

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20220008725

ORIGIN

Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

This Land Development Code (LDC) amendment proposes the US 41 East Zoning Overlay (US 41 EZO) along the US 41 East corridor (Tamiami Trail East). The overall purpose is to implement general concepts, development, and design standards as well as the recommendations derived from community input and the East Naples Community Development Plan (ENCDP).

HEARING DATES

BCC	TBD
CCPC	TBD
DSAC	05/03/2023
DSAC-LDR	04/18/2023 03/21/2023

LDC SECTION TO BE AMENDED

01.08.02	Definitions
02.03.07	Overlay Zoning Districts
04.02.43	Design Standards for the US 41 East Zoning Overlay (US 41 EZO) (New Section)
10.03.06	Public Notice and Required Hearings for Land Use Petitions

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
Approval with Recommendations	TBD	TBD

BACKGROUND

On February 14, 2017, the Board directed staff to engage the East Naples community in a public planning process to identify and incentivize desired land uses and development along the US 41 East (Tamiami Trail) corridor. On April 24, 2018, staff and their consultant, Johnson Engineering, Inc. presented the US 41 Corridor Study (Corridor Study) to the Board. The Corridor Study included four meetings to engage the public and solicit community input and resulted in recommendations that included: a community-based branding project, land use preferences, strategy to limit undesirable uses, landscaping preferences, and transportation needs.

Following the Corridor Study, staff received Board direction to prepare a community development plan for the East Naples community that would establish a vision for the area to guide future development and redevelopment. In January 2020, the consulting firm of Tindale Oliver contracted with the Board to prepare the East Naples Community Development Plan. In October 2020, the East Naples Community Development Plan (ENCDP) was accepted by the Board of County Commissioners. The development of the ENCDP included an extensive public input process culminating in a community plan that guides land uses and development, promotes various transportation modes, highlights the community's assets/improvements, provides follow-up efforts to address topics of community interest, and provides steps on implementation.

The ENCDP prioritizes the development and implementation of a zoning overlay along the US 41 East corridor (Tamiami Trail East), specifically providing for its establishment within 5-years from the date of acceptance by the Board. An objective of the US 41 EZO is to promote the strategic placement of land uses to enhance the community's sense of place by providing guidance on future development and redevelopment projects that expand employment opportunities, leisure activities, dining, and shopping to meet the growing needs of the community. Additionally, the US 41 EZO addresses land uses deemed undesirable by the community that are intended to be interspersed throughout the county and proximate to the residents and businesses they serve; these uses include self-storage/mini-storage warehousing, gasoline service stations, car washes, fast food restaurants with drive-thru windows, and outdoor display, sale and storage uses.

In 2021, the County contracted with Johnson Engineering, Inc. to assist with preparing the US 41 EZO to ensure

consistency with the ENCDP. The community has been actively engaged with staff and the County’s consultant in developing the US 41 EZO for the segment of US 41 East that generally begins at Palm Drive (near the Collier County government center) and extends to the east side of Port of the Islands. During the months between January and November 2022, the project team conducted staff team meetings, and stakeholder and community meetings to solicit input on the development and design standards for residential, mixed-use, and commercial development, and spacing criteria for commercial uses, in part, to address the undesirable uses identified in the ENCDP.

DSAC-LDR Subcommittee Recommendation:

On April 18, 2023, the DSAC-LDR Subcommittee recommended approval of the LDC, contingent upon the following, either to be addressed by staff prior to the DSAC or for the DSAC to have additional discussion:

- 1. Address the glazing requirements of LDC section 4.02.23 C.7.b.**
- 2. Provide more information regarding structural soil cells, including but not limited to the inspection process.**
- 3. Provide a definition of roll-up shutters, as referenced in LDC section 4.02.23 F.1.d.i. and clarify how primary and secondary rights-of-way (and associated roadways widths) will relate to building facades.**
- 4. Further discuss the U.S. 41 Streetscape Zone standards of LDC section 4.02.23 E., particularly the potential for having double sidewalks (i.e., requirements for multi-use pathways, including discussing their surface materials, and landscape buffers and how these will transition and interface with existing sidewalks within the abutting U.S. 41 rights-of-way, as well as between parcels).**
- 5. The maximum height listed in LDC section 4.02.23 F.5.d., should be measured from “required finished grade” as opposed to “existing grade.”**
- 6. Inclusion of Mr. Christopher Shucart’s property into the U.S. 41 EZO-CC, as requested by Mr. Shucart at the DSAC-LDR Subcommittee meeting on March 21, 2023.**

FISCAL & OPERATIONAL IMPACTS

No fiscal impacts are anticipated. However, the workload of the Collier County Planning Commission has the potential to increase due to the creation of the deviation process, resulting in an operational impact. Notwithstanding the potential benefits gained from relaxing certain development standards and allowing a vast array of new uses, there is a potential impact to property owners if existing buildings become non-conforming once the US 41 EZO is adopted.

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff after first review. A companion Growth Management Plan (GMP) amendment petition has been submitted concurrent with this zoning overlay to provide for the proposed increase in density and intensity of uses allowed by the overlay. Therefore, the proposed zoning overlay may be deemed consistent with the Future Land Use Element of the GMP once the GMP amendment is adopted and becomes effective.

EXHIBITS: A) US 41 East Zoning Overlay Map 1 B) US 41 East Zoning Overlay Map 2 C) US 41 East Zoning Overlay Map 3

Amend the LDC as follows:

1.08.02 – Definitions

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Mean high-water line: The intersection of the tidal plane of mean high water with the shore as established by the Florida Coastal Mapping Act of 1974, Chapter 74-56, Laws of Florida.

Micromobility: Any small, low-speed, human- or electric-powered transportation device, including bicycles, scooters, electric-assist bicycles, electric scooters (a.k.a. e-scooters), ~~Low Speed Electric Vehicles (LSV)~~, and other small, lightweight, wheeled conveyances.

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 Zoning Overlay District or the Gateway Triangle Zoning Overlay District, such a petition may include a request for increased density by use of density bonus pool units.

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Structure: Anything constructed or erected which requires a fixed location on the ground, or in the ground, or attached to something having a fixed location on or in the ground, including buildings, towers, smokestacks, utility poles, and overhead transmission lines. Fences and walls, gates or posts are not intended to be structures.

Structural Cell: A structural cell is a modular ~~suspended pavement support~~ system designed to support trees in areas with limited soil volume and quality, such as sidewalks, parking lots, or plazas. The system consists of interconnected modules or crates that are placed beneath the pavement and filled with a specifically designed soil mix. The modules create an underground void space that allows tree roots to grow and expand, while also providing a stable base for pavement and allowing for water infiltration that allows for the retention of greater amounts of lightly compacted soil beneath pavement while supporting traffic loads. The purpose of a structural cell is to support large tree growth, provide on-site stormwater management through absorption, evapotranspiration, and interception, pavement protection.

Subdivision: The division of land, whether improved or unimproved, into 3 or more contiguous lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land any of which do not equal or exceed 10 acres, for the purpose, whether immediate or future, of transfer of ownership or development; or any division of land if the extension of an existing street or the establishment of a new street is involved to provide access to the land. The term includes resubdivision, the division of land into 3 or more horizontal condominium parcels or horizontal cooperative parcels, and the division or development of residential or nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, map, plat, horizontal condominium parcels, horizontal cooperative parcels, or other recorded instrument, and, when appropriate to the context, means the process of subdividing or to the lands or areas subdivided.

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3 **2.03.07 – Overlay Zoning Districts**

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

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9 1. Purpose and Intent. The purpose and intent of the US 41 East Zoning Overlay
10 district (US 41 EZO) is to implement certain concepts and recommendations of the
11 East Naples Community Development Plan (ENCDP). This is accomplished
12 through the establishment and designation of three overlay subdistricts as
13 described in 2.03.07 R.3. below: Regional Center Subdistrict, Community Center
14 Subdistrict, and Corridor Subdistrict.

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16 2. Applicability.

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18 a. Unless otherwise expressly stated, the use regulations of this section and
19 the design standards of LDC section 4.02.43 shall apply to all properties
20 within the US 41 EZO, as shown in Maps 1 - 3 of LDC section 2.03.07
21 R.3.b. For a PUD established prior to [INSERT ADOPTION DATE], 2023,
22 a PUD amendment is not needed for a property owner to utilize the uses
23 and design standards of the US 41 EZO to apply. PUDs and Conditional
24 Uses approved prior to [INSERT ADOPTION DATE] may continue to use
25 the design standards that were in effect at the time when they were
26 approved. Uses that are existing as of [INSERT ADOPTION DATE] may
27 continue to operate as a permitted use until the use ceases for a period of
28 one year, then the design standards of LDC section 4.02.43 shall apply.

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30 b. Properties located within the Port of the Islands that are also within the
31 boundary of the US 41 EZO are subject to the Port of the Islands
32 Development Agreement of 1985 and are not subject to the use regulations
33 of the US 41 EZO.

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35 3. Establishment of Subdistricts.

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37 a. Purpose and Intent.

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39 i. The US 41 East Zoning Overlay Regional Center Subdistrict (US
40 41 EZO-RC). The US 41 EZO-RC is intended to promote medium
41 to high intensity mixed-use development, economic development
42 uses, commercial, office, and residential development at the major
43 intersections identified on the FLUM as Activity Centers #16, #17,
44 and #18, excluding property located within the Bayshore Gateway
45 Triangle Community Redevelopment Area. These centers
46 accommodate residential and mixed-use living environments that
47 provide access to goods, employment, dining, entertainment, and
48 services for regional and local residents. Development is typically
49 compact and urban in character. Incentives relative to height and

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density allowances have been established in LDC section 4.02.43 to encourage a pedestrian/transit-friendly development pattern.

ii. The US 41 East Zoning Overlay Community Center Subdistrict (US 41 EZO-CC). The US 41 EZO-CC is intended for moderate to low intensity mixed-use development, economic development uses, commercial, office, and residential development at key intersections. These centers 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. Incentives relative to height and density allowances have been established in LDC section 4.02.43 H. to encourage a pedestrian/transit-friendly development pattern.

iii. The US 41 East Zoning Overlay Corridor Subdistrict (US 41 EZO-COR). The US 41 EZO-COR is intended to allow uses in the underlying zoning districts and economic development uses (except economic development uses are not allowed on those properties designated Conservation on the Future Land Use Map and Port of the Islands). This Subdistrict establishes use regulations and design standards for commercial and economic development uses.

b. Boundaries of US 41 EZO and Subdistricts. The boundaries of the US 41 EZO and Subdistricts are identified in Maps 1 - 3 below:

[INSERT MAP(S)]

Map 1-US 41 East Zoning Overlay

Map 2-US 41 East Zoning Overlay

Map 3- US 41 East Zoning Overlay

4. Table of Uses.

a. The Table of Uses identifies permitted and conditional uses in the US 41 EZO. Any existing permitted or conditional use in an underlying zoning district remains permitted or conditional. Any substantial improvement to an existing permitted or conditional use is subject to the design standards of LDC section 4.02.43, as applicable. Once a conditional use has been discontinued for a period of one year, it is subject to the additional design standards of LDC section 4.02.43, as applicable. New conditional uses require approval in accordance with the procedures set forth in LDC section 10.08.00.

b. Table 1 Uses.

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Text underlined is new text to be added
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<u>Use Category</u>	<u>Regional Center Subdistrict (US 41 EZO-RC)</u>	<u>Community Center Subdistrict (US 41 EZO-CC)</u>	<u>Corridor Subdistrict (US 41 EZO-COR)</u>
<u>Residential Uses</u>			
<u>1) Artist village.</u>	<u>P</u>	<u>P</u>	
<u>2) Mixed-Use Development including, Multi-Family and/or townhouses.</u>	<u>P</u>	<u>P</u>	
<u>3) Live-work units.</u>	<u>P</u>	<u>P</u>	
<u>Commercial Uses¹</u>			
<u>1) Hotels and motels (7011, 7021, and 7041).</u>	<u>P</u>	<u>P</u>	
<u>Economic Development Uses^{1,2,3}</u>			
<u>1) Aircraft and parts (3721—3728).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>2) Beverages (2082—2087).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>3) Communications equipment (3661—3669).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>4) Computer and office equipment (3571—3579).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>5) Dental laboratories (8072).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>6) Drugs (2833—2836).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>7) Electrical industrial apparatus (3621—3629).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>8) Electric lighting and wiring equipment (3641—3646, 3648).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>9) Electric transmission and distribution equipment (3612-3613).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>10) Electronic components and accessories (3671—3679).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>11) Engines and turbines (3511—3519).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>12) Furniture and fixtures, not elsewhere classified (2599).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>13) General industrial machinery and equipment (3561, 3563, 3565—3569).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>14) Household appliances, not elsewhere classified (3639).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>15) Household audio and video equipment, and audio (3651—3652).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>16) Jewelers' findings and materials, and lapidary work (3915).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>17) Laboratory apparatus and analytical, optical, measuring, and controlling instruments (3821—3829).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>18) Manufacturing industries, not elsewhere classified (3999).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>19) Metalworking machinery and equipment (3546 and 3548).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>

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<u>Use Category</u>	<u>Regional Center Subdistrict (US 41 EZO-RC)</u>	<u>Community Center Subdistrict (US 41 EZO-CC)</u>	<u>Corridor Subdistrict (US 41 EZO-COR)</u>
<u>20) Miscellaneous electrical machinery, equipment, and supplies (3691—3692, 3695—3699).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>21) Miscellaneous industrial and commercial (3593—3599).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>22) Ophthalmic goods (3851).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>23) Photographic equipment and supplies (3861).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>24) Refrigeration and service industry machinery (3581—3582, 3586-3589).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>25) Search, detection, navigation, guidance, aeronautical, and nautical systems and instruments (3812).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>26) Special industry machinery, except metalworking (3552-3559).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>27) Surgical, medical, and dental instruments and supplies (3841-3845).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>28) Transportation equipment, not elsewhere classified (3799).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>
<u>29) Watches, clocks, clockwork operated devices, and parts (3873).</u>	<u>P</u>	<u>CU</u>	<u>CU</u>

Notes:

¹ See LDC section 4.02.43 C.13. for pollution control standards.

² See LDC section 4.02.43 G. for additional design standards specific to Economic Development uses.

³For properties designated Conservation on the Future Land Use Map and located within the US 41 EZO-COR economic development uses may not be allowed.

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4.02.43 – Design, Bonus Density, and Height Standards for the US 41 East Zoning Overlay (US 41 EZO)

A. General for the Regional Center Subdistrict (US 41 EZO-RC), Community Center Subdistrict (US 41 EZO-CC), and Corridor Subdistricts (US 41 EZO-COR).

1. Regional and Community Center Subdistricts. Properties within the US 41 EZO-RC and US 41 EZO-CC shall be subject to the standards of 4.02.43 A. through I.
2. Corridor Subdistrict (US 41 EZO-COR)

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a. Properties within the US 41 EZO-COR with underlying zoning of commercial or commercial tracts of a PUD shall be subject to LDC sections 4.02.43 A., C., F., G., and I.

b. Properties with underlying zoning of residential single-family or multi-family (only RMF-6 and RMF-12); residential tracts of PUD districts; rural agricultural (A) and estates (E) districts; civic and institutional (P and CF) districts; or open space districts (GC and CON) shall only be subject to LDC section 4.02.43 C.1. and 3. through 6. for architectural standards, and 4.02.43 F.5. for outdoor use standards. Except as stated above, properties shall comply with the dimensional standards for principal and accessory uses in the underlying zoning district and all other applicable LDC Standards.

3. The following provisions in the LDC are not applicable shall not apply to properties in the US 41 EZO:

a. LDC section 4.02.01 B. (Open Space Requirements)

b. LDC section 4.02.38 (Specific Design Criteria for Mixed Use Development within C-1 through C-3 Zoning Districts).

c. LDC section 5.03.02 H. (Wall Requirement between Residential and Nonresidential Development).

d. LDC section 5.05.07 (Townhouse Development).

B. Density and height. Residential density and building height shall be per Table 1.

C. Architectural, building and site design standards.

1. Dimensional and Design Standards.

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

	<u>US 41 EZO-RC</u>	<u>US 41 EZO-CC</u>	<u>US 41 EZO-COR</u>
<u>Min. Lot Area (sq. ft.)</u>	<u>Townhouse: 2,000 (per unit)</u>		
	<u>All other uses: 10,000</u>		
<u>Min. Lot Width (ft.)</u>	<u>Townhouse: 20</u>		
	<u>All other uses: per underlying zoning district.</u>		
<u>Max. Floor Area Ratio</u>	<u>N/A</u>		
<u>Min. Floor Area (sq. ft.)</u>	<u>Efficiency: 450</u>		
	<u>1 Bedroom: 600</u>		
	<u>2+ Bedroom: 750</u>		
	<u>For all other uses: 1,000 (ground floor)</u>		
<u>Max. Lot Coverage (%)</u>	<u>None.</u>		
<u>Required Yards</u>			

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<u>Front Yard/ Streetscape Zone for US 41 (ft.)¹</u>	<u>18 ft. minimum to 25 ft. max./ All projects shall provide a 10 ft.-wide multiuse pathway, which is intended to accommodate accommodating pedestrians, bicyclists, and other modes of micromobility. For all projects providing a front yard setback of 20 ft. or greater, the 10 ft.-wide multiuse pathway must be designed in combination with planting, seating, or hardscaped areas. See LDC section 4.02.43 E. for additional requirements.</u>		<u>Per underlying zoning, limited to a maximum of one double loaded drive aisle of parking in the front yard.</u>
<u>Front Yard (Other) (ft.)¹</u>	<u>Per underlying zoning, except that corner lots must maintain the front yard/streetscape along the road frontage that is perpendicular to US 41.</u>		<u>Per underlying zoning.</u>
<u>Min. Side Yard (ft.)²</u>	<u>0</u>	<u>0</u>	<u>15</u>
<u>Min. Rear Yard (ft.)²</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Max. Height (ft.)</u>	<u>Townhouse: 45</u>	<u>Townhouse: 45</u>	<u>Townhouse: 35</u>
	<u>All other uses: Per underlying zoning district.</u>	<u>All other uses: Per underlying zoning district.</u>	<u>All other uses: Per underlying zoning district.</u>
<u>Max. Bonus Height³</u>	<u>Additional 20 feet above height allowed by underlying zoning.</u>		<u>N/A</u>
<u>Max. Density</u>	<u>Per the underlying zoning district per FLUE.</u>		
<u>Max. Bonus Density³</u>	<u>Up to 20 DU/ac⁴</u>	<u>Up to 16 DU/ac⁴</u>	<u>N/A</u>

Notes:

¹ 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.

² 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.

³ The maximum bonus height and maximum bonus density may be achieved if the project meets criteria pursuant to LDC section 4.02.43 H.

⁴ Includes density per the underlying zoning district per FLUE.

2. Exemptions from Design Standards Vertical Mixed Use. LDC section 5.05.08 (Architectural and Site Design Standards) shall not apply to “vertical mixed use” projects, except for the following standards:

a. LDC section 5.05.08 D.6. (Blank wall areas on buildings with primary facades);

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- 1 b. LDC section 5.05.08 D.8. (overhead doors);
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- 3 c. LDC section 5.05.08 D.15. (neon tubing);
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- 5 d. LDC section 5.05.08 E.2. (self-storage buildings);
- 6
- 7 e. LDC section 5.05.08 E.8. (Parking Structures), which shall be in
- 8 accordance with LDC section 4.02.43 C.8.d.
- 9
- 10 f. LDC section 5.05.08 F.3. (pedestrian pathways);
- 11
- 12 g. LDC section 5.05.08 F.4. (service function areas and facilities);
- 13
- 14 h. LDC section 5.05.08 F.6. (drive-through facilities location and buffering
- 15 standards);
- 16
- 17 i. LDC section 5.05.08 F.7. (lighting).
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- 19 3. Terminating vistas. Buildings or projects that terminate a vista at the end or turning
- 20 point of any street or pedestrian path shall include design features to emphasize
- 21 the importance of the view. Examples of design features include but are not limited
- 22 to tower elements, porte-cocheres, and cupolas.
- 23
- 24 4. Roof material. Asphalt shingles are prohibited.
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- 26 5. Exterior building façade materials. Corrugated or metal panels are limited to no
- 27 more than 33 percent of exterior building facades (not applicable to roofs).
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- 29 6. Architectural massing. Transitional massing elements specified in LDC section
- 30 5.05.08 D.3. shall be replaced by the following step-back requirement applicable
- 31 to all buildings in the US 41 EZO:
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- 33 a. Properties with a side or rear yard abutting residentially zoned property
- 34 shall be subject to a building setback of 25 feet along the shared property
- 35 line for the first 25 feet of building height and then the building shall step
- 36 back extending upward at a 45-degree angle until reaching the maximum
- 37 height limit of the subdistrict, including bonus height, as indicated in the
- 38 following illustration:
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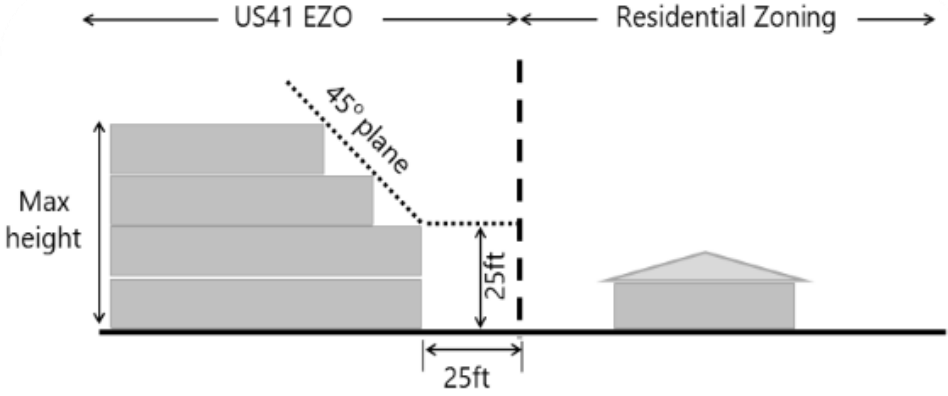


Figure 1: Building Step-back when Abutting Residential Zoning

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- 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 ~~40~~ 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 US 41.
- 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 4.02.43 E., F., and G.
 - a. For purposes of implementing the US 41 EZO, palm trees shall not be substituted or considered equivalent for canopy trees. Royal Palm (Roystonea spp.) and Date Palm (Phoenix spp.) trees shall not be considered canopy trees.
 - b. Buffers.
 - i. A minimum eight-foot-wide landscape buffer shall be provided internal to the development project along the US 41 frontage outside of the right-of-way and may only be interrupted to provide for vehicular or pedestrian access. At a minimum, the landscape buffer shall include the following:

- 1 a) Canopy shade trees spaced 40 feet on center with trees
- 2 having a minimum average mature canopy spread of 20 feet
- 3 and an eight-foot vertical clearance for pedestrians if
- 4 applicable.
- 5
- 6 b) A continuous 3 gallon, double row hedge, spaced 3 feet on
- 7 center, and a minimum of 24 inches in height at the time of
- 8 planting and maintained pursuant to LDC section 4.06.05
- 9 D.4.
- 10
- 11 c) The remaining area of the planting zone must contain only
- 12 native vegetation, grass, ground cover, or other landscape
- 13 treatment in accordance with LDC section 4.06.00.
- 14
- 15 d) Provide structural cells for healthy tree growth and improved
- 16 ecological function in planting zones that are eight feet in
- 17 width or pursuant to LDC section 4.02.43 C.8.iii.
- 18
- 19 ii. When a development project consists of a nonresidential use and
- 20 is adjacent to lands located outside the US 41 EZO and zoned for
- 21 residential use, a minimum ten-foot-wide landscape buffer strip with
- 22 shrubs and trees shall be required unless reduced pursuant to LDC
- 23 section 4.02.43 C.8.b.iii. Shrubs shall be no less than five feet in
- 24 height and spaced a maximum of four feet on-center at the time of
- 25 planting. Trees shall be a minimum of 10 feet in height, four feet in
- 26 spread, 1¾-inch caliper, and spaced a maximum of one per 25
- 27 linear feet. These landscape buffers may be interrupted to provide
- 28 for pedestrian access or vehicular interconnections only.
- 29
- 30 iii. Where a property abuts a right-of-way, access easement, or
- 31 roadway that parallels US 41, the landscape buffer may be reduced
- 32 to five feet with canopy trees spaced no more than 40 feet on-center
- 33 with trees having a minimum average mature canopy spread of 20
- 34 feet and an eight-foot vertical clearance for pedestrians if a 10-foot-
- 35 wide easement is dedicated to the County for future development
- 36 of a multiuse path along such property line. Collier County may
- 37 make enhancements within the 10-foot-wide easement running
- 38 adjacent to the property line for use as a multiuse path.
- 39 Enhancements may include a multiuse path and urban design
- 40 improvements such as street furniture, lighting and pedestrian
- 41 walkways.
- 42
- 43 c. Parking lots, vehicular use areas, and service function areas. Landscaping
- 44 for off-street parking lots, vehicular use areas, and service function areas
- 45 shall be designed in accordance with LDC section 4.06.03, except for the
- 46 following:
- 47
- 48 i. Interior of parking lot.
- 49

- 1 a) A maximum of 30 percent of the landscape islands may
- 2 have a minimum width of five feet. Provide structural cells in
- 3 planting areas that are five to eight feet in width.
- 4
- 5 b) Plantings shall be a maximum of 25 percent native turf
- 6 grass. The balance shall be shrubs or groundcover in
- 7 planting areas appropriate to the design.
- 8
- 9 ii. Perimeter of parking lot, vehicular use area, or service function
- 10 area. The perimeter shall have a five-foot-wide perimeter planting
- 11 area, exclusive of curbing, and structural cells shall be provided for
- 12 perimeter planting area. The perimeter planting area shall be
- 13 designed in accordance with the following:
- 14
- 15 a) Trees a minimum of 10 feet in height, four feet in spread,
- 16 1¾-inch caliper, and spaced a maximum of one per 25 linear
- 17 feet.
- 18
- 19 b) Shrubs arranged in a staggered pattern with a minimum size
- 20 of three gallons, spaced no more than three feet on-center
- 21 at the time of planting to provide year-round screening.
- 22 Where the perimeter planting area abuts lands outside the
- 23 US41 EZO and zoned for residential use, the shrubs shall
- 24 be no less than five feet in height and spaced four feet on-
- 25 center at the time of planting.
- 26
- 27 c) Perimeter planting areas may be interrupted to provide for
- 28 driveway openings or for pedestrian access points.
- 29
- 30 d. Building foundation plantings.
- 31
- 32 i. Buildings, including parking structures with ground floor commercial
- 33 or residential along the front facade, shall be required to have
- 34 foundation plantings designed in accordance with LDC section
- 35 4.06.05, except for as follows:
- 36
- 37 a) The minimum required planting area shall be the equivalent
- 38 of 10 percent of the gross ground floor area of the building.
- 39
- 40 b) As an alternative to providing a continuous building
- 41 foundation planting width, the planting areas shall be
- 42 located within 25 feet of the building edge in the form of
- 43 landscaped courtyards and seating area landscaping.
- 44
- 45 c) It is unnecessary to provide foundation plantings along
- 46 facades where the building is setback less than five feet
- 47 from the property line; however, the minimum size of the
- 48 required planting area shall still be required and re-allocated
- 49 elsewhere on-site.
- 50

1 d) None of the required foundation plantings shall be located
2 within perimeter buffers or within parking lot, vehicular use,
3 or service function areas.

4
5 ii. Stand-alone parking structures and parking structures designed
6 without ground floor retail or residential uses along the front façade
7 in accordance with LDC section 4.02.43 C.14.e shall provide
8 foundation landscaping in accordance with LDC section 4.06.05 C.,
9 except that the minimum width of the planting area shall be 10 feet.

10
11 9. Open space.

12
13 a. In order to promote a vibrant, pedestrian-oriented community, the US 41
14 EZO open space standards are intended to concentrate open space in
15 structured, functional, and usable spaces that are nodes along connected
16 pedestrian paths or corridors that are accessible to the public.

17
18 b. A minimum of 20 percent of the gross area of the development site shall
19 be devoted to useable open space.

20
21 c. If the useable open space area functions as an extension of abutting
22 publicly accessible useable open space or bus stop, that useable open
23 space area shall be calculated as double credit towards the open space
24 requirement.

25
26 d. Usable open space, as defined in LDC section 1.08.02, shall also include
27 publicly accessible site features such as pedestrian and walking paths,
28 plazas, and passive furnishings. Passive furnishings include but are not
29 limited to benches, pavilions, and picnic areas. On-site pervious trail links
30 connecting within or across open spaces may count toward the
31 requirement of usable open space. Lakes, detention areas with publicly
32 accessible sidewalks or other impervious paths, and active recreation fields
33 or courts that are accessible to the public may be counted toward the
34 required public open space.

35
36 e. On-site lands that reduce and treat stormwater on-site through Low Impact
37 Development (LID) and Green Stormwater Infrastructure (GSI) techniques
38 may count towards open space.

39
40 10. Pedestrian pathways. Pedestrian pathways required by LDC section 5.05.08 F.3.
41 shall be a minimum of six feet in width, clearly marked by using design elements
42 such as landscaping and pedestrian lighting, and designed to interconnect with
43 existing pedestrian or multi-use pathways on abutting property. Palms shall not be
44 substituted for required canopy trees along the pathway.

45
46 11. Exterior lighting. Illumination levels in the US 41 EZO shall not exceed 0.5
47 footcandles at property lines adjacent to residential development that is external
48 to the US 41 EZO excluding where required pursuant to LDC section 6.06.03.
49

~~a. Illumination levels in the US 41 EZO shall not exceed 0.5 footcandles at property lines adjacent to residential development that is external to the US 41 EZO excluding where required pursuant to LDC section 6.06.03.~~

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

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

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

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

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

ii. Within Regional and Community Centers, parking areas shall not be located on street corners, except that parking may be located on one corner if the subject property fronts on three or more streets. However, this shall not be construed to allow parking in front of buildings on US 41 or the frontage of streets perpendicular to US 41.

b. Design of parking facilities.

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

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- ii. Where abutting property is undeveloped, vehicular and pedestrian interconnection shall be provided to the property line to allow access to all connection points with the abutting development.
- iii. Where feasible, 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.
- iv. Where existing abutting property is developed in such a manner that interconnection of driveways, accessways, or access aisles is not physically possible, no connection shall be required.
- v. Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided where necessary and appropriate, shall be distinguished by textured or special paving, and shall be integrated into the wider network of pedestrian walkways and sidewalks.

c. Minimum parking requirement. The required number of off-street parking spaces are as follows:

Table 2. Parking Space Requirements

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

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

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Table 3. Parking Reduction

<u>Mixed Use projects</u>	<u>10% reduction of residential off-street parking requirement. Greater reduction may be approved pursuant to LDC Section 4.05.04 F.4.</u>
<u>Outdoor dining/restaurant seating areas</u>	<u>No additional off-street parking required.</u>
<u>Preservation of existing healthy tree or trees with a minimum 12-inch or greater DBH</u>	<u>Number of required spaced shall be reduced based on area necessary to preserve the tree from being damaged or removed as determined by County Manager or designee.</u>
<u>Property located within 330 feet of an improved public transit facility, such as a bus shelter, bus transfer facility, or park and ride site</u>	<u>5% reduction of total requirement.</u>
<u>On-site electric vehicle (EV) charging station</u>	<u>Each space shall reduce the total off-street parking requirement by two spaces.</u>
<u>On-site bike-share station or ride-share pick up/drop off zone</u>	<u>5% reduction of total requirement.</u>

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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 C.8.d.
- 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 along the US 41 street frontage. The occupiable ground floor space shall have a minimum depth of 20 feet, as measured perpendicular to US 41, and shall occupy the entire building front facing US 41.
- 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 be provided for all commercial, mixed use, and Economic Development uses. Bicyclists shall have access via

1 sidewalks, pathways, or driveways to the public right-of-way and be located
2 as provided below:

3
4 i. Parking structures. Required bicycle parking shall be located in or
5 near main entrances or elevators to provide for pedestrian safety,
6 visibility, and security of property.

7
8 ii. On site. Bicycle parking (not located within a parking structure) shall
9 be located on site within 50 feet of main building entrances. Bicycle
10 parking shall not obstruct walkways.

11
12 iii. Shared bicycle parking. Where there is more than one building on
13 a site, or parking is shared with an adjacent site, bicycle parking
14 shall be distributed equally to serve all buildings and main
15 entrances.

16
17 D. Signage. The sign standards of LDC section 5.06.00 shall apply to all mixed use and non-
18 residential projects within the US 41 EZO. In addition, the following provisions shall apply
19 to all wall, awning, ground, blade, and menu signs for all nonresidential and mixed use
20 projects:

21
22 1. Total square footage of wall signs, and signs on awnings and canopies, shall be
23 combined and shall not exceed the square footage permitted for wall signs in LDC
24 5.06.00.

25
26 2. Graphic elements, logos, mosaic tiles, or names created in flooring immediately
27 outside the front entrance with a maximum size of six square feet are allowed and
28 shall not require a permit.

29
30 3. Directional Signs:

31
32 a. On-premises clustered directional signs may be allowed up to 16 square
33 feet with a maximum height of six feet.

34
35 b. There shall be no limitation on the number of directional signs provided
36 these signs are separated by a minimum distance of 100 feet.

37
38 c. Directional signs shall not require a permit unless designed with an
39 electrical component.

40
41 4. Non-illuminated plaques shall be allowed subject to the following:

42
43 a. Each business may mount a maximum of two plaques at their front
44 entrance with each plaque restricted to a maximum of two square feet.
45 Plaques must be flush or pin-mounted on the storefront or façade.

46
47 b. plaque with a maximum size of two square feet may be mounted at the exit
48 only door of each business which is generally not public facing. The
49 purpose of this plaque is to identify the business name or address for
50 emergency response or for the delivery of goods.

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c. A permit shall not be required for plaques.

5. In lieu of LDC section 5.06.04 F.5., a wall mounted menu board, not to exceed three square feet, is allowed in connection with a walk-up or take-out window. This sign shall not count toward the total square footage or number allowed for wall signs.

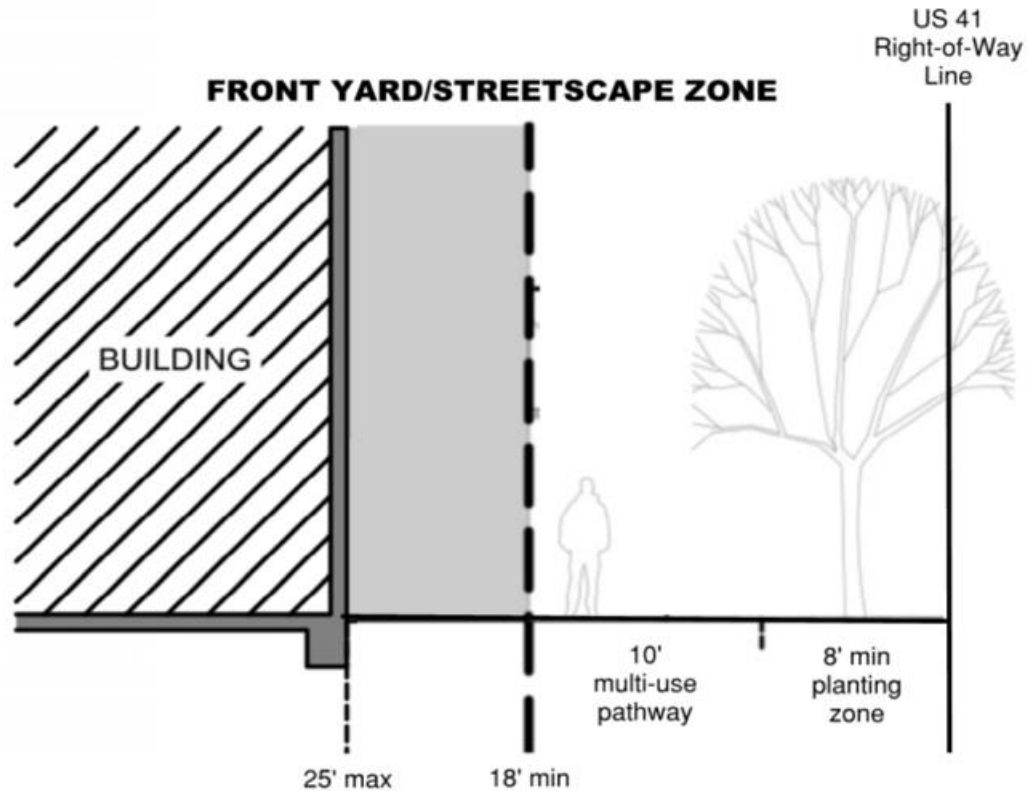
E. US 41 Streetscape Zone.

1. 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 pathway must be designed to interconnect with existing pedestrian or multi-use pathways on abutting property.

2. 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. Palm trees may not be substituted for canopy trees.

3. The area between the pathway and building façade may be landscaped or a widened pathway or hardscape with seating or plantings, a widened pathway, or a hardscape with seating or plantings.

Illustration 1. US 41 Streetscape Zone



FRONT YARD/STREETSCAPE ZONE (MAX. 25')

(If area is provided between pathway and building face, the area shall be seating, plantings, sidewalk or hardscape)

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F. Additional design standards for specific uses. Certain uses shall be subject to additional design standards:

1. Self-Storage/Mini Storage/Warehouse (SIC 4225)

a. Subject to LDC section 5.05.08 E.2. (self-storage buildings).

b. Multi-use requirement.

i. At least 30 percent of the gross floor area must be occupied by an alternative use, such as service industries, multi-family dwellings, retail or shopping, restaurants, hotel or resort, or entertainment, integrated within the same building.

1 ii. Multi-use on site but not within the same building provided the non-
2 storage use building is in the front part of the site and screens the
3 view of the storage use behind. The intervening building shall not
4 be occupied by a use that is listed in LDC section 4.02.43 F.

5
6 c. Enhanced perimeter buffer. In addition to satisfying the requirements of
7 section 5.05.08 E.2. and except for US 41 frontage, the perimeter of the
8 property shall be enhanced with a minimum 25-foot-wide landscape buffer
9 containing a two to three foot undulating landscaped berm, consisting of a
10 minimum of five canopy trees (palm trees may not substituted for canopy
11 trees) per 100 linear feet, and a double staggered hedge row maintained
12 to form a 36-inch high continuous visual screen within one year of planting.

13
14 d. Building design criteria.

15
16 i. The use of metal roll-up garage doors located on the exterior of the
17 perimeter buildings and walls of buildings which are visible from a
18 public right-of-way is prohibited;

19
20 ii. Access to individual units whether direct or indirect must be from
21 the side of a building that is oriented internally;

22
23 iii. No buildings shall exceed 100 feet in length when adjacent to a
24 residential zoning district; and

25
26 iv. No outdoor storage of any kind is permitted.

27
28 e. Locational criteria. Self-Storage/Mini-Storage/Warehouse shall be located
29 no closer than 1,320 feet from the closest property line of another Self-
30 Storage/Mini-Storage/Warehouse.

31
32 2. Facilities with Fuel Pumps including Gasoline Service Stations (SIC 5541)

33
34 a. Subject to LDC section 5.05.05.

35
36 b. Site design criteria. Pumps shall be located to the side or rear of the
37 principal building.

38
39 c. Enhanced perimeter buffer. In addition to satisfying the requirements of
40 section 5.05.05, the perimeter of the property shall be enhanced with a
41 minimum 25-foot-wide landscape buffer containing a two to three foot
42 undulating landscaping berm, consisting of a minimum of five canopy trees
43 (palm trees may not be substituted for canopy trees) per 100 linear feet,
44 and a double-staggered hedge row maintained to form a 36-inch high
45 continuous visual screen within one year of planting.

46
47 D. Locational Criteria. Facilities with fuel pumps including gasoline service
48 stations shall be located no closer than 1,320 feet from the closest property
49 line of another facility with fuel pumps.

50

- 1 3. Car Washes (7542).
- 2
- 3 a. Subject to LDC section 5.05.11.
- 4
- 5 b. Site design criteria. Vehicular stacking lanes and drive through lanes shall
6 not be located closer to the US 41 right-of-way than the principal building
7 and shall not be located in the front yard of a corner lot.
- 8
- 9 c. Enhanced perimeter buffer. In addition to satisfying the requirements of
10 section 5.05.11 and except for US 41 frontage, the perimeter of property
11 shall be enhanced with a minimum 25-foot-wide landscape buffer
12 containing a two to three foot undulating landscaped berm, consisting of a
13 minimum of five canopy trees (palm trees may not be substituted for
14 canopy trees) per 100 linear feet, and a double staggered hedge row
15 maintained to form a 36-inch high continuous visual screen within one year
16 of planting.
- 17
- 18 d. Locational criteria. Car washes shall be located no closer than 1,320 feet
19 from the closest property line of another car wash.
- 20
- 21 4. Eating and drinking establishment with drive-through facilities (5812 and 5813).
- 22
- 23 a. Subject to maximum square footage requirements of the underlying zoning
24 district, and subject to LDC section 5.05.08 F.6.
- 25
- 26 b. Site design criteria. In addition to satisfying design standards of section
27 5.05.08 F.6., vehicular stacking lanes and drive through lanes shall not be
28 located closer to the US 41 right-of-way than the principal building and shall
29 not be located in the front yard of a corner lot.
- 30
- 31 c. Locational criteria. Eating and drinking establishments with drive-through
32 facilities shall be located no closer than 1,320 feet from the closest property
33 line of another eating and drinking establishment with drive-through
34 facilities.
- 35
- 36 5. Outdoor display, sales, or storage of manufactured products, raw or finished
37 materials, boats, or vehicles shall be required to meet the following standards:
- 38
- 39 a. Subject to the wall or fence requirements of LDC section 4.02.12.
- 40
- 41 b. Shall be limited to occupying a maximum of 35 percent of the linear street
42 frontage of the property along arterials, collectors, and local streets.
- 43
- 44 c. Shall not be closer to the front property line along US 41 than the principal
45 building they serve.
- 46
- 47 d. Boats, vehicles, construction materials or equipment that are stored
48 outdoors, on display outdoors, or for sale outdoors shall be limited to a
49 maximum height of 17 feet above existing finished grade.
- 50

1 e. Shall be set back at least 50 feet from a property line that is adjacent to or
2 in view of property zoned for or used for residential purposes when
3 exceeding a height of six feet.

4
5 f. Enhanced perimeter buffer. Except for US 41 frontage, the perimeter of the
6 property shall be enhanced with a minimum 25-foot-wide landscape buffer
7 containing a two to three foot undulating landscaped berm, without a wall,
8 consisting of a minimum of five canopy trees (palm trees may not be
9 substituted for canopy trees) per 100 linear feet, and a double staggered
10 hedge row maintained to form a 36-inch high continuous visual screen
11 within one year of planting, in addition to the wall or fence required in
12 accordance with LDC section 4.02.12.

13
14 G. Additional design standards for the Economic Development uses. The following design
15 standards shall be applicable to all Economic Development uses identified in Table 1 of
16 LDC section 2.03.07 R.4.:

17
18 1. Loading areas. All loading areas shall be oriented away from adjacent residential
19 uses, except for where obstructed by an intervening building.

20
21 2. Outside storage and display. No outside storage and display shall be permitted
22 except when approved as part of a temporary/special event in accordance with
23 LDC section 5.04.05.

24
25 3. Operations.
26
27 a. All activity associated with the uses in this category shall be conducted
28 within a fully enclosed building. Activity includes but is not limited to the
29 following:

30
31 i. The use or storage of any fixed or movable business equipment;

32
33 ii. The use, storage, display, sale, delivery, offering for sale,
34 production, or consumption in any business, or by any business
35 invitee on the premises of the business, of any goods, wares,
36 merchandise, products, or foods; or

37
38 iii. The performance of any work or services.

39
40 iv. All Economic Development use operations and equipment,
41 including accessory process equipment, such as compressors and
42 air handlers, shall be contained in an enclosed structure.

43
44 4. Noise. No Economic Development use shall produce noise exceeding the sound
45 level limits for Commercial or Tourist uses as set forth in the Collier County Noise
46 Control Ordinance No. 90-17, as amended.

47
48 5. Odors. No Economic Development use shall cause or allow the emission of
49 noxious odors or fumes.

50

1 6. Vibrations. No use shall operate to produce ground vibration noticeable by a
2 reasonable person with normal sensitivity, outside the building for single-use
3 buildings or outside the Economic Development use space inside mixed use and
4 multi-tenant buildings.

5
6 7. Smoke and particulate matter. No Economic Development use shall discharge
7 outside the building for single-use buildings or outside the Economic Development
8 use space inside mixed use and multi-tenant building any toxic or noxious matter
9 in such a concentration that will endanger the public health, safety, comfort, or
10 general welfare.

11
12 8. Electrical disturbance. No Economic Development use shall create any electrical
13 disturbance which interferes unduly with the normal operation of equipment or
14 instruments or which is reasonably likely to cause injury to any person located
15 inside or outside building.

16
17 9. Appearance. Industrial/factory buildings shall be designed in accordance with the
18 provisions of LDC section 5.05.08, excluding the exceptions, modifications, and
19 additions listed in LDC section 5.05.08 E.7.b. through h. In addition, rooftop
20 mechanical equipment shall be fully screened by parapets or other methods of
21 screening and such parapets or other screening material shall not exceed 10 feet
22 in height.

23
24 10. Enhanced perimeter buffer. Except for US 41 frontage, the perimeter of property
25 shall be enhanced with a minimum 25-foot-wide landscape buffer containing a two
26 to three foot undulating landscaped berm, without a wall, consisting of a minimum
27 of five canopy trees (palm trees may not be substituted for canopy trees) per 100
28 linear feet, and a double staggered hedge row maintained to form a 36-inch high
29 continuous visual screen within one year of planting.

30
31 H. Criteria for bonus maximum height and/or bonus maximum density. Bonus density and/or
32 bonus height may be granted per LDC section 4.02.43 B. for development in the US 41
33 EZO-RC and US 41 EZO-CC Subdistricts based on the following criteria:

34
35 1. Enhanced development criteria. Bonus density and/or bonus height may be
36 allocated for the provision of one or more of the following enhancements in
37 accordance with the specified percentages up to the maximum bonus height
38 and/or bonus density listed in LDC section 4.02.43 C.1.a. For example, a site that
39 is located in the US 41 EZO-CC with no eligible base density seeking to develop
40 a qualifying vertical mixed use project with a nature trail may develop at a density
41 of 9.6 du/ac calculated as follows: 30% + 30% = 60% of 16 du/ac or 9.6 du/ac and
42 additional height of 12 feet, calculated as follows: 30% + 30% = 60% of 20ft or 12
43 feet.

44
45 a. Vertical mixed use. (30 percent of eligible bonus density and/or bonus
46 height) The development integrates multifamily dwellings with service
47 industries, retail and shopping, restaurants (without drive through facilities),
48 grocery stores, hotels or resorts, or entertainment, within the same building.
49 No single use may occupy more than 70 percent of gross floor area.
50

- 1 b. Nature trails outside of required preserve areas. (30 percent of eligible
- 2 bonus density and/or bonus height) A nature trail that is pervious or
- 3 impervious pathways and boardwalks that are accessible to the public, in
- 4 accordance with LDC section 3.05.07 H.1.h.
- 5
- 6 c. Green building. (30 percent of eligible bonus density and/or bonus height)
- 7 The principal building meets requirements necessary to receive
- 8 certification from the U.S. Green Building Council at any LEED® level, or
- 9 an equivalent level of development performance under an alternative rating
- 10 system such as the National Green Building Standard™/NGBS Green or
- 11 the International Code Council's International Green Construction Code.
- 12
- 13 d. Low Impact Development (LID). (30 percent of eligible bonus density
- 14 and/or bonus height) LID strategies utilize various land planning, design
- 15 and construction practices that incorporate innovative green stormwater
- 16 infrastructure that reduces and treats stormwater by retaining rainfall on-
- 17 site. Acceptable LID methods include rain gardens, vegetated swales,
- 18 buffers and strips, curb cutaways for median storage, bioswales,
- 19 bioretention cells, rain barrels, permeable pavement or pavers/porous
- 20 asphalt/pervious concrete, and other infrastructure that includes in-ground
- 21 infiltration and storage of stormwater.
- 22
- 23 e. Canopy trees. (30 percent of eligible bonus density and/or bonus height)
- 24 All required trees provided on site are canopy trees and do not include palm
- 25 trees of any species or type.
- 26
- 27 f. Housing choices. (20 percent of eligible bonus density and/or bonus height)
- 28 The development includes a mix of at least two distinctly different housing
- 29 types as permitted in LDC section 2.03.07 R.4. No more than 80 percent
- 30 of dwelling units may be comprised of a single housing type.
- 31
- 32 g. Green roof. (20 percent of eligible bonus density and/or bonus height) The
- 33 development provides a green/vegetated roof on the primary structure, or
- 34 on at least 50 percent of the primary buildings in a multi-building complex;
- 35 green/vegetated roofs shall include vegetation on at least 50 percent of the
- 36 roof area and shall be constructed in accordance with the Building Code
- 37 and ASTM green building standards.
- 38
- 39 h. Publicly accessible environmental education signage. (20 percent of
- 40 eligible bonus density and/or bonus height).
- 41
- 42 i. Additional native preservation. (20 percent of eligible bonus density and/or
- 43 bonus height) Area of native trees or native habitat preserved is 150
- 44 percent or greater than the minimum requirement of LDC section 3.05.07.
- 45
- 46 j. Adjacent to a water resource. (20 percent of eligible bonus density and/or
- 47 bonus height) The development includes physical improvements and
- 48 easement dedication for public access in proximity to a canal, lake or water
- 49 resource. To be eligible for the bonus density or bonus height ,at least two

1 of the following items must be included in the development and publicly
2 accessible by dedication of a public access easement:

3
4 i A six-foot-wide walkway with canopy trees an average of 50 feet on
5 center with shaded benches a minimum of six feet in length located
6 on average every 150 feet;

7
8 ii A public access pier with covered structure and seating; or

9
10 iii An intermittent shaded plaza/courtyard, a minimum of 200 square
11 feet in area with benches and/or picnic tables adjacent to the water
12 resource.

13
14 k. Provides access from the site to any adjacent public recreational lands. (20
15 percent of eligible bonus density and/or bonus height).

16
17 l. Gathering place. (10 percent of eligible bonus density and/or bonus height)
18 Open space within the site shall include a gathering place, which shall be
19 a minimum of 10 percent of the project site. Gathering places are central
20 outdoor spaces which are designed with amenities and features that allow
21 the general public to congregate. Examples include outdoor spaces such
22 as plazas, parks, farmers' markets, and amenities adjoining sidewalks and
23 trails such as benches, exercise stations, and gazebos. The gathering
24 place shall be visible and easily accessible from a public road and shall be
25 clearly located and designed so that it can be used by both occupants and
26 the public.

27
28 m. Arts, culture and creativity. (10 percent of eligible bonus density and/or
29 bonus height) The development shall include public art displayed in a
30 prominent location, such as a plaza or civic space, subject to Public Art
31 Committee review and BCC approval.

32
33 I. Deviation requests for projects in the US 41 EZO.

34
35 1. Purpose and Intent. Property owners in the US 41 EZO may request deviations
36 from certain standards, as established in LDC section 4.02.43 I.2., to allow for
37 flexibility in building and site design, and to support and initiate incentives for new
38 development on vacant property or redevelopment on existing sites.

39
40 2. Applicability.

41
42 a. The Administrative Code shall establish the process and submittal
43 requirements for deviation requests in the US 41 EZO. Deviations in the
44 US 41 EZO may be requested for new development or redevelopment
45 projects in connection with any of the following types of applications:

46
47 i. SDP, SDPA, or SIP as established in LDC section 10.02.03;

48
49 ii. Building permit for signs as established in LDC section 5.06.11; or
50

- 1 iii. PPL for townhouses developed on fee simple lots under individual
- 2 ownership, as established in LDC section 10.02.04.
- 3
- 4 b. Unless otherwise specified, property owners shall be eligible to seek a
- 5 deviation from the following code provisions:
- 6
- 7 i. LDC section 4.02.43 C.1.a., Table 1. Dimensional Requirements in
- 8 the US 41 EZO, excluding building height.
- 9
- 10 ii. Loading space requirements: LDC section 4.05.06 B.
- 11
- 12 iii. Landscaping in vehicular use areas: LDC section 4.06.03 B.
- 13
- 14 iv. Landscaping requirements for industrial and commercial
- 15 development: LDC section 4.06.05 B.1.
- 16
- 17 v. Building foundation plantings: LDC section 4.06.05 C., including
- 18 Table inset.
- 19
- 20 vi. Development standards for signs in nonresidential districts: LDC
- 21 section 5.06.04.
- 22
- 23 3. Conflict with other relief processes.
- 24
- 25 a. This section is not intended to replace the current established process of
- 26 requesting deviations associated with the following:
- 27
- 28 i. Master plan elements of the respective PUD pursuant to LDC
- 29 section 10.02.13. However, the deviation process of LDC section
- 30 4.02.43 I. is available to PUD-zoned lands within the US 41 EZO
- 31 provided that such request is based on a specific dimensional or
- 32 design requirement described in LDC section 4.02.43 I.2, and
- 33 provided the request further promotes compliance with the purpose
- 34 and intent of the US 41 EZO.
- 35
- 36 ii. Site plan with Deviations for Redevelopment projects pursuant to
- 37 LDC section 10.02.03 F., unless such request is based on a
- 38 dimension, site feature, or architectural standard listed under LDC
- 39 section 4.02.43 I.2.
- 40
- 41 iii. Deviations and alternate compliance pursuant to LDC section
- 42 5.05.08 G.
- 43
- 44 iv. Post take plan application pursuant to LDC section 9.03.07 D.
- 45
- 46 b. Deviations from the LDC which are not expressly provided for in this section
- 47 shall be processed as variances in accordance with LDC section 9.04.00.
- 48
- 49 4. Evaluation criteria. When evaluating a deviation, the following criteria shall be
- 50 considered:

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- 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.

#

10.03.06 - Public Notice and Required Hearings for Land Use Petitions

* * * * *

- 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.13, and the US 41 EZO, pursuant to LDC section 4.02.43 I.
- 1. The following advertised public hearings are required:
 - a. One Planning Commission or Hearing Examiner hearing. For deviations in the US 41 EZO, Planning Commission hearing is required.
 - b. If heard by the Planning Commission, one BZA hearing.
 - 2. The following notice procedures are required:
 - a. Newspaper Advertisement prior to the advertised public hearing in accordance with F.S. § 125.66.b.Mailed Notice prior to the advertised public hearing.
 - b. Mailed Notice prior to the advertised public hearing.
 - c. For deviations in the US 41 EZO, a NIM. See LDC section 10.03.05 A.

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~~Text strikethrough is current text to be deleted~~

1 d. For deviations in the US 41 EZO, the posting of a sign prior to the first
2 advertised public hearing.
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Exhibit A – US 41 East Zoning Overlay Map 1

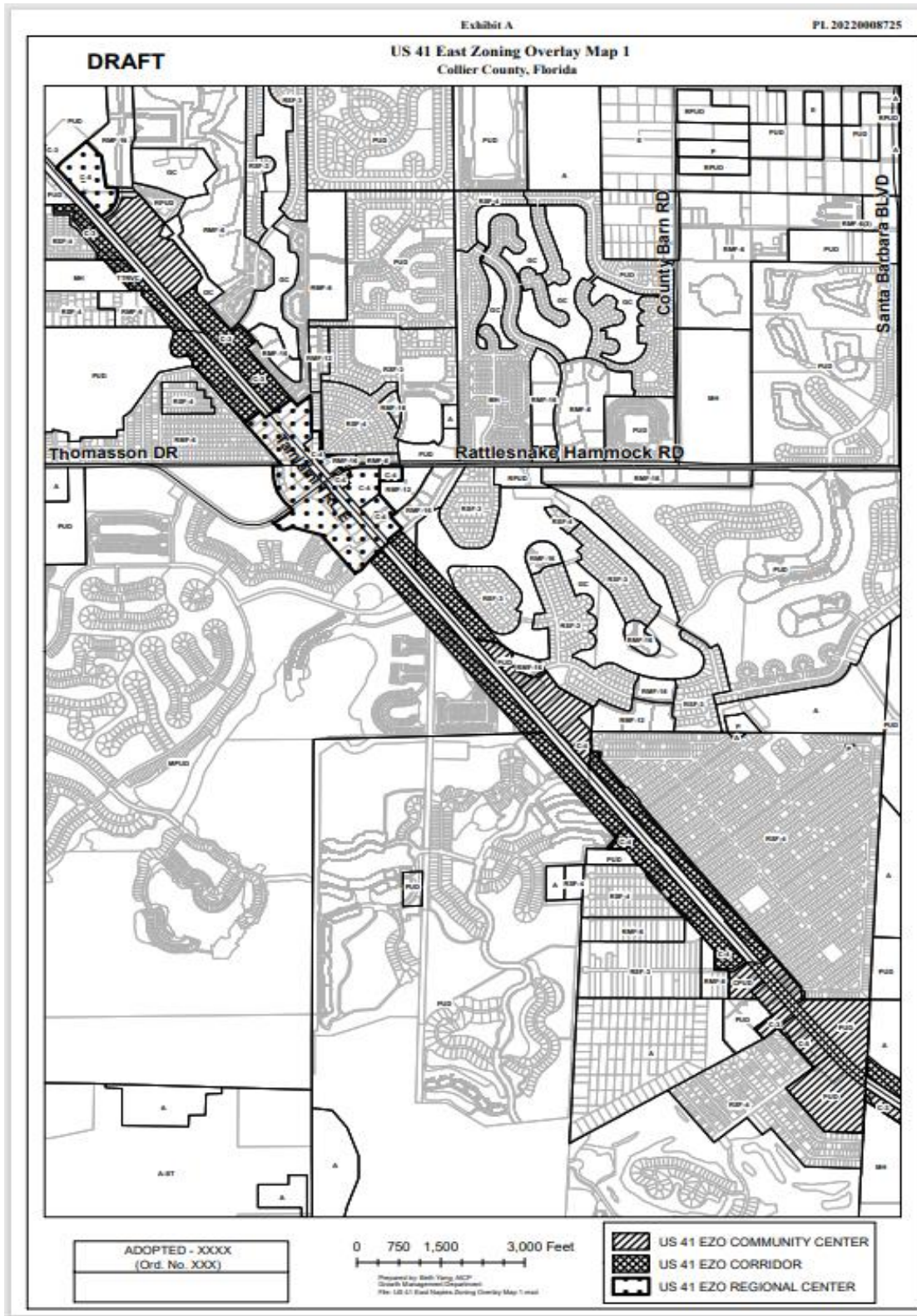


Exhibit B – US 41 East Zoning Overlay Map 2

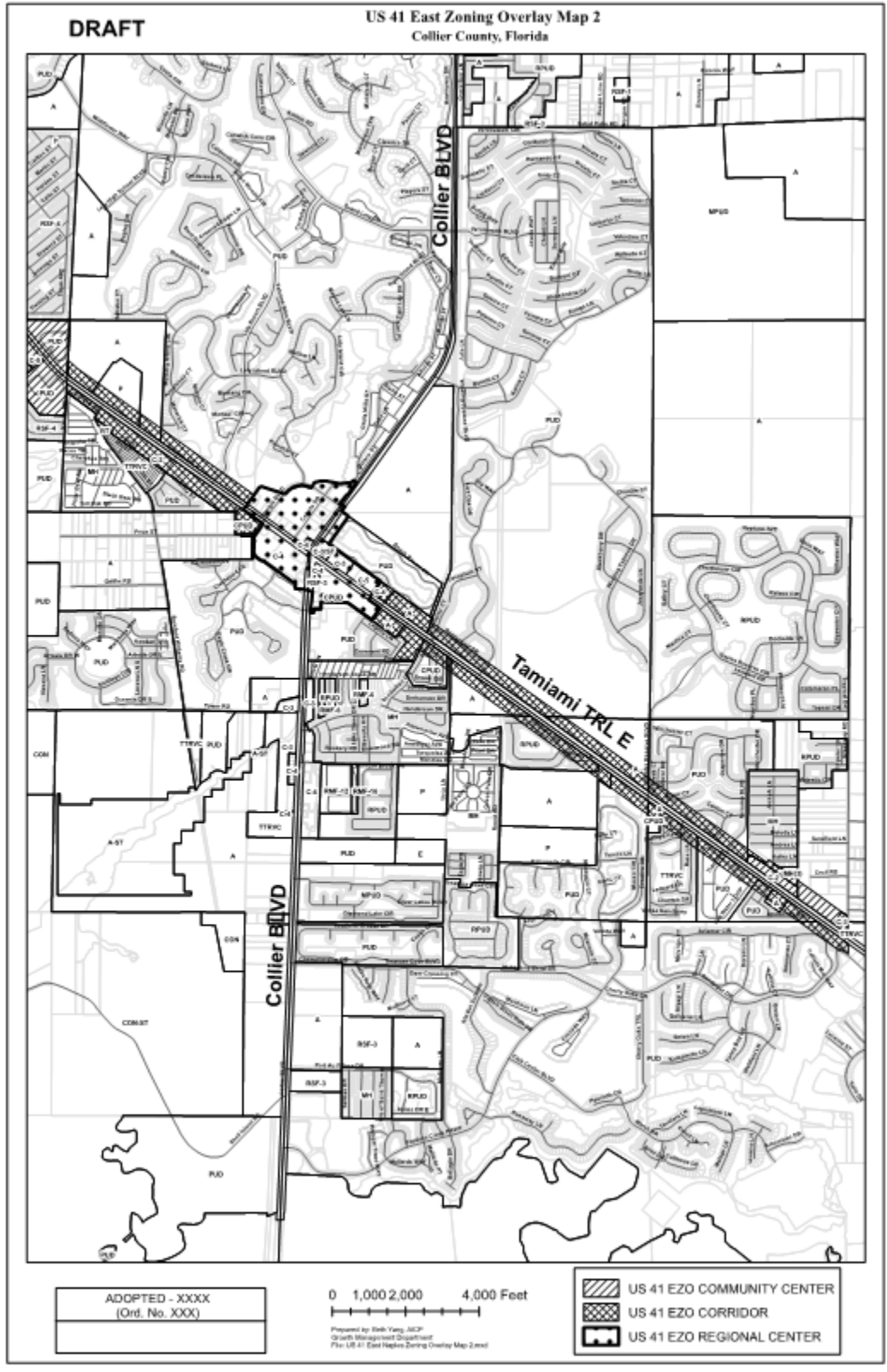


Exhibit C – US 41 East Zoning Overlay Map 3

