

ORDINANCE NO. 22 - 04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, TO CORRECT SCRIVENER'S ERRORS AND UPDATE CROSS REFERENCES RELATED TO VARIOUS LAND DEVELOPMENT CODE (LDC) SECTIONS, INCLUDING THE FLORIDA BUILDING CODE (FBC), THE FLORIDA FIRE PREVENTION CODE (FPC), THE FLORIDA STATUTES (F.S.), AND FLORIDA ADMINISTRATIVE CODE (F.A.C.) CHAPTER AND RULE CITATIONS, AND TO UPDATE THE GOODLAND ZONING OVERLAY MAP WITH NO BOUNDARY CHANGE; 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: CHAPTER ONE GENERAL PROVISIONS, INCLUDING SECTIONS 1.07.00 LAWS ADOPTED BY REFERENCE AND 1.08.02 DEFINITIONS; CHAPTER TWO ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.07 OVERLAY ZONING DISTRICTS; CHAPTER FOUR SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.02.03 SPECIFIC STANDARDS FOR LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES AND SECTION 4.02.22 DESIGN STANDARDS FOR THE GOODLAND ZONING OVERLAY DISTRICT; CHAPTER FIVE SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.05.04 GROUP HOUSING; CHAPTER SIX INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS, INCLUDING SECTION 6.06.01 STREET SYSTEM REQUIREMENTS; AND CHAPTER TEN APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING SECTIONS 10.01.02 DEVELOPMENT ORDERS REQUIRED AND 10.02.03 REQUIREMENTS FOR SITE DEVELOPMENT, SITE IMPROVEMENT PLANS AND AMENDMENTS THEREOF; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE. [PL20210002604]

Recitals

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 was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as

amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, on March 18, 1997, the Board 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 Collier County Planning Commission, sitting as the land planning agency, did hold an advertised public hearing on December 16, 2021, and reviewed the proposed amendments for consistency with the Comprehensive Plan and did recommend approval; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold an advertised public hearing on January 25, 2022, and did take action concerning these amendments to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, this ordinance is adopted in compliance with and pursuant to the Community Planning Act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

WHEREAS, this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise 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 Commissioners of Collier County, Florida, hereby makes the following findings of fact:

1. Collier County, pursuant to § 163.3161, *et seq.*, F.S., the Florida Community Planning Act (herein after the "Act"), is required to prepare and adopt a comprehensive plan.

2. After adoption of the Comprehensive Plan, the Act and in particular § 163.3202(1), F.S., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.

3. Section 163.3201, F.S., 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.

4. Section 163.3194(1)(b), F.S., 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 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. Section 163.3202(3), F.S., 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 § 163.3161 *et seq.*, F.S.

7. Section 163.3194(1)(a), F.S., mandates that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such comprehensive plan or element shall be consistent with such comprehensive plan or element as adopted.

8. Pursuant to § 163.3194(3)(a), F.S., a development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, 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.

9. Section 163.3194(3)(b), F.S., states 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. The Land Development Code adopted in Ordinance 91-102 was recodified and superseded by Ordinance 04-41.

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; to encourage the most appropriate use of land, water and resources consistent with the public interest; to overcome present handicaps; and to deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County and it is intended that this Land Development Code preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience and general welfare of Collier County; to prevent the overcrowding of land and avoid the undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; to conserve, develop, utilize and protect natural resources within the jurisdiction of Collier County; to protect human, environmental, social and economic resources; and to 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

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SUBSECTION 3.A. AMENDMENTS TO SECTION 1.07.00 LAWS ADOPTED BY REFERENCE

Section 1.07.00 Laws Adopted By Reference, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

1.07.00 LAWS ADOPTED BY REFERENCE

The following Collier County ordinances and laws, as amended or superseded, are hereby incorporated into this LDC by reference as if fully set forth and recited herein. Repeal or amendment of these ordinances, or adoption of successor ordinances, shall not be subject to procedures otherwise required for adoption of amendments to this LDC, except as otherwise required by general law.

Subject	Ordinance Number
Building Construction Administrative Code	2002-01 [Code of Laws Ch. 22, Art. II]
Florida Building Code 2001 <u>as adopted by 61G20-1.001, Florida Administrative Code (F.A.C.), including the following technical codes:</u> <ul style="list-style-type: none"> • Plumbing • Mechanical • Fuel Gas 	2002-01 [Code of Laws §§ 22-106, 22-107] <u>2020-48 [Code of Laws Ch. 22, Art. II]</u>
Plumbing Code	[Code §§ 22-106, 22-108]
Mechanical Code	[Code §§ 22-106, 22-109]
Gas Code	[Code §§ 22-106, 22-110]
Swimming Pool Code	[Code ch. 22, art. IV, div. 3]
The National Electrical Code NFPA 70 1999	[Code ch. 22, art. IV, div. 2]
Florida Fire Prevention Code – <u>Florida Statutes 633.202 and 69A, F.A.C.</u> <ul style="list-style-type: none"> • Chapter 4A-60 <u>69A-60, F.A.C.</u> • National Fire Protection Association (NFPA) 1 with modification by Ch. 4A-60.003 <u>69A-60.003, F.A.C.</u> • National Fire Protection Association (NFPA) 101 with modification by Ch. 4A-60.004 <u>69A-60.004, F.A.C.</u> • <u>Referenced Publications added to NFPA 1 and NFPA 101 by 4A-60.005 69A-60.005, F.A.C.</u> • <u>NFPA 1141: Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas – as referenced in 69A-60.005, F.A.C.</u> • <u>NFPA 1142: Standard on Water Supplies for Suburban and Rural Fire Fighting – as referenced in 69A-60.005, F.A.C.</u> • <u>NFPA 1144: Standard for Reducing Structure Ignition Hazards from Wildland Fire – as referenced in 69A-60.005, F.A.C.</u> • <u>NFPA 501A: Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities – as referenced in 69A-60.005, F.A.C.</u> • Local Amendments Ord. # 2002-49 • <u>Local policies or code amendments as adopted by the Fire District having jurisdiction per F.S.191.008 (4).</u> 	2002-49 [Code of Laws Ch. 58, Art. II]
Coastal Building Zone (Wind)	87-20 [Code ch. 22, art. IX] 2002-1
Utility Standards	88-76 [Code ch. 134, art. III] 89-23 89-32

	2001-57
Public Right-of-Way Standards	82-91 [Code ch. 110, art. II] 89-26 93-64
Seawall Construction	85-2 [Code ch. 22, art. IX] 85-26 86-5
Water Policy	74-50 [Code ch. 90, art. II] 90-10 2001-27
Collier County Streetscape Master Plan (CCSMP)	97-25

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SUBSECTION 3.B. AMENDMENTS TO SECTION 1.08.02 DEFINITIONS

Section 1.08.02 Definitions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

1.08.02 Definitions

* * * * *

Building, zoned height of: The vertical distance from the first finished floor to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. Where minimum floor elevations have been established by law or permit requirements, the building height shall be measured from such required minimum floor elevations. (See section 4.02.01, Exclusions from height limits, and off-street parking within a building.) Required minimum floor elevations shall be in conformance with ~~the Collier County Administrative Construction Code (see County adopted FBC Section 104.2.1.2. Additional Requirements, 8., as set forth in Code of Laws § 22-26)~~ the Florida Building Code and Collier County Floodplain Management Ordinance and, if necessary, FDEP requirements for minimum habitable first-floor structural support. Rooftop recreational space and accessory facilities are also exempted from the limitations established for measuring the height of buildings. See Figure 3.

* * * * *

Camping cabin: A ~~wooden~~ structure designed as a detached, temporary living unit for recreation or vacation purposes.

* * * * *

SUBSECTION 3.C. AMENDMENTS TO SECTION 2.03.07 OVERLAY DISTRICTS

Section 2.03.07 Overlay Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.07 Overlay Districts

* * * * *

G. Immokalee Urban Overlay District. To create the Immokalee Urban Overlay District with distinct subdistricts for the purpose of establishing development criteria suitable for the unique land use needs of the Immokalee Community. The boundaries of the Immokalee Urban Overlay District are delineated on the maps below.

* * * * *

6. *Nonconforming Mobile Home Site Overlay Subdistrict.* Establishment of special conditions for these properties which by virtue of actions preceding the adoption of Ordinance No. 91-102, on October 30, 1991, were deemed to be nonconforming as a result of inconsistencies with the land development code, and are located within the Immokalee Urban Boundary as depicted on the Immokalee Area Master Plan.

* * * * *

c. Criteria for review. The following criteria shall apply to the existing conditions site improvement plan approval process and shall be reviewed by the County Manager or designee.

* * * * *

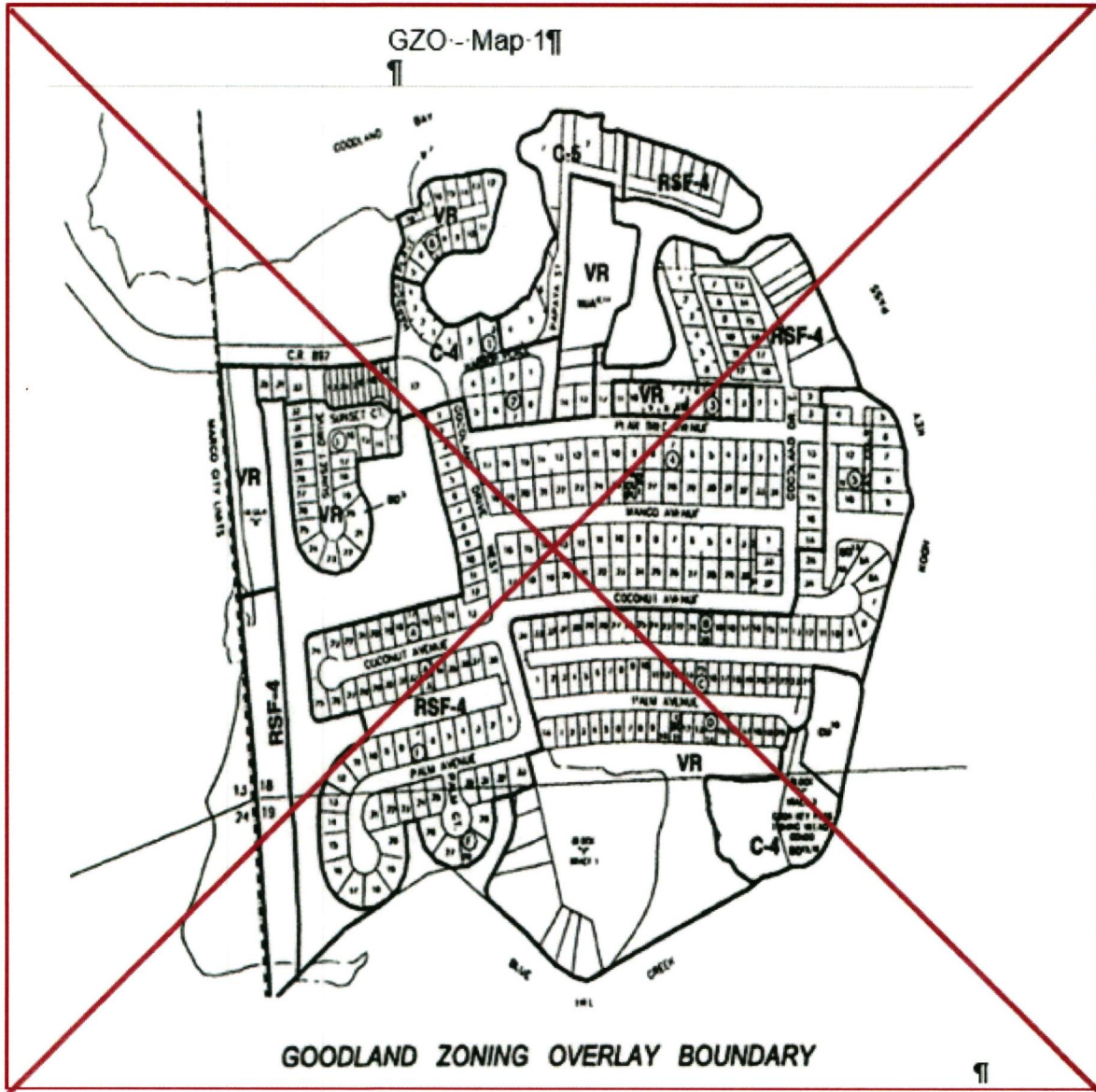
ii. ~~The District Fire Official~~ Fire authority having jurisdiction shall provide written confirmation that either ~~an~~ the existing fire hydrant(s) or a supplemental apparatus, provided by the Fire District, ~~is adequate~~ can supply the required fire flow needed for fire protection.

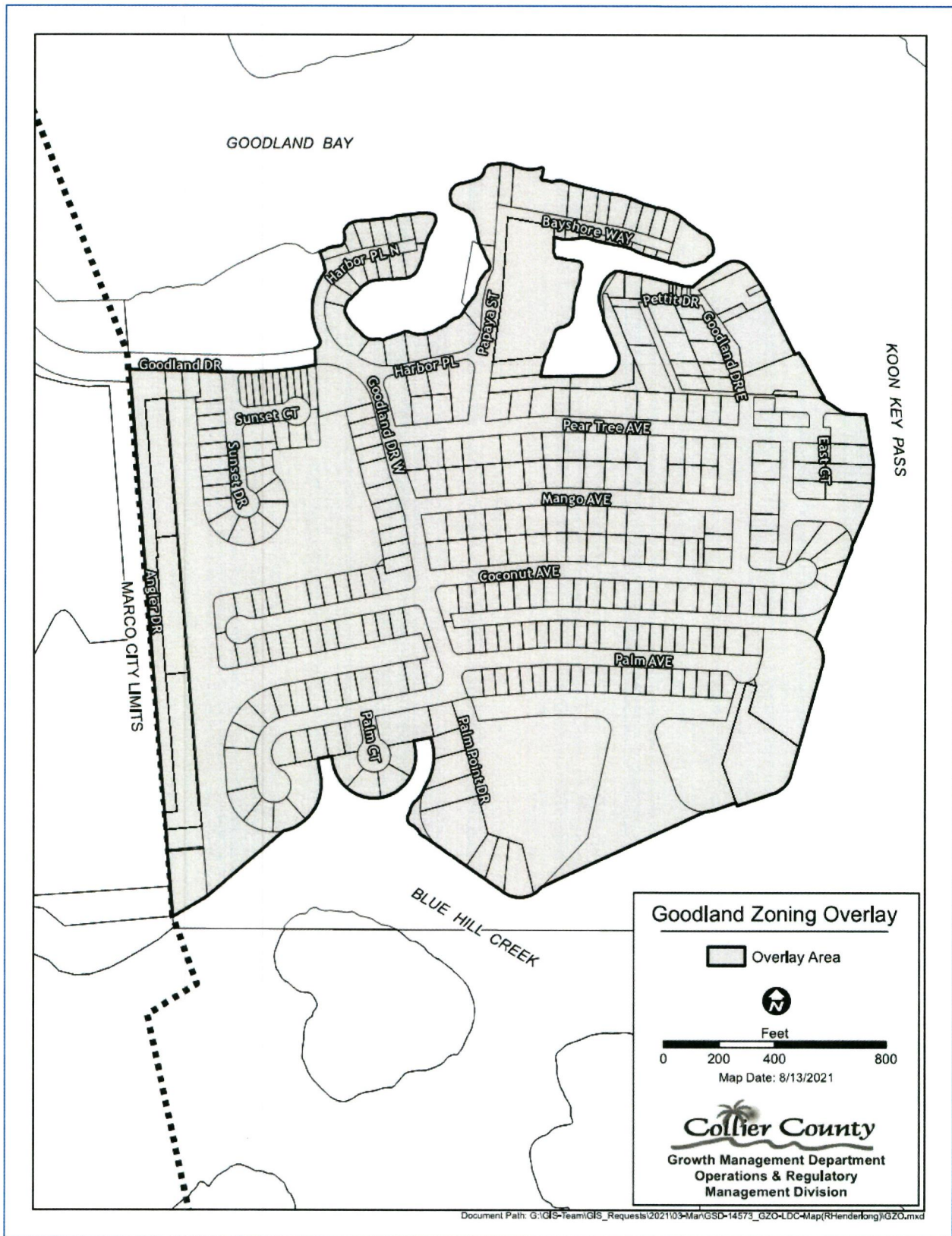
iii. ~~National Fire Codes, 501A-11, Chapter 6, 6.1.1 Site Plan (6.1.1 through 6.1.2).~~ NFPA 501A: Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities as referenced in FAC 69A-60.005.

* * * * *

J. Goodland Zoning Overlay (GZO). To create design guidelines and development standards that will assure the orderly and appropriate development in the unincorporated area generally known as Goodland. The Goodland Zoning Overlay district (GZO) is intended to provide regulation and direction under which the growth and development of Goodland can occur with assurance that the tropical fishing village and small town environment of Goodland is protected and preserved, and that development and/or redevelopment reflect the unique residential and commercial characteristics of the community. The boundaries of the Goodland Zoning Overlay district are delineated on Map 1 below.

GZO – Map 1





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SUBSECTION 3.D. AMENDMENTS TO SECTION 4.02.03 SPECIFIC STANDARDS FOR LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES

Section 4.02.03 Specific Standards For Location Of Accessory Buildings And Structures, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.03 Specific Standards for Location of Accessory Buildings and Structures

* * * * *
 D. Table of dimensional standards for accessory buildings and structures in zoning districts other than Rural Agricultural (A) and Estates (E):

Location	Accessory Building/Structure	Setbacks			
		Front	Rear Side	Side Rear	Structure to Structure (If Detached)
Non-Waterfront Lots and Non-Golf Course Lots	Attached porch	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	N/A
	Carports (commercial, industrial, and multi-family) ¹	SPS	SPS	SPS	10 feet
	Carports (one- and two-family)	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	10 feet
	Chickee, barbecue areas	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	10 feet
	One-story and multi-story parking structures	SPS	SPS	SPS	1/1 ² with a minimum of 10 feet
	Parking garage (one- and two-family)	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	10 feet
	Permanent emergency generators ¹	Not permitted in front of building	10 feet <u>SPS</u>	SPS <u>10 feet</u>	N/A
	Satellite dish antennas	Not permitted in front of building	15 feet <u>SPS</u>	SPS <u>15 Feet</u>	10 feet
	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	None
	Swimming pool (multi-family and commercial)	SPS	20 feet <u>15 feet</u>	15 feet <u>20 feet</u>	None

	Tennis courts (one- and two-family)	SPS	15 feet <u>SPS</u>	SPS <u>15 Feet</u>	10 feet
	Tennis courts (multi-family, and commercial)	SPS	20 feet <u>15 feet</u>	15 feet <u>20 feet</u>	20 feet
	Trellises, arbors, and similar structures that do not exceed the maximum fence height in LDC section 5.03.02	None	None	None	None
	Trellises, arbors, and similar structures that exceed the maximum fence height in LDC section 5.03.02	SPS	40 feet <u>SPS</u>	SPS <u>10 feet</u>	None
	Unlisted accessory	SPS	SPS	SPS	10 feet
	Utility buildings	SPS	40 feet <u>SPS</u>	SPS <u>10 feet</u>	10 feet
Waterfront Lots and Golf Course Lots ³	Attached porch where floor or deck of porch are: <ul style="list-style-type: none"> • In Isles of Capri: Seven feet in height or less above the top of seawall with a maximum of four feet of stem wall exposure • In all other areas: Four feet in height or less above top of seawall or top of bank 	SPS	40 feet <u>SPS</u>	SPS <u>10 feet</u>	SPS
	Attached porch where floor or deck of porch are: <ul style="list-style-type: none"> • In Isles of Capri: More than seven feet in height above the top of seawall or with more than four feet of stem wall exposure • In all other areas: More than four feet in height above top of seawall or top of bank 	SPS	20 feet <u>SPS</u>	SPS <u>20 feet</u>	SPS
	Boat slips and ramps (private)	N/A	N/A <u>7.5 feet</u>	7.5 feet <u>N/A</u>	N/A

Boathouses and boat shelters (private)	SPS	N/A <u>See LDC sections 5.03.06 E and F</u>	See LDC sections 5.03.06-E and F <u>N/A</u>	10 feet
Carports (commercial, industrial, and multi-family) ¹	SPS	SPS	SPS	10 feet
Carports (one- and two-family)	SPS	SPS	SPS	10 feet
Chickee, barbecue areas	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	10 feet
Davits, hoists, and lifts	N/A	N/A <u>See LDC sections 5.03.06 E and F</u>	See LDC sections 5.03.06-E and F <u>N/A</u>	None
Docks, decks, and mooring pilings	N/A	N/A <u>See LDC sections 5.03.06 E and F</u>	See LDC sections 5.03.06-E and F <u>N/A</u>	N/A
Golf clubhouse and maintenance buildings ⁴	50 feet	50 feet	50 feet	N/A
One-story and multi-story parking structures	SPS	SPS	SPS	1/1 ² with a minimum of 10 feet
Parking garage (one- and two-family)	SPS	SPS	SPS	10 feet
Permanent emergency generators ¹	Not permitted in front of building	10 feet <u>SPS</u>	SPS <u>10 feet</u>	N/A
Satellite dish antennas	Not permitted in front of building	15 feet <u>SPS</u>	SPS <u>15 Feet</u>	10 feet

Swimming pool and/or screen enclosure (one- and two-family) where swimming pool decks are: <ul style="list-style-type: none"> • In Isles of Capri: Seven feet in height or less above the top of seawall with a maximum of four feet of stem wall exposure • In all other areas: Four feet in height or less above top of seawall or top of bank 	SPS	10 feet <u>SPS</u>	SPS <u>10 feet</u>	None
Swimming pool and/or screen enclosure (one- and two-family) where swimming pool decks are: <ul style="list-style-type: none"> • In Isles of Capri: More than seven feet in height above the top of seawall or with more than four feet of stem wall exposure • In all other areas: More than four feet in height above top of seawall or top of bank 	SPS	20 feet <u>SPS</u>	SPS <u>20 Feet</u>	None
Swimming pool (multi-family and commercial)	SPS	20 feet <u>15 feet</u>	15 feet <u>20 feet</u>	None
Tennis courts (private) (one- and two-family)	SPS	15 feet <u>SPS</u>	SPS <u>15 feet</u>	10 feet
Tennis courts (multi-family and commercial)	SPS	35 feet <u>SPS</u>	SPS <u>35 feet</u>	20 feet
Trellises, arbors, and similar structures that do not exceed the maximum fence height in LDC section 5.03.02	None	None	None	None

Trellises, arbors, and similar structures that exceed the maximum fence height in LDC section 5.03.02	SPS	10 feet SPS	SPS <u>10 feet</u>	None
Unlisted accessory	SPS	SPS	SPS	10 feet
Utility buildings	SPS	SPS <u>10 feet</u>	10 feet SPS	10 feet

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SUBSECTION 3.E. AMENDMENTS TO SECTION 4.02.22 DESIGN STANDARDS FOR GZO DISTRICT

Section 4.02.22 Design Standards For GZO District, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

4.02.22 Design Standards for GZO District

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B. Dimensional standards applicable to non-commercial zoning districts.

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SUBSECTION 3.F. AMENDMENTS TO SECTION 5.05.04 GROUP HOUSING

Section 5.05.04 Group Housing, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.04 Group Housing

* * * * *

E. Emergency Environmental Control Plans. In accordance with Rules ~~58A-5.036~~ 59A-36.025 and 59A-4.1265, F.A.C., as amended, Emergency Environmental Control Plans for assisted living facilities and nursing homes, as defined by §§ 400 and 429 F.S., shall be submitted as a supplement to its Comprehensive Emergency Management Plan, to the Bureau of Emergency Services - Emergency Management Division.

1. The Emergency Environmental Control Plans shall include the following information, in addition to the requirements identified in Rules ~~58A-5.036~~ 59A-36.025 and 59A-4.1265, F.A.C., as amended:

* * * * *

- c. Permanent emergency generator or alternate power sources. Assisted living facilities or nursing homes, as defined by §§ 400 and 429 F.S., shall install permanent emergency generators or an alternate power source to

ensure ambient air temperatures will be maintained at or below 81 degrees Fahrenheit for a minimum of 96 hours in the event of the loss of primary electrical power.

i. If a permanent emergency generator is used the following shall be required:

a) Permanent emergency generator specifications.

i) Permanent emergency generators and the associated fuel supply shall be sized to ensure compliance with §§ ~~58A-5-036~~ 59A-36.025 F.A.C., as amended, for assisted living facilities and 59A-4.1265 F.A.C., as amended, for nursing homes.

* * * * *

b) Regular testing and inspections required. Permanent emergency generators shall be tested under load as required by §§ ~~58A-5-036~~ 59A-36.025 F.A.C., as amended, for assisted living facilities and 59A-4.1265 F.A.C., as amended, for nursing homes, and by manufacturer's specifications, and be inspected a minimum of once per year. Each facility shall keep a written statement on site attesting to the regular maintenance, third-party testing and inspection of the generator and fuel system by a service organization authorized by the manufacturer.

ii. Submittal Requirements.

* * * * *

b) Calculations demonstrating adequacy of fuel supply to comply with §§ ~~58A-5-036~~ 59A-36.025 F.A.C., as amended, for assisted living facilities and 59A-4.1265 F.A.C., as amended, for nursing homes.

* * * * *

4. Notification of Plan submittal shall be in accordance with Rules ~~58A-5-036~~ 59A-36.025 and 59A-4.1265, F.A.C., as amended.

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SUBSECTION 3.G. AMENDMENTS TO SECTION 6.06.01 STREET SYSTEM REQUIREMENTS

Section 6.06.01 Street System Requirements, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

6.06.01 Street System Requirements

* * * * *

N. The minimum right-of-way widths to be utilized shall be as follows and, where applicable, shall be classified by the cross-sections contained in Appendix B, and will be directly related to traffic volume as indicated in the definition of each street contained herein and, where applicable, clarified by the cross-sections contained in Appendix B. Private street right-of-way widths and design may be determined on a case-by-case basis in accordance with Chapter 10. In the event that the applicant does not apply for a preliminary subdivision plat, the applicants engineer may request that the County Manager or his designee approve an alternate private right-of-way cross-section. The request shall be in writing and accompanied with documentation and justification for the alternate section based on sound engineering principals principles and practices.

* * * * *

SUBSECTION 3.H. AMENDMENTS TO SECTION 10.01.02 DEVELOPMENT ORDERS REQUIRED

Section 10.01.02 Development Orders Required, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.01.02 Development Orders Required

* * * * *

C. Early Construction Authorization (ECA). An ECA permit may grant the applicant a conditional building permit prior to development order approval subject to the criteria, limitations, and procedure established in this section.

1. The ECA may be approved by the County Manager or designee if the following criteria are met:

* * * * *

f. The portion of work to be authorized for the permit has been approved by the ~~Office of the Fire Code Official and under the Florida Fire Prevention Code~~ the Fire authority having jurisdiction and in accordance with the Florida Fire Prevention Code.

* * * * *

2. Limitations on construction activity.

a. The ECA permit allows approved construction to commence up to the first building code inspection. Construction may continue following phased or complete building permit approval by the Collier County Building Department and ~~Office of the Fire Code Official~~ the Fire authority having jurisdiction. All construction is subject to the time limitations identified in the Florida Building Code, Permit intent, section 105.4.1.

* * * * *

3. Procedure.

- a. The ECA permit application shall be reviewed by the Collier County Planning and Zoning Department, the Building Department and the Office of the Fire Official the Fire authority having jurisdiction through a combined submission process.

* * * * *

SUBSECTION 3.I. AMENDMENTS TO SECTION 10.02.03 REQUIREMENTS FOR SITE DEVELOPMENT, SITE IMPROVEMENT PLANS AND AMENDMENTS THEREOF

Section 10.02.03 Requirements For Site Development, Site Improvement Plans And Amendments Thereof, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

10.02.03 Requirements for Site Development, Site Improvement Plans and Amendments thereof

A. *Generally*

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5. *School Board Review Exemption.*

* * * * *

- b. The expedited site plan for school board review, as referenced in section 10.02.03 A.3.a. of the Land Development Code, will consist of the following areas of review:

- i. Collier County Utilities Standards and Procedures, Ordinance No. ~~04-57~~ 04-31, as may be amended. In accordance with this Ordinance, the following requirements must be met:

* * * * *

- c. School board review ("SBR") process. The SBR for School Board projects shall be reviewed under the following expedited process:

* * * * *

- viii. Should the School Board place temporary or portable classrooms on a site, the School Board will supply additional data to the ~~Fire Code Office~~ Fire authority having jurisdiction for review pursuant to Rule ~~4A-58~~ 69A-58, Florida Administrative Code. In addition, the School Board will supply the Public Utilities Division with additional data on temporary and portable classroom facilities

relative to concurrency issues related to water and sewer capacity and to the proper sizing of water meters and grease traps. No other reviews will be required for temporary or portable classroom facilities.

* * * * *

F. *Site plan with deviations for redevelopment projects.*

* * * * *

4. *Staff review and recommendation.* Based upon evaluation of the factors set forth in LDC section ~~10.02.03 F.8~~ 10.02.03 F.7. County Staff shall prepare a report containing their review findings and a recommendation of approval, approval with conditions, or denial.

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SECTION FOUR: CONFLICT AND SEVERABILITY

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the LDC or GMP shall prevail. In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION 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 re-lettered 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 Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 25th day of January, 2022.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

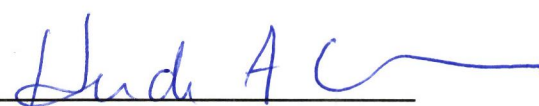
By: 

Deputy Clerk
**Attest as to Chairman's
signature only.**

By: 

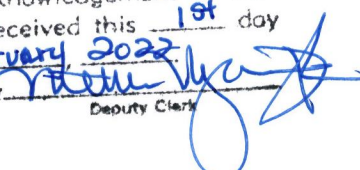
WILLIAM L. MCDANIEL, JR., Chairman

Approved as to form and legality:



Heidi F. Ashton-Cicko
Managing Assistant County Attorney

04-CMD-01077/1906 (01/25/22)
21-LDS-003137/51

This ordinance filed with the Secretary of State's Office the 1st day of February 2022 and acknowledgement of that filing received this 1st day of February 2022
By: 

Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 1, 2022

Ms. Martha Vergara, BMR & VAB Senior Deputy Clerk
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Dear Ms. Vergara:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 22-04, which was filed in this office on February 1, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb