



ORDINANCE NO. 12-39

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 TWO - ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.07 OVERLAY ZONING DISTRICTS; CHAPTER FOUR - 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 4.02.21 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD-RESIDENTIAL SUBDISTRICT (R4), 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 TEN - APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING ADDING SECTION 10.02.15 MIXED USE PROJECT PROCEDURES WITHIN THE BAYSHORE GATEWAY TRIANGLE REDEVELOPMENT AREA; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

DEPARTMENT OF STATE

2012 OCT -3 PM 4:41

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WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and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 amendment to the LDC is part of the first amendment cycle for the calendar year 2012; 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 September 11, 2012 and September 25, 2012, and did take action concerning these amendments to the LDC; and

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

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

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

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

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

SECTION ONE: RECITALS

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

SECTION TWO: FINDINGS OF FACT

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

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

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

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

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

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

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

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

8. Pursuant to § 163.3194(3)(a), F.S., a development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, 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.

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

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

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

* * * * *

Artist Village: A residential development intended exclusively for the housing of artists, such as painters, sculptors and jewelry makers, and that consists of one or more multifamily attached dwellings, clustered single-family detached dwellings, or a combination thereof, with shared studio and/or gallery space that may be used by all residents.

* * * * *
Community Garden: A single piece of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

* * * * *
Live-Work Units: A dwelling unit in which a significant portion of the space includes a non-residential use that is operated by the tenant.

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

* * * * *

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

* * * * *

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

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

~~1. Purpose and Intent.~~

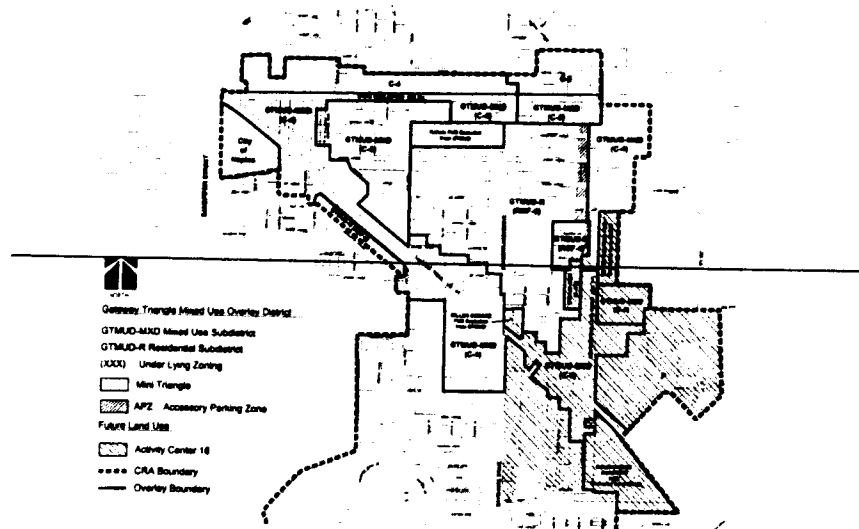
~~a. Bayshore Drive Mixed Use Overlay District is to encourage revitalization of Bayshore Drive and its environs which is part of the Bayshore / Gateway Triangle Redevelopment Overlay with Traditional Neighborhood Design (TND) projects. TNDs are typically human-scale, pedestrian-oriented, interconnected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

Words struck through are deleted, words underlined are added

~~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 Drive Mixed Use Overlay District as identified on BMUD Map 1 and further identified by the designation "BMUD" on the applicable official Collier County Zoning Atlas Maps. Except as otherwise provided by this section of the LDC, 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.~~



BMUD Map 1

3. Mixed Use Project Approval Process.

- a. ~~Owners of property in the Neighborhood Commercial (BMUD-NC) and Waterfront (BMUD-W) Subdistricts may petition the Board of County Commissioners for mixed use project approval. The application for MUP approval shall acknowledge that the owner shall not seek or request, and the County shall not thereafter grant or approve, any additional uses beyond those allowed in the C-1 through C-3 zoning districts. The application shall be accompanied by a conceptual site plan demonstrating compliance with the criteria in section 10.03.05.G.~~
- b. ~~There shall be a public hearing before the Planning Commission, legally noticed and advertised pursuant to section 10.03.05.G.1. and posted as provided for in subsection 10.03.05.G.3. The Planning Commission shall make a recommendation to the Board of County Commissioners based upon the criteria provided in subsection 10.03.05.G.8. There shall be a public hearing before the BCC, legally noticed and advertised pursuant to section 10.03.05.G. If approved by the BCC, such approval shall be by resolution.~~
- c. ~~Once a Mixed Use Project has been approved by the BCC, the applicant shall submit a site development plan (SDP), based on the conceptual site plan approved by the BCC and meeting the requirements of section 10.02.03.B.1. of this Code, to the Community Development and Environmental Services Division within six months of the date of approval. This SDP must be determined as sufficient and accepted for review by the Division within 30 days of submittal. After the SDP has been approved, the approved project shall be identified on the Collier County official zoning atlas map, using the map notation MUP. If a MUP approval expires, as set forth below, the map notation shall be removed from the official zoning atlas map. The burden is on the applicant to submit an SDP application in a timely manner, to be responsive to the County's~~

~~SDP review comments, and to commence construction in a timely manner after SDP approval has been granted.~~

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

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

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

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

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

~~e. Once a property owner, through a MUP approval, elects to develop or redevelop a mixed use project under Neighborhood Commercial (NC) or Waterfront (W) Subdistricts, then the property shall be developed in compliance with all provisions of the overlay and cannot revert back to the underlying zoning district.~~

4. ~~Bonus Density Pool Allocation~~

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

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

~~a. The project shall be within either the Neighborhood Commercial or Waterfront Subdistricts, and shall be a mixed use project mix of commercial and residential uses, as set forth in 1.a., above.~~

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

- c. ~~For proposed projects, only the Affordable Housing Density Bonus, as provided in the Density Rating System, is allowed in addition to the eligible bonus density units provided herein as the entire BMUD is within the Coastal High Hazard Area (CHHA).~~
- d. ~~The project shall comply with the standards for mixed use development set forth in the Bayshore Mixed Use Overlay District.~~
- e. ~~For projects that do not comply with the requirements for this density increase, their density is limited to that allowed by the Density Rating System and applicable FLUE Policies.~~

5. ~~Administrative Deviations.~~

- a. ~~Authority. The County Manager or designee is hereby authorized to utilize this MUP Administrative Deviation process to grant administrative deviations for proposed developments which have obtained a MUP approval from the Board of County Commissioners from the following eligible land development standards that meet their associated criteria.~~
- b. ~~Applicability List of Development Standards Eligible for deviation requests and Associated Criteria. At the time of SDP application an approved MUP shall be eligible to seek an administrative deviation from the following Code provisions that may apply.~~
 - i. ~~4.02.16.A. Table 11. Front Yard (including build-to-line).~~
 - a) ~~These deviation requests shall be subject to the process and procedures of Sec. 5.05.08. F. Deviations and Alternative Compliance, except that in order to be eligible for an administrative deviation the site shall meet at least one of the following conditions or circumstances:~~
 - i) ~~If constructed where otherwise required, the building(s) or structure(s) would conflict with regulatory standards for existing public utilities or encroach into an associated public utility easement, which cannot reasonably be relocated or vacated based on physical or legal restrictions, as applicable.~~
 - ii) ~~parcel configurations of unique or challenging boundary geometry such as when a parcel's acreage has limited frontage relative to its acreage as defined by a ratio of acreage to frontage in excess of 0.0045 and which is proposing to provide frontage and/or alternative frontage along internal vehicular and pedestrian circulation pathways at a minimum of 110% of the parcel frontage.~~

- ~~b) In order for the conditions or circumstances under b), immediately above, to be approved for a deviation, the following criteria shall also be met:~~
- ~~i) the proposed alternative shall be integrated into the existing and future vehicular and pedestrian circulation pattern of the neighborhood and;~~
 - ~~ii) the proposed alternative shall demonstrate compliance with the intent of the standards to create a connective and walk-able environment by demonstrating a comparable relationship between proposed alternative building(s) location(s) and their associated pedestrian and vehicular pathways, and associated parking facilities.~~
- ~~ii. Building and architectural standards, as specified below. These deviation requests shall be subject to the process and procedures of Sec. 5.05.08. F. Deviations and Alternative Compliance:~~
- ~~a) 4.02.16.A. Table 11. Building Design; pertaining to the building façades facing the intersecting east-west streets with Bayshore shall have the same architectural design treatment as the building façade facing Bayshore Drive;~~
 - ~~b) 4.02.16.G. Architecture Design Theme; and~~
 - ~~c) 5.05.08 Architectural and Site Design Standards.~~
- ~~iii. 4.02.16 F. Landscape and Buffer Requirements and 4.06.00 Landscaping, Buffering and Vegetation Retention as applicable. The alternative plans requesting approval for deviation from landscaping and buffer requirements shall be subject to the process and procedures of 5.05.08.F. Deviations and Alternative Compliance and must additionally provide a minimum of 110 percent of the open space requirement for Mixed Use Projects in addition to other conditions that the County Manager or designee deems necessary.~~
- ~~iv. 4.02.16. E. Design Standards For Awnings, Loading Docks, and Dumpsters and 5.03.04. Dumpsters and Recycling, limited to:~~
- ~~a) deviation requests for individual structures with curbside pickup, that shall be subject to the process and procedures provisions of subsection 5.03.04 G. Curbside Pickup.~~
 - ~~b) requests for locational deviations from the subsection 4.02.16. E. shall be subject to the process and procedures of 5.05.08 F. Deviations and Alternate Compliance and comply with the provisions of subsection 5.03.04 A.~~

v. ~~Notwithstanding the process and procedures set forth above for paragraphs i. through iv., any appeals from these administrative decisions of the County Manager or designee shall be made solely under the provisions of section 250-58 of the Collier County Code of Laws and Ordinances.~~

vi. ~~4.02.16.D. Parking Standards. These deviation requests shall be subject to the process and procedures of 4.05.04. F.2.~~

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 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 is to encourage a traditional neighborhood design pattern.~~

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. 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 boathouses and decks.~~
2. ~~Garages.~~
3. ~~Guesthouses.~~
4. ~~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.~~

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.~~

b) ~~Accessory uses.~~

1. ~~Garages.~~
2. ~~Guesthouses.~~
3. ~~Swimming pools private.~~
4. ~~Private boathouses and decks.~~

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.~~

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 detached dwelling units are permitted.~~

~~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.~~

~~g. Mixed Use Activity Center Subdistrict. Portions of the Bayshore Overlay District coincide with Mixed Use Activity Center #16 designated in the Future Land Use Element (FLUE) of the Collier County Growth Management Plan. Development in the activity center is governed by requirements of the underlying zoning district and the mixed use activity center subdistrict requirements in the FLUE, except for site development standards as stated in section 4.02.16 of this Code.~~

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

Table 1. Permissible Land Uses in BMUD Mixed Use Subdistricts

P = permitted E = permitted with certain exceptions Blank cell = prohibited (also see table of conditional and accessory uses) Land Use Type or Category	SIC Code	BMUD Neighborhood Commercial Subdistrict (NC)	BMUD Waterfront Subdistrict (W)
Accounting Services	8721	P	P
Administrative Service Facilities	-	-	-
Adult Day Care Facilities & Centers	8322	-	-
Agricultural Activities	-	-	-
Agricultural Outdoor Sales	-	-	-
Agricultural Services	0741, 0742, 0762	-	-
Agricultural Services	0711, 0721, 0722-0724, 0762, 0782, 0783	-	-
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	5534	-	-
Automobile Parking	7521	E ¹	-
Automotive Repair, Services, and Parking	7513-7549	-	-
Automotive Dealers and Gasoline Service Stations	5611, 5631, 5641, 5671, 5699	-	-
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, Hardware, Garden Supplies	5211-5261	-	-
Business Associations	8621	-	-
Business Repair Service	-	-	-
Business Services	7311, 7313, 7322-7338, 7384	P	P
Business Services	7342-7379, 7384, 7389, 7312	-	-
Business/Office Machines	-	-	-
Canoe Rental	-	-	P
Canoeing Trails	-	-	-
Care Units	-	-	-
Carwashes	7542	-	-
Category II Group Care Facilities	-	-	-
Child Care - Not for Profit	-	-	-
Child Day Care Services	8351	-	-
Churches & Places of Worship	-	-	-
Civic and Cultural Facilities	-	P	P
Collection/Transfer Sites	-	-	-
Commercial Printing	2762	-	-

Communications	4812-4899	-	-
Communication Towers		-	-
Construction		-	-
Construction - Heavy		-	-
Construction - Special Trade Contractors		-	-
Continuing Care Retirement Communities	1711-1799	-	-
Depository Institutions		-	-
Drinking Establishments and Places	6011-6099	-	-
Drug Stores	5813	-	-
Drugs and Medicine	5912	P	P
Eating Establishments and Places	2833-2836	-	-
Educational Plants	5812	E ²	E ²
Educational Services		-	-
Electronic Equipment & Other Electrical Equipment	8221-8299	-	-
Engineering, Accounting, Management and Related	3612-3699	-	-
Equestrian Paths	8711-8713	P	P
Essential Services ¹		-	-
Excavation		P	P
Fabricated Metal Products		-	-
Fairgrounds	3411-3479, 3419-3499	-	-
Family Care Facilities		-	-
Fishing Piers		-	-
Fishing/Hunting/Trapping		-	-
Fixture Manufacturing	0912-1919	-	-
Food Manufacturing		-	-
	2034, 2038, 2053, 2064, 2066, 2068, 2096, 2098, 2099	-	-
Food Products	2011-2099	-	-
Food Stores	5411, 5421-5499	E ⁴	P
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		-	-
Hardware Stores	7699	-	-
Health Food Stores	5251	-	-
Health Services		-	-
Health Services	8011-8049, 8082	P	P
	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 Supply Store	5531	-	-
Hotels and Motels		-	-
Hotels and Motels	7011, 7021, 7041	-	-
Houseboat Rental	7011	E ³	E ³
Individual & Family Social Services	7999	-	-
Industrial Inorganic Chemicals		-	-
Industrial, Commercial, Computer Machinery and Equipment	2812-2819	-	-
	3511-3599	-	-
Insurance Agencies, Brokers, Carriers	6311-6399, 6411	P	P
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, 4131-4173	-	-
Lumber and Wood Products	2426, 2431-2499	-	-
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
Misc. Manufacturing Industries	3911-3999	-	-
Miscellaneous Plastic Products	-	-	-
Miscellaneous Repair Service	7622, 7629, 7631, 7699	E ^a	E ^a
Miscellaneous Retail Services	5912, 5932-5949, 5992-5999	P	P
Mobile Home Dealers	6271	-	-
Motion Picture Production	7812-7819	-	-
Motion Picture Theaters	7832	-	-
Motor Freight Transportation and Warehousing	4226	-	-
Motor Homes	-	-	-
Multi-Family Dwellings	-	P	P
Museums and Art Galleries	8412	P	P
Nature Preserves	-	-	-
Nature Trails	-	-	-
Non-Depository Credit Institutions	6111-6163, 6011, 6081, 6082, 6019, 6021, 6091, 6099	-	-
Nursing Homes	8051, 8062, 8249	-	-
Office Machine Repair Service	7629-7634	-	-
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	-	-	-
Parking Facilities	-	P	P
Parking Services	-	P	P
Parks, Public or Private	-	P	-
Parochial Schools — Public or Private	8211	-	-
Party Fishing Boats Rental	7999	-	P
Performing Arts Theater	7922	PE ^a	-
Personal Services	7212, 7294	P	P
Personal Services	7216-7231, 7221-7264, 7241, 7261, 7299	-	-
Photographic Goods	3812-3873	-	-
Photographic Studios	7224	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	2711-2798	-	-	-
Professional Offices	6712-6799, 6411, 6311-6399, 6531, 6541, 6552, 6553, 8111	P	-	P
Professional Organizations	8631	-	-	-
Public Administration	9111-9199, 9224, 9229, 9311, 9411-9451, 9511-9532, 9611- 9661	P	-	P
Railroad Transportation	4011, 4013	-	-	-
Real Estate	6531-6541	P	-	P
Real Estate Offices	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
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	7261	P	-	P
Shooting range, indoor	7999	-	-	-
Single Family Dwellings		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	-	-	-
Timeshare Facilities		-	-	-
Title Abstract Offices	6541	-	-	-
Tow-in Parking Lots	7514, 7515, 7521	-	-	-
Townhouses		P	-	P
Transportation by Air	4512-4581	-	-	-
Transportation Equipment	3714, 3716, 3731, 3732, 3751	-	-	-
Transportation Services	4724-4783, 4789	-	-	-
Travel Agencies	4724	-	-	-
Travel Trailers	6561	-	-	-
Two Family Dwelling Unit		P	-	P
United States Postal Service	4311	E ^v	-	E ^v
Veterinarian's Office	742	E ¹⁰	-	E ¹⁰
Veterinarian's Office	752	P	-	P
Videotape Rental	7844	E ¹¹	-	E ¹¹
Vocational Rehabilitation Services	8334	-	-	-
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	9612	-	-	-

Wildlife Management	871	-	-
Wildlife Refuge/Sanctuary	-	-	-
Wildlife Sanctuaries	-	-	-
Watches/Clocks	3812-3873	-	-

NOTES FOR TABLE 1

- 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), 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.
- ⁸ Performance seating limited to 500 seats.
- ⁹ Excludes major distribution center.
- ¹⁰ Excludes outdoor kenneling.
- 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	SIC Code	BMUD-NC	BMUD-W
A = accessory use			
ACCESSORY AND CONDITIONAL USES			
Administrative or service building	-	-	-
Adult day care	8322	-	-
Agricultural: animal & livestock breeding, exotic	-	-	-
Agricultural	-	-	-
Agricultural services	0741, 0742, 0752-0783	-	-
Amusement & recreation services	7911	-	-
Amusement & recreation services	7911-7941, 7991-7993, 7997,	-	-
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	7380, 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 ¹¹	A
Boat ramps	-	-	A
Boat yards	-	A ¹¹	A
Botanical garden	8422	-	-
Bottle clubs	5813	-	-
Camping cabins	-	-	-
Care Units	-	-	-
Caretaker's residence	-	-	-
Category II group care facilities	-	-	-
Cemeteries	-	-	-

Chemical products			
Child day care	2812-2899	-	-
Churches & places of worship	8354	C	C
Civic & cultural facilities	8664	-	-
Clam nurseries	-	-	-
Cluster development	-	-	-
Cocktail lounges	-	-	-
Collection/transfer sites	5813	-	-
Commercial uses	-	-	-
Communications	4812-4841	-	-
Communication towers	-	-	-
Community centers	-	-	-
Community theaters	-	-	-
Concrete or asphalt plants	7922	-	-
Continuing care/retirement centers	-	-	-
Convenience stores	-	-	-
Dancing establishments & staged entertainment	5411	-	-
Depository institutions	-	-	-
Detention facilities	6011-6099	-	-
Docks & dock facilities	-	-	-
Drinking establishments	-	A	A
Driving ranges	5813	-	-
Earth mining	-	-	-
Eating establishments	-	-	-
Education services	5812	-	-
Education facilities; public & private schools	8211-8222	-	-
Electric generating plants	8211-8231	-	-
Electric, gas, & sanitary services	-	-	-
Excavation	4911-4971	-	-
Extraction related processing and production	-	-	-
Fabricated metal products	-	-	-
Farm labor housing	3482-3489	-	-
Farm product raw materials	-	-	-
Field crops	5153-5159	-	-
Fishing/hunting/trapping	-	-	-
Food products	9912-1019	-	-
Food service	2011, 2048	-	-
Food stores (over 5,000 s.f.)	-	-	-
Fraternal lodges, private club, or social clubs	5411-5499	-	-
Fuel dealers	-	-	-
Fuel facilities	5983-5989	-	-
Funeral services & crematories	-	-	C ³
Garage	7264	-	-
Gas generating plants	-	A	-
Gift shops	-	-	-
Golf club house	5947	-	-
Golf course	-	-	-
Golf driving range	-	-	-
Group care units	-	-	-
Guesthouses	-	-	-
Health services	-	-	-
Homeless shelters	8011	-	-
Hospitals	8322	-	-
Hotels and motels	8062-8069	-	-
Hunting cabins	7011, 7021, 7041	-	-
Incinerators	-	-	-
Jails	-	-	-
Justice, public order & safety	-	-	-
Kennels & kenneling	9211-9224	-	-
Kiosks	0742, 0752	-	-
	-	-	-

Leather tanning & finishing	3111	-	-
Livestock	-	-	-
Local and suburban transit	4111-4124	-	-
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, 4213-4226, 4226	-	-
Motor freight transportation and warehousing	4226, 4226	-	-
Noncommercial boat launching ramps	-	-	-
Nursery—retail	6261	-	-
Nursing and personal care facilities	8062	-	-
Nursing homes	-	-	-
Oil and gas extraction	1321, 1382	-	-
Oil & gas field development and production	-	-	-
Outdoor display	-	-	-
Packinghouse	-	-	-
Paper and allied products	2611	-	-
Personal services	7291	-	-
Petroleum refining and related	2911-2999	-	-
Pistol or rifle range	-	-	-
Play areas and playgrounds	-	-	-
Poultry raising (small)	-	-	-
Primary metal industries	3312-3399	-	-
Private boathouse and docks	-	-	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 landfill	-	-	-
Sawmills	-	-	-
Schools, public or private	-	-	-
Schools, private	-	-	-
Schools, vocational	8243-8299	-	-
Service facilities	-	-	-
Slaughtering plants	2011	-	-
Social association or clubs	8641	-	-
Social services	8322-8399	-	-
Soup kitchens	-	-	-
Sports instructional camps or schools	-	-	-
Staged entertainment facility	-	-	-

Stone, clay, glass and concrete products	3211, 3221, 3229, 3231, 3241,	-	-
Swimming pools - public		-	-
Swimming pools - private		-	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, 5181	-	-
Yacht club		7997	-
Zoo		-	-

NOTES TABLE 2

¹² Only on waterfront property

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

I. Bayshore Mixed Use Overlay District (BMUD).

This section provides special conditions for the properties adjacent to Bayshore Drive as identified by the designation "BMUD" on the applicable official Collier County Zoning Atlas Map or map series.

1. Purpose and Intent

The purpose and intent of this District is to encourage revitalization of the Bayshore Drive portion of the Bayshore Gateway Triangle Redevelopment Area with pedestrian-oriented, interconnected projects. The Overlay encourages uses that support pedestrian activity, including a mix of residential, civic and commercial uses that complement each other and provide for an increased presence and integration of the cultural arts and related support uses. When possible buildings, both commercial and residential, are located near the street, and may have front porches and/or balconies.

2. Applicability

a. These regulations shall apply to the Bayshore Mixed Use Overlay District as identified by the designation "BMUD" on the applicable official Collier County Zoning Atlas Maps.

b. Planned Unit Developments (PUDs) that existed prior to March 3, 2006, and properties with Provisional Uses (PU) approved prior to March 3, 2006, including amendments or boundary changes to these PUDs and Provisional Use properties, are not subject to the Bayshore Overlay District requirements.

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

- a. The purpose of the BMUD is to fulfill the goals, objectives and policies of the Collier County Growth Management Plan (GMP), as may be amended. Specifically, the BMUD implements the provisions of section V.F. Bayshore Gateway Triangle Redevelopment Overlay, of the Future Land Use Element. Portions of the Bayshore Overlay District coincide with *Mixed Use Activity Center #16* designated in the Future Land Use Element (FLUE) of the Collier County GMP. **Development** in the activity center is governed by requirements of the underlying zoning district and the mixed use activity center subdistrict requirements in the FLUE, except for site development standards as stated in section 4.02.16 of the LDC.
- b. Property owners within the BMUD may establish uses, densities and intensities in accordance with the LDC regulations of the underlying zoning classification, or may elect to develop/redevelop under the provisions of the applicable BMUD Subdistrict. In either instance, the BMUD site **development** standards as provided for in section 4.02.16 shall apply.

4. Bayshore Mixed Use District (BMUD) Subdistricts

- a. The BMUD consists of the following subdistricts:
- i. Neighborhood Commercial Subdistrict (BMUD - NC). The purpose and intent of this subdistrict is to encourage a mix of low intensity commercial and residential uses, including mixed use projects in a single building. This subdistrict provides for an increased presence and integration of the cultural arts and related support uses, including galleries, artists' studios, and live-work units. **Developments** will be human-scale and pedestrian-oriented.
- ii. Waterfront Subdistrict (BMUD - W). The purpose of this subdistrict is to encourage a mix of low intensity commercial and residential uses and allow maximum use of the waterfront for entertainment while enhancing the area for use by the general public. **Development** in this subdistrict is intended to allow a mix of residential and commercial uses including limited marina and boatyard uses.
- iii. Residential Subdistrict 1 (BMUD - R1). The purpose of this subdistrict is to encourage the **development** of a variety of housing types which are compatible with existing neighborhoods and allow for **building** additions such as front porches. The intent in new **development** is to encourage a traditional neighborhood design pattern and create a row of residential units with uniform **front yard setbacks** and **access to the street**.
- iv. Residential Subdistrict 2 (BMUD - R2). The purpose of this subdistrict is to allow for a variety of housing types and encourage the **development** of multi-family residences as transitional uses between commercial and single-family **development**. The multi-

family buildings shall be compatible with the building patterns of traditional neighborhood design.

v. Residential Subdistrict 3 (BMUD - R3). The purpose of this subdistrict is to allow for a variety of housing types and encourage the development of townhouses and single-family dwellings. All new development in this subdistrict shall be compatible with the building patterns of traditional neighborhood design.

vi. Residential Subdistrict 4 (BMUD - R4). The purpose of this subdistrict is to protect the character of existing neighborhoods comprised of detached single-family dwelling units, while allowing for building additions such as front porches.

b. Use Categories and Table of Uses.

i. All uses permitted in the BMUD subdistricts have been divided into 9 general categories, which are summarized below:

a) Residential: Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than one month's duration.

b) Lodging: Premises available for short-term human habitation, including daily and weekly rental.

c) Office and Service: Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.

d) Retail and Restaurant: Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.

e) Entertainment and Recreation: Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.

f) Manufacturing, Wholesale and Storage: Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.

g) Civic and Institutional: Premises available for organizations dedicated to religion, education, government, social service, and other similar functions.

h) Infrastructure: Uses and structures dedicated to transportation, communication, information, and utilities, including Essential Services.

ii. Interpretation of the Table of Uses

- a) The Table of Uses identifies uses as permitted uses (P); accessory uses (A); conditional uses (CU), or a combination of the three. Blank cells indicate that a use is not allowed in the corresponding subdistrict; however, such use may be permitted by the underlying zoning designation.
- b) Any use not listed in the Table of Uses is prohibited unless the County Manager or designee may determine that it falls within the same class as a listed use through the process outlined in LDC section 1.06.00, Rules of Interpretation.
- c) Mixed Use Projects shall be limited to the permitted, accessory and conditional uses allowed in the BMUD-NC and BMUD-W subdistricts, and subject to the MUP approval process as outlined in Section 10.02.15. All other projects may elect to establish uses, densities and intensities in accordance with their underlying zoning or in accordance with the Overlay Subdistrict. However, all projects must comply with site development standards as provided in section 4.02.16.

iii. Table of Uses

Table 1. Table of Uses for the Bayshore Mixed Use District Subdistricts

USE TYPE	BMUD SUBDISTRICTS						ADDITIONAL STANDARDS
	RESIDENTIAL				MIXED USE		
	R1	R2	R3	R4	NC	W	
a) RESIDENTIAL							
1) Dwelling, Single-Family	P	P	P	P	P		
2) Dwelling, Duplex	P	P	P				
3) Dwelling, Two-Family	P	P	P		P	P	
4) Dwelling, Rowhouse	P	P	P		P	P	
5) Dwelling, Multi-Family (3 or more)	P	P	P		P	P	
6) Dwelling, Mobile Home			P*				*If allowed by underlying zoning
7) Home Occupations	A	A	A	A	A	A	5.02.03
8) Live-Work Units			CU		P	P	4.02.16 C.6.
9) Artist Village	CU	CU	CU		P	P	4.02.16 C.3.
b) LODGING							
1) Bed & Breakfast Facilities			CU		CU	CU	4.02.16 C.4.
2) Hotels and Motels					P	P	
c) OFFICE/SERVICE							
1) Banks, Credit Unions, Financial Services					P		
2) Business Support Services					P	P	
3) Child Care Services	CU	CU	CU		CU	CU	

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

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

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

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

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

* * * * *

~~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~~

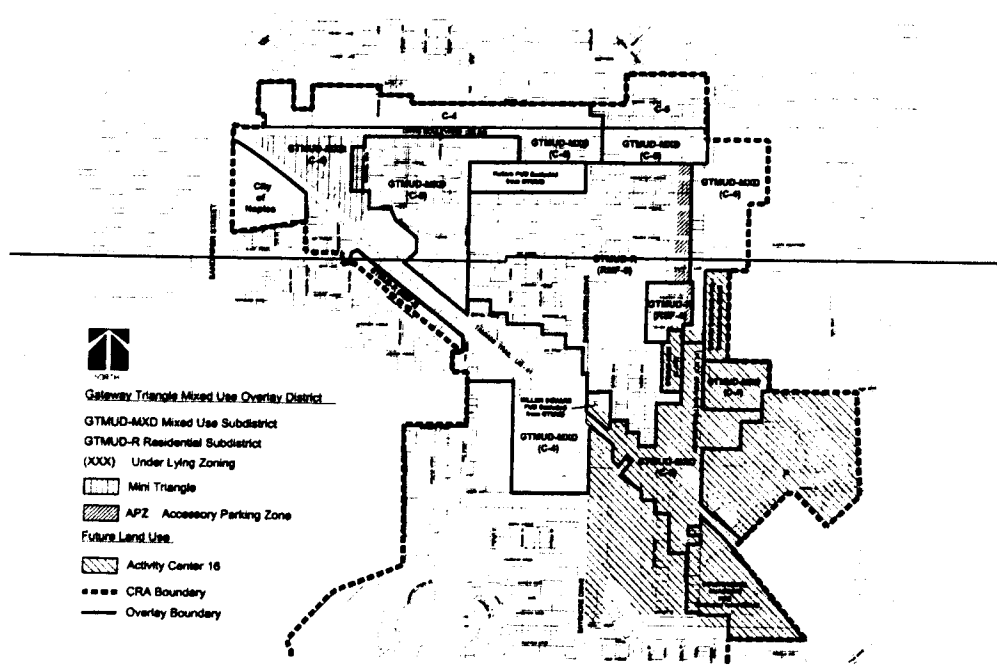
~~The purpose and intent of this District is to encourage revitalization of the Gateway Triangle portion of the Bayshore / Gateway Triangle Redevelopment Area with Traditional Neighborhood Design (TND) projects. TNDs are typically human-scale, pedestrian-oriented, interconnected projects with a mix of residential and commercial uses such as 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 this section of the LDC, all 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.~~



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, as provided for in section 2.03.07 N.5.d. of this Code. 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.~~

3. Mixed Use Project Approval Process.

Words ~~struck through~~ are deleted, words underlined are added

- ~~a. Owners of property in the Mixed Use Subdistrict (GTMUD-MXD) may petition the Board of County Commissioners for mixed use project approval. The application for MUP approval shall acknowledge that the owner shall not seek or request and the County shall not thereafter grant or approve, any additional uses beyond those allowed in the C-1 through C-3 zoning districts. The application shall be accompanied by a conceptual site plan demonstrating compliance with the criteria in section 10.03.05.G.~~
- ~~b. There shall be a public hearing before the Planning Commission, legally noticed and advertised pursuant to subsection 10.03.05 G. 1. and posted as provided for in subsection 10.03.05 G. 3. The Planning Commission shall make a recommendation to the Board of County Commissioners based upon the criteria provided in subsection 10.03.05 G.8. There shall be a public hearing before the BCC, legally noticed and advertised pursuant to section 10.03.05 G. If approved by the BCC, such approval shall be by resolution.~~
- ~~c. Once a Mixed Use Project has been approved by the BCC, the applicant shall submit a site development plan (SDP), based on the conceptual site plan approved by the BCC and meeting the requirements of section 10.02.03 B.1. of this Code, to the Community Development and Environmental Services Division within six months of the date of approval. This SDP must be determined as sufficient and accepted for review by the Division within 30 days of submittal. After the SDP has been approved, the approved project shall be identified on the Collier County official zoning atlas map, using the map notation MUP. If a MUP approval expires, as set forth below, the map notation shall be removed from the official zoning atlas map. The burden is on the applicant to submit an SDP application in a timely manner, to be responsive to the County's SDP review comments, and to commence construction in a timely manner after SDP approval has been granted.~~
- ~~d. MUP approval shall expire and any residential density bonus units shall be null and void and returned to the bonus density pool if any of the following occur:~~
- ~~i. The SDP is not submitted within six months of MUP approval by the BCC.~~
 - ~~ii. The SDP is not deemed sufficient for review within 30 days of submittal.~~
 - ~~iii. The SDP under review is deemed withdrawn and cancelled, pursuant to section 10.02.03.B.4.a.~~
 - ~~iv. The SDP is considered no longer valid, pursuant to section 10.02.03.B.4.b. and c.~~
- ~~e. Once a property owner, through a MUP approval, elects to develop or redevelop a mixed use project under the Mixed Use Subdistrict (GTMUD-~~

~~MXD), then the property shall be developed in compliance with all provisions of the overlay and cannot revert back to the underlying zoning district.~~

4. ~~Bonus Density Pool Allocation~~

~~Under the Collier County Future Land Use Element, 388 bonus density units are available for reallocation within the Bayshore/Gateway Triangle Redevelopment Overlay. The County Manager or designee will track the Bonus Density Pool balance as the units are used. These 388 bonus density units may be allocated between this GTMUD overlay and the Bayshore Mixed Use Overlay District (BMUD), and shall only be allocated through the MUP approval process. To qualify for up to 12 dwelling units per acre, projects shall comply with the following criteria. The density of up to 12 dwelling units per acre is only applicable until the bonus density pool has been depleted.~~

- ~~a. The project shall be within the Mixed Use Subdistrict, and shall be a mixed use project — mix of commercial and residential uses.~~
- ~~b. Base density shall be as per the underlying zoning district. The maximum density of 12 units per acre shall be calculated based upon total project acreage. The bonus density allocation is calculated by deducting the base density of the underlying zoning classification from the 12-unit maximum being sought. The difference in units per acre determines the bonus density allocation requested for the project.~~
- ~~c. For proposed projects outside the Coastal High Hazard Area (CHHA), as depicted on the Future Land Use Map of the Growth Management Plan, any eligible density bonuses, as provided in the Density Rating System of the FLUE, are in addition to the eligible density bonus provided herein.~~
- ~~d. For proposed projects within the CHHA, only the Affordable Housing Density Bonus, as provided in the Density Rating System of the FLUE, is allowed in addition to the eligible bonus density units provided herein.~~
- ~~e. Properties must be lying south of Davis Blvd. and west of Airport Pulling Road.~~
- ~~f. The project shall comply with the standards for mixed use development set forth in the Gateway Triangle Mixed Use Overlay District.~~
- ~~g. For projects that do not comply with the requirements for this density increase, their density is limited to that allowed by the Density Rating System and applicable FLUE Policies.~~

5. ~~Administrative Deviations.~~

- ~~a. *Authority.* The County Manager or designee is hereby authorized to utilize this MUP Administrative Deviation process to grant administrative deviations for proposed developments which have obtained a MUP~~

approval from the Board of County Commissioners from the following eligible land development standards that meet their associated criteria.

b. ~~Applicability List of Development Standards Eligible for deviation requests and Associated Criteria. At the time of SDP application an approved MUP shall be eligible to seek an administrative deviation from the following Code provisions that may apply.~~

i. ~~4.02.35.A. Table 1. Front Yard (including build to line).~~

1) ~~These deviation requests shall be subject to the process and procedures of Sec. 5.05.08. F. Deviations and Alternative Compliance, except that in order to be eligible for an administrative deviation the site shall meet at least one of the following conditions or circumstances:~~

a) ~~If constructed where otherwise required, the building(s) or structure(s) would conflict with regulatory standards for existing public utilities or encroach into an associated public utility easement, which cannot reasonably be relocated or vacated based on physical or legal restrictions, as applicable.~~

b) ~~Parcel configurations of unique or challenging boundary geometry such as when a parcel's acreage has limited frontage relative to its acreage as defined by a ratio of acreage to frontage in excess of 0.0045 and which is proposing to provide frontage and/or alternative frontage along internal vehicular and pedestrian circulation pathways at a minimum of 110 percent of the parcel frontage.~~

2) ~~In order for the conditions or circumstances under b), immediately above, to be approved for a deviation, the following criteria shall also be met:~~

a) ~~the proposed alternative shall be integrated into the existing and future vehicular and pedestrian circulation pattern of the neighborhood and,~~

b) ~~the proposed alternative shall demonstrate compliance with the intent of the standards to create a connective and walkable environment by demonstrating a comparable relationship between proposed alternative building(s) location(s) and their associated pedestrian and vehicular pathways, and associated parking facilities.~~

- ii. ~~Building and architectural standards, as specified below. These deviation requests shall be subject to the process and procedures of Sec. 5.05.08. F. Deviations and Alternative Compliance:~~
 - a) ~~4.02.35.G. Architecture Design Theme; and~~
 - b) ~~5.05.08 Architectural and Site Design Standards.~~
- iii. ~~4.02.35. E. Landscape and Buffer Requirements and 4.06.00 Landscaping, Buffering and Vegetation Retention as applicable. The alternative plans requesting approval for deviation from landscaping and buffer requirements shall be subject to the process and procedures of 5.05.08.F. Deviations and Alternative Compliance and must additionally provide a minimum of 110 percent of the open space requirement for Mixed Use Projects in addition to other conditions that the County Manager or designee deems necessary.~~
- iv. ~~4.02.35. D. Design Standards For Awnings, Loading Docks, and Dumpsters and 5.03.04 Dumpsters and Recycling, limited to:~~
 - a) ~~Deviation requests for individual structures with curbside pickup, that shall be subject to the process and procedures provisions of subsection 5.03.04 G. Curbside Pickup.~~
 - b) ~~Requests for locational deviations from the subsection 4.02.35. D shall be subject to the process and procedures of 5.05.08.F. Deviations and Alternate Compliance and comply with the provisions of subsection 5.03.04 A.~~
- v. ~~Notwithstanding the process and procedures set forth above for paragraphs i. through iv., any appeals from these administrative decisions of the County Manager or designee shall be made solely under the provisions of section 250-58 of the Collier County Code of Laws and Ordinances.~~
- vi. ~~4.02.35.C. Parking Standards. These deviation requests shall be subject to the process and procedures of 4.05.04. F.2.~~

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 these 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.~~
- ~~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 in the activity center is governed by 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

P = permitted (GTMUD) E = permitted with certain exceptions Blank cell = prohibited (also see table of conditional and accessory uses) Land Use Type or Category	SIC Code	GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT	Mixed Use Subdistrict (MXD)
Accounting Services	8721	-	P
Administrative Service Facilities	-	-	-
Adult Day Care Facilities & Centers	8322	-	-
Agricultural Activities	-	-	-
Agricultural Outdoor Sales	-	-	-
Agricultural Services	0741, 0742, 0762-0783	-	-
Agricultural Services	0711, 0721, 0722-0724	-	-
Aircraft and Parts	3721-3728	-	-
Airport - General Aviation	-	-	-
Amusement & Recreation Services	7911, 7991	-	-
Amusement & Recreation Services	7990 tourist guides only	-	-
Ancillary Plants	-	-	-
Apparel & Other Finished Products	2311-2399	-	-
Apparel & Accessory Stores	5611-5699	-	P
Appraisers	-	-	P
Architectural, Engineering, Surveying Services	0781, 8711-8713	-	P
Assisted Living Facilities	-	-	-
Attorney Offices & Legal Services	8111	-	P
Auctioneering Service, Auction Rooms and Houses	7389, 5999	-	P
Auto and Home Supply Store	5531	-	P
Automobile Parking	7521	-	P
Automotive Repair, Services, and Parking	7513-7549	-	-
Automotive services	-	-	-
Automotive Dealers and Gasoline Service Stations	5511, 5531, 5541, 5571, 5599	-	-
Barber Shops or Colleges	7241	-	-
Beauty Shops or Schools	7231	-	-
Biking Trails	-	-	-
Bowling Centers	7933	-	-
Building Construction	1521-1542	-	-
Building Materials	5211-5261	-	-
Building Materials, Hardware, Garden Supplies	5231-5261	-	-
Business Associations	8621	-	-
Business Repair Service	-	-	P
Business Services	7311-7313, 7322-7338, 7361-	-	P
Business Services	7319, 7352, 7359, 7397, 7342,	-	-
Business/Office Machines	-	-	-
Canoe Rental	-	-	-
Canoeing Trails	-	-	-
Care Units	-	-	P
Carwashes	7542	-	-
Category II Group Care Facilities	-	-	-
Child Care - Not for Profit	-	-	-
Child Day Care Services	8361	-	-
Churches & Places of Worship	-	-	-
Civic and Cultural Facilities	-	-	-
Collection/Transfer Sites	-	-	-
Commercial Printing	2752	-	-
Communications	4812-4899	-	-
Communication Towers	-	-	-
Construction	-	-	-
Construction - Heavy	-	-	-

Construction - Special Trade Contractors	1711 - 1799	-	-
Continuing Care Retirement Communities		-	-
Depository Institutions	6011 - 6099, 6111 - 6163	-	-
Drinking Establishments and Places	5813	-	P
Drug Stores	5812	-	-
Drugs and Medicine	2833 - 2836	-	-
Duplexes		-	-
Dwelling units		-	P
Eating Establishments and Places	5812	-	P
Educational Plants		-	P
Educational Services	8221 - 8244, 8221 - 8299	-	-
Electronic Equipment & Other Electrical Equipment	3612 - 3699	-	-
Engineering, Accounting, Management and Related	8711 - 8748	-	P
Equestrian Paths		-	-
Essential Services ¹		-	P
Excavation		-	-
Fabricated Metal Products	3411 - 3479, 3410 - 3499	-	-
Fairgrounds		-	-
Family Care Facilities		-	-
Fishing Piers		-	-
Fishing/Hunting/Trapping	0912 - 1919	-	-
Fixture Manufacturing		-	-
Food Manufacturing	2034, 2038, 2063, 2064, 2066,	-	-
Food Products	2011 - 2099	-	-
Food Stores	5411 - 5499	-	P
Fraternal Organizations		-	-
Funeral Services and Crematories	7261	-	-
Furniture & Fixtures Manufacturing	2611 - 2699	-	-
Gasoline Services Stations	5541, 5511 - 5599	-	P
General Contractors	1521 - 5261	-	-
General Merchandise Stores	5311 - 5399	-	P
Glass and Glazing Work	1793	-	-
Golf Courses		-	-
Government Offices/Buildings	9111 - 9222, 9224 - 9229, 9311,	-	-
Group Care Facilities		-	P
Gunsmith Shop	7699	-	-
Hardware Stores	5251	-	P
Health Food Stores		-	-
Health Services	8011 - 8049, 8082	-	P
Health Services	8051 - 8059, 8062 - 8069, 8071,	-	-
Heavy Construction	1611 - 1629	-	-
Hiking Trails		-	-
Home Furniture, Furnishings, Equipment Store	5712 - 5736	-	P
Home Supply Store	5531	-	P
Hotels and Motels	7011, 7021, 7041	-	P
Houseboat Rental	7999	-	-
Individual & Family Social Services		-	P
Industrial Inorganic Chemicals	2812 - 2819	-	-
Industrial, Commercial, Computer Machinery and	3511 - 3599	-	-
Insurance Agencies, Brokers, Carriers	6311 - 6399, 6411	-	P
Investment/Holding Offices	6712 - 6799	-	-
Job Training & Vocational Services	8331	-	-
Justice, Public Order & Safety	9221, 9222, 9229	-	-
Labor Unions	8631	-	-
Labor Pool	7363	-	-
Lakes Operations	7999	-	-
Large Appliance Repair Service	7623	-	P
Leather Products	3131 - 3199	-	-
Libraries	8231	-	-
Local and Suburban Transit	4111 - 4121	-	-

Local and Suburban Transit	4131-4173	-	-
Lumber and Wood Products	2426, 2431-2499	-	-
Management Services	8711-8748	-	P
Marinas	4403, 4499	-	P
Measuring, Analyzing and Controlling Instruments	3812-3873	-	-
Medical and Optical Goods	3812-3873	-	-
Medical Laboratories and Research & Rehabilitation	8071, 8072, 8092, 8093	-	-
Membership Organizations	8611-8699	-	P
Misc. Manufacturing Industries	3911-3999	-	-
Miscellaneous Plastic Products	-	-	-
Miscellaneous Repair Service	7629-7631	-	P
Miscellaneous Retail Services	5912-5963	-	P
Miscellaneous Retail Services	5992-5999	-	-
Mobile Home Dealers	6271	-	-
Mobile Homes	-	-	-
Modular Built Homes	-	-	-
Motion Picture Production	7812-7819	-	-
Motion Picture Theaters	7832	-	-
Motor Freight Transportation and Warehousing	4226	-	-
Motor Homes	-	-	-
Multi-Family Dwellings	-	-	P
Museums and Art Galleries	8412	-	P
Nature Preserves	-	-	-
Nature Trails	-	-	-
Non-Depository Credit Institutions	6111-6163	-	P
Non-Depository Institutions	6011, 6019, 6021-6062, 6082,	-	-
Nursing Homes	8051, 8052, 8249	-	P
Office Machine Repair Service	7629-7631	-	P
Oil & Gas Exploration	-	-	-
Open Space	-	-	-
Outdoor Storage Yard	-	-	-
Paint, Glass, Wallpaper Stores	5231	-	P
Paper and Allied Products	2621-2679	-	-
Park Model Travel Trailers	-	-	-
Park Service Facilities	-	-	-
Parking Facilities	-	-	P
Parking Services	-	-	P
Parks, Public or Private	-	-	-
Parochial Schools - Public or Private	8211	-	-
Party Fishing Boats Rental	7999	-	-
Personal Services	7201, 7212, 7215, 7221-7251	-	P
Personal Services	72992	-	E
Photographic Goods	3812-3873	-	-
Photographic Studios	7221	-	P
Physical Fitness Facilities	7991	-	P
Physical Fitness Facilities	-	-	-
Pickup Coaches	-	-	-
Plant and Wildlife Conservancies	-	-	-
Plastic Materials & Synthetics	2821, 2834	-	-
Play Areas and Playgrounds	-	-	-
Pleasure Boat Rental	-	-	-
Printing and Publishing Industries	2711, 2712	-	-
Printing and Publishing Industries	2711-2796	-	-
Professional Offices	6712-6799, 6411, 6311-6399,	-	-
Professional Organizations	8831	-	-
Public Administration	9111-9199, 9229, 9311, 9411	-	-
Public Service Facilities - Essential	-	-	-
Railroad Transportation	4011, 4013	-	-
Real Estate	6631-6641	-	P
Real Estate	6612-6614, 6619, 6631-6640	-	-

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		76993	-	-
Research Centers		8093	-	-
Research Services		8732	-	-
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
Shoe Repair Shops or Shoeshine Parlors		7251	-	P
Shooting range, indoor		7999	-	-
Social Services		8322—8399	-	-
Stone, Clay, Glass and Concrete Products	3221, 3251, 3253, 3255—3273,	-	-	-
Storage		-	-	-
Synthetic Materials		2834	-	-
Testing Services		-	-	-
Textile Mill Products	2211—2221, 2241—2259, 2273—	-	-	-
Timeshare Facilities		-	-	-
Title Abstract Offices		6544	-	-
Tow-in Parking Lots		7514, 7515, 7521	-	-
Townhouses		-	-	P
Transportation by Air		4512—4581	-	-
Transportation Equipment	3714, 3716, 3731, 3732, 3751,	-	-	-
Transportation Services	4724—4783, 4789	-	-	-
Travel Agencies		4724	-	-
Travel Trailers		5561	-	-
United States Postal Service ¹		4311	-	E ¹
Veterinarian's Office ²		742	-	E ²
Veterinarian's Office		752	-	P
Videotape Rental ³		7841	-	E ³
Vocational Rehabilitation Services		8331	-	-
Welding Repair		7692	-	-
Wholesale Trade		5148	-	-
Wholesale Trade—Durable Goods	5021, 5031, 5043—5049, 5063—	-	-	-
Wholesale Trade—Nondurable Goods	5111—5159, 5181, 5182, 5191	-	-	-
Wildlife Conservancies		9512	-	-
Wildlife Management		971	-	-
Wildlife Refuge/Sanctuary		-	-	-
Wildlife Sanctuaries		-	-	-
Watches/Clocks		3812—3873	-	-

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 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	SIC Code	GTMUD—MXD
A = accessory use		
ACCESSORY AND CONDITIONAL USES		
Administrative or service building	-	-
Adult day care	8322	-
Agricultural: animal & livestock 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	-	G
Aquariums	-	-
Archery ranges	8422	-
Assisted living facilities	7999	-
Automotive dealers and gasoline service	5521, 5551, 5561, 5599	-
Automotive rental/leasing	7513, 7519	-
Beach chair, bicycle, boat or moped rentals	-	-
Bed & breakfast facilities	7011	-
Boathouses	-	-
Boat ramps	-	-
Boat yards	-	-
Botanical garden	-	G
Bottle clubs	8422	G
Camping cabins	5813	-
Care Units	-	-
Caretaker's residence	-	A
Category II group care facilities	-	-
Cemeteries	-	-
Chemical products	2812—2899	-
Child day care	8351	G
Churches	8661	-
Civic & cultural facilities	-	-
Clam nurseries	-	-
Cluster development	-	-
Cocktail lounges	-	-
Collection/transfer sites	5813	-
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	-	-
Drinking establishments	5813	-
Driving ranges	-	-
Earth mining	-	-
Eating establishments	5812	-

Education services	8211-8222	C
Education facilities, public & private schools	8211-8231	C
Electric generating plants	-	-
Electric, gas, & sanitary services	4911-4971	-
Excavation	-	-
Extraction-related processing and	-	-
Fabricated metal products	3482-3489	-
Farm labor housing	-	-
Farm product raw materials	6153-6169	-
Field crops	-	-
Fishing/hunting/trapping	0912-1019	-
Food products	2011, 2048	-
Food service	-	-
Food stores (over 5,000 s.f.)	5411-5499	-
Fraternal lodges, private club, or social clubs	-	C
Fuel dealers	5983-5989	-
Fuel facilities	-	-
Funeral services & crematories	7261	C
Gas generating plants	-	-
Gift shops	5947	-
Golf club house	-	-
Golf course	-	-
Golf driving range	-	-
Group care units	-	-
Guesthouses	-	-
Health services	8011	-
Homeless shelters	8322	-
Hospitals	8062-8069	-
Hotels and motels	7011, 7021, 7041	-
Hunting cabins	-	-
Incinerators	-	-
Jails	-	-
Justice, public order & safety	9211-9224	-
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	-	C
Major maintenance facilities	-	-
Marina	4493, 4499	-
Mental health facilities	-	-
Merchandise—outdoor sales	-	-
Miniature golf course	7999	-
Model homes and model sales centers	-	-
Motion picture theaters	7832	-
Motor freight transportation and warehousing	4212, 4213-4226, 4226	-
Noncommercial boat launching ramps	-	-
Nursery—retail	6261	-
Nursing and personal care facilities	8062	C
Nursing homes	-	-
Oil and gas extraction	1321, 1382	-
Oil & gas field development and production	-	-
Outdoor display	-	C
Packinghouse	-	-
Paper and allied products	2611	-

Personal services		7294	C
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		-	-
Private clubs		-	-
Private landing strips		-	-
Pro shops (large)		-	-
Pro shops (small)		-	-
Recreational facilities		-	-
Recreational services		-	-
Refuse systems		4963	-
Rehabilitative centers		8093	-
Repair or storage areas		-	-
Residential uses		-	-
Resource recovery plant		-	-
Restaurant (small) or snack shop		5812	-
Restaurant (large)		5812	-
Retail shops or sales		-	-
Rubber and misc. Plastic products		3061-3089	-
Sanitary landfills		-	-
Sawmills		-	-
Schools, public or private		-	-
Schools, private		-	-
Schools, vocational		8243-8299	-
Service facilities		-	-
Slaughtering plants		2011	-
Social association or clubs		8641	C
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		-	-
Storage, enclosed		-	-
Tennis facilities		-	-
Textile mill products	2231, 2261-2269, 2296, 2296	-	-
Transfer stations		4212	-
Veterinarian's office		0741-0742	-
Wholesale trade—durable goods	5016, 5061, 5062, 5093	-	-
Wholesale trade—nondurable goods	5162, 5169, 5171, 5172, 5194	-	-
Zoo		-	-

N. Gateway Triangle Mixed Use Overlay District (GTMUD).

This section contains special conditions for the properties in and adjacent to the Gateway Triangle as 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 human-scale, pedestrian-oriented, interconnected projects that are urban in nature and include a mix of residential types and commercial uses.

Development in this District should encourage pedestrian activity through the construction of mixed-use buildings, an interconnected street system, and connections to adjacent neighborhoods. When possible, buildings are located near the street with on street parking and off street parking on the side or in the rear of the parcel.

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

2. Applicability

a. These regulations shall apply to the Gateway Triangle Mixed Use Overlay District as identified by the designation "GTMUD" on the applicable official Collier County Zoning Atlas Maps.

b. Planned Unit Developments (PUDs) that existed prior to March 3, 2006, and properties with Provisional Uses (PU) approved prior to March 3, 2006, including amendments or boundary changes to these PUDs and Provisional Use properties, are not subject to the Gateway Triangle Mixed Use District requirements.

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

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

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

4. Gateway Triangle Mixed Use District (GTMUD) Subdistricts

a. The Gateway Triangle Mixed Use District consists of the following subdistricts:

i. Mixed Use Subdistrict (GTMUD-MXD). The purpose and intent of this subdistrict is to provide for pedestrian-oriented commercial

and mixed use developments and higher density residential uses. Developments will reflect traditional neighborhood design building patterns. Individual buildings are encouraged to be multi-story with uses mixed vertically, with street level commercial and upper level office and residential. Included in this District is the "mini triangle" formed by US 41 on the South, Davis Boulevard on the North and Commercial Drive on the East, which is intended to serve as an entry statement for the Bayshore Gateway Triangle CRA and a gateway to the City of Naples.

ii. Residential Subdistrict (GTMUD-R). The purpose of this subdistrict is to encourage the continuation and revitalization of the Shadowlawn neighborhood. The subdistrict provides for a variety of compatible residential housing types and a limited mix of non-residential uses in a walkable context.

b. Use Categories and Table of Uses.

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

- a) Residential: Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than one month's duration.
- b) Lodging: Premises available for short-term human habitation, including daily and weekly rental.
- c) Office and Service: Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.
- d) Retail and Restaurant: Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.
- e) Entertainment and Recreation: Premises for the gathering of people for purposes such as arts and culture, amusement, and recreation.
- f) Manufacturing, Wholesale and Storage: Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
- g) Civic and Institutional: Premises available for organizations dedicated to religion, education, government, social service, and other similar functions.

h) Infrastructure: Uses and structures dedicated to transportation, communication, information, and utilities, including Essential Services.

ii. Interpretation of the Table of Uses

a) Any uses not listed in the Table of Uses are prohibited. In the event that a particular use is not listed in the Table of Uses, the County Manager or designee may determine that it falls within the same class as a listed use through the process outlined in LDC section 1.06.00, Rules of Interpretation.

b) The Table of Uses identifies uses as permitted uses (P); accessory uses (A); conditional uses (CU), or a combination of the three. Blank cells indicate that a use is not allowed in the corresponding subdistrict; however, such use may be permitted by the underlying zoning designation.

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

iii. Table of Uses

Table 2. Table of Uses for the Gateway Triangle Mixed Use District Subdistricts

<u>USE TYPE</u>	<u>GTMUD SUBDISTRICTS</u>		<u>ADDITIONAL STANDARDS</u>
	<u>R</u>	<u>MXD</u>	
<u>a) RESIDENTIAL</u>			
<u>1) Dwelling, Single-Family</u>	<u>P</u>	<u>P</u>	
<u>2) Dwelling, Duplex</u>	<u>P</u>	<u>P</u>	
<u>3) Dwelling, Two-Family</u>	<u>P</u>	<u>P</u>	
<u>4) Dwelling, Rowhouse</u>	<u>P</u>	<u>P</u>	
<u>5) Dwelling, Multi-Family (3 or more)</u>	<u>P</u>	<u>P</u>	
<u>6) Dwelling, Mobile Home</u>	<u>P*</u>		<u>*If permitted by underlying zoning</u>
<u>7) Guesthouse</u>	<u>A</u>	<u>A</u>	<u>5.05.04 and 4.02.16 C.2.</u>
<u>8) Home Occupations</u>	<u>A</u>	<u>A</u>	<u>5.02.03</u>
<u>9) Live-Work Units</u>	<u>CU</u>	<u>P</u>	<u>4.02.16 C.6.</u>
<u>10) Artist Village</u>	<u>CU</u>	<u>P</u>	<u>4.02.16 C.3.</u>

b) <u>LODGING</u>			
1) <u>Bed & Breakfast Facilities</u>	<u>CU</u>	<u>CU</u>	4.02.16 C.4.
2) <u>Hotels and Motels</u>		<u>P</u>	
c) <u>OFFICE/SERVICE</u>			
1) <u>Banks, Credit Unions, Financial Services</u>		<u>P</u>	
2) <u>Business Support Services</u>		<u>P</u>	
3) <u>Child Care Services</u>	<u>CU</u>	<u>CU</u>	
4) <u>Community Service Organization</u>		<u>P</u>	
5) <u>Government Services</u>		<u>P</u>	
6) <u>Family Care Facility / Nursing Home</u>		<u>CU</u>	
7) <u>Medical Services – Doctor Office</u>		<u>P</u>	
8) <u>Medical Services – Outpatient/Urgent Care</u>		<u>P</u>	
9) <u>Personal Care Services</u>		<u>P</u>	
10) <u>Post Office</u>		<u>P</u>	
11) <u>Professional Office or Service</u>		<u>P</u>	
12) <u>Rental Services – Equipment/Vehicles</u>		<u>P</u>	
13) <u>Studio – Art, Dance, Martial Arts, Music</u>		<u>P</u>	
14) <u>Studio – Motion Picture</u>		<u>CU</u>	
15) <u>Vehicle Services – Maintenance/Repair</u>		<u>CU</u>	
16) <u>Veterinarians Office</u>		<u>P</u>	
17) <u>Video Rental</u>		<u>P</u>	
d) <u>RETAIL/RESTAURANTS</u>			
1) <u>Auto Parts Sales</u>		<u>P</u>	
2) <u>Bars/Tavern/Night Club</u>		<u>P</u>	
3) <u>Drive Thru Retail/Restaurant</u>		<u>P</u>	
4) <u>Gas Station with Convenience Store</u>		<u>P</u>	5.05.05
5) <u>Neighborhood Retail - <2,000 sf</u>		<u>P</u>	
6) <u>General Retail – <15,000 sf</u>		<u>P</u>	
7) <u>General Retail - > 15,000 sf</u>		<u>P</u>	
8) <u>Restaurant</u>		<u>P</u>	
9) <u>Shopping Center</u>		<u>CU</u>	
10) <u>Vehicle/Boat/Heavy Equipment Sales</u>		<u>P</u>	
e) <u>ENTERTAINMENT/RECREATION</u>			
1) <u>Gallery / Museum</u>		<u>P</u>	
2) <u>Meeting Facility</u>	<u>CU</u>	<u>P</u>	
3) <u>Cultural or Community Facility</u>	<u>CU</u>	<u>P</u>	
4) <u>Theater, Live Performance</u>		<u>P</u>	
5) <u>Theater, Movie</u>		<u>CU</u>	
6) <u>Recreation Facility, Indoor</u>		<u>P</u>	
7) <u>Recreation Facility, Outdoor</u>	<u>CU</u>	<u>CU</u>	
8) <u>Amusements, Indoor</u>		<u>P</u>	
9) <u>Amusements, Outdoor</u>	<u>CU</u>	<u>CU</u>	
10) <u>Community Garden</u>	<u>P</u>	<u>P</u>	4.02.16 C.5.

<u>f) MANUFACTURING/WHOLESALE/STORAGE</u>			
1) Boat Yards		CU	
2) Laboratory – Medical, analytical, research		P	
3) Laundries and Dry-cleaning		P	
4) Media Production		P	
5) Metal Products Fabrication		CU	
6) Mini-Warehouses			
7) Repair Shops		P	
8) Research and Development		P	
9) Storage – Outdoor		CU	4.02.16 C.9.
10) Storage - Warehouse		P	
11) Lawn and Garden Services in conjunction with a Nursery		CU	
<u>g) CIVIC/INSTUTIONAL</u>			
1) College/University		CU	
2) Educational Plant	P	P	
3) Hospital		CU	
4) Membership Organizations		P	
5) Public Safety Facility		CU	
6) Religious Institution	CU	CU	
7) Schools – Elementary and Secondary	P		
8) Schools – Vocational and Technical	CU		
<u>h) INFRASTRUCTURE</u>			
1) Automobile Parking Facilities		P	
2) Boat Launch			
3) Essential Services	P	P	
4) Marinas		P	
5) Transit Station		CU	
6) Wireless Telecommunication Facility		CU	

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

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

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

* * * * *

SUBSECTION 3.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 Bayshore Gateway Triangle Redevelopment Area BMUD—Neighborhood Commercial Subdistrict

A. — Dimensional Standards

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

Site development standards	
Front yard setback	5 feet 1. The front setback shall also apply to any new buildings in the C-1 through C-3 Zoning Districts which underlay the BMUD Neighborhood Commercial Subdistrict. 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.
Side yards—abutting residential	15 feet
Side yards—all other	5 feet
Rear yard	20 feet
Waterfront ¹⁴	25 feet
Building Standards	
Building Design	1. Building facades facing the intersecting east-west streets with Bayshore Dr. shall have the same architectural design treatment as the building façade facing Bayshore Drive. 2. 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.
Maximum square footage	A building with commercial use only is limited to a maximum building foot print of 20,000 square feet
Minimum floor area	700 square foot gross floor area for each unit, residential or commercial.
Maximum height	
Commercial use only: Maximum height of buildings	42 feet, not to exceed 3 stories
Residential use only: Maximum height of buildings	42 feet, not to exceed 3 stories
Mixed-use: Residential on top of commercial uses	56 feet, not to exceed 4 stories. Only the first two floors shall be used for commercial uses.
Maximum height of buildings. Hotel/Motel	56 feet, not to exceed 4 stories
Maximum height of buildings.	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.
Ceiling height	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
Maximum density	12 units per acre for mixed use projects.

~~B. Special Requirements for Accessory Uses.~~

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

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

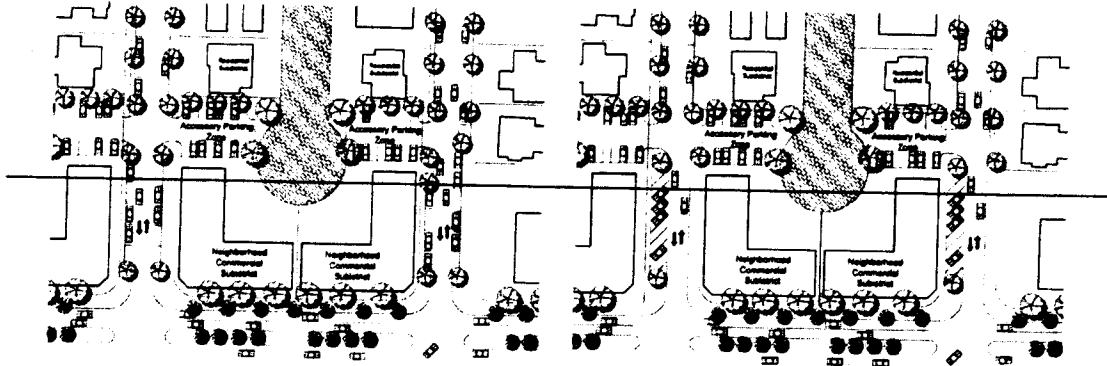
- ~~1. No automatic food and drinking vending machines or public pay phones are permitted outside of any structure.~~
- ~~2. Newspaper vending machines will be limited to two machines per project site and shall be permanently affixed (not portable).~~
- ~~3. Outdoor display and sale of merchandise, within 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.~~

- ~~1. Four spaces per 1,000 square feet of floor area open to the general public for commercial use.~~
- ~~2. Minimum two parking spaces for each residential unit.~~
- ~~3. Outdoor cafe seating shall be exempt from parking calculations.~~
- ~~4. On street parking on local streets excluding Bayshore Drive requires an agreement with the county to use the public right of way for parking. Angle or parallel parking (as depicted on BMUD Figure 1) is permissible based on the site~~

development plan as approved by the County Manager or designee and built to County standards.

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, 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)~~



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

6. ~~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.~~

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.~~

E. Design Standards For Awnings, Loading Docks, and Dumpsters

1. ~~Loading docks and service areas shall not be allowed along the street frontage.~~
2. ~~All dumpsters, for new developments of less than 2 acres, must be located in the rear yard of the property, and not visible from Bayshore Drive.~~

F. Landscaping and Buffer Requirements

1. ~~As required by section 4.06.00 of this Code, unless specified otherwise below:~~

2. ~~Buffers are required between mixed use PUDs, BMUD-NC and BMUD-W Subdistricts that abut residential property. A minimum 10-foot wide landscaped area shall be required. This area shall include: a six-foot high opaque masonry wall; a row of trees spaced no more than 25 feet on center; and a single row of shrubs at least 24 inches in height, and 3 feet on center at the time of planting. Landscaping shall be on the commercial side of the wall.~~
3. ~~A shared 10-foot wide landscape buffer with each adjacent property contributing a minimum of 5 feet is required between BMUD-NC and BMUD-W Subdistricts abutting commercial-zoned districts or abutting BMUD-NC or BMUD-W Subdistricts. However, the equivalent buffer area square footage may be provided in the form of landscaped and hardscaped courtyards, mini-plazas, outdoor eating areas and building foundation planting areas.~~
4. ~~Building Foundation Planting~~

The foundation planting shall be a minimum of 50% of the ground floor building perimeter measured in linear feet and an average of 5 feet wide. This area must be landscaped with trees and/or palm trees in the amount of one tree or palm per 25 linear feet of building foundation planting perimeter; and with 3-gallon shrubs and 1-gallon ground covers other than grass. Trees and palm trees shall be planted in areas that are a minimum of 8 feet wide. Palm trees, when used to meet these building foundation requirements, shall be counted as one palm is the equivalent of one tree.
5. ~~Water Management Area~~

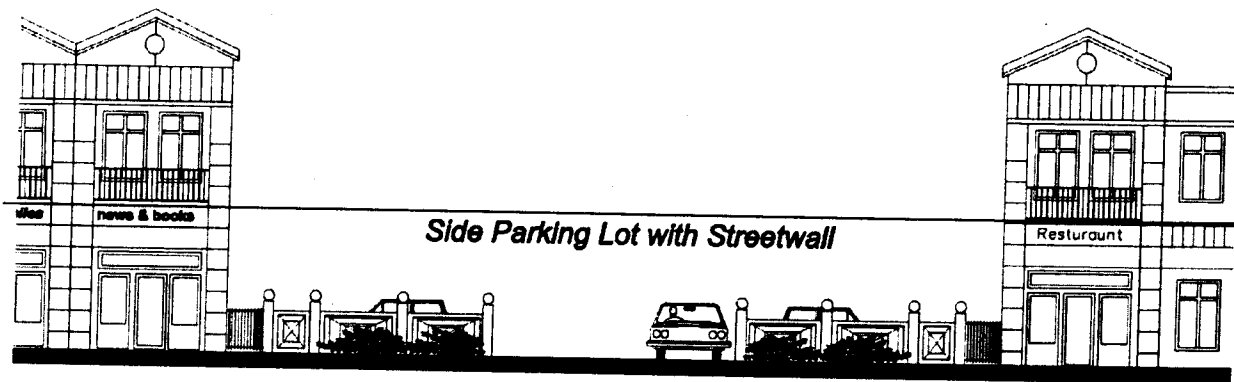
A minimum of 50% of the surface water management area shall be landscaped. Trees shall be provided at the rate of 1 tree per 250 square feet, with the balance of the area landscaped with shrubs, ground covers and ornamental grasses.
6. ~~Parking Perimeter~~

Parking lots and/or access drives abutting commercial property shall have a shared 10-foot perimeter landscaped buffer, with each side contributing a minimum of 5 feet. This area shall include a row of trees spaced no more than 30 feet on center.
7. ~~Right-of-Way Buffers~~

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

 - a. ~~The streetscape and landscaping standards in the ROWs abutting C-1 through C-5 commercial, BMUD-NC and BMUD-W developments will be based on Streetscape Design Guidelines to be prepared by Bayshore / Gateway Triangle CRA Advisory Board and the Bayshore Avalon Beautification MSTU.~~
8. ~~Streetwalls. Streetwalls shall be used when surface parking lots abut the right-of-way of Bayshore Drive, Van Buren Avenue and Thomassen Drive.~~

- a. ~~The wall shall be constructed of the same materials as the primary buildings and be 3 to 4 feet in height, and shall have a 12-inch projection or recess a minimum of every 10 to 15 feet. The streetwall may be a combination of wall and metal fence materials. The street side of the streetwall shall have trees at 30 feet on center and shrubs least 24 inches in height and spaced 3 feet on center at the time of planting, with ground covers other than grass in a minimum 5-foot wide strip. No streetwall is required if all of the parking is located in rear of development.~~
- b. ~~No two streetwalls shall adjoin on a common property line.~~
- c. ~~The streetwall shall be set back the appropriate distance from the front yard-setback line in order to meet County standards for site distance triangles (Section 4.06.01, D.1.) for egress from parking lots.~~
9. ~~These landscaping and buffer requirements shall apply to all new buildings in the BMUD Neighborhood Commercial (NC) and Waterfront (W) Subdistricts and C-1 through C-5 zoning districts.~~

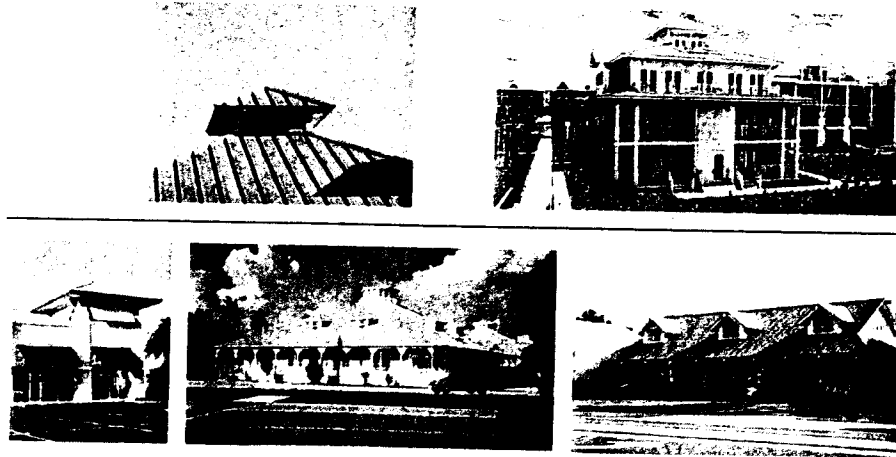


Side Parking Lot with Streetwall

G. ~~Architectural Design Theme.~~

~~The "Florida Cracker" architectural theme is encouraged for any new developments or existing building rehabilitation or renovation in the C-1 through C-5 zoning districts which underlay the BMUD Neighborhood Commercial (NC) and Waterfront (W) Subdistricts. If the suggested architectural design theme is used then the elements of the buildings should reflect the architectural vernacular of the "Florida Cracker" style.~~

~~"Old Florida" or "Florida Cracker" Vernacular
(For illustrative purposes only)~~



BMUD Figure 3

1. ~~All buildings shall meet the requirements set forth in section 5.05.08 unless otherwise specified below.~~
2. ~~Regardless of the architectural theme chosen, the following design elements are required.~~
 - a. ~~Buildings shall be designed to reduce mass and scale through the provision of arcades, windows, entry features, and other design treatments.~~
 - b. ~~Hip or gable building roofs shall be metal seam (5v Crimp, standing seam or similar design)~~
 - c. ~~Windows with vertical orientation and the appearance of divided glass trim.~~
 - d. ~~Facade wall building materials shall be of wood, stucco finish or cement board products.~~
 - e. ~~All buildings immediately 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 I.5.~~
 - f. ~~Thirty five (35) percent of the buildings facade along Bayshore Drive will be clear glass.~~
 - g. ~~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.~~
 - h. ~~Attached building awnings may encroach over the setback line by a maximum of five (5) feet.~~
 - i. ~~Florescent colors shall not be used.~~

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

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

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

1. ~~Minimum number of guest rooms or suites is 2 with a maximum number of 6. Guest occupancy is limited to a maximum stay of 30 days. The minimum size of bedrooms for guest occupancy shall be 100 square feet.~~

2. ~~No cooking facilities shall be allowed in guest rooms.~~

3. ~~Separate toilet facilities for the exclusive use of guests must be provided. At least 1 bathroom for each 2 guestrooms shall be provided.~~

4. ~~All automobile parking areas shall be provided on site, based upon a minimum of 2 spaces plus 1 space for each bedroom. All other applicable provisions of the LDC relative to parking facilities shall apply.~~

5. ~~One sign with a maximum sign area of 4 square feet containing only the name of the proprietor or name of the residence. Sign lettering shall be limited to 2 inches in height and shall not be illuminated.~~

6. ~~An on-site manager is required.~~

A. Dimensional and Design Standards for the BMUD

1. Neighborhood Commercial Subdistrict (BMUD – NC)

a. Specific District Provisions:

i. Maximum Density: 12 units per acre comprised of density allowed by the underlying zoning district and available density bonuses.

ii. Lot and building dimensional requirements for new development are provided below. These requirements shall be based on the building type of the principal structure(s) as described in section 4.02.16 D., Building Types and Architectural Standards.

Table 1. Dimensional Requirements in the BMUD – NC

	<u>House¹</u>	<u>Rowhouse²</u>	<u>Apartment</u>	<u>Mixed-Use</u>	<u>Commercial</u>	<u>Civic & Institutional</u>
<u>Min. Lot Width (ft)</u>	<u>50</u>	<u>25³</u>	<u>100</u>	<u>100</u>	<u>100⁵</u>	<u>100</u>
<u>Min. Front Yard (ft)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>10</u>
<u>Max. Front Yard</u>	<u>20</u>	<u>15</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>

(ft)						
<u>Min. Side Yard (ft)</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>10</u>
<u>Min. Rear Yard (ft)</u>	<u>15</u>	<u>15</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Waterfront Yard (ft)</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Min. Floor Area (sq ft)</u>	<u>700</u>	<u>700</u>	<u>700 per unit</u>	<u>700 per unit</u>	<u>700 per unit</u>	<u>n/a</u>
<u>Min. Building Separation</u>	<u>n/a</u>	<u>n/a</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Max. Building Height (ft)⁴</u>	<u>42</u>	<u>42</u>	<u>42</u>	<u>56</u>	<u>56</u>	<u>42</u>

Notes: ¹ See 4.02.16.A.7 regarding **Duplexes**

² See 4.02.16.A.7 regarding **Two-Family Dwellings**

³ Applies to individual unit

⁴ **Zoned Height of Building**

⁵ Property zoned C-3 shall have a minimum lot width of 75 feet

2. Waterfront Subdistrict (BMUD – W)

a. Specific District Provisions:

i. Maximum Density: 12 units per acre comprised of density allowed by the underlying zoning district and available density bonuses.

ii. Lot and building dimensional requirements for new development are provided below. These requirements shall be based on the building type of the principal structure(s) as described in section 4.02.16 D., Building Types and Architectural Standards.

Table 2. Dimensional Requirements in the BMUD – W

	<u>House¹</u>	<u>Rowhouse²</u>	<u>Apartment</u>	<u>Mixed-Use</u>	<u>Commercial</u>	<u>Civic & Institutional</u>
<u>Min. Lot Width (ft)</u>	<u>50</u>	<u>25³</u>	<u>100</u>	<u>100</u>	<u>100⁵</u>	<u>100</u>
<u>Min. Front Yard (ft)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>10</u>
<u>Max. Front Yard (ft)</u>	<u>20</u>	<u>15</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Min. Side Yard (ft)</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>10</u>

<u>Min. Rear Yard (ft)</u>	<u>15</u>	<u>15</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Waterfront Yard (ft)</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Min. Floor Area (sq ft)</u>	<u>700</u>	<u>700</u>	<u>700 per unit</u>	<u>700 per unit</u>	<u>700 per unit</u>	<u>n/a</u>
<u>Min. Building Separation</u>	<u>n/a</u>	<u>n/a</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Max. Building Height (ft)⁴</u>	<u>42</u>	<u>42</u>	<u>42</u>	<u>56</u>	<u>56</u>	<u>42</u>

- Notes: ¹ See 4.02.16.A.7 regarding **Duplexes**
² See 4.02.16.A.7 regarding **Two-Family Dwellings**
³ Applies to individual unit
⁴ **Zoned Height of Building**
⁵ Property zoned C-3 shall have a minimum lot width of 75 feet

3. Residential 1 Subdistrict (BMUD – R1)

a. Specific District Provisions:

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

Table 3. Dimensional Requirements in the BMUD – R1

	<u>House¹</u>	<u>Rowhouse²</u>	<u>Apartment</u>	<u>Civic & Institutional</u>
<u>Min. Lot Width (ft)</u>	<u>50</u>	<u>25³</u>	<u>100</u>	<u>100</u>
<u>Min. Front Yard (ft)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Min. Side Yard (ft)</u>	<u>7.5</u>	<u>5</u>	<u>7.5</u>	<u>10</u>
<u>Min. Rear Yard (ft)</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Min. Floor Area (sq ft)</u>	<u>1,100</u>	<u>1,000</u>	<u>750 per unit</u>	<u>n/a</u>
<u>Min. Building Separation</u>	<u>n/a</u>	<u>n/a</u>	<u>10</u>	<u>10</u>
<u>Max. Building Height (ft)⁴</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>

- Notes: ¹ See 4.02.16.A.7 regarding **Duplexes**
² See 4.02.16.A.7 regarding **Two-Family Dwellings**
³ Applies to individual unit
⁴ **Zoned Height of Building**

4. Residential 2 Subdistrict (BMUD – R2)

a. Specific District Provisions:

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

Table 4. Dimensional Requirements in the BMUD – R2

	<u>House¹</u>	<u>Rowhouse²</u>	<u>Apartment</u>	<u>Civic & Institutional</u>
<u>Min. Lot Width (ft)</u>	<u>50</u>	<u>25³</u>	<u>100</u>	<u>100</u>
<u>Min. Front Yard (ft)</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Min. Side Yard (ft)</u>	<u>7.5</u>	<u>5</u>	<u>7.5</u>	<u>10</u>
<u>Min. Rear Yard (ft)</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Min. Floor Area (sq ft)</u>	<u>1,100</u>	<u>1,000</u>	<u>750 per unit</u>	<u>n/a</u>
<u>Min. Building Separation</u>	<u>n/a</u>	<u>n/a</u>	<u>10</u>	<u>10</u>
<u>Max. Building Height (ft)⁴</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>

- Notes: ¹ See 4.02.16.A.7 regarding **Duplexes**
² See 4.02.16.A.7 regarding **Two-Family Dwellings**
³ Applies to individual unit
⁴ **Zoned Height of Building**

5. Residential 3 Subdistrict (BMUD – R3)

a. Specific District Provisions:

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

Table 5. Dimensional Requirements in the BMUD – R3

	<u>House¹</u>	<u>Mobile Home</u>	<u>Rowhouse²</u>	<u>Apartment</u>	<u>Civic & Institutional</u>
<u>Min. Lot Width (ft)</u>	40	40	25 ³	100	100
<u>Min. Front Yard (ft)</u>	10	25	10	10	10
<u>Min. Side Yard (ft)</u>	5	7.5	5	7.5	10
<u>Min. Rear Yard (ft)</u>	8	10	8	15	15
<u>Min. Floor Area (sq ft)</u>	1,100	n/a	1,000	750 per unit	n/a
<u>Min. Building Separation</u>	n/a	n/a	n/a	10	10
<u>Max. Building Height (ft)⁴</u>	35	30	35	35	35

- Notes: ¹ See 4.02.16.A.7 regarding **Duplexes**
² See 4.02.16.A.7 regarding **Two-Family Dwellings**
³ Applies to individual unit
⁴ **Zoned Height of Building**

6. Residential 4 Subdistrict (BMUD – R4)

a. Specific District Provisions:

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

Table 6. Dimensional Requirements in the BMUD – R4

	<u>House¹</u>	<u>Civic & Institutional</u>
<u>Min. Lot Width (ft)</u>	50	100
<u>Min. Front Yard (ft)</u>	25	10
<u>Min. Side Yard (ft)</u>	7.5	10
<u>Min. Rear Yard (ft)</u>	15	15
<u>Min. Floor Area (sq ft)</u>	1,100	n/a
<u>Min. Building Separation</u>	n/a	10
<u>Max. Building Height (ft)²</u>	35	35

- Notes: ¹ See 4.02.16.A.7 regarding **Duplexes**
² **Zoned Height of Building**

7. Exceptions to Dimensional Requirements:

- a. For infill lots, the minimum front and side setbacks shall be equal to the average setback dimensions on lots within 500 feet on the same block.
- b. A zero side setback is allowed for Rowhouse, Apartment, Mixed Use and Commercial building types, where permitted, if a party wall is provided.
- c. Duplexes, where permitted, are subject to dimensional standards for a house building type, but shall have a minimum of 1,000 square feet of building area per unit and a minimum lot width of 50 feet.
- d. Two Family dwelling units, where permitted, are subject to dimensional standards for a rowhouse building type, but shall have a minimum of 1,000 square feet of building area per unit and a minimum lot width of 40 feet per unit.
- e. Setback Encroachments:
 - i. Front porches in the BMUD - R1 and BMUD - R3 subdistricts that comply with the design criteria of 4.02.16 D.4.d. are permitted to encroach into the front setback up to 7 feet, with an additional 3 feet encroachment for entry stairs.
 - ii. Arcades, awnings, and stairs are permitted to encroach into the front setback up to 5 feet.
 - iii. Bay windows may project up to 2 feet into any required setback.
 - iv. Uncovered porches and stoops that do not exceed an average finished height above grade of 36 inches may project into any required setback up to 5 feet from the property line.
 - v. Handicap ramps installed on a residential structure to provide access for a disabled resident may encroach into the front setback, unless it can be provided at another entry point.
 - vi. Accessory structures may encroach into the setbacks as provided in section 4.02.16 C.2.
 - vii. Non-structural accessory uses, such as HVAC, mechanical equipment, rain barrels, cisterns and solar panels, may encroach into the side and rear setback.
- f. Height limitations shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, transmission towers, chimneys, smokestacks, flagpoles, masts and antennas. Parapets on a flat roof shall be no more than 5 feet in height at its highest point.

B. Dimensional and Design Standards for the GTMUD

1. Mixed Use Subdistrict (GTMUD-MXD)

a. Specific District Provisions:

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

Table 7. Dimensional Requirements in the GTMUD-MXD

	<u>House¹</u>	<u>Rowhouse²</u>	<u>Apartment</u>	<u>Mixed-Use</u>	<u>Commercial</u>	<u>Civic & Institutional</u>
<u>Min. Lot Width (ft)</u>	<u>50</u>	<u>25³</u>	<u>100</u>	<u>100</u>	<u>100⁵</u>	<u>100</u>
<u>Min. Front Yard (ft)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>6.5⁶</u>	<u>6.5⁶</u>	<u>10</u>
<u>Min. Side Yard (ft)</u>	<u>7.5</u>	<u>5</u>	<u>7.5</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Min. Rear Yard (ft)</u>	<u>15</u>	<u>15</u>	<u>20</u>	<u>5</u>	<u>5</u>	<u>15</u>
<u>Min. Waterfront Setback (ft)</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Min. Floor Area (sq ft)</u>	<u>1,100</u>	<u>1,000</u>	<u>750 per unit</u>	<u>700 per unit</u>	<u>700 per unit</u>	<u>n/a</u>
<u>Min. Building Separation</u>	<u>n/a</u>	<u>n/a</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Max. Building Height (ft)⁴</u>	<u>42</u>	<u>42</u>	<u>42</u>	<u>56⁷</u>	<u>56⁷</u>	<u>42</u>

Notes: ¹ See 4.02.16.B.3 regarding Duplexes

² See 4.02.16.B.3 regarding Two-Family Dwellings

³ Applies to individual unit

⁴ Zoned Height of Building

⁵ Property zoned C-3 shall have a minimum lot width of 75 feet

⁶ Development in the Mini-Triangle Area of the GTMUD – MXD subdistrict shall have a maximum setback of 20 feet

⁷ MUPs in the Mini-Triangle Area of the GTMUD – MXD subdistrict shall have a maximum zoned building height of 112 feet.

2. Residential Subdistrict (GTMUD R)

a. Specific District Provisions:

i. Maximum Density is based on maximum density allowed by the underlying zoning district and any available density bonuses.

ii. Lot and Building Dimensional Requirements: Lot and building dimensional requirements for new development are provided below. These requirements shall be based on the building type of the principal structure(s) as described in section 4.02.16 D, Building Types and Architectural Standards.

Table 8. Dimensional Requirements in the GTMUD R

	<u>House¹</u>	<u>Rowhouse²</u>	<u>Apartment</u>	<u>Civic & Institutional</u>
<u>Min. Lot Width (ft)</u>	<u>50</u>	<u>25³</u>	<u>100</u>	<u>100</u>
<u>Min. Lot Size (sq ft)</u>	<u>n/a</u>	<u>n/a</u>	<u>10,000</u>	<u>10,000</u>
<u>Min. Front Yard (ft)</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Min. Side Yard (ft)</u>	<u>7.5</u>	<u>5</u>	<u>7.5</u>	<u>10</u>
<u>Min. Rear Yard (ft)</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Min. Floor Area (sq ft)</u>	<u>1,100</u>	<u>1,000</u>	<u>750 per unit</u>	<u>n/a</u>
<u>Min. Building Separation</u>	<u>n/a</u>	<u>n/a</u>	<u>10</u>	<u>10</u>
<u>Max. Building Height (ft)⁴</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>

Notes: ¹ See 4.02.16.A.7 regarding Duplexes

² See 4.02.16.A.7 regarding Two-Family Dwellings

³ Applies to individual unit

⁴ Zoned Height of Building

3. Exceptions to Dimensional Requirements:

a. For infill lots, the minimum front and side setbacks shall be equal to the average setback dimensions on lots within 500 feet.

b. A zero side setback is allowed for Rowhouse, Apartment, Mixed Use and Commercial building types, where permitted, if a shared wall, or party wall, is provided.

- c. Duplexes, where permitted, are subject to dimensional standards for a house building type, but shall have a minimum of 1,000 square feet of building area per unit and a minimum lot width of 80 feet.
- d. Two Family units, where permitted, are subject to dimensional standards for a rowhouse building type, but shall have a minimum of 1,000 square feet of building area per unit and a minimum lot width of 40 feet per unit.
- e. Setback Encroachments:
 - i. Front porches in the GTMUD - R subdistrict that comply with the design criteria of section 4.02.16 D.4.d. are permitted to encroach into the front setback up to 7 feet, with an additional 3 feet encroachment for entry stairs.
 - ii. Arcades, awnings, stairs and raised doorways are permitted to encroach into the front setback up to 5 feet.
 - iii. Bay windows may project up to 2 feet into any required setback.
 - iv. Uncovered porches and stoops that do not exceed an average finished height above grade of 36 inches may project into any required setback up to 5 feet from the property line.
 - v. Handicap ramps installed on a residential structure to provide access for a disabled resident may encroach into the front setback, unless it can be provided at another entry point.
 - vi. Accessory structures may encroach into the setbacks as provided in section 4.02.16 C.2
 - vii. Non-structural accessory uses, such as HVAC, mechanical equipment, rain barrels, cisterns and solar panels, may encroach into the side and rear setback.
- f. Height limitations shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, transmission towers, chimneys, smokestacks, flagpoles, masts and antennas. Parapets on a flat roof can be no more than 5 feet in height.

C. Additional Standards for Specific Uses

Certain uses may be established, constructed, continued, and/or expanded provided they meet certain mitigating standards specific to their design and/or operation. These conditions ensure compatibility between land uses and building types and minimize adverse impacts to surrounding properties.

1. Accessory Parking Zones

- a. Lots adjacent to the Neighborhood Commercial (BMUD-NC), Waterfront (BMUD-W) and Mixed Use (GTMUD-MXD) Subdistricts, designated

Accessory Parking Zoning (APZ) as identified on the Collier County Zoning Map, may be used for off street parking or water retention and management areas, in the following manner:

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

2. Accessory Uses to Residential Structures

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

- a. Ownership of an accessory structure shall not be transferred independently of the primary residence.
- b. Accessory building(s), excluding swimming pools and screen enclosures, may be located on up to 30 percent of the side or rear yards. For the purposes of this provision, the yard shall be the area between the principal structure and the side or rear property line.
- c. The maximum area of a guesthouse is 750 square feet, limited to 1 habitable floor; the minimum area is 500 square feet.
- d. The guesthouse must be of new construction and must meet National Flood Insurance Program (NFIP) first habitable floor elevation requirements. The guesthouse may be above a garage or may be connected to the primary residence by an enclosed breezeway or corridor not to exceed 8 feet in width.
- e. Fences and walls: Fences and walls located in the front yard are permitted subject to the following conditions:
 - i. The fence or wall shall not exceed 42 inches in height.
 - ii. Fence material shall be wood picket, wrought iron or material of similar appearance and durability. Garden or decorative walls may be brick, stone stucco block.
- f. Height: The maximum zoned height of an accessory structure is 26 feet. Screen enclosures may exceed the maximum height, but in no case be higher than the principal structure or 35 feet, whichever is less.
- g. Location: Accessory structures shall not be located in the front yard, except that accessory structures located on corner lots may be located

in the front yard with the longer street frontage. Accessory structures shall be setback a minimum of 10 feet from the rear property line and shall have the same side setback as required for the principal structure for the overlay subdistrict in which it is located.

3. Artist Village

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

4. Bed and Breakfast Facilities

- a. Minimum number of guest rooms or suites is 2 with a maximum number of 6. Guest occupancy is limited to a maximum stay of 30 days. The minimum size of bedrooms for guest occupancy shall be 100 square feet.
- b. No cooking facilities shall be allowed in guest rooms.
- c. Separate toilet facilities for the exclusive use of guests must be provided. At least 1 bathroom for each 2 questrooms shall be provided.
- d. Parking: 2 spaces plus 1 space for each bedroom. All other applicable provisions of this LDC relative to parking facilities shall apply.
- e. Signage: 1 sign with a maximum sign area of 4 square feet containing only the name of the proprietor or name of the residence. Signs shall not be illuminated in residential subdistricts.
- f. A 24 hour on-site manager is required.

5. Community Garden

- a. The property shall be maintained in good condition consistent with the County's property maintenance standards. All planting materials, tools, and equipment must be removed from the site each day or secured in a permitted accessory structure.
- b. Hours of operation shall be limited to dawn to dusk.
- c. The sale of items from the property shall be prohibited, except by an approved special event.

d. Any use of fertilizer must comply with provisions set forth in Collier County Code of Ordinances, Article II: Florida-Friendly Use of Fertilizers on Urban Landscapes.

e. Required Yards:

i. Accessory buildings, including storage sheds or greenhouses, are permitted on site and must meet the principal structure setback requirements for the subdistrict in which it is located.

ii. All plantings shall be setback a minimum of 10 feet from the street right-of-way and five feet from the rear and side property lines.

f. Operating Procedures: A community garden must have a set of operating rules addressing the following:

i. Identification of, and contact information for, a garden coordinator to perform the coordinating role for the management of the community gardens;

ii. Maintenance and security requirements and responsibilities;

iii. Identification of how garden plots are assigned in a fair and impartial manner.

6. Live-Work Units

a. All live-work units must fully comply with any and all Building Code requirements.

b. The non-residential use areas shall meet accessibility requirements of the applicable Building Code (including site access and parking) and be oriented to the street.

c. Size: The live-work unit shall have a minimum total size of 1,000 square feet and a maximum total size of 3,000 square feet and three stories in height. The non-residential use area must occupy less than 50 percent of total unit.

d. The same individual(s) must occupy the non-residential use area and living area.

e. The live-work unit may employ a maximum of 1 non-resident worker/employee on premise at any one time.

f. Live-work units in non-residential subdistricts (BMUD-NC, BMUD-W and GTMUD-MXD) shall be established through the mixed use project approval process.

- g. Limitations on use. The non-residential component of a live-work unit shall be limited in the following manner:
- i. Live-work units in a non-residential subdistrict (BMUD-NC, BMUD-W and GTMUD-MXD) limited to uses permitted within the applicable subdistrict or underlying zoning district.
 - ii. Live-work units approved as a conditional use in a residential subdistrict (BMUD-R3 and GTMUD-R) shall be limited to non-residential uses including artist studio, professional office, professional service such as hair salon or tailor, or any other use deemed to be similar in nature by the BZA during the conditional use process. Non-residential uses may include ancillary retail, such as galleries selling artwork and hair salons selling hair products.
 - iii. Prohibited uses include Vehicle Maintenance or Repair, Entertainment, Drinking and Public Eating Establishment, the sale of food and beverages, Sexually-Oriented Businesses, veterinary services, and activities involving biological or chemical substances that require a controlled environment or may pose a health hazard.
- h. Parking: 1 parking space per 500 square feet of the non-residential portion of the live-work unit plus 1 space for the residential unit.
- i. Signage: Signage for live-work units in a commercial subdistrict shall be limited to wall signs in accordance with section 5.06.04. Live-work units located in a residential subdistrict shall be limited to 1 non-illuminated wall sign with a maximum sign area of 8 square feet.

7. Marinas and Boatyards

- a. Repair and dry storage areas shall not be visible from the street.
- b. Boats available for rental purposes shall be located in the water or screened with a fence or wall from the local side streets and adjacent residential lots and shall not be visible from Bayshore Drive.
- c. All boat racks shall be enclosed with a wall or fence and the boats shall not exceed the height of the enclosure. The fence material can be wood, vinyl composite, concrete block with stucco finish or metal or a combination. No chain link fence is allowed.
- d. Height of structures may be increased to a maximum actual height of 50 feet by the Board of Zoning Appeals (BZA) upon approval of a variance petition.
- e. Outdoor displays of boats for sale on properties fronting Bayshore Drive shall be limited to the following:

- i. All areas used for boat display activities shall occupy no more than 35 percent of the linear **frontage** of the property.
- ii. All boat sale areas shall not be closer to the **frontage** line than the **primary building** they serve.
- iii. All boats located within an outdoor sales area shall not exceed the height of 17 feet above existing **grade**.
- iv. Outdoor sales areas shall be connected to the parking area and **primary structure** by a pedestrian walkway.
- v. An additional 10 foot landscape **buffer** is required around the perimeter of the outdoor boat sales area. This **buffer** must include, at a minimum 14 foot high trees, spaced at 30 feet on center and a 3 foot high double row hedge spaced at three feet on center at the time of planting.
- f. One parking space per 5 dry boat storage spaces.
- g. On-site traffic circulation system shall be provided that will accommodate areas for the loading and unloading of equipment that will not encroach upon residential **developments**.

8. Mixed Use Project

- a. Mixed Use Projects are typically human-scale, pedestrian-oriented, interconnected projects with a mix of residential and commercial uses such as retail, office and civic amenities that complement each other. Residential uses are often located above commercial uses, but can be separate areas of residential use only with close proximity to commercial uses. An interconnected **street** system is the basis for the transportation network. **Buildings** are encouraged to be built close to the vehicular and pedestrian way to create a continuous active and vibrant **streetscape** utilizing the architecture, landscaping, lighting, signage, and **street** furnishings.
- b. Mixed Use Projects in the BMUD-NC, BMUD-W and GTMUD-MXD shall be reviewed and permitted in accordance with section 10.02.15.
- c. A minimum of 60 percent of all commercial uses within a mixed use project shall provide retail, office and/or personal service uses to serve the needs of the subject project and surrounding residential neighborhoods.
- d. A maximum of 25 percent of the residential units within a mixed use project shall be on gated roadways. Residential uses shall be constructed concurrent with, or prior to, the construction of commercial uses so as to insure actual **development** of a mixed use project, or otherwise in accordance with a **development** schedule approved for the project and made a condition of the **MUP approval**.

- e. MUPs shall provide connection to local streets, adjoining neighborhoods and adjacent developments, regardless of land use types. A grid street pattern is preferred; however, modifications may be approved, provided the vehicular network provides interconnections between internal uses and external connections to adjoining neighborhoods and land uses. The network shall fully accommodate pedestrian, bicycle, and transit.
- f. The commercial component of a mixed use project may be located internal to the project or along the boundary; if externally located, internal access roads and service access shall be provided so as not to promote strip commercial development along external collector and arterial roadways.
- g. Parking lots shall be dispersed throughout the project. No one parking lot shall provide more than 40 percent of the required off-street parking. Parking garages shall have no restrictions on percentage of required parking that may be accommodated. This requirement shall not apply to individual parcels less than 5 acres in size.
- h. At least 30 percent of the gross area of mixed use projects shall be devoted to useable open space, as defined in section 4.02.01 B. In the case of any request to deviate from this requirement, a donation of land, cash, or other in-kind contribution may be accepted by the CRA, where it has been demonstrated to sufficiently mitigate for the reduction of required on-site usable open space. This cash or in-kind contribution may be used to enhance the public realm (public art, plaza, fountains, etc). This usable open space requirement shall not apply to individual parcels less than 5 acres in size.

9. Outdoor Display and Sale of Merchandise

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

D. Building Types and Architectural Standards

1. Purpose and Intent

The purpose of this section is to supplement the provisions of section 5.05.08 of the LDC by identifying and providing design standards for the building types allowed within the Bayshore Gateway Triangle Redevelopment Area. The standards are intended to attach the same importance to the overall building design as is placed on the use contained therein, and to ensure that proposed development is consistent with the CRA's goals for building form, character

and quality. Buildings within the BMUD and GTMUD are expected to be added as long-term additions to the architectural vibrancy of the community.

2. Applicability

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

3. General Architectural Standards

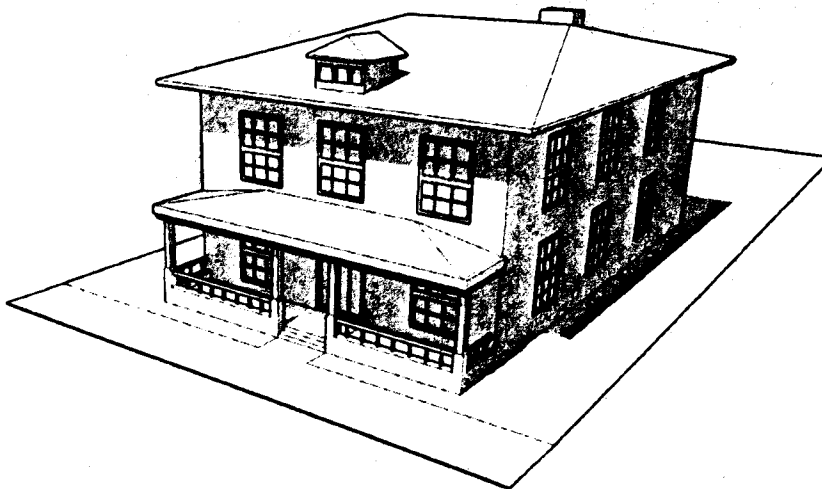
- a. Architectural Style: The building design standards of this section do not mandate a particular building style and permit a wide variety of architectural expressions. When a building exhibits a known architectural style (i.e., Florida Cracker, Mediterranean, Colonial, Modern) the details shall be consistent throughout the building and any accessory structures on the same site.
- b. Frontage: The primary entrance for any building must be oriented to the street. Orientation is achieved by the provision of a front façade including an entry door that faces the street or square. This requirement shall not apply to mobile homes or to buildings that are interior to a site that has other buildings that meet this provision.
- c. Compatibility: Proposed buildings should relate to adjacent buildings in similarity of scale, height, architectural style, and/or configuration. Exceptions to this provision include civic and institutional buildings such as churches and schools.
- d. Façade Treatment: Architectural elements such as windows and doors, bulkheads, masonry piers, transoms, cornices, window hoods, awnings, canopies, and other similar details shall be used on all facades facing a public right-of-way.



BGT Redevelopment Area Figure 1
Facade Treatments
 (For illustrative purposes only)

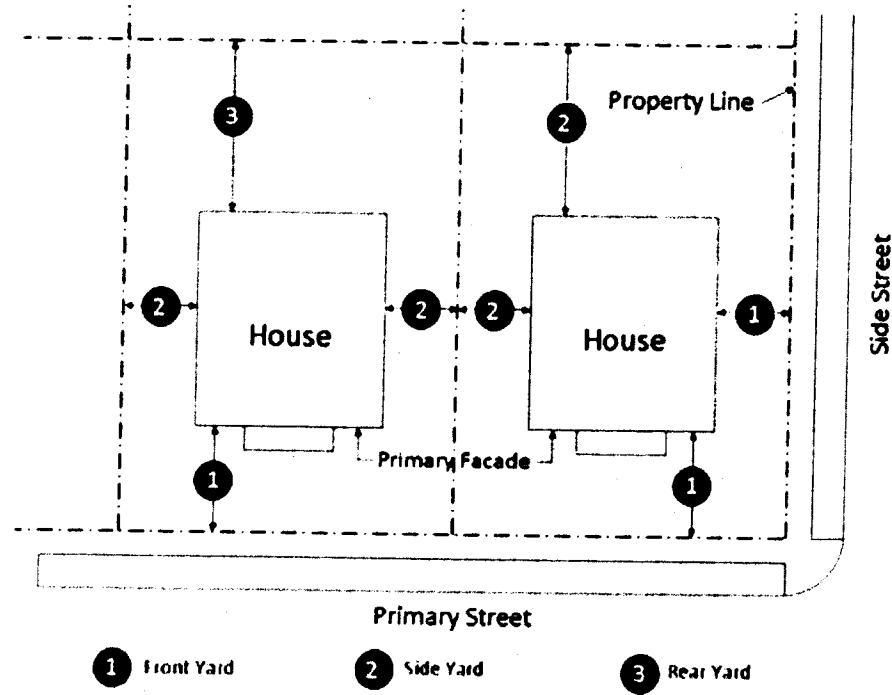
4. Building Type: HOUSE

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



BGT Redevelopment Area Figure 2
Building Type: House
 (For illustrative purposes only)

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



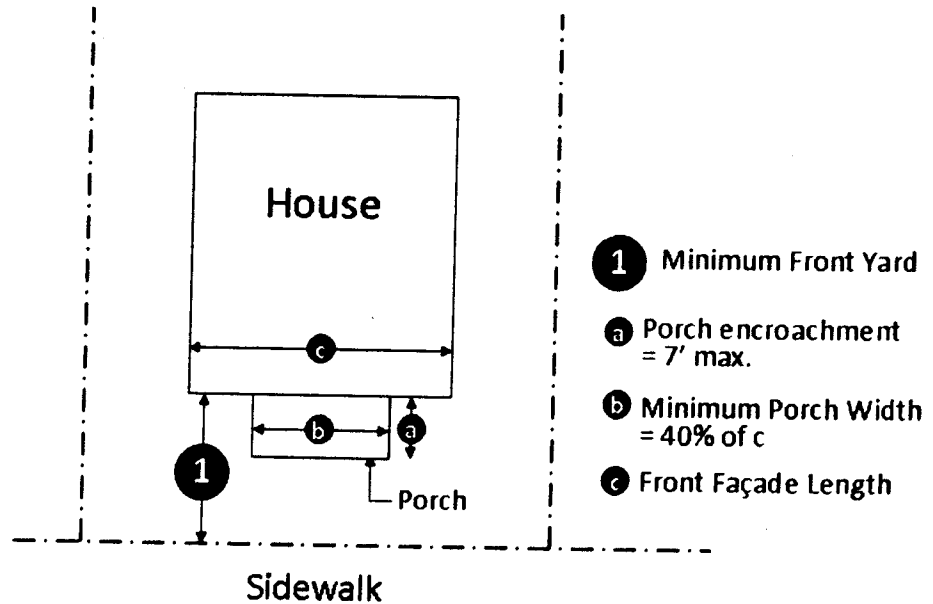
BGT Redevelopment Area Figure 3
House Yard Diagram
(For illustrative purposes only)

c. Elevation Requirements:

- i. A maximum of two feet of fill shall be allowed on site towards meeting National Flood Insurance Program (NFIP) requirements. Additional NFIP finished habitable floor height requirements shall be accomplished through stem wall construction. Stem walls shall be finished in material and color complimentary to the principal structure.
- ii. Open stilt-type construction is not permitted. On front yards, the foundation area below the first floor must be treated with a solid facade or lattice, which is consistent with the architectural style of the building and the floodplain protection standards of section 3.02.00.
- iii. Parking is permitted under the principal structure. The garage floor shall not exceed 24 inches above the elevation of the crown of road from which it is accessed.

d. Front Porches:

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



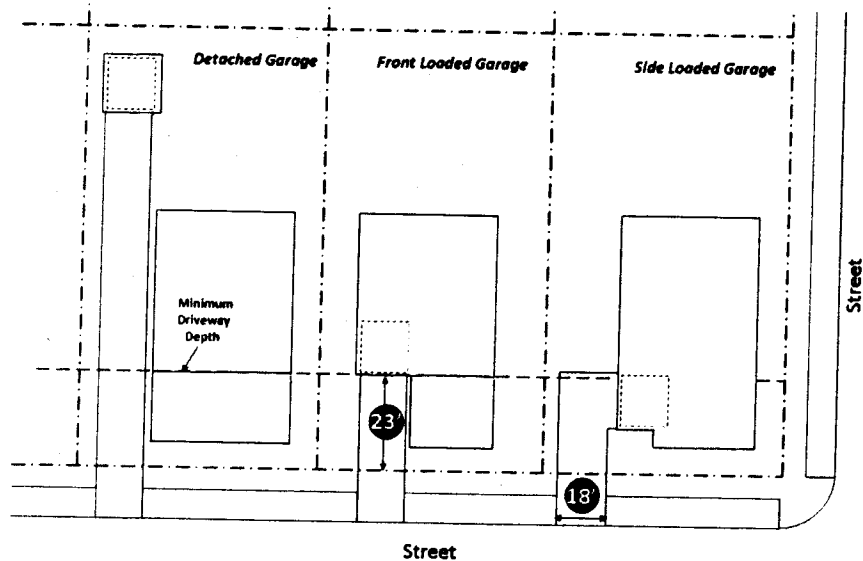
BGT Redevelopment Area Figure 4
House Porch Diagram
(For illustrative purposes only)

- iii. Front porches shall not be air-conditioned or enclosed with glass, plastic, or other materials. Screening the porch is allowed as long as the moldings that hold the screen material matches the material and design character of the structure.
 - iv. Front second-story porches are encouraged, but no enclosed room is permitted above the front porch.
- e. Garages, Carports, and Driveways:

- i. Garage doors shall have a maximum width of 16 feet.
- ii. The driveway shall have a maximum width of 18 feet in the right-of-way area. Other than the permitted driveway, the front yard may not be paved or otherwise used to accommodate parking.
- iii. Freestanding carports are prohibited. Carports and porte-cochere must be attached to the principal structure and be of similar materials and design as the principal structure. Detached garages must meet the side and rear setback requirements for an

accessory structure. Carports and detached garages shall be no closer than 23 feet from the front yard setback line.

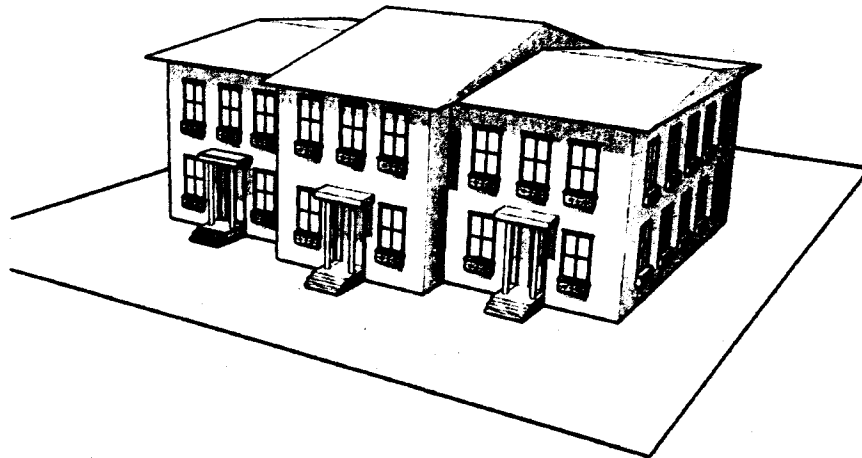
- iv. The distance from the back of the sidewalk to the garage door must be at least 23 feet to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23 foot paved area on a perpendicular plane to the garage door or plans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



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

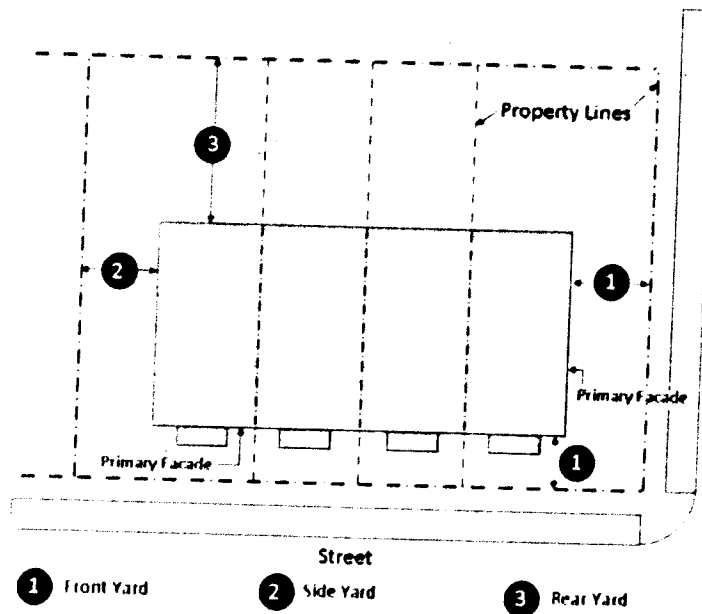
5. Building Type: ROWHOUSE

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



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

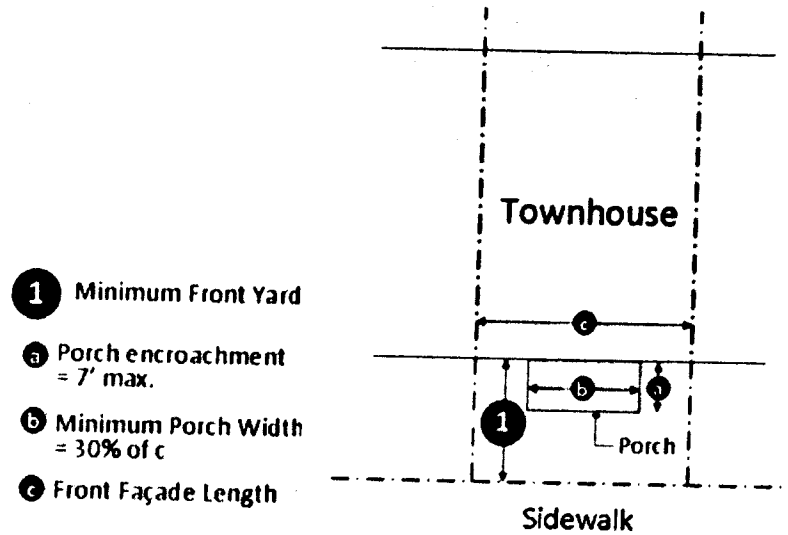
- b. Yards: The rowhouse building typically has one primary yard located to the rear of the structure with the potential for a small landscaped front yard. A side yard is required for end units. Corner lots shall have a front yard on each street frontage.



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

c. Front Porches and Stoops:

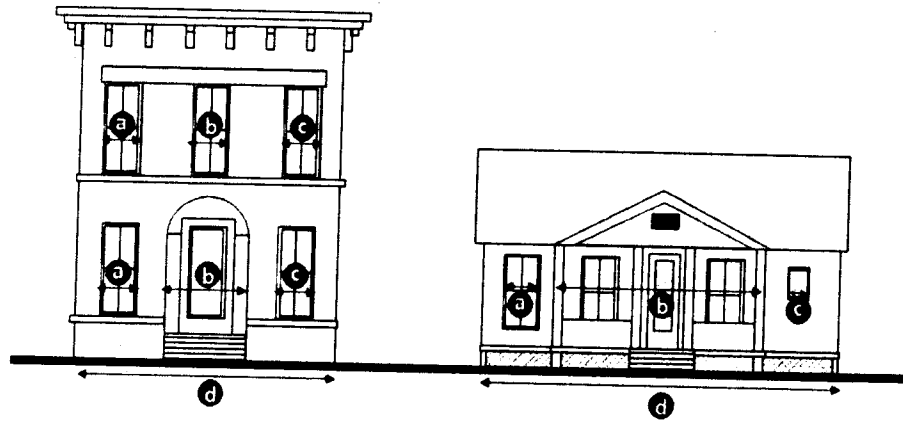
- i. Front porches should be used as a primary architectural element and may encroach up to 7 feet into the required front setback in accordance with section 4.02.16 A.7.e.i.



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

d. Elevation Details:

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



$$a + b + c = \geq 60\% \text{ of } d$$

BGT Redevelopment Area Figure 9
 Building Elevation Diagram
 (For illustrative purposes only)

ii. All rowhouse buildings are encouraged to provide design details and architectural features to provide visual interest. The types of features may vary on adjacent rowhouse façade that share a common wall, and may include:

- a) Dormers
- b) Gables
- c) Recessed entries
- d) Covered porch entries
- e) Pillars or posts
- f) Eaves
- g) Bay windows
- h) Balconies
- i) Decorative finish, such as wainscoting
- j) Decorative cornices and rooflines (for flat roofs)
- k) Window trim (minimum 4 inches wide)

e. Garages and Driveways:

i. Garages and off-street parking spaces are encouraged to be located to the rear of the building.

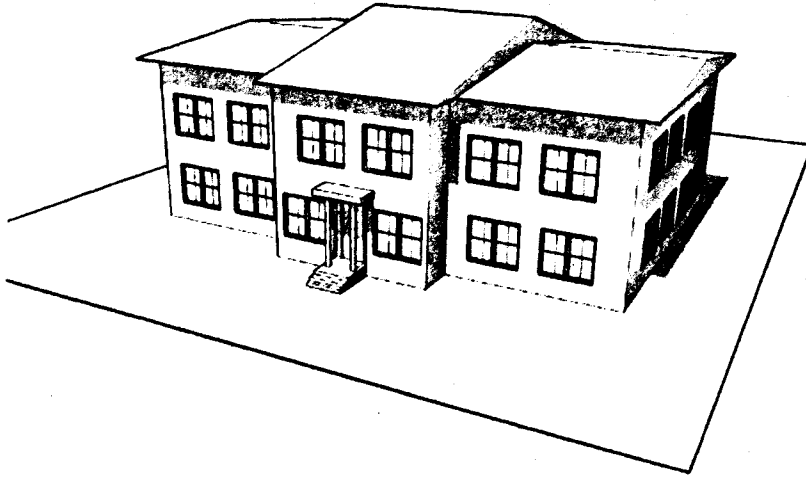
ii. Garage provided along the front façade of the building shall meet the following design standards:

a) Garages shall be recessed from the front façade of the building by a minimum of 5 feet. Driveways shall be designed to provide sufficient room for a parked vehicle without interfering with sidewalks.

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

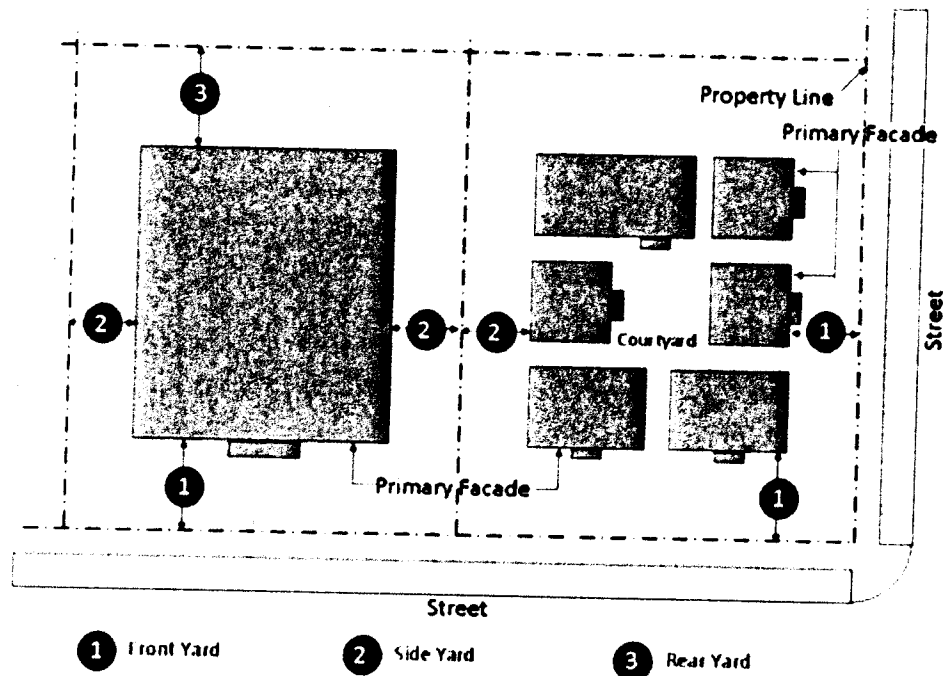
6. Building Type: APARTMENT

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



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

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



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

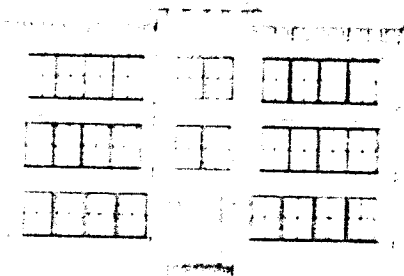
c. Elevation Details:

- i. All apartment building elevations visible from the street shall provide doors, porches, balconies, terraces and/or windows along a minimum of 60 percent of the front elevation and 30 percent of the side elevation for each building story. "Percent of elevation" is measured as the horizontal plane containing doors, porches, balconies, terraces and/or windows in relation to the total horizontal plane of the building elevation.
- ii. All apartment buildings are encouraged to provide design details and architectural features to provide visual interest, which may include the following:
 - a) Dormers
 - b) Gables
 - c) Recessed entries
 - d) Covered porch entries
 - e) Pillars or posts
 - f) Eaves
 - g) Bay windows
 - h) Balconies
 - i) Decorative finish, such as wainscoting
 - j) Decorative cornices and rooflines (for flat roofs)
 - k) Window trim (minimum 4 inches wide)

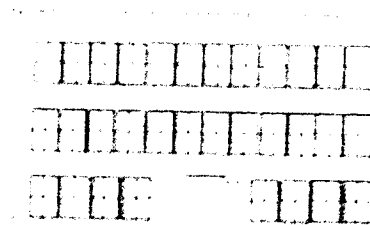
l) Canopies, porticos, or porte-cocheres (integrated with the building's massing and scale)

d. Massing and Scale: Apartment buildings shall relate in mass and scale to the adjacent built environment and shall avoid single, large, dominant building mass.

i. Buildings over 10,000 square feet in gross building area shall include façade variations so that the maximum length, or uninterrupted curve, of any façade does not exceed 60 linear feet. Façade variations shall be provided through projections and recesses with a minimum depth of 5 feet and may include porches, balconies, bay windows and/or covered entries.



Appropriate – Building includes roofline offsets and façade variation

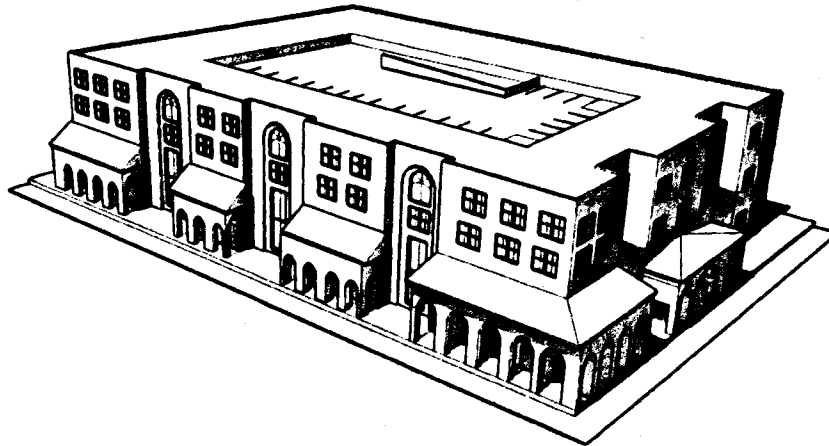


Inappropriate – Building lacks roofline offsets and façade variation

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

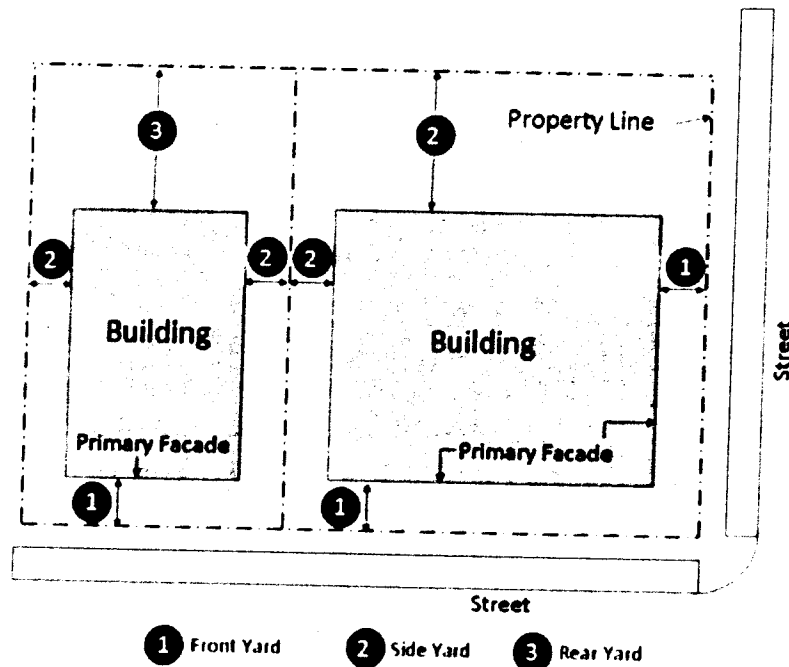
7. Building Type: MIXED-USE

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



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

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

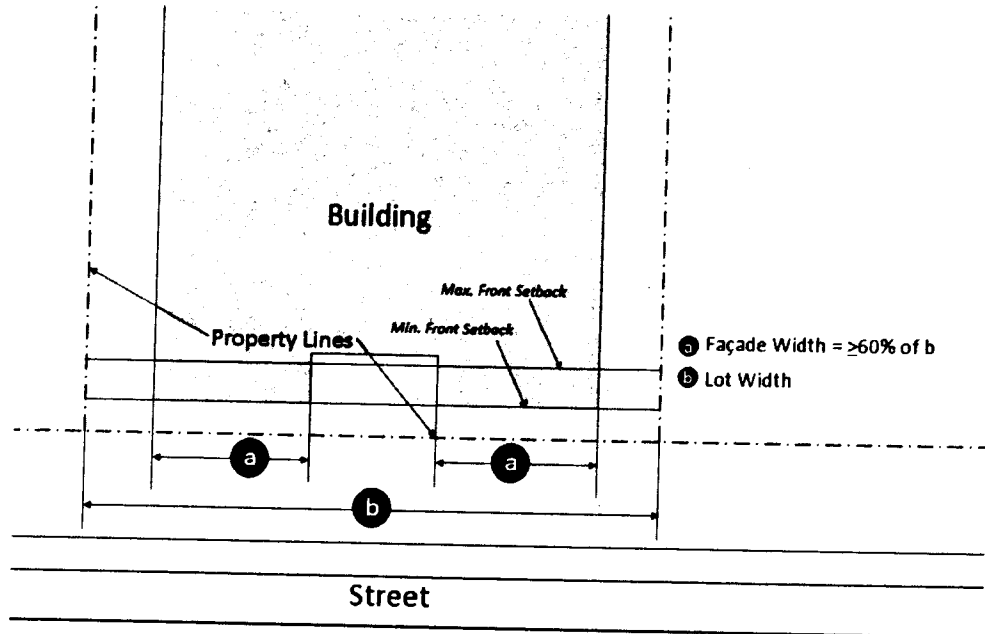


BGT Redevelopment Area Figure 14
 Mixed-Use Building Yard Diagram
 (For illustrative purposes only)

c. Multi-Story: **Mixed-use buildings** shall have a minimum of **two stories**.
The first floor shall have a minimum floor-to-ceiling height of 14 feet.

d. Street Facades: The first floor of all mixed-use buildings shall be designed to encourage and complement pedestrian-style interest and activity through the following elements:

i. The first floor building elevation shall be located between the minimum and maximum front setback line (if provided) for a minimum of 60 percent of lot width.



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

ii. Glazing, consisting of transparent windows and doors, shall be provided along a minimum of 35 percent of the length of first floor building elevation along the primary street frontage. Building elevations along secondary street frontages shall provide 30 percent glazing.

iii. Expanses of blank walls may not exceed 20 feet in length along the primary street frontage. A blank wall is a façade that does not contain transparent windows, doors, arcades, stairs or similar features.

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

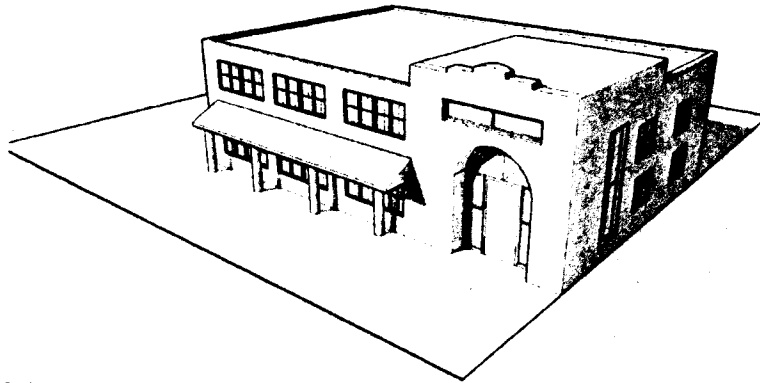
i. Clear glass windows shall not exceed a tint of more than 25%.

- ii. Windows shall be located between 2 and 7 feet above sidewalk grade.
- f. Building Entrances: All mixed-use buildings shall have a clearly defined principal pedestrian entrance fronting the street. Additional entrances may be oriented toward the side and rear parking lots or pedestrian pathways.
- g. Elevation Details:
- i. All mixed-use buildings shall provide a minimum of 4 of the following design details and architectural features:
- a) Dormers
 - b) Gables
 - c) Recessed entries
 - d) Covered porch entries
 - e) Pillars or posts
 - f) Eaves
 - g) Bay windows
 - h) Balconies
 - i) Decorative finish, such as wainscoating
 - j) Decorative cornices and rooflines (for flat roofs)
 - k) Window trim (minimum 4 inches wide)
 - l) Canopies, porticos, or porte-cocheres (integrated with the building's massing and scale)
 - m) Open arcade or covered walkway
 - n) Bulkheads
 - o) Transoms
 - p) Window hoods
 - q) Building awnings along first floor
- h. Massing and Scale: Mixed-use buildings shall relate in mass and scale to the adjacent built environment and shall avoid single, large, dominant building mass.
- i. Mixed-use buildings shall include facade variations so that the maximum length, or uninterrupted curve, of any facade does not exceed 75 linear feet. Facade variations shall be provided through projections and recesses with a minimum depth of 4 feet.
- ii. Roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. The maximum length of an uninterrupted flat roof is 75 linear feet.
- i. Materials:
- i. Mixed-use buildings exteriors shall consist of wood clapboard, stucco finish, cement fiber board products, brick or stone.

- ii. Pitched roofs shall be metal seam (5v Crimp, standing seam or similar design), slate, copper, or wood shingles.

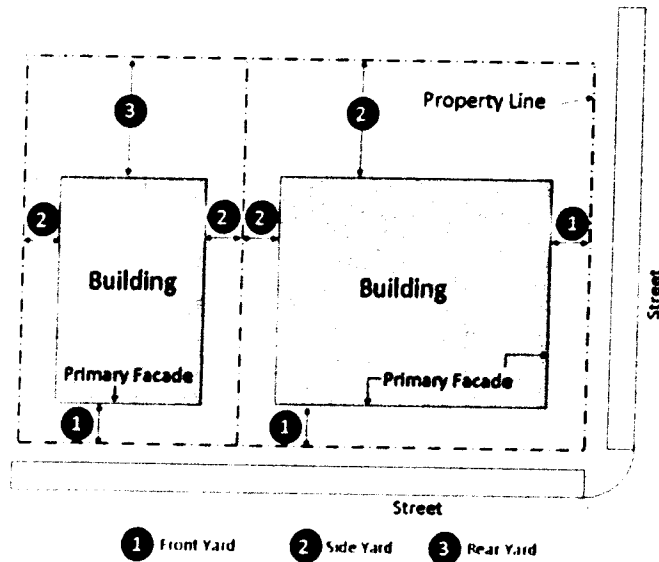
8. Building Type: COMMERCIAL

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



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

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



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

- c. **Street Façades:** The first floor of all commercial buildings shall be designed to encourage and complement pedestrian-style interest and activity through the following elements:
- i. The first floor building elevation shall be located between the minimum and maximum front setback line (if provided) as provided in section 4.02.16 A.1.a.ii. for a minimum of 50 percent of lot width.
 - ii. Glazing, consisting of transparent windows and doors, covering a minimum of 30 percent of the length of first floor building elevation along the primary street frontage. Building elevations along secondary street frontages shall provide 25 percent glazing.
 - iii. Expanses of blank walls may not exceed 20 feet in length along the primary street frontage. A blank wall is a façade that does not contain transparent windows, doors, stairs or similar features.
- d. Windows: Windows along the first floor building elevation shall meet the following standards:
- i. Clear glass windows shall not exceed a tint of more than 25 percent.
 - ii. Windows shall be located between 2 and 7 feet above sidewalk grade.
 - iii. Buildings over 20,000 square feet in floor area may utilize spandrel glass, or other faux window treatment, for up to 25 percent of the glazing requirement.
- e. **Building Entrances:** All commercial buildings along Bayshore Drive shall have a clearly defined principal pedestrian entrance fronting Bayshore Drive. Additional entrances may be oriented toward the side and rear parking lots or pedestrian pathways.
- f. Elevation Details:
- i. All commercial buildings shall provide a minimum of 4 of the following design details and architectural features:
 - a) Dormers
 - b) Gables
 - c) Recessed entries
 - d) Covered porch entries
 - e) Pillars or posts

- f) Eaves
- g) Bay windows
- h) Balconies
- i) Decorative finish, such as wainscoting
- j) Decorative cornices and rooflines (for flat roofs)
- k) Window trim (minimum 4 inches wide)
- l) Canopies, porticos, or porte-cocheres (integrated with the building's massing and scale)
- m) Open arcade or covered walkway
- n) Bulkheads
- o) Transoms
- p) Window hoods
- q) Building awnings along first floor

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

i. Commercial buildings shall include façade variations so that the maximum length, or uninterrupted curve, of any façade does not exceed 100 linear feet. Façade variations shall be provided through projections and recesses with a minimum depth of 4 feet.

ii. Roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. The maximum length of an uninterrupted flat roof is 100 linear feet.

h. Materials and Colors:

i. Commercial buildings shall be of wood clapboard, stucco finish, cement fiber board products, brick or stone.

ii. Pitched roofs shall be metal seam (5v crimp, standing seam or similar design), slate, copper, or wood shingles.

iii. Exterior building color: Applicants may request a deviation from the exterior building color requirements of section 5.05.08 C.13.b. if 50 percent or more of the façade consists of glazing in the form of transparent windows or doors. These deviation requests shall be subject to the procedures established in section 5.05.08 F. following the review and approval by the CRA Advisory Board to ensure consistency with CRA goals and objectives and community character.

i. Awning:

i. For awnings spanning less than 25 percent of a façade, an applicant may request a deviation from the color restriction identified in section 5.05.08 C.11.c.iv. These deviation requests shall be subject to the procedures established in section 5.05.08

F. following the review and approval by the CRA Advisory Board to ensure consistency with CRA goals and objectives and community character.

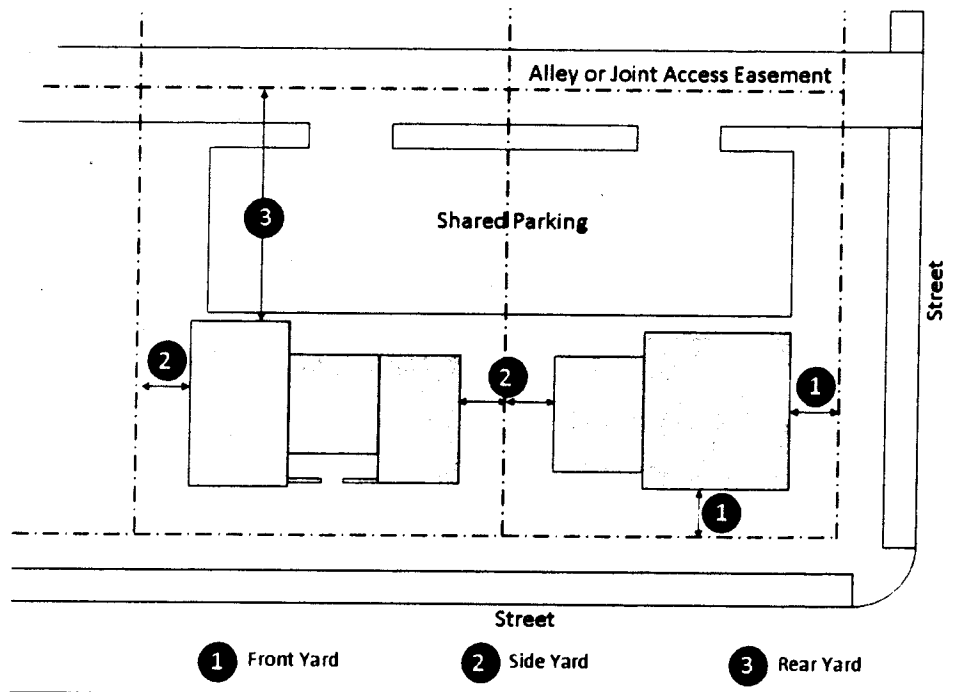
9. Building Type: CIVIC & INSTITUTIONAL

- a. Description: A building that serves as a public gathering place and a focal point of the community. These buildings should be constructed as permanent long term additions to the area and include uses dedicated to religious, cultural, governmental or educational missions.
- b. General Requirements: Because of the unique characteristics of civic and institutional buildings, it is generally exempt from the standards imposed on other building types in this section and the architectural standards of section 5.05.08. The following standards shall apply:
 - i. Buildings should be of sufficient design to serve as a visual anchor to the community.
 - ii. All rooftop equipment shall be screened from view.

E. Landscaping and Buffer Requirements

- 1. Applicability: Landscaping and buffering in the BMUD and GTMUD shall be provided in accordance with section 4.06.00, unless as specified in this section.
- 2. Buffer Requirements: Buffers shall be provided to give spatial separation and visual screening between incompatible uses.
 - a. Perimeter Buffers: The following buffer standards shall be required for MUPs, PUDs, commercial developments and other non-residential developments in the BMUD-NC, BMUD-W and GTMUD-MXD subdistricts.
 - i. Buffers adjacent to residential uses and residentially zoned properties shall be consistent with one of the following:
 - a) Ten foot wide buffer including a 6 foot high opaque masonry wall and a row of trees spaced no more than 30 feet on center; or
 - b) Fifteen foot wide buffer including trees spaced no more than 25 feet on center and a hedge consisting of ten gallon plants five feet in height, three feet in spread and spaced a maximum four feet on center at the time of planting.
 - ii. Buffers adjacent to non-residential uses shall include a shared 10 foot wide buffer. Each property must contribute a minimum of 5 feet to the buffer. This buffer area may be provided in the form of landscaped area with plantings consistent with the Type A buffer requirements and/or hardscaped courtyards, mini-plazas,

outdoor eating areas, and building foundation planting areas. This buffer requirement is not required in the side yard between non-residential uses that share a common wall or between shared parking facilities.



BGT Redevelopment Area Figure 18
Shared Buffer Diagram
 (For illustrative purposes only)

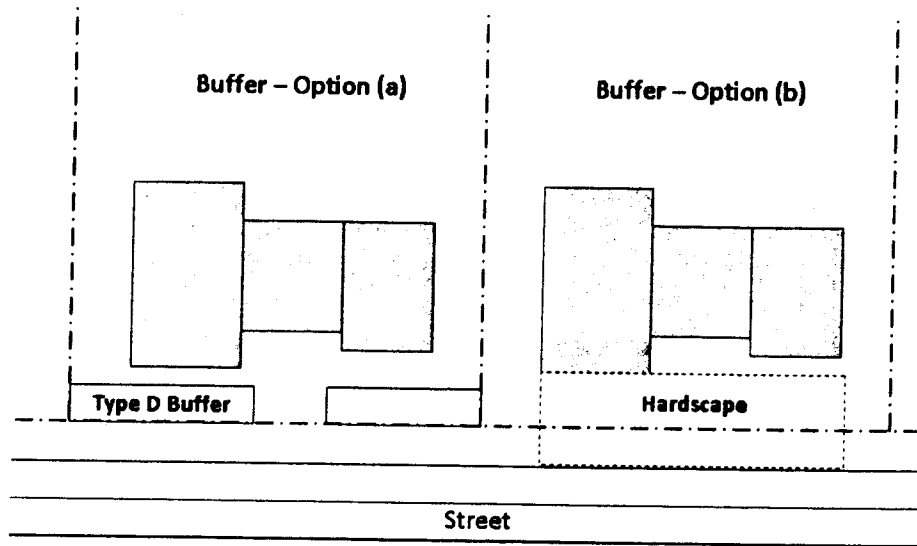
iii. Road Right-of-Way Buffers: Road right-of-way buffers for multi-family (excluding house and rowhouse building types) and non-residential developments are encouraged to coordinate with and complement the Bayshore Gateway Triangle Streetscape Guidelines.

a) Developments within an Activity Center must provide a 20 foot Type D buffer adjacent to US 41, Tamiami Trail, meeting the design standards of section 4.06.02 C.4.

b) All other developments shall provide a buffer consisting of one of the following:

1) Minimum 10 foot wide Type D buffer meeting the design standards of section 4.06.02 C.4.

2) A hardscaped area extending from the back of the street planting zone to the primary front façade. The hardscaped area shall perform as an expanded public realm and may include benches, outdoor eating areas, plazas, fountains, and art pieces.



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

3. Parking Lot Landscaping:

- a. A maximum of 30 percent of the landscape islands may have a minimum width of 5 feet inside planting area and may be planted with a palm tree equivalent.
- b. Minimum tree size shall be 1-3/4" caliper and a minimum of 10 feet in height.
- c. Parking lot perimeter:
 - i. Parking lots shall include perimeter planting areas that are a minimum of 5 feet in width. Shrubs shall be arranged in a staggered pattern with a minimum size of 3 gallons at the time of planting to provide year-round screening. Trees shall be included in the perimeter landscape area at a minimum spacing of one tree/palm per 25 feet of linear frontage.
 - ii. Streetwalls shall be used when surface parking lots for non-residential uses ~~abut~~ the right-of-way of Bayshore Drive, Van Buren Avenue, Thomasson Drive in the BMUD and US 41, Davis Boulevard, and Commercial Drive in the mini-triangle portion of the GTMUD.
 - a) The wall shall complement the materials and colors of the primary buildings and be 3 to 4 feet in height and shall have a 12 inch projection or recess a minimum of every 15 feet.

- b) The **streetwall** shall be set back the same distance as the **primary building façade**; however, the **streetwall** shall meet County standards for site distance triangles per section 4.06.01 D.1.
- c) The **street side** of the **streetwall** shall have trees at 30 feet on center planted within tree wells or a minimum 5 foot wide strip with ground covers other than grass.
- d) The **streetwall structure** shall be protected through the use of a root barrier system as identified by LDC section Figure 4.06.05.H.A.
- e) No **streetwall** is required if all of the parking is located in rear of the **development**.

- 4. **Building Foundation Planting:** Building foundation plantings shall be required per section 4.06.05 of the LDC, except as follows. The **building** shall provide the equivalent of 10 percent of its gross ground level **floor area**, in **building** foundation planting area. A continuous **building** foundation planting width is not required per section 4.06.05 of the LDC. However, the foundation plantings shall be located within 25 feet of the **building** edge in the form of landscaped courtyards and seating area landscaping.
- 5. **Water Management Area:** The water management area may be located within any required **buffer area** provided all **buffer** plantings can be accommodated.
- 6. **Plant Materials:** Landscaping in the BMUD and GTMUD shall utilize tree and shrub plants that are identified in the Collier County Native Plant List in order to minimize maintenance and water demands after establishment. Ornamental plantings should be drought-tolerant in nature, consistent with Florida Yards & Neighborhoods Program, and cross-referenced with the latest Florida Exotic Pest Plant Council (FLEPPC) listing of invasive species (Categories I and II).

F. **Parking Standards**

The purpose of the parking standards for the BMUD and GTMUD is to regulate the location, siting, and design of on-street and off-street parking in a manner that provides convenient **access** to adjoining uses, reduces increased surface level heat and glare, and enhances pedestrian, bicyclist and motorist safety and visibility within the built environment. Parking in the BMUD and GTMUD shall be as provided for in section 4.05.00, except as specified in this section.

- 1. **Parking Space Requirements:** Parking spaces shall be provided in accordance with the following table. For uses not specifically listed, the most similar category shall be used to calculate the minimum parking requirements. **Net Floor Area** is defined as total floor area excluding mechanicals and core space.

Table 1. Parking Space Requirements in the BMUD and GTMUD

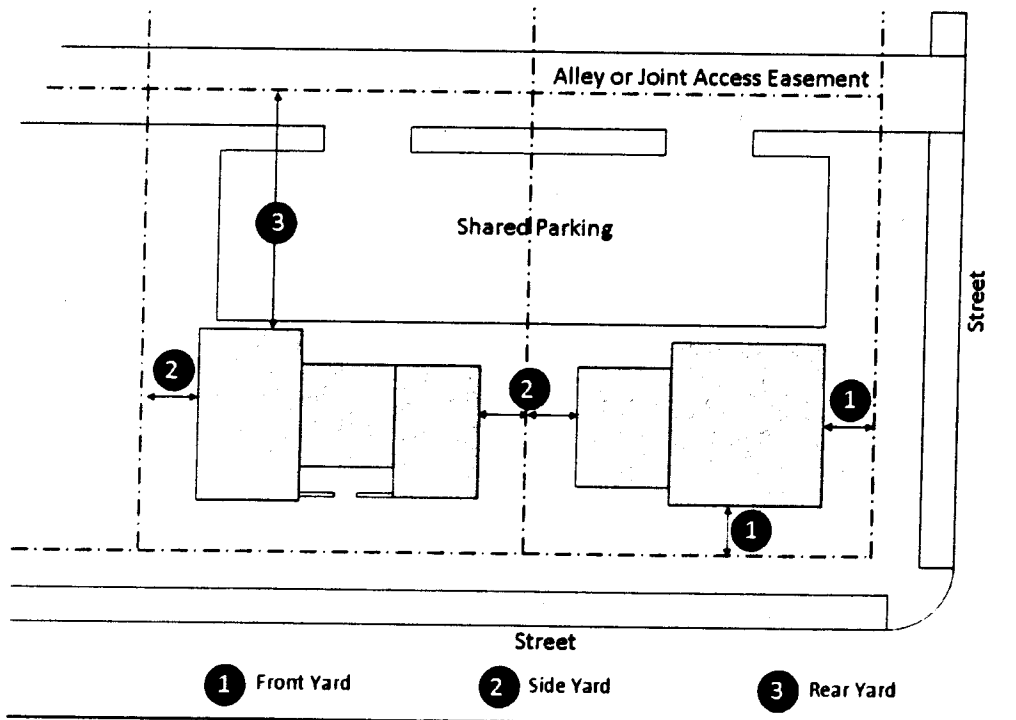
<u>Use Type</u>	<u>Minimum Parking Spaces</u>
<u>Single-Family Residential</u>	<u>2.0/dwelling unit</u>
<u>Multi-family Residential</u>	
<u>1-bedroom</u>	<u>1.0/dwelling unit</u>
<u>2-bedroom</u>	<u>1.5/dwelling unit</u>
<u>3 or more bedrooms</u>	<u>2.0/dwelling unit</u>
<u>Lodging</u>	<u>1.0/room</u>
<u>Places of worship</u>	<u>1/4 seats (pews: 1 seat = 1.5 feet)</u>
<u>Assembly/Museum/Gallery</u>	<u>1/500 sq. ft. of net floor area open to the public</u>
<u>Institutional</u>	<u>1/300 sq. ft. of net floor area</u>
<u>General Office</u>	<u>1/350 sq. ft. of net floor area</u>
<u>Retail</u>	<u>1/300 sq. ft. of net floor area</u>
<u>Restaurant</u> ¹	<u>1/150 sq. ft. of net floor area or 1/4 seats, whichever is greater</u>
<u>Industrial/Manufacturing</u>	<u>1/500 sq. ft. of net floor area</u>
<u>Warehousing</u>	<u>1/1,000 sq. ft. of net floor area</u>

Note: ¹ Outdoor café seating shall be exempt from parking calculations.

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

- a. Public parking facilities. The CRA can make parking on CRA owned property available to meet the minimum parking requirements for new construction or redevelopment projects. An applicant must provide documentation stating the parking allocation has been approved by the CRA as part of the MUP, site development or site improvement plan process. The public parking facility must be located within one-half mile of the development. Once spaces are allocated to a specific property through the approval of the MUP, SDP or SIP, the applicant has one year to begin utilizing the parking. If the spaces are not used within one year, and an extension is not granted by the CRA, the spaces will be made available for reallocation and all development orders shall be revised accordingly.
- b. Off-site parking. Off-site parking may be used in order to meet the minimum parking requirements, provided the off-site parking is located no farther than 1,200 feet from the use it will serve. The location and design of the off-site parking will be shown on the SDP or SIP and approved as part of the SDP or SIP review and approval process. The required parking spaces will be committed by a recordable covenant, lease, or other agreement.

- c. Shared parking. Shared parking is permitted for new **development** if the **applicant** establishes that the peak parking demands for the new uses clearly occur at different times. A shared parking agreement must be recorded by a recordable covenant, lease, or other agreement. Shared parking lots must be within 600 feet of each use and may not be separated from the use by a **street right-of-way or easement** exceeding 60 feet in width.
- d. On-street parking. Where on-street parking exists or is permitted, a **development** may count the spaces directly along the site's **frontage** toward the minimum parking requirement, however the on-street parking spaces are considered public spaces and are not for the exclusive use of the **adjacent use.**
- e. Tree preservation. The minimum number of spaces required may be adjusted by the County Manager or designee when it has been determined that the reduction is necessary to preserve a healthy tree or trees (with a 12 inch or greater diameter at breast height) from being damaged or removed, and where the site plan provides for the retention of said tree or trees.
- f. Connectivity. Parking lots are encouraged to connect to **adjacent** lots through the use of a **joint access easement.** If a **joint access easement** is provided for connectivity, then the minimum parking requirement for the use may be reduced by 10 percent.



BMUD and GTMUD Area Figure 20
Parking Diagram
 (For illustrative purposes only)

Words ~~struck through~~ are deleted, words underlined are added

3. On-Street Parking

- a. On-street parking may be allowed on local streets subject to an approved right-of-way permit to construct parking spaces in the public right-of-way.
- b. Parallel parking shall be a minimum of 9 feet wide by 23 feet long, but is not required to be striped. For every 5 on-street parking spaces provided, a landscape island that is 8 feet wide and 15 feet long and is surrounded by Type D concrete curbing shall be provided, in addition to the pedestrian clear zone landscape requirement. The corners adjacent to the travel lane shall be angled at least 45 degrees away from perpendicular with the curb in order to provide adequate ingress and egress from each parallel parking space. Each island shall be planted with hedges, groundcover and/or grasses less than 36 inches high and shall contain at least one small to medium ornamental tree that is a minimum of 8 feet tall at the time of planting.
- c. Angled parking may be 45 degrees or 60 degrees from the travel lane. Spaces must be a minimum of 9 feet wide and 18 feet long. For every 8 on-street parking spaces provided, a landscape island that is 12 feet wide and 15 feet long and is surrounded by Type D concrete curbing shall be provided, in addition to the pedestrian clear zone landscape requirement. The island shall be planted with hedges, groundcover, and/or grasses less than 36 inches high and shall contain at least one small to medium ornamental tree that is a minimum of 8 feet tall at the time of planting.

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

5. Bicycle Parking: Bicycle parking shall be required as provided for in section 4.05.08, except as provided below.

a. Number of Required Spaces: The number of bicycle parking spaces shall be as provided for in section 4.05.08 B.

b. Location: Bicycle parking shall have access via sidewalks, pathways or driveways to the public right-of-way and be located as provided below:

i. Parking Structures: Required bicycle parking within a structure shall be located in or near main entrances or elevators to provide for pedestrian safety, visibility, and security of property.

- ii. On Site: Bicycle parking (not located within a parking structure) shall be located on site within 50 feet of main building entrances. Bicycle parking shall not obstruct walkways.
- iii. Right-of-Way: Bicycle parking may be located in the public right-of-way subject to an approved right-of-way permit.
- iv. Shared Bicycle Parking: Where there is more than one building on a site, or parking is shared with an adjacent site, bicycle parking shall be distributed equally to serve all buildings and main entrances.

G. Signage

Signage shall be permitted as allowed by section 5.06.00, except as otherwise regulated by this section for specific uses.

H. Murals

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

1. Murals are only allowed on commercial, civic or institutional buildings.
2. Building must be located within the proposed Cultural District boundary, Community Redevelopment Agency Resolution 08-60, and cannot be located along U.S. 41.
3. One mural is allowed per building.
4. Murals are permitted on sections of buildings where there are no windows or doors or where the mural will not interfere with the building's architectural details.
5. The mural cannot exceed 200 square feet unless specifically approved by the CRA Advisory Board.
6. The mural shall not contain text for the purpose of advertising any business or commercial activity.
7. The mural cannot be temporary in nature and the building owner must commit to maintaining the mural.
8. Review and approval from the CRA Advisory Board is required to ensure the mural complies with the conditions above and that the artwork complements the design of the building in color, shape, and location.

* * * * *

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 deleted 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.~~
 5. ~~Outdoor displays of boats for sale on properties fronting Bayshore Drive shall be limited to the following:~~
 - a. ~~All areas used for boat display activities shall occupy no more than thirty-five (35) percent of the linear frontage of the property.~~
 - b. ~~All boat sale areas shall not be closer to the frontage line than the primary building they serve.~~
 - c. ~~All boats located within an outdoor sales area shall not exceed the height of seventeen (17) feet above existing grade.~~
 - d. ~~Outdoor sales areas shall be connected to the parking area and primary structure by a pedestrian walkway.~~
 - e. ~~An additional landscape 10 foot buffer is required around the perimeter of the outdoor boat sales area. This buffer must include, at a minimum fourteen (14) foot high trees, spaced at thirty (30) feet on center and a~~

three (3)-foot high double row hedge spaced at three feet on center at the time of planting

6. (Reserved)

7. One (1) parking space per five (5) dry boat storage spaces.

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

* * * * *

SUBSECTION 3.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 deleted 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.

A. Dimensional and Design Standards

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

Site Development Standards			
Minimum Setbacks	Minimum front yard	Minimum side yard	Minimum rear yard (feet)
Maximum Density shall not exceed the density of the underlying residential zoning district, unless affordable housing density bonuses are granted.			
Single family	10 feet	7.5 feet	15
Two family	Minimum Lot Width (feet)	5 feet	Minimum Unit Width (feet)
Duplex Dwelling units	50 feet	10 feet	5 feet
Duplex house	50 feet	10 feet	5 feet
Two family (two houses)	80 feet	10 feet	5 feet unless abutting another family unit, then 7.5 feet
Two family (two houses)	100 feet		25 feet
Multi-family dwelling units	100 feet		
Building Standards			
Minimum floor area	Single-family 1300 square feet per unit Duplex 1000 square feet per unit Two-family dwelling unit 1000 square feet per unit		

	Townhouses 1000 square feet per unit Multi-family 750 square feet per unit
Maximum height of principal structures	35 feet not to exceed 3 habitable floors
Maximum height of accessory screen enclosures	Not to exceed 35 feet, but in no case higher than the main building
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

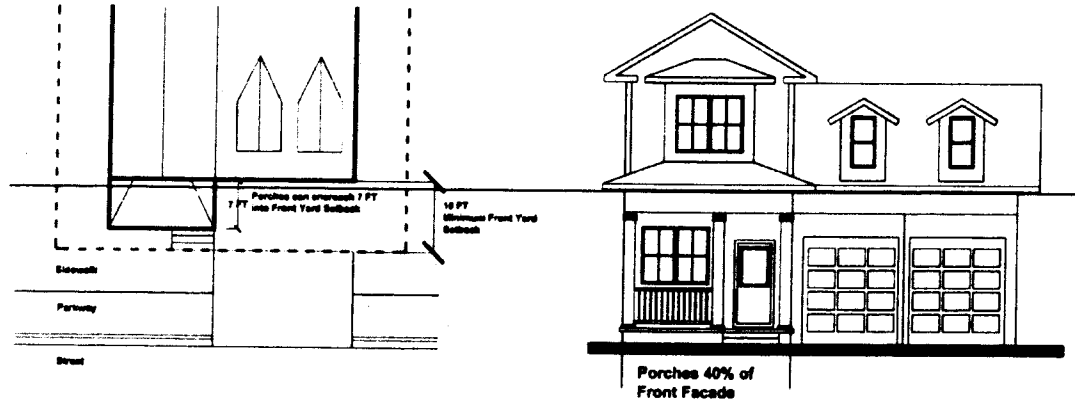
1. ~~Parking areas shall not be visible from Bayshore Drive.~~
2. ~~Buildings and their elements shall adhere to the following:~~
 - a. ~~Street facing facades of multi-family buildings shall be divided using articulation and/or modulation at least every sixty (60) feet. Façade modulation is stepping 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 façade including an entry door that faces the street.~~
 - c. ~~On corner lots, both street facades of a building shall have complementary details; in particular, building materials and color, rooflines and shapes, window proportions and spacing, and door placement.~~
 - d. ~~All mechanical equipment must be screened with a 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)

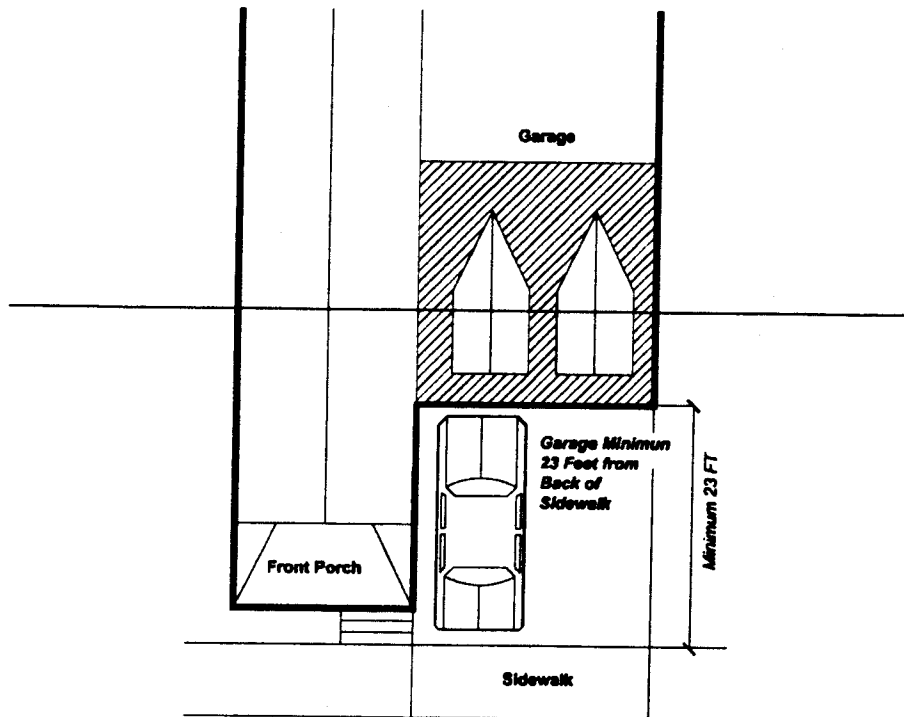
3. Buildings shall adhere to the following elevation requirements:
 - a. The first habitable floor at the street facade may not be greater than three (3) feet over the minimum first floor elevation designated in the National Flood Insurance Program (NFIP) Flood Insurance Rate Map.
 - b. A maximum of two feet of fill shall be allowed on site towards meeting NFIP requirements. Additional NFIP finished habitable floor height requirements shall be accomplished through stem wall construction. Stem walls shall be finished in material and color complementary to the principal structure.
 - c. Open stilt type construction is not permitted. On front yards, the foundation area below the first floor must be treated with a solid facade or lattice which is consistent with the architectural style of the building.
 - d. The garage floor shall not exceed twenty four (24) inches above the elevation of the crown of road from which it is accessed.

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



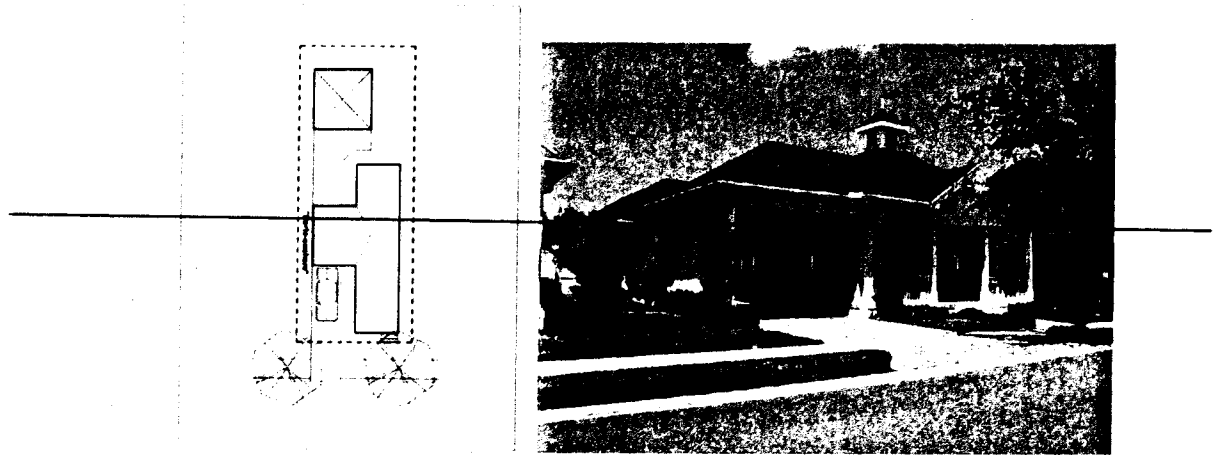
BMUD Figure 5
Front Porches
 (For illustrative purposes only)

- b. ~~Front porches must cover a minimum of forty (40) percent of the horizontal length of the front yard facade of the primary residence.~~
 - c. ~~Front porch design and material shall be consistent with the architectural design and construction material of the primary residence.~~
 - d. ~~Front porches shall not be air conditioned nor enclosed with glass, plastic, or other materials. Screening the porch is allowed as long as the moldings that hold the screen material matches the material and design character of the structure.~~
 - e. ~~Front second story porches are encouraged, but no enclosed room is permitted above the front porch.~~
5. ~~Garages and driveways.~~
- a. ~~Garage doors shall have a maximum width of sixteen (16) feet.~~
 - b. ~~The driveway shall have a maximum width of eighteen (18) feet in the right-of-way area. Other than the permitted driveway, the front yard may not be paved or otherwise used to accommodate parking.~~



BMUD Figure 6
Garage Driveway
 (For illustrative purposes only)

- c. ~~No freestanding carports are permitted. Carports and porte cochere must be attached to the principal structure and of similar materials and design as the principal structure. Carports shall be no closer than 23 feet from the front yard setback line.~~
- d. ~~The distance from the back of the sidewalk to the garage door must be at least 23 feet to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.~~



BMUD Figure 7
Perte-cochere
(For illustrative purposes only)

6. Accessory Unit

~~An accessory unit is a separate structure located on the property and related to the primary residence (single family detached only) for uses which include, but are not limited to: library, studio, workshop, playroom, screen enclosure, garage, swimming pool or guesthouse.~~

- a. ~~Ownership of an accessory unit shall not be transferred independently of the primary residence.~~
- b. ~~Only one (1) accessory unit of each type of use is permitted per principal structure.~~
- c. ~~The maximum area of an accessory unit is 570 square feet, limited to one (1) habitable floor.~~
- d. ~~The accessory unit may be above a garage or may be connected to the primary residence by an enclosed breezeway or corridor not to exceed eight (8) feet in width.~~
- e. ~~The maximum height of a structure containing a guesthouse over a garage is limited to a maximum of twenty (20) feet, measured from the level of the first finished floor to the eave, and with a maximum actual building height of twenty six (26) feet to the top of the roof.~~
- f. ~~A structure containing only a guest unit must meet the NFIP first habitable floor elevation requirement. The maximum actual building height shall not exceed twenty six (26) feet to the top of the roof.~~

Table 13: Setbacks for Accessory Buildings and Structures

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

*SPS— Same as principal structure.

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

- a. The fence shall not exceed 42 inches feet in height.
- b. The fence shall have an opacity range of 18% to 50%.
- c. Chain link fence is prohibited.
- d. The fence material shall be wood, vinyl, composite, stucco block or metal



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

* * * * *

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 deleted 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
Duplex Dwelling Units	25 feet	6 feet unless abutting single family unit, then 7.5 feet	15 feet
Two-family dwelling unit	25 feet	6 feet unless abutting single family unit, then 7.5 feet	15 feet
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 deleted 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	<u>40 feet</u>
Townhouses (minimum of 3 units)	<u>100 feet</u>

Two-family dwelling unit	80 feet
Mobile homes (where underlying zoning allows)	40 feet

C. Building Standards

Minimum Floor Area	Single-family 1100 square feet per unit Duplex 1000 square feet per unit Two-family dwelling unit 1000 square feet per unit Townhouses 1000 square feet per unit Multi-family 750 square feet per unit
--------------------	---

D. Yard Requirements.

	Front Yard	Min. Side Yard	Min. Rear Yard
One (Single)-Family Detached Units	10 feet*	5 feet	8 feet
Townhouses	10 feet*	0 feet when abutting another townhouse, if not then 5 feet.	8 feet
Two-family dwelling unit	10 feet*	0 feet when abutting another dwelling unit, if not then 5 feet.	8 feet
Mobile homes (where underlying zoning allows)	Setbacks shall be as required in the MH zoning district. See section 4.02.01 Table 2.1		

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

* * * * *

SUBSECTION 3.H. AMENDMENTS TO SECTION 4.02.21 DESIGN STANDARDS FOR DEVELOPMENT IN THE BMUD--RESIDENTIAL SUBDISTRICT (R4)

Section 4.02.21 Design Standards for Development in the BMUD--Residential Subdistrict (R4), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby deleted as follows:

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

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

* * * * *

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

Section 4.02.35 Design Standards for Development in the GTMUD-Mixed Use Subdistrict (MXD), of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby deleted 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~~

Site development standards for Mixed Use Projects on Davis Boulevard (south side), US Hwy 41, Airport Pulling Road and Commercial Drive	
Front streetscape zone for new construction See GTMUD Figure 1	16 Feet Measured from back of curb into front yard, which includes existing sidewalk area. 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. 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. 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. 4. Steps, and or ramps may encroach into the streetscape zone but no more than 3 feet.
Front yard set back	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. 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. 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. 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.
Site Development Standards for mixed use projects for other streets	

Front setback	10 feet 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. 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. 3. A minimum 10 feet step-back from the front façade is required at the third floor and above.
Side yards abutting residential	10 feet
Side yards all other	10 feet minimum
Rear yard	5 feet
Waterfront ¹⁸	25 feet setback

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

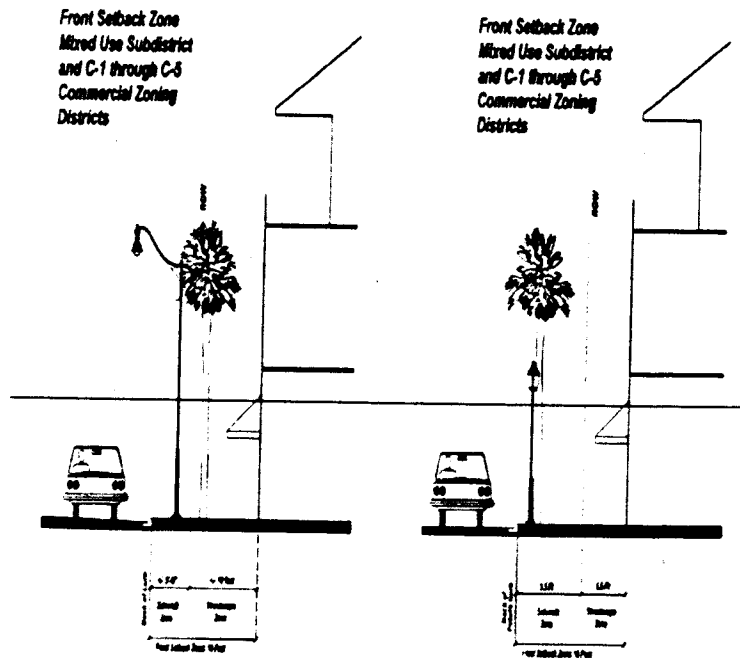
Dimensional standards:	
Minimum floor area	700 square foot gross floor area for each unit, residential and commercial.
Minimum building separation	10 Feet
Minimum lot area	80,000 Square feet
Minimum lot width	400 feet
Building footprint	A building with commercial use only is limited to a maximum building 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
Maximum height Commercial use only: Maximum height of buildings	42 feet, not to exceed 3 stories
Residential use only: Maximum height of buildings.	42 feet, not to exceed 3 stories
Mixed use: Residential on top of commercial uses.	56 feet, not to exceed 4 stories.
Maximum height of buildings. Hotel/Motel	56 feet, not to exceed 4 stories
"Mini Triangle" Mixed Use Project. Maximum height of buildings	112 feet, not to exceed 8 stories.
Maximum height of buildings.	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.
Mixed use building uses	Only first two floors can be used for commercial uses
Ceiling height	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

<p>Maximum density</p>	<p>shall be limited to commercial uses only</p> <p>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.</p> <p>2. For a mixed use project, 12 units per acre to include all areas of the Mixed Use Subdistrict except:</p> <ul style="list-style-type: none"> • North side of Davis Boulevard • East side of Airport Pulling Road <p>For these excepted areas, three units per acre, or as may be allowed by a rezoning pursuant to the Future Land Use Element.</p> <p>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>
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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 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.

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

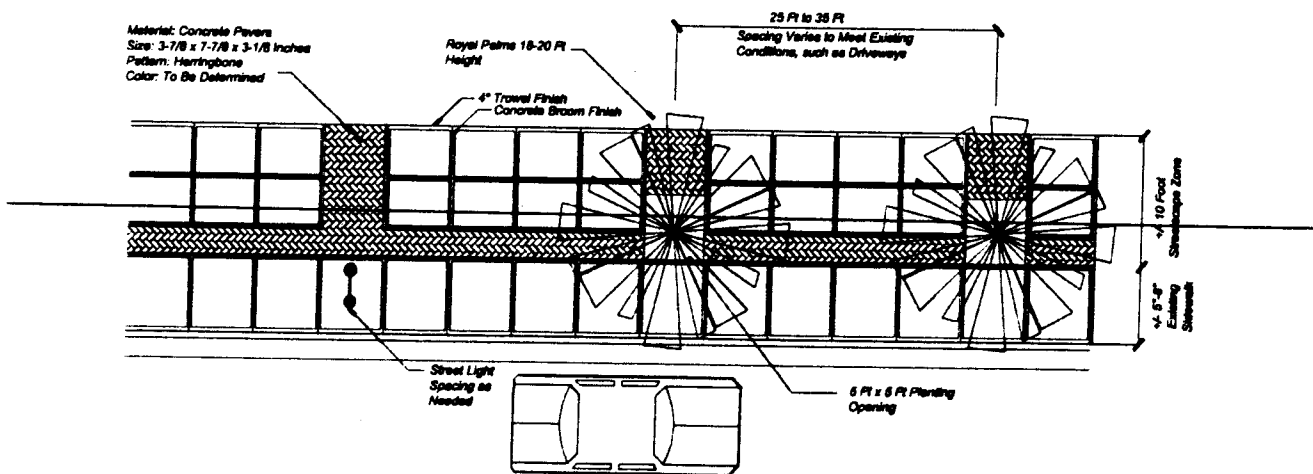


Davis Boulevard, US 41
and Airport-Pulling Road

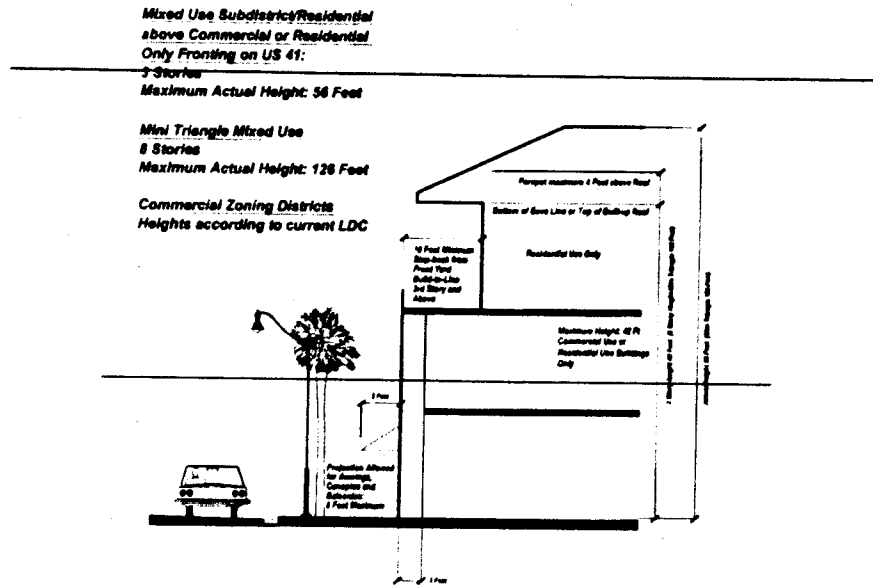
Commercial Drive

GTMUD Figure 2. Design Guidelines: Streetscape Zones Davis Boulevard, US 41, Airport-Pulling Road and Commercial Drive

(For illustrative purposes only specific Design Guidelines will be prepared by Bayshore/Gateway Triangle CRA Advisory Board)

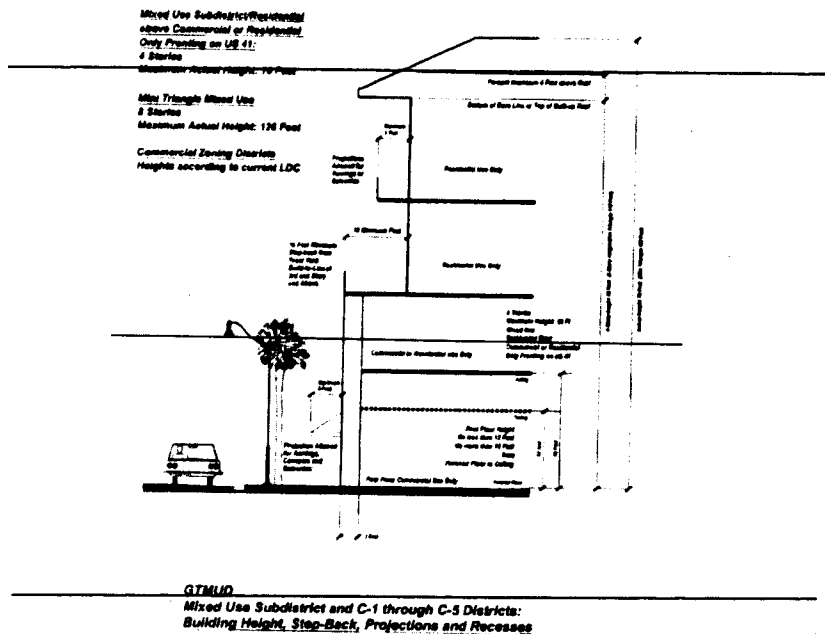


GTMUD Figure 3. 3-Story Building Height, Step Back, Projections, and Recesses
 (For illustrative purposes only)



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

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



C. ~~Parking Standards. 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~~

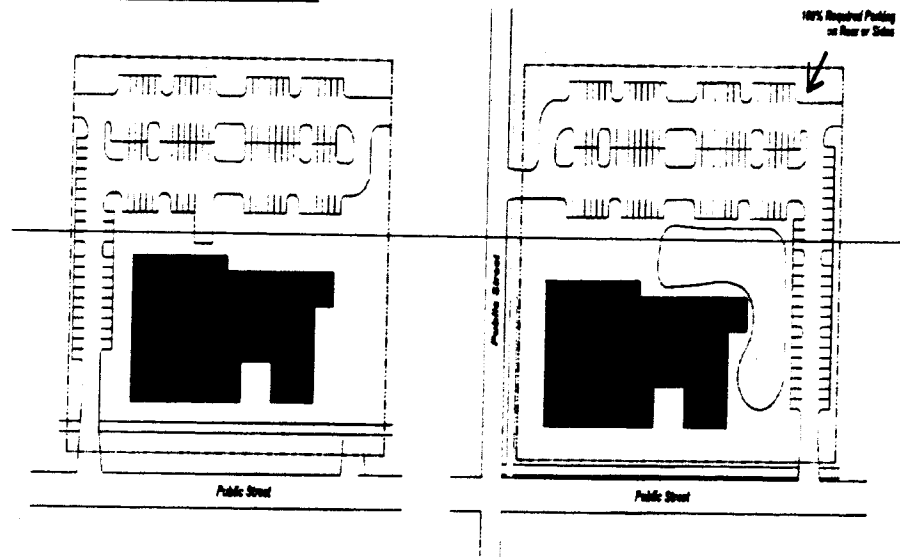
i. ~~Off street parking in front of buildings abutting US 41, Davis Boulevard or Airport Pulling Road shall not exceed 50% of that building's parking requirement.~~

- a) ~~The design shall be a single aisle double loaded parking lot.~~
- b) ~~The remaining parking requirement shall be located on the side or rear of the building.~~

Parking Location
(For illustrative purposes only)

Words struck through are deleted, words underlined are added

GTMUD - Mixed Use Subdistrict
Location of Off Street Parking



GTMUD-Figure-5

- 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 abutting property.
- D. Design Standards for Awnings, Loading Decks, Dumpsters, and Streetwalls
 - 1. Loading docks and service areas shall not be allowed on the Front Build-to-Line.
 - 2. All dumpsters must be located in the rear yard and screened from US 41, Davis Boulevard, Commercial Drive, or Airport Pulling Road.
- E. Landscaping and Buffer Requirements.
 - 1. Landscaping and buffer requirements shall be pursuant to section 4.06.00 of the Code unless specified otherwise below:
 - 2. Buffers are required between ~~GTMUD-MXD Subdistricts~~ and abutting residential property. A minimum buffer 10-foot wide landscaped area shall be required. This area shall include: a (6) six-foot high opaque masonry wall; a row of trees spaced no more than 25 feet on center; and a single row of shrubs at least 24 inches in height, and 3 feet on center at the time of planting. Landscaping shall be on the commercial side of the wall.

3. ~~A shared 10 foot wide landscape buffer with each adjacent property contributing a minimum of 5 feet is required between GTMUD-MXD Subdistricts abutting Commercial Zoned Districts or abutting GTMUD-MXD Subdistricts. However, the equivalent buffer area square footage may be provided in the form of landscaped and hardscaped courtyards, mini-plazas, outdoor eating areas and building foundation planting areas.~~
4. ~~Parking lots and/or access drives abutting commercial property shall be required to have a minimum 10 foot perimeter landscaped buffer. This area shall include a row of trees spaced no more than 30 feet on center.~~
5. ~~Building foundation planting will only be required on the rear and sides yards. The foundation planting shall be a minimum of 50% of the buildings ground floor perimeter measured in linear feet and an average of five feet (5) wide. This area must be landscaped with trees and/or palm in the amount of one tree or palm equivalent per 25 linear feet of building foundation planting perimeter, and with 3-gallon shrubs and 1 gallon ground covers other than grass. Trees and palm trees shall be planted in areas that are a minimum of 8 feet wide. Palm trees, when used to meet these building foundation requirements, shall be counted as one palm is the equivalent of one tree.~~
6. ~~A minimum of 50% of the surface water management area shall be landscaped. Trees shall be provided at the rate of 1 tree per 250 square feet, with the balance of the area landscaped with shrubs, ground covers and ornamental grasses.~~
7. ~~**Streetscape zone (front yard).** The streetscape and landscaping standards for this zone will be based on Streetscape Design Guidelines to be prepared by Bayshore / Gateway Triangle CRA Advisory Board.~~
8. ~~**Streetwalls.** Streetwalls shall be used when surface parking lots abut the right-of-way of US 41, Davis Boulevard, Commercial Drive, or Airport Pulling Road. The wall shall be constructed of the same or complementary materials as the primary buildings and be 3 to 4 feet in height, and shall have a 12 inch projection or recess a minimum of every 10 to 12 feet. The streetwall can be a combination of wall and metal fence materials, (no chain link fencing is allowed) which:~~
 - a. ~~Complement the building materials. The street side of the streetwall shall have shrubs least 24 inches in height and spaced 3 feet on center at the time of planting, with ground covers other than grass in a minimum 5 foot wide strip.~~
 - b. ~~No two streetwalls shall adjoin on a common property line.~~
 - c. ~~The streetwall shall be set back the appropriate distance from the Front Set Back Line in order to meet County Standards for Site Distance Triangle (Section 4.06.01, D.1.) for egress from parking lots.~~
9. ~~The Landscaping and buffer requirements of this section shall apply to all new buildings in the GTMUD Mixed Use Subdistrict and underlying C-1 through C-5 Zoning regardless of height.~~

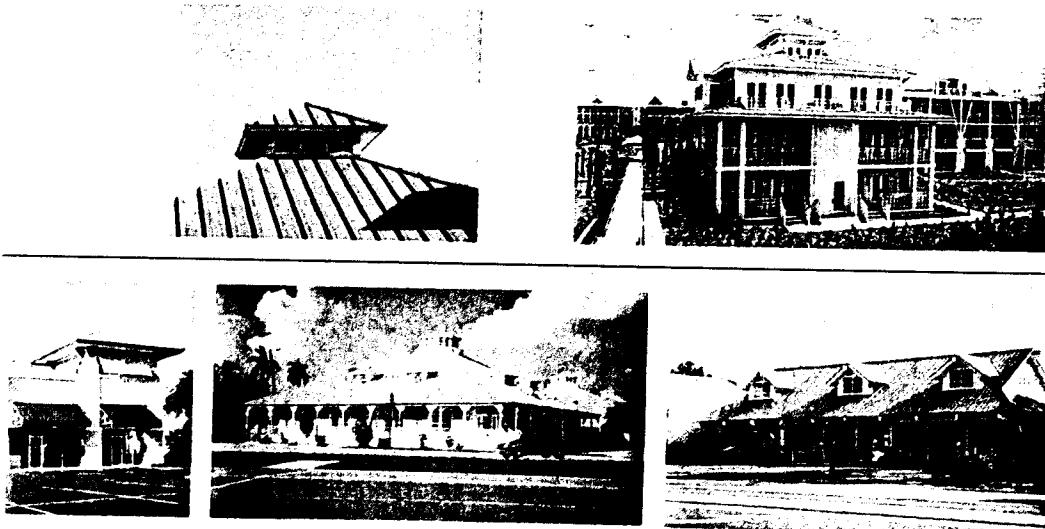
Streetwall
(For illustrative purposes only)



GTMUD Figure 6

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

Old Florida or Florida Cracker Style
(For illustrative purposes only)



GTMUD Figure 7

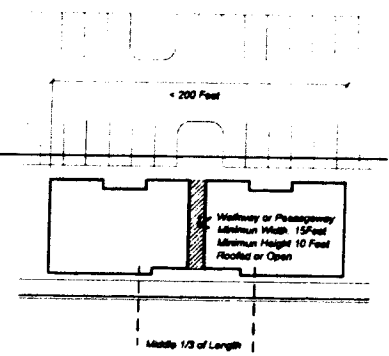
- ~~1. All buildings shall meet the requirements set forth in section 5.05.08 unless otherwise specified below.~~
- ~~2. Regardless of the chosen architectural theme the following design elements are required.~~

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

Building Length
(For illustrative purposes only)



**GTMUD - Mixed Use Subdistrict
Building Length**



GTMUD Figure 8

G. ~~Signage shall be as required by division 5.06.00 unless specified below:~~

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

* * * * *

SUBSECTION 3.J. 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 deleted as follows:

4.02.36 Design Standards for Development in the ~~GTMUD~~ Residential Subdistrict (R)

A. ~~Dimensional and Design Standards~~

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	80 feet		
Duplex	50 feet		
Townhouses	100 feet	25 feet	
Multi-family			

Minimum Setbacks			
	Min. front yard	Min. side yard	Min. rear yard (feet)
One (single) family units	10 feet	7.5 feet	15 feet
Two family	10 feet	5 feet	15
Duplex	10 feet	5 feet	15 feet
Townhouse	10 feet	5 feet	15 feet
Multi-family (three or more) dwelling units	10 feet	7.5 feet	15 feet
Building Standards			
Minimum floor area	Single-family 1,300 square feet per unit		
	Two-family 1,000 square feet per unit		
	Duplex 1,000 square feet per unit		
	Townhouses 1,000 square feet per unit		
	Multi-family 750 square feet per unit		
Maximum height of principal buildings	35 feet not to exceed 3 habitable floors		
Maximum actual height of accessory screen enclosures	Same as principal building, not to exceed 35 feet		
Maximum actual height of all other accessory structures	26 feet but in no case higher than the main building.		

B. ~~Parking Standards~~

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

C. ~~Architectural Standards~~

1. ~~Buildings and their elements shall adhere to the following:~~
 - a. ~~Street-facing facades of multifamily buildings shall be divided using articulation and/or modulation at least every sixty (60) feet. Facade modulation is stepping back or extending forward a portion of the facade at least five (5) feet measured perpendicular to the front facade for each interval. Articulation includes porches, balconies, bay windows and/or covered entries.~~
 - b. ~~The primary entrance shall be oriented to the street 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 a three (3) foot high hedge or an opaque fence or wall at any height equal to the mechanical equipment.

2. (Reserved)

Typical Front Elevation Residential Development
(For illustrative purposes only)

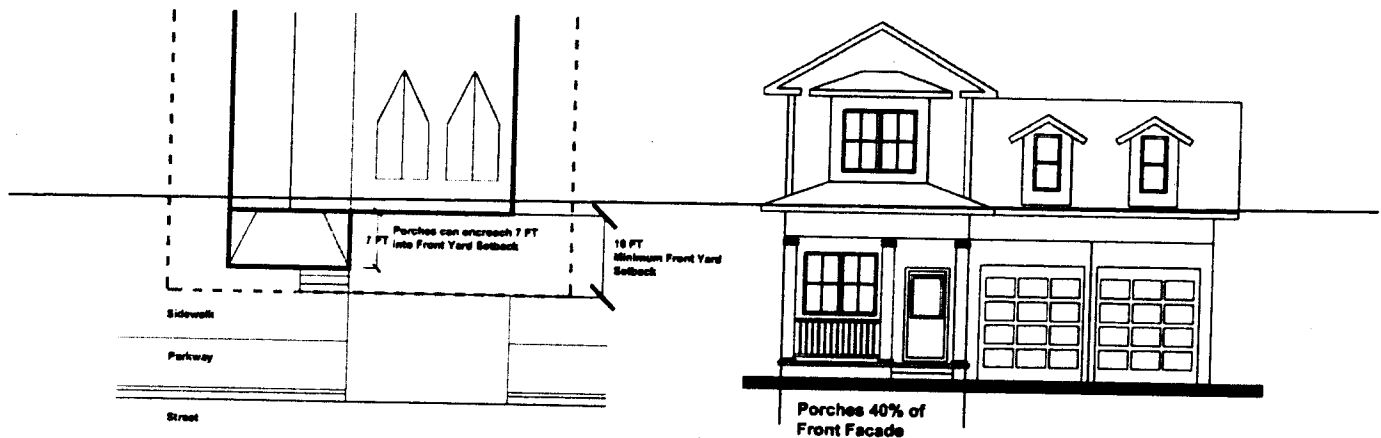


GTMUD Figure 9

3. Buildings shall adhere to the following elevation requirements:
- a. A maximum of two feet of fill shall be allowed on site towards meeting NFIP requirements. Additional NFIP height requirements shall be accomplished through stem wall construction. Stem walls shall be finished in material and color complementary to the main structure.
 - b. Open stilt type construction is not permitted. On front yards, the facade area below the first floor must be treated with a solid facade or lattice, which is consistent with the architectural style of the building.
 - c. The garage floor shall not exceed twenty-four (24) inches above the elevation of the right of way from which it is accessed.
4. Front porches shall adhere to the following standards:
- a. Front porches may encroach seven (7) feet into the front yard setback if the structure is located on the minimum front yard setback (10 feet) with an additional three (3) foot encroachment allowable for entry stairs.

- b. ~~Front porches must cover a minimum of forty (40) percent of the horizontal length of the front yard facade of the primary residence.~~
- c. ~~Front porch design and materials shall be consistent with the architectural design and construction materials of the primary residence.~~
- d. ~~Front porches shall not be air conditioned or enclosed with glass, plastic, or other materials. Screening the porch is allowed as long as the moldings that hold the screen material match the material and design character of the structure.~~
- e. ~~Steps shall encroach no more than three feet into the front yard setback.~~

Front Porches
(For illustrative purposes only)

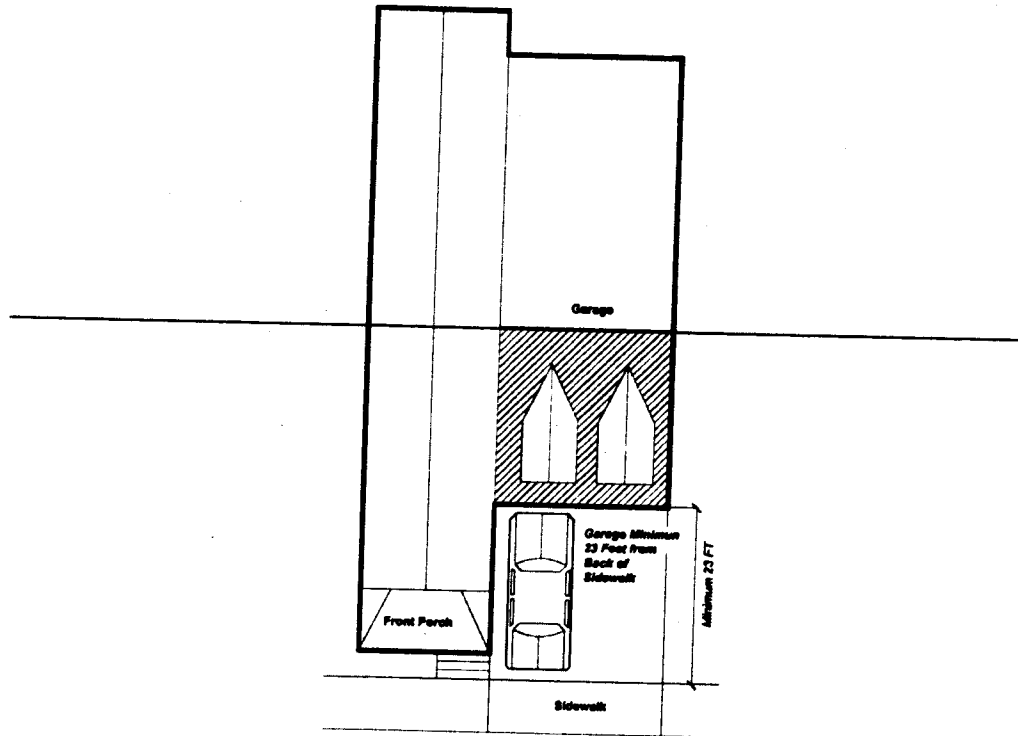


GTMUD-Figure 10

5. Garages and Driveways.

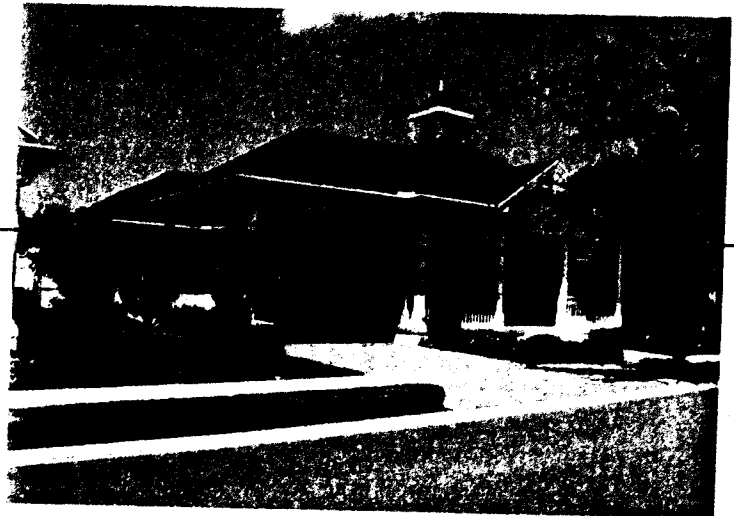
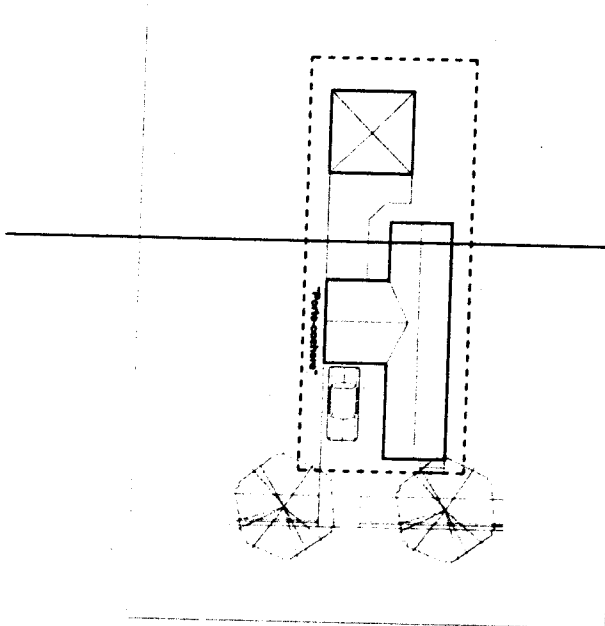
- a. ~~Other than the permitted driveway, the front yard may not be paved or otherwise used to accommodate parking.~~
- b. ~~No freestanding carports are permitted. Carports and porte-cochere (Figure GTMUD 11) must be attached to the principal structure and of similar materials and design as the principal structure. Carports shall be no closer than 23 feet from the front yard setback line.~~
- c. ~~The distance from the back of the sidewalk to the garage door (GTMUD Figure 10) must be at least 23 feet to allow room to park a vehicle on the driveway without parking over the sidewalk. Should the garage be side-loaded there must be at least a 23-foot paved area on a perpendicular plane to the garage door or plans must ensure that parked vehicles will not interfere with pedestrian traffic.~~

Garages
(For illustrative purposes only)



GTMUD Figure 11

Porte-cochere
 (For illustrative purposes only)



GTMUD Figure 12

6. ~~An accessory unit is a separate structure located at the rear of the property and related to the primary residence (single-family detached only) for uses which include, but are not limited to: library, studio, workshop, playroom, screen enclosure, garage, swimming pool or guesthouse. Ownership of an accessory unit shall not be transferred independently of the primary residence.~~
- a. ~~Other than the permitted driveway, the front yard may not be paved or otherwise used to accommodate parking.~~
 - b. ~~No freestanding carports are permitted. Carports and porte-cochere (Figure GTMUD 11) must be attached to the principal structure and of similar materials and design as the principal structure. Carports shall be no closer than 23 feet from the front yard setback line.~~
 - c. ~~The accessory unit may be above a garage or may be connected to the primary residence by an enclosed breezeway or corridor not to exceed eight (8) feet in width.~~
 - d. ~~The maximum height of a structure containing an accessory unit over a garage is limited to a maximum of twenty (20) feet, measured from the level of graded lot to the eave, and with a maximum actual building height of twenty six (26) feet to the top of the roof. A structure containing only a guest unit must meet NFIP first habitable floor height requirement.~~

Table 3: Setbacks for Accessory Buildings and Structures

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

*SPS - Same as principal structure

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

Permitted Typical Fencing;
(For illustrative purposes only)



GTMUD Figure 13

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

* * * * *

SUBSECTION 3.K. ADDITION OF SECTION 10.02.15 MIXED USE PROJECT PROCEDURES WITHIN THE BAYSHORE GATEWAY TRIANGLE REDEVELOPMENT AREA

Section 10.02.15 Mixed Use Project Procedures within the Bayshore Gateway Triangle Redevelopment Area of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby added as follows:

10.02.15 Mixed Use Project Procedures within the Bayshore Gateway Triangle Redevelopment Area

A. Mixed Use Project Approval Types.

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

1. Administrative Approval:

a. MUPs may be approved administratively provided they meet the following conditions:

i. The MUP complies with all site development standards as outlined in section 4.02.16 of the LDC;

ii. The MUP only includes permitted uses as outlined by the Table of Uses for the subdistrict in which it is located; and

iii. The MUP does not seek additional density through the Bonus Density Pool provisions of section 10.02.15 C.

b. Submittal Requirements: The application shall follow the applicable submittal requirements and procedures for site development plan submittal and review.

2. MUPs Requiring Public Hearing:

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

b. Submittal Requirements: The application shall follow the applicable submittal requirements and procedures set forth in section 10.08.00, for conditional use submittal and review. The application shall be accompanied by a conceptual site plan depicting the proposed mixed-use development and noting all requested deviations. In addition to the conditional use findings as set forth in section 10.08.00 D., the following shall be considered:

i. Whether or not the requested use or uses are consistent with and further the redevelopment goals and/or objectives of the Collier County Community Redevelopment Agency (CRA) for the subdistrict(s) in which it is located. In addition to the typical staff analysis for land use petitions, the Collier County Planning Commission (CCPC) may also be guided by written or verbal input from CRA staff.

ii. Whether or not the proposed use or uses are appropriate in terms of scale and/or size when considered in the context of the overall MUP and subdistrict.

iii. Whether a requested deviation is (1) justified in that the subject LDC provision is not practical, feasible, desirable, or warranted or not practical, feasible, desirable, or (2) warranted to the same degree as prescribed by the subject LDC provision, in the context of the proposed mixed use project. The applicant shall provide an analysis so the CCPC may consider the existing conditions related to the need for the requested deviation or conversely, strict

adherence to the subject LDC provision, in terms feasibility and/or need.

- iv. Whether or not the deviation will or may have a negative impact on public health, safety, and welfare.
- c. There shall be a public hearing before the BZA, legally noticed and advertised pursuant to section 10.03.05.G.
- d. After a Mixed Use Project has been approved by the BZA, the applicant shall submit a site development plan (SDP) consistent with the conceptual site plan approved by the BZA and meeting the requirements of section 10.02.03 B.1. of the LDC. The SDP may be submitted concurrent with the MUP application at the applicant's risk.
- e. MUP approval shall expire and any residential density bonus units shall be null and void and returned to the bonus density pool if any of the following occur:
 - i. The SDP is not submitted and deemed sufficient for review within one year and approved within two years of MUP approval.
 - ii. The SDP under review is deemed withdrawn and cancelled, pursuant to section 10.02.03.B.4.a.
 - iii. The SDP is considered no longer valid, pursuant to section 10.02.03.B.4.b. and c.
- f. An approved MUP may be amended subject to the same procedures provided in this section.

B. MUP Deviations.

- 1. Authority. The County Manager or designee may grant administrative deviations for proposed developments requesting, or which have obtained, MUP approval through a public hearing process. Deviations to the following land development standards may be granted, providing such deviation requests demonstrate compliance with the applicable criteria.
- 2. List of Development Standards Eligible for Administrative Deviation Requests. MUPs shall be eligible to seek an administrative deviation from the following LDC provisions:
 - a. Front Setback.
 - i. These deviation requests shall be subject to the process and procedures of sections 5.05.08 F.1. - 3. Deviations and Alternate Compliance, except that in order to be eligible for an administrative deviation the site shall meet at least one of the following conditions or circumstances:

- a) If constructed where otherwise required, the **building(s)** or **structure(s)** would conflict with regulatory standards for existing public utilities or encroach into an associated public utility easement, which cannot reasonably be relocated or vacated based on physical or legal restrictions, as applicable.
- b) The property has a unique or challenging **parcel shape** or boundary, such as a **narrow lot frontage** on the public **street**.
- ii. In order to administratively approve a front **setback** deviation, the proposed design shall create a connective and walkable environment by demonstrating a comparable relationship between proposed alternative **building(s)** location(s) and their associated pedestrian and vehicular **pathways**, and associated parking facilities and transit alternatives.
- b. Architectural and Site Design Standards. These deviation requests shall be subject to the process and procedures of sections 5.05.08 F.1. – 3. and 5. *Deviations and Alternate Compliance*.
- c. Landscape and **Buffer** Requirements. The alternative plans requesting approval for deviation from landscaping and **buffer** requirements shall be subject to the process and procedures of sections 5.05.08 F.1. – 3. *Deviations and Alternate Compliance*, and must additionally provide a minimum of 110 percent of the **open space** requirement for mixed use projects in addition to other conditions that the County Manager or designee deems necessary.
- d. Parking Standards. These deviation requests shall be subject to the process and procedures of section 4.05.04. F.2.
- 3. In order to provide for maximum flexibility, an **applicant** may request a deviation in addition to the administrative deviations specifically identified in section 10.02.15 B.2 as part of a MUP Public Hearing process. Requests to deviate from LDC provisions where compliance is not practical, feasible, desirable, or warranted in a mixed use project shall include a written justification for any such deviation. The review of these deviations shall be guided by the following considerations:
 - a. Whether a requested deviation is (1) justified in that the subject LDC provision is either not practical, feasible, desirable, or warranted or not practical, feasible, desirable, or (2) warranted to the same degree as prescribed by the subject LDC provision, in the context of the proposed mixed use project. The application shall provide an analysis of existing conditions and the impact of either the requested deviation or strict adherence to the subject LDC provision, in terms feasibility and/or need.
 - b. Whether or not the deviation will or may have a negative impact on public health, safety, and welfare.

4. Effect of Denial. Staff denial of any such requested deviation may be appealed under the provisions of section 250-58 of the Collier County Code of Laws and Ordinances.

C. Bonus Density Pool Allocation

Under the Collier County Future Land Use Element, 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 bonus density units may be allocated between the BMUD and GTMUD overlays, and shall only be allocated through a public hearing approval process.

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

1. The project shall be within the Neighborhood Commercial (BMUD-NC), Waterfront (BMUC-W), or Commercial Mixed Use (GTMUD-MXD) Subdistricts, and shall be a mixed use project.
2. Base density shall be as per the underlying zoning district. The maximum density of 12 units per acre shall be calculated based upon total project acreage. The bonus density allocation is calculated by deducting the base density of the underlying zoning classification from the 12 unit maximum being sought. The difference in units per acre determines the bonus density allocation requested for the project.
3. For proposed projects, only the Affordable Housing Density Bonus, as provided in the Density Rating System, is allowed in addition to the eligible bonus density units provided herein as the entire BMUD is within the Coastal High Hazard Area (CHHA).
4. The project shall comply with the standards for mixed use development set forth in section 4.02.16 C.8.
5. For projects that do not comply with the requirements for this density increase, their density is limited to that allowed by the Density Rating System and applicable FLUE Policies.

* * * * *

SECTION FOUR: CONFLICT AND SEVERABILITY

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

SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

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

SECTION SIX: EFFECTIVE DATE

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 25th day of September, 2012.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: [Signature]
Attest as to Chair Deputy Clerk
signature said.

By: [Signature]
FRED W. COYLE, Chairman

Approved as to form and
legal sufficiency:

[Signature]
Heidi Ashton-Cicko, Esquire
Managing Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
31st day of Oct., 2012
and acknowledgement of that
filing received this 10th day
of Oct., 2012
By: [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 2012-39

which was adopted by the Board of County Commissioners on the 25th day of September, 2012, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 2nd day of October, 2012.

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


By: Teresa Cannon,
Deputy Clerk

