

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20210001291

ORIGIN

Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

This Land Development Code (LDC) amendment implements several initiatives from Collier County Community Housing Plan (CHP). The new provisions are intended to streamline the process for converting commercial zoning to residential zoning, increase density within Activity Centers and along bus/transit lines in connection with Transit Oriented Development (TOD).

HEARING DATES

BCC	TBD
CCPC	TBD
DSAC	06/07/2023
DSAC-LDR	01/19/2022 06/15/2021

LDC SECTION TO BE AMENDED

1.08.01	Abbreviations
1.08.02	Definitions
2.03.03	Commercial Zoning Districts
2.05.01	Density Standards and Housing Types
2.06.03	AHDB Rating System
2.07.00	Mixed-Income Housing Program for Housing that is Affordable (NEW)
2.07.01	Purpose and Intent (NEW)
2.07.02	Program Criteria (NEW)
4.02.01	Dimensional Standards for Principal Uses in Base Zoning Districts
4.02.38	Specific Design Criteria for Mixed Use Development within C-1 through C-3 Zoning Districts
4.02.40	Housing that is Affordable in Commercial Zoning Districts (NEW)
4.02.41	Housing that is Affordable within Activity Centers or Interchange Activity Centers (NEW)
4.02.42	Transit Oriented Development (TOD) Design Standards (NEW)

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

Approval with recommendations

DSAC

Approval with recommendations

CCPC

TBD

BACKGROUND: After much public discussion regarding the housing situation in Collier County (see Exhibit A), an Urban Land Use Institute Panel Report in 2017 concluded that Collier County has a “housing affordability problem,” and its recommendation centered upon six core strategies (see Exhibit B). On October 25, 2017, the Board accepted a Community Housing Plan (CHP) and authorized staff on February 27, 2018 to begin its implementation. As a follow up to that item, the Board reviewed an LDC amendment (PL20180002172) on February 12, 2019. Ordinance 2019-02 approved new affordable housing definitions and the Affordable Housing Density Bonus Program (AHDB Program), which increased the affordable housing density bonus from eight extra units per acre to up to 12 extra units per acre.

At an earlier meeting, on October 9, 2018, the Board directed staff to move forward with the final recommendations of the CHP. Staff was tasked with preparing Growth Management Plan (GMP) and LDC amendments to address five initiatives identified in the CHP. Those initiatives are identified in Exhibit C.

Initiative 1 was addressed when staff presented an LDC amendment (PL20200001703) to the Board on February 9, 2021. The Board adopted Ordinance 2021-05, providing relief from specified processes, to better ensure cost certainty and savings for projects containing housing that is affordable.

The proposed LDC amendment addresses Initiative 2 through 5. The proposed provisions include the following: (2) streamlining conversion of commercial zoning to residential zoning when providing for housing that is affordable; (3) increasing density within Activity Centers from 16 units per acre to 25 units per acre when providing for housing that is affordable; (4) creation of Strategic Opportunity Sites as an identified subdistrict within the GMP to allow for mixed use development that provides for residential density up to 25 units per acre which is integrated with non-residential land uses with a high degree of employment opportunities, such as corporate headquarters or business campuses; and (5) increasing density opportunities along bus/transit lines. In developing these initiatives, staff has worked with consultants, stakeholders, the development industry, non-profit agencies, and various other interested parties over the course of the last 18 months. This LDC amendment represents the implementing regulations and companion item to a GMP amendment to incorporate Initiative 2 through 5 within the GMP to advance opportunities for housing that is affordable. The purpose and intent of the Mixed-Income Program for Housing that is Affordable is to incentivize affordable housing and implement the GMP, § 163.3161 et seq. Florida Statutes; and the Florida Administrative Code.

One change that has occurred since DSAC-LDR is that staff added a minimum size to Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts in LDC section 4.02.01, to account for the residential units that are now proposed throughout the C-1, C-2, C-3, C-4, and C-5 zoning districts. The sizes are consistent with the minimum sizes required in the RMF-12 and RMF-16 zoning districts.

The LDC amendment also proposes to modify the Affordable Housing Density Bonus Rating System table in LDC section 2.06.03. Staff determined these changes are necessary to make the program viable by promoting the greatest incentives to those households deemed to have the greatest needs. Within the existing Affordable Housing Density Bonus table, the restriction placed on rental units was only available to the income levels below the 80% of Area Median Income (AMI). This restriction did not align with the market's response for affordable housing—most affordable housing projects proposed over the last three years had sought to provide for income restricted units on a rental basis, targeting equal to or below 100% of AMI. Additionally, the income ranges within the existing table provided too wide of a spread for the Moderate range at 80-120% of AMI. To remedy this, staff created the “median” category, which allows for a 100-120 percentage range, as well as an 80-100 percentage range. Staff utilized the mathematics principle of ratio relationships to justify the density bonuses provided for within the new categories. These changes are consistent with recently approved privately initiated GMP amendments and Board policy. Staff anticipates the approval of this amendment will result in fewer privately initiated GMP amendment requests in the future. Likewise, these changes have been endorsed by the Affordable Housing Advisory Committee (AHAC) at their May 21, 2024, meeting.

DSAC-LDR Subcommittee Recommendation: On June 15, 2021, the DSAC-LDR Subcommittee discussed deleting the word “inner” from the definition of Transit Core. The DSAC-LDR recommended approval of the LDC amendment with the following changes, which have been incorporated into the amendment:

- The provision for mixed use development (residential with housing that is affordable and commercial) that is currently proposed in the C-1, C-2, and C-3 zoning districts should also be carried forward to the C-4 and C-5 zoning districts as well with edits made to LDC section 4.02.38 accordingly.

The LDC amendment returned to the Subcommittee on January 19, 2022, because numerous changes had been made since their last review in 2021. The Subcommittee recommended approval with a request that staff review

and approve their suggested changes, including requiring a vegetative buffer when a residential or mixed-use project is adjacent to a single-family development.

DSAC Recommendation: On June 7, 2023, the DSAC recommended approval of the LDC amendment, including the changes presented by staff, and contingent upon requiring 14-foot tall trees within the required buffers when a housing that is affordable project contains building heights greater than 40 feet and is adjacent to single-family residential.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts to the County’s stakeholders. There is a slight increase in the maintenance cost to Collier Area Transit for new bus stops associated with the TOD provisions, but they are anticipated to be minimal.

GMP CONSISTENCY

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

EXHIBITS: A) Background; B) ULI Advisory Services Panel Report; and C) CHP Initiatives

DRAFT

Text underlined is new text to be added
~~Text strikethrough is current text to be deleted~~

Amend the LDC as follows:

1.08.01 – Abbreviations

* * * * *

TND	Transitional Neighborhood Design
<u>TOD</u>	<u>Transit Oriented Development</u>
TP	Turtle Permit

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1.08.02 – Definitions

Abut or abutting: To share a common property line or boundary at any one point.

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Affordable housing specifically includes the following income level targets for Collier County, based on the income categories as determined by the Secretary of the U.S. Department of Housing and Urban Development:

a. *Very-low-income:* Households whose incomes do not exceed 50 percent of the median income.

b. *Low-income:* Households whose incomes are greater than 50 percent but do not exceed 80 percent of the median income.

c. *Median-income:* Households whose incomes are greater than 80 percent but do not exceed 100 percent of the median income.

~~d.~~ *Moderate-income:* Households whose incomes are greater than 100 ~~80~~ percent but do not exceed 120 percent of the median income.

~~e.~~ *Gap-income:* Households whose incomes are greater than 120 percent but do not exceed 140 percent of the median income.

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Approved affordable housing: Affordable housing that includes a long-term affordability restriction wherein the cost of housing and income of the household are known and monitored, for a specific period of time. This includes housing that meets the criteria of LDC section 2.06.00 Affordable Housing Density Bonus or LDC section 2.07.00 Mixed-Income Housing Program for Housing that is Affordable.

Transit Core: The area within a quarter-mile radius around a Collier Area Transit stop, shelter, or station. This is measured as a radial distance from the perimeter of the building or structure footprint of the transit stop, shelter, or station.

Transit Oriented Development (TOD): A project or projects, in areas identified in the GMP, that is or will be served by existing or planned Collier Area Transit service. TODs are subject to standards that require the development to be compact, interconnected with other land uses, and pedestrian oriented, and dwelling units are required to be multi-family.

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2.03.03 – Commercial Zoning Districts

A. Commercial Professional and General Office District (C-1). The purpose and intent of the commercial professional and general office district C-1 is to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most C-1 commercial, professional, and general office districts are contiguous to, or when within a PUD, will be placed in close proximity to residential areas, and, therefore, serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building. Housing may also be a component of this district as provided for through for housing that is affordable or through conditional use approval.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the C-1 commercial professional and general office district.

a. Permitted uses.

1. Accounting (8721).

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16. Direct mail advertising services (7331).

17. Dwellings (i.e., single-family, multi-family, or townhouse), provided such use contains housing that is affordable in accordance with LDC section 4.02.40. This use will sunset five years from [the adoption date of the related GMP amendment] or upon expiration of the Mixed Use Commercial by Right Subdistrict in the FLUE, unless extended by the Board of County Commissioners by resolution. If mixed use, see 28. below.

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~~1817.~~ Educational plants and public schools subject to LDC section 5.05.14.

~~1918.~~ Engineering services (8711).

~~2019.~~ Essential services, subject to LDC section 2.01.03.

~~2120.~~ Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 429.02 F.S. and ch. 59A-36 F.A.C.; and continuing care retirement communities pursuant to ch. 651 F.S. and ch. 69O-193 F.A.C.; all subject to LDC section 5.05.04.

~~2221.~~ Health services, offices and clinics (8011—8049).

~~2322.~~ Insurance carriers, agents and brokers (6311—6399, 6411).

~~2423.~~ Landscape architects, consulting and planning (0781).

~~2524.~~ Legal services (8111).

~~2625.~~ Loan brokers (6163).

~~2726.~~ Management services (8741 and 8742).

28. Mixed residential and commercial uses, provided that such residential use (i.e., single-family, multi-family, or townhouse) contains housing that is affordable and complies with LDC section 4.02.40. This use will sunset five years from [the adoption date of the related GMP amendment] or upon expiration of the Mixed Use Commercial by Right Subdistrict in the FLUE, unless extended by the Board of County Commissioners by resolution.

~~2927.~~ Mortgage bankers and loan correspondents (6162).

- Remainder of list to be renumbered accordingly -

~~4341.~~ Any other commercial use or professional service which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business and are associated purely with activities conducted in an office, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

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c. Conditional uses. The following uses are permissible as conditional uses in the (C-1) commercial professional and general office district, subject to the standards and procedures established in LDC section 10.08.00.

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12. Mixed residential and commercial uses, subject to ~~design criteria contained in section 4.02.38 except where superseded by~~ the following criteria:

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B. Commercial Convenience District (C-2). The purpose and intent of the commercial convenience district (C-2) is to provide lands where commercial establishments may be located to provide the small-scale shopping and personal needs of the surrounding residential land uses within convenient travel distance except to the extent that office uses carried forward from the C-1 district will expand the traditional neighborhood size. However, the intent of this district is that retail and service uses be of a nature that can be economically supported by the immediate residential environs. Therefore, the uses should allow for goods and services that households require on a daily basis, as opposed to those goods and services that households seek for the most favorable economic price and, therefore, require much larger trade areas. It is intended that the C-2 district implements the Collier County GMP within those areas designated agricultural/rural; estates neighborhood center district of the Golden Gate Master Plan; the neighborhood center district of the Immokalee Master Plan; and the urban mixed use district of the future land use element permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. Housing may also be a component of this district for housing that is affordable or through conditional use approval.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the C-2 commercial convenience district.

a. Permitted uses.

1. Accounting (8721).

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23. Direct mail advertising services (7331).

24. Dwellings (i.e., single-family, multi-family, or townhouse), provided such use contains housing that is affordable in accordance with LDC section 4.02.40. This use will sunset five years from [the adoption date of the related GMP amendment] or upon expiration of the Mixed Use Commercial by Right Subdistrict in the FLUE, unless extended by the Board of County Commissioners by resolution. If mixed use, see 47. below.

2524. Eating places (5812, except contract feeding, dinner theaters, institutional food service, and industrial feeding) with 2,800 square feet or less of gross floor area in the principal structure).

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- 2 26~~25~~. Educational plants and public schools subject to LDC section
- 3 5.05.14.
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- 5 27~~26~~. Engineering services (8711).
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- 7 28~~27~~. Essential services, subject to section 2.01.03.
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- 9 29~~28~~. Food stores (groups 5411 - except supermarkets, 5421—5499)
- 10 with 2,800 square feet or less of gross floor area in the principal
- 11 structure.
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- 13 30~~29~~. Funeral services (7261, except crematories).
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- 15 31~~30~~. Garment pressing, and agents for laundries and drycleaners
- 16 (7212).
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- 18 32~~31~~. Gasoline service stations (5541, subject to section 5.05.05).
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- 20 33~~32~~. General merchandise stores (5331—5399) with 1,800 square feet
- 21 or less of gross floor area in the principal structure.
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- 23 34~~33~~. Glass stores (5231) with 1,800 square feet or less of gross floor
- 24 area in the principal structure.
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- 26 35~~34~~. Group care facilities (category I and II, except for homeless
- 27 shelters); care units, except for homeless shelters; nursing homes;
- 28 assisted living facilities pursuant to § 429.02 F.S. and ch. 59A-36
- 29 F.A.C.; and continuing care retirement communities pursuant to ch.
- 30 651 F.S. and ch. 69O-193 F.A.C.; all subject to LDC section
- 31 5.05.04.
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- 33 36~~35~~. Hardware stores (5251) with 1,800 square feet or less of gross floor
- 34 area in the principal structure.
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- 36 37~~36~~. Health services, offices and clinics (8011—8049).
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- 38 38~~37~~. Home furniture and furnishings stores (5713—5719) with 1,800
- 39 square feet or less of gross floor area in the principal structure.
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- 41 39~~38~~. Home health care services (8082).
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- 43 40~~39~~. Insurance carriers, agents and brokers (6311—6399, 6411).
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- 45 41~~40~~. Landscape architects, consulting and planning (0781).
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- 47 42~~41~~. Laundries and drycleaning, coin operated — self service (7215).
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- 49 43~~42~~. Legal services (8111).
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~~4443~~. Libraries (8231, except regional libraries).

~~4544~~. Loan brokers (6163).

~~4645~~. Management services (8741 and 8742).

47. Mixed residential and commercial uses, provided that such residential use (i.e., single-family, multi-family, or townhouse) contains housing that is affordable and complies with LDC section 4.02.40. This use will sunset five years from [the adoption date of the related GMP amendment] or upon expiration of the Mixed Use Commercial by Right Subdistrict in the FLUE, unless extended by the Board of County Commissioners by resolution.

~~4846~~. Mortgage bankers and loan correspondents (6162).

- Remainder of list to be renumbered accordingly -

~~7775~~. An existing lawful structure over 1,800 sq. ft. as of July 14, 2014 may be occupied by any C-2 permitted use with a 1,800 sq. ft. or greater limitation.

* * * * *

c. Conditional uses. The following uses are permissible as conditional uses in the commercial convenience district (C-2), subject to the standards and procedures established in LDC section 10.08.00.

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7. Mixed residential and commercial uses, subject to ~~design criteria contained in LDC section 4.02.38 except where superseded by~~ the following criteria:

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C. Commercial Intermediate District (C-3). The purpose and intent of the commercial intermediate district (C-3) is to provide for a wider variety of goods and services intended for areas expected to receive a higher degree of automobile traffic. The type and variety of goods and services are those that provide an opportunity for comparison shopping, have a trade area consisting of several neighborhoods, and are preferably located at the intersection of two-arterial level streets. Most activity centers meet this standard. This district is also intended to allow all of the uses permitted in the C-1 and C-2 zoning districts typically aggregated in planned shopping centers. This district is not intended to permit wholesaling type of uses, or land uses that have associated with them the need for outdoor storage of equipment and merchandise. A mixed-use project containing a residential component is permitted in this district subject to the criteria established herein. The C-3 district is permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. Housing may also be a component of this district for housing that is affordable or through conditional use approval.

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2 1. The following uses, as identified with a number from the Standard Industrial
3 Classification Manual (1987), or as otherwise provided for within this section are
4 permissible by right, or as accessory or conditional uses within the commercial
5 intermediate district (C-3).
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7 a. Permitted uses.

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9 1. Accounting (8721).

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13 30. Drug stores (5912).

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15 31. Dwellings (i.e., single-family, multi-family, or townhouse), provided
16 such use contains housing that is affordable in accordance with
17 LDC section 4.02.40. This use will sunset five years from [the
18 adoption date of the related GMP amendment] or upon expiration
19 of the Mixed Use Commercial by Right Subdistrict in the FLUE,
20 unless extended by the Board of County Commissioners by
21 resolution. If mixed use, see 60. below.

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23 ~~32~~31. Eating places (5812 only) with 6,000 square feet or less in gross
24 floor area in the principal structure. All establishments engaged in
25 the retail sale of alcoholic beverages for on-premise consumption
26 are subject to locational requirements of section 5.05.01.

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28 ~~33~~32. Educational plants and public schools subject to LDC section
29 5.05.14.

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31 ~~34~~33. Engineering services (8711).

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33 ~~35~~34. Essential services, subject to section 2.01.03.

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35 ~~36~~35. Federal and federally-sponsored credit agencies (6111).

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37 ~~37~~36. Food stores (groups 5411—5499) with 5,000 square feet or less of
38 gross floor area in the principal structure.

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40 ~~38~~37. Funeral services (7261, except crematories).

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42 ~~39~~38. Garment pressing, and agents for laundries and drycleaners
43 (7212).

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45 ~~40~~39. Gasoline service stations (5541, subject to section 5.05.05).

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47 ~~41~~40. General merchandise stores (5331—5399) with 5,000 square feet
48 or less of gross floor area in the principal structure.
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- 1 ~~4241.~~ Glass stores (5231) with 5,000 square feet or less of gross floor
2 area in the principal structure.
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- 4 ~~4342.~~ Group care facilities (category I and II, except for homeless
5 shelters); care units, except for homeless shelters; nursing homes;
6 assisted living facilities pursuant to § 429.02 F.S. and ch. 589A-36
7 F.A.C.; and continuing care retirement communities pursuant to ch.
8 651 F.S. and ch. 69O-193 F.A.C.; all subject to LDC section
9 5.05.04.
- 10
- 11 ~~4443.~~ Hardware stores (5251) with 1,800 square feet or less of gross floor
12 area in the principal structure.
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- 14 ~~4544.~~ Health services, offices and clinics (8011—8049).
- 15
- 16 ~~4645.~~ Home furniture and furnishings stores (5712—5719) with 5,000
17 square feet or less of gross floor area in the principal structure.
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- 19 ~~4746.~~ Home health care services (8082).
- 20
- 21 ~~4847.~~ Household appliance stores (5722) with 5,000 square feet or less
22 of gross floor area in the principal structure.
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- 24 ~~4948.~~ Insurance carriers, agents and brokers (6311—6399, 6411).
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- 26 ~~5049.~~ Labor unions (8631).
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- 28 ~~5150.~~ Landscape architects, consulting and planning (0781).
- 29
- 30 ~~5251.~~ Laundries and drycleaning, coin operated — self service (7215).
- 31
- 32 ~~5352.~~ Laundries, family and commercial (7211).
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- 34 ~~5453.~~ Legal services (8111).
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- 36 ~~5554.~~ Libraries (8231).
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- 38 ~~5655.~~ Loan brokers (6163).
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- 40 ~~5756.~~ Management services (8741 and 8742).
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- 42 ~~5857.~~ Marinas (4493), subject to section 5.05.02.58.Membership
43 organizations, miscellaneous (8699).
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- 45 ~~5958.~~ Membership organizations, miscellaneous (8699).
- 46
- 47 60. Mixed residential and commercial uses, provided that such
48 residential use (i.e., single-family, multi-family, or townhouse)
49 contains housing that is affordable and complies with LDC section
50 4.02.40. This use will sunset five years from [the adoption date of

the related GMP amendment] or upon expiration of the Mixed Use Commercial by Right Subdistrict in the FLUE, unless extended by the Board of County Commissioners by resolution.

~~6159~~. Mortgage bankers and loan correspondents (6162).

- Remainder of list to be renumbered accordingly -

~~9997~~. An existing lawful structure over 5,000 sq. ft. as of July 14, 2014 may be occupied by any C-3 permitted use with a 5,000 sq. ft. or greater limitation.

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c. Conditional uses. The following uses are permissible as conditional uses in the commercial intermediate district (C-3), subject to the standards and procedures established in LDC sections 4.02.02 and 10.08.00.

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17. Mixed residential and commercial uses, subject to ~~design criteria contained in section 4.02.38 except where superseded by~~ the following criteria:

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D. General Commercial District (C-4). The general commercial district (C-4) is intended to provide for those types of land uses that attract large segments of the population at the same time by virtue of scale, coupled with the type of activity. The purpose and intent of the C-4 district is to provide the opportunity for the most diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions, at a larger scale than the C-1 through C-3 districts. As such, all of the uses permitted in the C-1 through C-3 districts are also permitted in the C-4 district. The outside storage of merchandise and equipment is prohibited, except to the extent that it is associated with the commercial activity conducted on-site such as, but not limited to, automobile sales, marine vessels, and the renting and leasing of equipment. Activity centers are suitable locations for the uses permitted by the C-4 district because most activity centers are located at the intersection of arterial roads. Therefore the uses in the C-4 district can most be sustained by the transportation network of major roads. The C-4 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. Housing may also be a component of this district as a permitted use if the proposed development provides housing that is affordable and contains a mix of residential and commercial uses. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

1. The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the general commercial district (C-4).

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a. Permitted uses.

1. Accounting (8721).

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47. Drug stores (5912).

48. Eating and drinking establishments (5812 and 5813) excluding bottle clubs. 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.

- Remainder of list to be renumbered accordingly -

87. Membership sports and recreation clubs, indoor (7997).

88. Mixed residential and commercial uses, provided that such residential use (i.e., single-family, multi-family, or townhouse) contains housing that is affordable and complies with LDC section 4.02.40. This use will sunset five years from [the adoption date of the related GMP amendment] or upon expiration of the Mixed Use Commercial by Right Subdistrict in the FLUE, unless extended by the Board of County Commissioners by resolution.

- Remainder of list to be renumbered accordingly -

~~1442~~. Any other general commercial use which is comparable in nature with the list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

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E. Heavy Commercial District (C-5). In addition to the uses provided in the C-4 zoning district, the heavy commercial district (C-5) allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct of the business. The C-5 district permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction associated equipment and supplies within an enclosed structure or have showrooms displaying the building material for which they specialize. Outdoor storage yards are permitted with the requirement that such yards are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. Housing may also be a component of this district as a permitted use if the proposed development provides housing that is affordable and contains a mix of residential and commercial uses.

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1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the heavy commercial district (C-5).

a. Permitted uses.

1. Accounting (8721).

* * * * *

55. Drug stores (5912).

56. Eating and drinking establishments (5812 and 5813) excluding bottle clubs. 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.

- Remainder of list to be renumbered accordingly -

~~108~~107. Membership sports and recreation clubs, indoor (7997).

109. Mixed residential and commercial uses, provided that such residential use (i.e., single-family, multi-family or townhouse) contains housing that is affordable and complies with LDC section 4.02.40. This use will sunset five years from [the adoption date of the related GMP amendment] or upon expiration of the Mixed Use Commercial by Right Subdistrict in the FLUE, unless extended by the Board of County Commissioners by resolution.

- Remainder of list to be renumbered accordingly -

1853. Any other heavy commercial use which is comparable in nature with the list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

#

2.05.01 - Density Standards and Housing Types

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

Housing Type: Zoning District:	Single-family	Duplex	Townhouse	Multifamily	Mobile Home	Cluster	Guest House	Caretaker Units (number allowed)	Timeshare	Recreational vehicles ¹	Maximum Density ^{2, 17} (units per gross acre)

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Text underlined is new text to be added

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GC								Two			
A	✓				S		✓				0.2 (1 unit per 5 acres)
E	✓						✓				0.44 (1 unit per 2.25 acres)
RSF-1	✓						✓	✓			1
RSF-2	✓						✓	✓			2
RSF-3	✓						✓	✓			3
RSF-4	✓						✓	✓			4
RSF-5	✓						✓	✓			5
RSF-6	✓						✓	✓			6
RMF-6	✓	✓	✓	✓			✓	✓			6
RMF-12	S	✓	✓	✓							12
RMF-16			✓	✓							16
RT ³ , <u>17</u>									✓		26
RT ⁴ , <u>17</u>			✓	✓					✓		16
RT ⁵ , <u>17</u>			✓	✓					✓		16
VR ⁶	✓				✓	✓					7.26
VR ⁷		✓				✓					8.71
VR ⁸				✓		✓					14.52
MH ⁹					✓			One			7.26
TTRVC								One	✓		12
C-1 ¹⁰ <u>See C. and D. below</u>	✓		✓	✓				One			<u>3-16</u>
C-2 ¹⁰ <u>See C. and D. below</u>	✓		✓	✓				One			<u>3-16</u>
C-3 ¹⁰ <u>See C. and D. below</u>	✓		✓	✓				One			<u>3-16</u>
C-4 <u>See C. below</u>	✓		✓	✓				One			<u>16</u>
C-5 <u>See C. below</u>	✓		✓	✓				One			<u>16</u>
I								One			
BP								One			
CON ¹¹	✓										0.2 (1 unit per 5 acres) 0.33 (1 unit per 3 acres) Big Cypress
BZO ¹²	S	S	S	S							12
GTZO ¹²	S	S	S	S							12
R-1	✓	✓	✓	✓							
R-2	✓	✓	✓	✓							
GZO	Per underlying zoning district										
VB-RTO ¹⁷			✓	✓					✓		16 for timeshare mf & twnhses; 26

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Text underlined is new text to be added

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

											for hotels and motels
GGPOD			✓	✓							Per the GMP
RFMU ¹³	✓				✓ ¹⁶						0.025 (1 unit per 40 acres)
RFMU ¹⁴	✓	✓	✓	✓	✓ ¹⁶	✓	✓	✓			0.2 (1 unit per 5 acres)
RFMU ¹⁵	✓	✓	✓	✓	✓ ¹⁶	✓	✓	✓		✓	0.2 (1 unit per 5 acres)
MHO					✓						0.2 (1 unit per 5 acres)

Legend:

S = permitted subject to supplemental standards

¹ Recreational vehicles include travel trailers, park models, pickup coaches, and motor homes.

² Density is calculated as the number of residential dwelling units per gross acre (see definition of density, residential). Generally, in all zoning districts except for A, E and CON, this indicates the maximum allowable density, ~~including any applicable density bonuses per the density rating system in the growth management plan.~~ However, density Density may be restricted by the board of county commissioners at the time of rezoning to something less than the maximum, as indicated parenthetically on the official zoning atlas maps. For example, "RMF-6(4)" allows all uses and development standards of the RMF-6 zoning district but density is limited to 4 dwelling units per acre.

³ A maximum of 26 dwelling units per acre are allowed for hotels and motels. A hotel or motel in Port of the Islands may offer timeshare units and retain the density of 26 units per acre. Outside of Port of the Islands, a hotel or motel or multi-family structure including a condominium which offers timeshare units is permitted a density of up to 16 units per acre.

⁴ For RT zoning located inside Activity Centers as designated on the Growth Management Plan's Future Land Use Map, residential units (including those for timeshares and multifamily uses) are allowed at a maximum of 16 dwelling units per acre. Similarly for RT zoning not located within Activity Centers but in existence at the time of adoption of the LDC (October 30, 1991), residential units are allowed at a maximum of 16 units per acre.

⁵ For RT zoning not located within Activity Centers and not in existence at the time of adoption of this LDC (October 30, 1991), allowed density is per the density rating system up to 16 dwelling units per acre. The calculation of density shall be based on the land area defined by a lot(s) of record.

⁶ Density for single-family and mobile home, with or without clustering.

⁷ Density for duplex, with or without clustering.

⁸ Density for multi-family, with or without clustering.

⁹ In the MH district, modular homes are allowable.

1 10 Properties ~~zoned C-1 through C-3~~ may have associated residential densities in instances of
2 mixed-use development or through Conditional Use approval or the provisions of housing that
3 is affordable ~~pursuant to the Future Land Use Element of the Growth Management Plan.~~

4
5 11 The density of 1 dwelling unit per 3 gross acres only applies to private in-holdings within the
6 Big Cypress National Preserve that were in existence prior to October 14, 1974.

7
8 12 Maximum allowable density in the BMUD and GTMUD overlays is attained through the Mixed
9 Use Project (MUP). Approval Process pursuant to the regulations in the Overlays.

10
11 13 One dwelling unit per 40 acres is the maximum density permitted in RFMU Sending Lands
12 (see LDC section 2.03.08).

13
14 14 One dwelling unit per 5 acres is the maximum density permitted in RFMU Neutral Lands (see
15 LDC section 2.03.08).

16
17 15 One dwelling unit per acre is the maximum density permitted in RFMU Receiving Lands
18 located outside of a Rural Village with redemption of Transfer of Development Rights (TDR)
19 credits; 0.2 units per acre is the maximum density permitted in RFMU Receiving Lands without
20 redemption of TDR credits; 3 dwelling units per acre is the maximum density per acre in RFMU
21 Receiving Lands located within a Rural Village with the redemption of TDR credits (see LDC
22 section 2.03.08).

23
24 16 Only if Mobile Home Overlay exists.

25
26 17 Lock-off unit: Where the floor area of a timeshare unit or hotel room contains lock-off
27 accommodations, which can be occupied separately from the main living unit, each lock-off
28 accommodation shall be counted as a full timeshare unit when computing the allowable
29 density.

30
31 B. Acreage associated with historical/archaeological resources preserved within the
32 boundaries of a project shall be included in calculating the project's permitted density.

33
34 C. Where mixed use development is allowable per footnote 10 in LDC section 2.05.01 A., the
35 density standards and housing type criteria in the above table and within this subsection
36 below. This subsection C. will sunset five years from [the adoption date of the related
37 GMP amendment] or upon expiration of the Mixed Use Commercial by Right Subdistrict
38 in the FLUE, unless extended by the Board of County Commissioners by resolution.

39
40 1. All mixed use development (commercial and residential) on properties zoned C-1,
41 C-2, or C-3, as provided for in the Commercial Mixed Use by Right Subdistrict of
42 the FLUE, shall be subject to the below density limits and housing affordability
43 requirements.

44
45 a. For property not within the Urban Residential Fringe Subdistrict, but within
46 the Coastal High Hazard Area, both as identified on the countywide Future
47 Land Use Map (FLUM), density shall be limited to 4 dwelling units per acre;
48 density in excess of 3 dwelling units per acre must be comprised of housing
49 that is affordable in accordance with LDC section 2.06.00.

50
51 b. For property not within the Urban Residential Fringe Subdistrict and not
52 within the Coastal High Hazard Area, both as identified on the countywide
53 FLUM, density shall be limited to 16 dwelling units per acre; density in

1 excess of three dwelling units per acre and up to 15 dwelling units per acre
2 must be comprised of housing that is affordable in accordance with LDC
3 section 2.06.00.

4
5 2. All mixed use development on properties zoned C-4 and C-5, as provided for in
6 the Commercial Mixed Use by Right Subdistrict of the FLUE, shall be subject to
7 the below density limits and housing affordability requirements. This section will
8 sunset five years from [the adoption date of the related GMP amendment], unless
9 extended by the Board of County Commissioners by resolution as a regular
10 agenda item.

11
12 a. For property within the Urban Coastal Fringe Subdistrict and Urban Residential
13 Subdistrict in the FLUE, both as identified on the countywide Future Land Use
14 Map (FLUM) and found Consistent by Policy as identified in FLUE Policies 5.11
15 – 5.13, the maximum density permitted is 16 dwelling units per gross acre.

16
17 3. All mixed use development on properties zoned C-1 through C-5, as provided for
18 in the Commercial Mixed Use by Right Subdistrict of the GGAMP – Golden Gate
19 City Sub-element, shall be subject to the below density limits and housing
20 affordability requirements. This section will sunset five years from [the adoption
21 date of the related GMP amendment], unless extended by the Board of County
22 Commissioners by resolution as a regular agenda item.

23
24 a. For property within the Urban Mixed Use District in the GGAMP – Golden
25 Gate City Sub-element and found Consistent by Policy as identified in
26 FLUE Policies 5.12 and 5.13, the maximum density permitted is 16 dwelling
27 units per gross acre.

28
29 D. Where residential only uses are allowable on properties zoned C-1 through C-3, the
30 density standards and housing type criteria in the above table and within this subsection
31 shall apply. This Subsection D. will sunset five years from [the adoption date of the related
32 GMP amendment], unless extended by the Board of County Commissioners by resolution.

33
34 1. By-right residential development within the Urban Coastal Fringe Subdistrict and
35 Urban Residential Subdistrict in the FLUE, when located outside the boundaries
36 of the East Naples Community Development Plan (accepted by the Board of
37 County Commissioners on October 27, 2020), and when located on property
38 zoned commercial that has been found Consistent by Policy as identified in FLUE
39 Policies 5.11 – 5.13, as provided for in the Conversion of Commercial by Right
40 Subdistrict in the FLUE: The maximum density permitted is 16 dwelling units per
41 gross acre.

42
43 2. By-right residential development within the Urban Mixed Use Subdistrict in the
44 GGAMP – Golden Gate City Sub-Element, when located outside the boundaries
45 of the Downtown Center Commercial Subdistrict, and when located on property
46 zoned commercial that has been found Consistent by Policy as identified in FLUE
47 Policies 5.12 and 5.13, as provided for in the Conversion of Commercial by Right
48 Subdistrict in the GGAMP – Golden Gate City Sub-Element: The maximum density
49 permitted is 16 dwelling units per gross acre.

50

2.06.03 - AHDB Rating System

A. The AHDB rating system shall be used to determine the amount of the AHDB which may be granted for a development, based on household income level, type of affordable housing units (owner-occupied or rental, single-family or multi-family), and percentage of affordable housing units in the development. To use the AHDB rating system, Table A below, shall be used. Table A shall be reviewed and updated, if necessary, on an annual basis by the BCC or its designee.

Table A. Affordable Housing Density Bonus
(Additional Available Dwelling Units Per Gross Acre)

Maximum Allowable Density Bonus by Percent of Development Designated as Affordable Housing ^{1, 2, 3}										
Product (% of MI)	10 %	20%	30%	40%	50%	60%	70%	80%	90%	100%
Gap (>120—≤140) ^{4, 5}	1	2	3	4	5	6	7	8	n/a <u>9</u>	n/a <u>10</u>
Moderate (>100 80 —≤120) ⁴	2	4 <u>3</u>	5 <u>4</u>	6 <u>5</u>	7 <u>6</u>	8 <u>7</u>	9 <u>8</u>	10 <u>9</u>	11 <u>10</u>	12 <u>11</u>
<u>Median</u> (>80—≤100)	2.5 <u>3</u>	5 <u>4</u>	6 <u>5</u>	7 <u>6</u>	8 <u>7</u>	9 <u>8</u>	10 <u>9</u>	11 <u>10</u>	11.5 <u>11</u>	12 <u>12</u>
Low (>50—≤80)	3 <u>7</u>	6 <u>8</u>	7 <u>9</u>	8 <u>10</u>	9 <u>11</u>	10 <u>12</u>	11 <u>12</u>	12	12	12
Very-Low (≤50)	7 <u>9</u>	8 <u>10</u>	9 <u>11</u>	10 <u>12</u>	11 <u>12</u>	12	12	12	12	12

1 Total Allowable Density = Base Density + Affordable Housing Density Bonus. In no event shall the maximum gross density exceed that which is allowed pursuant to the GMP.

2 Developments with percentages of affordable housing units which fall in between the percentages shown on Table A shall receive an AHDB equal to the lower of the two percentages it lies between, plus 1/10 of a residential dwelling unit per gross acre for each additional percentage of affordable housing units in the development.

3 Where more than one type of affordable housing unit (based on level of income shown above) is proposed for a development, the AHDB for each type shall be calculated separately. After the AHDB calculations for each type of affordable housing unit have been completed, the AHDB for each type of unit shall be added to those for the other type(s) to determine the maximum AHDB available for the development. In no event shall the AHDB exceed 12 dwelling units per gross acre.

4 May only be used in conjunction with at least 20% at or below 100% MI ~~Owner-occupied only.~~

5 Owner occupied only. ~~May only be used in conjunction with at least 20% at or below 120% MI.~~

2.07.00 – Mixed-Income Housing Program for Housing that is Affordable

2.07.01 – Purpose and Intent

- A. This section is intended to incentivize developments that provide a mix of housing affordability, including units that are affordable to gap-, moderate-, low-, or very-low-income levels through the use of bonus density, which allows for an increase in the number of residential dwelling units per acre on property proposed for development.
- B. This incentivization is accomplished by implementing a Mixed-Income Housing Program, which consists of a commitment by an agreement, land use restriction recorded in the Public Records of Collier County, or ordinance to provide for housing that is affordable. The purpose of the Program is to provide increased residential densities to developers who guarantee that all or a portion of their housing development will provide units that are affordable at gap-, moderate-, median-, low-, or very-low-income levels, as specified in LDC section 4.02.41 and LDC section 4.02.42.

2.07.02 – Program Criteria

The following conditions shall apply to all developments associated with the Mixed-Income Housing Program.

- A. Mixed-Income Housing Program Eligibility.
 - 1. The rental price or sales price for all units designated as Housing that is Affordable within the project must be affordable to households at income levels identified in the below chart to qualify for the allowable bonus density outlined in LDC section 4.02.40, LDC section 4.02.41, and LDC section 4.02.42:

<u>Income Level as a percent of Median Income</u>	
<u>Gap</u>	<u>(>120 to ≤140)</u>
<u>Moderate</u>	<u>(>100 to ≤120)</u>
<u>Median</u>	<u>(>80 to ≤100)</u>
<u>Low</u>	<u>(>50 to ≤80)</u>
<u>Very Low</u>	<u>(≤50)</u>

- 2. At the time of application for the Development Order, the developer must identify the total number of housing units within the development and the total number of units that are affordable, categorized by level of income, type of unit (i.e., single-family or multifamily, owner-occupied or rental), and number of bedrooms per unit.
- 3. The ratio of the number of bedrooms per unit for housing that is affordable shall in general be equal to or greater than the number of bedrooms per unit for the market rate housing within an entire project.
- 4. The units that are affordable shall be intermixed with, and not segregated from, the market rate units in the development.
- 5. In order to qualify for the bonus density through the Mixed-Income Housing Program, the developer must comply with the provisions of this section and record a Mixed-Income Housing Commitment by agreement, ordinance, or other type of land use restriction recorded in the Public Records of Collier County.

1
2 B. Mixed-Income Housing Commitment. The commitment to provide Housing that is
3 Affordable through the Mixed-Income Housing Program will be by agreement, ordinance,
4 or other type of land use restriction recorded in the Public Records of Collier County and
5 shall include at a minimum, the following provisions:

6
7 1. Units committed as affordable through the Mixed-Income Housing Program shall
8 be affordable for 30 years from the initial date of sale or rent.

9
10 2. The conditions contained in the agreement, ordinance, or other type of land use
11 restriction that is recorded in the Public Records of Collier County shall constitute
12 covenants, restrictions, and conditions which shall run with the land and be binding
13 upon the property and the owner’s successors and assigns. This commitment
14 must be agreed to by the owner for an owner-occupied unit or by the developer for
15 renter-occupied units, in an instrument to be recorded with the Clerk of the Circuit
16 Court of Collier County, Florida.

17
18 3. No unit that is committed as affordable through the Mixed-Income Housing
19 Program shall be rented to a tenant whose household income has not been verified
20 and certified in accordance with this section. Such verification shall be the
21 responsibility of the developer and shall be submitted to the County Manager or
22 designee for certification.

23
24 4. No unit that is committed as affordable through the Mixed-Income Housing
25 Program shall be sold, leased with option to purchase, or otherwise conveyed to a
26 buyer whose household income has not been verified and certified in accordance
27 with this section. Such verification shall be the responsibility of the developer and
28 shall be submitted to the County Manager or designee for certification. It is the
29 intent of this section to keep housing affordable; therefore, any person who buys
30 a Mixed-Income Housing Program unit must agree, in an instrument to be recorded
31 with the Clerk of the Circuit Court of Collier County, Florida, that if the property is
32 sold (to a non-income qualified buyer, including the land and/or the unit) within 30
33 years after the original purchase at a sales price in excess of five percent per year
34 of the original purchase price that he/she will pay to the Collier County Affordable
35 Housing Trust Fund an amount equal to one-half of the sales price in excess of the
36 five percent increase per year. The lien instrument may be subordinated to a
37 qualifying first mortgage.

38
39 C. Income Verification and certification. Evidence of income must be verified and certified
40 by the County Manager or designee in the same manner as stipulated in LDC section
41 2.06.05 B.4. and subject to approval by the County Attorney’s Office.

42
43 1. For owner-occupied units, an income verification form must be submitted by the
44 developer, and a certification letter must be obtained from the County Manager or
45 designee stating that the household income meets the applicable income level
46 threshold required for the unit prior to issuance of certificate of occupancy for that
47 unit.

48
49 2. For rental units, an income verification form must be submitted by the developer
50 or its successor once prior to the issuance of the certificate of occupancy for the

unit and submitted annually thereafter following the initial certificate of occupancy. A certification letter must be obtained from the County Manager or designee stating that the household income meets the applicable income level threshold required for the unit in order for the certificate of occupancy to be issued and to remain in effect at time of re-certification for that unit.

#

4.02.01 – Dimensional Standards for Principal Uses in Base Zoning Districts

* * * * * * * * * * * * *

Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts.

* * * * * * * * * * * * *

Zoning District	Maximum Building Height (feet)	Minimum Distance Between Buildings	Minimum Floor Area of Buildings (square feet)	Floor Area Ratio (%)
-----------------	--------------------------------	------------------------------------	---	----------------------

* * * * * * * * * * * * *

C-1	35	None <u>or E</u>	<u>Efficiency: 450</u> <u>1 Bedroom: 600</u> <u>2+ Bedroom: 750</u> <u>For all other uses: 1,000 (ground floor)</u>	None
C-2	35	A <u>or E</u>	<u>Efficiency: 450</u> <u>1 Bedroom: 600</u> <u>2+ Bedroom: 750</u> <u>For all other uses: 1,000 (ground floor)</u>	None
C-3	50	None <u>or E</u>	<u>Efficiency: 450</u> <u>1 Bedroom: 600</u> <u>2+ Bedroom: 750</u> <u>For all other uses: 700 (ground floor)</u>	None
C-4	75 <u>or F</u>	A <u>or E</u>	<u>Efficiency: 450</u> <u>1 Bedroom: 600</u> <u>2+ Bedroom: 750</u> <u>For all other uses: 700 (ground floor)</u>	Hotels .60 Destination resort .80
C-5	35	A <u>or E</u>	<u>Efficiency: 450</u> <u>1 Bedroom: 600</u> <u>2+ Bedroom: 750</u> <u>For all other uses: 700 (ground floor)</u>	Hotels .60 Destination resort .80

* * * * * * * * * * * * *

Overlay Districts	See table of special design requirements applicable to overlay districts.
-------------------	---

A = 50% of the sum of the heights of the buildings, but not less than 15 feet.
B = 50% of the sum of the heights of the buildings.

C = Buildings within 100 feet of an adjoining district are limited to the height of the most restrictive of an adjoining district.

D = 50% of the sum of the heights of the buildings, but not less than 25 feet.

E = The minimum distance between structures for housing that is affordable in commercial districts shall be in accordance with LDC section 4.02.40.

F = The maximum height shall be restricted to 50 feet for housing that is affordable in the C-4 district.

1. Principal Structure Minimum Yard (Setback) Requirements: Table 2.1, below, provides the minimum yard requirements for principal structures on conforming lots of record in base zoning districts. The following shall apply for all other lots:
 - a. Corner Lots: Corner lots shall have front yards along each street frontage. The other yards shall be considered side yards. See LDC section 2.03.01 for Estates setbacks.
 - b. Nonconforming Lots of Record: Minimum yard requirements for nonconforming lots of record are provided in LDC section 9.03.03 A.

Table 2.1 - TABLE OF MINIMUM YARD REQUIREMENTS (SETBACKS) FOR BASE ZONING DISTRICTS

Note as to setback line measurement: minimum setback lines are typically measured from the legal boundary of a lot, regardless of all easements burdening a lot, with the exception of easements that comprise a road right-of-way where the minimum setback line is to be measured from the road right-of-way easement line.

Zoning district	Minimum Front Yard (feet)	Minimum Side Yard (feet)				Minimum Rear Yard (feet)	Public School Requirements
-----------------	---------------------------	--------------------------	--	--	--	--------------------------	----------------------------

* * * * *

C-1	25	Residential <u>25 or g</u>	Non-residential 15	Residential <u>25 or g</u>	Non-Residential 15	x
C-2	25	<u>25 or g</u>	15	<u>25 or g</u>	15	x
C-3 ³	c	<u>25 or g</u>	a	<u>25 or g</u>	a	x
C-4 ⁴	d	<u>25 or g</u>	a	<u>25 or g</u>	a	x
C-5 ⁴	25	<u>25 or g</u>	15	<u>25 or g</u>	15	x

* * * * *

¹ MH District - additional yard requirements: side yard setback from a public road that is external to the boundary of the park = 50 ft.; the minimum setback on any side from the exterior boundary of the park = 15 ft.

1 2 TTRVC District - additional yard requirements: setback from exterior boundary of park =
2 50 ft.; setback from an external street = 50 ft., setback from an internal street = 25 ft.;
3 setback from any building or other structure = 10 ft.

4
5 3 C-3 District - minimum setback on any side that is waterfront = 25 ft.; setback for marinas
6 = none.

7
8 4 C-4, C-5 and I Districts - minimum setback on any side that is waterfront = 25 ft.;
9 setback for marinas = none; setback on any side adjacent to a railroad right-of-way = none

10 5 Any non-conforming platted lot of record in the CON District that existed before November
11 13, 1991, will be subject to the following standards:

12 Front yard: 40 feet.

13 Side yard: ten percent of the lot width, but no more than 20 feet on each side.

14 Rear Yard: 30 feet.

15 a = 50% of the building height, but not less than 15 feet.

16 b = 50% of the building height, but not less than 30 feet.

17 c = 50% of the building height, but not less than 25 feet.

18 d = 50% of the building height, but not less than 25 feet. Structures 50 feet or more in height = 25
19 feet plus one additional foot of setback for each foot of building height over 50 feet.

20 e = the total of all side yard setbacks shall equal 20% of the lot width, with a maximum of 50 feet.
21 No side yard shall be less than 10 feet. Alternative dimensions may be possible when approved
22 through a unified plan of development involving one or more lots under common ownership where
23 the yard requirements are met for the unified site but not necessarily for each parcel within the
24 unified site.

25 f = the yard requirements shall be equal to the most restrictive adjoining district.

26 g = The minimum setback for housing that is affordable in commercial districts where abutting any
27 property occupied by or zoned to allow a single family dwelling unit shall be in accordance with
28 LDC section 4.02.40.

29 x = for principal structures: 50 feet from all property lines; for accessory structures: 25 feet from all
30 property lines.

31 # # # # # # # # # # # # # #

32 **4.02.38 – Specific Design Criteria for Commercial Mixed Use Development within C-1**
33 **through ~~C-5~~C-3 Zoning Districts**

34 A. *Purpose and Scope.* The ~~C~~ommercial ~~M~~ixed ~~U~~se design criteria are to encourage the
35 development and the redevelopment of commercially zoned properties with a mix of
36 residential and commercial uses. Such mixed-use ~~projects~~ developments are intended to
37 be developed at a human-scale with a pedestrian orientation, interconnecting with
38 adjacent project, whether commercial or residential. ~~A Commercial Mixed Use Projects D~~
39 ~~is allowed in the Urban Mixed Use District contained within the FLUE and subject to the~~

1 standards and criteria set forth under Commercial Mixed Use Subdistrict in the Urban-
2 Commercial District, and the regulations contained herein.

3
4 B. Applicability. A commercial mixed use development is allowed as provided in the
5 Commercial Mixed Use by Right Subdistrict in the Future Land Use Element (FLUE) and
6 Golden Gate Area Master Plan (GGAMP) – Golden Gate City Sub-element, and subject
7 to the regulations contained herein. ~~All properties zoned C-1, C-2 and C-3, excluding~~
8 ~~where located in the GGPOD. These regulations shall apply to all mixed-use projects~~
9 ~~proposed within these zoning districts, subject to the design criteria set forth in this section.~~
10 ~~The design criteria address the relationship of buildings, parking, vehicular, and pedestrian~~
11 ~~movement to create a pedestrian oriented experience. Buildings are encouraged to be~~
12 ~~built close to the vehicular and pedestrian way to create a continuous active and vibrant~~
13 ~~streetscape utilizing the architecture, landscaping, lighting, signage, and street~~
14 ~~furnishings. Vehicular travelways support two-way traffic and on street parking. A logical~~
15 ~~pedestrian pathway system is provided throughout that connects the pedestrian~~
16 ~~movements from one use to another or within use areas. Building arcades and awnings~~
17 ~~are allowed to extend over the sidewalk to create shade and encourage pedestrian~~
18 ~~activity. Signage design shall be carefully integrated with site and building design to create~~
19 ~~a unified appearance for the project. Creativity in the design of signs is encouraged in~~
20 ~~order to emphasize the unique character of the project. Projects utilizing these design~~
21 ~~criteria will be developed in compliance with the LDC, except as specified herein.~~

22
23 C. Commercial Mixed Use Design Criteria. ~~Projects utilizing the Commercial Mixed Use~~
24 ~~option within a C-1, C-2, or C-3 Zoning District shall comply with the following standards~~
25 ~~and criteria:~~

26
27 1. ~~These design criteria are applicable to the C-1 through C-3 zoning districts,~~
28 ~~excluding where located in the GGPOD.~~

29
30 2. ~~Commercial uses and development standards shall be in accordance with the~~
31 ~~commercial zoning district on the subject property, unless modified within these~~
32 ~~regulations.~~

33
34 3. ~~Residential density is calculated based upon the gross commercial project~~
35 ~~acreage. For property in the Urban Residential Fringe Subdistrict, density shall be~~
36 ~~as limited by that subdistrict. For property not within the Urban Residential Fringe~~
37 ~~Subdistrict, but within the Coastal High Hazard Area, density shall be limited to 4~~
38 ~~dwelling units per acre; density in excess of 3 dwelling units per acre must be~~
39 ~~comprised of affordable workforce housing in accordance with Section 2.06.00 of~~
40 ~~the Land Development Code, Ordinance No. 04-41, as amended. For property not~~
41 ~~within the Urban Residential Fringe Subdistrict and not within the Coastal High~~
42 ~~Hazard Area, density shall be limited to 16 dwelling units per acre; density in~~
43 ~~excess of 3 dwelling units per acre and up to 11 dwelling units per acre must be~~
44 ~~comprised of affordable workforce housing in accordance with section 2.06.00 of~~
45 ~~the Land Development Code, Ordinance No. 04-41, as amended. In case of~~
46 ~~residential uses located within a building attached to a commercial building or in~~
47 ~~the case of a freestanding residential building, square footage and acreage~~
48 ~~devoted to residential uses shall not exceed 70 percent of the gross building~~
49 ~~square footage and acreage of the project.~~

- 1 1. Commercial uses and development standards shall be in accordance with the
- 2 commercial zoning district on the subject property or the regulations in LDC section
- 3 4.02.38, whichever is more restrictive.
- 4
- 5 a. The minimum distance between structures shall be 10 feet.
- 6
- 7 b. The minimum setback from the common boundaries shall be equal to the
- 8 project’s proposed zoned building height when the proposed project abuts
- 9 any property occupied by, or zoned to allow, a single family dwelling unit.
- 10
- 11 c. Housing that is affordable by right shall be restricted to a maximum height
- 12 of 50 feet in the C-4 zoning district.
- 13
- 14 2. Mix of Uses. Mixed use developments shall promote a combination of land uses
- 15 within a project in accordance with certain land use mix percentages.
- 16
- 17 a. All mixed use development on properties zoned C-1, C-2, or C-3, as
- 18 provided for in the Commercial Mixed Use by Right Subdistrict of the FLUE
- 19 shall be subject to the following mix of use limits:
- 20
- 21 i. In the case of residential uses located within a building attached to
- 22 a commercial building or in the case of a freestanding residential
- 23 building, floor area and acreage devoted to residential uses shall
- 24 not exceed 70 percent of the gross building floor area and acreage
- 25 of the project.
- 26
- 27 b. All mixed use development on properties zoned C-4 and C-5, as provided
- 28 for in the Commercial Mixed Use by Right Subdistrict in the FLUE, and
- 29 properties zoned C-1 through C-5, as provided for in the Commercial Mixed
- 30 Use by Right Subdistrict of the GGAMP – Golden Gate City Sub-element,
- 31 shall be subject to the following mix of use limits:
- 32
- 33 i. In the case of residential uses located within a building attached to
- 34 a commercial building or in the case of a freestanding residential
- 35 building, floor area and acreage devoted to residential uses shall
- 36 not exceed 75 percent of the gross building square footage and
- 37 acreage of the project.
- 38
- 39 34. The project shall provide street, pedestrian pathway and bike lane interconnections
- 40 with adjacent properties, where possible and practicable. For projects subject to
- 41 architectural design standards, see LDC section 5.05.08 F. for related provisions.
- 42
- 43 45. The project shall, to the greatest extent possible, use a grid street system, or
- 44 portion thereof, so as to afford maximum opportunity for interconnections with
- 45 surrounding properties and to provide multiple route alternatives.
- 46
- 47 ~~D. Pedestrian Pathways.~~
- 48

- 1 ~~1. This design criteria is only applicable to streets internal to commercial mixed use~~
- 2 ~~projects, it is not applicable to project portions fronting on existing collector or~~
- 3 ~~arterial roadway.~~
- 4
- 5 ~~2. The pedestrian pathways along the main streets shall be a minimum of 21 feet in~~
- 6 ~~width. (See diagram below.)~~
- 7
- 8 ~~3. Pedestrian pathways shall be provided pursuant to Collier County LDC Section~~
- 9 ~~4.02.38 D. and shall include: street furnishings, a street tree planting zone, and a~~
- 10 ~~pedestrian travel zone. (This is not applicable to internal parking lots.)~~
- 11
- 12 ~~4. Overhead arcades, awnings or canopies, may extend over the dining and display~~
- 13 ~~zone, as well as, the pedestrian travel zone at a minimum height of 8 feet.~~
- 14 ~~Furnishings or other obstructions shall be kept out of the pedestrian travel zone.~~
- 15
- 16 ~~5. Outdoor dining at building arcades or outdoor areas may be enclosed by planters,~~
- 17 ~~decorative fencing, or comparable moveable barriers. The dining area shall not~~
- 18 ~~encroach into the pedestrian travel zone.~~
- 19
- 20 ~~6. Building elements in the form of arcades, overhangs, signage, marquees, bay~~
- 21 ~~windows, and structural supports shall be allowed to extend over the pedestrian~~
- 22 ~~travel zone. These allowable overhead encroachments shall be have a minimum~~
- 23 ~~clearance of 8 feet height above the sidewalk.~~

~~E. *Street Furnishings & Street Plantings.*~~

- 24
- 25
- 26
- 27 ~~1. This design criteria is only applicable to streets internal to commercial mixed use~~
- 28 ~~projects, it is not applicable to project portions fronting on existing collector or~~
- 29 ~~arterial roadways.~~
- 30
- 31 ~~2. Street furnishings shall be provided in conjunction with the street tree planting~~
- 32 ~~zone. Street furnishings shall include benches per LDC Section 4.06.03B.8, one~~
- 33 ~~waste/recycling receptacle per 300 lineal feet of street frontage, and bike racks per~~
- 34 ~~LDC Section 4.05.08. Street furnishings may also include bus shelters, information~~
- 35 ~~kiosks, and similar furnishings.~~
- 36
- 37 ~~3. Site furnishings (not associated with an individual business) shall be coordinated~~
- 38 ~~and fabricated of compatible materials.~~
- 39
- 40 ~~4. Visual obstructions shall not be allowed within sight triangles/spaces at street~~
- 41 ~~intersections pursuant to 4.06.01 D.1 of the LDC.~~
- 42
- 43 ~~5. The street tree planting zone shall have a minimum width of 5 feet and a minimum~~
- 44 ~~length of 10 feet and be located parallel to the curb. Root barriers are required to~~
- 45 ~~protect sidewalks and utilities.~~
- 46
- 47 ~~i. Within the street tree planting zone, street trees shall be spaced at a rate~~
- 48 ~~of 40 feet on center and may be clustered. The street tree pattern may be~~
- 49 ~~interrupted by overhead arcades, utilities, and pedestrian access. Trees~~
- 50 ~~shall have a minimum height at the start of branching of 8 feet and have an~~

1 overall planting height of 16 feet. Palm trees are allowed as a substitute to
2 canopy trees where building elements (reference LDC 2.03.06.G.3.e, and
3 LDC 2.03.06G.7.b.i. and ii.) are closer to the street and the amount of space
4 for landscaping, the pedestrian travel zone, and street furnishings will not
5 allow canopy trees. Areas for canopy trees should be included at plazas,
6 street intersections, and other areas where buildings are set back and
7 space will allow.

8
9 ii. ~~Plantings shall include a variety of tree and shrub species with at least 50~~
10 ~~percent of the required trees and 35 percent of the required shrubs being~~
11 ~~plants native to Florida.~~

12
13 iii. ~~Planting zones at the ground plane shall include turf grass; groundcover,~~
14 ~~low shrubs or flowering plants.~~

15
16 **DF.** *Landscape.*

- 17
- 18 1. This design criteria is only applicable to streets internal to commercial mixed use
- 19 projects, it is not applicable to project portions fronting on existing collector or
- 20 arterial roadway.
- 21
- 22 2. Provide a variety of tree and shrub species with at least 50 percent of the required
- 23 trees and 35 percent of the required shrubs being plants native to Florida.
- 24
- 25 3. Canopy trees used in open landscape areas (other than street trees) shall be a
- 26 minimum of 10 feet in height, having a 4-foot diameter spread and a minimum
- 27 caliper of 1¾ inches.
- 28
- 29 4. Plantings shall be a maximum of 25 percent turf grass. The balance shall be
- 30 groundcover, low shrubs and/or flowers located in planting areas appropriate to
- 31 the design.
- 32
- 33 5. Irrigation shall be provided for all planting areas. Irrigation control boxes and
- 34 appurtenances shall be located away from direct public view.
- 35
- 36 6. Landscape buffers per section 4.06.02 of the Code "buffer requirements" shall only
- 37 apply to the external boundaries of the mixed use development. Landscape buffers
- 38 shall not be required internal to the mixed use development project. A Type "B"
- 39 buffer shall be provided along the common boundaries when the proposed project
- 40 abuts a property occupied by, or zoned to allow, a single family dwelling unit. The
- 41 trees within such buffer shall be a minimum of 14 feet in height at the time of
- 42 installation if the buildings are greater than a zoned height of 40 feet and are
- 43 adjacent to property occupied by or zoned to allow single family dwellings.

44
45 **EG.** *Parking Lot Landscaping.*

- 46
- 47 1. Up to 30 percent of the landscape islands shall have a minimum width of 5 feet
- 48 inside planting area and may be planted with a palm tree equivalent.
- 49
- 50 2. Minimum tree size shall be 1-¾" caliper and a minimum of 10 feet in height.

- 1
- 2
- 3 3. The perimeter of all parking lots fronting on public rights-of-way shall be screened
- 4 to a minimum height of 24 inches using walls, fences, landscaping or any
- 5 combination thereof.
- 6
- 7 4. Parking lot perimeter landscaping areas shall be a minimum of eight (8) feet in
- 8 width. Shrubs shall be arranged in a staggered pattern with a minimum size of 3
- 9 gallons at the time of planting to provide year-round screening. Trees shall be
- 10 included in the perimeter landscape area at a minimum spacing of one tree/palm
- 11 per 25 feet of linear frontage. Street trees planted within the right-of-way may be
- 12 used to meet this requirement.

FH. *Building Foundation Plantings.*

- 13
- 14
- 15 1. Building foundation plantings shall be required per section 4.06.05 of the Code,
- 16 except as follows. The building regardless of its size, shall provide the equivalent
- 17 of 10 percent of its ground level floor area, in building foundation planting area. A
- 18 continuous building foundation planting width is not required per section 4.06.05
- 19 of the Code. However, the foundation plantings shall be located within 21 feet of
- 20 the building edge in the form of landscaped courtyards and seating area
- 21 landscaping.
- 22

GI. *Building Architectural Standards.*

- 23
- 24
- 25 1. The Mixed Use Projects shall include architectural features that provide visually
- 26 interesting building design at a scale appropriate for pedestrian and automobile.
- 27
- 28 a. Building façades shall be designed to reduce the mass and scale of the
- 29 building, by providing arcades, windows, entry features, and other design
- 30 treatments in compliance with section 5.05.08 of the LDC except as follows;
- 31
- 32 b. Covered pathways and arcades shall be constructed with columns a
- 33 minimum width of 12 inches, if masonry and 10 inches wide, if constructed
- 34 of finished steel products.
- 35
- 36 c. For buildings 3 stories or more, pedestrian scale at the street level shall be
- 37 maintained by incorporation of façade variations such as massing, texture,
- 38 color or material on the primary façades between the first and subsequent
- 39 stories.
- 40
- 41 d. The following architectural options are in addition to the list of required
- 42 design features identified in subsection 5.05.08 D.2.:
- 43
- 44 i. Open arcade or covered walkway with a minimum depth of 8 feet
- 45 and a total minimum length of 60 percent of the façade.
- 46
- 47 ii. A building recess or projection of the first floor with minimum depth
- 48 of 8 feet and total minimum length of 60 percent of the façade
- 49 length.
- 50

1 iii. Architectural elements such as balconies and bay windows with a
 2 minimum depth of 3 feet and that cover a minimum of 30 percent of
 3 the façade above the first floor. (Storm shutters, hurricane shutters,
 4 screen enclosures or any other comparable feature, if applied as
 5 part of the structure, must also comply with the required minimum
 6 depth).
 7

8 HJ. Sign Types and Definitions shall be as provided for in section 5.06.00 the Collier County
 9 Sign Code.

10
 11 IK. *Parking Requirements.* Mixed-use developments have the opportunity to provide a variety
 12 of parking options to residents and patrons. Mixed-use projects reduce vehicular trips, and
 13 the number of required parking spaces by utilizing pedestrian-oriented design and
 14 reducing the distance between residential and commercial uses.
 15

- 16 1. Definitions.
- 17
- 18 a. On-street parking—Parking spaces located adjacent to, and accessed
 19 directly from the roadway.
 - 20
 - 21 b. Off-street parking—Parking spaces located within parking lots or parking
 22 structures and accessed off the roadway.
 - 23
 - 24 c. Parking lot—A ground-level area utilized for parking spaces accessible
 25 from the road and usually adjacent to the use it serves.
 - 26
 - 27 d. Parking structure—A multi-level parking area utilized for parking spaces
 28 that serve establishments within walking distance of the structure. The
 29 structure may or may not be adjacent to the establishments it serves.
 30

- 31 2. Design Criteria and Dimensional Requirements On-street Parking.
- 32
- 33 a. Design criteria only applicable to streets internal to commercial mixed use
 34 project, not applicable to project portion fronting on existing collector or
 35 arterial roadway.
 - 36
 - 37 b. Parallel parking shall be a minimum of 9 feet wide by 23 feet long. For every
 38 4 on-street parking spaces provided a landscape island that is 8 feet wide
 39 and 15 feet long and is surrounded by Type D concrete curbing, shall be
 40 provided in addition to the pedestrian clear zone landscape requirement.
 41 The corners adjacent to the travel lane shall be angled at least 45 degrees
 42 away from perpendicular with the curb in order to provide adequate ingress
 43 and egress from each parallel parking space. Each island shall be planted
 44 with hedges, groundcover and/or grasses less than 36 inches high and
 45 shall contain at least one small to medium ornamental tree that is a
 46 minimum of 8 feet tall at the time of planting.
 - 47
 - 48 c. Angled parking may be 45 degrees or 60 degrees from the travel lane.
 49 Spaces must be a minimum of 9 feet wide and 18 feet long. For every 4
 50 on-street parking spaces provided a landscape island that is 12 feet wide

1 and 15 feet long and is surrounded by Type D concrete curbing, shall be
2 provided in addition to the pedestrian clear zone landscape requirement.
3 The island shall be planted with hedges, groundcover, and/or grasses less
4 than 36 inches high and shall contain at least one small to medium
5 ornamental tree that is a minimum of 8 feet tall at the time of planting.
6

7 3. Design Criteria and Dimensional Requirements Off-street Parking.

- 8 a. Location—Parking lots or parking structures shall be located to the rear of
9 buildings located on the main street, or the along the secondary/side
10 streets. Off-street parking shall not occur in front of the primary façade.
11 This subsection 3.a. shall not apply to projects utilizing the Mixed Income
12 Housing Program with mixed use development by right, in accordance with
13 LDC section 2.07.00.
14
- 15 b. Lots shall be designed to keep all circulation between aisles internal to the
16 lot. Driveways to parking areas shall be a minimum of 24 feet wide.
17
- 18 c. Ninety degree parking spaces shall have a minimum drive aisle width of 24
19 feet and stall size of 9 feet by 18 feet.
20
- 21 d. Sixty degree angled parking shall have a minimum drive aisle width of 20
22 feet, if one-way, and 24 feet, if two-way. Parking stall size shall be a
23 minimum of 9 feet x 18 feet.
24

25 4. Handicap Parking. Handicap parking shall be located to facilitate the most direct
26 and safest route to building entries and meet all applicable codes.
27

28 5. Parking Structures.

- 29 a. Parking structure façades shall be designed to screen views of automobiles
30 by the general public from adjacent streets and driveways.
31
- 32 b. Parking structures without ground floor retail or residential uses along the
33 front façade shall have a minimum 10-foot wide. Building Foundation
34 Landscaping pursuant to section 4.06.00 of the Code. Where the parking
35 structure is attached to the building or adjacent to preserve area, and the
36 preserve area meets the otherwise required landscaping, no additional
37 landscaping is required.
38
- 39 i. All structures with uncovered parking on the top level shall have
40 rooftop planters around the perimeter that is a minimum of 5 feet
41 wide located around a minimum of 80 percent of the perimeter of
42 the parking integral to the structure, or suitable architectural
43 features to soften the building edge.
44
- 45 ii. Parking structure lighting shall be a maximum of 20 feet in height.
46 Lighting shall incorporate full shield cut-offs to contain light to the
47 surface of the deck only.
48
49
50

- 1 iii. Parking structures are also allowed to be located below grade and
- 2 below habitable space. These structures must be accessed from
- 3 the rear of the building.
- 4
- 5 c. General Requirements and Shared Parking Agreements.
- 6
- 7 i. Design criteria only applicable to streets internal to commercial
- 8 mixed use project, not applicable to project portion fronting on
- 9 existing collector or arterial roadway.
- 10
- 11 ii. The total number of parking spaces provided in a mixed-use project
- 12 shall be determined by the intended uses as required by section
- 13 4.05.00 of the Code, Off-street Parking and Loading unless
- 14 modified herein.
- 15
- 16 iii. Commercial areas (with streets internal to the project) must utilize
- 17 on-street parking to meet at least a portion of the parking
- 18 requirement. This subsection c.iii. shall not apply to projects
- 19 utilizing the Mixed Income Housing Program with mixed use
- 20 development by right, in accordance with LDC section 2.07.00.
- 21
- 22 iv. One-half of the on-street parking spaces located within one block
- 23 or 0.125 mile, whichever is less, may contribute toward an individual
- 24 establishment's parking requirement.
- 25
- 26 v. If a commercial area is developed in one phase with one site
- 27 development plan application the on-street parking may be utilized
- 28 to meet parking requirements in a one-to-one (1:1) ratio.
- 29
- 30 vi. The overall parking requirement may be reduced at the time of site
- 31 development plan approval by consideration of a shared parking
- 32 analysis. The analysis shall demonstrate the number of parking
- 33 spaces available to more than one use or function, recognizing the
- 34 required parking will vary depending on the multiple functions or
- 35 uses in close proximity which are unlikely to require the spaces at
- 36 the same time. The shared parking analysis methodology will be
- 37 determined and agreed upon by County staff and the applicant
- 38 during the pre-application meeting, or during ongoing discussion,
- 39 during the site development plan review process.
- 40
- 41 vii. Establishments providing valet parking services may not utilize
- 42 parking areas designated for shared use for the storage of vehicles
- 43 parked by this service, unless allowed by a shared parking
- 44 agreement.
- 45
- 46 viii. Residential areas that are within a block or 0.125 mile of a
- 47 commercial area but are not directly accessible by a vehicle due to
- 48 gating or lack of vehicular interconnection may not utilize on-street
- 49 parking in the commercial area to meet the residential parking
- 50 requirement.

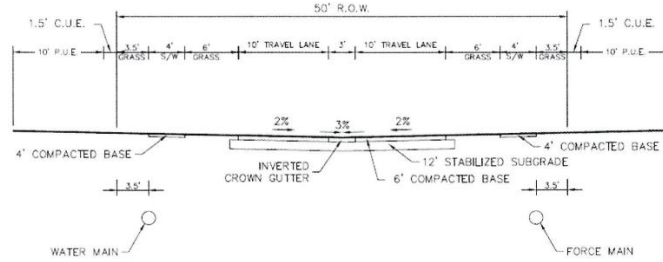
1
2 ix. Residential areas may utilize on-street parking that is abutting a
3 residential unit to meet the parking requirement in a one to one (1:1)
4 ratio. If parking spaces are used to meet a residential parking
5 requirement they may not then be utilized to meet any of the
6 commercial requirement.
7

8 JL. *Service Areas.*
9

- 10 1. Loading docks, solid waste facilities, recycling facilities and other services
11 elements shall be placed to the rear or side yard of the building in visually
12 unobtrusive locations with minimum impacts on view.
- 13 2. Refuse containers and facilities shall be hidden by an opaque wall or fencing of
14 sufficient height to screen the bin and any appurtenances, but not less than 6 feet
15 in height. Chain link fencing, wood fencing and chain link gates are not allowed.
16 Walls shall be constructed of a material compatible with the principal structure it is
17 serving. Landscaping with vines or other plants is encouraged. Enclosures shall
18 include solid, latching gates to avoid blowing refuse.
- 19 3. Service area recesses in the building and/or depressed access ramps should also
20 be used where applicable.
- 21 4. Businesses are encouraged to consolidate and share refuse areas and equipment.
22
23

24 **4.02.39 - Alternative Design for Housing that is Affordable**
25

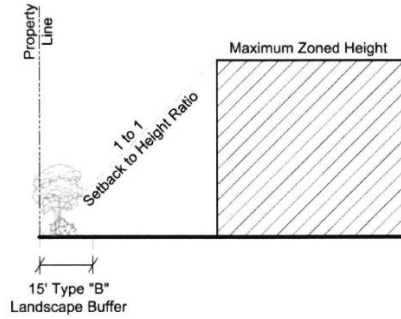
- 26 A. The intent of this section is to provide incentives for housing that is affordable and applies
27 to residential only projects, and residential portions of PUDs. Vertical mixed-use projects
28 are not eligible for the alternative designs identified within this section.
- 29 B. Affordable housing projects may use the following design alternatives, subject to
30 compliance with section 4.02.39 C.
31
- 32 1. Section 3.07.02 E. - Local/internal roads that are privately maintained may be
33 designed to the elevation required to meet the 5-year, 1-day storm event, and the
34 perimeter berm shall be designed so that surrounding properties will not be
35 adversely impacted by the project's influence on stormwater sheet flow up to the
36 elevation during the 25-year, 3-day design storm.
- 37 2. Section 4.06.05 A.1. - Single-family developments lots which are adjacent to
38 preserve areas or perimeter berms are exempt from providing one canopy tree per
39 3,000 square feet of pervious open space per lot. For all other lots, the required
40 one canopy tree may be relocated to common areas or to a street tree program.
- 41 3. Sections 6.06.01 S., 10.02.02 A.11. and Appendix B - For all local/internal roads
42 that are privately owned and maintained, an inverted crown design, shall be
43 allowed.
44
45
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49



TYPICAL INTERNAL INVERTED CROWN ROADWAY DESIGN

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- 4. Sections 6.06.02 A.2. and 6.06.02 F. - For local/internal sidewalks that are privately maintained, the minimum sidewalk width shall be four feet, which can be of concrete or asphalt material and shall be constructed over a compacted subgrade. Asphalt shall also require a minimum of 4 inches of compacted limerock base, in addition to the compacted subgrade.
 - 5. Section 10.02.03 A.3. - Three-family housing structures proposed on a lot(s) of record are exempt from the Site Development Plan provisions of LDC section 10.02.03 A.2.
 - 6. Section 10.02.04 C. - For single-family developments, the clubhouse facility may be included within the construction plans and final subdivision plats. The clubhouse facility shall commence construction when fifty percent of the lots have received a Certificate of Occupancy.
 - 7. Section 10.02.08 I.2. - The set-aside of land or dedication of land for a public water well at time of rezoning is not required, unless the site is located within a quarter-mile of a future raw water transmission main identified in the latest Board-adopted Collier County 10-Year Water Supply Facilities Work Plan Update and in such a way that the quantity of affordable housing units would not be impacted.
- C. Criteria for design alternatives for housing that is affordable. The alternatives described in section 4.02.39 B. will be allowed when the following criteria are met:
- 1. Compatibility.
 - a. Setbacks from all project boundaries that abut property zoned or developed for single family residential use shall be a minimum of one foot (setback) per one foot maximum zoned height for principal structures.



1 to 1 Setback to Height Ratio

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- b. For projects of more than three units, the required buffer for all project boundaries that abut property zoned or developed for single family residential use shall be a 15 foot wide Type "B" landscape buffer per LDC section 4.06.02.
2. Affordability. To qualify for the design alternatives of this section a project shall commit to one of the following agreements or commitments to provide a minimum of 20 percent of the overall units as housing that is affordable:
- a. Affordable Housing Density Bonus (AHDB) Agreement per section 2.06.00; or
 - b. Affordable Housing Impact Fee Deferral Agreement per Code of Ordinances article IV of chapter 74; or
 - c. PUD commitment or Developer's Agreement (DA) for units that serve households at the income levels (very-low, low, moderate, or gap) identified in section 2.06.00, or units that are priced within the limits established in the Collier County Housing Demand Methodology, as updated yearly or Board approved Table of Rental Rates, as updated yearly.

#

4.02.40 – Housing that is Affordable within C-1 through C-5 Commercial Zoning Districts

A. Purpose and scope. The purpose of this section is to incentivize housing that is affordable on commercially zoned properties. This section will sunset five years from [the adoption date of the related GMP amendment], unless the Commercial Mixed Use by Right provisions in the FLUE are extended by the Board of County Commissioners by resolution.

B. Applicability.

1. Residential-only development on properties zoned C-1 through C-3.

- a. By-right residential development within the Urban Coastal Fringe Subdistrict and Urban Residential Subdistrict in the FLUE, when located outside the boundaries of the East Naples Community Development Plan (accepted by the Board of County Commissioners on October 27, 2020),

1 and when located on property zoned commercial that has been found
2 Consistent by Policy as identified in FLUE Policies 5.11 – 5.13, as provided
3 for in the Conversion of Commercial by Right Subdistrict in the FLUE, shall
4 be entitled to 16 dwelling units per acre, subject to this section, excluding
5 LDC section 4.02.40 F.

6
7 b. By-right residential development within the Urban Mixed Use Subdistrict in
8 the GGAMP – Golden Gate City Sub-Element, when located outside the
9 boundaries of the Downtown Center Commercial Subdistrict, and when
10 located on property zoned commercial that has been found Consistent by
11 Policy as identified in FLUE Policies 5.12 and 5.13, as provided for in the
12 Conversion of Commercial by Right Subdistrict in the GGAMP – Golden
13 Gate City Sub-Element, shall be entitled to 16 dwelling units per acre,
14 subject to this section, excluding LDC section 4.02.40 F.

15
16 2. Mixed use development.

17
18 a. By-right mixed use development on properties zoned C-4 and C-5, as
19 provided for in the Commercial Mixed Use by Right Subdistrict of the FLUE,
20 when located within the Urban Coastal Fringe Subdistrict and Urban
21 Residential Subdistrict in the FLUE, both as identified on the countywide
22 Future Land Use Map (FLUM) and found Consistent by Policy as identified
23 in FLUE Policies 5.11 – 5.13, shall be entitled to 16 dwelling units per acre,
24 subject to this section, excluding LDC section 4.02.40 E.

25
26 b. By-right mixed use development on properties zoned C-1 through C-5, as
27 provided for in the Commercial Mixed Use by Right Subdistrict of the
28 GGAMP – Golden Gate City Sub-element, when located within the Urban
29 Mixed Use District in the GGAMP – Golden Gate City Sub-element and
30 found Consistent by Policy as identified in FLUE Policies 5.12 and 5.13,
31 shall be entitled to 16 dwelling units per acre, subject to this section
32 excluding LDC section 4.02.40 E.

33
34 C. Required agreements. An agreement pursuant to LDC section 2.06.00 or an affordable
35 commitment by agreement, land use restriction, or ordinance pursuant to LDC section
36 2.07.00 shall be recorded.

37
38 D. Area Median Income (AMI) distribution table. All units within the project must consist of
39 housing that is affordable. The residential units shall be distributed in accordance with the
40 minimum and maximum thresholds prescribed below, depending on whether they are for
41 sale or for rent:

<u>Income Levels as a</u> <u>Percent of Area</u> <u>Median Income</u>	<u>Percentage of</u> <u>Affordable Units for</u> <u>Sale</u>	<u>Percentage of</u> <u>Affordable Units for</u> <u>Rent</u>
<u>≤140</u>	<u>Max. of 33%</u>	<u>NP</u>
<u>≤120</u>	<u>Max. of 66%</u>	
<u>≤100</u>	<u>Min. of 34%</u>	<u>Max. of 33%</u>
<u>≤80</u>		<u>Max. of 66%</u>
<u>≤50</u>		<u>Min. of 34%</u>

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Legend:

- “NP” means the income level is not permitted.
- “Max.” means maximum.
- “Min.” means minimum.

E. Additional requirements for residential-only housing that is affordable within C-1 through C-3 Commercial zoning districts:

- 1. A public facilities impact comparative analysis must be submitted and comply with the adequate public facilities requirements identified in LDC section 6.02.00. The comparative analysis must demonstrate that the proposed affordable housing project would have the same or lesser public facility impact with respect to vehicle trips, water consumption, and wastewater generation compared with the highest intensity permitted use within the commercial zoning district of the subject property, as approved by County Manager or designee.
- 2. A School Impact Analysis per LDC section 10.04.09 shall be required.
- 3. Housing that is affordable in commercial zoning districts project must satisfy the dimensional standards of the underlying commercial zoning district, except that the minimum distance between structures shall be 10 feet. In addition, when the proposed project is abutting any property occupied by, or zoned to allow a single family dwelling unit, the following shall be applicable:
 - a. The minimum setback from the common boundaries shall be equal to the project’s proposed zoned building height; and
 - b. A Type “B” buffer shall be provided along the common boundaries. The trees within such buffer shall be a minimum of 14 feet in height at the time of installation if the buildings are greater than a zoned height of 40 feet and are adjacent to property occupied by or zoned to allow single family dwellings.

F. Additional requirements for mixed use housing that is affordable within C-1 through C-5 zoning districts:

- 1. Commercial uses shall be in accordance with the commercial zoning district on the subject property. Development standards shall be no less restrictive than those for the commercial zoning district on the subject property and development in the C-4 District shall not exceed a zoned height of 50 feet.
- 2. Residential density is calculated based upon the gross project acreage and all residential units must be housing that is affordable.
- 3. In the case of residential uses located within a building attached to a commercial building, or in the case of a freestanding residential building, building square footage and acreage devoted to residential uses shall not exceed 75 percent of

1 the gross building square footage and acreage of the project. In the case of a
2 mixed-use building, building square footage devoted to residential uses shall not
3 exceed 75 percent of the gross building square footage.

4
5 4. Street, pedestrian pathway, and bike interconnections with abutting properties,
6 where possible and practicable, are encouraged.

7
8 **4.02.41 – Housing that is Affordable within Mixed Use Activity Centers and Interchange**
9 **Activity Centers of the Growth Management Plan**

10
11 A. To increase density beyond what is otherwise allowed within a Mixed Use Activity Center
12 or an Interchange Activity Center, additional units per acre are required to be affordable
13 for specified income levels, as identified in the chart within LDC section 2.07.02 A.

14
15 1. For residential only projects:

16
17 a. In the Urban Residential Fringe Subdistrict, projects are eligible for 1.5
18 DU/A without the use of TDR Credits or up to 2.5 DU/A with the use of TDR
19 Credits or up to 25 DU/A with the Mixed-Income Housing Program.

20
21 b. In the Urban Coastal Fringe Subdistrict, projects are eligible for up to 4
22 DU/A or up to 25 DU/A with the Mixed-Income Housing Program only if
23 located outside of the CHHA.

24
25 c. In the Urban Residential Subdistrict, projects are eligible for up to 16 DU/A
26 or up to 25 DU/A with the Mixed-Income Housing Program only if located
27 outside of the CHHA.

28
29 d. The Mixed Income Housing Program is not applicable in the
30 Bayshore/Gateway Triangle Redevelopment Overlay.

31
32 2. For mixed use projects:

33
34 a. In the Urban Residential Fringe Subdistrict, projects are eligible for 1.5
35 DU/A without the use of TDR Credits or up to 2.5 DU/A with the use of TDR
36 Credits or up to 25 DU/A with the Mixed-Income Housing Program.

37
38 b. In the Urban Coastal Fringe Subdistrict and in the Urban Residential
39 Subdistrict and not within the CHHA, projects are eligible for up to 16 DU/A
40 or up to 25 DU/A with the Mixed-Income Housing Program only if located
41 outside of the CHHA.

42
43 c. In the Urban Coastal Fringe Subdistrict and in the Urban Residential
44 Subdistrict if located within the CHHA, projects are eligible for up to 4 DU/A.
45 The Mixed- Income Housing Program is not applicable in the CHHA.

46
47 d. The Mixed-Income Housing Program is not applicable in the
48 Bayshore/Gateway Triangle Redevelopment Overlay.

1 B. The project shall be submitted as a Planned Unit Development or Planned Unit
2 Development Amendment; and

3
4 C. The following commitments are required for housing that is affordable within Mixed Use
5 Activity Centers and Interchange Activity Centers.

6
7 1. Affordability commitments by Agreement of Ordinance pursuant to LDC section
8 2.07.00.

9
10 2. For units that are to be sold, at least two-thirds of the first six units per acre above
11 16 units per acre (for example, four of six units per acre of bonus density) must be
12 sold to households at or below the low- and/or moderate-income levels identified
13 within the chart in LDC section 2.07.02 A. The remaining one-third of this
14 increment shall have no required commitment for housing that is affordable. Two-
15 thirds of the final three units per acre (for example, two of three units per acre of
16 bonus density) shall be sold to households of any of the income levels identified
17 within the chart in LDC section 2.07.02 A. The remaining one-third of this increment
18 shall have no required commitment for housing that is affordable. The maximum
19 density shall not exceed 25 dwelling units per acre.

20
21 3. If the proposed project is to be a rental community, two-thirds of the bonus density
22 (for example, six of nine units per acre of bonus density) must be made available
23 to households at or below the low- and/or very-low-income levels as identified
24 within the chart in LDC section 2.07.03 A.1. The remaining one-third of this
25 increment shall have no required commitment for housing that is affordable. The
26 maximum density shall not exceed 25 dwelling units per acre.

27
28 D. When the proposed project is abutting to any property occupied by, or zoned to permit, a
29 single family dwelling unit:

30
31 1. The minimum setback from the common boundaries shall be equal to the project's
32 proposed zoned building height; and

33
34 2. A Type "B" buffer shall be provided along the common boundaries. The trees
35 within such buffer shall be installed a minimum of 14 feet height if the buildings
36 within the housing that is affordable project are greater than 40 feet in height.

37
38 **4.02.42 –Transit Oriented Development (TOD)**

39
40 A. Higher density multi-family projects are prioritized along existing and proposed Collier
41 Area Transit routes within portions of the Urban designated areas of the County.

42
43 B. Projects that front on an existing Collier Area Transit fixed route or on a proposed route
44 as identified for funding on the Transit Development Plan that are consistent with the
45 Transit Oriented Development Subdistrict in the GMP are eligible for a base density of up
46 to 13 dwelling units per acre, subject to compliance with the design standards identified in
47 LDC section 4.02.42 F. Projects are eligible for an additional 12 DU/A when providing
48 housing that is affordable pursuant to LDC section 4.02.42 D.

49

1 C. The project shall be submitted as a Planned Unit Development or Planned Unit
2 Development Amendment

4 D. The residential component of the PUD shall be limited to multifamily units only.

6 E. Eligible Density.

8 a. Baseline TOD: a maximum of 13 units per acre.

10 b. Housing that is affordable TOD: a maximum of 25 units per acre.

12 F. Design Standards for TOD.

14 1. A minimum of 50 percent of all units within the project shall be located within a
15 transit core.

17 2. The requirement for internal interconnection among major project phases,
18 sections, or types of uses as outlined in LDC section 4.04.02 B.2 applies to TOD
19 project phases, sections, or types of uses. During the development or
20 redevelopment of TOD projects, the requirement for shared access and
21 interconnection as outlined in LDC section 4.04.02 B.3 shall also apply.

23 3. Setback for Principal Structures to project boundaries and buffer requirement.

25 a. Front Yard - Minimum 10 feet, maximum 25 feet.

27 b. Side and Rear Yard – The minimum setback shall be 50 percent of the
28 building height, except that when abutting any property occupied by or
29 zoned to permit a single-family dwelling unit, the minimum setback shall be
30 equal to the project’s proposed building height. In these instances, a Type
31 “B” buffer shall be provided along the common boundaries.

33 4. Where a TOD is proposed along an existing Collier Area Transit (CAT) fixed route
34 or on a proposed route as identified for funding on the Transit Development Plan
35 and no transit stop, shelter, or station exists, the petitioner must provide a
36 commitment in the PUD to construct a permanent transit stop, shelter, or station in
37 accordance with the Transit Development Plan to be eligible for the TOD density.
38 The location shall be approved by CAT staff.

40 G. Additional requirements for a housing that is affordable Transit Oriented Development.

42 1. Affordability commitments by Agreement, land use restriction recorded in the
43 Public Records of Collier County, or Ordinance pursuant to LDC section 2.07.00
44 and shall be recorded.

46 2. For units that are to be sold, at least two-thirds of the first nine units per acre of
47 bonus density (six units per acre) in excess of 13 units per acre must be sold to
48 households at or below the low- and/or moderate-income levels identified within
49 the chart in LDC section 2.07.02 A. Two-thirds of the final three units per acre of
50 bonus density (two units per acre) shall be sold to households at any of the income

DRAFT

Text underlined is new text to be added

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levels identified within the chart in LDC section 2.07.02 A. The remaining one-third of this increment shall have no required commitment for housing that is affordable.

3. For units that are for rent, two-thirds of all units in excess of 13 units per acre must be made available to households at or below the low- and/or very- low-income level households as identified in the chart in LDC section 2.07.02 A. The remaining one-third of this increment shall have no required commitment for housing that is affordable.

#

Exhibit A – Background

After holding two affordable housing workshops, the Board of County Commissioners voted on June 14, 2016, to establish the Collier County Workforce Stakeholder Ad Hoc Committee (Stakeholder Committee) and to develop a short- and long-term housing plan, pursuant to Resolution 2016-135. In early 2017, the Urban Land Institute (ULI) performed a panel review of the housing situation in Collier County, resulting in the creation of a report titled *A ULI Advisory Services Panel Report Collier County, Florida, January 29-February 3, 2017*. The ULI Panel Report concluded “that Collier County absolutely has a housing affordability problem” and its recommendations centered upon six core strategies. Later, the Stakeholder Committee, Affordable Housing Advisory Committee, and staff developed a Community Housing Plan (CHP), which was accepted by the Board on October 25, 2017.

Exhibit B – Excerpt of ULI Advisory Services Panel Report

Implementation

THE PANEL IS IMPRESSED WITH the planning and study that has already been completed regarding housing affordability in Collier County. The panel's recommendations reflect and endorse much of the work that has already been completed. However, *what is abundantly clear to the panel is that action and implementation are crucial to creating sustainable solutions.* Implementation of the panel's recommendations will require sincere action, tremendous political will, and strong leadership. For additional reference, the panel has created a proposed implementation schedule to provide a blueprint for how to move forward on the recommendations described throughout this section in the short, medium, and long term. (See appendix A.)

The panel's major recommendations are organized around the following six core strategies to address housing affordability:

- Increase supply;
- Maintain supply;
- Regulate and govern;
- Enhance transportation options;
- Enhance wages; and
- Engage, market, and educate.

Increase Supply

How can Collier County meet its current and future housing needs? One approach to achieving the goals is by adding housing that is affordable to households with a wide range of income levels. *There is good news to share: several strategies include simply making improvements to existing procedures and vehicles rather than creating new*

programs entirely. There is no need to reinvent the wheel when existing structures already support the development of more affordable housing.

The Housing Trust Fund

The housing trust fund (HTF) is an example of a national best practice that Collier County currently has at its disposal but does not use. More than 700 HTFs exist nationwide, and they are often a critical element of a jurisdiction's overall housing policy.

Collier County's HTF should be sustainable and predictable, given the long planning process involved in housing development. The county should keep in mind that what can make an HTF challenging is finding viable revenue sources. Other jurisdictions have funded their trust funds through sales taxes, real estate transfer taxes, linkage fees as part of the zoning ordinance, inclusionary zoning in-lieu fees, condominium conversion fees or demolition fees, and hotel and motel taxes. The best and most common revenue source for a county HTF is a document recording fee, which is a fee paid upon filing various types of official documents with a state or local government. This fee is one of the few revenue sources that most counties can commit to, and the panel recommends Collier County consider this approach.

Development Incentives

The county's existing developer incentives have clearly failed to transform existing development patterns and allow for greater production of housing that is affordable to a broad range of low- to moderate-income households. Any developer incentives need to be reasonable, be flexible, and allow for creative partnerships to produce new, affordable homes. The panel strongly recommends that the county put increased emphasis on multifamily rental

EXHIBIT C – CHP Initiatives

1. Provide regulatory relief to certain housing applications.
2. Allow for commercial-to-residential conversion via the Hearing Examiner.
3. Develop guidelines to incentivize mixed-income residential housing.
4. Develop a process to designate certain Strategic Opportunity Sites allowing for increased density.
5. Provide an increase in density to the Community Redevelopment Agency areas and along transit corridors.