

ORDINANCE NO. 07- 68

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 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 1.08.02 DEFINITIONS; CHAPTER 2 - ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.07 OVERLAY ZONING DISTRICTS, SECTION 2.04.03 TABLE OF LAND USES IN EACH ZONING DISTRICT; CHAPTER 4 - SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SECTION 4.02.16 DESIGN STANDARDS FOR DEVELOPMENT IN THE ~~BMUD--NEIGHBORHOOD~~ COMMERCIAL SUBDISTRICT, SECTION 4.02.17 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD--WATERFRONT SUBDISTRICT, SECTION 4.02.18 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD--RESIDENTIAL SUBDISTRICT (R1), SECTION 4.02.19 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD--RESIDENTIAL SUBDISTRICT (R2), SECTION 4.02.20 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD--RESIDENTIAL SUBDISTRICT (R3), SECTION 4.02.35 DESIGN STANDARDS FOR DEVELOPMENT IN THE GTMUD MIXED USE SUBDISTRICT (MXD), SECTION 4.02.36 DESIGN STANDARDS FOR DEVELOPMENT IN THE GTMUD--RESIDENTIAL SUBDISTRICT (R); CHAPTER 5 - SUPPLEMENTAL STANDARDS, ADDING SECTION 5.05.13 HELIPORTS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

APPROVED AND FORWARDED:
FALL/MAY SESSION - FLORIDA

201107-08 AM 09:00

FILED

Recitals

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

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, 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 first amendment to the LDC for the calendar year 2006; 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 October 11, 2007 and October 30, 2007 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 Section 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 prevent the overcrowding of land and avoid the undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; to conserve, develop, utilize and protect natural resources within the jurisdiction of Collier County; to protect human, environmental, social and economic resources; and to maintain through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

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

SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

SUBSECTION 3.A. AMENDMENTS TO SECTION 1.08.02-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 that are permitted for off street parking or water retention and management areas. APZ Lots must be adjacent to the Neighborhood Commercial, Waterfront and Mixed Use Subdistricts and having a common lot line with, and be under same ownership or legal control (lease, easement, etc.) as NC Subdistrict and used for off street parking or water retention and management only.

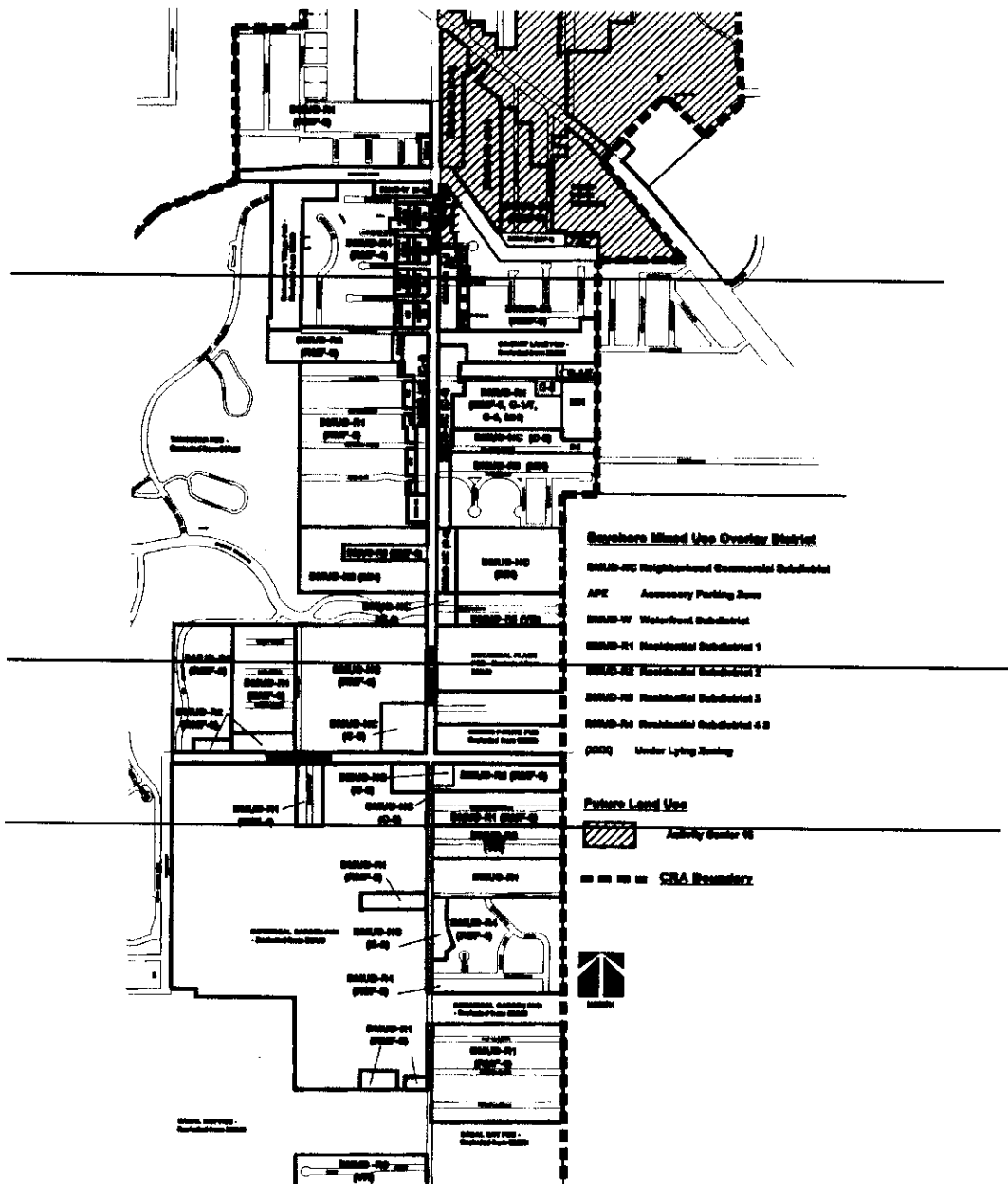
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SUBSECTION 3.B. AMENDMENTS TO SECTION 2.03.07 OVERLAY ZONING DISTRICTS

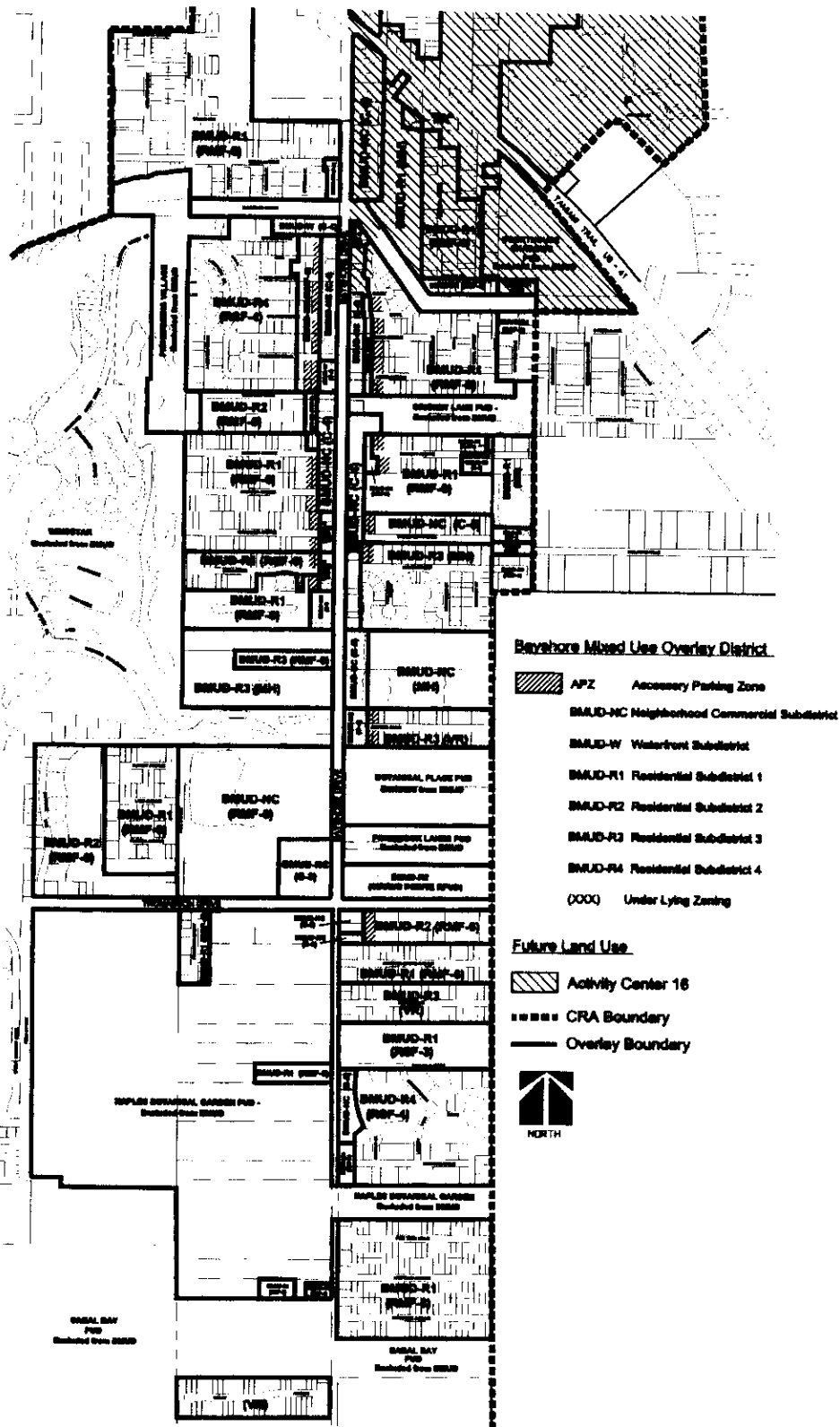
Section 2.03.07 Overlay Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.07 Overlay Zoning Districts

* * * * *



[remove existing map - replace with map below]



BMUD Map 1

I. **Bayshore 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. **Purpose and Intent.**

- a. Bayshore 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 residential and commercial uses such as 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. When possible **Buildings**, both commercial and residential, are located near the **street**, and may have front porches and/or balconies.

2. Applicability

- a. These regulations shall apply to the Bayshore Mixed Use 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 otherwise provided by ~~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 subject to the Bayshore Overlay District requirements; however, PUD applications submitted, and found sufficient, after March 3, 2006 are included in the Bayshore Overlay District and must comply with the requirements stated herein.
- c. Amendments or boundary changes to PUDs that existed prior to March 3, 2006 are not subject to the Bayshore Overlay District requirements.
- d. Property owners within the BMUD Neighborhood Commercial (NC) or Waterfront (W) Subdistricts may follow existing C-1 through C-5 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 to all new development, as provided for in section 2.03.07 I. 6.h. of this Code.
- e. Renovations to the interior or exterior of nonconforming buildings in the C-1 through C-5 zoning districts shall be in accordance with section 9.03.00, of the LDC.

* * * * *

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 (GTMUD), and shall only be allocated through the **MUP approval process**.

* * * * *

6. 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 (see 2.03.07 I. 6 Tables 1 and 2). Developments will be human-scale and pedestrian-oriented. For mixed use projects only, subject to the **MUP approval process** in Sec. 2.03.07.I.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.I.3., refer to ~~Tables 4 and 2~~ subsection 2.03.07 I. 6 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** it is to encourage a traditional neighborhood design pattern. ~~Refer to Tables 1 and 2 for permitted uses in this subdistrict.~~

i. Permitted uses. The following uses are allowed in the R1 Subdistrict.

a) Residential Uses.

- 1. Single-family dwelling units
- 2. Two-family dwelling units
- 3. Duplexes
- 4. Townhouses
- 5. Multi-family Dwelling Units
- 6. ~~Meter Homes~~ Mobile Homes, when permitted by the underlying zoning
- 7. Essential Services as provided for in section 2.01.03
- 8. Parks, Public or Private, Play Areas and Playgrounds

b) Accessory uses.

- 1. Private Bboathouses and docks
- 2. ~~Docks and Deck Facilities~~
- 23. Garages
- 34. Guesthouses
- 45. Swimming pools-private

- 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 of traditional neighborhood design. ~~Refer to Tables 1 and 2 for permitted uses in this subdistrict.~~

i. Permitted uses. The following uses are allowed in the R2 Subdistrict.

a) Residential Uses.

1. Single-family dwelling units
2. Two-family dwelling units
3. Duplexes
4. Townhouses
5. Multi-family Dwelling Units.
6. Essential Services as provided for in section 2.01.03
7. Parks, Public or Private, Play Areas and Playgrounds
8. ~~Motor Homes~~

b) Accessory uses.

1. Garages
2. Guesthouses
3. Swimming pools-private
4. Private boathouses and docks

e. **Residential Subdistrict 3 (R3).** The purpose of this subdistrict is to allow the development of **multi-family, two-family dwelling units**, townhouses, and single-family residences. All new development in this Subdistrict shall be compatible with the building patterns of traditional neighborhood design. ~~Refer to Tables 1 and 2 for permitted uses in this subdistrict.~~

i. Permitted uses. The following uses are allowed in the R3 Subdistrict.

a) Residential Uses.

1. Single-family dwelling units
2. Two-family dwelling units
3. Duplexes
4. Townhouses
5. Multi-family Dwelling Units
6. Mobile & Motor Homes, when permitted by the underlying zoning.

7. Essential Services as provided for in section 2.01.03

8. Parks, Public or Private, Play Areas and Playgrounds

b) Accessory uses.

1. Garages

2. Guesthouses

3. Swimming pools-private

4. Private boathouses and docks

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

i. Permitted uses. The following uses are allowed in the R4 Subdistrict.

a) Residential Uses.

1. Single-Family Dwelling Units.

2. Essential Services as provided for in section 2.01.03

3. Play Areas and Playgrounds

b) Accessory uses.

1. Garages

2. Guesthouses

3. Swimming pools-private

4. Private boathouse and docks

* * * * *

Table 1. Permissible Land Uses in BMUD Mixed Use Subdistricts

Land Use Type or Category	SIC Code	BMUD	Neighborhood	Commercial				
		Subdistrict (NC)	Subdistrict (W)	Subdistrict (R-1)	Subdistrict (R-2)	Subdistrict (R-3)	Subdistrict (R-4)	
P = permitted								
E = permitted with certain exceptions								
Blank cell = prohibited (also see table of conditional and accessory uses)								
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								
Attorney Offices & Legal Services	8111	P	P					
Auctioneering Service, Auction Rooms and Houses	7389, 5999							
Auto and Home Supply Store	5531							
Automobile Parking	7521	E ⁷¹						
Automotive Repair, Services, and Parking	7514, 7515, 7521, 7542							
Automotive Repair, Services, and Parking	7513-7549							
Automotive Services								

Land Use Type or Category	SIC Code	Commercial Subdistrict (NC)	Neighborhood Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict 2 (R-2)	BMUD Residential Subdistrict 3 (R-3)	BMUD Residential Subdistrict (R-4)
P = permitted							
E = permitted with certain exceptions							
Blank cell = prohibited (also see table of conditional and accessory uses)							
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 <u>5211</u> - 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, 7342-7389						
Business Services	7311						
Business Services	7312, 7313, 7319, 7331, 7334-7336, 7342, 7349, 7352, 7361, 7363, 7371-7384, 7389						
Business Services	7342-7379, 7384, 7389, 7312						
Business Services	7311, 7313, 7322-7331, 7335-7338, 7361, 7371, 7374-7376, 7379						
Business/Office Machines							
Canoe Rental			P				
Canoeing Trails							
Care Units							

<p>P = permitted</p> <p>E = permitted with certain exceptions</p> <p>Blank cell = prohibited (also see table of conditional and accessory uses)</p>	SIC Code	Commercial Subdistrict (NC)	Neighborhood Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict 2 (R-2)	BMUD Residential Subdistrict 3 (R-3)	BMUD Residential Subdistrict (R-4)
Land Use Type or Category							
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	1711-1793, 1796, 1799						
Construction - Special Trade Contractors	1711-1799						
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	P	P				
Drugs and Medicine	2833-2836						
Duplexes				P	P		
Eating Establishments and Places	5812	E ⁴ 2	<u>PE</u> ²				
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				

Land Use Type or Category	SIC Code	Commercial	Neighborhood	Waterfront	Residential (R-1)	Residential (R-2)	Residential (R-3)	Residential (R-4)
		Subdistrict (NC)	Subdistrict (W)	Subdistrict (R-1)	Subdistrict 2 (R-2)	Subdistrict 3 (R-3)	Subdistrict (R-4)	
Equestrian Paths								
Essential Services ^{2 3}		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 ^{3 4}	P					
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							

Land Use Type or Category	SIC Code	Commercial Subdistrict (NC)	Neighborhood Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict 2 (R-2)	BMUD Residential Subdistrict 3 (R-3)	BMUD Residential Subdistrict (R-4)
Hotels and Motels	7011, 7021, 7041						
Hotels and Motels	7011	E ⁴ 5	E ⁴ 5				
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	P	P				
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 Pool	7363						
Labor Unions	8631						
Lakes Operations	7999						
Large Appliance Repair Service	7623						
Legal Services	8111	P	P				
Leather Products	3131-3199						
Libraries	8231						
Local and Suburban Transit	4111-4121 <u>4131-4173</u>						
Local and Suburban Transit	4131-4173						
Lumber and Wood Products	2426, 2431-2499						
Management & Public Relations	8741-8743, 8748	P	P				
Management Services	8711-8748	P	P				
Marinas	4493	P	P				
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	P	P				
Membership Organizations	8311, 8631						
Membership Organizations	8611						
Membership Organizations	8611, 8621						
Misc. Manufacturing Industries	3911-3999						

Land Use Type or Category	SIC Code	Commercial	Neighborhood	Waterfront	Residential (R-1)	Residential (R-2)	Residential (R-3)	Residential (R-4)
		Subdistrict (NC)	Subdistrict (W)	Subdistrict (R-1)	Subdistrict 2 (R-2)	Subdistrict 3 (R-3)	Subdistrict (R-4)	
Miscellaneous Plastic Products								
Miscellaneous Repair Service	7622, 7629 ⁶ , 7631, 7699 ⁷	F ⁶	F ⁷					
Miscellaneous Repair Service	7622-7641, 7699							
Miscellaneous Repair Service	7622-7699							
Miscellaneous Retail Services	5912, 5942-5961							
Miscellaneous Retail Services	5912-5963							
Miscellaneous Retail Services	5912-5963, 5992-5999							
Miscellaneous Retail Services	5912, 5932-5949, 5992-5999?	P	P					
Mobile Home Dealers	5271							
Motion Picture Production	7812-7819							
Motion Picture Theaters	7832							
Motor Freight Transportation and Warehousing	4225							
Motor Homes		P	P		P	P		
Multi-Family Dwellings		P	P					
Museums and Art Galleries	8412	P	P					
Nature Preserves								
Nature Trails								
Non-Depository Credit	6141-6163							
Non-Depository Credit Institutions	6111-6163, <u>6011</u> , <u>6081</u> , <u>6082</u> , <u>6019</u> , <u>6021</u> , <u>6091</u> , <u>6099</u>							
Non-Depository Institutions	<u>6011</u> -6163							
Non-Depository Institutions	<u>6011</u> , <u>6019</u> , <u>6081</u> , <u>6082</u>							
Non-Depository Institutions	<u>6021</u> - <u>6062</u> , <u>6091</u> , <u>6099</u> , <u>6111</u> - <u>6163</u>							
Nursing Homes	8051, 8052, 8249							
Office Machine Repair Service	7629-7631							
Oil & Gas Exploration								
Open Space								
Outdoor Storage Yard								
Paint, Glass, Wallpaper Stores	5231							
Paper and Allied Products	2621-2679							
Park Model Travel Trailers								
Park Service Facilities								

Land Use Type or Category	SIC Code	Commercial	Neighborhood	Waterfront	Residential (R-1)	Residential (R-2)	Residential (R-3)	Residential (R-4)
		Subdistrict (NC)	Subdistrict (W)	Subdistrict (R-1)	Subdistrict (R-2)	Subdistrict (R-3)	Subdistrict (R-4)	
P = permitted								
E = permitted with certain exceptions								
Blank cell = prohibited (also see table of conditional and accessory uses)								
Parking Facilities		P	P					
Parking Services		P	P					
Parks, Public or Private		P			P	P		
Parochial Schools – Public or Private	8211							
Party Fishing Boats Rental	7999		P					
Performing Arts Theater ⁷	7922	PE ⁸						
Personal Services	7204	P	P					
Personal Services	7212-7215, 7221-7251, 7204							
Personal Services	7212, 7215, 7221-7251							
Personal Services	7212, 7291	P	P					
Personal Services	7211, 7212, 7215, 7216, 7201, 7200							
Personal Services	7215, 7217, 7219, 7261, 7201-7299							
Personal Services	7211-7219,							
Personal Services	7215-7231, 7221-7251, 7241, 7261, 7299							
Personal Services	7221, 7291							
Photographic Goods	3812-3873							
Photographic Studios	7221	P	P					
Physical Fitness Facilities	7991							
Physical Fitness Facilities								
Pickup Coaches								
Plant and Wildlife Conservancies								
Plastic Materials & Synthetics	2821, 2834							
Play Areas and Playgrounds		P						
Pleasure Boat Rental			P					
Printing and Publishing Industries	2711, 2712							
Printing and Publishing Industries	2711-2796							
Professional Offices	6712-6799, 6411, 96311-6399, 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							

Words struck through are deleted, words underlined are added

Land Use Type or Category	SIC Code	Commercial	Neighborhood	Waterfront	Residential (R-1)	Residential (R-2)	Residential (R-3)	Residential (R-4)
		Subdistrict (NC)	Subdistrict (W)	Subdistrict (R-1)	Subdistrict 2 (R-2)	Subdistrict 3 (R-3)	Subdistrict (R-4)	
P = permitted								
E = permitted with certain exceptions								
Blank cell = prohibited (also see table of conditional and accessory uses)								
Real Estate	6531-6541	P	P					
Real Estate	6521-6541							
Real Estate	6542							
Real Estate	6542-6514, 6519, 6531-6553							
Real Estate Brokers and Appraisers	6534							
Real Estate Offices	6531, 6541, 6512-6514, 6519 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					
Shoe Repair Shops or Shoeshine Parlors	7251	P	P					
Shooting range, indoor	7999							
Single-Family Dwellings		P		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								

Land Use Type or Category	SIC Code	Commercial Subdistrict (NC)	Neighborhood Subdistrict (W)	BMUD Residential Subdistrict (R-1)	BMUD Residential Subdistrict 2 (R-2)	BMUD Residential Subdistrict 3 (R-3)	BMUD Residential Subdistrict (R-4)
P = permitted							
E = permitted with certain exceptions							
Blank cell = prohibited (also see table of conditional and accessory uses)							
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 Unit		P	P	P	P		
United States Postal Service	4311	E ^{8,9}	E ^{8,9}				
Veterinarian's Office	0742	E ⁹ ₁₀	E ⁹ ₁₀				
Veterinarian's Office	0752	P	P				
Videotape Rental	7841	E ¹⁰ ₁₁	P ¹⁰ ₁₁				
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						

1 This use does not include tow-in parking lots or storage.

2 Except concession stands, contract feeding, dinner theaters, drive-in restaurants, food services (institutional), and industrial feeding.

3 For requirements pertaining to Essential Services, see section 2.01.03 of this Code.

4 Except convenience stores and supermarkets.

5 Except hostels.

6 Except Aircraft, business and office machines, large appliances and white goods such as refrigerators and washing machines.

7 Antique repair and restoration, except furniture and automotive only, bicycle repair shops only and rod and reel repair.

~~7~~ 8 Performance seating limited to 200 seats.

~~8~~ 9 Excludes major distribution center.

~~9~~ 10 Excludes outdoor kenneling.

~~40~~ 11 Limited to 1,800 square feet of gross floor area.

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

C = conditional use
A = accessory use

ACCESSORY AND CONDITIONAL USES	SIC Code	BDMU-NC	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	BDMU-R-4
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							
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 ⁸ 12	A	A			
Boat ramps			A				

C = conditional use

A = accessory use

ACCESSORY AND CONDITIONAL USES	SIC Code	BDMU-NC	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	BDMU-R-4
Boat yards		A ⁸ ₁₂	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							
Convenience stores	5411						
Dancing establishments & staged entertainment							
Depository institutions	6011-6099						
Detention facilities							
Docks & Dock Facilities		A	A	A			
Drinking establishments	5813						

C = conditional use

A = accessory use

ACCESSORY AND CONDITIONAL USES	SIC Code	BDMU-NC	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	BDMU-R-4
Driving ranges							
Earth mining							
Eating establishments	5812						
Education services	8211-8222						
Education facilities; public & private schools	8211-8231						
Electric generating plants							
Electric, gas, & sanitary services	4911-4971						
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						
Fraternal lodges, private club, or social clubs							
Fuel dealers	5983-5989						
Fuel facilities			C ⁹ 13				
Funeral services & crematories	7261						
Garage		A		A	A	A	A
Gas generating plants							
Gift Shops							
Golf club house							
Golf course							
Golf driving range							
Group care units							
Guesthouses				A	A	A	A
Health services	8011						
Homeless shelters	8322						

C = conditional use

A = accessory use

ACCESSORY AND CONDITIONAL USES	SIC Code	BDMU-NC	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	BDMU-R-4
Hospitals	8062-8069						
Hotels and motels	7011, 7021, 7041						
Hunting cabins							
Incinerators							
Jails							
Justice, public order & safety	9211-9224						
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						
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						

C = conditional use

A = accessory use

ACCESSORY AND CONDITIONAL USES	SIC Code	BDMU-NC	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	BDMU-R-4
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							
Play areas and playgrounds							
Poultry raising (small)							
Primary metal industries	3312-3399						
Private boathouse and docks			A	A	A		A
Private clubs							
Private landing strips							
Pro shops (large)							
Pro shops (small)							
Recreational facilities							
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							

C = conditional use
 A = accessory use

ACCESSORY AND CONDITIONAL USES	SIC Code	BDMU-NC	BDMU-W	BDMU-R-1	BDMU-R-2	BDMU-R-3	BDMU-R-4
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, 3291-3299						
Swimming pools - public							
Swimming pools -private		A	A	A	A	A	A
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							

⁸ ¹² Only for waterfront property

⁹ ¹³ For watercraft only. (not as an auto gas station or fueling center)

* * * * *

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.

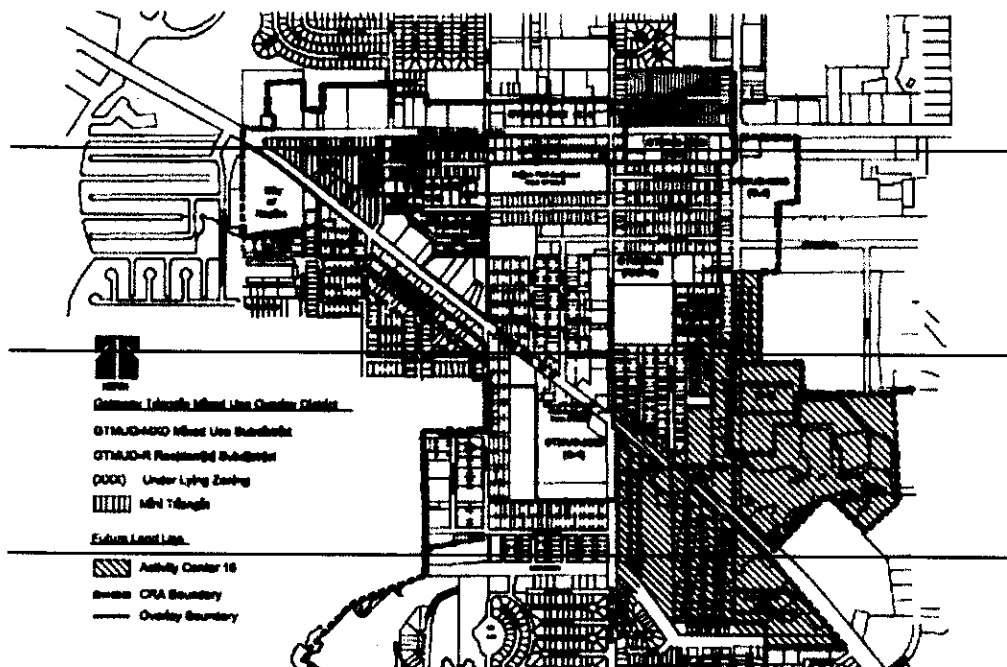
1. Purpose and Intent

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 residential and commercial uses such as 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. When possible, **Buildings** are located near the street with on **street** parking and off **street** parking on the side or in the rear of the **parcel**.

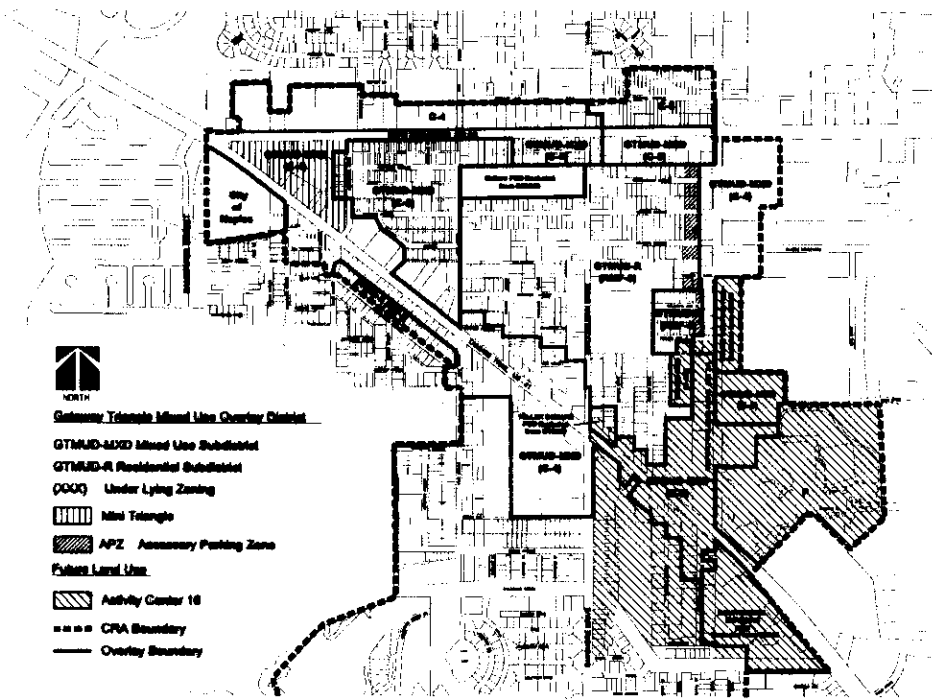
This District is intended to: revitalize the commercial and residential **development**, encourage on street parking and shared parking facilities and provide appropriate landscaping and buffering between the various types of uses; and protect and enhance the nearby Shadowlawn residential neighborhood. 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 otherwise provided by 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 subject to the Gateway Triangle Mixed Use District requirements; however, PUD applications submitted, and found sufficient, after March 3, 2006 are included in the Gateway Triangle Overlay District and must comply with the requirements stated herein.
- c. Amendments or boundary changes to PUDs that existed prior to March 3, 2006 are not subject to the Gateway Triangle Overlay District requirements.



[remove existing map - replace with map below]



GTMUD Map No. 1

- d. 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 to all new development, as provided for in subsection 2.03.07 N.6.d. of this Code.
- e. Renovations to the interior or exterior of nonconforming buildings in the C-1 through C-5 zoning districts shall be in accordance with section 9.03.00, of the LDC.

* * * * *

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 Overlay District (BMUD), and shall only be allocated through the **MUP approval process**.

* * * * *

6. 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 west of 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.~~

i. Permitted uses. The following uses are allowed in the GTMUD Residential Subdistrict.

a) Residential Uses:

1. Single-Family Dwelling Units;
2. Two-Family Dwelling Units;
3. Townhouses; and
4. Multi-family Dwelling Units.

b) Essential Services as provided for in section 2.01.03.

c) Parks, Public or Private, Play Areas and Playgrounds

d) Museums and Art Galleries

e) Parochial Schools – Public or Private

f) Schools, public

ii. Accessory uses.

a) Garages-residential

b) Guesthouses

c) Swimming pools-private

d) Play areas and playgrounds

iii. Conditional Uses:

a) Bed & Breakfast facilities

b) Schools, private

c) Churches

- 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 Chapter 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.

Table 1. Permissible Land Uses in Each GTMUD Subdistrict

<u>P= permitted GTMUD</u>			
<u>E = permitted with certain exceptions</u>			
<u>Blank cell = prohibited (also see table of conditional and accessory uses)</u>			
<u>Land Use Type or Category</u>	<u>SIC Code</u>	<u>GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT</u>	<u>Mixed Use Subdistrict (MXD)</u>
<u>Accounting Services</u>	<u>8721</u>		<u>P</u>
<u>Administrative Service Facilities</u>			
<u>Adult Day Care Facilities & Centers</u>	<u>8322</u>		
<u>Agricultural Activities</u>			
<u>Agricultural Outdoor Sales</u>			
<u>Agricultural Services</u>	<u>0741, 0742, 0752-0783</u>		
<u>Agricultural Services</u>	<u>0711, 0721, 0722-0724</u>		
<u>Aircraft and Parts</u>	<u>3721-3728</u>		
<u>Airport - General Aviation</u>			
<u>Amusement & Recreation Services</u>	<u>7911, 7991</u>		
<u>Amusement & Recreation Services</u>	<u>7999 tourist guides only</u>		
<u>Ancillary Plants</u>			
<u>Apparel & Other Finished Products</u>	<u>2311-2399</u>		
<u>Apparel & Accessory Stores</u>	<u>5611-5699</u>		<u>P</u>
<u>Appraisers</u>			<u>P</u>
<u>Architectural, Engineering, Surveying Services</u>	<u>0781, 8711-8713</u>		<u>P</u>
<u>Assisted Living Facilities</u>			
<u>Attorney Offices & Legal Services</u>	<u>8111</u>		<u>P</u>
<u>Auctioneering Service, Auction Rooms and Houses</u>	<u>7389, 5999</u>		
<u>Auto and Home Supply Store</u>	<u>5531</u>		<u>P</u>
<u>Automobile Parking</u>	<u>7521</u>		<u>P</u>
<u>Automotive Repair, Services, and Parking</u>	<u>7513-7549</u>		
<u>Automotive Services</u>			
<u>Automotive Dealers and Gasoline Service Stations</u>	<u>5511, 5531, 5541, 5571, 5599</u>		
<u>Barber Shops or Colleges</u>	<u>7241</u>		
<u>Beauty Shops or Schools</u>	<u>7231</u>		
<u>Biking Trails</u>			
<u>Bowling Centers</u>	<u>7933</u>		
<u>Building Construction</u>	<u>1521-1542</u>		
<u>Building Materials</u>	<u>5211-5261</u>		
<u>Building Materials, Hardware, Garden Supplies</u>	<u>5231 - 5261</u>		

<u>P= permitted GTMUD</u>			
<u>E = permitted with certain exceptions</u>			
<u>Blank cell = prohibited (also see table of conditional and accessory uses)</u>			
<u>Land Use Type or Category</u>	<u>SIC Code</u>	<u>GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT</u>	<u>Mixed Use Subdistrict (MXD)</u>
<u>Business Associations</u>	8621		
<u>Business Repair Service</u>			P
<u>Business Services</u>	<u>7311-7313, 7322-7338, 7361-7379, 7384, 7389</u>		P
<u>Business Services</u>	<u>7319, 7352, 7359, 7397, 7342, 7349, 7353</u>		
<u>Business/Office Machines</u>			
<u>Canoe Rental</u>			
<u>Canoeing Trails</u>			
<u>Care Units</u>			P
<u>Carwashes</u>	7542		
<u>Category II Group Care Facilities</u>			
<u>Child Care - Not for Profit</u>			
<u>Child Day Care Services</u>	8351		
<u>Churches & Places of Worship</u>			
<u>Civic and Cultural Facilities</u>			
<u>Collection/Transfer Sites</u>			
<u>Commercial Printing</u>	2752		
<u>Communications</u>	4812-4899		
<u>Communication Towers</u>			
<u>Construction</u>			
<u>Construction - Heavy</u>			
<u>Construction - Special Trade Contractors</u>	1711-1799		
<u>Continuing Care Retirement Communities</u>			
<u>Depository Institutions</u>	6011-6099, 6111-6163		
<u>Drinking Establishments and Places</u>	5813		P
<u>Drug Stores</u>	5912		
<u>Drugs and Medicine</u>	2833-2836		
<u>Duplexes</u>			
<u>Dwelling Units</u>			P
<u>Eating Establishments and Places</u>	5812		P
<u>Educational Plants</u>			P
<u>Educational Services</u>	8211-8244, 8221-8299		
<u>Electronic Equipment & Other Electrical Equipment</u>	3612-3699		
<u>Engineering, Accounting, Management and Related Services</u>	8711-8748		P
<u>Equestrian Paths</u>			
<u>Essential Services¹</u>			P
<u>Excavation</u>			
<u>Fabricated Metal Products</u>	3411-3479, 3419-3499		
<u>Fairgrounds</u>			
<u>Family Care Facilities</u>			
<u>Fishing Piers</u>			
<u>Fishing/Hunting/Trapping</u>	0912-1919		

<u>P= permitted GTMUD</u>			
<u>E = permitted with certain exceptions</u>			
<u>Blank cell = prohibited (also see table of conditional and accessory uses)</u>			
<u>Land Use Type or Category</u>	<u>SIC Code</u>	<u>GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT</u>	<u>Mixed Use Subdistrict (MXD)</u>
<u>Fixture Manufacturing</u>			
<u>Food Manufacturing</u>	<u>2034, 2038, 2053, 2064, 2066, 2068, 2096, 2098, 2099</u>		
<u>Food Products</u>	<u>2011-2099</u>		
<u>Food Stores</u>	<u>5411-5499</u>		<u>P</u>
<u>Fraternal Organizations</u>			
<u>Funeral Services and Crematories</u>	<u>7261</u>		
<u>Furniture & Fixtures Manufacturing</u>	<u>2511-2599</u>		
<u>Gasoline Services Stations</u>	<u>5541, 5511-5599</u>		<u>P</u>
<u>General Contractors</u>	<u>1521-5261</u>		
<u>General Merchandise Stores</u>	<u>5311-5399</u>		<u>P</u>
<u>Glass and Glazing Work</u>	<u>1793</u>		
<u>Golf Courses</u>			
<u>Government Offices/Buildings</u>	<u>9111-9222, 9224-9229, 9311, 9411-9451, 9511-9532, 9611-9661</u>		
<u>Group Care Facilities</u>			<u>P</u>
<u>Gunsmith Shop</u>	<u>7699</u>		
<u>Hardware Stores</u>	<u>5251</u>		<u>P</u>
<u>Health Food Stores</u>			
<u>Health Services</u>	<u>8011-8049, 8082</u>		<u>P</u>
<u>Health Services</u>	<u>8051-8059, 8062-8069, 8071, 8072, 8092-8099</u>		
<u>Heavy Construction</u>	<u>1611-1629</u>		
<u>Hiking Trails</u>			
<u>Home Furniture, Furnishings, Equipment Store</u>	<u>5712-5736</u>		<u>P</u>
<u>Home Supply Store</u>	<u>5531</u>		<u>P</u>
<u>Hotels and Motels</u>	<u>7011, 7021, 7041</u>		<u>P</u>
<u>Houseboat Rental</u>	<u>7999</u>		
<u>Individual & Family Social Services</u>			<u>P</u>
<u>Industrial Inorganic Chemicals</u>	<u>2812-2819</u>		
<u>Industrial, Commercial, Computer Machinery and Equipment</u>	<u>3511-3599</u>		
<u>Insurance Agencies, Brokers, Carriers</u>	<u>6311-6399, 6411</u>		<u>P</u>
<u>Investment/Holding Offices</u>	<u>6712-6799</u>		
<u>Job Training & Vocational Services</u>	<u>8331</u>		
<u>Justice, Public Order & Safety</u>	<u>9221, 9222, 9229</u>		
<u>Labor Unions</u>	<u>8631</u>		
<u>Labor Pool</u>	<u>7363</u>		
<u>Lakes Operations</u>	<u>7999</u>		
<u>Large Appliance Repair Service</u>	<u>7623</u>		<u>P</u>
<u>Leather Products</u>	<u>3131-3199</u>		
<u>Libraries</u>	<u>8231</u>		
<u>Local and Suburban Transit</u>	<u>4111-4121</u>		
<u>Local and Suburban Transit</u>	<u>4131-4173</u>		

<u>P= permitted GTMUD</u>			
<u>E = permitted with certain exceptions</u>			
<u>Blank cell = prohibited (also see table of conditional and accessory uses)</u>			
	<u>SIC Code</u>	<u>GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT</u>	<u>Mixed Use Subdistrict (MXD)</u>
<u>Land Use Type or Category</u>			
<u>Lumber and Wood Products</u>	<u>2426, 2431-2499</u>		
<u>Management Services</u>	<u>8711-8748</u>		<u>P</u>
<u>Marinas</u>	<u>4493, 4499</u>		<u>P</u>
<u>Measuring, Analyzing and Controlling Instruments</u>	<u>3812-3873</u>		
<u>Medical and Optical Goods</u>	<u>3812-3873</u>		
<u>Medical Laboratories and Research & Rehabilitation Centers</u>	<u>8071, 8072, 8092, 8093</u>		
<u>Membership Organizations</u>	<u>8611-8699</u>		<u>P</u>
<u>Misc. Manufacturing Industries</u>	<u>3911-3999</u>		
<u>Miscellaneous Plastic Products</u>			
<u>Miscellaneous Repair Service</u>	<u>7629-7631</u>		<u>P</u>
<u>Miscellaneous Retail Services</u>	<u>5912-5963</u>		<u>P</u>
<u>Miscellaneous Retail Services</u>	<u>5992-5999</u>		
<u>Mobile Home Dealers</u>	<u>5271</u>		
<u>Mobile Homes</u>			
<u>Modular Built Homes</u>			
<u>Motion Picture Production</u>	<u>7812-7819</u>		
<u>Motion Picture Theaters</u>	<u>7832</u>		
<u>Motor Freight Transportation and Warehousing</u>	<u>4225</u>		
<u>Motor Homes</u>			
<u>Multi-Family Dwellings</u>			<u>P</u>
<u>Museums and Art Galleries</u>	<u>8412</u>		<u>P</u>
<u>Nature Preserves</u>			
<u>Nature Trails</u>			
<u>Non-Depository Credit Institutions</u>	<u>6111-6163</u>		<u>P</u>
<u>Non-Depository Institutions</u>	<u>6011, 6019, 6021-6062, 6082, 6091, 6099</u>		
<u>Nursing Homes</u>	<u>8051, 8052, 8249</u>		<u>P</u>
<u>Office Machine Repair Service</u>	<u>7629-7631</u>		<u>P</u>
<u>Oil & Gas Exploration</u>			
<u>Open Space</u>			
<u>Outdoor Storage Yard</u>			
<u>Paint, Glass, Wallpaper Stores</u>	<u>5231</u>		<u>P</u>
<u>Paper and Allied Products</u>	<u>2621-2679</u>		
<u>Park Model Travel Trailers</u>			
<u>Park Service Facilities</u>			
<u>Parking Facilities</u>			<u>P</u>
<u>Parking Services</u>			<u>P</u>
<u>Parks, Public or Private</u>			
<u>Parochial Schools – Public or Private</u>	<u>8211</u>		
<u>Party Fishing Boats Rental</u>	<u>7999</u>		
<u>Personal Services</u>	<u>7291 7212, 7215, 7221-7251</u>		<u>P</u>
<u>Personal Services</u>	<u>7299²</u>		<u>E²</u>

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	<u>SIC Code</u>	<u>GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT</u>	<u>Mixed Use Subdistrict (MXD)</u>
<u>Land Use Type or Category</u>			
<u>Photographic Goods</u>	3812-3873		
<u>Photographic Studios</u>	7221		P
<u>Physical Fitness Facilities</u>	7991		P
<u>Physical Fitness Facilities</u>			
<u>Pickup Coaches</u>			
<u>Plant and Wildlife Conservancies</u>			
<u>Plastic Materials & Synthetics</u>	2821, 2834		
<u>Play Areas and Playgrounds</u>			
<u>Pleasure Boat Rental</u>			
<u>Printing and Publishing Industries</u>	2711, 2712		
<u>Printing and Publishing Industries</u>	2711-2796		
<u>Professional Offices</u>	6712-6799, 6411, 96311-6399, 6531, 6541, 6552, 6553, 8111		
<u>Professional Organizations</u>	8631		
<u>Public Administration</u>	9111-9199, 9229, 9311, 9411-9451, 9511-9532, 9611-9661		
<u>Public Service Facilities - Essential</u>			
<u>Railroad Transportation</u>	4011, 4013		
<u>Real Estate</u>	6531-6541		P
<u>Real Estate</u>	6512-6514, 6519, 6531-6540		
<u>Recreational Service Facilities</u>			
<u>Recreational Services - Indoor</u>	7911-7941, 7991-7993, 7999		
<u>Recreational Uses</u>			
<u>Recreational Vehicles</u>			
<u>Rehabilitative Centers</u>	8093		
<u>Repair shops and related services, not elsewhere classified</u>	7699 ³		
<u>Research Centers</u>	8093		
<u>Research Services</u>	8732		
<u>Retail Nurseries, Lawn and Garden</u>	5261		
<u>Rubber and Misc. Plastic Products</u>	3021, 3052, 3053		
<u>Safety Service Facilities</u>			
<u>Schools, public</u>			
<u>Schools - Vocational</u>	8243-8299		
<u>Security Brokers, Dealers, Exchanges, Services</u>	6211-6289		P
<u>Shoe Repair Shops or Shoeshine Parlors</u>	7251		P
<u>Shooting range, indoor</u>	7999		
<u>Social Services</u>	8322-8399		
<u>Stone, Clay, Glass and Concrete Products</u>	3221, 3251, 3253, 3255-3273, 3275, 3281		
<u>Storage</u>			

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<u>Blank cell = prohibited (also see table of conditional and accessory uses)</u>			
	<u>SIC Code</u>	<u>GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT</u>	<u>Mixed Use Subdistrict (MXD)</u>
<u>Land Use Type or Category</u>			
<u>Synthetic Materials</u>	<u>2834</u>		
<u>Testing Services</u>			
<u>Textile Mill Products</u>	<u>2211-2221, 2241-2259, 2273-289, 2297, 2298</u>		
<u>Timeshare Facilities</u>			
<u>Title abstract offices</u>	<u>6541</u>		
<u>Tow-in Parking Lots</u>	<u>7514, 7515, 7521</u>		
<u>Townhouses</u>			<u>P</u>
<u>Transportation by Air</u>	<u>4512-4581</u>		
<u>Transportation Equipment</u>	<u>3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799</u>		
<u>Transportation Services</u>	<u>4724-4783, 4789</u>		
<u>Travel Agencies</u>	<u>4724</u>		
<u>Travel Trailers</u>	<u>5561</u>		
<u>United States Postal Service⁴</u>	<u>4311</u>		<u>F⁴</u>
<u>Veterinarian's Office⁵</u>	<u>0742</u>		<u>F⁵</u>
<u>Veterinarian's Office</u>	<u>0752</u>		<u>P</u>
<u>Videotape Rental⁶</u>	<u>7841</u>		<u>F⁶</u>
<u>Vocational Rehabilitation Services</u>	<u>8331</u>		
<u>Welding Repair</u>	<u>7692</u>		
<u>Wholesale Trade</u>	<u>5148</u>		
<u>Wholesale Trade - Durable Goods</u>	<u>5021, 5031, 5043-5049, 5063-5078, 5091, 5092, 5094-5099</u>		
<u>Wholesale Trade - Nondurable Goods</u>	<u>5111-5159, 5181, 5182, 5191</u>		
<u>Wildlife Conservancies</u>	<u>9512</u>		
<u>Wildlife Management</u>	<u>0971</u>		
<u>Wildlife Refuge/Sanctuary</u>			
<u>Wildlife Sanctuaries</u>			
<u>Watches/Clocks</u>	<u>3812-3873</u>		

1 For requirements pertaining to Essential Services, see section 2.01.03 of this Code.

2 Group 7299 uses limited to babysitting bureaus, clothing and costume rental, dating service, depilatory salons, diet workshops, dress suit rental, electrolysis, genealogical investigation service and hair removal.

3 Antique repair and restoration, except furniture and automotive only, bicycle repair shops only and rod and reel repair.

4 Excludes major distribution center.

5 Excludes outdoor kenneling.

6 Limited to 1,800 square feet of gross floor area.

Table 2. Land Uses that May be Allowed in GTMUD Subdistricts as Accessory or Conditional Uses.

C = conditional use
A = accessory use

<u>ACCESSORY AND CONDITIONAL USES</u>	<u>SIC Code</u>	<u>GTMUD - MXD</u>
<u>Administrative or service building</u>		
<u>Adult day care</u>	<u>8322</u>	
<u>Agricultural: animal & livestock breeding, exotic aquaculture, aviary, dairy or poultry plant, egg production, exotic animals, ranching, or wholesale reptile breeding</u>		
<u>Agricultural</u>		
<u>Agricultural services</u>	<u>0741, 0742, 0752-0783</u>	
<u>Amusement & recreation services</u>	<u>7911</u>	
<u>Amusement & recreation services</u>	<u>7911-7941, 7991- 7993, 7997, 7999</u>	
<u>Amusement & recreation services</u>	<u>7948, 7992, 7996, 7999</u>	
<u>Ancillary plants</u>		C
<u>Animal control</u>		
<u>Aquariums</u>	<u>8422</u>	
<u>Archery ranges</u>	<u>7999</u>	
<u>Assisted living facilities</u>		
<u>Automotive dealers and gasoline service stations</u>	<u>5521, 5551, 5561, 5599</u>	
<u>Automotive rental/leasing</u>	<u>7513, 7519</u>	
<u>Beach chair, bicycle, boat or moped rentals</u>		
<u>Bed & breakfast facilities</u>	<u>7011</u>	
<u>Boathouses</u>		
<u>Boat ramps</u>		
<u>Boat yards</u>		C
<u>Botanical garden</u>	<u>8422</u>	C
<u>Bottle clubs</u>	<u>5813</u>	
<u>Camping cabins</u>		
<u>Care Units</u>		
<u>Caretaker's residence</u>		A

C = conditional use

A = accessory use

<u>ACCESSORY AND CONDITIONAL USES</u>	<u>SIC Code</u>	<u>GTMUD – MXD</u>
<u>Category II group care facilities</u>		
<u>Cemeteries</u>		
<u>Chemical products</u>	<u>2812-2899</u>	
<u>Child day care</u>	<u>8351</u>	C
<u>Churches</u>	<u>8661</u>	
<u>Civic & cultural facilities</u>		
<u>Clam nurseries</u>		
<u>Cluster development</u>		
<u>Cocktail lounges</u>	<u>5813</u>	
<u>Collection/transfer sites</u>		
<u>Commercial uses</u>		
<u>Communications</u>	<u>4812-4841</u>	
<u>Communication towers</u>		
<u>Community centers</u>		
<u>Community theaters</u>	<u>7922</u>	
<u>Concrete or asphalt plants</u>		
<u>Continuing care/retirement centers</u>		
<u>Convenience stores</u>	<u>5411</u>	
<u>Dancing establishments & staged entertainment</u>		
<u>Depository institutions</u>	<u>6011-6099</u>	
<u>Detention facilities</u>		
<u>Docks</u>		
<u>Drinking establishments</u>	<u>5813</u>	
<u>Driving ranges</u>		
<u>Earthmining</u>		
<u>Eating establishments</u>	<u>5812</u>	
<u>Education services</u>	<u>8211-8222</u>	C
<u>Education facilities; public & private schools</u>	<u>8211-8231</u>	C
<u>Electric generating plants</u>		
<u>Electric, gas, & sanitary services</u>	<u>4911-4971</u>	
<u>Excavation</u>		

C = conditional use

A = accessory use

<u>ACCESSORY AND CONDITIONAL USES</u>	<u>SIC Code</u>	<u>GTMUD – MXD</u>
<u>Extraction related processing and production</u>		
<u>Fabricated metal products</u>	<u>3482-3489</u>	
<u>Farm labor housing</u>		
<u>Farm product raw materials</u>	<u>5153-5159</u>	
<u>Field crops</u>		
<u>Fishing/hunting/trapping</u>	<u>0912-1919</u>	
<u>Food products</u>	<u>2011, 2048</u>	
<u>Food service</u>		
<u>Food stores (over 5,000 s.f.)</u>	<u>5411-5499</u>	
<u>Fraternal lodges, private club, or social clubs</u>		<u>C</u>
<u>Fuel dealers</u>	<u>5983-5989</u>	
<u>Fuel facilities</u>		
<u>Funeral services & crematories</u>	<u>7261</u>	<u>C</u>
<u>Gas generating plants</u>		
<u>Gift shops</u>	<u>5947</u>	
<u>Golf club house</u>		
<u>Golf course</u>		
<u>Golf driving range</u>		
<u>Group care units</u>		
<u>Guesthouses</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 & safety</u>	<u>9211-9224</u>	

C = conditional use

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<u>ACCESSORY AND CONDITIONAL USES</u>	<u>SIC Code</u>	<u>GTMUD - MXD</u>
<u>Kennels & kenneling</u>	<u>0742, 0752</u>	
<u>Kiosks</u>		
<u>Leather tanning & 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>		C
<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>Model homes and model sales centers</u>		
<u>Motion picture theaters</u>	<u>7833</u>	
<u>Motor freight transportation and warehousing</u>	<u>4212, 4213-4225, 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>	C
<u>Nursing homes</u>		
<u>Oil and gas extraction</u>	<u>1321, 1382</u>	
<u>Oil & gas field development and production</u>		
<u>Outdoor display</u>		C
<u>Packinghouse</u>		
<u>Paper and allied products</u>	<u>2611</u>	
<u>Personal services</u>	<u>7291</u>	C
<u>Petroleum refining and related</u>	<u>2911-2999</u>	
<u>Pistol or rifle range</u>		

C = conditional use

A = accessory use

<u>ACCESSORY AND CONDITIONAL USES</u>	<u>SIC Code</u>	<u>GTMUD - MXD</u>
<u>Play areas and playgrounds</u>		
<u>Poultry raising (small)</u>		
<u>Primary metal industries</u>	<u>3312-3399</u>	
<u>Private boathouse and docks</u>		
<u>Private clubs</u>		
<u>Private landing strips</u>		
<u>Pro shops (large)</u>		
<u>Pro shops (small)</u>		
<u>Recreational facilities</u>		
<u>Recreational services</u>		
<u>Refuse systems</u>	<u>4953</u>	
<u>Rehabilitative centers</u>	<u>8093</u>	
<u>Repair or storage areas</u>		
<u>Residential uses</u>		
<u>Resource recovery plant</u>		
<u>Restaurant (small) or snack shop</u>	<u>5812</u>	
<u>Restaurant (large)</u>	<u>5812</u>	
<u>Retail shops or sales</u>		
<u>Rubber and misc. Plastic products</u>	<u>3061-3089</u>	
<u>Sanitary landfills</u>		
<u>Sawmills</u>		
<u>Schools, public or private</u>		
<u>Schools, private</u>		
<u>Schools, vocational</u>	<u>8243-8299</u>	
<u>Service facilities</u>		
<u>Slaughtering plants</u>	<u>2011</u>	
<u>Social association or clubs</u>	<u>8641</u>	<u>C</u>
<u>Social services</u>	<u>8322-8399</u>	
<u>Soup kitchens</u>		

C = conditional use

A = accessory use

<u>ACCESSORY AND CONDITIONAL USES</u>	<u>SIC Code</u>	<u>GTMUD - MXD</u>
<u>Sports instructional camps or schools</u>		
<u>Staged entertainment facility</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>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>Zoo</u>		

SUBSECTION 3.C. AMENDMENTS TO SECTION 4.02.16 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD - NEIGHBORHOOD COMMERCIAL SUBDISTRICT

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

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

* * * * *

<u>Design Standards</u>	
front yard build-to-line set-back-line	<u>Minimum 5 feet from the property line to the building footprint.</u>

<p>The front build-to-line set back line shall also apply to any new buildings or structures in the C-1 through C-5 C-3 zoning districts which underlay the BMUD Neighborhood Commercial Subdistrict.</p>	<p>1. Eighty percent of the building's front facade structure shall be placed must be located on at the required front yard build-to-line; set back line. <u>The remaining 20 percent of the facade has to be</u> must recessed back be behind the front yard build-to-line within a <u>minimum</u> the range of 3 to 10 feet from the front facade.*</p> <p>1. Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to building set backs per section 4.02.01 A. Table 2.1.</p> <p>2. Buildings containing commercial or residential uses are required to have a minimum depth of 35 feet from the front set back line yard build-to-line on all floors. The remaining depth of the lot may be used for parking.</p> <p>3. Buildings on lots that abut Bayshore and intersecting side streets shall have the same front yard build-to-line as the front yard build-to-line for Bayshore.</p> <p>* [This is to allow for an entry courtyard or additional landscaping, if desired].</p>
<p>Minimum Setbacks</p>	
<p>Side yards abutting residential</p>	<p>15 feet</p>
<p>Side yards all other</p>	<p>5 feet</p>
<p>Rear yard</p>	<p>20 feet</p>
<p>Waterfront¹⁴</p>	<p>25 feet</p>
<p>Building Standards</p>	
<p>Building Design</p>	<p>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.</p>
<p>Maximum Residential Density</p>	<p>12 units per acre</p>
<p>Maximum square footage</p>	<p>A building with commercial use only is limited to a maximum building foot print square footage of 20,000 square feet.</p>
<p>Minimum Floor Area</p>	<p>700 square foot gross floor area for each building on the ground floor.</p>
<p>Building Height of Story</p>	<p>14 feet of building height equals one story</p>
<p>Maximum height of structures The maximum building height of Pproperties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to maximum building height per shall be as required by section 4.02.01 A. Table 2.</p>	

<p>Commercial use only buildings</p> <p>Maximum actual height of structure 56 Foot buildings.</p>	<p>42 feet not to exceed 3 stories <u>3 stories</u> or 42 feet to building 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 than 5 feet in height.</p>
<p>Residential use only buildings</p> <p>Maximum actual height of structure 56 Foot buildings.</p>	<p>42 feet not to exceed 3 stories or 42 feet to building eave 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.</p>
<p>Mixed-use buildings residential on top of commercial uses</p> <p>Maximum actual height of structure 70 Foot buildings.</p>	<p>56 feet not to exceed 4 stories or 56 feet to building eave 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.</p>
<p>Hotel/Motel</p> <p>Maximum actual height of structure 70 Foot buildings.</p>	<p>56 feet not to exceed 4 stories or 56 feet to building eave or top of a flat built up roof, measured from the first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more than 5 feet in height.</p>
<p>Coiling Height</p>	<p>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.</p>

Site Development Standards	
<p><u>Front yard setback</u></p>	<p><u>5 feet</u></p> <p>1. <u>The front set back shall also apply to any new buildings in the C-1 through C-3 zoning districts which underlay the BMUD Neighborhood Commercial Subdistrict.</u></p> <p>2. <u>Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to building setbacks per section 4.02.01 A. Table 2.1.</u></p>
<p><u>Side yards - abutting residential</u></p>	<p><u>15 feet</u></p>
<p><u>Side yards - all other</u></p>	<p><u>5 feet</u></p>
<p><u>Rear yard</u></p>	<p><u>20 feet</u></p>
<p><u>Waterfront¹⁴</u></p>	<p><u>25 feet</u></p>
Building Standards	

<u>Building Design</u>	<p>1. <u>Building facades facing the intersecting east-west streets with Bayshore Dr. shall have the same architectural design treatment as the building facade facing Bayshore Drive.</u></p> <p>2. <u>Buildings containing commercial or residential uses are required to have a minimum depth of 35 feet. The remaining depth of the lot may be used for parking.</u></p>
<u>Maximum square footage</u>	<u>A building with commercial use only is limited to a maximum building foot print of 20,000 square feet.</u>
<u>Minimum Floor Area</u>	<u>700 square foot gross floor area for each unit, residential or commercial.</u>

<u>Maximum height</u>	
<u>Commercial use only: Maximum height of buildings.</u>	<u>42 feet, not to exceed 3 stories</u>
<u>Residential use only: Maximum height of buildings.</u>	<u>42 feet, not to exceed 3 stories</u>
<u>Mixed-use: Residential on top of commercial uses.</u>	<u>56 feet, not to exceed 4 stories. Only the first two floors shall be used for commercial uses.</u>
<u>Maximum height of buildings. Hotel/Motel</u>	<u>56 feet, not to exceed 4 stories</u>
<u>Maximum height of buildings.</u>	<u>The maximum building height of properties developed in conformance with underlying C-4 and C-5 zoning classifications shall be as required by section 4.02.01 A. Table 2.</u>
<u>Ceiling height</u>	<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>
<u>Maximum residential density</u>	<u>12 units per acre for mixed use projects.</u>

* * * * *

- C. The following regulations govern the outdoor display and sale of merchandise.
1. No automatic food 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 shall be permanently affixed (not portable).
 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.

D. Parking Standards.

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5. Lots **adjacent** to the Neighborhood Commercial (NC) and Waterfront district (W) Subdistricts, designated Accessory Parking Zoning (APZ) as identified on the Bayshore Mixed Use Overlay Map as indicated on BMUD Map No. 1, may be used for off **street** parking or water retention and management areas. The **accessory parking zone** 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** approved by the County Manager or designee. (See BMUD Figure 1)
6. Parking is prohibited in the front of buildings. Off street parking in front of buildings abutting Bayshore and/or Thomasson Drive shall not exceed 50% of that building's parking requirement.
 - a. The design shall be a single-aisle double-loaded parking lot.
 - b. The remaining parking requirement shall be located on the side or rear of the building.

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6 7. 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 or any east-west street intersecting Bayshore Drive provided the two properties are located within the BMUD.

* * * * *

G. Architectural Design Theme

1. All buildings shall meet the requirements set forth in section 5.05.08 unless otherwise specified below. Buildings shall be designed to reduce mass and scale through the use of arcades, windows, entry features, and other design treatments. ~~Buildings shall be designed to reduce mass and scale through the use of arcades, windows, entry features, and other design treatments.~~
2. Regardless of the architectural theme chosen, the following design elements are required.
 - a. Buildings shall be designed to reduce mass and scale through the provision of arcades, windows, entry features, and other design treatments.
 - ab. Hip or gable **building** roofs shall be metal seam (5v Crimp, standing seam or similar design)
 - bc. Windows with vertical orientation and the appearance of divided glass trim.
 - ed. **Facade wall building** materials shall be of wood, stucco finish or cement board products.
 - de. All **buildings immediately adjacent abutting** to Bayshore Drive shall have the principal pedestrian entrance fronting Bayshore Drive. Exceptions may be granted for mixed use projects of 2

acres or greater through the administrative deviation process per section 2.03.07.1.5.

- ef. Thirty-five (35) percent of the **building facade** along Bayshore Drive will be clear glass.
- fg. Clear glass windows with a tint of 25% or less, 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.
- gh. Attached **building** awnings may encroach over the **setback** line by a maximum of five (5) feet.
- hi. Florescent colors shall not be used.

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SUBSECTION 3.D. AMENDMENTS TO SECTION 4.02.17 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD - WATERFRONT SUBDISTRICT

Section 4.02.17 Design Standards for 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 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.
- B. Special conditions for **Marinas**:
 1. Repair and dry storage areas shall not be visible from the street.
 2. Boats available for rental purposes shall be located in the water or screened with a fence or wall from the local side streets and not visible from Bayshore Drive.
 3. All boat racks shall be enclosed; with a wall or fence and the boats shall not exceed the height of the enclosure. The fence material can be wood, vinyl composite, concrete block with stucco finish or metal or a combination. No chain link 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.

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SUBSECTION 3.E. AMENDMENTS TO SECTION 4.02.18 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD - RESIDENTIAL SUBDISTRICT (R1)

Section 4.02.18 Design Standards for 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 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.~~ 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.

Design Standards			
Maximum Density : shall not exceed the <u>maximum density</u> of the underlying residential zoning district Density allowed for underlying zoning pursuant to the Density Rating System ; unless affordable housing density bonuses are granted.			
	Minimum Lot Width (feet)	Minimum Unit Width (feet)	
Single-family	50 feet		
Two-family/Duplex	50 feet		
<u>Two-family dwelling unit</u>	80 feet		
Townhouses	100 25 feet	<u>25 feet</u>	
Multi-family	100 feet		

Site Development Standards			
Minimum Setbacks Building type	Min. front yard	Min. Side Yard	Min. Rear Yard (feet)
One <u>Single family detached dwelling unit</u>	10 feet	7.5 feet	15
<u>Two-family dwelling unit</u>	10 feet	5 feet when abutting another dwelling unit, if not then 5 feet.	<u>15</u>
Two-family / Duplex dwelling units	10 feet	5 feet	15
Townhouse	10 feet	0 feet when abutting another townhouse, if not then 5 feet. 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 7.5 feet	15
Building Standards			
Minimum Floor Area	Single-family 1500 <u>1300</u> square feet per unit Two-family/Duplex 1000 square feet per unit <u>Two-family dwelling unit 1000 square feet per unit</u> Townhouses 1000 square feet per unit Multi-family 750 square feet per unit		
Maximum Actual Height <u>height of principal structures</u> 56 <u>35</u> Feet	3 habitable floors or 35 feet not to exceed 3 habitable floors. 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.		

Maximum Height actual height of Accessory Screen Enclosures	Same as principal structure , <u>Not to exceed 35 feet, but in no case higher than the main building, as measured from peak of enclosure to the average centerline elevation of the adjacent roadway.</u>
Maximum height of all other accessory structures	26 feet, but in no case higher than the main building .
Parking Standards	
Parking standards	Parking standards as required by sections 4.05.02 and 4.05.03 of this Code.

B. Specific Design Requirements

1. 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 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, with the exception of mobile homes. 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 an opaque fence or wall at a height which is 18 inches above the top of the equipment.
 - 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)

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

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SUBSECTION 3.F. AMENDMENTS TO SECTION 4.02.19 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD - RESIDENTIAL SUBDISTRICT (R2)

Section 4.02.19 Design Standards for 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 Design Standards for Development in the BMUD--Residential Subdistrict (R2)

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

Table 14. Setback Site Development Standards for BMUD Residential Subdistrict (R2)

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

SUBSECTION 3.G. AMENDMENTS TO SECTION 4.02.20 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD - RESIDENTIAL SUBDISTRICT (R3)

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

- A. 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
Townhouses (minimum of 3 units)	25-100 feet
<u>Two-family dwelling unit</u>	<u>80 feet</u>
Mobile homes (where underlying zoning allows)	<u>40 feet</u>

C. Building Standards

<u>Minimum Floor Area</u>	Single-family 1100 square feet per unit Two-family/Duplex 1000 square feet per unit <u>Two-family dwelling unit</u> 1000 square feet per unit Townhouses 1000 square feet per unit Multi-family 750 square feet per unit
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C D. Yard Requirements.

	Front yard	Minimum Side Yard	Minimum Rear Yard
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One (Single) Family Detached Dwelling Units	10 feet*	5 feet	8 feet
Townhouse	10 feet*	0 feet when abutting another townhouse, if not then 5 feet.	8 feet
<u>Two-family dwelling unit</u>	<u>10 feet*</u>	<u>0 feet when abutting another dwelling unit, if not then 5 feet.</u>	<u>8 feet</u>
<u>Mobile homes (where underlying zoning allows)</u>	<u>setbacks shall be as required in the MH zoning district see section 4.02.01 Table 2.1</u>		

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

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SUBSECTION 3.H. AMENDMENTS TO SECTION 4.02.35 DESIGN STANDARDS FOR DEVELOPMENT IN THE GTMUD- MIXED USE SUBDISTRICT (GTMUD)

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

Design Standards Mixed Use Subdistrict	
Front streetscape zone	Davis Boulevard, US 41, Airport-Pulling Road and Commercial Drive
16 Feet Measured from back of curb to front yard build-to-line set back line, which includes existing sidewalk area See GTMUD Figure 1	If no curb exists as on Commercial Drive the front streetscape zone shall be minimum of 6.5 Feet from the front property line. 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. Steps, and or ramps may encroach in to the streetscape zone but no more than 3 feet.
Front yard build-to-line set back line	Sixteen feet measured from back of curb. If no curb exists as on Commercial Drive the front yard build-to-line set back line shall be a minimum of 6.5 Feet from the front property line.

<p>The front yard set back line build-to-line shall apply to any new buildings or structures in the C-1 through C-3 C-5 Zoning Districts which under lay the GTMUD Mixed Use Subdistrict.</p> <p><u>Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to building set backs per section 4.02.01 A. Table 2-1</u></p>	<ol style="list-style-type: none"> 1. The front yard build-to-line set back line shall mean that line to which a building facade must be built, not a minimum distance. 2. A minimum of 70 percent of the building's front facade shall be placed on the front yard build-to-line set back line. The additional front facade has to be recessed a minimum of 3 feet from the front yard build-to-line set back line. 1. 3. A minimum 10 feet Step-Back from the Front Build-to-Line facade is required at the third floor and above.
<p>front yard set back line build-to-line</p>	<p>Other Streets in Mixed Use Subdistrict At the Front Property Line.</p>
<p>The front yard build-to-line set back line shall apply to any new buildings or structures in the C-1 through C-3 C-5 Zoning Districts which under lay the GTMUD Mixed Use Subdistrict.</p> <p><u>Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to building set backs per section 4.02.01 A. Table 2-1</u></p>	<ol style="list-style-type: none"> 1. The Front Build to Line shall mean that line to which a building facade must be built, not a minimum distance. The front yard setback line shall be 6.5 feet. 2. A minimum of 70 percent of the building's front facade at the ground level shall be placed on the front set back line yard build-to-line. The additional remainder of the front facade must be recessed a minimum of 3 feet back from the front yard build-to-line. 3.2. A minimum 10 feet step back from the front facade yard build-to-line is required at the third floor and above.
<p>Minimum setbacks</p>	
<p>Side yards – abutting residential</p>	<p>10 feet</p>
<p>Side yards – all other</p>	<p>0 or 10 feet minimum</p>
<p>Rear yard</p>	<p>0-5 feet</p>
<p>Waterfront¹⁸</p>	<p>25-foot setback</p>
<p>Minimum building separation</p>	<p>0 or 10 Feet</p>
<p>Maximum residential density</p>	<ol style="list-style-type: none"> 1. 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. 2. For a mixed use project, 12 units per acre to include all areas of the Mixed Use Subdistrict except: <ul style="list-style-type: none"> ▪ North side of Davis Boulevard ▪ East side of Airport Pulling Road For these excepted areas, three units per acre, or as may be allowed by a rezoning pursuant to the Future Land Use Element. 3. 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.
<p>Minimum floor area</p>	<p>700 square foot gross floor area for each building on the ground floor.</p>
<p>Minimum lot area</p>	<p>80,000 Square feet</p>
<p>Minimum lot width</p>	<p>400 feet</p>

Building footprint	A building with only commercial use is limited to a maximum building footprint of 20,000 square feet, except in Mini Triangle maximum limit is 30,000 square feet.
Building height of story	14 feet of building height equals one story
Maximum height of <u>buildings</u> structures	
Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to maximum building height per section 4.02.01 A. Table 2.	
Commercial use only buildings Maximum actual height of <u>buildings</u> structures = 56 feet.	42 feet not to exceed 3 stories or 42 feet to bottom of building 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 than 5 feet in height.
Residential use only buildings Maximum actual height of <u>buildings</u> structures = 56 feet.	42 feet not to exceed 3 stories or 42 feet or 4 stories or 56 feet if fronting on US 41, measured to building 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 than 5 feet in height.
Mixed-use residential over commercial use buildings Maximum actual height of buildings structures = 70 feet.	56 feet not to exceed 4 stories or 56 feet measured to building 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 than 5 feet in height.
Hotel / Motel Maximum actual height of <u>buildings</u> structures = 70 feet.	56 feet not to exceed 4 stories or 56 feet measured to building 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 than 5 feet in height.
"Mini Triangle" Mixed Use Project Maximum actual height of <u>buildings</u> structures = 126 feet.	112 feet not to exceed 8 stories or 112 feet to building 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 than 5 feet in height.
Mixed-use building 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.

Site development standards for Mixed Use Projects on Davis Boulevard (south side), US Hwy 41, Airport-Pulling Road and Commercial Drive

<p><u>Front streetscape zone for new construction</u></p> <p>See GTMUD Figure 1</p>	<p><u>16 Feet Measured from back of curb into front yard, which includes existing sidewalk area.</u></p> <p><u>1. If no curb exists, as on Commercial Drive, the front streetscape zone shall begin a minimum of 6.5 feet from the front property line into the right of way.</u></p> <p><u>2. The front streetscape zone shall also apply to any new buildings or structures in the C-1 through C-3 Zoning Districts which underlay the GTMUD Mixed Use Subdistrict.</u></p> <p><u>3. Properties developed in conformance with the underlying C-4 and C-5 zoning classifications are restricted to building setbacks per section 4.02.01 A, Table 2.1.</u></p> <p><u>4. Steps, and or ramps may encroach into the streetscape zone but no more than 3 feet.</u></p>
<p><u>Front yard set back</u></p>	<p><u>Sixteen feet measured from back of curb. If no curb exists as on Commercial Drive the front yard set back shall be a minimum of 6.5 feet from the front property line into the property.</u></p> <p><u>1. The front yard setback shall also apply to any new buildings in the C-1 through C-3 zoning districts which underlay the GTMUD Mixed Use Subdistrict.</u></p> <p><u>2. Properties developed in conformance with the underlying C-4 and C-5 zoning classifications are restricted to building setbacks per section 4.02.01 A, Table 2.1.</u></p> <p><u>3. A minimum 10 foot step-back from the front facade on the first and second stories is required at the third story and above.</u></p>

<u>Site Development Standards for mixed use projects for other streets</u>	
<u>Front setback</u>	<p><u>10 feet</u></p> <p><u>1. The front setback shall also apply to any new buildings in the C-1 through C-3 zoning districts which underlay the GTMUD Mixed Use Subdistrict.</u></p> <p><u>2. Properties developed in conformance with the underlying C-4 and C-5 zoning classifications are restricted to building setbacks per section 4.02.01 A, Table 2.1.</u></p> <p><u>3. A minimum 10 feet step-back from the front facade is required at the third floor and above.</u></p>
<u>Side yards - abutting residential</u>	<u>10 feet</u>
<u>Side yards - all other</u>	<u>10 feet minimum</u>
<u>Rear yard</u>	<u>5 feet</u>
<u>Waterfront¹⁸</u>	<u>25 feet setback</u>

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

<u>Dimensional standards:</u>	
<u>Minimum floor area</u>	<u>700 square foot gross floor area for each unit, residential and commercial.</u>
<u>Minimum building separation</u>	<u>10 Feet</u>
<u>Minimum lot area</u>	<u>80,000 Square feet</u>
<u>Minimum lot width</u>	<u>400 feet</u>
<u>Building footprint</u>	<u>A building with commercial use only is limited to a maximum building footprint of 20,000 square feet, except in the "Mini Triangle", defined by US 41 East, Davis Boulevard and Commercial Drive, where the maximum limit is 30,000 square feet.</u>
<u>Maximum height</u>	

<p><u>Commercial use only: Maximum height of buildings</u></p> <p><u>Residential use only: Maximum height of buildings</u></p> <p><u>Mixed-use: Residential on top of commercial uses</u></p> <p><u>Maximum height of buildings Hotel/Motel</u></p> <p><u>Mini Triangle" Mixed Use Project Maximum height of buildings</u></p> <p><u>Maximum height of buildings.</u></p>	<p><u>42 feet, not to exceed 3 stories</u></p> <p><u>42 feet, not to exceed 3 stories</u></p> <p><u>56 feet, not to exceed 4 stories</u></p> <p><u>56 feet, not to exceed 4 stories</u></p> <p><u>112 feet, not to exceed 8 stories</u></p> <p><u>The maximum building height of properties developed in conformance with underlying C-4 and C-5 zoning classifications shall be as required by section 4.02.01 A. Table 2.</u></p>
<p><u>Mixed use building uses</u></p>	<p><u>Only first two floors can be used for commercial uses.</u></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>
<p><u>Maximum density</u></p>	<p><u>1. 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></p> <p><u>2. For a mixed use project, 12 units per acre to include all areas of the Mixed Use Subdistrict except:</u></p> <ul style="list-style-type: none"> ▪ <u>North side of Davis Boulevard</u> ▪ <u>East side of Airport-Pulling Road</u> <p><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></p> <p><u>3. 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></p>

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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 and, which can be individual **building** or a multiple **building development** and shall be permanently affixed (not portable).

3. Outdoors 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.

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. Mixed Use Projects

- a. Four (4) spaces per 1,000 square feet of floor area open to the general public for commercial use.
- b. Minimum one and one half (1.5) parking spaces for each residential unit.
- c. Outdoor cafe areas shall be exempt from parking calculations.
- d. Parking Location
 - i. ~~New Development~~ Off-street parking in front of buildings abutting US41, Davis Boulevard or Airport-Pulling Road shall not exceed 50% of that building's parking requirement.
 - a) The design shall be a single-aisle double-loaded parking lot.
~~Interior lots~~
~~Parking shall be located behind the front yard build-to-line on side or rear of the buildings.~~
 - b) The remaining parking requirement shall be located on the side or rear of the building.
~~Corner lots~~
~~Parking shall be located behind the front yard(s) build-to-line on side or rear of the buildings.~~
- e. Shared parking requirements shall be consistent with those provided in subsection 4.05.02 of the LDC.

2. C-1 through C-5 Zoned Properties

- a. 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 abutting** property.
- ~~5. Shared parking requirements shall be consistent with those provided in subsection 4.05.02 of the LDC.~~

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F. Architectural Standards

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. Buildings shall be designed to reduce mass and scale through the provision of arcades, windows, entry features, and other design treatments.

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SUBSECTION 3.I. AMENDMENTS TO SECTION 4.02.36 DESIGN STANDARDS FOR DEVELOPMENT IN THE GTMUD - RESIDENTIAL SUBDISTRICT (R)

Section 4.02.36 Design Standards for Development in the GTMUD - Residential Subdistrict (R), 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)

Density	Per Under Lying Zoning RMF 6 or RSF 4 or as may be allowed by a rezoning pursuant to the Future Land Use Element	RMF-6 6 units per acre RSF- 4 4 units per acre	Per new zoning district consistent with the Future Land Use Element
Minimum Lot Width		Minimum Unit Width	
Single-family	50 feet		
Two-family / Duplex	50 <u>80</u> feet		
Townhouses	25 <u>50</u> feet		
Multi-family	100 feet	<u>25 feet</u>	
Minimum Setbacks			
	Min. front yard	Min. side yard	Min. rear yard (feet)
One (single) family units	10 feet	7.5 feet	15 <u>feet</u>
Two family/ Duplex dwelling units	10 feet	5 feet	15
<u>Duplex</u>	<u>10 feet</u>	<u>5 feet</u>	<u>15 feet</u>
Townhouse	10 feet	<u>5 feet</u>	<u>15 feet</u>
Multi-family (three or more) dwelling units	10 feet	7.5 feet	15 <u>feet</u>

Building Standards	
Minimum floor area	Single-family 1500 <u>1300</u> square feet per unit Two-family 1000 <u>square feet per unit</u> Duplex 1000 square feet per unit Townhouses 1000 square feet per unit Multi-family 750 square feet per unit
Maximum actual height of principal <u>buildings</u> structures 56 <u>35</u> feet	<u>35 feet not to exceed 3 habitable floors or 42</u> 35 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.
Maximum actual height of accessory screen enclosures	Same as <u>principal building structure</u> , not to exceed 35 feet.
Maximum actual height of all other <u>accessory structures</u>	26 feet but in no case higher than the main <u>building</u> .

B. Parking Standards

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

C. Architectural Standards

1. **Buildings** and their elements shall adhere to the following:
 - e. **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.
 - f. The primary entrance shall be oriented to the street, with the exception of mobile homes. Orientation is achieved by the provision of a front **facade** including an entry door that faces the **street**.
 - g. 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.
 - h. 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.

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SUBSECTION 3.J. 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:

ACCESSORY AND CONDITIONAL USES	SIC Code	GC	A	E	RSF-1	RSF-2	RSF-3	RSF-4	RSF-5	RSF-6	*	C-1	C-2	C-3	C-4	C-5	I	BP	
		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Golf driving range		A	C								*								
Group care units			C	C	C	C	C	C	C	C	*								
Guesthouses			A	A	A	A	A	A	A	A	*								
Health services	8011										*								
Heliport/Helistop, private											*							C ⁷	
Heliport/Helistop, public											*							C ⁷	
Homeless shelters	8322										*								
Hospitals	8062- 8069										*								
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

7. For restrictions and conditions on public and private heliports and helistops see section 5.05.14 Heliports and Helistops.

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SUBSECTION 3.K. ADDITION OF SECTION 5.05.13 HELIPORTS AND HELISTOPS

Section 5.05.13 Heliports and Helistops, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby added to read as follows:

5.05.13 Heliports and Helistops

A. Purpose and Intent.

In accordance with Sections 330.35 and 330.36, Florida Statutes, the purpose of this section is to impose zoning requirements on the location and operation of heliports and helistops within Collier County. It is not the intent of this section to supersede state and federal rules and regulations applicable to the siting, licensing, registration and operation of heliports and helistops. Rather, as set forth in more detail below, this section incorporates said rules and regulations, while imposing additional zoning regulations which further limit the siting and operational criteria for heliports and helistops in Collier County.

B. Definitions.

1. FATO: The designated "final approach and takeoff" area for helicopter operations. A defined area over which the final phase of the approach to a hover, or a landing is completed and from which the takeoff is initiated. This term is identical to that defined at Rule 14-60.003(2)(b)8, Florida Administrative Code, and Section 101 of Federal Aviation Administration Advisory Circular Number 150/5390-2B.
2. Private Use Heliport: A heliport developed for exclusive use of the owner and persons authorized by the owner. For state regulation purposes, this type of heliport falls within the scope of the term "private airport," as defined at Section 330.27(5), Florida Statutes. For federal regulation purposes, this term is synonymous with a "prior permission required (PPR) heliport," as defined in Section 101 of Federal Aviation Administration Advisory Circular Number 150/5390-2B.
3. Private Use Helistop: A minimally developed helicopter facility for boarding and discharging passengers or cargo, and for the parking of the helicopter when not in use. Fueling and major maintenance and repairs are not permitted at this type of facility. Only the owner and persons authorized by the owner may use this facility. For state regulation purposes, this type of facility falls within the scope of the term "private airport," as defined at Section 330.27(5), Florida Statutes. For federal regulation purposes, this type of facility falls within the scope of the term

“prior permission required (PPR) heliport,” as defined in Section 101 of Federal Aviation Administration Advisory Circular Number 150/5390-2B.

4. Public Use Heliport. A heliport available for use by the general public without a requirement for prior approval of the owner or operator. For state regulation purposes, this type of heliport is a “public airport,” as defined at Section 330.27(6), Florida Statutes. For federal regulation purposes, this term includes both “public use heliports” and “general aviation (GA) heliports,” as these terms are defined in Section 101 of Federal Aviation Administration Advisory Circular Number 150/5390-2B.

C. Site Limitations and Criteria.

1. No heliport or helistop shall be permitted or operated without obtaining site approval from the State of Florida Department of Transportation and complying with all applicable state and federal statutes, rules and regulations, including but not necessarily limited to the following:
 - a. the State Airport Licensing Law (currently codified at Chapter 330, Florida Statutes);
 - b. Chapter 14-60 of the Florida Administrative Code; and
 - c. Federal Aviation Administration Advisory Circular Number 150/5390-2B.
2. Private Use Heliports.
 - a. Allowed as a **conditional use** in the industrial zoning district, as provided for in section 10.08.00 of the Code and subject to the provisions of this section.
 - b. The edges of the FATO shall be no less than 1,500 feet from any residential zoning district or residential component of a planned unit development. This requirement shall not apply within the boundaries of **developments** which expressly permit private aviation use (e.g., Shadow Wood PUD and the Wing South Airpark Condominium).
 - c. To protect the property rights of owners of all properties abutting the property on which a private use heliport is proposed, site approval from the State of Florida Department of Transportation must be obtained with the assumption that all **abutting** properties are developed with **structures** built to the maximum permitted **building height** and the minimum required **setbacks** at the time site approval is sought.
3. Public Use Heliports.
 - a. Allowed as a **conditional use** in the industrial zoning district and at any existing public airport, as provided for in section 10.08.00 of the Code and subject to the provisions of this section.
 - b. The edges of the FATO shall be no less than 1,500 feet from any residential zoning district or residential component of a planned unit development.
 - c. To protect the property rights of owners of all properties **abutting** the property on which a public use heliport is proposed, site approval from the State of Florida Department of Transportation must be obtained with the assumption that all **abutting** properties are developed with **structures** built to the maximum permitted **building height** and the minimum required **setbacks** at the time site approval is sought.
4. Private Use Helistops.
 - a. Allowed as a **conditional use** to a permitted principal use in the

industrial zoning district, subject to the provisions of this section.

- b. The edges of the FATO shall be no less than 1,500 feet from any residential zoning district or residential component of a planned unit development. This requirement shall not apply within the boundaries of **developments** which expressly permit private aviation use (e.g., Shadow Wood PUD and the Wing South Airpark Condominium).
- c. To protect the property rights of owners of all properties **abutting** the property on which a private use helistop is proposed, site approval from the State of Florida Department of Transportation must be obtained with the assumption that all **abutting** properties are developed with **structures** built to the maximum permitted **building height** and the minimum required **setbacks** at the time site approval is sought.

D. Design Standards and Operating Criteria.

- 1. All heliports and helistops shall be designed and operated in accordance with applicable state and federal statutes, rules and regulations, including but not necessarily limited to the following:
 - a. the State Airport Licensing Law (currently codified at Chapter 330, Florida Statutes);
 - b. Chapter 14-60 of the Florida Administrative Code; and
 - c. Federal Aviation Administration Advisory Circular Number 150/5390-2B.
- 2. Private use helistops are limited to use by single engine helicopters with a maximum takeoff weight not exceeding 12,000 pounds.
- 3. All heliports and helistops must comply with the Collier County Noise Control Ordinance (currently codified at Section 54-81 *et seq.*, Collier County Code of Ordinances), as it may be amended from time to time.

* * * * *

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 DATES

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 30th day of October, 2007.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: *Dwight E. Brock*
Attest as to ~~Chairman's~~ Deputy Clerk
signature only

By: *James N. Coletta, Jr.*
JAMES N. COLETTA, JR., CHAIRMAN

Approved as to form and
legal sufficiency:

Jeffrey A. Katzkow
Jeffrey A. Katzkow
Chief Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
8th day of November, 2007
and acknowledgement of that
filing received this 13th day
of November, 2007
By: *Matthew V. [Signature]*
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 2007-68

Which was adopted by the Board of County Commissioners on the 30th day of October, 2007, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 7th day of November, 2007.

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



By: Martha Vergata,
Deputy Clerk