



# Collier County

Growth Management Community Development

## Development Services Advisory Committee Land Development Review Subcommittee

- Special Public Meeting -

**Monday, July 29, 2024**

**3:00 pm**

**2800 N. Horseshoe Dr.**

**Naples, FL 34104**

**Growth Management Community Development**

**Department**

**Conference Room 609/610**

**If you have any questions or wish to meet with staff,  
please contact,**

Eric Johnson at (239) 252-2931 or [Eric.Johnson@colliercountyfl.gov](mailto:Eric.Johnson@colliercountyfl.gov)

**DSAC – Land Development Review Subcommittee  
2024 Land Development Code Amendments  
- Special Public Meeting -**

Agenda

Monday, July 29, 2024

3:00 pm

2800 N. Horseshoe Dr., Naples, FL 34104

Growth Management Community Development, Conference Rooms 609/610

**NOTICE:**

Persons wishing to speak on any Agenda item will receive up to three (3) minutes unless the Chairman adjusts the time. Speakers are required to fill out a “Speaker Registration Form”, list the topic they wish to address, and hand it to the Staff member before the meeting begins. Please wait to be recognized by the Chairman and speak into a microphone. State your name and affiliation before commenting. During the discussion, Committee Members may direct questions to the speaker.

Please silence cell phones and digital devices. There may not be a break in this meeting. Please leave the room to conduct any personal business. All parties participating in the public meeting are to observe Roberts Rules of Order and wait to be recognized by the Chairman. Please speak one at a time and into the microphone so the Hearing Reporter can record all statements being made.

1. Call to order - Chairman.
2. Approval of Agenda
3. Old Business
  - a. PL20240005299 – Major Transportation Hub (f.k.a. Major Transit Stop Definition)
4. New Business
  - a. PL20240004278 – Immokalee Urban Area Overlay
  - b. PL20240008157 – Updated Approval of Residential Building Permits
5. Public Speakers
6. Upcoming DSAC-LDR Subcommittee Meeting Dates:
  - a. Tuesday, October 15, 2024
7. Adjourn

**FUTURE MEETING DATES:**

## LAND DEVELOPMENT CODE AMENDMENT

**PETITION**

PL2040005299

**ORIGIN**

Board of County  
Commissioners (Board)

**HEARING DATES**

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	07/29/2024 05/21/2024

**SUMMARY OF AMENDMENT**

This Land Development Code (LDC) amendment proposes to define transit stop and major transportation hub. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR Subcommittee).

**LDC SECTION TO BE AMENDED**

1.08.02 Definitions

### ADVISORY BOARD RECOMMENDATIONS

<b>DSAC-LDR</b>	<b>DSAC</b>	<b>CCPC</b>
Approval with recommendations	TBD	TBD

**BACKGROUND**

On April 9, 2024, the Board was asked to review and approve staff’s administrative application process for projects intending to utilize the provisions of Florida Statutes section 125.01055(7)(a) through (e), commonly known as SB 102 or the Live Local Act. The Live Local Act preempts local government from regulating specific development standards for certain projects providing affordable housing.

One topic that the Board discussed, is the requirement for the County to consider a reduction of parking requirements for a proposed development located within one-half mile of a “*major transit stop*.” The Live Local Act specifically stated:

“A county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the county’s land development code, and the major transit stop is accessible from the development.”

During the Board’s discussion, concern was raised with this requirement because the County’s LDC does not currently define “major transit stop” and therefore, the application of this provision has been left to staff’s interpretation. Staff’s initial interpretation of a “major transit stop” included all bus stops along Collier Area Transit (CAT) bus routes that include a covered bench structure. However, after discussing the matter at the meeting and disagreeing with staff’s interpretation, the Board unanimously voted to define “major transit stop” as a public transit stop that would be represented by three existing CAT transfer stations located at: 1) Government Center Transfer Station (3355 East Tamiami Trail, Naples); 2) Radio Road Transfer Station (CAT Headquarters) (8300 Radio Road, Naples); and 3) Florida Department of Health Immokalee Office (419 N 1<sup>st</sup> Street, Immokalee). These three transfer stations include public transportation services for four or more bus routes and include public parking facilities for passengers to utilize.

While staff was drafting the proposed definition for “major transit stop,” SB 328 was approved by the Florida

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Senate and the Florida House of Representatives. SB 328 is an amendment to the Live Local Act and revises several sections of the Act. One revision includes removal of “major” from “major transit stop”, and incorporation of a new term “major transportation hub” which is defined in the bill text as:

“Any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.”

SB 328 was signed by the Governor on May 16, 2024.

Due to the revisions of the Live Local Act through SB 328, staff prepared a definition for “transit stop” and “major transportation hub.”

*DSAC-LDR Subcommittee Recommendation:*

On May 21, 2024, the DSAC-LDR Subcommittee recommended that staff change the requested definition from “major transit stop” to “transit stop” and “major transportation hub” and recommended the following:

1. Provide a definition for “transit stop” that includes a reference to “publicly funded transportation agency” as opposed to naming CAT specifically.

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**FISCAL & OPERATIONAL IMPACTS**

There are no anticipated fiscal or operational impacts anticipated with this amendment.

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**GMP CONSISTENCY**

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

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**EXHIBITS:** None

Amend the LDC as follows:

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**1.08.02 – Definitions**

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*Lot of record:* A lot of record is (1) a lot which is part of a subdivision recorded in the public records of Collier County, Florida; or (2) a lot, parcel, or the least fractional unit of land or water under common ownership which has limited fixed boundaries, described by metes and bounds or other specific legal description, the description of which has been so recorded in the public records of Collier County, Florida, on or before the effective date of this LDC; or (3) a lot, parcel, or the least fractional unit of land or water under common ownership which has limited fixed boundaries, for which an agreement for deed or deed was recorded prior to October 14, 1974, if within the former Coastal Area Planning District, and January 5, 1982, if within the former Immokalee Area Planning District.

Major transportation hub: Any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options. In the context of Florida Statutes sections 125.01055 and 166.04151, three major transportation hubs located within the County are as follows: Government Center Transfer Station, Radio Road Transfer Station, and Immokalee Transfer Station.

*Marina:* A boating facility, chiefly for recreational boating, located on navigable water frontage, and providing all or any combination of the following: boat slips or dockage, dry boat storage, small boat hauling or launching facilities, marine fuel and lubricants, marine supplies, bait and fishing equipment, restaurants, boat and boat motor sales, and rentals. Does not include dredge, barge, or other work-dockage or service, boat construction or reconstruction, or boat sales lot.

\* \* \* \* \*

*Transfer of development rights:* The transfer of development rights from one parcel to another parcel in a manner that allows an increase in the density or intensity of development on the receiving property with a corresponding decrease in the remaining development rights on the sending property.

Transit stop: A designated area along a fixed, transit route where buses of a local, publicly funded transportation agency stop to load and unload passengers.

*Vegetation, Category I Invasive Exotic:* Invasive exotic vegetation that alters native vegetation communities by: displacing native plant species, changing the structure or ecological functions of native plant communities, or hybridizing with native species; which includes all species of vegetation listed on the 2003 Florida Exotic Pest Plant Council's List of Invasive Species, under Category I.

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## LAND DEVELOPMENT CODE AMENDMENT

**PETITION**

PL20240004278

**ORIGIN**

 Board of County  
Commissioners (Board)

**SUMMARY OF AMENDMENT**

This Land Development Code (LDC) amendment renames the Immokalee Urban Overlay District to the Immokalee Urban Area Overlay District (IUAOD). All existing provisions of the Immokalee Urban Overlay District, including its seven subdistricts would be superseded by the new IUAOD and its seven subdistricts. LDC amendments are reviewed by the Board, Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR Subcommittee).

**HEARING DATES**

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	07/29/2024

**LDC SECTION TO BE AMENDED**

2.03.07	Overlay Zoning Districts
4.02.27	Specific Design Standards for the Immokalee—State Road 29A Commercial Overlay Subdistrict
4.02.28	Specific Design Standards for the Immokalee—Jefferson Avenue Commercial Overlay Subdistrict
4.02.29	Specific Design Standards for the Immokalee—Farm Market Overlay Subdistrict
4.02.30	Specific Design Standards for the Immokalee—Agribusiness Overlay Subdistrict
4.02.31	Specific Design Standards for the Immokalee—Central Business Overlay Subdistrict
4.02.32	Specific Design Standards for the Immokalee—Main Street Overlay Subdistrict
4.02.33	Specific Design Standards for New Mobile Home Lots in the Immokalee Urban Overlay Subdistrict
5.03.02	Fences and Walls, Excluding Sound Walls

### ADVISORY BOARD RECOMMENDATIONS

<b>DSAC-LDR</b>	<b>DSAC</b>	<b>CCPC</b>
TBD	TBD	TBD

**BACKGROUND**

The Immokalee Area Planning Commission was formed in 1965 and Immokalee was governed under separate zoning regulations until 1982. The LDC would be amended later that year to define the Immokalee Area Planning District. In 1991, the Board adopted provisions for the Immokalee Central Business District, providing written and graphical boundaries of the district. In 1997, the Board adopted another ordinance for the Immokalee area, establishing the State Road 29 Commercial Overlay District (SR29COD) and the Jefferson Avenue Commercial Overlay District (JACOD). These overlay districts were superseded the following year when the Immokalee Overlay District (Ordinance 1998-63) was established, which redesignated the SR29COD and the JACOD as subdistricts of the overlay. Ordinance 1998-63 also established three additional subdistricts: Farm Market Overlay Sub-District, Agribusiness Overlay Sub-District, and the Immokalee Central Business Sub-District. The Immokalee Overlay District would be amended in 2000 when the Main Street Overlay Subdistrict was added. The Non Conforming Mobile Home Park Overlay Subdistrict was established in 2002. Exhibit “A” provides a list of LDC amendments specific to Immokalee between 1982 and today.

When the County adopted the Growth Management Plan (GMP) in 1989, it recognized there was a need to have a separate Sector Plan for the Immokalee Community. In addressing this need, the County adopted the Immokalee Area Master Plan (IAMP) as part of its batch amendments in connection with Ordinance 1991-15. The IAMP is in addition to, and supplements the goals, objectives, and policies of the GMP. The major purposes of the IAMP were to create better coordination of land use and transportation planning, stimulate redevelopment and/or renewal of blighted areas, and to eliminate land uses inconsistent with the community’s character. The IAMP was amended 14 times between its initial adoption and 2019, when substantial changes were made connection with Ordinance 2019-47. The most recent amendment to the IAMP occurred in 2023, which added the Transit Oriented Development Subdistrict.

In 2000, the Board created a Community Redevelopment Agency (CRA) to focus on the rehabilitation, conservation, or redevelopment of two distinct geographic areas in the County, one of which being the Immokalee Community Redevelopment Area. Later that year, the Board adopted the Community Redevelopment Plan (Resolution 2000-181) for a 30-year timeframe. The Community Redevelopment Plan was amended in 2019 and 2022, which extended the term of the Immokalee Redevelopment Area to 2052. The amendment in 2022 outlined five goals for future redevelopment efforts for Immokalee, based on community input: Celebrating Culture, Economic Development, Housing, Infrastructure, and Implementation/Administration.

This LDC amendment was created in coordination with the Immokalee CRA and a Consultant with the intent to improve the existing LDC regulations to better implement the intent of the updated IAMP. The team worked with community stakeholders to analyze the existing regulations, including subdistricts; permitted, conditional and accessory uses; permitted and bonus densities; and dimensional and design standards, to identify conflicting provisions and potential impediments to redevelopment efforts. Substantive changes include but are not limited to the following: reorganization of existing overlay subdistricts and creation of new subdistricts; updated overlay maps; introduction of architectural and site design standards for the overlay; introduction of use tables per subdistrict; and reorganization of development standards for the various subdistricts.

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**FISCAL & OPERATIONAL IMPACTS**

There are no anticipated fiscal or operational impacts associated with this amendment.

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**GMP CONSISTENCY**

To be provided by Comprehensive Planning Staff after first review.

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**EXHIBITS:** A) List of LDC Amendments



Amend the LDC as follows:

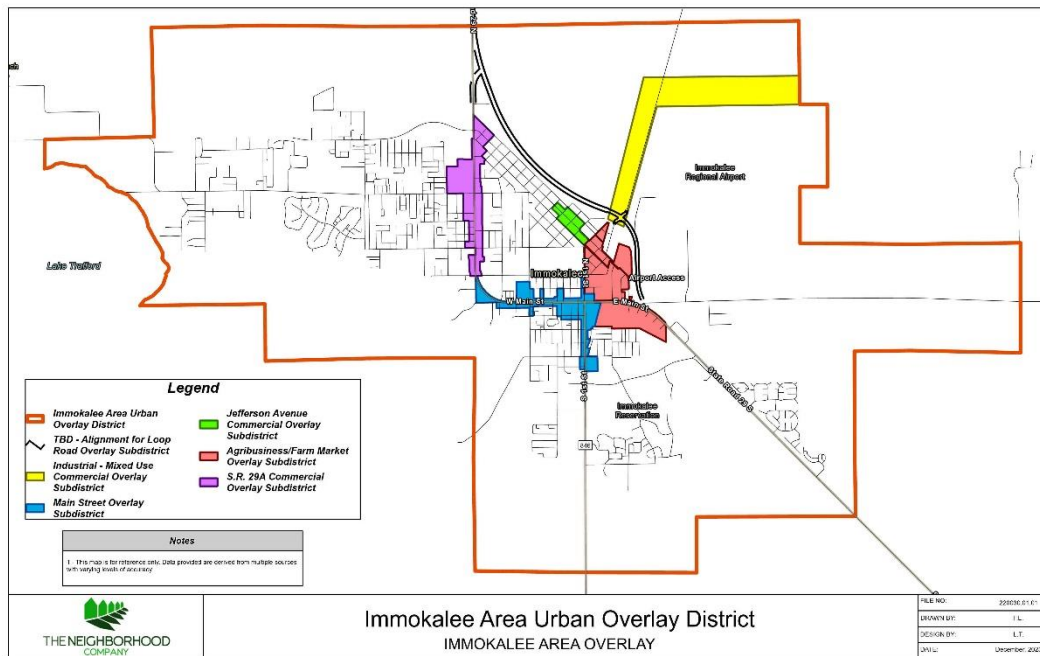
2.03.07 - Overlay Zoning Districts

G. Immokalee Urban Area Overlay District (IUAOD)

1. Purpose and intent. The purpose and intent of the IUAOD is to implement the goals, objectives, and policies of the Immokalee Area Master Plan (IAMP) and establish development criteria suitable for the unique character and land use needs of the Immokalee Community. This section, along with LDC section 4.02.27, provides support and implements the community's vision and the goals, objectives, and policies established through the IAMP.

2. Applicability.

a. These regulations shall apply to the Immokalee Urban Area Overlay District as identified by the designation "IUAOD" on the official Collier County Zoning Atlas Maps. The boundary of the IUAOD is delineated on the map below:



Map 1 - Immokalee Urban Area Overlay District Boundary

b. The use regulations within this LDC section and the design standards of LDC section 4.02.27 shall apply to all properties within the IUAOD as depicted on Map 1.

c. Properties within the IUAOD may establish uses, densities, and intensities in accordance with the IUAOD or the underlying zoning classification.

1 However, in either instance, the design standards of the IUAOD pursuant  
2 to LDC section 4.02.27 shall apply.

3  
4 d. Planned Unit Developments (PUDs) that existed prior to XXX (date), and  
5 properties with Provisional Uses (PU) approved prior to XXX, including  
6 amendments or boundary changes to these PUDs and Provisional Use  
7 properties, are not subject to the IUAOD requirements. Any PUD proposed  
8 after XXX (date) shall apply the provisions of the IUAOD, unless a deviation  
9 is approved in accordance with LDC section 4.02.27 J.

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11 3. Establishment of Subdistricts.

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13 a. Main Street Overlay Subdistrict (MSOS). The purpose of this subdistrict is  
14 to encourage development and redevelopment by enhancing and  
15 beautifying the Main Street area through design and development  
16 standards that promote an urban form and a walkable environment.



17  
18 Map 2 – Main Street Overlay Subdistrict Map

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20 b. State Road 29A Commercial Overlay Subdistrict (SR29OS). The purpose  
21 of the SR29OSD (Map 3) designation is to encourage appropriate  
22 commercial development along SR 29A. These commercial uses must be  
23 located on a major arterial or collector roadway. The provisions of this  
24 subdistrict are intended to provide broader commercial uses along the SR-  
25 29 corridor and with development standards contained in LDC section  
26 4.02.27 D. to ensure coordinated access and appropriate landscaping and  
27 buffering compatible with nearby residential properties.



Map 3 – S.R. 29A Commercial Overlay Subdistrict Map

c. Loop Road Overlay Subdistrict (LROS). The purpose of the LROS (Map 4) designation is to encourage appropriate development along the SR 29 Loop Road which will support the efficient movement of goods and freight in and around Immokalee. The provisions of this subdistrict are intended to provide uses and standards that support commercial, agricultural and industrial uses within the Immokalee Urban Area. Development standards contained in LDC section 4.02.27 F. are provided to manage access points along this corridor and to ensure appropriate landscaping and buffering for allowed uses. This subdistrict encompasses 1,000 feet of land adjacent to the final right-of-way alignment for the S.R. 29 Loop Road as determined by the Florida Department of Transportation.

Properties to the north, east, and northeast of the S. R. 29 Loop Road right-of-way shall allow uses by underlying zoning districts, and the uses permitted within the overlay as listed in Table 1.

Properties to the west, south and southwest of the S. R. 29 Loop Road right-of-way shall allow all permitted uses within the underlying zoning districts and those uses allowed per Table 1 as Conditional Uses.

*forthcoming*

Map 4 - Loop Road Overlay Subdistrict Map

The final plan has not been confirmed to date for the Loop Rd.

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d. Jefferson Avenue Commercial Overlay Subdistrict (JACOS). The purpose of the JACOS (Map 5) designation is to provide retail, office, transient lodging facilities and highway commercial uses that serve the needs of the traveling public. These commercial uses must be located on a major arterial or collector roadway. The provisions of this subdistrict are intended to provide increased commercial opportunity along Jefferson Avenue with development standards contained in LDC section 4.02.27 G.; and ensure coordinated access, appropriate landscaping and buffering to be compatible with nearby residential properties.



Map 5 – Jefferson Avenue Commercial Overlay Subdistrict Map

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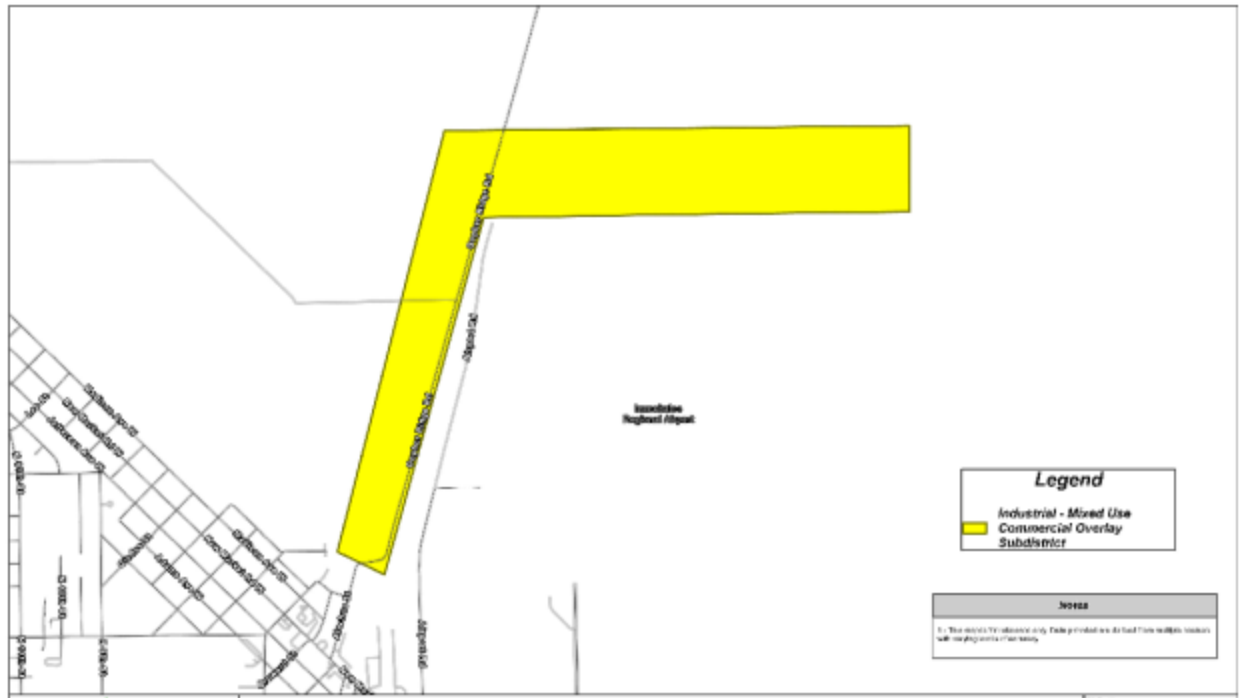
e. Agribusiness/Farm Market Overlay Subdistrict (AFOS) The purpose of the AFOS designation (Map 6) is to support the agriculture industry and related businesses. The provisions of this subdistrict are intended to allow uses such as production, processing, and distribution of farm-based goods, as well as ancillary and supporting uses, including but not limited to, retail sales, warehousing/storage, equipment repair and agricultural technology and research.



Map 6 – Agribusiness/Farm Market Overlay Subdistrict Map

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f. Industrial Mixed Use Commercial Overlay Subdistrict (IMCOS). The purpose of the IMCOS designation (Map 7) is to allow uses contained within the Industrial – Mixed Use Subdistrict with complementary commercial uses as listed in Table 1. The overlay comprises approximately 363 acres of which a maximum of 30 percent or approximately 109 acres shall be commercial uses as permitted in the C-4 and C-5 zoning districts.



Map – 7. Industrial Mixed Use Commercial Overlay Subdistrict Map

g. Nonconforming Mobile Home Site Overlay Subdistrict.

- i. Establishment of special conditions for these properties which by virtue of actions preceding the adoption of Ordinance No. 91-102, on October 30, 1991, were deemed to be nonconforming as a result of inconsistencies with the land development code and are located within the Immokalee Urban Boundary as depicted on the Immokalee Area Master Plan.
- ii. The purpose of these provisions is to recognize that there are nonconforming mobile homes on properties in the Immokalee Urban Area and to establish a process to provide property owners an official record acknowledging the permitted use of the property and render existing mobile homes, and other structures, as lawful. Travel trailers, regardless of the square footage, are not permitted as a permanent habitable structure and may not seek relief under this section. Properties that cannot meet the requirements may pursue an agreement with the Board of County Commissioners to establish compliance with the following regulations.
- iii. Property owners shall file an application as provided for in the Administrative Code, Chapter 4, Section 1.3.a. - Immokalee Nonconforming Mobile Home Sites - Existing Conditions Site Improvement Plan and shall only be subject to the criteria,

1 requirements, and process expressly stated in the Administrative  
2 Code and this LDC section.

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4 iv. The following criteria shall apply to the existing conditions site  
5 improvement plan approval process and shall be reviewed by the  
6 County Manager or designee.

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8 a) Minimum separation requirements shall be consistent with  
9 State Fire Marshal Rule 69A-42.0041 Fire Separation  
10 Requirements.

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12 b) The Fire authority having jurisdiction shall provide written  
13 confirmation that either the existing fire hydrant(s) or a  
14 supplemental apparatus, provided by the Fire District, can  
15 supply the required fire flow needed for fire protection.

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17 c) NFPA 501A: Standard for Fire Safety Criteria for  
18 Manufactured Home Installations, Sites, and Communities  
19 as referenced in FAC 69A-60.005.

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21 v. Once the existing conditions site improvement plan is approved,  
22 owners may replace mobile home units with an approved building  
23 permit at sites shown on the site plan. Replacement units may be  
24 larger than the removed unit, so long as the minimum separation  
25 standards established in LDC section 2.03.06 G.6.c.i are met.

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27 a) Where properties currently exceed the density allowed for  
28 by the zoning district, the approved existing conditions site  
29 improvement plan shall establish the maximum density on  
30 the property which shall not exceed the density of the  
31 property as depicted on the Property Appraiser aerial maps  
32 dated before February 2016. All lots and units shall be  
33 consistent with the approved existing conditions site  
34 improvement plan.

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36 b) Where the zoning district allows for additional density, new  
37 mobile home units may be added and shall be identified on  
38 the site plan. New mobile homes shall be subject to the  
39 dimensional standards established in LDC section 4.02.33.

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41 4. Table of uses.

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43 a. The Table of Uses identifies uses as permitted uses (P) or Conditional  
44 Uses (CU). Conditional uses shall require approval in accordance with the  
45 procedures set forth in LDC section 10.08.00.

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47 b. Table 1. In addition to the uses allowed by the underlying zoning district,  
48 all properties within the IUAOD shall be allowed the following uses:

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# DRAFT

Text underlined is new text to be added

Text strikethrough is current text to be deleted

Use Category	MSOS	SR29OS	LROS	JACOS	AFOS	IMCOS
<u>All Business Park (BP) district uses</u>						<u>P</u>
<u>All Heavy Commercial (C-5) district uses</u>						<u>P</u>
<u>All Research and Technology Park PUD (RTPPUD) uses</u>						<u>P</u>
<u>Drive through areas</u>	<u>CU<sup>2</sup></u>	<u>CU<sup>5</sup></u>	<u>P<sup>4</sup></u>			<u>P<sup>4</sup></u>
<u>Agricultural Uses</u>						
<u>Agricultural outdoor sales<sup>1</sup></u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Crop preparation services for market, except cotton ginning (0723)</u>			<u>P<sup>1</sup></u>		<u>P</u>	
<u>Petroleum bulk stations and terminals (5171)</u>			<u>P</u>		<u>P</u>	<u>P</u>
<u>Petroleum and petroleum products wholesalers, except bulk stations and terminals (5172 - gasoline: buying in bulk and selling to farmers-wholesale only)</u>			<u>P</u>		<u>P</u>	<u>P</u>
<u>Commercial Uses</u>						
<u>Arrangement of passenger transportation (4724-4729)</u>			<u>P</u>			<u>P</u>
<u>Auctioneering services, auction rooms (7389, 5999)</u>			<u>CU</u>		<u>CU</u>	<u>CU</u>
<u>Auto and home supply stores (5531 installation)</u>	<u>CU<sup>2</sup></u>		<u>P</u>			
<u>Automobile parking (7521)</u>	<u>CU<sup>2</sup></u>		<u>P</u>			
<u>Automotive dealers, not elsewhere classified (5599)</u>	<u>CU<sup>2</sup></u>		<u>P</u>			
<u>Automotive rental and leasing, without drivers (7514, 7515)</u>	<u>CU<sup>2</sup></u>		<u>P</u>			
<u>Boat dealers (5551)</u>	<u>CU</u>		<u>P</u>			
<u>Carwashes (7542)</u>	<u>CU<sup>2</sup></u>		<u>P</u>			
<u>Eating and drinking places (5812, 5813) All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of LDC section 5.05.01.</u>			<u>P<sup>4</sup></u>			<u>P</u>
<u>Equipment rental and leasing (7359)</u>			<u>P</u>			<u>P</u>
<u>Farm-product raw materials (5153-5159)</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Gasoline service stations (5541)</u>	<u>CU<sup>2</sup></u>		<u>P</u>			
<u>Hotels and motels (7011)</u>	<u>P</u>	<u>P</u>	<u>P</u>			



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Text underlined is new text to be added

Text strikethrough is current text to be deleted

<u>Intercity and rural bus transportation (4131)</u>	<u>CU</u>			<u>CU</u>	<u>CU</u>	<u>CU</u>
<u>Motor vehicle dealers, new and used (5511, 5521)</u>	<u>CU</u> <sup>2</sup>		<u>P</u>			
<u>Motorcycle dealers (5571)</u>	<u>CU</u> <sup>2</sup>		<u>P</u>			
<u>Radio and television repair shops (7622 - automotive radio repair shops only)</u>	<u>CU</u> <sup>2</sup>					
<u>Recreational vehicle dealers (5561)</u>	<u>CU</u> <sup>2</sup>		<u>P</u>			
<u>Repair shops and related services (7699)</u>			<u>P</u> <sup>3</sup>		<u>P</u> <sup>3</sup>	<u>P</u> <sup>3</sup>
<u>Terminal and service facilities for motor vehicle passenger transportation (4173)</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>
<u>Veterinary services (0741 and 0742, excluding outdoor kenneling)</u>					<u>P</u>	<u>CU</u>
<u>Wireless communication facilities</u>	<u>CU</u>		<u>CU</u>			
<u>Industrial Uses</u>						
<u>Arrangement of transportation freight and cargo (4731)</u>			<u>P</u>			<u>P</u>
<u>Electric, gas, and sanitary services (4911-4971)</u>			<u>P</u>			<u>CU</u>
<u>Farm product warehouse and storage (4221)</u>			<u>P</u>			<u>CU</u>
<u>General warehousing and storage (4225)</u>	<u>CU</u> <sup>2</sup>		<u>P</u>		<u>P</u>	<u>P</u>
<u>Guided missiles and space vehicles and parts (3761-3769)</u>			<u>P</u>			
<u>Local and suburban transit and interurban highway passenger transportation (4111-4121, 4141-4151)</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>
<u>Miscellaneous services incidental to transportation (4783, 4789)</u>			<u>P</u>			<u>P</u>
<u>Miscellaneous transportation equipment (3792-3799)</u>			<u>P</u>			
<u>Motorcycles, bicycles, and parts (3751)</u>			<u>P</u>			
<u>Motor vehicles and motor vehicle equipment (3714, 3716)</u>			<u>P</u>			
<u>Outdoor storage yards</u>	<u>CU</u> <sup>2</sup>		<u>P</u>		<u>P</u>	<u>P</u>
<u>Refrigerated warehousing and storage (4222)</u>			<u>P</u>			<u>CU</u>
<u>Rental of railroad cars (4741)</u>			<u>P</u>			<u>P</u>

# DRAFT

Text underlined is new text to be added

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

<u>Ship and boat building and repairing (3731, 3732)</u>			<u>P</u>			
<u>Special warehousing and storage (4226)</u>			<u>P</u>			<u>CU</u>
<u>Transportation by air (4512-4581)</u>			<u>P</u>			<u>P</u>
<u>Trucking and courier services, except air (4212-4215)</u>			<u>P</u>			<u>CU</u>
<u>Vocational schools (8243-8249)</u>			<u>P</u>			<u>P</u>
<u>Wholesale trade (5148)</u>			<u>P</u>		<u>P</u>	<u>P</u>

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<sup>1</sup> Outdoor sales of agricultural products are permitted on improved or unimproved properties provided the applicant submits a site development plan which demonstrates that provisions will be made to adequately address the following:

- i. Vehicular and pedestrian traffic safety measures.
- ii. Parking for undeveloped properties will be calculated at a rate of 1/250 square feet of merchandise area. A maximum of 10 percent of the parking required by LDC section 4.05.04 may be occupied or otherwise rendered unusable by the placement of temporary structures, equipment, signs, and merchandise. The minimum number of disabled parking spaces pursuant to LDC section 4.05.07 shall be required.
- iii. Limited hours of operation.
- iv. Fencing, lighting.
- v. Fire protection measures.
- vi. Sanitary facilities.
- vii. The applicant shall provide a notarized letter from the property owner granting permission to utilize the subject property for agricultural outdoor sales.
- viii. The placement of one (1) sign, a maximum of thirty-two (32) square feet, or two (2) such signs for properties containing more than one (1) street frontage shall be permitted.
- ix. Agricultural products may be sold from a vehicle provided that the vehicle is not located in the road right-of-way.
- x. Agricultural products may be displayed within any front yard provided it does not adversely affect pedestrian or vehicular traffic or public health or safety and is not located within the road rights-of-way.
- xi. A minimum 5-foot landscape buffer comprised of a 5' high shrub, 4' on center shall be required adjacent to any road rights-of-way. See Table 1 of 4.02.27.B.4.c.v for all other buffer requirements.

<sup>2</sup> Permitted only on properties with frontage on North First Street, South First Street, and North Ninth Street within the Main Street Overlay Subdistrict.

<sup>3</sup> Limited to Agricultural equipment repair, industrial truck repair, machinery cleaning, repair of service station equipment, tractor repair.

<sup>4</sup> Permitted only when accessory to Gasoline Service Stations (5541) within the Loop Road Overlay Subdistrict.

<sup>5</sup> Conditional use applies unless allowed within the underlying zoning district.

c. Other Allowable Uses

- 1 i. All agriculturally zoned lands within the IUAOD shall allow
- 2 agriculture research and development facilities, agri-business
- 3 offices and headquarters, and facilities, offices, headquarters and
- 4 apparatuses associated with an alternative energy use.
- 5
- 6 ii. All residentially zoned lands within the IUAOD shall allow small
- 7 agriculture-related business uses, such as fruit and vegetable
- 8 stands, and farmers markets, through the conditional use process.
- 9
- 10 d. Prohibited Uses. Main Street Overlay Subdistrict - All uses prohibited
- 11 within the underlying residential and commercial zoning districts contained
- 12 within this Subdistrict, and the following uses, shall be prohibited on
- 13 properties with frontage on Main Street in between First Street and Ninth
- 14 Street in the Main Street Overlay Subdistrict:
- 15
- 16 i. Automobile parking (7521)
- 17 ii. Automotive dealers (5511, 5521, 5531 installation, 5551, 5561,
- 18 5571, 5599).
- 19 iii. Facility with fuel pumps.
- 20 iv. Primary uses such as convenience stores and grocery stores are
- 21 prohibited from servicing and repairing vehicles in conjunction with
- 22 the sale of gasoline.
- 23 v. Automotive repair, services, parking (7514, 7515, 7521) and
- 24 carwashes (7542).
- 25 vi. Radio and television repair shops (7622 automotive).
- 26 vii. Outdoor storage yards and outdoor storage.
- 27 viii. Drive-through areas.
- 28 ix. Warehousing (4225).
- 29 x. Communication towers, as defined in LDC section 5.05.09, except
- 30 as otherwise permitted in this Subdistrict.
- 31 xi. Any other heavy commercial use which is comparable in nature with
- 32 the forgoing uses and is deemed inconsistent with the intent of this
- 33 Subdistrict shall be prohibited.
- 34

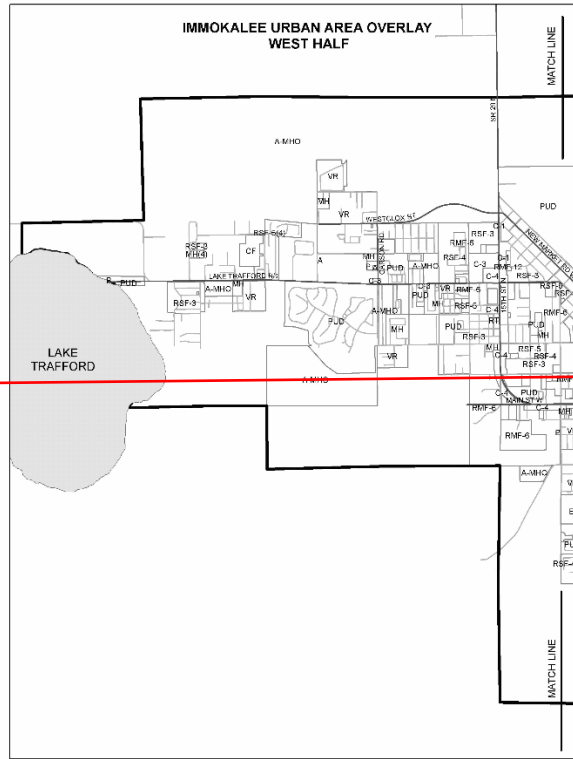
35 ~~G. Immokalee Urban Overlay District. To create the Immokalee Urban Overlay District with~~

36 ~~distinct subdistricts for the purpose of establishing development criteria suitable for the~~

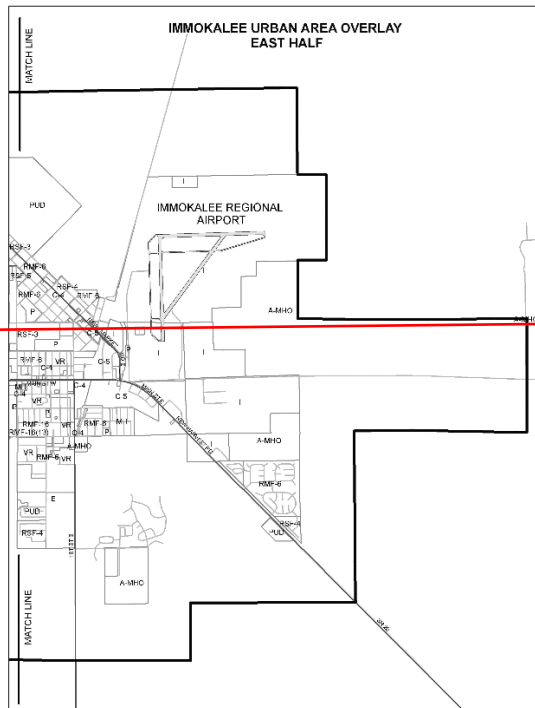
37 ~~unique land use needs of the Immokalee Community. The boundaries of the Immokalee~~

38 ~~Urban Overlay District are delineated on the maps below.~~

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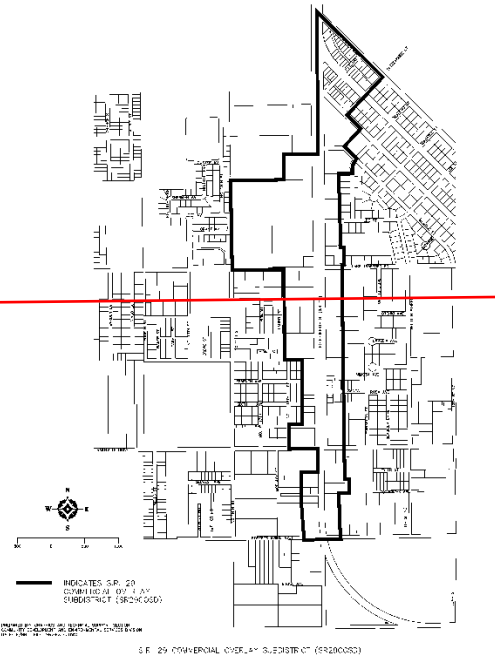
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~~1. State Road 29 Commercial Overlay Subdistrict: Special conditions for the properties abutting SR-29, as identified in the Immokalee Area Master Plan; referenced on Map 2; and further identified by the designation "SR29COSD" on~~

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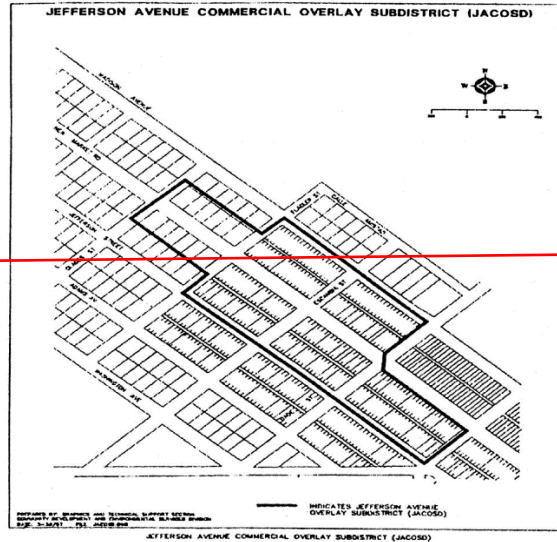
~~the applicable official Collier County Zoning Atlas Maps. The purpose of this designation is to provide for retail, office, transient lodging facilities, and highway commercial uses that serve the needs of the traveling public. These commercial uses must be located on a major arterial or collector roadway. The provisions of this subdistrict are intended to provide an increased commercial depth along SR-29 with development standards that will ensure coordinated access and appropriate landscaping and buffering compatible with nearby residential properties.~~

S.R. 29 COMMERCIAL OVERLAY SUBDISTRICT (SR29COSD)



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~~2. Jefferson Avenue Commercial Overlay Subdistrict: Special conditions for the properties abutting Jefferson Avenue as identified in the Immokalee Area Master Plan; referenced on Map 3; and further identified by the designation "JACOSD" on the applicable official Collier County Zoning Atlas Maps. The purpose of this designation is to provide for retail, office, transient lodging facilities and highway commercial uses that serve the needs of the traveling public. These commercial uses must be located on a major arterial or collector roadway. The provisions of this subdistrict are intended to provide an increased commercial opportunity along Jefferson Avenue with development standards that will ensure coordinated access and appropriate landscaping and buffering to be compatible with nearby residential properties.~~ 2-03-07-G-2



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~~3. Farm Market Overlay Subdistrict: Special conditions for the properties identified on Map 4; and further identified by the designation "FMOSD" on the applicable official Collier County Zoning Atlas Maps. The purpose of this designation is to provide for wholesale and retail uses, outdoor agricultural product displays and sales areas, truck parking, and packing houses and associated uses. The provisions of this subdistrict are intended to provide retail and wholesale opportunities for agricultural businesses as well as provide truck parking for agricultural sales but not within roadways and rights-of-way. The development standards contained herein have been designed to enhance and encourage development and redevelopment.~~

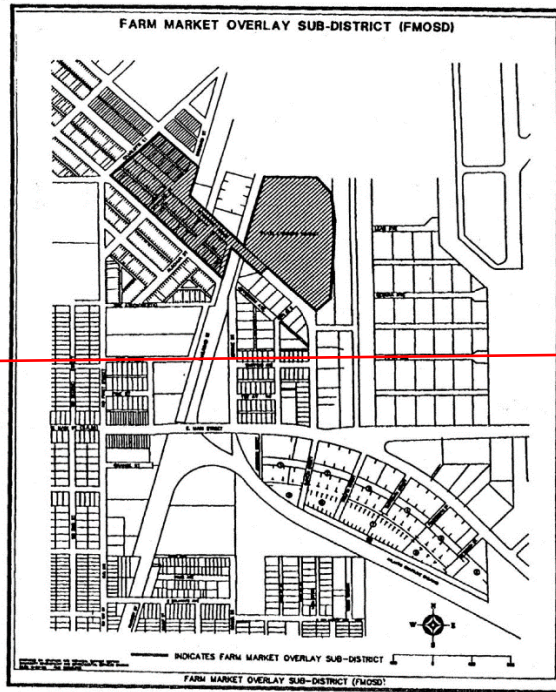
~~a. Permitted uses: All permitted uses within the underlying zoning districts, and the following uses, as identified in the Standard Industrial Classification Manual (1987), are permitted as a right in this sub-district.~~

- ~~1. Agricultural Services (0723)~~
- ~~2. Wholesale Trade (5148)~~
- ~~3. Agricultural Outdoor Sales. Outdoor sales of agricultural products are permitted on improved or unimproved properties provided the applicant submits a site development plan which demonstrates that provisions will be made to adequately address the following:
 
  - ~~i. Vehicular and pedestrian traffic safety measures.~~
  - ~~ii. Parking for undeveloped properties will be calculated at a rate of 1/250 square feet of merchandise area. A maximum of ten (10) percent of the parking required by section 4.05.04 of this LDC may be occupied or otherwise rendered unusable by the placement of temporary structures, equipment, signs, and merchandise. The minimum number of disabled parking spaces pursuant to section 4.05.07 shall be required.~~
  - ~~iii. Limited hours of operation.~~
  - ~~iv. Fencing, lighting.~~~~

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- ~~v. Fire protection measures.~~
- ~~vi. Sanitary facilities.~~
- ~~vii. The applicant shall provide a notarized letter from the property owner granting permission to utilize the subject property for agricultural outdoor sales.~~
- ~~viii. The placement of one (1) sign, a maximum of thirty-two (32) square feet, or two (2) such signs for properties containing more than one (1) street frontage shall be permitted.~~
- ~~ix. Agricultural products may be sold from a vehicle provided that the vehicle is not located in the road right-of-way.~~
- ~~x. Agricultural products may be displayed within any front yard provided it does not adversely affect pedestrian or vehicular traffic or public health or safety and is not located within the road rights-of-way.~~
- ~~xi. A minimum 5-foot landscape buffer shall be required adjacent to any road rights-of-way.~~
- ~~4. Petroleum Bulk Stations and Terminals (5171) and Petroleum and Petroleum Products Wholesalers, (5172—gasoline: Buying in bulk and selling to farmers—wholesale only) provided:
 
  - ~~i. Separation requirements: There shall be a minimum distance of 500 linear feet between the nearest points on any lot or parcel of land containing such proposed operations, and any lot or parcel which is already occupied by such operation, of for which a building permit has been issued.~~
  - ~~ii. Waiver of separation requirements: The board of zoning appeals may by resolution grant a waiver of part or all of the minimum separation requirements set forth above pursuant to section 10.08.00.~~
  - ~~iii. Separation from residentially zoned lands: There shall be a minimum distance of 500 linear feet from all residentially zoned land.~~
  - ~~iv. Maximum lot area: Two acres.~~~~
- ~~c. Accessory uses:
 
  - ~~1. Uses and structures that are accessory and incidental to the permitted uses.~~~~

Map 4



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~~4. — Agribusiness Overlay Subdistrict. Special conditions for the properties identified on Map 5; and further identified by the designation "AOSD" on the applicable official Collier County Zoning Atlas Maps. The purpose of this designation is to provide for wholesale uses and agricultural packing houses and associated uses. The provisions of this subdistrict are intended to provide additional lands for agricultural related businesses and expansion opportunities for existing agribusiness. The development standards contained herein have been designed to permit consistent land uses within the AOSD boundary.~~

~~a. — Permitted uses: All permitted uses within the underlying zoning districts, and the following uses, as identified in the Standard Industrial Classification Manual (1987), are permitted as a right in this sub-district.~~

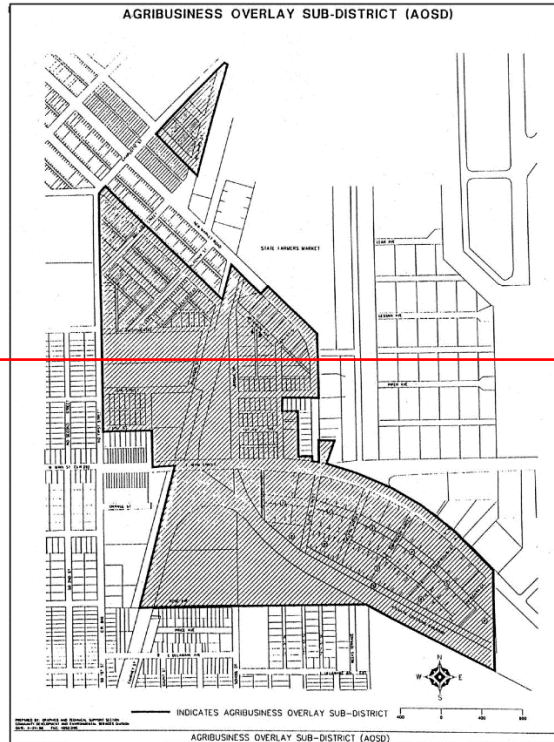
~~1. — Agricultural Services (0723)~~

~~2. — Wholesale Trade (5148)~~

~~b. — Accessory uses:~~

~~1. — Uses and structures that are accessory and incidental to the permitted uses.~~





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~~5. Main Street Overlay Subdistrict. Special conditions for the properties identified in the Immokalee Area Master Plan; referenced on Map 7; and further identified by the designation "MSOSD" on the applicable official Collier County Zoning Atlas Maps. The purpose of this designation is to encourage development and redevelopment by enhancing and beautifying the downtown Main Street area through flexible design and development standards.~~

~~a. Permitted uses. For all properties within the Main Street Overlay Subdistrict, except for properties hatched as indicated on Map 7, the Main Street Overlay Subdistrict, all permitted uses within the uses within the underlying zoning districts contained within this Subdistrict, and the following uses may be permitted as of right in this Subdistrict:~~

~~1. Hotel and motels (7011)~~

~~2. Communication towers, as defined in section 5.05.09, subject to the following:~~

~~i. Such tower is an essential service use as defined by subsection 2.01.03 A.4; and~~

~~ii. Such tower may not exceed a height of 75 feet above grade including any antennas attached thereto.~~

~~b. Permitted uses. For hatched properties within the Main Street Overlay Subdistrict, all permitted uses within the underlying zoning districts~~

1 contained within this Subdistrict, and the following uses are permitted as of  
2 right in this Subdistrict:

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4 1. ~~All uses allowed in the Commercial Professional District (C-1), of  
5 this Code, except for group 7521.~~

6  
7 2. ~~Communication towers, as defined in section 5.05.09 subject to the  
8 following:~~

9  
10 i. ~~Such tower is an essential service use as defined by  
11 subsection 2.01.03 A.4; and~~

12  
13 ii. ~~Such tower may not exceed a height of 75 feet above grade  
14 including any antennas attached thereto.~~

15  
16 c. ~~Prohibited uses. All uses prohibited within the underlying residential and  
17 commercial zoning districts contained within this Subdistrict, and the  
18 following uses, shall be prohibited on properties with frontage on Main  
19 Street in between First Street and Ninth Street in the Main Street Overlay  
20 Subdistrict:~~

21  
22 1. ~~Automobile parking (7521).~~

23  
24 2. ~~Automotive dealers (5511, 5521, 5531 installation, 5551, 5561,  
25 5571, 5599).~~

26  
27 3. ~~Facility with fuel pumps.~~

28  
29 4. ~~Primary uses such as convenience stores and grocery stores are  
30 prohibited from servicing and repairing vehicles in conjunction with  
31 the sale of gasoline.~~

32  
33 5. ~~Automotive repair, services, parking (7514, 7515, 7521) and  
34 carwashes (7542).~~

35  
36 6. ~~Radio and television repair shops (7622 automotive).~~

37  
38 7. ~~Outdoor storage yards and outdoor storage.~~

39  
40 8. ~~Drive through areas.~~

41  
42 9. ~~Warehousing (4225).~~

43  
44 10. ~~Communication towers, as defined in section 5.05.09 of this Code,  
45 except as otherwise permitted in this Subdistrict.~~

46  
47 11. ~~Any other heavy commercial use which is comparable in nature with  
48 the forgoing uses and is deemed inconsistent with the intent of this  
49 Subdistrict shall be prohibited.~~

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- 1 ~~d. Accessory uses.~~
- 2
- 3 ~~1. Uses and structures that are accessory and incidental to the~~
- 4 ~~permitted uses as of right in the underlying zoning districts~~
- 5 ~~contained within this subdistrict and are not otherwise prohibited by~~
- 6 ~~this subdistrict.~~
- 7
- 8 ~~2. Communication towers, as defined in section 5.05.09 subject to the~~
- 9 ~~following:~~
- 10
- 11 ~~i. Such tower is an essential service use as defined by~~
- 12 ~~subsection 2.01.03 A.4.; and~~
- 13
- 14 ~~ii. Such tower may not exceed a height of 75 feet above grade~~
- 15 ~~including any antennas attached thereto.~~
- 16
- 17 ~~e. Conditional uses.~~
- 18
- 19 ~~1. Conditional uses of the underlying zoning districts contained within~~
- 20 ~~the subdistrict, subject to the standards and procedures established~~
- 21 ~~in LDC section 10.08.00 and as set forth below:~~
- 22
- 23 ~~i. Local and suburban passenger transportation (4131, 4173)~~
- 24 ~~located upon commercially zoned properties within the Main~~
- 25 ~~Street Overlay Subdistrict.~~
- 26
- 27 ~~ii. Communication towers, as defined in section 5.05.09 of this~~
- 28 ~~Code for essential service uses as defined by subsection~~
- 29 ~~2.01.03 A.4 that exceed a height of 75 feet above grade~~
- 30 ~~including any antennas attached thereto.~~
- 31
- 32 ~~iii. The following conditional uses may be permitted only on~~
- 33 ~~properties with frontage on North First Street, South First~~
- 34 ~~Street, and North Ninth Street within the Main Street Overlay~~
- 35 ~~Subdistrict:~~
- 36
- 37 ~~a. Automobile parking (7521).~~
- 38
- 39 ~~b. Automotive dealers (5511, 5521, 5531 installation,~~
- 40 ~~5551, 5561, 5571, 5599).~~
- 41
- 42 ~~c. Facility with fuel pumps.~~
- 43
- 44 ~~d. Automotive repair, services, parking (7514, 7515,~~
- 45 ~~7521) and carwashes (7542).~~
- 46
- 47 ~~e. Radio and television repair shops (7622~~
- 48 ~~automotive).~~
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- 50 ~~f. Outdoor storage yards and outdoor storage.~~

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~~g. Drive-through areas.~~

~~h. Warehousing (4225).~~

~~i. Communication towers, as defined in LDC section 5.05.09, except as otherwise permitted in this Subdistrict.~~

~~f. Special requirements for outdoor display and sale of merchandise.~~

~~i. Outdoor display and sale of merchandise, within the front and side yards on improved properties, are permitted subject to the following provisions:~~

~~a) The outdoor display/sale of merchandise is limited to the sale of comparable merchandise sold on the premises and is indicated on the proprietors' occupational license.~~

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

~~i) Vehicular and pedestrian traffic safety measures.~~

~~ii) Location of sale/display of merchandise in relation to parking areas.~~

~~iii) Fire protection measures.~~

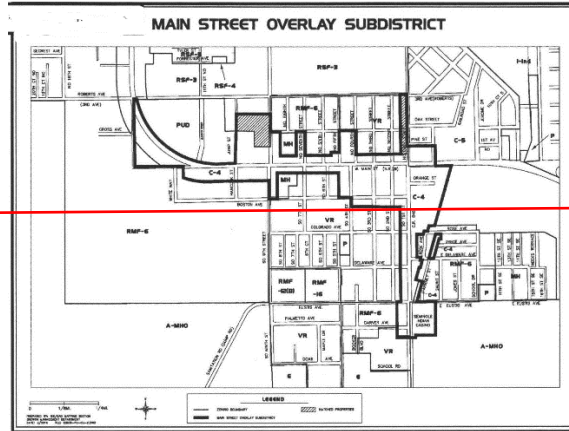
~~iv) Limited hours of operation from dawn until dusk.~~

~~ii. Outdoor display and sale of merchandise within the sidewalk area only shall be permitted in conjunction with "Main Street" approved vendor carts, provided the applicant submits a site development plan which demonstrates that provisions will be made to adequately address the following:~~

~~a) Location of sale/display of merchandise in relation to road rights-of-way;~~

~~b) Vendor carts are located on sidewalks that afford the applicant a five (5) foot clearance for non-obstructed pedestrian traffic; and~~

~~c) Limited hours of operation from dawn until dusk.~~



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~~6. Nonconforming Mobile Home Site Overlay Subdistrict. Establishment of special conditions for these properties which by virtue of actions preceding the adoption of Ordinance No. 91-102, on October 30, 1991, were deemed to be nonconforming as a result of inconsistencies with the land development code, and are located within the Immokalee Urban Boundary as depicted on the Immokalee Area Master Plan.~~

~~a. Purpose and intent. The purpose of these provisions is to recognize that there are nonconforming mobile homes on properties in the Immokalee Urban Area and to establish a process to provide property owners an official record acknowledging the permitted use of the property and render existing mobile homes, and other structures, as lawful. Travel trailers, regardless of the square footage, are not permitted as a permanent habitable structure and may not seek relief under this section. Properties that cannot meet the requirements may pursue an agreement with the Board of County Commissioners to establish compliance with this LDC section 2.03.07 G.6.~~

~~b. Application requirements. Property owners shall file an application as provided for in the Administrative Code, Chapter 4, Section 1.3.a. Immokalee Nonconforming Mobile Home Sites Existing Conditions Site Improvement Plan and shall only be subject to the criteria, requirements, and process expressly stated in the Administrative Code and this LDC section.~~

~~c. Criteria for review. The following criteria shall apply to the existing conditions site improvement plan approval process and shall be reviewed by the County Manager or designee.~~

~~i. Minimum separation requirements shall be consistent with State Fire Marshal Rule 69A-42.0041 Fire Separation Requirements.~~

~~ii. The Fire authority having jurisdiction shall provide written confirmation that either the existing fire hydrant(s) or a supplemental apparatus, provided by the Fire District, can supply the required fire flow needed for fire protection.~~

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- iii. ~~NFPA 501A: Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities as referenced in FAG 69A-60.005.~~
  - d. ~~Density. Once the existing conditions site improvement plan is approved, owners may replace mobile home units with an approved building permit at sites shown on the site plan. Replacement units may be larger than the removed unit, so long as the minimum separation standards established in LDC section 2.03.06 G.6.c.i are met.~~
    - i. ~~Where properties currently exceed the density allowed for by the zoning district, the approved existing conditions site improvement plan shall establish the maximum density on the property which shall not exceed the density of the property as depicted on the Property Appraiser aerial maps dated before February 2016. All lots and units shall be consistent with the approved existing conditions site improvement plan.~~
    - ii. ~~Where the zoning district allows for additional density, new mobile home units may be added and shall be identified on the site plan. New mobile homes shall be subject to the dimensional standards established in LDC section 4.02.33.~~
  - 7. ~~Interim Deviations: Property owners within the Immokalee Urban Overlay District may request deviations from specific dimensional requirements as described in this section. A deviation request may be reviewed administratively or by the Planning Commission depending upon its scope. This section addresses the permissible deviations, limitations thereon, and the review process.~~
    - a. ~~Review Process. Insubstantial deviations will be reviewed administratively by the County Manager or designee. Substantial deviations will be reviewed by the Planning Commission. This section is not intended to replace the current established process of requesting deviations through the PUD rezoning process. Any deviations from the LDC which are not expressly provided for in this section shall be processed as variances in accordance with Section 9.04.00 of the LDC.~~
    - b. ~~Concurrent Deviation Application required. All deviation requests shall be made concurrently with an application for an SDP or amendment, SIP or amendment or Final Subdivision Plat, or in the case of sign deviations, with a building permit. The applicant shall list all requested deviations on the required site plan(s), and shall depict the deviation(s) graphically on the plan(s). Additional graphic information may also be required by staff, on a case-by case basis.~~
    - c. ~~Insubstantial Deviations. Requested deviations that do not exceed 10 percent of the required dimension, amount, size, or other applicable dimensional standard, with the exception of the required number of parking spaces, which may not exceed 20 percent of the LDC requirement (not~~

1 ~~more than 10 spaces), are insubstantial. To be approved, the following~~  
2 ~~criteria must be considered:~~

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4 ~~i. The proposed deviation is compatible with adjacent land uses and~~  
5 ~~structures, achieves the requirements of the regulations as closely~~  
6 ~~as is practicable, and meets the intent of the related Land~~  
7 ~~Development Code regulations; and~~

8  
9 ~~ii. The applicant proposes equitable tradeoffs for the proposed~~  
10 ~~diminution in development standards, such as increased open~~  
11 ~~space, landscaping, pedestrian spaces, buffering or architectural~~  
12 ~~features, in order to meet the intent of the regulation being~~  
13 ~~diminished.~~

14  
15 ~~d. *Substantial Deviations.* Requested deviations that do not qualify as~~  
16 ~~insubstantial deviations are substantial deviations:~~

17  
18 ~~i. *Considerations for Review and Approval:* The CCPC shall consider~~  
19 ~~the following:~~

20  
21 ~~a) Whether or not the proposed deviation is compatible with~~  
22 ~~adjacent land uses and achieves the requirements and/or~~  
23 ~~intent of the regulations as closely as is practicable; and~~

24  
25 ~~b) Whether the proposed deviation is the minimum amount~~  
26 ~~necessary to allow for reasonable use of the property and/or~~  
27 ~~address the issue necessitating the deviation request; and~~

28  
29 ~~c) Whether the reduced or increased standard requested by~~  
30 ~~the deviation is mitigated for, either on the subject site or by~~  
31 ~~providing a public benefit on the subject site. Examples of~~  
32 ~~such on-site mitigation include but are not limited to:~~  
33 ~~increasing setbacks from the adjacent road right-of-way~~  
34 ~~when proposing to deviate from sign size limitations;~~  
35 ~~increasing plantings or planting sizes or installing a fence or~~  
36 ~~wall where a reduced buffer width is proposed; providing~~  
37 ~~public pedestrian and/or bicycle pathway easements or~~  
38 ~~other similar mobility improvements including transit~~  
39 ~~enhancements; providing public parking; providing~~  
40 ~~beautification in the public realm, including street trees,~~  
41 ~~street furniture, lighting and other similar public benefits.~~

42  
43 ~~e. *Applicability - List of Development Standards Eligible for Deviation*~~  
44 ~~Requests. Property owners shall be eligible to seek a deviation from the~~  
45 ~~dimensional requirements of the following LDC sections, unless otherwise~~  
46 ~~noted.~~

47  
48 ~~i. 2.03.01 Agricultural Zoning Districts, limited to subsection A.1.b.4.ii.~~  
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- ii. ~~2.03.03 Commercial Zoning Districts, limited to the following subsections:~~
    - a) ~~A.1.c.11.vii. limited to a maximum of three stories, viii., and ix.; and~~
    - b) ~~E.1.c.4.iv.~~
  - iii. ~~2.03.04 Industrial Zoning Districts, limited to subsection A.1.c.2.iv., minimum lot area only.~~
  - iv. ~~3.05.07 B.1 Preservation Standards, Specific Standards Applicable Outside the RMFU and RLSA districts, Required Preservation Percentages (Table 1 inset).~~
  - v. ~~4.02.01 A Dimensional Standards for Principal Uses in Base Zoning Districts:~~
    - a) ~~Table 1. Lot Design Requirements for Principal Uses in Base Zoning Districts;~~
    - b) ~~Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts, excluding building height and in the case of commercial parcels, no deviation shall be granted, for new development, from the required 50-foot building setback when abutting residentially zoned properties, or from the minimum 10-foot wide landscaped strip between the abutting road right-of-way and the off-street parking area for new development, but deviations from these requirements may be considered in the case of redevelopment where existing structures and/or encroachments are proposed to remain;~~
    - c) ~~Table 2.1 Table Of Minimum Yard Requirements (Setbacks) for Base Zoning Districts.~~
  - vi. ~~4.02.02 Dimensional Standards for Conditional Uses and Accessory Uses in Base Zoning Districts, limited to subsection E (Table Inset), except building height.~~
  - vii. ~~4.02.03 Specific Standards for Location of Accessory Buildings and Structures, Dimensional Standards, except that in the case of new development on commercial parcels, no deviation shall be granted from the required 50-foot building setback when abutting residentially zoned properties, or from the minimum 10-foot wide landscaped strip between the abutting road right-of-way and the off-street parking area. Deviations from these requirements may be considered in the case of redevelopment where existing structures and/or encroachments are proposed to remain.~~



- 1 ~~viii. 4.02.03 B Accessory Building Lot Coverage.~~
- 2
- 3 ~~ix. 4.02.27 C Specific Design Standards for the Immokalee State~~
- 4 ~~Road 29A Commercial Overlay Subdistrict, Building Design~~
- 5 ~~Standards.~~
- 6
- 7 ~~x. 4.02.28 A Same Jefferson Avenue Commercial Overlay~~
- 8 ~~Subdistrict, Building Design Standards.~~
- 9
- 10 ~~xi. 4.02.29 A Same Farm Market Overlay Subdistrict, Dimensional~~
- 11 ~~Standards.~~
- 12
- 13 ~~xii. 4.02.32 Same Main Street Overlay Subdistrict, limited to the~~
- 14 ~~following subsections: A.; C.1; D.3 and D.4; and E.1, E.2, and~~
- 15 ~~E.3.xiii. 4.05.04 G (Spaces Required) Table 17 and 4.05.06 B~~
- 16 ~~Loading Space Requirements, utilizing the existing administrative~~
- 17 ~~deviation process set forth in LDC section 4.05.04 F.4., recognizing~~
- 18 ~~that the reduced need for off-street parking in Immokalee may be~~
- 19 ~~offered as a viable basis for such administrative deviation.~~
- 20
- 21 ~~xiv. 4.06.02 C Buffer Requirements (limited to required width) except~~
- 22 ~~that in the case of new development on commercial parcels, no~~
- 23 ~~deviation shall be granted from the required 50-foot building~~
- 24 ~~setback when abutting residentially zoned properties, or from the~~
- 25 ~~minimum 10-foot wide landscaped strip between the abutting road~~
- 26 ~~right-of-way and the off-street parking area. Deviations from these~~
- 27 ~~requirements may be considered in the case of redevelopment~~
- 28 ~~where existing structures and/or encroachments are proposed to~~
- 29 ~~remain.~~
- 30
- 31 ~~xv. 4.06.03 B Landscaping Requirements for Vehicular Use Areas and~~
- 32 ~~Rights of Way, Standards for Landscaping in Vehicular Use Areas.~~
- 33
- 34 ~~xvi. 4.06.05 B General Landscaping Requirements, Landscaping~~
- 35 ~~requirements for industrial and commercial development, limited to~~
- 36 ~~subsection B.3.~~
- 37
- 38 ~~xvii. 4.06.05 C General Landscaping Requirements, Building~~
- 39 ~~Foundation Planting Requirements (including Table Inset).~~
- 40
- 41 ~~xviii. 5.05.08 C Architectural and Site Design Standards, Building Design~~
- 42 ~~Standards. Deviations from non-dimensional provisions of this~~
- 43 ~~section are also allowed as substantial deviations.~~
- 44
- 45 ~~xix. 5.05.08 D Design Standards for Specific Uses. Deviations from~~
- 46 ~~non-dimensional provisions of this section are also allowed as~~
- 47 ~~substantial deviations.~~
- 48
- 49 ~~xx. 5.05.08 E Architectural and Site Design Standards, Site Design~~
- 50 ~~Standards, limited to subsections 1.b; 2; 3; 4; 5 and 7. Deviations~~

1 from non-dimensional provisions of this section are also allowed as  
 2 substantial deviations. Note: Nothing in LDC section 5.05.08,  
 3 Architectural and Site Design Standards, shall be deemed to  
 4 prohibit the use of murals on exterior walls of commercial buildings  
 5 in the Immokalee Urban Overlay District, provided that: 1) such  
 6 murals are reviewed and accepted by the Collier County  
 7 Redevelopment Agency staff; and 2) such murals do not contain  
 8 text for the purpose of advertising any business or commercial  
 9 activity.

10  
 11 ~~xxi. 5.06.04 Development Standards for Signs in Nonresidential~~  
 12 ~~Districts, limited to subsection F.~~

13  
 14 ~~f. Duration of these provisions. These provisions are interim in nature and will~~  
 15 ~~be in effect until the effective date of Comprehensive Immokalee Overlay~~  
 16 ~~LDC amendments.~~

17  
 18 ~~g. Public Notice. Public notice, including signage, notice to property owners~~  
 19 ~~and an advertised public hearing, is required for substantial deviation~~  
 20 ~~requests and shall be provided in accordance with the applicable provisions~~  
 21 ~~of Section 10.03.05 B, for Variances.~~

22  
 23 ~~h. Appeals. Within 30 days of the issuance of the decision of staff or of the~~  
 24 ~~CCPG, the owner or any aggrieved person may appeal the decision to the~~  
 25 ~~Board of Zoning Appeals pursuant to Section No. 250-58 of the Codes of~~  
 26 ~~Laws and Ordinances.~~

27  
 28 \* \* \* \* \*  
 29 # # # # # # # # # # # # # #

31 **4.02.27 - Architectural and Site Design Standards for the Immokalee Urban Area Overlay**  
 32 **District (IUAOD)** ~~Specific Design Standards for the Immokalee State Road 29A~~  
 33 ~~Commercial Overlay Subdistrict~~

34  
 35 A. General.

- 36  
 37 1. The provisions of LDC section 4.02.27 shall apply to all new non-residential  
 38 buildings and projects within the IUAOD. This section also applies to existing  
 39 buildings where any addition or renovation will result in a change to more than 75  
 40 percent of the façade area, or the addition or renovation exceeds 50 percent of the  
 41 square footage of the gross area of the existing building(s).
- 42  
 43 2. Residential uses shall be regulated by the underlying zoning districts and  
 44 applicable development standards.
- 45  
 46 3. LDC section 4.02.27 replaces and supersedes LDC section 5.05.08 Architectural  
 47 and Design Standards. When conflicts arise between LDC section 4.02.27  
 48 standards and other code sections, LDC section 4.02.27 standards shall govern.

1 4. Nonconforming buildings approved for use and occupancy prior to November 10,  
2 2004, shall not be enlarged or altered in a way which increases the nonconformity.  
3 All alterations or façade improvements to nonconforming buildings shall be  
4 consistent with LDC section 4.02.27 and shall be reviewed for compliance by the  
5 County Manager or designee; however, unaltered portions of the nonconforming  
6 building will not be required to comply.

7  
8 5. Exceptions.  
9

10 a. A historic site, structure, building, district, or property that has been  
11 identified and documented as being significant in history, architecture,  
12 archaeology, engineering, or culture and is registered through the National  
13 Register of Historic Places.

14  
15 b. The Rural Agricultural (A) zoning district as established in the Zoning Atlas.  
16

17 c. Façades facing an interior courtyard provided the façades are not visible  
18 from any public property (e.g., street, right-of-way, sidewalk, alley), interior  
19 drive, parking lot, or adjacent private property.  
20

21 d. The following shall be exempt from the standards of LDC section 4.02.27  
22 Architectural and Site Design Standards for the IUAOD. The expanded  
23 selection of exterior materials and color included in LDC section 4.02.27  
24 B.2.k. for the IUAOD shall apply.

25  
26 i. Routine repairs and maintenance of an existing building.  
27

28 ii. Public utility ancillary systems provided that a building shall not  
29 have any wall planes exceeding 35 feet in length, excluding storage  
30 tanks, or have an actual building height greater than 18 feet,  
31 excluding storage tanks and communications equipment. See LDC  
32 section 4.06.05 B.4 for screening requirements of fences and walls  
33 surrounding public utility ancillary systems.  
34

35 e. Agribusiness/Farm Market Overlay Subdistrict (AFOS).  
36

37 i. The following uses, located within the AFOS and as identified in the  
38 Standard Industrial Classification Manual, are exempt from the  
39 provisions set forth in LDC section 4.02.27.

40  
41 a) Agricultural Services (0723).

42 b) Wholesale Trade (5148).

43 c) Agricultural Outdoor Sales.  
44

45  
46  
47 B. Immokalee Urban Area Overlay District (IUAOD).  
48

49 1. Architectural styles. The architectural styles which are present and encouraged  
50 within IUAOD include, but are not limited to, the following:

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- a. Spanish Vernacular.
- i. Mediterranean style. Also known as Spanish Eclectic or Spanish Colonial Revival. Characteristics typically include barrel tile, low-pitched roofs usually with little or no overhang, parapets, arches, stucco, and asymmetrical façades. Buildings typically contain the following: multi-level roofs composed of barrel tile (half cylinders) or Spanish Tile (s-curved shape) in red and earth tones, façade of stucco with sand finish or hand troweled, arched windows (some triple-arched), ornamentation contain full arches and patterned tiles or single tile for accent.
  - ii. Mission style. Influenced by the Spanish Colonial Style. Characteristics typically include barrel tile roofs, arches, earth tone colors, and asymmetrical façades finished in stucco. Similar to the Mediterranean Style but exhibiting much less ornamentation and detailing. Mission Style buildings typically contain flat roof with curvilinear parapets are most common, Barrel Tile (half cylinders) or Spanish Tile (s-curved shape), stucco with sand finish or hand troweled, and ornamentation containing full arches.
- b. Frame Vernaculars. Also known as Florida Cracker or Key West Style. Some frame vernacular buildings in Florida exhibit a Caribbean influence, while others are more utilitarian or rural in nature. Most familiar elements of this style are the use of horizontal siding for façade finish, elaborate wood balustrades, large porches, and metal roofs. Buildings typically contain metal roof (5v panels or narrow standing seam), lapped siding with corner boards (wood or vinyl) and ornamentation of gable end or eave brackets.
- c. Contemporary. Contemporary architecture focuses on innovation while being in harmony with nature through the use of clean geometric lines and elements such as openness both in interiors and to the outside, natural light, eco-friendly materials and creative styles. This is achieved through the use of a range of building materials such as concrete, glass, wood, and metals.
2. Building Design Standards.
- a. Building façades. The following standards apply to all non-residential buildings that are subject to LDC section 4.02.27, except as noted above.
    - i. All primary façades of a building must be designed with consistent architectural style, detail, and trim features.
    - ii. Buildings or projects located at the intersection of two or more arterial or collector roads shall include design features to emphasize their location as gateways and transition points within the community.

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- b. Principal entrance façade standards.
- i. Building entrance. Buildings located along a public or private street must be designed with the principal entrance clearly defined, and with convenient access from both parking and the street.
  - ii. Design features. The design of principal entrance façades must include, at a minimum, three of the following design features. However, a minimum of two of the following design features is required for buildings less than 5,000 square feet.
    - a) Glazing covering a minimum of 25 percent of the principal entrance façade area, consisting of window and/or glazed door openings. As an alternative, trellis or latticework on the principal entrance façade used as a support for climbing plants may count for up to 50 percent of the window area on principal entrance facades. The planting area shall be an irrigated bed three (3) feet in depth and a minimum width equal to the width of the trellis with three (3)-gallon vines at three (3) feet on center at time of installation. Climbing plants shall achieve 80 percent opacity on the trellis within one year.
    - b) Projected or recessed covered principal entrance facades providing a minimum horizontal dimension of eight feet and a minimum area of 100 square feet. In addition, a minimum of 15 percent of the principal entrance façade area must be devoted to window and/or glazed door openings.
    - c) Covered walkway, or arcade (excluding canvas type) constructed with columns at least eight (8) inches wide, attached to the building, or located no more than 12 feet from the building. The structure must be permanent, and its design must relate to the principal structure. The minimum width must be six (6) feet, with a total length measuring a minimum of 40 percent of the length of the associated façade. In addition, a minimum of 15 percent of the principal entrance façade area must be devoted to window and/or glazed door openings.
    - d) Awnings located over doors, windows, or other ornamental design features projecting a minimum of two (2) feet from the principal entrance façade wall and a width totaling a minimum of 25 percent of the principal entrance façade length. In addition, a minimum of 15 percent of the principal entrance façade area must be devoted to window and/or glazed door openings.

- 1 e) Porte-cochere with a minimum horizontal dimension of 18
- 2 feet. In addition, a minimum of 15 percent of the principal
- 3 entrance façade area must be devoted to window and/or
- 4 glazed door openings.
- 5
- 6 f) A tower element such as but not limited to a clock or bell
- 7 tower element. In addition, a minimum of 15 percent of the
- 8 principal entrance façade area must be devoted to window
- 9 and/or glazed door openings.
- 10
- 11 g) Trellis or latticework covering a minimum of 15 percent of
- 12 the principal entrance façade and used as a support for
- 13 climbing plants. The planting area shall be an irrigated bed
- 14 three (3) feet in depth and a minimum width of the trellis with
- 15 three (3)-gallon vines at three (3) feet on center at time of
- 16 installation and climbing plants shall achieve 80 percent
- 17 opacity on the trellis within one year. This provision shall not
- 18 be utilized with the alternative design feature identified in
- 19 LDC section 4.02.27 B.2.b.ii.a.
- 20
- 21 h) Entry plaza to the building with a minimum 100 square feet
- 22 in area that includes seating. In addition, a minimum of 15
- 23 percent of the primary façade area must be devoted to
- 24 window and/or glazed door openings.
- 25
- 26 i) Entry courtyard contiguous with the building entry and
- 27 connected to the principal entrance façade consisting of a
- 28 defined space with a minimum area of 300 square feet. The
- 29 courtyard may be any combination of hard or softscape with
- 30 walkways and defined hard edge, decorative fencing, or a
- 31 minimum three (3)-foot wall(s). In addition, a minimum of 15
- 32 percent of the principal entrance façade area must be
- 33 devoted to window and/or glazed door openings.
- 34
- 35 j) For mixed use development projects within C-1 through C-
- 36 3 zoning districts the following architectural options are
- 37 available in addition to the list of required design features
- 38 contained above:
- 39
- 40 i) Open arcade or covered walkway with a minimum
- 41 depth of eight (8) feet and a minimum length of 60
- 42 percent of the façade.
- 43
- 44 ii) A building recess or projection of the first floor with
- 45 minimum depth of eight (8) feet and total minimum
- 46 length of 60 percent of the façade length.
- 47
- 48 iii) Architectural elements such as balconies and bay
- 49 windows with a minimum depth of three (3) feet and
- 50 that cover a minimum of 30 percent of the façade

above the first floor. (Storm shutters, hurricane shutters, screen enclosures or any other comparable feature, if applied as part of the structure, must also comply with the required minimum depth).

c. Façade/wall height transition elements.

i. Purpose. The intent of this section is to ensure that the proposed buildings relate in mass and scale to the immediate streetscape and the adjacent built environment.

ii. Applicability. Transitional massing elements must be provided on proposed buildings that are twice the height or more of any existing building within 150 feet, as measured from the edge of the proposed building.

iii. Design standards.

a) Transitional massing elements can be no more than 100 percent taller than the average height of the adjacent buildings, but no more than 30 feet, and no less than ten (10) feet above the existing grade.

b) Transitional massing elements must be incorporated for a minimum of 60 percent of the length of the façade, which is in part or whole within the 150 feet of an existing building.

c) Transitional massing elements include, but are not limited to, wall plane changes, roofs, canopies, colonnades, balconies, other similar architectural features, with the minimum depth for projections and recesses relative to the building size, and must meet the following requirements:

i) For buildings consisting of 20,000 square feet or larger in gross building area, projections and recesses must have a minimum depth of six (6) feet.

ii) For buildings between 10,000 and 19,999 square feet in gross building area, projections and recesses must have a minimum depth of four (4) feet.

iii) For buildings up to 9,999 square feet in gross building area, projections and recesses must have a minimum depth of two (2) feet.

d. Variation in massing. A single, large, dominant building mass must be avoided. Changes in mass must be related to entrances, the integral structure and the organization of interior spaces and activities, and not merely for cosmetic effect. False fronts or parapets create insubstantial

1 appearance and are discouraged. All façades, excluding courtyard area,  
2 shall be designed to employ the design treatments listed below.

3  
4 i. Projections and recesses.

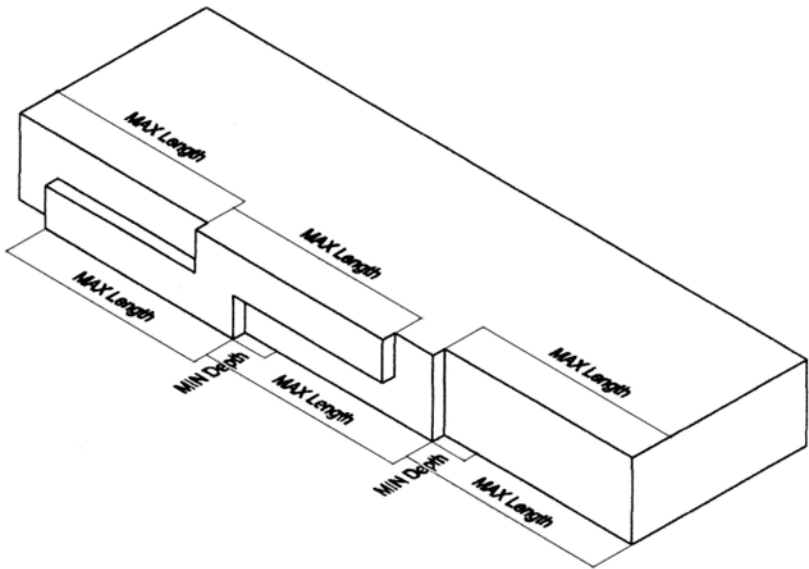
5  
6 a) For buildings 20,000 square feet or larger in floor area, a  
7 maximum length, or uninterrupted curve of any façade, at  
8 any point, shall not exceed 125 linear feet. Projections and  
9 recesses must have a minimum depth of six (6) feet within  
10 the 125 linear feet limitation.

11  
12 b) For buildings between 10,000 and 19,999 square feet in  
13 floor area, a maximum length, or uninterrupted curve of any  
14 façade, at any point, shall not exceed 100 linear feet.  
15 Projections and recesses must have a minimum depth of  
16 four (4) feet within the 100 linear feet limitation.

17  
18 c) For buildings between 5,000 and 9,999 square feet in floor  
19 area, a maximum length, or uninterrupted curve of any  
20 façade, at any point, shall not exceed 75 linear feet.  
21 Projections and recesses must have a minimum depth of  
22 two (2) feet within the 75 linear feet limitation.

23  
24 d) For buildings less than 5,000 square feet in floor area, a  
25 maximum length, or uninterrupted curve of any façade, at  
26 any point, shall not exceed 50 linear feet. Projections and  
27 recesses must have a minimum depth of one and a half (1.5)  
28 feet, and a minimum total width of 20 percent of the façade  
29 length.

30  
31 Illustration - Measurement of projections and recesses.



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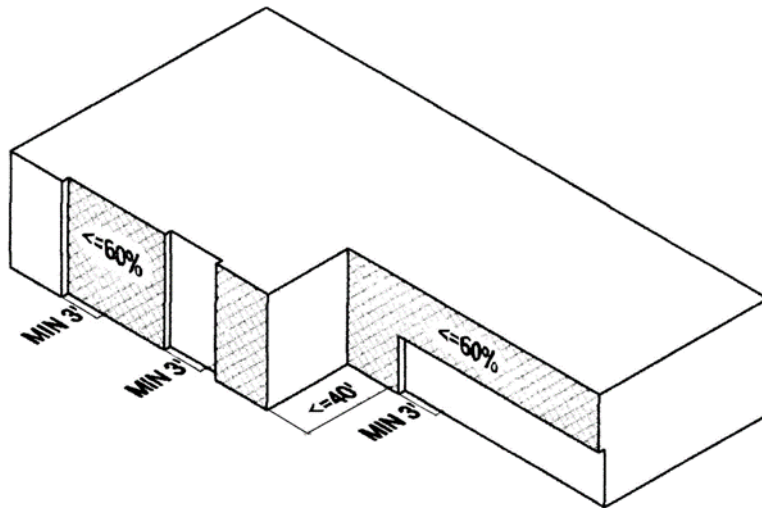


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e. Wall Plane Changes.

- i. Buildings subject to the projections or recesses depths required by LDC section 4.02.27 A.1 must not have a single wall plane exceeding 60 percent of each façade.
- ii. If a building has a projection or recess of 40 feet or more, each is considered a separate façade, and must meet the requirements for wall plane changes in LDC section 4.02.27 B.2.e.i.

Illustration Wall Plane Percentages



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f. Building design treatments. In addition to the principal entrance façade, the following design treatments must be an integral part of the building's design and integrated into the overall architectural style. Primary façades, other than the principal entrance façade, must have at least four (4) of the following building design treatments. However, a minimum of two (2) of the following design treatments are required for buildings less than 5,000 square feet:

- i. Canopies, porticos, or porte-cocheres, integrated with the building's massing and style;
- ii. Overhangs, minimum of three (3) feet;
- iii. Colonnades or arcades, a minimum of eight (8) feet clear in width;
- iv. Sculptured artwork;
- v. Murals;
- vi. Cornice minimum two (2) feet high with 12-inch projection;
- vii. Peaked or curved roof forms;

- 1
- 2 viii. Arches with a minimum 12-inch recess depth;
- 3
- 4 ix. Display windows;
- 5
- 6 x. Ornamental and structural architectural details, other than cornices,
- 7 which are integrated into the building structure and overall design;
- 8
- 9 xi. Clock or bell tower, or other such roof treatment (i.e., dormers,
- 10 belvederes, and cupolas);
- 11
- 12 xii. Projected and covered entry, with minimum dimension of eight (8)
- 13 feet and the minimum area of 100 square feet;
- 14
- 15 xiii. Emphasized building base, minimum of three (3) feet high, with a
- 16 minimum projection from the wall of two (2) inches;
- 17
- 18 xiv. Additional roof articulation above the minimum standards;
- 19
- 20 xv. Curved walls;
- 21
- 22 xvi. Columns;
- 23
- 24 xvii. Pilasters;
- 25
- 26 xviii. Metal or tile roof material;
- 27
- 28 xix. Expressed or exposed structural elements;
- 29
- 30 xx. Additional glazing at a minimum of 15 percent beyond the code
- 31 minimum requirement;
- 32
- 33 xxi. Solar shading devices (excluding awnings) that extend a minimum
- 34 of 50 percent of the length of the building façade;
- 35
- 36 xxii. Translucent glazing at a minimum of 10 percent beyond the code
- 37 minimum glazing requirement;
- 38
- 39 xxiii. Glass block at a minimum of 10 percent beyond the code minimum
- 40 glazing requirement; or
- 41
- 42 xxiv. Where the optional design feature in LDC section 4.02.27 B.2.a. is
- 43 chosen and 85 percent of all exterior glazing within the first three
- 44 stories of the building have any of the following:
- 45
- 46 a) Low reflectance, opaque glazing materials (may include
- 47 spandrel glass with less than 15 percent reflectance);
- 48
- 49 b) Glass with visual patterns consisting of opaque points or
- 50 patterns etched into or applied to the exterior or interior

1 surfaces with frit, frost, or film for single pane or insulated  
2 glass. A maximum of two (2) inch spacing between  
3 horizontal elements and a maximum of four (4) inch spacing  
4 between vertical elements, with a minimum line or dot  
5 diameter thickness of one-eighth (1/8) inch;

6  
7 c) Glass with continuous etch or continuous frit on interior  
8 surface, single pane, or insulated glass; or

9  
10 d) External screens.

11  
12 g. Window standards.

13  
14 i. False or applied windows are allowed but shall not be included in  
15 the glazing requirement for principal entrance façades.

16  
17 ii. Spandrel panels in curtain wall assemblies are allowed and shall be  
18 included in the minimum glazing required for principal entrance  
19 façades.

20  
21 h. Additional standards for outparcels and freestanding buildings within a non-  
22 residential or mixed-use PUD or unified development plan.

23  
24 i. Purpose and intent. To provide unified architectural design and site  
25 planning for all on-site structures, and to provide for safe and  
26 convenient vehicular and pedestrian access and movement within  
27 the site.

28  
29 ii. Façades standards. All façades must meet the requirements of LDC  
30 section 4.02.27 B.2.f. Building design treatments.

31  
32 a) Primary façades. All exterior façades of freestanding  
33 structures, including structures located on outparcels, are  
34 considered primary façades except for one secondary  
35 façade as defined below, and must meet the requirements  
36 of this section with respect to the architectural design  
37 treatment for primary façades in LDC section 4.02.27.B.2.,  
38 except for those façades considered secondary façades.

39  
40 b) Secondary façades. Outparcels and freestanding buildings  
41 are allowed one secondary façade. One façade of a  
42 freestanding structure, including structures located on  
43 outparcels, that is internal to the site and that does not abut  
44 or face public or private streets or internal drive aisles  
45 adjacent to the development.

46  
47 iii. Design standards. The design for freestanding buildings must  
48 employ architectural, site and landscaping design elements  
49 integrated with, and common to those used on the primary structure  
50 and its site. These common design elements must include colors,

1 building materials, and landscaping associated with the main  
2 structure. All freestanding buildings must provide for vehicular and  
3 pedestrian inter-connection between abutting outparcels or  
4 freestanding sites and the primary structure.

5  
6 iv. Primary façade standards. The following design feature is an  
7 additional option which can be used to meet the requirement in LDC  
8 section 4.02.27 B.2.b.ii. Primary façade design features: Walls  
9 expanding the design features of the building, not less than seven  
10 (7) feet high, creating a courtyard not less than 12 feet from the  
11 building and length of no less than 60 percent of the length of the  
12 associated façade. The courtyard may be gated and able to be  
13 secured from exterior public access. Grilled openings are allowed if  
14 the courtyard is landscaped. Opening depths or wall terminations  
15 must be a minimum of 12 inches deep. If the courtyard contains  
16 service or equipment, the height and design must prevent view from  
17 the exterior. Courtyard walls are not to be considered fences.

18  
19 i. Roof treatments.

20  
21 i. Purpose and intent. Variations in rooflines are used to add interest  
22 and reduce the massing of large buildings. Roof height and features  
23 must be in scale with the building's mass and shall complement the  
24 character of surrounding buildings and neighborhoods. Roofing  
25 materials must be constructed of durable, high-quality material in  
26 order to enhance the appearance and attractiveness of the  
27 community. The following standards identify appropriate roof  
28 treatments and features.

29  
30 ii. Roof edge and parapet treatment.

31  
32 a) When a building's largest floor is greater than 5,000 square  
33 feet in floor area a minimum of two (2) roof-edge or parapet  
34 line changes are required for all primary façades. One such  
35 change must be located on primary façades. Thereafter,  
36 one (1) additional roof change is required every 100 linear  
37 feet around the perimeter of the building. If a vertical change  
38 is used, each vertical change from the dominant roof  
39 condition must be a minimum of 10 percent of building  
40 height, but no less than three (3) feet. If a horizontal change  
41 is used, each horizontal change from the dominant roof  
42 condition must be a minimum of 20 percent of the façade  
43 length, but no less than three (3) feet.

44  
45 b) Roofs, other than mansard roofs, with the slope ratio of 3:12  
46 or higher are exempt from the above requirements for  
47 vertical change for the façades that are less than 200 feet.  
48 One roof edge, or parapet line change must be provided for  
49 every 200 linear feet of the façade length.

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- iii. Roof design standards. Roofs must meet the following requirements:
- a) When parapets are used, the average height of such parapets must not exceed 20 percent of the height of the supporting wall, with exception of the parapets used to screen mechanical equipment. Parapets used to screen mechanical equipment must be no less than the maximum height of the equipment. The height of parapets shall not, at any point, exceed one-third (1/3) the height of the supporting wall.
  - b) When a flat roof is screened with a parapet wall or mansard roof at any façade, a parapet or mansard roof treatment must extend along the remaining façades.
  - c) When sloped roofs are used, the massing and height must be in proportion with the height of its supporting walls. Sloped roofs must meet the following requirements:
    - i) Sloped roofs that are higher than its supporting walls must feature elements that create articulation and reduce the massing of the roof. This includes: clear story windows, cupolas, dormers, vertical changes, or additional complementary colors to the color of the roof.
    - ii) The color(s) of a sloped roof must complement the color(s) of the façades.
- iv. Prohibited roof types and materials. The following roof types and roof materials are prohibited:
- a) Asphalt shingles, except laminated, 320-pound, 30-year architectural grade asphalt shingles or better.
  - b) Mansard roofs and canopies, unless they meet the following standards:
    - i) Minimum vertical distance of eight (8) feet is required for buildings larger than 20,000 square feet.
    - ii) Minimum vertical distance of six (6) feet is required for buildings of up to 20,000 square feet of floor area.
    - iii) The roof angle shall not be less than 25 degrees, and not greater than 70 degrees.
  - c) Awnings used as a mansard or canopy roofs.

- 1           j. Awning standards. These standards apply to those awnings associated
- 2           with and attached to a building or structure.
- 3
- 4           i. Mansard awnings, which are those awnings that span 90 percent,
- 5           or more, of a façade length and those which do not provide a
- 6           connection between façades, must adhere to all roof standards of
- 7           LDC section 4.02.27 B.2.i. Roof treatments.
- 8
- 9           ii. All other awnings, which are awnings that constitute less than 90
- 10          percent of a façade length, and those that do not provide a
- 11          connection between façades, must adhere to the following
- 12          standards:
- 13
- 14          a) The portion of the awning with graphics may be backlit,
- 15          provided the illuminated portion of the awning with graphics
- 16          does not exceed size limitations and the other sign
- 17          standards of LDC sections 5.06.00, 9.03.00, and 9.04.00.
- 18
- 19          b) The location of awnings must relate to the window and door
- 20          openings, or other ornamental design features.
- 21
- 22          k. Materials and colors.
- 23
- 24          i. Purpose and intent. Exterior building colors and materials
- 25          contribute significantly to the visual impact of buildings on the
- 26          community. The colors and materials must be well designed and
- 27          integrated into a comprehensive design style for the project.
- 28          Intense, deep colors are appropriate for creating a Spanish
- 29          influenced architectural character. Building trims (windowsills, door
- 30          frames, ornamental features, etc.) should be highlighted with a
- 31          different color from that of the building body color. Frame
- 32          Vernacular architectural style reflects less intense, softer color
- 33          shades highlighting architectural details in bright white.
- 34
- 35          ii. Exterior building colors.
- 36
- 37          a) The use of color materials or finish paint above level 14
- 38          saturation (chroma) or below lightness level three (3) on the
- 39          Collier County Architectural Color Charts is limited to no
- 40          more than 50 percent of a façade or the total roof area.
- 41
- 42          b) The use of naturally occurring materials are permissible,
- 43          such as marble, granite, and slate and the following man-
- 44          made materials: silver unpainted metal roofs, and
- 45          composite wood and decking materials.
- 46
- 47          iii. Exterior building materials (excluding roofs). The following building
- 48          finish materials are limited to no more than 50 percent of the façade
- 49          area:
- 50

- 1 a) Corrugated, or metal panels.
- 2
- 3 b) Smooth concrete block.
- 4
- 5 3. Design Standards for Specific Building Uses. Certain uses may be established,
- 6 constructed, continued, and/or expanded provided they meet certain mitigating
- 7 standards specific to their design and/or operation. These conditions ensure
- 8 compatibility between land uses and building types and minimize adverse impacts
- 9 to surrounding properties.
- 10
- 11 a. Self-storage buildings. Self-storage buildings are subject to all of the
- 12 applicable provisions of this section with the following exceptions and
- 13 additions:
- 14
- 15 i. Overhead doors. Overhead doors are permitted on the primary
- 16 façade of self-storage buildings within the IUAOD.
- 17
- 18 ii. Screen walls. When a wall is proposed to screen the facility, it must
- 19 be constructed of material similar and complementary to the
- 20 primary building material and architecture. Long expanse of wall
- 21 surface shall be broken into sections no longer than 50 feet and
- 22 designed to avoid monotony by use of architectural elements such
- 23 as pillars.
- 24
- 25 iii. Single-story self-storage buildings. LDC section 4.02.27 B.2.b.
- 26 Primary façade design features can be replaced with one of the
- 27 following two options:
- 28
- 29 a) Option 1.
- 30
- 31 i) A minimum of 20 percent of the primary façade area
- 32 must be glazed; and
- 33
- 34 ii) A covered public entry with a minimum roof area of
- 35 80 square feet and no dimension less than eight (8)
- 36 feet, or a covered walkway at least six (6) feet wide
- 37 with a total length measuring no less than 60 percent
- 38 of the length of the façade.
- 39
- 40 b) Option 2. If the project design incorporates a screen wall
- 41 around the perimeter of the self-storage facility, the following
- 42 standards apply:
- 43
- 44 i) Architecturally treated, six (6)-foot high, screen wall
- 45 is required to screen the facility.
- 46
- 47 ii) The roof slope for the buildings is a minimum of 4:12
- 48 ratio for double slopes, and 3:12 ratio for single
- 49 slope.
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- iii) A landscape buffer at least seven (7) feet wide consisting of 10 shrubs (per 100 linear feet) is required on the exterior of the wall. Shrubs shall be 10 feet on center, 24 inches tall at planting and maintained at 36 inches.
  - c) In the case that none of the above options are met, then LDC section 4.02.27 B.2.b. Primary façade design features must be met.
  - iv. Multi-story self-storage buildings. The requirements of LDC section 4.02.27 B.2.b. primary façade design features can be replaced with one of the following two options:
    - a) Option 1.
      - i) A minimum of 20 percent of the primary façade area must be glazed; and
      - ii) A covered public entry with a minimum roof area of 80 square feet and no dimension less than eight (8) feet, or a covered walkway at least six (6) feet wide with a total length measuring no less than 60 percent of the length of the façade; and
      - iii) Foundation planting areas must be a minimum of 10 percent of the ground level building area for all buildings. The plantings can be clustered as desired; however, some plantings must be provided on both sides of the building’s principal entrance.
    - b) Option 2. If project design incorporates a screen wall around the perimeter of the self-storage facility, the following standards apply:
      - i) Architecturally treated, eight (8) feet high screen wall is required to screen the ground floor of the facility; and
      - ii) A landscape buffer at least seven (7) feet wide consisting of 10 shrubs (per 100 linear feet) is required on the exterior of the wall. Shrubs shall be 10 feet on center, 24 inches tall at planting and maintained at 36 inches; and
      - iii) Primary façades above the ground level must include glazing, covering at a minimum 20 percent of the façade area; and



1 iv) Foundation planting areas must be a minimum of 10  
2 percent of the ground level building area for all  
3 buildings. The plantings can be clustered as desired;  
4 however, some plantings must be provided on both  
5 sides of the building’s principal entrance.

7 c) In the case that none of the above options are met, then  
8 LDC section 4.02.27 B.2.b. primary façade design features  
9 must be met.

10 b. All facilities with fuel pumps. The provisions of LDC section 5.05.05  
11 Facilities with fuel pumps shall be applicable within the IUAOD with the  
12 following exceptions:

13 i. LDC section 5.05.05 C. shall apply except the architectural  
14 requirements of LDC section 5.05.08 are replaced and superseded  
15 by LDC section 4.02.27.

16 ii. LDC section 5.05.05 C.1.b.iv.b shall not limit eave fascia canopy  
17 colors to a single color.

18 iii. LDC section 5.05.05 D. Supplemental standards for facilities with  
19 fuel pumps within 250 feet of residential property.

20 iv. LDC section 5.05.05 E. The following landscape requirements  
21 under subsection 4.02.27 B.3.c.ii are in addition to the requirements  
22 of LDC section 4.02.27 B.4 Buffer and Landscaping Requirements.

23 c. Facilities with fuel pumps within 250 feet of residential property. Facilities  
24 with fuel pumps shall be subject to the following standards when located  
25 within 250 feet of residentially zoned or residentially developed properties,  
26 hereinafter referred to as "residential property," as measured from the  
27 property line of the facility with fuel pumps to the residential property line.  
28 However, a facility with fuel pumps shall be exempt from LDC section  
29 4.02.27 B.3.b when it is separated from residential property by a minimum  
30 of 100 feet of designated preserve area that is 80 percent opaque and at  
31 least 12 feet in height within one year, or a minimum four (4)-lane arterial  
32 or collector right-of-way.

33 i. Setbacks. All structures shall provide a minimum 50-foot front, side,  
34 and rear yard setback from residential property line(s).

35 ii. Landscaping and masonry wall standards. Facility with fuel pumps  
36 sites shall be separated from residential property by a 15-foot-wide  
37 Type D landscape buffer with an architecturally designed masonry  
38 wall. The masonry wall shall be eight (8) feet in height, centered  
39 within the landscape buffer, and shall use materials similar in color,  
40 pattern, and texture to those utilized for the principal structure.

41 iii. Music, amplified sound, and delivery time standards.

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- a) Music and amplified sound shall not be played in the fuel pump area between the hours of 10:00 p.m. and 7:00 a.m.
  - b) Music and amplified sound shall not be audible from the residential property line.
  - c) Deliveries shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. in the area located between the neighboring residential property and the facility with fuel pumps.
- iv. Lighting standards.
- a) All light fixtures shall be directed away from neighboring properties.
  - b) On-site light fixtures within 50 feet of residential property shall not exceed a height greater than 15 feet above finished grade. Light fixtures elsewhere shall not exceed a height greater than 20 feet above finished grade.
  - c) All light fixtures shall be full cutoff with flat lenses.
  - d) On-site luminaries shall be of low level, indirect diffuse type, and shall be between a minimum average of one and a half (1.5) foot-candles and a maximum average of five (5) foot-candles.
  - e) Illumination shall not exceed:
    - i) One-half (0.5) foot-candles at all residential property lines.
    - ii) One-fifth (0.2) foot-candles at 10 feet beyond all residential property lines.
  - f) Lighting located underneath the canopy shall be recessed, of indirect diffuse type, and designed to provide light only to the pump island areas located underneath said canopy.
  - g) Under canopy luminance shall be between a minimum average of five (5) foot-candles and a maximum average of 20 foot-candles.
- v. Dumpster enclosures. At a minimum, the dumpster enclosure shall be located at a distance from residential property equal to the setback of the principal structure from residential property.

- 1                    vi. See LDC section 5.05.11 for car washes, vacuums, and
- 2                    compressed air stations abutting residential zoning districts.
- 3
- 4                    vii. Landscaping adjacent to all other property lines:
- 5
- 6                    a) Landscaping adjacent to all other property lines shall
- 7                    comply with the requirements in LDC section 4.02.27 B.4.
- 8
- 9                    b) Curbing shall be installed and constructed, consistent with
- 10                   minimum code requirements, between all paved areas and
- 11                   landscape areas.
- 12
- 13                   d. Hotel/motel.
- 14
- 15                   i. Applicability. All standards of LDC section 4.02.27 are applicable
- 16                   with the following exceptions.
- 17
- 18                   ii. Design features. LDC section 4.02.27 B.2.b. Primary façade design
- 19                   features can be replaced as follows:
- 20
- 21                   a) The design of the primary façades must include windows
- 22                   and other glazed openings covering at least 20 percent of
- 23                   the primary façade area, and one of the following design
- 24                   features:
- 25
- 26                   i) Projected, or recessed, covered public entry
- 27                   providing a minimum horizontal dimension of eight
- 28                   (8) feet, and a minimum area of 100 square feet, or
- 29
- 30                   ii) Covered walkway or arcade (excluding canvas type)
- 31                   that is attached to the building or located no more
- 32                   than 12 feet from the building. The structure must be
- 33                   permanent, and its design must relate to the
- 34                   principal structure. The minimum width shall be six
- 35                   (6) feet, with a total length measuring 60 percent of
- 36                   the length of the associated façade.
- 37
- 38                   b) For buildings located 200 feet or more from the street right-
- 39                   of-way, the projected or recessed entry and covered
- 40                   walkway or arcade, required by the above LDC section
- 41                   4.02.27 B.3.d.ii.a), can be located on any façade.
- 42
- 43                   e. Outside play structures. No portion of any play structure, located between
- 44                   the front building line and any adjacent right-of-way, may exceed a height
- 45                   of 12 feet as measured from existing ground elevation.
- 46
- 47                   4. Buffer and landscaping requirements.
- 48
- 49                   a. Applicability.
- 50

- 1                    i. The provisions of LDC section 4.06.00 Landscaping, Buffering and
- 2                    Vegetation Retention shall be applicable to non-residential
- 3                    development within the IUAOD, except for the following regulations
- 4                    which replace:
- 5
- 6                    a) LDC section 4.06.02 Buffer Requirements.
- 7
- 8                    b) LDC section 4.06.03 A. Landscaping Requirements for
- 9                    Vehicular Use Areas and Rights-of-Way Applicability.
- 10
- 11                   c) LDC section 4.06.03 B. Standards for Landscaping in
- 12                   Vehicular Use Areas.
- 13
- 14                   d) LDC section 4.06.05 C. Building Foundation Plantings.
- 15
- 16                   ii. Applicability of buffer requirements. The buffering and screening
- 17                   requirements identified in Table 1 below shall apply to all new non-
- 18                   residential development. Existing landscaping which does not
- 19                   comply with the provisions of this section shall be brought into
- 20                   conformity to the maximum extent possible when: the vehicular use
- 21                   area is altered or expanded (except for restriping of lots/drives), the
- 22                   building square footage is changed, or building improvements
- 23                   exceed 50 percent of the value of the structure.
- 24
- 25                   iii. Developments shall be buffered for the protection of property
- 26                   owners from land uses as required pursuant to this section 4.02.27
- 27                   B.4. Buffers shall not inhibit pedestrian circulation between adjacent
- 28                   commercial land uses. Buffers shall be installed during construction
- 29                   as follows and in accordance with LDC section 4.06.05 General
- 30                   Landscaping Requirements:
- 31
- 32                   a) To separate commercial, community use, industrial and
- 33                   public use developments and adjacent expressways,
- 34                   arterials, and railroad rights-of-way, except where such
- 35                   expressway, arterial, or railroad right-of-way abuts a golf
- 36                   course.
- 37
- 38                   b) To separate commercial, community use, industrial and
- 39                   public use developments from residential developments.
- 40
- 41                   c) To delineate and create some limited separation amongst
- 42                   non-residential uses.
- 43
- 44                   iv. Separation shall be created with a landscape buffer strip which is
- 45                   designed and constructed in compliance with the provisions of LDC
- 46                   section 4.02.27 B.4 and LDC section 4.06.00, as applicable. Such
- 47                   buffer strip(s) shall be shown and designated on the final plat as a
- 48                   tract of easement and shall not be located within any public or
- 49                   private right-of-way. The ability to locate buffer(s) within a platted or
- 50                   recorded easement shall be determined pursuant to the provisions

1 of LDC section 4.06.00, Buffers adjacent to protected/preserve  
2 areas shall conform to the requirements established by the agency  
3 requiring such buffer.

4  
5 v. Landscape buffers, when required by the Land Development Code,  
6 or other county regulation shall be in addition to the required right-  
7 of-way width and shall be designated as a separate buffer tract or  
8 easement on the final subdivision plat. The minimum buffer width  
9 shall be in conformance with this section 4.02.27 B.4. In no case  
10 shall the required buffer be constructed to reduce cross-corner or  
11 stopping sight distances, or safe pedestrian passage. All buffer  
12 tracts or easements shall be owned and maintained by a property  
13 owner's association or other similar entity and shall be so dedicated  
14 on the final subdivision plat.

15  
16 b. Methods of determining buffers. Where a property adjacent to the proposed  
17 use is: (1) undeveloped, (2) undeveloped but permitted without the required  
18 buffering and screening required pursuant to this Code, or (3) developed  
19 without the buffering and screening required pursuant to this Code, the  
20 proposed use shall be required to install the more opaque buffer as  
21 provided for in Table 1. Where property adjacent to the proposed use has  
22 provided the more opaque buffer as provided for in Table 1, the proposed  
23 use shall install a type I-A buffer.

24  
25 i. Where the incorporation of existing native vegetation in landscape  
26 buffers is determined as being equivalent to or in excess of the  
27 intent of this Code, the County Manager or designee may waive the  
28 planting requirements of this section.

29  
30 ii. The buffering and screening provisions of this Code shall be  
31 applicable at the time of planned unit development (PUD),  
32 preliminary subdivision plat (PSP), or site development plan (SDP)  
33 review, with the installation of the buffering and screening required  
34 pursuant to LDC section 4.06.05 H. If the applicant chooses to  
35 forego the optional PSP process, then signed and sealed landscape  
36 plans will be required on the final subdivision plat. Where a more  
37 intensive land use is developed contiguous to a property within a  
38 similar zoning district, the County Manager or designee may require  
39 buffering and screening the same as for the higher intensity uses  
40 between those uses.

41  
42 iii. Landscape buffering and screening standards within any planned  
43 unit development shall conform to the minimum buffering and  
44 screening standards of the zoning district to which it most closely  
45 resembles. The County Manager or designee may approve  
46 alternative landscape buffering and screening standards when such  
47 alternative standards have been determined by use of professional  
48 acceptable standards to be equivalent to or in excess of the intent  
49 of this Code.

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c. Types of buffers. Within a required buffer strip, the following types of buffers shall be used based on the matrix in Table 1. There are four (4) possible buffer types, as described below. Each buffer type includes a minimum width and a minimum number of trees and shrubs per 100- linear-foot segment of boundary. A hedge shall at a minimum consist of three (3) gallon plants, two (2) feet in height spaced a minimum of three (3) feet on center at planting unless otherwise indicated in the table below or within the specific section of the LDC. The buffer types are:

<u>Buffer Types (per 100 linear feet)</u>				
	<u>I-A</u>	<u>I-B</u>	<u>I-C</u>	<u>I-D</u>
<u>Minimum width (feet)</u>	<u>10</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Minimum number of trees</u>	<u>2</u>	<u>4</u>	<u>4 with a hedge, or 3 with a wall</u>	<u>4</u>
<u>Minimum number of shrubs</u>	<u>0</u>	<u>18 (36 inches tall)*</u>	<u>60-inch tall hedge, or 18 shrubs (60 inches tall) with a wall</u>	<u>36-inch tall hedge or 4 shrubs (36 inches tall) with a wall*</u>

\*For a Type I-B or I-D buffer, shrubs shall be 24 inches tall at planting and maintained at 36 inches.

i. Type I-A Buffer.

a) Minimum Width: 10 feet.

b) Minimum number of trees (per 100 linear feet): Two (2)

ii. Type I-B Buffer.

a) Minimum Width: 15 feet.

b) Minimum number of trees (per 100 linear feet): Four (4).

c) Minimum number of shrubs (per 100 linear feet): 18 (planted at 24 inches and maintained at 36-inches)

iii. Type I-C Buffer.

a) Minimum Width: Fifteen feet.

b) Minimum number of trees (per 100 linear feet): Four (4) with a hedge, or three (3) with a wall or a fence.

i) Trees shall be spaced no more than 25 feet on center in combination with a hedge and no more than 33 feet on center in combination with a wall.

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- c) Minimum number of shrubs (per 100 linear feet): a 60-inch tall hedge or 18 shrubs (60 inches tall) with a wall
  - iv. Type I-D Buffer.
    - a) Minimum Width: 15 feet.
    - b) Minimum number of trees (per 100 linear feet): four (4).
    - c) Minimum number of shrubs (per 100 linear feet): a 36-inch tall hedge, or 4 shrubs (36 inches tall with a wall).
      - i) Trees shall be spaced no more than 25 feet on center, in the landscape buffer abutting a right-of-way, primary access road internal to a commercial development, or where deemed appropriate.
      - ii) A continuous three (3)-gallon single row hedge spaced three (3) feet on center of at least 24 inches in height at the time of planting and attaining a minimum of 36 inches in height in one year shall be required in the landscape buffer where vehicular areas are adjacent to the road right-of-way or where deemed appropriate, pursuant to LDC section 4.06.05 D.4. Shrubs and Hedges.
      - iii) Where a fence or wall fronts an arterial or collector road as described by the transportation circulation element of the growth management plan, a continuous three (3)-gallon single row hedge a minimum of 24 inches in height spaced three (3) feet on center, shall be planted along the right-of-way side of the fence. The required trees shall be located on the side of the fence facing the right-of-way. Every effort shall be made to undulate the wall and landscaping design incorporating trees, shrubs, and ground cover into the design. It is not the intent of this requirement to obscure from view decorative elements such as emblems, tile, molding and wrought iron.
      - iv) The remaining area of the required landscape buffer must contain only existing native vegetation, grass, ground cover, or other landscape treatment. Every effort should be made to preserve, retain, and incorporate the existing native vegetation in these areas.

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v) A signage visibility triangle may be created for non-residential on-premises signs located as shown in Figure 4.06.02.C-2 for Type I-D buffers that are 20 feet or greater in width. The line of visibility shall be no greater than 30 linear feet along road right-of-way line. Within the visibility triangle, shrubs and hedges shall be required pursuant to LDC section 4.06.05.D.4, except that hedges, shrubs, or ground cover located within the signage visibility triangle shall be maintained at a maximum plant height of 24 inches. Within the visibility triangle, no more than one required canopy tree may be exempted from the Type I-D buffer requirements.

v. The table below describes the required buffer type when a proposed use is abutting a different existing use or, in the absence of an existing use, the existing zoning.

Table 1

Table 1 information: The letter listed under "Adjacent Properties Zoning District and/or Property Use" shall be the landscape buffer and screening alternative required. Where a conflict exists between the buffer required by zoning district or property use, the more stringent buffer shall be required. The "-" symbol shall represent that no buffer is required. The PUD district buffer, due to a variety of differing land uses, is indicated by the "\*" symbol, and shall be based on the landscape buffer and screening of the district or property use with the most similar types, densities and intensities of use. Where a conflict exists between the buffering requirements and the yard requirements of this Code, the yard requirements of the subject zoning district shall apply.

	<u>Adjacent Properties Zoning District and/or Property Use</u>													
<u>Subject Property's District/Use</u>	<u>Agriculture (A<sup>1</sup>)</u>	<u>Residential (E, RSF) single-family</u>	<u>Residential (RMF-6, RMF-12, RMF-16) multifamily</u>	<u>Residential tourist (RT)</u>	<u>Village residential (VR)</u>	<u>Mobile home (MH)</u>	<u>Commercial<sup>3</sup> (C-1, C-2, C-3, C-4, C-5) : Business Park</u>	<u>Industrial<sup>2</sup></u>	<u>Public use (P), Community Facility (CF), Golf Course</u>	<u>Planned Unit Development</u>	<u>Vehicular rights-of-way</u>	<u>Golf course maintenance building</u>	<u>Golf Course</u>	<u>Automobile Service Station</u>
<u>Agriculture (A<sup>1</sup>)</u>	-	I-B	I-B	I-B	I-B	I-B	I-A	I-A	I-A	I-A	I-D	I-A	-	I-A
<u>Commercial<sup>3</sup> (C-1, C-2, C-3, C-4, C-5);</u>	I-A	I-C	I-C	I-C	I-C	I-C	I-A	I-A	I-A	*	I-D	I-B	I-B	I-B



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Text underlined is new text to be added

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<u>Business Park (BP)</u>														
<u>Industrial<sup>2</sup> (I)</u>	<u>I-A</u>	<u>I-C</u>	<u>I-C</u>	<u>I-C</u>	<u>I-C</u>	<u>I-C</u>	<u>I-A</u>	<u>I-A<sup>2</sup></u>	<u>I-A</u>	<u>*</u>	<u>I-D</u>	<u>I-C</u>	<u>I-C</u>	<u>I-C</u>
<u>Public use (P), community facility (CF), Golf Course Clubhouse, Amenity Center</u>	<u>I-A</u>	<u>I-B</u>	<u>I-B</u>	<u>I-B</u>	<u>I-B</u>	<u>I-B</u>	<u>I-A</u>	<u>I-A</u>	<u>I-A</u>	<u>*</u>	<u>I-D</u>	<u>I-B</u>	<u>-</u>	<u>I-C</u>
<u>Planned unit development (PUD)</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>I-D</u>	<u>*</u>	<u>*</u>	<u>*</u>
<u>Vehicular rights-of-way</u>	<u>I-D</u>	<u>I-D</u>	<u>I-D</u>	<u>I-D</u>	<u>I-D</u>	<u>I-D</u>	<u>I-D</u>	<u>I-D</u>	<u>I-D</u>	<u>I-D</u>	<u>-</u>	<u>I-D</u>	<u>-</u>	<u>I-D</u>
<u>Golf course maintenance building</u>	<u>I-B</u>	<u>I-B</u>	<u>I-B</u>	<u>I-B</u>	<u>I-B</u>	<u>I-B</u>	<u>I-B</u>	<u>I-C</u>	<u>I-B</u>	<u>I-B</u>	<u>I-D</u>	<u>-</u>	<u>I-B</u>	<u>I-C</u>
<u>Golf course</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>I-C</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>I-B</u>	<u>-</u>	<u>I-C</u>
<u>Automobile service station<sup>4</sup></u>	<u>I-A</u>	<u>I-C</u>	<u>I-C</u>	<u>I-C</u>	<u>I-C</u>	<u>I-C</u>	<u>I-C</u>	<u>I-A</u>	<u>I-C</u>	<u>*</u>	<u>I-D</u>	<u>I-C</u>	<u>I-C</u>	<u>-</u>

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<sup>1</sup> Buffering in agriculture (A) districts shall be applicable at the time of site development plan (SDP) submittal.

<sup>2</sup> Industrial (I) zoned property, where abutting industrial (I) zoned property, shall be required to install a minimum five (5)-foot-wide type I-A landscape buffer adjacent to the side and rear property lines. The buffer area shall not be used for water management. In addition, trees may be reduced to 50 feet on center along rear and side perimeter buffers only. This reduction in buffer width shall not apply to buffers adjacent to vehicular rights-of-way or nonindustrial zoned property. Abutting industrial zoned properties may remove a side or rear buffer along the shared property line in accordance with LDC section 4.02.27 B.4.c.viii. This exception to buffers shall not apply to buffers abutting vehicular rights-of-way.

<sup>3</sup> Buffer areas between commercial outparcels located within a shopping center, Business Park, or similar commercial development may have a shared buffer 15 feet wide with each abutting property contributing seven and a half (7.5) feet. The outparcels may remove a side or rear buffer along the shared property line between comparable uses within the same zoning designation in accordance with LDC section 4.02.27.B.4.c.viii. These provisions shall not apply to right-of-way buffers.

<sup>4</sup> Refer to LDC section 4.02.27 B.3.b and c. for automobile service station landscape requirements.

- 1 vi. Business Parks. A 15-foot-wide landscape buffer shall be provided
- 2 around the boundary of the business park when abutting residential
- 3 zoning district or uses. A six (6)-foot tall opaque architecturally
- 4 finished masonry wall, or berm, or combination thereof shall be
- 5 required, and one row of trees spaced no more than 30 feet on
- 6 center shall be located on the outside of the wall, berm, or berm/wall
- 7 combination.
- 8
- 9 vii. Buffering and screening standards. In accordance with the
- 10 provisions of this Code, loading areas or docks, outdoor storage,
- 11 trash collection, mechanical equipment, trash compaction,
- 12 vehicular storage excluding new and used cars, recycling, roof top
- 13 equipment and other service function areas shall be fully screened
- 14 and out of view from adjacent properties at ground view level and
- 15 in view of roadway corridors.
- 16
- 17 viii. Joint Project Plan. Abutting platted parcels may submit a joint
- 18 project plan to remove one side or rear landscape buffer along a
- 19 shared property line in order to share parking or other infrastructure
- 20 facilities, provided the following criteria are met:
- 21
- 22 a) A joint project plan shall include all necessary information to
- 23 ensure that the combined site meets all of the design
- 24 requirements of this Code and shall be submitted as either
- 25 a single SDP or SIP consisting of both parcels, or separate
- 26 SDPs or SIPs for each parcel that are submitted
- 27 concurrently. Joint project plans require a shared
- 28 maintenance and access easement that is recorded in the
- 29 public records.
- 30
- 31 b) The following are eligible for a joint project plan. One
- 32 outparcel shall be no greater than three (3) acres and the
- 33 combined parcel acreage shall not exceed five (5) acres:
- 34
- 35 i) Abutting commercial outparcels located within a
- 36 shopping center.
- 37
- 38 ii) Abutting commercial parcels in a Business Park.
- 39
- 40 iii) Abutting commercial parcels with the same zoning
- 41 designation.
- 42
- 43 iv) Abutting industrial parcels with the same zoning
- 44 designation.
- 45
- 46 c) The buffer to be eliminated shall not be a perimeter buffer
- 47 or adjacent to any internal main access drives.
- 48

1 d. Standards for retention and detention areas in buffer yards. Unless  
2 otherwise noted, all standards outlined in section 4.06.05 C apply. Trees  
3 and shrubs must be installed at the height specified in this section.

4 Water management systems, which must include retention and detention  
5 areas, swales, and subsurface installations, are permitted within a required  
6 buffer provided they are consistent with accepted engineering and  
7 landscaping practice and the following criteria:

8  
9  
10 i. Water management systems must not exceed 50 percent of the  
11 square footage of any required side, rear, or front yard landscape  
12 buffer.

13  
14 ii. Water management systems must not exceed, at any location  
15 within the required side, rear, or front yard landscape buffer, 70  
16 percent of the required buffer width. A minimum five (5)-foot wide  
17 10:1 level planting area shall be maintained where trees and  
18 hedges are required.

19  
20 iii. Exceptions to these standards may be granted on a case-by-case  
21 basis, evaluated on the following criteria:

22  
23 a) Water management systems, in the form of dry retention,  
24 may utilize an area greater than 50 percent of the buffer  
25 when existing native vegetation is retained at natural grade.

26  
27 b) For lots of record 10,000 square feet or less in size, water  
28 management areas may utilize an area greater than 50  
29 percent of the required side and rear yard buffers. A level  
30 planting area of at least three feet in width must be provided  
31 in these buffers.

32  
33 iv. Sidewalks and other impervious areas must not occupy any part of  
34 a required I-A, I-B, I-C, or I-D type buffer, except when:

35  
36 a) Driveways and sidewalks are constructed perpendicular to  
37 the buffer and provide direct access to the parcel.

38  
39 b) Parallel meandering sidewalks occupy the buffer, and its  
40 width is increased by the equivalent sidewalk width.

41  
42 c) A required 15—20-foot-wide buffer is reduced to a minimum  
43 of 10 feet wide and is increased by the five-to-ten-foot  
44 equivalent width elsewhere along that buffer.

45  
46 e. Vehicular use areas.

47  
48 i. Applicability. The provisions of this section shall apply to all new off-  
49 street parking or other vehicular use areas.

50

- 1 a) Existing landscaping which does not comply with the
- 2 provisions of this Code shall be brought into conformity to
- 3 the maximum extent possible when: the vehicular use area
- 4 is altered or expanded except for restriping of lots/drives,
- 5 the building square footage is changed, or the building
- 6 improvements exceed 50 percent of the value of the
- 7 structure.
- 8
- 9 b) These provisions shall apply to all non-residential
- 10 development within the IUAOD.
- 11
- 12 c) Any appeal from an administrative determination relating to
- 13 these regulations shall be to the board of zoning appeals or
- 14 equivalent.
- 15
- 16 d) Prior to issuing occupancy permits for new construction,
- 17 implementation, and completion of landscaping
- 18 requirements in off-street vehicular facilities shall be
- 19 required.
- 20
- 21 e) Where a conflict exists between the strict application of this
- 22 section and the requirements for the number of off-street
- 23 parking spaces or area of off-street loading facilities, the
- 24 requirements of this section shall apply.
- 25
- 26 ii. Standards for landscaping in Vehicular Use Areas. For projects
- 27 subject to architectural design standards, see LDC section 4.02.27
- 28 B.2. for related provisions.
- 29
- 30 a) Landscaping required in interior of vehicular use areas. At
- 31 least ten percent of the amount of vehicular use area onsite
- 32 shall be devoted to interior landscaping areas. The width of
- 33 all curbing shall be excluded from the required landscaped
- 34 areas. All interior landscaped areas not dedicated to trees
- 35 or to preservation of existing vegetation shall be landscaped
- 36 with grass, ground cover, shrubs, or other landscape
- 37 treatment. One tree shall be provided for every 250 square
- 38 feet of the required interior landscaped area. Interior
- 39 landscaped areas shall be a minimum of five feet in width
- 40 and 150 square feet in area. The amount of required interior
- 41 landscape area provided shall be shown on all preliminary
- 42 and final landscape plans.
- 43
- 44 b) All rows of parking spaces shall be bordered on each end
- 45 by curbed terminal landscape islands. Each terminal
- 46 landscape island shall measure inside the curb not less than
- 47 eight feet in width and extend the entire length of the single
- 48 or double row of parking spaces bordered by the terminal
- 49 landscape island. Type D or Type F curb per current FDOT
- 50 Design Standards is required around all terminal landscape

1 islands. A terminal landscape island for a single row of  
 2 parking spaces shall be landscaped with at least one  
 3 canopy tree. A terminal landscape island for a double row of  
 4 parking spaces shall contain not less than two canopy trees.  
 5 The remainder of the terminal landscape island shall be  
 6 landscaped with sod, ground covers or shrubs or a  
 7 combination of any of the above.

8  
 9 c) Interior landscaping areas shall be provided within the  
 10 interior of all vehicular use areas. Landscaped areas, wall  
 11 structures, and walks shall require protection from vehicular  
 12 encroachment through appropriate wheel stops or curbs or  
 13 other structures.

14  
 15 d) Required landscape islands and perimeter planting beds  
 16 shall be graded to provide positive drainage. Curbing  
 17 around landscape areas shall include curb cuts where  
 18 necessary so as not to inhibit positive drainage.

19  
 20 e) Green space required in shopping centers and freestanding  
 21 retail establishments with a floor area greater than 40,000  
 22 square feet. An area that is at least seven percent of the size  
 23 of the vehicular use areas must be developed as green  
 24 space within the front yard(s) or courtyards of shopping  
 25 centers and retail establishments and must be in addition to  
 26 the building perimeter planting area requirements. The  
 27 courtyards must only be located in areas that are likely to be  
 28 used by pedestrians visiting the shopping center and retail  
 29 establishment. The seven percent green space area must  
 30 be in addition to other landscaping requirements of this  
 31 division, may be used to meet the open space requirements  
 32 (section 4.02.01), and must be labeled "Green Space" on all  
 33 subdivision and site plans (Refer to section 4.02.27 A.). The  
 34 interior landscape requirements of these projects must be  
 35 reduced to an amount equal to five percent (5 percent) of  
 36 the vehicular use area on site. Green space must be  
 37 considered areas designed for environmental, scenic, or  
 38 noncommercial recreation purposes and must be  
 39 pedestrian-friendly and aesthetically appealing. Green  
 40 space may only include the following: lawns, mulch,  
 41 decorative plantings, nonprohibited exotic trees, walkways  
 42 within the interior of the green space area not used for  
 43 shopping, fountains, manmade watercourses (but not water  
 44 retention areas), wooded areas, park benches, site lighting,  
 45 sculptures, gazebos, and any other similar items that the  
 46 planning service director deems appropriate. Green space  
 47 must include: walkways within the interior of the green  
 48 space area not used for shopping, a minimum of one (1) foot  
 49 of park bench per 1,000 square feet of building area. The  
 50 green space area must use existing trees where possible

1 and landscaping credits will be allowed as governed by table  
2 4.06.04 B. The green space areas must be located in areas  
3 that are in close proximity to the retail shopping area.  
4 Benches may also be located in interior landscaped areas  
5 and 75 percent of the benches may be located adjacent to  
6 the building envelope along paths, walkways and within  
7 arcades or malls.

8  
9 f) Required landscaping for buildings over 20,000 square feet  
10 shall be pursuant to LDC section 4.02.27 A. The following  
11 requirements will be counted toward the required  
12 greenspace and open space requirements of this Chapter  
13 of this Code.

14  
15 i) Trees in vehicular use areas must be a minimum of  
16 14- to 16-feet height with a six- to eight-(6-8) foot  
17 spread and a three- to four- (3-4) inch caliper and  
18 must have a clear trunk area to a height of six feet.

19  
20 ii) The first row of landscape islands located closest to  
21 the building front and sides must be landscaped with  
22 trees, palms, shrubs, and groundcovers and must  
23 have a clear trunk area to a height of seven (7) feet.

24  
25 f. Building foundation plantings.

26  
27 i. All non-residential buildings shall provide building foundation  
28 plantings in the amount of 10 percent of the overall building footprint  
29 area and a minimum planting width of five (5) feet.

30  
31 ii. Foundation planting areas shall be located adjacent to building  
32 entrance(s), and along primary façades.

33  
34 iii. Building foundation plantings shall consist of shrubs, ground cover,  
35 raised planter boxes, and/or ornamental grass plantings.

36  
37 iv. A maximum of 50 percent of the required foundation planting may  
38 be located in perimeter buffers.

39  
40 v. Water management shall not occur in foundation planting areas.

41  
42 5. Off-street parking.

43  
44 a. Purpose and Intent. The following standards are intended to guide the  
45 development of off-street parking, loading and transportation access within  
46 the IUAOD to recognize the higher levels of bicycle and pedestrian activity  
47 in Immokalee, to encourage the continued use of alternative modes of  
48 transportation, and to provide safe and functional circulation patterns and  
49 connectivity for off-street parking.

- 1            b. Applicability. In addition to LDC section 4.05.00 Off-street Parking and
- 2            Loading, the following regulations shall apply to all non-residential
- 3            development within the IUAOD. If any of the provisions noted herein
- 4            conflict with other regulations within LDC section 4.05.00, the following
- 5            shall apply.
- 6
- 7            i. The provisions of this section shall apply to all new off-street parking
- 8            or other vehicular use areas.
- 9
- 10           ii. Existing landscaping which does not comply with the provisions of
- 11           this Code shall be brought into conformity to the maximum extent
- 12           possible when: the vehicular use area is altered or expanded except
- 13           for restriping of lots/drives, the building square footage is changed
- 14           or building improvements exceed 50 percent of the value of the
- 15           structure.
- 16
- 17           iii. Prior to issuing occupancy permits for new construction,
- 18           implementation, and completion of landscaping requirements in off-
- 19           street vehicular facilities shall be required.
- 20
- 21           c. Shared Parking. Shared parking arrangements between adjoining
- 22           developments shall be encouraged.
- 23
- 24           d. Parking Reduction. Off-street parking requirements may be reduced by up
- 25           to 25 percent through the substitution of one required parking space by
- 26           providing and maintaining a bicycle rack able to hold four bicycles
- 27           throughout the IUAOD.
- 28
- 29           e. Bicycle parking.
- 30
- 31           i. Applicability. Due to the significance of pedestrian and bicycle
- 32           modes of travel within the IUAOD, bicycle parking spaces shall be
- 33           required for safe and secure parking of bicycles. These regulations
- 34           replace LDC section 4.05.08 Bicycle Parking Requirements. If any
- 35           of the provisions noted herein conflict with other regulations within
- 36           the Land Development Code, the following shall apply.
- 37
- 38           ii. Number. Provisions for the safe and secure parking of bicycles shall
- 39           be furnished at a ratio of five (5 percent) percent of requirements
- 40           for motor vehicles as set forth in section 4.05.04. but not to exceed
- 41           a maximum of 20 total bicycle parking spaces. A minimum of two
- 42           (2) bicycle parking spaces shall be provided.
- 43
- 44           iii. Design.
- 45
- 46           a) A bicycle parking facility suited to a single bicycle ("parking
- 47           space") shall be of a stand-alone inverted-U design
- 48           measuring a minimum of 36 inches high and 18 inches wide
- 49           [of one and one-half (1½) inch Schedule 40 pipe, ASTM F
- 50           1083] bent in one (1) piece ("bike rack") mounted securely

- 1 to the ground [by a 3/8-inch thick steel base plate, ASTM A
- 2 36] so as to secure the bicycle frame and both wheels.
- 3
- 4 b) Each parking space shall have a minimum of three (3) feet
- 5 of clearance on all sides of the bike rack.
- 6
- 7 c) Bicycle spaces shall be surfaced with the same or similar
- 8 materials approved for the motor vehicle parking lot, lighted
- 9 and located no greater than 100 feet from the main building
- 10 entrance.
- 11
- 12 d) Extraordinary bicycle parking designs which depart from the
- 13 bike rack standard but are consistent with the
- 14 development's design theme shall be considered by the
- 15 County architect. Bike racks which function without securing
- 16 the bicycle frame, require the use of a bicycle kick stand, or
- 17 which may be freely reoriented are not allowable.
- 18

6. Fencing and Walls, Excluding Sound Walls.

- 21 a. Applicability. The provisions of LDC section 5.03.02 Fence and Walls,
- 22 Excluding Sound Walls, are applicable within the IUAOD with the following
- 23 exceptions:
- 24
- 25 i. LDC section 5.03.02.G Supplemental Standards
- 26
- 27 b. Supplemental standards.
- 28
- 29 i. All fences shall have their finished side facing outward.
- 30
- 31 ii. Fences on sites with structures which are subject to section 5.05.08
- 32 Architectural & Site Design Standards must comply with the
- 33 following additional standards:
- 34
- 35 a) Chain link (including wire mesh) and wood fences are
- 36 permitted forward of the primary façade.
- 37
- 38 b) Fences forward of the primary façade, including chain link,
- 39 wire mesh, and wood are permitted under the following
- 40 conditions:
- 41
- 42 i) Fences shall not exceed 4 feet in height.
- 43
- 44 ii) The fence provides either an open view at a
- 45 minimum of 25 percent of its length or provides
- 46 variation in its height for a minimum of 15 percent of
- 47 its length with a deviation of at least 12 inches.
- 48
- 49 iii) The fence style must complement building style
- 50 through material, color, and design.



1  
2           iii.     Use of chain link or wire mesh fencing (the requirements of this  
3                   section are not applicable to single family dwellings). If located  
4                   adjacent to an arterial or collector road in the urban coastal area,  
5                   the fence shall be placed no closer than three feet to the edge of  
6                   the right-of-way or property line.

7  
8           iv.     Barbed wire is only authorized within agricultural districts and on  
9                   fences surrounding public utility ancillary systems in all districts.  
10                  Razor or concertina wire is not permitted except in the case of an  
11                  institution whose purpose is to incarcerate individuals, i.e., a jail or  
12                  penitentiary, or by application and decision by the County Manager  
13                  or designee.

14  
15       7.     Outdoor lighting requirements.

16  
17       a.     Applicability. In addition to LDC section 4.02.08 Outside Lighting  
18                  Requirements, the following regulations shall apply to all non-residential  
19                  development within the IUAOD. If any of the provisions noted herein  
20                  conflict with other regulations within LDC section 4.02.08 Outside Lighting  
21                  Requirements, the following shall apply.

22  
23       b.     Design.

24  
25       i.     The design of the actual lighting fixtures shall be consistent with the  
26                  design of the project (including outparcels) in style, color, materials,  
27                  and location.

28  
29       ii.    Lighting shall be designed to comply with the intent of the  
30                  Illuminating Engineering Society of North America (Dark Skies). All  
31                  lighting shall be designed to eliminate uplighting.

32  
33       iii.   Lighting shall be designed to prevent the glare or spillage of light  
34                  onto adjacent properties and to prevent hazardous interference with  
35                  automotive and pedestrian traffic. In order to accomplish this, all  
36                  exterior lighting shall be directional, and use recessed light bulbs,  
37                  filters or shielding to conceal the source of illumination.

38  
39       c.     Security Lighting. Lighting for security purposes shall be directed away  
40                  from and shielded from adjacent properties and rights-of-way. This  
41                  requirement shall also apply to agricultural uses.

42  
43       8.     Signage.

44  
45       a.     Applicability. In addition to LDC section 5.06.00 Sign Regulations and  
46                  Standards by Land Use Classification, the following regulations shall apply  
47                  to all businesses within the IUAOD. If any of the provisions noted herein  
48                  conflict with LDC section 5.06.00 Sign Regulations and Standards by Land  
49                  Use Classification , the following shall apply.

- 1            b. Murals and Wall Art. Murals are allowed as public art within the IUAOD and
- 2            subject to the following:
- 3
- 4            i. Murals are only allowed on commercial, civic, or institutional
- 5            buildings.
- 6
- 7            ii. One mural is allowed per building.
- 8
- 9            iii. Murals are permitted on sections of buildings where there are no
- 10           windows or doors or where the mural will not interfere with the
- 11           building’s architectural details.
- 12
- 13           iv. The mural shall not contain text for the purpose of advertising any
- 14           business or commercial activity.
- 15
- 16           v. The mural cannot be temporary in nature and the building owner
- 17           must commit to maintaining the mural.
- 18
- 19           vi. Review and approval from the CRA Advisory Board is required to
- 20           ensure the mural complies with the conditions above and that the
- 21           artwork complements the design of the building in color, shape, and
- 22           location.

23

24 C. Immokalee Urban Area Mainstreet Overlay Subdistrict (MSOS).

- 25
- 26           1. Purpose and Intent. The standards described in this section shall apply to all non-
- 27           residential uses in this overlay subdistrict. Where a conflict may arise between
- 28           these regulations and LDC section 4.02.27, the subdistrict regulations shall control.
- 29
- 30           2. Dimensional Standards.
- 31
- 32           a. Height. Structures shall be no more than 35 feet in height, except that
- 33           hotel/motel uses shall be no more than 50 feet in height.
- 34
- 35           b. Setback. The Main Street Overlay Subdistrict contains four (4) design
- 36           districts as described below, which were created in order to maintain and
- 37           enhance the urban character of downtown Immokalee and to encourage
- 38           the desired pattern of development.
- 39
- 40           i. Main Street Corridor.
- 41
- 42           a) Main Street Corridor. The Main Street Corridor is for those
- 43           properties abutting Main Street from Second Street East to
- 44           Hancock Street or 11th.
- 45
- 46           b) First Street Corridor. The First Street Corridor extends along
- 47           First Street from Eustis Avenue to West Main Street and is
- 48           the connection between the Seminole Casino and the Main
- 49           Street corridor.
- 50

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- c) Fifteenth Street Corridor. The Fifteenth Street Corridor is for those properties abutting Fifteenth Street from Hancock Street to Immokalee Drive.
- d) Side Streets. The interior streets include all streets running perpendicular and parallel to the Main Street, First Street and Fifteenth Street Corridors within the Main Street Overlay Subdistrict.

Table 1. Dimensional Requirements in the MSOS

<u>DESIGN DISTRICT</u>	<u>SETBACK FROM THE STREET(FRONT/CORNER)</u>	<u>SIDE YARD SETBACK</u>	<u>REAR YARD SETBACK</u>
<u>MAIN STREET CORRIDOR</u>	<u>0' from property line or 10' maximum from the back of the curb*</u>	<u>Min. = 0' if neighboring building has 0' setback, otherwise maintain a building separation of 10' (see Illustration 3)</u> <u>Max. = 50% of lot width (both sides combined) (see Illustration 4)</u>	<u>5' or 20' when abutting residential</u>
<u>FIRST STREET CORRIDOR</u>	<u>0' from property line or 8' maximum from the back of the curb*</u>	<u>Min. = 0' if neighboring building has 0' setback, otherwise maintain a building separation of 10' (see Illustration 3)</u> <u>Max. = 50% of lot width (both sides combined) (see Illustration 4)</u>	<u>5' or 20' when abutting residential</u>
<u>FIFTEENTH STREET CORRIDOR</u>	<u>0' from property line or 25' maximum from the back of the curb*</u>	<u>Per LDC</u>	<u>5' or 20' when abutting residential</u>
<u>INTERIOR STREETS</u>	<u>5' maximum for the first two stories, plus 5' additional setback for buildings over</u>	<u>Per LDC</u>	<u>5' or 20' when abutting residential</u>

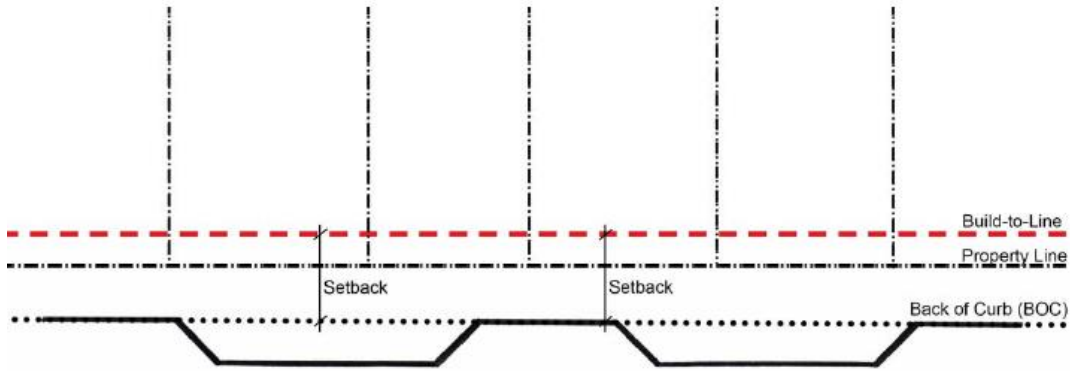
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	<u>two stories; measured from property line</u>		
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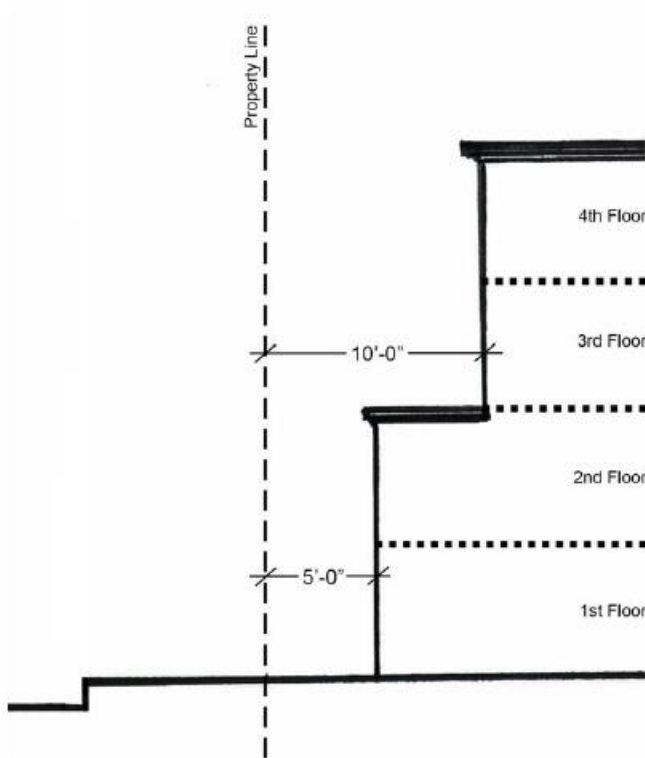
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Illustration #1 General Building Setbacks Plan View



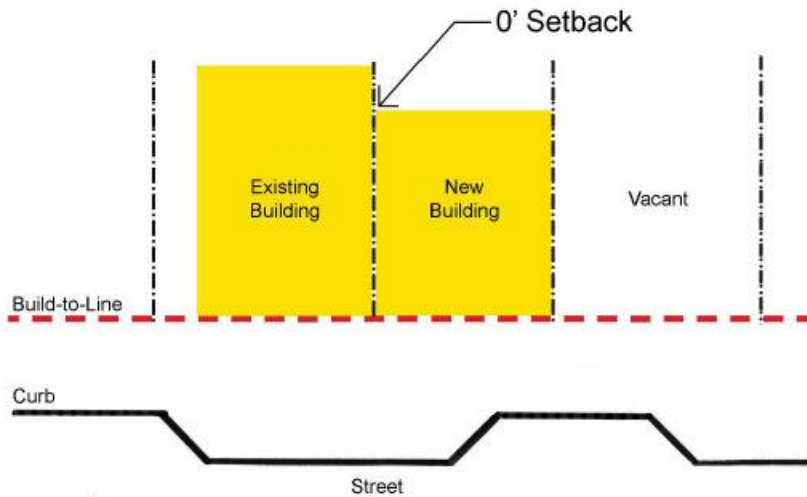
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Illustration #2 Setback requirements along Side Streets



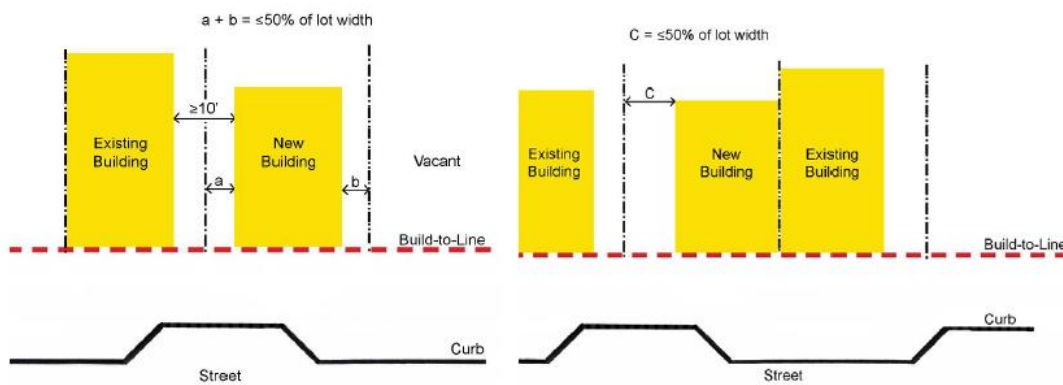
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Illustration #3 Side Yard Setback Requirements – Alternative 1



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Illustration #4 Side Yard Setback Requirements – Alternative 2



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c. Exceptions to Building Setback Requirements.

- i. Public Space: Street setbacks may be permitted up to 30 feet if pedestrian courtyards, plazas, cafes, fountains, or other public gathering places are provided in front of the recessed portion of the building. For buildings greater than 40 feet in width, the increased setback area shall not exceed 50 percent of the building frontage and shall incorporate a street wall along the original setback line.
- ii. Arcades: The use of arcades is encouraged and therefore allowed to extend up to the property line. They may have enclosed space, balconies, or verandas above them. Arcades should be open and non-air conditioned.

3. Building and site design standards.

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- a. Architectural Styles. All new non-residential buildings within the MSOS are required to adopt architectural elements consistent with one of the following types of architecture. Architectural style descriptions and their attributes are listed below and in Table 1.

Table 1. Architectural style descriptions

	<u>Spanish Vernacular</u>		<u>Frame Vernacular</u>	<u>Contemporary</u>
	<u>Mediterranean</u>	<u>Mission</u>		
<u>Roof Types</u>	<u>Multi-level roofs</u> <u>Gable</u> <u>Hip</u> <u>Pent/Visor</u> <u>Parapets</u>	<u>Flat roof with curvilinear parapets are most common</u> <u>Gable and Hip also used.</u> <u>Pent/Visor</u>	<u>Gable</u> <u>Hip</u> <u>Pent/Visor</u> <u>Parapets</u>	<u>Flat overhanging roof</u> <u>Gable</u> <u>Hip</u> <u>Pent</u>
<u>Roof Materials</u>	<u>Barrel Tile (half cylinders) or Spanish Tile (s-curved shape) in red and earth tones.</u>	<u>Barrel Tile (half cylinders) or Spanish Tile (s-curved shape)</u>	<u>Metal roof (5v panels or narrow standing seam)</u>	<u>Metal roof</u> <u>Concrete tiles</u> <u>Solar tiles</u>
<u>Facade Materials</u>	<u>Stucco with sand finish or hand troweled</u>	<u>Stucco with sand finish or hand troweled</u>	<u>Lapped siding with corner boards (wood or vinyl)</u> <u>Vertical board &amp; batten siding</u> <u>Pattern shingles (for accent only)</u>	<u>Concrete</u> <u>Glass</u> <u>Steel</u>
<u>Windows</u>	<u>Arched windows (some triple-arched)</u> <u>Vertical in proportion</u> <u>Half round transom above windows</u> <u>Sashed</u>	<u>Vertical</u> <u>Half round transom</u> <u>Sashed</u>	<u>Tall and narrow proportion</u> <u>Sashed</u> <u>Window and door trim projects out from wall cladding</u>	
<u>Building Color</u>	<u>Typically earth tones; however, due to heavy influence from Central &amp; South America brighter colors are encouraged</u>	<u>Typically earth tones; however, due to heavy influence from Central &amp; South America brighter colors are encouraged</u>	<u>Typically, pastel colors with white trim/accent; however, due to heavy influence from Central &amp; South America brighter colors are encouraged</u>	

<u>Ornamentation</u>	<u>Arcades</u> <u>Balconies</u> <u>Full arches</u> <u>Wrought iron,</u> <u>wood or cast</u> <u>stone railings.</u> <u>Patterned tiles</u> <u>or single tiles</u> <u>used for accent.</u> <u>Carved</u> <u>stonework</u> <u>Wood or iron</u> <u>window grilles</u> <u>Tile vents</u>	<u>Arcades</u> <u>Balconies</u> <u>Full arches</u> <u>Wrought iron,</u> <u>wood or cast</u> <u>stone railings.</u> <u>Patterned tiles or</u> <u>single tiles used</u> <u>for accent.</u> <u>Carved</u> <u>stonework</u> <u>Wood or iron</u> <u>window grilles</u> <u>Tile</u>	<u>Porches</u> <u>Columns,</u> <u>spindles (square</u> <u>or turned)</u> <u>Gable end or</u> <u>eave brackets</u> <u>Shutters</u> <u>Transom</u> <u>windows</u>	
<u>Fences</u>	<u>Combination of</u> <u>masonry and</u> <u>wrought iron</u>	<u>Combination of</u> <u>masonry and</u> <u>wrought iron</u>	<u>Wood picket</u> <u>fences</u>	

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i. Spanish vernacular.

a) Mediterranean Style: Also known as Spanish Eclectic or Spanish Colonial Revival. Characteristics typically include barrel tile, low-pitched roofs usually with little or no overhang, parapets, arches, stucco, and asymmetrical facades. Mediterranean style buildings typically contain the following: multi-level roofs composed of barrel tile (half cylinders) or Spanish Tiles (s-curved shape) in red and earth tones, façade of stucco and sand finish or hand troweled, arched windows (some triple-arched), ornamentation contain full arches and patterned tiles or single tile for accent.

b) Mission Style: Influenced by the Spanish Colonial Style. Characteristics typically include barrel tile roofs, arches, earth tone colors, and asymmetrical façades finished in stucco. Similar to the Mediterranean Style but exhibiting much less ornamentation and detailing. Mission Style buildings typically contain flat roof with curvilinear parapets are most common, barrel tile (half cylinders) or Spanish Tile (s-curved shape), stucco with sand finish or hand troweled, and ornamentation containing full arches.

c) Frame Vernacular: Also known as Florida Cracker or Key West Style. Some frame vernacular buildings in Florida exhibit a Caribbean influence, while others are more utilitarian or rural in nature. Most familiar elements of this style are the use of horizontal siding for façade finish, elaborate wood balustrades, large porches, and metal roofs. Frame Vernacular buildings typically contain metal roofs (5v panels or narrow standing seam), lapped siding with corner

1 boards (wood or vinyl) and ornamentation of gable end or  
2 eave brackets.

3  
4 d) Contemporary: Contemporary architecture focuses on  
5 innovation while being in harmony with nature through the  
6 use of clean geometric lines and elements such as  
7 openness both in interiors and to the outside, natural light,  
8 eco-friendly materials and creative styles. This is achieved  
9 through the use of a range of building materials such as  
10 concrete, glass, wood, and metals.

11  
12 b. Building Façade Design. Buildings shall have architectural features and  
13 patterns that provide visual interest from the perspective of the pedestrians  
14 and motorists. All additions and alterations shall be compatible with the  
15 principal structure in design, color, and materials.

16  
17 i. Façade orientation. New buildings shall orient the principal  
18 entrance façade parallel to the public right-of-way. If the building  
19 fronts on more than one public right-of-way, all facades facing the  
20 public rights-of-way shall be designed consistent with primary  
21 façade requirements.

22  
23 ii. Façade continuity. Facades along Main Street should limit building  
24 gaps along the block. If a gap is created between two buildings, one  
25 of the following should be provided.

26  
27 a) A pedestrian courtyard (connecting to rear parking areas or  
28 alleys), or

29  
30 b) A decorative façade connecting the two buildings, or

31  
32 c) A low street wall along that portion of the lot along the right-  
33 of-way not devoted to pedestrian or vehicular access.

34  
35 iii. Façade variation.

36  
37 a) Primary façades shall not exceed 20 horizontal feet and 10  
38 vertical feet, without three (3) of the following elements.  
39 When selecting these elements, there shall be a  
40 combination of vertical and horizontal elements in order to  
41 create variation in the façade.

42  
43 i) A change in plane, such as an offset, reveal, or  
44 projecting rib (columns, built in planters, arches,  
45 voids, etc.). Such plane projections or recesses  
46 shall have a width of no less than 20 inches, and a  
47 depth of at least six (6) inches.

48  
49 ii) Awnings.

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- iii) Arcades/colonnades.
- iv) Balconies.
- v) Complementary change in material/texture.
- vi) Garage doors.
- vii) Doors and/or windows.
- viii) Decorative architectural elements (tiles, medallions, etc.).
- ix) Raised bands/cornices.

b) Secondary façades shall include at least two (2) elements from the primary façade list above. In addition to the list above a mural or wall art may be substituted for two (2) façade elements.

c. Entrances.

i. Corner buildings along the Main Street, First Street or Fifteenth Street corridor shall orient the primary entrance to the primary street.

ii. All primary entrances shall include one of the following:

- a) Protruding front gable.
- b) Pilasters, columns, a stoop or other projection or recession in the building footprint that clearly identifies the entrance.

iii. In addition, every primary entrance shall have two (2) other distinguishing features from the list below:

- a) Variation in building height;
- b) Canopy or portico;
- c) Raised cornice or parapet over door;
- d) Arches/columns;
- e) Ornamental and structural architectural details.

d. Glazing.

i. The arrangement of windows and doors should be consistent with the architectural style of the building.

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- ii. Windowless façades facing the public right-of-way are prohibited.
  - iii. Transparency requirements include the following:
    - a) The ground floor building wall facing the street shall contain windows and doors occupying at least 50 percent of the first-floor façade. The first-floor windows shall be located between three (3) and eight (8) feet measured from ground level. All other floors and elevations shall contain at least 25 percent glazing.
    - b) Clear glass (88 percent light transmission) should be installed on the first floor. Tinted glass allowing a minimum of fifty percent light transmission should only be allowed on second floor windows and above. Stained or art glass is allowed only if it is in character with the style of the building, such as in a church.
    - c) Office uses shall have front exterior walls containing a minimum of 25 percent transparent or translucent materials on each story. The side exterior walls (facing the street) shall each contain a minimum of 15 percent transparent or translucent materials on each story.
    - d) Transparent materials on walls that are not parallel or approximately parallel to the public right-of-way and on doors shall not be counted toward the minimum transparency requirement.
    - e) Garage or service bay doors shall not be included in the transparency/translucency calculation.
  - e. Landscaping and buffering. To encourage redevelopment, the following landscape criteria shall apply to all commercially zoned properties and those residential properties with permitted commercial uses, except where otherwise prohibited by this subdistrict. The following landscape buffering criteria shall be applicable to projects with a total building square footage of less than or equal to 5,000 square feet. For all others, 4.02.27.B.4 applies:
    - i. Properties adjacent to residentially zoned lots/parcels shall provide a minimum 10 foot wide landscape buffer, six (6) foot high hedge or wall (four (4) feet at planting; six (6) feet within one (1) year) with trees spaced no more than 25 feet on center;
    - ii. Properties adjacent to commercially zoned lots/parcels shall provide a minimum seven and a half (7.5) foot wide landscape buffer with a single row hedge and trees spaced no more than 30 feet on center. The hedge shall at a minimum consist of three (3)

- 1 gallon plants, two (2) feet in height spaced a minimum of three (3)
- 2 feet on center at planting.
- 3
- 4 iii. A minimum seven and a half (7.5) foot buffer, with at least two (2)
- 5 trees per lot/parcel or one (1) tree per 40 linear feet whichever is
- 6 greater, shall be required adjacent to all rights-of-way;
- 7
- 8 iv. Lots/parcels that are unable to meet the minimum landscape criteria
- 9 above, shall be required to provide landscaping to the greatest
- 10 extent practicable, or an alternative enhancement plan that may
- 11 include planters and/or flower boxes for each property, as approved
- 12 by the County Manager or designee.
- 13
- 14 f. Off-street parking. Minimum off-street parking and off-street loading.
- 15 Standards for parking within the MSOS, and as set forth below:
- 16
- 17 i. Outdoor café/seating areas shall be exempt from parking
- 18 calculations.
- 19
- 20 ii. All properties within the MSOS, having frontage on Main Street,
- 21 First Street, or Ninth Street are required by this subdistrict to locate
- 22 all parking areas in the rear yard and/or side yards.
- 23
- 24 a) Lots, parcels, or uses which have frontage on West Main
- 25 Street (SR 29) or First Street (CR 846) shall comprise the
- 26 primary areas within the MSOS.
- 27
- 28 b) Uses in existence, as of the effective date of this LDC
- 29 section, are exempt from the minimum parking
- 30 requirements as set forth in section 4.05.00 except that
- 31 existing uses shall not reduce the number of spaces below
- 32 what is provided as of the effective date of this LDC.
- 33
- 34 c) A change of use shall be exempt from the minimum parking
- 35 requirements as set forth in LDC section 4.05.00 up to an
- 36 intensity level of one (1) parking space per 100 square feet.
- 37 A change of use to an intensity of greater than one (1) space
- 38 per 100 square feet shall require parking at one (1) parking
- 39 space per 150 square feet.
- 40
- 41 d) Any use in a building constructed after the effective date of
- 42 this LDC will be required to provide parking at 50 percent of
- 43 the minimum requirement as set forth in LDC section
- 44 4.05.00.
- 45
- 46 iii. Lots, parcels, or uses which do not have frontage on Main Street or
- 47 First Street shall comprise the secondary area within the MSOS.
- 48
- 49 a) Uses in existence as of the effective date of this LDC
- 50 Section are exempt from the minimum parking requirements

1 as set forth in LDC section 4.05.00 except that existing uses  
2 shall ~~not reduce the number of spaces below that which is~~  
3 provided as of the effective date of this LDC.

4  
5 b) A change of use shall be exempt from the minimum parking  
6 requirements as set forth in LDC section 4.05.00 up to an  
7 intensity level of one (1) parking space per 100 square feet.  
8 A change of use to an intensity greater than one (1) parking  
9 space per 100 square feet shall require parking at 50  
10 percent of the minimum requirement as set forth under LDC  
11 section 4.05.00. No change in use shall allow for a reduction  
12 of the current number of parking spaces provided.

13  
14 iv. The provisions of the MSOS do not prevent establishments utilizing  
15 shared parking agreements and off-site parking arrangements as  
16 set forth in LDC section 4.05.00. Furthermore, the maximum  
17 distances set forth in LDC section 4.05.00 shall be increased to  
18 1,000 feet within the boundaries of the MSOS. Properties within the  
19 MSOS entering into off-site parking agreements with properties  
20 outside the MSOS may utilize the 1,000-foot rule.

21  
22 v. Standards for landscaping in vehicular use areas within the MSOS.

23  
24 a) Landscaping is required in the interior of vehicular use  
25 areas. At least ten percent of the gross square footage of  
26 onsite vehicular use area shall be devoted to interior  
27 landscaping areas.

28  
29 b) All rows of parking spaces shall be bordered on each end  
30 by curbed landscape islands/Terminal Landscape Islands.  
31 Each terminal island shall measure no less than eight feet  
32 in width from inside the curb and extend the entire length of  
33 the single or double row of parking spaces bordered by the  
34 island. Type D or Type F curb per current FDOT Design  
35 Standards is required around all landscape islands.  
36 Terminal islands shall be landscaped with at least one  
37 canopy tree. The remainder of the terminal island shall be  
38 landscaped with sod, ground covers or shrubs or a  
39 combination of any of the above.

40  
41 c) Vehicular use areas under twenty-five (25) required parking  
42 spaces within the MSOS are exempt from the LDC section  
43 4.05.00 requirement that does not allow more than 10  
44 contiguous parking spaces without being separated by a  
45 landscape island. In lieu of landscape islands, ten percent  
46 of the gross square footage of onsite vehicular use area  
47 shall be added to the perimeter landscape buffer area.

48  
49 g. Fencing.

50

- 1                    i. Street walls are required to screen off-street parking facilities
- 2                    (spaces or driveways) from the right-of-way.
- 3
- 4                    ii. Street walls shall be a minimum of three (3) feet and a maximum of
- 5                    five (5) feet in height.
- 6
- 7                    iii. Street walls greater than three (3) feet in height above grade shall
- 8                    be no more than 50 percent solid.
- 9
- 10                  iv. Street walls should be designed to complement the principal
- 11                  building style, materials, and colors.
- 12
- 13                  v. In lieu of a street wall, a continuous hedge row no more than four
- 14                  (4) in height can be provided.
- 15
- 16                  vi. Utilities/service areas.
- 17
- 18                    a) Accessory structures shall have the same architectural
- 19                    detail, design elements and roof design as the primary
- 20                    structure.
- 21
- 22                    b) Rooftop mechanical equipment should be integrated into
- 23                    the overall mass of a building by screening it behind
- 24                    parapets or by recessing equipment into hips, gables,
- 25                    parapets, or similar features. Plain boxes as the only
- 26                    screening mechanism are not acceptable.
- 27
- 28                    c) Equipment installed at ground level shall be screened by low
- 29                    walls or landscaping.
- 30
- 31                    d) Areas for outdoor storage, trash collection, and loading shall
- 32                    be incorporated into the primary building design. The
- 33                    materials used shall be of comparable quality and
- 34                    appearance to those of the primary building.
- 35
- 36                    e) Loading areas or docks, outdoor storage, waste disposal,
- 37                    mechanical equipment, satellite dishes, truck parking, and
- 38                    other service support equipment shall be located behind the
- 39                    building line and shall be fully screened from the view of
- 40                    public rights-of-way.
- 41
- 42                  h. Signage.
- 43
- 44                    i. Projecting signs are permitted in addition to permitted signs
- 45                    provided such signs do not exceed six (6) square feet in size and
- 46                    are elevated to a minimum of eight (8) feet above any pedestrian
- 47                    way.
- 48

1                   ii. Sandwich boards are permitted, one (1) per establishment, not to  
2                   exceed six (6) square feet in size and shall only be displayed during  
3                   business hours.

4  
5 D. State Road 29A Commercial Overlay Subdistrict (SR 29OS).

6  
7                   1. Purpose and intent. The standards described in this section shall apply to all non-  
8                   residential uses in this overlay subdistrict. Where a conflict may arise between  
9                   these regulations and LDC section 4.02.27, the subdistrict regulations shall control.

10                   a. Exceptions. Owners of lots or combination of lots having less than the  
11                   required street frontage may petition the Board of Zoning Appeals for a  
12                   variance from the standard in this subdistrict as will not be contrary to the  
13                   public interests when owing to special conditions peculiar to the property,  
14                   a literal enforcement of these standards would result in unnecessary and  
15                   undue hardship.

16  
17  
18                   2. Dimensional standards.

19                   a. Height. Buildings shall have a maximum height of 50 feet.

20                   b. Setback.

21                   i. Front Setback – Minimum 25 feet when abutting S.R. 29, all others  
22                   shall comply with their underlying zoning and use standards.

23                   ii. Rear Setback – Minimum of 25 feet when abutting S.R. 29, all  
24                   others shall comply with their underlying zoning and use standards.

25  
26  
27                   3. Landscaping and buffering.

28                   a. Projects with a total building square footage of less than or equal to 5,000  
29                   square feet shall provide a 10-foot Type A landscape buffer as described  
30                   in section 4.06.00 along vehicular rights-of-way with required sidewalks  
31                   and adjacent residential development. Where abutting a commercially  
32                   zoned or developed property, a Type A landscape buffer as described in  
33                   section 4.06.00 must be provided.

34                   b. Projects with a total building square footage exceeding 5,000 square feet  
35                   shall provide landscape buffering in accordance with section 4.02.27.B.4.  
36                   of this LDC.

37  
38  
39                   4. Off-street parking.

40                   a. Access points to SR-29 shall comply with Florida State Department of  
41                   Transportation (FDOT) access management regulations. Parcels that have  
42                   less than 440 feet of street frontage shall provide access off existing  
43                   adjacent roadways, when possible, and should not directly access SR-29.

1            b. Shared parking arrangements and interconnections between adjoining  
2            developments shall be encouraged.

3  
4            c. Sidewalks shall be provided to encourage pedestrian traffic. The location  
5            of said sidewalks shall be coordinated with adjacent projects.

6  
7 E. Jefferson Avenue Commercial Overlay Subdistrict (JACOS).

8  
9            1. Purpose and intent. The standards described in this section shall apply to all non-  
10            residential uses in this overlay subdistrict. Where a conflict may arise between  
11            these regulations and LDC section 4.02.27, the subdistrict regulations shall control.

12  
13            2. Dimensional standards.

14  
15            a. Height. Commercial buildings shall have a maximum height of 50 feet  
16            excluding 10 feet for under-building parking.

17  
18            b. Setback.

19  
20            i. Front Setback – A minimum of 25 feet for all commercial buildings  
21            when abutting Jefferson Avenue. All other setbacks shall comply  
22            with their underlying zoning and use standards.

23  
24            ii. All other setbacks shall be in accordance with the underlying zoning  
25            and use standards.

26  
27            3. Landscaping and buffering.

28  
29            a. Projects with a total building square footage of less than or equal to 5,000  
30            square feet shall provide a 10 foot Type I-A landscape buffer, as identified  
31            in LDC section 4.02.27 B.4, on Jefferson Avenue.

32  
33            b. Projects with a total building square footage exceeding 5,000 square feet  
34            shall provide landscape buffering in accordance with LDC section 4.02.27  
35            B.4.

36  
37            4. Off-street parking.

38  
39            a. Access points for future commercial development shall be limited to a  
40            maximum of one (1) per 150 feet of street frontage.

41  
42            b. Properties with less than the required street frontage, shall be encouraged,  
43            and may be required as a condition of site development plan approval, to  
44            utilize shared access points with adjoining commercial development.

45  
46            i. Owners of lots or combination of lots having less than the 150-foot  
47            of required frontage may petition the Board of Zoning Appeals for a  
48            variance from the standard in this subdistrict as will not be contrary  
49            to the public interest when owing to special conditions peculiar to

1 the property, a literal enforcement of these standards would result  
2 in unnecessary and undue hardship.

3  
4 ii. Provisions for shared parking arrangements with adjoining  
5 developments shall be encouraged.

6  
7 F. Loop Road Overlay Subdistrict (LROS).

8  
9 1. Purpose and intent. The standards described in this section shall apply to all non-  
10 residential uses in this overlay subdistrict. Where a conflict may arise between  
11 these regulations and LDC section 4.02.27, the subdistrict regulations shall control.

12  
13 a. Access management within the LROS shall be coordinated with Florida  
14 Department of Transportation (FDOT) and Collier County Transportation  
15 Operations.

16  
17 b. Access management shall be consistent with FDOT regulations and is  
18 subject to applicable regulations and review by Collier County  
19 Transportation Operations and Growth Management Community  
20 Development Department.

21  
22 c. Cross-access connections shall be consistent with FDOT requirements.

23  
24 2. Dimensional standards.

25  
26 a. Height – Buildings shall have a maximum height of 50 feet.

27  
28 b. Setbacks shall be determined by the underlying zoning district.

29  
30 3. Buffers. All non-residential development shall provide a Type I-C Buffer when  
31 abutting Residential uses. All other buffers shall comply with 4.02.27.B.4.

32  
33 G. Agribusiness/Farm Market Overlay Subdistrict (AFOS).

34  
35 1. Purpose and intent. The standards described in this section shall apply to all non-  
36 residential uses in this overlay subdistrict. Where a conflict may arise between  
37 these regulations and LDC section 4.02.27, the subdistrict regulations shall control.

38  
39 2. Exceptions. The following uses, located within the AFOS and as identified in the  
40 Standard Industrial Classification Manual, are exempt from the provisions set forth  
41 in LDC section 5.05.08, Architectural and Site Design Standards for Commercial  
42 Buildings and Projects and LDC section 4.02.27.

43  
44 a. Agricultural Services (0723).

45  
46 b. Wholesale Trade (5148).

47  
48 c. Agricultural Outdoor Sales.

49  
50 3. Dimensional standards.



1  
2 a. Dimensional standards shall be as required for the C-5 zoning district  
3 except that the minimum floor area shall be 500 square feet of gross floor  
4 area for permitted principal agricultural structures.

5  
6 b. Building height shall have a maximum height of 50 feet.  
7

8 H. Industrial Mixed Use Commercial Overlay Subdivision (IMCOS).  
9

10 1. Purpose and intent. The standards described in this section shall apply to all non-  
11 residential uses in this overlay subdistrict. Where a conflict may arise between  
12 these regulations and LDC section 4.02.27, the subdistrict regulations shall control.

13  
14 2. Dimensional standards.

15  
16 a. Height. Building height shall be a maximum of 50 feet.  
17

18 b. Setback. A minimum 75-foot building setback is required for all  
19 development adjacent to residentially or agriculturally zoned properties.  
20 This setback may be reduced to 50 feet if a minimum six (6) foot tall  
21 decorative wall or fence, providing at least 80 percent, opacity is installed  
22 within the reduce setback, and the required 20-foot landscape buffer is  
23 located between the wall or fence and the adjacent residentially and/or  
24 agriculturally zoned properties.

25  
26 3. Landscaping and buffering.

27  
28 a. A minimum 20-foot-wide vegetated landscape buffer shall be provided.  
29 This vegetated buffer shall be located adjacent to all property lines and  
30 shall contain, at a minimum, two staggered rows of trees that shall be  
31 spaced no more than 30 feet on center, and a double hedge row at least  
32 24 inches in height at time of planting and attaining a minimum of three (3)  
33 feet in height within one year.

34  
35 b. Existing native trees must be retained within this 20-foot-wide buffer area  
36 to aid in achieving this buffer requirement; other existing native vegetation  
37 shall be retained where possible, to aid in achieving this buffer requirement.  
38

39 c. Water retention/detention aeras shall be allowed in this buffer area if left in  
40 a natural state, and drainage conveyance thorough the buffer area shall be  
41 allowed if necessary to reach an external outfall.  
42

43 I. Specific Design Standards for New Mobile Home Lots in the Immokalee Urban Area  
44 Overlay District (IUAOD).  
45

46 1. Purpose and intent. The purpose of this section is to provide relief form the  
47 dimensional standards established in LDC section 4.02.01 for new mobile home  
48 lots approved through an existing conditions site improvement plan or  
49 amendments thereof within the Nonconforming Mobile Home Site Overlay  
50 Subdistrict as established in LDC section 2.03.07 G.3.g. This section shall not

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apply to the replacement of mobile home units identified on lots established by an existing conditions site improvement plan.

2. Dimensional standards.

Table 1. Dimensional Standards for New Mobile Home Lots within the IUAOD

<u>Design Standard</u>	
<u>Minimum lot requirements</u>	
<u>Single-wide units</u>	<u>2,400 square feet</u>
<u>Double-wide units</u>	<u>3,500 square feet</u>
<u>Minimum lot widths</u>	
<u>Single-wide units</u>	<u>35 feet</u>
<u>Double-wide units</u>	<u>45 feet</u>
<u>Minimum setback requirements</u>	
<u>Interior roads</u>	<u>10 feet</u>
<u>Front yard</u>	<u>5 feet</u>
<u>Side yard</u>	<u>8 feet</u>
<u>Rear yard</u>	<u>20 feet</u>
<u>Public Road frontages</u>	
<u>Minimum separation between structures</u>	<u>10 feet</u>
<u>Minimum floor area for replacement units</u>	<u>320 square feet</u>

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3. Dumpster/Enclosure. A dumpster or enclosure for individual containers is required in accordance with LDC section 5.03.04. No dumpster shall be located closer than fifteen (15) feet from any public street.

4. Private Roads. Private roads leading to and serving the mobile home park or mobile home lots must be improved and maintained and shall consist of a dust-free surface with a minimum width of 20 feet. The dust free surface may consist of aggregate material treated with oil-based material that will bind the aggregate material into a form of macadam road finish. A drainage ditch capable of storing the first one inch of rainfall shall be incorporated into the right-of-way design-cross section, exclusive of the required 20 feet. Drainage shall be directed to a public road via the private road and/or easement conveyance, unless it can be proved that the on-site percolation rates exceed the on-site retention requirement.

J. Deviation Regulations (previously LDC section 2.03.07 G.7). Property owners within the Immokalee Urban Overlay District may request deviations from specific dimensional requirements as described in this section. A deviation request may be reviewed administratively or by the Planning Commission depending upon its scope. This section addresses the permissible deviations, limitations thereon, and the review process.

1. Review process. Insubstantial deviations will be reviewed administratively by the County Manager or designee. Substantial deviations will be reviewed by the Hearing Examiner. This section is not intended to replace the current established process of requesting deviations through the PUD rezoning process. Any deviations from the LDC which are not expressly provided for in this section shall be processed as variances in accordance with LDC section 9.04.00.

1 2. Concurrent deviation application required. All deviation requests shall be made  
2 concurrently with an application for an SDP or amendment, SIP, or Final  
3 Subdivision Plat, or in the case of sign deviations, with a building permit. The  
4 applicant shall list all requested deviations on the required site plan(s) and shall  
5 depict the deviation(s) graphically on the plan(s). Additional graphic information  
6 may also be required by staff, on a case-by-case basis.

7  
8 3. Insubstantial deviation. Requested deviations that do not exceed 10 percent of the  
9 required dimension, amount, size, or other applicable dimensional standard, with  
10 the exception of the required number of parking spaces, which may not exceed 20  
11 percent of the LDC requirement (not more than 10 spaces), are insubstantial. To  
12 be approved, the following criteria must be considered:

13  
14 a. The proposed deviation is compatible with adjacent land uses and  
15 structures, achieves the requirements of the regulations as closely as is  
16 practicable, and meets the intent of the related LDC provisions; and

17  
18 b. The applicant proposes equitable tradeoffs for the proposed diminution in  
19 development standards, such as increased open space, landscaping,  
20 pedestrian spaces, buffering or architectural features, in order to meet the  
21 intent of the regulation being diminished.

22  
23 4. Substantial deviations. Requested deviations that do not qualify as insubstantial  
24 deviations are substantial deviations. The CCPC shall consider the following:

25  
26 a. Whether or not the proposed deviation is compatible with adjacent land  
27 uses and achieves the requirements and/or intent of the regulations as  
28 closely as is practicable.

29  
30 b. Whether the proposed deviation is the minimum amount necessary to allow  
31 for reasonable use of the property and/or address the issue necessitating  
32 the deviation request.

33  
34 c. Whether the reduced or increased standard requested by the deviation is  
35 mitigated for, either on the subject site or by providing a public benefit on  
36 the subject site. Examples of such on-site mitigation include but are not  
37 limited to: increasing setbacks from the adjacent road right-of-way when  
38 proposing to deviate from sign size limitations; increasing plantings or  
39 planting sizes or installing a fence or wall where a reduced buffer width is  
40 proposed; providing public pedestrian and/or bicycle pathway easements  
41 or other similar mobility improvements including transit enhancements;  
42 providing public parking; providing beautification in the public realm,  
43 including street trees, street furniture, lighting and other similar public  
44 benefits.

45  
46 5. Applicability – List of Development Standards Eligible for Deviation Requests.  
47 Property owners shall be eligible to seek a deviation from the dimensional  
48 requirements of the following LDC sections, unless otherwise noted.

49  
50 a. LDC section 2.03.01, limited to subsection A.1.b.4.ii.

- 1
- 2 b. LDC section 2.03.03, limited to the following subsections:
- 3
- 4 i. A.1.c.11.vii. limited to a maximum of three stories, viii., and ix.; and
- 5
- 6 ii. E.1.c.4.iv.
- 7
- 8 c. LDC section 2.03.04, limited to subsection A.1.c.2.iv., minimum lot area
- 9 only.
- 10
- 11 d. LDC section 3.05.07 B.1 Preservation Standards, Specific Standards
- 12 Applicable Outside the RMFU and RLSA districts, Required Preservation
- 13 Percentages (Table 1 inset).
- 14
- 15 e. LDC section 4.02.01 A Dimensional Standards for Principal Uses in Base
- 16 Zoning Districts:
- 17
- 18 i. Table 1. Lot Design Requirements for Principal Uses in Base
- 19 Zoning Districts.
- 20
- 21 ii. Table 2. Building Dimension Standards for Principal Uses in Base
- 22 Zoning Districts, excluding building height and in the case of
- 23 commercial parcels, no deviation shall be granted, for new
- 24 development, from the required 50-foot building setback when
- 25 abutting residentially zoned properties, or from the minimum 10-foot
- 26 wide landscaped strip between the abutting road right-of-way and
- 27 the off-street parking area for new development, but deviations from
- 28 these requirements may be considered in the case of
- 29 redevelopment where existing structures and/or encroachments
- 30 are proposed to remain;
- 31
- 32 iii. Table 2.1 - Table Of Minimum Yard Requirements (Setbacks) for
- 33 Base Zoning Districts.
- 34
- 35 f. LDC section 4.02.02 Dimensional Standards for Conditional Uses and
- 36 Accessory Uses in Base Zoning Districts, limited to subsection E, except
- 37 building height.
- 38
- 39 g. LDC section 4.02.03 Specific Standards for Location of Accessory
- 40 Buildings and Structures, Dimensional Standards, except that in the case
- 41 of new development on commercial parcels, no deviation shall be granted
- 42 from the required 50-foot building setback when abutting residentially
- 43 zoned properties, or from the minimum 10-foot wide landscaped strip
- 44 between the abutting road right-of-way and the off-street parking area.
- 45 Deviations from these requirements may be considered in the case of
- 46 redevelopment where existing structures and/or encroachments are
- 47 proposed to remain.
- 48
- 49 h. LDC section 4.02.03 B. Accessory Building Lot Coverage.
- 50

- 1 i. LDC section 4.02.27 D. Specific Design Standards for the Immokalee—  
2 State Road 29A Commercial Overlay Subdistrict, Building Design  
3 Standards.
- 4
- 5 j. LDC section 4.02.27 E. Same—Jefferson Avenue Commercial Overlay  
6 Subdistrict, Building Design Standards.
- 7
- 8 k. LDC section 4.02.27 G. Same—Agribusiness/Farm Market Overlay  
9 Subdistrict, Dimensional Standards.
- 10
- 11 l. LDC section 4.02.27 C. Same—Main Street Overlay Subdistrict, limited to  
12 the following subsections: A.; C.1; D.3 and D.4; and E.1, E.2, and E.3.
- 13
- 14 m. LDC section 4.05.04 G. (Spaces Required) Table 17 and 4.05.06 B  
15 Loading Space Requirements, utilizing the existing administrative deviation  
16 process set forth in LDC Section 4.05.04 F.4., recognizing that the reduced  
17 need for off-street parking in Immokalee may be offered as a viable basis  
18 for such administrative deviation.
- 19
- 20 n. LDC section 4.02.27 B.4 Buffer Requirements (limited to required width)  
21 except that in the case of new development on commercial parcels, no  
22 deviation shall be granted from the required 50-foot building setback when  
23 abutting residentially zoned properties, or from the minimum 10-foot-wide  
24 landscaped strip between the abutting road right-of-way and the off-street  
25 parking area. Deviations from these requirements may be considered in  
26 the case of redevelopment where existing structures and/or  
27 encroachments are proposed to remain.
- 28
- 29 o. LDC section 4.02.27 B.4.e Landscaping Requirements for Vehicular Use  
30 Areas and Rights-of-Way, Standards for Landscaping in Vehicular Use  
31 Areas.
- 32
- 33 p. LDC section 4.06.05 B. General Landscaping Requirements, Landscaping  
34 requirements for industrial and commercial development, limited to  
35 subsection B.3.
- 36
- 37 q. LDC section 4.02.27 B.4.f. General Landscaping Requirements, Building  
38 Foundation Planting Requirements.
- 39
- 40 r. LDC section 4.02.27 B.2. Architectural and Site Design Standards, Building  
41 Design Standards. Deviations from non-dimensional provisions of this  
42 Section are also allowed as substantial deviations.
- 43
- 44 s. LDC section 4.02.27 B.3. Design Standards for Specific Uses. Deviations  
45 from non-dimensional provisions of this section are also allowed as  
46 substantial deviations.
- 47
- 48 t. LDC section 4.02.27 B.3. Architectural and Site Design Standards, Site  
49 Design Standards, limited to subsections a, b, c. Deviations from non-  
50 dimensional provisions of this section are also allowed as substantial

deviations. Note: Nothing in LDC section 5.05.08, Architectural and Site Design Standards, shall be deemed to prohibit the use of murals on exterior walls of commercial buildings in the Immokalee Urban Overlay District, provided that: 1) such murals are reviewed and accepted by the Collier County Redevelopment Agency staff; and 2) such murals do not contain text for the purpose of advertising any business or commercial activity.

u. LDC section 5.06.04 Development Standards for Signs in Nonresidential Districts, limited to subsection F.

6. Public notice. Public notice, including signage, notice to property owners and an advertised public hearing, is required for substantial deviation requests, and shall be provided in accordance with the applicable provisions of section 10.03.05 B, for Variances.

7. Appeals. Within 30 days of the issuance of the decision of staff or of the CCPC, the owner or any aggrieved person may appeal the decision to the Board of Zoning Appeals pursuant to section No. 250-58 of the Codes of Laws and Ordinances.

~~A. Access points to SR-29 shall comply with Florida State Department of Transportation (FDOT) permitting regulations. Parcels that have 440-foot or less of street frontage shall provide access off existing adjacent roadways, when possible, and should not directly access SR-29.~~

~~B. Owners of lots or combinations of lots having less than the required street frontage may petition the Board of Zoning Appeals for a variance from the standard in this subdistrict as will not be contrary to the public interest when owing to special conditions peculiar to the property, a literal enforcement of these standards would result in unnecessary and undue hardship.~~

~~C. Building design standards:~~

~~1. Buildings shall be set back from SR-29 a minimum of twenty five (25) feet and from the rear lot line a minimum of twenty five (25) feet.~~

~~2. Projects with a total building square footage of less than or equal to 5,000 square feet shall provide a ten (10) foot Type A landscape buffer as described in section 4.06.00 between vehicular rights-of-way with required sidewalks and adjacent residential development. adjacent commercial projects shall provide coordinated landscape plans.~~

~~3. Projects with a total building square footage of less than or equal to 5,000 square feet shall provide an area equal to a minimum of two and one-half (2½) percent of the total interior vehicular use area which shall be landscaped to provide visual relief.~~

~~4. Projects with a total building square footage exceeding 5,000 square feet shall provide landscape buffering in accordance with section 4.06.00 of this LDC.~~

~~5. Buildings shall have a maximum height of fifty (50) feet.~~

- 1
- 2 ~~D. Transportation.~~
- 3
- 4 ~~1. Shared parking arrangements between adjoining developments shall be~~
- 5 ~~encouraged.~~
- 6
- 7 ~~2. Deceleration and acceleration lanes shall be consistent with the ROW Permitting~~
- 8 ~~and Inspection Handbook and subject to FDOT approval where applicable.~~
- 9
- 10 ~~3. Pedestrian traffic shall be encouraged by providing sidewalks. The location of~~
- 11 ~~these sidewalks shall be coordinated with adjacent projects.~~
- 12

13 **4.02.28 – Reserved Specific Design Standards for the Immokalee Jefferson Avenue**

14 **Commercial Overlay Subdistrict**

- 15
- 16 ~~A. Building design standards.~~
- 17
- 18 ~~1. Projects with a total building square footage of less than or equal to 5,000 square~~
- 19 ~~feet shall provide a ten (10) foot Type A landscape buffer as identified in section~~
- 20 ~~4.06.00 of this LDC on Jefferson Avenue.~~
- 21
- 22 ~~2. Projects with a total building square footage exceeding 5,000 square feet shall~~
- 23 ~~provide landscape buffering in accordance with section 4.06.00 of this LDC.~~
- 24
- 25 ~~3. Commercial buildings shall be set back from Jefferson Avenue a minimum of~~
- 26 ~~twenty-five (25) feet.~~
- 27
- 28 ~~4. Commercial building shall have a maximum height of fifty (50) feet excluding ten~~
- 29 ~~(10) feet for under building parking.~~
- 30

- 31 ~~B. Transportation.~~
- 32
- 33 ~~1. Access points for future commercial development shall be limited to a maximum~~
- 34 ~~one (1) per 150 feet of street frontage. Properties with less than the required street~~
- 35 ~~frontage, shall be encouraged, and may be required as a condition of site~~
- 36 ~~development plan approval, to utilize shared access points with adjoining~~
- 37 ~~commercial development.~~
- 38
- 39 ~~2. Owners of lots or combination of lots having less than the 150-foot of required~~
- 40 ~~frontage may petition the Board of Zoning Appeals for a variance from the standard~~
- 41 ~~in this subdistrict as will not be contrary to the public interest when owing to special~~
- 42 ~~conditions peculiar to the property, a literal enforcement of these standards would~~
- 43 ~~result in unnecessary and undue hardship.~~
- 44
- 45 ~~3. Provisions for shared parking arrangements with adjoining developments shall be~~
- 46 ~~encouraged.~~
- 47

48 **4.02.29 – Reserved Specific Design Standards for the Immokalee Farm Market Overlay**

49 **Subdistrict**

50

1 ~~A. Dimensional standards shall be as required for the C-5 zoning district except that the~~  
2 ~~minimum floor area shall be 500 square feet gross floor area for permitted principal~~  
3 ~~agricultural structures.~~

4  
5 ~~B. The following uses, as identified in the Standard Industrial Classification Manual (1987),~~  
6 ~~are exempt from the provisions set forth in section 5.05.08, Architectural and Site Design~~  
7 ~~Standards for Commercial buildings and Projects.~~

8  
9 ~~1. Agricultural Services (0723)~~

10  
11 ~~2. Wholesale Trade (5148)~~

12  
13 ~~3. Agricultural Outdoor Sales~~

14  
15 **4.02.30 – Reserved ~~Specific Design Standards for the Immokalee–Agribusiness Overlay~~**  
16 **~~Subdistrict~~**

17  
18 ~~The following uses, as identified in the Standard Industrial Classification Manual (1987),~~  
19 ~~are exempt from the provisions set forth in section 5.05.08. of the Architectural and Site Design~~  
20 ~~Standards for Commercial buildings and Projects: Agricultural Services (0723) and Wholesale~~  
21 ~~Trade (5148).~~

22  
23 **4.02.31 – Reserved ~~Specific Design Standards for the Immokalee–Central Business~~**  
24 **~~Overlay Subdistrict~~**

25  
26 ~~Parking within the Immokalee Central Business Subdistrict shall meet the following~~  
27 ~~standards:~~

28  
29 ~~A. Lots, parcels, or uses which have frontage on West Main Street (SR 29) or First Street~~  
30 ~~(CR 846) shall comprise the primary areas.~~

31  
32 ~~1. Uses in existence as of the effective date of this LDC are exempt from the minimum~~  
33 ~~parking requirements as set forth in section 4.05.00 except that existing uses shall~~  
34 ~~not reduce the number of spaces below that which is provided as of the effective~~  
35 ~~date of this LDC.~~

36  
37 ~~2. The expansion of any use shall require parking at fifty (50) percent of the minimum~~  
38 ~~requirement as set forth in section 4.05.00 for the expansion only.~~

39  
40 ~~3. A change of any use shall be exempt from the minimum parking requirements as~~  
41 ~~set forth in section 4.05.00 up to an intensity level of one (1) parking space per 100~~  
42 ~~square feet. A change of use to an intensity of greater than one (1) space per 100~~  
43 ~~square feet shall require parking at one (1) parking space per 150 square feet.~~

44  
45 ~~4. Any use in a building constructed after the effective date of this LDC will be~~  
46 ~~required to provide parking at fifty (50) percent of the minimum requirement as set~~  
47 ~~forth in section 4.05.00.B.Lots, parcels, or uses which do not have frontage on~~  
48 ~~Main street or First street shall comprise the secondary area.1.Uses in existence~~  
49 ~~as of the effective date of this LDC are exempt from the minimum parking~~  
50 ~~requirements as set forth in section 4.05.00 except that existing uses shall not~~



1 reduce the number of spaces below that which is provided as of the effective date  
 2 of this LDC.2.The expansion of any use shall require an addition to any parking of  
 3 the minimum number of required spaces as set forth under section 4.05.00, for the  
 4 expansion only.3.A change of any use shall be exempt from the minimum parking  
 5 requirements as set forth in section 4.05.00 up to an intensity level of one (1)  
 6 parking space per 100 square feet. A change of use to an intensity greater than  
 7 one (1) parking space per 100 square feet shall require parking at fifty (50) percent  
 8 of the minimum requirement as set forth under section 4.05.00. No change in use  
 9 shall allow for a reduction of the current number of parking spaces provided.4.Any  
 10 use in a building constructed after the effective date of this LDC will be required to  
 11 provide parking at sixty-seven (67) percent of the minimum requirement as set  
 12 forth in section 4.05.00.

14 ~~C. In no way shall the provisions of the Immokalee central business subdistrict (ICBSD) be  
 15 construed so as to prevent establishments within the boundaries from taking advantage  
 16 of off-site parking arrangements as set forth in section 4.05.00. Furthermore, the maximum  
 17 distances set forth in section 4.05.00 shall be increased to 600 feet within the boundaries  
 18 of the ICBSD, Properties within the ICBSD entering into off-site parking agreements with  
 19 properties outside the ICBSD may utilize the 600-foot rule.~~

21 **4.02.32 – Reserved Specific Design Standards for the Immokalee—Main Street Overlay  
 22 Subdistrict**

24 ~~A. Dimensional Standards:~~

- 26 1. ~~Front yard. Ten (10) feet except in the event of an awning, arcade or colonnade  
 27 which may extend up to seven (7) feet into the required yard.~~
- 29 2. ~~Side yard. Zero (0) in the event a wall is contiguous to another wall on an adjacent  
 30 property, otherwise ten (10) feet.~~
- 32 3. ~~Rear yard. Five (5) feet.~~
- 34 4. ~~Rear yard abutting residential. Twenty (20) feet.~~
- 36 5. ~~Structures shall be no more than thirty five (35) feet in height, except that  
 37 hotel/motel uses shall be no more than fifty (50) feet in height.~~

39 ~~B. Minimum off-street parking and off-street loading. As permitted by section 4.02.31.  
 40 standards for parking within the Immokalee Central Business district, and as set forth  
 41 below:~~

- 43 1. ~~Outdoor cafe areas, shall be exempt from parking calculations.~~
- 45 2. ~~All properties within the Main Street Overlay subdistrict, having frontage on Main  
 46 Street, First Street or Ninth Street are required, by this subdistrict to locate all  
 47 parking areas in the rear yard and/or in side yards.~~

49 ~~C. Signs:~~

50

1 ~~1. Projecting signs are permitted in addition to permitted signs provided such signs~~  
2 ~~do not exceed six (6) square feet in size and are elevated to a minimum of eight~~  
3 ~~(8) feet above any pedestrian way.~~

4  
5 ~~2. Sandwich boards are permitted, one (1) per eating establishment, not to exceed~~  
6 ~~six (6) square feet in size and shall only be displayed during business hours.~~

7  
8 ~~D. Development shall be subject to the provisions of section 5.05.08, Architectural and site~~  
9 ~~design standards for commercial buildings and projects, except as set forth below:~~

10  
11 ~~1. Properties having frontage on Main Street or First Street or Ninth Street are~~  
12 ~~required to locate their primary business entrance on that street. Parcels fronting~~  
13 ~~both Main Street and First Street or both Main Street and Ninth Street are required~~  
14 ~~to locate their primary business entrance on Main Street.~~

15  
16 ~~2. Reflective or darkly tinted glass is prohibited on ground floor windows.~~

17  
18 ~~3. Properties with less than fifty (50) feet of road frontage shall only require a~~  
19 ~~minimum of one (1) roof change.~~

20  
21 ~~4. Commercial projects 5,000 square feet in size or less shall only require a minimum~~  
22 ~~of two (2) design features, as described within section 5.05.08 of this LDC.~~

23  
24 ~~5. To encourage redevelopment within the Main Street Overlay subdistrict, for~~  
25 ~~proposed redevelopment of existing projects that do not increase impervious~~  
26 ~~surface area and whose total building area is less than or equal to 5,000 square~~  
27 ~~feet in size, the applicant shall be exempt from section 4.06.00 of the landscaping~~  
28 ~~and buffering provisions, requiring the seal of a landscape architect and shall also~~  
29 ~~be exempt from section 5.05.08., Architectural and Site Design Standards and~~  
30 ~~Guidelines for Commercial buildings and Projects, requiring the seal of an~~  
31 ~~architect.6. The minimum commercial design criteria, as set forth above, shall be~~  
32 ~~applicable to projects with a total building square footage of less than or equal to~~  
33 ~~5,000 square feet.~~

34  
35 ~~E. To encourage redevelopment, the following landscape criteria shall apply to all~~  
36 ~~commercially zoned properties and those residential properties with permitted commercial~~  
37 ~~uses, except where otherwise prohibited by this subdistrict. The following landscape~~  
38 ~~buffering criteria shall be applicable to projects with a total building square footage of less~~  
39 ~~than or equal to 5,000 square feet:~~

40  
41 ~~1. Properties adjacent to residentially zoned lots/parcels shall provide a minimum ten~~  
42 ~~(10) foot wide landscape buffer, six (6) foot high hedge or wall (four (4) feet at~~  
43 ~~planting; six (6) feet within one (1) year) with trees spaced no more than twenty~~  
44 ~~(25) feet on center;~~

45  
46 ~~2. Properties adjacent to commercially zoned lots/parcels shall provide a minimum~~  
47 ~~five (5) foot wide landscape buffer with a single row hedge and trees spaced no~~  
48 ~~more than thirty (30) feet on center. The hedge shall at a minimum consist of three~~  
49 ~~(3) gallon plants, two (2) feet in height spaced a minimum of three (3) feet on center~~  
50 ~~at planting.~~

- 1
- 2
- 3 ~~3. A minimum five (5) foot buffer, with at least two (2) trees per lot/parcel or one (1) tree per forty (40) linear feet whichever is greater, shall be required adjacent to all rights-of-way;~~
- 4
- 5
- 6 ~~4. Lots/parcels that are unable to meet the above minimum landscape criteria, shall be required to provide landscape planters and/or flower boxes for each such property, as recommended by the County Manager or designee.~~
- 7
- 8
- 9

10 **4.02.33 – Reserved ~~Specific Design Standards for New Mobile Home Lots in the Immokalee Urban Overlay Subdistrict~~**

11

12

13 The purpose of this section is to provide relief from the dimensional standards established in LDC section 4.02.01 for new mobile home lots approved through an existing conditions site improvement plan or amendments thereof within the Nonconforming Mobile Home Site Overlay Subdistrict, as established in LDC section 2.03.07 G.6. This section shall not apply to the replacement of mobile home units identified on lots established by an existing conditions site improvement plan.

14

15

16

17

18

19

20 A. ~~Dimensional standards.~~

21

22 ~~Table 15. Dimensional standards for the Nonconforming Mobile Home Site Overlay Subdistrict~~

23

<del>Design Standard</del>	
<del>Minimum lot requirements</del>	
<del>Single wide units</del>	<del>2,400 square feet</del>
<del>Double wide units</del>	<del>3,500 square feet</del>
<del>Minimum lot width</del>	
<del>Single wide units</del>	<del>35 feet</del>
<del>Double wide units</del>	<del>45 feet</del>
<del>Minimum setback requirements</del>	
<del>Interior roads</del>	
<del>Front yard</del>	<del>10 feet</del>
<del>Side yard</del>	<del>5 feet</del>
<del>Rear yard</del>	<del>8 feet</del>
<del>Public road frontages</del>	<del>20 feet</del>
<del>Minimum separation between structures</del>	<del>10 feet</del>
<del>Minimum floor area for replacement units</del>	<del>320 square feet</del>

- 24
- 25 B. ~~A dumpster or enclosure for individual containers is required in accordance with section 5.03.04. of this LDC. No dumpster shall be located closer than fifteen (15) feet from any public street.~~
- 26
- 27
- 28
- 29 C. ~~Private roads leading to and serving the mobile home park or mobile home lots must be improved and maintained, and shall consist of a dust free surface with a minimum width of twenty (20) feet. The dust free surface may consist of aggregate material treated with oil based material that will bind the aggregate material into a form of macadam road finish. A drainage ditch capable of storing the first one inch of rainfall shall be incorporated into the right of way design cross section, exclusive of the required twenty (20) feet. Drainage shall be directed to a public road via the private road and/or easement conveyance, unless~~
- 30
- 31
- 32
- 33
- 34
- 35

~~it can be proved that the on-site percolation rates exceed the on-site retention requirement.~~

# # # # # # # # # # # # # #

**5.03.02 - Fences and Walls, Excluding Sound Walls**

\* \* \* \* \* \* \* \* \* \* \* \* \* \*

G. Supplemental Standards.

1. Fences on sites with structures which are subject to LDC section 5.05.08 Architectural & Site Design Standards, except for residential properties located in the IUAOD, must comply with the following additional standards:

a. Chain link (including wire mesh) and wood fences are prohibited forward of the primary façade and shall be a minimum of 100 feet from a public right-of-way. If these types of fences face a public or private street then they shall be screened with an irrigated hedge planted directly in front of the fence on the street side. Plant material shall be a minimum of 3 gallons in size and planted no more than 3 feet on center at time of installation. This plant material must be maintained at no less than three-quarters of the height of the adjacent fence.

b. Fences forward of the primary façade, excluding chain link, wire mesh and wood are permitted under the following conditions:

- i. Fences shall not exceed 4 feet in height.
- ii. The fence provides either an open view at a minimum of 25 percent of its length or provides variation in its height for a minimum of 15 percent of its length with a deviation of at least 12 inches.
- iii. The fence style must complement building style through material, color and design.

2. Use of chain link or wire mesh fencing (the requirements of this section are not applicable to single family dwellings):

a. If located adjacent to an arterial or collector road in the urban coastal area, the fence shall be placed no closer than three feet to the edge of the right-of-way or property line.

b. Except when located in the IUAOD, ~~the~~ fence shall be screened by an irrigated, living plant hedge at least thirty (30) inches in height at planting and spaced a distance apart that will achieve opacity of 80 percent sight-obscuring screen within one year of planting.

c. Residential properties within the IUAOD shall allow coated chain link fences (black or green) which shall not exceed four feet in height.

## **Exhibit A – List of LDC Amendments**

Ord. 1982-29  
Ord. 1982-32  
Ord. 1991-12  
Ord. 1991-72  
Ord. 1995-58  
Ord. 1997-26  
Ord. 1998-63  
Ord. 2000-08  
Ord. 2000-92  
Ord. 2001-34  
Ord. 2002-03  
Ord. 2002-31  
Ord. 2004-72  
Ord. 2008-63  
Ord. 2010-23  
Ord. 2015-44  
Ord. 2016-27  
Ord. 2019-35  
Ord. 2022-04

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## LAND DEVELOPMENT CODE AMENDMENT

### PETITION

PL20240008157

### ORIGIN

Growth Management  
Community Department  
(GMCD)

### SUMMARY OF AMENDMENT

In compliance with F.S. 177. 073, this amendment updates the process for issuing building permits for residential subdivisions or planned communities before a final plat is recorded with the clerk of circuit court. It allows for an applicant to request up to 50 percent of planned homes or number of building permits when associated with a master building permit process. It also requires a companion amendment to the Administrative Code for Land Development. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

### HEARING DATES

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	07/29/2024

### LDC SECTION TO BE AMENDED

01.08.01	Abbreviations
02.03.01	Agricultural Districts
02.03.02	Residential Zoning Districts
02.03.07	Overlay Zoning Districts
02.08.08	Rural Fringe Zoning Districts
03.05.07	Preservation Standards
04.03.03	Subdivision Exemptions
04.06.02	Buffer Requirements
05.04.04	Model Homes and Model Sales Centers
06.01.02	Easements
06.05.01	Water Management Requirements
06.06.01	Street System Requirements
10.02.01	Pre-Application Conference Required
10.02.04	Requirements for <del>Preliminary and Final</del> Subdivision Plats
10.02.14	Landscape Plans
10.08.00	Conditional Use Procedures

1

### ADVISORY BOARD RECOMMENDATIONS

2

**DSAC-LDR**  
TBD

**DSAC**  
TBD

**CCPC**  
TBD

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**BACKGROUND**

The 2024 Florida legislature adopted Senate Bill 812 and created F.S. 177.073: Expedited approval of residential building permits before final plats, which became law effective May 29, 2024. See Exhibit B. It requires by no later than October 1, 2024, local governments to expedite and update the building permit process so an applicant may request up to 50 percent of planned homes or the number of building permits that will be issued for a residential subdivision or planned community before a final plat is recorded. It stipulates that a local government may not alter or restrict an applicant from receiving the number of building permits, so long as the request does not exceed 50 percent. It provides for an applicant to contract to sell, but not transfer ownership of, a residential structure or building located in a preliminary plat before the plat is approved by local government but not obtain the final certificate of occupancy until the final plat is approved by the Board and recorded in public records. It further requires local governments to update the expedited building permit program with certain increased percentages (up to 75%) by December 31, 2027.

In accordance with F.S. 553.794, local government residential master building permit program, the County has an existing process for the application of single-family, two-family, and multi-family master building permits. This amendment seeks to modify the LDC and administrative code to allow an applicant to identify the percentage of planned homes or number of building permits that the County will issue at the time of preliminary plat approval. The proposed LDC changes are necessary and consistent with the Florida Statutory requirements.

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**FISCAL & OPERATIONAL IMPACTS**

Briefly describe potential fiscal or operational impacts to County and stakeholders.

---

**GMP CONSISTENCY**

To be provided by Comprehensive Planning Staff after first review.

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**EXHIBITS:** A) Administrative Code Amendment B) Florida Statutory References

**Amend the LDC as follows:**

**1.08.01 Abbreviations**



\* \* \* \* \*

CON	Conservation Zoning District
<u>CPD</u>	<u>Conceptual Plat with Deviations</u>
CRD	Compact Rural Development

\* \* \* \* \* \*\* \* \* \* \* \*  
# # # # # # # # # # # # #

2.03.01 - Agricultural Districts.

B. Estate District (E). The purpose and intent of the estates district (E) is to provide lands for low density residential development in a semi-rural to rural environment, with limited agricultural activities. In addition to low density residential development with limited agricultural activities, the E district is also designed to accommodate as conditional uses, development that provides services for and is compatible with the low density residential, semi-rural and rural character of the E district. The E district corresponds to and implements the estates land use designation on the future land use map of the Collier County GMP, although, in limited instances, it may occur outside of the estates land use designation. The maximum density permissible in the E district shall be consistent with and not exceed the density permissible or permitted under the estates district of the future land use element of the Collier County GMP as provided under the Golden Gate Master Plan.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the estates district (E).

\* \* \* \* \*

b. *Accessory Uses.*

\* \* \* \* \*

6. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or ~~preliminary~~ subdivision plat for that development. Recreational facilities may include but are not limited to golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

\* \* \* \* \*  
# # # # # # # # # # # # #

2.03.02 - Residential Zoning Districts

A. Residential Single-Family Districts (RSF-1; RSF-2; RSF-3; RSF-4; RSF-5; RSF-6). The purpose and intent of the residential single-family districts (RSF) is to provide lands

1 primarily for single-family residences. These districts are intended to be single-family  
2 residential areas of low density. The nature of the use of property is the same in all of  
3 these districts. Variation among the RSF-1, RSF-2, RSF-3, RSF-4, RSF-5 and RSF-6  
4 districts is in requirements for density, lot area, lot width, yards, height, floor area, lot  
5 coverage, parking, landscaping and signs. Certain structures and uses designed to serve  
6 the immediate needs of the single-family residential development in the RSF districts such  
7 as governmental, educational, religious, and noncommercial recreational uses are  
8 permitted as conditional uses as long as they preserve and are compatible with the single-  
9 family residential character of the RSF district[s]. The RSF districts correspond to and  
10 implement the urban mixed use land use designation on the future land use map of the  
11 Collier County GMP. The maximum density permissible in the residential single-family  
12 (RSF) districts and the urban mixed use land use designation shall be guided, in part, by  
13 the density rating system contained in the future land use element of the Collier County  
14 GMP. The maximum density permissible or permitted in the RSF district shall not exceed  
15 the density permissible under the density rating system, except as permitted by policies  
16 contained in the future land use element.

17  
18 1. The following subsections identify the uses that are permissible by right and the  
19 uses that are allowable as accessory or conditional uses in the residential single-  
20 family districts (RSF).

21 \* \* \* \* \*

22  
23 a. *Accessory ~~U~~uses.*

24 \* \* \* \* \*

25  
26 4. Recreational facilities that serve as an integral part of a residential  
27 development and have been designated, reviewed and approved  
28 on a site development plan or ~~preliminary~~ subdivision plat for that  
29 development. Recreational facilities may include, but are not limited  
30 to, golf course, clubhouse, community center building and tennis  
31 facilities, parks, playgrounds and playfields.

32  
33 \* \* \* \* \*

34  
35 c. *Conditional uses.* The following uses are permissible as conditional uses  
36 in the residential single-family districts (RSF), subject to the standards and  
37 procedures established in LDC section 10.08.00.\

38  
39 \* \* \* \* \*

40  
41 9. Recreational facilities intended to serve an existing and/or  
42 developing residential community as represented by all of the  
43 properties/lots/parcels included in an approved ~~preliminary~~  
44 subdivision plat, or site development plan. The use of said  
45 recreational facilities shall be limited to the owners of property or  
46 occupants of residential dwellings units and their guests within the  
47 area of approved ~~preliminary~~ subdivision plat, or site development  
48 plan.

49 \* \* \* \* \*

1 # # # # # # # # # # # # #  
2

3 B. Residential Multi-Family-6 District (RMF-6). The purpose and intent of the residential multi-  
4 family-6 district (RMF-6) is to provide for single-family, two-family and multi-family  
5 residences having a low profile silhouette, surrounded by open space, being so situated  
6 that it is located in close proximity to public and commercial services and has direct or  
7 convenient access to collector and arterial roads on the county major road network. The  
8 RMF-6 district corresponds to and implements the urban mixed use land use designation  
9 on the future land use map of the Collier County GMP. The maximum density permissible  
10 in the RMF-6 district and the urban mixed use land use designation shall be guided, in  
11 part, by the density rating system contained in the future land use element of the Collier  
12 County GMP. The maximum density permissible or permitted in the RMF-6 district shall  
13 not exceed the density permissible under the density rating system, except as permitted  
14 by policies contained in the future land use element.  
15

16 1. The following subsections identify the uses that are permissible by right and the  
17 uses that are allowable as accessory or conditional uses in the RMF-6 district.  
18

19 \* \* \* \* \* \* \* \* \* \* \* \* \*  
20

21 a. *Accessory uses.*  
22

23 \* \* \* \* \* \* \* \* \* \* \* \* \*  
24

25 3. Recreational facilities that serve as an integral part of a residential  
26 development and have been designated, reviewed and approved  
27 on a site development plan or preliminary subdivision plat for that  
28 development. Recreational facilities may include, but are not limited  
29 to, golf course, clubhouse, community center building and tennis  
30 facilities, playgrounds and playfields.  
31

32 \* \* \* \* \* \* \* \* \* \* \* \* \*  
33

34 # # # # # # # # # # # # #  
35

36 C. Residential Multi-Family-12 District (RMF-12). The purpose and intent of the residential  
37 multi-family 12 district (RMF-12) is to provide lands for multiple-family residences having  
38 a mid-rise profile, generally surrounded by lower structures and open space, located in  
39 close proximity to public and commercial services, with direct or convenient access to  
40 collector and arterial roads on the county major road network. Governmental, social, and  
41 institutional land uses that serve the immediate needs of the multi-family residences are  
42 permitted as conditional uses as long as they preserve and are compatible with the mid-  
43 rise multiple-family character of the district. The RMF-12 district corresponds to and  
44 implements the urban mixed use land use designation on the future land use map of the  
45 Collier County GMP. The maximum density permissible in the RMF-12 district and the  
46 urban mixed use land use designation shall be guided, in part, by the density rating system  
47 contained in the future land use element of the Collier County GMP. The maximum density  
48 permissible or permitted in the RMF-12 district shall not exceed the density permissible  
49 under the density rating system, except as permitted by policies contained in the future  
land use element.

1 1. The following subsections identify the uses that are permissible by right and the  
2 uses that are allowable as accessory or conditional uses in the residential multi-  
3 family-12 district (RMF-12).

4 \* \* \* \* \* \* \* \* \* \* \* \* \*

5 b. *Accessory uses.*

6 \* \* \* \* \* \* \* \* \* \* \* \* \*

7 1. Recreational facilities that serve as an integral part of a residential  
8 development and have been designated, reviewed and approved  
9 on a site development plan or preliminary subdivision plat for that  
10 development. Recreational facilities may include, but are not  
11 limited to, golf course, clubhouse, community center building and  
12 tennis facilities, playgrounds and playfields.

13 \* \* \* \* \* \* \* \* \* \* \* \* \*

14 # # # # # # # # # # # # # # #

15 D. Residential Multi-Family-16 District (RMF-16). The purpose and intent of the residential  
16 multi-family-16 district (RMF-16) is to provide lands for medium to high density multiple-  
17 family residences, generally surrounded by open space, located in close proximity to  
18 public and commercial services, with direct or convenient access to arterial and collector  
19 roads on the county major road network. Governmental, social, and institutional land uses  
20 that serve the immediate needs of the multiple-family residences are permitted as  
21 conditional uses as long as they preserve and are compatible with the medium to high  
22 density multi-family character of the district. The RMF-16 district corresponds to and  
23 implements the urban mixed use land use designation on the future land use map of the  
24 Collier County GMP. The maximum density permissible in the RMF-16 district and the  
25 urban mixed use land use designation shall be guided, in part, by the density rating system  
26 contained in the future land use element of the Collier County GMP. The maximum density  
27 permissible or permitted in the RMF-16 district shall not exceed the density permissible  
28 under the density rating system, except as permitted by policies contained in the future  
29 land use element.

30 1. The following subsections identify the uses that are permissible by right and the  
31 uses that are allowable as accessory or conditional uses in the residential multi-  
32 family-16 district (RMF-16).

33 \* \* \* \* \* \* \* \* \* \* \*

34 b. *Accessory uses.*

35 \* \* \* \* \* \* \* \* \* \* \* \* \*

36 3. Recreational facilities that serve as an integral part of a residential  
37 development and have been designated, reviewed and approved  
38 on a site development plan or preliminary subdivision plat for that  
39 development. Recreational facilities may include, but are not limited  
40 to, golf course, clubhouse, community center building and tennis  
41 facilities, playgrounds and playfields.

42 \* \* \* \* \* \* \* \* \* \* \* \* \*

1 # # # # # # # # # # # # # #  
2

3 E. Residential Tourist District (RT). The purpose and intent of the residential tourist district  
4 (RT) is to provide lands for tourist accommodations and support facilities, and multiple  
5 family uses. The RT district corresponds with and implements the urban mixed use district  
6 and the activity center district in the urban designated area on the future land use map of  
7 the Collier County GMP.  
8

9 1. The following subsections identify the uses that are permissible by right and the  
10 uses that are allowable as accessory or conditional uses in the residential tourist  
11 district (RT).  
12

13 \* \* \* \* \* \* \* \* \* \* \* \* \* \*

14 b. *Accessory uses.*

15 \* \* \* \* \* \* \* \* \* \* \* \* \* \*

16  
17 4. Recreational facilities that serve as an integral part of a residential  
18 development and have been designated, reviewed and approved  
19 on a site development plan or preliminary subdivision plat for that  
20 development. Recreational facilities may include, but are not limited  
21 to, golf course, clubhouse, community center building and tennis  
22 facilities, playgrounds and playfields.  
23

24 \* \* \* \* \* \* \* \* \* \* \* \* \* \*

25 # # # # # # # # # # # # # #  
26

27 F. Village Residential District (VR). The purpose and intent of the village residential district  
28 (VR) is to provide lands where a mixture of residential uses may exist. Additionally, uses  
29 are located and designed to maintain a village residential character which is generally low  
30 profile, relatively small building footprints as is the current appearance of Goodland and  
31 Copeland. The VR district corresponds to and implements the mixed residential land use  
32 designation on the Immokalee future land use map of the Collier County GMP. It is  
33 intended for application in those urban areas outside of the coastal urban area designated  
34 on the future land use map of the Collier County GMP, though there is some existing VR  
35 zoning in the coastal urban area. The maximum density permissible in the VR district and  
36 the urban mixed use land use designation shall be guided, in part, by the density rating  
37 system contained in the future land use element of the Collier County GMP. The maximum  
38 density permissible or permitted in the VR district shall not exceed the density permissible  
39 under the density rating system, except as permitted by policies contained in the future  
40 land use element, or as designated on the Immokalee future land use map of the GMP.  
41

42 1. The following subsections identify the uses that are permissible by right and the  
43 uses that are allowable as accessory or conditional uses in the village residential  
44 district (VR).  
45

46 \* \* \* \* \* \* \* \* \* \* \* \* \* \*

47 b. *Accessory Uses*

48 \* \* \* \* \* \* \* \* \* \* \* \* \* \*

1 3. Recreational facilities that serve as an integral part of a residential  
2 development and have been designated, reviewed and approved  
3 on a site development plan or preliminary subdivision plat for that  
4 development. Recreational facilities may include, but are not limited  
5 to, golf course, clubhouse, community center building and tennis  
6 facilities, playgrounds and playfields.

7 \* \* \* \* \*  
8 \* \* \* \* \*  
9

10 c. Conditional uses. The following uses are permissible as conditional uses  
11 in the residential single-family districts (RSF), subject to the standards and  
12 procedures established in LDC section 10.08.00.

13 \* \* \* \* \*  
14 \* \* \* \* \*  
15

16 9. Recreational facilities intended to serve an existing and/or  
17 developing residential community as represented by all of the  
18 properties/lots/parcels included in an approved preliminary  
19 subdivision plat, or site development plan. The use of said  
20 recreational facilities shall be limited to the owners of property or  
21 occupants of residential dwellings units and their guests within the  
22 area of approved preliminary-subdivision plat, or site development  
23 plan.

24 \* \* \* \* \*  
25 # # # # #  
26 # # # # #  
27

28 G. Mobile Home District (MH). The purpose and intent of the mobile home district (MH) is to  
29 provide land for mobile homes and modular built homes, as defined in this Land  
30 Development Code, that are consistent and compatible with surrounding land uses. The  
31 MH District corresponds to and implements the urban mixed-use land use designation on  
32 the future land-use map of the Collier County GMP. The maximum density permissible in  
33 the MH district and the urban mixed use land use designation shall be guided, in part, by  
34 the density rating system contained in the future land use element of the Collier County  
35 GMP. The maximum density permissible or permitted in the MH district shall not exceed  
36 the density permissible under the density rating system, except as permitted by policies  
37 contained in the future land use element, or as identified in the Immokalee future land use  
38 map of the GMP.

39  
40 1. The following subsections identify the uses that are permissible by right and the  
41 uses that are allowable as accessory or conditional uses in the mobile home district  
42 (MH).

43 \* \* \* \* \*  
44 \* \* \* \* \*  
45

46 a. Accessory Uses.

47 \* \* \* \* \*  
48 \* \* \* \* \*  
49

50 3. Recreational facilities that serve as an integral part of a residential  
development and have been designated, reviewed and approved

on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to, golf course, clubhouse, community center building and tennis facilities, playgrounds and playfields.

\* \* \* \* \*

c. *Conditional uses.* The following uses are permissible as conditional uses in the residential single-family districts (RSF), subject to the standards and procedures established in LDC section 10.08.00.

\* \* \* \* \*

5. Recreational facilities intended to serve an existing and/or developing residential community as represented by all of the properties/lots/parcels included in an approved preliminary subdivision plat, PUD or site development plan. The use of said recreational facilities shall be limited to the owners of property or occupants of residential dwellings units and their guests within the area of approved preliminary subdivision plat, or site development plan.

\* \* \* \* \*

# # # # #

**2.03.07 - Overlay Zoning Districts**

\* \* \* \* \*

D. Special Treatment Overlay (ST).

\* \* \* \* \*

4. Transfer of Development Rights (TDR).

\* \* \* \* \*

b. Transfer of development rights from urban areas to urban areas. An owner of land located within areas designated as urban on the Future Land Use Map, including agriculturally zoned properties, which may or may not be identified with the ST overlay, may elect to transfer some or all of the residential development rights from one parcel of land to another parcel, as an alternative to the development of the sending lands. The lands to which the development rights are to be transferred shall be referred to as receiving lands and those lands from which development rights are transferred shall be referred to as sending lands, as provided herein and shall be located within the urban designated areas of the county.

\* \* \* \* \*

vii. Procedure for obtaining transfer of residential development rights. Any owner of eligible land may apply for a transfer of development

1 rights either separately or concurrently with rezoning, zoning  
2 ordinance amendments, preliminary subdivision plat or  
3 development plan. Prior to the approval of any transfer of  
4 development rights or the issuance of any building permits in  
5 connection with the use of any transfer of development rights, the  
6 petitioner shall submit the following information and data, as  
7 applicable to the petition, to the development services director for  
8 his review and subsequent action by the Board of County  
9 Commissioners.

10 \* \* \* \* \*  
11 # # # # #  
12 # # # # #  
13

14 E. Historical and Archaeological Sites (H). It is the intent of these regulations to recognize  
15 the importance and significance of the County's historical and archaeological heritage. To  
16 that end, it is the county's intent to protect, preserve, and perpetuate the County's historic  
17 and archaeological sites, districts, structures, buildings, and properties. Further, the BCC,  
18 finds that these regulations are necessary to protect the public interest, to halt illicit digging  
19 or excavation activities which could result in the destruction of prehistoric and historic  
20 archaeological sites, and to regulate the use of land in a manner which affords the  
21 maximum protection to historical and archaeological sites, districts, structures, buildings,  
22 and properties consistent with individual property rights. It is not the intent of this LDC to  
23 deny anyone the use of his property, but rather to regulate the use of such property in a  
24 manner which will ensure, to the greatest degree possible, that historic and archaeological  
25 sites, districts, structures, buildings, and properties are protected from damage,  
26 destruction, relocations, or exportations.

27 \* \* \* \* \*  
28 \* \* \* \* \*  
29

30 2. Applicability during development review process; county projects; agriculture;  
31 waiver request.

32 \* \* \* \* \*  
33 \* \* \* \* \*  
34

35 e. ~~Preliminary subdivision plat. Submittal for a preliminary subdivision plat~~  
36 ~~within an area of historical/archaeological probability but not subject to~~  
37 ~~subsections b through c shall include a historical/archaeological survey~~  
38 ~~and assessment prepared by a certified archaeologist. The preservation~~  
39 ~~board shall review the recommendations derived from the survey and~~  
40 ~~assessment and submit their recommendations to the Collier County~~  
41 ~~Board of County Commissioners for consideration for incorporation into~~  
42 ~~the local development order. Reserved.~~  
43

44 f. Final subdivision plat or site development plan (SDP). Submittal for a final  
45 subdivision plat, including construction documents or site development  
46 plan (SDP) within an area of historical/archaeological probability but not  
47 subject to subsections b, c, or e of this section shall include a  
48 historical/archaeological survey and assessment prepared by a certified  
49 archaeologist. The preservation board shall review the recommendations  
50 derived from the survey and assessment which shall be incorporated into



the final subdivision plat and construction document or local development order.

\* \* \* \* \*

L. Vanderbilt Beach Residential Tourist Overlay Zoning District (VBRTO).

5. *Development criteria.* The following standards shall apply to all uses in this overlay district.

\* \* \* \* \*

a. *Accessory uses.*

\* \* \* \* \*

iv. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to, golf course, clubhouse, community center building and tennis facilities, playgrounds and playfields.

\* \* \* \* \*

# # # # #

**2.03.08 - Rural Fringe Zoning Districts**

A. Rural Fringe Mixed-Use District (RFMU District).

\* \* \* \* \*

2. RFMU receiving lands. RFMU receiving lands are those lands within the RFMU district that have been identified as being most appropriate for development and to which residential development units may be transferred from RFMU sending lands. Based on the evaluation of available data, RFMU receiving lands have a lesser degree of environmental or listed species habitat value than RFMU sending lands and generally have been disturbed through development or previous or existing agricultural operations. Various incentives are employed to direct development into RFMU receiving lands and away from RFMU sending lands, thereby maximizing native vegetation and habitat preservation and restoration. Such incentives include, but are not limited to: the TDR process; clustered development; density bonus incentives; and, provisions for central sewer and water. Within RFMU receiving lands, the following standards shall apply, except as noted in LDC subsection 2.03.08 A.1 above, or as more specifically provided in an applicable PUD.

a. Outside rural villages.

\* \* \* \* \*

1 (3) Allowable ~~U~~uses.

2  
3 \* \* \* \* \* \* \* \* \* \* \* \* \*

4

5 (b) Accessory uses.

6  
7 \* \* \* \* \* \* \* \* \* \* \* \* \*

8

9 iii. Recreational facilities that serve as an integral part

10 of a residential development and have been

11 designated, reviewed, and approved on a site

12 development plan or ~~preliminary~~ subdivision plat for

13 that development. Recreational facilities may

14 include, but are not limited to clubhouse,

15 community center building, tennis facilities,

16 playgrounds and playfields.

17

18 \* \* \* \* \* \* \* \* \* \* \* \* \*

19

20 3. Neutral lands. Neutral lands have been identified for limited semi-rural residential

21 development. Available data indicates that neutral lands have a higher ratio of

22 native vegetation, and thus higher habitat values, than lands designated as RFMU

23 receiving lands, but these values do not approach those of RFMU sending lands.

24 Therefore, these lands are appropriate for limited development, if such

25 development is directed away from existing native vegetation and habitat. Within

26 neutral lands, the following standards shall apply:

27

28 a. Allowable uses. The following uses are permitted as of right:

29

30 \* \* \* \* \* \* \* \* \* \* \* \* \*

31

32 (2) Accessory uses. The following uses are permitted as accessory to

33 uses permitted as of right or to approved conditional uses:

34

35 \* \* \* \* \* \* \* \* \* \* \* \* \*

36

37 (b) Recreational facilities that serve as an integral part of a

38 residential development and have been designated,

39 reviewed, and approved on a site development plan or

40 ~~preliminary~~ subdivision plat for that development.

41 Recreational facilities may include, but are not limited to

42 clubhouse, community center building, tennis facilities,

43 playgrounds and playfields.

44

45 \* \* \* \* \* \* \* \* \* \* \* \* \*

46 # # # # # # # # # # # # # # #

47

48 3.05.07 - Preservation Standards

49

1 All development not specifically exempted by this ordinance shall incorporate, at a minimum,  
2 the preservation standards contained within this section.

3  
4 H. Preserve standards.

5  
6 1. Design standard

7  
8 \* \* \* \* \*

9 d. Preserve mechanisms. All preserve areas shall be designated as  
10 preserves on all site plans.

11  
12 On-site County required preserves shall be dedicated to the County as  
13 non-exclusive conservation **easements** without placing on the County  
14 the responsibility for maintenance of the preserve area, and the  
15 **easement** conveyance to the County shall include the right of **access**  
16 from existing road **right-of-way**. The **easement** shall dedicate the  
17 responsibility of maintenance to a property owners association or similar  
18 entity, and it shall contain allowable uses and limitations to protect the  
19 preserve. All preserve areas shall be shown on the ~~preliminary and final~~  
20 subdivision plats in accordance with section 10.02.04, with language  
21 similar to Section 704.06 F.S.

22  
23 No individual residential or commercial lot, parcel lines, or other  
24 easements including, but not limited to, utility or access easements that  
25 are not compatible with allowable uses in preserve areas, may project  
26 into a preserve area.

27  
28 State and federal parks and preserves shall not be required to place their  
29 preserves in a conservation easement.

30  
31 Any conservation easement or other document restricting uses in a  
32 preserve area shall contain the following statement (consistent with  
33 CCME GMP Policy 1.1.6):

34  
35 "Oil extraction and related processing operations are uses which are  
36 exempt from the restrictions herein and shall remain allowed uses on the  
37 lands described herein."

38  
39 \* \* \* \* \*  
40 # # # # #

41  
42 **4.03.03 - Subdivision Exemptions**

43  
44 Before any property or development proposed to be exempted from the terms of this section may  
45 be considered for exemption, a written request for exemption shall be submitted to the County  
46 Manager or designee. After a determination of completeness, the County Manager or designee  
47 shall approve, approve with conditions, or deny the request for exemption based on the terms of  
48 the applicable exemptions. Procedures for application, review, and decision regarding

1 exemptions from these subdivision requirements are set forth in the Administrative Code. To the  
2 extent approved, the following may be exempted from these subdivision requirements.  
3

4 A. *Active agricultural uses.* Agriculturally related development as identified in the permitted  
5 and accessory uses allowed in the rural agricultural district A and located within any area  
6 designated as agricultural on the future land use map of the Collier County GMP and the  
7 Collier County official zoning atlas, except single-family dwellings and farm labor housing  
8 subject to LDC sections 5.05.03 and 2.03.00 shall be exempt from the requirements and  
9 procedures for ~~preliminary~~ subdivision plats and construction plans; provided, however,  
10 nothing contained herein shall exempt such active agricultural uses from the requirements  
11 and procedures for final subdivision plats, and where required subdivision improvements  
12 are contemplated, the posting of subdivision performance security.  
13

14 B. *Cemeteries.* The division of land into cemetery lots or parcels shall be exempt from the  
15 requirements and procedures for ~~preliminary~~ subdivision plats and improvement plans;  
16 provided, however, nothing contained herein shall exempt such division of land into  
17 cemetery lots or parcels from the requirements and procedures for final subdivision plats  
18 and, where required subdivision improvements are contemplated, the posting of  
19 subdivision performance security; and provided, further, that such division of land into  
20 cemetery lots or parcels shall be subject to and comply with the requirements and  
21 procedures for site development plans as set forth in the Administrative Code and Chapter  
22 10, and shall obtain site development plan approval for the entire property proposed for  
23 such division of land into cemetery lots or parcels.  
24

25 \* \* \* \* \*

26  
27 F. The division of property, occurring prior to July 15, 1998, meeting the definition of rural  
28 subdivision shall not require the subdivider to record a final plat nor comply with the  
29 subdivision regulations provided in LDC section 4.03.00. Nor shall the division of property  
30 occurring after July 15, 1998, in the rural area require the property owner to record a final  
31 plat nor comply with the subdivision regulations provided in LDC section 4.03.00, if the  
32 property so divided has been the subject of a rezoning hearing by the BCC within the 24  
33 month period preceding July 15, 1998. The subdivision of properties occurring after July  
34 15, 1998 shall not be exempt from platting and filing a ~~preliminary subdivision plat (PSP)~~  
35 construction plans and final subdivision plat (PPL). However, the applicability of all  
36 required subdivision improvements and standards as set forth in section LDC 4.03.00,  
37 required improvements, of this LDC shall be determined by the County Manager or  
38 designee on a case by case basis. The applicant, through the ~~preliminary subdivision plat~~  
39 (PSP) conceptual plat with deviations (CPD) process may request waivers from certain  
40 "required improvements". The subdivider and purchaser of property meeting definition (a)  
41 of rural subdivision shall comply with section 4.03.03 of this LDC. The division of property  
42 not meeting the definition of rural subdivision is required to comply with all requirements  
43 of section 4.03.00.  
44

45 G. *Rural area subdivision requirements.*  
46  
47 1. Deeds and other conveyances. All deeds and other conveyances for properties  
48 shall include in ten-point type the following statement: "NO GOVERNMENTAL  
49 AGENCY, INCLUDING COLLIER COUNTY, SHALL EVER BE RESPONSIBLE  
50 FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE

DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED."

2. Building permits for rural subdivisions. Building permits will not be issued until the final subdivision plat is recorded except when issued pursuant to F.S. 177.073 .

\* \* \* \* \*  
# # # # #

**4.06.02 – Buffer Requirements**

B. Methods of determining buffers. Where a property adjacent to the proposed use is: (1) undeveloped, (2) undeveloped but permitted without the required buffering and screening required pursuant to this Code, or (3) developed without the buffering and screening required pursuant to this Code, the proposed use shall be required to install the more opaque buffer as provided for in table 2.4. Where property adjacent to the proposed use has provided the more opaque buffer as provided for in table 2.4, the proposed use shall install a type A buffer.

Where the incorporation of existing native vegetation in landscape buffers is determined as being equivalent to or in excess of the intent of this Code, the planning services director may waive the planting requirements of this section.

Buffering and landscaping between similar residential land uses may be incorporated into the yards of individual lots or tracts without the mandatory creation of separate tracts. If buffering and landscaping is to be located on a lot, it shall be shown as an easement for buffering and landscaping.

The buffering and screening provisions of this Code shall be applicable at the time of planned unit development (PUD), ~~preliminary~~ subdivision plat (CPDPSP) or site development plan (SDP) review, with the installation of the buffering and screening required pursuant to LDC section 4.06.05 H. If the applicant chooses to forego the optional CPDPSP process, then ~~signed~~ Signed and sealed landscape plans will be required on the final subdivision plat. Where a more intensive land use is developed contiguous to a property within a similar zoning district, the planning services director may require buffering and screening the same as for the higher intensity uses between those uses.

Landscape buffering and screening standards within any planned unit development shall conform to the minimum buffering and screening standards of the zoning district to which it most closely resembles. The planning services director may approve alternative landscape buffering and screening standards when such alternative standards have been determined by use of professional acceptable standards to be equivalent to or in excess of the intent of this Code.

\* \* \* \* \*  
# # # # #

**5.04.04 - Model Homes and Model Sales Centers**

1 \* \* \* \* \*  
2

3 B. Model homes and model sales centers located within residential zoning districts, a  
4 residential component of a PUD, the estates (E) zoning district, or the agricultural (A)  
5 zoning district, shall be restricted to the promotion of a product or products permitted within  
6 the zoning district in which the model home or model sales center is located and further  
7 subject to the following:  
8

9 \* \* \* \* \*  
10

11 5. Temporary use permits for model homes or model sales centers to be located  
12 within a proposed single-family development prior to final plat approval may be  
13 requested by the applicant and require:  
14

15 \* \* \* \* \*  
16

17 f. The boundaries depicted on the preliminary subdivision plat shall be  
18 depicted on the SDP in order to ensure compliance with the applicable  
19 development standards in effect on the subject property.  
20

21 g. Final lot grading and drainage conveyance shall be in conformance with  
22 the master grading plan for the project as depicted on the preliminary  
23 subdivision plat submittal documents.  
24

25 \* \* \* \* \*  
26

26 # # # # # # # # # # # # # # #  
27

28 **6.01.02 – Easements**

29  
30 If applicable, easements shall be provided along lot lines or along the alignment of the  
31 improvements requiring easements in accordance with all design requirements so as to provide  
32 for proper access to, and construction and maintenance of, the improvements. All such  
33 easements shall be properly identified ~~on the preliminary subdivision plat~~ and dedicated on the  
34 final subdivision plat.  
35

36 \* \* \* \* \*  
37

38 C. Protected/preserve area and easements. A nonexclusive easement or tract in favor of  
39 Collier County, without any maintenance obligation, shall be provided for all  
40 "protected/preserve" areas required to be designated on the ~~preliminary and final~~  
41 ~~subdivision plats or only on the final~~ subdivision plat ~~if the applicant chooses not to submit~~  
42 ~~the optional preliminary subdivision plat~~. Any buildable lot or parcel subject to or abutting  
43 a protected/preserve area required to be designated on the ~~preliminary and final~~  
44 ~~subdivision plats or only on the final~~ subdivision plat ~~if the applicant chooses not to submit~~  
45 ~~the optional preliminary subdivision plat~~, shall have a minimum setback as required by the  
46 LDC, or other setback that may be approved as a deviation through the PUD approval  
47 process by the Board of County Commissioners from the boundary of such  
48 protected/preserve area in which no principle structure may be constructed. The required  
49 preserve principal structure setback line and the accessory structure setback lines shall  
50 be clearly indicated and labeled on the final plat where applicable. Further, the preliminary

1 ~~and final subdivision plats, or only on the final~~ subdivision plat ~~if the applicant chooses not~~  
2 ~~to submit the optional preliminary subdivision plat,~~ shall require that no alteration, including  
3 accessory structures, fill placement, grading, plant alteration or removal, or similar activity  
4 shall be permitted within such setback area without the prior written consent of the County  
5 Manager or designee; provided, in no event shall these activities be permitted in such  
6 setback area within ten feet of the protected/preserve area boundary. Additional  
7 regulations regarding preserve setbacks and buffers are located in Chapters 4 and 10,  
8 and shall be applicable for all preserves, regardless if they are platted or simply identified  
9 by a recorded conservation easement. The boundaries of all required easements shall be  
10 dimensioned on the final subdivision plat. Required protected/preserve areas shall be  
11 identified as separate tracts or easements having access to them from a platted right-of-  
12 way. No individual residential or commercial lot or parcel lines may project into them when  
13 platted as a tract. If the protected/preserve area is determined to be jurisdictional in nature,  
14 verification must be provided which documents the approval of the boundary limits from  
15 the appropriate local, state or federal agencies having jurisdiction and when applicable  
16 pursuant to the requirements and provisions of the growth management plan. All required  
17 easements or tracts for protected/preserve areas shall be dedicated and also establish  
18 the permitted uses for said easement(s) and/or tracts on the final subdivision plat to Collier  
19 County without the responsibility for maintenance and/or to a property owners' association  
20 or similar entity with maintenance responsibilities. An applicant who wishes to set aside,  
21 dedicate or grant additional protected preserve areas not otherwise required to be  
22 designated on the ~~preliminary and final subdivision plats, or only on the final~~ subdivision  
23 plat ~~if the applicant chooses not to submit the optional preliminary subdivision plat,~~ may  
24 do so by grant or dedication without being bound by the provisions of this section.

25  
26 # # # # # # # # # # # # # #

27  
28 **6.05.01 - Water Management Requirements**

29  
30 A complete stormwater management system shall be provided for all areas within the subdivision  
31 or development, including lots, streets, and alleys.

- 32  
33 A. The system design shall meet the applicable provisions of the current County codes and  
34 ordinances, SFWMD rules and regulations pursuant to Florida Statutes, and the Florida  
35 Administrative Code, and any other affected state and federal agencies' rules and  
36 regulations in effect at the time of preliminary subdivision plat submission. Water  
37 management areas will be required to be maintained in perpetuity according to the  
38 approved plans. Water management areas not maintained will be corrected according to  
39 approved plans within 30 days.

40  
41 \* \* \* \* \*  
42 # # # # #

43  
44 **6.06.01 - Street System Requirements**

45  
46 \* \* \* \* \*

- 47  
48 B. The street layout of all subdivisions or developments shall be coordinated with the street  
49 systems of the surrounding areas, adjacent properties shall be provided with local street  
50 interconnections unless topography, other natural features, or other

ordinances/regulations do not allow or require said connections. All arterial or collector streets shall be planned to conform to the GMP. collector and arterial streets within a development shall not have individual residential driveway connections. Their location and right-of-way cross-section must be reviewed and approved by the County Manager or designee during the preliminary subdivision plat review process. All subdivisions shall provide rights-of-way in conformance with the GMP and the right-of-way cross-section contained in Appendix B. All streets shall be designed and constructed to provide for optimum vehicular and pedestrian safety, long service life, and low cost of maintenance.

\* \* \* \* \*

P. Street names.

\* \* \* \* \*

3. All street names shall be subject to approval by the County Manager or designee during the preliminary subdivision plat approval process.

\* \* \* \* \*

# # # # #

10.02.01 - Pre-Application Conference Required

A. Subdivision review procedures.

1. Preapplication conference. Prior to formal filing of a preliminary subdivision plat, an applicant shall confer with the County Manager or his designee to obtain information and guidance. The purpose of such a conference is to permit the applicant and the County Manager or his designee to review informally a proposed development and determine the most efficient method of development review before substantial commitments of time and money are made in the preparation and submission of the preliminary-subdivision-plat, improvement plans, final subdivision plat, and related documents.

\* \* \* \* \*

a. *Preapplication.* A written preapplication shall be submitted to the County Manager or his designee at any time prior to the review of a proposed preliminary-or-final subdivision plat. The written application shall contain the following:

i. *Written statement.* Ten copies, unless otherwise specified by the County Manager or his designee, of a written statement generally describing the condition of the property and the proposed development of the entire subdivision. This statement shall include but is not necessarily limited to data on existing covenants or restrictions, location of utility facilities and public facilities, general soil characteristics, and other information describing the subdivision proposed, such as number of parcels, lots, or tracts; typical lot or other parcel configuration; water retention areas; public areas;



anticipated utility sources; zoning classifications; and any other information needed for preparation and review of the preliminary subdivision plat.

\* \* \* \* \*

b. *Issues of discussion.* Issues that shall be discussed at the preapplication conference shall include but are not limited to the following:

\* \* \* \* \*

iv. *Application contents.* In conformance with the requirements of this section, the County Manager or his designee shall establish the contents of the preliminary or final subdivision plat required to be submitted for the proposed development. This shall include descriptions of the types of reports and drawings required, the general form which the preliminary or final subdivision plat shall take, and the information which shall be contained within the preliminary or final subdivision plat and supporting documentation.

\* \* \* \* \*

# # # # #

**10.02.04 - Requirements for Preliminary and Final Subdivision Plats**

This section shall be read in conjunction with subdivision design standards, in particular, LDC Chapters 3, 4, and 6.

A. *Requirements for Preliminary Subdivision Plats (PSP) Conceptual Plat with Deviations (CPD).* A preliminary subdivision conceptual plat with deviations provides an overall scheme of development for a subdivision. It may be used when only one phase of a multi-phased development is to be constructed. Except for an integrated phased development, a preliminary subdivision conceptual plat with deviations is optional while a final subdivision plat is mandatory.

1. Generally.

a. Approved zoning. No preliminary subdivision conceptual plat with deviations shall be approved prior to final approval of the zoning or planned unit development for the proposed subdivision. However, the zoning application and the preliminary subdivision conceptual plat with deviations may be processed concurrently by the County Manager or designee at the request of the applicant.

b. No development shall be allowed prior to approval of the construction plans and final subdivision plat, except for the early work authorization (EWA) permit and early construction authorization (ECA) permit pursuant to LDC section 10.02.00.

- 1 c. Integrated phased developments. A ~~preliminary subdivision~~ conceptual plat
- 2 with deviations application shall be submitted in accordance with this
- 3 section for any integrated phased development.
- 4
- 5 2. Application for ~~preliminary subdivision~~ conceptual plats with deviations.
- 6
- 7 a. The Administrative Code shall establish the process and submittal
- 8 requirements for a ~~preliminary subdivision~~ conceptual plat with deviations.
- 9
- 10 b. A ~~preliminary subdivision~~ conceptual plat with deviations shall include the
- 11 entire property to be subdivided and recorded.
- 12
- 13 c. The ~~preliminary subdivision~~ conceptual plat with deviations shall be
- 14 prepared by the applicant's professional engineer and professional
- 15 surveyor and mapper.
- 16
- 17 d. The boundary survey for the ~~preliminary subdivision~~ conceptual plat with
- 18 deviations shall be signed and sealed by a professional surveyor and
- 19 mapper registered in the State of Florida.
- 20
- 21 3. Review by County Manager or designee. County Manager or designee shall
- 22 approve, approve with conditions, or deny the ~~preliminary subdivision~~ conceptual
- 23 plat with deviations utilizing the standards established in LDC chapters 3, 4, 6, and
- 24 other provisions of the LDC. The decision to approve with conditions, or deny the
- 25 ~~preliminary subdivision~~ conceptual plat with deviations may be appealed to the
- 26 Board of County Commissioners pursuant to Code of Laws and Ordinances
- 27 section 250-58. If the County Manager or designee should deny the ~~preliminary~~
- 28 ~~subdivision~~ conceptual plat with deviations, ~~he it shall be~~ stated in writing the
- 29 reasons for such denial, ~~including and shall cite~~ the applicable code or regulatory
- 30 basis for the conditions or denial.
- 31
- 32 4. Amendments. Any amendment to the approved ~~preliminary subdivision~~ conceptual
- 33 plat with deviations submitted by the applicant shall be reviewed according to the
- 34 standards established in LDC chapters 3, 4, 6, and other provisions of the LDC.
- 35 The County Manager or designee shall have the authority to approve amendments
- 36 to the approved ~~preliminary subdivision~~ conceptual plat with deviations provided
- 37 those amendments are based on generally accepted, sound, professional
- 38 engineering principles and practices in the state. Amendments shall be made prior
- 39 to the processing of the construction plans and final subdivision plat. Requests for
- 40 amendments shall be in writing in the form of an amended ~~preliminary subdivision~~
- 41 conceptual plat with deviations and shall provide clear and convincing
- 42 documentation and citations to professional engineering studies, reports or other
- 43 generally accepted professional engineering services in the state to substantiate
- 44 the amendment requested.
- 45
- 46 5. Conditions. The County Manager or designee has the authority to approve
- 47 requests for substitutions to the design standards contained in the LDC provided
- 48 those requests are based on generally accepted, sound and safe, professional
- 49 engineering principles and practices. Requests for substitutions shall be made in
- 50 writing and shall provide clear and convincing documentation and citations to

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professional engineering studies, reports or other generally accepted professional engineering sources to substantiate the substitution requested.

6. Timing of development. Within 2 years after the date of written approval or approval with conditions of the ~~preliminary-subdivision~~ conceptual plat with deviations, the applicant shall prepare and submit to the County Manager or designee the construction plans and final subdivision plat for at least the first phase of the proposed subdivision. Each subsequent phase of the ~~preliminary-subdivision~~ conceptual plat with deviations shall be submitted within 2 years after the date of written approval of the immediately preceding phase of the proposed subdivision.

a. Extensions. Two, 2-year extensions to submit the construction plans and final subdivision plat shall be granted for good cause shown upon written application submitted to the County Manager or designee prior to expiration of the preceding approval. When granting an extension the County Manager or designee shall require the ~~preliminary-subdivision~~ conceptual plat with deviations be modified to bring the project into compliance with the LDC at the time of the extension request.

7. No vested rights. It is hereby expressly declared that the intent of this section is to create no vested rights in the applicant or owner of property which obtains approval of a ~~preliminary-subdivision~~ conceptual plat with deviations, and the County shall not be estopped to subsequently deny approval of the construction plans and final subdivision plat based on changes in federal, state, or local laws or regulations, or upon any other facts or circumstances subsequently arising or considered which would adversely affect the feasibility or desirability of the ~~preliminary-subdivision~~ conceptual plat with deviations, nor shall the County be estopped to deny any rezoning in which a ~~preliminary-subdivision~~ conceptual plat with deviations is submitted in support of such rezoning.

B. Construction Plans and Final Subdivision Plats (PPLs). Construction plans and final subdivision plats are commonly referred to as "plans and plat."

\* \* \* \* \*

2. Application for Construction Plans and Final Subdivision Plats.

\* \* \* \* \*

d. The final subdivision plat shall conform to the approved ~~preliminary subdivision~~ conceptual plat with deviations and shall constitute only that portion of the approved ~~preliminary-subdivision~~ conceptual plat with deviations which the applicant proposes to construct.

e. Improvements for construction plans and final subdivision plats are identified in the LDC section 10.02.04 C, and are required in conjunction with the subdivision and development of any and all property pursuant to LDC section 10.02.03 within the unincorporated areas of the County. All required improvements shall be designed and constructed in accordance with the design requirements and specifications of the entity having

1 responsibility for approval, including all federal, state, and local agencies.  
2 Construction plans for final subdivision plats shall include at a minimum:

- 3
- 4 i. Streets, sidewalks, paving, grading, and stormwater management
- 5 (drainage);
- 6
- 7 ii. Bridges and culverts;
- 8
- 9 iii. Water and sewerage systems, including, where applicable, water
- 10 reuse/irrigation pumping, storage and transmission/distribution
- 11 systems;
- 12
- 13 iv. Street lighting. Plans for streetlights shall bear the approval of the
- 14 utility authorities involved. If the street lighting system is to be
- 15 privately owned and maintained by a property owners' association
- 16 or similar entity, it shall be designed by the applicant's engineer;
- 17
- 18 v. Landscaping within public rights-of-way, parks, recreational areas;
- 19 and
- 20
- 21 vi. Parking areas.
- 22

23 3. County Manager review of construction plans and final subdivision plats.

- 24
- 25 a. The County Manager or designee shall review and evaluate the
- 26 construction plans and final subdivision plat in conformance with
- 27 the LDC, in particular sections 10.02.04 B and 10.02.04 C, and F.S.
- 28 ch. 177. The County Manager or designee shall review and
- 29 evaluate the construction plans and final subdivision plat in light of
- 30 the requirements established in the LDC and Administrative Code.
- 31 Based on the review and evaluation, the County Manager or
- 32 designee shall approve, approve with conditions, or deny the
- 33 construction plans and final subdivision plat. If the construction
- 34 plans and final subdivision plat is denied, then the final subdivision
- 35 plat shall not be submitted to the Board until the construction plans
- 36 and final subdivision plat have been approved or approved with
- 37 conditions by the County Manager or designee. The approval of the
- 38 County Manager or designee is subject to Board approval, noted
- 39 below.
- 40
- 41 b. If the constructions plans and final subdivision plat are approved or
- 42 approved with conditions by the County Manager or designee, the
- 43 County Manager or designee shall recommend that the Board
- 44 approve, approve with conditions, or deny the final subdivision plat.
- 45 If the County Manager or designee denies or places conditions on
- 46 the construction plans or recommends denial or conditions on the
- 47 final subdivision plat, he shall state reasons and cite the applicable
- 48 code or regulatory basis for the decision.
- 49

1 c. Once the construction plans and final subdivision plats are  
 2 submitted by the applicant for review by the County Manager or  
 3 designee, they will remain under review so long as a resubmittal in  
 4 response to a county reviewer's comments is received within 270  
 5 days of the date on which the comments were sent to the applicant.  
 6 If a response is not received within this time, the application for  
 7 construction plans and final subdivision plat review will be  
 8 considered withdrawn and cancelled. Further review of the project  
 9 will require a new application and the appropriate fees paid by the  
 10 applicant.

11 d. Digital submission. After the final subdivision plat has been  
 12 approved by the County Manager or designee for compliance with  
 13 the LDC, as provided in this section, the applicant shall resubmit 5  
 14 certified sets of the approved construction plans along with  
 15 approved copies of all required county permits. The applicant's  
 16 professional engineer shall also submit a set of digitally created  
 17 construction/site plan documents, 1 disk (CDROM) of the master  
 18 plan file, including, where applicable, easements, water/wastewater  
 19 facilities, and stormwater drainage system. The digital data to be  
 20 submitted shall follow these formatting guidelines: All data shall be  
 21 delivered in the state plane coordinate system, with a Florida East  
 22 Projection, and a North American Datum 1983/1990 (NAD83/90  
 23 datum), with United States Survey Feet (USFEET) units; as  
 24 established by a Florida registered professional surveyor and  
 25 mapper. All information shall have a maximum dimensional error of  
 26 +0.5 feet. Files shall be in an AutoCAD (DWG) or Digital Exchange  
 27 File (DXF) format; information layers shall have common naming  
 28 conventions (i.e. right-of-way—ROW, centerlines—CL, edge-of-  
 29 pavement—EOP, etc.). For a plan to be deemed complete, the  
 30 layering scheme must be readily understood by county staff. All  
 31 property information (parcels, lots, and requisite annotation) shall  
 32 be drawn on a unique information layer, with all linework pertaining  
 33 to the property feature located on that layer. Example: parcels—All  
 34 lines that form the parcel boundary will be located on 1 parcel layer.  
 35 Annotations pertaining to property information shall be on a unique  
 36 layer. Example: lot dimensions—Lottxt layer.

37  
 38  
 39 4. Board approval of the final subdivision plat.

40 a. Following approval or approval with conditions by the County  
 41 Manager or designee, the County Manager or designee shall place  
 42 the final subdivision plat on the consent agenda for its next available  
 43 regularly scheduled Board hearing. The Board shall consider  
 44 approval of the final subdivision plat together with the approval of  
 45 standard form, Construction Maintenance Agreement, and approval  
 46 of the amount of performance security for the required  
 47 improvements based on the estimate of probable cost.  
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- b. If all members of the Board consent to the recommendation of the County Manager or designee, then the recommendation of the County Manager or designee on the final subdivision plat shall remain on the consent agenda and the final subdivision plat shall be approved. If any member of the Board objects to the recommendation of the County Manager or designee or otherwise requests discussion on the recommendation, then the recommendation shall be taken off the consent agenda and may be discussed or scheduled for a subsequent hearing date. After due notice of the hearing to the applicant, the Board shall hold a hearing on the final subdivision plat. At the hearing, the Board shall consider the County Manager or designee's recommendation and shall take evidence and testimony in regard to the final subdivision plat requirements identified in LDC sections 10.02.04 B and 10.02.04 C, and other provisions of the LDC. The Board shall approve, approve with conditions, or deny the final subdivision plat. If the Board of denies or places conditions on the final subdivision plat, it shall state reasons for such denial or conditions.
  - c. Approval of the final subdivision plat shall not constitute acceptance of public dedicated facilities. Acceptance of any such dedicated public facilities and responsibility for their maintenance shall be by separate resolution of the Board of County Commissioners. See LDC section 10.02.05 C.3.
  - d. After Board approval of the preliminary and final subdivision plat, building permits may be issued for a percentage of planned homes in accordance with the Florida Building Code and pursuant to F.S. 177.073. Subdivision performance security shall be in accordance with LDC section 10.02.04 F.2.b.i., LDC section 10.02.04 F.3.e., or when utilizing F.S. 177.073.
- 5. Insubstantial changes and amendments to construction plans and final subdivision plats.
    - a. Insubstantial Changes to Construction Plans (ICP). Following approval by the County Manager or designee of the construction plans, the applicant may request insubstantial changes to the construction plans.
      - i. Application. The Administrative Code shall establish the process and the submittal requirements for an insubstantial change to the construction plans. Construction plans shall be prepared pursuant to LDC section 10.02.04 B.
    - b. Following approval by the Board of the final subdivision plat, but prior to recordation, the County Manager or designee may approve minor insubstantial changes to the final subdivision plat. Insubstantial changes are insignificant to the project, such as a correction or change on the cover sheet.

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- c. Following approval by the Board of the final subdivision plat, but prior to recordation, the Board may approve amendments to the final subdivision plat. This is commonly referred to as a "PPLA".
  - i. .Application. The Administrative Code shall establish the process and the submittal requirements for the final subdivision plat amendment. The final subdivision plat shall be prepared pursuant to LDC section 10.02.04 B.
  
- 6. Relationship of Final Subdivision Plats to Site Development Plans. No site development plan may be accepted for concurrent review with a ~~preliminary subdivision~~ conceptual plat with deviations. Once the ~~preliminary subdivision~~ conceptual plat with deviations has been approved, site development plans may be submitted for review concurrent with the submittal of the final subdivision plat. No site development plan may be approved until the final subdivision plat receives administrative approval, and no building permits may be issued until the final subdivision plat is recorded, unless otherwise provided for in the LDC.
  
- 7. Timing of recording and development.
  - a. Recording. Within 18 months of the date of approval of the final subdivision plat by the Board, the applicant shall submit the final subdivision plat to the County Manager or designee for recording.
  - b. Required improvements to be completed. The improvements required for the final subdivision plat shall be completed within 18 months from the date of approval by the Board unless a written extension request is approved by the County Manager or designee.
  - c. Integrated phased development. Each subsequent phase of the project shall be submitted within 2 years following the date of written approval of the most recently approved final subdivision plat in accordance with LDC section 10.02.04 A.6.

\* \* \* \* \*

D. *General Requirements for a Minor Final Subdivision Plat (FP).*

- 1. Generally. Minor final subdivision plat approval may be requested as an alternative to construction plans and final subdivision plat if the following criteria are met:
  - a. No ~~preliminary~~ subdivision plat is submitted or approved.
  - b. Required improvements are not required for the subdivision.
  - c. No security performance bond is required for the subdivision.
  - d. No phasing is required or proposed for the subdivision.

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- 2 \* \* \* \* \*
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- 4 F. *Recordation of the Final Subdivision Plat.*
- 5
- 6 1. Generally. No building permits for habitable structures shall be issued prior to
- 7 approval by the Board of County Commissioners and recordation of the final
- 8 subdivision plat, except as provided in LDC sections 5.04.04 ~~and~~, LDC section
- 9 10.02.04 B.6., and LDC section 10.02.04 B.4.d., as applicable.
- 10
- 11 2. Posting of subdivision performance security at the time of recording or when
- 12 utilizing F.S. 177.073.
- 13
- 14 a. The final subdivision plat shall not be recorded until a subdivision
- 15 performance security for the construction of the required improvements,
- 16 both on-site and off-site, has been posted by the applicant and approved
- 17 and accepted by the Board or the County Manager or designee on behalf
- 18 of the Board.
- 19
- 20 b. The applicant's professional engineer shall prepare an opinion of the
- 21 probable construction cost or the actual contractor's bid price, which
- 22 includes the cost of all required improvements, to determine the amount of
- 23 the subdivision performance security.
- 24
- 25 i. If no construction of the required improvements has begun at the
- 26 time of posting of the subdivision performance security, the security
- 27 shall be an amount equal to 110 percent of the sum of construction
- 28 costs for all on-site and off-site required improvements based on
- 29 the applicant's professional engineer's opinion of the probable
- 30 construction costs or contract bid price.
- 31
- 32 ii. If construction of the required improvements has begun at the time
- 33 of posting the subdivision performance security, the security shall
- 34 be in an amount equal to 10 percent of the applicant's professional
- 35 engineer's opinion of the probable construction cost or contract bid
- 36 price, plus 100 percent of the required improvements to be
- 37 completed, such as the final lift of asphalt and uncompleted
- 38 sidewalks.
- 39
- 40 iii. If construction of all required improvements has been completed
- 41 and accepted by the Board at the time of recording, only a
- 42 performance maintenance guarantee at an amount equal to 10
- 43 percent of the applicant's professional engineer's opinion of the
- 44 probable construction cost or contract bid price shall be provided.
- 45
- 46 iv. No subdivision performance security shall be required where
- 47 improvements are to be constructed by a general-purpose
- 48 government such as a county or municipality, a local school district,
- 49 or state agency. A subdivision performance security shall be



- 1 required of an independent special-purpose government such as a
- 2 community development district (CDD).
- 3
- 4 c. The subdivision performance security shall be prepared pursuant to
- 5 Appendix A of the LDC and shall be one of the following forms:
- 6
- 7 i. Construction, maintenance, and escrow agreement, or
- 8
- 9 ii. Construction Maintenance Agreement and one of the following:
- 10
- 11 (a) Cash deposit agreement with the County, or
- 12
- 13 (b) Irrevocable standby letter of credit, or
- 14
- 15 (c) Surety bond.
- 16
- 17 d. Once the form of a subdivision performance security has been approved
- 18 and accepted by the Board, alternate securities, in a format approved by
- 19 the County Attorney, may be approved by the County Manager or
- 20 designee, on behalf of the Board.
- 21
- 22 3. Recordation Procedure. After approval of the final subdivision plat by the Board,
- 23 but prior to the recording of the final subdivision plat with the clerk of the circuit
- 24 court, the following shall occur:
- 25
- 26 a. The applicant shall obtain all of the signatures on the original plat cover
- 27 sheet(s) that are associated with the applicant's obligations and shall
- 28 submit the original final subdivision plat, and any separate consents, or
- 29 opinions or certifications of title, to the County Manager or designee.
- 30
- 31 b. The applicant shall provide 3 copies and 1 mylar of the recorded final
- 32 subdivision plat and accompanying documents to the County Manager or
- 33 designee.
- 34
- 35 c. Simultaneously with the submission of the executed final subdivision plat
- 36 to the County Manager or designee, the applicant shall also submit in
- 37 accordance with F.S. ch. 177, at no expense to the County, either a title
- 38 opinion from an attorney licensed to practice in the State of Florida or
- 39 certification from a title company. The effective date of the title opinion or
- 40 certification must be no more than 30 days prior to the submission of the
- 41 final subdivision plat to the County Manager or designee and must contain
- 42 all of the following:
- 43
- 44 i. A legal description of at least the lands being platted;
- 45
- 46 ii. A statement that the attorney is licensed to practice in the State of
- 47 Florida and that the attorney has examined title to the subject real
- 48 property, if a title opinion is being provided;
- 49

- 1                   iii.     Identification of the exact name of any person who is the record
- 2                             owner of the subject real property and a specific citation to the
- 3                             official records book and page, where each record legal owner
- 4                             obtained title to the subject real property. The title information shall
- 5                             include a copy of said instrument(s) of conveyance; and
- 6
- 7                   iv.     Identification of liens, encumbrances, easements, or matters shown
- 8                             or that should be shown as exclusions to coverage on a title
- 9                             insurance policy. As may be applicable, the title information shall
- 10                            include in a neatly bound fashion and make citation to the recording
- 11                            information of all referenced liens, encumbrances, easements, or
- 12                            exclusions. The title information shall include a copy of any such
- 13                            instruments.
- 14
- 15           d.     Payment of recording and copy fees. Upon compliance with this section
- 16                            and payment of fees by the applicant, the County Manager or designee
- 17                            shall record the final subdivision plat with the clerk of the circuit court in the
- 18                            official records of Collier County, Florida.
- 19
- 20           e.     Construction and Maintenance Agreement. The applicant shall enter into a
- 21                            construction and maintenance agreement with the County, in a form
- 22                            acceptable to the County Attorney, which establishes the terms and
- 23                            conditions for the construction and maintenance of the improvements
- 24                            required during the 18-month construction period, after the plat is recorded
- 25                            or when utilizing F.S. 177.07, or a time frame established in an approved
- 26                            extension request by the County Manager or designee. This agreement
- 27                            shall be submitted with the final subdivision plat for review and approval
- 28                            and shall be executed by all parties at the time of recording of the final
- 29                            subdivision plat.
- 30
- 31           f.     Recording of other documents. If any dedications, grants, conveyances,
- 32                            easements, consents (including mortgagee consents), reservations,
- 33                            covenants, or other like instruments are to be recorded by separate
- 34                            instrument simultaneously with the final subdivision plat, appropriate fees
- 35                            and original documentation must be provided by the applicant to the County
- 36                            Manager or designee for processing and recording by the clerk of court. All
- 37                            documents shall be submitted prior to or at the time of recording of the final
- 38                            subdivision plat.
- 39
- 40           g.     Supporting "gap" title information. Within 60 days of recordation of the final
- 41                            subdivision plat in the official records of Collier County, Florida, the
- 42                            applicant, at no expense to the County, shall submit to the County Manager
- 43                            or designee final supporting "gap" title information. The final supporting title
- 44                            information must meet all of the requirements of 10.02.04 F.3.c, except as
- 45                            to the effective date. Receipt and approval of the "gap" title information is
- 46                            a condition precedent to preliminary acceptance of subdivision
- 47                            improvements by the Board.
- 48
- 49           h.     The effective date of the supporting "gap" title information must be through
- 50                            the date of recordation of the final subdivision plat and must, at a minimum,

1 cover the "gap" between the time the effective date of the information  
2 required by 10.02.04 F.3.c above, when submitted and the date of  
3 recording of the final subdivision plat. The final supporting "gap" title  
4 information must include a copy of any required instruments not previously  
5 provided in connection with submittals for the recording of the final  
6 subdivision plat.

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10  
11 **10.02.14 - Landscape Plans**

12  
13 A. *Landscape plan required.* Prior to the issuance of any preliminary subdivision plat, final  
14 site development plan, or building permit, an applicant whose development is covered by  
15 the requirements of this section must submit a landscape plan to the County Manager or  
16 his designee. The landscape plan must bear the seal of a Landscape Architect registered  
17 in the State of Florida. The landscaping required for single-family, two family, and mobile  
18 home dwelling units must be shown on the building permit plot plan. This plan is not  
19 required to bear the seal of a landscape architect.

20  
21 \* \* \* \* \*  
22 # # # # #

23  
24 **10.08.0 - CONDITIONAL USE PROCEDURES**

25  
26 \* \* \* \* \*

27  
28 I. *Conditional uses for school or religious purposes.* A use which has been approved as part  
29 of a preliminary subdivision plat or a planned unit development for schools, religious or  
30 eleemosynary uses shall be exempt from the provisions of this section. Such uses must  
31 comply with the provisions of LDC section 10.02.03, site development plan approval, as  
32 applicable, and all other zoning requirements.

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# Exhibit A – Administrative Code Amendment

Text underlined is new text to be added.  
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## Collier County Land Development Code | *Administrative Procedures Manual*

### Chapter 5 | Subdivision Procedures

#### 1 G. Plat Recording

- Reference** LDC section 10.02.04 F.
- Applicability** This procedure is to ensure proper legal description, identification, documentation, and recording of real estate boundaries. This procedure occurs after approval of the final subdivision plat by the BCC.
- No building permit for habitable structures shall be issued prior to approval by the BCC and recordation of the final subdivision plat, except as identified in LDC sections ~~5.05.04 5.04.04, and 10.02.04 B.6~~, and 10.02.04 B.4.
- Pre-Application** A pre-application meeting will have occurred at the time of submittal of the construction plans and final subdivision plat or minor final subdivision plat.
- Initiation** The **applicant** files an “*Application for Plat Recording (PR)*” with the Development Review Division.
- ↔ *See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.*
- Application Contents** The application must include the following:
1. **Applicant contact information.**
  2. Original PPL number.
  3. Construction and Maintenance Agreement.
  4. Original sepia mylar of the final subdivision plat, with surveyor’s certification that the mylar contains no revisions from the most recent submittal of the final subdivision plat to the Development Review Division.
  5. Pursuant to LDC section 10.02.04 F.3, an original title opinion from an attorney licensed to practice in the State of Florida, which contains the following:
    - a. A legal description of at least the lands being platted;
    - b. A statement that the attorney is licensed to practice in the State of Florida and that the attorney has examined title to the subject real property, if a title opinion is being provided;
    - c. Identification of the exact name of any person who is the record owner of the subject real property and a specific citation to the official records book and page, where each record legal owner obtained title to the subject real property. The title information shall have attached thereto a copy of said instrument(s) of conveyance; and
    - d. Identification of liens, encumbrances, easements, or matters shown or that should be shown as exclusions to coverage on a title insurance policy. As may be applicable, the title information shall include in a neatly bound fashion, and make citation to the recording information of, all referenced

# Exhibit A – Administrative Code Amendment

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## Collier County Land Development Code | *Administrative Procedures Manual*

### Chapter 5 | *Subdivision Procedures*

liens, encumbrances, easements, or exclusions. The title information shall have attached thereto a copy of any such instruments.

6. Joinder and consent of mortgagee, if applicable.
7. If any dedications, grants, conveyances, easements, consents (including mortgagee consents), reservations, covenants, or other like instruments are to be recorded simultaneously with the final subdivision plat, appropriate fees and original documentation must be provided to the County Manager or designee for processing and recording by the Clerk of Courts prior to, or simultaneously with, the recording of the final subdivision plat.
8. Home Owner Association Documents, if applicable.
9. Affidavit by surveyor.

#### Supporting "gap" title information

1. Pursuant to **LDC** section **10.02.04 F.3**, within 60 days of recordation of the final subdivision plat the **applicant** shall submit to the County Manager or designee final supporting "gap" title information.
2. The final supporting title information must meet all of the requirements in the above (Plat Recording – Application Contents).
3. The effective date of the supporting "gap" title information must be through the date of recordation of the final subdivision plat and must, at a minimum, cover the "gap" between the time the effective date of the information required above (Plat Recording – Application Contents) and the date and time of recording of the final plat.
4. The title information must identify and provide copies of any recorded documentation of the holders of any estates, liens, encumbrances, or easements not properly included or joined in the dedication or consents on the final subdivision plat. The supporting "gap" title information must have attached a copy of any required instruments not previously provided in connection with submittals for the final plat's recording.

#### Completeness and Processing of Application

↔ *See Chapter 1 D.5 for the acceptance and processing of an application.*

**Notice** No notice is required.

**Public Hearing** No public hearing is required.

**Decision Maker** The County Manager or Designee.

**Review Process** The Development Review Division will review the application and identify whether additional materials are needed pursuant to **LDC** section **10.02.04 F**.

The Development Review Division will submit the final subdivision plat materials to the Collier County Clerk of Courts for recording.

**Digital Submittal Requirements** After the final subdivision plat has been approved by the County Manager or designee for compliance the **applicant** shall submit the following:

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## Collier County Land Development Code | *Administrative Procedures Manual*

### Chapter 5 | *Subdivision Procedures*

1. The **applicant's** professional **Engineer** shall submit a digitally created construction/site plan documents; and
2. 1 CDROM of the master plan file, including, where applicable, easements, water/wastewater facilities, and stormwater drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the state plane coordinate system, with a Florida East Projection, and a North American Datum 1983/1990 (NAD83/90 datum), with United States Survey Feet (USFEET) units; as established by a Florida registered surveyor and mapper. All information shall have a maximum dimensional error of +0.5 feet. Files shall be in an AutoCad (DWG) or Digital Exchange File (DXF) format; information layers shall have common naming conventions (i.e. right-of-way—ROW, centerlines—CL, edge-of-pavement—EOP, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by county staff. All property information (parcels, lots, and requisite annotation) shall be drawn on a unique information layer, with all linework pertaining to the property feature located on that layer. Example: parcels—All lines that form the parcel boundary will be located on 1 parcel layer. Annotations pertaining to property information shall be on a unique layer. Example: lot dimensions—Lottxt layer. All construction permits required from local, state and federal agencies must be submitted to the County Manager or designee prior to commencing development within any phase of a project requiring such permits.

Updated Resolution 2024- XX

# Exhibit A – Administrative Code Amendment

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## Collier County Land Development Code | *Administrative Procedures Manual*

### Chapter 5 | Subdivision Procedures

1 C. ~~Preliminary Subdivision~~ Conceptual Plat with Deviations ~~(PSP)~~ (CPD)

2 C.1. ~~Preliminary Subdivision~~ Conceptual Plat with Deviations – Standard

3

**Reference** LDC section 10.02.04 A, F.S. 177.073, and other provisions of the LDC.

**Applicability** The ~~preliminary subdivision plat (PSP)~~ Preliminary Subdivision conceptual plat with deviations process is required for integrated phased developments but is otherwise an optional procedure for subdivision development. If an **applicant** chooses to submit a ~~PSP~~ CPD, the **applicant** shall provide all of the submittal requirements.

The ~~PSP~~ CPD application shall be submitted for the entire property to be subdivided.

**Pre-application** A pre-application meeting is required.

**Initiation** The **applicant** files a "~~Preliminary Subdivision~~ Conceptual Plat with Deviations Petition" with the Development Review Division.

↔ See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.

**Application Contents** The application must include the following:

1. **Applicant contact information.**
2. **Addressing checklist.**
3. Property information, including:
  - a. Legal description;
  - b. Address of subject site and general location;
  - c. Metes and bounds description;
  - d. Section, township and range;
  - e. Size of plat in acres;
  - f. Number of lots and minimum lot size;
  - g. Name of development;
  - h. Zoning petition number (Rezone, Conditional Use, and Site Development Plan), if applicable; ~~and~~
  - i. Source of utilities; and
  - j. Number of building permits, if applicable.
4. Cover letter explaining the project or proposed changes.
5. PUD Monitoring Schedule, if applicable.
6. Aerial photograph(s), taken within the previous 12 months at a minimum scale of 1 in. = 200 ft., illustrating existing conditions and any site improvements.

# Exhibit A – Administrative Code Amendment

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## Collier County Land Development Code | *Administrative Procedures Manual*

### Chapter 5 | Subdivision Procedures

7. Environmental Data Requirements. ⇔ See **LDC** section **3.08.00 A**.
8. Traffic Impact Study, if applicable. ⇔ See *Chapter 7 B. of the Administrative Code*.
9. Original petition number (PUD name and ordinance, rezone, conditional use, site development plan, etc.), if applicable.
10. Owner/agent affidavit as to the correctness of the application.
11. Historical/Archeological Survey or waiver, if applicable.
12. Conditional Use application, if applicable.
13. If substitutions are requested, pursuant to LDC section **10.02.04 A.5**, justification based on sound engineering principles and practices shall be provided for each substitution.
14. Generalized statement of subsurface conditions on the property, location, and results of tests made to ascertain subsurface soil conditions and groundwater depth.
15. The zoning classification of the tract and all contiguous properties.
16. For residential projects subject to the provisions of **LDC** section **10.04.09**, a completed School Impact Analysis (SIA) application, location map and review fee.
17. **Electronic copies of all documents.**
18. Affidavit of Authorization.

#### Requirements for **Preliminary Subdivision Conceptual Plat with Deviations**

Submittal Credentials: The ~~preliminary-subdivision~~ conceptual plat with deviations shall be prepared by the **applicant's engineer** and professional surveyor and mapper. The boundary survey shall be signed and sealed by a professional surveyor and mapper registered in the State of Florida.

Sheet size: The ~~preliminary-subdivision~~ conceptual plat with deviations shall be submitted on standard size 24-inch by 36-inch sheets, drawn to scale.

1. A cover sheet, including a location map, showing the location of the tract in reference to other areas of the county with a north arrow, graphic scale, and date.
2. The name of subdivision or identifying title which shall not duplicate or closely approximate the name of any other subdivision in the incorporated or unincorporated area of Collier County.
3. Boundary survey, with bearings and distances as a written description with a reference to section corners.
4. The location and names of adjacent subdivisions and plat book and page reference, if any.
5. A land plan with the following information identified:
  - a. Location, dimensions, and purpose of all existing and proposed streets, alleys, property lines, easements, and rights-of-way of record;



# Exhibit A – Administrative Code Amendment

Text underlined is new text to be added.  
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- b. Existing streets and alleys of record adjacent to the tract including name, right-of-way width, street or pavement width and established centerline elevation. Existing streets shall be dimensioned to the tract boundary;
  - c. Location of existing and proposed sidewalks and bike paths;
  - d. Location of all existing and proposed utilities and related easements;
  - e. Location and purpose of existing drainage district facilities and their right-of-way requirements;
  - f. Location of existing and proposed watercourses, drainage ditches, bodies of water, marshes and wetlands;
  - g. Location of existing possible archaeological sites and other significant features;
  - h. The proposed layout of the lots and blocks;
  - i. The plan shall indicate whether the streets are to be public or private. Proposed street names shall be identified on all public and private thoroughfares;
  - j. Location of proposed sites for parks, recreational areas, and school sites or the like, in accordance with any existing ordinances requiring such a dedication;
  - k. Location of buffer areas required by **LDC** section **4.06.01** shall be illustrated and the dimensions provided, if appropriate at this time; and
  - l. Typical right-of-way and pavement cross sections shall be graphically illustrated on the plans and shall include but not be limited to the location of sidewalks, bike paths, and utilities.
6. Interconnectivity of local streets between developments shall be consistent with **LDC** section **6.06.01 B** and GMP Objective 9.
7. Access Management Plan. All access provisions to the nearest public street(s) shall be identified, including all existing and proposed driveways.
8. Water Management Plan. The master water management plan shall outline the existing and proposed surface watercourses and their principal tributary drainage facilities needed for proper drainage, water management, and development of the subdivision. All existing drainage district facilities and their ultimate right-of-way requirements as they affect the property to be subdivided shall be identified on the plan. The Engineer’s Report with Assumptions and Explanations signed and sealed by a Florida registered professional **engineer** shall include drainage data, assumed criteria, and hydraulic calculations, consistent with the criteria and design method established by the SFWMD in addition to the following information:
- a. For all developments, the following Stormwater related information:
    - i. Completed calculations used to design the facilities, such as: road, water management systems, and all accessory facilities, public or private;

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- ii. Drainage calculations, including 10-year 1-day; 25-year 3-day; 100-year 3-day storm routings;
      - iii. Detailed hydraulic grade line pipe design calculations utilized to design the stormwater management facilities for the subdivision or development; and
      - iv. Status of all other required permits including copies of information and data submitted to the appropriate permitting agencies.
    - b. If within Collier County Public Utilities Service Area, the Report must also contain the following:
      - i. Estimated cost of utilities construction, Water and Sewer calculations;
      - ii. Sewer Hydraulics;
      - iii. Lift station hydraulics to first downstream master station;
      - iv. Lift station buoyancy calculations;
      - v. Chloramine Dissipation Report; and
      - vi. Detailed hydraulic design calculations utilized to design water and sewer facilities regulated by the County.
  - 9. Lot configurations. Typical lot configurations shall be illustrated and the minimum area of the lots required by the approved zoning classification shall be referenced by note.
    - a. For fee-simple residential lots, the illustration shall portray the type of unit identified by LDC definition and developer's description to be placed on each lot (i.e., Lots 1-20, single-family attached (patio home), and show a typical unit on typical interior and corner lots, depicting setbacks (including preserve setbacks, if applicable) and/or separation of structures. In addition, for fee simple residential lots the illustration shall portray the location of typical units on atypical lots, such as cul-de-sac, hammerhead, and all irregular lots.
    - b. For non-residential lots (i.e., multi-family amenity lots or parcels, commercial/industrial lots), the illustration shall portray setbacks and building envelope. Setbacks required by the approved zoning classification shall be provided verbatim on the plan in matrix form.
    - c. A table shall be provided showing lot area and lot width for each irregular lot. Regular corner and interior lots may show only typical width and area.
    - d. Where there is more than one type of dwelling unit proposed (i.e., single-family detached, single-family attached, zero lot line), lots must be linked to the type, or types of unit which they are intended to accommodate.
  - 10. Master utilities. Utilities such as telephone, power, water, sewer, gas, and the like, on or adjacent to the tract including existing or proposed water and sewage treatment plants.

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- a. The plans shall contain a statement that all utility services shall be available and have been coordinated with all required utilities.
- b. Evidence of such utility availability shall be provided in writing from each utility proposed to service the subdivision.

Completeness and Processing of Application	↔ See Chapter 1 D.5 for the acceptance and processing of an application.
Notice	No notice is required.
Public Hearing	No public hearing is required.
Decision Maker	The County Manager or designee.
Review Process	The Development Review Division will review the application, identify whether additional materials are needed and review the application based on the criteria in <b>LDC</b> section <b>10.02.04 A</b> and other provisions of the <b>LDC</b> and shall approve, approve with conditions, or deny the <del>preliminary-subdivision</del> <u>conceptual</u> plat <u>with deviations</u> .

#### Updated

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## C2. ~~Preliminary-Subdivision~~ Conceptual Plat with Deviations Amendment (~~PSPA~~) (CPDA)

Reference Applicability	<b>LDC</b> section <b>10.02.04 A.4</b> and other provisions of the <b>LDC</b> . This process applies to an amendment to an approved <del>preliminary-subdivision</del> <u>conceptual</u> plat <u>with deviations</u> .
Initiation	The <b>applicant</b> files an “Amendment to <del>Preliminary-Subdivision</del> <u>Conceptual</u> Plat <u>with Deviations</u> ( <del>PSPA</del> ) <u>(CPDA)</u> ” application with the Development Review Division.  ↔ See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.
Pre-Application	A pre-application meeting is not required.
Application Contents and Requirements for <del>Preliminary Subdivision</del> <u>Conceptual Plat with Deviations</u> Amendments	A <del>preliminary-subdivision</del> <u>conceptual</u> plat <u>with deviations</u> amendment application must include the following, in addition to the Application Contents and Requirements for Preliminary Subdivision Plan, as applicable.  ↔ See Chapter 5 C.1 of the Administrative Code.  Submittal Credentials: The <del>preliminary-subdivision</del> <u>conceptual</u> plat <u>with deviations</u> amendment shall be prepared by the <b>applicant’s engineer</b> and professional surveyor and mapper. The boundary survey shall be signed and sealed by a professional surveyor and mapper registered in the State of Florida.

# Exhibit A – Administrative Code Amendment

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## Collier County Land Development Code | *Administrative Procedures Manual*

### Chapter 5 | *Subdivision Procedures*

Sheet size: The ~~preliminary subdivision~~ conceptual plat with deviations amendment shall be submitted on standard size 24-inch by 36-inch sheets, drawn to scale.

The application must include the following:

1. **Applicant contact information.**
2. **Addressing checklist.**
3. Name of development.
4. Amendment to PSP CPD Number (original ~~PSP CPD~~ number).
5. Cover letter describing the proposed changes.

#### Completeness and Processing of Application

↔ See Chapter 1 D.5 for the acceptance and processing of an application.

**Notice** No notice is required.

**Public Hearing** No public hearing is required.

**Decision Maker** The County Manager or designee.

**Review Process** The Development Review Division will review the application, identify whether additional materials are needed and review the application for compliance with **LDC** section 10.02.04 A.4 and shall approve, approve with conditions, or deny the amendment to the ~~preliminary subdivision~~ conceptual plat with deviations.

Updated

# Exhibit B – Statutory References

## CHAPTER 2024-210

### Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 812

An act relating to expedited approval of residential building permits; creating s. 177.073, F.S.; providing definitions; requiring certain governing bodies, by a date certain, to each create a program to expedite the process for issuing residential building permits before a final plat is recorded; requiring the expedited process to include a certain application; prohibiting the application or local government final approval from altering or restricting the number of building permits requested under certain circumstances; requiring certain governing bodies to update their program in a specified manner; providing applicability; requiring a governing body to create certain processes for purposes of the program; authorizing applicants to use a private provider to expedite the process for certain building permits; requiring a governing body to establish a registry of qualified contractors for a specified purpose; prohibiting such qualified contractors hired to review an application from having a conflict of interest with the applicant; defining the term “conflict of interest”; authorizing a governing body to issue addresses and temporary parcel identification numbers for specified purposes; requiring a governing body to issue a specified number or percentage of building permits requested in an application when certain conditions are met; setting forth certain conditions for applicants who apply to the program; providing that an applicant has a vested right in an approved preliminary plat when certain conditions are met; prohibiting a governing body from making substantive changes to a preliminary plat without written consent; requiring an applicant to indemnify and hold harmless certain entities and persons; providing an exception; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 177.073, Florida Statutes, is created to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

(1) As used in this section, the term:

(a) “Applicant” means a homebuilder or developer who files an application with the local governing body to identify the percentage of planned homes, or the number of building permits, that the local governing body must issue for a residential subdivision or planned community.

(b) “Final plat” means the final tracing, map, or site plan presented by the subdivider to a governing body for final approval, and, upon approval by the appropriate governing body, is submitted to the clerk of the circuit court for recording.

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# Exhibit B – Statutory References

(c) “Local building official” has the same meaning as in s. 553.791(1).

(d) “Plans” means any building plans, construction plans, engineering plans, or site plans, or their functional equivalent, submitted by an applicant for a building permit.

(e) “Preliminary plat” means a map or delineated representation of the subdivision of lands that is a complete and exact representation of the residential subdivision or planned community and contains any additional information needed to be in compliance with the requirements of this chapter.

(f) “Qualified contractor” includes, but is not limited to, an engineer or engineering firm licensed under chapter 471; a surveyor or mapper or a surveyor’s or mapper’s firm licensed under chapter 472; an architect or architecture firm licensed under part I of chapter 481; a landscape architect or landscape architecture firm registered under part II of chapter 481; or any other qualified professional who is certified in urban planning or environmental management.

(2)(a) By October 1, 2024, the governing body of a county that has 75,000 residents or more and any governing body of a municipality that has 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government’s comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes shall create a program to expedite the process for issuing building permits for residential subdivisions or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes, not to exceed 50 percent of the residential subdivision or planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. The application or the local government’s final approval may not alter or restrict the applicant from receiving the number of building permits requested, so long as the request does not exceed 50 percent of the planned homes of the residential subdivision or planned community or the number of building permits. This paragraph does not:

1. Restrict the governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

2. Apply to a county subject to s. 380.0552.

(b) A governing body that had a program in place before July 1, 2023, to expedite the building permit process, need only update their program to approve an applicant’s written application to issue up to 50 percent of the building permits for the residential subdivision or planned community in order to comply with this section. This paragraph does not restrict a

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# Exhibit B – Statutory References

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governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

(c) By December 31, 2027, the governing body of a county that has 75,000 residents or more and any governing body of a municipality that has 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government's comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes shall update their programs to expedite the process for issuing building permits for residential subdivisions or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes, not to exceed 75 percent of the residential subdivision or planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. This paragraph does not:

1. Restrict the governing body from issuing more than 75 percent of the building permits for the residential subdivision or planned community.

2. Apply to a county subject to s. 380.0552.

(3) A governing body shall create:

(a) A two-step application process for the adoption of a preliminary plat, inclusive of any plans, in order to expedite the issuance of building permits under this section. The application must allow an applicant to identify the percentage of planned homes or the number of building permits that the governing body must issue for the residential subdivision or planned community.

(b) A master building permit process consistent with s. 553.794 for applicants seeking multiple building permits for residential subdivisions or planned communities. For purposes of this paragraph, a master building permit is valid for 3 consecutive years after its issuance or until the adoption of a new Florida Building Code, whichever is earlier. After a new Florida Building Code is adopted, the applicant may apply for a new master building permit, which, upon approval, is valid for 3 consecutive years.

(4)(a) An applicant may use a private provider pursuant to s. 553.791 to expedite the application process for building permits after a preliminary plat is approved under this section.

(b) A governing body shall establish a registry of at least three qualified contractors whom the governing body may use to supplement staff resources in ways determined by the governing body for processing and expediting the review of an application for a preliminary plat or any plans related to such application. A qualified contractor on the registry who is hired pursuant to this section to review an application, or any part thereof, for a preliminary

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plat, or any part thereof, may not have a conflict of interest with the applicant. For purposes of this paragraph, the term “conflict of interest” has the same meaning as in s. 112.312.

(5) A governing body may work with appropriate local government agencies to issue an address and a temporary parcel identification number for lot lines and lot sizes based on the metes and bounds of the plat contained in the application.

(6) The governing body must issue the number or percentage of building permits requested by an applicant in accordance with the Florida Building Code and this section, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

(a) The governing body has approved a preliminary plat for each residential subdivision or planned community.

(b) The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities.

(c) The applicant holds a valid performance bond for up to 130 percent of the necessary improvements, as defined in s. 177.031(9), that have not been completed upon submission of the application under this section. For purposes of a master planned community as defined in s. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis.

(7)(a) An applicant may contract to sell, but may not transfer ownership of, a residential structure or building located in the residential subdivision or planned community until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

(b) An applicant may not obtain a temporary or final certificate of occupancy for each residential structure or building for which a building permit is issued until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

(8) For purposes of this section, an applicant has a vested right in a preliminary plat that has been approved by a governing body if all of the following conditions are met:

(a) The applicant relies in good faith on the approved preliminary plat or any amendments thereto.

(b) The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development of the property.

(9) Upon the establishment of an applicant’s vested rights in accordance with subsection (8), a governing body may not make substantive changes to the preliminary plat without the applicant’s written consent.

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(10) An applicant must indemnify and hold harmless the local government, its governing body, its employees, and its agents from liability or damages resulting from the issuance of a building permit or the construction, reconstruction, or improvement or repair of a residential building or structure, including any associated utilities, located in the residential subdivision or planned community. Additionally, an applicant must indemnify and hold harmless the local government, its governing body, its employees, and its agents from liability or disputes resulting from the issuance of a certificate of occupancy for a residential building or structure that is constructed, reconstructed, improved, or repaired before the approval and recordation of the final plat of the qualified project. This indemnification includes, but is not limited to, any liability and damage resulting from wind, fire, flood, construction defects, bodily injury, and any actions, issues, or disputes arising out of a contract or other agreement between the developer and a utility operating in the residential subdivision or planned community. However, this indemnification does not extend to governmental actions that infringe on the applicant's vested rights.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 29, 2024.

Filed in Office Secretary of State May 29, 2024.

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