above the minimum landscape code requirements) along the front facade with a minimum height of eighteen feet at planting.

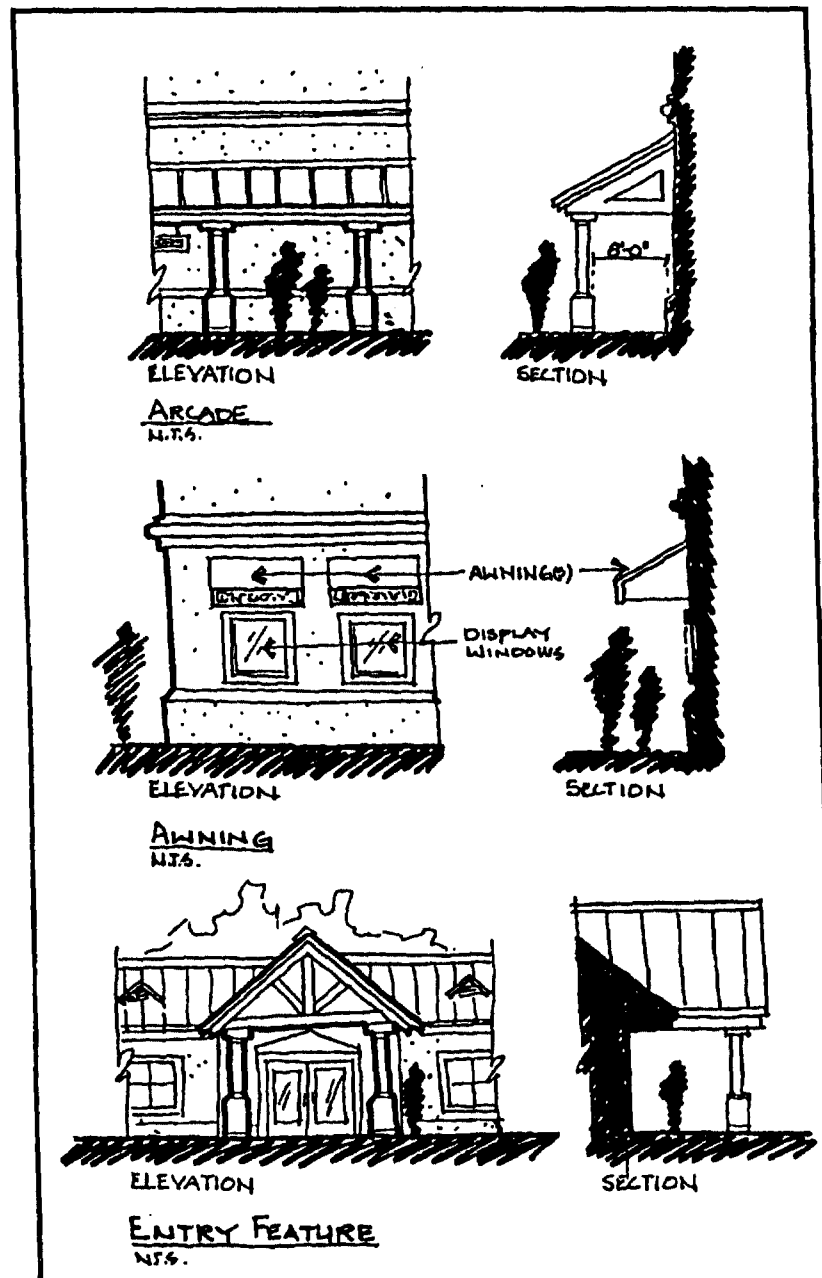


Illustration 10

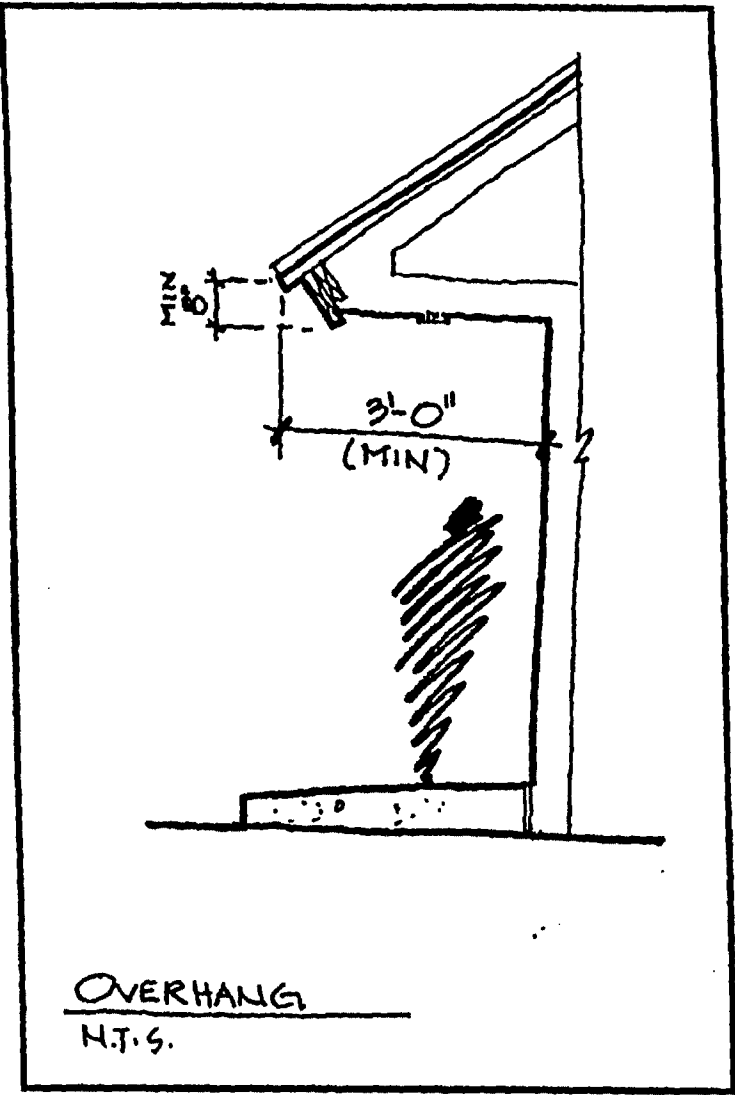


Illustration 11

- 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 feet in vertical direction nor twenty (20) feet in the horizontal direction of ~~any facade~~ any primary facade. For facades connected to a primary facade this shall apply to a minimum of thirty-three percent of the attached facade measured from the connection point. Control and expansion joints within this area shall constitute blank wall area unless used as a decorative pattern and spaced at intervals of six feet or less. Relief and reveal work depth must be a minimum of one-half inch (see Illustration 12 below). Blank wall area may utilize landscaping to assist in reducing the blank wall area. Landscaping shall not be in lieu of architectural treatment. (See Illustration 12.1 below).

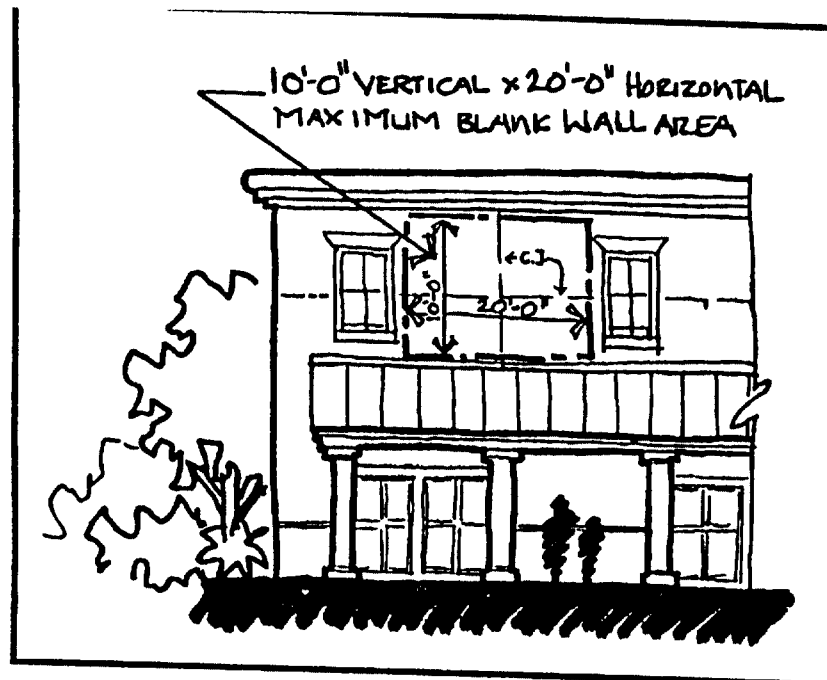


Illustration 12

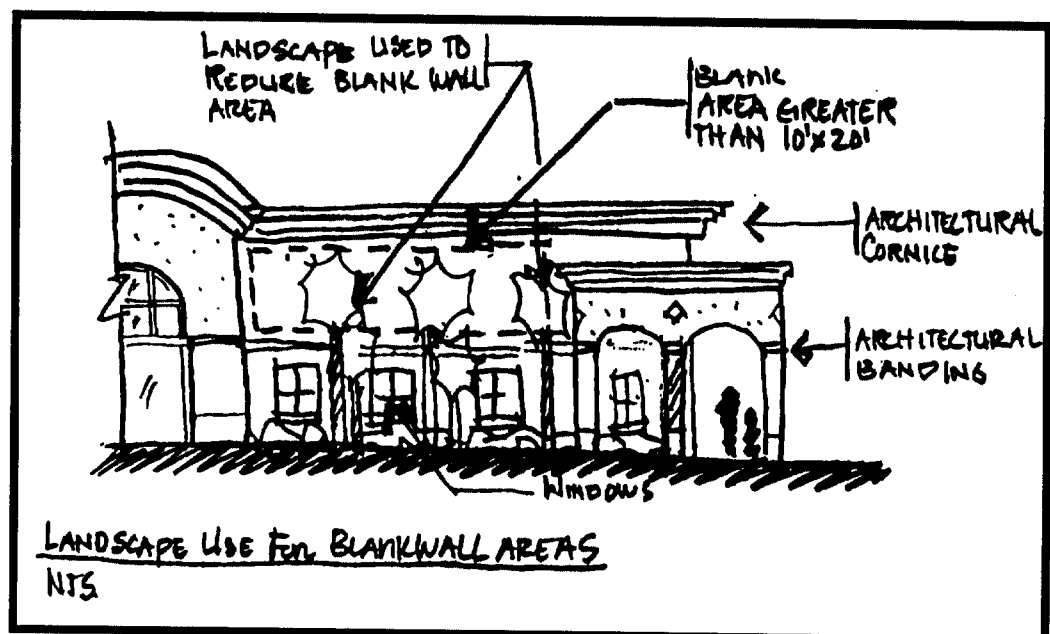


Illustration 12.1

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 30 fifty (50) feet, ~~either horizontally or~~ and a maximum of fifteen (15) feet 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 12 inches in width, such as a reveal, an offset, or a projecting rib (see Illustration 13 below);
5. Architectural banding;
6. Building setbacks or projections, a minimum of three feet in width on upper level(s) or,
7. Pattern change.

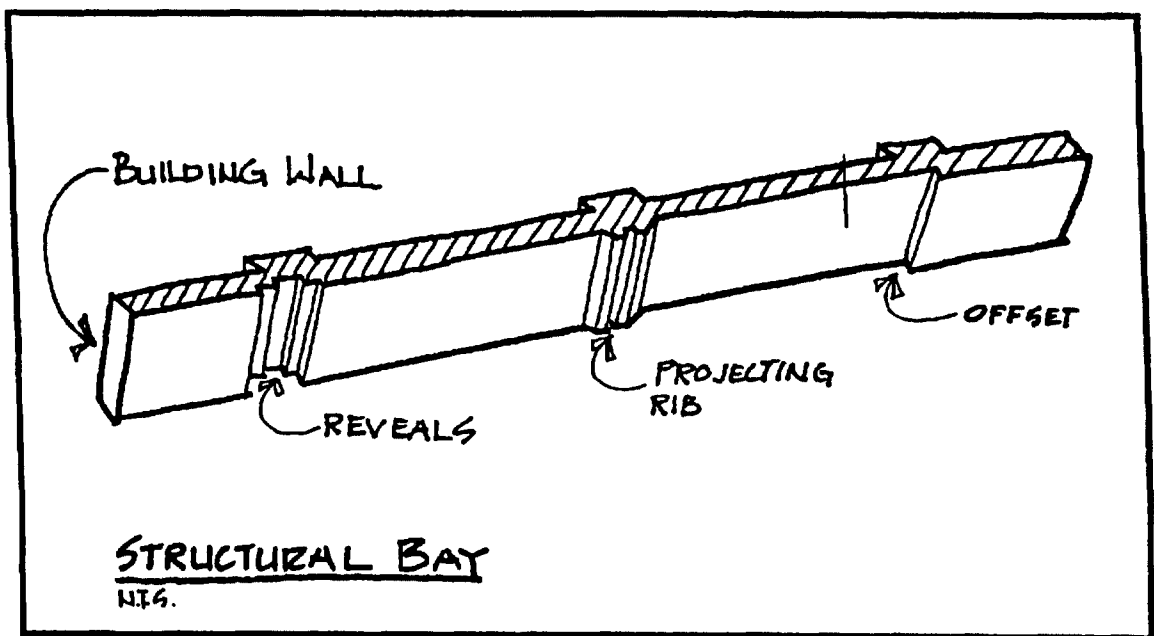


Illustration 13

2.8.3.5.8. *Additional facade design treatments for multiple use buildings.*

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 feet and eight feet above the walkway grade for no less than ~~50~~ thirty (30) 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 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.*

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

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.

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 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). One additional roof change must be provided for every 25,000 square foot increment over fifty thousand square feet of ground floor space.

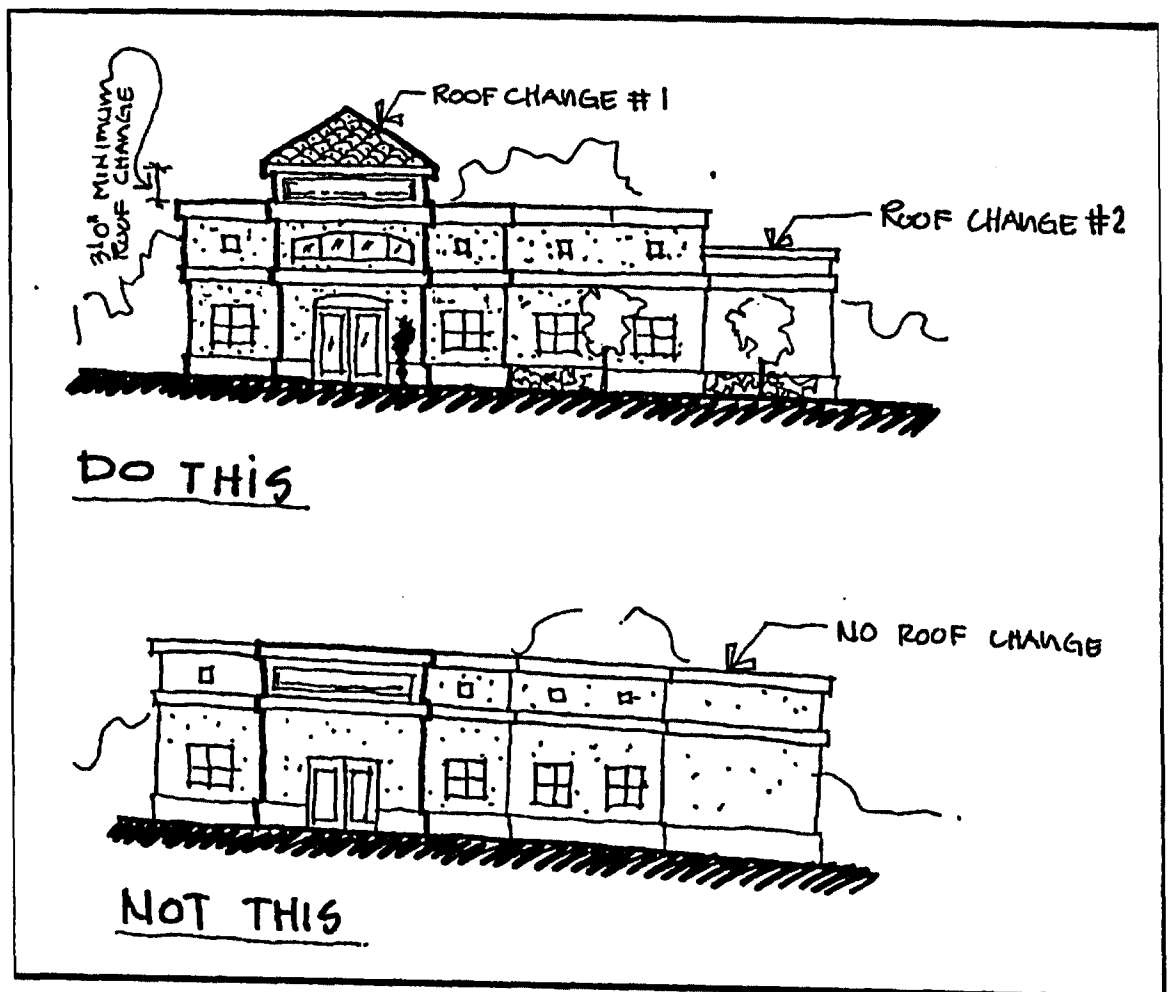


Illustration 14

2.8.3.5.10.3.

Roofs shall meet ~~at least two~~ of the following requirements: (See Illustration 15 below)

- (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~~ two (2) feet beyond the supporting walls ~~with a minimum fascia of eight inches~~. Where overhangs are less than two feet they shall be provided with a band or cornice, a minimum of eight inches under the soffit at the wall.
- (3) ~~Three or more roof slope planes per primary facade (see Illustration 15 below)~~ Fascia shall be a minimum of eight inches:

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

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

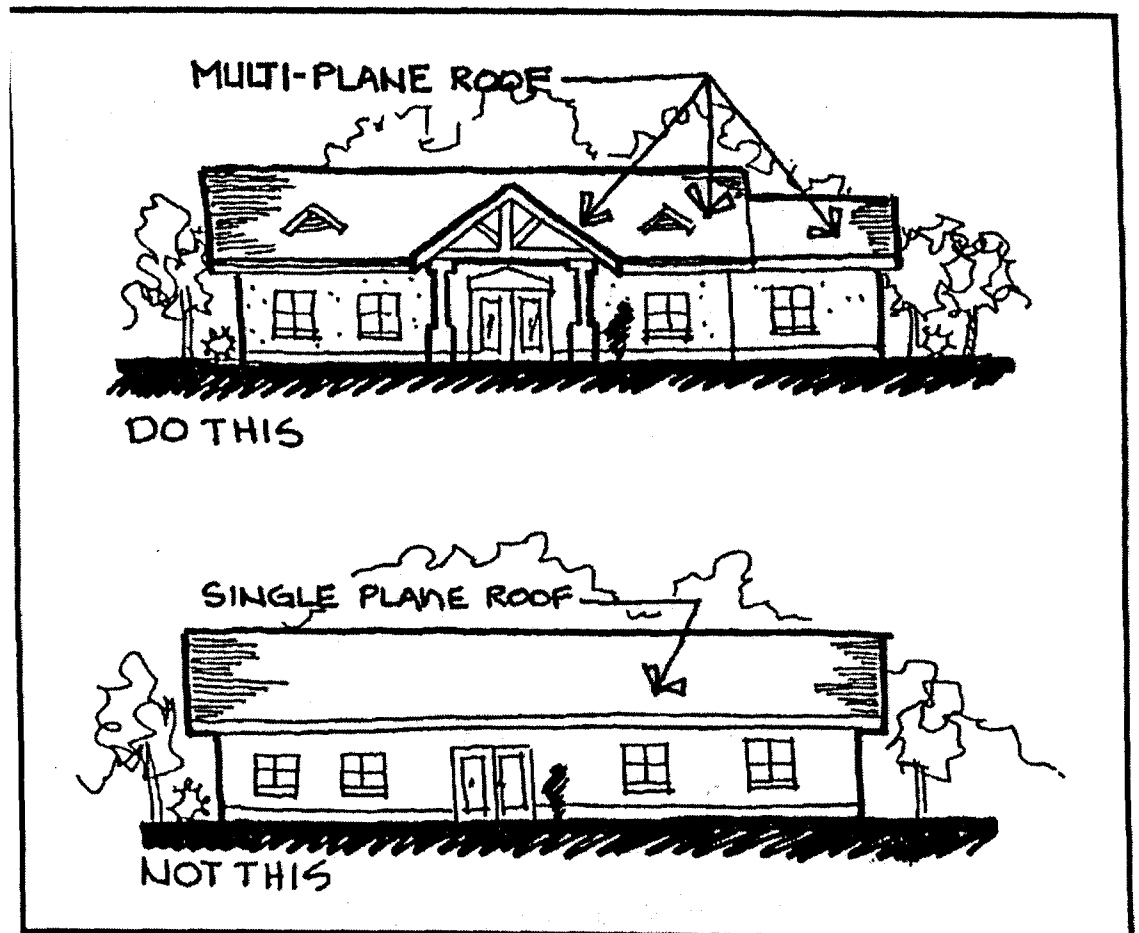


Illustration 15

2.8.3.5.10.4.

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

- (1) Asphalt shingles, except laminated, 320 pound, 30 year architectural grade asphalt shingles or better;
- (2) Mansard roofs and canopies without a minimum vertical distance of eight feet and at an angle not less than 25 degrees, and not greater than 70 degrees;
- (3) Roofs utilizing less than or equal to a two to 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.*



- 2.8.3.5.11.1. *Purpose and intent.* Entryway design elements and variations are intended to give protection from the ~~sun~~ 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 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.
    - (4) front entry shall be set back from the drive a minimum distance of fifteen (15) feet.
- 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 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.
  - (3) A front entry shall be set back from the drive a minimum of fifteen (15) feet.
- 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 materials 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.

2.8.3.5.12.2.3. Automotive and other special type service buildings may utilize prefabricated metal buildings under the following conditions:

- (1) Metal buildings are more than 250 feet from any right-of-way;
- (2) Metal buildings are located directly behind the main showroom/sales center so as not to be a dominant facade along the street;
- (3) No more than twenty (20) percent of the building can be situated beyond the main auto sales center and showroom.

2.8.3.5.12.3. *Predominant exterior color(s).*

2.8.3.5.12.3.1. The use of black, ~~or gray,~~ fluorescent, primary and/or secondary colors is prohibited as the predominant exterior building or roof color(s). Earth-tone colors are encouraged.

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 percent of the affected facade segment, with a maximum trim height of 24 inches total for its shortest distance.

2.8.3.5.12.4.2. Neon or neon type tubing shall be permitted as 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.

2.8.3.6. *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,
- (h) 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 80 percent of the width of the unit(s) occupied by a business with a minimum of ten 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 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).

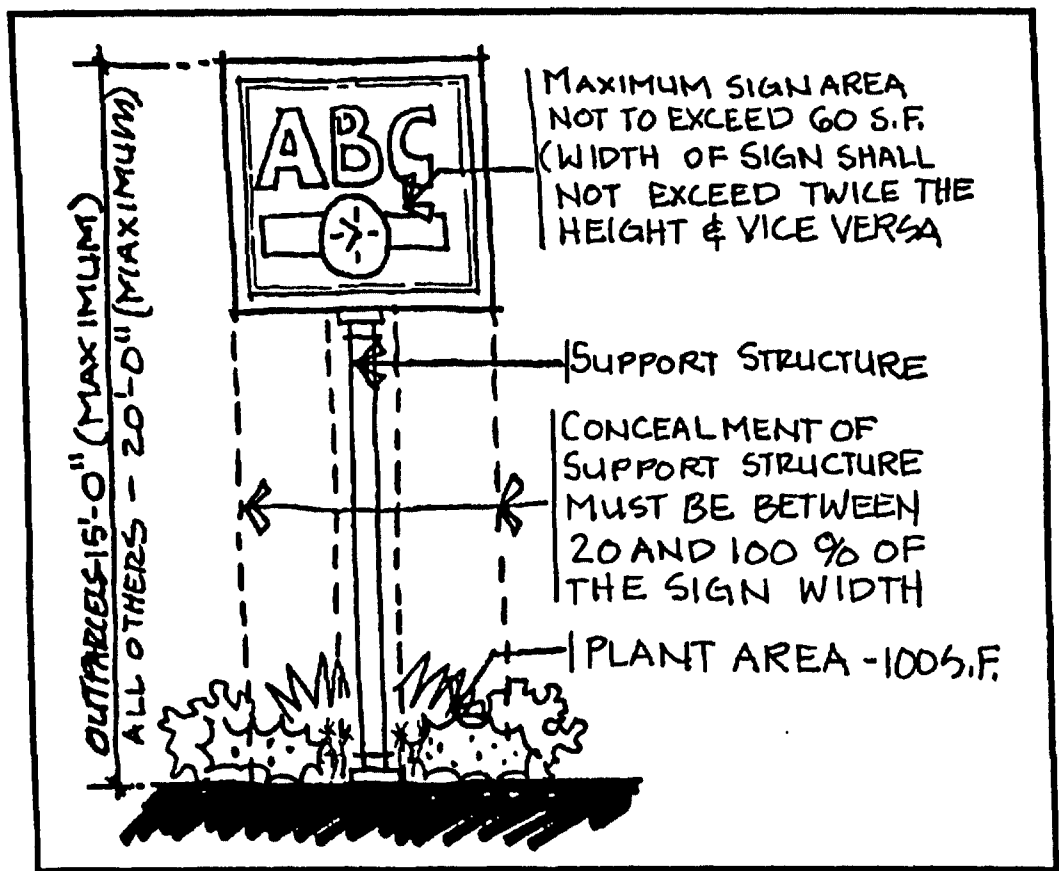


Illustration 16

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 60 square feet. Pole signs shall be limited to 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.

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 12 to 14 feet height with a six-foot spread and a two and one-half inch caliper and shall have a clear trunk area to a height of seven 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 feet (see Illustration 17 below).

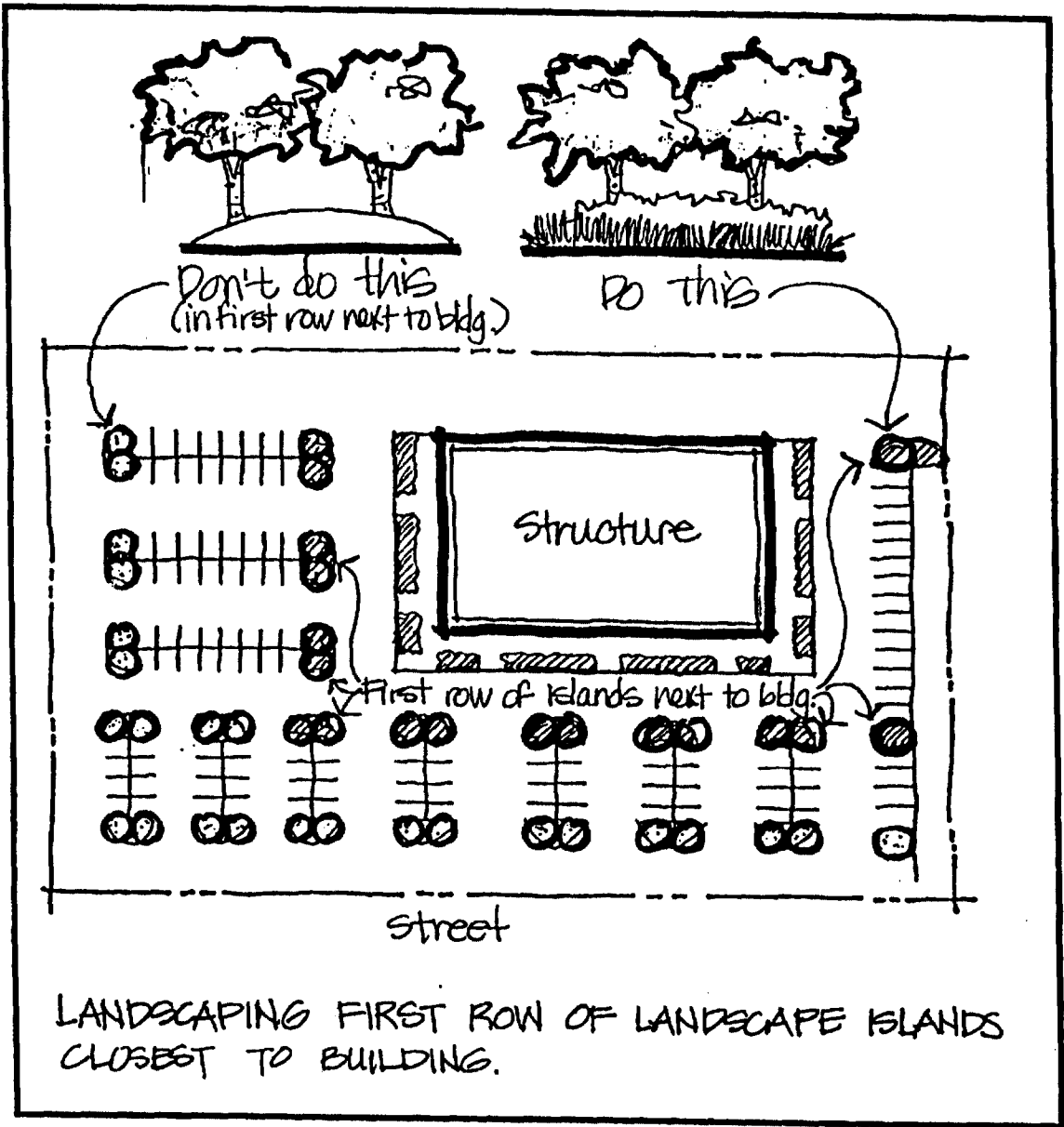


Illustration 17

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

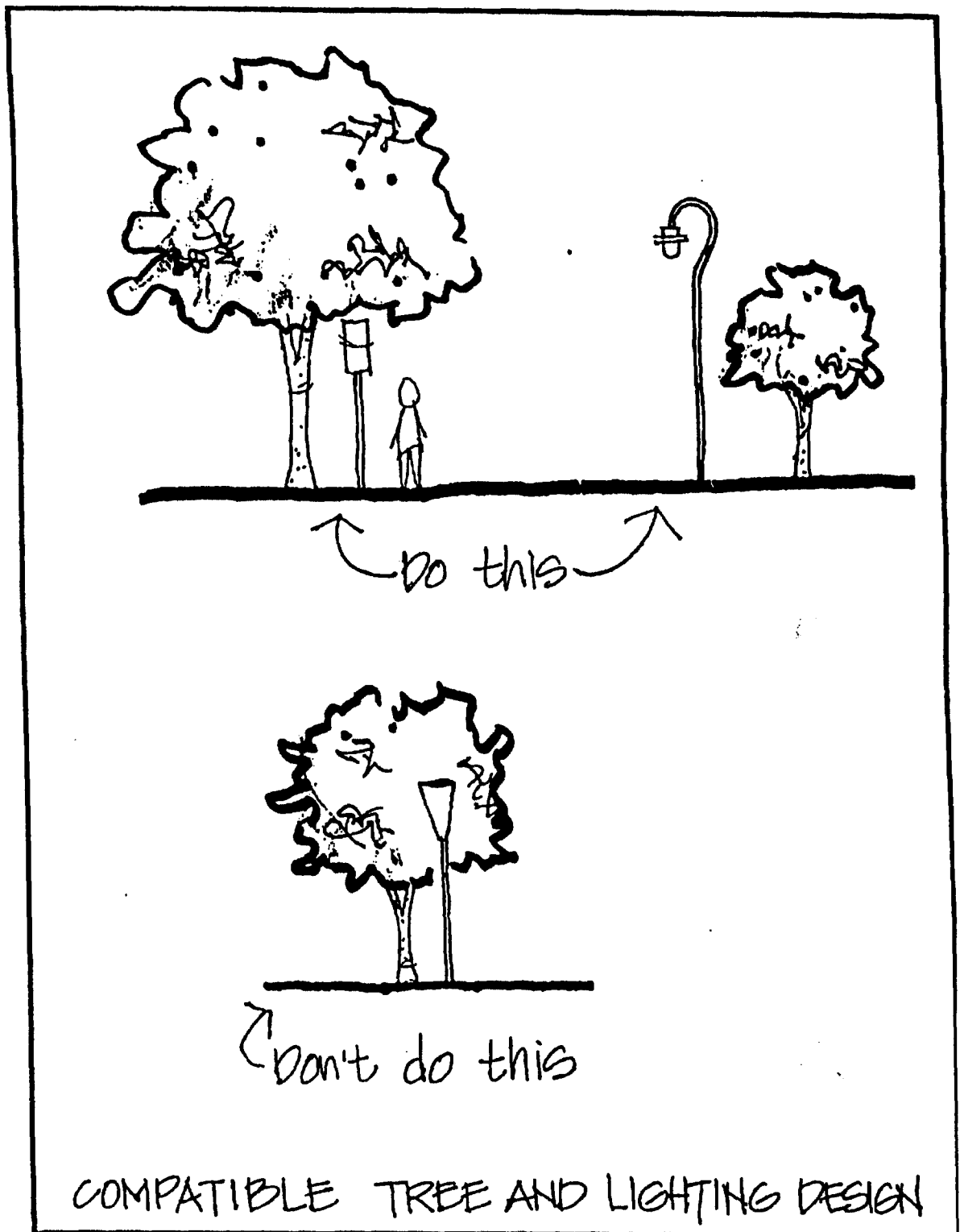


Illustration 18

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).

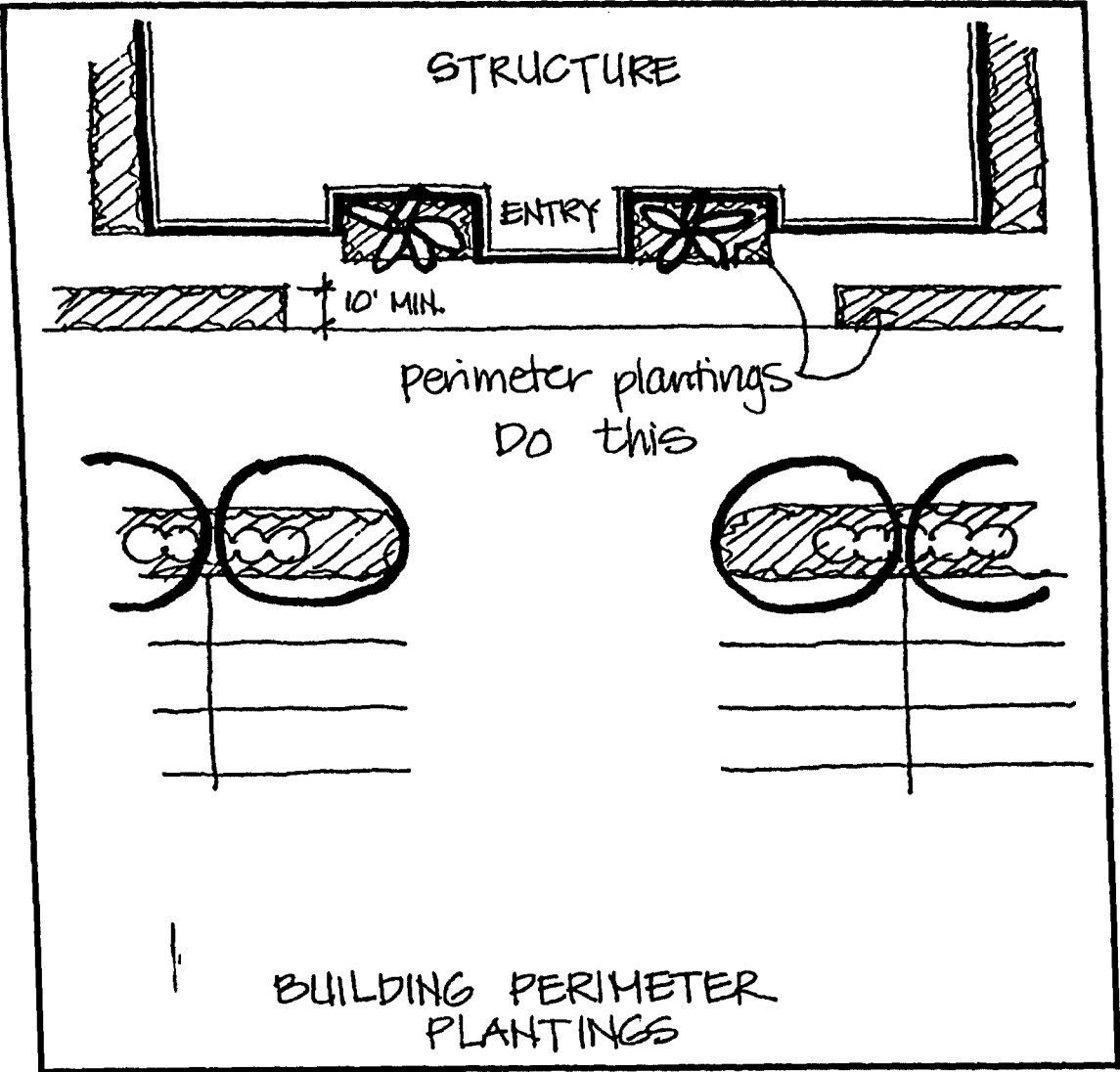


Illustration 19

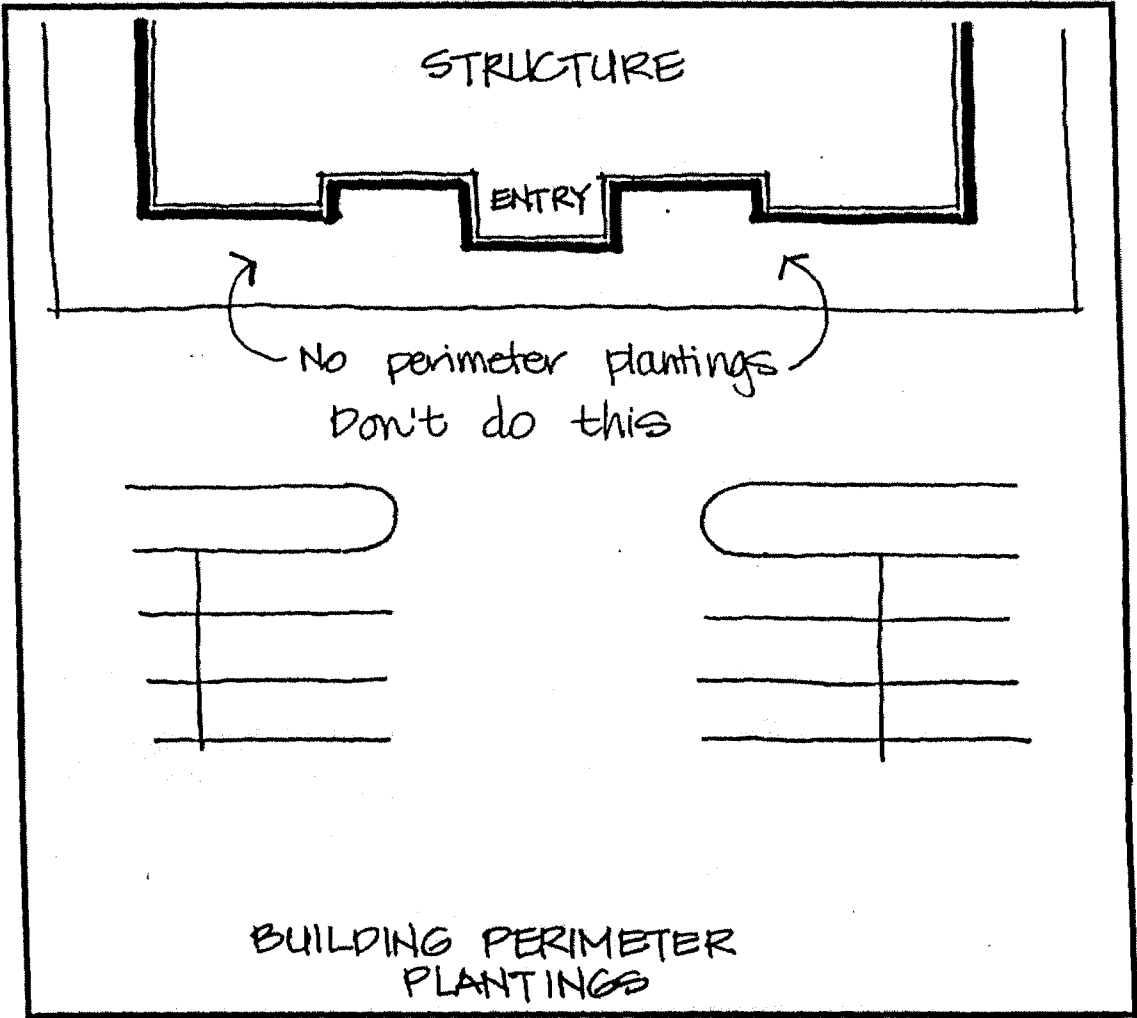


Illustration 20

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

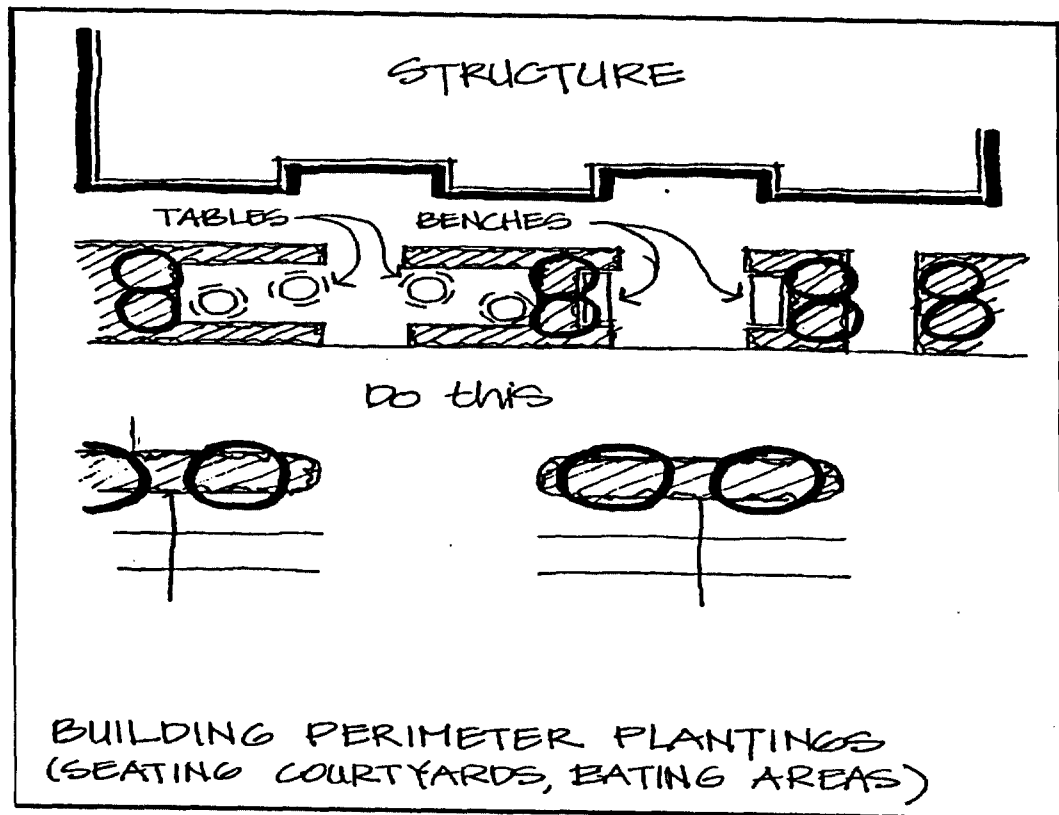


Illustration 21

2.8.3.7.4.

*Natural and manmade bodies of water including wet and dry retention areas (exceeding twelve (12) feet in width).*

The shape of a manmade body of water, including wet and dry retention areas, shall be designed to appear natural by having off-sets in the edge alignment that are a minimum of ten feet and spaced 50 feet apart. All bodies of water, including wet and dry retention areas, exceeding 20,000 square feet in area, and which are located adjacent to a public right-of-way, shall ~~be incorporated~~ incorporate into the overall design of the project ~~in~~ at least ~~one~~ two (2) of the following ~~ways~~ items: (see Illustration 22 below).



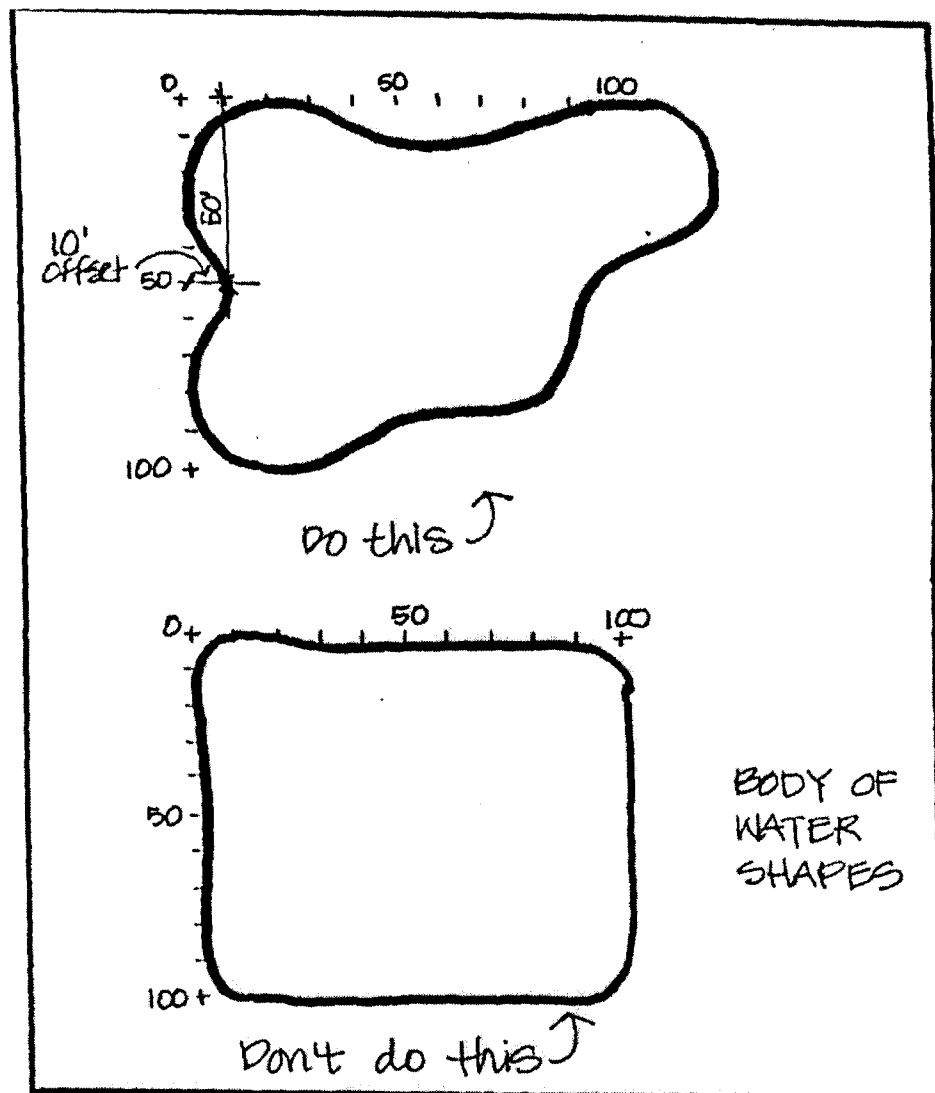


Illustration 22

1. ~~Provide a~~ A five-foot wide walkway with trees an average of 50 feet on center and shaded benches a minimum of six feet in length or picnic tables with one located every 150 feet.
2. ~~Provide a~~ A public access pier with covered structure and seating.
3. ~~Provide an~~ An intermittent shaded plaza/courtyard, a minimum of 200 square feet in area, with benches and/or picnic tables adjacent to the water body.
4. A permanent fountain structure.

Sec. 2.8.4.

**Architectural and site design standards and guidelines for commercial buildings and projects under 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 and/or should be designed to blends into the surrounding landscape.

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.

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

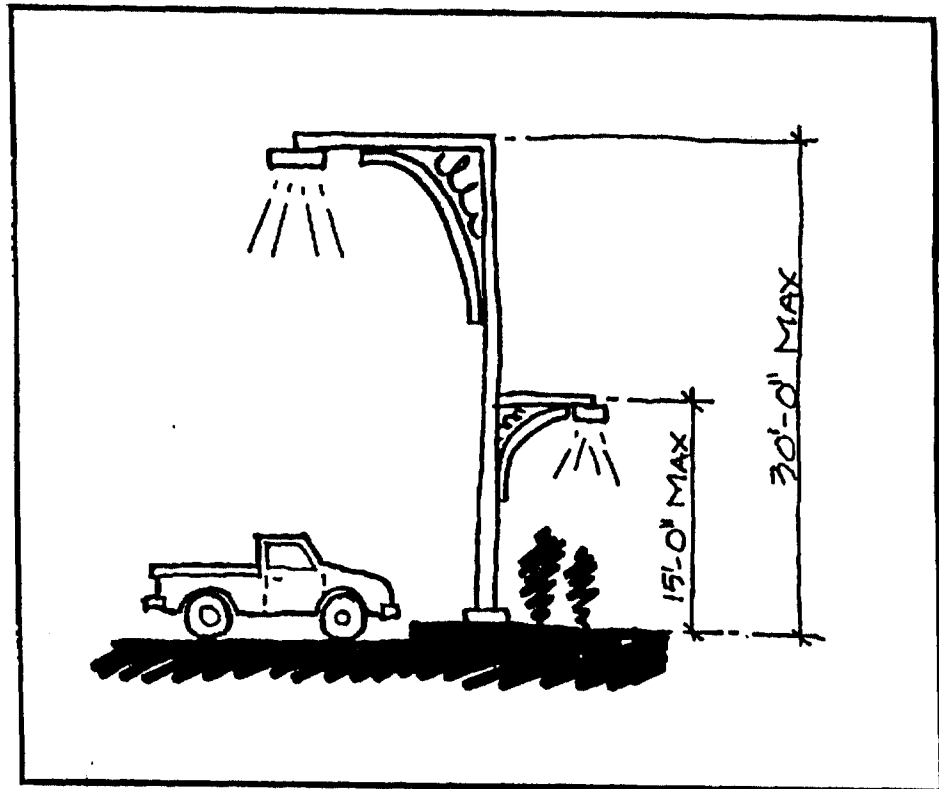


Illustration 23

- 2.8.4.1.4. *Design standards.* Lighting shall be used to provide safety while 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 (excluding florescent and primary/secondary colors) and shall be designed to blend into the landscape through the use of dark colors. Mill finish is not permitted.
- 2.8.4.2. ~~*Loading, storage, mechanical equipment, solid waste disposal facilities and other service function areas.*~~ *Service Function Areas (SFA) including but not limited to loading, storage, mechanical equipment, and solid waste disposal.*
- 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, vehicular storage, recycling, roof top equipment and other service function areas shall be fully screened and out of view from adjacent properties at ground view level and in view of roadway corridors. ~~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.
- 2.8.4.2.3.1. *Fencing standards:* Chain link and wood fencing are prohibited forward of the primary facade and must be a minimum of one hundred (100) feet from a public right-of-way. Chain link and wood fencing facing a public right-of-

way shall provide at minimum an irrigated hedge directly in front of the fence on the side of the right-of-way. Plant material shall be a minimum of three gallons and planted three feet on center at time of installation. This plant material shall be maintained at a minimum of three quarter the height of the fencing. (See Illustration 6.1)

Fencing forward of the primary facade is permitted under the following conditions:

- 1) Fence does not exceed four (4) feet in height.
- 2) The fencing provides either an open view at a minimum of twenty five percent of its length or provides variation in its height for a minimum of fifteen percent of its length with a deviation of at least twelve (12) inches.
- 3) The fence style must complement the building style through material, color and/or design.

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 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 facility is permitted ~~unless associated with a free standing restaurant under 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 feet in width and equal to a minimum of 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.

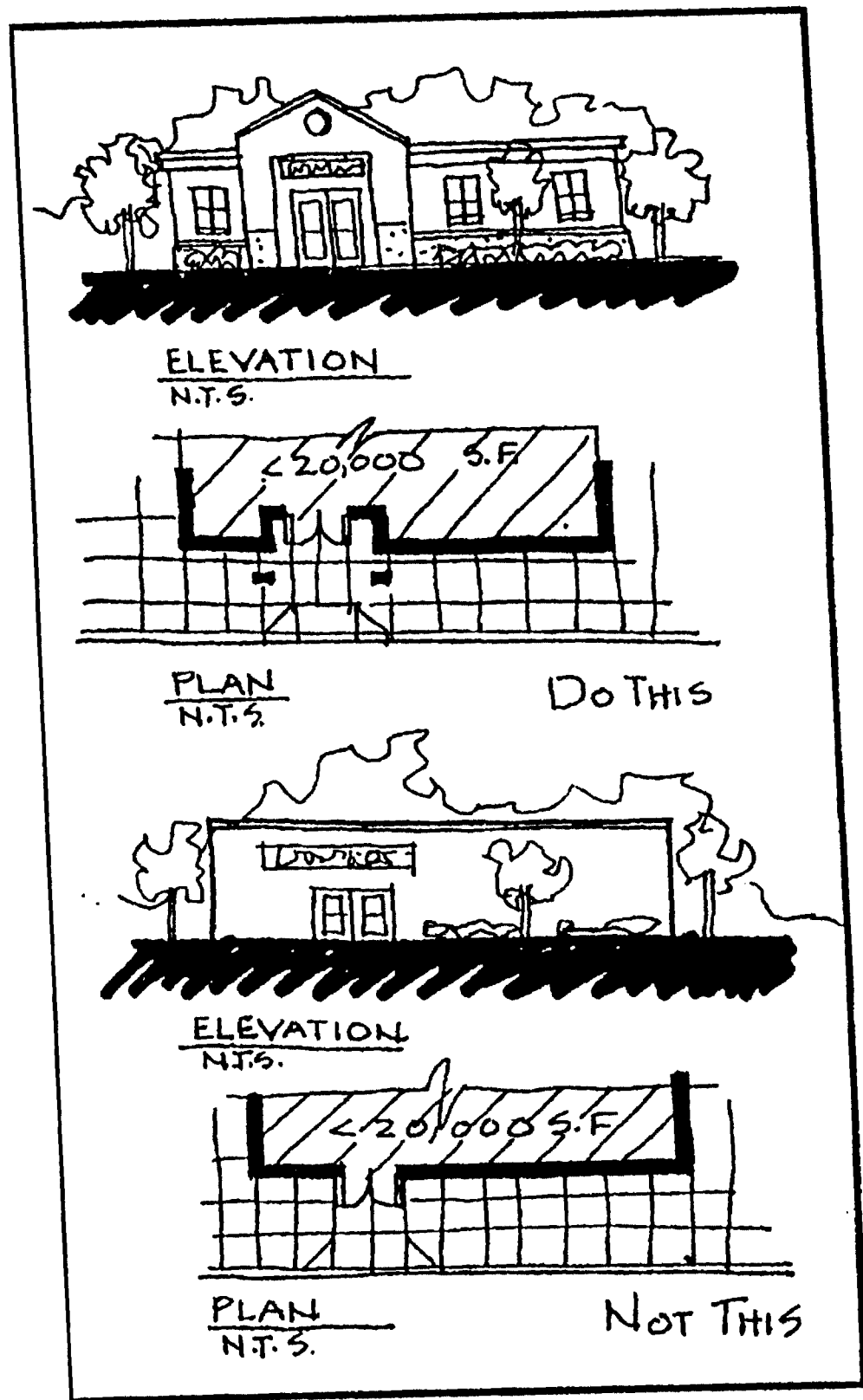
2.8.4.3.2.

*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 feet in width on average. Shared

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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~~ parcel.
- 2.8.4.3.4. *Minimum dimensions.* Pedestrian walkways shall be a minimum of five 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 100 linear feet in length at a minimum ratio of 100 square feet of shaded area per every 100 linear feet of walkway. Shade structures may be natural, manmade or a combination of both.
- 2.8.4.4. *Building design.*
- 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).



**Illustration 24**

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.

2.8.4.4.2. Building Orientation standards. ~~At least two primary facades on buildings~~  
Building facades facing a public street between 5,000 square feet and 19,999  
square feet in gross building area shall have two of the following:

1. Windows at a minimum of 33 percent of the affected facade.
2. Covered public entry with a minimum of 20 percent of the wall space devoted to windows.
3. Covered walkway (excluding canvas type) unless provided with six (6) inch columns or better attached to the building at a

minimum of six (6) feet wide with a 50 percent minimum coverage for the affected facade.

~~either windows along, no less than 33 percent of their horizontal length or a primary customer entrance along said facades.~~ For buildings less than 5,000 square feet in area, facades facing a public street shall have one of the following:

1. Windows at a minimum of 25 percent of the affected facade.
2. Covered public entry with a minimum of 20 percent of the wall space devoted to windows.

~~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 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 300 feet of an existing building, and are more than twice the height of any existing building within 300 feet shall provide transitional massing elements to transition between the existing buildings of lower height within 300 feet, and the proposed development. The transitional massing element can be no more than 100 percent taller than the average height of the adjacent buildings (see Illustration 25 below).

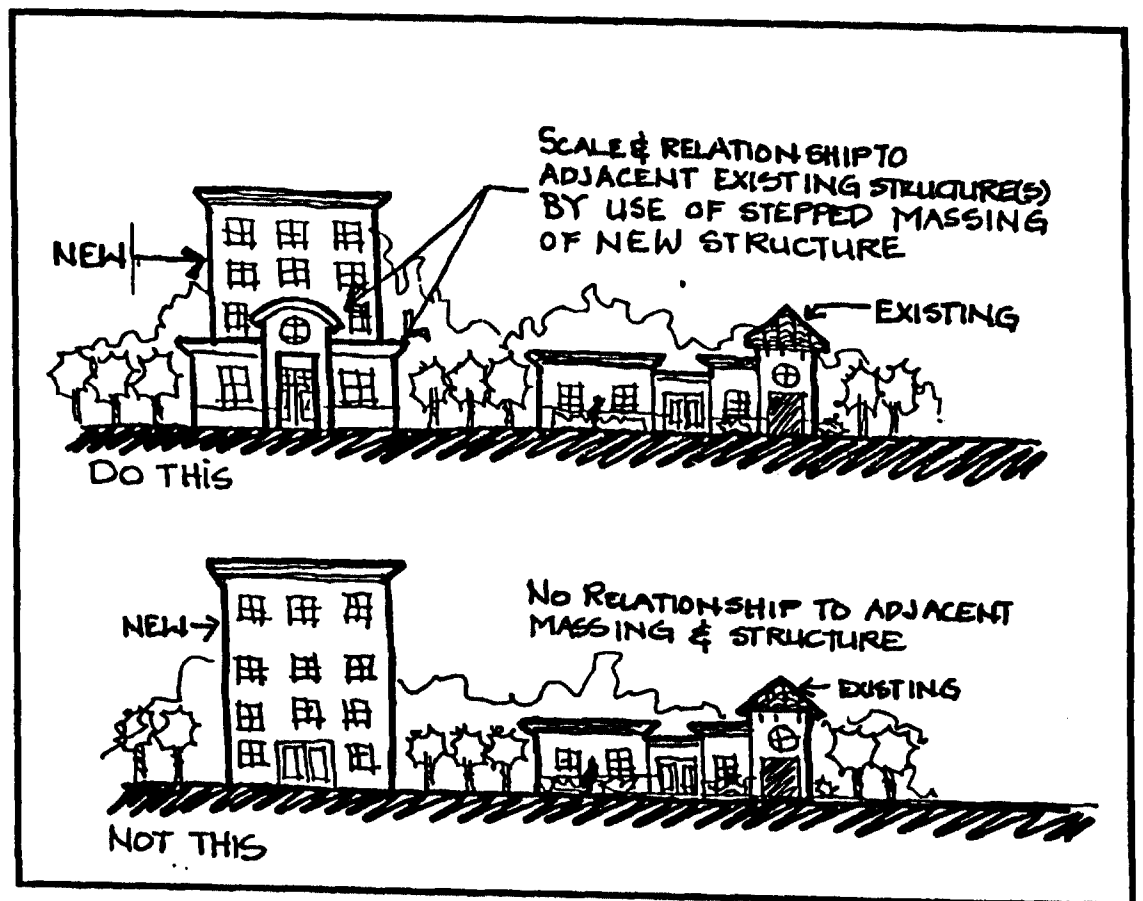


Illustration 25

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.

Facades attached to a primary facade shall incorporate features of the primary facade for a minimum of 33 percent of the overall wall length measured from the attached primary facade. 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 50 feet, with the maximum being 80 feet for arcades. Projections and recesses shall have a minimum depth of two (2) feet and a minimum total width of 20 percent of the facade but with varied lengths are desirable. For buildings under 10,000 square feet, no horizontal length, or uninterrupted curve, of any primary facade shall exceed 35 feet, with the maximum being 60 feet for arcades. Projections and recesses shall have a minimum depth of one (1) foot and a minimum total width of 20 percent of the facade but with varied lengths, are desirable. ~~Projections and recesses shall have a minimum depth of eight inches and a minimum width of 24 inches.~~ All buildings shall provide a minimum of one offset per public street or navigable waterway.
- (2) For buildings between ~~5,000~~ 10,000 square feet and 19,999 square feet in gross building area, exterior wall planes shall not constitute more than 50 percent of each affected ground floor facade over 30 feet. The wall plane shall be measured at one 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 feet clear in width, display windows, entry areas, or other such features along no less than 33 percent of the horizontal length for each primary facade. Awnings are ~~excluded from~~ included in this calculation at 1.5 times the window width unless when associated with windows/doors in increments less than ten feet.

2.8.4.4.5.1.

Window standards: Windows shall not be false or applied.

2.8.4.4.5.2.

Awning Standards: These standards apply to awnings associated and attached to a building/structure). (see Illustration 8.1)

Mansard awnings which are awnings that are more than 90% of a facade or those that connect two facades shall adhere to all roof standards of section 2.8 of this code.

Other awnings which are awnings that constitute less than 90% of a facade and which do not provide a connection between facades shall adhere to the following standards:

- a) Awnings may be backlit provided the illuminated portion of the awning with graphics does not exceed the size limitations and standards of this code.

b) Automobile sales parking lot awnings: Shade awnings may be erected in automobile sales parking lots subject to the following requirements and standards:

a) No shade awning structure shall be constructed within seventy-five (75) feet of any public or private street.

b) No one shade awning structure may exceed an area sufficient to provide cover for more than twenty (20) automobiles.

c) The minimum separation between awning shade structures shall be one hundred (100) feet.

d) Multi-colored shade awning structures are prohibited and the use of black, gray, florescent, primary and/or secondary colors is prohibited. Earth-tone colors are encouraged.

2.8.4.4.5.3.

Overhead doors: Overhead doors facing one another may be treated as interior space provide that the buildings meet all other requirements of section 2.8 of the code. (See Illustration 8.2)

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~~ four of the following building design treatments (see Illustration 26 below).

- (a) Canopies or porticos, integrated with the building's massing and style;
- (b) Overhangs, a minimum of three feet;
- (c) Arcades, a minimum of six feet clear in width;
- (d) Sculptured artwork;
- (e) Raised cornice ~~parapets over doors~~ or building banding with a minimum of two reliefs;
- (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 other such roof treatment (i.e. dormers, belvederes, cupolas); or;
- (k) Projected entry.
- l) Emphasized building base, a minimum of three feet high and a minimum projection from the wall of two inches.
- m) Additional roof articulation above the minimum standards; or
- n) Any other treatment which, in the opinion of the planning services director, meets the intent of this section;



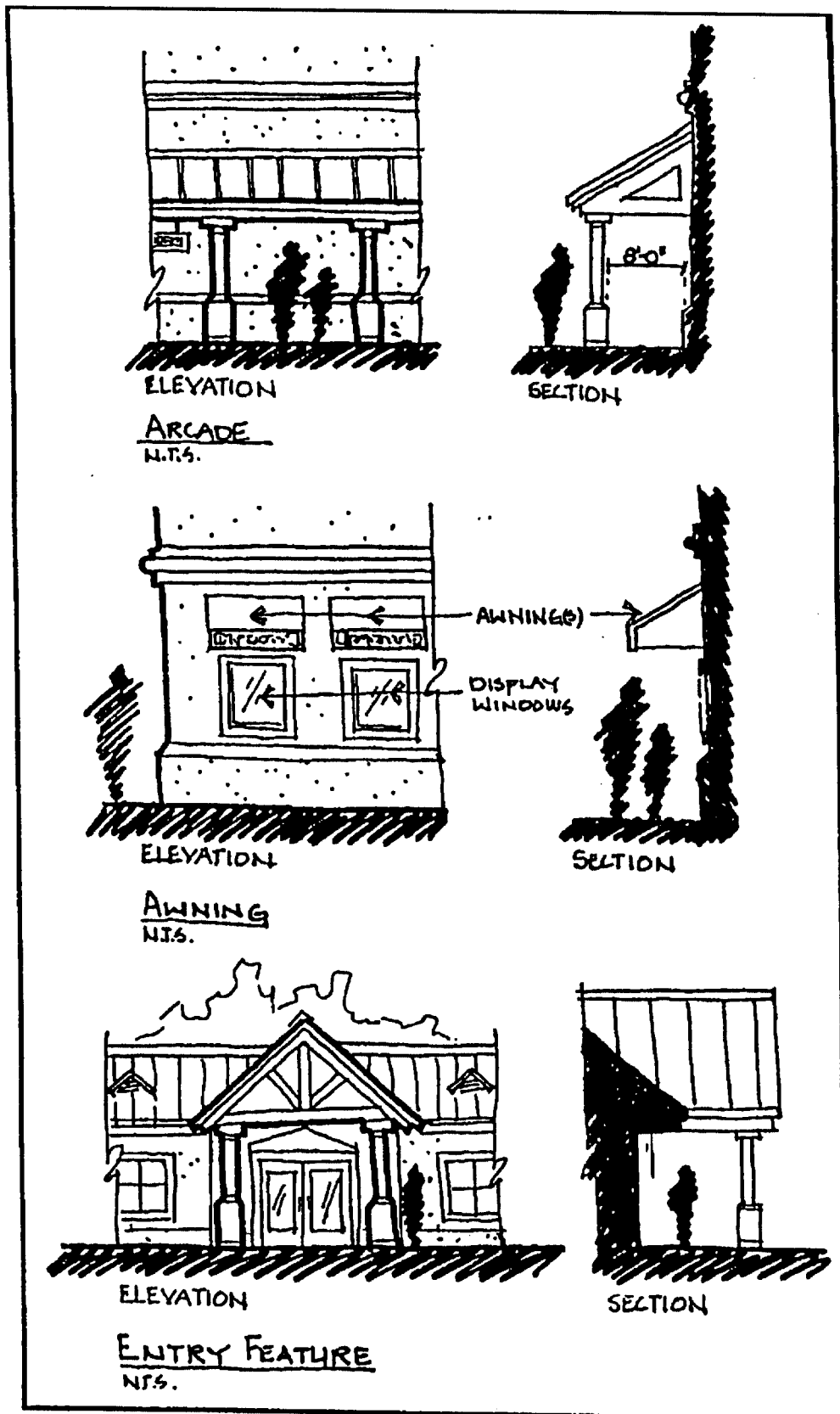


Illustration 26

and one of the following site design elements;

- (a) Decorative landscape planters or planting areas, a minimum of five feet wide, and areas for shaded seating consisting of a minimum of 100 square feet;
- (b) Integration of specialty pavers, or stamped concrete along the buildings walkway. Said treatment shall constitute a minimum of 60 percent of walkway area; ~~or~~;
- (c) Water element(s), a minimum of 150 square feet in area; or
- (d) Two accent or specimen trees (above the minimum landscape requirements of the code) along the front facade with a minimum height of eighteen feet at planting.

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

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 feet in the vertical direction nor 20 feet in the horizontal direction of any facade any primary facade. For facades connected to a primary facade this shall apply to a minimum of thirty three percent of the attached facade and measured for the connection (Control and expansion joints within this area shall constitute blank wall area unless used as a decorative pattern and spaced at intervals of six feet or less. Relief and reveal work depth must be a minimum of one-half inch (see Illustration 27 below). Blank wall area may utilize landscaping to assist in reducing the blank wall area, but the landscaping shall not be in lieu of architectural treatment. (See Illustration 12.1)

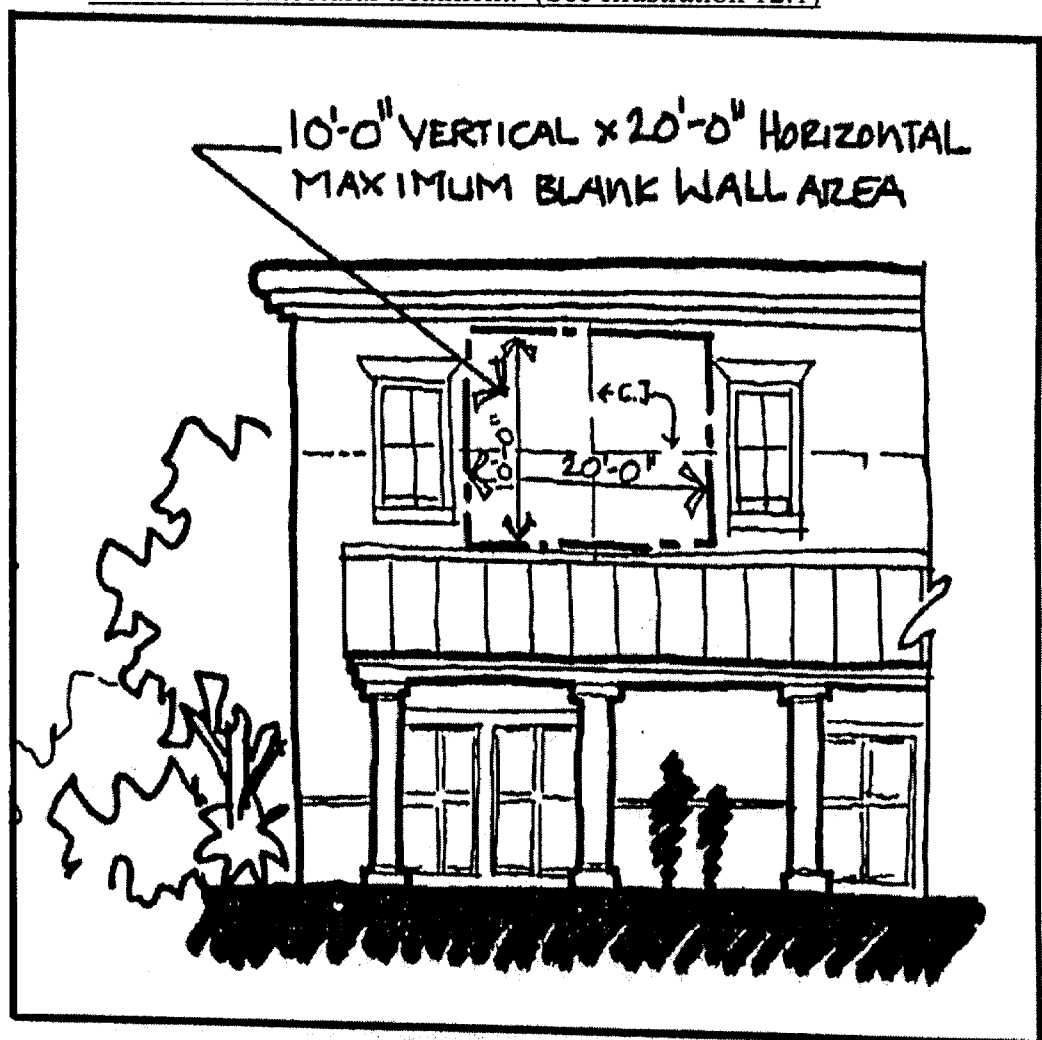


Illustration 27

2.8.4.4.7.3. *Repeating facade treatments.* Building facades shall include a repeating pattern and shall include no less than ~~two~~ 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 25 feet, ~~either horizontally or~~ and a maximum of 15 feet 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 12 inches in width, such as a reveal, an offset, or a projecting rib (see Illustration 28 below.):

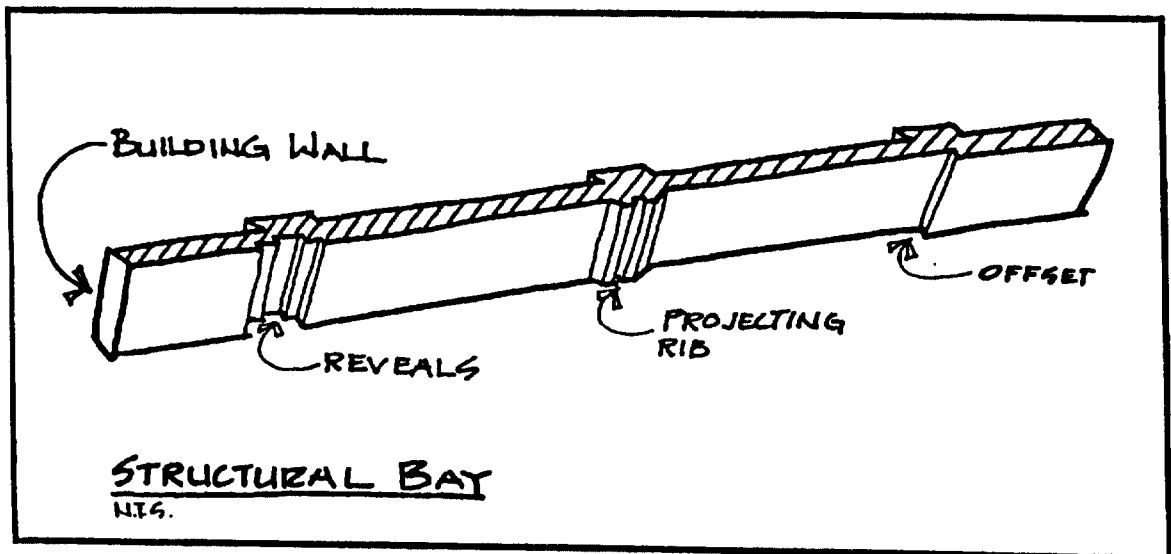


Illustration 28

5. Architectural banding;
6. Building setbacks or projections, a minimum of three 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~~ two 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).

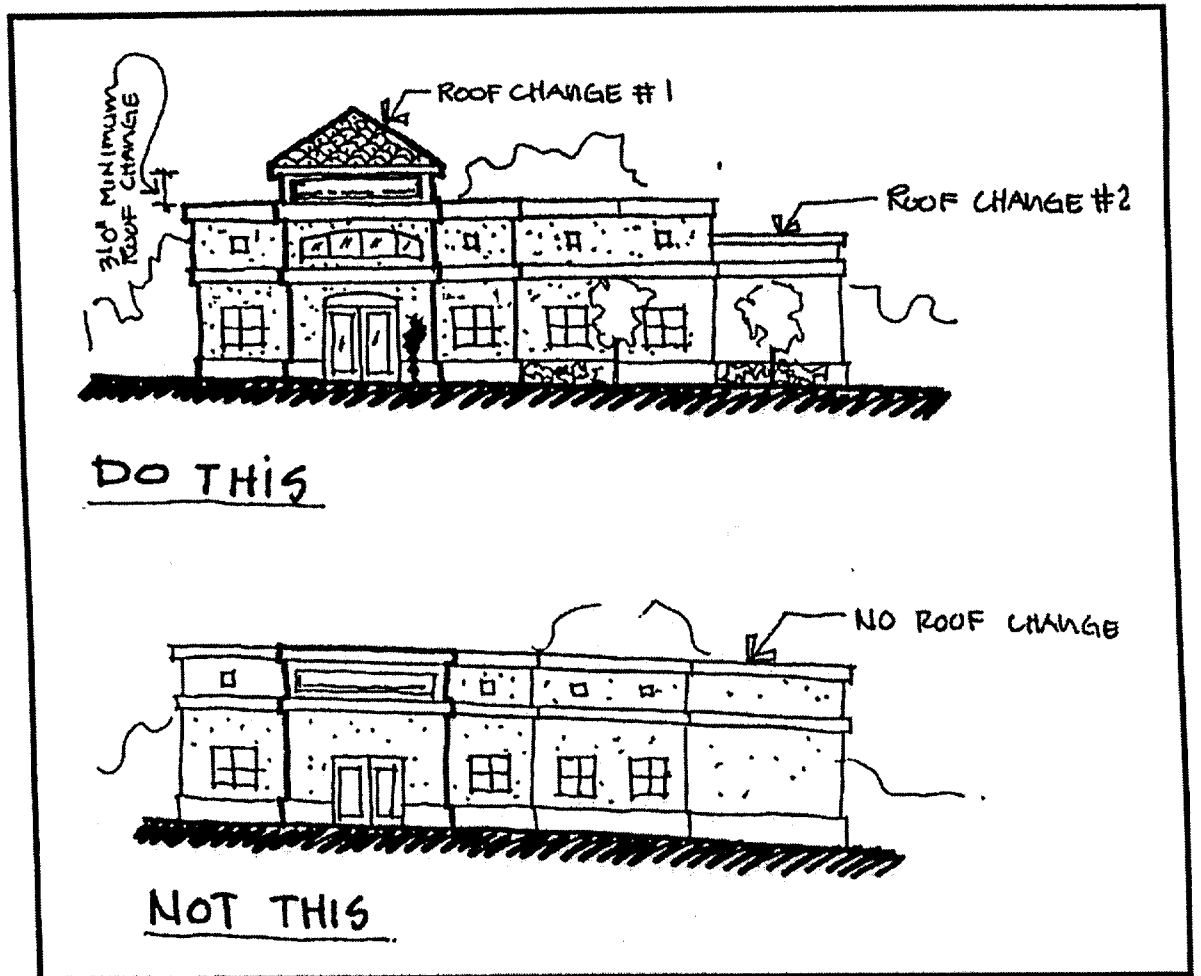


Illustration 29

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~~ two (2) feet beyond the supporting walls, with a minimum fascia of five inches; Where overhangs are less than two feet they shall be provided with a band or cornice, a minimum of eight inches, under the soffit at the wall.
- (3) Fascia shall be a minimum of eight inches. ~~Three or more roof slope planes per primary facade~~ (see Illustration 30 below);
- (4) ~~Sloping roofs, which do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or an average slope equal to one foot of vertical rise for every one foot of horizontal run; Tile or metal roof as the dominant roof material.~~
- (5) ~~Three-dimensional cornice treatment which shall be a minimum of ten inches in height with a minimum of three reliefs; or~~

- (6) ~~Additional vertical roof changes with a minimum change in elevation of two feet.~~

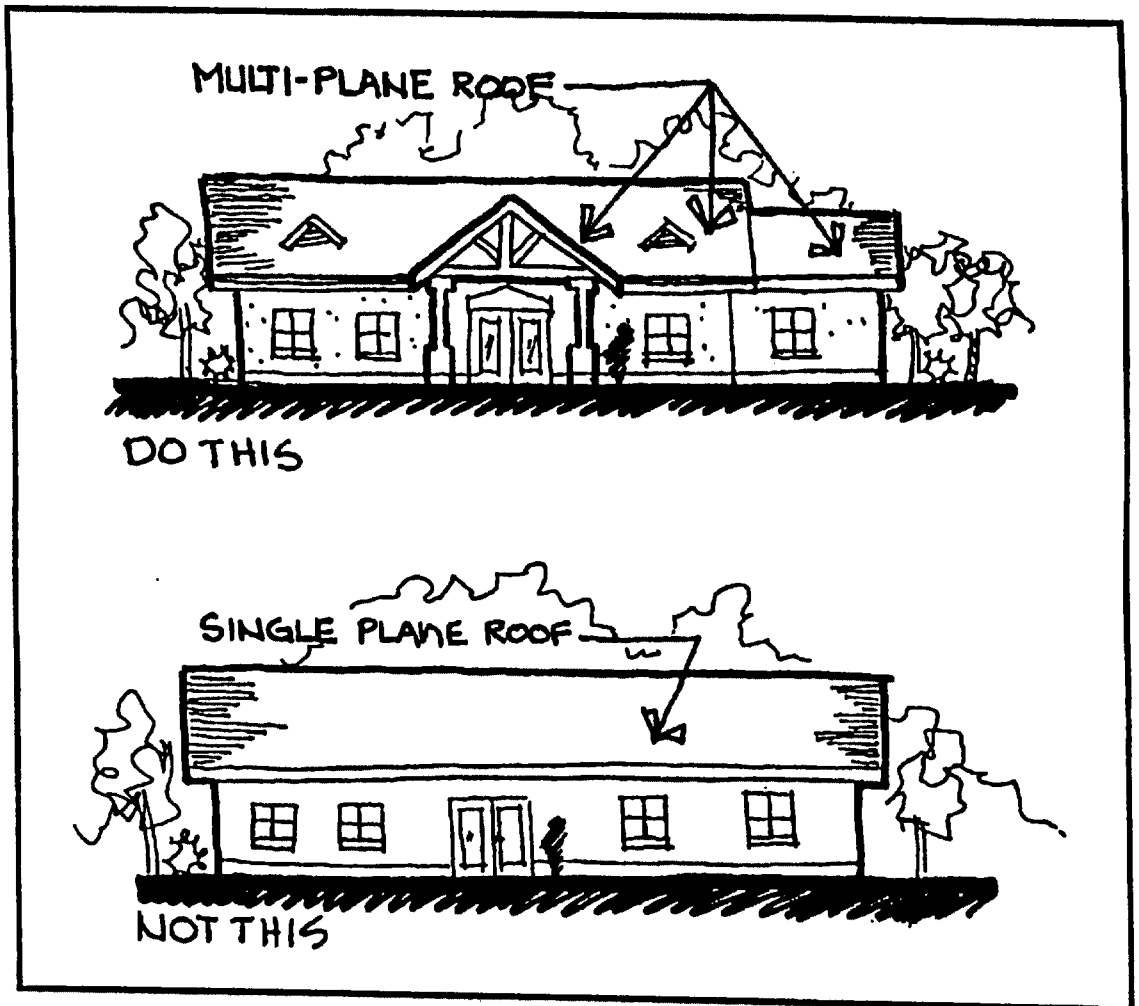


Illustration 30

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

- (1) Asphalt shingles, except laminated, 320 pound, 30 year architectural grade asphalt shingles or better;
- (2) Mansard roofs and canopies without a minimum vertical distance of six feet and at an angle not less than 25 degrees, and not greater than 70 degrees;
- (3) Roofs utilizing less than or equal to a two to 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.*

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 50 square feet in area and which incorporates two of the following:
  - (1) Benches or other seating components;
  - (2) A provision for intermittent shaded outdoor community space at a minimum of one 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.
- (b) Front entry shall be set back from the drive a minimum of fifteen (15) feet.

2.8.4.4.11. *Miscellaneous structures.*

2.8.4.4.11.1. *Outside play structures.* Outside play structures shall not exceed 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 12 feet as measured from existing ground elevation. In all other cases, no portion of any play structure shall exceed a maximum height of 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:

- (1) Plastic siding, unless associated with Florida cracker style and utilizes trim with a minimum of six (6) inches for its length;
- (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.

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

2.8.4.5.2.3.

Automotive and other special type service buildings may utilize prefabricated metal buildings under the following conditions.

- (1) Metal buildings are more than two hundred and fifty feet from any right-of-way;
- (2) Metal buildings are located directly behind the main showroom/sales center so as not to be a dominant facade along the street;
- (3) No more than twenty percent of the building can be beyond the main auto sales center and showroom.

2.8.4.5.2.3.

*Predominant exterior color(s).*

2.8.4.5.2.3.1.

The use of black, gray, ~~or~~ fluorescent, primary and/or secondary colors is prohibited as the predominant exterior building or roof color(s). Earth-tone colors are encouraged.

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 percent of the affected facade segment, with a maximum trim height of 24 inches total for its shortest distance.

2.8.4.5.2.4.2.

Neon or neon type tubing shall be permitted as 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 exceeding twelve (12) feet in width).*

2.8.4.7.1.

The shape of a manmade body of water, including wet and dry retention areas, shall be designed to appear natural by having off-sets in the edge alignment that are a minimum of ten feet and spaced 50 feet apart. Natural and manmade bodies of water, including wet and dry retention areas, exceeding 20,000 square feet in area, and which are located adjacent to a public right-of-way, shall be ~~incorporated~~ incorporate into the overall design of the project ~~in~~ at least ~~one~~ two (2) of the following ~~ways~~ items (see Illustration 31 below):

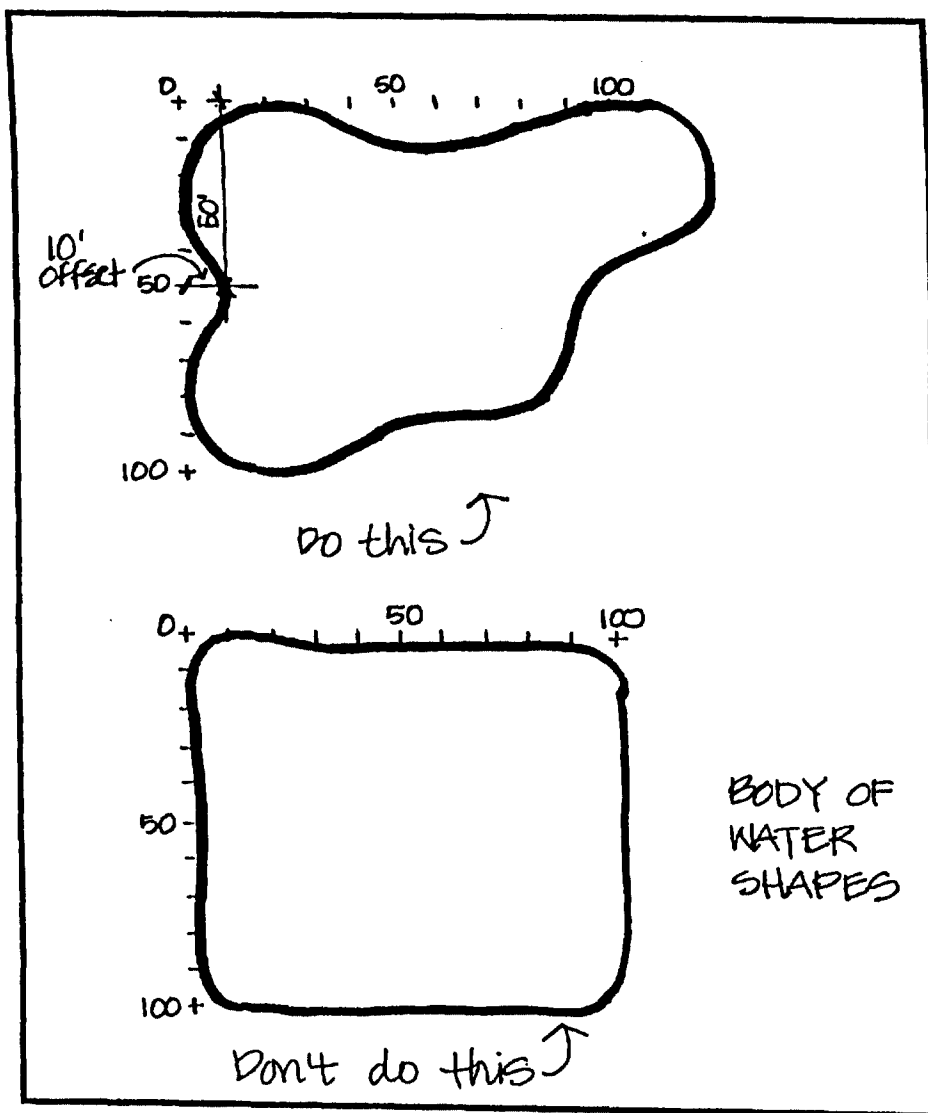


Illustration 31

1. ~~Providing a~~ A minimum of five-foot wide walkway with trees an average of 50 feet on center and shaded minimum of six-foot long benches or picnic tables every 150 linear feet.
2. ~~Providing a~~ A public access pier with covered structure and seating.
3. ~~Providing a~~ A plaza/courtyard, 200 square feet minimum, with shaded benches and/or picnic tables adjacent to the water body.
4. Permanent fountain structure.

### SUBSECTION 3.G: AMENDMENTS TO SUBDIVISIONS DIVISION

Division 3.2. Subdivisions, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

### DIVISION 3.2. SUBDIVISIONS

#### 3.2.8.4.8.

*Fire hydrants.* All hydrants shall be connected to water systems having sufficient storage or emergency pumping facilities to provide for the minimum fire flows to be maintained for at least four hours or the current recommendation of the ~~National Fire Underwriters~~ Fire Suppression Rating of the Insurance Services Office, whichever is greater. Hydrants shall be placed on common lot lines within the approved right-of-way unless greater otherwise approved by the development services director pursuant to section 3.2.7.2.



Hydrants shall be installed and placed in a manner complying with the requirements set forth in the latest edition of NFPA No. 24 entitled "Standard for the Installation of Private Fire Service Mains and Their Appurtenances," published by the National Fire Protection Association. Hydrants to be installed within subdivided lots for fire protection purposes shall be evaluated during the site development plan review process as required in division 3.3. Those installations shall be in compliance with the standards set forth in the latest edition of NFPA 1141 entitled "Standard for Fire Protection in Planned Building Grounds Groups."

1. *Residential land development.* In one and two-family ~~story~~ land developments with not more than ten dwelling units per acre, fire hydrants shall be spaced not greater than 500 feet apart and not more than 250 feet from the center of any lot in the subdivision and shall be connected to mains no less than six inches in diameter. The system shall provide capacity for fire flows of at least 500 gallons per minute or greater, as required by the Fire Suppression Rating Schedule of the Insurance Services Office, in addition to maximum day domestic requirements at residual pressures of not less than 20 pounds per square inch unless otherwise required by the applicable fire code.
2. *Commercial, industrial, ~~multistory~~ and multifamily developments.* Fire hydrants located in these areas shall be connected to water mains no less than eight inches in diameter. In no case shall the spacing of hydrants be greater than 500 feet apart and not more than 250 feet from the center of any lot in the subdivision. Hydrant spacing and size shall be capable of providing water flows adequate to meet the requirements of the Fire Suppression Rating Schedule of the Insurance Services Office. ~~for the occupancy classification as defined in the latest edition of the National Fire Code, Volume No. 6, published by the National Fire Protection Association.~~ In no case shall the flow be less than 750 gallons per minute with the residual pressure of 20 pounds per square inch at the most remote point of discharge.

### SUBSECTION 3.H: AMENDMENTS TO SITE DEVELOPMENT PLANS DIVISION

Division 3.3., Site Development Plans, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

#### DIVISION 3.3. SITE DEVELOPMENT PLANS

##### **~~Sec. 3.3.1. Title and citation.~~**

~~This division shall be known and may be cited as the "Collier County Site Development Plan Code."~~

##### **~~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 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.

#### **Sec. 3.3.3. Applicability.**

All development except as otherwise provided is subject to the provisions of this division. The provisions of this division shall not apply to the following land use activities and represent the sole exceptions therefrom:

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

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

#### **Sec. 3.3.4. Exemptions.**

Due to its location or minimal impact on surrounding properties and probable minimal impacts under the site development plan review standard contained in section 3.3.6, standard application requirements as described in sections 3.3.5.4 and 3.3.5.5 may be waived in part or in full by the development services director for agriculturally related development as identified in the permitted and accessory uses in the rural agricultural district and located within any area designated agricultural on the future land use map of the Collier County growth management plan and the Collier County official zoning atlas.

Waiver of standard application requirements as identified within sections 3.3.5.4 and 3.3.5.5 shall be requested by the applicant prior to actual submission of a site development plan and shall be accompanied with a sketch or conceptual plan of the proposed development which will identify the total acreage of the site, a vegetation survey utilizing the FLUCCS code categories, a soils map, contiguous property under the ownership of the applicant, proposed and existing uses on the site, number of users of the facility and traffic circulation which will be used to determine potential impact on adjacent properties.

#### **Sec. 3.3.5. Site development plan review (SDP) procedures.**

A mandatory preapplication meeting shall be conducted by the development services director to determine the type of review process of all site development plan proposals. Submittal of a site development plan shall conform to one of the following review procedures:

*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, 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:

*3.3.5.1.1. The project does not require a South Florida Water Management District permit and/or modification to an existing permit unless preapproved and submitted with the SDP application.*

*3.3.5.1.2. Central sewer and water are available at the property line or the ability to use well and septic tank systems exists.*

~~3.3.5.1.3. Approval for encroachment into any easement(s) is submitted with any SDP application. Where an encroachment on or into an easement over the lands for which the SDP has been submitted clearly appears to be consistent with all existing easements affected, the requirement for approval from the easement holder(s) may be waived. Any such waiver shall not be construed as legal advice nor does it mean that any applicant or owner is otherwise relieved of the necessity or obligation to comply with or be subject to any law or rights of third parties, including easement rights held by Collier County, relative to the encroachment.~~

~~3.3.5.1.4. No standpipe or sprinkler system required.~~

~~3.3.5.1.5. No areas on site with existing ST overlay.~~

~~3.3.5.1.6. If no environmental impact statement is required or an environmental impact statement has been previously waived.~~

~~3.3.5.1.7. SDP is for entire site with no phasing of infrastructure and required site improvements.~~

~~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.~~

~~3.3.5.2. Major site development plan review (nonphased). Submittal of a site development plan for a development in which all site related improvements will be completed for the entire property shall conform to the following preliminary and final site development plan application requirements:~~

~~3.3.5.2.1. Preliminary site development plan application requirements, section 3.3.5.4.~~

~~3.3.5.2.2. Final site development plan application requirements, section 3.3.5.5.~~

~~3.3.5.3. Major site development plan review (phased). A modified two-step preliminary and final site development plan application process may be utilized for a development to be developed in phases in conformance with section 3.3.5.4, for preliminary site development plan application as amended below for the entire property and section 3.3.5.5, for the final site development plan application for each separate phase of the project depicted on the preliminary site development plan approval:~~

~~3.3.5.3.1. Preliminary site development application requirements, section 3.3.5.4, and the following additional information for the site plan proposed pursuant to section 3.3.5.4.2:~~

~~1. Site plan must show phasing of development for infrastructure and structures such that each phase can be designed and constructed to stand on its own and be subsequently interconnected with other phases on the property.~~

~~2. Provide master water management plan and design calculations which depict the water management system for the entire property. The system shall be designed to meet the phasing plan proposed.~~

~~3. Provide a utilities master plan with design calculations which depict the size and general location of the water distribution and sewage collection and transmission system for the entire property. The system shall be designed to meet the phasing plan proposed.~~

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

~~3.3.5.4. Preliminary site development plan application requirements. A preapplication meeting shall be conducted with community development services staff, except where a petitioner waives said meeting and notes such in their submittal package, to determine all applicable submittal requirements which shall include the following, if applicable:~~

~~3.3.5.4.1. Ownership. A copy of the deed, contract for sale or agreement for sale or a notarized statement of ownership clearly demonstrating ownership and control of the subject lot or parcel of land.~~

~~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.~~
  - ~~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), 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.~~
  - ~~c. Location and configuration of all development ingress and egress points.~~
  - ~~d. Location and arrangement of all proposed buildings (including existing buildings that are to remain).~~
  - ~~e. Location and configuration of all parking and loading areas.~~
  - ~~f. Name, alignment and existing/proposed right of way of all internal streets and alleys.~~
  - ~~g. Directional movement of internal vehicular traffic and its separation from pedestrian traffic.~~
  - ~~h. Location and configuration of recreational facilities (including related buildings, golf course areas, tennis courts, pools, etc.).~~
  - ~~i. Location and general configuration of all water and drainage retention/detention areas as well as all existing and proposed easements, and water and sewer lines intended to serve the development.~~
  - ~~j. Location and general configuration of such natural features as preservation/conservation areas, water bodies, and wetlands.~~
  - ~~k. Location of emergency access lanes, fire hydrants and fire lanes.~~
  - ~~l. Location of all handicapped parking spaces.~~
  - ~~m. Location of trash enclosures.~~
  - ~~n. Location and heights of proposed walls or fences.~~

~~e. Accurate dimensions which include the following:~~

- ~~(1) All building setbacks.~~
- ~~(2) Distance between buildings and accessory structures.~~
- ~~(3) Width of all internal streets.~~
- ~~(4) All parking areas and drive aisles.~~
- ~~(5) Landscape areas adjacent to all vehicular drives, interior property lines and all parking areas.~~

~~p. Where applicable, the site development plan shall include graphic depiction and site plan notations addressing the provisions of section 2.2.27.7.2. of this Code.~~

~~q. Any additional relevant information as may be required by the planning services director, or his designee.~~

~~9. For projects subject to the provisions of Division 2.8., five 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. 1/4 inch scaled elevation for all sides of the building;~~
- ~~b. 3/4 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.~~

~~3.3.5.4.3. *Landscape calculations.* Landscape calculations in chart form which shall include the following:~~

- ~~1. Buffering and screening requirements adjacent to vehicular rights-of-way pursuant to section 2.4.7.~~
- ~~2. Buffering and screening requirements adjacent to interior property lines pursuant to section 2.4.7.~~
- ~~3. Landscape requirements for the development interior pursuant to section 2.4.5.2.~~
- ~~4. Native species requirement pursuant to section 2.4.4.1.~~

~~3.3.5.4.4. *Vegetation inventory.* A generalized vegetation inventory of the property shall be required to the extent necessary, as determined by the mandatory preapplication meeting, indicating the approximate location, densities and species of the following:~~

- ~~1. Upland, wetland and estuarine vegetation including exotic vegetation prohibited by division 3.9, mapped using FLUCCS terminology.~~
- ~~2. Any type vegetation identified for preservation.~~
- ~~3. Projects containing the following shall provide a survey identifying species and locations on a current aerial photograph (one inch equals 200 feet or larger scale) or be superimposed on the site plan:~~
  - ~~a. Plants specified in an applicable PUD or petitioner's agreement to remain in place or to be transplanted to other locations on the property.~~
  - ~~b. Specimen trees designated by the board of county commissioners, pursuant to section 3.9.6.7.~~
  - ~~c. State or federal rare, threatened or endangered plant species surveyed according to accepted Florida game and freshwater fish commission or U.S. Fish and Wildlife methods.~~
  - ~~d. Existing trees that may be credited toward the development's landscaping.~~
- ~~4. For proposed site alteration(s) within the coastal zone as depicted on the future land use map, in addition to the foregoing requirements, the vegetation inventory shall depict the categories of impact in accordance with section 3.12.5.1.~~

~~3.3.5.4.5. *Structure heights.* Heights of proposed structures on the property.~~

~~3.3.5.4.6. *Aerial photo.* A recent aerial photo may be provided at the same scale as the plan delineating the development boundaries.~~

~~3.3.5.4.7. *Density bonus.* In the event a residential or commercial bonus is requested, as provided for in the growth management plan, a certified survey that clearly illustrates the~~

location and relationship of the development to the appropriate activity center and the related activity band shall be required.

~~3.3.5.5. Final site development plan application requirements.~~ The development illustrated on the final site development plan shall be in substantial compliance with the approved preliminary site development plan, when such review is required. The following information shall be required for all final site development plan applications as may be applicable:

~~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.~~
- ~~12. Drainage and grading plan for the development which shows the proposed finished floor elevations, drainage flow and required water management features.~~
- ~~13. Solid waste disposal facilities.~~
- ~~14. Existing and proposed easements including, but not limited to ingress/egress, water management and public/county utilities.~~
- ~~15. Buffer areas.~~
- ~~16. Environmentally sensitive preserve and conservation areas, i.e., wildlife corridors.~~
- ~~17. The location and configuration of septic systems, with required open area, or interim wastewater treatment facility, if required.~~
- ~~18. The location of stable water wells, if existing or proposed.~~
- ~~19. Water and sewer system connection points and configuration on-site.~~

~~3.3.5.5.2. Landscaping plan.~~ A landscape plan which shall contain the following:

- ~~1. [Landscape summary.] Landscape summary in matrix form which shall include:~~
  - ~~a. Graphic symbol to indicate each type of plant material.~~
  - ~~b. Botanical name.~~
  - ~~c. Common name.~~
  - ~~d. Total number of each type of plant material.~~
  - ~~e. Height and spread of each type of plant material.~~
  - ~~f. Spacing of each type of plant material.~~
- ~~2. Illustrative information.~~ Illustrative information consisting of the following shall be accurately depicted on the land plan:
  - ~~a. The location, configuration and arrangement of all proposed buildings, internal streets and parking areas as reflected on the site plan.~~
  - ~~b. The location and dimensions of all proposed landscaped areas with appropriate graphic symbols including existing trees that are being credited toward the development's landscaping.~~
  - ~~c. Location and configuration of all special or textured paving areas.~~
  - ~~d. Provisions for site irrigation.~~
  - ~~e. Any additional relevant information as may be required by the development services director.~~

~~3.3.5.5.3. Building plans.~~ Plans showing proposed building footprints, configuration and building heights.

~~3.3.5.5.4. Soil erosion and sediment control plan. A soil erosion and sediment control plan pursuant to division 3.7.~~

~~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).~~
- ~~4. Improvements for water management as needed 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), and pursuant to South Florida Water Management District rules, chapter 40E-4, 40E-40 and 40E-41, Florida Administrative Code.~~
- ~~5. All necessary standard and special details associated with sections 3.3.5.5.5.2 through 3.3.5.5.5.4 above.~~
- ~~6. Written technical specifications for all infrastructure improvements to be performed.~~
- ~~7. Engineering design computations and reports for water, sewer, roads and water management facilities, as required by federal, state and local laws and regulations.~~
- ~~8. Topographical map of the property which shall include the following:~~
  - ~~a. Existing features, such as, watercourses, drainage ditches, lakes, marshes.~~
  - ~~b. Existing contours or representative ground elevations at spot locations and minimum of 50 feet beyond property line.~~
  - ~~c. Benchmark locations and elevation (NGVD).~~
- ~~9. Site clearing plan and method of vegetation disposal.~~

~~3.3.5.5.6. Permits. All necessary permits or applications requiring county approval and other appurtenant permitting and construction related items including but not limited to the following shall be submitted and approved with the site development plan, except as noted below:~~

- ~~1. Florida department of environmental regulation water and sewer facilities construction permit application.~~
- ~~2. Excavation permits application.~~
- ~~3. Florida department of transportation utilities construction application and/or rights-of-way construction permits.~~
- ~~4. Collier County rights-of-way permit at the time of building permit approval.~~
- ~~5. Blasting permit prior to commencement of any blasting operation.~~
- ~~6. South Florida Water Management District permit, if required, or, Collier County general permit for water management prior to site development plan approval.~~
- ~~7. Interim wastewater and/or water treatment plant construction or interim septic system and/or private well permits prior to building permit approval.~~
- ~~8. Any additional state and federal permits which may be required prior to commencement of construction, including impacts on jurisdictional wetlands and habitat involving protected species.~~
- ~~9. Any specific agreements specified between the applicant and the county during the preliminary site development plan process prior to site development plan approval.~~
- ~~10. All other pertinent data, computations, plans, reports, and the like necessary for the proper design and construction of the development submitted for consideration.~~
- ~~11. All necessary performance securities required by Collier County ordinances in effect at the time of construction.~~

~~12. The applicant shall submit evidence that all necessary land development related permits have been issued prior to the commencement of construction for the phase requesting approval.~~

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

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

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

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

~~3.3.5.7. Site improvement plan submittal and review. A site improvement plan (SIP) shall be prepared on a 24 inch by 36 inch sheet drawn to scale and setting forth the following information:~~

- ~~1. The project title, property owner, address and telephone number.~~
- ~~2. Legal description, scale, and north arrow.~~
- ~~3. Zoning designation of the subject site and adjacent sites and the proposed use of the subject site.~~
- ~~4. Location, configuration and dimensions of all building and lot improvements.~~
- ~~5. Location and configuration of parking and loading areas, and the directional movement of internal vehicle traffic.~~
- ~~6. Location and dimension of access point(s) to the site.~~
- ~~7. Parking summary in matrix form, indicating the required and provided parking for each existing and proposed use.~~
- ~~8. Location and configuration of handicapped parking facilities and building accessibility features.~~
- ~~9. Location, dimension and configuration of existing water management facilities.~~
- ~~10. Location of trash enclosures.~~
- ~~11. Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation.~~
- ~~12. Where applicable, the site improvement plan shall include graphic depiction and site plan notations addressing the provisions of section 2.2.27.7.2. of this Code.~~
- ~~13. Any additional relevant information as may be required by the planning services director.~~

#### **Sec. 3.3.6. Site development plan standards.**

~~The site development review director shall review and consider all site improvement plans and preliminary and final site development plans.~~

~~3.3.6.1. Statements regarding ownership and control of the property and the development as well as sufficiency of conditions regarding ownership and control, use and permanent maintenance of common open space, common facilities, conservation/preservation areas, or common lands to ensure preservation of such lands and facilities will not become a future liability of the county.~~

~~3.3.6.2. Development compliance with all appropriate zoning regulations.~~

~~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.~~



~~3.3.6.4. The location and relationship of parking and loading facilities to thoroughfares and internal traffic patterns within the proposed development, considering vehicular and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.~~

~~3.3.6.5. Adequacy of recreation facilities and open spaces considering the size, location, and development of these areas with regard to adequacy, effect on the privacy of adjacent and nearby properties as well as uses within the proposed development, and the relationship to community wide open spaces and recreation facilities.~~

~~3.3.6.6. Adequacy of the proposed landscape screens and buffers considering preservation of the development's internal land uses as well as compatibility with adjacent land uses.~~

~~3.3.6.7. Water management master plan on the property, considering its effect on adjacent and nearby properties and the consequences of such water management master plan on overall county capacities. Water management areas shall be required to be maintained in perpetuity according to the approved plans. Water management areas not maintained shall be corrected according to approved plans within 30 days. The engineer of record, prior to final acceptance, shall provide documentation from the stormwater maintenance entity; indicating that said entity has been provided information on how the stormwater systems functions and indicating responsibility for maintenance of the system.~~

~~3.3.6.8. Adequacy of utility service, considering hook in location and availability and capacity for the uses projected.~~

~~3.3.6.9. Such other standards as may be imposed by this code, the growth management plan or other applicable regulations for the particular use or activity proposed.~~

~~3.3.6.10. Signage proposed for the project shall be in conformity with Collier County Sign Code, division 2.5, and shall not be reviewed and approved as part of the site development plan process.~~

#### **~~Sec. 3.3.7. Amendments.~~**

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

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

~~3.3.7.1.2. Any other change the development services director may determine as significantly altering the general layout, configuration and arrangement of the project.~~

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

#### **~~Sec. 3.3.8. Site development plan time limits.~~**

~~Approved final site development plans shall remain in force for two years. If no development (actual construction) has commenced within two years, the site development plan shall expire. One one-year extension may be granted for good cause shown upon written application submitted to the development services director prior to expiration of the preceding approval. When extending the final site development plan approval, the~~

~~development services director shall require the approval to be modified to bring the plan into compliance with any new provision of this code in effect at the time of the extension request.~~

#### **Sec. 3.3.9. Violations.**

~~No building permit or certificate of occupancy shall be issued except in compliance with the approved final site development plan. Violation of the terms identified in the approved final site development plan shall constitute a violation of this code.~~

#### **Sec. 3.3.1. Title and citation.**

This division shall be known and may be cited as the ``Collier County Site Development and Site Improvement Plan Code."

#### **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 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, arrangement of buildings, architectural design 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.

#### **Sec. 3.3.3. Applicability.**

All development, except as otherwise provided herein, is subject to the provisions of this division. The provisions of this division shall not apply to the following land use activities and represents the sole exceptions therefrom:

- 1) Single-family detached and two-family housing structure(s) on a lot(s) of record except as otherwise provided at section 2.6.27 (cluster development).
- 2) Underground construction; utilities, communications and similar underground construction type activities.
- 3) Accessory and ancillary facilities for a golf course such as restrooms, irrigation systems, pumphouses where a preliminary work authorization has been entered into with the County.
- 4) Construction trailers and storage of equipment and materials following issuance of a building permit for the use to which said activities are a function of, except as otherwise provided by section 2.6.33.
- 5) Model homes and sales centers, except as otherwise provided by section 2.6.33.
- 6) Project entryway signs, walls, gates and guardhouses.

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

#### **Sec. 3.3.4. Exemptions.**

Due to its location or minimal impact on surrounding properties and probable minimal impacts under the site development plan review standard contained in section 3.3.5., standard application requirements as described in section 3.3.6. may be waived in part or in full by the Planning Services Director for agriculturally related development as identified in the permitted and accessory uses section of the rural agricultural zoning district; however, a site improvement plan as required by Section 3.3.7. addressing the application requirements deemed necessary by the Planning Services Director shall be submitted to the planning department for review and approval.

#### **SECTION 3.3.5. Site Development and Site Improvement Plan standards.**

The planning services director shall review and consider all site improvement and site development plans in accordance with the following standards:

- 3.3.5.1. Statements regarding ownership and control of the property and the development as well as sufficiency of conditions regarding ownership and control, use and permanent maintenance of common open space, common facilities, conservation/preservation areas, or common lands to ensure the preservation of such lands and facilities will not become a future liability of the county.
- 3.3.5.2. Development compliance with all appropriate zoning regulations and the growth management plan. 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.
- 3.3.5.3. The location and relationship of parking and loading facilities to thoroughfares and internal traffic patterns within the proposed development, considering vehicular and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, screening and landscaping.
- 3.3.5.4. Adequacy of recreational facilities and open spaces considering the size, location, and development of these areas with regard to adequacy, effect on adjacent and nearby properties as well as uses within the proposed development, and the relationship to community-wide open spaces and recreation facilities.
- 3.3.5.5. Adequacy of the proposed landscape screens and buffers considering preservation of the development's internal land uses as well as compatibility with adjacent land uses.
- 3.3.5.6. Water management master plan on the property, considering its effect on adjacent and nearby properties and the consequences of such water management master plan on overall county capacities. Water management areas shall be required to be maintained in perpetuity according to the approved plans. Water management areas not maintained shall be corrected according to approved plans within 30 days. The engineer of record, prior to final acceptance, shall provide documentation from the stormwater maintenance entity; indicating that said entity has been provided information on how the stormwater systems functions and indicating responsibility for maintenance of the system.
- 3.3.5.7. Adequacy of utility service, considering hook-in location and availability and capacity for the uses projected.
- 3.3.5.8. Signage proposed for the project in conformity with division 2.5. and a unified sign permit shall be applied for with the submittal packet for the Site Development or Site Improvement Plan.
- 3.3.5.9. Architectural design of the building for all commercial developments located in any commercial zoning district.
- 3.3.5.10. Such other standards as may be imposed by this code, the growth management plan or other applicable regulations for the particular use or activity proposed.

**3.3.6. Conceptual site development plan review and approval:**

At the request of the applicant and subject to the applicable fee set forth in the schedule of fees, planning services department will complete a conceptual review and issue a written summary of issues of concern and conceptual approval. This conceptual approval shall not mean that the project has received final approval, it shall only indicate that the project is in substantial compliance with the requirements of the code and may be approved subject to further review, changes and modifications.

**Sec. 3.3.7. Site development plan review (SDP) procedures.**

A pre-application meeting shall be conducted by the planning services director prior to the submission of any site development or site improvement plan for review. This meeting may be waived by the planning services director upon the written request of the applicant.

3.3.7.1. Site development plan submittal packet: The site development submittal packet shall include the following, if applicable:

3.3.7.1.1 Ownership: A copy of the deed, contract for sale or agreement for sale or a notarized statement of ownership clearly demonstrating ownership and control of the subject lot or parcel of land.

3.3.7.1.2. 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 when applicable:

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 the 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 landscape area/open space and its percentage of the total site area.
  - d. For residential projects, total number of units, units per acre, and a unit breakdown by square footage and number of bedrooms.
  - e. 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.
  - f. All required and provided setbacks and separations between buildings and structures in matrix form.
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. The following information must be included in the SDP packet:
  - a. Information in the Standard Building Code, type of construction, number of stories, total square footage under

- roof, occupancy/use and fire sprinkler intentions of all proposed structures so that a needed fire flow may be determined. NFPA 1141,
- b. A fire hydrant flow test report from the applicable fire district for the closest hydrant(s) to the project so that the available fire flow may be determined. NFPA 1141.
9. Illustrative information accurately depicted on the site development plan shall be as follows unless waived at the pre-application 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 rights-of-way of all streets which border the development (including raised islands, striping, right/left turn lanes, median cuts and nearby intersections), 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.
- c. Location and configuration of all development ingress and egress points.
- d. Location and arrangement of all proposed buildings (including existing buildings that are to remain).
- e. Location and configuration of all parking and loading areas.
- f. Name, alignment and existing/proposed right-of-way of all internal streets and alleys.
- g. Directional movement of internal vehicular traffic and its separation from pedestrian traffic.
- h. Location and configuration of recreational facilities (including related buildings, golf course areas, tennis courts, pools, etc.).
- i. Location and general configuration of all water and drainage retention/detention areas as well as all existing and proposed easements, and water and sewer lines intended to serve the development.
- j. Location and general configuration of such natural features as preservation/conservation areas, water bodies, and wetlands.
- k. Location of emergency access lanes, fire hydrants and fire lanes.
- l. Location of all handicapped parking spaces.
- m. Location of trash enclosures.
- n. Location and heights of proposed walls or fences.
- o. Accurate dimensions which include the following:
- (1) All building setbacks.
- (2) Distance between buildings and accessory structures.
- (3) Width of all internal streets.
- (4) All parking areas and drive-aisles.
- (5) Landscape areas adjacent to all vehicular drives, interior property lines and all parking areas.
- p. Any additional relevant information as may be required by the planning services director.
10. For projects subject to the provisions of Division 2.8., five sets of architectural drawings, signed and sealed by a licensed architect, registered in the state of Florida,
- a. scaled elevation for all sides of the building;
- b. scaled wall section from top of roof to grade depicting typical elevation with details and materials noted, and rendered to show materials and color scheme with paint chips and roof color samples;
- c. site sections showing the relationship to adjacent structures; and
- d. a unified sign plan as required division 2.8.

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

3.3.7.1.3 Landscaping plan.. A landscape plan which shall contain the following:

1. Landscape summary. A landscape summary in matrix form which shall include:
  - a. Graphic symbol to indicate each type of plant material.
  - b. Botanical name.
  - c. Common name.
  - d. Total number of each type of plant material.
  - e. Height and spread of each type of plant material.
  - f. Spacing of each type of plant material.
2. Illustrative information. Illustrative information consisting of the following shall be accurately depicted on the landscape plan:
  - a. The location, configuration and arrangement of all proposed buildings, internal streets and parking areas as reflected on the site plan.
  - b. The location and dimensions of all proposed landscaped areas with appropriate graphic symbols including existing trees that are being credited toward the development's landscaping requirements.
  - c. Location and configuration of all special or textured paving areas.
  - d. Provisions for site irrigation.
  - e. Any additional relevant information as may be required by the planning services director.

3.3.7.1.4. Vegetation inventory:

A generalized vegetation inventory of the property shall be required to the extent necessary, as determined at the pre-application meeting, indicating the approximate location, densities and species of the following:

1. Upland, wetland and estuarine vegetation including prohibited exotic vegetation, mapped using FLUCCS terminology.
2. Any type of vegetation identified for preservation.
3. Projects containing the following shall provide a survey of identifying species and locations on a current aerial photograph at a scale of one inch equals 200 feet or larger or superimposed on the site plan:
  - a. Plants specified to remain in place or to be transplanted to other locations on the property as specified in the applicable development order.
  - b. Specimen trees designated by the board of county commissioners, pursuant to section 3.9.6.7.
  - c. State or federal rare, threatened or endangered plant species surveyed according to accepted Florida game and freshwater fish commission or U.S. fish and wildlife methods.
  - d. Existing trees that may be credited toward the development's landscaping requirements.
4. For proposed site alteration(s) within the coastal zone as depicted on the future land use map, in addition to the foregoing requirements, the vegetation inventory shall depict the categories of impact in accordance with section 3.12.5.1.

3.3.7.1.5. Aerial photo. A recent aerial photo shall be provided at the same scale as the plan delineating the development boundaries, unless waived at the pre-application meeting.

3.3.7.1.6. Density bonus. In the event a residential bonus is requested, as provided for in the growth management plan, a certified survey that clearly illustrates the location and relationship of the development to the appropriate activity center and the related activity band shall be required.

- 3.3.7.1.7. Building plans. Plans showing proposed building footprints, spatial relationship to one another when there are multiple buildings and building heights.
- 3.3.7.1.8. Soil erosion and sediment control plan. A soil erosion and sediment control plan pursuant to division 3.7.
- 3.3.7.1.9. Infrastructure improvements 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 consist 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, motor vehicle and non-motorized 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).
  4. Non-motorized circulation is defined as movement by persons on foot, bicycle or other human-powered device. Non-motorized circulation depicting sidewalks and bicycle facilities consistent with sections 2.8.3.4. and 3.2.8.
  5. The absence of obstructions in the public right of way shall be demonstrated, including provisions for safe and convenient street crossing. Sidewalks and bike paths at intersections shall continue to the edge of curb as depicted by Illustrations 1 and 2.

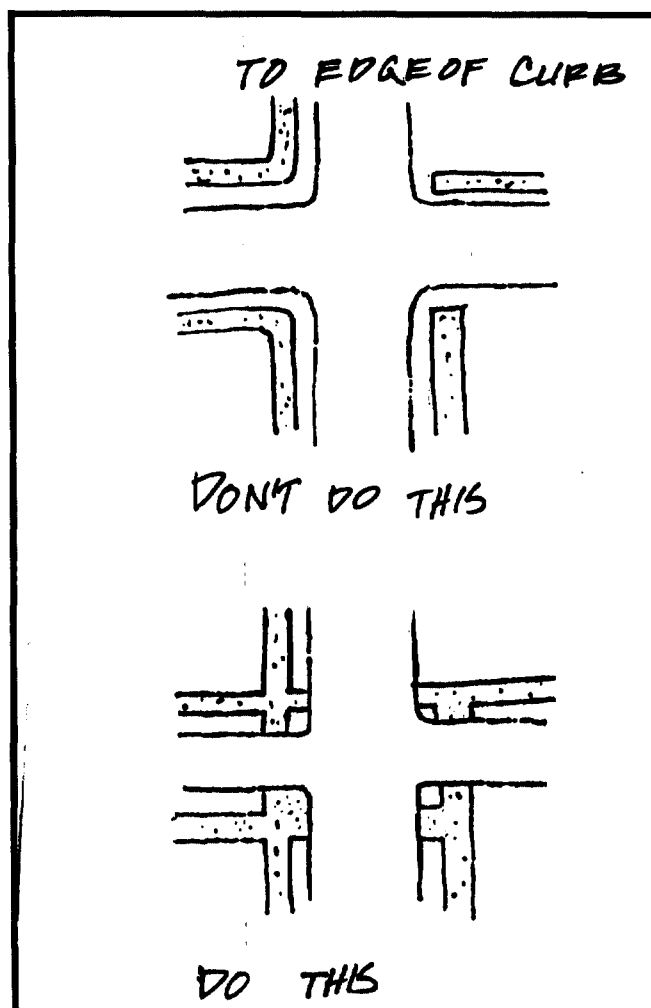


Illustration 1

6. Two curb ramps shall be provided for sidewalks and bike paths at each street corner of an intersection. Curb ramps shall be a minimum of 36 inches in width and shall not rise at a ratio greater than as outlined by the Florida accessibility code for building construction.

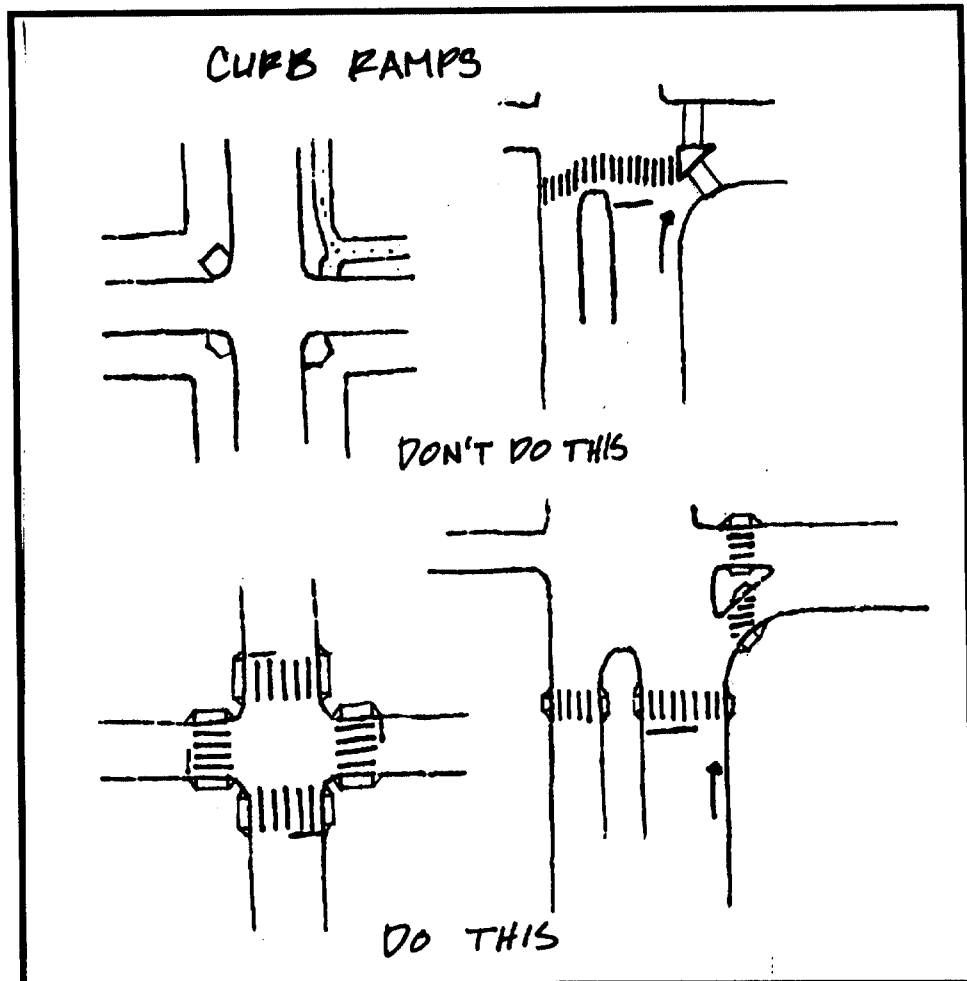


Illustration 2

Crosswalks shall be required at any intersection where the distance to the nearest crosswalk is greater than 1000 feet.

6. Improvements for water management purposes as needed 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), and pursuant to South Florida Water Management District rules, chapter 40E-4, 40E-40 and 40E-41, Florida Administrative Code.
7. All necessary standard and special details associated with sections 3.3.6.2.9.2. through 3.3.6.2.9.6. above.
8. Written technical specifications for all infrastructure improvements to be performed.
9. Engineering design computations and reports for water, sewer, roads and water management facilities, as required by federal, state and local laws and regulations.
10. Topographical map of the property which shall include the following:
  - a. Existing features, such as, watercourses, drainage ditches, lakes, marshes.
  - b. Existing contours or representative ground elevations at spot locations and a minimum of 50 feet beyond the property line.
  - c. Benchmark locations and elevations (NGVD).
11. Site clearing plan and method of vegetation disposal.



3.3.7.1.10. *Permits.* All necessary permits and necessary applications requiring county approval and other permitting and construction related items, including but not limited to the following, shall be submitted and approved with the site development plan:

1. Florida Department of Environmental Protection water and sewer facilities construction permit application.
2. Excavation permit application.
3. Florida Department of Transportation utilities construction application and/or rights-of-way construction permits.
4. Collier County Right-of-Way Permit at the time of building permit approval.
5. Blasting permit prior to commencement of any blasting operation.
6. South Florida Water Management District permit, if required, or, Collier County general permit for water management prior to site development plan approval.
7. Interim wastewater and/or water treatment plant construction or interim septic system and/or private well permits prior to building permit approval.
8. Any additional state and federal permits which may be required prior to commencement of construction, addressing the impacts on jurisdictional wetlands and habitat involving protected species.
10. All other pertinent data, computations, plans, reports, and the like necessary for the proper design and construction of the development that may be submitted.
11. All necessary performance securities required by Collier County ordinances in effect at the time of construction.

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

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

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

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

3.3.8.4. *Site improvement plan submittal and review.* A site improvement plan (SIP) shall be prepared on a 24-inch by 36-inch sheet drawn to scale and setting forth the following information:

1. The project title, property owner, address and telephone number.
2. Legal description, scale, and north arrow.
3. Zoning designation of the subject site and adjacent sites and the proposed use of the subject site.
4. Location, configuration and dimensions of all building and lot improvements.
5. Location and configuration of parking and loading areas, and the directional movement of internal vehicle traffic.
6. Location and dimension of access point(s) to the site.
7. Parking summary in matrix form, indicating the required and provided parking for each existing and proposed use.
8. Location and configuration of handicapped parking facilities and building accessibility features.
9. Location, dimension and configuration of existing water management facilities.
10. Location of trash enclosures.

11. Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation.
12. All required and provided setbacks and separations between structures in matrix form.
13. Any additional relevant information as may be required by the planning services director.

**Sec. 3.3.9. Amendments.**

Any proposed change or amendment to a previously approved site development plan shall be subject to review and approval by the planning services director. Upon submittal of a plan clearly illustrating the proposed change, the planning services director shall determine whether or not it constitutes a substantial change. In the event the planning services director determines the change is substantial, the applicant shall be required to follow the review procedures set forth for a new site development plan. A substantial change shall be defined as:

- 3.3.9.1. Any change which substantially affects existing transportation circulation, parking or building arrangements, drainage, landscaping, buffering, identified preservation/conservation areas and other site development plan considerations; or
- 3.3.9.2. Any other change the planning services director may determine as significantly altering the general layout, configuration and arrangement of the project.
- 3.3.9.3. In the event the planning services director determines the change to be less than substantial, the applicant shall not be required to follow the review procedures set forth for a new site development plan.

**Sec. 3.3.10. Site development plan time limits.**

Approved site development plans shall remain in force for two years. If no development/actual construction has commenced within two years, the site development plan shall expire. A one-year extension may be granted for good cause shown upon written application submitted to the planning services director prior to expiration of the preceding approval. When extending the site development plan approval, the planning services director shall require the approval to be modified to bring the plan into compliance with any new provisions of this code in effect at the time of the extension request.

**Sec. 3.3.11. Violations.**

No building permit or certificate of occupancy shall be issued except in compliance with the approved site development plan. Violation of the terms identified in the approved site development plan shall constitute a violation of this code.

**SUBSECTION 3.I: AMENDMENTS TO ADEQUATE PUBLIC FACILITIES DIVISION**

Division 3.15., Adequate Public Facilities, of Ordinance 91-102, as amended, the Collier County Land Development code, is hereby amended as follows:

**DIVISION 3.I: ADEQUATE PUBLIC FACILITIES DIVISION**

**Sec. 3.15.1. Findings.**

- 3.15.1.1. Collier County, pursuant to F.S. §163.3161 et seq., the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter "the Act"), is required to prepare and adopt a Comprehensive Plan; and
- 3.15.1.2. As part of that comprehensive plan, the county is required to prepare and adopt a capital improvement element (CIE) which covers at least

~~a five-year period and is designed to consider the need for and location of public facilities; and~~

~~3.15.1.3. The CIE is required to:~~

~~3.15.1.3.1. Establish a level of service to determine the adequacy of public facilities; and~~

~~3.15.1.3.2. Based upon the established level of service, estimate public facility needs both to correct existing deficiencies and accommodate needs projected by new growth and development; and~~

~~3.15.1.3.3. Based on public facility needs, project costs to provide the necessary public facilities and find realistic revenue sources to fund the public facilities; and~~

~~3.15.1.4. The comprehensive plan with the CIE is designed to ensure that adequate public facilities are available concurrent with the impact of development; and~~

~~3.15.1.5. After adoption of the comprehensive plan, the Act mandates that Collier County adopt land development regulations that implement the comprehensive plan; and~~

~~3.15.1.6. F.S. §163.3177(10)(h), provides that public facilities and services needed to support development must be available concurrent with the impacts of such development; and~~

~~3.15.1.7. F.S. §163.3202(2)(g), also provides that not later than one year after its due date established by the state land planning agency's rule for submission of local comprehensive plans, a local government shall not issue a development order or permit which results in a reduction in the level of service for the affected public facilities below the level of service provided in the comprehensive plan and CIE; and~~

~~3.15.1.8. Rule 9J-5.0055, Florida Administrative Code (F.A.C.) requires that a concurrency management system must be implemented after adoption of a comprehensive plan with its CIE to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development; and~~

~~3.15.1.9. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan including a CIE pursuant to the requirements of F.S. §163.3161 et. Seq.; and~~

~~3.15.1.10. In March 1990, Collier County adopted its Adequate Public Facilities Ordinance (Ordinance No. 90-24) which implemented the concurrency management system of the growth management plan; and~~

~~3.15.1.11. In September 1990, certain provisions of the adequate public facilities ordinance regarding the implementation of concurrency were challenged pursuant to F.S. §163.3213; and~~

~~3.15.1.12. On November 26, 1990, the department of community affairs held a preliminary hearing pursuant to F.S. §163.3213(4), to determine whether or not the challenged portions of the adequate public facilities ordinance were consistent with the CIE of the growth management plan; and~~

- ~~3.15.1.13. On December 6, 1990, the department of community affairs issued its final order determining that certain provisions of the adequate public facilities ordinance were inconsistent with the CIE of the growth management plan; and~~
- ~~3.15.1.14. On February 6, 1991, the department of community affairs and others petitioned the division of administrative hearings on the issue of consistency of certain provisions of the adequate public facilities ordinance with the CIE of the growth management plan pursuant to F.S. §163.3213(5)(b); and~~
- ~~3.15.1.15. An administrative hearing was conducted in Collier County between July 22 and July 26, 1991, wherein the division of administrative hearings hearing officer heard testimony and received evidence concerning the issue of the consistency of the adequate public facilities ordinance with the CIE of the growth management plan; and~~
- ~~3.15.1.16. On August 27, 1992, the hearing officer issued a final order finding certain of the challenged portions of the adequate public facilities ordinance inconsistent with the CIE of the growth management plan and recommending the imposition of substantial sanctions upon Collier County as a result pursuant to F.S. §163.3213(6); and~~
- ~~3.15.1.17. On March 16, 1993, the board of county commissioners of Collier County entered into a stipulated settlement agreement with the department of community affairs and the other parties to the adequate public facilities ordinance challenge in which it was agreed that Collier County would amend the concurrency management system of the CIE pursuant to Rule OJ 5.0055, F.A.C., and later amend certain portions of the adequate public facilities ordinance causing it to become consistent with the concurrency management system amendments to the CIE; and~~
- ~~3.15.1.18. On April 13, 1993, the administration commission issued its final order number AC 93-036, approving the stipulated settlement agreement and directing Collier County to adopt the remedial amendments to the concurrency management system of the CIE and amendments to the adequate public facilities ordinance (Ord. No. 90-24).~~
- ~~3.15.1.19. On July 27, 1993, the board of county commissioners of Collier County did take action in the manner prescribed by law, did hold public hearings concerning the adoption of the remedial plan amendment and did adopt such amendment as Ordinance No. 93-41; and~~
- ~~3.15.1.20. The Collier County Planning Commission and the board of county commissioners find that this division is consistent with and furthers the Collier County Growth Management Plan; and~~
- ~~3.15.1.21. It is the intent of the board of county commissioners of Collier County to implement the "concurrency requirements" of the Collier County Growth Management Plan, F.S. §163.3177(10)(h) and 163/3202(2)(g), and Rule 9J-5, F.A.C.~~

**Sec. 3.15.21. Short title, authority and applicability.**

- 3.15.21. 1.** *Short title.* This division shall be known and may be cited as the "Collier County Adequate Public Facilities Ordinance."

3.15.~~21~~. 2. *Authority.* The board of county commissioners of Collier County has the authority to adopt this division pursuant to Article VIII, Section 1(f), Fla. Const., F.S. §125.01 et. seq., F.S. §163.3161 et. Seq., F.S. §163.3161(8), F.S. §§163.3177(10)(h) and F.S. §1163.3202(2)(g), and Rule 9J-5, F.A.C.

3.15.~~21~~. 3. *Applicability.* This division shall apply to all development in the total unincorporated area of Collier County, and to all public facilities owned by Collier County in the incorporated or unincorporated areas of Collier County, and to all privately-owned public facilities where the level of service has been established by the county.

**Sec. 3.15.32. Intent and purpose.**

3.15.32.1. *Intent.* This division is intended to implement and be consistent with the Collier County Growth Management Plan, F.S. §163.3161 et. seq., and Rule 9J-5, F.A.C., by ensuring that all development in Collier County be served by adequate public facilities.

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

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

**Sec. 3.15.43.1. Definitions.**

3.15.43.1. *Annual update and inventory report* or AUIR means the county report on public facilities described in section 3.15.~~7-6~~.2.

3.15.43.2. *Application for development approval* means an application submitted to Collier County requesting the approval of a development order.

3.15.43.3. *Capital drainage facilities* means 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.

3.15.43.4. *Capital park facilities* means the planning of, engineering for, acquisition of land for, or construction of buildings and park equipment necessary to meet the LOS for park facilities.

3.15.43.5. *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.

3.15.43.6. *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.

- 3.15.43.7. *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.
- 3.15.43.8. *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.
- 3.15.43.9. *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.
- 3.15.43.10. *Reserved.*
- 3.15.43.11. *Deficient road segment* means the following:
- 3.15.43.11.1. A county or state road segment on the major road network system that either:
- 3.15.43.11.1.1. 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
- 3.15.43.11.1.2. 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
- 3.15.43.11.1.3. Has an adopted LOS "D" peak season, peak hour, that is operating below LOS "E", peak season, peak hour, based on the AUIR; or
- 3.15.43.11.1.4. Has an adopted LOS "E" peak season, peak hour, that is operating worse than LOS "E" peak season, peak hour, based on the AUIR.
- 3.15.43.11.2. 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:
- 3.15.43.11.2.1. Any capital road improvement currently in place;
- 3.15.43.11.2.2. Any capital road improvement that is under construction;
- 3.15.43.11.2.3. Any capital road improvement guaranteed in an enforceable development agreement that includes the provisions in subsections 3.15.43.10.2.1 and 3.15.43.10.2.2.;
- 3.15.43.11.2.4. 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
- 3.15.43.11.2.5. 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.
- 3.15.43.12. *Developer* means any person, including a governmental agency, undertaking any development as defined in this division.
- 3.15.43.13. *Development agreement* has the meaning contemplated in F.S. §163.3220 et. seq.

- 3.15.43.14. *Development* has the meaning given it in F.S. §380.04.
- 3.15.43.15. *Development order* means any order, permit, determination, or action granting, denying, or granting with conditions an application for any final local development order, building permit, temporary use permit, temporary construction and development permit, sign permit, well permit, spot survey, electrical permit, plumbing permit, occupational license, boat dock permit, HVAC permit, septic tank permit, right-of-way permit, blasting permit, excavation permit, construction approval for infrastructure (including water, sewer, grading, paving), approved development of regional impact (DRI), zoning ordinance amendment, comprehensive plan amendment, flood variance, coastal construction control line variance, tree removal permits, site development plan approval, subdivision approval (including plats, plans, variances, and amendments), rezoning, PUD amendment, certification, conditional use (provisional use), variance, or any other official action of Collier County having the effect of permitting development as defined in this division.
- 3.15.43.16. *Final development order* means a final local development order or a final DRI development order.
- 3.15.43.17. *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).
- 3.15.43.18. *Final local development order* means any valid, unexpired building permit or mobile home tie-down permit issued by the county.
- 3.15.43.19. *Growth management plan* or GMP means the most recently adopted and effective comprehensive plan of Collier County, as amended from time to time.
- 3.15.43.20. *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.
- 3.15.43.21. *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.
- 3.15.43.21.1. *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.

- 3.15.43.22.

*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 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.
- 3.15.43.23.

*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 \$179.00 of capital investment per capita (at current cost) for recreational facilities.
- 3.15.43.24.

*LOS for capital potable water facilities* varies between public water systems and private water systems. For ~~public water systems, the county water and sewer district~~ the LOS is ~~135~~ 185 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 the Goodland water district the LOS is 163 GPCD. For the city of Naples unincorporated service area the LOS is 163 GPCD. For the Everglades City unincorporated service area the LOS is 163 GPCD. For private potable water systems, the LOS is as follows, except that approved private wells are exempt from these LOS requirements:

Type of Establishment	Gallons Per Day (GPD)
Airports	
(a) Per passenger	5
(b) Add per employee	20
Barber and beauty shops (per chair)	100
Bowling alleys (toilet wastes only per lane)	100
Country club	
(a) Per resident member	100
(b) Per member present	25
(c) Per employee	20
Dentist offices	
(a) Per wet chair	200
(b) Per non-wet chair	50
Doctors 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	
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	75
<i>Type of Establishment</i>	<i>Gallons Per Day (GPD)</i>
(per person)	
(c) Add for establishments with self service laundry facilities (per machine)	400
Office building (per employee per 8 hour shift)	20
Service stations (per water closet and per urinal)	250
Shopping centers without food or laundry (per square foot of floor space)	0.1
Stadiums, race tracks, ball parks (per seat)	5
Stores per square foot of floor space	0.1
Theatres	
(a) Indoor, auditoriums (per seat)	5
(b) Outdoor, drive-ins (per space)	10
Trailer/mobile home park (per trailer space)	200
Travel trailer/recreational vehicle park	
(a) Travel trailer (overnight), without water and sewer hook-up (per trailer space)	75
(b) Travel trailer (overnight), with water and sewer hook-ups (per trailer space)	100
Swimming and bathing facilities, public (per person)	10
Churches (per seat)	3
Hospitals (per bed)	200
Nursing, rest homes (per bed)	100
Parks, public picnic	
(a) With toilets only (per person)	5
(b) With bathhouse, showers and toilets (per person)	10
Public institutions other than schools and hospitals (per person)	100
Schools (per student)	
(a) Day-type	15
(b) Add for showers	5
(c) Add for cafeteria	5
(d) Add for day school workers	15
(e) Boarding-type	75
Work/Construction camps	
Semi-permanent (per worker)	50
Residences	
(a) single or multiple family (per dwelling unit) one bedroom and 600 square feet or less heated or cooled area	150
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

3.15.43.25. *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>The County has declared as "constrained" the following segment:</u>	
Vanderbilt Beach Rd.	U.S. 41 to Gulfshore Drive

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 Rural Area</i>	<i>Transitioning Urbanized Area</i>
I-75	<del>EB</del>	<del>DC</del>	<del>DC</del>
US41	C	D	<del>ED</del>
SR-84	C	D	<del>ED</del>
SR-951	-	D	<del>ED</del>
SR-29	<del>DC</del>	-	-
SR-82	<del>DC</del>	-	-

3.15.41.26. *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>
<u>Airports</u>	
<u>(a) Per passenger</u>	<u>5</u>
<u>(b) Add per employee</u>	<u>20</u>
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
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) Ordinary restaurant (per seat)	50
(b) 24-hour restaurant (per seat)	75
(c) Single service articles only (per person)	25

<i>Type of Establishment</i>	<i>Gallons Per Day (GPD)</i>
(d) Bar and cocktail lounge (per person)	30
(e) Drive-in restaurant (per car space)	50
(f) Carry out only:	
1. Per 100 square feet of floor space	50
2. Add per employee	20
Hotels and motels	
(a) Regular (per room)	100
(b) Resort hotels, camps, cottages (per person)	75
(c) Add for establishments with self service laundry facilities (per machine)	400
Office building (per worker)	20
Service stations (per bay)	500
Shopping centers without food or laundry (per square foot of floor space)	0.1
Stadiums, race tracks, ball parks (per seat)	5
Stores (without food service)	
(a) Private toilets, for employees only (per employee)	20
(b) Public toilets (per square foot of floor space)	0.1
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 hookup (per trailer space)	50
(b) Travel trailer (overnight), with water and sewer hook-ups (per trailer space)	100
Swimming and bathing facilities, public (per person)	10
Churches (per seat)	3
Hospitals (per bed)	200
Nursing, rest homes (per person)	100
Parks, public picnic	
(a) With toilets only (per person)	5
(b) With bathhouse, showers and toilets (per person)	10
Public institutions other than schools and hospitals (per person)	100
Schools (per student)	
(a) Day-type	15
(b) Add for showers	5
(c) Add for cafeteria	5
(d) Add for day school workers	15
(e) Boarding type	75
Work/construction camps semi-permanent (per worker)	50
Residences	
(a) Single-family (per bedroom)	150
(b) Apartment (per bedroom)	150
(c) Mobile home not in a trailer park (per bedroom)	150
(d) Other (per occupant)	75

3.15.43.27. *LOS for capital solid waste facilities* requires sufficient capital solid waste facilities to dispose of ~~4.39~~ 1.10 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.

3.15.43.28. *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.

- 3.15.43.29. *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 Capacity Manual," Transportation Research Board, National Research Council, Washington, D.C., 1985, or subsequent revisions thereto.
- 3.15.43.29.1. *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.
- 3.15.43.30. *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.
- 3.15.43.31. *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.
- 3.15.43.32. *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.
- 3.15.43.33. *Potentially deficient road segment* means the following:
- 3.15.43.33.1. 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.
- 3.15.43.33.2. 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.

- 3.15.43.33.3. 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:
- 3.15.43.33.3.1. Any capital road improvement currently in place;
- 3.15.43.33.3.2. Any capital road improvement that is under construction;
- 3.15.43.33.3.3. Any capital road improvement guaranteed in an enforceable development agreement that includes the provisions in subsections 3.15.43.33.3.1 and 3.15.43.33.3.2;
- 3.15.43.33.3.4. 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
- 3.15.43.33.3.5. 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.
- 3.15.43.34. *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. 3.15.54. 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.

- 3.15.54.1. *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.

- 3.15.54.2. *Text.* In case of any difference of meaning or implication between the text of this division and any figure, the text shall control.
- 3.15.54.3. *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.~~54~~.4. *Day.* The word "day" shall mean a calendar day, unless "business" day is indicated.

3.15.~~54~~.5. *Delegation of authority.* Whenever a provision appears requiring a division administrator, the head of a department or some other county officer or employee to do some act or perform some duty, it is to be construed to 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.

3.15.~~54~~.6. *Gender.* Words importing the masculine gender shall be construed to include the feminine and neuter.

3.15.~~54~~.7. *Month.* The word "month" shall mean a calendar month.

3.15.~~54~~.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.~~54~~.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.~~54~~.10. *Shall, may.* The word "shall" is mandatory; "may" is permissive.

3.15.~~54~~.11. *Tense.* Words used in the past or present tense include the future as well as the past or present.

3.15.~~54~~.12. *Week.* The word "week" shall mean seven calendar days.

3.15.~~54~~.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.~~54~~.14. *Year.* The word "year" shall mean a calendar year, unless a fiscal year is indicated or 365 days is indicated.

**Sec. 3.15.65. Establishment of management and monitoring program and regulatory program: the annual update and inventory report (AUIR), CIE amendments, and annual budget.**

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

**Sec. 3.15.76. Management and monitoring program.**

3.15.76.1. *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.

3.15.76.2. *Annual update and inventory report on public facilities (AUIR).* On or about ~~August~~ December 1 of each year, the 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 to 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, 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 county data.

The findings of the AUIR shall form the basis for the preparation of the next 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.

3.15.76.2.1 *Annual determination of adequate "Category A" public facilities (concurrency).* On or about ~~August~~ December 1 of each year, the Community Development and Environmental Services Division Administrator will present the AUIR report to the board of county commissioners identifying deficiencies pr 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;

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

- b. Inclusion of necessary public facility projects in the next adopted annual budget and next 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.

3.15.76.3

*Recommendations on the annual CIE update and annual budget.* Based upon the AUIR analysis, the 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 prior AUIR.

3.15.76.4

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

3.15.76.4.1

*Establishment of area(s) of significant influence (ASI).* If the finding of the AUIR analysis identify additional road improvement projects needed to maintain adopted LOS, they may be included in the road component of the proposed annual CIE update and amendment at the discretion of the board. Based upon board direction on inclusion of additional road projects, the Community Development and Environmental Services Division Administrator, in conjunction with the MPO chief and transportation services 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 update and amendment proposed for transmittal on or about October 1, and the estimated annual residual capacity trips that would be allocated to those applicants for certificates of public facility adequacy within the ASI encompassing such potentially deficient road segment during the next year does not exceed the remaining trip capacity). The boundaries of any ASI shall be established pursuant to the standards in subsection 3.15.76.4.2. of this division along with the annual residual capacity trips covering potentially deficient road segments for each ASI by ~~September~~ January 1 of each year. No residual capacity trips shall be allotted for development in an ASI encompassing a deficient road segment.

3.15.76.4.2.

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

3.15.76.4.2.1.

*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.



3.15.76.4.2.2.

*Standards in determining area of significant influence (ASI).* The Community Development and Environmental Services Division Administrator in conjunction with the MPO chief and transportation services 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 Community Development and Environmental Services Division Administrator, MPO chief and transportation services 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 from each end of affected segment.
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.

3.15.76.4.2.3.

*Determining annual residual capacity trips.* The Community Development and Environmental Services Division Administrator in conjunction with the MPO chief and transportation services 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.

3.15.76.4.3.

*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 Community Development and Environmental Services Division Administrator the board of county commissioners, by ~~October~~ January 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~~ January 1 of each year if additional road improvements are not added to the capital improvement element at that time.

3.15.~~76~~.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 Community Development and Environmental Service Division and the office of the clerk to the board of county commissioners for review an inspection by the public during normal business hours.

3.15.~~76~~.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.~~76~~.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.~~76~~.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. 3.15.87. Regulatory program: review of development to ensure adequate public facilities are available.**

3.15.87.1. *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.

3.15.87.2. *Exemptions.* The following development orders and development shall be exempt from the terms of this division:

3.15.87.2.1. 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:

3.15.87.2.1.1. 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;

3.15.87.2.1.2. 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;

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

- 3.15.~~87~~.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.~~87~~.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.~~87~~.2.2. Construction of public facilities that are consistent with the Collier County Growth Management Plan.
- 3.15.~~87~~.2.3. Any development orders determined by the Community Development and Environmental Services Division Administrator not to impact public facilities as evaluated against the standards contained in this division.
- 3.15.~~87~~.2.4. Original temporary construction and development permits and any subsequent renewals not to exceed a cumulative period of one year.
- 3.15.~~87~~.2.5. Development orders permitting replacement, reconstruction or repair of existing development consistent with all elements of the growth management plan.
- 3.15.~~87~~.2.6. Original temporary use permits and any subsequent renewals not to exceed a cumulative period of one year.
- 3.15.~~87~~.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.~~87~~.2.7.
- 3.15.~~87~~.2.7.1. *Application.* An application for determination of vested rights for APF shall be submitted in the form established by the Community Development and Environmental Services Division Administrator. An application fee in an amount to be determined by the board of county commissioners shall accompany and be part of the application. The application shall, at a minimum, include:
- 3.15.~~87~~.2.7.1.1. Name, address, and telephone number of the owner and authorized applicant if other than the owner;
- 3.15.~~87~~.2.7.1.2. Street address, legal description, and acreage of the property; and
- 3.15.~~87~~.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.~~87~~.2.7.7.
- 3.15.~~87~~.2.7.2. *Determination of completeness.* After receipt of an application for determination of vested rights for APF, the Community Development and Environmental Services Division Administrator shall determine whether the application submitted is complete. If he determines that the application is not complete, the Community Development and Environmental Services Division Administrator shall notify the applicant in writing of the deficiencies. The Community Development and Environmental Services Division Administrator shall take no further steps to process the application until the deficiencies have been remedied.

3.15.87.2.7.3.

*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 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 3.15.87.2.7.7. Based on the review and evaluation, the Community Development and Environmental Services Division Administrator and the county attorney shall prepare a written recommendation to the hearing officer that the application should be denied, granted or granted with conditions by the hearing officer. Such recommendation shall include findings of fact for each of the criteria established in section 3.15.87.2.7.7. to the extent that information is represented or obtained or inclusion feasible or applicable. If the Community Development and Environmental Services Division Administrator and the county attorney agree based on the review and evaluation that the application for determination of vested rights for 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 3.15.87.2.7.4, 3.15.87.2.7.5. and 3.15.87.2.7.6. However, any such stipulated determination shall be in writing, signed by the Community Development and Environmental Services Division Administrator, the county attorney and the owner, and shall include findings of fact based on the criteria established in section 3.15.87.2.7.7., 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.

3.15.87.2.7.4

*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 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 87.2.7.7, 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 87.2.7.7. 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.§7.2.7.5.

*Issuance of vested rights determination for APF by hearing officer.* Within 15 working days after the completion of the public hearing under Section §7.2.7.4, the Hearing Officer shall consider the Application for Determination of Vested Rights for APF, the recommendation of the Community Development and Environmental Services Division Administrator and the County Attorney, and the evidence and testimony presented at the public hearing, in light of all of the criteria set forth in Section §7.2.7.7, 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 of the applicable criteria established in Section §7.2.7.7, 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.§7.2.7.6

*Appeal to the board of county commissioners.* Within 30 days after issuance of the Hearing Officer's written determination of vested rights for APF, the County Attorney, the Community Development and Environmental Services Division Administrator, or the owner or its authorized attorney or agent, may appeal the determination of vested rights for 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 §7.2.7.7.

3.15.§7.2.7.7.

*Criteria for Vested Rights.* This section is intended to strictly adhere to and implement existing case 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 division to as much development and property in the unincorporated areas of the county as is legally possible without violating the legally vested rights which the owner may have obtained in accordance with Florida common law and statutory law, particularly F.S. §163.3167(8). The criteria herein provided shall be considered in rendering a vested rights determination under this 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 division based on the provisions of F.S. §163.3167(8), or all three of the following requirements of the three-part test under Florida common law: 1) upon some act or omission of the county, 2) a property owner relying in good faith, 3) has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired.

- 3.15.87.2.7.8. *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 years after the issuance of the determination of vested rights for APF under this section 3.15.87.2.7, or unless substantial permanent buildings have been, or are being constructed or installed pursuant to a valid, unexpired, final development order of Collier County within two years after issuance of the determination of vested rights for APF under this Section 3.15.87.2.7., 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-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 division.
- 3.15.87.3. *Certificate of public facility adequacy.*
- 3.15.87.3.1. *General.*
- 3.15.87.3.1.1. 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.
- 3.15.87.3.1.2. 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.
- 3.15.87.3.1.3. Where the proposed development has been issued final subdivision plat approval or final site development plan approval prior to the effective date of this division, a certificate of public facility adequacy shall be obtained prior to approval of the next development order required for the proposed development.
- 3.15.87.3.4.1.4. 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 Community Development and Environmental Services Division Administrator accompanied by the surrender of the original Certificate of Public Facility Adequacy obtained prior to issuance of building permit(s) for the development. Fees paid upon issuance of building permit(s) in accordance with the applicable impact fee or system development fee ordinances shall be refundable pursuant to the provisions of such ordinances upon written request to the Finance Director, Clerk of Courts.

- 3.15.87.3.2. *Rules of general applicability for certificate of public facility adequacy.*
- 3.15.87.3.2.1. *Timing.* An application for a certificate of public facility adequacy may be submitted at any time, subject to Section 3.15.87.3.1.1.
- 3.15.87.3.2.2. *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 division.
- 3.15.87.3.2.3. *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.
- 3.15.87.3.2.4. *Expiration.* A certificate of public facility adequacy shall expire three years from the date of its approval except to the extent that building permits have been issued for the proposed development for which the certificate is approved, and the proposed development is then completed pursuant to the terms of the Collier County Building Code, provided:
- 3.15.87.3.2.4.1. For development comprised of more than 500 residential dwelling units, or for a phased increment of development comprised of more than 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 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:
- 3.15.87.3.2.4.1.1. Obtains approval of its final subdivision plat and final site development plan, whichever is applicable, within 12 months from the date of issuance of the certificate of public facility adequacy; and
- 3.15.87.3.2.4.1.2. Commences construction of the infrastructure for the final subdivision plat and final site development plan, whichever is applicable, within 24 months from the date of issuance of the certificate of public facility adequacy; and

- 3.15.~~87~~.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 36 months from the date of issuance of the certificate of public facility adequacy.
- 3.15.~~87~~.3.2.4.2. For purposes of determining the expiration of a certificate of public facility adequacy for a mixed use development, the size of the mixed use development shall be determined by aggregating the percentage of the threshold for each land use component identified in section 3.15.~~87~~.3.2.4.1 that is proposed for the mixed use development.
- 3.15.~~87~~.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.~~87~~.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 Community Development and Environmental Services Division Administrator presents the proposed ASI boundary maps to the Board of County Commissioners, as provided by Section ~~87~~.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 ~~7-6~~.4.3.
- 3.15.~~87~~.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 F.S. §163.3220-3242, 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 years, however, the duration of any certificate of public facility adequacy shall not exceed five 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 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 year schedule of improvements in the CIE.



- 3.15.~~87~~.3.4. *Procedure for review of application.*
- 3.15.~~87~~.3.4.1. *Submission of application and fee.* An Application for a Certificate of Public Facility Adequacy shall be submitted to the 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 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.~~87~~.3.4.2. *Application contents.* The form and contents for the Application for Public Facility Adequacy shall be established by the Community Development and Environmental Services Division Administrator and shall be published and made available to the general public.
- 3.15.~~87~~.3.4.3. *Determination of completeness and review.* After receipt of an Application for Certificate of Public Facility Adequacy, the Community Development and Environmental Services Division Administrator shall determine whether it is complete within three business days. If it is determined that the application is not complete, written notice shall be served on the applicant specifying the deficiencies. The Community Development and Environmental Services Division Administrator shall take no further action on the application unless the deficiencies are remedied. Within five business days after the application is determined to be complete, the Community Development and Environmental Services Division Administrator shall review and grant, or deny each public facility component in the application pursuant to the standards established in Section ~~87~~.3.5.
- 3.15.~~87~~.3.4.4. *Appeal to Public Facilities Determination Appeal Committee.* Within 30 days after issuance of the determination of the 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 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 on an appeal shall be established at a rate set by the Board of County Commissioners from time to time and shall be charged to and paid by the applicant. The Public Facilities Determination Appeal Committee shall hold a hearing on the appeal and shall consider the determination of the Community Development and Environmental Services Division Administrator and public testimony in light of all the criteria set forth in Section ~~87~~.3.5 of this Ordinance. The Public Facilities Determination Appeal Committee shall adopt the 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 Community Development and Environmental Services Division Administrator's determination. The Public Facilities Determination Appeal Committee shall not be authorized to modify or reject the 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 Community Development and Environmental Services Division Administrator's determination is contrary to the criteria established in Section ~~87~~.3.5 of this Ordinance. The decision

of the Public Facilities Determination Appeal Committee shall include findings of fact for each of the criteria.

3.15.87.3.4.4.1. *Composition of public facilities determination appeal committee.* The public facilities determination appeal committee shall be comprised of three members: the ~~office of capital projects management~~ public works division director, or his designee; metropolitan planning organization (MPO) coordinator, or his designee; and the ~~project review engineering review~~ services manager, or his designee.

3.15.87.3.4.5. *Cancellation of certificates.* Upon notification by the 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 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 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 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.

3.15.87.3.5. *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).

3.15.87.3.5.1. *Potable water facilities.*

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

3.15.87.3.5.1.1.1. The required public facilities are in place at the time a building permit is issued.

3.15.87.3.5.1.1.2. The required public facilities are under construction at the time a building permit is issued.

3.15.87.3.5.1.1.3. The required public facilities are guaranteed in an enforceable development agreement that includes the provisions of subsections ~~8.3.5.1.1.1~~ 3.15.7.3.5.1.1.1, and ~~8.3.5.1.1.2~~ 3.15.7.3.5.1.1.2.

3.15.87.3.5.2. *Sanitary sewer facilities.*

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

3.15.87.3.5.2.1.1. The required public facilities are in place at the time a building permit is issued.

3.15.87.3.5.2.1.2. The required public facilities are under construction at the time a building permit is issued.

- 3.15.87.3.5.2.1.3. The required public facilities are guaranteed in an enforceable development agreement that includes the provisions of Subsections ~~8.3.5.2.1.1~~ 3.15.7.3.5.2.1.1, and ~~8.3.5.2.1.2~~ 3.15.7.3.5.2.1.2.
- 3.15.87.3.5.3. *Solid waste facilities.*
- 3.15.87.3.5.3.1. The solid waste component shall be granted if any of the following conditions are met:
- 3.15.87.3.5.3.1.1. The required public facilities are in place at the time a building permit is issued.
- 3.15.87.3.5.3.1.2. The required public facilities are under construction at the time a building permit is issued.
- 3.15.87.3.5.3.1.3. The required public facilities are guaranteed in an enforceable development agreement that includes the provisions of Subsections ~~8.3.5.3.1.1~~ 3.15.7.3.5.3.1.1 and ~~8.3.5.3.1.2~~ 3.15.7.3.5.3.1.2.
- 3.15.87.3.5.4. *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 3.15.43.22.
- 3.15.87.3.5.5. *Park and recreation facilities.*
- 3.15.87.3.5.5.1. The parks and recreation component shall be granted if any of the following conditions are met:
- 3.15.87.3.5.5.1.1. The required public facilities are in place at the time a building permit is issued.
- 3.15.87.3.5.5.1.2. The required public facilities are under construction at the time a building permit is issued.
- 3.15.87.3.5.5.1.3. 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.
- 3.15.87.3.5.5.1.4. 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.~~ 3.15.7.3.5.5.1.1, 3.15.7.3.5.5.1.2, and 3.15.7.3.5.5.1.3.
- 3.15.87.3.5.6. *Road facilities.* The road component shall be considered based upon whether the proposed development is outside a designated ASI or within a designated ASI.
- 3.15.87.3.5.6.1. *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.
- 3.15.87.3.5.6.2. *Development within designated area of significant influence (ASI).* For development within a designated ASI covering a potentially deficient road segment, the road component shall be approved, subject to available capacity, if it is demonstrated the proposed development will not make the potentially deficient road segment within the ASI a deficient road segment. In the instance where the proposed development will create a deficient road segment, a certificate of

public facility adequacy for the road component shall be approved only for that portion of the development that does not create the deficient road segment. For development within a designated ASI covering a deficient road segment, the road component shall be approved only for that portion of the development that does not increase the net trips on the deficient road segment and does not further degrade the LOS of the deficient road segment.

**Sec. 3.15.98. Liberal construction, severability, and penal provision.**

- 3.15.98.1. The provisions of this division shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety, welfare and convenience.
- 3.15.98.2. If any section, phrase, sentence or portion of this division is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not effect the validity of the remaining portion.
- 3.15.98.3. A violation of this division shall be misdemeanor punishable according to law; however, in addition to or in lieu of any criminal prosecution, Collier County shall have the power to sue in civil court to enforce the provisions of this division.

**SUBSECTION 3.J: AMENDMENTS TO PLANNING COMMISSION DIVISION**

Division 5.2., Planning Commission, of Ordinance 91-102, as amended, the Collier county Land Development Code, is hereby amended to read as follows:

**DIVISION 5.2 PLANNING COMMISSION**

**Sec. 5.2.11. Appeals.**

As to any land development petition or application upon which the planning commission takes final action, an aggrieved petitioner, ~~or applicant~~ or an aggrieved party may appeal such final action to the board of county commissioners. An aggrieved or adversely affected party is defined as any person or group of persons which will suffer an adverse affect to an interest protected or furthered by the Collier County Growth Management Plan, Land Development Code, or building code(s). The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons. The board of county commissioners may affirm, affirm with conditions, reverse or reverse with conditions the action of the planning commission. Such appeal shall be filed with the development services director within 30 days of the date of the final action by the planning commission and shall be noticed for hearing with the board of county commissioners, as applicable, in the same manner as the petition or application was noticed for hearing with the planning commission. The cost of notice shall be borne by the petitioner, ~~or applicant~~ or aggrieved party.

**SUBSECTION 3.K: AMENDMENTS TO ENVIRONMENTAL ADVISORY BOARD DIVISION**

Division 5.13.,Environmental Advisory Board, of Ordinance 91-102, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 5.13 ENVIRONMENTAL ADVISORY BOARD**

**~~Sec. 5.13.1. Establishment of the environmental advisory board; abolishment of the WMAB and EAC.~~**

~~5.13.1.1. There is hereby established "The Environmental Advisory Board" which shall herein be referred to as the EAB.~~

~~5.13.1.2. The environmental advisory council (EAC) and the water management advisory board (WMAB) are hereby abolished as of 180 days after the effective date of this code or the first meeting of the environmental advisory board (EAB), whichever occurs earlier. At the date and time of the first meeting of the EAB as provided herein all matters then still pending before the EAC and WMAB ipso facto shall be transferred to the EAB and shall be the first matters of consideration by the EAB.~~

**~~Sec. 5.13.2. Authority, functions, powers and duties.~~**

~~5.13.2.1. The EAB obtains its jurisdiction, powers, and limits of authority from the board of county commissioners, hereinafter referred to as the board, and pursuant to this code, shall act in an advisory capacity to the board in matters dealing with the review and evaluation of specific zoning and development petitions and their impact on the regulation, control, management, use or exploitation of any or all natural resources of or within Collier County.~~

~~5.13.2.2. The EAB will function to:~~

~~5.13.2.2.1. Review and recommend stipulations addressing the preservation, conservation, protection, management and beneficial use of the county's physical and biological natural resources (atmospheric, terrestrial, aquatic and hydrologic) for petitions and/or plans for selected development orders, including but not limited to rezones, developments of regional impact, provisional use, subdivision master plans and planned unit development amendments that are directed to the EAB by county staff, the board or the provisions of this code.~~

~~5.13.2.3. The powers and duties of the EAB are as follows:~~

~~5.13.2.3.1. Implement the provisions of the conservation and coastal management element of the county's comprehensive plan during the review process for development petitions and/or plans.~~

~~5.13.2.3.2. Participate in the review and recommendation process for excavations as provided for in division 3.5.~~

~~5.13.2.3.3. Assist in the implementation of any new programs, ordinances and/or policies created through the environmental policy technical advisory board and adopted by the board of county commissioners which deal with the conservation, management and protection of air, land, water and natural resources and environmental quality in Collier County.~~

~~5.13.2.3.4. Provide an appeals forum and process to hear disputes between county staff and applicants concerning land development projects and recommend proposed stipulations for project approval or grounds for project denial for board consideration.~~

~~5.13.2.3.5. Function as an environmental impact statement (EIS) appeal board pursuant to division 3.8.~~

**~~Sec. 5.13.3. Membership.~~**

~~5.13.3.1. Seven members of the EAB shall be appointed by and serve at the pleasure of the board. Appointment to the EAB shall be by resolution of the board and shall set forth the date of appointment and the term of office.~~

~~5.13.3.2. Vacancies on the EAB shall be publicized in a publication of general circulation within the county, and vacancy notices shall be posted in the county libraries and county courthouse. Along with the applicant responses, the board's staff shall provide the board with a list outlining the qualifications and demographic background of each candidate, including the present members seeking reappointment.~~

~~5.13.3.3. Members shall be permanent residents and electors of Collier County and should be reputable and active in community service.~~

~~5.13.3.4. The primary consideration in appointing EAB members shall be to provide the board with technical expertise necessary to effectively accomplish the EAB's purpose. Members shall demonstrate evidence of expertise in one or more of the following areas related to environmental protection and natural resources management: air quality, biology (including any of the subdisciplines such as botany, ecology, zoology, etc.), coastal processes, estuarine processes, hazardous waste, hydrogeology, hydrology, hydraulics, land use law, land use planning, pollution control, solid waste, stormwater management, water resources, wildlife management, or other representative areas deemed appropriate by the board such as, but not limited to, a representative of the development community.~~

~~5.13.3.5. The initial terms of office of the members of the EAB shall be as follows:~~

~~5.13.3.5.1. Two members will serve until September 30, 1992;~~

~~5.13.3.5.2. Two members will serve until September 30, 1993;~~

~~5.13.3.5.3. Two members will serve until September 30, 1994;~~

~~5.13.3.5.4. Two members will serve until September 30, 1995.~~

~~After the initial term of appointment, each appointment or reappointment shall be for a term of four years. All terms of office shall expire on the 30th day of September. Terms of office shall be limited to one term unless waived by the board by a unanimous vote. A member may be reappointed by the board for only one successive term and shall apply with other applicants. Terms shall be staggered so that no more than a minority of such members' appointments will expire in any one year.~~

~~5.13.3.6. Any member of the EAB may be removed from office by a majority vote of the board.~~

~~5.13.3.7. Members shall be automatically removed if they are absent from two consecutive meetings without a satisfactory excuse or if they are absent from more than one fourth of the meetings in a given fiscal year. Members shall be deemed absent from a meeting when they are not present during at least 75 percent of the meeting.~~

~~Sec. 5.13.4. Officers and support staff.~~

- 5.13.4.1. ~~The officers of the EAB shall be a chairman and a vice chairman. Officers' terms shall be for one year, with eligibility for reelection. The chairman and vice chairman shall be elected for [by] a majority vote at the organizational meeting and thereafter at the first regular meeting of the EAB in October of each year.~~
- 5.13.4.2. ~~The chairman shall preside at all meetings of the EAB. The vice chairman shall perform the duties of the chairman in the absence or incapacity of the chairman. In case of removal, resignation or death of the chairman, the vice chairman shall perform such duties as are imposed on the chairman until such time as the EAB shall elect a new chairman. Should the offices of chairman and/or vice chairman become vacant, the EAB shall elect a successor from its membership at the next regular meeting. Such election shall be for the unexpired term of said office.~~
- 5.13.4.3. ~~Professional support staff for the EAB shall be provided by the project review services section of the development services department and such other county staff from elsewhere within the county government as may, from time to time, be requested by the EAB and deemed necessary by the county manager.~~
- Sec. 5.13.5. Meetings, quorum and rules of procedure.**
- 5.13.5.1. ~~Regular meetings of the EAB shall be held on the first Wednesday of each month at 9:00 a.m., in the Commissioner's Meeting Room, Third Floor, Building "F," Collier County Government Complex, Naples, Collier County, Florida. Special meetings of the EAB may be called by the chairman or by a majority of the membership.~~
- 5.13.5.2. ~~A simple majority of the appointed members of the EAB shall constitute a quorum for the purpose of conducting business. An affirmative vote of four or more members shall be necessary in order to take official action, regardless of whether four or more members of the EAB are present at a meeting.~~
- 5.13.5.3. ~~The EAB shall, by majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The EAB may establish subcommittees comprised solely of its membership to facilitate its functions. Meetings of the subcommittees shall conform to the same public notice requirements as that of the EAB.~~
- 5.13.5.4. ~~At the regular meetings of the EAB, the following shall be the order of business:~~
- 5.13.5.4.1. ~~Roll call.~~
- 5.13.5.4.2. ~~Approval of the minutes of previous meeting.~~
- 5.13.5.4.3. ~~Old business.~~
- 5.13.5.4.4. ~~New business.~~
- 5.13.5.4.5. ~~Public comments.~~
- 5.13.5.4.6. ~~Adjournment.~~

~~Items shall come before the EAB as scheduled on the project review services support staff prepared agenda unless a specific request arises which justifies deviation by the EAB.~~

**~~Sec. 5.13.6. Scope of land development project reviews.~~**

~~The environmental advisory board shall review all land development petitions which require an environmental impact statement (EIS), all developments of regional impact (DRI), lands with special treatment (ST) or Area of Critical State Concern/Special Treatment zoning overlays, areas of the county covered by interlocal agreements, any petitions which cannot be resolved between the applicant and staff and which is requested to be heard by the environmental advisory board by either party and any petition which requires approval of the Collier County planning commission or the board of county commissioners and staff receives a request for the petition to be heard by the environmental advisory board from the chairman of the environmental advisory board or chairman of the board of county commissioners.~~

**~~Sec. 5.13.7. Appeal.~~**

~~Any person aggrieved by the decision of the county manager regarding any section of division 5.13 may file a written request for appeal, not later than ten days after said decision, with the environmental advisory board. The environmental advisory board will notify the aggrieved person and the county manager of the date, time and place that such appeal shall be heard; such notification will be given 21 days prior to the hearing unless all parties waive this requirement. The appeal will be heard by the environmental advisory board within 60 days of the submission of the appeal. Ten days prior to the hearing the aggrieved person shall submit to the environmental advisory board and to the county manager copies of the data and information he intends to use in his appeal. Upon conclusion of the hearing the environmental advisory board will submit to the board of county commissioners its facts, findings and recommendations. The board of county commissioners, in regular session, will make the final decision to affirm, overrule or modify the decision of the county manager in light of the recommendations of the environmental advisory board.~~

**~~Sec. 5.13.8. Reimbursement of expenses.~~**

~~Members of the EAB shall serve without compensation, but shall be entitled to receive reimbursement for expenses reasonably incurred in the performance of their duties upon prior approval of the board of county commissioners.~~

**~~Sec. 5.13.9. Review process.~~**

~~This board shall be reviewed for major accomplishments and whether the board is serving the purpose for which it was created once every four years commencing with 1995, in accordance with the procedures contained in Collier County Ordinance No. 86-41 [Code ch. 2, art. VIII, div. 2].~~

**Sec. 5.13.1. Establishment of the environmental advisory council.**

**5.13.1.1. There is hereby established "The Environmental Advisory Council" which shall herein be referred to as the EAC. The Environmental Advisory Board is hereby abolished as of 120 days after the effective**



date of this amendment or the first meeting of the EAC, whichever occurs earlier. At the date and time of the first meeting of the EAC as provided all matters still pending before the EAB ipso facto shall be transferred to the EAC and shall be the first matters of consideration by the EAC.

5.13.1.2. Any references within the land development code to the Environmental Advisory Board shall now refer to the environmental advisory council.

**Sec. 5.13.2. Authority, functions, powers and duties.**

5.13.2.1. The EAC obtains its jurisdiction, powers, and limits of authority from the board of county commissioners, hereinafter referred to as the board, and pursuant to this code, shall act in an advisory capacity to the board in matters dealing with the regulation, control, management, use or exploitation of any or all natural resources of or within the county and the review and evaluation of specific zoning and development petitions and their impact on those resources.

5.13.2.2. The EAC will function to:

- (1) Advise on the preservation, conservation, protection, management and beneficial use of the physical and biological natural resources (atmospheric, terrestrial, aquatic and hydrologic) of the county in regard to the safety, health and general well-being of the public;
- (2) Advise and assist the county staff and board toward developing the purpose, intent and criteria of all county ordinances, policies, programs and other initiatives dealing with natural resources.
- (3) Provide written and oral reports directly to the board regarding recommendations on matters dealing with the protection of natural resources.
- (4) Review and recommend stipulations addressing the preservation, conservation, protection, management and beneficial use of the county's physical and biological natural resources (atmospheric, terrestrial, aquatic and hydrologic) for petitions and/or plans for selected development orders, including but not limited to rezones, developments of regional impact, provisional uses, subdivision master plans and planned unit development amendments that are directed to the EAC by county staff, the board, or the provisions of this code.

5.13.2.3. The powers and duties of the EAC are as follows:

- (1) Identify, study, evaluate, and provide technical recommendations to the board on programs necessary for the conservation, management and protection of air, land, and water resources and environmental quality in the county.
- (2) Advise the board in establishing goals and objectives for the county's environmental conservation and management programs.
- (3) Advise the board in developing and revising, as appropriate, local rules, ordinances, regulations, programs and other

initiatives addressing the use, conservation and preservation of the county's natural resources.

- (4) Advise the board in the implementation and development of the growth management plan regarding environmental and natural resource issues.
- (5) Advise the board in identifying and recommending solutions to existing and future environmental issues.
- (6) Serve as the technical advisory committee to advise and assist the county in the activities involved in the development and implementation of the county environmental resources management program as stated in policy 1.1.1 of the conservation and coastal management element of the growth management plan.
- (7) Implement the water policy pursuant to chapter 90, article II of this code.
- (8) Provide an opportunity for public comment on environmental issues, ordinances and programs.
- (9) Implement the provisions of the conservation and coastal management element of the county's comprehensive plan during the review process for development petitions and/or plans.
- (10) Participate in the review and recommendation process for excavations over 500,000 C.Y., as provided for in division 3.5.
- (11) Assist in the implementation of any new programs, ordinances and/or policies adopted by the board which deal with the conservation, management and protection of air, land, water and natural resources and environmental quality in Collier County.
- (12) Provide an appellate forum and process to hear disputes between county staff and applicants concerning land development projects and recommend proposed stipulations for project approval or grounds for project denial for board consideration.
- (13) Function as an environmental impact statement (EIS) review board pursuant to division 3.8.
- (14) The EAC shall present an annual report to the board at a regular board meeting in May of each year. The report shall list the EAC's achievements for the prior year, present its objectives for the coming year and highlight environmental issues that need further study.

### **Sec. 5.13.3. Membership.**

- 5.13.3.1.** Nine members of the EAC shall be appointed by and serve at the pleasure of the board. Appointment to the EAC shall be by resolution of the board and shall set forth the date of appointment and the term of office.

- 5.13.3.2. Vacancies on the EAC shall be publicized in a publication of general circulation within the county, and vacancy notices shall be posted in the county libraries and county courthouse.
- 5.13.3.3. Members shall be permanent residents and electors of Collier County and should be reputable and active in community service.
- 5.13.3.4. The primary consideration in appointing EAC members shall be to provide the board with technical expertise and other viewpoints that are necessary to effectively accomplish the EAC's purpose. In appointing members, the board should consider a membership guideline of six technical members and three non-technical members. Technical members shall demonstrate evidence of expertise in one or more of the following areas related to environmental protection and natural resources management: air quality, biology (including any of the subdisciplines such as botany, ecology, zoology, etc.), coastal processes, estuarine processes, hazardous waste, hydrogeology, hydrology, hydraulics, land use law, land use planning, pollution control, solid waste, stormwater management, water resources, wildlife management, or other representative areas deemed appropriate by the board.
- 5.13.3.5. The initial terms of office of the members of the EAC shall be as follows:
- 5.13.3.5.1. Two members will serve for a term of one year.
- 5.13.3.5.2. Two members will serve for a term of two years.
- 5.13.3.5.3. Two members will serve for a term of three years.
- 5.13.3.5.4. Three members will serve for a term of four years.
- After the initial term of appointment, each appointment or reappointment shall be for a term of four years. Terms shall be staggered so that no more than a minority of such members' appointments will expire in any one year.
- 5.13.3.6. Any member of the EAC may be removed from office by a majority vote of the board of county commissioners.
- 5.13.3.7. Except where otherwise set forth herein, the provisions of Ordinance 86-41, as amended, shall apply.

**Sec. 5.13.4. Officers and support staff.**

- 5.13.4.1. The officers of the EAC shall be a chairman and a vice-chairman. Officers' terms shall be for one year, with eligibility for reelection. The chairman and vice-chairman shall be elected by a majority vote at the organizational meeting and thereafter at the first regular meeting of the EAC in October of each year.

5.13.4.2. The chairman shall preside at all meetings of the EAC. The vice-chairman shall perform the duties of the chairman in the absence or incapacity of the chairman. In case of removal, resignation or death of the chairman, the vice-chairman shall perform such duties as are imposed on the chairman until such time as the EAC shall elect a new chairman. Should the offices of chairman and/or vice-chairman become vacant, the EAC shall elect a successor from its membership at the next regular meeting. Such election shall be for the unexpired term of said office.

5.13.4.3. Professional support staff for the EAC shall be provided by the community development and environmental services division and such other county staff from elsewhere within the county government as may, from time to time, be requested by the EAC and deemed necessary by the county administrator.

**Sec. 5.13.5. Meetings, quorum and rules of procedure.**

5.13.5.1. Regular meetings of the EAC shall be held on the first Wednesday of each month at 9:00 a.m. or otherwise as determined by the Community Development and Environmental Services Administrator, in the commissioner's meeting room, Third Floor, Building "F," Collier County Government Complex, Naples, Collier County, Florida. Special meetings of the EAC may be called by the chairman or by a majority of the membership.

5.13.5.2. A simple majority of the appointed members of the EAC shall constitute a quorum for the purpose of conducting business. An affirmative vote of five or more members shall be necessary in order to take official action, regardless of whether five or more members of the EAC are present at a meeting.

5.13.5.3. The EAC shall, by majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The following standing subcommittees comprised solely of its membership shall exist to advance the duties and responsibilities of the EAC:

(1) Growth management.

The EAC may establish other subcommittees comprised solely of its membership to facilitate its functions. Meetings of the subcommittees shall conform to the same public notice requirements as that of the EAC

5.13.5.4. At the regular meetings of the EAC, the following shall be the order of business:

5.13.5.4.1. Roll call.

5.13.5.4.2. Approval of the minutes of previous meeting.

5.13.5.4.3. Old business.

5.13.5.4.4. New business.

5.13.5.4.5. Public comments.

5.13.5.4.6. Adjournment.

Items shall come before the EAC as scheduled on the support staff prepared agenda unless a specific request arises which justifies deviation by the EAC.

**Sec. 5.13.6. Scope of land development project reviews.**

The EAC shall review all land development petitions which require the following: an environmental impact statement (EIS) per section 3.8 of the LDC; all developments of regional impact (DRI); lands with Special Treatment (ST) or Area of Critical State Concern/ Special Treatment (ACSC/ST) zoning overlays; or any petition for which environmental issues cannot be resolved between the applicant and staff and which is requested by either party to be heard by the EAC. The EAC shall also review any petition which requires approval of the Collier County Planning Commission (CCPC) or the Board of County Commissioners (BCC) where staff receives a request from the Chairman of the EAC, CCPC or the BCC for that petition to be reviewed by the EAC.

Any petitioner may request a waiver to the EAC hearing requirement, when the following considerations are met: 1) no protected species or wetland impacts are identified on the site, 2) an EIS waiver has been administratively granted, 3) ST zoning is present and an administrative approval has been granted or 4) an EIS was previously completed and reviewed by staff and heard by a predecessor environmental board, and that EIS is less than five years old (or if older than five years, has been updated within six months of submittal) and the master plan for the site does not show greater impacts to the previously designated preservation areas.

The surface water management aspects of any petition, that is or will be reviewed and permitted by South Florida Water Management District (SFWMD), are exempt from review by the EAC.

**Sec. 5.13.7. Appeal.**

Any person aggrieved by the decision of the county administrator, or his designee regarding any section of division 5.13 may file a written request for appeal, not later than ten days after said decision, with the EAC. The EAC will notify the aggrieved person and the county administrator, or his designee of the date, time and place that such appeal shall be heard; such notification will be given 21 days prior to the hearing unless all parties waive this requirement. The appeal will be heard by the EAC within 60 days of the submission of the appeal. Ten days prior to the hearing, the aggrieved person shall submit to the EAC and to the county administrator, or his designee, copies of the data and information he intends to use in his appeal. Upon conclusion of the hearing the EAC will submit to the board of county commissioners its facts, findings and recommendations. The board of county commissioners, in regular session, will make the final decision to affirm, overrule or modify the decision of the county administrator, or his designee, taking into account of the recommendations of the EAC.

**Sec. 5.13.8. Reimbursement of expenses.**

Members of the EAC shall serve without compensation, but shall be entitled to receive reimbursement for expenses reasonably incurred in the performance of their duties upon prior approval of the board of county commissioners.

**Sec. 5.13.9. Review process.**

This EAC shall be reviewed for major accomplishments and whether it is serving the purpose for which it was created once every four years commencing with 2003 in accordance with the procedures contained in Collier County Ordinance No. 86-41, as amended. [Code ch. 2, art. VIII, div. 2].

**SUBSECTION 3.L: AMENDMENTS TO DEFINITIONS SECTION**

Division 6.3., Definitions, of Ordinance 91-102, as amended the Collier County Land Development Code, is hereby amended to read as follows:

**DIVISION 6.3 DEFINITIONS**

~~*Duplex: See Dwelling, two family or duplex.*~~

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

Where corner lots or record existed prior to the date of adoption of Collier County Ordinance No. 82-2 [January 5, 1982], which lots do not meet minimum lot width or area requirements established in this code, (1) only one full depth front yard shall be required, (2) all other front yards shall be not less than 50 percent of the otherwise required front yard depth ~~except this dimension may not be less than 15 feet~~ exclusive of any right-of-way, or right-of-way easement ~~in the E estates district~~ except that in the E estates district this depth may not be less than 15 feet exclusive of any right-of-way or right-of-way easement and the full depth front yard shall be located along the shorter lot line along the street.

In the case of shoulder lots which conform to the minimum lot width and area requirements of the zoning district, the required front yard adjacent to the longest street may be reduced by five feet providing that in no case may this yard be less than 25 feet.

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

*Zero lot line housing:* A single-family ~~attached or~~ detached dwelling structure on individually platted lots which provides a side yard or patio on one side of the dwelling and no yard on the other. (See section 2.6.27.)

**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 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 COLLIER COUNTY LAND DEVELOPMENT CODE**

The provisions of this Ordinance shall become and be made a part of the Land Development Code 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 27 day of January, 1999.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

BY: Pamela S. MacKie  
PAMELA S. MAC'KIE, CHAIRWOMAN

ATTEST:

Dwight E. Brock  
DWIGHT E. BROCK, CLERK  
(Attest as to Chairman's signature only.)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Marjorie M. Student  
MARJORIE M. STUDENT  
ASSISTANT COUNTY ATTORNEY

NOVEMBER 98 ORDINANCE/md/f:

This ordinance filed with ~~the~~ Secretary of State's Office ~~the~~ 1st day of Feb, 1999 and acknowledgement of filing received this 8th day of Feb, 1999.  
By Sally Hoffman  
Deputy Clerk

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. 99-6

Which was adopted by the Board of County Commissioners on the 27th day of January, 1999, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 29th day of January, 1999.

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



By: Maureen Kenyon  
Deputy Clerk

