



ORDINANCE NO. 06-08

FILED  
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CLERK OF COUNTY COMMISSIONERS  
COLLIER COUNTY FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND DEVELOPMENT REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER 1 - GENERAL PROVISIONS, INCLUDING: SECTION 1.08.01 ABBREVIATIONS, SECTION 1.08.02 DEFINITIONS; CHAPTER 2 - ZONING DISTRICTS AND USES, INCLUDING, SECTION 2.03.07 OVERLAY ZONING DISTRICTS, INCLUDING THE ADDITION OF THE GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT, AND THE GOLDEN GATE DOWNTOWN CENTER COMMERCIAL OVERLAY DISTRICT (GGCCOD), SECTION 2.04.03 TABLE OF LAND USES IN EACH ZONING DISTRICT, SECTION 2.05.01 DENSITY STANDARDS AND HOUSING TYPES; CHAPTER 4 - SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING: CHAPTER 4 TABLE OF CONTENTS, SECTION 4.02.16 SAME-DEVELOPMENT IN THE BMUD-NEIGHBORHOOD COMMERCIAL SUBDISTRICT, SECTION 4.02.17 SAME-DEVELOPMENT IN THE BMUD-WATERFRONT SUBDISTRICT, SECTION 4.02.18 SAME-DEVELOPMENT IN THE BMUD - RESIDENTIAL SUBDISTRICT (R1), SECTION 4.02.19 SAME-DEVELOPMENT IN THE BMUD - RESIDENTIAL SUBDISTRICT (R2), SECTION 4.02.20 SAME-DEVELOPMENT IN THE BMUD - RESIDENTIAL SUBDISTRICT (R3), ADDITION OF SECTION 4.02.21 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD - RESIDENTIAL NEIGHBORHOOD COMMERCIAL SUBDISTRICT (R4), DELETION OF SECTION 4.02.21 SAME-DEVELOPMENT IN THE BMUD - RESIDENTIAL NEIGHBORHOOD COMMERCIAL SUBDISTRICT (RNC), THE ADDITION OF SECTION 4.02.35 DESIGN STANDARDS FOR DEVELOPMENT IN THE GTMUD - MIXED USE SUBDISTRICT (MXD), THE ADDITION OF SECTION 4.02.36 DESIGN STANDARDS FOR DEVELOPMENT IN THE GTMUD - RESIDENTIAL SUBDISTRICT (R), THE ADDITION OF SECTION 4.02.37 DESIGN STANDARDS FOR DEVELOPMENT IN THE GOLDEN GATE DOWNTOWN CENTER COMMERCIAL OVERLAY DISTRICT (GGCCOD); CHAPTER 10 - APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING: SECTION 10.03.05 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS BEFORE THE BCC, THE PLANNING COMMISSION, THE BOARD OF ZONING APPEALS, THE EAC AND THE HISTORIC PRESERVATION BOARD; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

**Recitals**

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

WHEREAS, the Collier County Board of County Commissioners (Board) on June

Words struck through are deleted. words underlined are added

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

WHEREAS, the LDC may not be amended more than two times in each calendar year unless additional amendment cycles are approved by the Collier County Board of Commissioners pursuant to Section 10.02.09 A. of the LDC; and

WHEREAS, this is the second amendment cycle to the LDC for the calendar year 2005; and

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

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

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold advertised public hearings on January 11, 2006, February 8 and February 28, 2006, and did take action concerning these amendments to the LDC; and

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

WHEREAS, this ordinance is adopted in compliance with and pursuant to the local government comprehensive planning and land development regulation act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

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

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

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

#### **SECTION ONE: RECITALS**

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

#### **SECTION TWO: FINDINGS OF FACT**

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

1. Collier County, pursuant to Sec. 163.3161, *et seq.*, Fla. Stat., the Florida Local Government Comprehensive Planning and Land Development Regulations Act (herein after the "Act"), is required to prepare and adopt a comprehensive plan.

2. After adoption of the Comprehensive Plan, the Act and in particular Sec. 163.3202(1). Fla. Stat., mandates that Collier County adopt land development

regulations that are consistent with and implement the adopted comprehensive plan.

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

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

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

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its comprehensive plan pursuant to the requirements of Sec. 163.3161 *et seq.*, Fla. Stat., and Rule 9J-5 F.A.C.

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

8. Pursuant to Sec. 163.3194(3)(a), Fla. Stat., a development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

9. Section 163.3194(3)(b), Fla. Stat., requires that a development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991 and may be

amended twice annually. The Land Development Code adopted in Ordinance 91-102 was recodified and superseded by Ordinance 04-41.

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

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

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

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

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

##### **1.08.01 Abbreviations**

APZ: Accessory Parking Zone  
BMUD: Bayshore Mixed Use District  
GTMUD: Gateway Triangle Mixed Use District  
MUP: Mixed Use Project  
NFIP: National Flood Insurance Program

#### **SUBSECTION 3.B. AMENDMENTS TO SECTION 1.08.02 DEFINITIONS**

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

##### **1.08.02 Definitions**

\* \* \* \* \*  
Accessory parking zone (APZ) – Residentially zoned lots having a common lot line with, and under same ownership or legal control (lease, easement, etc.) as Subdistrict NC and used for parking only.

\* \* \* \* \*

Accessory unit - An accessory unit is a separate structure related to the primary residence for uses which include, but are not limited to: library studio, workshop, playroom, or questhouse.

\* \* \* \* \*

Awning -Temporary canvas or other material covering extending from and attached to the facade of a building, without ground supports.

\* \* \* \* \*

Front yard build-to-line - The line to which a building facade must be built, not a minimum distance.

\* \* \* \* \*

*Housing, affordable-workforce:* means residential dwelling units with a monthly rent or monthly mortgage payment, including property taxes and insurance, not in excess of 1/12 of 30 percent of an amount which represents a range of median adjusted gross annual income (median income) for households as published annually by the U.S. Department of Housing and Urban Development within the Naples Metropolitan Statistical Area (MSA) (See section 2.05.02), specifically including the following subsets:

- Rental workforce housing less than 50 percent of median income otherwise considered to be "very-low income".
- Rental workforce housing: ~~less than~~ from 51 percent--60 percent of median income, otherwise considered to be "low income".
- Owner occupied workforce housing: 50 percent or less of median income, otherwise considered to be "very-low income".
- Owner occupied workforce housing: 51 percent--60 percent of median income, otherwise considered to be "low income".
- Owner occupied workforce housing: 61 percent--80 percent of median income, otherwise considered to be "low income".
- Owner occupied gap housing: 81 percent--150 percent of median income.

The term affordable housing is specifically intended to include affordable-workforce housing.

Housing, Gap: means residential dwelling units with a monthly rent or monthly mortgage payment, including property taxes and insurance, not in excess of 1/12 of 30 percent of an amount which represents a range of median adjusted gross annual income (median income) for households as published annually by the U.S. Department of Housing and Urban **Development** within the Naples Metropolitan Statistical Area (MSA) (See section 2.05.02), specifically including the following subset:

The term "gap housing: 81 percent--150 percent of median income" is specifically intended to include similar categories, such as "Essential Personnel Housing", "Professional Housing", and "Reasonably Priced Housing". Gap housing is intended to provide housing for households falling above the federal and state assistance guidelines, but still unable to afford market priced homes.

\* \* \* \* \*

Mixed Use Project Approval Process – A process by which a land owner may petition the BCC for approval of a mixed use project – a mix of commercial and

residential uses, as provided for in certain zoning overlay districts. If located within certain subdistricts in the Bayshore Drive Mixed Use Overlay District or the Gateway Triangle Mixed Use Overlay District, such a petition may include a request for increased density by use of bonus density pool units.

\* \* \* \* \*

Streetscape Zone The streetscape zone is the space between the front yard build-to-line and the property line.

\* \* \* \* \*

Streetwall - A freestanding wall parallel with the facade of an adjacent building for the purpose of screening parking from the **street**.

\* \* \* \* \*

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

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

#### 2.03.07 Overlay Zoning Districts

##### I. Bayshore Drive Mixed Use Overlay District.

Special conditions for the properties **adjacent** to Bayshore Drive as referenced on BMUD Map 1; and further identified by the designation "BMUD" on the applicable official Collier County Zoning Atlas Map or map series.

~~1. The purpose and intent of this district is to encourage revitalization along the Bayshore Drive corridor by providing opportunities for small-scale mixed-use development. This district is intended to: revitalize the commercial and residential development along this corridor; enhance the waterfront; encourage on-street parking and shared parking facilities and provide appropriate landscaping and buffering between the various types of uses; and protect and enhance the nearby single-family residential units. The types of uses permitted are low-intensity retail, office, personal service and residential uses.~~

#### 1. Purpose and Intent.

a. Bayshore Drive Mixed Use Overlay District is to encourage revitalization of Bayshore Drive and its environs which is part of the Bayshore / Gateway Triangle Redevelopment Overlay with Traditional Neighborhood Design (TND) projects. TNDs are typically human-scale, pedestrian-oriented, interconnected projects with a mix of commercial uses including retail, office and civic amenities and residential uses that complement each other. Residential uses are often located above commercial uses, but can be separate areas of residential use only with close proximity to commercial uses. An interconnected **street** system is the basis for the transportation network. **Buildings**, both commercial and residential, are typically located near the **street**, and may have front porches and/or balconies.

#### 2. Applicability

a. These regulations shall apply to the Bayshore Drive Mixed Use Overlay District as identified on BMUD Map 1 and further identified by the designation "BMUD" on the applicable official Collier County

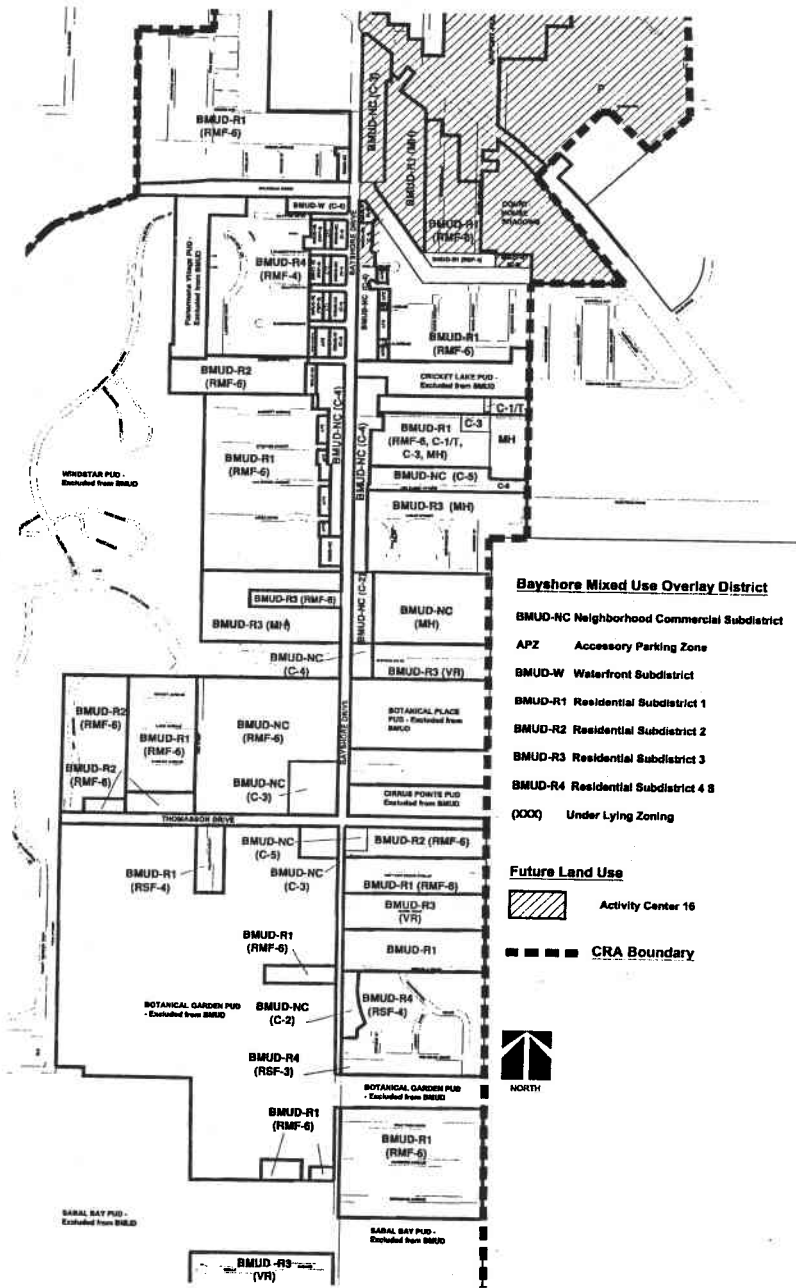
Zoning Atlas Maps. Except as provided in this section of the LDC, all other uses, dimensional and development requirements shall be as required in the applicable underlying zoning category.

b. Existing Planned Unit Developments (PUDs) are not included in the Bayshore Overlay District requirements; however, PUDs approved after \_\_\_\_\_ [the effective date of this ordinance] are included in the Bayshore Overlay District and must comply with the requirements stated herein.

~~3. Garages and driveways:~~

- ~~a. The rear setback may be reduced to ten feet if a front-access garage is constructed on the rear of the residence.~~
- ~~b. The maximum width of garage doors is 16 feet.~~
- ~~c. Only one driveway is allowed per 50 linear feet of front property line. The maximum width of the driveway at the right-of-way line is 18 feet.~~
- ~~d. Other than the permitted driveway, the front yard may not be paved or otherwise used to accommodate parking.~~
- ~~e. Garages must be recessed a minimum of three feet behind the front facade of the primary residence.~~
- ~~f. No carports are permitted.~~
- ~~g. The distance from the back of the sidewalk to the garage door must be at least 23 feet to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.~~

BMUD Map No. 1



**Bayshore Mixed Use Overlay District**

- BMUD-NC Neighborhood Commercial Subdistrict
- APZ Accessory Parking Zone
- BMUD-W Waterfront Subdistrict
- BMUD-R1 Residential Subdistrict 1
- BMUD-R2 Residential Subdistrict 2
- BMUD-R3 Residential Subdistrict 3
- BMUD-R4 Residential Subdistrict 4 & 8
- (XXX) Under Lying Zoning

**Future Land Use**

Activity Center 16

CRA Boundary





- c. Property owners may follow existing Collier County Land Development Code regulations of the underlying zoning classification, or may elect to develop/redevelop under the mixed use provisions of the BMUD Neighborhood Commercial (NC) or Waterfront (W) Subdistricts of this overlay, through a mixed use project approval from the BCC. However, in either instance, BMUD site development standards are applicable, as provided for in section 2.03.07 I.5.h. of this Code.

### **3. Mixed Use Project Approval Process.**

- a. Owners of property in the Neighborhood Commercial (BMUD-NC) and Waterfront (BMUD-W) Subdistricts may petition the Board of County Commissioners for mixed use project approval. The application for MUP approval shall acknowledge that the owner shall not seek or request, and the County shall not thereafter grant or approve, any additional uses beyond those allowed in the C-1 through C-3 zoning districts. The application shall be accompanied by a conceptual site plan demonstrating compliance with the criteria in section 10.03.05.G.
- b. There shall be a public hearing before the BCC legally noticed and advertised pursuant to section 10.03.05.G. If approved by the BCC, such approval shall be by resolution.
- c. Once a Mixed Use Project has been approved by the BCC, the applicant shall submit a site development plan (SDP), based on the conceptual site plan approved by the BCC and meeting the requirements of section 10.02.03 B.1. of this Code, to the Community Development and Environmental Services Division within six months of the date of approval. This SDP must be determined as sufficient and accepted for review by the Division within 30 days of submittal. After the SDP has been approved, the approved project shall be identified on the Collier County official zoning atlas map, using the map notation MUP. If a MUP approval expires, as set forth below, the map notation shall be removed from the official zoning atlas map. The burden is on the applicant to submit an SDP application in a timely manner, to be responsive to the County's SDP review comments, and to commence construction in a timely manner after SDP approval has been granted.
- d. MUP approval shall expire and any residential density bonus units shall be null and void if any of the following occur:
- i. The SDP is not submitted within six months of MUP approval by the BCC.
  - ii. The SDP is not deemed sufficient for review within 30 days of submittal.
  - iii. The SDP under review is deemed withdrawn and cancelled, pursuant to section 10.02.03.B.4.a.
  - iv. The SDP is considered no longer valid, pursuant to section 10.02.03.B.4.b. and c.
- e. Once a property owner, through a MUP approval, elects to develop or redevelop a mixed use project under Neighborhood Commercial (NC) or Waterfront (W) Subdistricts, then the property shall be developed in compliance with all provisions of the overlay and cannot revert back to the underlying zoning district.

#### 4. Bonus Density Pool Allocation

Under the Collier County Future Land Use Element, 388 bonus density units are available for reallocation within the Bayshore/Gateway Triangle Redevelopment Overlay. The County Manager or designee will track the Bonus Density Pool balance as the units are used. These 388 bonus density units may be allocated between this BMUD overlay and the Gateway Triangle Mixed Use Overlay District, and shall only be allocated through the MUP approval process.

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

- a. The project shall be within either the Neighborhood Commercial or Waterfront Subdistricts, and shall be a mixed use project – mix of commercial and residential uses, as set forth in 1.a., above.
- b. Base density shall be as per the underlying zoning district. The maximum density of 12 units per acre shall be calculated based upon total project acreage. The bonus density allocation is calculated by deducting the base density of the underlying zoning classification from up to the 12 unit maximum being sought. The difference in units per acre determines the bonus density allocation requested for the project.
- c. For proposed projects, only the Affordable Housing Density Bonus, as provided in the Density Rating System, is allowed in addition to the eligible bonus density units provided herein as the entire BMUD is within the Coastal High Hazard Area (CHHA).
- d. The project shall comply with the standards for mixed use development set forth in the Bayshore Mixed Use Overlay District.
- e. For projects that do not comply with the requirements for this density increase, their density is limited to that allowed by the Density Rating System and applicable FLUE Policies.

#### 5. Bayshore Mixed Use District (BMUD) Subdistricts

- a. Neighborhood Commercial Subdistrict (NC). The purpose and intent of this subdistrict is to encourage a mix of low intensity commercial uses and residential uses. Developments will be human-scale and pedestrian-oriented. For mixed use projects only, subject to the MUP approval process in Sec. 2.03.07.1.3., refer to Tables 1 and 2 for permitted uses. Otherwise, permitted uses are in accordance with the underlying zoning district.
- b. Waterfront Subdistrict (W). The purpose of this subdistrict is to allow maximum use of the waterfront for entertainment while enhancing the area for use by the general public. Development standards for the district are the same as those set forth for the Neighborhood Commercial Subdistrict, except for the standards set forth in section 4.02.17 For mixed use projects only, subject to the MUP approval process in Sec. 2.03.07.1.3., refer to Tables 1 and 2 for permitted uses. Otherwise, permitted uses are in accordance with the underlying zoning district.
- c. Residential Subdistrict 1 (R1). The purpose of this subdistrict is to encourage the development of a variety of housing types which are compatible with existing neighborhoods and allow for building

~~additions such as front porches. The intent in new development is to encourage a traditional neighborhood design pattern. Refer to Tables 1 and 2 for permitted uses in this subdistrict. Multifamily residences as a transitional use between commercial and single-family development. The multifamily buildings shall be compatible with the building patterns and facade articulation of traditional neighborhood design. The intent is to create a row of residential units with uniform front yard setbacks and access to the street.~~

d. **Residential Subdistrict 2 (R2).** The purpose of this subdistrict is to encourage the development of multi-family residences as transitional uses between commercial and single-family development. The multi-family buildings shall be compatible with the building patterns and ~~facade articulation~~ of traditional neighborhood design. Refer to Tables 1 and 2 for permitted uses in this subdistrict.

e. **Residential Subdistrict 3 (R3).** The purpose of this subdistrict is to allow the development of ~~mobile home, modular home,~~ townhouses and single-family residences. All new development in this Subdistrict shall be compatible with the building patterns and ~~facade articulation~~ of traditional neighborhood design. Refer to Tables 1 and 2 for permitted uses in this subdistrict. ~~The intent is to create a row of residential units with consistent front yard setbacks and access to the street.~~

- a. ~~Minimum LOT width:~~  
 Single-family: 40 feet.  
 Modular homes: 40 feet.  
**Townhouses: 25 feet.**  
**Mobile homes: 40 feet.**

b. ~~Yard requirements. The following yard requirements are in relation to the platted property boundaries.~~

	Front Yard At	Min. Side Yard	Min. Rear Yard
One (Single) Family Dwelling Units	10 feet	5 feet	8 feet
Modular Dwelling Units	10 feet	5 feet	8 feet
Townhouse	10 feet	0 feet when <b>ABUTTING</b> another townhouse, if not then 5 feet	8 feet
Mobile Homes	10 feet	5 feet	8 feet

f. **Residential Subdistrict 4 (R4).** The purpose of this subdistrict is the same as Residential Subdistrict R1 except only single-family detached **dwelling units** are permitted. Refer to Tables 1 and 2 for permitted uses in this subdistrict.

~~g. Residential Neighborhood Commercial Subdistrict (RNC) The purpose and intent of this subdistrict is to allow limited home occupational businesses.~~

g. **Mixed Use Activity Center Subdistrict** Portions of the Bayshore Overlay District coincide with *Mixed Use Activity Center #16* designated in the Future Land Use Element (FLUE) of the Collier County Growth Management Plan. **Development** in the activity center is governed by requirements of the underlying zoning district

and the mixed use activity center subdistrict requirements in the FLUE, except for site **development** standards as stated in section 4.02.16 of this Code.

- h. All subdistricts. **Development** within all subdistricts of the BMUD shall be subject to the site **development** standards as stated in sections 4.02.16 through 4.02.21 as applicable. The subdistrict site **development** standards shall also apply to property developed in conformance with the underlying zoning classification.

**Table 1. Permissible Land Uses in BMUD Mixed Use Subdistricts**

<b>P = permitted</b> <b>E = permitted with certain exceptions</b> <b>Blank cell = prohibited (also see table of conditional and accessory uses)</b>  <b>Land Use Type or Category</b>	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict (R-2)	BMUD Residential Subdistrict (R-3)	BMUD Residential Subdistrict (R-4)
Accounting Services	8721	P	P				
Administrative Service Facilities							
Adult Day Care Facilities & Centers	8322						
Agricultural Activities							
Agricultural Outdoor Sales							
Agricultural Services	0741, 0742, 0752-0783						
Agricultural Services	0711, 0721, 0722-0724, 0762, 0782, 0783						
Agricultural Services	0723						
Aircraft and Parts	3721-3728						
Airport - General Aviation							
Amusement & Recreation Services	7911, 7991						
Amusement & Recreation Services	7999 tourist guides only						
Ancillary Plants							
Apparel & Other Finished Products	2311-2399						
Apparel & Accessory Stores	5611-5699	P	P				
Appraisers							
Artist Studios: Painting, drawing, graphics, fine wood working, mixed media, fiber art (weaving), glass, custom jewelry, clay (ceramics/pottery), sculpture, photography, dance, drama, and music	7922	P	P				
Architectural, Engineering, Surveying Services	0781, 8711-8713	P	P				
Assisted Living Facilities							

Land Use Type or Category	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict (R-2)	BMUD Residential Subdistrict (R-3)	BMUD Residential Subdistrict (R-4)
Attorney Offices & Legal Services	8111	P	P				
Auctioneering Service, Auction Rooms and Houses	7389, 5999						
Auto and Home Supply Store	5531						
Automobile Parking	7521						
Automotive Repair, Services, and Parking	7514, 7515, 7521, 7542						
Automotive Repair, Services, and Parking	7513-7549						
Automotive Services							
Automotive Dealers and Gasoline Service Stations	5511, 5531, 5541, 5571, 5599						
Barber Shops or Colleges	7241	P	P				
Beauty Shops or Schools	7231	P	P				
Biking Trails							
Bowling Centers	7933						
Building Construction	1521-1542						
Building Materials	5211-5261						
Building Materials, Hardware, Garden Supplies	5231 - 5261						
Business Associations	8621						
Business Repair Service							
Business Services	7311, 7313, 7322-7331, 7338, 7361, 7371, 7372, 7374-7346, 7379						
Business Services	7311-7313, 7322-7338, 7361-7379, 7384						
Business Services	7311, 7313, 7322-7338, 7384	P	P				
Business Services	7311-7313, 7322-7338, 7361-7379, 7384, 7389						
Business Services	7311-7352, 7359, 7361-7397, 7389						
Business Services	7311-7353, 7359						
Business Services	7312, 7313, 7319, 7334-7336, 7342-						

<u>P = permitted</u> <u>E = permitted with certain exceptions</u> <u>Blank cell = prohibited (also see table of conditional and accessory uses)</u>	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict (R-2)	BMUD Residential Subdistrict (R-3)	BMUD Residential Subdistrict (R-4)
Land Use Type or Category	7389						
Business Services	7311						
Business Services	<u>7312, 7313,</u> <u>7319, 7331,</u> <u>7334-7336,</u> <u>7342, 7349,</u> <u>7352, 7361,</u> <u>7363, 7371-</u> <u>7384, 7389</u>						
Business Services	<u>7311, 7313,</u> <u>7322-7331,</u> <u>7335-7338,</u> <u>7361, 7371,</u> <u>7374-7376,</u> <u>7379</u>						
Business/Office Machines							
Canoe Rental			P				
Canoeing Trails							
Care Units							
Carwashes	7542						
Category II Group Care Facilities							
Child Care - Not for Profit							
Child Day Care Services	8351						
Churches & Places of Worship							
Civic and Cultural Facilities		P	P				
Collection/Transfer Sites							
Commercial Printing	2752						
Communications	4812-4841						
Communications	4812-4899						
Communication Towers							
Construction							
Construction - Heavy							
Construction - Special Trade Contractors	<u>1711-1799,</u> <u>1796, 1799</u>						
Construction - Special Trade Contractors	1711-1799						
Continuing Care Retirement Communities							
Depository Institutions	6011-6099						
Depository Institutions	<u>6011, 6019,</u> <u>6081, 6082</u>						

<b>P = permitted</b> <b>E = permitted with certain exceptions</b> <u>Blank cell = prohibited (also see table of conditional and accessory uses)</u>  <b>Land Use Type or Category</b>	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict (R-2)	BMUD Residential Subdistrict (R-3)	BMUD Residential Subdistrict (R-4)
Depository Institutions	6021-6062, 6091, 6099, 6111-6163						
Depository Institutions	6021-6062						
Drinking Establishments and Places	5813						
Drug Stores	5912	P	P				
Drugs and Medicine	2833-2836						
Eating Establishments and Places	5812	E <sup>1</sup>	P				
Educational Plants							
Educational Services	8211-8231						
Educational Services	8243-8249						
Educational Services	8221-8299						
Educational Services	8211-8244, 8299						
Electronic Equipment & Other Electrical Equipment	3612-3699						
Engineering, Accounting, Management and Related Services	8711-8748						
Engineering, Accounting, Management and Related Services	8711-8713	P	P				
Equestrian Paths							
Essential Services <sup>2</sup>		P	P	P	P	P	P
Excavation							
Fabricated Metal Products	3411-3479, 3419-3499						
Fairgrounds							
Family Care Facilities							
Fishing Piers							
Fishing/Hunting/Trapping	0912-1919						
Fixture Manufacturing							
Food Manufacturing	2034, 2038, 2053, 2064, 2066, 2068, 2096, 2098, 2099						
Food Products	2011-2099						
Food Stores	5411, 5421-5499	E <sup>3</sup>	P				

<sup>1</sup> Except concessions stands, contract feeding, dinner theaters, drive-in restaurants, food services (institutional), industrial feeding.  
<sup>2</sup> For requirements pertaining to Essential Services, see section 2.01.03 of this code.  
<sup>3</sup> Except convenience stores and supermarkets.

Land Use Type or Category	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict (R-2)	BMUD Residential Subdistrict (R-3)	BMUD Residential Subdistrict (R-4)
<b>P = permitted</b>							
<b>E = permitted with certain exceptions</b>							
<b>Blank cell = prohibited (also see table of conditional and accessory uses)</b>							
Food Stores	5411-5499						
Fraternal Organizations							
Funeral Services and Crematories	7261						
Furniture & Fixtures Manufacturing	2511-2599						
Gasoline Services Stations	5541, 5511-5599						
General Contractors	1521-5261						
General Merchandise Stores	5311-5399	P	P				
Glass and Glazing Work	1793						
Golf Courses							
Government Offices/Buildings	9111-9222, 9224-9229, 9311, 9411-9451, 9511-9532, 9611-9661						
Group Care Facilities							
Gunsmith Shop	7699						
Hardware Stores	5251						
Health Food Stores							
Health Services	8011-8049						
Health Services	8011-8049, 8082	P	P				
Health Services	8051-8059, 8062-8069, 8071, 8072, 8092-8099						
Heavy Construction	1611-1629						
Hiking Trails							
Home Furniture, Furnishings, Equipment Store	5712, 5719, 5731-5736	P	P				
Home Furniture, Furnishings, Equipment Store	5712-5736						
Home Supply Store	5531						
Hotels and Motels	7011, 7021, 7041						
Hotels and Motels	7011	E <sup>4</sup>	E <sup>4</sup>				
Houseboat Rental	7999						
Individual & Family Social Services							

<sup>4</sup> Except hostels



<u>P = permitted</u> <u>E = permitted with certain exceptions</u> <u>Blank cell = prohibited (also see table of conditional and accessory uses)</u>	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict (R-2)	BMUD Residential Subdistrict (R-3)	BMUD Residential Subdistrict (R-4)
Land Use Type or Category							
<u>Industrial Inorganic Chemicals</u>	2812-2819						
<u>Industrial, Commercial, Computer Machinery and Equipment</u>	3511-3599						
<u>Insurance Agencies, Brokers, Carriers</u>	6311-6399, 6411	P	P				
<u>Insurance agents, brokers, and service, including Title Insurance</u>	6361 and 6411						
<u>Investment/Holding Offices</u>	6712-6799						
<u>Job Training &amp; Vocational Services</u>	8331						
<u>Justice, Public Order &amp; Safety</u>	9221, 9222, 9229						
<u>Labor Pool</u>	7363						
<u>Labor Unions</u>	8631						
<u>Lakes Operations</u>	7999						
<u>Large Appliance Repair Service</u>	7623						
<u>Legal Services</u>	8111	P	P				
<u>Leather Products</u>	3131-3199						
<u>Libraries</u>	8231						
<u>Local and Suburban Transit</u>	4111-4121						
<u>Local and Suburban Transit</u>	4131-4173						
<u>Lumber and Wood Products</u>	2426, 2431-2499						
<u>Management &amp; Public Relations</u>	8741-8743, 8748	P	P				
<u>Management Services</u>	8711-8748	P	P				
<u>Marinas</u>	4493, 4499	P	P				
<u>Measuring, Analyzing and Controlling Instruments</u>	3812-3873						
<u>Medical and Optical Goods</u>	3812-3873						
<u>Medical Laboratories and Research &amp; Rehabilitation Centers</u>	8071, 8072, 8092, 8093						
<u>Membership Organizations</u>	8611-8699	P	P				
<u>Membership Organizations</u>	8311, 8631						
<u>Membership Organizations</u>	8611						
<u>Membership Organizations</u>	8611, 8621						
<u>Misc. Manufacturing Industries</u>	3911-3999						
<u>Miscellaneous Plastic Products</u>							

Land Use Type or Category	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict (R-2)	BMUD Residential Subdistrict (R-3)	BMUD Residential Subdistrict (R-4)
Miscellaneous Repair Service	<u>7622, 7629<sup>b</sup></u> <u>7631, 7699<sup>b</sup></u>	<u>M<sup>5</sup></u>	<u>M<sup>6</sup></u>				
Miscellaneous Repair Service	<u>7622-7641,</u> <u>7699</u>						
Miscellaneous Repair Service	<u>7622-7699</u>						
Miscellaneous Retail Services	<u>5912, 5942-</u> <u>5961</u>						
Miscellaneous Retail Services	<u>5912-5963</u>						
Miscellaneous Retail Services	<u>5912-5963,</u> <u>5992-5999</u>						
Miscellaneous Retail Services	<u>5912, 5932-</u> <u>5949, 5992-</u> <u>5999</u>	<u>P</u>	<u>P</u>				
Mobile Home Dealers	<u>5271</u>						
Motion Picture Production	<u>7812-7819</u>						
Motion Picture Theaters	<u>7832</u>						
Motor Freight Transportation and Warehousing	<u>4225</u>						
Motor Homes		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Multi-Family Dwellings							
Museums and Art Galleries	<u>8412</u>	<u>P</u>	<u>P</u>				
Nature Preserves							
Nature Trails							
Non-Depository Credit Institutions	<u>6141-6163</u>						
Non-Depository Credit Institutions	<u>6111-6163</u>						
Non-Depository Institutions	<u>6011-6163</u>						
Non-Depository Institutions	<u>6011, 6019,</u> <u>6081, 6082</u>						
Non-Depository Institutions	<u>6021-6062,</u> <u>6091, 6099,</u> <u>6111-6163</u>						
Nursing Homes	<u>8051, 8052,</u> <u>8249</u>						
Office Machine Repair Service	<u>7629-7631</u>						
Oil & Gas Exploration							
Open Space							
Outdoor Storage Yard							
Paint, Glass, Wallpaper Stores	<u>5231</u>						
Paper and Allied Products	<u>2621-2679</u>						

<sup>b</sup> Except Aircraft, business and office machines, large appliances, and white goods such as refrigerators, and washing machines.  
<sup>c</sup> Antique repair and restoration, except furniture and automotive only, bicycle repair shops only and rod and reel repair.

Land Use Type or Category	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict (R-2)	BMUD Residential Subdistrict (R-3)	BMUD Residential Subdistrict (R-4)
<b>P = permitted</b>							
<b>E = permitted with certain exceptions</b>							
<b>Blank cell = prohibited (also see table of conditional and accessory uses)</b>							
<u>Park Model Travel Trailers</u>							
<u>Park Service Facilities</u>							
<u>Parking Facilities</u>		P	P				
<u>Parking Services</u>		P	P				
<u>Parks, Public or Private</u>				P	P		
<u>Parochial Schools – Public or Private</u>	8211						
<u>Party Fishing Boats Rental</u>	7999		P				
<u>Performing Arts Theater<sup>7</sup></u>	7922						
<u>Personal Services</u>	7291	P	P				
<u>Personal Services</u>	7212-7215, 7221-7251, 7291						
<u>Personal Services</u>	7212, 7215, 7221-7251						
<u>Personal Services</u>	7212, 7291	P	P				
<u>Personal Services</u>	7211, 7212, 7215, 7216, 7291, 7299						
<u>Personal Services</u>	7215, 7217, 7219, 7261, 7291-7299						
<u>Personal Services</u>	7211-7219						
<u>Personal Services</u>	7215-7231, 7241						
<u>Personal Services</u>	7221, 7291						
<u>Photographic Goods</u>	3812-3873						
<u>Photographic Studios</u>	7221	P	P				
<u>Physical Fitness Facilities</u>	7991						
<u>Physical Fitness Facilities</u>							
<u>Pickup Coaches</u>							
<u>Plant and Wildlife Conservancies</u>							
<u>Plastic Materials &amp; Synthetics</u>	2821, 2834						
<u>Play Areas and Playgrounds</u>			P	P	P	P	
<u>Pleasure Boat Rental</u>		P					
<u>Printing and Publishing Industries</u>	2711, 2712						
<u>Printing and Publishing Industries</u>	2711-2796						

<sup>7</sup> Performance seating limited to 200 seats

Land Use Type or Category	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict (R-2)	BMUD Residential Subdistrict (R-3)	BMUD Residential Subdistrict (R-4)
		P	P				
Professional Offices	6712-6799, 6411, 6311- 6399, 6531, 6541, 6552, 6553, 8111	P	P				
Professional Organizations	8631						
Public Administration	9111-9199, 9224, 9229, 9311, 9411- 9451, 9511- 9532, 9611- 9661	P	P				
Railroad Transportation	4011, 4013						
Real Estate	6531-6541	P	P				
Real Estate	6521-6541						
Real Estate	6512						
Real Estate	6512-6514, 6519, 6531- 6553						
Real Estate Brokers and Appraisers	6531						
Real Estate Offices	6531, 6541, 6552, 6553						
Recreational Service Facilities							
Recreational Services - Indoor	7911-7941, 7991-7993, 7999						
Recreational Uses							
Recreational Vehicles							
Rehabilitative Centers	8093						
Repair shops and related services, not elsewhere classified	7699	P	P				
Research Centers	8093						
Research Services	8732						
Residential uses		P	P	P	P	P	P
Retail Nurseries, Lawn and Garden	5261						
Rubber and Misc. Plastic Products	3021, 3052, 3053						
Safety Service Facilities							
Schools, public							
Schools - Vocational	8243-8299						
Security Brokers, Dealers, Exchanges, Services	6211-6289	P	P				

<b>P = permitted</b> <b>E = permitted with certain exceptions</b> <b>Blank cell = prohibited (also see table of conditional and accessory uses)</b>	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict (R-2)	BMUD Residential Subdistrict (R-3)	BMUD Residential Subdistrict (R-4)
		Land Use Type or Category					
	7251	P	P				
Shoe Repair Shops or Shoeshine Parlors							
Shooting range, indoor	7999						
Single-Family Dwellings				P	P	P	P
Social Services	8322-8399						
Stone, Clay, Glass and Concrete Products	3221, 3251, 3253, 3255-3273, 3275, 3281						
Storage							
Synthetic Materials	2834						
Testing Services							
Textile Mill Products	2211-2221, 2241-2259, 2273-289, 2297, 2298						
Timeshare Facilities							
Title abstract offices	6541						
Tow-in Parking Lots	7514, 7515, 7521						
Townhouses		P	P	P	P	P	
Transportation by Air	4512-4581						
Transportation Equipment	3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799						
Transportation Services	4724-4783, 4789						
Travel Agencies	4724						
Travel Trailers	5561						
Two-Family Dwelling				P	P		
United States Postal Service	4311	E <sup>8</sup>	E <sup>8</sup>				
Veterinarian's Office	0742	E <sup>9</sup>	E <sup>9</sup>				
Veterinarian's Office	0752	P	P				
Videotape Rental	7841	E <sup>10</sup>	P <sup>10</sup>				

<sup>8</sup> Excludes major distribution center.

<sup>9</sup> Excludes outdoor kenneling

<sup>10</sup> Limited to 1,800 square feet of gross floor area.

<b>P = permitted</b> <b>E = permitted with certain exceptions</b> <b>Blank cell = prohibited (also see table of conditional and accessory uses)</b>	SIC Code	<b>BMUD Neighborhood Commercial Subdistrict (NC)</b>	<b>BMUD Waterfront Subdistrict (W)</b>	<b>BMUD Residential Subdistrict (R-1)</b>	<b>BMUD Residential Subdistrict (R-2)</b>	<b>BMUD Residential Subdistrict (R-3)</b>	<b>BMUD Residential Subdistrict (R-4)</b>
<b>Land Use Type or Category</b>							
Vocational Rehabilitation Services	8331						
Welding Repair	7692						
Wholesale Trade	5148						
Wholesale Trade - Durable Goods	5021, 5031, 5043-5049, 5063-5078, 5091, 5092, 5094-5099						
Wholesale Trade - Nondurable Goods	5111-5159, 5181, 5182, 5191						
Wildlife Conservancies	9512						
Wildlife Management	0971						
Wildlife Refuge/Sanctuary							
Wildlife Sanctuaries							
Watches/Clocks	3812-3873						

**Table 2. Land Uses that May be Allowed in Each Subdistrict as Accessory or Conditional Uses.**

**C = conditional use**  
**A = accessory use**

<b>ACCESSORY AND CONDITIONAL USES</b>	SIC Code	<b>BMUD NC</b>	<b>BMUD W</b>	<b>BMUD R-1</b>	<b>BMUD R-2</b>	<b>BMUD R-3</b>	<b>BMUD R-4</b>
Administrative or service building							
Adult day care	8322						
Agricultural: animal & livestock breeding, exotic aquaculture, aviary, dairy or poultry plant, egg production, exotic animals, ranching, or wholesale reptile breeding							
Agricultural							
Agricultural services	0741, 0742, 0752-0783						
Amusement & recreation services	7911						
Amusement & recreation services	7911-7941, 7991-7993, 7997, 7999						
Amusement & recreation services	7948, 7992, 7996, 7999						
Ancillary plants							
Animal control							

**C = conditional use**

**A = accessory use**

<u>ACCESSORY AND CONDITIONAL USES</u>	<u>SIC Code</u>	<u>BMUD NC</u>	<u>BMUD W</u>	<u>BMUD R-1</u>	<u>BMUD R-2</u>	<u>BMUD R-3</u>	<u>BMUD R-4</u>
Aquariums	8422						
Archery ranges	7999						
Assisted living facilities							
Auctioneering Services, auction rooms and houses	7389, 5999						
Automotive dealers and gasoline service stations	5521, 5551, 5561, 5599						
Automotive rental/leasing	7513, 7519						
Beach chair, bicycle, boat or moped rentals							
Bed & breakfast facilities	7011	C	C				
Boat Rental			A				
Boathouses		A <sup>8</sup>	A	A			
Boat ramps			A				
Boat yards		A <sup>8</sup>	A				
Botanical garden	8422						
Bottle clubs	5813						
Camping cabins							
Care Units							
Caretaker's residence							
Category II group care facilities							
Cemeteries							
Chemical products	2812-2899						
Child day care	8351	C	C				
Churches & places of worship	8661						
Civic & cultural facilities							
Clam nurseries							
Cluster development							
Cocktail lounges	5813						
Collection/transfer sites							
Commercial uses							
Communications	4812-4841						
Communication towers							
Community centers							
Community theaters	7922						
Concrete or asphalt plants							
Continuing care/retirement centers							

<sup>8</sup> Only on waterfront property

**C = conditional use**

**A = accessory use**

<u>ACCESSORY AND CONDITIONAL USES</u>	<u>SIC Code</u>	<u>BMUD NC</u>	<u>BMUD W</u>	<u>BMUD R-1</u>	<u>BMUD R-2</u>	<u>BMUD R-3</u>	<u>BMUD R-4</u>
<u>Convenience stores</u>	5411						
<u>Dancing establishments &amp; staged entertainment</u>							
<u>Depository institutions</u>	6011-6099						
<u>Detention facilities</u>							
<u>Docks</u>		A	A	A			
<u>Drinking establishments</u>	5813						
<u>Driving ranges</u>							
<u>Earth mining</u>							
<u>Eating establishments</u>	5812						
<u>Education services</u>	8211-8222						
<u>Education facilities; public &amp; private schools</u>	8211-8231						
<u>Electric generating plants</u>							
<u>Electric, gas, &amp; sanitary services</u>	4911-4971						
<u>Excavation</u>							
<u>Extraction related processing and production</u>							
<u>Fabricated metal products</u>	3482-3489						
<u>Farm labor housing</u>							
<u>Farm product raw materials</u>	5153-5159						
<u>Field crops</u>							
<u>Fishing/hunting/trapping</u>	0912-1919						
<u>Food products</u>	2011, 2048						
<u>Food service</u>							
<u>Food stores (over 5,000 s.f.)</u>	5411-5499						
<u>Fraternal lodges, private club, or social clubs</u>							
<u>Fuel dealers</u>	5983-5989						
<u>Fuel facilities</u>			C <sup>9</sup>				
<u>Funeral services &amp; crematories</u>	7261						
<u>Garage</u>				A	A	A	A
<u>Gas generating plants</u>							
<u>Gift shops</u>	5947						
<u>Golf club house</u>							
<u>Golf course</u>							
<u>Golf driving range</u>							
<u>Group care units</u>							

<sup>9</sup> For watercraft only. (Not as an auto gas station or fueling center).



C = conditional use

A = accessory use

<u>ACCESSORY AND CONDITIONAL USES</u>	<u>SIC Code</u>	<u>BMUD NC</u>	<u>BMUD W</u>	<u>BMUD R-1</u>	<u>BMUD R-2</u>	<u>BMUD R-3</u>	<u>BMUD R-4</u>
<u>Guesthouses</u>				<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Health services</u>	<u>8011</u>						
<u>Homeless shelters</u>	<u>8322</u>						
<u>Hospitals</u>	<u>8062-8069</u>						
<u>Hotels and motels</u>	<u>7011, 7021, 7041</u>						
<u>Hunting cabins</u>							
<u>Incinerators</u>							
<u>Jails</u>							
<u>Justice, public order &amp; safety</u>	<u>9211-9224</u>						
<u>Kennels &amp; kenneling</u>	<u>0742, 0752</u>						
<u>Kiosks</u>							
<u>Leather tanning &amp; finishing</u>	<u>3111</u>						
<u>Livestock</u>							
<u>Local and suburban transit</u>	<u>4111-4121</u>						
<u>Local and suburban transit</u>	<u>4131-4173</u>						
<u>Lumber and wood products</u>	<u>2411-2421, 2429</u>						
<u>Maintenance areas</u>							
<u>Major maintenance facilities</u>							
<u>Marina</u>	<u>4493, 4499</u>						
<u>Mental health facilities</u>							
<u>Merchandise – outdoor sales</u>							
<u>Miniature golf course</u>	<u>7999</u>						
<u>Mixed residential and commercial</u>							
<u>Model homes and model sales centers</u>							
<u>Motion picture theaters</u>	<u>7832</u>						
<u>Motion picture theaters</u>	<u>7833</u>						
<u>Motor freight transportation and warehousing</u>	<u>4212, 4213- 4225, 4226</u>						
<u>Motor freight transportation and warehousing</u>	<u>4225, 4226</u>						
<u>Noncommercial boat launching ramps</u>							
<u>Nursery – retail</u>	<u>5261</u>						
<u>Nursing and personal care facilities</u>	<u>8062</u>						
<u>Nursing homes</u>							
<u>Oil and gas extraction</u>	<u>1321, 1382</u>						
<u>Oil &amp; gas field development and production</u>							
<u>Outdoor display</u>							

**C = conditional use**

**A = accessory use**

<u>ACCESSORY AND CONDITIONAL USES</u>	<u>SIC Code</u>	<u>BMUD NC</u>	<u>BMUD W</u>	<u>BMUD R-1</u>	<u>BMUD R-2</u>	<u>BMUD R-3</u>	<u>BMUD R-4</u>
Packinghouse							
Paper and allied products	<u>2611</u>						
Personal services	<u>7291</u>						
Petroleum refining and related	<u>2911-2999</u>						
Pistol or rifle range							
Play areas and playgrounds							
Poultry raising (small)							
Primary metal industries	<u>3312-3399</u>						
Private boathouse and docks			<u>A</u>	<u>A</u>	<u>A</u>		<u>A</u>
Private clubs							
Private landing strips							
Pro shops (large)							
Pro shops (small)							
Recreational facilities							
Recreational services							
Refuse systems	<u>4953</u>						
Rehabilitative centers	<u>8093</u>						
Repair or storage areas							
Residential uses							
Resource recovery plant							
Restaurant (small) or snack shop	<u>5812</u>						
Restaurant (large)	<u>5812</u>						
Retail shops or sales							
Rubber and misc. Plastic products	<u>3061-3089</u>						
Sanitary landfills							
Sawmills							
Schools, public or private							
Schools, private							
Schools, vocational	<u>8243-8299</u>						
Service facilities							
Slaughtering plants	<u>2011</u>						
Social association or clubs	<u>8641</u>						
Social services	<u>8322-8399</u>						
Soup kitchens							
Sports instructional camps or schools							
Staged entertainment facility							

**C = conditional use**

**A = accessory use**

<u>ACCESSORY AND CONDITIONAL USES</u>	<u>SIC Code</u>	<u>BMUD NC</u>	<u>BMUD W</u>	<u>BMUD R-1</u>	<u>BMUD R-2</u>	<u>BMUD R-3</u>	<u>BMUD R-4</u>
<u>Stone, clay, glass and concrete products</u>	<u>3211, 3221, 3229, 3231, 3241, 3274, 3291-3299</u>						
<u>Swimming pools - public</u>							
<u>Swimming pools -private</u>		A	A	A	A	A	A
<u>Storage, enclosed</u>							
<u>Tennis facilities</u>							
<u>Textile mill products</u>	<u>2231, 2261- 2269, 2295, 2296</u>						
<u>Transfer stations</u>	<u>4212</u>						
<u>Veterinarian's office</u>	<u>0741-0742</u>						
<u>Wholesale trade – durable goods</u>	<u>5015, 5051, 5052, 5093</u>						
<u>Wholesale trade – nondurable goods</u>	<u>5162, 5169, 5171, 5172, 5191</u>						
<u>Yacht club</u>	<u>7997</u>						
<u>Zoo</u>							

**SUBSECTION 3.D. AMENDMENTS TO SECTION 2.03.07 OVERLAY ZONING DISTRICTS**

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

**Section 2.03.07 Overlay Zoning Districts**

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

1. Permitted uses. The following uses are permitted as of right in this subdistrict:

~~Reserved.~~

a. Clam nursery, subject to the following restrictions:

i. A "clam nursery" is defined as the growing of clams on a "raceway" or "flow-through saltwater system" on the shore of a lot until the clam reaches a size of approximately one-half inch.

ii. For the purposes of this section, a "raceway" or "flow-through salt water system" is defined as a piece of plywood or similar material fashioned as a table-like flow through system designed to facilitate the growth of clams.

- iii. At no time may a nursery owner operate a raceway or raceways that exceed a total of 800 square feet of surface area.
- iv. The nursery must meet the requirements of a "minimal impact aquaculture facility" as defined by the Department of Agriculture.
- v. The nursery must not be operated on a vacant lot, unless both of the following requirements are met:
  - a) The vacant lot is owned by the same individual who owns a lot with a residence or habitable structure immediately adjacent to the vacant lot; and
  - b) The vacant lot must not be leased to another individual for purposes of operating a clam farm within the RSF-4 and VR zoning districts.
- vi. At no time will a nursery owner be allowed to feed the clams, as the clams will be sustained from nutrients occurring naturally in the water.
- vii. Only the property owner or individual in control of the property will be allowed to operate a raceway on the shore off his property within the VR and RSF-4 zoning districts. In other words, a landowner must not lease his property to another individual to use for purposes of operating a clam nursery.
- viii. Any pump or filtration system used in conjunction with the nursery must meet all applicable County noise ordinances and must not be more obtrusive than the average system used for a non-commercial pool or shrimp tank

2. **Conditional uses.** The following uses are permitted as **conditional uses** in this subdistrict:

a. ~~Clam nursery, subject to the following restrictions:~~

- 1) ~~A "clam nursery" is defined as the growing of clams on a "raceway" or "flow-through saltwater system" on the shore of a lot until the clam reaches a size of approximately one-half inch.~~
- 2) ~~For the purposes of this section, a "raceway" or "flow-through salt water system" is defined as a piece of plywood or similar material fashioned as a table-like flow through system designed to facilitate the growth of clams.~~
- 3) ~~At no time may a nursery owner operate a raceway or raceways that exceed a total of 800 square feet of surface area.~~
- 4) ~~The nursery must meet the requirements of a "minimal impact aquaculture facility" as defined by the Department of Agriculture.~~
- 5) ~~The nursery must not be operated on a vacant lot, unless both of the following requirements are met:~~
  - i. ~~The vacant lot is owned by the same individual who owns a lot with a residence or habitable structure immediately adjacent to the vacant lot; and~~
  - ii. ~~The vacant lot must not be leased to another individual for purposes of operating a clam farm within the RSF-4 and VR zoning districts.~~
- 6) ~~At no time will a nursery owner be allowed to feed the clams, as the clams will be sustained from nutrients occurring naturally in the water.~~

- 7) ~~Only the property owner or individual in control of the property will be allowed to operate a raceway on the shore off his property within the VR and RSF-4 zoning districts. In other words, a landowner must not lease his property to another individual to use for purposes of operating a clam nursery.~~
- 8) ~~Any pump or filtration system used in conjunction with the nursery must meet all applicable County noise ordinances and must not be more obtrusive than the average system used for a non-commercial pool or shrimp tank~~

Reserved.

### SUBSECTION 3.E. AMENDMENTS TO SECTION 2.03.07 OVERLAY ZONING DISTRICTS

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

#### N. GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT.

Special conditions for the properties in and adjacent to the Gateway Triangle as referenced on GTMUD Map 1; and further identified by the designation "GTMUD" on the applicable official Collier County Zoning Atlas Map or map series.

##### 1. Purpose and Intent

The purpose and intent of this District is to encourage revitalization of the Gateway Triangle portion of the Bayshore / Gateway Triangle Redevelopment Area with Traditional Neighborhood Design (TND) projects. TNDs are typically human-scale, pedestrian-oriented, interconnected projects with a mix of commercial uses including retail, office and civic amenities and residential that complement each other. Residential uses are often located above commercial uses, but can be a separate area of residential only with close proximity to commercial uses. An interconnected street system is the basis for the transportation network. Buildings are located near the street with on street parking and off street parking on the side or in the rear of the parcel.

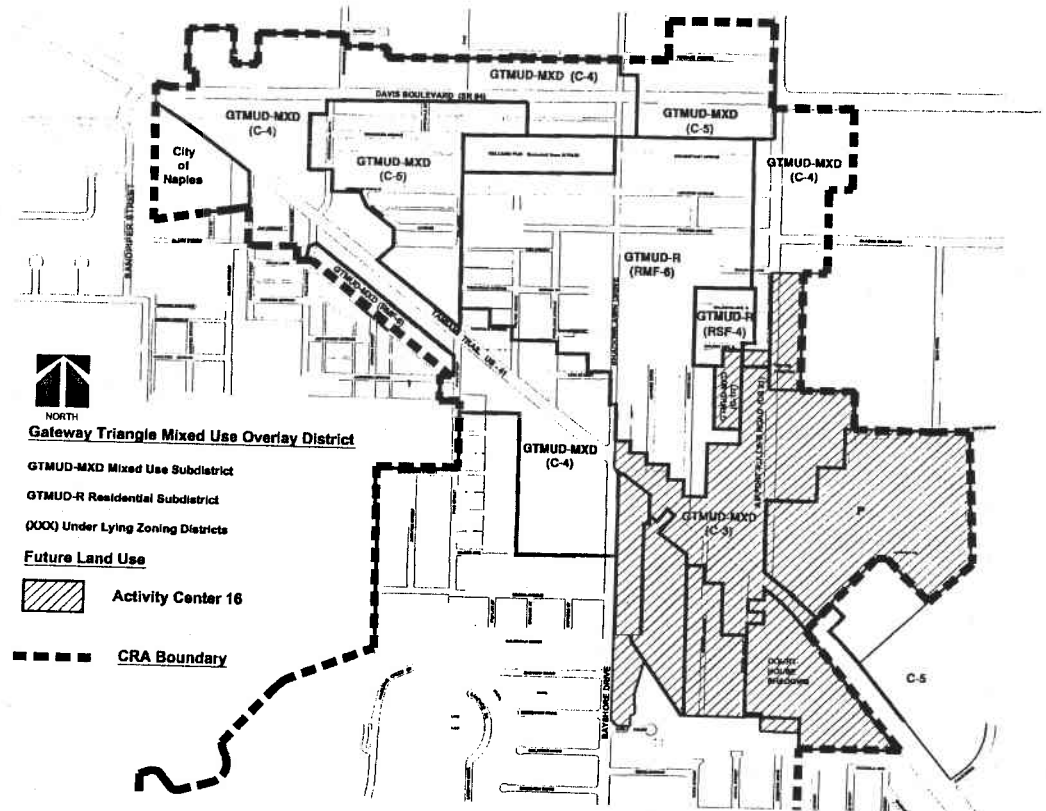
This District is intended to: revitalize the commercial and residential development, encourage on street parking and shared parking facilities and provide appropriate landscaping and buffering between the various types of uses; and protect and enhance the nearby Shadowlawn residential neighborhood. The types of uses permitted are hotels, retail, office, personal service and residential uses.

##### 2. Applicability

- a. These regulations shall apply to the Gateway Triangle Mixed Use Overlay District as identified on GTMUD Map 1 and further identified by the designation "GTMUD" on the applicable official Collier County Zoning Atlas Maps. Except as provided in this section of the LDC, all other uses, dimensional and development requirements shall be as required in the applicable underlying zoning classification.
- b. Existing Planned Unit Developments (PUDs) are not included in the Gateway Triangle Mixed Use District requirements; however, PUDs approved after \_\_\_\_\_ [the effective date of this ordinance] are included in the Gateway Triangle Overlay District and must comply with the requirements stated herein.
- c. Property owners may follow existing Collier County Land Development Code regulations of the underlying zoning classification, or may elect to develop/redevelop under the mixed use provisions of the GTMUD Mixed Use (MXD) Subdistrict of this overlay, through a mixed use project approval from the BCC.

However, in either instance, GTMUD site development standards are applicable, as provided for in section 2.03.07 N.5.d. of this Code.

### GTMUD Map No. 1



### 3. Mixed Use Project Approval Process.

- a. Owners of property in the Mixed Use Subdistrict (GTMUD-MXD) may petition the Board of County Commissioners for mixed use project approval. The application for MUP approval shall acknowledge that the owner shall not seek or request, and the County shall not thereafter grant or approve, any additional uses beyond those allowed in the C-1 through C-3 zoning districts. The application shall be accompanied by a conceptual site plan demonstrating compliance with the criteria in section 10.03.05.G.
- b. There shall be a public hearing before the BCC legally noticed and advertised pursuant to section 10.03.05.G. If approved by the BCC, such approval shall be by resolution.
- c. Once a Mixed Use Project has been approved by the BCC, the applicant shall submit a site development plan (SDP), based upon the conceptual site plan approved by the BCC and meeting the requirements of section 10.02.03 B.1. of this Code, to the Community Development and Environmental Services Division within six months of the date of approval. This SDP must be determined as sufficient and accepted for review by the Division within 30 days of submittal. After the SDP has been approved, the approved project shall be identified on the Collier County official zoning atlas map, using the

map notation MUP. If a MUP approval expires, as set forth below, the map notation shall be removed from the official zoning atlas map. The burden is on the applicant to submit an SDP application in a timely manner, to be responsive to the County's SDP review comments, and to commence construction in a timely manner after SDP approval has been granted.

d. MUP approval shall expire and any residential density bonus units shall be null and void if any of the following occur:

i. The SDP is not submitted within six months of MUP approval by the BCC.

ii. The SDP is not deemed sufficient for review within 30 days of submittal.

iii. The SDP under review is deemed withdrawn and cancelled, pursuant to section 10.02.03.B.4.a.

iv. The SDP is considered no longer valid, pursuant to section 10.02.03.B.4.b. and c.

e. Once a property owner, through a MUP approval, elects to develop or redevelop a mixed use project under the Mixed Use Subdistrict (GTMUD-MXD), then the property shall be developed in compliance with all provisions of the overlay and cannot revert back to the underlying zoning district.

#### 4. Bonus Density Pool Allocation

Under the Collier County Future Land Use Element, 388 bonus density units are available for reallocation within the Bayshore/Gateway Triangle Redevelopment Overlay. The County Manager or designee will track the Bonus Density Pool balance as the units are used. These 388 bonus density units may be allocated between this GTMUD overlay and the Bayshore Mixed Use District Overlay (BMUD), and shall only be allocated through the MUP approval process.

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

a. The project shall be within the Mixed Use Subdistrict, and shall be a mixed use project – mix of commercial and residential uses.

b. Base density shall be as per the underlying zoning district. The maximum density of 12 units per acre shall be calculated based upon total project acreage. The bonus density allocation is calculated by deducting the base density of the underlying zoning classification from up to the 12 unit maximum being sought. The difference in units per acre determines the bonus density allocation requested for the project.

c. For proposed projects outside the Coastal High Hazard Area (CHHA), as depicted on the Future Land Use Map of the Growth Management Plan, any eligible density bonuses, as provided in the Density Rating System of the FLUE, are in addition to the eligible density bonus provided herein.

d. For proposed projects within the CHHA, only the Affordable Housing Density Bonus, as provided in the Density Rating System of the

FLUE, is allowed in addition to the eligible bonus density units provided herein.

- e. Properties must be lying south of Davis Blvd. and west of Airport-Pulling Road.
- f. The project shall comply with the standards for mixed use development set forth in the Gateway Triangle Mixed Use Overlay District.
- g. For projects that do not comply with the requirements for this density increase, their density is limited to that allowed by the Density Rating System and applicable FLUE Policies.

5. Gateway Triangle Mixed Use District (GTMUD) Subdistricts

- a. Mixed Use Subdistrict (GTMUD-MXD). The purpose and intent of this subdistrict is to provide an option to current and future property owners by encouraging a mixture of low intensity commercial and residential uses on those parcels with frontage on US 41, the south side of Davis Boulevard, and Airport-Pulling Road. Included also is the "mini triangle" formed by US 41 on the South, Davis Boulevard on the North and Commercial Drive on the East. Developments will be pedestrian-oriented and reflect building patterns of traditional neighborhood design.

For mixed use projects only, subject to the MUP approval process in Sec. 2.03.07.1.3., refer to Tables 1 and 2 for permitted uses. Otherwise, permitted uses are in accordance with the underlying zoning district.

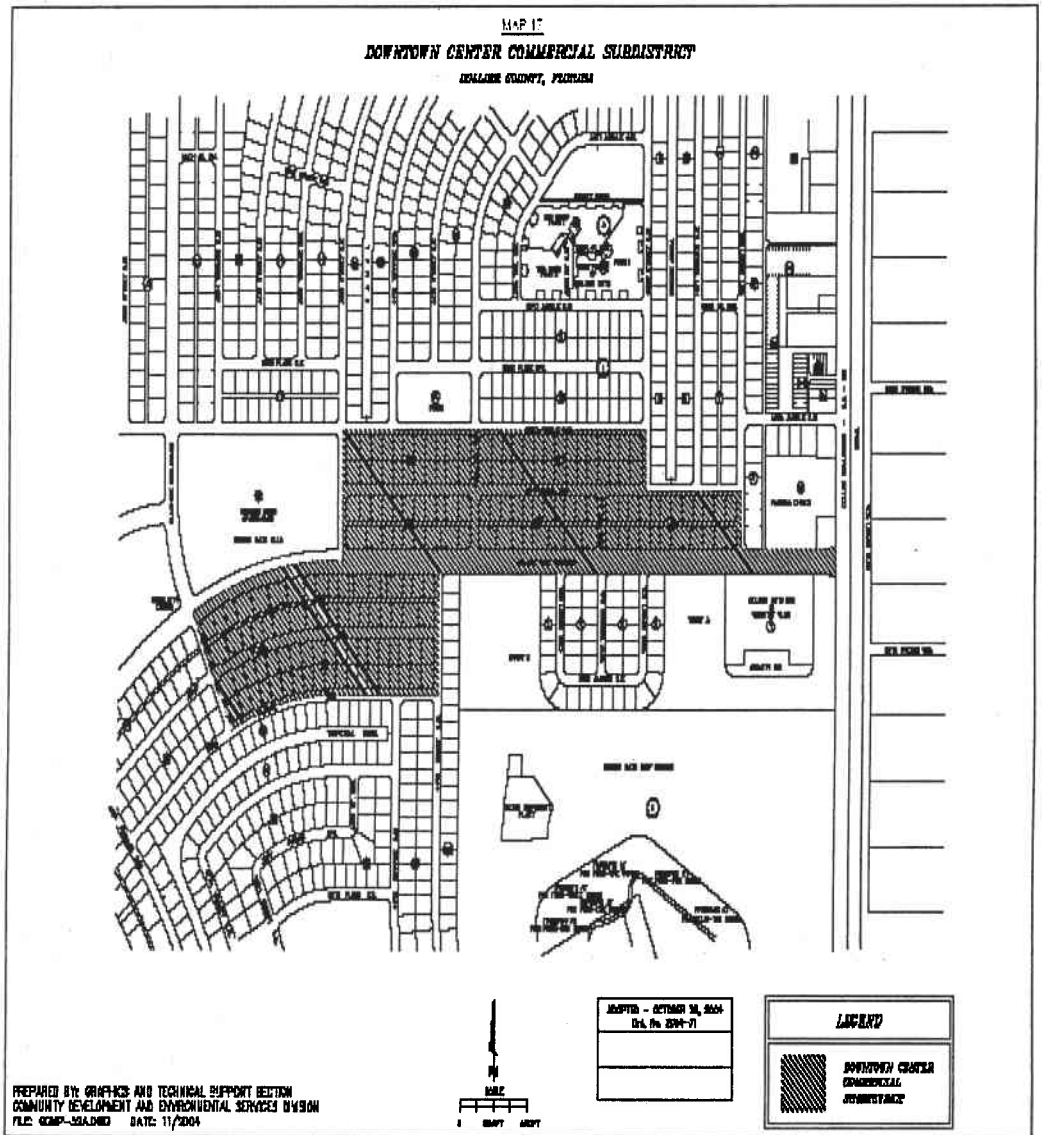
- b. Residential Subdistrict (GTMUD-R). The purpose of this Subdistrict is to encourage the development in the Shadowlawn neighborhood a mixture of residential housing types. Refer to Tables 1 and 2 for permitted uses in this Subdistrict.
- c. Mixed Use Activity Center Subdistrict. Portions of the Gateway Triangle Mixed Use District coincide with Mixed Use Activity Center #16 designated in the Future Land Use Element (FLUE) of the Collier County Growth Management Plan. Development standards in the activity center is governed by requirements of the underlying zoning district requirements and the mixed use activity center subdistrict requirements in the FLUE, except for site development standards as stated in section 4.02.35 of this Code.
- d. All subdistricts. Development within all subdistricts of the GTMUD shall be subject to the site development standards as stated in sections 4.02.35 and 4.02.36, as applicable. The subdistrict site development standards shall also apply to property developed in conformance with the underlying zoning classification.

\* \* \* \* \*

**SUBSECTION 3.F. AMENDMENTS TO SECTION 2.03.07 OVERLAY ZONING DISTRICTS**



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



**O. Golden Gate Downtown Center Commercial Overlay District "GGDCCO":**

Special conditions for properties in the vicinity of Golden Gate Parkway in Golden Gate City, as identified on the Golden Gate Downtown Center Commercial Subdistrict Map of the Golden Gate Area Master Plan and as contained herein.

- 1. Purpose and intent.** The purpose and intent of this overlay district is to encourage redevelopment herein in order to improve the physical appearance of the area and create a viable downtown district for the residents of Golden Gate City and Golden Gate Estates. Emphasis shall be placed on the creation of pedestrian-oriented areas, such as outdoor dining areas and pocket parks, which do not impede the flow of traffic along Golden Gate Parkway. Also, emphasis shall be placed on the construction of mixed-use buildings. Residential dwelling units constructed in this overlay district are intended to promote

resident-business ownership The provisions of this overlay district are intended to ensure harmonious **development** of commercial and mixed-use **buildings** at a pedestrian scale that is compatible with residential **development** within and outside of the overlay district.

2. Aggregation of properties. This overlay district encourages the aggregation of properties in order to promote flexibility in site design. The types of uses permitted within this overlay district are low intensity retail, office, personal services, institutional, and residential. Non-residential **development** is intended to serve the needs of residents within the overlay district, surrounding neighborhoods, and passersby.
3. Applicability. These regulations apply to properties in Golden Gate City lying north of Golden Gate Parkway, generally bounded by 23<sup>rd</sup> Avenue SW and 23<sup>rd</sup> Place SW to the north, 45<sup>th</sup> Street SW to the west, and 41<sup>st</sup> Street SW and Collier Boulevard to the east. South of Golden Gate Parkway, these regulations apply to properties bounded by 25<sup>th</sup> Avenue SW to the south, 47<sup>th</sup> Street SW to the west, and 44<sup>th</sup> Street SW to the east. These properties are more precisely identified on Map 17, "Golden Gate Downtown Center Commercial Subdistrict" of the Golden Gate Area Master Plan and as depicted on the applicable official zoning atlas maps. Except as provided in this regulation, all other use, dimensional and **development** requirements shall be as required or allowed in the underlying zoning districts.
4. Permitted uses. Permitted uses within the GGDCCO include the uses listed below and those uses identified in Chapter 2, Table 1. "Permissible Land Uses in Each Zoning District".
  - a. Residential uses: permitted by right in the existing residential zoning districts, except as otherwise prohibited by this zoning overlay.
    - i. in a mixed use **building**
    - ii. in an existing owner occupied **structure**
    - iii. in an existing non-owner occupied **structure**, until such time as cessation is required by section 4.02.37 1, of this Code.
5. Conditional uses. **Conditional uses** within the GGDCCO include the use listed below and those uses identified in section 2.04.03 of this Code: Table 2 -"Land Uses that May be Allowable in Each Zoning District as **Accessory Uses or Conditional Uses**".
  - a. Outdoor dining areas, not directly **abutting** the Golden Gate Parkway **right-of-way**.
6. Prohibited uses. Prohibited uses within the GGDCCO include the uses listed below and those uses, prohibited, by omission, in section 2.04.03 of this Code: Table 1. "Permissible Land Uses in Each Zoning District".
  - a. New residential-only **structures**
  - b. Any commercial use employing drive-up, drive-in or drive through delivery of goods or services.
  - c. Sexually oriented businesses (Code of Laws, 26-151 *et seq.*).

### SUBSECTION 3.G. AMENDMENTS TO SECTION 2.04.03 Table of Land Uses in Each Zoning District

Section 2.04.03. Table of Land Uses in Each Zoning District, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

<p><b>P = permitted</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category<sup>I</sup></b></p>	<p>SIC Code</p>	<p><b>Golden Gate Downtown Center Commercial Overlay (GGCCO)</b>  <small>Refer to GGCCO in Chapters 2 and 6A</small></p>
Accounting Services	8721	P
Administrative Service Facilities		
Adult Day Care Facilities & Centers	8322	
Agricultural Activities		
Agricultural Outdoor Sales		
Agricultural Services	0741, 0742, 0752-0783	
Agricultural Services	0711, 0721, 0722-0724, 0762, 0782, 0783	
Agricultural Services	0723	
Aircraft and Parts	3721-3728	
Airport - General Aviation		
Amusement & Recreation Services	7911, 7991	
Amusement & Recreation Services	7999 tourist guides only	
Ancillary Plants		
Apparel & Other Finished Products	2311-2399	
<p><b>P = permitted</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category<sup>II</sup></b></p>	<p>SIC Code</p>	<p><b>Golden Gate Downtown Center Commercial Overlay (GGCCO)</b>  <small>Refer to GGCCO in Chapters 2 and 6A</small></p>
Apparel & Accessory Stores	5611-5699	P

Appraisers		
Architectural, Engineering, Surveying Services	0781, 8711-8713	<u>E</u> <sup>(a)</sup>
Assisted Living Facilities		
Attorney Offices & Legal Services	8111	<u>P</u>
Auctioneering Service, Auction Rooms and Houses	7389, 5999	
Auto and Home Supply Store	5531	<u>P</u>
Automobile Parking	7521	
Automotive Repair, Services, and Parking	7514, 7515, 7521, 7542	
Automotive Repair, Services, and Parking	7513-7549	
Automotive Services		
Automotive Dealers and Gasoline Service Stations	5511, 5531, 5541, 5571, 5599	
Barber Shops or Colleges	7241	
Beauty Shops or Schools	7231	
Biking Trails		
Bowling Centers	7933	
Building Construction	1521-1542	
Building Materials	5211-5261	
Building Materials, Hardware, Garden Supplies	5231 - 5261	
Business Associations	8621	
Business Repair Service		<u>P</u>
Business Services	7311, 7313, 7322-7331, 7338, 7361, 7371, 7372, 7374-7346, 7379	<u>P</u>
Business Services	7311-7313, 7322-7338, 7361-7379, 7384	<u>P</u>
Business Services	7311, 7313, 7322-7338, 7384	
Business Services	7311-7313, 7322-7338, 7361-7379, 7384, 7389	
<b>P = permitted</b> <b>E = permitted with certain exceptions</b> <b>Blank cell = prohibited (also see table of conditional and accessory uses)</b>  <b>Land Use Type or Category<sup>III</sup></b>	SIC Code	<b>Golden Gate Downtown Center  Commercial Overlay (GGDCCO)</b> Refer to GGDCCO in Chapters 2 and 44.
Business Services	7311-7352, 7359, 7361-	<u>E</u> <sup>(b)</sup>

	7397, 7389	
Business Services	7311-7353, 7359	
Business Services	7312, 7313, 7319, 7334- 7336, 7342- 7389	
Business Services	7311	
Business Services	7312, 7313, 7319, 7331, 7334-7336, 7342, 7349, 7352, 7361, 7363, 7371- 7384, 7389	
Business Services	7311, 7313, 7322-7331, 7335-7338, 7361, 7371, 7374-7376, 7379	
Business/Office Machines		
Canoe Rental		
Canoeing Trails		
Care Units		
Carwashes	7542	
Category II Group Care Facilities		
Child Care - Not for Profit		
Child Day Care Services	8351	
Churches & Places of Worship		
Civic and Cultural Facilities		
Collection/Transfer Sites		
Commercial Printing	2752	
Communications	4812-4841	
Communications	4812-4899	
Communication Towers		
Construction		
Construction - Heavy		
Construction - Special Trade Contractors	1711-1799	

<p><b>P = permitted</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category<sup>iv</sup></b></p>	SIC Code	<p><b>Golden Gate Downtown Center Commercial Overlay (GGDCO)</b> <small>(Refer to GGDCO in Chapters 2 and 4)</small></p>
Continuing Care Retirement Communities		
Depository Institutions	6011-6099	
Depository Institutions	6011, 6019, 6081, 6082	
Depository Institutions	6021-6062, 6091, 6099, 6111-6163	
Depository Institutions	6021-6062	
Drinking Establishments and Places	5813	
Drug Stores	5912	
Drugs and Medicine	2833-2836	
Duplexes		<u>E<sup>(f)</sup></u>
Dwelling Units		
Eating Establishments and Places	5812	<u>E<sup>(d)</sup></u>
Educational Plants		
Educational Services	8211-8231	
Educational Services	8243-8249	
Educational Services	8221-8299	
Educational Services	8211-8244, 8299	
Electronic Equipment & Other Electrical Equipment	3612-3699	
Engineering, Accounting, Management and Related Services	8711-8748	
Engineering, Accounting, Management and Related Services	8711-8713	<u>E<sup>(a)</sup></u>
Equestrian Paths		
Essential Services <sup>10</sup>		<u>E<sup>(e)</sup></u>
Excavation		
Fabricated Metal Products	3411-3479, 3419-3499	
Fairgrounds		
Family Care Facilities		
Fishing Piers		
Fishing/Hunting/Trapping	0912-1919	

<sup>10</sup> For requirements pertaining to Essential Services, see 2.01.03

<p><b>P = permitted</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category<sup>v</sup></b></p>	<p>SIC Code</p>	<p><b>Golden Gate Downtown Center Commercial Overlay (GGDCCO)</b> <small>Reference GGDCCO in Chapters 2 and 6A</small></p>
Fixture Manufacturing		
Food Manufacturing	2034, 2038, 2053, 2064, 2066, 2068, 2096, 2098, 2099	
Food Products	2011-2099	
Food Stores	5411, 5421-5499	<u>P</u>
Food Stores	5411-5499	<u>P</u>
Fraternal Organizations		
Funeral Services and Crematories	7261	
Furniture & Fixtures Manufacturing	2511-2599	
Gasoline Services Stations	5541, 5511-5599	
General Contractors	1521-5261	
General Merchandise Stores	5311-5399	<u>P</u>
Glass and Glazing Work	1793	
Golf Courses		
Government Offices/Buildings	9111-9222, 9224-9229, 9311, 9411-9451, 9511-9532, 9611-9661	
Group Care Facilities		
Gunsmith Shop	7699	
Hardware Stores	5251	<u>P</u>
Health Food Stores		
Health Services	8011-8049	<u>P</u>
Health Services	8011-8049, 8082	<u>P</u>
Health Services	8051-8059, 8062-8069, 8071, 8072, 8092-8099	
Heavy Construction	1611-1629	
Hiking Trails		
Home Furniture, Furnishings, Equipment Store	5713-5719, 5731-5736	<u>P</u>
Home Furniture, Furnishings, Equipment Store	5712-5736	<u>P</u>

<p><b>P = permitted</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category<sup>vi</sup></b></p>	SIC Code	<p><b>Golden Gate Downtown Center Commercial Overlay (GGDCCO)</b> <small>Refer to GGDCCO in Chapters 2 and 4A</small></p>
Home Supply Store	5531	<u>P</u>
Hotels and Motels	7011, 7021, 7041	
Hotels and Motels	7011	
Houseboat Rental	7999	
Individual & Family Social Services		
Industrial Inorganic Chemicals	2812-2819	
Industrial, Commercial, Computer Machinery and Equipment	3511-3599	
Insurance Agencies, Brokers, Carriers	6311-6399, 6411	<u>P</u>
Insurance Agencies, Brokers, Carriers	6311-6361, 6411	
Insurance agents, brokers, and service, including Title Insurance	6361 and 6411	
Investment/Holding Offices	6712-6799	
Job Training & Vocational Services	8331	
Justice, Public Order & Safety	9221, 9222, 9229	
Labor Unions	8631	
Lakes Operations	7999	
Large Appliance Repair Service	7623	<u>P</u>
Leather Products	3131-3199	
Libraries	8231	<u>P</u>
Local and Suburban Transit	4111-4121	
Local and Suburban Transit	4131-4173	
Lumber and Wood Products	2426, 2431-2499	
Management & Public Relations	8741-8743, 8748	<u>P</u>
Management Services	8711-8748	
Marinas	4493, 4499	
Measuring, Analyzing and Controlling Instruments	3812-3873	
Medical and Optical Goods	3812-3873	
Medical Laboratories and Research & Rehabilitation Centers	8071, 8072, 8092, 8093	
Membership Organizations	8611-8699	<u>E (f)</u>
Membership Organizations	8611, 8631	



<p><b>P = permitted</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category<sup>vii</sup></b></p>	SIC Code	<p><b>Golden Gate Downtown Center Commercial Overlay (GGCCO)</b> <small>*Refer to GGCCO in Chapters 2 and 6d</small></p>
Membership Organizations	8611	
Membership Organizations	8611, 8621	
Misc. Manufacturing Industries	3911-3999	
Miscellaneous Plastic Products		
Miscellaneous Repair Service	7629-7631	<u>P</u>
Miscellaneous Repair Service	7622-7641, 7699	
Miscellaneous Repair Service	7622-7699	
Miscellaneous Retail Services	5912, 5942- 5961	<u>E</u> <sup>(a)</sup>
Miscellaneous Retail Services	5912-5963	<u>E</u> <sup>(a) (g)</sup>
Miscellaneous Retail Services	5912 -5963 <sup>23</sup> , 5992-5999 <sup>24</sup>	<u>E</u> <sup>(a) (g) (h) (i)</sup>
Miscellaneous Retail Services	5912, 5932- 5949, 5942- 5961, 5992- 5999	
Mixed Residential and Commercial Uses		<u>E</u> <sup>(i)</sup>
Mobile Home Dealers	5271	
Mobile Homes		
Modular Built Homes		
Motion Picture Production	7812-7819	
Motion Picture Theaters	7832	
Motor Freight Transportation and Warehousing	4225	
Motor Homes		
Multi-Family Dwellings		<u>E</u> <sup>(i)</sup>
Museums and Art Galleries	8412	<u>P</u>
Nature Preserves		
Nature Trails		
Non-Depository Credit Institutions	6141-6163	
Non-Depository Credit Institutions	6111-6163	
Non-Depository Institutions	6011-6163	
Non-Depository Institutions	6011, 6019, 6081, 6082	
Non-Depository Institutions	6021-6062, 6091, 6099, 6111-6163	

<p><b>P = permitted</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category<sup>viii</sup></b></p>	SIC Code	Golden Gate Downtown Center Commercial Overlay (GGDCCO) <small>(Refer to GGDCCO in Chapters 2 and 4)</small>
Nursing Homes	8051, 8052, 8249	
Office Machine Repair Service	7629-7631	<u>P</u>
Oil & Gas Exploration		
Open Space		
Outdoor Storage Yard		
Paint, Glass, Wallpaper Stores	5231	<u>P</u>
Paper and Allied Products	2621-2679	
Park Model Travel Trailers		
Park Service Facilities		
Parking Facilities		
Parking Services		
Parks, Public or Private		<u>E<sup>(m)</sup></u>
Parochial Schools – Public or Private	8211	
Party Fishing Boats Rental	7999	
Personal Services	7291	<u>P</u>
Personal Services	7212-7215, 7221-7251, 7291	<u>E<sup>(d) (i)</sup></u>
Personal Services	7212, 7215, 7221-7251	
Personal Services	7212, 7291	
Personal Services	7211, 7212, 7215, 7216, 7291, 7299 <sup>11</sup>	<u>E<sup>(d)(j) (k)</sup></u>
Personal Services	7215, 7217, 7219, 7261, 7291-7299	<u>E<sup>(d)(j) (k)</sup></u>
Personal Services	7211-7219	
Personal Services	7215-7231, 7241	<u>E<sup>(i)</sup></u>
Personal Services	7221, 7291	
Photographic Goods	3812-3873	
Photographic Studios	7221	<u>P</u>
Physical Fitness Facilities	7991	<u>P</u>

<sup>11</sup> Group 7299 limited to babysitting bureaus, clothing and costume rental, dating service, depilatory salons, diet workshops, dress suit rental, electrolysis, genealogical investigation service, and hair removal.

<p><b>P = permitted</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category<sup>ix</sup></b></p>	<p>SIC Code</p>	<p><b>Golden Gate Downtown Center Commercial Overlay (GGCCO)</b> <small><sup>ix</sup>Refer to GGCCO in Chapters 2 and 6d</small></p>
Physical Fitness Facilities		
Pickup Coaches		
Plant and Wildlife Conservancies		
Plastic Materials & Synthetics	2821, 2834	
Play Areas and Playgrounds		
Pleasure Boat Rental		
Printing and Publishing Industries	2711, 2712	
Printing and Publishing Industries	2711-2796	
Professional Offices	6712-6799, 6411, 96311- 6399, 6531, 6541, 6552, 6553, 8111	
Professional Organizations	8631	
Public Administration	9111-9199, 9229, 9311, 9411-9451, 9511-9532, 9611-9661	
Public Service Facilities - Essential		
Railroad Transportation	4011, 4013	
Real Estate	6531-6541	P
Real Estate	6521-6541	
Real Estate	6512	P
Real Estate	6512-6514, 6519, 6531- 6553	
Real Estate Brokers and Appraisers	6531	
Real Estate Offices	6531, 6541, 6552, 6553	
Recreational Service Facilities		
Recreational Services - Indoor	7911-7941, 7991-7993, 7999	
Recreational Uses		
Recreational Vehicles		
Rehabilitative Centers	8093	

<p><b>P = permitted</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category*</b></p>	SIC Code	Golden Gate Downtown Center Commercial Overlay (GGCCO) <small>*Refer to GGCCO in Chapters 2 and 64</small>
Repair shops and related services, not elsewhere classified	7699 <sup>12</sup>	
Research Centers	8093	
Research Services	8732	
Residential uses		
Retail Nurseries, Lawn and Garden	5261	<u>P</u>
Rubber and Misc. Plastic Products	3021, 3052, 3053	
Safety Service Facilities		
Schools, public		
Schools - Vocational	8243-8299	<u>E<sup>(1)</sup></u>
Security Brokers, Dealers, Exchanges, Services	6211-6289	<u>P</u>
Shoe Repair Shops or Shoeshine Parlors	7251	<u>P</u>
Shooting range, indoor	7999	
Single-Family Dwellings		<u>E<sup>(1)</sup></u>
Social Services	8322-8399	
Stone, Clay, Glass and Concrete Products	3221, 3251, 3253, 3255-3273, 3275, 3281	
Storage		
Synthetic Materials	2834	
Testing Services		
Textile Mill Products	2211-2221, 2241-2259, 2273-289, 2297, 2298	
Timeshare Facilities		
Title abstract offices	6541	
Tow-in Parking Lots	7514, 7515, 7521	
Townhouses		<u>E<sup>(1)</sup></u>
Transportation by Air	4512-4581	
Transportation Equipment	3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799	

<sup>12</sup> Antique repair and restoration, except furniture and automotive only, bicycle repair shops only, rod and reel repair.

<b>P = permitted</b> <b>E = permitted with certain exceptions</b> <b>Blank cell = prohibited (also see table of conditional and accessory uses)</b>  <b>Land Use Type or Category<sup>xi</sup></b>	SIC Code	<b>Golden Gate Downtown Center  Commercial Overlay (GGDCO)  <small>(Refer to GGDCO in Chapters 2 and 4)</small></b>
Transportation Services	4724-4783, 4789	
Travel Agencies	4724	
Travel Trailers	5561	
Two-Family Dwelling		
United States Postal Service <sup>13</sup>	4311	<u>P</u>
Veterinarian's Office <sup>14</sup>	0742	
Veterinarian's Office	0752	
Videotape Rental <sup>15</sup>	7841	<u>P</u>
Vocational Rehabilitation Services	8331	
Welding Repair	7692	
Wholesale Trade	5148	
Wholesale Trade - Durable Goods	5021, 5031, 5043-5049, 5063-5078, 5091, 5092, 5094-5099	
Wholesale Trade - Nondurable Goods	5111-5159, 5181, 5182, 5191	
Wildlife Conservancies	9512	
Wildlife Management	0971	
Wildlife Refuge/Sanctuary		
Wildlife Sanctuaries		
Watches/Clocks	3812-3873	

<sup>(a)</sup> Limited to 5,000 square feet per floor

<sup>(b)</sup> Except labor pools in group 7363

<sup>(c)</sup> Exception for newspapers in group 2752

<sup>(d)</sup> Except commercial use employing drive-up, drive-in, or drive-through delivery of goods and/or services

<sup>(e)</sup> Except that fire protection and police protection in groups 9221 and 9224 are limited to administrative offices only

<sup>(f)</sup> Except civic, social, and fraternal organizations in group 8641 and religious organizations in group 8661

<sup>(g)</sup> Except liquor stores in group 5921

<sup>(h)</sup> Except pawn shops in group 5932

<sup>13</sup> Excludes major distribution center.

<sup>14</sup> Excludes outdoor kenneling.

<sup>15</sup> Limited to 1,800 square feet of gross floor area.

<sup>(j)</sup> Except retail firearm and ammunition sales in group 5941

<sup>(i)</sup> Except coin operated laundries and dry cleaning in group 7215

<sup>(k)</sup> Except miscellaneous personal services not elsewhere classified in group 7299

<sup>(l)</sup> Refer to specific regulations in the GGDCCO district (2.03.07 N.4.a.ii.)

<sup>(m)</sup> Limited to pocket parks only, generally described as a small area accessible to the general public that often includes plantings, fountains, seating areas, and other similar passive open space features.

**Table 2. Land Uses that May be Allowable in Each Zoning District as Accessory Uses or Conditional Uses.**

C = conditional use A = accessory use		
ACCESSORY AND CONDITIONAL USES	SIC Code	<u>(GGDCCO)</u>
Administrative or service building		
Adult day care	8322	
Agricultural: animal & livestock breeding, exotic aquaculture, aviary, dairy or poultry plant, egg production, exotic animals, ranching, or wholesale reptile breeding		
Agricultural		
Agricultural services	0741, 0742, 0752-0783	
Amusement & recreation services	7911	<u>C</u>
Amusement & recreation services	7911-7941, 7991-7993, 7997, 7999	
Amusement & recreation services	7948, 7992, 7996, 7999	
Ancillary plants		
Animal control		
Aquariums	8422	
Archery ranges	7999	
Assisted living facilities		
Auctioneering Services, auction rooms and houses	7389, 5999	<u>C<sup>(a)</sup></u>
Automotive dealers and gasoline service stations	5521, 5551, 5561, 5599	
Automotive rental/leasing	7513, 7519	
Beach chair, bicycle, boat or moped rentals		
Bed & breakfast facilities	7011	
Boathouses		
Boat ramps		
Boat yards		
Botanical garden	8422	

C = conditional use A = accessory use		
ACCESSORY AND CONDITIONAL USES	SIC Code	<u>(GGDCCO)</u>
Bottle clubs	5813	
Camping cabins		
Care Units		
Caretaker's residence		<u>A<sup>(b)</sup></u>
Category II group care facilities		
Cemeteries		
Chemical products	2812-2899	
Child day care	8351	
Churches & places of worship	8661	
Civic & cultural facilities		
Clam nurseries		
Cluster development		
Cocktail lounges	5813	
Collection/transfer sites		
Commercial uses		
Communications	4812-4841	
Communication towers		
Community centers		<u>C</u>
Community theaters	7922	
Concrete or asphalt plants		
Continuing care/retirement centers		
Convenience stores	5411	
Dancing establishments & staged entertainment		
Depository institutions	6011-6099	
Detention facilities		
Docks		
Drinking establishments	5813	
Driving ranges		
Earth mining		
Eating establishments	5812	
Education services	8211-8222	

C = conditional use  
 A = accessory use

ACCESSORY AND CONDITIONAL USES	SIC Code	<u>(GGDCCO)</u>
Education facilities; public & private schools	8211-8231	
Electric generating plants		
Electric, gas, & sanitary services	4911-4971	
<u>Enameling, painting, or plating</u>		<u>A<sup>(c)</sup></u>
Excavation		
Extraction related processing and production		
Fabricated metal products	3482-3489	
Farm labor housing		
Farm product raw materials	5153-5159	
Field crops		
Fishing/hunting/trapping	0912-1919	
Food products	2011, 2048	
Food service		
Food stores (over 5,000 s.f.)	5411-5499	<u>C</u>
Fraternal lodges, private club, or social clubs		
Fuel dealers	5983-5989	
Fuel facilities		
Funeral services & crematories	7261	
Gas generating plants		
Gift shops	5947	
Golf club house		
Golf course		
Golf driving range		
Group care units		
Guesthouses		
Health services	8011	
Homeless shelters	8322	
Hospitals	8062-8069	
Hotels and motels	7011, 7021, 7041	
Hunting cabins		
Incinerators		
Jails		
Justice, public order & safety	9211-9224	



C = conditional use A = accessory use		
ACCESSORY AND CONDITIONAL USES	SIC Code	(GGDCCO)
Kennels & kenneling	0742, 0752	
Kiosks		
Leather tanning & finishing	3111	
Livestock		
Local and suburban transit	4111-4121	
Local and suburban transit	4131-4173	
Lumber and wood products	2411-2421, 2429	
Maintenance areas		
Major maintenance facilities		
Marina	4493, 4499	
Mental health facilities		
Merchandise – outdoor sales		
Miniature golf course	7999	
Mixed residential and commercial		
Model homes and model sales centers		
Motion picture theaters	7832	C
Motion picture theaters	7833	
Motor freight transportation and warehousing	4212, 4213- 4225, 4226	
Motor freight transportation and warehousing	4225, 4226	
Noncommercial boat launching ramps		
Nursery – retail	5261	
Nursing and personal care facilities	8062	
Nursing homes		
Oil and gas extraction	1321, 1382	
Oil & gas field development and production		
Outdoor display		
Packinghouse		
Paper and allied products	2611	
Personal services	7291	
Petroleum refining and related	2911-2999	
Pistol or rifle range		

C = conditional use A = accessory use		
ACCESSORY AND CONDITIONAL USES	SIC Code	(GGDCCO)
Play areas and playgrounds		A
Poultry raising (small)		
Primary metal industries	3312-3399	
Private boathouse and docks		
Private clubs		
Private landing strips		
Pro shops (large)		
Pro shops (small)		
Recreational facilities		A
Recreational services		
Refuse systems	4953	
Rehabilitative centers	8093	
Repair or storage areas		
Residential uses		
Resource recovery plant		
Restaurant (small) or snack shop	5812	
Restaurant (large)	5812	
Retail shops or sales		
Rubber and misc. Plastic products	3061-3089	
Sanitary landfills		
Sawmills		
Schools, public or private		
Schools, private		
Schools, vocational	8243-8299	
Service facilities		
Slaughtering plants	2011	
Social association or clubs	8641	
Social services	8322-8399	
Soup kitchens		
Sports instructional camps or schools		
Staged entertainment facility		
Stone, clay, glass and concrete products	3211, 3221, 3229, 3231, 3241, 3274,	

C = conditional use A = accessory use		
ACCESSORY AND CONDITIONAL USES	SIC Code	(GGDCCO)
	3291-3299	
Swimming pools - public		
Storage, enclosed		
Tennis facilities		
Textile mill products	2231, 2261- 2269, 2295, 2296	
Transfer stations	4212	
Veterinarian's office	0741-0742	
Wholesale trade -- durable goods	5015, 5051, 5052, 5093	
Wholesale trade -- nondurable goods	5162, 5169, 5171, 5172, 5191	
Yacht club	7997	
Zoo		

(a) Limited to 5,000 square feet per floor

(b) Accessory to commercial and residential mixed use projects

(c) Accessory to an artist's studio or craft studio only

\* \* \* \* \*

**SUBSECTION 3.H. AMENDMENTS TO SECTION 2.05.01 Density Standards and Housing Types**

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

**2.05.01 Density Standards and Housing Types**

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

Housing Type: Zoning District	Single-Family	Duplex	Townhouse	Multifamily	Mobile Home	Cluster	Guest House	Caretaker Units (number allowed)	Timeshare	Recreational Vehicles <sup>20</sup>	Density (units per gross acre)
<u>GGDCCO</u>				K							<u>Per underlying zoning district</u>

\* \* \* \* \*

**SUBSECTION 3.I. AMENDMENTS TO Chapter 4 Table of Contents**

Chapter 4 Site Design and Development Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**CHAPTER 4**

**SITE DESIGN AND DEVELOPMENT STANDARDS**

**4.01.00 Generally**

- 4.01.01 Elevation Requirements for All Developments
- 4.01.02 Kitchens in Dwelling Units

**4.02.00 Site Design Standards**

- 4.02.01 Dimensional Standards for Principle Uses in Base Zoning Districts
- 4.02.02 Dimensional Standards for Conditional Uses and Accessory Uses in Base Zoning Districts
- 4.02.03 Specific Standards for Location of Accessory Buildings and Structures
- 4.02.04 Standards for Cluster Residential Design
- 4.02.05 Specific Design Standards for Waterfront lots
- 4.02.06 Standards for Development in Airport Zones
- 4.02.07 Standards for Keeping Animals
- 4.02.08 outside Lighting Requirements
- 4.02.09 Design Requirements for Shorelines
- 4.02.10 Design Standards for Recreation Areas within Mobile Home Rental Parks
- 4.02.11 Same-Hurricane Shelters within Mobile Home Rental Parks
- 4.02.12 Same-Outdoor Storage
- 4.02.13 Same-Development in the BP District
- 4.02.14 Same-Development in the ACSC-ST District
- 4.02.15 Same-Development in the SBCO District
- 4.02.16 Same-Development in the BMUD - Neighborhood Commercial Subdistrict
- 4.02.17 Same-Development in the BMUD - Waterfront Subdistrict
- 4.02.18 Same-Development in the BMUD - Residential Subdistrict (R1)
- 4.02.19 Same-Development in the BMUD--Residential Subdistrict (R2)
- 4.02.20 Same-Development in the BMUD--Residential Subdistrict (R3)
- 4.02.21 Same-Development in the BMUD--Residential Neighborhood Commercial Subdistrict (RNC)
- 4.02.21 Design Standards for Development in the BMUD--Residential Subdistrict

- 4.02.22 Same--GZO District
- 4.02.23 Same--Development in the Activity Center #9 Zoning District
- 4.02.24 Corridor Management Overlay District (CMO)--Special Regulations for Properties Abutting Golden Gate Parkway West of Santa Barbara Boulevard and Goodlette-Frank Road South of Pine Ridge Road
- 4.02.25 Mobile Home Overlay District (MHO)--Special Regulations for MHO in Rural Agricultural (A) Districts
- 4.02.26 Golden Gate Parkway Professional Office Commercial Overlay District (GGPPOCO)--Special Conditions for the Properties Abutting Golden Gate Parkway East of Santa Barbara Boulevard as Referenced in the Golden Gate Parkway Professional Office Commercial District Map (Map 2) of the Golden Gate Area Master Plan
- 4.02.27 Specific Design Standards for the Immokalee--State Road 29A Commercial Overlay Subdistrict
- 4.02.28 Same--Jefferson Avenue Commercial Overlay Subdistrict
- 4.02.29 Same--Farm Market Overlay Subdistrict
- 4.02.30 Same--Agribusiness Overlay Subdistrict
- 4.02.31 Same--Central Business Overlay Subdistrict
- 4.02.32 Same--Main Street Overlay Subdistrict
- 4.02.33 Same--Mobile Home Park Overlay Subdistrict
- 4.02.34 Specific Standards for Shopping Centers
- 4.02.35 Design Standards for Development in the GTMUD-Mixed Use Subdistrict (MXD)
- 4.02.36 Design Standards for Development in the GTMUD-Residential Subdistrict (R)
- 4.02.37 Design Standards for Development in the Golden Gate Downtown Center Commercial Overlay District (GGDCCO)

\* \* \* \* \*

**SUBSECTION 3.J. AMENDMENTS TO SECTION 4.02.16 Same-Development in the BMUD-Neighborhood Subdistrict**

Section 4.02.16 Same-Development in the BMUD-Neighborhood Subdistrict, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.02.16 Same-Design Standards for Development in the BMUD - Neighborhood Commercial Subdistrict**

**A. Purpose**

~~The purpose and intent of this Subdistrict is to encourage a mix of low intensity commercial uses and residential uses. Developments will be human scaled and pedestrian-oriented.~~

**DA. Dimensional Standards**

**Table 11. Design Standards for the BMUD Neighborhood Commercial Subdistrict.**

<i>Design Standards</i>	
<b>Minimum Setbacks</b>	
<b>Front yard</b>	
Front yard - infill project	Buildings containing commercial or residential uses are required to a minimum depth of 35 feet from the front setback line on all floors. The remaining depth may be used for parking. At five feet, 80 percent of the structure must be located at the required front setback line. Consistent front yard with <b>adjacent</b> existing structures.
<b>front yard build-to-line</b>	<b>5 feet from the property line to the building footprint.</b>
<b>The front build-to-line shall also apply to any new buildings or structures in the C-1 through C-5 zoning districts which underlay the BMUD Neighborhood Commercial Subdistrict.</b>	<p>1. Eighty percent of the <b>structure</b> must be located at the required <b>front yard build-to-line</b>; the remaining 20 percent must be behind the <b>front yard build-to-line</b> within the range of 3 to 10 feet.</p> <p>2. <b>Buildings</b> containing commercial or residential uses are required to have a minimum depth of 35 feet from the <b>front yard build-to-line</b> on all floors. The remaining depth of the <b>lot</b> may be used for parking.</p> <p>3. <b>Buildings</b> which face Bayshore and intersecting side <b>streets</b> shall have the same <b>front yard build-to-line</b> as the <b>front yard build-to-line</b> for Bayshore.</p>
<b>Minimum Setbacks</b>	
Side yards - abutting residential	15 feet
Side yards - all other	5 feet
Rear yard	20 feet
Waterfront <sup>16, 22</sup>	25 feet
<b>Building Standards</b>	
Locations on Bayshore Drive	First floor elevation level with the sidewalk. The first floor of the buildings must be utilized for commercial purposes.
<b>Building Design</b>	Where possible buildings facing Bayshore Drive wrap around the corner as depicted on BMUD Figure 1. <b>The building facades facing the intersecting east-west streets with Bayshore shall have the same architectural design treatment as the building facade facing Bayshore Drive.</b>
<b>Maximum Residential Density</b>	For the residential component - 12 units per acre
<b>Maximum square footage</b>	<b>A building with commercial use only is limited to a maximum square footage of 20,000 square feet.</b>
<b>Minimum Floor Area</b>	700 square foot gross floor area for each building on the ground floor.
<b>Building Height of Story</b>	14 feet of <b>building height equals one story</b>
<b>Maximum height of structures</b> Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to maximum <b>building height</b> per section 4.02.01 A, Table 2.	

<sup>16</sup>Outdoor seating areas, canal walkway, water management facilities, and landscaping area may be located within the required setback.

<sup>22</sup> To allow the maximum use of the waterfront, building placement on a lot can vary from the required setbacks, provided such variation is recommended by the CRA staff and the county architect and approved by the County Manager or designee.

<p><b>Commercial use <u>only</u> buildings</b></p> <p><u>Maximum actual height of Structure 56 Feet.</u></p>	<p><b>3 stories or 42 feet to <u>building eave</u> or top of a flat built-up roof, measured to first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more than 5 feet in height.</b></p>
<p><b>Residential use <u>only</u> buildings</b></p> <p><u>Maximum actual height of structure 56 Feet.</u></p>	<p><b>3 stories or 42 feet to <u>building eave</u> or top of a flat built-up roof, measured to the first floor elevation, by NFIP standards. Parapets on flat roof can be no more than 5 feet in height.</b></p>
<p><b>Mixed-use <u>buildings</u> residential on top of commercial uses</b></p> <p><u>Maximum actual height of s70 Feet.</u></p>	<p><b>4 stories or 56 feet to <u>building eave</u> or top of a flat built-up roof, measured from the first finished floor elevation, by NFIP standards. Parapets on flat roof shall be no more than 5 feet in height. Only the first two floors shall be used for commercial uses. The first floor ceiling height at the sidewalk level shall be no less than 12 feet and no more than 18 feet in height from the finished floor to the finished ceiling and shall be limited to commercial uses only.</b></p>
<p><b>Hotel/Motel</b></p> <p><u>Maximum actual height of structure 70 Feet.</u></p>	<p><b>4 stories or 56 feet to <u>building eave</u> or top of a flat built-up roof, measured from the first finished floor elevation, by NFIP standards. Parapets on flat roofs can be no more than 5 feet in height.</b></p>
<p><u>Ceiling Height</u></p>	<p><u>The first floor ceiling shall be no less than 12 feet and no more than 18 feet in height from the finished floor to the finished ceiling and shall be limited to commercial uses only.</u></p>

**B. Special Requirements for Accessory Uses.**

1. Uses and structures that are accessory and incidental to the permitted uses allowed within this subdistrict are allowed unless otherwise prohibited in this subdistrict.
2. BMUD-NC land Properties immediately **adjacent** to Haldeman Creek may engage in boat rental operations.
3. Lots **adjacent** to the Neighborhood Commercial (NC) and Waterfront (W) Subdistricts, as indicated on BMUD Map No. 1 ~~below~~, may construct a dock provided the lots are under the same ownership as the adjacent BMUD-NC or BMUD-W parcels, and ~~have been approved by the County Manager or designee~~. A site development plan shall be submitted to the County Manager or designee and must succeed in gaining approval.

**C. The following regulations govern the outdoor display and sale of merchandise.**

1. No automatic flood and drinking vending machines or public pay phones are permitted outside of any structure.
2. Newspaper vending machines will be limited to two machines per project site, ~~and must be architecturally integrated within the project site.~~
3. Outdoor display and sale of merchandise, within **front yards** on improved properties, are permitted subject to the following provisions:
  - a. The outdoor display/sale of merchandise is limited to the sale of comparable merchandise sold on the premises, ~~and as indicated on~~

the proprietors' occupational license.

- b. ~~The outdoor display/sale of merchandise is permitted on improved commercially zoned properties and is subject to the submission of a site development plan that demonstrates that provision will be made to adequately address the following:~~

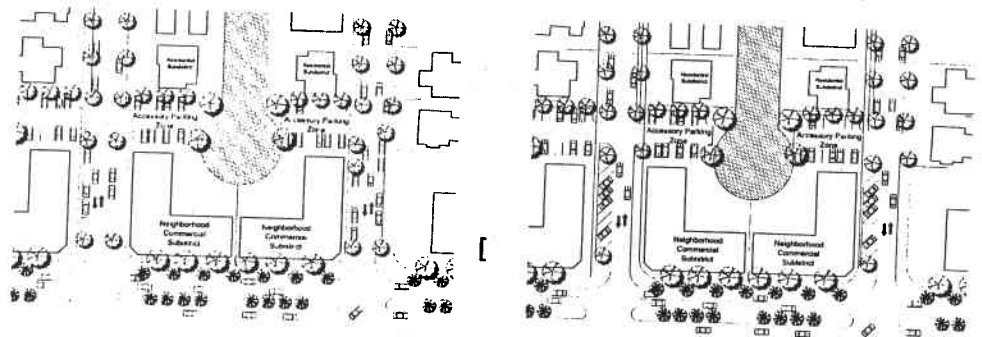
- ~~i. Vehicular and pedestrian traffic safety measures.~~
- ~~ii. Location of sale/display of merchandise in relation to parking areas.~~
- ~~iii. Fire protection measures.~~
- ~~iv. Limited hours of operation: from dawn until dusk.~~
- ~~v. Merchandise must be displayed in a vendor cart that complements the architectural style of the building that it is accessory to.~~
- ~~vi. Vendor carts located on sidewalks must afford a five (5)-foot clearance for non-obstructed pedestrian traffic.~~

**ED. Parking Standards.**

1. Four (4) ~~Three~~ spaces per 1,000 square feet of floor area open to the general public for commercial use.
2. Minimum two (2) ~~one and one-half (1.5)~~ ~~one~~ parking spaces for each residential unit.
3. Outdoor cafe areas seating shall be exempt from parking calculations.
- ~~4. Access to the off-street parking facility must be from the local street unless restricted due to lot size.~~
- ~~5. Should the property owner develop on-street parking spaces on local streets within the same block of the project site, then each space so provided shall count as one space toward the parking requirement of this subsection.~~
- ~~6.~~ 4. On-street parking on local streets excluding Bayshore Drive requires an agreement with the county to use the public **right-of-way** for parking. Angle or parallel parking (as depicted on BMUD Figure 21 (~~below~~) is permissible based on the site development plan as approved by the ~~planning services department~~ County Manager or designee and built to county standards. ~~The property owner must agree to maintain that portion of the public right-of-way where the parking is located.~~
- ~~3~~ 5. Lots **adjacent** to the Neighborhood Commercial (NC) and Waterfront district (W) Subdistricts, as indicated on BMUD Map No. 1, may be used for off-site **street** parking. The accessory parking zone provided the lots are **must be** under the same ownership or legal control (i.e., lease or easement, etc), and meet the standards of section 4.05.02 of this LDC and have a **site development plan** been approved by the County Manager or designee. ~~a site development plan shall be submitted to the County Manager or designee.~~



**BMUD Figure 1 - Typical Corner Lot Development and On-Street Parking**  
(For illustrative purposes only)



**DELETE EXISTING GRAPHIC]**

MUD Figure 2 - Typical On street Parking

- ~~8.~~ On-street parking on Bayshore Drive shall be made available to the property owner on a first come first serve basis at the time of site development plan (SDP) or site improvement plan (SIP) approval provided the parking does not interfere with the on-street bike lanes and is located within the block in which the block that the property it serves is located.
- ~~9.~~ Construction or renovation of any building must occur within ninety (90) days of the SDP or SIP approval and be completed within six (6) months of commencement in order to secure the on-street parking spaces. Due to circumstances beyond the control of the applicant the property owner may request an extension from the County Manager or designee. These spaces must be used toward the fulfillment of the parking requirements set forth herein.
- ~~10.~~ The off-site parking requirements of section 4.05.02 J. of the LDC shall apply. Vehicular egress points may be located on local streets opposite residential homes provided they are within the Bayshore Mixed Use Overlay District.
- ~~11.~~ 6. Shared parking requirements shall be consistent with those provided in subsection 4.05.02 of the LDC, except that the County Manager or designee can approve or deny requests instead of the Zoning & Land Development Review Director with review by the CDES Administrator Board of Zoning Appeals or Planning Commission. Shared parking spaces may be separated by Bayshore Drive provided the two properties are located within the BMUD.

**FE.** Design Standards For Awnings, Loading Docks, and Dumpsters

- ~~1.~~ 1. Retractable awnings shall be exempt from fire sprinkler requirements. Fixed awnings under 145 square feet shall be subject to sprinkler requirements but only from the potable water supply without requirements for backflow protection.
- ~~2.1.~~ 2.1. Loading docks and service areas shall not be allowed on the frontage line along the street frontage.
- ~~3.2.~~ 3.2. All dumpsters for new developments must be located in the rear yard of the property, and not visible from Bayshore Drive.

~~G.~~ Architectural Standards.

- ~~1. All buildings shall meet the requirements set forth in section 5.05.08 unless otherwise specified below.~~
- ~~2. All buildings **adjacent** to Bayshore Drive will have the principal pedestrian entrance fronting Bayshore Drive.~~
- ~~3. Thirty-five (35) percent of the buildings facade that faces along Bayshore Drive will be clear glass.~~
- ~~4. Clear glass windows between the height of three (3) and eight (8) feet above sidewalk grade are required on the primary facade of the first floor of any building.~~
- ~~5. Attached building awnings may encroach over the setback line by a maximum of five (5) feet.~~
- ~~6. Neon colors shall not be used as accent colors.~~

~~F.~~ Landscaping and **Buffer** Requirements

- ~~1. As required by section 4.06.00 of this Code, unless specified otherwise below:~~
- ~~2. **Buffers** are required between BMUD-NC and BMUD-W Subdistricts and contiguous BMUD-R1 through R4 Residential Subdistricts. A minimum 10-foot wide landscaped area shall be required. This area shall include: a 6-foot high opaque masonry wall; a row of trees spaced no more than 25 feet on center; and a single row of shrubs at least 24 inches in height, and 3 feet on center at the time of planting. Landscaping shall be on the commercial side of the wall.~~
- ~~3. A shared 10 foot wide landscape **buffer** with each **adjacent** property contributing a minimum of 5 feet is required between BMUD-NC and BMUD-W Subdistricts **abutting** commercial zoned districts or **abutting** BMUD-NC or BMUD-W Subdistricts. However, the equivalent **buffer** area square footage may be provided in the form of landscaped and hardscaped courtyards, mini-plazas, outdoor eating areas, and **building** foundation planting areas.~~
- ~~4. **Building** Foundation Planting  
The foundation planting shall be a minimum of 50% of the ground floor **building** perimeter measured in linear feet and an average of five-feet (5) wide. This area must be landscaped with trees and/or palm trees in the amount of one tree or palm per 25 linear feet of **building** foundation planting perimeter; and with 3-gallon shrubs and 1-gallon ground covers other than grass. Trees and palm trees shall be planted in areas that are a minimum of 8 feet wide. Palm trees, when used to meet these **building** foundation requirements, shall be counted as one palm is the equivalent of one tree.~~
- ~~5. **Water Management Area**  
A minimum of 50% of the surface water management area shall be landscaped. Trees shall be provided at the rate of 1 tree per 250 square feet, with the balance of the area landscaped with shrubs, ground covers and ornamental grasses.~~
- ~~6. **Parking Perimeter**  
Parking lots and/or **access** drives **abutting** commercial property shall have a shared 10 foot perimeter landscaped **buffer**, with each side contributing a minimum of 5 feet. This area shall include a row of trees~~

spaced no more than 30 feet on center.

**7. Right-of-Way Buffers**

External rights-of-way (ROW) adjacent to the Neighborhood Commercial Subdistrict (NC) are not required to have ROW buffers.

a. The streetscape and landscaping standards in the ROWs abutting C-1 through C-5 commercial, BMUD NC and BMUD W developments will be based on Streetscape Design Guidelines to be prepared by the Bayshore / Gateway Triangle CRA Advisory Board and the Bayshore Avalon Beautification MSTU.

**8. Streetwalls**

Streetwalls shall be used when surface parking lots abut the right-of-way of Bayshore Drive, Van Buren Avenue and Thomasson Drive.

a. The wall shall be constructed of the same materials as the primary buildings and be 3 to 4 feet in height, and shall have a 12 inch projection or recess a minimum of every 10 to 15 feet. The streetwall may be a combination of wall and metal fence materials. The street side of the streetwall shall have trees at 30 feet on center and shrubs least 24 inches in height and spaced 3 feet on center at the time of planting, with ground covers other than grass in a minimum 5 foot wide strip. No streetwall is required if all of the parking is located in rear of the development.

b. No two streetwalls shall adjoin on a common property line.

c. The streetwall shall be set back the appropriate distance from the front yard setback line in order to meet County standards for site distance triangles (Section 4.06.01, D.1.) for egress from parking lots.

**9. These landscaping and buffer requirements shall apply to all new buildings in the BMUD Neighborhood Commercial (NC) and Waterfront (W) subdistricts and C-1 through C-5 zoning districts.**

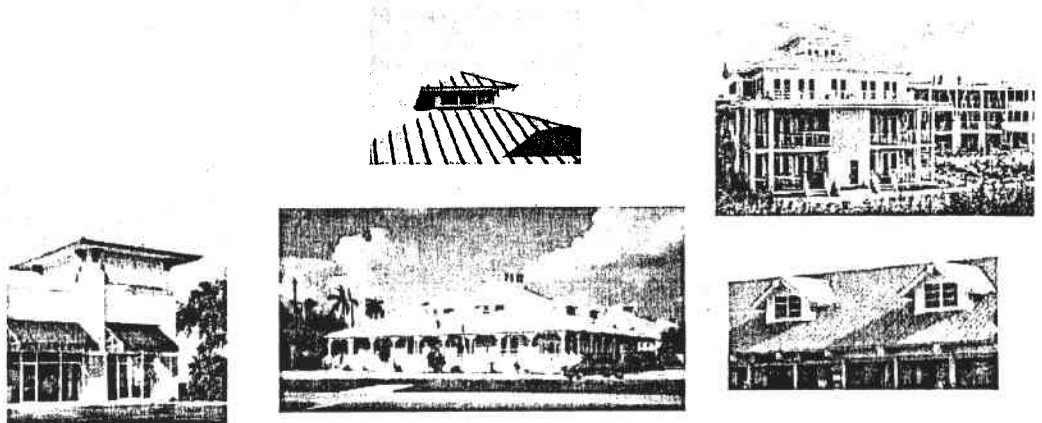


**G. Architectural standards Design Theme.**

The "Florida Cracker" architectural theme is encouraged for any new developments or existing building rehabilitation or renovation in the C-1 through C-5 zoning districts which underlay the BMUD Neighborhood

Commercial (NC) and Waterfront (W) Subdistricts. If the suggested architectural design theme is used then the elements of the buildings should reflect the architectural vernacular of the "Florida Cracker" style.

**BMUD Figure 3: "Old Florida" or "Florida Cracker" Vernacular (For illustrative purposes only)**



1. All **buildings** shall meet the requirements set forth in section 5.05.08 unless otherwise specified below.
2. Regardless of the architectural theme chosen, the following design elements are required.
  - a. Hip or gable **building** roofs shall be metal seam ( 5v Crimp, standing seam or similar design)
  - b. Windows with vertical orientation and the appearance of divided glass trim.
  - c. Facade wall **building** materials shall be of wood, stucco finish or cement board products.
  - 2d. All **buildings adjacent** to Bayshore Drive shall have the principal pedestrian entrance fronting Bayshore Drive.
  - 3e. Thirty-five (35) percent of the **buildings facade** that ~~faces~~ along Bayshore Drive will be clear glass.
  - 4.f. Clear glass windows with a tint of 25% or less, between the height of two (2) ~~three (3)~~ and seven (7) ~~eight (8)~~ feet above sidewalk grade are required on the **primary facade** of the first floor of any **building**.
  - 5g. Attached **building** awnings may encroach over the **setback** line by a maximum of five (5) feet.
  - 6h. Florescent Neen colors shall not be used as ~~accent~~ colors.

**H. Signs. As required by division 5.06.00 unless specified below:**

1. One sandwich board sign is allowed per business establishment as long as the base is no more than 30 inches and a maximum height of 42 inches.

**I. Specific Standards for Bed And Breakfast Lodging as a Conditional Use.**

1. Minimum number of guest rooms or suites is two (2) with a maximum number of six (6). Guest occupancy is limited to a maximum stay of thirty (30) days. The minimum size of bedrooms for guest occupancy shall be 100 square feet.
2. No cooking facilities shall be allowed in guest rooms.
3. Separate toilet facilities for the exclusive use of guests must be provided. At least one (1) bathroom for each two (2) guestrooms shall be provided.
4. All automobile parking areas shall be provided on site, based upon a minimum of two (2) spaces plus one (1) space for each bedroom. All other applicable provisions of the LDC relative to parking facilities shall apply.
5. One (1) sign with a maximum sign area of four (4) square feet containing only the name of the proprietor or name of the residence. Sign lettering shall be limited to two (2) inches in height and shall not be illuminated.
6. An on-site manager is required.

**SUBSECTION 3.K. AMENDMENTS TO SECTION 4.02.17 Same-Development in the BMUD Waterfront Subdistrict**

Section 4.02.17 Same-Development in the BMUD Waterfront Subdistrict, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.02.17 Same-Design Standards for Development in the BMUD - Waterfront Subdistrict**

**A.** Design Standards for the Subdistrict are the same as those set forth for the BMUD Neighborhood Commercial Subdistrict, unless set forth below. Development in this subdistrict is encouraged to be a mix of restaurant and retail uses while allowing for limited marina uses.

**A. B. Special conditions for Marinas:**

1. Repair and dry storage areas shall not be visible from the local street.
2. Boats available for rental purposes shall be located in the water or properly screened with a fence or wall from the local side streets roadways and not visible from Bayshore Drive.
3. All boat racks shall be enclosed, with a wall or fence. The fence material can be wood, vinyl composite, concrete block with stucco finish or metal or a combination. No chain link fence is allowed.
4. Height of structures may be increased to a maximum actual height of fifty (50) feet by the Board of Zoning Appeals (BZA) upon approval of a variance petition. ~~The BZA, in addition to the findings in Chapter 9, shall consider whether or not the literal interpretation of the provisions of this LDC imposes a financial hardship on the applicant.~~

5. Outdoor displays of ~~new~~ boats for sale on properties fronting Bayshore Drive shall be limited to the following:
  - a. All areas used for ~~new~~ boat sales display activities shall occupy no more than thirty-five (35) percent of the linear frontage of the property.
  - ~~b. All boat sale activities are limited to new boat sales.~~
  - ~~e.b.~~ All ~~new~~ boat sale areas shall not be closer to the frontage line than the primary **building** they serve, ~~unless it is otherwise recommended staff and shall be administratively approved by the County Manager or designee.~~
  - ~~d.c.~~ All ~~new~~ boats located within an outdoor sales area shall not exceed the height of seventeen (17) feet above existing grade.
  - ~~e.d.~~ Outdoor sales areas shall be connected to the parking area and primary structure by a pedestrian walkway.
  - ~~f.e.~~ An additional 10 foot landscape **buffer** is required around the perimeter of the outdoor boat sales area. This **buffer** must include, at a minimum fourteen (14)-foot high trees, spaced at thirty (30) feet on center and a three (3)-foot high double row hedge spaced at three feet on center at the time of planting.
  
6. Outdoor displays of boats on properties fronting Haldeman Creek shall be limited to the following:
  - a. All areas used for boat sales shall utilize no more than fifty (50) percent of the linear frontage of the property.
  - b. All ~~new~~ boat sale areas shall not be closer to the frontage line than the primary **building** they serve. ~~unless it is otherwise recommended for approval reviewed and commented on by the CRA Local Advisory Board staff and shall be administratively approved by the County Manager or designee.~~
  - c. All boats located within outdoor sales areas shall not exceed a height of thirty-five (35) feet above the existing grade. Sailboat masts are exempt from this limitation.
  - d. Outdoor sales areas shall be connected to the parking area and primary structure by a pedestrian walkway.
  - e. An additional landscape 10 foot **buffer** is required around the perimeter of the outdoor sales area. This **buffer** must include, at minimum fourteen (14) foot high trees, spaced at thirty (30) feet on center and a three (3)-foot high double row hedge spaced at three (3) feet on center at the time of planting.
  
7. One (1) parking space per five (5) dry boat storage spaces.
  
8. On-site traffic circulation system shall be provided that will accommodate areas for the loading and unloading of equipment that will not encroach upon residential developments.

**SUBSECTION 3.L. AMENDMENTS TO SECTION 4.02.18 Same-Development in the BMUD Residential Subdistrict (R1)**

Section 4.02.18 Same Development in the BMUD Residential Subdistrict (R1), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.02.18 Same Design Standards for Development in the BMUD - Residential Subdistrict (R1)**

Subdistrict design standards encourage the development of a variety of housing types which are compatible with existing neighborhoods and allow for building additions such as front porches. In new development the purpose is to encourage a traditional neighborhood design pattern. The intent is to create a row of residential units with uniform front yard setbacks and access to the street.

**A. Dimensional and Design Standards**

**Table 12. Design Standards in the BMUD Residential Subdistrict R1.**

<i>Design Standards</i>			
Maximum <del>Density: 12 units per acre</del> <u>Density</u> allowed for underlying zoning pursuant to the <u>Density Rating System</u> ; unless affordable housing <u>density</u> bonuses are granted.			
Minimum Lot Width (feet)			
Single-family and Two-family/Duplex	50 feet		
Townhouses	50 feet		
Multi-family	25 feet		
	100 feet		
Minimum Setbacks			
	Min. front yard At	Min. Side Yard	Min. Rear Yard (feet)
One <del>single (single)</del> family detached dwelling unit	10 feet* <u>dwelling</u>	7.5 feet unless abutting commercial property, then <u>5 feet</u>	15
Two family / Duplex dwelling units	10 feet*	5 feet unless abutting single-family unit, then <u>7.5 feet</u>	15
Townhouse	10 feet*	0 feet when abutting another townhouse, if not then the same standards as a two family dwelling unit	15
Multi-family (three or more) dwelling units	10 feet*	5 feet unless abutting single family unit, then <u>7.5 feet</u>	15
Building Standards			
Minimum Floor Area	750 square feet per unit Single-family 1500 square feet per unit Two-family/Duplex 1000square feet per unit Townhouses 1000 square feet per unit Multi-family 750 square feet per unit		
Maximum Height of Principal Structures Maximum actual height of <u>principal structures</u> 56 Feet	3 habitable floors or 40 <u>42 feet to building eave or top of a flat built-up roof, measured from the first habitable floor elevation, by NFIP standards. Parapets on flat roof can be no more that 5 feet in height.</u>		
Maximum Height of Accessory Screen Enclosures	Same as <u>principal structure</u> , not to exceed 35 feet		
Maximum height of all other <u>accessory structures</u>	+5 <u>26 feet, but in no case higher that the main building.</u>		
Parking Standards			
All uses Parking standards	+1 <u>space per dwelling unit.</u> Parking standards as required by sections 4.05.02 and 4.05.03 of this Code.		

\* Shall be ten feet from the property line to the building footprint.

**B. Specific Design Requirements**

1. ~~There shall be no visible parking area from the frontage road. Parking areas shall not be visible from Bayshore Drive.~~
2. **Buildings** and their elements shall adhere to the following:
  - a. **Street-facing facades** of multi-family ~~B~~buildings shall be divided using articulation and/or modulation at least every ~~sixty (60)~~ eighty (80) feet. **Facade** modulation is stepping back or extending forward a portion of the **facade** at least ~~five (5)~~ six (6) feet measured perpendicular to the front **facade** for each interval. Articulation includes porches, balconies, bay windows and/or covered entries.
  - b. The primary ~~residence~~ **entrance** shall be oriented to the street. Orientation is achieved by the provision of a front **facade** including an entry door that faces the street.
  - c. On corner lots, both street **facades** of a **building** shall have complementary details; in particular, **building** materials and color, rooflines and shapes, window proportions and spacing, and door placement.
  - d. All mechanical equipment must be screened with a ~~three (3)-foot high hedge spaced three (3) feet on center or an opaque fence or wall at a any height which is 18 inches above the top of the equipment. to completely screen the mechanical equipment.~~
  - e. ~~Stem wall construction is required, no monolithic construction is allowed.~~
  - e. Landscaping and **buffer** requirements for new residential development as required by section 4.06.00 of this Code.

**BMUD Figure 4- Typical Front Elevation, Residential Development (For illustrative purposes only)**



3. **Buildings** shall adhere to the following elevation requirements:
  - a. The first habitable floor at the street **facade** may not be greater than ~~one (1) foot~~ three (3) feet over the minimum first floor elevation designated in the National Flood Insurance Program (NFIP) Flood Insurance Rate Map, ~~by the Federal Emergency management~~



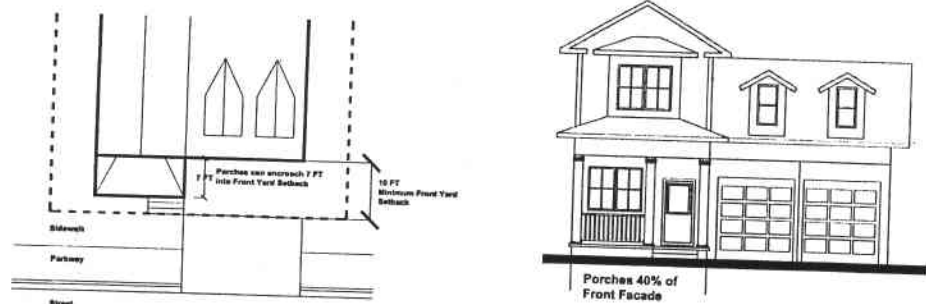
Agency (FEMA). A maximum of forty (40) percent of the first habitable floor may be greater than one (1) foot over the FEMA designated minimum first floor elevation.

- b. A maximum of two feet of fill shall be allowed on site towards meeting NFIP requirements. Additional NFIP finished habitable floor height requirements shall be accomplished through stem wall construction. Stem walls shall be finished in material and color complementary to the principal structure.
- c. Open stilt-type construction is not permitted. On **front yards**, the foundation area below the first floor must be treated with a solid **facade** or lattice which is consistent with the architectural style of the **building**.
- d. The garage floor shall not exceed twenty-four (24) inches above the elevation of the right-of-way crown of road from which it is **accessed**.

4. Front porches that shall adhere to the following: ~~standards may encroach seven (7) feet into the front yard setback if the structure is located on the Minimum Front Yard Setback (10 feet) with an additional three (3)-foot encroachment allowable for entry stairs.~~

- a. Front porches may encroach seven (7) feet into the front yard setback if the structure is located on the minimum front yard setback (10 feet) with an additional three (3)-foot encroachment allowable for entry stairs.

**BMUD Figure 5: Front Porches (For illustrative purposes only)**



- ab. Front porches must cover a minimum of forty (40) percent of the horizontal length of the front yard **facade** of the primary residence.
- bc. Front porch design and material shall be consistent with the architectural design and construction material of the primary residence.
- ed. ~~Front porches shall not be air-conditioned nor enclosed with glass, screen, or other material.~~ Front porches shall not be air-conditioned

nor enclosed with glass, screen-plastic, or other materials. Screening the porch is allowed as long as the moldings that hold the screen material matches the material and design character of the structure.

~~de.~~ Front S-second-story porches are encouraged, but no enclosed room is permitted above the front porch.

5. Garages and driveways.

~~a.~~ The rear setback may be reduced to ten (10) feet if a front-access garage is constructed on the rear of the residence.

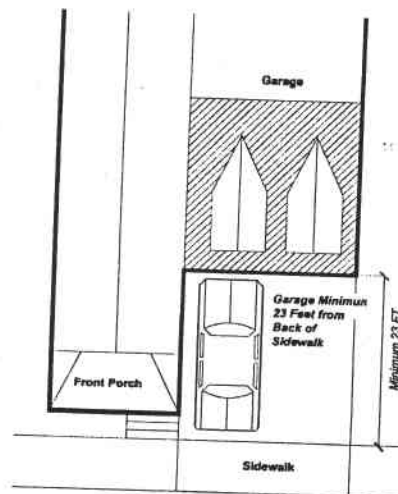
b.a. Garage doors shall have a maximum width of sixteen (16) feet.

~~c.~~ Only one driveway is allowed per fifty (50) linear feet of front property line. The driveway shall have a maximum width of eighteen (18) feet in the right of way area.

~~d.b.~~ The driveway shall have a maximum width of eighteen (18) feet in the right-of-way area. Other than the permitted driveway, the front yard may not be paved or otherwise used to accommodate parking.

~~e.~~ Garages shall be recessed a minimum of three (3) feet behind the front facade of the primary residence.

**BMUD Figure 6: Garage Driveway (For illustrative purposes only)**



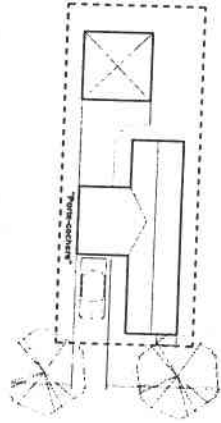
~~f.~~ No carports are permitted.

~~c.~~ No freestanding carports are permitted. Carports and porte-cochere must be attached to the principal structure and of similar materials and design as the principal structure.

~~d.~~ The distance from the back of the sidewalk to the garage door must be at least 23 feet to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that

parked vehicles will not interfere with pedestrian traffic.

**BMUD Figure: 7 Porte-cochere (For illustrative purposes only)**



6. **Accessory Unit**  
An **accessory unit** is a separate **structure** located at the rear of on the property and related to the primary residence (single-family detached only) for uses which include, but are not limited to: Library, studio, workshop, playroom, screen enclosure, garage, swimming pool or guesthouse ~~guest quarters~~. ~~Ownership of an accessory unit shall not be transferred independently of the primary residence.~~
- a. Ownership of an accessory unit shall not be transferred independently of the primary residence.
- a.b. Only one (1) **accessory unit** of each type is permitted per principal structure.
- b.c. The maximum area of an **accessory unit** is 550 square feet, limited to one (1) habitable floor.
- c.d. The **accessory unit** may be above a garage or may be connected to the primary residence by an enclosed breezeway or corridor not to exceed eight (8) feet in width.
- d.e. The maximum height of a structure containing a guesthouse unit over a garage is limited to a maximum of eighteen (18) twenty (20) feet, measured from the level of graded lot to the eave, and with a maximum overall actual building height of twenty-six four (26) (24) feet to the top of the roof. ~~A structure containing only a guest unit is limited to one (1) story and ten (10) feet, measured from the FEMA first habitable floor height requirement to the eave, with a maximum overall building height of sixteen (16) feet to the top of the roof.~~

~~f.~~ A structure containing only a guest unit must meet the NFIP first habitable floor elevation requirement. The maximum actual building height shall not exceed twenty-six (26) feet to the top of the roof.

~~e.~~ For purposes of calculating density, an accessory unit will count as one-half (1/2) a dwelling unit.

**Table 13: Setbacks for Accessory Buildings and Structures**

Building / Structure	Front	Rear	Side
Library	SPS*	10 feet	SPS*
Studio	SPS*	10 feet	SPS*
Workshop	SPS*	15 feet	SPS*
Swimming pool and/or screen enclosure	SPS*	10 feet	SPS*
Playroom	SPS*	10 feet	SPS*
Garage	SPS*	10 feet	SPS*
Garage Guesthouse above	SPS*	15 Feet	SPS*
Guesthouse	SPS*	15 Feet	SPS*

\*SPS - Same as principal structure

7. Fencing forward of the **primary facade** of the **structure** is permitted subject to the following conditions:

- a. The fence shall ~~does~~ not exceed 42 inches ~~four (4)~~ feet in height.
- b. The fence shall have an opacity range of 18% to 50% ~~is not opaque but provides an open view~~
- c. Chain link fence is prohibited.
- d. The fence material shall be wood, vinyl, composite, stucco block or metal iron.
- e. A masonry wall is ~~permitted and shall not exceed three (3) feet in height.~~
- f. ~~Fencing and walls must architecturally complement the primary structure, as determined by the County Manager or designee.~~

**BMUD Figure 8– Permitted Typical Fencing (For illustrative purposes only)**



~~C.~~ Specific standards for bed and breakfast lodging as a conditional use:

~~1.~~ A site development plan pursuant to Chapter 10.

~~2.~~ Minimum number of guest rooms or suites is two (2) with a maximum

~~number of six (6). Guest occupancy is limited to a maximum stay of thirty (30) days. The minimum size of bedrooms for guest occupancy shall be 100 square feet.~~

- ~~3. No cooking facilities shall be allowed in guest rooms.~~
- ~~4. Separate toilet facilities for the exclusive use of guests must be provided. At least one (1) bathroom for each two (2) guestrooms shall be provided.~~
- ~~5. All automobile parking areas shall be provided on-site based upon a minimum of two (2) spaces plus one (1) space for each two (2) bedrooms. All other applicable provisions of this LDC relative to parking facilities shall apply.~~
- ~~6. One (1) sign with a maximum sign area of four (4) square feet containing only the name of the proprietor or name of the residence. sign lettering shall be limited to two (2) inches in height and shall not be illuminated.~~
- ~~7. An on-site manager is required.~~
- ~~8. The facility shall comply with all business license, certifications, and health laws of Collier County and the State of Florida.~~

**SUBSECTION 3.M. AMENDMENTS TO SECTION 4.02.19 Same-Development in the BMUD Residential Subdistrict (R2)**

Section 4.02.19 Same-Development in the BMUD Residential Subdistrict (R2), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.02.19 SameDesign Standards for Development in the BMUD--Residential Subdistrict (R2)**

A. Design Development Standards for the subdistrict are the same as those set forth for the Residential sSubdistrict 1, unless set forth specified below.

**Table 1314. Setback Standards for BMUD Residential Subdistrict (R2)**

<b>Setbacks</b>	<b>Min. front yard A1*</b>	<b>Min. Side Yard</b>	<b>Min. Rear Yard</b>
One (Single) Family <u>Detached</u> Dwelling Units	25 feet <sup>2</sup>	7.5 feet	15 feet
Two Family / <u>Duplex</u> Dwelling Units	25 feet <sup>2</sup>	6 feet unless abutting single family unit, then 7.5 feet	15 feet
Townhouse	25 feet <sup>2</sup>	6 feet unless abutting single family unit, then 7.5 feet	15 feet
Multi- Family (Three or more) Dwelling Units	25 feet <sup>2</sup>	6 feet unless abutting single family unit, then 7.5 feet	15 feet

\*Shall be 25 feet from the property line to the building footprint.

**SUBSECTION 3.N. AMENDMENTS TO SECTION 4.02.20 Same-Development in the BMUD Residential Subdistrict (R3)**

Section 4.02.20 Same-Development in the BMUD Residential Subdistrict (R3), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.02.20 Same Design Standards for Development in the BMUD--Residential Subdistrict (R3)**

A. ~~The purpose of this district is to allow the development of mobile home, modular home, townhouses and single-family residences. All new development in this Subdistrict shall be compatible with the building patterns and facade articulation of traditional neighborhood design. The intent is to create a row of residential units with consistent front yard setbacks and access to the street. Development standards for this subdistrict are the same as those set forth for the Residential Subdistrict 1, unless set forth below.~~

B. Minimum Lot Width

Single-family detached	40 feet
Modular homes	40 feet
Townhouses	25 feet
Mobile homes	40 feet

C. Yard Requirements.

	Front yard At	Minimum Side Yard	Minimum Rear Yard
One (Single) Family Detached Dwelling Units	10 feet*	5 feet	8 feet Modular Dwelling Units
Modular Dwelling Units	10 feet	5 feet	8 feet
Townhouse	10 feet*	0 feet when abutting another townhouse, if not then 5 feet.	8 feet
Mobile Homes	10 feet*	5 feet	8 feet

\* Shall be 10 feet from the property line to the outer wall of the **building** footprint.

**SUBSECTION 3.O. AMENDMENTS TO SECTION 4.02.21 Same-Development in the BMUD Residential Neighborhood Commercial Subdistrict (RNC)**

Section 4.02.21 Same-Development in the BMUD Residential Neighborhood Commercial Subdistrict (RNC), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.02.21 ~~Same-Development in the BMUD--Residential Neighborhood Commercial Subdistrict (RNC)~~**

A. ~~Home occupation in section 5.02.00 of the LDC, shall apply unless specified otherwise below. development standards for the subdistrict are the same as those set forth for the residential subdistrict 2, unless otherwise set forth below.~~

B. ~~The home occupations permitted include: Accounting (8721), auditing and bookkeeping services (8721), barber shops and beauty salons (7231 except beauty culture schools, cosmetology schools, or barber colleges), engineer or architectural services (8713, 8712, 8711), insurance agents and brokers (6411), legal services (8111), and real estate agents (6531 except mobile home brokers, on-site; housing authorities, operating).~~

C. ~~The home occupation shall be clearly incidental to and secondary to the use of the dwelling for residential purposes and shall not change the character of the dwelling unit. The following conditions shall be met:~~

1. ~~There shall be a minimum of one (1) residential dwelling unit.~~
2. ~~The resident of the home shall be the owner and operator of the~~

- home occupation.
- 3. ~~The home occupation shall not occupy more than (thirty) 30 percent of the primary residential structure.~~
- 4. ~~The home occupation shall not employ more than two (2) employees at any given time.~~
- 5. ~~One (1) wall sign shall be permitted provided it does not exceed six (6) square feet in area, and shall not project more than four (4) feet from the building on which the sign is attached.~~
- 6. ~~A total of two (2) parking spaces shall be provided for clients or customers. Two (2) additional parking spaces shall be provided for employees, if any. The required parking area or areas shall not be located in the front yard of the residence.~~
- 7. ~~Parking areas shall consist of a dust free surface such as: Mulch, shell, or asphalt. A single row hedge at least twenty-four (24) inches in height at the time of planting shall be required around all parking areas.~~
- 8. ~~There shall be no additional driveway to serve such home occupation.~~
- 9. ~~There shall not be outdoor storage of materials or equipment used or associated with the home occupation.~~

**4.02.21 Design Standards for Development in the BMUD--Residential Subdistrict (R4)**

- A. Development standards for the Residential Subdistrict R4 are the same as those set forth for the Residential Subdistrict R2, except only single-family uses are permitted.

**SUBSECTION 3.P. ADDITION OF SECTION 4.02.35 Design Standards for Development in the GTMUD-Mixed use Subdistrict (MXD)**

Section 4.02.35 Design Standards for Development in the GTMUD-Mixed use Subdistrict (MXD), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.02.35 DESIGN STANDARDS FOR DEVELOPMENT IN THE GTMUD- MIXED USE SUBDISTRICT (MXD)**

- A. Dimensional Standards

**Table 1. Design Standards for the GTMUD Mixed Use Subdistrict**

<u>Design Standards Mixed Use Subdistrict</u>	
<u>Front streetscape zone</u>	<u>Davis Boulevard, US 41, Airport-Pulling Road and Commercial Drive</u>
<u>16 Feet</u> <u>Measured from back of curb to front yard build-to-line, which includes existing sidewalk area See GTMUD Figure 1</u>	<u>If no curb exists as on Commercial Drive the front streetscape zone shall be 6.5 Feet from the front property line.</u>  <u>The front streetscape zone shall also apply to any new buildings or structures in the C-1 through C-5; Zoning Districts which under lay the GTMUD Mixed Use Subdistrict.</u>  <u>Steps, and or ramps may encroach in to the streetscape zone but no more than 3 feet.</u>

<u>Front yard build-to-line</u>	Sixteen feet measured from back of curb. If no curb exists as on Commercial Drive the <u>front yard build-to-line</u> shall be 6.5 feet from the front property line.
<u>The front yard build-to-line shall apply to any new buildings or structures in the C-1 through C-5 Zoning Districts which under lay the GTMUD Mixed Use Subdistrict.</u>	<ol style="list-style-type: none"> <li>1. <u>The front yard build-to-line shall mean that line to which a building facade must be built, not a minimum distance.</u></li> <li>2. <u>A minimum of 70 percent of the building's front facade shall be placed on the front yard build-to-line. The additional Front Facade has to be recessed a minimum of 3 feet from the front yard build-to-line.</u></li> <li>3. <u>A minimum 10 feet Step-Back from the Front Build-to-Line is required at the third floor and above.</u></li> </ol>
	<u>Other Streets in Mixed Use Subdistrict</u>
<u>front yard build-to-line</u>	<u>At the Front Property Line.</u>
<u>The front yard build-to-line shall apply to any new buildings or structures in the C-1 through C-5 Zoning Districts which under lay the GTMUD Mixed Use Subdistrict.</u>	<ol style="list-style-type: none"> <li>1. <u>The Front Build-to-Line shall mean that line to which a building facade must be built, not a minimum distance.</u></li> <li>2. <u>A minimum of 70 percent of the building's front facade at the ground level shall be placed on the front yard build-to-line. The additional front facade must be recessed a minimum if 3 feet from the front yard build-to-line.</u></li> <li>3. <u>A minimum 10 foot step-back from the front yard build-to-line is required at the third floor and above.</u></li> </ol>
<u>Minimum setbacks</u>	
<u>Side yards - abutting residential</u>	10 feet
<u>Side yards - all other</u>	0 or 10 feet minimum
<u>Rear yard</u>	0-5 feet
<u>Waterfront<sup>18</sup></u>	25 feet
<u>Minimum building separation</u>	0 or 10 feet
<u>Maximum residential density</u>	<ol style="list-style-type: none"> <li>1. <u>For a mixed use project, 12 units per acre in the "Mini Triangle" defined by US 41 East, Davis Boulevard and Commercial Drive. These bonus density units are not deducted from the Bonus Density Pool.</u></li> <li>2. <u>For a mixed use project, 12 units per acre to include all areas of the Mixed Use Subdistrict except:</u> <ul style="list-style-type: none"> <li>▪ <u>North side of Davis Boulevard</u></li> <li>▪ <u>East side of Airport-Pulling Road</u></li> </ul> <u>For these excepted areas, three units per acre, or as may be allowed by a rezoning pursuant to the Future Land Use Element.</u> </li> <li>3. <u>Residential only projects (not part of a mixed use development), per the underlying zoning district, or as may be allowed by a rezoning pursuant to the Future Land Use Element.</u></li> </ol>

<sup>18</sup> Outdoors seating areas, canal walkway, water management facilities, and landscaping area may be located within the required setback.



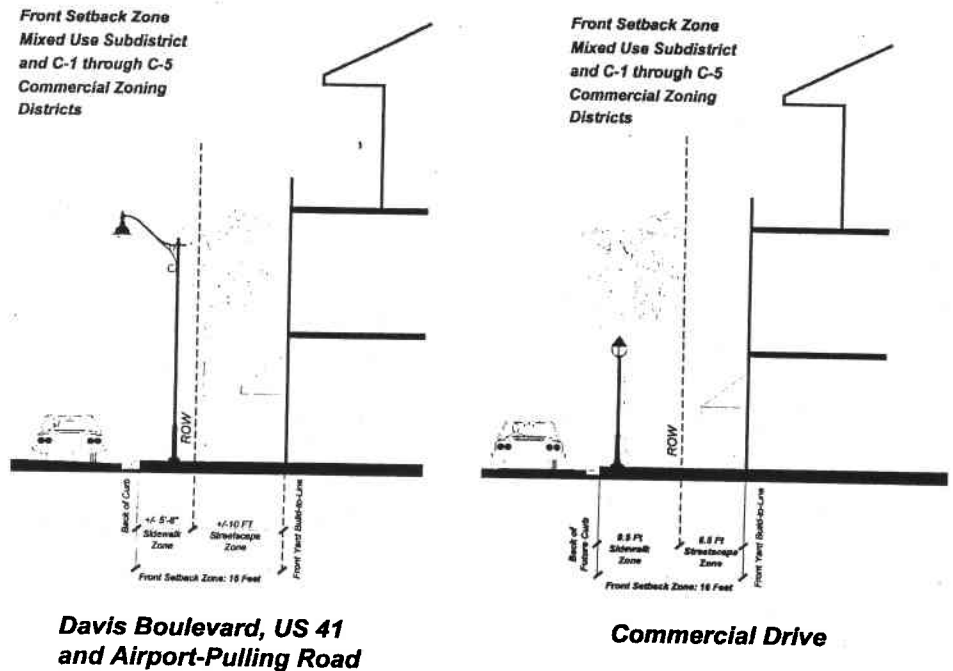
<u>Minimum floor area</u>	700 square foot gross floor area for each <b>building</b> on the ground floor.
<u>Minimum lot area</u>	80,000 Square feet
<u>Minimum lot width</u>	400 feet
<u>Building footprint</u>	A <b>building</b> with only commercial use is limited to a maximum <b>building</b> footprint of 20,000 square feet, except in Mini Triangle maximum limit is 30,000 square feet.
<u>Building height of story</u>	14 feet of <b>building</b> height equals one story
<u>Maximum height of structures</u>	
Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to maximum <b>building</b> height per section 4.02.01 A. Table 2.	
<u>Commercial use only buildings</u> Maximum actual height of <b>structures</b> = 56 feet.	3 stories or 42 feet to bottom of <b>building</b> eave or top of a flat built-up roof, measured to first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more that 5 feet in height.
<u>Residential use only buildings</u> Maximum actual height of <b>structures</b> = 56 feet.	3 stories or 42 feet or 4 stories or 56 feet if fronting on US 41, measured to <b>building</b> eave or top of a flat built-up roof, measured from the first floor elevation, by NFIP standards. Parapets on flat roof can be no more that 5 feet in height.
<u>Mixed-use residential over commercial use buildings</u> Maximum actual height of <b>structures</b> = 70 feet.	4 stories or 56 feet measured to <b>building</b> eave or top of a flat built-up roof, measured to first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more that 5 feet in height.
<u>Hotel / Motel</u> Maximum actual height of <b>structures</b> = 70 feet.	4 stories or 56 feet measured to <b>building</b> eave or top of a flat built-up roof, measured to first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more that 5 feet in height.
<u>"Mini Triangle" Mixed Use Project</u> Maximum actual height of <b>structures</b> = 126 feet.	8 stories or 112 feet to <b>building</b> eave or top of a flat built-up roof, measured to first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more that 5 feet in height.
Mixed use <b>building</b> uses	Only first two floors can be used for commercial uses.
Ceiling height	The first floor ceiling height shall be no less than 12 feet and no more than 18 feet in height for commercial uses from the finished floor to the finished ceiling and shall be limited to commercial uses only.

**B. Regulations For Outdoor Display And Sale Of Merchandise.**

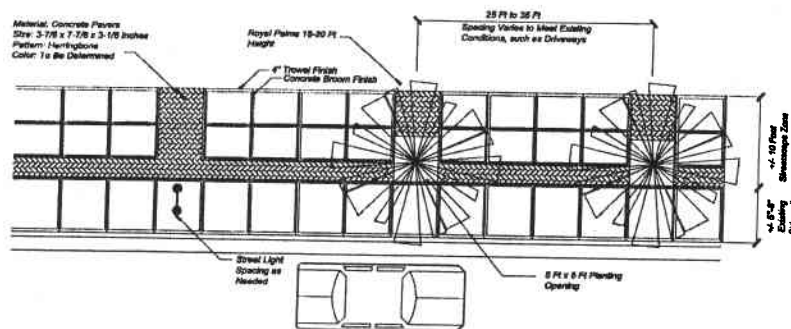
1. No automatic food and/or drink vending machines or public pay phones are permitted outside of any structure.

2. Newspaper vending machines will be limited to two machines per project site which can be individual **building** or a multiple **building development**.
3. Outdoor display and sale of merchandise, within **front yards** on improved properties, are permitted subject to the following provisions:
4. The outdoor display/sale of merchandise is limited to the sale of **comparable merchandise** sold on the premises.

**GTMUD Figure 1 – Front Setback Zone Davis Boulevard, US 41, Airport-Pulling Road and Commercial Drive (For illustrative purposes only)**



**GTMUD Figure 2 – Design Guidelines: Streetscape Zones Davis Boulevard, US 41, Airport-Pulling Road and Commercial Drive (For illustrative purposes only specific Design Guidelines will be prepared by Bayshore / Gateway Triangle CRA Advisory Board)**

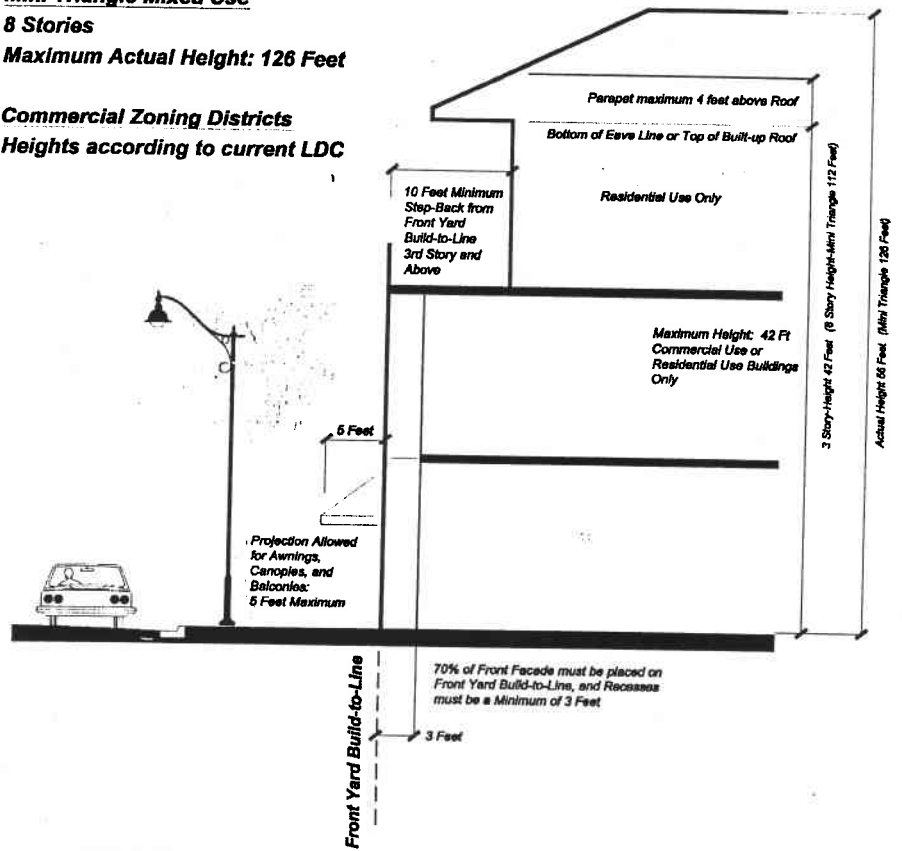


**GTMUD Figure 3 – 3 Story Building Height, Step Back, Projections, and Recesses**  
 (For illustrative purposes only)

**Mixed Use Subdistrict/ Residential  
 above Commercial or Residential  
 Only Fronting on US 41:  
 3 Stories  
 Maximum Actual Height: 56 Feet**

**Mini Triangle Mixed Use  
 8 Stories  
 Maximum Actual Height: 126 Feet**

**Commercial Zoning Districts  
 Heights according to current LDC**

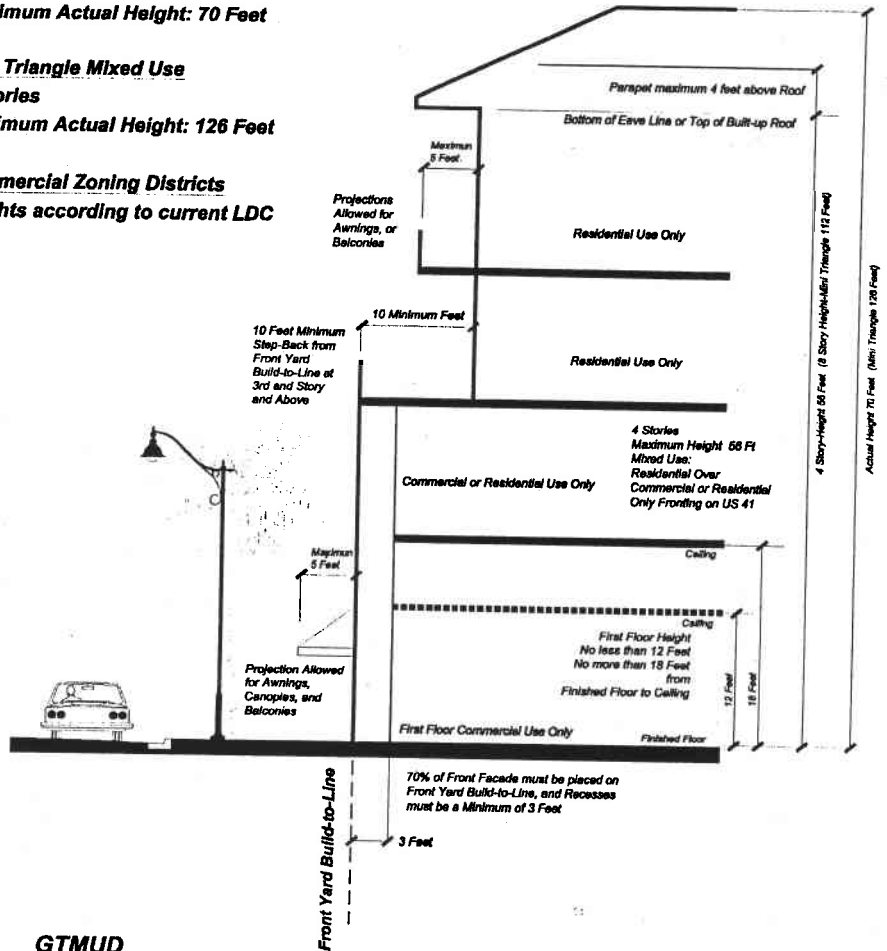


**GTMUD  
 Mixed Use Subdistrict and C-1 through C-5 Districts:  
 Building Height, Step-Back, Projections and Recesses**

**Mixed Use Subdistrict/ Residential**  
**above Commercial or Residential**  
**Only Fronting on US 41:**  
**4 Stories**  
**Maximum Actual Height: 70 Feet**

**Mini Triangle Mixed Use**  
**8 Stories**  
**Maximum Actual Height: 126 Feet**

**Commercial Zoning Districts**  
**Heights according to current LDC**



**GTMUD**  
**Mixed Use Subdistrict and C-1 through C-5 Districts:**  
**Building Height, Step-Back, Projections and Recesses**

**GTMUD Figure 4 – 4 Story Building Height, Step Back, Projections, and Recesses**  
**(For illustrative purposes only)**

**C. Parking Standards For Mixed Use Projects**

Property developed in conformance with underlying zoning classifications shall meet the parking space requirements per section 4.05.03 and 4.05.04 of this Code.

1. Four (4) spaces per 1,000 square feet of floor area open to the general public for commercial use.
2. Minimum one and one half (1.5) parking spaces for each residential unit.
3. Outdoor cafe areas shall be exempt from parking calculations.
4. Parking Location

a. New Development

i. Interior lots

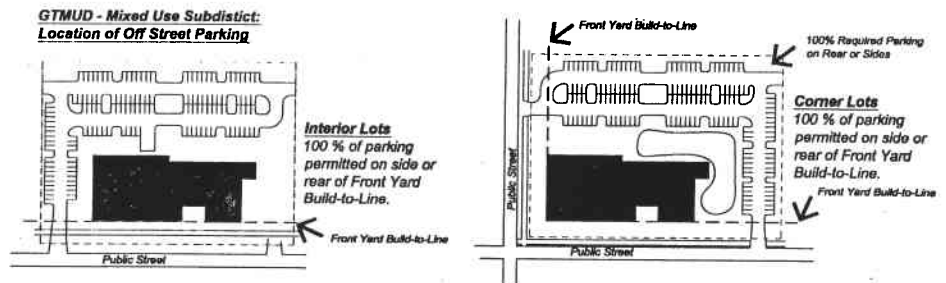
Parking shall be located behind the front yard build-to-line on side or rear of the buildings.

ii. Corner lots

Parking shall be located behind the front yard(s) build-to-line on side or rear of the buildings.

- b. The parking location requirements will also apply to new development for C-1 through C-5 zoned property, which underlay the GTMUD Mixed Use Subdistrict. Parking lots shall be designed for interconnection, with adjacent property.

**GTMUD Figure 5 – Parking Location (For illustrative purposes only)**



5. Shared parking requirements shall be consistent with those provided in subsection 4.05.02 of the LDC.

**D. Design Standards for Awnings, Loading Docks, Dumpsters, and Streetwalls**

1. Loading docks and service areas shall not be allowed on the Front Build-to-Line.
2. All dumpsters must be located in the rear yard and screened from US 41, Davis Boulevard, Commercial Drive, or Airport-Pulling Road.

**E. Landscaping and Buffer Requirements.**

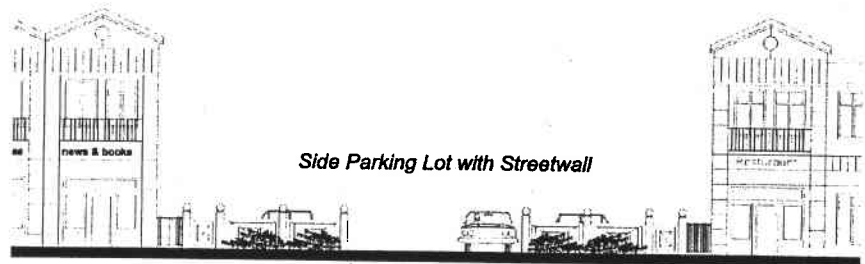
1. Landscaping and buffer requirements shall be pursuant to section 4.06.00 of the Code unless specified otherwise below:

2. **Buffers are required between GTMUD-MXD Subdistricts and contiguous GTMUD-R Residential Subdistricts. A minimum **buffer** 10-foot wide landscaped area shall be required. This area shall include: a (6) six-foot high opaque masonry wall; a row of trees spaced no more than 25 feet on center; and a single row of shrubs at least 24 inches in height, and 3 feet on center at the time of planting. Landscaping shall be on the commercial side of the wall.**
3. A shared 10 foot wide landscape **buffer** with each **adjacent** property contributing a minimum of 5 feet is required between GTMUD-MXD Subdistricts abutting Commercial Zoned Districts or abutting GTMUD-MXD Subdistricts. However, the equivalent **buffer** area square footage may be provided in the form of landscaped and hardscaped courtyards, mini-plazas, outdoor eating areas, and **building** foundation planting areas.
4. Parking **lots** and/or **access** drives abutting commercial property shall be required to have a minimum 10 foot perimeter landscaped **buffer**. This area shall include a row of trees spaced no more than 30 feet on center.
5. **Building** foundation planting will only be required on the rear and sides yards. The foundation planting shall be a minimum of 50% of the **building's** ground floor perimeter measured in linear feet and an average of five-feet (5) wide. This area must be landscaped with trees and/or palm in the amount of one tree or palm equivalent per 25 linear feet of **building** foundation planting perimeter; and with 3-gallon shrubs and 1-gallon ground covers other than grass. Trees and palm trees shall be planted in areas that are a minimum of 8 feet wide. Palm trees, when used to meet these **building** foundation requirements, shall be counted as one palm is the equivalent of one tree.
6. A minimum of 50% of the surface water management area shall be landscaped. Trees shall be provided at the rate of 1 tree per 250 square feet, with the balance of the area landscaped with shrubs, ground covers and ornamental grasses.
7. **Streetscape zone (front yard)**  
The streetscape and landscaping standards for this zone will be based on Streetscape Design Guidelines to be prepared by Bayshore / Gateway Triangle CRA Advisory Board.
8. **Streetwalls**  
**Streetwalls** shall be used when surface parking **lots** about the **right-of-way** of US 41, Davis Boulevard, Commercial Drive, or Airport-Pulling Road. The wall shall be constructed of the same or complementary materials as the primary **buildings** and be 3 to 4 feet in height, and shall have a 12 inch projection or recess a minimum of every 10 to 12 feet. The **streetwall** can be a combination of wall and metal fence materials, (no chain link fencing is allowed) which:

  - a. Complement the **building** materials. The **street** side of the **streetwall** shall have shrubs least 24 inches in height and spaced 3 feet on center at the time of planting, with ground covers other than grass in a minimum 5 foot wide strip.
  - b. No two **streetwalls** shall adjoin on a common property line.
  - c. The **streetwall** shall be set back the appropriate distance from the Front Set Back Line in order to meet County Standards for Site Distance Triangle (Section 4.06.01, D.1.) for egress from parking **lots**.

9. The landscaping and **buffer** requirements of this section shall apply to all new **buildings** in the GTMUD- Mixed Use Subdistrict and underlying C-1 through C-5 zoning classifications regardless of height.

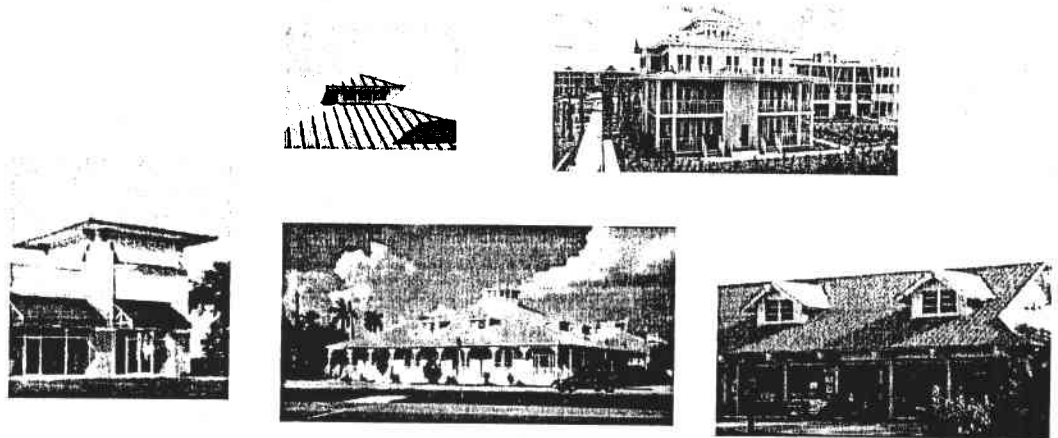
GTMUD Figure 6 – Streetwall (For illustrative purposes only)



G. Architectural Standards.

Architectural design theme. The "Old Florida" or "Florida Cracker" design theme is encouraged for new **development**, construction or existing **building** renovation or rehabilitation in GTMUD Mixed Use Subdistrict, and the C-1 through C-5 Commercial Zoning Districts within the GTMUD Overlay.

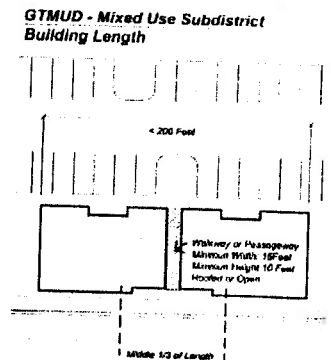
GTMUD Figure 7 – Old Florida or Florida Cracker Style (For illustrative purposes only)



1. All **buildings** shall meet the requirements set forth in section 5.05.08 unless otherwise specified below.
2. Regardless of the chosen architectural theme the following design elements are required.
  - a. All **buildings adjacent** to US 41, Davis Boulevard, Commercial Drive, Airport-Pulling Road or future north-south **streets** will have the principal pedestrian entrance fronting US 41, Davis Boulevard, Commercial Drive, Airport-Pulling Road or future north south **streets**.

- b. Thirty-five (35) percent of the buildings facade that faces US 41, Davis Boulevard, Commercial Drive, or Airport-Pulling Road will be clear glass with a maximum tint of 25%.
- c. Clear glass windows (with a maximum tint of 25%) between the height of two (2) and seven (7) feet above sidewalk grade are required on the primary facade of the first floor of any building.
- d. Attached building awnings, canopies or balconies may encroach over the Front Build-to-Line by a maximum of five (5) feet.
- e. Florescent colors shall not be used.
- f. Maximum uninterrupted building length requirements: Where a building or a series of buildings form a continuous wall that exceeds 200 feet in length, a pedestrian walkway or passageway shall be provided at the ground floor within the middle third of the length. The walkway/passageway shall be not less than 15 feet in width and not less than 10 feet in height. A walkway/passageway may be roofed. A walkway/passageway shall be open to the public.
- g. Hip or gable building roofs shall be metal material ( 5v Crimp, Standing Seam or similar design)
- h. Have windows with vertical orientation and the appearance of divided glass trim.
- i. Facade wall building materials shall be of wood, natural stone, stucco finish or cement board products .

**GTMUD Figure 8 – Building Length (For illustrative purposes only)**



**H. Signage shall be as required by division 5.06.0 unless specified below:**

- 1. One sandwich board sign is allowed on the public right-of-way between the curb or travel lane and the private property line per business establishment as long as it is no more than ten (10) square feet per side, allows for a passageway on the sidewalk of 36 inches for ADA accessibility, and it is removed from the right-of-way when the business is not open.



**Development in the Golden Gate Downtown Center Commercial Overlay District (GGDCCO)**

Section 4.02.36 Design Standards for Development in the Golden Gate Downtown Center Commercial Overlay District (GGDCCO), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.02.36 DESIGN STANDARDS FOR DEVELOPMENT IN THE GTMUD--RESIDENTIAL SUBDISTRICT (R)**

**A. Dimensional and Design Standards**

**Table 2. Design Standards in the GTMUD Residential Subdistrict (R)**

<b><u>Density</u></b>	<b><u>Per Under Lying Zoning</u> RMF 6 or RSF 4 or as may be allowed by a rezoning pursuant to the Future Land Use Element</b>	<b><u>RMF-6 6 units per acre</u> <u>RSF- 4 4 units per acre</u></b>	<b><u>Per new zoning district consistent with the Future Land Use Element</u></b>
<b><u>Minimum Lot Width</u></b>			
<b><u>Single-family</u> <u>Two-family / Duplex</u> <u>Townhouses</u> <u>Multi-family</u></b>	<b><u>50 feet</u> <u>50 feet</u> <u>25 feet</u> <u>100 feet</u></b>		
<b><u>Minimum Setbacks</u></b>			
	<b><u>Min. front yard</u></b>	<b><u>Min. side yard</u></b>	<b><u>Min. rear yard (feet)</u></b>
<b><u>One (single) family units</u></b>	<b><u>10 feet</u></b>	<b><u>7.5 feet</u></b>	<b><u>15</u></b>
<b><u>Two family/ Duplex dwelling units</u></b>	<b><u>10 feet</u></b>	<b><u>5 feet</u></b>	<b><u>15</u></b>
<b><u>Townhouse</u></b>	<b><u>10 feet</u></b>	<b><u>0 feet when <u>abutting</u> another townhouse. if not then the same standards as a two family dwelling unit</u></b>	<b><u>15</u></b>
<b><u>Multi-family (three or more) dwelling units</u></b>	<b><u>10 feet</u></b>	<b><u>7.5 feet</u></b>	<b><u>15</u></b>
<b><u>Building Standards</u></b>			
<b><u>Minimum floor area</u></b>	<b><u>Single-family 1500 square feet per unit</u> <u>Two-family/Duplex 1000 square feet per unit</u> <u>Townhouses 1000 square feet per unit</u> <u>Multi-family 750 square feet per unit</u></b>		

Maximum actual height of principal <b>structures</b> 56 feet	<u>3 habitable floors or 42 feet to building eave or top of a flat built-up roof, measured from the first habitable floor elevation, by NFIP standards. Parapets on flat roof can be no more than 5 feet in height.</u>
Maximum actual height of accessory screen enclosures	Same as <b>principal structure</b> , not to exceed 35 feet
Maximum actual height of all other <b>accessory structures</b>	<u>26 feet but in no case higher than the main building.</u>

**B. Parking Standards**

1. Parking shall be as required by section 4.05.00 of the Code.

**C. Architectural Standards**

1. **Buildings** and their elements shall adhere to the following:

- a. Street-facing facades of multifamily buildings shall be divided using articulation and/or modulation at least every sixty (60) feet. Facade modulation is stepping back or extending forward a portion of the facade at least five (5) feet measured perpendicular to the front facade for each interval. Articulation includes porches, balconies, bay windows and/or covered entries.
- b. The primary entrance shall be oriented to the street. Orientation is achieved by the provision of a front facade including an entry door that faces the street.
- c. On corner lots, both street facades of a building shall have complementary details; in particular, building materials and color, rooflines and shapes, window proportions and spacing, and door placement.
- d. All mechanical equipment must be screened with a three (3)-foot high hedge or an opaque fence or wall at any height equal to the mechanical equipment.

**GTMUD Figure 9 Typical Front Elevation Residential Development (For illustrative purposes only)**



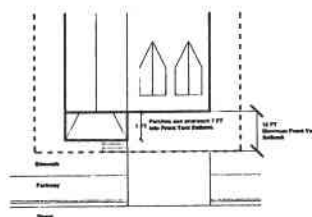
**3. Buildings shall adhere to the following elevation requirements:**

- a. A maximum of two feet of fill shall be allowed on site towards meeting NFIP requirements. Additional NFIP height requirements shall be accomplished through stem wall construction. Stem walls shall be finished in material and color complementary to the main structure.**
- b. Open stilt-type construction is not permitted. On front yards, the facade area below the first floor must be treated with a solid facade or lattice, which is consistent with the architectural style of the building.**
- c. The garage floor shall not exceed twenty-four (24) inches above the elevation of the right-of-way from which it is accessed.**

**4. Front porches shall adhere to the following standards.**

- a. Front porches may encroach seven (7) feet into the front yard setback if the structure is located on the minimum front yard setback (10 feet) with an additional three (3)-foot encroachment allowable for entry stairs.**
- b. Front porches must cover a minimum of forty (40) percent of the horizontal length of the front yard facade of the primary residence.**
- c. Front porch design and materials shall be consistent with the architectural design and construction materials of the primary residence.**
- d. Front porches shall not be air-conditioned or enclosed with glass, plastic, or other materials. Screening the porch is allowed as long as the moldings that hold the screen material match the material and design character of the structure.**
- e. Steps shall encroach no more than three feet into the front yard setback.**

**GTMUD Figure10– Front Porches (For illustrative purposes only)**

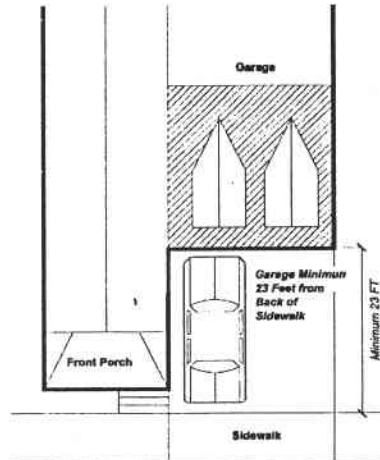


**5. Garages and Driveways.**

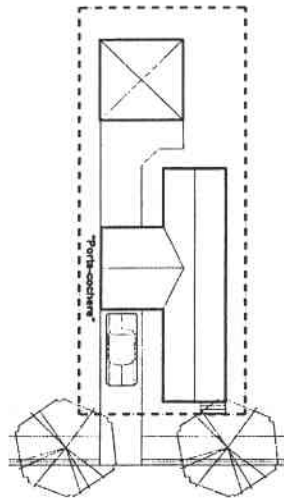
- a. Other than the permitted driveway, the front yard may not be paved or otherwise used to accommodate parking.**
- b. No freestanding carports are permitted. Carports and porte-cochere (Figure GTMUD 11) must be attached to the principal structure and must be of similar materials and design as the principal structure.**

- c. The distance from the back of the sidewalk to the garage door (GTMUD Figure 10) must be at least 23 feet to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.

**GTMUD Figure 11 Garages (For illustrative purposes only)**



**GTMUD Figure 12 Porte-cochere (For illustrative purposes only)**



6. An accessory unit is a separate structure located at the rear of the property and related to the primary residence (single-family detached only)

for uses which include, but are not limited to: library, studio, workshop, playroom, screen enclosure, garage, swimming pool or guesthouse. Ownership of an accessory unit shall not be transferred independently of the primary residence.

- a. Only one (1) accessory unit of each type is permitted per principal structure.
- b. The maximum area of an accessory unit is 550 square feet, limited to one (1) habitable floor.
- c. The accessory unit may be above a garage or may be connected to the primary residence by an enclosed breezeway or corridor not to exceed eight (8) feet in width.
- d. The maximum height of a structure containing an accessory unit over a garage is limited to a maximum of twenty (20) feet, measured from the level of graded lot to the eave, and with a maximum actual building height of twenty-six (26) feet to the top of the roof. A structure containing only a guest unit must meet NFIP first habitable floor height requirement.

**Table 3: Setbacks for Accessory Buildings and Structures**

<u>Building / Structure</u>	<u>Front</u>	<u>Rear</u>	<u>Side</u>
<u>Library</u>	<u>SPS*</u>	<u>10 feet</u>	<u>SPS*</u>
<u>Studio</u>	<u>SPS*</u>	<u>10 feet</u>	<u>SPS*</u>
<u>Workshop</u>	<u>SPS*</u>	<u>15 feet</u>	<u>SPS*</u>
<u>Swimming pool and/or screen enclosure</u>	<u>SPS*</u>	<u>10 feet</u>	<u>SPS*</u>
<u>Playroom</u>	<u>SPS*</u>	<u>10 feet</u>	<u>SPS*</u>
<u>Garage</u>	<u>SPS*</u>	<u>10 feet</u>	<u>SPS*</u>
<u>Garage Guesthouse above</u>	<u>SPS*</u>	<u>15 Feet</u>	<u>SPS*</u>
<u>Guesthouse</u>	<u>SPS*</u>	<u>15 Feet</u>	<u>SPS*</u>

\*SPS - Same as principal structure

- 7. Fencing forward of the front or primary facade of the structure is permitted subject to the following conditions:
  - a. The fence shall not exceed 42 inches feet in height.
  - b. The fence shall have an opacity range of 18% to 50%
  - c. Chain link fence is prohibited.
  - d. The fence material shall be wood, vinyl, composite, stucco block or metal.
  - e. Fencing and walls must architecturally complement the primary structure.

GTMUD Figure 13 – Permitted Typical Fencing (For illustrative purposes only)



8. Landscaping and buffer requirements for new residential development as required by section 4.06.00 of the Code.

**SUBSECTION 3.R. ADDITION OF SECTION 4.02.37 Design Standards for Development in the Golden Gate Downtown Center Commercial Overlay District (GGDCCO)**

Section 4.02.37 Design Standards for Development in the Golden Gate Downtown Center Commercial Overlay District (GGDCCO), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

**4.02.37 Design Standards for Development in the Golden Gate Downtown Center Commercial Overlay District (GGDCCO)**

**A. Development criteria.** The following standards shall apply to all uses in this overlay district. Where specific development criteria and standards also exist in the Golden Gate Area Master Plan, or the Future Land Use Element of the Growth Management Plan, these standards shall supersede any less stringent requirement or place additional requirements on development.

**1. Cessation of residential uses.** Existing, non-owner-occupied residential uses located along Golden Gate Parkway shall cease to exist no later than seven years after the effective date of the adoption of the Downtown Center Commercial Subdistrict in the Golden Gate Area Master Plan (adopted October 26, 2004; effective January 14, 2005). This does not require the removal of residential structures located elsewhere in this overlay district.

**2. Multi-story buildings.**

**a.** Only retail, personal service, and institutional uses are allowed on the first floor.

**b.** All uses allowed by this zoning overlay, except restaurants and cocktail lounges, are allowed on the second floor.

**c.** Only residential uses are allowed on the third floor.

**3. Density.** Density shall be as per the underlying zoning district. For mixed-use projects, density shall be calculated based upon total project acreage.

**4. Setbacks.**

- a. All development and redevelopment on lots abutting Golden Gate Parkway shall have a front yard and setback of no more than fifteen feet (15). All projects providing a front yard setback greater than zero (0) feet must provide restaurant seating, and/or open space areas such as other seating, planting areas, and decorative landscape planters within such front yard, except that water management retention and detention areas are prohibited.
- b. All development and redevelopment on properties in the overlay area not abutting Golden Gate Parkway must comply with the front yard setback requirements of that property's underlying zoning.
- c. Side yard setback shall be a minimum of 5 feet.
- d. Rear yard setback shall be no less than one-half of the building height, with a 15-foot minimum.

5. Building footprint limits.

- a. Minimum building footprint of 3,000 square feet.
- b. Maximum building footprint of 12,000 square feet.

6. Minimum floor area – residential.

- a. Mixed use. Minimum floor area of 1,500 square feet.

7. Minimum Height. The zoned height of buildings shall be no less than 34 feet.

8. Maximum height. The actual height of buildings shall not exceed three stories or 45 feet.

9. Crime Prevention Through Environmental Design (CPTED) Standards. The Golden Gate community supports the CPTED philosophy as a way to reduce crime, improve neighborhood and business environments, and increase overall quality of life of its citizens. CPTED principles such as natural surveillance, natural access control, and territorial reinforcement shall be incorporated into the overall design of the project, consistent with the provisions in this overlay and as identified below.

- a. Public paths shall be clearly marked by using design elements such as landscaping and pedestrian accent lighting.
- b. Public entrances shall be clearly defined by walkways and signage, as specifically provided in this overlay.

10. Common architectural style. In support of the purpose and intent of the GGDCO, all structures within the overlay district shall have a common Mediterranean architectural style, with barrel tile roofs, stucco facades, arches and wood accent members used as details. During the site development plan review process, architectural drawings shall be submitted to demonstrate adherence to this requirement. All commercial and mixed use buildings and projects shall be subject to the provisions of section 5.05.08 of the Code, except as provided herein.

11. Architectural standards. All buildings shall meet the requirements set forth in section 5.05.08, except as otherwise specified below:

- a. Buildings with frontage on Golden Gate Parkway shall have sixty (60) percent of the ground-floor facade finished with clear

d. Project Vehicular Use Areas. Mountable curbs shall be provided for all terminal landscape islands as depicted in Figure 3, Section 4.06.03.B.3.

17. Golden Gate Parkway **Right-of-Way** Improvements. **Right-of-way** improvements required for properties/lots with frontage along Golden Gate Parkway.

a. Curbing. All projects/lots shall provide Type "F" non-mountable curbing per F.D.O.T. "Roadway and Traffic Design Standards" Index 300, the latest edition.

b. Landscaping. All projects/lots shall be required to provide an eight (8) foot wide landscaping strip between the curb and sidewalk. This planting area may be reduced between tree spacing to five (5) feet wide, for a maximum of 50 percent of the buffer area, to accommodate street furnishings and fixtures, consistent with the Golden Gate Community Roadways Beautification Master Plan.

The landscaping strip shall be landscaped with: 1. Turf, not to exceed 50 percent of the planting area; 2. Shrubs and ground cover, at a minimum of 50 percent coverage, not to exceed a mature height of twenty-four (24) inches; and, 3. Canopy trees, planted one per 30 linear feet and, shall be at time of planting, a minimum 4-inch caliper with 8 feet of clear trunk and 22 feet in height.

All planting materials in the public **right-of-way** shall be consistent with those identified in the Golden Gate Community Roadways Beautification Master Plan. Installation and maintenance shall be consistent with the Collier County Construction Standards Handbook for Work within the **Right-of-Way**.

Where **right-of-way** plantings above are not practicable, a planting area and/or a decorative planter(s) may be provided consistent with the Collier County Construction Standards Handbook for Work within the **Right-of-Way**.

Property owners shall be required to enter into a Landscape Maintenance Agreement with the County for the installation and maintenance of the required **right-of-way** plantings. Landscape Maintenance Agreements shall require a signed and sealed landscape and irrigation plan(s), review by the appropriate Transportation Division staff, approval by the Board of County Commissioners, and recording of said agreement with the Clerk of Courts. Plans shall include, but not be limited to, the following:

- i. Existing conditions inventory
- ii. Proposed plantings/details of planting methods and maintenance specifications
- iii. Location of utilities
- iv. Location of drainage facilities
- v. Irrigation proposal, including water connections

c. Sidewalks. All projects/lots shall provide a ten foot wide sidewalk between the required landscape strip identified in "b." above and the property line. Sidewalks shall be constructed pursuant to the Land Development Code and the "Construction Standards Handbook for Work within the **Right-of-Way**". Decorative pavers (consistent with the approved pavers identified in the Golden Gate Community Roadways Beautification Master Plan) may be



substituted for portions of sidewalk, subject to approval by the County Manager, or designee.

Where a portion of the required sidewalk cannot be constructed in the public right-of-way, the property owner shall locate such portion on their private property and grant the County an easement.

18. Address numbers. Address numbers shall be 8 inches in vertical height and shall be located on the primary building facade. Numbering materials shall be reflective and have a contrasting background.

19. Signage. As required, allowed, or prohibited in section 5.06.00 of the Code, except as specified below:

a. A single external wall sign may be applied to both the front and rear facades of the building provided that it shall not exceed two (2) feet in vertical dimension. This wall sign(s) shall not exceed 80% of the width of the unit(s) or the building occupied by a business with a minimum of ten percent clear area on each outer edge of the unit(s).

The wall sign(s) shall consist of letters applied directly on the facade(s) of the building.

A wall sign(s) shall only be permitted on the first floor of a building.

b. In lieu of the external wall sign(s) permitted in paragraph "a." above, the vertical drip of an awning may be stenciled with letters no more than 8 inches in height and shall not exceed one third of the length of the canopy. Such sign shall be limited to the first floor only.

c. In addition, an under canopy or projection sign shall be required for, and limited to, the business located on the first floor. Such signs shall not exceed 6 square feet, shall not project more than four (4) feet from the building on which it is attached, and shall be elevated to a minimum of 8 feet above any pedestrian way and shall not exceed a height of 12 feet.

d. Single or multiple occupancy parcels where there is double frontage on a public right-of-way, shall be allowed three signs, but such signs shall not be placed on one wall, and shall be limited to the first floor only.

e. Signs used on the primary facade shall also be similarly provided on the rear facade of the buildings.

f. One identification sign may be provided for a second floor business(s). Such sign shall only be permitted in the rear yard and shall have a minimum setback requirement of 10 feet. Such sign shall not exceed 24 square feet in size and 4 feet in height. The display area of the sign may only include the business logo, name, and address.

Corner lots and through lots shall locate such sign in the rear of the building.

g. External signs shall not be translucent, but may be externally lit or backlit.

h. No sign, display, merchandise or window tinting shall be placed on or adjacent to any window that would interfere with the clear and unobstructed view of the interior of the establishment from the outside and, in particular, of the cash register(s) from the street.

i. The following signs are prohibited: freestanding signs, except identification signs, real estate signs, and construction signs; stenciling and other window signs, except "open" signs, which shall be limited to two and one-half square feet in size.

j. Portable restaurant signs shall be permitted subject to the following regulations:

1. Signs shall be "A" frame design

2. Only one sign shall be permitted per restaurant

3. The sign dimensions shall be a maximum of 24-inches wide and 48-inches in height.

4. The sign shall be displayed only during the hours of operation of the establishment.

20. Lighting. As described and provided in the Golden Gate Community Roadways Beautification Master Plan or as identified below:

a. Internal Project Lighting. All projects shall use architectural decorative lighting. Such lighting shall be the same decorative lighting as identified in Figure 29 on page 5-9 of the Golden Gate Community Roadways Beautification Master Plan. If such lighting becomes unavailable, similarly themed lighting shall be used. Light fixtures must light all public use areas adjacent to the building (e.g. entryway, courtyards, etc.) to a recommended 0.5 candle level of illumination. Lighting shall be arranged in a manner that protects roadways and neighboring properties from direct glare or other interference.

b. Street/Roadway Lighting. Architectural decorative lighting shall be used along Golden Gate Parkway within the public right-of-way. Such lighting shall be a variation of the decorative lighting identified as Figure 29 on page 5-9 of the Golden Gate Community Roadways Beautification Master Plan, more specifically identified as the Lumec Domus Series (DMS50-250MH-SG3-480-LD-DL-CRL72-1A/ U.S. 41 East lighting fixture). If such lighting becomes unavailable, similarly themed lighting shall be used. The installation and maintenance of lighting shall be consistent with the Collier County Construction Standards Handbook for Work within the Right-of-Way.

21. Dumpsters. Dumpsters shall be screened and positioned out of view from public rights-of-way and pedestrian walkways.

\* \* \* \* \*

**SUBSECTION 3.S. AMENDMENTS TO SECTION 10.03.05 Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, the EAC and the Historic Preservation Board**

Section 10.03.05 Notice Requirements for Public Hearings Before the BCC, the

Planning Commission, the Board of Zoning, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

\* \* \* \* \*

G. Notice and public hearing requirements where proposed resolution by the board of county commissioners would approve a mixed use project (MUP) located in a mixed use district overlay. In cases in which the applicant requests approval of a mixed use project (MUP) under the provisions of a mixed use district overlay, with or without requested allocation of bonus density units, where applicable, the mixed use project shall be considered for approval pursuant to the following public notice and hearing requirements by the board of county commissioners.

1. The board of county commissioners shall hold one advertised public hearing on the petition to approve a mixed use project for property located in a mixed use district overlay. The public hearing shall be held at least 15 days after the day that an advertisement is published in a newspaper of general paid circulation in the county and of general interest and readership in the community.
2. At least one Neighborhood Informational Meeting (NIM) shall be conducted by the applicant (in conjunction with the overlay area advisory board, where such advisory board exists) before the public hearing by the board of county commissioners. Written notice of the meeting shall be sent by the applicant to all property owners who are required to receive legal notification from the County pursuant to sections 10.03.05 B.8 and 10.03.05 B.9. A Collier County staff planner, or designee, must also attend the neighborhood informational meeting; however, the applicant is required to make the presentation on the development plan of the subject property.
3. The applicant shall further cause a display advertisement, one-fourth page, in type no smaller than 12 point; which shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The ad shall be published no later than 7 days prior to the date of the neighborhood informational meeting. The ad shall state the purpose, location, and time of meeting, and shall display a legible site location map of the property for which the mixed use project approval is being requested.
4. The applicant shall post the subject property with an outdoor sign at least ten days prior to the date of the public hearing before the BCC. The sign to be posted shall contain substantially the following language and the sign's copy shall utilize the total area of the sign:

a. PUBLIC HEARING REQUESTING APPROVAL OF A MIXED USE PROJECT

\_\_\_\_\_ TO PERMIT: (Name of Project) (Number of acres) \_\_\_\_\_

\_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_ TIME: \_\_\_\_\_

ALL OF THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMIAMI TRAIL, NAPLES, FL 34112.

5. The area of the sign shall be as provided in section 10.03.05 B.3.d. of the Code.

## 6. Criteria for Mixed Use Project Approval

The following criteria must be met in order to gain approval for mixed use projects developed in accordance with provisions of a mixed use overlay.

- a. No less than sixty percent of all commercial uses within a mixed use project shall provide retail, office and personal service uses to serve the needs of the subject project and surrounding residential neighborhoods.
- b. No more than 25 percent of the residential units within a mixed use project shall be on gated roadways. Residential uses shall be constructed concurrent with, or prior to the construction of commercial uses so as to insure actual **development** of a mixed use project.
- c. Mixed use projects shall connect to local **streets**, adjoining neighborhoods and **adjacent developments**, regardless of land use types. A grid pattern is usually the basis for the transportation network. Whatever the pattern of the vehicular network, internal interconnections between uses and external connections between adjoining neighborhoods and land uses shall be provided for pedestrian, bicycle and other modes of alternate transportation.
- d. The commercial component of a mixed use project may be located internal to the project or along the boundary; if externally located, internal **access** roads and service **access** shall be provided so as not to promote strip commercial **development** along external collector and arterial roadways.
- e. Parking **lots** shall be dispersed throughout the project. No one parking **lot** shall provide more than 40 percent of the required offstreet parking. Parking garages shall have no restrictions on percentage of required parking that may be accommodated; however, commercial uses only shall be permitted on the ground floor. This requirement shall not apply to individual parcels less than 5 acres in size.
- f. At least 30 percent of the gross area of mixed use projects shall be devoted to useable open space, as defined in section 4.02.01 B. of the Code. This requirement shall not apply to individual parcels less than 5 acres in size.

[Existing Sec. 10.03.05 G. through R. are re-lettered as H. through S.]

## **SECTION FOUR: CONFLICT AND SEVERABILITY**

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding Section not affect the validity of the remaining portion.

## **SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE**

The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION SIX: EFFECTIVE DATE**

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 28th day of February, 2006.

ATTEST:  
DWIGHT E. BROCK, CLERK  
Attest as to Chairman's  
signature only

BOARD OF COUNTY COMMISSIONERS  
OF COLLIER COUNTY, FLORIDA

By: *Dwight E. Brock*  
Deputy Clerk

By: *Frank Halas*  
FRANK HALAS, CHAIRMAN

Approved as to form and  
legal sufficiency:

*Marjorie M. Student-Stirling*  
Marjorie Student-Stirling  
Assistant County Attorney

This ordinance filed with the  
Secretary of State's Office the  
3 day of March 2006  
and acknowledgement of that  
filing received this 14 day  
of March 2006  
By: *Dwight E. Brock*  
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

**ORDINANCE 2006-08**

Which was adopted by the Board of County Commissioners on the 28th day of February, 2006, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 2nd day of March, 2006.

DWIGHT E. BROCK  
Clerk of Courts and Clerk  
Ex-officio to Board of  
County Commissioners

 Teresa Dillard, DC

By: Teresa Dillard,  
Deputy Clerk

