

**ORDINANCE NO. 2022 – \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, RELATING TO THE BAYSHORE GATEWAY TRIANGLE REDEVELOPMENT AREA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE AND ZONING ATLAS, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, TO CHANGE THE NAME OF THE BAYSHORE MIXED USE OVERLAY DISTRICT TO THE BAYSHORE ZONING OVERLAY DISTRICT AND THE NAME OF THE GATEWAY TRIANGLE MIXED USE DISTRICT TO THE GATEWAY TRIANGLE ZONING OVERLAY DISTRICT; TO ADD PROHIBITED USES; ADD APPEARANCE STANDARDS FOR OUTDOOR DISPLAY AND STORAGE, ADD A BOUNDARY MAP FOR THE BAYSHORE ZONING OVERLAY DISTRICT AND FOR THE GATEWAY TRIANGLE ZONING OVERLAY DISTRICT, ADD ARCHITECTURAL STANDARDS FOR SINGLE FAMILY HOMES, AND CHANGE OTHER DEVELOPMENT STANDARDS, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER ONE GENERAL PROVISIONS, INCLUDING SECTION 1.08.01 ABBREVIATIONS AND SECTION 1.08.02 DEFINITIONS; CHAPTER 2 ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.07 OVERLAY ZONING DISTRICTS AND SECTION 2.05.01 DENSITY STANDARDS AND HOUSING TYPES; CHAPTER 4 SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.02.16 DESIGN STANDARDS FOR DEVELOPMENT IN THE BAYSHORE GATEWAY TRIANGLE REDEVELOPMENT AREA, AND CHAPTER 10 APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING SECTION 10.02.15 REQUIREMENTS FOR MIXED USE PROJECTS WITHIN THE BAYSHORE GATEWAY TRIANGLE REDEVELOPMENT AREA AND SECTION 10.03.06 PUBLIC NOTICE AND REQUIRED HEARINGS FOR LAND USE PETITIONS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE. [PL20210001222]**

**Recitals**

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

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

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

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

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

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

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

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

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

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

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

**SECTION ONE: RECITALS**

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

**SECTION TWO: FINDINGS OF FACT**

The Board of Commissioners of Collier County, Florida, hereby makes the following findings of fact:

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

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

3. Section 163.3201, F.S., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted comprehensive plan.

4. Section 163.3194(1)(b), F.S., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted comprehensive plan, or element or portion thereof, and any land regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent.

5. Section 163.3202(3), F.S., states that the Act shall be construed to encourage the use of innovative land development regulations.

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the “Growth Management Plan” or “GMP”) as its comprehensive plan pursuant to the requirements of § 163.3161 *et seq.*, F.S.

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

8. Pursuant to § 163.3194(3)(a), F.S., a development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

9. Section 163.3194(3)(b), F.S., states that a development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are

compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991. The Land Development Code adopted in Ordinance 91-102 was recodified and superseded by Ordinance 04-41 as amended.

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

12. It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance with the provisions of the Collier County Comprehensive Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., and through these amendments to the Code.

**SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE**

\* \* \* \* \*

**SUBSECTION 3.A. AMENDMENTS TO SECTION 1.08.01 ABBREVIATIONS**

Section 1.08.01, Abbreviations, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

\* \* \* \* \*

1.08.01 Abbreviations

\* \* \* \* \*

BFE	Base Flood Elevation
BGTCRA	Bayshore Gateway Triangle Community Redevelopment Area
<del>BMUD</del>	<del>Bayshore Mixed Use District</del>
BP	Business Park Zoning District
<u>BZO</u>	<u>Bayshore Zoning Overlay District</u>

\* \* \* \* \*

GT	Gopher Tortoise
GIS	Geographic information system
<del>GTMUD</del>	<del>Gateway Triangle Mixed Use District</del>
<u>GTZO</u>	<u>Gateway Triangle Zoning Overlay District</u>

\* \* \* \* \*

SUBSECTION 3.B. AMENDMENTS TO SECTION 1.08.02 DEFINITIONS

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

1.08.02 Definitions

\* \* \* \* \*

*Mixed use project approval process:* A process by which a land owner may petition for approval of a mixed use project — a mix of commercial and residential uses, as provided for in certain zoning overlay districts. If located within certain subdistricts in the Bayshore Drive ~~Mixed Use Zoning~~ Zoning Overlay District or the Gateway Triangle ~~Mixed Use Zoning~~ Zoning Overlay District, such a petition may include a request for increased density by use of ~~bonus~~ density bonus pool units.

\* \* \* \* \*

SUBSECTION 3.C. AMENDMENTS TO SECTION 2.03.07 OVERLAY ZONING DISTRICTS

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

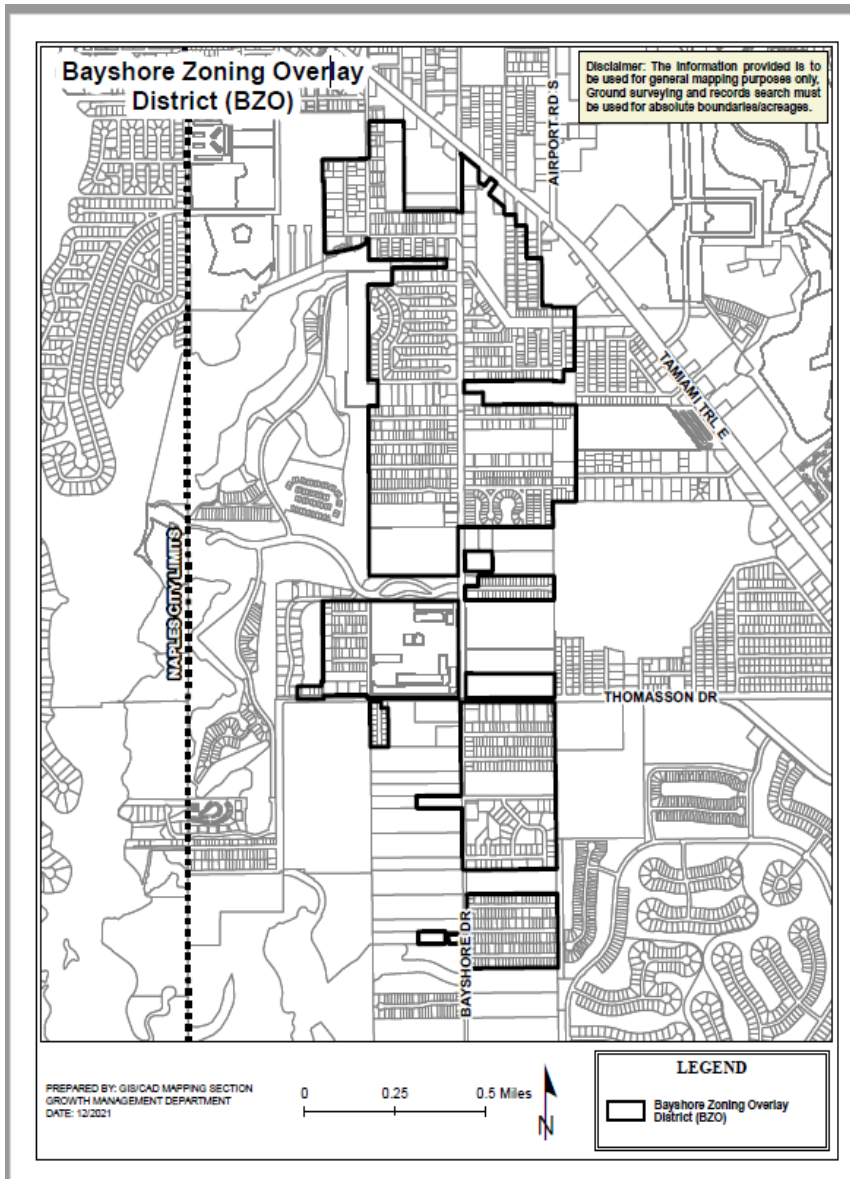
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2.03.07 Overlay Zoning Districts

\* \* \* \* \*

- I. Bayshore ~~Mixed Use Zoning~~ Zoning Overlay District (~~BMUD~~BZO). This section provides special conditions for the properties adjacent to Bayshore Drive as identified by the designation "~~BMUD~~BZO" on the applicable official Collier County Zoning Atlas Map or map series.

1. Purpose and Intent. The purpose and intent of this District is to encourage revitalization of the Bayshore Drive portion of the Bayshore Gateway Triangle Community Redevelopment Area (BGTCRA) with pedestrian-oriented, interconnected projects. The Overlay encourages uses that support pedestrian activity, including a mix of residential, civic and commercial uses that complement each other and provide for an increased presence and integration of the cultural arts and related support uses. When possible buildings, both commercial and residential, are located near the street, and may have front porches and/or balconies.
2. Applicability.
  - a. These regulations shall apply to the Bayshore ~~Mixed Use~~ Zoning Overlay District as identified by the designation "~~BMUDBZO~~" on the applicable official Collier County Zoning Atlas Maps.
  - b. Planned Unit Developments (PUDs) that existed prior to March 3, 2006, and properties with Provisional Uses (PU) approved prior to March 3, 2006, including amendments or boundary changes to these PUDs and Provisional Use properties, are not subject to the ~~Bayshore Overlay District~~ BZO requirements.
  - c. The boundary of the BZO is delineated on the map below.



3. Relationship to the Underlying Zoning Classification and the GMP Collier County Growth Management Plan.
  - a. The purpose of the BMUDBZO is to fulfill the goals, objectives and policies of the Collier County Growth Management Plan (GMP), as may be amended. Specifically, the BMUDBZO implements the provisions of section V.F, Bayshore Gateway Triangle Redevelopment Overlay, of the Future Land Use Element FLUE. Portions of the Bayshore Overlay District BZO coincide with Mixed Use Activity Center #16 designated in the Future Land Use Element (FLUE) of the Collier County GMP. Development in the activity center is governed by requirements of the underlying zoning district and the mixed use activity center subdistrict requirements in the FLUE, except for site development standards as stated in LDC section 4.02.16 of the LDC.

- b. Property owners within the BMUDBZO may establish uses, densities, and intensities in accordance with the LDC regulations of the underlying zoning classification, except as restricted in LDC section 2.03.07 I.4.b.iv., or in accordance with ~~or may elect to develop/redevelop under the provisions of the applicable BMUDBZO Subdistrict.~~ In either instance, however, the BMUDBZO site development standards as provided for in LDC section 4.02.16 shall apply.
4. ~~Bayshore Mixed Use District (BMUD)~~ Zoning Overlay District (BZO) Subdistricts.
- a. The BMUDBZO consists of the following subdistricts:
    - i. Neighborhood Commercial Subdistrict (BMUDBZO-NC). The purpose and intent of this subdistrict is to encourage a mix of low intensity commercial and residential uses, including mixed use projects in a single building. This subdistrict provides for an increased presence and integration of the cultural arts and related support uses, including galleries, artists' studios, and live-work units. Developments will be human-scale and pedestrian-oriented.
    - ii. Waterfront Subdistrict (BMUDBZO-W). The purpose of this subdistrict is to encourage a mix of low intensity commercial and residential uses and allow maximum use of the waterfront for entertainment while enhancing the area for use by the general public. Development in this subdistrict is intended to allow a mix of residential and commercial uses including limited marina and boatyard uses.
    - iii. Residential Subdistrict 1 (BMUDBZO-R1). The purpose of this subdistrict is to encourage the development of a variety of housing types which are compatible with existing neighborhoods and allow for building additions such as front porches. The intent in new development is to encourage a traditional neighborhood design pattern and create a row of residential units with uniform front yard setbacks and access to the street.
    - iv. Residential Subdistrict 2 (BMUDBZO-R2). The purpose of this subdistrict is to allow for a variety of housing types and encourage the development of multi-family residences as transitional uses between commercial and single-family development. The multi-family buildings shall be compatible with the building patterns of traditional neighborhood design.
    - v. Residential Subdistrict 3 (BMUDBZO-R3). The purpose of this subdistrict is to allow for a variety of housing types and encourage the development of townhouses and single-family dwellings. All new development in this subdistrict shall be compatible with the building patterns of traditional neighborhood design.
    - vi. Residential Subdistrict 4 (BMUDBZO-R4). The purpose of this subdistrict is to protect the character of existing neighborhoods comprised of detached single-family dwelling units, while allowing for building additions such as front porches.



- b. Use Categories and Table of Uses.
  - i. All uses permitted in the ~~BMUDBZO~~ subdistricts have been divided into ~~9~~ eight general categories, which are summarized below:
    - a) Residential: Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than one month's duration.
    - b) Lodging: Premises available for short-term human habitation, including daily and weekly rental.
    - c) Office and Service: Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.
    - d) Retail and Restaurant: Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.
    - e) Entertainment and Recreation: Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.
    - f) Manufacturing, Wholesale and Storage: Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
    - g) Civic and Institutional: Premises available for organizations dedicated to religion, education, government, social service, and other similar functions.
    - h) Infrastructure: Uses and structures dedicated to transportation, communication, information, and utilities, including Essential Services.
  - ii. Interpretation of the Table of Uses.
    - a) The Table of Uses identifies uses as permitted uses (P); accessory uses (A); conditional uses (CU), or a combination of the three. Blank cells indicate that a use is not allowed in the corresponding subdistrict; however, such use may be permitted by the underlying zoning designation.
    - b) Any use not listed in the Table of Uses is prohibited unless the County Manager or designee may determine that it falls within the same class as a listed use through the

process outlined in LDC section 1.06.00, Rules of Interpretation.

- c) Mixed Use Projects shall be limited to the permitted, accessory and conditional uses allowed in the ~~BMUDBZO-~~BMUDBZO-NC and ~~BMUDBZO-W~~ subdistricts, and subject to the MUP approval process as outlined in ~~Section~~ LDC section 10.02.15. All other projects may elect to establish uses, densities and intensities in accordance with their underlying zoning, except as restricted in LDC section 2.03.07 1.4.b.iv., or in accordance with the Overlay Subdistrict. However, all projects must comply with site development standards as provided in LDC section 4.02.16.

iii. Table of Uses.

Table 1. Table of Uses for the ~~Bayshore Mixed Use District Overlay Zoning~~ BZO Subdistricts

USE TYPE	<del>BMUD</del> <b>BZO SUBDISTRICTS</b>						ADDITIONAL STANDARDS
	RESIDENTIAL				MIXED USE		
	R1	R2	R3	R4	NC	W	
<b>a) RESIDENTIAL</b>							
	1) Dwelling, Single-Family	P	P	P	P	P	
	2) Dwelling, Duplex	P	P	P			
	3) Dwelling, Two-Family	P	P	P		P	P
	4) Dwelling, Rowhouse	P	P	P		P	P
	5) Dwelling, Multi-Family (3 or more)	P	P	P		P	P
	6) Dwelling, Mobile Home			P*			*If allowed by underlying zoning
	7) Home Occupations	A	A	A	A	A	A
	8) Live-Work Units			CU		P	P
	9) Artist Village	CU	CU	CU		P	P
<b>b) LODGING</b>							
	1) Bed & Breakfast Facilities			CU		CU	CU
	2) Hotels and Motels					P	P
<b>c) OFFICE/SERVICE</b>							
	1) Banks, Credit Unions, Financial Services					P	
	2) Business Support Services					P	P
	3) Child Care Services	CU	CU	CU		CU	CU
	4) Community Service Organization					P	P
	5) Drive Thru Service (banks)						
	6) Government Services					P	P
	7) Family Care Facility/Nursing Home					P	P
	8) Medical Services – Doctor Office					P	P
	9) Medical Services - Outpatient/Urgent Care					P	
	10) Personal Care Services					P	P
	11) Post Office					P	P
	12) Professional Office or Service					P	P
	13) Rental Services - Equipment/Vehicles					P	P
	14) Studio - Art, Dance, Martial Arts, Music					P	P
	15) Studio - Motion Picture					CU	
	16) Vehicle Services - Maintenance/Repair						
	17) Veterinarians Office					P	P
	18) Video Rental					P	P
<b>d) RETAIL/ RESTAURANTS</b>							
	1) Auto Parts Sales						
	2) Bars/Tavern/Night Club					P	P

	3) Drive Thru Retail/Restaurant							
	4) Gas Station with Convenience Store					P	P	5.05.05
	5) Neighborhood Retail - <2,000 sf					P	P	
	6) General Retail - <15,000 sf					P	P	
	7) General Retail - >15,000 sf					CU	CU	
	8) Restaurant					P	P	
	9) Shopping Center					CU	CU	
	10) Vehicle/ <del>Boat</del> /Heavy Equipment Sales						CU	<u>4.02.16 C.7.</u> <u>2.03.07</u> <u>1.4.b.iv.</u> <u>4.02.16 C.10.</u>
	<u>11) Boat Sales</u>						<u>CU</u>	<u>2.03.07</u> <u>1.4.b.iv.a.</u> <u>4.02.16 C.7.</u>
<b>e) ENTERTAINMENT/RECREATION</b>								
	1) Gallery / Museum					P	P	
	2) Meeting Facility					P	P	
	3) Cultural or Community Facility					P	P	
	4) Theater, Live Performance					P	P	
	5) Theater, Movie					CU	CU	
	6) Recreation Facility, Indoor					P	P	
	7) Recreation Facility, Outdoor					CU	CU	
	8) Amusements, Indoor					P	P	
	9) Amusements, Outdoor					CU	CU	
	10) Community Garden	P	P	P	P	P	P	4.02.16 C.5.
<b>f) MANUFACTURING/WHOLESALE/STORAGE</b>								
	1) Laboratory - Medical, analytical, research					P		
	2) Laundries and Dry Cleaning					P		
	3) Media Production					P		
	4) Metal Products Fabrication					P		
	5) Mini-Warehouses							<u>2.03.07</u> <u>1.4.b.iv.c)</u>
	6) Repair Shops					P	P	<u>2.03.07</u> <u>1.4.b.iv.</u>
	7) Research and Development					P	P	
	8) Storage - Outdoor					A		<u>2.03.07</u> <u>1.4.b.iv.a)</u> <u>4.02.16</u> <u>C.9104.</u>
	9) Storage - Warehouse							
<b>g) CIVIC INSTITUTIONAL</b>								
	1) College/University					P	P	
	2) Educational Plant	P	P	P	P	P	P	
	3) Hospital							
	4) Membership Organizations					P	P	
	5) Public Safety Facility					CU	CU	
	6) Religious Institution	CU	CU	CU	CU	CU	CU	
	7) Schools - Elementary and Secondary							
	8) Schools - Vocational and Technical							

<i>h) INFRASTRUCTURE</i>								
	1) Automobile Parking Facilities						CU	
	2) Boat Launch						A	
	3) Essential Services	P	P	P	P	P	P	
	4) Marinas and Boatyards						P	4.02.16 C.7.
	5) Transit Station							
	6) Wireless Telecommunication Facility							

~~Note: The Table of Uses identifies uses as permitted uses (P); accessory uses (A); conditional uses (CU), or a combination of the three.~~

~~Blank cells indicate that a use is not allowed in the corresponding subdistrict; however, such use may be permitted by the underlying zoning designation.~~

~~Mixed Use Projects shall be limited to the permitted, accessory and conditional uses allowed in the BMUD-NC and BMUD-W subdistricts, and subject to the MUP approval process as outlined in section 10.02.15. All other projects may elect to establish uses, densities and intensities in accordance with their underlying zoning or in accordance with the Overlay Subdistrict. However, all projects must comply with site development standards as provided in section 4.02.16.~~

- iv. Prohibited uses. These uses are prohibited, except that those existing as of [effective date of Ordinance] may continue to operate as a permitted use until the use ceases for a period of one year.
  - a) Prohibited uses in C-2, C-3, C-4, and C-5 zoning districts. For purposes of this section, outdoor display, sales, or storage of manufactured products, raw or finished materials, boats, or vehicles on a lot that is less than 30,000 square feet is prohibited within the BZO or underlying zoning districts if zoned C-2, C-3, C-4, or C-5.
  - b) Prohibited uses in the C-4 zoning district. For purposes of this section, the following use is also prohibited within the BZO and underlying zoning district if zoned C-4:
    - 1) Repair shops and services, not elsewhere classified (7699) – Boiler repair shops except manufacturing, Sewer cleaning and rodding, Tank and boiler cleaning service, and Tank truck cleaning service.
  - c) Prohibited uses in the C-5 zoning district. For purposes of this section the following list of uses shall be prohibited within the BZO and underlying zoning district if zoned C-5:

- 1) Equipment rental and leasing (7359) – Industrial truck and portable toilet.
- 2) Mobile home dealers (5271).
- 3) Motor freight transportation and warehousing (4225) - Mini- and self-storage warehousing.
- 4) Recreational vehicle dealers (5561).
- 5) Repair shops and services, not elsewhere classified (7699) – Boiler cleaning, Boiler repair shops, Cesspool cleaning, Industrial truck repair, Septic tank cleaning service, Sewer cleaning and rodding, Tank and boiler cleaning service, and Tank truck cleaning service.
- 6) Truck rental and leasing, without drivers (7513).
- 7) Utility trailer and recreational vehicle rental (7519).

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N. Gateway Triangle ~~Mixed-Use~~ Zoning Overlay District (GTMUDGTZO). This section contains special conditions for the properties in and adjacent to the Gateway Triangle as identified by the designation "GTMUDGTZO" on the applicable official Collier County Zoning Atlas Map or map series.

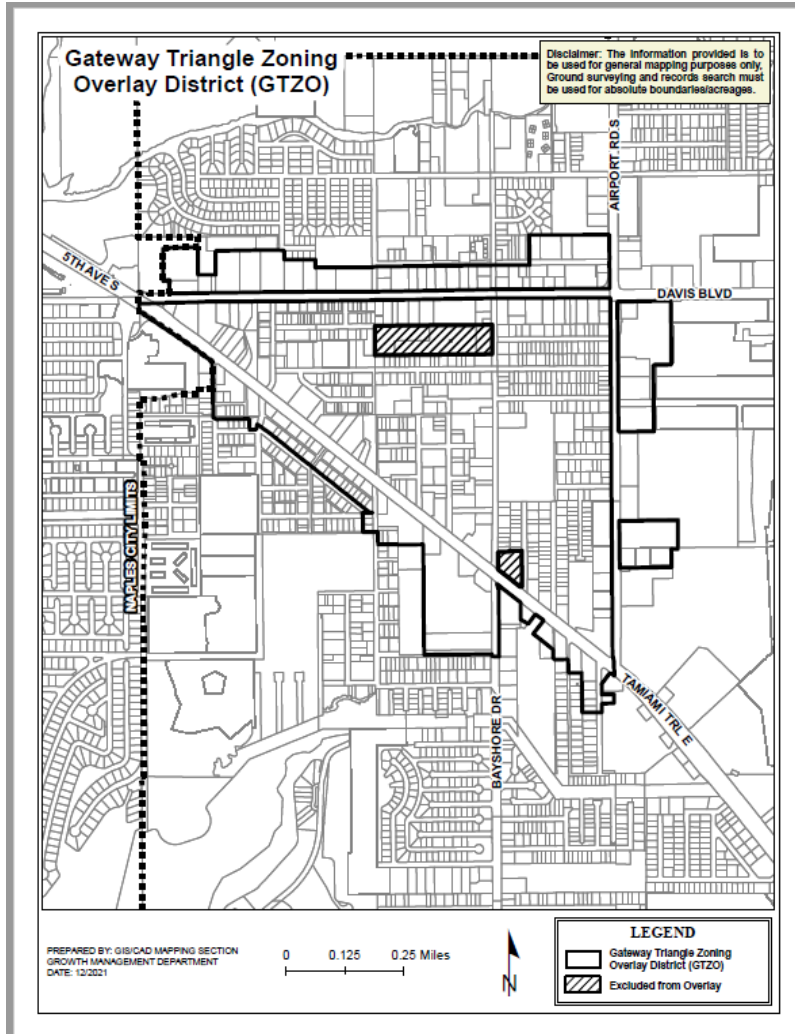
1. Purpose and Intent. The purpose and intent of this District is to encourage revitalization of the Gateway Triangle portion of the Bayshore Gateway Triangle Community Redevelopment Area (BGTCRA) with human-scale, pedestrian-oriented, interconnected projects that are urban in nature and include a mix of residential types and commercial uses. Development in this District should encourage pedestrian activity through the construction of mixed-use buildings, an interconnected street system, and connections to adjacent neighborhoods. When possible, buildings are located near the street with on street parking and off street parking on the side or in the rear of the parcel.

This District is intended to: revitalize the commercial and residential development; promote traditional urban design; encourage on-street parking and shared parking facilities; provide appropriate landscaping and buffering; and protect and enhance the Shadowlawn residential neighborhood.

2. Applicability.
  - a. These regulations shall apply to the Gateway Triangle ~~Mixed Use~~ Zoning Overlay District as identified by the designation "GTMUDGTZO" on the applicable official Collier County Zoning Atlas Maps.
  - b. Planned Unit Developments (PUDs) that existed prior to March 3, 2006, and properties with Provisional Uses (PU) approved prior to March 3,

2006, including amendments or boundary changes to these PUDs and Provisional Use properties, are not subject to the ~~Gateway Triangle Mixed Use District~~GTZO requirements.

c. The boundary of the GTZO is delineated on the map below.



3. Relationship to the Underlying Zoning Classification and Collier County Growth Management Plan.

a. The purpose of the ~~GTMUD~~GTZO is to fulfill the goals, objectives and policies of the ~~Collier County Growth Management Plan (GMP)~~, as may be amended. Specifically, the ~~GTMUD~~GTZO implements the provisions of section V.F, Bayshore Gateway Triangle Redevelopment Overlay, of the Future Land Use Element. Portions of the ~~Gateway Triangle Mixed Use District~~GTZO that coincide with Mixed Use Activity Center #16 as

designated in the FLUE of the ~~Collier County~~ GMP. Development standards in the activity center is governed by requirements of the underlying zoning district requirements and the mixed use activity center subdistrict requirements in the FLUE, except for site development standards as stated in LDC section 4.02.16 of the ~~Collier County Land Development Code (LDC)~~.

- b. Property owners may establish uses, densities and intensities in accordance with the existing LDC regulations of the underlying zoning classification, or may elect to develop/redevelop under the provisions of the applicable GTMUDGTZO Subdistrict. In either instance, the GTMUDGTZO site development standards as provided for in LDC section 4.02.16 shall apply.

4. Gateway Triangle ~~Mixed Use~~ Zoning Overlay District (GTMUDGTZO) Subdistricts.

- a. The Gateway Triangle Zoning Overlay ~~Mixed Use~~ District consists of the following subdistricts:

- i. Mixed Use Subdistrict (GTMUDGTZO-MXD). The purpose and intent of this subdistrict is to provide for pedestrian-oriented commercial and mixed use developments and higher density residential uses. Developments will reflect traditional neighborhood design building patterns. Individual buildings are encouraged to be multi-story with uses mixed vertically, with street level commercial and upper level office and residential. Included in this District is the "mini triangle" formed by US 41 on the South, Davis Boulevard on the North and Commercial Drive on the East, which is intended to serve as an entry statement for the Bayshore Gateway Triangle CRA and a gateway to the City of Naples.
- ii. Residential Subdistrict (GTMUDGTZO-R). The purpose of this subdistrict is to encourage the continuation and revitalization of the Shadowlawn neighborhood. The subdistrict provides for a variety of compatible residential housing types and a limited mix of non-residential uses in a walkable context.

- b. Use Categories and Table of Uses.

- i. All uses permitted in the GTMUDGTZO subdistricts have been divided into ~~nine~~eight general categories, which are summarized below:

- a) Residential: Premises available for long-term human habitation by means of ownership and rental, but excluding



short-term leasing or rental of less than one month's duration.

- b) Lodging: Premises available for short-term human habitation, including daily and weekly rental.
  - c) Office and Service: Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.
  - d) Retail and Restaurant: Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.
  - e) Entertainment and Recreation: Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.
  - f) Manufacturing, Wholesale and Storage: Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
  - g) Civic and Institutional: Premises available for organizations dedicated to religion, education, government, social service, and other similar functions.
  - h) Infrastructure: Uses and structures dedicated to transportation, communication, information, and utilities, including Essential Services.
- ii. Interpretation of the Table of Uses\_
- a) Any uses not listed in the Table of Uses are prohibited. In the event that a particular use is not listed in the Table of Uses, the County Manager or designee may determine that it falls within the same class as a listed use through the process outlined in LDC section 1.06.00, Rules of Interpretation.
  - b) The Table of Uses identifies uses as permitted uses (P); accessory uses (A); conditional uses (CU), or a combination of the three. Blank cells indicate that a use is not allowed in the corresponding subdistrict; however, such

use may be permitted by the underlying zoning designation.

- c) Mixed Use Projects shall be limited to the permitted, accessory and conditional uses allowed in the ~~GTMUDGTZO~~GTZO-MXD subdistrict, and subject to the MUP approval process as outlined in LDC section 10.02.15. All other projects may elect to establish uses, densities and intensities in accordance with their underlying zoning or in accordance with the Overlay Subdistrict. However, all projects must comply with site development standards as provided in LDC section 4.02.16.

iii. Table of Uses.

Table 2. Table of Uses for the ~~Gateway Triangle Mixed Use Overlay Zoning District~~ GTZO Subdistricts

USE TYPE	<u>GTMU</u> <del>DTZO</del> <u>GTZO</u> SUBDISTRICTS		ADDITIONAL STANDARDS
	<u>RESIDENTIAL</u>	<del>MXD</del> <u>MIXED USE</u>	
<b>a) RESIDENTIAL</b>			
1) Dwelling, Single-Family	P	P	
2) Dwelling, Duplex	P	P	
3) Dwelling, Two-Family	P	P	
4) Dwelling, Rowhouse	P	P	
5) Dwelling, Multi-Family (3 or more)	P	P	
6) Dwelling, Mobile Home	P*		*If permitted by underlying zoning
7) Guesthouse	A	A	5.05.04 and 4.02.16 C.2.
8) Home Occupations	A	A	5.02.03
9) Live-Work Units	CU	P	4.02.16 C.6.
10) Artist Village	CU	P	4.02.16 C.3.
<b>b) LODGING</b>			
1) Bed & Breakfast Facilities	CU	CU	4.02.16 C.4.
2) Hotels and Motels		P	
<b>c) OFFICE/SERVICE</b>			
1) Banks, Credit Unions, Financial Services		P	
2) Business Support Services		P	
3) Child Care Services	CU	CU	
4) Community Service Organization		P	
5) Government Services		P	
6) Family Care Facility/Nursing Home		CU	
7) Medical Services - Doctor Office		P	
8) Medical Services - Outpatient/Urgent Care		P	
9) Personal Care Services		P	
10) Post Office		P	
11) Professional Office or Service		P	
12) Rental Services -		P	

	Equipment/Vehicles			
	13) Studio - Art, Dance, Martial Arts, Music		P	
	14) Studio - Motion Picture		CU	
	15) Vehicle Services - Maintenance/Repair		CU	
	16) Veterinarians Office		P	
	17) Video Rental		P	
<b>d) RETAIL/ RESTAURANTS</b>				
	1) Auto Parts Sales		P	
	2) Bars/Tavern/Night Club		P	
	3) Drive Thru Retail/Restaurant		P	
	4) Gas Station with Convenience Store		P	5.05.05
	5) Neighborhood Retail - <2,000 sf		P	
	6) General Retail - <15,000 sf		P	
	7) General Retail - >15,000 sf		P	
	8) Restaurant		P	
	9) Shopping Center		CU	
	10) Vehicle/Boat/Heavy Equipment Sales		P	<u>4.02.16 C.10.</u>
<b>e) ENTERTAINMENT/RECREATION</b>				
	1) Gallery / Museum		P	
	2) Meeting Facility	CU	P	
	3) Cultural or Community Facility	CU	P	
	4) Theater, Live Performance		P	
	5) Theater, Movie		CU	
	6) Recreation Facility, Indoor		P	
	7) Recreation Facility, Outdoor	CU	CU	
	8) Amusements, Indoor		P	
	9) Amusements, Outdoor	CU	CU	
	10) Community Garden	P	P	4.02.16 C.5.
<b>f) MANUFACTURING/WHOLESALE/STORAGE</b>				
	1) Boat Yards		CU	<u>4.02.16 C.7.</u>
	2) Laboratory - Medical, analytical, research		P	
	3) Laundries and Dry-cleaning		P	
	4) Media Production		P	
	5) Metal Products Fabrication		CU	
	6) Mini-Warehouses			
	7) Repair Shops		P	
	8) Research and Development		P	
	9) Storage – Outdoor		CU	<u>4.02.16 C.9104.</u>
	10) Storage - Warehouse		P	
	11) Lawn and Garden Services in conjunction with a Nursery		CU	
<b>g) CIVIC/INSTITUTIONAL</b>				
	1) College/University		CU	
	2) Educational Plant	P	P	
	3) Hospital		CU	
	4) Membership Organizations		P	
	5) Public Safety Facility		CU	
	6) Religious Institution	CU	CU	
	7) Schools - Elementary and Secondary	P		
	8) Schools - Vocational and Technical	CU		
<b>h) INFRASTRUCTURE</b>				

	1) Automobile Parking Facilities		P	
	2) Boat Launch			
	3) Essential Services	P	P	
	4) Marinas		P	
	5) Transit Station		CU	
	6) Wireless Telecommunication Facility		CU	

~~Note: The Table of Uses identifies uses as permitted uses (P); accessory uses (A); conditional uses (CU), or a combination of the three.~~

~~Blank cells indicate that a use is not allowed in the corresponding subdistrict; however, such use may be permitted by the underlying zoning designation.~~

~~Mixed Use Projects shall be limited to the permitted, accessory and conditional uses allowed in the BMUD-NC and BMUD-W subdistricts, and subject to the MUP approval process as outlined in section 10.02.15. All other projects may elect to establish uses, densities and intensities in accordance with their underlying zoning or in accordance with the Overlay Subdistrict. However, all projects must comply with site development standards as provided in section 4.02.16.~~

\* \* \* \* \*

**SUBSECTION 3.D. AMENDMENTS TO SECTION 2.05.01 DENSITY STANDARDS AND HOUSING TYPES**

Section 2.05.01, Density Standards and Housing Types, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**2.05.01 Density Standards and Housing Types**

A. Where residential uses are allowable, the following density standards and housing type criteria shall apply.

\* \* \* \* \*

<u>BZO</u> BMUD	S	S	S	S								12
<u>GTZO</u> GTMUD	S	S	S	S								12

\* \* \* \* \*

<sup>12</sup> Maximum allowable density in the BMUD BZO and GTMUD GTZO overlays is attained through the Mixed Use Project (MUP). Approval Process pursuant to the regulations in the Overlays.

\* \* \* \* \*

**SUBSECTION 3.E. AMENDMENTS TO SECTION 4.02.16 DESIGN STANDARDS FOR DEVELOPMENT IN THE BAYSHORE GATEWAY TRIANGLE COMMUNITY REDEVELOPMENT AREA**

Section 4.02.16 Design Standards for Development in the Bayshore Gateway Triangle Community Redevelopment Area, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.02.16 Design Standards for Development in the Bayshore Gateway Triangle Community Redevelopment Area**

A. Dimensional and Design Standards for the BMUDBZO.

1. Neighborhood Commercial Subdistrict (BMUDBZO-NC).

a. Specific District Provisions:

- i. Maximum Density: 12 units per acre comprised of density allowed by the underlying zoning district and available density bonuses.
- ii. Lot and building dimensional requirements for new development are provided below. These requirements shall be based on the building type of the principal structure(s) as described in LDC section 4.02.16 D., Building Types and Architectural Standards.

**Table 1. Dimensional Requirements in the BMUDBZO-NC**

	House <sup>1</sup>	Rowhouse <sup>2</sup>	Apartment	Mixed-Use	Commercial	Civic & Institutional
Min. Lot Width (ft)	50	25 <sup>3</sup>	100	100	100 <sup>5</sup>	100
Min. Front Yard (ft)	10	10	10	5	5	10
Max. Front Yard (ft)	20	15	20	20	20	20
Min. Side Yard (ft)	5	5	5	5	5	10
Min. Rear Yard (ft)	15	15	20	20	20	20
Waterfront Yard (ft)	25	25	25	25	25	25
Min. Floor Area (sq ft)	700	700	700 per unit <sup>6</sup>	700 per unit <sup>6</sup>	700 per unit <sup>6</sup>	n/a
Min. Building Separation	n/a	n/a	10	10	10	10
Max. Building Height (ft) <sup>4</sup>	42	42	42	56	56	42

Notes:

<sup>1</sup>See 4.02.16.A.7 regarding Duplexes.

<sup>2</sup>See 4.02.16.A.7 regarding Two-Family Dwellings.

<sup>3</sup>Applies to individual unit.

<sup>4</sup>Zoned Height of Building.

<sup>5</sup>Property zoned C-3 shall have a minimum lot width of 75 feet.

<sup>6</sup>Not applicable to guest rooms in hotels.

2. Waterfront Subdistrict (~~BMUDBZO~~W).

a. Specific District Provisions:

- i. Maximum Density: 12 units per acre comprised of density allowed by the underlying zoning district and available density bonuses.
- ii. Lot and building dimensional requirements for new development are provided below. These requirements shall be based on the building type of the principal structure(s) as described in LDC section 4.02.16 D., Building Types and Architectural Standards.

**Table 2. Dimensional Requirements in the ~~BMUDBZO~~W**

	House <sup>1</sup>	Rowhouse <sup>2</sup>	Apartment	Mixed-Use	Commercial	Civic & Institutional
Min. Lot Width (ft)	50	25 <sup>3</sup>	100	100	100 <sup>5</sup>	100
Min. Front Yard (ft)	10	10	10	5	5	10
Max. Front Yard (ft)	20	15	20	20	20	20
Min. Side Yard (ft)	5	5	5	5	5	10
Min. Rear Yard (ft)	15	15	20	20	20	20
Waterfront Yard (ft)	25	25	25	25	25	25
Min. Floor Area (sq ft)	700	700	700 per unit <sup>6</sup>	700 per unit <sup>6</sup>	700 per unit <sup>6</sup>	n/a
Min. Building Separation	n/a	n/a	10	10	10	10
Max. Building Height (ft) <sup>4</sup>	42	42	42	56	56	42

Notes:

<sup>1</sup>See LDC section 4.02.16.A.7 regarding Duplexes.

<sup>2</sup>See LDC section 4.02.16.A.7 regarding Two-Family Dwellings.

<sup>3</sup>Applies to individual unit.

<sup>4</sup>Zoned Height of Building.

<sup>5</sup>Property zoned C-3 shall have a minimum lot width of 75 feet.

<sup>6</sup>Not applicable to guest rooms in hotels.

3. Residential 1 Subdistrict (~~BMUDBZO~~R1).

a. Specific District Provisions:

- i. Maximum Density is limited to the maximum density allowed by the underlying zoning district and any available density bonuses.
- ii. Lot and building dimensional requirements for new development are provided below. These requirements shall be based on the

building type of the principal structure(s) as described in section LDC 4.02.16 D., Building Types and Architectural Standards.

**Table 3. Dimensional Requirements in the ~~BMUDBZO~~BMUDBZO-R1**

	House <sup>1</sup>	Rowhouse <sup>2</sup>	Apartment	Civic & Institutional
Min. Lot Width (ft)	50	25 <sup>3</sup>	100	100
Min. Front Yard (ft)	10	10	10	10
Min. Side Yard (ft)	7.5	5	7.5	10
Min. Rear Yard (ft)	15	15	15	15
Min. Floor Area (sq ft)	1,100	1,000	750 per unit	n/a
Min. Building Separation	n/a	n/a	10	10
Max. Building Height (ft) <sup>4</sup>	35	35	35	35

Notes:

<sup>1</sup>See LDC 4.02.16.A.7 regarding Duplexes.

<sup>2</sup>See LDC 4.02.16.A.7 regarding Two-Family Dwellings.

<sup>3</sup>Applies to individual unit.

<sup>4</sup>Zoned Height of Building.

4. Residential 2 Subdistrict (~~BMUDBZO~~BMUDBZO-R2).

a. Specific District Provisions:

- i. Maximum Density is limited to the maximum density allowed by the underlying zoning district and any available density bonuses.
- ii. Lot and building dimensional requirements for new development are provided below. These requirements shall be based on the building type of the principal structure(s) as described in LDC section 4.02.16 D., Building Types and Architectural Standards.

**Table 4. Dimensional Requirements in the ~~BMUDBZO~~BMUDBZO-R2**

	House <sup>1</sup>	Rowhouse <sup>2</sup>	Apartment	Civic & Institutional
Min. Lot Width (ft)	50	25 <sup>3</sup>	100	100
Min. Front Yard (ft)	25	25	25	25
Min. Side Yard (ft)	7.5	5	7.5	10
Min. Rear Yard (ft)	15	15	15	15
Min. Floor Area (sq ft)	1,100	1,000	750 per unit	n/a
Min. Building Separation	n/a	n/a	10	10
Max. Building Height (ft) <sup>4</sup>	35	35	35	35

Notes:

<sup>1</sup>See LDC 4.02.16.A.7 regarding Duplexes.

<sup>2</sup>See LDC 4.02.16.A.7 regarding Two-Family Dwellings.

<sup>3</sup>Applies to individual unit.

<sup>4</sup>Zoned Height of Building.

5. Residential 3 Subdistrict (~~BMUDBZO~~BMUDBZO-R3).

a. Specific District Provisions:

- i. Maximum Density is limited to the maximum density allowed by the underlying zoning district and any available density bonuses.
- ii. Lot and building dimensional requirements for new development are provided below. These requirements shall be based on the building type of the principal structure(s) as described in LDC section 4.02.16 D., Building Types and Architectural Standards.

**Table 5. Dimensional Requirements in the ~~BMUDBZO~~BMUDBZO-R3**

	House <sup>1</sup>	Mobile Home	Rowhouse <sup>2</sup>	Apartment	Civic & Institutional
Min. Lot Width (ft)	40	40	25 <sup>3</sup>	100	100
Min. Front Yard (ft)	10	25	10	10	10
Min. Side Yard (ft)	5	7.5	5	7.5	10
Min. Rear Yard (ft)	8	10	8	15	15
Min. Floor Area (sq ft)	1,100	n/a	1,000	750 per unit	n/a
Min. Building Separation	n/a	n/a	n/a	10	10
Max. Building Height (ft) <sup>4</sup>	35	30	35	35	35

Notes:

<sup>1</sup>See LDC 4.02.16.A.7 regarding Duplexes.

<sup>2</sup>See LDC 4.02.16.A.7 regarding Two-Family Dwellings.

<sup>3</sup>Applies to individual unit.

<sup>4</sup>Zoned Height of Building.

6. Residential 4 Subdistrict (~~BMUDBZO~~BMUDBZO-R4).

a. Specific District Provisions:

- i. Maximum Density is limited to the maximum density allowed by the underlying zoning district and any available density bonuses.
- ii. Lot and building dimensional requirements for new development are provided below. These requirements shall be based on the building type of the principal structure(s) as described in LDC section 4.02.16 D., Building Types and Architectural Standards.

**Table 6. Dimensional Requirements in the ~~BMUDBZO~~BMUDBZO-R4**

	House <sup>1</sup>	Civic & Institutional



Min. Lot Width (ft)	50	100
Min. Front Yard (ft)	25	10
Min. Side Yard (ft)	7.5	10
Min. Rear Yard (ft)	15	15
Min. Floor Area (sq ft)	1,100	n/a
Min. Building Separation	n/a	10
Max. Building Height (ft) <sup>2</sup>	35	35

Notes:

<sup>1</sup>See LDC 4.02.16.A.7 regarding Duplexes.

<sup>2</sup>Zoned Height of Building.

7. Exceptions to Dimensional Requirements:

- a. For infill lots, the minimum front and side setbacks shall be equal to the average setback dimensions on lots within 500 feet on the same block.
- b. A zero side setback is allowed for Rowhouse, Apartment, Mixed Use and Commercial building types, where permitted, if a party wall is provided.
- c. Duplexes, where permitted, are subject to dimensional standards for a house building type, but shall have a minimum of 1,000 square feet of building area per unit and a minimum lot width of 50 feet.
- d. Two Family dwelling units, where permitted, are subject to dimensional standards for a rowhouse building type, but shall have a minimum of 1,000 square feet of building area per unit and a minimum lot width of 40 feet per unit.
- e. Setback Encroachments:
  - i. Front porches in the ~~BMUDBZO~~—R1 and ~~BMUDBZO~~—R3 subdistricts that comply with the design criteria of LDC section 4.02.16 D.4.d. are permitted to encroach into the front setback up to 7 feet, with an additional 3 feet encroachment for entry stairs.
  - ii. Arcades, awnings, and stairs are permitted to encroach into the front setback up to 5 feet.
  - iii. Bay windows may project up to 2 feet into any required setback.
  - iv. Uncovered porches and stoops that do not exceed an average finished height above grade of 36 inches may project into any required setback up to 5 feet from the property line.
  - v. Handicap ramps installed on a residential structure to provide access for a disabled resident may encroach into the front setback, unless it can be provided at another entry point.

- vi. Accessory structures may encroach into the setbacks as provided in LDC section 4.02.16 C.2.
  - vii. Non-structural accessory uses, such as HVAC, mechanical equipment, rain barrels, cisterns and solar panels, may encroach into the side and rear setback.
- f. Height limitations shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, transmission towers, chimneys, smokestacks, flagpoles, masts and antennas. Parapets on a flat roof shall be no more than 5 feet in height at its highest point.

**B. Dimensional and Design Standards for the ~~GTMUDGTZO~~.**

**1. Mixed Use Subdistrict (~~GTMUDGTZO~~-MXD).**

**a. Specific District Provisions:**

- i. Maximum Density: 12 units per acre comprised of density allowed by the underlying zoning district and available density bonuses.
- ii. Lot and Building Dimensional Requirements: Lot and building dimensional requirements for new development are provided below. These requirements shall be based on the building type of the principal structure(s) as described in LDC section 4.02.16 D., Building Types and Architectural Standards.

**Table 7. Dimensional Requirements in the ~~GTMUDGTZO~~-MXD**

	House <sup>1</sup>	Rowhouse <sup>2</sup>	Apartment	Mixed-Use	Commercial	Civic & Institutional
Min. Lot Width (ft)	50	25 <sup>3</sup>	100	100	100 <sup>5</sup>	100
Min. Front Yard (ft)	10	10	10	6.5 <sup>6</sup>	6.5 <sup>6</sup>	10
Min. Side Yard (ft)	7.5	5	7.5	10	10	10
Min. Rear Yard (ft)	15	15	20	5	5	15
Min. Waterfront Setback (ft)	25	25	25	25	25	25
Min. Floor Area (sq ft)	1,100	1,000	750 per unit <sup>8</sup>	700 per unit <sup>8</sup>	700 per unit <sup>8</sup>	n/a
Min. Building Separation	n/a	n/a	10	10	10	10
Max. Building Height (ft) <sup>4</sup>	42	42	42	56 <sup>7</sup>	56 <sup>7</sup>	42

Notes:

<sup>1</sup>See LDC 4.02.16.B.3 regarding Duplexes.

<sup>2</sup>See LDC 4.02.16.B.3 regarding Two-Family Dwellings.

<sup>3</sup>Applies to individual unit.

<sup>4</sup>Zoned Height of Building.

<sup>5</sup>Property zoned C-3 shall have a minimum lot width of 75 feet.

<sup>6</sup>Development in the Mini-Triangle Area of the ~~GTMUDGTZO~~-MXD subdistrict shall have a maximum setback of 20 feet.

<sup>7</sup>MUPs in the Mini-Triangle Area of the ~~GTMUDGTZO~~-MXD subdistrict shall have a maximum zoned building height of 112 feet.

<sup>8</sup>Not applicable to guest rooms in hotels.

2. Residential Subdistrict (~~GTMUDGTZO~~ R).

a. Specific District Provisions:

- i. Maximum Density is based on maximum density allowed by the underlying zoning district and any available density bonuses.
- ii. Lot and Building Dimensional Requirements: Lot and building dimensional requirements for new development are provided below. These requirements shall be based on the building type of the principal structure(s) as described in LDC section 4.02.16 D, Building Types and Architectural Standards

**Table 8. Dimensional Requirements in the ~~GTMUDGTZO~~ R**

	House <sup>1</sup>	Rowhouse <sup>2</sup>	Apartment	Civic & Institutional
Min. Lot Width (ft)	50	25 <sup>3</sup>	100	100
Min. Lot Size (sq ft)	n/a	n/a	10,000	10,000
Min. Front Yard (ft)	10	10	10	10
Min. Side Yard (ft)	7.5	5	7.5	10
Min. Rear Yard (ft)	15	15	15	15
Min. Floor Area (sq ft)	1,100	1,000	750 per unit	n/a
Min. Building Separation	n/a	n/a	10	10
Max. Building Height (ft) <sup>4</sup>	35	35	35	35

Notes:

<sup>1</sup>See LDC 4.02.16.A.7 regarding Duplexes.

<sup>2</sup>See LDC 4.02.16.A.7 regarding Two-Family Dwellings.

<sup>3</sup>Applies to individual unit.

<sup>4</sup>Zoned Height of Building.

3. Exceptions to Dimensional Requirements:

- a. For infill lots, the minimum front and side setbacks shall be equal to the average setback dimensions on lots within 500 feet.
- b. A zero side setback is allowed for Rowhouse, Apartment, Mixed Use and Commercial building types, where permitted, if a shared wall, or party wall, is provided.

- c. Duplexes, where permitted, are subject to dimensional standards for a house building type, but shall have a minimum of 1,000 square feet of building area per unit and a minimum lot width of 80 feet.
  - d. Two Family units, where permitted, are subject to dimensional standards for a rowhouse building type, but shall have a minimum of 1,000 square feet of building area per unit and a minimum lot width of 40 feet per unit.
  - e. Setback Encroachments:
    - i. Front porches in the ~~GTMUDGTZO~~ - R subdistrict that comply with the design criteria of LDC section 4.02.16 D.4.d. are permitted to encroach into the front setback up to 7 feet, with an additional 3 feet encroachment for entry stairs.
    - ii. Arcades, awnings, stairs and raised doorways are permitted to encroach into the front setback up to 5 feet.
    - iii. Bay windows may project up to 2 feet into any required setback.
    - iv. Uncovered porches and stoops that do not exceed an average finished height above grade of 36 inches may project into any required setback up to 5 feet from the property line.
    - v. Handicap ramps installed on a residential structure to provide access for a disabled resident may encroach into the front setback, unless it can be provided at another entry point.
    - vi. Accessory structures may encroach into the setbacks as provided in LDC section 4.02.16 C.2.
    - vii. Non-structural accessory uses, such as HVAC, mechanical equipment, rain barrels, cisterns and solar panels, may encroach into the side and rear setback.
  - f. Height limitations shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, transmission towers, chimneys, smokestacks, flagpoles, masts and antennas. Parapets on a flat roof can be no more than 5 feet in height.
- C. Additional Standards for Specific Uses. Certain uses may be established, constructed, continued, and/or expanded provided they meet certain mitigating standards specific to their design and/or operation. These conditions ensure compatibility between land uses and building types and minimize adverse impacts to surrounding properties.
- 1. Accessory Parking Zones.
    - a. Lots adjacent to the Neighborhood Commercial (~~BMUDBZO-NC~~), Waterfront (~~BMUDBZO-W~~) and Mixed Use (~~GTMUDGTZO-MXD~~) Subdistricts, designated Accessory Parking Zoning (APZ) as identified on the Collier County Zoning Map, may be used for off street parking or water retention and management areas, in the following manner:

- i. As an accessory use to an adjacent non-residential principal use under the same ownership or legal control; or
- ii. As a public parking lot designated as a principal use.
- b. A buffer must be provided between the APZ and adjacent residential lots as provided in LDC section 4.02.16 E.2.a.i.

2. Accessory Uses to Residential Structures. An accessory structure located on the property and related to the primary residence (single-family detached only) for uses which include, but are not limited to: library, studio, workshop, playroom, screen enclosure, detached garage, swimming pool or guesthouse.

\* \* \* \* \*

- g. Location: Accessory structures shall not be located in the front yard, except that accessory structures located on corner lots may be located in the front yard with the longer street frontage. In the case where a principal residential structure has been constructed prior to December 12, 2000, the accessory structure may be located in the front yard, provided the accessory structure is screened by a fence or landscaping, and garage doors shall not face the public right-of-way. Accessory structures shall be setback a minimum of 10 feet from the rear property line and shall have the same side setback as required for the principal structure for the overlay subdistrict in which it is located.

3. Artist Village.

- a. Artist village is limited to the housing of artists, such as painters, sculptors, jewelry makers, in one or more multifamily attached dwellings, clustered single-family detached dwellings, or a combination thereof.
- b. Dwellings shall not be leased for periods less than 30 days.
- c. Artist village consisting of clustered, single-family detached dwellings, shall be designed consistent with the provisions for cluster residential design in LDC section 4.02.04.
- d. Shared studio and/or gallery space shall be provided for the use of all residents of the artist village.

\* \* \* \* \*

6. Live-Work Units.

- a. All live-work units must fully comply with any and all Building Code requirements.
- b. The non-residential use areas shall meet accessibility requirements of the applicable Building Code (including site access and parking) and be oriented to the street.
- c. Size: The live-work unit shall have a minimum total size of 1,000 square feet and a maximum total size of 3,000 square feet and three stories in height. The non-residential use area must occupy less than 50 percent of total unit.
- d. The same individual(s) must occupy the non-residential use area and living area.
- e. The live-work unit may employ a maximum of 1 non-resident worker/employee on premise at any one time.
- f. Live-work units in non-residential subdistricts (~~BMUDBZO-NC~~, ~~BMUDBZO-W~~ and ~~GTMUDGTZO-MXD~~) shall be established through the mixed use project approval process.
- g. Limitations on use. The non-residential component of a live-work unit shall be limited in the following manner:
  - i. Live-work units in a non-residential subdistrict (~~BMUDBZO-NC~~, ~~BMUDBZO-W~~ and ~~GTMUDGTZO-MXD~~) limited to uses permitted within the applicable subdistrict or underlying zoning district.
  - ii. Live-work units approved as a conditional use in a residential subdistrict (~~BMUDBZO-R3~~ and ~~GTMUDGTZO-R~~) shall be limited to non-residential uses including artist studio, professional office, professional service such as hair salon or tailor, or any other use deemed to be similar in nature by the BZA during the conditional use process. Non-residential uses may include ancillary retail, such as galleries selling artwork and hair salons selling hair products.
  - iii. Prohibited uses include Vehicle Maintenance or Repair, Entertainment, Drinking and Public Eating Establishment, the sale of food and beverages, Sexually-Oriented Businesses, veterinary services, and activities involving biological or chemical substances that require a controlled environment or may pose a health hazard.
- h. Parking: 1 parking space per 500 square feet of the non-residential portion of the live-work unit plus 1 space for the residential unit.
- i. Signage: Signage for live-work units in a commercial subdistrict shall be limited to wall signs in accordance with LDC section 5.06.04. Live-work units located in a residential subdistrict shall be

limited to 1 non-illuminated wall sign with a maximum sign area of 8 square feet.

7. Marinas and Boatyards.

- a. Repair and dry storage areas shall not be visible from the street.
- b. Boats available for rental purposes shall be located in the water or screened with a fence or wall from the local side streets and adjacent residential lots and shall not be visible from ~~Bayshore Drive~~ the street.
- c. All boat racks shall be enclosed with a wall or fence and the boats shall not exceed the height of the enclosure. The fence material can be wood, vinyl composite, concrete block with stucco finish, ~~or~~ metal, or a combination. No chain link or wood fences are ~~is~~ allowed.
- d. Height of structures may be increased to a maximum actual height of 50 feet by the ~~Board of Zoning Appeals (BZA)~~ upon approval of a variance petition.
- ~~e. Outdoor displays of boats for sale on properties fronting Bayshore Drive shall be limited to the following:~~
  - ~~i. All areas used for boat display activities shall occupy no more than 35 percent of the linear frontage of the property.~~
  - ~~ii. All boat sale areas shall not be closer to the frontage line than the primary building they serve.~~
  - ~~iii. All boats located within an outdoor sales area shall not exceed the height of 17 feet above existing grade.~~
  - ~~iv. Outdoor sales areas shall be connected to the parking area and primary structure by a pedestrian walkway.~~
  - ~~v. An additional 10 foot landscape buffer is required around the perimeter of the outdoor boat sales area. This buffer must include, at a minimum 14 foot high trees, spaced at 30 feet on center and a 3 foot high double row hedge spaced at three feet on center at the time of planting.~~
- fe. One parking space per 5 dry boat storage spaces.

gf. On-site traffic circulation system shall be provided that will accommodate areas for the loading and unloading of equipment that will not encroach upon residential developments.

g. For properties with access to an alley, the alley shall be the primary access for loading and service functions unless physical constraints preclude the use of the alley in this manner.

## 8. Mixed Use Project.

a. Mixed Use Projects (MUPs) are typically human-scale, pedestrian-oriented, interconnected projects with a mix of residential and commercial uses such as retail, office and civic amenities that complement each other. Residential uses are often located above commercial uses, but can be separate areas of residential use only with close proximity to commercial uses. An interconnected street system is the basis for the transportation network. Buildings are encouraged to be built close to the vehicular and pedestrian way to create a continuous active and vibrant streetscape utilizing the architecture, landscaping, lighting, signage, and street furnishings.

b. Mixed Use Projects in the ~~BMUDBZO-NC~~, ~~BMUDBZO-W~~ and ~~GMUDGTZO-MXD~~ shall be reviewed and permitted in accordance with LDC section 10.02.15.

c. A minimum of 60 percent of all commercial uses within a mixed use project shall provide retail, office and/or personal service uses to serve the needs of the subject project and surrounding residential neighborhoods.

d. A maximum of 25 percent of the residential units within a ~~mixed use project~~ MUP may ~~shall~~ be on gated roadways, except that MUPs utilizing the Density Bonus Pool shall not be gated. Residential uses shall be constructed concurrent with, or prior to, the construction of commercial uses so as to insure actual development of a mixed use project, or otherwise in accordance with a development schedule approved for the project and made a condition of the MUP approval.

e. MUPs shall provide connection to local streets, adjoining neighborhoods and adjacent developments, regardless of land use types. A grid street pattern is preferred; however, modifications may be approved, provided the vehicular network provides interconnections between internal uses and external connections to adjoining neighborhoods and land uses. The network shall fully accommodate pedestrian, bicycle, and transit. Vehicular and pedestrian interconnection shall be provided to the property line to allow access to all connection points with the abutting development, consistent with the conceptual PUD Master Plan. The final location of the access point(s) shall be coordinated with the adjacent property owners and a cross-access easement, or an access easement to the public for public use without responsibility of maintenance by Collier County, shall be provided at time of the first SDP or PPL. The connection



and supporting infrastructure shall be constructed to the property line on the subject property by the developer, successors, or assigns prior to the issuance of the first C.O. The interconnections shall remain open to the public.

- f. The commercial component of a mixed use project may be located internal to the project or along the boundary; if externally located, internal access roads and service access shall be provided so as not to promote strip commercial development along external collector and arterial roadways.
- g. Parking lots shall be dispersed throughout the project. No one parking lot shall provide more than 40 percent of the required off-street parking. Parking garages shall have no restrictions on percentage of required parking that may be accommodated. This requirement shall not apply to individual parcels less than 5 acres in size.
- h. At least 30 percent of the gross area of mixed use projects shall be devoted to useable open space, as defined in LDC section 4.02.01 B. In the case of any request to deviate from this requirement, a donation of land, cash, or other in-kind contribution may be accepted by the CRA, where it has been demonstrated to sufficiently mitigate for the reduction of required on-site usable open space. This cash or in-kind contribution may be used to enhance the public realm (public art, plaza, fountains, etc). This usable open space requirement shall not apply to individual parcels less than 5 acres in size.
- i. For MUPs utilizing the Density Bonus Pool, the project's vehicular access shall not be gated, and the project shall comply with LDC sections 4.02.16.C 15.b. and c. and 4.02.16 C.16.
- j. For MUPs utilizing the Density Bonus Pool Allocation, a mix of uses are required so that any one use (residential or non-residential) does not exceed 80 percent of the gross building square footage. This ratio is applicable to an MUP whether it is vertically mixed (mix of uses contained within the same building) or horizontally mixed (mix of uses within separate buildings). Nonresidential uses must be publicly accessible.

9. ~~Outdoor Display and Sale of Merchandise~~ vending machines.

- a. No automatic food and drinking vending machines are permitted outside of any structure.
- b. Newspaper vending machines will be limited to two machines per project site and shall be permanently affixed (not portable).
- c. ~~Outdoor display and sale of merchandise, within front yards on improved properties, is permitted provided the merchandise is limited to the sale of comparable merchandise sold on the premises.~~

10. All permitted or conditional uses allowing for outdoor display, sales, or storage of manufactured products, raw or finished materials, boats, or vehicles, shall be required to meet the following standards:

- a. Total area of the property used for these outdoor functions is limited to 30 percent of the property.
- b. These outdoor functions are limited to occupying a maximum of 35 percent of the linear frontage of the property along arterials, collectors, and local streets which are in view of or provide access to residential uses. These outdoor functions may occupy up to 50 percent of the linear frontage of the property along a local street which is not in view of and does not provide access to residential uses.
- c. Outdoor display, sales, or storage of manufactured products, raw or finished materials, boats, or vehicles shall not be closer to the frontage line than the primary building they serve.
- d. A maximum height of 17 feet above existing grade applies to boats, vehicles, construction materials or equipment that is stored, on display, or for sale outdoors.
- e. Any outdoor display, sales, or storage of manufactured products, raw or finished materials, boats, or vehicles that exceed a height of six feet shall be set back at least 50 feet from a property line that is adjacent to or in the view of property zoned for or used for residential purposes.
- f. For properties with access to an alley, the alley shall be the primary access for loading and service functions unless physical constraints preclude the use of the alley in this manner.
- g. Buffering shall be provided in accordance with LDC section 4.02.16 E., unless as specified in this section for outdoor display, sales, or storage of manufactured products, raw or finished materials, boats, or vehicles:

<u>Outdoor display or sales area</u>	<u>Min. Screening Width (ft)</u>	<u>Screening material</u>
<u>Perimeter screening, except for side and rear yards that adjoin or are in view of property zoned for residential purposes</u>	<u>10</u>	<u>Trees a minimum of 14 feet in height, spaced 30 feet on center and a double hedge row, three feet in height and spaced 3 feet on center at time of planting</u>
<u>Side and rear yards that adjoin or are in view of property zoned for residential purposes</u>	<u>10</u>	<u>Wall or fence six feet in height. The outside of the wall or fence must contain landscape material in accordance with Type B buffer requirements</u>
<u>Outdoor storage area</u>	<u>10</u>	<u>Wall or fence in accordance with LDC section 4.02.12. The outside of the wall or fence must contain landscape material in accordance</u>

		with Type B buffer requirements
<u>Note: Wall or fence material shall consist of either vinyl composite, concrete block with stucco finish, or metal, or a combination. No chain link or wood fences are allowed.</u>		

h. Minimum required parking spaces for outdoor display, sales, or storage of manufactured products, raw or finished materials, boats, or vehicles shall be 1 space per 1,000 square feet of outdoor display and outdoor sales area in addition to the requirement for the buildings and other uses on the site. Required parking spaces shall be clearly designated and not used for items for sale or display. Outdoor display or sales areas shall be connected to these parking spaces and to the primary structure on the site by a pedestrian walkway.

11. Commercial vehicle or fleet vehicle parking for non-residential uses.

a. Commercial vehicle or fleet vehicle parking in connection with a non-residential use in a non-residential district may be permitted on improved property, limited to the rear yard.

b. Screening of commercial vehicle or fleet vehicle parking that adjoins or is in view of property zoned for or used for residential purposes must include a minimum 6 foot high wall or fence. The wall or fence material can be vinyl composite, concrete block with stucco finish, metal, or a combination. No chain link or wood fences are allowed. A minimum 10 foot wide landscape buffer must be planted outside the wall or fence with trees at a minimum height of 14 feet and double row hedge at a minimum height of 3 feet at time of planting.

c. For properties with access to an alley, the alley shall be the primary access for loading and service functions and access to the commercial or fleet vehicles unless physical constraints preclude the use of the alley in this manner.

12. View of repair bays and overhead doors. Repair bays that are open or that have metal roll-up garage doors shall not be visible from public rights-of-way, except for alleys.

10-13. Limited Density Bonus Pool Allocation (LDBPA) for multi-family or mixed use developments on two contiguous acres or less.

a. Purpose and Intent. The limited density bonus pool for smaller developments are to incentivize redevelopment and to promote investment in the public realm.

b. Eligibility. Up to two additional dwelling units per acre are allowed to be allocated to a multi-family or mixed use development through an LDBPA, subject to the following requirements and procedures:

i. The project must comply with the dimensional and design standards of the ~~BMUD~~BZ or ~~GTZ~~GTMUD as applicable.

\* \* \* \* \*

v. Development must comply with eligibility criteria in LDC section 4.02.16 C.~~42~~15.

\* \* \* \* \*

d. Evaluation criteria. The application shall be reviewed by the Hearing Examiner or CCPC for compliance with the following standards of approval:

\* \* \* \* \*

vi. Compliance with the public realm improvement requirements in LDC section 4.02.16 C.~~42~~15.

\* \* \* \* \*

~~44~~14. Density Pool Allocation for developments over two contiguous acres. LDC section 10.02.15 C. provides for the process for a development to utilize the Density Pool. In addition to those criteria, the application shall also provide for:

- a. Commitment that the project shall not be gated.
- b. Contribution to the public realm improvements in LDC section 4.02.16 C.~~42~~15.

\* \* \* \* \*

~~42~~15. Public realm improvements. Any project that receives an allocation of Density Bonus Pool units requires an improvement or contribution to the public realm within the BGTCRA at time of SDP or Plat approval.

\* \* \* \* \*

b. As an alternative or offset to the monetary contribution of LDC section 4.02.16 C.~~42~~15, physical improvements within the project and land or easement dedications may be made to the County or the CRA provided the improvement and/or land or easement is identified as a need in the adopted CRA Redevelopment Plan, Public Art Pilot Plan, CRA Capital Improvement Plan or County Capital Improvement Plans, and in accordance with the following:

\* \* \* \* \*

iii. If the value of the land or easement conveyance and the cost of the physical improvement is less than the required monetary contribution in LDC section 4.02.16 C.~~42~~15.a., then the applicant will pay the difference as a monetary contribution to CRA for the CRA's Public Art Fund or Capital Project Fund, or County Capital Project fund for projects within the Bayshore Gateway Triangle Redevelopment Area boundary.

\* \* \* \* \*

~~43.16.~~ Expiration. All Density Bonus Pool allocations shall expire five years from the date of approval if building permits for the allocated units have not be issued. Upon expiration, the units shall revert to the Density Bonus Pool.

D. Building Types and Architectural Standards.

1. Purpose and Intent. The purpose of this section is to supplement the provisions of LDC section 5.05.08 by identifying and providing design standards for the building types allowed within the ~~Bayshore Gateway Triangle Redevelopment Area~~ BGTCRA. The standards are intended to attach the same importance to the overall building design as is placed on the use contained therein, and to ensure that proposed development is consistent with the CRA's goals for building form, character and quality. Buildings within the ~~BMUDBZO~~ and ~~GTMUDGTZO~~ are expected to be added as long-term additions to the architectural vibrancy of the community.

2. Applicability. Each proposed building shall be designed in compliance with the standards of this section for the applicable building type, regardless of the underlying zoning district provisions. The uses permitted within the building are determined by the underlying zoning district or overlay subdistrict in which it is located. All buildings shall meet the design requirements set forth in LDC section 5.05.08 unless otherwise specified in this section.

3. General Architectural Standards.

\* \* \* \* \*

c. Compatibility: Proposed buildings should be compatible with ~~relate to~~ adjacent buildings in similarity of scale, height, architectural style, and/or configuration as well the height allowed within the underlying zoning district, BZO, or GTZO. Exceptions to this provision include civic and institutional buildings such as churches and schools.

\* \* \* \* \*

f. Deviations from exterior building color. Applicants within the ~~Bayshore Gateway Triangle Community Redevelopment District~~ BGTCRA boundaries may request a deviation from the exterior building color requirements of LDC section 5.05.08 D. A deviation request shall be subject to the procedures established in LDC section 5.05.08 G. and shall be subject to the following criteria:

i. The deviation request is consistent with LDC section 5.06.00, regarding sign regulations and standards.

ii. The deviation request consists of no more than 3 colors.

- iii. The deviation request may not be for a color which is below lightness level 3 on the Collier County Architectural Color Charts.



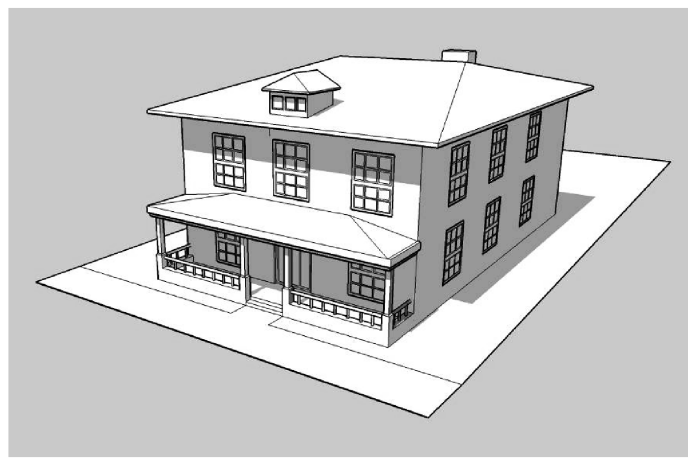
**BGTCRA ~~Redevelopment Area~~ Figure 1**

**Facade Treatments**

*(For illustrative purposes only)*

**4. Building Type: HOUSE.**

- a. Description: The predominant building type in the ~~Bayshore Gateway Triangle Redevelopment Area~~ BGTCRA and is intended for use as a single-family detached dwelling located on its own lot, although it may also accommodate duplexes, small multi-family dwellings, home occupations, and professional offices.

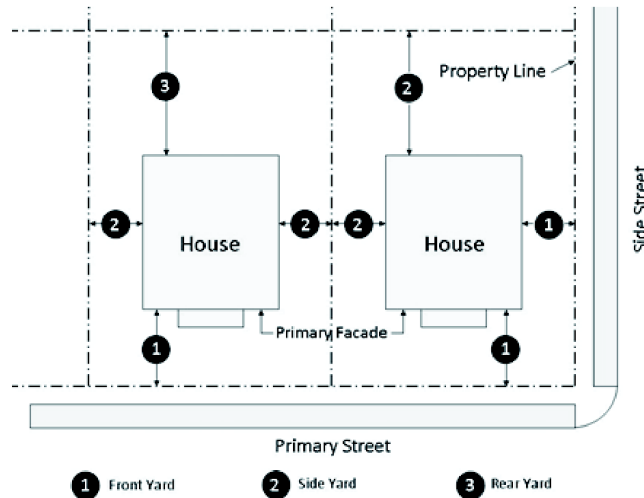


**BGTCRA ~~Redevelopment Area~~ Figure 2**

**Building Type: House**

*(For illustrative purposes only)*

- b. Yards: The typical House has four yards: front, sides, and rear. Corner lots shall have two front yards and two side yards, with the front yards along each street frontage.



*BGTCRA ~~Redevelopment Area~~ Figure 3  
House Yard Diagram  
(For illustrative purposes only)*

- c. Façade Elevation Requirements:
  - i. A maximum of two feet of fill shall be allowed on site towards meeting National Flood Insurance Program (NFIP) requirements. Additional NFIP finished habitable floor height requirements shall be accomplished through stem wall construction. Stem walls shall be finished in material and color complimentary to the principal structure.
  - ii. Open stilt-type construction is not permitted. On front yards, the foundation area below the first floor must be treated with a solid façade or lattice, which is consistent with the architectural style of the building and the floodplain protection standards of section 3.02.00.
  - iii. Parking is permitted under the principal structure. The garage floor shall not exceed 24 inches above the elevation of the crown of road from which it is accessed.
  - iv. All Houses are required to include architectural features. Based on the point system below, a total of six points is required:
    - a) The following items will be calculated at two points each:

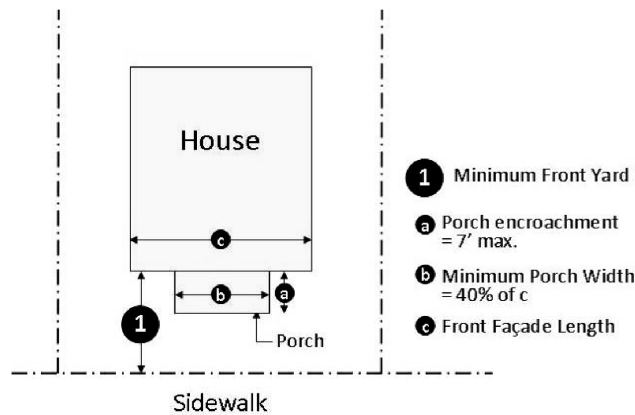
- 1) Metal, tile or slate roof (5v Crimp, standing seam or similar design; no corrugated metal; cannot be on a flat roof to receive points)
  - 2) Impact windows and doors throughout the house with exterior window trim (minimum of 3 ½" wide)
  - 3) Rear-load, side-loaded garage, or recessed garage (see garage standards below in LDC Section 4.02.16 D.4 e. Garages, Carports, and Driveways)
- b) The following items will be calculated as one point each:
- 1) Front porch (see front porch requirements below in LDC Section 4.02.16 D.4.d Front Porches)
  - 2) Awnings
  - 3) Decorative shutters
  - 4) Dormers
  - 5) Balconies or loggias along the front façade
  - 6) Decorative cornices or roof line
  - 7) Bay, box, and bow windows with independent roofs over windows on the front of house
  - 8) Minimum of 12 inch overhang with finished soffit and fascia
  - 9) Pitched roof (minimum 4/12 pitch)
  - 10) Decorative railings on balconies and front porch
  - 11) Decorative exterior wainscoting such as stone, board and batten, and horizontal siding
  - 12) Exterior window trim (minimum of 3 ½ inch wide)
  - 13) 42-inch decorative front yard fence consistent with the architectural style of the principal structure (e.g., white picket fence with cottage style)
  - 14) Garage door with windows glazing and/or architectural details that mirror the principal structure
  - 15) Front door made from high quality material framed with decorative exterior trim (minimum of 3-½ inch) with incorporated detail such as raised panel profiles and clear glass windows
  - 16) Two story home
  - 17) 6-foot wide sidewalk installed within the right of way
  - 18) Gables
  - 19) Decorative columns, pillars or posts
  - 20) Eaves
  - 21) Transoms



- 22) Decorative trellis above garage door, entry door, or window
- 23) Brick or cut stone (natural or cultured) accents or exterior walls
- 24) Elevated foundation with front porch steps
- 25) Brackets (e.g. wood appearing step beam, or heavy timber knee brackets)
- 26) Balconies or loggias
- 27) Cast stone lintels

d. Front Porches:

- i. Front porches should be used as a primary architectural element and may encroach up to 7 feet into the required front setback in accordance with LDC section 4.02.16 A.7.e.i.
- ii. Front porches must cover a minimum of 40 percent of the horizontal length of the front yard façade of the primary residence and be at least 5 feet deep.



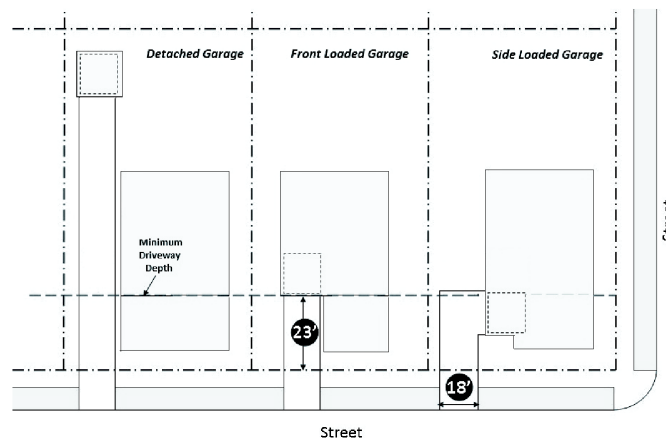
~~BGTCRA Redevelopment Area~~ Figure 4  
House Porch Diagram  
(For illustrative purposes only)

\* \* \* \* \*

e. Garages, Carports, and Driveways:

- i. Garage doors, along the frontage, shall have a maximum width of 16 feet or 45 percent of the total linear frontage of the front façade of the home, whichever is greater.
- ii. Garage space may project beyond the front plane of the forward most or street side living space façade only if a front porch is at minimum, flush with the forward most plane of the garage.

- iii. The driveway shall have a maximum width of 18 feet in the right-of-way area. Other than the permitted driveway, the front yard may not be paved or otherwise used to accommodate parking.
- iiiv. Freestanding carports are prohibited. Carports and porte-cochere must be attached to the principal structure and be of similar materials and design as the principal structure. Detached garages must meet the side and rear setback requirements for an accessory structure. Carports and detached garages shall be no closer than 23 feet from the front yard setback line.
- iv. The distance from the back of the sidewalk to the garage door must be at least 23 feet to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23 foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.



*BGTCRA Redevelopment Area Figure 5  
Garages, Carports, and Driveways Diagram  
(For illustrative purposes only)*

- f. Massing and Scale: Housing shall be compatible with the surrounding neighborhood with respect to mass and scale and avoid a single, large, dominant building mass by adhering to the following standards:
  - i. Houses shall include façade variations so that the maximum length, or uninterrupted curve, of any façade does not exceed 30 linear feet. This shall include both fronts of a corner lot.
  - ii. Façade variations shall be provided through projections and recesses with a minimum depth of two feet.
  - iii. Roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. The maximum length of an uninterrupted flat roof, on the front facade, shall be 30 linear feet.

g. Materials:

- i. House exteriors shall consist of wood clapboard, stucco finish, cement fiber board products, vinyl siding, brick or stone. Corrugated metal siding may be used as an accent, not to exceed 25 percent of the building's surface area.
- ii. Pitched roofs shall be metal seam (5v Crimp, standing seam or similar design; no corrugated metal), slate, copper, asphalt, or wood shingles.

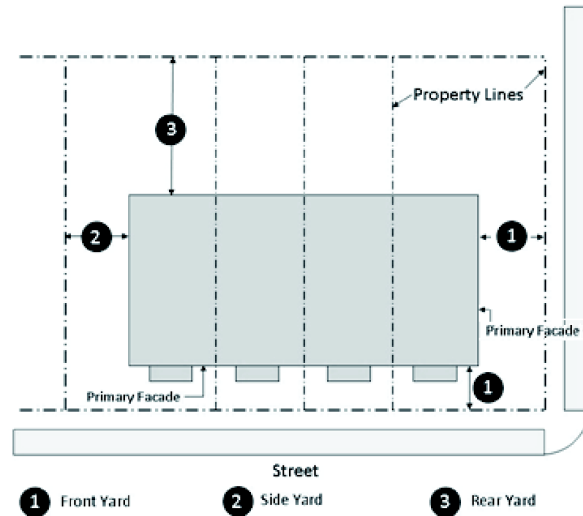
5. Building Type: ROWHOUSE.

- a. Description: A building with two or more residential units that are attached by a common wall. A rowhouse is typically a fee simple unit from ground to roof with no units above or below. A rowhouse may be used as a live-work unit.



*BGTCRA Redevelopment Area Figure 6  
Building Type: Rowhouse  
(For illustrative purposes only)*

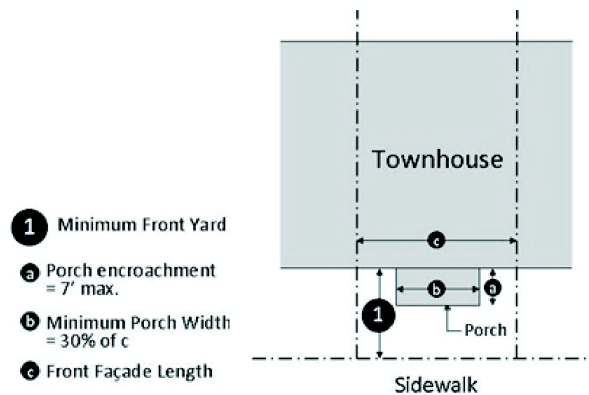
- b. Yards: The rowhouse building typically has one primary yard located to the rear of the structure with the potential for a small landscaped front yard. A side yard is required for end units. Corner lots shall have a front yard on each street frontage.



~~BGTCRA Redevelopment Area~~ Figure 7  
 Rowhouse Yard Diagram  
 (For illustrative purposes only)

c. Front Porches and Stoops:

- i. Front porches should be used as a primary architectural element and may encroach up to 7 feet into the required front setback in accordance with LDC section 4.02.16 A.7.e.i.



~~BGTCRA Redevelopment Area~~ Figure 8  
 Rowhouse Porch Diagram  
 (For illustrative purposes only)

d. Façade Elevation Details:

- i. All building façades elevations visible from the street shall provide doors, porches, balconies, terraces and/or windows along a minimum of 60 percent of the front façade elevation and 30 percent of the side façade elevation for each building story. "Percent of façade elevation" is measured as the horizontal plane

containing doors, porches, balconies, terraces and/or windows in relation to the total horizontal plane of the building façade elevation.



*BGTCRA ~~Redevelopment Area~~ Figure 9  
Building Façade Elevation Diagram  
(For illustrative purposes only)*

\* \* \* \* \*

e. Garages and Driveways:

\* \* \* \* \*

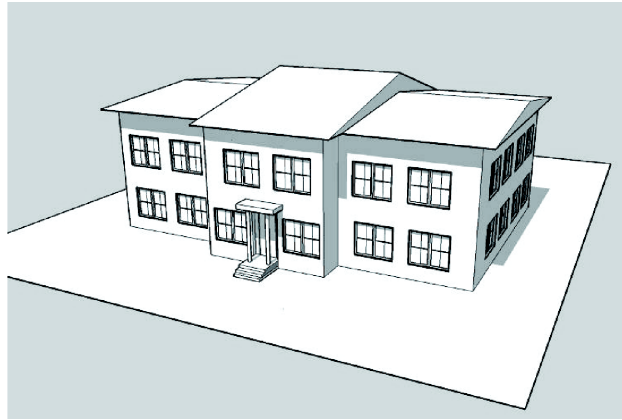
ii. Garage provided along the front façade of the building shall meet the following design standards:

\* \* \* \* \*

b) Garage doors shall not exceed more than 30 percent of the front façade elevation.

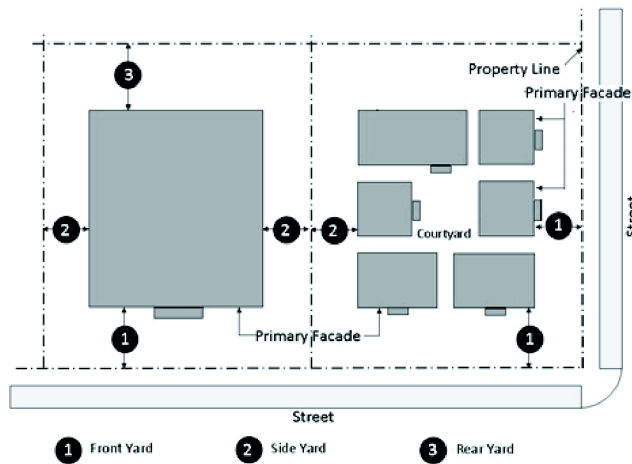
6. Building Type: APARTMENT.

a. Description: A multiple-unit building with units arranged vertically and/or horizontally and with parking located below or behind the building. Units may be for rental or for sale in condominium ownership or may be designed as continuing care facilities or lodging (hotel).



BGTCRA Redevelopment Area Figure 10  
Building Type: Apartment  
(For illustrative purposes only)

- b. Yards: The apartment building typically has a primary yard located to the rear of the structure with secondary side yards and the potential for a small landscaped front yard. Corner lots shall have a front yard along each street frontage. Buildings located internal to a site may be arranged in a courtyard setting provided the site has at least 1 building oriented toward the street.



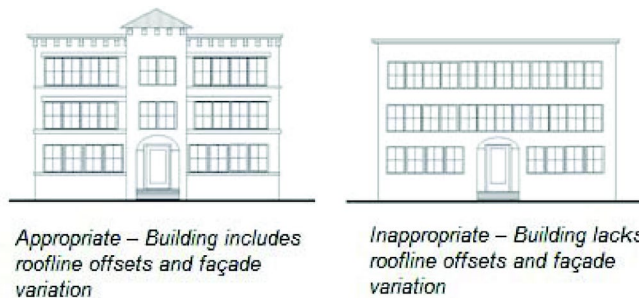
BGTCRA Redevelopment Area Figure 11  
Apartment Building Yard Diagram  
(For illustrative purposes only)

- c. Facade Elevation Details:
  - i. All apartment building facades elevations visible from the street shall provide doors, porches, balconies, terraces and/or windows along a minimum of 60 percent of the front facade elevation and 30 percent of the side facade elevation for each building story. "Percent of facade elevation" is measured as the horizontal plane containing doors, porches, balconies, terraces and/or windows in

relation to the total horizontal plane of the building façade elevation.

\* \* \* \* \*

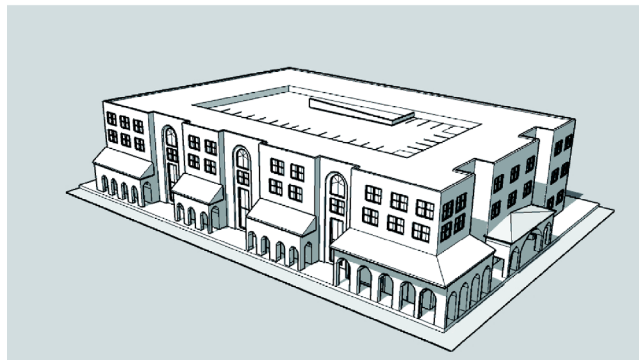
- d. Massing and Scale: Apartment buildings shall be compatible with the surrounding neighborhood with respect to relate in mass and scale to the adjacent built environment and shall avoid single, large, dominant building mass.
  - i. Buildings over 10,000 square feet in gross building area shall include façade variations so that the maximum length, or uninterrupted curve, of any façade does not exceed 60 linear feet. Façade variations shall be provided through projections and recesses with a minimum depth of 5 feet and may include porches, balconies, bay windows and/or covered entries.



*BGTCRA Redevelopment Area Figure 12  
Massing and Scale Diagram  
(For illustrative purposes only)*

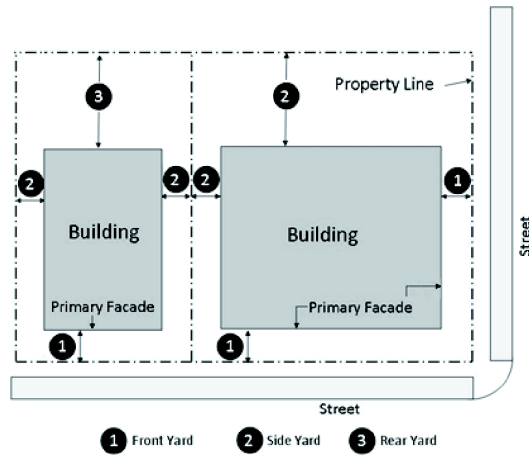
7. Building Type: MIXED-USE.

- a. Description: A building which can accommodate a variety of uses, typically with the ground floor dedicated to non-residential uses and upper story floor(s) dedicated to office and/or residential uses.



*BGTCRA Redevelopment Area Figure 13  
Building Type: Mixed-Use  
(For illustrative purposes only)*

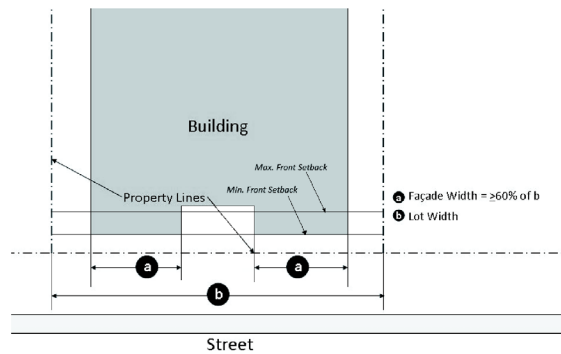
- b. Yards: The mixed-use building typically has a primary yard located to the rear of the structure with the potential for a small front plaza or courtyard to provide public space or outdoor dining.



*BGTCRA Redevelopment Area Figure 14  
Mixed-Use Building Yard Diagram  
(For illustrative purposes only)*

\* \* \* \* \*

- d. Street Façades: The first floor of all mixed-use buildings shall be designed to encourage and complement pedestrian-style interest and activity through the following elements:
  - i. The first floor building façade elevation shall be located between the minimum and maximum front setback line (if provided) for a minimum of 60 percent of lot width.



*BGTCRA Redevelopment Area Figure 15  
Mixed-Use Building Façade Diagram  
(For illustrative purposes only)*

\* \* \* \* \*

- e. Windows: Windows along the first floor building façade elevation shall meet the following standards:



\* \* \* \* \*

g. Façade Elevation Details:

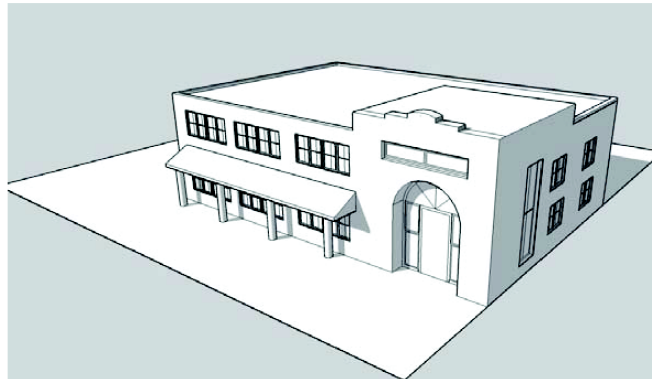
\* \* \* \* \*

h. Massing and Scale: Mixed-use buildings shall be compatible with the adjacent built environment with respect to ~~relate in~~ mass and scale ~~to the adjacent built environment~~ and shall avoid single, large, dominant building mass.

\* \* \* \* \*

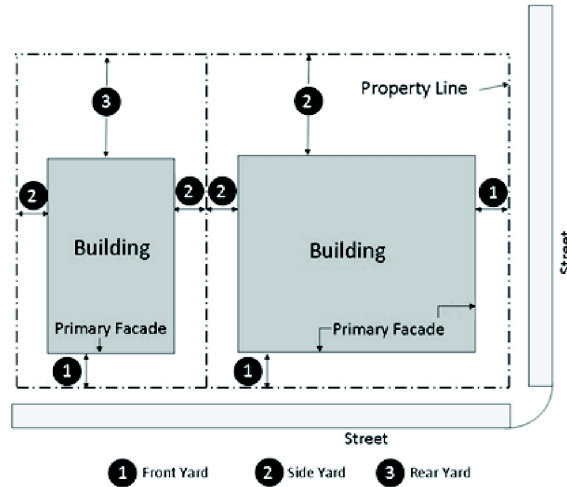
8. Building Type: COMMERCIAL

a. Description: A single or multi-story building which accommodates non-residential and automobile oriented uses, such as retail and office uses. This building type provides convenient vehicle access from the fronting roadway while minimizing the negative impacts of parking lots on an active pedestrian realm.



*BGTCRA Redevelopment Area Figure 16  
Building Type: Commercial  
(For illustrative purposes only)*

b. Yards: The commercial building has a primary yard located to the rear of the structure with the potential for a small front plaza or courtyard to provide public space or outdoor dining.



BGTCRA Redevelopment Area Figure 17  
 Commercial Building Yard Diagram  
 (For illustrative purposes only)

c. Street Façades: The first floor of all commercial buildings shall be designed to encourage and complement pedestrian-style interest and activity through the following elements:

- i. The first floor building façade elevation shall be located between the minimum and maximum front setback line (if provided) as provided in LDC section 4.02.16 A.1.a.ii. for a minimum of 50 percent of lot width.
- ii. Glazing, consisting of transparent windows and doors, covering a minimum of 30 percent of the length of first floor building façade elevation along the primary street frontage. Building elevations along secondary street frontages shall provide 25 percent glazing.

\* \* \* \* \*

d. Windows: Windows along the first floor building façade elevation shall meet the following standards:

\* \* \* \* \*

f. Façade Elevation Details:

\* \* \* \* \*

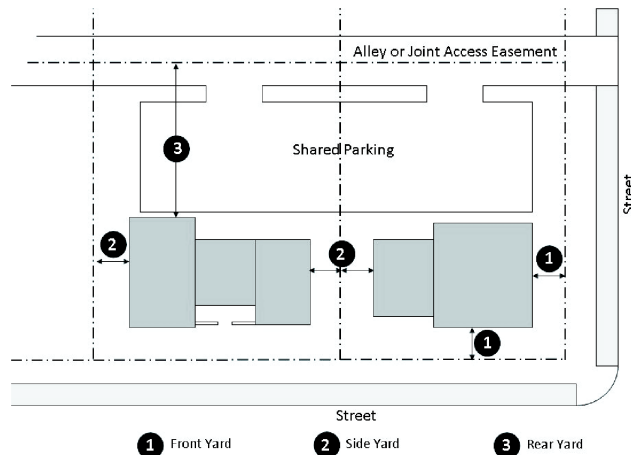
g. Massing and Scale: Commercial buildings shall be compatible with the adjacent built environment with respect to relate in mass and scale to the adjacent built environment and shall avoid single, large, dominant building mass.

\* \* \* \* \*

10. Building Type: MOBILE HOME. All mobile homes are required to have the entry façade oriented toward the front of the lot.

E. Landscaping and Buffer Requirements

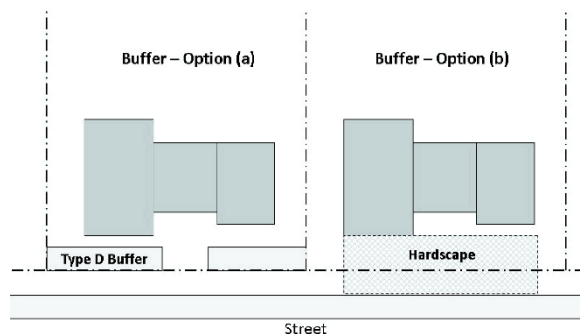
1. Applicability: Landscaping and buffering in the BMUDBZO and GTMUDGTZO shall be provided in accordance with LDC section 4.06.00, unless as specified in this section.
2. Buffer Requirements: Buffers shall be provided to give spatial separation and visual screening between incompatible uses.
  - a. Perimeter Buffers: The following buffer standards shall be required for MUPs, PUDs, commercial developments and other non-residential developments in the BMUDBZO-NC, BMUDBZO-W and GTMUDGTZO-MXD subdistricts.
    - i. Buffers adjacent to residential uses and residentially zoned properties shall be consistent with one of the following:
      - a) Ten foot wide buffer including a 6 foot high opaque masonry wall and a row of trees spaced no more than 30 feet on center; or
      - b) Fifteen foot wide buffer including trees spaced no more than 25 feet on center and a hedge consisting of ten gallon plants five feet in height, three feet in spread and spaced a maximum four feet on center at the time of planting.
    - ii. Buffers adjacent to non-residential uses shall include a shared 10 foot wide buffer. Each property must contribute a minimum of 5 feet to the buffer. This buffer area may be provided in the form of landscaped area with plantings consistent with the Type A buffer requirements and/or hardscaped courtyards, mini-plazas, outdoor eating areas, and building foundation planting areas. This buffer requirement is not required in the side yard between non-residential uses that share a common wall or between shared parking facilities.



BGTCRA Redevelopment Area Figure 18

*Shared Buffer Diagram  
(For illustrative purposes only)*

- iii. Road Right-of-Way Buffers: Road right-of-way buffers for multi-family (excluding house and rowhouse building types) and non-residential developments are encouraged to coordinate with and complement the Bayshore Gateway Triangle Streetscape Guidelines.
  - a) Developments within an Activity Center must provide a 20 foot Type D buffer adjacent to US 41, Tamiami Trail, meeting the design standards of LDC section 4.06.02 C.4.
  - b) All other developments shall provide a buffer consisting of one of the following:
    - 1) Minimum 10 foot wide Type D buffer meeting the design standards of LDC section 4.06.02 C.4.
    - 2) A hardscaped area extending from the back of the street planting zone to the primary front façade. The hardscaped area shall perform as an expanded public realm and may include benches, outdoor eating areas, plazas, fountains, and art pieces.
    - 3) A streetwall consistent with standards of LDC section 4.02.16 E.3.c.ii where a parking lot for non-residential uses abuts the right-of-way of Bayshore Drive, Van Buren Avenue, Thomasson Drive in the BZO and US 41, Davis Boulevard, and Commercial Drive in the mini-triangle portion of the GTZO.



*BGTCRA Redevelopment Area Figure 19  
Road Right-of-Way Buffer Diagram  
(For illustrative purposes only)*

3. Parking Lot Landscaping:

- a. A maximum of 30 percent of the landscape islands may have a minimum width of 5 feet inside planting area and may be planted with a palm tree equivalent.
- b. Minimum tree size shall be 1-3/4" caliper and a minimum of 10 feet in height.
- c. Parking lot perimeter:
  - i. Parking lots shall include perimeter planting areas that are a minimum of 5 feet in width. Shrubs shall be arranged in a staggered pattern with a minimum size of 3 gallons at the time of planting to provide year-round screening. Trees shall be included in the perimeter landscape area at a minimum spacing of one tree/palm per 25 feet of linear frontage.
  - ii. Streetwalls shall be used when surface parking lots for non-residential uses abut the right-of-way of Bayshore Drive, Van Buren Avenue, Thomasson Drive in the ~~BMUDBZO~~ and US 41, Davis Boulevard, and Commercial Drive in the mini-triangle portion of the ~~GTMUDGTZO~~.
    - a) The wall shall complement the materials and colors of the primary buildings and be 3 to 4 feet in height and shall have a 12 inch projection or recess a minimum of every 15 feet.
    - b) The streetwall shall be set back the same distance as the primary building façade; however, the streetwall shall meet County standards for site distance triangles per LDC section 4.06.01 D.1.
    - c) The street side of the streetwall shall have trees at 30 feet on center planted within tree wells or a minimum 5 foot wide strip with ground covers other than grass.
    - d) The streetwall structure shall be protected through the use of a root barrier system as identified by LDC section Figure 4.06.05.H.A.
    - e) No streetwall is required if all of the parking is located in rear of the development.

4. Building Foundation Planting: Building foundation plantings shall be required per LDC section 4.06.05 ~~of the LDC~~, except as follows. The building shall provide the equivalent of 10 percent of its gross ground level floor area, in building foundation planting area. A continuous building foundation planting width is not required per LDC section 4.06.05 ~~of the LDC~~. However, the foundation plantings shall be located within 25 feet of the building edge in the form of landscaped courtyards and seating area landscaping.

5. Water Management Area: The water management area may be located within any required buffer area provided all buffer plantings can be accommodated.
  6. Plant Materials: Landscaping in the ~~BMUDBZO~~ and ~~GTUDDGTZO~~ shall utilize tree and shrub plants that are identified in the Collier County Native Plant List in order to minimize maintenance and water demands after establishment. Ornamental plantings should be drought-tolerant in nature, consistent with Florida Yards & Neighborhoods Program, and cross-referenced with the latest Florida Exotic Pest Plant Council (FLEPPC) listing of invasive species (Categories I and II).
- F. Parking Standards. The purpose of the parking standards for the ~~BMUDBZO~~ and ~~GTUDDGTZO~~ is to regulate the location, siting, and design of on-street and off-street parking in a manner that provides convenient access to adjoining uses, reduces increased surface level heat and glare, and enhances pedestrian, bicyclist and motorist safety and visibility within the built environment. Parking in the ~~BMUDBZO~~ and ~~GTUDDGTZO~~ shall be as provided for in LDC section 4.05.00, except as specified in this section.
1. Parking Space Requirements: Parking spaces shall be provided in accordance with the following table. For uses not specifically listed, the most similar category shall be used to calculate the minimum parking requirements. Net Floor Area is defined as total floor area excluding mechanicals and core space.

**Table 1. Parking Space Requirements in the ~~BMUDBZO~~ and ~~GTUDDGTZO~~**

Use Type	Minimum Parking Spaces
Single-Family Residential	2.0/dwelling unit
Multi-family Residential	
1-bedroom	1.0/dwelling unit
2-bedroom	1.5/dwelling unit
3 or more bedrooms	2.0/dwelling unit
Lodging	1.0/room
Places of worship	1/4 seats (pews: 1 seat = 1.5 feet)
Assembly/Museum/Gallery	1/500 sq. ft. of net floor area open to the public
Institutional	1/300 sq. ft. of net floor area
General Office	1/350 sq. ft. of net floor area
Retail	1/300 sq. ft. of net floor area
Restaurant <sup>1</sup>	1/150 sq. ft. of net floor area or 1/4 seats, whichever is greater
Industrial/Manufacturing	1/500 sq. ft. of net floor area
Warehousing	1/1,000 sq. ft. of net floor area
Marinas and Boatyards	<u>1/5 dry boat storage spaces</u>
Outdoor display and outdoor sales of boats, vehicles, construction materials, and equipment	<u>1/1,000 sq. ft. for outdoor display and sales area</u>

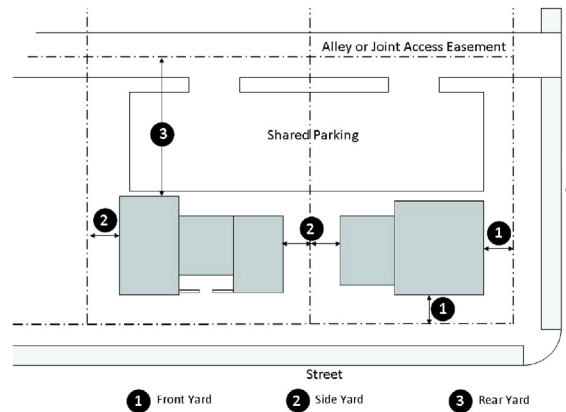
Note: <sup>1</sup> Outdoor café seating shall be exempt from parking calculations.

2. Adjustments to Parking Space Requirements: Developments which meet any of the following standards may be exempted from the minimum parking requirements of this section.

- a. Public parking facilities. The CRA can make parking on CRA owned property available to meet the minimum parking requirements for new construction or redevelopment projects. An applicant must provide documentation stating the parking allocation has been approved by the CRA as part of the MUP, site development or site improvement plan process. The public parking facility must be located within one-half mile of the development. Once spaces are allocated to a specific property through the approval of the MUP, SDP or SIP, the applicant has one year to begin utilizing the parking. If the spaces are not used within one year, and an extension is not granted by the CRA, the spaces will be made available for reallocation and all development orders shall be revised accordingly.

\* \* \* \* \*

- f. Connectivity. Parking lots are encouraged to connect to adjacent lots through the use of a joint access easement. If a joint access easement is provided for connectivity, then the minimum parking requirement for the use may be reduced by 10 percent.



***BMUDBZO and GTMUDGTZO Area Figure 20  
Parking Diagram  
(For illustrative purposes only)***

- 3. On-Street Parking.
  - a. On-street parking may be allowed on local streets subject to an approved right-of-way permit to construct parking spaces in the public right-of-way.

\* \* \* \* \*

- 4. Off-Street Parking Location: Off-street parking is encouraged to be located to the side or rear of the building in order to establish a pedestrian friendly environment. Off-street parking in front of buildings abutting Bayshore Drive and Thomasson Drive in the BMUDBZO and US 41, Davis Boulevard and Commercial Drive in the mini-triangle area of the GTMUDGTZO shall not exceed 50 percent of that building's parking requirements and shall be limited to a single-aisle double

loaded parking lot. Parking lots abutting Bayshore Drive may have perimeter walls functioning as pedestrian seating or public art walls.

\* \* \* \* \*

H. Murals. Murals are allowed as public art within the ~~Bayshore Gateway Triangle Redevelopment Area~~ BGTCRA subject to the following conditions:

\* \* \* \* \*

**SUBSECTION 3.F. AMENDMENTS TO SECTION 10.02.15 REQUIREMENTS FOR MIXED USE PROJECTS WITHIN THE BAYSHORE GATEWAY TRIANGLE COMMUNITY REDEVELOPMENT AREA**

Section 10.02.15, Requirements for Mixed Use Projects within the Bayshore Gateway Triangle Community Redevelopment Area, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**10.02.15 Requirements for Mixed Use Projects within the Bayshore Gateway Triangle Community Redevelopment Area**

A. Mixed Use Project Approval Types. Owners of property located in the Bayshore Gateway Triangle Redevelopment Area designated as Neighborhood Commercial (BMUDBZO-NC), Waterfront (BMUDBZO-W), and Mixed Use (GTMUDGTZO-MXD) Subdistricts may submit an application for a Mixed Use Project (MUP). The MUP shall allow for a mixture of residential and commercial uses, as permitted under the Table of Uses for the appropriate subdistrict. Applications for a MUP may be approved administratively or through a public hearing process as described in this section. A pre-application meeting is required for all MUP applications.

1. Administrative Approval:

- a. MUPs may be approved administratively provided they meet the following conditions:
  - i. The MUP complies with all site development standards as outlined in LDC section 4.02.16 ~~of the LDC~~;
  - ii. The MUP only includes permitted uses as outlined by the Table of Uses for the subdistrict in which it is located; and
  - iii. The MUP does not seek additional density through the ~~Bonus~~ Density Bonus Pool Allocation provisions of LDC section 10.02.15 C.

\* \* \* \* \*

2. MUPs Requiring Public Hearing:



- a. MUPs that do not meet the thresholds for administrative approval may be approved by the ~~Board of Zoning Appeals (BZA)~~ through a public hearing process.

\* \* \* \* \*

- d. After a Mixed Use Project has been approved by the BZA, the applicant shall submit a site development plan (SDP) consistent with the conceptual site plan approved by the BZA and meeting the requirements of LDC section 10.02.03 B.4. ~~of the LDC.~~ The SDP may be submitted concurrent with the MUP application at the applicant's risk.

- e. MUP approval shall expire and any residential density bonus units shall be null and void and returned to the ~~bonus~~ density bonus pool allocation if any of the following occur:

\* \* \* \* \*

- ii. The SDP under review is deemed withdrawn and cancelled, pursuant to LDC section ~~10.02.03 B.4.a.~~ 10.02.03 H.1.

- iii. The SDP is considered no longer valid, pursuant to LDC section ~~10.02.03 B.4.b. and c.~~ 10.02.03 H.2. and LDC section 10.02.03 H.3.

\* \* \* \* \*

B. *MUP Deviations.*

\* \* \* \* \*

- 2. List of Development Standards Eligible for Administrative Deviation Requests. MUPs shall be eligible to seek an administrative deviation from the following LDC provisions:

\* \* \* \* \*

- d. Parking Standards. These deviation requests shall be subject to the process and procedures of LDC section 4.05.04 F. 42.

\* \* \* \* \*

- C. ~~Bonus~~ Density Bonus Pool Allocation. Under the Collier County Future Land Use Element, bonus density units are available for reallocation within the ~~Bayshore/Gateway Triangle Redevelopment Overlay~~ BGTCRA. The County Manager or designee will track the ~~Bonus~~ Density Bonus Pool Allocation balance as the units are used. These bonus density units may be allocated between the BMUDBZO and GTMUJGTZO overlays, and shall only be allocated through a public hearing approval process.

To qualify for up to 12 dwelling units per acre, projects shall comply with the following criteria. This density of up to 12 dwelling units per acre is only applicable until the bonus density pool has been depleted.

- 1. The project shall be within the Neighborhood Commercial (~~BMUDBZO~~-NC), Waterfront (~~BMUCBZO~~-W), or Commercial Mixed Use (~~GTMUJGTZO~~-MXD) Subdistricts, and shall be a mixed use project.

\* \* \* \* \*

**SUBSECTION 3.G. AMENDMENTS TO SECTION 10.03.06 PUBLIC NOTICE AND REQUIRED HEARINGS FOR LAND USE PETITIONS**

Sectin 10.03.06, Public Notice and Required Hearings for Land Use Petitions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**10.03.06 – Public Notice and Required Hearings for Land Use Petitions**

This section shall establish the requirements for public hearings and public notices. This section shall be read in conjunction with LDC section 10.03.05 and Chapter 8 of the Administrative Code, which further establishes the public notice procedures for land use petitions.

- A. Ordinance or resolution that is initiated by County or a private entity which does not change the zoning atlas or actual list of uses in a zoning category but does affect the use of land, including, but not limited to, land development code regulations as defined in F.S. § 163.3202, regardless of the percentage of the land affected. This is commonly referred to as a LDC amendment.

\* \* \* \* \*

- N. Ordinance or resolution for an mixed-use project (MUP) located in the mixed use subdistrict of the BZO or GTZO ~~overlay~~ which seeks to utilize the ~~Bonus~~ Density Bonus Pool Allocation or request deviations exceeding administrative approval, pursuant to LDC section 10.02.15:

\* \* \* \* \*

- R. Site Plan with Deviations for Redevelopment, pursuant to LDC section 10.02.03 F, deviations in the GGPOD, pursuant to LDC section 4.02.26 E., and the LBDPA, pursuant to LDC section 4.02.16 C.~~4013~~.

\* \* \* \* \*

**SECTION FOUR: CONFLICT AND SEVERABILITY**

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the LDC or GMP shall prevail. In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court

