



**Development Services Advisory Committee
Land Development Review
Subcommittee**

**Tuesday, September 16, 2025
3:00 pm**

**2800 N. Horseshoe Dr.
Naples, FL 34104**

**Growth Management Community Development
Department
Conference Room 609/610**

Please contact Eric Johnson at (239) 252-2931 or
Eric.Johnson@colliercountyfl.gov if you have any questions or
wish to meet with staff.

DSAC – Land Development Review Subcommittee 2025 Land Development Code Amendments

Agenda

Tuesday, September 16, 2025

3:00 pm

2800 N. Horseshoe Dr., Naples, FL 34104

Growth Management Community Development, Conference Rooms 609/610

NOTICE:

Persons wishing to speak on any Agenda item will receive up to three (3) minutes unless the Chairman adjusts the time. Speakers are required to fill out a “Speaker Registration Form”, list the topic they wish to address, and hand it to the Staff member before the meeting begins. Please wait to be recognized by the Chairman and speak into a microphone. State your name and affiliation before commenting. During the discussion, Committee Members may direct questions to the speaker.

Please silence cell phones and digital devices. There may not be a break in this meeting. Please leave the room to conduct any personal business. All parties participating in the public meeting are to observe Roberts Rules of Order and wait to be recognized by the Chairman. Please speak one at a time and into the microphone so the Hearing Reporter can record all statements being made.

1. Call to Order – Chairman
2. Approval of Agenda
3. Old Business
4. New Business
 - a. PL20240006969 - Rural Fringe Mixed Use District (RFMUD) Restudy – LDCA
 - b. PL20250010243 - Development Order Process and Timeframes – LDCA
5. Public Speakers
6. Reminders of Upcoming DSAC-LDR Subcommittee Meeting Dates Discussion:
 - a. Tuesday, November 18, 2025
 - b. Tuesday, December 16, 2025
7. Adjourn

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20240006969

ORIGIN

 Growth Management
Community Department
(GMCD)

SUMMARY OF AMENDMENT

This Land Development Code (LDC) amendment proposes to update the Rural Fringe Mixed Use District (RFMUD) in concert with the changes approved to the Growth Management Plan (GMP) with the adoption of Ordinance 2023-25 and Ordinance 2025-16. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

HEARING DATES

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	08/19/2025

LDC SECTION TO BE AMENDED

02.03.07	Overlay Zoning Districts
02.03.08	Rural Fringe Zoning Districts
02.06.01	Generally

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

On May 23, 2023, the Board adopted Ordinance 2023-25, which consisted of amending Future Land Use Element (FLUE), Future Land Use Map (FLUM) and Map series as part of the RFMUD restudy. This LDC amendment implements updates to the LDC resulting from the approved RFMUD restudy and subsequent Board adopted GMP clean-up, Ordinance 2025-16, as follows: increasing of the number of base Transfer of Development Rights (TDR) credits generated per acre/per nonconforming lot, increasing of density on receiving lands for affordable housing, allowance of active recreation in the sending lands as conditional uses, addition of Belle Meade Hydrologic Enhancement Overlay (BMHEO) provisions, changes to Environmental Restoration and Maintenance TDR Bonus credit generation, introduction of Business and Industrial Uses in the receiving lands with specific uses, development standards and locational criteria to be identified within the LDC, introduction of Neighborhood commercial uses within Affordable Housing projects with specific uses, design standards, development standards and locational criteria to be identified within the LDC, additional development standards and location criteria for housing that is affordable within the RFMUD receiving lands, addition of clustering provisions for RFMUD sending lands, addition of Conservation TDR Credits, changes to Rural Village design criteria and density bonus for low-income residential units provided, and reduction of open space requirement for housing that is affordable projects.

FISCAL & OPERATIONAL IMPACTS

The fiscal impacts to Collier County resulting from this amendment are for staff time to prepare the amendment and costs for the associated legal advertising/public notice for

GMP CONSISTENCY

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.



the public hearings. Funds will be available from the Unincorporated Area General Fund (1011) and the Comprehensive Planning Cost Center.

EXHIBITS: A) None

Amend the LDC as follows:

2.03.07 – Overlay Zoning Districts

* * * * *

D. Special Treatment Overlay (ST)

* * * * *

4. Transfer of Development Rights (TDR).

a. Purpose, Intent and Applicability.

- i. *Purpose.* The primary purpose of the TDR process is to establish an equitable method of protecting and conserving lands determined to have significant environmental value, including large connected wetland systems and significant areas of habitat for listed species; and

To provide a viable mechanism for property owners of such environmentally valuable lands to recoup lost value and development potential which may be associated with the application of environmental preservations standards to such lands.

- ii. *Intent.* These TDR provisions are intended to accomplish the above stated purpose through an economically viable process of transferring development rights from less suitable non-RFMU sending areas to more suitable non-RFMU receiving areas, and from non-RFMU sending areas, and less suitable RFMU receiving, neutral and sending lands to more suitable non-RFMU receiving areas and RFMU receiving lands and non-RFMU receiving areas.

- iii. *Applicability.* These TDR provisions shall be applicable to those areas specifically identified in (b), (c) and (d) below. These TDR provisions shall not be applicable to the any transfer of development rights within the RLSA District.

* * * * *

c. TDR credits from RFMU sending lands: General Provisions.

i. Creation of TDR credits.

- a) TDR credits are generated from RFMU sending lands at a rate of 24 TDR credits per 5 acres of RFMU ~~ssending~~ land and or, for those legal non-conforming lots or parcels of less than 5 acres that were in existence as of June 22, 1999, at a rate of 24 TDR credits per legal non-conforming lot or parcel.

b) For lots and parcels 5 acres or larger, the number of TDR credits generated shall be calculated using the following formula:

of acres x 0.42 = # of TDR credits generated.

Where the number of TDR credits thus calculated is a fractional number, the number of TDR credits created shall be rounded to the nearest 1/100th.

ii. Creation of TDR Bonus credits. TDR Bonus credits shall only be generated from RFMU sending land property from which TDR credits have been severed. The ~~three~~ types of TDR Bonus credits are as follows:

a) Environmental Restoration and Maintenance Bonus credits. Environmental Restoration and Maintenance Bonus credits are generated at a rate of up to 0.6 ~~4~~ credits for each TDR credit severed from that RFMU sending land for which a Restoration and Management Plan (RMP) has been accepted by the County but in no case less than 0.2 TDR credits per acre. In order for the County to ~~be accepted an~~ RMP, ~~a~~ the RMP shall satisfy the following:

i) ~~4)~~ The RMP shall include a listed species management plan.

ii) ~~2)~~ The RMP shall comply with the criteria set forth in LDC section 3.05.08-A, ~~7~~ and B.

iii) ~~3)~~ The RMP shall provide financial assurance, in the form of a letter of credit or similar financial security, establishing that the RMP shall remain in place and be performed, until the earlier of the following occurs:

1) ~~a.~~ Viable and sustainable ecological and hydrological functionality has been achieved on the property as measured by the success criteria set forth in the RMP.

2) ~~b.~~ The property is conveyed to a County, state, or federal agency as provided in b) below.

iv) ~~4)~~ The RMP shall provide for the exotic vegetation removal and maintenance to be performed by an environmental contractor acceptable to the County.

v) In the case of legal nonconforming lots or parcels in existence as of June 22, 1999, where such lot or parcel is less than 5 acres, up to three TDR credits may be severed from said lot or parcel depending on the activities contained in this section that are performed. The generation rate of bonus credits shall be based on the type of activity completed and meeting additional criteria as follows:

1) Exotic vegetation removal, non-native vegetation and nuisance or invasive plant control and maintenance shall generate 0.2 TDR credits for each acre of exotic vegetation removal, and control and maintenance.

2) Listed species restoration areas, other than wading birds, shall generate 0.3 TDR credits for each acre of restored land that has met applicable success criteria as determined by the permitting or commenting agency authorizing said restoration.

3) Wading bird restoration areas shall generate 0.4 TDR credits for each acre of restored land that has met applicable success criteria as determined by the permitting or commenting agency authorizing said restoration.

4) Connector wetlands and flow way restoration areas shall generate 0.6 TDR credits for each acre of restored land that has met applicable success criteria as determined by the permitting or commenting agency authorizing said restoration.

5) Large mammal corridor creation, restoration, or enhancement shall generate 0.6 TDR credits for each acre of land created, restored, or enhanced upon demonstration that the respective activities have met applicable success criteria as determined by the permitting or commenting agency authorizing said activities. The awarding of the 0.6 TDR credits may be phased to coincide with a phased implementation process in accordance with the permitting or commenting agency.

6) Invasive exotic vegetation removal and dedication of a "Flow-Way Easement" to Collier County shall generate 0.2 TDR credits for each acre of such land. Properties shall be located entirely or partially within the Belle Meade Hydraulic Enhancement Overlay (BMHEO), as depicted on the BMHEO Map of the FLUM series. This bonus TDR credit shall only be applicable within two (2) years of the effective date of adoption in the FLUE (adopted May 23, 2023). The County will assume the responsibility for the recording of the "Flow-Way Easement" and the perpetual exotic maintenance of the parcel as a condition of the property owner granting the easement.

b) Conveyance Bonus credits. Conveyance Bonus credits are generated at a rate of 1 credit for each TDR credit severed from that RFMU sending land that is conveyed in fee simple to a government agency as a gift, or to a not-for-profit entity or land trust, approved by the Board of County Commissioners, by gift. Conveyance Bonus credits shall only be generated from those RFMU sending land properties on which an RMP has been accepted as provided in a) above.

c) Belle Meade Flow-Way TDR Bonus. Owners of private property located entirely or partially within the BMHEO (adopted May 23, 2023), as depicted on the BMHEO Map, are eligible to transfer development rights from Sending Lands at a maximum rate of 0.4 TDR credits per acre (two TDR credits per five acres) or legal nonconforming lot of record in exchange for providing a "Flow-Way Easement" to Collier County. Eligibility is limited to within two years of adoption of the establishment of the BMHEO. Eligible parcels area identified on the Belle Meade Hydrologic Enhancement Overlay Area Flow-Way TDR Bonus Credit Eligibility Map, adopted by separate resolution. ~~Early Entry Bonus credits. Early Entry Bonus credits shall be generated at a rate of 1 additional credit for each TDR credit that is severed from RFMU sending land for the period from March 5, 2004, until September 27, 2022, unless further extended by resolution by the Board of County Commissioners. Early Entry Bonus credits shall cease to be generated after the termination of this early entry bonus period. However, Early Entry Bonus credits may continue to be used to increase density in RFMU and non-RFMU Receiving Lands after the termination of the Early Entry Bonus period.~~

- iii. Calculation of TDR Bonus credits.
- a) Environmental Restoration and Maintenance Bonus credits are calculated as follows:
- # TDR credits generated from property × % property subject to an approved RMP.
- b) Conveyance Bonus credits are calculated as follows:
- # TDR credits generated from property × % property subject to an approved RMP and conveyed as provided in ii.b) above.
- ~~c) Early Entry Bonus credits are calculated as follows:~~
- ~~# TDR credits generated within Early Entry period × 1.~~
- c) Belle Meade Flow-Way Bonus credits are calculated as follows:
- # TDR credits generated from property × % property subject to an approved RMP and conveyed as provided in ii.c) above.
- iv. Receipt of TDR credits or TDR Bonus credits from RFMU sending lands. TDR credits or TDR Bonus credits from RFMU sending lands may be redeemed into Urban Areas, the Urban Residential Fringe, and RFMU receiving lands, as provided in subsections 2.03.07 D.4.d e. and e f. below.
- v. Prohibition on redemption of fractional TDR credits and TDR Bonus credits. While fractional TDR credits and TDR Bonus credits may be created, as provided in (ii) above, TDR credits and TDR Bonus credits may only be redeemed in increments of whole, not fractional, dwelling units. Consequently, fractional TDR credits and fractional TDR Bonus credits must be aggregated to form whole units, before they can be utilized to increase density in either non-RFMU Receiving Areas or RFMU ~~R~~receiving lands.
- vi. Prohibition on severance of development rights.
- a) ~~Neither~~ TDR credits ~~nor TDR Early Entry Bonus credits~~ shall not be generated from RFMU sending lands where a conservation easement or other similar development restriction prohibits the residential development of such property, with the exception of those TDR Early Entry Bonus credits associated with TDR credits severed from March 5, 2004, until July 20, 2023, (the effective date of Ordinance No. 2023-25, that amended the Growth Management Plan

1 to eliminate the TDR Early Entry Bonus credit) ~~[the effective~~
2 ~~date of this provision]~~. Environmental Restoration and
3 Maintenance Bonus credits and Conveyance Bonus credits
4 may only be generated from those RFMU sending lands
5 where a conservation easement or other similar
6 development restriction on development was imposed in
7 conjunction with the severance of TDR credits.
8

- 9 b) Neither TDR credits nor any TDR Bonus credits shall be
10 generated from RFMU sending lands that were cleared for
11 agricultural operations after June 19, 2002, for a period of
12 twenty-five (25) years after such clearing occurs.
13

14 d. TDR credits from RFMU neutral lands or receiving lands, including lands
15 within the NBMO: General Provisions.
16

17 i. Creation of TDR credits from RFMU neutral lands or receiving
18 lands, including lands within the NBMO. A TDR credit shall be
19 issued to the owner of private property for each five (5) acre parcel
20 or legal nonconforming lot of record designated neutral lands, or
21 receiving Lands, including lands within the NBMO, at the transfer
22 rate of one (1) TDR credit for each five acres or legal nonconforming
23 lot of record, utilized for conservation use. A perpetual easement
24 shall be placed on such conservation lands used for conservation
25 uses to protect these lands in perpetuity. A restrictive covenant in
26 favor of Collier County will be placed on lands used for conservation
27 restricting the use in perpetuity to protect against non-conservation
28 development. This TDR credit shall not apply to receiving lands or
29 neutral lands, including lands within the NBMO that are preserved
30 within a development project to comply with Native Vegetation
31 Preservation requirements.
32

33 ii. Receipt of TDR credits from RFMU neutral lands, or receiving
34 lands, including receiving lands within the NBMO. TDR credits from
35 RFMU neutral lands, or receiving lands, including receiving lands
36 within the NBMO may be redeemed into Urban Areas, the Urban
37 Residential Fringe, and RFMU receiving lands, as provided in LDC
38 subsections 2.03.07 D.4.e. and f. below.
39

40 iii. Prohibition on redemption of fractional TDR credits. While fractional
41 TDR credits may be created, TDR credits may only be redeemed in
42 increments of whole, not fractional, dwelling units.
43

44 ed. Redemption of TDRs into non-RFMU receiving areas. Redemptions into
45 the Urban Residential Fringe shall be permitted exclusively through the use
46 of TDR credits and TDR Bonus credits derived from the RFMU to increase
47 density by a maximum of 1.0 dwelling units per acre, allowing for a density
48 increase from the existing allowable base density of 1.5 dwelling units per
49 acre to a maximum of 2.5 dwelling units per gross acre.
50

1 ~~i. Redemption of TDRs into urban area.~~

2
3 ~~a) Maximum density increase. In order to encourage~~
4 ~~residential in-fill in urban areas of existing development~~
5 ~~outside of the Coastal High Hazard Area, a maximum of 3~~
6 ~~residential dwelling units per gross acre may be requested~~
7 ~~through a rezone petition for projects qualifying under this~~
8 ~~residential infill provisions of the Future Land Use Element~~
9 ~~density Rating System, subject to the applicable provisions~~
10 ~~of Chapters 2 and 9 of this Code, and the following~~
11 ~~conditions:~~

12
13 ~~i) The project is 20 acres or less in size;~~

14
15 ~~ii) At time of development, the project will be served by~~
16 ~~central public water and sewer;~~

17
18 ~~iii) The property in question has no common site~~
19 ~~development plan in common with adjacent~~
20 ~~property;~~

21
22 ~~iv) There is no common ownership with any adjacent~~
23 ~~parcels; and~~

24
25 ~~v) The parcel in question was not created to take~~
26 ~~advantage of the in-fill residential density bonus and~~
27 ~~was created prior to the adoption of this provision in~~
28 ~~the Growth Management Plan on January 10, 1989.~~

29
30 ~~vi) Of the maximum 3 additional units, one (1) dwelling~~
31 ~~unit per acre shall be derived from RFMU sending~~
32 ~~lands and redeemed at Site Plan or prior to Plat~~
33 ~~recordation.~~

34
35 ~~b) Developments which meet the residential infill conditions i)~~
36 ~~through v) above may increase the base density~~
37 ~~administratively through a Site Development Plan or Plat~~
38 ~~approval by a maximum of one dwelling unit per acre by~~
39 ~~redeeming additional density derived from RFMU district~~
40 ~~Sending Lands.~~

41
42 ~~ii. Redemptions into the Urban Residential Fringe shall be permitted~~
43 ~~exclusively through the use of TDR credits and TDR Bonus credits~~
44 ~~derived from RFMU sending lands located within one mile of the~~
45 ~~Urban Boundary to increase density by a maximum of 1.0 dwelling~~
46 ~~units per acre, allowing for a density increase from the existing~~
47 ~~allowable base density of 1.5 dwelling units per acre to a maximum~~
48 ~~of 2.5 dwelling units per gross acre.~~

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50 ~~f.e. Redemption into RFMU receiving lands.~~

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- i. Maximum density on RFMU receiving lands when TDR credits are redeemed.
 - a) The base residential density allowable shall be as provided in sections 2.03.08 A.2.a.(2)(a) and 2.03.08 A.2.b.(3)(a).
 - b) The density achievable through the redemption of TDR credits and TDR Bonus credits into RFMU receiving lands shall be as provided for in section 2.03.08 A.2.a.(2)(b)(i) outside of rural villages and sections 2.03.08 A.2.b.(3)(b) and 2.03.08 A.2.b.(3)(c)(~~i~~) inside of rural villages.
 - ii. Remainder uses after TDR credits are severed from RFMU sending lands. Where development rights have been severed from RFMU district Sending Lands, such lands may be retained in private ownership and may be used as set forth in [LDC](#) section 2.03.08 A.4.b.
- gf. Procedures applicable to the severance and redemption of TDR credits and the generation of TDR Bonus credits from RFMU sending lands.
- i. General. Those developments that utilize such TDR credits or TDR Bonus credits are subject to all applicable permitting and approval requirements of this Code, including but not limited to those applicable to site development plans, plat approvals, PUDs, and DRIs.
 - a) The severance of TDR credits ~~and the generation of Early Entry Bonus credits~~ from RFMU sending lands does not require further approval of the County if the County determines that information demonstrating compliance with all of the criteria set forth in ii.a) below has been submitted. However, those developments that utilize such TDR credits and Early Entry Bonus credits are subject to all applicable permitting and approval requirements of this Code, including but not limited to those applicable to site development plans, plat approvals, PUDs, and DRIs.
 - b) The generation of Environmental Restoration and Maintenance Bonus credits and Conveyance Bonus credits requires acceptance by the County of a RMP.
 - ii. In order to facilitate the County's monitoring and regulation of the TDR Program, the County shall serve as the central registry for all TDR severances, transfers (sales) and redemptions, as well as maintain a public listing of TDR credits available for sale along with a listing of purchasers seeking TDR credits. No TDR credit generated from RFMU sending lands, may be utilized to increase

1 density in any area unless the following procedures are complied
2 with in full.

3
4 a) TDR credits shall not be used to increase density in either
5 non-RFMU Receiving Areas or RFMU receiving lands until
6 severed from RFMU sending lands. TDR credits shall be
7 deemed to be severed from RFMU sending lands at such
8 time as a TDR credit Certificate is obtained from the County.
9 TDR credit Certificates shall be issued only by the County
10 and upon submission of the following:

11
12 i) ~~a~~A legal description of the property from which the
13 RFMU TDR credits originated, including the total
14 acreage;

15
16 ii) ~~a~~A title opinion establishing that, prior to the
17 severance of the TDR credits from RFMU sending
18 lands, such sending lands were not subject to a
19 conservation restriction or any other development
20 restriction that prohibited residential development;

21
22 iii) ~~a~~An affidavit, signed by the owner, stating that the
23 property was not subject to a conservation restriction
24 or any other development restriction that prohibited
25 residential development during the period between
26 the effective date of the title opinion and
27 conservation easement recordation;

28
29 iv) ~~a~~An executed Limitation of Development Rights
30 Agreement, prepared in accord with the form
31 provided by the County, that limits the allowable
32 uses on the property after the severance of TDR
33 credits as set forth in LDC section 2.03.08 A.4.b.;
34 and

35
36 v) ~~a~~A statement attesting that the TDR credits are not
37 being severed from RFMU sending lands in violation
38 of LDC ~~subsection 2.03.07 D.4.c.vi.b)~~ ~~of the Code~~.

39
40 vi) ~~d~~Documented evidence that, if the property from
41 which TDRs are being severed is subject to a
42 mortgage, lien, or any other security interest; the
43 mortgagee, lien holder, or holder of the security
44 interest has consented to the recordation of the
45 Limitation of Development Rights Agreement
46 required for TDR severance; transfer (sale) of TDR
47 credit; and redemption of TDR credit.

48
49 b) TDR Bonus credits shall not be used to increase density in
50 either non-RFMU receiving areas or RFMU receiving lands

1 until a TDR credit certificate reflecting the TDR Bonus
2 credits is obtained from the County and recorded.

3
4 1) ~~Early Entry Bonus credits. All TDR credit certificates~~
5 ~~issued by the County for the period from the effective~~
6 ~~date of this provision until September 27, 2022,~~
7 ~~unless further extended by resolution by the Board~~
8 ~~of County Commissioners, shall include one Early~~
9 ~~Entry Bonus credit or fractional Early Entry Bonus~~
10 ~~credit for each TDR credit or fractional TDR credit~~
11 ~~reflected on the TDR credit certificate. Where TDR~~
12 ~~credits were severed from March 5, 2004, until the~~
13 ~~effective date of this provision, the County shall,~~
14 ~~upon receipt of a copy of the TDR credit certificate~~
15 ~~reflecting those previously severed TDR credits,~~
16 ~~issue a TDR credit certificate entitling Early Entry~~
17 ~~Bonus credits equal in number to the previously~~
18 ~~severed TDR credits.~~

19
20 12) Environmental Restoration and Maintenance Bonus
21 credit. A TDR certificate reflecting Environmental
22 Restoration and Maintenance Bonus credits shall
23 not be issued until the County has accepted a RMP
24 for the sending lands from which the Environmental
25 Restoration and Maintenance Bonus credit is being
26 generated. Any sending lands from which TDR
27 credits have been severed may also be used for
28 mitigation programs and associated mitigation
29 activities and uses in conjunction with any county,
30 state or federal permitting. Where the Environmental
31 Restoration and Maintenance Credit is applied for
32 sending lands that are also being used (title or
33 easement) for mitigation for permits or approvals
34 from the U.S. Army Corps of Engineers, U. S. Fish
35 and Wildlife Service, Florida Department of
36 Environmental Protection, Florida Fish and Wildlife
37 Conservation Commission, or the South Florida
38 Water Management District, the County shall accept
39 as the RMP for the sending mitigation lands, the
40 restoration and/or maintenance requirements of
41 permits issued by any of the foregoing governmental
42 agencies for said lands.

43
44 23) Conveyance Bonus credit. A TDR certificate
45 reflecting Conveyance Bonus credits shall not be
46 issued until the County has accepted a RMP for the
47 Sending Lands from which the Conveyance Bonus
48 credit is being generated and such sending lands
49 have been conveyed, in fee simple, to a County,
50 state, or federal government agency.

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3 c) A PUD or DRI utilizing TDR credits or TDR Bonus credits
4 may be conditionally approved, but no subsequent
5 application for site development plan or subdivision plat
6 within the PUD or DRI shall be approved, until the developer
7 submits the following:
- 8 i) Documentation that the developer has acquired all
9 TDR credits and TDR Bonus credits needed for that
10 phase of the development that is the subject of the
11 site development plan or subdivision plat.
- 12
13 d) The developer shall provide documentation of the
14 acquisition of full ownership and control of all TDR credits
15 and TDR Bonus credits needed for the development prior to
16 the approval of any site development plan, subdivision plat,
17 or other final local development order, other than a PUD or
18 DRI.
- 19
20 e) Each TDR credit shall have an individual and distinct
21 tracking number, which shall be identified on the TDR
22 certificate that reflects the TDR credit. The County TDR
23 Activity Log shall maintain an ongoing database that
24 categorizes all TDR credits relative to severance, transfer
25 (sale) and redemption activity.
- 26
27 f) Each TDR Bonus credit shall have an individual and distinct
28 tracking number, which shall be identified on the TDR
29 certificate and which shall identify the specific TDR credit
30 associated with the TDR Bonus credit. The County TDR
31 Registry shall maintain a record of all TDR Bonus credits, to
32 include a designation of those that have been expended.
- 33
34 g) The County bears no responsibility to provide notice to any
35 person or entity holding a lien or other security interest in
36 Sending Lands that TDR credits have been severed from
37 the property or that an application for such severance has
38 been filed.
- 39

40 h. Proportional utilization of TDR credits and TDR Bonus credits. Upon the
41 issuance of approval of a site development plan or subdivision plat that is
42 part of a PUD or DRI, TDR credits and TDR Bonus credits shall be
43 redeemed at a rate proportional to percentage of the PUD or DRI's
44 approved gross density that is derived through TDR credits and TDR Bonus
45 credits. All PUDs and DRIs utilizing TDR credits and TDR Bonus credits
46 shall require that the rate of TDR credit and TDR Bonus credits
47 consumption be reported through the monitoring provisions of section
48 10.02.12 and subsection 10.02.07.C.1.b of this Code.

49

50 * * * * *

#

2.03.08 – Rural Fringe Zoning Districts

A. Rural Fringe Mixed-Use District (RFMU District).

1. Purpose and scope. The purpose and intent of the RFMU District is to provide a transition between the Urban and Estates Designated lands and between the Urban and Agricultural/Rural and Conservation designated lands farther to the east. The RFMU District employs a balanced approach, including both regulations and incentives, to protect natural resources and private property rights, providing for large areas of open space, and allowing, in designated areas, appropriate types, density and intensity of development. The RFMU District allows for a mixture of urban and rural levels of service, including limited extension of central water and sewer, schools, recreational facilities, commercial uses, and essential services deemed necessary to serve the residents of the RFMU District. The innovative planning and development techniques which are required and/or encouraged within the RFMU District were developed to preserve existing natural resources, including habitat for listed species, to retain a rural, pastoral, or park-like appearance from the major public rights-of-way, and to protect private property rights.

* * * * *

2. RFMU receiving lands. RFMU receiving lands are those lands within the RFMU district that have been identified as being most appropriate for development and to which residential development units may be transferred from RFMU sending lands. Based on the evaluation of available data, RFMU receiving lands have a lesser degree of environmental or listed species habitat value than RFMU sending lands and generally have been disturbed through development or previous or existing agricultural operations. Various incentives are employed to direct development into RFMU receiving lands and away from RFMU sending lands, thereby maximizing native vegetation and habitat preservation and restoration. Such incentives include, but are not limited to: the TDR process; clustered development; density bonus incentives; and, provisions for central sewer and water. Within RFMU receiving lands, the following standards shall apply, except as noted in LDC subsection 2.03.08 A.1 above, or as more specifically provided in an applicable PUD.

a. Outside rural villages.

- (1) NBMO Exemption. Except as specifically provided herein NBMO Receiving Lands are only subject to the provisions of [LDC](#) section 2.03.08 C & [LDC section 2.03.07 D.4.d.](#)
- (2) Maximum Density.
 - (a) Base density. The base residential density allowable within RFMU receiving lands, exclusive of the applicable density blending provisions set forth in [LDC](#) section 2.05.02, is 1 unit

per 5 gross acres (0.2 dwelling units per acre) or, for those legal nonconforming lots or parcels in existence as of June 22, 1999, 1 unit per lot or parcel.

(b) Additional density

i. Additional Density Allowed Through the TDR Process. Outside of rural villages, the maximum density achievable in RFMU Receiving Lands through TDR credits and TDR Bonus Credits is 1 dwelling unit per acre.

a) Clustering Required. Where the transfer of development rights is employed to increase residential density within RFMU receiving lands, such residential development shall be clustered in accordance with the following provisions:

i) Central water and sewer shall be extended to the project. Where County sewer or water services may not be available concurrent with development in RFMU receiving lands, interim private water and sewer facilities may be approved.

ii) The maximum lot size allowable for a single-family detached dwelling unit is 1 acre.

iii) The clustered development shall be located on the site so as to provide to the greatest degree practicable: protection for listed species habitat; preservation of the highest quality native vegetation; connectivity to adjacent natural reservations or preservation areas on adjacent developments; and, creation, maintenance or enhancement of wildlife corridors.

b) Minimum Project Size. The minimum project size required in order to receive transferred dwelling units is 40 contiguous acres, except that no minimum project size is required for the Receiving Lands areas along Immokalee Road.

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- c) Emergency Preparedness. In order to reduce the likelihood of threat to life and property from a tropical storm or hurricane event any development approved under the provisions of this section shall demonstrate that adequate emergency preparedness and disaster prevention measures have been taken by, at a minimum:
 - i) Designing community facilities, schools, or other public buildings to serve as storm shelters if located outside of areas that may experience inundation during a Category 1 or worse storm event. While the need to utilize such shelters will be determined on a case-by-case basis, areas which are susceptible to inundation during such storm events are identified on the Sea, Lake, and Overland Surge from Hurricane (SLOSH) Map for Collier County.
 - ii) Evaluating impacts on evacuation routes, if any, and working with the Collier County Emergency Management staff to develop an Emergency Preparedness Plan to include provisions for storm shelter space, a plan for emergency evacuation, and other provisions that may be deemed appropriate and necessary to mitigate against a potential disaster.
 - iii) Working with the Florida Division of Forestry, Collier County Emergency Management staff, and the managers of any adjacent or nearby public lands, to develop a Wildfire Prevention and Mitigation Plan that will reduce the likelihood of threat to life and property from wildfires. This plan shall address, at a minimum: project structural design; the use of materials and location of structures so as to reduce wildfire threat; firebreaks and buffers; water features; and, the rationale for

prescribed burning on adjacent or nearby lands.

ii. Additional density allowed through the provisions of housing that is affordable. Outside of rural villages, the maximum density achievable in RFMU Receiving Lands through housing that is achievable provisions is 12.2 dwelling units per acre, subject to an affordable housing density bonus agreement consistent with LDC Section 2.06.06. TDR credits are not required or allowed to achieve density. Where the provisions of housing that is affordable are employed to increase residential density within RFMU receiving lands, such residential development shall be clustered in accordance with the following provisions:

a) The project shall be located along a road classified as an arterial or collector or located along a road that has direct access to an arterial or collector street. The project shall be located no further than one-half mile (2,640 feet) from an arterial or collector street.

b) Central water and sewer shall be extended to the project.

c) The maximum lot size allowable for a single-family detached dwelling unit is 1 acre.

d) The clustered development shall group principal buildings and structures together into one or more groups on a portion of the site to the greatest degree practicable to create more expansive and less fragmented open space areas with priority placed on the following: Protection for listed species habitat; preservation of the highest quality native vegetation; connectivity to adjacent natural reservations or preservation areas on adjacent developments; and, creation, maintenance or enhancement of wildlife corridors. The development shall be sited to lessen the land area devoted to roads and infrastructure within the development.

e) Emergency Preparedness. The cluster development shall demonstrate that adequate emergency preparedness and

disaster prevention measures have been taken as set forth in LDC section 2.03.08 A.2.a.(2)(b)(i)c).

iii. Additional density Allowed Through Other Density Bonuses. Once a density of one (1) unit per acre is achieved through the use of TDR credits and TDR Bonus credits, additional density may be achieved as follows:

- a) A density bonus of 0.1 unit per acre shall be allowed for the preservation of additional native vegetation as set forth in Section 3.05.07 E.1. of the Code.
- b) A density bonus of 0.1 units per acre shall be allowed for projects that incorporate those additional wetlands mitigation measures set forth in LDC Ssection 3.05.07 F.4.b3.g.ii. ~~of the Code.~~

(3) Allowable Uses.

(a) The Table of Uses identifies uses as permitted uses (P) or conditional uses (CU). Conditional uses shall require approval in accordance with the procedures set forth in LDC section 10.08.00.

~~(a) Uses Permitted as of Right. The following uses are permitted as of right, or as uses accessory to permitted uses:~~

~~i. 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 aquaculture for native species subject to the State of Florida Fish and Wildlife Conservation Commission permits. Owning, maintaining or operating any facility or part thereof for the following purposes is prohibited:~~

- ~~a) Fighting or baiting any animal by the owner of such facility or any other person or entity.~~
- ~~b) Raising any animal or animals intended to be ultimately used or used for fighting or baiting purposes.~~

1 ~~c) For purposes of this subsection, the term~~
2 ~~baiting is defined as set forth in §~~
3 ~~828.122(2)(a), F.S., as it may be amended~~
4 ~~from time to time.~~

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6 ~~ii. Single family residential dwelling units, including~~
7 ~~mobile homes where a mobile home Zoning Overlay~~
8 ~~exists.~~

9
10 ~~iii. Multi family residential structures, if clustering is~~
11 ~~employed.~~

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13 ~~iv. Rural villages, subject to the provisions set forth~~
14 ~~under section 2.03.08 A.2.b. below.~~

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16 ~~v. Dormitories, duplexes and other types of staff~~
17 ~~housing, as may be incidental to, and in support of,~~
18 ~~conservation uses.~~

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20 ~~vi. Family Care Facilities: 1 unit per 5 acres and subject~~
21 ~~to section 5.05.04 of this Code.~~

22
23 ~~vii. Staff housing as may be incidental to, and in support~~
24 ~~of, safety service facilities and essential services.~~

25
26 ~~viii. Farm labor housing limited to 10 acres in any single~~
27 ~~location:~~

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29 ~~a) Single family/duplex/mobile home: 11~~
30 ~~dwelling units per acre; and~~

31
32 ~~b) Multifamily/dormitory: 22 dwelling units/beds~~
33 ~~per acre.~~

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35 ~~ix. Sporting and Recreational camps not to exceed 1~~
36 ~~cabin/lodging unit per 5 gross acres.~~

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38 ~~x. Those essential services identified as permitted~~
39 ~~uses in section 2.01.03 (A) and in accordance with~~
40 ~~the provisions, conditions and limitations set forth~~
41 ~~therein.~~

42
43 ~~xi. Golf courses or driving ranges, subject to the~~
44 ~~following standards:~~

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46 ~~a) The minimum density shall be as follows:~~

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48 ~~i) For golf course projects: one (1)~~
49 ~~dwelling unit per five (5) gross acres.~~
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ii) ~~For golf course projects not utilizing density blending Provisions set forth in the Density Rating System of the FLUE, including free standing golf courses: one TDR credit or TDR Bonus credit shall be required per five (5) gross acres for the land area utilized as part of the golf course, including the clubhouse area, rough, fairways, greens, and lakes, but excluding any area dedicated as conservation, which is non-irrigated and retained in a natural state. A TDR credit or TDR Bonus credit used to entitle golf course acreage may not also be used to entitle a residential dwelling unit.~~

b) ~~Golf courses shall be designed, constructed, and managed in accordance with the Best Management Practices of Audubon International's Gold Signature Program. The project shall demonstrate that the Principles for Resource Management required by the Gold Signature Program (Site Specific Assessment, Habitat Sensitivity, Native and Naturalized Plants and Natural Landscaping, Water Conservation, Waste Management, Energy Conservation & Renewable Energy Sources, Transportation, Greenspace and Corridors, Agriculture, and BUILDING Design) have been incorporated into the golf course's design and operational procedures.~~

c) ~~In order to prevent the contamination of soil, surface water and ground water by the materials stored and handled by golf course maintenance operations, golf courses shall comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995.~~

d) ~~To protect ground and surface water quality from fertilizer and pesticide usage, golf courses shall demonstrate the following management practices:~~

i) ~~The use of slow release nitrogen sources;~~

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- ~~ii) The use of soil and plant tissue analysis to adjust timing and amount of fertilization applications;~~
- ~~iii) The use of an integrated pest management program using both biological and chemical agents to control various pests;~~
- ~~iv) The coordination of pesticide applications with the timing and application of irrigation water; and~~
- ~~v) The use of the procedure contained in IFAS Circular 1011, Managing Pesticides for Golf Course Maintenance and Water Quality Protection, May 1991 (revised 1995) to select pesticides that will have a minimum adverse impact on water quality.~~
- ~~e) To ensure water conservation, golf courses shall incorporate the following in their design and operation:~~
 - ~~i) Irrigation systems shall be designed to use weather station information and moisture sensing systems to determine the optimum amount of irrigation water needed considering soil moisture and evapotranspiration rates.~~
 - ~~ii) Golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies to the extent that a sufficient amount of such water is available and the piping or other conveyance necessary for delivery of such water exists at a location abutting the golf course property boundary or within 50 feet of such boundary and accessible via existing rights of way or easements;~~
 - ~~iii) Native plants shall be used exclusively except for special~~

purpose areas such as golf greens, fairways, and building sites. Within these excepted areas, landscaping plans shall require that at least 75% of the trees and 50% of the shrubs be freeze-tolerant—native—Floridian species. At least 75% of the required native trees and shrubs shall also be drought-tolerant species.

f) ~~Stormwater management ponds shall be designed to mimic the functions of natural systems: by establishing shorelines that are sinuous in configuration in order to provide increased length and diversity of the littoral zone. A Littoral shelf shall be established to provide a feeding area for water dependent avian species. The combined length of vertical and rip-rapped walls shall be limited to 25% of the shoreline. Credits to the site preservation area requirements, on an acre-to-acre basis, shall be given for littoral shelves that exceed these littoral shelf area requirements.~~

~~g) Site preservation and native vegetation retention requirements shall be those set forth in section 4.06.00 of this Code.~~

~~xii. Public educational plants and ancillary plants.~~

~~xiii. Oil and gas exploration, subject to applicable state and federal drilling permits and Collier County non-environmental site development plan review procedures. Directional drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on Oct. 3, 2005 [the effective date of this provision], regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the~~

requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)(1) through (12), F.A.C.

xiv. ~~Park, open space, and recreational uses.~~

xv. ~~Private schools.~~

(b) Accessory uses: shall be regulated as follows:

- i. Accessory uses as set forth in LDC section 2.03.01 ~~of this Code.~~
- ii. Accessory uses and structures that are accessory and incidental to uses permitted as of right in the RFMU district.
- iii. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed, and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to clubhouse, community center building, tennis facilities, playgrounds and playfields.

(c) Any use not listed in the Table of Uses is prohibited unless the County Manager or designee determines that it falls within the same class as a listed use through the process outlined in LDC section 1.06.00, Rules of Interpretation. ~~Conditional uses. The following uses are permissible as conditional uses subject to the standards and procedures established in LDC section 10.08.00.~~

- i. ~~Oil and gas field development and production, subject to state field development permits and Collier County non-environmental site development plan review procedures. Directional drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This~~

1 ~~requirement shall be deemed satisfied upon~~
2 ~~issuance of a state permit in compliance with the~~
3 ~~criteria established in Chapter 62C-25 through 62C-~~
4 ~~30, F.A.C., regardless of whether the activity occurs~~
5 ~~within the Big Cypress Watershed, as defined in~~
6 ~~Rule 62C-30.001(2), F.A.C. All applicable Collier~~
7 ~~County environmental permitting requirements shall~~
8 ~~be considered satisfied by evidence of the issuance~~
9 ~~of all applicable federal and/or state oil and gas~~
10 ~~permits for proposed oil and gas activities in Collier~~
11 ~~County, so long as the state permits comply with the~~
12 ~~requirements of Chapter 62C-25 through 62C-30,~~
13 ~~F.A.C. For those areas of Collier County outside the~~
14 ~~boundary of the Big Cypress Watershed, the~~
15 ~~applicant shall be responsible for convening the Big~~
16 ~~Cypress Swamp Advisory Committee as set forth in~~
17 ~~Section 377.42, F.S., to assure compliance with~~
18 ~~Chapter 62C-25 through 62C-30, F.A.C., even if~~
19 ~~outside the defined Big Cypress Watershed. All oil~~
20 ~~and gas access roads shall be constructed and~~
21 ~~protected from unauthorized uses according to the~~
22 ~~standards established in Rule 62-30.005(2)(a)(1)~~
23 ~~through (12), F.A.C.~~

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- 25 ii. ~~Group care facilities and other care housing~~
26 ~~facilities, other than family care facilities, subject to~~
27 ~~a maximum floor area ratio of 0.45.~~
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- 29 iii. ~~Zoos, aquariums, and botanical gardens, and similar~~
30 ~~uses.~~
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- 32 iv. ~~Facilities for the collection, transfer, processing, and~~
33 ~~reduction of solid waste.~~
- 34
- 35 v. ~~Community facilities, such as, places of worship,~~
36 ~~childcare facilities, cemeteries, and social and~~
37 ~~fraternal organizations.~~
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- 39 vi. ~~Travel trailer recreation vehicle parks, subject to the~~
40 ~~following criteria:~~
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- 42 a) ~~the site is adjacent to an existing travel trailer~~
43 ~~recreational vehicle site; and~~
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- 45 b) ~~the site is no greater than 100% of the size~~
46 ~~of the existing adjacent park site.~~
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- 48 vii. ~~Those essential services identified in sections~~
49 ~~2.01.03 (G)(1) and (G)(3).~~
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viii. ~~In RFMU receiving lands other than those within the NBMO, asphalt and concrete batch-making plants.~~

ix. ~~In RFMU receiving lands other than those within the NBMO, earth mining and extraction.~~

x. ~~Wireless communication facilities, subject to LDC section 5.05.09.~~

(d) Table of Uses.

<u>i. Agricultural</u>		
<u>a)</u>	<u>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 aquaculture for native species subject to the State of Florida Fish and Wildlife Conservation Commission permits.</u>	<u>P¹</u>
<u>ii. Residential</u>		
<u>b)</u>	<u>Dormitories, duplexes and other types of staff housing, as may be incidental to, and in support of, conservation uses.</u>	<u>P</u>
<u>c)</u>	<u>Family Care Facilities: 1 unit per 5 acres and subject to LDC section 5.05.04.</u>	<u>P</u>
<u>d)</u>	<u>Farm labor housing limited to 10 acres in any single location:</u> <u>a) Single family/duplex/mobile home: 11 dwelling units per acre; and</u> <u>b) Multifamily/dormitory: 22 dwelling units/beds per acre.</u>	<u>P</u>
<u>e)</u>	<u>Group care facilities and other care housing facilities, other than family care facilities, subject to a maximum floor area ratio of 0.45.</u>	<u>CU</u>
<u>f)</u>	<u>Multi-family residential structures. Subject to residential clustering provisions outlined in LDC section 2.03.08 A.3.b(2).</u>	<u>P</u>
<u>g)</u>	<u>Single-family residential dwelling units, including mobile homes where a mobile home Zoning Overlay exists.</u>	<u>P</u>
<u>h)</u>	<u>Staff housing as may be incidental to, and in support of, safety service facilities and essential services.</u>	<u>P</u>
<u>iii. Mixed Use, when developed as part of a housing that is affordable project</u>		
<u>a)</u>	<u>Any permitted use in the C-1 and C-2 zoning districts, except gasoline service stations (SIC 5541) and standalone drive-through restaurants (SIC 5812) shall be prohibited.</u>	<u>P²</u>
<u>b)</u>	<u>Amusement and recreation services, indoor (SIC 7999 martial arts, yoga and gymnastics instruction, gymnastic schools, and recreation involving physical fitness exercise only)</u>	<u>P²</u>
<u>c)</u>	<u>Amusement and recreation services, outdoor (SIC 7999 miniature golf course, bicycle, and moped rental only)</u>	<u>CU²</u>
<u>d)</u>	<u>Animal specialty services, except veterinary (SIC 0752, excluding outside kenneling)</u>	<u>P²</u>

<u>e)</u>	<u>Apparel and accessory stores (SIC 5611- 5699) with 5,000 square feet or less of gross floor area in the principal structure</u>	<u>P²</u>
<u>f)</u>	<u>Auto and home supply stores (SIC 5531) with 5,000 square feet or less of gross floor area in the principal structure</u>	<u>P²</u>
<u>g)</u>	<u>Bowling centers (SIC 7933)</u>	<u>CU²</u>
<u>h)</u>	<u>Business associations (SIC 8611)</u>	<u>P²</u>
<u>i)</u>	<u>Business services — miscellaneous (SIC 7389, except auctioneering service, automobile recovery, automobile repossession, batik work, bondspersons, bottle exchanges, bronzing, cloth cutting, contractors' disbursement, cosmetic kits, cotton inspection, cotton sampler, directories- telephone, drive- away automobile, exhibits- building, filling pressure containers, field warehousing, fire extinguisher, floats-decoration, folding and refolding, gas systems, bottle labeling, liquidation services, metal slitting and shearing, packaging and labeling, patrol of electric transmission or gas lines, pipeline or powerline inspection, press clipping service, process serving services, recording studios, repossession service, rug binding, salvaging of damaged merchandise, scrap steel cutting and slitting, shrinking textiles, solvent recovery, sponging textiles, swimming pool cleaning, tape slitting, tax collection agencies, texture designers, textile folding, tobacco sheeting, window trimming and yacht broker)</u>	<u>P²</u>
<u>j)</u>	<u>Drug stores (SIC 5912)</u>	<u>P²</u>
<u>k)</u>	<u>Eating places (SIC 5812 only) with 6,000 square feet or less in gross floor area in the principal structure</u>	<u>P²</u>
<u>l)</u>	<u>Food stores (groups 5411—5499) with 5,000 square feet or less of gross floor area in the principal structure</u>	<u>P²</u>
<u>m)</u>	<u>General merchandise stores (SIC 5331—5399, except poultry dealer) with 5,000 square feet or less of gross floor area in the principal structure.</u>	<u>P²</u>
<u>n)</u>	<u>Health services, office and clinics (SIC 8011-8049, 8071, 8092, 8099, except for blood banks, blood donor stations, plasmapheresis centers and sperm banks</u>	<u>P²</u>
<u>o)</u>	<u>Home furniture and furnishings stores (SIC 5712—5719) with 5,000 square feet or less of gross floor area in the principal structure.</u>	<u>P²</u>
<u>p)</u>	<u>Household appliance stores (SIC 5722) with 5,000 square feet or less of gross floor area in the principal structure</u>	<u>P²</u>
<u>q)</u>	<u>Laundries, family and commercial (SIC 7211)</u>	<u>P²</u>
<u>r)</u>	<u>Membership organizations, miscellaneous (SIC 8699)</u>	<u>P²</u>
<u>s)</u>	<u>Musical instrument stores (SIC 5736) with 5,000 square feet or less of gross floor area in the principal structure</u>	<u>P²</u>
<u>t)</u>	<u>Paint stores (SIC 5231) with 5,000 square feet or less of gross floor area in the principal structure</u>	<u>P²</u>
<u>u)</u>	<u>Personal credit institutions (SIC 6141)</u>	<u>P²</u>
<u>v)</u>	<u>Personal services, miscellaneous (SIC 7299 - babysitting bureaus, clothing rental, costume rental, dating service, debt counseling, depilatory salons, diet workshops, dress suit rental,</u>	<u>P²</u>

	<u>electrolysis, genealogical investigation service, and hair removal only) with 5,000 square feet or less of gross floor area in the principal structure</u>	
<u>w)</u>	<u>Personnel supply services (SIC 7361 and 7363)</u>	<u>P²</u>
<u>x)</u>	<u>Physical fitness facilities (SIC 7991; 7911, except discotheques)</u>	<u>P²</u>
<u>y)</u>	<u>Political organizations (SIC 8651)</u>	<u>P²</u>
<u>z)</u>	<u>Radio, television and consumer electronics stores (SIC 5731) with 5,000 square feet or less of gross floor area in the principal structure</u>	<u>P²</u>
<u>aa)</u>	<u>Membership sports and recreational clubs indoor only (SIC 7997)</u>	<u>CU²</u>
<u>bb)</u>	<u>Repair services - miscellaneous (SIC 7629—7631, 7699 - bicycle repair, binocular repair, camera repair, key duplicating, lawnmower repair, leather goods repair, locksmith shop, picture framing, and pocketbook repair only)</u>	<u>P²</u>
<u>cc)</u>	<u>Retail nurseries, lawn and garden supply stores (SIC 5261) with 5,000 square feet or less of gross floor area in the principal structure</u>	<u>P²</u>
<u>dd)</u>	<u>Retail services - miscellaneous (SIC 5921—5963 except pawnshops and building materials, SIC 5992-5999 except auction rooms, awning shops, gravestones, hot tubs, monuments, swimming pools, tombstones and whirlpool baths) with 5,000 square feet or less of gross floor area in the principal structure.</u>	<u>P²</u>
<u>ee)</u>	<u>Vocational schools (SIC 8243-8299, except automobile driving instruction, charm schools, charm and modeling finishing schools, flying instruction, hypnosis schools, survival schools and truck driving schools. Music and drama schools shall be limited to 60 decibels audible from outside</u>	<u>CU²</u>
<u>iv. Rural Villages</u>		
<u>a)</u>	<u>Rural villages, subject to the provisions set forth under LDC section 2.03.08 A.2.b. below.</u>	<u>P</u>
<u>v. Economic Development uses that are business and industrial uses and meet the intent of the Florida Qualified Targeted Industrial uses, as identified in the GMP.</u>		
<u>a)</u>	<u>Apparel and other finished products (2311—2399)</u>	<u>P³</u>
<u>b)</u>	<u>Business services (7311—7313, 7319, 7334—7336, 7342,7389), including auction rooms (5999), subject to parking and landscaping for retail use</u>	<u>P³</u>
<u>d)</u>	<u>Communications (4812—4899 including communications towers up to specified heights, subject to LDC section 5.05.09)</u>	<u>P³</u>
<u>e)</u>	<u>Depository and non-depository institutions (6011—6163)</u>	<u>CU³</u>
<u>f)</u>	<u>Drugs (2833—2835)</u>	<u>P³</u>
<u>g)</u>	<u>Educational services (8221- 8299)</u>	<u>CU³</u>
<u>h)</u>	<u>Electronic and other electrical equipment (3612—3699)</u>	<u>P³</u>
<u>i)</u>	<u>Engineering, accounting, research, management, and related services (8711—8748)</u>	<u>P³</u>

<u>k)</u>	<u>Food and kindred products (2011—2015 except slaughtering plants, 2021—2099)</u>	<u>P³</u>
<u>l)</u>	<u>Furniture and fixtures (2511—2599)</u>	<u>P³</u>
<u>n)</u>	<u>Health services (8011—8049, 8092, 8093)</u>	<u>CU³</u>
<u>o)</u>	<u>Holding and other investment offices (6712—6799)</u>	<u>CU³</u>
<u>p)</u>	<u>Industrial and commercial machinery and computer equipment (3511—3599)</u>	<u>P³</u>
<u>q)</u>	<u>Insurance agents, brokers, and service (6411)</u>	<u>CU³</u>
<u>r)</u>	<u>Insurance carriers (6311—6399)</u>	<u>CU³</u>
<u>s)</u>	<u>Job Training and Vocational Rehabilitation Services (8331)</u>	<u>CU³</u>
<u>t)</u>	<u>Leather and leather products (3131—3198)</u>	<u>P³</u>
<u>u)</u>	<u>Legal services (8111)</u>	<u>P³</u>
<u>v)</u>	<u>Local and suburban transit (4111—4173)</u>	<u>CU³</u>
<u>w)</u>	<u>Lumber and wood products (2426, 2431—2499)</u>	<u>P³</u>
<u>x)</u>	<u>Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks manufacturing (3812—3873)</u>	<u>P³</u>
<u>y)</u>	<u>Medical and dental laboratories (8071, 8072)</u>	<u>P³</u>
<u>z)</u>	<u>Medicinal chemicals and botanical products (2833 vitamins only)</u>	<u>P³</u>
<u>aa)</u>	<u>Miscellaneous manufacturing industries (3911—3996, 3999 including "additive manufacturing," as defined in ISO ASTM 52900)</u>	<u>P³</u>
<u>bb)</u>	<u>Miscellaneous services (8999)</u>	<u>CU³</u>
<u>cc)</u>	<u>Motion pictures (7812—7829)</u>	<u>P³</u>
<u>dd)</u>	<u>Motion pictures (7832—7833)</u>	<u>CU³</u>
<u>ee)</u>	<u>Motor freight transportation and warehousing (4212—42254222, 4226 except oil and gas storage, and petroleum and chemical bulk stations)</u>	<u>P³</u>
<u>gg)</u>	<u>Paper and paperboard mills (2621, 2631)</u>	<u>CU³</u>
<u>hh)</u>	<u>Printing, publishing, and allied industries (2711—2796)</u>	<u>P³</u>
<u>jj)</u>	<u>Rubber and miscellaneous plastic products (3021—3089)</u>	<u>CU³</u>
<u>kk)</u>	<u>Sawmills and planing mills (2421, 2429)</u>	<u>CU³</u>
<u>ll)</u>	<u>Security brokers, dealers, and flotation companies (6211)</u>	<u>CU³</u>
<u>mm)</u>	<u>Space research and technology (9661)</u>	<u>P³</u>
<u>nn)</u>	<u>Stone, clay, glass, and concrete products (3211, 3221, 3231, 3251—3273, 3275, 3281), indoor only, with no outside storage of materials or equipment.</u>	<u>CU³</u>
<u>oo)</u>	<u>Textile mill products (2211—2298)</u>	<u>CU³</u>
<u>pp)</u>	<u>Title Abstract Offices (6541)</u>	<u>CU³</u>
<u>qq)</u>	<u>Transportation equipment (3714, 3716, 3721—3751, 3792, 3799)</u>	<u>P³</u>
<u>rr)</u>	<u>Transportation services (4724—4783, 4789 except stockyards)</u>	<u>CU³</u>
<u>ss)</u>	<u>United States Postal services (4311)</u>	<u>P³</u>
<u>tt)</u>	<u>Vocational schools (8243—8249)</u>	<u>P³</u>
<u>uu)</u>	<u>Wholesale trade—Durable goods (5012—5014, 5021—5049, 5063—5092, 5094, 5099), indoor only, with no outside storage of materials and equipment.</u>	<u>P³</u>

<u>vv)</u>	<u>Wholesale trade—Nondurable Goods (5111—5159, 5181, 5182, 5191 except that wholesale distribution of chemicals, fertilizers, insecticides, and pesticides must be a minimum of 500 feet from a residential zoning district, 5192—5199)</u>	<u>P³</u>
<u>vi. Miscellaneous</u>		
<u>a)</u>	<u>Asphalt and concrete batch-making plants in RFMU receiving lands other than those within the NBMO.</u>	<u>CU</u>
<u>b)</u>	<u>Community facilities, such as, places of worship, childcare facilities, cemeteries, and social and fraternal organizations.</u>	<u>CU</u>
<u>c)</u>	<u>Earth mining and extraction in RFMU receiving lands other than those within the NBMO</u>	<u>CU</u>
<u>d)</u>	<u>Essential services identified in LDC sections 2.01.03 G.1. and G.3.</u>	<u>CU</u>
<u>e)</u>	<u>Facilities for the collection, transfer, processing, and reduction of solid waste.</u>	<u>CU</u>
<u>f)</u>	<u>Golf courses or driving ranges.</u>	<u>P⁴</u>
<u>g)</u>	<u>Oil and gas field development and production, subject to state field development permits and Collier County non-environmental site development plan review procedures.</u>	<u>CU⁵</u>
<u>h)</u>	<u>Park, open space, and recreational uses.</u>	<u>P</u>
<u>i)</u>	<u>Private schools.</u>	<u>P</u>
<u>j)</u>	<u>Public educational plants and ancillary plants.</u>	<u>P</u>
<u>k)</u>	<u>Travel trailer recreation vehicle parks.</u>	<u>CU⁶</u>
<u>l)</u>	<u>Sporting and Recreational camps not to exceed 1 cabin/lodging unit per 5 gross acres.</u>	<u>P</u>
<u>m)</u>	<u>Zoos, aquariums, botanical gardens, and similar uses.</u>	<u>CU</u>

1 Owning, maintaining, or operating any facility or part thereof for the following purposes is prohibited:

i) Fighting or baiting any animal by the owner of such facility or any other person or entity.

ii) Raising any animal or animals that is/are intended to be ultimately used for fighting or baiting purposes.

iii) For purposes of this subsection, the term baiting is defined as set forth in § 828.122(2)(a), F.S., as it may be amended from time to time.

2 All permitted neighborhood commercial uses within Affordable Housing projects are subject to the following standards in LDC section 2.03.08 A.2.a.(7).

3 All permitted economic development uses shall be subject to LDC section 2.03.08 A.2.a.(8).

4 For golf course projects, the following standards shall apply:

- i) The minimum density shall be one dwelling unit per five gross acres. For golf course projects not utilizing density blending Provisions set forth in the Density Rating System of the FLUE, including free standing golf courses: one TDR credit or TDR Bonus credit shall be required per five (5) gross acres for the land area utilized as part of the golf course, including the clubhouse area, rough, fairways, greens, and lakes, but excluding any area dedicated as conservation, which is non-irrigated and retained in a natural state. A TDR credit or TDR Bonus credit used to entitle golf course acreage may not also be used to entitle a residential dwelling unit.
- ii) Golf courses shall be designed, constructed, and managed in accordance with the Best Management Practices of Audubon International's Gold Signature Program. The project shall demonstrate that the Principles for Resource Management required by the Gold Signature Program (Site Specific Assessment, Habitat Sensitivity, Native and Naturalized Plants and Natural Landscaping, Water Conservation, Waste Management, Energy Conservation & Renewable Energy Sources, Transportation, Greenspace and Corridors, Agriculture, and BUILDING Design) have been incorporated into the golf course's design and operational procedures.
- iii) In order to prevent the contamination of soil, surface water and ground water by the materials stored and handled by golf course maintenance operations, golf courses shall comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, September 2012.
- iv) Stormwater management ponds shall be designed to mimic the functions of natural systems: by establishing shorelines that are sinuous in configuration in order to provide increased length and diversity of the littoral zone. A Littoral shelf shall be established to provide a feeding area for water dependent avian species. The combined length of vertical and rip-rapped walls shall be limited to 25% of the shoreline. Credits to the site preservation area requirements, on an acre- to- acre basis, shall be given for littoral shelves that exceed these littoral shelf area requirements.

v) Site preservation and native vegetation retention requirements shall be those set forth in LDC section 3.05.07

5 Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62-30.005(2)(a)(1) through (12), F.A.C.

6 Subject to the following criteria:

i) The site is adjacent to an existing travel trailer recreational vehicle site; and

ii) The site is no greater than 100% of the size of the existing adjacent park site.

(4) Design Standards.

(a) Development Not Utilizing clustering, except for Mixed Use and Economic Development are subject to LDC sections 2.03.08 A.2.a.(7) and 2.03.08 A.2.a.(8), respectively:

i. Minimum lot area: 5 Acres.

ii. Minimum lot width: 165 Feet.

iii. Minimum yard requirements:

a) Front yard: 50 feet

- b) Side yard: 30 feet
- c) Rear yard: 50 feet
- d) Nonconforming lots in existence as of June 22, 1999:
 - i) Front yard: 40 feet.
 - ii) Side yard: 10 percent of lot width, not to exceed 20 feet on each side.
 - iii) Rear yard: 50 feet.

(b) Clustered development:

i. Lot areas and widths:

a) ~~S~~single-family:

- i) Minimum lot area: 4,500 square feet.
- ii) Maximum lot area: One Acre.
- iii) Minimum lot width: Interior lots 40 feet.
- iv. Maximum lot width: 150 feet.

b) ~~M~~multi-family:

- i) Minimum lot area: One Acre.
- ii) Maximum lot area: None.
- iii) Minimum lot width: 150 feet.
- iv) Maximum lot width: None.

ii. Minimum yard requirements:

- a) Single-Family. Each single-family lot or parcel minimum yard requirement shall be established within an approved PUD, or shall comply with the following standards:
 - i) Front: 20 feet (Note front yard setback may be reduced to 10 feet where parking for the unit is accessed via a rear alley).

- ii) Side: 6 feet.
- iii) Rear: 15 feet.
- iv) Accessory: Per LDC section 4.02.03.

b) Additional setbacks from roadway (s) for projects using housing that is affordable provisions:

- i) No single-family dwelling may be located closer than 50 feet to a roadway classified as a public local or a collector roadway.
- ii) No single-family dwelling may be located closer than 100 feet to a roadway classified as an arterial roadway.

cb) Multi-Family. For each multi-family lot or parcel minimum yard shall be established within an approved PUD, or shall comply with the following standards:

- i) Setback from Arterial or Collector roadway(s): no multi-family dwelling may be located closer than 200 feet to a roadway classified or defined as an arterial roadway or 100 feet from any roadway classified or defined as a collector roadway.
- ii) Additional setbacks from roadway (s) for projects using housing that is affordable provisions: no multi-family dwelling may be located closer than 75 feet to a roadway classified as a public local roadway. Requirement shall only apply to roadways external to the development. ~~Front: 30 feet.~~
- iii) Front: 30 feet.
- iv) ~~iii)~~ Rear: 30 feet.
- iv) Side yard/separation between any multi-family buildings: One-half of the

building height or 15 feet, whichever is greater.

vi) Accessory: Per LDC section 4.02.03.

iii. Additional setbacks for developments using housing that is affordable provisions:

a) Perimeter setbacks from all adjacent single-family residential or agriculturally zoned property shall be no less than the front setback requirement for the adjacent zoning district or a minimum of one foot (setback) per one-foot maximum zoned height for principal structures, whichever is greater.

b) Clubhouse(s), amenity centers, maintenance buildings, vehicle service areas, amenity centers that include active recreation areas such as outdoor pools, tennis courts, etc. must be located at least 350 feet from the boundaries of any adjacent conservation area or zoned RFMU sending lands.

c) Development must incorporate 100-foot-wide setbacks where adjacent to any conservation area and comply with the following:

i) No yard or dwelling unit shall be permitted within this setback.

ii) No lights, generators, pumps, other fixed motors or accessory structures except as noted below shall be permitted within this setback.

iii) Passive recreation such as hiking, jogging, biking and walking will be allowed along designated trail and boardwalk systems and must interconnect with existing trail systems.

iv) Lakes may extend into this setback but shall not incorporate lights or structures, other than drainage structures.

v) Any sewer or electrical lines that is placed within this setback must be buried.

iv.iii. Height limitations

a) Principal structures

i) Single Family: 35 feet.

ii) Multi-family: Five Stories not to exceed 60 feet.

iii) Other structures: 35 feet except for golf course/community clubhouses, which may be 50 feet in height.

b) Accessory structures. 20 feet, except for screen enclosures, which may be the same height as the principal structure.

iv. Minimum floor space

a) Single Family: 800 square feet

b) Multi-family:

i) Efficiency: 450 Square feet

ii) One Bedroom: 600 square feet

iii) Two or More Bedrooms: 800 square feet

(c) Parking. As required in Chapter 4 of this Code.

(d) Landscaping. As required in Chapter 4 of this Code, except as provided below for residential projects or residential-only components of projects with a density greater than one dwelling unit per acre, including projects using housing that is affordable provisions.

i. A Type B Buffer shall be required for all project boundaries that abut property zoned or developed for single family residential use.

ii. A minimum 20-foot-wide Type D Buffer shall be required where abutting an arterial or collector roadway. At minimum, the buffer shall consist of the following at the time of planting:

1
2 a) Canopy trees, with a minimum height of 12
3 feet, minimum spread of six feet, and a
4 maximum spacing of 30 feet on center. Palm
5 trees may be installed within this buffer but
6 shall not be used as a substitute for the
7 required canopy trees.

8
9 a) A continuous double row of three-gallon
10 hedges, 36 inches in height with a maximum
11 spacing of three feet on center. The hedges
12 shall be maintained at a minimum height of
13 36 inches.

14 b) A meandering bed of groundcover placed
15 between the hedges and the roadway. The
16 bed of groundcover shall be a minimum width
17 of three feet, a maximum width of five feet,
18 and achieve 100 percent opacity and
19 coverage within one year of planting.

20
21
22 iii. All other project boundaries shall meet the buffer
23 requirements of LDC section 4.06.02, except that
24 palm trees shall not be substituted for canopy trees.

25
26 (e) Signs. As required in section 5.06.00 of this Code.

27
28 (5) Native vegetation Retention. As required in section 3.05.07~~4.06.00~~
29 of this Code.

30
31 (6) Usable open space.

32
33 (a) Projects utilizing TDR credits ~~of 40 or more acres in size~~
34 shall provide a minimum of 70% percent usable open space.
35 Projects developed in accordance with LDC section 2.06.00
36 shall provide a minimum of 50 percent usable open space.

37
38 (b) Usable open space includes active or passive recreation
39 areas such as parks, playgrounds, golf courses, waterways,
40 lakes, nature trails, and other similar open spaces. Usable
41 open space shall also include areas set aside for
42 conservation or preservation of native vegetation and
43 landscape areas.

44
45 (c) Open water beyond the perimeter of the site, street right-of-
46 way, except where dedicated or donated for public uses,
47 driveways, off-street parking and loading areas, shall not be
48 counted towards required usable open space.

1 (d) For projects that provide housing that is affordable, the
2 following standards shall apply:

3
4 i. All usable open space areas shall be part of a larger
5 continuous and integrated open space system within
6 the development. The development shall include an
7 internal pedestrian circulation system that provides
8 safe and easy access to usable open space from all
9 portions of the development. For the purpose of this
10 subsection, areas shall be considered part of a
11 continuous open space system if they are within 50
12 feet of each other.

13
14 ii. A minimum of 60 percent of the total required usable
15 open space shall be required as common open
16 space. For the purpose of this subsection common
17 open space shall include all usable open space
18 accessible to all residents of the development.

19
20 iii. Common open space shall not be less than 30 feet
21 in width; except for landscape buffer areas and
22 boulevard medians.

23
24 iv. Access rights to common open space for all
25 residents within the development shall be
26 guaranteed. Pedestrian access to usable open
27 space via street right-of-way crossing shall contain
28 clearly marked crosswalks and signage.

29
30 v. Stormwater drainage and detention areas may be
31 included as part of common open space, provided
32 they are unfenced, and improved with walking trails,
33 nature paths, picnic facilities, benches and similar
34 amenities or for common use by all residents within
35 the development.

36
37 vi. Land utilized for common open space shall be
38 restricted to common open space in perpetuity by
39 appropriate legal instruments satisfactory to Collier
40 County. Such instrument shall be binding upon the
41 owner, developer, his successors, and assigns, and
42 shall constitute a covenant running with the land,
43 and be in recordable form.

44
45 (7) Mixed use projects providing housing that is affordable.

46
47 (a) Project shall have an affordable housing density bonus
48 agreement consistent with LDC section 2.06.00.
49

1 (b) The total eligible density shall not exceed the maximum
2 density allowed pursuant to the GMP and subject to the
3 affordable housing density bonus per LDC section 2.06.00.

4
5 (c) Residential density shall be calculated based on gross
6 project acreage whether located within the commercial
7 component of the project, whether located above
8 commercial uses in the same building, in an
9 attached building, or in a freestanding building.

10
11 (d) Projects shall comply with the design standards,
12 development standards and locational criteria below:

13
14 i. Minimum project size shall be greater than 15 acres.

15
16 ii. Maximum floor area ratio for neighborhood
17 commercial component: 0.30.

18
19 iii. Minimum total square footage of the residential
20 component of the project shall consist of at least
21 65% of the development.

22
23 iv. No single commercial use in the commercial
24 component shall exceed 15,000 square feet of gross
25 leasable floor area, except that a grocery store or
26 supermarket shall not exceed 45,000 square feet of
27 gross leasable floor area.

28
29 v. Residential uses shall be constructed concurrently
30 with or prior to the construction of commercial uses.
31 The following table indicates the maximum
32 proportion of the total permitted commercial
33 floorspace that may be occupied for a minimum
34 proportion of residential land uses commenced.

35
36 Phasing Limits

37

<u>Minimum Residential Development</u>	<u>Maximum Commercial Development</u>
<u>25%</u>	<u>25%</u>
<u>50%</u>	<u>50%</u>
<u>75%</u>	<u>100%</u>

38
39 vi. Neighborhood commercial uses shall be located
40 within 1/4 mile of at least 50% of the total number of
41 approved residential units.

42
43 vii. Minimum lot width: 75 feet.
44

- 1 viii. Minimum lot area: 10,000 square feet.
- 2
- 3 ix. Maximum height. Buildings shall have a maximum
- 4 zoned height of 50 feet and a maximum actual height
- 5 of 55 feet.
- 6
- 7 x. Minimum yards.
- 8
- 9 a) Perimeter setbacks from all adjacent single-
- 10 family residential or agriculturally zoned
- 11 property shall be no less than the front
- 12 setback requirement for the adjacent zoning
- 13 district or a minimum of one foot (setback)
- 14 per one-foot maximum zoned height for
- 15 principal structures, whichever is greater.
- 16
- 17 b) Front yard: 50% of the building height but not
- 18 less than 25 feet.
- 19
- 20 c) Side yard: 25 feet.
- 21
- 22 xi. The development shall provide vehicular network
- 23 interconnections between internal uses and external
- 24 connections to adjoining neighborhoods and land
- 25 uses. The network shall fully accommodate
- 26 pedestrian, bicycle, and transit. Vehicular and
- 27 pedestrian interconnection shall be provided to the
- 28 property line to allow access to all connection points
- 29 with the abutting development.
- 30
- 31 xii. The commercial component shall be interconnected
- 32 with the residential component of the project
- 33 by streets, or pedestrian pathways, and bike lanes,
- 34 unless precluded by the existence of wetlands or
- 35 other environmentally sensitive habitats. In such
- 36 instance, no less than one type of interconnection
- 37 shall be provided.
- 38
- 39 xiii. The project shall have direct access to a road
- 40 classified as an arterial or collector and the type
- 41 of access points shall be limited, as appropriate, so
- 42 as to minimize disruption of traffic flow on
- 43 the adjacent arterial or collector roadway.
- 44
- 45 xiv. The neighborhood commercial component of the
- 46 project may be located internal to the project or
- 47 along the boundary; however, if externally located,
- 48 internal access roads shall be provided, so as not to
- 49 promote strip commercial development along
- 50 external collector and arterial roadways.

1
2 xv. Development must incorporate a setback of 150 feet
3 where adjacent to any conservation area. In
4 addition, the following shall apply:

5
6 a) No structure shall be permitted within this
7 setback.

8
9 b) No lights, generators, pumps, other fixed
10 motors or accessory structures, except as
11 noted below, shall be permitted within this
12 setback.

13
14 i) Passive recreation, such as hiking,
15 jogging, biking and walking will be
16 allowed along designated trail and
17 boardwalk systems and must
18 interconnect with existing trail
19 systems.

20
21 ii) Lakes may extend into this setback
22 but shall not incorporate lights or
23 structures, other than drainage
24 structures.

25
26 iii) Any sewer or electrical lines placed
27 within this setback must be buried.

28
29 xvi. Operations.

30
31 a) There shall be no associated repair of
32 vehicles with the commercial component.

33
34 b) The hours of operation for any eating
35 establishment shall be limited to the hours
36 between 5:30 a.m. to 11:00 p.m.

37
38 c) There shall be no outdoor display of
39 merchandise associated with hardware
40 stores.

41
42 d) There shall be no outdoor amplified sound,
43 televisions or music within the commercial
44 component.

45
46 xvii. Service area.

47
48 a) Loading docks, solid waste facilities,
49 recycling facilities and other services shall be
50 placed to the rear or side yard of

the building in visually unobtrusive locations with minimum impacts on view.

b) Refuse containers and facilities shall be hidden by an opaque wall or fencing of sufficient height to screen the bin and any appurtenances, but not less than six (6) feet in height. Chain link fencing, wood fencing and chain link gates are not allowed. Walls shall be constructed of a material compatible with the principal structure it is serving. Landscaping with vines or other plants is encouraged. Enclosures shall include solid latchable gates to avoid blowing refuse.

c) Service area recesses in the building and/or depressed access ramps should also be used where applicable.

d) Businesses are encouraged to consolidate and share refuse areas and equipment.

xviii. Landscape buffers.

a) A Type B Buffer shall be required along all project boundaries that abut property zoned or developed for single family residential use.

b) A minimum 20-foot-wide Type D Buffer shall be required where abutting an arterial or collector roadway. At minimum, the buffer shall consist of the following at the time of planting:

i) Canopy trees, with a minimum height of 12 feet, minimum spread of six feet, and a maximum spacing of 30 feet on center. Palm trees may be installed within this buffer but shall not be used as a substitute for the required shade trees.

ii) A continuous double row of three-gallon hedges, 36 inches in height with a maximum spacing of three feet on center. The hedges shall be maintained at a minimum height of 36 inches.

- i. Front yard: 50 feet.
- ii. Side yard: 50 feet.
- iii. Rear yard: 50 feet.
- iv. All yards abutting residential uses, residential zoning, or roadways classified as a collector or arterial shall comply with the transition zone height setbacks identified below.
 - a) For buildings with an actual height of 35 feet or less: 50 feet.
 - b) For buildings with an actual height of 45 feet and greater than 35 feet: 80 feet.
 - c) For buildings with an actual height of 55 feet and greater than 45 feet: 110 feet.
- v. For lots adjacent to a water body, the minimum yard requirement is 25 feet.
- (i) Parking. As required in Chapter 4 of this Code.
- (j) Landscape buffers.
 - i. A 25-foot-wide Type C Buffer shall be required along all project boundaries that abut property zoned or developed for residential use. At minimum, the buffer shall include an architecturally finished masonry wall, berm, or combination thereof, and all must be opaque and at least six feet in height.
 - ii. A minimum 25-foot-wide Type C Buffer shall be required where abutting an arterial or collector roadway. At minimum, the buffer shall consist of the following at the time of planting:
 - a) Canopy trees, with a minimum height of 12 feet, and maximum spacing of 30 feet on center. Palm trees may be installed within this buffer but shall not be used as a substitute for the required canopy trees.
 - b) A continuous double row of three-gallon hedges, 36 inches in height, with a maximum spacing of three feet on center. The hedges shall be maintained at a minimum height of 36 inches.

1
2 c) A meandering bed of groundcover placed
3 between the hedges and the roadway. The
4 bed of groundcover shall be a minimum width
5 of three feet, a maximum width of five feet,
6 and achieve 100 percent opacity and
7 coverage within one year of planting.

8
9 iii. All other project boundaries shall meet the buffer
10 requirements of a Type C Buffer. Palm trees shall
11 not be substituted for canopy trees.

12
13 v. Development must incorporate 100-foot-wide
14 setbacks where adjacent to any conservation area
15 and comply with the following:

16
17 a) No yard or dwelling unit shall be permitted
18 within this setback.

19
20 b) No lights, generators, pumps, other fixed
21 motors or accessory structures except as
22 noted below shall be permitted within this
23 setback.

24
25 c) Passive recreation such as hiking, jogging,
26 biking and walking will be allowed along
27 designated trail and boardwalk systems and
28 must interconnect with existing trail systems.

29
30 d) Lakes may extend into this setback but shall
31 not incorporate lights or structures, other
32 than drainage structures.

33
34 e) Any sewer or electrical lines that is placed
35 within this setback must be buried.

36
37 (k) Loading areas. All loading areas shall be oriented away
38 from adjacent residential uses, except for where obstructed
39 by an intervening building.

40
41 (l) Outside storage and display. No outside storage and display
42 shall be permitted except when approved as part of a
43 temporary/special event in accordance with LDC section
44 5.04.05.

45
46 (m) Operations.

47
48 i. All activity associated with the uses in this category
49 shall be conducted within a fully enclosed building.
50 Activity includes but is not limited to the following:

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- a) The use or storage of any fixed or movable business equipment.
 - b) The use, storage, display, sale, delivery, offering for sale, production, or consumption in any business, or by any business invitee on the premises of the business, of any goods, wares, merchandise, products, or foods.
 - iii) The performance of any work or services.
 - iv) All use operations and equipment, including accessory process equipment, such as compressors and air handlers, shall be contained in an enclosed structure.
 - ii. Noise. No use shall produce noise exceeding the sound level limits for Commercial or Tourist uses as set forth in the Collier County Noise Control Ordinance No. 90-17, as amended.
 - iii. Odors. No use shall cause or allow the emission of odor.
 - iv. Vibrations. No use shall operate to produce ground vibration noticeable by a reasonable person with normal sensitivity, outside the building for single-use buildings or outside the Economic Development use space inside mixed use and multi-tenant buildings.
 - v. Smoke and particulate matter. No use shall discharge outside the building for single-use buildings or outside the Economic Development use space inside mixed use and multi-tenant building any toxic or noxious matter in such a concentration that will endanger the public health, safety, comfort, or general welfare.
 - vi. Electrical disturbance. No use shall create any electrical disturbance which interferes unduly with the normal operation of equipment or instruments or which is reasonably likely to cause injury to any person located inside or outside building.
 - vii. Secondary containment. Secondary containment such as double walled tanks, leak-proof trays, floor curbing or other containment systems which provide secondary liquid containment shall be installed for

1 facilities that use, store, or handle, regulated
2 substances in a single container of 55 gallons or
3 more. The containment structure shall be capable of
4 containing 110% of the volume of the largest
5 container located within, be composed of materials
6 impervious to the regulated substance, and be able
7 to withstand deterioration from external
8 environmental conditions. For containment areas
9 with more than one storage container, capacity
10 calculations shall be made after deducting the
11 volume of the largest storage containers, other than
12 the largest container. All regulated substances must
13 be removed from the containment structure within
14 24-hours of a spill or accidental release.
15 Containment structures shall be sheltered so that
16 the intrusion of precipitation is effectively prevented.
17 These requirements shall apply to all areas of
18 storage use, handling, and production, loading and
19 off-loading areas, and to aboveground and
20 underground storage areas.

21
22 (n) Architectural and site design standards.

- 23
24 i. Appearance. Industrial/factory buildings shall be
25 designed in accordance with the provisions of LDC
26 section 5.05.08, excluding the exceptions,
27 modifications, and additions listed in LDC section
28 5.05.08 E.7.b through h.
- 29
30 ii. Rooftop mechanical equipment shall be fully
31 screened by parapets or other methods of screening
32 and such parapets or other screening material shall
33 not exceed 10 feet in height.
- 34
35 iii. Loading areas. All loading areas shall be oriented
36 away from adjacent residential uses, except for
37 where obstructed by an intervening building.
38 Loading areas, solid waste facilities, recycling
39 facilities, and other services elements shall be
40 placed to the sides or rear of the building.
- 41
42 iv. All exterior lighting fixtures shall be directed away or
43 shielded from neighboring properties.
- 44
45 v. Illumination levels for exterior lighting shall not
46 exceed 0.5 footcandles at property lines where
47 adjacent to residential development or residentially
48 zoned property, excluding where required pursuant
49 to LDC section 6.06.03.
- 50

b. Rural villages. Rural villages, including rural villages within the NBMO, may be approved within the boundaries of RFMU receiving lands, subject to the following:

(1) Allowable Uses:

- (a) All permitted uses identified in section 2.03.08A.2.a.(3)(a), when specifically identified in, and approved as part of, a RURAL VILLAGE PUD.
- (b) CONDITIONAL USES 1 through 5, and 7 identified in section 2.03.08A.2.a.(3)(c), when specifically identified in, and approved as part of a RURAL VILLAGE PUD.
- (c) All permitted and accessory uses listed in the C-4 General Commercial District, section 2.03.02 (E), subject to the design guidelines and development standards set forth in this Section.
- (d) Research and Technology Parks, with a minimum size of 19 acres ~~and a maximum size of 4% of the total rural village acreage~~, subject to the design guidelines and development standards set forth herein, the applicable standards contained in LDC section 2.03.06 C.7. Research and technology park planned unit development district guidelines and development standards, and further subject to the following:
 - i. Research and Technology Parks shall be permitted to include up to 20% of the total acreage for non-target industry uses of the type identified in paragraph (3) below; and, up to 20% of the total acreage for workforce housing, except as provided in paragraph (7) below. At a minimum, 60% of the total park acreage must be devoted to target industry uses identified in paragraph (2) below. The specific percentage and mix of each category of use shall be determined at the time of rural village PUD rezoning.
 - ii. The target industries identified by the Economic development Council of Collier County are aviation/aerospace industry, health technology industry and information technology industry, and include the following uses: software development and programming; internet technologies and electronic commerce; multimedia activities and CD-ROM development; data and information processing; call center and customer support activities; professional services that are export based such as laboratory research or testing

activities; light manufacturing in the high tech target sectors of aviation/aerospace and health and information technologies; office uses in connection with on-site research; development testing and related manufacturing; general administrative offices of a research and development firm; educational, scientific and research organizations; production facilities and operations.

- iii. Non-target industry uses may include hotels at a density consistent with the provisions in section 2.03.02 and those uses in the C-1 through C-3 Zoning Districts that provide support services to the target industries such as general office, banks, fitness centers, personal and professional services, medical, financial and convenience sales and services, computer related businesses and services, employee training, technical conferencing, day care centers, restaurants and corporate and government offices.
- iv. The rural village PUD shall include standards for the development of individual building parcels within the park and general standards shall be adopted for pedestrian and vehicular interconnections, buffering, landscaping, open spaces, signage, lighting, screening of outdoor storage, parking and access management, all to be consistent with and compatible to the other uses within the village.
- v. The Research and Technology Park must be adjacent to, and have direct access via an existing or developer constructed local road to an arterial or collector roadway. The portion of the local roadway intended to provide access to the Research and Technology Park shall not be within a residential neighborhood and does not service a predominately residential area.
- vi. The Research and Technology Park shall be compatible with surrounding land uses. Accordingly, it shall be separated from any residentially zoned or designated land within the rural village by a minimum Type "C" landscape buffer, as set forth in section 4.06.00 of this Code.
- vii. Whenever workforce housing is provided, it shall be fully integrated with other compatible uses in the park through mixed-use buildings and/or through pedestrian and vehicular interconnections.

viii. Building permits for non-target industry uses identified in paragraph (3) above shall not be issued prior to issuance of the first building permit for a target industry use.

(e) Any other use deemed by the Board of County Commissioner to be appropriate and compatible within a rural village.

(2) Mix of Neighborhood Types. Rural villages shall be comprised of several neighborhoods designed in a compact nature such that a majority of residential development is within one-quarter mile of a neighborhood center or village center. ~~Neighborhood~~ centers may include small-scale service retail and office uses, and shall include a public park, square, or green. Village centers shall ~~be designed to~~ serve the retail, office, civic, government uses and service needs of the residents of the rural village. The village center shall be the primary location for commercial uses. rural villages shall be surrounded by a green belt in order to protect the character of the rural landscape and to provide separation between rural villages and the low density rural development, agricultural uses, and conservation lands that may surround the rural village. Rural villages shall be designed to include the following: a mixture of residential housing types; institutional and/or commercial uses; and recreational uses, all of which shall be sufficient to serve the residents of the rural village and the surrounding lands. In addition, except as specifically provided otherwise for rural villages within the NBMO, the following criteria and conditions shall apply to all rural villages.

(a) Allocation of Land Uses. Specific allocations for land uses including residential, commercial and other non-residential uses within rural villages, shall include, but are not limited to:

i. A mixture of housing types, including attached and/or detached single family, as well as multi-family shall be provided within a rural village. A minimum of 0.2 units per acre in a rural village shall be affordable housing, of which at least 0.1 units per acre shall be workforce housing. The rural village shall be designed so as to disperse the Affordable and workforce housing units throughout the Village rather than concentrate them in a single location.

ii. A mixture of recreational uses, including parks and village greens.

iii. Civic, community, and other institutional uses.

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- iv. A mixture of lot sizes, with a design that includes more compact development and attached dwelling units within neighborhood centers and the village center, and reduced net densities and increasingly larger lot sizes for detached residential dwellings generally occurring as development extends outward from the village center.
 - v. A mixture of retail, office, and services uses.
 - vi. If requested by the Collier County School Board during the PUD ~~and/or DRI~~ review process, school sites shall be provided and shall be located to serve a maximum number of residential dwelling units within walking distance to the schools, subject to the following criteria:
 - a) Schools shall be located within or adjacent to the village center;
 - b) A credit toward any applicable school impacts fees shall be provided based upon an independent evaluation/appraisal of the value of the land and/or improvements provided by the developer; and
 - c) Schools shall be located in order to minimize busing of students and to co-locate schools with public facilities and civic structures such as parks, libraries, community centers, public squares, greens and civic areas.
 - vii. Within the NBM Overlay, elementary schools shall be accessed by local streets, pedestrian and bicycle facilities, and shall be allowed in and adjacent to the rural village center, provided such local streets provide adequate access as needed by the School Board.
 - viii. Greater than 50 percent of residential development shall be located within one quarter mile of a Neighborhood Center or Village Center.
 - ix. Rural villages shall include a Village Center and a minimum of two distinct neighborhoods.

(b) Acreage Limitations.

- i. Rural villages shall be a minimum of 300 acres and a maximum of 1,500 acres, exclusive of the required green belt, with exception that the maximum size of a rural village within those RFMU receiving lands south of the Belle Meade NRPA shall not exceed 2,500 acres.
- ii. Neighborhood center - ~~0.5% of the total rural village acreage, not to exceed 10 acres, within each neighborhood center.~~
- a) Small-scale service retail and office uses allowed with a maximum FAR of 0.5.
- b) Parks and public green spaces shall be required within the neighborhood center with a minimum size of one percent of the total village acreage.
- ~~iii. Neighborhood center Commercial— Not to exceed 40% of the neighborhood center acreage and 8,500 square feet of gross leasable floor area per acre.~~
- ~~iv. Village center. —Not to exceed 10% of the total rural village acreage.~~
- ~~v. Village center commercial— Not to exceed 30% of the village center acreage and 10,000 square feet of gross leasable floor area per acre.~~
- a) Retail and office uses shall have a maximum FAR of 0.5.
- b) Civic, government, and institutional services shall have a maximum FAR of 0.6.
- c) Group housing uses shall have a maximum FAR of 0.45.
- d) Transient lodging shall have a maximum of 26 units net acre.
- e) Goods and services shall be required in the village center and with a minimum of 53 square feet of gross building area per dwelling unit.
- f) Civic, government, and institutional services shall be required in the village center and

1 with a minimum of 10 square feet per
2 dwelling unit.

3
4 ~~vii.~~ Research and Technology Parks are allowed,
5 provided they are limited to a minimum size of 19
6 acres ~~and a maximum size of 4% of the total rural~~
7 ~~village acreage.~~

8
9 ~~vii. Civic Uses and Public Parks Minimum of 10% of~~
10 ~~the total rural village acreage.~~

11
12 (3) Density. A rural village shall have a minimum density of 2.0 units
13 per gross acre and a maximum density of 3.0 units per gross acre,
14 except that the minimum density within a NBMO rural village shall
15 be 1.5 units per gross acre. Those densities shall be achieved as
16 follows:

17
18 (a) Base density. A base density of 0.2 dwelling units per acre
19 (1.0 dwelling units per five acres) for lands within the rural
20 village, ~~and the land area designated as a greenbelt~~
21 ~~surrounding the rural village,~~ is granted by right for allocation
22 within the designated rural village.

23
24 (b) Minimum density. The minimum gross density in a rural
25 village is 2.0 units per acre outside of the NBMO and 1.5
26 units per acre within the NBMO.

27
28 i. For each TDR credit used to achieve the minimum
29 required density in a rural village, one Rural Village
30 Bonus Credit shall be granted. Rural Village Bonus
31 Credits may only be utilized in rural villages and shall
32 not be available for use once the minimum required
33 density is achieved.

34
35 ii. The minimum density shall be achieved through any
36 combination of TDR Credits, Rural Village Bonus
37 Credits, and TDR Bonus Credits.

38
39 (c) Maximum density. The maximum gross density allowed in a
40 rural village is 3.0 units per acre. The maximum density shall
41 be achieved through any of the following, either in
42 combination or individually:

43
44 i. TDR credits;

45
46 ii. TDR Bonus Credits;

47
48 iii. An additional density bonus 0.3 units per acre for the
49 additional preservation of native vegetation as set
50 forth in Chapter 4;

- iv. An additional density bonus of 0.3 units per acre for additional wetlands mitigation as set forth in Chapter 4; and/or
- v. An additional density bonus of ~~0.5~~ 1 units ~~per acre for each Affordable or workforce housing unit~~ for each (1) unit that is provided for low-income residents, as identified in LDC section 2.06.03.

(4) Other Design Standards

(a) Transportation System Design.

- i. The rural village shall be designed with a formal street layout, using primarily a grid design and incorporating village greens, squares and civic uses as focal points.
- ii. Each rural village shall be served by a primary road system that is accessible by the public. Neighborhood Circulator, Local Residential Access and Residential Loop roads may be gated. The primary roads within the rural village shall consist of Rural Major Collectors at a minimum and be designed to meet County standards and shall be dedicated to the public.
- iii. A rural village shall not be split by an arterial roadway.
- iv. Interconnection between the rural village and adjacent development-s shall be required.
- v. Neighborhoods, neighborhood centers, and the village center shall be connected through local and collector streets and shall incorporate traffic calming techniques as may be appropriate to discourage high-speed traffic.
- vi. Public transit and school bus stops shall be co-located, where practicable.
- vii. Pedestrian paths and bikeways shall be designed so as to provide access and interconnectivity.

(b) Location Restrictions and Standards.

- i. In locating both schools and housing units within the rural village, consideration shall be given to minimizing busing needs within the community.
- ii. ~~Reserved. A rural village shall not be located any closer than 3.0 miles from another rural village.~~
- iii. ~~Reserved. No more than one rural village may be located in each of the distinct RFMU district Receiving Areas depicted on the FLUM and on the Official Collier County Zoning Atlas maps.~~
- iv. A rural village shall have direct access to a roadway classified by Collier County as an arterial or collector roadway. Alternatively, access to the rural village may be via a new collector roadway directly accessing an existing arterial, the cost of which shall be borne entirely by the developer.
- v. A rural village shall be located where other public infrastructure, such as potable water and sewer facilities, already exist or are planned.
- (c) Size Limitations. ~~R~~rural villages shall be a minimum of 300 acres and a maximum of 1,500 acres, except within RFMU receiving lands south of the Belle Meade NRPA where the maximum size may not exceed 2,500 acres. This required rural village size is exclusive of the required greenbelt area set forth in section 2.03.08 (A)(2)(b)(6).
- (d) Additional Village Design Criteria: Rural villages shall be designed in accordance with the following provisions:
- i. Rural villages shall be developed in a progressive urban to rural continuum with the greatest density, intensity and diversity occurring within the village center, to the least density, intensity and diversity occurring within the edge of the neighborhoods approaching the greenbelt.
- ii. Rural villages may include "special districts" in addition to the village center, neighborhood center and Neighborhoods, to accommodate uses that may require use specific design standards not otherwise provided for herein. Such Special Districts, their proposed uses, and applicable design standards shall be identified as part of the rural village PUD rezone process.

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- iii. The rural village PUD Master Plan shall designate the location of the village center and each neighborhood, neighborhood center and as may be applicable, Special Districts. ~~Rural villages shall include a village center and a minimum of two distinct neighborhoods, with defined neighborhood centers.~~
 - iv. A mixture of allowable uses is encouraged to occur within buildings in the village center and neighborhood centers.
 - v. Reserved. ~~Transient lodging is permitted at up to 26 guest units per acre calculated on the acreage of the parcel occupied by the transient lodging and its ancillary facilities, if such parcel includes multiple uses.~~
 - vi. Building heights may vary within the village center and neighborhood centers, but shall not exceed 5 stories not exceeding 65 feet with the village center, or 4 stories no exceeding 55 feet within the neighborhood center, and 3 stories not to exceed 40 feet within 200 feet of the greenbelt. The height exclusions set forth in section 4.02.01 of this Code apply within a rural village. The height exclusion set forth in section 4.02.01 applies in the village center only, except that:
 - a) section 4.02.01 requiring 300 square feet of green spaces for each parking space for which the height waiver is granted shall not apply; however,
 - b) For each parking space for which the height waiver is granted, an equal amount of square footage of open space shall be provided in excess of the minimum set forth in section 2.03.08(A)(2)(b)(7).
 - vii. The minimum lot area shall be 1,000 SF; however, within neighborhoods, especially approaching the edge of the Village and the surrounding green belt, less compact larger lot residential development may occur.
 - viii. Within the village center and neighborhood centers, individual block perimeters shall not exceed 2,500 linear feet.

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- ix. Within the village center and neighborhood centers required yards shall be as follows:
 - a) Front setbacks - 0 to 10 feet from the right-of-way line
 - b) Side setbacks - 0 feet
 - c) Rear setbacks - 0 feet
 - x. Within neighborhoods outside of a Neighborhood or village center required yards may vary but shall be designed so as to provide for adequate light, opens space ad movement of air, and shall consider the design objective of the urban to rural continuum with the greatest density, intensity and diversity occurring within the village center, to the least density, intensity and diversity occurring within the edge of the neighborhoods approaching the greenbelt.
 - xi. Within the village center and neighborhood centers overhead encroachments such as awnings, balconies, arcades and the like, must maintain a clear distance of 9 feet above the sidewalk and 15 feet above the street.
 - xii. Seating for outdoor dining shall be permitted to encroach the public sidewalks and shall leave a minimum 6-foot clear pedestrian way between the outdoor dining and the streetscape planting area.
 - xiii. Civic or Institutional Buildings shall be subject to the specific standards of this subsection that regulate building height, building placement, building use, parking, and signage except as deviations are deemed appropriate by the Collier County planning staff with respect to the creation of focal points, vistas, and significant community landmarks. Specific design standards shall be provided in the rural village PUD document.
 - xiv. Architectural Standards: Buildings within the village center shall be made compatible through similar massing, volume, frontage, scale and architectural features. The PUD document shall adhere to the provisions of section 5.05.08 of this Code; however, deviations may be requested where such deviations are shown to further these rural village design standards.

xv. Required vehicular parking and loading amounts and design criteria:

- a) The amount of required parking shall be demonstrated through a shared parking analysis submitted application as part of the rural village PUD. Parking shall be determined utilizing the modal splits and parking demands for various uses recognized by the ITE, ULI or other sources or studies. The analysis shall demonstrate the number of parking spaces available to more than one use or function, recognizing the required parking will vary depending on the multiple functions or uses in close proximity which are unlikely to require the spaces at the same time.
- b) On-site parking areas shall be organized into a series of small bays delineated by landscape islands of varied sized. A maximum spacing between landscape islands shall be 10 spaces. Landscape islands and tree diamonds shall have a minimum of one canopy tree.
- c) Parking lots shall be accessed from alleys, service lanes or secondary streets.
- d) Any or all of the above parking requirements may be further reduced if a shared parking plan is submitted as part of a rural village PUD or subsequent site development plan application. The shared parking plan shall demonstrate that the reduced parking is warranted as a result of the following: shared building and/or block use(s) where parking demands for certain uses are low when other demands are higher; a concentration of residential dwelling units located within 600 feet of non-residential uses; the existence of transit for use by residents and visitors.

xvi. Landscaping minimums within the village center or within neighborhood centers shall be met by:

- a) Providing landscaping within parking lots as described, and by providing a streetscape area between the sidewalk and curb at a minimum of 5 Ft. in width;

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- b) Planting street trees every 40 Ft. O.C. The street tree pattern may be interrupted by architectural elements such as arcades and columns.
 - c) Plantings areas, raised planters, or planter boxes in the front of and adjacent to the buildings, where such planting areas do not interfere with pedestrian access and mobility.
 - d) Providing for additional public use landscape areas at intervals within the streetscape, on identified parcels with blocks, or as part of public greens, squares, parks or civic uses.
- xvii. Signs: The PUD document shall adhere to the provisions of section 5.06.00 of this Code; however, deviations may be requested where such deviations are shown to further these rural village design standards by providing for pedestrian scale signage standards with neighborhood centers or the village center.

25 (5) Native vegetation. Native vegetation shall be preserved as set forth
26 in section 4.06.04.

27
28 (6) Greenbelt. Except within the NBMO rural village, a greenbelt
29 averaging a minimum of ~~200~~ 300 feet in width, but not less than 100
30 ~~200~~ feet in width at any location, shall be required at the perimeter
31 of the rural village. The greenbelt is required to ensure a
32 permanently undeveloped edge surrounding the rural village,
33 thereby discouraging sprawl. Greenbelts shall conform to the
34 following:

35
36 (a) Greenbelts may only be designated on RFMU receiving
37 lands.

38
39 (b) The allowable residential density shall be shifted from the
40 designated greenbelt to the rural village.

41
42 (c) ~~The greenbelt may be concentrated to a greater degree in~~
43 ~~areas where it is necessary to protect listed species habitat,~~
44 ~~including wetlands and uplands, provide for a buffer from~~
45 ~~adjacent natural reservations, or provide for wellfield or~~
46 ~~aquifer protection. However, at no location shall the~~
47 ~~greenbelt be less than 300 feet in width.~~

48
49 ~~(d)~~ Golf courses and existing agriculture operations are
50 permitted within the greenbelt, subject to the vegetation

1 retention standards set forth in section 4.06.04. However,
2 golf course turf areas shall only be located within 100 feet of
3 the greenbelt boundaries (interior and exterior boundary);
4 further, these turf areas shall only be located in previously
5 cleared or disturbed areas.
6

7 (7) Open space: Within the rural village, a minimum of 40% of open
8 space shall be provided, inclusive of the greenbelt.
9

10 (8) Process for Approval of a rural village. Applications for approval
11 shall be submitted in the form of a Planned Unit Development
12 (PUD) rezone utilizing the standard form(s) developed by Collier
13 County, and subject to the Fees established for a PUD rezone
14 application. ~~Where applicable, the rural village PUD application will~~
15 ~~be submitted in conjunction with a development of Regional Impact~~
16 ~~(DRI) application as provided for in Chapter 380 of Florida Statutes,~~
17 ~~or in conjunction with any other Florida provisions of law that may~~
18 ~~supercede the DRI process.~~ The applicant shall notify the owner(s)
19 of subsurface mineral rights to the property within the boundaries of
20 the proposed rural village prior to approval of the PUD. The
21 Application for rural village PUD approval shall demonstrate
22 general compliance with the provisions of section 2.03.06 and shall
23 include the following additional submittal requirements:
24

25 (a) EIS. An environmental impact statement for the rural village
26 and surrounding greenbelt area shall be submitted an
27 accordance with the requirements of Chapter 10 of this
28 Code.
29

30 (b) Demonstration of Fiscal Neutrality. An analysis that
31 demonstrates that the rural village will be fiscally neutral to
32 county taxpayers outside of the rural village. This analysis
33 shall evaluate the demand and impacts on levels of service
34 for public facilities and the cost of such facilities and services
35 necessary to serve the rural village. In addition, this
36 evaluation shall identify projected revenue sources for
37 services and any capital improvements that may be
38 necessary to support the rural village. In conclusion, this
39 analysis shall indicate what provisions and/or commitments
40 will be to ensure that the provision of necessary facilities and
41 services will be fiscally neutral to County taxpayers outside
42 of the rural village. At a minimum, the analysis shall consider
43 the following:
44

- 45 i. Stormwater/drainage facilities;
- 46 ii. Potable water provisions and facilities;
- 47 iii. Reuse or "Grey" water provisions for irrigation;
- 48
- 49
- 50

- iv. Central sewer provisions and facilities;
- v. Law enforcement facilities;
- vi. School facilities;
- vii. Roads, ~~transit, bicycle and pedestrian facilities and pathways~~;
- viii. ~~a)~~ Solid waste facilities.
- ix. ~~b)~~ Development phasing and funding mechanisms to address any impacts to level of service in accordance with the county's adopted concurrency management program to ensure that there will be no degradation to the adopted level of service for public facilities and infrastructure identified in (i.4) through (viii.7) above.

3. Neutral lands. Neutral lands have been identified for limited semi-rural residential development. Available data indicates that neutral lands have a higher ratio of native vegetation, and thus higher habitat values, than lands designated as RFMU receiving lands, but these values do not approach those of RFMU sending lands. Therefore, these lands are appropriate for limited development, if such development is directed away from existing native vegetation and habitat. Within neutral lands, the following standards shall apply:

- a. Allowable uses. The following uses are permitted as of right:

(1) Uses Permitted as of Right.

- (a) 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 aquaculture for native species subject to the State of Florida Fish and Wildlife Conservation Commission. Owning, maintaining or operating any facility or part thereof for the following purposes is prohibited:
- i. Fighting or baiting any animal by the owner of such facility or any other person or entity.
 - ii. Raising any animal or animals intended to be ultimately used or used for fighting or baiting purposes.
 - iii. For purposes of this subsection, the term baiting is defined as set forth in § 828.122(2)(a), F.S., as it may be amended from time to time.

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- 3 (b) Single-family residential dwelling units, including mobile
- 4 homes where a mobile home Zoning Overlay exists.
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- 6 (c) Dormitories, duplexes and other types of staff housing, as
- 7 may be incidental to, and in support of, conservation uses.
- 8
- 9 (d) Group housing uses subject to the following
- 10 density/intensity limitations:
- 11
- 12 (e) Family Care Facilities: 1 unit per 5 acres;
- 13
- 14 (f) Group Care Facilities and other Care Housing Facilities:
- 15 Maximum floor area ratio (FAR) not to exceed 0.45.
- 16
- 17 (g) Staff housing as may be incidental to, and in support of,
- 18 safety service facilities and essential services.
- 19
- 20 (h) Farm labor housing limited to 10 acres in any single location:
- 21
- 22 i. Single family/duplex/mobile home: 11 dwelling units
- 23 per acre;
- 24
- 25 ii. Multifamily/dormitory: 22 dwelling units/beds per
- 26 acre.
- 27
- 28 (i) Sporting and Recreational camps, not to exceed 1
- 29 cabin/lodging unit per 5 gross acres.
- 30
- 31 (j) Those essential services identified in [LDC](#) section 2.01.03
- 32 ~~(A)~~.
- 33
- 34 (k) Golf courses or driving ranges, subject to the following
- 35 standards:
- 36
- 37 i. Golf courses shall be designed, constructed, and
- 38 managed in accordance with the best management
- 39 practices of Audubon International's Gold Signature
- 40 Program. The project shall demonstrate that the
- 41 Principles for Resource Management required by
- 42 the Gold Signature Program (Site Specific
- 43 Assessment, Habitat Sensitivity, Native and
- 44 Naturalized Plants and Natural Landscaping, Water
- 45 Conservation, Waste Management, Energy
- 46 Conservation & Renewable Energy Sources,
- 47 Transportation, Greenspace and Corridors,
- 48 Agriculture, and Building Design) have been
- 49 incorporated into the golf course's design and
- 50 operational procedures.

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ii. In order to prevent the contamination of soil, surface water and ground water by the materials stored and handled by golf course maintenance operations, golf courses shall comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, September 2012 ~~May 1995~~.

~~iii. To protect ground and surface water quality from fertilizer and pesticide usage, golf courses shall demonstrate the following management practices:~~

~~a) The use of slow release nitrogen sources;~~

~~b) The use of soil and plant tissue analysis to adjust timing and amount of fertilization applications;~~

~~c) The use of an integrated pest management program using both biological and chemical agents to control various pests;~~

~~d) The coordination of pesticide applications with the timing and application of irrigation water;~~

~~e) The use of the procedure contained in IFAS Circular 1011, Managing Pesticides for Golf Course Maintenance and Water Quality Protection, May 1991 (revised 1995) to select pesticides that will have a minimum adverse impact on water quality.~~

~~iv. To ensure water conservation, golf courses shall incorporate the following in their design and operation:~~

~~a) Irrigation systems shall be designed to use weather station information and moisture-sensing systems to determine the optimum amount of irrigation water needed considering soil moisture and evapotranspiration rates.~~

~~b) As available, golf courses shall utilize treated effluent reuse water consistent with Sanitary Sewer Sub-Element Objective 1.4 and its policies.~~

~~e) Native plants shall be used exclusively except for special purpose areas such as golf greens, fairways, and building sites. Within these excepted areas, landscaping plans shall require that at least 75% of the trees and 50% of the shrubs be freeze-tolerant native Floridian species. At least 75% of the required native trees and shrubs shall also be drought tolerant species.~~

v. Stormwater management ponds shall be designed to mimic the functions of natural systems: by establishing shorelines that are sinuous in configuration in order to provide increased length and diversity of the littoral zone. A Littoral shelf shall be established to provide a feeding area for water dependent avian species. The combined length of vertical and rip-rapped walls shall be limited to 25% of the shoreline. Credits to the site preservation area requirements, on an acre- to- acre basis, shall be given for littoral shelves that exceed these littoral shelf area requirements.

vi. Site preservation and native vegetation retention requirements shall be the same as those set forth in the RFMU district criteria. Site preservation areas are intended to provide habitat functions and shall meet minimum dimensions as set forth in the LDC. These standards shall be established within one year.

(l) Public educational plants and ancillary plants.

(m) Oil and gas exploration, subject to applicable state and federal drilling permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on Oct. 3, 2005 [effective date of this provision] regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with

the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)(1) through (12), F.A.C.

n. Park, open space, and recreational uses.

o. Private schools.

(2) Accessory uses. The following uses are permitted as accessory to uses permitted as of right or to approved conditional uses:

(a) Accessory uses and structures that are accessory and incidental to uses permitted as of right in section 2.03.08(A)(3)(a)(1) above.

(b) Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed, and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to clubhouse, community center building, tennis facilities, playgrounds and playfields.

(3) Conditional uses. The following uses are permissible as conditional uses subject to the standards and procedures established in LDC section 10.08.00.

(a) Zoo, aquarium, botanical garden, or other similar uses.

(b) Community facilities, such as, places of worship, childcare facilities, cemeteries, social and fraternal organizations.

(c) Sports instructional schools and camps.

(d) Multi-family residential structures, subject to the following development standards:

(i) Building height limitation: 2 stories

(ii) Buffer: 10 foot wide landscape buffer with trees spaced no more than 30 feet on center;

(iii) Setbacks: 50% of the height of the building, but not less than 15 feet.

(e) Those essential services identified in [LDC](#) sections 2.01.03 [G.1. and G.3](#) ~~(G)(1)~~ and ~~(G)(3)~~.

(f) Oil and gas field development and production, subject to applicable state and federal field development permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on January 14, 2005, regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)(1) through (12), F.A.C.

(g) Earth mining and extraction and related processing.

(h) Facilities for the collection, transfer, processing, and reduction of solid waste.

(i) Those essential services identified in sections 2.01.03 [G.1. and G.3](#) ~~(G)(1)~~ and ~~(G)(3)~~.

(j) Oil and gas field development and production, subject to state field development permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a

1 state permit in compliance with the criteria established in
2 Chapter 62C-25 through 62C-30, F.A.C., regardless of
3 whether the activity occurs within the Big Cypress
4 Watershed, as defined in Rule 62C-30.001(2), F.A.C. All
5 applicable Collier County environmental permitting
6 requirements shall be considered satisfied by evidence of
7 the issuance of all applicable federal and/or state oil and gas
8 permits for proposed oil and gas activities in Collier County,
9 so long as the state permits comply with the requirements
10 of Chapter 62C-25 through 62C-30, F.A.C. For those areas
11 of Collier County outside the boundary of the Big Cypress
12 Watershed, the applicant shall be responsible for convening
13 the Big Cypress Swamp Advisory Committee as set forth in
14 Section 377.42, F.S., to assure compliance with Chapter
15 62C-25 through 62C-30, F.A.C., even if outside the defined
16 Big Cypress Watershed. All oil and gas access roads shall
17 be constructed and protected from unauthorized uses
18 according to the standards established in Rule 62-
19 30.005(2)(a)(1) through (12), F.A.C.

20
21 (k) Earth mining and extraction and related processing.

22
23 b. Density.

24
25 (1) Maximum gross density. The maximum gross density in neutral
26 lands shall not exceed one dwelling unit per five gross acres (0.2
27 dwelling units per acre), except that the maximum gross density for
28 those legal nonconforming lots or parcels in existence as of June
29 22, 1999, shall be one dwelling unit per lot or parcel.

30
31 (2) Residential clustering. Clustering of residential development is
32 allowed and encouraged. Where clustered development is
33 employed, it shall be in accordance with the following provisions:

34
35 (a) If within the boundaries of the Rural Transition Water and
36 Sewer District, as delineated on the Urban-Rural Fringe
37 Transition Zone Overlay Map in the Future Land Use
38 Element of the GMP, and consistent with the provisions of
39 the Potable Water and Sanitary Sewer Sub-elements of this
40 Plan, central water and sewer shall be extended to the
41 project. Where County sewer or water services may not be
42 available concurrent with development in neutral lands,
43 interim private water and sewer facilities may be approved.

44
45 (b) The clustered development shall be located on the site so
46 as to provide to the greatest degree practicable:

47
48 i. protection for listed species habitat;

49
50 ii. preservation of the highest quality native vegetation

- iii. connectivity to adjacent natural reservations or preservation areas on adjacent development; ~~.....b§~~ and
- iv. creation, maintenance or enhancement of wildlife corridors.

~~(c) — The minimum project size shall be at least 40 acres.~~

- c. Dimensional and design standards. Dimensional and Design Standards set forth in section 4.02.01 of this Code shall apply to all development in neutral lands, except for development utilizing the residential clustering provisions in section 2.03.08 (A)(3)(b)(2) above. In the case of such clustered development, the following dimensional standards shall apply to all permitted housing structure types, accessory, and conditional uses:

(1) Development that is Not Clustered:

- (a) Minimum lot area: 5 Acres.
- (b) Minimum lot width: 165 Feet.
- (c) Minimum yard Requirements:
 - i. Front yard: 50 feet.
 - ii. Side yard: 30 feet.
 - iii. Rear yard: 50 feet.
 - iv. Nonconforming lots in existence as of June 22, 1999:
 - a) Front yard: 40 feet.
 - b) Side yard: 10 percent of lot width, not to exceed 20 feet on each side.
 - c) Rear yard: 50 feet.

(2) Development that is Clustered.

- (a) Minimum lot area: 4,500 square feet.
- (b) Maximum lot area: One Acre.
- (c) Minimum lot width: Interior lots 40 feet.
- (d) Maximum lot width: 150 feet.

1
2 (3) Height Limitations.

3
4 (a) Principal: 35 feet.

5
6 (b) Accessory: 20 feet, except for screen enclosures, which
7 may be the same height as the principal structure.

8
9 (c) Golf course/community clubhouses: 50 feet.

10
11 (4) Floor area. The minimum floor area for each dwelling unit shall be
12 800 square feet.

13
14 (5) Parking. As required in Chapter 4.

15
16 (6) Landscaping. As required in Chapter 4.

17
18 (7) Signs: As required in section 5.06.00.

19
20 d. Native vegetation retention. Native vegetation shall be preserved as set
21 forth in Chapter 4.

22
23 e. Usable open space.

24
25 (1) Projects of 40 acres or more in size shall provide a minimum of 70%
26 usable open space.

27
28 (2) Usable open space includes active or passive recreation areas
29 such as parks, playgrounds, golf courses, waterways, lakes, nature
30 trails, and other similar open spaces. Usable open space shall also
31 include areas set aside for conservation or preservation of native
32 vegetation and landscape areas.

33
34 (3) Open water beyond the perimeter of the site, street right-of-way,
35 except where dedicated or donated for public uses, driveways, off-
36 street parking and loading areas, shall not be counted towards
37 required usable open space.

38
39 4. RFMU sending lands. RFMU sending lands are those lands that have the highest
40 degree of environmental value and sensitivity and generally include significant
41 wetlands, uplands, and habitat for listed species. RFMU sending lands are the
42 principal target for preservation and conservation. Density may be transferred from
43 RFMU sending lands as provided in LDC section 2.03.07 D.4.c. All NRPA's within
44 the RFMU district are also RFMU sending lands. With the exception of specific
45 provisions applicable only to NBMO neutral lands, the following standards shall
46 apply within all RFMU sending lands:

47
48 a. Allowable uses where TDR credits have not been severed.

49
50 (1) Uses Permitted as of Right:

- 1
2
3 (a) Agricultural uses consistent with Sections 163.3162 and
4 823.14(6) Florida Statutes (Florida Right to Farm Act).
5
6 (b) Detached single-family dwelling units, including mobile
7 homes where the mobile home Zoning Overlay exists,
8
9 (c) Habitat preservation and conservation uses.
10
11 (d) Passive parks and other passive recreational uses.
12
13 (e) Sporting and Recreational camps, within which the lodging
14 component shall not exceed 1 unit per 5 gross acres.
15
16 (f) Those essential services identified in section 2.01.03(B).
17
18 (g) Oil and gas exploration, subject to applicable state and
19 federal drilling permits and Collier County non-
20 environmental site development plan review procedures.
21 Directional-drilling and/or previously cleared or disturbed
22 areas shall be utilized in order to minimize impacts to native
23 habitats, where determined to be practicable. This
24 requirement shall be deemed satisfied upon issuance of a
25 state permit in compliance with the criteria established in
26 Chapter 62C-25 through 62C-30, F.A.C., as such rules
27 existed on Oct. 3, 2005 [the effective date of this provision],
28 regardless of whether the activity occurs within the Big
29 Cypress Watershed, as defined in Rule 62C-30.001(2),
30 F.A.C. All applicable Collier County environmental
31 permitting requirements shall be considered satisfied by
32 evidence of the issuance of all applicable federal and/or
33 state oil and gas permits for proposed oil and gas activities
34 in Collier County, so long as the state permits comply with
35 the requirements of Chapter 62C-25 through 62C-30, F.A.C.
36 For those areas of Collier County outside the boundary of
37 the Big Cypress Watershed, the applicant shall be
38 responsible for convening the Big Cypress Swamp Advisory
39 Committee as set forth in Section 377.42, F.S., to assure
40 compliance with Chapter 62C-25 through 62C-30, F.A.C.,
41 even if outside the defined Big Cypress Watershed. All oil
42 and gas access roads shall be constructed and protected
43 from unauthorized uses according to the standards
44 established in Rule 62C-30.005(2)(a)(1) through (12),
45 F.A.C.
46
47 (2) Accessory uses. Accessory uses and structures that are accessory
48 and incidental to uses permitted as of right in LDC section 2.03.08
49 A.4.a.(1) above.
50
51 (3) Conditional uses.

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- (a) Those essential services identified in LDC section [s](#) 2.01.03 G.2 and [G.4](#).
 - (b) Public facilities, including solid waste and resource recovery facilities, and public vehicle and equipment storage and repair facilities, shall be permitted within Section 25, Township 49S, Range 26E, on lands adjacent to the existing County landfill. This shall not be interpreted to allow for the expansion of the landfill into Section 25 for the purpose of solid waste disposal.
 - (c) Oil and gas field development and production, subject to applicable state and federal field development permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on Oct. 3, 2005 [the effective date of this provision], regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)(1) through (12), F.A.C.
 - (d) Commercial uses accessory to permitted uses 1.a, 1.c. and 1.d above, such as retail sales of produce accessory to farming, or a restaurant accessory to a park or preserve, so long as restrictions or limitations are imposed to insure the commercial use functions as an accessory, subordinate use.
 - (e) [Active recreational uses, such as airboats, swamp buggies, horses, and similar modes of transportation used for](#)

transporting participants, viewers or patrons in connection with ecotourism operations or environmental education activities only on lands owned by governmental entities other than the State of Florida and designated North Belle Meade Overlay. Said uses are subject to compliance with criteria (i-ix) outlined in LDC Section 2.03.01 A.1.c.(22).

b. Allowable uses where TDR credits have been severed.

(1) Uses Permitted as of Right:

- (a) Agricultural uses consistent with Sections 163.3162 and 823.14(6) Florida Statutes (Florida Right to Farm Act), including water management facilities, to the extent and intensity that such operations exist at the date of any transfer of development rights.
- (b) Cattle grazing on unimproved pasture where no clearing is required;
- (c) Detached single-family dwelling units, including mobile homes where the mobile home Zoning Overlay exists, at a maximum density of one dwelling unit per 40 acres. In order to retain these development rights after any transfer, up to one dwelling must be retained (not transferred) per 40 acres.
- (d) One detached dwelling unit, including mobile homes where the mobile home zoning overlay exists, per lot or parcel in existence as of June 22, 1999, that is less than 40 acres. In order to retain these development rights after any transfer, up to one dwelling must be retained (not transferred) per each lot or parcel. For the purposes of this provision, a lot or parcel shall be deemed to have been in existence as of June 22, 1999, upon a showing of any of the following:
 - i. the lot or parcel is part of a subdivision that was recorded in the public records of the County on or before June 22, 1999;
 - ii. a description of the lot or parcel, by metes and bounds or other specific legal description, was recorded in the public records of the County on or before June 22, 1999; or
 - iii. an agreement for deed for the lot or parcel, which includes description of the lot or parcel by limited fixed boundary, was executed on or before June 22, 1999.

- (e) Habitat preservation and conservation uses.
- (f) Passive parks and passive recreational uses.
- (g) Those essential services identified in section 2.01.03 B.
- (h) Oil and gas exploration, subject to applicable state and federal drilling permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied upon issuance of a state permit in compliance with the criteria established in Chapter 62C-25 through 62C-30, F.A.C., as those rules existed on Oct. 3, 2005 [the effective date of this provision], regardless of whether the activity occurs within the Big Cypress Watershed, as defined in Rule 62C-30.001(2), F.A.C. All applicable Collier County environmental permitting requirements shall be considered satisfied by evidence of the issuance of all applicable federal and/or state oil and gas permits for proposed oil and gas activities in Collier County, so long as the state permits comply with the requirements of Chapter 62C-25 through 62C-30, F.A.C. For those areas of Collier County outside the boundary of the Big Cypress Watershed, the applicant shall be responsible for convening the Big Cypress Swamp Advisory Committee as set forth in Section 377.42, F.S., to assure compliance with Chapter 62C-25 through 62C-30, F.A.C., even if outside the defined Big Cypress Watershed. All oil and gas access roads shall be constructed and protected from unauthorized uses according to the standards established in Rule 62C-30.005(2)(a)(1) through (12), F.A.C.
- (i) Mitigation in conjunction with any County, state, or federal permitting.
- (2) Conditional uses:
- (a) Those essential services identified in LDC section 2.01.03 G.2 and 4.
- (b) Oil and gas field development and production, subject to applicable state and federal field development permits and Collier County non-environmental site development plan review procedures. Directional-drilling and/or previously cleared or disturbed areas shall be utilized in order to minimize impacts to native habitats, where determined to be practicable. This requirement shall be deemed satisfied

1 upon issuance of a state permit in compliance with the
2 criteria established in Chapter 62C-25 through 62C-30,
3 F.A.C., as those rules existed on Oct. 3, 2005 [the effective
4 date of this provision], regardless of whether the activity
5 occurs within the Big Cypress Watershed, as defined in Rule
6 62C-30.001(2), F.A.C. All applicable Collier County
7 environmental permitting requirements shall be considered
8 satisfied by evidence of the issuance of all applicable federal
9 and/or state oil and gas permits for proposed oil and gas
10 activities in Collier County, so long as the state permits
11 comply with the requirements of Chapter 62C-25 through
12 62C-30, F.A.C. For those areas of Collier County outside
13 the boundary of the Big Cypress Watershed, the applicant
14 shall be responsible for convening the Big Cypress Swamp
15 Advisory Committee as set forth in Section 377.42, F.S., to
16 assure compliance with Chapter 62C-25 through 62C-30,
17 F.A.C., even if outside the defined Big Cypress Watershed.
18 All oil and gas access roads shall be constructed and
19 protected from unauthorized uses according to the
20 standards established in Rule 62C-30.005(2)(a)(1) through
21 (12), F.A.C.

22
23 (c) Conditional use approval criteria: In addition to the criteria
24 set forth in section 10.08.00 of this Code, the following
25 additional criteria shall apply to the approval of conditional
26 uses within RFMU sending lands:

27
28 i. The applicant shall submit a plan for development
29 that demonstrates that wetlands, listed species and
30 their habitat are adequately protected as specified in
31 Chapters 3, 4 and 10.

32
33 ii. Conditions may be imposed, as deemed
34 appropriate, to limit the size, location, and access to
35 the conditional use.

36
37 c. Density.

38
39 (1) 1.0 dwelling units per 40 gross acres; or

40
41 (2) 1.0 dwelling unit per nonconforming lot or parcel in existence as of
42 June 22, 1999. For the purpose of this provision, a lot or parcel
43 which is deemed to have been in existence on or before June 22,
44 1999 is:

45
46 (a) A lot or parcel which is part of a subdivision recorded in the
47 public records of Collier County, Florida;

48
49 (b) A lot or parcel which has limited fixed boundaries, described
50 by metes and bounds or other specific legal description, the

description of which has been recorded in the public records of Collier County Florida on or before June 22, 1999; or

(c) A lot or parcel which has limited fixed boundaries and for which an agreement for deed was executed prior to June 22, 1999.

d. Native vegetation retention. As required in Chapter 4.

e. Other dimensional design standards. Dimensional standards set forth in section 4.02.01 of this Code shall apply to all development in Sending designated lands of the RFMU district, except as follows:

(1) Lot Area and Width.

(a) Minimum lot Area: 40 acres.

(b) Minimum lot Width: 300 Feet.

(2) Parking. As required in Chapter 4.

(3) Landscaping. As required in Chapter 4.

(4) Signs. As required in section 5.06.00.

5. Specific vegetation standards for the RFMU district. For these specific standards, please refer to [LDC](#) sections 3.05.07 C. through 3.05.07 E. ~~of this Code.~~

f. Clustering. Parcels must be a minimum of 80 acres, or an aggregation of parcels where each is a minimum of 40 acres, clustering is allowed, provided that the following standard is met:

(1) Each clustered dwelling unit shall be located no greater than 300 feet from the common property line of another parcel containing a clustered dwelling unit. In the event of an intervening road right-of-way, the 300 feet measurement shall be from the midpoint of said right-of-way.

(2) The clustered development shall be located on the site so as to provide to the greatest extent practicable, protection for listed species habitat, preservation of the highest quality native vegetation, connectivity to adjacent natural reservations or preservation areas on adjacent developments, and creation, maintenance, or enhancement of wildlife corridors.

#

2.06.00 - AFFORDABLE HOUSING DENSITY BONUS

2.06.01 – Generally

1
2 Within most of the coastal urban designated areas identified on the future land use map
3 of the Collier County GMP, a base density of four residential dwelling units per gross acre
4 is permitted. However, the base density may be adjusted depending on the characteristics
5 of the development. One characteristic of a housing development which would allow the
6 addition of density bonuses in order to increase the density over the base density is the
7 provision of affordable housing in the development. The provision of affordable housing
8 units may add up to 12 dwelling units per gross acre to the base density of four residential
9 dwelling units per gross acre, plus any other density bonuses available and minus any
10 density reduction that is required, pursuant to the GMP. [For a project providing housing](#)
11 [that is affordable in the Receiving Lands within the Rural Fringe Mixed Use District](#)
12 [\(RFMUD\), the maximum density of 12.2 units per acre is allowed, subject to rezoning](#)
13 [approval and to the approval of an "Affordable Housing Agreement," pursuant to LDC](#)
14 [section 2.06.03.](#) The total eligible density must not exceed the maximum density allowed
15 pursuant to the GMP. The program to accomplish this increase to provide affordable
16 housing is called the affordable housing density bonus (AHDB) program.
17

18 B. Within most of the Immokalee Urban area, as identified on the Immokalee area master
19 plan future land use map of the growth management plan, base densities are four or six
20 or eight residential dwelling units per gross acre. However, the base density may be
21 adjusted depending on the characteristics of the development. One characteristic of a
22 housing development that would allow the addition of density bonuses is the provision of
23 affordable housing in the development. The provision of affordable housing units may add
24 up to 12 dwelling units per gross acre to the base density plus any other density bonuses
25 available. The total eligible density must not exceed the maximum allowed pursuant to the
26 GMP.
27

28 C. Within the Rural Lands Stewardship Area Overlay of the Agricultural/Rural area, as
29 identified on the future land use map of the growth management plan, towns, villages,
30 hamlets and compact rural developments are allowed at a density range of one-half to
31 four dwelling units per gross acre. The allowed density may be adjusted depending on the
32 characteristics of the development. One characteristic of a housing development that
33 would allow the addition of density bonuses is the provision of affordable housing in the
34 development. The provision of affordable housing units may add up to eight dwelling units
35 per gross acre to the allowed density of one-half to four dwelling units per gross acre, for
36 a total of eight and one-half to twelve and one-half residential dwelling units per gross
37 acre, plus any other density bonuses available.
38

39 D. In order to qualify for the AHDB for a development, the developer must apply for and obtain
40 the AHDB from the County for a development in accordance with this section, especially
41 in accordance with the provisions of the AHDB program, including the AHDB rating
42 system, the AHDB monitoring program, and the limitations on the AHDB.
43

44 1. *Preapplication conference.* Prior to submitting an application for AHDB, a
45 preapplication conference may be scheduled with the County Manager or
46 designee. The preapplication conference provides an opportunity to familiarize the
47 applicant with the AHDB program and provides an opportunity for the county staff
48 to obtain a clear understanding of the proposed development. The AHDB rating
49 system, the AHDB monitoring program, the limitations, criteria, procedures,
50 standard conditions, standard forms, and other information will be discussed and

made available to the applicant. Depending on the type of development proposed, the application may be combined with an application for a planned unit development (PUD), a rezone, or a Stewardship Receiving Area.

2. *Application.* An application for AHDB for a development must be submitted to the County Manager or designee in the form established by the County Manager or designee. The application must, at a minimum, include:
 - a. Zoning districts proposed by the applicant on the property and acreage of each;
 - b. The total number of residential dwelling units in the proposed development, categorized by number of bedrooms and whether the unit is to be rented or owner-occupied;
 - c. The total number of AHDB units requested, categorized by number of bedrooms and whether the unit is to be rented or owner-occupied;
 - d. Total number of affordable housing units proposed in the development, categorized by level of income, number of bedrooms (one bedroom, two bedrooms, three bedrooms, or more), and rental units and owner-occupied units:
 - i. Gap-income households.
 - ii. Moderate-income households.
 - iii. Low-income households.
 - iv. Very-low-income housing units.
 - e. Gross density of the proposed development;
 - f. Whether the AHDB is requested in conjunction with an application for a PUD, rezoning, SRA, or a conditional use for a Commercial Mixed-Use project as provided for within LDC section 4.02.38; and
 - g. Any other information which would reasonably be needed to address the request for AHDB for the development pursuant to the requirements set forth in this section.
3. *Determination of completeness.* After receipt of an application for AHDB, the County Manager or designee shall determine whether the application submitted is complete. If it is determined that the application is not complete, the County Manager or designee shall notify the applicant in writing of the deficiencies. The County Manager or designee shall take no further steps to process the application until the deficiencies have been remedied.
4. *Review and recommendation by the County Manager or designee.* After receipt of a completed application for AHDB, the County Manager or designee must review

and evaluate the application in light of the AHDB rating system, the AHDB monitoring program and the requirements of this section. The County Manager or designee must coordinate with the Zoning Division director or designee to schedule the AHDB application with the companion application for a PUD, rezoning, SRA, or conditional use, and must recommend to the planning commission and the BCC to deny, grant, or grant with conditions, the AHDB application. The recommendation of the County Manager or designee must include a report in support of recommendation.

5. *Review and recommendation by the planning commission.* Upon receipt by the planning commission of the application for AHDB and the written recommendation and report of the County Manager or designee, the planning commission must schedule and hold a properly advertised and duly noticed public hearing on the application. If the application has been submitted in conjunction with an application for a PUD, rezoning, SRA, or conditional use, then the hearing must be consolidated and made a part of the public hearing on the respective application before the planning commission. The planning commission must consider the application for AHDB in conjunction with the application for the PUD, rezoning, SRA, or conditional use. After the close of the public hearing, the planning commission must review and evaluate the application in light of the requirements of this section and the requirements for a PUD, rezoning, SRA, or conditional use, as applicable, and must recommend to the BCC that the application be denied, granted or granted with conditions.

6. *Review and determination by Board of County Commissioners.* Upon receipt by the BCC of the application for AHDB and the written recommendation and report of the County Manager or designee and recommendation of the planning commission, the BCC must schedule and hold a properly advertised and duly noticed public hearing on the application. If the application has been submitted in conjunction with an application for a PUD, rezoning, SRA, or conditional use, then the hearing must be consolidated and made a part of the public hearing on the respective application before the BCC, and the BCC must consider the application for AHDB in conjunction with the application for the PUD, rezoning, SRA, or conditional use. After the close of the public hearing, the BCC must review and evaluate the application in light of the requirements of this section and the requirements for a PUD, rezoning, SRA, or conditional use, and must deny, grant, or grant with conditions, the application in accordance with the AHDB rating system and the AHDB monitoring program.

E. The procedures to request approval of a density bonus are described in Chapter 10 of this LDC, along with requirements for the developer's agreement to ensure compliance.

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Rural Fringe Mixed Use District Overlay

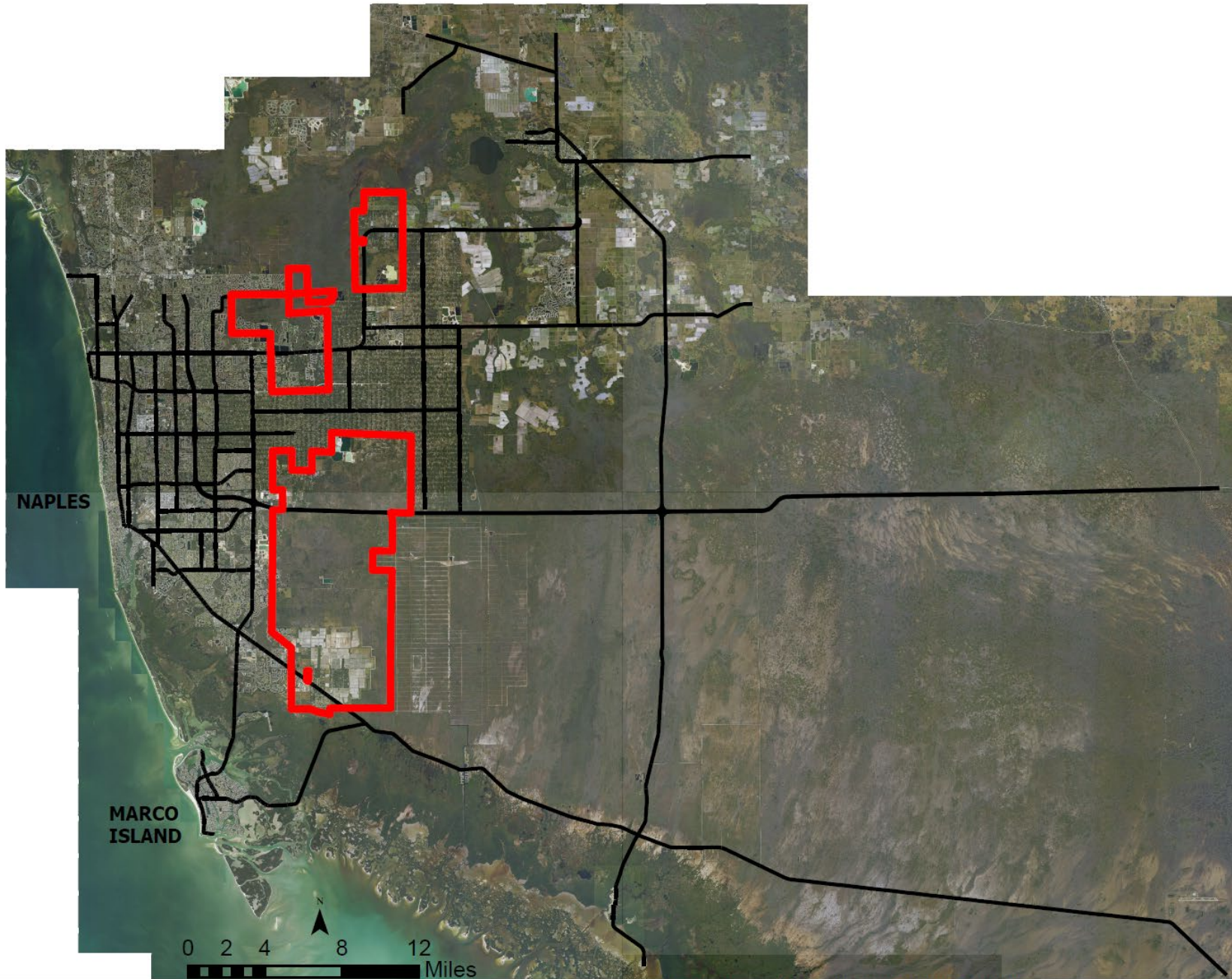
Land Development Code Amendment
PL20240006969



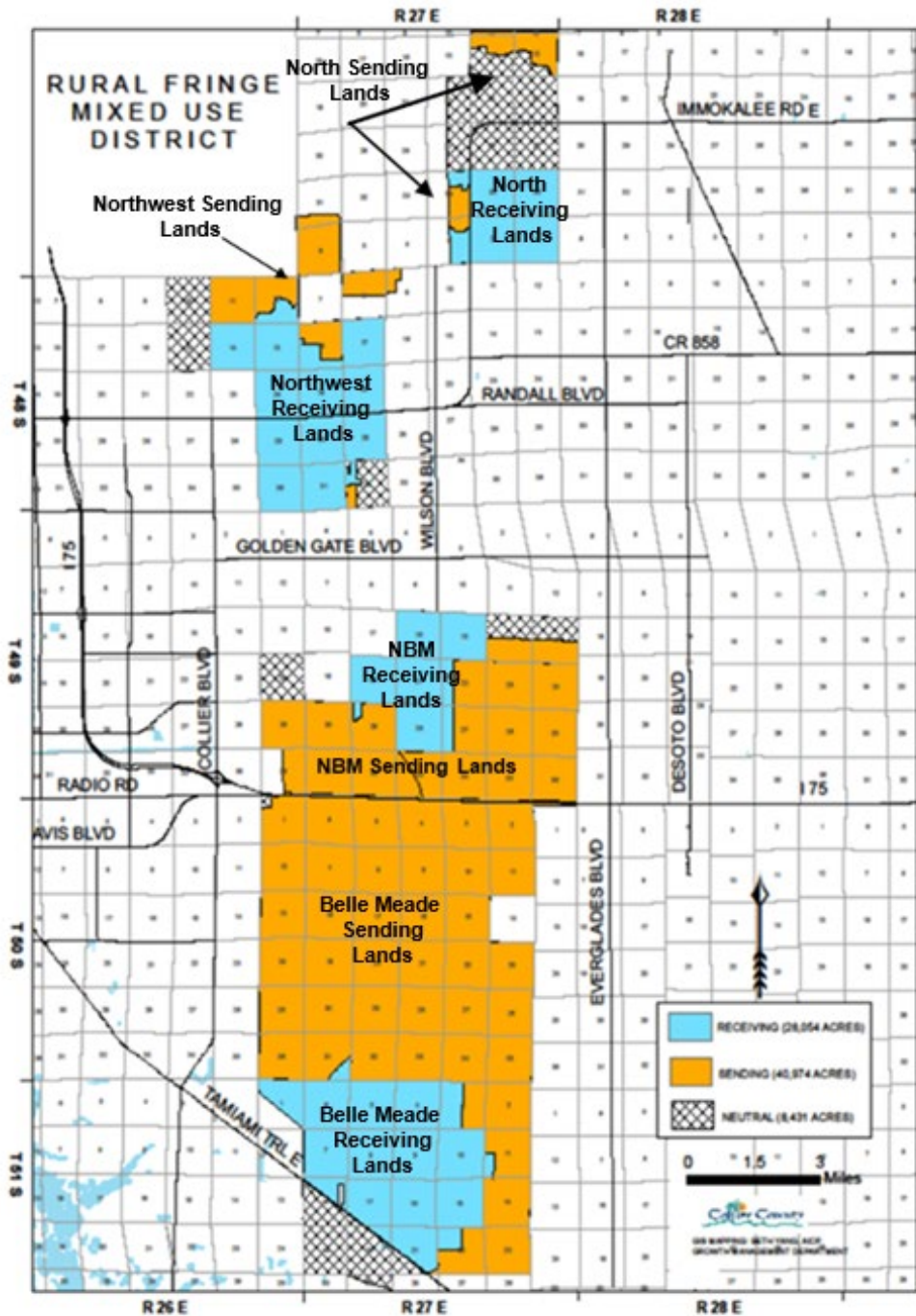
RFMUD Overview

- 1999, the State of Florida imposed a Final Order on Collier County to perform a 3-year Rural and Agricultural Assessment of the GMP:
 - (1) Protect prime Ag areas – prevent premature conversion to other land uses;
 - (2) Protect natural resources - water quality & quantity, listed species & their habitat;
 - (3) Discourage urban sprawl - direct incompatible uses away from critical habitat, encourage development that uses creative land use planning techniques, e.g., urban villages
- RFMU: Initially adopted into GMP in 2002 and into the LDC in 2004.
- The plan is based on the principles of Transfer of Development Rights.
- Areas designated as “sending” are areas of higher quality habitat to direct growth away; “receiving” are areas where development is more suitable.
- Landowners in the sending areas can voluntarily use the program to obtain and sell their TDR credits to developers in the receiving areas.
- This LDC amendment adopts GMPA (Ord. 2023-25).

 Boundary of RFMUD

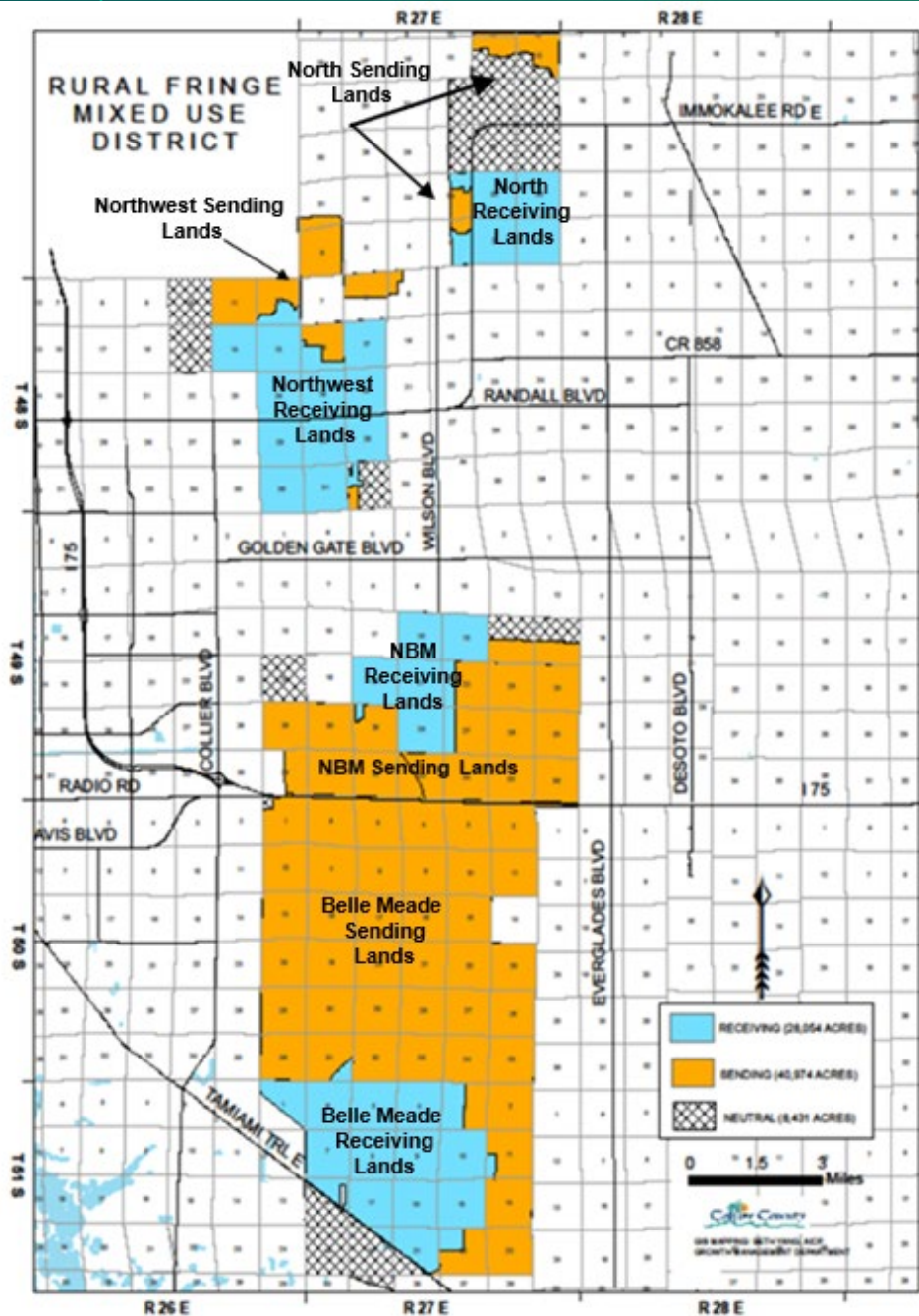


RFMUD Today



- Entire RFMUD = 77,200 acres* (6%)
- Receiving Lands = 22,373 acres*
- Sending Lands = 45,000 acres*
- Neutral Lands = 9,427 acres*
- As of May 2023:
 - 5,500 tax parcels
 - 3,835 separate/distinct property owners

*All acreage amounts are approximate.



Receiving, Sending, and Neutral Lands

Receiving Lands:

- Density: 1 du per 5 acres.
- Native vegetation retention 40%, NTE 25% of site.

Sending Lands:

- Density: 1 du per 40 acres.
- Native vegetation retention 80%, NTE 60% of site.

Neutral Lands:

- Density: 1 du per 5 acres.
- Native vegetation retention 60%, NTE 45% of site.

LDC Changes in a Nutshell (1 of 2)

- Increasing the number of base TDR credits generated per acre/per nonconforming lot.
- Changing the calculation of TDR bonus credits.
- Addition of Conservation TDR credits.
- Addition of Belle Meade Hydrologic Enhancement Overlay (BMHEO) provisions.
- Changes to Environmental Restoration and Maintenance TDR Bonus credit generation.
- Introduction of Business and Industrial Uses in the receiving lands with specific uses, development standards and locational criteria to be identified within the LDC.
- Revising the table of allowable uses for RFMUD receiving lands-Outside Rural Villages.

LDC Changes in a Nutshell (2 of 2)

- Changes to Rural Village design criteria and density bonus for low-income residential housing units.
- Addition of clustering provisions for RFMUD sending lands.
- Introduction of Neighborhood commercial uses with Affordable Housing projects with specific uses, design and development standards and locational criteria to be identified with the LDC.
- Reduction of open space requirements for housing that is affordable projects.
- Allowance of active recreation in the sending lands as Conditional Uses
- Additional development standards and location criteria for housing that is affordable within the receiving lands.

Questions?

Recommendation

Recommendation of approval of the proposed changes to the LDC for
PL 2024 000 6969

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LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20250010243

ORIGIN

 Growth Management
 Community Development
 Department (GMCDD)

SUMMARY OF AMENDMENT

This amendment shall establish compliance with the Laws of Florida, Chapter 2025-177 that revised timeframes for processing applications for approval of development permits or development orders. It defines the term “substantial change” and provides refund parameters in situations where the county fails to meet certain timeframes. The timeframes are not applicable to statutory Areas of Critical State Concern (ACSC). LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

HEARING DATES

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	TBD

LDC SECTION TO BE AMENDED

10.02.03	Requirements for Site Development, Site Improvement Plans and Amendments thereof
10.02.04	Requirements for Subdivision Plats
10.02.08	Requirements for Amendments to the Official Zoning Atlas
10.02.13	Planned Unit Development (PUD) Procedures
10.04.01	Determination of Completeness
10.04.03	Applications Subject to Type II Review
10.08.00	CONDITIONAL USE PROCEDURES
10.09.00	VARIANCE PROCEDURES

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

On June 24, 2025, the governor approved Senate Bill 1080 which amended certain statutes (i.e., F.S.125.022, F.S.163.31801, and F.S. 166.033) that regulate the review and approval of land development permits and development order applications by local governments. The new law, Chapter 2025-177, will become effective on October 1, 2025. It requires counties and municipalities to specify minimum information for certain applications; revise timeframes for processing applications for development permits or orders; provide for refund parameters when the county fails to meet certain timeframes, and expedites the review for comprehensive plan amendments.

The LDC amendment identifies those applications, and development order permits for clear communication and timely responses to applicants and recognizes the refund provisions resulting from processing delays. The required processing of an application starts with an acknowledgement of receipt within five business days of an application. Next, the application must be reviewed for completeness within 30 days, with any deficiencies being specified. Non-quasi-judicial hearing applications must be approved or denied within 120 days from when the application is deemed complete and quasi-judicial hearing applications within 180 days. During a public meeting or hearing, the applicant and county may agree, in writing, to an extension of time. If there is a “substantial change” (defined in the statute as 15 percent or more in proposed density, intensity, or square footage of a parcel) to the application, the timeframes restart.

Pursuant to F.S.125.022 (3)(a), “When reviewing an application for a development permit or development order

that is certified by a professional listed in F.S. 403.0877, the county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.”

F.S. 125.022 (d) also states: “Before the third request for addition information, the applicant must be offered a meeting to attempt to resolve any outstanding issues.”

If the County fails to meet the statute’s stipulated timeframes, a percentage of refunds must be issued to the applicant as follows:

- 10 percent for failure to issue written notice of completeness or areas of deficiencies within 30 days after receiving the application submittal or request for additional information,
- 20 percent for failure to send written notice or areas of deficiencies within 10 days of the second request for information and the applicant submits required information within 30 days,
- 50 percent if the county fails to approve, approve with conditions, or deny the application within 30 days after conclusion of the 120-day or 180-day public hearing timeframe, and
- 100 percent if the county fails to act after 30 days and the conclusion of the 120-day or 180-day timeframe.

Additionally, if “...the applicant and county agree to an extension of time, the delay is caused by the applicant, or attributable to a force majeure or other extraordinary circumstance,” the county is not required to issue a refund.

In accordance with the amended F.S. 177.071-Approval of Plat by Governing Bodies, final plats are now administratively reviewed and approved by a designated authority (County Manager or designee). In LDC section 10.04.03, the amendment will delete “*Final Plats*” from the graphic illustration for Applications Subject to Type II Review.

This LDC amendment will also modify relevant sections of the Land Development Code and Administrative Code for Land Development for compliance with the Laws of Florida Chapter 2025-177.

FISCAL & OPERATIONAL IMPACTS

A percentage of refund fees to the applicant can occur in the event of an application processing delay. Operationally, the county will incur administrative costs to update applications review timeframes.

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff after first review.

EXHIBITS: A) Administrative Code Amendment, B) Laws of Florida Chapter 2025-177

Amend the LDC as follows:

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

H. *Time limits for review, approval, and construction of site **development plans**, site improvement plans, and amendments thereof.*

1. Site development plans, site improvement plans, and amendments thereof, will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant, or until the time frames specified in F.S. 125.022. If a waiver of time limits is submitted and a response is not received within this time, the application for the site development plan, site improvement plan, and amendments thereof will be considered withdrawn and cancelled. If there is no waiver of time limits submitted, and the applicant exceeds the time limits specified in F.S. 125.022, the application will be considered denied. Further review of the project will require a new application subject to the ~~then~~ current LDC.

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10.02.04 Requirements for Subdivision Plats

This section shall be read in conjunction with subdivision design standards, in particular, LDC Chapters 3, 4, and 6.

* * * * *

B. *Construction Plans and Final Subdivision Plats (PPLs).* Construction plans and final subdivision plats are commonly referred to as "plans and plat."

* * * * *

3. *County Manager review of construction plans and final subdivision plats.*

* * * * *

- c. Once the construction plans and final subdivision plats are submitted by the applicant for review by the County Manager or designee, they will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant, or until the time frames specified in F.S. 125.022. If a waiver of time limits is submitted and a response is not received within this time, the application for construction plans and final subdivision plat review will be considered withdrawn and cancelled. If there is no waiver of time limits submitted, and the applicant exceeds the time limits specified in F.S. 125.022, the application will be considered denied.

Further review of the project will require a new application and the appropriate fees paid by the applicant.

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10.02.08 Requirements for Amendments to the Official Zoning Atlas

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D. All proposals for zoning amendments shall be submitted as established in the Administrative Code and accompanied by all pertinent information required by the LDC and which may be required by the Planning Commission for proper consideration of the matter, along with payment of such fees and charges as have been established by the Board of County Commissioners. No application for zoning amendment shall be heard by the Planning Commission until such fees and charges have been paid.

4. Rezoning application processing time. Once an application for a variance has been determined to be complete, the application will remain active until ~~An application for a rezoning, amendment or change will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a rezoning, amendment or change will be considered "closed" when~~ the applicant withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the rezoning, amendment or change, for a period of 6 months, or until the time frames specified in F.S. 125.022. If a waiver of time limits is submitted and the petitioner withdraws the application through written notice or a response is not received within 6 months, the project will be considered withdrawn. If there is no waiver of time limits submitted, and the applicant exceeds the time limits specified in F.S. 125.022, the application will be considered denied. An application deemed "closed" will not receive further processing and shall be withdrawn. An application "closed" through inactivity shall be deemed withdrawn. The County Manager or designee will notify the applicant of closure, however, failure to notify by the county shall not eliminate the ~~"closed"~~ withdrawn or denied status of a petition. ~~An application deemed "closed" may be re-opened by submission of a new application, repayment of all application fees and the grant of a determination of "sufficiency". Further review of the request will be subject to the then current code.~~ Further review of the project will require a new application and the appropriate fees paid by the applicant. An application deemed "closed" may be re-opened by submission of a new application, repayment of all application fees and the grant of a determination of "sufficiency". Further review of the request will be subject to the then current code.

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10.02.13 Planned Unit Development (PUD) Procedures

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B. *Procedures for planned unit development zoning.* Petitions for rezoning to PUD in accordance with LDC section 10.02.08 shall be submitted and processed as for a rezoning amendment generally pursuant to LDC section 10.02.08 and in accordance with the following special procedures:

* * * * *

6. *Action by Board of County Commissioners.* Unless the application is withdrawn by the applicant, exceeds the time limits specified in F.S. 125.022 ~~or deemed "closed" pursuant to LDC section 2.03.06~~, 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 PUD rezone application, PUD master plan of development and PUD ordinance, as recommended by the Planning Commission to the Board of County Commissioners. The Board of County Commissioners shall either approve the proposed rezoning to PUD; approve with conditions or modifications; or deny the application for PUD rezoning.

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10.04.01 Determination of Completeness

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B. Approval of regulated **development** and certificates to operate for wellfield operations.

5. *Administrative review.* Certificates to operate shall be processed and reviewed, and shall be administratively approved, approved with conditions, or denied by the County Manager as provided in this section. Application for certificate to operate shall be made on a form prepared by the County Manager.

a. Completeness review.

i. Within 30 days of receipt of a completed application, the County Manager shall review the application for compliance with the standards of LDC sections 3.06.12 and 3.06.13 hereof.

ii. If the application is found not to be in compliance, the County Manager shall advise the owner/operator of the noted deficiencies or required information by certified mail return receipt requested to the address listed in the application.

iii. Within 30 days of the owner's/operator's receipt of the county's notice, the owner/operator shall:

(a) Provide the requested information or provide written notice to the County Manager of its intent to either furnish the requested information; or

- [illegible]

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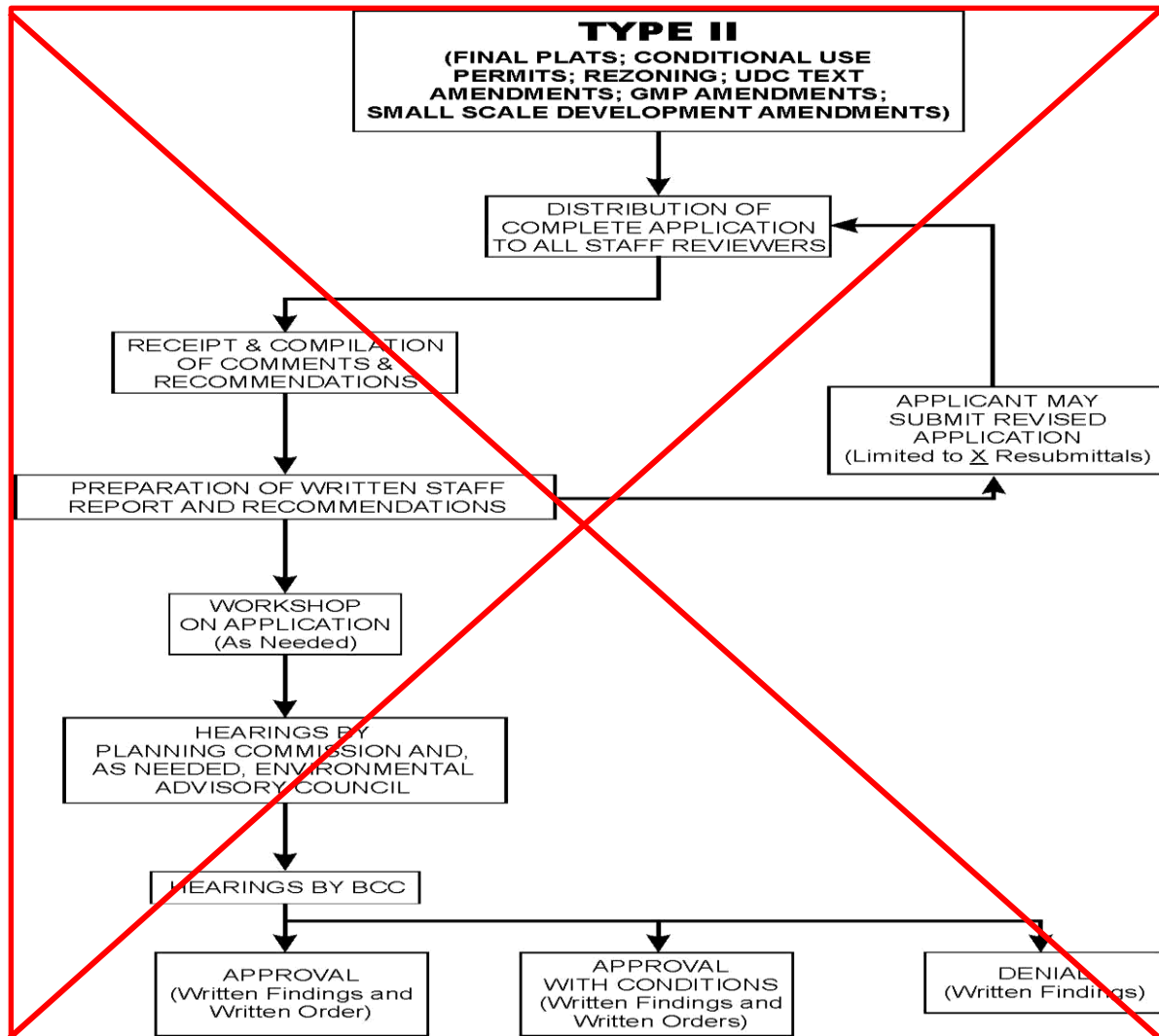
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10.04.03 - Applications Subject to Type II Review

The following applications are subject to Type II review: Conditional use Permits; Rezoning; LDC Text Amendments; GMP Amendments; and ~~s~~Small-~~s~~Scale ~~d~~Development Amendments.

For a graphic depiction of the review procedure, please see Illustration 10.04.03 A.



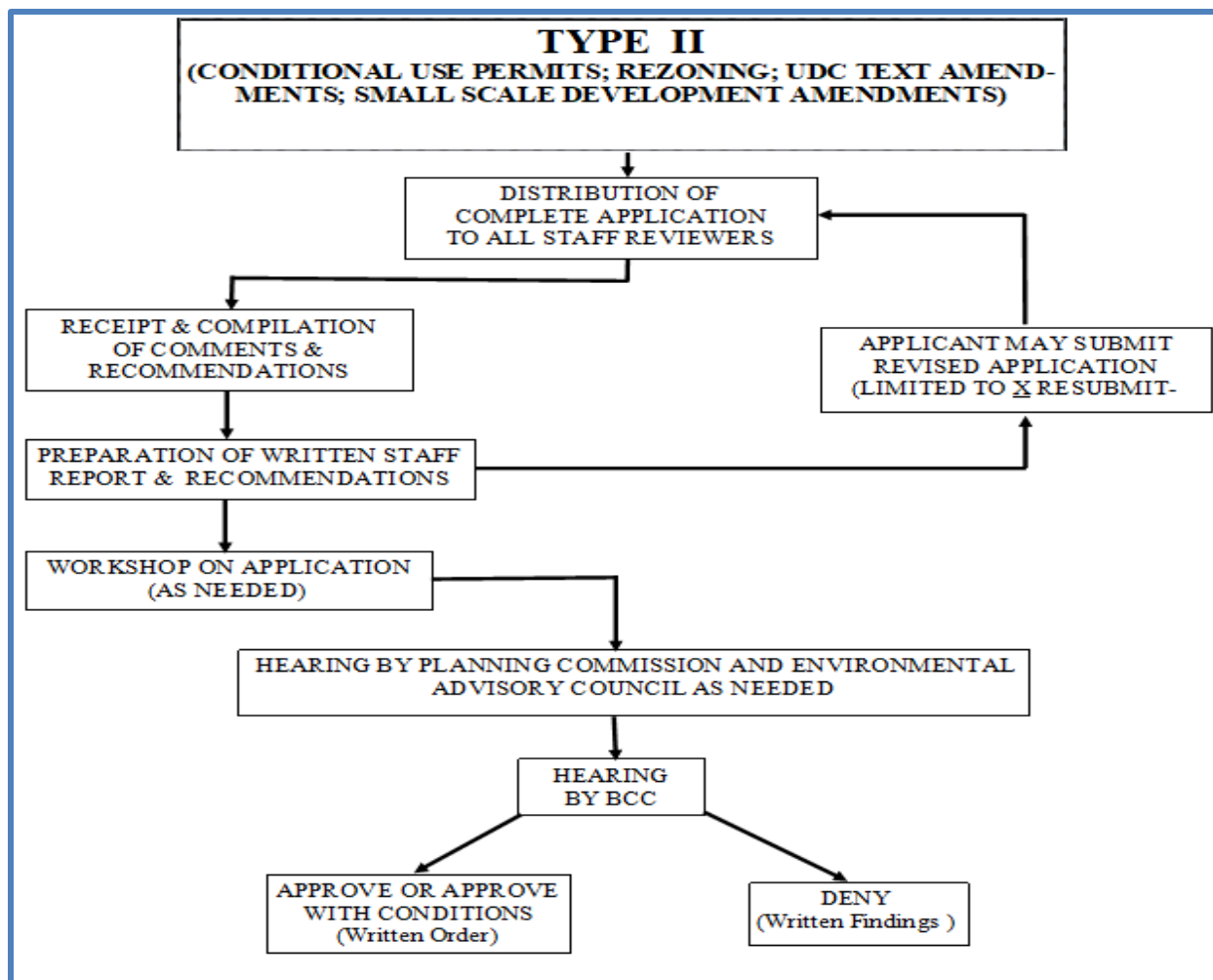


Illustration 10.04.03 A.

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10.08.00 CONDITIONAL USE PROCEDURES

* * * * *

C. *Application.* The Administrative Code shall establish the submittal requirements for a conditional use application.

4. Conditional use application processing time. ~~An application for a conditional use will be considered "open," when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a conditional use will be considered "closed" when~~ Once an application for a conditional use has been determined to be complete, the application will remain active until the applicant withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the conditional use, for a period of ~~6~~ six months or until the time frames specified in F.S. 125.022. If a waiver of time limits is submitted and the

petitioner withdraws the application through written notice or a response is not received within six months, the project will be considered withdrawn. If there is no waiver of time limits submitted, and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied. ~~An application deemed "closed" will not receive further processing and shall be withdrawn and an application "closed" through inactivity shall be deemed withdrawn.~~ The Planning and Zoning Department County Manager or designee will notify the applicant of closure by certified mail, return receipt requested; however, failure to notify by the County shall not eliminate the ~~"closed"~~ withdrawn or denied status of a petition. Further review of the project will require a new application, and the appropriate fees paid by the applicant. ~~An application deemed "closed" may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of "sufficiency."~~ Further review of the request will be subject to the then current LDC.

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10.09.00 VARIANCE PROCEDURES

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- I. *Variance application processing time.* ~~An application for a variance will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a variance will be considered "closed" when~~ Once an application for a variance has been determined to be complete, the application will remain active until the petitioner withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the variance, for a period of ~~6~~ six months or until the time frames specified in F.S. 125.022. If a waiver of time limits is submitted and the petitioner withdraws the application through written notice or a response is not received within six months, the project will be considered withdrawn. If there is no waiver of time limits submitted, and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied. ~~An application deemed "closed" will not receive further processing and shall be withdrawn and an application "closed" through inactivity shall be deemed withdrawn.~~ The ~~planning services department~~ County Manager or designee will notify the applicant of closure, however, failure to notify by the county shall not eliminate the ~~"closed"~~ withdrawn or denied status of a petition. ~~An application deemed "closed" may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of "sufficiency."~~ Further review of the request will be subject to the then current code. Further review of the project will require a new application and the appropriate fees paid by the applicant.

1. ~~Applicability. All applications for a variance whether submitted before or after June 26, 2003, shall comply with the processing time procedures set forth in section I. above.~~

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Exhibit A– Administrative Code Amendment

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Collier County Land Development Code | *Administrative Procedures Manual* Chapter 4 | Administrative Procedures

I. Site Development Plan

I.1 Conceptual Site Plan (CSP)

Reference LDC sections 10.02.03 C.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with LDC section 10.02.03 and other provisions of the LDC.

Once submitted for review, the application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, or withdraws the application through written notice, the application review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

I.2. Site Development Plan (SDP)

Reference LDC sections 10.02.03. and other provisions of the **LDC.**

Review Process The Development Review Division will review the application, identify whether additional materials are needed and approve, approve with conditions or deny the application utilizing the criteria identified in the applicable LDC sections.

Once submitted for review, the application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, or withdraws the application through written notice, the application review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

Exhibit A– Administrative Code Amendment

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I.3. Site Improvement Plan (SIP)

Reference LDC sections 10.02.03 E. and other provisions of the LDC.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and approve, approve with conditions or deny the application utilizing the criteria identified in the applicable LDC sections.

Once submitted for review, the application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, or withdraws the application through written notice, the application review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

I.3.a. Immokalee Nonconforming Mobile Home Parks or Mobile Home Sites-Existing Conditions Site Improvement Plan

Reference LDC sections 2.03.07 G.6.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and approve, approve with conditions or deny the application utilizing the criteria identified in the applicable LDC sections.

Once submitted for review, the application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, or withdraws the application through written notice, the application review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

Exhibit A– Administrative Code Amendment

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Chapter 5 | Subdivision Procedures

D. Construction Plan and Final Subdivision Plat (PPL)

D.1. Construction Plan and Final Subdivision Plat - Standard

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with **LDC** sections **10.02.04 B** and **10.02.04 C** and other provisions of the **LDC**.

Once submitted for review, the construction plans and final subdivision plat application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **applicant**. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, the application will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. . If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

The County Manager or designee will provide a recommendation to the Board of County Commissioners to approve, approve with conditions, or deny the final subdivision plat.

For **applicants** requesting building permits before plat recording, the county will stamp the final plat as "Preliminary Plat for Building Permit Issuance" after Board approval of the plat and receipt of the fully executed construction and maintenance agreement and performance security after County Attorney approval

D.2. Construction Plans and Final Subdivision Plat Amendment (PPLA)

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with **LDC** sections **10.02.04 B** and **10.02.04 C** and other provisions of the **LDC**.

Once submitted for review, the construction plans and final subdivision plat amendment application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **applicant**. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, the application will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

Exhibit A– Administrative Code Amendment

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The County Manager or designee will provide a recommendation to the Board of County Commissioners to approve, approve with conditions, or deny the final subdivision plat.

D.3. Final Subdivision Plat- For Townhouse Fee Simple Development

Reference LDC sections 10.02.04.B and 10.02.04 C and other provisions of the LDC.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with LDC sections 10.02.04 B and 10.02.04 C and other provisions of the LDC.

Once submitted for review, the townhouse construction plans and final subdivision plat application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **applicant**. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, or withdraws the application through written notice, the application review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

The County Manager or designee will provide a recommendation to the Board of County Commissioners to approve, approve with conditions, or deny the final subdivision plat.

E. Construction Plans (CNSTR)

E.1. Construction Plans - Standard

Reference LDC sections 10.02.04 E.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with LDC section 10.02.04 E and shall approve or deny the application.

Once submitted for review, the construction plans application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, the application for review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and

Exhibit A– Administrative Code Amendment

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the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

E.2. Insubstantial Change to Construction Plans – (ICP)

Reference LDC sections 10.02.04 B.5 and 10.02.05 A.5

Review Process The Development Review Division will review the application and identify whether additional materials are needed and review the application for compliance with LDC sections 10.02.04 and 10.02.05 and any other applicable LDC sections.

Once submitted for review, the insubstantial change application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, the application for review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

F. Minor Final Subdivision Plat (FP)

Reference LDC section 10.02.04 D.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with and shall approve, approve with conditions, or deny the minor final subdivision plat.

Once submitted for review, the minor final subdivision plat application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **applicant**. If a response is not received within this time or until the time frames specified in F.S.125.022, the application for review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

The County Manager or designee will provide a recommendation to the BCC to approve, approve with conditions, or deny the minor final subdivision plat.

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CHAPTER 2025-177

Committee Substitute for Senate Bill No. 1080

An act relating to local government land regulation; amending s. 125.022, F.S.; requiring counties to specify minimum information necessary for certain applications; revising timeframes for processing applications for approval of development permits or development orders; defining the term “substantive change”; providing refund parameters in situations where the county fails to meet certain timeframes; providing exceptions; amending s. 163.3180, F.S.; prohibiting a school district from collecting, charging, or imposing certain fees unless they meet certain requirements; providing a standard of review for actions challenging such fees; amending s. 553.80, F.S.; specifying certain purposes for which local governments may use certain fees to carry out activities relating to obtaining or finalizing a building permit; amending s. 163.31801, F.S.; revising the voting threshold required for approval of certain impact fee increase ordinances by local governments, school districts, and special districts; requiring that certain impact fee increases be implemented in specified increments; prohibiting a local government from increasing an impact fee rate beyond certain phase-in limitations under certain circumstances; deleting retroactive applicability; amending s. 163.3184, F.S.; providing that if comprehensive plan amendments are not adopted at a specified hearing, such amendments must be formally adopted within a certain time period or they are deemed withdrawn; increasing the time period within which comprehensive plan amendments must be transmitted; amending s. 166.033, F.S.; requiring municipalities to specify minimum information necessary for certain applications; revising timeframes for processing applications for approval of development permits or development orders; defining the term “substantive change”; providing refund parameters in situations where the municipality fails to meet certain timeframes; providing exceptions; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits and orders.—

(1) A county shall specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A county shall make the minimum information available for inspection and copying at the location where the county receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the county’s website.

(2) Within 5 business days after receiving an application for approval of a development permit or development order, a county shall confirm receipt of

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the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a written notification to the applicant letter indicating that all required information is submitted or specify in writing specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the county has deemed the application complete., or 180 days For applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the county has deemed the application complete. Both parties may agree in writing or in a public meeting or hearing to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3)(a)(2)(a) When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a county makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a county makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a county makes a third request for additional information and the applicant submits

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the required additional information within 30 days after receiving the request, the county must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) (5), if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A county must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the county fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

(e) One hundred percent of the application fee if the county fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A county is not required to issue a refund if the applicant and the county agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5)(3) When a county denies an application for a development permit or development order, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(6)(4) As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7)(5) For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing

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a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(8)(6) Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9)(7) This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

Section 2. Present paragraph (j) of subsection (6) of section 163.3180, Florida Statutes, is redesignated as paragraph (k), and a new paragraph (j) is added to that subsection, to read:

163.3180 Concurrency.—

(6)

(j) A school district may not collect, charge, or impose any alternative fee in lieu of an impact fee to mitigate the impact of development on educational facilities unless such fee meets the requirements of s. 163.3180(4)(f) and (g). In any action challenging a fee under this paragraph, the school district has the burden of proving by a preponderance of the evidence that the imposition and amount of the fee meet the requirements of state legal precedent.

Section 3. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, may only be used for carrying out the local government's responsibilities in enforcing the Florida Building Code, including, but not limited to, any process or enforcement related to obtaining or finalizing a building permit. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry

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forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term “operating budget” does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government that established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities must relate to the level of service provided by the local government and must include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged must be consistently applied.

1. As used in this subsection, the phrase “enforcing the Florida Building Code” includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade technology hardware and software systems to enhance service delivery, to pay for the construction of a building or structure that houses a local government’s building code enforcement agency, or for training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years. An owner or builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in the state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that issued the permit for a fee to enforce this subparagraph.

3. The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

- a. Planning and zoning or other general government activities not related to obtaining a building permit.
- b. Inspections of public buildings for a reduced fee or no fee.
- c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

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d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1.

4. A local government must use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.

5. The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

- a. Providing proof of licensure under chapter 489;
- b. Recording or filing a license issued under this chapter;
- c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or
- d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

Section 4. Effective January 1, 2026, paragraphs (g) and (h) of subsection (6) of section 163.31801, Florida Statutes, are amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(g)1. A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

a.1. A demonstrated-need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

b.2. The local government jurisdiction has held at least ~~not less than~~ two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

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c.3. The impact fee increase ordinance is approved by at least a unanimous two-thirds vote of the governing body.

2. An impact fee increase approved under this paragraph must be implemented in at least two but not more than four equal annual increments beginning with the date on which the impact fee increase ordinance is adopted.

3. A local government may not increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government has not increased the impact fee within the past 5 years. Any year in which the local government is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

~~(h) This subsection operates retroactively to January 1, 2021.~~

Section 5. Paragraphs (b) and (c) of subsection (3) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(b)1. If a plan amendment or amendments are adopted, the local government, after the initial public hearing held pursuant to subsection (11), shall transmit, within 10 working days after the date of adoption, the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

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3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archaeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

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h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold a second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, ~~and to adopt the comprehensive plan amendments, the amendments are deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. If the amendments are not adopted at the second public hearing, the amendments shall be formally adopted by the local government within 180 days after the second public hearing is held or the amendments are deemed withdrawn. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.~~

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 30 10 working days after the final adoption hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2. If the local government fails to transmit the comprehensive plan amendments within 30 10 working days after the final adoption hearing, the amendments are deemed withdrawn.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of:

- a. The adoption ordinance or ordinances;
- b. In the case of a text amendment, the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;
- c. In the case of a future land use map amendment, the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and
- d. Any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land

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planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

Section 6. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders.—

(1) A municipality shall specify in writing the minimum information that must be submitted for an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A municipality shall make the minimum information available for inspection and copying at the location where the municipality receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the municipality's website.

(2) Within 5 business days after receiving an application for approval of a development permit or development order, a municipality shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a written notification to the applicant letter indicating that all required information is submitted or specify in writing specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the municipality has deemed the application complete, or 180 days. For applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the municipality has deemed the application complete. Both parties may agree in writing or in a public meeting or hearing to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the municipality's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3)(a)(2)(a) When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a

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municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a municipality makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a municipality makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a municipality makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the municipality's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) (5), if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A municipality must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the municipality fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

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(e) One hundred percent of the application fee if the municipality fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A municipality is not required to issue a refund if the applicant and the municipality agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

~~(5)~~(3) When a municipality denies an application for a development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

~~(6)~~(4) As used in this section, the terms “development permit” and “development order” have the same meaning as in s. 163.3164, but do not include building permits.

~~(7)~~(5) For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

~~(8)~~(6) Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

~~(9)~~(7) This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 7. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2025.

Approved by the Governor June 24, 2025.

Filed in Office Secretary of State June 24, 2025.

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20250010243

ORIGIN

 Growth Management
Community Development
Department (GMCDD)

SUMMARY OF AMENDMENT

This amendment shall establish compliance with the Laws of Florida, Chapter 2025-177 that revised timeframes for processing applications for approval of development permits or development orders. It defines the term “substantial change” and provides refund parameters in situations where the county fails to meet certain timeframes. The timeframes are not applicable to statutory Areas of Critical State Concern (ACSC). LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

HEARING DATES

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	TBD

LDC SECTION TO BE AMENDED

10.02.03	Requirements for Site Development, Site Improvement Plans and Amendments thereof
10.02.04	Requirements for Subdivision Plats
10.02.08	Requirements for Amendments to the Official Zoning Atlas
10.02.13	Planned Unit Development (PUD) Procedures
10.04.01	Determination of Completeness
10.04.03	Applications Subject to Type II Review
10.08.00	CONDITIONAL USE PROCEDURES
10.09.00	VARIANCE PROCEDURES

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

On June 24, 2025, the governor approved Senate Bill 1080 which amended certain statutes (i.e., F.S.125.022 **F.S.163.31801**, and F.S. 166.033) that regulate the review and approval of land development permits and development order applications by local governments. The new law, Chapter 2025-177, will become effective on October 1, 2025. It requires counties and municipalities to specify minimum information for certain applications; revise timeframes for processing applications for development permits or orders; provide for refund parameters when the county fails to meet certain timeframes, and expedites the review for comprehensive plan amendments.

The LDC amendment identifies those applications, and development order permits for clear communication and timely responses to applicants and recognizes the refund provisions resulting from processing delays. The required processing of an application starts with an acknowledgement of receipt within five business days of an application. Next, the application must be reviewed for completeness within 30 days, with any deficiencies being specified. Non-quasi-judicial hearing applications must be approved or denied within 120 days from when the application is deemed complete and quasi-judicial hearing applications within 180 days. During a public meeting or hearing, the applicant and county may agree, in writing, to an extension of time. If there is a “substantial change” (defined in the statute as 15 percent or more in proposed density, intensity, or square footage of a parcel) to the application, the timeframes restart.

Pursuant to F.S.125.022 (3)(a), “When reviewing an application for a development permit or development order

that is certified by a professional listed in F.S. 403.0877, the county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.”

F.S. 125.022 (d) also states: “Before the third request for addition information, the applicant must be offered a meeting to attempt to resolve any outstanding issues.”

If the County fails to meet the statute’s stipulated timeframes, a percentage of refunds must be issued to the applicant as follows:

- 10 percent for failure to issue written notice of completeness or areas of deficiencies within 30 days after receiving the application submittal or request for additional information,
- 20 percent for failure to send written notice or areas of deficiencies within 10 days of the second request for information and the applicant submits required information within 30 days,
- 50 percent if the county fails to approve, approve with conditions, or deny the application within 30 days after conclusion of the 120-day or 180-day public hearing timeframe, and
- 100 percent if the county fails to act after 30 days and the conclusion of the 120-day or 180-day timeframe.

Additionally, if “...the applicant and county agree to an extension of time, the delay is caused by the applicant, or attributable to a force majeure or other extraordinary circumstance,” the county is not required to issue a refund.

In accordance with the amended F.S. 177.071-Approval of Plat by Governing Bodies, final plats are now administratively reviewed and approved by a designated authority (County Manager or designee). In LDC section 10.04.03, the amendment will delete “*Final Plats*” from the graphic illustration for Applications Subject to Type II Review.

This LDC amendment will also modify relevant sections of the Land Development Code and Administrative Code for Land Development for compliance with the Laws of Florida Chapter 2025-177.

FISCAL & OPERATIONAL IMPACTS

A percentage of refund fees to the applicant can occur in the event of an application processing delay. Operationally, the county will incur administrative costs to update applications review timeframes.

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff after first review.

EXHIBITS: A) Administrative Code Amendment, B) Laws of Florida Chapter 2025-177

Amend the LDC as follows:

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

H. *Time limits for review, approval, and construction of site **development plans**, site improvement plans, and amendments thereof.*

1. Site development plans, site improvement plans, and amendments thereof, will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant, or until the time frames specified in F.S. 125.022. If a waiver of time limits is submitted and a response is not received within this time, the application for the site development plan, site improvement plan, and amendments thereof will be considered withdrawn and cancelled. If there is no waiver of time limits submitted, and the applicant exceeds the time limits specified in F.S. 125.022, the application will be considered denied. Further review of the project will require a new application subject to the ~~then~~ current LDC.

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10.02.04 Requirements for Subdivision Plats

This section shall be read in conjunction with subdivision design standards, in particular, LDC Chapters 3, 4, and 6.

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B. *Construction Plans and Final Subdivision Plats (PPLs).* Construction plans and final subdivision plats are commonly referred to as "plans and plat."

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3. *County Manager review of construction plans and final subdivision plats.*

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- c. Once the construction plans and final subdivision plats are submitted by the applicant for review by the County Manager or designee, they will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant, or until the time frames specified in F.S. 125.022. If a waiver of time limits is submitted and a response is not received within this time, the application for construction plans and final subdivision plat review will be considered withdrawn and cancelled. If there is no waiver of time limits submitted, and the applicant exceeds the time limits specified in F.S. 125.022, the application will be considered denied.

Further review of the project will require a new application and the appropriate fees paid by the applicant.

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10.02.08 Requirements for Amendments to the Official Zoning Atlas

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D. All proposals for zoning amendments shall be submitted as established in the Administrative Code and accompanied by all pertinent information required by the LDC and which may be required by the Planning Commission for proper consideration of the matter, along with payment of such fees and charges as have been established by the Board of County Commissioners. No application for zoning amendment shall be heard by the Planning Commission until such fees and charges have been paid.

4. Rezoning application processing time. Once an application for a variance has been determined to be complete, the application will remain active until ~~An application for a rezoning, amendment or change will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a rezoning, amendment or change will be considered "closed" when~~ the applicant withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the rezoning, amendment or change, for a period of 6 months, or until the time frames specified in F.S. 125.022. If a waiver of time limits is submitted and the petitioner withdraws the application through written notice or a response is not received within 6 months, the project will be considered withdrawn. If there is no waiver of time limits submitted, and the applicant exceeds the time limits specified in F.S. 125.022, the application will be considered denied. ~~An application deemed "closed" will not receive further processing and shall be withdrawn.~~ An application "closed" through inactivity shall be deemed withdrawn. The County Manager or designee will notify the applicant of closure, however, failure to notify by the county shall not eliminate the "closed" withdrawn or denied status of a petition. ~~An application deemed "closed" may be re-opened by submission of a new application, repayment of all application fees and the grant of a determination of "sufficiency". Further review of the request will be subject to the then current code.~~ Further review of the project will require a new application and the appropriate fees paid by the applicant. ~~An application deemed "closed" may be re-opened by submission of a new application, repayment of all application fees and the grant of a determination of "sufficiency". Further review of the request will be subject to the then current code.~~

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10.02.13 Planned Unit Development (PUD) Procedures

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B. *Procedures for planned unit development zoning.* Petitions for rezoning to PUD in accordance with LDC section 10.02.08 shall be submitted and processed as for a rezoning amendment generally pursuant to LDC section 10.02.08 and in accordance with the following special procedures:

* * * * *

6. *Action by Board of County Commissioners.* Unless the application is withdrawn by the applicant, exceeds the time limits specified in F.S. 125.022 ~~or deemed "closed" pursuant to LDC section 2.03.06~~, 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 PUD rezone application, PUD master plan of development and PUD ordinance, as recommended by the Planning Commission to the Board of County Commissioners. The Board of County Commissioners shall either approve the proposed rezoning to PUD; approve with conditions or modifications; or deny the application for PUD rezoning.

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10.04.01 Determination of Completeness

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B. Approval of regulated **development** and certificates to operate for wellfield operations.

5. *Administrative review.* Certificates to operate shall be processed and reviewed, and shall be administratively approved, approved with conditions, or denied by the County Manager as provided in this section. Application for certificate to operate shall be made on a form prepared by the County Manager.

a. Completeness review.

i. Within 30 days of receipt of a completed application, the County Manager shall review the application for compliance with the standards of LDC sections 3.06.12 and 3.06.13 hereof.

ii. If the application is found not to be in compliance, the County Manager shall advise the owner/operator of the noted deficiencies or required information by certified mail return receipt requested to the address listed in the application.

iii. Within 30 days of the owner's/operator's receipt of the county's notice, the owner/operator shall:

(a) Provide the requested information or provide written notice to the County Manager of its intent to either furnish the requested information; or

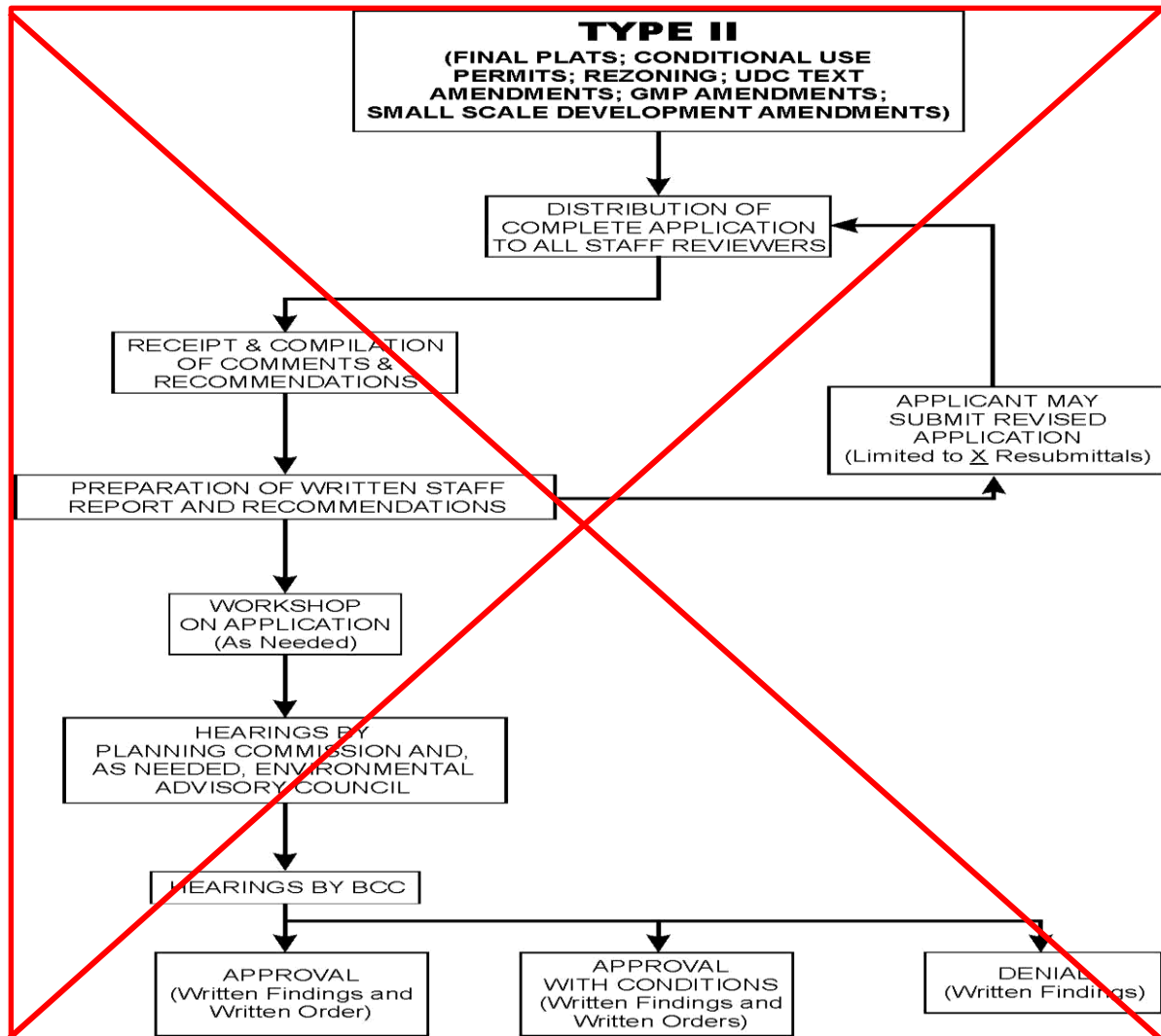
- (b) Provide written notice to the County Manager of its intent to have the application processed "as is" with the information it then contains
- b. Substantive review.
- i. Upon a determination by the County Manager that the application is complete, or upon receipt of written notice from the [sic] owner/operator that the application should be processed as is, the County Manager shall issue a determination of completeness and provide a copy to the owner/operator by ~~regular U.S.~~ electronic mail.
- ii. Within 30 days of issuance of a determination of completeness, the County Manager shall render a written evaluation of the application in accordance with the standards of sections 3.06.12 and 3.06.13 hereof and render a notice of intent to issue or deny the application, a copy of which shall be sent to the owner/operator by ~~regular U.S.~~ electronic mail.
- iii. The owner/operator may appeal an adverse notice of intent to the board as provided in LDC section 10.04.11, hereof.
- iv. The certificate to operate will be issued or denied by the department within 15 days of issuance of the notice of intent, unless an appeal is taken as provided in section (iii) above
- c. Extension of administrative review and withdrawal [of] application.
- i. The County Manager may, in his sole discretion, extend the time frame for administrative review set forth in LDC section 10.04.01 B.5.a. and LDC section 10.04.01 B.5.b. hereof or until the time frames specified in F.S. 125.022 for the purposes of requesting and receiving additional information necessary to complete the substantive review of the application.
- ii. If the owner/operator does not provide the information requested by the County Manager or advises the county that the application is to be processed "as is" within 45 days of such request, the application shall be considered withdrawal [withdrawn] and fees paid shall be surrendered.
- iii. The owner/operator may voluntarily withdraw the application at any time prior to the issuance of the County Manager's notice of intent by submitting a written notice to the County Manager stating its intent to withdraw.

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10.04.03 - Applications Subject to Type II Review

The following applications are subject to Type II review: Conditional use Permits; Rezoning; LDC Text Amendments; GMP Amendments; and ~~s~~Small-~~s~~Scale ~~d~~Development Amendments.

For a graphic depiction of the review procedure, please see Illustration 10.04.03 A.



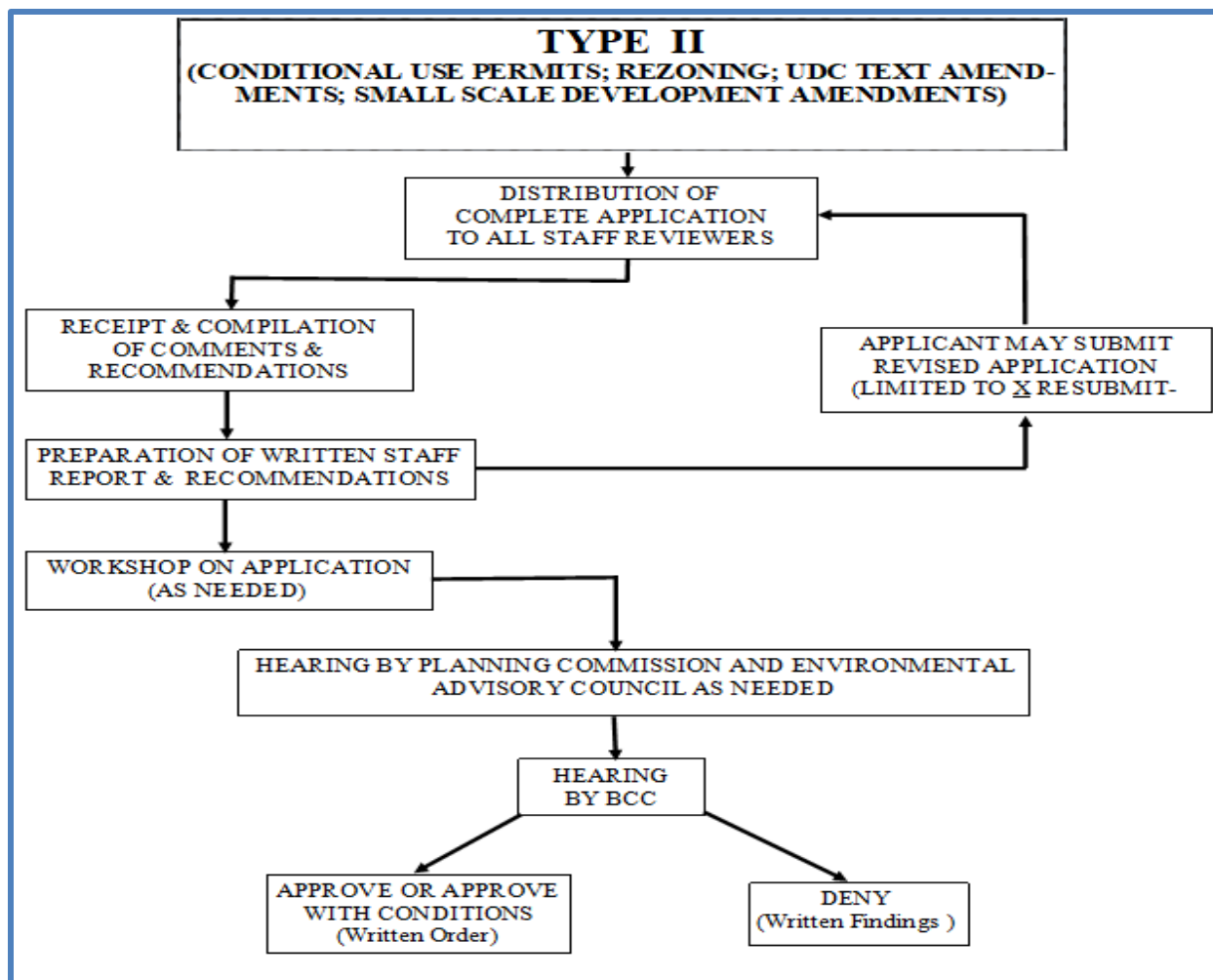


Illustration 10.04.03 A.

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10.08.00 CONDITIONAL USE PROCEDURES

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C. *Application.* The Administrative Code shall establish the submittal requirements for a conditional use application.

4. Conditional use application processing time. ~~An application for a conditional use will be considered "open," when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a conditional use will be considered "closed" when~~ Once an application for a conditional use has been determined to be complete, the application will remain active until the applicant withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the conditional use, for a period of ~~6~~ six months or until the time frames specified in F.S. 125.022. If a waiver of time limits is submitted and the

petitioner withdraws the application through written notice or a response is not received within six months, the project will be considered withdrawn. If there is no waiver of time limits submitted, and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied ~~An application deemed "closed" will not receive further processing and shall be withdrawn and an application "closed" through inactivity shall be deemed withdrawn.~~ The Planning and Zoning Department County Manager or designee will notify the applicant of closure by certified mail, return receipt requested; however, failure to notify by the County shall not eliminate the ~~"closed"~~ withdrawn or denied status of a petition. Further review of the project will require a new application, and the appropriate fees paid by the applicant. ~~An application deemed "closed" may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of "sufficiency."~~ Further review of the request will be subject to the then current LDC.

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10.09.00 VARIANCE PROCEDURES

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- I. *Variance application processing time.* ~~An application for a variance will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a variance will be considered "closed" when~~ Once an application for a variance has been determined to be complete, the application will remain active until the petitioner withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the variance, for a period of ~~6~~ six months or until the time frames specified in F.S. 125.022. If a waiver of time limits is submitted and the petitioner withdraws the application through written notice or a response is not received within six months, the project will be considered withdrawn. If there is no waiver of time limits submitted, and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied. ~~An application deemed "closed" will not receive further processing and shall be withdrawn and an application "closed" through inactivity shall be deemed withdrawn.~~ The ~~planning services department~~ County Manager or designee will notify the applicant of closure, however, failure to notify by the county shall not eliminate the ~~"closed"~~ withdrawn or denied status of a petition. ~~An application deemed "closed" may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of "sufficiency."~~ Further review of the request will be subject to the then current code. Further review of the project will require a new application and the appropriate fees paid by the applicant.

1. ~~Applicability. All applications for a variance whether submitted before or after June 26, 2003, shall comply with the processing time procedures set forth in section I. above.~~

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Exhibit A– Administrative Code Amendment

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Collier County Land Development Code | *Administrative Procedures Manual* Chapter 4 | Administrative Procedures

I. Site Development Plan

I.1 Conceptual Site Plan (CSP)

Reference LDC sections 10.02.03 C.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with LDC section 10.02.03 and other provisions of the LDC.

Once submitted for review, the application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, or withdraws the application through written notice, the application review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

I.2. Site Development Plan (SDP)

Reference LDC sections 10.02.03. and other provisions of the **LDC.**

Review Process The Development Review Division will review the application, identify whether additional materials are needed and approve, approve with conditions or deny the application utilizing the criteria identified in the applicable LDC sections.

Once submitted for review, the application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, or withdraws the application through written notice, the application review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

Exhibit A– Administrative Code Amendment

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I.3. Site Improvement Plan (SIP)

Reference LDC sections 10.02.03 E. and other provisions of the LDC.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and approve, approve with conditions or deny the application utilizing the criteria identified in the applicable LDC sections.

Once submitted for review, the application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, or withdraws the application through written notice, the application review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

I.3.a. Immokalee Nonconforming Mobile Home Parks or Mobile Home Sites-Existing Conditions Site Improvement Plan

Reference LDC sections 2.03.07 G.6.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and approve, approve with conditions or deny the application utilizing the criteria identified in the applicable LDC sections.

Once submitted for review, the application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, or withdraws the application through written notice, the application review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

Exhibit A– Administrative Code Amendment

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Chapter 5 | Subdivision Procedures

D. Construction Plan and Final Subdivision Plat (PPL)

D.1. Construction Plan and Final Subdivision Plat - Standard

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with **LDC** sections **10.02.04 B** and **10.02.04 C** and other provisions of the **LDC**.

Once submitted for review, the construction plans and final subdivision plat application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **applicant**. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, the application will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. . If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

The County Manager or designee will provide a recommendation to the Board of County Commissioners to approve, approve with conditions, or deny the final subdivision plat.

For **applicants** requesting building permits before plat recording, the county will stamp the final plat as "Preliminary Plat for Building Permit Issuance" after Board approval of the plat and receipt of the fully executed construction and maintenance agreement and performance security after County Attorney approval

D.2. Construction Plans and Final Subdivision Plat Amendment (PPLA)

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with **LDC** sections **10.02.04 B** and **10.02.04 C** and other provisions of the **LDC**.

Once submitted for review, the construction plans and final subdivision plat amendment application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **applicant**. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, the application will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

Exhibit A– Administrative Code Amendment

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The County Manager or designee will provide a recommendation to the Board of County Commissioners to approve, approve with conditions, or deny the final subdivision plat.

D.3. Final Subdivision Plat- For Townhouse Fee Simple Development

Reference LDC sections 10.02.04.B and 10.02.04 C and other provisions of the LDC.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with LDC sections 10.02.04 B and 10.02.04 C and other provisions of the LDC.

Once submitted for review, the townhouse construction plans and final subdivision plat application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **applicant**. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, or withdraws the application through written notice, the application review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

The County Manager or designee will provide a recommendation to the Board of County Commissioners to approve, approve with conditions, or deny the final subdivision plat.

E. Construction Plans (CNSTR)

E.1. Construction Plans - Standard

Reference LDC sections 10.02.04 E.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with LDC section 10.02.04 E and shall approve or deny the application.

Once submitted for review, the construction plans application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, the application for review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and

Exhibit A– Administrative Code Amendment

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the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

E.2. Insubstantial Change to Construction Plans – (ICP)

Reference LDC sections 10.02.04 B.5 and 10.02.05 A.5

Review Process The Development Review Division will review the application and identify whether additional materials are needed and review the application for compliance with LDC sections 10.02.04 and 10.02.05 and any other applicable LDC sections.

Once submitted for review, the insubstantial change application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time or the applicant exceeds the time limits specified in F.S.125.022, the application for review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

F. Minor Final Subdivision Plat (FP)

Reference LDC section 10.02.04 D.

Review Process The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with and shall approve, approve with conditions, or deny the minor final subdivision plat.

Once submitted for review, the minor final subdivision plat application will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the **applicant**. If a response is not received within this time or until the time frames specified in F.S.125.022, the application for review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees. If there is no waiver of time limits submitted by the applicant and the applicant exceeds the time limits specified in F.S.125.022, the application will be considered denied.

The County Manager or designee will provide a recommendation to the BCC to approve, approve with conditions, or deny the minor final subdivision plat.

Exhibit B – F.S. Chapter 2025-1777

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CHAPTER 2025-177

Committee Substitute for Senate Bill No. 1080

An act relating to local government land regulation; amending s. 125.022, F.S.; requiring counties to specify minimum information necessary for certain applications; revising timeframes for processing applications for approval of development permits or development orders; defining the term “substantive change”; providing refund parameters in situations where the county fails to meet certain timeframes; providing exceptions; amending s. 163.3180, F.S.; prohibiting a school district from collecting, charging, or imposing certain fees unless they meet certain requirements; providing a standard of review for actions challenging such fees; amending s. 553.80, F.S.; specifying certain purposes for which local governments may use certain fees to carry out activities relating to obtaining or finalizing a building permit; amending s. 163.31801, F.S.; revising the voting threshold required for approval of certain impact fee increase ordinances by local governments, school districts, and special districts; requiring that certain impact fee increases be implemented in specified increments; prohibiting a local government from increasing an impact fee rate beyond certain phase-in limitations under certain circumstances; deleting retroactive applicability; amending s. 163.3184, F.S.; providing that if comprehensive plan amendments are not adopted at a specified hearing, such amendments must be formally adopted within a certain time period or they are deemed withdrawn; increasing the time period within which comprehensive plan amendments must be transmitted; amending s. 166.033, F.S.; requiring municipalities to specify minimum information necessary for certain applications; revising timeframes for processing applications for approval of development permits or development orders; defining the term “substantive change”; providing refund parameters in situations where the municipality fails to meet certain timeframes; providing exceptions; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits and orders.—

(1) A county shall specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A county shall make the minimum information available for inspection and copying at the location where the county receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the county’s website.

(2) Within 5 business days after receiving an application for approval of a development permit or development order, a county shall confirm receipt of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Exhibit B– F.S. Chapter 2025-1777

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Ch. 2025-177

LAWS OF FLORIDA

Ch. 2025-177

the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a written notification to the applicant letter indicating that all required information is submitted or specify in writing specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the county has deemed the application complete., or 180 days For applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the county has deemed the application complete. Both parties may agree in writing or in a public meeting or hearing to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3)(a)(2)(a) When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a county makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a county makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a county makes a third request for additional information and the applicant submits

Exhibit B– F.S. Chapter 2025-1777

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the required additional information within 30 days after receiving the request, the county must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) (5), if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A county must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the county fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

(e) One hundred percent of the application fee if the county fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A county is not required to issue a refund if the applicant and the county agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5)(3) When a county denies an application for a development permit or development order, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(6)(4) As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7)(5) For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing

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a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(8)(6) Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9)(7) This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

Section 2. Present paragraph (j) of subsection (6) of section 163.3180, Florida Statutes, is redesignated as paragraph (k), and a new paragraph (j) is added to that subsection, to read:

163.3180 Concurrency.—

(6)

(j) A school district may not collect, charge, or impose any alternative fee in lieu of an impact fee to mitigate the impact of development on educational facilities unless such fee meets the requirements of s. 163.3180(4)(f) and (g). In any action challenging a fee under this paragraph, the school district has the burden of proving by a preponderance of the evidence that the imposition and amount of the fee meet the requirements of state legal precedent.

Section 3. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, may only be used for carrying out the local government's responsibilities in enforcing the Florida Building Code, including, but not limited to, any process or enforcement related to obtaining or finalizing a building permit. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry

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forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term “operating budget” does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government that established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities must relate to the level of service provided by the local government and must include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged must be consistently applied.

1. As used in this subsection, the phrase “enforcing the Florida Building Code” includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade technology hardware and software systems to enhance service delivery, to pay for the construction of a building or structure that houses a local government’s building code enforcement agency, or for training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years. An owner or builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in the state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that issued the permit for a fee to enforce this subparagraph.

3. The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

- a. Planning and zoning or other general government activities not related to obtaining a building permit.
- b. Inspections of public buildings for a reduced fee or no fee.
- c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

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d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1.

4. A local government must use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.

5. The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

- a. Providing proof of licensure under chapter 489;
- b. Recording or filing a license issued under this chapter;
- c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or
- d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

Section 4. Effective January 1, 2026, paragraphs (g) and (h) of subsection (6) of section 163.31801, Florida Statutes, are amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(g)1. A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

a.1. A demonstrated-need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

b.2. The local government jurisdiction has held at least ~~not less than~~ two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

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c.3. The impact fee increase ordinance is approved by at least a unanimous two-thirds vote of the governing body.

2. An impact fee increase approved under this paragraph must be implemented in at least two but not more than four equal annual increments beginning with the date on which the impact fee increase ordinance is adopted.

3. A local government may not increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government has not increased the impact fee within the past 5 years. Any year in which the local government is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

~~(h) This subsection operates retroactively to January 1, 2021.~~

Section 5. Paragraphs (b) and (c) of subsection (3) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(b)1. If a plan amendment or amendments are adopted, the local government, after the initial public hearing held pursuant to subsection (11), shall transmit, within 10 working days after the date of adoption, the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

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3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archaeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

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h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold a second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, ~~and to adopt the comprehensive plan amendments, the amendments are deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. If the amendments are not adopted at the second public hearing, the amendments shall be formally adopted by the local government within 180 days after the second public hearing is held or the amendments are deemed withdrawn. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.~~

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 30 10 working days after the final adoption hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2. If the local government fails to transmit the comprehensive plan amendments within 30 10 working days after the final adoption hearing, the amendments are deemed withdrawn.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of:

- a. The adoption ordinance or ordinances;
- b. In the case of a text amendment, the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;
- c. In the case of a future land use map amendment, the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and
- d. Any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land

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planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

Section 6. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders.—

(1) A municipality shall specify in writing the minimum information that must be submitted for an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A municipality shall make the minimum information available for inspection and copying at the location where the municipality receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the municipality's website.

(2) Within 5 business days after receiving an application for approval of a development permit or development order, a municipality shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a written notification to the applicant letter indicating that all required information is submitted or specify in writing specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the municipality has deemed the application complete., or 180 days For applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the municipality has deemed the application complete. Both parties may agree in writing or in a public meeting or hearing to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the municipality's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3)(a)(2)(a) When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a municipality makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a municipality makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a municipality makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the municipality's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) (5), if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A municipality must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3)(b).

(c) Twenty percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3)(c).

(d) Fifty percent of the application fee if the municipality fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

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(e) One hundred percent of the application fee if the municipality fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A municipality is not required to issue a refund if the applicant and the municipality agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5)(3) When a municipality denies an application for a development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(6)(4) As used in this section, the terms “development permit” and “development order” have the same meaning as in s. 163.3164, but do not include building permits.

(7)(5) For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(8)(6) Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(9)(7) This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 7. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2025.

Approved by the Governor June 24, 2025.

Filed in Office Secretary of State June 24, 2025.

Processing Time Frames Pursuant to F. S. 125.022 Development Permits and Orders		
I N T A K E	“ A County must specify in writing the minimum information to be submitted in an application for a zoning, rezoning, or subdivision approval, certification, special exception, or variance. The County shall make the minimum information available, ... at the location where the county receives the application for development permits and orders, provide the information to the applicant <u>at a pre-application meeting</u> or post the information on the county’s website.”	
	Within 5 business days after receiving the application, the county shall confirm receipt of the application and within 30 days after receiving the application, the county must <i>review the application for completeness</i> and issue written notification indicating that all required information is submitted or specify any areas of deficiency.	
	If County Requests Additional Information	Applicant’s Submittal Response
	1st Request	Letter within 30 days
	2nd Request	Letter within 10 days
	<i>Before 3rd Request by County for Additional Information</i> <i>Applicant must be offered a meeting to resolve outstanding issues.</i>	
R E V I E W	<i>If there is a 3rd Request for additional information, applicant must waive time limits in writing.</i>	Within 10 days, information must be deemed complete or proceed to <i>process the application for approval or denial</i>, unless the applicant waives the time limits
	• Within 120 days, if applications do not require a quasi-judicial or public hearing, the county must approve, approve with conditions, or deny the application. • Within 180 days, for applications that do require a quasi-judicial or public hearing, the county must approve, approve with conditions, or deny the application. • Both the county and applicant may agree in writing or in a public meeting or hearing to an extension of time , in the event of a force majeure (due to causes outside of the control of the county and applicant) or other extraordinary circumstance.	
	Additional County requirement: An application remains under review, so long as a resubmittal in response to the County’s rejection comments are received within 270 days. Otherwise, the application is withdrawn and cancelled.	

Richard Henderlong

From: Jeffrey S Curl <jcurl@emergedesign.biz>
Sent: Tuesday, September 16, 2025 8:38 AM
To: Eric Johnson; Richard Henderlong; Angela Galiano
Subject: DSAC-LDR

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

Good morning,
I have some funky bug that I'd rather not bring into the building, nor today's meeting...

- As a quick aside: I cannot help but laugh at the irony of a TDR credit for the eradication and control of exotics, in light of our last meeting / proposed relaxation of exotics in the Estates...
- My only comments for today [RFMUD LDCA], and they may be more q/a than comments, are on the buffers' suggested language vs base code, D buffers:
 1. Trees, 12' (not 10) high and palms cannot be used to satisfy 'd' buffers (vs palms allowed to use for code trees up to 30% of the required trees) - WHY the change along a roadway?
 2. Shrubs, no change
 3. Groundcover requirements: first, why? Second, as stated folks will just do a 3' "line" - IF the intent is a 3' to 5' AVERAGE width, I would state that.

For B buffers [that I believe impact the 'public' more than roadway travelers at high speeds], a 6 story building next to existing SF (think their back yard), should certainly consider taller trees (12' x 5' spread / width vs. 10' x 4', base code) with the base code 5' hedge/6' maintained to ameliorate new height impacts to neighbors.....

Thank you and that's what I would offer to other committee members this afternoon.
I apologize for the late notice,
Jeff

Jeffrey S. Curl ASLA CLARB | President

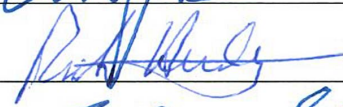
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DSAC – Land Development Review Subcommittee

****Must have (3) members for a quorum****

Committee Members	
Name	Signature
Clay Brooker:	
Blair Foley:	
Robert Mulhere: Excused	
Mark McLean:	
Jeffrey Curl: Excused	

Staff Members	
Mike Bosi, Planning and Zoning Division Director, GMCD	Present
Eric Johnson, LDC Planning Manager, GMCD	
Richard Henderlong, Planner III, GMCD	
Angela Galiano, Planner II, GMCD	
Heather Cartwright-Yilmaz, Management Analyst/Liaison, GMCD	Present
Lisa Blackledge, Manager, GMCD	Present
Michele Mosca, Planner III, GMCD	Present

DSAC – Land Development Review Subcommittee

Public Sign-in Sheet

Please Print

[illegible]



Collier County Government

Communications, Government & Public Affairs
3299 Tamiami Trail E., Suite 102
Naples, Florida 34112-5746

August 21, 2025

FOR IMMEDIATE RELEASE

Notice of Public Meeting Development Services Advisory Committee Land Development Review Subcommittee Collier County, Florida

**September 16, 2025
3:00 p.m.**

Notice is hereby given that the **Collier County Development Services Advisory Committee - Land Development Review Subcommittee (DSAC-LDR)** will meet on **Tuesday, September 16, 2025, at 3:00 p.m.** in Conference Room 609/610 of the Growth Management Community Development Department building, 2800 N. Horseshoe Drive, Naples, Florida.

Individuals who would like to participate in person must complete and submit a speaker form prior to the beginning of the discussion about the item.

About the public meeting:

Two or more members of the Board of County Commissioners may be present and may participate in the meeting. The subject matter of this meeting may be an item for discussion and action at a future Board of County Commissioners meeting.

All interested parties are invited to attend, and to register to speak. All registered public speakers will be limited to three minutes unless permission for additional time is granted by the chairman.

Collier County Ordinance No. 2004-05 requires that all lobbyists shall, before engaging in any lobbying activities (including, but not limited to, addressing the Board of County Commissioners, an advisory board or quasi-judicial board), register with the Clerk to the Board at the Board Minutes and Records Department.

Anyone who requires an auxiliary aid or service for effective communication, or other reasonable accommodations in order to participate in this proceeding, should contact the Collier County Facilities Management Division, located at 3335 Tamiami Trail E., Suite 101, Naples, Florida 34112, or (239) 252-8380 as soon as possible, but no later than 48 hours before the scheduled event. Such reasonable accommodations will be provided at no cost to the individual.

For more information, call Eric Johnson at (239) 252-2931.

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