

Collier County

US 41 EZO Draft Ordinance

Entire LDC Section is new language

2.03.07 – Overlay Zoning Districts

R. US 41 East Zoning Overlay (US 41 EZO).

1. Purpose and intent. The purpose and intent of the US 41 East Zoning Overlay district (US 41 EZO) is to implement the general concepts and recommendations of the East Naples Community Development Plan (ENCDP). This is accomplished through the designation of three subdistricts described in subsection 3 below: Regional Center Subdistrict, Community Center Subdistrict, and Corridor Subdistrict.

2. Applicability.

- a. The use regulations of this LDC section and the design standards of LDC section [4.02.43](#) shall apply to certain properties adjacent to the US 41 corridor, property located within FLUM Activity Centers #16, #17, and #18 excluding property located within the Bayshore Gateway Triangle Community Redevelopment Area, and portions of property within 300 feet of the US 41 corridor, as shown in Map 1 of LDC section 2.03.07 R.3.b.
- b. The design standards of the US 41 EZO pursuant to LDC section [4.02.43](#) apply at the time of new development, or for any substantial improvement as defined in section 1.08.02.
- c. Property owners within the US 41 EZO may establish uses, densities, and intensities in accordance with the underlying zoning classification; however, the design standards of the US 41 EZO pursuant to LDC section 4.02.43 shall apply.
- d. Any PUD established prior to **[INSERT ADOPTION DATE]**, 2023 may elect to include uses of the US 41 EZO subject to all design standards of LDC section [4.02.43](#) without amendment to the PUD. Any PUD amendment, PUD boundary change, or rezoning to PUD proposed after **[INSERT ADOPTION DATE]**, 2023 shall apply all provisions of the US 41 EZO, unless a deviation is approved in accordance with LDC section [4.02.43.H](#).
- e. Where a property or a PUD is partially located within the boundary of the US 41 EZO, the provisions of the US 41 EZO shall only be applicable to that portion of the property located within the US 41 EZO.
- f. Conditional uses approved prior to **[INSERT ADOPTION DATE]**, 2023 that include design standards inconsistent with the provisions of the US 41 EZO may elect to utilize the design standards of LDC section 4.02.43 without the review of the conditional use as required by LDC section 10.08.00. Any CU boundary change or new CU proposed after **[INSERT ADOPTION DATE]**, 2023 shall apply all provisions of the US 41 EZO, unless a deviation is approved in accordance with LDC section [4.02.43.H](#).
- g. All uses approved through the Comparable Use Determination process, LDC section 10.02.06.K, located within the boundary of the US 41 EZO are subject to design standards of LDC section 4.02.43.

h. Port of the Islands (POTI) Agreement. Properties located within the Port of the Islands that are also within the boundary of the US 41 EZO are subject to the POTI Agreement and restricted from increases in density or intensity.

3. Establishment of subdistricts.

a. Purpose and Intent.

i. The US 41 East Zoning Overlay Regional Center Subdistrict (US 41 EZO-RC). The RC Subdistrict is intended to promote medium to high intensity mixed-use, commercial, office, and residential development at the major intersections identified on the FLUM as Activity Centers #16, #17, and #18, excluding property located within the Bayshore Gateway Triangle Community Redevelopment Area. These centers accommodate residential and mixed use living environments that provide access to goods, employment, dining, entertainment, and services for regional and local residents. Development is typically compact and urban in character. The design standards include bonus height and density criteria to encourage connectivity in a transit-friendly, pedestrian-oriented environment.

ii. The US 41 East Zoning Overlay Community Center Subdistrict (US 41 EZO-CC). The CC Subdistrict is intended for moderate to low intensity mixed-use, commercial, office, and residential development at key intersections. These nodes accommodate residential and mixed use living environments that provide nearby residents and other travelers along the corridor convenient access to goods, dining, entertainment, and services. The design standards include bonus height and density criteria to encourage connectivity in a transit-friendly, pedestrian-oriented environment.

iii. The US 41 East Zoning Overlay Corridor Subdistrict (US 41 EZO-Cor). The Cor Subdistrict is intended to recognize the built environment along segments of the corridor that are predominantly built out, developed with existing residential communities, or designated for conservation and agricultural uses in the eastern extent of the corridor. The Cor Subdistrict allows for non-residential uses permitted by the underlying zoning with mixed use and certain more intense uses only through conditional use approval. The classification is intended to protect established single-family residential areas and establish standards for additional services, mix of use and residential infill.

b. Boundaries of US 41 EZO and subdistricts. The boundaries of the US 41 EZO and subdistricts are identified in Map 1 below:

Map 1-US 41 EZO with subdistricts

[INSERT MAP(S)]

4. Table of uses.

- a. The Table of Uses identifies uses as permitted uses (P), or conditional uses (CU), including uses that are subject to the additional design standards of LDC sections [4.02.43 E.](#) and [4.02.43 F.](#) Conditional uses require approval in accordance with the procedures set forth in LDC section 10.08.00.

- b. Table 1.

Use Category	Regional Center Subdistrict (US 41 EZO-RC)	Community Center Subdistrict (US 41 EZO-CC)	Corridor Subdistrict (US 41 EZO-Cor)
Residential Uses			
1) Artist village.	P	P	--
2) Mixed Use Development including, Multi-Family and/or townhouses.	P	P	--
3) Live-work units.	P	P	--
4) Any residential use listed as permitted in the underlying zoning.	P	P	P
5) Any residential use listed as a conditional use in the underlying zoning district.	CU	CU	CU
Commercial Uses ¹			
1) Any use listed as permitted in the underlying zoning district, subject to additional design standards of LDC section 4.02.43 E.	P	P	P
2) Any use listed as a conditional use in the underlying zoning district,	CU	CU	CU

¹ See LDC section [4.02.43 C.7](#) for pollution control standards.

Use Category	Regional Center Subdistrict (US 41 EZO-RC)	Community Center Subdistrict (US 41 EZO-CC)	Corridor Subdistrict (US 41 EZO-Cor)
subject to additional design standards of LDC section 4.02.43 E.			
3) Hotels and motels (7011, 7021, and 7041).	P	P	--
Economic Development Uses ^{1, 2}			
1) Aircraft and parts (3721—3728).	P	CU	CU
2) Beverages (2082—2087).	P	CU	CU
3) Communications equipment (3661—3669).	P	CU	CU
4) Computer and office equipment (3571—3579).	P	CU	CU
5) Dental laboratories (8072).	P	CU	CU
6) Drugs (2833—2836).	P	CU	CU
7) Electrical industrial apparatus (3621—3629).	P	CU	CU
8) Electric lighting and wiring equipment (3641—3646, 3648).	P	CU	CU
9) Electric transmission and distribution equipment (3612-3613).	P	CU	CU

² See LDC section [4.02.43 F](#) for additional design standards specific to Economic Development uses.

Use Category	Regional Center Subdistrict (US 41 EZO-RC)	Community Center Subdistrict (US 41 EZO-CC)	Corridor Subdistrict (US 41 EZO-Cor)
10) Electronic components and accessories (3671—3679).	P	CU	CU
11) Engines and turbines (3511—3519).	P	CU	CU
12) Furniture and fixtures, not elsewhere classified (2599).	P	CU	CU
13) General industrial machinery and equipment (3561, 3563, 3565—3569).	P	CU	CU
14) Household appliances, not elsewhere classified (3639).	P	CU	CU
15) Household audio and video equipment, and audio (3651—3652).	P	CU	CU
16) Jewelers' findings and materials, and lapidary work (3915).	P	CU	CU
17) Laboratory apparatus and analytical, optical, measuring, and controlling instruments (3821—3829).	P	CU	CU
18) Manufacturing industries, not elsewhere classified (3999).	P	CU	CU
19) Metalworking machinery and equipment (3546 and 3548).	P	CU	CU
20) Miscellaneous electrical machinery, equipment, and supplies (3691—3692, 3695—3699).	P	CU	CU

Use Category	Regional Center Subdistrict (US 41 EZO-RC)	Community Center Subdistrict (US 41 EZO-CC)	Corridor Subdistrict (US 41 EZO-Cor)
21) Miscellaneous industrial and commercial (3593—3599).	P	CU	CU
22) Ophthalmic goods (3851).	P	CU	CU
23) Photographic equipment and supplies (3861).	P	CU	CU
24) Refrigeration and service industry machinery (3581—3582, 3586-3589).	P	CU	CU
25) Search, detection, navigation, guidance, aeronautical, and nautical systems and instruments (3812).	P	CU	CU
26) Special industry machinery, except metalworking (3552-3559).	P	CU	CU
27) Surgical, medical, and dental instruments and supplies (3841-3845).	P	CU	CU
28) Transportation equipment, not elsewhere classified (3799).	P	CU	CU
29) Watches, clocks, clockwork operated devices, and parts (3873).	P	CU	CU

1 *****

Entire LDC Section is new language

4.02.43 - Design Standards for the US 41 East Zoning Overlay (US 41 EZO)

A. General.

1. Unless otherwise specified, the standards contained in this section shall be applicable to all development within the US 41 East Zoning Overlay (US 41 EZO) District, except that properties within the US 41-Cor Subdistrict with underlying zoning of residential (RSF or RMF or residential components of PUD districts), agricultural (A or E districts), civic and institutional (P or CF districts), or open space (GC or CON districts) shall only be subject to LDC sections [4.02.43 C.2 through 6](#) pertaining to architectural standards and 4.02.43 E.5 pertaining to Outdoor Use standards. These excepted properties shall comply with the dimensional standards for principal and accessory uses in the underlying zoning district and all other applicable standards of the LDC.
2. The provisions of LDC section 4.02.01 B shall not apply to properties in the US 41 EZO.
3. The provisions of LDC section 4.02.38 shall not apply to properties in the US 41 EZO.
4. LDC provisions of LDC section 5.03.02 H. shall not apply to properties in the US 41 EZO.
5. The provisions of LDC section 5.05.07 shall not apply to townhouse development in the US 41 EZO.
6. The provisions of LDC section 5.05.08 shall not apply to "vertical mixed use" projects in the US 41 EZO, except for the following standards:
 - a. LDC section 5.05.08 D.8. (overhead doors);
 - b. LDC section 5.05.08 D.15. (neon tubing);
 - c. LDC section 5.05.08 E.2. (self-storage buildings);
 - d. LDC section 5.05.08 E.8. (parking structures), which shall be in accordance with LDC section 4.02.43 C.9.f.
 - e. LDC section 5.05.08 F.3. (pedestrian pathways);
 - f. LDC section 5.05.08 F.4. (service function areas and facilities);
 - g. LDC section 5.05.08 F.6. (drive-through facilities location and buffering standards); and
 - h. LDC section 5.05.08 F.7. (lighting).

B. Bonus density and height

1. Regional Center Subdistrict. The base maximum density for the US 41 EZO-RC Subdistrict shall be per the Future Land Use Element of the Collier County Growth Management Plan (FLUE) and the underlying zoning district. The base maximum height shall be per Table 1 below. The maximum density may be increased up to 20 dwelling units per acre³ if the project meets criteria pursuant to LDC section [4.02.43 G](#). The maximum height may be increased an additional 20 feet above the height allowed by underlying zoning if the project meets criteria pursuant to LDC section [4.02.43 G](#).
2. Community Center Subdistrict. The base maximum density for the US 41 EZO-CC Subdistrict shall be per the Future Land Use Element and the underlying zoning district. The base maximum height shall be per Table 1 below. The maximum density may be increased to up to 16 dwelling units per acre⁴ if the project meets criteria pursuant to LDC section [4.02.43 G](#). The maximum height may be increased an additional 20 feet above the height allowed by underlying zoning if the project meets criteria pursuant to LDC section [4.02.43 G](#).
3. Corridor Subdistrict. The base maximum density for the US 41 EZO-Cor Subdistrict shall be per the FLUE and the underlying zoning district as indicated in Table 1 below.

³ A range of up to 16-20 DUs per acre may be allowed pending final public infrastructure determination and the approval of an amendment to the Future Land Use Element of the Collier County Growth Management Plan, concurrent with this zoning overlay project.

⁴ A range of up to 12-16 DUs per acre may be allowed pending final public infrastructure determination and the approval of an amendment to the Future Land Use Element of the Collier County Growth Management Plan, concurrent with this zoning overlay project.

C. Architectural, building and site design standards.

1. Dimensional and Design Standards.

a. Table 1. Dimensional Requirements in the US 41 EZO.

	US 41 EZO-RC	US 41 EZO-CC	US 41 EZO-Cor
Min. Lot Area (sq ft)	Townhouse & Live-work units: 2,000 (per unit) All other uses: 10,000		
Min. Lot Width (ft)	Townhouse & Live-work units: 20 (per unit) All other uses: per underlying zoning district		
Max. Floor Area Ratio	n/a		
Min. Floor Area (sq ft)	Efficiency: 450 1 Bedroom: 600 2+ Bedroom: 750 For all other uses: 1,000 (ground floor)		
Max. Building Coverage (%)	100		
Required Yards:			
Front Yard/ Streetscape Zone for US 41 (ft) ^{5,6}	8 min. - 30 max: All projects providing a front yard setback greater than eight feet must accommodate pedestrians, bicyclists, or be designed with combination of planting, seating, or hardscaped areas. See LDC section 4.02.43 G. for additional requirements for bonus density or bonus height eligibility.		Per underlying zoning, limited to a maximum of one double loaded drive aisle of parking in the front yard
Front Yard (other) (ft) ^{5,6}	Per underlying zoning, except that corner lots must maintain the front		Per underlying zoning

⁵ For projects receiving bonus density or bonus height, the minimum front yard setback along the US 41 street frontage may be reduced to 8 feet accommodating the required landscape strip if on-site pathway construction is waived pursuant to LDC section [4.02.43.G.1.d.](#)

⁶ No building, appurtenance, or site design element or any outdoor seating areas shall project beyond the property line or be placed into a right-of-way.

	US 41 EZO-RC	US 41 EZO-CC	US 41 EZO-Cor
	yard/streetscape zone along the frontage that is perpendicular to US 41		
Min. Side Yard (ft) ⁷	0	0	15
Min. Rear Yard (ft) ⁷	15	15	15
Max. Height (ft)	Townhouse & Live-work: 45 All other uses: per underlying zoning district	Townhouse & Live-work: 45 All other uses: per underlying zoning district	Townhouse & Live-work: 35 All other uses: per underlying zoning district
Max. Bonus Height ⁸	Additional 20 feet above height allowed by underlying zoning		N/A
Max. Density	per the Future Land Use Element and the underlying zoning district		
Max. Bonus Density ⁸	up to 20 du/ac ⁹	up to 16 du/ac ¹⁰	N/A

- 1 2. Terminating vistas. Buildings or projects that terminate a vista at the end or turning point of any
- 2 street or pedestrian path shall include design features to emphasize the importance of the view.
- 3 Examples of design features include but are not limited to tower elements, porte-cocheres, and
- 4 cupolas.
- 5 3. Blank walls. Building wall areas must be interrupted with a minimum of an opening or relief work
- 6 every 120 square feet, measured both horizontally and vertically. Examples of relief work may
- 7 include but not be limited to stucco reveals, foam decorative banding, planted trellises, or other
- 8 design treatments.
- 9 4. Roof material. Asphalt shingles are prohibited.

⁷ Properties with a side or rear yard abutting residentially zoned property shall be subject to a building setback of 25 feet along the shared property line applicable to the first 25 feet of building height. For building height above 25 feet, the building is required to step-back at a 45-degree plane pursuant to LDC section [4.02.43 C.6.](#)

⁸ The maximum bonus height and maximum bonus density may be achieved if the project meets criteria pursuant to LDC section [4.02.43 G.](#)

⁹ A range of up to 16-20 DUs per acre may be allowed pending final public infrastructure determination and the approval of an amendment to the Future Land Use Element of the Collier County Growth Management Plan, concurrent with this zoning overlay project.

¹⁰ A range of up to 12-16 DUs per acre may be allowed pending final public infrastructure determination and the approval of an amendment to the Future Land Use Element of the Collier County Growth Management Plan, concurrent with this zoning overlay project.

5. Exterior building façade materials. Corrugated or metal panels are limited to no more than 33 percent of exterior building facades (not applicable to roofs).
6. Architectural massing. Transitional massing elements specified in LDC section 5.05.08 D.3. shall be superseded by the following step-back requirement applicable to all buildings in the US 41 EZO:
 - a. Properties with a side or rear yard abutting residentially zoned property shall be subject to a building setback of 25 feet along the shared property line for the first 25 feet of building height and then the building shall step back extending upward at a 45-degree angle until reaching the maximum height limit of the subdistrict, including bonus height, as indicated in the following illustration:

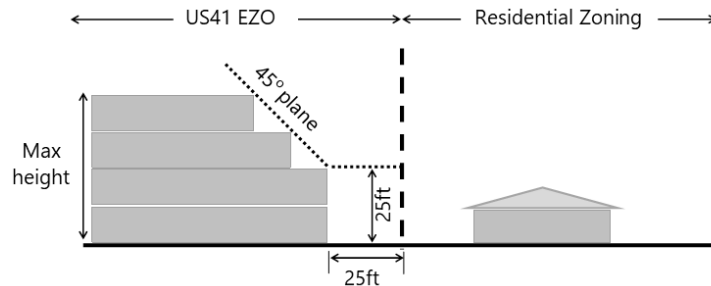


Figure 1: Building Step-back when Abutting Residential Zoning

7. Streetscape design of building facades fronting on US 41.
 - a. Design features at intersections. Buildings located at the intersection of two or more roadways shall include design features to emphasize their location as gateways and transition points within the community. Examples of required design features include but are not limited to tower elements, public plazas, or courtyards.
 - b. Windows. The ground floor of non-residential buildings shall have at least 60 percent of its façade designed with windows consisting of clear glazing that shall not exceed a tint of more than 25% to provide visual interest for pedestrians and to serve as a deterrent to crime.
 - c. Building entrances. Buildings located along US 41 must be designed with main entrances for pedestrians clearly defined and oriented to the street.
8. Landscape. Landscaping and buffering shall be provided in accordance with LDC section 4.06.00 at time of SDP or PPL, except as follows, and except if additional buffering is required for specific uses or for Economic Development uses pursuant to LDC section 4.02.38 E or LDC section 4.02.38 F:
 - a. Buffers.
 - i. A minimum 8-foot-wide planting zone shall be provided in the front yard/streetscape zone along US 41 and for a corner lot, the front yard perpendicular to US 41, and may only be interrupted to provide for vehicular or pedestrian access. At a minimum, the planting zone shall include the following:
 - a) Canopy trees spaced 40 feet on center with trees having a minimum average mature canopy spread of 20 feet and an eight-foot vertical clearance for pedestrians if applicable. For purposes of implementing the US 41 EZO, Royal Palm (*Roystonea* spp.) trees shall not be considered canopy trees.

- b) A continuous 3 gallon double row hedge spaced 3 feet on center of at least 24 inches in height at the time of planting and maintained pursuant to LDC section 4.06.05 D.4.
- c) The remaining area of the planting zone must contain only native vegetation, grass, ground cover, or other landscape treatment in accordance with LDC section 4.06.00.
- d) Provide structural cells in planting zones that are eight feet in width.
- ii. When a development project consists of a nonresidential use and is adjacent to lands located outside the US 41 EZO and zoned for single-family residential dwellings, a minimum ten-foot wide planting strip with shrubs and trees shall be required unless reduced pursuant to LDC section 4.02.38 C.8.a.iii. Shrubs shall be no less than five feet in height and spaced a maximum of four feet on-center at the time of planting. Trees shall be a minimum of 10 feet in height, four feet in spread, 1¾-inch caliper, and spaced a maximum of one per 25 linear feet. These landscape buffers may be interrupted to provide for pedestrian access or vehicular interconnections only.
- iii. Where a property has a yard that abuts a right-of-way, access easement, or roadway that parallels US 41, the landscape buffer may be reduced to five feet with canopy trees spaced no more than 40 feet on center with trees having a minimum average mature canopy spread of 20 feet and an eight-foot vertical clearance for pedestrians if a 10-foot-wide easement is dedicated to the County for future development of a multiuse path along such property line. For buffers that measure five feet to eight feet in width, provide structural cells for healthy tree growth and improved ecological function. Collier County may make enhancements within the 10-foot-wide easement running adjacent to the property line for use as a multiuse path. Enhancements may include a multiuse path and urban design improvements such as street furniture, lighting and pedestrian walkways.
- b. Parking lots, vehicular use area, and service function areas. Landscaping for off-street parking lots, vehicular use areas, and service function areas shall be designed in accordance with LDC section 4.06.03, except for the following:
 - i. Interior of parking lot.
 - a) A maximum of 30 percent of the landscape islands may have a minimum width of five feet inside planting area. Provide structural cells in planting zones that are five to eight feet in width.
 - b) Plantings within parking lots shall be a maximum of 25 percent native turf grass. The balance shall be shrubs or groundcover in planting areas appropriate to the design.
 - ii. Perimeter of parking lot, vehicular use area, or service function area. The perimeter shall have a five-foot-wide perimeter planting area, exclusive of curbing. Provide structural cells in planting zones that are five to eight feet in width. The perimeter planting area shall be designed in accordance with the following:
 - a) Trees a minimum of 10 feet in height, four feet in spread, 1¾-inch caliper, and spaced a maximum of one per 25 linear feet.
 - b) Shrubs arranged in a staggered pattern with a minimum size of three gallons, spaced no more than three feet on-center at the time of planting to provide year-round screening. Where the perimeter planting area abuts lands outside the US 41 EZO and zoned for single-family residential, the shrubs shall be no less than five feet in height and spaced four feet on-center at the time of planting.

- 1 c) Perimeter planting strips may be interrupted to provide for driveway openings or for
2 pedestrian access points.
- 3 c. Building foundation plantings.
- 4 i. Buildings, including parking structures with ground floor commercial or residential along
5 the front facade, shall be required to have foundation plantings designed in accordance
6 with LDC section 4.06.05, except for as follows:
 - 7 a) The minimum required planting area shall be the equivalent of 10 percent of the gross
8 ground floor area of the building.
 - 9 b) As an alternative to providing a continuous building foundation planting width, the
10 planting areas shall be located within 25 feet of the building edge in the form of
11 landscaped courtyards and seating area landscaping.
 - 12 c) It is unnecessary to provide foundation plantings along facades where the building is
13 setback less than five feet from the property line; however, the minimum size of the
14 required planting area shall still be required and re-allocated elsewhere on-site.
 - 15 d) None of the required foundation plantings shall be located within perimeter buffers
16 or within parking lot, vehicular use, or service function areas.
- 17 ii. Stand-alone parking structures and parking structures designed without ground floor
18 retail or residential uses along the front façade in accordance with LDC section
19 4.02.43.C.9.f shall provide foundation landscaping in accordance with LDC section 4.06.05
20 C., except that the minimum width of the planting bed shall be 10 feet.
- 21 9. Open space.
 - 22 a. In order to promote a vibrant, pedestrian-oriented, community, the US 41 EZO public open
23 space standards are intended to concentrate open space in structured, functional, and usable
24 spaces that are nodes along connected pedestrian paths or corridors that are accessible to
25 the public.
 - 26 b. A minimum of 20 percent of the gross area of the development site shall be devoted to
27 useable open space.
 - 28 c. If the useable open space area functions as an extension of abutting publicly accessible
29 useable open space or bus stop, that useable open space area shall be calculated as double
30 credit towards the open space requirement.
 - 31 d. Usable open space, as defined in LDC section 1.08.02, shall also include publicly accessible site
32 features, such as pedestrian and walking paths, plazas, and passive furnishings. Passive
33 furnishings include but are not limited to benches, pavilions, and picnic areas. Pervious trail
34 links connecting within or across open spaces may count toward the requirement of usable
35 open space. Lakes and detention areas with publicly accessible sidewalks or other impervious
36 paths, and active recreation fields or courts that are accessible to the public may be counted
37 toward the required usable open space.
 - 38 e. Lands that reduce and treat stormwater on-site through Low Impact Development (LID) and
39 Green Stormwater Infrastructure (GSI) techniques may count towards open space.
- 40 10. Exterior lighting.

1 a. Public paths shall be clearly marked by using design elements such as landscaping and
2 pedestrian lighting.

3 b. Illumination levels in the US 41 EZO shall not exceed 0.5 footcandles at property lines where
4 adjacent to residential development that is external to the US 41 EZO or residentially-zoned
5 property that is external to the US 41 EZO, excluding where required pursuant to LDC section
6 6.06.03.

7 11. Public transit facilities. In addition to the off-site improvements required in LDC section 6.06.02
8 A., where a bus stop is located immediately adjacent to the subject property or where a property
9 abuts a bus route, a landing pad, bicycle storage rack, and bus stop identification sign, all of which
10 approved by CAT, shall be provided by the Developer through monetary contributions or
11 construction of physical improvements at the discretion of CAT at no cost to the County in the
12 adjacent right-of-way or within a dedicated easement, for all new development and
13 redevelopment projects proposing more than 50 dwelling units or 10,000 square feet of a non-
14 residential use. If these CAT facilities exist, the County Manager or designee may waive this
15 requirement.

16 12. Pollution control. Any discharge from industrial, commercial, or manufacturing processes to a
17 stormwater or surface water management system is prohibited. Wastewater from any industrial,
18 commercial, or manufacturing process must be contained within a building or disposed of through
19 the Collier County Water-Sewer District's wastewater collection system pursuant to the Collier
20 County Industrial Pretreatment Ordinance, (Ord. No. 2003-18, as amended).

21 13. Service function areas and facilities. The provisions of LDC section 5.05.08 F.4. shall apply, except
22 that loading docks, solid waste facilities, recycling facilities, and other services elements shall be
23 placed to the sides or rear of the building and not visible from US 41.

24 14. Off-street parking and loading. Unless otherwise specified, all parking and loading standards shall
25 comply with LDC Section 4.05.00. In addition, the following provisions shall apply:

26 a. Location of parking lots. The design of off-street parking lots shall comply with the provisions
27 of LDC section 5.05.08 F.2 except:

28 i. Parking lots, vehicular use areas, and service function areas shall be located to the sides
29 or rear of buildings, no closer to US 41 than the principal building, except that a maximum
30 of one double loaded drive aisle of parking is permitted in the front yard in the US 41 EZO-
31 Cor subdistrict.

32 ii. Parking areas shall not be located on street corners except parking may be located on one
33 corner if the subject property fronts on three or more streets; however, this shall not be
34 construed to allow parking in front of buildings on US 41 with the exception that a
35 maximum of one double loaded drive aisle of parking is permitted in the front yard in the
36 US 41 EZO-Cor subdistrict.

37 b. Design of parking facilities.

38 i. Driveways, accessways, and access aisles of commercial and mixed-use property shall be
39 interconnected with existing driveways, accessways, and access aisles on abutting
40 commercial and mixed-use property.

41 ii. Where abutting property is undeveloped, vehicular and pedestrian interconnection shall
42 be provided to the property line to allow access to all connection points with the abutting
43 development.

- 1 iii. Where feasible, the final location of the access point(s) shall be coordinated with the
2 adjacent property owners and a cross-access easement, or an access easement to the
3 public for public use without responsibility of maintenance by Collier County, shall be
4 provided at time of the first SDP or PPL. The connection and supporting infrastructure
5 shall be constructed to the property line on the subject property by the developer,
6 successors, or assigns prior to the issuance of the first C.O. The interconnections shall
7 remain open to the public.
- 8 iv. Where existing abutting property is developed in such a manner that interconnection of
9 driveways, accessways, or access aisles is not physically possible, no connection shall be
10 required.
- 11 v. Parking lot layout shall take into consideration pedestrian circulation. Pedestrian
12 crosswalks shall be provided where necessary and appropriate, shall be distinguished by
13 textured or special paving, and shall be integrated into the wider network of pedestrian
14 walkways and sidewalks.
- 15 c. Minimum parking requirement. The required number of off-street motor vehicle parking
16 spaces are as follows:

Table 2. Parking Space Requirements

Hotel	1 space per hotel room. Accessory uses shall be computed as follows: 50 percent of normal requirements for non-residential permitted uses provided below
Multi-family and townhouse dwellings	1.5 spaces per unit, or as per LDC section 4.05.04, whichever is less
Non-residential permitted uses per LDC section 2.03.07 R.4, Table 1	3 per 1,000 square feet, or as per LDC section 4.05.04, whichever is less
Mixed Use	Sum of the requirements of the various uses computed separately
All other uses	Minimum parking space requirements per LDC section 4.05.04 G

- 18 d. Reductions to parking requirements. The required number of off-street parking spaces may
19 be reduced as follows, provided that the total reduction does not exceed 20% of the total
20 minimum parking space requirements:

Table 3. Parking Reduction

Mixed Use projects	10% reduction of residential off-street parking requirement
Outdoor dining/restaurant seating areas	No off-street parking required
Preservation of existing healthy tree or trees with a minimum 12-inch or greater DBH	Number of required spaces shall be reduced based on area necessary to preserve the tree from being damaged or removed as determined by County Manager or designee

Property located within 330 feet of an improved public transit facility, such as a bus shelter, bus transfer facility, or park and ride site	5% reduction of total requirement
On-site electric vehicle (EV) charging station	Each space shall receive double credit toward the total off-street parking requirement
On-site bike-share station or ride-share pick up/drop off zone	5% reduction of total requirement

e. Parking structures.

- i. Parking structures shall comply with LDC section 5.05.08 E.8, except that building foundation landscaping shall be provided in accordance with LDC section 4.02.43 B.9.c.
- ii. Parking structure façades shall be designed to screen views of automobiles by the general public from adjacent streets and driveways.
- iii. Parking structures shall have occupiable ground floor space for a minimum depth of 20 feet along the US 41 street frontage.
- iv. Freestanding light fixtures on the top level of the parking structures shall be a maximum of 20 feet in height and setback from the perimeter of the structure a minimum distance of twice the height of the light fixture. Light fixtures shall be fully shielded to contain light to the surface of the deck only.

f. Bicycle parking. Bicycle parking shall apply to all commercial, mixed use, and Economic Development uses. Bicyclists shall have access via sidewalks, pathways, or driveways to the public right-of-way and be located as provided below:

- i. Parking structures. Required bicycle parking shall be located in or near main entrances or elevators to provide for pedestrian safety, visibility, and security of property.
- ii. On site. Bicycle parking (not located within a parking structure) shall be located on site within 50 feet of main building entrances. Bicycle parking shall not obstruct walkways.
- iii. Shared bicycle parking. Where there is more than one building on a site, or parking is shared with an adjacent site, bicycle parking shall be distributed equally to serve all buildings and main entrances.

D. Signage. The sign standards of LDC sections 5.06.02 and 5.06.04 shall apply to all mixed use and non-residential projects within the US 41 EZO. In addition, the following provisions shall apply to all wall, awning, ground, blade, and menu signs for all nonresidential and mixed use projects:

1. Signs on awnings/canopies can be combined and calculated with wall signs, to the extent that signs on walls and awnings/canopies shall not exceed the maximum square footage allowed for wall signs.
2. Graphic elements, logos, mosaic tiles, or names created in flooring immediately outside the front entrance with a maximum size of six square feet are allowed.
3. To encourage a greater variety of urban type signs:

- 1 a. On-premises clustered directional signs may be allowed at up to 16 square feet with a
2 maximum height of 6 feet.
- 3 b. There shall be no limitation on the number of directional signs provided these signs are
4 separated by a minimum distance of 100 feet.
- 5 4. Non-illuminated plaques shall be allowed subject to the following:
 - 6 a. Each business may mount a maximum of two plaques at their front entrance with each plaque
7 restricted to a maximum of two square feet. Plaques must be flush or pin-mounted on the
8 storefront or façade.
 - 9 b. A plaque with a maximum size of two square feet may be mounted at the exit door of each
10 business. The purpose of this plaque is to identify the business name or address for
11 emergency response or for the delivery of goods.
- 12 5. In lieu of LDC section 5.06.04 F.5., a wall mounted menu board, not to exceed three square feet,
13 is allowed in connection with a walk-up or take-out window. This sign shall not count toward the
14 maximum size or number allowed for wall signs.
15

E. Additional design standards for specific uses.

Certain uses shall be limited within the US 41 EZO and subject to additional design standards. Uses that are existing as of **[INSERT ADOPTION DATE]** may continue to operate as a permitted use until the use ceases for a period of one year, then the design standards of this section shall apply. Uses subject to these additional design standards:

1. Self-Storage/Mini Storage/Warehouse (4225)
 - a. Subject to LDC section 5.05.08 E.2. (self-storage buildings).
 - b. Multiuse requirement. At least 20% of the gross floor area must be occupied by an alternate use integrated within the same building. Alternate uses as identified in the ENCDP, shall include service industries, multifamily dwellings, retail or shopping, restaurant, hotel or resort, or entertainment.
 - c. Site design criteria. The use shall be located on the site so it is screened from view of US 41 by another building. The intervening building shall not be occupied by a use that is listed in LDC section 4.02.43 E.
 - d. Enhanced perimeter buffer. The perimeter of property shall be enhanced with a 25-foot-wide landscape buffer containing a two to three foot undulating landscaped berm, without a wall, consisting of a minimum of five canopy trees per 100 linear feet, and a double staggered hedge row maintained to form a 36-inch high continuous visual screen within one year of planting.
 - e. Building design criteria.
 - i. The use of metal roll-up garage doors located on the exterior of the perimeter buildings and walls of buildings which are visible from a public right-of-way is prohibited;
 - ii. Access to individual units whether direct or indirect must be from the side of a building that is oriented internally;
 - iii. No building shall exceed 100 feet in length when adjacent to a residential zoning district; and
 - iv. No outdoor storage of any kind is permitted.
 - f. Locational criteria. Self-Storage/Mini-Storage/Warehouse shall be located no closer than 1,320 feet from another Self-Storage/Mini-Storage/Warehouse.
2. Facilities with Fuel Pumps including Gasoline Service Stations (5541)
 - a. Subject to LDC section 5.05.05.
 - b. Site design criteria. Pumps shall be located to the side or rear of the principal building
 - c. Enhanced perimeter buffer. The perimeter of the property shall be enhanced with a 25-foot-wide landscape buffer containing a two to three foot undulating landscaped berm, without a wall, consisting of a minimum of five canopy trees per 100 linear feet, and a double-staggered hedge row maintained to form a 36-inch high continuous visual screen within one year of planting.
 - d. Locational criteria. Facilities with fuel pumps including gasoline service stations shall be located no closer than 1,320 feet from another facility with fuel pumps including gasoline service station.

3. Car Washes (7542)

- a. Subject to LDC section 5.05.11.
- b. Site design criteria. Vehicular stacking lanes and drive through lanes shall not be located closer to the US 41 street frontage than the principal building and shall not be located in the front yard of a corner lot.
- c. Enhanced perimeter buffer. The perimeter of property shall be enhanced with a 25-foot-wide landscape buffer containing a two to three foot undulating landscaped berm, without a wall, consisting of a minimum of five canopy trees per 100 linear feet, and a double staggered hedge row maintained to form a 36-inch high continuous visual screen within one year of planting.
- d. Locational criteria. Car washes shall be located no closer than 1,320 feet from another car wash.

4. Eating and drinking establishment with drive-through facilities (5812 and 5813)

- a. Subject to maximum square footage requirements of the underlying zoning district.
- b. Site design criteria. Vehicular stacking lanes and drive through lanes shall not be located closer to the US 41 street frontage than the principal building and shall not be located in the front yard of a corner lot.
- c. Locational criteria. Eating and drinking establishments with drive-through facilities shall be located no closer than 1,320 feet from another eating and driving establishment with drive-through facility.

5. Outdoor display, sales, or storage of manufactured products, raw or finished materials, boats, or vehicles shall be required to meet the following standards:

- a. Subject to the wall or fence required per LDC section 4.02.12.
- b. Shall be limited to occupying a maximum of 35 percent of the linear street frontage of the property along arterials, collectors, and local streets;
- c. Shall not be closer to the front property line along US 41 than the principal building they serve;
- d. Boats, vehicles, construction materials or equipment that is stored, on display, or for sale outdoors shall be limited to a maximum height of 17 feet above existing grade;
- e. Shall be set back at least 50 feet from a property line that is adjacent to or in view of property zoned for or used for residential purposes when exceeding a height of six feet; and
- f. Enhanced perimeter buffer. The perimeter of the property shall be enhanced with a 25-foot-wide landscape buffer containing a two to three foot undulating landscaped berm, without a wall, consisting of a minimum of five canopy trees per 100 linear feet, and a double staggered hedge row maintained to form a 36-inch high continuous visual screen within one year of planting, in addition to the wall or fence required in accordance with LDC section 4.02.12.

F. Additional design standards for the Economic Development uses listed in 2.03.07 R.4. The following design standards shall be applicable to all Economic Development uses identified in Table 1 of LDC section 2.03.07 R.4.:

- 1. Loading areas. All loading areas shall be oriented away from adjacent residential uses, except for where obstructed by an intervening building.

2. Outside storage and display. No outside storage and display shall be permitted except when approved as part of a temporary/special event in accordance with LDC section 5.04.05.
3. Operations.
 - a. All activity associated with the uses in this category shall be conducted within a fully enclosed building. Activity includes but is not limited to the following:
 - i. The use or storage of any fixed or movable business equipment;
 - ii. The use, storage, display, sale, delivery, offering for sale, production, or consumption in any business, or by any business invitee on the premises of the business, of any goods, wares, merchandise, products, or foods; or
 - iii. The performance of any work or services.
 - b. All Economic Development use operations and equipment, including accessory process equipment, such as compressors and air handlers, shall be contained in an enclosed structure.
4. Noise. No Economic Development use shall produce noise exceeding the sound level limits for Commercial or Tourist uses as set forth in the Collier County Noise Control Ordinance No. 90-17, as amended.
5. Odors. No Economic Development use shall cause or allow the emission of odor.
6. Vibrations. No use shall operate to produce ground vibration noticeable by a reasonable person with normal sensitivity, outside the building for single-use buildings or outside the Economic Development use space inside mixed use and multi-tenant buildings.
7. Smoke and particulate matter. No Economic Development use shall discharge outside the building for single-use buildings or outside the Economic Development use space inside mixed use and multi-tenant building any toxic or noxious matter in such a concentration that will endanger the public health, safety, comfort, or general welfare.
8. Electrical disturbance. No Economic Development use shall create any electrical disturbance which interferes unduly with the normal operation of equipment or instruments or which is reasonably likely to cause injury to any person located inside or outside building.
9. Appearance. Industrial/factory buildings shall be designed in accordance with the provisions of LDC section 5.05.08, excluding the exceptions, modifications, and additions listed in LDC section 5.05.08 E.7.b through h. In addition, rooftop mechanical equipment shall be fully screened by parapets or other methods of screening and such parapets or other screening material shall not exceed 10 feet in height.
10. Enhanced perimeter buffer. The perimeter of property shall be enhanced with a 25-foot-wide landscape buffer containing a two to three foot undulating landscaped berm, without a wall, consisting of a minimum of five canopy trees per 100 linear feet, and a double staggered hedge row maintained to form a 36-inch high continuous visual screen within one year of planting.

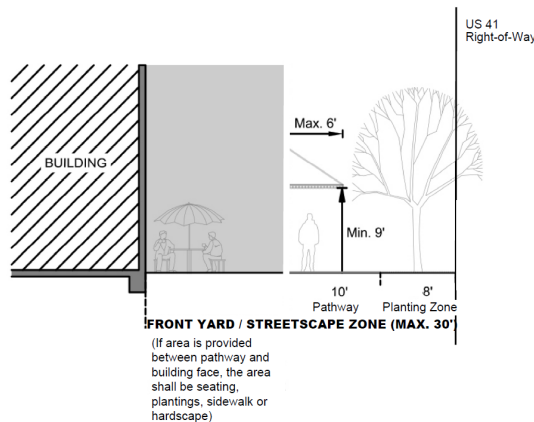
G. Criteria for bonus density and bonus height.

In accordance with LDC section [4.02.43 B.](#), bonus density and bonus height may be granted in the US 41 EZO-RC and US 41 EZO-CC subdistricts if the following criteria are met.

1. US 41 Streetscape Zone.

To qualify for bonus density or bonus height, a front yard streetscape zone with minimum width of 18 feet and maximum width of 30 feet is required along US 41.

- The front yard streetscape zone shall contain a minimum 10-foot-wide multi-use pathway at least 8 feet from the US 41 right-of-way.
- The area between the pathway and right-of-way shall be a planting zone with canopy trees spaced 40 feet on center with trees having a minimum average mature canopy spread of 20 feet and an eight-foot vertical clearance for pedestrians.
- The area between the pathway and building face may be landscaped or a widened pathway or hardscape with seating or plantings.
- The 10-foot-wide pathway construction requirement may be waived administratively in locations where a minimum 8-foot-wide sidewalk/pathway exists in the right-of-way at least 20 feet from the vehicular edge of pavement, provided that the site is designed with sidewalks, at least 8 feet in width, that connect the building entrance to the existing sidewalk within the right-of-way.



2. Enhanced development criteria.

To qualify for bonus density or bonus height, the required number of enhancements listed below shall be incorporated in the development.

- Vertical Mixed Use.** The development integrates multifamily dwellings with service industries, retail and shopping, restaurants (without drive through facilities), grocery stores, hotels or resorts, or entertainment, within the same building.
- Housing choices.** The development includes a mix of at least two distinctly different housing types as permitted in LDC section [2.03.07 R.4.](#) No more than 80 percent of dwelling units may be comprised of a single housing type.
- Green roof.** The development provides a green/vegetated roof on the primary structure, or on at least 50 percent of the primary buildings in a multi-building complex; green/vegetated

- 1 roofs shall include vegetation on at least 50 percent of the roof area and shall be constructed
2 in accordance with the Building Code and ASTM green building standards.
- 3 d. Green building. The principal building meets requirements necessary to receive certification
4 from the U.S. Green Building Council at any LEED® level, or an equivalent level of development
5 performance under an alternative rating system such as the National Green Building
6 Standard™/NGBS Green or the International Code Council's International Green Construction
7 Code.
- 8 e. Low Impact Development (LID). LID strategies utilize various land planning, design and
9 construction practices that incorporate innovative green stormwater infrastructure that
10 reduces and treats stormwater by retaining rainfall on-site. Acceptable LID methods include
11 rain gardens, vegetated swales, buffers and strips, curb cutaways for median storage,
12 bioswales, bioretention cells, rain barrels, permeable pavement or pavers/porous
13 asphalt/pervious concrete, and other infrastructure that includes in-ground infiltration and
14 storage of stormwater.
- 15 f. A nature trail that is pervious or impervious pathways and boardwalks that are accessible to
16 the public, in accordance with LDC section 3.05.07 H.1.h.
- 17 g. Publicly accessible environmental education signage.
- 18 h. Additional native preservation. Area of native trees or native habitat preserved is 150% or
19 greater than the minimum requirement of LDC section 3.05.07.
- 20 i. Canopy trees. All required trees provided on site are canopy trees and do not include palm
21 trees, Roystonea spp. (Royal Palms), or Phoenix spp. (Date Palms).
- 22 j. Adjacent to a water resource. The development includes physical improvements and
23 easement dedication for public access in proximity to a canal, lake or water resource. To be
24 eligible for the bonus density or bonus height ,at least two of the following items must be
25 included in the development and publicly accessible by dedication of a public access
26 easement: (a) a six-foot-wide walkway with canopy trees an average of 50 feet on center with
27 shaded benches a minimum of six feet in length located on average every 150 feet; or (b) a
28 public access pier with covered structure and seating; or (c) an intermittent shaded
29 plaza/courtyard, a minimum of 200 square feet in area with benches and/or picnic tables
30 adjacent to the water resource.
- 31 k. Provides access from the site to any adjacent public recreational lands.
- 32 l. Gathering place. Open space within the site shall include a gathering place, which shall be a
33 minimum of 10 percent of the project site. Gathering places are central outdoor spaces which
34 are designed with amenities and features that allow the general public to congregate.
35 Examples include outdoor spaces such as plazas, parks, farmers' markets, and amenities
36 adjoining sidewalks and trails such as benches, exercise stations, and gazebos. The gathering
37 place shall be visible and easily accessible from a public road and shall be clearly located and
38 designed so that it can be used by both occupants and the public.
- 39 m. Arts, culture and creativity. The development shall include public art displayed in a prominent
40 location, such as a plaza or civic space, subject to Public Art Committee review and BCC
41 approval.
- 42 H. Deviation requests for projects in the US 41 EZO.

- 1 1. Purpose and Intent. Property owners in the US 41 EZO may request deviations from certain
2 standards, as established in LDC section 4.02.43 H.2, to allow for flexibility in building and site
3 design, and to support and initiate incentives for new development on vacant property or
4 redevelopment on existing sites.
- 5 2. Applicability.
 - 6 a. The Administrative Code, Chapter 6.M. shall establish the process and submittal requirements
7 for deviation requests in the US 41 EZO. Deviations in the US 41 EZO may be requested for
8 new development or redevelopment projects in connection with any of the following types
9 of applications:
 - 10 i. SDP, SDPA, or SIP as established in LDC section 10.02.03;
 - 11 ii. Building permit for signs as established in LDC section 5.06.11; or
 - 12 iii. PPL for townhouses developed on fee simple lots under individual ownership, as
13 established in LDC section 10.02.04.
 - 14 b. Unless otherwise specified, property owners shall be eligible to seek a deviation from the
15 following code provisions:
 - 16 i. LDC section 4.02.43 C.1.a, Table 1. Dimensional Requirements in the US 41 EZO, excluding
17 building height.
 - 18 ii. Loading space requirements: LDC section 4.05.06 B.
 - 19 iii. Landscaping in vehicular use areas: LDC section 4.06.03 B.
 - 20 iv. Landscaping requirements for industrial and commercial development: LDC section
21 4.06.05 B.1.
 - 22 v. Building foundation plantings: LDC section 4.06.05 C, including Table inset.
 - 23 vi. Development standards for signs in nonresidential districts: LDC section 5.06.04.
- 24 3. Conflict with other relief processes.
 - 25 a. This section is not intended to replace the current established process of requesting
26 deviations associated with the following:
 - 27 i. Master plan elements of the respective PUD pursuant to LDC section 10.02.13. However,
28 the deviation process of LDC section 4.02.43 H. is available to PUD-zoned lands within the
29 US 41 EZO provided that such request is based on a specific dimensional or design
30 requirement described in LDC section 4.02.43 H.2, and provided the request further
31 promotes compliance with the purpose and intent of the US 41 EZO.
 - 32 ii. Site plan with deviations for redevelopment projects pursuant to LDC section 10.02.03 F.,
33 unless such request is based on a dimension, site feature, or architectural standard listed
34 under LDC section 4.02.43 H.2.
 - 35 iii. Deviations and alternate compliance pursuant to LDC section 5.05.08 G.
 - 36 iv. Post take plan application pursuant to LDC section 9.03.07 D.
 - 37 b. Deviations from the LDC which are not expressly provided for in this section shall be processed
38 as variances in accordance with LDC section 9.04.00.
- 39 4. Evaluation criteria. When evaluating a deviation, the following criteria shall be considered:

- a. Whether the proposed deviation is compatible with adjacent land uses and achieves the requirements and/or intent of the regulations as closely as is practicable;
 - b. Whether the proposed deviation is the minimum amount necessary to allow for reasonable use of the property and/or address the issue necessitating the deviation request; and
 - c. Whether the reduced or increased standard requested by the deviation is mitigated for, either on the subject site or by providing a public benefit on the subject site. Examples of such on-site mitigation include but are not limited to: increasing plantings or planting sizes or installing a fence or wall where a reduced buffer width is proposed; providing public pedestrian and/or bicycle pathway easements or other similar mobility improvements including transit enhancements; providing public parking; providing beautification in the public realm, including street trees, street furniture, lighting and other similar public benefits.
5. Public notice. Public notice, including signage, notice to property owners, and an advertised public hearing, is required for deviation requests and shall be provided in accordance with the applicable provisions of LDC section 10.03.06 R.
- I. US 41 EZO Separation Waivers
1. The BZA may, by resolution, grant a waiver of part or all of the minimum separation requirements set forth herein if it is demonstrated by the applicant and determined by the BZA that the site proposed for development of a use identified in 4.02.38 E.1 through 4 is separated from another use regulated by the same subsection by natural or man-made boundaries, structures, or other features that offset or limit the necessity for such minimum distance requirements. The BZA's decision to waive part or all of the distance requirements shall be based upon the following factors:
 - a. Whether the nature and type of natural or man-made boundary, structure, or other feature lying between the proposed establishment and an existing use regulated by the same subsection is determined by the BZA to lessen the impact of the proposed facility. Such boundary, structure, or other feature may include, but is not limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals, and a minimum of a 4-lane arterial or collector right-of-way.
 - b. Whether the facility is located on a property within a subdivision that includes uses in addition to those listed in 4.02.38 E.
 - c. Whether the facility is located within a shopping center primarily accessed by a driveway, or if it fronts on and is accessed directly from a platted road right-of-way.
 - d. Whether the granting of the distance waiver will have an adverse impact on adjacent land uses, especially residential land uses.
 2. The Administrative Code shall establish the submittal requirements for a waiver request. The request for a waiver shall be based on the submittal of the required application, a site plan, and a written market study analysis which justifies a need for the additional facility in the desired location.
 3. Additional conditions. The BZA shall have the right to add additional conditions or requirements to its approval of a distance waiver request in order to insure compatibility of the facility with the surrounding area and the goals and objectives of the GMP. Requests for Waiver from the separation requirements of Section 4.02.43 shall be subject to the public notice and hearing requirements pursuant to LDC section 10.03.06. U.

1 *****

2 *This LDC Section is existing language in strike thru and underline format to show changes*

3 **10.03.06 - Public Notice and Required Hearings for Land Use Petitions**

4 *****

5 R. Site Plan with Deviations for Redevelopment, pursuant to LDC section 10.02.03 F and deviations in the
6 GGPOD, pursuant to LDC section 4.02.26 E., and the LBDPA, pursuant to LDC section 4.02.16 C.10.1., and
7 the EZO pursuant to LDC section 4.02.43.H.

8 1. The following advertised public hearings are required:

9 a. One Planning Commission or Hearing Examiner hearing.

10 b. If heard by the Planning Commission, one BZA hearing.

11 2. The following notice procedures are required:

12 a. Newspaper Advertisement prior to the advertised public hearing in accordance with F.S. §
13 125.66.

14 b. Mailed Notice prior to the advertised public hearing.

15 *****

16 U. Automobile Service Station Waiver pursuant to LDC section 5.05.05 and Alcohol Beverage Distance
17 Waiver pursuant to LDC section 5.05.01. and US 41 EZO Separation Waiver pursuant to LDC section
18 4.02.38.I.

19 1. The following advertised public hearings are required:

20 a. One BZA or Hearing Examiner hearing.

21 2. The following notice procedures are required:

22 a. For an Alcohol Beverage Distance Waiver and a US 41 EZO Separation Waiver, an Agent Letter
23 shall be sent to property owners within 150 feet of the area covered by the petition following
24 the initial staff review comments and prior to the second submittal.

25 b. Newspaper Advertisement prior to the advertised public hearing.