

ORDINANCE 81 - 36

AN ORDINANCE AMENDING ORDINANCE 76-30, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF THE COASTAL AREA PLANNING DISTRICT, BY AMENDING SECTION 24 - (PUD) PLANNED UNIT DEVELOPMENT DISTRICT BY DELETING THE SQUARE FOOT PERCENTAGE (%) FOR COMMERCIAL AREAS WITHIN A RESIDENTIAL/COMMERCIAL PUD; BY CHANGING THE OPEN SPACE REQUIREMENTS FROM 40% TO 30% IN MIXED USE PUD'S; AND BY CLARIFYING OTHER LANGUAGE CHANGES; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Community Development Division has petitioned the Board of County Commissioners to amend the Zoning Regulations;

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

SECTION ONE:

The Zoning Ordinance 76-30 is hereby amended to read as follows:

Amend Section 24 - (PUD) Planned Unit Development District to read as follows:

SECTION 24. (PUD) PLANNED UNIT DEVELOPMENT DISTRICT:

a. Intent and Purpose: The intent and purpose of establishing the Planned Unit Development - PUD - District is to provide an optional alternative zoning procedure so that planned developments may be instituted at appropriate locations in the County in accordance with the planning and development objectives of the County. It is the intent and purpose of these PUD regulations to encourage, as well as permit, land planners, architects, engineers, builders, and developers to exercise ingenuity and imagination in the planning and development or re-development of relatively large tracts of land under unified ownership or control. Although planned unit developments produced in compliance with the terms and provisions of this Ordinance may depart from the strict application of use setback, height, and minimum lot requirements of conventional zoning regulations, the intent is to provide standards by which flexibility may be accomplished, while maintaining and protecting the public interest, so that:

- 1) A more creative approach may be taken to the development of contiguous tracts of land five (5) acre or more in size.
- 2) A more desirable environment may be accomplished than would be possible through strict application of the minimum requirements of this Zoning Ordinance.
- 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 planned unit development 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) Application of Planned Unit Development techniques to a given tract will permit large scale development which features 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.

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COLLIER COUNTY, FLORIDA

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- b. Planned Unit Development: Defined: A planned unit development is hereby defined as a contiguous tract of land not less than five (5) acres in size, except as otherwise provided, under unified control which is planned and improved:
- 1) To function as a relatively self-contained and readily identifiable district, section, or neighborhood of the County;
 - 2) To accommodate a variety of dwelling types together with appropriate commercial, institutional, industrial, and public uses and activities as deemed necessary to properly serve prescribed density and population levels for the development as a whole, or for any designated component thereof; and
 - 3) In a single development operation or programmed series of development operations over an extended period of time according to an officially adopted Master Plan and related programs for the provision, operation, and maintenance of such areas, improvements, facilities, and services as will be for the common use of all residents and/or users of the planned community.
- c. Relation of Planned Unit Development Regulations to General Zoning, Subdivision or Other Applicable Regulations: The provisions which follow shall apply generally to the creation and regulation of all PUD Districts. Where there are conflicts between these special PUD provisions and general zoning, subdivision or other applicable regulations, these special regulations shall apply. The standards as contained herein, and the PUD guides and standards adopted as part of these regulations shall apply to the creation of PUD Districts and to the issuance of building permits and certificates of occupancy in such districts.
- d. Planned Unit Development Districts: Now Established: Where Permitted: PUD Districts may hereafter be established from designated pre-existing zoning districts by amendment of the Official Zoning Atlas where tracts of land suitable in location, extent and character for the structures and uses proposed are to be planned and developed according to the procedures and requirements herein set out.
- e. Planned Unit Development Districts: General Requirements and Limitations: The following general requirements and limitations shall apply in PUD Districts approved under the terms and provisions of these regulations:
- 1) Unified Control: All land included for purpose of development within a PUD District shall be owned or under the control of the applicant for such zoning designation, whether that applicant be an individual, partnership or corporation, or a group of individuals, partnerships or corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed PUD District and shall state agreement that, if he proceeds with the proposed development, he will:
 - (a) Do so in accord with:
 - (1) The Master Plan of development officially adopted for the district;
 - (2) Regulations existing when the amendment rezoning the land to PUD is adopted; and
 - (3) Such other conditions or modifications as may be attached to the rezoning of land to the PUD classification.

- (b) Provide agreements, contracts, deed restrictions, or sureties acceptable to the County for completion of the undertaking in accord with the adopted Master Plan as well as for the continuing operation and maintenance of such areas, functions and facilities that are not to be provided, operated or maintained at general public expense, and
 - (c) Bind his successors in title to any commitments made under (a) and (b) preceding.
- 2) **Master Plan:** Any application for re-zoning to PUD shall be accompanied by a professionally prepared Master Plan of the development comprised, as a minimum, of the following elements:
- (a) A development plan, drawn to acceptable scale, which shall indicate:
 - (1) The title of the project and name of the developer;
 - (2) Scale, date, north arrow, and general location map showing relationship of the site to such external facilities as highways, shopping areas, cultural complexes and the like;
 - (3) Boundaries of the subject property, all existing streets, land uses, watercourses, easements, section lines, and other important physical features within and adjoining the proposed project;
 - (4) The proposed use of all land within the project boundaries, including the location and function of all areas proposed to be dedicated or reserved for community and/or public use;
 - (5) The location and size (as appropriate) of all existing and proposed drainage, water, sewer, and other utility provisions;
 - (6) The location and nature of all other existing public facilities, such as schools, parks, fire stations and the like;
 - (7) Information about existing vegetative cover and soil conditions in sufficient detail to indicate suitability for proposed structures and uses;
 - (8) A plan for pedestrian and vehicular circulation showing the general locations, widths, and recommended surface treatment of all major internal thoroughfares and pedestrian accessways. A diagrammatic flow chart demonstrating the pattern of vehicular traffic movement to, within, and through the planned development;
 - (9) A plan for the provision of all needed utilities to and within the planned community; including (as appropriate) water supply, treatment and disposal; electric power; gas and communications (telephone, cable TV).
 - (b) A written legal description of the subject property together with names and addresses of all owners of record.
 - (c) Supportive report(s) which shall include:
 - (1) A statement indicating how and why the proposed project complies with planning and development objectives of the County;

- (2) A general description of the proposed development, including information as to:
 - (I) Total acreage involved in the project.
 - (II) The number of acres devoted to the various categories of land use shown on the development plan, together with the respective percentage of total project acreage represented by each category of use.
 - (III) The number and type of dwelling units involved and the corresponding overall project density in dwelling units per gross acre.
 - (IV) The minimum design standards reflected by the site plan for such features as lot shape and size, internal streets and pedestrian ways, open space provisions, off-street parking, signs, and landscaping, as required.
 - (V) Dwelling unit densities for each residential component.
- (3) A proposed schedule of development which identifies the anticipated project and component start and completion dates, stages of development, and the area and location of common open space to be provided at, or by, each stage; and
- (4) A statement and/or map indicating which streets or roads (and pedestrian ways as appropriate) are proposed for public ownership and maintenance, and whether approval is sought as part of the Master Plan for private roads if any are within the district.
- (d) As determined by the Community Development Administrator, schematic architectural drawings (floor plans, elevations, perspectives) of all proposed structures and improvements, except single-family residences and their related accessory buildings, as appropriate.
- (e) Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development and any of its common areas or facilities.
- (f) Professional Services Required: Any Master Plan of Development submitted in support of an application for PUD zoning shall certify that the services of two (2) or more of the following professionals were utilized in the design or planning process:
 - (1) An urban planner who possesses the education and experience to qualify for full membership in the American Institute of Certified Planners; and/or a landscape architect who possesses the education and experience to qualify for full membership in the American Society of Landscape Architects;
 - (2) Together with either a practicing civil engineer licensed by the State of Florida, or a practicing architect licensed by the State of Florida.
- (g) Common Open Space or Common Facilities: Any common open space or common facilities established by an adopted Master Plan of Development for a PUD District shall be subject to the following:

- (1) The Planning Commission may recommend that the Board of County Commissioners require that the petitioner provide for and establish an organization for the ownership and maintenance of any common open space and/or common facilities, and such organization shall not be dissolved nor shall it dispose of any common open space or common facilities, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space or common facilities. However, the conditions of transfer shall conform to the adopted Master Plan.
- (2) In the event that the organization established to own and maintain common open space or common facilities, or any successor organization, shall at any time after the establishment of the planned unit development fail to meet conditions in accordance with the adopted Master Plan of Development, the Community Development Administrator may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing, the Community Development Administrator shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Community Development Administrator determines that the subject organization is not prepared or able to maintain the common open space or common facilities, such public or private agency shall continue maintenance for yearly periods.
- (3) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space or common facilities and shall become a lien on said properties.
- (h) Dedication of the Public Facilities: The Planning Commission and the Board may, as a condition of approval and adoption of PUD zoning and in accord with the Master Plan of Development, require that suitable areas for streets, public right-of-way, school, parks, and other public facilities to be set aside, improved, and/or dedicated for public use.
- (i) Deviations from the required Master Plan elements: The Community Development Administrator may exempt a petition from certain required elements of the Master Plan when the petition contains conditions which show the elements can be waived without a detrimental effect on the health, safety and welfare of the community. These exemptions shall be listed in the Staff Report to the Planning Commission.
- f. Planned Unit Development: Specific Requirements, Limitations, and Standards: In addition to all general provisions and procedures set out in this Subsection, the following specific requirements, limitations and standards shall apply particularly to: location of PUD Districts intended primarily for residential uses and purposes but containing commercial retail or service activities, location of PUD Districts intended primarily for commercial and industrial uses or combination thereof; the preparation of Master Plans for the two (2) items immediately preceding; the review of applications for rezoning to PUD; and the development (or re-development) of PUD Districts that have been adopted as amendments to this Zoning Ordinance.

- 1) Location: PUD Districts shall be so located as to provide adequate access for the population to be expected and in accord with the provisions and standards herein set out.
- 2) Minimum Area Required: The minimum area required for a Planned Unit Development District shall be five (5) acres.
- 3) Character of the Site: Any proposed PUD shall be suitable for development in the manner proposed without undue hazards to persons or property, on or off the tract, from probability of flooding, wind or water erosion, subsidence or slipping of the soil, or subsidence of buildings or other structures of facilities. Condition of soil, ground water level, drainage, and topography shall all be appropriate to both kind and pattern of use or uses intended. The site shall also contain sufficient width and depth to accommodate adequately its proposed use and design.
- 4) Uses Permitted: The following uses either individually or combination thereof, shall be permitted in PUD Districts when they are shown on the Master Plan of Development adopted by the Board of County Commissioners for such districts:
 - (a) Dwellings of any variety or combination of types.
 - (b) Accessory buildings and accessory uses.
 - (c) Common public and private open spaces.
 - (d) Parks, playgrounds, community centers, or other recreation or social facility owned and operated by a non-profit organization.
 - (e) Recreational facilities such as golf, swimming, tennis and country clubs.
 - (f) Houses of Worship, libraries, schools, nursing homes, child care centers, hospitals.
 - (g) Public parks and playgrounds, public buildings, public utility and service uses.
 - (h) Marina.
 - (i) General service commercial, industrial and professional office uses or combination thereof.
 - (j) Support business and retail facilities, provided the amount of land designated for such uses does not exceed five (5) percent of the gross area of the total development unless a larger area has been designated on the Comprehensive Plan.
 - (k) Entry level multifamily rental dwellings in accordance with Paragraph f 6) of this section, excluding Paragraph e 2) [(d)-(g)] and Paragraph f 7, 8 and 10.
- 5) Maximum Residential Densities Permitted:
 - (a) Maximum density for any residential component or group of components shall not exceed the maximum density permitted in the district the use most closely resembles.
 - (b) The Planning Commission may recommend deviations on density or extent of development when it has determined that development to the maximum density permitted in Paragraph (a) above would:
 - (1) Create inconvenient or unsafe access to the PUD, or

- (2) Create traffic congestion in the streets which adjoin or lead to the PUD, or
 - (3) Place a burden on parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the PUD, or
 - (4) Be in conflict with the general intent and provisions of the Comprehensive Plan, or
 - (5) Create a threat to property or incur abnormal public expense in areas subject to natural hazards.
- (c) The overall density of a PUD shall be calculated by dividing the number of dwelling units by the total gross development area.

6) Multi-Family Entry Level Rental Housing Areas
(To become effective April 1, 1982.)

- (a) Intent: This area is intended to apply to an area of entry level multi-family residential rental units having a mid-rise profile silhouette and generally surrounded by low profile structures and open space and so situated that it is well-served by public and commercial services and has direct or convenience access to thoroughfares and collector streets.

This area is intended to implement the Comprehensive Plan and provide mid-rise multi-family dwelling accommodations in accordance with the goals, objectives and policies of the Comprehensive Plan.

This area is based on the following findings of fact by the Board of County Commissioners:

- (1) That Collier County is among the highest rental and purchase housing markets in the State of Florida;
 - (2) There is a real need for additional housing facilities both rental and purchase in the low to moderate income ranges;
 - (3) Due to the shortage of affordable housing in the low to moderate income range, local businesses have experienced difficulty in recruiting and retaining qualified employees within many necessary employment classifications;
 - (4) That the creations of this district would discourage young families, presently unable to find affordable housing, from moving elsewhere;
 - (5) That the creation of this district would attract business to the community by stabilizing the work force and providing affordable housing for semi-skilled, skilled, trade and young professional workers;
 - (6) That providing incentives to the private sector to provide low and low-to-moderate income housing would strengthen the County's tax base by keeping such projects on the tax rolls;
- (b) Permitted Uses and Structures: No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

(1) Permitted Principal Uses and Structures

(i) Multi-family rental dwellings units.

(c) Maximum Density: Sixteen (16) residential units per gross acre.

(d) Minimum Lot Area Requirement: Five (5) acres.

(e) Minimum Lot Width: One hundred and fifty (150) feet as measured at the front yard building line setback.

(f) Minimum Yard Requirements:

(1) Depth of front yard - Thirty (30) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

(2) Depth of side yard - Fifteen (15) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

(3) Depth of rear yard - Thirty (30) feet plus one (1) foot for each two (2) feet of building height over thirty (30) feet.

(g) Distance Between Structures:

(1) If there is a separation between any two (2) principal structures on the same parcel, said separation shall be a minimum of fifteen (15) feet or a distance equal to one-half ($\frac{1}{2}$) the sum of their heights, whichever is the greater.

(h) Minimum and Maximum Floor Area of Principal Structures:

(1) Efficiency Apartments

(i) Minimum Floor Area - 450 square feet.
(ii) Maximum Floor Area - 525 square feet.

(2) One bedroom apartment

(i) Minimum Floor Area - 450 square feet.
(ii) Maximum Floor Area - 650 square feet.

(3) Two bedroom apartment

(i) Minimum Floor Area - 650 square feet.
(ii) Maximum Floor Area - 900 square feet.

(4) Three bedroom apartment

(i) Minimum Floor Area - 900 square feet.
(ii) Maximum Floor Area - 1,050 square feet.

(1) Maximum Height of Structures:

(1) Three (3) living floors.

(j) Minimum Landscaping Requirements:

As required in Section 19 of this Ordinance.

(k) Minimum Off-Street Parking:

(1) Efficiency Apartments - 1 space per dwelling unit.

(2) One Bedroom and above - 1.5 spaces per dwelling unit.

(3) Two Bedrooms or more - 2 spaces per dwelling unit. (Rev. ORD 80-60).

- 7) Commercial Components: Commercial areas in a given PUD District are designed and intended to serve either the residential component or the community generally, and are so designated by the adopted master plan for said district, shall be and are hereby considered to be planned unit developments or part of a planned unit development as defined by this subsection. Required master development plans for these commercial PUD components shall therefore be prepared, reviewed and carried out in compliance with all applicable requirements, limitations and standards, as set out in this Subsection.
- 8) Minimum Lot Area and Frontage Requirements Within a PUD : No minimum lot size or yards shall be required within a PUD, except that frontage on dedicated public roads shall observe front yard requirements in accordance with the zoning classification the use most closely resembles, and peripheral yards abutting the exterior limits of the PUD boundary (except for boundaries limited in or by water) shall observe yard requirements in accordance with the zoning classification the use most closely resembles. Every dwelling unit or other use permitted in the PUD shall have access to a public road or street either directly or via an approved road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on a public dedicated road or street.
- 9) Dimensional Standards: Shall be those of the district the use most closely resembles.
- 10) Off-Street Parking and Off-Street Loading Requirements: Off-street parking and off-street loading requirements shall be as for comparable uses set out in Section 8 of this Zoning Ordinance. No parking spaces on or within any public or private road or travelway shall be counted in fulfilling the required number of spaces. Landscaping for vehicular areas shall be as set out in Section 8.32 of this Zoning Ordinance.
- (11) Usable Open Space Requirements: Usable open space shall include active and passive recreation areas such as playgrounds, golf courses, beach frontage, waterways, lagoons, flood plains, nature trails, and other similar open spaces. Open water area beyond the perimeter of the site, street rights-of-way, driveways, off-street parking areas, and off-street loading areas shall not be counted in determining usable open space.
- (a) Planned Residential Developments: In residential developments at least seventy-five (75%) percent of the gross area shall be devoted to usable open space.
- (b) Commercial, Industrial and Mixed Purpose Developments: In developments of commercial, industrial and mixed use, including residential, at least thirty (30%) percent of the gross area shall be devoted to usable open space.
- (c) Dedication of Usable Open Space: A maximum of eight (8%) percent of the gross project site shall be required for dedication to public use for all projects after a determination by the Board of County Commissioners that a public need exists for such public facilities.
- 12) Development Planning - External Relationships: Development planning within a PUD District shall provide protection of the development from potentially adverse sur-

rounding influences and protection of surrounding areas from potentially adverse influences generated by or within the district.

(a) Principal vehicular access points shall be designed to encourage smooth traffic flow and minimize hazards to vehicular or pedestrian traffic. Merging and turn lanes and/or traffic dividers shall be required where existing or anticipated heavy traffic flows indicate need. In general, minor streets within the PUD development shall not be connected with minor streets outside the PUD development so as not to adversely impact minor streets in the neighboring residential areas. Where streets within the district intersect adjoining streets, visibility triangles shall be maintained.

(b) Fences, walls, or vegetative screening at edges of PUD Districts shall be provided where needed to protect residents from undesirable view, lighting, noise or other adverse off-site influences, or to protect residents of adjoining districts from similar possible influences from within the PUD District. In all cases, screening shall, at a minimum, be designed to protect existing or potential first-floor residential occupant window levels. In particular, off-street parking areas for five (5) or more cars, service areas for loading or unloading vehicles other than passengers, and areas for storage and collection of trash and garbage shall be so screened.

13) Development Planning - Internal Relationships: The development plan for a PUD District shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.

(a) Streets, drives and parking and service areas shall provide safe and convenient access to dwelling units and project facilities, and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the development on minor streets, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks, nor shall streets be laid out or constructed as to require excessive cuts or fills or to interfere with desirable drainage in or adjacent to the district. In addition, all major arteries as shown on the master plan of development shall be controlled access facilities and the only vehicular access thereto shall be public and private streets.

(b) Private streets or roads, if proposed by the applicant, shall comply with all requirements for such streets and roads as contained in the County Sub-division Regulations.

14) Preservation and Protection of Desirable Natural, Historic or Archaeological Features: Every effort shall be made in the planning and development of a PUD District to preserve and protect desirable natural, historic, or archaeological features of the site, including trees and other vegetation of consequence. The disturbance of terrain or vegetation in a manner likely to significantly increase either wind or water erosion within or adjacent to the PUD District is prohibited.

15) Sign Limitation: Signs shall be in accordance with Section 8.33 of this Ordinance.

16) Deviations from Specific Requirements, Limitations, and Standards: When, in the opinion of the Planning Commission, unusual conditions exist, they may recommend to the Board of County Commissioners and the Board may approve the waiving of certain portions of the above standards, limitations and requirements.

g. Utilities: It is intended that within the residential portions of a PUD District, all utilities, including telephone, television cable, and electrical systems, shall be installed underground; provided, however, appurtenances to these systems which require above ground installation must be effectively screened and thereby may be exempted from these requirements; and primary facilities providing service to the site of the development or necessary to service areas outside the district may be exempted from this requirement.

h. Procedures for Planned Unit Development Zoning: Petitions for rezoning to PUD shall be submitted and processed as for rezoning amendments generally and in accordance with the following special procedures:

1) Pre-application Conference: Prior to submitting a formal application for rezoning to PUD, the applicant shall confer with the Community Development Administrator and other County staff, agencies, and officials involved in the review and processing of such applications and related materials. The applicant is further encouraged to submit a tentative land use sketch plan for review at the conference, and to obtain information on any projected plans or programs relative to possible applicable Federal or State requirements or other matters that may affect the proposed planned unit development. This pre-application conference should address, but not be limited to, such matters as:

(a) The proper relation between the anticipated project and surrounding uses, and the effect of the proposed development on the planning and development objectives of the County.

(b) The adequacy of existing and proposed streets, utilities, and other public facilities to serve the development.

(c) The nature, design, and appropriateness of the proposed land use arrangement for the size and configuration of property involved.

(d) The adequacy of open space areas in existence and as proposed to serve the development.

(e) The ability of the subject property and of surrounding areas to accommodate future expansions, if needed.

2) Application Materials: In addition to information generally required for rezoning applications, the applicant shall submit the following materials or data in sufficient copies for necessary referrals and records:

(a) The evidence of unified control of the proposed planned unit development and the associated agreements required under this Subsection.

(b) A proposed master plan of development as prescribed under this Subsection.

(c) Such other material as the applicant may feel is applicable to and in support of his application for rezoning to PUD.

(d) Any additional information as may be required by the Planning Commission or the Board of County Commissioners at the time of any public hearing.

- 3) Prehearing Conference: Any application for rezoning to PUD, together with all materials prescribed herein, shall be submitted to the Community Development Administrator. Pre-hearing conferences may be held between the applicant and/or his representatives and officials or representative of the County. The purpose of such pre-hearing conferences shall be to assist in bringing the application for rezoning to PUD as nearly as possible into conformity with the intent of these or other applicable regulations, and/or to define specifically any justifiable variations from the application of such regulations. If such conferences be held, any recommendations for change in the application, master plan of development, or required statements shall be set down in writing and shall become a part of the public record in the case. All such recommendations shall be supported by written, stated reasons for the proposed change. The applicant shall, in writing, indicate agreement to such recommendations or disagreement. If disagreeing, the applicant shall state, in writing, the reasons therefore. All such responses by the applicant shall be included in the record of the case.
- 4) Review by Advisory Boards: The Board of County Commissioners shall require review of the application for rezoning to PUD by such County advisory boards as it may, from time to time, designate. Where the Board has required review, comments and critique of such advisory board shall be made in writing and shall become a part of the record in the matter; provided, a representative of such designated board may appear and speak at the public hearings before the Planning Commission and the Board of County Commissioners.
- 5) Hearing Before the Planning Commission: Public notice shall be given and a public hearing held before the Planning Commission on the application for rezoning to PUD. Both the notice and the hearing shall be on the application, proposed master plan of development, and required statements as they may have been amended as a result of the pre-hearing conferences conducted pursuant to this subsection.
- 6) Planning Commission Recommendation: The Planning Commission shall make written findings as herein set out and shall recommend to the Board of County Commissioners either approval of the PUD rezoning as proposed; approval conditional on stated modifications; or disapproval. In support of its recommendation, the Planning Commission shall make findings as to:
- (a) The suitability of the area for the type and pattern of development proposed in relation to physical characteristics of the land, relation to surrounding areas, traffic and access, drainage, sewer, water, and other utilities.
 - (b) Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, or other instruments or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense. Findings and recommendations of this type shall be made only after consultation with the County Attorney.
 - (c) Conformity of the proposed planned unit development with the goals and objectives of the Comprehensive Plan.
 - (d) Conformity with PUD regulations, or as to desirable modification of such regulations in the particular

case, based on determination that such modifications are justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.

7) Action by Board: Unless the application is withdrawn by the applicant, the Board of County Commissioners shall, upon receipt of the Planning Commission's recommendation, advertise and hold a public hearing on the application. The notice and hearing shall be on the application and master plan of development as recommended by the Planning Commission to the Board of County Commissioners. The Board of County Commissioners shall either grant the proposed rezoning to PUD; approve with conditions or modifications or deny the application for PUD rezoning. Such modifications shall be stated with reference to the appropriate provision of these regulations upon which they are based and the reasons therefore.

i. Effect of Planned Unit Development Zoning: If the Board of County Commissioners approved the proposed PUD rezoning, the master plan for development and all other information and materials formally submitted with the petition shall be considered and adopted as an amendment to the Zoning Ordinance and shall become the standards of development for the subject planned unit development. Thenceforth, development in the area delineated as PUD District on the Official Zoning Atlas shall proceed only in accord with the adopted master plan for said district.

Before development of any type may proceed, all agreements or contracts required, but not approved at the time of amending action, shall be approved by appropriate officers or agencies of the County. In those instances where final plats are required by other County regulations, building permits may be issued after a final plat and construction plans have been approved by the Board of County Commissioners, thereby permitting appropriate construction as necessary improvements are installed; but no occupancy permit shall be issued until the final plat of the project, or phase thereof has been recorded.

j. Changes and Amendments: The Board of County Commissioners, upon recommendation by the Planning Commission, may approve minor changes in the location, siting or height of buildings, structures, and improvements authorized by the adopted master plan of development for a designated PUD District, provided that such modifications do not:

- 1) Increase the number of structures; the number of dwelling units; or densities as specified by the adopted master plan.
- 2) Change any perimeter boundary of the planned unit development.
- 3) Rearrange any lot, block, building tract, or common open space or common facility as shown on the adopted master plan.
- 4) Change any use as shown on the adopted master plan.
- 5) Change location or amounts of land devoted to specified land uses on the adopted master plan.

Changes 1) through 5) above shall be considered major changes to the Master Plan and shall require the same procedure as for actual PUD zoning before they can be approved by the Board.

Language changes not involving 1) through 5) above shall require the same procedure as for amending the Zoning Ordinance.

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SECTION TWO:

This Ordinance shall become effective upon notice that it has been received by the Secretary of State.

DATE: July 28, 1981

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: John A. Pistor
JOHN A. PISTOR, CHAIRMAN

ATTEST:
WILLIAM J. REAGAN, CLERK
By Virginia Magri
Deputy Clerk

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, WILLIAM J. REAGAN, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true original of:

ORDINANCE NO. 81-36

which was adopted by the Board of County Commissioners during Regular Session July 28, 1981.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 31st day of July, 1981.

WILLIAM J. REAGAN
Clerk of Courts and Clerk
Ex officio to Board of
County Commissioners

BY: Virginia Magri
Virginia Magri, Deputy Clerk

This ordinance filed with the Secretary of State's Office the 4th day of August, 1981 and acknowledgement of that filing received this 7th day of August, 1981.

BY: Laurie Chronis
Deputy Clerk

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WILLIAM J. REAGAN
CLERK OF COURT
COLLIER COUNTY, FLORIDA

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