

## **LDC Amendment Request**

**ORIGIN:** Community Development & Environmental Services.

**AUTHOR:** Michael Sawyer, Senior Planner

**DEPARTMENT:** Zoning and Land Development Review

**AMENDMENT CYCLE:** **Cycle 1, 2007**

**LDC PAGE:** LDC4:8.1

**LDC SECTION(S):** **4.02.01, 4.02.03. Tables 3 and 4.**

**CHANGE:** To identify standards and setbacks for the placement of permanent emergency generators for single-family homes in all zoning districts allowing a single-family residence as a permitted use.

**REASON:** The Zoning and Building Departments have received questions regarding the placement of permanent emergency generators providing electrical power backup for private residences during and following severe weather events. The Land Development Code (LDC) does not specifically refer to generators in Section 4.02.03 (Specific Standards for Location of Accessory Buildings and Structures), either in the table providing dimensional standards for structures, or in Section 4.02.04.D. which addresses exceptions and exclusions from design standards. Setbacks for generators are therefore not addresses, other than within the category of “unlisted accessory,” which would require the generators to meet setbacks as for the principal structure.

**FISCAL & OPERATIONAL IMPACTS:** **None.**

**RELATED CODES OR REGULATIONS:** **Ordinance 90-17 (Noise Ordinance) as amended.**

**GROWTH MANAGEMENT PLAN IMPACT:** **None.**

**OTHER NOTES/VERSION DATE:** **03-12-2007, 08-01-2007.**

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Amend the LDC as follows:

### **4.02.01 Specific Standards for Location of Accessory Buildings and Structures**

\* \* \* \* \*

D. Exemptions and exclusions from design standards.

\* \* \* \* \*

13. Permanent emergency generators may be placed within the rear **yard** of any property supporting a permitted single-family residence, subject to a 10-foot rear **yard setback**, and within side **yards** subject to a maximum encroachment into the **setback** of 36 inches. Generators are not permitted to encroach into required front **yards**. Above-ground fuel tanks for the generators are subject to the same **setbacks**; however, underground tanks are not subject to **setback** requirements. In order to reduce noise during required routine exercising of the generators, this exercising is restricted to operating the generator for no more than 30 minutes weekly during the hours of 9:00 am to 5:00 pm and shall not exceed sound level limits for Manufacturing and Industrial uses as set forth in Ordinance 90-17, the Noise Ordinance, as amended. All permanent emergency generators must be equipped with sound attenuating housing to reduce noise.

\* \* \* \* \*

**4.02.03. Specific Standards for location of Accessory Buildings and Structures**

\* \* \* \* \*

**Table 3. Dimensional Standards for Accessory Buildings and Structures on Non-Waterfront Lots And Non-Golf Course Lots.**

		Front	Rear	Side	Structure to Structure (If Detached)
1.	Parking garage or carport, single-family	SPS	10 feet	SPS	10 feet
2.	One-story parking structures and/or carports	SPS	35 feet	SPS	10 feet
3.	Multistory parking structures	SPS	35 feet	SPS	1/1*
4.	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet	SPS	N
5.	Swimming pool (multi-family and commercial)	SPS	20 feet	15 feet	N
6.	Tennis courts (private) (one- and two-family)	SPS	15 feet	SPS	10 feet
7.	Tennis courts (multi-family, and commercial)	SPS	20 feet	15 feet	20 feet

Text underlined is new text to be added.  
~~Text strikethrough is current text to be deleted.~~  
**Bold** text indicates a defined term

8.	Utility buildings	SPS	10 feet	SPS	10 feet
9.	Chickee, barbecue areas	SPS	10 feet	SPS	10 feet
10.	Attached screen porch	SPS	10 feet	SPS	N/A
11.	Unlisted accessory	SPS	SPS	SPS	10 feet
12.	Satellite dish antenna	NP	15 feet	SPS	10 feet
<u>13.</u>	<u>Permanent emergency generators</u>	<u>NP</u>	<u>10 feet</u>	<u>See Sec. 4.02.01.D.13</u>	<u>N/A</u>

N = None.

N/A = Not applicable.

NP = **structure** allowed in rear of **building** only.

SPS = Calculated same as **principal structure**.

\* = 1 foot/foot of accessory height = 1 foot/foot of **building** separation.

\* \* \* \* \*

**Table 4. Dimensional Standards for Accessory Buildings and Structures on Waterfront Lots and Golf Course Lots**

		Setbacks			Structure to structure (If Detached)
		Front	Rear	Side	
1.	Parking garage or carport, single-family	SPS	SPS	SPS	10 feet
2.	One-story parking structures	SPS	SPS	SPS	10 feet
3.	Multistory parking structures	SPS	SPS	SPS	1/1 1
4.	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet <sup>3</sup>	SPS	N
5.	Swimming pool (multi-family and commercial)	SPS	20 feet	15 feet	N
6.	Tennis courts (private) (one- and two-family)	SPS	15 feet	SPS	10 feet

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~~Text strikethrough is current text to be deleted.~~  
**Bold** text indicates a defined term

7.	Tennis courts (multi-family and commercial)	SPS	35 feet	SPS	20 feet
8.	Boathouses and boat shelters (private)	SPS	N/A	7.5 feet or 15 feet	10 feet
				(See section 5.03.06(F))	
9.	Utility buildings	SPS	SPS	10 feet	10 feet
10.	Chickee, barbecue areas	SPS	10 feet	SPS	N
11.	Davits, hoists and lifts	N/A	N/A	7.5 feet or 15 feet	SPS
12.	Attached screen porch	SPS	10 feet <sup>4</sup>	SPS	SPS
13.	Unlisted accessory	SPS	SPS	SPS	10 feet
14.	Docks, decks and mooring pilings	N/A	N/A	7.5 feet or 15 feet	N/A
15.	Boat slips and ramps (private)	N/A	N/A	7.5 feet	N/A
16.	Satellite dish antennas	NP	15 feet	SPS	10 feet
17.	<u>Permanent emergency generators</u>	<u>NP</u>	<u>10 feet</u>	<u>See Sec. 4.02.01.D.13</u>	<u>N/A</u>

N = None.

N/A = Not applicable.

NP = **structure** allowed in rear of **building** only.

SPS = Calculated same as **principal structure**.

\* = 1 foot/foot of **accessory** height = 1 foot/foot of **building** separation

<sup>1</sup> 1/foot of **accessory** height = 1/foot of **building** separation.

<sup>2</sup> In those cases where the coastal construction control line is involved, the coastal construction control line will apply.

<sup>3</sup> 20 feet where swimming pool decks exceed 4 feet in height above top of seawall or top of bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear **setback** of ten feet.

<sup>4</sup> 20 feet where floor or deck of porch exceeds 4 feet in height above top of seawall or top of bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear **setback** of ten feet.

\* \* \* \* \*

## **LDC Amendment Request**

**ORIGIN:** Private amendment request from E.B. Simmonds Electrical, Inc.

**AUTHOR:** Clay Brooker and Stephen Hruby

**DEPARTMENT:** N/A

**AMENDMENT CYCLE:** **Cycle 1, 2007**

**LDC PAGE:** LDC5:101

**LDC SECTION(S):** **5.05.13 Heliports and Helistops** (new section)

**CHANGE:** Provides siting, design and operation criteria for heliports and helistops.

**REASON:** No such criteria currently exist in the LDC, notwithstanding the fact that “Transportation by Air” is a permitted use in the Industrial zoning district.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** The Table of Land Uses (LDC section 2.04.03) currently lists “Transportation by Air” as a permitted use in the Industrial zoning district.

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** August 28, 2007

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**Add the following section to the LDC:**

### **5.05.13 Heliports and Helistops**

#### **A. Purpose and Intent.**

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

#### **B. Definitions.**

1. FATO: The designated “Final Approach and Takeoff” area for helicopter operations. A defined area over which the final phase of the approach to a hover, or a landing is completed and from which the takeoff is initiated. This term is identical to that defined at Rule 14-60.003(2)(b)8, Florida Administrative Code, and Section 101 of Federal Aviation Administration Advisory Circular Number 150/5390-2B.
2. Private Use Heliport: A heliport developed for exclusive use of the owner and persons authorized by the owner. For state regulation purposes, this type of heliport falls within the scope of the term “private airport,” as defined at Section 330.27(5), Florida Statutes. For federal regulation purposes, this term is synonymous with a “Prior Permission Required (PPR) Heliport,” as defined in Section 101 of Federal Aviation Administration Advisory Circular Number 150/5390-2B.
3. Private Use Helistop: A minimally developed helicopter facility for boarding and discharging passengers or cargo, and for the parking of the helicopter when not in use. Fueling and major maintenance and repairs are not permitted at this type of facility. Only the owner and persons authorized by the owner may use this facility. For state regulation purposes, this type of facility falls within the scope of the term “private airport,” as defined at Section 330.27(5), Florida Statutes. For federal regulation purposes, this type of facility falls within the scope of the term “Prior Permission Required (PPR) Heliport,” as defined in Section 101 of Federal Aviation Administration Advisory Circular Number 150/5390-2B.
4. Public Use Heliport: A heliport available for use by the general public without a requirement for prior approval of the owner or operator. For state regulation purposes, this type of heliport is a “public airport,” as defined at Section 330.27(6), Florida Statutes. For federal regulation purposes, this term includes both “Public Use Heliports” and “General Aviation (GA) Heliports,” as these terms are defined in Section 101 of Federal Aviation Administration Advisory Circular Number 150/5390-2B.

C. Site Limitations and Criteria.

1. No heliport or helistop shall be permitted or operated without obtaining site approval from the State of Florida Department of Transportation and complying with all applicable state and federal statutes, rules and regulations, including but not necessarily limited to the following:
  - a. the State Airport Licensing Law (currently codified at Chapter 330, Florida Statutes);
  - b. Chapter 14-60 of the Florida Administrative Code; and
  - c. Federal Aviation Administration Advisory Circular Number 150/5390-2B.
2. Private Use Heliports.

- a. Allowed as a conditional use in the Industrial zoning district, as provided for in section 10.08.00 of the Code and subject to the provisions of this section.
  - b. The edges of the FATO shall be no less than 1,500 feet from any residential zoning district or residential component of a Planned Unit Development. This requirement shall not apply within the boundaries of **developments** which expressly permit private aviation use (e.g., Shadow Wood PUD and the Wing South Airpark Condominium).
  - c. To protect the property rights of owners of all properties abutting the property on which a Private Use Heliport is proposed, site approval from the State of Florida Department of Transportation must be obtained with the assumption that all abutting properties are developed with structures built to the maximum permitted building height and the minimum required setbacks at the time site approval is sought.
3. Public Use Heliports.
- a. Allowed as a conditional use in the Industrial zoning district and at any existing public airport, as provided for in section 10.08.00 of the Code and subject to the provisions of this section.
  - b. The edges of the FATO shall be no less than 1,500 feet from any residential zoning district or residential component of a Planned Unit Development.
  - c. To protect the property rights of owners of all properties abutting the property on which a Public Use Heliport is proposed, site approval from the State of Florida Department of Transportation must be obtained with the assumption that all abutting properties are developed with structures built to the maximum permitted building height and the minimum required setbacks at the time site approval is sought.
4. Private Use Helistops.
- a. Allowed as an accessory use to a permitted principal use in the Industrial zoning district, subject to the provisions of this section.
  - b. The edges of the FATO shall be no less than 1,500 feet from any residential zoning district or residential component of a Planned Unit Development. This requirement shall not apply within the boundaries of **developments** which expressly permit private aviation use (e.g., Shadow Wood PUD and the Wing South Airpark Condominium).
  - c. To protect the property rights of owners of all properties abutting

the property on which a Private Use Helistop is proposed, site approval from the State of Florida Department of Transportation must be obtained with the assumption that all abutting properties are developed with structures built to the maximum permitted building height and the minimum required setbacks at the time site approval is sought.

D. Design Standards and Operating Criteria.

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

\* \* \* \* \*

[For clarification purposes, this amendment should also include additions to the Table of Land Uses, codified at LDC section 2.04.03. Specifically, "Helistops, Private Use" should be shown as an accessory use in the Industrial zoning district. "Heliports, Private Use" should be shown as a conditional use in the Industrial zoning district. "Heliports, Public Use" should be shown as a conditional use in the Industrial district and at any existing airport. Each of these additions should also be foot-noted with a reference to the new LDC section 5.05.13.]



## **LDC Amendment Request**

**ORIGIN:** CDES – Zoning Department

**AUTHOR:** Catherine Fabacher

**DEPARTMENT:** Zoning

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC5:26

**LDC SECTION(S):** **5.04.07 Permit for Outdoor Serving Areas with Entertainment**

**CHANGE:** Add requirement for a permit for outdoor serving areas with entertainment on private property; which is to be approved administratively or through the conditional use process for applications with a noise ordinance violation history.

**REASON:** In order to ensure a healthy relationship and minimize health, safety and welfare issues between nearby businesses, the establishment's customers and the surrounding property owners.

**FISCAL & OPERATIONAL IMPACTS:** Cost of application fee should be borne by applicant and should be of a sufficient amount to cover the cost of processing the applications. At this point the estimated fee is approximately \$300.00 for administrative issuance of a one-time permit for outdoor serving areas with entertainment on private property. There will be a nominal fee associated with the issuance of a code violation history to be issued by Code Enforcement (yet to be determined) and submitted as a requirement by all applicants.

When an applicant is required to pursue a permit issuance petition before the Board of Zoning Appeals through the conditional use process, the fee is \$4,000. In addition, the applicant will be required to pay for property owner notifications which are approximately \$1.00 per property owner notified and the cost of posting a sign in front of the business which is approximately \$800.-\$1,200. for properties greater than 1 acre and considerably less for properties under 1 acre. Finally, the applicant for a conditional use hearing must pay a \$4,000. application fee and the advertising costs of the 2 required public hearings (the CCPC and the BZA).

**RELATED CODES OR REGULATIONS:** Noise Ordinance (No. 90-17) in the Code of Laws and Ordinances.

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created March 19, 2007; revised May 4, 2007 after DSAC; and revised August 23, per CCPC. Revised September 10, 2007, per the CCPC. Revised September 17, 2007. **Revised September 20, 2007, per the CCPC.**

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**Amend the LDC as follows:**

**1.08.02 Definitions**

Amplified sound: The use of a public address system, loudspeaker, amplifier and any other device which electronically **augments** the volume of sound.

**5.04.07 Permits for Outdoor Serving Areas with Entertainment on Private Property**

A. Applicability. Owners/managers of outdoor serving areas **with outdoor entertainment** on private property **adjacent** to and a part of an eating or drinking establishment, serving **food/beverages, —and— providing entertainment,** within the unincorporated area of Collier County shall obtain a permit for such activity.

1. No person shall own or operate an outdoor serving area for food or beverages, or both, in conjunction with **outdoor** entertainment on private property within the unincorporated area of Collier County unless a permit is obtained, in accordance with the provisions set forth herein.

a. This requirement shall not apply if the residential use or zoning district is mixed use and allows for the mixing of residential and non-residential uses within the same **development.**

b. For purposes of this section, entertainment shall be considered to include any source of **amplified sound**, including but not limited to, radios, televisions, video games and amplified music.

2. A permit to operate outdoor serving areas with entertainment on private property may be issued administratively unless 1 or more **findings of violation** of the Collier County Noise Ordinance (Ord. No. 90-17, as amended) have been issued to the owner/manager of the facility by the Collier County Code Enforcement Department.

3. Permit applications for outdoor serving areas with entertainment on private property by owners/managers who have 1 **finding of**

violation of the noise ordinance within the past 12 months shall be heard by the Board of Zoning Appeals as a **conditional use**, subject to the standards and procedures established in section 10.08.00.

5. All operators of eating and drinking establishments with existing outdoor serving areas with outdoor entertainment on private property shall obtain a permit no later than May 31, 2008. Failure to obtain the permit will result in the issuance of a notice of violation.
6. Such permit shall be transferred if the owner sells, leases or otherwise disposes of his outdoor serving area or the premises upon or in which the outdoor serving area is operated, to any person by filing the appropriate transfer application to the Zoning Department.
  - a. Transfers shall be administratively approved, unless 1 findings of violation of the noise ordinance have been issued to the owner/manager within the last 12 months. In that case, an application for an outdoor serving area with entertainment permit transfer shall be heard by the Board of Zoning Appeals as a **conditional use**, subject to the standards and procedures established in section 10.08.00.
  - b. The Board of Zoning Appeals shall make the final determination as to whether or not to approve, deny, revoke or approve with conditions any permit pertaining to outdoor serving areas with entertainment on private property.
7. The issuance of such a permit shall not eliminate the obligation of the applicant to obtain all other permits required under local, state and federal regulations; including, but not limited to: **amplified sound** permits, occupational licenses, alcohol licenses, special event permits and the like.

#### B. Application.

1. An applicant for administrative approval of a permit to operate an outdoor serving area with outdoor entertainment on private property shall submit the following:
  - a. a completed application, as prescribed by the County Manager or designee;
  - b. a code violation history issued by the Collier County Code Enforcement Department dated no more than 30 days prior to the date of the application submittal;

- c. a valid non-residential zoning and land use certificate issued by Collier County; and
  - d. an application fee as specified in the CDES fee schedule.
2. An applicant for approval to operate an outdoor serving area with **outdoor** entertainment on private property through the **conditional use** process shall follow the public notice requirements identified in section 10.08.00 of the Code.
3. In the interpretation and application of any provision of these regulations, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare of unincorporated Collier County and its residents. In determining whether to issue a permit, the Board shall be entitled to **refuse/revoke** a permit where:
  - a. the use will not be of a type or intensity consistent with surrounding land uses and the reasonably quiet and peaceful enjoyment thereof;
  - b. the use will cause any danger or health hazard to any person;
  - c. the use will result in the depletion, destruction, removal, trampling or other damaging of existing vegetation;
  - d. the use will be conducted in violation of Land Development Code or any other County codes;
  - e. the use will not have sufficient areas, available on private lands, for parking to accommodate the extra seating as required by subsection 4.05.04 G. of the Code; or
  - f. in the case of a special event that has been previously held at the facility, the operator has not demonstrated compliance with permit conditions **or** with any previous permit, including without limitation, signage restrictions.

C. Suspension of permit.

1. The approval of an outdoor serving area permit is temporary at all times. An outdoor serving area permit may be suspended by the County Manager or designee upon a finding that one or more conditions of this section have been violated, or **the issuance of 1 finding of violation** of the noise ordinance.

2. The suspension order shall be in writing, setting forth specific reasons and providing an effective date. The suspension shall remain in effect until such time as a public hearing is conducted by the Board of Zoning Appeals to revoke the permit or lift the suspension.
3. A decision regarding an outdoor serving area with entertainment permit, or the suspension of said permit, may be appealed to the Board of Zoning Appeals within 30 days of said decision. The Board of Zoning Appeals shall hear the appeal after due public notice.

D. Public Hearing and Advertising Requirements

1. Issuance of permit for outdoor serving areas with entertainment on private property, where 1 **finding of violation** of the noise ordinance have been issued.
  - a. An application for an outdoor serving area with **outdoor** entertainment on private property permit shall be heard by the Board of Zoning Appeals as a **conditional use** as provided for in section 10.08.00.

E. Operating Regulations

1. No outdoor serving area with **outdoor** entertainment on private property shall be permitted to operate without a permit.
2. No owner/manager shall operate or permit the occupancy of any outdoor serving area with entertainment on private property, that is located within 1,000 feet of any lands with a residential or estates zoning designation or which is used for residential purposes during the following times.

Sunday through Thursday	11:00 p.m. - 11:00 a.m.
Friday through Saturday	12:00 a.m. - 11:00 a.m.

- a. These time restrictions shall not apply if the residential use or zoning district is part of a mixed use project, approved through the **conditional use** process; a mixed use project, approved through the **mixed use project approval process** or part of a Planned Use District (PUD) component designated as mixed use.

3. Every **owner/operator** shall at all times post in all outdoor serving areas, in a location which is visible to all patrons, a notice provided by the County, notifying the patrons of the requirements of this permit.

F. Requirements for outdoor serving area with entertainment on private property.

1. No person shall operate an outdoor serving area on private property which is located within 1500 feet of the property line of land with a residential or estates zoning classification or which is used for residential purposes unless the outdoor serving area is separated from the adjacent residential property by a solid translucent or opaque barrier of a minimum of six feet in height along its perimeter, or other intervening structure, for the purpose of noise reduction and security. This shall not apply to mixed use projects as defined in subsection A.1.a., above.
2. Any person who owns or operates an outdoor serving area **with entertainment** on private property, which is illuminated and is in an area adjacent to a residential or estates zoning district or a residential use, shall arrange, design and install the lighting fixtures to deflect the light down and away from nearby residential buildings, lots and streets.
3. Live outdoor entertainment is prohibited in outdoor serving areas, on private property, or otherwise outdoors on premises on which establishments are located within 2500 feet of the property line of a residential or estates zoned property or a residential use unless that use is part of an approved mixed use development wherein the residential land uses are integrated within the same non-residential structure or are allowed to occupy the same **development.**

G. **Reserved [Outdoor serving areas on public property.]**

## LDC Amendment Request

**ORIGIN:** Community Development and Environmental Services, BCC Directed

**AUTHOR:** Stan Chrzanowski, P.E.

**DEPARTMENT:** Engineering Review Department of CDES

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:**

**LDC SECTION(S):** 6.05.01 F

**CHANGE:** Add section 6.05.01. F Stormwater Retention / Detention Design for Single-Family homesites:

**REASON:** There is a proliferation of very large new homes being built in older, existing subdivisions with inadequate drainage and our existing stormwater management systems are incapable of handling the increased runoff from these homesites

### **FISCAL & OPERATIONAL IMPACTS:**

1. Impact fees for single family homes are computed based on area and the number of bedrooms. The amount of fees collected may be negatively impacted .
2. Larger, newer homes pay more in property taxes than older, more modest homes. The rate of growth in taxable value may decrease.
3. If the homeowner / builder decides to build a larger than average home, the additional cost of Engineering will be a financial impact on him.
4. If a home presently exceeds this standard and is torn down, the replacement home will have to meet this new standard and some property values may decrease.
5. Operationally, this amendment will result in less stormwater impact on the existing County secondary and tertiary drainage systems.

**RELATED CODES OR REGULATIONS:** **4.03.08 Facility and Service Improvement Requirements**

**GROWTH MANAGEMENT PLAN IMPACT:** None.

**OTHER NOTES/VERSION DATE:** Created on 27 February 2007, changed Code Section on 13 March 2007

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**Amend the LDC as follows:**

## 6.05.00 Water Management Systems and Drainage Improvement Standards

### 6.05.01 Stormwater Management System Requirements

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

- A. The system design shall meet the applicable provisions of the current County codes and ordinances, SFWMD rules and regulations pursuant to Florida Statutes, and the Florida Administrative Code, and any other affected state and federal agencies' rules and regulations in effect at the time of preliminary **subdivision** plat submission.
- B. Where stormwater runoff from outside the **subdivision** or **development** historically passes on, over, or through areas of the **subdivision** or **development**, such runoff shall be included in the stormwater system design. The system shall be designed for long life, low cost maintenance by normal methods and provide for optimal on-site detention of stormwater runoff and groundwater recharge in accordance with applicable County and SFWMD regulations.
- C. Any **structure** with an outside wall which is closer than ten (10) feet from a side property line shall install properly sized (minimum twenty-four (24)-square inch cross-section) gutters and downspouts to direct stormwater away from neighboring properties and toward front and/or rear swales or retention/detention areas.
- D. In-ground percolation type retention systems such as rock trenches, exfiltration trenches or beds, infiltrator type systems, gallery type systems, etc., shall not be used to achieve water quality retention for residential **subdivisions**. Rear **yard** open retention systems shall likewise not be designed to achieve water quality retention on projects submitted after January 1, 2002. All retention systems for projects designed after January 1, 2002, shall be on common property owned and maintained by a homeowners' association or similar entity.
- E. Any canal which forms a part of the public water management system shall be dedicated for care and maintenance per the requirements of the governmental agency which has jurisdiction. Canals located entirely within the **subdivision** and which do not form a part of the public water management system shall be dedicated to the public, without the responsibility for maintenance, as a drainage **easement**. A maintenance **easement**, of a size acceptable to the County Manager or designee or other governmental agency with maintenance responsibility, shall be provided **adjacent** to the established drainage **easement**, or the drainage **easement** created must be of a size suitable for the proposed canal and its maintenance.
- F. Stormwater Retention / Detention Design for **Single-Family Dwelling Units, Two-Family Dwelling Units and Duplexes.**
  - 1. Applicability. Any application for a building permit to allow the **development** or redevelopment of a **single-family** or **two-family**



dwelling or duplex submitted after July 1, 2008, except for the following conditions:

- a. Any application within the boundaries of **development** projects that have: (1) been permitted by the South Florida Water Management District for Surface Water Management or Environmental Resource Protection and (2) have a central surface water management collection, storage, treatment and discharge system;
- b. a one-time addition is allowed for certain sized homes, as set forth below; or
- c. an application accompanied by a stormwater management plan, signed and sealed by a registered Florida Professional Engineer.

**Table 6.02.01 F.**

<u>Lot size</u>	<u>Lot Coverage</u>	<u>Impervious Area Coverage</u>
<u>under 11,000 sq. ft.</u>	<u>25%</u>	<u>40%</u>
<u>11,000 sq. ft. to 52,999 sq. ft. and 100 ft. or greater in width</u>	<u>2,750 sq. ft. + 5% of area in excess of 11,000 sq. ft.</u>	<u>4,400 sq. ft. + 5% of area in excess of 11,000 sq. ft.</u>
<u>11,000 sq. ft. to 52,999 sq. ft. and less than 100 ft in width.</u>	<u>2,750 sq. ft. + 2% of area in excess of 11,000 sq. ft.</u>	<u>4,400 sq. ft. + 2% of area in excess of 11,000 sq. ft.</u>
<u>53,000 sq. ft. and over</u>	<u>4,850 sq. ft. + 3% of area in excess of 53,000 sq. ft.</u>	<u>6,500 sq. ft. + 2% of area in excess of 53,000 sq. ft.</u>

2. The maximum allowable ratio of **lot coverage** and **impervious area** coverage to the total **lot** area shall be as provided for in table 6.02.01 F. unless accompanied by an engineer's analysis as specified below.

- a. The site drainage analysis shall include water quality calculations to SFWMD standards and water quantity calculations done to accommodate the runoff, from area in excess of the above ratio, from a 5 year 1 day storm and shall include a percolation test done by a qualified engineer or technician. If the site will use a drainfield/septic tank for sewage treatment/disposal, the wet season water table calculations for drainage must match that used for the drainfield design.

- b. The application site plan shall list all required separation distances between wells, drainfield systems, and stormwater retention/detention areas. The calculations may be done on the site plan or may be in a separate Engineer's report, but must be signed and sealed by the Engineer.
  - c. The water surface area of swimming pools and ponds is not considered as impervious area for the purposes of the calculations in Table 6.02.01 F.
3. A one-time addition to an existing residence will be allowed after July 1, 2008. The addition will be limited to 3 percent of the lot area up to a maximum of 1000 sq. ft. as long as that one-time addition does not exceed the area in Table 6.02.01 F. by more than 3 percent of the lot area or more than 1,000 sq. ft.

## **LDC Amendment Request**

**ORIGIN:** Community Development and Environmental Services Division

**AUTHOR:** John DiMartino

**DEPARTMENT:** Engineering Services

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC6:20

**LDC SECTION(S):** **1.08.01 Abbreviations**  
**1.08.02 Definitions**  
**6.05.02 Bulkheads and Seawalls**

**CHANGE:** Requires residential new construction to provide minimal pretreatment of stormwater runoff prior to discharge into canals serving the Gulf of Mexico.

**REASON:** No standards are currently defined; runoff is simply delivered over the seawall without regard to water quality control. Infiltration trenches can be expected to remove up to 90% of sediments, metals, coliform bacteria and other organic matter, as well as up to 60% of phosphorus and nitrogen in the runoff. This excellence of pretreatment is achieved for very little effort. A secondary benefit is the contribution to structural stability and longevity of new and existing seawalls by improving equalization of stress and reducing potential for failure.

**FISCAL & OPERATIONAL IMPACTS:** Construction costs include clearing, excavation of trench, placement of filter fabric and stone and is virtually maintenance free. This compares favorably to current single family site preparation and development of clearing, grading, installation of irrigation and sod.

**RELATED CODES OR REGULATIONS:** EPA 40 CFR (National Pollution Discharge Elimination System), USACOE; (Coastal Management), County Ordinance 85-02 governing Seawalls and Revetments

**GROWTH MANAGEMENT PLAN IMPACT:** None.

**OTHER NOTES/VERSION DATE:** This proposal was created 1 March, 2007. Revised per DSAC on May 2, 2007, and revised per the CCPC on 15 August 2007.

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**Amend the LDC as follows:**

**1.08.01 Abbreviations**

\* \* \* \* \*

BMP – Best Management Practice.

\* \* \* \* \*

**1.08.02 Definitions**

\* \* \* \* \*

Best Management Practices: Schedule of activity, maintenance procedures, pre-emptive site control measures and other management techniques intended to reduce the discharge of pollutants to waters of the United States.

\* \* \* \* \*

Infiltration trench: An excavated trench, nominally two to three feet in width and depth lined with a class “C” geo-textile fabric, or better, and backfilled with clean stone aggregate.

\* \* \* \* \*

**6.05.02 Seawalls and Bulkheads**

\* \* \* \* \*

**D. Best Management Practice (BMP) for single family residential lots employing seawall(s).**

Coastal canal residential **lots** bounded by seawall(s) shall provide an **infiltration trench adjacent** to and along the entire length of the seawall serving the **lot** perimeter. **Infiltration trenches** shall be excavated to a width and depth of 2 to 3 feet, lined and secured with a class “C” geo-textile filter fabric, or better, and backfilled with clean ¾ – 1 inch stone. Other agency permitting requirements notwithstanding, **infiltration trench** characteristics shall be suitable for pretreatment of drainage areas of five (5) acres or less. The infiltration trench shall be directly behind and centered on the 2” weep hole shown on the “Sample Concrete Seawall” detail of the Technical Specifications section of County Ordinance 85-02.

## **LDC Amendment Request**

**ORIGIN:** Community Redevelopment Agency (CRA) Advisory Board

**AUTHOR:** Jean Jourdan, Project Manager

**DEPARTMENT:** CRA Advisory Board

**AMENDMENT CYCLE # OR DATE:** Cycle 1, 2007

**LDC PAGE:** Beginning at LDC 1.08.02 (Bayshore Mixed Use Overlay)

**LDC SECTIONS:** 1.08.02, 2.03.07 & 4.06.16-4.02.21

**CHANGE:** Add language to clarify that additions or renovations to existing buildings within C-1 through C-5 zoning districts may follow the existing LDC regulations for height and setbacks or the BMUD Overlay regulations, delete residential uses from the land use tables and add them under Residential Subdistricts, reduce the minimum required residential building square footage and the maximum residential building height, change build-to-line to set-back-line, and make minor edits, including deletions for clarity purposes.

Revise BMUD Overlay map to designate lots located adjacent to the Neighborhood Commercial Subdistrict for Accessory Parking Zone (APZ) to APZ for consistency.

**REASON:** Requested by the Bayshore Gateway Triangle Local Advisory Board

**FISCAL & OPERATIONAL IMPACTS:** There are no fiscal impacts to either Collier County or the public.

**RELATED CODES OR REGULATIONS:**

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** This version created on August 14, 2007

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**Amend the LDC as follows:**

### **1.08.02 Definitions**

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

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

*Front Yard Build-to-Line* - The line to which a building facade must be built, not a minimum distance.

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

*Accessory Parking Zone (APZ)* – Residentially zoned lots that are permitted for off street parking or water retention and management areas. APZ lots must be adjacent to the Neighborhood Commercial, Waterfront and Mixed Use Subdistricts and having a common lot line with, and be under same ownership or legal control (lease, easement, etc.) ~~NC Subdistrict and used for off street parking or water retention and management only.~~

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

## 2.03.07 Overlay Zoning Districts

### I. Bayshore Mixed Use Overlay District.

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

#### 1. Purpose and Intent.

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

#### 2. Applicability

- a. These regulations shall apply to the Bayshore Mixed Use Overlay District as identified on BMUD Map 1 and further identified by the designation "BMUD" on the applicable official Collier County Zoning Atlas Maps. Except as otherwise provided by ~~in~~ this section of the LDC, all ~~other~~ uses, dimensional and development

requirements shall be as required in the applicable underlying zoning category.

- b. Existing Planned Unit **Developments** (PUDs) are not subject to the Bayshore Overlay District requirements; however, PUD applications submitted, and found sufficient, after March 3, 2006 are included in the Bayshore Overlay District and must comply with the requirements stated herein.
- c. Amendments or boundary changes to PUDs that existed prior to March 3, 2006 are not subject to the Bayshore Overlay District requirements.
- d. Property owners within the BMUD Neighborhood Commercial (NC) or Waterfront (W) Subdistricts may follow existing C-1 through C-5 Collier County Land **Development** Code regulations of the underlying zoning classification, or may elect to develop/redevelop under the mixed use provisions of the BMUD Neighborhood Commercial (NC) or Waterfront (W) Subdistricts of this overlay, through a **mixed use project approval** from the BCC. However, in either instance, BMUD site **development** standards are applicable to all new development, as provided for in section 2.03.07 I. 6.h. of this Code.
- e. Renovations to the interior or exterior of nonconforming buildings in the C-1 through C-5 zoning districts shall be in accordance with section 9.03.00, of the LDC.

\* \* \* \* \*

#### 4. **Bonus Density Pool Allocation**

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

\* \* \* \* \*

#### 6. **Bayshore Mixed Use District (BMUD) Subdistricts**

- a. Neighborhood Commercial Subdistrict (NC). The purpose and intent of this subdistrict is to encourage a mix of low intensity commercial uses and residential uses (see 2.03.07 I. 6 Tables 1

and 2). Developments will be human-scale and pedestrian-oriented. For mixed use projects only, subject to the **MUP approval process** in Sec. 2.03.07.1.3., refer to Tables 1 and 2 for permitted uses. Otherwise, permitted uses are in accordance with the underlying zoning district.

- b. Waterfront Subdistrict (W). The purpose of this subdistrict is to allow maximum use of the waterfront for entertainment while enhancing the area for use by the general public. Development standards for the district are the same as those set forth for the Neighborhood Commercial Subdistrict, except for the standards set forth in section 4.02.17 For mixed use projects only, subject to the **MUP approval process** in Sec. 2.03.07.1.3., refer to ~~Tables 4 and 2~~ subsection 2.03.07 I. 6 Tables 1 and 2 for permitted uses. Otherwise, permitted uses are in accordance with the underlying zoning district.
- c. Residential Subdistrict 1 (R1). The purpose of this subdistrict is to encourage the development of a variety of housing types which are compatible with existing neighborhoods and allow for **building** additions such as front porches. The intent in new **development** it is to encourage a traditional neighborhood design pattern. ~~Refer to Tables 1 and 2 for permitted uses in this subdistrict.~~

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

a) Residential Uses.

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

b) Accessory uses.

- 1. ~~Private B~~oathouses and docks



~~2. Docks and Dock Facilities~~

~~23. Garages~~

~~34. Guesthouses~~

~~45. Swimming pools-private~~

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

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

a) Residential Uses.

1. Single-family dwelling units

2. Two-family dwelling units

3. Duplexes

4. Townhouses

5. Multi-family Dwelling Units.

6. Essential Services as provided for in section 2.01.03

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

~~8. Motor Homes~~

b) **Accessory uses.**

1. Garages

2. Guesthouses

3. Swimming pools-private

4. Private boathouses and docks

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

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

a) Residential Uses.

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

b) **Accessory uses.**

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

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

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

a) Residential Uses.

1. **Single-Family Dwelling Units.**

2. Essential Services as provided for in section 2.01.03

3. Play Areas and Playgrounds

b) Accessory uses.

1. Garages

2. Guesthouses

3. Swimming pools-private

4. Private boathouse and docks

\* \* \* \* \*

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

<b>Land Use Type or Category</b>	<b>SIC Code</b>	<b>BMUD Neighborhood Subdistrict (NC)</b>	<b>Commercial Subdistrict (W)</b>	<b>BMUD-Residential Subdistrict (R-1)</b>	<b>BMUD-Residential Subdistrict 2 (R-2)</b>	<b>BMUD-Residential Subdistrict 3 (R-3)</b>	<b>BMUD-Residential Subdistrict (R-4)</b>
<b>P = permitted</b>							
<b>E = permitted with certain exceptions</b>							
<b>Blank cell = prohibited (also see table of conditional and accessory uses)</b>							
Accounting Services	8721	P	P				
Administrative Service Facilities							
Adult Day Care Facilities & Centers	8322						
Agricultural Activities							
Agricultural Outdoor Sales							
Agricultural Services	0741, 0742, 0752-0783						
Agricultural Services	0711, 0721, 0722-0724, 0762, 0782, 0783						
<del>Agricultural Services</del>	<del>0723</del>						
Aircraft and Parts	3721-3728						
Airport - General Aviation							
Amusement & Recreation Services	7911, 7991						
Amusement & Recreation Services	7999 tourist guides only						
Ancillary Plants							
Apparel & Other Finished Products	2311-2399						
Apparel & Accessory Stores	5611-5699	P	P				
Appraisers							

Text underlined is new text to be added.  
 Text strikethrough is current text to be deleted.  
 Bold text indicates a defined term

<p><b>P = permitted</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category</b></p>	<p><b>SIC Code</b></p>	<p><b>BMUD Neighborhood Subdistrict (NC)</b></p>	<p><b>Commercial</b></p>	<p><b>Waterfront Subdistrict (W)</b></p>	<p><b>Residential Subdistrict (R-1)</b></p>	<p><b>Residential Subdistrict 2 (R-2)</b></p>	<p><b>Residential Subdistrict 3 (R-3)</b></p>	<p><b>Residential Subdistrict (R-4)</b></p>
Artist Studios: Painting, drawing, graphics, fine wood working, , mixed media, fiber art (weaving), glass, custom jewelry, clay ceramics/pottery), sculpture, photography, dance, drama, and music	7922	P	P					
Architectural, Engineering, Surveying Services	0781, 8711-8713	P	P					
Assisted Living Facilities								
Attorney Offices & Legal Services	8111	P	P					
Auctioneering Service, Auction Rooms and Houses	7389, 5999							
Auto and Home Supply Store	5531							
Automobile Parking	7521	E <sup>1</sup>						
<del>Automotive Repair, Services, and Parking</del>	<del>7514, 7515, 7521, 7542</del>							
Automotive Repair, Services, and Parking	7513-7549							
<del>Automotive Services</del>								
Automotive Dealers and Gasoline Service Stations	5511, 5531, 5541, 5571, 5599							
Barber Shops or Colleges	7241	P	P					
Beauty Shops or Schools	7231	P	P					
Biking Trails								
Bowling Centers	7933							
Building Construction	1521-1542							
<del>Building Materials</del>	<del>5211-5261</del>							
Building Materials, Hardware,	<del>5234</del> <u>5211</u> - 5261							

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Garden Supplies							
Business Associations	8621						
Business Repair Service							
<del>Business Services</del>	<del>7311, 7313, 7322-7331, 7338, 7361, 7371, 7372, 7374-7346, 7379</del>						
<del>Business Services</del>	<del>7311-7313, 7322-7338, 7361-7379, 7384</del>						
Business Services	7311, 7313, 7322-7338, 7384	P	P				
<del>Business Services</del>	<del>7311-7313, 7322-7338, 7361-7379, 7384, 7389</del>						
<del>Business Services</del>	<del>7311-7352, 7359, 7361-7397, 7389</del>						
<del>Business Services</del>	<del>7311-7353, 7359</del>						
<del>Business Services</del>	<del>7312, 7313, 7319, 7334-7336, 7342-7389</del>						
<del>Business Services</del>	<del>7311</del>						
<del>Business Services</del>	<del>7312, 7313, 7319, 7331, 7334-7336, 7342, 7349, 7352, 7361, 7363, 7371-7384, 7389</del>						
<u>Business Services</u>	<u>7342-7379, 7384, 7389, 7312</u>						
<del>Business Services</del>	<del>7311, 7313, 7322-7331, 7335-7338, 7361, 7371, 7374-7376, 7379</del>						
Business/Office Machines							
Canoe Rental			P				
Canoeing Trails							
Care Units							
Carwashes	7542						
Category II Group Care Facilities							
Child Care - Not for Profit							
Child Day Care Services	8351						
Churches & Places of Worship							
Civic and Cultural Facilities		P	P				
Collection/Transfer Sites							
Commercial Printing	2752						

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Communications	4812-4841						
Communications	4812-4899						
Communication Towers							
Construction							
Construction - Heavy							
<del>Construction - Special Trade Contractors</del>	<del>1711-1793, 1796, 1799</del>						
Construction - Special Trade Contractors	1711-1799						
Continuing Care Retirement Communities							
Depository Institutions	6011-6099						
Depository Institutions	6011, 6019, 6081, 6082						
<del>Depository Institutions</del>	<del>6021-6062, 6091, 6099, 6111-6163</del>						
Depository Institutions	6021-6062						
Drinking Establishments and Places	5813						
Drug Stores	5912	P	P				
Drugs and Medicine	2833-2836						
Duplexes				P	P		
Eating Establishments and Places	5812	E <sup>2</sup>	<u>PE<sup>2</sup></u>				
Educational Plants							
<del>Educational Services</del>	<del>8211-8231</del>						
<del>Educational Services</del>	<del>8243-8249</del>						
Educational Services	8221-8299						
<del>Educational Services</del>	<del>8211-8244, 8299</del>						
Electronic Equipment & Other Electrical Equipment	3612-3699						
Engineering, Accounting, Management and Related Services	8711-8748						
Engineering, Accounting, Management and Related Services	8711-8713	P	P				
Equestrian Paths							
Essential Services <sup>3</sup>		P	P	P	P	P	P
Excavation							

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Fabricated Metal Products	3411-3479, 3419-3499							
Fairgrounds								
Family Care Facilities								
Fishing Piers								
Fishing/Hunting/Trapping	0912-1919							
Fixture Manufacturing								
Food Manufacturing	2034, 2038, 2053, 2064, 2066, 2068, 2096, 2098, 2099							
Food Products	2011-2099							
Food Stores	5411, 5421-5499	<u>E<sup>4</sup></u>	P					
<del>Food Stores</del>	<del>5411-5499</del>							
Fraternal Organizations								
Funeral Services and Crematories	7261							
Furniture & Fixtures Manufacturing	2511-2599							
Gasoline Services Stations	5541, 5511-5599							
General Contractors	1521-5261							
General Merchandise Stores	5311-5399	P	P					
Glass and Glazing Work	1793							
Golf Courses								
Government Offices/Buildings	9111-9222, 9224-9229, 9311, 9411-9451, 9511-9532, 9611-9661							
Group Care Facilities								
Gunsmith Shop	7699							
Hardware Stores	5251							
Health Food Stores								
<del>Health Services</del>	<del>8011-8049</del>							
Health Services	8011-8049, 8082	P	P					
Health Services	8051-8059, 8062-8069, 8071, 8072, 8092-8099							
Heavy Construction	1611-1629							
Hiking Trails								
Home Furniture, Furnishings, Equipment Store	5712, 5719, 5731-5736	P	P					
<del>Home Furniture, Furnishings, Equipment Store</del>	<del>5712-5736</del>							
Home Supply Store	5531							



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Hotels and Motels	7011, 7021, 7041						
Hotels and Motels	7011	<u>E<sup>5</sup></u>	<u>E<sup>5</sup></u>				
Houseboat Rental	7999						
Individual & Family Social Services							
Industrial Inorganic Chemicals	2812-2819						
Industrial, Commercial, Computer Machinery and Equipment	3511-3599						
Insurance Agencies, Brokers, Carriers	6311-6399, 6411	P	P				
<del>Insurance agents, brokers, and service, including Title Insurance</del>	<del>6361 and 6411</del>						
Investment/Holding Offices	6712-6799						
Job Training & Vocational Services	8331						
Justice, Public Order & Safety	9221, 9222, 9229						
Labor Pool	7363						
Labor Unions	8631						
Lakes Operations	7999						
Large Appliance Repair Service	7623						
Legal Services	8111	P	P				
Leather Products	3131-3199						
Libraries	8231						
Local and Suburban Transit	4111-4121 <u>4131-4173</u>						
<del>Local and Suburban Transit</del>	<del>4131-4173</del>						
Lumber and Wood Products	2426, 2431-2499						
<del>Management &amp; Public Relations</del>	<del>8741-8743, 8748</del>	<del>P</del>	<del>P</del>				
Management Services	8711-8748	P	P				
Marinas	4493	P	P				
Measuring, Analyzing and Controlling Instruments	3812-3873						
Medical and Optical Goods	3812-3873						
Medical Laboratories and Research & Rehabilitation Centers	8071, 8072, 8092, 8093						
Membership Organizations	8611-8699	P	P				
<del>Membership Organizations</del>	<del>8311, 8631</del>						

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<del>Membership Organizations</del>	<del>8611</del>						
<del>Membership Organizations</del>	<del>8611, 8621</del>						
Misc. Manufacturing Industries	3911-3999						
Miscellaneous Plastic Products							
Miscellaneous Repair Service	7622, 7629 <sup>E</sup> 7631, 7699 <sup>Z</sup>	<del>E<sup>66</sup></del>	<del>E<sup>67</sup></del>				
<del>Miscellaneous Repair Service</del>	<del>7622-7641, 7699</del>						
<del>Miscellaneous Repair Service</del>	<del>7622-7699</del>						
<del>Miscellaneous Retail Services</del>	<del>5912, 5942-5961</del>						
<del>Miscellaneous Retail Services</del>	<del>5912-5963</del>						
<del>Miscellaneous Retail Services</del>	<del>5912-5963, 5992-5999</del>						
Miscellaneous Retail Services	5912, 5932-5949, 5992-5999 <sup>Z</sup>	P	P				
Mobile Home Dealers	5271						
Motion Picture Production	7812-7819						
Motion Picture Theaters	7832						
Motor Freight Transportation and Warehousing	4225						
Motor Homes		<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>		
Multi-Family Dwellings		<del>P</del>	<del>P</del>				
Museums and Art Galleries	8412	P	P				
Nature Preserves							
Nature Trails							
<del>Non-Depository Credit Institutions</del>	<del>6141-6163</del>						
<del>Non-Depository Credit Institutions</del>	<del>6111-6163, <u>6011, 6081, 6082, 6019, 6021, 6091, 6099</u></del>						
<del>Non-Depository Institutions</del>	<del>6011-6163</del>						
<del>Non-Depository Institutions</del>	<del>6011, 6019, 6081, 6082</del>						
<del>Non-Depository Institutions</del>	<del>6021-6062, 6091, 6099, 6111-6163</del>						

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Nursing Homes	8051, 8052, 8249						
Office Machine Repair Service	7629-7631						
Oil & Gas Exploration							
Open Space							
Outdoor Storage Yard							
Paint, Glass, Wallpaper Stores	5231						
Paper and Allied Products	2621-2679						
Park Model Travel Trailers							
Park Service Facilities							
Parking Facilities		P	P				
Parking Services		P	P				
Parks, Public or Private		<u>P</u>		<u>P</u>	<u>P</u>		
Parochial Schools – Public or Private	8211						
Party Fishing Boats Rental	7999		P				
Performing Arts Theater <sup>8</sup>	7922	<u>P<sup>8</sup></u>					
<del>Personal Services</del>	<del>7291</del>	<del>P</del>	<del>P</del>				
Personal Services	<u>7212-7215, 7221-7251, 7291</u>						
<del>Personal Services</del>	<del>7212, 7215, 7221-7251</del>						
Personal Services	<u>7212, 7291</u>	P	P				
<del>Personal Services</del>	<del>7211, 7212, 7215, 7216, 7291, 7299</del>						
<del>Personal Services</del>	<del>7215, 7217, 7219, 7261, 7291-7299</del>						
<del>Personal Services</del>	<del>7211-7219,</del>						
Personal Services	<u>7215-7231, 7221-7251, 7241, 7261, 7299</u>						
<del>Personal Services</del>	<del>7221, 7291</del>						
Photographic Goods	3812-3873						
Photographic Studios	7221	P	P				
Physical Fitness Facilities	7991						
Physical Fitness Facilities							
Pickup Coaches							
Plant and Wildlife Conservancies							
Plastic Materials & Synthetics	2821, 2834						
Play Areas and Playgrounds		<u>P</u>					
Pleasure Boat Rental			P				
<del>Printing and Publishing Industries</del>	<del>2711, 2712</del>						
Printing and Publishing Industries	2711-2796						

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**Bold** text indicates a defined term

Professional Offices	6712-6799, 6411, 96311-6399, 6531, 6541, 6552, 6553, 8111	P	P				
Professional Organizations	8631						
Public Administration	9111-9199, 9224, 9229, 9311, 9411-9451, 9511-9532, 9611-9661	P	P				
Railroad Transportation	4011, 4013						
Real Estate	6531-6541	P	P				
<del>Real Estate</del>	<del>6521-6541</del>						
<del>Real Estate</del>	<del>6512</del>						
<del>Real Estate</del>	<del>6512-6514, 6519, 6531-6553</del>						
<del>Real Estate Brokers and Appraisers</del>	<del>6531</del>						
Real Estate Offices	<u>6531, 6541, 6512-6514, 6519</u> 6552, 6553						
Recreational Service Facilities							
Recreational Services - Indoor	7911-7941, 7991-7993, 7999						
Recreational Uses							
Recreational Vehicles							
Rehabilitative Centers	8093						
Repair shops and related services, not elsewhere classified	7699	P	P				
Research Centers	8093						
Research Services	8732						
Residential uses		P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail Nurseries, Lawn and Garden	5261						
Rubber and Misc. Plastic Products	3021, 3052, 3053						
Safety Service Facilities							
Schools, public							
Schools - Vocational	8243-8299						
Security Brokers, Dealers, Exchanges, Services	6211-6289	P	P				
Shoe Repair Shops or Shoeshine Parlors	7251	P	P				
Shooting range, indoor	7999						
Single-Family Dwellings		<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Social Services	8322-8399						

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Stone, Clay, Glass and Concrete Products	3221, 3251, 3253, 3255-3273, 3275, 3281						
Storage							
Synthetic Materials	2834						
Testing Services							
Textile Mill Products	2211-2221, 2241-2259, 2273-289, 2297, 2298						
Timeshare Facilities							
Title abstract offices	6541						
Tow-in Parking Lots	7514, 7515, 7521						
Townhouses		<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	
Transportation by Air	4512-4581						
Transportation Equipment	3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799						
Transportation Services	4724-4783, 4789						
Travel Agencies	4724						
Travel Trailers	5561						
<b>Two-Family Dwelling Unit</b>		<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>		
United States Postal Service	4311	<u>E<sup>9</sup></u>	<u>E<sup>9</sup></u>				
Veterinarian's Office	0742	<u>E<sup>10</sup></u>	<u>E<sup>10</sup></u>				
Veterinarian's Office	0752	<b>P</b>	<b>P</b>				
Videotape Rental	7841	<u>E<sup>11</sup></u>	<u>P<sup>11</sup></u>				
Vocational Rehabilitation Services	8331						
Welding Repair	7692						
Wholesale Trade	5148						
Wholesale Trade - Durable Goods	5021, 5031, 5043-5049, 5063-5078, 5091, 5092, 5094-5099						
Wholesale Trade - Nondurable Goods	5111-5159, 5181, 5182, 5191						
Wildlife Conservancies	9512						
Wildlife Management	0971						
Wildlife Refuge/Sanctuary							
Wildlife Sanctuaries							
Watches/Clocks	3812-3873						

<sup>9</sup> Excludes major distribution center.

<sup>10</sup> Excludes outdoor kenneling

<sup>11</sup> Limited to 1,800 square feet of gross floor area.

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

C = conditional use  
A = accessory use

<b>ACCESSORY AND CONDITIONAL USES</b>	<b>SIC Code</b>	<b>BDMU-NC</b>	<b>BDMU-W</b>	<b>BDMU-R-1</b>	<b>BDMU-R-2</b>	<b>BDMU-R-3</b>	<b>BDMU-R-4</b>
Administrative or service building							
Adult day care	8322						
Agricultural: animal & livestock breeding, exotic aquaculture, aviary, dairy or poultry plant, egg production, exotic animals, ranching, or wholesale reptile breeding							
Agricultural							
Agricultural services	0741, 0742, 0752-0783						
Amusement & recreation services	7911						
Amusement & recreation services	7911-7941, 7991-7993, 7997, 7999						
Amusement & recreation services	7948, 7992, 7996, 7999						
Ancillary plants							
Animal control							
Aquariums	8422						
Archery ranges	7999						
Assisted living facilities							

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C = conditional use  
A = accessory use

<b>ACCESSORY AND CONDITIONAL USES</b>	<b>SIC Code</b>	<b>BDMU-NC</b>	<b>BDMU-W</b>	<b>BDMU-R-1</b>	<b>BDMU-R-2</b>	<b>BDMU-R-3</b>	<b>BDMU-R-4</b>
Auctioneering Services, auction rooms and houses	7389, 5999						
Automotive dealers and gasoline service stations	5521, 5551, 5561, 5599						
Automotive rental/leasing	7513, 7519						
Beach chair, bicycle, boat or moped rentals							
Bed & breakfast facilities	7011	C	C				
Boat Rental			A				
Boathouses		A <sup>12</sup>	A	A			
Boat ramps			A				
Boat yards		A	A				
Botanical garden	8422						
Bottle clubs	5813						
Camping cabins							
Care Units							
Caretaker's residence							
Category II group care facilities							
Cemeteries							
Chemical products	2812-2899						
Child day care	8351	C	C				
Churches & places of worship	8661						

<sup>12</sup>Only for waterfront property

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Civic & cultural facilities								
Clam nurseries								
Cluster development								
Cocktail lounges	5813							
Collection/transfer sites								
Commercial uses								
Communications	4812- 4841							
Communication towers								
Community centers								
Community theaters	7922							
Concrete or asphalt plants								
Continuing care/retirement centers								
Convenience stores	5411							
Dancing establishments & staged entertainment								
Depository institutions	6011- 6099							
Detention facilities								
<u>Docks &amp; Dock Facilities</u>		A	A	A				
Drinking establishments	5813							
Driving ranges								
Earth mining								
Eating establishments	5812							
Education services	8211- 8222							



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Education facilities; public & private schools	8211-8231						
Electric generating plants							
Electric, gas, & sanitary services	4911-4971						
Excavation							
Extraction related processing and production							
Fabricated metal products	3482-3489						
Farm labor housing							
Farm product raw materials	5153-5159						
Field crops							
Fishing/hunting/trapping	0912- <del>1816</del>						
Food products	2011, 2048						
Food service							
Food stores (over 5,000 s.f.)	5411-5499						
Fraternal lodges, private club, or social clubs							
Fuel dealers	5983- <del>5989</del>						
Fuel facilities			C <sup>13</sup>				
Funeral services & crematories	7261						
Garage		<u>A</u>		<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Gas generating plants							
Gift Shops							
Golf club house							
Golf course							
Golf driving range							
Group care units							
Guesthouses				<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

<sup>13</sup> For watercraft only. (not as an auto gas station or fueling center)

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Health services	8011							
Homeless shelters	8322							
Hospitals	8062-8069							
Hotels and motels	7011, 7021, 7041							
Hunting cabins								
Incinerators								
Jails								
Justice, public order & safety	9211-9224							
Kennels & kenneling	0742, 0752							
Kiosks								
Leather tanning & finishing	3111							
Livestock								
Local and suburban transit	4111-4121							
Local and suburban transit	4131-4173							
Lumber and wood products	2411-2421, 2429							
Maintenance areas								
Major maintenance facilities								
Marina	4493, 4499							
Mental health facilities								
Merchandise – outdoor sales								
Miniature golf course	7999							
Mixed residential and commercial								
Model homes and model sales centers								
Motion picture theaters	7832							
Motion picture theaters	7833							

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Motor freight transportation and warehousing	4212, 4226	4213-4225,							
Motor freight transportation and	4225, 4226								
Noncommercial boat launching ramps									
Nursery – retail	5261								
Nursing and personal care facilities	8062								
Nursing homes									
Oil and gas extraction	1321, 1382								
Oil & gas field development and production									
Outdoor display									
Packinghouse									
Paper and allied products	2611								
Personal services	7291								
Petroleum refining and related	2911-2999								
Pistol or rifle range									
Play areas and playgrounds									
Poultry raising (small)									
Primary metal industries	3312-3399								
Private boathouse and docks					A	A	A		A
Private clubs									
Private landing strips									
Pro shops (large)									
Pro shops (small)									
Recreational facilities									
Recreational services									
Refuse systems	4953								

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Rehabilitative centers	8093							
Repair or storage areas								
Residential uses								
Resource recovery plant								
Restaurant (small) or snack shop	5812							
Restaurant (large)	5812							
Retail shops or sales								
Rubber and misc. Plastic products	3061-3089							
Sanitary landfills								
Sawmills								
Schools, public or private								
Schools, private								
Schools, vocational	8243-8299							
Service facilities								
Slaughtering plants	2011							
Social association or clubs	8641							
Social services	8322-8399							
Soup kitchens								
Sports instructional camps or schools								
Staged entertainment facility								
Stone, clay, glass and concrete products	3211, 3221, 3229, 3231, 3241, 3274, 3291-3299							
Swimming pools - public								
Swimming pools -private		A	A	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	
Storage, enclosed								
Tennis facilities								

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Textile mill products	2231, 2261-2269, 2295, 2296							
Transfer stations	4212							
Veterinarian's office	0741-0742							
Wholesale trade – durable goods	5015, 5051, 5052, 5093							
Wholesale trade – nondurable goods	5162, 5169, 5171, 5172, 5191							
Yacht club	7997							
Zoo								

<sup>1</sup> This use does not include tow-in parking lots or storage.

<sup>2</sup> ~~Except concessions stands, contract feeding, dinner theaters, drive-in restaurants, food services (institutional), industrial feeding,~~

<sup>3</sup> For requirements pertaining to Essential Services, see section 2.01.03 of this code.

<sup>4</sup> ~~Except convenience stores and supermarkets~~

<sup>5</sup> ~~Except hostels~~

<sup>6</sup> ~~Except Aircraft, business and office machines, large appliances, and white goods such as refrigerators, and washing machines.~~

<sup>7</sup> ~~Antique repair and restoration, except furniture and automotive only, bicycle repair shops only and rod and reel repair.~~

<sup>8</sup> Performance seating limited to ~~200~~ 350 seats

CHAPTER 4

SITE DESIGN AND DEVELOPMENT STANDARDS

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

<u>Design Standards</u>	
<del>front yard build-to-line set-back line</del>	Minimum 5 feet from the property line to the <del>building</del> footprint.
The <del>front build-to-line set-back line</del> shall also apply to any new <del>buildings or structures</del> in the C-1 through C-5 <del>C-3</del> zoning districts which underlay the BMUD Neighborhood Commercial Subdistrict.	<p>1. <del>Eighty percent of the building's front façade structure shall be placed</del> must be located on at the required <del>front yard build-to-line; set-back line.</del> <del>The remaining 20 percent of the façade has to be must recessed back</del> be behind the <del>front yard build-to-line</del> within a <del>minimum</del> the range of 3 to 10 feet <del>from the front facade.*</del></p> <p>1. <del>Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to building set backs per section 4.02.01 A. Table 2.1.</del></p> <p>2. <del>Buildings</del> containing commercial or residential uses are required to have a minimum depth of 35 feet, from the front <del>set-back line yard build-to-line</del> on all floors. The remaining depth of the lot may be used for parking.</p> <p>3. Buildings on <del>lots</del> that <del>abut</del> Bayshore and intersecting side streets shall have the same <del>front yard build-to-line</del> as the <del>front yard build-to-line</del> for Bayshore.</p> <p>* [This is to allow for an entry courtyard or additional landscaping, if desired].</p>
Minimum <b>Setbacks</b>	
Side yards – abutting residential	15 feet
Side yards – all other	5 feet
Rear yard	20 feet
Waterfront <sup>44</sup>	25 feet
<b>Building Standards</b>	

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<del>Building Design</del>	The <del>building facades</del> facing the intersecting east-west <del>streets</del> with Bayshore shall have the same architectural design treatment as the <b>building facade</b> facing Bayshore Drive.
<b>Maximum Residential Density</b>	12 units per acre
Maximum square footage	A <b>building</b> with commercial use only is limited to a maximum <del>building foot print</del> square footage of 20,000 square feet.
Minimum Floor Area	700 square foot gross floor area for each building on the ground floor.
<b>Building Height of Story</b>	14 feet of <b>building height</b> equals one <b>story</b>
<p>Maximum height of <b>structures</b>  <del>The maximum building height of P</del>properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to maximum <b>building height</b> per <del>shall be as required by</del> section 4.02.01 A. Table 2.</p>	
Commercial use only <b>buildings</b>	42 feet not to exceed <del>3 stories</del> <b>3 stories</b> or 42 feet to <b>building</b> eave or top of a flat built-up roof, measured to first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more that 5 feet in height.
Maximum actual height of <del>structure</del> 56 Foot <del>buildings.</del>	
Residential use only buildings	42 feet not to exceed <del>3 stories</del> <b>3 stories</b> or 42 feet to <b>building</b> eave or top of a flat built-up roof, measured to the first floor elevation, by NFIP standards. Parapets on flat roof can be no more that 5 feet in height.
Maximum actual height of <del>structure</del> 56 Foot <del>buildings.</del>	
Mixed-use <b>buildings</b> residential on top of commercial uses	56 feet not to exceed <del>4 stories</del> <b>4 stories</b> or 56 feet to <b>building</b> eave or top of a flat built-up roof, measured from the first finished floor elevation, by NFIP standards. Parapets on flat roof shall be no more than 5 feet in height. Only the first two floors shall be used for commercial uses.
Maximum actual height of <del>structure</del> 70 Foot <del>buildings.</del>	
Hotel/Motel	56 feet not to exceed <del>4 stories</del> <b>4 stories</b> or 56 feet to <b>building</b> eave or top of a flat built-up roof, measured from the first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more that 5 feet in height.
Maximum actual height of <del>structure</del> 70 Foot <del>buildings.</del>	

Ceiling Height	The first floor ceiling shall be <del>no less than 12 feet and no more than 18 feet in height from the finished floor to the finished ceiling and shall be limited to commercial uses only.</del>
----------------	---

<u>Minimum Setbacks</u>	
<u>Front yard setback</u>	<p><u>5 feet</u></p> <p>1. <u>The front set back shall also apply to any new buildings in the C-1 through C-3 zoning districts which underlay the BMUD Neighborhood Commercial Subdistrict.</u></p> <p>2. <u>Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to building setbacks per section 4.02.01 A. Table 2.1.</u></p>
<u>Side yards - abutting residential</u>	<u>15 feet</u>
<u>Side yards - all other</u>	<u>5 feet</u>
<u>Rear yard</u>	<u>20 feet</u>
<u>Waterfront</u> <sup>14</sup>	<u>25 feet</u>
<u>Building Standards</u>	
<u>Building Design</u>	<p>1. <u>Building facades facing the intersecting east-west streets with Bayshore Dr. shall have the same architectural design treatment as the building facade facing Bayshore Drive.</u></p> <p>2. <u>Buildings containing commercial or residential uses are required to have a minimum depth of 35 feet. The remaining depth of the lot may be used for parking.</u></p>

<sup>14</sup> Outdoor seating areas, canal walkway, water management facilities, and landscaping area may be located within the required setback.



<u>Maximum square footage</u>	<u>A building with commercial use only is limited to a maximum building foot print of 20,000 square feet.</u>
<u>Minimum Floor Area</u>	<u>700 square foot gross floor area for each unit, residential or commercial.</u>

<u>Maximum height</u>	
<u>Commercial use only: Maximum height of buildings.</u>	<u>42 feet, not to exceed 3 stories</u>
<u>Residential use only: Maximum height of buildings.</u>	<u>42 feet, not to exceed 3 stories</u>
<u>Mixed-use: Residential on top of commercial uses.</u>	<u>56 feet, not to exceed 4 stories. Only the first two floors shall be used for commercial uses.</u>
<u>Maximum height of buildings. Hotel/Motel</u>	<u>56 feet, not to exceed 4 stories</u>
<u>Maximum height of buildings.</u>	<u>The maximum building height of properties developed in conformance with underlying C-4 and C-5 zoning classifications shall be as required by section 4.02.01 A. Table 2.</u>
<u>Ceiling height</u>	<u>The first floor ceiling shall be no less than 12 feet and no more than 18 feet in height from the finished floor to the finished ceiling and shall be limited to commercial uses only.</u>
<u>Maximum residential density</u>	<u>12 units per acre for mixed use projects.</u>

\* \* \* \* \*

- C. The following regulations govern the outdoor display and sale of merchandise.
1. No automatic food and drinking vending machines or public pay phones are permitted outside of any structure.
  2. Newspaper vending machines will be limited to two machines per project site and shall be permanently affixed (not portable)
  3. Outdoor display and sale of merchandise, within **front yards** on improved properties,

are permitted subject to the following provisions:

- a. The outdoor display/sale of merchandise is limited to the sale of comparable merchandise sold on the premises.

**D. Parking Standards.**

\* \* \* \* \*

5. Lots **adjacent** to the Neighborhood Commercial (NC) and Waterfront district (W) Subdistricts, designated Accessory Parking Zoning (APZ) as identified on the Bayshore Mixed Use Overlay Map as indicated on ~~BMUD Map No. 1~~, may be used for off **street** parking or water retention and management areas. The **accessory parking zone** must be under the same ownership or legal control (i.e., lease or easement, etc), and meet the standards of section 4.05.02 of this LDC and have a **site development plan** approved by the County Manager or designee. (See BMUD Figure 1)

6. ~~Parking is prohibited in the front of buildings.~~ Off street parking in front of buildings abutting Bayshore and/or Thomasson Drive shall not exceed 50% of that building's parking requirement.

a. The design shall be a single-aisle double-loaded parking lot.

b. The remaining parking requirement shall be located on the side or rear of the building.

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

\* \* \* \* \*

7. Shared parking requirements shall be consistent with those provided in subsection 4.05.02 of the LDC, except that the County Manager or designee can approve or deny requests instead of the Zoning & Land Development Review Director with review by the CDES Administrator, Board of Zoning Appeals or Planning Commission. Shared parking spaces may be separated by Bayshore Drive or any east-west street intersecting Bayshore Drive provided the two properties are located within the BMUD.

\* \* \* \* \*

**G.** Architectural Design Theme

1. All buildings shall meet the requirements set forth in section 5.05.08 unless otherwise specified below. ~~Buildings shall be designed to reduce mass and scale through the use of arcades, windows, entry features, and other design treatments.~~ Buildings shall be designed to reduce mass and scale through the provision of arcades, windows, entry features, and other design treatments.
2. Regardless of the architectural theme chosen, the following design elements are required.
  - a. Buildings shall be designed to reduce mass and scale through the provision of arcades, windows, entry features, and other design treatments.
  - ab. Hip or gable **building** roofs shall be metal seam (5v Crimp, standing seam or similar design)
  - bc. Windows with vertical orientation and the appearance of divided glass trim.
  - ed. **Facade** wall **building** materials shall be of wood, stucco finish or cement board products.
  - de. All **buildings adjacent abutting** to Bayshore Drive shall have the principal pedestrian entrance fronting Bayshore Drive. Exceptions may be granted for mixed use projects of 2 acres or greater through the administrative deviation process per section 2.03.07.1.5.
  - ef. Thirty-five (35) percent of the **building facade** along Bayshore Drive will be clear glass.
  - fg. Clear glass windows with a tint of 25% or less, between the height of two (2) and seven (7) feet above sidewalk grade are required on the **primary facade** of the first floor of any building.
  - gh. Attached **building** awnings may encroach over the **setback** line by a maximum of five (5) feet.
  - hj. Florescent colors shall not be used.

\* \* \* \* \*

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

- A. Design Standards for the Subdistrict are the same as those set forth for the BMUD Neighborhood Commercial Subdistrict, unless set forth below. **Development** in this subdistrict is encouraged to be a mix of restaurant and retail uses while allowing for limited marina uses.
- B. Special conditions for **Marinas**:
  1. Repair and dry storage areas shall not be visible from the street.
  2. Boats available for rental purposes shall be located in the water or screened with a fence or wall from the local side streets and not visible from Bayshore Drive.
  3. All boat racks shall be enclosed, with a wall or fence and the boats shall not exceed

the height of the enclosure. The fence material can be wood, vinyl composite, concrete block with stucco finish or metal or a combination. No chain link fence is allowed.

4. Height of structures may be increased to a maximum actual height of fifty (50) feet by the Board of Zoning Appeals (BZA) upon approval of a variance petition.

\* \* \* \* \*

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

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

**A. Dimensional and Design Standards**

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

<i>Design Standards</i>			
Maximum <b>Density</b> : <del>shall not exceed the maximum density of the underlying residential zoning district</del> <u>shall not exceed the maximum density of the underlying residential zoning district</u> Density allowed for underlying zoning pursuant to the Density Rating System; unless affordable housing <b>density</b> bonuses are granted.			
	Minimum Lot Width (feet)	Minimum Unit Width (feet)	
Single-family Two-family/Duplex <b>Two-family dwelling unit</b> Townhouses Multi-family	50 feet 50 feet <u>80 feet</u> <del>100</del> <u>25</u> feet 100 feet	<u>25 feet</u>	
Minimum <b>Setbacks</b> Building type	Min. front yard	Min. Side Yard	Min. Rear Yard (feet)
One <del>s</del> Single family detached dwelling unit	10 feet	7.5 feet	15
<b>Two-family dwelling unit</b>	<u>10 feet</u>	<del>5 feet when abutting another dwelling unit, if not then 5 feet.</del>	<u>15</u>
Two family / Duplex dwelling units	10 feet	5 feet	15

Townhouse	10 feet	<del>0 feet when abutting another townhouse, if not then <u>5 feet</u>. the same standards as a two family dwelling unit</del>	15
Multi-family (three or more) dwelling units	10 feet	5 feet unless abutting single family unit, then 7.5 feet	15
<b>Building Standards</b>			
Minimum Floor Area		Single-family 1500 <u>1300</u> square feet per unit <del>Two-family/Duplex 1000 square feet per unit</del> <b><u>Two-family dwelling unit 1000 square feet per unit</u></b> Townhouses 1000 square feet per unit Multi-family 750 square feet per unit	
Maximum Actual Height <del>56 <u>35</u> Feet</del> <b>height of principal structures</b>		<del>3 habitable floors or 42 feet to exceed 3 habitable floors. 42 feet to building eave or top of a flat built-up roof, measured from the first habitable floor elevation, by NFIP standards. Parapets on flat roof can be no more than 5 feet in height.</del> <u>3 habitable floors or 35 feet not to exceed 3 habitable floors.</u>	
Maximum Height <del>actual height</del> of Accessory Screen Enclosures		Same as <del>principal structure</del> , <u>Not to exceed 35 feet, but in no case higher than the main building, as measured from peak of enclosure to the average centerline elevation of the adjacent roadway.</u>	
Maximum height of all other <b>accessory structures</b>		26 feet, but in no case higher than <u>the main building.</u>	
<b>Parking Standards</b>			
Parking standards		Parking standards as required by sections 4.05.02 and 4.05.03 of this Code.	

**B. Specific Design Requirements**

1. Parking areas shall not be visible from Bayshore Drive.
2. **Buildings** and their elements shall adhere to the following:
  - a. **Street-facing facades** of multi-family buildings shall be divided using articulation and/or modulation at least every sixty (60) feet. **Facade** modulation is stepping back or extending forward a portion of the **facade** at least five (5) feet measured perpendicular to the front **facade** for each interval. Articulation

includes porches, balconies, bay windows and/or covered entries.

- b. The primary entrance shall be oriented to the street, with the exception of mobile homes. Orientation is achieved by the provision of a front **facade** including an entry door that faces the street.
- c. On corner lots, both street **facades** of a **building** shall have complementary details; in particular, **building** materials and color, rooflines and shapes, window proportions and spacing, and door placement.
- d. All mechanical equipment must be screened with an opaque fence or wall at a height which is 18 inches above the top of the equipment.
- e. Landscaping and **buffer** requirements for new residential **development** as required by section 4.06.00 of this Code.

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

\* \* \* \* \*

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

\* \* \* \* \*

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

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

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

<b>Setbacks</b>	<b>Min. front yard</b>	<b>Min. Side Yard</b>	<b>Min. Rear Yard</b>
One (Single) Family Detached Dwelling Units	25 feet	7.5 feet	15 feet
<del>Two Family</del> Duplex Dwelling Units	25 feet	6 feet unless <b>abutting</b> single family unit, then 7.5 feet	15 feet

<b><u>Two-family dwelling unit</u></b>	<u>25 feet</u>	<u>6 feet unless <b>abutting</b> single family unit, then 7.5 feet</u>	<u>15 feet</u>
Townhouses	25 feet	6 feet unless <b>abutting</b> single family unit, then 7.5 feet	15 feet
Multi- Family (Three or more) Dwelling Units	25 feet	6 feet unless <b>abutting</b> single family unit, then 7.5 feet	15 feet

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

- A. Development standards for this subdistrict are the same as those set forth for the Residential Subdistrict 1, unless set forth below.
- B. Minimum Lot Width

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

**C. Building Standards**

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

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

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



## **LDC Amendment Request**

**ORIGIN:** Community Redevelopment Agency (CRA) Advisory Board

**AUTHOR:** Jean Jourdan, Project Manager

**DEPARTMENT:** CRA Advisory Board

**AMENDMENT CYCLE # OR DATE:** Cycle 1, 2007

**LDC PAGE:** Beginning at LDC 1.08.02 (Gateway Triangle Mixed Use District (GTMUD) Overlay)

**LDC SECTIONS:** 1.08.02, 2.03.07 & 4.02.35, 4.02.36

**CHANGE:** Add language to clarify that additions or renovations to existing buildings within the C-1 through C-5 zoning districts may follow the existing LDC regulations or the GTMUD Overlay regulations; delete residential uses from the land use tables and add them under Residential Subdistricts; reduce the minimum required residential building square footage and the maximum residential building height; change build-to-line to set-back-line and make minor edits, including deletions for clarity purposes.

Revise the GTMUD Overlay map to designate lots adjacent to the GTMUD Mixed Use Subdistrict for Accessory Parking Zone consistent with the Bayshore Mixed Use Neighborhood Commercial Subdistrict. Remove the GTMUD-MXD designation from properties lying on the north side of Davis Boulevard in order to eliminate inconsistency with the Growth Management Plan.

**REASON:** Requested by the Bayshore/Gateway Triangle Local Advisory Board

**FISCAL & OPERATIONAL IMPACTS:** There are no fiscal impacts to either Collier County or the public.

**RELATED CODES OR REGULATIONS:**

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** This version created on August 15, 2007

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**Amend the LDC as follows:**

### **1.08.01 Abbreviations**

**GTMUD:** Gateway Triangle Mixed Use District

## 1.08.02 Definitions

*Front Yard Build-to-Line* - The line to which a **building** facade must be built, not a minimum distance.

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

## 2.03.07 OVERLAY ZONING DISTRICTS

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

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

#### 1. Purpose and Intent

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

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

#### 2. Applicability

- a. These regulations shall apply to the Gateway Triangle Mixed Use Overlay District as identified on GTMUD Map 1 and further identified by the designation "GTMUD" on the applicable official Collier County Zoning Atlas Maps. Except as otherwise provided by ~~in~~ this section of the LDC, all ~~other~~ uses, dimensional and **development** requirements shall be as required in the applicable underlying zoning classification.
- b. Existing Planned Unit **Developments** (PUDs) are not subject to the Gateway Triangle Mixed Use District requirements; however, PUD applications submitted, and found sufficient, after March 3, 2006 are included in the Gateway Triangle Overlay District and must comply with the requirements stated herein.
- c. Amendments or boundary changes to PUDs that existed prior to March 3, 2006 are not subject to the Gateway Triangle Overlay District requirements.
- d. Property owners may follow existing Collier County Land Development Code

regulations of the underlying zoning classification, or may elect to develop/redevelop under the mixed use provisions of the GTMUD Mixed Use (MXD) Subdistrict of this overlay, through a **mixed use project approval** from the BCC. However, in either instance, GTMUD site **development** standards are applicable to all new development, as provided for in section 2.03.07 N.6.d. of this Code.

- f. Renovations to the interior or exterior of nonconforming buildings in the C-1 through C-5 zoning districts shall be in accordance with section 9.03.00, of the LDC.

\* \* \* \* \*

#### 4. Bonus **Density** Pool Allocation

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

\* \* \* \* \*

#### 6. Gateway Triangle Mixed Use District (GTMUD) Subdistricts

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

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

- b. Residential Subdistrict (GTMUD-R). The purpose of this Subdistrict is to encourage the development in the Shadowlawn neighborhood a mixture of residential housing types. ~~Refer to Tables 1 and 2 for permitted uses in this Subdistrict.~~

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

a) Residential Uses:

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

b) Essential Services as provided for in section 2.01.03.

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

d) Museums and Art Galleries

e) Parochial Schools – Public or Private

f) Schools, public

ii. **Accessory uses.**

a) Garages-residential

b) Guesthouses

c) Swimming pools-private

d) Play areas and playgrounds

iii. **Conditional Uses:**

a) Bed & Breakfast facilities

b) Schools, private

c) **Churches**

- c. Mixed Use Activity Center Subdistrict. Portions of the Gateway Triangle Mixed Use District coincide with *Mixed Use Activity Center #16* designated in the Future Land Use Element (FLUE) of the Collier County Growth Management Plan. **Development** standards in the activity center is governed by requirements of the underlying zoning district requirements and the mixed use activity center subdistrict requirements in the FLUE, except for site **development** standards as stated in Chapter 4.02.35 of this Code.
- d. All Subdistricts. **Development** within all Subdistricts of the GTMUD shall be subject to the site **development** standards as stated in sections 4.02.35 and 4.02.36, as applicable. The subdistrict site **development** standards shall also apply to property developed in conformance with the underlying zoning classification.

**Table 1. Permissible Land Uses in Each GTMUD Subdistrict**

<p><b>P= permitted GTMUD</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category</b></p>	<p><b>SIC Code</b></p>	<p><b>GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT</b></p>	<p><b>Mixed Use Subdistrict (MXD)</b></p>	<p><b>Residential Subdistrict (R)</b></p>
Accounting Services	8721		P	
Administrative Service Facilities				
Adult Day Care Facilities & Centers	8322			
Agricultural Activities				
Agricultural Outdoor Sales				
Agricultural Services	0741, 0742, 0752-0783			
Agricultural Services	0711, 0721, 0722-0724, 0762, 0782, 0783			
<del>Agricultural Services</del>	<del>0723</del>			
Aircraft and Parts	3721-3728			
Airport - General Aviation				
Amusement & Recreation Services	7911, 7991			
Amusement & Recreation Services	7999 tourist guides only			
Ancillary Plants				
Apparel & Other Finished Products	2311-2399			
Apparel & Accessory Stores	5611-5699		P	
Appraisers			P	
Architectural, Engineering, Surveying Services	0781, 8711-8713		P	
Assisted Living Facilities				
Attorney Offices & Legal Services	8111		P	
Auctioneering Service, Auction Rooms and Houses	7389, 5999			
Auto and Home Supply Store	5531		P	
Automobile Parking	7521		P	
<del>Automotive Repair, Services, and Parking</del>	<del>7514, 7515, 7521, 7542</del>			
Automotive Repair, Services, and Parking	7513-7549			

<p><b>P= permitted GTMUD</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category</b></p>	<p><b>SIC Code</b></p>	<p><b>GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT</b></p>	<p><b>Mixed Use Subdistrict (MXD)</b></p>	<p><b>Residential-Subdistrict (R)</b></p>
Automotive Services				
Automotive Dealers and Gasoline Service Stations	5511, 5531, 5541, 5571, 5599			
Barber Shops or Colleges	7241			
Beauty Shops or Schools	7231			
Biking Trails				
Bowling Centers	7933			
Building Construction	1521-1542			
Building Materials	5211-5261			
Building Materials, Hardware, Garden Supplies	5231 - 5261			
Business Associations	8621			
Business Repair Service			P	
<del>Business Services</del>	<del>7311, 7313, 7322-7331, 7338, 7361, 7371, 7372, 7374-7346, 7379</del>		P	
Business Services	7311-7313, 7322-7338, 7361-7379, 7384, <u>7389</u>		P	
<del>Business Services</del>	<del>7311, 7313, 7322-7338, 7384</del>			
<del>Business Services</del>	<del>7311-7313, 7322-7338, 7361-7379, 7384, 7389</del>		P	
Business Services	<del>7311-7319, 7352, 7359, 7361-7397, 7389-7342, 7349, 7353</del>			
<del>Business Services</del>	<del>7311-7353, 7359</del>			
<del>Business Services</del>	<del>7312, 7313, 7319, 7334-7336, 7342-7389</del>			
<del>Business Services</del>	<del>7311</del>			
<del>Business Services</del>	<del>7312, 7313, 7319, 7331, 7334-7336, 7342, 7349, 7352, 7361, 7363, 7371-7384, 7389</del>			

<p><b>P= permitted GTMUD</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category</b></p>	<p><b>SIC Code</b></p>	<p><b>GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT</b></p>	<p><b>Mixed Use Subdistrict (MXD)</b></p>	<p><b>Residential Subdistrict (R)</b></p>
Business Services	<del>7311, 7313, 7322-7331, 7335-7338, 7361, 7371, 7374-7376, 7379</del>			
Business/Office Machines				
Canoe Rental				
Canoeing Trails				
Care Units			P	
Carwashes	7542			
Category II Group Care Facilities				
Child Care - Not for Profit				
Child Day Care Services	8351			
Churches & Places of Worship				P
Civic and Cultural Facilities				
Collection/Transfer Sites				
Commercial Printing	2752			
<del>Communications</del>	<del>4812-4841</del>			
Communications	4812-4899			
Communication Towers				
Construction				
Construction - Heavy				
Construction - Special Trade Contractors	<del>1711-1793, 1796, 1799</del>			
Construction - Special Trade Contractors	1711-1799			
Continuing Care Retirement Communities				
Depository Institutions	6011-6099, <u>6111-6163</u>			
Depository Institutions	<del>6011, 6019, 6081, 6082</del>			
Depository Institutions	<del>6021-6062, 6091, 6099, 6111-6163</del>			
Depository Institutions	6021-6062			
Drinking Establishments and Places	5813		P	
Drug Stores	5912			

<p><b>P= permitted GTMUD</b></p> <p><b>E = permitted with certain exceptions</b></p> <p><b>Blank cell = prohibited (also see table of conditional and accessory uses)</b></p> <p><b>Land Use Type or Category</b></p>	<p><b>SIC Code</b></p>	<p><b>GATEWAY TRIANGLE MIXED USE OVERLAY DISTRICT</b></p>	<p><b>Mixed Use Subdistrict (MXD)</b></p>	<p><b>Residential Subdistrict (R)</b></p>
Drugs and Medicine	2833-2836			
Duplexes				
Dwelling Units			P	P
Eating Establishments and Places	5812		P	
Educational Plants			P	
<del>Educational Services</del>	<del>8211-8231</del>			
<del>Educational Services</del>	<del>8243-8249</del>			
<del>Educational Services</del>	<del>8221-8299</del>			
Educational Services	8211-8244, <u>8221-8299</u>			
Electronic Equipment & Other Electrical Equipment	3612-3699			
Engineering, Accounting, Management and Related Services	8711-8748		P	
<del>Engineering, Accounting, Management and Related Services</del>	<del>8711-8713</del>			
Equestrian Paths				
Essential Services <sup>1</sup>			P	P
Excavation				
Fabricated Metal Products	3411-3479, 3419-3499			
Fairgrounds				
Family Care Facilities				
Fishing Piers				
Fishing/Hunting/Trapping	0912-1919			
Fixture Manufacturing				
Food Manufacturing	2034, 2038, 2053, 2064, 2066, 2068, 2096, 2098, 2099			



Food Products	2011-2099			
<del>Food Stores</del>	<del>5411, 5421-5499</del>		<del>P</del>	
Food Stores	5411-5499		P	
Fraternal Organizations				
Funeral Services and Crematories	7261			
Furniture & Fixtures Manufacturing	2511-2599			
Gasoline Services Stations	5541, 5511-5599		P	
General Contractors	1521-5261			
General Merchandise Stores	5311-5399		P	
Glass and Glazing Work	1793			
Golf Courses				
Government Offices/Buildings	9111-9222, 9224-9229, 9311, 9411-9451, 9511- 9532, 9611-9661			
Group Care Facilities			P	
Gunsmith Shop	7699			
Hardware Stores	5251		P	
Health Food Stores				
<del>Health Services</del>	<del>8011-8049</del>		<del>P</del>	
Health Services	8011-8049, 8082		P	
Health Services	8051-8059, 8062-8069, 8071, 8072, 8092-8099			
Heavy Construction	1611-1629			
Hiking Trails				
<del>Home Furniture, Furnishings, Equipment Store</del>	<del>5713-5719, 5731-5736</del>		<del>P</del>	
Home Furniture, Furnishings, Equipment Store	5712-5736		P	
Home Supply Store	5531		P	
Hotels and Motels	7011, 7021, 7041		P	
<del>Hotels and Motels</del>	<del>7041</del>			
Houseboat Rental	7999			
Individual & Family Social Services			P	
Industrial Inorganic Chemicals	2812-2819			
Industrial, Commercial, Computer Machinery and Equipment	3511-3599			
Insurance Agencies, Brokers, Carriers	6311-6399, 6411		P	
<del>Insurance Agencies, Brokers, Carriers</del>	<del>6311-6361, 6411</del>			
<del>Insurance agents, brokers, and service, including Title Insurance</del>	<del>6361 and 6411</del>			
Investment/Holding Offices	6712-6799			
Job Training & Vocational Services	8331			
Justice, Public Order & Safety	9221, 9222, 9229			
Labor Unions	8631			
Labor Pool	7363			
Lakes Operations	7999			
Large Appliance Repair Service	7623		P	
Leather Products	3131-3199			

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 Bold text indicates a defined term

Libraries	8231			
Local and Suburban Transit	4111-4121			
Local and Suburban Transit	4131-4173			
Lumber and Wood Products	2426, 2431-2499			
<del>Management &amp; Public Relations</del>	<del>8741-8743, 8748</del>		<del>P</del>	
Management Services	8711-8748		P	
Marinas	4493, 4499		P	
Measuring, Analyzing and Controlling Instruments	3812-3873			
Medical and Optical Goods	3812-3873			
Medical Laboratories and Research & Rehabilitation Centers	8071, 8072, 8092, 8093			
Membership Organizations	8611-8699		P	
<del>Membership Organizations</del>	<del>8311, 8631</del>			
<del>Membership Organizations</del>	<del>8611</del>			
<del>Membership Organizations</del>	<del>8611, 8621</del>			
Misc. Manufacturing Industries	3911-3999			
Miscellaneous Plastic Products				
Miscellaneous Repair Service	7629-7631		P	
<del>Miscellaneous Repair Service</del>	<del>7622-7641, 7699</del>			
<del>Miscellaneous Repair Service</del>	<del>7622-7699</del>			
<del>Miscellaneous Retail Services</del>	<del>5912, 5942-5961</del>		<del>P</del>	
Miscellaneous Retail Services	5912-5963		P	
Miscellaneous Retail Services	<u>5912-5963, 5992-5999</u>			
<del>Miscellaneous Retail Services</del>	<del>5912, 5932-5949, 5942-5961, 5992-5999</del>			
Mobile Home Dealers	5271			
Mobile Homes				
Modular Built Homes				
Motion Picture Production	7812-7819			
Motion Picture Theaters	7832			
Motor Freight Transportation and Warehousing	4225			
Motor Homes				
Multi-Family Dwellings			P	P
Museums and Art Galleries	8412		P	
Nature Preserves				
Nature Trails				
<del>Non-Depository Credit Institutions</del>	<del>6141-6163</del>		<del>P</del>	
Non-Depository Credit Institutions	6111-6163		P	
<del>Non-Depository Institutions</del>	<del>6011-6163</del>			
<del>Non-Depository Institutions</del>	<del>6011, 6019, 6081, 6082</del>			
Non-Depository Institutions	<u>6011, 6019, 6021-6062, 6082, 6091, 6099, 6111-6163</u>			
Nursing Homes	8051, 8052, 8249		P	
Office Machine Repair Service	7629-7631		P	
Oil & Gas Exploration				

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 Bold text indicates a defined term

Open Space				
Outdoor Storage Yard				
Paint, Glass, Wallpaper Stores	5231		P	
Paper and Allied Products	2621-2679			
Park Model Travel Trailers				
Park Service Facilities				
Parking Facilities			P	
Parking Services			P	
Parks, Public or Private				
Parochial Schools – Public or Private				P
	8211			
Party Fishing Boats Rental	7999			
Personal Services	<u>7291 7212, 7215, 7221-7251</u>		P	
<del>Personal Services</del>	<del>7212-7215, 7221-7251, 7291</del>			
<del>Personal Services</del>	<del>7212, 7215, 7221-7251</del>		P	
<del>Personal Services</del>	<del>7212, 7291</del>			
Personal Services	<u>7211, 7212, 7215, 7216, 7291, 7299<sup>2</sup></u>		E <sup>2</sup>	
<del>Personal Services</del>	<del>7215, 7217, 7219, 7261, 7291-7299</del>			
<del>Personal Services</del>	<del>7211-7219, <u>7231, 7261, 7291, 7299</u></del>			
<del>Personal Services</del>	<del>7215-7231, 7241</del>			
<del>Personal Services</del>	<del>7221, 7291</del>			
Photographic Goods	3812-3873			
Photographic Studios	7221		P	
Physical Fitness Facilities	7991		P	
Physical Fitness Facilities				
Pickup Coaches				
Plant and Wildlife Conservancies				
Plastic Materials & Synthetics	2821, 2834			
Play Areas and Playgrounds				
Pleasure Boat Rental				
Printing and Publishing Industries	2711, 2712			
Printing and Publishing Industries	2711-2796			
Professional Offices	6712-6799, 6411, 96311-6399, 6531, 6541, 6552, 6553, 8111			
Professional Organizations	8631			
Public Administration	9111-9199, 9229, 9311, 9411-9451, 9511-9532, 9611-9661			
Public Service Facilities - Essential				
Railroad Transportation	4011, 4013			
Real Estate	6531-6541		P	
<del>Real Estate</del>	<del>6521-6541</del>			
<del>Real Estate</del>	<del>6512</del>			

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Real Estate	6512-6514, 6519, 6531- <u>6553-6540</u>			
<del>Real Estate Brokers and Appraisers</del>	<del>6531</del>			
<del>Real Estate Offices</del>	<del>6531, 6541, 6552, 6553</del>			
Recreational Service Facilities				
Recreational Services - Indoor	7911-7941, 7991-7993, 7999			
Recreational Uses				
Recreational Vehicles				
Rehabilitative Centers	8093			
Repair shops and related services, not elsewhere classified	7699 <sup>3</sup>			
Research Centers	8093			
Research Services	8732			
<del>Residential uses</del>				
Retail Nurseries, Lawn and Garden	5261			
Rubber and Misc. Plastic Products	3021, 3052, 3053			
Safety Service Facilities				
Schools, public				P
Schools - Vocational	8243-8299			
Security Brokers, Dealers, Exchanges, Services	6211-6289		P	
Shoe Repair Shops or Shoeshine Parlors	7251		P	
Shooting range, indoor	7999			
<del>Single Family Dwellings</del>				P
Social Services	8322-8399			
Stone, Clay, Glass and Concrete Products	3221, 3251, 3253, 3255- 3273, 3275, 3281			
Storage				
Synthetic Materials	2834			
Testing Services				
Textile Mill Products	2211-2221, 2241-2259, 2273-289, 2297, 2298			
Timeshare Facilities				
Title abstract offices	6541			
Tow-in Parking Lots	7514, 7515, 7521			
Townhouses			P	P
Transportation by Air	4512-4581			
Transportation Equipment	3714, 3716, 3731, 3732, 3751, 3761, 3764, 3769, 3792, 3799			
Transportation Services	4724-4783, 4789			
Travel Agencies	4724			
Travel Trailers	5561			

<u>Two-Family Dwelling</u>				<b>P</b>
United States Postal Service	4311		E <sup>4</sup>	
Veterinarian's Office	0742		E <sup>5</sup>	
Veterinarian's Office	0752		P	
Videotape Rental	7841		E <sup>6</sup>	
Vocational Rehabilitation Services	8331			
Welding Repair	7692			
Wholesale Trade	5148			
Wholesale Trade - Durable Goods	5021, 5031, 5043-5049, 5063-5078, 5091, 5092, 5094-5099			
Wholesale Trade - Nondurable Goods	5111-5159, 5181, 5182, 5191			
Wildlife Conservancies	9512			
Wildlife Management	0971			
Wildlife Refuge/Sanctuary				
Wildlife Sanctuaries				
Watches/Clocks	3812-3873			

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

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

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

4 Excludes major distribution center.

5 Excludes outdoor kenneling

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

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

C = conditional use

A = accessory use

<b>ACCESSORY AND CONDITIONAL USES</b>	<b>SIC Code</b>	<b>GTMUD – MXD</b>	<b>GTMUD-R</b>
Administrative or service building			
Adult day care	8322		
Agricultural: animal & livestock breeding, exotic aquaculture, aviary, dairy or poultry plant, egg production, exotic animals, ranching, or wholesale reptile breeding			
Agricultural			
Agricultural services	0741, 0742, 0752-0783		
Amusement & recreation services	7911		
Amusement & recreation services	7911-7941, 7991-7993, 7997, 7999		
Amusement & recreation services	7948, 7992, 7996, 7999		
Ancillary plants		C	
Animal control			
Aquariums	8422		

C = conditional use  
A = accessory use

<b>ACCESSORY AND CONDITIONAL USES</b>	<b>SIC Code</b>	<b>GTMUD – MXD</b>	<b>GTMUD-R</b>
Archery ranges	7999		
Assisted living facilities			
Automotive dealers and gasoline service stations	5521, 5551, 5561, 5599		
Automotive rental/leasing	7513, 7519		
Beach chair, bicycle, boat or moped rentals			
Bed & breakfast facilities	7011		Ⓞ
Boathouses			
Boat ramps			
Boat yards		C	
Botanical garden	8422	C	
Bottle clubs	5813		
Camping cabins			
Care Units			
Caretaker's residence		A	
Category II group care facilities			
Cemeteries			
Chemical products	2812-2899		
Child day care	8351	C	

C = conditional use  
A = accessory use

<b>ACCESSORY AND CONDITIONAL USES</b>	<b>SIC Code</b>	<b>GTMUD – MXD</b>	<b>GTMUD-R</b>
<b>Churches</b> <del>Churches &amp; places of worship</del>	8661		
Civic & cultural facilities			
Clam nurseries			
Cluster development			
Cocktail lounges	5813		
Collection/transfer sites			
Commercial uses			
Communications	4812-4841		
Communication towers			
Community centers			
Community theaters	7922		
Concrete or asphalt plants			
Continuing care/retirement centers			
Convenience stores	5411		
Dancing establishments & staged entertainment			
Depository institutions	6011-6099	C	
Detention facilities			



C = conditional use  
A = accessory use

<b>ACCESSORY AND CONDITIONAL USES</b>	<b>SIC Code</b>	<b>GTMUD – MXD</b>	<b>GTMUD-R</b>
Docks			
Drinking establishments	5813		
Driving ranges			
Earthmining			
Eating establishments	5812		
Education services	8211-8222	C	
Education facilities; public & private schools	8211-8231	C	
Electric generating plants			
Electric, gas, & sanitary services	4911-4971		
Excavation			
Extraction related processing and production			
Fabricated metal products	3482-3489		
Farm labor housing			
Farm product raw materials	5153-5159		
Field crops			
Fishing/hunting/trapping	0912-1919		

C = conditional use  
A = accessory use

<b>ACCESSORY AND CONDITIONAL USES</b>	<b>SIC Code</b>	<b>GTMUD – MXD</b>	<b>GTMUD-R</b>
Food products	2011, 2048		
Food service			
Food stores (over 5,000 s.f.)	5411-5499		
Fraternal lodges, private club, or social clubs		C	
Fuel dealers	5983-5989		
Fuel facilities			
Funeral services & crematories	7261	C	
Gas generating plants			
<del>Garage-residential</del>			A
Gift shops	5947		
Golf club house			
Golf course			
Golf driving range			
Group care units			
Guesthouses			A
Health services	8011		
Homeless shelters	8322		
Hospitals	8062-8069		
Hotels and motels	7011, 7021, 7041		
Hunting cabins			

C = conditional use  
A = accessory use

<b>ACCESSORY AND CONDITIONAL USES</b>	<b>SIC Code</b>	<b>GTMUD – MXD</b>	<b>GTMUD-R</b>
Incinerators			
Jails			
Justice, public order & safety	9211-9224		
Kennels & kenneling	0742, 0752		
Kiosks			
Leather tanning & finishing	3111		
Livestock			
Local and suburban transit	4111-4121		
Local and suburban transit	4131-4173		
Lumber and wood products	2411-2421, 2429		
Maintenance areas		C	
Major maintenance facilities			
Marina	4493, 4499		
Mental health facilities			
Merchandise – outdoor sales			
Miniature golf course	7999		
Model homes and model sales centers			
Motion picture theaters	7833		

C = conditional use  
A = accessory use

<b>ACCESSORY AND CONDITIONAL USES</b>	<b>SIC Code</b>	<b>GTMUD – MXD</b>	<b>GTMUD-R</b>
Motor freight transportation and warehousing	4212, 4213- 4225, 4226		
<del>Motor freight transportation and warehousing</del>	<del>4225, 4226</del>		
Noncommercial boat launching ramps			
Nursery – retail	5261		
Nursing and personal care facilities	8062	C	
Nursing homes			
Oil and gas extraction	1321, 1382		
Oil & gas field development and production			
Outdoor display		C	
Packinghouse			
Paper and allied products	2611		
Personal services	7291	C	
Petroleum refining and related	2911-2999		
Pistol or rifle range			
Play areas and playgrounds			A
Poultry raising (small)			
Primary metal industries	3312-3399		
Private boathouse and docks			
Private clubs			

C = conditional use  
A = accessory use

<b>ACCESSORY AND CONDITIONAL USES</b>	<b>SIC Code</b>	<b>GTMUD – MXD</b>	<b>GTMUD-R</b>
Private landing strips			
Pro shops (large)			
Pro shops (small)			
Recreational facilities			
Recreational services			
Refuse systems	4953		
Rehabilitative centers	8093		
Repair or storage areas			
Residential uses			
Resource recovery plant			
Restaurant (small) or snack shop	5812		
Restaurant (large)	5812		
Retail shops or sales			
Rubber and misc. Plastic products	3061-3089		
Sanitary landfills			
Sawmills			
Schools, public or private			
Schools, private			⊕
Schools, vocational	8243-8299		
Service facilities			
Slaughtering plants	2011		

C = conditional use  
A = accessory use

<b>ACCESSORY AND CONDITIONAL USES</b>	<b>SIC Code</b>	<b>GTMUD – MXD</b>	<b>GTMUD-R</b>
Social association or clubs	8641	C	
Social services	8322-8399		
Soup kitchens			
Sports instructional camps or schools			
Staged entertainment facility			
Stone, clay, glass and concrete products	3211, 3221, 3229, 3231, 3241, 3274, 3291-3299		
Swimming pools - public			
Storage, enclosed			
Tennis facilities			
Textile mill products	2231, 2261- 2269, 2295, 2296		
Transfer stations	4212		
Veterinarian's office	0741-0742		
Wholesale trade – durable goods	5015, 5051, 5052, 5093		
Wholesale trade – nondurable goods	5162, 5169, 5171, 5172, 5191		

C = conditional use  
 A = accessory use

ACCESSORY AND CONDITIONAL USES	SIC Code	GTMUD – MXD	GTMUD-R
Zoo			

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

##### A. Dimensional Standards

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

Design Standards Mixed Use Subdistrict	
Front <del>streetscape zone</del>	Davis Boulevard, US 41, Airport-Pulling Road and Commercial Drive
16 Feet Measured from back of curb to <del>front yard build-to-line set back line</del> , which includes existing <del>sidewalk</del> area See GTMUD Figure 4	<p>If no curb exists as on Commercial Drive the front <del>streetscape zone</del> shall be <u>minimum of 6.5 feet</u> from the front property line.</p> <p>The front <del>streetscape zone</del> shall also apply to any new <del>buildings</del> or <del>structures</del> in the C-1 through C-5; Zoning Districts which under lay the GTMUD Mixed Use Subdistrict.</p> <p>Steps, and or ramps may encroach in to the <del>streetscape zone</del> but no more than 3 feet.</p>
<del>Front yard build-to-line set back line</del>	Sixteen feet measured from back of curb. If no curb exists as on Commercial Drive the <del>front yard build-to-line set back line</del> shall be <u>a minimum of 6.5 feet</u> from the front property line.

<p>The <del>front yard <u>set back line build-to-line</u></del> shall apply to any new <del>buildings or structures</del> in the C-1 through <del>C-3</del> C-5 Zoning Districts which under lay the GTMUD Mixed Use Subdistrict.</p> <p><del>Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to building set-backs per section 4.02.01 A. Table 2.1</del></p>	<ol style="list-style-type: none"><li><del>1. The <b>front yard build-to-line set back line</b> shall mean that line to which a <b>building facade</b> must be built, not a minimum distance.</del></li><li><del>2. A minimum of 70 percent of the building's front <b>façade</b> shall be placed on the <b>front yard build-to-line set back line</b>. The additional front <b>façade</b> has to be recessed a minimum of 3 feet from the <b>front yard build-to-line set-back-line</b>.</del></li><li><del>3. A minimum 10 feet Step-Back from the fFront Build-to-Line <u>façade</u> is required at the third floor and above.</del></li></ol>
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	Other <b>Streets</b> in Mixed Use Subdistrict
<b>front yard set back line build-to-line</b>	At the Front Property Line.
<p>The <del>front yard build-to-line set back line</del> shall apply to any new <b>buildings</b> or <b>structures</b> in the C-1 through C-3 C-5 Zoning Districts which under lay the GTMUD Mixed Use Subdistrict.</p> <p><u>Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to building set-backs per section 4.02.01 A. Table 2.1</u></p>	<p>1. <del>The Ffront Build-to-Line shall mean that line to which a <b>building facade</b> must be built, not a minimum distance. <u>The <b>front yard setback</b> line shall be 6.5 feet.</u></del></p> <p>2. <del>A minimum of 70 percent of the building's front <b>facade</b> at the ground level shall be placed on the <b>front set back line yard build-to-line</b>. The additional remainder of the <b>front facade</b> must be recessed a minimum of 3 feet <u>back</u> from the <b>front yard build-to-line</b>.</del></p> <p>3 <del>2.</del> A minimum 10 feet step-back from the front <u>facade</u> <b>yard build-to-line</b> is required at the third floor and above.</p>
<b>Minimum setbacks</b>	
Side <b>yards</b> – abutting residential	40 feet
Side <b>yards</b> – all other	0 or 10 feet minimum
Rear <b>yard</b>	0-5 feet
Waterfront <sup>18</sup>	25 feet setback
Minimum <b>building</b> separation	0 or 10 Feet
<b>Maximum residential density</b>	<p>1. <del>For a mixed use project, 12 units per acre in the “Mini Triangle” defined by US 41 East, Davis Boulevard and Commercial Drive. These bonus <b>density</b> units are not deducted from the Bonus <b>Density</b> Pool.</del></p> <p>2. <del>For a mixed use project, 12 units per acre to include all areas of the Mixed Use Subdistrict except:</del></p> <ul style="list-style-type: none"> <li><del>▪ North side of Davis Boulevard</del></li> <li><del>▪ East side of Airport Pulling Road</del></li> </ul> <p><del>For these excepted areas, three units per acre, or as may be allowed by a rezoning pursuant to the Future Land Use Element.</del></p> <p>3. <del>Residential only projects (not part of a mixed use <b>development</b>), per the underlying zoning district, or as may be allowed by a rezoning pursuant to the Future Land Use Element.</del></p>
Minimum floor area	700 square foot gross floor area for each <b>building</b> on the ground floor.
Minimum <b>lot</b> area	-80,000 Square feet

Minimum <del>lot</del> width	400 feet
<b>Building footprint</b>	A <b>building</b> with only commercial use is limited to a maximum <b>building</b> footprint of 20,000 square feet, except in Mini Triangle maximum limit is 30,000 square feet.
<b>Building height of story</b>	14 feet of <b>building</b> height equals one story
Maximum height of <b><u>buildings</u></b> structures	
Properties developed in conformance with underlying C-4 and C-5 zoning classifications are restricted to maximum <b>building</b> height per section 4.02.01 A. Table 2.	
Commercial use only buildings Maximum actual height of <b><u>buildings</u></b> structures = 56 feet.	<del>42 feet not to exceed 3 stories or 42 feet to bottom of <b>building</b> eave or top of a flat built-up roof, measured to first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more than 5 feet in height.</del>
Residential use only <b>buildings</b> Maximum actual height of <b><u>buildings</u></b> structures = 56 feet.	<del>42 feet not to exceed 3 stories or 42 feet or 4 stories or 56 feet if fronting on US 41, measured to <b>building</b> eave or top of a flat built-up roof, measured from the first floor elevation, by NFIP standards. Parapets on flat roof can be no more than 5 feet in height.</del>
Mixed-use residential over commercial use <b>buildings</b> Maximum actual height of buildings structures = 70 feet.	<del>56 feet not to exceed 4 stories or 56 feet measured to <b>building</b> eave or top of a flat built-up roof, measured to first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more than 5 feet in height.</del>
Hotel / Motel Maximum actual height of <b><u>buildings</u></b> structures = 70 feet.	<del>56 feet not to exceed 4 stories or 56 feet measured to <b>building</b> eave or top of a flat built-up roof, measured to first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more than 5 feet in height.</del>
"Mini Triangle" Mixed Use Project Maximum actual height of <b><u>buildings</u></b> structures = 126 feet.	<del>112 feet not to exceed 8 stories or 112 feet to <b>building</b> eave or top of a flat built-up roof, measured to first finished floor elevation, by NFIP standards. Parapets on flat roof can be no more than 5 feet in height.</del>
Mixed use <b>building</b> uses	Only first two floors can be used for commercial uses.
Coiling height	
	The first floor ceiling height shall be no less than 12 feet and no more than 18 feet in height for commercial uses from the finished floor to the finished ceiling and shall be limited to commercial uses only.

<u>Design standards for Mixed Use Projects on Davis Boulevard (south side), US Hwy 41, Airport-Pulling Road and Commercial Drive</u>	
<p><u>Front <b>streetscape zone</b> for new construction</u></p> <p><u>See GTMUD Figure 1</u></p>	<p><u>16 Feet Measured from back of curb into <b>front yard</b>, which includes existing <b>sidewalk</b> area.</u></p> <ol style="list-style-type: none"> <li><u>1. If no curb exists, as on Commercial Drive, the front <b>streetscape zone</b> shall begin a minimum of 6.5 feet from the front property line into the <b>right of way</b>.</u></li> <li><u>2. The front <b>streetscape zone</b> shall also apply to any new <b>buildings</b> or <b>structures</b> in the C-1 through C-3 Zoning Districts which underlay the GTMUD Mixed Use Subdistrict.</u></li> <li><u>3. Properties developed in conformance with the underlying C-4 and C-5 zoning classifications are restricted to building setbacks per section 4.02.01 A. Table 2.1.</u></li> <li><u>4. Steps, and or ramps may encroach into the <b>streetscape zone</b> but no more than 3 feet.</u></li> </ol>
<p><u><b>Front yard set back</b></u></p>	<p><u>Sixteen feet measured from back of curb. If no curb exists as on Commercial Drive the <b>front yard set back</b> shall be a minimum of 6.5 feet from the front property line into the property.</u></p> <ol style="list-style-type: none"> <li><u>1. The <b>front yard setback</b> shall also apply to any new buildings in the C-1 through C-3 zoning districts which underlay the GTMUD Mixed Use Subdistrict.</u></li> <li><u>2. Properties developed in conformance with the underlying C-4 and C-5 zoning classifications are restricted to building setbacks per section 4.02.01 A. Table 2.1.</u></li> <li><u>3. A minimum 10 feet step-back from the front façade on the first and second stories is required at the third story and above.</u></li> </ol>

<u>Minimum setbacks for mixed use projects for other <b>streets</b></u>	
<u><b>Front setback</b></u>	<p><u>10 feet</u></p> <p>1. The front <b>setback</b> shall also apply to any new buildings in the C-1 through C-3 zoning districts which underlay the <u>GTMUD Mixed Use Subdistrict.</u></p> <p>2. Properties developed in conformance with the underlying C-4 and C-5 zoning classifications are restricted to building <b>setbacks</b> per section 4.02.01 A. Table 2.1.</p> <p>3. A minimum 10 feet step-back from the front <b>façade</b> is required at the third floor and above.</p>
<u>Side yards - abutting residential</u>	<u>10 feet</u>
<u>Side yards - all other</u>	<u>10 feet minimum</u>
<u>Rear yard</u>	<u>5 feet</u>
<u>Waterfront<sup>18</sup></u>	<u>25 feet setback</u>
<u>Minimum floor area</u>	<u>700 square foot gross floor area for each unit, residential and commercial.</u>
<u>Minimum <b>building</b> separation</u>	<u>10 Feet</u>

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

Dimensional standards:	
<u>Minimum lot area</u>	<u>80,000 Square feet</u>
<u>Minimum lot width</u>	<u>400 feet</u>
<u>Building footprint</u>	<u>A <b>building</b> with commercial use only is limited to a maximum <b>building</b> footprint of 20,000 square feet, except in the "Mini Triangle", defined by US 41 East, Davis Boulevard and Commercial Drive, where the maximum limit is 30,000 square feet.</u>
Maximum height	
<u>Commercial use only: Maximum height of buildings</u>	<u>42 feet, not to exceed 3 stories</u>
<u>Residential use only: Maximum height of buildings</u>	<u>42 feet, not to exceed 3 stories</u>
<u>Mixed-use: Residential on top of commercial uses</u>	<u>56 feet, not to exceed 4 stories</u>
<u>Maximum height of buildings Hotel/Motel</u>	<u>56 feet, not to exceed 4 stories</u>
<u>Mini Triangle" Mixed Use Project Maximum height of buildings</u>	<u>112 feet, not to exceed 8 stories</u>
<u>Maximum height of buildings.</u>	<u>The maximum building height of properties developed in conformance with underlying C-4 and C-5 zoning classifications shall be as required by section 4.02.01 A. Table 2.</u>
<u>Mixed use <b>building</b> uses</u>	<u>Only first two floors can be used for commercial uses.</u>
<u>Ceiling height</u>	<u>The first floor ceiling shall be no less than 12 feet and no more than 18 feet in height from the finished floor to the finished ceiling and shall be limited to commercial uses only.</u>

<p><u>Maximum density</u></p>	<p><u>1. For a mixed use project, 12 units per acre in the "Mini Triangle," defined by US 41 East, Davis Boulevard and Commercial Drive. These bonus <b>density</b> units are not deducted from the Bonus <b>Density</b> Pool.</u></p> <p><u>2. For a mixed use project, 12 units per acre to include all areas of the Mixed Use Subdistrict except:</u></p> <ul style="list-style-type: none"> <li>▪ <u>North side of Davis Boulevard</u></li> <li>▪ <u>East side of Airport-Pulling Road</u></li> </ul> <p><u>For these excepted areas, three units per acre, or as may be allowed by a rezoning pursuant to the Future Land Use Element.</u></p> <p><u>3. Residential only projects (not part of a mixed use <b>development</b>), per the underlying zoning district, or as may be allowed by a rezoning pursuant to the Future Land Use Element.</u></p>
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**B. Regulations For Outdoor Display And Sale Of Merchandise.**

1. No automatic food and/or drink vending machines or public pay phones are permitted outside of any **structure**.
2. Newspaper vending machines will be limited to two machines per project site and, which can be individual **building** or a multiple **building development** and shall be permanently affixed (not portable).
3. Outdoors display and sale of merchandise, within **front yards** on improved properties, are permitted subject to the following provisions:
4. The outdoor display/sale of merchandise is limited to the sale of comparable merchandise sold on the premises.

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

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

Code

## 1. Mixed Use Projects

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

## 2. C-1 through C-5 Zoned Properties

- a. The parking location requirements will also apply to new **development** for C-1 through C-5 zoned property, which underlay the GTMUD Mixed Use Subdistrict. Parking **lots** shall be designed for interconnection, with **adjacent abutting** property.
- ~~5. Shared parking requirements shall be consistent with those provided in subsection 4.05.02 of the LDC.~~

\* \* \* \* \*

F. Architectural Standards

1. All buildings shall meet the requirements set forth in section 5.05.08 unless otherwise specified below.
2. Regardless of the chosen architectural theme, the following design elements are required.
  - a. **Buildings** shall be designed to reduce mass and scale through the provision of arcades, windows, entry features, and other design treatments.

\* \* \* \* \*

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

A. Dimensional and Design Standards

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

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



Text underlined is new text to be added.  
 Text ~~struckthrough~~ is current text to be deleted.  
**Bold** text indicates a defined term

<u>Duplex</u>	<u>10 feet</u>	<u>5 feet</u>	<u>15 feet</u>
Townhouse	10 feet	<u>5 feet</u>	15 <u>feet</u>
<u>Multi-family (three or more) dwelling units</u>	<u>10 feet</u>	<u>7.5 feet</u>	15 <u>feet</u>
<b>Building Standards</b>			
Minimum floor area	Single-family <del>1500</del> <u>1300</u> square feet per unit Two-family <del>1000</del> <u>square feet per unit</u> Duplex 1000 square feet per unit Townhouses 1000 square feet per unit Multi-family 750 square feet per unit		
Maximum actual height of principal <del>buildings</del> <b>structures</b> <del>56</del> <u>35</u> feet	<u>35 feet not to exceed</u> 3 habitable floors or <del>42</del> <u>35</u> feet to building eave or top of a flat built-up roof, measured from the first habitable floor elevation, by NFIP standards. Parapets on flat roof can be no more than 5 feet in height.		
Maximum actual height of accessory screen enclosures	Same as <b>principal building structure</b> , not to exceed 35 feet.		
Maximum actual height of all other <b>accessory structures</b>	26 feet but in no case higher than the main <b>building</b> .		

**B. Parking Standards**

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

**C. Architectural Standards**

1. **Buildings** and their elements shall adhere to the following:
  - e. **Street-facing facades** of multifamily **buildings** shall be divided using articulation and/or modulation at least every sixty (60) feet. **Facade** modulation is stepping back or extending forward a portion of the **facade** at least five (5) feet measured perpendicular to the front **facade** for each interval. Articulation includes porches, balconies, bay windows and/or covered entries.
  - f. The primary entrance shall be oriented to the **street**; with the exception of mobile homes. Orientation is achieved by the provision of a front **facade** including an entry door that faces the **street**.

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**Bold** text indicates a defined term

- g.** On corner **lots**, both **street facades** of a **building** shall have complementary details; in particular, **building** materials and color, rooflines and shapes, window proportions and spacing, and door placement.
- h.** All mechanical equipment must be screened with a three (3)-foot high hedge or an opaque fence or wall at any height equal to the mechanical equipment.

## **LDC Amendment Request**

**ORIGIN:** BCC Directed

**AUTHOR:** CDES

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:**

**LDC SECTION(S):** 4.02.01 Dimensional Standards For Principal Uses in Base  
Zoning Districts

**CHANGE:** Change side yard setbacks in the Estates.

**REASON:** Mr. Bender requested that Commission "make the rule more equitable amongst owners that have different frontages."

**FISCAL & OPERATIONAL IMPACTS:**

**RELATED CODES OR REGULATIONS:**

**GROWTH MANAGEMENT PLAN IMPACT:**

**OTHER NOTES/VERSION DATE:** Created March 14, 2007.

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**Amend the LDC as follows:**

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

Zoning district	Minimum Front Yard (feet)	Minimum Side Yard (feet)		Minimum Rear Yard (feet)	Public School Requirements
GC	None	None		None	
A	50	30		50	x
E	75	<del>30</del> – <u>10 percent of lot width per side with a maximum of 30 feet.</u>		75	x
RSF-1	50	30		50	x
RSF-2	40	20		30	x
RSF-3	30	Waterfront 10	Non-waterfront 7.5	25	x
RSF-4	25	10	7.5	25	x
RSF-5	25	10	7.5	20	x
RSF-6	25	10	7.5	20	x
RMF-6	S.F. 25	NA	7.5	20	x
	Duplex 25 3 + units 30	NA NA	10 15	20 20	
RMF-12	30	a		30	x
RMF-16	b	a		b	x
RT	b	a		b	x
VR	SF./MH 20 Duplex 35 M.F. 35	Waterfront 10 15 15	Non-waterfront 5 15 15	20 30 30	x
MH 1	25	Waterfront 10	Non-waterfront 7.5	10	x
TTRVC 2	10	Waterfront 10	Non-waterfront 5	Waterfront 10 Non-waterfront 8	-

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C-1	25	<b>Residential</b> 25	<b>Non-residential</b> 15	<b>Residential</b> 25	<b>Non-residential</b> 15	x
C-2	25	25	15	25	15	x
C-3 3	c	25	a	25	a	x
C-4 4	d	25	a	25	a	x
C-5 4	25	25	15	25	15	x
I 4	25	50	e	50	15	x
BP	50	50	10	50	25	-
CON 5	50	50		50		-
P	f	f		f		x
CF	25	<b>Residential</b> 25	<b>Non-residential</b> 15	<b>Residential</b> 25	<b>Non-residential</b> 15	x
Overlay Districts	See table of special design requirements for the applicable overlay district located in the appropriate section for that district in chapter 4.					

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## **LDC Amendment Request**

**ORIGIN:** Community Development & Environmental Services

**AUTHOR:** Bruce McNall

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** 4:111

**LDC SECTION(S):** 4.06.05C.1.

**CHANGE:** Redefine the boundary for native planting requirement.

**REASON:** Current language is contradictory and unclear.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created on February 13, 2006.

---

**Amend the LDC as follows:**

### **4.06.05 General Landscaping Requirements**

\* \* \* \* \*

#### **C. Plant Material Standards.**

1. *Quality.* Plant materials used to meet the requirements of this section shall meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, part I and part II, Department of Agricultural, State of Florida (as amended). Root ball sizes on all transplanted plant materials shall also meet state standards.

a. ~~At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements shall be native Southern Floridian species, as determined by accepted valid scientific reference. For sites that are north and east of U.S. Highway 41, at least 35 percent of the shrubs used~~

~~to fulfill these requirements shall be native Floridian species, as determined by accepted valid scientific reference. "Native Trees and Shrubs for Collier County List" is available for reference. For proposed land **development** projects on coastal **shorelines** and/or undeveloped and developed coastal barrier islands, all required landscaping shall be 100 percent native Southern Floridian species.~~

- a. For sites South and West of US-41 all required landscaping shall be 100% native species as determined by accepted valid scientific reference. For sites South and West of I-75 and North and East of US-41, a minimum of 75% native trees and 50% Native shrubs are required. For sites North and East of I-75, a minimum of 75% native trees and 35% native shrubs are required. (Link to "Recommended Collier County Native Plant list" and "Native Required Planting Map").
- b. In addition, for all sites, at least 75 percent of the trees and shrubs used to fulfill these requirements shall be drought-tolerant species as listed in the Xeriscape Plant Guide and Native Trees and Trees for South Florida (IFAS). References used in the determination of native species may include, but not be limited to:
  - Long, R.W., and O. Lakela, 1976. A Flora of Tropical Florida.
  - Small, J.K., 1933. A Manual of the Southeastern Flora.
  - Wunderlin, R.P., 1982. Guide to the Vascular Plants of Central Florida.
- c. Where xeric plants are to be utilized, use the South Florida Water Management District, Xeriscape Plant Guide (as amended) as a reference.



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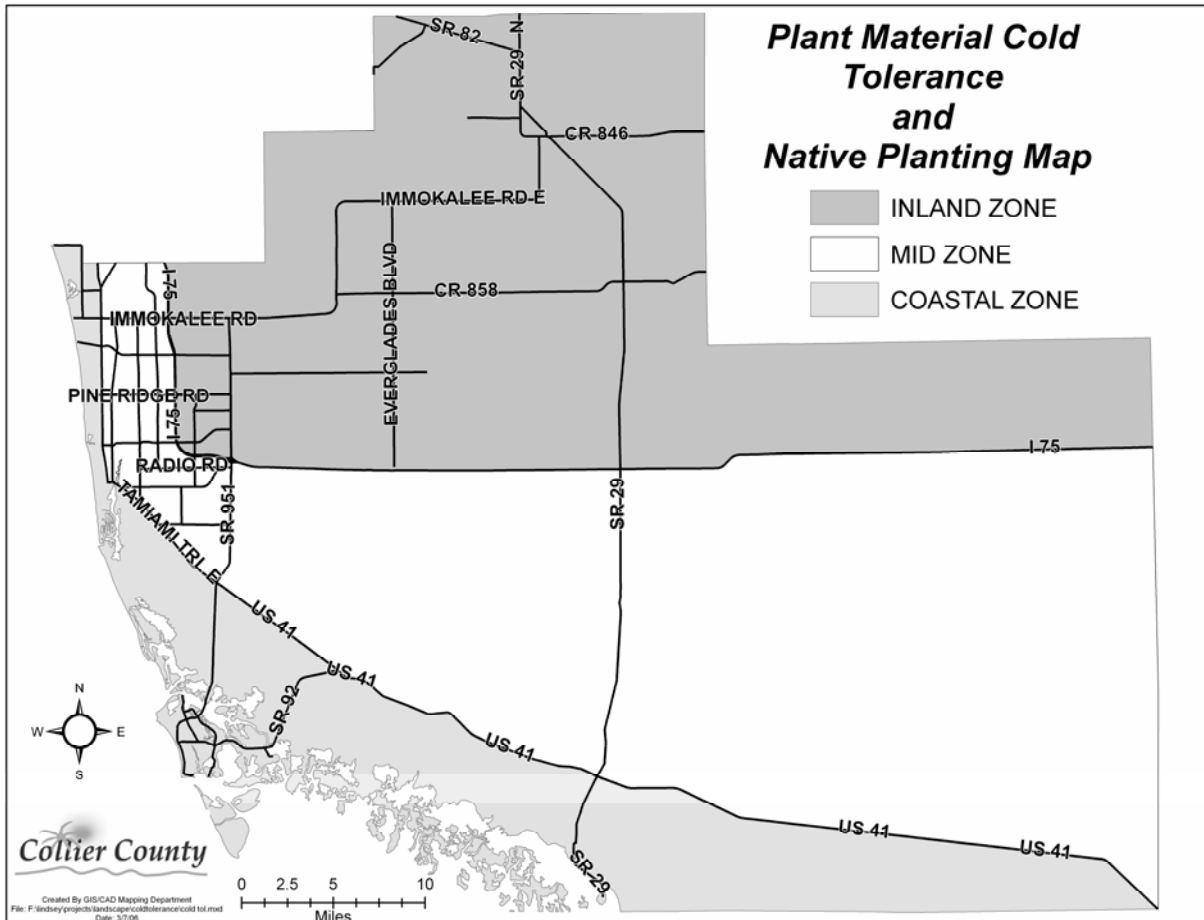


Figure 4.06.05 C. A

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## **LDC Amendment Request**

**ORIGIN:** Community Development & Environmental Services

**AUTHOR:** Bruce McNall

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** 4:114

**LDC SECTION(S):** 4.06.05 E.1.a.-h.

**CHANGE:** Prohibited species to include all FLEPPC category I invasive exotics

**REASON:** FLEPPC category I invasive exotic plant list is comprehensive for SW Florida

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created on February 13, 2007.

---

**Amend the LDC as follows:**

- E. Prohibited Plant Materials.
  - 1. *Prohibited species.* The following plant species shall not be planted:
    - a. All Category I Invasive Exotics as listed on the Florida Exotic Pest Plant Council's website: [www.fleppc.org] This list is routinely monitored and updated by the FLEPPC. Plus the following species:
    - b. Melia azedarach (Chinaberry tree).
    - c. Dalbergia sissoo (Indian rosewood).

- a. ~~Enterolobium cyclocarpum (ear tree).~~
- b. ~~Melia azedarach (Chinaberry tree).~~
- c. ~~Bischofia javanica (bishopwood).~~
- d. ~~Scaevola frutescens (Australian inkberry).~~
- e. ~~Dalbergia sissoo (Indian rosewood).~~
- f. ~~Sapium sebiferum (Chinese tallow tree).~~
- g. ~~Ardisia elliptica (shoe button ardisia).~~
- h. ~~Ficus microcarpa/Ficus nitida (laurel fig/Cuban laurel).~~

~~This list shall be subject to revision as exotic plant species are determined to be noxious, invasive, cause environmental degradation to native habitats, or to be detrimental to human health, safety, or the public welfare.~~

- 2. *Prohibited exotic species.* In addition to the prohibitions outlined in section 4.06.05 E. above, the species enumerated in section 3.05.08 or seeds thereof shall not be grown, offered for sale, or transported inter-county or intra-county.
  - 3. *Prohibited exotic plants.* All prohibited exotic plants, as defined in this Chapter as well as Chapter 3, shall be removed during each phase of construction from **development** areas, **open space** areas, and preserve areas pursuant to this Chapter as well as Chapter 3. Following site **development**, a maintenance program shall be implemented to prevent reinvasion of the site by prohibited exotic species. This plan shall describe control techniques and inspection intervals, shall be filed with, and be approved by, the **development** services director prior to approval of the improvement plans and final **subdivision** plat. Flexibility, in the form of area tradeoffs or mitigation, may be allowed in the determination of areas within **developments** to be preserved.
  - 4. *Native habitats.* **developments** shall identify, protect, conserve, incorporate and use native vegetative communities pursuant to Chapter 3 and identify, protect and conserve wildlife habitat.
- F. Requirements to remove prohibited plant materials. For these requirements, see section 3.05.08 of this Code.

\* \* \* \* \*

## **LDC Amendment Request**

**ORIGIN:** Community Development & Environmental Services

**AUTHOR:** Bruce McNall, Landscape Architect

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** 4:115

**LDC SECTION(S):** 4.06.05G.2.

**CHANGE:** Add clear language under new heading and add graphic

**REASON:** Current language unclear and imbedded in long paragraph

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created on February 13, 2007. Revised on July 31, 2007 per the CCPC.

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### **Amend the LDC as follows:**

- G. Installation and selection requirements for plant materials
1. Prior to the issuance of any certificate of occupancy for a use required to provide landscaping and irrigation in accordance with this section, all required landscaping and irrigation shall be installed and in place as set out in the plans approved under Chapter 10 of the Code. All plant materials must be installed in accordance with accepted landscape practices in the area and meet the plant material standards contained in Section 4.06.05 C. Plant materials shall be installed in soil conditions that are conducive to the proper growth of the plant material.
  2. Limerock located within planting areas shall be removed and

replaced with native or growing quality soil before planting. A plant's growth habit shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead power lines, lighting, sidewalks, **buildings**, circulation, etc.). Trees shall not be placed where they interfere with site drainage, subsurface utilities, or where they shall require frequent pruning in order to avoid interferences with overhead power lines and **buildings**. ~~Small canopy trees shall be planted in small spaces having limited canopy space and root space. Large canopy trees such as Live Oak trees shall be planted a minimum of 15 feet from a building.~~ Large canopy trees that are planted closer than 15' to a **building** or within 10' of a **sidewalk**, paved area or underground utility shall provide root barrier, structural soils or other acceptable method of protection extending within 20 feet of such **building, sidewalk**, paved area or underground utility. Tree and parking lot/pole lighting locations shall be designed so as not to conflict with one another. Parking lot/pole lighting shall not be located in landscape islands with trees and shall be located a minimum of 12.5 feet from the trunk of a tree. (See Figure X below).

- a. An approved **root barrier** system shall be installed when the following occurs:
  - i. Large canopy trees are planted closer than 15' to a building.
  - ii. Large canopy trees are planted closer than 10' to a sidewalk, underground utility or paved area with no curbing or curbing which extends less than 18" below grade (see Figure 4.06.05 G. A, below).

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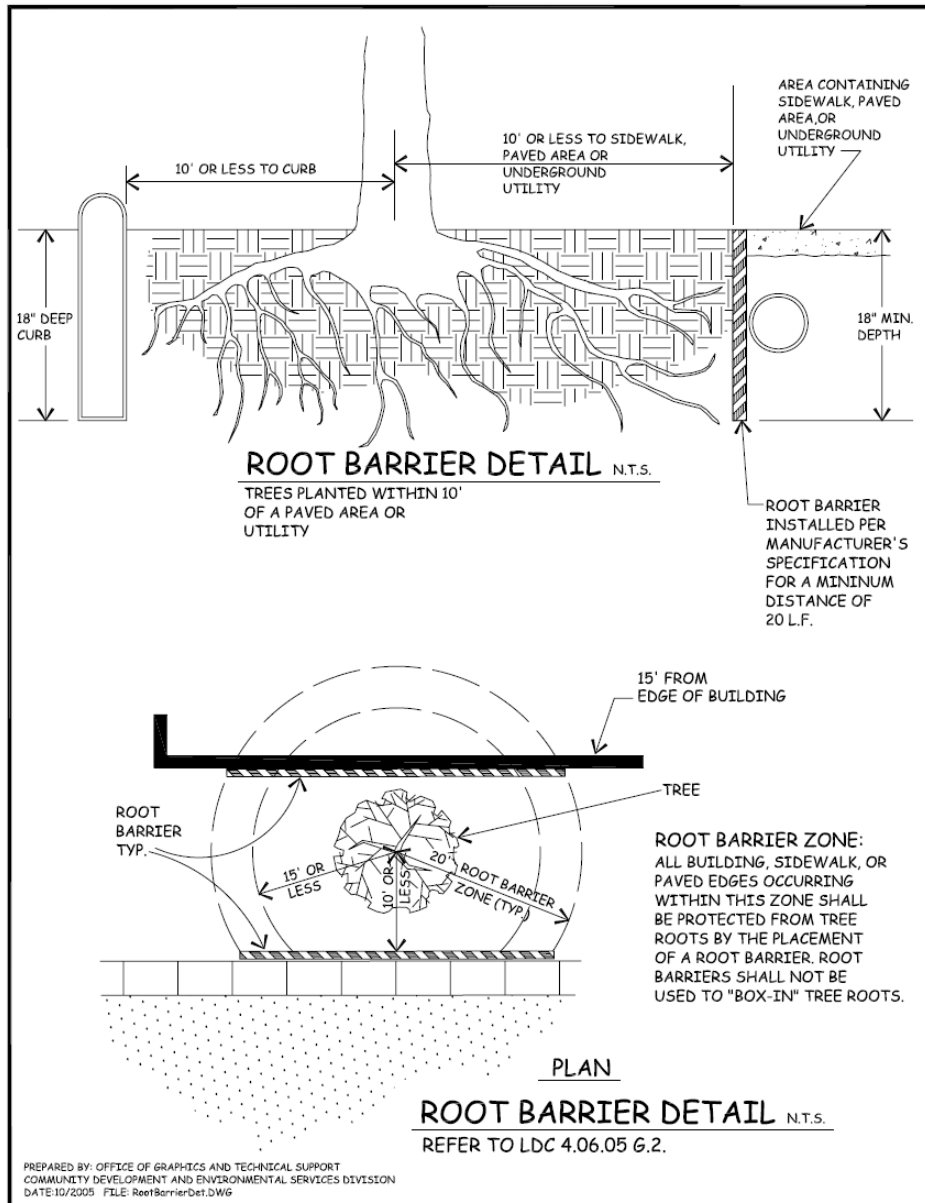


Figure 4.06.05 G. A

- b. Tree and parking lot/pole lighting locations shall be designed so as not to conflict with one another.
  - i. Parking lot/pole lighting shall not be located in landscape islands with trees.
  - ii. Parking lot/pole lighting shall be located a minimum of 12.5 feet from the trunk of a tree (see Figure 4.06.05 G. B,

below).

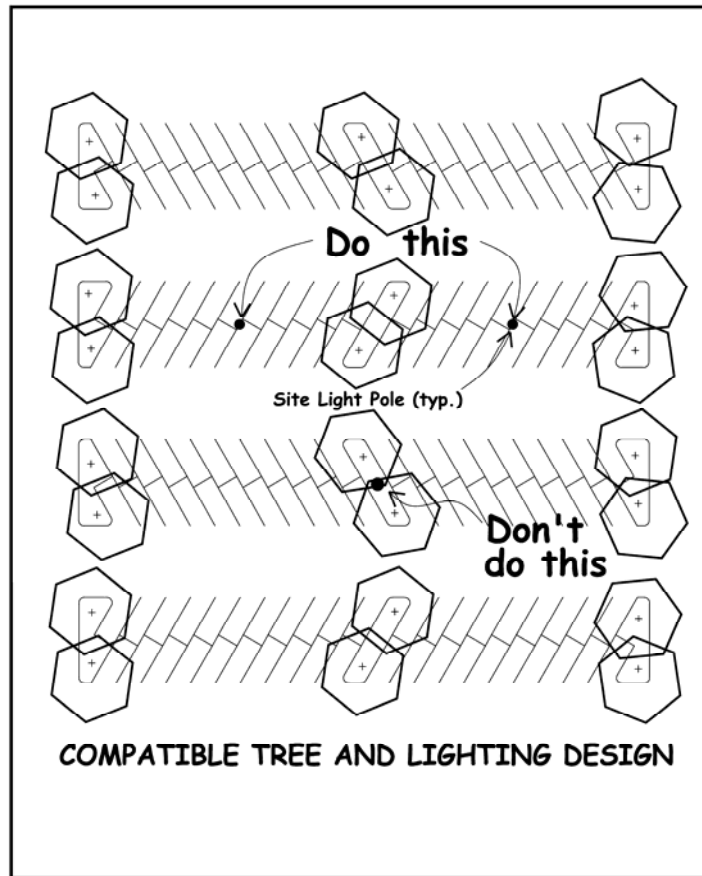


Figure 4.06.05 G. B

3. Trees shall not be planted in areas that retain excessive quantities of water or will require excessive amounts of fill placed over the root system that will affect the health of the tree species. Required landscaping shall not be placed within **easements** without written approval from all entities claiming an interest under said **easement**.
4. All trees and palms shall be properly guyed, braced and/or staked, at the time of planting to ensure establishment of the tree or trees and erect growth. Nail staking or other methods that cause cosmetic or biological damage to the tree

are prohibited. Trees shall be re-staked within 24 hours in the event of blow-over or other failure of the staking and guying. Staking shall be removed between six and 12 months after installation.



5. All required landscaping shall be installed in accordance with plans approved under Chapter 10 of the Code. Landscaping within a **subdivision** development shall be guaranteed by a **subdivision** completion bond in accordance with Chapter 10 governing the final platting of **subdivision**.
6. All required landscaping shall be maintained in a healthy condition in perpetuity as per the approved **building** and site plans. Code Enforcement may investigate deficiencies in approved landscaping and institute corrective action to insure compliance with this Code.
7. In instances where an act of God or conditions outside the control of the **applicant** have prevented immediate installation, the County Manager or his designee, if furnished with a statement which includes good and sufficient evidence that states that the required plantings will be installed when conditions permit, may issue a temporary certificate of occupancy. If the required plantings are not installed when conditions permit, then the county may revoke the certificate of occupancy.

\* \* \* \* \*

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**LDC Amendment Request**

**ORIGIN:** Community Development and Environmental Services

**AUTHOR:** John Houldsworth, Senior Engineer, Stan Chrzanowski, P.E. Engineering Manager

**DEPARTMENT:** Engineering Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC10:54

**LDC SECTION(S):** 10.02.04 B Final Plat Requirements

**CHANGE:** Establish a time specific in which final subdivision plats must be recorded after approval by the BCC

**REASON:** The code currently has conflicting time frames for recording of an approved plat.

**FISCAL & OPERATIONAL IMPACTS:** There are no fiscal or operational impacts.

**RELATED CODES OR REGULATIONS:** 10.02.05 B.11 (also being amended this cycle)

**GROWTH MANAGEMENT PLAN IMPACT:** There is no growth management impact.

**OTHER NOTES/VERSION DATE:** February 23, 2007 April 24, 2007 August 9, 2007 per CCPC

---

**Amend the LDC as follows:**

**10.02.04 Submittal requirements for plats**

\* \* \* \* \*  
**B. Final plat requirements**

\* \* \* \* \*  
**3. General requirements for final **subdivision** plats**

\* \* \* \* \*

b. The final subdivision plat shall conform to the approved preliminary subdivision plat, if the applicant chose to submit a preliminary subdivision plat, pursuant to section 10.02.05 A.5.. The final subdivision plat shall constitute only that portion of the approved preliminary subdivision plat, if applicable, which the applicant proposes to construct within a finite period not to exceed 18 months. The improvements required by this section which apply to the final subdivision plat shall be completed within 18months from the date of approval of the final plat by the board of county commissioners unless prior to the 18-month construction period, a written request for an extension in time not exceeding one year is applied for and approved by the development services administrator or his designee. The applicant shall enter into a construction and maintenance agreement with the county, in a form acceptable to the county attorney, which establishes the terms and conditions for the construction and maintenance of the improvements required during the 18-month construction period (unless a written extension request is approved by the County Manager or his designee prior to the expiration of the 18-month construction period), ~~whether the final plat is approved only or approved and recorded with the posting of a subdivision performance security.~~ This agreement shall be submitted with the final plat for review and approval and executed by all parties at the time of final plat approval per section c. below.

~~c. At the time of submission of the final subdivision plat, the applicant shall submit a statement indicating whether the required improvements are to be constructed prior to the recording of the final subdivision plat or after recording under subdivision performance security posted with the county as provided for in this section. When the required improvements are to be completed after recording under guarantees as provided in this section, Once approved by the board, the applicant shall submit the final plat for recording within 18 months. The final subdivision plat upon submittal shall be accompanied by the following:~~

\* \* \* \* \*

**LDC Amendment Request**

**ORIGIN:** Community Development and Environmental Services

**AUTHOR:** John Houldsworth, Sr. Engineer, Stan Chrzanowski, P.E., Engineering Manager

**DEPARTMENT:** Engineering Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC10.67

**LDC SECTION(S):** 10.02.05 B.11

**CHANGE:** Establish time limits for recording of approved final subdivision plats

**REASON:** The code currently has conflicting time frames for recording of an approved plat. Once approved by the board, the applicant shall submit the final plat for recording within 18 months or as may otherwise be provided within the cited section.

**FISCAL & OPERATIONAL IMPACTS:** There are no fiscal or operational impacts

**RELATED CODES OR REGULATIONS:** 10.02.04 B.3.b (also being amended this cycle)

**GROWTH MANAGEMENT PLAN IMPACT:** There is no growth management impact

**OTHER NOTES/VERSION DATE:** February 23, 2007 April 25, 2007

---

**Amend the LDC as follows:**

**10.02.05 Submittal requirements for improvement plans**

\* \* \* \* \*

B. Construction of required improvements

\* \* \* \* \*

11. Expiration. ~~All required improvements associated with the construction and maintenance agreement shall be completed~~

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~~within 18 months from the date of recording of the final subdivision plat, or, if construction of required improvements is undertaken prior to recording the final subdivision plat, within 18 months from the date of approval of the final subdivision plat by the board of county commissioners.~~ If improvements are not completed within the prescribed time period as specified in section 10.02.04 B.3.b, and a subdivision performance security has been submitted, the engineering review director may recommend to the board that it draw upon the subdivision performance security or otherwise cause the subdivision performance security to be used to complete the construction, repair, and maintenance of the required improvements. All of the required improvements shall receive final acceptance by the board of county commissioners within 36 months from the date of the original board approval. The developer may request a one-time, one-year extension to receive final acceptance of the improvements.

\* \* \* \* \*

**LDC Amendment Request**

**ORIGIN:** Community Development and Environmental Services  
**AUTHOR:** Thomas E. Kuck, P.E., John Houldsworth, Senior Engineer  
**DEPARTMENT:** Engineering Review Services  
**AMENDMENT CYCLE # OR DATE:** Cycle 1, 2007

**LDC PAGE:** LDC 10.174

**LDC/UDC SECTION:** 10.02.05 E.2.s

**CHANGE:** Add requirement for subdivision plans and plats to be resubmitted for review within 270 days of deficiency letter.

**REASON:** If plans and plats are allowed to linger for months and years in some cases, development standards and requirements frequently change; also staff has to re-review entire project because we have lost familiarity with the project. This requirement is consistent with the requirement for Site Development Plans.

**FISCAL & OPERATIONAL IMPACTS:** No fiscal impacts

**RELATED CODES OR REGULATIONS:** 10.02.03 B.4

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** January 15, 2007

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**Amend the UDC [LDC] as follows: Add s**

10.02.05 Submittal Requirements for Improvement Plans

\* \* \* \* \*

E. Improvement Plan Requirements.

\* \* \* \* \*

2. Improvement plans submission requirements.

\* \* \* \* \*

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- s. Subdivision Construction Plans and Plats (PPLs) once submitted for review, will remain under review so long as a resubmittal in response to a county reviewer's comments is received within 270 days of the date on which the comments were sent to the applicant. If a response is not received within this time, the application for PPL review will be considered withdrawn and cancelled. Further review of the project will require a new application together with appropriate fees.

\* \* \* \* \*



**LDC Amendment Request**

**ORIGIN:** Community Development and Environmental Services

**AUTHOR:** Thomas E. Kuck, P.E., John R. Houldsworth, Senior Engineer

**DEPARTMENT:** Engineering Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC 10:61

**LDC SECTION(S):** 10.02.05.A.2

**CHANGE:** Create a time limitation for resubmission of construction plans and plats (PPL's) consistent with the requirements for Site Development Plans.

**REASON:** Occasionally a project will spend months between re-submittals. There is a 270 day time limit between submittals for Site Development Plans, we propose the same time limits for Construction Plans and Plats.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created October 2006

**Amend the LDC as follows:**

**10.02.05 Submittal Requirements for Improvement Plans**

\* \* \* \* \*

**A. Procedures for improvement plans and final subdivision plats**

\* \* \* \* \*

2. *Review, determination and recommendation by County Manager or his designee.* After receipt of completed improvement plans and final **subdivision** plat, the County Manager or his designee shall review and evaluate the improvement plans in light of section 10.02.05 E., including the general requirements established in section 10.02.05 E.1., the improvement plans submission requirements established in section 10.02.05 B.2., the required improvements established in section

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10.02.05 E.3., ~~and~~ the design requirements established in section 10.02.05 E.4., the time limitations pursuant to section 10.02.03 B.4.a, and shall review and evaluate the final **subdivision** plat in light of the final **subdivision** plat requirements established in section 10.02.04 B.3. Based on the review and evaluation, the County Manager or his designee shall approve, approve with conditions, or deny the improvement plans. If the improvement plans are denied, then the final **subdivision** plat shall not be submitted to the board of county commissioners unless and until the improvement plans have been approved or approved with conditions by the County Manager or his designee. If the improvement plans are approved or approved with conditions, the County Manager or his designee shall recommend that the board of county commissioners consent to, consent with conditions or deny the final **subdivision** plat. The determinations regarding the improvement plans and the recommendation regarding the final **subdivision** plat shall be in writing. If the County Manager or his designee denies or places conditions on the improvement plans or recommends denial or conditions on the final **subdivision** plat, he shall state reasons for such denial or conditions, or recommendation of denial or conditions and shall cite the applicable code or regulatory basis for the conditions of denial.

\* \* \* \* \*

**LDC Amendment Request**

**ORIGIN:** Community Development and Environmental Services  
**AUTHOR:** Thomas E. Kuck, Engineering Director/County Engineer  
**DEPARTMENT:** Engineering Services  
**LDC PAGE:** LDC10:81  
**LDC SECTION:** 10.02.05 E.4  
**CHANGE:** Add subsection, requiring off-site drainage improvements be constructed prior to any on-site infrastructure construction.  
**REASON:** To prevent the development of new projects from creating drainage and erosion problems to neighboring lots, parcels and developments.  
**FISCAL & OPERATIONAL IMPACTS:** None  
**RELATED CODES OR REGULATIONS:** None  
**GROWTH MANAGEMENT PLAN IMPACTS:** None  
**OTHER NOTES/VERSION DATE:** Created on October 11, 2006. Revised & reformatted on Jan. 23, 2007, August 9, 2007 per CCPC

---

**Amend the LDC as follows:**

**10.02.05 Submittal Requirements for Improvement Plans**

- \* \* \* \* \*  
E. Improvement Plan Requirements  
\* \* \* \* \*  
4. *Design requirements for Water Management.*  
a. *Plans and specifications.* As a precondition for approval of improvement plans, the developer shall deliver to the County Manager or his designee complete plans and specifications in report form prepared by a registered professional engineer licensed to practice in the State of Florida, which shall include, but may not be limited to, the following:  
i. A topographic map of the land **development** related to both NAVD and NGVD with sufficient

spot elevations to accurately delineate the site topography, prepared by a professional surveyor. This information may be shown referenced to one datum with a note on the cover sheet listing a site-specific equation for determining the grades in the other datum.

- ii. A drainage map of the entire basins within which the **development** or **subdivision** lies. This map may be combined with the above topographic data in a manner acceptable to the County Manager or his designee. All ridges lying within the basins and the area of the basins stated in acres, of all the existing and proposed drainage areas shall be shown and related to corresponding points of flow concentration.
- iii. Flow paths shall be indicated throughout including final outfalls from the **development** and basins, existing water elevations, all connected and isolated **wetlands**, recurring high water elevations, proposed design water elevations, and other related hydrologic data.
- iv. Drainage data, assumed criteria and hydraulic calculations, consistent with the criteria and design method established by the South Florida Water Management District.
- v. Plans showing proposed design features and typical sections of canals, swales and all other open channels, storm sewers, all drainage **structures**, roads and curbs, and other proposed **development** construction.
- vi. Plans and profiles of all proposed roads. Where proposed roads intersect existing roads, elevations and other pertinent details shall be shown for existing roads.
- vii. Where additional ditches, canals or other watercourses are required to accommodate contributory surface waters, sufficient **right-of-way** shall be provided by the developer or subdivider to accommodate these and future needs.
- viii. For projects which require a construction permit to be issued by the South Florida Water Management District, approval of improvement plans and the final **subdivision** plat shall not be granted by the County Manager or his designee until a copy of the permit or an acceptable "early work" permit is submitted to the County Manager or his designee.

ix. The master drainage plan shall include the drainage plans and details for all **lots**. The master drainage plan shall show proposed finished **grade** elevations at all **lot** corners and breaks in **grade**. The engineer shall state on the water management calculations the basis for wet season water table selection.

x. Construction plans for all **subdivisions**, **site development plans**, **site development plan amendments** and **site improvement plans** shall include a general note stating that all off-site drainage improvements associated with the current phase of development, including perimeter **berms**, **swales**, stormwater outfall systems and on-site perimeter swales shall be completed and operational prior to commencement of construction of on-site improvement.

a) This requirement shall be established at the mandatory pre-construction conference. Failure to comply with completion of the required off site improvements will result in a stop work order being issued until such time as the project is brought into compliance with this requirement.

b. The engineer of record prior to final acceptance, shall provide documentation from the stormwater maintenance entity that it has been provided information on how the stormwater system works and their responsibility to maintain the system.

\* \* \* \* \*

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~~Text strikethrough is current text to be deleted.~~  
**Bold** text indicates a defined term

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## **LDC Amendment Request**

**ORIGIN:** CDES

**AUTHOR:** Sue Trone, Planner/David Weeks, AICP, Planning Manager

**DEPARTMENT:** Comprehensive Planning

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC10:141

**LDC SECTION(S):** **10.03.05 Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, the EAC, and the Historic Preservation Board**

**CHANGE:** Adding the requirement of posting signs announcing public hearings for site-specific amendments to the Growth Management Plan (GMP) and reorganization of the general provisions for signage.

**REASON:** To better inform the public of hearings involving amendments to the Growth Management Plan.

**FISCAL & OPERATIONAL IMPACTS:** Impact to the County is minimal -- some additional staff time will be necessary to review the sign contents prior to posting by the applicant; also, for County-initiated petitions, the County would bear the cost for posting of sign(s). Impact to applicants will vary, depending upon property dimensions. Presently, each sign costs between \$800 and \$1,200 and signs must be posted prior to both CCPC hearings. Historically, an average of about five site-specific GMP amendment petitions are received annually.

**RELATED CODES OR REGULATIONS:** None.

**GROWTH MANAGEMENT PLAN IMPACT:** None.

**OTHER NOTES/VERSION DATE:** Created March 7, 2007. Edited August 14; revised August 17.

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**Amend the LDC as follows:**

**10.03.05 Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, ~~the~~ EAC, and the Historic Preservation Board**

\* \* \* \* \*

B. *Notice and public hearing where proposed amendment would change zoning classification of land and for **conditional uses** and variances, for planned unit development (PUD) rezoning extensions and for small-scale or other site-specific comprehensive plan amendments. In the case of a small-scale or other site-specific comprehensive plan amendment, an application for extension of PUD zoning status or the rezoning of land, to include rezonings, **conditional uses** and variances initiated by other than the board of county commissioners or amendments to planned unit **developments**, such provisions shall be enacted or amended pursuant to the following public notice and hearing requirements by the planning commission and the board of county commissioners as applicable. Small-scale or other site-specific comprehensive plan amendments, PUD extensions, rezoning, **conditional use** and variance petitions initiated by the board of county commissioners or its agencies for county owned land shall be subject to these provisions.*

1. Applications for a PUD extension, whether initiated by the **applicant** or the BCC, shall only be heard by the BCC pursuant to the notice and advertising requirements set forth in sections 10.03.05 B.8 ~~10.~~ and ~~9~~ 11. of this Code.

2. In the case of PUD extensions pursuant to sections 10.02.13 ~~C~~ D.4., 10.02.13 ~~C~~ D.5.a. and 10.02.13 ~~C~~ D.6. of this Code, a **sign** shall be posted at least 15 days prior to the date of the hearing before the BCC and shall conform to the applicable **sign** requirements listed in ~~subsections 3.c., 3.d., 4 and 5~~ below.

a. The **sign** advising of the PUD extension hearing shall be in substantially the following format:

PUBLIC HEARING FOR A PLANNED UNIT DEVELOPMENT (PUD) EXTENSION

TO PERMIT: \_\_\_\_\_ (set forth alternatives going to the BCC)

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

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

b. THE ABOVE TO BE HELD IN COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER, HARMON TURNER BUILDING, 3301 E. TAMiami TRAIL, NAPLES, FLORIDA, 34112.



3. In the case of small-scale or other site-specific comprehensive plan amendments, a **sign** must be posted at least 15 days prior to the date of both transmittal and adoption hearings, as applicable, before the planning commission.

a. The **sign** advising of the comprehensive plan amendment hearing shall be in substantially the following format:

PUBLIC HEARING FOR SMALL-SCALE OR OTHER  
SITE-SPECIFIC AMENDMENT TO THE  
COMPREHENSIVE PLAN

TO PERMIT: (sufficiently clear to describe the  
amendment) \_\_\_\_\_

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

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

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

3. 4. For all other petitions noted in paragraph B above, a **sign** shall be posted at least 15 days prior to the date of the public hearing by the planning commission. The **sign** to be posted shall contain substantially the following language and the **sign's** copy shall utilize the total area of the **sign**:

a. PUBLIC HEARING TO REZONE THIS PROPERTY:

FROM \_\_\_\_\_ TO \_\_\_\_\_

TO \_\_\_\_\_ PERMIT: \_\_\_\_\_

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

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

(or where applicable the following:)

b. PUBLIC HEARING REQUESTING **CONDITIONAL USE**  
(VARIANCE) APPROVAL

(both to contain the following information:)

TO PERMIT: (Sufficiently clear to describe the project)

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

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TIME:

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- e. ~~The **sign** advising of the PUD extension hearing shall be in substantially the following format:~~

~~PUBLIC HEARING FOR A PLANNED UNIT DEVELOPMENT (PUD) EXTENSION~~

~~TO PERMIT: \_\_\_\_\_ (set forth alternatives going to the BCC)~~

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

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

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

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

- d 5. For all petitions, the ~~The~~ area of the **signs** shall be as follows:
- i.a. For properties less than one acre in size, the **sign** shall measure at least one and one-half square feet in area.
  - ii.b. For properties one acre or more in size, the **sign** shall measure at least 32 square feet in area.
4. 6. For all petitions, in ~~In~~ the case of **signs** located on properties less than one acre in size, a **sign** shall be erected by the County Manager or his designee in full view of the public on each **street** side of the subject property. Where the property for which approval is sought is landlocked or for some other reason the **signs** cannot be posted directly on the subject property, then the **sign** or **signs** shall be erected along the nearest **street right-of-way**, with an attached notation indicating generally the distance and direction to the subject property.
5. 7. For all petitions, in ~~In~~ the case of **signs** located on properties one acre or more in size, the **applicant** shall be responsible for erecting the required **sign(s)**. A **sign** shall be erected in full view of the public on each **street** upon which the subject property has **frontage**. Where the subject property is landlocked, or for some other reason the **signs** cannot be posted directly on the property, then the **sign** or **signs** shall be erected along the nearest **street right-of-way**, with an attached notation indicating generally the distance and direction to the subject property.

There shall be at least one **sign** on each external boundary which fronts upon a **street**, however, in the case of external boundaries along a **street** with greater **frontages** than 1,320 linear feet, **signs** shall be placed equidistant from one another with a maximum spacing of 1,000 linear feet, except that in no case shall the number of **signs** along an exterior boundary fronting on a **street** exceed four **signs**. The **applicant** shall provide evidence to the county manager or designee that the **sign(s)** were erected by furnishing photographs of the **sign(s)** showing the date of their erection at least ten days prior to the scheduled public hearing by the planning commission, whichever has jurisdiction. The **signs** shall remain in place until the date of either of the following occurrences: 1. Final action is taken by the board of county commissioners or 2. The receipt of written notification by the county manager or designee from the **applicant** requesting to withdraw the petition or requesting its indefinite continuance.

- ~~6- 8.~~ 8. For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, the The planning commission shall hold one advertised public hearing. Notice of the time and place of the public hearing by the planning commission shall be sent at least 15 days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.
- ~~7- 9.~~ 9. For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, notice Notice of the time and place of the public hearing by the planning commission shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the public hearing. Where applicable, the notice shall clearly describe the proposed land uses, applicable **development** standards, intensity or **density** in terms of total floor area of commercial or industrial space and **dwelling units** per acre for residential projects, and a description of the institutional or recreational uses when part of the **development** strategy. The advertisement shall also include a location map that identifies the approximate geographic location of the subject property.
- ~~8- 10.~~ 10. For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, for For subject properties located within the urban designated area of the future land use element of the growth management plan, notice of the time and place of the public hearing by the planning commission shall be sent by the county at least 21 days in advance of the hearing. This notice shall be sent by mail to all owners of property within 500 feet of the property lines of the land for which an approval is sought; provided, however, that where the land for which the approval is sought is part of, or **adjacent** to, land owned by the same person, the 500 foot distance shall be measured from the boundaries of the entire ownership or PUD, except that notices need not be mailed to any property owner located more than one-half mile (2,640 feet) from the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.

- ~~9.~~ 11. For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, for For subject properties located within areas of the future land use element of the growth management plan that are not designated urban, all of the foregoing notice requirements apply, except that written notification must be sent to all property owners within 1,000 linear feet of the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have formally requested the county to be notified.
12. For small-scale and other site-specific comprehensive plan amendments, the planning commission (local planning agency) shall hold advertised public hearing(s) on the proposed ordinance or resolution, as applicable, pursuant to requirements of Chapter 163, Florida Statutes.
- ~~10.~~ 13. For all petitions except for small-scale or other site-specific amendments to the comprehensive plan, notice Notice of the time and place of the public hearing by the board of county commissioners shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the public hearing.
- ~~11.~~ 14. The clerk to the board of county commissioners shall notify by mail each real property owner whose land is subject to rezoning, or PUD amendment, and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution. Such notice shall be given at least 15 days prior to the date set for the public hearing, and a copy of such notices shall be kept available for public inspection during the regular business hours of the clerk to the board of county commissioners.
15. For small-scale and other site-specific comprehensive plan amendments, the board of county commissioners shall hold advertised public hearing(s) on the proposed ordinance or resolution, as applicable, pursuant to requirements of Chapter 163, Florida Statutes.
- ~~12.~~ 16. For all other petitions, the The board of county commissioners shall hold one advertised public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.

## LDC Amendment Request

**ORIGIN:** CDES

**AUTHOR:** Bedtelyon

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC10:148-149

**LDC SECTION(S):** **10.03.05 Notice Requirements for Public Hearings Before the BCC, the Planning Commission, the Board of Zoning Appeals, the EAC and the Historic Preservation Board.**

**CHANGE:** Add the requirement for a second Neighborhood Information Meeting (NIM) when a land use petition is continued for over a year from the initial Neighborhood Information Meeting.

**REASON:** Revisions to petition that may impact surrounding property owners and improve public awareness of Growth Management Plan Amendments

**FISCAL & OPERATIONAL IMPACTS:** Staff Overtime/Comp time.

**RELATED CODES OR REGULATIONS:**

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created March 22, 2007

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**Amend the LDC as follows:**

- F. *Public participation requirements for small-scale or other site-specific comprehensive plan amendments, rezonings, PUD amendments and conditional uses. ~~variances or parking exemptions~~ and Mixed Use Project (MUP) approvals.*
  - 1. **Applicants** requesting a small-scale or other site-specific comprehensive plan amendment, rezoning, PUD amendment, mixed use project approval or conditional use approval must conduct at least one Neighborhood Information Meeting ("**NIM**") after initial staff review and comment on the application have been

provided, or after notification of application sufficiency for a small-scale or other site-specific comprehensive plan amendment, ~~and~~ before the Public Hearing ~~is scheduled with the~~ Planning Commission or Board of County Commissioners acting as the Board of Zoning Appeals.

- a. For a small-scale amendment, the NIM is required prior to the CCPC adoption hearing. For other site-specific comprehensive plan amendments, the NIM is required prior to the Planning Commission transmittal hearing. A second NIM for a site specific comprehensive plan amendment, to be held prior to the Planning Commission adoption hearing, will only be required if, as determined by staff, a substantial change has occurred to the proposed amendment subsequent to the Board of County Commissioners transmittal hearing.
- b. In the case of a Mixed Use Project application, after initial staff review and comment on the application have been provided, a NIM shall be conducted prior to the first public hearing.
- c. For all other applications, the appropriate number of staff reviews of the application returned before the NIM can be held will be at the discretion of the County Manager or his designee, only in cases where one or two pending reviews are unnecessarily hindering the **applicant** from presenting the proposal to the public.

2. Written notice of the meeting shall be sent to all property owners who are required to receive legal notification from the county pursuant to section 10.03.05.B.6. or 7. Notification shall be sent by mail to all owners of property within 500 feet of the property lines of the land for which the approval is sought. The 500 foot distance shall be measured from the boundaries of the entire ownership or PUD. For properties located within areas of the future land use element of the growth management plan that are not designated urban, the foregoing notice requirements apply, except that written notification must be sent to all owners of property within 1,000 linear feet of the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County. The applicant shall also provide written notice of the Neighborhood Information Meeting (NIM) request shall also be sent to property owners, **condominium** and civic associations whose members are may be impacted by the proposed land use changes and who have formally requested the county to be notified.

- a. A list of such organizations must be provided and maintained by the county, but the **applicant** must bear the

responsibility of insuring that all parties are notified. A copy of the list of all parties noticed as required above, and the date, time, and location of the meeting, must be furnished to the County Manager or designee and the office of the ~~Board of County Commissioners~~ no less than ten days prior to the scheduled date of the neighborhood information meeting.

- b.          The **applicant** must make arrangements for the location of the meeting. The location must be reasonably convenient to those property owners who are required to receive notice and the facilities must be of sufficient size to accommodate expected attendance. The **applicant** must further cause a display advertisement, one-fourth page, in type no smaller than 12 point, and must not be placed in that portion of the newspaper where legal notices and classified advertisements appear, stating the purpose, location, time of the meeting and legible site location map of the property for which the zoning change is being requested. The advertisement is to be placed within a newspaper of general circulation in the county at least seven days prior to, but ~~no sooner~~ not later than five days before, the Neighborhood Information Meeting (**NIM**). The Collier County staff planner assigned to attend the pre-application meeting, or designee, must also attend the neighborhood informational meeting and shall serve as the facilitator of the meeting; however, the **applicant** is expected to make a presentation of how it intends to develop the subject property. The **applicant** is required to audio or video tape the proceedings of the meeting and to provide a copy of same to the County Manager or designee.
- 2 c.          As a result of mandated meetings with the public, any commitments made by the **applicant** shall be reduced to writing and made a part of the record of the proceedings provided to the ~~planning services~~ Zoning and Land Development Review department. These written commitments will be made a part of the staff report to the county's appropriate review and approval bodies and made a part of the consideration for inclusion in the conditions of approval of any applicable **development order**.
- d.          In cases where the applicant's petition extends beyond one year from the date when last Neighborhood Information Meeting (NIM) was held, a NIM shall be conducted with adherence to all notification and advertising required for the initial meeting. This

requirement does not apply to site-specific comprehensive plan amendments.

3. Any **applicant** requesting variance approval or parking exemption approval must provide documentation to the ~~planning services~~ Community Planning Coordinator ~~department~~ indicating that property owners within 150 feet of the subject site have been advised of the extent and nature of the variance or parking exemption requested within 30 days of receipt of a letter indicating that the application is sufficient.
  
4. Where it has been determined that there is a property owner, functioning **condominium** or civic association which has made formal request of the county to be so notified, then the **applicant** must provide written documentation to the ~~planning services~~ Community Planning Coordinator ~~department~~ indicating that such property owner or organization has also been notified concerning the extent and nature of the variance or parking exemption requested. ~~The applicant must provide a written account of the result of such notice and shall submit any and all written communications to the planning services department.~~ A list of property owners, homeowner or **condominium** associations notified and any other written communications must be submitted to the ~~planning services~~ Community Planning Coordinator ~~department~~ at least two weeks prior to the scheduled date of the first advertised public hearing. The **applicant** shall provide a written account of the result of such notice and shall submit any and all written communications to the Zoning and Land Development Review department.

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## **LDC Amendment Request**

**ORIGIN:** Board Directed

**AUTHOR:** Catherine Fabacher

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** Various

**LDC SECTION(S):** **2.03.07 Overlay Zoning Districts; 10.03.05 Notice Requirements for Public Hearings By the BCC, the Planning Commission, the Board of Zoning Appeals, the EAC and the Historic Preservation Board.**

**CHANGE:** Add a public hearing before the Planning Commission to the Mixed Use Project (MUP) approval process. Require MUP applicants to provide an estimated construction time line and an estimated completion date as part of the MUP application.

**REASON:** Directed by the Board of County Commissioners

**FISCAL & OPERATIONAL IMPACTS:** A public hearing before the Planning Commission will delay MUP approval by approximately 3 months. The additional public hearing will also double the expense of the process for the applicant; such as, an additional public hearing, an additional NIM, another required sign (\$800-\$1200), another newspaper ad (\$800-\$1200), and another mailing to adjacent property owners within 500 feet of the project (?) plus another newspaper advertisement (\$800-\$1200). This will also double staff review time on the project.

**RELATED CODES OR REGULATIONS:** See LDC sections above.

**GROWTH MANAGEMENT PLAN IMPACT:** None.

**OTHER NOTES/VERSION DATE:** Created June 5, 2007.

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**Amend the LDC as follows:**

### **2.03.07 Overlay Zoning Districts**

- I. Bayshore Mixed Use Overlay District**
- 3. Mixed Use Project Approval Process.**

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

- iii. The SDP under review is deemed withdrawn and cancelled, pursuant to section 10.02.03.B.4.a.
- iv. The SDP is considered no longer valid, pursuant to section 10.02.03.B.4.b. and c.
- e. Once a property owner, through a MUP approval, elects to develop or redevelop a mixed use project under Neighborhood Commercial (NC) or Waterfront (W) Subdistricts, then the property shall be developed in compliance with all provisions of the overlay and cannot revert back to the underlying zoning district.

\* \* \* \* \*

### 2.03.07 Overlay Zoning Districts

#### N. Gateway Triangle Mixed Use Overlay District

\* \* \* \* \*

### 3. Mixed Use Project Approval Process.

- a. Owners of property in the Neighborhood Commercial (BMUD-NC) and Waterfront (BMUD-W) Subdistricts may petition the Board of County Commissioners for mixed use project approval. The application for MUP approval shall acknowledge that the owner shall not seek or request, and the County shall not thereafter grant or approve, any additional uses beyond those allowed in the C-1 through C-3 zoning districts. The application shall be accompanied by a conceptual site plan demonstrating compliance with the criteria in section 10.03.05.G.
- b. There shall be a public hearing before the Planning Commission, legally noticed and advertised pursuant to subsection 10.03.05 G. 1. and posted as provided for in subsection 10.03.05 G. 3. The Planning Commission shall make a recommendation to the Board of County Commissioners based upon the criteria provided in subsection 10.03.05 G. 8. There shall be a public hearing before the BCC, legally noticed and advertised pursuant to section 10.03.05.G. If approved by the BCC, such approval shall be by resolution.
- c. Once a Mixed Use Project has been approved by the BCC, the applicant shall submit a **site development plan** (SDP), based on the conceptual site plan approved by the BCC and meeting the requirements of section 10.02.03 B.1. of

this Code, to the Community Development and Environmental Services Division within six months of the date of approval. This SDP must be determined as sufficient and accepted for review by the Division within 30 days of submittal. After the SDP has been approved, the approved project shall be identified on the Collier County official zoning atlas map, using the map notation MUP. If a MUP approval expires, as set forth below, the map notation shall be removed from the official zoning atlas map. The burden is on the applicant to submit an SDP application in a timely manner, to be responsive to the County's SDP review comments, and to commence construction in a timely manner after SDP approval has been granted.

- d. MUP approval shall expire and any residential density bonus units shall be null and void and returned to the bonus density pool if any of the following occur:
  - i. The SDP is not submitted within six months of MUP approval by the BCC.
  - ii. The SDP is not deemed sufficient for review within 30 days of submittal.
  - iii. The SDP under review is deemed withdrawn and cancelled, pursuant to section 10.02.03.B.4.a.
  - iv. The SDP is considered no longer valid, pursuant to section 10.02.03.B.4.b. and c.
- e. Once a property owner, through a MUP approval, elects to develop or redevelop a mixed use project under Neighborhood Commercial (NC) or Waterfront (W) Subdistricts, then the property shall be developed in compliance with all provisions of the overlay and cannot revert back to the underlying zoning district.

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**10.03.05 Notice Requirements for Public Hearings By the BCC, the Planning Commission, the Board of Zoning Appeals, the EAC and the Historic Preservation Board.**

\* \* \* \* \*

- G.** Notice and public hearing requirements where proposed resolution by the board of county commissioners would approve a mixed use project (MUP) located in a mixed use district overlay. In cases in which the applicant requests approval of a mixed use project (MUP) under the provisions of a mixed use district overlay,

with or without requested allocation of bonus density units, where applicable, the mixed use project shall be considered for approval pursuant to the following public notice and hearing requirements by the board of county commissioners.

1. The planning commission shall hold one advertised public hearing. Notice of the time and place of the public hearing by the planning commission shall be advertised in a newspaper of general circulation in the county at least one time at least 15 days prior to the date of the public hearing.
- ~~4.~~ 2. The board of county commissioners shall hold one advertised public hearing. The public hearing shall be held at least 15 days after the day that an advertisement is published in a newspaper of general paid circulation in the county and of general interest and readership in the community.
- ~~2.~~ 3. Applicants requesting a MUP approval must conduct Aat least one Neighborhood Informational Meeting (NIM) ~~shall be conducted by the applicant~~ (in conjunction with the overlay area advisory board, where such advisory board exists) after initial staff review and comment on the application and before the public hearing by the ~~board of county commissioners~~ planning commission. Written notice of the meeting shall be sent by applicant to all property owners who are required to receive legal notification from the County pursuant to sections 10.03.05 B.8 and 10.03.05 B.9. A Collier County staff planner, or designee, must also attend the neighborhood informational meeting; however, the applicant is required to make the presentation on the development plan of the subject property.
- ~~3.~~ 4. The applicant shall further cause a display advertisement, one-fourth page, in type no smaller than 12 point; which shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The ad shall be published no later than 7 days prior to the date of the neighborhood informational meeting. The ad shall state the purpose, location, and time of meeting, and shall display a legible site location map of the property for which the mixed use project approval is being requested.
- ~~4.~~ 5. The applicant shall post the subject property with an outdoor sign at least ten days prior to the date of the public hearing before the ~~BCC~~ planning commission. The sign to be posted shall contain substantially the following language and the sign's copy shall utilize the total area of the sign:
  - a. PUBLIC HEARING REQUESTING APPROVAL OF A MIXED USE PROJECT  
  
TO PERMIT: (Name of Project) (Number of acres)

DATE:

TIME:

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

~~6.~~ 7. The area of the sign shall be as provided in section 10.03.05 B.3.d. of this Code.

~~7.~~ 8. Criteria for Mixed Use Project Approval

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

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

Text underlined is new text to be added.  
~~Text strikethrough is current text to be deleted.~~  
**Bold** text indicates a defined term

permitted on the ground floor. This requirement shall not apply to individual parcels less than 5 acres in size.

- f. At least 30 percent of the gross area of mixed use projects shall be devoted to useable open space, as defined in section 4.02.01 B. of this Code. This requirement shall not apply to individual parcels less than 5 acres in size.

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## **LDC Amendment Request**

**ORIGIN:** Zoning & Land Development Review

**AUTHOR:** Catherine Fabacher

**DEPARTMENT:** CDES

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC2:11

**LDC SECTION(S):** 2.03.01 B. Estate District

**CHANGE:** Change citation.

**REASON:** Change was not made during re-codification.

**FISCAL & OPERATIONAL IMPACTS:** None.

**RELATED CODES OR REGULATIONS:** 4.02.01 Dimensional Standards for Principle Uses in Base Zoning Districts

**GROWTH MANAGEMENT PLAN IMPACT:** None.

**OTHER NOTES/VERSION DATE:** Created on March 10, 2007.

---

**Amend the LDC as follows:**

### **2.03.00 ZONING DISTRICTS**

In order to carry out and implement the Collier County GMP and the purposes of this LDC, the following zoning districts, district purposes, and applicable symbols are hereby established:

#### **2.03.01 Residential Zoning Districts**

- A. Rural Agricultural District "A". The purpose and intent of the rural agricultural district "A" is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and **conservation uses**. Uses that are generally considered compatible to **agricultural uses** that would not endanger or damage the agricultural, environmental, potable water, or wildlife

resources of the County are permissible as **conditional uses** in the A district. The A district corresponds to and implements the a land use designation on the future land use map of the Collier County GMP, and in some instances, may occur in the designated urban area. The maximum **density** permissible in the rural agricultural district within the urban mixed use district shall be guided, in part, by the **density** rating system contained in the future land use element of the GMP. The maximum **density** permissible or permitted in the A district shall not exceed the **density** permissible under the **density** rating system. The maximum **density** permissible in the A district within the agricultural/rural district of the future land use element of the Collier County GMP shall be consistent with and not exceed the **density** permissible or permitted under the agricultural/rural district of the future land use element.

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

1. Minimum **yard** Requirements. See ~~the subsection 4.02.01 A.~~ Table 2.1 in Chapter 2.07.00 for the general requirements. The following are exceptions to those requirements:

a. Conforming Corner **lots**. Conforming corner **lots**, in which only one full depth **setback** shall be required along the shorter **lot line** along the **street**. the **setback** along the longer **lot line** may be reduced to 37.5 feet, so long as no **right-of-way** or **right-of-way** easement is included within the reduced **front yard**. (See Exhibit A)

\* \* \* \* \*

**LDC Amendment Request**

**ORIGIN:** CDES

**AUTHOR:** Sue Trone, Planner/David Weeks, AICP, Planning Manager

**DEPARTMENT:** Comprehensive Planning

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC2:31

**LDC SECTION(S): 2.03.07 Overlay Zoning Districts  
D. Special Treatment Overlay "ST"**

**CHANGE:** Removing hotel/motel density in the RT zoning district from the Transfer of Development Rights (TDR) provision.

**REASON:** Section 2.03.07 D 4.b.vi.a)v) lists units zoned RT can be used in the TDR program at the hotel/motel level of density (26 units). However, the TDR program is intended to engage in the transfer of *residential* credits only; therefore the higher hotel/motel density reference is being deleted.

**FISCAL & OPERATIONAL IMPACTS:** None.

**RELATED CODES OR REGULATIONS:** None.

**GROWTH MANAGEMENT PLAN IMPACT:** None. The Density Rating System in the Future Land Use Element also only refers to residential units.

**OTHER NOTES/VERSION DATE:** Created March 7, 2007

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**Amend the LDC as follows:**

**2.03.07 Overlay Zoning Districts**

\* \* \* \* \*

D. Special Treatment Overlay "ST"

\* \* \* \* \*

4. Transfer of **development** Rights (TDR).

\* \* \* \* \*

b. Transfer of **development** rights from urban areas to urban areas. An owner of land located within areas designated as urban on the Future Land Use Map, including agriculturally zoned properties, which may or may not be identified with the ST overlay, may elect to transfer some or all of the residential **development** rights from one **parcel** of land to another **parcel**, as an alternative to the

**development** of the sending lands. The lands to which the **development** rights are to be transferred shall be referred to as receiving lands and those lands from which **development** rights are transferred shall be referred to as sending lands, as provided herein and shall be located within the urban designated areas of the county.

\* \* \* \* \*

vi. Maximum number of residential units which eligible lands may receive.

a) Lands in all residential zoning districts and residential components of planned unit **development** zoning districts are eligible to receive residential **development** units provided that the maximum number of residential units which may be transferred to the receiving land does not exceed ten percent of the maximum number of residential units permitted under the receiving property's basic zoning district. For the purpose of determining the number of residential units which a **parcel** of land is capable of receiving, the following formulas shall apply:

i) RSF-1 through RSF-5 districts, up to and including five units per acre:

$$\text{Units per base density} \times 10\% = .1 \text{ to } .5 \text{ units per acre}$$

ii) RMF-6 district, up to and including six units per acre:

$$6 \text{ units} \times 10\% = 0.6 \text{ units per acre}$$

iii) RMF-12 district, seven to and including 12 units per acre:

$$12 \text{ units} \times 10\% = 1.20 \text{ units per acre}$$

iv) RMF-16 district:

$$16 \text{ units} \times 5\% = 0.80 \text{ units per acre}$$

v) RT district:

$$16 \text{ units} \times 5\% = 0.80 \text{ units per acre}$$

~~$$26 \text{ units} \times 5\% = 1.30 \text{ units per acre}$$~~

vi) PUD district:

$$\text{Residential tract units} \times 5\% = \text{permitted units per acre}$$

**LDC Amendment Request**

**ORIGIN:** CDES

**AUTHOR:** Joe Thompson, Planner

**DEPARTMENT:** Comprehensive Planning

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC 2:36

**LDC SECTION(S):** **2.03.07 Overlay Zoning Districts**

**CHANGE:** Change requirement for title opinion to gap affidavit requirement for TDR severance applications.

**REASON:** Updated title opinions (in place of a gap affidavit) are resulting in extra work and expense on the behalf TDR severance applicants; additionally, the gap affidavit requirement will streamline the legal review and TDR easement recordation/credit issuance.

**FISCAL & OPERATIONAL IMPACTS:** N/A

**RELATED CODES OR REGULATIONS:** N/A

**GROWTH MANAGEMENT PLAN IMPACT:** N/A

**OTHER NOTES/VERSION DATE:** created 11/6/06 – revised on 1/10/07 - reformatted on 2/07/07

---

**Amend the LDC as follows:**

**2.03.07 Overlay Zoning Districts**

\* \* \* \* \*

D. Special Treatment Overlay "ST"

\* \* \* \* \*

4. Transfer of **development** rights

\* \* \* \* \*

f. Procedures applicable to the transfer of **TDR credits**

from **RFMU sending lands**.

- i. General. The transfer of **TDR credits** from **RFMU sending lands** does not require the approval of the County. However, those **developments** that utilize such **TDR credits** are subject to all applicable permitting and approval requirements of this Code, including but not limited to those applicable to site **development** plans, plat approvals, PUDs, and DRIs.
- ii. County-maintained central TDR registry. In order to facilitate the County's monitoring and regulation of the TDR Program, the County shall serve as the central registry of all **TDR credit** purchases, sales, and transfers, as well as a central listing of **TDR credits** available for sale and purchasers seeking **TDR credits**. No **TDR credit** generated from **RFMU sending lands** may be utilized to increase **density** in any area unless the following procedures are complied with in full.
  - a) **TDR credits** shall not be used to increase **density** in either non-RFMU Receiving Areas or **RFMU receiving lands** until severed from **RFMU sending lands**. **TDR credits** shall be deemed to be severed from **RFMU sending lands** at such time as a **TDR credit** Certificate is obtained from the County and recorded. **TDR credit** Certificates shall be issued only by the County and upon submission of the following:
    - i) a legal description of the property from which the RFMU **TDR credits** originated, including the total acreage;
    - ii) ~~a title search, or other evidence sufficient to establish a title opinion~~ establishing that, prior to the severance of the **TDR credits** from **RFMU sending lands**, such sending lands were not subject to a conservation restriction or any other **development** restriction that prohibited residential **development**;
    - iii) an affidavit, signed by the owner, stating that the property was not subject to a conservation restriction or any other development restriction

that prohibited residential development during the period between the effective date of the title opinion and limitation of development rights agreement recordation;

- iii iv) a legal instrument, prepared in accord with the form provided by the County, that limits the allowable uses on the property after the severance of **TDR credits** as set forth in section 2.03.08 A.4.b.; ~~and~~
- iv v) a statement identifying the price, or value of other remuneration, paid to the owner of the **RFMU sending lands** from which the **TDR credits** were generated and that the value of any such remuneration is at least \$25,000 per **TDR credit**, unless such owner retains ownership of the **TDR credits** after they are severed, unless the RFMU or non-**RFMU receiving lands** on which the **TDR credits** will be utilized and the **RFMU sending lands** from which the **TDR credits** were generated are owned by the same persons or entities or affiliated persons or entities; and
- v vi) a statement attesting that the **TDR credits** are not being severed from **RFMU sending lands** in violation of section 2.03.07(D)(4)(c)(iv)(b) of this Code.
- vi vii) documented evidence that, if the property from which TDRs are being severed is subject to a mortgage, lien, or any other security interest; the mortgagee, lien holder, or holder of the security interest has consented to the conservation easement required for TDR severance.

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**LDC Amendment Request**

**ORIGIN:** CDES

**AUTHOR:** Joe Thompson, Planner

**DEPARTMENT:** Comprehensive Planning

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** 2:34

**LDC SECTION(S):** 2.03.07 D.4.c. ii a) 3)

**CHANGE:** Recognition of the first instrument for the establishment of financial assurance in relation to privately implemented TDR restoration and maintenance plans (RMPs)

**REASON:** The BCC approved a letter of credit (on 11/28/06 – item 16A1) that was designed to provide the county financial assurance with respect to the implementation of a private TDR Restoration and Management Plan (RMP).

**FISCAL & OPERATIONAL IMPACTS:** N/A

**RELATED CODES OR REGULATIONS:** 2.03.08

**GROWTH MANAGEMENT PLAN IMPACT:** N/A

**OTHER NOTES/VERSION DATE:** created 1/10/07, reformatted 2/08/07

**Amend the LDC as follows:**

**2.03.07 Overlay Zoning Districts**

\* \* \* \* \*

**D.** Special Treatment Overlay "ST".

\* \* \* \* \*

**4.** Transfer of Development Rights (TDR).

\* \* \* \* \*

**c.** **TDR credits** from **RFMU sending lands:**  
General Provisions

**i.** Creation of **TDR credits**.

**a)** **TDR credits** are generated from **RFMU sending lands** at a rate of 1 **TDR credit** per 5 acres of RFMU Sending Land or, for those legal non-conforming **lots or parcels** of less than 5 acres that

were in existence as of June 22, 1999, at a rate of 1 **TDR credit** per legal non-conforming **lot** or **parcel**.

- b) For lots and **parcels** 5 acres or larger, the number of **TDR credits** generated shall be calculated using the following formula:

$$\# \text{ of acres} \times 0.2 = \# \text{ of TDR } \mathbf{credits} \text{ generated.}$$

Where the number of **TDR credits** thus calculated is a fractional number, the number of **TDR credits** created shall be rounded to the nearest 1/100th.

- ii. Creation of **TDR Bonus credits**. **TDR Bonus credits** shall only be generated from **RFMU sending land** property from which **TDR** credits have been severed. The three types **TDR Bonus credits** are as follows:

- a) Environmental Restoration and Maintenance Bonus credits. Environmental Restoration and Maintenance **Bonus credits** are generated at a rate of 1 credit for each **TDR** credit severed from that **RFMU sending land** for which a Restoration and Management Plan (RMP) has been accepted by the County. In order to be accepted, a RMP shall satisfy the following:

- 1) The RMP shall include a listed species management plan.
- 2) The RMP shall comply with the criteria set forth in 3.05.08.A. and B.
- 3) The RMP shall provide financial assurance, in the form of a letter of credit performance surety bond or similar—financial security, establishing that the RMP shall remain in place and be performed, until the earlier of the following occurs:

\* \* \* \* \*

## LDC Amendment Request

**ORIGIN:** CDES

**AUTHOR:** Staff

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC1:17

**LDC SECTION(S):** 1.08.02 Definitions

**CHANGE:** Change Bayshore Drive to Bayshore Way.

**REASON:** There is no Bayshore Drive in Goodland. It is called Bayshore Way.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None.

**OTHER NOTES/VERSION DATE:** Created February 23, 2007.

---

### **Amend the LDC as follows:**

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

### **GRAPHIC LINK: [Click here](#)**

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

2. Conditional uses. The following uses are permitted as **conditional uses** in this subdistrict:
- a. Clam nursery, subject to the following restrictions:
- 1) A "clam nursery" is defined as the growing of clams on a "raceway" or "flow-through saltwater system" on the shore of a **lot** until the clam reaches a size of approximately one-half inch.
  - 2) For the purposes of this section, a "raceway" or "flow-through salt water system" is defined as a piece of plywood or similar material fashioned as a table-like flow through system designed to facilitate the growth of clams.
  - 3) At no time may a nursery owner operate a raceway or raceways that exceed a total of 800 square feet of surface area.
  - 4) The nursery must meet the requirements of a "minimal impact **aquaculture** facility" as defined by the Department of Agriculture.
  - 5) The nursery must not be operated on a vacant **lot**, unless both of the following requirements are met:
    - i. The vacant **lot** is owned by the same individual who owns a **lot** with a residence or habitable **structure** immediately **adjacent** to the vacant **lot**; and
    - ii. The vacant **lot** must not be leased to another individual for purposes of operating a clam farm within the RSF-4 and VR zoning districts.
  - 6) At no time will a nursery owner be allowed to feed the clams, as the clams will be sustained from nutrients occurring naturally in the water.
  - 7) Only the property owner or individual in control of the property will be allowed to operate a raceway on the shore off his property within the VR and RSF-4 zoning districts. In other words, a landowner must not lease his property to another individual to use for purposes of operating a clam nursery.
  - 8) Any pump or filtration system used in conjunction with the nursery must meet all applicable County noise ordinances and must not be more obtrusive than the average system used for a non-commercial pool or shrimp tank
3. *Parking/storage of major recreational equipment, personal vehicles, and certain commercial vehicles.*
- a. Within the VR and RSF-4 zoning districts, except for specifically designated travel trailer **subdivisions**, boats, trailers,

**recreational vehicles** and other recreational equipment may be stored in any **yard** subject to the following conditions.

- 1) Recreational equipment must not be used for living, sleeping, or housekeeping purposes when parked or stored.
  - 2) **Recreational vehicles** or equipment must not exceed 35 feet in length.
  - 3) **Recreational vehicles** or equipment must not be parked, stored or encroach in any county **right-of-way** easement.
  - 4) **Recreational vehicles** or equipment that exceed 35 feet in length will be subject to the provisions of section 5.03.06 of this Code.
- b. Personal vehicles may be parked in drainage swales in the VR and RSF-4 zoning districts subject to the following conditions.
- 1) No vehicle shall block or impede traffic.
- c. Commercial vehicles 35 feet in length or less will be allowed to park at the owner's home and in the drainage swale subject to the following conditions:
- 1) No vehicle shall block or impede traffic;
  - 2) Drainage must not be blocked or impeded in any way as a result of the parking in the swales;
  - 3) Parking will only be permitted in **driveways** and not in **yard** areas; and
  - 4) No more than two commercial vehicles may be parked at one residence/site, unless one or more of the vehicles is engaged in a construction or service operation on the residence/site where it is parked. The vehicle engaged in this service must be removed as soon as the construction or service is completed. For purposes of this subsection only, a commercial vehicle is defined as a van, pickup truck, or passenger car used for commercial purposes and licensed by the Department of Transportation. A vehicle is not considered a commercial vehicle merely by the display of a business name or other insignia. No other commercial vehicle, such as dump trucks, cement trucks, forklifts or other equipment used in the construction industry will be allowed to park at a residence or site overnight unless specifically approved by the County Manager or his designee.
4. *Storage Sheds.* **Parcels** located off of Bayshore ~~Drive~~ Way are allowed to retain any sheds that were constructed prior to October 17, 2003. Storage sheds for fishing and boat equipment on the boat **dock parcels** off of Bayshore ~~Drive~~ Way constructed after October 17, 2003 are permissible if

they comply with the following requirements:

- a. The appropriate **building** permit must be obtained.
  - b. Bayshore drive **setback**: ten feet.
  - c. Waterfront **setback**: ten feet.
  - d. Side **yard setback**: 0 feet.
  - e. Maximum size of shed: 144 square feet.
5. Sign *requirements* . All **signs** existing as of October 17, 2003 in Goodland are exempt from the requirements of the Collier County **sign** ordinance (section 5.06.00) for five years from October 17, 2003 or until the **sign** is destroyed, whichever comes first. Any **signs** constructed after October 17, 2003 must strictly comply with section 5.06.00. **Sign** maintenance is limited to painting existing **signs**. All other maintenance or repairs will void the exemption and require the owner to construct a **sign** that strictly adheres to section 5.06.00 in the event that the owner wishes to have a **sign**.

\* \* \* \* \*

**LDC Amendment Request**

**ORIGIN:** CDES

**AUTHOR:** Catherine Fabacher, Principal Planner LDC

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC2:53

**LDC SECTION(S):** **2.03.07 Overlay Zoning Districts**

**CHANGE:** Add a reference to the Design Standards for Development Activity in the Activity Center #9.

**REASON:** The design standards are not referenced in 2.03.07 K. which describes Activity Center #9 overlay.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** **4.02.23 Same - Development in Activity Center #9 District**

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created March 15, 2007.

**Amend the LDC as follows:**

**2.03.07 Overlay Zoning Districts**

\* \* \* \* \*

K. Activity Center #9 Overlay. The purpose of this designation is to create an enhanced entryway into the Naples urban area through appropriate, unified design elements and standards; the implementation of which will result in an attractive, positive image as outlined in the vision statement of the Activity Center #9 Interchange Master Plan. These regulations and the design standards located in section 4.02.23 apply to the following properties within Activity Center #9 as identified in the Interchange Master Plan Land Use Map:

1. All **buildings** and projects that are subject to the requirements of section 5.05.08 of this LDC.
2. Nonresidential land uses **abutting** any public **street** except industrial **buildings** internal to industrial PUD zoned project, that are located no less than 200 feet from the public **street**.

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**LDC Amendment Request**

**ORIGIN:** Community Development & Environmental Services

**AUTHOR:** Fabacher

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC2:64

**LDC SECTION(S):** 2.03.08

**CHANGE:** Cross reference to the North Belle Mead Overlay was incorrectly cited. Cross reference changed to correct citation.

**REASON:** Correct typographical error within the Land Development Code.

**FISCAL & OPERATIONAL IMPACTS:** None.

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created on Jan. 24, 2007.

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**Amend the LDC as follows:**

**2.03.08 Rural Fringe Zoning Districts**

\* \* \* \* \*

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

\* \* \* \* \*

2. **RFMU receiving lands.** **RFMU receiving lands** are those lands within the **RFMU district** that have been identified as being most appropriate for **development** and to which residential **development** units may be transferred from **RFMU sending lands**. Based on the evaluation of available data, **RFMU receiving lands** have a lesser degree of environmental or listed species habitat value than **RFMU sending lands** and generally

have been disturbed through **development** or previous or existing agricultural operations. Various incentives are employed to direct **development** into **RFMU receiving lands** and away from **RFMU sending lands**, thereby maximizing **native vegetation** and habitat preservation and restoration. Such incentives include, but are not limited to: the TDR process; **clustered development**; **density** bonus incentives; and, provisions for central sewer and water. Within **RFMU receiving lands**, the following standards shall apply, except as noted in subsection 2.03.08 A.1. above, or as more specifically provided in an applicable PUD.

a. Outside **rural villages**.

- (1) NBMO Exemption. Except as specifically provided herein NBMO Receiving Lands are only subject to the provisions of section 2.03.08 ~~D~~ C.
- (2) Maximum **density**.
  - (a) Base **density**. The base **residential density** allowable within **RFMU receiving lands**, exclusive of the applicable **density blending** provisions set forth in section 2.05.02, is one (1) unit per five (5) gross acres (0.2 **dwelling units** per acre) or, for those legal **nonconforming lots** or **parcels** in existence as of June 22, 1999, one (1) unit per **lot** or **parcel**.

\* \* \* \* \*

## LDC Amendment Request

**ORIGIN:** CDES

**AUTHOR:** Sue Trone, Planner/David Weeks, AICP, Planning Manager

**DEPARTMENT:** Comprehensive Planning

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** 2:123

**LDC SECTION(S):** 2.05.01

**CHANGE:** Correcting mistakes, adding omissions, and clarifying information in the Density Standards Table and its footnotes.

**REASON:** The Density Standards Table has some errors as well as empty cells, and omissions of zoning overlays, which can cause confusion to readers. Corrections involve numbers in superscript (also noted with underlines and strikethroughs though hard to see in superscript).

**FISCAL & OPERATIONAL IMPACTS:** None.

**RELATED CODES OR REGULATIONS:** None.

**GROWTH MANAGEMENT PLAN IMPACT:** None.

**OTHER NOTES/VERSION DATE:** Created March 8, 2007. Edited August 17, 2007.

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**Amend the LDC as follows:**

### **2.05.01 Density Standards and Housing Types**

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

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 Bold text indicates a defined term

Housing Type: Zoning District:	Single-family	Duplex	Townhouse	Multifamily	Mobile Home	Cluster	Guest House	Caretaker Units (number allowed)	Timeshare	Recreational vehicles <sup># 1</sup>	Maximum Density <sup>2</sup> (units per gross acre)
GC								Two			
A	✓				S		✓				<del>1/5 acres</del> <u>0.2</u> (1 unit per 5 acres)
E	✓						✓				<del>1/2 - 1/4 acres</del> <u>0.44</u> (1 unit per 2.25 acres)
RSF-1	✓					✓	✓				<del>1/g.a.</del>
RSF-2	✓					✓	✓				<del>2/g.a.</del>
RSF-3	✓					✓	✓				<del>3/g.a.</del>
RSF-4	✓					✓	✓				<del>4/g.a.</del>
RSF-5	✓					✓	✓				<del>5/g.a.</del>
RSF-6	✓					✓	✓				<del>6/g.a.</del>
RMF-6	✓	✓	✓	<u>✓</u>		✓	✓				<del>DRS up to 6/g.a.</del>
RMF-12	S	✓	✓	<u>✓</u>							<del>DRS up to 12/g.a.</del>
RMF-16			✓	✓							<del>DRS up to 16/g.a.</del>
RT <sup>3</sup>											<u>26</u>
RT <sup>2,4</sup>			<u>✓</u>	✓					✓		<del>16/acre within activity center</del>
RT <sup>5</sup>			✓	✓					✓		<del>DRS up to 16/g.a.</del>
VR <sup>14</sup>	✓				✓	✓					<del>DRS up to 7.26/g.a.</del>
VR <sup>15</sup>		✓				✓					<del>DRS up to 8.71/g.a.</del>
VR <sup>16</sup>				✓		✓					<del>DRS up to 14.52/g.a.</del>
MH <sup>3,6</sup>					✓			One		✓	<del>DRS up to 7.26/g.a.</del>
TTRVC								One		✓	<del>12/acre</del>
C-1 <sup>7</sup>								One			<u>16</u>
C-2 <sup>7</sup>								One			<u>16</u>
C-3 <sup>7</sup>								One			<u>16</u>
C-4								One			
C-5								One			
I								One			

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**Bold** text indicates a defined term

BP								One			
CON <sup>8</sup>	✓										<del>4/5 acres</del> 0.2 (1 unit per 5 acres) <del>1/3 acres Big Cypress</del> 0.33 (1 unit per 3 acres) Big Cypress <sup>8</sup>
BMUD <sup>2</sup>	S	<u>S</u>	<u>S</u>	S							12 <del>acre</del>
GTMUD <sup>2</sup>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>							<u>12</u>
R-1	✓	✓	✓	✓							
R-2	✓	✓	✓	✓							
GZO	Per underlying zoning district										
VB-RT			✓	✓						✓	
GGDCCO											Per underlying zoning district
<u>RFMU<sup>10</sup></u>	<u>✓</u>				<u>13</u>						<u>0.025 (1 unit per 40 acres)</u>
<u>RFMU<sup>11</sup></u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>13</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>			<u>0.2 (1 unit per 5 acres)</u>
<u>RFMU<sup>12</sup></u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>13</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>		<u>✓</u>	<u>0.2 (1 unit per 5 acres)</u>
<u>MHO</u>					<u>✓</u>						<u>0.2 (1 unit per 5 acres)</u>

Legend:

S = permitted subject to supplemental standards

g.a. = gross acre

~~DSFDRS = density rating system~~

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

~~2 In the MH district, modular homes are allowable.~~

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. **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 twenty-six (26) units per acre are allowed for **hotels** and **motels**.

~~3~~ A maximum of ~~twenty-six (26)~~ units per acre for ~~hotels and motels~~, and ~~sixteen (16)~~ units per acre for timeshares and multifamily uses when located within an activity center or if the RT zoning was in existence at the time of adoption of this LDC. For properties located outside an activity center or if the RT zoning was not in existence at the time of adoption of this LDC, ~~density~~ shall be determined through application of the ~~density~~ rating system, up to a maximum of ~~sixteen (16)~~ units per acre. The calculation of ~~density~~ shall be based on the land area defined by a ~~lot(s)~~ of record.

3 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 sixteen (16) 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 sixteen (16) units per acre.

4-5 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 sixteen (16) units per acre. The calculation of **density** shall be based on the land area defined by a **lot(s)** of record.

5-6 In the MH district, modular homes are allowable.

7 Properties zoned C-1 through C-3 may have associated residential densities in instances of mixed-use development pursuant to the Future Land Use Element of the Growth Management Plan.

6-8 The **density of 1 dwelling unit** per 3 gross acres only applies to private in-holdings within the Big Cypress National Preserve that were in existence prior to October 14, 1974.

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

10 One unit per 40 acres is the maximum density permitted in **RFMU Sending Lands** (see section 2.03.08).

11 One unit per 5 acres is the maximum density permitted in **RFMU Neutral Lands** (see section 2.03.08).

12 One unit per acre is the maximum density permitted in **RFMU Receiving Lands** located outside of a Rural Village with redemption of Transfer of Development Rights (TDR) credits; 0.2 units per acre is the maximum density permitted in RFMU Receiving Lands without redemption of TDR credits; 3 units per acre is the maximum density per acre in RFMU Receiving Lands located within a Rural Village with the redemption of TDR credits (see section 2.03.08).

13 Only if Mobile Home Overlay exists.

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

15 Density for duplex, with or without clustering.

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

## LDC Amendment Request

**ORIGIN:** Community Development & Environmental Services Division

**AUTHOR:** Stephen Lenberger, Senior Environmental Specialist  
William D. Lorenz, P.E., Director

**DEPARTMENT:** Environmental Services Department

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC3:8

**LDC SECTION(S):** 3.03.02

**CHANGE:** Delete reference to the Coastal Zone Management Plan from the LDC.

**REASON:** In June 1993 the BCC adopted various amendments incorporating selective recommendations of the Coastal Management Plan that were previously brought to the BCC. The reference to the plan in the LDC is outdated and needs to be deleted.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created February 13, 2007

---

**Amend the LDC as follows:**

### **3.03.02 Applicability**

- A. New and existing **development** in the **coastal zone** shall be in compliance with the goals, objectives, and policies of the **conservation** and Coastal Management Element (CCME) of the Collier County GMP and with this LDC until the formal adoption by the County of all land **development** regulations, ordinances, policies, and programs ~~which implement the coastal zone Management Plan--1994,~~ as adopted by the BCC, and as prescribed by the **conservation** and Coastal Management Element of the Collier County GMP.
- B. In addition to these **coastal zone** regulations, all land **development** activities on **shorelines**, and/or undeveloped and developed coastal barriers, shall comply with the County's environmental land **development** regulations, including, but

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not limited to: section 2.03.07(D)(1), Special Treatment Overlay district (ST); procedural requirements in Chapter 10; section 3.05.00, Vegetation Removal, Protection and Preservation; section 3.04.03, sea turtle Protection; section 3.04.00, Endangered, Threatened or Listed Species Protection; Chapter 10, Coastal Construction **setback line** variance; and as required by Vehicle on the **beach** Regulations in the County Code of Ordinances.

\* \* \* \* \*



## LDC Amendment Request

**ORIGIN:** Community Development & Environmental Services Division

**AUTHOR:** Stephen Lenberger, Senior Environmental Specialist

**DEPARTMENT:** Environmental Services Department

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC3.44

**LDC SECTION(S):** 3.05.10

**CHANGE:** Changing incorrect citation from 5.06.03 to 5.06.00.

**REASON:** Correct citation.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created March 1, 2007

---

**Amend the LDC as follows:**

### **3.05.10 Littoral Shelf Planting Area (LSPA)**

\* \* \* \* \*

A. *Design requirements.*

\* \* \* \* \*

6. *Posted area.* The boundary of the LSPA shall be posted with appropriate signage denoting the area as a LSPA. **sign(s)** should note that the posted area is a Littoral Shelf Planting Area and contain specific instructions to ensure that the planted area will not be subjected to herbicidal treatments or other activities that will kill the vegetation. The **signs** shall be no closer than ten feet from residential property lines; be limited to a maximum height of four feet and a maximum size of two square feet; and, otherwise

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comply with section 5.06.~~0300~~300. A minimum of two **signs** shall be provided to mark the extent of the LSPA. Maximum **sign** spacing shall be 150 feet.

\* \* \* \* \*

## LDC Amendment Request

**ORIGIN:** Community Development & Environmental Services

**AUTHOR:** Bruce McNall

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** 4:95

**LDC SECTION(S):** 4.06.02C.4.

**CHANGE:** Add buffer graphic visually describing LDC required buffers with appropriate notation.

**REASON:** To make buffer requirement more clear

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created on February 13, 2006.

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**Amend the LDC as follows:**

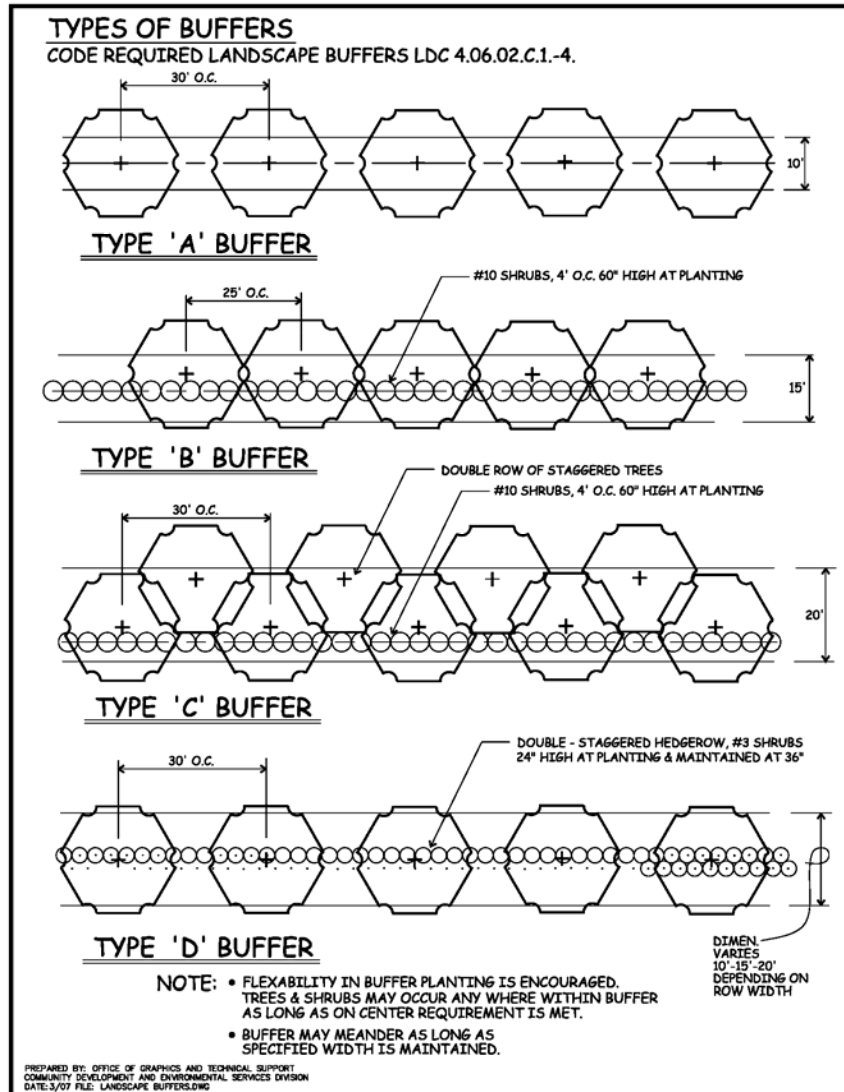
C. Table of **buffer yards**.

Types of **buffers**. Within a required **buffer** strip, the following alternative shall be used based on the matrix in table 2.4.

1. *Alternative A:* Ten-foot-wide **landscape buffer** with trees spaced no more than 30 feet on center.
2. *Alternative B:* Fifteen-foot-wide, 80 percent opaque within one year **landscape buffer** six feet in height, which may include a wall, fence, hedge, **berm** or combination thereof, including trees spaced no more than 25 feet on center. When planting a hedge, it shall be a minimum of ten gallon plants five feet in height, three feet in spread and spaced a maximum four feet on center at planting.

3. *Alternative C:* 20-foot-wide, opaque within one year, **landscape buffer** with a six-foot wall, fence, hedge, or **berm**, or combination thereof and two staggered rows of trees spaced no more than 30 feet on center. Projects located within the Golden Gate **Neighborhood center** district shall be exempt from the **right-of-way** requirement of a six-foot wall, fence, hedge, **berm** or combination thereof. These projects shall provide a meandering Type D **landscape buffer** hedge. In addition, a minimum of 50 percent of the 25-foot wide **buffer** area shall be composed of a meandering bed of shrubs and ground covers other than grass.
  
4. *Alternative D:* A **landscape buffer** shall be required adjacent to any road **right-of-way** external to the **development** project and **adjacent** to any primary access roads internal to a commercial **development**. Said **landscape buffer** shall be consistent with the provisions of the Collier County Streetscape Master Plan, which is incorporated by reference herein. The minimum width of the perimeter **landscape buffer** shall vary according to the ultimate width of the **abutting right-of-way**. Where the ultimate width of the **right-of-way** is zero to 99 feet, the corresponding **landscape buffer** shall measure at least ten feet in width. Where the ultimate width of the **right-of-way** is 100 or more feet, the corresponding **landscape buffer** shall measure at least 15 feet in width. **Developments** of 15 acres or more and **developments** within an activity center shall provide a perimeter **landscape buffer** of at least 20 feet in width regardless of the width of the **right-of-way**. Activity center **right-of-way buffer** width requirements shall not be applicable to roadways internal to the **development**. (See Figure 4.06.05 C.)

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**Figure 4.06.05 C.**

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**LDC Amendment Request**

**ORIGIN:** Community Development & Environmental Services.

**AUTHOR:** Michael Sawyer, Senior Planner

**DEPARTMENT:** Zoning and Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** To be determined

**LDC SECTION(S):** 4.06.05.I, and Chart 4.06.05.I.

**CHANGE:** To include slope cross section A in the steeper than 1:1 vertical retaining wall references.

**REASON:** The reference was inadvertently not sited when the amendment when created. Both cross-section B and A constitute steeper than 1:1 slope retaining systems.

**FISCAL & OPERATIONAL IMPACTS:** None.

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None.

**OTHER NOTES/VERSION DATE:** 03-26-2007.

---

**Amend the LDC as follows:**

**4.06.05 General Landscaping Requirements**

\* \* \* \* \*

I. Treatment of Slopes: The following landscape and engineering standards shall apply to all landscape areas except for Golf Courses. See: Slope Chart 4.06.05.I. and Slope Cross Sections 4.06.05.I.

\* \* \* \* \*

Slope Chart 4.06.05.I.

Slope Ratio	Slope Treatment. See a. below.
No Steeper Than 4:1 (4 horizontal to 1 vertical)	Grass. See Figure 3 below.
	Trees, Ground Covers, Ornamental Grasses, and Shrubs.
No Steeper Than 3:1 (3 horizontal to 1 vertical)	Trees, Ground Covers, Ornamental Grasses, and Shrubs. See Figure 2 below.
	* Requires 50% surface coverage at time of installation and 80% coverage within 1 year and avoid soil erosion.
	* Toe of slope shall be set back a minimum of 2 feet from sidewalks and paved surfaces.
No Steeper Than 2:1 (2 horizontal to 1 vertical)	Rip-rap or other forms of erosion and scour protection. See Figure 1 below.
	* Permitted only in concentrated, rapid flow water management areas or sloped areas less than 200 square feet with a maximum height of 30 inches.
	* Slopes shall be stabilized with geo-textile fabric and be planted with ground covers or vines to provide 80% coverage within 1 year.
No Steeper Than 1:1 (1 horizontal to 1 vertical)	Permanent slope stabilization systems are required on all slopes steeper than 2:1 and no steeper than 1:1.
	* Stabilization systems shall require engineered plans signed and sealed by a Professional Engineer, Architect, or Landscape Architect registered in the state of Florida.
	* Stabilization systems if visible from any road, access, or residence shall be set back from property line a minimum of 2 feet and be landscaped to provide 80% opacity within 1 year. In addition when a system is located within a landscape buffer all buffer plantings shall be located on the high or elevated side in a minimum 5 foot wide planting area with a slope no greater than 10:1.
	* Stabilization systems shall not exceed 3 feet in height and shall not be located on lake banks or in lake maintenance easements.
	* Set back requirements from sidewalks or paved surfaces shall be a minimum of 2 feet.
Steeper Than 1:1	Vertical Retaining Walls. See b, c, and d. below, See Also Alternative <u>A &amp; B</u> below.
	* Walls over 30 inches in height shall require engineered plans signed and sealed by a Professional Engineer, Architect, or Landscape Architect registered in the state of Florida.
	* Wall shall be architecturally finished or provide a natural appearance. See e. below.
	* Walls if visible from any road, access, or residence shall be set back from property line a minimum of 2 feet and be landscaped to provide 80% opacity within 1 year. In addition when a wall is located within a landscape buffer all buffer plantings shall be located on the high or elevated side of the wall in a minimum 5 foot wide planting area with a slope no greater than 10:1.



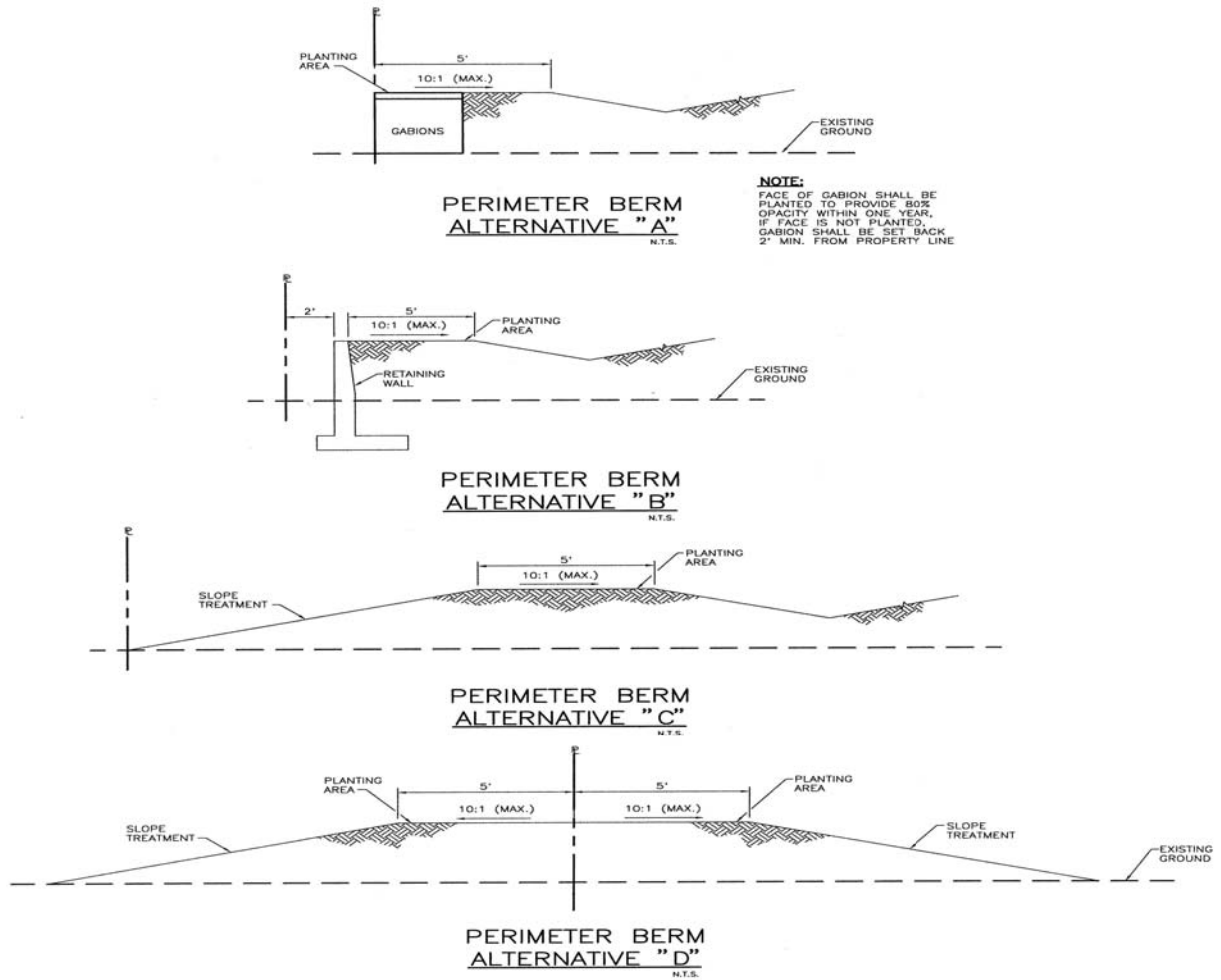
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- a. Slopes adjacent to required preserve areas shall be planted with 100% Florida native species, shall provide swales to direct water flow away from preserves, and meet set backs as required by section 3.05.07.H.3. of this code.
- b. Perimeter water management walls shall not exceed 3 feet in height and shall be set back from property lines a minimum of 2 feet. In addition when water management walls are located in landscape buffers the walls shall be consistent with section 4.06.02.D of this code. All water management walls shall be landscaped to provide 80% opacity within 1 year. See Figure 4 below.
- c. Water management areas with continuous vertical walls exceeding 20 feet in length and/or open vaults are prohibited.
- d. Vertical Retaining Wall requirements and standards do not apply to headwalls or bridge abutments.
- e. Architectural finish requires color, texture, and materials that are in common with those used on surrounding structures. Exposed concrete walls are prohibited. Natural appearance requires color, texture, and materials that mimic or occur in nature.

\* \* \* \* \*

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## Slope



**LDC Amendment Request**

**ORIGIN:** CDES

**AUTHOR:** Staff

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC5:39

**LDC SECTION(S):** 5.05.08 Architectural Standards

**CHANGE:** Changing an incorrect citation from 5.05.08 D. 13. to 5.05.08 C. 13.

**REASON:** The governing provision was renumbered; so, to be accurate and guide readers to the right subsection where the information is contained.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:**

**GROWTH MANAGEMENT PLAN IMPACT:**

**OTHER NOTES/VERSION DATE:**

**Amend the LDC as follows:**

**5.05.08 Architectural and Site Design Standards**

\* \* \* \* \*

B. *Applicability.* The provisions of section 5.05.08 apply:

\* \* \* \* \*

3. To all renovations and redevelopment, including applicable additions of a building or site, as follows, except that "renovation" is not intended to apply to routine repairs and maintenance of an existing building:

a. Any addition or renovation of an existing building or project including vehicular use area (i.e. - approved for use and occupancy as of November 10, 2004) that will result in a change to the exterior of the building or site such that in the case of:

i. A building facade renovation where such addition, renovation, or redevelopment exceeds 50 percent of the

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wall area of an existing facade, that entire facade must comply with the standards of Section 5.05.08.

- ii. An addition or renovation to, or redevelopment of, an existing building or project, where the cost of such addition, renovation, or redevelopment exceeds 50 percent of the assessed value of the existing structure(s), or would exceed 25 percent of the square footage of the gross area of the existing structures, the existing building(s) and the site improvements must conform with the standards of Section 5.05.08.
- iii. Upon repainting an existing building, the colors to be applied must comply with Section 5.05.08 ~~D~~ C.13. Materials and colors.

\* \* \* \* \*

## **LDC Amendment Request**

**ORIGIN:** Building Review & Permitting

**AUTHOR:** Diana Compagnone

**DEPARTMENT:** Building Review & Permitting

**AMENDMENT CYCLE # OR DATE:** Cycle 1 - 2007

**LDC PAGE:** 3:43, 3:44

**LDC SECTION:** **5.06.05 Signs Exempt from These Regulations**

**CHANGE:** Cross reference littoral shelf planting area (LSPA) signs and preserve signage to sign section of LDC.

**REASON:** For ease of reference to general public

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** **3.05.10 A.6, 3.05.04 G**

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSIONDATE:** Created 2/7/06

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**Amend the LDC as follows:**

### **5.06.05 Sign Exempt from these Regulations**

—In addition to those **signs** identified elsewhere in this Code, the following **signs** are exempt from the permit requirements of this Code, and shall be permitted in all districts subject to the limitations set forth below:

- A. **Signs** required to be maintained or posted by law or governmental order, rule, or regulation.
- B. On-premises directional **signs**, not exceeding six square feet in area and four feet in height, intended to facilitate the movement of pedestrians and vehicles within the site upon which such **signs** are posted. On-premises directional **signs** shall be limited to two at each vehicle **access** point and a maximum of four internal to the **development**. Internal **signs** are not intended to be readily visible from the road. Directional **signs** are also subject to restrictions of section 5.06.04 C.13. of this Code.

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- C. One identification **sign**, professional nameplate, or occupational **sign** for each professional office, or business establishment not to exceed two square feet in **sign** area and placed flush against a **building** face or mailbox side, and denoting only the name of the occupant and, at the occupant's election, the occupant's profession or specialty and/or the **street** address of the premise.

\*\*\*\*\*

- X. Littoral Shelf Planting Area signs, provided such signs do not violate section 3.05.10 A.6 of this Code.

- Y. Preserve Signs, provided such signs do not violate subsection 3.05.04 G of this Code.

\*\*\*\*\*

## LDC Amendment Request

**ORIGIN:** Building Review & Permitting

**AUTHOR:** Diana Compagnone

**DEPARTMENT:** Building Review & Permitting

**AMENDMENT CYCLE # OR DATE:** Cycle 1 - 2007

**LDC PAGE:** 5:103

**LDC SECTION:** 5.06.02 A.1

**CHANGE:** Change reference to wrong section in code from Sec. 1.04.04 C to 1.04.04 B

**REASON:** To make more accurate

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:**

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSIONDATE:** Created 2/15/07

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**Amend the LDC as follows:**

### **5.06.02 Permitted Signs**

- A. **Signs** within residential zoned districts and as applicable to residential designated portions of PUD zoned properties.
  - 1. Development *standards*.
    - a. *Maximum allowable height*. All **signs** within residential zoned districts and as applicable to residential designated portions of PUD zoned properties are limited to a maximum height of eight feet, or as provided within this Code. Height shall be measured from the lowest centerline **grade** of the nearest public or private R.O.W. or **easement** to the uppermost portion of the **sign structure**.
    - b. *Minimum setback*. All **signs** within residential zoned districts and as applicable to residentially designated portions of PUD zoned properties shall not be located closer than ten feet from the

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property line, unless otherwise noted below or as provided for in section 1.04.04 ~~C~~ B. as determined by the county for safety and operation.



**LDC Amendment Request**

**ORIGIN:** Building Review & Permitting

**AUTHOR:** Diana Compagnone

**DEPARTMENT:** Building Review & Permitting

**AMENDMENT CYCLE # OR DATE:** Cycle 1 - 2007

**LDC PAGE:** 5:110

**LDC SECTION:** 5.06.04 C.3.b

**LDC SUPPLEMENT #:**

**CHANGE:** Change reference to wrong section in code from Sec. 1.04.04 C to 1.04.04 B

**REASON:** To make more accurate

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:**

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSIONDATE:** Created 2/15/07

**Amend the LDC as follows:**

**5.06.04 Sign Standards for Specific Situations**

\* \* \* \* \*  
C. *On-premise* signs. On-premise pole **signs**, ground **signs**, projecting **signs**, wall **signs**, and mansard **signs** shall be allowed in all nonresidentially zoned districts subject to the restrictions below  
\* \* \* \* \*

3. Directory Signs. Multiple-occupancy **parcels** such as **shopping centers**, office complexes, business parks, or industrial parks containing 25,000 square feet or more of gross leasable floor area, and eight or more independent businesses will be permitted one directory sign for a single entrance on each public **street**. When a directory **sign** is proposed then pole or ground signs shall be limited to the name and

logo of the complex and shall not contain name of any tenant. The directory **sign** shall contain a minimum of four and a maximum of eight tenant names. The name of businesses located on **outparcels** shall not appear of directory **signs**.

- a. The maximum height for directory **signs** is limited to 20 feet. Height shall be measured from the lowest centerline **grade** of the nearest public or private R.O.W. or **easement** to the uppermost portion of the **sign structure**.
- b. Directory **signs** shall not be closer than 15 feet from the property line, unless otherwise noted below or as provided for in section 1.04.04 ~~C-B~~.
- c. Maximum allowable **sign** area: 150 square feet for Directory **signs**.
- d. A minimum 100 square foot planting area shall be provided around the base of any Directory **sign**, consistent with the provisions of this section of this Code, development of landscaping shall be approved by the County consistent with Section 4.06.03 A. of the LDC.
- e. The location of all permanent directory **signs** shall be shown on the landscape plans as required by section 4.06.05.

\* \* \* \* \*

**LDC Amendment Request**

**ORIGIN:** Building Review & Permitting

**AUTHOR:** Diana Compagnone

**DEPARTMENT:** Building Review & Permitting

**AMENDMENT CYCLE # OR DATE:** Cycle 1 - 2007

**LDC PAGE:** 5:115

**LDC SECTION:** 5.04.06 C.14.a.i

**CHANGE:** Change reference to wrong section in code from Sec. 5.06.04 A to 5.06.04

**REASON:** To make more accurate

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:**

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHERNOTES/VERSIONDATE:** created on 2/1/07, rev. 8/13/07

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**Amend the LDC as follows:**

**5.06.04 Sign Standards for Specific Situations**

\*\*\*\*\*

- C. On-premise **signs**. On-premise pole **signs**, ground **signs**, projecting **signs**, wall **signs**, and mansard **signs** shall be allowed in all non-residentially zoned districts subject to the restrictions below:

\*\*\*\*\*

- 14. *On-premise signs within agricultural districts in the rural agricultural area designated on the future land use map of the growth management plan.* On-premises **signs** shall be permitted within agriculturally zoned or used property, for agri-commercial uses defined within the Collier County zoning ordinance only, and

subject to the following restrictions:

- a. One pole or ground **sign** identifying the farm organization, located at the entrance or gate of each **street frontage**, and only for permitted **agricultural uses**. The maximum allowable **sign** area for each pole or ground **sign** shall not exceed 100 square feet with a maximum height of 20 feet, and shall be located a minimum of 15 feet from any property lines, public or private **right-of-way** or **easement**.
  
- i. On premise **signs** within agricultural zoned districts in the urban area shall comply with the requirements of section 5.06.04 ~~—A—~~. of the Land ~~development~~ Development Code.

\* \* \* \* \*

**LDC Amendment Request**

**ORIGIN:** CDES

**AUTHOR:** C. Fabacher

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC10:14

**LDC SECTION(S):** 10.02.02 Submittal Requirements for All Applications

**CHANGE:** Correct inaccurate reference.

**REASON:** The provision currently references Article 6 as the location of the definition of Minor Subdivision. In the current code definitions are located in section 1.08.02.

**FISCAL & OPERATIONAL IMPACTS:**

**RELATED CODES OR REGULATIONS:**

**GROWTH MANAGEMENT PLAN IMPACT:**

**OTHER NOTES/VERSION DATE:** Created April 5, 2007.

**Amend the LDC as follows:**

**10.02.02 Submittal Requirements for All Applications**

\* \* \* \* \*

B. **Subdivision** exemptions. Before any property or **development** proposed to be exempted from the terms of this section may be considered for exemption, a written request for exemption shall be submitted to the County Manager or his designee. After a determination of completeness, the County Manager or his designee shall approve, approve with conditions or disapprove the request for exemption based on the terms of the applicable exemptions. To the extent indicated, the following shall be exempt from the applicability of this section.

1. *Active* agricultural uses. Agriculturally related **development** as identified in the permitted and **accessory uses** allowed in the rural agricultural district A and located within any area designated as agricultural on the future land use map of the Collier County growth management plan and the Collier County official zoning atlas, except **single-family dwellings** and farm labor housing subject to sections 2.04.00 and 5.05.03, shall be exempt from the requirements and procedures for preliminary **subdivision** plats and improvements plans; provided, however, nothing contained herein shall exempt such active **agricultural uses** from the requirements and procedures for final **subdivision** plats, and

where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security.

2. *Minor subdivisions for single-family detached and duplex residential development.* A minor **subdivision**, as defined in ~~article 6~~ section 1.08.02, for single-family detached and **duplex residential development** shall be exempt from the requirements and procedures for preliminary **subdivision** plats; provided, however, nothing contained herein shall exempt such minor **subdivision** from the requirements and procedures for improvement plans and final **subdivision** plats, and where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security. No **building** permits shall be issued prior to recordation of the final **subdivision** plat.
3. *Minor subdivisions for multifamily residential and nonresidential development.* A minor **subdivision**, as defined in ~~article 6~~ section 1.08.02, for multiple-family residential **development** and all nonresidential **development** shall be exempt from the requirements and procedures for preliminary **subdivision** plats and improvement plans; provided, however, nothing contained herein shall exempt such minor **subdivision** from the requirements and procedures for design requirements for **access** under the Collier County Construction Standards Manual, water management plans under the Collier County Construction Standards Manual, final **subdivision** plats under sections 10.02.04 and 10.02.05, and site **development plans** under section 10.02.03, and where required **subdivision** improvements are contemplated, the posting of **subdivision** performance security. No **building** permits shall be issued prior to recordation of the final **subdivision** plat.
4. *Integrated phased developments.* An integrated phased **development**, as defined in section ~~4.08.00~~ 1.08.02 and which has been previously approved in accordance with section 10.02.04 A.5., shall be exempt from the requirements, standards and procedures for preliminary **subdivision** plats (section 10.02.04) and improvement plans (section 10.02.05 E.); provided, however, nothing contained herein shall exempt such integrated phased **development** from the requirements and procedures for design requirements for **access** according to the Collier County Construction Standards Manual, water management plans according to the Collier County Construction Standards Manual, final **subdivision** plats and **subdivision** performance security under sections 10.02.04 and 10.02.05, and major site **development plans** under section 10.02.03. No **building** permits shall be issued prior to recordation of the final **subdivision** plat. These provisions shall not require that the interior **access** within an integrated phased **development** be different from the conditions in section 10.02.03 applicable to site **development plans**.

**LDC Amendment Request**

**ORIGIN:** Community Development & Environmental Services Division

**AUTHOR:** Stephen Lenberger, Senior Environmental Specialist

**DEPARTMENT:** Environmental Services Department

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC10:38

**LDC SECTION(S):** 10.02.03

**CHANGE:** Update and correct state and federal agency names referenced in section 10.02.03 LDC.

**REASON:** Correct state and federal agency names referenced in LDC.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created March 1, 2007

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**Amend the LDC as follows:**

**10.02.03 Submittal Requirements for Site Development Plans**

\* \* \* \* \*

B. Final Site **development plan** procedure and requirements

A pre-application meeting shall be conducted by the County Manager or his designee, or his/her designee, prior to the submission of any site **development** or site improvement plan for review. This meeting may be waived by the County Manager or his designee upon the request of the **applicant**

1. Site **development plan** submittal packet: The site **development** submittal packet shall include the following, if applicable:

\* \* \* \* \*

d. *Vegetation inventory*: A generalized vegetation inventory of the

property shall be required to the extent necessary, as determined at the pre-application meeting, indicating the approximate location, **densities** and species of the following:

\* \* \* \* \*

iii. Projects containing the following shall provide a survey of identifying species and locations on a current aerial photograph at a scale of one inch equals 200 feet or larger or superimposed on the site plan:

\* \* \* \* \*

(c) State or federal rare, threatened or endangered plant species surveyed according to accepted ~~Florida Game and Freshwater Fish Commission~~ Florida Fish and Wildlife Conservation Commission or U.S. Fish and Wildlife Service methods.

\* \* \* \* \*



**LDC Amendment Request**

**ORIGIN:** Community Development and Environmental Services Division

**AUTHOR:** Marlene Serrano / Sharon Dantini / Michelle Arnold

**DEPARTMENT:** Code Enforcement

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC 10:98.2

**LDC SECTION(S):** Chapter 10 Application, Review, and Decision-making Procedures, Section 10.02.06(E)(3)(e)(i)

**CHANGE:** To change mitigation plan reporting and monitoring requirements from 5 years to 2 years. Should it be determined by county staff within the 2 year requirement that there is less than the required 80% survival rate, further monitoring will be extended for up to 5 years.

**REASON:** To minimize the length of time required for developers, homeowners' associations and other ownership entities, to report annually to county staff as a result of mitigation plans.

At present, monitoring requirements of plantings pursuant to mitigation plans are for an 80% survival rate for 5 years. We are proposing this requirement be shortened to 2 years. Planting survival rate within a 2 year period is consistent with horticultural determination that plantings would be "established" at that point.

If an 80% survival rate is not attained by 2 years, additional monitoring can be required. ~~not to exceed 5 years.~~

**FISCAL & OPERATIONAL IMPACTS:** Public impact would be decreased costs associated with yearly reporting and less valuable time spent meeting county staff on-site for inspection. County staff impact would be to allow staff to spend valuable time resources on cases that really need to be monitored and less time spent on cases that have proven successful survival of plantings.

**RELATED CODES OR REGULATIONS:** **Section 4.06.00 Landscaping, Buffering and Vegetation Retention.**

**GROWTH MANAGEMENT PLAN IMPACT:** None.

**OTHER NOTES/VERSION DATE:** Created on March 19, 2007, April 10, 2007, May 1, 2007, this revision written on May 9, 2007.

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**Amend the LDC as follows:**

**10.02.06 Submittal Requirements for Permits**

\* \* \* \* \*

E. *Enforcement and penalties.*

\* \* \* \* \*

3. Corrective measures for environmental violations.

\* \* \* \* \*

e. Monitoring and replanting.

i. A monitoring program shall be required that would determine the survivability by species of the plants used in the mitigation effort. A minimum of ~~five~~ two reports will be submitted. Reports shall be due at one-year intervals.

ii. ~~An~~ Eighty percent survival by species shall be required for a ~~five~~ two-year period unless other arrangements are specified and agreed upon in the mitigation plan. Replanting shall be required each year if the mortality exceeds 20 percent of the total number of each species in the mitigation plan. Should the County Manager or designee determine the need for an extended monitoring schedule, monitoring may continue until at least an eighty percent survival of required planting(s) has been attained.

iii. The soil and hydrological conditions for some mitigation areas may favor some of the plants and preclude others. Should the county and/or consultant find that over time, some of the species planted simply don't adjust, the mitigation plan shall be reevaluated by both the consultant and the county, and a revised plan will be instituted. This condition shall not apply to all mitigation areas and each case will be evaluated individually, based on the supported [supporting] data submitted by the mitigator.

iv. Should there be a change in ownership of the property identified in the approved mitigation plan, the seller will be responsible for notifying the buyer of the mitigation plan and any requirements pursuant to the plan.

f. Donation of land or funds. The donation of land and/or funds to a public agency may be made if none of the above are viable alternatives. This donation of land and/or funds shall be equal to or greater than the total sum it would cost to mitigate for the violation according to section 10.02.06E.3.a. including consulting fees for design, and monitoring, installation costs, vegetation costs, earth moving costs, irrigation costs, replanting and exotic removal.

## **LDC Amendment Request**

**ORIGIN:** Board of County Commissioners' ("Board") approval of a final subdivision plat was challenged in Circuit Court on the grounds that the Board's approval of the *final* subdivision plat application and the previously administratively approved *preliminary* subdivision plat were not considered by Collier County Planning Commission ("CCPC"). The litigation is pending.

**AUTHOR:** Stan Chrzanowski, P.E., John Houldsworth, Sr. Engineer

**DEPARTMENT:** Engineering Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC 10:161 – 10:162

**LDC SECTION(S):** 10.04.03 and 10.04.03 A

**CHANGE:** Delete all references to "Final Plats" as a Type II application

**REASON:** Land development applications were first categorized into application types when the LDC was re-codified in 2004. Although a final subdivision plat application is identified as a Type II application, final plats are not considered by the Collier County Planning Commission. The adoption of the proposed amendment simply will harmonize LDC Sections 10.04.03 and LDC 10.04.03 A. with the existing *final* subdivision plat application review process.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** LDC 10.02.04 A.1.c

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created January 10, 2007

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### **Amend the LDC as follows:**

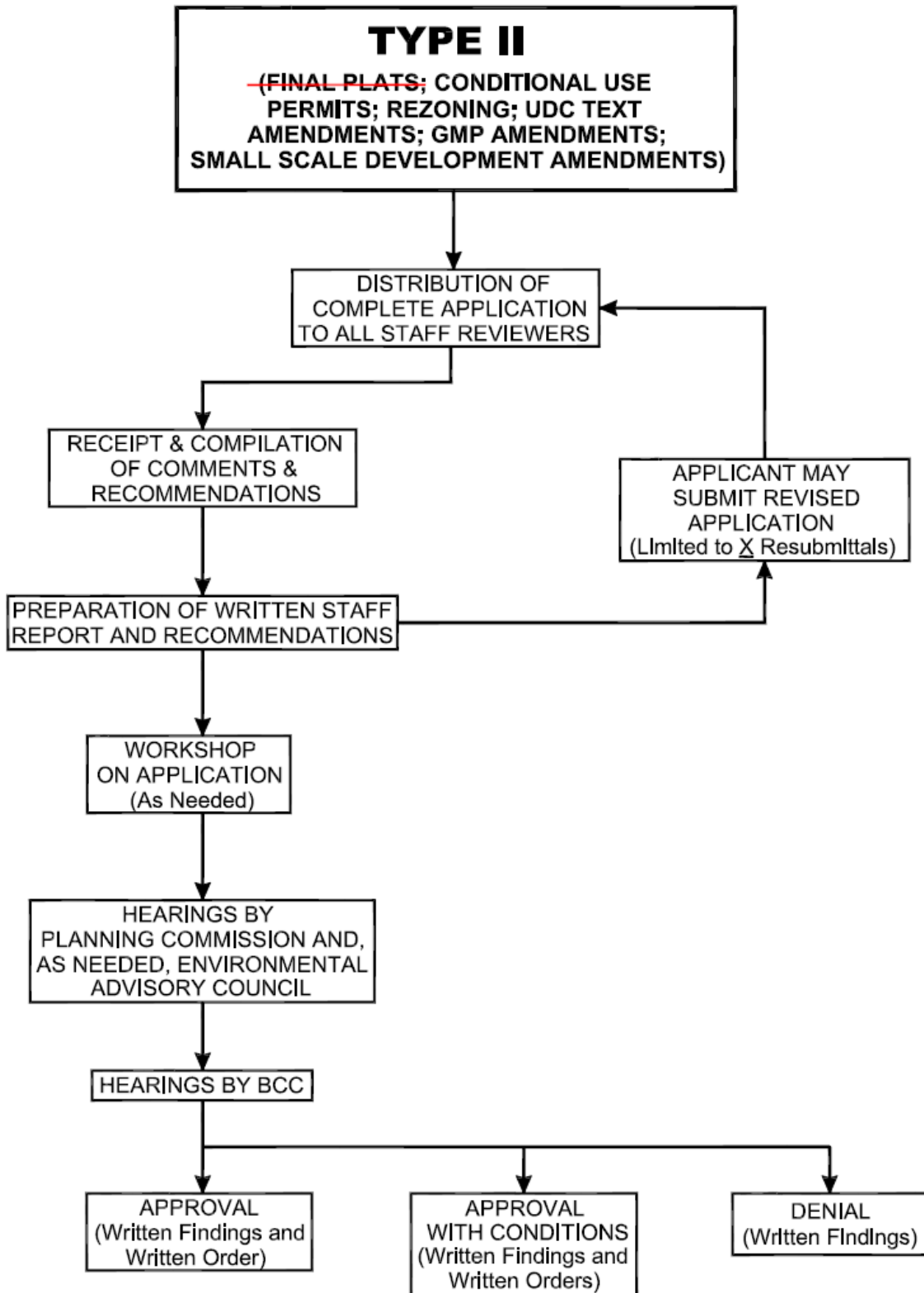
#### 10.04.03 Applications Subject to Type II Review

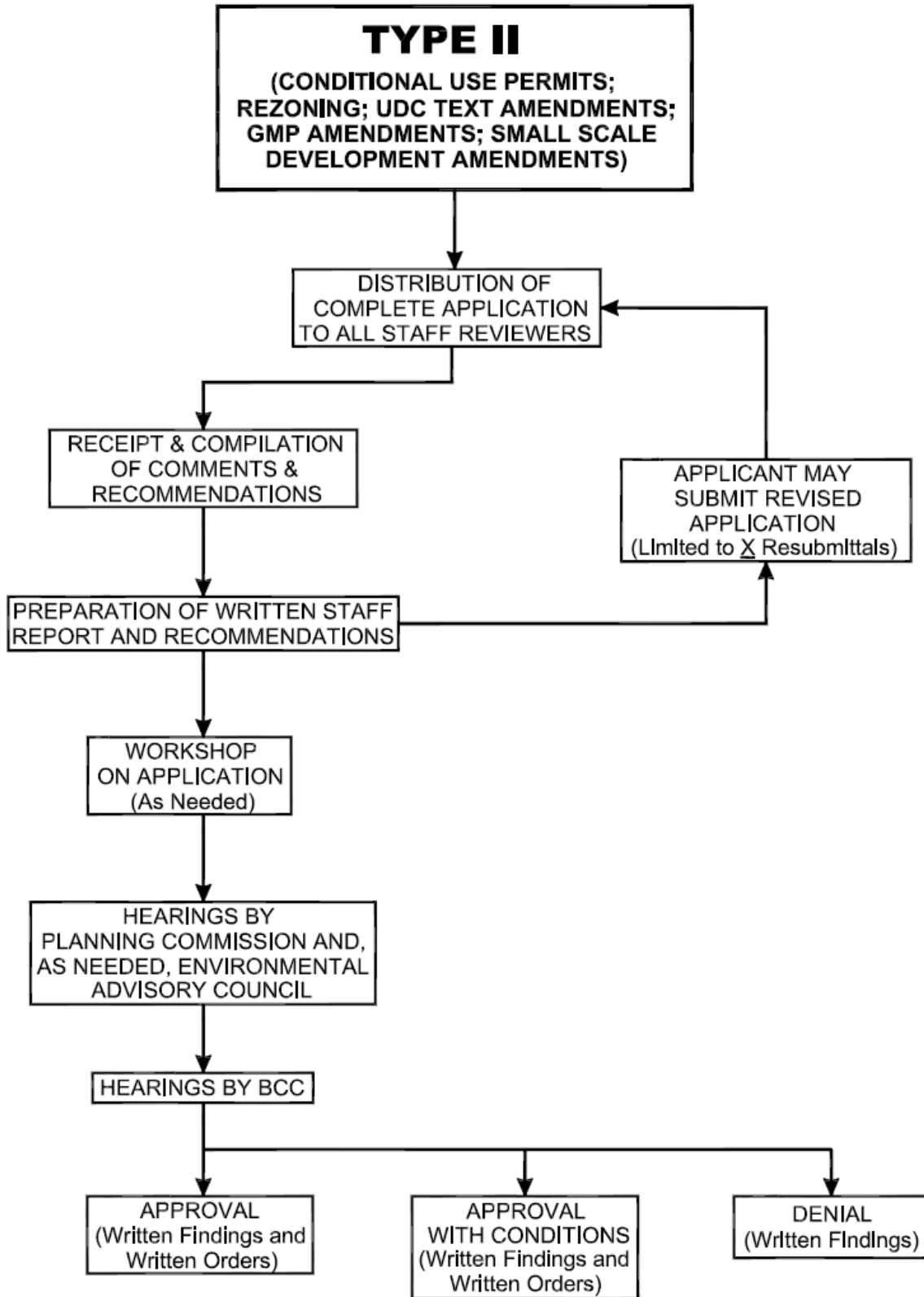
The following applications are subject to Type II review: ~~Final Plats~~; conditional use Permits; Rezoning; LDC Text Amendments; GMP Amendments; and small-scale development Amendments.

For a graphic depiction of the review procedure, please see Illustration 10.04.03 A

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## LDC Amendment Request

**ORIGIN:** Community Development & Environmental Services

**AUTHOR:** Stan Chrzanowski, P.E., John Houldsworth, Sr. Engineer

**DEPARTMENT:** Engineering Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC 10:161 – 10:162

**LDC SECTION(S):** 10.04.04 and 10.04.04 A

**CHANGE:** Delete all references to “Preliminary Plats” as a Type III application

**REASON:** Board of County Commissioners’ (“Board”) approval of a final subdivision plat was challenged in Circuit Court on the grounds that the Board’s approval of the *final* subdivision plat application and the previously administratively approved *preliminary* subdivision plat were not considered by Collier County Planning Commission (“CCPC”). The litigation is pending.

Land development applications were first categorized into application types when the LDC was re-codified in 2004. Although a preliminary subdivision plat application is identified as a Type III application, preliminary plats are not considered by the Collier County Planning Commission. The adoption of the proposed amendment simply will harmonize LDC Sections 10.04.04 and LDC 10.04.04 A. with the existing *preliminary* subdivision plat application review process.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** LDC 10.02.04

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Created January 10, 2007

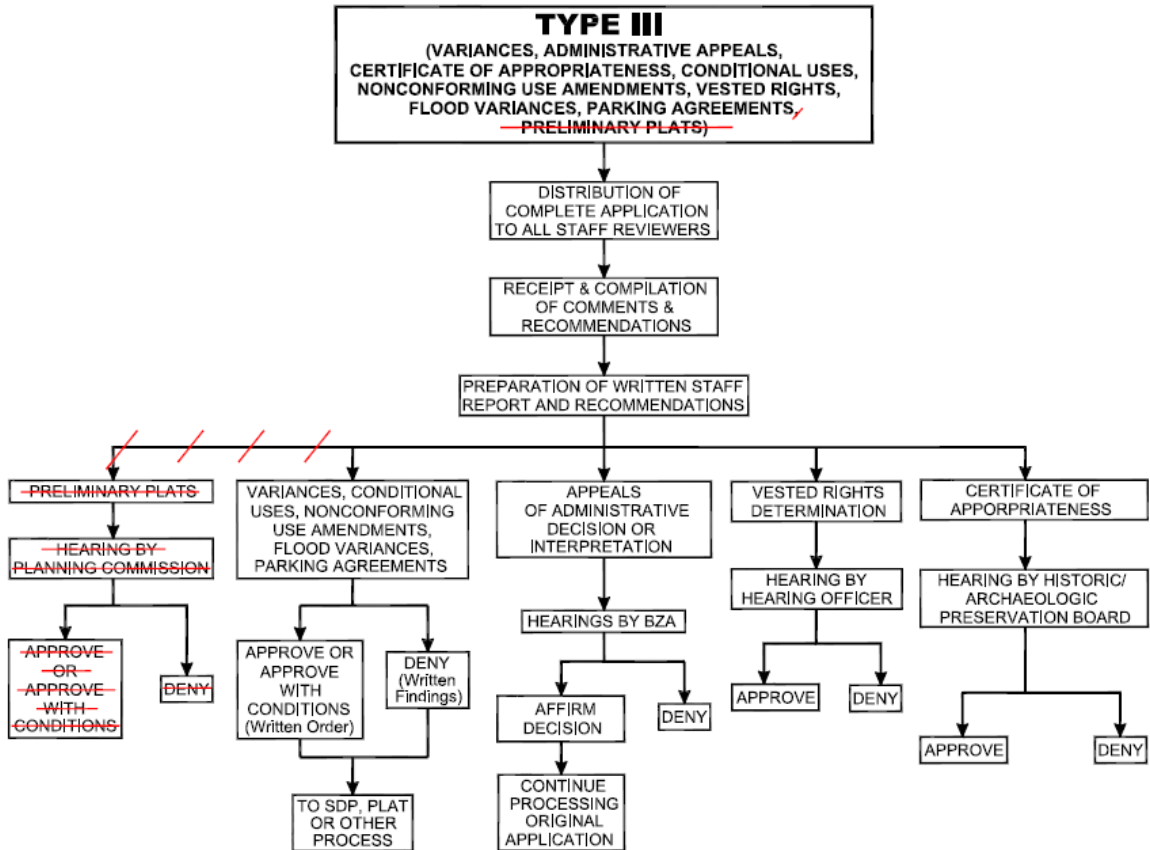
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**Amend the LDC as follows:**

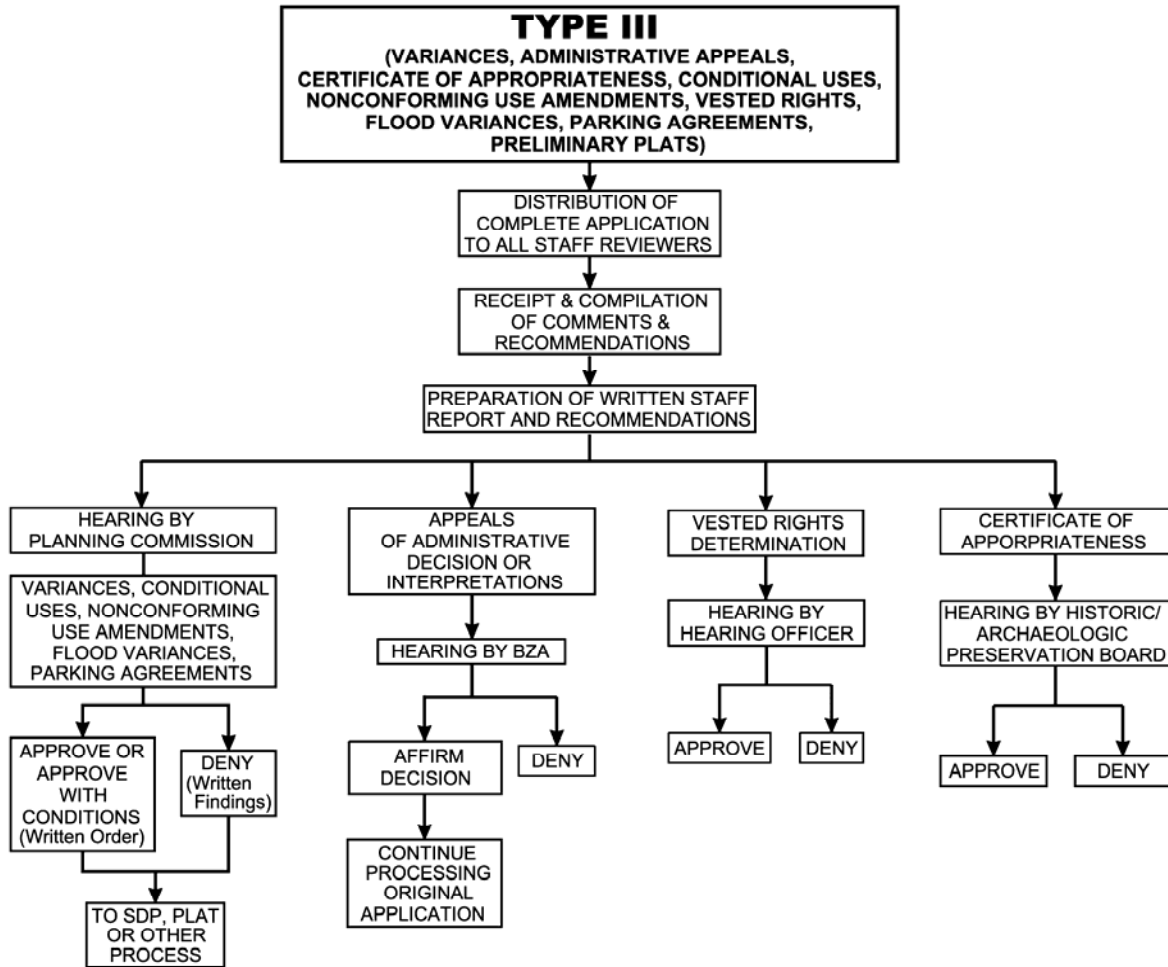
### **Applications Subject to Type III Review**

The following applications are subject to Type III review: Variances; Administrative Appeals; Certificates of Appropriateness; **conditional uses**; **nonconforming** Use Amendments; Vested Rights; **flood** Variances; Parking Agreements; and Preliminary Plats.

For a graphic depiction of the review procedure, please see Illustration 10.04.04 A







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## **LDC Amendment Request**

**ORIGIN:** Zoning Department

**AUTHOR:** Catherine Fabacher

**DEPARTMENT:** Zoning Department

**AMENDMENT CYCLE:** Cycle 1, 2006

**LDC PAGE:** LDC1:22

**LDC SECTION(S):** Definitions, Section 1.08.02

**CHANGE:** Add definition for lot width.

**REASON:** There are dimensional requirements for lot width but no definition of a lot width. There was a definition for lot width in Ord. 91-102, but when that ordinance was repealed and the LDC was recodified, the definition was removed. This definition requires that the lot width requirement be met from the front building setback line (as determined by the zoning district) for 80 percent of the depth of the lot to ensure that adequate lot depth is achieved commensurate with the required side yard setback requirements.

**FISCAL & OPERATIONAL IMPACTS:** The County will not incur any fiscal impacts.

**RELATED CODES OR REGULATIONS:** None.

**GROWTH MANAGEMENT PLAN IMPACT:** None.

**OTHER NOTES/VERSION DATE:** Created May 2, 2006.

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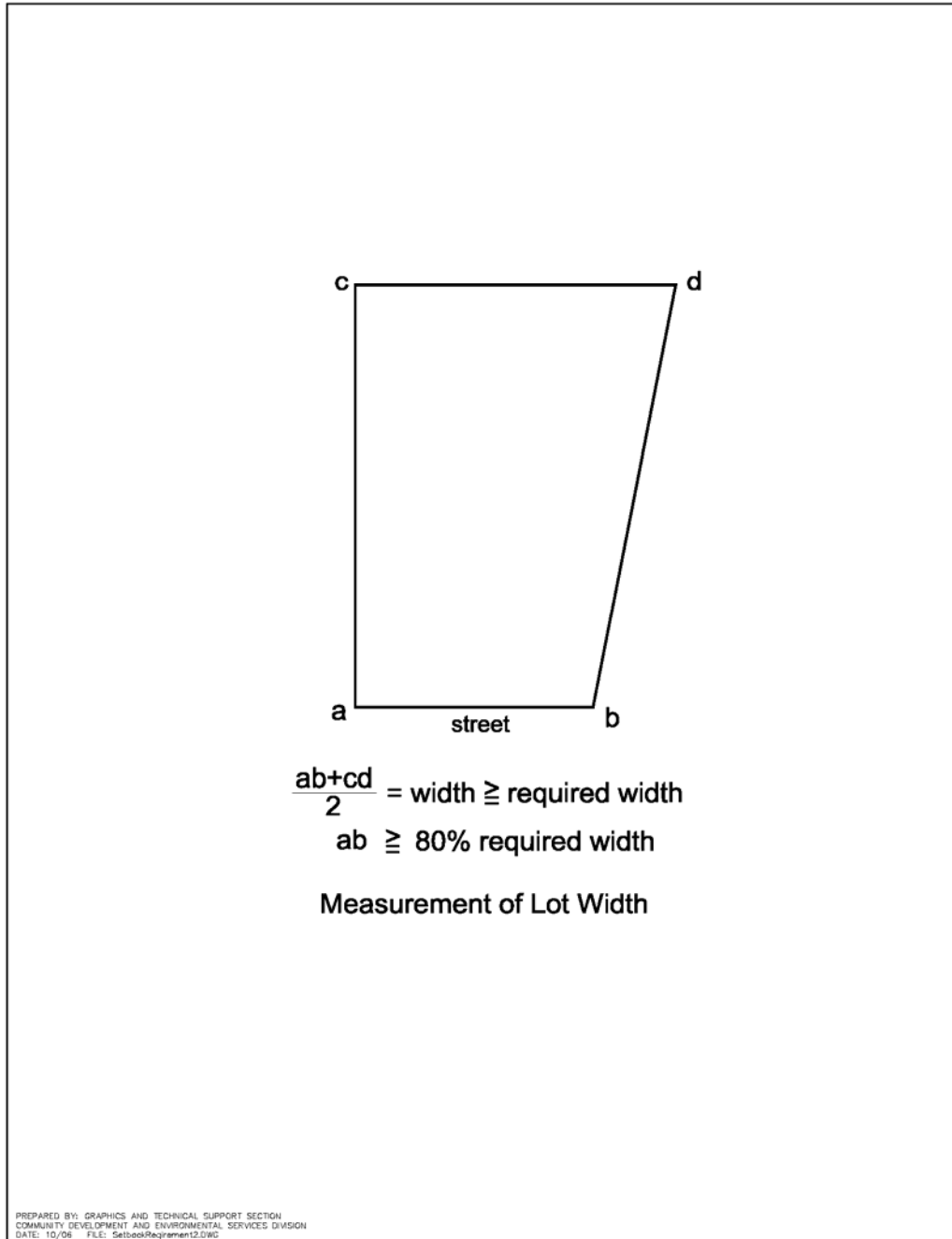
**Amend the LDC as follows:**

### **1.08.02 Definitions**

Lot measurement, width: Width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines where they intersect with the street line and the points of the side lot lines where they intersect the rear property line, (see Figure 9). The width between the side lot lines at their foremost points in front shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac when the 80 percent requirement shall not apply. The minimum lot width on a cul-de-sac shall be figured by drawing a straight

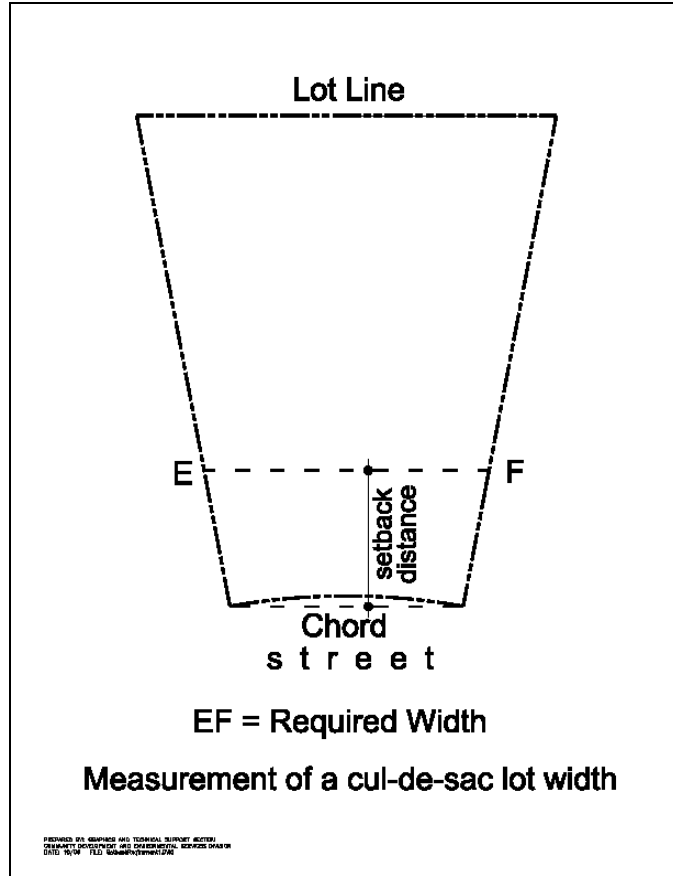
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line at the chord, then drawing a straight line parallel to it at the required setback distance for that particular zoning district. That new established line shall meet the minimum lot width of that district, (see Figure 10).



**1.08.02 – Figure 9**

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**1.08.02 – Figure 10**

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## **LDC Amendment Request**

**ORIGIN:** CDES

**AUTHOR:** Staff

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC1:17

**LDC SECTION(S):** **1.08.02 Definitions**

**CHANGE:** Return definition of two-family dwelling to LDC.

**REASON:** The Code defines townhouse as "A group of 3 or more dwelling units attached to one another by a common wall or roof wherein each unit has direct exterior access and no unit is located above another." Two townhouses together are considered to be a "two-family dwelling." The definition was omitted during re-codification and without it, there is no use that allows 2 townhouse developments.

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** 2.04.03 Table 1.

**GROWTH MANAGEMENT PLAN IMPACT:** None - returning to original provisions of the LDC.

**OTHER NOTES/VERSION DATE:** Created February 23, 2007.

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### **Amend the LDC as follows:**

*Dune:* A mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and extending inland to the landward toe of the dune, which intercepts the 100-year storm surge.

*Duplex:* A freestanding building, which contains only two (2) dwelling units.

*Dwelling (also called dwelling unit):* Any building, or part thereof, constituting a separate, independent housekeeping establishment for no more than one (1) family, and physically separated from any other rooms or housekeeping establishments which may be in the same structure. A dwelling unit contains sleeping facilities, sanitary facilities, and a kitchen.

*Dwelling, multi-family:* A group of three (3) or more dwelling units within a single

building.

*Dwelling, single-family or one-family:* A building that contains only one (1) dwelling unit.

*Dwelling, two-family:* A single, freestanding, conventional building intended, designed, used and occupied as two dwelling units attached by a common wall or roof, but wherein each unit is located on a separate lot under separate ownership.

*Easement:* An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

\* \* \* \* \*



**LDC Amendment Request**

**ORIGIN:** Community Development and Environmental Services

**AUTHOR:** John Houldsworth, Senior Engineer, Stan Chrzanowski, P.E. Engineering Manager

**DEPARTMENT:** Engineering Review

**AMENDMENT CYCLE:** Cycle 1, 2007

**LDC PAGE:** LDC1:28

**LDC SECTION(S):** 1.08.02 Definitions

**CHANGE:** Add definition for “Minor Subdivision” which was left out at codification

**REASON:** Section 10.02.02 refers to a definition for “Minor Subdivision” which is not currently listed in the definition section

**FISCAL & OPERATIONAL IMPACTS:** There are no fiscal or operational impacts.

**RELATED CODES OR REGULATIONS:** 10.02.02 (also being amended this cycle)

**GROWTH MANAGEMENT PLAN IMPACT:** There is no growth management impact.

**OTHER NOTES/VERSION DATE:** March 8, 2007

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**Amend the LDC as follows:**

**1.08.02 Definitions**

\* \* \* \* \*  
Subdivision, minor: The division of land, whether improved or unimproved, into three or more, but less than ten, contiguous lots or parcels of land, for the purpose, whether immediate or future, of transfer of ownership or development, which does not involve the extension of an existing street or the establishment of a new street and does not involve the extension, creation or establishment of any improvement otherwise required in section 10.02.05  
\* \* \* \* \*

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**LDC Amendment Request**

**ORIGIN:** Community Development & Environmental Services Division

**AUTHOR:** John Kelly, Planner

**DEPARTMENT:** Zoning & Land Development Review

**AMENDMENT CYCLE:** 2007, Cycle 1

**LDC PAGE:** LDC1:24

**LDC SECTION(S):** 1.08.02 Definitions

**CHANGE:** Restore definitions: “lot, corner,” “lot, interior,” and “lot, through” from the old code.

**REASON:** Definitions were omitted during re-codification

**FISCAL & OPERATIONAL IMPACTS:** None

**RELATED CODES OR REGULATIONS:** None

**GROWTH MANAGEMENT PLAN IMPACT:** None

**OTHER NOTES/VERSION DATE:** Ver. 1-06/22/2007

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**Amend the LDC as follows:**

**1.08.02 Definitions**

\* \* \* \* \*

Lot, corner: A lot located at the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

\* \* \* \* \*

Lot, interior: A lot other than a corner lot, with only one frontage on a street.

\* \* \* \* \*

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*Lot, through:* A lot other than a corner lot, with frontage on more than one street.  
Through lots abutting two streets may be referred to as double-frontage lots.

\* \* \* \* \*